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PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

## SENATE—Tuesday, December 18, 2012

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore, the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose days are without end and whose mercies cannot be numbered, keep us aware of life's brevity and uncertainty. As we bid aloha to the second longest serving Senator in U.S. history, DANIEL KEN INOUE, we praise You for the beauty of his well-lived life. Thank You, Lord, for the years we shared with him, the good we saw in him, and the friendship we received from him. We are grateful for the dignity of his quiet strength that blazed a trail of significant service sufficient for two lifetimes. May the memories of his bipartisan spirit challenge us to work more harmoniously with each other. Bless Irene, Kenny, and the rest of his loved ones. Surround them with Your love. Now give us strength to leave our beloved President pro tempore in Your care, for he is a sheep of Your own fold, a lamb of Your own flock, and a servant of Your own redeeming. Give him the blessed rest of everlasting peace.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### MOMENT OF SILENCE

Mr. REID. Mr. President, it is tradition in this body to have flowers on the desk of the departed. We have flying in from Hawaii now a lei that will be more Hawaiian than these roses.

I ask unanimous consent that we now have a moment of silence in honor of our departed friend, DAN INOUE.

The ACTING PRESIDENT pro tempore. The Senate will observe a moment of silence.

(Moment of silence)

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business. The majority will control the first 30 minutes and the Republicans the second 30 minutes.

We are in a unique time in history. The Presiding Officer, Senator COONS from Delaware, is the President pro tempore until 11:30 today. As a result of his being given this charge yesterday morning, it spills over into today. Senator BIDEN is going to come today to swear in Senator LEAHY as the President pro tempore of the Senate.

All things in life are interesting. Senator BIDEN lost his wife when he was a brand new Senator in a terrible automobile accident. She was killed and his two boys hurt badly and a child lost. He has taken this day off for 30-plus years to think about the tragedy in his life, but he indicated yesterday that he would be able to be here at 11:30. So everybody is sacrificing now, and we appreciate it. I know the Presiding Officer had lots to do this morning, and we thank him for being part of the program. We appreciate it very much.

The Senate will recess from 12:30 to 2:15 to allow for the weekly caucus meetings.

### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we be in a period of morning business until 12:30 to allow for tributes to Senator INOUE and the victims of the Sandy Hook Elementary School tragedy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, following that recess, we will resume consideration of H.R. 1, the legislative vehicle for the supplemental appropriations bill.

I yield to my friend, the Republican leader, for a few minutes.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I thank my friend, the majority leader.

Today is indeed a day to celebrate the life and extraordinary service to our country of our friend, Senator DAN INOUE. I will have more to say about that later, but what a remarkable individual he was. It has been our privilege to have the opportunity to get to know him and observe his great work for a very long time.

I thank my friend, the majority leader.

### REMEMBERING DANIEL K. INOUE

Mr. REID. Mr. President, I came to the floor yesterday minutes after Irene—Senator INOUE's wife—confirmed the death of her husband, my friend, a friend of all of us here.

I was, frankly, very emotional and announced to the Senate and the country the death of one of the Senate's all-time greats. So today, upon contemplation and reflection, I am going to say a little bit more about Senator INOUE.

His personal friendship I valued so very, very much. He was a colleague but really a friend. He helped me so many times. He helped me to do my best here. My best has been with the help of him.

As I mentioned briefly yesterday, he always had so much confidence in me. Years ago, when I was a Senator struggling, as all Senators here, he told me two decades ago I would be running the Senate someday. I never even contemplated, thought about, or desired that. Things worked out that he was right.

Senator INOUE, one of the finest men I have ever known, was a real

American hero. My friend who is on the Senate floor, the assistant leader, has heard me talk about my mentor, Michael Callahan, who taught me in high school, helped me with money as I was going to law school, and he was on a pension. He was a disabled veteran. He was such a good friend of mine. He and Senator INOUE were friends. They talked about what it is like to not have a limb. While Callahan's was a leg, INOUE's was an arm. They talked and they were friends, and Michael Callahan worked back here as an aide to Senators Cannon and Bible in the summers and got to know Senator INOUE.

My thoughts are, of course, with his family, including his wife Irene, his son Ken, their daughter-in-law Jessica. He has a stepdaughter Jennifer, and a granddaughter Maggie, named after, of course, his first wife. Their loss is the Nation's loss.

Last night we lost a noble soul. DAN INOUE lived a long productive life. Still, I speak for DAN's Senate family when I say we are devastated by his passing. While we will all miss him, his legacy will live in the Halls of the Senate and the State of Hawaii as long as history is written. His place in the history books will not fade.

As the second longest serving Senator in our history, Senator INOUE's career in Congress spanned the life of Hawaii's statehood. Elected to the Senate in 1962, only Robert Byrd served longer. But Senator INOUE's tradition of service began long before he came to the U.S. Senate.

He was working as a medical volunteer when Japanese war planes attacked Pearl Harbor. He was just a boy, a teenager. From the time he was just a kid, he wanted to be a medical doctor. But a different fate awaited DAN INOUE.

After the attack, as we all know too well, Japanese Americans were deemed enemy aliens and were therefore not subject to the draft. More than 110,000 people of Japanese ancestry were imprisoned in American internment camps. We have seen the pictures. We have heard the stories. They were in prison. Yet DAN INOUE and other Japanese Americans, in spite of the unfair designation of being an enemy alien, volunteered to fight for this Nation's freedom overseas, although many of their own families were denied freedom at home while they were overseas.

Senator INOUE fought courageously with the famous 442nd Regimental Combat Team in World War II and was grievously wounded in battle in Italy.

A paragraph or two is written about why a Medal of Honor recipient was given this award. The words for his Medal of Honor are as follows:

On April 21, 1945, Inouye was grievously wounded while leading an assault on a heavily-defended ridge near San Terenzo in Tuscany, Italy, called Colle Musatello. The ridge served as a strong-point along the strip of

German fortifications known as the Gothic Line, which represented the last and most dogged line of German defensive works in Italy. As he led his platoon in a flanking maneuver, three German machine guns opened fire from covered positions just 40 yards away, pinning his men to the ground. Inouye stood up to attack and was shot in the stomach; ignoring his wound, he proceeded to attack and destroy the first machine gun nest with hand grenade and fire from his Thompson submachine gun. After being informed of the severity of his wound by his platoon sergeant, he refused treatment and rallied his men for an attack on the second machine gun position, which he also successfully destroyed before collapsing from blood loss.

As his squad distracted the third machine gunner, Inouye crawled toward the final bunker, eventually drawing within 10 yards. As he raised himself up and cocked his arm to throw his last grenade into the fighting position, a German inside fired a rifle grenade that struck him on the right elbow, severing most of his arm and leaving his own primed grenade reflexively "clenched in a fist that suddenly didn't belong to me anymore." Inouye's horrified soldiers moved to his aid, but he shouted for them to keep back for out of fear his severed fist would involuntarily relax and drop the grenade. As the German inside the bunker reloaded his rifle, Inouye pried the live grenade from his useless right hand and transferred it to his left. As the German aimed his rifle to finish him off, Inouye tossed the grenade off-hand into the bunker and destroyed it. He stumbled to his feet and continued forward, silencing the last German resistance with a one-handed burst from his Thompson before being wounded in the leg tumbling unconscious to the bottom of the ridge. When he awoke to see his concerned men of his platoon hovering over him, his only comment before being carried away was to gruffly order them to return to their positions, since, as he pointed out, "nobody called off the war!"

That is the citation on his Medal of Honor.

His arm was later amputated in a field hospital, and he was sent back to the United States to recover. But it took years for him to recover.

I remember in the LBJ Room over here, after PATTY MURRAY and others talked about what a difficult time returning veterans were having from Iraq, him talking about some of his experiences. They trained him to drive vehicles. He took driver's license tests in more than one State. He became very personal and talked about some of the things they taught him—missing an arm—that he had to do. It was a remarkable presentation that he made.

Senator INOUE did not talk very much. He was a silent man—did not talk very much at all. He had a dynamic voice. We have not felt that voice in the last few years because he has not been as powerful as he was as he has aged, but what a beautiful voice he had. In that hospital they took him to in Michigan, Senator INOUE made two lifelong friends: one, Senator Bob Dole who, as we know, became majority leader in the Senate and Republican nominee for President of the United States; his other lifetime friend the late Senator Phil Hart, who was

known as the conscience of the Senate. The Hart Building, the massive Senate office building, is named after him.

Asked by his son why, after being classified as an enemy alien, he and the members of the famed 442d fought so heroically, Senator INOUE said, in his usual calm manner, "for the children." And for the children there could be no finer role model than Senator DAN INOUE. He was a recipient of the Medal of Honor and the Congressional Gold Medal, the highest honor the Congress can bestow. He received the Distinguished Service Cross, a Bronze Star for valor and, of course, a Purple Heart. DAN INOUE showed the same dedication in Congress that he displayed on the battlefield.

I want to take a little bit here and talk about a meeting I had—I mentioned it very briefly last night, but it was 10 days ago. I knew Senator INOUE was not feeling well so I went down to his office. He has a remarkable office. It is a beautiful office. But there is not one single thing on the walls depicting what a great man he is. There are no awards, there are no commemorative statues. All he has in his office are pictures of Washington and Hawaii. That is the humility he showed his entire life.

There was no staff there, just the two of us. We talked for an hour. I would have always remembered it, but his having passed away yesterday, it will be embedded in my mind. As we left, we both lamented the fact that we had not been able to sit down and talk like that enough. He professed at that time—these were his words—how "lucky" he had been his whole life. He said, "I've got a little emphysema now."

I said: It is not from smoking. I have never seen you smoke.

He said: No, I learned to smoke in the war as a boy, a teenager. He smoked from 1944 to 1967, when they told him he had lung cancer. They were wrong, but in the process they took part of his lung out, half of his lung. He talked about how lucky he had been, surviving what he thought was lung cancer, but also how lucky he had been his whole life. For example, the war. I am sure that most people would not reflect on such massive injuries as being lucky, but he considered it lucky that he lived.

There were other examples he gave. He had been called upon, with three other soldiers, to cross a river in the dark of night to find out what was going on on the other side of the river. He and his companions, in the dark of the night—they didn't have all this fancy gear to see in the dark; they did their best—they crossed that cold, cold river. It took many hours. They came back, did their report, and he laid down on his bunk. He had an ingrown toenail that hurt every step he took. So he is lying on his bed and he said, "Here is

why I am so lucky. A medic came by, looked at me, looked at my foot, and he said you have gangrene poisoning; we have to get you out of here.

They took him out and he said: How lucky I was I was not in battle that day—when half of his companions were killed.

He also talked about preparing for another battle. He is getting ready to do this. He is a private; he may have been a corporal, I don't really remember. He said a sergeant came to him and he said: "INOUE, report to the colonel." He doesn't know what is wrong. He goes, reports to the colonel. The colonel says very curtly: "You have to meet with the General today." He said the only reason he would know of to meet with the General was a court martial, because that is what everybody thought. So he goes to headquarters. He sees the General. The General tells Senator INOUE: "I am promoting you to be a lieutenant." It was a battlefield promotion. But he said: "I was lucky. I was lucky I became an officer but," he said, "I was lucky I was not in the fight that day because we also had huge losses."

When he was scheduled to come back to America—another one of his lucky experiences—they had a transport plane to take him back. His arm is gone by then. He is told we don't have room for another litter, for another patient on the airplane. You can't go. He of course was disappointed. The plane crashed and killed everybody on the plane.

So DAN INOUE was a person who considered himself lucky. Those of us who knew Senator INOUE consider ourselves lucky, just being able to know the man.

After Hawaii received its statehood in 1959, DAN INOUE served as its first Congressman. Three years later he was elected to the Senate, and he was a soft but powerful voice for the people of Hawaii ever since.

There are many personal courtesies he extended to me that I will never forget. It may not seem like much, but I was scheduled to be in Florida and I promoted this—I was a new Senator—and the great Senator INOUE was going to be there. I got a call from Henry Giugni. Most of us who served here knew him. He used to be Sergeant at Arms. For a long time he was Senator INOUE's chief of staff. He said, "I checked his schedule and it's his wife's birthday and he is not going to be able to go." I said I understand that.

Within an hour I got a call from Senator INOUE. He said Millie understands that totally. He said we will celebrate the birthday the day after tomorrow, when I come back. He was someone who was so self-sacrificing for other Senators.

As Senator INOUE's colleague from Hawaii, Senator AKAKA, said last night:

His legacy . . . can be seen in every mile of every road in Hawaii, in every nature pre-

serve and every facility that makes Hawaii a safer place. He fulfilled his dream of creating a better Hawaii.

He was a strong supporter of the University of Hawaii, a strong supporter of George Washington University Law School. He got his bachelor's in Hawaii, his law degree at George Washington. He was a determined representative of this Nation's fighting men and women, a long-time leader of the Defense Appropriations Subcommittee.

As I mentioned briefly last night, there has been, in my many years in the Congress—I have been here as long as my friend the assistant leader here who is seated next to me today; we have been here 30 years—there has been no one I have ever known in my 30 years who did more and fought more for the fighting men of this country. He believed that the Nation's commitment to the members of his Armed Forces did not end with their service.

For fear it would be lost, and it should not be lost, I want to spread on the RECORD what this good man did at a prayer breakfast a couple of months ago. I can't remember if the Presiding Officer was at the prayer breakfast, but I know my friend the assistant leader was there. Senator INOUE had never, ever in his 50 years in Congress spoken at a prayer breakfast, but he decided to come. He had great vigor until just recently. He campaigned in this last cycle. He traveled to Alaska to help Senator BEGICH a few months ago. He campaigned in Nevada, in Arizona, all over the country. He had great vigor. But he came to the breakfast and talked to us about his experiences.

When he was a boy, he never, ever had a gun. That was not anything people did in Hawaii. So he was surprised after he got in the Army that he was such a great shot. He was the best—the best. As a result of that he became a sniper in the European theater. With great humility he explained he could remember killing his first person. He could remember they were trying to take a farm house and they shot a bazooka into it and he rushed in and there was a man there. The man reached in his pocket. Of course Senator INOUE thought he was reaching for a weapon, and the man was killed. And INOUE saw that he was reaching for a picture of his family. He said he came to the realization at that time that he was not killing enemy soldiers, he was killing other human beings.

Although he had to continue doing what he did, he ended his presentation by saying, "I know exactly how many people that I killed." He said, "A lot of people go to bed at night counting sheep. Even though I am an old man, I go to bed at night many times counting people."

He was somebody who, as a result of his experiences, voted against war from then on. He did not support the Vietnam War, Iraq War 1 and 2, Afghani-

stan—even though he made sure that these people had all the supplies they needed, our military force. They are the greatest fighting force in the world. A lot of that is directly attributable to Senator INOUE.

Talking about bipartisanship, he lived that. He was a fine Democrat. He was a progressive Democrat and was proud of that. But he never hesitated to cross over and work with other Senators. The best example of that was Senator Stevens, who was killed in an airplane crash fairly recently in Alaska. Hawaii and Alaska—these two fine men representing the two newest States in the Union, became like brothers. That is the truth.

It is really a shame that DAN is not with us anymore. He was never afraid to speak out against discrimination and was an important advocate for Native Hawaiians and Asian Pacific Islanders. He was the Chair of the Indian Affairs Committee. Prior to that time, with all due respect to all the other Chairs, it was not a committee people knew much about. Senator INOUE made that committee a powerful committee. He traveled the country receiving all the accolades from these tribes that had never been recognized, that had never had someone who became their advocate—and he was. He put the Indian Affairs Committee on the map.

He served as chairman of the Commerce Committee, the Appropriations Committee, the President pro tempore of the Senate, the first Chair of the Committee on Intelligence. He served as a member of the Watergate Committee and was chairman of the Special Committee Investigating the Iran-Contra Affair. I repeat, this man has been one of the greatest Senators in the history of this great country.

He had a deserved reputation as a bipartisan bridge builder. He always put his country first and his party second. In 1968 Senator INOUE gave a memorable keynote speech at the Democratic National Convention. He spoke eloquently of the country's struggles with racism at a time of deep division. He also spoke from the heart. This is part of what he said:

I wish to share with you the most sacred word of Hawaii. It is aloha. To some of you who visited us it may have meant hello. To others aloha may have meant goodbye. But to those of us who have been privileged to live in Hawaii, aloha means I love you. So to all of you, my fellow Americans, aloha.

That is what he said those many years ago. So today it is with a heavy heart that those of us who loved Senator INOUE say "aloha" to a great man, a legend of the Senate. His final, dying word was "aloha." He did not mean goodbye. He meant, "I love you."

Senator INOUE, I love you.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The time for morning business has been extended until 12:30.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

## REMEMBERING DANIEL K. INOUE

Mr. DURBIN. Mr. President, I see my two colleagues from Connecticut on the Senate floor. I know they are here to speak about the horrible tragedy in Newtown last Friday. I will abbreviate my remarks on the floor, and I commend both of them for extraordinary statements last night at a memorial service. I will never forget some of the things they shared with us about this terrible tragedy.

I come to the floor this morning for a few moments to pay tribute to one of my great friends and one of my great colleagues, DANNY INOUE, who passed away yesterday. The majority leader has done such an extraordinary job recounting his life, and I think back to what it must have meant to him as he witnessed Pearl Harbor at the age of 20. He said that he realized at the time that the pilots in those planes that were bombing his family and others in Hawaii were people of the same ancestry as his father, and it hurt him. It hurt him as well to be branded as suspect because of his Japanese origin and to see literally tens of thousands of Japanese Americans interned in camps because their loyalty was questioned.

He took the opportunity to volunteer and serve our Nation to prove his loyalty and that he was willing to risk his life for America. He served in one of the most highly decorated units in all of World War II, the 442nd Central Postal Directory, which was comprised of Japanese Americans who fought in the European theater. They recently came to Washington to be honored. Senator INOUE was there, and it was a great moment to see these men of the "greatest generation" who have proven to America their love for this country, and none more so than DANNY INOUE.

Senator REID has recounted in detail the incredible story of his bravery that earned him the Congressional Medal of Honor, but he was such a humble man. When we look back on his life, there were so many aspects of it that were historic in nature, and one would never know it in conversations with him or working with him.

Senator REID had the same experience I did. I visited Senator INOUE's office, and it was unusual by Senate standards. I looked across the office,

and there were no pictures of DANNY INOUE on the walls, and there were no awards for this man who served more than half a century in Congress.

I said to him: It is interesting that your office has a lot of artwork and photos but nothing about DANNY INOUE.

He said: No, I didn't want to put those things up. I wanted everyone to feel at ease coming in here. I didn't want to talk about my party affiliation or what I had done. I want them to feel comfortable and to know this is a welcoming office.

That is the kind of person he was. Time and again, he proved it.

He started off in the territorial House of Representatives in Hawaii. When Hawaii became a State, he served in the Congress and later in the U.S. Senate. He was there from the beginning, and what a dynamic leader he was for his State of Hawaii. He did so many great things over the years.

I was at the same Prayer Breakfast Senator REID recounted. There was one other story he told, which I will only refer to in the most abbreviated form. He talked about his experience as a sniper and how he still had in his mind the images of those enemy soldiers he shot down. After 50, 60 years, he could not get those images out of his mind.

He talked about befriending one of his fellow veterans in the Michigan veterans hospital. He told me this great story he shared at the Prayer Breakfast. He said that when he was an officer, he would spend his weekends in the great city of Chicago at the Knickerbocker Hotel. He said that was the hotel for officers.

He said: I would come into Chicago and have a great time on the weekends and head back to the veterans hospital.

Well, he finally talked one of his fellow Hawaiians—a man whose face had been literally burned off—into joining him on one of his trips to Chicago. The man was embarrassed by his appearance and didn't think anybody would want to be around him or talk to him. DANNY INOUE prepared all of these different places where they would stop in during their visit, and every one of them greeted Senator INOUE and his friend in a warm fashion.

The story goes on from there, and I won't go into the details, but he was a man who always looked to help someone else. He talked about how this man who had been so brutally injured in the war returned to Hawaii, raised a family, and was DANNY INOUE's friend for life, as so many of us were.

I think back as well to Senator Robert C. Byrd's funeral in West Virginia. It was one of the hottest days I can remember. We were up there baking in the sun at this memorial service for Robert C. Byrd. I intentionally picked a seat next to DANNY INOUE. I had to take off my jacket. I was mopping the perspiration off, and I looked at him in his dark suit without a bead of sweat.

I said: How do you do that?

He said: Well, you know, the Asian religions are very important in my life, and they believe mind over matter can achieve great things. I can visualize myself sitting in a deep freeze now, and I am not hot at all.

I thought, this man is amazing in so many different ways. When he is done with his life, those stories—some serious, some lighthearted—will reflect so well on this man and what he meant.

One of the most important things I have on my agenda is the passage of the DREAM Act. I have worked on it for 11 years, and there was a time on the floor of the Senate—September 21, 2010—when I could not break the Republican filibuster on the DREAM Act, and I was pretty despondent over it. Senator REID came to the floor and said a few kind words about my efforts, but then out of nowhere Senator INOUE sought recognition. He knew that I was trying to get for millions of these young people living in America a chance to serve their Nation, prove their love, and become legal citizens in America. I will read what he said because it touched me. He said:

Madam President, I wish to step back in history, if I may. On December 7, 1941, something terrible happened in Hawaii—Pearl Harbor was bombed by the Japanese. Three weeks later, the Government of the United States declared that all Japanese Americans, citizens born in the United States or of Japanese ancestry, were considered to be enemy aliens. As a result, like these undocumented people, they could not put on the uniform of this land.

Senator INOUE went on to say:

Well, I was 17 at the time, and naturally I resented this because I loved my country and I wanted to put on a uniform to show where my heart stood. But we were denied. So we petitioned the government, and a year later they said: OK, if you wish to volunteer, go ahead.

Senator INOUE said:

Well, to make a long story short, the regiment I served in, made up of Japanese Americans, had the highest casualties in Europe but the most decorated in the history of the United States.

He turned and said:

I think the beneficiaries of the Senator from Illinois—

And the DREAM Act—will do the same.

It was the type of short statement that in a few words captured his life, his sacrifice, and what he had proven by risking his life for this country. There is a reason we honor him this morning.

I close by saying two things. First, Senator AKAKA came to the floor last night—his colleague of so many years—and put in a few words. He said on the floor last night:

Tomorrow will be the first day since Hawaii became a State in 1959 that DAN INOUE will not be representing us. He really worked to shape Hawaii and this great country.

He went on to say:

You will be missed in Washington as much as you will be missed in Hawaii. Rest in peace [Senator INOUE].

That was DANNY AKAKA's farewell tribute, and it summarizes how much he meant to Hawaii and how much he meant to America. His last word: "Aloha." As Senator REID said, it is so appropriate that this kind and gentle American hero would leave the message of love for everyone else. That was his life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I wish to associate myself with the eloquent remarks made by my colleague Senator DURBIN, Senator REID, and all those who have come to praise a one-of-a-kind Senator and extraordinary human being, my friend DAN INOUE.

I was telling Senator LIEBERMAN that when the Senate put on a little retirement dinner for our retiring Senators—including Senator LIEBERMAN—there was Senator INOUE. When we look back, it was only 2 weeks ago. We know he could not have been strong, he was not well, but he came to that dinner and sat at that table because of the love and respect for the individual Senators and for this institution.

As for me, I will miss DANNY's sonorous voice, his big heart, his self-effacing manner, his integrity, and his patriotism.

Over the years, so many of us have worked together on so many issues with DAN. I worked on bringing a state-of-the-art, first ever comprehensive casualty care center to my State to take care of the wounded vets who were coming home without their limbs, post-traumatic stress, and all the problems they had. There was no such place on the west coast, and with DAN's help—and we worked with Senator Stevens—we got it done. Now that facility really stands as a tribute to DAN INOUE.

In 2010 I had a very difficult campaign, as most of us did at that time, and DAN said: I am going to come out there and help you. I was under fierce attack, and we had an event for veterans. DAN was a speaker, and I was a speaker. As I was speaking, we heard these voices of screaming demonstrators yelling things that were not complimentary toward me, let's put it that way. It was very loud, and I was so humiliated and embarrassed. Here was this amazing patriot, and they would keep screaming when DANNY was speaking about my work and his work for veterans. Sure enough, the demonstrators kept it up, and I was so upset.

I went up to him and I put my arm around him when he was finished and said: DAN, I am so embarrassed. I am so sorry.

He said: BARBARA, they are not going to beat you by screaming. Don't worry about it.

He went on to go to a couple of other events, and he took his wife to them. He was extraordinary.

I loved DANNY with all of my heart. Every time I looked at him, I smiled because he was so good. He was such a good person, and I pay tribute to him today. I don't think we will ever replace him. We will never replace this remarkable American. He personified the meaning of love and the meaning of country.

I send my love to his family.

#### NEWTOWN, CONNECTICUT TRAGEDY

Mrs. BOXER. In my remaining remarks, I want to talk about what happened in Connecticut.

First, to the Senators from Connecticut, I send all my strength. I have gone through things like this, although not quite the same. As a mom and grandma, I know all of our hearts are broken. So many people are touched by gun violence.

I want to go back to July of 1993. A gunman with an assault weapon walked into a law office in San Francisco and killed eight people and wounded six. Just as we see in Connecticut, the stories of heroism came forward. One of the people who was killed was a brave young lawyer who threw his body over his wife's body, sacrificing his own life to save hers. That young man was one of my son's best friends. This was so long ago, but it feels like yesterday because time stops when these things happen.

I know without a shadow of a doubt how these horrific and senseless tragedies live on with the survivors and all of us forever. The psyche of the parents, the spouses, the children, the families, and the friends is pierced forever.

Yes, as human beings, after these tragedies we come together. We try to find meaning, we try to find justice, and we try to find love in the midst of the mayhem. Some find solace in their faith and their God, some find solace in their communities, and some never find solace.

The slaughter of the innocent must stop. I say to my colleagues in Connecticut how deeply everyone has been touched by this tragedy. In my communities at home, people are running up to me and saying: Our hearts are breaking. He killed babies. They were barely on this Earth. They trusted us, and we failed them.

Some of the people coming up to me are proud gun owners, and they are saying: Why couldn't we stop a sick person like this from getting a high-capacity clip? The gunman didn't even have to reload his weapon until he fired off 30 shots.

There is the whole issue of protecting our schools, which is something I have cared about. I have a school safety act.

I have introduced it so many times, and I will introduce it again.

Instead of having an appointment with a mental health professional, this mentally ill young man had an appointment with death. People say: Don't talk about doing anything about this now; it is not the time. To them I say: When is the time?

If we go back to 2009—that is the last year we have records—31,347 people died from gun violence in our Nation.

That is 87 people every day of the year. Another 73,000-plus were injured. So 87 people a day are killed by gun violence. When is the time to speak out? Because every day there is another tragedy.

Without going into specifics, there are certain things we need to do.

First, we have to take the weapons of war and high-capacity clips off our streets; second, we have to ensure that local law enforcement is involved in concealing carried permits; third, we have to close the gun show loophole so background checks are conducted; fourth, we have to keep guns out of the hands of the mentally ill and get them the help they need; five, we need to keep our schools safe by utilizing all the law enforcement tools at our disposal.

We have failed our children. We have to stop worrying about our political skins because judgments will be made about us. So let's pull together. Let's show our children we love them, not just by telling them we love them—we must do that—but by showing them we will protect them.

I send my love to everyone in Connecticut trying to pull themselves together. I send my love and support to my colleagues whom we will hear from now.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

I also wish to thank my dear friend and colleague from California for her words of support and comfort and resolve. We appear to be in one of those periods of time where we are walking too often through the valley of the shadow of death. Senator BLUMENTHAL and I have come to the floor to speak about the tragedy that occurred; the senseless, horrific attacks on innocent people in Newtown, CT, last Friday.

Mr. President, I note with extraordinary respect and a sense of loss the death of our truly beloved colleague Senator DAN INOUE of Hawaii. America, as Senator REID and Senator DURBIN made so clear, has lost a true hero, a patriot. This Senate has lost a great leader—a leader whose accomplishments have been literally historic. I think all of us have lost a friend.

Last evening, Senator AKAKA spoke about how DAN INOUE's legacy—I am paraphrasing—was all around Hawaii

and all he had done for the State. The truth is I think most every State in the country is full of legacies of the service of DAN INOUE. I know it is true of Connecticut.

It was truly my honor to serve for 24 years with DAN INOUE. He was exactly the opposite of all the caricature pictures people have of Congress today and particularly about the rabid partisanship and personal incivility. DAN was a great gentleman and the most civil of people, the kindest and most decent of people. As Senator REID said, he was a proud Democrat, a faithful Democrat but not at all partisan. The relationship he had with the late Ted Stevens on the Appropriations Committee was historic and actually inspirational. They were so different ostensibly in their background and in their temperament, particularly. Ted Stevens, bless his memory, was my neighbor and my dear friend. Let's say he had a—how do I describe it? He was a very emotional person. DANNY INOUE was more calm. But they formed this remarkable friendship based on shared history, going back to World War II, and probably some sense of shared destiny in the sense they were both from the two last States to join the Union, not part of the continental United States, and came as the first Senators and were here so long. But truly what united them was an enormous dedication to America and patriotism.

I said DAN INOUE's legacy is in Connecticut and probably most every other State. I could go around the State, and I am thinking of the years and years that DANNY was the chairman of the Appropriations Committee and the Defense Appropriations Subcommittee. There wasn't anything we were able to do for Connecticut in that time that he didn't support, including protecting Long Island Sound, the Connecticut River, improving our transportation systems, making grants to our schools, colleges, and universities, and support of the defense industries in Connecticut which have meant so much to the defense of our country but also to the economy of our State.

I salute his memory. All of us should honor it and all of us should try in our own way to emulate this great man.

#### NEWTOWN, CONNECTICUT TRAGEDY

Mr. LIEBERMANN. Mr. President, Senator BLUMENTHAL and I come to the floor to thank our colleagues for adopting by unanimous consent S.R. 621, which is exactly mirrored in the words of H.R. 833, condemning the attacks that occurred in Newtown, CT, last Friday and expressing sorrow to all those affected by those attacks. We are still in shock in Connecticut. All of us who know this little town, as America has come to know it, which includes 27,000, 28,000 people, known it is a beau-

tiful town with hard-working people who worked their way to get there. These are tight families, very religious, very much involved in the life of the community, and peaceful. Out of nowhere—and this tragically is the point and the warning—comes this one deranged individual with guns and slaughters 26 innocents, breaking our hearts, and 20 of those being young children.

I am sure everybody now feels as if they are part of the family of those who were killed. We look at the faces of those children, pure and innocent, and I think of the words of one of the clergymen at the interfaith service the other night: These are angels and they are really with the angels in Heaven now.

With the work and response of the first responders and the trauma they have gone through to face what they had to face and the carnage they witnessed there, as we talk to some of them they feel guilty they didn't get there earlier and couldn't have stopped it somehow. Of course, they did more than we could ask of anybody. They ran to the danger. The principal, the teachers—I mean the stories that come out about the heroism.

I remember long ago I heard someone speak who said the definition of courage is grace under pressure. "Pressure" is not even the right word here; it is grace in a moment of terror, the single-mindedness and the grace of the principal, the teachers who acted in a way that put their own lives on the line to protect the lives of the children. Let us speak the truth. There were hundreds more children in that building that could have been targets of this madman.

We are wounded, but I will tell my colleagues America is wounded and the world is wounded. A priest said to me the other night at the service he was so touched that he had received a bundle of letters from schoolchildren in Russia. It reminded me there was an incident in Russia years ago where a gunman went into a schoolhouse and wantonly killed children, and monsignor was so touched by it, but that is the way this event has touched the world.

I will tell my colleagues this is a strong town and we can feel the people of this community pulling together to support the survivors and thinking about how they can rebuild the town and its spirit. One woman said so poignantly the other night at the interfaith service that we will not allow this event to define Newtown, CT—and they will not—but the families of those who have been lost have been changed forever.

It is in that regard I particularly want to thank my colleagues for this resolution of condolence and support. I wish to thank my colleague Senator REID for the moment of silence yesterday in this Chamber. In my faith tradi-

tion, when a person visits a house of mourning, one of the customs is for the visitor to sit silently with the mourners. It is very awkward. It is actually not the natural thing we want to do, but this tradition has come about as an act of respect to the mourners because they may be in their own mourning internally, and we want to allow them to speak first if they want to speak. The other is that in the face of death, and particularly in the senseless, brutal deaths of these 26 in Newtown, sometimes the best response is silence and all that the silence contains. So I thank my colleague Senator REID for that moment of silence.

Senator BLUMENTHAL and I and our Connecticut congressional delegation convened a vigil last night at which we all spoke, and Father Conroy, the Chaplain of the House, offered prayer. Chaplain Black could not be there because he was at Senator INOUE's bedside with his family. We thank all our colleagues who came last night. Their presence meant a lot to us and it meant a lot to the people back home in Newtown.

The question is, Can we do anything to stop this from happening again, even once, but hopefully more often. What can we do? As the President said—incidentally, the President's visit to Newtown was so comforting to the families and all the town, all the people of Connecticut. He brought comfort, and I will say he brought resolve, which was very moving and inspiring to everyone there. As he said, these situations are always complicated. We can always say, as we look at all the possible causes of such a tragedy, that even if we did something about that, even if we banned all guns, there would still be violence or even if we provided better mental health treatment, there would still be people who would break through and commit acts of violence, and even if we removed all the stimuli to violence in our entertainment culture, still people would commit these acts. Of course, that is true, but do we not have the capacity to intervene at the different points in the story of this young man to stop this from happening, at least once, again, and probably many more times? Of course we have that capacity.

I keep being taken back, as people say that human nature is violent—of course, there is violence that goes back to the beginning of recorded history. We remember the two children of Adam and Eve. Cain killed Abel in a terribly violent act. But I think we also have to be instructed by what happened after that when God speaks to Cain and says: Where is your brother?

Cain feigns ignorance and asks the question that echoes through the millennia since then: Am I my brother's keeper?

God says to Cain, in Genesis: What have you done? We can hear in our

minds' ears the voice of God in anger: What have you done? You have killed your brother. You have killed my creation.

Then God says: Your brother's blood cries out to Me from the ground.

I think in that the Bible instructs us—the words of God instruct us—that we are our brothers' keepers, we are our sisters' keepers and, of course, we are, most of all, our children's keepers. We can never say, oh, people are violent and turn away. We have the capacity—particularly we here, honored and privileged to serve in the Senate, serve in the House, serve in the White House—to do something about this.

Somebody said to me, as the President said the other night, if we save just one child's life by what we will do, it will have been worth it.

We can save a lot more than one child if we work together. I have talked to people since Friday who said to me: Why will this be any different? Nothing happened after Columbine or Aurora or Virginia Tech or any of the other acts of mass violence in our society. I do not blame people for being skeptical. That is the truth. We should have acted earlier, and we have not.

I went back. I proposed, with Senator MCCAIN, Senator Byrd, Senator JACK REED, and a bunch of others, the creation of a national commission on violence 3 weeks after Columbine in 1999. It passed the Senate, but it did not make it through the House in conference committee.

So I understand why people are skeptical, but that does not mean we should not hear the cries of those children as the guns of that madman turned on them and actually see their blood on the ground on the floor of that schoolhouse until we get something done. We can prevent this from happening to people again. We can certainly prevent it from happening to some people.

I see signs of hope around us; people, colleagues, who have been protectors of gun rights saying, in the last few days: This has to change. We have to come together and reason together and act together, and everything has to be on the table, including our gun laws.

There was a poll in the Washington Post today. It was very striking to note that for the first time, when people have been asked this question—and they have been asked it after a series of acts of mass violence: Columbine, Virginia Tech, Aurora, et cetera—do you think this was an isolated act or does it say something about more troubling conditions in our society—I am paraphrasing—for the first time—every other time people said it was an isolated act of a madman or mad people—this time they said it reflects a deeper problem in our society.

I believe what causes that change is that 20 of the victims in Newtown, CT, were young children, and there is not only a heartbreak across our country

about this, not only anger, but I think there is guilt, and we all ought to feel guilty because, as a society, what the attacks in Newtown say to us is that we have failed to fulfill what would seem to be our most natural—natural law, if you will—responsibility, which is to protect the safety and lives of our children.

So I hope we will act. There will be no better tribute, no better source of consolation to the families who have lost loved ones. I have proposed a commission, as I did in 1999, because these are complicated questions. In almost every one of these acts of mass violence, we have a young man who is troubled. Clearly, in hindsight, family, friends, schoolmates say something was wrong with him. Very often—I have heard rumors about this being the case with Adam Lanza in Newtown; I do not know for sure, so I am not saying it is any more than a rumor—very often, these young men have had an almost hypnotic involvement in some form of violence in our entertainment culture, particularly violent video games, and then they obtain guns and they go out and become not just troubled young men but mass murderers.

We need to try to intervene, particularly at the beginning with the troubled young man and get him—or if it is a woman her—help quickly, and to make sure our mental health system is there to protect and offer that help, and perhaps in our health system, insurance is there to guarantee payment will be made for that. It is complicated.

The impact of the entertainment culture is complicated as well. Obviously, not every young person who plays a violent video game becomes a killer. I know because I have spent a lot of time looking at the social science—and it goes back decades—that there is a very clear pattern where young people who are involved in violence in the entertainment culture are more aggressive. Thank God, of course, almost none of them become murderers. But some of them do, and we have to ask why.

Then, of course, we need to strengthen our gun laws. I hope either by executive action or legislative action we will convene such a commission, but I want to make very clear I am not offering this idea as a substitute for any action we can take now, any action that the President can take now, for instance, with regard to the existing laws that are aimed at preventing people who should not have guns from having them, keeping guns that really are military and are not part of hunting or sports shooting off the market—anything the President could do, anything Congress could do.

I would support a restoration of the assault ban today.

These are weapons developed by our military originally, not by private industry for hunting or sports shooting

purposes. They should not be sold. We have the background checks in the Brady bill if you attempt to buy a gun from a licensed Federal firearms dealer. Why shouldn't that exist for people who buy a gun at a gun show, where, incidentally, terrorists we know have bought guns?

So anything we can do quickly, we ought to do, but I also think a commission will make sure that we will not let the anger, the hurt, the guilt that we feel now dissipate with time or as a result of legislative gridlock—yes, legislative gridlock again.

Remember Lincoln's words at Gettysburg, that these dead shall not have died in vain. I think that should be our animating emotion and sense of purpose here, as reflected and I think led by the President's very powerful words in Newtown on Sunday night.

I remember after the terrorist attacks of 9/11 all the work we did in Washington to create the Department of Homeland Security, the 9/11 Commission, the legislation, passing the legislation, implementing the 9/11 Commission. A lot of work, bipartisan work, was done in Congress and in the executive branch to make those laws and to keep us a lot safer, to prevent another 9/11 from happening. But I will tell you this, Mr. President, my belief—and I was at the center of all of this—those laws would not have been passed and enacted, and we would not be safer today if it were not for the extraordinary commitment of the families of people who were killed on 9/11 to get involved. They talked truth to power, and when Members of Congress and members of the executive branch were reluctant to act and were falling back in all political ways, self-defensive ways, those families faced them, face to face, and some in power turned their faces away because they could not take it. But, ultimately, those families brought about action.

These families in Newtown who have lost people—loved ones, children—will never be the same. I hope and pray they can come back to some semblance of normalcy. I hope that some of them will have the courage and the strength—which will take an enormous amount—to get involved in forcing our country to do whatever it can to stop anything like this from happening again. But in the larger sense, we are all members of the family. This is the American family. Those 26 people—those 20 children—were our children, our family members, and it is incumbent upon us now to summon not just the remorse and the guilt but the will to act to stop this from happening again and to save the lives of our family members.

I thank the Acting President pro tempore and yield the floor for my colleague and friend from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.



Mr. BLUMENTHAL. Mr. President, I thank my colleague from Connecticut for those very moving and important comments on the Senate floor at this profoundly significant time in the history of our State and our Nation.

REMEMBERING DANIEL K. INOUE

I want to join my colleagues who have expressed their admiration for Senator INOUE and our sense of loss at his passing. I admired him deeply as a patriot, a warfighter, a public servant, who was unstinting and unwavering in his commitment to our Constitution, the principles of equality and justice, and our national defense.

His loss is a loss for the country, but, particularly, personally, for all of us who serve in this body. I knew him less well than colleagues who have spoken eloquently, such as Senators REID and DURBIN and BOXER and LIEBERMAN, and one of my regrets, as I stand here, is that I did not have the time to know him better because he was such an extraordinary human being.

Perhaps one of the lessons for me personally is that time is short, as we all know, and we should make a greater effort in this body and among us in this profession to know our colleagues and to treasure their friendship.

I want to also thank my colleague from Connecticut for his very perceptive and powerful words on the tragedy in Newtown, CT, which brings me to the floor today with such a heavy heart. I thank my colleagues who have reached out to me, including the Senator from Vermont, a great friend, Senators KLOBUCHAR and DURBIN and BENNET and so many others seeking to help Connecticut. The collegiality of this body has been brought home to me in these days when others have sought to provide not only consolation but also suggestions for action.

One of my reasons for being on the floor today is to talk about action we can take. I want the families who are grieving now to know that my standing here to talk about policy and action in no way means any disrespect or effort to intrude on their grieving and emotional rebuilding. But we know on Friday a tragedy befell the community of Newtown, CT, and that tragedy is expressed in S. Res. 621 and H. Res. 833.

I thank my colleagues in both Houses for condemning the attack and offering their condolences to the people of Connecticut and, more importantly, the people and families who suffered these losses most directly. I have spent the last 4 days—or a better part of them—in Connecticut. Those 4 days are a time that I do not want to relive, ever.

I first learned about this incident on Friday morning in the midst of a normal day. I had events scheduled. I heard there was something wrong in the Danbury area.

As the details mounted, I left Hartford to go to Newtown and to the firehouse in Sandy Hook. I arrived there as

a public official, but what I saw was through the eyes of a parent.

The firehouse in Sandy Hook was where parents went to find out if their children were okay. The way they found out was that their children appeared, or they did not. After a while, some of the children came. Some were reunited with their parents there or at the school, and their parents took them home, and others did not.

I will live forever with the sights and sounds of those parents as they emerged—the cries and sobbing, the cries of grief and anguish, the look on those faces.

The murderer blasted his way into the elementary school in Sandy Hook armed with a Bushmaster AR-15, an assault rifle; a 10mm Glock pistol; a 9mm Sig Sauer; and with multiple magazines filled with hundreds of rounds, that he used in an execution-style massacre.

Wayne Carver, who is the State medical examiner for Connecticut, has been in that job for more than 30 years. He has seen it all. But he has said he has seen nothing like this ever. There were 20 small bodies ripped apart, executed en masse.

There is no question evil came to Newtown, as Governor Malloy said that day. Evil came in its starkest, most inhumane terms. But heroism also came to Newtown.

The SWAT teams that went into that building actually saved lives. They saved hundreds of lives of students and staff in the school because the murderer took his own life when he knew they were entering.

There is the heroism, of course, of the principal, teachers, and others who ran toward the sound of gunfire. They ran toward danger to protect their children, children who were 6 and 7, their faces now on the front pages of newspapers with their stories inside.

There is the heroism of the State troopers who had to confirm the identities of the victims for their families and stayed with those families throughout the weekend.

There is the heroism of the community itself. Newtown is, indeed, a quintessential New England town. Everybody knows everybody else, which is a good thing but in a way also a bad thing because everyone's children knew the other children.

At the vigil Sunday night, two of the children who attend that school came up to me to show me some of the necklaces they had made with blue beads, 20 of them. There were 20 blue beads, each one for a child victim, and 6 stars for the adults. This community is not only quintessentially New England, it is quintessentially American in its strength, its resoluteness, its resiliency, its caring and courage.

Part of what has also inspired Newtown is the outpouring of support they have received from all across America

and all across the world. Never doubt the messages you have sent, the thoughts and prayers made a difference to them. They truly have.

Newtown is a call for national reflection and for coming together. This tragedy hit Connecticut, but the town of Newtown is supported by the grief shared by all Americans, but it is also a call for action. It is the right time to ask what we can do to stop this sort of tragedy.

In recent years, there have been horrific shootings at Virginia Tech, in Aurora, in Oak Ridge, on university campuses, movie theaters, and in places of worship. There were many other places where unsuspecting Americans, going about their everyday lives, had those lives cut short in a few minutes of slaughter.

In Newtown, a lone gunman was able to kill 20 elementary schoolchildren ranging from 6 to 7 years old. He killed the school's principal, the school psychologist, and four teachers.

Sadly, there have always been and there always will be mentally ill people, mentally deranged or hateful people who want to lash out violently at the world. We will never be able to stop all of them from doing harm. But even if we cannot prevent all these tragedies, we must not surrender and say we will do nothing to prevent any more of them.

In the last few days, everywhere I have gone in Newtown, people have come up to me and said the same words over and over. "We have to do something." People in law enforcement, families of victims, members of the clergy again and again have said those words, "We have to do something."

That is my commitment today, to do something; in fact, to do everything I can as a Senator to press and prevent the next tragedy. As a former law enforcement official, and as a father, I cannot do less.

There is no single law, no simple solution that will be a cure-all. But there are sound, sensible steps we can take, some involving new laws, some involving better enforcement of existing laws. Our local and State police, for example, and Federal agencies need more resources and support.

We need to do something to effectively ban assault weapons. I am talking about weapons that are not designed for self-defense or hunting but, rather, for killing and maiming human beings, often as many as possible, as fast as possible. These are weapons that are civilian versions of military weapons. There is no reason any such weapon should be for sale today in America.

We need to do something also to ban high-capacity magazines, also involved in this mass murder. What real hunter uses or needs 30-round clips? What self-defense situation is served by them?

We need to do something to prevent mentally ill people and criminals from



having firearms. I don't know whether better laws could have prevented the shooter in Newtown from getting his hands on the weapons he used, but we must look at what we can do to identify such people with serious mental problems before it is too late and provide intervention and treatment to take those weapons out of their hands.

Today, the National Instant Criminal Background Check System has prevented nearly 1.8 million attempted purchases of firearms by mentally ill people or criminals. Clearly, that alone was not enough to prevent a number of tragic shootings. But I think we can all agree it is good those sales were not completed, and right now only 60 percent of gun sales involve a background check. We should ensure that all firearms sales involve a background check, including guns that are not sold by licensed dealers, and that those checks, wherever they are done, are thorough and comprehensive.

Nothing here means we should trample on the second amendment. The Supreme Court has spoken clearly in the Heller case that law-abiding Americans have constitutional rights to own firearms, whether for self-protection, hunting, competitive shooting or any other proper purpose. That is the law.

But the Supreme Court has also made clear the government can appropriately impose sensible regulations, as it can in many other areas of constitutional rights, on how firearms are used and purchased. Everyone would agree criminals and deranged people should not be able to get their hands on firearms.

On all these issues, we have to look for sensible common ground, rooted in common sense, and I believe there is room for people of good will to work together to find it.

Even as I say that, I am mindful that issues involving the second amendment rights and violence in the past fueled deep passions. Suspicion and passions have run deep and wide on both sides of this debate, including in this Chamber, and there is a lot of distrust to overcome.

I am here to keep faith with the people of Newtown who have grabbed my arm and said, "We have to do something." That is my commitment. I will work with the President and my colleagues in the Senate regardless of party or geography. I will work with any organization that is willing to engage in a thoughtful, constructive discussion about what steps to take to avoid tragedy such as the Newtown shootings in the future.

I will work to find a solution to this crisis, because it is a crisis, and I will not be deterred by any organization or campaign that uses scare tactics or intimidation. Because there was nothing more frightening, nothing more horrifying, than looking into the eyes of the parents who came out of that firehouse

in Sandy Hook who lost their babies last Friday. That is any parent's worst nightmare.

I know there are some who say we can never do anything about the problem of gun violence; that we are entrenched as a nation and so polarized as a political body that we will continue to wring our hands at every massacre and never take action. Yet sometimes events happen that so horrify our country and our fellow citizens that they change the nature of the discussion. They change the political ground under us. They are a tectonic shift, and I believe the massacre of the innocent children and their loving teachers in Newtown is exactly such an event.

Yesterday, some of my Senate colleagues had the courage to join this call for action and say publicly we cannot go on as before. I wish to thank, particularly, Senator MANCHIN and Senator WARNER. Their heroic stance is an invitation, indeed a challenge, to every other Member of the Senate to join in this common effort to find common ground and at long last do something to stop the killing.

I also wish to thank, particularly, Senator REID, our majority leader, for his leadership in calling for a meaningful and thoughtful debate on gun violence.

"We have to do something. We have to do something. We have to do something." That is what people in Newtown have beseeched me over and over. I believe the American people agree. This is our moment, and we are the people to do it. We can. I ask each of my colleagues to listen to those voices and to hear their own hearts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, first, I wish to join my thoughts on those of the two Senators from Connecticut and the Senator who just spoke, Senator BLUMENTHAL. He and I talked this weekend during these terrible times, and I told him the Judiciary Committee and the Department of Justice, on behalf of all the victims, were standing by to help them in any way they can.

#### REMEMBERING DANIEL K. INOUE

Mr. LEAHY. Mr. President, today is the first day since Hawaii became a State that it is not represented by DAN INOUE, either as a House Member or as Senator.

As I look at my dear friend's desk with the traditional white flowers, I can't tell you how much it pains me. He was one of the greatest Members of this body ever to have served and a dear friend to so many of us. He was perhaps the best role model for public service any American could ask for. Senator INOUE's story is one of great

passion for his people, commitment to his calling of public service, and dedication to finding a better way forward for all Americans, a true patriot.

A soldier in World War II, a veteran of the Armed Forces, he fought for the freedom of the Nation he so loved and believed in. The Nation finally recognized that, making him a recipient of our Congressional Medal of Honor.

As a representative of Hawaii, he dedicated his career to establishing and solidifying a place for his State in Washington so generations of Hawaiians to come might know the benefits of what he did not have, Federal support for such important causes such as higher education, transportation, health care, and security. His advocacy was never in vain, and the people of Hawaii benefited immensely from his service.

But I think his efforts to bring people together is unmatched. The grace with which he conducted his work should inspire all of us, as it does me. He was the man who could reach out to both sides of the aisle, make friends and make peace. He poured his heart and soul into the Senate. He was first and foremost a person of the Senate, and we all felt his passion and concern for the work of this body. There is no doubt he is going to be greatly missed in these halls. He was a mentor. He was a friend. We traveled together. Our wives were friends.

The reason I didn't speak last night, I opened my desk and looked again—the desk I have now, this seat, I inherited from DAN INOUE—and his name is inscribed in it. As the distinguished Acting President pro tempore knows, we inscribe our names in our desks, and DAN INOUE's is there. When I looked at that last night I was overcome with emotion and so I did not speak then.

I realize I am delaying things a couple of minutes here, but when I think of my friend and I think of his name, I remember he said he wanted to be remembered as having represented his people and all Americans honestly and to the best of his ability. He filled that. He filled that. We all know he gave his everything to the Senate, and his legacy is for us to continue the work he has done.

Mr. President, I yield the floor.

#### ADMINISTRATION OF OATH TO SENATOR PATRICK J. LEAHY AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 112TH CONGRESS

The VICE PRESIDENT. The senior Senator from Vermont, the President pro tempore elect, will be escorted to the desk for the oath of office by the Senator from Nevada [Mr. REID] and the junior Senator from Vermont [Mr. SANDERS].

The President pro tempore elect, escorted by Senators REID and SANDERS,

advanced to the desk of the Vice President; the oath was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

(Applause, Senators rising)

#### NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 622.

The VICE PRESIDENT. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A Resolution (S. Res. 622) notifying the House of Representatives of the election of a President pro tempore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 622) was agreed to, as follows:

#### S. RES. 622

*Resolved*, That the House of Representatives be notified of the election of the Honorable Patrick J. Leahy as President of the Senate pro tempore.

#### NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 623.

The VICE PRESIDENT. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A Resolution (S. Res. 623) notifying the President of the United States of the election of a President pro tempore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 623) was agreed to, as follows:

#### S. RES. 623

*Resolved*, That the President of the United States be notified of the election of the Honorable Patrick J. Leahy as President of the Senate pro tempore.

Mr. REID. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

#### CONGRATULATIONS TO SENATOR LEAHY

Mr. SESSIONS. Mr. President, I first wish to congratulate my friend, the chairman of the Judiciary Committee, Senator LEAHY, who has been honored to receive one of the Senate's highest honors, President pro tempore of the Senate. I congratulate him and join with him in expressing my sadness over the passing of Senator DAN INOUE.

#### REMEMBERING DANIEL K. INOUE

Mr. SESSIONS. Mr. President, I wish to express my sadness over the passing of Senator DAN INOUE.

DAN INOUE came to this government, started his government service, at least, 60 years ago in the territorial legislature of Hawaii. He came to Congress when Hawaii became a State in 1959, to the Senate in 1963, and was second only, I guess, in service to Robert Byrd. He was a serious man, a solid man, a patriot, and one who always had a good spirit about how he conducted his affairs and how he related to other Members of the Senate, to his constituents, and to the American people.

DAN had served in the most violent combat and was grievously wounded himself. He was part of the 442d Regimental Combat Team, a 4,000-man unit that served in brutal combat. They were replaced 3½ times in personnel to maintain their strength, with 14,000 having served in that combat team during the brutal combat in Italy. There were 9,500 who received Purple Hearts and 21 Medal of Honors, including Senator INOUE's Medal of Honor.

It was a remarkable time and a remarkable commitment DAN INOUE demonstrated to the country he loved.

I know we will talk about his record, and I may do that later myself, but I want to say what I think about DAN INOUE at his core. He shared with us a few weeks ago at the prayer breakfast—and we don't quote what people say at that meeting—his feelings about war and his participation in it. It was one of the most moving presentations I think any of us had heard, and it was so well received by the people there. The truth is, Senator INOUE did not like war. He hated war. He knew the destructive power of war and how people suffered as a result of it, and he voted against a number of resolutions that would commit the United States to military action.

But at the same time, there was no doubt, based on his ranking and chair-

manship of the Subcommittee on Defense of the Appropriations Committee over a period of years—decades—he was the person who always, at bottom, could be counted on to ensure this Nation was well defended; that we did not make mistakes.

He and Senator Ted Stevens had a unique relationship. When something developed that was important for the Defense Department, and it involved a danger to our government or could do damage to the Department or they seriously needed something—and often-times in this government, we can't respond and we don't respond effectively—DAN INOUE and Ted Stevens would go in and it would be fixed. They understood that peace through strength was the best way to avoid war, and they felt a sense of great responsibility to ensure the Defense Department was not damaged on their watch. Their experience and their judgment was such they could tell the difference between whines and complaints and real danger to America's defense capability.

I would say that DAN INOUE has established a record that places him among the finest Senators ever to serve here, one of the finest human beings to serve here, and I want to say, as a member of the Armed Services Committee, how much I appreciated his particular commitment to ensuring that America's defense capability remains second to none and his willingness to take the steps necessary to maintain our defense at the level we would want it to be.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

#### NEWTOWN, CONNECTICUT TRAGEDY

Mr. HATCH. Mr. President, to begin, I want to take a few minutes to express my deepest sorrow for the events of last Friday. As a parent, grandparent, and great-grandparent, I was horrified to hear the news of the tragedy in Newtown, CT. My sadness remains for those who have lost their children and loved ones and for the quiet community that saw its sense of peace and well-being shattered through such a terrible act of violence.

I, like almost everyone I know, am at a loss when it comes to making sense of such a horrible tragedy, and I won't try to do so today. All I can do is offer my prayers and sympathies for those who lost their children, friends, and family members, and to the people of Newtown.

In my faith, we believe families are eternal; that those who have lost loved ones will one day be reunited with them. That belief has helped me to cope with losses I have experienced over the years. And while I know nothing can relieve the pain of losing a

child, I hope this notion will bring the parents of those sweet innocent children some measure of comfort.

Once again, I offer my heartfelt prayers and deepest sympathy to those in Newtown and throughout the country who have cause to mourn this day.

#### REMEMBERING DANIEL K. INOUE

Mr. HATCH. Mr. President, I want to take a moment to pay tribute to a person I loved, appreciated, and worked with for all these years—all of my 36 years in the Senate—and to bid a fond farewell to our dearly departed friend, the senior Senator from Hawaii, DAN INOUE.

In addition to being a distinguished United States Senator, Senator INOUE was many things: a Pearl Harbor survivor, a Medal of Honor recipient, a father, a grandfather, and a loving husband to his wife Irene.

As a volunteer with the Red Cross, young DANIEL INOUE tended to the wounded in the aftermath of the attack on Pearl Harbor.

During World War II, when the Federal Government was placing thousands of his fellow Japanese Americans in internment camps, Senator INOUE was one of many Asian Americans who petitioned the government for the right to serve their country in the military. His petition was successful, and he served heroically. In fact, the story of Senator INOUE's military service has become the stuff of legend here in the Senate and throughout the country.

In 2000, Senator INOUE, along with 21 of his fellow Japanese-American World War II veterans, was awarded the Medal of Honor, our Nation's highest honor for valor.

In 1959, when Hawaii achieved statehood, he was elected the State's first full member of the House of Representatives. Three years later, in 1962, he was elected to the U.S. Senate, where he would serve for five decades, the second longest tenure in this Chamber's history. I am honored to have served with Senator INOUE throughout my entire Senate service.

While he and I often found ourselves on different sides when it came to issues, I always knew him to be a man of principle and decency, and I never doubted his commitment to the people of his State and to doing what he believed was right.

One of the few times we found ourselves on the same side came when our mutual friend, the late Senator Ted Stevens, asked us both for help when his character was called into question. Politically speaking, participating in Senator Stevens' trial held no benefit for Senator INOUE. It would have been easy for Senator INOUE to deny his friend's request, and few would have blamed him for it. But that wasn't how Senator INOUE operated. Rather than

letting a friend fend for himself, Senator INOUE showed great loyalty and characteristic integrity in his willingness to testify to his friend's good character, and put his own reputation on the line in service of a friend. And I had a similar privilege.

Both Senator INOUE and I were mystified by what happened in that trial, and we were justified in our mystification when, finally, they had to admit it was a trial that should never have been brought. All I can say is I remember him testifying and I testified after he did, and I would mention that Colin Powell also testified as to Ted Stevens' character. All three of us felt this was a besmirchment of a truly honorable and decent man.

Once again, I am proud to have been Senator INOUE's colleague, but I am more proud and more pleased to have been his friend over all these years. He actually showed me a great deal of concern, showed me a great deal of friendship, and spent time with me when I needed particular help, and was there in many ways for not just me but for others as well, one of the kindest, most decent, and honorable people I have ever met. I express my deepest sympathies to his wife and family and their many, many friends.

DANIEL INOUE left an indelible mark on the Nation he loved so much and he will surely be missed. Aloha, my friend.

#### SENATOR PAT LEAHY

Mr. HATCH. Mr. President, I wanted to compliment Senator LEAHY, who now is the President pro tempore of the Senate.

I have served with PAT LEAHY all my 35 years. He is a strong, intelligent, hard-working Senator, and I am sure he will fill this position in every way it can possibly be filled.

I know he, like I, is sad that we lost Senator INOUE, but Senator LEAHY will be a worthy successor and he will have my support. I hope everything goes well for him in this transition and in this new opportunity he has.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### REMEMBERING SENATOR DANIEL K. INOUE

Ms. MIKULSKI. Mr. President, I too rise to pay tribute to the great Senator DANIEL INOUE.

First, I want to express my deep and most heartfelt condolences to Senator INOUE's family, his wife Irene, his daughter Jennifer, his son Ken, Ken's wife Jessica, and their lovely little granddaughter Maggie. And to the people of Hawaii, also our condolences, because he loved them dearly, and they reciprocated by sending him time and time back to the Senate. I also want to express condolences to his very able

and capable staff, the other INOUE family, many of whom were among the longest serving staff in the Senate, who were devoted to helping him help the people of Hawaii and helping the people of America. Hawaii and the Nation have lost a great hero and a true patriot, and I have lost a real good friend.

Senator INOUE was one of the great men of the Senate who welcomed me and helped me get started when I first came to the Senate. It is well known that I was the first Democratic woman elected in her own right. When I came to the Senate there was only one other woman, Senator Nancy Kassebaum of Kansas. But I said this, and I say today, though I was the only Democratic woman, though I was all by myself: I was never alone because I had great men in the U.S. Senate who helped me get started and mentored me and taught me how to be an effective Senator.

Senator INOUE was in a group of those men who in the warmest, most generous, most helpful way welcomed me to the U.S. Senate. He helped me get on the powerful Appropriations Committee. He was my teacher. He was my mentor.

He also had a wonderful way of communicating with all of us. And as each new class of Senators—and each new class of women Senators arrived—he welcomed each and every one of us with the same warmth and generosity he showed to me.

We have a saying among us, the women of the Senate, which is that men of quality always stand up for us women fighting for equality. And DAN INOUE was there every step of the way. When we wanted equal pay for equal work, he was there. When we wanted to be included in the protocols at NIH and establish an Office of Women's Health, he was there, issue after issue.

Last year, I had the wonderful honor of traveling to the Middle East with Senator INOUE, and he admired the pin that I have on today. It is an eagle that many of the women in the Senate wear. There are those of various styles, of which we have a little collection. This one is from the Smithsonian. He said, I love it. It is so pretty. I want to get one for my wife.

Well, I don't know if Senator INOUE ever got it for his wife Irene, but I say to my colleagues today, at an appropriate time, on behalf of the women of the U.S. Senate, I will present this pin to Mrs. Inoue in honor of her husband, our gift to her, because he gave so many gifts to us.

He was a lion in the Senate, a real American hero. Although gentle in style, he was a fierce warrior when it came to fighting for his Nation or standing up for Hawaii.

When he received his Medal of Honor, he was rising to the call of the sirens of Pearl Harbor, volunteering to serve his

country, putting aside his own dreams to be a physician. But he went on to be a healer of many wounds. He was decorated in World War II for saving his fellow soldiers.

My experience with Senator INOUE as a friend was that he was a devoted, dedicated public servant. He was Hawaii's first representative of the Nation's newest State. He was the first person of Japanese heritage ever to be elected to the Senate. Imagine, he himself knew what it was like to break barriers and to break boundaries. When he came to the Senate, he cherished his love for Hawaii and its people. He fought tirelessly to improve their lives.

His style was one of absolute civility. He was the one who believed that the decorum of the Senate enabled the Senate to do the people's business. He was the essence of civility, and he showed that often good manners was good politics, and that led to good politics. He did not argue the loudest; instead, he worked diligently. He marshaled his arguments and with quiet determination won the day.

As a fellow appropriator, I saw that he loved his earmarks. He liked earmarks. And what did he do with those earmarks? I can tell you. He made sure that we looked out for Indian tribes. He made sure we looked out for the poorest of the poor in Hawaii. He cleaned up a superfund site that had been left by an old agricultural legacy. And he made sure that children who needed help were able to get the education they needed in a small community setting who might not have been able to do it.

Yes, he was the old school. And it was the old school that should teach us a lesson or two.

As a member of the Appropriations Committee for 41 years, he led us by example. He came in 1971 and became the chairman in 2009. Leading by example, he showed how we can accomplish great things by working together. He saw we could have a stronger country, a stronger economy, and yet have a sense of frugality. He treated the minority party with great respect.

All have spoken about his legendary friendship with Senator Ted Stevens, another World War II hero. But now, as Senator COCHRAN, serving as the ranking member—he called him his vice chairman, and I know he was ready to reach out to Senator SHELBY who assumed the role. He knew we needed the input of all Senators to not only enact our bills but to craft our bills.

He also served as chairman of the Senate Commerce Committee, the Indian Affairs Committee; he was the very first chairman of the Select Committee on Intelligence.

There will be those who will read his résumé. But when the history of Hawaii and this man is written, I hope they say he didn't come here to gain fame, he didn't come here to do press

releases or to be on talk shows. He came here to govern. He came here to the U.S. Senate, having fought for his country in World War II while even members of his own family had been held in an internment camp because of their Japanese heritage. But he was loyal and faithful from the day he took his oath to defend the Constitution as a young private all the way to the day here now. He was a fierce defender of our military. For him, it was always about the troops. And he never forgot what it was like to be fighting in a foreign land. That is why he was devoted to our veterans and to our health care. And we are devoted to the memory of Senator INOUE.

So to an old-school war hero, let us give our final salute and a fond aloha. But let's take the lessons learned from his great life and incorporate them in our very day here today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, Senator INOUE told me a story which I wish to repeat for our colleagues.

In 1973, George Gallup, the pollster, asked to come see him. This was at the height of the Watergate hearings. Back then, these investigations into President Nixon's Watergate break-in were consuming the country. Then there were only three major television networks, plus the Public Broadcasting System, and the Watergate hearings were televised from the Senate every single day, for several hours a day, on all four of those networks. So, almost everyone in the country watched the Watergate hearings for weeks. They got to know Sam Ervin, the chairman. They got to know Howard Baker, the ranking Republican. But George Gallup came to see Senator INOUE. And Senator INOUE said, I am glad to see you, but why do you come to see me?

He said, Senator, who would you say is the most recognized person in the United States today? Senator INOUE said, Well, I am sure President Nixon is. And Gallup said, That is right. But the second most recognized person is Senator DAN INOUE.

INOUE said, Well, how could that be? George Gallup said, Well, Senator, I suspect so many Americans have never seen a United States Senator of Japanese ancestry with one arm and a distinguished voice and presence, and you have made an indelible impression on the American people.

That was 1973. That was a long time ago. Since then, DAN INOUE made an indelible impression on a great many people around the world, and especially on the 100 of us who serve here. He commanded our respect in a remarkable way, in part because of his service in the war.

He and Bob Dole, our former colleague, were wounded at about the same time in Europe and were in the

same hospital recovering from tremendously serious wounds. Of course, Senator INOUE was later awarded the Congressional Medal of Honor for that.

Senator PRYOR was telling the story that when Senator INOUE was finally elected to Congress, he wrote Senator Dole a note and said, I am here, where are you? Because both of them, when they were recovering from their war wounds, had determined that one day they wanted to serve in the United States Congress. INOUE got here first.

A few years ago, Senator INOUE and Senator Ted Stevens invited a number of us to go with them to China. It was quite an experience. Senator Stevens—of course, another World War II veteran—had flown the first cargo plane into what was then Peking, in 1944. Of course, Senator INOUE was well regarded in China for his service. So the group of Senators—there must have been a dozen of us of both parties—got more time with Mr. Hu and Mr. Wu, the No. 1 and 2 leaders of China, than the President of the United States nearly did. We were accorded every courtesy possible because of the presence of Senator INOUE and Senator Stevens. They were like brothers. They called one another brothers. They acted that way in private. They served that way in the Senate, as chairman and vice chairman of the Defense Appropriations Subcommittee. Over a number of decades, they singlehandedly shaped our American defense posture, and they did it with skill and patriotism and knowledge of our structure that very few could have.

Several Senators mentioned how bipartisan DAN INOUE was. He was of the old school—not a bad school for today, in my point of view. He treated each Senator with courtesy, even the newer Senators. He treated each Senator with a sense of equality, even those who were in the minority and not on his side of the aisle. He was always fair, he was always courteous, and he always tried to do the right thing. He was a textbook U.S. Senator.

He announced for reelection after his last election. I don't know his exact age at the time—maybe 85, 86. He will not be able to run for that reelection now that he is gone, but he will be well remembered.

Not long ago, he spoke at our Wednesday morning Prayer Breakfast that we have here. Usually we have 20 or 30 Senators. On the day he spoke, we had maybe 60 or 70. We had Senators sitting on the windowsills, standing around the back, just to hear what he had to say. I won't repeat what he had to say because we don't talk about what goes on there in public except to say he talked about his war experiences—and in a quiet way. He stood there for 10 or 15 minutes and explained those experiences to us, most of whom had never had that sort of experience.

It gave us a new sense of him, and it increased our respect for him, if that could have been possible.

I join with my colleagues to say Senator DAN INOUE was a patriot. He set the standard, really, for a U.S. Senator. He set the standard for a man or woman in our military fighting to defend his or her country. And he set the standard as an individual who showed courtesy to everyone he met. We will miss him. We honor him. And we give his family our expressions of grief, but, more important, our great respect for our colleague who today is gone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I ask consent to speak until my comments are completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. Mr. President, I rise today to pay tribute to a mentor of mine in the Senate, Senator DANIEL INOUE. The histories of my State and Senator INOUE's are closely connected. We both entered the Union at the same time, in 1959. As a matter of fact, I know as a kid growing up I was not sure if we had two Senators or three Senators because Senator INOUE's name was so well known throughout Alaska.

When our States were entered in 1959, there was opposition to both of us becoming States, but we have proven our opponents wrong. Thanks to DANIEL INOUE, Hawaii has become a modern, prosperous State. Many Alaskans have a special fondness for the 50th State, especially, I have to say, at this time of the year when it is 40 below in Fairbanks.

DANIEL INOUE began his public career and service at the age of 17 when he entered the Army after the attacks on Pearl Harbor. He served with incredible distinction, earning the Nation's highest medal for action in Italy. As a Member of the Senate, Senator INOUE continued his fierce defense of his State and his partnership with Alaska.

My predecessor, Alaska Senator Ted Stevens, knew Senator INOUE as his brother. They worked together and produced much good for both our States that will last for generations.

When I was elected to this office, Senator INOUE was one of the first Members to reach out to me to ask how he could help. The unique thing about Senator INOUE was always his quiet approach to all the issues. He provided me quiet advice and helped me learn how this place works. Many times I would be down in the well waiting for the vote to be tallied and Members to vote, and Senator INOUE would come in, stand at the edge there, and look up and just say: How is it going, Alaska? We would have a brief conversation. Usually his words would have incredible insight. They may not even have

been relevant to the topic we were voting on, but he would say something to me about something he knew I was working on and just share a few words.

I know the first people of Alaska will especially remember him for his dedication to their success. He met with Alaskan Native peoples during their visits to Washington as often—and I would say even more often—as the Alaskan Members of the House and Senate. They made a point to stop by his office on a regular occasion to talk to him about what happened in the past and what was going on today and what they looked for in the future.

Earlier this year, Senator INOUE was in Alaska at my invitation—his last trip to Alaska. He told a memorable story about his support of the trans-Alaska oil pipeline, which was controversial when he supported it and its construction. Senator INOUE has a unique style of how to tell stories. You have to just pay attention and listen. They are not wordy, just to the point. Senator INOUE told this story, told by opponents of the pipeline, that it would destroy the caribou that lived in Alaska's North Slope. This is what he was told over and over.

On his last trip, he was in front of a group of people. I was anxious as he started to talk. He said: I have this story to tell you. He talked about this time of controversy about the Alaska North Slope and the oil pipeline, the caribou and what was happening, the destruction that may occur based on what he was hearing. But he was a strong supporter of the pipeline. In his words, here is how he actually said it. In fact, he said, the warm oil going through the pipeline heats the ground, so grass grows year round. The caribou come around to eat the grass and, in his words, "make love," and the caribou population has grown threefold. Who was I to let facts spoil that wonderful story by Senator INOUE and get in the way of its telling?

But he has done enormous work for our Alaskan people and Alaska in total, the work he did that he described to me when he went out to rural Alaska many years ago and saw the deplorable conditions of our water and sewer, saw an important effort to preserve not only the languages of Alaska but also Hawaii. Yes, like Hawaii, Alaskans loved our earmarks and we still love them. He was an adamant proponent of earmarks, making sure that, as mentioned by Senator MIKULSKI, they went for the right reasons. As was also mentioned, in his defense of this country and his personal heroic actions, his ongoing everyday work he did to shape the national defense and really international defense, it was an incredible sight to watch him in action.

I will always remember DANIEL INOUE for his truly hearty laugh, ready smile, his partnership with my State of Alaska, and his dedication to his State—truly a silent giant.

My condolences go to his wife Irene and the entire Inouye family. We will miss him greatly. When we come down to the Chamber every day, we get the calendar of business, this one dated today. You look on the list of all the committees, and you see the chairman and the Members. But today his name is not there after 41 years.

My heart goes out to him—truly the silent giant.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor to pay tribute to an American hero, a great Senator, an amazing man, and a dear friend, Senator DANNY INOUE.

Senator INOUE dedicated his life to public service, and through his hard and faithful work, he has left his Nation and the State that he loved so dearly far better in so many ways.

We will all hear a lot in the days ahead about the barriers DANNY broke down during the course of his life. We will hear about his service in times of war and in peace, about his heroism, about his love for his family and State and country. We will hear about the admiration and respect he earned from so many of us here in the Senate, on both sides of the aisle, over the course of a long and very historic career.

What I want to focus on for a minute today is the DANNY INOUE who has been there for me as friend and mentor for the past 20 years, who has been a shining light in this Chamber and has set an example for all of us who measure our work not simply in words but in actions.

Senator INOUE was certainly not the loudest Member of this Chamber. He was certainly not the most verbose. He was not a Senator who spent his time making long-winded speeches. But through his quiet resolve, his understated strength, and his commitment to do the right thing no matter what, he was able to accomplish so much.

Senator INOUE led the Appropriations Committee through difficult times with grace and incredible effectiveness. The partisan rancor that too often dominates this city was unacceptable to him, and he made that clear to all of us. DANNY's focus was on people, on the infrastructure on which they depended in their communities, on the most vulnerable, on our military families, and on the State of Hawaii, for if DANNY INOUE was a giant here in the Senate, he was a mountain back home. Hawaii would not be Hawaii without DANNY INOUE. He fought for his State. He would not allow it to be ignored, and he made it a better place to live and work for generations to come.

As the Senator of another State far from Washington, DC, I learned a lot from Senator INOUE about how to advocate for the people who elect you and

how to make sure they never get lost in the mix. Through his quiet and shining example, we all learned a bit more about bipartisanship.

I so remember DANNY huddling here on the floor, working closely with his good friend Senator Stevens from Alaska. We all learned a bit more about effectiveness. He knew how to get things done, more than anyone I have seen before or since. We all learned a bit more about humanity.

You would never hear DANNY talk about himself. We all learned a bit more about respect, about kindness toward all, not just those who agree with you.

DANNY helped us all remember every single day why he came here in the first place. I cannot tell you how many times DANNY would stand his ground on issues that others would have given up on, simply because he knew the impact it would have on real people. He knew this was about so much more than politics or legislative games; it was about helping people and solving their problems and delivering for our communities and our Nation.

DANNY INOUE impressed me every day for 20 years, but nothing impressed me more than his love and commitment to his family. I just got off the phone a few minutes ago with his wife Irene and expressed my condolences. She is such a gracious lady.

DANNY will be missed terribly, but he has left so much for us to remember him by: his legislative achievements, of course, the roads that would not have been built had he not been here, the military bases that wouldn't have existed had he not fought so hard for them, the ports and bridges and trains that would have been less safe had he not been there to move legislation that strengthened them—so much more. But DANNY will be remembered far beyond his many tangible achievements. He will live on through the values he embodied and spread; through the principles he stood for and shared; through his family, who loved him dearly; through the people who will never forget his advocacy; through the country he sacrificed so much for; and of course through all of us who are forever better simply for having served with the greatest Senator of all, Senator DAN INOUE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, on behalf of the people of Georgia, the United States of America, and the 99 Members of the Senate, I want to pause to pay tribute to the family of DAN INOUE. When a great football coach passes away and players are interviewed and asked what kind of coach he was, they will say he was a player's coach. When great generals are lost and the people who go to the funeral ask what kind of general he was, they say he was a soldier's general.

I am here to pay tribute to a Senator's Senator. He was a great role model for me. He came here when Hawaii first became a State, and he was here ever since. He influenced the lives of not a few but of many.

I got an e-mail from Mike Mattingly, a U.S. Senator who was elected in 1980. He said: Please remember when you are on the floor of the U.S. Senate to express the love and affection my wife Leslie and I have for a great American, DAN INOUE.

I share that same affection. I know I owe a lot of whatever success I have had in the Senate to learning from his patience, guidance, temperament, and also his determination. Yesterday, I was told his last word was aloha, but we have to remember that was always the first word we heard from DAN INOUE as well because he meant it in a welcoming, friendly way.

I want to follow up on what Senator ALEXANDER said earlier. I too was at the Prayer Breakfast when DAN INOUE was there. It was the largest crowd we ever had, and it was not because invitations went out but because DAN INOUE was going to be there. Everybody there was mesmerized by his candor, by his life, and by his commitment. We don't discuss what goes on inside those rooms, and I will not here, except to say that when DAN INOUE opened his heart, it was as big and rich a heart as the one we have all seen in the Senate.

To his loved ones, the State of Hawaii, and the people of America, we have lost a great man. We have all been better off for knowing him, loving him, and serving with him. I pay tribute to the life and times of a great American hero, DAN INOUE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, let me associate myself with the remarks of Senator ISAKSON. I thank him and all of my colleagues who have come to the floor to eulogize Senator DANNY INOUE. The Senate and our Nation has lost an unsung hero. He was heroic in military valor, receiving the Nation's highest honor, the Medal of Honor. He was heroic as the one chosen to lead with dignity in inquiries seeking the truth during our most challenging times. He was a tireless guardian of our national security and champion to the men and women who put their lives at risk to protect the United States and whose legislative achievements have been simply remarkable. All this from a man who always gave others credit and never sought the spotlight.

Yesterday Senator JOHN MCCAIN from Arizona—a hero in his own right—reflected on the passing of Senator INOUE: Today, the Senate, America, and especially his beloved citizens of Hawaii, lost a unique, brave, and wonderful legislator. He was a man who brought the most unique creden-

tials to this institution—I would argue—of probably anyone who has ever served in this very diverse body.

Senator MCCAIN certainly hit the nail on the head.

He went on to say: In Hawaii there was a group of young Japanese Americans who decided they wanted to serve their country in uniform. One of the most well-known, famous, and highly decorated units of World War II was the battalion in which DAN INOUE served.

DAN INOUE was a proud member of his battalion. In fierce combat, he was gravely wounded on the battlefield and was brought home. He, as we all know, lost his arm as a result of one of the wounds he sustained.

Senator MCCAIN went on to point out that he went to the Veterans Hospital in Chicago where a person in the same ward was an American Army second lieutenant who had also been wounded seriously in combat in Italy, 2LT Bob Dole of Kansas. Bob Dole is a man who still represents the very best we have in Kansas, our country, and he did such a great job as leader of this body. Their friendship has lasted to this day.

Both men were gravely wounded, both were certainly dedicated to serve their country, and both served with distinction. The friendship and the bonds of friendship that were forged in that hospital between Bob and DAN were unique and also enduring.

Yesterday, Senator DANNY AKAKA also pointed out that his colleague from his native State was a true patriot and American hero in every sense and at this time in Hawaii, the greatest leader.

Then DANNY AKAKA said that it is an incredible understatement to call him an institution. This Chamber will never be the same without him. He also said DANNY INOUE leaves behind a list of accomplishments unlikely to ever be paralleled. His lifelong dedication and hard work in the name of his beloved country, the United States of America, influenced every part of his life and set him apart—even in the Senate.

Today will be the first day since Hawaii became a State in 1959 that DANNY INOUE will not be representing us in the Congress. Every child born in Hawaii will learn of DANNY INOUE, a man who changed the islands forever.

Senator AKAKA then went on to say he was praying for his wife Irene, his son Ken, his daughter-in-law Jessica, his stepdaughter Jennifer, and granddaughter Maggie, who was the apple of his eye.

Like so many, with DANNY's untimely passing, I have lost a very dear friend. In truth, as an institution, every Senator in the Senate lost a dear friend. We lost one of the last institutional flames of the Senate.

Upon reflection, the occasions I have had the privilege to be with DANNY also represented my personal career highlights. There were codels with Senator

Ted Stevens, affectionately called Uncle Ted. DANNY always had T-shirts made that said "I survived Codel Stevens." He took us to Antarctica, North Korea, the Russian Far and wild East, and any number of places of national interest that nobody else would go. As the song says, through the bushes and brambles where a rabbit wouldn't go.

DANNY was the personification of those who get things done the effective way. He stayed in the background until it was time to take charge and then gave others the credit. I will always remember his sonorous, basso profundo voice advising the North Koreans at one point during a trip to make P'anmunjom and the 38th parallel a tourist site—not a shooting gallery.

In the Russian Far East we traveled to Sakhalin Island, with mountains and raw materials that rivaled Alaska and where locals say there are still saber-toothed tigers north of the island. DANNY, while visiting with staff, went into detail about his many travels, with a little fact and fiction mixed in, all with a twinkle in his eye.

I also remember while in the city of Khabarovsk in the Russian Far East—we were at a hotel. Of all the hotels in the Russian Far East, this one had to be one of the last on the list.

As we went into our rooms, I discovered that my bed was a wooden frame with just straps—no mattress, one blanket, and no pillow. I thought, being a junior member of this codel, this was something they assigned to me. So I went down the hall with my special key in hand and my special ID that was required in that part of the world and knocked on DANNY'S door. He said: How can I be of service to you, dear friend?

I said that I wanted to look at his accommodations, thinking, of course, he would have a bed. There was a wooden bed with the same kind of accommodations—no mattress, straps, and just one blanket. He said: Why are you interested in that bed?

I said: Well, I thought being a junior Member that things might be better in your quarters.

He got a big kick out of that. He always reminded me of that at various times when I would get a little upset about anything.

At any rate, it is not an understatement with regard to his leadership, bipartisanship, integrity, and achievement. It would serve every Member of this Senate to ask: What would DANNY INOUE want us to do?

In today's Washington Post there was a reference to the keynote speech that Senator INOUE gave in Chicago. It was a period of unrest after the assassinations of Senator Robert Kennedy and Rev. Martin Luther King—troubling times, indeed. Speaking not as a Democrat but as a citizen disturbed by unprecedented violence, Senator INOUE described a "troubling loss of faith among Americans."

He went on to say: I do not mean a loss of religious faith, I mean a loss of faith in our country, its purposes, and its institutions. I mean a retreat from the responsibilities of citizenship.

DANNY called for Americans to rebuild their trust in government—an extraordinary statement from a man whose people had suffered grave injustices at the hands of government.

The article went on to say that Senator INOUE'S remarks were immediately overshadowed by events at that convention, but his speech was truly remarkable. It was a speech that drew little attention then and is even less remembered now.

My colleagues, DANNY'S speech should be required reading today given the recent tragedies. It was just last week that I was asked to speak on Senator INOUE'S behalf at an event concerning the proposed Eisenhower Memorial. It is a joint bipartisan effort that has taken far too long to bring to fruition. In the cloakroom the day before we had one of our many discussions where he grabbed my hand and looked me in the eye and said: You and I probably vote differently 80 percent of the time, but in all of our mutual efforts and all of our travels, I have considered you a brother.

I didn't know what to do. I responded with a tear in my eye, and I said: I love you, DANNY INOUE.

And he said: I love you too.

What a wonderful thing to hear from a true American hero in every respect. It has been a privilege and an honor to serve with such a remarkable and truly humble man.

I also want to thank his wonderful staff in working with my staff on so many mutual projects.

Aloha, my dear friend. I will miss you every day.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, there are few times in the history of this institution when one Senator, a singularly iconic leader, comes along and reminds us of what it means to be a U.S. Senator and what it means to represent the very best of what this Nation stands for and to do it, as he always did, with the utmost dignity, honor, pride, and integrity.

I am deeply saddened to have to speak to the passing of a true American hero. He was someone who inspired so many of us in the Senate. His ideals and sense of justice were always on display.

The passing of Senator INOUE leaves a painful void in the leadership of this body. In so many ways, the life and

sacrifice of Senator INOUE embodies the essence of the "greatest generation."

Even when faced with the suffering, indignity, and humiliation of an internment camp, he did not allow his heart to be turned or his love and commitment to his country to be diminished. Justice was a constant theme in his life. He represented the challenges faced by his Hawaiian people since statehood, when he became its first representative in the U.S. Congress.

We had a close bond when it came to our concern for minorities in our country. Because of the struggles in his life, he understood the struggles in both of our communities. He felt a kinship to the Hispanic community and shared the community's hopes and aspirations. In recent conversations, I know from his comments that he understood the growing importance of the Hispanic community and the benefit of advancing their interests within American society. He lived it, he understood it, he knew.

We worked together on the recognition of Filipino veterans—something he was very passionate about—and he thanked me most graciously, as always, for my interest and for my commitment to working with him on an issue so dear to his heart.

These are just a few stories of a man who led a quintessentially American life. I know there are thousands more stories to be told, some of which have already been told on the Senate floor, but the real story is that this was a man who sacrificed for his country, met the challenges it presented, but ultimately, because of a kind heart and loyalty to the ideals we profess as Americans, he became one of the most important, yet most humble, leaders in the U.S. Senate.

Senator INOUE and his life and deeds remind us what it means to be an American hero, a war hero who carried the burden of his service with him all of his life. His courage, his patriotism, and his respect for the values he fought for informed his views and his votes in this Chamber.

The Senate is sadly diminished today with the passing of one of our most respected and iconic leaders—a hero, a powerful voice for reason, rationality, and common sense when reason, rationality, and common sense are too often in short supply. He will be missed not only by all of us who had the privilege to serve with him but by a nation that needs more leaders like him.

We, all of us, remember his lasting influence, his way of making us look into the heart of the matter without prejudice or preconceived political impressions. He knew how to get to the crux of an issue, and he led the way so many times for the rest of us. We followed his lead, and the Nation is better for it.



All of us who worked with him as chairman of the Appropriations Committee respected his word and his commitment to fairness. He was always willing to listen, always willing to hear your side, always willing to reach out across the aisle for what he believed was right.

Most recently, he was the voice of support and wisdom in our efforts to secure disaster relief for my home State of New Jersey. He empathized with the needs of New Jerseyans, just as he addressed the needs of Hawaiians for decades. There is no more gracious man than DAN INOUE, no one who was as dignified and respectful than the senior Senator from Hawaii.

Our thoughts and prayers go out to his wife and his family and to the people of Hawaii today. We have lost an incredibly great man.

Mahalo, my friend, until we meet again.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Maryland.

#### EXTENSION OF MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent to extend morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

#### REMEMBERING DANIEL K. INOUE

Mrs. HUTCHISON. Mr. President, I rise this sad day to comment on the passing of a great patriot, Senator DANIEL INOUE. He fought for his country as part of the Greatest Generation and served his State with distinction for more than 50 years.

We were all honored to know him and blessed by his sacrifice in defense of American freedom. We served together on the Armed Services Committee and later on the Appropriations Committee as well. DANNY'S insight was invaluable to our Nation's defense and military policy. He did make America stronger.

I had the pleasure of working with him when we traveled together to Bosnia to visit our troops in the very early stages of that conflict. We later went to the Middle East on a CODEL with Senator Stevens as well. One of the pictures in my office is of Senator Stevens, Senator INOUE, Senator SNOWE,

and myself in our helmets and flak jackets the first time we flew into Sarajevo in the early 1990s, when the Serbs had still been shooting from the hills into the airport.

In 1995, on the 50th anniversary of the end of World War II, Senator INOUE and a number of other World War II veterans gathered at the Smithsonian to reminisce about their time in battle.

Senator INOUE recalled the morning of December 7 at Pearl Harbor, when he recognized that the men in the Japanese planes looked like him, and he said he knew then his life would never be the same.

As soon as the Army permitted Japanese Americans to volunteer, he signed up and ventured to the mainland of the United States for the first time in his life. He and his fellow Hawaiians of Japanese descent worried about how they would be treated in the United States but, as he recalled it, they encountered kindness and respect at every stop their train made.

By the time he finished his training and prepared to depart for Europe, he said he had learned this was truly a country worth dying for and certainly one worth sacrificing an arm in order to preserve our freedom and our way of life. He did lose his arm, and it was during this time that he also distinguished himself to earn the Congressional Medal of Honor, the highest military award in our country for valor.

There is often talk of partisan acrimony in Washington, but we know strong friendships can form across party lines. Senator INOUE and Senator Ted Stevens had such a friendship. They were both war heroes from the last two States to join the Union, and they both recognized and guarded the congressional prerogatives under our Constitution to play the primary role in determining appropriations to fund the government.

When they were the two senior Senators on the Appropriations Committee and on the Commerce Committee, they considered themselves as cochairs and officially designated each other as that. When control of the Senate changed hands, it was not unusual for one to retain key members of the other's staff.

So today, I add mine to the many voices mourning his passing and say to his family: You are in our thoughts and prayers.

DANNY INOUE was someone in our Senate whom I think we should all strive to be; that is, he was a warrior, but he was a gentleman. He was a man who was loyal to the core for not only his beliefs but also his friends, and if he gave his word, his word was good. He is someone whom every one of us who knew him cared for and regarded as a giant among us. In fact, I would say the Senate has lost a gentle giant.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I join with Senator HUTCHISON in paying tribute to Senator DANIEL K. INOUE.

I rise to pay tribute to our dear colleague. Senator INOUE was not one of the tallest Senators; in fact, he had a slight build and a quiet demeanor. But he was a giant. He will be missed by all in the Senate. The people of his beloved Hawaii will miss him. All Americans will miss him.

In the immediate aftermath of the attack on Pearl Harbor, Senator INOUE was declared an enemy alien because of his Japanese ancestry. But in 1943, when the U.S. Army dropped its enlistment ban on Japanese Americans, he enlisted in the Army and volunteered to be part of the 442nd Regimental Combat Team.

The 442nd became the most highly decorated infantry regiment in the history of the U.S. Army. The 442nd, known by its motto, "Go for Broke," was awarded eight Presidential Unit Citations and 21 of its members, including Senator INOUE, were awarded the Medal of Honor for their heroism during World War II.

Following World War II, Senator INOUE finished his undergraduate studies at the University of Hawaii and then earned a law degree from George Washington University. In 1953, he was elected to the Hawaii Territorial House of Representatives and was immediately elected majority leader. He served two terms there and was elected to the Hawaii Territorial Senate in 1957. Midway through his first term in the Territorial Senate, Hawaii achieved statehood. He won a seat in the House of Representatives as Hawaii's first full Member and took office on August 21, 1959, the same date Hawaii became a State, and he was reelected in 1960.

Then, in 1962, he was elected to the Senate and was reelected eight times, only once with less than 69 percent of the vote. Senator INOUE had been in the Congress since Hawaii became a State. He was the second longest serving Senator in our Nation's history, and he served with distinction, just as he served with distinction in the U.S. Army.

Others on this floor have already detailed his bravery in battle, his service on the Watergate and Iran-Contra Committees and his accomplishments as the first chairman of the Senate Select Committee on Intelligence and as chairman of the Commerce and Appropriations Committees. I would like to highlight his work on behalf of the victims of racial and economic and social inequality and his commitment to making the Senate operate as the Founding Fathers envisioned.

A statement on Senator INOUE's Web site says: "DAN INOUE was always among the first to speak out against

injustice whether interned Japanese Americans, Filipino World War II veterans, Native Americans and Native Hawaiians." How true.

A few hundred yards from this Chamber is the Smithsonian's magnificent National Museum of the American Indian. Senator INOUE introduced the legislation to create that museum and fought for Native American and Native Hawaiian and Pacific Islander recognition and rights and restitution as chairman of the Senate Committee on Indian Affairs.

In the Senate, Senator INOUE treated all his colleagues with respect and courtesy and always reached across the aisle to forge bipartisan solutions to our Nation's biggest challenges. His friendship with former Republican leader Bob Dole, whom he met while the two of them were recuperating from grievous combat injuries—along with, I might say, another wounded veteran who became a giant in the Senate, Senator Philip Hart of Michigan—serves as an example we should strive to emulate. He was a member of the so-called Gang of 14, again reaching across the aisle at a time when partisan tempers were particularly high.

There are few—if any—Americans who have been more heroic in battle, more accomplished as a public servant, more dedicated to family and country and humanity than DANIEL K. INOUE. Yet he was also one of the most humble and self-effacing people. What a tremendous example of a life well lived he has left for all of us as we mourn his death, celebrate his life, and give thanks for his service to the people of Hawaii, the Senate, and the United States of America.

To Senator INOUE we say aloha.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, the Senate—both as a legislative body and as a family—is in mourning today after the passing of its most senior and revered Member, Senator DANIEL INOUE of Hawaii.

In his final days, Senator INOUE was asked how he wanted to be remembered. He replied, with characteristic modesty:

I represented the people of Hawaii and this nation honestly and to the best of my ability. I think I did OK.

With similar understatement, speaking about the extraordinary act of heroism in combat for which he was awarded the Congressional Medal of Honor, he explained that it was "a case of temporary insanity."

Modesty and reserve were trademark qualities of our beloved DANIEL INOUE. But we can speak more forthrightly about this very extraordinary person.

Yes, Senator INOUE represented the people of Hawaii and this Nation honestly and to the best of his ability. But he did not do just "OK." DANIEL INOUE was a truly great American, a public servant of extraordinary accomplishment. His qualities of character and conscience and steadfastness have set the standard in the Senate for over five decades.

Think about this. In 1973 and 1974, as a Senate Select Committee investigated the crimes of Watergate, which Senator did we count on to take charge with tough but fair questioning of those involved?

In 1976, after revelations of abuse of power by the CIA and the FBI, which Senator did we count on to oversee reforms as first chairman of the Select Committee on Intelligence? Of course, we counted on Senator INOUE.

In 1987, as the Iran-Contra scandal rocked the Reagan administration, which Senator did we count on to lead a tough but fair inquiry as chairman of the select committee appointed to investigate the affair? Of course, we counted on Senator INOUE.

Time and again, over seven decades, the United States of America has counted on DANIEL INOUE, and he always delivered. He always responded to the call of duty with courage, selflessness, and excellence.

As we all know, during the Second World War, DAN served in the famed, all-Nisei 442nd Regimental Combat Team. After losing his right arm and sustaining other grave injuries in combat, he spent 2 years in Army hospitals. At one of those hospitals he met two other wounded veterans: a soldier from Kansas named Bob Dole and a Michigan boy named Philip Hart. All three would go on to become giants of Senate history.

It is difficult to imagine, but after returning from the war, LT DANIEL INOUE was wearing an empty right sleeve pinned to his Army uniform and was denied service at a San Francisco barbershop. The barber dismissed him with the words, "We don't serve Japs here." One of DANIEL INOUE's great legacies in his successful fight to defeat that brand of racism and discrimination was his successful fight against any form of discrimination against anyone, especially people with disabilities. Throughout his political career, he fought for civil rights and social justice not only for Japanese Americans but for all Americans.

Mr. President, I have lost not only a friend of nearly four decades but also my chairman on the Committee on Appropriations and its Subcommittee on Defense. Senator INOUE was well known as a stalwart advocate for national defense and for veterans. He also

fought very passionately to advance education, the National Institutes of Health, and other programs in the jurisdiction of my Appropriations Subcommittee on Labor, Health and Human Services, and Education.

I will never forget what Senator INOUE said one time in a meeting in which my bill on labor, health and human services, education, NIH, the Centers for Disease Control—all of the things that are in that bill came forward. Remember, Senator INOUE was at that time the chairman of the Defense Appropriations Subcommittee, and he said something I will never forget.

He said:

I chair the Defense Appropriations Subcommittee. That is the subcommittee that defends America.

He said:

Senator HARKIN chairs the Subcommittee on Labor, Health and Human Services, and Education. That is the subcommittee that defines America.

So Senator INOUE was not a one-dimensional person. He was not just someone who fought for our veterans and fought for the strong defense of our country. I also remember him saying one time—repeating the famous words of President Truman—that the strength of America comes not just from the number of tanks, guns, and war planes we have but from the health, welfare, and education of our people.

In tributes on the floor yesterday and today, colleagues are remembering DAN INOUE as one of the greatest Senators of our time, and indeed he was. But knowing DAN and the values he held dear, he would want no greater tribute than to be remembered as a loyal friend, a man of honor, decency, and humility. Senator INOUE was that and much more.

Senator INOUE was the finest of men. For half a century, the Senate has been graced by his dignified and noble presence. It will not be the same without him. We will miss our friend DANIEL INOUE very, very much.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTES TO DEPARTING SENATORS

OLYMPIA SNOWE

Mr. HARKIN. Mr. President, I come to the floor now to bid farewell to one of the Senate's most respected Members, Senator OLYMPIA SNOWE from the great State of Maine. She chose to retire this year after a distinguished career in public service spanning nearly

four decades, first in the Maine Legislature, 6 years in the U.S. House, and the last 18 years here in the U.S. Senate.

Throughout this remarkable career, she has been respected for her independence, always putting her values and country ahead of party and partisanship. She can, of course, be a very persuasive advocate for the conservative causes she holds dear, but, as we all know and appreciate, she is willing to buck party loyalty when she believes it is in error or when she believes in what is better for our country. And our future depends on bipartisanship. I cite, for example, when she voted in favor of the Recovery Act and the Dodd-Frank reform of Wall Street.

I especially admire Senator SNOWE's talent for reaching across the aisle and building bridges in order to get things done. On that score, she has represented the United States and her State of Maine at her very best, and that is just one of the many reasons why we are sad that she has chosen, voluntarily, to retire.

OLYMPIA SNOWE has been a wonderful colleague and friend, always congenial, always willing to listen, always willing to examine different sides of an issue. What more could we ask of any U.S. Senator? We have been fortunate to have had a Senator of her high caliber, intelligence, and character in this body for the last 18 years. I join with the entire Senate family in wishing her and John the very best in the years ahead.

JEFF BINGAMAN

Mr. President, in these closing days of the 112th Congress, the Senate is saying farewell to one of our most popular and respected Members, Senator JEFF BINGAMAN of New Mexico.

When JEFF came to this body 30 years ago, he had already led a life of accomplishment. Raised in smalltown New Mexico, Silver City, he was an Eagle Scout. He graduated from Harvard College and Stanford Law School, where he met his future wife Anne. While at Stanford, he worked on Senator Robert F. Kennedy's campaign for President. At the age of 35, he was elected New Mexico attorney general in 1978. Four years later, at the age of 39, he was elected to the U.S. Senate.

During his three decades in this body, JEFF BINGAMAN has been a classic workhorse Senator as opposed to being a show horse Senator. He is truly remarkable and distinctive among Senators for his willingness to shun the limelight and share the credit in order to get important work done for his State and for his country.

Senator BINGAMAN has been a much-valued colleague of mine on the Health, Education, Labor and Pensions Committee, but he has really made his mark in the Senate—a lasting mark—in his role as chair of the Energy and Natural Resources Committee. As chair and also at times ranking mem-

ber of that committee, he has played a leading role in shaping energy policy for our Nation, authoring bipartisan legislation promoting a balanced energy portfolio encompassing all energy sources.

Senator BINGAMAN worked closely with his New Mexico colleague, Senator Pete Domenici, to pass the landmark 2005 Energy Policy Act, signed into law by President George W. Bush. This was signed, I might add, appropriately at Sandia National Laboratories in Albuquerque, NM. That comprehensive law established groundbreaking policies on many fronts, including a renewable fuels standard for biofuels, support for alternative vehicles, loan guarantees for new energy technologies that reduce greenhouse gases, establishing policies to upgrade the electrical grid, plus a whole range of measures to promote energy efficiency.

In 2007 he again collaborated with Senator Domenici in securing passage of the Energy Independence and Security Act. This act included an ambitious increase in vehicle fuel efficiency standards—from 25 miles per gallon to 35 miles per gallon by the year 2020—as well as significantly greater commitments to the use of biofuels. These two provisions are largely responsible for the significant decrease in oil imports that we have seen over the past several years.

More broadly, Senator BINGAMAN has played a critical role in ensuring the vitality of America's energy research and development community, championing energy programs at all levels, including universities, national laboratories, and in private industry.

I can't close without mentioning a great living legacy of the Senator from New Mexico: his 2009 public lands management bill that set aside more than 2 million acres in nine States as protected wilderness, including a 5,300-acre national monument to protect Paleozoic fossils located north of Los Cruces, NM. I can say that Senator BINGAMAN stands in line with those great heroes of America who set aside public lands for all future generations, people such as Theodore Roosevelt and others. Senator BINGAMAN takes his rightful place there.

For the last three decades in this body, Senator BINGAMAN has been a tireless advocate for the people of New Mexico and a determined champion of the future of clean and renewable energy for the United States. He has been an outstanding Senator and a wonderful friend. I join with my colleagues on both sides of the aisle in wishing Jeff and Anne the very best in the years ahead.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today to urge my colleagues on both sides of the aisle to support our efforts to come to the relief of millions of Americans who are suffering in the wake of Superstorm Sandy.

I thank my fellow Senators from the Northeast, especially Senators LAUTENBERG and MENENDEZ, as well as my colleague, Senator SCHUMER, for all their leadership. Senator SCHUMER and I have been working in unison with many of our colleagues. We have been testifying at hearings and talking to our other colleagues since the storm hit.

I also give special thanks to Senator LANDRIEU, who, because her State has suffered so much, has had not only deep experience in advocating for families who are suffering but she has demonstrated extraordinary leadership in bringing together a bill that can begin to meet some of those needs.

I also thank Senator BOXER for holding a hearing in the Environment and Public Works Committee. That hearing allowed all of the Senators to speak on behalf of their States, the members of our delegations, to bear witness to what actually took place.

Superstorm Sandy was a storm unlike anything we had ever seen in the Northeast before. The sheer magnitude and force struck the most densely populated parts of the region. As you can see here on this chart, the purple is where the storm hit hardest, then the red and on to the yellow. In Sandy's wake, more than 40 New Yorkers lost their lives and hundreds of thousands more have lost their homes or seen significant damage to their neighborhoods and their businesses, and their families are currently still suffering.

I wish to share just one story that indicates the depth of the challenge these families are facing.

This one man, whose name is Pedro Correa, is from Staten Island. Pedro is a lifelong New Yorker. When he saw the Twin Towers fall on 9/11, he answered the call of duty. He has been to Iraq and served our country. Since returning home to his family, he has continued to serve in public service. He and his wife are raising two kids, ages 2 and 6, in their Oakwood Beach home. As Sandy approached, Pedro was very smart. He got his family and children out to higher ground and a safer place. Unfortunately, he stayed. The brutal winds hit his home and his community so hard—winds of unbelievable force—that it blew his roof off and collapsed the structure of his house, allowing floodwaters in. With the rising water, he literally felt his life was at risk. He called his wife and kids to say goodbye, but he was a strong man and he endured. He actually was able to fight the

storm waters and swam to safety to a neighbor's house.

One might think that was going to be the worst for Pedro and his family, but it is not. It is actually not. His house was completely destroyed. And as he has begun his effort to rebuild, he has found roadblock after roadblock, challenge after challenge, and a great deal of difficulty in that small effort of beginning to rebuild. He called his insurance company and discovered his insurance is capped at half the value of his home. He called FEMA, and FEMA offered him \$2,800.

This is a man any of us would be proud to call our own son. He lived through 9/11, he went to fight for our country, and he continues public service. Now he is literally in the fight for his own life and for his own family's well-being and safety. His only choice currently is bankruptcy.

Americans watching us might ask: Are we going to come together to help these families? Will we stand as one body and do the right thing by these families, these communities, these businesses that are just trying to get back on their feet? One thing is clear: There are too many of these stories for any of us to bear.

After spending time in the communities that were hardest hit—from New York City to the Hudson Valley to Long Island—I can tell you the images of the devastation are worse than any I have personally ever witnessed. I spent day after day meeting with families whose lives have been shattered, homes destroyed, such as this one. Many of them are worried because, obviously, as winter sets in, they do not think they can return to their homes. How will they get their kids back in school? How will they rebuild their lives?

But amid all this destruction, one story continues to emerge: neighbors helping neighbors, and unbelievable acts of generosity and kindness. I have met volunteers from every State in this country who came to help Sandy's victims—young kids who want to do their part. I met a bunch of kids—veterans—who had already served in Iraq and Afghanistan who were there just to help people clean out their basements. They put on some gloves and work boots and they shoveled out basements for days and days.

I met one gentleman who, as with this house, had a boat in the middle of his restaurant. He said to me: KIRSTEN, we will rebuild and we will rebuild better. And we agreed we would have dinner at that restaurant a year from now. So that resolve, that determination to rebuild, is something that is never in short supply in New York. We New Yorkers are very tough. We can get knocked down, but every single time we will get up. We may be forced to bend, but we will not break. But we can't do it alone. We need the rest of this body, the rest of Congress, to come to our support.

I know there has been a lot of discussion, and I have been involved in some with my colleagues, over the past few days about the bill, that we are moving too quickly, that it costs too much. But please, for a moment, think of devastation in your own States, think of talking to a family with children with no place to go. Imagine what it would be like to be without a home, particularly during these holidays. Families need just a small amount of support to begin to rebuild.

In New York, because of where the storm hit, a lot of our infrastructure was damaged, and a lot of these projects are extremely expensive. But these projects are emergency spending. This is major transportation infrastructure, such as the Brooklyn Battery tunnel. This is the subway, but the Brooklyn Battery tunnel alone would take \$700 million to rebuild. So when we are talking about a bill and that we could fund a little today and fund the rest tomorrow, that is not how business works. It is not how a contract works. You either contract to rebuild the tunnel or you don't. You either make the changes to rebuild it or you don't. You voluntarily, to retire, can't say: We will put down a little now. No State or city can operate that way. If you don't know the funds are there in advance, you can't start to rebuild.

The same is true for our houses. We have estimates that there is \$10 billion worth of damage to these homes. If you say, we will give a little now, how is that homeowner going to know if they are even going to be able to rebuild if no one is there to help them?

We have always funded disaster projects when they are needed. We have not asked for offsets, we have not asked for them to be paid for in advance. That is what a disaster is. That is what disaster funding is about. So I think it is important we look to New York and say: We will be there for you. We will stand with you. New York has stood by every other State, every other region in the country when they have had disasters come to their doorsteps.

Another concern my colleagues have brought up is this issue of what portion of the bill is for future prevention. We call it mitigation. The reality is, if you are going to rebuild a subway such as this, and you don't do it in a way that protects against flooding the next time, then you are wasting your money. Mitigation is attached to each and every project it is going to be used for, so when we fix the tunnel, when we fix the subway, when we fix any part of our city, it will be done in a way that is smart and not blind to future risks.

Some have also asked the question about Army Corps of Engineers projects. For those who are not familiar with Washington speak, the Army Corps of Engineers funds a lot of projects related to our coastal shore-

lines or to any kind of waterway. They do the engineering required and then the work that has to be done to make sure a beach isn't vulnerable after a massive storm, such as the ones we have seen. Because of Sandy, much of the Army Corps's infrastructure that provided this critical protection was washed away or significantly damaged, leaving a lot of our shoreline exposed. So even if a minor storm hits, lives will be at risk.

When we look at the history of Hurricane Katrina, Congress and the Bush administration immediately provided the Army Corps with \$3.3 billion for repair and mitigation with no offsets. Even funds appropriated in 2008 for the gulf coast hurricanes, 3 years after the storms hit, were designated as disaster and emergency funding. In fact, since 1989, Congress has passed 36 emergency appropriations for disasters without any specifically dedicated outside offsets.

It has been 50 days since Superstorm Sandy hit our shores. We need to act swiftly. When Hurricane Katrina battered the gulf coast, the Members of this body and the House united. We passed two emergency spending relief bills worth \$60 billion within 10 days. Congress did the same for Hurricane Andrew, and within weeks of the Twin Towers falling on 9/11. I know the Members of this body can come together. When disaster strikes, we always find a way to do the right thing. It is time to do the same today.

It is the fundamental role of government to protect people, to help rebuild communities when disaster strikes. When so many lives have been destroyed and so many communities lie in rubble, when businesses don't know how to begin to rebuild, that is when we have to stand strong and we have to come together.

No doubt we have serious challenges ahead of us, but none of us was sent here to Congress to do what is easy. We serve to do what is right, especially when it is hard, especially when families are counting on us. So I ask my colleagues to find good will, to open their hearts and stand by those families who have suffered so much in the Northeast.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DANIEL K. INOUE

Mr. REED. Mr. President, I rise, as so many of my colleagues have, to mourn and pay tribute to Senator DANIEL INOUE of Hawaii.

He was a giant of the Senate. He was an individual whose courage, whose compassion, and whose commitment to this country has never been exceeded by anyone who served here—indeed, by any American I can think of.

A few years ago, I was asked to introduce the Senator at an event. I wrote down some points on a card that I kept on my desk, and will forever keep on my desk:

Second Lieutenant Daniel K. Inouye, E Company, 442nd Regimental Combat Team, San Terenzo, Italy, April 21, 1945.

That was the day he was wounded leading his platoon against an enemy pillbox, the day for which he would be ultimately awarded the Congressional Medal of Honor for his actions.

Then I have another date: May 8, 1945. That was VE Day, the end of the war. Seventeen days before the end of the war, when Berlin was encircled and collapsing, when American forces were rushing and the end was clear, and indeed every soldier recognized that the war was coming to an end, Senator INOUE didn't stop serving, didn't stop sacrificing, didn't stop giving his all to protect his soldiers and accomplish his mission. Indeed, that spirit of never giving up, of never failing to do his duty, animated his service in the Senate, animated his service to this country, and to the State of Hawaii.

At the time I gave these remarks, he was 1 of 90 living holders of the Congressional Medal of Honor. Today we mourn his passing, his contributions to Hawaii, his contributions to this Senate which he held in the highest esteem and which he personified so grandly.

I think one of the factors that led him to a career in public service and led him to such distinguished service was the recognition—not theoretically but practically—that despite his great suffering and sacrifice, he was lucky because there were many other young men and women who perished in that war and in subsequent wars; that he had sacrificed much but had not given his life, although he very nearly gave his life.

At the outset of the war, the Librarian of Congress Archibald MacLeish, wrote:

They say, We were young. We have died. Remember us.

They say, We have done what we could but until it is finished it is not done.

They say, We have given our lives but until it is finished no one can know what our lives gave.

They say, Our deaths are not ours: they are yours: they will mean what you make them.

They say, Whether our lives and our deaths were for peace and a new hope or for nothing we cannot say: it is you who must say this.

In everything DAN INOUE did, he spoke for those soldiers. He gave their lives meaning by his selfless service and sacrifice to this Nation. He gave it every day by making this place—this country—live up to its highest ideals, a place of opportunity for all, a place of

fairness and decency. He did it as few did.

So those voices that were stilled in 1945, and in the Korean War and in the war in Vietnam and subsequent wars, always had a voice here; and it wasn't just words, it was actions. His life gave meaning, and that might be one of the highest achievements anyone can reach in this life.

We all know his extraordinary service in so many different ways. We know also, in one of the great coincidences, three young men were in an Army hospital in Michigan: DAN INOUE, Phil Hart, and Bob Dole, American heroes; and that later they would come to this Senate and serve with distinction. I think it was particularly meaningful that just a few days ago Senator Robert Dole—another great American—was on the floor of this Senate, still serving, still emblematic of the “greatest generation.”

We will miss Senator INOUE. There are few words and not enough eloquence to describe the loss. I, too, particularly want to thank and extend my condolences to his wife Irene, to his son Ken, to his daughter-in-law Jessica, to his granddaughter Maggie, and to his stepdaughter Jennifer Hirano. They have lost more than any of us because they have lost a husband, a father, and a grandfather.

Let me just conclude with the words uttered centuries ago by Thucydides:

The bravest are surely those who have the clearest vision of what is before them, glory and danger alike, and yet notwithstanding, go out to meet it.

DAN INOUE knew the dangers. DAN INOUE knew that the glory was fleeting, and in fact combat wasn't particularly glorious at all. But he knew it was honorable to serve. He knew it was honorable to sacrifice for his soldiers and for his comrades. He knew it was honorable and decent to serve his State and his Nation, and he never failed to go forth to meet the challenges of his time.

Now it is our time. Now we must give words and meaning to the voices that have been stilled in the service to this Nation. One of those giants and one of those powerful voices was Senator DANIEL INOUE. The test will be whether we can measure up to what he did, and I hope for the sake of this country we can.

#### EXTENSION OF MORNING BUSINESS

Mr. REED. Mr. President, I ask unanimous consent that morning business be extended to 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. REED. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### LAKE PONTCHARTRAIN BASIN RESTORATION ACT

Mr. VITTER. Mr. President, I rise today to thank my Senate colleagues.

Yesterday, we passed a reauthorization of the Lake Pontchartrain Basin Restoration Act. That is very significant for my State of Louisiana, particularly southeast Louisiana. Today I expect that package will be similarly approved by the U.S. House and passed into law to fully reauthorize this important restoration program.

In a minute I will get into why it is important and positive and noteworthy. Let me mention in passing its significance to me. It happened to be the first bill I ever passed in Congress. I came to the U.S. House in a special election in 1999, and very soon after that we passed into law in my freshman term this legislation in 2001. More important, it has been a very positive, productive program cleaning up a big part of Louisiana and parts of Mississippi.

The Lake Pontchartrain Basin is about 16 parishes in Louisiana, four counties in Mississippi and southeast Louisiana. Lake Pontchartrain and the areas surrounding Lake Pontchartrain are the most populated part of our State—at least 1.5 million residents.

When I was a kid, unfortunately Lake Pontchartrain had come into a sad state and was visibly dirty. Nobody would have thought of swimming there at the time. Soon after that, however, a positive grassroots effort started to clean up the lake. It wasn't some big government program, it wasn't some edict from the EPA or anyone else. It was a grassroots citizens effort. It was embodied by a great organization that was founded and still exists: the Lake Pontchartrain Basin Foundation. That nonprofit, private foundation, that group of active citizens and stakeholders got together around the need to clean up the lake and make it a suitable lake once again and clean up all the surrounding parishes in that watershed.

That effort had great success from when I was in high school for the next several decades. Then, as I was coming to the Congress, we wanted to take the next step and amplify those efforts. So with an enormous amount of input from that citizens group and other local stakeholders, we came up with a model, a completely voluntary, proactive cleanup effort housed in the EPA focused exclusively on the Lake Pontchartrain Basin. That is when we acted, 1999 and 2000, and passed that legislation in 2001.

It has had an enormously positive impact. It created a real partnership—again, built from the ground up, from local stakeholders, from that local

group of civic activists—and it generated restoration efforts, similar statuses, and other important restoration efforts around the country, and over the last many years it has had real impact.

As Carlton Dufrechou, then head of the Pontchartrain Basin Restoration Executive Committee, said:

It's been the catalyst for over 100 projects that have reduced pollution from sewage plants, dairy operations, and helped preserve Louisiana's fragile coast. And the results are quantifiable. Lake Pontchartrain is again fishable and swimmable.

That is really the ultimate test. That is the ultimate measure, when citizens can go out and swim in the lake as they can now; when they can go out and actively fish in the lake in a way they never did to that extent a decade and two decades ago. That is the ultimate validation. That is the ultimate measure.

We did reauthorize the program in 2006. Now, in 2012, we are reauthorizing it, basing it on the same continuing model, a from-the-ground-up enterprise, a proactive voluntary effort; not some Washington bureaucrat throwing a huge cumbersome rule book at local stakeholders but building from the ground up through voluntary proactive restoration efforts, getting those stakeholders together, the people who know the lay of the land the best, and acting based on their priorities and their recommendations.

That was the model from the beginning. That was the model before this legislation, with the grassroots effort that preceded it and that continues. That is the model we will continue to use. I hope, in some small way, that can be the model we use more and more actively in environmental cleanup around the country. Certainly, that is the positive perspective I will bring as the new ranking Republican on the Environment and Public Works Committee.

So I again thank my colleagues—Democrats and Republicans—for passing this reauthorization. It is important and productive and positive and will continue to be on the ground in southeast Louisiana.

I very much look forward to that reauthorization passing the U.S. House and being signed into law so that those activists and stakeholders and citizens on the ground in southeast Louisiana can help lead that important continuing work.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING DANIEL K. INOUE

Mr. MERKLEY. Mr. President, I rise for a few moments to share a few thoughts about our friend and colleague who passed away yesterday, Senator DAN INOUE. It was a shock to me here on the floor yesterday when his passing was announced and it is still a shock today to see that it is indeed real—the beautiful bowl of white roses on his desk.

I want to share a remembrance or two. When I was 19 I was struggling with what direction to take in life and thought public policy might be something worth pursuing. I asked my father. My father read the newspaper every day and watched the evening news and would run a commentary on the world. I asked him, if I were to try to get a summer internship in Washington, DC, to see how government really works, who should I apply to. Of course he noted I should apply to my home State Senators, Senator Packwood and Senator Hatfield. I asked him if there were any national Senators who stood out. He said there are four I think you should try to talk to: Senator Kennedy, Senator Humphrey, Senator Church, and Senator INOUE.

I proceeded to write letters to see if I could get an internship with any of my home State Senators or any of those four. I did not succeed outside my State. I did get an internship with Senator Hatfield, which changed the course of my life. But when I was elected to the Senate, Senator Hatfield asked me to bring greetings to his old colleagues, those who served with him, particularly Senator INOUE, because Senator Hatfield had chaired Appropriations and Senator INOUE was chairing Appropriations. That was a tremendous introduction because it led to one of my first conversations with Senator DAN INOUE when I came to the Senate. He showed me his spectacular view down The Mall, looking toward the Washington Monument, and said anytime you want to come and use it. It is one of the best places in Washington.

We shared the joy he took in just the beauty of that space. We shared stories about the old days, the days when Senator Hatfield and Senator INOUE worked together on appropriations. We also had a chance to talk about some of the challenges that have occurred in the committee. In recent times, we discussed how much harder it is to get appropriations bills to the floor and have them considered in a bipartisan nature.

I indicated to Senator INOUE at that time how interested I was in serving on the Appropriations Committee and how important it would be to Oregon. This began a series of dialog over the last 4 years. It was a tremendous honor to have a chance to share these last 4 years with Senator DAN INOUE. I think all who have spoken about him

have recognized he did an extraordinary job of commanding folks.

He took on the difficult tasks in World War II and received the highest recognition for doing so. He did so in a context that was extraordinary. Japanese Americans had been relegated to a second-tier status during the war, and he chose a path that led to first-tier recognition for the leadership and bravery he exemplified.

He did no less of a spectacular job in the U.S. Senate, just days away from completing 50 years of being on the floor of the Senate, advocating for working people, advocating for his home State, and working for a vision of America where all families can prosper. His life was extraordinarily well lived.

It has been an honor to know him, and we will miss him. This Senate will not be the same without Senator DAN INOUE.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I wish to speak about our friend DANNY INOUE. It has been a week of emotion. When we look at that black-draped desk with the white flowers, it is hard to believe that such a big part of this institution is gone, not just a living, breathing part of the institution is gone but a part of its history, its memory, its institutions, and its values. DAN epitomized all that.

He was a gentleman first. Actually, we would have to say he was a patriot first. All we need do to see how much of a patriot he was is consider the fact that he had one arm missing because, as an Army lieutenant, he singlehandedly charged a German machine gun nest. He took them out, lost his arm, and ended up in the hospital for 20 months. Of course, we all know he was deservedly recognized with the Medal of Honor years later.

He was a patriot, not only because he served as a young lieutenant but also by being a public servant for well over a half century. He was elected as the first territorial legislator of Hawaii in 1954 and then elected as its first Congressman when it became a State in 1959. Since 1962, he has been a public servant serving his State.

He was the first Japanese-American Senator. His name is synonymous with Hawaii, and so it is fitting, as told by his staff, that his last word was "aloha." Patriot first but second he was a gentleman. That is a value which



all of us in the Congress ought to remember.

This all emanates from some of the greatest moral teachings on planet Earth. It is what those of us refer to in the New Testament as the Golden Rule: Treat others as you want to be treated. To say it in Old English, do unto others as you would have them do unto you. That is a moral principle which runs throughout every major faith on the face of the planet.

DANNY INOUE exemplified that uniquely American value, and somewhere along the way we seem to have gone astray. We go astray from what we have learned in Newtown, CT, and we go astray when we see how some of us treat each other in this Chamber. The old adage is not just to go along but to get along. We would get along a lot better if we get along or to say it in the context of old country boy wisdom: We can attract a lot more flies with honey than we can with vinegar. That is the life our colleague led.

Some people call it a throwback to the gentlemanly days of the Senate, when there was courtliness and deference. I hope it is not a throwback. I hope we are not throwing back anything.

I hope we will remember the life of DANNY INOUE. He felt so strongly about this that when he was the chairman of a committee, he didn't refer to the ranking Republican as the ranking member, he called the ranking member the vice chairman. Of course, that was uniquely Senator INOUE, but it was also practical because he could get more done if he was sitting there as chairman and his vice chairman was sitting right next to him.

We have a lot to learn from these emotional times of losing a valued friend and colleague, but his life exemplified the best part of the Senate. We can sure get a lot more done if we start coming together just like DANNY INOUE taught us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### REMEMBERING DANIEL K. INOUE

Mr. McCONNELL. Mr. President, the U.S. Senate has been conducting its business here in Washington for just over 200 years, and for more than a

fifth of that time, Senator DAN INOUE of Hawaii stood in its ranks. It was just one of the many astonishing feats for a man who so rarely called attention to himself but who had every reason in the world to do so. In a life of honors he was never drawn to fanfare, and that always made him a different kind of Senator. So today we mourn not only a friend and a colleague but also everything he represented to a nation that will always need courageous and principled men such as DAN INOUE if it is to flourish and succeed.

The people who worked with DAN INOUE might have known he served in World War II, but they could have gone years without knowing he was one of the most decorated soldiers of his time. To DAN, his achievements were simply part of the job—and they were many. They start with his military heroism, of course, and they continue throughout his long career of public service. He was the iconic political figure of the fiftieth State.

Until his death, he was the only original member of a congressional delegation still serving in Congress, and there is scarcely an acre of Hawaii or a person in the State that DAN hasn't affected or influenced.

Over many years of diligent committee work, he helped ensure an entire generation of uniformed military went into battle well prepared and that they were well cared for when they returned. Yet despite all this, DAN's quiet demeanor and strict adherence to an older code of honor and professionalism made him a stranger to controversy throughout his many decades in public office. He was the kind of man and the kind of public servant, in other words, that America has always been grateful to have, especially in her darkest hours—men who lead by example and expect nothing in return.

One of my favorite DAN INOUE stories took place right here in the Capitol back in 1959. The memory of a hard-fought war against the Japanese was fresh in many minds as the Speaker of the House, Sam Rayburn, prepared to administer the oath to a young war hero who was not only the first Member from Hawaii but the first American of Japanese descent ever elected to Congress.

"Raise your right hand and repeat after me . . ." Rayburn said.

And here is how another Congressman would later record what followed:

The hush deepened as the young Congressman raised not his right hand but his left and repeated the oath of office. There was no right hand. It had been lost in combat by that young American soldier in World War II. And who can deny that at that moment, a ton of prejudice slipped quietly to the floor of the House of Representatives.

It is a perfect image of how DAN led by example throughout his long career—with quiet dignity and unquestioned integrity.

It started early for DAN. As a young boy growing up in Hawaii, he and his

friends always thought of themselves as Americans. Yet after Pearl Harbor they suddenly found themselves lumped in with the enemy. It was one of the reasons so many of them felt such an intense desire to serve. Their loyalty and patriotism had been questioned, and they were determined to prove their allegiance beyond any doubt.

When the Army lifted its ban on Japanese Americans, DAN and his friends jumped at the chance to serve. An astonishing 80 percent of military-age men of Japanese descent who lived in Hawaii volunteered—80 percent. Mr. President, 2,686 of them were accepted, including DAN, who was an 18-year-old student at the University of Hawaii.

Together, they formed what would become the most decorated military unit in American history, the famed 442nd Regimental Combat Team. As platoon leader, DAN spent 3 bloody months in the Rome Arno campaign and 2 brutal weeks rescuing a Texas battalion that was surrounded by German forces, an operation military historians often describe as one of the most significant battles of the 20th century.

After the rescue, DAN was sent back to Italy, where on April 21, 1945, in a ridge near San Terenzo, he displayed the extraordinary bravery for which he would later receive the Medal of Honor. DAN then spent nearly 2 years in a Michigan Army hospital where he also met Bob Dole and Philip Hart.

DAN had always wanted to be a surgeon, but that dream faded away on that ridge in Italy. Instead, he became a very fine Senator and one of the most impressive and effective public servants of our time.

DAN never let narrow party interests stand in the way of friendship or cooperation on matters of real national importance. His friendship with former Republican Senator Ted Stevens was one of the most storied in all of Senate history. I know I never hesitated to call on DAN when I thought something truly important was at stake. As DAN always said: "To have friends, you've got to be a friend."

It is a good principle. It is one he always lived up to. And it is one that is needed now more than ever.

Elaine and I extend to Irene and the entire Inoue family our deepest sympathy on their loss, which is also the Nation's loss. It was a privilege to have worked alongside this good man and to call him a friend. We will miss him. Yet we are consoled by the thought that he has now finally heard those words he longed to hear: "Well done, good and faithful servant . . . enter into your master's joy."

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.



Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I would like to speak, as many of my colleagues have, about Senator INOUE.

When I was a new Senator, the first encounter I had with Senator INOUE was when he invited me to go with him to the University of Hawaii to debate some issue—and I don't remember exactly what the issue was. Obviously, I didn't know what I was getting into because he had been in the Senate by then a quarter of a century, I believe, and I was new. But I was glad to be invited and felt honored to be invited. So I suppose every Senator here is going to be able to have a lot of memories of Senator INOUE.

I come to the floor to pay tribute, as we ought to, to our friend. I have heard the tributes paid to Senator INOUE by his fellow Senators, and that has gone on over the past several hours since his passing. It is a strong testament to the character of Senator INOUE that his loss as a friend and colleague is so deeply felt. Senator INOUE impressed many of us with his quiet determination, his dedication to right and wrong, and his sheer decency.

He was a gentle force in the Senate, with emphasis upon "force," but that adjective "gentle" is very legitimate. He had a strong work ethic and was very productive on behalf of the entire United States. Also, of course, as all of us do, we have to look out for the people in our States, so he looked out for his beloved State of Hawaii as well.

Because he was restrained in his demeanor, when he spoke he commanded real attention. He was well respected in the Senate for his life-long statesmanship and for his early displays of courage and sacrifice for our country.

Barely out of his teens, Senator INOUE confronted more tests of his bravery than the vast majority of us will face in a lifetime. He passed those tests with flying colors, and his representation of American interests in the heavy combat theaters of World War II was something he had to pursue. For him, it was not a perfunctory act. Even though he was an eyewitness to the Japanese warplanes flying overhead in their assault on Hawaii, he could not enlist in the U.S. military at the time because he was Japanese American. He and others petitioned our government, and when they were allowed to enlist, he certainly did.

He and his fellow Americans of Japanese descent went on to serve with tremendous skill and heroism. I encourage everyone to read about Senator

INOUE's wartime experience, the medals he won and the bravery he established to win the Medal of Honor.

He teaches all of us about answering the call to duty with determination and without hesitation, just as he did. His example of selflessness and his elevation of common cause over individual interest are especially relevant in these trying times.

In Congress, if we all sacrifice more and worry about self-preservation less, we can accomplish a lot for the country. Senator INOUE fought to save and to serve his people afterwards in the Senate. I am glad to have served with and learned from Senator INOUE.

I yield the floor, and I suggest the absence of a quorum.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. LEAHY. I thank the distinguished Presiding Officer. I assume that we are going back and forth.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I would be happy to accommodate other Senators, but I came to the floor to speak for about 10 minutes on the supplemental. I see Senator MCCAIN. I don't know if he came to speak on Senator INOUE or on the supplemental.

Senator MERKLEY and Senator STABENOW now want to introduce an amendment. Is that appropriate?

The PRESIDING OFFICER. The Senator is correct. That is appropriate.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I would request we do as usual in morning business, back and forth, if that is all right, and I could follow the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. If the Senator would yield, the Senators here, the Senators from Oregon and Michigan, just wanted 1 minute to get in their amendment, and then I would speak for a few minutes and then Senator MCCAIN. Would that be all right?

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

Mr. LEAHY. Madam President, I am seeing the distinguished Senators from Arizona and others who may wish to speak in morning business.

May I suggest that we close morning business, go back on the bill, and then if somebody wishes to speak, as many

do, for our departed colleague, they can always ask consent to go back as in morning business.

I would request that morning business be closed and we go back to H.R. 1.

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will now report by title.

The bill clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Leahy (for Inouye) amendment No. 3338, in the nature of a substitute.

Leahy (for Inouye) amendment No. 3339 (to amendment No. 3338), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3367 TO AMENDMENT NO. 3338

Mr. MERKLEY. I ask unanimous consent the Senate set aside the pending amendment and call up my amendment No. 3367.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, and Mr. WYDEN, proposes an amendment numbered 3367, to Amendment No. 3338.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend certain supplemental agricultural disaster assistance programs)

At the end of title I, add the following:

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking "The Secretary shall use such sums as are necessary from the Trust Fund" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012";

(2) in subsection (d)(2), by striking "The Secretary shall use such sums as are necessary from the Trust Fund" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012";

(3) in subsection (e)(1)—

(A) by striking "The Secretary" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary"; and

(B) by striking "per year from the Trust Fund" and inserting "for fiscal year 2012";

(4) in subsection (f)(2)(A), by striking "the Secretary shall use such sums as are necessary from the Trust Fund" and inserting

"of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012"; and

(5) in subsection (i), by striking "September 30, 2011" and inserting "September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)".

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a non-insured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

"(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

"(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

"(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the "Agency")."; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "and" after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

"(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and"; and

(i) in subparagraph (B)—

(I) by inserting "(except ferns)" after "floricultural";

(II) by inserting "(except ferns)" after "ornamental nursery"; and

(III) by striking "(including ornamental fish)" and inserting "(including ornamental fish, but excluding tropical fish)";

(2) in subsection (d), by striking "The Secretary" and inserting "Subject to subsection (1), the Secretary";

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking "\$250" and inserting "\$260"; and

(B) in subparagraph (B)—

(i) by striking "\$750" and inserting "\$780"; and

(ii) by striking "\$1,875" and inserting "\$1,950"; and

(4) by adding at the end the following:

"(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

"(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

"(A) the quantity that is less than 50 to 65 percent of the established yield for the crop,

as determined by the Secretary, specified in increments of 5 percent;

"(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

"(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

"(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

"(I) harvested;

"(II) planted but not harvested; or

"(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

"(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

"(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

"(A) the service fee required by subsection (k); and

"(B) a premium for the applicable crop year that is equal to—

"(i) the product obtained by multiplying—

"(I) the number of acres devoted to the eligible crop;

"(II) the yield, as determined by the Secretary under subsection (e);

"(III) the coverage level elected by the producer;

"(IV) the average market price, as determined by the Secretary; and

"(ii) 5.25-percent premium fee.

"(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

"(4) ADDITIONAL AVAILABILITY.—

"(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

"(i) to a 2012 annual fruit crop grown on a bush or tree; and

"(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

"(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

"(C) ADMINISTRATION.—For assistance provided under this subsection for the 2012 crop year, the limitation in subsection (i)(2) shall be \$250,000."

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. MERKLEY. Madam President, I want to be very brief in respect for my colleagues who wish to speak.

This amendment addresses an important disaster that occurred in many places across our country this year; that is, extensive drought and extensive fires.

I have come to this floor a number of times to describe those extensive fires and the damage they did to farmers and ranchers in my home State of Oregon, and I know many others have come to the floor to share their stories.

As we address this extraordinarily important bill to respond to the devastation of Hurricane Sandy, it is only right and well that we also address the disasters that occurred elsewhere in the country earlier in the year. There are five provisions of this program that I am going to leave in the hands of our distinguished chair of Agriculture to address, but I will come back at a further point and speak to them at greater length.

Just suffice it to say, our farmers and ranchers have waited patiently while we have attempted to complete the farm bill. The Senate did extraordinary bipartisan work on the farm bill, but the House has not taken it up. We have not gotten these emergency provisions reauthorized. Now, in the context of the bill before us, it is appropriate that we take action.

I yield for my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Let me just take a moment and thank Senator MERKLEY, Senator BAUCUS, Senator WYDEN, and Senator MCCASKILL for joining, and I know others will join us as well. We are still working very hard to complete the farm bill and have the House take action. But in the meantime we have disasters that have occurred, and these provisions are lifted directly from what we have already passed in the farm bill that addressed what has happened in terms of livestock, drought, fires, and assistance for fruit tree growers. We will be speaking at a later time about this, but these are essential to be included for thousands and thousands of farmers and ranchers across the country.

I thank my colleagues for allowing us to step in.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am going to truncate my remarks to 5 minutes. I came to speak on the supplemental and the great needs in the Northeast.

Generally, because I know there are other Senators who have other items

to discuss, I will come back at a later time for extended remarks. I wanted to come to the floor just to say to all of my colleagues that I hope we can be patient with one another, supportive of the tragedy that is unfolding in the Northeast related to Superstorm Sandy, which I think has caused greater destruction than maybe many people in this Chamber and this Capitol realize.

While Katrina—something that I am very familiar with, a storm that hit us over 7 years ago, in August of 2005—received headline after headline after headline, week after week after week, television station after television station, Superstorm Sandy, because it hit a more dense area that is potentially not as—I don't know—as camera friendly, and maybe because of some of the other things that have subsequently happened, the terrible shooting and other issues in the country, I am not sure the public quite understands how devastating this storm has been for a very important part of our country. I will try to frame it with just a few statistics that might grab people.

In my State, when Katrina hit, in one weekend we lost 18,000 small businesses. To us, it was a nightmare. We have about 1.2 million people in our metropolitan area and 18,000 small businesses represented a tremendous loss. But the businesses that have been lost in New York and New Jersey exceed 300,000. As to homes, we have lost 275,000 homes along the gulf coast. In New York alone we have lost over 350,000 homes, and those numbers are still coming in for New Jersey.

While it is not on the television every night, and CNN is not filming from New York or from New Jersey or any of these communities on a nightly basis like they did from New Orleans and the gulf coast for weeks and weeks, it would be wrong for us in this Congress to underestimate the damage that has been caused to this area.

One thing I wanted to say today is—and I will come back for extended remarks—it is not only the resources that we need to get to this region, \$60 billion is not all that the region requested. They requested \$90 billion and had good justification for asking for that. The President trimmed back those responses to get to the real core of what was needed for family, for flood insurance, for the Corps of Engineers, for mitigation, for transportation, so that the recovery could get underway in a very balanced and robust way.

It is not all that the region wanted, but it is a large enough package, Madam President, to give hope to people in New Jersey and New York, and, yes, Connecticut, Maryland, and a few other places that were hard hit as well. Then they could begin making plans for recovery.

There are whole towns, portions of towns, communities. I was able to ac-

tually get on the ground with Senator MENENDEZ and visit one of the Long Beach communities in New Jersey—I think it was the Long Beach community there—and saw just miles and miles and miles of shuttered businesses, one after another, along that Jersey shore. I just saw a small portion of it that day. It goes on for miles and miles and miles.

Now, just for the next minute or two, yes; insurance is going to cover some of these losses, but insurance is not going to cover it all. In the bill that we are about to talk about, and are talking about now, there is an authorization for \$9 billion more for flood insurance. If we don't authorize this \$9 billion, which is part of the 60, there will not be flood insurance claims paid to people who have paid into the flood insurance program. They will not be able to get out their legitimate claims. So that is one of the important reasons we should pass the supplemental.

In the final 30 seconds I have—and I will come back and speak longer—there is the mitigation part of this. After Katrina, one of the smartest things we did was to send to the communities on the gulf coast, to mitigate against future storm damage—it was about \$14 billion total for several of our large Corps projects. It was a lot of money. People grumbled and complained, but, you know what. They sent it.

The Corps built the project on time and underbudget, and in this last storm that we had, Isaac, which just hit, which people don't even remember—we had a storm in August, the same date as Katrina—there wasn't a drop of water in Orleans Parish or Jefferson Parish except for lower parts of Jefferson, not even in Saint Bernard. Why? Because the mitigation worked.

So the two points I want to make and then, in turn, yield to Senator MCCAIN and others who are on the floor, are this bill is not everything that was requested, but it is robust enough to do the job. No. 2, it has tools in it to help the recovery move faster, more streamlined, more efficiently. And, No. 3, mitigation works.

So as this debate goes on, I know some people are getting hardened hearts about this bill already, but I am asking you to understand that in a catastrophic disaster such as this, regular process won't work, regular appropriations won't work. Supplemental disaster funding is essential, and not just for FEMA but for transportation, for the Corps, et cetera.

I thank Senator LEAHY for his leadership at a very difficult time. I will come back and speak more about this later, but I wanted to get some of these statements in the RECORD as we begin this debate, and I will come back and talk more about the Homeland Security portion of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TRIBUTES TO DEPARTING SENATORS

JON KYL

Mr. MCCAIN. Madam President, it is customary in the days before Congress adjourns—and I am still hopeful this Congress will eventually, mercifully adjourn—for Members to offer farewells and testimonials to departing colleagues. I rise today to say a few words about a Senator who is leaving us and whose example I esteem and friendship I have relied on for many years.

Senator JON KYL and I have served the State of Arizona together for a quarter of a century since JON was first elected to the other body and I to the Senate in 1986. We have worked together in this body for the last 18 years. That is a long time to get to know someone with whom you share responsibilities to the State we are honored to represent, and I have gotten to know JON very well over these many years. I can also say in all honesty that my admiration for him has grown every single day I have been privileged to serve with him.

I share that admiration for JON with the people of Arizona, who elected him to the Senate three times, and would have, I am sure, comfortably elected him to a fourth term had he sought reelection. Arizonans hold him in very high regard for a very obvious reason: He has been a very diligent, very effective advocate for their interests.

I have observed him closely as we tended to issues that might seem arcane and unglamorous to Senators from other States but are among the most important and often the most contentious issues to Arizonans—issues such as land exchanges and water rights settlements. I have never failed to be impressed by the qualities JON brings to these matters—his unflappable patience, his tireless work ethic, his careful attention to detail, his determination to be fair to all parties involved, and to achieve results that are in the best interests of our State of Arizona.

I have tried to learn from his example, and I wish I could say I have emulated him, but, regrettably, as Arizonans and my Senate colleagues can attest, I still possess a short supply of some of JON's most conspicuous leadership qualities. His patience, for example, his meticulous preparation and thoroughness are, I am sorry to say, not qualities I will be remembered for, but they have been indispensable to the people of our State. It is fortunate for them and for me that States are represented by two Senators and that Arizonans have had JON KYL here to compensate for my shortcomings.

JON works harder than almost any Member of Congress I know. We all joke about how we are often required to vote on legislation before we have

had time to read it. But it is a poorly kept secret that we rarely, if ever, read from preamble to conclusion any of the bills we consider, even if we have had months to do so. JON does, though. He reads them. When you debate with him over legislation, you better know what you are talking about, because he does and he is almost always better prepared than you are not only to explain his argument but to explain yours as well. He often writes the bills he sponsors, work that most of us almost happily rely on staff to perform. He takes his responsibilities as the author of legislation literally, rather than figuratively, as most of us do.

It is hard to imagine where he finds the time to hold himself to such exacting standards of responsibility, but he does, often working late into the night after the rest of us have gone home, when he reads bills and writes them and tends personally to the concerns of his constituents. He is a Senator's Senator. He is principled, purposeful, informed, collaborative, and able to get things done by cooperation and compromise without ever sacrificing the principles that motivate his public service. He would rather reason with opponents than insult them. He prefers accomplishments to acclaim.

It is little wonder then why our caucus elected and reelected him to our leadership. He has the complete confidence of every one of us. He is an easy man to trust with leadership responsibilities. He is scrupulous in his attention to his responsibilities and fair-minded in use of authority. He has strong views on issues and advocates for them effectively. But if he can't persuade some members of our caucus to agree with him, he will do all he can to defend our rights to be heard and have our position considered fully by the Senate.

I think Members on both sides of the aisle would testify to JON's fairness, collegiality, and effectiveness. I think we would all testify too to the credit his service has reflected on the Senate, a place we all love but which we must admit doesn't always function as well or as congenially as we would like, a failing that has not escaped the notice of the American people. Were JON the kind of politician who worried more about his press than his responsibilities to his constituents, his colleagues, and his country, I think many Americans would recognize him as the kind of Senator they wished there were more of here.

It has been my privilege to work with JON not only on issues of unique importance to the State of Arizona but on many of national importance. We worked together on comprehensive immigration reform in 2007. None of the sponsors of the legislation, including myself and my friend, the late Senator Kennedy, was more instrumental in forging the compromises necessary to

put that bipartisan bill together or more diligent and effective in defending it in debate.

I was running for President that year and often away from the Senate. In addition to all the work JON did to write the bill with Senator Kennedy and others, and seek support for it in both Houses, he had to assume many of my responsibilities as well. He did a better job with them than I did, and though we fell short of success, JON deserves none of the blame for failure and much of the credit for making the bill as broadly bipartisan as it was and for providing the framework for what will be the kind of compromise I hope and believe we will get to the President's desk in the next Congress.

Longevity in public office isn't always that important a distinction. I have served one term more than JON and for that minor accomplishment I am referred to as the senior Senator from Arizona. But honestly, I have always looked up to JON as my senior. He has been my leader, my senior partner in much of the work we have done in Arizona, my friend, and one of the people I most look up to in this place, an example of selfless, capable, honorable public service.

He is leaving the Senate, and he will have time now to spend with his lovely wife Caryll, his son and daughter and his grandchildren. He will have more time too to hike his beloved White Mountains. I envy him that. But I think we would all concede the Senate will miss him, and I will miss him particularly.

Thank you, my friend, for your service, your example, and your friendship. It has been a privilege.

I yield the floor.

The PRESIDING OFFICER. The other Senator from Arizona.

Mr. KYL. Madam President, if my colleagues would indulge me for just a moment so I may respond.

I am deeply moved and very appreciative of the remarks of my colleague JOHN MCCAIN. The people of Arizona have been so fortunate to be represented by a very few remarkable people in the State's history—only 10 United States Senators. JOHN MCCAIN is the ninth of those Senators and is as distinguished, if not more distinguished, than any who have served and represented the State of Arizona.

He has set a standard for modern representation after being elected to the House of Representatives. None of the representatives from Arizona were ever the same in their representation. He came home every week, maintained very close contact with his constituents, and set a pace that no one has since matched, let alone exceeded. So in many respects, JOHN MCCAIN has set a new standard for representation.

But he didn't leave it at the State of Arizona. He is a national figure of the first magnitude—one of our great na-

tional leaders of the day—and it has been an incredible honor for me to serve with him both in representing the people of our State but also working on the significant issues of the day.

I will confess that some of the more mirthful moments have also occurred on some of the sojourns that Senator MCCAIN has led abroad with our colleague LINDSEY GRAHAM, sometimes Senator JOSEPH LIEBERMAN, and others, and these occasions also will bring great joy to me in my reminiscences, because, obviously, at the end of the day it is friendships probably more than almost anything else we think of when we get toward the end of both career and the end of our life.

Senator MCCAIN was far too generous in his description of my capabilities. I want to thank him for, among other things, the responsibilities he did enable me to undertake, things which, as the senior—and yes, he is senior both in age and seniority—he could have taken unto himself but which he allowed me to do on behalf of the people of Arizona. He was interested in dividing responsibilities in a way the two of us could represent our State and our constituents to the maximum advantage, and I have always not only admired his approach—and the people of Arizona, I would say, should be grateful for that—but it enabled me to be involved in things and to have some extra responsibilities in areas I otherwise would not have. Not all of these were things Senator MCCAIN wanted to deeply get into, such as the water rights settlements he mentioned. But nonetheless, he has been enormously cooperative on behalf of the people of Arizona in all of those endeavors.

So as I near the end of my time here in the U.S. Senate, I have a lot of different emotions and a lot of things I would like to express. I regret one thing I won't be able to do is to speak on the Senate floor extolling the virtues of my colleague JOHN MCCAIN when he is about to leave, but I assure you and assure him that I will do that from some other place, and that my deep respect for him, my appreciation and my gratitude for what he has said here today, I will try to reciprocate at the time he finally completes his service not only to the people of the State of Arizona but to this Nation of ours, and frankly also to so many people around the world.

For me to have served with him in this body for 18 years is truly an honor, and I thank him for his comments today.

JEFF BINGAMAN

Mr. LEVIN. Madam President, over his time in this body, JEFF BINGAMAN has worn many hats: champion of education, expert on energy policy, steward of our nation's nuclear arsenal, thoughtful voice on national security.

He has approached each of these varied responsibilities with an attitude

aimed not at attention-grabbing or point scoring, but at practical, fact-driven problem solving. In the accurate description of the Washington Post, "Bingaman isn't one to grab the spotlight, but this six-term senator's logical, cerebral approach tends to get things done."

He has indeed gotten things done, for the people of New Mexico first and foremost, but his practical approach has benefitted Americans from every State. I know first-hand that the people of Michigan have benefitted from his leadership.

I have worked closely over the years with Senator BINGAMAN to preserve programs that are vital to America's manufacturing sector, the heart of my State's economy. His support for the Manufacturing Extension Partnership Program and the Technology Innovation Program has made a major difference in the ability of American manufacturers to research and develop new technologies, to increase efficiency, to improve supply chains and to out-innovate our overseas competitors.

The people of Michigan also have benefitted from Senator BINGAMAN's leadership of the Energy and Natural Resources Committee. He worked with me to enact legislation that has brought significant improvements to Michigan parks and recreational lands. With Senator BINGAMAN's assistance, we have established the River Raisin National Battlefield Park, preserving the site of one of the most important battles of the War of 1812; made major progress toward completion of the North Country National Scenic Trail; enhanced wilderness protection at Pictured Rocks National Lakeshore; and made many improvements at Keweenaw National Historical Park. So, he has played a major role in helping preserve and protect numerous jewels of our State's rich history, culture and natural beauty.

From his post on Energy and Natural Resources, Senator BINGAMAN has been one of our Nation's most influential voices on energy, an issue that affects nearly every aspect of economic and environmental policy. He has worked with skill, intelligence and determination to find practical, bipartisan solutions in an issue area too often dominated by politics and powerful interests. As we seek to strengthen our Nation's competitiveness, his advocacy on renewable energy, energy efficiency and other important topics will yield important advantages.

While we have not had the benefit of his service in this Congress, Senator BINGAMAN served in the past with distinction on the Armed Services Committee. In his committee tenure he chaired the Emerging Threats and Capabilities and Strategic Forces subcommittees. His deep knowledge of science and technology issues was of

great value in committee deliberations, in particular during the difficult debate over the Bush administration's determination to invade Iraq. His expertise on energy and nuclear issues gave heft to his skepticism over claims that Iraq had sought to acquire uranium from Niger, claims that turned out to be false.

As the son of two educators, it only makes sense that Senator BINGAMAN would be careful, detail-oriented, and reliant on facts rather than assumptions. And it's no wonder that in addition to his work on energy, defense and natural resources, he has been one of the Senate's most consistent and effective advocates for quality education.

On all of these issues, and so many others, JEFF BINGAMAN has sought solutions and consensus rather than attention and division. His careful, deliberate style, his focus on facts, and his determination to find practical answers to difficult challenges have been of enormous value to the Senate, to the people of New Mexico, and to the Nation. They will be missed in the Senate, and so will he. I wish Jeff and Anne all the best as the move on from the Senate.

RICHARD LUGAR

Madam President, the Senate has traditionally been seen as a moderating force in American politics, as a place where partisan interests give way to practical problem-solving, and where men and women of good will could, while they might often disagree and debate, find agreement on the challenges our nation must face.

RICHARD LUGAR has, for more than 30 years, upheld that Senate tradition. All of us, regardless of party, have great respect for his intelligence, his integrity, and his concern for the good of our country.

We have worked together on many matters. Manufacturing is a vital sector in the economies of both our states, and Senator LUGAR has been a strong supporter of federal programs that benefit manufacturing, including the Manufacturing Extension Partnership, which helps U.S. manufacturers research and develop new technologies, increase efficiency, improve supply chains and out-innovate our overseas competitors. We have worked together on other issues of mutual interest to Indiana and Michigan, including preservation of the Great Lakes and strengthening America's agricultural sector.

These are important contributions. Senator LUGAR's most lasting legacy, however, is likely to be his work protecting Americans, and people all over the world, from the threat of proliferation of weapons of mass destruction. As a Midwestern Senator, he has followed in the finest tradition of Arthur Vandenberg, a Republican Senator from Michigan who famously coined the concept that "politics stops at the water's edge."

In 1992, Senator LUGAR joined with Senator Sam Nunn in a bipartisan effort to deal with a pressing national security challenge arising from a major national security success: the collapse of the Soviet Union. While the end of the Cold War made the world a safer place, the splintering of a superpower meant the fearsome Soviet arsenal of nuclear and chemical weapons was now in the possession of 15 separate nations. Many worried, with good reason, that these newly independent nations, struggling in the aftermath of the Soviet collapse, might be unable or unwilling to prevent the misuse or diversion of these weapons.

The answer was the Cooperative Threat Reduction program, more commonly known as Nunn-Lugar, and widely hailed as one of the smartest investments America has ever made in our security. Nunn-Lugar has eliminated more than 7,000 former Soviet nuclear warheads, and nearly 2,500 nuclear-capable missiles. It has secured two dozen nuclear weapon storage sites, and significantly strengthened controls over remaining weapons of mass destruction (WMD) and their deadly materials. As the WMD proliferation challenge has evolved, Senator LUGAR has worked hard to ensure that the Nunn-Lugar program has adapted to meet that challenge, in new regions such as Africa, Asia, and the Middle East. It has, in short, been an integral part of our national security strategy ever since the end of the Cold War, making our nation more secure, keeping us safe.

This is a legacy of which any Senator would be justifiably proud, and it is one on which Senator LUGAR has continued to build. We saw the value of his leadership as the Senate debated and passed the New START Treaty, and we've seen it in the countless instances when Senator LUGAR has advocated for and helped the Senate approve international agreements that have made our nation, our allies and our planet a safer place.

The Senate will miss RICHARD LUGAR's leadership. I hope that each of us who will return to the Senate in the New Year can keep in mind his legacy of bipartisan leadership and practical problem solving as we confront our nation's challenges.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I appreciate the words of the Senator from Arizona about the Senator from Arizona, and let me say I look forward to sharing some words on the floor at some point in the next few days about my friend Senator KYL. We have disagreed on things in some ways, but, boy, have we gotten to know each other. I respect his service enormously, and I look forward to having a chance to share some thoughts about that.

## REMEMBERING DANIEL K. INOUE

Madam President, I think all of us are aware that too often in public life words like “good friend” or “remarkable colleague” are used so often they lose a little bit of their impact. But I think we all share powerfully—ever since the majority leader announced the sad news last evening, and we have seen so many come to the floor to talk about Senator INOUE—in the knowledge that Senator DANNY INOUE really was all those things and so much more.

He was a quiet man, a humble man, a soft-spoken public servant, but those of us who were privileged to serve for so long with DAN INOUE know we truly got to know him. I had the privilege of sitting beside him and listening to some of the stories talking about things that were happening in the Senate, and we truly did get to love him and revere him.

It was more than his uniquely American journey—from the trenches of World War II to the Halls of Congress—more than his leadership and moral authority on everything from civil rights to the Watergate and Iran-Contra hearings. It was more than the DAN INOUE we could read about on paper. It was the man himself, in the flesh, who was bigger than the legend. That is why the Senate is going to feel his loss for a long time.

We often hear the words “greatest generation.” Before Tom Brokaw coined the phrase, we knew what it referred to, particularly in the Senate where some of us were privileged to serve with people such as Bob Dole, John Glenn, Fritz Hollings, and so many others.

DANNY was a bridge to that generation—a generation that I revered growing up in the shadows of World War II. I remember talking with my dad and hearing how he had volunteered for the Army Air Corps as war loomed over Europe. He was a pilot flying DC-3s, paratroopers, preparing to go over for the invasion, and he shared with me his regret that he came down with tuberculosis and he was released from Active Duty and, in his perception, never got his chance to defend his country.

I think about just how much more complicated the prospect of going to war must have been for a young DANNY INOUE—just 21 years old with dreams of becoming a surgeon, dreams interrupted by Pearl Harbor. Here he was, the son of immigrants who came to work in Hawaii’s pineapple fields, his entire life he had thought of himself as a patriotic American. Then, suddenly, at a time when across the country young men were heeding the call to duty, DAN INOUE’s own Nation declared him and his family alien enemies. But DAN INOUE’s response was not to pull inward or to leave or forsake his country. His response was to sign up and fight for the country he loved so deeply, even at a time when

his government’s vision was clouded by the horror of Pearl Harbor.

Fight for his country he did. He put on the uniform and showed us what both he and our country are all about. We know DAN was a hero. We know he lost his arm on the battlefield in Italy. But I never once heard DAN talk about the details of that action that would ultimately result in him being awarded the Medal of Honor. He was a quiet man who never bragged and rarely spoke of himself. But the citation speaks volumes about him and who he became on that bleak April day when Second Lieutenant INOUE and his platoon mounted a defense of a ridge guarding a critical road junction in San Terenzo, Italy. The citation says, very simply:

With complete disregard for his personal safety, Second Lieutenant Inoue crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper’s bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions.

That was DAN INOUE. He was a hero whose entire life’s lesson was a victory over discrimination and anger. Despite the sting of bigotry at home—he lost his arm for his country and almost his life—rather than being consumed by rancor, he became a voice for reconciliation.

Because of what he had experienced growing up as a Japanese American in what was still a heavily segregated country, DAN always fought to make sure that no Americans ever felt unsafe or unwelcomed. “This is our country,” he famously said in his keynote address at the Democratic National Convention in Chicago in 1968.

I still remember that speech. I was riveted watching it on television. I was in the Navy, serving then. I was training before departing for Vietnam. It was strange, the juxtaposition of DAN INOUE’s words and the hope and what he represented to the carnage in the streets, watching what seemed to be a country coming apart at the seams. But there was this young Senator, this decorated World War II veteran who spoke words that were as chilling as they were prescient. He said:

The true dimension of the challenge facing us is a loss of faith. I do not mean simply a loss of religious faith . . . I mean a loss of faith in our country, in its purposes and its institutions. I mean a retreat from the responsibilities of citizenship.

He went on to say famously:

This is our country. Its future is what we, its citizens, will make it. . . . Putting aside hatred on the one hand and timidity on the other, let us grow fresh faith in our purpose and new vigor in our citizenship.

Those words would serve us well as we think about the challenges we face right now in the Senate. That is the kind of citizenship and patriotism that DAN INOUE stood for, not just in 1968 but every day we were tested.

After 9/11, DANNY was as determined as anyone to bring to justice the terrorists who attacked us on that fateful day. The media said it was our Pearl Harbor. DAN INOUE remembered better than anybody the first Pearl Harbor. He was there. He lived through it. But he also had deep convictions about the historic lessons learned the hard way after the first Pearl Harbor—mistakes he refused to see repeated 60 years later. In the aftermath of September 11, DAN INOUE sounded a warning. He said:

I hope that the mistakes and suffering imposed upon Japanese Americans nearly 60 years ago will not be repeated again against Arab Americans whose loyalties are now being called into question.

It was a forceful defense. I think it was heard across the Nation. DAN understood our values aren’t just talk. They are about the choices we make, the causes we champion, and the people we fight for. As DAN reminded us in Chicago in 1968, this is our country, and its future is what we, its citizens, make of it.

He was an incredible person. During his long painful recovery at Percy Army Hospital in Michigan, DAN was down to 93 pounds and exhausted. He knew he would never be a surgeon as he once dreamed. He struggled then even to light a cigarette and he wanted to curse at his nurse. Unbowed, she taught him how to light a cigarette with one hand and said simply: “From now on, you’re going to be learning.” DAN INOUE did learn. Happily, we can say he also taught. He taught all of us with the power of his example.

During his convalescence at Percy Jones Army Hospital, he met another young lieutenant, a man by the name of Bob Dole. They became fast friends and nursed themselves back to health.

About 2 short weeks ago, two “greatest generation” brothers, ailing and approaching their 90th birthdays, DAN INOUE and Bob Dole were still here teaching us, teaching us what is worth fighting for. I will never forget seeing DANNY with his oxygen tube walking up to Bob Dole before casting his vote in the hopes of helping disabled veterans when they travel overseas. Here were these two older citizens telling the Senate, through actions and not words, that we have to be better than this place has sometimes been in recent days.

Bob Dole said something about DANNY that has deeper meaning now that he has left us. Bob said, over there in that corner near the door, looking at DANNY:

He was wounded a week from the day I was and a mile from the place I was wounded,



and we ended up in the same hospital. He's a Democrat and I'm a Republican, but parties didn't make any difference.

Those are bonds we ought to learn something from. Those are bonds we ought to do a better job of honoring today in this institution DAN INOUE loved so deeply.

DAN INOUE was a special kind of public servant. He walked his own path. He got out of that hospital bed, returned to college under the GI bill, and went on to George Washington University for his law degree. He got himself elected to the Hawaii Territorial Legislature at the ripe old age of 30 and then on to the House of Representatives as Hawaii's first full member after it won statehood in 1959. Just 3 years later, DANNY INOUE was a Senator, and eventually he would rise to become the highest ranking public official of Asian descent in U.S. history.

I will never forget the critical role he played on the special committees that investigated Watergate in the 1970s and Iran-Contra in the 1980s. I was here during Iran-Contra, a freshman who approached those investigations with a certain zeal. I was in a hurry to find out the truth. But I learned from DAN INOUE that a good Senator can navigate the path to truth while taking extraordinary care to protect and nurture the national interests. So when DAN famously warned at the Iran-Contra hearings that there exists a "shadowy government" that can "pursue its own ideas of the national interests, free from all checks and balances and free from the law itself," we all understood the gravity and truth behind those words because we respected the integrity of the statesman who spoke them.

DAN had a special sense of his own responsibilities as the first Member of Congress from Hawaii. He believed in the Federal Government's ability to make a difference in people's lives. He was chairman of the Senate Appropriations Committee, as we all know. For all the talk in the media about earmarks and pork-barrel spending, we saw in DAN how one Senator could actually advance the interests of their State and articulate a vision for that State which didn't violate anybody's sensibilities about how we ought to be spending a Federal tax dollar. He used his position unapologetically to bring home investments in Hawaii to build roads and bridges and classrooms, all of which changed people's lives on an island that most of us only thought of in the context of a vacation destination. To DAN, it wasn't a resort. It was home. It was people. As the son of a Japanese immigrant who came to work in those pineapple fields, DAN needed to make no apologies about using the Federal Government to make life for the people he represented better.

It was a perspective that endeared him to his colleagues on both sides of

the aisle—and no one more so than Republican Senator Ted Stevens. They became like brothers. Theirs was a friendship that stood the test of time. I often heard the stories from DAN or from Ted—whom I got to know well—about how they would travel to various parts of the world to see how America was investing its funds and how their friendship simply grew during the course of those journeys together. Theirs was a friendship that stood the test of time. This place would be a lot better off if we could forge bonds the way DAN and Ted did since the 1960s. They didn't capitulate. They didn't lose their values. They compromised, and they always put what was best—in the case of DAN, Hawaii, and in the case of Ted, Alaska, and in both their cases, the country—ahead of any kind of partisan squabbling.

DANNY INOUE lived a full and remarkable life, and we will miss him dearly. He was proud of his Japanese heritage, proud of his roots, and proud of his service as a champion of veterans and veterans' rights. He loved our troops. It is fitting that a building at the Walter Reed Army Institute of Research now bears his name.

I often marveled at how hard he fought to regain his health in the face of mounting odds.

He died with no regrets. "Aloha" was his last word.

Hawaii misses DANIEL INOUE, America misses him, and our thoughts are with his wife Irene and his son Daniel Ken, Jr., who is a great friend of my stepson Johnny Heinz, and also the rest of his family at this difficult time.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Republican leader.

Mr. NELSON of Nebraska. Mr. President, I rise today to recognize the great Senator DANIEL INOUE. Senator INOUE was a fine colleague and a good personal friend of mine.

While Congress occasionally drifts without direction, Senator INOUE was a steady rudder in the Senate. He was the consistent source of quiet, but purposeful and effective leadership.

In an age where the loud crowd often demands center stage, Senator INOUE was a reminder that the truth is generally seen, rarely heard. He was a man who communicated concisely and precisely just exactly what he intended. Through his actions, Senator INOUE demonstrated time and time again that he would lead legislative efforts, pool necessary support, and do what needed to be done to best represent Hawaii and advance all Americans.

While he chaired the Select Committee on Intelligence and the Commerce Committee, I worked with Senator INOUE most during his time as Chairman of the Senate Appropriations Committee. I can attest that during most of our hearings, his very presence drove much of our activity. Through

thick and thin, he reliably led many an effort.

Senator INOUE's addition to the bipartisan group that later became known as the Gang of 14 helped others start to view us as a body with legitimacy and true purpose. DANIEL INOUE carried the Senate's respect and attention toward us, for which I remain incredibly grateful.

Years back, I was fortunate to travel with Senator INOUE to Italy as part of a Congressional delegation trip. It was during our time together there that I had one of the strongest emotional responses of my life. In Tuscany near the location where Senator INOUE was wounded, he visited the gravesites of many of those who served alongside him. Seeing Senator INOUE mourn and pay tribute to those who had fallen beside him in battle taught me something I could never learn from a book or a classroom. Without saying a word, Senator INOUE gave me a heightened respect for the shared purpose and camaraderie among those who serve in America's Armed Forces.

Yet while Senator INOUE had the utmost appreciation for what happened in the past, he did not allow it to stop him from thoroughly enjoying the present. It was on that same trip that the Senator also taught me an appreciation for a solidly-built, handsome pair of shoes. He advised me on the purchase of a pair of oxfords that are as comfortable today as the day I bought them.

Senator INOUE was a source of personal, policy, and even fashion advice for me, and I cherish the time I spent with him.

America is stronger today because of DANIEL INOUE. He will be sorely missed by all.

#### TRIBUTES TO DEPARTING SENATORS

##### KAY BAILEY HUTCHISON

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Senator KAY BAILEY HUTCHISON, who will be retiring at the end of the year. Senator HUTCHISON has been a dear friend and colleague for a long time. She has always been ready to offer wise counsel, and I have usually listened.

It is truly bittersweet saying goodbye to KAY. On the one hand, I understand her desire to spend more time with Bailey and Houston; we are all glad she will now be able to cheer from the sidelines at their soccer games. On the other hand, we will miss seeing them practice their corner kicks on the second floor of the Russell building.

By the way, if you have ever been with KAY on one of her early morning power walks, you know where her kids get their energy. I am told KAY has worn out multiple Members of Congress, several staffers, and quite a few others on those walks. And it is a fitting metaphor for her career. There are so many talents in the Senate, it is easy to forget what remarkable stories



many of them have. And Senator HUTCHISON's is without question one of the most impressive.

Raised in an era when women were a rarity in politics, KAY forged her own path, kicking open the door of opportunity wherever she went. In the process, she has come to personify Texan independence; which is entirely fitting, since one of KAY's great-great-great grandfathers signed the Texas Declaration of Independence.

KAY's many successes in life are a testament to her personal toughness and determination in the face of what would have seemed like insurmountable obstacles to many lesser talents. Though she was "brought up," as she once put it, "to be a lady, to have good manners—and to be ready to get married," she always excelled in school. And she was one of just a handful of women, out of a class of hundreds, to graduate from her University of Texas law school class in 1967.

KAY hit what she called her "first brick wall" after graduation. Law firms in Texas just were not hiring women back then, so she turned to an industry that would give her a chance, becoming Houston's first female news reporter. Indeed, thanks to KAY's success, two competing Houston networks hired female reporters within 6 months of her arrival at KPRC-TV, the NBC affiliate, in 1967. Appropriately, KAY was assigned to cover the Texas Legislature, and she gave it her all.

Having inherited her dad's work ethic, she was soon being encouraged to run for office herself. At the time, few women served in the Texas legislature, and not a single female Republican had ever been elected to the State House. But KAY had an idea: if those law firms were not going to let her interpret the law, she might as well ask her neighbors if they would elect her to make the law. So, at the age of 28, KAY ran for the Texas House. She dispatched her male opponents with ease, becoming one of just 13 Republicans elected that year to the 150-member Texas House. It was a tough transition. KAY says that as a cheerleader at UT, she was not really prepared for the combat of politics. As a cheerleader, she said, she wanted everybody to like her. But she overcame that too. KAY has engaged in a lot of tough battles over the years, and she has won most of them.

One story along those lines relates to KAY's office over in Russell. Anybody who has ever been there knows that it is at the end of on a dead-end hallway, and that at the very end stands a very large flag of Texas. Apparently, when KAY put the flag out, the staff director of the Rules Committee did not like it. He thought it violated a rule, so he mentioned it to his boss, Senator John Warner. Legend has it that Senator Warner nodded gravely—gravely—at the young man and told him he was

free to approach Senator HUTCHISON, but that he had no intention of taking on the mission himself. She is tough.

Following her service in the State legislature, KAY worked as a businesswoman before winning election as State treasurer in 1990. Three years later, when Senator Lloyd Bentsen accepted an offer to become President Clinton's treasury secretary, KAY jumped into the race to replace him. Once again, she bested another all-male field to advance to a runoff against Bentsen's appointed successor, trouncing the incumbent Democrat with nearly 70 percent of the vote, and becoming the first woman to represent the Nation's second-largest State in the U.S. Senate.

KAY came to Washington ready to work. She established herself early on as a leader on transportation and NASA, and as a fighter for lower taxes, and smaller, smarter government. KAY won acclaim as an advocate for science and competitiveness, helped secure bipartisan support for the landmark America COMPETES Act, and she became known throughout the State for the close attention she paid to constituents.

Shortly after her election to the Senate, KAY began a tradition—imitated by many others since—of holding weekly constituent meetings over coffee whenever the Senate is in session. The groups usually range in size from about 100 to 150, and at any given coffee you might come across families in Bermuda shorts, bankers in pinstripes, or college football players. Over the years, KAY has hosted about 50,000 people in her office through these coffees, but her attention to constituent service goes well beyond that. Back home, she is one of few politicians in Texas who have actually visited all 254 counties, some of which are home to more cattle than people. And during KAY's tenure, her office has helped broker the rescue of a Texan from atop Mt. Everest, evacuate an oil worker and students during a revolution in Albania, evacuate tourists from Machu Pichu after a flood, and help evacuate workers and missionaries from Haiti after the devastating hurricanes of 2008.

All of us are grateful to Senator HUTCHISON for her work in finally recognizing the hundreds of female Army Air Force pilots—or WASPs—who flew non-combat missions in World War II, so male pilots would be free for combat missions. Thirty-eight of these women lost their lives performing their duties. We thank Senator HUTCHISON for raising awareness of their service and their sacrifice and honoring their memory. Senator HUTCHISON's thoughts are never far from our men and women in uniform. Her office walls are filled with photos of her visits with our troops in Bosnia, Iraq, and elsewhere. In the run-up to the Budget Control Act, she authored a bill to assure servicemen and

women would be paid in the event of a government shutdown, recruiting more than 80 cosponsors. She served as chair and ranking member of the Military Construction subcommittee on Appropriations. She was a tenacious advocate for Texas during a series of BRACs, and the results speak for themselves: Today, one out of five Army and Air Force personnel are stationed at military installations in Texas, many of which were once considered likely candidates for closing.

Throughout her Senate career, KAY has worked hard to develop and maintain close relationships with fellow female senators from both parties. As a result of those friendships, KAY helped co-author the book "Nine and Counting: The Women of the Senate" in 2000, teamed up with Senator FEINSTEIN to create the Amber Alert system, and co-authored legislation with Senator MIKULSKI to provide stay-at-home moms with the same tax-credit opportunities as working women. One of her proudest achievements was to lead the successful fight to lessen the marriage penalties in our tax code.

As the ranking member on Commerce, Science, and Transportation, KAY has wielded outside influence, partly due to her strong working relationship with Chairman ROCKEFELLER, who sometimes refers to her as his co-chairperson. And I can say for myself that having KAY at the leadership table has been a tremendous asset as I have navigated challenges over the years.

A truly gifted politician, KAY secured reelection by wide margins in 1994, 2000, and 2006, and still holds the record for most votes in Texas history. One reason is she will work with anyone—even those with whom she might not typically agree—if it helps Texas.

While I know many are sorry to see this giant of Texas politics leave the arena in Washington, I am sure every one of them admires the spirit in which she returns to Ray and the kids and their busy Dallas home. KAY, on behalf of the entire Senate, thank you for your extraordinary service and for your friendship.

I know you won't miss having to answer to that buzzer anymore, but we will miss you. It has been a privilege to serve with you. On behalf of the entire Senate family, I wish you all the very best.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO TOPEKA POLICE OFFICERS

Mr. MORAN. Mr. President, we all know it has been a difficult and tragic couple of days for America. We were so deeply saddened to hear the news from Newtown, CT, on Friday. As a parent, nothing in life is more important than

the protection of our children. The death of a child—there is no recovery from. My heart goes out to all the families who lost loved ones in this unspeakable tragedy.

Last night we learned of the death of our colleague Senator INOUE.

I want to mention today that just this past Sunday, over the weekend, grief struck the capital city of Kansas, my home State. Corporal David Gogian and Officer Jeff Atherly were fatally shot Sunday in Topeka while on duty. These public servants were investigating drug activities that were allegedly occurring inside a vehicle outside a neighborhood grocery store. As they approached the vehicle and ordered the occupants to get out, a gunman took the lives of both officers. When we lose someone in a community in Kansas, it is not just a name to us, it is somebody we see at our kids' activities at school, somebody we go to church with, somebody we know and care about. These two individuals are that to their friends and family in Topeka and across our State.

David had been part of the Topeka Police Department for 21 years. He spent 13 years as a reserve officer and 8 years as a full-time officer. His service did not begin as a police officer; he had previously served his country in the Kansas National Guard and just recently retired. Police Chief Ronald Miller described David as someone who spent his life in service to his country and to the city of Topeka. David's service to his community was clearly a model to others, including his son Brandon, who followed in his dad's footsteps and serves the Topeka community as a police officer.

The second officer, Jeff, was just 29 years old and had joined the police department last year. Chief Miller said that Jeff was just getting started in his career, and he had his entire life ahead of him.

Jeff grew up in the small community of Carbondale, which is just south of Topeka, and graduated from Washington University in 2009 with a degree in law enforcement. After graduation, Jeff—like his parents Steve and Susan, who are both educators—decided to dedicate his life to public service.

Jeff was known by his friends for his smile, his great sense of humor, and his kind heart. He leaves behind his 3-year-old son Logan.

These two men honorably served their community by faithfully carrying out the duties of a law enforcement officer. Rather than shirk from danger, police officers pledge to face danger with courage, and that is exactly what these two men did.

Inscribed on the National Law Enforcement Officers Memorial here in Washington, DC, are these words:

It is not how these officers died that made them heroes, it is how they lived.

Today we remember the lives of David and Jeff and their service to the

Topeka community. We express our gratitude for their dedication to their community and their country. We remember their families and their loved ones.

I ask that all Kansans—in fact, all Americans—join in remembering David's and Jeff's families in their thoughts and prayers this week. May God comfort them in their time of grief and be a source of strength for them. May He also protect all those who continue to serve us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

REMEMBERING DANIEL K. INOUE

Mr. COCHRAN. Mr. President, the Senate and our Nation have lost one of our finest leaders, DANIEL INOUE of Hawaii. He was an outstanding Senator, a true statesman, a patriot, and a gentleman.

It has been an honor and pleasure to be able to work closely in the Senate with DAN INOUE as a member of the Senate Appropriations Committee. His service as chairman of the committee—and especially the Subcommittee on Defense—has been marked with consistently strong and thoughtful leadership. He was appreciated for his courtesies to other Members and his seriousness of purpose as he carried out his important responsibilities.

He has also earned the high praise he received from the men and women of the Armed Forces, who are the best equipped and trained military force in the world thanks to his diligent efforts on their behalf.

Senator INOUE was friendly and kind to all, but he was also a man of resolute courage and strength. He was very successful as an advocate for his State of Hawaii and our Nation. All Americans should be grateful for his service in the Senate.

I yield the floor and suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, Senator LEAHY has been handling this bill for the last 24 hours or so, and I came to the floor earlier to speak about the supplemental. I gave truncated remarks because Senator MCCAIN had personal remarks to make on behalf of his colleague Senator KYL. At this time I would like to reengage in the debate regarding the supplemental for just a few minutes.

I know this day has been back and forth with personal tributes on the floor as well as the debate on the supplemental for Superstorm Sandy. I have come to the floor specifically as chair of the Appropriations Homeland Security Subcommittee, which does

have jurisdiction over FEMA, and to say a couple of words about this piece of the supplemental.

I understand that other chairs of the Appropriations Committee have come down to talk. I know there have been discussions with regard to the Corps of Engineers mitigation issues and fishery issues in this bill, which is the subject of Senator MIKULSKI's committee. Senators have talked about housing and urban development, community block grants—that is in HUD—and transportation, which is under the jurisdiction of Senator MURRAY's committee.

I have been pleased and honored to be the chair of the Appropriations Homeland Security Subcommittee for several years now. I am proud we are actually seeing the benefits today of the reforms that were put in place as our first responders respond to literally the worst disaster to hit the Northeast in 50 years.

I wish to address a few things and clarify some numbers for the record. The fact that Hurricane Sandy is not on the news every night and CNN is not broadcasting from the shores of New York and New Jersey does not mean it is over. The news coverage happened for a few days, and then they went to other pressing issues of the day. As new challenges arise, it is natural that the attention of the press will be diverted. The problem is that it may be natural, but it is not necessarily good for people who have lost their homes and their businesses. Without quick action from Congress and robust, definitive, comprehensive support from the Federal Government, these individuals and communities will not be able to recover.

As the Senator from one of the States hardest hit in recent memory from a natural disaster, I am able to testify as an eyewitness to what happened in the aftermath of Hurricanes Katrina and Rita and what is possible in the recovery for Hurricane Sandy.

It has been over 7 weeks since Hurricane Sandy claimed the lives of more than 130 Americans and destroyed—and I want to correct the record—340,000 homes and 200,000 businesses. Just to make a comparison, as a result of Hurricane Katrina, which primarily hit south Louisiana and Mississippi, we lost 275,000 homes. This is 340,000 homes that have been destroyed. That is more than Hurricanes Katrina and Rita. And 200,000 businesses is substantially more businesses that were lost compared to Hurricanes Katrina and Rita, which was about 18,000 businesses. Part of it is due to this area being more densely populated.

The storm was broader in its width and more intense in certain areas. It was broader geographically, and the area is so densely populated. I think it is hard for people from less populated areas of the country to understand how much destruction can be leveled in a

certain area. More than 8.5 million families were left without power, heat, or running water. Many of those families have power, heat, and running water now, although not all.

Just this week, I picked up the phone to call my friend Marc Moriel, president of the Urban League. The Presiding Officer knows him very well. He was a former mayor of New Orleans. The cell phone wasn't answered. Finally, through a couple of connections, I got through to him. Their offices are in New York.

He said: MARY, I am sorry I couldn't get back to you sooner. Our phones are still out from Sandy.

They have not lost their home, but they were out of their home for some time.

As I said before, just because it is not on the news does not mean it is over. There are thousands of small businesses, nonprofits, individuals who, without this package of hope and support, are not going to get back to business to help get their communities back and help get our economy running again. The Urban League is just one example. There are still individuals without phone service, power, et cetera.

It is important for us to understand that insurance proceeds are not going to be enough. Even with a well-insured population, it is not going to be enough to handle the catastrophe that befell this particular area of our country just a few weeks ago.

Over 500,000 people registered for temporary housing and individual assistance. FEMA provided over 14 million meals, over 16 million liters of water, 1.6 million blankets, and 100,000 tarps. DOD delivered 9.3 million gallons of gasoline to 300 gas stations, and over 270 million gallons of saltwater was pumped out of transit tunnels. At the peak of the response, 17,000 Federal personnel and over 11,000 National Guardsmen were involved. The response was robust, quick, efficient, and I think the taxpayers of our country and I know the people of the region are grateful for the new FEMA that showed up. Not everything is perfect. We still have more work to do, but the response was much better than it was during Katrina.

However, that initial response is now over and the recovery must begin. The recovery cannot begin in earnest and no great plans can be made. Neither can Governor Christie nor Governor Cuomo, nor Mayor Bloomberg, nor Mayor Cory Booker or any other mayors, including the mayor of Hoboken in New Jersey, who testified before our committee this week—none of the mayors can get about framing the possibility of recovery without knowing certain things. They need to know that, A, FEMA is going to have enough money to stick with this, which they do not now because they are going to run out of money in the spring; they

have to know that FEMA has enough money to go the distance. They don't know that now and, without the supplemental, they won't.

They have to know they have some mitigation money in this bill to repair and fix some of the dunes that were well engineered that protected communities and to rebuild dunes that failed because they were not engineered properly. No one is going to reinvest—or very few people will reinvest—behind a dune that is going to fail again.

There are fisheries communities along the coast and tourism along the coast, much like the gulf coast. So all of these pieces of recovery are very important. We can't send FEMA money without the Corps of Engineers money or without community development block grant money, because the recovery is a holistic recovery. Most people are very smart and many people like to hold on to what money they have left. They can't take the last little bit of their savings to rebuild their house and invest in their business if they don't know the Federal Government has sent money for the dune repair or the Federal Government has sent enough money for their fire station to get up and running. What good is having a business with no fire protection? What good is having a business if there is no grocery store within 30 miles? All of these things work together, and that is what we saw with Katrina. The question is not whether FEMA has enough money; the question is whether HUD has enough money—well, it is important that FEMA have enough money but it is not the only question. FEMA has to have money, but so does HUD, so does Transportation, and so does the Corps of Engineers.

In addition to what is happening along the east coast, nine States and the District of Columbia have been declared major disasters—well, nine States and the District of Columbia, from Hurricane Sandy. It is not just Hurricane Sandy. We had a record number of disasters last year around the country. So, yes, there is some money in this bill for other disasters and if we have to increase or decrease that sum to accommodate some of the interests of the Members, we are going to have to do so to get help not only to the Northeast but to other areas of the country as well.

North Dakota experienced terrible flooding. We were a little bit short on sending money to them and perhaps we should fix that in this bill. There have been some agricultural areas that have been very hard hit. We should fix that in this bill. Americans who pay taxes expect when they have catastrophic disasters for us to step up, and I think that is a good expectation, and I think it is a very fair expectation. When this country went to war over a decade ago, we didn't pay for the \$1.4 trillion that it took to secure this Nation from an

outside threat. Sometimes threats come right to our front door and we have to be willing to step up and give a small amount compared to the \$1.4 trillion we spent in Iraq and in Afghanistan that was not offset. We should be willing to spend a very small portion—\$60 billion in this case, over \$100 billion for Katrina and Rita, and a few billion here and there. That is not an insignificant amount of money. A billion dollars is a lot of money. It sounds like a lot to anyone listening, but relative to the cost of the war, it is a very small investment in our own country to help Americans who have played by the rules, done everything they were asked to do—they even have insurance—yet, without this bill, there is not enough money in the insurance program to cover their claim when they file it.

If we don't pass this bill, there is not enough money for FEMA to do its job. There is not any money in the Corps of Engineers. There is not enough money for transportation. Taxpayers in the Northeast and around the country deserve our best efforts.

If there is a Member who believes there is something in this bill, whether it is in my section of the bill which is Homeland Security, or whether it is in another—if a Member doesn't feel as though a request in here is justified, please offer an amendment, let us debate it, and maybe we can make some changes or a modification. Unfortunately, I can say from personal experience, from watching the mayors I represent—all 300-plus mayors in the State, dozens of them, their communities were destroyed by Katrina, watching them struggle month after month, year after year, not knowing what money was coming from Washington; whether the levees would get repaired or not; whether there was going to be a community development block grant—I can tell my colleagues it is better to fund this on the front end like this. Give them the money, let them make their plans, and then in a year or two if it is not enough they can come back and we can make some adjustments as opposed to not acting or giving them too little to start. If we do that, the recovery will not get off in a very balanced way and it will cost the taxpayers so much more in the long run.

I am kind of responsible for the FEMA portion, for the flood insurance portion, and for some of the reforms that are represented in this bill. I wish to speak for a minute about those reforms because sometimes it is not just about investing money and giving money from Washington; sometimes it is giving money in a way that saves taxpayers money in the long run or for investing in a way that includes reform. This is not your grandfather's FEMA. This is a new FEMA. We have some new reforms that are authorized in this bill that are going to help the

recovery go more quickly, and I wish to talk about that for a minute.

This is a reform-minded supplemental. It is drafted to be a more efficient, more effective, and smarter recovery, saving taxpayers money over time. It reauthorizes two expired pilot programs from the Post-Katrina Emergency Management Reform Act, allows the use of money to repair rental housing units, and to expedite debris removal procedures. If my colleagues have not been a witness to a catastrophic disaster, they cannot imagine the amount of debris generated from either a massive fire or a massive flood. The old rules FEMA operated under were a waste of money, a waste of time, and lost opportunities. So we have expedited debris removal. We cannot start rebuilding a community until we can get rid of the debris. It sounds like common sense and it is, but there are some bureaucratic hurdles and we are trying to fix those in this bill.

It allows the State to draw on a portion of the hazard mitigation funding from FEMA in order to leverage mitigation opportunities in the reconstruction process. Under the current program, it takes 18 to 36 months for funding to become available. By then, most reconstruction is already completed or underway. This would expedite—sort of forward fund—some of those projects, which is another smart move to save taxpayers money.

It codifies grants on the basis of flexible and fixed estimates for expedited removal of debris. It codifies temporary legislative measures that were connected to facilitate smarter recovery after Katrina and Rita, including third-party arbitration. It removes the penalty on alternative projects, and it allows FEMA to consolidate facilities.

Specifically, if 10 fire stations were lost in an area, instead of FEMA reimbursing each fire station one at a time, they can make a general estimate and receive a global settlement. We did this for our schools in New Orleans. One hundred out of 146 were destroyed. It was one of the smartest things we ever did, because before we passed this reform legislation, FEMA was asking us to count every piece of chalk that was missing, every eraser that was missing, every broken pane of glass, and would only refund the building of that exact building on that exact spot. We were able to have a global settlement where we could reconstruct our schools not to build a school system that had been built for the past century but to build a school system for the next century. That is what makes sense. That is what is in this reform supplemental.

There are better tools, more carefully designed to save taxpayers money and to help expedite a recovery of one of the most important financial centers in the world—not just in the United States but in the world. Every part of this country is important, but this par-

ticular part of the country, a lot of the rest of us depend on it operating at full speed, particularly as this recovery moves to our rearview mirror.

Let me say two or three more things. It reduces bureaucratic waste by eliminating the current practice of duplicative agency reviews for the same project. It will allow the rebuilding to, of course, consider environmental needs, but it does not require an environmental review by every agency for the same project. It helps to streamline that, which I think makes sense and honors the environment at the same time.

It includes tribal governments for the first time, which I think is an important addition, and, again, it requires an assessment of Hurricane Sandy's impact on local government budgets in the event they might need to borrow some additional money to continue to operate.

So, again, the \$60 billion number is a large number. It is billions of dollars. It is not by any means pocket change, but compared to the money that was outlaid for the wars—\$1.4 trillion—when disaster comes knocking at the door in our hometowns, whether it is Hoboken, NJ, or New Orleans, LA, taxpayers who live by the rules and pay their taxes every year expect not a handout, not an easy recovery, but they do expect the Federal Government to step up and at least be a partner in their recovery.

There are local taxes that are going to have to be raised. There are hundreds and thousands of hours of volunteer efforts that go into rebuilding communities. Churches and faith-based organizations show up and do more than their share, but the Federal Government most certainly should step up and help the Northeast and a few other disasters that are still open.

All of this money will come back to us one-hundredfold as these businesses get back up on their feet, start paying taxes again to the community, and hire people who have been laid off. In fact, it creates a little bit of a stimulus boon in those communities, which benefits the tax base as well, as taxes are collected from every business that is reopened. So it is a smart investment for us.

I would recommend to my colleagues if they have specific objections to a specific part of the bill to file an amendment. We can discuss it, we can debate it, and perhaps we can shave a little here or a little there; perhaps there are some things that can be done differently. But this has gone under careful review by the administration and by the different members of the Appropriations Committee on both sides of the aisle, and, of course, vetted and screened by Governor Christie, a strong Republican leader in our country, Governor Cuomo, a strong Democratic leader in our country, and nu-

merous mayors and elected officials have looked at this.

This is not something that was written in the dark of night somewhere by somebody who doesn't understand about disasters. It was carefully crafted for a very strong recovery for the Northeast.

I thank the Members for their suggestions and I look forward to the debate, and hopefully we can get this supplemental done before this Congress adjourns. I think the people of the Northeast and the rest of our country are depending on us to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, is the parliamentary situation in order so I could send an amendment to the desk?

I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

Mr. MCCAIN. This is McCain-Coburn amendment No. 3355. I ask unanimous consent that Senator COBURN be added as a cosponsor to amendment No. 3355.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. COBURN, proposes an amendment numbered 3355.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike funding for the emergency forest restoration program)

Beginning on page 2, strike line 16 and all that follows through page 3, line 2.

Mr. MCCAIN. Mr. President, this amendment is a very simple one. It calls for striking the funding of some \$58 million for the USDA, U.S. Department of Agriculture, Forest Restoration Program for planting trees on private property. It is actually a farm bill subsidy program that is run by a relatively unknown agency that is called the Farm Service Administration, which is primarily responsible for managing crop insurance.

Under this program, private landowners with about 50 acres of land can apply for up to \$500,000 in free grants for tree planting activities. Obviously, this has nothing to do with an emergency, and there is nothing in the supplemental that limits the funding to Hurricane Sandy areas. Under this bill, this \$58 million can be used just about anywhere.

I would like to make a few remarks about the bill itself so we have this in the right context.

First of all, I want our colleagues—everyone—to understand there are

none of us who do not support—there is no one who does not support—giving the much needed funding as quickly as possible to help relieve the tragedy of Hurricane Sandy, and we believe there are important parts of this appropriations bill that we should pass immediately. But we also believe there are many provisions in this bill that both have nothing to do with Hurricane Sandy and many of the programs in this bill will not even take effect before the year 2015. We are about to reach the year 2013. We cannot consider this much needed appropriation outside the context that we now have nearly a \$17 trillion debt, and, obviously, this \$60 billion is now going to be added to the debt because none of it is paid for.

Let's be clear about this. Every one of my colleagues on this side of the aisle wants to act quickly to provide much needed relief for the people who have been impacted by the horrible effects of Hurricane Sandy. But we cannot consider this legislation in a vacuum. We are looking at a \$17 trillion debt—somewhere between \$16 and \$17 trillion. We have committed generational theft. We have mortgaged our children's and our grandchildren's future. So we must be very careful as to how much more of the taxpayers' dollars are spent. For what? When is this money necessary? Those are the questions this body should be asking itself.

I would argue there are a whole lot of billions of dollars in this bill that fit into the categories of, one, not necessary as a result of the impact of Hurricane Sandy and certainly not an emergency situation.

I would like to go over some of the projects that are in this bill, and some of them hold merit. Some of the projects in this bill are very meritorious. It goes way beyond emergency aid and funds projects, as I said. At a time when we face these deficits, we cannot justify this spending. Again, I wish to emphasize some of the projects are meritorious, but they should go through the normal budget and appropriations process, where Congress has time to vet the need for such spending requests.

The CBO examined both the Senate bill and the administration's request and found—and this is from the Congressional Budget Office—64 percent of the funds appropriated under the Sandy supplemental will not be spent until fiscal years 2015 to 2022 and after, therefore, raising concerns about the rush to spend \$60.4 billion without any attempt to pay for it.

Two weeks ago, FEMA Director Fugate told the House Transportation and Infrastructure Committee that the Disaster Relief Fund currently has enough money and will not need additional funding until the spring of 2013. CBO's assessment, combined with the statement of Director Fugate, clearly shows we need to pass a Sandy supple-

mental bill that only includes prioritized disaster aid funding.

I and my colleague from Oklahoma, Senator COBURN, have been examining this bill over the last few days, and I will tell my colleagues, we have not gotten all the way through it. We have not identified a lot of these spending bills—what they are for and where they came from. The appropriators and their staff I always admire. They have turned it into an art form, and our ability to ferret out some of these appropriations has required a great deal of hard work and effort.

We have billions to replace “Federal assets” damaged by the storm, including automobiles owned by the Federal Government. The Federal Government currently owns or leases over 660,000 vehicles. Do you think we could find replacements within our own inventory, the current inventory? Shouldn't we focus on providing relief directly to those still trying to rebuild their lives before replacing a bureaucrats' car?

There is \$2 million to repair damage to the roofs of museums in Washington, DC, while many in Hurricane Sandy's path still have no permanent roof over their own heads.

There is \$150 million for fisheries as far away from the storm's path as Mississippi and Alaska.

There is \$125 million for the Department of Agriculture's Emergency Watershed Protection Program, which helps restore watersheds damaged by wildfires and droughts for areas, including Colorado, and, by the way, including my own State of Arizona. That money is needed. It is needed. We are having wildfires across the Southwest and the West in an unprecedented fashion because we are in severe drought, and I want that money for the Department of Agriculture's Emergency Watershed Protection Program. But it has nothing to do with Hurricane Sandy. That is what is wrong with this bill. I will fight for the \$125 million that would help my State of Arizona, and I will fight to find ways to pay for it. I will do both. But we are including \$125 million for the Department of Agriculture's Emergency Watershed Protection Program, which is several hundred miles away from the path of Hurricane Sandy.

There is \$20 million for a nationwide Water Resources Priorities Study. While studies are important, they are not emergencies and should be submitted during the upcoming budget debate.

We badly need a water resources priorities study. There was just a recent study about the Colorado River basin and how we are going to run out of water. But, again, the water resources priorities study is not associated with Hurricane Sandy.

There is \$15 million for NASA facilities, though NASA itself has called its damage from the hurricane minimal.

One day after the storm hit, NASA's Wallops Island put out a statement stating that “an initial assessment team surveyed roads and facilities at NASA's Wallops Flight Facility today reporting a number of downed trees but otherwise minimal impact in the wake of Hurricane Sandy.” Does this mean we need \$15 million for NASA's facilities?

There is \$336 million for taxpayer-supported Amtrak without a detailed plan for how the money will be spent. Some of the funding will go for repairs. Money will also go to increasing capacity and future mitigation efforts. Amtrak is up and running. We can go right over here—not very far from here—to Union Station and get on Amtrak. It is not apparent why this funding is deemed “emergency” spending and included in this spending package. Further mitigation should be debated next year.

The dirty little secret is that Amtrak loses billions of dollars every year. That is because we subsidize unneeded and unnecessary routes. The route on the east coast from here to New York, for example, makes money. But we cling to those routes that neither make money nor does anybody care to patronize.

There is \$5.3 billion for the Army Corps of Engineers—more than the Army Corps of Engineers' annual budget. With no clarity as to how the money will be spent. Included in the Senate bill is \$50 million in funding for more studies, which will most definitely lead to additional Army Corps projects and a new task force established by executive order.

More projects are not something the Army Corps can handle. They are currently experiencing a backlog of construction and maintenance projects of approximately \$70 billion. Furthermore, a 2010 report released by the Government Accountability Office noted that carryover funds have increased “due to the large amount of supplemental funding the Corps has received in recent years.” Clearly, supplemental spending on the Army Corps has not paid off.

The bill includes \$12 billion to \$13 billion for future disaster mitigation activities and studies, without identifying a single way to pay for it. I think we need future disaster mitigation activities. We need studies. We are experiencing climate situations which we never anticipated. Certainly Hurricane Sandy was never anticipated by any of us. We need the studies. But that is not an emergency to handle the effects of Hurricane Sandy and should come out of normal funding and be paid for. I support these studies. But should they come out of the taxpayers' pocket without a way to pay for it?

There is no justification to include these projects in this emergency spending bill. Waiting to fund these projects

until next year during the normal budget and appropriations process, we will have a better understanding of the path forward and reduce the possibility of waste, fraud, and abuse.

There is \$10 million to improve weather forecasting capabilities and infrastructure. Mr. President, \$10 million to improve weather forecasting capabilities and infrastructure—do we truly need to include that in an emergency funding bill for Hurricane Sandy? As I mentioned at the beginning, at some point we are going to have to start paying for things. At some point we are going to run out of Chinese money. At some point we are going to be like Greece. At some point the American people are going to say “enough.” Every American family has to balance their budget. Every American family has to make tough decisions. Why don’t we make some tough decisions if we want to have things paid for such as weather capabilities, such as Amtrak, such as replacing Federal assets, buying vehicles when we have 660,000 vehicles in the inventory? Why don’t we start making tough decisions?

I often mention that the approval rating we have from the American people is rather interestingly low. The last one I saw was an 11-percent approval rating. No wonder—no wonder—we are about, in a matter of literally hours, to spend about \$60 billion of the American taxpayers’ money—estimates by some are it should be around \$24 billion—without hearings, without the kinds of scrutiny it deserves in the normal appropriations process.

I understand why we need some of this money in an emergency fashion. But it is akin to the train leaving the station. It is loaded with pork and it is moving and so everybody wants to get on board. It is not the way the Congress should do business.

So, Mr. President, I will ask for the yeas and nays on my amendment, which is to strike funding for \$58 million for the tree planting subsidy known as the Forest Restoration Program for planting trees on private property.

The PRESIDING OFFICER (Mr. PRYOR). Is the Senator asking for the yeas and nays?

Mr. McCAIN. I am asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Mr. McCAIN. OK. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Is there objection?

Mr. McCAIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the call of the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING DANIEL K. INOUE

Ms. STABENOW. Mr. President, I rise today, as so many colleagues have done throughout the day, to pay tribute to a tremendous colleague whom we lost yesterday, a friend to all of us, someone from whom we have all learned a tremendous amount, on both sides of the aisle, about how to work together, DANIEL INOUE of Hawaii. He was an outstanding Senator, a cherished colleague, and a dear friend.

We all know he dedicated his life to serving our country, first as a soldier in World War II where he put his life on the line for our freedoms, for our country, and then as a Member of Congress for 53 years. Senator INOUE was Hawaii’s first Congressman. Think about that, the first Congressman. Today marks the first day in the history of our country that the State of Hawaii has not been represented in Congress by DANNY INOUE.

He also had a special connection to my home State of Michigan, and Senator LEVIN and I have both been very proud of that fact. He was a patient at a hospital in Battle Creek during World War II where he met Philip Hart and Bob Dole. Can you imagine those three great men coming together serving our country, wounded, doing rehabilitation at a hospital together in Michigan and all going on to be involved in public service as Senators?

That building is still standing. It is no longer a hospital; it is another Federal building. It is our great honor in Michigan to have that building named the Hart-Dole-Inouye Federal Center, honoring all three of these outstanding leaders.

Senator INOUE was a great mentor for me as well as so many of us in the

Senate. Coming to the Senate, he always encouraged me during the elections. He always told me to hang in there, that things would go well and it would be great. He was always a person with a smile on his face, encouraging each and every one of us. He was there encouraging me when we were fighting for our economic lives in Michigan with the automobile industry, saying it was going to be OK, that we would be able to get through it, and that things would be better on the other side. He was right, with the help of so many people here and the President.

He also has consistently said to me: I want to help your city of Detroit. I want to make sure I do everything I can to support that great city. He has been a wonderful friend and supporter on that front as well.

He also received a distinguished honor given by the Arab-American community in Michigan after he helped us establish the first National Arab American Museum. After 9/11 when there were stories of young Arab-American children and girls who were being harassed or attacked while wearing their traditional garb in school, he called up leaders in Michigan to tell them they had his support as a Japanese American, knowing what he had gone through in a very difficult time in our country’s history. He showed incredible support to a great part of our Michigan community.

He is beloved by so many around Michigan, but no more than those who are in the Arab-American community who are business leaders, community leaders, who found themselves, just because of their heritage, in very difficult circumstances. He has shown great support to them and was a great role model to them. I was proud to be a part of honoring him a few years ago in Michigan with the highest award coming from that community.

He touched lives everywhere he went. He served with quiet dignity. He had a strong, firm conscience. He has set an example for each one of us. He was a true patriot and a true American hero in every sense of the word. The Senate and the American people will miss him greatly. My thoughts and prayers are with his family this evening.

The PRESIDING OFFICER. The Senator from Montana.

#### AMENDMENT NO. 3350 TO AMENDMENT NO. 3338

Mr. TESTER. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 3350.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, and Mr. BAUCUS, proposes an amendment numbered 3350 to amendment No. 3338.

Mr. TESTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.



The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funds for wildland fire management)

On page 72, between lines 16 and 17, insert the following:

WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$653,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); *Provided further*, That, not later than December 31, 2013, the Comptroller General of the United States shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report on new models or alterations in the model that may be used to better project future wildfire suppression costs.

Mr. TESTER. Mr. President, I ask unanimous consent that Senator TIM JOHNSON of South Dakota be added as a cosponsor to amendment No. 3350.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I would like to make a few remarks on amendment No. 3350. This past summer was the third worst fire year in the history of this great country, with over 9.2 million acres burned. Over 1 million of those acres were in the State of Montana. The drought that drove this year’s fire season persists and is projected to worsen in 2013, creating conditions for an equally or potentially greater fire season this upcoming year.

This trend is not stopping. Conditions are changing on the ground. I think we are all seeing impacts. I am certainly seeing impacts on my family farms. We are seeing impacts across the forests of this country, and western Montana is no exception.

My amendment with Senator UDALL does two things: First, it provides funding for the difference between the current funding request to prepare for and suppress wildfire and the amount the 2013 fire season is expected to cost; second, it requires GAO to make recommendations on a better model to project the cost of wildfires in the future.

Wildfires are continuing to burn, and burn hotter and faster, larger and earlier, and doing more damage than in past years. We need to assure the resources to address these catastrophic events are there this next year and with a study into the future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3276

Mr. REID. Mr. President, the Senate has been considering the supplemental appropriations bill for 2 days now. The Republicans, I am told, are in the process of trying to picture out what they want to do. We have other concerns, as you know. We had the tragedy in Connecticut, and we had the untimely death of our friend Senator INOUE. But time doesn’t stop for anything. It keeps marching on, Christmas is coming. We have a fiscal cliff that is on the horizon. So I hope we can make progress on this bill in the morning. If not, I will be forced to file cloture to try to figure out a path forward on this bill. It has been open for amendment. That is what my friends said they wanted, and that is what they have.

We have the DOD authorization. We need to complete action on that conference report, which has been completed now. We expect they will file tonight or tomorrow, so we need to complete that before the end of the week.

Christmas is 7 days from today. We have judicial nominations. We have been making some progress with the district court nominations. We have to do three more before the end of the week. We have executive nominations we need to consider before the end of the week.

FISA is an important piece of legislation. Imperfect as it is, it is what is necessary to help us be protected from the evil that is in the world. We have to complete this before we leave here this week.

Today is Tuesday. Everyone else can do the math just as well as I can about how many days are left.

I ask unanimous consent that at a time to be determined by the majority leader after consultation with the Republican leader, the Senate proceed to consideration of Calendar No. 463, S. 3276; that the only first-degree amendments in order to the bill be the following: Judiciary Committee-reported substitute; LEAHY, sunset; LEAHY, oversight; WYDEN, public reporting; WYDEN, backdoor searches; TESTER, reverse targeting; and MERKLEY, declassification of FISA Court opinion; that there be 1 hour of debate equally divided between the proponents and opponents; that upon the use or yielding back of time, the Senate proceed to votes in relation to the amendments in the order listed; that there be no amendments in order to any of the amendments prior to the votes; that upon disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended.

Mr. President, before the Chair rules, it is pretty easy to figure out how much time this includes. This is the better part of a day—the better part of a day if we got this consent done. So I ask that the Chair approve the consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, and I do intend to object, first of all, I say to the leader, thanks for moving toward the FISA bill because—the Senator is exactly right—this is a bill that must get done before the end of the year so we can make sure our intelligence community is able to gather, in a lawful and legal way, the kind of intelligence that helps keep America safe and secure.

There are two documents; first, a Statement of Administration Policy from the White House where they have agreed to the bill that has already passed the House, and second, a letter from the leadership of the intelligence community—namely, the Director of National Intelligence as well as the Attorney General—directed as the leadership, both of which letters and statements support the House bill.

It is because of that and because of the fact that if the House bill comes through here—and I understand we may have to have debate, may have to have amendments debated, whatever the leader says—but the important thing is that we can hopefully get that bill passed and send it directly to the President’s desk.

So I would ask unanimous consent to have printed in the RECORD the letter from the DNI and the Attorney General dated February 8 as well as the Statement of Administration Policy dated September 10.

Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,  
*Washington, DC, September 10, 2012.*

STATEMENT OF ADMINISTRATION POLICY

H.R. 5949—FISA AMENDMENTS ACT  
REAUTHORIZATION ACT OF 2012

(Rep. Smith, R-TX, and 5 cosponsors)

The Administration strongly supports H.R. 5949. The bill would reauthorize Title VII of the Foreign Intelligence Surveillance Act (FISA), which expires at the end of this year. Title VII of FISA allows the Intelligence Community to collect vital foreign intelligence information about international terrorists and other important targets overseas, while providing protection for the civil liberties and privacy of Americans. Intelligence collection under Title VII has produced and continues to produce significant information that is vital to defend the Nation against international terrorism and other threats. The Administration looks forward to working with the Congress to ensure the continued availability of this critical intelligence capability.



Hon. JOHN BOEHNER,  
*Speaker, House of Representatives, Washington, DC.*

Hon. HARRY REID,  
*Majority Leader, U.S. Senate, Washington, DC.*  
Hon. NANCY PELOSI,  
*Democratic Leader, House of Representatives, Washington, DC.*

Hon. MITCH MCCONNELL,  
*Republican Leader, U.S. Senate, Washington, DC.*

DEAR SPEAKER BOEHNER AND LEADERS REID, PELOSI, AND MCCONNELL: We are writing to urge that the Congress reauthorize Title VII of the Foreign Intelligence Surveillance Act (FISA) enacted by the FISA Amendments Act of 2008 (FAA), which is set to expire at the end of this year. Title VII of FISA allows the Intelligence Community to collect vital information about international terrorists and other important targets overseas. Reauthorizing this authority is the top legislative priority of the Intelligence Community.

One provision, section 702, authorizes surveillance directed at non-U.S. persons located overseas who are of foreign intelligence importance. At the same time, it provides a comprehensive regime of oversight by all three branches of Government to protect the privacy and civil liberties of U.S. persons. Under section 702, the Attorney General and the Director of National Intelligence may authorize annually, with the approval of the Foreign Intelligence Surveillance Court (FISC), intelligence collection targeting categories of non-U.S. persons abroad, without the need for a court order for each individual target. Within this framework, no acquisition may intentionally target a U.S. person, here or abroad, or any other person known to be in the United States. The law requires special procedures designed to ensure that all such acquisitions target only non-U.S. persons outside the United States, and to protect the privacy of U.S. persons whose nonpublic information may be incidentally acquired. The Department of Justice and the Office of the Director of National Intelligence conduct extensive oversight reviews of section 702 activities at least once every sixty days, and Title VII requires us to report to the Congress on implementation and compliance twice a year.

A separate provision of Title VII requires that surveillance directed at U.S. persons overseas be approved by the FISC in each individual case, based on a finding that there is probable cause to believe that the target is a foreign power or an agent, officer, or employee of a foreign power. Before the enactment of the FAA, the Attorney General could authorize such collection without court approval. This provision thus increases the protection given to U.S. persons.

The attached background paper provides additional unclassified information on the structure, operation and oversight of Title VII of FISA.

Intelligence collection under Title VII has produced and continues to produce significant intelligence that is vital to protect the nation against international terrorism and other threats. We welcome the opportunity to provide additional information to members concerning these authorities in a classified setting. We are always considering whether there are changes that could be made to improve the law in a manner consistent with the privacy and civil liberties interests of Americans. Our first priority, however, is reauthorization of these authorities in their current form. We look forward

to working with you to ensure the speedy enactment of legislation reauthorizing Title VII, without amendment, to avoid any interruption in our use of these authorities to protect the American people.

Sincerely,

JAMES R. CLAPPER,  
*Director of National Intelligence.*

ERIC H. HOLDER, Jr.,  
*Attorney General.*

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will continue to work on a path forward. If anyone has any ideas how to help me do that, I would be happy to listen to them, but this is something we must do before we leave here. Christmas is not more important than this legislation. I am sorry, I hope I am not offending anyone, but that is the way it is. We have to get something done on this before the end of the year, and I think we will be walking on very, very thin ice to try to wait until after Christmas to try to move this legislation. It is hard for me to comprehend the potential damage to our country if we do not extend this legislation.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3368

Mr. COBURN. I ask unanimous consent that the Senate set aside the pending amendment and call up amendment No. 3368.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. I object. I feel somewhat ill at ease here with not having anyone managing the bill at all, but I would hope that my friend will—I will talk to Senator LEAHY, but I am not in a position here to agree with it.

One thing I am not going to do, regardless of what the managers say, is have a big stack of amendments here that we are going to be worrying about. So I don't know where everybody is, but the managers aren't here.

Mr. COBURN. Through the Chair, I would ask the majority leader, he does not want amendments to be made pending for us to debate?

Mr. REID. Mr. President, do we have amendments pending now?

The PRESIDING OFFICER. There are amendments pending.

Mr. REID. How many amendments are pending?

The PRESIDING OFFICER. There is a substitute amendment and four first-degree amendments.

Mr. REID. The Senator is filing a first-degree amendment?

Mr. COBURN. I am.

Mr. REID. One more shouldn't do much damage.

Mr. COBURN. Well, I have five I was going to place pending, and I will be happy to work with the managers.

Mr. REID. I say to my friend again, through you, Mr. President, I am happy to do one, but the managers—I haven't

talked to them in the last couple of hours. I am not going to agree to five amendments. I have no idea what is in them. If the Senator wants to lay down one of the amendments tonight, that is fine, but until we have managers on the floor, I am not going to agree to that.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3371 TO AMENDMENT NO. 3338

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and that amendment No. 3371 be called up.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, propose an amendment numbered 3371 to amendment No. 3338.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that Federal disaster assistance is available for the most severe disasters, and for other purposes)

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the "Administrator") shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

(b) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures to assess the capacities of States to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term "State" means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) any other territory or possession of the United States; and

(5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

The PRESIDING OFFICER. The majority leader.

Mr. REID. I would also say to my friend the Senator from Oklahoma that the manager will be here bright and early in the morning. I will call him now.

Mr. COBURN. That is fine. I have no choice but to accede to the Senator's wishes, so I will.

Ms. MIKULSKI. Would the Senator from Oklahoma yield for a question?

Mr. COBURN. Absolutely.

Ms. MIKULSKI. I have a section of this bill, and I wonder if that amendment is relevant to my bill, and I would extend some courtesy.

Mr. COBURN. This is updating per capita damage indicators and the process for determining declarations. Oklahoma has had more declarations declared, but we haven't updated the per capita indicator for a long time, so we have had no increase in that. So what is happening is that it is too easy to get a declaration declared. I am trying to have them update that to where it is more reflective of the true cost.

Ms. MIKULSKI. I appreciate the Senator's advocacy for Oklahoma.

Mr. COBURN. This would actually hurt Oklahoma.

Ms. MIKULSKI. But what I am wanting to say to the Senator from Oklahoma is that my subcommittee deals with coastal impact, so the issue the Senator wishes to raise is with the Subcommittee on Homeland Security.

If it dealt with my part of the bill, I would say—because I know what the Senator is trying to do, and I appreciate it, which is trying to move the Senate forward in an expeditious way.

Mr. COBURN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. We have a bill before us that is \$64 billion, and I have spent the last week trying to get the OMB and Department of Commerce the background on all of these requests, and what I can tell you is there is an immediate need for about \$24 billion that we ought to be passing through this Chamber to take care of immediate needs over the next 2 years in relationship to this tragedy in terms of Sandy.

Almost every amendment I am going to offer or hope to offer is about transparency, is about limiting who can have access, such as people who are in arrears on their taxes for years and years.

What we learned on the Homeland Security Committee, which has the authorization of most of these programs, which I will become ranking member of, is that out of the \$100 billion-plus we spent on Katrina, \$11 billion of it got wasted. One of the reasons it got wasted is because we didn't have transparency, we didn't have good-government amendments on it. And we are getting ready to make that mistake again.

So I was asked to come down, by our side of the aisle, to have amendments pending, and now that I can't have amendments pending, I think I will just talk in general about this bill for a moment, if I might.

There is no one in the Senate who does not want to meet the needs of the people who have suffered from this horrific storm. How we do that is important. Meeting immediate needs in terms of the insurance fund for flooding—that is something on which everybody would agree. Nobody is going to object to that. We are going to be short on that. But also what is important in that is that we should have a provision that if you were in a floodplain and didn't buy the insurance, we certainly should not be ponying up our grandkids' money to pay for you when you chose not to insure it.

The reason that is important—there are two moral principles on why that is important. No. 1 is that we are going to endorse irresponsibility. No. 2 is that if we don't put that provision in this bill, the NFIP is never going to work because in the future everybody is going to say: Don't worry, you don't have to buy the flood insurance. Congress is going to take care of it.

So it is those kinds of good-government things that I am trying to put into this bill, and now I am unable to bring amendments to the floor. There is no reason not to bring amendments to the floor right now.

We are going to pick and choose what amendments we are going to bring to the floor when we have good-government amendments? I am at a loss to know why we would object to good-government amendments.

I understand the majority leader's reasoning. We now have five amendments pending on this bill of \$60 billion. You take five or six of the agencies, this bill is going to be more than what all five of those agencies spend in a year, and 64 percent of this bill would not even get obligated until 2015 at the earliest.

I also would remind my colleagues that on this \$64 billion bill, we don't have to offset any spending anywhere under the rules. So here we have this \$64 billion, when we know we are wasting hundreds of billions every year in agencies throughout this government, and we are going to borrow \$64 billion and not do the good-government clean-up, transparency.

One of our amendments is about creating a Web site so everybody can see. One of our amendments is about not having no-bid contracts or sole-source contracts. We have all this experience from Katrina where we know the money was wasted. Yet now we are precluded from putting amendments on the Senate floor that would keep us from wasting that very money in this emergency supplemental bill. It shows the dysfunction of the Senate.

In 2005 and 2006, we would not have had this happen. Amendments would be offered, they would get voted down or embarrassed into not asking for a vote, or withdrawn. Now we are going to pick and choose good-government

amendments. In other words, we are saying we don't want good government. We don't want to do the hard work of making things efficient and effective when we go to spend \$64 billion.

I don't get it. I don't understand it. Generations will not understand it that follow us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

NEWTOWN, CONNECTICUT TRAGEDY

Mr. TESTER. Mr. President, I rise today to offer condolences to the families and the communities of Newtown, CT, and to offer my condolences to the family of DANIEL K. INOUE, the Senator from Hawaii.

For nearly a week now, my thoughts and prayers have been with everyone in Connecticut and all those families whose lives have been changed by the murders in Newtown. Like so many Americans, Sharla and I continue to struggle with the news. We prayed for lives that were lost and grieved for their families and their loved ones.

As a former teacher, but more importantly as a father and grandfather, I can't begin to make sense of the violence, especially against children—children, our future, the same age as my grandkids, exposed to the unthinkable actions of an assassin. No one can make sense out of it. I don't think we ever will. But we can offer hope.

We can offer our solidarity as Americans who unify in tragedy to look ahead—shaken with grief but strengthened with courage. In the days and weeks ahead, we will work together to address the unspeakable violence that has hurt our Nation. As a Senator, it is my responsibility to address the growing issue of violence in America, particularly as it applies to schools and public places, and to stand to ensure the safety of our children.

While we mourn the deaths of innocent children and their educators, we must bring ourselves together for an honest, real, national conversation about every aspect of this terrible attack. It will be a difficult conversation, but it is the responsible and necessary next step for the children of this country, for the children of Montana, and I look forward to rising to the challenge.

REMEMBERING DANIEL K. INOUE

Earlier today, I had the opportunity to sit in the Presiding Officer's chair, and I heard many Members of this body speak of Senator INOUE. Some spoke of him as a distinguished voice, a Senator's Senator, a great hero, a true patriot, a singularly iconic leader, an incredibly great man, a giant of the Senate, a mountain of Hawaii, and the list goes on and on and on.

You know, they say the hardest thing to get in life is a friend, and the easiest thing to lose in life is a friend. DANNY INOUE was a friend.

I will never forget when one of my neighbors came out to visit me. DAN's

office is right next door to mine in the Hart Building. Now, make no mistake about it, before I came to this body I knew of DAN INOUE's past as a war hero, as a part of the Watergate investigative committee. He truly was somebody I knew before I got here through the media.

Well, so did my neighbor. After I had been here for a while I started to take DAN for granted. He was just one of us. So my neighbor was here, and we were standing in the anteroom of my office and DAN INOUE came walking out of his office. My neighbor's eyes almost rolled out of his head and fell on the floor. He wanted to meet DAN. Why? Because he was a great American and he knew it. He knew this was an opportunity he shouldn't pass up.

I stopped into DAN INOUE's office today and passed along my condolences to the staff and had the opportunity to walk back into DAN's office. One of the things that was pointed out to me was a sugar contract that set right above his chair, right in front of him. It was what he looked at every day when he sat at that desk—a sugar contract his parents had. Why? So he didn't forget where he came from. And all the time DAN INOUE served in this body he was probably as grounded as anybody ever could be because he never forgot where he came from.

When I first got here, I was trying to get on the Appropriations Committee. I went to visit Senator INOUE, and he said he would help, and he did.

DAN INOUE was going to Cody, WY, and he flew into Billings, MT, and drove down to Cody for a veterans event. In doing so, he drove through forests that were brown and dead, and he came back and asked me: What is going on with the forests in Montana?

I said: DAN, I have a bill called a forest jobs and recreation act that will help remedy that problem. DAN's response was: Sign me up as a cosponsor. He was always there to help.

I remember one time in the cloakroom he was telling a war story about after he had gotten his arm blown off. They were laying on stretchers—this was in the 1940s, and medicine has come a long way since then, remember. But they were laying on stretchers, and there were many folks there, many with limbs missing, and he said there was a man of the cloth giving last rights. They came to DAN and DAN said: No, I am not going anywhere. And he stayed with us, thank goodness, and came to the Congress and then to the Senate. What a man. What an incredible man he was.

He always sat at our table at the caucus lunch, and when he came in he referred to me as "Big One," and then proceeded to lecture me as to why I needed to lose weight if I was going to stick around here for a while. I always appreciated that.

Another time we were in his office visiting about some legislation, and

out of the blue he asked me how many men I had on staff. I was going down the list counting them when he said: You know how many I got?

I said: No.

He said: I got two because women are better.

That was DAN INOUE. He also had a connection to probably every State in the Union, and Montana was no exception. He always spoke of Mike Mansfield with great passion.

When I was in his office earlier today I noticed on the wall he had a picture of Ted Stevens, LBJ, Warren Rudman, and, of course, Mike Mansfield. On that picture, Mike Mansfield, then-majority leader, had written to my friend Senator DAN INOUE: "With admiration, respect, and affection."

I can't say it any better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

#### REMEMBERING JAMIE ELLIS

Mr. WICKER. Mr. President, I rise tonight to pay tribute to Jamie Ellis, a beloved member of my staff who passed away on Tuesday, November 27, at the age of 65.

Jamie Ellis served his State and country proudly as a constituent liaison in my office in Tupelo. He handled veterans issues, a role he filled with compassion, ability, and integrity. It was a natural fit. Jamie brought to the position his own background of military service and experience as a volunteer Veterans Service Officer for the local chapter of the Vietnam Veterans of America. He had a deep understanding of the unique circumstances our veterans face, and he worked tirelessly to make their lives better. His help and kindness will not be forgotten.

This ability to work well with others was evident throughout Jamie's career, from his years in public service to his success in business. He knew how to lead—a talent that served him well as president of Ellis Brothers Timber and Wonder Wood Products in Mississippi. Before joining my office, he was a valued independent sales agent for Lawson Products in Illinois.

Jamie deserved the respect that veterans and others bestowed upon him. He served in the U.S. Air Force from 1966 to 1970, spending nearly 3 years in southeast Asia, including 1 year in Vietnam. He then served in the National Guard. In his home community of Saltillo, Jamie was a 32nd-degree Mason and Shriner and member of the Saltillo First United Methodist Church.

Helen Keller once said:

The world is moved along not only by the mighty shoves of its heroes, but also by the aggregate of the tiny pushes of each honest worker.

Jamie was the true and honest worker Ms. Keller describes, and he was a hero to those he helped. There is no

doubt his contributions have made the world a better place than he found it.

I am thankful to have known Jamie Ellis and to have had him on my staff. My wife Gayle and I extend our deepest sympathy to his loved ones. To many, Jamie was a fellow veteran and a good friend. To his family, he was a devoted son, husband, father, brother, and grandfather.

Our thoughts and prayers are with his family, especially his wife Judy of 42 years, and their three children and nine grandchildren. He will be truly missed.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### REMEMBERING DANIEL K. INOUE

Mr. PRYOR. Mr. President, I understand we are in a period of morning business. I wish to offer a few reflections and reminiscence about our dearly departed Senator DAN INOUE.

Yesterday afternoon I came into the Chamber expecting to vote on a matter or two. I was stunned and devastated to hear the news, as were the rest of my colleagues, that we had lost Senator INOUE. When I think of what a Senator is and should be, I think of DAN INOUE.

When I came to the Senate, 10 years ago now, I would say that there were three undisputed giants in this hall. There may have been more, but there were three undisputed giants I think everybody recognized as giants in the Senate. One would be Ted Stevens, one would be Ted Kennedy, and the other would be DAN INOUE. There is something about those three men, those

three Senators, that put them in a class by themselves.

Some of it is the force of their personalities, some of it is their legislative accomplishments, some of it is just their ability to get it done; when the chips are down to have the integrity, to understand the vital role that the Senate plays in our Federal system. I think DAN INOUE had all of those traits and he also had character. Character is something that is hard to describe, it is hard to quantify, hard to define sometimes, but there is no doubt Senator INOUE had character.

Yesterday morning I got off the plane. Like many of us I raced into the office. I noticed I had a big bundle of papers waiting for me to look at. I did not have a chance to look at those, I just grabbed those and plopped them on my desk and I thought I would go deal with those later, and later turned out to be the next morning, which is this morning.

I have been thinking about losing our friend DAN INOUE over the last 12 or 14 hours or so, and I was sitting in my office starting to go through this stack of papers and there at the bottom of the stack I saw a Christmas card that had come from Senator INOUE and his wife. I thought this Christmas card summed up one of the traits that made Senator INOUE so special. It is from DAN and Irene—certainly we offer our prayers and our support for Irene right now—but the photo was taken at the Maui Arts and Cultural Center, “a performing arts facility, providing music, dance and theatrical performances as well as art exhibitions.” It is about Hawaiian culture and education and there he is on their Christmas card, promoting Hawaii and never stopping in that quest to make us aware of the special nature of that State and the importance of that State and so many of the qualities of that State.

I look at Senator INOUE's picture on the Christmas card and what I see is that very kind and very generous but also, as our fellow Senators will testify and have testified repeatedly today, that very encouraging face and way of DAN INOUE.

Actually a year or so ago, on my own initiative, I wanted to know a little bit more about him. It is rare to have a Congressional Medal of Honor recipient in your midst, much more rare to work with that person every day. I had the great fortune and extreme pleasure of being on two of Senator INOUE's committees, committees he chaired. He chaired the Commerce Committee for a while and he chaired the Appropriations Committee. I served on both of those with him as chair. In both of those, by the way, I saw the great bipartisan working relationship he had. I want to talk about that again in a moment.

About a year or two ago I thought: I want to know more about Senator

INOUE, so I started reading. Of course, you can go to Wikipedia and whatnot, but there are several books available, several resources available where they talk about his life story. Of course, with Senator AKAKA and Senator INOUE, they were both born in the Territory of Hawaii, not the State of Hawaii but the Territory of Hawaii. When you start to read about DAN INOUE's young life, you start to think this is an ordinary, average guy. He is going to grow up and be pretty nondescript. Who knows what he is going to do with the rest of his life? But when he is a youngster he does things such as he parks cars at ball games; he cuts his classmates' hair for money—you know, these little things we all do. He saved his money and bought and trained a flock of homing pigeons. He had a postage stamp collection—all this ordinary American stuff that boys do as they are growing up.

But his life took a dramatic turn on December 7, 1941. He was an eyewitness, like Senator AKAKA—and Senator AKAKA often tells the story but DAN INOUE was an eyewitness to the bombing of Pearl Harbor. He was too young to join the military at that point, but he was not too young to serve. The way he served was he worked as a medic in the aftermath of that. I read a story about him one time and the only comment he said was he saw “a lot of blood” in those days when he worked around the clock to help people.

When he finally came of age to be able to serve, which was a few years later, he joined the Nisei 442nd Regimental Combat Team. For a lot of people, a lot of Americans, we may not appreciate exactly what or who the 442nd is, but it turns out it would become the most highly decorated unit in the history of the U.S. Army. Of course, Senator INOUE received the Medal of Honor for his service in that unit.

There is one other distinction it has. Almost all the Members were of Japanese descent. So here is this 17-, 18-year-old young man who had eyewitness accounts of very harsh treatments by Americans of Japanese Americans.

One of the things Senator INOUE did not talk a lot about is that he did some sort of goodwill tour back in the 1940s to Japanese internment camps. He came to the two in Arkansas. My understanding is maybe the members of the 442nd—I am not quite sure how it worked, but they were doing some training or whatever, maybe down in Louisiana. I am not quite sure. But nonetheless they came and they went to the two Japanese internment camps in Arkansas.

He goes on to serve in World War II with tremendous distinction. In fact, there are a few video interviews I would recommend to people that C-SPAN2 ran last night, just unbeliev-

able, some of the stories he told about serving in the war and how it changed his life.

One of the things that I loved about him is how he carried a burden. He carried a burden of those heroic war years with him for the rest of his life. The fact that he had been so effective in war haunted him. It stayed with him, I am sure, until the day he died. I heard him talk about it a few months ago.

He also struggled and suffered with his own type of discrimination because he was a Japanese American. My generation—and certainly people younger than me—take that for granted. We don't discriminate against Japanese Americans. However, during the time of World War II, when a lot of people had never had much experience with Asians and Asian Americans, all they knew was that they had bombed Pearl Harbor, we were at war with them, so they must all be bad.

I remember Senator INOUE told a story—in fact, it was on PBS for the series called “The War,” a Ken Burns movie, where he talked about how he lost his arm and had done his rehab and was headed out to the west coast. It is my understanding he was supposed to catch a ship and go back to Hawaii after his long rehabilitation. Well, he decided to stop in and get a haircut at a local barber shop on the west coast. I believe the barber shop was in Oakland, CA. Here was a highly decorated World War II veteran who had literally almost given his life to this country and would live the rest of his life without his right arm. When he walked in the barber shop, the barber told him bluntly: “We don't cut Jap hair.” “We don't cut Jap hair” is the kind of thing that stays with you. That is the kind of thing that made Senator INOUE so special.

I saw him meet with a young man just a few months ago who had also lost his arm. This young man lost his arm to cancer. He introduced himself to Senator INOUE and said: I have always admired you and respected you because of your disability and what you have done for other people with disabilities. DAN INOUE looked him square in the eye and said: “I don't consider it a disability.”

There again, we see his character and get a glimpse of what he was all about.

He was also the first Japanese American to be elected to Congress, the first Japanese American to be sworn in, and the first Japanese American to serve in the Senate. In fact, he was sworn into the House the very same day that Hawaii became a State.

There is a story that has circulated in the House for a decade about his swearing in. He came in at kind of a special time because he won a special election. He was in a class of one to be sworn in over there and Sam Rayburn did the normal swear-in thing. He said, without thinking: “Raise your right

hand and repeat after me." Of course, Congressman INOUE didn't have a right hand at that point; he left it in Italy while fighting for his country.

He broke several barriers, large and small, throughout his life. One of the things I loved about him was his relationship with Ted Stevens. I still remember that their desks were right across the aisle from one another. I remember them working together on all kinds of legislation. They were brothers. Their love and friendship transcended partisan divide. They were totally for the national interest. I think they set a great example for all of us and how we can work together.

They didn't always agree. If we look at their voting record, they voted opposite each other a lot of times, but they worked together and had an exemplary relationship I think we should all follow.

We had Senator INOUE come to the Senate Prayer Breakfast a few months ago. For those who are watching at home or don't know a whole lot about the Senate, every Wednesday morning we are in session we have a Senate Prayer Breakfast. It is for Senators and former Senators only. When we come together, it is a very special time to share each other's lives and tell stories.

It was a treat to have DAN INOUE. I believe he lived in Rockville, so it was hard for him to get here so he didn't make it that often, but he came when he could. I have been here 10 years, and I have been going to the prayer breakfast almost that long. He is the only speaker I have seen in the Senate Prayer Breakfast who got a standing ovation before he spoke and a standing ovation after he spoke. That is the kind of Senator and man he was. He had this spirit that oozed from him. No matter what situation he was in, other people respected him so much.

This last story I will tell is one of my favorite stories about him. When he won his reelection back in 2010—I didn't see it, but I heard this—at the podium that night while accepting his election for his ninth term, he announces that he is going to run for his tenth term in 2016. That is part of that indomitable spirit that we will all miss so much about Senator INOUE.

With that, I want to thank my colleagues for all the wonderful things they have said about Senator INOUE. I want to lift up his family in prayer. He has a fantastic, wonderful staff, and I know everyone in Hawaii is mourning the loss of this great man.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### DISASTER RELIEF

Mr. MENENDEZ. Mr. President, I rise to respond to some of the comments I heard from my colleagues with

reference to the Hurricane Sandy emergency supplemental. Hopefully I can give all of our colleagues—who will be casting a vote here at some point—an understanding as to why we hold a different view than some of the comments that have been made.

One of those comments I will generally put under the rubric we can wait and do something small. Various comments have been referenced in that respect. Some seem to be questioning whether this emergency is worthy of a robust Federal response. They say the cost to help families rebuild and recover is too much and should be reduced. I have heard that in this emergency it is not necessary, and unlike many other similar emergencies in the past, we should do something smaller and wait to do the rest later.

I think those who suggest or make that argument don't seem to understand that a piecemeal recovery is a failed recovery. We cannot rebuild half of a bridge unless we know the entirety of the money that is necessary is committed, like the Mantoloking Bridge in New Jersey, which I have shown many pictures of. We cannot hire a contractor to ultimately replace an entire sewage treatment system that had enormous amounts of sewage dispersing directly into the Hudson River because it was overcome if we only have half of the funding. We cannot hire a contractor to rebuild half a home or restore half of a community unless we know the money is there and that they can depend upon it in order to finish the project. We need the money in place to rebuild entire projects and entire areas to ensure that families and businesses devastated by the storm can recover.

Right now there are literally tens of thousands of small business owners trying to decide whether to reopen or pack it in. They are in a limbo. They are waiting to see what we, their Federal Government, do to respond to their tragedy. They are making decisions in their lives, their businesses, and everyone who is hired by those businesses. They are frozen and waiting to make those decisions based on whether the government is going to offer them a small business loan at low rates that are competitive with the marketplace and have longer term payments. Will they give them a grant toward rebuilding? What type of other benefits will they be able to derive in order to make a determination of whether they can open their business again? Having just a sense that there is only some emergent money and not the moneys to be able to do that doesn't allow them to open their business. It doesn't allow them to make that decision, and it freezes them in time.

The same thing is true for the person who, as winter is biting in the Northeast, faces the challenges of deciding what they might get from the govern-

ment as it relates to rebuilding their home. Should they go forth or not? It is as if some of our colleagues don't believe when we describe this tragedy—and I welcome any one of our colleagues who wants to visit us in New Jersey to come with me to see the breadth, depth, and scope of our devastation. I have already taken a number of Members who were willing to go.

I ask my colleagues: Do you think Governor Christie is making this up? Do you think this fiscal hawk of the Republican Party is looking for Federal aid that is not desperately needed? Do you think we made up these photos of the damage? I can assure everyone we did not.

This is a picture taken just at one small part of the Jersey shore. If I could have a continuum that would bring us around this Chamber, it would look exactly like this. This is Ortley Beach. It shows blocks and blocks of homes that have been totally destroyed. It is an image that can be seen up and down the New Jersey coast.

Here is another example in Union Beach. It is half a home, but that whole community was significantly devastated. If we were to see this community, there would be rows and rows of houses reduced to rubble. I think that is the reality of what we have as a continuation of those neighborhoods in Union Beach.

I was talking to the mayor today—as part of a group of mayors—about their challenges, and this is an example of what he is facing throughout his community.

The storm damage is real and the Governor's request for funding is actually \$20 billion higher than the supplemental we are debating. It is significant that it is \$20 billion higher than the amount we are debating. These requests were scrubbed by OMB from the Governor's original request and gone over with a fine-tooth comb by the Appropriations Committee. Everything in this bill, whether it is about Sandy or something else, is about declared disasters. Now is the time to come to our neighbors' help.

Secondly, there are those who come to the floor and say they are upset about the Army Corps element of this disaster bill and that the budget in this bill is too rigorous. They say that planning and rebuilding for the future is a waste, and that we can have another legislative opportunity to deal with the future. I would submit to those Members who very much care about fiscal responsibility that it is neither efficient, effective, nor fiscally responsible. What should we do, have the Army Corps go back to exactly what existed before? In many cases, what existed before did not sustain those communities, did not withhold the consequence of the surge, and created enormous losses.

We lost over 40 lives. The storm affected over 300,000 homes—30,000 permanently gone.

It seems to me, if we want to be smart fiscally, planning for the future means rebuilding well and rebuilding smart. It means rebuilding in a way that protects us from future storms.

We learned a lot from this superstorm. We know Army Corps coastal defenses work. Where we had them in place, the damage was minimal; where we didn't, there was more devastation, there was more damage, there was more destruction, and more recovery costs.

Stockton College did a study of the Army Corps beach engineering projects before and after the storm, and what it found was unambiguous. Where the Army Corps was able to complete a beach engineering project recently, the dunes helped and damage to communities behind the project was manageable.

Here is a picture taken at Surf City, NJ, right after the storm. This beach received beach engineering in 2007 as part of the Army Corps Long Beach Island Shore Protection Project, and my colleagues can see that despite damage being done to the dune, the dune held and saved lives, saved property, and saved money.

Alternatively, the pictures of Union Beach, which I previously referred to—it is a working-class town that couldn't afford the local match for the Army Corps project, and as my colleagues can see, we have an entirely devastated neighborhood. So we see the fundamental difference: Engineered beaches by the Army Corps, minimal destruction: Those that weren't engineered, maximum destruction; costs, and consequences. Rebuilding the defenses only to the standard that existed before the storm will just give us more of the same in the next storm. If we don't do things differently, we shouldn't expect a different outcome.

In this photo, we also see the homes destroyed by the storm surge. Yes, we can help these homeowners rebuild, but if we don't rebuild smarter, better, and with stronger coastal protections, we will be paying again after the next storm, both in terms of human suffering and Federal funds. The storm crews with the Army Corps of Engineers, academic studies, and local community officials have been telling us for years that beach engineering works. It protects lives. It protects properties. It saves us money in the long run.

Time is of the essence. The severe storm damage caused by Sandy has left New Jersey defenseless. As we enter what is our most vulnerable storm season—the winter Nor'easters—we don't need a Superstorm Sandy to have major consequences all the way up and down the communities throughout New Jersey.

Right now, the Jersey shore is similar to a person with a weak immune system. The storm has destroyed our defenses, and that is why we need to rebuild them quickly. If we don't, a relatively mild storm can cause catastrophic damage.

This is a challenge to us right now—right now. Suggesting the Army Corps budget is not one we need right now and it can wait—these communities can't wait. These communities can't wait. In fact, it will be far more costly to us.

I think we have close to anywhere between \$750 million and \$1 billion in Army Corps of Engineers projects that have been approved—passed and been approved—but they have not had the funding. So when we add those that would ensure we don't end up like Ortley Beach and that we can recover those like Ortley Beach that have been battered and shattered, then I think it makes critical sense.

Finally, I know there are some who suggest mitigation is not worthy of this disaster. I think I have made the case, in the case of the Army Corps, although the Army Corps is not the only form of mitigation. Mitigation means rebuilding smarter and stronger. Whether it is through a flexible CDBG account that will allow the hardening of our electrical grid or elevating homes or via traditional Army Corps or FEMA programs, mitigation has long been a part of supplemental appropriations.

In the gulf coast, we spent \$16 billion building a world-class storm protection system in Louisiana—\$16 billion. In Alabama and Texas, we used CDBG funding to raise homes and improve infrastructure. So much of the public infrastructure in our region that was damaged as a result of the superstorm is eligible for reimbursement from FEMA. There is no disputing that.

The Stafford Act has now been the law of the land for many years, and it says the Federal Government will assume the cost of repairs to critical infrastructure after an event such as Sandy. These communities, when we talk to mayors in Little Ferry and Moonachie—not the Jersey Shore but northern New Jersey and other places that were dramatically hit—when I was visiting them soon after the storm, one mayor said to me, Mayor Vaccaro, I lost my police department, my fire department, and city hall is underwater.

They need to be protecting their citizens. They need to be able to fully depend upon the resources to get back their public safety efforts. It does not make good fiscal sense for Congress to pay to fix our broken infrastructure, which we are legally required to do, without looking to protect our investment and prevent similar costly damage in the future. To me, that makes a lot more fiscal sense at the end of the day. So we will look forward to coming

back to the floor again and again as we deal with these issues, but I hope our colleagues understand the urgency of now.

Final point. After Katrina, in 10 days the Congress passed two emergency supplementals that totaled a little over \$62 billion for Louisiana, Alabama, Mississippi. It has been 6 weeks—6 weeks, not 10 days, 6 weeks—since the storm hit New Jersey, New York, and the Northeast, and there hasn't been any action. The urgency of now is incredibly important and the urgency of doing this robustly is incredibly important to the recovery of a region that is so important to the economic engine of this country.

#### TRIBUTE TO DR. JAMES RAMSEY

Mr. MCCONNELL. Mr. President, I rise to pay tribute to my good friend and an extraordinary leader of my hometown of Louisville, KY: Dr. James Ramsey, the president of the University of Louisville. President Ramsey celebrated a milestone for the University of Louisville recently when it was announced that UofL was unanimously welcomed into the Atlantic Coast Conference.

The ACC has a great history, a proud athletic tradition, and is home to some truly astonishing academic schools. Thanks to Jim's work as president over the last decade, the University of Louisville is able to stand toe to toe with any of them, in any of those categories.

Dr. Ramsey is the 17th president of the university, and has held that post since 2002. In his 10 years at the helm, he has worked every day to make UofL one of the very best metropolitan research universities in the country. It is safe to say, he is succeeding.

Since 2002, the quality of UofL's freshman class has improved every year, with the average incoming freshman ACT score rising from 23.2 in 2002 to 24.7 in 2011. The graduation rate has increased nearly 60 percent, and the number of doctoral degrees awarded by the school has more than doubled since 2002.

UofL students are also winning national acclaim and prestigious academic honors. In 2009, UofL produced its fourth Rhodes Scholar, who was also the first woman from UofL to win the award.

In 2010 and 2011, 14 UofL students won coveted Fulbright scholarships, placing UofL among the nation's top 20 Fulbright-producing institutions each year. Since 2003, 68 UofL students have received Fulbright scholarships, which is more than all other Kentucky schools combined.

President Ramsey has created a university culture that is focused on research and innovation. This approach has already led to major milestones in health care, business, and the environment. The Chronicle of Higher Education lists the University of Louisville



as the fourth fastest growing research university in the country.

UofL's research funding has doubled from a decade ago, and UofL is one of the country's fastest growing research universities in National Institutes of Health funding.

UofL has also strengthened its ties with the city of Louisville in such a way that this school is an invaluable asset, not just to its students, faculty, and alumni, but to all members of the community. UofL has been a major player in the award-winning Partnership for a Green City with Jefferson County Public Schools and Louisville Metro government.

It has also launched a Signature Partnership Initiative to improve education, health care, social services, and economic opportunity in the city. The school is also reaching out to men and women in the Armed Forces, signing education, training, and research agreements with Fort Knox and the Kentucky National Guard.

All of these accomplishments in the last decade have transformed the University of Louisville from a fine local institution to a superb global one—one able to compete with any school in the quality of its students and the caliber of its research. Exciting things are happening at the university, and we have Jim Ramsey to thank.

I want to salute Dr. Ramsey and congratulate him on his superb leadership of the school I am proud to call my alma mater. He and his wife Jane are fixtures of the community, and Elaine and I are honored to call them friends.

I certainly hope Jim will be at the helm of UofL for a long time to come.

I will always look forward to working with him on ways to better the school and the city that we both love.

#### BUDGETARY REVISIONS

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011 and, on June 29, I revised some of those levels pursuant to the Budget Control Act. Today, I am further adjusting those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2013 and the budgetary aggregates for fiscal year 2013.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations reported two bills that are eligible for an adjustment under the Budget Control Act:

One, the Department of Defense Appropriations Act for 2013 includes \$93.297 billion in budget authority that is designated as funding for Overseas Contingency Operations/the Global War on Terrorism. That funding is estimated to result in \$50.697 billion in outlays in 2013.

Two, the fiscal year 2013 disaster assistance supplemental includes \$55.957 billion in budget authority that is designated as funding either for a disaster, \$5.379 billion, or an emergency (\$50.578 billion). In total, that funding is estimated to result in \$8.974 billion in outlays in 2013.

In addition, I am making corrections to the June 29, 2012, adjustment by removing the off-budget portion of the program integrity funding previously provided for continuing disability reviews and redeterminations.

Consequently, I am revising the budgetary aggregates for 2013 by a total of \$148.840 billion in budget authority and \$59.302 billion in outlays. I am also revising the budget authority and outlay allocations to the Appropriations Committee by \$93.409 billion in security budget authority, \$55.845 billion in nonsecurity budget authority, and \$59.671 in total outlays.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(B)(2)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

	\$s in millions	
	2012	2013
Current Spending Aggregates:		
Budget Authority .....	3,075,731	2,837,275
Outlays .....	3,123,589	2,947,257
Adjustments:*		
Budget Authority .....	0	148.84
Outlays .....	0	59,302
Revised Spending Aggregates:		
Budget Authority .....	3,075,731	2,986,115
Outlays .....	3,123,589	3,006,559

\* Includes an adjustment related to the off-budget portion of the program integrity funding previously provided for Continuing Disability Reviews and Redeterminations.

#### REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

	In millions of dollars		
	Current allocation/limit	Adjustment	Revised allocation/limit
Fiscal Year 2012:			
Security Discretionary Budget Authority .....	816,943	0	816,943
Nonsecurity Discretionary Budget Authority .....	363,536	0	363,536
General Purpose Discretionary Outlays .....	1,320,414	0	1,320,414
Fiscal Year 2013:			
Security Discretionary Budget Authority .....	546,254	93,409	639,663
Nonsecurity Discretionary Budget Authority .....	509,991	55,845	565,836
General Purpose Discretionary Outlays .....	1,224,882	59,671	1,284,553

#### DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2013 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

	\$s in billions				
	Program integrity	Disaster relief	Emergency	Overseas contingency operations	Total
Department of Defense:					
Budget Authority .....	0.000	0.000	0.000	93.297	93.297
Outlays .....	0.000	0.000	0.000	50.697	50.697
Disaster Assistance Supplemental*:					
Budget Authority .....	0.000	5.379	50.578	0.000	55.957
Outlays .....	0.000	0.538	8.436	0.000	8.974
Total:					
Budget Authority .....	0.000	5.379	50.578	93.297	149.254
Outlays .....	0.000	0.538	8.436	50.697	59.671
Memorandum 1: Breakdown of Above Adjustments by Category:					
Security Budget Authority .....	0.000	0.000	0.112	93.297	93.409
Nonsecurity Budget Authority .....	0.000	5.379	50.466	0.000	55.845
General Purpose Outlays .....	0.000	0.538	8.436	50.697	59.671
Memorandum 2: Cumulative Adjustments for FY 2013 (Includes Previously Filed Adjustments):					
Budget Authority .....	1.050	11.027	50.578	95.844	158.499
Outlays .....	0.907	0.941	8.436	51.772	62.056

Note: This table reflects the FY 2013 impact of the Disaster Assistance Supplemental. The ten year impact is \$60.4 billion in budget authority and \$59.118 billion in outlays.

## OBJECTION TO S. 2215

Mr. COBURN. Mr. President, I intend to object to any unanimous consent agreement to proceed to or dispose of Calendar Number 536, Senate Bill 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

## TRIBUTE TO CARYN WAGNER

Mrs. FEINSTEIN. Mr. President, I wish to recognize today an extraordinary public servant and a dedicated leader of the U.S. intelligence community, Ms. Caryn Anne Wagner, the Under Secretary for Intelligence and Analysis—I&A—at the Department of Homeland Security. After 30 years of devoted Federal service, Caryn came out of retirement in 2010 when the President nominated her to the Under Secretary position. She was confirmed for this position and has proven herself a manager and leader of what had been a troubled agency. After nearly 3 years in the job, Ms. WAGNER will retire again on Friday, December 21. I am sorry to see her leave but wish her the very best as she prepares for her next chapter.

I came to know Caryn when she was nominated to be the Under Secretary for Intelligence and Analysis. Since then, she has drawn on the depth and breadth of her experience in the intelligence community and the Congress to build the foundations of a Homeland Security intelligence office that will long outlast her tenure. The mission of I&A is to provide the Department of Homeland Security with the intelligence and information it needs to keep the homeland safe, secure, and resilient and to bring to the intelligence community the information and analysis from the Department's thousands of officers posted at our Nation's airports, borders, and numerous other places around the world. It also informs and empowers State, local, and tribal governments and law enforcement on the frontlines of our homeland defense against terrorism.

Caryn's many years of experience in the intelligence community, combined with an in-depth knowledge of the National Intelligence Program, collaborative instincts, and insightful thinking on intelligence matters have been key components of her success. She previously held senior positions involving oversight of the collection and analysis of intelligence to include: the Director of Analysis and Production and Director of the Military intelligence staff for the Defense Intelligence Agency, where she was responsible for development and management of the General Defense Intelligence Program; the Defense Intelligence Agency's senior representative to the U.S. European Command and North At-

lantic Treaty Organization—NATO—Assistant Deputy Director of National Intelligence for Management and the first chief financial officer for the National Intelligence Program; as well as the Executive Director for Intelligence Community Affairs. In that role, she was responsible for the Community Management staff, which provided strategic planning, policy formulation, resource planning, program assessment and budget oversight for the intelligence community. Adding to her experience in the executive branch, she also served for a brief time in the private sector, where she provided support to military operations, intelligence planning, and intelligence systems architecture development. She also served our Nation in uniform for 8 years as a signals intelligence and electronic warfare officer in the U.S. Army, and in the Congress as budget director for the House Permanent Select Committee on Intelligence.

But I want to note in particular her role as Under Secretary in the Department of Homeland Security. Caryn stepped into a relatively new organization that had some notable problems, to include an unclear mission, a shocking overreliance on a workforce in which government contractors outnumbered employees, and major shortfalls in office budgeting and spending. Drawing upon her considerable experience, Caryn was able to shape I&A's personnel structure to match as closely as possible that of the larger intelligence community; thereby greatly decreasing the number of contractors, flattening the Federal grade structure, and moving junior and midgrade personnel into career ladder positions. She also addressed and conquered basic management challenges that had previously gone unnoticed and unaddressed. As a result, I&A now has a functioning process to develop a budget request and execution plan; procedures in place for hiring and training qualified personnel; and procedures for identifying the need for policies, then writing, publishing and enforcing them.

While overseeing the Department of Homeland Security's intelligence functions, Under Secretary Wagner has promoted information sharing and engagement with State, local, and tribal partners and has championed the consolidation of the Department's counterintelligence mission. In the critical area of cyber security, Caryn has overseen I&A's close collaboration and analytic support to the Department's National Protection and Programs Directorate.

Under Secretary Wagner has approached every issue with a pragmatic and professional approach that should be a model for all who follow her.

I would also like to note that over the past year or so, I have had a series of dinners and informal gatherings with senior women in the intelligence

community. In that context, I have gotten to know Caryn on a more personal level, and I hope that we will continue our friendship after her retirement.

Our Nation owes this public servant a tremendous debt of gratitude. I wish to thank her on behalf of the committee for her decades of exceptional service to our country and to wish her and her husband Chad the very best in the days and years ahead. Caryn can at long last dedicate more time to her love of gardening, travel, theater going and fine dining, and I wish her all the very best.

## ADDITIONAL STATEMENTS

## CELEBRATING 100 YEARS OF CALIFORNIA RICE PRODUCTION

• Mrs. BOXER. Mr. President, today I would like to commemorate the centennial of commercial rice production in California. What began as an experimental crop in the Sacramento Valley has become a more than billion-dollar industry for our State and an exceptional agricultural product enjoyed by consumers worldwide.

Rice was introduced in California during the Gold Rush, when immigrants traveled to the State in search of fortune and a better life. As early as 1870, European and Asian settlers began to experiment with different varieties of rice that they had grown back in their homelands. After attempts to grow long grain rice were unsuccessful, the USDA concluded that California's climate would be more amenable to a Japanese medium-grain variety known as Kiushu. When Kiushu failed to thrive in southern and coastal areas of California, it was discovered that the Sacramento Valley had the most ideal soil and climate conditions for the high-quality Japanese varieties of rice. By 1908, Kiushu rice was successfully being grown in the community of Biggs in Butte County. The California Rice Experiment Station, established in Biggs in 1912, has helped farmers perfect the short- and medium-grain rice crop for the last century. More than 95 percent of the State's rice is grown in the Sacramento Valley region of California.

Rice has become one of the State's top agricultural exports. According to the California Rice Commission, California rice is used in nearly every roll of sushi made in the United States and represents more than 30 percent of the Nation's rice exports to countries such as Japan, Taiwan, and Korea. This year's crop is expected to yield 5 billion pounds and represents \$1.8 billion in economic value.

In addition to supplying consumers with this fine agricultural product, California rice fields serve as an important habitat for migratory birds along the Pacific Flyway. After the fields are

harvested in the fall, growers flood them to create feeding grounds that yield nearly 60 percent of the food needed by 10 million waterfowl each winter.

I congratulate California's 2,500 family rice farmers on this centennial of successful rice production, and organizations such as the California Rice Commission and Farmers' Rice Cooperative that have worked to promote and export this fine product all over the world.●

#### TRIBUTE TO HARRY E. LEGRAND

● Mr. BURR. Mr. President, I would like to recognize Harry E. LeGrand, a native North Carolinian, for his contributions to his State, his Nation, and the scientific community, particularly in the area of groundwater research and how the disposal of contaminated waste can affect our water supplies.

Born in 1917 in Mebane, NC, Harry graduated from the University of North Carolina at Chapel Hill with a B.S. in geology. He was working as a geologic aide when he answered his nation's call to duty and served as an officer of the First Army in the European Theatre of World War II which included service stretching from the Normandy invasion to the Battle of the Bulge.

Harry returned home after his valiant service to our country and married Undine Nye. Throughout his life both personally and professionally, Undine provided Harry with love and support and traveled with him on many geology trips, providing a sense of home even in far away places.

When Harry went to work for the Ground Water Branch of the United States Geological Survey, USGS, he quickly noticed something that would follow him throughout his career—the lack of comprehensive records and data related to his field of study. Despite the fact that incomplete and imprecise data was a constant in his professional career, Harry saw this as an opportunity rather than an impediment and stated in an autobiographical article that “working with imprecise data can be a blessing because it prompts clear reasoning that can lead to useful deductions.” Where many people would see nothing more than a roadblock Harry saw opportunity, and the work he accomplished to fill in the many holes in available information and build on the data that did exist led to practices still heralded and in use today.

Harry's work in those years focused primarily on groundwater in the fractured igneous and metamorphic rock in the Piedmont of North Carolina, and he discovered a useful system for locating high-yielding wells based on topography and soil thickness. During the 1950's, Harry worked with the USGS's Office of Radiohydrology to identify potential deep-well disposal sites for

low-level radioactive material and was named head of the Radiohydrology Section in 1960. It was in this capacity that he became more interested in groundwater contamination and laid the foundation for future research of the role and impact of natural attenuation. Ever curious and eager to further knowledge on subjects that were under-researched, Harry soon turned his attention to karst hydrology. After much travel, research, and field work, Harry and his fellow Americans serving on the Karst Commission of the International Association of Hydrogeology laid the basis for useful generalizations that would have worldwide application. Harry's retirement did not slow him down and in 2004, 3 decades after leaving the USGS, Harry wrote a report that serves as a master groundwater conceptual model for sites in the igneous and metamorphic terrain of North Carolina.

Harry spent his life pursuing fields of study that were largely under-researched at the time and, in many cases, offered little in the way of solid data upon which to build. Despite, or perhaps in spite of that, Harry pushed forward with research that furthered development in these fields and provided a solid foundation for research to come. While the worlds of geology and groundwater research might feel foreign to many of us, Harry identified many shared qualities between aquifers and human beings, and he expressed these commonalities in poetry. As if his work on the subject wasn't enough, his real legacy might be introducing others to the underground waterscape that exists beneath our feet and inspiring future generations to continue to explore the natural world in which we live.●

#### TRIBUTE TO JUDGE PAT SHAW

● Mr. WYDEN. Mr. President, the job of a county judge in an Oregon county is a tough one. In addition to serving as the chief elected officer and manager of the county, the county judge serves as judge of the probate court and the juvenile court.

There is no other elected official in Oregon that demands so much of one person.

Pat Shaw, of Gilliam County, has served in this role for 6 years and during this time she has been a superb example of what a county judge ought to be.

Pat has administered the county, managing the budget with aplomb. She has gone toe to toe with State and Federal agencies and made tough decisions in juvenile and probate court. No one can claim that her plate has not been overflowing and yet she has always taken time to go the extra mile for her community.

Pat has served Gilliam County for 30 years, including 16 years as county as-

essor. Her colleagues thought so much of her that she was chair of the Oregon Assessors Association for 7 years. She also served a stint as secretary to the Gilliam County Fair Board. Anyone who serves on a fair board knows how tough a job that can be.

Pat has also been part of a three-county group, the county judges of Gilliam, Wheeler, and Sherman Counties, which have tackled problems on a regional basis. Together, these counties have been among the best in the State. Gilliam County houses a regional communications system that is the envy of the rest of Oregon. It provides 9-1-1 services and communications to law enforcement throughout eastern and central Oregon. The system, called Frontier TelNet, also provides education and broadband services for their residents.

The three counties, along with their education service district, created the communications system because no one else wanted to provide services to these very rural counties. When no one else would help, they stepped up and figured out how to get it up and running. And while Pat wasn't county judge when the system was started, she has been key to keeping it running at such a high level.

She has also been in the forefront of bringing wind energy to Gilliam County, and working to improve her county's economy, education and public safety.

Pat is not retiring because she is tired of serving Gilliam County. Oregon requires judges to retire at age 70. As a county commissioner, she could serve as long as the voters wished her to serve, but because she has judicial duties, Oregon law requires her to step down.

In this case, that is a shame. In Pat Shaw, we have the very definition of what a public servant should be. Gilliam County and I will miss her as a county judge, but I am sure Pat will find some other way to continue in public service.●

#### MESSAGES FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4606. An act to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

#### ENROLLED BILLS SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 6116. An act to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

H.R. 6223. An act to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

#### ENROLLED BILL SIGNED

At 6:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2013" (Rept. No. 112-252).

By Mr. CASEY, from the Joint Economic Committee:

Special Report entitled "Report of the Joint Economic Committee Congress of the United States on the 2012 Economic Report of the President" (Rept. No. 112-253).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3689. A bill to establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 622. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Res. 623. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. AKAKA (for himself, Mr. REID,

Mr. McCONNELL, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. McCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 624. A resolution relative to the death of the Honorable Daniel Ken Inouye, Senator from the State of Hawaii; considered and agreed to.

By Mr. CONRAD:

S. Con. Res. 63. A concurrent resolution correcting the enrollment of S. 2367; considered and agreed to.

By Mr. REID (for himself and Mr. McCONNELL):

S. Con. Res. 64. A concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the

tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3458

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3458, a bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition.

S. 3655

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3655, a bill to provide enhanced disaster unemployment assistance to States affected by Hurricane Sandy and Tropical Storm Sandy of 2012, and for other purposes.

S. 3678

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3678, a bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes.

S. RES. 574

At the request of Ms. AYOTTE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 574, a resolution calling on the United Nations to take concerted actions against leaders in Iran for their statements calling for the destruction of another United Nations Member State, Israel.

S. RES. 613

At the request of Mr. LIEBERMAN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. Res. 613, a resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support to the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

S. RES. 618

At the request of Mr. LEVIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

## AMENDMENT NO. 3344

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 3344 intended to be proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3689. A bill to establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, today, I am introducing the Senior Airman Michael Malarsie Act to increase the number of assistance dogs available to disabled servicemembers and veterans.

I met Senior Airman Malarsie earlier this year, and his story and perseverance have inspired this legislation. In 2008, during a deployment to Afghanistan, Senior Airman Malarsie was seriously injured and blinded by an improvised explosive device. Blinded in both eyes, Senior Airman Malarsie was placed on a waiting list for several months before he was paired with his guide dog, Xxon. Only through generous donations totaling \$45,000, Senior Airman Malarsie was able to receive a guide dog. Unfortunately, too often our wounded warriors must wait several months before receiving assistance dogs. According to Assistance Dogs International, last year there was a backlog of 188 veterans waiting for placement. I strongly believe we must do more so that they do not wait months for a trained assistance dog.

The bill will create a joint grant program between the Department of Defense and Department of Veterans Affairs to assist qualified assistance dog agencies provide trained dogs to covered servicemembers and veterans. The competitive grant program would be used for dogs that assist with specific disabilities such as hearing loss, mobility loss, visual impairment, and post-traumatic stress disorder and traumatic brain injury. A portion of each grant would be used for evaluation to ensure that grant funds are being used properly and that each member or veteran is provided with best trained dog possible. This bill authorizes \$15 million for the competitive grant program.

The number of veterans who require the assistance of assistance dogs is expected to increase as military members returning from combat are diagnosed with disabilities. The non-profit organizations that train and provide the service dogs free of charge to veterans

cannot keep up with the surge of returning wounded warriors. Each service dog can cost up to \$45,000 to train, and assistance dog organizations must rely on grants and the generosity of individuals, foundations, and corporations for funding. Through a competitive grant program, this bill will increase the number of assistance dogs available for veterans and active-duty members and decrease the waiting time for disabled warriors waiting for assistance. We must do more than watch as our servicemen return home from war and are forced to wait several months for an assistance dog simply due to a lack of funds.

A number of organizations are supportive of this bill, including the Iraq and Afghanistan Veterans of America, the Disabled Veterans National Foundation, The Retired Enlisted Association, and Military Exits.

I look forward to continued progress in assisting our wounded warriors and ask all of my colleagues to support this important legislation.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 622—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

## S. RES. 622

*Resolved*, That the House of Representatives be notified of the election of the Honorable Patrick J. Leahy as President of the Senate pro tempore.

## SENATE RESOLUTION 623—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

## S. RES. 623

*Resolved*, That the President of the United States be notified of the election of the Honorable Patrick J. Leahy as President of the Senate pro tempore.

## SENATE RESOLUTION 624—RELATIVE TO THE DEATH OF THE HONORABLE DANIEL KEN INOUE, SENATOR FROM THE STATE OF HAWAII

Mr. AKAKA (for himself, Mr. REID, Mr. MCCONNELL, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of

Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 624

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusive Nation and famously declared "this is our country";

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Regimental Combat Team during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

*Resolved, That—*

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### SENATE CONCURRENT RESOLUTION 63—CORRECTING THE ENROLLMENT OF S. 2367

Mr. CONRAD submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 63

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word “lunatic” from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike “in subsection (b)” and insert “in subsection (j)”.*

#### SENATE CONCURRENT RESOLUTION 64—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE LATE HONORABLE DANIEL K. INOUE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 64

*Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.*

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3346. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for

the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3347. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3349. Mr. WHITEHOUSE (for himself, Mr. LIEBERMAN, Mr. FRANKEN, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3350. Mr. TESTER (for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. BAUCUS, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3351. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3352. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3353. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3354. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3355. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3356. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3357. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3358. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3359. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3360. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3361. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3362. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3363. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3364. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended

to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3365. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3366. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3367. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3368. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3370. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3371. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3372. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3373. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3374. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3376. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3378. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3379. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3380. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3381. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3382. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3383. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3384. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3385. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 3346. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1,



making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 2 and 3, insert the following:

SEC. 1004. Section 127 of title 23, United States Code, is amended by adding at the end the following:

“(j) OPERATION OF CERTAIN VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—With respect to any segment of the United States Route 41 corridor described in section 1105(c)(57) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240) that has been designated as a route on the Interstate System, any vehicle that could operate legally on the segment before such designation shall not be subject to the requirements set forth in subsection (a).”.

**SA 3347.** Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking “The Secretary shall use such sums as are necessary from the Trust Fund” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(2) in subsection (d)(2), by striking “The Secretary shall use such sums as are necessary from the Trust Fund” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(3) in subsection (e)(1)—

(A) by striking “The Secretary” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary”;

(B) by striking “per year from the Trust Fund” and inserting “for fiscal year 2012”;

(4) in subsection (f)(2)(A), by striking “the Secretary shall use such sums as are necessary from the Trust Fund” and inserting “of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(5) in subsection (i), by striking “September 30, 2011” and inserting “September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)”.

(b) This section is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

**SA 3348.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ VEHICLES USE IN THE WAKE OF HURRICANE SANDY.

(a) REPORT.—Not later than 7 days after the date of enactment of this Act, the Department of Justice and Department of Homeland Security shall identify and relocate any vehicles currently based at the Washington, DC, headquarters of such agencies used for non-operational purposes to replace vehicles of those agencies damaged by Hurricane Sandy. The Department of Justice and Department of Homeland Security shall provide copies of a report summarizing the actions taken to carry out this subsection to the House and Senate Committees on Appropriations and Judiciary.

(b) FUNDING LIMITATION.—No funds provided by this Act shall be used to purchase, repair, or replace any Department of Justice or Department of Homeland Security vehicle until after the report required by subsection (a) has been provided to Congress.

**SA 3349.** Mr. WHITEHOUSE (for himself, Mr. LIEBERMAN, Mr. FRANKEN, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

SEC. 11 \_\_\_\_ (a) The Senate finds that—

(1) extreme weather events threaten lives, property, the economy, national security, and sense of place;

(2) the Intergovernmental Panel on Climate Change, the leading international body for the assessment of climate change, concludes that a changing climate leads to changes in the frequency, intensity, spatial extent, duration, and timing of extreme weather and climate events;

(3) the Intergovernmental Panel on Climate Change further concludes that it is at least 90 percent likely that—

(A) the length, frequency, and intensity of warm spells or heat waves will increase over most land areas;

(B) mean sea level rise will contribute to upward trends in extreme coastal high water levels; and

(C) locations currently experiencing adverse impacts, such as coastal erosion and inundation, will continue to be adversely impacted due to increased sea levels;

(4) Congress has been asked to approve an emergency aid package at a cost of \$60,400,000,000 to assist recovery efforts from Hurricane Sandy, the second costliest Atlantic hurricane on record;

(5) in addition to Federal disaster assistance, private insurance companies are expected to pay billions of dollars in claims related to Hurricane Sandy;

(6) global insurance and reinsurance businesses acknowledge that climate change is real;

(7) Munich Re, the largest global reinsurer in the world, has reported that “there is evidence that, as a result of warming, events associated with severe windstorms, such as thunderstorms, hail and cloudbursts, have become more frequent in parts of the USA, southwest Germany, and other regions”;

(8) the Munich Re natural catastrophe database shows “a marked increase in the number of weather-related events”, including, globally, “a more than threefold increase in loss-related floods since 1980 and

more than double the number of windstorm natural catastrophes, with particularly heavy losses as a result of Atlantic hurricanes”;

(9) Swiss Re, the second largest global reinsurer in the world, has reported “that climate change will exacerbate the weather impacts we have seen in recent years”;

(10) RenaissanceRe, a global provider of insurance coverage, has stated that it has “taken a proactive course to begin modeling the risk and uncertainty associated with climate change”; and

(11) adaptation measures can mitigate future disasters and increase resilience to extreme weather events.

(b) It is the sense of the Senate that—

(1) current trends for air and ocean temperature, sea level, and ocean chemistry are associated with an increasing frequency and severity of extreme weather events and are related to the release of man-made carbon dioxide, affecting the atmosphere and oceans;

(2) the response to extreme weather events presents significant costs to the Federal, State, and local governments, businesses, insurers, and individuals; and

(3) actions to mitigate the effects of extreme weather events, including actions taken to reduce human contributions to climate change, are economically prudent and in the fiscal best interests of the United States.

**SA 3350.** Mr. TESTER (for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. BAUCUS, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

On page 72, between lines 16 and 17, insert the following:

#### WILDLAND FIRE MANAGEMENT

For an additional amount for “Wildland Fire Management”, \$653,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); *Provided further*, That, not later than December 31, 2013, the Comptroller General of the United States shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report on new models or alterations in the model that may be used to better project future wildfire suppression costs.

**SA 3351.** Mr. LEVIN (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike line 24 and all that follows through page 19, line 1, and insert the following:

pendent to dredge Federal navigation channels and harbors (including channels and harbors impeded as a result of drought and low water levels) and repair damage to Corps projects nationwide related to natural disasters (including drought): *Provided*, That such amount is designated by \* \* \*

**SA 3352.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, including any provision of this Act, no funds appropriated under this Act may be used to fund programs or projects that have resulted from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.) other than Hurricane Sandy or Tropical Storm Sandy of 2012, to fund mitigation projects appropriated under this Act, or to fund programs not directly in response to Hurricane Sandy or Tropical Storm Sandy of 2012 response and recovery efforts.

**SA 3353.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 14, strike line 5 and all that follows through page 15, line 19.

**SA 3354.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 18 through 22, strike “\$58,855,000” and all that follows through “*Provided*,” and insert “\$23,000,00, to remain available until expended: *Provided*, That funds made available under this heading may only be used for emergencies related to the consequences of Hurricane Sandy: *Provided further*,”.

**SA 3355.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Beginning on page 2, strike line 16 and all that follows through page 3, line 2.

**SA 3356.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 8, strike “\$810,000,000” and insert “\$610,000,000”.

**SA 3357.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 66, strike line 14 and all that follows through page 67, line 6.

**SA 3358.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 12 through 14.

**SA 3359.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 72, strike line 17 and all that follows through page 73, line 2.

**SA 3360.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 1, insert “That none of the funds provided under this heading may be distributed until the National Railroad Passenger Corporation submits a detailed plan to Congress on how such funds will be expended: *Provided further*, That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy: *Provided further*,” after “*Provided further*,”.

**SA 3361.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for

the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, strike line 13 and all that follows through page 83, line 5.

**SA 3362.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 20, strike “to remain available until expended: *Provided*,” and insert “to remain available until September 30, 2014: *Provided*, That the Secretary shall, prior to transferring such funds, submit to the appropriate Committees of Congress a report concerning how such funds will be used under such transfer: *Provided further*,”.

**SA 3363.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, beginning on line 10, strike “\$10,783,000,000” and all that follows through “such transfer:” on line 21 and insert the following: “\$5,400,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That none of the funds provided under this heading may be distributed until the Federal Transit Administration submits a detailed plan to Congress on how such funds will be expended: *Provided further*, That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy:”

**SA 3364.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike line 17 and all that follows through page 10, line 22.

**SA 3365.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike line 6 and all that follows through “*Provided, That*” on line 11 and insert “*The*”.

**SA 3366.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, beginning on line 13, strike “*That the Secretary*” and all that follows through “*Provided further,*” on line 17.

**SA 3367.** Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end of title I, add the following:

#### GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking “The Secretary shall use such sums as are necessary from the Trust Fund” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(2) in subsection (d)(2), by striking “The Secretary shall use such sums as are necessary from the Trust Fund” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(3) in subsection (e)(1)—

(A) by striking “The Secretary” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary”; and

(B) by striking “per year from the Trust Fund” and inserting “for fiscal year 2012”;

(4) in subsection (f)(2)(A), by striking “the Secretary shall use such sums as are necessary from the Trust Fund” and inserting “of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(5) in subsection (i), by striking “September 30, 2011” and inserting “September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)”.

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a non-

insured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

“(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

“(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

“(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the ‘Agency’).”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “and” after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

“(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and”; and

(ii) in subparagraph (B)—

(I) by inserting “(except ferns)” after “floricultural”; and

(II) by inserting “(except ferns)” after “ornamental nursery”; and

(III) by striking “(including ornamental fish)” and inserting “(including ornamental fish, but excluding tropical fish)”;

(2) in subsection (d), by striking “The Secretary” and inserting “Subject to subsection (1), the Secretary”;

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking “\$250” and inserting “\$260”; and

(B) in subparagraph (B)—

(i) by striking “\$750” and inserting “\$780”; and

(ii) by striking “\$1,875” and inserting “\$1,950”; and

(4) by adding at the end the following:

“(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

“(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

“(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

“(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

“(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

“(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

“(I) harvested;

“(II) planted but not harvested; or

“(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

“(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

“(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

“(A) the service fee required by subsection (k); and

“(B) a premium for the applicable crop year that is equal to—

“(i) the product obtained by multiplying—

“(I) the number of acres devoted to the eligible crop;

“(II) the yield, as determined by the Secretary under subsection (e);

“(III) the coverage level elected by the producer;

“(IV) the average market price, as determined by the Secretary; and

“(ii) 5.25-percent premium fee.

“(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

“(4) ADDITIONAL AVAILABILITY.—

“(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

“(C) ADMINISTRATION.—For assistance provided under this subsection for the 2012 crop year, the limitation in subsection (i)(2) shall be \$250,000.”.

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

**SA 3368.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

In title IV, under the heading “CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)” under the heading “CORPS OF ENGINEERS-CIVIL” under the heading “DEPARTMENT OF THE ARMY” under the heading “DEPARTMENT OF DEFENSE-CIVIL” strike “*Provided further, That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal*”

exclusive of LERRDs:" and insert "Provided further, That the Secretary shall determine the Federal and non-Federal cost share for implementing any project using these funds in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213):".

**SA 3369.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1003 and insert the following:

**SEC. 1003.** None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations and posts the notification on the public website of that agency not less than 3 full business days before either Department (or a modal administration of either Department) announces the selection of any project, State or locality to receive a grant award totaling \$500,000 or more.

**SA 3370.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 1106. PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS.**

(a) **DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.**—In this section:

(1) **IN GENERAL.**—The term "seriously delinquent tax debt" means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6322 of that Code.

(2) **EXCLUSIONS.**—The term "seriously delinquent tax debt" does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) **PROHIBITION.**—Notwithstanding any other provision of this Act or an amendment made by this Act, none of the amounts appropriated by or otherwise made available under this Act may be used to make payments to an individual or entity who has a seriously delinquent tax debt during the pendency of such seriously delinquent tax debt.

**SEC. 1107. PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS.**

None of the amounts appropriated by or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available.

**SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.**

None of the funds appropriated or made available in this Act may be used for any commercial fishery that is located more than 50 miles outside of the boundaries of a major disaster area, as declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), for Hurricane Sandy.

**SA 3371.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the appropriate place insert the following:

**SEC. 52007.** (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the "Administrator") shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

(b) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures to assess the capacities of States to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term "State" means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) any other territory or possession of the United States; and

(5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**SA 3372.** Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. RETURN OF UNUSED EMERGENCY FUNDS.**

(a) **RETURN OF FUNDS.**—Any amount made available by this Act to carry out a program that is designated as an emergency and 2 years after the date of enactment of this Act remains available for obligation or has been obligated but not yet spent shall be re-

scinded and returned to the Treasury to reduce the deficit.

(b) **PROGRAM TERMINATION.**—Notwithstanding any other provision of this Act, any new program authorized and funded by this Act is terminated 2 years after the date of enactment of this Act.

(c) **MATCH SUNSET.**—The 90/10 cost share provided in this Act shall expire 2 years after the date of enactment of this Act.

**SA 3373.** Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

**SEC. \_\_\_\_\_. SPECIAL RULES FOR USE OF RETIREMENT FUNDS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.**

(a) **TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.**—

(1) **IN GENERAL.**—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(H) **DISTRIBUTIONS FROM RETIREMENT PLANS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.**—Any qualified disaster recovery distribution."

(2) **QUALIFIED DISASTER RECOVERY DISTRIBUTION.**—Section 72(t) of such Code is amended by adding at the end the following new paragraph:

"(11) **QUALIFIED DISASTER RECOVERY DISTRIBUTION.**—For purposes of paragraph (2)(H)—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term 'qualified disaster recovery distribution' means, with respect to any federally declared disaster, any distribution from an eligible retirement plan made on or after the applicable disaster date and before the date that is 1 year after such date, to an individual whose principal place of abode on the applicable disaster date, is located in the disaster area and who has sustained an economic loss by reason of such federally declared disaster.

"(B) **AGGREGATE DOLLAR LIMITATION.**—

"(i) **IN GENERAL.**—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified disaster recovery distributions for any taxable year shall not exceed the excess (if any) of—

"(I) \$100,000, over

"(II) the sum of aggregate amounts treated as qualified disaster recovery distributions received by such individual for all prior taxable years, the aggregate amounts treated as qualified hurricane distributions under section 1400Q(a), and the aggregate amounts treated as qualified Disaster Recovery Assistance distributions under section 701(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

"(ii) **TREATMENT OF PLAN DISTRIBUTIONS.**—If a distribution to an individual would (without regard to clause (i)) be a qualified disaster recovery distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified disaster recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

“(iii) CONTROLLED GROUP.—For purposes of clause (ii), the term ‘controlled group’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

“(iv) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2012, each of the \$100,000 amounts under clauses (i) and (ii) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the next highest multiple of \$10,000.

“(C) AMOUNT DISTRIBUTED MAY BE REPAID.—

“(i) IN GENERAL.—Any individual who receives a qualified disaster recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

“(ii) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(iii) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified disaster recovery distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(D) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

“(i) IN GENERAL.—In the case of any qualified disaster recovery distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

“(ii) SPECIAL RULE.—For purposes of clause (i), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

“(E) OTHER DEFINITIONS.—

“(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

“(ii) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with

respect to any federally declared disaster, the date on which such federally declared disaster occurs.

“(iii) ELIGIBLE RETIREMENT PLAN.—The term ‘eligible retirement plan’ shall have the meaning given such term by section 402(c)(8)(B).

“(F) SPECIAL RULES.—

“(i) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified disaster recovery distributions shall not be treated as eligible rollover distributions.

“(ii) QUALIFIED DISASTER RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of this title, a qualified disaster recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disaster declared after December 31, 2011.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) INDIVIDUAL RETIREMENT PLANS.—Paragraph (8) of section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(F) RECONTRIBUTIONS.—

“(i) GENERAL RULE.—

“(I) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

“(II) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of paragraph (1)(C) shall apply for purposes of this subsection.

“(ii) QUALIFIED DISTRIBUTION.—For purposes of this subparagraph, the term ‘qualified distribution’ means, with respect to any federally declared disaster, any distribution—

“(I) which is a qualified first-time home-buyer distribution,

“(II) received on or after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date, and

“(III) which was to be used to purchase or construct a principal residence in the disaster area, but which was not so purchased or constructed on account of the federally declared disaster.

“(iii) APPLICABLE PERIOD.—For purposes of this subparagraph, the term ‘applicable period’ means the period beginning on the applicable disaster date and ending on the date which is 1 year after the applicable disaster date.

“(iv) OTHER DEFINITIONS.—For purposes of this subparagraph—

“(I) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

“(II) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.”.

(2) QUALIFIED PLANS.—Subsection (c) of section 402 of the Internal Revenue Code of 1986

is amended by adding at the end the following new paragraph:

“(12) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

“(A) GENERAL RULE.—

“(i) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in paragraph (8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under subsection (c) or section 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

“(ii) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of section 72(t)(1)(C) shall apply for purposes of this subsection.

“(B) QUALIFIED DISTRIBUTION.—For purposes of this paragraph, the term ‘qualified distribution’ means, with respect to any federally declared disaster, any distribution—

“(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), or 403(b)(11)(B),

“(ii) received—

“(I) on or after the date which is 6 months before the applicable disaster date, and

“(II) before the date which is the day after the applicable disaster date, and

“(iii) which was to be used to purchase or construct a principal residence in the disaster area, but which was not so purchased or constructed on account of the federally declared disaster.

“(C) APPLICABLE PERIOD.—For purposes of this paragraph, the term ‘applicable period’ means the period beginning on the applicable disaster date and ending on the date which is 1 year after the applicable disaster date.

“(D) OTHER DEFINITIONS.—For purposes of this paragraph—

“(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

“(ii) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disaster declared after December 31, 2011.

(c) LOANS FROM QUALIFIED PLANS.—

(1) IN GENERAL.—Subsection (p) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—

“(A) IN GENERAL.—In the case of any loan from a qualified employer plan to a qualified individual made during the applicable period—

“(i) clause (i) of paragraph (2)(A) shall be applied by substituting ‘\$100,000’ for ‘\$50,000’, and

“(ii) clause (ii) of such paragraph shall be applied by substituting ‘the present value of the nonforfeitable accrued benefit of the employee under the plan’ for ‘one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan’.

“(B) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the applicable disaster date from a qualified employer plan—

“(i) if the due date pursuant to subparagraph (B) or (C) of paragraph (2) for any repayment with respect to such loan occurs during the period beginning on the applicable disaster date and ending on the date which is 1 year after such date, such due date shall be delayed for 1 year,

“(ii) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under clause (i) and any interest accruing during such delay, and

“(iii) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of paragraph (2), the period described in clause (i) shall be disregarded.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2012, the \$100,000 amounts under subparagraph (A)(i) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the next highest multiple of \$10,000.

“(D) DEFINITIONS.—For purposes of this paragraph—

“(i) QUALIFIED INDIVIDUAL.—The term ‘qualified individual’ means, with respect to any federally declared disaster, an individual whose principal place of abode on the applicable disaster date is located in the disaster area and who has sustained an economic loss by reason of such federally declared disaster.

“(ii) APPLICABLE PERIOD.—The applicable period is the period beginning on the applicable disaster date and ending on the date that is 1 year after such date.

“(iii) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

“(iv) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to loans made with respect to disaster declared after December 31, 2011.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of, or amendment made by, this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of, or amendment made by, this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2014, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that the provisions of, and amendments made by, this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by the provisions of, or amendments made by, this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

#### SEC. \_\_\_\_ INCREASED LIMITATION ON CHARITABLE CONTRIBUTIONS FOR DISASTER RELIEF.

(a) INDIVIDUALS.—Paragraph (1) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:

“(F) QUALIFIED DISASTER CONTRIBUTIONS.—

“(i) IN GENERAL.—Any qualified disaster contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the excess of 80 percent of the taxpayer’s contribution base over the amount of all other charitable contributions allowable under this paragraph.

“(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation under clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

“(iii) COORDINATION WITH OTHER SUBPARAGRAPHS.—For purposes of applying this subsection and subsection (d)(1), contributions described in clause (i) shall not be treated as described in subparagraphs (A) and such subparagraph shall be applied without regard to such contributions.

“(iv) QUALIFIED DISASTER CONTRIBUTIONS.—For purposes of this subparagraph, the term ‘qualified disaster contribution’ means any charitable contribution if—

“(I) such contribution is made after the date of the enactment of this paragraph,

“(II) such contribution is made in cash to an organization described in subparagraph (A) (other than an organization described in section 509(a)(3)), and

“(III) such contribution is for relief efforts related to a federally declared disaster (as defined in section 165(h)(3)(C)(i)).

Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, donor advised fund (as defined in section 4966(d)(2)).

“(v) SUBSTANTIATION REQUIREMENT.—This paragraph shall not apply to any qualified disaster contribution unless the taxpayer obtains from such organization to which the contribution was made a contemporaneous written acknowledgment (within the meaning of subsection (f)(8)) that such contribution was used (or is to be used) for a purpose described in clause (iv)(III).”

(b) CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

“(C) QUALIFIED DISASTER CONTRIBUTIONS.—

“(i) IN GENERAL.—Any qualified disaster contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the excess of 20 percent of the taxpayer’s taxable income over the amount of charitable contributions allowed under subparagraph (A).

“(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation under clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

“(iii) QUALIFIED DISASTER CONTRIBUTION.—The term ‘qualified disaster contribution’ has the meaning given such term under paragraph (2)(F)(iv).

“(iv) SUBSTANTIATION REQUIREMENT.—This paragraph shall not apply to any qualified disaster contribution unless the taxpayer obtains from such organization to which the contribution was made a contemporaneous written acknowledgment (within the meaning of subsection (f)(8)) that such contribution was used (or is to be used) for a purpose described in paragraph (1)(F)(iv)(III).”

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 170(b)(2) of such Code is amended by striking “subparagraph (B) applies” and inserting “subparagraphs (B) and (C) apply”.

(B) Subparagraph (B) of section 170(b)(2) of such Code is amended by striking “subparagraph (A)” and inserting “subparagraphs (A) and (C)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

#### SEC. \_\_\_\_ NONAPPLICATION OF DAVIS-BACON.

The wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”) shall not apply with respect to any project or program carried out in whole or in part with Federal funds in any Federally declared disaster area. This section shall apply to any project or program contract entered into during the 1-year period beginning on the date of disaster declaration involved.

#### SEC. \_\_\_\_ MANDATORY POSTPONEMENT OF DEADLINES BY REASON OF DISASTERS OR TERRORISTIC OR MILITARY ACTIONS.

(a) IN GENERAL.—Section 7508A of the Internal Revenue Code of 1986 is amended by striking “may specify a period of up to 1 year” each place it appears in subsections (a) and (B) and inserting “shall specify a period of 1 year”.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7508A of such Code is amended by striking “AUTHORITY TO POSTPONE” and inserting “POSTPONEMENT OF”.

(2) The item relating to section 7508A in the table of sections for chapter 77 of such Code is amended by striking “Authority to postpone” and inserting “Postponement of”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters and terroristic or military actions occurring on or after the date of the enactment of this Act.

#### SEC. \_\_\_\_ TEMPORARY SUSPENSION OF BOUTIQUE FUEL REQUIREMENT AND ETHANOL MANDATE.

(a) BOUTIQUE FUEL REQUIREMENT.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—



(1) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(2) by adding at the end the following:

“(vii) **SUSPENSION.**—The Administrator shall suspend a control or prohibition respecting the use of a fuel or fuel additive required or regulated by the Administrator pursuant to this subsection for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.”.

(b) **ETHANOL MANDATE.**—Section 211(o)(7) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding at the end the following:

“(G) **SUSPENSION.**—The Administrator shall suspend the requirements of paragraph (2) for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.”.

#### **SEC. \_\_\_\_ . OTHER RELIEF.**

Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141) is amended by inserting “at its own discretion or” before “if so requested”.

#### **SEC. \_\_\_\_ . WAIVER OF CERTAIN REQUIREMENTS FOR VESSELS IN DISASTER AREAS.**

Notwithstanding section 501 of title 46, United States Code, during the 3-month period beginning on the date of the enactment of this Act, the provisions of sections 55102 and 55103 of title 46, United States Code, shall not apply to a vessel that is delivering merchandise or transporting passengers to a port—

(1) in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.); or

(2) designated by the Secretary of Homeland Security as a port of significant importance to an area referred to in paragraph (1).

**SA 3374.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

#### **TITLE XII—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

##### **SEC. 1201. SHORT TITLE.**

This title may be cited as the “Citrus Disease Research and Development Trust Fund Act of 2012”.

##### **SEC. 1202. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from \$50,000,000 to \$87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as “HLB” or “citrus greening disease”) and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue col-

lected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than \$3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately \$13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) **PURPOSES.**—The purposes of this title are—

(1) to authorize the establishment of a trust funded by certain tariff revenues to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States; and

(2) to require the President to notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before entering into any trade agreement that would decrease the amount of duties collected on imports of citrus products to less than the amount necessary to provide the grants authorized by section 1001(d) of the Trade Act of 1974, as added by section 1203(a) of this Act.

(c) **EFFECT ON OTHER ACTIVITIES.**—Nothing in this title restricts the use of any funds for scientific research and technical activities in the United States.

#### **SEC. 1203. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.**

(a) **IN GENERAL.**—The Trade Act of 1974 (19 U.S.C. 2102 et seq.) is amended by adding at the end the following:

##### **“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

##### **“SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.**

“(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a trust fund to be known as the ‘Citrus Disease Research and Development Trust Fund’ (in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

“(b) **TRANSFER OF AMOUNTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary to be equivalent to amounts received in the general fund that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States.

“(2) **LIMITATION.**—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of—

“(A) an amount equal to ⅓ of the amount attributable to the duties received on articles described in paragraph (1); or

“(B) \$30,000,000.

“(c) **AVAILABILITY OF AMOUNTS IN TRUST FUND.**—

“(1) **AMOUNTS AVAILABLE UNTIL EXPENDED.**—Amounts in the Trust Fund shall remain available until expended without further appropriation.

“(2) **AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.**—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

“(A) for expenditures relating to citrus disease research and development under section 104 of the Citrus Disease Research and Development Trust Fund Act of 2012, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

“(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

“(d) **INVESTMENT OF TRUST FUND.**—

“(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

“(2) **INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

“(e) **REPORTS TO CONGRESS.**—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

“(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

“(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

“(3) an assessment of the amounts available in the Trust Fund for future expenditures.

“(f) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury may remit to the general fund of the Treasury such amounts as the Secretary of Agriculture reports to be in excess of the amounts necessary to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.

“(g) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of the Citrus Disease Research and Development Trust Fund Act of 2012 and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

**“SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.**

“The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the President determines that entering into the trade agreement could result—

“(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States; and

“(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.”

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

**“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

“Sec. 1001. Citrus Disease Research and Development Trust Fund.

“Sec. 1002. Reports required before entering into certain trade agreements.”

**SEC. 1204. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD.**

(a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, affecting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 1203(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Citrus Disease Research and Development

Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term “citrus” means edible fruit of the family Rutaceae, commonly called “citrus”.

(B) INCLUSION.—The term “citrus” includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(4) PERSON.—The term “person” means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term “producer” means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term “program” means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(8) TRUST FUND.—The term “Trust Fund” means the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 1203(a) of this Act.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint  $\frac{1}{3}$  of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) TECHNICAL AND LOGISTICAL SUPPORT.—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) OTHER DEPARTMENTS AND AGENCIES.—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) GENERAL RESPONSIBILITIES OF THE BOARD.—

(A) IN GENERAL.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities

of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to \$2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

#### SEC. 1205. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

#### SEC. 1206. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

“(C)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 23, 2021, and ending on November 6, 2021.

“(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 30, 2021, and ending on November 13, 2021.”.

**SA 3375.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . BUDGET OFFSET.

(a) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to \$60,407,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II—United States Agency for International Development, title III—Bilateral economic assistance, and title IV—International security assistance as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMITATION.—Of the accounts and programs included in paragraph (1), the rescissions amounts shall not reduce the combined aggregate budget authority of those accounts and programs below \$5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in that section shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs included as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(b) APPLICATION OF RESCISSEMENTS.—Of the total amount rescinded subject to including subsection (a)(2), the allocation of rescissions from the accounts or programs as specified in subsection (a)(1), shall be determined by the Director of the Office of Management and Budget.

**SA 3376.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”) with respect to any project or program funded, in whole or in part, under this Act (or amendment).

**SA 3377.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . BUDGET OFFSET.

(a) IN GENERAL.—

(1) FINDING.—Congress finds that the Congressional Budget Office estimates that—

(A) this Act, the Disaster Relief Appropriations Act, 2013, will spend only 15 percent of the budget authority provided in this Act in fiscal year 2013; and

(B) total outlays flowing from this Act will equal \$8,974,000,000 for fiscal year 2013.

(2) BUDGET AUTHORITY LIMIT.—The total amount provided to chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this Act shall be provided based on the Congressional Budget Office’s cost estimate findings, such that—

(A) total budget authority for the Act shall not exceed \$8,974,000,000;

(B) total budget authority provided for Chapter 1 shall not exceed \$81,000,000;

(C) total budget authority provided for Chapter 2 shall not exceed \$192,000,000;

(D) total budget authority provided for Chapter 3 shall not exceed \$42,000,000;

(E) total budget authority provided for Chapter 4 shall not exceed \$673,000,000;

(F) total budget authority provided for Chapter 5 shall not exceed \$437,000,000;

(G) total budget authority provided for Chapter 6 shall not exceed \$6,681,000,000;

(H) total budget authority provided for Chapter 7 shall not exceed \$147,000,000;

(I) total budget authority provided for Chapter 8 shall not exceed \$85,000,000;

(J) total budget authority provided for Chapter 9 shall not exceed \$23,000,000; and

(K) total budget authority provided for Chapter 10 shall not exceed \$613,000,000.

(3) APPLICATION OF BUDGET AUTHORITY REDUCTION.—Of the total amount rescinded in this Act as subject to paragraph (2), the allocation of such reductions among the accounts and programs shall be determined by the Director of Office of Management and Budget.

(b) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to \$8,974,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II—United States Agency for International Development, title III—Bilateral economic assistance, and title IV—International security assistance accounts and programs as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMIT.—Of the accounts and programs included in paragraph (1), the rescission amounts shall not reduce the combined aggregate budget authority of those accounts and programs below \$5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in those paragraphs shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(c) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to subsection (b), including paragraph (2) the allocation of such rescissions among the accounts or programs as specified in subsection (b)(1), shall be determined by the Director of the Office of Management and Budget.

**SA 3378.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Section 406(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)(1)) is amended—

(1) in the paragraph heading, by striking “MINIMUM”; and

(2) by striking “not less than” and inserting “not more than 75 percent”.

**SA 3379.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike lines 9 through 20 and insert the following:

“(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may—

“(1) waive notice and comment rule making requirements if the Administrator determines the waiver to be necessary to expeditiously implement this section; and

“(2) may carry out the alternative procedures under this section as a pilot program during the 3-year period beginning on the date of enactment of the Disaster Recovery Act of 2012.

“(g) REIMBURSEMENT.—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(h) SUNSET OF REPAIR, RESTORATION, AND REPLACEMENT PROCEDURES.—The authority of the Administrator to administer assistance under the procedures described in subsection (e)(1) shall terminate 5 years after the date of enactment of this Act.

“(i) REPORT.—Not earlier than 3 years, and not later than 5 years, after the date of enactment of this section, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the alternative procedures for the repair, restoration, and replacement of damaged facilities under section 406 authorized under this section, which shall assess the effectiveness of the alternative procedures, including—

“(1) whether the alternative procedures helped to improve the general speed of disaster recovery;

“(2) the accuracy of the estimates relied upon;

“(3) whether the financial incentives and disincentives were effective;

“(4) whether the alternative procedures were cost-effective;

“(5) whether the independent expert panel described in subsection (e)(1)(E) was effective; and

“(6) recommendations for whether the alternative procedures should be continued and any recommendations for changes to the alternative procedures.”.

**SA 3380.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, between lines 23 and 24, insert the following:

(1) ENHANCING RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—

(1) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following: “SEC. 526. ADMINISTRATION OF RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘annuitant’ means an annuitant under a Government retirement system;

“(2) the terms ‘deployed’ and ‘deployment’ mean the performance of services under the response and recovery operations and programs of the Agency, including exercises and training for such operations and programs;

“(3) the term ‘disaster reserve workforce’ means the disaster reserve workforce established under subsection (b);

“(4) the term ‘employee’ has the meaning given under section 2105 of title 5, United States Code;

“(5) the term ‘employee designated for short term deployments’ means an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) designated only for short-term deployments;

“(6) the term ‘Government retirement system’ means a retirement system established by law for employees of the Government of the United States;

“(7) the term ‘major project’ means any project for which the total costs are greater than \$400,000;

“(8) the term ‘permanent seasonal employee’ means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), working under seasonal employment as defined under section 340.401 of title 5 of the Code of Federal Regulations or any successor regulation;

“(9) the term ‘reservist’ means an employee who is a member of the disaster reserve workforce;

“(10) the term ‘response and recovery operations and programs’ means response operations and programs and recovery operations and programs;

“(11) the term ‘response operations and programs’ means operations and programs that involve taking immediate actions to save lives, protect property or the environment, or meet basic human needs;

“(12) the term ‘recovery operations and programs’ means operations and programs to support and enable recovery, as defined in section 501 of the Homeland Security Act of 2002; and

“(13) the term ‘term employee’ means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), who is appointed to a term of 1 or more years.

“(b) DISASTER RESERVE WORKFORCE.—In order to provide efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs there is within the Agency a disaster reserve workforce, which shall be used to supplement the work of permanent full-time employees of the Agency on response and recovery operations and programs.

“(c) PROVISION OF SERVICES PERFORMED UNDER RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—

(1) IN GENERAL.—The Administrator shall ensure that the disaster reserve workforce can rapidly and efficiently deploy qualified, skilled, and trained reservists for a sufficiently long period to provide continuity in response and recovery operations and programs.

“(2) MANAGEMENT AND IMPLEMENTATION.—

“(A) IN GENERAL.—Sufficient numbers of qualified permanent full-time employees of the Agency shall lead and manage the disaster reserve workforce and implement response and recovery operations and programs, including leading individual major projects under sections 404, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c, 5172, and 5173).

“(B) DISASTER RESERVE WORKFORCE.—The disaster reserve workforce shall include—

- “(i) term employees;
- “(ii) permanent seasonal employees;
- “(iii) employees designated for short-term deployments;
- “(iv) employees of the Department who are not employees of the Agency; and
- “(v) employees of other Federal agencies.

“(C) RELIANCE ON CERTAIN EMPLOYEES.—In supporting the work of permanent full-time employees, the Administrator—

- “(i) shall rely to the greatest extent possible on term employees and permanent seasonal employees deployed for long periods of time in order to help ensure greater efficiency, continuity, quality, and accuracy in services performed under recovery operations and programs; and
- “(ii) may use discretion to deploy the reservists most able to ensure the greatest efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs.

“(3) POLICIES AND PROCEDURES.—In order to ensure that efficient, continuous, and accurate services are provided under response and recovery operations and programs, not later than 180 days after the date of enactment of this section, the Administrator shall develop—

“(A) staffing policies and procedures that provide for the management of response and recovery operations and programs by sufficient numbers of permanent full-time senior-level officials;

“(B) plans to recruit individuals who reside in the area affected by a major disaster when long-term recovery efforts are needed; and

“(C) policies and procedures relating to sections 403, 404, 406, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5170c, 5172, 5173, and 5192).

“(4) MINIMUM STANDARDS AND GUIDELINES FOR THE DISASTER RESERVE WORKFORCE.—

“(A) STANDARDS AND GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop standards and guidelines for the disaster reserve workforce, including—

- “(i) setting appropriate mandatory before and after disaster training requirements;
- “(ii) establishing the minimum number of days annually an individual is required to deploy in a year during which there is sufficient work for members of the disaster reserve workforce;
- “(iii) providing for a reasonably long time period for deployment to ensure continuity in operations; and
- “(iv) establishing performance requirements, including for the timely and accurate resolution of issues and projects.

“(B) MAINTAINING MEMBERSHIP IN THE DISASTER RESERVE WORKFORCE.—In order to maintain membership in the disaster reserve workforce, a reservist shall—

- “(i) be credentialed in accordance with section 510; and
- “(ii) meet all minimum standards and guidelines established under subparagraph (A)—

“(I) for term employees, before being appointed to a term in the disaster reserve workforce; and

“(II) annually for all other reservists.

“(C) EVALUATION SYSTEM.—In consultation with the Director of the Office of Personnel Management, the Administrator shall develop and implement a system to continuously evaluate reservists to ensure that all minimum standards and guidelines under this paragraph are satisfied annually by all reservists. Chapter 43 of title 5, United States Code, shall not apply to reservists covered under the system developed and implemented under this subparagraph.

“(5) CONTRACTORS.—Not later than 180 days after the date of enactment of this section, the Administrator, in conjunction with the Chief Human Capital Officer of the Agency, shall establish policies and procedures for contractors that support response and recovery operations and programs, which shall ensure that the contractors have appropriate skills, training, knowledge, and experience for assigned tasks, including by ensuring that the contractors meet training, credentialing, and performance requirements similar to the requirements for reservists.

“(6) REEMPLOYED ANNUITANTS.—

“(A) IN GENERAL.—In appointing reservists to the disaster reserve workforce, the application of sections 8344 and 8468 of title 5, United States Code, (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system may be waived by the Administrator for annuitants reemployed on deployments involving a direct threat to life or property or other unusual circumstances for the entirety of the deployment.

“(B) LIMITATIONS.—The authority under subparagraph (A)—

“(i) is granted to assist the Administrator in establishing and effectively operating the disaster reserve workforce if—

“(I) no other qualified applicant is available for a reservist position; or

“(II) if the employment of an annuitant would serve the mission of the Agency by gaining the benefit of the institutional knowledge and experience of the annuitant; and

“(ii) may be exercised only—

“(I) with respect to natural disasters, acts of terrorism, or other man-made disasters, including catastrophic incidents; and

“(II) if the applicant will not accept the position without a waiver.

“(C) GUIDELINES AND LIMITATIONS.—Before the Administrator may exercise the authority under subparagraph (A), the Administrator shall establish guidelines and limitations on the appointment of annuitants under that subparagraph in order to manage the need for annuitant experience with workforce growth, succession planning, and fiscal responsibilities.

“(D) NOT EMPLOYEE FOR RETIREMENT PURPOSES.—An annuitant to whom a waiver under subparagraph (A) is in effect shall not be considered an employee for purposes of any Government retirement system.

“(7) PERMANENT EMPLOYMENT POSITIONS.—

“(A) IN GENERAL.—An employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) and a member of the FEMA corps of the National Civilian Community Corps who completes the terms of service of the member pursuant to the interagency agreement between the Federal Emergency Management Agency and the Corporation for National and Community Service may compete for permanent posi-

tions in the Agency under merit promotion procedures. The actual time deployed as an employee or member shall be considered creditable service for purposes of such competition and shall be calculated, for purposes of section 8411 of title 5, United States Code, by dividing the total number of days of service as a reservist by 365 to obtain the number of years of service and dividing any remainder by 30 to obtain the number of additional months of service and excluding from the aggregate the fractional part of a month, if any.

“(B) CONSIDERATION.—In evaluating a reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) for a potential permanent employment position, the Administrator shall consider the qualifications of, and performance as a reservist by, the reservist, including the ability of the reservist to timely, accurately, and creatively resolve issues and projects when deployed.

“(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall—

“(i) take effect on the date on which the Administrator implements the evaluation system under paragraph (4)(C); and

“(ii) apply to periods of service performed after that date.

“(8) NO IMPACT ON AGENCY PERSONNEL CEILING.—Reservists shall not be counted against any personnel ceiling limitation applicable to the Agency.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 525 the following:

“Sec. 526. Administration of response and recovery operations and programs.”.

(3) PERMANENT SEASONAL EMPLOYEES.—Section 306(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)) is amended—

(A) in paragraph (1), by inserting “or permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)” after “temporary personnel”; and

(B) in paragraph (3), by inserting “or the employment of permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)” after “additional personnel”.

**SA 3381.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

On page 85, line 9, strike “That, of” and all that follows through “2012:” on line 15 and insert the following: “That, of the amount provided under this heading, \$500,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That the amounts provided under the preceding proviso are designated by the Congress as being for an emergency requirement

pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.”.

#### NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator TOM COBURN, intend to object to proceeding to S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; dated December 18, 2012.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 18, 2012, at 9:30 a.m., to conduct a hearing entitled “Computerized Trading Venues: What Should the Rules of the Road Be?”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 18, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 18, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 18, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I see the Senator from Alaska is ready to speak. I have been asked to do some wrapup items, if she would indulge us.

#### CORRECTING THE ENROLLMENT OF S. 2367

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 63 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) correcting the enrollment of S. 2367.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MENENDEZ. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 63) was agreed to, as follows:

##### S. CON. RES. 63

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word “lunatic” from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike “in subsection (b)” and insert “in subsection (j)”.*

#### AUTHORIZING THE USE OF THE ROTUNDA

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 64 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 64) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable DANIEL K. INOUE.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MENENDEZ. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 64) was agreed to, as follows:

##### S. CON. RES. 64

*Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.*

#### RELATIVE TO THE DEATH OF THE HONORABLE DANIEL KEN INOUE, SENATOR FROM THE STATE OF HAWAII

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 624 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 624) relative to the death of the Honorable DANIEL KEN INOUE, Senator from the State of Hawaii.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 624) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 624

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusionary Nation and famously declared “this is our country”;

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Regimental Combat Team during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged



as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

*Resolved, That—*

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

#### ORDERS FOR WEDNESDAY, DECEMBER 19, 2012

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 19, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill; further, that Senator HUTCHISON be recognized at 11:30 a.m. for up to 30 minutes and that Senator KYL be recognized at 2 p.m. for up to 30 minutes, each for the purpose of delivering retirement speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER FOR ADJOURNMENT

Mr. MENENDEZ. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 624, as a further mark of respect to the late Senator DANIEL K. INOUE of Hawaii, following the remarks of Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

#### REMEMBERING DANIEL K. INOUE

Ms. MURKOWSKI. Mr. President, it is only fitting that I be allowed to speak for a few minutes recognizing that on this floor we have just ad-

vanced these resolutions in honor of our friend, our colleague, and truly an incredible gentleman and statesman, Senator DANIEL K. INOUE.

In Alaska, we regarded former Senator Ted Stevens as “Uncle Ted.” What follows, then, is that the people of Alaska would regard his brother, our beloved DANIEL INOUE, as our uncle as well.

Today, the people of Alaska are mourning the loss of Senator INOUE in the same way we would mourn the loss of one of our own; that is, because Senator INOUE is one of our own. Regardless of whether he wanted that burden—I know that perhaps at times he did not want that—we would think of him as Alaska’s third Senator. A great many Alaskans came to know, to love, and to rely on Senator INOUE to watch Alaska’s back, and he never let us down.

Senator INOUE delivered a very touching, a very tender eulogy at Ted Stevens’ funeral in August of 2010. In that address, he mentioned that millions and millions of words had been written of Ted’s accomplishments. Yet as I was thinking about how I might frame my remarks about Senator INOUE’s life, it dawned on me that millions and millions of words had also been written already about Senator INOUE. That is because I think so many of Ted’s accomplishments came with DAN INOUE at his side and, not coincidentally, many of DAN’s accomplishments occurred in the presence of Ted. So where do we begin? There is so much that must be said and that should be said.

I was present at the Anchorage Baptist Temple when Senator INOUE delivered his eulogy, and I had the opportunity last evening, after we learned word of Senator INOUE’s passing, to view that video clip again. As I listened to that eulogy, it came to me that everything Senator INOUE said about Ted told us as much about DAN as it did about Ted. There was so much that these two men shared.

Senator INOUE related that he knew from the very beginning of the relationship that the two would have a great deal in common. Both represented former territories at the very edge of our great Nation—territories that at times were treated as appendages to our Nation. He characterized Alaska and Hawaii as the forgotten people. In those early years, he reminded us it cost more to make a telephone call from Honolulu to here in Washington, DC, than it did Honolulu to Tokyo. It was cheaper to call Beijing from Washington than Anchorage. DAN and Ted set out to do something about that, and they did.

They traveled to each other’s States. They came to understand the unique challenges each faced.

Senator INOUE related on one trip to an Alaska Native village that he met a

nurse. It actually was not a nurse. It was our community health aide, an individual from the village who had been trained to provide basic medical care. It occurred to both of them at that time that the new technology could enable a doctor at a major hospital, hundreds or perhaps even thousands of miles away, to observe and diagnose a patient via a video link.

So was born the Alaska telemedicine network, one of the first of its kind in the world and truly a remarkable advancement and achievement in Alaska. It was born from their very conversations on that CODEL. This is just one small example of the many collaborations that improved life for the Native peoples of Alaska and Hawaii. These collaborations created models by which Senator INOUE improved conditions for the Native peoples of the 48 States as well.

Another thing that Ted and DAN shared in common was, of course, that they were both veterans. One of our colleagues described them as World War II soulmates—men who loved the military, absolutely loved the military, with every ounce of their being. They traveled together across the globe to zones of conflict to visit Americans in uniform.

The tragedy of Vietnam veterans returning home unappreciated was not lost on either of these veterans, and they devoted their lives to ensuring that our veterans would never again be disrespected.

Following Ted’s death, Senator INOUE came to this floor, and he said the following of his fallen brother:

When it came to policy, we disagreed more often than we agreed, but we were never disagreeable with one another. We were always positive and forthright.

This remark came as perhaps a little bit of a surprise to me because on the important issues that faced this country, they would most often arrive at significant agreements that would allow the issues to advance in the Senate. Not one of them viewed bipartisanship in a negative context. It was not a dirty word. Senator INOUE said of Ted: “We made the word bipartisan become real—real.”

It is no coincidence that each would be described in these terms:

His word is his bond . . . Good as gold.

DANIEL INOUE brought depth to every debate and dignity to every room in which he entered. He was a model Senator and in these times of turbulence within the Senate I think a role model for so many of us. There was an elegance in this man that I think we should all strive to emulate. I wonder often if those of us who did not come of age in that “greatest generation” are up to this challenge. But we should certainly strive to be.

On behalf of the people of Alaska, I express our deepest appreciation and condolences to his wife Irene and to

Ken for sharing this extraordinary statesman with us and with the Nation. For that, we owe them a very sincere and genuine thank you—mahalo. Irene, of course, is doing important work with the United States-Japan Council. I look forward to working closely with her in that important role.

When a significant figure in Alaska passes, we often say: “A big tree has fallen.” In the islands, DANIEL INOUE was the biggest of the big trees. There is no way to minimize the loss the people of Hawaii are feeling. We could see it in the face of Governor Abercrombie yesterday. He could barely control his tears as he conducted a lengthy news

conference following Senator INOUE's passing. We saw our friend and colleague, Senator AKAKA, as he delivered very sad remarks as well. In Hawaii, as in Alaska, these things are personal. Losing a longtime Senator feels like losing a member of your own family. The Senate ohana is less today because Senator INOUE is no longer with us. Let me simply say the people of Alaska and the people of this great Nation stand with the people of Hawaii. I offer my personal commitment to the people of Hawaii as the now senior-most Senator representing the decades' old alliance of our former territories: Your needs will not be forgotten.

With that, I thank you for the few extra minutes this evening to pay tribute to a good man, a good friend.

I yield the floor.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. on Wednesday, December 19, 2012, and does so under the provisions of S. Res. 624 as a further mark of respect to the late Senator DANIEL K. INOUE of Hawaii.

Thereupon, the Senate, at 7:51 p.m., adjourned until Wednesday, December 19, 2012, at 9:30 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, December 18, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. HAYWORTH).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 18, 2012.

I hereby appoint the Honorable NAN A. S. HAYWORTH to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6223. An act to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

The message also announced that the Senate passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2076. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1792. An act to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

S. 1793. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of Janu-

ary 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### THE CONNECTICUT SCHOOL CHILDREN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, there is nothing more Americana than the image of happy children at school during the Christmas season. Last week, that Norman Rockwell picture was stolen by the murders of our greatest natural resource, our children.

Here are photos of 23 of the 26 victims that were murdered that day. We should know their photographs. We should know their names. They were: Chase Kowalski, 7 years of age; James Mattioli, 6; Jack Pinto, 6; Caroline Previdi, 6; Avielle Richman, 6; Benjamin Wheeler, 6 years of age; Allison Wyatt, age 6; Catherine Hubbard, 6 years of age; Daniel Barden, 7 years old; Grace McDonnell, 7; Emilie Parker, 6 years of age; Jesse Lewis, age 6; Ana Marquez-Greene, 6; Noah Pozner, 6; Jessica Rekos, 6; Josephine Gray, age 7; Madeleine Hsu, age 6; Charlotte Bacon, age 6; Olivia Engel, age 6; Dylan Hockley, age 6. Those were the children.

Here are the names of the teachers: Dawn Lafferty Hochsprung, age 47; Victoria Soto, age 27; Anne Marie Murphy, age 52; Lauren Rousseau, 30; Mary Sherlach, 56; Rachel D'Avino, age 29.

Madam Speaker, these were real people. Real victims, real children, and real teachers of Newtown, Connecticut.

The people of Connecticut have started burying these victims of this assault on America. And all Americans can relate to some extent to this crime that has occurred at this elementary school.

Madam Speaker, I have four kids and 10 grandkids. Three of my daughters are teachers by profession. My wife is a first grade elementary schoolteacher. No parent ever wants to bury their child. We just don't want to do that. We never want our children to die in their youth, like these children did.

So, Madam Speaker, we mourn with the families of Connecticut. We must

honor the victims in our prayers and in our words and ask the good Lord to bless them, their families, the people of Connecticut, and, yes, our country as well.

And that's just the way it is.

### GUN VIOLENCE IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the jarring violence of last week seared into our consciousness. It started in Portland, Oregon, with a mall shooting that might have been worse, and ended in Newton, Connecticut, where it's impossible to imagine that it could have been worse. It's part of an ongoing pattern of carnage because we lose one life to gun violence every 20 minutes every hour every day.

The mass murderer's rampage gets the Nation's attention, but the same total loss of life at Sandy Hook happens more than twice every day all year long.

This is personal for me not just because the mall shooter was in my district, but I had a high school friend who was killed with a random, freak drive-by shooting. My brother took his life with a handgun as a young man. I've supported gun safety provisions at the State and Federal level at every opportunity. It might be different now, not just because of the horrific images of parades of funerals for little children.

I salute Mayor Bloomberg's unstinting advocacy for gun safety and mobilizing America's mayors who bear the brunt of gun violence. I welcome the President's leadership and will support any reform that he advances.

But I would urge my colleagues to read the columns in the Sunday Times by my fellow Oregonian, Nick Kristof, and Ezra Klein's article in yesterday's Washington Post. They demonstrate we know what works. There are examples around the world. Even in America with lax, weak gun protections, there are, in fact, some regulations in some places, and they make a difference.

Let's treat gun violence like any public health crisis, which I would say losing 30,000 lives a year would qualify as a crisis. We need to treat it like the threat to public health and families that it is, treat a gun like any other consumer product. This is how we slashed the auto death rate—vehicle design and driver behavior, enforcement and education.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For guns, it starts when Congress stops being intimidated by the extremists, and then just do what the majority of gun owners agree we should do—renew the assault weapon ban which many of us will introduce under the leadership of our dear friend and colleague, CAROLYN MCCARTHY; ban large magazines and the most devastating bullets; and close the gun show loophole. These are for starters, things that NRA members agree with.

□ 1010

Let's care as much about real guns as we do about toy gun consumer protection to start us down the road of making our children safer, by treating children's gun safety like their auto safety.

With all the airbags, anti-drunk driving campaigns, child seats, driver education, careful licensing, we slashed the accident rate. Yes, it didn't eliminate accidents altogether. But we can't imagine a world without these protections for our families.

Let's see if we can imagine a world where our children are safer from gun violence, and then make it happen.

#### HONORING THE LIFE OF PETTY OFFICER FIRST CLASS NICHOLAS CHECQUE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Madam Speaker, I rise today with a heavy heart to honor Petty Officer First Class Nicholas Checque, a true hero who sacrificed his life in the most honorable of ways—to protect and save the life of another human being. His life was a testament to the core values of the United States Navy: honor, courage and commitment.

On December 9, 2012, Petty Officer Checque embarked on a daring Special Forces operation in eastern Afghanistan to rescue a kidnapped American doctor from the Taliban in the Sarobi district near Kabul. A veteran of the Iraq war and decorated Navy SEAL, Petty Officer Checque died following critical injuries sustained on the successful mission to save the life of Dr. Joseph. A grateful Nation grieves for him and his family.

Petty Officer Checque strived for excellence, Madam Speaker. As a Norwin High School student, peers described him as diligent and driven, always aware he would someday serve his country. He was a dedicated student and a wrestler. He consistently challenged himself to pursue excellence in everything he did. Such dedication to one's country was also carried on by Petty Officer Checque. That is truly remarkable, but it's also expected of a Navy SEAL.

Among many commendations, Petty Officer Checque was awarded the

Bronze Star, the Joint Service Commendation Medal, and the Navy and Marine Corps Commendation and Achievement Medals for service during combat, and now, the Purple Heart.

The Bible reminds us that "There is no greater love than to lay down one's life for one's friends." Through his incredible sacrifice, Petty Officer Checque not only exhibited his great love of country, but unwavering affection for his brothers and sisters.

"The Navy Hymn," also known as "Eternal Father," has a verse added. I don't know the author, but it is fitting to recall now. It goes on to say:

And when at length her course is run, her work for home and country done, of all the souls that in her sailed, let not one life in thee have failed; but hear from heaven our sailor's cry, and grant eternal life on high.

To Petty Officer Checque, we all bid him fair winds and following seas for eternity. May he rest in peace, and may the Lord keep him and his family in his loving hands.

#### CONGRESS HAS DONE NOTHING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Madam Speaker, Albert Einstein once said, "The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing."

Madam Speaker, we have looked on and done nothing. We in this body, we in this Congress, we in this government, have done nothing, nothing to protect the innocent lives of 20 defenseless children gunned down in Connecticut last Friday. Nothing to protect the 87 people killed each day from guns across America. Nothing to stop the epidemic of senseless gun violence that plagues not only our major cities like New York and Chicago, but countless small towns throughout our Nation, towns with names like Newtown, Aurora, Tucson, Dekalb, Blacksburg, and Littleton.

In the nearly 4 years I've been a Member of this body, this House has not held a single hearing, not one, to address gun violence, while over 30,000 Americans die each year from gun violence, while over 400 lives have been lost to gun violence in my hometown of Chicago. People are dying every day, and we in this body have been afraid to even talk about it.

This crisis demands our action. The time has come for us to stop listening to the gun lobby and start listening to the American people. The fact is, the majority of Americans, gun owning and not, desire commonsense, reasonable gun regulations.

Congress must no longer stand in the way of reasonable regulation. Instead, we must champion it. The American people want to see background checks required on all firearm purchases in-

stead of the fraction of sales that get them today.

Forty percent of U.S. gun sales are by private sellers who are not required to perform background checks. You can be a three-time convicted felon, a serial domestic abuser, severely mentally ill, or even on a terrorist watch list and still go to a gun show or go on the Internet and buy whatever gun you want.

The American people want to strengthen databases to prevent the mentally ill from buying guns. But over a million disqualifying mental health records are still missing from the national background check database. Ten States have failed to flag a single person as mentally ill in their database, and 17 States list fewer than 100 people.

Americans want to see the assault weapons ban reinstated and keep military weapons off our streets and large capacity ammunition clips banned to keep dangerous ammunition out of the hands of madmen.

Let's face it, when you put a 30-round clip in an assault weapon, you're not protecting your home, you're not hunting deer; you are hunting people.

We have hid from this fight for too long. For too long we have used politics and the Second Amendment to cover up our lack of action. Yes, the Supreme Court affirmed that we have a right to bear arms, but in that same ruling, the Court made clear that right is not unlimited.

We do not, as Justice Scalia put it, have an unlimited right to keep and carry any weapon whatsoever in any manner whatsoever, for whatever purpose. Our individual right to bear arms is limited by our right, among others, to keep our children safe.

Any of those children could have been one of ours, and for 20 parents, it was.

We may not be able to stop every crime. We know that no single law or set of laws can prevent every act of senseless violence in our society, but we have the ability and the know-how to prevent many of them. We must simply find the courage.

We can no longer be bystanders to injustice. We cannot continue to look on and do nothing.

As Shakespeare said, "The fault, dear Brutus, lies not in our stars but in ourselves."

We must act.

#### THIS HAS TO END

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Madam Speaker, the Bible says that by their deeds ye shall know them, and this Congress should pay heed to that message.

This week, we're mourning 20 children buried in Newtown, Connecticut.

The President is right when he says we've seen this too many times before, and it has to end.

About this time 24 years ago I was sworn into the Congress. Two weeks later, five children were killed and 29 were wounded in the Stockton, California, schoolyard at Cleveland Elementary School.

You would have thought that we would have acted. Bills were put in. It took us until 1993—4 years—to pass the assault weapon ban. Courageous legislators stood up and said enough is enough, but hearings and all went on and on and on about military-style weapons that should be banned.

□ 1020

Anybody knows you don't hunt with a banana clip with 30 bullets in it. That's not hunting. That's not what you use at a gun range. We know that we shouldn't be able to buy a gun if you have a record of serious mental illness. You would think those things that were common sense would become law.

They became law in 1993, and there was a pushback from the National Rifle Association that said, well, all right, you can pass this, but with a 10-year sunset on it. Why do you put a sunset on an assault weapon ban? But we did. The fight was led by a courageous lawmaker who was willing to stand up and take the chance of having the NRA come down on him. His name is PETE STARK. PETE STARK led the fight in the House. DIANNE FEINSTEIN led the fight in the Senate. He pushed and pushed and pushed and put the bill in again and again and again and finally got it through. In a few days, he will cast his last vote in the House. I'm going to miss him. We need courageous legislators like that. What we didn't have 10 years later were courageous legislators.

When the ban came to an end in 2004, the House was in different hands, politics had changed, 9/11 happened, and everybody said, What's the problem, we don't need this ban anymore. It's very clear that there are some things we can do—things like the weapon ban—but the real difficult part for us is to have a discussion about violence in our society.

One of my old friends in Afghanistan told me you can tell a country by what its national game is. Ours used to be baseball. But it's hard to believe that baseball is our national game anymore when you look at Sunday Night Football and realize how we glorify violence. Go into a game store and look at the games that we buy for our kids at Christmas—games that make it possible for you to sit and kill people hour after hour after hour, sitting alone by a computer.

We don't want to talk about those issues. We've managed to get some of the violence on television down before

8 o'clock at night when kids are still up, but we struggle because in a free enterprise society you can do anything you want. Well, we run the risk of having the difficulties we have here today.

The other thing we have to think about is the whole question of how we deal with the mentally ill. In 1996, the Lanterman-Petris-Short Act passed in California. It made it almost impossible to put anybody in a locked facility unless they were imminently going to kill somebody or kill themselves. "Gravely disabled" was the term. We made it very hard to deal with these kinds of cases, and privacy rules and all of this we've added on over time has made it even more difficult. But it is clear that we as a society have to face the fact that there are some people who need help. This mother was looking for it.

We must act in this House.

#### TRAGEDY WITH NO POLITICAL BOUNDARIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Madam Speaker, the tragedy in Newtown, Connecticut, highlights an issue. And I think so often in this Chamber, actually, we talk about things that separate us, things that we have political battles and fights over. Unfortunately, on Friday, a tragedy occurred in Connecticut, taking the lives of far too many—20 children—and is a tragedy that knows no political boundaries. These are children that had their entire lives in front of them. On Friday, like many of us here, we were back at home in our districts. After hearing the news, many of us went to our schools to pick up our children to hug them just a little bit longer.

This is a tragedy, Madam Speaker; and, frankly, it highlights a number of issues that many of us have talked about on the floor today: it's about the mentally ill; it's about what we can do as a country to make sure that, yes, we have a Second Amendment. And many of us here even in this Chamber, Madam Speaker, are gun owners. But I do believe that we are all for responsible gun ownership. And I do believe that there are reasonable restrictions that can be put in place.

But today, Madam Speaker, it's not about that for us. Today, I rise because America is hurting. The country is looking for answers—answers that I'm not so sure will come immediately. As we look at the pictures of these first-graders, of these kindergartners, we ask, Why? Those answers won't come today. Those answers might not come next week. What we do know is that our job, our basic function, is to make sure that we try to provide an environment throughout our country where people can achieve their dreams. That

ought to be something that, again, is not a Republican idea or a Democrat idea. That's an American ideal and the American Dream.

A very sick individual robbed 20 children and six adults of their American Dream. I would like to think that they're in a better place today. I take some solace in my faith that I don't understand the Grand Plan and that the good Lord does. But what I will say is that we all believe that this was a senseless killing and tragedy. I hope we can learn from it.

I hope those in Newtown, Connecticut, feel the warmth of the Nation that is sending their thoughts and prayers to them this day, especially as we look forward to the holidays in front of us. We will all say a special prayer for those that have been lost so needlessly in this act. I hope our country can come together. I hope we can focus on the American Dream and the opportunity for all children and all Americans going forward.

#### FISCAL CLIFF NEGOTIATIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. As I speak on the floor today, the Republicans are in conference with Speaker BOEHNER, talking about and getting an update on the so-called "fiscal cliff" negotiations. There seems to have been some progress.

A number of us are opposed to the idea of reducing further the already inadequate COLA granted to seniors on Social Security, but in some other areas there does seem to have been some meaningful progress. I was particularly pleased to hear that the White House is insisting that infrastructure investment needs to be part of this negotiation.

A third of our deficit is due to chronic high unemployment in the United States of America. If we could put people back to work, a third of the deficit goes away. What if we put them to work rebuilding our crumbling infrastructure? There are 150,000 bridges in America that need substantial repair or replacement. Forty percent of the pavement on the National Highway System doesn't just need resurfacing. It needs to be dug up; it needs new roadbed. And there is a \$70 billion backlog on transit systems in this country, replacing worn, outmoded equipment. Those are manufacturing jobs, energy jobs—jobs not only in construction, but in many other areas; and they spill over into small business and the general economy.

□ 1030

We also need to build an efficient 21st century infrastructure. It's about 27,000 jobs for every billion dollars we invest. Now, historically we haven't borrowed money to make these investments. We

have paid for our infrastructure with fees and taxes—principally the gas tax, but others, but the Federal gas tax hasn't changed since 1993. In 1993, you paid \$1.11 for a gallon of gas and 18.4 cents went to build our national infrastructure. This last year in my district, people paid over \$4.40 for a gallon of gas and 18.4 cents went to rebuild our crumbling infrastructure.

We've lost more than a third of the purchasing power of the highway trust fund just due to inflation. Over the next 2 years we will borrow \$18 billion just to tread water with the highway trust fund, and if we want to tread water over the next 10 years we'll borrow another \$110 billion. Will that happen in deficit-obsessed Washington, D.C.? Not likely. Does that mean quicker deterioration of our infrastructure? Does that mean we forego the jobs? Perhaps not.

If we just simply indexed the existing Federal gas tax set in 1993 at 18.4 cents to highway cost construction inflation and improved fleet fuel economy—so that you don't lose ground because people purchase less gas—we could, over the next decade, save \$128 billion—deficit reduction—and have an additional increment on top of that to begin to catch up with the huge backlog in our crumbling infrastructure in this country and put millions of people to work. It seems a very sensible solution: deficit reduction, jobs, and sound infrastructure. I hope those on the other side of the aisle will be receptive to the proposals from the White House for this needed investment.

This isn't the stupid stimulus bill that threw everything but the kitchen sink at the economy. Many things were not well spent. Four percent of that money went to infrastructure investment; over 40 percent went to stupid tax cuts that didn't put anybody back to work.

#### NEWTOWN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Madam Speaker, our hearts are grieving with the entire Newtown community and all the families who lost loved ones last Friday. We mourn the 26 innocent lives, including those 20 children who have been lost in this unimaginable tragedy. Let me also just acknowledge the quick action of the brave law enforcement and first responders who prevented additional losses of life.

Words cannot express my deep sorrow, but as a mother and as a grandmother I join the country and my district in extending my condolences to every family and the entire community touched by this unspeakable tragedy.

This violence must stop. As President Obama so eloquently said on Sunday, we cannot accept that this vio-

lence visited on children year after year is somehow the price of freedom. No more excuses, Madam Speaker. No more kicking the can down the road. Not one more innocent life—not one more in Chicago, not one more in Oakland, not one more in any town, in any city, in any school, in any theater, or in any place of worship, in any mall, or in any of our neighborhoods. We have an obligation to our children to ensure that Newtown marks a turning point that made us finally say, enough is enough.

My district, unfortunately, knows these weapons of war oh so well, where too many innocent children continue to be killed in these war zones. We must come together to build an America where our children do not have to live in fear and where they do have a future.

Madam Speaker, we need to take some serious action that includes gun safety by banning these high-capacity magazines, expanding the 24-hour gun background check, closing the gun show loophole, and reinstituting the assault weapons ban immediately. This of course includes ending violence in our homes, in our streets, and in our communities.

By seeking input from young people, community stakeholders, the faith community and others, we need to work together to identify the root causes of this country's more than 16,000 homicides a year—this also includes recognizing gun violence as a critical public health crisis—and continue to support comprehensive violence prevention plans.

I've heard many say this over and over again, but we also must focus on making mental health care widely accessible and affordable. As a psychiatric social worker and someone who founded a community mental health center when the psychiatric facilities were beginning to shut down, I understand firsthand why we need to look at how we have to help people struggling with mental illness and make serious progress in treatment and reduce the stigma associated with seeking help.

All of this of course is going to take resources. Nowhere do we know this more than in my own congressional district in Alameda County and in Oakland, where we know all too well the impact of budget cuts on violence and crime. We cannot allow any cuts to Medicare and Medicaid that might prevent families from getting the psychiatric help and support that they need. How else can we look at our children and our grandchildren this holiday season if we don't move as a Nation to finally address this violence that threatens the very core of our country?

In the coming weeks, all of us must work with President Obama, Senator FEINSTEIN, Congresswoman CAROLYN

MCCARTHY, Congressman BOBBY SCOTT and all of our colleagues to be brave and to be bold enough to pass measures that ensure gun safety and a comprehensive solution to ensure that our children have a future in a peaceful Nation.

Madam Speaker, we can and we must do all of these things and more so that we can prevent tragedies like this from ever happening again.

On behalf of all my constituents, let me express once again our thoughts and our prayers for all of those impacted by this tragedy in Newtown and the entire State of Connecticut.

#### SANDY HOOK ELEMENTARY SCHOOL SHOOTING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. FUDGE) for 5 minutes.

Ms. FUDGE. Madam Speaker, it is with great sorrow that I rise today to address the senseless murders that took place in Newtown, Connecticut, this past Friday. Mass shootings are always difficult to bear. This one is exceptionally disturbing due to the loss of so many children and those who bravely tried to protect them.

The massacre that occurred at Sandy Hook Elementary School will forever be embedded in our memory, as will the photos of 20 children as young as 5 years of age who perished in that school, a place that should be safe, a school. These innocent children will never have the opportunity to enjoy their teenage years, to go to a prom, or have families of their own. We owe a debt of gratitude to the teachers who lost their lives trying to shield our children from this senseless crime.

I stand here today unable to make sense of what is a completely incomprehensible situation. We may never know what compelled the shooter in this tragedy to use such high-powered weapons to inflict pain on so many innocent people, but what we do know is that these kinds of crimes are on the rise in our society.

Gun violence, and the culture associated with it, has become so prevalent that now our babies can't even go to school without fear of being gunned down in their classrooms. We've seen this kind of violence on a college campus in Blacksburg, at a high school in Columbine, and now at an elementary school in Newtown.

Since 1982 there have been more than 60 mass murders carried out with firearms across this country. In the last 5 years alone we have had 19 mass shootings. That's a rate of more than one every 4 months. These are alarming numbers, and we as a Nation must be willing to do something about it.

There have been calls by some for meaningful action, but I implore my colleagues that what we really need is immediate action. The issue of eradicating gun violence is ripe, and we must act now.



The first thing we must do is ban assault weapons of all types. Their only purpose is to kill the largest amount of people in the shortest amount of time. Tragically, the Newtown shooter used a military-style weapon to perform his evil deeds.

□ 1040

Weapons with the ability to carry out such deadly force do not belong on our streets. I challenge anyone to justify the use of these weapons anywhere but on the battlefield for which they were designed.

Proponents of gun rights say that there is an absolute right to bear arms. I disagree. All rights are subject to reasonable restrictions. But what is absolute is that I have a right to leave my home without being shot. People have the right to worship their God without being massacred. The children of Sandy Hook Elementary had an absolute right to go to school without being gunned down. No one sends their child to school expecting that they won't come home.

I understand there are many factors that contribute to these unforgivable acts of violence, but we must start somewhere. It is time for us to have a serious and deliberate conversation about a comprehensive national gun policy that eliminates loopholes in the laws and requires uniform background checks. Enforcing current laws is not getting the job done. We must do more to ensure that our citizens feel safe and secure in their homes, schools, movie theaters, shopping malls, and neighborhoods. We cannot wait for another Tucson, Aurora, Oak Creek, or Newtown massacre. We must take action now.

I ask my colleagues, where do you stand? Whose side are you on? I'm on the side of every man, woman, and child killed in senseless violence. Who in this House can be against common-sense gun safety regulations? Anyone who is is on the wrong side.

#### PAYING TRIBUTE TO THE HONORABLE DANIEL K. INOUE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Hawaii (Ms. HIRONO) for 5 minutes.

Ms. HIRONO. I stand here today to give tribute to my friend, Hawaii's senior Senator—our country's senior Senator—DANIEL K. INOUE. With your passing, my friend, I want to tell you that no one can fill your shoes.

In Hawaii, we jokingly say that there are three economic drivers in our State: tourism, defense, and Senator INOUE. And it's true. His work and his unselfishness in serving his State and country are unparalleled.

He served our country during war at a time when people who looked like him were not considered American citizens. He did it and served our country honorably and with respect and with

incredible strength and character. He did it because he believed in what our country should and could be. Our country—great; our country—about service; our country—about our children and our future; our country—honorable. His personal legacy in my home State of Hawaii could and will never be matched. Never.

Hawaii, we will never be able to thank Senator INOUE for his service and what he has done for us. It is too great to put into words, and it cannot be done in a 5-minute tribute.

But what I want to give my aloha and thanks to Senator INOUE for, is bigger than all of us: for his commitment to serve and protect our brave men and women who fight for our country, for his dedication and willingness to work in a bipartisan fashion, for standing up for the ideals of freedom and justice that our country is founded upon, for always standing up for our proud heritage in Hawaii.

Senator INOUE was, as so many have recognized, a genuine patriot, a uniquely proud American, and a man and a leader always true to his word. But Senator INOUE was also an architect and a builder. Half a century ago, he had an architect's vision of the Hawaii we inherit from him today. Over his many decades of service, he displayed a builder's skill—pouring the foundation of the modern and vibrant Hawaii that we inherit from him today. That is his legacy.

So the greatest tribute we can pay Senator INOUE is to acquire his vision, to apply his skills and build on the remarkable foundation he laid for us.

I know this is the tribute that I will pay to my friend. I know this is the tribute that the people of Hawaii will pay to Senator INOUE. Hawaii drew incredible strength from the life and service of DAN INOUE, and it is that very strength—strength of purpose and strength of character—that will keep Hawaii and our country strong for years to come.

The Senator INOUE I knew and loved, and that we all loved and respected, would expect this of Hawaii and us, and we will not let him down.

#### THE SHOOTING TRAGEDY IN NEWTOWN, CONNECTICUT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Now it's Newtown, 20 innocents and their six teachers. More tears, more burials, but will we heed its meaning? Will we break the gun lobby spell that has held us in thrall to a psychosis that has left us numb and paralyzed with each passing tragedy? I think so.

First step in any recovery program: admit the problem. We have too many weapons with too much ammunition that is unregulated, unchecked, and

unjustified. We need to restore rigorous background checks to keep dangerous weapons away from criminals and the mentally ill. We need to close the gun show loophole. We need to facilitate database sharing among law enforcement agencies—Federal, State, and local.

Next step: limit access to weapons of mass killing. No hunter needs an Uzi; no citizen needs an assault-style weapon for self-defense. No other civilized society has allowed the argument that any restriction of any kind is a direct assault on our personal liberty, except us.

Next: require registration and stiff penalties for failure to secure dangerous weapons in the home or workplace while banning their presence in a select number of public places such as churches, police stations, mental health facilities, recreation and youth centers, government buildings, and—oh, yes—schools.

The gun lobby has bullied and intimidated us for too long. Reasonable gun control measures like those just listed provide for public safety; they don't threaten it. The lobby loves to fall back on trite mantras that unfortunately have proved all too effective in silencing any meaningful public debate heretofore: "Guns don't kill; people do." "Any restriction real or imagined contravenes my Second Amendment rights to bear arms."

Oh, really?

Even Justice Scalia, in writing his unprecedented and deeply flawed Heller opinion, acknowledged that it did not preclude reasonable gun control measures. Even Scalia has had to admit in his originalist interpretation of the Second Amendment he cannot answer whether the Constitution envisioned a universal right to possess rocket launchers, RPGs, stinger missiles, or military assault weapons in our homes. That is the logical fallacy and folly of the argument of unrestricted rights to bear arms without limit. Its proponents allow for no check on this right in the Constitution. Even the First Amendment has limitations. So does this one.

We've been lulled into a passivity and fatalism with the logical fallacies and sometimes thuggish tactics of the gun lobby and its extreme right-wing allies at a terrible cost. Each year, guns kill almost 10 times the number of Americans lost on that tragic day in 9/11; and each year, we face another massacre: Aurora, Tucson, Virginia Tech, and now Newtown.

Time for our outrage to return us to action and reshape this gun culture. It is in our hands.

# SIMPLE RESPECT FOR OUR VETERANS OF THE DISTRICT OF COLUMBIA AND THE U.S. TERRITORIES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Madam Speaker, as we end the 112th Congress, we are faced with two crises: the fiscal cliff crisis; and now a gun crisis and a mental health crisis, that comes to us from Newtown, Connecticut. When you consider that this is a Congress which has not been able to handle even minor issues, much less crises, one begins to wonder whether we will live up to what is required of any person who is a Member of the United States Congress.

□ 1050

This morning, I come for something less than a crisis for the country, something far easier to solve. I am calling on the Defense Authorization Conference Committee to solve a simple noncrisis problem, a problem, though, that casts shame on our treatment of our active-duty military, our veterans, and their families.

Thanks to Chairman BUCK McKEON and Ranking Member ADAM SMITH, the House passed Defense Authorization bill contains a simple provision. That provision says that when you raise the flags of the 50 States at military ceremonies, if you're raising or displaying the flags of the 50 States, you must also display the flags of the District of Columbia and the five territories.

The territories and the District have always served disproportionately in war, but what we are asking for today and what the House bill provides is the simple respect that anyone who wears the uniform and any family member of that active military person or veteran is entitled to.

I thank the House for recognizing that in some matters all of us are certainly equal. We are all equal in according respect for members of our military. I've spoken with Senator LEVIN, the chair of the Defense Authorization Committee, and am convinced that he is for this provision. I have spoken to the White House at the highest levels, and I have asked all concerned to simply recede to the House provision.

For reasons that escape us all, the Senate removed this provision when the House, last year, put it in the Defense Authorization bill. It would be impossible to remove this provision if the Members of the Senate, who are responsible for doing so, could have heard from our veterans who went to speak to the staff of Senator MCCAIN and Senator LEVIN and told of their own experience. There was the colonel who said that when he was welcomed home from the Gulf War, the flag of every State was raised, but not the flag of

the District of Columbia. There was the mother who wrote me, Tomi Rucker, to say that she and the father went to the graduation of her son from Navy boot camp Great Lakes Naval Station full of pride, and as each graduate's name was called, the home state flag was raised, but no flag for Jonathan Rucker of the District of Columbia when his name was called. The colonel's son, who came back three times from war, a combat veteran in Iraq, and each and every time the flag of the District of Columbia was not raised as the flags of others were.

And my colleagues from the territories have come forward with equally heartbreaking stories. This, my colleagues of the House of Representatives, you can solve, you can solve this very day, and my colleagues in the other body need only follow your lead.

The Defense Department some months ago issued a memorandum that said that raising the flags should be done at the discretion of the commander. Well, it wasn't at the commander's discretion that our young men and women volunteered to risk their lives for their country. And would such a memorandum have been put forward to say that the commander could decide whether to honor the flag of Virginia or Maryland, to take my closest neighbors, when their veterans came home? What is the difference between their veterans who have gone to war and the veterans of the District of Columbia?

There are very few ways to honor our veterans. We honor foreign dignitaries by raising their flag. The least we can do is to honor our own military, our veterans and their families, by raising the flags of their home district or territory.

## IN RECOGNITION OF MS. CAROLYN COLEMAN'S 45 YEARS OF SERVICE TO WORKING FAMILIES AS AN EMPLOYEE OF THE UNITED AUTO WORKERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CURSON) for 5 minutes.

Mr. CURSON of Michigan. Madam Speaker, today I rise to recognize Ms. Carolyn Coleman, executive secretary to the secretary treasurer of the International Union, UAW, on her retirement.

As a Member of Congress, it is both my privilege and honor to recognize Ms. Coleman for her many years of service and her contributions which have enriched and strengthened our communities. Ms. Coleman brings a lifetime of experience to her current position with the United Auto Workers, a career which began in July of 1967 in the UAW's women's department. Carolyn's skill and knowledge led her to be selected to premiere assignments. She directly assisted many great union

leaders in their important work, including UAW Vice Presidents Dick Shoemaker and Cal Rapson, as well as UAW President Owen Bieber, and UAW Secretary Treasurer Dennis Williams, her current supervisor.

Her work is impeccable, her advice valued, and her friendship treasured. Carolyn is one of the many unsung heroes of the labor movement. She was never the one who gained headlines for making fiery speeches that inspired the masses or received credit for labor agreements that have lifted so many working families into the prosperous middle class. But behind the scenes, she contributed to both. For 45 years, Carolyn Coleman reported to work for the United Auto Workers with one simple goal in mind: to do her very best work so that working people will have a better life.

Ms. Coleman believes in her community and has shown a commitment which has exceeded the years of her tenure with the UAW. A longtime member of Hartford Memorial, she has long been actively volunteering in numerous ministries of her church. As well as being a member of the Red Hat Club, she has volunteered her time in a broad array of capacities and community activities.

In addition to her service to the community, Ms. Coleman is the proud mother of two daughters and a son: Lisa, Tonya, and Jimmie. She is also a proud grandmother to six grandchildren and two great-grandchildren.

I ask that my colleagues join me today to honor Ms. Carolyn Coleman for her dedicated service to working men and women. I join with many others who have been blessed to have worked beside her and have benefited from her labors to wish her many more years of health, happiness, and productive service to our community.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

Lord of the ages, ever faithful to Your promises, be with Your people now and forever.

The sun grows dim and the daylight is measured. In the darkness, phantoms loom. The eye cannot discern as the distance fades. Be a light for us.

Help the Members of this people's House make clear judgments that will propel us into a future filled with hope. Remove all clouds of darkness that they might follow the patterns of light that come from Your gifts of wisdom and understanding.

O Lord of the ages, ever faithful to Your promises, be with Your people now and forever.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ALTMIRE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ALTMIRE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oregon (Mr. WALDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. WALDEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### POSTPONING CALL OF PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar.

Without objection, the Private Calendar will be called after 1-minute speeches today.

There was no objection.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### OUR THOUGHTS AND PRAYERS ARE WITH NEWTOWN

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday's massacre at Sandy Hook Elementary School in Newtown, Connecticut, was heart-breaking. Americans are devastated as reports emerge detailing how a deranged individual murdered 20 innocent children, six heroic faculty members, and his mother before turning the gun on himself.

As a husband to a former school-teacher, a father, a grandfather, and an American, my thoughts and prayers are with the teachers, families, children, and first responders involved in last Friday's school shooting. Our hearts go out to the Newtown community as we mourn.

This kind of senseless, horrific violence has no place in American society. As elected officials, it's our responsibility to make sure work is done to prevent these types of devastating events from ever happening again.

I appreciate the Rotary Club of Newtown for its efforts to assist the victims of the Sandy Hook school tragedy, their families, and those in the Newtown community who have been affected.

### SANDY HOOK TRAGEDY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, today we mourn as a nation with Newtown, Connecticut, and the Sandy Hook Elementary community. My thoughts and prayers go out to the victims of this horrendous tragedy and their families.

On Friday, 27 people, including children, had their futures stolen from them as a result of another senseless act of violence. My heart breaks for their loved ones and the community of Newtown.

Unfortunately, this is the fourth mass shooting that our Nation has endured in as many years. This tragedy in particular hits home for the millions of parents across America because the victims were elementary school kids—children who expected to be in a safe and secure environment.

We must begin to have a meaningful discussion not only on gun control, but about the security of our schools, as well as the access to mental health care services. While one bill won't end all evil actions, Congress must begin to work together to improve the safety of our citizens.

I'd like to conclude with honoring our Nation's teachers, those individuals who day in and day out provide for and nurture our children, and in this circumstance, gave their lives.

### DUE PROCESS FOR OREGON'S FARMERS

(Mr. WALDEN asked and was given permission to address the House for 1 minute.)

Mr. WALDEN. Mr. Speaker, over 2 weeks ago, I came to this floor to ask for answers from the Department of Labor on behalf of Oregon farmers. Well, yesterday, I did get a letter from the Secretary, which I appreciated, but it was not answering our questions from the delegation. It was congratulating me on my reelection.

122 days ago, nearly every member of the Oregon delegation, Republicans and Democrats, wrote the Labor Secretary after hearing reports of so-called "hot goods" enforcement tactics that stopped shipments of highly perishable berries with little opportunity for appeal.

One farmer was told verbally that a shipment was on hold because the inspector determined it was impossible for an individual picker to pick as much as records showed. But to lift the hold, the farm was directed to pay an undetermined amount in fines and back wages and sign a consent judgment requiring the farm to "waive further findings of fact"—without even getting an explanation of alleged violations.

The farm was left with the choice of paying the fine and signing the consent judgment or allowing a few hundred thousand dollars of perishable produce to spoil. In the end, the farm felt it had little choice but to pay the \$170,000 and sign the consent judgment so that the fruit could be shipped.

In light of these and other complaints, our delegation asked the Department for detail on its policies and procedures for making these decisions; 122 days later, we've yet to get an answer. That's not right.

### CUTS TO SOCIAL SECURITY AND MEDICARE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I rise today because I just don't get this discussion about the fiscal cliff.

Republicans are saying that in order to raise taxes on the very wealthiest Americans—and actually, by a historically small amount—that the price that has to be paid is to ask the poorest adult Americans to pay more, that is, to reduce Social Security and Medicare benefits.

I don't get the equivalency that is being asked for: the richest to pay a bit more, and the price to be that the poor, the poorest, have to pay more. Seniors in this country have a median income of just \$22,000 a year. That means half of all seniors are below that. They also spend an average, right now, of \$4,500 a year on health care costs out of their own pockets.

So I think that we have to change the debate here. There is a parable in the Bible that makes this point. When you ask a person with one coat to give up that coat, it's not the same as asking someone with 10 coats to donate one to the cause.

#### U.S. MARINE JON HAMMAR

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to call attention to the plight of the United States Marine veteran, Jon Hammar, who has been unjustly jailed in a Mexican prison since August. Jon is an American hero and a patriot.

After tours in both Iraq and Afghanistan, including time in Fallujah, Jon began to suffer from post-traumatic stress syndrome. In order to help cope with PTSD, Jon and a friend embarked upon a surfing trip to Costa Rica. However, when they got to Mexico, Jon was arrested after receiving inaccurate information from our own Customs and Border Patrol agents. Since then, Jon has been languishing in his own personal hell. He was beaten by other inmates, his parents were being extorted, and he has been chained to his bed.

I'm asking my fellow Members of Congress to join me and over 50 of our colleagues to urge our State Department and the Mexican authorities to resolve this matter immediately and bring Jon Hammar home for Christmas. Please call our congressional office to sign these important letters.

□ 1210

#### ENACT A BIPARTISAN SOLUTION

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, as both parties continue to negotiate over the looming fiscal cliff, Congress is presented with a real opportunity to pass long-term, comprehensive deficit reduction plans. We cannot let this opportunity pass us by.

Of course, this is not the first time that Congress has tried to solve this challenge, but it is vital that we learn from our past failures. We have to check our partisan talking points at the door and put everything on the negotiating table.

This time, let's work from the middle out to build a bipartisan consensus, instead of searching for solutions at the ideological extremes. This time, let's listen to the vast majority of Americans who occupy the middle ground and who want Congress to enact a bipartisan solution, a bipartisan solution that would help restore the public's confidence in Congress while reassuring the nervous financial markets.

And most importantly, it would secure a lasting economic future for our country. The American people deserve nothing less.

#### RESTORE THE AMERICAN DREAM

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, we must remember America is exceptional, and the entrepreneurial spirit and innovative drive of our small businessowners is what makes the American engine hum.

Two-thirds of all new jobs created in America are by these men and women who risk capital, give their time and effort, and take risks to grow their business. We call this the American Dream. When we place too many obstacles on small businesses, it stifles their ability to grow, hinders their ability to hire new employees, and slows our economic recovery.

As we discuss and debate the fiscal cliff deadline that is quickly approaching, we must keep in mind this American Dream. Our policies should focus on how our Nation creates jobs and the economy grows. It's the drive and determination of the American people that makes the United States the most prosperous Nation the world has ever seen. Now is our time to unite around sound pro-growth, pro-job creation policies.

Mr. Speaker, let's create long-term certainty when it comes to taxes and regulations. Let's reduce spending and rein in the national debt. Let's help our Nation restore the American Dream.

#### WE MUST FIND CONSENSUS

(Ms. BONAMICI asked and was given permission to address the House for 1 minute.)

Ms. BONAMICI. Mr. Speaker, our constituents across this great Nation are looking to Congress for leadership.

Here we are, back in Washington this week, still in negotiations to find a compromise to avert this so-called "fiscal cliff." The yearend is fast approaching. Before last Friday, almost every conversation I had with my neighbors back in Oregon centered on this question: What will happen after January 1? How much will taxes increase if Congress, as is too often the case, is too paralyzed by gridlock to act?

My constituents found common ground in expressing this simple view: that the middle class families and those who are struggling have done enough to bear the brunt of the country's economic difficulties and should not be asked to pay more. To see people coming together to ask their legislators to do what is right, what is bal-

anced, and what is responsible encouraged me that we might reach some solution.

So I'm here today, Mr. Speaker, to ask that we all join together to do what my constituents and your constituents and all of our constituents have asked us to do. We must find consensus and allow tax rates on most Americans to remain as they are so our communities and businesses can move forward with certainty and faith in their government to work together and do what's right for our constituents.

#### KEEP CRUSHABLE PILLS OFF THE MARKET

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, while the impending fiscal cliff is on our minds, I rise to alert my colleagues to another end-of-the-year deadline with potentially deadly consequences. If the FDA fails to act, on January 1 our streets could be flooded with cheap, crushable prescription painkillers ripe for abuse and misuse.

After OxyContin came on the market 15 years ago, a wave of overdose deaths devastated entire towns in my region of Appalachian Kentucky before spreading like wildfire to the big cities and suburban communities across the country. By crushing these 12-hour-delay pain pills, abusers can experience a euphoric, and sometimes deadly, high.

But today, the FDA has an opportunity to keep these crushable pills out of our children's reach. A number of prescription medicines already on the market use tamper-resistant technologies that can cut back on abuse. No generic pill should come to market without these live-saving features.

The FDA must take the necessary steps to keep us from careening off this pain-pill cliff.

#### REINSTATE THE ASSAULT WEAPONS BAN

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, we've been to this place before. Before the gut-churning horror and sadness of the killings at the elementary school in Newtown, there was a movie theater in Aurora, a college campus in Virginia, a high school in Columbine.

On Friday, I couldn't stop thinking about my own grandson, Josiah, who is 6 and a first-grader at a school in Colorado. How much grief is enough? I think this grief is enough.

We need to reinstate the assault weapons ban. We need to ban high-capacity clips. We need more thorough background checks. And we need to

offer more mental health services. But a life taken with a handgun is no less of a tragedy. A mother does not suffer less knowing that her child's life was extinguished with a gun that did not have a 30-round clip. Guns kill people. They need to be a lot harder to buy. We need to do a lot more to get them off our streets.

This is our time, colleagues. This is our time. We need to pass bold, necessary, overdue gun control legislation. If we do not, this will happen again.

#### IN MEMORY OF TOMMY DECKER OF COLD SPRING

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, I rise today to honor the life and the service and the memory of Officer Tommy Decker of Cold Spring, Minnesota.

On November 29, Officer Tommy Decker was tragically killed in the line of duty, and he was only 31 years old. Officer Decker served with distinction. In 6 years at the Cold Spring Police Department, he received no less than six commendations and letters of appreciation. He touched so many lives in his distinguished career. The overwhelming outpouring of community love and support at the funeral, where there were over 3,000 police cars, was an amazing sight to behold, and I was privileged to be there.

In honor of Officer Decker's service, I'm proud to join with all of Minnesota's colleagues to introduce legislation to rename his hometown post office the Officer Tommy Decker Memorial Post Office. We hope to complete that soon.

And though he is no longer with us, Officer Decker's example of unparalleled courage and compassion lives on, and I pray that his four young children will grow up to know just how much their father meant to the people of Minnesota and what a remarkable hero and an example he was to us all.

□ 1220

#### PREVENTING THE NEXT SANDY HOOK TRAGEDY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, in our continuing efforts to turn the tragic events at Newtown to high purpose, I include in the RECORD today two articles from the USA Today newspaper, one entitled, "A Boy Lost in the Shadows," and another, "Newtown Puts Mental Services in Spotlight."

These articles remind me of a conversation I had a few years ago with a caring grade-school teacher from my

own district who became quite frustrated with the local school system's inability to help her manage the behavior of a child in her elementary classroom. After repeated attempts that took 3 years—and let me emphasize 3 years—the teacher was able to have the child referred to behavioral specialists and placed in a more appropriate learning environment.

As a society, we seem to lack the methods to identify troubled youth and to put them on a proper path early to healing. Too often, a child is left floundering due to our collective inability to help him find a constructive path forward. Many of our local boards of education often are not properly equipped to identify and assist children who are uncivil or who are completely alienated in their surroundings.

Mr. Speaker, I was very pleased with the President's announcement the other night, that of a commission on youth violence to be formed to look into what is happening across our country; let us hope that it provides a national forum to listen to those voices among us who grapple with these human challenges every day. This must be our responsibility to future generations.

#### A CALL FOR ACTION AGAINST GUN VIOLENCE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise first to offer my deepest condolences to the families of the victims in the recent Sandy Hook Elementary tragedy. In addition, I add my voice to the outcry of my colleagues, constituents, and Americans around the Nation to call for action against gun violence in this country. This Connecticut tragedy was the 30th mass murder in the U.S. since the 1999 Columbine incident, but mass murders only represent a small portion of the gun violence in America. In my hometown of Newark, New Jersey, 348 shootings and 93 deaths occurred last year as a result of gun violence.

Unfortunately, it is too late to save these victims, but it is not too late to prevent the next attack. With stricter gun laws and the ban on certain types of guns, specifically assault weapons, carnage clips, and armor-piercing bullets, it would undoubtedly help to save lives. Now is the time for action.

#### PREVENTING ANOTHER SANDY HOOK MASSACRE

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, last Friday, 20 beautiful children and their loving teachers were shot by a deranged

man with an assault rifle that had a high-capacity magazine. The time has come for us to have a national conversation about this—about mental health, about the community issues, about school safety, and about these types of weapons.

Now, we know we are never going to be able to stop disturbed individuals from going into a school or a movie theater or a shopping mall to do harm, but we can slow them down. We don't have to give them so many bullets in high-capacity clips so that they can shoot 26 people in 10 minutes multiple times. We can take those away, and that will give people a fighting chance. By limiting those clips, we can save lives.

We can start right now by doing that, Mr. Speaker. There is a bill which Congresswoman MCCARTHY, Congresswoman MALONEY, and I are sponsoring. We can pass the bill this week on a bipartisan basis, and we can tell the moms and dads of America that it's a first step to keeping their kids safe.

#### FIXING THE ECONOMY

(Ms. DELBENE asked and was given permission to address the House for 1 minute.)

Ms. DELBENE. Mr. Speaker, I rise today to call on us to work together quickly.

We have an opportunity to accelerate the Nation's recovery, create jobs, and reduce our deficit but only if we are willing to do it together and take a balanced approach. Failing to do so will hurt millions of families and will create unnecessary uncertainty for small businesses.

We will be hurting families like Blaine and Jeannie Parks, with whom I met last weekend at their home in Redmond, Washington. Blaine is a truck driver, and Jeannie works at an elementary school. Blaine also owns a small fishing guide company. They told me how worried they are about higher taxes and cuts to programs they count on, like our schools. They work hard, pay their fair share; and for them a tax hike would make it harder for them to make ends meet. It would hurt Blaine's business and would prevent them from taking care of basic things like simple repairs to their home.

I hope that the next time I see the Parks family, I will be able to say that Congress came together, saved them from a tax hike, and got our economy back on track.

#### EXTEND THE MIDDLE CLASS TAX CUTS

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. On behalf of the citizens of the Fourth Congressional District of Georgia, I wish to extend our condolences to the people of

the great State of Connecticut. Please know that you are in our thoughts and prayers.

Mr. Speaker, unless this Congress acts, taxes will go up on the middle class by \$2,200 starting in January 2013. As time is wasted, tax cuts for 98 percent of Americans are being held hostage in order to give more tax breaks to the wealthy. It is ridiculous to hold the whole Nation hostage to protect the top 2 percent of Americans, and it is more egregious to continue offering plans that would balance the budget on the backs of the middle class.

I ask my friends on the other side of the aisle to extend the middle class tax cuts, sending the American people a hopeful message of compromise during this holiday season.

#### SENIOR CITIZENS ARE COLLATERAL DAMAGE

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Social Security has nothing to do with the debt problems that we are facing now, and seniors and the disabled should not be held hostage by the Republicans, whose only priority in this debate is to protect America's wealthiest citizens.

Under former President Bush, our Nation financed two wars on our credit card, and senior citizens should not be collateral damage. We lost trillions of dollars through irresponsible tax cuts. So let's be clear that tax cuts are the same as spending when it comes to the deficit. Now the Republican Party's proposed solution is to make up the difference by taking money from seniors. That is unacceptable.

I am from Florida, the home of Claude Pepper. If he were here today, he would be furious that a program developed to keep seniors out of poverty has been jeopardized by tax cuts for millionaires and billionaires.

#### WE NOW MUST LIVE AND HELP LIVE

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. The old adage "live and let live" is not enough. We now must live and help live. We have persons who will be severely impacted by the fiscal cliff if we don't take action. FEMA may lose as much as \$878 million, and this would affect persons who are victims of disasters. Persons who receive rental assistance may lose as much as \$2.3 billion in help.

It is not enough to live and allow others to live. We have to live and help others to have a better quality of life. Let's avert and avoid the fiscal disaster.

#### MANAGING ASSAULT WEAPONS AND ASSAULT CLIPS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. We've heard about it already: Friday was a terrible day in America, a terrible day in Connecticut. I represent the city of Aurora, Colorado, and we had a terrible day on July 20 when 12 people were killed and 58 were injured through assault weapons and these assault clips, these high-capacity clips. We've had numerous people killed at a Sikh temple since then, and shots were fired in a shopping center in Oregon just last week.

Assault weapons and assault clips, we must manage these things. The old saying is, "Guns don't kill people. People kill people." Well, crazy people with guns kill people, and we've got to start handling this so that we protect our children, our seniors, our shoppers, our churchgoers. This is something that we need to tackle now, Mr. Speaker. I appreciate the opportunity to speak about this. It is time to tackle these assault clips and assault weapons, which have done such terrible damage to our kids and our people.

□ 1230

#### PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. MARCHANT). This is the day for the call of the Private Calendar.

#### SOPURUCHI CHUKWUEKE

The SPEAKER pro tempore. The Clerk will call the bill on the calendar.

The Clerk called the bill (S. 285) for the relief of Sopuruchi Chukwueke.

There being no objection, the Clerk read the bill as follows:

S. 285

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sopuruchi Chukwueke shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Sopuruchi Chukwueke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number

of immigrant visas that are made available to natives of the country of the birth of Sopuruchi Chukwueke under section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)).

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Sopuruchi Victor Chukwueke shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### SMALL BUSINESS INVESTMENT COMPANY MODERNIZATION ACT OF 2012

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6504) to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6504

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Company Modernization Act of 2012".

#### SEC. 2. IN GENERAL.

Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking "\$225,000,000" and inserting "\$350,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.



The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6504, the Small Business Investment Company Modernization Act of 2012. This is a bipartisan bill I introduced along with Representative RENEE ELLMERS and Representative DAVID CICILLINE that will increase the leverage limit for a family of SBIC funds from \$225 million to \$350 million.

I introduced this legislation because the need for increasing small business access to capital is something universally agreed upon, and this legislation does exactly that. Specifically, this bill will increase investments to small businesses by \$500 million per year without requiring an appropriation.

In addition to having bipartisan Member support, this bill has the support of the Small Business Investor Alliance, the association that represents SBICs and other small business investors, as well as the support of the U.S. Chamber of Commerce, the world's largest business organization. Additionally, the Obama administration recommended this provision as a part of the President's Startup America initiative.

The Small Business Investment Company program was created in 1958 and provides leverage to highly regulated private investors. These private investment funds are called small business investment companies, or SBICs for short. SBICs raise private capital from institutions like banks and pension funds, and they also borrow Federal capital to invest in our country's most promising small businesses. As required by law, 100 percent of the money is invested in American companies. Small businesses need capital to grow and create jobs to support our local and regional economies.

SBICs have invested in over 110,000 businesses since the creation of this program. Twenty-three percent of the investments are made in the manufacturing sector of our economy, and 18 percent of the investments are made in the transportation sector.

The manufacturing economy is very important to my State in particular, Ohio, and we need to continue committing to this. In the past 6 years, Ohio's businesses have benefited from an investment of over \$307 million from SBICs.

Last year, representatives of one of the SBIC funds in Ohio testified before the House Small Business Committee about the benefits of the SBIC program and in support of the legislation we have in front of us here today. Northcreek Mezzanine, which is located in Cincinnati, Ohio, has successfully invested in five companies since it became an SBIC a little more than 3

years ago. Northcreek understands the importance of supporting successful managers through this program.

It's important for my colleagues to know that this bill does not cost the taxpayers' money, nor does it increase the risk of the program. The SBIC debt venture program will remain a zero subsidy program. That means that the SBICs that participate must pay an upfront fee to cover any losses. It's good public policy like this that truly helps business grow and access capital at no cost to taxpayers.

This legislation assists proven fund managers, like Northcreek Mezzanine, as I mentioned before, that have a track record of success by allowing them access to additional funds that they can then use to assist small businesses. We have here a bill that increases the leverage to \$350 million for successful investors.

The SBA, the Small Business Administration, will continue to determine whether funds receive additional leverage after meeting certain licensure requirements. Investment decisions will be made by proven private sector fund managers, not the SBA, thus ensuring that the amount of new capital used by this bill will go to qualified small business investors.

H.R. 6045 is the perfect gift this Christmas season as it is the gift that keeps on giving. The increase in the flow of capital to small businesses will have a ripple effect throughout the economy as businesses will expand, create jobs, and invest in research and development. Congress can take an important step in getting the capital to businesses that need it the most.

I would urge my colleagues to vote for H.R. 6504 on the floor today, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

I want to take this opportunity to thank the gentleman from Ohio for his work on this issue.

Since 1958, the SBIC program has been an integral part of SBA's mission to provide small businesses with capital and create jobs. To date, the program has invested approximately \$63 billion in more than 110,000 U.S. companies. In fact, some of the Nation's most successful corporations, including Apple, FedEx, and Costco, received early-stage financing from SBICs. The key to the program's success is leveraging Federal funds to increase the amount of private capital invested in promising start-up companies.

Access to capital is the lifeblood of every small business. After the 2008 financial crisis froze traditional credit markets, many firms sought out alternative providers of financing, particularly SBICs. Demand quickly outpaced the program's capacity, requiring a significant increase in the leverage caps to keep up. Under the American Recov-

ery and Reinvestment Act, the leverage cap on an SBIC family of funds nearly doubled to \$225 million.

As a result, the program experienced unprecedented growth, setting a record in 2012 with over \$2.5 billion in equity financings made, an 85 percent increase from 2010. This success has pushed many SBIC licensees against the new leverage caps, reducing the flow of capital to worthy small businesses.

As you know, the goal of the SBIC program is to fill the gap between the availability of venture capital and the needs of small businesses in start-up and growth situations. Although this bill only addresses the needs of some in the SBIC community, it will still get additional equity capital flowing. As the economy continues its recovery, every dollar invested in small businesses will be important.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no additional speakers on our side at this time, and so I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentlelady for the courtesy of this time, and I thank my Republican colleagues, Congressman CHABOT and Congresswoman ELLMERS, for reaching across the aisle and working with us to introduce H.R. 6504, the Small Business Investment Company Modernization Act.

Small businesses, our Nation's most effective job creators, have faced the brunt of the recession, and Congress needs to work in a bipartisan fashion to ensure our small firms are able to access private capital.

□ 1240

One important tool that we have in our toolbox is the Small Business Investment Company (SBIC) program, and today's bill will help keep the SBIC program a healthy and robust public-private partnership, providing vitally important capital to small businesses in my home State of Rhode Island and across this country.

The SBIC program leverages private investment to provide greater capital to small businesses. Since its creation in 1958, the SBIC program has promoted more than \$62.6 billion in financial assistance and made more than 164,000 investments in small businesses.

In the past 2 years, SBICs supported more than 130,000 jobs. In the past 6 years, SBICs have invested more than \$68 million in Rhode Island small businesses, including over \$40 million in fiscal year 2011 alone.

H.R. 6504 is a commonsense, bipartisan measure that raises the amount of leverage that a group of commonly-held, sound and successful small business investment companies, referred to as a family of funds, can access.

The Small Business Investor Alliance estimates that increasing the leverage limit from \$225 million to \$350 million, which is achieved through this legislation, would facilitate approximately \$500 million a year in new small business investment.

This is legislation that does not require an additional appropriation of funding and was outlined as part of President Obama's Startup America Initiative, and the bill is supported by the Chamber of Commerce.

I'm proud to join with my colleagues across the aisle to support this bill, which will strengthen the SBIC program, enhancing this public-private partnership and the flow of investment to promising small businesses.

Mr. CHABOT. Mr. Speaker, I would ask the gentlelady if she has any additional speakers.

Ms. VELÁZQUEZ. I don't have any additional speakers, and I yield back the balance of my time, Mr. Speaker.

Mr. CHABOT. Mr. Speaker, I would urge my colleagues to support the Small Business Investment Company Modernization Act of 2012, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. YODER). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6504.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### COUNTERING IRAN IN THE WESTERN HEMISPHERE ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 11, strike lines 17–19 and insert the following:

(d) *FORM.—The strategy in this section may be submitted in classified form, but shall include an unclassified summary of policy recommendations to address the growing Iranian threat in the Western Hemisphere.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

Florida (Ms. ROS-LEHTINEN) and the gentleman from New Jersey (Mr. SIREs) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support today of H.R. 3783, as amended, the Countering Iran in the Western Hemisphere Act of 2012, a bill introduced by my good friend from South Carolina and a member of our Foreign Affairs Committee, Mr. DUNCAN, who is here with us.

In September, the House acted and passed the Duncan bill overwhelmingly, and last week the Senate further reiterated its strong bipartisan and bicameral support for the bill and the need to address Iran's increased presence in the Western Hemisphere.

In February, the Committee on Foreign Affairs held a hearing entitled "Ahmadinejad's Tour of Tyrants and Iran's Agenda in the Western Hemisphere" in order to examine the growing threat posed by Iran and its proxies to U.S. national security interests in the Western Hemisphere, a threat that first became evident 18 years ago with the deadly assault on the AMIA Jewish Community Center in Buenos Aires, Argentina.

Eighteen years ago, so-called Iranian diplomats readily partnered with Hezbollah, a U.S.-designated foreign terrorist organization, to carry out the AMIA attack. Since then, Tehran has only increased its subversive actions, as well as its diplomatic and economic relations with radical regimes in Latin America.

Iran's Ahmadinejad made two trips to Latin America this year in an attempt to garner support from his fellow tyrants, the Castro brothers in Cuba, Ortega in Nicaragua, Correa in Ecuador, Chavez in Venezuela, and Morales in Bolivia. Just last week, the Iranian Deputy Foreign Minister for Europe and the Americas finished a similar tour around Latin America seeking support for a nuclear Iran.

The Pentagon's Southern Command, SOUTHCOM, underscores that Iran continues to expand its influence throughout the region, opening more embassies and more cultural centers in Bolivia, Ecuador, Nicaragua, Colombia, Chile, and Uruguay, in addition to its existing diplomatic missions in Cuba, Argentina, Brazil, Mexico, and Venezuela.

According to a U.S. intelligence analyst, these diplomatic missions are simply fronts for Iran to carry out its nefarious activities in the region and a potential platform to increase the presence of Quds Force operatives, a designated foreign terrorist organization and an arm of Iran's Revolutionary Guard.

Iran is not only an enemy of the United States but also of our allies. In the recent conflict between Israel and the Palestinians, the Iranian regime has time and again displayed its brazen disregard for peace by wanting to resupply the Hamas terrorist organization in Lebanon to continue their deadly rocket barrage on our greatest ally, the democratic Jewish State of Israel.

One state sponsor of terrorism after another continues to receive the royal treatment from these tyrants of Latin America. Last month, Syria's Deputy Foreign Minister also visited the regimes of Venezuela, Cuba, Nicaragua, and Ecuador.

After that trip, news reports indicated that Assad, a close ally of the Iranian regime, and an enabler for their Hezbollah branch, may be seeking political asylum in one of these countries as the situation in Syria continues to rapidly deteriorate.

Mr. Speaker, we cannot allow these violent actors a safe haven to conduct their evil schemes, and the presence of these individuals only reaffirms the significant threat posed by Iran and its proxies to the United States and to the hemisphere.

H.R. 3783 requires that the Secretary of State outline a U.S. Government-wide strategy to combat the aggressive actions of Iran and its proxies, such as Hezbollah in the Western Hemisphere, toward a comprehensive policy stance that protects the security interests of the United States.

We must do everything we can to isolate Iran and its proxies from sources of financial assistance in the hemisphere, as well as prevent entities from possibly helping Iran to evade sanctions. We must ensure that the U.S. is actively monitoring this threat and takes appropriate steps to counter the Iranian regime's agenda in our hemisphere.

I strongly support passage of this legislation, and I look forward to the President signing it into law.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SIREs. Mr. Speaker, I rise in support of H.R. 3783, as amended by the Senate, and I yield myself as much time as I may consume. And I want to thank the Congresswoman for all her hard work on this issue.

The underlying bill, H.R. 3783, has already been passed by the House, and for that reason, I will only briefly summarize the bill and then move to explain the Senate amendment.

This legislation authorizes \$1 million for the State Department to generate

an assessment of the threat posed to our country by Iran's growing presence and hostile activity in the Western Hemisphere, as well as a strategy to address that threat.

□ 1250

As many of our colleagues reminded us during House consideration of the bill, the issue could not be more pressing. Tehran's pursuit of a nuclear weapons capability, its continued support for international terrorism, and its abuse of basic human rights require the United States to maintain extreme vigilance in countering these threats. Thanks to the leadership of this Congress and the Obama administration, more pressure has been placed on the Iranian regime than ever before. But now is not the time to let down our guard.

In a show of defiance to the U.S., Ahmadinejad has made six trips to our hemisphere. Although it is unclear that he has put anything of real value on the table, it is important that the U.S. Government continue to closely monitor the nature and effectiveness of these Iranian efforts, including attempts to gain support for circumventing international sanctions.

None of this occurs in a vacuum. Iran was complicit in the horrific bombings of the Israeli Embassy and the Jewish Community Center in Buenos Aires, Argentina, in the first half of the 1990s. And we have evidence of Iran's increasing willingness to conduct an attack on U.S. soil, such as the discovery this year of a twisted Iranian plot to assassinate the Saudi Ambassador here in Washington. It is clear that Iran's behavior poses a clear and obvious danger to its own people and its neighbors, and its growing presence closer to our shores also deserves closer attention.

H.R. 3783 makes clear that we must continue to monitor this situation closely and provide resources necessary to ensure that the efforts of various U.S. Government agencies are coordinated and clearly focused. The amendment adopted by the Senate provides that the strategy generated by the administration "may be submitted in classified form, but shall include an unclassified summary of policy recommendations." This modifies the original formulation, which provided that this strategy be unclassified, but with a classified addition.

I urge my colleagues to support this amended legislation, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. I am so honored to yield 3 minutes to the author of this legislation, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Let me first say how proud we are that the Governor of South Carolina appointed one of our colleagues, TIM SCOTT, to the United States Senate yesterday. We wish him well.

I want to thank Madam Chairman for her leadership on this issue and her leadership on the Foreign Affairs Committee. I also want to thank Chairman ROYCE, the new chairman of the Foreign Affairs Committee, for his leadership on this as this bill came through the TNT Subcommittee. I want to thank the folks on the other side of the aisle that worked with us in a bipartisan fashion to pass this unanimously through the committee. It passed the House unanimously. I thank the Senate for taking up this very important issue. Furthermore, I want to thank Chairman MIKE MCCAUL, the new chairman of the Homeland Security Committee, for leading a codel specifically focused on this issue this past summer to South America.

We're all aware of the Iranian threat or their proxies' activity here in this hemisphere. Whether it's the thwarted assassination attempt last year where the Quds Force operatives of the Iranian Revolutionary Guard were trying to use Mexican drug cartel connections to enter the United States to assassinate the Ambassador from Saudi Arabia, or the fact that it has recently been revealed that Hezbollah had a terrorist training camp or a training camp of some origin in Nicaragua here in this hemisphere, we know that Iran is active here.

Last week, the Iranian Deputy Foreign Minister for Europe and the Americas visited Cuba, Venezuela, Bolivia, and Uruguay. This follows Iranian President Mahmoud Ahmadinejad's frequent trips to the region. Most recently, Iranian naval commanders have expressed their intent to extend Iran's maritime presence into the Atlantic Ocean, closer to the coastlines of the U.S.

With this piece of legislation, we seek to protect U.S. citizens from threats from Iran and defend American interests and assets here in this hemisphere. It requires the Secretary of State to conduct an assessment and develop a coordinated and targeted strategy, working together with our allies and partners here in the region, to address Iran's growing hostile presence and activity in the Western Hemisphere. With this, it establishes a strong U.S. posture, policy, and most important, a relationship with Latin American countries. It requires a plan to define and outline the presence, activities, and operations of Iran, the Revolutionary Guard, the Quds Force, Hezbollah, and any of their proxy organizations or transnational criminal organizations linked to Iran that may be present here. We require a plan to protect U.S. interests and assets here in the Western Hemisphere, including our embassies, consulates, businesses, energy pipelines, and cultural organizations, including threats to U.S. allies.

Iran's actions here in our neighborhood represent a real threat to our

safety and security, and I urge my colleagues to concur in the Senate amendment so that this legislation may pass the House and be sent to the desk of the President of the United States.

Mr. SIRES. I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. I yield such time as he may consume to the incoming chairman of our Foreign Affairs Committee, the esteemed gentleman from California (Mr. ROYCE), who is currently the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentlelady for yielding.

I would like to begin by thanking JEFF DUNCAN and his staff, as well, for their good work on this legislation. But I would remind the Members, in terms of Iranian activity in this hemisphere, we think what first comes to mind is the attack in the 1990s in Argentina. But more recently, Hezbollah has penetrated our borders. One example I would give to you is Mahmoud Kourani, trained by Iranian intelligence. He paid a bribe in order to get to Mexico from Beirut. Once in Mexico, he paid a second bribe, this time to a cartel group, in order to have himself inserted into a special compartment in the back of a car.

The reason Mahmoud Kourani is important is because it was his brother who was in charge of security in Israel during the Hezbollah war. I was there at the time. I saw those missiles that were ordered launched by Hezbollah into the town of Haifa. Haifa was under attack. There were some 600 casualties in that hospital that were a direct result of those Iranian and Syrian missiles that were being fired on the hospital—frankly, one of the targets—but fired on that town, fired on the residential sections of that city.

So the brother was caught coming into the United States. Actually, he was caught near Detroit. He's now serving time. There were some 50 other Hezbollah operatives who were also discovered here. When you go through the background of his training in terror in terms of weapons and in terms of the capabilities that Iranian intelligence gave him, you begin to realize why our intelligence officials are so concerned about Iran's attempts to penetrate here.

Look at Iran's attempt last year to assassinate the Saudi Ambassador on U.S. soil using a Mexican drug cartel. That's the latest example of the threat. I've had many ambassadors tell me that they dined in that same restaurant. You saw the commentary that they were willing to accept their deaths as collateral damage to the bombing in order to kill the Saudi Ambassador.

These are the designs of Hezbollah. This is the problem with Iran. Many

believe that countries close to Iran and that they're courting in this hemisphere, they're doing it because they're trying to help them beat back these sanctions—the sanctions bill which Chairman ILEANA ROS-LEHTINEN and I are going to be meeting on this afternoon. This is an attempt of Iran to extend their authority and try to convince those would-be allies that they should help them avoid these sanctions.

I'll just quote our DNI, Director of National Intelligence. He told us:

The dangerous activities of Iran and Hezbollah so near our borders demand a whole-of-government strategy, beginning with an interagency review to understand and assess the transnational multifaceted nature of this problem and to mobilize friendly governments to respond.

□ 1300

We're concerned that the administration is not doing that. That's why in this legislation we are pushing for this action. This bill requires that review; it requires that strategy. It will kick the bureaucracy into gear, and it enjoys strong bipartisan support. I urge its passage.

This is an issue that the House Foreign Affairs Committee looks forward to continuing our oversight and work on in the 113th Congress. I really commend the chairwoman and Mr. DUNCAN for their work.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. YODER). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3783.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SIREs. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PATENT OVERHAUL TECHNICAL CORRECTIONS

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6621

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TECHNICAL CORRECTIONS.

(a) ADVICE OF COUNSEL.—Notwithstanding section 35 of the Leahy-Smith America In-

vents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)(i), by striking “of such title” the second place it appears; and

(2) in subsection (d)(2), by striking “subsection” and inserting “section”.

(c) JOINDER OF PARTIES.—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking “or counterclaim defendants only if” and inserting “only if”.

(d) DEAD ZONES.—

(1) INTER PARTES REVIEW.—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) REISSUE.—Section 311(c)(1) of title 35, United States Code, is amended by striking “or issuance of a reissue of a patent”.

(e) CORRECT INVENTOR.—

(1) IN GENERAL.—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking “correct inventors” and inserting “correct inventor”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) INVENTOR'S OATH OR DECLARATION.—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

“(f) TIME FOR FILING.—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.”; and

(2) in subsection (g)(1), by striking “who claims” and inserting “that claims”.

(g) TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) PATENT TERM ADJUSTMENTS.—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking “on which an international application fulfilled the requirements of section 371 of this title” and inserting “of commencement of the national stage under section 371 in an international application”; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking “the application in the United States” and inserting “the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application”;

(2) in paragraph (3)(B)(i), by striking “with the written notice of allowance of the application under section 151” and inserting “no later than the date of issuance of the patent”; and

(3) in paragraph (4)(A)—

(A) by striking “a determination made by the Director under paragraph (3) shall have remedy” and inserting “the Director's decision on the applicant's request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy”; and

(B) by striking “the grant of the patent” and inserting “the date of the Director's decision on the applicant's request for reconsideration”.

(i) IMPROPER APPLICANT.—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) FINANCIAL MANAGEMENT CLARIFICATIONS.—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “sections 41, 42, and 376,” and inserting “this title,”; and

(B) by striking “a share of the administrative costs of the Office relating to patents” and inserting “a proportionate share of the administrative costs of the Office”; and

(2) in subparagraph (B), by striking “a share of the administrative costs of the Office relating to trademarks” and inserting “a proportionate share of the administrative costs of the Office”.

(k) DERIVATION PROCEEDINGS.—

(1) IN GENERAL.—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

“(a) INSTITUTION OF PROCEEDING.—

“(1) IN GENERAL.—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner's application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

“(2) TIME FOR FILING.—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

“(3) EARLIER APPLICATION.—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

“(4) NO APPEAL.—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) REVIEW OF INTERFERENCE DECISIONS.—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(1) PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking “Members of” and all that follows through “such appointments,” and inserting the following: “In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor’s term.”;

(B) by striking paragraph (2) and inserting the following:

“(2) CHAIR.—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.”; and

(C) by striking paragraph (3).

(2) TRANSITION.—

(A) IN GENERAL.—The Secretary of Commerce shall, in the Secretary’s discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) DEEMED TERMINATION OF TERMS.—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member’s term would terminate if this Act had not been enacted.

(m) REPORT ON PRE-GATT APPLICATIONS.—Using existing resources, not later than four months after the date of the enactment of this Act, the Director of the United States Patent and Trademark Office shall submit a report to the Committees on the Judiciary of the United States House of Representatives and the Senate that describes—

(1) the total number of pending United States applications for patent that—

(A) are not subject to an order under section 181 of title 35, United States Code; and

(B) were filed before the effective date of the amendments made by section 532 of the Uruguay Round Agreements Act (Public Law 103-465; 108 Stat. 4983);

(2) the filing date of each such application;

(3) the filing date of the earliest application for which each such application claims

the benefit of or a right of priority to its filing date;

(4) the inventor and assignee named on each such application;

(5) the amount of time that examination of each such application has been delayed because of a proceeding under section 135(a) of title 35, United States Code, an appeal to the Patent Trial and Appeal Board under section 134(a) of such title, a civil action in a United States District Court under section 145 or 146 of such title, or an appeal to the United States Court of Appeals for the Federal Circuit under section 141 of such title; and

(6) other information about such applications that the Director believes is relevant to their pendency.

(n) CLERICAL AMENDMENT.—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting “of this title” after “For purposes”.

(o) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to proceedings commenced on or after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6621, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Leahy-Smith America Invents Act, or AIA, was signed into law on September 16, 2011. It was the first major patent reform bill in over 60 years and the most substantial reform of U.S. patent law since the 1836 Patent Act. The Leahy-Smith AIA re-establishes the United States patent system as a global standard.

Over the past year, the Patent Office has worked diligently to implement the provisions of the act to ensure that the bill realizes its full potential to promote innovation and create jobs. The bill that we consider today includes several technical corrections and improvements that ensure that the implementation of the bill can proceed efficiently and effectively.

The bill is supported by all sectors of our economy from across the United States, including manufacturers, universities, technology, pharmaceutical and biotech companies, and innovators. I’ve also received letters in support from the Coalition for 21st Century Patent Reform, which represents manufacturers, pharmaceutical, technology, defense companies, and univer-

sities; the Innovation Alliance, which represents high-tech companies and licensors; and the BSA, the Business Software Alliance, which represents a range of high technology and software companies.

The Leahy-Smith AIA fundamentally changes our Nation’s innovation infrastructure. With any such substantive and wide-ranging legislation, unforeseen issues may arise as implementation occurs. H.R. 6621 corrects many of these issues.

This package consists of several technical corrections to the AIA that are essential to the effective implementation of the bill. Other technical corrections and improvements may arise in the future, for example, the issue surrounding the correction of the post-grant review estoppel provision in the Leahy-Smith AIA. This was the result of an inadvertent scrivener’s error, an error that was made by legislative counsel. That technical error has resulted in an estoppel provision with a higher threshold than was intended by either House of Congress.

Additionally, we must remain watchful as we examine ways to deal with the abusive and frivolous litigation that American innovators face from patent assertion entities or patent trolls.

As the provisions of the Leahy-Smith AIA continue to take effect, our Nation’s innovation infrastructure becomes much stronger, unleashing the full potential of American innovators and job creators.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, I rise in support, as well, of H.R. 6621 because it’s a measure that improves the America Invents Act—the most significant reform to the Patent Act law since 1952—that was signed by President Obama last year.

As many of my colleagues may recall, I had concerns about the act as to whether it would benefit large multinationals at the expense of independent inventors, and thereby harm job creation in our Nation. For this reason, I opposed the version of the patent bill that was considered by the House last year; but given the fact that this bill is now law, our focus should be on how it can be improved. That’s why I support it presently, because it accomplishes that very goal in several respects.

To begin with, this law clarifies that the Advice of Counsel section applies to civil actions commenced on or after the date of this legislation’s enactment. Why is that important? Well, because the America Invents Act created a new section that prevents use of evidence of an accused infringer’s failure to obtain advice of counsel, or his failure to waive privilege and introduce

such opinion, to prove either willfulness or intent to induce infringement. This provision, however, failed to specify when the new authority would go into effect, and it makes a series of other technical clarifications to the act.

In addition, we find that this bill is necessary and has made the necessary commonsense technical corrections and involves including any substantive revisions to the act. So it's my hope that the Judiciary Committee will continue its oversight of the act into the next Congress and consider ways in which it can be further improved.

I commend the chairman of the committee for his moving this bill forward, and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to H.R. 6621.

The bill being considered is being promoted as a technical corrections piece of legislation, and by and large that's exactly what it is. But also, there is one provision in this bill that raises significant concerns and needs to be addressed. I would ask my friend from Michigan perhaps to consider this and perhaps reconsider his position on the bill, because I'm sure he does not know about this.

Our country's patent system has long been one of the strongest in the world.

□ 1310

One of its basic tenets has been the steadfast adherence to the principle of total confidentiality of a patent application until the patent is granted. Congress has repeatedly stood by that principle even though there have been many powerful forces in this country trying to eliminate that concept, but we've stood by this principle that these applicants should have confidentiality as their application works its way through the patent system. It prevents the big guys with money and power from attacking and neutralizing the little guys with genius but few resources.

H.R. 6621 threatens to disrupt this longstanding practice and principle by requiring the United States Patent and Trademark Office to submit a report to Congress on certain patent application sections. This report, as mandated by this bill, will include information about the applications that have been traditionally kept confidential, including the name of the inventor, which has always been confidential to prevent these inventors from attack by very powerful interests who would steal their invention.

While the technical contents of the applications would be most likely not included in the report, this legislation requires the PTO, in their report to

Congress, to report the names of the applicants.

The SPEAKER pro tempore (Mr. YODER). The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 1 minute.

Mr. ROHRABACHER. There is a requirement to report the names, so this bill requires in this report to have the names of the applicants and other identifying information that could be used by powerful outside groups—yes, read that foreign and multinational corporations—to make these applicants potential targets even before their patent is granted.

Anonymity could easily be accomplished by a simple change to one section of this bill. Perhaps the PTO could create a unique identifier for each applicant so that they could easily be tracked but without giving risk that the public would know about this and be able to identify the inventor.

We can make this a good bill. We just need to take a couple words out of it or one small section out of it, because as the ranking member suggested, it does a lot of good, but it does a lot of harm, much more harm, unless we take this out of the bill.

So I would ask my colleagues to oppose this legislation until it is perfected so we are not going to hurt the little inventors and hurt our country's ability on the technology front by trying to make a few technical corrections to the way the Patent Office does its job.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the ranking member of our Intellectual Property Subcommittee, MEL WATT of North Carolina. I yield him as much time as he may consume.

Mr. WATT. Mr. Speaker, I rise in support of H.R. 6621, as amended.

And with having been granted that unanimous consent, I think I can submit substantially all of my statement into the RECORD. However, I did want to acknowledge the outstanding stewardship of Under Secretary of Commerce for Intellectual Property and the director of the Patent and Trademark Office, David Kappos, and his remarkable staff for their tireless efforts both in getting patent reform across the finish line and in the timely implementation of its provisions.

In connection with these amendments to the bill, Director Kappos has announced that he intends to leave the Patent and Trademark Office in January. He will leave behind a long line of achievements and good will that were instrumental throughout this process, and he will leave behind a Patent and Trademark Office that is much better respected and equipped to serve the important purpose of recognizing and protecting our important intellectual property than the office was before he arrived there. His successor, no doubt,

will have some big shoes to fill. And we wish Director Kappos all our best in all of his future endeavors.

Mr. Speaker, after concerted effort over at least three terms of Congress, last year we completed a major overhaul of our patent system designed to afford American inventors with a more efficient, effective, and well-resourced patent office. President Obama signed the Leahy-Smith America Invents Act into law on September 16, 2011. Since that time the PTO has been diligently working to implement the provisions of the Act which approved significant reforms designed to simplify the process for acquiring patents, enhance patent quality, reduce costs, improve fairness and make it easier for American inventors to market their products in the global marketplace.

As with almost every piece of major legislation, the need for technical corrections and improvements became obvious after passage. H.R. 6621 goes a long way towards addressing the concerns which have been identified by staff, the patent office and various stakeholders in the time since the law's enactment.

Among the provisions addressed by H.R. 6621, important adjustments have been made to ensure that inadvertent "dead zones," in which post grant review proceedings could not be initiated as intended, are eliminated. H.R. 6621 will also tighten language to prevent dilatory tactics and gamesmanship in the newly created derivation proceedings. A third fundamental correction involves PTO funding and will guarantee that all PTO administrative costs will be covered either by patent fees or trademark fees.

While there are other provisions of the America Invents Act that will likely require legislative corrections or adjustments, this bill, like the underlying Act, enjoys bipartisan support and should be passed.

Mr. Speaker, I would also like to acknowledge the outstanding stewardship of Under Secretary of Commerce for Intellectual Property and Director of the PTO, David Kappos, and his remarkable staff for their tireless efforts both in getting patent reform across the finish line and in the timely implementation of its provisions. Director Kappos has announced that he intends to leave the PTO in January. He will leave behind a long line of achievements and good will that were instrumental throughout this process and he will leave behind a Patent and Trademark office that is much better respected and equipped to serve the important purpose of recognizing and protecting our important intellectual property than it was when he arrived. His successor, no doubt, will have some big shoes to fill. We wish Director Kappos the best in all his future endeavors.

With that, Mr. Speaker, I urge support for H.R. 6621.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, The report on pre-GATT applications refers to applications that were filed prior to the Uruguay Round amendments taking effect in June 1995. The 103rd Congress intended for a brief transition period as the United States patent system was updated. Unfortunately, a small number of applicants have



engaged in clearly dilatory behavior and continue to maintain pending applications with effective filing dates that predate 1995. In fact, some of these applications have been pending for 20, 30, and even 40 years.

The 103rd Congress never intended for such applications to stay pending for half a century. To remove such technology from the public domain in 2012, would bear no relation to the patent system's Constitutional purpose to promote the progress of science and the useful arts.

Now it is important for the 113th Congress and the Public to learn fully about these applications from the USPTO. The Committee expects that the report will contribute to an understanding of whether these applications present special circumstances that require further action to protect the public's interests.

Those who may have concerns about this report must understand that there is no way to "target" these submarine applications—the targets are, in fact, the people who will be sued once these submarine patents surface. The real targets are American job creators like small businesses, innovators and university researchers. And the public has a right to know in advance if certain widely used and long known technology is about to be withdrawn from the public domain.

The patent system was never intended to be a playground for trial lawyers and frivolous lawsuits. Sound patents should issue in a timely manner and should be used to create wealth and jobs.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield back any time remaining on our side.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6621, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROHRBACHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### KATIE SEPICH ENHANCED DNA COLLECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6014) to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6014

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Katie Sepich Enhanced DNA Collection Act of 2012".

#### SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) **DNA ARRESTEE COLLECTION PROCESS.**—The term "DNA arrestee collection process" means, with respect to a State, a process under which the State provides for the collection, for purposes of inclusion in the index described in section 210304(a) of the DNA Identification Act of 1994 (42 U.S.C. 14132(a)) (in this Act referred to as the "National DNA Index System"), of DNA profiles or DNA data from the following individuals who are at least 18 years of age:

(A) Individuals who are arrested for or charged with a criminal offense under State law that consists of a homicide.

(B) Individuals who are arrested for or charged with a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 1 year.

(C) Individuals who are arrested for or charged with a criminal offense under State law that has an element of kidnapping or abduction and that is punishable by imprisonment for more than 1 year.

(D) Individuals who are arrested for or charged with a criminal offense under State law that consists of burglary punishable by imprisonment for more than 1 year.

(E) Individuals who are arrested for or charged with a criminal offense under State law that consists of aggravated assault punishable by imprisonment for more than 1 year.

(2) **STATE.**—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

#### SEC. 3. GRANTS TO STATES TO IMPLEMENT DNA ARRESTEE COLLECTION PROCESSES.

(a) **IN GENERAL.**—The Attorney General shall, subject to amounts made available pursuant to section 5, carry out a grant program for the purpose of assisting States with the costs associated with the implementation of DNA arrestee collection processes.

(b) **APPLICATIONS.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under this section, in addition to any other requirements specified by the Attorney General, a State shall submit to the Attorney General an application that demonstrates that it has statutory authorization for the implementation of a DNA arrestee collection process.

(2) **NON-SUPPLANTING FUNDS.**—An application submitted under paragraph (1) by a State shall include assurances that the amounts received under the grant under this section shall be used to supplement, not supplant, State funds that would otherwise be available for the purpose described in subsection (a).

(3) **OTHER REQUIREMENTS.**—The Attorney General shall require a State seeking a grant under this section to document how such State will use the grant to meet expenses associated with a State's implementation or planned implementation of a DNA arrestee collection process.

(c) **GRANT ALLOCATION.**—

(1) **IN GENERAL.**—The amount available to a State under this section shall be based on the projected costs that will be incurred by the State to implement a DNA arrestee collection process. Subject to paragraph (2), the

Attorney General shall retain discretion to determine the amount of each such grant awarded to an eligible State.

(2) **MAXIMUM GRANT ALLOCATION.**—In the case of a State seeking a grant under this section with respect to the implementation of a DNA arrestee collection process, such State shall be eligible for a grant under this section that is equal to no more than 100 percent of the first year costs to the State of implementing such process.

(d) **GRANT CONDITIONS.**—As a condition of receiving a grant under this section, a State shall have a procedure in place to—

(1) provide written notification of expungement provisions and instructions for requesting expungement to all persons who submit a DNA profile or DNA data for inclusion in the index;

(2) provide the eligibility criteria for expungement and instructions for requesting expungement on an appropriate public Web site; and

(3) make a determination on all expungement requests not later than 90 days after receipt and provide a written response of the determination to the requesting party.

#### SEC. 4. EXPUNGEMENT OF PROFILES.

The expungement requirements under section 210304(d) of the DNA Identification Act of 1994 (42 U.S.C. 14132(d)) shall apply to any DNA profile or DNA data collected pursuant to this Act for purposes of inclusion in the National DNA Index System.

#### SEC. 5. OFFSET OF FUNDS APPROPRIATED.

Any funds appropriated to carry out this Act, not to exceed \$10,000,000 for each of fiscal years 2013 through 2015, shall be derived from amounts appropriated pursuant to subsection (j) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) in each such fiscal year for grants under such section.

#### SEC. 6. CONFORMING AMENDMENT TO THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)) is amended by adding at the end the following new paragraph:

"(6) To implement a DNA arrestee collection process consistent with the Katie Sepich Enhanced DNA Collection Act of 2012."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6014, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. SCHIFF) for sponsoring this commonsense, bipartisan legislation. H.R. 6014, the Katie Sepich

Enhanced DNA Collection Act, authorizes incentive grants to States that implement programs to collect DNA samples from felony arrestees.

DNA arrestee programs provide an important law enforcement tool to identify perpetrators of open and unsolved cases. DNA arrestee programs can also prevent crimes by linking career criminals to crimes and locking them up before they have the chance to strike again.

By collecting DNA samples from arrestees and uploading them into the national DNA database, States can empower police and prosecutors to not only solve cold cases but also to apprehend violent criminals before more innocent people are victimized or precious lives are lost. Similar legislation passed the House last Congress by an overwhelming bipartisan vote of 357-32.

H.R. 6014 adds a new purpose area to the DNA Analysis Backlog Elimination Act to fund State DNA arrestee programs. This is limited, cost-effective legislation that will help States make use of DNA evidence to catch serious criminals at the earliest stage possible.

In the 20th century, law enforcement used fingerprints to link criminals to unsolved crimes. In the 21st century, law enforcement can now use DNA fingerprint technology to apprehend dangerous offenders.

I want to thank my colleague from California, again, Mr. SCHIFF, for his hard work on this issue. I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Katie Sepich Enhanced DNA Collection Act of 2012, or Katie's Law, has laudable goals of helping to prevent violent crime, exonerating the innocent, giving our police access to cutting-edge forensic techniques, reducing the cost of criminal investigations, and giving victims of violent crime and their families the answers and closure they deserve. All of this can result from the enhanced DNA collection provided for in this bill.

I voted for Katie's Law last Congress, and the goals of Katie's Law are goals that I wholeheartedly support, but unfortunately, right now is not the time to pass the law. This bill would enable the Attorney General to provide grant money to States if they implement a process for DNA testing upon arrest and preservation of the DNA profile.

□ 1320

The last time I voted for the bill, or one similar to it, I viewed the collection of arrestee DNA as essentially the same from a constitutional point of view as the collection of fingerprints, which are collected and preserved in a database for arrestees, whether there is a conviction or not. Since then, however, serious questions have been

raised about the constitutionality of arrestee DNA collection and the preservation of that information in a database where there has been no subsequent conviction.

These constitutional questions are currently before the Supreme Court in *Maryland v. King*. The Supreme Court granted certiorari in that case in November, and we're taking this bill up now before the Supreme Court has had a chance to hear the case and issue its decision. In just a couple of months, the Supreme Court will have decided the King case, and we'll know whether or not it's constitutional to preserve this data and how the States can collect it from people upon arrest and what to do with that information. With the decision at hand, we can then craft a program that encourages States to implement DNA collecting and testing systems that fully comply with whatever the Supreme Court rules in the King case.

Whereas I believe that the Supreme Court will find this proposed bill constitutional, it just makes sense that we wait until the decision is rendered before we pass the bill. For that reason, I will oppose the bill.

With that, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. TIPTON), who happens to have passed legislation very similar to this when he was in the legislature in Colorado.

Mr. TIPTON. Mr. Speaker, I would like to thank the gentleman from Texas for this time.

I think it's important for us to understand the importance of this legislation and the opportunity that this literally presents for the protection of our wives and our daughters across this Nation.

I visited with Jayann Sepich. Her daughter Katie literally had to fight for her life. And the only evidence after her body was discovered, raped and burned in a garbage dump, was the DNA collected under those fingernails. While we now have the empirical evidence, had Katie's law been in place at that time, we could have saved an additional 13 lives: 12 women who were raped and murdered and another who was pregnant with child. That is the importance, and the timeliness, as well, of moving forward with this legislation.

In the State of Colorado, we've taken perpetrators off the streets. In fact, one of the challenges that we often don't discuss is not just future events that could potentially happen, but bringing resolution to families who have lost a loved one: solving cold cases. In the State of Colorado, we've now had 398 people identified for past crimes, those unsolved murders that haunt families.

This is a piece of legislation that's revenue neutral for Americans, a piece

of legislation that's going to provide that opportunity for other States to do what Colorado has been able to accomplish, to be able to pass legislation that is going to stand up and protect our daughters and our wives from violent predators who are impacting families across this country.

The time is now. It is of essence. We are approaching the 10th anniversary of the death of Katie Sepich. I would see no greater tribute to her, her mother and father, and all families across this country, than to put forward this legislation, allow it to pass, to move forward, and to be able to do the right thing.

This legislation is designed so well that when we look at those identifiers, it is the 21st century fingerprint. We cannot tell the color of skin, and we cannot tell the color of hair. It is just an identifier for who the person is. It's well thought out, and it's important. I believe our daughters, our wives, and our mothers count on this type of practical legislation. I urge its adoption.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the author of the bill, a former prosecutor and valued member of the House Judiciary Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I rise in support of the Katie Sepich Enhanced DNA Collection Act.

Katie's Law is named for Katie Sepich, a bright, vivacious 22-year-old from New Mexico who was brutally assaulted, raped, and murdered in 2003. Police were able to extract the DNA profile of her killer from underneath Katie's fingernails, but they got no match in the offender database. When they finally did get a hit on the attacker's DNA 3 years later, they discovered that the murderer had been arrested repeatedly after 2003, but because he was never convicted, he was not required to submit a DNA sample for the database. Had New Mexico required arrestees to submit a DNA sample, Katie's killer would have been apprehended and taken off the street years earlier.

Katie's Law applies the lesson that New Mexico and now 24 States across the country have learned: arrestee testing works. This bill would create a new category of grants for States that collect DNA from arrestees for certain felonies. By joining the 25 States, plus the Federal Government, that already collect DNA from arrestees, additional State participation will make the national DNA index system more effective in helping to solve violent crimes. It does so without authorizing any new spending and while protecting civil liberties by putting in place strong expungement requirements.

We passed very similar legislation in 2010 with an overwhelming bipartisan majority. In the few short days we

have left before the end of this year, we have a window to potentially send this bill to the Senate, where we'll also attract bipartisan support. I believe we should take that opportunity.

It has been argued by my colleague that we should wait to consider this bill until the Supreme Court rules on *Maryland v. King*, the case in which the Maryland State Supreme Court overturned the State's arrestee testing statute on Fourth Amendment grounds. I would simply note that three Federal courts of appeals and the State Supreme Court of California have looked at arrestee testing, and all have found it constitutional. The Supreme Court also took the unusual step of staying the order of the Maryland court. In his order staying the Maryland decision, Chief Justice Roberts writes:

Collecting DNA from individuals arrested for violent felonies provides a valuable tool for investigating unsolved crimes and thereby helping to remove violent offenders from the general population. Crimes for which DNA evidence is implicated tend to be serious, and serious crimes cause serious injuries. That Maryland may not employ a duly enacted statute to help prevent these injuries constitutes irreparable harm.

This is a practice that is used in 25 States and by the Federal Government. It is not new. I'm confident the practice will be upheld by the Court. And even if we are wrong, the Court will decide this case long before any grant funding would be dedicated to help States build arrestee collection laws, so no funding would be wasted.

I want to acknowledge my friend and colleague, Chairman SMITH, who has been so supportive of this effort and has done such a marvelous job chairing the Judiciary Committee. I also want to acknowledge Ranking Member CONYERS and the ranking member of the subcommittee, BOBBY SCOTT, for their great work on the committee and subcommittee. I also want to thank my colleague from Washington (Mr. REICHERT), who knows firsthand the power of DNA evidence from his years as a sheriff. And finally and most importantly, I thank Katie's family and her mother, Jayann Sepich. Jayann has endured every parent's worst nightmare. Her determination and dedication are inspiring. And when Katie's Law is signed into law—and it will be—it will be a testament to her work and her love for her daughter.

Mr. Speaker, I urge the House to pass Katie's Law.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico (Mr. PEARCE).

□ 1330

Mr. PEARCE. I thank the gentleman from Texas for yielding. I thank the gentleman from California (Mr. SCHIFF) for his leadership on this.

I rise in strong support of H.R. 6014. Today, Katie Sepich, pictured here,

tells us a lot. She is fun, loving, vibrant, outgoing. She was leader in her age group. She made things happen. Katie, beginning in January of 2002, was in her last year of grad school. During that year, in one of the last conversations with her daughter, Jayann Sepich—her mom—asked her the same question that many of us receive from our parents: What are you going to do when you graduate with your master's degree in business? The reply was the same one that many of us have given: I'm not sure, but I want to change the world.

That's what each one of us as parents aspires to develop in our children—it's what each one of us tries to train them for—and Katie was at the point of decision. She was on her way until her journey of life was brutally interrupted by someone who raped her and strangled her. Then he burned her body and left her body abandoned at a dumpsite.

Now, there was a full DNA sample under Katie's fingernails, attesting to Katie's character, but the uploaded DNA did not match anything in the government database. Meanwhile, Gabriel Avila was arrested 6 weeks after the murder; but because New Mexico and the Federal Government had no laws, no DNA sample was taken, and so no match was made. For 3 years, Mr. Avila walked free on the streets of America and on the streets of New Mexico after having committed this horrendous crime, but there was nothing to link them until New Mexico passed a statute very similar to this one that we are passing today.

It simply said that we are going to collect DNA samples when we have people who are under the suspicion of violent crimes. It is no different than my fingerprints, which are available to anyone who wants to look. They were taken by the U.S. Government when I entered into the United States Air Force. I understand the constitutional concerns, but I also understand the pain of families who have no answers. After New Mexico passed this law, Mr. Avila committed another violent crime. This time, by New Mexico law, they had to take his DNA sample, and immediately they matched that now-3-year-old crime that took Katie's life.

All this bill does is simply help provide funds to States to take these DNA samples. The U.S. Government will put them in the database and compare them. They're the 21st-century version of fingerprints.

One in six American women is a victim of rape or attempted rape, and 90 percent of the people who commit the crimes are repeat offenders like Mr. Avila; yet they walk free because we care more for the rights of perpetrators than of victims. This bill will not prevent violent crimes, but it will help stem the tide of the repeat offenders.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. PEARCE. Dave and Jayann Sepich, Katie's parents, have worked tirelessly, first to get the bill through New Mexico and then to get it to the attention of the Federal Government. The bill stands poised here on the floor of the House of Representatives today, asking that we as Americans and we as legislators take a stand on behalf of the families who have young daughters and young sons who want to change the world; and maybe, just maybe, we will do something right here.

Katie's legacy will live on no matter what we do here today, because of her parents and because of her sacrifice. I humbly suggest that we would want to pass this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Thank you, Ranking Member SCOTT.

This is an unusual circumstance in which the Fourth Amendment, which protects individual privacy from unreasonable searches and seizures by the government, has hardly been mentioned. Another thing that is curious about this measure is that there hasn't been a hearing on the bill, not a single hearing. Now, I suppose we should just skip over that. Oh, by the way, the Supreme Court of the United States has a case which is testing the issue of the appropriateness of collecting the DNA of arrestees, which will soon reasonably be decided.

As one who supports the goals of this legislation—its objectives to apprehend offenders and provide relief to victims—it seems like, in our haste, we've tossed procedure into the waste basket. I just can't understand why we can't examine the constitutionality of the practice of DNA in an appropriate manner, and that's what *Maryland v. King* would do. I know it's being used in other places, but I have never participated in legislation that attempts to become law while the matter is still in the Supreme Court, about to be decided. Maybe if I looked hard enough, we could find some cases in which that may have happened.

When you combine all of these unusual circumstances, as a former chairman of the Committee on the Judiciary, I would urge that we follow the recommendations of our ranking member and have this matter brought before the committee in a more proper and orderly way. I hope that we can ensure the constitutionality of H.R. 6014 since that test is about to be submitted before the Supreme Court of the United States.

Mr. Speaker, I rise today in opposition to H.R. 6014, the "Katie Sepich Enhanced DNA Collection Act of 2012," or "Katie's Law."

I want to begin by noting that I support the important goals of this legislation, which are to

apprehend offenders and provide relief to victims.

But we must not allow our criminal justice system to circumvent the protections of the Constitution so that criminal offenders are caught at all costs.

It is critical that we adhere to the Constitution and consider any measure that possibly conflicts with it through a deliberate process.

Unfortunately, there has not been nearly enough process to ensure that H.R. 6014 is constitutional.

For example, there has neither been a single hearing on this bill, nor has the Judiciary Committee marked up this measure.

As many of you know, the constitutionality of collecting DNA from arrestees is an unresolved question under the Fourth Amendment, which protects individuals' privacy from unreasonable searches and seizures by the government.

In fact, the constitutionality of the practice of DNA testing upon arrest is currently before the Supreme Court in *Maryland v. King*. We should at least wait until the Court decides this issue before we rush to pass this legislation.

I voted for Katie's law in the last Congress, and I support the goals of Katie's law, but right now is not the time to pass this measure.

Mr. SMITH of Texas. Mr. Speaker, in closing, I would like to, once again, thank my friend and colleague from California (Mr. SCHIFF) for introducing this bill and for getting us to the point at which we are now—hopefully, on the cusp of passage.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield such time as he may consume to a member of the Judiciary Committee, the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to H.R. 6014, the Katie Sepich Enhanced DNA Collection Act of 2012.

I strongly support measures to increase our public safety, and the rationale behind the bill is laudable. I care about using DNA evidence in criminal prosecutions in order to solve crimes and to convict wrongdoers. I also appreciate the fact that DNA can many times clear persons, even persons who have been wrongfully convicted; but there is much doubt, Mr. Speaker, surrounding whether or not the DNA collection of arrested persons is good policy, let alone constitutional.

By providing more incentives to extract DNA at arrests, this bill promotes restrictions on civil liberties, which are restrictions we do not and should not tolerate as a society, and it undermines the very criminal justice system it seeks to strengthen. Unlike collecting the DNA from a convicted felon, collecting DNA samples during arrests violates the Fourth Amendment's protection against unreasonable searches and seizures.

I sincerely doubt that the Framers intended the Fourth Amendment to allow the State to hold a person's genetic blueprint without first finding

that person guilty of a crime. Although the bill provides for the expungement of DNA profiles, it only does so after lengthy procedures undertaken by an innocent person.

□ 1340

Moreover, it does not address the physical DNA samples that would remain in storage. We should not permit our government, Mr. Speaker, to hold DNA samples of arrested persons forever, despite the fact that the arrestee was never convicted of a crime. To keep these DNA samples under these circumstances is the essence of violating the arrested person's right to privacy. There can be no more fundamental right to privacy than that which exists in the DNA profile of a person. One should not give up that right to privacy in one's DNA profile simply because one has been arrested.

Not only is this inconsistent with our fundamental beliefs, but DNA profiling of arrestees diverts resources away from DNA profiles with far greater impact on aiding investigations.

I'm also concerned that this practice would perpetuate the current racial disparities in our criminal justice system. As more minority DNA profiles are included in databases, more minorities are potential suspects, regardless of their actual guilt. We cannot allow this injustice to blossom in a free country where people are presumed innocent until proven guilty.

Mr. SCOTT of Virginia. Mr. Speaker, I think the chairman has the right to close, and I would yield him time if he has any concluding comments. He apparently doesn't have any further comments.

I yield back the balance of my time.

Mr. REICHERT. Mr. Speaker, I rise today in support of Katie's Law. I rise as a Congressman, but also as a cop and a sheriff with 33 years of experience investigating crimes.

This bill, simply put, assists states with the implementation of DNA arrestee collection programs so that the DNA collected can be entered into the national DNA database. DNA is an invaluable piece of evidence when solving crimes.

As the lead investigator on the Green River Killer Task Force my colleagues and I started collecting evidence in the early 80's . . . hoping only for, in those days, a saliva or a blood-type match that would tie a suspect to the crimes.

We worked that case for nearly two decades, continuing to collect evidence, interrogate suspects, and discover horrific murder scenes. In 2001, the technology finally caught up and through DNA we made a match and were finally able to arrest a single suspect on four counts of murder. That arrest eventually led to 49 murder convictions.

This bill is named for Katie Sepich. Katie was a young woman from Carlsbad, New Mexico who was 22 years old when she was brutally raped and murdered—because of the lack of DNA collection procedures in New Mexico at the time, it was three years before

Katie's parents, Jayann and David, had the closure of knowing Katie's attacker.

Katie's Law provides a critical resource to aid our law enforcement officials in investigating crimes and protecting the innocent. It does so without the appropriation of new funds and with privacy protections.

What happened to Katie Sepich is a shocking, horrible tragedy. It is our duty to assist law enforcement in preventing these tragedies from ever re-occurring, and to continue the tireless work of keeping our communities safe.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6014, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes."

A motion to reconsider was laid on the table.

#### THEFT OF TRADE SECRETS CLARIFICATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3642) to clarify the scope of the Economic Espionage Act of 1996.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3642

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Theft of Trade Secrets Clarification Act of 2012".

#### SEC. 2. AMENDMENT.

Section 1832(a) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking "or included in a product that is produced for or placed in" and inserting "a product or service used in or intended for use in".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 3642, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3642, the Theft of Trade Secrets Clarification Act of 2012,

clarifies the scope of the Economic Espionage Act, EEA, and protects American jobs and businesses from the theft of their valuable trade secrets. I want to thank Senator LEAHY for his hard work on this piece of legislation.

Since 1996, the EEA has served as the primary tool the Federal Government uses to protect secret, valuable, commercial information from theft. The Second Circuit's Aleynikov decision revealed a dangerous loophole that demands our attention. In response, the Senate unanimously passed S. 3642 in November. We need to act today to send this important measure directly to the President. We must also take action in response to the Second Circuit's call and ensure that we have appropriately adapted the scope of the EEA to the digital age.

I again thank Senator LEAHY for his leadership on this issue. I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. Speaker, S. 3642, the "Theft of Trade Secrets Clarification Act of 2012," clarifies the scope of the Economic Espionage Act (EEA) and protects American jobs and businesses from the theft of their valuable trade secrets. I thank Senator LEAHY for his hard work on this bill.

Sergey Aleynikov was convicted for stealing and transferring valuable proprietary computer source code that belonged to his former employer, Goldman Sachs. Earlier this year, he was released from a federal penitentiary after serving only one year of an eight-year sentence.

According to the Second Circuit Court of Appeals, he had accepted an offer in 2009, to become a senior executive at a Chicago-based startup that intended to compete against Goldman in the provision of high frequency trading (HFT) services.

The Appeals Court explained:

Just before his going-away party, Aleynikov encrypted and uploaded to a server in Germany more than 500,000 lines of source code for Goldman's HFT system . . . On June 2, 2009, Aleynikov flew . . . to Chicago to attend meetings at Teza. He brought with him a flash drive and a laptop containing portions of the Goldman source code. When Aleynikov flew back the following day, he was arrested by the FBI . . .

Aleynikov was convicted of violating the EEA and the National Stolen Property Act. After reviewing the trial record, the Appeals Court issued an order in February 2012, which reversed Aleynikov's convictions on both counts.

The court's decision construed the scope of the two federal criminal statutes. It observed that there is a limitation that products be "produced for" or "placed in" interstate or foreign commerce.

The court concluded, "Goldman's HFT system was neither 'produced for' nor 'placed in' interstate or foreign commerce," despite evidence that it facilitated millions of proprietary trades and transactions each year. It then determined that the theft of source code was not an offense under the EEA.

The court explained that when a statute, particularly a criminal statute, is ambiguous, it is appropriate to construe it narrowly and, "to

require that Congress should have spoken in language that is clear and definite" before choosing a stricter interpretation.

In his concurring opinion, Judge Calabresi [Cal-abress-E] directly called upon Congress to clarify the scope of the EEA as he wrote:

[I]t is hard for me to conclude that Congress, in [the EEA], actually meant to exempt the kind of behavior in which Aleynikov engaged . . . [n]evertheless, while concurring [in the opinion], I wish to express the hope that Congress will return to the issue and state, in appropriate language, what I believe it meant to make criminal in the EEA.

The FBI estimated earlier this year that U.S. companies had lost \$13 billion to trade secret theft in just over six months. Over the past six years, losses to individual U.S. companies have ranged from \$20 million to as much as \$1 billion.

Since 1996, the EEA has served as the primary tool the federal government uses to protect secret, valuable, commercial information from theft.

The Second Circuit's Aleynikov [Alay-nakov] decision revealed a dangerous loophole that demands our attention. In response, the Senate unanimously passed S. 3642 in November.

We need to act today to send this important measure directly to the President. We must also take action in response to the Second Circuit's call and to ensure that we have appropriately adapted the scope of the EEA to the digital age.

I again thank Senator LEAHY for his leadership on this issue and I urge my colleagues to support the bill.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia controls the time.

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3642, the Theft of Trade Secrets Clarification Act, will help ensure that American businesses can effectively protect their trade secrets. This legislation passed the Senate by unanimous consent last month, and we are proud to be passing it today.

S. 3642 responds to a recent Federal court decision that exposed a gap in Federal law. In April of this year, the Second Circuit Court of Appeals held that the Federal statute prohibiting the theft of trade secrets does not apply to computer source code in some circumstances.

In the Aleynikov case, the defendant, a computer programmer who worked for Goldman Sachs, electronically copied and remotely stored thousands of lines of source code from the company's internal, high-frequency trading system and then downloaded that code to his new employer's server after leaving Goldman Sachs.

The transfer of the source code would potentially save up to \$10 million and 2 years of programmers' time for the new employer and would eliminate some of the competitive advantage Goldman

Sachs achieved by developing their own trading program.

Federal law prohibits the conversion of any trade secret that is related to or included in a product that is produced or placed in interstate or foreign commerce. Because the code that was stolen is a component of an internal computer system, the court found that it is not covered by the statute because it was not produced for, or placed in, a product in interstate or foreign commerce.

This bill will close the gap exposed in that case by clarifying that the statute applies to both products and services which are used in or intended for use in interstate or foreign commerce.

Congress needs to act quickly to enhance the ability of American businesses to safeguard the proprietary information they develop to gain a competitive advantage. This is particularly important as our country's economy is increasingly knowledge- and service-based.

We must ensure that our statutes designed to prohibit the theft of trade secrets appropriately cover the range of intellectual property generated and used by our businesses.

This bill is an important step to accomplish this goal, and I commend the senior Senator from Vermont, the chair of the Judiciary Committee in the Senate, Mr. LEAHY, for his leadership on the bill; and I urge my colleagues to support this legislation so it can be sent directly to the President's desk to be signed into law.

I yield back the balance of my time.

Mr. Speaker, S. 3642, the "Theft of Trade Secrets Clarification Act, will help ensure that American businesses can effectively protect their trade secrets. This legislation passed the Senate by unanimous consent last month and I am proud to support it today.

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In the Aleynikov case, the defendant, a computer programmer who worked for Goldman Sachs, electronically copied and remotely stored thousands of lines of source code for the company's internal, high-frequency trading system and then downloaded that code to his new employer's server after leaving Goldman Sachs.

The transfer of the source code would potentially save \$10 million and two years of programmers' time for the new employer and would eliminate some of the competitive advantage Goldman achieved by developing their own trading program.

Federal law prohibits the conversion of any trade secret that is related to or included in a product that is produced or placed in interstate or foreign commerce. Because the code that Mr. Aleynikov stole is a component of an internal computer system, the court found that it is not covered by the statute because it is not

produced for, or placed in, a product in interstate or foreign commerce.

S. 3642 would close the gap exposed in the Aleynikov case by clarifying that the statute applies to both products and services which are used in or intended for use in interstate or foreign commerce.

Congress needs to act quickly to enhance the ability of American businesses to safeguard the proprietary information they develop to gain competitive advantage. This is particularly important as our country's economy is increasingly knowledge and service-based.

We must ensure that our statutes designed to prohibit the theft of trade secrets appropriately cover the range of intellectual property generated and used by our businesses.

This bill is an important step to accomplish this goal, and I commend the gentleman from Vermont, Senator LEAHY. I urge my colleagues to support this legislation today so that it can be sent to the President's desk to be signed into law.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time as well.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. 3642, the "Theft of Trade Secrets Clarification Act of 2012," a bill that simply clarifies a provision of the Economic Espionage Act for the purpose of protecting American business and jobs.

More specifically, S. 3642 would broaden language in the Economic Espionage Act so that it protects businesses from trade secret theft to the extent that it was originally intended to rather than the narrow scope applied by a recent Second Circuit court opinion.

In *United States v. Aleynikov* (April 2012 decision), the Second Circuit overturned the conviction of a defendant who was found guilty of stealing computer code from his employer. The reason for this reversal was that the court determined that the theft of the trade secret did not meet the interstate commerce threshold delineated in the Economic Espionage Act.

Even though the Defendant copied stolen code from his New York office to a computer server in Germany, downloaded the code in New Jersey, and then took the code with him to his new job in Illinois, the Second Circuit found that the stolen trade secret was not part of a product that was produced for or placed in interstate commerce and, therefore, was not the subject of this criminal provision of the Economic Espionage Act.

Effective protection of intellectual property rights, including trade secrets, is essential for fostering innovation. Innovation typically requires substantial investment in education, research and development, and labor to bring a new idea to the marketplace.

The fact that the stolen computer code, which was proprietary, was not produced to be placed in interstate commerce should not preclude a guilty verdict from being rendered.

Businesses often spent time and money to develop their own proprietary software to be used internally; if others can steal their idea, it undermines the creator's ability to recoup the cost of his or her innovative investment, and the incentive to innovate is reduced.

These innovations add value to the overall business, even if they are not commercial end-products themselves. The language con-

tained in this bill will fix the problem so that trade secret thieves cannot take advantage of the loophole in the Economic Espionage Act.

For that reason, I urge my colleagues to support S. 3642, the "Theft of Trade Secrets Clarification Act of 2012."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 3642.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### VIDEO PRIVACY PROTECTION ACT AMENDMENTS ACT OF 2012

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6671) to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6671

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Privacy Protection Act Amendments Act of 2012".

#### SEC. 2. VIDEO PRIVACY PROTECTION ACT AMENDMENT.

Section 2710(b)(2) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) to any person with the informed, written consent (including through an electronic means using the Internet) of the consumer that—

"(i) is in a form distinct and separate from any form setting forth other legal or financial obligations of the consumer;

"(ii) at the election of the consumer—

"(I) is given at the time the disclosure is sought; or

"(II) is given in advance for a set period of time, not to exceed 2 years or until consent is withdrawn by the consumer, whichever is sooner; and

"(iii) the video tape service provider has provided an opportunity, in a clear and conspicuous manner, for the consumer to withdraw on a case-by-case basis or to withdraw from ongoing disclosures, at the consumer's election;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6671, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1350

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Today I am pleased that we are considering a bipartisan bill to update the Video Privacy Protection Act of 1988. This bill will ensure that a law related to the handling of videotape rental information is updated to reflect the realities of the 21st century.

The VPPA was passed by Congress in the wake of Judge Robert Bork's 1987 Supreme Court nomination battle, during which a local Washington, D.C., newspaper obtained a list of videotapes the Bork family rented from its neighborhood videotape rental store. This disclosure caused bipartisan outrage, which resulted in the enactment of the Video Privacy Protection Act.

The commercial video distribution landscape has changed dramatically since 1988. Back then, the primary consumer consumption of commercial video content occurred through the sale or rental of prerecorded videocassette tapes. This required users to travel to their local video rental store to pick a movie. Afterward, consumers had to travel back to the store to return the rented movie. Movies that consumers rented and enjoyed were recommended to friends, primarily through face-to-face conversations. With today's technology, consumers can quickly and efficiently access video programming through a variety of platforms, including through Internet protocol-based video services, all without leaving their homes.

This bill is extremely similar to H.R. 2471, which passed the House overwhelmingly a year ago. This newer version incorporates provisions suggested by the Senate that allows greater consumer flexibility in their video sharing habits. I support these enhancements to the bill.

This bill updates the Video Privacy Protection Act to allow videotape service providers to facilitate the sharing on social media networks of the movies watched or recommended by users. Specifically, it is narrowly crafted to preserve the VPPA's protections for consumers' privacy, while modernizing the law to empower consumers to do more with their video consumption preferences, including sharing names of new or favorite TV shows or movies on social media in a simpler way. However, it protects the consumer's control



over the information by requiring consumer consent before any of this occurs, and it makes clear that a consumer can opt in to the ongoing sharing of his or her favorite movies or TV shows without having to provide consent each and every time a movie is rented.

It also makes clear that written affirmative consent can be provided through the Internet and can be withdrawn at any time. The bill we are considering today requires that the consent be distinct and separate from any other form setting forth other legal and financial obligations. Companies must provide consumers with the clear and conspicuous option to withdraw their consent to share at any time. Finally, a consumer's consent to share expires after 24 months unless the consumer chooses to opt in again.

This bill is truly pro-consumer and places the decision of whether or not to share video rentals with one's friends squarely in the hands of the consumer. In fact, the cochairs of the Future of Privacy Forum correctly pointed out, in an opinion piece in *Roll Call* on November 29, 2011, that "the antiquated law on the books is a hindrance to consumers."

This legislation does not change the scope of who is covered by the VPPA or the definition of "personally identifiable information." In addition, it preserves the requirement that the user provide affirmative, written consent.

It's time that Congress updates the VPPA to keep up with today's technology and the consumer marketplace. This bill does just that. I hope my colleagues will join me in supporting this important piece of legislation.

I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 6671. Last year, I came to the floor to oppose the predecessor bill to this legislation, which we in the House passed and sent to the Senate. But today, I rise to support the amendments to the Video Privacy Protection Act contained in the bill because of important amendments to the bill that have been made in the Senate.

I said when we debated the bill before, and I say now, that while I support innovation on the Web, I do not support it at the expense of consumer privacy. I believe the Senate amendments make for a strong bill, with more robust consumer protections, and respond, in many respects, to the concerns I raised about the prior bill.

The Video Privacy Protection Act was passed in reaction to the unauthorized release of Judge Robert Bork's rental history during his contentious confirmation hearings to the Supreme Court and stands today as the gold standard for privacy protection.

The amendments made by this bill would allow a video service provider to

obtain universal, ongoing electronic consent from consumers to share their viewing history across social media like Facebook. The consumer would have to affirmatively opt in, and the service must provide a clear and conspicuous opportunity to withdraw the consent to share video viewing information at any time. Finally, advance consent may be valid for no longer than 2 years.

Mr. Speaker, I'm satisfied that the amendments made in the Senate, before which I testified in opposition to the original bill, have adequately addressed the privacy-related concerns I expressed.

Opt-in consent is widely regarded by privacy advocates as a vigorous protection for consumers. The requirement that the consumer must revisit the decision to share his video history reinforces the protections provided in the initial consent.

And finally, the bill now allows what I suggested during the Judiciary Committee markup in the House, that the consumer be provided the option to give consent on a video-by-video basis, or in advance for all views until that consent is withdrawn, or until the expiration of 24 months.

Because of these important changes, I support the chairman in his effort to assist online companies to initiate creative options on behalf of their subscribers. While these are welcome improvements that allow me to support this bill, I remain concerned that the bill fails to provide needed updates to the Video Privacy Protection Act, in particular, and fails to consider implications for the ongoing national debate on privacy laws governing digital privacy.

I continue to believe that the underlying Video Privacy Protection Act must be updated to address destruction of records in the online environment. Also, the damages provision should be updated to ensure that consumers are adequately compensated when harmed and that online companies are not unfairly penalized because of the reach of their media.

Finally, I firmly believe that the provision in the Video Privacy Protection Act that requires a warrant for law enforcement to obtain consumer records must be preserved and that future debates on electronic consumer privacy reforms must not undercut those protections.

I understand that the incoming chair of the Judiciary, my good friend, Mr. GOODLATTE, agrees with most of these observations and will work with me to ensure that the Judiciary Committee, next year, tries to address some of these concerns.

So, Madam Speaker, my concerns are not so much about what's in this bill as much as they are concerns about what is not in the bill. So I'm agreeing not to allow the perfect to be the enemy of the good.

I, therefore, ask my colleagues to join me in supporting the bill, but I also ask them to join me, in the next term of Congress, to protect consumer privacy and to update the outdated provisions of the Video Privacy Protection Act.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume to thank both the ranking member, the gentleman from Michigan (Mr. CONYERS), for his longtime support, as well as the gentlewoman from California (Ms. LOFGREN), who I'm sure will have a word to say about this as well, and also the work that the gentleman from North Carolina, the ranking member of the subcommittee that I chair—and he has done a good job as the ranking member on—for working with us to find ground here that we could reach agreement upon.

I will also say that I have a great interest in looking at the Electronic Communications Privacy Act and other privacy issues that need to be reviewed and modernized, and I hope that, in my new capacity as chairman of the Judiciary Committee in the next Congress, we'll have the opportunity to work together on issues of that nature.

I reserve the balance of my time.

□ 1400

Mr. WATT. Madam Speaker, I yield such time as he may consume to the ranking member of the Judiciary Committee, Mr. CONYERS.

Mr. CONYERS. I would like to let everyone know that the gentleman from North Carolina, who's worked on this and has pledged to continue to work on it, has my support for the new ideas. Well, they're not new. They're old ideas that just didn't get into this bill. And we're going to work on it together.

I congratulate, of course, the chairman-elect of the Judiciary Committee, Mr. GOODLATTE, for his long work and service on that committee and look forward to joining with him to continue the kind of bipartisanship that frequently is worked out in our committee.

I believe this amended version of H.R. 6671 is a distinct improvement over its predecessor and urge that we continue the kind of vigilance that the gentleman from North Carolina, MEL WATT, has demonstrated in his zeal to protecting consumer privacy. Technology is constantly evolving. Each new development presents new opportunities and challenges to improve our lives. This bill is a good step toward addressing this technological development, and we must continue to monitor it to ensure consumer privacy continues to be protected.

The language added by the Senate, the other body, improved the bill for consumers, and so I, too, urge my colleagues to support its passage today.

Mr. GOODLATTE. I reserve the balance of my time.

Mr. WATT. I yield such time as she may consume to a valued member of our Intellectual Property Subcommittee and a valued member of the Judiciary Committee, the gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I thank you, Mr. WATT and Mr. GOODLATTE. I am pleased that we've come together to support this good bill. This bill is going to allow consumers to share their video viewing habits as they see fit, and it will actually enhance consumer privacy without causing any significant detriment to providers of digital services.

I agree that the Senate amendments actually improve the bill, and I think, also, that passing this bill is going to support and enhance emerging online video companies to grow and expand their services. I think it's important that we come together to make sure that our laws actually work well in the Internet environment, which this bill now does.

I look forward to Congress working to do the same thing when it comes to the Electronic Privacy Act reforms we know that are necessary, even copyright reform, to make sure that the laws actually work with modern Internet services. The VPPA is a great start down this road. I look forward to voting in favor of it, and I commend all who worked on it.

Mr. WATT. Madam Speaker, I urge my colleagues to join us in supporting the bill and working with us next year to address the things that are not in the bill.

I yield back the balance of my time.

Mr. GOODLATTE. I thank my colleagues for coming together on this legislation. I believe that it is very good legislation that modernizes the use of the Internet and the use of information that people want to share with each other. It makes it feasible to do that now in ways that newer users of the Internet have become used to with music and other things they share, and now they'll be able to do that with video, television, and movies and other things like that.

So I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, H.R. 6671 makes a minor, overdue change to update the Video Privacy Protection Act. I thank the gentleman from Virginia, Mr. GOODLATTE, for sponsoring this commonsense, bipartisan legislation.

The Video Privacy Protection Act prohibits video stores from disclosing certain "personally identifiable information" of their customers.

In the event of an unauthorized disclosure, an individual can sue in civil court for damages. But the law has always allowed some personally identifiable information to be released in limited circumstances, such as in response to a court order or when the customer gives their prior, written consent.

However, the technologies of entertainment are changing. Today, consumers are just as

likely to stream a movie from the Internet as they are to rent a movie from a video store. And when people view entertainment on the Internet, often they like to share their activities with friends through social media like Facebook and Twitter.

Under current law, the social media sites would have to obtain written consent each time someone wishes to share their video choices.

H.R. 6671 does not change the prohibition on disclosure of personal information or expand the exceptions when information can be disclosed. It does not change the requirement for informed, written consent by a consumer. It simply allows the consumer to consent once before using new social media programs to share their movie or TV show preferences.

An earlier version of this bill passed the House last year, by a vote of 303 to 116. In the Senate, two amendments were adopted to make the bill even more consumer friendly. This new version adopts these amendments to accommodate concerns about consumer choice and privacy.

H.R. 6671 adopts an amendment proffered in mark-up by Congressman NADLER, which requires the consumer consent agreement to be in a completely separate form apart from the other contract details.

In addition, H.R. 6671 adopts two Senate amendments that place limitations on how consent is obtained from consumers. The bill now limits the disclosure agreement to 2 years.

The bill also requires the video provider to give consumers easy options to end the sharing agreement. These changes will ensure that consumers are aware they are sharing information and are voluntarily taking part.

Rather than dramatically alter the Act's existing provisions, H.R. 6671 keeps the vast majority of the Act in place and simply modernizes the way in which consumers can give their informed consent. This bill brings the Video Privacy Protection Act into the 21st century. And the changes adopted made from the previous bill increase consumer protection from the beginning of the process to its end.

I again thank my colleague from Virginia, the Chairman-Elect of the Judiciary Committee, Mr. GOODLATTE, for his work on this important issue. I urge my colleagues to support this legislation.

The SPEAKER pro tempore (Ms. ROSELEHTINEN). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 6671.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 5 minutes p.m.), the House stood in recess.

□ 1815

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 6 o'clock and 15 minutes p.m.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 18, 2012.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 18, 2012 at 2:19 p.m.:

That the Senate passed S. Res. 622.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. RIGELL. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight, December 18, to file the conference report to accompany H.R. 4310.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6504, de novo;

H.R. 3783, by the yeas and nays;

H.R. 6621, by the yeas and nays;

S. 3642, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### SMALL BUSINESS INVESTMENT COMPANY MODERNIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6504) to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RIGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 36, answered “present” 1, not voting 35, as follows:

[Roll No. 629]

YEAS—359

Adams	Conyers	Hanabusa
Aderholt	Cooper	Hanna
Alexander	Costa	Harper
Altmire	Courtney	Hartzler
Amodei	Crawford	Hastings (FL)
Andrews	Crenshaw	Hastings (WA)
Bachmann	Critz	Hayworth
Bachus	Crowley	Heck
Baldwin	Cuellar	Heinrich
Barber	Culberson	Herger
Barletta	Cummings	Herrera Beutler
Barrow	Curson (MI)	Higgins
Bass (CA)	Davis (CA)	Himes
Bass (NH)	Davis (IL)	Hinchey
Becerra	DeFazio	Hinojosa
Benishkek	DeGette	Hirono
Berg	DeLauro	Hochul
Berkley	DelBene	Holden
Biggert	Denham	Holt
Bilbray	Dent	Honda
Bilirakis	Deutch	Hoyer
Bishop (GA)	Diaz-Balart	Hultgren
Bishop (NY)	Dicks	Hunter
Bishop (UT)	Doggett	Hurt
Black	Dold	Israel
Blackburn	Donnelly (IN)	Issa
Blumenauer	Doyle	Jackson Lee
Bonamici	Dreier	(TX)
Bonner	Duffy	Jenkins
Boswell	Edwards	Johnson (GA)
Boustany	Ellison	Johnson (OH)
Brady (PA)	Ellmers	Johnson, E. B.
Brady (TX)	Emerson	Johnson, Sam
Braley (IA)	Engel	Jones
Brooks	Eshoo	Kaptur
Brown (FL)	Farenthold	Keating
Buchanan	Farr	Kelly
Bucshon	Fattah	Kildee
Buerkle	Fincher	Kind
Burgess	Fitzpatrick	King (IA)
Butterfield	Fleischmann	King (NY)
Calvert	Flores	Kinzinger (IL)
Camp	Forbes	Kline
Canseco	Fortenberry	Kucinich
Cantor	Fox	Labrador
Capito	Franks (AZ)	Lance
Capps	Frelinghuysen	Langevin
Capuano	Fudge	Larsen (WA)
Carnahan	Gallely	Larsen (CT)
Carney	Garamendi	Latham
Carson (IN)	Gardner	LaTourette
Carter	Gerlach	Latta
Cassidy	Gibbs	Lee (CA)
Castor (FL)	Gibson	Levin
Chabot	Gingrey (GA)	Lewis (CA)
Chaffetz	Gohmert	Lewis (GA)
Chandler	Goodlatte	Lipinski
Chu	Gosar	LoBiondo
Cicilline	Gowdy	Loeb
Clarke (MI)	Graves (MO)	Lofgren, Zoe
Clarke (NY)	Green, Al	Long
Clay	Green, Gene	Lowey
Cleaver	Griffin (AR)	Lucas
Clyburn	Griffith (VA)	Luetkemeyer
Coble	Grimm	Lungren, Daniel
Coffman (CO)	Guinta	E.
Cohen	Guthrie	Maloney
Cole	Gutierrez	Manzullo
Conaway	Hahn	Marchant
Connolly (VA)	Hall	Marino

Markey	Posey	Shuster
Matheson	Price (NC)	Simpson
Matsui	Quayle	Sires
McCarthy (CA)	Quigley	Slaughter
McCarthy (NY)	Rahall	Smith (NE)
McCaul	Rangel	Smith (NJ)
McCollum	Reed	Smith (TX)
McDermott	Rehberg	Smith (WA)
McGovern	Reichert	Speier
McHenry	Renacci	Stivers
McIntyre	Richardson	Sutton
McKeon	Richmond	Terry
McKinley	Rigell	Thompson (CA)
McMorris	Rivera	Thompson (MS)
Rodgers	Roby	Thompson (PA)
McNerney	Roe (TN)	Thornberry
Meehan	Rogers (AL)	Tiberi
Meeks	Rogers (KY)	Tierney
Mica	Rogers (MI)	Tipton
Michaud	Rohrabacher	Tonko
Miller (FL)	Rokita	Towns
Miller (MI)	Rooney	Tsongas
Miller (NC)	Ros-Lehtinen	Turner (NY)
Miller, Gary	Roskam	Turner (OH)
Miller, George	Ross (FL)	Upton
Moore	Rothman (NJ)	Van Hollen
Murphy (CT)	Roybal-Allard	Velázquez
Murphy (PA)	Runyan	Visclosky
Myrick	Ruppersberger	Walberg
Nadler	Rush	Walden
Napolitano	Ryan (OH)	Walz (MN)
Neal	Sánchez, Linda	Wasserman
Noem	T.	Schultz
Nugent	Sarbanes	Waters
Olson	Scalise	Watt
Oliver	Schakowsky	Waxman
Owens	Schiff	Webster
Palazzo	Schilling	Welch
Pallone	Schmidt	West
Pascarella	Schock	Whitfield
Pastor (AZ)	Schrader	Wilson (FL)
Paulsen	Schwartz	Wilson (SC)
Payne	Schweikert	Wittman
Pelosi	Scott (VA)	Wolf
Perlmutter	Scott, Austin	Womack
Peters	Scott, David	Woolsey
Peterson	Sensenbrenner	Yoder
Petri	Serrano	Young (AK)
Pingree (ME)	Sessions	Young (FL)
Pitts	Sewell	Young (IN)
Platts	Sherman	
Polis	Shimkus	

NAYS—36

Amash	Hensarling	Pearce
Barton (TX)	Huelskamp	Poe (TX)
Broun (GA)	Huizenga (MI)	Pompeo
Burton (IN)	Jordan	Ribble
Campbell	Kingston	Royce
DesJarlais	Lamborn	Scott (SC)
Duncan (SC)	Lankford	Southerland
Duncan (TN)	Lummis	Stearns
Flake	Massie	Stutzman
Garrett	McClintock	Walsh (IL)
Graves (GA)	Neugebauer	Westmoreland
Harris	Paul	Woodall

ANSWERED “PRESENT”—1

Mulvaney

NOT VOTING—35

Ackerman	Frank (MA)	Nunnelee
Akin	Gonzalez	Pence
Austria	Granger	Price (GA)
Baca	Grijalva	Reyes
Bartlett	Johnson (IL)	Ross (AR)
Berman	Kissell	Ryan (WI)
Bono Mack	Landry	Sanchez, Loretta
Boren	Luján	Shuler
Costello	Lynch	Stark
Cravack	Mack	Sullivan
Dingell	Moran	Yarmuth
Fleming	Nunes	

□ 1850

Messrs. POE of Texas, BURTON of Indiana, SCOTT of South Carolina, SOUTHERLAND, KINGSTON, DESJARLAIS, HUELSKAMP, and ROYCE changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PRICE of Georgia. Mr. Speaker, on roll-call No. 629 I was unavoidably detained. Had I been present, I would have voted “nay.”

## COUNTERING IRAN IN THE WESTERN HEMISPHERE ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and concur in the Senate amendment.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 6, not voting 39, as follows:

[Roll No. 630]

YEAS—386

Adams	Canseco	Dent
Aderholt	Cantor	DesJarlais
Alexander	Capito	Deutch
Altmire	Capps	Diaz-Balart
Amodei	Capuano	Dicks
Andrews	Carnahan	Doggett
Bachmann	Carney	Dold
Bachus	Carson (IN)	Donnelly (IN)
Baldwin	Carter	Doyle
Barber	Cassidy	Dreier
Barletta	Castor (FL)	Duffy
Barrow	Chabot	Duncan (SC)
Barton (TX)	Chaffetz	Edwards
Bass (CA)	Chandler	Ellmers
Bass (NH)	Chu	Emerson
Becerra	Cicilline	Engel
Benishkek	Clarke (MI)	Eshoo
Berg	Clarke (NY)	Farenthold
Berkley	Clay	Farr
Biggert	Cleaver	Fattah
Bilbray	Clyburn	Fincher
Bilirakis	Coble	Fitzpatrick
Bishop (GA)	Coffman (CO)	Flake
Bishop (NY)	Cohen	Fleischmann
Bishop (UT)	Cole	Fleming
Blackburn	Conaway	Flores
Blumenauer	Connolly (VA)	Forbes
Bonamici	Conyers	Fortenberry
Bonner	Cooper	Fox
Boswell	Costa	Franks (AZ)
Boustany	Courtney	Frelinghuysen
Brady (PA)	Crawford	Fudge
Brady (TX)	Crenshaw	Gallely
Braley (IA)	Critz	Garamendi
Brooks	Crowley	Gardner
Broun (GA)	Cuellar	Garrett
Brown (FL)	Culberson	Gerlach
Buchanan	Cummings	Gibbs
Bucshon	Curson (MI)	Gibson
Buerkle	Davis (CA)	Gingrey (GA)
Burgess	Davis (IL)	Gohmert
Burton (IN)	DeFazio	Goodlatte
Butterfield	DeGette	Gosar
Calvert	DeLauro	Gowdy
Camp	DelBene	Graves (GA)
Campbell	Denham	Graves (MO)

Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeback  
Lofgren, Zoe  
Long  
Lowey  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Maloney  
Manzulio  
Marchant  
Marino  
Markey  
Matheson

Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascarell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard

Royle  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NAYS—6

Amash  
Duncan (TN)

Jones  
Kucinich

Massie  
Paul

## NOT VOTING—39

Ackerman  
Akin  
Austria  
Baca

Bartlett  
Berman  
Black  
Bono Mack

Boren  
Costello  
Cravaack  
Dingell

Ellison  
Frank (MA)  
Gonzalez  
Granger  
Green, Al  
Grijalva  
Johnson (IL)  
Johnson, Sam  
King (IA)

Kissell  
Landry  
Lucas  
Luján  
Lynch  
Mack  
Moran  
Nunes  
Nunnelee

Pence  
Reyes  
Ross (AR)  
Ryan (WI)  
Sanchez, Loretta  
Shuler  
Stark  
Sullivan  
Yarmuth

□ 1857

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BLACK. Mr. Speaker, on rollcall No. 630, I was delayed in a meeting. Had I been present, I would have voted "yea."

#### CONGRATULATING REPRESENTATIVE TIM SCOTT OF SOUTH CAROLINA ON BEING NAMED SENATOR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, as the senior Republican member of the delegation from South Carolina, it's my honor, on behalf of my colleagues, Congressman MULVANEY, Congressman DUNCAN, and Congressman TREY GOWDY, to be here to recognize—and I will be recognizing the senior member of the other party in just one second. I'm very grateful to be here this afternoon to give recognition to a person whom we have the highest regard for, the former chairman of the county council of my birthplace of Charleston, a former member of the statehouse, a distinguished Member of the House of Representatives, and now the next U.S. Senator from South Carolina.

I now defer, before he has comment, to the senior member of our delegation, Congressman JIM CLYBURN of South Carolina.

Mr. CLYBURN. Thank you very much, Representative WILSON. I didn't think I would ever live long enough or serve here long enough to call myself the dean of the South Carolina delegation, but I seem to have reached that point.

I would like to add my voice of congratulations to TIM SCOTT. TIM I have known for some time. He has worked in the vineyards of Charleston County and in the State legislature. I enjoy TIM a whole lot. I enjoy those moments when we talk about the issues and then go to our respective voting places and cancel each other out. He is that kind of guy, and I appreciate him for it.

But I also know that TIM is the personification, as I said to one media, of South Carolina's motto. Our State's motto is: "While I breathe, I hope." It's a great motto for a State, and it personifies what TIM SCOTT's appointment

has meant, not just to South Carolina, but to this great Nation of ours.

TIM, congratulations. Godspeed. I know that you will represent our State and Nation honorably.

Mr. SCOTT of South Carolina. Thank you, sir.

Let me just say thank you to everyone. I have thoroughly enjoyed my time in the House. To my delegation members, there is no better delegation in America to serve with than all of you.

I thought I would get a standing ovation for that one, but obviously not.

I will say this, though, that one of the things that I've learned in this House is that there is a way to disagree without being disagreeable. And JIM CLYBURN, you've helped me to understand that.

To my guys here, I will say without any question that being a part of the team is important. And when I think about our country, I think of our country as a team. And as a kid coming from a single-parent household looking for opportunities, I found that in my team at home and my mentor. And now as I head to the Senate, I hope that we will continue to be a team. But America needs us to remember them. So thank you all so very much for this opportunity.

Mr. WILSON of South Carolina. I yield back the balance of my time.

#### PATENT OVERHAUL TECHNICAL CORRECTIONS

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 89, not voting 34, as follows:

[Roll No. 631]

YEAS—308

Adams	Bass (CA)	Boswell
Aderholt	Bass (NH)	Boustany
Alexander	Becerra	Brady (PA)
Altmire	Berg	Brady (TX)
Amodel	Berkley	Braley (IA)
Bachmann	Bilbray	Brown (FL)
Bachus	Bilirakis	Buchanan
Baldwin	Bishop (GA)	Bucshon
Barber	Bishop (NY)	Buerkle
Barletta	Bishop (UT)	Butterfield
Barrow	Bonamici	Calvert
Barton (TX)	Bonner	Camp

Campbell	Hensarling	Perlmutter	NAYS—89	Becerra	Farenthold	Levin
Canseco	Herger	Peters		Benishek	Fattah	Lewis (CA)
Cantor	Herrera Beutler	Pingree (ME)	Amash	Berg	Fincher	Lewis (GA)
Capito	Higgins	Pitts	Andrews	Berkley	Fitzpatrick	Lipinski
Capps	Himes	Pompeo	Benishek	Biggert	Flake	LoBiondo
Capuano	Hinchey	Price (GA)	Biggert	Bilbray	Fleischmann	Loebach
Carnahan	Hinojosa	Price (NC)	Black	Bilirakis	Fleming	Lofgren, Zoe
Carney	Hirono	Quayle	Blackburn	Bishop (GA)	Forbes	Long
Carson (IN)	Hochul	Quigley	Brooks	Bishop (NY)	Fortenberry	Lowey
Carter	Holt	Rahall	Broun (GA)	Bishop (UT)	Fox	Lucas
Cassidy	Honda	Rangel	Burgess	Black	Frank (MA)	Luetkemeyer
Castor (FL)	Hoyer	Reed	Burton (IN)	Blackburn	Franks (AZ)	Lummis
Chabot	Huizenga (MI)	Rehberg	Coffman (CO)	Blumenauer	Frelinghuysen	Lungren, Daniel
Chaffetz	Hultgren	Reichert	Cole	Bonamici	Fudge	E.
Chandler	Hurt	Renacci	Critz	Bonner	Gallegly	Maloney
Chu	Israel	Richardson	Cummings	Boswell	Garamendi	Manzullo
Cicilline	Issa	Richmond	Denham	Boustany	Gardner	Marchant
Clarke (MI)	Jackson Lee	Rigell	DesJarlais	Brady (PA)	Garrett	Marino
Clarke (NY)	(TX)	Rivera	Doyle	Brady (TX)	Gerlach	Matheson
Clay	Jenkins	Rogers (AL)	Duncan (SC)	Braley (IA)	Gibbs	Matsui
Cleaver	Johnson (GA)	Rogers (KY)	Duncan (TN)	Brooks	Gibson	McCarthy (CA)
Clyburn	Johnson (OH)	Rogers (MI)	Edwards	Broun (GA)	Gingrey (GA)	McCarthy (NY)
Coble	Johnson, Sam	Rokita	Emerson	Brown (FL)	Gohmert	McCaul
Cohen	Keating	Ros-Lehtinen	Fincher	Buchanan	Goodlatte	McClintock
Conaway	Kildee	Roskam	Flake	Bucshon	Gosar	McCollum
Connolly (VA)	Kind	Ross (FL)	Fleischmann	Buerkle	Gowdy	McDermott
Conyers	King (IA)	Rothman (NJ)	Garamendi	Burgess	Graves (GA)	McGovern
Cooper	King (NY)	Rothman (NJ)	Gardner	Burton (IN)	Graves (MO)	McHenry
Costa	Kinzinger (IL)	Roybal-Allard	Gibson	Butterfield	Green, Gene	McIntyre
Courtney	Kline	Runyan	Gohmert	Calvert	Griffin (AR)	McKeon
Crawford	Lance	Ruppersberger	Graves (GA)	Camp	Griffith (VA)	McKinley
Crenshaw	Lankford	Rush	Green, Gene	Campbell	Grimm	McMorris
Crowley	Larsen (WA)	Ryan (OH)		Canseco	Guinta	Rodgers
Cuellar	Larson (CT)	Ryan (WI)		Cantor	Guthrie	McNerney
Culberson	Latham	Sánchez, Linda	Ackerman	Capito	Hahn	Meehan
Curson (MI)	LaTourette	T.	Akin	Capps	Hall	Mica
Davis (CA)	Latta	Sarbanes	Austria	Capuano	Hanabusa	Michaud
Davis (IL)	Lee (CA)	Schakowsky	Baca	Carnahan	Hanna	Miller (FL)
DeFazio	Levin	Schiff	Bartlett	Carney	Harper	Miller (MI)
DeGette	Lewis (CA)	Schrader	Berman	Carson (IN)	Harris	Miller (NC)
DeLauro	Lewis (GA)	Schweikert	Blumenauer	Carter	Hartzler	Miller, Gary
DeBene	Lipinski	Scott (SC)	Bono Mack	Cassidy	Hastings (FL)	Miller, George
Dent	LoBiondo	Scott (VA)	Boren	Castor (FL)	Hastings (WA)	Moore
Deutch	Loebach	Scott, Austin	Costello	Chabot	Hayworth	Mulvaney
Diaz-Balart	Lofgren, Zoe	Scott, David	Cravaack	Chaffetz	Heck	Murphy (CT)
Dicks	Long	Serrano	Dingell	Chandler	Heinrich	Murphy (PA)
Doggett	Lowey	Sessions		Chu	Hensarling	Myrick
Dold	Lucas	Sewell		Cicilline	Herger	Nadler
Donnelly (IN)	Luetkemeyer	Shimkus		Clarke (MI)	Herrera Beutler	Napolitano
Dreier	Maloney	Shuster		Clarke (NY)	Higgins	Neal
Duffy	Marchant	Simpson		Clay	Hinojosa	Neugebauer
Ellison	Marino	Sires		Cleaver	Johnson (GA)	Noem
Ellmers	Matheson	Slaughter		Clyburn	Johnson (OH)	Nugent
Engel	Matsui	Smith (NJ)		Coble	Johnson, E. B.	Olson
Eshoo	McCarthy (CA)	Smith (TX)		Coffman (CO)	Johnson, Sam	Olver
Farenthold	McCarthy (NY)	Smith (WA)		Cohen	Jones	Owens
Farr	McCaul	Speier		Cole	Jordan	Pallazzo
Fattah	McCollum	Stivers		Conaway	Kaptur	Pallone
Fitzpatrick	McDermott	Stutzman		Connolly (VA)	Keating	Pascarell
Fleming	McGovern	Sutton		Cooper	Kelly	Pastor (AZ)
Flores	McHenry	Terry		Costa	Kildee	Paulsen
Forbes	McIntyre	Thompson (CA)		Courtney	Kind	Payne
Fortenberry	McKeon	Thompson (MS)		Hunter	King (IA)	Pearce
Fox	McKinley	Thornberry		Hurt	Kingston	Pelosi
Frank (MA)	McMorris	Tiberi		Israel	Kinzing (IL)	Perlmutter
Franks (AZ)	Rodgers	Tierney		Issa	Kline	Peters
Frelinghuysen	McNerney	Tonko		Jackson Lee	Kucinich	Peterson
Fudge	Meehan	Towns		(TX)	Labrador	Petri
Gallegly	Meeks	Tsongas		Jenkins	Lamborn	Pingree (ME)
Garrett	Mica	Turner (OH)		Johnson (GA)	Lance	Pitts
Gerlach	Michaud	Upton		Johnson (OH)	Langevin	Platts
Gibbs	Miller (MI)	Van Hollen		Davis (CA)	Lankford	Poe (TX)
Gingrey (GA)	Miller (NC)	Velázquez		Davis (IL)	Larsen (WA)	Polis
Goodlatte	Miller, Gary	Visclosky		DeFazio	Larson (CT)	Pompeo
Gosar	Miller, George	Walberg		DeGette	Latham	Posey
Gowdy	Mulvaney	Walden		Jordan	LaTourette	Price (GA)
Graves (MO)	Murphy (CT)	Walz (MN)		McCaul	Latta	Price (NC)
Griffin (AR)	Murphy (PA)	Wasserman		McCormack	Lee (CA)	Quayle
Griffith (VA)	Nadler	Schultz		Woolsey		Quigley
Grimm	Napolitano	Waters		Yoder		Rahall
Guinta	Neal	Watt		Young (FL)		Rangel
Guthrie	Neugebauer	Waxman		Young (IN)		Rehberg
Gutierrez	Noem	Welch				Reichert
Hahn	Nugent	Whitfield				Renacci
Hall	Olson	Wilson (FL)				Ribble
Hanna	Olver	Wilson (SC)				Richardson
Harper	Owens	Wittman				Richmond
Hastings (FL)	Pallone	Womack				Rigell
Hastings (WA)	Pascarell	Woolsey				Rivera
Hayworth	Paulsen	Yoder				Roby
Heck	Payne	Young (FL)				Roe (TN)
Heinrich	Pelosi	Young (IN)				Rogers (AL)
						Rogers (KY)
						Rogers (MI)
						Rohrabacher

## NOT VOTING—34

□ 1909

Messrs. COLE and FLEISCHMANN changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THEFT OF TRADE SECRETS  
CLARIFICATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3642) to clarify the scope of the Economic Espionage Act of 1996, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 4, not voting 39, as follows:

[Roll No. 632]

YEAS—388

Adams	Andrews	Barletta
Aderholt	Bachmann	Barrow
Alexander	Bachus	Barton (TX)
Altmire	Baldwin	Bass (CA)
Amodei	Barber	Bass (NH)

Barletta	Bass (CA)	Bass (NH)
Bartlett	Berman	Baucus
Bartlett	Berman	Baucus
Bartlett	Berman	Baucus
Bartlett	Berman	Baucus

Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda T.  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner

Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speler  
Stearns  
Stivers  
Stutzman  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Towns  
Tsongas

Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yoder  
Young (FL)  
Young (IN)

#### NAYS—4

Amash  
Massie

#### NOT VOTING—39

Ackerman  
Akin  
Austria  
Baca  
Bartlett  
Berman  
Bono Mack  
Boren  
Costello  
Cravaack  
Dicks  
Dingell  
Farr

Flores  
Gonzalez  
Granger  
Green, Al  
Grijalva  
Gutierrez  
Johnson (IL)  
King (NY)  
Kissell  
Landry  
Lujan  
Lynch  
Mack

Markey  
Meeks  
Moran  
Nunes  
Nunnelee  
Pence  
Reyes  
Ross (AR)  
Sanchez, Loretta  
Shuler  
Stark  
Sullivan  
Yarmuth

□ 1916

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, today, due to unforeseen circumstances, I missed the following votes:

Senate Amendment to H.R. 3783—Countering Iran in the Western Hemisphere Act of 2012—had I been present, I would have voted “yea” on this bill.

H.R. 6621—To correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code—had I been present, I would have voted “yea” on this bill.

S. 3642—Theft of Trade Secrets Clarification Act of 2012—had I been present, I would have voted “yea” on this bill.

□ 1920

#### AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committees on Transportation and Infrastructure, Natural Resources and the Judiciary be discharged from further consideration of the bill (S. 3687) to amend

the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

S. 3687

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM.

Section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) is amended—

(1) in subsection (d), by inserting “to pay not more than 75 percent of the costs” after “make grants”; and

(2) in subsection (f)(1), in the first sentence, by striking “2011” and inserting “2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017”.

#### SEC. 2. ENVIRONMENTAL PROTECTION AGENCY HEADQUARTERS.

(a) REDESIGNATION.—The Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., known as the Ariel Rios Building, shall be known and redesignated as the “William Jefferson Clinton Federal Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Environmental Protection Agency Headquarters referred to in subsection (a) shall be deemed to be a reference to the “William Jefferson Clinton Federal Building”.

#### SEC. 3. GEORGE H.W. BUSH AND GEORGE W. BUSH UNITED STATES COURTHOUSE AND GEORGE MAHON FEDERAL BUILDING.

(a) REDESIGNATION.—The Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, known as the George Mahon Federal Building, shall be known and redesignated as the “George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States Courthouse referred to in subsection (a) shall be deemed to be a reference to the “George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building”.

#### SEC. 4. THOMAS P. O’NEILL, JR. FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, shall be known and designated as the “Thomas P. O’Neill, Jr. Federal Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the “Thomas P. O’Neill, Jr. Federal Building”.

#### SEC. 5. COMPLIANCE WITH LACEY ACT.

The Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and section 42 of title 18, United States Code, shall not apply with re-

spect to any water transfer by the North Texas Municipal Water District and the Greater Texoma Utility Authority using only closed conveyance systems from the Lake Texoma raw water intake structure to treatment facilities at which all zebra mussels are extirpated and removed from the water transferred.

#### SEC. 6. CONVEYANCE OF MCKINNEY LAKE NATIONAL FISH HATCHERY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STATE.—The term “State” means the State of North Carolina.

(b) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the State, without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (c), for use by the North Carolina Wildlife Resources Commission as a component of the fish and wildlife management program of the State.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (b) is comprised of the property known as the “McKinney Lake National Fish Hatchery”, which—

(1) is located at 220 McKinney Lake Road, Hoffman (between Southern Pines and Rockingham), in Richmond County, North Carolina;

(2) is a warmwater facility consisting of approximately 422 acres; and

(3) includes all improvements and related personal property under the jurisdiction of the Secretary that are located on the property (including buildings, structures, and equipment).

(d) USE BY STATE.—

(1) USE.—The property conveyed to the State under this section shall be used by the State for purposes relating to fishery and wildlife resources management.

(2) REVERSION.—

(A) IN GENERAL.—If the property conveyed to the State under this section is used for any purpose other than the purpose described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States.

(B) CONDITION OF PROPERTY.—If the property described in subparagraph (A) reverts to the United States under this paragraph, the State shall ensure that the property is in substantially the same or better condition as the condition of the property as of the date of the conveyance of the property under this section.

(C) EXCEPTION.—This paragraph shall not apply with respect to use of the property under subsection (e).

(e) USE BY SECRETARY.—The Secretary shall require, as a condition and term of the conveyance of property under this section, that the State shall, upon the request of the Secretary, allow the United States Fish and Wildlife Service to use the property in cooperation with the Commission for propagation of any critically important aquatic resources held in public trust to address specific restoration or recovery needs of such resource.

Mr. BISHOP of New York. Mr. Speaker, as the Ranking Democratic Member of the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure, I rise to address S. 3687, which reauthorizes appropriations for the Lake Pontchartrain Basin Restoration Program for fiscal years 2012 through 2017, among other purposes.

The Lake Pontchartrain Basin Restoration Program was authorized by the Committee on

Transportation and Infrastructure in the Estuaries and Clean Waters Act of 2000 (Pub. L. 106–456). This Act established a new program office within the U.S. Environmental Protection Agency (EPA) to provide administrative and technical assistance to the local management conference, convened under section 320 of the Clean Water Act, for the restoration and protection of Lake Pontchartrain, Louisiana, as well as provide Federal grant assistance for restoration projects, studies, and public education projects, recommended by the conference for the benefit of the Lake Pontchartrain Basin. The initial authorization of the Lake Pontchartrain Basin Restoration Program was \$20 million, annually, for fiscal years 2001 through 2005. This \$20 million annual authorization was extended through fiscal year 2011 in Pub. L. 109–392.

Section 1 of S. 3687 extends the authorization of appropriations for the Lake Pontchartrain Basin Restoration Program through FY 2017, however, at reduced levels. S authorizes “. . . the amount appropriated for fiscal year 2009 for each of the fiscal years 2013 through 2017.” According to information provided by EPA, the fiscal year 2009 appropriation for the Lake Pontchartrain Basin Restoration Program was \$978,000. Accordingly, section 1 of S. 3687 reduces the authorization of appropriations for the Lake Pontchartrain Basin Program from \$20 million, annually, to \$978,000, annually, for each of FY 2013 through FY 2017.

In addition, section 1 of S. 3687 would establish a maximum 75 percent Federal share grant assistance authorized under the Lake Pontchartrain Basin Restoration Program. Under current law, there is no statutory cap on the percentage of Federal assistance that can be provided by grants under the Lake Pontchartrain Basin Restoration Program. According to information provided by EPA, the EPA Region 6 office typically required a 5 percent local match for grants provided under this Program—resulting in a Federal share of 95 percent for grants provided under this authority. Under section 1 of S. 3687, the maximum Federal share of future grants provided under this authority would be reduced to 75 percent, with the remaining share to be provided by local interests, such as local parishes or municipalities.

I am encouraged by the House Republican Leadership's willingness to schedule this bill and allow it to pass by Unanimous Consent. I am hopeful that the Leadership's willingness to move this legislation will enable the Committee on Transportation and Infrastructure to move forward quickly in the 113th Congress on a Water Resources Development Act (WRDA) bill. Currently, there are 22 Army Corps of Engineers Chief's Reports awaiting authorization thru the WRDA process. These and other critical flood control, navigation safety, shoreline protection, and environmental restoration projects must move forward to ensure the safety of our communities, strengthen our National, regional, and local economies, protect our natural resources, and create jobs.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ESTABLISHING THE DATE FOR THE COUNTING OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT CAST BY THE ELECTORS IN DECEMBER 2012

Mr. DENHAM. Mr. Speaker, I send to the desk a joint resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the joint resolution is as follows:

H.J. RES. 122

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DATE FOR COUNTING 2012 ELECTORAL VOTES IN CONGRESS.

The meeting of the Senate and House of Representatives to be held in January 2013 pursuant to section 15 of title 3, United States Code, to count the electoral votes for President and Vice President cast by the electors in December 2012 shall be held on January 4, 2013 (rather than on the date specified in the first sentence of that section).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO ATTORNEY GENERAL

Mr. SMITH of Texas, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 112–704) on the resolution (H. Res. 819) directing the Attorney General of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad, which was referred to the House Calendar and ordered to be printed.

#### THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

#### MARC BOLDT, AN EXTRAORDINARY MAN

(Ms. HERRERA BEUTLER asked and was given permission to address the House for 1 minute.)

Ms. HERRERA BEUTLER. Mr. Speaker, I rise today to honor a dedicated public servant, Marc Boldt. Through 18 years of public service, both as a State representative and as a Clark County commissioner, Marc has put the people of Clark County first.

Marc has been a business advocate, a tireless supporter of the farming community, and a friend of the people he was elected to serve. He is a current member of the Clark County Farm Bureau and has served 18 years as a local youth leader and Sunday school teacher. He has also served for over 10 years as a 4-H leader. In the month of August, there is one place you are going to find Marc, and that's at the Clark County Fair, serving up barbecue to support young lives.

He has deep roots in our community, and his dedication and work has earned the respect of people throughout our community of all political stripes. While his time as county commissioner will end in January of 2013, Marc will no doubt continue to serve the people of southwest Washington.

Today, I ask all Members of Congress to join me in honoring an extraordinary man, a public servant, and my friend, Marc Boldt.

#### A MOMENT OF SILENCE IS NOT ENOUGH

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker, our hearts were broken over the senseless shooting deaths of 20 first grade children and their teachers in Newtown, Connecticut, and we wish that we could undo this unimaginable tragedy; but we know we can't do that. Instead, the House held a moment of silence. It is what the House does to show empathy, and it is a kind and sincere gesture, but it is not enough.

Last week, the House held a moment of silence for two adults killed by a gunman in a Portland, Oregon, shopping mall. Earlier, the House held a moment of silence after the horrific mass killings in an Aurora, Colorado, movie theater; and it held a moment of silence after our colleague Gabby Giffords and her staff and constituents were shot in Arizona.

A moment of silence felt like an honorable thing to do; but, clearly, a moment of silence is not enough. Americans don't need another moment of silence from the United States Congress. They need us to pass legislation immediately to ban automatic weapons, semiautomatic weapons, high-capacity ammunition clips, and to expand access to quality mental health services. Congress needs to act now. A moment of silence is not enough. It cannot substitute for action.



# HONORING JAY PIERSON ON HIS RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. FLORES). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. I thank you, Mr. Speaker, and I hope 60 minutes will be enough because we're here tonight to honor one of the great servants of this institution, Jay Pierson, who has dedicated the last 34 years to the service of us, particularly on this side of the aisle; but, it's noteworthy to say, to folks on both sides of the aisle.

I want to go ahead and get started with someone much more eloquent than I am. Actually, he is a gentleman who has served here on the floor with Jay. He is the chairman of the Rules Committee, the gentleman from California, DAVID DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. It is a great privilege to stand here to recognize and honor Jay Pierson for his stellar service to this institution and, by virtue of that, to the United States of America.

Two years ago this month, I stood in the well to honor one of Jay's greatest friends, Dean Hirsch, who was the president of World Vision—an amazing organization that has dealt with hunger and strife around the world. Interestingly enough, I was recognizing Dean Hirsch's 34 years of service to World Vision; and when I think about the kind of work that Dean Hirsch has done, in many ways, the issues that we address and continue to pursue vigorously here in this institution are designed to do the exact same thing. We are focused on improving the quality of life and on recognizing societal needs not only here in the United States but around the world.

The reason I talk about this high-minded issue is that it's the kind of thing that our friend Jay Pierson has spent his life working on as well. Not everyone knows that he has roots in California. He is an alumnus of Westmont College, and he is someone who cannot be replaced and will not be replaced because he has this amazing skill on the House floor to ensure that things go smoothly. Now, things don't always go smoothly on the House floor, and you'll notice that when they're not going smoothly the reason is that Jay Pierson is not always at hand.

I will say that this institution is a greater place for his incredible service, and he has been a great friend to so many of us. As he heads into retirement, in recognizing that many of our colleagues want to speak, I just want to wish Jay well and congratulate him on his great service. I know that we are going to continue to hear and see great things that will come from this very, very patriotic American and committed public servant.

Mr. WOODALL. I thank the chairman.

I would like to yield to the minority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for his observations as to who I am. It's not missed on me. I am pleased to join the gentleman from Georgia, my friend Mr. DREIER, and so many others who I know will speak.

I've had the privilege of serving in this institution since 1981, so I will soon be in my 32nd year of serving in this institution. For all of those years, I have served with Jay Pierson. For all of those years, he has been a presence on this floor. For all of those years, he has been like so many members of our staff—a number of whom we see here on the floor with us today—a critical component of the success of this institution. DAVID DREIER said that sometimes we do not have peace and harmony and good order on the floor of this House. He's absolutely correct on that. All of us know it.

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For that, we as Members are responsible, not our staffs.

Jay Pierson has worked on the minority side and on the majority side, the Republican side of the aisle. But like so many of our staff, they work not for a party but for an institution created by our Founders to be the people's House, the House that is most responsive to the people because we are elected every 2 years. We're closest to the people in that respect. We need to seek their affirmation on a biennial basis, and they send to this House their neighbors, people whom they ask to come and reflect their views.

Jay Pierson has been, for the 30-plus years I've served with him in this House, my friend. He's been somebody whom I respect, someone who treated us all with respect and was willing to help all of us irrespective of what side of the aisle on which we serve. Since 1978, Jay Pierson has been an intimate and an important part of the House of Representatives.

Jay, I want to thank you. I want to thank you for your friendship. I want to thank you for your always-present civility, helpfulness, good humor, and advice and counsel. Few in this House know as much about this House as you do; and, therefore, on your retirement, we will miss you. But we wish you God-speed, good health, and much success in the days to come.

Thank you, good friend.

Mr. WOODALL. I thank the gentleman.

Mr. Speaker, at this time, it is my great pleasure to yield to our chairman of the Budget Committee, my good friend PAUL RYAN.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, I would like to take a moment to recognize the career and

the retirement of Jay Pierson. We've been hearing from both sides of the aisle accolades for Jay. Jay has been the floor assistant to the Speaker, and I want to thank Jay for his 34 years of service to this Congress.

He began his career in Congress in 1978 by joining the office of Republican Leader John Rhodes, and has served three Speakers of the House during his career. I've had the opportunity to see Jay's contribution to the House during my nearly 14 years as a Member of Congress; and while he may work in the Speaker's office, he helps us all with our essential duty as legislators and he makes this place run well.

As the chairman of the Budget Committee, I have a responsibility to manage the budget legislation on the House floor. That can be a little tricky sometimes. You can always count on Jay to greet you with a smile on the House floor and to make sure things go well. In addition to his demeanor and his dedication, his institutional knowledge and expertise on floor procedure will be sorely missed. It's irreplaceable, that kind of experience that we've benefited from.

For all of the outstanding work that he has done in his 34-year career, we deeply appreciate Jay Pierson's long service to the United States House of Representatives, to Congress, and to the American people. We wish him the best in his retirement and his new opportunity to spend more time with his family. We are all better served by his service.

Mr. WOODALL. I thank the chairman.

At this time, it is my great pleasure to yield to one of my Rules Committee colleagues, the gentleman from Florida, ALCEE HASTINGS.

Mr. HASTINGS of Florida. Thank you very much. I appreciate very much, ROB, you giving us an opportunity to speak regarding Jay's service. I am especially grateful to you, Congressman WOODALL, for asking me to participate.

I met Jay 19 years ago. I've been in this institution now, this is my 20th year. Nineteen years ago, I had quintuple heart bypass surgery, and during the period of recuperation and rehabilitation, I did most of my work here on the floor for a protracted period of time and came to know Jay during that period of time. As has been said by Congressman RYAN and Minority Whip HOYER, the institution that Jay has served is critical and important for all of us, and most of the people that work here on the staff—the police officers, the people who report on and transcribe our words—go unrecognized year in and year out, even sometimes when they retire.

In this instance, we could do ourselves no less proud than to recognize that Jay began, as PAUL RYAN just said, in the office of Republican Leader

John Rhodes, but he also served as assistant manager for Speaker Newt Gingrich, the floor assistant for Speaker Dennis Hastert, and has served as the floor assistant for then-Republican Leader JOHN BOEHNER and now Speaker JOHN BOEHNER. Jay is loyal, knowledgeable, efficient, fair, and one thing that I don't know how many of you have observed, he's also swift afoot. He can get from that cloakroom to this floor or to the Speaker's rostrum faster than anybody I've ever seen.

During the 19 years I've known him, we pass each other here in the institution, but one thing that is important is that we are constantly recognizing each other, and Jay does that with all of us. And one thing that I'm going to miss—I don't have many people that I can turn to—was he was always fair about giving me a clue about when we were going to leave this joint. And I'd ask him now: Jay, if you know—I'm coming over there to shake your hand. If you know when we're going to leave, tell me, please.

We wish you well, my friend, and Godspeed.

Mr. WOODALL. I thank the gentleman.

At this time, it's my great pleasure to yield to the Judiciary Committee chairman, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Georgia for yielding me time.

Today we say good-bye to a friend and colleague and a friend on the House floor who has served Congress for more than three decades. I have known and appreciated Jay Pierson for many years. He's sitting to my right back here on the floor right now.

Jay has been an integral part of the daily activities on the House floor, serving as floor assistant to Speakers Gingrich, Hastert, and BOEHNER. It seems there isn't a question to which Jay doesn't know the answer—except perhaps when we leave this week. Each time I see Jay on the floor, he is always informed and gives good advice.

Jay has served the House of Representatives with a smile on his face for the last 34 years. His expertise and enthusiasm will be missed. And we all wish him the best on his well-deserved retirement.

So, Jay, thank you again for all you've done for so many of us.

Mr. WOODALL. I thank the gentleman.

At this time, Mr. Speaker, it's my great pleasure to yield to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for organizing this Special Order and rise just to say a word of thanks and appreciation to Jay Pierson for his 33-plus years of service to this institution and for what he represents.

Members of Congress stand in the well of the House, and I don't know

how many people watch C-SPAN on national TV, but, in fact, this institution is sustained by dozens of individuals who work very quietly and for many years behind the scene both in the Speaker's office, the minority leader's office, the Parliamentarian's office, the Clerk's office, and so on, people who really dedicate their life to helping to make this great democratic institution function.

I'm reminded of something that Lyndon Johnson said years ago. He said when he came to Washington, he discovered that the definition of an expert on Social Security—which was a big issue, and still is—was someone who knew Wilbur Cohen's telephone number, because Wilbur Cohen was the guy who actually understood the program and could answer any question about it.

□ 1940

And I think the definition of an expert on behavior on the floor of the House of Representatives and how to handle debate and amendments and all that is someone who knows Jay Pierson's telephone number or where he is or can reach him. He's helped me on numerous occasions managing various amendments and bills, and that's true of every Member of this House.

Jay, I appreciate you and your service, and I wish you very many years of success to come.

Mr. WOODALL. I thank the gentleman.

At this time, Mr. Speaker, it's my great pleasure to yield to the gentleman from Michigan (Mr. UPTON), the chairman of the Commerce Committee.

Mr. UPTON. Thank you so much. And I rise with so many to honor a really good friend, Jay Pierson.

Years ago I came to this Capitol Hill as a congressional aide. I had the pleasure of working as a legislative aide at the White House, and then I headed Congressional Affairs at the Office of Management and Budget. And my job was what's going on; make sure my boss, the President of the United States, in essence, knew what was going on. That meant I had to have a direct line right here.

And this was before C-SPAN. You couldn't turn on the TV and watch what's going on. Sorry.

And by the way, Mr. PETRI, there are 30 million people watching tonight as they let us honor Jay Pierson. But you had to know what's going on, and Jay was my contact. He was my link. He would let me know what was going on.

I have to say that when I probably surprised a few people and became a Member and actually had a voting card here, he still had my back. He really did. And there's probably not a week, probably not a week certainly when we've been in session, but even when we've been out of session, that I haven't called his office to find out

what's going on and be able to share with my colleagues and really do the people's business.

We've had a great relationship, we really have. And just like he had my back, he had the back of every Member in this institution. He taught us the rules and the procedures, time on amendments, how to get things done.

When we took over the majority and actually had to run the Speaker's chair, he knew the rules then and walked us and guided us through those procedures. And frankly, he did it the way that our Founding Fathers wanted it to be done.

On our side of the aisle, he really followed folks who loved this institution, who really knew its rules, people like Billy Pitts and Ron Lasch and Jim Oliver and J.L. Cullen, and Peggy and Tim, who are here tonight. They care about not only the institution, but the people on both sides of the aisle to make sure that this place runs the way that it should.

There's an old saying, "It's nice to be important, but it's more important to be nice." Jay, you're both. You really are. You care about the people's House, the U.S. House of Representatives, and we are so grateful for your decades of service.

And yes, Jay, you look just the same. God bless.

Mr. WOODALL. I very much thank the gentleman.

Mr. Speaker, at this time it's my great pleasure to yield to the new secretary of the Republican Conference, the gentlewoman from North Carolina (Ms. FOX).

Ms. FOX. I thank my colleague from Georgia for yielding time and giving me the opportunity to pay a very small tribute to Jay Pierson.

Mr. Speaker, it's with mixed emotions that I rise to join my colleagues in recognizing Jay Pierson, who's served the House of Representatives with dedication and vigor, vigor for the better part of 35 years.

Jay Pierson is practically an institution in and of himself. Members, staffers, former pages and multiple speakers of the House know Jay by name and are in awe of the breadth of his devotion to this body and to the people it represents.

The stressful and often thankless duties of a leadership floor team are difficult, at best, for mere mortals. That Jay has managed the task for decades with such professionalism and kindness is truly laudable and a testament to him as a person.

For Members and legislative staff trying to make sense of House rules and procedures, Jay is a lifeline. He's helped me on numerous occasions, and I'll always be grateful for his wisdom and willingness to help Members.

Regardless of the challenges or niche details propelling a legislative cause, Jay can be counted on to know the ins

and outs and apply both his encyclopedic knowledge and unmatched institutional expertise for the good of this body.

Whenever the House is gaveled in, Jay can be seen buzzing around the floor putting out fires before they start and doing more than his part to keep the trains running on time. And even when action on the floor of the House is slowed by the glacial pace of our Senate friends, Jay is still on duty, though in down moments he may stop occasionally to trade gardening tips with me and any other green thumbs who may be on the floor, or give us advice on the best books to be reading.

At the conclusion of this Congress, the House of Representatives will be saying goodbye to Jay Pierson as he moves on to the next chapter of service in his life.

Indeed, when he told me he was retiring, my response was, Jay, you're too young and you have too much energy. And while we're sad to lose him and will certainly notice his absence on the floor, we recognize the length of Jay's investment.

As a body, we cannot adequately express our thanks for the years of contributions Jay has made to the House of Representatives. But as an individual Member who's been well served by Jay's hard work and consistency, I would like to thank him.

And to the entire Pierson family, I would like to extend my best wishes for what the future holds.

Mr. Speaker, Jay contributions to this body and to our country will not soon be forgotten.

Mr. WOODALL. I thank the gentleman for her words.

Mr. Speaker, at this time it's my great pleasure to yield to the gentleman from Florida, Chairwoman ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Thank you so much. And I thank the gentleman for arranging this for us.

And I also rise to commemorate the 34 years of Jay Pierson's career as a member of the Republican cloakroom, the Republican floor staff, the Speaker's Office. He's held many positions.

But the 113th Congress, Mr. Speaker, will suffer due to his retirement, and Members on both sides of the aisle will certainly feel his absence.

By the time I came to the U.S. House of Representatives, Jay was already a seasoned veteran of the archaic world of House parliamentary procedures. To this day, never far from Jay's side is his Jefferson's Manual of Rules, with its well-marked pages and notes written in the margins.

His historical expertise and institutional knowledge will not easily be replicated. Precious few know this House better, and what we are losing is substantial.

But Jay is far more than just a fountain of institutional knowledge; he is a

familiar and comforting figure here on the floor, even though many of us still don't recognize him without his iconic mustache. I still see it in his face, John Bolton style.

But Jay is renowned for his personable nature, for his grace, for his patience, for his helpful nature. Jay's energy and vitality are hard to match, as is his deep love of classical music that is always coming from his office.

I consider myself incredibly fortunate for having had the privilege of working with Jay Pierson over these many years. And I thank you, Jay, for your service, but most especially, for your friendship. You are a true professional, and your shoes will be hard to fill.

And not only do I no longer leave my papers on our chairs because I have grown to admire your fastidious nature, but I now find myself chastising other Members who absentmindedly leave papers behind. So you taught me well, Jay. You taught us all well.

Godspeed.

Mr. WOODALL. I thank the chairwoman. I could see Mr. Pierson reaching out for his beloved Jefferson Manual as she was going through those words.

At this time, Mr. Speaker, it's my great pleasure to yield to the gentleman from Alabama (Mr. BACHUS), the chairman of the Financial Services Committee.

Mr. BACHUS. I thank the gentleman from Georgia.

Someone has said that Congress is a place where, when someone gets up to speak, no one listens, but then everyone disagrees.

Well, there was one person that had to listen, had to listen the entire time, and that was Jay Pierson. He was selected by three different speakers—Speaker Gingrich, Speaker Hastert, and Speaker BOEHNER—to have what was really an awesome obligation. He is truly a man behind the scenes.

□ 1950

As chairman and ranking member of the Financial Services Committee for the last 8 years, we have brought many pieces of important legislation to the floor during the financial meltdown, during the flash crash, during other times of financial stress. Our committee is known for working in a bipartisan way. But that doesn't work all the time. And when I show up and ask for his advice, Jay often says, The Financial Services Committee is bringing a bill. Things are fixing to get messy. Let me say this, Jay, because you were here, things didn't get as messy as they otherwise would.

I, along with every Member of this body, have relied on you for your advice and your guidance; and I, too, along with every other Member, consider you not only a professional, but a friend. So thank you for your 34 years of wonderful service.

Mr. WOODALL. I thank the chairman, Mr. Speaker.

At this time it's my great pleasure to yield to a cardinal on the Appropriations Committee, my good friend from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Thank you, Mr. WOODALL. And I certainly join everything that has been said about Jay Pierson already, but I'm going to say it from my point of view.

My daughter is in a rock and roll band, and one of her great frustrations is trying to get everybody in sync. Well, that's what Jay Pierson does here on the House floor. With all these 435 egos and all the parts and all the things that go on behind the scenes, he seems to be the conductor that gets everything running in a harmonious fashion. He's here early. I've never been able to beat him. I don't know what time he goes home at night. He stays very, very late.

Whatever the subject matter is, he seems to be on top of it from a legislative and substantive point of view, then from a parliamentary point of view. He seems to know what the timing is. He knows the history of it. If there's a meltdown, he knows how to get out of it, because it seems like he's been there before. He listens to the speakers even when no one else seems to be speaking. And 2 or 3 weeks later he will say, You remember that speech you made? Is that right? It appears that he remembers that. I just have to thank him for his professionalism in that manner.

I have to say this to Mr. Pierson. I want to say this on a very personal level. I've been married 33 years. I'm proud to be a Member of Congress, but I'm more proud that I've been able to be married 33 years and I've raised four kids. Jay, I have to say, you played a part in it. Because as a father of four, sometimes the most important thing that can take place on the House floor interferes with your most important role of being a daddy. And sometimes knowing if you're going to be out on Thursday on Friday, will we get out at 2 o'clock so I can catch that 2:30 flight, will there be a delay, and what votes are coming up, it means so much on those small but very important things called birthdays and anniversaries and school plays and football games. And, Jay, I can tell you, in my 20 years in Congress, my attendance at those things hasn't been 100 percent, but it's been a heck of a lot better than it would have been without your advice and counsel.

So on behalf of the Kingston family—my four kids and my wife, Libby—we appreciate your friendship and we appreciate the extra value added because of your public service to all of our families.

Thank you. May God bless you and the road that lies ahead for you.

Mr. WOODALL. I thank the gentleman for his words.

At this time it's my great pleasure to yield to my friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you, Mr. WOODALL.

I know it's time to honor Jay Pierson, but it's really a sad time for me. Over my 8 years, I don't know of anybody I've spent more time with all these evenings on the floor. Of course, for the last 2 years, we were going until midnight most nights and I was usually here with Jay Pierson.

I know Jay was not a Boy Scout, but as someone who is an Eagle Scout, I know that we're taught that the ultimate in life is to be trustworthy. I don't know of anybody on Capitol Hill that is more trustworthy than Jay Pierson, loyal and yet courteous and kind. Jay Pierson has been a true friend. And to have somebody who knows what goes on, knows the rules, we can disagree about the rules, but I can come to him and know I have the institutional memory right there with me. That has been such a huge help, just knowing when I did need information, I could call Jay and I would have whatever I needed.

So, Jay, I know that you're going to be better off without us, but we're certainly not going to be better off without Jay Pierson. I also know that nobody serves in Congress without loved ones missing and suffering because of an absence of time with them. So we know it's kind of like when I was in the military: my wife knew well that it's not just one person who serves. So as Jay Pierson served all these years in Congress, there's no question his wife served as well. We'll be forever grateful to her and very thankful for the sacrifice that she's made all those nights when Jay would rather have been at home, would rather have been with her, and instead he's with some bald-headed goose down at the Capitol.

To Jay Pierson, there's not enough words, not enough times that we can say thank you that will cover all that you have done for us. Nonetheless, that's the word we come down to: thank you. May God bless you for blessing all the rest of us.

Mr. WOODALL. I thank the gentleman.

Mr. Speaker, at this time it's my great pleasure to yield to my friend from North Carolina (Mr. JONES).

Mr. JONES. I thank the gentleman from Georgia.

I came here in 1995 with Newt Gingrich—at that time, the largest class, until this last one. I had served in the North Carolina House of Representatives for 10 years. I thought I knew a little something about Congress, but those first few months that we were here we had the Contract with America and we were changing the way we did things in Washington and the things we did in this country. I got to meet Jay Pierson. Because, quite frankly, I

couldn't figure out what I was doing up here.

We would come in and work until 10, 11, 12:00 at night and I would see this gentleman with a mustache that seemed to know the leadership, whether it was Newt Gingrich or another Speaker, and always seemed to have the ear of that Speaker. I couldn't quite figure out who this person was.

So over a period of time, I reached out and we started chatting and talked about the different things of what was happening on the floor and what Members were doing, especially we freshmen. But what really seemed to tie us together was we both played basketball. I didn't go as far as Jay did. I think Jay played varsity basketball at his college in California. I played a little freshman basketball at NC State. But the ACC got us together talking about basketball. You can't always talk about policy here on the floor of the House. If you did, you'd go crazy. So Jay and I had that little time together to talk about ACC basketball. He was always pulling for UCLA, and I was pulling for Duke or one of the other colleges.

Well, one thing that Jay did a few months ago, before I found out he was retiring, he actually showed me a photograph of him taking a jump shot. And it's pretty good form, I must say. And I was about the same age, a little bit older. In college, he wore the knee socks. It was a pretty fancy uniform at those times.

But, Jay, I appreciate the friendship that I think you've extended not only to me but to so many Members on the Democratic side as well as the Republican side. As LOUIE said just a moment ago, it's going to be a sad day when we come back in January and there's no Jay Pierson. I know that for you and your wife, JoAnne, it's time that you all decided that you wanted to do some other things than to be stuck here late at night so many times during a session. But I can say that you will sorely be missed. I don't think you can really be replaced. I say that from the bottom of my heart. Oh, yes, we can all be replaced. There's no question about it. But when it comes down to it, you are a man that has patience and that shows the ability to listen and to try to guide Members of Congress, whether they be freshman or senior Members.

□ 2000

We will miss you sorely, as I just stated, but you will never be forgotten by those of us who have had the privilege to serve with you.

I hope and I pray that God will give you and your wife many, many more years of life and enjoyment because you have certainly earned it, because you have served not only the United States House of Representatives, but you have served us, you have served the people of our district, as well as

helping us be better Members of Congress.

So with that, I will close by asking God to please bless you and your family, and may God continue to bless the House of Representatives. Jay Pierson, you will be in our hearts until the day we die. God bless you.

Mr. WOODALL. I thank the gentleman for his words.

Mr. Speaker, at this time it's my great pleasure to yield to the gentleman from California, the chairman of the Ways and Means Health Subcommittee, Mr. HERGER.

Mr. HERGER. I thank my good friend.

How wonderful it is to be able to sit here and listen to all these incredibly warm remarks from people who, like myself, know and love Jay Pierson. And there's a reason for that. Jay, you're one of the best of the best.

It's hard to believe that 26 years comes and goes so very, very quickly, but it was 26 years ago when I first came here. Of course you come here and you're excited and you've come here with a dream because of our great country and to preserve our Constitution, but boy, there's a lot to learn. There's a lot of hallways to figure out. There's a lot of procedures to try to figure out how to work our way through. Jay, you were always there. You were there, for a guy like myself, that I could come up to on the QT. It seems like we were always someplace where we just asked Jay: What do we do with this? When are we voting next? What is this vote on? What are the procedures coming up next? No matter what the question, Jay Pierson had the correct answer in a way that even a freshman or one that was new learning could understand.

Of course, also, we have something else in common, the Pacific Ocean, California, another Californian like myself.

But Jay, you have been such a friend, not just to my colleagues, but to me. That says a lot about you. There isn't any way to express our appreciation to you enough but to say thank you, thank you, thank you. You have made my tenure here so much more successful and enjoyable because I had someone there, kind of a shining star up there. If I wasn't quite sure how to navigate my way around this floor, I could always go to Jay. You knew what was coming up next, when it was coming up, an estimate of when we were going to vote the next time, so on and so forth. So, Jay, thank you. Thank you for being a friend.

I'm sure each of us felt the same way I did. It was like, Gee, I think I'm Jay's best friend. I think every one of us felt that way because, indeed, Jay, that's how you did treat each of us because that's the way you are. So, Jay, thank you.

It's interesting. When we were both talking, I mentioned that I was retiring; you were letting me know you're retiring at the same time.

Well, anyway, best of luck to you. Thank you for serving this great Nation of ours in the way that you have. Thank you for assisting people like myself—and there has been hundreds, many hundreds of us whom you've assisted over the years—I should put that into perhaps the thousands. We will be eternally grateful. Good luck to you. God bless you. God bless your family.

Mr. WOODALL. I thank the gentleman from California.

Mr. Speaker, at this time, it's my great pleasure to yield to my friend from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. I want to thank the gentleman from Georgia for the time.

Mr. Speaker, I'd also like to rise this evening to pay tribute to one of our colleagues who's played a critical role—as has been said here tonight, a behind-the-scenes role—here in the House of Representatives for many years, of course, the man, Jay Pierson.

As it's been noted here tonight, Jay has been a floor assistant to the top Republicans here in the House since '86, serving Republican Leader Bob Michel, Newt Gingrich, Speaker Hastert, current Speaker JOHN BOEHNER, and even prior to that, of course, worked as floor assistant to the Journal Clerk for Republican Leader John Rhodes and assistant manager for the Republican Cloakroom. His experience has really been invaluable to all of us that serve here in the House of Representatives.

Jay is known for his vast knowledge of the rules, for his vast knowledge of the traditions and history and the procedures of the House of Representatives. He has been a teacher and a coach to so many Members of Congress over the years, and we are grateful to the dedication that he has given this institution over the past 34 years.

Jay was born in Santa Barbara, California, and of course graduated from Westmont College. Most don't realize that Jay has a master's degree and a Ph.D in English literature from California State University and University of Maryland, respectively. He and his wife, JoAnne, have two grown sons, Joel and Jeff. But Jay is also a man of faith, and he is a man who has his priorities in the right place.

Several years ago, he told his college alumni magazine that politics must be secondary to faith and to life. Ultimate answers don't lie in politics. No matter what we do or legislate, we won't solve all the problems. The issues are incredibly complex. Jay is someone who understands the importance of the legislative process; however, he also realizes that the ultimate answers are not found here.

Jay and JoAnne have been active members in their church, and that's

where I've gotten to know both him and JoAnne even better over the years. I have found Jay to be, as mentioned here by several Members here tonight, as the go-to guy when it comes to floor operations here in the House of Representatives. He is someone who is dependable and someone that, if he doesn't know the answer, can point you in the right direction where you can find the answer.

Thirty-four years is a long time to work in one institution, but I think his commitment to that 34 years tells you about his commitment in general and his dedication in general. All of us here in the House will miss Jay, but having worked in this place for over 34 years, I hope that he will be back to visit quite often.

So, Mr. Speaker, we wish Jay Pierson all the best in the next chapter of his life.

Mr. WOODALL. I thank the gentleman for his words about Dr. Jay Pierson.

At this time, it's my great pleasure, Mr. Speaker, to yield to the gentlelady from Illinois (Mrs. BIGGERT), a distinguished public servant.

Mrs. BIGGERT. I thank the gentleman.

Mr. Speaker, I rise today to salute one of the hardest working and longest serving staff members in Congress, Jay Pierson.

More than any other, Jay's is the face that I associate with the House floor. He is the man who keeps the debate moving, who tells us where to go and when to vote, and teaches new Members the rules of the road.

No one knows the procedures of the House better. He has kept the clockwork of the American democracy ticking ahead with the precision of a symphony conductor, and he has done it all with a steady, patient grace that has earned him the friendship and respect of everyone on this floor.

I know everyone who works on or watches the House floor will miss Jay's daily presence. He is an institution and a source of procedural wisdom that few, if any, could hope to match. I'm honored to have served alongside of him and thankful for all the time that he has helped me to make it to the floor on time, catch the votes, deliver a speech, or just know when the gavel is coming down.

Like me, Jay is probably looking forward to spending some quality time with his family and away from the daily grind of the legislative business, and I wish him a long and happy retirement.

Finally, Mr. Speaker, I'd just like to thank him for his long service and for being a reliable friend behind the scenes to so many Members of the House.

Mr. WOODALL. I thank the gentlelady.

Mr. Speaker, at this time, it's my great pleasure to yield to a friend and

mentor, the gentleman from the great State of Georgia, Dr. TOM PRICE.

Mr. PRICE of Georgia. I thank my colleague from Georgia for the time as well as organizing this, and I rise to join my colleagues in their praise of Jay Pierson.

What a great guy—thoughtful, knowledgeable, calm, respectful, resourceful. Whenever anyone needs anything to make this House run better, Jay is there.

□ 2010

We are all so incredibly fortunate to have worked alongside Jay Pierson, a man whose commitment to our country is unquestioned. And as he starts on a new journey and chapter in his life, we thank Jay for his integrity and his commitment to serving this House and our Nation.

May your days be filled with joy and with accomplishment. Congratulations on your retirement, and God bless you.

Mr. WOODALL. I thank my friend from Georgia.

Mr. Speaker, at this time, it's my great pleasure to yield to a colleague on the Rules Committee, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Thank you, the gentleman from Georgia. It's my pleasure to be here as part of this tribute to Jay Pierson and everything that he has done.

I met Jay Pierson the first day I was in the session when there were about three of us who came on to the floor and sat over I think where the staffers are sitting right now, just to watch what was taking place on the floor. Jay came over to us and said, if you all want to speak, you've got about 7 minutes left. I was shocked at that time to imagine that somebody would actually come on the floor and speak without any preparation or without knowing the complete details of any of the bills we're debating on the floor. I have learned much since that time, and much of what I have learned is by watching Jay's protection of this institution, this floor, the procedures, the protocols and the order that we have.

He also helped me out individually by introducing me to Chesterton and giving me a couple of books by him that I had the opportunity of reading. I hope I have given most of them back by now. But in addition to that, his book on orthodoxy, he once wrote:

Tradition means giving votes to the most obscure of all classes, our ancestors. There are many who object to being disqualified by accident of birth. Tradition objects to their being disqualified by accident of death.

The ideas that we have here are those that keep us going as a group. He also wrote in that same book that if you free a camel from its hump, he is no longer a camel. I am not saying that Jay Pierson is a hump, but my fear is that once this institution is free of Jay

Pierson, we may not necessarily be the same institution that we were before.

I want to give my appreciation for everything that you have done for the House and for this country, and I want you to know that I am taking you up on the offer to go through this building and learn some of the history that you know and I need to learn. Thank you, and God bless.

Mr. WOODALL. I thank the gentleman.

Mr. Speaker, at this time, it's my pleasure to yield to a friend and colleague, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Georgia for yielding and for leading this Special Order to honor Jay Pierson. I'm sitting here, I'm glad I've had an opportunity to listen to the other Members talk about Jay Pierson's service to this Congress and this country, and I'm wondering how do I make sense of this?

Thirty-four years. Well, Mr. Speaker, 34 years ago, there was a lady that opened up a convenience store in my little old town of Kiron, Iowa. She began accumulating knowledge about the community and what went on around that community. And if you want to know who ran for mayor in '78 or when the place burned down down the street or why there isn't a parking meter or a stoplight in the town, you can ask her, and she'll know. If you want to know contemporary actions, who's working in what field, she'll know.

It's the same thing here. There's one person that knows the organism of the House of Representatives, that understands it intuitively, that knows the history, has lived it, and it's one thing to catch up with things intellectually, Mr. Speaker, but it's another thing to feel it in your instinct and in your bones and in your guts. Jay Pierson's got all of that.

On top of that, he's had to listen to me as much as anybody over the last 10 years, and for that I do come to the floor to apologize, Jay, for putting you through that long, grueling night all the way up to midnight night after night after night. But I couldn't have done that without your excellent help.

Mr. Speaker, actually Jay would correct me and say I need to address you, Mr. Speaker. I couldn't have done it without Jay Pierson's excellent help. And I don't know that he has memorized every cell phone number of every Member of the House of Representatives, I just know he's memorized mine. And I know, Mr. Speaker, that when I'm off doing some of those things, as JACK KINGSTON said, family events and whatever, not only does Jay know what's said on the floor, not only does he know about the procedures, the amendment, the rules and the history of how we got to this place, but he understands the rhythm of the place, and he listens to all the words.

On top of that, he's got the voice inflections down where, Mr. Speaker, he knows when a speaker is winding down, when he's about ready to finish up and it's time to hustle to the floor before the gavel falls. He might also let you know, I think this person is going to go on quite a while, so take a deep breath, and there will be time. And he'll tell you just when. And you'd better listen, Mr. Speaker. When I thought I could push those limits a little bit, I got here a little late. When I listened exactly to Jay Pierson, I got here with just the right amount the time.

That's an example in my little tenure here in these 10 years of how all of these Members of Congress have benefited so much from 34 years of accumulated knowledge—irreplaceable knowledge, irreplaceable service, irreplaceable spirit here—and I congratulate, Mr. Speaker, Jay Pierson for that 34-year career here in the House of Representatives, the impression he's made on all of us and his great respect for this institution of the United States America.

God bless you, Jay, and Godspeed.

Mr. WOODALL. Mr. Speaker, I thank the gentleman from Iowa.

At this time, it's my privilege to yield to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I want to thank my colleague from Georgia for taking a leadership role and hosting this Special Order to thank our friend, Jay Pierson, for 34 years of service to the House.

In a prior life, I was a United States naval aviator. In that job, I needed a wingman, someone who is right behind you protecting you from threats you can't see. A wingman is always checking your "six," the spot directly behind. His job is not about him, it's about making sure I complete my mission.

For the 4 years I've been in Congress, my wingman on the floor has been Jay Pierson. It started out with simple jobs, like showing me where the restrooms were. It grew to much more important jobs, like advising me on floor procedure and giving me accurate information about the floor schedule so my wife and kids would know when Daddy was coming home.

I realized what a great wingman Jay was about 2 weeks ago. I stood right here on this floor paying tribute to a fellow Texan, RALPH HALL. I was flying solo without my wingman, Jay Pierson. I had this poster with me, and six others, notice the yellow post-it note on it that said "Olson." Every poster I had has a yellow post-it on it that said "Olson." Without my wingman, I took off with a flawed presentation. I didn't crash and burn over the post-it notes, but I got some flack from my staff for my ineptitude.

In 2013, I'll be flying solo without Jay. I'll miss my wingman. But I'm thankful for the 4 years I've had with him.

As we say in the Navy, Jay, Bravo Zulu, well done. May you and your family have fair winds and following seas.

Mr. WOODALL. Mr. Speaker, at this time, it's my great pleasure to yield to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I want to thank the gentleman from Georgia for hosting this hour and an opportunity to recognize and thank a good friend, Jay Pierson, who started his work in the U.S. House of Representatives in 1978 in the Office of the Journal Clerk under then-Majority Leader John Rhodes, where he learned the intricacies of the House and legislative procedures while keeping official minutes in this Chamber.

In 1979, he began working in the Republican Cloakroom, where he remained for 7 years before beginning a new position as floor assistant to the Republican Leader in 1986. Since then, Jay has served, as many have said, as floor assistant to three Speakers of the House, including Newt Gingrich, Denny Hastert and the current Speaker, JOHN BOEHNER.

In a career that has spanned almost 35 years, Jay has served an invaluable role for so many Members in helping them to learn the ways of the U.S. House of Representatives, and I'm proud to be among those who have benefited from Jay's service and friendship and his leadership.

But Jay isn't just known for his expertise in parliamentary procedure. Jay is known to be an individual of substance and distinct professionalism. In fact, I personally would say he is the embodiment of a professional, which is why he is respected by Members on both sides of the aisle.

You wouldn't know it if you saw him in action, but Jay never expected to work in politics. He earned a B.A. in English literature from Westmont College, an M.A. in English literature from California State University, and a Ph.D. from the University of Maryland. But life works in mysterious ways. Regardless, the U.S. House of Representatives has been blessed to have such a talented professional to help guide this institution.

Thank you, Jay Pierson, for your life of service to the U.S. Congress. This body and all of its Members wish you well in your retirement.

□ 2020

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I know there are so many Members who could not be here tonight and wanted to be here. So I'd like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, so often in this town, they say, Everything has been said, but not everyone has said it. That's not the case here with Member after Member after Member talking about Dr. Jay Pierson. The gentleman from California had it right: everybody on this floor thinks they're Jay's best friend; everybody on this floor feels that personal relationship and that personal bond; yet everyone who has come to the floor tonight has taught me something new about Jay that I did not know.

When I first came to this Chamber, Mr. Speaker, just 2 years ago, I was a little nervous. It's an intimidating job to walk out on the House floor for the very first time. And my mentor and friend, former-Congressman John Linder, came to me and he said, ROB, if you get worried, if you get into trouble, don't worry. Jay will be there.

I think about how in one way or another, over 34 years, how many young, frightened, yet enthusiastic, public servants have been comforted with those words: Don't worry. If you get into trouble, Jay Pierson will be there. This new incoming freshman class is going to miss those comforting words, and this incoming freshman class, along with 435 of the rest of us, are going to miss Jay Pierson.

I want to thank Dr. Pierson, Mr. Speaker, for his long, diligent, but most importantly, cheerful service that is an example that we could all learn from, and I hope that we do.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I rise to join my colleagues in paying tribute to Jay Pierson, who is retiring after nearly 35 years of service to this institution.

What sets the people's House apart is its people—the dedicated staff members who give so much of their time and energy, and how they, too, reflect the diversity of this body. For instance, a PhD in English Literature who enjoys classical music may make for an unlikely fixture amid all the commotion on the House floor. But Jay Pierson has been patrolling these aisles like a natural for the better part of three decades, dating back to Bob Michel's days as Republican Leader.

As a floor assistant, Jay's primary responsibility is to make sure he can answer just about any question members may have about a particular bill or vote. When you think about all the business before this body, that is a tall task, and one Jay fulfills with grace, precision, and much-appreciated brevity. Each of us would like to think we have all the answers, but Jay actually does, and so seeking out his counsel has become second nature.

While the floor may sometimes die down, Jay's day never does. He has to keep track of papers, call committee staff to get them to the floor, track amendments, retrieve statements, assist members who are trying to request a vote or get the attention of the chair—Jay does it all. His work is the percussion of the people's House—that steady drumbeat of ac-

tivity that keeps everyone together and on course.

The House owes a great debt of gratitude to Jay, and to his lovely wife of 43 years, JoAnn. Not only has she shared Jay with us through all the late nights and long sessions, but it was JoAnn who actually introduced this future English professor to Capitol Hill.

While this may not have been Jay's original calling, his record of service to the House is a testament to that most common bond among us: the call to serve Jay is a man of faith, an active member of his church.

When asked about his job, here's what Jay said:

Most of us are called to be in secular jobs where our performance is part of our witness. Instead of looking for a career in a specifically Christian field, graduates should look for careers which suit their individual talents and desires. Witness of God's work in their lives will come with a job well done.

Jay has certainly done his job well, and served this House nobly. I thank him for his service, and wish him and his family all the best.

Mr. WILSON of South Carolina. Mr. Speaker, I would like to take this opportunity to recognize Mr. Jay Pierson, Floor Assistant with the Office of the Speaker, on his retirement from over 34 years of dedicated service in the House of Representatives.

Jay has been an exemplary public servant who has demonstrated the highest standards of professionalism on a daily basis. His career in public service has been a testament to the importance of unselfish devotion.

I know firsthand of Jay's professionalism from my first day of advising on protocol, and he is always cheerful while providing counsel on proper parliamentary procedure.

As Jay embarks on a new chapter in life, it is my hope that he may recall with a deep sense of pride and accomplishment the outstanding contributions he has made to the United States House of Representatives and the people of the United States of America.

I would like to send Jay my best wishes for continued success in his future endeavors, and may his life be filled with health and happiness.

Mr. WOLF. Mr. Speaker, I rise today to recognize and honor Jay Pierson, the longtime floor assistant to Speakers Gingrich, Hastert and BOEHNER, who will be retiring at the end of the 112th Congress.

It's fair to say that no one knows more about legislative procedure and the workings of the House than Jay. His retirement will leave an irreplaceable void in the institutional memory of this chamber.

Jay started working in the House two years before my election in 1980 and I have relied on his assistance throughout my time here. In fact, whenever my staff had legislative questions, our answer usually started with the exclamation: "Let's call Jay!" And when you called him, you could always rely on his expert advice.

In addition to his wealth of legislative knowledge, Jay is just an all-around terrific person who is unfailingly helpful and ready with a smile. It is these qualities that earned him the respect of members on both sides of the aisle.

Mr. Speaker, it is an understatement to say that the Republican cloakroom and floor won't

be the same without him. I am grateful for Jay's career of service to our country and wish him all the best in his retirement.

Mr. BONNER. Mr. Speaker, I rise today to honor a long-time servant of the House of Representatives, Mr. Jay Pierson, who is retiring after 34 years of advising Speakers, Leaders and Members of Congress.

When the American public tunes into C-SPAN, the give and take of congressional debate might make about as much sense as the floor of the New York Stock Exchange just before the closing bell. Fortunately, the House has seasoned experts—truly dedicated public servants—who keep up with the details of floor deliberation and legislation so that Members of Congress are able to cast their votes without confusion.

One of the people most responsible for ensuring that House Republicans are informed about important legislation is Speaker BOEHNER's Floor Assistant, Jay Pierson. Jay's role can perhaps be compared to that of an air traffic controller, closely monitoring the flow of floor debate and shepherding Members of Congress to their appropriate positions. While an air traffic controller may use a radar scope for guidance, Jay relies on his dog-eared copy of Jefferson's Manual of Rules and 34 years of experience.

A graduate of Westmont College in Santa Barbara, and a recipient of a Master's Degree from Long Beach University and a Doctorate from the University of Maryland, Jay arrived in the halls of Congress about the same time as the C-SPAN cameras. Dr. Pierson's congressional career began in 1978 in the office of the General Clerk. He began working in the Republican Cloakroom in 1979 for the office of House Republican Leader John J. Rhodes, R-AZ.

Over three decades he held positions of member of the House Republican Cloakroom, member of the Republican Floor Staff and Floor Assistant to the Speaker. He was Assistant Floor Manager for Speaker Gingrich, Floor Assistant for Speaker Dennis Hastert, and now Floor Assistant for Speaker JOHN BOEHNER.

For the past decade, Jay has been an invaluable resource to me during floor debate and votes and I will always value his counsel and friendship.

Mr. Speaker, as Jay prepares to transition to retirement, I join with my colleagues here in the House in wishing him the very best. Jay's wisdom and expertise will be sorely missed.

Mr. MICA. Mr. Speaker, today I rise to pay tribute to Jay Pierson and his 34 years of dedicated service to the House of Representatives. I have had the privilege of serving in this institution since 1992 and for all of those years I have served with Jay. During that time I have come to know him for his graciousness, patience and helpful nature. His historical expertise and institutional knowledge will sorely be missed.

I would like to thank Jay for his friendship and wish him the best in his retirement. We have all been better served because of his commitment to the House of Representatives and the American people.

The American people will never know the work of individuals like Jay Pierson, who has toiled long hours making certain the Congress



and U.S. House function every day for our federal legislative branch.

I especially want to thank Jay who has stayed many nights with me, often until midnight and long after the House had completed its regular business, while I presented my special orders speeches.

The United States House of Representatives will hold a better place in history because of Jay's dedication and long tenure.

#### PROTECTING MEDICARE AND REBUILDING OUR INFRASTRUCTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

#### GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of tonight's Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GARAMENDI. Before I get into the issues that I want to talk about, I want to also reach out to Jay. Since nobody from this side of the aisle has yet spoken, I'd like to do so.

About 3 years ago, I started doing Special Order hours, and always Jay would come up to me during the floor session and ask me what we had planned and share with me the Republican plans for the Special Order hour. And we'd work it out: Will you take the full hour, yes or no? Probably 40 minutes, maybe less. That was so we would have a smooth transition from the Republican Special Order hour or the other way around, Democrat to Republican. It has been a great pleasure to work with you, Jay. You do a great job here.

I could echo everything that's been said, but I really don't know all of the intricacies on your side. I do know that when they involve our side of the aisle, you're there to make it a smooth transition and to make it work. It was a pleasure working with you, and I'll miss you along with, I'm sure, every other Member of this House. So Godspeed and best wishes to you in your retirement.

Thank you very much, Jay.

Many things have happened over the last several days. We've got the fiscal cliff, but we've also had not only the retirement of very special people in the lives of the House of Representatives and the Senate, but also the recent death of Senator INOUE, which marks the passage of the generation that fought in World War II.

I've been asked, and I'll gladly yield whatever time our colleague, COLLEEN

HANABUSA of Hawaii, would like to take in memory of an extraordinary Senator.

I had the pleasure of working with him in the mid-90s when I was the Deputy Secretary of the Department of the Interior. We were working on the Native Hawaiian lands issues. He was a remarkable individual, one that not only understood the intricacies of that very complex situation, but also had enormous passion for the Native Hawaiians.

So tonight I yield whatever time she might want to take to COLLEEN HANABUSA, our colleague from the great State of Hawaii.

IN MEMORY OF SENATOR DANIEL K. INOUE

Ms. HANABUSA. Thank you very much to the gentleman from California.

Mr. Speaker, I rise today to honor an extraordinary person who has shaped and defined what my home State, Hawaii, is today, a State which is unique and as special as the person I honor.

The person I rise to honor is DANIEL K. INOUE, a person who cannot be described by a single adjective, a person whose accomplishments would cause you to pause and ask, Is this one person? Is this one man? This is a person who was awarded the greatest honor anyone who serves in the military can achieve, the Congressional Medal of Honor.

But it was an honor about 55 years late from a country that questioned his loyalty due to the fact that he was an American of Japanese ancestry; a person who could not get a haircut after being severely wounded and giving his arm in battle because he looked like the enemy; a person who insisted that instead of being bitter, he would dedicate his life to doing all he can to right social inequities and discrimination of all kinds. To do this, he became a part of the Democratic revolution that took control of Hawaii's territorial legislature. Remember, back then, Hawaii was run by the plantation bosses, and it was the Democratic revolution that shifted the power base.

He is also a person who served his territorial government, his State, and his Nation for a period of time just short of 60 years; a person who came to Congress and was recognized by his peers to serve and chair various committees, the most recent the Senate Appropriations Committee, along with being President pro tempore and on historic investigation committees like Watergate and Iran Contra. Imagine, Mr. Speaker, what he has seen. Imagine more so what brilliance and skills he possessed to serve so effectively for all these years. He has left such a mark on Hawaii.

Hawaii is the home of the Pacific Command. There is no question in my mind that the pivot to Asia-Pacific is possible because of his vision, a vision shared by the President; a vision which

is made possible by the Senator's strong commitment to entities such as the East-West Center and his placement of the Pacific Tsunami Warning Center in Hawaii so that the whole Pacific benefits.

Hawaii's military importance goes without saying, as the investments made to Pearl Harbor, the Pacific Missile Range Facility, PACOM, Schofield, Hickam, Kaneohe Marine Corps, Pohakuloa, just to name a few, were all part of his plan on how to stabilize Hawaii's economy and this Nation and the world.

The Senator recognized that the future for Hawaii is getting off our dependence on fossil fuels, a conversation, by the way, that we had at the last delegation meeting which he chaired where he made it very clear that this was his priority. He was, as you can expect, already ahead of everyone because he had been funding research and development in this area for years.

He also knew that education was critical to our success and insisted on ensuring that the University of Hawaii be the land, sea, and space grant institution that it is—one of the few institutions that has all three designations.

□ 2030

But the person I will miss the most is the man who always said "Just call me DAN" to whomever he met. It didn't matter who it was. It was "just call me DAN"—the person who shared stories about the values he was raised with, which I think was his way of giving us a glimpse of what he was made of.

At his 88th birthday party—88 is a very significant birthday, especially among the Japanese community—he shared the story of his father and a carp—yes, the fish, carp. His father told him to be like a carp, fighting as hard as you can as the carp did, but when it was time to die, you died with dignity.

The Senator did exactly that, but then you would expect nothing less from the person of whom no one word can describe, a person who did not want buildings named after him. He just wanted to be remembered as someone who represented the people of Hawaii honestly and to the best of his ability. When asked for his assessment of how he did, he just basically said, "I think I did okay."

Senator, if what you did is just "okay," the rest of us are failing because not one of us can measure up to your standard of okay.

Mr. Speaker, you have no idea how we in Hawaii are so anxious because we do not know how to make up for our loss. We will not have him, Senator INOUE, to rely upon to make things okay. The Senator said "aloha" as his last word.

We can only say "aloha" and "mahalo" to you, Senator, and to

Irene, Kenny, and Maggie for sharing you with us.

Mr. GARAMENDI. The eulogy that was just given is most appropriate. There are men and women of extraordinary talent that have served in this Capitol, and certainly, Senator INOUE fits that. There is also a fiscal cliff out there, and I know the Senator was working diligently on that before his last days. Here, too, in the House of Representatives, we also should be working diligently on that.

It seems as though we are not making as much progress as we should. We have about 10 days now. Actually, I guess it's 12, 13 days. We go to January 3, so it's 16 days before the fiscal cliff actually occurs. Between now and then, we have a great challenge. We have the well-being of this Nation, the world's strongest and, in many, many ways, the world's greatest Nation. It doesn't really hang in the balance, but its well-being in the years ahead will be largely determined by how well we address this challenge of the fiscal cliff. It's the deficit. Will we be able to put in place a solid plan that over the course of, perhaps, a decade addresses the deficit and brings it under control and begins to reduce it? I know we can. We've done it before.

We did it in the 1990s when President Clinton made a proposal that would raise taxes and reduce expenditures. It led during that period of time to a surplus, a surplus that was dramatically altered when the George W. Bush administration came in and started two wars and enormous tax cuts simultaneously, and it led to a deficit that was extraordinarily increased as the Great Recession took place in 2008. We need to turn that around.

President Obama has made a very solid set of proposals during the course of the campaign, one in which taxes for a couple would go up over \$250,000 of adjusted gross income; all of their income below that would continue to have the tax reduction. He also made very substantial proposals to reduce expenditures. Those are now being negotiated in a back-and-forth between Speaker BOEHNER and the President. He also made some very important proposals to grow the economy—significant investments in infrastructure, significant investments in research, in education, in the fundamental investments that create ongoing growth in the economy.

I'm not sure how this is going to work out, but here on the Democratic side of the aisle we have some principles that we want to lay down, and tonight we will discuss those principles. We've done this before—we've talked about Medicare, we've talked about Social Security, we've talked about laying down the investments.

Joining me tonight will be my colleagues from around this Nation. I want to start with JASON ALTMIRE, who

has talked to these issues many times and who wants to present to us our view as Democrats.

JASON, if you will take the floor and speak to these issues.

Mr. ALTMIRE. I thank the gentleman from California for his leadership on these issues and for his continued leadership in bringing these discussions to the American people. I also look forward to hearing my friend from New York in what he has to say.

We have talked time and again about the importance of what we are trying to accomplish in this House with regard to protecting the Medicare program. I represent a district, as the gentleman well knows, that has 135,000 Medicare beneficiaries. It has, actually, the fourth-most Medicare beneficiaries of any congressional district in the country. So the people I represent have a very strong interest, as does every Member of this House, in making sure that Medicare is preserved, that it's protected, that it's strengthened, and that it is always going to be there, not just for those 135,000 beneficiaries who participate in the Medicare program today but for generations to come.

We are not going to stand here as Democrats or Republicans or as any political affiliation and say that everything is working perfectly and that nothing needs to be altered. The fact is, with regard to Medicare, one-third of the people who qualify for Medicare today use every penny that they have paid into the system over the course of their entire lifetimes within the first year of qualifying for Medicare because they have extremely high health care costs. That is something that we need to address, but you don't address that issue by slashing the program, by gutting Medicare, by taking advantage of those same people we are trying to help.

The fiscal cliff we are talking about is, therefore, a reason because Congress had an inability to come to an agreement on a long-term, fiscally sustainable economic policy, so we put this deadline in place—the first of the year, 16 days from today—when we'll have the situation in which the rates of all of the so-called “Bush tax cuts,” which were extended 2 years ago under President Obama, expire at every level, not just at that top bracket that we are talking about in the House.

I do support making sure that that top bracket reverts back to where it was during the Clinton administration or whatever we can negotiate for that group of people. But in doing so, we can't allow that same bracket for all of the taxpayers in the country to revert back because, for example, the lowest income bracket, currently 10 percent—the people who are working hard and playing by the rules, working Americans, working every day for their families—that bracket would go back up to

15 percent, which would be a 50 percent tax increase for the people who can least afford it if we do nothing, and everyone in between would see their tax rates go up.

So, while we continue to have the debate and the discussion about “what happens to that top bracket?” we have to understand that all of those income brackets go up—similarly, the estate tax, the alternative minimum tax, the capital gains rate, the child income tax credit, the Making Work Pay tax credit that was put into place a few years ago—all of these things either go away or revert back to a much higher level than they were before.

That coincides with the cuts that we're talking about, the draconian, across-the-board, haphazard cuts that were put in place specifically to spur action. Because they are so ominous and make such devastating cuts in programs, in tandem with the Bush tax cuts expiring, Congress would in no way allow that to happen at the same time. That's what the fiscal cliff is. It's both sides—the spending and the revenue situation. Then with regard to Medicare, that can't be allowed to be swept up in the hysteria that we are facing here in Congress.

□ 2040

We're going to talk more about this, but just leading it off, that's the crux of the discussion. We're going to talk about tax rates. We're going to talk in this discussion about infrastructure spending and the other investments that we can make as a Nation in the future of the country. But in doing so, we can't allow the most vulnerable in this country—135,000 of them live in my district, but all across the country, 40 million Medicare beneficiaries and the generations to come—we can't allow them to be the ones who pick up the bill for the decisions that are made here in haste as we approach the first of the year.

Mr. GARAMENDI. Mr. ALTMIRE, thank you very much for moving this issue along.

I've used this placard before when we were discussing the Republican budget that did pass this House that would end Medicare as we know it. That was just a way of doing it with vouchers or with what they call premium support. Either way, Medicare as a guarantee of health care for those people 65 and over would be over. Now, there are other ways that Medicare can be whittled away, weakened to the point where it could simply die of malnutrition. We want to be quite certain that this doesn't happen and that this tombstone never comes to pass. It was 1965 that President Lyndon Johnson signed Medicare into existence, and we're not going to let it end in 2011 or 2012 or beyond.

I recall so vividly an experience as a child, I was probably, I don't know, 10,

12 years old. My father took me to the county hospital, which is where the elderly went to die. There was no Medicare then. It didn't exist. More than half of the seniors were in poverty. There was no health care available to them. No insurance company would insure the elderly. They were expensive. And so there was literally no way that they would be able to get health care except at the county hospital, a ward strung out as far as my eye could see, beds on both sides, the stench unbelievable. The moaning and the crying that was going on unbelievable.

In 1965, America took a step to become a compassionate Nation where we would take care of the elderly. And so proposals have been bandied about, the Republican budget basically terminating Medicare or whittling away at it in various ways, most recently to increase the eligibility age from 65 to 67. What is a person to do when they're 65 and cannot get private insurance? And at the same time, they want to do away with the opportunity that exists in the Affordable Care Act for an exchange that could possibly provide insurance, but they want to do away with that. Come on. Come on. This is America where we take care of the elderly and we provide the services.

Medicare can be dealt with. We can deal with the inflation in Medicare and in the Affordable Care Act. Many, many things were done to start on that process, for example, keeping seniors healthy, providing for the annual medical checkup; making sure that they had the drug benefits, making sure that the drug benefit part D was available to all seniors; closing the doughnut hole in the Medicare part D drug benefit; electronic medical records; infection rates in hospitals being reduced.

I'm going to take just 2 seconds to show you what has happened as a result of the Affordable Care Act and other measures.

The inflation rate in Medicare has been dramatically reduced since the Affordable Care Act, ObamaCare, went into effect. It is down in the 2, 2½ percent range now and has remained there since ObamaCare went into effect.

The changes in ObamaCare extended the viability, the financial viability of Medicare by 8 years, and here's the effect. The inflation rate is now less than the general health care inflation rate, and this has caused a recalculation of the deficit in the years ahead. The deficit in the years ahead was based on an inflation rate up here in the 5 percent range, but when it's down in the 2 percent range, the deficit has been reduced by over \$200 billion simply because Medicare is not inflating, growing as fast as anticipated back 2½ years ago.

More can be done without taking away one benefit from seniors. The Federal Government could negotiate drug prices, bringing down the cost.

The Federal Government could institute better payment mechanisms so there is a continuity of care rather than a one-off episodic care for seniors. In so doing, seniors stay healthier longer and the inflation rate and the cost are reduced. There are many other things.

But let me be very clear about this. If there is an effort to throw seniors who become 65 off of Medicare by denying them the opportunity, we will see an increase in the total cost of health care in the United States, because those seniors will not be able to get quality medical care. They will become sick and they will wind up somewhere in the system, perhaps in an emergency room, somewhere in the hospital, and the total cost of the system will go up. But if you keep seniors on Medicare, when they become 65, they will have access to quality care, better health care. And with the changes that were in the Affordable Care Act, ObamaCare, they will be healthier longer and the cost of care will be reduced for all of us in the health care system.

Now, I suspect we'll come back to Medicare before this night is done, but we ought to talk about jobs for awhile. We were on this floor a few weeks ago, and we spent some time talking about infrastructure, about jobs, and our colleague from the State of New York, that is the western side of New York, is joining us tonight to pick up that issue once again.

Mr. HIGGINS. I thank the gentlemen from California and from Pennsylvania for their leadership on these issues—jobs and protecting Medicare long into the future.

As we know, there's a debate going on here about the fiscal cliff. I think the American people are looking for leadership in Washington. They want a plan, and I think they are willing to endure some pain that will be in the form of spending cuts and perhaps some increased revenues, but the American people also want a plan that is going to be aspirational.

The fact of the matter is our infrastructure in this Nation is falling apart. According to the American Society for Civil Engineers, they give us a D grade for the quality of our infrastructure. They tell us that \$2.2 trillion is needed just to bring our current infrastructure to a state of good repair. That's not even taking into consideration new infrastructure needs that we're seeing in New York and New Jersey as a result of the storms there.

Infrastructure investment is also a job creator, a creator of American jobs. When you invest in infrastructure, you're buying labor from American businesses. When you invest in infrastructure, you're buying equipment from American businesses.

Now, with public infrastructure, it's as old as Lincoln. He called it land improvements. He meant ports and rail-

roads at the time. Public infrastructure is always the public's responsibility. So the question is never whether or not you're going to do it—you have to do it—the question is when does it make most sense.

I would submit to you that it makes most sense today. Why? Because money is as cheap as it's ever going to be. Every municipal government throughout this country borrows money by issuing debt—bonds—to underwrite the cost of building new infrastructure.

□ 2050

We could be borrowing money today for about 1 percent. Labor is cheap, equipment is cheap because both are idling. And we clearly need the infrastructure investment.

Final thought on this: Transportation for America, a not-for-profit organization, identifies 69,000 structurally deficient bridges in this Nation. There's over 2,000 structurally deficient bridges in my State of New York; and in western New York, we have 99 structurally deficient bridges.

Every second of every day, seven cars drive on a bridge that is structurally deficient. We saw a bridge collapse in New York State in 1987, the Harley Creek Bridge, loss of life and significant injury. We saw it again, subsequent to that, in Minneapolis.

How many more bridges have to collapse before we address this need?

We're going to spend less than \$53 billion rebuilding the roads and bridges of America next year, less than \$53 billion. It's weak and it's pathetically weak when you consider that we just spent \$89 billion rebuilding the roads and bridges of Afghanistan, and we just spent \$67 billion rebuilding the roads and bridges of Iraq.

Work needs to be done, and Americans need the work. With that, I yield back to my friend from California.

Mr. GARAMENDI. Well, let's continue this discussion of infrastructure. The last time we took this up 3 weeks ago, we had talked about an infrastructure bank, a proposal that's been presented to the House of Representatives now for at least 15 years. I believe our colleague from Connecticut, ROSA DELAUNO, has introduced that bill year after year.

You said that the Federal Government can borrow money, 10-year notes, even 15-year notes somewhere around a percent and a half, maybe towards 2 percent. If we were to borrow that, put it into an infrastructure bank, and then loan money to infrastructure projects that have a cash flow, sanitation facility, water facility, toll bridges, and numerous other kinds of infrastructure which are desperately needed, we could have a financing system that, over time, would actually make money for the Federal Government, could borrow at 1½ percent, loan

at 1¼ percent, have a margin there. The money would flow back in. You'd get that revolving.

The President has actually proposed this in his American Jobs Act. He's picked this up during his debate, the fiscal cliff negotiations, put it back on the table.

We ought to be doing that. In doing so, we will create tens of thousands, indeed hundreds of thousands, of American jobs, American jobs. And if we couple that with Buy American, so that the equipment, the steel, the concrete, the other ingredients used in these infrastructure projects were American-made, using our tax money for American-made equipment, we would even see a resurgence of the manufacturing base in America.

This is a no-brainer. This is something we ought to have done years ago. But here, as we approach this fiscal cliff, we ought to take up the President's challenge, move forward with an infrastructure bank and create jobs in America and build the foundation for economic growth.

Mr. ALTMIRE, why don't you pick this piece up and carry it.

Mr. ALTMIRE. I wanted to supplement my friend from New York's comments about structurally deficient bridges.

I always, when I would have town hall meetings and I talked with my constituents about this issue, I always use the example, because people think, you know, there's better ways to spend money. We're overspending ourselves. We're in great debt. Let's just not do anything this year. Let's wait till next year. Maybe let's wait till the year after that.

I always use the example of, there are certain things that you can put off. And if you're a family, you might say, times are tough, we need to tighten our belt. Maybe I can't go to the movies tonight. Maybe I'm going to have chicken instead of steak. Maybe we're going to have to drive a certain type of car instead of the luxury vehicle that we were hoping to buy—whatever it might be, whatever the family circumstance.

However, no matter what type of house you live in, large or small, if you get a leak in the roof, you have to fix it because if you ignore that leak, it's not going to fix itself. It's not going to remain where it is today. It's going to be worse tomorrow, and it's going to be worse next week, until the roof collapses and you have a catastrophe on your hand.

Well, that's the state of our infrastructure in this country, and I think people get that. And the gentleman talked about the State of New York and the structurally deficient bridges that he has in western New York.

Well, in 2007, I was here, I know the gentleman from New York was here, when we had the terrible disaster in Minnesota, when the interstate bridge

collapsed and the loss of life that occurred. And the Secretary of Transportation at the time came to the Transportation Committee. I believe the gentleman served on the Transportation Committee at that time also, and Secretary Peters came and talked about the state of disrepair of our Nation's bridges.

Now, we can talk about locks and dams and our aviation system and the state of our airports and a variety of other infrastructure needs in this country which are just as critical; but just roads and bridges, we were all given a list of the structurally deficient bridges in our districts and in our States.

And I'm embarrassed to say to the gentleman, Pennsylvania is in even worse shape than what he described New York to be. We in Pennsylvania have 6,000 structurally deficient bridges. In western Pennsylvania it's 1,000. And in just the district I represent, currently one out of 19 districts in Pennsylvania, just my district, 300 structurally deficient bridges.

And the structural sufficiency rating, as my colleagues understand, Mr. Speaker, is based upon a zero to 100 scale, 100 being brand new, sturdy, as good and strong as they can possibly be, zero being the bottom.

Well, I had several bridges on that list that the Secretary gave me that were single digits. I had one that was a two, believe it or not.

And I remember asking the question in the hearing, I'm not an engineer, I've never been that great in math, but it seems to me if you have a bridge that's a two on a zero to 100 scale, that doesn't sound very good. And should I, as a driver, or any of my constituents be concerned when they drive across that bridge?

What would be the recommendation from the Department of Transportation?

And the response that I got, after they conferred on how to address this question, they literally said, well, not if you drive across it once. But if that's your daily commute, and you drive across that bridge twice a day every day, you might want to find a different route.

Well, Mr. Speaker, that is not a good answer; but, unfortunately, that's the right answer. And at minimum, we should alert the public to the state of disrepair that our bridges are in so they can make intelligent and informed decisions.

But in the long term, the clear remedy to that situation, the solution is to invest in our infrastructure, to fix our roads and bridges because, yes, it puts people back to work, which is critically important.

The business impact, we transport goods all over the country by truck and by rail. We can talk about the state of disrepair in other transpor-

tation sectors too, but we benefit as a country.

But when you see the safety consequences and you think about the fact that we have bridges all across this country that are in such disrepair that they are in the single digits in structural sufficiency, that is a big problem, and that's why we need to invest in our infrastructure.

Mr. GARAMENDI. Indeed, we do need to invest in infrastructure and we need to rebuild.

I noticed another colleague from the great State of New York has joined us. Often Mr. TONKO and I are here on the floor in what we call the East-West Show.

But Mr. HIGGINS and Mr. TONKO, your State and the State of New Jersey got whacked by a superstorm.

Mr. TONKO. Yes, it did, Sandy.

Mr. GARAMENDI. Why don't you share with us a little bit of what the State of New York needs to do on infrastructure repair and how to prevent it from happening again.

Mr. TONKO. Sure. Absolutely. And you know the impact of Sandy, Representative GARAMENDI, comes on the heels of last year's storms with Irene and Lee, a double whammy that impacted several counties that I represent. And upstate New York was devastated. There was a loss of lives, there was destruction to the public infrastructure. Many businesses, farms and housing were destroyed, tremendously so; and the need to rebuild became very apparent.

This year, with Sandy, the same sort of impact, this time in a very densely populated region of New York City, Long Island, and the southern portions of New York State. And so I think it's a stark reminder, a very real example, a very painful outcome that speaks to the need of investing, investing in our infrastructure.

As we go forward, there's also an opportunity to improve upon what existed at the time of these storms. For instance, in the energy networks, the utility networks, we can do state-of-the-art. We have taught other nations how to build those systems. It's time to do nation-building at home.

I think the beauty here is that, while we invest in transportation and other infrastructure, energy infrastructure and water systems and treatment systems and public schools, what we're doing is rippling into the benefits of efficiency, of public safety, of employment and economic development.

□ 2100

That is a positive series of dynamics that then lifts the economy and provides for work. Ninety percent of the jobs, it's projected, that come from this sort of infrastructure investment are speaking to middle-income households—jobs that, again, provide for the strengthening of our economy, the reduction of our deficit, the confidence-

building in our economy that is so powerfully felt as we walk this distance from the recession, as we continue to do the steady climb upward as we grow private sector jobs. This is an important part of it. It enhances our productivity. It provides for efficiencies. That's what infrastructure investment is about. And it's calculated that for every \$1 billion of investment, 18,000 jobs are created and a sound public service is designed and structured and built so that we can go forward with rightful anticipation of a stronger tomorrow for our economy.

And so I think these are important elements, rebuilding after Mother Nature has impacted us with very profound damages to our communities—and building in a way that allows for the creation of jobs and an improved outcome, to top it off.

When the Representative from Pennsylvania, Representative ALTMIRE, talked about the Minnesota situation, I served in the State Assembly in New York when the collapse of a thruway bridge in upstate New York took 10 lives. We recently commemorated the 25th anniversary of that event back in 1987 and the painful consequences that came to bear upon that upstate region, where commerce was affected, where jobs were affected, where public safety was compounded. They took the major artery of the State of New York with the thruway and had to reroute that through a community by establishing a makeshift system. And just the presence of that moment onto the economic consequences of the State spoke painfully well of how important infrastructure is.

And so we look at the needs in this Nation from coast-to-coast, from your west coast to our east coast, and we understand that there are needs for those water treatment facilities, for our energy infrastructure. We're wheeling electrons along a system that was designed for regional service, and now we're wheeling not only from region to region but State to State. We're wheeling electronics from nation to nation. Canada into the United States.

We need an upgrade. We need the sort of R&D component that translates into jobs that provide the best investment possible. And that's what we're calling for here—the sound stewardship of resources and Federal tax dollars being utilized in a way that provides the strongest outcome. Sometimes it's in the saga of urgency, as is the case with Sandy in New York State, as it's been with Irene and Lee, as we continue to recover over a year later from those storms that damaged upstate New York just over a year ago, and now the most recent element of consequence that came with Hurricane Sandy.

So I thank you for bringing us together to shed light, to acknowledge that we can create jobs as we address public safety, as we address efficiency,

as we address productivity, as we address economic boost, so that we can walk from this arena here in this House of Representatives knowing that we're doing the sound, academically driven, analytically provided results that will speak to a favorable impact across the board.

Thank you for bringing us together.

Mr. GARAMENDI. Thank you very much, Mr. TONKO.

Mr. HIGGINS. I see that you would like to get into this also. I know that you're there. So please pick up this conversation and carry it on.

Mr. HIGGINS. Thank you.

My colleague from New York is obviously very familiar with all of the issues that we're confronted with, but we also recognize that our Governor had the presence of mind in putting the package together for Federal relief for reimbursement to seek infrastructure money to rebuild the infrastructure that was destroyed in a way that would mitigate or reduce the damage in a future storm, because here's what we know with global warming. Storms are becoming much more severe. And whether it's New Orleans or whether it's Queens, New York, we are going to see another storm.

It also underscores the need for infrastructure investment to mitigate the damage, because by making that upfront investment—those mitigation factors—it will reduce the amount of damage when the next storm hits if, in fact, our Nation can meet that challenge of rebuilding our infrastructure in a way that it ought to be built.

Mr. GARAMENDI. I thank you very much for bringing that up. It's not only an issue on the east coast; it's an issue in the Midwest, it's an issue in the West, it's an issue all across this Nation. The climate is changing. The storms are more severe and are likely to continue to be even more severe in the future. For me, my district is 200 miles of the Sacramento River. The second most city at risk of flooding in the United States after New Orleans is Sacramento. The Natomas portion of Sacramento and certain portions along the American River in Sacramento are in extraordinarily dangerous territory. We need to rebuild our levees. We need to upgrade our levees. We should not wait until they break and then try to deal with the death, the destruction, and the rebuilding that then occurs, but do exactly what you said, Mr. HIGGINS, and that is anticipate the next storm. Build ahead of it. Protect ourselves ahead of it.

I have some 1,500 to 2,000 miles of flood levees in my district. We need serious infrastructure improvement. Just this last week, Friday, I was in the Yuba City area of Sutter County. Forty miles of levee need to be upgraded and improved. We need action by the Federal Government. The Army Corps of Engineers needs to issue the 408 permit

in a big hurry so that we can begin the construction of the improvements of those levees. And that's not unusual across this Nation because many other parts of this Nation, including the rebuilding of New York and New Jersey, need to build higher standards—and not just repair what was damaged, but to build to a higher standard. That takes money. And this is where the Federal Government has a critical role to play. We need to make that money available.

In some cases, there are repayment systems. We talked about that with an infrastructure bank. In other cases, there are not, and the local governments, together with the State and Federal Government, come together and build those systems.

But the Federal Government has to step forward as the major partner in all of these. And if we do it in a way that uses the money to buy American-made equipment and supplies, we can create even more jobs in America.

Part of the Make It America agenda that we have been promoting now for 2 years is just that—you use that money to buy American-made equipment and you rebuild the American manufacturing base at the same time that you build the infrastructure.

Mr. ALTMIRE, you stood up with enthusiasm while I was speaking. So what do you have here?

Mr. ALTMIRE. I wasn't sure if the gentleman was planning to transition into another topic as he draws to a close.

Mr. GARAMENDI. Well, we actually need to do that, but why don't we wrap up the infrastructure here and then I do want to spend a few moments talking about Social Security and perhaps ending back to where we started on Medicare and these programs.

Mr. ALTMIRE. Very quickly, and then I will yield to Mr. TONKO directly, if that's okay, afterwards.

I wanted to bring to the attention of my colleagues and the American people we're talking about what can happen if you ignore infrastructure needs, we're talking about past examples and the potential for future examples of infrastructure problems all across this country and, yes, it's an investment that we need to make. Our roads and bridges, our locks and dams, our rail system, our aviation system as we talked about, our waterways, commerce, there's hundreds of billions of dollars of need. But we're also trying to remain internationally competitive, and we can't be internationally competitive if we have substandard infrastructure. And that just doesn't mean infrastructure that's in disrepair; that means upgrading and improving to adapt to modern technology.

□ 2110

I know as one example, I visited the Port of Miami a year or two ago.

They're undergoing a multibillion-dollar project to dredge the port—one of the largest ports in the United States—to accommodate the larger ships that are going to be able to come through the Panama Canal when the Panama Canal project is completed. If we don't do that in this country, if we don't continue to modernize and upgrade our infrastructure—not just prevent disasters from occurring, economically and through the physics of infrastructure disrepair, but upgrade and modernize our port system and our aviation system to be able to continue to compete internationally with the other countries that have modernized their port infrastructure, we're going to continue to fall behind and we're going to lose jobs; we're going to lose the economic impact. That's what we have to consider when we discuss the fiscal cliff as we started this discussion.

So with that said, I would yield to my good friend, Mr. TONKO.

Mr. TONKO. Yes, just rather briefly, the opportunity to invest in infrastructure—for an example, our water treatment facilities. When I was at my last work station prior to entering the House, it was with NYSERDA, the New York State Energy Research and Development Authority. There I witnessed these consummate professionals working away at retrofitting systems or designing new that dealt with water treatments. The savings that were anticipated—that were measured in some cases—were significant so that the energy cost for local governments doing their role, performing their role for treatment of water became much cheaper. Those are savings that are recurring. So that while we invest in this opportunity, we're also chipping away at those budget costs into the future. The same is true of some of the research investment that found us, for example, capturing waste heat and getting more bang for the buck, so to speak, for the investments made in energy systems.

The American intellect, which has always served as our DNA for discovery—you know, we are proud of our pioneer spirit of this Nation. It drove an industrial revolution, it inspired a westward movement, and it created from mill town capacity these epicenters of invention and innovation. Well, we still have that within our core spirit. If we can come up with the innovative ideas, the concepts that allow us to serve the taxpayer with more useful outcomes of their investments, it is beholden upon us to provide the climate by which to do that.

Earlier, our colleague, Representative HIGGINS from New York, spoke of the mitigation opportunities now facing New York with its repair of its infrastructure. If we can do the preventative measures that provide for longer life expectancy for these investments, isn't that not only the wise thing to do, isn't that the responsible thing to do?

So there are ways that we can move forward in a transitional sort of format where it's ever impacting to a favorable outcome of operating costs into the future, of research investments that's translating into job creation, and then the infrastructure build that takes to mind the concepts, the intellectual capacity of this Nation. It also speaks to the wisdom of responding to infrastructure repair, replacement, new construction that looks statistically at the data that are collected that speak to the impacts of global warming and climate change.

If we were to, for instance, rebuild exactly as the infrastructure in my upstate district after the impact of these storms, it would be foolish. We need to adjust the span length. We need to adjust the height of this infrastructure so that it is accounting for the dynamics of change that are real, that are recorded, that are statistically valid. We need to do that in a way that brings this investment into the job-creation zone that it is.

As we stated earlier, as I made mention earlier, for every \$1 billion of investment in infrastructure, we can anticipate, rightfully, 18,000 jobs being created, 90 percent of which are finding their way into the middle-income community. This is what it's about. It's not about this cost-cutting frenzy that denies opportunity, denies our responsibility that we all bear here, but, rather, inspires us to belt-tighten, where we get rid of outmoded programs and where we most effectively invest in the improvements, the repairs, the replacements that are under our stewardship.

Mr. GARAMENDI. Thank you, Mr. TONKO. Once again, we have a challenge ahead of us.

Mr. HIGGINS. I know that this has been one of your principal issues here in the House of Representatives. If you would like to wrap up on this piece of our discussion tonight, on the infrastructure piece, then we will take the final 10 to 15 minutes and pick back up to the Medicare and Social Security issues that are also very much part of what is on the table today as we address the fiscal cliff, growing the economy, and jobs.

Mr. HIGGINS. I thank the gentleman.

At the outset, my colleague from California, a great leader on this issue, had said that it was 12 years ago when we had a budgetary surplus of \$258 billion. How was that created? It was created by having created 22 million private sector jobs in the previous 8 years, telling us that the best tax policy is bringing back lost taxpayers to productivity so that they're contributing to the Federal Treasury. That allows us to make the investments into our economy and, as my colleague from New York said, to nation-build right here at home.

One thing that historically here Democrats and Republicans were able

to agree on is infrastructure investment. I think the need is extraordinarily great right now, and we should do an infrastructure bill that is robust and aspirational in addressing the infrastructure needs and the decaying state of our infrastructure as soon as possible.

A final thought on this. There's a report out of the State of Nevada that says if you defer infrastructure repair for 2 years, you increase the cost of making that repair by a factor of five. So a \$5 million bridge repair that could be done today, 2 years from now will cost you \$25 million. A \$1 million road repair today will cost you \$5 million 2 years from now. So we need to get to work, and much work needs to be done.

Mr. GARAMENDI. You're absolutely correct that if we're to deal with the deficit, we have to put Americans back to work. The infrastructure has, over the years, been a principal way in which you employ Americans—we did this with the stimulus bill and it had great effect—but it also builds the foundation for tomorrow's economic growth and protects people along the way. It protects property; it protects valuable assets that we have in our Nation.

The President has been very clear about this for more than 15 months now. Fifteen months ago he put before Congress the American Jobs Act, one element of which was the infrastructure. He wanted an additional \$50 billion over and above the \$53 billion that you described earlier, Mr. HIGGINS, as the ongoing infrastructure.

Our colleague here, we talked earlier—I think Mr. HIGGINS you raised this issue, and Mr. TONKO did also—Thursday, two days from now, we're going to take up the National Defense Authorization Act, which is the plan for our national security, the military. In that piece of legislation there is a minimum of \$88 billion to be spent between October 2012 and September 30 of 2013 on the Afghanistan war, \$88 billion. That's a lot of money.

All that we're talking about in this cut discussion that's under way between the President and Mr. BOEHNER is somewhere, \$400 billion, maybe \$500 billion; \$88 billion in Afghanistan next year. A good portion of that is for infrastructure in Afghanistan, as was discussed earlier today.

We know how to make decisions here. Part of those decisions that are on the table today are very serious cuts to the Medicare program. I discussed earlier the Medicare eligibility age has been proposed by the Speaker of the House on the Republican side to be increased from 65 to 67 years. It will have a disastrous effect on those who have paid into Medicare their entire working lives and expect to be able to have that health care benefit available to them when they become 65.



□ 2120

It will not save much money, but it will surely harm thousands upon thousands of Americans.

Similarly, suggestions have been made to dramatically alter Social Security. Suggestions that will significantly harm a vast number of Americans—perhaps, I don't know the numbers—probably 20 million Americans who are currently obtaining Social Security benefits but will not see the adjustment for inflation. These are people that are receiving less than \$1,500 a month for Social Security. And for many of them, for many of them that is their total source of income.

Mr. ALTMIRE, you have been a person that knows the statistics here and knows the numbers. I speak more from my heart rather than the precise numbers, so my colleagues, let's join in this conversation about Social Security. I think the starting point comes from the compassion that we should all possess for seniors, but the facts also need to be understood here.

One fact should be clear to all 435 Members in this House, and that is that the deficit that we are facing and all the discussion about the deficit and the fiscal cliff is not a Social Security problem. It is not a Social Security problem. It is a tax revenue issue which we've talked here a little bit about. It is an issue for Medicare, which we can solve without cutting benefits. It's an issue for the military, the war in Iraq, the \$88 billion that we're going to spend there in the next 9 months. Those are real issues about the deficit.

Social Security does not contribute one nickel, one penny to the deficit. It is a trust fund apart from this deficit issue. It has its own source of revenue, and we ought not be harming seniors while we are giving continuing tax breaks to people that are making lots of money. Let's get this straight: Social Security should not be on the table as we discuss this issue.

Now, we know 8 years from now, 7 years, maybe 9 years from now, Social Security has to be adjusted because of the continuing number of people that are coming on.

Are we out of time just as I'm getting wound up on Social Security?

The SPEAKER pro tempore (Mr. BUCSHON). The time of the gentleman has expired.

Mr. GARAMENDI. I think we are finished for this evening.

Mr. Speaker, I yield back the balance of my time.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1792. An act to clarify the authority of the United States Marshal Service to assist

other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children; To the Committee on the Judiciary.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6116. An act to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

H.R. 6223. An act to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

#### ADJOURNMENT

Mr. ALTMIRE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 19, 2012, at 10 a.m. for morning-hour debate.

#### CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. McKEON submitted the following conference report and statement on the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

##### CONFERENCE REPORT (H. REPT. 112-705)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4310), to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2013".

##### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army CH-47 helicopters.

Sec. 112. Reports on airlift requirements of the Army.

Subtitle C—Navy Programs

Sec. 121. Extension of Ford class aircraft carrier construction authority.

Sec. 122. Multiyear procurement authority for Virginia class submarine program.

Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.

Sec. 124. Limitation on availability of amounts for second Ford class aircraft carrier.

Sec. 125. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.

Sec. 126. Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program.

Sec. 127. Report on Littoral Combat Ship designs.

Sec. 128. Comptroller General review of Littoral Combat Ship program.

Sec. 129. Sense of Congress on importance of engineering in early stages of shipbuilding.

Sec. 130. Sense of Congress on nuclear-powered ballistic submarines.

Sec. 131. Sense of Congress on Marine Corps amphibious lift and presence requirements.

Sec. 132. Sense of the Senate on Department of the Navy fiscal year 2014 budget request for tactical aviation aircraft.

Subtitle D—Air Force Programs

Sec. 141. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.

Sec. 142. Retirement of B-1 bomber aircraft.

Sec. 143. Avionics systems for C-130 aircraft.

Sec. 144. Treatment of certain programs for the F-22A Raptor aircraft as major defense acquisition programs.

- Subtitle E—Joint and Multiservice Matters
- Sec. 151. Multiyear procurement authority for V-22 joint aircraft program.
- Sec. 152. Procurement of space-based infrared systems satellites.
- Sec. 153. Limitation on availability of funds for evolved expendable launch vehicle program.
- Sec. 154. Limitation on availability of funds for retirement of RQ-4 Global Hawk unmanned aircraft systems.
- Sec. 155. Requirement to set F-35 aircraft initial operational capability dates.
- Sec. 156. Shallow Water Combat Submersible program.
- Sec. 157. Requirement that tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicles use specified standard data link.
- Sec. 158. Study on small arms and small-caliber ammunition capabilities.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Subtitle A—Authorization of Appropriations
- Sec. 201. Authorization of appropriations.
- Subtitle B—Program Requirements, Restrictions, and Limitations
- Sec. 211. Next-generation long-range strike bomber aircraft nuclear certification requirement.
- Sec. 212. Extension of limitation on availability of funds for Unmanned Carrier-launched Surveillance and Strike system program.
- Sec. 213. Limitation on availability of funds for milestone A activities for an Army medium range multi-purpose vertical takeoff and landing unmanned aircraft system.
- Sec. 214. Use of funds for conventional prompt global strike program.
- Sec. 215. Next Generation Foundry for the Defense Microelectronics Activity.
- Sec. 216. Advanced rotorcraft initiative.
- Subtitle C—Missile Defense Programs
- Sec. 221. Prohibition on the use of funds for the MEADS program.
- Sec. 222. Availability of funds for Iron Dome short-range rocket defense program.
- Sec. 223. Authority for relocation of certain Aegis weapon system assets between and within the DDG-51 class destroyer and Aegis Ashore programs in order to meet mission requirements.
- Sec. 224. Evaluation of alternatives for the precision tracking space system.
- Sec. 225. Next generation Exo-atmospheric Kill Vehicle.
- Sec. 226. Modernization of the Patriot air and missile defense system.
- Sec. 227. Evaluation and environmental impact assessment of potential future missile defense sites in the United States.
- Sec. 228. Homeland ballistic missile defense.
- Sec. 229. Regional ballistic missile defense.
- Sec. 230. NATO contributions to missile defense in Europe.
- Sec. 231. Report on test plan for the ground-based midcourse defense system.
- Sec. 232. Sense of Congress on missile defense.

- Sec. 233. Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense.

## Subtitle D—Reports

- Sec. 241. Mission packages for the Littoral Combat Ship.
- Sec. 242. Study on electronic warfare capabilities of the Marine Corps.
- Sec. 243. Conditional requirement for report on amphibious assault vehicles for the Marine Corps.
- Sec. 244. Report on cyber and information technology research investments of the Air Force.
- Sec. 245. National Research Council review of defense science and technical graduate education needs.

## Subtitle E—Other Matters

- Sec. 251. Eligibility for Department of Defense laboratories to enter into educational partnerships with educational institutions in territories and possessions of the United States.
- Sec. 252. Regional advanced technology clusters.
- Sec. 253. Sense of Congress on increasing the cost-effectiveness of training exercises for members of the Armed Forces.

## TITLE III—OPERATION AND MAINTENANCE

- Subtitle A—Authorization of Appropriations
- Sec. 301. Operation and maintenance funding.

## Subtitle B—Energy and Environment

- Sec. 311. Training range sustainment plan and training range inventory.
- Sec. 312. Authority of Secretary of a military department to enter into cooperative agreements with Indian tribes for land management associated with military installations and State-owned National Guard installations.
- Sec. 313. Department of Defense guidance on environmental exposures at military installations and briefing regarding environmental exposures to members of the Armed Forces.
- Sec. 314. Report on status of targets in implementation plan for operational energy strategy.
- Sec. 315. Limitation on obligation of Department of Defense funds from Defense Production Act of 1950 for biofuel refinery construction.
- Sec. 316. Sense of Congress on protection of Department of Defense airfields, training airspace, and air training routes.

## Subtitle C—Logistics and Sustainment

- Sec. 321. Expansion and reauthorization of multi-trades demonstration project.
- Sec. 322. Restoration and amendment of certain provisions relating to depot-level maintenance and core logistics capabilities.
- Sec. 323. Rating chains for system program managers.

## Subtitle D—Readiness

- Sec. 331. Intergovernmental support agreements with State and local governments.
- Sec. 332. Expansion and reauthorization of pilot program for availability of working-capital funds for product improvements.

- Sec. 333. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.

## Subtitle E—Reports

- Sec. 341. Annual report on Department of Defense long-term corrosion strategy.
- Sec. 342. Report on joint strategy for readiness and training in a C4ISR-denied environment.
- Sec. 343. Comptroller General review of annual Department of Defense report on prepositioned materiel and equipment.
- Sec. 344. Modification of report on maintenance and repair of vessels in foreign shipyards.
- Sec. 345. Extension of deadline for Comptroller General report on Department of Defense service contract inventory.

## Subtitle F—Limitations and Extension of Authority

- Sec. 351. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.
- Sec. 352. Aerospace control alert mission.
- Sec. 353. Limitation on authorization of appropriations for the National Museum of the United States Army.
- Sec. 354. Limitation on availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships.
- Sec. 355. Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law.

## Subtitle G—National Commission on the Structure of the Air Force

- Sec. 361. Short title.
- Sec. 362. Establishment of Commission.
- Sec. 363. Duties of the Commission.
- Sec. 364. Powers of the Commission.
- Sec. 365. Commission personnel matters.
- Sec. 366. Termination of the Commission.
- Sec. 367. Funding.

## Subtitle H—Other Matters

- Sec. 371. Military working dog matters.
- Sec. 372. Comptroller General review of handling, labeling, and packaging procedures for hazardous material shipments.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent active duty end strength minimum levels.
- Sec. 403. Annual limitation on end strength reductions for regular component of the Army and Marine Corps.
- Sec. 404. Additional Marine Corps personnel for the Marine Corps Security Guard Program.

### Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations  
Sec. 421. Military personnel.

**TITLE V—MILITARY PERSONNEL POLICY**  
Subtitle A—Officer Personnel Policy  
Generally

- Sec. 501. Limitation on number of Navy flag officers on active duty.
- Sec. 502. Reinstatement of authority for enhanced selective early retirement boards and early discharges.
- Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 504. Exception to required retirement after 30 years of service for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
- Sec. 505. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.
- Sec. 506. Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy.
- Sec. 507. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.

Sec. 508. Air Force Chief of Chaplains.  
Subtitle B—Reserve Component  
Management

- Sec. 511. Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters.
- Sec. 512. Automatic Federal recognition of promotion of certain National Guard warrant officers.
- Sec. 513. Availability of Transition Assistance Advisors to assist members of reserve components who serve on active duty for more than 180 consecutive days.

Subtitle C—General Service Authorities

- Sec. 518. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.
- Sec. 519. Diversity in the Armed Forces and related reporting requirements.
- Sec. 520. Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
- Sec. 521. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.
- Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
- Sec. 523. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.
- Sec. 524. Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers.

Sec. 525. Reports on involuntary separation of members of the Armed Forces.

Sec. 526. Report on feasibility of developing gender-neutral occupational standards for military occupational specialties currently closed to women.

Sec. 527. Report on education and training and promotion rates for pilots of remotely piloted aircraft.

Sec. 528. Impact of numbers of members within the Integrated Disability Evaluation System on readiness of Armed Forces to meet mission requirements.

Subtitle D—Military Justice and Legal  
Matters

Sec. 531. Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps.

Sec. 532. Additional information in reports on annual surveys of the Committee on the Uniform Code of Military Justice.

Sec. 533. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.

Sec. 534. Reports on hazing in the Armed Forces.

Subtitle E—Member Education and Training  
Opportunities and Administration

Sec. 541. Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and enhancements to the Program.

Sec. 542. Support of Naval Academy athletic and physical fitness programs.

Sec. 543. Expansion of Department of Defense pilot program on receipt of civilian credentialing for military occupational specialty skills.

Sec. 544. State consideration of military training in granting certain State certifications and licenses as a condition on the receipt of funds for veterans employment and training.

Sec. 545. Department of Defense review of access to military installations by representatives of institutions of higher education.

Sec. 546. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.

Sec. 547. Comptroller General of the United States reports on joint professional military education matters.

Subtitle F—Reserve Officers' Training Corps  
and Related Matters

Sec. 551. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program.

Sec. 552. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior Reserve Officers' Training Corps.

Sec. 553. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps.

Sec. 554. Comptroller General report on Reserve Officers' Training Corps programs.

Subtitle G—Defense Dependents' Education  
and Military Family Readiness

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 562. Impact aid for children with severe disabilities.

Sec. 563. Amendments to the Impact Aid program.

Sec. 564. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense committed by an individual while a member of the Armed Forces.

Sec. 565. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.

Sec. 566. Noncompetitive appointment authority regarding certain military spouses.

Sec. 567. Report on future of family support programs of the Department of Defense.

Sec. 568. Sense of Congress regarding support for Yellow Ribbon Day.

Subtitle H—Improved Sexual Assault  
Prevention and Response in the Armed Forces

Sec. 570. Armed Forces Workplace and Gender Relations Surveys.

Sec. 571. Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty.

Sec. 572. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.

Sec. 573. Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses.

Sec. 574. Enhancement to training and education for sexual assault prevention and response.

Sec. 575. Modification of annual Department of Defense reporting requirements regarding sexual assaults.

Sec. 576. Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases.

Sec. 577. Retention of certain forms in connection with Restricted Reports on sexual assault at request of the member of the Armed Forces making the report.

Sec. 578. General or flag officer review of and concurrence in separation of members of the Armed Forces making an Unrestricted Report of sexual assault.

Sec. 579. Department of Defense policy and plan for prevention and response to sexual harassment in the Armed Forces.

Subtitle I—Suicide Prevention and Resilience

- Sec. 580. Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs.
- Sec. 581. Reserve component suicide prevention and resilience program.
- Sec. 582. Comprehensive policy on prevention of suicide among members of the Armed Forces.
- Sec. 583. Study of resilience programs for members of the Army.

Subtitle J—Other Matters

- Sec. 584. Issuance of prisoner-of-war medal.
- Sec. 585. Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment.
- Sec. 586. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.
- Sec. 587. Acceptance of gifts and services related to educational activities and voluntary services to account for missing persons.
- Sec. 588. Display of State, District of Columbia, commonwealth, and territorial flags by the Armed Forces.
- Sec. 589. Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs.
- Sec. 590. Extension of authorities to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.
- Sec. 591. Inspection of military cemeteries under the jurisdiction of Department of Defense.
- Sec. 592. Report on results of investigations and reviews conducted with respect to Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base.
- Sec. 593. Preservation of editorial independence of Stars and Stripes.
- Sec. 594. National public awareness and participation campaign for Veterans' History Project of American Folklife Center.
- Sec. 595. Report on accuracy of data in the Defense Enrollment Eligibility Reporting System.
- Sec. 596. Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2013 increase in military basic pay.
- Sec. 602. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
- Sec. 603. Basic allowance for housing for two-member couples when one member is on sea duty.
- Sec. 604. Rates of basic allowance for housing for members performing active Guard and Reserve duty.

- Sec. 605. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve.
- Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.
- Sec. 622. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

- Sec. 631. Extension of authority to provide two years of commissary and exchange benefits after separation.
- Sec. 632. Transitional use of military family housing.

Subtitle E—Disability, Retired Pay, and Survivor Benefits

- Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.
- Sec. 642. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.
- Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

Subtitle F—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations

- Sec. 651. Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas.

- Sec. 652. Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House.

Subtitle G—Military Lending

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Sec. 2102. Family housing.

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Sec. 2104. Modification of authority to carry out certain fiscal year 2010 project.

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Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

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- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
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- Subtitle B—Real Property and Facilities Administration**
- Sec. 2811. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.
- Sec. 2812. Identification requirements for access to military installations.
- Sec. 2813. Report on property disposals at certain closed military installations and additional authorities to assist local communities in the vicinity of such installations.
- Sec. 2814. Report on reorganization of Air Force Materiel Command organizations.
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- Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.
- Sec. 2822. Availability and use of Department of Defense energy cost savings to promote energy security.
- Sec. 2823. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification.
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- Subtitle E—Land Conveyances**
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- Sec. 2853. Additional exemptions from certain requirements applicable to funding for data servers and centers.
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- Sec. 2856. Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California.
- Sec. 2857. Oversight and maintenance of closed base cemeteries overseas containing the remains of members of the Armed Forces or citizens of the United States.
- Sec. 2858. Report on establishment of joint Armed Forces historical storage and preservation facility.
- Sec. 2859. Establishment of commemorative work to Gold Star Mothers.
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- Sec. 3113. National Nuclear Security Administration Council.
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- Sec. 3115. Design and use of prototypes of nuclear weapons.
- Sec. 3116. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.
- Sec. 3117. Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees.
- Sec. 3118. Modification and extension of authority on acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3119. Limitation on availability of funds for Center of Excellence on Nuclear Security.
- Sec. 3120. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.
- Sec. 3121. Cost-benefit analyses for competition of management and operating contracts.
- Sec. 3122. Program on scientific engagement for nonproliferation.
- Sec. 3123. Cost containment for Uranium Capabilities Replacement Project.
- Subtitle C—Improvements to National Security Energy Laws**
- Sec. 3131. Improvements to the Atomic Energy Defense Act.
- Sec. 3132. Improvements to the National Nuclear Security Administration Act.
- Sec. 3133. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.

Sec. 3134. Repeal of certain reporting requirements.

Subtitle D—Reports

Sec. 3141. Reports on lifetime extension programs.

Sec. 3142. Notification of nuclear criticality and non-nuclear incidents.

Sec. 3143. Quarterly reports to Congress on financial balances for atomic energy defense activities.

Sec. 3144. National Academy of Sciences study on peer review and design competition related to nuclear weapons.

Sec. 3145. Report on defense nuclear non-proliferation programs.

Sec. 3146. Study on reuse of plutonium pits.

Sec. 3147. Assessment of nuclear weapon pit production requirement.

Sec. 3148. Study on a multiagency governance model for national security laboratories.

Sec. 3149. Report on efficiencies in facilities and functions of the National Nuclear Security Administration.

Sec. 3150. Study on regional radiological security zones.

Sec. 3151. Report on abandoned uranium mines.

Subtitle E—Other Matters

Sec. 3161. Use of probabilistic risk assessment to ensure nuclear safety.

Sec. 3162. Submittal to Congress of selected acquisition reports and independent cost estimates on life extension programs and new nuclear facilities.

Sec. 3163. Classification of certain restricted data.

Sec. 3164. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.

Sec. 3165. Pilot program on technology commercialization.

Sec. 3166. Congressional advisory panel on the governance of the nuclear security enterprise.

Subtitle F—American Medical Isotopes Production

Sec. 3171. Short title.

Sec. 3172. Definitions.

Sec. 3173. Improving the reliability of domestic medical isotope supply.

Sec. 3174. Exports.

Sec. 3175. Report on disposition of exports.

Sec. 3176. Domestic medical isotope production.

Sec. 3177. Annual Department reports.

Sec. 3178. National Academy of Sciences report.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.

Sec. 3502. Application of the Federal Acquisition Regulation.

Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.

Sec. 3504. Donation of excess fuel to maritime academies.

Sec. 3505. Clarification of heading.

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Sec. 3507. Amendments relating to the National Defense Reserve Fleet.

Sec. 3508. Extension of Maritime Security Fleet program.

Sec. 3509. Container-on-barge transportation.

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Sec. 3511. Maritime environmental and technical assistance.

Sec. 3512. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.

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Sec. 3515. Requirement for barge design.

Sec. 3516. Eligibility to receive surplus training equipment.

Sec. 3517. Coordination with other laws.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

Sec. 4602. Military construction for overseas contingency operations.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy National Security programs.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army CH-47 helicopters.

Sec. 112. Reports on airlift requirements of the Army.

Subtitle C—Navy Programs

Sec. 121. Extension of Ford class aircraft carrier construction authority.

Sec. 122. Multiyear procurement authority for Virginia class submarine program.

Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.

Sec. 124. Limitation on availability of amounts for second Ford class aircraft carrier.

Sec. 125. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.

Sec. 126. Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program.

Sec. 127. Report on Littoral Combat Ship designs.

Sec. 128. Comptroller General review of Littoral Combat Ship program.

Sec. 129. Sense of Congress on importance of engineering in early stages of shipbuilding.

Sec. 130. Sense of Congress on nuclear-powered ballistic submarines.

Sec. 131. Sense of Congress on Marine Corps amphibious lift and presence requirements.

Sec. 132. Sense of the Senate on Department of the Navy fiscal year 2014 budget request for tactical aviation aircraft.

Subtitle D—Air Force Programs

Sec. 141. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.

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Subtitle E—Joint and Multiservice Matters

Sec. 151. Multiyear procurement authority for V-22 joint aircraft program.

Sec. 152. Procurement of space-based infrared systems satellites.

Sec. 153. Limitation on availability of funds for evolved expendable launch vehicle program.

Sec. 154. Limitation on availability of funds for retirement of RQ-4 Global Hawk unmanned aircraft systems.

Sec. 155. Requirement to set F-35 aircraft initial operational capability dates.

Sec. 156. Shallow Water Combat Submersible program.

Sec. 157. Requirement that tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicles use specified standard data link.

Sec. 158. Study on small arms and small-caliber ammunition capabilities.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH-47 HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of airframes for CH-47F helicopters.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

#### **SEC. 112. REPORTS ON AIRLIFT REQUIREMENTS OF THE ARMY.**

##### **(a) REPORTS.**—

(1) **INITIAL REPORT.**—Not later than March 31, 2013, the Secretary of the Army shall submit to the congressional defense committees a report described in paragraph (3).

(2) **ANNUAL REPORTS.**—Not later than October 31, 2013, and each year thereafter through 2017, the Secretary shall submit to the congressional defense committees a report described in paragraph (3).

(3) **REPORT DESCRIBED.**—A report described in this paragraph is a report on the time-sensitive or mission-critical airlift requirements of the Army.

(b) **MATTERS INCLUDED.**—The reports submitted under subsection (a) shall include, with respect to the fiscal year before the fiscal year in which the report is submitted, the following information:

(1) The total number of time-sensitive or mission-critical airlift movements required for training, steady-state, and contingency operations.

(2) The total number of time-sensitive or mission-critical airlift sorties executed for training, steady-state, and contingency operations.

(3) Of the total number of sorties listed under paragraph (2), the number of such sorties that were operated using each of—

- (A) aircraft of the Army;
- (B) aircraft of the Air Force;
- (C) aircraft of contractors; and

(D) aircraft of other organizations not described in subparagraph (A), (B), or (C).

(4) For each sortie described under subparagraph (A), (C), or (D) of paragraph (3), an explanation for why the Secretary did not use aircraft of the Air Force to support the mission.

#### **Subtitle C—Navy Programs**

#### **SEC. 121. EXTENSION OF FORD CLASS AIRCRAFT CARRIER CONSTRUCTION AUTHORITY.**

Section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104), as amended by section 124 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1320), is amended by striking “four fiscal years” and inserting “five fiscal years”.

#### **SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2014 program year, for the procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarine program.

(b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and equipment for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obliga-

tion of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) **LIMITATION ON TERMINATION LIABILITY.**—A contract for the construction of vessels or equipment entered into in accordance with subsection (a) shall include a clause that limits the liability of the United States to the contractor for any termination of the contract. The maximum liability of the United States under the clause shall be the amount appropriated for the vessels or equipment covered by the contract. Additionally, in the event of cancellation, the maximum liability of the United States shall include the amount of the unfunded cancellation ceiling in the contract.

(e) **AUTHORITY TO EXPAND MULTIYEAR PROCUREMENT.**—The Secretary may employ incremental funding for the procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary—

(1) determines that such an approach will permit the Navy to procure an additional Virginia class submarine in fiscal year 2014; and

(2) intends to use the funding for that purpose.

#### **SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to 10 Arleigh Burke class Flight IIA guided missile destroyers, as well as the Aegis weapon systems, MK 41 vertical launching systems, and commercial broadband satellite systems associated with such vessels.

(b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

#### **SEC. 124. LIMITATION ON AVAILABILITY OF AMOUNTS FOR SECOND FORD CLASS AIRCRAFT CARRIER.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2013 for shipbuilding and conversion for the second Ford class aircraft carrier, not more than 50 percent may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees a report setting forth a description of the program management and cost control measures that will be employed in constructing the second Ford class aircraft carrier.

(b) **ELEMENTS.**—The report described in subsection (a) shall include a plan with respect to the Ford class aircraft carriers to—

(1) maximize planned work in shops and early stages of construction;

(2) sequence construction of structural units to maximize the effects of lessons learned;

(3) incorporate design changes to improve producibility for the Ford class aircraft carriers;

(4) increase the size of erection units to eliminate disruptive unit breaks and improve unit alignment and fairness;

(5) increase outfitting levels for assembled units before erection in the dry dock;

(6) increase overall ship completion levels at each key construction event;

(7) improve facilities in a manner that will lead to improved productivity; and

(8) ensure the shipbuilder initiates plans that will improve productivity through capital improvements that would provide targeted return on investment, including—

(A) increasing the amount of temporary and permanent covered work areas;

(B) adding ramps and service towers for improved access to work sites and the dry dock; and

(C) increasing lift capacity to enable construction of larger, more fully outfitted super-lifts.

#### **SEC. 125. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.**

(a) **AMOUNT AUTHORIZED FROM SCN ACCOUNT.**—Of the funds authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion as specified in the funding table in section 4101, \$1,517,292,000 is authorized to be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN-72) during fiscal year 2013. The amount authorized to be made available in the preceding sentence is the first increment in the two-year sequence of incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) **CONTRACT AUTHORITY.**—The Secretary of the Navy may enter into a contract during fiscal year 2013 for the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

#### **SEC. 126. DESIGNATION OF MISSION MODULES OF THE LITTORAL COMBAT SHIP AS A MAJOR DEFENSE ACQUISITION PROGRAM.**

(a) **DESIGNATION REQUIRED.**—The Secretary of Defense shall—

(1) designate the effort to develop and produce all variants of the mission modules in support of the Littoral Combat Ship program as a major defense acquisition program under section 2430 of title 10, United States Code; and

(2) with respect to the development and production of each such variant, submit to the congressional defense committees a report setting forth such cost, schedule, and performance information as would be provided if such effort were a major defense acquisition program, including Selected Acquisition Reports, unit cost reports, and program baselines.

(b) **ADDITIONAL QUARTERLY REPORTS.**—The Secretary shall submit to the congressional defense committees on a quarterly basis a report on the development and production of each variant of the mission modules in support of the Littoral Combat Ship, including cost, schedule, and performance, and identifying actual and potential problems with such development or production and potential mitigation plans to address such problems.

**SEC. 127. REPORT ON LITTORAL COMBAT SHIP DESIGNS.**

Not later than December 31, 2013, the Secretary of the Navy shall submit to the congressional defense committees a report on the designs of the Littoral Combat Ship, including comparative cost and performance information for both designs of such ship.

**SEC. 128. COMPTROLLER GENERAL REVIEW OF LITTORAL COMBAT SHIP PROGRAM.**

(a) **ACCEPTANCE OF LCS-1 AND LCS-2.**—The Comptroller General of the United States shall conduct a review of the compliance of the Secretary of the Navy with subpart 246.5 of title 48 of the Code of Federal Regulations and subpart 46.5 of the Federal Acquisition Regulation in accepting the LCS-1 and LCS-2 Littoral Combat Ships.

(b) **OPERATIONAL SUPPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the operational support and sustainment strategy for the Littoral Combat Ship program, including manning, training, maintenance, and logistics support.

(c) **COOPERATION.**—For purposes of conducting the review under subsection (a) and the report under subsection (b), the Secretary of Defense shall ensure that the Comptroller General has access to—

(1) all relevant records of the Department; and

(2) all relevant communications between Department officials, whether such communications occurred inside or outside the Federal Government.

**SEC. 129. SENSE OF CONGRESS ON IMPORTANCE OF ENGINEERING IN EARLY STAGES OF SHIPBUILDING.**

It is the sense of Congress that—

(1) placing a priority on engineering dollars in the early stages of shipbuilding programs is a vital component of keeping cost down; and

(2) therefore, the Secretary of the Navy should take appropriate steps to prioritize early engineering in large ship construction including amphibious class ships beginning with the LHA-8.

**SEC. 130. SENSE OF CONGRESS ON NUCLEAR-POWERED BALLISTIC SUBMARINES.**

It is the sense of Congress that—

(1) the continuous at-sea deterrence provided by a robust and modern fleet of nuclear-powered ballistic missile submarines is critical to maintaining nuclear deterrence and assurance and therefore is a central pillar of the national security of the United States;

(2) the Navy should—

(A) carry out a program to replace the Ohio class ballistic missile submarines;

(B) ensure that the first such replacement submarine is delivered and fully operational by not later than 2031 in order to maintain continuous at-sea deterrence; and

(C) develop a risk mitigation plan to ensure that robust continuous at-sea deterrence is provided during the transition from Ohio class ballistic missile submarines to the replacement submarines; and

(3) a minimum of 12 replacement ballistic missile submarines are necessary to provide continuous at-sea deterrence over the lifetime of such submarines and, therefore, the Navy should carry out a program to produce 12 such submarines.

**SEC. 131. SENSE OF CONGRESS ON MARINE CORPS AMPHIBIOUS LIFT AND PRESENCE REQUIREMENTS.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Marine Corps is a combat force that leverages maneuver from the sea as a force

multiplier allowing for a variety of operational tasks ranging from major combat operations to humanitarian assistance.

(2) The Marine Corps is unique in that, while embarked upon naval vessels, they bring all the logistic support necessary for the full range of military operations and, operating “from the sea”, they require no third-party host nation permission to conduct military operations.

(3) The Navy has a requirement for 38 amphibious assault ships to meet this full range of military operations.

(4) Due only to fiscal constraints, that requirement of 38 vessels was reduced to 33 vessels, which adds military risk to future operations.

(5) The Navy has been unable to meet even the minimal requirement of 30 operationally available vessels and has submitted a shipbuilding and ship retirement plan to Congress that will reduce the force to 28 vessels.

(6) Experience has shown that early engineering and design of naval vessels has significantly reduced the acquisition costs and life-cycle costs of those vessels.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Department of Defense should carefully evaluate the maritime force structure necessary to execute demand for forces by the commanders of the combatant commands;

(2) the Navy should carefully evaluate amphibious lift capabilities to meet current and projected requirements;

(3) the Navy should consider prioritization of investment in and procurement of the next generation of amphibious assault ships as a component of the balanced battle force;

(4) the next generation amphibious assault ships should maintain survivability protection;

(5) operation and maintenance requirements analysis, as well as the potential to leverage a common hull form design, should be considered to reduce total ownership cost and acquisition cost; and

(6) maintaining a robust amphibious ship building industrial base is vital for the future of the national security of the United States.

**SEC. 132. SENSE OF THE SENATE ON DEPARTMENT OF THE NAVY FISCAL YEAR 2014 BUDGET REQUEST FOR TACTICAL AVIATION AIRCRAFT.**

It is the sense of the Senate that, if the budget request of the Department of the Navy for fiscal year 2014 for F-18 aircraft includes a request for funds for more than 13 new F-18 aircraft, the budget request of the Department of the Navy for fiscal year 2014 for F-35 aircraft should include a request for funds for not fewer than six F-35B aircraft and four F-35C aircraft, presuming that development, testing, and production of the F-35 aircraft are proceeding according to current plans.

**Subtitle D—Air Force Programs****SEC. 141. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED TO BE MAINTAINED IN STRATEGIC AIRLIFT AIRCRAFT INVENTORY.**

(a) **REDUCTION IN INVENTORY REQUIREMENT.**—Section 8062(g)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: “Effective on the date that is 45 days after the date on which the report under section 141(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 is submitted to the congressional defense committees, the Secretary shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 275 aircraft.”.

(b) **MODIFICATION OF CERTIFICATION REQUIREMENT.**—Section 137(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2221) is amended by striking “316 strategic airlift aircraft” and inserting “275 strategic airlift aircraft”.

(c) **MOBILITY REQUIREMENTS AND CAPABILITIES STUDY 2018.**—

(1) **IN GENERAL.**—The Director of Cost Assessment and Program Evaluation and the Chairman of the Joint Chiefs of Staff, in coordination with the Commander of the United States Transportation Command and the Secretaries of the military departments, shall jointly conduct a study that assesses the end-to-end, full-spectrum mobility requirements for all aspects of the National Military Strategy derived from the National Defense Strategy that is a result of the 2012 Defense Strategic Guidance published by the President in February 2012 and other planning documents of the Department of Defense.

(2) **MATTERS INCLUDED.**—The study under paragraph (1) shall include the following:

(A) A definition of what combinations of air mobility, sealift, surface movements, prepositioning, forward stationing, seabasing, engineering, and infrastructure requirements and capabilities provide low, moderate, significant and high levels of operational risk to meet the National Military Strategy.

(B) A description and analysis of the assumptions made by the Commander of the United States Transportation Command with respect to aircraft usage rates, aircraft mission availability rates, aircraft mission capability rates, aircrew ratios, aircrew production, and aircrew readiness rates.

(C) An analysis of different combinations of air mobility, sealift, surface movements, prepositioning, forward stationing, seabasing, engineering, and infrastructure requirements and capabilities required to support theater and tactical deployment and distribution, including—

(i) the identification, quantification, and description of the associated operational risk (as defined by the Military Risk Matrix in the Chairman of the Joint Chiefs of Staff Instruction 3401.01E) for each excursion as it relates to the combatant commander achieving strategic and operational objectives; and

(ii) any assumptions made with respect to the availability of commercial airlift and sealift capabilities and resources when applicable.

(D) A consideration of metrics developed during the most recent operational availability assessment and joint forcible entry operations assessment.

(E) An assessment of requirements and capabilities for major combat operations, lesser contingency operations as specified in the Baseline Security Posture of the Department of Defense, homeland defense, defense support to civilian authorities, other strategic missions related to national missions, global strike, the strategic nuclear mission, and direct support and time-sensitive airlift missions of the military departments.

(F) An examination, including a discussion of the sensitivity of any related conclusions and assumptions, of the variations regarding alternative modes (land, air, and sea) and sources (military, civilian, and foreign) of strategic and theater lift, and variations in forward basing, seabasing, prepositioning (afloat and ashore), air-refueling capability, advanced logistics concepts, and destination theater austerity, based on the new global footprint and global presence initiatives.



(G) An identification of mobility capability gaps, shortfalls, overlaps, or excesses, including—

(i) an assessment of associated risks with respect to the ability to conduct operations; and

(ii) recommended mitigation strategies where possible.

(H) An identification of mobility capability alternatives that mitigate the potential impacts on the logistic system, including—

(i) a consideration of traditional, non-traditional, irregular, catastrophic, and disruptive challenges; and

(ii) a description of how derived mobility requirements and capabilities support the accepted balance of risk in addressing all five categories of such challenges.

(I) The articulation of all key assumptions made in conducting the study with respect to—

(i) risk;

(ii) programmed forces and infrastructure;

(iii) readiness, manning, and spares;

(iv) scenario guidance from defense planning scenarios and multi-service force deployments;

(v) concurrency of major operations;

(vi) integrated global presence and basing strategy;

(vii) host nation or third-country support;

(viii) use of weapons of mass destruction by an enemy; and

(ix) aircraft being used for training or undergoing depot maintenance or modernization.

(J) A description of the logistics concept of operations and assumptions, including any support concepts, methods, combat support forces, and combat service support forces that are required to enable the projection and enduring support to forces both deployed and in combat for each analytic scenario.

(K) An assessment, and incorporation as necessary, of the findings, conclusions, capability gaps, and shortfalls derived from the study under section 112(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1318).

(3) **SUBMISSION.**—The Director of Cost Assessment and Program Evaluation and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report containing the study under paragraph (1).

(4) **FORM.**—The report required by paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

(d) **PRESERVATION OF CERTAIN RETIRED C-5 AIRCRAFT.**—The Secretary of the Air Force shall preserve each C-5 aircraft that is retired by the Secretary during a period in which the total inventory of strategic airlift aircraft of the Secretary is less than 301, such that the retired aircraft—

(1) is stored in flyable condition;

(2) can be returned to service; and

(3) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.

(e) **DEFINITIONS.**—In this section:

(1) The term “mobility” means the—

(A) deployment, sustainment, and redeployment of the personnel and equipment needed to execute the National Defense Strategy to air and seaports of embarkation, intertheater deployment to air and seaports of debarkation, and intratheater deployment to tactical assembly areas; and

(B) the employment of aerial refueling assets and intratheater movement and infrastructure in support of deployment and sustainment of combat forces.

(2) The term “National Military Strategy” means the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under section 153 of title 10, United States Code.

#### **SEC. 142. RETIREMENT OF B-1 BOMBER AIRCRAFT.**

(a) **IN GENERAL.**—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) Beginning October 1, 2011, the Secretary of the Air Force may not retire more than six B-1 aircraft.

“(2) The Secretary shall maintain in a common capability configuration not less than 36 B-1 aircraft as combat-coded aircraft.

“(3) In this subsection, the term ‘combat-coded aircraft’ means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.”.

(b) **CONFORMING AMENDMENT.**—Section 132 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1320) is amended by striking subsection (c).

#### **SEC. 143. AVIONICS SYSTEMS FOR C-130 AIRCRAFT.**

(a) **LIMITATIONS.**—

(1) **AVIONICS MODERNIZATION PROGRAM.**—The Secretary of the Air Force may not take any action to cancel or modify the avionics modernization program for C-130 aircraft until a period of 90 days has elapsed after the date on which the Secretary submits to the congressional defense committees the cost-benefit analysis conducted under subsection (b)(1).

(2) **CNS/ATM PROGRAM.**—

(A) **IN GENERAL.**—The Secretary may not take any action described in subparagraph (B) until a period of 90 days has elapsed after the date on which the Secretary submits to the congressional defense committees the cost-benefit analysis conducted under subsection (b)(1).

(B) **COVERED ACTIONS.**—An action described in this subparagraph is an action to begin an alternative communication, navigation, surveillance, and air traffic management program for C-130 aircraft that is designed or intended—

(i) to meet international communication, navigation, surveillance, and air traffic management standards for the fleet of C-130 aircraft; or

(ii) to replace the current avionics modernization program for the C-130 aircraft.

(b) **COST-BENEFIT ANALYSIS.**—

(1) **FFRDC.**—The Secretary shall seek to enter into an agreement with the Institute for Defense Analyses to conduct an independent cost-benefit analysis that compares the following alternatives:

(A) Upgrading and modernizing the legacy C-130 airlift fleet using the C-130 avionics modernization program.

(B) Upgrading and modernizing the legacy C-130 airlift fleet using a reduced scope program for avionics and mission planning systems.

(2) **MATTERS INCLUDED.**—The cost-benefit analysis conducted under paragraph (1) shall take into account—

(A) the effect of life-cycle costs for—

(i) adopting each of the alternatives described in subparagraphs (A) and (B) of paragraph (1); and

(ii) supporting C-130 aircraft that are not upgraded or modernized; and

(B) the costs associated with the potential upgrades to avionics and mission systems that may be required for legacy C-130 air-

craft to remain relevant and mission effective in the future.

#### **SEC. 144. TREATMENT OF CERTAIN PROGRAMS FOR THE F-22A RAPTOR AIRCRAFT AS MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F-22A Raptor aircraft as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) **COVERED PROGRAMS.**—The programs referred to in this subsection for the F-22A Raptor aircraft are the modernization Increment 3.2B and any future F-22A Raptor aircraft modernization program that would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

(c) **OTHER REPORTS.**—Not later than March 1 of each year, the Secretary of the Air Force shall submit to the congressional defense committees a report on the costs, schedules, and performances of the reliability and maintainability maturation program and the structural repair program of the F-22A Raptor modernization program, including a comparison of such costs, schedules, and performances to an appropriate baseline.

#### **Subtitle E—Joint and Multiservice Matters**

#### **SEC. 151. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22 JOINT AIRCRAFT PROGRAM.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of V-22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.

(b) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

#### **SEC. 152. PROCUREMENT OF SPACE-BASED INFRARED SYSTEMS SATELLITES.**

(a) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of the Air Force may procure two space-based infrared systems satellites by entering into a fixed-price contract. Such procurement may also include—

(A) material and equipment in economic order quantities when cost savings are achievable; and

(B) cost-reduction initiatives.

(2) **USE OF INCREMENTAL FUNDING.**—With respect to a contract entered into under paragraph (1) for the procurement of space-based infrared systems satellites, the Secretary may use incremental funding for a period not to exceed six fiscal years.

(3) **LIABILITY.**—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(b) **LIMITATION OF COSTS.**—

(1) **LIMITATION.**—Except as provided by subsection (c), and excluding amounts described

in paragraph (2), the total amount obligated or expended for the procurement of two space-based infrared systems satellites authorized by subsection (a) may not exceed \$3,900,000,000.

(2) **EXCLUSION.**—The amounts described in this paragraph are amounts associated with the following:

- (A) Plans.
- (B) Technical data packages.
- (C) Post delivery and program support costs.
- (D) Technical support for obsolescence studies.

(c) **WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.**—

(1) **WAIVER.**—In accordance with paragraph (2), the Secretary may waive the limitation in subsection (b)(1) if the Secretary submits to the congressional defense committees and the Permanent Select Committee on Intelligence of the House of Representatives written notification of the adjustment made to the amount set forth in such subsection.

(2) **ADJUSTMENT.**—Upon waiving the limitation under paragraph (1), the Secretary may adjust the amount set forth in subsection (b)(1) by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2012.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2012.

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into a space-based infrared system, as compared to the technology built into such a system procured prior to fiscal year 2013, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is—

(i) expected to decrease the life-cycle cost of the system; or

(ii) required to meet an emerging threat that poses grave harm to national security.

(d) **REPORT.**—Not later than 30 days after the date on which the Secretary awards a contract under subsection (a), the Secretary shall submit to the congressional defense committees and the Permanent Select Committee on Intelligence of the House of Representatives a report on such contract, including the following:

(1) The total cost savings resulting from the authority provided by subsection (a).

(2) The type and duration of the contract awarded.

(3) The total contract value.

(4) The funding profile by year.

(5) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(6) A plan for using cost savings described in paragraph (1) to improve the capability of overhead persistent infrared, including a description of—

(A) the available funds, by year, resulting from such cost savings;

(B) the specific activities or subprograms to be funded by such cost savings and the funds, by year, allocated to each such activity or subprogram;

(C) the objectives for each such activity or subprogram and the criteria used by the Secretary to determine which such activity or subprogram to fund;

(D) the method in which such activities or subprograms will be awarded, including whether it will be on a competitive basis; and

(E) the process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

(e) **USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBERS 5 AND 6.**—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2013 by section 101 for procurement, Air Force, as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system satellite space vehicle numbers 5 and 6.

(f) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two space-based infrared system satellites unless the Secretary determines that entering into such a contract will save the Air Force substantial savings, as required under section 2306b of title 10, United States Code, over the cost of procuring two such satellites separately.

#### **SEC. 153. LIMITATION ON AVAILABILITY OF FUNDS FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force for the evolved expendable launch vehicle program, 10 percent may not be obligated or expended until the date on which the Secretary of the Air Force submits to the appropriate congressional committees—

(1) a report describing the acquisition strategy for such program; and

(2) written certification that such strategy—

(A) maintains assured access to space;

(B) achieves substantial cost savings; and

(C) provides opportunities for competition.

(b) **MATTERS INCLUDED.**—The report under subsection (a)(1) shall include the following information:

(1) The anticipated savings to be realized under the acquisition strategy for the evolved expendable launch vehicle program.

(2) The number of launch vehicle booster cores covered by the planned contract for such program.

(3) The number of years covered by such contract.

(4) An assessment of when new entrants that have submitted a statement of intent will be certified to compete for evolved expendable launch vehicle-class launches.

(5) The projected launch manifest, including possible opportunities for certified new entrants to compete for evolved expendable launch vehicle-class launches.

(6) Any other relevant analysis used to inform the acquisition strategy for such program.

(c) **COMPTROLLER GENERAL.**—

(1) **REVIEW.**—The Comptroller General of the United States shall review the report under subsection (a)(1).

(2) **SUBMITTAL.**—Not later than 30 days after the date on which the report under subsection (a)(1) is submitted to the appropriate congressional committees, the Comptroller General shall—

(A) submit to such committees a report on the review under paragraph (1); or

(B) provide to such committees a briefing on such review.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives

and the Select Committee on Intelligence of the Senate.

#### **SEC. 154. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF RQ-4 GLOBAL HAWK UNMANNED AIRCRAFT SYSTEMS.**

(a) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, or place in storage an RQ-4 Block 30 Global Hawk unmanned aircraft system.

(b) **MAINTAINED LEVELS.**—During the period preceding December 31, 2014, in supporting the operational requirements of the combatant commands, the Secretary of the Air Force shall maintain the operational capability of each RQ-4 Block 30 Global Hawk unmanned aircraft system belonging to the Air Force or delivered to the Air Force during such period.

#### **SEC. 155. REQUIREMENT TO SET F-35 AIRCRAFT INITIAL OPERATIONAL CAPABILITY DATES.**

(a) **F-35A.**—Not later than June 1, 2013, the Secretary of the Air Force shall—

(1) establish the initial operational capability date for the F-35A aircraft; and

(2) submit to the congressional defense committees a report on the details of such initial operational capability.

(b) **F-35B AND F-35C.**—Not later than June 1, 2013, the Secretary of the Navy shall—

(1) establish the initial operational capability dates for the F-35B and F-35C aircraft; and

(2) submit to the congressional defense committees a report on the details of such initial operational capabilities for both variants.

#### **SEC. 156. SHALLOW WATER COMBAT SUBMERSIBLE PROGRAM.**

(a) **INITIAL REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Commander of the United States Special Operations Command, shall submit to the congressional defense committees a report setting forth the following:

(1) A description of all efforts under the Shallow Water Combat Submersible program and the United States Special Operations Command to improve the accuracy of the tracking of the schedule and costs of the program.

(2) The revised timeline for the initial and full operational capability of the Shallow Water Combat Submersible, including details outlining and justifying the revised baseline to the program.

(3) Current cost estimates to meet the basis of issue requirement under the program.

(4) An assessment of existing program risk through the completion of operational testing.

(b) **SUBSEQUENT REPORTS.**—

(1) **QUARTERLY REPORTS REQUIRED.**—The Assistant Secretary, in coordination with the Commander of the United States Special Operations Command, shall submit to the congressional defense committees on a quarterly basis updates on the schedule and cost performance of the contractor of the Shallow Water Combat Submersible program, including metrics from the earned value management system.

(2) **SUNSET.**—The requirement in paragraph (1) shall cease on the date the Shallow Water Combat Submersible has completed operational testing and has been found to be

operationally effective and operationally suitable.

**SEC. 157. REQUIREMENT THAT TACTICAL MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT AND UNMANNED AERIAL VEHICLES USE SPECIFIED STANDARD DATA LINK.**

(a) **REQUIREMENT.**—The Secretary of Defense shall take such steps as necessary to ensure that (except as specified in subsection (c)) all covered aircraft of the Army, Navy, Marine Corps, and Air Force are equipped and configured so that—

(1) the data link used by those vehicles is the Department of Defense standard tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicle data link known as the Common Data Link or a data link that uses waveform capable of transmitting and receiving Internet Protocol communications; and

(2) with respect to unmanned aerial vehicles, such vehicles use data formats consistent with the architectural standard known as STANAG 4586 that was developed to facilitate multinational interoperability among NATO member nations.

(b) **SOLICITATIONS.**—The Secretary of Defense shall ensure that any solicitation issued for a Common Data Link described in subsection (a), regardless of whether the solicitation is issued by a military department or a contractor with respect to a sub-contract—

(1) conforms to a Department of Defense specification standard, including interfaces and waveforms, existing as of the date of the solicitation; and

(2) does not include any proprietary or undocumented waveforms or control interfaces or data interfaces as a requirement or criterion for evaluation.

(c) **WAIVER.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the applicability of this section to any covered aircraft if the Under Secretary determines, and certifies to the congressional defense committees, that—

(1) it would be technologically infeasible or economically unacceptable to apply this section to such aircraft; or

(2) such aircraft is under a special access program that is not considered a major defense acquisition program.

(d) **COVERED AIRCRAFT DEFINED.**—In this section, the term “covered aircraft” means—

(1) tactical manned intelligence, surveillance, and reconnaissance aircraft; and

(2) unmanned aerial vehicles.

(e) **CONFORMING REPEAL.**—Section 141 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3163) is repealed.

**SEC. 158. STUDY ON SMALL ARMS AND SMALL-CALIBER AMMUNITION CAPABILITIES.**

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct a study on the requirements analysis and determination processes and capabilities of the Department of Defense with respect to small arms and small-caliber ammunition that carries out each of the following:

(A) A comparative evaluation of the current military small arms in use by the Armed Forces, including general purpose and special operations forces, and select military equivalent commercial candidates not necessarily in use militarily but currently available.

(B) A comparative evaluation of the standard small-caliber ammunition of the Department with other small-caliber ammunition alternatives.

(C) An assessment of the current plans of the Department to modernize the small arms and small-caliber ammunition capabilities of the Department.

(D) An assessment of the requirements analysis and determination processes of the Department for small arms and small-caliber ammunition.

(2) **FACTORS TO CONSIDER.**—The study required under paragraph (1) shall take into consideration the following factors:

(A) Current and future operating environments, as specified or referred to in strategic guidance and planning documents of the Department.

(B) Capability gaps identified in small arms and small-caliber ammunition capabilities based assessments of the Department.

(C) Actions taken by the Secretary to address capability gaps identified in any such capabilities based assessments.

(D) Findings from studies of the Department of Defense Small Arms and Small-Caliber Ammunition defense support team and actions taken by the Secretary in response to such findings.

(E) Findings from the assessment required by section 143 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2304 note) and actions taken by the Secretary in response to such findings.

(F) Modifications and improvements recently applied to small arms and small-caliber ammunition of the Armed Forces, including general purpose and special operations forces, as well as the potential for continued modification and improvement.

(G) Impacts to the small arms production industrial base and small-caliber ammunition industrial base, if any, associated with changes from current U.S. or NATO standard caliber weapons or ammunition sizes.

(H) Total life cycle costs of each small arms system and small-caliber ammunition, including incremental increases in cost for industrial facilitization or small arms and ammunition procurement, if any, associated with changes described in subparagraph (G).

(I) Any other factor the federally funded research and development center considers appropriate.

(3) **ACCESS TO INFORMATION.**—The Secretary shall ensure that the federally funded research and development center conducting the study under paragraph (1) has access to all necessary data, records, analyses, personnel, and other resources necessary to complete the study.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than September 30, 2013, the Secretary shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a)(1), together with the comments of the Secretary on the findings contained in the study.

(2) **CLASSIFIED ANNEX.**—The report shall be in unclassified form, but may contain a classified annex.

(c) **SMALL ARMS DEFINED.**—In this section, the term “small arms” means weapons assigned to and operated by an individual member of the Armed Forces, including handguns, rifles and carbines (including sniper and designated marksman weapons), sub-machine guns, and light-machine guns.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Next-generation long-range strike bomber aircraft nuclear certification requirement.

Sec. 212. Extension of limitation on availability of funds for Unmanned Carrier-launched Surveillance and Strike system program.

Sec. 213. Limitation on availability of funds for milestone A activities for an Army medium range multi-purpose vertical takeoff and landing unmanned aircraft system.

Sec. 214. Use of funds for conventional prompt global strike program.

Sec. 215. Next Generation Foundry for the Defense Microelectronics Activity.

Sec. 216. Advanced rotorcraft initiative.

Subtitle C—Missile Defense Programs

Sec. 221. Prohibition on the use of funds for the MEADS program.

Sec. 222. Availability of funds for Iron Dome short-range rocket defense program.

Sec. 223. Authority for relocation of certain Aegis weapon system assets between and within the DDG–51 class destroyer and Aegis Ashore programs in order to meet mission requirements.

Sec. 224. Evaluation of alternatives for the precision tracking space system.

Sec. 225. Next generation Exo-atmospheric Kill Vehicle.

Sec. 226. Modernization of the Patriot air and missile defense system.

Sec. 227. Evaluation and environmental impact assessment of potential future missile defense sites in the United States.

Sec. 228. Homeland ballistic missile defense.

Sec. 229. Regional ballistic missile defense.

Sec. 230. NATO contributions to missile defense in Europe.

Sec. 231. Report on test plan for the ground-based midcourse defense system.

Sec. 232. Sense of Congress on missile defense.

Sec. 233. Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense.

Subtitle D—Reports

Sec. 241. Mission packages for the Littoral Combat Ship.

Sec. 242. Study on electronic warfare capabilities of the Marine Corps.

Sec. 243. Conditional requirement for report on amphibious assault vehicles for the Marine Corps.

Sec. 244. Report on cyber and information technology research investments of the Air Force.

Sec. 245. National Research Council review of defense science and technical graduate education needs.

Subtitle E—Other Matters

Sec. 251. Eligibility for Department of Defense laboratories to enter into educational partnerships with educational institutions in territories and possessions of the United States.

Sec. 252. Regional advanced technology clusters.

Sec. 253. Sense of Congress on increasing the cost-effectiveness of training exercises for members of the Armed Forces.

#### Subtitle A—Authorization of Appropriations

##### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

#### Subtitle B—Program Requirements, Restrictions, and Limitations

##### SEC. 211. NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT NUCLEAR CERTIFICATION REQUIREMENT.

The Secretary of the Air Force shall ensure that the next-generation long-range strike bomber is—

(1) capable of carrying strategic nuclear weapons as of the date on which such aircraft achieves initial operating capability; and

(2) certified to use such weapons by not later than two years after such date.

##### SEC. 212. EXTENSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR UNMANNED CARRIER-LAUNCHED SURVEILLANCE AND STRIKE SYSTEM PROGRAM.

(a) EXTENSION OF LIMITATION.—Subsection (a) of section 213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1330) is amended by inserting “or fiscal year 2013” after “fiscal year 2012”.

(b) TECHNOLOGY DEVELOPMENT PHASE.—Such section is further amended by adding at the end the following new subsection:

“(d) TECHNOLOGY DEVELOPMENT AND PRELIMINARY DESIGN PHASES.—

“(1) CONTRACTORS.—In accordance with paragraph (2), the Secretary of the Navy may not reduce the number of prime contractors working on the Unmanned Carrier-launched Surveillance and Strike system program to one prime contractor for the technology development phase of such program prior to the program achieving the preliminary design review milestone.

“(2) PRELIMINARY DESIGN REVIEW.—After the date on which the Unmanned Carrier-launched Surveillance and Strike system program achieves the preliminary design review milestone, the Secretary may not reduce the number of prime contractors working on the program to one prime contractor until—

“(A) the preliminary design reviews of the program are completed;

“(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics assesses the completeness of the preliminary design reviews of the program for each participating prime contractor;

“(C) the Under Secretary submits to the congressional defense committees a report that includes—

“(i) a summary of the assessment of the preliminary design reviews of the program conducted under subparagraph (B); and

“(ii) a certification that each preliminary design review of the program was complete and was not abbreviated when compared to preliminary design reviews conducted for other major defense acquisition programs consistent with the policies specified in Department of Defense Instruction 5000.02; and

“(D) a period of 30 days has elapsed following the date on which the Under Secretary submits the report under subparagraph (C).”.

(c) TECHNICAL AMENDMENT.—Such section is further amended by striking “Future Unmanned Carrier-based Strike System” each place it appears and inserting “Unmanned Carrier-launched Surveillance and Strike system”.

##### SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR MILESTONE A ACTIVITIES FOR AN ARMY MEDIUM RANGE MULTI-PURPOSE VERTICAL TAKE-OFF AND LANDING UNMANNED AIRCRAFT SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for research, development, test, and evaluation, Army, may be obligated or expended for Milestone A activities with respect to a medium-range multi-purpose vertical take-off and landing unmanned aircraft system until—

(1) the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate congressional committees that the Joint Requirements Oversight Council determines that—

(A) such system is required to meet a required capability or requirement validated by the Council; and

(B) as of the date of the certification, an unmanned aircraft system in the operational inventory of a military department that was selected using competitive procedures cannot meet such capability or be modified to meet such capability in a more cost effective way; and

(C) the acquisition strategy for such a capability includes competitive procedures as a requirement; and

(2) a period of 30 days has elapsed following the date on which the Chairman submits the certification under paragraph (1).

(b) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(2) The term “competitive procedures” has the meaning given that term in section 2302(2) of title 10, United States Code.

(3) The term “Milestone A activities” means, with respect to an acquisition program of the Department of Defense—

(A) the distribution of request for proposals;

(B) the selection of technology demonstration contractors; and

(C) technology development.

##### SEC. 214. USE OF FUNDS FOR CONVENTIONAL PROMPT GLOBAL STRIKE PROGRAM.

(a) COMPETITIVE PROCEDURES.—Except as provided by subsection (b), the Secretary of Defense shall ensure that any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for activities of the conventional prompt global strike program are obligated or expended using competitive solicitation procedures to involve industry as well as government partners to the extent feasible.

(b) WAIVER.—The Secretary may waive the requirement to use competitive solicitation procedures under subsection (a) if—

(1) the Secretary—

(A) determines that using such procedures is not feasible; and

(B) notifies the congressional defense committees of such determination; and

(2) a period of 5 days elapses after the date on which the Secretary makes such notification under paragraph (1)(B).

##### SEC. 215. NEXT GENERATION FOUNDRY FOR THE DEFENSE MICROELECTRONICS ACTIVITY.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for research, development, test, and evaluation for the Next Generation Foundry for the Defense Microelectronics Activity (PE #603720S) may be obligated or expended for that purpose until a period of 60 days has elapsed following the date on which the Assistant Secretary of Defense for Research and Engineering—

(1) develops a microelectronics strategy as described in the Senate report to accompany S. 1253 of the 112th Congress (S. Rept. 112-26) and an estimate of the full life-cycle costs for the upgrade of the Next Generation Foundry;

(2) develops an assessment regarding the manufacturing capability of the United States to produce three-dimensional integrated circuits to serve national defense interests; and

(3) submits to the congressional defense committees the strategy and cost estimate required by paragraph (1) and the assessment required by paragraph (2).

##### SEC. 216. ADVANCED ROTORCRAFT INITIATIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the military departments and the Defense Advanced Research Projects Agency, submit to the congressional defense committees a report setting forth a strategy for the use of integrated platform design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Mechanisms for establishing agile prototyping practices and programs, including rotorcraft X-planes, and an identification of the resources required for such purposes.

(2) The X-Plane Rotorcraft program of the Defense Advanced Research Projects Agency with performance objectives beyond those of the Joint Multi-role development program, including at least two competing teams.

(3) Approaches, including potential competitive prize awards, to encourage the development of advanced rotorcraft capabilities to address challenge problems such as nap-of-earth automated flight, urban operation near buildings, slope landings, automated autorotation or power-off recovery, and automated selection of landing areas.

#### Subtitle C—Missile Defense Programs

##### SEC. 221. PROHIBITION ON THE USE OF FUNDS FOR THE MEADS PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended for the medium extended air defense system.

##### SEC. 222. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the funds authorized to be appropriated for fiscal year 2013 by section 201 for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency, \$211,000,000 may be provided to the Government of Israel for the Iron Dome short-range rocket defense program as specified in the funding table in section 4201.

**SEC. 223. AUTHORITY FOR RELOCATION OF CERTAIN AEGIS WEAPON SYSTEM ASSETS BETWEEN AND WITHIN THE DDG-51 CLASS DESTROYER AND AEGIS ASHORE PROGRAMS IN ORDER TO MEET MISSION REQUIREMENTS.**

(a) **TRANSFER TO AEGIS ASHORE SYSTEM.**—Notwithstanding any other provision of law, the Secretary of the Navy may transfer Aegis weapon system equipment with ballistic missile defense capability to the Director of the Missile Defense Agency for use by the Director in the Aegis Ashore System for installation in the country designated as “Host Nation 1” by transferring to the Agency such equipment procured with amounts authorized to be appropriated for shipbuilding and conversion, Navy, for fiscal years 2010 and 2011 for the DDG-51 Class Destroyer Program.

(b) **ADJUSTMENTS IN EQUIPMENT DELIVERIES.**—

(1) **USE OF FY12 FUNDS FOR AWS SYSTEMS ON DESTROYERS PROCURED WITH FY11 FUNDS.**—Amounts authorized to be appropriated for shipbuilding and conversion, Navy, for fiscal year 2012, and any Aegis weapon system assets procured with such amounts, may be used to deliver complete, mission-ready Aegis weapon systems with ballistic missile defense capability to any DDG-51 class destroyer for which amounts were authorized to be appropriated for shipbuilding and conversion, Navy, for fiscal year 2011.

(2) **USE OF AWS SYSTEMS PROCURED WITH RDT&E FUNDS ON DESTROYERS.**—The Secretary may install on any DDG-51 class destroyer Aegis weapon systems with ballistic missile defense capability transferred pursuant to subsection (c).

(c) **TRANSFER FROM AEGIS ASHORE SYSTEM.**—The Director shall transfer Aegis weapon system equipment with ballistic missile defense capability procured for installation in the Aegis Ashore System to the Secretary for the DDG-51 Class Destroyer Program to replace any equipment transferred to the Director under subsection (a).

(d) **TREATMENT OF TRANSFER IN FUNDING DESTROYER CONSTRUCTION.**—Notwithstanding the source of funds for any equipment transferred under subsection (c), the Secretary shall fund all work necessary to complete construction and outfitting of any destroyer in which such equipment is installed in the same manner as if such equipment had been acquired using amounts in the shipbuilding and conversion, Navy, account.

**SEC. 224. EVALUATION OF ALTERNATIVES FOR THE PRECISION TRACKING SPACE SYSTEM.**

(a) **LIMITATION.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Missile Defense Agency for the precision tracking space system, not more than 75 percent may be obligated or expended until the date on which—

(1) the Director of Cost Assessment and Program Evaluation completes the evaluation under subsection (b)(1); and

(2) the terms of reference for the evaluation under subsection (b)(1)(B) are—

(A) approved by the Missile Defense Executive Board, in coordination with the Defense Space Council; and

(B) submitted to the congressional defense committees.

(b) **INDEPENDENT COST ESTIMATE AND EVALUATION OF ALTERNATIVES REQUIRED.**—

(1) **IN GENERAL.**—The Director of Cost Assessment and Program Evaluation shall perform—

(A) an independent cost estimate for the precision tracking space system; and

(B) a comprehensive assessment evaluation of alternatives for such system.

(2) **BASIS OF EVALUATION.**—The evaluation under paragraph (1)(B) shall be based on a clear articulation by the Director of the Missile Defense Agency of—

(A) the space-based and ground-based sensors that will be required to be maintained to aid the precision tracking space system constellation;

(B) the number of satellites to be procured for a first constellation, including the projected lifetime of such satellites in the first constellation, and the number projected to be procured for a first and, if applicable, second replenishment;

(C) the technological and acquisition risks of such system, including systems engineering and ground system development;

(D) an evaluation of the technological capability differences between the precision tracking space system tracking sensor and the space tracking and surveillance system tracking sensor;

(E) the cost differences, as confirmed by the Director of Cost Assessment and Program Evaluation, between such systems, including costs relating to launch services; and

(F) any other matters the Director believes useful that do not unduly delay completion of the evaluation.

(3) **EVALUATION.**—In conducting the evaluation under paragraph (1)(B), the Director of Cost Assessment and Program Evaluation shall—

(A) evaluate whether the precision tracking space system, as planned by the Director of the Missile Defense Agency in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2013, is the most cost effective and best value sensor option with respect to land-, air-, or space-based sensors, or a combination thereof, to improve the regional missile defense and homeland missile defense of the United States, including by adding precision tracking and discrimination capability to the ground-based midcourse defense system;

(B) examine the overhead persistent infrared satellite data or other data that are available as of the date of the evaluation that are not being used for ballistic missile tracking;

(C) determine whether and how using the data described in subparagraph (B) could improve sensor coverage for the homeland missile defense of the United States and regional missile defense capabilities;

(D) study the plans of the Director of the Missile Defense Agency to integrate the precision tracking space system concept into the ballistic missile defense system and evaluate the concept of operations and missile defense engagement scenarios of such use;

(E) consider the agreement entered into under subsection (d)(1); and

(F) consider any other matters the Director believes useful that do not unduly delay completion of the evaluation.

(4) **COST DETERMINATION.**—In conducting the independent cost estimate under paragraph (1)(A), the Director of Cost Assessment and Program Evaluation shall take into account acquisition costs and operation and sustainment costs during the initial 10-year and 20-year periods.

(5) **COOPERATION.**—The Director of the Missile Defense Agency shall provide to the Director of Cost Assessment and Program Evaluation the information necessary to conduct the independent cost estimate and the evaluation of alternatives of such program under paragraph (1).

(c) **SUBMISSION REQUIRED.**—Not later than April 30, 2013, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees the independent cost estimate and evaluation under subparagraphs (A) and (B) of subsection (b)(1).

(d) **MEMORANDUM OF AGREEMENT.**—

(1) **IN GENERAL.**—The Director of the Missile Defense Agency shall enter into a memorandum of agreement with the Commander of the Air Force Space Command with respect to the space situational awareness capabilities, requirements, design, and cost sharing of the precision tracking space system.

(2) **SUBMISSION.**—The Director shall submit to the congressional defense committees the agreement entered into under paragraph (1).

(e) **REVIEW BY THE COMPTROLLER GENERAL.**—

(1) **TERMS OF REFERENCE.**—The Comptroller General of the United States shall provide to the congressional defense committees—

(A) by not later than 30 days after the date on which the terms of reference for the evaluation under subsection (b)(1)(B) are provided to such committees pursuant to subsection (a)(2), a briefing on the views of the Comptroller General with respect to such terms of reference and their conformance with the best practices for analyses of alternatives established by the Comptroller General; and

(B) a final report on such terms as soon as practicable following the date of the briefing under subparagraph (A).

(2) **COMPREHENSIVE PTSS ASSESSMENT.**—The Comptroller General shall further provide to the congressional defense committees—

(A) by not later than 60 days after the date on which the evaluation is submitted to such committees under subsection (c), a briefing on the views of the Comptroller General with respect to such evaluation; and

(B) a final report on such evaluation as soon as practicable following the date of the briefing under subparagraph (A).

**SEC. 225. NEXT GENERATION EXO-ATMOSPHERIC KILL VEHICLE.**

(a) **PLAN FOR NEXT GENERATION KILL VEHICLE.**—The Director of the Missile Defense Agency shall develop a long-term plan for the exo-atmospheric kill vehicle that addresses both modifications and enhancements to the current exo-atmospheric kill vehicle and options for the competitive development of a next generation exo-atmospheric kill vehicle for the ground-based interceptor of the ground-based midcourse defense system and any other interceptor that might be developed for the defense of the United States against long-range ballistic missiles.

(b) **DEFINITION OF PARAMETERS AND CAPABILITIES.**—

(1) **ASSESSMENT REQUIRED.**—The Director shall define the desired technical parameters and performance capabilities for a next generation exo-atmospheric kill vehicle using an assessment conducted by the Director for that purpose that is designed to ensure that a next generation exo-atmospheric kill vehicle design—

(A) enables ease of manufacturing, high tolerances to production processes and supply chain variability, and inherent reliability;

(B) will be optimized to take advantage of the ballistic missile defense system architecture and sensor system capabilities;

(C) leverages all relevant kill vehicle development activities and technologies, including from the current standard missile-3

block IIB program and the previous multiple kill vehicle technology development program;

(D) seeks to maximize, to the greatest extent practicable, commonality between subsystems of a next generation exo-atmospheric kill vehicle and other exo-atmospheric kill vehicle programs; and

(E) meets Department of Defense criteria, as established in the February 2010 Ballistic Missile Defense Review, for affordability, reliability, suitability, and operational effectiveness to defend against limited attacks from evolving and future threats from long-range missiles.

(2) **EVALUATION OF PAYLOADS.**—The assessment required by paragraph (1) shall include an evaluation of the potential benefits and drawbacks of options for both unitary and multiple exo-atmospheric kill vehicle payloads.

(3) **STANDARD MISSILE-3 BLOCK IIB INTERCEPTOR.**—As part of the assessment required by paragraph (1), the Director shall evaluate whether there are potential options and opportunities arising from the standard missile-3 block IIB interceptor development program for development of an exo-atmospheric kill vehicle, or kill vehicle technologies or components, that could be used for potential upgrades to the ground-based interceptor or for a next generation exo-atmospheric kill vehicle.

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report setting forth the plan developed under subsection (a), including the results of the assessment under subsection (b), and an estimate of the cost and schedule of implementing the plan.

(2) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 226. MODERNIZATION OF THE PATRIOT AIR AND MISSILE DEFENSE SYSTEM.**

(a) **PLAN FOR MODERNIZATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a prioritized plan for support of the long-term requirements in connection with the modernization of the Patriot air and missile defense system and related systems of the integrated air and missile defense architecture.

(b) **ADDITIONAL ELEMENTS.**—The report required by subsection (a) shall also set forth the following:

(1) An explanation of the requirements and goals for the Patriot air and missile defense system and related systems of the integrated air and missile defense architecture during the 10-year period beginning on the date of the report.

(2) An assessment of the integrated air and missile defense capabilities required to meet the demands of evolving and emerging threats during the ten-year period beginning on the date of the report.

(3) A plan for the introduction of changes to the Patriot air and missile defense system program to achieve reductions in the lifecycle cost of the Patriot air and missile defense system.

#### **SEC. 227. EVALUATION AND ENVIRONMENTAL IMPACT ASSESSMENT OF POTENTIAL FUTURE MISSILE DEFENSE SITES IN THE UNITED STATES.**

(a) **EVALUATION.**—Not later than December 31, 2013, the Secretary of Defense shall conduct a study to evaluate at least three possible additional locations in the United

States, selected by the Director of the Missile Defense Agency, that would be best suited for future deployment of an interceptor capable of protecting the homeland against threats from nations such as North Korea and Iran. At least two of such locations shall be on the East Coast of the United States.

(b) **ENVIRONMENTAL IMPACT STATEMENT REQUIRED.**—Except as provided by subsection (c), the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. et seq.) for the locations the Secretary evaluates under subsection (a).

(c) **EXCEPTION.**—If an environmental impact statement has already been prepared for a location the Secretary evaluates under subsection (a), the Secretary shall not be required to prepare another environmental impact statement for such location.

(d) **CONTINGENCY PLAN.**—In light of the evaluation under subsection (a), the Director of the Missile Defense Agency shall—

(1) develop a contingency plan for the deployment of a homeland missile defense interceptor site that is in addition to such sites that exist as of the date of the enactment of this Act in case the President determines to proceed with such an additional deployment; and

(2) notify the congressional defense committees when such contingency plan has been developed.

#### **SEC. 228. HOMELAND BALLISTIC MISSILE DEFENSE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is a national priority to defend the United States homeland against the threat of limited ballistic missile attack (whether accidental, unauthorized, or deliberate);

(2) the currently deployed ground-based midcourse defense system, with 30 ground-based interceptors deployed in Alaska and California, provides a level of protection of the United States homeland;

(3) it is essential for the ground-based midcourse defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland;

(4) the Missile Defense Agency should, as its highest priority, correct the problem that caused the December 2010 ground-based midcourse defense system flight test failure and demonstrate the correction in flight tests before resuming production of the capability enhancement-II kill vehicle, in order to provide confidence that the system will work as intended;

(5) the Department of Defense should continue to enhance the performance and reliability of the ground-based midcourse defense system, and enhance the capability of the ballistic missile defense system, to provide improved capability to defend the homeland;

(6) the Missile Defense Agency should have a robust, rigorous, and operationally realistic testing program for the ground-based midcourse defense system, including salvo testing, multiple simultaneous engagement testing, and operational testing;

(7) the Department of Defense has taken a number of prudent, affordable, cost-effective, and operationally significant steps to hedge against the possibility of future growth in the missile threat to the homeland from North Korea and Iran; and

(8) the Department of Defense should continue to evaluate the evolving threat of limited ballistic missile attack, particularly from countries such as North Korea and Iran,

and consider other possibilities for prudent, affordable, cost-effective, and operationally significant steps to improve the posture of the United States to defend the homeland.

(b) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of efforts to improve the homeland ballistic missile defense capability of the United States.

(2) **ELEMENTS OF REPORT.**—The report required by paragraph (1) shall include the following:

(A) A detailed description of the actions taken or planned to improve the reliability, availability, and capability of the ground-based midcourse defense system, particularly the exoatmospheric kill vehicle, and any other actions to improve the homeland missile defense posture to hedge against potential future growth in the threat of limited ballistic missile attack (whether accidental, unauthorized, or deliberate), particularly from countries such as North Korea and Iran.

(B) A description of any improvements achieved as a result of the actions described in subparagraph (A).

(C) A description of the results of the two planned flight tests of the ground-based midcourse defense system (control test vehicle flight test-1, and GMD flight test-06b) intended to demonstrate the success of the correction of the problem that caused the flight test failure of December 2010, and the status of any decision to resume production of the capability enhancement-II kill vehicle.

(D) A detailed description of the planned roles and requirements for the standard missile-3 block IIB interceptor to augment the defense of the homeland, including the capabilities needed to defeat long-range missiles that could be launched from Iran to the United States;

(E) Any other matters the Secretary considers appropriate.

(3) **FORM OF REPORT.**—The report shall be submitted in unclassified form, but may include a classified annex.

(c) **COMPTROLLER GENERAL BRIEFING AND REPORT.**—

(1) **BRIEFING.**—Not later than 60 days after the date on which the Secretary submits the report under subsection (b)(1), the Comptroller General of the United States shall brief the congressional defense committees with the views of the Comptroller General on the report.

(2) **REPORT.**—As soon as practicable after the date on which the Comptroller General briefs the congressional defense committees under paragraph (1), the Comptroller General shall submit to such committees a report on the views included in such briefing.

#### **SEC. 229. REGIONAL BALLISTIC MISSILE DEFENSE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the threat from regional ballistic missiles, particularly from Iran and North Korea, is serious and growing, and puts at risk forward-deployed forces of the United States and allies and partners in Europe, the Middle East, and the Asia-Pacific region;

(2) the Department of Defense has an obligation to provide force protection of forward-deployed forces, assets, and facilities of the United States from regional ballistic missile attack;

(3) the United States has an obligation to meet its security commitments to its allies, including ballistic missile defense commitments;

(4) the Department of Defense has a program of investment and capabilities to provide for both homeland defense and regional defense against ballistic missiles, consistent with the Ballistic Missile Defense Review of 2010 and with the prioritized and integrated needs of the commanders of the combatant commands;

(5) the European Phased Adaptive Approach to missile defense is a response to the existing and growing ballistic missile threat from Iran to forward deployed United States forces, allies and partners in Europe;

(6) the Department of Defense—

(A) should, as a high priority, continue to develop, test, and plan to deploy all four phases of the European Phased Adaptive Approach, including all variants of the standard missile-3 interceptor;

(B) should continue to conduct tests to evaluate and assess the capability of future phases of the European Phased Adaptive Approach and to demonstrate whether they will achieve their intended roles, as outlined in the Ballistic Missile Defense Review of 2010; and

(C) should also continue with its other phased and adaptive regional missile defense efforts tailored to the Middle East and the Asia-Pacific region; and

(7) European members of the North Atlantic Treaty Organization are making a variety of contributions to missile defense in Europe, by hosting elements of missile defense systems of the United States on their territories, through individual national contributions to missile defense capability, and by collective funding and development of the Active Layered Theater Ballistic Missile Defense system; and

(8) allies and partners of the United States in the Asia-Pacific region and in the Middle East are making contributions to regional missile defense capabilities, including by hosting elements of missile defense systems of the United States on their territories; jointly developing missile defense capabilities; and cooperating in regional missile defense architectures.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status and progress of regional missile defense programs and efforts.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) An assessment of the adequacy of the existing and planned European Phased Adaptive Approach to provide force protection for forward-deployed forces of the United States in Europe against ballistic missile threats from Iran, and an assessment whether adequate force protection would be available absent the European Phased Adaptive Approach, given current and planned Patriot, Terminal High Altitude Area Defense, and Aegis ballistic missile defense capability.

(B) A description of the progress made in the development and testing of elements of systems intended for deployment in Phases 2 through 4 of the European Phased Adaptive Approach, and an assessment of technical and schedule risks.

(C) A description of the missile defense priorities and capability needs of the regional combatant commands, and the planned regional missile defense architectures derived from those capability needs and priorities.

(D) A description of the global force management process used to evaluate the missile

defense capability needs of the regional combatant commands and to determine the resource allocation and deployment outcomes among such commands.

(E) A description of the missile defense command and control concepts and arrangements in place for United States and allied regional missile defense forces, and the missile defense partnerships and burden-sharing arrangements in place between the United States and its allies and partners.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) COMPTROLLER GENERAL VIEWS.—The Comptroller General of the United States shall—

(1) brief the congressional defense committees with the views of the Comptroller General on the report under subsection (b)(1) by not later than 60 days after the date on which the Secretary submits such report; and

(2) submit to such committees a written report on such views as soon as practicable after the date of the briefing under paragraph (1).

#### SEC. 230. NATO CONTRIBUTIONS TO MISSILE DEFENSE IN EUROPE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contributions of members of the North Atlantic Treaty Organization to missile defense in Europe.

(b) ELEMENTS.—The report required under subsection (a) shall include a discussion of the full range of contributions made by members of NATO, individually and collectively, to missile defense in Europe, including the following:

(1) Financial contributions to the development of the Active Layered Theater Ballistic Missile Defense command and control system or other NATO missile defense capabilities, including the European Phased Adaptive Approach.

(2) National contributions of missile defense capabilities to NATO.

(3) Agreements to host missile defense facilities in the territory of the member state.

(4) Contributions in the form of providing support, including security, for missile defense facilities in the territory of the member state.

(5) Any other contributions being planned by members of NATO, including the modification of existing military systems to contribute to the missile defense capability of NATO.

(6) A discussion of whether there are other opportunities for future contributions, financial and otherwise, to missile defense by members of NATO.

(7) Any other matters the Secretary determines appropriate.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 231. REPORT ON TEST PLAN FOR THE GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the testing program for the ground-based midcourse defense element of the ballistic missile defense system.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An explanation of testing options for the ground-based midcourse defense system

if planned flight tests CTV-01 and FTG-06b do not demonstrate the successful correction to the problem that caused the failure of the capability enhancement-2 kill vehicle in flight test FTG-06a in December 2010, including additional testing of the capability enhancement-1 kill vehicle.

(2) An assessment of the feasibility, advisability, and cost effectiveness (including the potential benefits, risks, and impact on the current test plan and integrated master test plan for the ground-based midcourse defense system) of adjusting the test plan of the ground-based midcourse defense system to accomplish, at an acceptable level of risk—

(A) accelerating to fiscal year 2014 the date for testing such system using a capability enhancement-1 kill vehicle against an intercontinental ballistic missile-range target; and

(B) increasing the pace of the flight testing of such system to a rate of three tests every two years.

(3) If the Secretary determines that either option described in subparagraph (A) or (B) of paragraph (2) would be feasible, advisable, and cost effective, a discussion of whether increased funding beyond the funding requested in the budget for fiscal year 2013 is required to carry out such options and, if so, what level of increased funding would be necessary to carry out each such option.

(4) Any additional matters the Secretary determines appropriate.

(c) DOT&E VIEWS.—The Secretary shall include an appendix to the report under subsection (a) that contains the views of the Director of Operational Test and Evaluation regarding the contents of the report.

(d) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) COMPTROLLER GENERAL VIEWS.—The Comptroller General of the United States shall—

(1) brief the congressional defense committees concerning the views of the Comptroller General on the report required under subsection (a) by not later than 60 days after the date on which the Secretary submits such report; and

(2) submit to such committees a written report on such views as soon as practicable after the date of the briefing under paragraph (1).

#### SEC. 232. SENSE OF CONGRESS ON MISSILE DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) In a December 18, 2010, letter to the Senate leadership, President Obama wrote that the North Atlantic Treaty Organization (NATO) “invited the Russian Federation to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance’s missile defenses can be strengthened by improving NATO-Russian relations. This comes even as we have made it clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States’ or NATO’s missile defense capabilities.”

(2) In a February 2, 2011, message to the Senate concerning its December 22, 2010, Resolution of Advice and Consent to Ratification of the New START Treaty, President Obama certified that “It is the policy of the United States to continue development and deployment of United States missile defense systems to defend against missile threats from nations such as North Korea and Iran,



including qualitative and quantitative improvements to such systems. As stated in the Resolution, such systems include all phases of the Phased Adaptive Approach to missile defense in Europe, the modernization of the Ground-based Midcourse Defense system, and the continued development of the two-stage Ground-Based Interceptor as a technological and strategic hedge.”

(3) In a letter dated December 13, 2011, to Senator Mark Kirk, Robert Nabors, Assistant to the President and Director of the Office of Legislative Affairs, wrote that “The United States remains committed to implementing the European Phased Adaptive Approach to missile defense, and will not agree to any constraints limiting the development or deployment of United States missile defenses” and “[w]e will not provide Russia with sensitive information about our missile defense systems that would in any way compromise our national security. For example, hit-to-kill technology and interceptor telemetry will under no circumstances be provided to Russia.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) pursuant to section 2 of the National Missile Defense Act of 1999 (Public Law 106-38; 113 Stat. 205; 10 U.S.C. 2431 note), it is the policy of the United States “to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)...”;

(2) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail;

(3) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States;

(4) the New Start Treaty and the April 7, 2010, unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as limiting, activities that the Federal Government of the United States currently plans or that might be required over the duration of the New START Treaty to protect the United States pursuant to the National Missile Defense Act of 1999, or to protect the Armed Forces of the United States and allies of the United States from limited ballistic missile attack, including further planned enhancements to the Ground-based Midcourse Defense system and all phases of the Phased Adaptive Approach to missile defense in Europe;

(5) it was the Understanding of the Senate in its December 22, 2010, Resolution of Advice and Consent to Ratification of the New START Treaty that, “any additional New START Treaty limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V, including any limitations agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States”; and

(6) section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)) requires that “no action shall be taken pursuant to this or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the

President set forth in Article II, Section 2, Clause 2 of the Constitution.”

(c) NEW START TREATY DEFINED.—In this section, the term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

**SEC. 233. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.**

It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1340) is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of such section 233 by submitting the homeland defense hedging policy and strategy report to Congress.

**Subtitle D—Reports**

**SEC. 241. MISSION PACKAGES FOR THE LITTORAL COMBAT SHIP.**

(a) REPORT REQUIRED.—Not later than March 1, 2013, the Secretary of the Navy shall, in consultation with the Director of Operational Test and Evaluation, submit to the congressional defense committees a report on the mine countermeasures warfare, antisubmarine warfare, and surface warfare mission packages for the Littoral Combat Ship.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A plan for the mission packages demonstrating that preliminary design review for every capability increment precedes Milestone B or equivalent approval for that increment.

(2) A plan for demonstrating that the capability increment for each mission package, combined with a Littoral Combat Ship, on the basis of a preliminary design review and post-preliminary design review assessment, will achieve the capability specified for that increment.

(3) A plan for demonstrating the survivability and lethality of the Littoral Combat Ship with its mission packages sufficiently early in the development phase of the system to minimize costs of concurrency.

**SEC. 242. STUDY ON ELECTRONIC WARFARE CAPABILITIES OF THE MARINE CORPS.**

(a) STUDY.—The Commandant of the Marine Corps shall conduct a study on the future capabilities of the Marine Corps with respect to electronic warfare.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A detailed plan for the disposition of EA-6B Prowler aircraft squadrons.

(B) A solution for the replacement of the capability provided by such aircraft.

(C) Concepts of operation for future air-ground task force electronic warfare capabilities of the Marine Corps.

(D) Any other issues that the Commandant determines appropriate.

**SEC. 243. CONDITIONAL REQUIREMENT FOR REPORT ON AMPHIBIOUS ASSAULT VEHICLES FOR THE MARINE CORPS.**

(a) IN GENERAL.—If the ongoing Marine Corps ground combat vehicle fleet mix study recommends the acquisition of a separate Marine Personnel Carrier, the Secretary of the Navy and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report that includes the following:

(1) A detailed description of the capability gaps that Marine Personnel Carriers are intended to mitigate and the capabilities that the Marine Personnel Carrier will be required to have to mitigate such gaps, and an assessment whether, and to what extent, Amphibious Combat Vehicles could mitigate such gaps.

(2) A detailed explanation of the role of the Marine Personnel Carriers in the operations of the Marine Corps, as well as a comparative estimate of the acquisition and life-cycle costs of—

(A) a fleet consisting of both Amphibious Combat Vehicles and Marine Personnel Carriers; and

(B) a fleet consisting of only Amphibious Combat Vehicles.

(b) SUBMITTAL DATE.—If required, the report under subsection (a) shall be submitted not later than the later of—

(1) the date that is 60 days after the date of the completion of the study referred to in subsection (a); or

(2) February 1, 2013.

**SEC. 244. REPORT ON CYBER AND INFORMATION TECHNOLOGY RESEARCH INVESTMENTS OF THE AIR FORCE.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report detailing the investment strategy of the Air Force with respect to the spectrum of—

(1) cyber science and technology;

(2) autonomy, command and control, and decision support technologies;

(3) connectivity and dissemination technologies; and

(4) processing and exploitation technologies.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An identification of the near-, mid-, and far-term science and technology priorities of the Air Force with respect to cyber and information-related technologies and the resources (including both funding and personnel) projected to address these priorities.

(2) A strategy to transition the results of the science and technology priorities described in paragraph (1) into weapon systems, including cyber tools.

(3) A description of how the Air Force will recruit, train, and retain a highly skilled workforce in cyber and information-related technologies, including the use of the authorities granted under the laboratory demonstration program established by section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2721), as most recently amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398; 114 Stat. 1654A-315).

(4) A description of laboratory infrastructure and research facilities, including the Air Force Institute of Technology, that are necessary for the accomplishment of the science and technology priorities described in paragraph (1).

**SEC. 245. NATIONAL RESEARCH COUNCIL REVIEW OF DEFENSE SCIENCE AND TECHNICAL GRADUATE EDUCATION NEEDS.**

(a) **REVIEW.**—The Secretary of Defense shall enter into an agreement with the National Research Council to conduct a review of specialized degree-granting graduate programs of the Department of Defense in science, technology, engineering, mathematics, and management.

(b) **MATTERS INCLUDED.**—At a minimum, the review under subsection (a) shall address—

(1) the need by the Department of Defense and the military departments for military and civilian personnel with advanced degrees in science, technology, engineering, mathematics, and management, including a list of the numbers of such personnel needed by discipline;

(2) an analysis of the sources by which the Department of Defense and the military departments obtain military and civilian personnel with such advanced degrees;

(3) the need for educational institutions under the Department of Defense to meet the needs identified in paragraph (1);

(4) the costs and benefits of maintaining such educational institutions, including costs relating to in-house research;

(5) the ability of private institutions or distance-learning programs to meet the needs identified in paragraph (1);

(6) existing organizational structures, including reporting chains, within the military departments to manage the graduate education needs of the Department of Defense and the military departments in the fields described in paragraph (1); and

(7) recommendations for improving the ability of the Department of Defense to identify, manage, and source the graduate education needs of the Department in such fields.

(c) **REPORT.**—Not later than 30 days after the date on which the review under subsection (a) is completed, the Secretary shall submit to the congressional defense committees a report on the results of such review.

**Subtitle E—Other Matters**

**SEC. 251. ELIGIBILITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATIONAL PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN TERRITORIES AND POSSESSIONS OF THE UNITED STATES.**

(a) **ELIGIBILITY OF INSTITUTIONS IN TERRITORIES AND POSSESSIONS.**—Section 2194(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The term ‘United States’ includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.”.

(b) **TECHNICAL AMENDMENT.**—Paragraph (2) of such section is amended by inserting “(20 U.S.C. 7801)” before the period.

**SEC. 252. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.**

(a) **DEVELOPMENT OF INNOVATIVE ADVANCED TECHNOLOGIES.**—The Secretary of Defense may use the research and engineering network of the Department of Defense, including the organic industrial base, to support regional advanced technology clusters established by the Secretary of Commerce to encourage the development of innovative advanced technologies to address national security and homeland defense challenges.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition,

Technology, and Logistics shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters, including the number of—

(A) clusters supported;  
(B) technologies developed and transitioned to acquisition programs;  
(C) products commercialized;  
(D) small businesses trained;  
(E) companies started; and  
(F) research and development facilities shared;

(2) implementation by the Department of processes and tools to facilitate collaboration with the clusters;

(3) agreements established by the Department with the Department of Commerce to jointly support the continued growth of the clusters;

(4) methods to evaluate the effectiveness of technology cluster policies;

(5) any additional required authorities and any impediments to supporting regional advanced technology clusters; and

(6) the use of any agreements entered into under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and any access granted to facilities of the Department of Defense for research and development purposes.

(c) **COLLABORATION.**—The Secretary of Defense may meet, collaborate, and share resources with other Federal agencies for purposes of assisting in the use and appropriate growth of regional advanced technology clusters under this section.

(d) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;  
(B) the Committee on Commerce, Science, and Transportation of the Senate; and  
(C) the Committee on Energy and Commerce of the House of Representatives.

(2) The term “regional advanced technology clusters” means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

**SEC. 253. SENSE OF CONGRESS ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of Congress that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

**TITLE III—OPERATION AND MAINTENANCE**

Subtitle A—Authorization of Appropriations  
Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environment  
Sec. 311. Training range sustainment plan and training range inventory.

Sec. 312. Authority of Secretary of a military department to enter into cooperative agreements with Indian tribes for land management associated with military installations and State-owned National Guard installations.

Sec. 313. Department of Defense guidance on environmental exposures at military installations and briefing regarding environmental exposures to members of the Armed Forces.

Sec. 314. Report on status of targets in implementation plan for operational energy strategy.

Sec. 315. Limitation on obligation of Department of Defense funds from Defense Production Act of 1950 for biofuel refinery construction.

Sec. 316. Sense of Congress on protection of Department of Defense airfields, training airspace, and air training routes.

Subtitle C—Logistics and Sustainment  
Sec. 321. Expansion and reauthorization of multi-trades demonstration project.

Sec. 322. Restoration and amendment of certain provisions relating to depot-level maintenance and core logistics capabilities.

Sec. 323. Rating chains for system program managers.

Subtitle D—Readiness  
Sec. 331. Intergovernmental support agreements with State and local governments.

Sec. 332. Expansion and reauthorization of pilot program for availability of working-capital funds for product improvements.

Sec. 333. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.

Subtitle E—Reports  
Sec. 341. Annual report on Department of Defense long-term corrosion strategy.

Sec. 342. Report on joint strategy for readiness and training in a C4ISR-denied environment.

Sec. 343. Comptroller General review of annual Department of Defense report on prepositioned materiel and equipment.

Sec. 344. Modification of report on maintenance and repair of vessels in foreign shipyards.

Sec. 345. Extension of deadline for Comptroller General report on Department of Defense service contract inventory.

Subtitle F—Limitations and Extension of Authority

Sec. 351. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.

Sec. 352. Aerospace control alert mission.

Sec. 353. Limitation on authorization of appropriations for the National Museum of the United States Army.

Sec. 354. Limitation on availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships.

Sec. 355. Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law.

Subtitle G—National Commission on the Structure of the Air Force

Sec. 361. Short title.

Sec. 362. Establishment of Commission.

Sec. 363. Duties of the Commission.

Sec. 364. Powers of the Commission.

Sec. 365. Commission personnel matters.

Sec. 366. Termination of the Commission.

Sec. 367. Funding.

Subtitle H—Other Matters

Sec. 371. Military working dog matters.

Sec. 372. Comptroller General review of handling, labeling, and packaging procedures for hazardous material shipments.

**Subtitle A—Authorization of Appropriations**

**SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

**Subtitle B—Energy and Environment**

**SEC. 311. TRAINING RANGE SUSTAINMENT PLAN AND TRAINING RANGE INVENTORY.**

Section 366 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2522; 10 U.S.C. 113 note), as most recently amended by section 348 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2159), is amended—

(1) in subsection (a)(5), by striking “each of fiscal years 2005 through 2013” and inserting “each fiscal year through fiscal year 2018”; and

(2) in subsection (c)(2), by striking “fiscal years 2005 through 2013” and inserting “each fiscal year through fiscal year 2018”.

**SEC. 312. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO COOPERATIVE AGREEMENTS WITH INDIAN TRIBES FOR LAND MANAGEMENT ASSOCIATED WITH MILITARY INSTALLATIONS AND STATE-OWNED NATIONAL GUARD INSTALLATIONS.**

(a) **INCLUSION OF INDIAN TRIBES.**—Section 103A(a) of the Sikes Act (16 U.S.C. 670c-1(a)) is amended in the matter preceding paragraph (1) by inserting “Indian tribes,” after “local governments.”

(b) **INDIAN TRIBE DEFINED.**—Section 100 of such Act (16 U.S.C. 670) is amended by adding at the end the following new paragraph:

“(6) **INDIAN TRIBE.**—The term ‘Indian tribe’ means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

**SEC. 313. DEPARTMENT OF DEFENSE GUIDANCE ON ENVIRONMENTAL EXPOSURES AT MILITARY INSTALLATIONS AND BRIEFING REGARDING ENVIRONMENTAL EXPOSURES TO MEMBERS OF THE ARMED FORCES.**

(a) **ISSUANCE OF GUIDANCE REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the military departments and appropriate defense agencies regarding environmental exposures on military installations.

(2) **ELEMENTS.**—The guidance issued pursuant to paragraph (1) shall address, at a minimum, the following:

(A) The criteria for when and under what circumstances public health assessments by the Agency for Toxic Substances and Disease Registry must be requested in connection with environmental contamination at military installations, including past incidents of environmental contamination.

(B) The procedures to be used to track and document the status and nature of responses to the findings and recommendations of the public health assessments of the Agency of Toxic Substances and Disease Registry that involve contamination at military installations.

(C) The appropriate actions to be undertaken to assess significant long-term health risks from past environmental exposures to military personnel and civilian individuals from living or working on military installations.

(3) **SUBMISSION.**—Not later than 30 days after the issuance of the guidance required by paragraph (1), the Secretary of Defense shall transmit to the congressional defense committees a copy of the guidance.

(b) **BRIEFING REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the congressional defense committees regarding materiel solutions that would measure environmental exposures to members of the Armed Forces while in contingency operations.

(2) **ELEMENTS.**—The briefing required by paragraph (1) shall include, at a minimum, the following:

(A) Relevant materiel solutions in development or commercially available that would facilitate the identification of members of the Armed Forces who have individual exposures to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste.

(B) A timeline, and estimated cost, of developing and deploying the materiel solutions described in subparagraph (A).

(C) Identification of the Department of Defense’s process, and any systems, that collect and maintain exposure data and a description of how the Department of Defense could integrate data from the materiel solutions described in subparagraph (A) into those systems.

(D) An update regarding the sharing of environmental exposure data with the Secretary of Veterans Affairs for use in medical and treatment records of veterans, including how the materiel solutions described in subparagraph (A) can be used in determining the service-connectedness of health conditions and in identifying possible origins and causes of disease.

**SEC. 314. REPORT ON STATUS OF TARGETS IN IMPLEMENTATION PLAN FOR OPERATIONAL ENERGY STRATEGY.**

(a) **REPORT REQUIRED.**—If the annual report for fiscal year 2011 required by section 2925(b) of title 10, United States Code, is not submitted to the congressional defense committees by December 31, 2012, the Secretary of Defense shall submit, not later than June 30, 2013, to the congressional defense committees a report on the status of the targets established in the implementation plan for the

operational energy strategy established pursuant to section 139b of such title, as contained in the document entitled “Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012”.

(b) **ELEMENTS OF REPORT.**—The report required by subsection (a) shall describe, at a minimum, the following:

(1) The status of each of the targets listed in the implementation plan.

(2) The steps being taken to meet the targets.

(3) The expected date of completion for each target, if the date is different from the date indicated in the implementation plan.

(4) The reason for any delays in meeting the targets.

**SEC. 315. LIMITATION ON OBLIGATION OF DEPARTMENT OF DEFENSE FUNDS FROM DEFENSE PRODUCTION ACT OF 1950 FOR BIOFUEL REFINERY CONSTRUCTION.**

Amounts made available to the Department of Defense pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) for fiscal year 2013 for biofuels production may not be obligated or expended for the construction of a biofuel refinery until the Department of Defense receives matching contributions from the Department of Energy and equivalent contributions from the Department of Agriculture for the same purpose.

**SEC. 316. SENSE OF CONGRESS ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.**

It is the sense of Congress that—

(1) Department of Defense airfields, training airspace, and air training routes are critical national assets that must be protected from encroachment or mission degradations to the maximum extent practicable;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) in the context of a Department of Defense operational risk assessment and the Department of Defense Siting Clearinghouse, the Department of Defense should develop and promulgate comprehensive guidance to assess the degree to which the potential encroachment of a project significantly impairs or degrades the capability of the Department to conduct missions or maintain readiness to the extent of presenting an unacceptable risk to national security with strong consideration given to the input provided by the military services.

**Subtitle C—Logistics and Sustainment**

**SEC. 321. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.**

(a) **EXPANSION.**—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C. 5013 note), as most recently amended by section 329 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 67), is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) **DEMONSTRATION PROJECT AUTHORIZED.**—In accordance with subsection 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.”; and

(2) in subsection (b), by striking “Logistics Center, Navy Fleet Readiness Center,” and inserting “Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base.”

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking “2013” and inserting “2018”; and

(2) in subsection (e), by striking “2014” and inserting “2019”.

**SEC. 322. RESTORATION AND AMENDMENT OF CERTAIN PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE AND CORE LOGISTICS CAPABILITIES.**

(a) REPEAL.—The following provisions of law are hereby repealed:

(1) Section 2460 of title 10, United States Code (as amended by section 321 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81)).

(2) Section 2464 of title 10, United States Code (as amended by section 327 of the National Defense Authorization Act for Fiscal Year 2012).

(b) REVIVAL OF SUPERSEDED PROVISIONS.—

(1) DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—The provisions of section 2460 of title 10, United States Code, as in effect on December 30, 2011 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012), are hereby revived.

(2) CORE LOGISTICS CAPABILITIES.—(A) The provisions of section 2464 of 10, United States Code, as in effect on that date, are hereby revived.

(B) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2464 and inserting the following new item:

“2464. Core logistics capabilities.”

(c) AMENDMENT TO DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—Subsection (b) of section 2460 of title 10, United States Code, as revived by subsection (b), is amended by striking “or the nuclear refueling of an aircraft carrier” and inserting “or the nuclear refueling or defueling of an aircraft carrier and any concurrent complex overhaul”.

(d) BIENNIAL CORE REPORT.—Section 2464 of such title, as revived by subsection (b), is amended by adding at the end the following new subsections:

“(d) BIENNIAL CORE REPORT.—Not later than April 1 of each even-numbered year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (except for the Coast Guard), for the fiscal year after the fiscal year during which the report is submitted, each of the following:

“(1) The core depot-level maintenance and repair capability requirements and sustaining workloads, organized by work breakdown structure, expressed in direct labor hours.

“(2) The corresponding workloads necessary to sustain core depot-level maintenance and repair capability requirements, expressed in direct labor hours and cost.

“(3) In any case where core depot-level maintenance and repair capability requirements exceed or are expected to exceed sustaining workloads, a detailed rationale for any and all shortfalls and a plan either to correct or mitigate the effects of the shortfalls.

“(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall review each report submitted under subsection (d) for completeness and compliance and shall submit to the congressional

defense committees findings and recommendations with respect to the report by not later than 60 days after the date on which the report is submitted to Congress.”.

(e) CONFORMING AMENDMENTS.—

(1) Section 2366a of title 10, United States Code, is amended by striking “core depot-level maintenance and repair capabilities” each place it appears and inserting “core logistics capabilities”.

(2) Section 2366b(A)(3)(F) of title 10, United States Code, is amended by striking “core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities” and inserting “core logistics capabilities”.

(3) Section 801(c) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1483; 10 U.S.C. 2366a note) is amended by striking “core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities” and inserting “core logistics capabilities”.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 2011, the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, immediately after the enactment of that Act.

**SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.**

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense Instructions regarding assignment of program responsibility.

**Subtitle D—Readiness**

**SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.**

(a) AGREEMENTS AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2336. Intergovernmental support agreements with State and local governments**

“(a) IN GENERAL.—(1) The Secretary concerned may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services if the Secretary determines that the agreement will serve the best interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.

“(2) Notwithstanding any other provision of law, an intergovernmental support agreement under paragraph (1)—

“(A) may be entered into on a sole-source basis;

“(B) may be for a term not to exceed five years; and

“(C) may use, for installation-support services provided by a State or local government, wage grades normally paid by that State or local government.

“(3) An intergovernmental support agreement under paragraph (1) may only be used when the Secretary concerned or the State or local government, as the case may be, providing the installation-support services already provides such services for its own use.

“(b) EFFECT ON FIRST RESPONDER ARRANGEMENTS.—The authority provided by this section and limitations on the use of that authority are not intended to revoke, preclude, or otherwise interfere with existing or proposed mutual-aid agreements relating to police or fire protection services or other similar first responder agreements or arrangements.

“(c) AVAILABILITY OF FUNDS.—Funds available to the Secretary concerned for operation and maintenance may be used to pay for such installation-support services. The costs of agreements under this section for any fiscal year may be paid using annual appropriations made available for that year. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to such an agreement shall be credited to the appropriation or account charged with providing installation support.

“(d) EFFECT ON OMB CIRCULAR A-76.—The Secretary concerned shall ensure that intergovernmental support agreements authorized by this section are not used to circumvent the requirements of Office of Management and Budget Circular A-76 regarding public-private competitions.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘installation-support services’ means those services, supplies, resources, and support typically provided by a local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security guard or fire-fighting functions.

“(2) The term ‘local government’ includes a county, parish, municipality, city, town, township, local public authority, school district, special district, and any agency or instrumentality of a local government.

“(3) The term ‘State’ includes the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands, and any agency or instrumentality of a State.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2336. Intergovernmental support agreements with State and local governments.”.

**SEC. 332. EXPANSION AND REAUTHORIZATION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS FOR PRODUCT IMPROVEMENTS.**

(a) EXPANSION.—Section 330 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 68) is amended—

(1) in subsection (a), by inserting “, the Secretary of the Navy, and the Secretary of the Air Force (in this section referred to as the ‘Secretary concerned’)” after “the Secretary of the Army”; and

(2) in subsection (d)—

(A) by inserting “by the Secretary concerned” after “submitted”; and

(B) by inserting “by the Secretary concerned” after “used”; and

(3) in subsection (e)—

(A) in paragraph (1), by striking “the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, in consultation with the Assistant Secretary of the Army for Financial Management and Comptroller,” and inserting “the Secretary concerned”; and

(B) in paragraph (2), by striking “the Assistant Secretary of the Army for Acquisition, Logistics, and Technology” and inserting “the Secretary concerned”.

(b) COVERED PRODUCT IMPROVEMENTS.—Subsection (b) of such section is amended—

(1) by inserting “retrofit, modernization, upgrade, or rebuild of a” before “component”; and

(2) by striking “reliability and maintainability” and inserting “reliability, availability, and maintainability”.

(c) LIMITATION ON CERTAIN PROJECTS.—Subsection (c)(1) of such section is amended by striking “performance envelope” and inserting “capability”.

(d) REPORTING REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (2), by striking “2012” and inserting “2017”; and

(2) in paragraph (3), by striking “60 days” and inserting “45 days”.

(e) EXTENSION.—Subsection (f) of such section, as amended by section 354 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1377), is further amended by striking “2014” and inserting “2018”.

(f) CLERICAL AMENDMENT.—The heading of such section is amended by striking “to army”.

**SEC. 333. DEPARTMENT OF DEFENSE NATIONAL STRATEGIC PORTS STUDY AND COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.**

(a) SENSE OF CONGRESS ON COMPLETION OF DOD REPORT.—It is the sense of Congress that the Secretary of Defense should expedite completion of the study of strategic ports in the United States called for in the conference report to accompany the National Defense Authorization Act for Fiscal Year 2012 (Conference Report 112-329) so that it can be submitted to Congress before December 31, 2012.

(b) COMPTROLLER GENERAL SUFFICIENCY REVIEW.—

(1) SUBMISSION OF DOD REPORT.—In addition to submitting the report referred to in subsection (a) to Congress, the Secretary of Defense shall submit the report to the Comptroller General of the United States.

(2) SUFFICIENCY REVIEW.—Not later than 90 days after receiving the report under paragraph (1), the Comptroller General shall—

(A) conduct a sufficiency review of the report; and

(B) submit to the congressional defense committees a report containing the results of the review.

(c) COMPTROLLER GENERAL STUDY AND REPORT ON STRATEGIC PORTS.—

(1) STUDY AND REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall—

(A) conduct a study of the programs and efforts of the Department of Defense related to the state of strategic ports with respect to the operational and readiness requirements of the Department; and

(B) submit to the congressional defense committees a report containing the findings of the study.

(2) ELEMENTS OF STUDY.—The study required by paragraph (1) shall include an assessment of—

(A) the extent to which the facilities at strategic ports meet the requirements of the Department of Defense;

(B) the extent to which the Department has identified gaps in the ability of existing strategic ports to meet its needs and identified and undertaken efforts to address any gaps; and

(C) the ability of the Department to oversee, coordinate, and provide security for military deployments through strategic ports.

(d) STRATEGIC PORT DEFINED.—In this section, the term “strategic port” means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo throughput capacity of the Department of Defense.

**Subtitle E—Reports**

**SEC. 341. ANNUAL REPORT ON DEPARTMENT OF DEFENSE LONG-TERM CORROSION STRATEGY.**

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting “, including available validated data on return on investment for completed corrosion projects and activities” after “the strategy”; and

(B) in subparagraph (E), by striking “For the fiscal year covered by the report and the preceding fiscal year” and inserting “For the fiscal year preceding the fiscal year covered by the report”; and

(C) by inserting at the end the following new subparagraph:

“(F) For the fiscal year preceding the fiscal year covered by the report, a description of the specific amount of funds used for military corrosion projects, the Technical Corrosion Collaboration pilot program, and other corrosion-related activities.”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

**SEC. 342. REPORT ON JOINT STRATEGY FOR READINESS AND TRAINING IN A C4ISR-DENIED ENVIRONMENT.**

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to Congress a report on the readiness of the joint force to conduct operations in environments where there is no access to Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (in this section referred to as “C4ISR”) systems, including satellite communications, classified Internet protocol-based networks, and the Global Positioning System (in this section referred to as “GPS”).

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include a description of the steps taken and planned to be taken—

(1) to identify likely threats to the C4ISR systems of the United States, including both weapons and those states with such capabilities as well as the most likely areas in which C4ISR systems could be at risk;

(2) to identify vulnerabilities to the C4ISR systems of the United States that could result in a C4ISR-denied environment;

(3) to determine how the Armed Forces should respond in order to reconstitute C4ISR systems, prevent further denial of C4ISR systems, and develop counter-attack capabilities;

(4) to determine which types of joint operations could be feasible in an environment in which access to C4ISR systems is restricted or denied;

(5) to conduct training and exercises for sustaining combat and logistics operations in C4ISR-denied environments; and

(6) to propose changes to current tactics, techniques, and procedures to prepare to operate in an environment in which C4ISR systems are degraded or denied for 48-hour, 7-day, 30-day, or 60-day periods.

(c) JOINT EXERCISE PLAN REQUIRED.—Based on the findings of the report required by subsection (a), the Chairman of the Joint Chiefs of Staff shall develop a roadmap and joint exercise plan for the joint force to operate in an environment where access to C4ISR systems, including satellite communications, classified Internet protocol-based networks, and the GPS network, is denied. The plan and joint exercise program shall include—

(1) the development of alternatives to satellite communications, classified Internet protocol-based networks, and GPS for logistics, intelligence, surveillance, reconnaissance, and combat operations; and

(2) methods to mitigate dependency on satellite communications, classified Internet protocol-based networks, and GPS;

(3) methods to protect vulnerable satellite communications, classified Internet protocol-based networks, and GPS; and

(4) a joint exercise and training plan to include fleet battle experiments, to enable the force to operate in a satellite communications, Internet protocol-based network, and GPS-denied environment.

(d) FORM OF REPORT.—The report required to be submitted by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 343. COMPTROLLER GENERAL REVIEW OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.**

Section 2229a(b)(1) of title 10, United States Code, is amended—

(1) by striking “By not later than 120 days after the date on which a report is submitted under subsection (a), the” and inserting “The”; and

(2) by striking “the report” and inserting “each report submitted under subsection (a)”.

**SEC. 344. MODIFICATION OF REPORT ON MAINTENANCE AND REPAIR OF VESSELS IN FOREIGN SHIPYARDS.**

Section 7310(c) of title 10, United States Code, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “The report” and inserting the following: “Except as provided in paragraph (4), the report”; and

(B) in subparagraph (A), by inserting after “justification under law” the following: “and operational justification”;

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) In the case of a covered vessel described in subparagraph (C) of paragraph (5), the report shall not be required to include the information described in subparagraphs (A), (E), (F), (G), and (I) of paragraph (3).”; and

(4) in paragraph (5), as redesignated by paragraph (2) of this section, by adding at the end the following new subparagraph:

“(C) A vessel not described in subparagraph (A) or (B) that is operated pursuant to a contract entered into by the Secretary of the Navy and the Maritime Administration or the United States Transportation Command in support of Department of Defense operations.”.

**SEC. 345. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SERVICE CONTRACT INVENTORY.**

Section 803(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2402) is amended by striking “180 days” and inserting “270 days”.

**Subtitle F—Limitations and Extension of Authority**

**SEC. 351. REPEAL OF REDUNDANT AUTHORITY TO ENSURE INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY RESPONDER TRAINING.**

Section 372 of title 10, United States Code, is amended—

(1) by striking “(a) IN GENERAL.—”; and

(2) by striking subsection (b).

**SEC. 352. AEROSPACE CONTROL ALERT MISSION.**

(a) CONSOLIDATED BUDGET EXHIBIT.—The Secretary of Defense shall establish a consolidated budget justification display that fully identifies the baseline aerospace control alert budget for each of the military services and encompasses all programs and activities of the aerospace control alert mission for each of the following functions:

- (1) Procurement.
- (2) Operation and maintenance.
- (3) Research, development, testing, and evaluation.
- (4) Military construction.
- (b) REPORT.—

(1) REPORT TO CONGRESS.—Not later than April 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that provides a cost-benefit analysis and risk-based assessment of the aerospace control alert mission as it relates to expected future changes to the budget and force structure of such mission.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the date on which the Secretary submits the report required by paragraph (1), the Comptroller General of the United States shall—

(A) conduct a review of the Department of Defense cost-benefit analysis and risk-based assessment contained in the report; and

(B) submit to the congressional defense committees a report on the findings of such review.

(c) SENSE OF CONGRESS ON THE ESSENTIAL SERVICE PROVIDED BY AIR FORCE WINGS PERFORMING AEROSPACE CONTROL ALERT MISSIONS.—It is the sense of Congress that Air Force wings performing the 24-hour aerospace control alert missions provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks upon the United States on September 11, 2001.

**SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL MUSEUM OF THE UNITED STATES ARMY.**

Of the amounts authorized to be appropriated for Operation and Maintenance for fiscal year 2013, not more than \$5,000,000 shall be made available for the National Museum of the United States Army until the Secretary of the Army submits to the congressional defense committees certification in writing that sufficient private funding has been raised to fund the construction of the portion of the museum known as the “Baseline Museum” and that at least 50 percent of the Baseline Museum has been completed.

**SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.**

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship.

**SEC. 355. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or enti-

ty for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

“(2) In this subsection:

“(A) The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of this title.

“(B) The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

“(iii) was brought to the United States from abroad as a memorial of combat abroad.

“(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

“(A) the transfer of that veterans memorial object is specifically authorized by law; or

“(B) the transfer is made after September 30, 2017.”

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

**Subtitle G—National Commission on the Structure of the Air Force****SEC. 361. SHORT TITLE.**

This subtitle may be cited as the “National Commission on the Structure of the Air Force Act of 2012”.

**SEC. 362. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established the National Commission on the Structure of the Air Force (in this subtitle referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of eight members, of whom—

(A) four shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(4) EXPERTISE.—In making appointments under this subsection, consideration should

be given to individuals with expertise in reserve forces policy.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chair.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIR AND VICE CHAIRMAN.—The Commission shall select a Chair and Vice Chair from among its members.

**SEC. 363. DUTIES OF THE COMMISSION.**

(a) STUDY.—

(1) IN GENERAL.—The Commission shall undertake a comprehensive study of the structure of the Air Force to determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Air Force in a manner consistent with available resources.

(2) CONSIDERATIONS.—In considering the structure of the Air Force, the Commission shall give particular consideration to evaluating a structure that—

(A) meets current and anticipated requirements of the combatant commands;

(B) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each;

(C) ensures that the regular and reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;

(D) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited;

(E) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and

(F) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness.

(b) REPORT.—Not later than February 1, 2014, the Commission shall submit to the President and the congressional defense committees a report which shall contain a detailed statement of the findings and conclusions of the Commission as a result of the study required by subsection (a), together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study.

**SEC. 364. POWERS OF THE COMMISSION.**

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same



manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

#### **SEC. 365. COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) **COMPENSATION.**—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### **SEC. 366. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 363.

#### **SEC. 367. FUNDING.**

Amounts authorized to be appropriated for fiscal year 2013 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 may be available for the activities of the Commission under this subtitle.

##### **Subtitle H—Other Matters**

#### **SEC. 371. MILITARY WORKING DOG MATTERS.**

(a) **RETIREMENT OF MILITARY WORKING DOGS.**—Section 2583 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **TRANSFER OF RETIRED MILITARY WORKING DOGS.**—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

“(1) to the 341st Training Squadron; or

“(2) to another location for adoption under this section.”.

(b) **VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.**—

(1) **IN GENERAL.**—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 994. Military working dogs: veterinary care for retired military working dogs**

“(a) **IN GENERAL.**—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

“(b) **ELIGIBLE DOGS.**—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

“(c) **STANDARDS OF CARE.**—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

“994. Military working dogs: veterinary care for retired military working dogs.”.

#### **SEC. 372. COMPTROLLER GENERAL REVIEW OF HANDLING, LABELING, AND PACKAGING PROCEDURES FOR HAZARDOUS MATERIAL SHIPMENTS.**

(a) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall conduct a review of the policies and procedures of the Department of Defense for the handling, labeling, and packaging of hazardous material shipments.

(b) **MATTERS INCLUDED.**—The review conducted under subsection (a) shall address the following:

(1) The relevant statutes, regulations, and guidance and policies of the Department of Defense pertaining to the handling, labeling, and packaging procedures of hazardous material shipments to support military operations.

(2) The extent to which such guidance, policies, and procedures contribute to the safe, timely, and cost-effective handling of such material.

(3) The extent to which discrepancies in Department of Transportation guidance, policies, and procedures pertaining to handling, labeling, and packaging of hazardous material shipments in commerce and similar Department of Defense guidance, policies, and procedures pertaining to the handling, labeling, and packaging of hazardous material shipments impact the safe, timely, and cost-effective handling of such material.

(4) Any additional matters that the Comptroller General determines will further inform the appropriate congressional committees on issues related to the handling, labeling, and packaging procedures for hazardous material shipments to members of the Armed Forces worldwide.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the

Comptroller General shall submit to the appropriate congressional committees a report of the review conducted under subsection (a).

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

#### **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

##### **Subtitle A—Active Forces**

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Sec. 403. Annual limitation on end strength reductions for regular component of the Army and Marine Corps.

Sec. 404. Additional Marine Corps personnel for the Marine Corps Security Guard Program.

##### **Subtitle B—Reserve Forces**

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

##### **Subtitle A—Active Forces**

#### **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2013, as follows:

(1) The Army, 552,100.

(2) The Navy, 322,700.

(3) The Marine Corps, 197,300.

(4) The Air Force, 329,460.

#### **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

(a) **MINIMUM END STRENGTH.**—Subsection (b) of section 691 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

“(1) For the Army, 542,700.

“(2) For the Navy, 322,700.

“(3) For the Marine Corps, 193,500.

“(4) For the Air Force, 329,460.”.

(b) **LIMITED REDUCTION AUTHORITY.**—Such section is further amended by inserting after subsection (d) the following new subsection: “(e) The Secretary of Defense may reduce a number specified in subsection (b) by not more than 0.5 percent.”.

#### **SEC. 403. ANNUAL LIMITATION ON END STRENGTH REDUCTIONS FOR REGULAR COMPONENT OF THE ARMY AND MARINE CORPS.**

(a) **ANNUAL LIMITATION ON ARMY END STRENGTH REDUCTIONS.**—The end strength of the regular component of the Army shall not be reduced by more than 15,000 members during each of fiscal years 2014 through 2017 from the end strength of the regular component of the Army at the end of the preceding fiscal year.

(b) **ANNUAL LIMITATION ON MARINE CORPS END STRENGTH REDUCTIONS.**—The end strength of the regular component of the Marine Corps shall not be reduced by more than



5,000 members during each of fiscal years 2014 through 2017 from the end strength of the regular component of the Marine Corps at the end of the preceding fiscal year.

**SEC. 404. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.**

(a) **ADDITIONAL PERSONNEL.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan to increase the number of members of the Marine Corps assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States embassies, consulates, and other diplomatic facilities by up to 1,000 Marines.

(2) **PURPOSE.**—The purpose of the increase under paragraph (1) is to provide the additional end strength and the resources necessary to support enhanced Marine Corps security at United States embassies, consulates, and other diplomatic facilities, particularly at locations identified by the Secretary of State as in need of additional security because of threats to United States personnel and property.

(b) **CONSULTATION.**—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) **SUPPORTING INFORMATION FOR BUDGET REQUESTS.**—The material submitted in support of the budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall include the following with regard to the Marine Corps Security Guard Program:

(1) A description of the expanded security support to be provided by Marine Corps Security Guards to the Department of State during that fiscal year, including—

(A) any increased internal security to be provided at United States embassies, consulates, and other diplomatic facilities;

(B) any increased support for emergency action planning, training, and advising of host nation security forces; and

(C) any expansion of intelligence collection activities.

(2) A description of the current status of Marine Corps personnel assigned to the Marine Corps Security Guard Program as a result of the plan required by subsection (a).

(3) A description of the Department of Defense resources required during that fiscal year for the Marine Corps Security Guard Program, including total funding for personnel, operation and maintenance, and procurement, and for key supporting programs to enable both the current and expanded Program mission during that fiscal year.

(d) **PRESERVATION OF FUNDING FOR MARINE CORPS UNDER NATIONAL MILITARY STRATEGY.**—In determining the amounts to be requested for each fiscal year after fiscal year 2013 for the Marine Corps Security Guard Program and for additional personnel under the Program, the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy pre-

scribed by the Chairman of the Joint Chiefs of Staff.

(e) **REPORTING REQUIREMENTS.**—

(1) **MISSION ASSESSMENT.**—Not later than October 1, 2013, the Secretary of Defense shall—

(A) conduct an assessment of the mission of the Marine Corps Security Guard Program and the procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel; and

(B) submit to Congress a report on the assessment, including a description and assessment of options to improve the Program to respond to such threats.

(2) **NOTIFICATION OF CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.**—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates, and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

**Subtitle B—Reserve Forces**

**SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) **IN GENERAL.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2013, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 62,500.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 105,700.

(6) The Air Force Reserve, 70,880.

(7) The Coast Guard Reserve, 9,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2013, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of

the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.

(2) The Army Reserve, 16,277.

(3) The Navy Reserve, 10,114.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,765.

(6) The Air Force Reserve, 2,888.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 27,210.

(2) For the Army Reserve, 8,395.

(3) For the Air National Guard of the United States, 22,180.

(4) For the Air Force Reserve, 10,400.

**SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.**

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2013, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2013, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2013, may not exceed 90.

(b) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

**SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

During fiscal year 2013, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

**Subtitle C—Authorization of Appropriations**

**SEC. 421. MILITARY PERSONNEL.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2013.

**TITLE V—MILITARY PERSONNEL POLICY****Subtitle A—Officer Personnel Policy**  
Generally

- Sec. 501. Limitation on number of Navy flag officers on active duty.
- Sec. 502. Reinstatement of authority for enhanced selective early retirement boards and early discharges.
- Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 504. Exception to required retirement after 30 years of service for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
- Sec. 505. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.
- Sec. 506. Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy.
- Sec. 507. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.
- Sec. 508. Air Force Chief of Chaplains.

**Subtitle B—Reserve Component**  
Management

- Sec. 511. Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters.
- Sec. 512. Automatic Federal recognition of promotion of certain National Guard warrant officers.
- Sec. 513. Availability of Transition Assistance Advisors to assist members of reserve components who serve on active duty for more than 180 consecutive days.

**Subtitle C—General Service Authorities**

- Sec. 518. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.
- Sec. 519. Diversity in the Armed Forces and related reporting requirements.
- Sec. 520. Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
- Sec. 521. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.
- Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
- Sec. 523. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.
- Sec. 524. Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers.
- Sec. 525. Reports on involuntary separation of members of the Armed Forces.

- Sec. 526. Report on feasibility of developing gender-neutral occupational standards for military occupational specialties currently closed to women.
- Sec. 527. Report on education and training and promotion rates for pilots of remotely piloted aircraft.
- Sec. 528. Impact of numbers of members within the Integrated Disability Evaluation System on readiness of Armed Forces to meet mission requirements.

**Subtitle D—Military Justice and Legal**  
Matters

- Sec. 531. Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 532. Additional information in reports on annual surveys of the Committee on the Uniform Code of Military Justice.
- Sec. 533. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.
- Sec. 534. Reports on hazing in the Armed Forces.

**Subtitle E—Member Education and Training**  
Opportunities and Administration

- Sec. 541. Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and enhancements to the Program.
- Sec. 542. Support of Naval Academy athletic and physical fitness programs.
- Sec. 543. Expansion of Department of Defense pilot program on receipt of civilian credentialing for military occupational specialty skills.
- Sec. 544. State consideration of military training in granting certain State certifications and licenses as a condition on the receipt of funds for veterans employment and training.
- Sec. 545. Department of Defense review of access to military installations by representatives of institutions of higher education.
- Sec. 546. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.
- Sec. 547. Comptroller General of the United States reports on joint professional military education matters.

**Subtitle F—Reserve Officers' Training Corps**  
and Related Matters

- Sec. 551. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program.
- Sec. 552. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior Reserve Officers' Training Corps.
- Sec. 553. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps.
- Sec. 554. Comptroller General report on Reserve Officers' Training Corps programs.

**Subtitle G—Defense Dependents' Education**  
and Military Family Readiness

- Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 562. Impact aid for children with severe disabilities.
- Sec. 563. Amendments to the Impact Aid program.
- Sec. 564. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense committed by an individual while a member of the Armed Forces.
- Sec. 565. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.
- Sec. 566. Noncompetitive appointment authority regarding certain military spouses.
- Sec. 567. Report on future of family support programs of the Department of Defense.
- Sec. 568. Sense of Congress regarding support for Yellow Ribbon Day.

**Subtitle H—Improved Sexual Assault**  
Prevention and Response in the Armed Forces

- Sec. 570. Armed Forces Workplace and Gender Relations Surveys.
- Sec. 571. Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty.
- Sec. 572. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.
- Sec. 573. Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses.
- Sec. 574. Enhancement to training and education for sexual assault prevention and response.
- Sec. 575. Modification of annual Department of Defense reporting requirements regarding sexual assaults.
- Sec. 576. Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases.
- Sec. 577. Retention of certain forms in connection with Restricted Reports on sexual assault at request of the member of the Armed Forces making the report.
- Sec. 578. General or flag officer review of and concurrence in separation of members of the Armed Forces making an Unrestricted Report of sexual assault.
- Sec. 579. Department of Defense policy and plan for prevention and response to sexual harassment in the Armed Forces.

**Subtitle I—Suicide Prevention and**  
Resilience

- Sec. 580. Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs.
- Sec. 581. Reserve component suicide prevention and resilience program.

Sec. 582. Comprehensive policy on prevention of suicide among members of the Armed Forces.

Sec. 583. Study of resilience programs for members of the Army.

Subtitle J—Other Matters

Sec. 584. Issuance of prisoner-of-war medal.

Sec. 585. Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment.

Sec. 586. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.

Sec. 587. Acceptance of gifts and services related to educational activities and voluntary services to account for missing persons.

Sec. 588. Display of State, District of Columbia, commonwealth, and territorial flags by the Armed Forces.

Sec. 589. Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs.

Sec. 590. Extension of authorities to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.

Sec. 591. Inspection of military cemeteries under the jurisdiction of Department of Defense.

Sec. 592. Report on results of investigations and reviews conducted with respect to Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base.

Sec. 593. Preservation of editorial independence of Stars and Stripes.

Sec. 594. National public awareness and participation campaign for Veterans' History Project of American Folklife Center.

Sec. 595. Report on accuracy of data in the Defense Enrollment Eligibility Reporting System.

Sec. 596. Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance.

Subtitle A—Officer Personnel Policy  
Generally

**SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFICERS ON ACTIVE DUTY.**

(a) **ADDITIONAL FLAG OFFICER AUTHORIZED.**—Section 526(a)(2) of title 10, United States Code, is amended by striking “160” and inserting “162”.

(b) **CORRESPONDING CHANGE IN COMPUTING NUMBER OF FLAG OFFICERS IN STAFF CORPS OF THE NAVY.**—Section 5150(c) of such title is amended by striking the last sentence.

(c) **MODIFICATION OF EFFECTIVE DATE OF CERTAIN REFORMS OF THE STRENGTH AND DISTRIBUTION LIMITATIONS APPLICABLE TO MARINE CORPS GENERAL OFFICERS.**—Paragraph (3) of section 502(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1387; 10 U.S.C. 525 note) is amended to read as follows:

“(3) **EFFECTIVE DATES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amendments made by

this subsection shall take effect on October 1, 2013.

“(B) **MARINE CORPS OFFICERS.**—The amendments made by paragraphs (1)(A)(iv) and (2)(D) shall take effect on October 1, 2012.”.

**SEC. 502. REINSTATEMENT OF AUTHORITY FOR ENHANCED SELECTIVE EARLY RETIREMENT BOARDS AND EARLY DISCHARGES.**

Section 638a of title 10 United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “(1)” after “(a)”;

(B) by striking “, during the period beginning on October 1, 1990,” and all that follows through “December 31, 2012.”; and

(C) by adding at the end the following new paragraph:

“(2) Any authority provided to the Secretary of a military department under paragraph (1) shall expire on the date specified by the Secretary of Defense, but such expiration date may not be later than December 31, 2018.”;

(2) in subsection (b), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3);

(3) in subsection (c), by adding at the end the following new paragraph:

“(4) In the case of an action under subsection (b)(2), the Secretary of Defense may also authorize the Secretary of the military department concerned to waive the five-year period specified in section 638(c) of this title if the Secretary of Defense determines that it is necessary for the Secretary of that military department to have such authority in order to meet mission needs.”; and

(4) in subsection (d)—

(A) by striking “subsection (b)(4)” each place it appears and inserting “subsection (b)(3)”;

(B) in paragraph (2), by striking “except that during the period beginning on October 1, 2006, and ending on December 31, 2012,” in subparagraphs (A) and (B) and inserting “except that through December 31, 2018.”.

**SEC. 503. MODIFICATION OF DEFINITION OF JOINT DUTY ASSIGNMENT TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.**

Section 668(b)(1)(B) of title 10, United States Code, is amended by striking “assignments for joint” and all that follows through “Phase II” and inserting “student assignments for joint training and education”.

**SEC. 504. EXCEPTION TO REQUIRED RETIREMENT AFTER 30 YEARS OF SERVICE FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W-5.**

Section 1305(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “A regular warrant officer (other than a regular Army warrant officer)” and inserting “Subject to paragraphs (2) and (3), a regular warrant officer”;

(B) by striking “he” and inserting “the officer”;

(2) by adding at the end the following new paragraph:

“(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W-5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.”.

**SEC. 505. EXTENSION OF TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.**

(a) **ARMY.**—Section 3911(b)(2) of title 10, United States Code, is amended by striking

“September 30, 2013” and inserting “September 30, 2018”.

(b) **NAVY AND MARINE CORPS.**—Section 6323(a)(2)(B) of such title is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

(c) **AIR FORCE.**—Section 8911(b)(2) of such title is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

**SEC. 506. TEMPORARY INCREASE IN THE TIME-IN-GRADE RETIREMENT WAIVER LIMITATION FOR LIEUTENANT COLONELS AND COLONELS IN THE ARMY, AIR FORCE, AND MARINE CORPS AND COMMANDERS AND CAPTAINS IN THE NAVY.**

Section 1370(a)(2)(F) of title 10, United States Code, is amended—

(1) by striking “the period ending on December 31, 2007” and inserting “fiscal years 2013 through 2018”;

(2) by striking “Air Force” and inserting “Army, Air Force, and Marine Corps”;

(3) by striking “in the period”.

**SEC. 507. MODIFICATION TO LIMITATIONS ON NUMBER OF OFFICERS FOR WHOM SERVICE-IN-GRADE REQUIREMENTS MAY BE REDUCED FOR RETIREMENT IN GRADE UPON VOLUNTARY RETIREMENT.**

Section 1370(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (E)—

(A) by inserting “(i)” after “exceed”;

(B) by inserting before the period at the end the following: “or (ii) in the case of officers of that armed force in a grade specified in subparagraph (G), two officers, whichever number is greater”;

(2) by adding at the end the following new subparagraph:

“(G) Notwithstanding subparagraph (E), during fiscal years 2013 through 2017, the total number of brigadier generals and major generals of the Army, Air Force, and Marine Corps, and the total number of rear admirals (lower half) and rear admirals of the Navy, for whom a reduction is made under this section during any fiscal year of service-in-grade otherwise required under this paragraph may not exceed 10 percent of the authorized active-duty strength for that fiscal year for officers of that armed force in those grades.”.

**SEC. 508. AIR FORCE CHIEF OF CHAPLAINS.**

(a) **ESTABLISHMENT OF POSITIONS; APPOINTMENT.**—Chapter 805 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 8039. Chief of Chaplains: appointment; duties**

“(a) **CHIEF OF CHAPLAINS.**—(1) There is a Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains who—

“(A) are serving in the grade of colonel or above;

“(B) are serving on active duty; and

“(C) have served on active duty as a chaplain for at least eight years.

“(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

“(3) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and by law.

“(b) **SELECTION BOARD.**—Under regulations approved by the Secretary of Defense, the Secretary of the Air Force, in selecting an officer for recommendation to the President for appointment as the Chief of Chaplains,

shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to the selection boards convened under chapter 36 of this title.

“(c) GRADE.—An officer appointed as Chief of Chaplains who holds a lower regular grade may be appointed in the regular grade of major general.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“8039. Chief of Chaplains: appointment; duties.”.

#### Subtitle B—Reserve Component Management

#### SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS FOR JOINT STAFF RELATED TO NATIONAL GUARD AND RESERVE MATTERS.

(a) CODIFICATION OF EXISTING POSITIONS.—Chapter 5 of title 10, United States Code, is amended by inserting after section 155 the following new section:

##### “§ 155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and Reserve matters

“(a) ESTABLISHMENT OF POSITIONS.—The Secretary of Defense shall establish the following positions within the Joint Staff:

“(1) Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters.

“(2) Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.

“(b) SELECTION.—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters shall be selected by the Chairman from officers of the Army National Guard of the United States or the Air Guard of the United States who—

“(A) are recommended for such selection by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized commissioned service in the National Guard and significant joint duty experience, as determined by the Chairman; and

“(C) are in a grade above the grade of colonel.

“(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters shall be selected by the Chairman from officers of the Army Reserve, the Navy Reserve, the Marine Corps Reserve, or the Air Force Reserve who—

“(A) are recommended for such selection by the Secretary of the military department concerned;

“(B) have had at least 10 years of commissioned service in their reserve component and significant joint duty experience, as determined by the Chairman; and

“(C) are in a grade above the grade of colonel or, in the case of the Navy Reserve, captain.

“(c) TERM OF OFFICE.—Each Assistant to the Chairman of the Joint Chiefs of Staff under subsection (a) serves at the pleasure of the Chairman for a term of two years and may be continued in that assignment in the same manner for one additional term. However, in time of war there is no limit on the number of terms.

“(d) GRADE.—Each Assistant to the Chairman of the Joint Chiefs of Staff under subsection (a), while so serving, holds the grade of major general or, in the case of the Navy Reserve, rear admiral. Each such officer shall be considered to be serving in a position covered by the limited exclusion from the authorized strength of general officers

and flag officers on active duty provided by section 526(b) of this title.

“(e) DUTIES.—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters is an adviser to the Chairman on matters relating to the National Guard and performs the duties prescribed for that position by the Chairman.

“(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters is an adviser to the Chairman on matters relating to the reserves and performs the duties prescribed for that position by the Chairman.

“(f) OTHER RESERVE COMPONENT REPRESENTATION ON JOINT STAFF.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop appropriate policy guidance to ensure that, to the maximum extent practicable, the level of representation of reserve component officers on the Joint Staff is commensurate with the significant role of the reserve components within the armed forces.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 155 the following new item:

“155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and Reserve matters.”.

(c) REPEAL OF SUPERSEDED LAW.—Section 901 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 155 note) is repealed.

#### SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PROMOTION OF CERTAIN NATIONAL GUARD WARRANT OFFICERS.

Section 310(a) of title 32, United States Code, is amended—

(1) by inserting “(1)” before “Notwithstanding”; and

(2) by adding at the end the following new paragraph:

“(2) Notwithstanding sections 307 and 309 of this title, if a warrant officer, W-1, of the National Guard is promoted to the grade of chief warrant officer, W-2, to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of chief warrant officer, W-2, effective as of the date on which that officer has completed the service in the grade prescribed by the Secretary concerned under section 12242 of title 10, if the warrant officer has remained in an active status since the warrant officer was so recommended.”.

#### SEC. 513. AVAILABILITY OF TRANSITION ASSISTANCE ADVISORS TO ASSIST MEMBERS OF RESERVE COMPONENTS WHO SERVE ON ACTIVE DUTY FOR MORE THAN 180 CONSECUTIVE DAYS.

(a) TRANSITION ASSISTANCE ADVISOR PROGRAM AUTHORIZED.—The Chief of the National Guard Bureau may establish a program to provide professionals (to be known as Transition Assistance Advisors) in each State to serve as points of contact to assist eligible members of the reserve components in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

(b) ELIGIBLE MEMBERS.—To be eligible for assistance under this section, a member of a reserve component must have served on active duty in the Armed Forces for a period of more than 180 consecutive days.

(c) DUTIES.—The duties of a Transition Assistance Advisor include the following:

(1) To assist with the creation and execution of an individual transition plan for an eligible member of a reserve component and dependents of the member for the reintegration of the member into civilian life.

(2) To provide employment support services to the member and dependents of the member, including assistance with finding employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

(3) To provide information on relocation, health care, mental health care, and financial support services available to the member and dependents of the member from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

(4) To provide information on educational support services available to the member, including Post-9/11 Educational Assistance under chapter 33 of title 38, United States Code.

(d) TRANSITION PLANS.—The individual transition plan referred to in subsection (c)(1) created for an eligible member of a reserve component shall include at a minimum the following:

(1) A plan for the transition of the member to civilian life, including with respect to employment, education, and health care.

(2) A description of the transition services that the member and dependents of the member will need to achieve their transition objectives, including information on any forms that the member will need to fill out to be eligible for such services.

(3) A point of contact for each agency or entity that can provide the transition services described in paragraph (2).

(4) Such other information determined to be essential for the transition of the member, as determined by the Chief of the National Guard Bureau in consultation with the Secretary of Defense and the Secretary of Veterans Affairs.

(e) FUNDING.—Funding for Transition Assistance Advisors for a fiscal year shall be derived from amounts authorized to be appropriated for operation and maintenance for the National Guard for that fiscal year.

(f) STATE DEFINED.—In this section, the term “State” means each of the several States of the United States, the District of Columbia, and any territory of the United States.

#### Subtitle C—General Service Authorities

#### SEC. 518. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMS FOR POST-TRAUMATIC STRESS DISORDER.

Section 1177(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “or psychiatrist” and inserting “psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse”; and

(2) in paragraph (3), by striking “or psychiatrist” and inserting “, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse”.

#### SEC. 519. DIVERSITY IN THE ARMED FORCES AND RELATED REPORTING REQUIREMENTS.

(a) PLAN TO ACHIEVE MILITARY LEADERSHIP REFLECTING DIVERSITY OF UNITED STATES POPULATION.—

(1) IN GENERAL.—Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§ 656. Diversity in military leadership: plan

“(a) PLAN.—The Secretary of Defense (and the Secretary of Homeland Security in the

case of the Coast Guard when it is not operating as a service in the Department of the Navy) shall develop and implement a plan to accurately measure the efforts of the Department of Defense and the Coast Guard to achieve a dynamic, sustainable level of members of the armed forces (including reserve components) that, among both commissioned officers and senior enlisted personnel of each armed force, will reflect the diverse population of the United States eligible to serve in the armed forces, including gender specific, racial, and ethnic populations. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense and the Coast Guard, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary concerned shall continue to account for diversified language and cultural skills among the total force of the armed forces.

“(b) METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN.—In developing and implementing the plan under subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

“(1) to accurately capture the inclusion and capability aspects of the armed forces’ broader diversity plans, including race, ethnic, and gender specific groups, as potential factors of force readiness that would supplement continued accounting by the Department of Defense and the Coast Guard of diversified language and cultural skills among the total force as part of the assessment of current and future national security needs; and

“(2) to be verifiable and systematically linked to strategic plans that will drive improvements.

“(c) DEFINITION OF DIVERSITY.—In developing and implementing the plan under subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall develop a uniform definition of diversity.

“(d) CONSULTATION.—Not less than annually, the Secretary of Defense and the Secretary of Homeland Security shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and senior enlisted members of the armed forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).

“(e) COOPERATION WITH STATES.—The Secretary of Defense shall coordinate with the National Guard Bureau and States in tracking the progress of the National Guard toward developing and implementing the plan established under subsection (a).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“656. Diversity in military leadership: plan.”.

(b) INCLUSION IN DOD MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended by inserting after subsection (f) the following new subsection:

“(g) In each report submitted under subsection (a) during fiscal years 2013 through 2017, the Secretary shall also include a detailed discussion of the following:

“(1) The progress made in implementing the plan required by section 656 of this title

to accurately measure the efforts of the Department to reflect the diverse population of the United States eligible to serve in the armed forces.

“(2) The number of members of the armed forces, including reserve components, listed by gender and race or ethnicity for each rank under each military department.

“(3) The number of members of the armed forces, including reserve components, who were promoted during the year covered by the report, listed by gender and race or ethnicity for each rank under each military department.

“(4) The number of members of the armed forces, including reserve components, who reenlisted or otherwise extended the commitment to military service during the year covered by the report, listed by gender and race or ethnicity for each rank under each military department.

“(5) The available pool of qualified candidates for the general officer grades of general and lieutenant general and the flag officer grades of admiral and vice admiral.”.

(c) COAST GUARD REPORT.—

(1) ANNUAL REPORT REQUIRED.—The Secretary of Homeland Security (or the Secretary of the Navy in the event the Coast Guard is operating as a service in the Department of the Navy) shall prepare an annual report addressing diversity among commissioned officers of the Coast Guard and Coast Guard Reserve and among enlisted personnel of the Coast Guard and Coast Guard Reserve. The report shall include—

(A) an assessment of the available pool of qualified candidates for the flag officer grades of admiral and vice admiral;

(B) the number of such officers and personnel, listed by gender and race or ethnicity for each rank;

(C) the number of such officers and personnel who were promoted during the year covered by the report, listed by gender and race or ethnicity for each rank; and

(D) the number of such officers and personnel who reenlisted or otherwise extended the commitment to the Coast Guard during the year covered by the report, listed by gender and race or ethnicity for each rank.

(2) SUBMISSION.—The report under paragraph (1) shall be submitted during each of fiscal years 2013 through 2017 not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code. Each report shall be submitted to the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Homeland Security of the House of Representatives, and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

**SEC. 520. LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.**

Section 1559(a) of title 10, United States Code, is amended by striking “December 31, 2013” and inserting “December 31, 2016”.

**SEC. 521. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRY-OVER FOR MEMBERS OF THE ARMED FORCES.**

Section 701(d) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2015”.

**SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.**

(a) EXTENSION OF PROGRAMS TO CERTAIN ACTIVE GUARD AND RESERVE PERSONNEL.—

Section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is amended—

(1) in subsection (a)(1), by inserting “and members on active Guard and Reserve duty” after “officers and enlisted members of the regular components”;

(2) by redesignating subsection (1) as subsection (m); and

(3) by inserting after subsection (k) the following new subsection (l):

“(l) DEFINITION.—In this section, the term ‘active Guard and Reserve duty’ has the meaning given that term in section 101(d)(6) of title 10, United States Code.”.

(b) AUTHORITY TO CARRY FORWARD UNUSED ACCRUED LEAVE.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(5) LEAVE.—A member who participates in a pilot program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.”.

(c) AUTHORITY FOR DISABILITY PROCESSING.—Subsection (j) of such section is amended—

(1) in the subsection heading, by striking “MEDICAL AND DENTAL CARE” and inserting “CONTINUED ENTITLEMENTS”;

(2) by striking “for purposes of the entitlement” and inserting “for purposes of—

“(1) the entitlement”;

(3) by striking the period at the end and inserting “; and”;

(4) by adding at the end the following new paragraph:

“(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of title 10, United States Code.”.

**SEC. 523. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.**

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

(1) Rape.

(2) Sexual abuse.

(3) Sexual assault.

(4) Incest.

(5) Any other sexual offense.

**SEC. 524. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.**

(a) IN GENERAL.—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

(1) Medical Evaluation Boards.

(2) Physical Evaluation Boards.

(3) Physical Evaluation Board Liaison Officers.

(b) OBJECTIVES.—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) ANNUAL REPORTS.—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

**SEC. 525. REPORTS ON INVOLUNTARY SEPARATION OF MEMBERS OF THE ARMED FORCES.**

(a) PERIODIC REPORTS REQUIRED.—Not later than 30 days after the end of each half-year period during calendar years 2013 and 2014, the Secretary of each military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the number of members of the regular components of the Armed Forces under the jurisdiction of such Secretary who were involuntarily separated from active duty in the Armed Forces (for reasons other than for cause) to meet force reduction requirements during the six-month period covered by the report.

(b) ELEMENTS.—Each report on an Armed Force under subsection (a) shall set forth the following for the period covered by the report:

(1) The total number members of that Armed Force involuntarily separated from active duty in the Armed Forces (for reasons other than for cause) to meet force reduction requirements.

(2) The number of members covered by paragraph (1) separately set forth by grade, by total years of service in the Armed Forces at the time of separation, and by military occupational specialty or rating (or competitive category in the case of officers).

(3) The number of members covered by paragraph (1) who received involuntary separation pay, or who are authorized to receive temporary retired pay, in connection with the separation.

(4) The number of members covered by paragraph (1) who completed transition assistance programs relating to future employment.

(5) The average number of months members covered by paragraph (1) were deployed to overseas contingency operations, separately set forth by grade.

**SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GENDER-NEUTRAL OCCUPATIONAL STANDARDS FOR MILITARY OCCUPATIONAL SPECIALTIES CURRENTLY CLOSED TO WOMEN.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of incorporating gender-neutral occupational standards for military occupational specialties closed, as of the date of the enactment of this Act, to female members of the Armed Forces.

**SEC. 527. REPORT ON EDUCATION AND TRAINING AND PROMOTION RATES FOR PILOTS OF REMOTELY PILOTED AIRCRAFT.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force and the Chief of Staff of the Air Force shall jointly submit to the congressional defense committees a report on education and training and promotion rates for Air Force pilots of remotely piloted aircraft (RPA).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed analysis of the reasons for persistently lower average education and training and promotion rates for Air Force pilots of remotely piloted aircraft.

(2) An assessment of the long-term impact on the Air Force of the sustainment of such lower rates.

(3) A plan to raise such rates, including—

(A) a description of the near-term and longer-term actions the Air Force intends to undertake to implement the plan; and

(B) an analysis of the potential direct and indirect impacts of the plan on the achievement and sustainment of the combat air patrol objectives of the Air Force for remotely piloted aircraft.

**SEC. 528. IMPACT OF NUMBERS OF MEMBERS WITHIN THE INTEGRATED DISABILITY EVALUATION SYSTEM ON READINESS OF ARMED FORCES TO MEET MISSION REQUIREMENTS.**

(a) ANNUAL IMPACT STATEMENT.—In the materials submitted to Congress in support of the budget for the Department of Defense for each of fiscal years 2014 through 2018, the Secretary of each military department shall include a statement concerning the extent to which the number of members of an Armed Force under the jurisdiction of the Secretary who are within the Integrated Disability Evaluation System impacts—

(1) the readiness of that Armed Force to meet on-going mission requirements; and

(2) dwell time for other members of that Armed Force.

(b) RESPONSE PLAN.—If the statement of the Secretary of a military department under subsection (a) for a fiscal year concludes that an adverse impact on readiness or dwell time of an Armed Force is occurring, the Secretary shall include with the budget materials a plan describing how the Armed Force will mitigate the impact.

**Subtitle D—Military Justice and Legal Matters**

**SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.**

(a) APPOINTMENT BY THE PRESIDENT AND PERMANENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—Subsection (a) of section 5046 of title 10, United States Code, is amended—

(1) in the first sentence, by striking “detailed” and inserting “appointed by the President, by and with the advice and consent of the Senate,”; and

(2) by striking the second sentence and inserting the following new sentence: “If the officer to be appointed as the Staff Judge Advocate to the Commandant of the Marine Corps holds a grade lower than the grade of major general immediately before the appointment, the officer shall be appointed in the grade of major general.”.

(b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

“(1) perform such duties relating to legal matters arising in the Marine Corps as may be assigned to the Staff Judge Advocate;

“(2) perform the functions and duties, and exercise the powers, prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapter 47 (the Uniform Code of Military Justice) and chapter 53 of this title; and

“(3) perform such other duties as may be assigned to the Staff Judge Advocate.”.

(c) COMPOSITION OF HEADQUARTERS, MARINE CORPS.—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) The Staff Judge Advocate to the Commandant of the Marine Corps.”.

(d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

(1) ADMINISTRATION OF MILITARY JUSTICE.—Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended in the third sentence by striking “The Judge Advocate General” and all that follows through “shall” and inserting “The Judge Advocates General, and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs, shall”.

(2) DELIVERY OF LEGAL ASSISTANCE.—Section 1044(b) of such title is amended by inserting “, and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps,” after “jurisdiction of the Secretary”.

**SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON ANNUAL SURVEYS OF THE COMMITTEE ON THE UNIFORM CODE OF MILITARY JUSTICE.**

Subsection (c)(2) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) Information from the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the following:

“(i) The appellate review process, including—

“(I) information on compliance with processing time goals;

“(II) discussions of the circumstances surrounding cases in which general court-martial or special court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review or otherwise remitted due to loss of records of trial or other administrative deficiencies; and

“(III) discussions of cases in which a provision of this chapter is held unconstitutional.

“(ii) Measures implemented by each armed force to ensure the ability of judge advocates to competently participate as trial and defense counsel in, and preside as military judges over, capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

“(iii) The independent views of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the sufficiency of resources available within their respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.”.

**SEC. 533. PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.**

(a) PROTECTION OF RIGHTS OF CONSCIENCE.—

(1) ACCOMMODATION.—The Armed Forces shall accommodate the beliefs of a member of the armed forces reflecting the conscience, moral principles, or religious beliefs of the member and, in so far as practicable, may not use such beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

(2) DISCIPLINARY OR ADMINISTRATIVE ACTION.—Nothing in paragraph (1) precludes disciplinary or administrative action for conduct that is proscribed by chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), including actions and speech that threaten good order and discipline.

(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS.—No member of the Armed Forces may—

(1) require a chaplain to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain; or

(2) discriminate or take any adverse personnel action against a chaplain, including denial of promotion, schooling, training, or assignment, on the basis of the refusal by the chaplain to comply with a requirement prohibited by paragraph (1).

(c) REGULATIONS.—The Secretary of Defense shall issue regulations implementing the protections afforded by this section.

**SEC. 534. REPORTS ON HAZING IN THE ARMED FORCES.**

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department (and the Secretary of Homeland Security in the case of the Coast Guard) shall submit to the congressional committees specified in subsection (c) a report on hazing in each Armed Force under the jurisdiction of the Secretary.

(b) ELEMENTS.—The report on an Armed Force required by subsection (a) shall include the following:

(1) An evaluation of the definition of hazing contained in the Secretary of Defense Policy Memorandum dated August 28, 1997.

(2) A discussion of the policies of the Armed Force for preventing and responding to incidents of hazing.

(3) A description of the methods implemented to track and report, including report anonymously, incidents of hazing in the Armed Force.

(4) An assessment by the Secretary submitting the report of the following:

(A) The scope of the problem of hazing in the Armed Force.

(B) The training on recognizing and preventing hazing provided members of the Armed Force.

(C) The actions taken to prevent and respond to hazing incidents in the Armed Force.

(D) The extent to which the Uniform Code of Military Justice specifically addresses the prosecution of persons subject to the Code who are alleged to have committed hazing.

(E) The feasibility of establishing a database to track, respond to, and resolve incidents of hazing.

(5) A description of the additional actions, if any, the Secretary submitting the report proposes to take to further address the incidence of hazing in the Armed Force.

(6) Any recommended changes to the Uniform Code of Military Justice or the Manual for Courts-Martial to improve the prosecution of persons alleged to have committed hazing in the Armed Forces.

(c) SUBMISSION OF REPORTS.—The reports required by subsection (a) shall be submitted—

(1) to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

**Subtitle E—Member Education and Training Opportunities and Administration**

**SEC. 541. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE AND ENHANCEMENTS TO THE PROGRAM.**

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.

(2) MEMORANDUM OF AGREEMENT.—In connection with the transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense under paragraph (1), the Secretaries shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in subsection (a) of section 1154 of title 10, United States Code, as added by subsection (b)).

(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in subsection (d) of such section 1154 to become participants in the Program, to meet the requirements necessary to become a teacher in a school described in subsection (b)(2) of such section 1154, and to find post-service employment in an eligible school.

(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in subsection (a) of such section 1154).

(3) EFFECTIVE DATE.—The transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program under paragraph (1) shall take effect—

(A) on the first day of the first month beginning more than 90 days after the date of the enactment of this Act; or

(B) on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program**

“(a) DEFINITIONS.—In this section:

“(1) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1)).

“(2) ELIGIBLE SCHOOL.—The term ‘eligible school’ means—

“(A) a public school, including a charter school, at which—

“(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); or

“(B) a Bureau-funded school as defined in section 1141(3) of the Education Amendments of 1978 (25 U.S.C. 2021(3)).

“(3) HIGH-NEED SCHOOL.—The term ‘high-need school’ means—

“(A) an elementary or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

“(C) a school that is in a local educational agency that is eligible under section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b)).

“(4) MEMBER OF THE ARMED FORCES.—The term ‘member of the armed forces’ includes a retired or former member of the armed forces.

“(5) PARTICIPANT.—The term ‘participant’ means an eligible member of the armed forces selected to participate in the Program.

“(6) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program authorized by this section.

“(7) SECRETARY.—The term ‘Secretary’ means the Secretary of Defense.

“(8) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).



“(b) PROGRAM AUTHORIZATION.—The Secretary of Defense may carry out a Troops-to-Teachers Program—

“(1) to assist eligible members of the armed forces described in subsection (d) to meet the requirements necessary to become a teacher in a school described in paragraph (2); and

“(2) to facilitate the employment of such members—

“(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

“(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

“(ii) experiencing a shortage of teachers, in particular a shortage of science, mathematics, special education, foreign language, or career or technical teachers; and

“(B) in elementary schools or secondary schools, or as career or technical teachers.

“(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the armed forces who do not meet the eligibility criteria described in subsection (d), including the education qualification requirements under paragraph (3)(B) of such subsection.

“(d) ELIGIBILITY AND APPLICATION PROCESS.—

“(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

“(A) Any member who—

“(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

“(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

“(iii) has been transferred to the Retired Reserve.

“(B) Any member who, on or after January 8, 2002—

“(i)(I) is separated or released from active duty after four or more years of continuous active duty immediately before the separation or release; or

“(II) has completed a total of at least six years of active duty service, six years of service computed under section 12732 of this title, or six years of any combination of such service; and

“(ii) executes a reserve commitment agreement for a period of not less than three years under paragraph (5)(B).

“(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

“(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

“(B) In the case of an eligible member of the armed forces described in subparagraph (A)(i), (B), or (C) of paragraph (1), an application shall be considered to be submitted on a timely basis if the application is submitted not later than three years after the date on which the member is retired, separated, or released from active duty, whichever applies to the member.

“(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS; HONORABLE SERVICE REQUIREMENT.—(A) The Secretary

shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

“(B) If a member of the armed forces is applying for the Program to receive assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

“(C) If a member of the armed forces is applying for the Program to receive assistance for placement as a career or technical teacher, the Secretary shall require the member—

“(i) to have received the equivalent of one year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

“(ii) to otherwise meet the certification or licensing requirements for a career or technical teacher in the State in which the member seeks assistance for placement under the Program.

“(D) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

“(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

“(A) shall give priority to members who—

“(i) have educational or military experience in science, mathematics, special education, foreign language, or career or technical subjects; and

“(ii) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

“(B) may give priority to members who agree to seek employment in a high-need school.

“(5) OTHER CONDITIONS ON SELECTION.—(A) Subject to subsection (i), the Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

“(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years.

“(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

“(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and to receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

“(i) within such time as the Secretary may require, to meet the requirements necessary

to become a teacher in a school described in subsection (b)(2); and

“(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school to begin the school year after obtaining that certification or licensing.

“(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

“(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

“(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

“(B) is serving on active duty as a member of the armed forces;

“(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

“(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

“(E) is unable to find full-time employment as a teacher in an eligible elementary school or secondary school or as a career or technical teacher for a single period not to exceed 27 months; or

“(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

“(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant a stipend to cover expenses incurred by the participant to obtain the required educational level, certification, or licensing. Such stipend may not exceed \$5,000 and may vary by participant.

“(B)(i) Subject to subparagraph (C), the Secretary may pay a bonus to a participant who agrees in the participation agreement under paragraph (1) to accept full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school.

“(ii) The amount of the bonus may not exceed \$5,000, unless the eligible school is a high-need school, in which case the amount of the bonus may not exceed \$10,000. Within such limits, the bonus may vary by participant and may take into account the priority placements as determined by the Secretary.

“(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

“(ii) The total number of bonuses that may be paid under subparagraph (B) in any fiscal year may not exceed 3,000.

“(iii) A participant may not receive a stipend under subparagraph (A) if the participant is eligible for benefits under chapter 33 of title 38.

“(iv) The combination of a stipend under subparagraph (A) and a bonus under subparagraph (B) for any one participant may not exceed \$10,000.

“(4) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection

to a participant shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

“(1) REIMBURSEMENT REQUIRED.—A participant who is paid a stipend or bonus under this subsection shall be subject to the repayment provisions of section 373 of title 37 under the following circumstances:

“(A) The participant fails to meet the requirements necessary to become a teacher in a school described in subsection (b)(2) or to obtain employment as an elementary school teacher, secondary school teacher, or career or technical teacher as required by the participation agreement under subsection (e)(1).

“(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career or technical teacher during the three years of required service in violation of the participation agreement.

“(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

“(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service.

“(3) INTEREST.—Any amount owed by a participant under this subsection shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

“(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

“(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—Except as provided in subsection (e)(3)(C)(iii), the receipt by a participant of a stipend or bonus under subsection (e) shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

“(h) PARTICIPATION BY STATES.—

“(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

“(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants as elementary school teachers, secondary school teachers, and career or technical teachers.

“(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed \$5,000,000.

“(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGATIONS.—The total amount obligated by the Secretary under the Program for any fiscal year may not exceed \$15,000,000.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program.”

(c) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking “under section 2302” and all that follows through “6672”.

(d) TERMINATION OF DEPARTMENT OF EDUCATION TROOPS-TO-TEACHERS PROGRAM.—

(1) TERMINATION.—Subject to paragraph (3), chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by striking the items relating to chapter A of subpart 1 of part C of title II of such Act.

(3) EXISTING AGREEMENTS.—The repeal of chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) by paragraph (1) shall not affect—

(A) the validity or terms of any agreement entered into under such chapter, as in effect immediately before such repeal, before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a); or

(B) the authority to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a).

#### SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND PHYSICAL FITNESS PROGRAMS.

(a) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§ 6981. Support of athletic and physical fitness programs

“(a) AUTHORITY.—

“(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary of the Navy may enter into contracts and cooperative agreements with the Naval Academy Athletic Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Naval Academy.

“(2) LEASES.—The Secretary may enter into leases, in accordance with section 2667 of this title, or licenses with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Any such lease or license shall be deemed to satisfy the conditions of section 2667(h)(2) of this title.

“(b) USE OF NAVY PERSONAL PROPERTY BY THE ASSOCIATION.—The Secretary may allow the Association to use, at no cost, personal property of the Department of the Navy to assist the Association in supporting the athletic and physical fitness programs of the Naval Academy.

“(c) ACCEPTANCE OF SUPPORT.—

“(1) SUPPORT RECEIVED FROM THE ASSOCIATION.—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy. For purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

“(2) FUNDS RECEIVED FROM NCAA.—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic and physical fitness programs of the Naval Academy.

“(3) LIMITATION.—The Secretary shall ensure that contributions under this subsection do not reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

“(d) RETENTION AND USE OF FUNDS.—Notwithstanding section 2260(d) of this title, funds received under this section may be retained for use in support of athletic and physical fitness programs of the Naval Academy and shall remain available until expended.

“(e) TRADEMARKS AND SERVICE MARKS.—

“(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a)(1) may, consistent with sections 2260 (other than subsection (d)) and 5022(b)(3) of this title, authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, subject to the approval of the Department of the Navy.

“(2) LIMITATIONS.—No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

“(f) SERVICE ON ASSOCIATION BOARD OF CONTROL.—The Association is a designated entity for which authorization under sections 1033(a) and 1589(a) of this title may be provided.

“(g) CONDITIONS.—The authority provided in this section with respect to the Association is available only so long as the Association continues to—

“(1) qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the Association; and

“(2) operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

“(h) ASSOCIATION DEFINED.—In this section, the term ‘Association’ means the Naval Academy Athletic Association.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“6981. Support of athletic and physical fitness programs.”

**SEC. 543. EXPANSION OF DEPARTMENT OF DEFENSE PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR MILITARY OCCUPATIONAL SPECIALTY SKILLS.**

(a) **EXPANSION OF PROGRAM.**—Subsection (b)(1) of section 558 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1418; 10 U.S.C. 2015 note) is amended by striking “or more than five”.

(b) **USE OF INDUSTRY-RECOGNIZED CERTIFICATIONS.**—Subsection (b) of such section is further amended—

(1) by striking “and” at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) consider utilizing industry-recognized certifications or licensing standards for civilian occupational skills comparable to the specialties or codes so designated; and”.

**SEC. 544. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) **IN GENERAL.**—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a nonemergency medical professional.

“(ii) A license to be an emergency medical professional.

“(iii) A commercial driver’s license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.

“(D) The Secretary shall publish on the Internet website of the Department available to the public—

“(i) any guidance the Secretary gives the Secretary of Defense with respect to carrying out this section; and

“(ii) any information the Secretary receives from a State pursuant to subparagraph (A).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

**SEC. 545. DEPARTMENT OF DEFENSE REVIEW OF ACCESS TO MILITARY INSTALLATIONS BY REPRESENTATIVES OF INSTITUTIONS OF HIGHER EDUCATION.**

(a) **REVIEW REQUIRED.**—The Secretary of Defense shall conduct a review to assess the extent of access that representatives of institutions of higher education have to military installations.

(b) **ELEMENTS OF REVIEW.**—The review required by subsection (a) shall include, at a minimum, an assessment of the following:

(1) The policies and procedures that govern the availability and the degree to which representatives of institutions of higher education obtain access to military installations for marketing and recruitment purposes to members of the Armed Forces and their families.

(2) The extent to which persons employed by institutions of higher education who have authorized access to military installations are engaged in the unauthorized or inappropriate marketing of products and services to members of the Armed Forces through such access.

(3) The policies and regulations that are in effect to prevent inappropriate marketing of educational products and services on military installations and the effectiveness or shortcomings, and the adequacy of the enforcement, of those policies and regulations.

(c) **REPORT.**—Not later than 270 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review required by subsection (a). The report shall include any recommendations for statutory or regulatory change that the Secretary considers appropriate to enhance the protection of members of the Armed Forces from inappropriate marketing and recruitment on military installations by representatives of institutions of higher education.

**SEC. 546. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the each of the Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of exist-

ing educational transcripts to be incorporated into the Joint Services Transcript.

**SEC. 547. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.**

(a) **REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.**—

(1) **REVIEW OF METHODOLOGY.**—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) **REPORT.**—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) **REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.**—

(1) **REPORT REQUIRED.**—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other

oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term “joint professional military education research institutions” means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term “senior and intermediate joint professional military education colleges and universities” means the following:

- (i) The National Defense University.
- (ii) The Army War College.
- (iii) The Navy War College.
- (iv) The Air University.
- (v) The Air War College.
- (vi) The Marine Corp University.

#### **Subtitle F—Reserve Officers’ Training Corps and Related Matters**

#### **SEC. 551. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR IN-STATE TUITION OF AT LEAST 50 PERCENT OF PARTICIPANTS IN SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM.**

Section 2107(c)(1) of title 10, United States Code, is amended by striking the third sentence.

#### **SEC. 552. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS.**

(a) CONSOLIDATION.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 2034. Educational institutions not maintaining units of Junior Reserve Officers’ Training Corps: issuance of arms, tentage, and equipment**

“The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers’ Training Corps is maintained if the educational institution—

“(1) offers a course in military training prescribed by that Secretary; and

“(2) has a student body of at least 50 students who are in a grade above the eighth grade.”.

(b) REPEAL OF SEPARATE AUTHORITIES.—Sections 4651, 7911, and 9651 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) CONSOLIDATED AUTHORITY.—The table of sections at the beginning of chapter 102 of such title is amended by adding at the end the following new item:

“2034. Educational institutions not maintaining units of Junior Reserve Officers’ Training Corps: issuance of arms, tentage, and equipment.”.

(2) ARMY AUTHORITY.—The table of sections at the beginning of chapter 441 of such title is amended by striking the item relating to section 4651.

(3) NAVY AUTHORITY.—The table of sections at the beginning of chapter 667 of such title is amended by striking the item relating to section 7911.

(4) AIR FORCE AUTHORITY.—The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9651.

#### **SEC. 553. MODIFICATION OF REQUIREMENTS ON PLAN TO INCREASE THE NUMBER OF UNITS OF THE JUNIOR RESERVE OFFICERS’ TRAINING CORPS.**

(a) NUMBER OF UNITS COVERED BY PLAN.—Subsection (a) of section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4466) is amended by striking “not less than 3,700 units” and inserting “not less than 3,000, and not more than 3,700, units”.

(b) ADDITIONAL EXCEPTION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) if the Secretaries of the military departments determine that the level of support of all kinds (including appropriated funds) provided to youth development programs within the Armed Forces is consistent with funding limitations and the achievement of the objectives of such programs.”.

(c) SUBMITTAL OF REVISED PLAN AND IMPLEMENTATION REPORTS.—Subsection (e) of such section is amended to read as follows:

“(e) TIME FOR SUBMISSION.—Not later than March 31, 2013, the Secretary of Defense shall submit to the congressional defense committees a revised plan under subsection (a) to reflect amendments made to subsections (a) and (b) during fiscal year 2013 and a new report under subsection (d) to address the revised plan. The Secretary shall submit an updated report not later than March 31 of each of 2015, 2018, and 2020.”.

#### **SEC. 554. COMPTROLLER GENERAL REPORT ON RESERVE OFFICERS’ TRAINING CORPS PROGRAMS.**

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General regarding the following:

(1) Whether the Reserve Officers’ Training Corps (ROTC) programs of the military departments are effectively meeting, and structured to meet, current and projected requirements for newly commissioned officers in the Armed Forces.

(2) The cost-effectiveness and unit productivity of the current Reserve Officers’ Training Corps programs.

(3) The adequacy of current oversight and criteria for the establishment and disestablishment of units of the Reserve Officers’ Training Corps.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A list of the units of the Reserve Officers’ Training Corps by Armed Force, and by college or university, and the number of cadets and midshipman currently enrolled by class or year group.

(2) The number of officers commissioned in 2012 from the Reserve Officers’ Training Corps programs, and the number projected to be commissioned over the period of the current future-years defense program under section 221 of title 10, United States Code, from each unit listed under paragraph (1).

(3) An assessment of the requirements of each Armed Force for newly commissioned officers in 2012 and the strategic planning regarding such requirements over the period of the current future-years defense program.

(4) The number of military and civilian personnel of the Department of Defense assigned to lead and manage units of the Re-

serve Officers’ Training Corps, and the grades of the military personnel so assigned.

(5) An assessment of Department of Defense-wide and Armed-Force specific standards regarding the productivity of units of the Reserve Officers’ Training Corps, and an assessment of compliance with such standards.

(6) An assessment of the projected use by the Armed Forces of the procedures available to the Armed Forces to respond to overages in the number of cadets and midshipmen in the Reserve Officers’ Training Corps programs.

(7) A description of the plans of the Armed Forces to retain or disestablish units of the Reserve Officers’ Training Corps that do not meet productivity standards.

#### **Subtitle G—Defense Dependents’ Education and Military Family Readiness**

#### **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—

(1) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Section 572(b)(4) of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b(b)(4)) is amended by striking “September 30, 2012” and inserting “September 30, 2014”.

(2) AMOUNT OF ASSISTANCE AUTHORIZED.—Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b).

(c) REPEAL OF OBSOLETE FUNDING REFERENCE.—Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(d) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

#### **SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.**

Of the amount authorized to be appropriated for fiscal year 2013 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

**SEC. 563. AMENDMENTS TO THE IMPACT AID PROGRAM.**

(a) **SHORT TITLE.**—This section may be cited as the “Impact Aid Improvement Act of 2012”.

(b) **AMENDMENTS TO THE IMPACT AID PROGRAM.**—Title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002 (20 U.S.C. 7702)—

(A) in subsection (a)—

(i) by striking “for a fiscal year ending prior to October 1, 2003”; and

(ii) by inserting “or (h)” after “subsection (b)”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “aggregate assessed” and inserting “estimated taxable”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) **DETERMINATION OF TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.**—

“(A) **IN GENERAL.**—In determining the estimated taxable value of such acquired Federal property for fiscal year 2010 and each succeeding fiscal year, the Secretary shall—

“(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

“(ii) then determine the per acre value of the eligible Federal property by dividing the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

“(iii) then determine the total taxable value of the eligible Federal property by multiplying the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

“(B) **SPECIAL RULE.**—In the case of Federal property eligible under this section that is within the boundaries of 2 or more local educational agencies, such a local educational agency may ask the Secretary to calculate the per acre value of each such local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in such agency.”; and

(C) in subsection (h)—

(i) in paragraph (1)—

(I) in the paragraph heading, by striking “FOR PRE-1995 RECIPIENTS” and inserting “FOR PRE-2010 RECIPIENTS”; and

(II) by striking subparagraphs (A) and (B) and inserting the following:

“(A) **IN GENERAL.**—The Secretary shall first make a foundation payment to each local educational agency that is determined by the Secretary to be eligible to receive a payment under this section for the fiscal year involved and that filed a timely application, and met, or has been determined by statute to meet, the eligibility requirements of subsection (a) for fiscal year 2009.

“(B) **AMOUNT.**—

“(i) **IN GENERAL.**—The amount of a payment under subparagraph (A) for a local educational agency shall be equal to the greater of 90 percent of the payment the local educational agency received from dollars appropriated for fiscal year 2009 or 90 percent of the average payment that the local educational agency received from dollars appropriated for fiscal years 2006, 2007, 2008, and 2009, and shall be calculated without regard to the maximum payment provisions in subsection (b)(1)(C).

“(ii) **EXCEPTION.**—In calculating such average payment for a local educational agency

that did not receive a payment under subsection (b) for 1 or more of the fiscal years between fiscal year 2006 and 2009, inclusive, the lowest such payment made to the agency for fiscal year 2006, 2007, 2008, or 2009, shall be treated as the payment that the agency received under subsection (b) for each fiscal year for which the agency did not receive such a payment.”; and

(ii) by striking paragraphs (2) through (4) and inserting the following:

“(2) **FOUNDATION PAYMENTS FOR NEW APPLICANTS.**—

“(A) **FIRST YEAR.**—From any amounts remaining after making payments under paragraph (1) and subsection (i)(1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2009 and that did not receive a payment under paragraph (1) for the fiscal year for which such agency was determined eligible for such payment.

“(B) **SECOND AND SUCCEEDING YEARS.**—For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency's foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency's foundation payment under this paragraph for the first fiscal year.

“(C) **AMOUNTS.**—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

“(i) Calculate the local educational agency's maximum payment under subsection (b).

“(ii) Calculate the percentage that the amount appropriated under section 8014(a) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency's maximum payment by such percentage.

“(iii) Multiply the amount determined under clause (ii) by 90 percent.

“(D) **INSUFFICIENT FUNDS.**—If the amount appropriated under section 8014(a) of this title is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

“(3) **REMAINING FUNDS.**—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2) or subsection (i)(1), for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.

“(4) **DATA.**—For each local educational agency that received a payment under this

section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted, the Secretary shall not make a payment under paragraph (3) to a local educational agency that fails to submit, within 60 days of the date the Secretary notifies the agency that the information is needed, the data necessary to calculate the maximum amount of a payment under subsection (b) for that local educational agency.”;

(2) by striking section 8003(a)(4) (20 U.S.C. 7703(a)(4)) and inserting the following:

“(4) **MILITARY INSTALLATION AND INDIAN HOUSING UNDERGOING RENOVATION OR REBUILDING.**—

“(A) **MILITARY INSTALLATION HOUSING.**—Beginning in fiscal year 2014, in determining the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider those children as if they were children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that those children would have resided in housing on Federal property if the housing was not undergoing renovation or rebuilding. The total number of children treated as children described in paragraph (1)(B) shall not exceed the lessor of—

“(i) the total number of children eligible under paragraph (1)(B) for the year prior to the initiation of the housing project on Federal property undergoing renovation or rebuilding; or

“(ii) the total number of Federally connected children enrolled at the local educational agency as stated in the application filed for the payment for the year for which the determination is made.

“(B) **INDIAN LANDS.**—Beginning in fiscal year 2014, in determining the amount of a payment for a local educational agency that received a payment for children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application, the Secretary shall consider those children to be children described in paragraph (1)(C) if the Secretary determines on the basis of a certification provided to the Secretary by a designated representative of the Secretary of the Interior or the Secretary of Housing and Urban Development that those children would have resided in housing on Indian lands if the housing was not undergoing renovation or rebuilding. The total number of children treated as children described in paragraph (1)(C) shall not exceed the lessor of—

“(i) the total number of children eligible under paragraph (1)(C) for the year prior to the initiation of the housing project on Indian lands undergoing renovation or rebuilding; or

“(ii) the total number of Federally connected children enrolled at the local educational agency as stated in the application filed for the payment for the year for which the determination is made.

“(C) **ELIGIBLE HOUSING.**—Renovation or rebuilding shall be defined as projects considered as capitalization, modernization, or restoration, as defined by the Secretary of Defense or the Secretary of the Interior (as the case may be) and are projects that last more than 30 days, but do not include ‘sustainment projects’ such as painting, carpeting, or minor repairs.”; and

(3) in section 8010 (20 U.S.C. 7710)—

(A) in subsection (c)(1), by striking “paragraph (3) of this subsection” both places the

term appears and inserting “paragraph (2)”; and

(B) by adding at the end the following:

“(d) **TIMELY PAYMENTS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

“(2) **PAYMENTS WITH RESPECT OF FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.**—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting ‘is available to pay the agency’ for ‘the agency is eligible to receive’ each place the term appears.”.

(c) **EFFECTIVE DATE, IMPLEMENTATION, AND REPEAL.**—

(1) **IN GENERAL.**—The amendments made by subsection (b) shall be effective for a 2-year period beginning on the date of enactment of this Act.

(2) **EFFECTIVE DATE.**—Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010.

(3) **IMPLEMENTATION.**—The Secretary of Education shall carry out the amendments made by this section without regard to the rulemaking procedures under section 553 of title 5, United States Code.

(4) **REPEAL.**—The amendments made by subsection (b) shall be repealed on the day after the 2-year period described in paragraph (1) and title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) shall be applied as if such subsection and the amendments made by such subsection had never been enacted.

**SEC. 564. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO ARE CARRIED DURING PREGNANCY AT TIME OF DEPENDENT-ABUSE OFFENSE COMMITTED BY AN INDIVIDUAL WHILE A MEMBER OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Section 1059 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

“(4) Payment to a child under this section shall not cover any period before the birth of the child.”; and

(2) in subsection (1), by striking “at the time of the dependent-abuse offense resulting in the separation of the former member” in the matter preceding paragraph (1) and inserting “or eligible spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse”.

(b) **PROSPECTIVE APPLICABILITY.**—No benefits shall accrue by reason of the amendments made by this section for any month

that begins before the date of the enactment of this Act.

**SEC. 565. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.**

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(k) **ENROLLMENT OF RELOCATED DEFENSE DEPENDENTS’ EDUCATION SYSTEM STUDENTS.**—(1) The Secretary of Defense may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent of a member of the armed forces or a dependent of a Federal employee who is enrolled in the defense dependents’ education system established under section 1402 of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921) if—

“(A) the dependents departed the overseas location as a result of a evacuation order;

“(B) the designated safe haven of the dependent is located within reasonable commuting distance of a school operated by the Department of Defense education program; and

“(C) the school possesses the capacity and resources necessary to enable the student to attend the school.

“(2) Unless waived by the Secretary of Defense, a dependent described in paragraph (1) who is enrolled in a school operated by the Department of Defense education program pursuant to such paragraph may attend the school only through the end of the school year.

“(l) **ENROLLMENT IN VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAM.**—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may authorize the enrollment in the virtual elementary and secondary education program established as a component of the Department of Defense education program of a dependent of a member of the armed forces on active duty who—

“(A) is enrolled in an elementary or secondary school operated by a local educational agency or another accredited educational program in the United States (other than a school operated by the Department of Defense education program); and

“(B) immediately before such enrollment, was enrolled in the defense dependents’ education system established under section 1402 of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921).

“(2) Enrollment of a dependent described in paragraph (1) pursuant to such paragraph shall be on a tuition basis.”.

**SEC. 566. NONCOMPETITIVE APPOINTMENT AUTHORITY REGARDING CERTAIN MILITARY SPOUSES.**

(a) **IN GENERAL.**—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following new section:

“§ 3330d. **Appointment of certain military spouses**

“(a) **DEFINITIONS.**—In this section:

“(1) The term ‘active duty’—

“(A) has the meaning given that term in section 101(d)(1) of title 10;

“(B) includes full-time National Guard duty (as defined in section 101(d)(5) of title 10); and

“(C) for a member of a reserve component (as described in section 10101 of title 10), does not include training duties or attendance at a service school.

“(2) The term ‘agency’—

“(A) has the meaning given the term ‘Executive agency’ in section 105 of this title; and

“(B) does not include the Government Accountability Office.

“(3) The term ‘geographic area of the permanent duty station’ means the area from which individuals reasonably can be expected to travel daily to and from work at the location of a member’s permanent duty station.

“(4) The term ‘permanent change of station’ means the assignment, detail, or transfer of a member of the Armed Forces who is on active duty and serving at a permanent duty station under a competent authorization or order that does not—

“(A) specify the duty as temporary;

“(B) provide for assignment, detail, or transfer, after that different permanent duty station, to a further different permanent duty station; or

“(C) direct return to the initial permanent duty station.

“(5) The term ‘relocating spouse of a member of the Armed Forces’ means an individual who—

“(A) is married to a member of the Armed Forces (on or prior to a permanent change of station of the member) who is ordered to active duty for a period of more than 180 consecutive days;

“(B) relocates to the member’s permanent duty station; and

“(C) before relocating as described in subparagraph (B), resided outside the geographic area of the permanent duty station.

“(6) The term ‘spouse of a disabled or deceased member of the Armed Forces’ means an individual—

“(A) who is married to a member of the Armed Forces who—

“(i) is retired, released, or discharged from the Armed Forces; and

“(ii) on the date on which the member retires, is released, or is discharged, has a disability rating of 100 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

“(B) who—

“(i) was married to a member of the Armed Forces on the date on which the member dies while on active duty in the Armed Forces; and

“(ii) has not remarried.

“(b) **APPOINTMENT AUTHORITY.**—The head of an agency may appoint noncompetitively—

“(1) a relocating spouse of a member of the Armed Forces; or

“(2) a spouse of a disabled or deceased member of the Armed Forces.

“(c) **SPECIAL RULES REGARDING RELOCATING SPOUSE.**—

“(1) **IN GENERAL.**—An appointment of a relocating spouse of a member of the Armed Forces under this section may only be to a position the duty station for which is within the geographic area of the permanent duty station of the member of the Armed Forces, unless there is no agency with a position with a duty station within the geographic area of the permanent duty station of the member of the Armed Forces.

“(2) **SINGLE PERMANENT APPOINTMENT PER DUTY STATION.**—A relocating spouse of a member of the Armed Forces may not receive more than 1 permanent appointment under this section for each time the spouse relocates as described in subparagraphs (B) and (C) of subsection (a)(5).

“(d) **SPECIAL RULES REGARDING SPOUSE OF A DISABLED OR DECEASED MEMBER OF THE ARMED FORCES.**—



“(1) IN GENERAL.—An appointment of an eligible spouse as described in subparagraph (A) or (B) of subsection (a)(6) is not restricted to a geographical area.

“(2) SINGLE PERMANENT APPOINTMENT.—A spouse of a disabled or deceased member of the Armed Forces may not receive more than 1 permanent appointment under this section.”.

(b) REGULATIONS.—Not later than 180 after the date of the enactment of this Act, the Director of the Office of Personnel Management shall amend section 315.612 of title 5, Code of Federal Regulations (relating to non-competitive appointment of certain military spouses), in accordance with the amendment made by subsection (a) and promulgate or amend any other regulations necessary to carry out the amendment made by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3330c the following new item:

“3330d. Appointment of certain military spouses.”.

#### **SEC. 567. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Armed Forces and Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs covered by paragraph (1) over the period covered by the report.

(4) An assessment of the family support programs of each of the Armed Forces covered by paragraph (1), including any planned or anticipated changes to the programs over the period covered by the report.

#### **SEC. 568. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.**

Congress supports the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces and other individuals of the United States who are serving overseas apart from their families and loved ones.

#### **Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces**

#### **SEC. 570. ARMED FORCES WORKPLACE AND GENDER RELATIONS SURVEYS.**

(a) ADDITIONAL CONTENT OF SURVEYS.—Subsection (c) of section 481 of title 10, United States Code, is amended—

(1) by striking “harassment and discrimination” and inserting “harassment, assault, and discrimination”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) The specific types of assault that have occurred, and the number of times each respondent has been assaulted during the preceding year.”;

(4) in paragraph (4), as so redesignated, by striking “discrimination” and inserting “discrimination, harassment, and assault”; and

(5) by adding at the end the following new paragraph:

“(5) Any other issues relating to discrimination, harassment, or assault as the Secretary of Defense considers appropriate.”.

(b) TIME FOR CONDUCTING OF SURVEYS.—Such section is further amended—

(1) in subsection (a)(1), by striking “four quadrennial surveys (each in a separate year)” and inserting “four surveys”; and

(2) by striking subsection (d) and inserting the following new subsection:

“(d) WHEN SURVEYS REQUIRED.—(1) One of the two Armed Forces Workplace and Gender Relations Surveys shall be conducted in 2014 and then every second year thereafter and the other Armed Forces Workplace and Gender Relations Survey shall be conducted in 2015 and then every second year thereafter, so that one of the two surveys is being conducted each year.

“(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The two surveys may not be conducted in the same year.”.

#### **SEC. 571. AUTHORITY TO RETAIN OR RECALL TO ACTIVE DUTY RESERVE COMPONENT MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT WHILE ON ACTIVE DUTY.**

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 12323. Active duty pending line of duty determination required for response to sexual assault**

“(a) CONTINUATION ON ACTIVE DUTY.—In the case of a member of a reserve component who is the alleged victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination is made regarding whether the member was assaulted while in the line of duty (in this section referred to as a ‘line of duty determination’), the Secretary concerned, upon the request of the member, may order the member to be retained on active duty until completion of the line of duty determination. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection.

“(b) RETURN TO ACTIVE DUTY.—In the case of a member of a reserve component not on active duty who is the alleged victim of a sexual assault that occurred while the member was on active duty and when the line of duty determination is not completed, the Secretary concerned, upon the request of the member, may order the member to active duty for such time as necessary for completion of the line of duty determination.

“(c) REGULATIONS.—The Secretaries of the military departments shall prescribe regulations to carry out this section, subject to guidelines prescribed by the Secretary of Defense. The guidelines of the Secretary of Defense shall provide that—

“(1) a request submitted by a member described in subsection (a) or (b) to continue on active duty, or to be ordered to active duty, respectively, must be decided within 30 days from the date of the request; and

“(2) if the request is denied, the member may appeal to the first general officer or flag officer in the chain of command of the member, and in the case of such an appeal a decision on the appeal must be made within 15 days from the date of the appeal.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended adding at the end the following new item:

“12323. Active duty pending line of duty determination required for response to sexual assault.”.

#### **SEC. 572. ADDITIONAL ELEMENTS IN COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON SEXUAL ASSAULT PREVENTION AND RESPONSE.**

(a) POLICY MODIFICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the revised comprehensive policy for the Department of Defense sexual assault prevention and response program required by section 1602 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4430; 10 U.S.C. 1561 note) to include in the policy the following new requirements:

(1) Subject to subsection (b), a requirement that the Secretary of each military department establish a record on the disposition of any Unrestricted Report of sexual assault involving a member of the Armed Forces, whether such disposition is court martial, nonjudicial punishment, or other administrative action.

(2) A requirement that the Secretary of each military department establish policies to require the processing for administrative separation of any member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction. Such requirement—

(A) shall ensure that any separation decision is based on the full facts of the case and that due process procedures are provided under regulations prescribed by the Secretary of Defense; and

(B) shall not be interpreted to limit or alter the authority of the Secretary of the military department concerned to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(3) A requirement that the commander of each military command and other units specified by the Secretary of Defense for purposes of the policy shall conduct, within 120 days after the commander assumes command and at least annually thereafter while retaining command, a climate assessment of the command or unit for purposes of preventing and responding to sexual assaults. The climate assessment shall include an opportunity for members of the Armed Forces to express their opinions regarding the manner and extent to which their leaders, including commanders, respond to allegations of sexual assault and complaints of sexual harassment and the effectiveness of such response.

(4) A requirement to post and widely disseminate information about resources available to report and respond to sexual assaults, including the establishment of hotline phone numbers and Internet websites available to all members of the Armed Forces.

(5) A requirement for a general education campaign to notify members of the Armed Forces regarding the authorities available under chapter 79 of title 10, United States Code, for the correction of military records



when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

(b) **ADDITIONAL REQUIREMENTS REGARDING DISPOSITION RECORDS OF SEXUAL ASSAULT REPORTS.**—

(1) **ELEMENTS.**—The record of the disposition of an Unrestricted Report of sexual assault established under subsection (a)(1) shall include information regarding the following, as appropriate:

(A) Documentary information collected about the incident, other than investigator case notes.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means, including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal or local court and other sentencing, or any other punishment imposed.

(C) Adverse administrative actions taken against the subject of the investigation, if any.

(D) Any pertinent referrals made for the subject of the investigation, offered as a result of the incident, such as drug and alcohol counseling and other types of counseling or intervention.

(2) **RETENTION OF RECORDS.**—The Secretary of Defense shall require that—

(A) the disposition records established pursuant to subsection (a)(1) be retained for a period of not less than 20 years; and

(B) information from the records that satisfies the reporting requirements established in section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 10 U.S.C. 1561 note) be incorporated into the Defense Sexual Assault Incident Database and maintained for the same period as applies to retention of the records under subparagraph (A).

(c) **COVERED OFFENSE DEFINED.**—For purposes of subsection (a)(2), the term “covered offense” means the following:

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

**SEC. 573. ESTABLISHMENT OF SPECIAL VICTIM CAPABILITIES WITHIN THE MILITARY DEPARTMENTS TO RESPOND TO ALLEGATIONS OF CERTAIN SPECIAL VICTIM OFFENSES.**

(a) **ESTABLISHMENT REQUIRED.**—Under regulations prescribed by the Secretary of Defense, the Secretary of each military department shall establish special victim capabilities for the purposes of—

(1) investigating and prosecuting allegations of child abuse, serious domestic violence, or sexual offenses; and

(2) providing support for the victims of such offenses.

(b) **PERSONNEL.**—The special victim capabilities developed under subsection (a) shall include specially trained and selected—

(1) investigators from the Army Criminal Investigative Command, Naval Criminal Investigative Service, or Air Force Office of Special Investigations;

(2) judge advocates;

(3) victim witness assistance personnel; and

(4) administrative paralegal support personnel.

(c) **TRAINING, SELECTION, AND CERTIFICATION STANDARDS.**—The Secretary of Defense shall prescribe standards for the training, selection, and certification of personnel who will provide special victim capabilities for a military department.

(d) **DISCRETION REGARDING EXTENT OF CAPABILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary of a military department shall determine the extent to which special victim capabilities will be established within the military department and prescribe regulations for the management and use of the special victim capabilities.

(2) **REQUIRED ELEMENTS.**—At a minimum, the special victim capabilities established within a military department must provide effective, timely, and responsive world-wide support for the purposes described in subsection (a).

(e) **TIME FOR ESTABLISHMENT.**—

(1) **IMPLEMENTATION PLAN.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the plans and time lines of the Secretaries of the military departments for the establishment of the special victims capabilities; and

(B) an assessment by the Secretary of Defense of the plans and time lines.

(2) **INITIAL CAPABILITIES.**—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall have available an initial special victim capability consisting of the personnel specified in subsection (b).

(f) **EVALUATION OF EFFECTIVENESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) prescribe the common criteria to be used by the Secretaries of the military departments to measure the effectiveness and impact of the special victim capabilities from the investigative, prosecutorial, and victim's perspectives; and

(2) require the Secretaries of the military departments to collect and report the data used to measure such effectiveness and impact.

(g) **SPECIAL VICTIM CAPABILITIES DEFINED.**—In this section, the term “special victim capabilities” means a distinct, recognizable group of appropriately skilled professionals who work collaboratively to achieve the purposes described in subsection (a). This section does not require that the special victim capabilities be created as separate military unit or have a separate chain of command.

**SEC. 574. ENHANCEMENT TO TRAINING AND EDUCATION FOR SEXUAL ASSAULT PREVENTION AND RESPONSE.**

Section 585 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1434; 10 U.S.C. 1561 note) is amended by adding at the end the following new subsections:

“(d) **COMMANDERS’ TRAINING.**—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module in the training for new or prospective commanders at all levels of command. The training shall be tailored to the responsibilities and leadership requirements of members of the Armed Forces as they are assigned to command positions. Such training shall include the following:

“(1) Fostering a command climate that does not tolerate sexual assault.

“(2) Fostering a command climate in which persons assigned to the command are encouraged to intervene to prevent potential incidents of sexual assault.

“(3) Fostering a command climate that encourages victims of sexual assault to report any incident of sexual assault.

“(4) Understanding the needs of, and the resources available to, the victim after an incident of sexual assault.

“(5) Use of military criminal investigative organizations for the investigation of alleged incidents of sexual assault.

“(6) Available disciplinary options, including court-martial, non-judicial punishment, administrative action, and deferral of discipline for collateral misconduct, as appropriate.

“(e) **EXPLANATION TO BE INCLUDED IN INITIAL ENTRY AND ACCESSION TRAINING.**—

“(1) **REQUIREMENT.**—The Secretary of Defense shall require that the matters specified in paragraph (2) be carefully explained to each member of the Army, Navy, Air Force, and Marine Corps at the time of (or within fourteen duty days after)—

“(A) the member's initial entrance on active duty; or

“(B) the member's initial entrance into a duty status with a reserve component.

“(2) **MATTERS TO BE EXPLAINED.**—This subsection applies with respect to the following:

“(A) Department of Defense policy with respect to sexual assault.

“(B) The resources available with respect to sexual assault reporting and prevention and the procedures to be followed by a member seeking to access those resources.”

**SEC. 575. MODIFICATION OF ANNUAL DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS REGARDING SEXUAL ASSAULTS.**

(a) **GREATER DETAIL IN CASE SYNOPSIS PORTION OF REPORT.**—Section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended by adding at the end the following new subsection:

“(f) **ADDITIONAL DETAILS FOR CASE SYNOPSIS PORTION OF REPORT.**—The Secretary of each military department shall include in the case synopsis portion of each report described in subsection (b)(3) the following additional information:

“(1) If charges are dismissed following an investigation conducted under section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), the case synopsis shall include the reason for the dismissal of the charges.

“(2) If the case synopsis states that a member of the Armed Forces accused of committing a sexual assault was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the case synopsis shall include the characterization (honorable, general, or other than honorable) given the service of the member upon separation.

“(3) The case synopsis shall indicate whether a member of the Armed Forces accused of committing a sexual assault was ever previously accused of a substantiated sexual assault or was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(4) The case synopsis shall indicate the branch of the Armed Forces of each member accused of committing a sexual assault and the branch of the Armed Forces of each member who is a victim of a sexual assault.

“(5) If the case disposition includes non-judicial punishment, the case synopsis shall

explicitly state the nature of the punishment.

“(6) The case synopsis shall indicate whether alcohol was involved in any way in a substantiated sexual assault incident.”.

(b) ADDITIONAL ELEMENTS OF EACH REPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why the application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by units, commands, and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.”.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply beginning with the report regarding sexual assaults involving members of the Armed Forces required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

**SEC. 576. INDEPENDENT REVIEWS AND ASSESSMENTS OF UNIFORM CODE OF MILITARY JUSTICE AND JUDICIAL PROCEEDINGS OF SEXUAL ASSAULT CASES.**

(a) INDEPENDENT REVIEWS AND ASSESSMENTS REQUIRED.—

(1) RESPONSE SYSTEMS TO ADULT SEXUAL ASSAULT CRIMES.—The Secretary of Defense shall establish a panel to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), for the purpose of developing recommendations regarding how to improve the effectiveness of such systems.

(2) JUDICIAL PROCEEDINGS SINCE FISCAL YEAR 2012 AMENDMENTS.—The Secretary of Defense shall establish a panel to conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice involving adult sexual assault and related offenses since the amendments made to the Uniform Code of Military Justice by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1404) for the purpose of developing recommendations for improvements to such proceedings.

(b) ESTABLISHMENT OF INDEPENDENT REVIEW PANELS.—

(1) COMPOSITION.—

(A) RESPONSE SYSTEMS PANEL.—The panel required by subsection (a)(1) shall be com-

posed of nine members, five of whom are appointed by the Secretary of Defense and one member each appointed by the chairman and ranking member of the Committees on Armed Services of the Senate and the House of Representatives.

(B) JUDICIAL PROCEEDINGS PANEL.—The panel required by subsection (a)(2) shall be appointed by the Secretary of Defense and consist of five members, two of whom must have also served on the panel established under subsection (a)(1).

(2) QUALIFICATIONS.—The members of each panel shall be selected from among private United States citizens who collectively possess expertise in military law, civilian law, the investigation, prosecution, and adjudication of sexual assaults in State and Federal criminal courts, victim advocacy, treatment for victims, military justice, the organization and missions of the Armed Forces, and offenses relating to rape, sexual assault, and other adult sexual assault crimes.

(3) CHAIR.—The chair of each panel shall be appointed by the Secretary of Defense from among the members of the panel.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in a panel shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENTS.—

(A) RESPONSE SYSTEMS PANEL.—All original appointments to the panel required by subsection (a)(1) shall be made not later than 120 days after the date of the enactment of this Act.

(B) JUDICIAL PROCEEDINGS PANEL.—All original appointments to the panel required by subsection (a)(2) shall be made before the termination date of the panel established under subsection (a)(1), but no later than 30 days before the termination date.

(6) MEETINGS.—A panel shall meet at the call of the chair.

(7) FIRST MEETING.—The chair shall call the first meeting of a panel not later than 60 days after the date of the appointment of all the members of the panel.

(c) REPORTS AND DURATION.—

(1) RESPONSE SYSTEMS PANEL.—The panel established under subsection (a)(1) shall terminate upon the earlier of the following:

(A) Thirty days after the panel has submitted a report of its findings and recommendations, through the Secretary of Defense, to the Committees on Armed Services of the Senate and the House of Representatives.

(B) Eighteen months after the first meeting of the panel, by which date the panel is expected to have made its report.

(2) JUDICIAL PROCEEDINGS PANEL.—

(A) FIRST REPORT.—The panel established under subsection (a)(2) shall submit a first report, including any proposals for legislative or administrative changes the panel considers appropriate, to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives not later than 180 days after the first meeting of the panel.

(B) SUBSEQUENT REPORTS.—The panel established under subsection (a)(2) shall submit subsequent reports during fiscal years 2014 through 2017.

(C) TERMINATION.—The panel established under subsection (a)(2) shall terminate on September 30, 2017.

(d) DUTIES OF PANELS.—

(1) RESPONSE SYSTEMS PANEL.—In conducting a systemic review and assessment, the panel required by subsection (a)(1) shall provide recommendations on how to improve

the effectiveness of the investigation, prosecution, and adjudication of crimes involving adult sexual assault and related offenses under section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice). The review shall include the following:

(A) Using criteria the panel considers appropriate, an assessment of the strengths and weaknesses of the systems, including the administration of the Uniform Code of the Military Justice, and the investigation, prosecution, and adjudication, of adult sexual assault crimes during the period 2007 through 2011.

(B) A comparison of military and civilian systems for the investigation, prosecution, and adjudication of adult sexual assault crimes. This comparison shall include an assessment of differences in providing support and protection to victims and the identification of civilian best practices that may be incorporated into any phase of the military system.

(C) An assessment of advisory sentencing guidelines used in civilian courts in adult sexual assault cases and whether it would be advisable to promulgate sentencing guidelines for use in courts-martial.

(D) An assessment of the training level of military defense and trial counsel, including their experience in defending or prosecuting adult sexual assault crimes and related offenses, as compared to prosecution and defense counsel for similar cases in the Federal and State court systems.

(E) An assessment and comparison of military court-martial conviction rates with those in the Federal and State courts and the reasons for any differences.

(F) An assessment of the roles and effectiveness of commanders at all levels in preventing sexual assaults and responding to reports of sexual assault.

(G) An assessment of the strengths and weakness of proposed legislative initiatives to modify the current role of commanders in the administration of military justice and the investigation, prosecution, and adjudication of adult sexual assault crimes.

(H) An assessment of the adequacy of the systems and procedures to support and protect victims in all phases of the investigation, prosecution, and adjudication of adult sexual assault crimes, including whether victims are provided the rights afforded by section 3771 of title 18, United States Code, Department of Defense Directive 1030.1, and Department of Defense Instruction 1030.2.

(I) Such other matters and materials the panel considers appropriate.

(2) JUDICIAL PROCEEDINGS PANEL.—The panel required by subsection (a)(2) shall perform the following duties:

(A) Assess and make recommendations for improvements in the implementation of the reforms to the offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice that were enacted by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1404).

(B) Review and evaluate current trends in response to sexual assault crimes whether by courts-martial proceedings, non-judicial punishment and administrative actions, including the number of punishments by type, and the consistency and appropriateness of the decisions, punishments, and administrative actions based on the facts of individual cases.

(C) Identify any trends in punishments rendered by military courts, including general,

special, and summary courts-martial, in response to sexual assault, including the number of punishments by type, and the consistency of the punishments, based on the facts of each case compared with the punishments rendered by Federal and State criminal courts.

(D) Review and evaluate court-martial convictions for sexual assault in the year covered by the most-recent report required by subsection (c)(2) and the number and description of instances when punishments were reduced or set aside upon appeal and the instances in which the defendant appealed following a plea agreement, if such information is available.

(E) Review and assess those instances in which prior sexual conduct of the alleged victim was considered in a proceeding under section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), and any instances in which prior sexual conduct was determined to be inadmissible.

(F) Review and assess those instances in which evidence of prior sexual conduct of the alleged victim was introduced by the defense in a court-martial and what impact that evidence had on the case.

(G) Building on the data compiled as a result of paragraph (1)(D), assess the trends in the training and experience levels of military defense and trial counsel in adult sexual assault cases and the impact of those trends in the prosecution and adjudication of such cases.

(H) Monitor trends in the development, utilization and effectiveness of the special victims capabilities required by section 573 of this Act.

(I) Monitor the implementation of the April 20, 2012, Secretary of Defense policy memorandum regarding withholding initial disposition authority under the Uniform Code of Military Justice in certain sexual assault cases.

(J) Consider such other matters and materials as the panel considers appropriate for purposes of the reports.

(3) UTILIZATION OF OTHER STUDIES.—In conducting reviews and assessments and preparing reports, a panel may review, and incorporate as appropriate, the data and findings of applicable ongoing and completed studies.

(e) AUTHORITY OF PANELS.—

(1) HEARINGS.—A panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers appropriate to carry out its duties under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chair of a panel, a department or agency of the Federal Government shall provide information that the panel considers necessary to carry out its duties under this section.

(f) PERSONNEL MATTERS.—

(1) PAY OF MEMBERS.—Members of a panel shall serve without pay by reason of their work on the panel.

(2) TRAVEL EXPENSES.—The members of a panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

(3) STAFFING AND RESOURCES.—The Secretary of Defense shall provide staffing and resources to support the panels, except that the Secretary may not assign primary re-

sponsibility for such staffing and resources to the Sexual Assault Prevention and Response Office.

**SEC. 577. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT AT REQUEST OF THE MEMBER OF THE ARMED FORCES MAKING THE REPORT.**

(a) PERIOD OF RETENTION.—At the request of a member of the Armed Forces who files a Restricted Report on an incident of sexual assault involving the member, the Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with the Restricted Report be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11-062, entitled “Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault”, or any successor directive or policy.

(b) PROTECTION OF CONFIDENTIALITY.—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF-SAPR-009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

**SEC. 578. GENERAL OR FLAG OFFICER REVIEW OF AND CONCURRENCE IN SEPARATION OF MEMBERS OF THE ARMED FORCES MAKING AN UNRESTRICTED REPORT OF SEXUAL ASSAULT.**

(a) REVIEW REQUIRED.—The Secretary of Defense shall develop a policy to require a general officer or flag officer of the Armed Forces to review the circumstances of, and grounds for, the proposed involuntary separation of any member of the Armed Forces who—

(1) made an Unrestricted Report of a sexual assault;

(2) within one year after making the Unrestricted Report of a sexual assault, is recommended for involuntary separation from the Armed Forces; and

(3) requests the review on the grounds that the member believes the recommendation for involuntary separation from the Armed Forces was initiated in retaliation for making the report.

(b) CONCURRENCE REQUIRED.—If a review is requested by a member of the Armed Forces as authorized by subsection (a), the concurrence of the general officer or flag officer conducting the review of the proposed involuntary separation of the member is required in order to separate the member.

(c) SUBMISSION OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the policy developed under subsection (a).

(d) APPLICATION OF POLICY.—The policy developed under subsection (a) shall take effect on the date of the submission of the policy to Congress under subsection (c) and apply to members of the Armed Forces described in subsection (a) who are proposed to be invol-

untarily separated from the Armed Forces on or after that date.

**SEC. 579. DEPARTMENT OF DEFENSE POLICY AND PLAN FOR PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.**

(a) COMPREHENSIVE PREVENTION AND RESPONSE POLICY.—

(1) POLICY REQUIRED.—The Secretary of Defense shall develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(3) CONSULTATION.—The Secretary of Defense shall prepare the policy and report required by this subsection in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense.

(b) DATA COLLECTION AND REPORTING REGARDING SUBSTANTIATED INCIDENTS OF SEXUAL HARASSMENT.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop a plan to collect information and data regarding substantiated incidents of sexual harassment involving members of the Armed Forces. The plan shall specifically deal with the need to identify cases in which a member is accused of multiple incidents of sexual harassment.

(2) SUBMISSION OF PLAN.—Not later than June 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under paragraph (1).

(3) REPORTING REQUIREMENT.—As part of the reports required to be submitted in 2014 under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4433; 10 U.S.C. 1561 note), the Secretary of Defense shall include information and data collected under the plan during the preceding year regarding substantiated incidents of sexual harassment involving members of the Armed Forces.

**Subtitle I—Suicide Prevention and Resilience**

**SEC. 580. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.**

(a) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight of all suicide prevention and resilience programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) SCOPE OF RESPONSIBILITIES.—The individual serving in the position established under subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) To oversee the implementation of the comprehensive policy on the prevention of suicide among members of the Armed Forces required by section 582.

**SEC. 581. RESERVE COMPONENT SUICIDE PREVENTION AND RESILIENCE PROGRAM.**

(a) CODIFICATION, TRANSFER OF RESPONSIBILITY, AND EXTENSION.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 10219. Suicide prevention and resilience program**

“(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish and carry out a program to provide members of the National Guard and Reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide, including provision of such training at Yellow Ribbon Reintegration Program events and activities authorized under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).

“(b) SUICIDE PREVENTION TRAINING.—Under the program, the Secretary shall provide members of the National Guard and Reserves with training in suicide prevention. Such training may include—

“(1) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(2) examining the influence of military culture on risk and protective factors for suicide; and

“(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(c) COMMUNITY RESPONSE TRAINING.—Under the program, the Secretary shall provide the families and communities of members of the National Guard and Reserves with training in responses to suicide that promote individual and community healing. Such training may include—

“(1) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(2) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(3) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(4) managing resources to assist key community and military service providers in helping the families, friends, and fellow servicemembers of a suicide victim through the processes of grieving and healing.

“(d) COMMUNITY TRAINING ASSISTANCE.—The program shall include the provision of assistance with such training to the local communities of those servicemembers and families, to be provided in coordination with local community programs.

“(e) COLLABORATION.—In carrying out the program, the Secretary shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

“(f) TERMINATION.—The program under this section shall terminate on October 1, 2017.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by adding at the end the following new item:

“10219. Suicide prevention and resilience program.”.

(b) REPEAL OF SUPERSEDED PROVISION.—Subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is repealed.

**SEC. 582. COMPREHENSIVE POLICY ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.**

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop within the Department of Defense a comprehensive policy on the prevention of suicide among members of the Armed Forces. In developing the policy, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the policy.

(b) ELEMENTS.—The policy required by subsection (a) shall cover each of the following:

(1) Increased awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) The means of identifying members who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) The continuous access by members to suicide prevention services, including suicide crisis services.

(4) The means to evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) The means to evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) to ensure clinical best practices are used in such programs.

(6) The standard of care for suicide prevention to be used throughout the Department.

(7) The training of mental health care providers on suicide prevention.

(8) The training standards for behavioral health care providers to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available.

(9) The integration of mental health screenings and suicide risk and prevention for members into the delivery of primary care for such members.

(10) The standards for responding to attempted or completed suicides among members, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) The means to ensure the protection of the privacy of members seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary considers appropriate in connection with the prevention of suicide among members.

**SEC. 583. STUDY OF RESILIENCE PROGRAMS FOR MEMBERS OF THE ARMY.**

(a) STUDY REQUIRED.—The Secretary of the Army shall conduct a study of resilience pro-

grams within the Army for the purpose of assessing the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army, while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(b) ELEMENTS.—In conducting the study, the Secretary of the Army shall determine the effectiveness and quality of training under the Comprehensive Soldier and Family Fitness program in—

(1) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(2) identifying and responding to early signs of high-risk behavior in members of the Army.

(c) USE OF SCIENCE-BASED EVIDENCE AND TECHNIQUES.—In conducting the study, the Secretary of the Army shall utilize scientific evidence, including professionally accepted measurements and assessments, to evaluate those interventions that show positive results and those interventions that have no impact.

(d) DURATION OF STUDY.—The study shall be conducted through September 30, 2014.

(e) REPORT ON STUDY RESULTS.—Not later than October 31, 2014, the Secretary of the Army shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report containing the results of the study. The report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior among members of the Army.

(2) A description and measurements of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) Such recommendations or other information as the Secretary considers appropriate.

**Subtitle J—Other Matters**

**SEC. 584. ISSUANCE OF PRISONER-OF-WAR MEDAL.**

Section 1128 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “or” at the end of paragraph (2);

(B) by striking “; or” at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4);

(2) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

“(b) Under uniform regulations prescribed by the Secretary of Defense, the Secretary concerned may issue a prisoner-of-war medal to any person who, while serving in any capacity with the armed forces, was held captive under circumstances not covered by paragraph (1), (2), or (3) of subsection (a), but which the Secretary concerned finds were comparable to those circumstances under which persons have generally been held captive by enemy armed forces during periods of armed conflict.”.

**SEC. 585. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.**

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—  
 (A) in paragraph (2)—  
 (i) by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(ii) by striking the second sentence; and  
 (B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—  
 (A) by striking paragraph (1); and  
 (B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

**SEC. 586. MODIFICATION OF REQUIREMENT FOR REPORTS IN FEDERAL REGISTER ON INSTITUTIONS OF HIGHER EDUCATION INELIGIBLE FOR CONTRACTS AND GRANTS FOR DENIAL OF ROTC OR MILITARY RECRUITER ACCESS TO CAMPUS.**

Section 983 of title 10, United States Code, is amended by striking subsection (f).

**SEC. 587. ACCEPTANCE OF GIFTS AND SERVICES RELATED TO EDUCATIONAL ACTIVITIES AND VOLUNTARY SERVICES TO ACCOUNT FOR MISSING PERSONS.**

(a) ACTIVITIES BENEFITTING EDUCATION AS SERVICES ELIGIBLE FOR ACCEPTANCE.—Section 2601(i)(2) of title 10, United States Code, is amended by inserting “education,” before “morale.”.

(b) ACCEPTANCE OF VOLUNTARY SERVICES RELATED TO ACCOUNTING FOR MISSING PERSONS.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

“(9) Voluntary services to facilitate accounting for missing persons.”.

**SEC. 588. DISPLAY OF STATE, DISTRICT OF COLUMBIA, COMMONWEALTH, AND TERRITORIAL FLAGS BY THE ARMED FORCES.**

(a) DISPLAY.—Subsection (a) of section 2249b of title 10, United States Code, is amended to read as follows:

“(a) DISPLAY OF FLAGS BY ARMED FORCES.—The Secretary of Defense shall ensure that, whenever the official flags of all 50 States are displayed by the armed forces, such display shall include the flags of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.”.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 2249b. Display of State, District of Columbia, commonwealth, and territorial flags by the armed forces”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 134 of such title is amended by striking the item relating to section 2249b and inserting the following new item:

“2249b. Display of State, District of Columbia, commonwealth, and territorial flags by the armed forces.”.

**SEC. 589. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.**

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “or professional continuing education certificate” after “master’s degree”; and

(2) in the last sentence, by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting “or professional continuing education certificate” after “graduate degree”; and

(2) in paragraph (3), by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

(c) REQUEST FOR INCREASE IN NUMBER OF DEFENSE INDUSTRY CIVILIANS AUTHORIZED FOR ADMISSION.—If the Secretary of Defense determines that it is in the best interest of the Department of Defense to increase the maximum number of defense industry employees authorized to be enrolled in the Naval Defense Development Program or the Air Force Institute of Technology at any one time, as specified in sections 7049(a) and 9314a(a) of title 10, United States Code, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a request for such an increase, including draft legislation to effectuate the increase.

**SEC. 590. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.**

Section 2023(d) of title 38, United States Code, is amended by striking “September 30, 2012” and inserting “September 30, 2013”.

**SEC. 591. INSPECTION OF MILITARY CEMETERIES UNDER THE JURISDICTION OF DEPARTMENT OF DEFENSE.**

(a) DOD INSPECTOR GENERAL INSPECTION OF ARLINGTON NATIONAL CEMETERY AND UNITED STATES SOLDIERS’ AND AIRMEN’S HOME NATIONAL CEMETERY.—Section 1(d) of Public Law 111-339 (124 Stat. 3592) is amended—

(1) in paragraph (1), by striking “The Secretary” in the first sentence and inserting “Subject to paragraph (2), the Secretary”; and

(2) in paragraph (2), by adding at the end the following new sentence: “However, in the case of the report required to be submitted during 2013, the assessment described in paragraph (1) shall be conducted, and the report shall be prepared and submitted, by the Inspector General of the Department of Defense instead of the Secretary of the Army.”.

(b) TIME FOR SUBMISSION OF REPORT AND PLAN OF ACTION REGARDING INSPECTION OF CEMETERIES AT MILITARY INSTALLATIONS.—Section 592(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1443) is amended—

(1) by striking “December 31, 2012” and inserting “June 29, 2013”; and

(2) by striking “April 1, 2013” and inserting “October 1, 2013”.

**SEC. 592. REPORT ON RESULTS OF INVESTIGATIONS AND REVIEWS CONDUCTED WITH RESPECT TO PORT MORTUARY DIVISION OF THE AIR FORCE MORTUARY AFFAIRS OPERATIONS CENTER AT DOVER AIR FORCE BASE.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report of the investigations and reviews that were conducted with respect to the improper handling and preparation of the remains of deceased members of the Armed Forces and civilians at the Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base. The investigations and reviews considered shall include—

(1) the 436th Air Wing Inspector General review;

(2) the Air Force Office of Special Investigations report;

(3) the Air Force Office of Inspector General investigation;

(4) the Office of Special Counsel review;

(5) the Defense Health Board’s Dover Port Mortuary Independent Review Subcommittee report; and

(6) any other reviews or investigations of operations at Dover Port Mortuary that have been conducted since January 1, 2011.

(b) ELEMENTS OF REPORT.—The report shall—

(1) summarize and evaluate the recommendations made, and the actions undertaken, as a result of the investigations and reviews, and the current status of implementation of such recommendations and actions; and

(2) provide any additional recommendations for improvement of operations at Dover Port Mortuary, including any best practices for casualty notification, family support, and mortuary affairs operations.

**SEC. 593. PRESERVATION OF EDITORIAL INDEPENDENCE OF STARS AND STRIPES.**

(a) MAINTENANCE OF GEOGRAPHIC SEPARATION.—To preserve the actual and perceived editorial and management independence of the Stars and Stripes newspaper, the Secretary of Defense shall extend the lease for the commercial office space in the District of Columbia currently occupied by the editorial and management operations of the Stars and Stripes newspaper until such time as the Secretary provides space and information technology and other support for such operations in a Government-owned facility in the National Capital Region geographically remote from facilities of the Defense Media Activity at Fort Meade, Maryland.

(b) IMPLEMENTATION REPORT.—Not later than February 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the implementation of subsection (a).

**SEC. 594. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS’ HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.**

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans’ Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) **COORDINATION AND COOPERATION.**—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) **VETERANS SERVICE ORGANIZATION DEFINED.**—In this section, the term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 595. REPORT ON ACCURACY OF DATA IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System (DEERS) in order—

(1) to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations; and

(2) to ensure that persons issued military identification cards and receiving benefits based on DEERS data are actually eligible for such cards and benefits.

**SEC. 596. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.**

It is the sense of Congress that the bugle call commonly known as “Taps” should be designated as the National Song of Military Remembrance.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**Subtitle A—Pay and Allowances**

Sec. 601. Fiscal year 2013 increase in military basic pay.

Sec. 602. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

Sec. 603. Basic allowance for housing for two-member couples when one member is on sea duty.

Sec. 604. Rates of basic allowance for housing for members performing active Guard and Reserve duty.

Sec. 605. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

**Subtitle B—Bonuses and Special and Incentive Pays**

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 616. Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve.

Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

**Subtitle C—Travel and Transportation Allowances**

Sec. 621. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.

Sec. 622. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

**Subtitle D—Benefits and Services for Members Being Separated or Recently Separated**

Sec. 631. Extension of authority to provide two years of commissary and exchange benefits after separation.

Sec. 632. Transitional use of military family housing.

**Subtitle E—Disability, Retired Pay, and Survivor Benefits**

Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.

Sec. 642. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.

Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

**Subtitle F—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

Sec. 651. Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas.

Sec. 652. Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House.

**Subtitle G—Military Lending**

Sec. 661. Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 662. Effect of violations of protections on consumer credit extended to members of the Armed Forces and their dependents.

Sec. 663. Consistent definition of dependent for purposes of applying limitations on terms of consumer credit extended to certain members of the Armed Forces and their dependents.

**Subtitle H—Military Compensation and Retirement Modernization Commission**

Sec. 671. Purpose, scope, and definitions.

Sec. 672. Military Compensation and Retirement Modernization Commission.

Sec. 673. Commission hearings and meetings.

Sec. 674. Principles and procedure for Commission recommendations.

Sec. 675. Consideration of Commission recommendations by the President.

Sec. 676. Executive Director.

Sec. 677. Staff.

Sec. 678. Judicial review precluded.

Sec. 679. Termination.

Sec. 680. Funding.

**Subtitle I—Other Matters**

Sec. 681. Equal treatment for members of Coast Guard Reserve called to active duty under title 14, United States Code.

Sec. 682. Report regarding Department of Veterans Affairs claims process transformation plan.

**Subtitle A—Pay and Allowances**

**SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC PAY.**

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The adjustment to become effective during fiscal year 2013 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) **INCREASE IN BASIC PAY.**—Effective on January 1, 2013, the rates of monthly basic pay for members of the uniformed services are increased by 1.7 percent.

**SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

**SEC. 603. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE MEMBER IS ON SEA DUTY.**

(a) **IN GENERAL.**—Subparagraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:

“(C) Notwithstanding section 421 of this title, a member of a uniformed service in a pay grade below pay grade E-6 who is assigned to sea duty and is married to another member of a uniformed service is entitled to a basic allowance for housing subject to the limitations of subsection (e).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on January 1, 2013.

**SEC. 604. RATES OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS PERFORMING ACTIVE GUARD AND RESERVE DUTY.**

(a) **TREATMENT OF ACTIVE GUARD AND RESERVE DUTY.**—Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) This paragraph applies with respect to a member of a reserve component who performs active Guard and Reserve duty (as defined in section 101(d)(6) of title 10).

“(B) The rate of basic allowance for housing to be paid to a member described in subparagraph (A) shall be based on the member's permanent duty station, even during

instances in which the member is mobilized for service on active duty other than active Guard and Reserve duty.

“(C)(i) During transitions in service status from active Guard and Reserve duty to other active duty and back to active Guard and Reserve duty, or following the start of new periods of service resulting from a change in orders, a member described in subparagraph (A) shall be considered as retaining uninterrupted eligibility to receive a basic allowance for housing in an area as provided for under subsections (b)(6) and (c)(2) so long as the member remains on active duty without a break in service.

“(ii) Clause (i) does not apply if the member's permanent duty station changes as a result of orders directing a permanent change in station with the authority for the movement of household goods.

“(iii) For purposes of clause (i), a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.

“(D) Subsections (d)(3) and (o) also apply to a member described in subparagraph (A).”

(b) TRANSITIONAL PROVISIONS.—

(1) IN GENERAL.—The basic allowance for housing paid to a member of a reserve component described in subparagraph (A) of paragraph (6) of section 403(g) of title 37, United States Code, as added by subsection (a), who on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 is being paid basic allowance for housing at a rate that is based on a housing area other than the member's permanent duty station, shall be paid at that current rate until the member is assigned to perform duty at the member's permanent duty station, at which time the member shall be paid basic allowance for housing at the prevailing permanent duty station housing area rate or at the permanent duty station housing rate for which the member has qualified under such paragraph (6).

(2) ALTERNATIVE RATE.—The Secretary of a military department, with the approval of the Secretary of Defense, may pay a member covered by paragraph (1) and under the jurisdiction of that Secretary a basic allowance for housing at a rate higher than the rate provided under such paragraph to ensure that the member is treated fairly and equitably or to serve the best interests of the United States.

**SEC. 605. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.**

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Upon application, the Secretary concerned shall make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, or other process as determined by the Secretary, did not participate in one or more days in the program for

which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code, or other process as determined by the Secretary concerned.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2350).

**Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 408a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.**

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

**SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

**SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUS AND SPECIAL PAYS.**

The following sections of title 37, United States Code, are amended by striking “December 31, 2012” and inserting “December 31, 2013”:

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.



(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

**SEC. 616. INCREASE IN MAXIMUM AMOUNT OF OFFICER AFFILIATION BONUS FOR OFFICERS IN THE SELECTED RESERVE.**

Section 308j(d) of title 37, United States Code, is amended by striking “\$10,000” and inserting “\$20,000”.

**SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR RESERVE COMPONENT MEMBERS WHO CONVERT MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGES.**

Section 326(c)(1) of title 37, United States Code, is amended by striking “\$4,000, in the case of a member of a regular component of the armed forces, and \$2,000, in the case of a member of a reserve component of the armed forces.” and inserting “\$4,000.”.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 621. PERMANENT CHANGE OF STATION ALLOWANCES FOR MEMBERS OF SELECTED RESERVE UNITS FILLING A VACANCY IN ANOTHER UNIT AFTER BEING INVOLUNTARILY SEPARATED.**

(a) TRAVEL AND TRANSPORTATION ALLOWANCES GENERALLY.—Section 474 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) upon filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence if—

“(A) during the preceding three years the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

“(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

“(C) the member is—

“(i) qualified in a skill designated as critically short by the Secretary concerned; or

“(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.”;

(2) in subsection (f), by adding at the end the following new paragraph:

“(4)(A) A member may be provided travel and transportation allowances under subsection (a)(6) only with respect to the filling of a vacancy in a Selected Reserve unit one time.

“(B) Regulations under this section shall provide that whenever travel and transportation allowances are paid under subsection (a)(6), the cost shall be borne by the unit filling the vacancy.”; and

(3) in subsection (j), by inserting “(except subsection (a)(6))” after “In this section”.

(b) TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS AND HOUSEHOLD EF-

FACTS.—Section 476 of such title is amended—

(1) by redesignating subsections (l), (m), and (n) as subsections (m), (n), and (o), respectively; and

(2) by inserting after subsection (k) the following new subsection (l):

“(1)(l) A member described in paragraph (2) is entitled to the travel and transportation allowances, including allowances with respect to dependents, authorized by this section upon filling a vacancy as described in that paragraph as if the member were undergoing a permanent change of station under orders in filling such vacancy.

“(2) A member described in this paragraph is a member who is filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence if—

“(A) during the three years preceding filling the vacancy, the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

“(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

“(C) the member is—

“(i) qualified in a skill designated as critically short by the Secretary concerned; or

“(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.

“(3) Any allowances authorized by this section that are payable under this subsection may be payable in advance if payable in advance to a member undergoing a permanent change of station under orders under the applicable provision of this section.”.

**SEC. 622. AUTHORITY FOR COMPREHENSIVE PROGRAM FOR SPACE-AVAILABLE TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT.**

(a) PROGRAM AUTHORIZED.—Section 2641b of title 10, United States Code, is amended to read as follows:

**“§2641b. Space-available travel on Department of Defense aircraft: program authorized and eligible recipients**

“(a) AUTHORITY TO ESTABLISH PROGRAM.—(1) The Secretary of Defense may establish a program (in this section referred to as the ‘travel program’) to provide transportation on Department of Defense aircraft on a space-available basis to the categories of individuals eligible under subsection (c).

“(2) If the Secretary makes a determination to establish the travel program, the Secretary shall prescribe regulations for the operation of the travel program not later than one year after the date on which the determination was made. The regulations shall take effect on that date or such earlier date as the Secretary shall specify in the regulations.

“(3) Not later than 30 days after making the determination to establish the travel program, the Secretary shall submit to the congressional defense committees an initial implementation report describing—

“(A) the basis for the determination;

“(B) any additional categories of individuals to be eligible for the travel program under subsection (c)(5);

“(C) how the Secretary will ensure that the travel program is established and operated in compliance with the conditions specified in subsection (b); and

“(D) the metrics by which the Secretary will monitor the travel program to determine the efficient and effective execution of the travel program.

“(b) CONDITIONS ON ESTABLISHMENT AND OPERATION.—(1) The Secretary of Defense shall operate the travel program in a budget-neutral manner.

“(2) No additional funds may be used, or flight hours performed, for the purpose of providing transportation under the travel program.

“(c) ELIGIBLE INDIVIDUALS.—Subject to subsection (d), the Secretary of Defense shall provide transportation under the travel program (if established) to the following categories of individuals:

“(1) Members of the armed forces on active duty.

“(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

“(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components who, but for being under the eligibility age applicable under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

“(4) Such categories of dependents of individuals described in paragraphs (1) through (3) as the Secretary shall specify in the regulations under subsection (a), under such conditions and circumstances as the Secretary shall specify in such regulations.

“(5) Such other categories of individuals as the Secretary, in the discretion of the Secretary, considers appropriate.

“(d) PRIORITIES AND RESTRICTIONS.—In operating the travel program, the Secretary of Defense shall—

“(1) in the sole discretion of the Secretary, establish an order of priority for transportation under the travel program for categories of eligible individuals that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

“(2) give priority in consideration of transportation under the travel program to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands; and

“(3) implement policies aimed at ensuring cost control (as required by subsection (b)) and the safety, security, and efficient processing of travelers, including limiting the benefit under the travel program to one or more categories of otherwise eligible individuals if considered necessary by the Secretary.

“(e) SPECIAL PRIORITY FOR RETIRED MEMBERS RESIDING IN COMMONWEALTHS AND POSSESSIONS OF THE UNITED STATES WHO NEED CERTAIN HEALTH CARE SERVICES.—(1) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the travel program, the Secretary of Defense shall provide transportation for an individual described in paragraph (2), and a single dependent of the individual if needed to accompany the individual, at a priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 traveling on environmental and morale leave.

“(2) Subject to paragraph (3), paragraph (1) applies with respect to an individual described in subsection (c)(3) who—

“(A) resides in or is located in a Commonwealth or possession of the United States; and

“(B) is referred by a military or civilian primary care provider located in that Commonwealth or possession to a specialty care provider for services to be provided outside of that Commonwealth or possession.

“(3) If an individual described in subsection (c)(3) is a retired member of a reserve component who is ineligible for retired pay under chapter 1223 of this title by reason of being under the eligibility age applicable under section 12731 of this title, paragraph (1) applies to the individual only if the individual is also enrolled in the TRICARE program for certain members of the Retired Reserve authorized under section 1076e of this title.

“(4) The priority for space-available transportation required by this subsection applies with respect to both—

“(A) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

“(B) the return travel.

“(5) The requirement to provide transportation on Department of Defense aircraft on a space-available basis on the priority basis described in paragraph (1) to individuals covered by this subsection applies whether or not the travel program is established under this section.

“(6) In this subsection, the terms ‘primary care provider’ and ‘specialty care provider’ refer to a medical or dental professional who provides health care services under chapter 55 of this title.

“(f) CONSTRUCTION.—The authority to provide transportation under the travel program is in addition to any other authority under law to provide transportation on Department of Defense aircraft on a space-available basis.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of such title is amended by striking the item relating to section 2641b and inserting the following new item:

“2641b. Space-available travel on Department of Defense aircraft: program authorized and eligible recipients.”

#### **Subtitle D—Benefits and Services for Members Being Separated or Recently Separated**

#### **SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO YEARS OF COMMISSARY AND EXCHANGE BENEFITS AFTER SEPARATION.**

(a) EXTENSION OF AUTHORITY.—Section 1146 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “2012” and inserting “2018”; and

(2) in subsection (b), by striking “2012” and inserting “2018”.

(b) CORRECTION OF REFERENCE TO ADMINISTERING SECRETARY.—Such section is further amended—

(1) in subsection (a), by striking “The Secretary of Transportation” and inserting “The Secretary concerned”; and

(2) in subsection (b), by striking “The Secretary of Homeland Security” and inserting “The Secretary concerned”.

#### **SEC. 632. TRANSITIONAL USE OF MILITARY FAMILY HOUSING.**

(a) RESUMPTION OF AUTHORITY TO AUTHORIZE TRANSITIONAL USE.—Subsection (a) of section 1147 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “October 1, 1990, and ending on December 31, 2001” and inserting “October 1, 2012, and ending on December 31, 2018”; and

(2) in paragraph (2), by striking “October 1, 1994, and ending on December 31, 2001” and

inserting “October 1, 2012, and ending on December 31, 2018”.

(b) PROHIBITION ON PROVISION OF TRANSITIONAL BASIC ALLOWANCE FOR HOUSING.—Such section is further amended by adding at the end the following new subsection:

“(c) NO TRANSITIONAL BASIC ALLOWANCE FOR HOUSING.—Nothing in this section shall be construed to authorize the Secretary concerned to continue to provide for any period of time to an individual who is involuntarily separated all or any portion of a basic allowance for housing to which the individual was entitled under section 403 of title 37 immediately before being involuntarily separated, even in cases in which the individual or members of the individual’s household continue to reside after the separation in a housing unit acquired or constructed under the alternative authority of subchapter IV of chapter 169 of this title that is not owned or leased by the United States.”

(c) CORRECTION OF REFERENCE TO ADMINISTERING SECRETARY.—Subsection (a)(2) of such section is further amended by striking “The Secretary of Transportation” and inserting “The Secretary concerned”.

#### **Subtitle E—Disability, Retired Pay, and Survivor Benefits**

#### **SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATING PAYMENT OF THE SURVIVOR BENEFIT PLAN ANNUITY.**

(a) DEPOSITS NOT REQUIRED.—Section 1452(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “AND FERS” after “CSRS”; and

(2) by inserting “or chapter 84 of such title” after “chapter 83 of title 5”; and

(3) by inserting “or 8416(a)” after “8339(j)”; and

(4) by inserting “or 8442(a)” after “8341(b)”.

(b) CONFORMING AMENDMENTS.—Section 1450(d) of such title is amended—

(1) by inserting “or chapter 84 of such title” after “chapter 83 of title 5”; and

(2) by inserting “or 8416(a)” after “8339(j)”; and

(3) by inserting “or 8442(a)” after “8341(b)”.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to any participant electing an annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

#### **SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY SERVICEMEMBERS’ GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES MARRIED TO OTHER MEMBERS.**

Section 1967(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, is automatically insured under this paragraph)”; and

(2) in subparagraph (C)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, is automatically insured under this paragraph)”.

#### **SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by strik-

ing “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as of January 1, 2013, and shall apply to payments for months beginning on or after that date.

#### **Subtitle F—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

#### **SEC. 651. REPEAL OF CERTAIN RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO COMMISSARY AND EXCHANGE STORES OVERSEAS.**

(a) REPEAL.—Section 2489 of title 10, United States Code, is amended by striking subsections (b) and (c).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking “GENERAL AUTHORITY.—(1)” and inserting “AUTHORITY TO ESTABLISH RESTRICTIONS.—”; and

(2) by striking “(2)” and inserting “(b) LIMITATIONS ON USE OF AUTHORITY.—”; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

#### **SEC. 652. TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.**

(a) FISHER HOUSES AND AUTHORIZED FISHER HOUSE RESIDENTS.—Subsection (a) of section 2493 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking “by patients” and all that follows through “such patients;” and inserting “by authorized Fisher House residents;”; and

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

“(2) The term ‘Fisher House’ includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents.”; and

(4) by adding at the end the following new paragraph:

“(4) The term ‘authorized Fisher House residents’ means the following:

“(A) With respect to a Fisher House described in paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

“(i) Patients of that health care facility.

“(ii) Members of the families of such patients.

“(iii) Other persons providing the equivalent of familial support for such patients.

“(B) With respect to the Fisher House described in paragraph (2), the following persons:

“(i) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

“(ii) Other family members of the deceased member who are eligible for transportation under section 481f(e) of title 37.

“(iii) An escort of a family member described in clause (i) or (ii).”

(b) CONFORMING AMENDMENTS.—Subsections (b), (e), and (f) of such section are amended by striking “health care” each place it appears.

(C) REPEAL OF FISCAL YEAR 2012 FREE-STANDING DESIGNATION.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1466) is repealed.

#### Subtitle G—Military Lending

##### SEC. 661. ADDITIONAL ENHANCEMENTS OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(A) PROTECTIONS AGAINST DIFFERENTIAL TREATMENT ON CONSUMER CREDIT UNDER STATE LAW.—Subsection (d)(2) of section 987 of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting “any consumer credit or” before “loans”; and

(2) in subparagraph (B), by inserting “covering consumer credit” after “State consumer lending protections”.

(B) REGULAR CONSULTATIONS ON PROTECTION.—Subsection (h)(3) of such section is amended—

(1) in the matter preceding subparagraph (A), by inserting “and not less often than once every two years thereafter,” after “under this subsection,”; and

(2) by striking subparagraph (E) and inserting the following new subparagraph:

“(E) The Bureau of Consumer Financial Protection.”.

(C) EFFECTIVE DATE.—

(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under subsection (h) of section 987 of title 10, United States Code, to take into account the amendments made by subsection (a).

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify in the modification of regulations required by paragraph (1).

(3) PUBLICATION OF EARLIER DATE.—If the Secretary specifies an earlier effective date for the amendments made by subsection (a) pursuant to paragraph (2)(B), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.

##### SEC. 662. EFFECT OF VIOLATIONS OF PROTECTIONS ON CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(A) CIVIL LIABILITY.—Section 987(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) CIVIL LIABILITY.—

“(A) IN GENERAL.—A person who violates this section with respect to any person is civilly liable to such person for—

“(i) any actual damage sustained as a result, but not less than \$500 for each violation;

“(ii) appropriate punitive damages;

“(iii) appropriate equitable or declaratory relief; and

“(iv) any other relief provided by law.

“(B) COSTS OF THE ACTION.—In any successful action to enforce the civil liability described in subparagraph (A), the person who violated this section is also liable for the costs of the action, together with reasonable attorney fees as determined by the court.

“(C) EFFECT OF FINDING OF BAD FAITH AND HARASSMENT.—In any successful action by a defendant under this section, if the court finds the action was brought in bad faith and for the purpose of harassment, the plaintiff is liable for the attorney fees of the defendant as determined by the court to be reasonable in relation to the work expended and costs incurred.

“(D) DEFENSES.—A person may not be held liable for civil liability under this paragraph if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a person's obligations under this section is not a bona fide error.

“(E) JURISDICTION, VENUE, AND STATUTE OF LIMITATIONS.—An action for civil liability under this paragraph may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier of—

“(i) two years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or

“(ii) five years after the date on which the violation that is the basis for such liability occurs.”.

(B) ENFORCEMENT AUTHORITY.—Such section is further amended by inserting after paragraph (5), as added by subsection (a), the following new paragraph:

“(6) ADMINISTRATIVE ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or under any other applicable authorities available to such agencies by law.”.

(C) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to consumer credit extended on or after the date of the enactment of this Act.

##### SEC. 663. CONSISTENT DEFINITION OF DEPENDENT FOR PURPOSES OF APPLYING LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Paragraph (2) of section 987(i) of title 10, United States Code, is amended to read as follows:

“(2) DEPENDENT.—The term ‘dependent’, with respect to a covered member, means a person described in subparagraph (A), (D), (E), or (I) of section 1072(2) of this title.”.

#### Subtitle H—Military Compensation and Retirement Modernization Commission

##### SEC. 671. PURPOSE, SCOPE, AND DEFINITIONS.

(A) PURPOSE.—The purpose of this subtitle is to establish the Military Compensation and Retirement Modernization Commission to conduct a review of the military compensation and retirement systems and to make recommendations to modernize such systems in order to—

(1) ensure the long-term viability of the All-Volunteer Force by sustaining the required human resources of that force during all levels of conflict and economic conditions;

(2) enable the quality of life for members of the Armed Forces and the other uniformed services and their families in a manner that fosters successful recruitment, retention, and careers for members of the Armed Forces and the other uniformed services; and

(3) modernize and achieve fiscal sustainability for the compensation and retirement systems for the Armed Forces and the other uniformed services for the 21st century.

(B) SCOPE OF REVIEW.—

(1) REQUIRED ELEMENTS OF REVIEW.—In order to provide the fullest understanding of

the matters required to balance the primary purpose of the review specified in subsection (a), the Commission shall make its recommendations for changes to the military compensation and retirement systems only after—

(A) examining all laws, policies, and practices of the Federal Government that result in any direct payment of authorized or appropriated funds to—

(i) current and former members (veteran and retired) of the uniformed services, including the reserve components of those services; and

(ii) the spouses, family members, children, survivors, and other persons authorized to receive such payments as a result of their connection to the members of the uniformed services named in clause (i);

(B) examining all laws, policies, and practices of the Federal Government that result in any expenditure of authorized or appropriated funds to support the persons named in subparagraph (A) and their quality of life, including—

(i) health, disability, survivor, education, and dependent support programs of the Department of Defense and the Department of Veterans Affairs, including outlays from the various Federal trust funds supporting those programs;

(ii) Department of Education impact aid;

(iii) support or funding provided to States, territories, colleges and universities;

(iv) Department of Defense morale, recreation, and welfare programs, the resale programs (military exchanges and commissaries), and dependent school system;

(v) the tax treatment of military compensation and benefits; and

(vi) military family housing; and

(C) such other matters as the Commission considers appropriate.

(2) PRIORITIES.—In weighing its recommendations on those matters necessary to sustain the human resources of the All-Volunteer Force, the Commission shall—

(A) pay particular attention to the interrelationships and interplay of impact between and among the various programs of the Federal Government, especially as those programs influence decisions of persons about joining the uniformed services and of members of the uniformed services about remaining in the those services; and

(B) closely weigh its recommendations regarding the web of interrelated programs supporting spouses and families of members of the uniformed services, so that changes in such programs do not adversely impact decisions to remain in the uniformed services.

(3) EXCEPTION.—The Commission shall not examine any program that uses appropriated funding for initial entry training or unit training of members of the uniformed services.

(C) DEFINITIONS.—In this subtitle:

(1) The term “Armed Forces” has the meaning given the term “armed forces” in section 101(a)(4) of title 10, United States Code.

(2) The term “Commission” means the Military Compensation and Retirement Modernization Commission established by section 672.

(3) The term “Commission establishment date” means the first day of the first month beginning on or after the date of the enactment of this Act.

(4) The term “military compensation and retirement systems” means the military compensation system and the military retirement system.

(5) The term "military compensation system" means provisions of law providing eligibility for and the computation of military compensation, including regular military compensation, special and incentive pays and allowances, medical and dental care, educational assistance and related benefits, and commissary and exchange benefits and related benefits and activities.

(6) The term "military retirement system" means retirement benefits, including retired pay based upon service in the uniformed services and survivor annuities based upon such service.

(7) The term "Secretary" means the Secretary of Defense.

(8) The term "uniformed services" has the meaning given that term in section 101(a)(5) of title 10, United States Code.

(9) The terms "veterans service organization" and "military-related advocacy group or association" mean an organization whose primary purpose is to advocate for veterans, military personnel, military retirees, or military families.

#### **SEC. 672. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION.**

(a) **ESTABLISHMENT.**—There is established in the executive branch an independent commission to be known as the Military Compensation and Retirement Modernization Commission. The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

##### **(b) MEMBERSHIP.**—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of nine members appointed as follows:

(A) The President shall appoint one member.

(B) The Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate, shall appoint two members.

(C) The Minority Leader of the Senate, in consultation with the Ranking Member of the Committee on Armed Services of the Senate, shall appoint two members.

(D) The Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives, shall appoint two members.

(E) The Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Armed Services of the House of Representatives, shall appoint two members.

(2) **DEADLINE FOR APPOINTMENT.**—Members shall be appointed to the Commission under paragraph (1) not later than four months after the Commission establishment date.

(3) **QUALIFICATIONS OF INDIVIDUALS APPOINTED.**—In appointing members of the Commission, the President and Members of Congress specified in paragraph (1) shall ensure that, collectively, there are members with significant expertise regarding the matters described in section 671. The types of specific expertise and experience to be considered include the following:

(A) Federal civilian employee compensation and retirement.

(B) Military compensation and retirement.

(C) Private sector compensation, retirement, or human resource systems.

(D) Active duty service in a regular component of the uniformed services.

(E) Service in a reserve component.

(F) Experience as a spouse of a member of the uniformed services.

(G) Service as an enlisted member of the uniformed services.

(H) Military family policy development and implementation.

(I) Department of Veterans Affairs benefit programs.

(J) Actuarial science.

(4) **LIMITATION.**—An individual who, within the preceding year, has been employed by a veterans service organization or military-related advocacy group or association may not be appointed to the Commission.

(c) **CHAIR.**—The President shall designate one of the members of the Commission to be Chair of the Commission. The individual designated as Chair of the Commission shall be a person who has expertise in the military compensation and retirement systems. The Chair, or the designee of the Chair, shall preside over meetings of the Commission and be responsible for establishing the agenda of Commission meetings and hearings.

(d) **TERMS.**—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) **STATUS AS FEDERAL EMPLOYEES.**—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

##### **(f) PAY FOR MEMBERS OF THE COMMISSION.**—

(1) **IN GENERAL.**—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) **CHAIR.**—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

#### **SEC. 673. COMMISSION HEARINGS AND MEETINGS.**

(a) **IN GENERAL.**—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed.

##### **(b) MEETINGS.**—

(1) **INITIAL MEETING.**—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) **SUBSEQUENT MEETINGS.**—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) **PUBLIC MEETINGS.**—Each meeting of the Commission shall be held in public unless any member objects.

(c) **QUORUM.**—Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

##### **(d) PUBLIC COMMENTS.**—

(1) **SOLICITATION.**—The Commission shall seek written comments from the general

public and interested parties on measures to modernize the military compensation and retirement systems. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) **PERIOD FOR SUBMITTAL.**—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which the Secretary transmits the recommendations of the Secretary to the Commission under section 674(b).

(3) **USE BY COMMISSION.**—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) **SPACE FOR USE OF COMMISSION.**—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) **CONTRACTING AUTHORITY.**—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

#### **SEC. 674. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.**

(a) **CONTEXT OF COMMISSION REVIEW.**—The Commission shall conduct a review of the matters described in section 671, including current military compensation and retirement systems, force management objectives, and changes in life expectancy and the labor force.

##### **(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.**—

(1) **CONSISTENCY WITH PRESIDENTIAL PRINCIPLES.**—Subject to paragraph (2), the Commission shall develop recommendations that are consistent with the principles established by the President under subsection (c) and section 671.

##### **(2) GRANDFATHERING OF RETIRED PAY.**—

(A) **CONDITIONS.**—In developing its recommendations, the Commission shall comply with the following conditions with regard to the treatment of retired pay for members and retired members of the uniformed services who joined a uniformed service before the date of the enactment of an Act to modernize the military compensation and retirement systems:

(i) For members of the uniformed services as of such date, who became members before the enactment of such an Act, the monthly amount of their retired pay may not be less than they would have received under the current military compensation and retirement system, nor may the date at which they are eligible to receive their military retired pay be adjusted to the financial detriment of the member.

(ii) For members of the uniformed services retired as of such date, the eligibility for and receipt of their retired pay may not be adjusted pursuant to any change made by the enactment of such an Act.

(B) **VOLUNTARY ELECTION EXCEPTION.**—Nothing in subparagraph (A) prevents a member described in such subparagraph from voluntarily electing to be covered under the provisions of an Act to modernize the military compensation and retirement systems.

(c) **PRESIDENTIAL PRINCIPLES.**—Not later than five months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for modernizing the military compensation and retirement systems. The principles established by the President shall address the following:

(1) Maintaining recruitment and retention of the best military personnel.

(2) Modernizing the regular and reserve military compensation and retirement systems.

(3) Differentiating between regular and reserve military service.

(4) Differentiating between service in the Armed Forces and service in the other uniformed services.

(5) Assisting with force management.

(6) Ensuring the fiscal sustainability of the military compensation and retirement systems.

(7) Compliance with the purpose and scope of the review prescribed in section 671.

(d) **SECRETARY OF DEFENSE RECOMMENDATIONS.**—

(1) **DEADLINE.**—Not later than nine months after the Commission establishment date, the Secretary shall transmit to the Commission the recommendations of the Secretary for modernization of the military compensation and retirement systems. The Secretary shall concurrently transmit the recommendations to Congress.

(2) **DEVELOPMENT OF RECOMMENDATIONS.**—The Secretary shall develop the recommendations of the Secretary under paragraph (1)—

(A) on the basis of the principles established by the President pursuant to subsection (c);

(B) in consultation with the Secretary of Homeland Security, with respect to recommendations concerning members of the Coast Guard;

(C) in consultation with the Secretary of Health and Human Services, with respect to recommendations concerning members of the Public Health Service;

(D) in consultation with the Secretary of Commerce, with respect to recommendations concerning members of the National Oceanic and Atmospheric Administration; and

(E) in consultation with the Director of the Office of Management and Budget.

(3) **JUSTIFICATION.**—The Secretary shall include with the recommendations under paragraph (1) the justification of the Secretary for each recommendation.

(4) **AVAILABILITY OF INFORMATION.**—The Secretary shall make available to the Commission and to Congress the information used by the Secretary to prepare the recommendations of the Secretary under paragraph (1).

(e) **COMMISSION HEARINGS ON RECOMMENDATIONS OF SECRETARY.**—After receiving from the Secretary the recommendations of the Secretary for modernization of the military compensation and retirement systems under subsection (d), the Commission shall conduct public hearings on the recommendations.

(f) **COMMISSION REPORT AND RECOMMENDATIONS.**—

(1) **REPORT.**—Not later than 15 months after the Commission establishment date, the Commission shall transmit to the President a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission for the modernization of the military compensation and retirement systems. The Commission shall include in the report legislative language to implement the rec-

ommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations made by the Secretary under subsection (d).

(2) **REQUIREMENT FOR APPROVAL.**—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President under paragraph (1).

(3) **PROCEDURES FOR CHANGING RECOMMENDATIONS OF SECRETARY.**—The Commission may make a change described in paragraph (4) in the recommendations made by the Secretary only if the Commission—

(A) determines that the change is consistent with the principles established by the President under subsection (c);

(B) publishes a notice of the proposed change not less than 45 days before transmitting its recommendations to the President pursuant to paragraph (1); and

(C) conducts a public hearing on the proposed change.

(4) **COVERED CHANGES.**—Paragraph (3) applies to a change by the Commission in the recommendations of the Secretary that would—

(A) add a new recommendation;

(B) delete a recommendation; or

(C) substantially change a recommendation.

(5) **EXPLANATION AND JUSTIFICATION FOR CHANGES.**—The Commission shall explain and justify in its report submitted to the President under paragraph (1) any recommendation made by the Commission that is different from the recommendations made by the Secretary under subsection (d).

(6) **TRANSMITTAL TO CONGRESS.**—The Commission shall transmit a copy of its report to Congress on the same date on which it transmits its report to the President under paragraph (1).

#### **SEC. 675. CONSIDERATION OF COMMISSION RECOMMENDATIONS BY THE PRESIDENT.**

(a) **REPORT OF PRESIDENTIAL APPROVAL OR DISAPPROVAL.**—Not later than 60 days after the date on which the Commission transmits its report to the President under section 674, the President shall transmit to the Commission and to Congress a report containing the approval or disapproval by the President of the recommendations of the Commission in the report.

(b) **PRESIDENTIAL APPROVAL.**—If in the report under subsection (a) the President approves all the recommendations of the Commission, the President shall include with the report the following:

(1) A copy of the recommendations of the Commission.

(2) The certification by the President of the approval of the President of each recommendation.

(3) The legislative language transmitted by the Commission to the President as part of the report of the Commission.

(c) **PRESIDENTIAL DISAPPROVAL.**—

(1) **REASONS FOR DISAPPROVAL.**—If in the report under subsection (a) the President disapproves the recommendations of the Commission, in whole or in part, the President shall include in the report the reasons for that disapproval.

(2) **REVISED RECOMMENDATIONS FROM COMMISSION.**—Not later than one month after the date of the report of the President under subsection (a) disapproving the recommendations of the Commission, the Commission shall transmit to the President revised recommendations for the modernization of the

military compensation and retirement systems, together with revised legislative language to implement the revised recommendations of the Commission.

(3) **ACTION ON REVISED RECOMMENDATIONS.**—If the President approves all of the revised recommendations of the Commission transmitted pursuant to paragraph (2), the President shall transmit to Congress, not later than one month after receiving the revised recommendations, the following:

(A) A copy of the revised recommendations.

(B) The certification by the President of the approval of the President of each recommendation as so revised.

(C) The revised legislative language transmitted to the President.

(d) **TERMINATION OF COMMISSION.**—If the President does not transmit to Congress an approval and certification described in subsection (b) or (c)(3) in accordance with the applicable deadline under such subsection, the Commission shall be terminated not later than one month after the expiration of the period for transmittal of a report under subsection (c)(3).

#### **SEC. 676. EXECUTIVE DIRECTOR.**

(a) **APPOINTMENT.**—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) **LIMITATIONS.**—The Executive Director may not have served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment and may not have been employed by a veterans service organization or a military-related advocacy group or association during that one-year period.

#### **SEC. 677. STAFF.**

(a) **IN GENERAL.**—Subject to subsections (b) and (c), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(b) **LIMITATIONS ON STAFF.**—

(1) **NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENT.**—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) **PRIOR DUTIES WITHIN EXECUTIVE BRANCH.**—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation of recommendations for military compensation and retirement modernization.

(3) **NUMBER OF DETAILEES ELIGIBLE FOR MILITARY RETIRED PAY.**—Not more than one-fourth of the personnel employed by or detailed to the Commission may be persons eligible for or receiving military retired pay.

(4) **PRIOR EMPLOYMENT WITH CERTAIN ORGANIZATIONS.**—A person may not be employed by or detailed to the Commission if, in the year before the employment or detail is to begin, that person was employed by a veterans service organization or a military-related advocacy group or association.

(c) **LIMITATIONS ON PERFORMANCE REVIEWS.**—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department, may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report; or

(3) approve or disapprove such a report.

#### SEC. 678. JUDICIAL REVIEW PRECLUDED.

The following shall not be subject to judicial review:

(1) Actions of the President, the Secretary, and the Commission under section 674.

(2) Actions of the President under section 675.

#### SEC. 679. TERMINATION.

Except as otherwise provided in this title, the Commission shall terminate not later than 26 months after the Commission establishment date.

#### SEC. 680. FUNDING.

Of the amounts authorized to be appropriated by this Act for the Department of Defense for fiscal year 2013, up to \$10,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

#### Subtitle I—Other Matters

#### SEC. 681. EQUAL TREATMENT FOR MEMBERS OF COAST GUARD RESERVE CALLED TO ACTIVE DUTY UNDER TITLE 14, UNITED STATES CODE.

(a) INCLUSION IN DEFINITION OF CONTINGENCY OPERATION.—Section 101(a)(13)(B) of title 10, United States Code, is amended by inserting “section 712 of title 14,” after “chapter 15 of this title.”.

(b) CREDIT OF SERVICE TOWARDS REDUCTION OF ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

“(iv) Service on active duty described in this subparagraph is also service on active duty pursuant to a call or order to active duty authorized by the Secretary of Homeland Security under section 712 of title 14 for purposes of emergency augmentation of the Regular Coast Guard forces.”.

(c) POST 9/11 EDUCATIONAL ASSISTANCE.—Section 3301(1)(B) of title 38, United States Code, is amended by inserting “or section 712 of title 14” after “title 10”.

(d) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) INCLUSION OF PRIOR ORDERS.—The amendments made by this section shall apply to any call or order to active duty authorized under section 712 of title 14, United States Code, on or after December 31, 2011, by the Secretary of the executive department in which the Coast Guard is operating.

(2) CREDIT FOR PRIOR SERVICE.—The amendments made by this section shall be deemed to have been enacted on December 31, 2011, for purposes of applying the amendments to the following provisions of law:

(A) Section 5538 of title 5, United States Code, relating to nonreduction in pay.

(B) Section 701 of title 10, United States Code, relating to the accumulation and retention of leave.

(C) Section 12731 of title 10, United States Code, relating to age and service requirements for receipt of retired pay for non-regular service.

#### SEC. 682. REPORT REGARDING DEPARTMENT OF VETERANS AFFAIRS CLAIMS PROCESS TRANSFORMATION PLAN.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this

Act, the Secretary of Veterans Affairs shall submit to the Committees on Armed Forces and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan of the Secretary of Veterans Affairs to reduce the backlog of claims for benefits under laws administered by the Secretary that are pending as of the date of the enactment of this Act and to more efficiently and fairly process claims for such benefits in the future.

(b) CONTENTS OF REPORT.—The report required in under subsection (a) shall include each of the following:

(1) A detailed explanation of the Veterans Benefits Administration Claims Transformation Plan, including—

(A) a timeline and steps to completion with anticipated completion dates;

(B) all benchmarks and indicia of success that the Secretary will use to measure the success or failure of each step in the Transformation Plan; and

(C) the estimated costs, by fiscal year for each of the five fiscal years following the fiscal year during which the report is submitted, associated with the Transformation Plan, including training and personnel costs, as well as the increase or decrease in the number of personnel expected as part of the Transformation Plan.

(2) A detailed explanation of the claims process that is expected to result after the completion of the Transformation Plan, from initial filing of claim to the award or denial of benefits, including any appellate steps in the process.

(3) A detailed explanation of the roles and purposes of the Program Management Office, the Veterans Benefits Administration Transformation Governance Board, Transformation Joint Executive Board, and Design Teams, including a list of personnel for each entity as well as current and projected costs over the subsequent five fiscal years to operate and staff each entity.

(4) A detailed explanation of all steps taken thus far to involve non-Federal entities in the claims process, including the Texas Veterans Commission and other State or local agencies relating to veterans' affairs, veterans service organizations, and other not-for-profit entities.

(5) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce the backlog of claims for benefits under laws administered by the Secretary and to more efficiently and fairly process such claims in the future, including State and local agencies relating to veterans affairs, veterans service organizations, and such other relevant Government and non-Government entities as the Secretary considers appropriate. Such plan shall include—

(A) a description of how the Secretary intends to leverage such partnerships with non-Federal entities to eliminate the backlog by—

(i) increasing the percentage of new claims that are fully developed prior to submittal to the Secretary and expediting the processing of such claims; and

(ii) helping claimants gather and submit necessary evidence for claims that were previously filed but require further development; and

(B) a description of how such partnerships with non-Federal entities will fit into the Transformation Plan.

### TITLE VII—HEALTH CARE PROVISIONS

#### Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated.

Sec. 702. Inclusion of certain over-the-counter drugs in TRICARE uniform formulary.

Sec. 703. Modification of requirements on mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.

Sec. 704. Use of Department of Defense funds for abortions in cases of rape and incest.

Sec. 705. Pilot program on certain treatments of autism under the TRICARE program.

Sec. 706. Pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Sec. 707. Sense of Congress on health care for retired members of the uniformed services.

#### Subtitle B—Health Care Administration

Sec. 711. Authority for automatic enrollment in TRICARE Prime of dependents of members in pay grades above pay grade E-4.

Sec. 712. Cost-sharing rates for the Pharmacy Benefits Program of the TRICARE program.

Sec. 713. Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense.

Sec. 714. Expansion of evaluation of the effectiveness of the TRICARE program.

Sec. 715. Requirement to ensure the effectiveness and efficiency of health engagements.

Sec. 716. Pilot program for refills of maintenance medications for TRICARE for Life beneficiaries through the TRICARE mail-order pharmacy program.

#### Subtitle C—Mental Health Care and Veterans Matters

Sec. 723. Sharing between Department of Defense and Department of Veterans Affairs of records and information retained under the medical tracking system for members of the Armed Forces deployed overseas.

Sec. 724. Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs.

Sec. 725. Research and medical practice on mental health conditions.

Sec. 726. Transparency in mental health care services provided by the Department of Veterans Affairs.

Sec. 727. Expansion of Vet Center Program to include furnishing counseling to certain members of the Armed Forces and their family members.

Sec. 728. Organization of the Readjustment Counseling Service in the Department of Veterans Affairs.

Sec. 729. Recruitment of mental health providers for furnishing mental health services on behalf of the Department of Veterans Affairs without compensation from the Department.

Sec. 730. Peer support.

Subtitle D—Reports and Other Matters

Sec. 731. Plan for reform of the administration of the military health system.

Sec. 732. Future availability of TRICARE Prime throughout the United States.

Sec. 733. Extension of Comptroller General report on contract health care staffing for military medical treatment facilities.

Sec. 734. Extension of Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.

Sec. 735. Study on health care and related support for children of members of the Armed Forces.

Sec. 736. Report on strategy to transition to use of human-based methods for certain medical training.

Sec. 737. Study on incidence of breast cancer among members of the Armed Forces serving on active duty.

Sec. 738. Performance metrics and reports on Warriors in Transition programs of the military departments.

Sec. 739. Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury.

#### Subtitle A—TRICARE and Other Health Care Benefits

#### SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE AND TRICARE DENTAL PROGRAM FOR MEMBERS OF THE SELECTED RESERVE WHO ARE INVOLUNTARILY SEPARATED.

(a) TRICARE STANDARD COVERAGE.—Section 1076d(b) of title 10, United States Code, is amended—

(1) by striking “Eligibility” and inserting “(1) Except as provided in paragraph (2), eligibility”; and

(2) by adding at the end the following new paragraph:

“(2) During the period beginning on the date of the enactment of this paragraph and ending December 31, 2018, eligibility for a member under this section who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate 180 days after the date on which the member is separated.”

(b) TRICARE DENTAL COVERAGE.—Section 1076a(a)(1) of such title is amended by adding at the end the following new sentence: “During the period beginning on the date of the enactment of this sentence and ending December 31, 2018, such plan shall provide that coverage for a member of the Selected Reserve who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall not terminate earlier than 180 days after the date on which the member is separated.”

#### SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER DRUGS IN TRICARE UNIFORM FORMULARY.

(a) INCLUSION.—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(1) in subparagraph (D), by striking “No pharmaceutical agent may be excluded” and inserting “Except as provided in subparagraph (F), no pharmaceutical agent may be excluded”; and

(2) by adding at the end the following new subparagraph:

“(F)(i) The Secretary may implement procedures to place selected over-the-counter drugs on the uniform formulary and to make such drugs available to eligible covered beneficiaries. An over-the-counter drug may be included on the uniform formulary only if the Pharmacy and Therapeutics Committee established under subsection (b) finds that the over-the-counter drug is cost effective and clinically effective. If the Pharmacy and Therapeutics Committee recommends an over-the-counter drug for inclusion on the uniform formulary, the drug shall be considered to be in the same therapeutic class of pharmaceutical agents, as determined by the Committee, as similar prescription drugs.

“(ii) Regulations prescribed by the Secretary to carry out clause (i) shall include the following with respect to over-the-counter drugs included on the uniform formulary:

“(I) A determination of the means and conditions under paragraphs (5) and (6) through which over-the-counter drugs will be available to eligible covered beneficiaries and the amount of cost sharing that such beneficiaries will be required to pay for over-the-counter drugs, if any, except that no such cost sharing may be required for a member of a uniformed service on active duty.

“(II) Any terms and conditions for the dispensing of over-the-counter drugs to eligible covered beneficiaries.”

(b) DEFINITIONS.—Subsection (g) of such section is amended by adding at the end the following new paragraphs:

“(3) The term ‘over-the-counter drug’ means a drug that is not subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

“(4) The term ‘prescription drug’ means a drug that is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”

(c) TECHNICAL AMENDMENTS.—

(1) CROSS-REFERENCE AMENDMENT.—Subsection (b)(1) of such section is amended by striking “subsection (g)” and inserting “subsection (h)”.

(2) REPEAL OF OBSOLETE PROVISIONS.—

(A) Subsection (a)(2)(D) of such section is amended by striking the last sentence.

(B) Subsection (b)(2) of such section is amended by striking “Not later than” and all the follows through “such 90-day period, the committee” and inserting “The committee”.

(C) Subsection (d)(2) of such section is amended—

(i) by striking “Effective not later than April 5, 2000, the Secretary” and inserting “The Secretary”; and

(ii) by striking “the current managed care support contracts” and inserting “the managed care support contracts current as of October 5, 1999.”

#### SEC. 703. MODIFICATION OF REQUIREMENTS ON MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

Section 1074m(a)(1)(C)(i) of title 10, United States Code, is amended by striking “one year” and inserting “18 months”.

#### SEC. 704. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the pe-

riod at the end the following: “or in a case in which the pregnancy is the result of an act of rape or incest”.

#### SEC. 705. PILOT PROGRAM ON CERTAIN TREATMENTS OF AUTISM UNDER THE TRICARE PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to provide for the treatment of autism spectrum disorders, including applied behavior analysis.

(2) COMMENCEMENT.—The Secretary shall commence the pilot program under paragraph (1) by not later than 90 days after the date of the enactment of this Act.

(b) DURATION.—The Secretary may not carry out the pilot program under subsection (a)(1) for longer than a one-year period.

(c) REPORT.—Not later than 270 days after the date on which the pilot program under subsection (a)(1) commences, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(1) An assessment of the feasibility and advisability of establishing a beneficiary cost share for the treatment of autism spectrum disorders.

(2) A comparison of providing such treatment under—

(A) the ECHO Program; and

(B) the TRICARE program other than under the ECHO Program.

(3) Any recommendations for changes in legislation.

(4) Any additional information the Secretary considers appropriate.

(d) DEFINITIONS.—In this section:

(1) The term “ECHO Program” means the Extended Care Health Option under subsections (d) through (f) of section 1079 of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

#### SEC. 706. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) PROGRAM AUTHORITY.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers through community partners.

(b) AGREEMENTS WITH COMMUNITY PARTNERS.—In carrying out the pilot program authorized by subsection (a), the Secretary may enter into partnership agreements with community partners described in subsection (c) using a competitive and merit-based award process.

(c) COMMUNITY PARTNER DESCRIBED.—A community partner described in this subsection is a private non-profit organization or institution that meets such qualifications as the Secretary shall establish for purposes of the pilot program and engages in one or more of the following:

(1) Research on the causes, development, and innovative treatment of mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) Identifying and disseminating evidence-based treatments of mental health and substance use disorders and traumatic brain injury described in paragraph (1).



(3) Outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(d) DURATION.—The duration of the pilot program may not exceed three years.

(e) REPORT.—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs and the congressional defense committees a report on the results of the pilot program, including the number of members of the National Guard and Reserves provided treatment or services by community partners, and a description and assessment of the effectiveness and achievements of the pilot program with respect to research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury.

**SEC. 707. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.**

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

**Subtitle B—Health Care Administration**

**SEC. 711. AUTHORITY FOR AUTOMATIC ENROLLMENT IN TRICARE PRIME OF DEPENDENTS OF MEMBERS IN PAY GRADES ABOVE PAY GRADE E-4.**

Subsection (a) of section 1097a of title 10, United States Code, is amended to read as follows:

“(a) AUTOMATIC ENROLLMENT OF CERTAIN DEPENDENTS.—(1) In the case of a dependent of a member of the uniformed services who is entitled to medical and dental care under section 1076(a)(2)(A) of this title and resides in a catchment area in which TRICARE Prime is offered, the Secretary—

“(A) shall automatically enroll the dependent in TRICARE Prime if the member is in pay grade E-4 or below; and

“(B) may automatically enroll the dependent in TRICARE Prime if the member is in pay grade E-5 or higher.

“(2) Whenever a dependent of a member is enrolled in TRICARE Prime under paragraph (1), the Secretary concerned shall provide written notice of the enrollment to the member.

“(3) The enrollment of a dependent of the member may be terminated by the member or the dependent at any time.”

**SEC. 712. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.**

(a) IN GENERAL.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

“(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

“(I) in the case of generic agents, \$5;

“(II) in the case of formulary agents, \$17; and

“(III) in the case of nonformulary agents, \$44.

“(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

“(I) in the case of generic agents, \$0;

“(II) in the case of formulary agents, \$13; and

“(III) in the case of nonformulary agents, \$43.”; and

(2) by adding at the end the following new subparagraph:

“(C)(i) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which retired pay is increased under section 1401a of this title in that year.

“(ii) If the amount of the increase otherwise provided for a year by clause (i) is less than \$1, the increase shall not be made for such year, but shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.

“(iii) The provisions of this subparagraph shall not apply to any increase in cost-sharing amounts described in clause (i) that is made by the Secretary of Defense on or after October 1, 2022. The Secretary may increase copayments, as considered appropriate by the Secretary, beginning on October 1, 2022.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code, as amended by subsection (a)(1), shall apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) FEDERAL REGISTER.—The Secretary shall publish notice of the effective date of the cost-sharing requirements specified under paragraph (1) in the Federal Register.

**SEC. 713. CLARIFICATION OF APPLICABILITY OF CERTAIN AUTHORITY AND REQUIREMENTS TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.**

(a) APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS.—Section 1089(a) of title 10, United States Code, is amended in the last sentence—

(1) by striking “if the physician, dentist, nurse, pharmacist, or paramedical” and inserting “to such a physician, dentist, nurse, pharmacist, or paramedical”; and

(2) by striking “involved is”; and

(3) by inserting before the period at the end the following: “or a subcontract at any tier under such a contract that is authorized in accordance with the requirements of such section 1091”.

(b) APPLICABILITY OF PERSONAL SERVICES CONTRACTING AUTHORITY TO SUBCONTRACTORS.—Section 1091(c) of such title is amended by adding at the end the following new paragraph:

“(3) The procedures established under paragraph (1) may provide for a contracting officer to authorize a contractor to enter into a

subcontract for personal services on behalf of the agency upon a determination that the subcontract is—

“(A) consistent with the requirements of this section and the procedures established under paragraph (1); and

“(B) in the best interests of the agency.”.

**SEC. 714. EXPANSION OF EVALUATION OF THE EFFECTIVENESS OF THE TRICARE PROGRAM.**

Section 717(a)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 376; 10 U.S.C. 1073 note) is amended by striking “military retirees” and inserting “members of the Armed Forces (whether in the regular or reserve components) and their dependents, military retirees and their dependents, and dependents of members on active duty with severe disabilities and chronic health care needs”.

**SEC. 715. REQUIREMENT TO ENSURE THE EFFECTIVENESS AND EFFICIENCY OF HEALTH ENGAGEMENTS.**

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Under Secretary of Defense for Policy and the Assistant Secretary of Defense for Health Affairs, shall develop a process to ensure that health engagements conducted by the Department of Defense are effective and efficient in meeting the national security goals of the United States.

(b) PROCESS GOALS.—The Assistant Secretary of Defense for Health Affairs shall ensure that each process developed under subsection (a)—

(1) assesses the operational mission capabilities of the health engagement;

(2) uses the collective expertise of the Federal Government and non-governmental organizations to ensure collaboration and partnering activities; and

(3) assesses the stability and resiliency of the host nation of such engagement.

(c) ASSESSMENT TOOL.—The Assistant Secretary of Defense for Health Affairs may establish a measure of effectiveness learning tool to assess the process developed under subsection (a) to ensure the applicability of the process to health engagements conducted by the Department of Defense.

(d) HEALTH ENGAGEMENT DEFINED.—In this section, the term “health engagement” means a health stability operation conducted by the Department of Defense outside the United States in coordination with a foreign government or international organization to establish, reconstitute, or maintain the health sector of a foreign country.

**SEC. 716. PILOT PROGRAM FOR REFILLS OF MAINTENANCE MEDICATIONS FOR TRICARE FOR LIFE BENEFICIARIES THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) MEDICATIONS COVERED.—

(1) DETERMINATION.—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) SUPPLY.—In carrying out the pilot program under subsection (a), the Secretary shall ensure that the medications included in the program are generally available to a TRICARE for Life beneficiary—

(A) for an initial filling of a 30-day or less supply through—

(i) retail pharmacies under clause (ii) of section 1074g(a)(2)(E) of title 10, United States Code; and

(ii) facilities of the uniformed services under clause (i) of such section; and

(B) for a refill of such medications through—

(i) the national mail-order pharmacy program; and

(ii) such facilities of the uniformed services.

(3) EXEMPTION.—The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Such medications that are for acute care needs.

(B) Such other medications as the Secretary determines appropriate.

(c) NONPARTICIPATION.—

(1) OPT OUT.—The Secretary shall give TRICARE for Life beneficiaries who have been covered by the pilot program under subsection (a) for a period of one year an opportunity to opt out of continuing to participate in the program.

(2) WAIVER.—The Secretary may waive the requirement of a TRICARE for Life beneficiary to participate in the pilot program under subsection (a) if the Secretary determines, on an individual basis, that such waiver is appropriate.

(d) REGULATIONS.—The Secretary shall prescribe regulations to carry out the pilot program under subsection (a), including regulations with respect to—

(1) the prescription maintenance medications included in the pilot program pursuant to subsection (b)(1); and

(2) addressing instances where a TRICARE for Life beneficiary covered by the pilot program attempts to refill such medications at a retail pharmacy rather than through the national mail-order pharmacy program or a facility of the uniformed services.

(e) REPORTS.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail order pharmacies by TRICARE beneficiaries and the effect on retail pharmacies.

(f) SUNSET.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

(g) TRICARE FOR LIFE BENEFICIARY DEFINED.—In this section, the term “TRICARE for Life beneficiary” means a TRICARE beneficiary enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

#### Subtitle C—Mental Health Care and Veterans Matters

#### SEC. 723. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.

(b) CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.—The sharing

required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

#### SEC. 724. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) TRAINING.—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) COVERED MEMBERS.—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

#### SEC. 725. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.

(a) RESEARCH AND PRACTICE.—The Secretary of Defense shall provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the translation of research into policy as described in subsection (a). The report shall include the following:

(1) A summary of the efforts of the Department of Defense to carry out such translation.

(2) A description of any policy established pursuant to subsection (a).

(3) Additional legislative or administrative actions the Secretary considers appropriate with respect to such translation.

#### SEC. 726. TRANSPARENCY IN MENTAL HEALTH CARE SERVICES PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MEASUREMENT OF MENTAL HEALTH CARE SERVICES.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) ELEMENTS.—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based outpatient clinics. Such guidelines shall include productivity standards for providers of mental health care.

(c) STUDY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee—

(A) to consult with the Secretary on the Secretary's development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) FUNCTIONS.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New

Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) **PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.**—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) **PERIODIC REPORTS TO SECRETARY.**—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) **REPORTS TO CONGRESS.**—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) **PUBLICATION.**—

(1) **IN GENERAL.**—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) **QUARTERLY UPDATES.**—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) **SEMIANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the committees of Congress specified in subsection (c)(5) a report on the Secretary's progress in developing and implementing the measures and guidelines required by this section.

(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services furnished under laws administered by the Secretary.

(f) **IMPLEMENTATION REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees of Congress specified in subsection (c)(5) a report on the Secretary's planned implementation of such measures and guidelines.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

**SEC. 727. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.**

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “Upon the request” and all that follows through the period at the end and inserting “Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

“(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

“(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.”;

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual's psychological, social, and other characteristics to ascertain whether—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

“(I) coping with the deployment of a member described in subclause (I) of such clause; or

“(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

“(C) Subparagraph (A) applies to the following individuals:

“(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

“(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the casualties of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

“(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

“(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(v) Any individual who is a family member of any—

“(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

“(II) veteran or member of the Armed Forces described in this subparagraph.”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking “a veteran described in paragraph (1)(B)(iii)” and inserting “an individual described in paragraph (1)(C)”;

(ii) by striking “the veteran a preliminary general mental health assessment” and inserting “the individual a comprehensive individual assessment as described in paragraph (1)(B)”;

(2) in subsection (b)(1), by striking “physician or psychologist” each place it appears and inserting “licensed or certified mental health care provider”;

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) The term ‘Vet Center’ means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.”; and

(B) by adding at the end the following new paragraph:

“(3) The term ‘family member’, with respect to a veteran or member of the Armed Forces, means an individual who—

“(A) is a member of the family of the veteran or member, including—

“(i) a parent;

“(ii) a spouse;

“(iii) a child;

“(iv) a step-family member; and

“(v) an extended family member; or

“(B) lives with the veteran or member but is not a member of the family of the veteran or member.”; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

“(g) In carrying out this section and in furtherance of the Secretary’s responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

“(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

“(2) operated by any organization named in or approved under section 5902 of this title.”.

**SEC. 728. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 7309. Readjustment Counseling Service**

“(a) IN GENERAL.—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.

“(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section referred to as the ‘Chief Officer’), who shall report directly to the Under Secretary for Health.

“(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

“(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

“(ii) are holders of a master in social work degree; or

“(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

“(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

“(C) have at least three years of experience administering direct counseling services or outreach services in the Readjustment Counseling Service;

“(D) meet the quality standards and requirements of the Department; and

“(E) are veterans who served in combat as members of the Armed Forces.

“(c) STRUCTURE.—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

“(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

“(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

“(d) SOURCE OF FUNDS.—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

“(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

“(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

“(e) ANNUAL REPORT.—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

“(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

“(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

“(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

“(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary’s plan for meeting such unmet need.

“(f) VET CENTER DEFINED.—In this section, the term ‘Vet Center’ has the meaning given the term in section 1712A(h)(1) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

“7309. Readjustment Counseling Service.”.

(c) CONFORMING AMENDMENTS.—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) A Readjustment Counseling Service.”.

**SEC. 729. RECRUITMENT OF MENTAL HEALTH PROVIDERS FOR FURNISHING MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.**

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, and government entities in order to recruit mental health providers who meet the quality standards and requirements of the Department of Veterans Affairs to provide mental health services for the Department on a part-time, without-compensation basis,

under section 7405 of title 38, United States Code.

(b) PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) MILITARY CULTURE TRAINING.—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military-specific and service-specific culture, combat experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operating Iraqi Freedom, or Operation New Dawn.

**SEC. 730. PEER SUPPORT.**

(a) PEER SUPPORT COUNSELING PROGRAM.—

(1) PROGRAM REQUIRED.—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter preceding subparagraph (A) by striking “may” and inserting “shall”.

(2) TRAINING.—Paragraph (2) of such section is amended by inserting after “peer counselors” the following: “, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note)”.

(3) AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.—Such section is amended by adding at the end the following new paragraph:

“(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.”.

(4) DEADLINE FOR COMMENCEMENT OF PROGRAM.—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—

(1) IN GENERAL.—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 38 U.S.C. 1712A note) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.”.

(2) DEADLINE.—The Secretary of Veterans Affairs shall commence carrying out the

services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

#### Subtitle D—Reports and Other Matters

### SEC. 731. PLAN FOR REFORM OF THE ADMINISTRATION OF THE MILITARY HEALTH SYSTEM.

(a) DETAILED PLAN.—In implementing reforms to the governance of the military health system described in the memorandum of the Deputy Secretary of Defense dated March 2012, the Secretary of Defense shall develop a detailed plan to carry out such reform.

(b) ELEMENTS.—The plan developed under subsection (a) shall include the following:

(1) Goals to achieve while carrying out the reform described in subsection (a), including goals with respect to improving clinical and business practices, cost reductions, infrastructure reductions, and personnel reductions, achieved by establishing the Defense Health Agency, carrying out shared services, and modifying the governance of the National Capital Region.

(2) Metrics to evaluate the achievement of each goal under paragraph (1) with respect to the purpose, objective, and improvements made by each such goal.

(3) The personnel levels required for the Defense Health Agency and the National Capital Region Medical Directorate.

(4) A detailed schedule to carry out the reform described in subsection (a), including a schedule for meeting the goals under paragraph (1).

(5) Detailed information describing the initial operating capability of the Defense Health Agency.

(6) With respect to each shared service that the Secretary will implement during fiscal year 2013 or 2014—

(A) a timeline for such implementation; and

(B) a business case analysis detailing—

(i) the services that will be consolidated into the shared service;

(ii) the purpose of the shared service;

(iii) the scope of the responsibilities and goals for the shared service;

(iv) the cost of implementing the shared service, including the costs regarding personnel severance, relocation, military construction, information technology, and contractor support; and

(v) the anticipated cost savings to be realized by implementing the shared service.

(c) SUBMISSION.—The Secretary of Defense shall submit to the congressional defense committees the plan developed under subsection (a) as follows:

(1) The contents of the plan described in paragraphs (1) and (4) of subsection (b) shall be submitted not later than March 31, 2013.

(2) The contents of the plan described in paragraphs (2) and (3) of subsection (b) and paragraph (6) of such subsection with respect to shared services implemented during fiscal year 2013 shall be submitted not later than June 30, 2013.

(3) The contents of the plan described in paragraph (6) of such subsection with respect to shared services implemented during fiscal year 2014 shall be submitted not later than September 30, 2013.

(d) LIMITATIONS.—

(1) FIRST SUBMISSION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the accounts and activities described in

paragraph (4), not more than 50 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the contents of the plan under subsection (c)(1).

(2) SECOND SUBMISSION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the accounts and activities described in paragraph (4), not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the contents of the plan under subsection (c)(2).

(3) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall submit to the congressional defense committees a review of the contents of the plan submitted under each of paragraphs (1) and (2) to assess whether the Secretary of Defense meets the requirements of such contents.

(4) ACCOUNTS AND ACTIVITIES DESCRIBED.—The accounts and activities described in this paragraph are as follows:

(A) Operation and maintenance, Defense-wide, for the Office of the Secretary of Defense for travel.

(B) Operation and maintenance, Defense-wide, for the Office of the Secretary of Defense for management professional support services.

(C) Operation and maintenance, Defense Health Program, for travel.

(D) Operation and maintenance, Defense Health Program, for management professional support services.

(e) SHARED SERVICES DEFINED.—In this section, the term “shared services” means the common services required for each military department to provide medical support to the Armed Forces and authorized beneficiaries.

### SEC. 732. FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(B) An estimate of the increased costs to be incurred by an affected eligible beneficiary for health care under the TRICARE program.

(C) An estimate of the savings to be achieved by the Department as a result of the contracts described in subparagraph (A).

(D) A description of the plans of the Department to continue to assess the impact on access to health care for affected eligible beneficiaries.

(E) A description of the plan of the Department to provide assistance to affected eligible beneficiaries who are transitioning from

TRICARE Prime to TRICARE Standard, including assistance with respect to identifying health care providers.

(F) Any other matter the Secretary considers appropriate.

(b) DEFINITIONS.—In this section:

(1) The term “affected eligible beneficiary” means an eligible beneficiary under the TRICARE Program (other than eligible beneficiaries on active duty in the Armed Forces) who, as of the date of the enactment of this Act—

(A) is enrolled in TRICARE Prime; and

(B) resides in a region of the United States in which TRICARE Prime enrollment will no longer be available for such beneficiary under a contract described in subsection (a)(2)(A) that does not allow for such enrollment because of the location in which such beneficiary resides.

(2) The term “TRICARE Prime” means the managed care option of the TRICARE program.

(3) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

(4) The term “TRICARE Standard” means the fee-for-service option of the TRICARE Program.

### SEC. 733. EXTENSION OF COMPTROLLER GENERAL REPORT ON CONTRACT HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.

Section 726(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1480) is amended by striking “March 31, 2012” and inserting “March 31, 2013”.

### SEC. 734. EXTENSION OF COMPTROLLER GENERAL REPORT ON WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.

Section 725(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1480) is amended by striking “December 31, 2012” and inserting “March 31, 2013”.

### SEC. 735. STUDY ON HEALTH CARE AND RELATED SUPPORT FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) STUDY.—The Secretary of Defense shall conduct a study on the health care and related support provided by the Secretary to dependent children.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) A comprehensive review of the policies of the Secretary and the TRICARE program with respect to providing pediatric care.

(2) An assessment of access to pediatric health care by dependent children in appropriate settings.

(3) An assessment of access to specialty care by dependent children, including care for children with special health care needs.

(4) A comprehensive review and analysis of reimbursement under the TRICARE program for pediatric care.

(5) An assessment of the adequacy of the ECHO Program in meeting the needs of dependent children with extraordinary health care needs.

(6) An assessment of the adequacy of care management for dependent children with special health care needs.

(7) An assessment of the support provided through other Department of Defense or military department programs and policies that support the physical and behavioral health of dependent children, including children with special health care needs.

(8) Mechanisms for linking dependent children with special health care needs with

State and local community resources, including children's hospitals and providers of pediatric specialty care.

(9) Strategies to mitigate the impact of frequent relocations related to military service on the continuity of health care services for dependent children, including children with special health and behavioral health care needs.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under subsection (a), including—

- (1) the findings of the study;
- (2) a plan to improve and continuously monitor the access of dependent children to quality health care; and
- (3) any recommendations for legislation that the Secretary considers necessary to maintain the highest quality of health care for dependent children.

(d) **DEFINITIONS.**—In this section:

(1) The term “dependent children” means the children of members of the Armed Forces who are covered beneficiaries under chapter 55 of title 10, United States Code.

(2) The term “ECHO Program” means the Extended Care Health Option under subsections (d) through (f) of section 1079 of title 10, United States Code.

**SEC. 736. REPORT ON STRATEGY TO TRANSITION TO USE OF HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that outlines a strategy, including a detailed timeline, to refine and, when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma injuries.

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) Required research, development, testing, and evaluation investments to validate human-based training methods to refine, reduce, and, when appropriate, transition from the use of live animals in medical education and training.

(B) Phased sustainment and readiness costs to refine, reduce, and, when appropriate, replace the use of live animals in medical education and training.

(C) Any risks associated with transitioning to human-based training methods, including resource availability, anticipated technological development timelines, and potential impact on the present combat trauma training curricula.

(D) An assessment of the potential effect of transitioning to human-based training methods on the quality of medical care delivered on the battlefield, including any reduction in the competency of combat medical personnel.

(E) An assessment of risks to maintaining the level of combat life-saver techniques performed by all members of the Armed Forces.

(b) **DEFINITIONS.**—In this section:

(1) The term “combat trauma injuries” means severe injuries likely to occur during combat, including—

- (A) extremity hemorrhage;
- (B) tension pneumothorax;
- (C) amputation resulting from blast injury;
- (D) compromises to the airway; and
- (E) other injuries.

(2) The term “human-based training methods” means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

- (A) simulators;
- (B) partial task trainers;
- (C) moulage;
- (D) simulated combat environments; and
- (E) human cadavers.

(3) The term “partial task trainers” means training aids that allow individuals to learn or practice specific medical procedures.

**SEC. 737. STUDY ON INCIDENCE OF BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY.**

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the incidence of breast cancer among members of the Armed Forces serving on active duty.

(b) **ELEMENTS.**—The study under subsection (a) shall include the following:

(1) A determination of the number of members of the Armed Forces who served on active duty at any time during the period from 2000 to 2010 who were diagnosed with breast cancer during such period.

(2) A determination of demographic information regarding such members, including race, ethnicity, sex, age, and rank.

(3) An analysis of breast cancer treatments received by such members and the source of such treatment.

(4) The availability and training of breast cancer specialists within the military health system.

(5) A comparison of the rates of members of the Armed Forces serving on active duty who have breast cancer to civilian populations with comparable demographic characteristics.

(6) Identification of potential factors associated with military service that could increase the risk of breast cancer for members of the Armed Forces serving on active duty.

(7) A description of a research agenda to further the understanding of the Department of Defense of the incidence of breast cancer among such members.

(8) An assessment of the effectiveness of outreach to members of the Armed Forces to identify risks of, prevent, detect, and treat breast cancer.

(9) Recommendations for changes to policy or law that could improve the prevention, early detection, awareness, and treatment of breast cancer among members of the Armed Forces serving on active duty.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the findings and recommendations of the study under subsection (a), including a description of any further unique military research needed with respect to breast cancer.

**SEC. 738. PERFORMANCE METRICS AND REPORTS ON WARRIORS IN TRANSITION PROGRAMS OF THE MILITARY DEPARTMENTS.**

(a) **METRICS REQUIRED.**—The Secretary of Defense shall establish a policy containing uniform performance outcome measurements to be used by each Secretary of a military department in tracking and monitoring members of the Armed Forces in Warriors in Transition programs.

(b) **ELEMENTS.**—The policy established under subsection (a) shall identify outcome measurements with respect to the following:

- (1) Physical health and behavioral health.
- (2) Rehabilitation.
- (3) Educational and vocational preparation.

(4) Such other matters as the Secretary considers appropriate.

(c) **MILESTONES.**—In establishing the policy under subsection (a), the Secretary of Defense shall establish metrics and milestones

for members in Warriors in Transition programs. Such metrics and milestones shall cover members throughout the course of care and rehabilitation in Warriors in Transitions programs by applying to the following occasions:

(1) When the member commences participation in the program.

(2) At least once each year the member participates in the program.

(3) When the member ceases participation in the program or is transferred to the jurisdiction of the Secretary of Veterans Affairs.

(d) **COHORT GROUPS AND PARAMETERS.**—The policy established under subsection (a)—

(1) may differentiate among cohort groups within the population of members in Warriors in Transition programs, as appropriate; and

(2) shall include parameters for specific outcome measurements in each element under subsection (b) and each metric and milestone under subsection (c).

(e) **REPORTS REQUIRED.**—

(1) **INITIAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the policy established under subsection (a), including the outcome measurements for each element under subsection (b) and each metric and milestone under subsection (c).

(2) **ANNUAL REPORTS.**—Not later than February of each year beginning in 2014 and ending in 2018, the Secretary of Defense shall submit to the congressional defense committees a report on the performance of the military departments with respect to the policy established under subsection (a). Each report shall include—

(A) an analysis of—

(i) data on improvements in the progress of members in Warriors in Transition programs in each specific area identified in the policy;

(ii) access to health and rehabilitation services by such members, including average appointment waiting times by specialty;

(iii) effectiveness of the programs in assisting in the transition of such members to military duty or civilian life through education and vocational assistance;

(iv) any differences in outcomes in Warriors in Transition programs, and the reason for any such differences; and

(v) the quantities and effectiveness of medical and nonmedical case managers, legal support and physical evaluation board liaison officers, mental health care providers, and medical evaluation physicians in comparison to the actual number of members requiring such services; and

(B) such other results and analyses as the Secretary considers appropriate, including any recommendations for legislation if needed.

(f) **WARRIORS IN TRANSITION PROGRAM DEFINED.**—In this section, the term “Warriors in Transition program” means any major support program of the Armed Forces for members of the Armed Forces with severe wounds, illnesses, or injuries that is intended to provide such members with nonmedical case management service and care coordination services, and includes the programs as follows:

(1) Warrior Transition Units and the Wounded Warrior Program of the Army.

(2) The Wounded Warrior Safe Harbor program of the Navy.

(3) The Wounded Warrior Regiment of the Marine Corps.

(4) The Recovery Care Program and the Wounded Warrior programs of the Air Force.

(5) The Care Coalition of the United States Special Operations Command.

**SEC. 739. PLAN TO ELIMINATE GAPS AND REDUNDANCIES IN PROGRAMS OF THE DEPARTMENT OF DEFENSE ON PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.**

(a) SENSE OF CONGRESS.—Congress supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate members of the Armed Forces, veterans, the families of such members and veterans, the medical community, and the public with respect to the causes, symptoms, and treatment of post-traumatic stress disorder.

(b) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the coordination and integration of the programs of the Department of Defense that address traumatic brain injury and the psychological health of members of the Armed Forces.

(2) ELEMENTS.—The plan under paragraph (1) shall include the following:

(A) Identification of—

(i) any gaps in services and treatments provided by the programs of the Department of Defense that address traumatic brain injury and the psychological health of members of the Armed Forces; and

(ii) any unnecessary redundancies in such programs.

(B) A plan for mitigating the gaps and redundancies identified under subparagraph (A).

(C) Identification of the official within the Department who will be responsible for leading the implementation of the plan described in paragraph (1).

**TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**Subtitle A—Acquisition Policy and Management**

Sec. 801. Treatment of procurements on behalf of the Department of Defense through the Work for Others program of the Department of Energy.

Sec. 802. Review and justification of pass-through contracts.

Sec. 803. Availability of amounts in Defense Acquisition Workforce Development Fund.

Sec. 804. Department of Defense policy on contractor profits.

Sec. 805. Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.

Sec. 806. Extension of authority relating to management of supply-chain risk.

Sec. 807. Sense of Congress on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative.

**Subtitle B—Provisions Relating to Major Defense Acquisition Programs**

Sec. 811. Limitation on use of cost-type contracts.

Sec. 812. Estimates of potential termination liability of contracts for the development or production of major defense acquisition programs.

Sec. 813. Technical change regarding programs experiencing critical cost growth due to change in quantity purchased.

Sec. 814. Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process.

**Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations**

Sec. 821. Modification of time period for congressional notification of the lease of certain vessels by the Department of Defense.

Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.

Sec. 823. Codification and amendment relating to life-cycle management and product support requirements.

Sec. 824. Codification of requirement relating to Government performance of critical acquisition functions.

Sec. 825. Competition in acquisition of major subsystems and sub-assemblies on major defense acquisition programs.

Sec. 826. Compliance with Berry Amendment required for uniform components supplied to Afghan military or Afghan National Police.

Sec. 827. Enhancement of whistleblower protections for contractor employees.

Sec. 828. Pilot program for enhancement of contractor employee whistleblower protections.

Sec. 829. Extension of contractor conflict of interest limitations.

Sec. 830. Repeal of sunset for certain protests of task and delivery order contracts.

Sec. 831. Guidance and training related to evaluating reasonableness of price.

Sec. 832. Department of Defense access to, use of, and safeguards and protections for contractor internal audit reports.

Sec. 833. Contractor responsibilities in regulations relating to detection and avoidance of counterfeit electronic parts.

**Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations**

Sec. 841. Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.

Sec. 842. Limitation on authority to acquire products and services produced in Afghanistan.

Sec. 843. Responsibility within Department of Defense for operational contract support.

Sec. 844. Data collection on contract support for future overseas contingency operations involving combat operations.

Sec. 845. Inclusion of operational contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure.

Sec. 846. Requirements for risk assessments related to contractor performance.

Sec. 847. Extension and modification of reports on contracting in Iraq and Afghanistan.

Sec. 848. Responsibilities of inspectors general for overseas contingency operations.

Sec. 849. Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies.

Sec. 850. Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations.

Sec. 851. Database on price trends of items and services under Federal contracts.

Sec. 852. Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System.

Sec. 853. Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions.

**Subtitle E—Other Matters**

Sec. 861. Requirements and limitations for suspension and debarment officials of the Department of Defense, the Department of State, and the United States Agency for International Development.

Sec. 862. Uniform contract writing system requirements.

Sec. 863. Extension of other transaction authority.

Sec. 864. Report on allowable costs of compensation of contractor employees.

Sec. 865. Reports on use of indemnification agreements.

Sec. 866. Plan to increase number of contractors eligible for contracts under Air Force NETCENTS-2 contract.

Sec. 867. Inclusion of information on prevalent grounds for sustaining bid protests in annual protest report by Comptroller General to Congress.

**Subtitle A—Acquisition Policy and Management**

**SEC. 801. TREATMENT OF PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE THROUGH THE WORK FOR OTHERS PROGRAM OF THE DEPARTMENT OF ENERGY.**

(a) IN GENERAL.—Subsection (d) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

(1) in the subsection heading, by striking “DEFENSE” and inserting “APPLICABLE”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking “For the purposes” and inserting “(1) Except as provided in paragraph (2), for the purposes”;

(4) in paragraph (1), as designated by paragraph (3) of this subsection, by striking “defense procurement” and inserting “applicable procurement”; and

(5) by adding at the end the following new paragraph (2):

“(2) In the case of the procurement of property or services on behalf of the Department of Defense through the Work for Others program of the Department of Energy, the laws and regulations applicable under paragraph



(1)(B) are the Department of Energy Acquisition Regulations, pertinent interagency agreements, and Department of Defense and Department of Energy policies related to the Work for Others program.”.

(b) CONFORMING AMENDMENTS.—Such section is further amended by striking “defense procurement” and inserting “applicable procurement” each place it appears as follows:

(1) Subsection (a)(1)(B).

(2) Subsection (a)(4) (as redesignated by section 805(a)(3)).

(3) Subsection (a)(4)(A) (as redesignated by section 805(a)(3)).

(4) Subsection (b)(1)(A).

(5) Subsection (b)(1)(B)(ii).

(6) Subsection (c)(2)(F).

#### SEC. 802. REVIEW AND JUSTIFICATION OF PASS-THROUGH CONTRACTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall issue such guidance and regulations as may be necessary to ensure that in any case in which an offeror for a contract or a task or delivery order informs the agency pursuant to section 52.215-22 of the Federal Acquisition Regulation that the offeror intends to award subcontracts for more than 70 percent of the total cost of work to be performed under the contract, task order, or delivery order, the contracting officer for the contract is required to—

(1) consider the availability of alternative contract vehicles and the feasibility of contracting directly with a subcontractor or subcontractors that will perform the bulk of the work;

(2) make a written determination that the contracting approach selected is in the best interest of the Government; and

(3) document the basis for such determination.

#### SEC. 803. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (d)(2)(C), by striking clauses (i) through (vi) and inserting the following:

“(i) For fiscal year 2013, \$500,000,000.

“(ii) For fiscal year 2014, \$800,000,000.

“(iii) For fiscal year 2015, \$700,000,000.

“(iv) For fiscal year 2016, \$600,000,000.

“(v) For fiscal year 2017, \$500,000,000.

“(vi) For fiscal year 2018, \$400,000,000.”;

(2) in subsection (e)—

(A) in paragraph (1), by adding at the end the following new sentence: “In the case of temporary members of the acquisition workforce designated pursuant to subsection (h)(2), such funds shall be available only for the limited purpose of providing training in the performance of acquisition-related functions and duties.”; and

(B) in paragraph (5), by inserting before the period at the end the following: “, and who has continued in the employment of the Department since such time without a break in such employment of more than a year”;

(3) by striking subsection (g);

(4) by redesignating subsection (h) as subsection (g); and

(5) by adding at the end the following new subsection (h):

“(h) ACQUISITION WORKFORCE DEFINED.—In this section, the term ‘acquisition workforce’ means the following:

“(1) Personnel in positions designated under section 1721 of this title as acquisition positions for purposes of this chapter.

“(2) Other military personnel or civilian employees of the Department of Defense who—

“(A) contribute significantly to the acquisition process by virtue of their assigned duties; and

“(B) are designated as temporary members of the acquisition workforce by the Under Secretary of Defense for Acquisition, Technology, and Logistics, or by the senior acquisition executive of a military department, for the limited purpose of receiving training for the performance of acquisition-related functions and duties.”.

(b) EXTENSION OF EXPEDITED HIRING AUTHORITY.—Subsection (g) of such section, as redesignated by subsection (a)(4) of this section, is further amended in paragraph (2) by striking “September 30, 2015” and inserting “September 30, 2017”.

(c) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan for the implementation of the authority provided by the amendments made by subsection (a) with regard to temporary members of the defense acquisition workforce. The plan shall include policy, criteria, and processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.

#### SEC. 804. DEPARTMENT OF DEFENSE POLICY ON CONTRACTOR PROFITS.

(a) REVIEW OF GUIDELINES ON PROFITS.—The Secretary of Defense shall review the profit guidelines in the Department of Defense Supplement to the Federal Acquisition Regulation in order to identify any modifications to such guidelines that are necessary to ensure an appropriate link between contractor profit and contractor performance. In conducting the review, the Secretary shall obtain the views of experts and interested parties in Government and the private sector.

(b) MATTERS TO BE CONSIDERED.—In conducting the review required by subsection (a), the Secretary shall consider, at a minimum, the following:

(1) Appropriate levels of profit needed to sustain competition in the defense industry, taking into account contractor investment and cash flow.

(2) Appropriate adjustments to address contract and performance risk assumed by the contractor, taking into account the extent to which such risk is passed on to subcontractors.

(3) Appropriate incentives for superior performance in delivering quality products and services in a timely and cost-effective manner, taking into account such factors as prime contractor cost reduction, control of overhead costs, subcontractor cost reduction, subcontractor management, and effective competition (including the use of small business) at the subcontract level.

(c) MODIFICATION OF GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall modify the profit guidelines described in subsection (a) to make such changes as the Secretary determines to be appropriate based on the review conducted pursuant to that subsection.

#### SEC. 805. MODIFICATION OF AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NONDEFENSE AGENCIES.

(a) DISCRETIONARY AUTHORITY.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

(1) in paragraph (1), by striking “shall, not later than the date specified in paragraph (2),” and inserting “may”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (3) of this subsection—

(A) by striking “required under this subsection” and inserting “to be performed under this subsection”; and

(B) by striking “shall” and inserting “may”; and

(5) in paragraph (4), as so redesignated, by striking “shall” and inserting “may”.

(b) CONFORMING AMENDMENTS.—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking “required by subsection (a)(4)” and inserting “to be entered into under subsection (a)(3)”; and

(2) in clause (ii)—

(A) by striking “required by subsection (a)” and inserting “provided for under subsection (a)”; and

(B) by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

#### SEC. 806. EXTENSION OF AUTHORITY RELATING TO MANAGEMENT OF SUPPLY-CHAIN RISK.

(a) EXTENSION.—Section 806(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4262; 10 U.S.C. 2304 note) is amended by striking “the date that is three years after the date of the enactment of this Act” and inserting “September 30, 2018”.

(b) VERIFICATION OF EFFECTIVE IMPLEMENTATION.—Section 806 of such Act is further amended by adding at the end the following new subsection:

“(h) VERIFICATION OF EFFECTIVE IMPLEMENTATION.—

“(1) CRITERIA AND DATA COLLECTION TO MEASURE EFFECTIVENESS.—The Secretary of Defense shall—

“(A) establish criteria for measuring the effectiveness of the authority provided by this section; and

“(B) collect data to evaluate the implementation of this section using such criteria.

“(2) REPORTS.—The Secretary shall submit to the appropriate congressional committees—

“(A) not later than March 1, 2013, a report on the criteria established under paragraph (1)(A); and

“(B) not later than January 1, 2017, a report on the effectiveness of the implementation of this section, based on data collected under paragraph (1)(B).”.

(c) TECHNICAL AMENDMENT.—Section 806(f)(2) of such Act is amended by striking “that awarded” and inserting “that are awarded”.

#### SEC. 807. SENSE OF CONGRESS ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeit parts in the military supply chain.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211-7003 (entitled “Item Identification and Valuation”) of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

**Subtitle B—Provisions Relating to Major Defense Acquisition Programs**

**SEC. 811. LIMITATION ON USE OF COST-TYPE CONTRACTS.**

(a) PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs.

(b) EXCEPTION.—

(1) IN GENERAL.—The prohibition under subsection (a) shall not apply in the case of a particular cost-type contract if the Under Secretary of Defense for Acquisition, Technology, and Logistics provides written certification to the congressional defense committees that a cost-type contract is needed to provide a required capability in a timely and cost-effective manner.

(2) SCOPE OF EXCEPTION.—In any case for which the Under Secretary grants an exception under paragraph (1), the Under Secretary shall take affirmative steps to make sure that the use of cost-type pricing is limited to only those line items or portions of the contract where such pricing is needed to achieve the purposes of the exception. A written certification under paragraph (1) shall be accompanied by an explanation of the steps taken under this paragraph.

(c) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term “production of a major defense acquisition program” means the production and deployment of a major system that is intended to achieve an operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C under Department of Defense Instruction 5000.02 or related authorities.

(3) CONTRACT FOR THE PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term “contract for the production of a major defense acquisition program”—

(A) means a prime contract for the production of a major defense acquisition program; and

(B) does not include individual line items for segregable efforts or contracts for the incremental improvement of systems that are already in production (other than contracts for major upgrades that are themselves major defense acquisition programs).

(d) APPLICABILITY.—The requirements of this section shall apply to contracts for the production of major defense acquisition programs entered into on or after October 1, 2014.

**SEC. 812. ESTIMATES OF POTENTIAL TERMINATION LIABILITY OF CONTRACTS FOR THE DEVELOPMENT OR PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) DEPARTMENT OF DEFENSE REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review relevant acquisition guidance and take appropriate actions to ensure that program managers for major defense acquisition programs are preparing estimates of potential termination liability for covered contracts, including how such termination liability is likely to increase or decrease over the period of performance, and are giving appropriate consideration to such estimates before making recommendations on decisions to enter into or terminate such contracts.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the Department of Defense is considering potential termination liability as a factor in entering into and in terminating covered contracts.

(2) MATTERS TO BE ADDRESSED.—The report required by paragraph (1) shall include, at a minimum, an assessment of the following:

(A) The extent to which the Department of Defense developed estimates of potential termination liability for covered contracts entered into before the date of the enactment of this Act and how such termination liability was likely to increase or decrease over the period of performance before making decisions to enter into or terminate such contracts.

(B) The extent to which the Department considered estimates of potential termination liability for such contracts and how such termination liability was likely to increase or decrease over the period of performance as a risk factor in deciding whether to enter into or terminate such contracts.

(c) COVERED CONTRACTS.—For purposes of this section, a covered contract is a contract for the development or production of a major defense acquisition program for which potential termination liability could reasonably be expected to exceed \$100,000,000.

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term “major defense acquisition program” has the meaning given that term in section 2430(a) of title 10, United States Code.

**SEC. 813. TECHNICAL CHANGE REGARDING PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.**

Section 2433a(c)(3)(A) of title 10, United States Code, is amended by striking “subparagraphs (B) and (C)” and inserting “subparagraphs (B), (C), and (E)”.

**SEC. 814. REPEAL OF REQUIREMENT TO REVIEW ONGOING PROGRAMS INITIATED BEFORE ENACTMENT OF MILESTONE B CERTIFICATION AND APPROVAL PROCESS.**

Subsection (b) of section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

**Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations**

**SEC. 821. MODIFICATION OF TIME PERIOD FOR CONGRESSIONAL NOTIFICATION OF THE LEASE OF CERTAIN VESSELS BY THE DEPARTMENT OF DEFENSE.**

Section 2401(h)(2) of title 10, United States Code, is amended by striking “30 days of continuous session of Congress” and inserting “60 days”.

**SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.**

(a) EXTENSION.—Effective as of January 1, 2012, section 4202 of the Clinger-Cohen Act of 1996 (division D of Public Law 104-106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended in subsection (e) by striking “2012” and inserting “2015”.

(b) TECHNICAL AMENDMENT TO CROSS REFERENCES.—Subsection (e) of such Act is further amended by striking “section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, as amended by this section,” and inserting “section 3305(a) of title 41, United States Code, and section 1901(a) of title 41, United States Code.”.

**SEC. 823. CODIFICATION AND AMENDMENT RELATING TO LIFE-CYCLE MANAGEMENT AND PRODUCT SUPPORT REQUIREMENTS.**

(a) CODIFICATION AND AMENDMENT.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 331, is further amended by adding at the end the following new section:

**“§ 2337. Life-cycle management and product support**

“(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—The Secretary of Defense shall issue and maintain comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems. The guidance issued pursuant to this subsection shall—

“(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

“(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

“(b) PRODUCT SUPPORT MANAGERS.—

“(1) REQUIREMENT.—The Secretary of Defense shall require that each major weapon system be supported by a product support manager in accordance with this subsection.

“(2) RESPONSIBILITIES.—A product support manager for a major weapon system shall—

“(A) develop and implement a comprehensive product support strategy for the weapon system;

“(B) use appropriate predictive analysis and modeling tools that can improve material availability and reliability, increase operational availability rates, and reduce operation and sustainment costs;

“(C) conduct appropriate cost analyses to validate the product support strategy, including cost-benefit analyses as outlined in Office of Management and Budget Circular A-94;

“(D) ensure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

“(E) adjust performance requirements and resource allocations across product support

integrators and product support providers as necessary to optimize implementation of the product support strategy;

“(F) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy;

“(G) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy; and

“(H) ensure that the product support strategy maximizes small business participation at the appropriate tiers.

“(c) DEFINITIONS.—In this section:

“(1) **PRODUCT SUPPORT.**—The term ‘product support’ means the package of support functions required to field and maintain the readiness and operational capability of major weapon systems, subsystems, and components, including all functions related to weapon system readiness.

“(2) **PRODUCT SUPPORT ARRANGEMENT.**—The term ‘product support arrangement’ means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance of sustainment or logistics support required for major weapon systems, subsystems, or components. The term includes arrangements for any of the following:

“(A) Performance-based logistics.

“(B) Sustainment support.

“(C) Contractor logistics support.

“(D) Life-cycle product support.

“(E) Weapon systems product support.

“(3) **PRODUCT SUPPORT INTEGRATOR.**—The term ‘product support integrator’ means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

“(4) **PRODUCT SUPPORT PROVIDER.**—The term ‘product support provider’ means an entity that provides product support functions. The term includes an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

“(5) **MAJOR WEAPON SYSTEM.**—The term ‘major weapon system’ means a major system within the meaning of section 2302d(a) of this title.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 137 of such title, as so amended, is further amended by adding at the end the following new item: “2337. Life-cycle management and product support.”.

(b) **REPEAL OF SUPERSEDED SECTION.**—Section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2302 note) is repealed.

#### **SEC. 824. CODIFICATION OF REQUIREMENT RELATING TO GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.**

(a) **CODIFICATION.**—

(1) **IN GENERAL.**—Subchapter I of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

##### **“§ 1706. Government performance of certain acquisition functions**

“(a) **GOAL.**—It shall be the goal of the Department of Defense and each of the military departments to ensure that, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified member of the armed

forces or full-time employee of the Department of Defense:

“(1) Program executive officer.

“(2) Deputy program executive officer.

“(3) Program manager.

“(4) Deputy program manager.

“(5) Senior contracting official.

“(6) Chief developmental tester.

“(7) Program lead product support manager.

“(8) Program lead systems engineer.

“(9) Program lead cost estimator.

“(10) Program lead contracting officer.

“(11) Program lead business financial manager.

“(12) Program lead production, quality, and manufacturing.

“(13) Program lead information technology.

“(b) **PLAN OF ACTION.**—The Secretary of Defense shall develop and implement a plan of action for recruiting, training, and ensuring appropriate career development of military and civilian personnel to achieve the objective established in subsection (a).

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘major defense acquisition program’ has the meaning given such term in section 2430(a) of this title.

“(2) The term ‘major automated information system program’ has the meaning given such term in section 2445a(a) of this title.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“1706. Government performance of certain acquisition functions.”.

(b) **REPEAL OF SUPERSEDED SECTION.**—Section 820 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 10 U.S.C. 1701 note) is repealed.

#### **SEC. 825. COMPETITION IN ACQUISITION OF MAJOR SUBSYSTEMS AND SUBASSEMBLIES ON MAJOR DEFENSE ACQUISITION PROGRAMS.**

Section 202(c) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23; 123 Stat. 1720; 10 U.S.C. 2430 note) is amended—

(1) in the matter preceding paragraph (1), by striking “fair and objective ‘make-buy’ decisions by prime contractors” and inserting “competition or the option of competition at the subcontract level”;

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting before paragraph (2), as redesignated by paragraph (2) of this section, the following new paragraph (1):

“(1) where appropriate, breaking out a major subsystem, conducting a separate competition for the subsystem, and providing the subsystem to the prime contractor as Government-furnished equipment.”.

#### **SEC. 826. COMPLIANCE WITH BERRY AMENDMENT REQUIRED FOR UNIFORM COMPONENTS SUPPLIED TO AFGHAN MILITARY OR AFGHAN NATIONAL POLICE.**

(a) **REQUIREMENT.**—In the case of any textile components supplied by the Department of Defense to the Afghan National Army or the Afghan National Police for purposes of production of uniforms, section 2533a of title 10, United States Code, shall apply, and no exceptions or exemptions under that section shall apply.

(b) **EFFECTIVE DATE.**—This section shall apply to solicitations issued and contracts awarded for the procurement of such components after the date of the enactment of this Act.

#### **SEC. 827. ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.**

(a) **IN GENERAL.**—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by inserting “(1)” before “An employee”;

(2) in paragraph (1), as so designated—

(A) by inserting “or subcontractor” after “employee of a contractor”;

(B) by striking “a Member of Congress” and all that follows through “the Department of Justice” and inserting “a person or body described in paragraph (2)”;

(C) by striking “evidence of” and all that follows and inserting the following: “evidence of the following:

“(A) Gross mismanagement of a Department of Defense contract or grant, a gross waste of Department funds, an abuse of authority relating to a Department contract or grant, or a violation of law, rule, or regulation related to a Department contract (including the competition for or negotiation of a contract) or grant.

“(B) Gross mismanagement of a National Aeronautics and Space Administration contract or grant, a gross waste of Administration funds, an abuse of authority relating to an Administration contract or grant, or a violation of law, rule, or regulation related to an Administration contract (including the competition for or negotiation of a contract) or grant.

“(C) A substantial and specific danger to public health or safety.”; and

(3) by adding at the end the following new paragraphs:

“(2) The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) An employee of the Department of Defense or the National Aeronautics and Space Administration, as applicable, responsible for contract oversight or management.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct.

“(3) For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor or subcontractor misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Department of Defense or National Aeronautics and Space Administration contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of a Department or Administration official, unless the request takes the form of a nondiscretionary directive and is within the authority of the Department or Administration official making the request.”.

(b) **INVESTIGATION OF COMPLAINTS.**—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant,” after “is frivolous.”;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant” after “is frivolous”; and

(B) in subparagraph (B), by inserting “, up to 180 days,” after “such additional period of time”; and

(3) by adding at the end the following new paragraphs:

“(3) The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.”

(c) REMEDY AND ENFORCEMENT AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking “the compensation (including back pay)” and inserting “compensatory damages (including back pay)”;

(2) in paragraph (2), by adding at the end the following new sentence: “An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.”;

(3) in paragraph (4), by striking “and compensatory and exemplary damages.” and inserting “, compensatory and exemplary damages, and reasonable attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the agency.”;

(4) in paragraph (5), by adding at the end the following new sentence: “Filing such an appeal shall not act to stay the enforcement of the order of the head of an agency, unless a stay is specifically entered by the court.”; and

(5) by adding at the end the following new paragraphs:

“(6) The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment.”

(d) NOTIFICATION OF EMPLOYEES.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) NOTIFICATION OF EMPLOYEES.—The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall ensure that contractors and subcontractors of the Department of Defense and the National Aeronautics and Space Administration, as applicable, inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.”

(e) EXCEPTIONS FOR INTELLIGENCE COMMUNITY.—Such section is further amended by

inserting after subsection (d), as added by subsection (d)(2) of this section, the following new subsection (e):

“(e) EXCEPTIONS.—(1) This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(2) This section shall not apply to any disclosure made by an employee of a contractor, subcontractor, or grantee of an element of the intelligence community if such disclosure—

“(A) relates to an activity of an element of the intelligence community; or

“(B) was discovered during contract, subcontract, or grantee services provided to an element of the intelligence community.”

(f) ABUSE OF AUTHORITY DEFINED.—Subsection (g) of such section, as redesignated by subsection (d)(1) of this section, is further amended by adding at the end the following new paragraph:

“(6) The term ‘abuse of authority’ means the following:

“(A) An arbitrary and capricious exercise of authority that is inconsistent with the mission of the Department of Defense or the successful performance of a Department contract or grant.

“(B) An arbitrary and capricious exercise of authority that is inconsistent with the mission of the National Aeronautics and Space Administration or the successful performance of an Administration contract or grant.”

(g) ALLOWABILITY OF LEGAL FEES.—Section 2324(k) of such title is amended—

(1) in paragraph (1), by striking “commenced by the United States or a State” and inserting “commenced by the United States, by a State, or by a contractor employee submitting a complaint under section 2409 of this title”; and

(2) in paragraph (2)(C), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 2409 of this title”.

(h) CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to provide any rights to disclose classified information not otherwise provided by law.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF SUPPLEMENTS TO THE FAR.—Not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation and the National Aeronautics and Space Administration Supplement to the Federal Acquisition Regulation shall each be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting

agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

#### SEC. 828. PILOT PROGRAM FOR ENHANCEMENT OF CONTRACTOR EMPLOYEE WHISTLEBLOWER PROTECTIONS.

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

#### “§ 4712. Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information

“(a) PROHIBITION OF REPRISALS.—

“(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

“(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

“(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

“(b) INVESTIGATION OF COMPLAINTS.—

“(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

“(2) INSPECTOR GENERAL ACTION.—

“(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

“(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

“(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

“(c) REMEDY AND ENFORCEMENT AUTHORITY.—

“(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

“(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

“(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

“(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

“(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity

against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

“(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

“(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

“(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

“(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment.

“(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

“(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

“(f) EXCEPTIONS.—(1) This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

“(2) This section shall not apply to any disclosure made by an employee of a contractor, subcontractor, or grantee of an ele-

ment of the intelligence community if such disclosure—

“(A) relates to an activity of an element of the intelligence community; or

“(B) was discovered during contract, subcontract, or grantee services provided to an element of the intelligence community.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

“(2) The term ‘Inspector General’ means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.

“(h) CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to provide any rights to disclose classified information not otherwise provided by law.

“(i) DURATION OF SECTION.—This section shall be in effect for the four-year period beginning on the date of the enactment of this section.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4712. Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information.”

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall, during the period section 4712 of title 41, United States Code, as added by such subsection, is in effect, apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

(c) SUSPENSION OF EFFECTIVENESS OF SECTION 4705 OF TITLE 41, UNITED STATES CODE, WHILE PILOT PROGRAM IS IN EFFECT.—Section 4705 of title 41, United States Code, is amended by adding at the end the following new subsection:

“(f) FOUR-YEAR SUSPENSION OF EFFECTIVENESS WHILE PILOT PROGRAM IS IN EFFECT.—While section 4712 of this title is in effect, this section shall not be in effect.”

(d) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking “commenced by the Federal Government or a State” and inserting “commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title”; and

(2) in subsection (c)(3), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title”.

(e) **GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.**—

(1) **STUDY.**—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall begin conducting a study to evaluate the implementation of section 4712 of title 41, United States Code, as added by subsection (a).

(2) **REPORT.**—Not later than four years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required by paragraph (1), with such findings and recommendations as the Comptroller General considers appropriate.

**SEC. 829. EXTENSION OF CONTRACTOR CONFLICT OF INTEREST LIMITATIONS.**

(a) **ASSESSMENT OF EXTENSION OF LIMITATIONS TO CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review the guidance on personal conflicts of interest for contractor employees issued pursuant to section 841(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4537) in order to determine whether it would be in the best interest of the Department of Defense and the taxpayers to extend such guidance to personal conflicts of interest by contractor personnel performing any of the following:

(1) Functions other than acquisition functions that are closely associated with inherently governmental functions (as that term is defined in section 2383(b)(3) of title 10, United States Code).

(2) Personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(3) Contracts for staff augmentation services (as that term is defined in section 808(d)(3) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1490)).

(b) **EXTENSION OF LIMITATIONS.**—If the Secretary determines pursuant to the review under subsection (a) that the guidance on personal conflicts of interest should be extended, the Secretary shall revise the Defense Supplement to the Federal Acquisition Regulation to the extent necessary to achieve such extension.

(c) **RESULTS OF REVIEW.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall document in writing the results of the review conducted under subsection (a), including, at a minimum—

(1) the findings and recommendations of the review; and

(2) the basis for such findings and recommendations.

**SEC. 830. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.**

Section 2304c(e) of title 10, United States Code, is amended by striking paragraph (3).

**SEC. 831. GUIDANCE AND TRAINING RELATED TO EVALUATING REASONABLENESS OF PRICE.**

(a) **GUIDANCE.**—Not later than 180 days after the date of the enactment of this Act,

the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance on the use of the authority provided by sections 2306a(d) and 2379 of title 10, United States Code. The guidance shall—

(1) include standards for determining whether information on the prices at which the same or similar items have previously been sold is adequate for evaluating the reasonableness of price;

(2) include standards for determining the extent of uncertified cost information that should be required in cases in which price information is not adequate for evaluating the reasonableness of price;

(3) ensure that in cases in which such uncertified cost information is required, the information shall be provided in the form in which it is regularly maintained by the offeror in its business operations; and

(4) provide that no additional cost information may be required by the Department of Defense in any case in which there are sufficient non-Government sales to establish reasonableness of price.

(b) **TRAINING AND EXPERTISE.**—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop and begin implementation of a plan of action to—

(1) train the acquisition workforce on the use of the authority provided by sections 2306a(d) and 2379 of title 10, United States Code, in evaluating reasonableness of price in procurements of commercial items; and

(2) develop a cadre of experts within the Department of Defense to provide expert advice to the acquisition workforce in the use of the authority provided by such sections in accordance with the guidance issued pursuant to subsection (a).

(c) **DOCUMENTATION REQUIREMENTS.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that requests for uncertified cost information for the purposes of evaluating reasonableness of price are sufficiently documented. The Under Secretary shall require that the contract file include, at a minimum, the following:

(1) A justification of the need for additional cost information.

(2) A copy of any request from the Department of Defense to a contractor for additional cost information.

(3) Any response received from the contractor to the request, including any rationale or justification provided by the contractor for a failure to provide the requested information.

(d) **COMPTROLLER GENERAL REVIEW AND REPORT.**—

(1) **REVIEW REQUIREMENT.**—The Comptroller General of the United States shall conduct a review of data collected pursuant to sections 2306a(d) and 2379 of title 10, United States Code, during the two-year period beginning on the date of the enactment of this Act.

(2) **REPORT REQUIREMENT.**—Not later than 180 days after the end of the two-year period referred to in paragraph (1), the Comptroller General shall submit to the congressional defense committees a report on—

(A) the extent to which the Department of Defense needed access to additional cost information pursuant to sections 2306a(d) and 2379 of title 10, United States Code, during such two-year period in order to determine price reasonableness;

(B) the extent to which acquisition officials of the Department of Defense complied with the guidance issued pursuant to subsection (a) during such two-year period;

(C) the extent to which the Department of Defense needed access to additional cost in-

formation during such two-year period to determine reasonableness of price, but was not provided such information by the contractor on request; and

(D) recommendations for improving evaluations of reasonableness of price by Department of Defense acquisition professionals, including recommendations for any amendments to law, regulations, or guidance.

**SEC. 832. DEPARTMENT OF DEFENSE ACCESS TO, USE OF, AND SAFEGUARDS AND PROTECTIONS FOR CONTRACTOR INTERNAL AUDIT REPORTS.**

(a) **REVISED GUIDANCE REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Contract Audit Agency shall revise guidance on access to defense contractor internal audit reports (including the Contract Audit Manual) to incorporate the requirements of this section.

(b) **DOCUMENTATION REQUIREMENTS.**—The revised guidance shall ensure that requests for access to defense contractor internal audit reports are appropriately documented. The required documentation shall include, at a minimum, the following:

(1) Written determination that access to such reports is necessary to complete required evaluations of contractor business systems.

(2) A copy of any request from the Defense Contract Audit Agency to a contractor for access to such reports.

(3) A record of response received from the contractor, including the contractor's rationale or justification if access to requested reports was not granted.

(b) **SAFEGUARDS AND PROTECTIONS.**—The revised guidance shall include appropriate safeguards and protections to ensure that contractor internal audit reports cannot be used by the Defense Contract Audit Agency for any purpose other than evaluating and testing the efficacy of contractor internal controls and the reliability of associated contractor business systems.

(c) **RISK-BASED AUDITING.**—A determination by the Defense Contract Audit Agency that a contractor has a sound system of internal controls shall provide the basis for increased reliance on contractor business systems or a reduced level of testing with regard to specific audits, as appropriate. Internal audit reports provided by a contractor pursuant to this section may be considered in determining whether or not a contractor has a sound system of internal controls, but shall not be the sole basis for such a determination.

(d) **COMPTROLLER GENERAL REVIEW.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a review of the documentation required by subsection (a). Not later than 90 days after completion of the review, the Comptroller General shall submit to the congressional defense committees a report on the results of the review, with findings and recommendations for improving the audit processes of the Defense Contract Audit Agency.

**SEC. 833. CONTRACTOR RESPONSIBILITIES IN REGULATIONS RELATING TO DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.**

Section 818(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to read as follows:

“(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under Department contracts, unless—



“(i) the covered contractor has an operational system to detect and avoid counterfeit parts and suspect counterfeit electronic parts that has been reviewed and approved by the Department of Defense pursuant to subsection (e)(2)(B);

“(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were provided to the contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation; and

“(iii) the covered contractor provides timely notice to the Government pursuant to paragraph (4).”

**Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations**

**SEC. 841. EXTENSION AND EXPANSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.**

(a) **EXTENSION OF TERMINATION DATE.**—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2399) is amended by striking “on or after the date occurring three years after the date of the enactment of this Act” and inserting “after December 31, 2014”.

(b) **EXPANSION OF AUTHORITY TO COVER FORCES OF THE UNITED STATES AND COALITION FORCES.**—Subsection (b)(1) of such section is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by adding “or” at the end; and

(3) by adding at the end the following:

“(D) by the United States or coalition forces in Afghanistan if the product or service is from a country that has agreed to allow the transport of coalition personnel, equipment, and supplies;”

(c) **REPEAL OF EXPIRED REPORT REQUIREMENT.**—Subsection (g) of such section is repealed.

(d) **CLERICAL AMENDMENT.**—The heading of such section is amended by striking “; report”.

**SEC. 842. LIMITATION ON AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFGHANISTAN.**

Section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 266; 10 U.S.C. 2302 note) is amended—

(1) in the section heading, by striking “Iraq or”;

(2) by striking “Iraq or” each place it appears; and

(3) in the subsection heading of subsection (c), by striking “IRAQ OR”.

**SEC. 843. RESPONSIBILITY WITHIN DEPARTMENT OF DEFENSE FOR OPERATIONAL CONTRACT SUPPORT.**

(a) **GUIDANCE REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop and issue guidance establishing the chain of authority and responsibility within the Department of Defense for policy, planning, and execution of operational contract support.

(b) **ELEMENTS.**—The guidance under subsection (a) shall, at a minimum—

(1) specify the officials, offices, and components of the Department within the chain of authority and responsibility described in subsection (a);

(2) identify for each official, office, and component specified under paragraph (1)—

(A) requirements for policy, planning, and execution of contract support for operational contract support, including, at a minimum, requirements in connection with—

(i) coordination of functions, authorities, and responsibilities related to operational contract support, including coordination with relevant Federal agencies;

(ii) assessments of total force data in support of Department force planning scenarios, including the appropriateness of and necessity for the use of contractors for identified functions;

(iii) determinations of capability requirements for nonacquisition community operational contract support, and identification of resources required for planning, training, and execution to meet such requirements; and

(iv) determinations of policy regarding the use of contractors by function, and identification of the training exercises that will be required for operational contract support (including an assessment whether or not such exercises will include contractors); and

(B) roles, authorities, responsibilities, and lines of supervision for the achievement of the requirements identified under subparagraph (A); and

(3) ensure that the chain of authority and responsibility described in subsection (a) is appropriately aligned with, and appropriately integrated into, the structure of the Department for the conduct of overseas contingency operations, including the military departments, the Joint Staff, and the commanders of the unified combatant commands.

**SEC. 844. DATA COLLECTION ON CONTRACT SUPPORT FOR FUTURE OVERSEAS CONTINGENCY OPERATIONS INVOLVING COMBAT OPERATIONS.**

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each issue guidance regarding data collection on contract support for future contingency operations outside the United States that involve combat operations.

(b) **ELEMENTS.**—The guidance required by subsection (a) shall ensure that the Department of Defense, the Department of State, and the United States Agency for International Development take the steps necessary to ensure that each agency has the capability to collect and report, at a minimum, the following data regarding such contract support:

(1) The total number of contracts entered into as of the date of any report.

(2) The total number of such contracts that are active as of such date.

(3) The total value of contracts entered into as of such date.

(4) The total value of such contracts that are active as of such date.

(5) An identification of the extent to which the contracts entered into as of such date were entered into using competitive procedures.

(6) The total number of contractor personnel working under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(7) The total number of contractor personnel performing security functions under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(8) The total number of contractor personnel killed or wounded under any contracts entered into.

(c) **COMPTROLLER GENERAL REVIEW AND REPORT.**—

(1) **REVIEW.**—The Comptroller General of the United States shall review the data sys-

tem or systems established to track contractor data pursuant to subsections (a) and (b). The review shall, with respect to each such data system, at a minimum—

(A) identify each such data system and assess the resources needed to sustain such system;

(B) determine if all such data systems are interoperable, use compatible data standards, and meet the requirements of section 2222 of title 10, United States Code; and

(C) make recommendations on the steps that the Department of Defense, the Department of State, and the United States Agency for International Development should take to ensure that all such data systems—

(i) meet the requirements of the guidance issued pursuant to subsections (a) and (b);

(ii) are interoperable, use compatible data standards, and meet the requirements of section 2222 of such title; and

(iii) are supported by appropriate business processes and rules to ensure the timeliness and reliability of data.

(2) **REPORT.**—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit a report on the review required by paragraph (1) to the following committees:

(A) The congressional defense committees.

(B) The Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committee on Foreign Affairs and the Committee on Oversight and Government Reform of the House of Representatives.

**SEC. 845. INCLUSION OF OPERATIONAL CONTRACT SUPPORT IN CERTAIN REQUIREMENTS FOR DEPARTMENT OF DEFENSE PLANNING, JOINT PROFESSIONAL MILITARY EDUCATION, AND MANAGEMENT STRUCTURE.**

(a) **READINESS REPORTING SYSTEM.**—Section 117(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) Measure, on an annual basis, the capability of operational contract support to support current and anticipated wartime missions of the armed forces.”

(b) **OPERATIONAL CONTRACT SUPPORT PLANNING AND PREPAREDNESS FUNCTIONS OF CJCS.**—Section 153(a)(3) of such title is amended by adding at the end the following new subparagraph:

“(F) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, the heads of the Defense Agencies, and the commanders of the combatant commands, determining the operational contract support requirements of the armed forces and recommending the resources required to improve and enhance operational contract support for the armed forces and planning for such operational contract support.”

(c) **OPERATIONAL CONTRACT SUPPORT AS MATTER WITHIN COURSE OF JOINT PROFESSIONAL MILITARY EDUCATION.**—Section 2151(a) of such title is amended by adding at the end the following new paragraph:

“(6) Operational contract support.”

(d) **MANAGEMENT STRUCTURE.**—Section 2330(c)(2) of such title is amended by striking “other than services” and all that follows and inserting “including services in support of contingency operations. The term does not include services relating to research and development or military construction.”



**SEC. 846. REQUIREMENTS FOR RISK ASSESSMENTS RELATED TO CONTRACTOR PERFORMANCE.**

(a) **RISK ASSESSMENTS FOR CONTRACTOR PERFORMANCE IN OPERATIONAL OR CONTINGENCY PLANS.**—The Secretary of Defense shall require that a risk assessment on reliance on contractors be included in operational or contingency plans developed by a commander of a combatant command in executing the responsibilities prescribed in section 164 of title 10, United States Code. Such risk assessments shall address, at a minimum, the potential risks listed in subsection (c).

(b) **COMPREHENSIVE RISK ASSESSMENTS AND MITIGATION PLANS FOR CONTRACTOR PERFORMANCE IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of a contingency operation outside the United States that includes or is expected to include combat operations, the head of each covered agency shall perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) **EXCEPTIONS.**—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if—

(A) the operation is not expected to continue for more than one year; and

(B) the total amount of obligations for contracts for support of the operation for the covered agency is not expected to exceed \$250,000,000.

(3) **TERMINATION OF EXCEPTIONS.**—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the date on which—

(A) the operation has continued for more than one year; or

(B) the total amount of obligations for contracts for support of the operation for the covered agency exceeds \$250,000,000.

(c) **COMPREHENSIVE RISK ASSESSMENTS.**—A comprehensive risk assessment under subsection (b) shall consider, at a minimum, risks relating to the following:

(1) The goals and objectives of the operation (such as risks from contractor behavior or performance that may injure innocent members of the local population or offend their sensibilities).

(2) The continuity of the operation (such as risks from contractors refusing to perform or being unable to perform when there may be no timely replacements available).

(3) The safety of military and civilian personnel of the United States if the presence or performance of contractor personnel creates unsafe conditions or invites attack.

(4) The safety of contractor personnel employed by the covered agency.

(5) The managerial control of the Government over the operation (such as risks from over-reliance on contractors to monitor other contractors or inadequate means for Government personnel to monitor contractor performance).

(6) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(7) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(d) **RISK MITIGATION PLANS.**—A risk mitigation plan under subsection (b) shall include, at a minimum, the following:

(1) For each high-risk area identified in the comprehensive risk assessment for the operation performed under subsection (b)—

(A) specific actions to mitigate or reduce such risk, including the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.

(2) A continuing process for identifying and addressing new and changed risks arising in the course of the operation, including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high-risk area identified.

(e) **CRITICAL FUNCTIONS.**—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(2) Training and advising Government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(5) Any other functions that are deemed critical to the success of the operation.

(f) **COVERED AGENCY.**—In this section, the term “covered agency” means the Department of Defense, the Department of State, and the United States Agency for International Development.

**SEC. 847. EXTENSION AND MODIFICATION OF REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.**

(a) **TWO-YEAR EXTENSION OF REQUIREMENT FOR JOINT REPORT.**—Subsection (a)(5) of section 863 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note) is amended by striking “February 1, 2013” and inserting “February 1, 2015”.

(b) **REPEAL OF COMPTROLLER GENERAL REVIEW.**—Such section is further amended by striking subsection (b).

(c) **CONFORMING AMENDMENTS.**—

(1) **IN GENERAL.**—Such section is further amended—

(A) by striking “JOINT REPORT REQUIRED.” and all that follows through “paragraph (6)” and inserting “IN GENERAL.—Except as provided in subsection (f)”;

(B) by striking “this subsection” each place it appears and inserting “this section”;

(C) by redesignating paragraphs (2) through (7) as subsections (b) through (g), respectively, and by moving the left margins of such subsections (including the subparagraphs in such subsections), as so redesignated, two ems to the left;

(D) in subsection (b), as redesignated by subparagraph (C) of this paragraph—

(i) by capitalizing the second and third words of the heading; and

(ii) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(E) in subsection (c), as redesignated by subparagraph (C) of this paragraph—

(i) by capitalizing the second and third words of the heading;

(ii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(iii) by striking “paragraph (2)” each place it appears and inserting “subsection (b)”;

(F) in subsection (d), as redesignated by subparagraph (C) of this paragraph, by capitalizing the second word of the heading;

(G) in subsection (e), as redesignated by subparagraph (C) of this paragraph, by capitalizing the third word of the heading;

(H) in subsection (f), as redesignated by subparagraph (C) of this paragraph, by striking “this paragraph” and inserting “this subsection”; and

(I) in subsection (g), as redesignated by subparagraph (C) of this paragraph, by striking “paragraph (2)(F)” and inserting “subsection (b)(6)”.

(2) **HEADING AMENDMENT.**—The heading of such section is amended by striking “and comptroller general review”.

**SEC. 848. RESPONSIBILITIES OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.**

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M; and

(2) by inserting after section 8J the following new section 8L:

**“SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS.**

“(a) **ADDITIONAL RESPONSIBILITIES OF CHAIR OF COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**—Upon the commencement or designation of a military operation as an overseas contingency operation that exceeds 60 days, the Chair of the Council of Inspectors General on Integrity and Efficiency (CIGIE) shall, in consultation with the members of the Council, have the additional responsibilities specified in subsection (b) with respect to the Inspectors General specified in subsection (c).

“(b) **SPECIFIC RESPONSIBILITIES.**—The responsibilities specified in this subsection are the following:

“(1) In consultation with the Inspectors General specified in subsection (c), to designate a lead Inspector General in accordance with subsection (d) to discharge the authorities of the lead Inspector General for the overseas contingency operation concerned as set forth in subsection (d).

“(2) To resolve conflicts of jurisdiction among the Inspectors General specified in subsection (c) on investigations, inspections, and audits with respect to such contingency operation in accordance with subsection (d)(2)(B).

“(3) To assist in identifying for the lead inspector general for such contingency operation, Inspectors General and inspector general office personnel available to assist the lead Inspector General and the other Inspectors General specified in subsection (c) on matters relating to such contingency operation.

“(c) **INSPECTORS GENERAL.**—The Inspectors General specified in this subsection are the Inspectors General as follows:

“(1) The Inspector General of the Department of Defense.

“(2) The Inspector General of the Department of State.

“(3) The Inspector General of the United States Agency for International Development.

“(d) LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATION.—(1) A lead Inspector General for an overseas contingency operation shall be designated by the Chair of the Council of Inspectors General on Integrity and Efficiency under subsection (b)(1) not later than 30 days after the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days. The lead Inspector General for a contingency operation shall be designated from among the Inspectors General specified in subsection (c).

“(2) The lead Inspector General for an overseas contingency operation shall have the following responsibilities:

“(A) To appoint, from among the offices of the other Inspectors General specified in subsection (c), an Inspector General to act as associate Inspector General for the contingency operation who shall act in a coordinating role to assist the lead Inspector General in the discharge of responsibilities under this subsection.

“(B) To develop and carry out, in coordination with the offices of the other Inspectors General specified in subsection (c), a joint strategic plan to conduct comprehensive oversight over all aspects of the contingency operation and to ensure through either joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of the Federal Government in support of the contingency operation.

“(C) To review and ascertain the accuracy of information provided by Federal agencies relating to obligations and expenditures, costs of programs and projects, accountability of funds, and the award and execution of major contracts, grants, and agreements in support of the contingency operation.

“(D)(i) If none of the Inspectors General specified in subsection (c) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(ii) If more than one of the Inspectors General specified in subsection (c) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(E) To employ, or authorize the employment by the other Inspectors General specified in subsection (c), on a temporary basis using the authorities in section 3161 of title 5, United States Code, such auditors, investigators, and other personnel as the lead Inspector General considers appropriate to assist the lead Inspector General and such other Inspectors General on matters relating to the contingency operation.

“(F) To submit to Congress on a bi-annual basis, and to make available on an Internet website available to the public, a report on the activities of the lead Inspector General and the other Inspectors General specified in subsection (c) with respect to the contingency operation, including—

“(i) the status and results of investigations, inspections, and audits and of referrals to the Department of Justice; and

“(ii) overall plans for the review of the contingency operation by inspectors general, including plans for investigations, inspections, and audits.

“(G) To submit to Congress on a quarterly basis, and to make available on an Internet website available to the public, a report on the contingency operation.

“(H) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (c) of duties relating to the contingency operation as the lead Inspector General shall specify.

“(3)(A) The lead Inspector General for an overseas contingency operation may employ, or authorize the employment by the other Inspectors General specified in subsection (c) of, annuitants covered by section 9902(g) of title 5, United States Code, for purposes of assisting the lead Inspector General in discharging responsibilities under this subsection with respect to the contingency operation.

“(B) The employment of annuitants under this paragraph shall be subject to the provisions of section 9902(g) of title 5, United States Code, as if the lead Inspector General concerned was the Department of Defense.

“(C) The period of employment of an annuitant under this paragraph may not exceed three years, except that the period may be extended for up to an additional two years in accordance with the regulations prescribed pursuant to section 3161(b)(2) of title 5, United States Code.

“(4) The lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (c) under this Act.

“(e) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than \$100,000,000.

“(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Inspectors General specified in subsection (c) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this Act with respect to overseas contingency operations.”

**SEC. 849. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.**

(a) IN GENERAL.—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy.”

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

“(d) OVERSEAS CONTINGENCY OPERATIONS DEFINED.—In this section, the term ‘overseas contingency operations’ means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).”

**SEC. 850. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) DoS AND USAID REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.

(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ‘appropriate committees of Congress’ means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SEC. 851. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.**

(a) DATABASE REQUIRED.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

**“§ 3312. Database on price trends of items and services under Federal contracts**

“(a) DATABASE REQUIRED.—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

“(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

“(2) Conducting price or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

“(b) USE.—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

“(2) The Secretary of Defense may satisfy the requirements of this section by complying with the requirements of section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

“3312. Database on price trends of items and services under Federal contracts.”.

(b) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE PILOT PROJECT.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator for Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing being carried out by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note) and the Better Buying Power initiative of the Secretary of Defense.

**SEC. 852. INFORMATION ON CORPORATE CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.**

Subsection (d) of section 2313 of title 41, United States Code, is amended by adding at the end the following new paragraph:

“(3) INFORMATION ON CORPORATIONS.—The information in the database on a person that is a corporation shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in a manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.”.

**SEC. 853. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.**

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) CONSULTATION WITH USDATL.—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any comments, rebuttals, or additional information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the actions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pur-

suant to this section have otherwise achieved the objectives of this section.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

**Subtitle E—Other Matters**

**SEC. 861. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General—

(A) in the case of the Department of Defense, of either the Department of Defense or the military department or Defense Agency concerned; and

(B) in the case of the Department of State and the United States Agency for International Development, of the covered agency concerned.

(3) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(4) Each suspension and debarment official under paragraph (1) shall document the basis for any final decision taken pursuant to a formal referral in accordance with the policies established under paragraph (5).

(5) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency, establish in writing policies for the consideration of the following:

(A) Formal referrals of suspension and debarment matters.

(B) Suspension and debarment matters that are not formally referred.

(b) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, including with respect to contracts in connection

with contingency operations” before the semicolon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(D) a summary of suspensions, debarments, and administrative agreements during the previous year.”; and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The annual report required by subsection (a)(7) shall be submitted not later than January 31 of each year, beginning with January 31, 2014.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code.

“(2) The term ‘Interagency Committee on Debarment and Suspension’ means the committee constituted under sections 4 and 5 of Executive Order No. 12549.”.

(c) COVERED AGENCY.—In this section, the term “covered agency” means the Department of Defense, the Department of State, and the United States Agency for International Development.

#### SEC. 862. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

(b) COVERED OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator for Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to approved electronic contract writing systems for the Department of State and the United States Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator for Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) PHASE-IN OF IMPLEMENTATION OF REQUIREMENT FOR APPROVED SYSTEMS.—The officials specified in subsection (b) may phase

in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems are approved, explain why the use of such multiple systems is the most efficient and effective approach to meet the contract writing needs of the Federal Government; and

(3) provide the schedule for phasing in the use of approved electronic contract writing systems in accordance with subsections (a)(3) and (d).

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

#### SEC. 863. EXTENSION OF OTHER TRANSACTION AUTHORITY.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking “September 30, 2013” and inserting “September 30, 2018”.

#### SEC. 864. REPORT ON ALLOWABLE COSTS OF COMPENSATION OF CONTRACTOR EMPLOYEES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the effect of reducing the allowable costs of contractor compensation of employees to the amount payable to the President under section 102 of title 3, United States Code, or to the amount payable to the Vice President under section 104 of such title.

(b) MATTERS COVERED.—The report shall include, at a minimum, the following:

(1) An estimate of the total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code.

(2) An estimate of the total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(3) An estimate of the total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount payable to the Vice President under section 104 of title 3, United States Code.

(4) An estimate of the total number of contractor employees in fiscal year 2012 that could have been characterized as falling

within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485).

(5) A description of the duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(6) An assessment of whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided in a manner consistent with private sector practice.

(7) An assessment of the extent to which contractor employees received compensation in the form of vested or unvested stock options.

(8) An assessment of the potential impact on the Department of Defense, contractors of the Department of Defense, and employees of such contractors of adjusting the amount of allowable costs of contractor compensation to the amount specified in paragraph (2) or the amount specified in paragraph (3).

(9) Such recommendations as the Comptroller General considers appropriate.

#### SEC. 865. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

**SEC. 866. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.**

(a) **PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) **CONTENT.**—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future "on-ramps" under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

**SEC. 867. INCLUSION OF INFORMATION ON PREVALENT GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL PROTEST REPORT BY COMPTROLLER GENERAL TO CONGRESS.**

Section 3554(e)(2) of title 31, United States Code, is amended by adding at the end the following: "The report shall also include a summary of the most prevalent grounds for sustaining protests during such preceding year."

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**Subtitle A—Department of Defense Management**

- Sec. 901. Additional duties of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and amendments to Strategic Materials Protection Board.
- Sec. 902. Requirement for focus on urgent operational needs and rapid acquisition.
- Sec. 903. Designation of Department of Defense senior official for enterprise resource planning system data conversion.
- Sec. 904. Additional responsibilities and resources for Deputy Assistant Secretary of Defense for Developmental Test and Evaluation.
- Sec. 905. Definition and report on terms "preparation of the environment" and "operational preparation of the environment" for joint doctrine purposes.
- Sec. 906. Information for Deputy Chief Management Officer of the Department of Defense from the military departments and Defense Agencies for defense business system investment reviews.

**Subtitle B—Space Activities**

- Sec. 911. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs.
- Sec. 912. Commercial space launch cooperation.
- Sec. 913. Limitation on international agreements concerning outer space activities.

Sec. 914. Operationally Responsive Space Program Office.

Sec. 915. Report on overhead persistent infrared technology.

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Sec. 917. Report on counter space technology.

**Subtitle C—Intelligence-Related Activities**

Sec. 921. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.

Sec. 922. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.

Sec. 923. Review of Army Distributed Common Ground System.

Sec. 924. Electro-optical imagery.

Sec. 925. Defense Clandestine Service.

**Subtitle D—Cyberspace-Related Matters**

Sec. 931. Implementation strategy for Joint Information Environment.

Sec. 932. Next-generation host-based cyber security system for the Department of Defense.

Sec. 933. Improvements in assurance of computer software procured by the Department of Defense.

Sec. 934. Competition in connection with Department of Defense tactical data link systems.

Sec. 935. Collection and analysis of network flow data.

Sec. 936. Competition for large-scale software database and data analysis tools.

Sec. 937. Software licenses of the Department of Defense.

Sec. 938. Sense of Congress on potential security risks to Department of Defense networks.

Sec. 939. Quarterly cyber operations briefings.

Sec. 940. Sense of Congress on the United States Cyber Command.

Sec. 941. Reports to Department of Defense on penetrations of networks and information systems of certain contractors.

**Subtitle E—Other Matters**

Sec. 951. Advice on military requirements by Chairman of Joint Chiefs of Staff and Joint Requirements Oversight Council.

Sec. 952. Enhancement of responsibilities of the Chairman of the Joint Chiefs of Staff regarding the national military strategy.

Sec. 953. One-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense regional centers for security studies.

Sec. 954. National Language Service Corps.

Sec. 955. Savings to be achieved in civilian personnel workforce and service contractor workforce of the Department of Defense.

Sec. 956. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.

**Subtitle A—Department of Defense Management**

**SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY AND AMENDMENTS TO STRATEGIC MATERIALS PROTECTION BOARD.**

(a) **RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY.**—Section 139c(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (1) through (4) and inserting the following:

"(1) Providing input to strategy reviews, including quadrennial defense reviews conducted pursuant to section 118 of this title, on matters related to—

"(A) the defense industrial base; and

"(B) materials critical to national security.

"(2) Establishing policies of the Department of Defense for developing and maintaining the defense industrial base of the United States and ensuring a secure supply of materials critical to national security.

"(3) Providing recommendations on budget matters pertaining to the industrial base, the supply chain, and the development and retention of skills necessary to support the industrial base.

"(4) Providing recommendations and acquisition policy guidance on supply chain management and supply chain vulnerability throughout the entire supply chain, from suppliers of raw materials to producers of major end items."

(2) by striking paragraph (5) and redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (5), (6), (7), (8), and (9), respectively;

(3) by inserting after paragraph (9), as so redesignated, the following new paragraph (10):

"(10) Providing policy and oversight of matters related to materials critical to national security to ensure a secure supply of such materials to the Department of Defense."

(4) by redesignating paragraph (15) as paragraph (18); and

(5) by inserting after paragraph (14) the following new paragraphs:

"(15) Coordinating with the Director of Small Business Programs on all matters related to industrial base policy of the Department of Defense.

"(16) Ensuring reliable sources of materials critical to national security, such as specialty metals, armor plate, and rare earth elements.

"(17) Establishing policies of the Department of Defense for continued reliable resource availability from secure sources for the industrial base of the United States."

(b) **MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.**—Section 139c of such title is further amended by adding at the end the following new subsection:

"(d) **MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.**—In this section, the term 'materials critical to national security' has the meaning given that term in section 187(e)(1) of this title."

(c) **AMENDMENTS TO STRATEGIC MATERIALS PROTECTION BOARD.**—

(1) **MEMBERSHIP.**—Paragraph (2) of section 187(a) of such title is amended to read as follows:

"(2) The Board shall be composed of the following:

"(A) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be the chairman of the Board.

“(B) The Administrator of the Defense Logistics Agency Strategic Materials, or any successor organization, who shall be the vice chairman of the Board.

“(C) A designee of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

“(D) A designee of the Assistant Secretary of the Navy for Research, Development, and Acquisition.

“(E) A designee of the Assistant Secretary of the Air Force for Acquisition.”.

(2) DUTIES.—Paragraphs (3) and (4) of section 187(b) of such title are each amended by striking “President” and inserting “Secretary”.

(3) MEETINGS.—Section 187(c) of such title is amended by striking “Secretary of Defense” and inserting “Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy”.

(4) REPORTS.—Section 187(d) of such title is amended to read as follows:

“(d) REPORTS.—(1) Subject to paragraph (2), after each meeting of the Board, the Board shall prepare a report containing the results of the meeting and such recommendations as the Board determines appropriate. Each such report shall be submitted to the congressional defense committees, together with comments and recommendations from the Secretary of Defense, not later than 90 days after the meeting covered by the report.

“(2) In any year in which the Board meets more than once, each report prepared by the Board as required by paragraph (1) may be combined into one annual report and submitted as provided by paragraph (1) not later than 90 days after the last meeting of the year.”.

#### **SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.**

(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.—

(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretaries of the military departments, shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for leading the Department's actions on urgent operational needs and rapid acquisition, in accordance with this section.

(2) STAFF AND RESOURCES.—The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources necessary to carry out the official's functions under this section.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Acting as an advocate within the Department of Defense for issues related to the Department's ability to rapidly respond to urgent operational needs, including programs funded and carried out by the military departments.

(2) Improving visibility of urgent operational needs throughout the Department, including across the military departments, the Defense Agencies, and all other entities and processes in the Department that address urgent operational needs.

(3) Ensuring that tools and mechanisms are used to track, monitor, and manage the status of urgent operational needs within the Department, from validation through procurement and fielding, including a formal feedback mechanism for the Armed Forces to provide information on how well fielded solutions are meeting urgent operational needs.

(c) URGENT OPERATIONAL NEEDS DEFINED.—In this section, the term “urgent operational needs” means capabilities that are determined by the Secretary of Defense, pursuant to the review process required by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.

#### **SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL FOR ENTERPRISE RESOURCE PLANNING SYSTEM DATA CONVERSION.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for coordination and management oversight of data conversion for all enterprise resource planning systems of the Department; and

(2) set forth the responsibilities of that senior official with respect to such data conversion.

#### **SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.**

(a) DIRECT COMMUNICATION.—Section 139b(a)(3) of title 10, United States Code, is amended by striking “to the Under Secretary” before the period and inserting “to the Under Secretary. The Deputy Assistant Secretary may communicate views on matters within the responsibility of the Deputy Assistant Secretary directly to the Under Secretary without obtaining the approval or concurrence of any other official within the Department of Defense”.

(b) DUTIES.—Section 139b(a)(5) of such title is amended—

(1) in subparagraph (A)(i), by striking “in the Department of Defense” and inserting “in the military departments and other elements of the Department of Defense”; and

(2) in subparagraph (B), by striking “review and approve” and inserting “review and approve or disapprove”;

(3) in subparagraph (C), by striking “programs” and inserting “programs (including the activities of chief developmental testers and lead developmental test evaluation organizations designated in accordance with subsection (c))”;

(4) in subparagraph (E), by striking “and” after the semicolon at the end; and

(5) by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph (F):

“(F) in consultation with the Assistant Secretary of Defense for Research and Engineering, assess the technological maturity and integration risk of critical technologies at key stages in the acquisition process; and”.

(c) CONCURRENT SERVICE.—Section 139b(a)(7) of such title is amended by striking “may” and inserting “shall”.

(d) RESOURCES.—Section 139b(a) of such title is amended by adding at the end the following new paragraph:

“(8) RESOURCES.—

“(A) The President shall include in the budget transmitted to Congress, pursuant to section 1105 of title 31, for each fiscal year, a separate statement of estimated expenditures and proposed appropriations for the fiscal year for the activities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation in carrying out the duties and responsibilities of the Deputy Assistant Secretary under this section.

“(B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation shall have sufficient professional staff of military and civilian personnel to enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law.”.

(e) CONSULTATIONS RELATING TO TECHNOLOGICAL READINESS.—

(1) CONSULTATION ON REPORT ON CRITICAL TECHNOLOGIES.—Section 138b(b)(2) of such title is amended by striking “The Assistant Secretary shall submit” and inserting “The Assistant Secretary, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, shall submit”.

(2) CONSULTATION DURING CERTIFICATION PROCESS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 2366b(a)(3)(D) of such title is amended by striking “the Assistant Secretary of Defense for Research and Engineering” and inserting “the Assistant Secretary of Defense for Research and Engineering, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation”.

(f) DUTIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—Section 139b(c) of such title is amended—

(1) in paragraph (2), by striking “shall be responsible for” and inserting “, consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for”;

(2) in paragraph (3), by striking “shall be responsible for” and inserting “, consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for”;

(3) by adding at the end the following new paragraph:

“(4) TRANSMITTAL OF RECORDS AND DATA.—The chief developmental tester and the lead developmental test and evaluation organization for a major defense acquisition program shall promptly transmit to the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation any records or data relating to the program that are requested by the Deputy Assistant Secretary, as provided in subsection (a)(6).”.

(g) ANNUAL REPORT.—Section 139b(d) of such title is amended—

(1) in the subsection heading, by striking “JOINT”;

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and moving each subparagraph (as so redesignated) two ems to the right;

(3) by striking “Not later than March 31” and inserting:

“(1) IN GENERAL.—Not later than March 31”;

(4) in the matter appearing before subparagraph (A), as so redesignated, by striking “jointly” and inserting “each”; and

(5) by adding at the end the following new paragraph:

“(2) ADDITIONAL REQUIREMENTS FOR REPORT BY DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.—With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, the report shall include—

“(A) a separate section that covers the activities of the Department of Defense Test Resource Management Center (established under section 196 of this title) during the preceding year; and

“(B) a separate section that addresses the adequacy of the resources available to the

Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and to the lead developmental test and evaluation organizations of the military departments to carry out the responsibilities prescribed by this section.”

(h) REPORTS TO CONGRESS ON FAILURE TO COMPLY WITH RECOMMENDATIONS.—

(1) REPORT REQUIRED.—Not later than 60 days after the end of each fiscal year, from fiscal year 2013 through fiscal year 2018, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each case in which a major defense acquisition program, in the preceding fiscal year—

(A) proceeded to implement a test and evaluation master plan notwithstanding a decision of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation to disapprove the developmental test and evaluation plan within that plan in accordance with section 139b(a)(5)(B) of title 10, United States Code; or

(B) proceeded to initial operational testing and evaluation notwithstanding a determination by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation on the basis of an assessment of operational test readiness that the program is not ready for operational testing.

(2) MATTERS COVERED.—

(A) For each program covered by paragraph (1)(A), the report shall include the following:

(i) A description of the specific aspects of the developmental test and evaluation plan that the Deputy Assistant Secretary determined to be inadequate.

(ii) An explanation of the reasons why the program disregarded the Deputy Assistant Secretary's recommendations with regard to those aspects of the developmental test and evaluation plan.

(iii) The steps taken to address those aspects of the developmental test and evaluation plan and address the concerns of the Deputy Assistant Secretary.

(B) For each program covered by paragraph (1)(B), the report shall include the following:

(i) An explanation of the reasons why the program proceeded to initial operational testing and evaluation notwithstanding the findings of the assessment of operational test readiness.

(ii) A description of the aspects of the approved testing and evaluation master plan that had to be set aside to enable the program to proceed to initial operational testing and evaluation.

(iii) A description of how the program addressed the specific areas of concern raised in the assessment of operational test readiness.

(iv) A statement of whether initial operational testing and evaluation identified any significant shortcomings in the program.

(3) ADDITIONAL CONGRESSIONAL NOTIFICATION.—Not later than 30 days after any decision to conduct developmental testing on a major defense acquisition program without an approved test and evaluation master plan in place, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide to the congressional defense committees a written explanation of the basis for the decision and a timeline for getting an approved plan in place.

#### SEC. 905. DEFINITION AND REPORT ON TERMS “PREPARATION OF THE ENVIRONMENT” AND “OPERATIONAL PREPARATION OF THE ENVIRONMENT” FOR JOINT DOCTRINE PURPOSES.

(a) DEFINITIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall define for purposes of joint doctrine the following terms:

(1) The term “preparation of the environment”.

(2) The term “operational preparation of the environment”.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the terms defined under subsection (a). The report shall include the following:

(A) The definition of the term “preparation of the environment” pursuant to subsection (a).

(B) Examples of activities meeting the definition of the term “preparation of the environment” by special operations forces and general purpose forces.

(C) The definition of the term “operational preparation of the environment” pursuant to subsection (a).

(D) Examples of activities meeting the definition of the term “operational preparation of the environment” by special operations forces and general purpose forces.

(E) An assessment of the appropriate roles of special operations forces and general purpose forces in conducting activities meeting the definition of the term “preparation of the environment” and the definition of the term “operational preparation of the environment”.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 906. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to make available to the Deputy Chief Management Officer such information on covered defense business system programs and other business functions as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be made available to the Deputy Chief Management Officer through existing data sources or in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.”.

#### Subtitle B—Space Activities

#### SEC. 911. REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR SEGMENTS OF MAJOR SATELLITE ACQUISITION PROGRAMS AND FUNDING FOR SUCH PROGRAMS.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§ 2275. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs

“(a) REPORTS REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each major satellite acquisition program in accordance with subsection (d) that assesses—

“(1) the integration of the schedules for the acquisition and the delivery of the capabilities of the segments for the program; and

“(2) funding for the program.

“(b) ELEMENTS.—Each report required by subsection (a) with respect to a major satellite acquisition program shall include the following:

“(1) The amount of funding approved for the program and for each segment of the program that is necessary for full operational capability of the program.

“(2) The dates by which the program and each segment of the program is anticipated to reach initial and full operational capability.

“(3) A description of the intended primary capabilities and key performance parameters of the program.

“(4) An assessment of the extent to which the schedules for the acquisition and the delivery of the capabilities of the segments for the program or any related program referred to in paragraph (1) are integrated.

“(5) If the Under Secretary determines pursuant to the assessment under paragraph (4) that the program is a non-integrated program, an identification of—

“(A) the impact on the mission of the program of having the delivery of the segment capabilities of the program more than one year apart;

“(B) the measures the Under Secretary is taking or is planning to take to improve the integration of the acquisition and delivery schedules of the segment capabilities; and

“(C) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

“(c) CONSIDERATION BY MILESTONE DECISION AUTHORITY.—The Milestone Decision Authority shall include the report required by subsection (a) with respect to a major satellite acquisition program as part of the documentation used to approve the acquisition of the program.

“(d) SUBMITTAL OF REPORTS.—(1) In the case of a major satellite acquisition program initiated before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program not later than one year after such date of enactment.

“(2) In the case of a major satellite acquisition program initiated on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program at the time of the Milestone B approval of the program.

“(e) NOTIFICATION TO CONGRESS OF NON-INTEGRATED ACQUISITION AND CAPABILITY DELIVERY SCHEDULES.—If, after submitting the report required by subsection (a) with respect to a major satellite acquisition program, the Under Secretary determines that the program is a non-integrated program, the Under Secretary shall, not later than 30 days after making that determination, submit to the congressional defense committees a report—



“(1) notifying the committees of that determination; and

“(2) identifying—

“(A) the impact on the mission of the program of having the delivery of the segment capabilities of the program more than one year apart;

“(B) the measures the Under Secretary is taking or is planning to take to improve the integration of the acquisition and delivery schedules of the segment capabilities; and

“(C) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

“(f) ANNUAL UPDATES FOR NON-INTEGRATED PROGRAMS.—

“(1) REQUIREMENT.—For each major satellite acquisition program that the Under Secretary has determined under subsection (b)(5) or subsection (e) is a non-integrated program, the Under Secretary shall annually submit to Congress, at the same time the budget of the President for a fiscal year is submitted under section 1105 of title 31, an update to the report required by subsection (a) for such program.

“(2) TERMINATION OF REQUIREMENT.—The requirement to submit an annual report update for a program under paragraph (1) shall terminate on the date on which the Under Secretary submits to the congressional defense committees notice that the Under Secretary has determined that such program is no longer a non-integrated program, or on the date that is five years after the date on which the initial report update required under paragraph (1) is submitted, whichever is earlier.

“(3) GAO REVIEW OF CERTAIN NON-INTEGRATED PROGRAMS.—If at the time of the termination of the requirement to annually update a report for a program under paragraph (1) the Under Secretary has not provided notice to the congressional defense committees that the Under Secretary has determined that the program is no longer a non-integrated program, the Comptroller General shall conduct a review of such program and submit the results of such review to the congressional defense committees.

“(g) DEFINITIONS.—In this section:

“(1) SEGMENTS.—The term ‘segments’, with respect to a major satellite acquisition program, refers to any satellites acquired under the program and the ground equipment and user terminals necessary to fully exploit the capabilities provided by those satellites.

“(2) MAJOR SATELLITE ACQUISITION PROGRAM.—The term ‘major satellite acquisition program’ means a major defense acquisition program (as defined in section 2430 of this title) for the acquisition of a satellite.

“(3) MILESTONE B APPROVAL.—The term ‘Milestone B approval’ has the meaning given that term in section 2366(e)(7) of this title.

“(4) NON-INTEGRATED PROGRAM.—The term ‘non-integrated program’ means a program with respect to which the schedules for the acquisition and the delivery of the capabilities of the segments for the program, or a related program that is necessary for the operational capability of the program, provide for the acquisition or the delivery of the capabilities of at least two of the three segments for the program or related program more than one year apart.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by adding at the end the following new item:

“2275. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs.”.

#### SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, as amended by section 911 of this Act, is further amended by adding at the end the following new section:

##### “§ 2276. Commercial space launch cooperation

“(a) AUTHORITY.—The Secretary of Defense may take such actions as the Secretary considers to be in the best interest of the Federal Government to—

“(1) maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States;

“(2) maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense;

“(3) reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities;

“(4) encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department of Defense; and

“(5) foster cooperation between the Department of Defense and covered entities.

“(b) AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Secretary of Defense—

“(1) may enter into an agreement with a covered entity to provide the covered entity with support and services related to the space transportation infrastructure of the Department of Defense; and

“(2) upon the request of such covered entity, may include such support and services in the space launch and reentry range support requirements of the Department of Defense if—

“(A) the Secretary determines that the inclusion of such support and services in such requirements—

“(i) is in the best interest of the Federal Government;

“(ii) does not interfere with the requirements of the Department of Defense; and

“(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

“(B) any commercial requirement included in the agreement has full non-Federal funding before the execution of the agreement.

“(c) CONTRIBUTIONS.—

“(1) IN GENERAL.—The Secretary of Defense may enter into an agreement with a covered entity on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

“(2) USE OF CONTRIBUTIONS.—Any funds, services, or equipment accepted by the Secretary under this subsection—

“(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the agreement entered into under this subsection; and

“(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

“(3) REQUIREMENTS WITH RESPECT TO AGREEMENTS.—An agreement entered into with a covered entity under this subsection—

“(A) shall address the terms of use, ownership, and disposition of the funds, services,

or equipment contributed pursuant to the agreement; and

“(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other agreement with the United States.

“(d) DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.—

“(1) ESTABLISHMENT.—There is established in the Treasury of the United States a special account to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) CREDITING OF FUNDS.—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

“(3) USE OF FUNDS.—Funds deposited in the Defense Cooperation Space Launch Account under paragraph (2) are authorized to be appropriated and shall be available for obligation only to the extent provided in advance in an appropriation Act for costs incurred by the Department of Defense in carrying out subsection (b). Funds in the Account shall remain available until expended.

“(e) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the preceding fiscal year.

“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

“(g) DEFINITIONS.—In this section:

“(1) COVERED ENTITY.—The term ‘covered entity’ means a non-Federal entity that—

“(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

“(B) is engaged in commercial space activities.

“(2) LAUNCH SUPPORT FACILITIES.—The term ‘launch support facilities’ has the meaning given the term in section 50501(7) of title 51.

“(3) SPACE RECOVERY SUPPORT FACILITIES.—The term ‘space recovery support facilities’ has the meaning given the term in section 50501(11) of title 51.

“(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term ‘space transportation infrastructure’ has the meaning given that term in section 50501(12) of title 51.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following new item:

“2276. Commercial space launch cooperation.”.

#### SEC. 913. LIMITATION ON INTERNATIONAL AGREEMENTS CONCERNING OUTER SPACE ACTIVITIES.

(a) CERTIFICATION REQUIRED.—If the United States becomes a signatory to a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement, at the same time as the United States becomes such a signatory—

(1) the President shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a certification that such agreement has no legally-binding effect or basis for limiting the activities of the United States in outer space; and

(2) the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence shall jointly submit to the congressional defense committees a

certification that such agreement will be equitable, enhance national security, and have no militarily significant impact on the ability of the United States to conduct military or intelligence activities in space.

**(b) BRIEFINGS AND NOTIFICATIONS REQUIRED.—**

**(1) RESTATEMENT OF POLICY FORMULATION UNDER THE ARMS CONTROL AND DISARMAMENT ACT WITH RESPECT TO OUTER SPACE.**—No action shall be taken that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in outer space in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause II of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

**(2) BRIEFINGS.—**

**(A) REQUIREMENT.**—The Secretary of Defense, the Secretary of State, and the Director of National Intelligence shall jointly provide to the covered congressional committees regular, detailed updates on the negotiation of a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement.

**(B) TERMINATION OF REQUIREMENT.**—The requirement to provide regular briefings under subparagraph (A) shall terminate on the date on which the United States becomes a signatory to an agreement referred to in subparagraph (A), or on the date on which the President certifies to Congress that the United States is no longer negotiating an agreement referred to in subparagraph (A), whichever is earlier.

**(3) NOTIFICATIONS.**—If the United States becomes a signatory to a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement, not less than 60 days prior to any action that will obligate the United States to reduce or limit the Armed Forces or armaments or activities of the United States in outer space, the head of each Department or agency of the Federal Government that is affected by such action shall submit to Congress notice of such action and the effect of such action on such Department or agency.

**(4) DEFINITION.**—In this subsection, the term “covered congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

**(c) REPORT ON FOREIGN COUNTER-SPACE PROGRAMS.—**

**(1) REPORT REQUIRED.**—Chapter 135 of title 10, United States Code, as amended by section 912 of this Act, is further amended by adding at the end the following new section:

**“§ 2277. Report on foreign counter-space programs**

**“(a) REPORT REQUIRED.**—Not later than January 1 of each year, the Secretary of Defense and the Director of National Intelligence shall jointly submit to Congress a report on the counter-space programs of foreign countries.

**“(b) CONTENTS.**—Each report required under subsection (a) shall include—

“(1) an explanation of whether any foreign country has a counter-space program that could be a threat to the national security or

commercial space systems of the United States; and

“(2) the name of each country with a counter-space program described in paragraph (1).

**“(c) FORM.—**

**“(1) IN GENERAL.**—Except as provided in paragraphs (2) and (3), each report required under subsection (a) shall be submitted in unclassified form.

**“(2) CLASSIFIED ANNEX.**—The Secretary of Defense and the Director of National Intelligence may submit to the covered congressional committees a classified annex to a report required under subsection (a) containing any classified information required to be submitted for such report.

**“(3) FOREIGN COUNTRY NAMES.—**

**“(A) UNCLASSIFIED FORM.**—Subject to subparagraph (B), each report required under subsection (a) shall include the information required under subsection (b)(2) in unclassified form.

**“(B) NATIONAL SECURITY WAIVER.**—The Secretary of Defense and the Director of National Intelligence may waive the requirement under subparagraph (A) if the Secretary and the Director of National Intelligence jointly determine it is in the interests of national security to waive such requirement and submits to Congress an explanation of why the Secretary and the Director waived such requirement.

**“(d) COVERED CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘covered congressional committees’ means the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.”

**(2) CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 135 of title 10, United States Code, as so amended, is further amended by adding at the end the following new item:

“2277. Report on foreign counter-space programs.”

**SEC. 914. OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.**

**(a) IN GENERAL.**—Subsection (a) of section 2273a of title 10, United States Code, is amended to read as follows:

**“(a) IN GENERAL.**—There is within the Air Force Space and Missile Systems Center of the Department of Defense a joint program office known as the Operationally Responsive Space Program Office (in this section referred to as the ‘Office’). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.”

**(b) HEAD OF OFFICE.**—Subsection (b) of such section is amended by striking “shall be—” and all that follows and inserting “shall be the designee of the Department of Defense Executive Agent for Space. The head of the Office shall report to the Commander of the Air Force Space and Missile Systems Center.”

**(c) MISSION.**—Subsection (c)(1) of such section is amended by striking “spacelift” and inserting “launch”.

**(d) SENIOR ACQUISITION EXECUTIVE.**—Paragraph (1) of subsection (e) of such section is amended to read as follows:

“(1) The Program Executive Officer for Space shall be the Acquisition Executive of the Office and shall provide streamlined acquisition authorities for projects of the Office.”

**(e) EXECUTIVE COMMITTEE.**—Such section is further amended by adding at the end the following new subsection:

**“(g) EXECUTIVE COMMITTEE.**—(1) The Secretary of Defense shall establish for the Office an Executive Committee (to be known as the ‘Operationally Responsive Space Executive Committee’) to provide coordination, oversight, and approval of projects of the Office.

“(2) The Executive Committee shall consist of the officials (and their duties) as follows:

“(A) The Department of Defense Executive Agent for Space, who shall serve as Chair of the Executive Committee and provide oversight, prioritization, coordination, and resources for the Office.

“(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall provide coordination and oversight of the Office and recommend funding sources for programs of the Office that exceed the approved program baseline.

“(C) The Commander of the United States Strategic Command, who shall validate requirements for systems to be acquired by the Office and participate in approval of any acquisition program initiated by the Office.

“(D) The Commander of the Air Force Space Command, the Commander of the Army Space and Missile Defense Command, and the Commander of the Space and Naval Warfare Systems Command, who shall jointly organize, train, and equip forces to support the acquisition programs of the Office.

“(E) Such other officials (and their duties) as the Secretary of Defense considers appropriate.”

**SEC. 915. REPORT ON OVERHEAD PERSISTENT INFRARED TECHNOLOGY.**

**(a) REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report on overhead persistent infrared technology that includes—

(1) an identification of the comprehensive overhead persistent infrared technology requirements of the Department of Defense and the intelligence community;

(2) a description of the strategy, plan, and budget for the space layer, with supporting ground architecture, including key decision points for the current and next generation overhead persistent infrared technology with respect to missile warning, missile defense, battlespace awareness, and technical intelligence;

(3) an assessment of whether there are further opportunities for the Department of Defense and the intelligence community to capitalize on increased data sharing, fusion, interoperability, and exploitation;

(4) recommendations on how to better coordinate the efforts by the Department and the intelligence community to exploit overhead persistent infrared sensor data; and

(5) any other relevant information that the Secretary considers necessary.

**(b) COMPTROLLER GENERAL ASSESSMENT.**—Not later than 90 days after the date on which the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the report required under subsection (a), including—

(1) an assessment of whether such report is comprehensive, fully supported, and sufficiently detailed; and

(2) an identification of any shortcomings, limitations, or other reportable matters that

affect the quality or findings of the report required under subsection (a).

(c) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**SEC. 916. ASSESSMENT OF FOREIGN COMPONENTS AND THE SPACE LAUNCH CAPABILITY OF THE UNITED STATES.**

(a) **ASSESSMENT.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an independent assessment of the national security implications of continuing to use foreign component and propulsion systems for the launch vehicles under the evolved expendable launch vehicle program.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the assessment conducted under subsection (a).

**SEC. 917. REPORT ON COUNTER SPACE TECHNOLOGY.**

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report based on all available information (including the Counter Space Technology List of the Department of State) describing key space technologies that could be used, or are being sought, by a foreign country with a counter space or ballistic missile program, and should be subject to export controls by the United States or an ally of the United States, as appropriate.

(b) **FORM.**—Each report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**Subtitle C—Intelligence-Related Activities**

**SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO CERTAIN SECURITY ALLIANCES AND REGIONAL ORGANIZATIONS.**

(a) **AUTHORIZATION.**—Section 443(a) of title 10, United States Code, is amended by striking “foreign countries” and inserting “foreign countries, regional organizations with defense or security components, and security alliances of which the United States is a member”.

(b) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of section 443 of title 10, United States Code, is amended by striking “foreign countries” and inserting “foreign countries, regional organizations, and security alliances”.

(2) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 22 of title 10, United States Code, is amended by striking the item relating to section 443 and inserting the following new item:

“443. Imagery intelligence and geospatial information: support for foreign countries, regional organizations, and security alliances.”.

(c) **REPORTS.**—

(1) **IN GENERAL.**—Not later than January 15 during each of 2014 and 2015, the Director of the National Geospatial-Intelligence Agency shall submit to the appropriate congressional committees an annual report on the imagery intelligence or geospatial information support that the Director provided to a regional organization or security alliance under section 443(a) of title 10, United States

Code, as amended by subsection (a), during the year covered by the report, including an identification of each such organization or alliance and the number of times such organization or alliance received such intelligence or support.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

**SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE IN NAME OF NATIONAL DEFENSE INTELLIGENCE COLLEGE TO NATIONAL INTELLIGENCE UNIVERSITY.**

(a) **CONFORMING AMENDMENTS TO REFLECT NAME CHANGE.**—Section 2161 of title 10, United States Code, is amended by striking “National Defense Intelligence College” each place it appears and inserting “National Intelligence University”.

(b) **CLERICAL AMENDMENTS.**—

(1) **SECTION HEADING.**—The heading of such section is amended to read as follows:

“§2161. Degree granting authority for National Intelligence University”.

(2) **TABLE OF SECTIONS.**—The item related to such section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

“2161. Degree granting authority for National Intelligence University.”.

**SEC. 923. REVIEW OF ARMY DISTRIBUTED COMMON GROUND SYSTEM.**

(a) **REVIEW.**—The Secretary of the Army shall direct the Army Systems Acquisition Review Council to—

(1) review the Distributed Common Ground System program of the Army; and

(2) report the results of such review to the congressional defense committees not later than 180 days after the date of the enactment of this Act.

(b) **ELEMENTS.**—The review required under subsection (a) shall include—

(1) an assessment of the current acquisition strategy for the Distributed Common Ground System program of the Army to determine the relevance of such program to the current and emerging needs of the Army, including evolving technology needs and architectural strategies;

(2) an assessment of the current technology performance to meet existing program requirements, including interoperability, net-readiness, and functional performance for both cloud-enabled and disconnected operations;

(3) an analysis of competitive procedures that allow new and emerging capabilities, including integration of quick reaction capabilities, to be rapidly integrated into the architecture, including through the use of product fly-offs using standardized, Government-provided common data sets that allow for equitable comparisons of capabilities;

(4) an analysis of the current technological path to ensure such path incorporates current best practices from industry and is in concert with the emerging needs and requirements of the Joint Information Environment;

(5) an assessment of such program to ensure appropriate investments in human systems integration are being made to ensure interface usability;

(6) an assessment of such program to ensure enterprise knowledge management and

training requirements are commensurate with the anticipated force structure of the Army for the decade following the date of the enactment of this Act; and

(7) recommendations for any changes that may be needed as a result of the review.

**SEC. 924. ELECTRO-OPTICAL IMAGERY.**

(a) **IDENTIFICATION OF DEPARTMENT OF DEFENSE ELECTRO-OPTICAL SATELLITE IMAGERY REQUIREMENTS.**—

(1) **REPORT.**—Not later than April 1, 2013, the Chairman of the Joint Requirements Oversight Council shall submit to the Director of the Congressional Budget Office a report setting forth a comprehensive description of Department of Defense peacetime and wartime requirements for electro-optical satellite imagery.

(2) **SCOPE OF REQUIREMENTS.**—The requirements under paragraph (1) shall—

(A) be expressed in such terms as are necessary, which may include daily regional and global area coverage and number of point targets, resolution, revisit rates, mean-time to access, latency, redundancy, survivability, and diversity; and

(B) take into consideration all types of imagery and collection means available.

(b) **ASSESSMENT OF IDENTIFIED REQUIREMENTS.**—

(1) **IN GENERAL.**—Not later than September 15, 2013, the Director of the Congressional Budget Office shall submit to the appropriate committees of Congress a report setting forth an assessment by the Director of the report required by subsection (a).

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The extent to which the requirements of the Department for electro-optical imagery from space can be satisfied by commercial companies using either—

(i) current designs; or

(ii) enhanced designs that could be developed at low risk.

(B) The estimated cost and schedule of satisfying such requirements using commercial companies.

(3) **CONSULTATION AND OTHER RESOURCES.**—In preparing the assessment required by paragraph (1), the Director shall—

(A) consult widely with officials of the Government, private industry, and academia; and

(B) make maximum use of existing studies and modeling and simulations.

(4) **ACCESS TO INFORMATION.**—The Secretary of Defense shall provide the appropriately cleared staff of the Director of the Congressional Budget Office with such access to information and programs applicable to the assessment required by paragraph (1) as the Director of the Congressional Budget Office shall require for the preparation of the assessment.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 925. DEFENSE CLANDESTINE SERVICE.**

(a) **PROHIBITION ON USE OF FUNDS FOR ADDITIONAL PERSONNEL.**—

(1) **PROHIBITION.**—Subject to paragraph (2), none of the funds authorized to be appropriated by this Act may be obligated or expended for—

(A) civilian personnel in the Department of Defense conducting or supporting human intelligence in excess of the number of such civilian personnel as of April 20, 2012; or

(B) positions in the Department of Defense served by members of the Armed Forces conducting or supporting human intelligence within the Department of Defense in excess of the number of such positions as of April 20, 2012.

(2) **REDUCTION OF CIVILIAN PERSONNEL.**—

(A) **REDUCTION.**—Subject to subparagraph (B), if on the date of the enactment of this Act the number of civilian personnel in the Department of Defense conducting or supporting human intelligence exceeds the number of such personnel as of April 20, 2012, the Secretary of Defense shall, not later than 30 days after the date of the enactment of this Act, take appropriate action to promptly reduce, consistent with reduction-in-force procedures, the total number of such civilian personnel to the number of such civilian personnel as of April 20, 2012.

(B) **EXCEPTION.**—For each civilian personnel in the Department of Defense conducting or supporting human intelligence in excess of the number of such civilian personnel as of April 20, 2012, that the Secretary considers necessary to maintain after the date of the enactment of this Act during all or part of fiscal year 2013, the Secretary shall submit to the appropriate committees of Congress a comprehensive justification for maintaining such civilian personnel, including the specific role, mission, and responsibilities of such civilian personnel and whether such civilian personnel was employed in another capacity in the Department of Defense immediately prior to beginning the conduct or support of human intelligence.

(C) **LIMITATION.**—Notwithstanding any other provision of this subsection, following the action taken by the Secretary under subparagraph (A), the number of civilian personnel in the Department of Defense conducting or supporting human intelligence for fiscal year 2013 shall not exceed the total of—

(i) the number of such civilian personnel as of April 20, 2012; and

(ii) the number of such civilian personnel for which the Secretary has submitted a justification under subparagraph (B).

(b) **CAPE REPORT ON COSTS.**—Not later than 120 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation of the Department of Defense, in consultation with the Director of National Intelligence, shall submit to the appropriate committees of Congress an independent, comprehensive estimate of the costs of the Defense Clandestine Service, including an estimate of the costs over the period of the current future-years defense program and such years occurring after such period as the Director is able to reasonably estimate.

(c) **USDI REPORT ON DCS.**—

(1) **REPORT REQUIRED.**—Not later than February 1, 2013, the Under Secretary of Defense for Intelligence shall submit to the appropriate committees of Congress a report on the Defense Clandestine Service.

(2) **ELEMENTS.**—The report under paragraph (1) shall include the following:

(A) A detailed description of the location and schedule for current and anticipated deployments of case officers trained under the Field Tradecraft Course and a certification of whether each activity receiving a deployment can accommodate and support the deployment.

(B) A statement of the objectives for the effective management of case officers trained under the Field Tradecraft Course. Such objectives shall include an outline of career management tracks commencing with accession, initial training requirement, number of Defense Clandestine Service tours requiring Field Tradecraft Course training, and objectives for management of career tracks, including promotion criteria.

(C) A statement of the manner in which each military department and the Defense Intelligence Agency will each achieve the objectives applicable under subparagraph (B).

(D) A copy of any memoranda of understanding or memoranda of agreement between the Department of Defense and other departments and agencies of the United States Government, or between components of the Department of Defense, that are required to implement objectives for the Defense Clandestine Service.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **FUTURE-YEARS DEFENSE PROGRAM.**—The term “future-years defense program” means the future-years defense program under section 221 of title 10, United States Code.

**Subtitle D—Cyberspace-Related Matters**

**SEC. 931. IMPLEMENTATION STRATEGY FOR JOINT INFORMATION ENVIRONMENT.**

(a) **IMPLEMENTATION STRATEGY.**—Not later than March 31, 2013, the Secretary of Defense shall submit to the congressional defense committees a strategy for implementing the Joint Information Environment. Such strategy shall include—

(1) a description for the vision for the Joint Information Environment, including a roadmap for achieving such vision from the existing baseline architecture;

(2) an assessment of the key milestones, metrics, and resources needed to achieve such vision, including the anticipated implementation cost and lifecycle cost savings of the Joint Information Environment;

(3) a description of the acquisition strategy and management plan for implementing the Joint Information Environment;

(4) an analysis of the key technical and policy challenges that must be addressed to achieve such vision, including assignment of responsibility for addressing such challenges;

(5) an identification of dependencies with existing initiatives or programs and capability gaps not currently addressed by funded initiatives or programs; and

(6) an assessment of the personnel challenges associated with manning, training, operating, defending, and fighting in the Joint Information Environment as a command and control and weapon system.

(b) **PERSONNEL PLAN.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a Department-wide personnel plan for making the Joint Information Environment operational. Such personnel plan shall be based on the strategy required under subsection (a) and shall include

a validated Joint Staff requirement for manpower levels and the levels required for each of the military departments and combat support agencies needed for full spectrum cyber operations, including the national cyber defense mission and the operational plans of the combatant commands, for each fiscal year across the current future-years defense program.

**SEC. 932. NEXT-GENERATION HOST-BASED CYBER SECURITY SYSTEM FOR THE DEPARTMENT OF DEFENSE.**

(a) **STRATEGY FOR ACQUISITION OF SYSTEM REQUIRED.**—The Chief Information Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Commander of the United States Cyber Command, develop a strategy to acquire next-generation host-based cyber security tools and capabilities (in this section referred to as a “next-generation system”) for the Department of Defense.

(b) **ELEMENTS OF SYSTEM.**—It is the sense of Congress that any next-generation system acquired under the strategy required by subsection (a) should meet the following requirements:

(1) To overcome problems and limitations in current capabilities, the system should not rely on techniques that—

(A) cannot address new or rapidly morphing threats;

(B) consume substantial amounts of communications capacity to remain current with known threats and to report current status; or

(C) consume substantial amounts of resources to store rapidly growing threat libraries.

(2) The system should provide an open architecture-based framework for so-called “plug-and-play” integration of a variety of types of deployable tools, including appropriate commercially available applications, in addition to cyber intrusion detection tools, including tools for—

(A) insider threat detection;

(B) continuous monitoring and configuration management;

(C) remediation following infections; and

(D) protection techniques that do not rely on detection of the attack.

(3) The system should be designed for ease of deployment to potentially millions of host devices of tailored security solutions depending on need and risk, and to be compatible with cloud-based, thin-client, and virtualized environments as well as battlefield devices and weapons systems.

(c) **SUBMITTAL TO CONGRESS.**—The Chief Information Officer shall submit to Congress a report setting forth the strategy required by subsection (a) together with the budget justification materials of the Department of Defense submitted to Congress with the budget of the President for fiscal year 2015 pursuant to section 1105(a) of title 31, United States Code.

**SEC. 933. IMPROVEMENTS IN ASSURANCE OF COMPUTER SOFTWARE PROCURED BY THE DEPARTMENT OF DEFENSE.**

(a) **BASELINE SOFTWARE ASSURANCE POLICY.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Chief Information Officer of the Department of Defense, shall develop and implement a baseline software assurance policy for the entire lifecycle of covered systems. Such policy shall be included as part of the strategy for trusted defense systems of the Department of Defense.

(b) **POLICY ELEMENTS.**—The baseline software assurance policy under subsection (a) shall—

(1) require use of appropriate automated vulnerability analysis tools in computer software code during the entire lifecycle of a covered system, including during development, operational testing, operations and sustainment phases, and retirement;

(2) require covered systems to identify and prioritize security vulnerabilities and, based on risk, determine appropriate remediation strategies for such security vulnerabilities;

(3) ensure such remediation strategies are translated into contract requirements and evaluated during source selection;

(4) promote best practices and standards to achieve software security, assurance, and quality; and

(5) support competition and allow flexibility and compatibility with current or emerging software methodologies.

(c) **VERIFICATION OF EFFECTIVE IMPLEMENTATION.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Chief Information Officer of the Department of Defense, shall—

(1) collect data on implementation of the policy developed under subsection (a) and measure the effectiveness of such policy, including the particular elements required under subsection (b); and

(2) identify and promote best practices, tools, and standards for developing and validating assured software for the Department of Defense.

(d) **BRIEFING ON ADDITIONAL MEANS OF IMPROVING SOFTWARE ASSURANCE.**—Not later than one year after the date of the enactment of this Act, the Under Secretary for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer of the Department of Defense, provide to the congressional defense committees a briefing on the following:

(1) A research and development strategy to advance capabilities in software assurance and vulnerability detection.

(2) The state-of-the-art of software assurance analysis and test.

(3) How the Department might hold contractors liable for software defects or vulnerabilities.

(e) **DEFINITIONS.**—In this section:

(1) **COVERED SYSTEM.**—The term “covered system” means any Department of Defense critical information, business, or weapons system that is—

(A) a major system, as that term is defined in section 2302(5) of title 10, United States Code;

(B) a national security system, as that term is defined in section 3542(b)(2) of title 44, United States Code; or

(C) a Department of Defense information system categorized as Mission Assurance Category I in Department of Defense Directive 8500.01E that is funded by the Department of Defense.

(2) **SOFTWARE ASSURANCE.**—The term “software assurance” means the level of confidence that software functions as intended and is free of vulnerabilities, either intentionally or unintentionally designed or inserted as part of the software, throughout the life cycle.

#### **SEC. 934. COMPETITION IN CONNECTION WITH DEPARTMENT OF DEFENSE TACTICAL DATA LINK SYSTEMS.**

(a) **COMPETITION IN CONNECTION WITH TACTICAL DATA LINK SYSTEMS.**—Not later than December 1, 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) develop an inventory of all tactical data link systems in use and in development in the Department of Defense, including interfaces and waveforms;

(2) conduct an analysis of each data link system contained in the inventory under paragraph (1) to determine whether—

(A) the upgrade, new deployment, or replacement of such system should be open to competition; or

(B) the data link should be converted to an open architecture, or a different data link standard should be adopted to enable such competition;

(3) for each data link system for which competition is determined advisable under subparagraph (A) or (B) of paragraph (2), develop a plan to achieve such competition, including a plan to address any policy, legal, programmatic, or technical barriers to such competition; and

(4) for each data link system for which competition is determined not advisable under paragraph (2), prepare an explanation for such determination.

(b) **EARLIER ACTIONS.**—If the Under Secretary completes any portion of the plan described in subsection (a)(3) before December 1, 2013, the Secretary may commence action on such portion of the plan upon completion of such portion, including publication of such portion of the plan.

(c) **REPORT.**—At the same time the budget of the President for fiscal year 2015 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Under Secretary shall submit to the congressional defense committees a report on the plans described in paragraph (3) of subsection (a), including any explanation prepared under paragraph (4) of such subsection.

#### **SEC. 935. COLLECTION AND ANALYSIS OF NETWORK FLOW DATA.**

(a) **DEVELOPMENT OF TECHNOLOGIES.**—The Chief Information Officer of the Department of Defense may, in coordination with the Under Secretary of Defense for Policy and the Under Secretary of Defense for Intelligence and acting through the Director of the Defense Information Systems Agency, use the available funding and research activities and capabilities of the Community Data Center of the Defense Information Systems Agency to develop and demonstrate collection, processing, and storage technologies for network flow data that—

(1) are potentially scalable to the volume used by Tier 1 Internet Service Providers to collect and analyze the flow data across their networks;

(2) will substantially reduce the cost and complexity of capturing and analyzing high volumes of flow data; and

(3) support the capability—

(A) to detect and identify cyber security threats, networks of compromised computers, and command and control sites used for managing illicit cyber operations and receiving information from compromised computers;

(B) to track illicit cyber operations for attribution of the source; and

(C) to provide early warning and attack assessment of offensive cyber operations.

(b) **COORDINATION.**—Any research and development required in the development of the technologies described in subsection (a) shall be conducted in cooperation with the heads of other appropriate departments and agencies of the Federal Government and, whenever feasible, Tier 1 Internet Service Providers and other managed security service providers.

#### **SEC. 936. COMPETITION FOR LARGE-SCALE SOFTWARE DATABASE AND DATA ANALYSIS TOOLS.**

(a) **ANALYSIS.**—

(1) **REQUIREMENT.**—The Secretary of Defense, acting through the Chief Information

Officer of the Department of Defense, shall conduct an analysis of large-scale software database tools and large-scale software data analysis tools that could be used to meet current and future Department of Defense needs for large-scale data analytics.

(2) **ELEMENTS.**—The analysis required under paragraph (1) shall include—

(A) an analysis of the technical requirements and needs for large-scale software database and data analysis tools, including prioritization of key technical features needed by the Department of Defense; and

(B) an assessment of the available sources from Government and commercial sources to meet such needs, including an assessment by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy to ensure sufficiency and diversity of potential commercial sources.

(3) **SUBMISSION.**—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees the results of the analysis required under paragraph (1).

(b) **COMPETITION REQUIRED.**—

(1) **IN GENERAL.**—If, following the analysis required under subsection (a), the Chief Information Officer of the Department of Defense identifies needs for software systems or large-scale software database or data analysis tools, the Department shall acquire such systems or such tools based on market research and using competitive procedures in accordance with applicable law and the Defense Federal Acquisition Regulation Supplement.

(2) **NOTIFICATION.**—If the Chief Information Officer elects to acquire large-scale software database or data analysis tools using procedures other than competitive procedures, the Chief Information Officer and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a written notification to the congressional defense committees on a quarterly basis until September 30, 2018, that describes the acquisition involved, the date the decision was made, and the rationale for not using competitive procedures.

#### **SEC. 937. SOFTWARE LICENSES OF THE DEPARTMENT OF DEFENSE.**

(a) **PLAN FOR INVENTORY OF LICENSES.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense shall, in consultation with the chief information officers of the military departments and the Defense Agencies, issue a plan for the inventory of selected software licenses of the Department of Defense, including a comparison of licenses purchased with licenses installed.

(2) **SELECTED SOFTWARE LICENSES.**—The Chief Information Officer shall determine the software licenses to be treated as selected software licenses of the Department for purposes of this section. The licenses shall be determined so as to maximize the return on investment in the inventory conducted pursuant to the plan required by paragraph (1).

(3) **PLAN ELEMENTS.**—The plan under paragraph (1) shall include the following:

(A) An identification and explanation of the software licenses determined by the Chief Information Officer under paragraph (2) to be selected software licenses for purposes of this section, and a summary outline of the software licenses determined not to be selected software licenses for such purposes.

(B) Means to assess the needs of the Department and the components of the Department for selected software licenses during

the two fiscal years following the date of the issuance of the plan.

(C) Means by which the Department can achieve the greatest possible economies of scale and cost savings in the procurement, use, and optimization of selected software licenses.

(b) **PERFORMANCE PLAN.**—If the Chief Information Officer determines through the inventory conducted pursuant to the plan required by subsection (a) that the number of selected software licenses of the Department and the components of the Department exceeds the needs of the Department for such software licenses, the Secretary of Defense shall implement a plan to bring the number of such software licenses into balance with the needs of the Department.

**SEC. 938. SENSE OF CONGRESS ON POTENTIAL SECURITY RISKS TO DEPARTMENT OF DEFENSE NETWORKS.**

It is the sense of Congress that the Department of Defense—

(1) must ensure it maintains full visibility and adequate control of its supply chain, including subcontractors, in order to mitigate supply chain exploitation; and

(2) needs the authority and capability to mitigate supply chain risks to its information technology systems that fall outside the scope of National Security Systems.

**SEC. 939. QUARTERLY CYBER OPERATIONS BRIEFINGS.**

(a) **BRIEFINGS.**—Chapter 23 of title 10, United States Code, is amended by inserting after section 483 the following new section:

**“§ 484. Quarterly cyber operations briefings**

“The Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate quarterly briefings on all offensive and significant defensive military operations in cyberspace carried out by the Department of Defense during the immediately preceding quarter.”.

(b) **INITIAL BRIEFING.**—The first briefing required under section 484 of title 10, United States Code, as added by subsection (a), shall be provided not later than March 1, 2013.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 23 of title 10, United States Code, is amended by inserting after the item relating to section 483 the following new item:

“484. Quarterly cyber operations briefings.”.

**SEC. 940. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.**

It is the sense of Congress that—

(1) there is a serious cyber threat to the national security of the United States and the need to work both offensively and defensively to protect the networks and critical infrastructure of the United States;

(2) it is important to have a unified command structure in the Department of Defense to direct military operations in cyberspace;

(3) a change in the status of the United States Cyber Command has implications for the entire Department and the national security of the United States, which require careful consideration;

(4) Congress expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command at the time when the Secretary of Defense makes such a proposal and to receive—

(A) a clear statement of mission of the United States Cyber Command and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified

United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, though clandestine, cyber operations under title 10, United States Code, and serve as the head of an element of the intelligence community that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(5) appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

**SEC. 941. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.**

(a) **PROCEDURES FOR REPORTING PENETRATIONS.**—The Secretary of Defense shall establish procedures that require each cleared defense contractor to report to a component of the Department of Defense designated by the Secretary for purposes of such procedures when a network or information system of such contractor that meets the criteria established pursuant to subsection (b) is successfully penetrated.

(b) **NETWORKS AND INFORMATION SYSTEMS SUBJECT TO REPORTING.**—

(1) **CRITERIA.**—The Secretary of Defense shall designate a senior official to, in consultation with the officials specified in paragraph (2), establish criteria for covered networks to be subject to the procedures for reporting system penetrations under subsection (a).

(2) **OFFICIALS.**—The officials specified in this subsection are the following:

(A) The Under Secretary of Defense for Policy.

(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(C) The Under Secretary of Defense for Intelligence.

(D) The Chief Information Officer of the Department of Defense.

(E) The Commander of the United States Cyber Command.

(c) **PROCEDURE REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The procedures established pursuant to subsection (a) shall require each cleared defense contractor to rapidly report to a component of the Department of Defense designated pursuant to subsection (a) of each successful penetration of the network or information systems of such contractor that meet the criteria established pursuant to subsection (b). Each such report shall include the following:

(A) A description of the technique or method used in such penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor, involved in such penetration.

(C) A summary of information created by or for the Department in connection with any Department program that has been po-

tentially compromised due to such penetration.

(2) **ACCESS TO EQUIPMENT AND INFORMATION BY DEPARTMENT OF DEFENSE PERSONNEL.**—The procedures established pursuant to subsection (a) shall—

(A) include mechanisms for Department of Defense personnel to, upon request, obtain access to equipment or information of a cleared defense contractor necessary to conduct forensic analysis in addition to any analysis conducted by such contractor;

(B) provide that a cleared defense contractor is only required to provide access to equipment or information as described in subparagraph (A) to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of such contractor and, if so, what information was exfiltrated; and

(C) provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person.

(3) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The procedures established pursuant to subsection (a) shall prohibit the dissemination outside the Department of Defense of information obtained or derived through such procedures that is not created by or for the Department except with the approval of the contractor providing such information.

(d) **ISSUANCE OF PROCEDURES AND ESTABLISHMENT OF CRITERIA.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act—

(A) the Secretary of Defense shall establish the procedures required under subsection (a); and

(B) the senior official designated under subsection (b)(1) shall establish the criteria required under such subsection.

(2) **APPLICABILITY DATE.**—The requirements of this section shall apply on the date on which the Secretary of Defense establishes the procedures required under this section.

(e) **DEFINITIONS.**—In this section:

(1) **CLEARED DEFENSE CONTRACTOR.**—The term “cleared defense contractor” means a private entity granted clearance by the Department of Defense to access, receive, or store classified information for the purpose of bidding for a contract or conducting activities in support of any program of the Department of Defense.

(2) **COVERED NETWORK.**—The term “covered network” means a network or information system of a cleared defense contractor that contains or processes information created by or for the Department of Defense with respect to which such contractor is required to apply enhanced protection.

**Subtitle E—Other Matters**

**SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIRMAN OF JOINT CHIEFS OF STAFF AND JOINT REQUIREMENTS OVERSIGHT COUNCIL.**

(a) **AMENDMENTS RELATED TO CHAIRMAN OF JOINT CHIEFS OF STAFF.**—Section 153(a)(4) of title 10, United States Code, is amended by striking subparagraph (F) and inserting the following new subparagraphs:

“(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the National Military Strategy.

“(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, to ensure that such trade-offs are made in the acquisition of materiel and equipment to support

the strategic and contingency plans required by this subsection in the most effective and efficient manner.”.

(b) AMENDMENTS RELATED TO JROC.—Section 181(b) of such title is amended—

(1) in paragraph (1)(C), by striking “in ensuring” and all that follows through “requirements” and inserting the following: “in ensuring that appropriate trade-offs are made among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, in the establishment and approval of military requirements”; and

(2) in paragraph (3), by striking “such resource level” and inserting “the total cost of such resources”.

(c) AMENDMENTS RELATED TO CHIEFS OF ARMED FORCES.—Section 2547(a) of such title is amended—

(1) in paragraph (1), by striking “of requirements relating to the defense acquisition system” and inserting “of requirements for equipping the armed force concerned”; and

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraphs:

“(3) The recommendation of trade-offs among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, to ensure acquisition programs deliver best value in meeting the approved military requirements.

“(4) Termination of development or procurement programs for which life-cycle cost, schedule, and performance expectations are no longer consistent with approved military requirements and levels of priority, or which no longer have approved military requirements.”.

**SEC. 952. ENHANCEMENT OF RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF REGARDING THE NATIONAL MILITARY STRATEGY.**

(a) IN GENERAL.—Subsection (b) of section 153 of title 10, United States Code, is amended to read as follows:

“(b) NATIONAL MILITARY STRATEGY.—

“(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this subsection. The Chairman shall complete preparation of the National Military Strategy or update in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

“(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands.

“(C) Each National Military Strategy (or update) submitted under this paragraph shall describe how the military will achieve the objectives of the United States as articulated in—

“(i) the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

“(ii) the most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title;

“(iii) the most recent Quadrennial Defense Review conducted by the Secretary of Defense pursuant to section 118 of this title; and

“(iv) any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

“(D) Each National Military Strategy (or update) submitted under this paragraph shall identify—

“(i) the United States military objectives and the relationship of those objectives to the strategic environment and to the threats required to be described under subparagraph (E);

“(ii) the operational concepts, missions, tasks, or activities necessary to support the achievement of the objectives identified under clause (i);

“(iii) the fiscal, budgetary, and resource environments and conditions that, in the assessment of the Chairman, affect the strategy; and

“(iv) the assumptions made with respect to each of clauses (i) through (iii).

“(E) Each National Military Strategy (or update) submitted under this paragraph shall also include a description of—

“(i) the strategic environment and the opportunities and challenges that affect United States national interests and United States national security;

“(ii) the threats, such as international, regional, transnational, hybrid, terrorism, cyber attack, weapons of mass destruction, asymmetric challenges, and any other categories of threats identified by the Chairman, to the United States national security;

“(iii) the implications of current force planning and sizing constructs for the strategy;

“(iv) the capacity, capabilities, and availability of United States forces (including both the active and reserve components) to support the execution of missions required by the strategy;

“(v) areas in which the armed forces intends to engage and synchronize with other departments and agencies of the United States Government contributing to the execution of missions required by the strategy;

“(vi) areas in which the armed forces could be augmented by contributions from alliances (such as the North Atlantic Treaty Organization), international allies, or other friendly nations in the execution of missions required by the strategy;

“(vii) the requirements for operational contractor support to the armed forces for conducting security force assistance training, peacekeeping, overseas contingency operations, and other major combat operations under the strategy; and

“(viii) the assumptions made with respect to each of clauses (i) through (vii).

“(F) Each update to a National Military Strategy under this paragraph shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of a comprehensive review conducted in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, that a modification is needed.

“(2) RISK ASSESSMENT.—(A) The Chairman shall prepare each year an assessment of the risks associated with the most current National Military Strategy (or update) under paragraph (1). The risk assessment shall be known as the ‘Risk Assessment of the Chairman of the Joint Chiefs of Staff’. The Chairman shall complete preparation of the Risk Assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

“(B) The Risk Assessment shall do the following:

“(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions that informed the National Military Strategy required by this section.

“(ii) Identify and define the strategic risks to United States interests and the military risks in executing the missions of the National Military Strategy.

“(iii) Identify and define levels of risk distinguishing between the concepts of probability and consequences, including an identification of what constitutes ‘significant’ risk in the judgment of the Chairman.

“(iv)(I) Identify and assess risk in the National Military Strategy by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time; and

“(II) for each category of risk, assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

“(v) Identify and assess risk associated with the assumptions or plans of the National Military Strategy about the contributions or support of—

“(I) other departments and agencies of the United States Government (including their capabilities and availability);

“(II) alliances, allies, and other friendly nations (including their capabilities, availability, and interoperability); and

“(III) contractors.

“(vi) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the National Military Strategy.

“(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—(A) Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the National Military Strategy or update, if any, prepared under paragraph (1) in such year.

“(B) Not later than February 15 each year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the Risk Assessment prepared under paragraph (2) in such year.

“(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—(A) In transmitting a National Military Strategy (or update) or Risk Assessment to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

“(B) If the Risk Assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the National Military Strategy (or update) are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vi), the Secretary shall include in the transmittal of the Risk Assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—



“(i) address the risk assumed in the National Military Strategy (or update) concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

“(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.”

(b) CONFORMING AMENDMENT.—Such section is further amended by striking subsection (d).

**SEC. 953. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NON-GOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.**

Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 184 note) is amended by striking “through 2012” and inserting “through 2013”.

**SEC. 954. NATIONAL LANGUAGE SERVICE CORPS.**

(a) CHARTER FOR NATIONAL LANGUAGE SERVICE CORPS.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

**“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

“(a) ESTABLISHMENT.—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the ‘Corps’).

“(2) The purpose of the Corps is to provide a pool of nongovernmental personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(b) NATIONAL SECURITY EDUCATION BOARD.—If the Secretary establishes the Corps, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

“(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps.

“(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States. If a member of the Corps is, as of the time of such determination, employed by or performing under a contract for an element of another Federal agency, the Secretary shall first obtain the concurrence of the head of that agency.

“(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps.

Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.”

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

“(A) assessing on a periodic basis whether the Corps is addressing the needs identified by the heads of departments and agencies of the Federal Government for personnel with skills in various foreign languages;

“(B) recommending plans for the Corps to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

“(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills; and

“(D) overseeing the Corps efforts to work with Executive agencies and State and Local governments to respond to interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills.”

**SEC. 955. SAVINGS TO BE ACHIEVED IN CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.**

(a) REQUIRED PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that the civilian personnel workforce and service contractor workforce of the Department of Defense are appropriately sized to support and execute the National Military Strategy, taking into account military personnel and force structure levels. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop and begin to execute an efficiencies plan for the civilian personnel workforce and service contractor workforce of the Department of Defense.

(2) CONSISTENCY WITH OTHER POLICIES AND PROCEDURES.—The Secretary shall ensure the plan required under this subsection is consistent with the policies and procedures required under section 129a of title 10, United States Code, as implemented under the policies issued by the Under Secretary of Defense for Personnel and Readiness for determining the most appropriate and cost-efficient mix of military, civilian, and service contractor personnel to perform the missions of the Department of Defense.

(b) SAVINGS.—The plan required under subsection (a) shall achieve savings in the total funding for each workforce covered by such plan over the period from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for basic military personnel

pay achieved from reductions in military end strengths over the same period of time.

(c) EXCLUSIONS.—In developing and implementing the plan required by subsection (a) and achieving the savings percentages required by subsection (b), the Secretary of Defense may exclude expenses related to the performance of functions identified as core or critical to the mission of the Department, consistent with the workload analysis and risk assessments required by sections 129 and 129a of title 10, United States Code. In making a determination of core or critical functions, the Secretary shall consider at least the following:

(1) Civilian personnel expenses for personnel as follows:

(A) Personnel in Mission Critical Occupations, as defined by the Civilian Human Capital Strategic Plan of the Department of Defense and the Acquisition Workforce Plan of the Department of Defense.

(B) Personnel employed at facilities providing core logistics capabilities pursuant to section 2464 of title 10, United States Code.

(C) Personnel in the Offices of the Inspectors General of the Department of Defense.

(2) Service contractor expenses for personnel as follows:

(A) Personnel performing maintenance and repair of military equipment.

(B) Personnel providing medical services.

(C) Personnel performing financial audit services.

(3) Personnel expenses for personnel in the civilian personnel workforce or service contractor workforce performing such other critical functions as may be identified by the Secretary as requiring exemption in the interest of the national defense.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report including a comprehensive description of the plan required by subsection (a).

(2) STATUS REPORTS.—As part of the budget submitted by the President to Congress for each of fiscal years 2015 through 2018, the Secretary shall include a report describing the implementation of the plan during the prior fiscal year and any modifications to the plan required due to changing circumstances. Each such report shall include a summary of the savings achieved in such prior fiscal year through reductions in the military, civilian, and service contractor personnel workforces, and the number of military, civilian, and service contractor personnel reduced. In any case in which savings fall short of the annual target, the report shall include an explanation of the reasons for such shortfall.

(3) EXCLUSIONS.—Each report under paragraphs (1) and (2) shall specifically identify any exclusion granted by the Secretary under subsection (c) in the period of time covered by the report.

(e) LIMITATION ON TRANSFERS OF FUNCTIONS.—The Secretary shall ensure that the savings required by this section are not achieved through unjustified transfers of functions between or among the military, civilian, and service contractor personnel workforces of the Department of Defense. Nothing in this section shall be construed to preclude the Secretary from exercising authority available to the Department under sections 129a, 2330a, 2461, and 2463 of title 10, United States Code.

(f) SENSE OF CONGRESS.—It is the sense of Congress that an amount equal to 30 percent

of the amount of the reductions in appropriated funds attributable to reduced budgets for the civilian and service contractor workforces of the Department by reason of the plan required by subsection (a) should be made available for costs of assisting military personnel separated from the Armed Forces in the transition from military service.

(g) **SERVICE CONTRACTOR WORKFORCE DEFINED.**—In this section, the term “service contractor workforce” means contractor employees performing contract services, as defined in section 2330(c)(2) of title 10, United States Code, other than contract services that are funded out of amounts available for overseas contingency operations.

(h) **COMPTROLLER GENERAL REVIEW AND REPORT.**—For each fiscal year from fiscal year 2015 through fiscal year 2018, the Comptroller General of the United States shall review the status reports submitted by the Secretary as required by subsection (d)(2) to determine whether the savings required by subsection (b) are being achieved in the civilian personnel workforce and the service contractor workforce and whether the plan required under subsection (a) is being implemented consistent with sourcing and workforce management laws, including sections 129, 129a, 2330a, 2461, and 2463 of title 10, United States Code. The Comptroller General shall submit a report on the findings of each review to the congressional defense committees not later than 120 days after the end of each fiscal year covered by this subsection.

**SEC. 956. EXPANSION OF PERSONS ELIGIBLE FOR EXPEDITED FEDERAL HIRING FOLLOWING COMPLETION OF NATIONAL SECURITY EDUCATION PROGRAM SCHOLARSHIP.**

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended to read as follows: “(k) **EMPLOYMENT OF PROGRAM PARTICIPANTS.**—

“(1) **APPOINTMENT AUTHORITY.**—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

“(A) may, without regard to any provision of title 5, United States Code, governing appointments in the competitive service, appoint an eligible program participant—

“(i) to a position in the excepted service that is certified by the Secretary of Defense under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

“(ii) subject to clause (ii) of such subsection, to a position in the excepted service in such Federal agency or office identified by the Secretary; and

“(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career-conditional appointment.

“(2) **TREATMENT OF CERTAIN SERVICE.**—In the case of an eligible program participant described in clause (ii) or (iii) of paragraph (3)(C) who receives an appointment under paragraph (1)(A), the head of a Department or Federal agency or office referred to in paragraph (1) may count any period that the individual served in a position with the Federal Government toward satisfaction of the service requirement under paragraph (1)(B) if that service—

“(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a posi-

tion that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

“(B) in the case of an appointment under clause (ii) of paragraph (1)(A), was in the Federal agency or office in which the appointment under that clause is made.

“(3) **ELIGIBLE PROGRAM PARTICIPANT DEFINED.**—In this subsection, the term ‘eligible program participant’ means an individual who—

“(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded;

“(B) has not previously been appointed to the excepted service position under paragraph (1)(A); and

“(C) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

“(i) under the terms of the agreement for such scholarship or fellowship, owes a service commitment to a Department or Federal agency or office referred to in paragraph (1);

“(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

“(iii) is a former civilian employee of the Federal Government who has less than a one-year break in service from the last period of Federal employment of such individual in a non-permanent appointment in the excepted service with national security responsibilities.”.

**TITLE X—GENERAL PROVISIONS**

**Subtitle A—Financial Matters**

Sec. 1001. General transfer authority.

Sec. 1002. Budgetary effects of this Act.

Sec. 1003. Sense of Congress on notice to Congress on unfunded priorities.

Sec. 1004. Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization.

Sec. 1005. Audit readiness of Department of Defense statements of budgetary resources.

Sec. 1006. Report on balances carried forward by the Department of Defense at the end of fiscal year 2012.

Sec. 1007. Report on elimination and streamlining of reporting requirements, thresholds, and statutory and regulatory requirements resulting from unqualified audit opinion of Department of Defense financial statements.

**Subtitle B—Counter-Drug Activities**

Sec. 1008. Extension of the authority to establish and operate National Guard counterdrug schools.

Sec. 1009. Biannual reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account.

Sec. 1010. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.

Sec. 1011. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.

Sec. 1012. Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments.

**Subtitle C—Naval Vessels and Shipyards**

Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.

Sec. 1014. Limitation on availability of funds for delayed annual naval vessel construction plan.

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Sec. 1016. Termination of a Maritime Prepositioning Ship squadron.

Sec. 1017. Sense of Congress on recapitalization for the Navy and Coast Guard.

Sec. 1018. Notice to Congress for the review of proposals to name naval vessels.

**Subtitle D—Counterterrorism**

Sec. 1021. Extension of authority to make rewards for combating terrorism.

Sec. 1022. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1023. Report on recidivism of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who have been transferred to foreign countries.

Sec. 1024. Notice and report on use of naval vessels for detention of individuals captured outside Afghanistan pursuant to the Authorization for Use of Military Force.

Sec. 1025. Notice required prior to transfer of certain individuals detained at the Detention Facility at Parwan, Afghanistan.

Sec. 1026. Report on recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan.

Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.

Sec. 1029. Rights Unaffected.

**Subtitle E—Nuclear Forces**

Sec. 1031. Nuclear weapons employment strategy of the United States.

Sec. 1032. Progress of modernization.

Sec. 1033. Report in the event of insufficient funding for modernization of nuclear weapons stockpile.

Sec. 1034. Prevention of asymmetry of nuclear weapon stockpile reductions.

Sec. 1035. Strategic delivery systems.

Sec. 1036. Consideration of expansion of nuclear forces of other countries.

Sec. 1037. Nonstrategic nuclear weapon reductions and extended deterrence policy.

Sec. 1038. Unilateral change in nuclear weapons stockpile of the United States.

Sec. 1039. Expansion of duties and responsibilities of the Nuclear Weapons Council.

Sec. 1040. Interagency Council on the Strategic Capability of the National Laboratories.

Sec. 1041. Cost estimates for nuclear weapons.

Sec. 1042. Prior notification with regard to retirement of strategic delivery systems.

Sec. 1043. Report on nuclear warheads on intercontinental ballistic missiles of the United States.

Sec. 1044. Requirements for combined or interoperable warhead for certain missile systems.

Sec. 1045. Reports on capability of conventional and nuclear forces against certain tunnel sites and on nuclear weapons program of the People's Republic of China.

Sec. 1046. Report on conventional and nuclear forces in the Western Pacific region.

**Subtitle F—Miscellaneous Authorities and Limitations**

Sec. 1051. Expansion of authority of the Secretary of the Army to loan or donate excess non-automatic service rifles for funeral and other ceremonial purposes.

Sec. 1052. Interagency collaboration on unmanned aircraft systems.

Sec. 1053. Authority to transfer surplus Mine-Resistant Ambush-Protected vehicles and spare parts.

Sec. 1054. Notice to Congress of certain Department of Defense nondisclosure agreements.

Sec. 1055. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.

Sec. 1056. Authority for short-term extension of lease for aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program.

Sec. 1057. Rule of construction relating to prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons.

Sec. 1058. Sense of Congress on the Joint Warfighting Analysis Center.

Sec. 1059. Limitations on retirement of fixed-wing intra-theater airlift aircraft for general support and time sensitive/mission critical direct support airlift missions of the Department of Defense.

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Sec. 1061. Electronic warfare strategy of the Department of Defense.

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Sec. 1065. Improvements to reports required on acquisition of technology relating to weapons of mass destruction and the threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.

Sec. 1066. Report on force structure of the United States Army.

Sec. 1067. Report on planned efficiency initiatives at Space and Naval Warfare Systems Command.

Sec. 1068. Report on military resources necessary to execute United States Force Posture Strategy in the Asia Pacific Region.

Sec. 1069. Rialto-Colton Basin, California, water resources study.

Sec. 1070. Reports on the potential security threat posed by Boko Haram.

Sec. 1071. Study on the ability of national test and evaluation capabilities to support the maturation of hypersonic technologies for future defense systems development.

**Subtitle H—Other Matters**

Sec. 1076. Technical and clerical amendments.

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Sec. 1083. Scientific framework for recalcitrant cancers.

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Sec. 1089. Amendments to law enforcement officer safety provisions of title 18.

Sec. 1090. Reauthorization of sale of aircraft and parts for wildfire suppression purposes.

Sec. 1091. Transfer of excess aircraft to other departments of the Federal Government.

**Subtitle A—Financial Matters**

**SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **LIMITATIONS.**—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than

the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.**

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

**SEC. 1003. SENSE OF CONGRESS ON NOTICE TO CONGRESS ON UNFUNDED PRIORITIES.**

It is the sense of Congress that—

(1) not later than 45 days after the submittal to Congress of the budget for a fiscal year under section 1105(a) of title 31, United States Code, each officer specified in paragraph (2) should, through the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, submit to the congressional defense committees a list of any priority military programs or activities under the jurisdiction of such officer for which, in the estimate of such officer additional funds, if available, would substantially reduce operational or programmatic risk or accelerate the creation or fielding of a critical military capability;

(2) the officers specified in this paragraph are—

- (A) the Chief of Staff of the Army;
- (B) the Chief of Naval Operations;
- (C) the Chief of Staff of the Air Force;
- (D) the Commandant of the Marine Corps;

and

(E) the Commander of the United States Special Operations Command; and

(3) each list, if any, under paragraph (1) should set forth for each military program or activity on such list—

(A) a description of such program or activity;

(B) a summary description of the justification for or objectives of additional funds, if available for such program or activity; and

(C) the additional amount of funds recommended in connection with the justification or objectives described for such program or activity under subparagraph (B).

**SEC. 1004. AUTHORITY TO TRANSFER FUNDS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO SUSTAIN NUCLEAR WEAPONS MODERNIZATION.**

(a) **TRANSFER AUTHORIZED.**—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2013 in section 3101 is less than \$7,900,000,000 (the amount projected to be required for such activities in fiscal year 2013 as specified in the report under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549)), the Secretary of Defense may transfer, from

amounts authorized to be appropriated for the Department of Defense for fiscal year 2013 pursuant to this Act, to the Secretary of Energy an amount, not to exceed \$150,000,000, to be available only for weapons activities of the National Nuclear Security Administration.

(b) NOTICE TO CONGRESS.—In the event of a transfer under subsection (a), the Secretary of Defense shall promptly notify Congress of the transfer, and shall include in such notice the Department of Defense account or accounts from which funds are transferred.

(c) TRANSFER MECHANISM.—Any funds transferred under this section shall be transferred in accordance with established procedures for reprogramming under section 1001 or successor provisions of law.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority provided under subsection (a) is in addition to any other transfer authority provided under this Act.

**SEC. 1005. AUDIT READINESS OF DEPARTMENT OF DEFENSE STATEMENTS OF BUDGETARY RESOURCES.**

(a) OBJECTIVE.—Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2439; 10 U.S.C. 2222 note) is amended by inserting “, and the statement of budgetary resources of the Department of Defense is validated as ready for audit by not later than September 30, 2014” after “September 30, 2017”.

(b) AFFORDABLE AND SUSTAINABLE APPROACH.—

(1) IN GENERAL.—The Chief Management Officer of the Department of Defense and the Chief Management Officers of each of the military departments shall ensure that plans to achieve an auditable statement of budgetary resources of the Department of Defense by September 30, 2014, include appropriate steps to minimize one-time fixes and manual work-arounds, are sustainable and affordable, and will not delay full auditability of financial statements.

(2) ADDITIONAL ELEMENTS IN FIAR PLAN REPORT.—Each semi-annual report on the Financial Improvement and Audit Readiness Plan of the Department of Defense submitted by the Under Secretary of Defense (Comptroller) under section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2439; 10 U.S.C. 2222 note) during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, shall include the following:

(A) A description of the actions taken by the military departments pursuant to paragraph (1).

(B) A determination by the Chief Management Officer of each military department whether or not such military department is able to achieve an auditable statement of budgetary resources by September 30, 2014, without an unaffordable or unsustainable level of one-time fixes and manual work-arounds and without delaying the full auditability of the financial statements of such military department.

(C) If the Chief Management Officer of a military department determines under subparagraph (B) that the military department is not able to achieve an auditable statement of budgetary resources by September 30, 2014, as described in that subparagraph—

(i) an explanation why the military department is unable to meet the deadline;

(ii) an alternative deadline by which the military department will achieve an auditable statement of budgetary resources; and

(iii) a description of the plan of the military department for meeting the alternative deadline.

**SEC. 1006. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

**SEC. 1007. REPORT ON ELIMINATION AND STREAMLINING OF REPORTING REQUIREMENTS, THRESHOLDS, AND STATUTORY AND REGULATORY REQUIREMENTS RESULTING FROM UNQUALIFIED AUDIT OPINION OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.**

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report setting forth, in the opinion of the Under Secretary, the following:

(1) A list of reports currently required by law to be submitted by the Department of Defense to Congress that would be no longer necessary if the financial statements of the Department of Defense were audited with an unqualified opinion.

(2) A list of each statutory and regulatory requirement that would be no longer necessary if the financial statements of the Department of Defense were audited with an unqualified opinion.

(3) A list of each statutory and regulatory requirement that could be revised and streamlined if the financial statement of the Department of Defense were audited with an unqualified opinion.

**Subtitle B—Counter-Drug Activities**

**SEC. 1008. EXTENSION OF THE AUTHORITY TO ESTABLISH AND OPERATE NATIONAL GUARD COUNTERDRUG SCHOOLS.**

Section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469; 120 Stat. 3536; 32 U.S.C. 112 note) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(B) by adding at the end the following new paragraph:

“(5) The Western Regional Counterdrug Training Center, Camp Murray, Washington.”;

(2) by striking subsection (f) and inserting the following new subsection (f):

“(f) ANNUAL REPORT ON ACTIVITIES.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year. Each such report shall set forth a description of the activities of each National Guard counterdrug school for the fiscal year preceding the fiscal year during which the report is submitted, including—

“(1) the amount of funding made available and the appropriation account for each National Guard counterdrug school during such fiscal year;

“(2) the cumulative amount of funding made available for each National Guard counterdrug school during five fiscal years preceding such fiscal year;

“(3) a description of the curriculum and training used at each National Guard counterdrug school;

“(4) a description of how the activities conducted at each National Guard counterdrug school fulfilled Department of Defense counterdrug mission;

“(5) a list of the entities described in subsection (b) whose personnel received training at each National Guard counterdrug school; and

“(6) updates, if any, to the Department of Defense regulations prescribed under subsection (a).”;

(3) in subsection (g)—

(A) in paragraph (1), by striking “There is hereby authorized” and all that follows through “such fiscal year” and inserting the following: “Not more than \$30,000,000 may be expended by the Secretary of Defense for purposes of the National Guard counterdrug schools in any fiscal year”; and

(B) in paragraph (2), by striking “amount authorized to be appropriated by paragraph (1)” and inserting “amount expended pursuant to paragraph (1)”.

**SEC. 1009. BIENNIAL REPORTS ON USE OF FUNDS IN THE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE ACCOUNT.**

(a) BIENNIAL REPORTS ON EXPENDITURES OF FUNDS.—Not later than 60 days after the end of the first half of a fiscal year and after the end of the second half of a fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the expenditure of funds, by project code, from the Drug Interdiction and Counter-Drug Activities, Defense-wide account during such half of the fiscal year, including expenditures of funds in direct or indirect support of the counterdrug activities of foreign governments.

(b) INFORMATION ON SUPPORT OF COUNTER-DRUG ACTIVITIES OF FOREIGN GOVERNMENTS.—The information in a report under subsection (a) on direct or indirect support of the counterdrug activities of foreign governments shall include, for each foreign government so supported, the following:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counterdrug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

(c) DEFINITIONS.—In this section:

(1) The term “first half of a fiscal year” means the period beginning on October 1 of any year and ending on March 31 of the following year.

(2) The term “second half of a fiscal year” means the period beginning on April 1 of any year and ending on September 30 of such year.

(d) CESSATION OF REQUIREMENT.—No report shall be required under subsection (a) for any half of a fiscal year beginning on or after October 1, 2017.

(e) REPEAL OF OBSOLETE AUTHORITY.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398) is hereby repealed.

**SEC. 1010. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1007 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1558), is amended—

(1) in subsection (a), by striking “2012” and inserting “2013”; and

(2) in subsection (c), by striking “2012” and inserting “2013”.

**SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1594; 10 U.S.C. 371 note) is amended by striking “2012” and inserting “2013”.

**SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION ON PROVISION OF SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN FOREIGN GOVERNMENTS.**

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1881), as most recently amended by section 1006 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1557), is further amended—

(1) in subsection (f)(1), by striking “the written certification described in subsection (g) for that fiscal year.” and inserting “a written certification described in subsection (g) applicable to that fiscal year. The first such certification with respect to any such government may apply only to a period of one fiscal year. Subsequent certifications with respect to any such government may apply to a period of not to exceed two fiscal years.”; and

(2) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking “The written” and inserting “A written”; and

(B) by striking “for a fiscal year” and all that follows through the colon and inserting “for a government to receive support under this section for any period of time is a certification of each of the following with respect to that government.”.

**Subtitle C—Naval Vessels and Shipyards**

**SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.**

Section 1012(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 303), as most recently amended by section 1015 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4586), is amended by striking “Secretary of Defense” and all that follows through the period and inserting the following: “Secretary of the Navy notifies the congressional defense committees that, as a result of a cost-benefit analysis, it would not be practical for the Navy to design the class of ships with an integrated nuclear power system.”.

**SEC. 1014. LIMITATION ON AVAILABILITY OF FUNDS FOR DELAYED ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.**

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEARS WITHOUT PLAN AND CERTIFICATION.—(1) If the Secretary of Defense does not include with the defense budget materials for a fiscal year the plan and certification under subsection (a), the Secretary of the Navy may not use more than 50 percent of the funds described in paragraph (2) during the fiscal year in which such materials are submitted until the date on which such plan and certification are submitted to the congressional defense committees.

“(2) The funds described in this paragraph are funds made available to the Secretary of the Navy for operation and maintenance, Navy, for emergencies and extraordinary expenses.”.

(b) CONFORMING AMENDMENT.—Section 12304(b) of title 10, United States Code, is amended by striking “section 231(g)(2)” and inserting “section 231(f)(2)”.

**SEC. 1015. RETIREMENT OF NAVAL VESSELS.**

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Chief of Naval Operations shall submit to the congressional defense committees a report that sets forth a comprehensive description of the current requirements of the Navy for combatant vessels of the Navy, including submarines.

(b) ADDITIONAL REPORT ELEMENT IF LESS THAN 313 VESSELS REQUIRED.—If the number of combatant vessels for the Navy (including submarines) specified as being required in the report under subsection (a) is less than 313 combatant vessels, the report shall include a justification for the number of vessels specified as being so required and the rationale by which the number of vessels is considered consistent with applicable strategic guidance issued by the President and the Secretary of Defense in 2012.

**SEC. 1016. TERMINATION OF A MARITIME PREPOSITIONING SHIP SQUADRON.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Chief of Naval Operations and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report setting forth an assessment of the Marine Corps Prepositioning Program-Norway and the capability of that program to address any readiness gaps that will be created by the termination of Maritime Prepositioning Ship Squadron One in the Mediterranean.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the time required to transfer stockpiles onto naval vessels for use in contingency operations.

(B) A comparison of the response time of the Marine Corps Prepositioning Program-Norway with the response time of Maritime Prepositioning Ship Squadron One.

(C) A description of the equipment stored in the stockpiles of the Marine Corps Prepositioning Program-Norway, the differences (if any) between that equipment and the equipment of a Maritime Prepositioning Ship squadron, and any increased risk or operational plan impacts associated with using Prepositioning Program-Norway to fulfill the Maritime Prepositioning Ship squadron requirements.

(D) A description and assessment of the current age and state of maintenance of the equipment of the Marine Corps Maritime Prepositioning Program-Norway.

(E) A plan to address future requirements, equipment shortages, and modernization

needs of the Marine Corps Maritime Prepositioning Program-Norway.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated by this Act may not be obligated or expended to terminate a Maritime Prepositioning Ship squadron until the date of the submittal to the congressional defense committees of the report required by subsection (a).

**SEC. 1017. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.**

(a) FINDINGS.—Congress makes the following findings:

(1) More than 70 percent of the world's surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world's commerce traverses an ocean.

(4) The national security of the United States is inextricably linked to the maintenance of global freedom of access for both the strategic and commercial interests of the United States.

(5) To maintain that freedom of access the sea services of the United States, composed of the Navy, the Marine Corps, and the Coast Guard, must be sufficiently positioned as rotationally globally deployable forces with the capability to decisively defend United States citizens, homeland, and interests abroad from direct or asymmetric attack and must be comprised of sufficient vessels to maintain global freedom of action.

(6) To achieve appropriate capabilities to ensure national security, the Government of the United States must continue to recapitalize the fleets of the Navy and Coast Guard and must continue to conduct vital maintenance and repair of existing vessels to ensure such vessels meet service life goals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sea services of the United States should be funded and maintained to provide the broad spectrum of capabilities required to protect the national security of the United States;

(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce;

(3) the Secretary of Defense, in coordination with the Secretary of the Navy, should maintain the recapitalization plans for the Navy as a priority in all future force structure decisions; and

(4) the Secretary of Homeland Security should maintain the recapitalization plans for the Coast Guard as a priority in all future force structure decisions.

**SEC. 1018. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

“(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

#### Subtitle D—Counterterrorism

#### SEC. 1021. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

(a) EXTENSION.—Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2014”.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that outlines the future requirements and authorities to make rewards for combating terrorism. The report shall include—

(1) an analysis of future requirements under section 127b of title 10, United States Code;

(2) a detailed description of requirements for rewards in support of operations with allied forces; and

(3) an overview of geographic combatant commander requirements through September 30, 2014.

#### SEC. 1022. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2013 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modifica-

tion of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” has the meaning given that term in section 1028(f)(2).

#### SEC. 1023. REPORT ON RECIDIVISM OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, WHO HAVE BEEN TRANSFERRED TO FOREIGN COUNTRIES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for five years, the Director of the Defense Intelligence Agency, in consultation with the head of each element of the intelligence community that the Director considers appropriate, shall submit to the covered congressional committees a report assessing the factors that cause or contribute to the recidivism of individuals detained at Guantanamo who are transferred or released to a foreign country. Such report shall include—

(1) a discussion of trends, by country and region, where recidivism has occurred; and

(2) an assessment of the implementation by foreign countries of the international arrangements relating to the transfer or release of individuals detained at Guantanamo reached between the United States and each foreign country to which an individual detained at Guantanamo has been transferred or released.

(b) FORM.—The report required under subsection (a) may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) The term “covered congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(2) The term “individual detained at Guantanamo” means any individual who is or was located at United States Naval Station, Guantanamo Bay, Cuba, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) on or after January 1, 2002, was—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

#### SEC. 1024. NOTICE AND REPORT ON USE OF NAVAL VESSELS FOR DETENTION OF INDIVIDUALS CAPTURED OUTSIDE AFGHANISTAN PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

(a) NOTICE TO CONGRESS.—Not later than 30 days after first detaining an individual pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) on a naval vessel outside the United States, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of the detention. In the case of such an individual who is transferred or released before the submittal of the notice of the individual's detention, the Secretary shall also submit to such Committees notice of the transfer or release.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the

Committees on Armed Services of the Senate and House of Representatives a report on the use of naval vessels for the detention outside the United States of any individual who is detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note). Such report shall include—

(A) procedures and any limitations on detaining such individuals at sea on board United States naval vessels;

(B) an assessment of any force protection issues associated with detaining such individuals on such vessels;

(C) an assessment of the likely effect of such detentions on the original mission of such naval vessels; and

(D) any restrictions on long-term detention of individuals on United States naval vessels.

(2) FORM OF REPORT.—The report required under paragraph (1) may be submitted in classified form.

#### SEC. 1025. NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

(a) NOTICE REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of the proposed transfer of any individual detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) who is a national of a country other than the United States or Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

(b) ASSESSMENTS REQUIRED.—Prior to any transfer referred to under subsection (a), the Secretary shall ensure that an assessment is conducted as follows:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, an assessment regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a review of the primary evidence against the individual to be transferred and any significant admissibility issues regarding such evidence that are expected to arise in connection with the prosecution of the individual.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a country other than Afghanistan, an assessment regarding the capacity, willingness, and historical track records of the country for reintegrating or rehabilitating similar individuals.

(4) In the case of the proposed transfer of such an individual to the custody of the Government of Afghanistan for prosecution or detention, an assessment regarding the capacity, willingness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 1026. REPORT ON RECIDIVISM OF INDIVIDUALS FORMERLY DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.**

(a) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant congressional committees a report on the estimated recidivism rates and the factors that appear to contribute to the recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan, who were transferred or released, including the estimated total number of individuals who have been recaptured on one or more occasion.

(b) **FORM.**—The report required under subsection (a) may be submitted in classified form.

(c) **RELEVANT CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “relevant congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1027. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SEC. 1028. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.**

(a) **CERTIFICATION REQUIRED PRIOR TO TRANSFER.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2013 to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(b) **CERTIFICATION.**—A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign

entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c) **PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.**—

(1) **PROHIBITION.**—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

(d) **NATIONAL SECURITY WAIVER.**—

(1) **IN GENERAL.**—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed

case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) **REPORTS.**—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) **RECORD OF COOPERATION.**—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for continuing cooperation with United States intelligence and law enforcement authorities.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term “foreign terrorist organization” means any organization so designated



by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

#### SEC. 1029. RIGHTS UNAFFECTED.

Nothing in the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws.

#### Subtitle E—Nuclear Forces

#### SEC. 1031. NUCLEAR WEAPONS EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) REPORTS ON STRATEGY.—Section 491 of title 10, United States Code, is—

(1) transferred to chapter 24 of such title, as added by subsection (b)(1); and

(2) amended—

(A) in the heading, by inserting “**weapons**” after “**Nuclear**”;

(B) by striking “nuclear employment strategy” each place it appears and inserting “nuclear weapons employment strategy”;

(C) in paragraph (1)—

(i) by inserting “the” after “modifications to”; and

(ii) by inserting “, plans, and options” after “employment strategy”;

(D) by inserting after paragraph (3) the following new paragraph:

“(4) The extent to which such modifications include an increased reliance on conventional or non-nuclear global strike capabilities or missile defenses of the United States.”;

(E) by striking “On the date” and inserting “(a) REPORTS.—On the date”; and

(F) by adding at the end the following new subsections:

“(b) ANNUAL BRIEFINGS.—Not later than March 15 of each year, the Secretary of Defense shall provide to the congressional defense committees a briefing regarding the nuclear weapons employment strategy, plans, and options of the United States.

“(c) NOTIFICATION OF ANOMALIES.—(1) The Secretary of Defense shall submit to the congressional defense committees written notification of an anomaly in the nuclear command, control, and communications system of the United States that is reported to the Secretary of Defense or the Nuclear Weapons Council by not later than 14 days after the date on which the Secretary or the Council learns of such anomaly, as the case may be.

“(2) In this subsection, the term ‘anomaly’ means any unplanned, irregular, or abnormal event, whether unexplained or caused intentionally or unintentionally by a person or a system.”.

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER 24.—Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

#### “CHAPTER 24—NUCLEAR POSTURE

“Sec.

“491. Nuclear weapons employment strategy of the United States: reports on modification of strategy.”.

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by inserting after the item relating to chapter 23 the following new item:

“24. Nuclear posture ..... 491”.

(3) TRANSFER OF PROVISIONS.—

(A) CHAPTER 23.—Chapter 23 of title 10, United States Code, is amended as follows:

(i) Section 490a is—

(I) transferred to chapter 24 of such title, as added by paragraph (1);

(II) inserted after section 491 of such title, as added to such chapter 24 by subsection (a)(1); and

(III) redesignated as section 492.

(ii) The table of sections at the beginning of such chapter 23 is amended by striking the items relating to sections 490a and 491.

(B) FY12 NDAA.—Section 1077 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 50 U.S.C. 2514) is—

(i) transferred to chapter 24 of title 10, United States Code, as added by paragraph (1);

(ii) inserted after section 492 of such title, as added by subparagraph (A)(i);

(iii) redesignated as section 493; and

(iv) amended by striking “the date of the enactment of this Act” and inserting “December 31, 2011.”.

(III) by striking “the date of the enactment of this Act” and inserting “December 31, 2011.”.

(C) CLERICAL AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 24 of title 10, United States Code, as added by paragraph (1), is amended by inserting after the item relating to section 491 the following new items:

“492. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.

“493. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.”.

(ii) SECTION HEADING TYPEFACE AND TYPESTYLE.—Section 493 of title 10, United States Code, as added by subparagraph (B), is amended—

(I) in the enumerator, by striking “**SEC.**” and inserting “§”;

(II) in the section heading—

(aa) by striking the period at the end; and

(bb) by conforming the typeface and typestyle, including capitalization, to the typeface and typestyle as used in the section heading of section 491 of such title.

(4) CONFORMING AMENDMENT.—section 1031(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1574) is amended by striking “section 490a of title 10, United States Code, as added by subsection (a),” and inserting “section 492 of title 10, United States Code.”.

#### SEC. 1032. PROGRESS OF MODERNIZATION.

(a) NUCLEAR EMPLOYMENT STRATEGY.—Subsection (a) of section 491 of title 10, United States Code, as amended by section 1031, is amended by striking “On the date on which the President issues” and inserting “By not later than 60 days before the date on which the President implements”.

(b) REPORTS REQUIRED.—Such section 491 is further amended by adding at the end the following:

“(d) REPORTS ON 2010 NUCLEAR POSTURE REVIEW IMPLEMENTATION STUDY DECISIONS.—During each of fiscal years 2012 through 2021, not later than 60 days before the date on which the President carries out the results of the decisions made pursuant to the 2010 Nuclear Posture Review Implementation Study that would alter the nuclear weapons employment strategy, guidance, plans, or op-

tions of the United States, the President shall—

“(1) ensure that the annual report required under section 1043(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1576) is transmitted to Congress, if so required;

“(2) ensure that the report required under section 494(a)(2)(A) of this title is transmitted to Congress, if so required under such section; and

“(3) transmit to the congressional defense committees a report providing the high-, medium-, and low- confidence assessments of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) as to whether the United States will have significant warning of a strategic surprise or breakout caused by foreign nuclear weapons developments.”.

#### SEC. 1033. REPORT IN THE EVENT OF INSUFFICIENT FUNDING FOR MODERNIZATION OF NUCLEAR WEAPONS STOCKPILE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consistent with Condition 9 of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, agreed to on December 22, 2010, the United States is committed to ensuring the safety, security, reliability, and credibility of its nuclear forces; and

(2) the United States is committed to—

(A) proceeding with a robust stockpile stewardship program and maintaining and modernizing nuclear weapons production capabilities and capacities of the United States to ensure the safety, security, reliability, and credibility of the nuclear arsenal of the United States at the New START Treaty levels and meeting requirements for hedging against possible international developments or technical problems;

(B) reinvigorating and sustaining the nuclear security laboratories of the United States and preserving the core nuclear weapons competencies therein; and

(C) providing the resources needed to achieve these objectives, using as a starting point the levels set forth in the President’s 10-year plan provided to Congress in November 2010 pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549).

(b) INSUFFICIENT FUNDING REPORT.—

(1) IN GENERAL.—Section 1045 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 50 U.S.C. 2523b) is—

(A) transferred to chapter 24 of title 10, United States Code, as added by section 1031(b);

(B) inserted after section 493 of such title, as added to such chapter 24 by such section 1031(b);

(C) redesignated as section 494; and

(D) amended by amending paragraph (2) of subsection (a) to read as follows:

“(2) INSUFFICIENT FUNDING.—

“(A) REPORT.—During each year in which the New START Treaty is in force, if the President determines that an appropriations Act is enacted that fails to meet the resource levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549) or if at any time determines that more resources are required to carry out such plan than were estimated, the President shall transmit to the appropriate congressional committees, within 60 days of making such a determination, a report detailing—

“(i) a plan to address the resource shortfall;

“(ii) if more resources are required to carry out the plan than were estimated—

“(I) the proposed level of funding required; and

“(II) an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

“(iii) any effects caused by the shortfall on the safety, security, reliability, or credibility of the nuclear forces of the United States;

“(iv) whether and why, in light of the shortfall, remaining a party to the New START Treaty is still in the national interest of the United States; and

“(v) a detailed explanation of why the modernization timelines established in the 2010 Nuclear Posture Review are no longer applicable.

“(B) PRIOR NOTIFICATION.—If the President transmits a report under subparagraph (A), the President shall notify the appropriate congressional committees of any determination by the President to reduce the number of deployed nuclear warheads of the United States by not later than 60 days before taking any action to carry out such reduction.

“(C) EXCEPTION.—The limitation in subparagraph (B) shall not apply to—

“(i) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems; or

“(ii) nuclear warheads that are retired or awaiting dismantlement on the date of the report under subparagraph (A).

“(D) DEFINITIONS.—In this paragraph:

“(i) The term ‘appropriate congressional committees’ means—

“(I) the congressional defense committees; and

“(II) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(ii) The term ‘New START Treaty’ means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.”

(2) CLERICAL AMENDMENTS.—

(A) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after the item relating to section 493 the following new item:

“494. Nuclear force reductions.”.

(B) SECTION HEADING TYPEFACE AND TYPESTYLE.—Section 494 of title 10, United States Code, as added by paragraph (1), is amended—

(i) in the enumerator, by striking “SEC.” and inserting “§”; and

(ii) in the section heading—

(I) by striking the period at the end; and

(II) by conforming the typeface and typestyle, including capitalization, to the typeface and typestyle as used in the section heading of section 491 of such title.

(4) EFFECTIVE DATE.—The amendment made by paragraph (1)(D) shall take effect on October 1, 2012.

#### SEC. 1034. PREVENTION OF ASYMMETRY OF NUCLEAR WEAPON STOCKPILE REDUCTIONS.

Section 494 of title 10, United States Code, as added by section 1033(b)(1), is amended by adding at the end the following new subsection:

“(d) PREVENTION OF ASYMMETRY IN REDUCTIONS.—

“(1) CERTIFICATION.—During any year in which the President recommends to reduce the number of nuclear weapons in the active and inactive stockpiles of the United States by a number that is greater than a de minimis reduction, the President shall certify in writing to the congressional defense committees whether such reductions will cause the number of nuclear weapons in such stockpiles to be fewer than the high-confidence assessment of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) with respect to the number of nuclear weapons in the active and inactive stockpiles of the Russian Federation.

“(2) NOTIFICATION.—If the President certifies under paragraph (1) that the recommended number of nuclear weapons in the active and inactive stockpiles of the United States is fewer than the high-confidence assessment of the intelligence community with respect to the number of nuclear weapons in the active and inactive stockpiles of the Russian Federation, the President shall transmit to the congressional defense committees a report by the Commander of the United States Strategic Command, without change, detailing whether the recommended reduction would create a strategic imbalance or degrade deterrence and extended deterrence between the total number of nuclear weapons of the United States and the total number of nuclear weapons of the Russian Federation. The President shall transmit such report by not later than 60 days before the date on which the President carries out any such recommended reductions.

“(3) EXCEPTION.—The notification in paragraph (2) shall not apply to—

“(A) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems; or

“(B) nuclear warheads that are retired or awaiting dismantlement on the date of the certification under paragraph (1).

“(4) ADDITIONAL VIEWS.—On the date on which the President transmits to the congressional defense committees a report by the Commander of the United States Strategic Command under paragraph (2), the President may transmit to such committees a report by the President with respect to whether the recommended reductions covered by the report of the Commander will impact the deterrence or extended deterrence capabilities of the United States.”.

#### SEC. 1035. STRATEGIC DELIVERY SYSTEMS.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after section 494, as added by section 1033(b)(1), the following new section:

##### “§ 495. Strategic delivery systems

“(a) ANNUAL CERTIFICATION.—Beginning in fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether plans to modernize or replace strategic delivery systems are fully funded at levels equal to or more than the levels set forth in the November

2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2549), including plans regarding—

“(1) a heavy bomber and air-launched cruise missile;

“(2) an intercontinental ballistic missile;

“(3) a submarine-launched ballistic missile;

“(4) a ballistic missile submarine; and

“(5) maintaining the nuclear command and control system (as first reported under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1576)).

“(b) ADDITIONAL REPORT MATTERS FOLLOWING CERTAIN CERTIFICATIONS.—If in any year before fiscal year 2020 the President certifies under subsection (a) that plans to modernize or replace strategic delivery systems are not fully funded, the President shall include in the next annual report transmitted to Congress under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 the following:

“(1) A determination of whether or not the lack of full funding will result in a loss of military capability when compared with the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010.

“(2) If the determination under paragraph (1) is that the lack of full funding will result in a loss of military capability—

“(A) a plan to preserve or retain the military capability that would otherwise be lost; or

“(B) a report setting forth—

“(i) an assessment of the impact of the lack of full funding on the strategic delivery systems specified in subsection (a); and

“(ii) a description of the funding required to restore or maintain the capability.

“(3) A certification by the President of whether or not the President is committed to accomplishing the modernization and replacement of strategic delivery systems and will meet the obligations concerning nuclear modernization as set forth in declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty.

“(c) PRIOR NOTIFICATION.—Not later than 60 days before the date on which the President carries out any reduction to the number of strategic delivery systems, the President shall—

“(1) make the certification under subsection (a) for the fiscal year for which the reductions are proposed to be carried out;

“(2) transmit the additional report matters under subsection (b) for such fiscal year, if such additional report matters are so required; and

“(3) certify to the congressional defense committees that the Russian Federation is in compliance with its arms control obligations with the United States and is not engaged in activity in violation of, or inconsistent with, such obligations.

“(d) TREATMENT OF CERTAIN REDUCTIONS.—Any certification under subsection (a) shall not take into account the following:

“(1) Reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and delivery systems.

“(2) Strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘New START Treaty’ means the Treaty between the United States of

America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

“(2) The term ‘strategic delivery system’ means a delivery system for nuclear weapons.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of such title is amended by inserting after the item relating to section 494, as added by section 1033(b)(2), the following new item:

“495. Strategic delivery systems.”

**SEC. 1036. CONSIDERATION OF EXPANSION OF NUCLEAR FORCES OF OTHER COUNTRIES.**

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after section 495, as added by section 1035(a), the following new section:

**“§ 496. Consideration of expansion of nuclear forces of other countries**

“(a) REPORT AND CERTIFICATION.—Not later than 60 days before the President recommends any reductions to the nuclear forces of the United States—

“(1) the President shall transmit to the appropriate congressional committees a report detailing, for each country with nuclear weapons, the high-, medium-, and low-confidence assessment of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) with respect to—

“(A) the number of each type of nuclear weapons possessed by such country;

“(B) the modernization plans for such weapons of such country;

“(C) the production capacity of nuclear warheads and strategic delivery systems (as defined in section 495(e)(2) of this title) of such country;

“(D) the nuclear doctrine of such country; and

“(E) the impact of such recommended reductions on the deterrence and extended deterrence capabilities of the United States; and

“(2) the Commander of the United States Strategic Command shall certify to the appropriate congressional committees whether such recommended reductions in the nuclear forces of the United States will—

“(A) impair the ability of the United States to address—

“(i) unplanned strategic or geopolitical events; or

“(ii) technical challenge; or

“(B) degrade the deterrence or assurance provided by the United States to friends and allies of the United States.

“(b) FORM.—The reports required by subsection (a)(1) shall be submitted in unclassified form, but may include a classified annex.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the following:

“(1) The congressional defense committees.

“(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 495, as added by section 1035(b), the following new item:

“496. Consideration of expansion of nuclear forces of other countries.”

**SEC. 1037. NONSTRATEGIC NUCLEAR WEAPON REDUCTIONS AND EXTENDED DETERRANCE POLICY.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should pursue negotiations with the Russian Federation aimed at the reduction of Russian deployed and nondeployed nonstrategic nuclear forces;

(2) nonstrategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and the Russian Federation;

(3) any geographical relocation or storage of nonstrategic nuclear weapons by the Russian Federation does not constitute a reduction or elimination of such weapons;

(4) the vast advantage of the Russian Federation in nonstrategic nuclear weapons constitutes a threat to the United States and its allies and a growing asymmetry in Western Europe;

(5) the forward-deployed nuclear forces of the United States are an important contributor to the assurance of the allies of the United States and constitute a check on proliferation and a tool in dealing with neighboring states hostile to the North Atlantic Treaty Organization (“NATO”);

(6) the United States should maintain its commitment to extended deterrence, specifically the nuclear alliance of NATO, as an important component of ensuring and linking the national security interests of the United States and the security of its European allies;

(7) forward-deployed nuclear forces of the United States shall remain based in Europe in support of the nuclear policy and posture of NATO subject to the policy and requirements of NATO;

(8) the presence of nuclear weapons of the United States in Europe—combined with NATO’s unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to allies and partners who feel exposed to regional threats; and

(9) only the President and Congress have the legal authority over the nuclear forces of the United States and no multilateral organization, not even NATO, can articulate a declaratory policy concerning the use of nuclear weapons that binds the United States.

(b) NOTIFICATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after section 496, as added by section 1036(a), the following new section:

**“§ 497. Notification required for reduction, consolidation, or withdrawal of nuclear forces based in Europe**

“(a) NOTIFICATION.—Upon any decision to reduce, consolidate, or withdraw the nuclear forces of the United States that are based in Europe, the President shall transmit to the appropriate congressional committees a notification containing—

“(1) justification for such reduction, consolidation, or withdrawal; and

“(2) an assessment of how member states of the North Atlantic Treaty Organization, in light of such reduction, consolidation, or withdrawal, assess the credibility of the deterrence capability of the United States in support of its commitments undertaken pursuant to article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

“(b) PRIOR NOTIFICATION REQUIRED.—

“(1) IN GENERAL.—The President shall transmit the notification required by subsection (a) by not later than 60 days before the date on which the President commences a reduction, consolidation, or withdrawal of the nuclear forces of the United States that are based in Europe described in such notification.

“(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to a reduction, consolidation, or withdrawal of nuclear weapons of the United States that are based in Europe made to ensure the safety, security, reliability, and credibility of such weapons.

“(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committees on Armed Services of the House of Representatives and the Senate; and

“(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 496, as added by section 1036(b), the following new item:

“497. Notification required for reduction, consolidation, or withdrawal of nuclear forces based in Europe.”

**SEC. 1038. UNILATERAL CHANGE IN NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.**

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after section 497, as added by section 1037(b)(1), the following new section:

**“§ 498. Unilateral change in nuclear weapons stockpile of the United States**

“(a) IN GENERAL.—Other than pursuant to a treaty, if the President has under consideration to unilaterally change the size of the total stockpile of nuclear weapons of the United States by more than 25 percent, prior to doing so the President shall initiate a Nuclear Posture Review.

“(b) TERMS OF REFERENCE.—Prior to the initiation of a Nuclear Posture Review under this section, the President shall determine the terms of reference for the Nuclear Posture Review, which the President shall provide to the congressional defense committees.

“(c) NUCLEAR POSTURE REVIEW.—Upon completion of a Nuclear Posture Review under this section, the President shall submit the Nuclear Posture Review to the congressional defense committees prior to implementing any change in the nuclear weapons stockpile by more than 25 percent.

“(d) CONSTRUCTION.—This section shall not apply to changes to the nuclear weapons stockpile resulting from treaty obligations.

“(e) FORM.—A Nuclear Posture Review under this section shall be submitted in unclassified form, but may include a classified annex.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 497, as added by section 1037(b)(2), the following new item:

“498. Unilateral change in nuclear weapons stockpile of the United States.”

**SEC. 1039. EXPANSION OF DUTIES AND RESPONSIBILITIES OF THE NUCLEAR WEAPONS COUNCIL.**

(a) GUIDANCE ON NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEMS.—Section 179(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting “and alternatives” before the period;

(2) in paragraph (3), by inserting “and approving” after “Coordinating”;

(3) in paragraph (7)—

(A) by striking “broad” and inserting “specific”; and

(B) by inserting before the period at the end the following: “and priorities among activities, including production, surveillance, research, construction, and any other programs within the National Nuclear Security Administration”;

(4) by redesignating paragraph (10) as paragraph (12); and

(5) by inserting after paragraph (9) the following new paragraph (10):

“(10) Coordinating and providing guidance and oversight on nuclear command, control, and communications systems.”.

(b) BUDGET AND FUNDING MATTERS.—Section 179 of such title is further amended—

(1) in subsection (d), as amended by subsection (a), by inserting after paragraph (10) the following new paragraph (11):

“(11) Coordinating and approving the annual budget proposals of the National Nuclear Security Administration.”;

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) BUDGET AND FUNDING MATTERS.—(1) The Council shall submit to Congress each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, a certification whether or not the amounts requested for the National Nuclear Security Administration in such budget, and anticipated over the four fiscal years following such budget, meets nuclear stockpile and stockpile stewardship program requirements for such fiscal year and over such four fiscal years. If a member of the Council does not concur in a certification, the certification shall include the reasons for the member’s non-concurrence.

“(2) If a House of Congress adopts a bill authorizing or appropriating funds for the National Nuclear Security Administration for nuclear stockpile and stockpile stewardship program activities or other activities that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.”.

(c) AGENDA OF MEETINGS.—Section 179(b)(3) of such title is amended by adding at the end the following: “To the extent possible, not later than seven days before a meeting, the Chairman shall disseminate to each member of the Council the agenda and documents for such meeting.”.

**SEC. 1040. INTERAGENCY COUNCIL ON THE STRATEGIC CAPABILITY OF THE NATIONAL LABORATORIES.**

(a) ESTABLISHMENT.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 188. Interagency Council on the Strategic Capability of the National Laboratories**

“(a) ESTABLISHMENT.—There is an Interagency Council on the Strategic Capability of the National Laboratories (in this section referred to as the ‘Council’).

“(b) MEMBERSHIP.—The membership of the Council is comprised of the following:

“(1) The Secretary of Defense.

“(2) The Secretary of Energy.

“(3) The Secretary of Homeland Security.

“(4) The Director of National Intelligence.

“(5) The Administrator for Nuclear Security.

“(6) Such other officials as the President considers appropriate.

“(c) STRUCTURE AND PROCEDURES.—The President may determine the chair, structure, staff, and procedures of the Council.

“(d) RESPONSIBILITIES.—The Council shall be responsible for the following matters:

“(1) Identifying and considering the science, technology, and engineering capabilities of the national laboratories that could be leveraged by each participating agency to support national security missions.

“(2) Reviewing and assessing the adequacy of the national security science, technology, and engineering capabilities of the national laboratories for supporting national security missions throughout the Federal Government.

“(3) Establishing and overseeing means of ensuring that—

“(A) capabilities identified by the Council under paragraph (1) are sustained to an appropriate level; and

“(B) each participating agency provides the appropriate level of institutional support to sustain such capabilities.

“(4) In accordance with acquisition rules regarding federally funded research and development centers, establishing criteria for when each participating agency should seek to use the services of the national laboratories, including the identification of appropriate mission areas and capabilities.

“(5) Making recommendations to the President and Congress regarding regulatory or statutory changes needed to better support—

“(A) the strategic capabilities of the national laboratories; and

“(B) the use of such laboratories by each participating agency.

“(6) Other actions the Council considers appropriate with respect to—

“(A) the sustainment of the national laboratories; and

“(B) the use of the strategic capabilities of such laboratories.

“(e) STREAMLINED PROCESS.—With respect to the participating agency for which a member of the Council is the head of, each member of the Council shall—

“(1) establish processes to streamline the consideration and approval of procuring the services of the national laboratories on appropriate matters; and

“(2) ensure that such processes are used in accordance with the criteria established under subsection (d)(4).

“(f) DEFINITIONS.—In this section:

“(1) The term ‘participating agency’ means a department or agency of the Federal Government that is represented on the Council by a member under subsection (b).

“(2) The term ‘national laboratories’ means—

“(A) each national security laboratory (as defined in section 3281(1) of the National Nuclear Security Administration Act (50 U.S.C. 2471(1))); and

“(B) each national laboratory of the Department of Energy.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 187 the following new item:

“188. Interagency Council on the Strategic Capability of the National Laboratories.”.

(c) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Interagency Council on the Strategic Capability of the National Laboratories established under section 188 of title 10, United States Code, as added by subsection (a), shall submit to the appropriate congressional committees a report describing and assessing the following:

(A) The actions taken to implement the requirements of such section 188 and the charter titled “Governance Charter for an Interagency Council on the Strategic Capability of DOE National Laboratories as National Security Assets” signed by the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence in July 2010.

(B) The effectiveness of the Council in accomplishing the purpose and objectives of such section and such Charter.

(C) Efforts to strengthen work-for-others programs at the national laboratories.

(D) Efforts to make work-for-others opportunities at the national laboratories more cost-effective.

(E) Ongoing and planned measures for increasing cost-sharing and institutional support investments at the national laboratories from other agencies.

(F) Any regulatory or statutory changes recommended to improve the ability of such other agencies to leverage expertise and capabilities at the national laboratories.

(G) The strategic capabilities and core competencies of laboratories and engineering centers operated by the Department of Defense, including identification of mission areas and functions that should be carried out by such laboratories and engineering centers.

(H) Consistent with the protection of sources and methods, the level of funding and general description of programs that were funded during fiscal year 2012 by—

(i) the Department of Defense and carried out at the national laboratories; and

(ii) the Department of Energy and the national laboratories and carried out at the laboratories and engineering centers of the Department of Defense.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means the following:

(A) The congressional defense committees.

(B) The Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(C) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(E) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) CONSTRUCTION.—Nothing in section 188 of title 10, United States Code, as added by subsection (a), shall be construed to limit section 309 of the Homeland Security Act of 2002 (6 U.S.C. 189).

**SEC. 1041. COST ESTIMATES FOR NUCLEAR WEAPONS.**

(a) **BUDGET REQUIREMENTS.**—Section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1576) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by amending subparagraph (F) to read as follows:

“(F) In accordance with paragraph (3), a detailed estimate of the budget requirements associated with sustaining and modernizing the nuclear deterrent of the United States and the nuclear weapons stockpile of the United States, including the costs associated with the plans outlined under subparagraphs (A) through (E), over the 10-year period following the date of the report, including the applicable and appropriate costs associated with the procurement, military construction, operation and maintenance, and research, development, test, and evaluation accounts of the Department of Defense.”; and

(B) by adding at the end the following new paragraph:

“(3) **BUDGET ESTIMATE CONTENTS AND METHODOLOGY.**—Each budget estimate under paragraph (2)(F) shall include a detailed description of the costs included in such estimate and the methodology used to create such estimate.”; and

(2) by adding at the end the following new subsection:

“(c) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall—

“(1) review each report under subsection (a) for accuracy and completeness with respect to the matters described in paragraphs (2)(F) and (3) of such subsection; and

“(2) not later than 180 days after the date on which such report under subsection (a) is submitted, submit to the congressional defense committees a summary of each such review.”.

(b) **CBO ESTIMATE OF COSTS.**—Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following:

(1) An estimate of the costs over the 10-year period beginning on the date of the report associated with fielding and maintaining the current nuclear weapons and nuclear weapon delivery systems of the United States.

(2) An estimate of the costs over the 10-year period beginning on the date of the report of any life extension, modernization, or replacement of any current nuclear weapons or nuclear weapon delivery systems of the United States that is anticipated as of the date of the report.

**SEC. 1042. PRIOR NOTIFICATION WITH REGARD TO RETIREMENT OF STRATEGIC DELIVERY SYSTEMS.**

(a) **PRIOR NOTIFICATION.**—The President shall ensure that the Secretary of Defense submits to Congress the plan required by section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1575) by not later than 60 days before the date on which the President carries out any reduction, conversion, or decommissioning of any strategic delivery system pursuant to the levels set forth for such systems under the New START Treaty.

(b) **DEFINITIONS.**—In this section:

(1) The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms,

signed on April 8, 2010, and entered into force on February 5, 2011.

(2) The term “strategic delivery system” means the following delivery platforms for nuclear weapons:

(A) Land-based intercontinental ballistic missiles.

(B) Submarine-launched ballistic missiles and associated ballistic missile submarines.

(C) Nuclear-certified strategic bombers.

(D) Nuclear-capable cruise missiles.

**SEC. 1043. REPORT ON NUCLEAR WARHEADS ON INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements necessary to ensure that the United States retains the ability (and all of the related capabilities) to upload an intercontinental ballistic missile with multiple nuclear warheads in the event that operational requirements, technical failures, or other decisions require such an ability.

**SEC. 1044. REQUIREMENTS FOR COMBINED OR INTEROPERABLE WARHEAD FOR CERTAIN MISSILE SYSTEMS.**

(a) **NAVY AND AIR FORCE STATEMENTS.**—Not later than 75 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit separate statements to the Nuclear Weapons Council established by section 179 of title 10, United States Code, on—

(1) plans related to a combined or interoperable warhead for the W78 Minuteman III missile system and the W88 Trident II D5 missile system; and

(2) the views of the Secretary with respect to such combined or interoperable warhead.

(b) **REPORT BY NUCLEAR WEAPONS COUNCIL.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit to the congressional defense committees a report setting forth the requirements for a combined or interoperable warhead for the W78 Minuteman III missile system and the W88 Trident II D5 missile system.

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include—

(A) the views of the Council with respect to the combined or interoperable warhead; and

(B) the unaltered statements of the Secretary of the Navy and the Secretary of the Air Force submitted to the Council under subsection (a).

**SEC. 1045. REPORTS ON CAPABILITY OF CONVENTIONAL AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL SITES AND ON NUCLEAR WEAPONS PROGRAM OF THE PEOPLE'S REPUBLIC OF CHINA.**

(a) **REPORT ON CAPABILITY OF U.S. CONVENTIONAL AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL SITES.**—

(1) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Commander of the United States Strategic Command shall submit to the appropriate congressional committees a report on the underground tunnel network used by the People's Republic of China with respect to the capability of the United States to use conventional and nuclear forces to neutralize such tunnels and what is stored within such tunnels.

(2) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) **ASSESSMENT OF NUCLEAR WEAPONS PROGRAM.**—

(1) **IN GENERAL.**—The Secretary of Defense shall enter into an agreement with a feder-

ally funded research and development center to conduct an assessment of the nuclear weapons program of the People's Republic of China.

(2) **PANEL.**—To conduct the assessment under paragraph (1), the federally funded research and development center shall convene a panel consisting of individuals who—

(A) are nuclear weapons or military experts;

(B) have significant experience and subject matter expertise based on the service of the individual in the Federal Government or the nuclear weapons laboratories; and

(C) possess (or have recently possessed) the appropriate security clearance required to access relevant classified information of the intelligence community and the Department of Energy.

(3) **MATTERS INCLUDED.**—The assessment under paragraph (1) shall include the following:

(A) An assessment of the nuclear deterrence strategy of China, including a historical perspective and the assessed geopolitical drivers of such strategy.

(B) A detailed description of the nuclear arsenal of China, including—

(i) the capabilities of such arsenal;

(ii) the number of nuclear weapons in such arsenal capable of being delivered at intercontinental range; and

(iii) any associated doctrines (including targeting doctrines) relating to such arsenal.

(C) A comparison of the nuclear forces of the United States with the nuclear forces of China, including with respect to nuclear forces that are deployed, in reserve, or awaiting dismantlement.

(D) Projections of the possible future nuclear arsenals of China, including the capabilities and associated doctrines of such arsenals.

(E) A description of command and control functions and gaps.

(F) An assessment of the fissile material stockpile of China and the civil and military production capabilities and capacities.

(G) An assessment of the production capacities of China for nuclear weapons and nuclear weapon delivery vehicles.

(H) A discussion of any significant uncertainties surrounding the nuclear weapons program of China, including—

(i) identification of the knowledge gaps regarding such nuclear weapons program; and

(ii) a discussion of the implications of any such gaps for the security of the United States and the allies of the United States.

(I) Any recommendations to improve the understanding of the United States with respect to the nuclear weapons program of China.

(4) **REPORT.**—Not later than August 15, 2013, the federally funded research and development center shall submit to the appropriate congressional committees a report on the assessment conducted under paragraph (1).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 1046. REPORT ON CONVENTIONAL AND NUCLEAR FORCES IN THE WESTERN PACIFIC REGION.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional

defense committees a report on the feasibility and strategic value of deploying additional conventional and nuclear forces to the Western Pacific region to ensure the presence of a robust conventional and nuclear capability, including a forward-deployed nuclear capability, of the United States in response to the ballistic missile and nuclear weapons developments of North Korea and the other belligerent actions North Korea has made against allies of the United States. The report shall include an evaluation of any bilateral agreements, basing arrangements, and costs that would be involved with such additional deployments.

**Subtitle F—Miscellaneous Authorities and Limitations**

**SEC. 1051. EXPANSION OF AUTHORITY OF THE SECRETARY OF THE ARMY TO LOAN OR DONATE EXCESS NON-AUTOMATIC SERVICE RIFLES FOR FUNERAL AND OTHER CEREMONIAL PURPOSES.**

(a) IN GENERAL.—Section 4683 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(3)(A) In order to meet the needs of an eligible organization with respect to performing funeral and other ceremonies, if the Secretary determines appropriate, the Secretary may—

“(i) loan or donate excess non-automatic service rifles to an eligible organization; or

“(ii) authorize an eligible organization to retain non-automatic service rifles other than M-1 rifles.

“(B) Nothing in this paragraph shall be construed to supersede any Federal law or regulation governing the use or ownership of firearms.”; and

(2) by striking the section heading and inserting the following:

**“§ 4683. Excess non-automatic service rifles: loan or donation for funeral and other ceremonial purposes”.**

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 443 of such title is amended by striking the item relating to section 4683 and inserting the following new item:

“4683. Excess non-automatic service rifles: loan or donation for funeral and other ceremonial purposes.”.

**SEC. 1052. INTERAGENCY COLLABORATION ON UNMANNED AIRCRAFT SYSTEMS.**

(a) FINDINGS ON JOINT DEPARTMENT OF DEFENSE FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.—Section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4596) is amended by adding at the end the following new paragraph:

“(9) Collaboration of scientific and technical personnel and sharing of technical information, test results, and resources where available from the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration can advance an enduring relationship of research capability to advance the access of unmanned aircraft systems of the Department of Defense, the National Aeronautics and Space Administration and other public agencies to the National Airspace System.”.

(b) INTERAGENCY COLLABORATION.—

(1) IN GENERAL.—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges asso-

ciated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112-95; 126 Stat. 72).

(2) ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

(3) NONDUPLICATIVE EFFORTS.—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research radars, and ground facilities of the Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

(4) REPORTS.—

(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

(i) progress in accomplishing the goals of the unmanned aircraft systems research, development, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administration and the National Aeronautics and Space Administration;

(ii) estimates of long-term funding needs and details of funds expended and allocated in the budget requests of the President that support integration into the National Airspace; and

(iii) progress in sharing with the Federal Aviation Administration safety operational and performance data as it relates to unmanned aircraft system operation and the impact on the National Airspace System.

(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this Act.

(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this section, the term “UAS Executive Committee” means the National Aeronautics and Space and Administration and the Department of Defense—Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 and established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 1053. AUTHORITY TO TRANSFER SURPLUS MINE-RESISTANT AMBUSH-PROTECTED VEHICLES AND SPARE PARTS.**

(a) AUTHORITY.—The Secretary of Defense is authorized to transfer surplus Mine-Resistant Ambush-Protected vehicles, including spare parts for such vehicles, to non-profit United States humanitarian demining or-

ganizations for purposes of demining activities and training of such organizations.

(b) TERMS AND CONDITIONS.—Any transfer of vehicles or spare parts under subsection (a) shall be subject to the following terms and conditions:

(1) The transfer shall be made on a loan basis.

(2) The costs of operation and maintenance of the vehicles shall be borne by the recipient organization.

(3) Any other terms and conditions as the Secretary of Defense determines to be appropriate.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees in writing not less than 60 days before making any transfer of vehicles or spare parts under subsection (a). Such notification shall include the name of the organization, the number and model of the vehicle to be transferred, a listing of any spare parts to be transferred, and any other information the Secretary considers appropriate.

**SEC. 1054. NOTICE TO CONGRESS OF CERTAIN DEPARTMENT OF DEFENSE NON-DISCLOSURE AGREEMENTS.**

(a) NOTICE REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees notice of any request or requirement for members of the Armed Forces or civilian employees of the Department of Defense to enter into nondisclosure agreements that could restrict the ability of such members or employees to communicate with Congress. Each such notice shall include the following:

(1) The basis in law for the agreement.

(2) An explanation for the restriction of the ability to communicate with Congress.

(3) A description of the category of individuals requested or required to enter into the agreement.

(4) A copy of the language contained in the agreement.

(b) TIMING OF NOTIFICATION.—

(1) REQUESTS OR REQUIREMENTS BEFORE DATE OF ENACTMENT.—In the case of nondisclosure agreements described in subsection (a) that members or employees were first requested or required to enter into on or before the date of the enactment of this Act, the notice required by subsection (a) shall be submitted not later than 60 days after the date of enactment.

(2) REQUESTS OR REQUIREMENTS AFTER DATE OF ENACTMENT.—In the case of nondisclosure agreements described in subsection (a) that members or employees were first requested or required to enter into after the date of the enactment of this Act, the notice required by subsection (a) shall be submitted not later than 30 days after the date on which the Secretary first requests or requires that the members or employees enter into the agreements.

**SEC. 1055. EXTENSION OF AUTHORITY TO PROVIDE ASSURED BUSINESS GUARANTEES TO CARRIERS PARTICIPATING IN CIVIL RESERVE AIR FLEET.**

(a) EXTENSION.—Subsection (k) of section 9515 of title 10, United States Code, is amended by striking “December 31, 2015” and inserting “December 31, 2020”.

(b) APPLICATION TO ALL SEGMENTS OF CRAF.—Such section is further amended—

(1) in subsection (a)(3), by striking “passenger”; and

(2) in subsection (j), by striking “, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel”.

**SEC. 1056. AUTHORITY FOR SHORT-TERM EXTENSION OF LEASE FOR AIRCRAFT SUPPORTING THE BLUE DEVIL INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE PROGRAM.**

(a) IN GENERAL.—Notwithstanding section 2401 of title 10, United States Code, the Secretary of the Air Force may extend or renew the lease of aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program after the date of the expiration of the current lease of such aircraft for a term that is the shorter of—

(1) the period beginning on the date of the expiration of the current lease and ending on the date on which the Commander of the United States Central Command notifies the Secretary that a substitute is available for the capabilities provided by the lease, or that the capabilities provided by such aircraft are no longer required; or

(2) six months.

(b) FUNDING.—Amounts authorized to be appropriated for fiscal year 2013 by title XV and available for Overseas Contingency Operations for operation and maintenance as specified in the funding tables in section 4302 may be available for the extension or renewal of the lease authorized by subsection (a).

**SEC. 1057. RULE OF CONSTRUCTION RELATING TO PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.**

Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4363) is amended—

(1) in paragraph (1)(B), by striking “; or” and inserting a semicolon;

(2) in paragraph (2), by striking “others.” and inserting “others; or”; and

(3) by adding at the end the following new paragraph:

“(3) authorize a health professional that is a member of the Armed Forces or a civilian employee of the Department of Defense or a commanding officer to inquire if a member of the Armed Forces plans to acquire, or already possesses or owns, a privately-owned firearm, ammunition, or other weapon, if such health professional or such commanding officer has reasonable grounds to believe such member is at risk for suicide or causing harm to others.”.

**SEC. 1058. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.**

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

**SEC. 1059. LIMITATIONS ON RETIREMENT OF FIXED-WING INTRA-THEATER AIRLIFT AIRCRAFT FOR GENERAL SUPPORT AND TIME SENSITIVE/MISSION CRITICAL DIRECT SUPPORT AIRLIFT MISSIONS OF THE DEPARTMENT OF DEFENSE.**

(a) LIMITATION ON RETIREMENTS.—During fiscal year 2013, the Secretary of the Air Force shall retain an additional 32 fixed-wing, intra-theater airlift aircraft beyond the number of such aircraft proposed to be retained in the Secretary's total force structure proposal provided to the congressional defense committees on November 2, 2012.

(b) INCORPORATION OF CONCEPT OF EMPLOYMENT.—Not later than June 1, 2013, the Secretary of the Air Force shall ensure that the concept of employment for the Department of the Air Force direct support of Department of the Army time sensitive or mission

critical intra-theater airlift mission, as agreed to by the Vice Chiefs of Staff of the Air Force and the Army by memorandum of agreement dated September 13, 2009, and agreed to by the Chiefs of Staff of the Air Force and the Army and the Vice Chairman of the Joint Chiefs of Staff, by memorandum of understanding dated January 27, 2012, is wholly incorporated into Department of the Air Force doctrine, strategy, tactics, and modeling and the Air Force core capabilities of agile combat support and rapid global mobility operations.

**Subtitle G—Studies and Reports**

**SEC. 1061. ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.**

(a) GUIDANCE REQUIRED.—Not later than January 1, 2013, the Secretary of Defense shall review and update Department of Defense guidance related to electronic warfare to ensure that oversight roles and responsibilities within the Department related to electronic warfare policy and programs are clearly defined. Such guidance shall clarify, as appropriate, the roles and responsibilities related to the integration of electronic warfare matters and cyberspace operations.

(b) PLAN REQUIRED.—Not later than October 1, 2013, the Commander of the United States Strategic Command shall update and issue guidance regarding the responsibilities of the Command with regard to joint electronic warfare capabilities. Such guidance shall—

(1) define the role and objectives of the Joint Electromagnetic Spectrum Control Center or any other center established in the Command to provide governance and oversight of electronic warfare matters; and

(2) include an implementation plan outlining tasks, metrics, and timelines to establish such a center.

(c) ADDITIONAL REPORTING REQUIREMENTS.—Section 1053(b)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2459) is amended—

(1) in subparagraph (B), by striking “; and” and inserting a semicolon;

(2) in subparagraph (C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

“(D) performance measures to guide the implementation of such strategy;

“(E) an identification of resources and investments necessary to implement such strategy; and

“(F) an identification of the roles and responsibilities within the Department to implement such strategy.”.

**SEC. 1062. REPORT ON COUNTERPROLIFERATION CAPABILITIES AND LIMITATIONS.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a report outlining operational capabilities, limitations, and shortfalls within the Department of Defense with respect to counterproliferation and combating weapons of mass destruction involving special operations forces and key enabling forces.

(b) ELEMENTS.—The report required under subsection (a) shall include each of the following elements:

(1) An overview and assessment of current counterproliferation and combating weapons of mass destruction capabilities, capacity, and limitations of special operations forces and key enabling capabilities provided by other supporting elements of the Department of Defense and other Government agencies.

(2) An assessment of the unique capabilities of special operations forces to counter a proliferant's ability to develop weapons of mass destruction, including all phases of weaponization.

(3) An overview and assessment of current and future training requirements and gaps, including the adequacy and availability of training facilities relative to paragraphs (1) and (2).

(4) An assessment of technical capability gaps relative to paragraphs (1) and (2), including an identification of any gaps that are unique to special operations forces.

(5) An assessment of interagency coordination capabilities and gaps, including intelligence support to countering weapons of mass destruction.

(6) An assessment of current international bilateral and multilateral partnerships and the limitations of such partnerships, including an assessment of existing authorities to build partnership capacity in countering weapons of mass destruction unique to special operations forces.

(7) A description of efforts to address the limitations and gaps referred to in paragraphs (1) through (6), including timelines and requirements to address such limitations and such gaps.

(8) Any other matters the Secretary considers appropriate.

**SEC. 1063. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report that sets forth the following:

(1) An assessment of the feasibility and advisability of obtaining a Federal Aviation Administration certification for commercial use of each of the following:

(A) A commercial variant of the C-17 aircraft.

(B) A retired C-17A aircraft.

(C) A retired C-5A aircraft.

(2) An assessment of the current limitations of the aircraft of the Civil Reserve Air Fleet.

(3) An assessment of the potential for using the aircraft referred to in paragraph (1) in the Civil Reserve Air Fleet.

(4) An assessment of the advantages of adding the aircraft referred to in paragraph (1) to the Civil Reserve Air Fleet.

(5) An update on the status of any cooperation between the Federal Aviation Administration and the Department of Defense on the certification of the aircraft referred to in paragraph (1).

(6) A description of all actions required, including any impediments to such actions, to offering retired C-5A aircraft or retired C-17A aircraft as excess defense articles to United States allies or for sale to Civil Reserve Air Fleet carriers.

(7) A description of the actions required for interested allies or Civil Reserve Air Fleet carriers to take delivery of excess C-5A aircraft or excess C-17A aircraft, including the actions, modifications, or demilitarization necessary for such recipients to take delivery of such aircraft, and provisions for permitting such recipients to undertake responsibility for such actions, to the maximum extent practicable.

**SEC. 1064. REPEAL OF BIENNIAL REPORT ON THE GLOBAL POSITIONING SYSTEM.**

Section 2281 of title 10, United States Code, is amended—



(1) by striking subsection (d); and  
 (2) by redesignating subsection (e) as subsection (d).

**SEC. 1065. IMPROVEMENTS TO REPORTS REQUIRED ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND THE THREAT POSED BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.**

(a) IN GENERAL.—Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. 2367) is amended to read as follows:

**“SEC. 234. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND THE THREAT POSED BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.**

“(a) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the following:

“(1) The threats posed to the United States and allies of the United States—

“(A) by weapons of mass destruction, ballistic missiles, and cruise missiles; and

“(B) by the proliferation of weapons of mass destruction, ballistic missiles, and cruise missiles.

“(2) The acquisition by foreign countries during the preceding 12 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions.

“(3) Any trends with respect to the acquisition described in paragraph (2).

“(b) MATTERS INCLUDED.—Each report submitted under subsection (a) shall include the following:

“(1) Identification of each foreign country and non-State organization that possesses weapons of mass destruction, ballistic missiles, or cruise missiles, and a description of such weapons and missiles with respect to each such foreign country and non-State organization.

“(2) A description of the means by which any foreign country and non-State organization that has achieved, or is making progress toward achieving, capability with respect to weapons of mass destruction, ballistic missiles, or cruise missiles has achieved, or is making progress toward achieving, that capability, including a description of the international network of foreign countries and private entities that provide assistance to foreign countries and non-State organizations in achieving that capability.

“(3) An examination of the doctrines that guide the use of weapons of mass destruction in each foreign country that possesses such weapons.

“(4) An examination of the existence and implementation of the control mechanisms that exist with respect to nuclear weapons in each foreign country that possesses such weapons.

“(5) Identification of each foreign country and non-State organization that seeks to acquire or develop (indigenously or with foreign assistance) weapons of mass destruction, ballistic missiles, or cruise missiles, and a description of such weapons and missiles with respect to each such foreign country and non-State organization.

“(6) An assessment of various possible timelines for the achievement by foreign countries and non-State organizations of capability with respect to weapons of mass de-

struction, ballistic missiles, and cruise missiles, taking into account the probability of whether foreign countries that are a party to the Missile Technology Control Regime will comply with and enforce the regime, the potential availability of assistance from foreign technical specialists, and the potential for independent sales by foreign private entities without authorization from their national governments.

“(7) For each foreign country or non-State organization that has not achieved the capability to target the United States or its territories with weapons of mass destruction, ballistic missiles, or cruise missiles as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

“(8) For each foreign country or non-State organization that has not achieved the capability to target members of the Armed Forces of the United States deployed abroad with weapons of mass destruction, ballistic missiles, or cruise missiles as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

“(c) CLASSIFICATION.—Each report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the following:

“(1) The congressional defense committees.

“(2) The congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)).

“(3) The Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended by striking the item relating to section 234 and inserting the following new item:

“Sec. 234. Reports on acquisition of technology relating to weapons of mass destruction and the threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.”.

(c) CONFORMING REPEAL.—Section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) is repealed.

**SEC. 1066. REPORT ON FORCE STRUCTURE OF THE UNITED STATES ARMY.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the force structure of the Army.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) A description of the planning assumptions and scenarios used to determine the size and force structure of the United States Army, including the reserve component, for the Future Years Defense Program for fiscal years 2014 through 2018.

(2) An evaluation of the adequacy of the proposed force structure for meeting the goals of the national military strategy of the United States.

(3) A description of any alternative force structures considered, including the assessed advantages and disadvantages of each and a brief explanation of why those not selected were rejected.

(4) The estimated resource requirements of each of the alternative force structures referred to in paragraph (3).

(5) An independent risk assessment of the proposed Army force structure, to be conducted by the Chief of Staff of the Army.

(6) Such other information as the Secretary of the Army determines is appropriate.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be in unclassified form but may include a classified annex.

**SEC. 1067. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at all echelons of the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

**SEC. 1068. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.**

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense

program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies and partners, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The full and complete assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

#### **SEC. 1069. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.**

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the "Basin"), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;

(B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;

(D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;

(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bed-rock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

#### **SEC. 1070. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.**

(a) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a classified intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) SECRETARY OF STATE AND SECRETARY OF DEFENSE JOINT REPORT.—Not later than 90 days after the date on which the report required by subsection (a) is submitted to Congress, the Secretary of State and the Secretary of Defense shall jointly submit to Congress a classified report describing the strategy of the United States to counter the threat posed by Boko Haram.

#### **SEC. 1071. STUDY ON THE ABILITY OF NATIONAL TEST AND EVALUATION CAPABILITIES TO SUPPORT THE MATURATION OF HYPersonic TECHNOLOGIES FOR FUTURE DEFENSE SYSTEMS DEVELOPMENT.**

(a) STUDY REQUIRED.—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of the national test and evaluation infrastructure, including ground test facilities and open air ranges of the Department of Defense, and leveraging NASA and private facilities, when appropriate, to effectively and efficiently mature hypersonic technologies for defense systems development in the short and long term.

(b) REPORT AND PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2030.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure outside the Department of Defense that could be used to support Department of Defense hypersonic research and development and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(D) Other matters the Secretary determines are appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

#### **Subtitle H—Other Matters**

#### **SEC. 1076. TECHNICAL AND CLERICAL AMENDMENTS.**

(a) AMENDMENTS TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Effective as of December 31, 2011, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) is amended as follows:

(1) Section 243(d) (125 Stat. 1344) is amended by striking "paragraph" and inserting "subsection".

(2) Section 323(b) (125 Stat. 1362) is amended by striking "Section 328(b)(A)" and inserting "Section 328(b)(2)(A)".

(3) Section 541(b) (125 Stat. 1407) is amended by striking ", as amended by subsection (a).",

(4) Section 589(b) (125 Stat. 1438) is amended by striking "section 717" and inserting "section 2564".

(5) Section 602(a)(2) (125 Stat. 1447) is amended by striking "repairs," and inserting "repairs".

(6) Section 631(e)(28)(A) (125 Stat. 1464) is amended by striking "before 'In addition'" and inserting "before 'Under regulations'".

(7) Section 631(f)(2) (125 Stat. 1464) is amended by striking "table of chapter" and inserting "table of chapters".

(8) Section 631(f)(3)(B) (125 Stat. 1465) is amended by striking "chapter 9" and inserting "chapter 10".

(9) Section 631(f)(4) (125 Stat. 1465) is amended by striking "subsection (c)" both places it appears and inserting "subsection (d)".

(10) Section 801 (125 Stat. 1482) is amended—

(A) in subsection (a)(1)(B), by striking “paragraphs (6) and (7)” and inserting “paragraphs (5) and (6)”;

(B) in subsection (a)(2), in the matter proposed to be inserted as a new paragraph, by striking the double closing quotation marks after “capabilities” and inserting a single closing quotation mark; and

(C) in subsection (e)(1)(A), by striking “**Point**” in the matter proposed to be struck and inserting “**Point A**”.

(11) Section 806(d) (125 Stat. 1487) is amended by striking “paragraph (2)” and inserting “subsection (c)(2)”.

(12) Section 832(b)(1) (125 Stat. 1504) is amended by striking “Defenses” and inserting “Defense”.

(13) Section 855 (125 Stat. 1521) is amended by striking “Section 139e(b)(12)” and inserting “Section 139c(b)(12)”.

(14) Section 864(a)(2) (125 Stat. 1522) is amended by striking “for Acquisition Workforce Programs” in the matter proposed to be struck.

(15) Section 864(d)(2) (125 Stat. 1525) is amended to read as follows:

“(2) in paragraph (6), by striking ‘ensure that amounts collected’ and all that follows through the end of the paragraph (as amended by section 526 of division C of Public Law 112-74 (125 Stat. 914)) and inserting ‘ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title.’”.

(16) Section 866(a) (125 Stat. 1526) is amended by striking “September 30” in the matter proposed to be struck and inserting “December 31”.

(17) Section 867 (125 Stat. 1526) is amended—

(A) in paragraph (1), by striking “2010” in the matter proposed to be struck and inserting “2011”; and

(B) in paragraph (2), by striking “2013” in the matter proposed to be struck and inserting “2014”.

(18) Section 933(c) (125 Stat. 1544; 10 U.S.C. 2330 note) is amended by striking “of this title” in the matter proposed to be inserted and inserting “of title 10, United States Code”.

(19) Section 1045(c)(1) (125 Stat. 1577) is amended by striking “described in subsection (b)” and inserting “described in paragraph (2)”.

(20) Section 1067 (125 Stat. 1589) is amended—

(A) by striking subsection (a); and

(B) by striking the subsection designation and the subsection heading of subsection (b).

(21) Section 2702 (125 Stat. 1681) is amended—

(A) in the section heading, by striking “**authorized**” and inserting “**authorization of appropriations for**”; and

(B) by striking “Using amounts” and all that follows through “may carry out” and inserting “Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for”.

(22) Section 2815(c) (125 Stat. 1689) is amended by inserting “subchapter III of” before “chapter 169”.

(b) AMENDMENTS TO IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Effective as of January 7, 2011, and as if included therein as enacted, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) is amended as follows:

(1) Section 358(c)(3) (124 Stat. 4199) is amended by striking “fulfil” and inserting “fulfill”.

(2) Section 533(b) (124 Stat. 4216) is amended by inserting “Section” before “1559(a)”.

(3) Section 896(a) (124 Stat. 4314) is amended by striking “Chapter 7” and inserting “Chapter 4”.

(4) Section 1075(b)(50)(C) (124 Stat. 4371) is amended by striking “subsection (j)(1)” and inserting “subsection (j)”.

(5) Section 1203(a) (124 Stat. 4386) is amended in the matter preceding paragraph (1) by striking “Fiscal Year 2009” and inserting “Fiscal Year 2008”.

(c) AMENDMENTS TO REFLECT REDESIGNATION OF CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DEFENSE.—

(1) ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—Section 1605(a)(5) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 22 U.S.C. 2751 note) is amended by striking “The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs” and inserting “The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs”.

(2) ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—

(A) The following provisions are amended by striking “Director of Defense Research and Engineering” and inserting “Assistant Secretary of Defense for Research and Engineering”:

(i) Sections 2362(a)(1) and 2521(e)(5) of title 10, United States Code.

(ii) Section 241(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 2521 note).

(iii) Section 212(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 2358 note).

(iv) Section 246(d)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note).

(v) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 2358 note).

(vi) Section 1101(b)(1)(D) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note).

(vii) Section 802(g)(1)(B)(ii) of the Higher Education Opportunity Act (20 U.S.C. 9631(g)(1)(B)(ii)).

(B) Section 2365 of title 10, United States Code, is amended—

(i) in subsection (a), by inserting “of Defense for Research and Engineering” after “Assistant Secretary”; and

(ii) in subsection (d)(3)(A), by striking “Director” and inserting “Assistant Secretary”.

(C) Section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 10 U.S.C. 1071 note) is amended in subsections (b)(4) and (d) by striking “Director, Defense” and inserting “Assistant Secretary of Defense for”.

(D) Section 1504 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note) is amended—

(i) in subsection (a), by striking “Director of Defense” and inserting “Assistant Secretary of Defense for”; and

(ii) in subsection (b)(9), by striking “the Director of the” and all that follows through “Engineering” and inserting “the Director and the Assistant Secretary”.

(E) Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2358 note) is amended—

(i) in subsection (a), by striking “Director of Defense” and inserting “Assistant Secretary of Defense for”; and

(ii) in subsections (b), (d), and (e), by striking “Director” and inserting “Assistant Secretary”; and

(iii) in subsection (f), by striking “Not later than” and all that follows through “the Director” and inserting “The Assistant Secretary”.

(F) Section 214 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2521 note) is amended by striking “unless the” and all that follows through “ensures” and inserting “unless the Assistant Secretary of Defense for Research and Engineering ensures”.

(3) ASSISTANT SECRETARY OF DEFENSE FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—Section 2925(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “Director of” and inserting “Assistant Secretary of Defense for”; and

(B) in paragraph (2)(G), by striking “Director” both places it appears and inserting “Assistant Secretary”.

(d) CROSS-REFERENCE AMENDMENTS IN TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 1722b(c) is amended—

(A) in paragraph (3), by striking “subsections (b)(2)(A) and (b)(2)(B)” and inserting “subsections (b)(1)(A) and (b)(1)(B)”; and

(B) in paragraph (4), by striking “1734(d), or 1736(c)” and inserting “or 1734(d)”.

(2) Section 1787(b) is amended—

(A) by striking “section 3(1)” and inserting “section 3”; and

(B) by striking “42 U.S.C. 5102” and inserting “Public Law 93-247; 42 U.S.C. 5101 note”.

(3) Section 2382(b)(1) is amended by inserting “of the Small Business Act (15 U.S.C. 657q(c)(4))” after “section 44(c)(4)”.

(4) Section 2474(d) is amended by striking “section 2667(d)” and inserting “section 2667(e)”.

(5) Section 2548(e)(2) is amended by striking “section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note),” and inserting “section 2438(f) of this title”.

(6) Section 2925 is amended—

(A) in subsection (a)(1), by striking “section 533” and inserting “section 553”; and

(B) in subsection (b)(1), by striking “section 139b” and inserting “section 138c”.

(e) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1564(a)(2)(B) is amended by striking “the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” in clauses (ii) and (iii) and inserting “January 7, 2011”.

(2) Section 2216a(e) is amended by striking “on the last day of” and all that follows and inserting “on September 30, 2015”.

(3) Section 2359b(k)(5) is amended by striking “the date that is five years after the date of the enactment of this Act” and inserting “January 7, 2016”.

(4) Section 2649(c) is amended by striking “During the 5-year period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” and inserting “Until January 6, 2016”.

(5) Section 2790(g)(1) is amended by striking “on or after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011” and inserting “after January 6, 2011”.

(6) Sections 3911(b)(2), 6323(a)(2)(B), and 8911(b)(2) are amended by striking “the date

of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011" and inserting "January 7, 2011,".

(7) Section 10217(d)(3) is amended by striking "after the end of the 2-year period beginning on the date of the enactment of this subsection" and inserting "after January 6, 2013".

(f) OTHER MISCELLANEOUS AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 113(c)(2) is amended by striking "on" after "Board on".

(2) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 133b.

(3) Paragraph (3) of section 138(c), as added by section 314(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1357), is transferred to appear at the end of section 138c(c).

(4) Section 139a(d)(4) is amended by adding a period at the end.

(5) Section 139b(a)(6) is amended by striking "propriety" and inserting "proprietary".

(6) The item relating to section 225 at the end of the table of sections at the beginning of chapter 9 is transferred to appear after the item relating to section 224.

(7) Section 401(d) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(8) Section 843(b)(2)(B)(v) (article 43 of the Uniform Code of Military Justice) is amended by striking "Kidnaping,," and inserting "Kidnaping,,".

(9) Section 920(g)(7) (article 120 of the Uniform Code of Military Justice) is amended by striking the second period at the end.

(10) Section 983(b)(1) is amended by striking "or Secretary" and inserting "or the Secretary".

(11) Section 1086(b)(1) is amended by striking "clause (2)" and inserting "paragraph (2)".

(12) Section 1142(b)(10) is amended by striking "training,," and inserting "training,,".

(13) Section 1143(a) is amended by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy".

(14) Section 1143a(h) is amended by inserting after "Coast Guard" the second place it appears the following: "when it is not operating as a service in the Navy".

(15) Section 1145(e) is amended by inserting before the period at the end the following: "when the Coast Guard is not operating as a service in the Navy".

(16) Section 1146(b) is amended by inserting before the period at the end the following: "when the Coast Guard is not operating as a service in the Navy".

(17) Section 1149 is amended by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy".

(18) Section 1150(c) is amended by inserting after "Coast Guard" the second place it appears the following: "when it is not operating as a service in the Navy".

(19) Section 1401(a) is amended by striking "columns 1, 2, 3, and 4," in the matter preceding the table and inserting "columns 1, 2, and 3,,".

(20) Section 1599a(a) is amended by striking "National Security Act" and inserting "National Security Agency Act".

(21) Section 1781(a) is amended—

(A) in the first sentence, by striking "Director" and inserting "Office";

(B) in the first sentence, by striking "hereinafter"; and

(C) in the second sentence, by striking "office" both places it appears and inserting "Office".

(22) Section 1790, as added by section 8070 of division A of Public Law 112–74 (125 Stat. 822), is amended—

(A) by striking the section heading and inserting the following:

**"§ 1790. Military personnel citizenship processing";**

(B) by striking "AUTHORIZATION OF PAYMENTS,—";

(C) by striking "title 10, United States Code" and inserting "this title";

(D) by striking "8 U.S.C. §§ 1439" and inserting "8 U.S.C. 1439"; and

(E) by striking "sections 286(m) and (n) of such Act (8 U.S.C. § 1356(m))" and inserting "subsections (m) and (n) of section 286 of such Act (8 U.S.C. 1356)".

(23) Section 2006(b)(2) is amended by redesignating the second subparagraph (E) (as added by section 109(b)(2)(B) of Public Law 111–377 (124 Stat. 4120), effective August 1, 2011) as subparagraph (F).

(24) Section 2318(a)(2) is amended by striking "section 1705(b) and (c)" and inserting "subsections (b) and (c) of section 1705".

(25) Section 2350m(e) is amended by striking "Not later than October 31, 2009, and annually thereafter" and inserting "Not later than October 31 each year".

(26) Section 2401 is amended by striking "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives" in subsections (b)(1)(B) and (h)(1) and inserting "the congressional defense committees".

(27) Section 2438(a)(3) is amended by inserting "the senior" before "official's".

(28) Section 2461(d)(2) is amended by striking "that Act" and inserting "such section".

(29) Section 2533a(k) is amended by striking "FedBizOps.gov" and inserting "FedBizOpps.gov".

(30) Section 2548 is amended—

(A) in subsection (a)—

(i) by striking "Not later than" and all that follows through "the Secretary" and inserting "The Secretary"; and

(ii) by adding a period at the end of paragraph (3);

(B) in subsection (d)—

(i) in the subsection heading, by inserting "AND" after "PERFORMANCE" the second place it appears; and

(ii) by striking "Beginning with fiscal year 2012, the" and inserting "The"; and

(C) in subsection (e)(1), by striking "United States Code,,".

(31) Section 2561(f)(2) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(32) Section 2601a(a)(1) is amended by inserting after "Coast Guard" the first place it appears the following: "when it is not operating as a service in the Navy".

(33) Section 2687(f) is amended by striking "at a result" and inserting "as a result".

(34) Section 2687a is amended—

(A) in subsection (a), by striking "Foreign relations" and inserting "Foreign Relations"; and

(B) in subsection (b)(1)—

(i) by striking the comma after "including"; and

(ii) by striking "The Treaty" and inserting "the Treaty".

(35) Section 2835 is amended—

(A) in subsection (a), by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy"; and

(B) in subsection (g)(1), by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy".

(36) Section 2836 is amended—

(A) in subsection (a), by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy"; and

(B) in paragraphs (4)(B) and (11) of subsection (c), by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy".

(37) Section 3201(a) is amended by striking "(beginning with fiscal year 1999)".

(38) Section 4342 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "clause" both places it appears and inserting "paragraph"; and

(ii) in paragraph (5), by striking "clauses" and inserting "paragraphs";

(B) in subsection (d), by striking "clauses" and inserting "paragraphs"; and

(C) in subsection (f), by striking "clauses" and inserting "paragraphs".

(39) Section 4343 is amended by striking "clauses" and inserting "paragraphs".

(40) Section 6954 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "clause" both places it appears and inserting "paragraph"; and

(ii) in paragraph (5), by striking "clauses" and inserting "paragraphs"; and

(B) in subsection (d), by striking "clauses" and inserting "paragraphs".

(41) Section 6956(b) is amended by striking "clauses" and inserting "paragraphs".

(42) Section 9342 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "clause" both places it appears and inserting "paragraph"; and

(ii) in paragraph (5), by striking "clauses" and inserting "paragraphs";

(B) in subsection (d), by striking "clauses" and inserting "paragraphs"; and

(C) in subsection (f), by striking "clauses" and inserting "paragraphs".

(43) Section 9343 is amended by striking "clauses" and inserting "paragraphs".

(44) Section 9515(b) is amended by striking "required by" and all that follows through "2008" and inserting "required by section 356 of the National Defense Authorization Act for Fiscal Year 2008".

(45) Section 10217(c)(3) is amended by striking "consider" and inserting "considered".

(g) REPEAL OF EXPIRED PROVISIONS.—Title 10, United States Code, is amended as follows:

(1) Section 1108 is amended—

(A) by striking subsections (j) and (k); and

(B) by redesignating subsection (l) as subsection (j).

(2) Section 2325 is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(3) Section 2349a is repealed, and the table of sections at the beginning of subchapter I of chapter 138 is amended by striking the item relating to that section.

(4) Section 2374b is repealed, and the table of sections at the beginning of chapter 139 is amended by striking the item relating to that section.

(h) AMENDMENTS TO TITLE 37.—Title 37, United States Code, is amended as follows:

(1) Section 310(c)(1) is amended by striking "section for for" and inserting "section for".

(2) Section 431, as transferred to chapter 8 of such title by section 631(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1460), is redesignated as section 491.

(3) Section 501(a)(5) is amended by striking “a reserve a component” and inserting “a reserve component”.

(i) AMENDMENT TO TITLE 46.—Section 51301(a) of title 46, United States Code, is amended in the heading by striking “IN GENERAL” and inserting “IN GENERAL”.

(j) DUPLICATIVE PROVISION IN ARMED FORCES RETIREMENT HOME ACT OF 1991.—Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by striking the first paragraph (3), leaving the second paragraph (3) added by section 561 of Public Law 112–81 (125 Stat. 1420).

(k) CROSS REFERENCES AND DATE OF ENACTMENT REFERENCES IN REINSTATEMENT OF TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note), as amended by section 504(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1391), is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking “1995” and inserting “1995 (Public Law 103–337;”;

and

(B) in subparagraph (B), by striking “1995” and inserting “1996”;

(2) in subsection (h), by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012” and inserting “December 31, 2011,”; and

(3) in subsection (i)(2), by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012” and inserting “December 31, 2011.”

(l) CORRECTION OF ERRONEOUS AMENDMENT INSTRUCTIONS.—Effective as of August 10, 2012, and as if included therein as enacted, section 2(c)(3) of Public Law 112–166 (126 Stat. 1284) is amended by striking “Selective Service Act of 1948” and inserting “Military Selective Service Act”.

(m) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any amendment made by other provisions of this Act.

**SEC. 1077. SENSE OF CONGRESS ON RECOGNIZING AIR MOBILITY COMMAND ON ITS 20TH ANNIVERSARY.**

(a) FINDINGS.—Congress finds the following:

(1) On June 1, 1992, Air Mobility Command was established as the Air Force’s functional command for cargo and passenger delivery, air refueling, and aeromedical evacuation.

(2) As the lead Major Command for all Mobility Air Forces, Air Mobility Command ensures that the Air Force’s core functions of global vigilance, power, and reach are fulfilled.

(3) The ability of the United States to rapidly respond to humanitarian disasters and the outbreak of hostilities anywhere in the world truly defines the United States as a global power.

(4) Mobility Air Forces Airmen are unified by one single purpose: to answer the call of others so they may prevail.

(5) The United States’ hand of friendship to the world many times takes the form of Mobility Air Forces aircraft delivering humanitarian relief. Since its inception, Air Mobility Command has provided forces for 43 humanitarian relief efforts at home and abroad, from New Orleans, Louisiana, to Bam, Iran.

(6) A Mobility Air Forces aircraft departs every 2 minutes, 365 days a year. Since Sep-

tember 11, 2001, Mobility Air Forces aircraft have flown 18.9 million passengers, 6.8 million tons of cargo, and offloaded 2.2 billion pounds of fuel. Many of these flights have assisted combat aircraft protection United States forces from overhead.

(7) The United States keeps its solemn promise to its men and women in uniform with Air Mobility Command, accomplishing 186,940 patient movements since the beginning of Operation Iraqi Freedom.

(8) Mobility Air Forces Airmen reflect the best values of the Nation: delivering hope, saving lives, and fueling the fight.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, on the occasion of the 20th anniversary of the establishment of Air Mobility Command, the people of the United States should—

(1) recognize the critical role that Mobility Air Forces play in the Nation’s defense; and

(2) express appreciation for the leadership of Air Mobility Command and the more than 134,000 active-duty, Air National Guard, Air Force Reserve, and Department of Defense civilians that make up the command.

**SEC. 1078. DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES.**

(a) UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—Section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended to read as follows:

**“GENERAL AUTHORIZATION**

**“SEC. 501. (a)** The Secretary and the Broadcasting Board of Governors are authorized to use funds appropriated or otherwise made available for public diplomacy information programs to provide for the preparation, dissemination, and use of information intended for foreign audiences abroad about the United States, its people, and its policies, through press, publications, radio, motion pictures, the Internet, and other information media, including social media, and through information centers, instructors, and other direct or indirect means of communication.

**“(b)(1)** Except as provided in paragraph (2), the Secretary and the Broadcasting Board of Governors may, upon request and reimbursement of the reasonable costs incurred in fulfilling such a request, make available, in the United States, motion pictures, films, video, audio, and other materials disseminated abroad pursuant to this Act, the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), or the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). Any reimbursement pursuant to this paragraph shall be credited to the applicable appropriation account of the Department of State or the Broadcasting Board of Governors, as appropriate. The Secretary and the Broadcasting Board of Governors shall issue necessary regulations—

**“(A)** to establish procedures to maintain such material;

**“(B)** for reimbursement of the reasonable costs incurred in fulfilling requests for such material; and

**“(C)** to ensure that the persons seeking release of such material have secured and paid for necessary United States rights and licenses.

**“(2)** With respect to material disseminated abroad before the effective date of section 1078 of the National Defense Authorization Act for Fiscal Year 2013—

**“(A)** the Secretary and the Broadcasting Board of Governors shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes, and other material 12 years after

the initial dissemination of the material abroad; and

**“(B)** the Archivist shall be the official custodian of the material and shall issue necessary regulations to ensure that persons seeking its release in the United States have secured and paid for necessary United States rights and licenses and that all costs associated with the provision of the material by the Archivist shall be paid by the persons seeking its release, in accordance with paragraph (4).

**“(3)** The Archivist may undertake the functions described in paragraph (1) on behalf of and at the request of the Secretary or the Broadcasting Board of Governors.

**“(4)** The Archivist may charge fees to recover the costs described in paragraphs (1) and (2), in accordance with section 2116(c) of title 44, United States Code. Such fees shall be paid into, administered, and expended as part of the National Archives Trust Fund.

**“(c)** Nothing in this section may be construed to require the Secretary or the Broadcasting Board of Governors to make material disseminated abroad available in any format other than in the format disseminated abroad.”

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), may be construed to affect the allocation of funds appropriated or otherwise made specifically available for public diplomacy or to authorize appropriations for Broadcasting Board of Governors programming other than for foreign audiences abroad.

(c) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987.—Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended to read as follows:

**“SEC. 208. CLARIFICATION ON DOMESTIC DISTRIBUTION OF PROGRAM MATERIAL.**

**“(a)** IN GENERAL.—No funds authorized to be appropriated to the Department of State or the Broadcasting Board of Governors shall be used to influence public opinion in the United States. This section shall apply only to programs carried out pursuant to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). This section shall not prohibit or delay the Department of State or the Broadcasting Board of Governors from providing information about its operations, policies, programs, or program material, or making such available, to the media, public, or Congress, in accordance with other applicable law.

**“(b)** RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Department of State or the Broadcasting Board of Governors from engaging in any medium or form of communication, either directly or indirectly, because a United States domestic audience is or may be thereby exposed to program material, or based on a presumption of such exposure. Such material may be made available within the United States and disseminated, when appropriate, pursuant to sections 502 and 1005 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462 and 1437), except that nothing in this section may be construed to authorize the Department of State or the Broadcasting Board of Governors to disseminate within the United States any program material prepared for

dissemination abroad on or before the effective date of section 1078 of the National Defense Authorization Act for Fiscal Year 2013.

“(c) APPLICATION.—The provisions of this section shall apply only to the Department of State and the Broadcasting Board of Governors and to no other department or agency of the Federal Government.”.

(d) CONFORMING AMENDMENTS.—The United States Information and Educational Exchange Act of 1948 is amended—

(1) in section 502 (22 U.S.C. 1462)—

(A) by inserting “and the Broadcasting Board of Governors” after “Secretary”; and

(B) by inserting “or the Broadcasting Board of Governors” after “Department”; and

(2) in section 1005 (22 U.S.C. 1437), by inserting “and the Broadcasting Board of Governors” after “Secretary” each place it appears.

(e) EFFECTIVE DATE.—This section shall take effect and apply on the date that is 180 days after the date of the enactment of this section.

#### SEC. 1079. COORDINATION FOR COMPUTER NETWORK OPERATIONS.

(a) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the interagency process for coordinating and de-conflicting full-spectrum military cyber operations for the Federal Government.

(b) ELEMENTS.—The briefing required under subsection (a) shall include a description of each of the following:

(1) The business processes and rules governing the interagency process for coordinating and de-conflicting full-spectrum military cyber operations.

(2) The membership and responsibilities of such interagency process.

(3) The current status of interagency guidance clarifying roles and responsibilities for full-spectrum military cyber operations.

(4) Plans for implementing the planning and guidance from such interagency process.

(c) BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the congressional defense committees dedicated budget documentation materials to accompany the budget submissions for fiscal year 2015 and each subsequent fiscal year, including a single Department of Defense-wide budget estimate and detailed budget planning data for full-spectrum military cyberspace operations. Such materials shall be submitted in unclassified form but may include a classified annex.

#### SEC. 1080. SENSE OF CONGRESS REGARDING UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

It is the sense of Congress that—

(1) unauthorized disclosures of classified information can threaten the national security and foreign relations of the United States;

(2) the Department of Defense has taken positive steps toward improving its policies, procedures, and enforcement mechanisms regarding unauthorized disclosures of classified information and should continue to improve upon such policies, procedures, and enforcement mechanisms;

(3) other departments and agencies of the Federal Government should undertake similar efforts, if such departments and agencies have not already done so; and

(4) the Department of Justice should investigate possible violations of Federal law related to unauthorized disclosures of classified information, including disclosures re-

lated to military, intelligence, and operational capabilities of the United States and allies of the United States and, in appropriate cases, individuals responsible for such unauthorized disclosures should be prosecuted to the full extent of the law.

#### SEC. 1081. TECHNICAL AMENDMENTS TO REPEAL STATUTORY REFERENCES TO UNITED STATES JOINT FORCES COMMAND.

Title 10, United States Code, is amended as follows:

(1)(A) Section 232 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 232.

(2) Section 2859(d) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Section 10503(13)(B) is amended—

(A) by striking clause (iii); and

(B) redesignating clause (iv) as clause (iii).

#### SEC. 1082. SENSE OF CONGRESS ON NON-UNITED STATES CITIZENS WHO ARE GRADUATES OF UNITED STATES EDUCATIONAL INSTITUTIONS WITH ADVANCED DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

It is the sense of Congress—

(1) that the Department of Defense should make every reasonable and practical effort to increase the number of United States citizens who pursue advanced degrees in science, technology, engineering, and mathematics; and

(2) to strongly urge the Department of Defense to investigate innovative mechanisms (subject to all appropriate security requirements) to access the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, especially in those scientific and technical areas that are most vital to the national defense (such as those identified by the Assistant Secretary of Defense for Research and Engineering and the Armed Forces).

#### SEC. 1083. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

##### “SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

“(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

“(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

“(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

“(A) CURRENT STATUS.—

“(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

“(I) the prevention, diagnosis, and treatment of such cancer;

“(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

“(III) the epidemiology of such cancer.

“(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

“(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

“(iv) COORDINATED RESEARCH INITIATIVES.—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

“(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

“(B) IDENTIFICATION OF RESEARCH QUESTIONS.—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

“(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

“(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

“(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

“(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

“(3) TIMING.—

“(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

“(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

“(ii) review and update the scientific framework not later than 5 years after its initial development.

“(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

“(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

“(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

“(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

“(b) IDENTIFICATION OF RECALCITRANT CANCER.—

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

“(A) have a 5-year relative survival rate of less than 20 percent; and



“(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

“(2) **ADDITIONAL CANCERS.**—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

“(c) **WORKING GROUPS.**—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

“(d) **REPORTING.**—

“(1) **BIENNIAL REPORTS.**—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

“(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

“(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

“(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

“(2) **ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.**—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

“(e) **RECOMMENDATIONS FOR EXCEPTION FUNDING.**—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

“(f) **DEFINITION.**—In this section, the term ‘recalcitrant cancer’ means a cancer for which the five-year relative survival rate is below 50 percent.”.

#### **SEC. 1084. PROTECTION OF VETERANS' MEMORIALS.**

(a) **TRANSPORTATION OF STOLEN MATERIALS.**—Section 2314 of title 18, United States Code, is amended—

(1) by striking “or any part thereof—” and inserting the following: “or any part thereof; or”;

(2) by inserting before “Shall be fined under this title” the following:

“Whoever transports, transmits, or transfers in interstate or foreign commerce any veterans' memorial object, knowing the same to have been stolen, converted or taken by fraud—”;

(3) by inserting after “under this section is greater.” the following: “If the offense involves the transportation, transmission, or transfer in interstate or foreign commerce of veterans' memorial objects with a value, in the aggregate, of less than \$1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both.”; and

(4) by adding at the end the following:

“For purposes of this section the term ‘veterans' memorial object’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”.

(b) **SALE OR RECEIPT OF STOLEN MEMORIALS.**—Section 2315 of title 18, United States Code, is amended—

(1) by striking “or any part thereof—” and inserting the following: “or any part thereof; or”;

(2) by inserting before “Shall be fined under this title” the following:

“Whoever receives, possesses, conceals, stores, barters, sells, or disposes of any veterans' memorial object which has crossed a State or United States boundary after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken—”;

(3) by inserting after “under this section is greater.” the following: “If the offense involves the receipt, possession, concealment, storage, barter, sale, or disposal of veterans' memorial objects with a value, in the aggregate, of less than \$1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both.”; and

(4) by adding at the end the following: “For purposes of this section the term ‘veterans' memorial object’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”.

#### **SEC. 1085. SENSE OF CONGRESS REGARDING SPECTRUM.**

It is the sense of Congress that—

(1) the United States mobile communications industry is a significant economic engine;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services;

(3) as the United States faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while such growing demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national security, law enforcement, and other critical Federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 768) by the Secretary of Defense, the Secretary of Commerce, and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability; and

(6) given the need to determine equitable outcomes for the United States in relation to

spectrum use that balance the demand of the private sector for spectrum with national security and other critical Federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangement and plans for 110 megahertz of Federal spectrum in the 1695-1710 MHz and the 1755-1850 MHz bands.

#### **SEC. 1086. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.**

(a) **SHORT TITLE.**—This section may be cited as the “Dale Long Public Safety Officers' Benefits Improvements Act of 2012”.

(b) **BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.**—

(1) **IN GENERAL.**—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking “and” at the end;

(ii) in paragraph (27), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking “follows:” and all that follows and inserting the following: “follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—

“(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

“(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

“(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

“(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term ‘child’ under section 1204 but for age.”;

(ii) in subsection (b)—

(I) by striking “direct result of a catastrophic” and inserting “direct and proximate result of a personal”;



(II) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;

(III) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(IV) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(V) by striking “, to such officer”;

(VI) by striking “the total” and all that follows through “For” and inserting “for”; and

(VII) by striking “That these” and all that follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.”;

(iii) in subsection (f)—

(I) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4-622); or” and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking “, Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”; and

(bb) by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).”;

(iv) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(v) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the

same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(ii) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”;

(D) in section 1203 (42 U.S.C. 3796a-1)—

(i) in the section heading, by striking “WHO HAVE DIED IN THE LINE OF DUTY” and inserting “WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY”; and

(ii) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(ii) in paragraph (3)—

(I) in the matter preceding clause (i)—

(aa) by inserting “or permanently and totally disabled” after “deceased”; and

(bb) by striking “death” and inserting “fatal or catastrophic injury”; and

(II) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in paragraph (5)—

(I) by striking “post-mortem” each place it appears and inserting “post-injury”;

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (B), as so redesignated, by striking “death” and inserting “fatal or catastrophic injury”;

(iv) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or

“(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system.”; and

(v) in paragraph (9)—

(I) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(II) in subparagraph (B)(ii), by striking “or” after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(IV) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”;

(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and subsections (b) and (c) of section 1216 (42 U.S.C.

3796d-5), by striking “dependent” each place it appears and inserting “person”;

(H) in section 1212 (42 U.S.C. 3796d-1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(II) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(ii) in subsection (c)—

(I) in the subsection heading, by striking “DEPENDENT”; and

(II) by striking “dependent”;

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d-2(b)), by striking “dependents” each place it appears and inserting “persons”;

(J) in section 1216 (42 U.S.C. 3796d-5)—

(i) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(ii) by striking “dependents” each place it appears and inserting “a person”; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1(a)) is amended by inserting “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed by such agency”.

(3) CONFORMING AMENDMENTS.—The Internal Revenue Code of 1986 is amended—

(A) in section 402(l)(4)(C), by inserting before the period at the end the following: “, as in effect immediately before the enactment of the National Defense Authorization Act for Fiscal Year 2013”; and

(B) in section 101(h)(1), by inserting after “1968” the following: “, as in effect immediately before the enactment of the National Defense Authorization Act for Fiscal Year 2013”.

(c) AUTHORIZATION OF APPROPRIATIONS; TERMINATIONS; APPEALS.—The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796c-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”;

(3) by striking the period at the end and inserting the following: “: *Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment (consistent with section 611 of the Uniting and Strengthening America By Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment; and

“(3) any reference to section 1202 of such title 1 shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202:

*Provided further*, That, on and after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Dale Long Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—

(A) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

#### SEC. 1087. REMOVAL OF ACTION.

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

“(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.

“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”

#### SEC. 1088. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”

#### SEC. 1089. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d), by striking “as a law enforcement officer” and inserting “that identifies the employee as a police officer or law enforcement officer of the agency”; and

(C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d)—

(i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”; and

(ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

#### SEC. 1090. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”

#### SEC. 1091. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT.

(a) TRANSFER.—The Secretary of Defense may transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(1) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(2) excess to the needs of the Department of Defense, as determined by the Secretary of Defense;

(3) in the case of aircraft to be transferred to the Secretary of Agriculture, acceptable for use by the Forest Service, as determined by the Secretary of Agriculture; and

(4) in the case of aircraft to be transferred to the Secretary of Homeland Security, acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(c) LIMITATION ON NUMBER.—

(1) LIMITATION.—Except as provided in paragraph (2), the number of aircraft that may be transferred under subsection (a) to each of the Secretary of Agriculture and the Secretary of Homeland Security may not exceed seven aircraft for each agency.

(2) TERMINATION OF LIMITATION AFTER OFFICIAL NOTICE OF INTENT TO ACCEPT OR DECLINE SEVEN AIRCRAFT.—The limitation in paragraph (1) on the number of aircraft transferable under subsection (a) shall cease upon official notice to the Secretary of Defense, from the Secretary of Agriculture, and the Secretary of Homeland Security that the Secretary’s respective department will decline or accept seven aircraft.

(d) ORDER OF TRANSFERS.—

(1) RIGHTS OF REFUSAL.—In implementing the transfers authorized by subsection (a), the Secretary of Defense shall afford the Secretary of Agriculture the right of first refusal and the Secretary of Homeland Security the second right of refusal in the transfer to each department by the Secretary of Defense of up to seven excess aircraft specified in subsection (b) before the transfer of such excess aircraft is offered to any other department or agency of the Federal Government.

(2) EXPIRATION OF RIGHT OF FIRST REFUSAL.—The right of first refusal afforded the Secretary of Agriculture by paragraph (1) shall expire upon official notice of the Secretary to the Secretary of Defense under subsection (c)(2).

(e) CONDITIONS OF CERTAIN TRANSFERS.—Excess aircraft transferred to the Secretary of Agriculture under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(f) ADDITIONAL LIMITATION.—Excess aircraft transferred under subsection (a) may not be sold by the Secretary of Agriculture

or the Secretary of Homeland Security after transfer.

(g) **COSTS AFTER TRANSFER.**—Any costs of operation, maintenance, sustainment, and disposal of excess aircraft transferred under subsection (a) after the date of transfer shall be borne by the Secretary of Agriculture and the Secretary of Homeland Security, as applicable.

#### **TITLE XI—CIVILIAN PERSONNEL MATTERS**

Sec. 1101. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1102. Expansion of experimental personnel program for scientific and technical personnel at the Defense Advanced Research Projects Agency.

Sec. 1103. Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies.

Sec. 1104. One-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.

Sec. 1105. Policy on senior mentors.

Sec. 1106. Authority to pay for the transport of family household pets for Federal employees during certain evacuation operations.

Sec. Interagency personnel rotations.

#### **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

Effective January 1, 2013, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1104 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1612), is further amended by striking “through 2012” and inserting “through 2013”.

#### **SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL AT THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.**

(a) **EXPANSION.**—Section 1101(b)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking “40” and inserting “60”.

(b) **CONSTRUCTION.**—The amendment made by subsection (a) shall not be construed as affecting any applicable authorization or delimitation of the numbers of personnel that may be employed at the Defense Advanced Research Projects Agency.

#### **SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS FOR CIVILIAN AGENCIES.**

Section 1703(j)(2) of title 41, United States Code, is amended by striking “September 30, 2012” and inserting “September 30, 2017”.

#### **SEC. 1104. ONE-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law

109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and amended by section 1112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1616), is further amended by striking “2013” and inserting “2014”.

#### **SEC. 1105. POLICY ON SENIOR MENTORS.**

(a) **IN GENERAL.**—The Secretary of Defense shall provide written notice to the congressional defense committees at least 60 days before implementing any change in the policy regarding senior mentors issued on or about April 1, 2010.

(b) **APPLICABILITY.**—Changes implemented before the date of the enactment of this Act shall not be affected by this section.

#### **SEC. 1106. AUTHORITY TO PAY FOR THE TRANSPORT OF FAMILY HOUSEHOLD PETS FOR FEDERAL EMPLOYEES DURING CERTAIN EVACUATION OPERATIONS.**

Section 5725 of title 5, United States Code, is amended—

(1) in subsection (a), in the matter following paragraph (2), by striking “and personal effects,” and inserting “, personal effects, and family household pets,”; and

(2) by adding at the end the following:

“(c)(1) The expenses authorized under subsection (a) shall, with respect to the transport of family household pets, include the expenses for the shipment of and the payment of any quarantine costs for such pets.

“(2) Any payment or reimbursement under this section in connection with the transport of family household pets shall be subject to terms and conditions which—

“(A) the head of the agency shall by regulation prescribe; and

“(B) shall, to the extent practicable, be the same as would apply under regulations prescribed under section 476(b)(1)(H)(iii) of title 37 in connection with the transport of family household pets of members of the uniformed services, including regulations relating to the types, size, and number of pets for which such payment or reimbursement may be provided.”.

#### **SEC. 1107. INTERAGENCY PERSONNEL ROTATIONS.**

(a) **FINDING AND PURPOSE.**—

(1) **FINDING.**—Congress finds that the national security and homeland security challenges of the 21st century require that executive branch personnel use a whole-of-Government approach in order for the United States Government to operate in the most effective and efficient manner.

(2) **PURPOSE.**—The purpose of this section is to increase the efficiency and effectiveness of the Government by fostering greater interagency experience among executive branch personnel on national security and homeland security matters involving more than 1 agency.

(b) **COMMITTEE ON NATIONAL SECURITY PERSONNEL.**—

(1) **ESTABLISHMENT.**—There is established a Committee on National Security Personnel within the Executive Office of the President.

(2) **MEMBERSHIP.**—The members of the Committee shall include—

(A) designees of the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, the Assistant to the President for National Security Affairs, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security (1 member to be designated by each); and

(B) such other members as the President shall designate.

(c) **PROGRAM ESTABLISHED.**—

(1) Not later than 270 days after the date of the enactment of this Act, the Committee on National Security Personnel, in consultation with representatives of such other agencies as the Committee determines to be appropriate, shall develop and issue a National Security Human Capital Strategy providing policies, processes, and procedures for a program for the interagency rotation of personnel among positions within National Security Interagency Communities of Interest.

(2) The strategy required by paragraph (1) shall, at a minimum—

(A) identify specific Interagency Communities of Interest for the purpose of carrying out the program;

(B) designate agencies to be included or excluded from the program;

(C) define categories of positions to be covered by the program;

(D) establish processes by which the heads of relevant agencies may identify—

(i) positions in Interagency Communities of Interest that are available for rotation under the program; and

(ii) individual employees who are available to participate in rotational assignments under the program; and

(E) promulgate procedures for the program, including—

(i) any minimum or maximum periods of service for participation in the program;

(ii) any training and education requirements associated with participation in the program;

(iii) any prerequisites or requirements for participation in the program; and

(iv) appropriate performance measures, reporting requirements, and other accountability devices for the evaluation of the program.

(d) **PROGRAM REQUIREMENTS.**—The policies, processes, and procedures established pursuant to subsection (c) shall, at a minimum, provide that—

(1) during each of the first 4 fiscal years after the fiscal year in which this Act is enacted—

(A) the interagency rotation program shall be carried out in at least 2 Interagency Communities of Interest, of which 1 shall be an Interagency Community of Interest for emergency management and 1 shall be an Interagency Community of Interest for stabilization and reconstruction; and

(B) not fewer than 20 employees in the executive branch of the Government shall be assigned to participate in the interagency personnel rotation program;

(2) an employee's participation in the interagency rotation program shall require the consent of the head of the agency and shall be voluntary on the part of the employee;

(3) employees selected to perform interagency rotational service are selected in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, unless the Interagency Community of Interest position is otherwise exempt under another provision of law;

(4) an employee performing service in a position in another agency pursuant to the program established under this section shall be entitled to return, within a reasonable period of time after the end of the period of service, to the position held by the employee, or a corresponding or higher position, in his or her employing agency;

(5) an employee performing interagency rotational service shall have all the rights that would be available to the employee if the

employee were detailed or assigned under a provision of law other than this section from the agency employing the employee to the agency in which the position in which the employee is serving is located; and

(6) an employee participating in the program shall receive performance evaluations from officials in his or her employing agency that are based on input from the supervisors of the employee during his or her service in the program that are based primarily on the contribution of the employee to the work of the agency in which the employee performed such service, and these performance evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the employing agency as performance evaluations for service in the employing agency.

(e) **SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS.**—The head of each agency participating in the program established pursuant to subsection (c) shall ensure that, in selecting individuals to fill senior positions within an Interagency Community of Interest, the agency gives a strong preference to individuals who have performed interagency rotational service within the Interagency Community of Interest pursuant to such program.

(f) **INTERAGENCY COMMUNITY OF INTEREST DEFINED.**—As used in this section, the term “National Security Interagency Community of Interest” or “Interagency Community of Interest” means the positions in the executive branch of the Government that, as determined by the Committee on National Security Personnel—

(1) as a group are positions within multiple agencies of the executive branch of the Government; and

(2) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(g) **REPORT ON PERFORMANCE MEASURES.**—Not later than the end of the 2nd fiscal year after the fiscal year in which this Act is enacted, the Committee on National Security Personnel shall assess the performance measures described in subsection (c)(2)(E)(iv) and issue a report to Congress on the assessment of those performance measures.

(h) **GAO REVIEW.**—Not later than the end of the 2nd fiscal year after the fiscal year in which this Act is enacted, the Comptroller General of the United States shall submit to Congress a report assessing the implementation and effectiveness of the interagency rotation program established pursuant to this section. The report required by this section shall address, at a minimum—

(1) the extent to which the requirements of this section have been implemented by the Committee on National Security Personnel and by national security agencies;

(2) the extent to which national security agencies have participated in the program established pursuant to this section, including whether the heads of such agencies have—

(A) identified positions within the agencies that are National Security Interagency Communities of Interest and had employees from other agencies serve in rotational assignments in such positions; and

(B) identified employees who are eligible for rotational assignments in National Security Interagency Communities of Interest

and had such employees serve in rotational assignments in other agencies;

(3) the extent to which employees serving in rotational assignments under the program established pursuant to this section have benefitted from such assignments, including an assessment of—

(A) the period of service;

(B) the duties performed by the employees during such service;

(C) the value of the training and experience gained by participating employees through such service; and

(D) the positions (including grade level) held by employees before and after completing interagency rotational service under this section; and

(4) the extent to which interagency rotational service under this section has improved or is expected to improve interagency integration and coordination within National Security Interagency Communities of Interest.

(i) **EXCLUSION.**—This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

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Sec. 1201. Modification and extension of authorities relating to program to build the capacity of foreign military forces.

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Sec. 1204. Limitation on activities under State Partnership Program pending compliance with certain program-related requirements.

### Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Authority to support operations and activities of the Office of Security Cooperation in Iraq.

Sec. 1212. Report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan.

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Sec. 1283. Sense of Congress on efforts to remove or apprehend Joseph Kony from the battlefield and end the atrocities of the Lord's Resistance Army.

Sec. 1284. Imposition of sanctions with respect to support for the rebel group known as M23.

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Sec. 1291. Review and reports on Department of Defense efforts to build the capacity of and partner with foreign security forces.

Sec. 1292. Additional report on military and security developments involving the Democratic People's Republic of Korea.

Sec. 1293. Report on host nation support for overseas United States military installations and United States Armed Forces deployed in country.

Sec. 1294. Report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria.

Sec. 1295. Report on military assistance provided by Russia to Syria.

#### Subtitle A—Assistance and Training

### SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) INCLUSION OF SMALL-SCALE MILITARY CONSTRUCTION ACTIVITIES AMONG AUTHORIZED ELEMENTS.—

(1) IN GENERAL.—Subsection (b)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3457), as amended by section 1206(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2418), is further amended by striking “equipment, supplies, and training” and inserting “equipment, supplies, training, and small-scale military construction activities”.

(2) LIMITATION ON AVAILABILITY OF FUNDS.—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as most recently amended by section 1204(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1621), is further amended by adding at the end the following new paragraph:

“(6) LIMITATION ON AVAILABILITY OF FUNDS FOR SMALL-SCALE MILITARY CONSTRUCTION ACTIVITIES.—Of amounts available under this subsection for the authority in subsection (a) for a fiscal year—

“(A) not more than \$750,000 may be obligated or expended for small-scale military construction activities under a program authorized under subsection (a); and

“(B) not more than \$25,000,000 may be obligated or expended for small-scale military construction activities under all programs authorized under subsection (a).”.

(b) MODIFICATION OF NOTICE.—Subsection (e)(2) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as amended by section 1206(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007, is further amended by adding at the end the following new subparagraph:

“(D) Detailed information (including the amount and purpose) on the assistance provided the country during the three preceding fiscal years under each of the following programs, accounts, or activities:

“(i) A program under this section.

“(ii) The Foreign Military Financing program under the Arms Export Control Act.

“(iii) Peacekeeping Operations.

“(iv) The International Narcotics Control and Law Enforcement (INCLE) program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

“(v) Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR).

“(vi) Counterdrug activities authorized by section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and section 1033 of the National Defense Authorization Act for Fiscal Year 1998.”.

(c) EXTENSION.—

(1) IN GENERAL.—Subsection (g) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as most recently amended by section 1204(c) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1622), is further amended—

(A) by striking “September 30, 2013” and inserting “September 30, 2014”; and

(B) by striking “fiscal years 2006 through 2013” and inserting “fiscal years 2006 through 2014”.

(2) TEMPORARY LIMITATION ON AMOUNT FOR CAPACITY FOR PARTICIPATION IN OR SUPPORT OF MILITARY AND STABILITY OPERATIONS.—Subsection (c)(5) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as most recently amended by section 1204(a) of the National Defense Authorization Act for Fiscal Year 2012, is further amended by striking “fiscal years 2102 and 2013” and inserting “fiscal years 2012, 2013, and 2014”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to any country in which activities are initiated under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 on or after that date.

### SEC. 1202. EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2514; 10 U.S.C. 168 note) is amended by striking “September 30, 2012” and inserting “September 30, 2016”.

### SEC. 1203. AUTHORITY TO BUILD THE CAPACITY OF CERTAIN COUNTERTERRORISM FORCES IN YEMEN AND EAST AFRICA.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance as follows:

(1) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

(2) To enhance the capacity of the national military forces, security agencies serving a similar defense function, other counterterrorism forces, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(3) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(b) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—Assistance under subsection (a) may include the provision of equipment, supplies, training, and minor military construction.

(2) REQUIRED ELEMENTS.—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in the country receiving such assistance.

(3) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any other provision of law.

(4) LIMITATIONS ON MINOR MILITARY CONSTRUCTION.—The total amount that may be obligated and expended on minor military construction under subsection (a) in any fiscal year may not exceed amounts as follows:

(A) In the case of minor military construction under paragraph (1) of subsection (a), \$10,000,000.

(B) In the case of minor military construction under paragraphs (2) and (3) of subsection (a), \$10,000,000.

(c) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for a fiscal year for the Department of Defense for operation and maintenance—

(A) not more than \$75,000,000 may be used to provide assistance under paragraph (1) of subsection (a); and

(B) not more than \$75,000,000 may be used to provide assistance under paragraphs (2) and (3) of subsection (a).

(2) AVAILABILITY OF FUNDS FOR ASSISTANCE ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for assistance under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(e) EXPIRATION.—Except as provided in subsection (c)(2), the authority provided under subsection (a) may not be exercised after the earlier of—

(1) the date on which the Global Security Contingency Fund achieves full operational capability; or

(2) September 30, 2014.

#### **SEC. 1204. LIMITATION ON ACTIVITIES UNDER STATE PARTNERSHIP PROGRAM PENDING COMPLIANCE WITH CERTAIN PROGRAM-RELATED REQUIREMENTS.**

(a) LIMITATION.—If both requirements specified in subsection (b) are not met as of February 28, 2013, no activities may be carried out under the State Partnership Program after that date until both requirements are met.

(b) REQUIREMENTS.—The requirements specified in this subsection are the following:

(1) The requirement for the Secretary of Defense to submit to the appropriate congressional committees the final regulations required by subsection (a) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note).

(2) A requirement for the Secretary of Defense to certify to the appropriate congressional committees that appropriate modifications have been made, and appropriate controls have been instituted, to ensure the compliance of the Program with section 1341 of title 31, United States Code (commonly referred to as the “Anti-Deficiency Act”), in the future.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” has the meaning given that term in subsection (d) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010.

#### **Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan**

#### **SEC. 1211. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.**

(a) LIMITATION ON AMOUNT.—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631) is amended by inserting at the end before the period the following: “and in fiscal year 2013 may not exceed \$508,000,000”.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended—

(1) by inserting “or fiscal year 2013” after “fiscal year 2012”; and

(2) by striking “that fiscal year” and inserting “fiscal year 2012 or 2013, as the case may be.”.

(c) ADDITIONAL AUTHORITY FOR THE ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) ADDITIONAL AUTHORITY FOR ACTIVITIES OF OSCE.—During fiscal year 2013, the Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Office of Security Cooperation in Iraq to conduct non-operational training activities in support of Iraqi Ministry of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions.”.

(d) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the activities of the Office of Security Cooperation in Iraq.

(2) MATTERS TO BE INCLUDED.—The report shall include the following:

(A) A description, in unclassified form (but with a classified annex if appropriate), of any capability gaps in the security forces of Iraq, including capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance.

(B) A description of the extent, if any, to which the programs of the Office of Security Cooperation in Iraq, in conjunction with other United States programs such as the Foreign Military Financing program, the Foreign Military Sales program, and joint training exercises, will address the capability gaps described in subparagraph (A) if the Government of Iraq requests assistance in addressing such capability gaps.

(C) A detailed discussion of the current manpower, budget, and authorities of the Office of Security Cooperation in Iraq.

(D) A detailed plan for the transition of the costs of the activities of the Office of Security Cooperation in Iraq to Foreign Military Sales case funding by September 30, 2014, and a detailed description of the planned manpower, budget, and authorities of the Office to implement such a plan.

(E) A description of existing authorities available to be used to cover the costs of training the Iraqi Security Forces, including a list of specific training activities and number of associated personnel that the Secretary of Defense determines cannot be conducted under any existing authority not provided by this section.

(F) A description of those measures of effectiveness that will be used to evaluate the

activities of the Office of Security Cooperation in Iraq and a discussion of the process that will use those measures of effectiveness to make determinations if specific activities of the Office should be expanded, altered, or terminated.

(3) UPDATE REQUIRED.—Not later than September 30, 2013, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees an update of the report required by paragraph (1), including a description of any changes to any specific element or process described in subparagraphs (A) through (F) of paragraph (2).

(4) DEFINITION.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 1212. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to the maximum extent possible and consistent with the commander’s professional judgment and the requirements of the mission, the United States military should conduct local force protection for its troops on bases where such troops are garrisoned or housed in Afghanistan;

(2) the increase in attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel raises concerns about the force protection for United States troops in Afghanistan and the procedures for screening, vetting, and monitoring Afghanistan National Security Forces personnel and Afghan Public Protection Force personnel;

(3) the Department of Defense and the Government of Afghanistan are making efforts to address the threat of such attacks and associated threats, but continued leadership will be required; and

(4) the North Atlantic Treaty Organization/International Security Assistance Force and the Government of Afghanistan should establish a program to continue to enhance vetting of Afghanistan National Security Forces and Afghan Public Protection Force recruits, to monitor the Afghanistan National Security Forces and the Afghan Public Protection Force personnel, and to re-assess Afghanistan National Security Forces and Afghan Public Protection Force personnel as required.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, Afghan Public Protection Force personnel, Afghan Public Protection Force impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (“insider attacks”) in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (b), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces and the Afghan Public Protection Force.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(d) **ADDITIONAL REPORTS.**—The Secretary of Defense shall submit to the congressional defense committees a semi-annual update to the report required under subsection (b) through December 31, 2014. The additional reports required by this subsection may be submitted in the report required by section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1632).

(e) **UNCLASSIFIED EXECUTIVE SUMMARY.**—The report submitted under subsection (b) and the semi-annual update to the report submitted under subsection (d) shall include an executive summary of the contents of the report in unclassified form.

#### **SEC. 1213. UNITED STATES MILITARY SUPPORT IN AFGHANISTAN.**

(a) **NOTIFICATION.**—The Secretary of Defense shall notify the congressional defense committees of any decision of the President to change force levels of United States Armed Forces deployed in Afghanistan.

(b) **SUBMITTAL REQUIRED.**—Not later than 30 days after a decision by the President to change the force levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(c) **ELEMENTS.**—The risk assessment under subsection (b) on a change in force levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in force levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in force levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in force levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in force levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in force levels.

(7) An assessment of the impact of such change in force levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in force levels.

(9) Such other matters regarding such change in force levels as the Chairman considers appropriate.

(d) **TERMINATION.**—The requirement to notify the congressional defense committees under subsection (a) shall terminate on December 31, 2014.

#### **SEC. 1214. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.**

(a) **IN GENERAL.**—Section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1632), is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

“(e) **ADDITIONAL MATTERS TO BE INCLUDED ON AFGHANISTAN NATIONAL SECURITY**

**FORCES.**—In reporting on performance indicators and measures of progress required under subsection (d)(2)(D), the report required under subsection (a) shall assess the following:

“(1) For overall Afghanistan National Security Forces (ANSF):

“(A) A description of the professionalization of the Afghan National Army (ANA) and Afghan National Police (ANP), including literacy, training benchmarks, and vetting outcomes.

“(B) An assessment of the ANA and the ANP interaction with the Afghan civilian population and respect for human rights.

“(C) An outline of United States contributions for the current fiscal year and one-year projected fiscal year and pledges for contributions by other countries.

“(D) The percentage of officer corps and noncommissioned officer corps personnel as compared to end-strength requirements.

“(2) For logistics:

“(A) An assessment of the ANA and ANP logistics system, including a discussion of critical supply shortfalls and challenges associated with filling supply requests.

“(B) A description of the logistical capacity of the ANA and ANP and how operations are sustained in the areas in which the ANA and ANP are transitioned and in areas in which the ANA and the ANP are in pre-transition stages.

“(3) For transition:

“(A) An assessment, by province, of the security situation and capability of ANSF in those areas that have been transitioned to an Afghan security lead, to include a description of the transition stages for each such province and readiness ratings for the ANSF in each such province.

“(B) An assessment, by province, of the security situation and capability of ANSF in pre-transition areas, to include readiness ratings.

“(C) A description of how security force assistance teams and security force assistance brigades will be integrated into ANSF units.

“(4) For preparation for the 2014 elections: The steps taken by the United States, ISAF, and the Government of Afghanistan to carry out the following:

“(A) Identify and train a sufficient number of the ANSF, to include female members of the ANSF.

“(B) Provide for the security of the elections, including security of polling places, election workers, election materials, and such other locations and personnel as may be necessary to safely carry out the elections, including participation of women.

“(C) Assist with ensuring that election workers and materials can be safely and securely transported in Afghanistan as may be required.

“(5) For partnership and assistance activities:

“(A) A discussion of ongoing partnership activities in Afghanistan, including partnership activities as part of major operations and efforts, and including metrics used to measure the quantity of ongoing partnership activities and changes to how partnership activities are conducted that affect significant numbers of United States Armed Forces, ISAF, or Afghan units and the reasons for any such change.

“(B) A discussion of any transition from partnership activities conducted by United States Armed Forces or other international units with Afghan forces to the use of security force assistance teams or security force assistance brigades, including the reasons for such transition, advantages or drawbacks of



such transition, and other information which may be pertinent.

“(C) The number of security force assistance teams and security force assistance brigades in Afghanistan, including the number of such teams and brigades provided by other members of ISAF, the number of such teams and brigades that are assisting each component of ANSF, and any unmet requirements for such teams and brigades.”.

(b) **EFFECTIVE DATE.**—The amendments made this section apply with respect to any report required to be submitted under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385) on or after the date of the enactment of this Act.

**SEC. 1215. INDEPENDENT ASSESSMENT OF THE AFGHAN NATIONAL SECURITY FORCES.**

(a) **INDEPENDENT ASSESSMENT REQUIRED.**—The Secretary of Defense shall provide for the conduct of an independent assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces (ANSF) capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(b) **CONDUCT OF ASSESSMENT.**—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or

(2) an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) **ELEMENTS.**—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of the likely internal and regional security environment for Afghanistan over the next decade, including challenges and threats to the security and sovereignty of Afghanistan from state and non-state actors.

(2) An assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(3) An assessment of any capability gaps in the Afghan National Security Forces that are likely to persist after 2014 and that will require continued support from the United States and its allies.

(4) An assessment whether current proposals for the resourcing of the Afghan National Security Forces after 2014 are adequate to establish and maintain long-term security for the Afghanistan people, and implications of the under-resourcing of the Afghan National Security Forces for United States national security interests.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary and the congressional defense committees a report containing its findings as a result of the assessment. The report shall be submitted in unclassified form, but may include a classified annex.

(e) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal year 2013 by sec-

tion 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, up to \$1,000,000 shall be made available for the assessment required by subsection (a).

(f) **AFGHAN NATIONAL SECURITY FORCES.**—For purposes of this section, the Afghan National Security Forces shall include all forces under the authority of the Afghan Ministry of Defense and Afghan Ministry of Interior, including the Afghan National Army, the Afghan National Police, the Afghan Border Police, the Afghan National Civil Order Police, and the Afghan Local Police.

**SEC. 1216. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.**

(a) **EXTENSION.**—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 394), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1629), is further amended by striking “fiscal year 2012” each place it appears and inserting “fiscal year 2013”.

(b) **REPEAL OF AUTHORITY FOR USE OF FUNDS IN CONNECTION WITH IRAQ.**—

(1) **IN GENERAL.**—Subsection (a) of such section 1234, as so amended, is further amended by striking “Iraq and”.

(2) **CONFORMING AMENDMENT.**—The heading of such section 1234 is amended by striking “Iraq and”.

**SEC. 1217. REPORT ON AFGHANISTAN PEACE AND REINTEGRATION PROGRAM.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the Afghanistan Peace and Reintegration Program (APRP).

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the goals and objectives of the Afghanistan Peace and Reintegration Program.

(2) A description of the structure of the Program at the national and sub-national levels in Afghanistan, including the number and types of vocational training and other education programs.

(3) A description of the activities of the Program as of the date of the report.

(4) A description and assessment of the procedures for vetting individuals seeking to participate in the Program, including an assessment of the extent to which biometric identification systems are used and the role of provincial peace councils in such procedures.

(5) The amount of funding provided by the United States, and by the international community, to support the Program, and the amount of funds so provided that have been distributed as of the date of the report.

(6) An assessment of the individuals who have been reintegrated into the Program, set forth in terms as follows:

(A) By geographic distribution by province.

(B) By number of each of low-level insurgent fighters, mid-level commanders, and senior commanders.

(C) By number confirmed to have been part of the insurgency.

(D) By number who are currently members of the Afghan Local Police.

(E) By number who are participating in or have completed vocational training or other educational programs as part of the Program.

(7) A description and assessment of the procedures for monitoring the individuals participating in the Program.

(8) A description and assessment of the role of women and minority populations in the implementation of the Program.

(9) An assessment of the effectiveness of the activities of the Program described under paragraph (3) in achieving the goals and objectives of the Program.

(10) Such recommendations as the Secretary of Defense considers appropriate for improving the implementation, oversight, and effectiveness of the Program.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SEC. 1218. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.**

Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4392), as amended by section 1216 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1632), is further amended—

(1) in subsection (a)—

(A) by striking “\$50,000,000” and inserting “\$35,000,000”; and

(B) by striking “in each of fiscal years 2011 and 2012” and inserting “for fiscal year 2013”; and

(2) in subsection (e)—

(A) by striking “utilize funds” and inserting “obligate funds”; and

(B) by striking “December 31, 2012” and inserting “December 31, 2013”.

**SEC. 1219. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY FOR PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.**

Section 1217(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4393), as amended by section 1217(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1632), is further amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) **IN GENERAL.**—Subject to paragraph (2), to carry out the program authorized under subsection (a), the Secretary of Defense may use amounts as follows:

“(A) Up to \$400,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2012.

“(B) Up to \$350,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2013.”;

(2) in paragraph (2)—

(A) by striking “85 percent” and inserting “50 percent”;

(B) by inserting “for a fiscal year after fiscal year 2011” after “in paragraph (1)”; and

(C) by striking “fiscal year 2012.” and inserting “such fiscal year, including for each project to be initiated during such fiscal year the following:

“(A) An estimate of the financial and other requirements necessary to sustain such project on an annual basis after the completion of such project.

“(B) An assessment whether the Government of Afghanistan is committed to and has

the capacity to maintain and use such project after its completion.

“(C) A description of any arrangements for the sustainment of such project following its completion if the Government of Afghanistan lacks the capacity (in either financial or human resources) to maintain such project.”; and

(3) in paragraph (3), by adding at the end the following new subparagraph:

“(C) In the case of funds for fiscal year 2013, until September 30, 2014.”.

**SEC. 1220. REPORT ON UPDATES AND MODIFICATIONS TO CAMPAIGN PLAN FOR AFGHANISTAN.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date on which any substantial update or modification is made to the campaign plan for Afghanistan (including the supporting and implementing documents for such plan), the Comptroller General of the United States shall submit to the congressional defense committees a report on the updated or modified plan, including an assessment of the updated or modified plan.

(b) **EXCEPTION.**—The requirement to submit a report under subsection (a) on any substantial update or modification to the campaign plan for Afghanistan shall not apply if the Comptroller General—

(1) determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirement to submit the report under subsection (a); and

(2) notifies the congressional defense committees in writing of the determination under paragraph (1).

(c) **TERMINATION.**—The requirement to submit a report under subsection (a) on any substantial update or modification to the campaign plan for Afghanistan shall terminate on September 30, 2014.

(d) **REPEAL OF SUPERSEDED REQUIREMENTS.**—Section 1226 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2525) is repealed.

**SEC. 1221. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.**

(a) **ONE-YEAR EXTENSION.**—

(1) **IN GENERAL.**—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1619) is amended by striking “fiscal year 2012” each place it appears and inserting “fiscal year 2013”.

(2) **CONFORMING AMENDMENT.**—The heading of subsection (a) of such section is amended by striking “FISCAL YEAR 2012” and inserting “FISCAL YEAR 2013”.

(b) **AMOUNT OF FUNDS AVAILABLE DURING FISCAL YEAR 2013.**—Subsection (a) of such section is further amended by striking “\$400,000,000” and inserting “\$200,000,000”.

**SEC. 1222. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.**

(a) **NONEXCESS ARTICLES AND RELATED SERVICES.**—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the Government of Afghanistan, and provide defense services in connection with the transfer of such defense articles, to the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) **LIMITATIONS.**—

(1) **VALUE.**—The aggregate replacement value of all defense articles transferred and defense services provided in connection with

such defense articles under subsection (a) in any fiscal year may not exceed \$250,000,000.

(2) **SOURCE OF TRANSFERRED ARTICLES.**—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) **APPLICABLE LAW.**—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) **REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following:

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) **NOTICE ON EXERCISE OF AUTHORITY.**—

(1) **IN GENERAL.**—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) **ELEMENTS.**—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the Government of Afghanistan to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense, with the concurrence of the Secretary of State, that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States; and

(ii) such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country.

(f) **QUARTERLY REPORTS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to the Government of Afghanistan, during the 90-day period ending on the date of such report.

(2) **INCLUSION IN OTHER REPORT.**—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410) or any follow-on report to such other report.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) **DEFENSE ARTICLES.**—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) **DEFENSE SERVICES.**—The term “defense services” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) **MILITARY AND SECURITY FORCES.**—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(h) **EXPIRATION.**—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) **EXCESS DEFENSE ARTICLES.**—

(1) **ADDITIONAL AUTHORITY.**—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) **EXEMPTIONS.**—

(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles

transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

**SEC. 1223. REPORT ON EFFORTS TO PROMOTE THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on efforts by the United States Government to promote the security of Afghan women and girls during the security transition process.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A discussion of efforts to monitor changes in women's security conditions in areas undergoing transition, including the following:

(i) A description of the roles and responsibilities of the offices within the International Security Assistance Force, the United States Embassy, and the NATO Training Mission-Afghanistan that have lead responsibility for gender issues.

(ii) A description of the indicators against which sex-disaggregated data is collected and what, if any, additional indicators may enhance efforts to measure the security of women and girls during the transition process.

(iii) A discussion of how these indicators are or may be incorporated into ongoing efforts to assess overall security conditions during the transition period.

(iv) Recommendations, if any, on how assessments of women's security can be more fully integrated into current procedures used to determine an area's readiness to proceed through the transition process.

(B) A discussion of efforts that may increase gender awareness and responsiveness among Afghan National Army (ANA) and Afghan National Police (ANP) personnel, including the following:

(i) A description of the efforts, if any, to work with Afghan and coalition partners to promote training curricula and programming that address the human rights and treatment of women and girls and that assess the quality and impact of such training.

(ii) A description of the efforts, if any, to work with ANA and ANP leaders to develop enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) A description of the efforts, if any, to work with Afghan and coalition partners to promote the implementation of the above tools and develop uniform methods and standards for training and enforcement.

(iv) Recommendations, if any, for enhancing efforts to promote the objectives described in clauses (i) through (iii).

(C) A discussion of efforts to increase the number of female members of the ANA and ANP, including the following:

(i) A description of the efforts, if any, to assist ANA and ANP leaders in developing realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) A description of the efforts, if any, to assist ANA and ANP leaders and coalition partners in addressing physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel.

(iii) A description of the efforts, if any, to assist ANA and ANP leaders in increasing awareness of how women members of the security forces may improve the overall effectiveness of the ANA and ANP.

(iv) A description of the efforts, if any, to assist ANA and ANP leaders in developing a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(v) Recommendations, if any, for enhancing efforts to promote the objectives described in clauses (i) through (iv).

(3) UPDATES.—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390) updated information on efforts by the United States Government to promote the security of Afghan women and girls consistent with the requirements of this section.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1224. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, “What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government”.

(4) In November 2011, a traditional loya jirga in Kabul declared that “strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security” and also stated, “Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance”.

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, “Today we're agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States”.

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement “reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries' citizens, but also for the benefit of peace and security and stability in the region and around the world”.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, “Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas”.

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191-7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67-13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan's international commitments as agreed at the

Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

**SEC. 1225. CONSULTATIONS WITH CONGRESS ON A BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.**

(a) **CONSULTATIONS REQUIRED.**—Commencing not later than 30 days after the date of the enactment of this Act, the President shall consult periodically with the appropriate committees of Congress on the status of the negotiations on a bilateral security agreement between the United States of America and the Islamic Republic of Afghanistan. Such consultations shall include a briefing summarizing the purpose, objectives, and key issues relating to the agreement.

(b) **AVAILABILITY OF AGREEMENT TEXT.**—Before entering into any bilateral security agreement with Afghanistan, the President shall make available to the appropriate committees of Congress the text of such agreement.

(c) **TERMINATION OF CONSULTATIONS.**—The requirements of this section shall terminate on the date on which the United States and Afghanistan enter into a bilateral security agreement or the President notifies Congress that negotiations on such an agreement have been terminated.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1226. COMPLETION OF TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the President should, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(A) undertake all appropriate activities to accomplish the President’s stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(B) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to a level sufficient to meet this goal;

(C) continue to draw down United States troop levels through the end of 2014; and

(D) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan; and

(2) the recommendations of the commanders of the International Security Assistance Force on the overall strategy for Afghanistan, including the pace of the draw down, should be given serious consideration.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to recommend or support any limitation or prohibition on any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack al-Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

**SEC. 1227. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.**

(a) **EXTENSION OF AUTHORITY.**—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1630), is further amended by striking “for fiscal year 2012” and inserting “for fiscal year 2013”.

(b) **LIMITATION ON AMOUNTS AVAILABLE.**—Subsection (d) of such section 1233, as so amended, is further amended—

(1) in paragraph (1)—

(A) by striking “during fiscal year 2012 may not exceed \$1,690,000,000” and inserting “during fiscal year 2013 may not exceed \$1,650,000,000”; and

(B) by adding at the end the following new sentence: “Of the aggregate amount specified in the preceding sentence, the total amount of reimbursements made under subsection (a) and support provided under subsection (b) to Pakistan during fiscal year 2013 may not exceed \$1,200,000,000.”; and

(2) by adding at the end the following new paragraph:

“(3) **PROHIBITION ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT DURING PERIODS CLOSED TO TRANSSHIPMENT.**—Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, funds (including funds from a prior fiscal year that remain available for obligation) may not be used for reimbursements under the authority in subsection (a) for Pakistan for claims of support provided during any period when the ground lines of supply through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan.”.

(c) **SUPPORTED OPERATIONS.**—Such section 1233 is further amended in subsections (a)(1) and (b) by striking “Operation Iraqi Freedom or”.

(d) **LIMITATION ON REIMBURSEMENT OF PAKISTAN IN FISCAL YEAR 2013 PENDING CERTIFICATION ON PAKISTAN.**—

(1) **IN GENERAL.**—Effective as of the date of the enactment of this Act, no amounts authorized to be appropriated by this Act, and no amounts authorized to be appropriated for fiscal years before fiscal year 2013 that remain available for obligation, may be used for reimbursements of Pakistan under the authority in subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as amended by this section, until the Secretary of Defense certifies to the congressional defense committees each of the following:

(A) That Pakistan is maintaining security along the Ground Lines of Communications (GLOCs) through Pakistan to Afghanistan for the transshipment of equipment and supplies in support of United States military operations in Afghanistan and the retrograde of United States equipment out of Afghanistan.

(B) That Pakistan is taking demonstrable steps to—

(i) support counterterrorism operations against al Qaeda, Tehrik-i-Taliban Pakistan, and other militant extremists groups such as the Haqqani Network and the Quetta Shura Taliban located in Pakistan;

(ii) disrupt the conduct of cross-border attacks against United States, coalition, and Afghanistan security forces located in Afghanistan by such groups (including the Haqqani Network and the Quetta Shura Taliban) from bases in Pakistan; and

(iii) counter the threat of improvised explosive devices, including efforts to attack improvised explosive device networks, monitor known precursors used in improvised explosive devices, and systematically address the misuse of explosive materials (including calcium ammonium nitrate) and accessories and their supply to legitimate end-users in a manner that impedes the flow of improvised explosive devices and improvised explosive device components into Afghanistan.

(2) **WAIVER AUTHORITY.**—The Secretary may waive the limitation in paragraph (1) if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

(3) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the congressional defense committees a report on the provision of reimbursements and support to Pakistan under this section and the amendments made by this section. The report shall include the following:

(A) A description of the process for reimbursing or providing support to Pakistan under section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as so amended, including the process by which claims are proposed and adjudicated.

(B) Any conditions or caveats that the Government of Pakistan has placed on the use of the ground lines of supply through Pakistan in support of United States forces in Afghanistan or for the retrograde of United States equipment out of Afghanistan.

(C) An estimate of the costs for fiscal years 2011 through 2013 associated with the transshipment of equipment and supplies in support of United States forces in Afghanistan through—

(i) supply routes in Pakistan; and

(ii) supply routes along the Northern Distribution Network.

**SEC. 1228. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.**

(a) **EXTENSION.**—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as most recently amended by section 1220(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633), is further amended by striking “September 30, 2012” each place it appears and inserting “September 30, 2013”.

(b) **EXTENSION OF LIMITATION ON FUNDS PENDING REPORT.**—Section 1220(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633) is amended by striking “fiscal year 2012” and inserting “fiscal year 2013”.

(c) **LIMITATION ON USE OF FUNDS.**—

(1) **LIMITATION.**—None of the funds authorized to be appropriated by this Act or otherwise made available for the Pakistan Counterinsurgency Fund may be used to provide assistance to the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the appropriate congressional committees that—

(A) the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts toward the implementation of a strategy to counter improvised explosive devices (IEDs), including—

(i) attacking IED networks;

(ii) monitoring known precursors used in IEDs; and

(iii) developing a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users; and

(B) the Government of Pakistan is cooperating with United States counterterrorism efforts, including by not detaining, prosecuting, or imprisoning citizens of Pakistan as a result of their cooperation with such efforts, including Dr. Shakil Afridi.

(2) **WAIVER.**—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of paragraph (1) if the Secretary of Defense determines it is in the national security interest of the United States to do so.

(3) **DEFINITION.**—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

**Subtitle C—Matters Relating to Iran**

**SEC. 1231. REPORT ON UNITED STATES CAPABILITIES IN RELATION TO CHINA, NORTH KOREA, AND IRAN.**

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, and not later than March 31, 2014, the Chairman of the Joint Chiefs of Staff, in consultation with the commanders of the relevant geographical and functional combatant commands, shall submit to the congressional defense committees a report on United States capabilities in relation to the People's Republic of China, the Democratic People's Republic of Korea, and the Republic of Iran.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following elements:

(1) Any critical gaps in intelligence that limit the ability of the United States Armed Forces to counter challenges or threats emanating from each of the foreign countries described in subsection (a).

(2) Any gaps in the capabilities, capacity, and authorities of the United States Armed Forces to counter challenges or threats to United States personnel and United States interests in the respective regions of the foreign countries described in subsection (a).

(3) Any other matters the Chairman of the Joint Chiefs of Staff considers to be relevant.

(c) **INFORMATION TO BE CONSIDERED.**—In preparing the report required by subsection (a), the Chairman of the Joint Chiefs of Staff should consider the information contained in the most recent reports required by the following:

(1) Section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1641).

(2) Section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542).

(3) Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note).

**SEC. 1232. REPORT ON MILITARY CAPABILITIES OF GULF COOPERATION COUNCIL MEMBERS.**

(a) **REPORT.**—The Secretary of Defense, in consultation with the Secretary of State, shall evaluate the military capabilities of members of the Cooperation Council for the Arab States of the Gulf (in this section referred to as the “Gulf Cooperation Council”) and submit to the appropriate congressional committees a report on the findings of such evaluation.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following:

(1) An assessment of the military capabilities of Gulf Cooperation Council members to defend collectively against Iran and contribute to international counter-terrorism and counter-piracy efforts.

(2) An assessment of gaps in the military capabilities of Gulf Cooperation Council members to defend collectively against Iran and a detailed description of military capabilities necessary to address those gaps.

(3) An evaluation of United States military capabilities and posture in the region and an analysis of the capacity of the United States Armed Forces to augment the military capabilities of Gulf Cooperation Council members.

(4) A description of the United States Government's ongoing efforts to foster regional cooperation through ongoing bilateral and multilateral strategic security dialogues.

(5) A summary of Gulf Cooperation Council operational and training requests to the United States Government and the associated actions taken by the United States Government.

(c) **SUBMISSION TO CONGRESS.**—The report required under subsection (a) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1233. SENSE OF CONGRESS WITH RESPECT TO IRAN.**

It is the sense of Congress that the United States should be prepared to take all nec-

essary measures, including military action if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.

**SEC. 1234. RULE OF CONSTRUCTION.**

Nothing in this Act shall be construed as authorizing the use of force against Iran.

**Subtitle D—Iran Sanctions**

**SEC. 1241. SHORT TITLE.**

This subtitle may be cited as the “Iran Freedom and Counter-Proliferation Act of 2012”.

**SEC. 1242. DEFINITIONS.**

(a) **IN GENERAL.**—In this subtitle:

(1) **AGRICULTURAL COMMODITY.**—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the committees specified in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note); and

(B) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(3) **COAL.**—The term “coal” means metallurgical coal, coking coal, or fuel coke.

(4) **CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “correspondent account” and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(5) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) **GOOD.**—The term “good” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(7) **IRANIAN FINANCIAL INSTITUTION.**—The term “Iranian financial institution” has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(8) **IRANIAN PERSON.**—The term “Iranian person” means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(9) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(10) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(12) **SHIPPING.**—The term “shipping” refers to the transportation of goods by a vessel and related activities.

(13) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(14) **VESSEL.**—The term “vessel” has the meaning given that term in section 3 of title 1, United States Code.

(b) **DETERMINATIONS OF SIGNIFICANCE.**—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

**SEC. 1243. SENSE OF CONGRESS RELATING TO VIOLATIONS OF HUMAN RIGHTS BY IRAN.**

(a) **FINDING.**—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should—

(1) deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

**SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Iran's energy, shipping, and shipbuilding sectors and Iran's ports are facilitating the Government of Iran's nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the “IAEA”) has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran's nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the “potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation sensitive nuclear activities”.

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) **DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERA-**

**TION CONCERN.**—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) **BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.**—

(1) **BLOCKING OF PROPERTY.**—

(A) **IN GENERAL.**—On and after the date that is 180 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) **EXCEPTION.**—The requirement to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(2) **PERSONS DESCRIBED.**—A person is described in this paragraph if the President determines that the person, on or after the date that is 180 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) **ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.**—

(1) **SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.**—

(A) **IN GENERAL.**—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran goods or services described in paragraph (3).

(B) **EXCEPTION.**—The requirement to impose sanctions under subparagraph (A) shall

not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under subparagraph (A).

(2) **FACILITATION OF CERTAIN TRANSACTIONS.**—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) **GOODS AND SERVICES DESCRIBED.**—Goods or services described in this paragraph are significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(e) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) **EXCEPTION FOR AFGHANISTAN RECONSTRUCTION.**—The President may provide for an exception from the imposition of sanctions under this section for reconstruction assistance or economic development for Afghanistan—

(1) to the extent that the President determines that such an exception is in the national interest of the United States; and

(2) if the President submits to the appropriate congressional committees a notification of and justification for the exception not later than 15 days before issuing the exception.

(g) **APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) **EXCEPTION FOR CERTAIN COUNTRIES.**—

(A) **EXPORTATION.**—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) **FINANCIAL TRANSACTIONS.**—

(i) **IN GENERAL.**—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception

under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(II) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) **APPLICABILITY OF SANCTIONS TO NATURAL GAS.**—

(1) **SALE, SUPPLY, OR TRANSFER.**—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) **FINANCIAL TRANSACTIONS.**—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(i) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1245. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.**

(a) **SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.**—

(1) **IN GENERAL.**—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(A) a precious metal;

(B) a material described in subsection (d) determined pursuant to subsection (e)(1) to be used by Iran as described in that subsection;

(C) any other material described in subsection (d) if—

(i) the material is—

(I) to be used in connection with the energy, shipping, or shipbuilding sectors of

Iran or any sector of the economy of Iran determined pursuant to subsection (e)(2) to be controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(II) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)); or

(III) determined pursuant to subsection (e)(3) to be used in connection with the nuclear, military, or ballistic missile programs of Iran; or

(ii) the material is resold, retransferred, or otherwise supplied—

(I) to an end-user in a sector described in subclause (I) of clause (i);

(II) to a person described in subclause (II) of that clause; or

(III) for a program described in subclause (III) of that clause.

(2) **EXCEPTION.**—The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under paragraph (1).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **FACILITATION OF CERTAIN TRANSACTIONS.**—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(d) **MATERIALS DESCRIBED.**—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(e) **DETERMINATION WITH RESPECT TO USE OF MATERIALS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (d) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (d) are used in connection with the

nuclear, military, or ballistic missile programs of Iran.

(f) **EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under subsection (a) or (c) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(g) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(h) **NATIONAL BALANCE SHEET OF IRAN DEFINED.**—For purposes of this section, the term "national balance sheet of Iran" refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

**SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.**

(a) **IMPOSITION OF SANCTIONS.**—

(1) **IN GENERAL.**—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(A) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Non-proliferation Act (Public Law 106-178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(B) to or for any person—

(i) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(ii) for the sale, supply, or transfer to or from Iran of materials described in section 1245(d) for which sanctions are imposed under this subtitle; or

(iii) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(I) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or



(II) Iran's support for international terrorism; or

(C) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(2) EXCEPTION.—The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under paragraph (1).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under subparagraph (A) or (C) or clause (i) or (ii) of subparagraph (B) of subsection (a)(1) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in subparagraph (A) of that subsection or to or for any person described in subparagraph (C) or clause (i) or (ii) of subparagraph (B) of that subsection.

(e) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**

(a) IN GENERAL.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 180 days

after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) IN GENERAL.—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(ii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1248. IMPOSITIONS OF SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN BROADCASTING.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall, after the date of the enactment of this Act—

(A) impose sanctions described in section 105(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514(c)) with respect to the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami; and

(B) include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(2) EXCEPTION.—The requirement to impose sanctions under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

(3) APPLICATION OF CERTAIN PROVISIONS.—Sections 105(d) and 401(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514(d) and 8551(b)) shall apply with respect to sanctions imposed under paragraph (1)(A) to the same extent that such sections apply with respect to the imposition of sanctions under section 105(a) of that Act (22 U.S.C. 8514(a)).

**SEC. 1249. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

(a) IN GENERAL.—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

**"SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

**"(a) IMPOSITION OF SANCTIONS.—**

**"(1) IN GENERAL.—The President shall impose sanctions described in section 105(c)**

with respect to each person on the list required by subsection (b).

“(2) EXCEPTION.—The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions on the importation of goods.

“(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.—

“(1) IN GENERAL.—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after the date of the enactment of the Iran Freedom and Counter-Proliferation Act of 2012, engaged in corruption or other activities relating to—

“(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

“(B) the misappropriation of proceeds from the sale or resale of such goods.

“(2) FORM OF REPORT; PUBLIC AVAILABILITY.—

“(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

“(C) GOOD DEFINED.—In this section, the term ‘good’ has the meaning given that term in section 1242(a) of the Iran Freedom and Counter-Proliferation Act of 2012.”.

(b) WAIVER.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking “or 105B(a)” and inserting “105B(a), or 105C(a)”; and

(2) by striking “or 105B(b)” and inserting “105B(b), or 105C(b)”.

(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

“Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.”.

#### **SEC. 1250. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.**

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

“(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to reduce significantly its purchases of petroleum and petroleum products from Iran; and”.

#### **SEC. 1251. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.**

(a) IN GENERAL.—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “4 years” and inserting “10 years”; and

(2) in subsection (b), by striking “4-year period” and inserting “10-year period”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil

action arising under section 2333 of title 18, United States Code, that is pending on, or commenced on or after, the date of the enactment of this Act.

(c) SPECIAL RULE RELATING TO CERTAIN ACTS OF INTERNATIONAL TERRORISM.—Notwithstanding section 2335 of title 18, United States Code, as amended by subsection (a), a civil action under section 2333 of such title resulting from an act of international terrorism that occurred on or after September 11, 2001, and before the date that is 4 years before the date of the enactment of this Act, may be maintained if the civil action is commenced during the 6-year period beginning on such date of enactment.

#### **SEC. 1252. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2016, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of large or otherwise significant vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) PERIOD SPECIFIED.—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 1253. IMPLEMENTATION; PENALTIES.**

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(c) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under sections 1244(d), 1245(a), and 1246(a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996, and, as appropriate, instead of sections 1244(i), 1245(g), and 1246(e) of this Act:

(1) Paragraphs (1)(A), (2)(A), and (2)(B)(i) of section 4(c).

(2) Subsections (c), (d), and (f) of section 5.

(3) Section 8.

(4) Section 11.

(5) Section 12.

(6) Section 13(b).

#### **SEC. 1254. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.**

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

#### **SEC. 1255. RULE OF CONSTRUCTION.**

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

#### **Subtitle E—Satellites and Related Items**

#### **SEC. 1261. REMOVAL OF SATELLITES AND RELATED ITEMS FROM THE UNITED STATES MUNITIONS LIST.**

(a) REPEAL.—

(1) IN GENERAL.—Section 1513 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2174; 22 U.S.C. 2778 note) is amended by striking subsection (a).

(2) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking “(1) Subsection (a)” and all that follows through “(2) The amendments” and inserting “The amendments”.

(b) ADDITIONAL DETERMINATION AND REPORT.—Accompanying but separate from the submission to Congress of the first notification after the date of the enactment of this Act under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) relating to the removal of satellites and related items from the United States Munitions List, the President shall also submit to Congress—

(1) a determination by the President that the removal of such satellites and items from the United States Munitions List is in the national security interests of the United States; and

(2) a report identifying and analyzing any differences between—

(A) the recommendations and draft regulations for controlling the export, re-export, and transfer of such satellites and related items that were submitted in the report to Congress required by section 1248 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2546); and

(B) the final regulations under which the export, re-export, and transfer of such satellites and related items would continue to be controlled.

(c) PROHIBITION.—

(1) IN GENERAL.—Subject to paragraph (3), no satellites or related items that are made subject to the Export Administration Regulations (15 CFR part 730 et seq.) as a result of the enactment of subsection (a) of this section, whether or not enumerated on the Commerce Control List—

(A) may be exported, re-exported, or transferred, directly or indirectly, to—

(i) any government of a country described in paragraph (2); or

(ii) any entity or person in or acting for or on behalf of such government, entity, or person; or

(B) may be launched in a country described in paragraph (2) or as part of a launch vehicle owned, operated, or manufactured by the government of such country or any entity or person in or acting for or on behalf of such government, entity, or person.



“(19) A description of any significant sale or transfer of military hardware, expertise, and technology to or from the People’s Republic of China, including a forecast of possible future sales and transfers, a description of the implications of those sales and transfers for the security of the United States and its partners and allies in Asia, and a description of any significant assistance to and from any selling state with military-related research and development programs in China.”.

#### SEC. 1272. NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Subsection (a) of section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2541), as amended by section 1242 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4405), is further amended—

(1) by striking “fiscal year 2011” and inserting “each of fiscal years 2013, 2014, and 2015”;

(2) by striking “section 301(1)” and inserting “section 301”; and

(3) by inserting “for such fiscal year” after “\$50,000,000”.

(b) ANNUAL REPORT.—Such section, as so amended, is further amended by adding at the end the following:

“(d) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding support for the NSHQ. Each report shall include the following:

“(1) The total amount of funding provided by the United States and other NATO nations to the NSHQ for operating costs of the NSHQ.

“(2) A description of the activities carried out with such funding, including—

“(A) the amount of funding allocated for each such activity;

“(B) the extent to which other NATO nations participate in each such activity;

“(C) the extent to which each such activity is designed to meet the purposes set forth in paragraphs (1) through (5) of subsection (b); and

“(D) an assessment of the extent to which each such activity will promote the mission of the NSHQ.

“(3) Other contributions, financial or in kind, provided by the United States and other NATO nations in support of the NSHQ.

“(4) Any other matters that the Secretary of Defense considers appropriate.”.

#### SEC. 1273. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Commencing 60 days after the date of the enactment of this Act—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) ELEMENTS.—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned.

(b) COVERED CAPITAL PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of \$10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of \$5,000,000; or

(C) in the case of any other project, has an estimated value in excess of \$2,000,000.

(2) EXCLUSION.—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United States Code) or a military family housing project under section 2821 of such title.

(c) WAIVER.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 90 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to the appropriate committees

of Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) SEMI-ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of any fiscal-year half-year in which the Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development conducts an assessment under subsection (a), such Secretary or the Administrator, as the case may be, shall submit to the appropriate committees of Congress a report setting forth each assessment so conducted during such fiscal-year half-year, including the elements of each capital project so assessed specified in subsection (a)(2).

(2) ADDITIONAL ELEMENTS.—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the current and anticipated risks of corruption or fraud in connection with such project.

(3) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “capital project” has the meaning given that term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

#### SEC. 1274. ADMINISTRATION OF THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES’ PROGRAM.

(a) AUTHORITY.—As part of the participation by the United States in the land-force program known as the American, British, Canadian, and Australian Armies’ Program (in this section referred to as the “Program”), the Secretary of Defense may, with the concurrence of the Secretary of State, enter into agreements with the other participating countries in accordance with this section, and the Program shall be managed pursuant to a joint agreement among the participating countries.

(b) PARTICIPATING COUNTRIES.—In addition to the United States, the countries participating in the Program are the following:

(1) Australia.

(2) Canada.

(3) New Zealand.

(4) The United Kingdom.

(c) CONTRIBUTIONS BY PARTICIPANTS.—

(1) IN GENERAL.—An agreement under subsection (a) shall provide that each participating country shall contribute to the Program—

(A) its equitable share of the full cost for the Program, including the full cost of overhead and administrative costs related to the Program; and

(B) any amount allocated to it in accordance with the agreement for the cost for monetary claims asserted against any participating country as a result of participation in the Program.

(2) ADDITIONAL AUTHORIZED CONTRIBUTION.—Such an agreement shall also provide that each participating country (including the United States) may provide its contribution for its equitable share under the agreement in funds, in personal property, or in services required for the Program (or in any combination thereof).

(3) FUNDING FOR UNITED STATES CONTRIBUTION.—Any contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.

(4) TREATMENT OF CONTRIBUTIONS RECEIVED FROM OTHER COUNTRIES.—Any contribution received by the United States from another participating country to meet that country's share of the costs of the Program shall be credited to appropriations available to the Department of Defense, as determined by the Secretary of Defense. The amount of a contribution credited to an appropriation account in connection with the Program shall be available only for payment of the share of the Program expenses allocated to the participating country making the contribution. Amounts so credited shall be available for the following purposes:

(A) Payments to contractors and other suppliers (including the Department of Defense and participating countries acting as suppliers) for necessary goods and services of the Program.

(B) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation in support of the Program.

(C) Payments for any monetary claim against a participating country as a result of the participation of that country in the Program.

(D) Payments or reimbursements of other Program expenses, including overhead and administrative costs for any administrative office for the Program.

(E) Refunds to other participating countries.

(5) COSTS OF OPERATION OF OFFICES ESTABLISHED FOR PROGRAM.—Costs for the operation of any office established to carry out the Program shall be borne jointly by the participating countries as provided for in an agreement referred to in subsection (a).

(d) AUTHORITY TO CONTRACT FOR PROGRAM ACTIVITIES.—As part of the participation by the United States in the Program, the Secretary of Defense may enter into contracts or incur other obligations on behalf of the other participating countries for activities under the Program. Any payment for such a contract or other obligation under this subsection may be paid only from contributions credited to an appropriation under subsection (c)(4).

(e) DISPOSAL OF PROPERTY.—As part of the participation by the United States in the

Program, the Secretary of Defense may, with respect to any property that is jointly acquired by the countries participating in the Program, agree to the disposal of the property without regard to any law of the United States that is otherwise applicable to the disposal of property owned by the United States. Such disposal may include the transfer of the interest of the United States in the property to one or more of the other participating countries or the sale of the property. Reimbursement for the value of the property disposed of (including the value of the interest of the United States in the property) shall be made in accordance with an agreement under subsection (a).

(f) REPORTS.—Not later than 60 days before the expiration date of any agreement under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities, costs, and accomplishments of the Program during the five-year period ending on the date of such report.

(g) SUNSET.—Any agreement entered into by the United States with another country under subsection (a), and United States participation in the joint agreement described in that subsection, shall expire not later than five years after the date of the enactment of this Act.

#### SEC. 1275. UNITED STATES PARTICIPATION IN HEADQUARTERS EUROCORPS.

(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps for the purpose of supporting the North Atlantic Treaty Organization (NATO) activities of the NATO Rapid Deployable Corps Eurocorps.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and Headquarters Eurocorps.

(2) COST-SHARING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support Headquarters Eurocorps, the memoranda of understanding under paragraph (1) shall provide details of any cost-sharing arrangement or other funding arrangement.

(c) LIMITATION ON NUMBER OF MEMBERS PARTICIPATING AS STAFF.—Not more than two members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps, until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A certification by the Secretary of Defense that the participation of more than two members of the Armed Forces in Headquarters Eurocorps is in the national interests of the United States.

(2) A description of the benefits of the participation of the additional members proposed by the Secretary.

(3) A description of the plans for the participation of the additional members proposed by the Secretary, including the grades and posts to be filled.

(4) A description of the costs associated with the participation of the additional members proposed by the Secretary.

(d) NOTICE ON PARTICIPATION OF NUMBER OF MEMBERS ABOVE CERTAIN CEILING.—Not more

than 10 members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps unless the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a notice that the number of members so participating will exceed 10 members.

(e) AVAILABILITY OF APPROPRIATED FUNDS.—

(1) AVAILABILITY.—Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States' share of the operating expenses of Headquarters Eurocorps.

(B) To pay the costs of the participation of members of the Armed Forces participating as members of the staff of Headquarters Eurocorps, including the costs of expenses of such participants.

(2) LIMITATION.—No funds may be used under this section to fund the pay or salaries of members of the Armed Forces who participate as members of the staff of the Headquarters, North Atlantic Treaty Organization (NATO) Rapid Deployable Corps under this section.

(f) HEADQUARTERS EUROCORPS DEFINED.—In this section, the term "Headquarters Eurocorps" refers to the multinational military headquarters, established on October 1, 1993, which is one of the High Readiness Forces (Land) associated with the Allied Rapid Reaction Corps of NATO.

#### SEC. 1276. DEPARTMENT OF DEFENSE PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF AIR TRANSPORTATION AND AIR REFUELING SERVICES.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the Air Transport, Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the "ATARES program") of the Movement Coordination Centre Europe.

(2) SCOPE OF PARTICIPATION.—Participation in the ATARES program under paragraph (1) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value.

(3) LIMITATIONS.—The United States' balance of executed flight hours, whether as credits or debits, in participation in the ATARES program under paragraph (1) may not exceed 500 hours. The United States' balance of executed flight hours for air refueling in the ATARES program under paragraph (1) may not exceed 200 hours.

(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) ARRANGEMENT OR AGREEMENT REQUIRED.—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

(2) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued

credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every five years, through the ATARES program.

(c) **IMPLEMENTATION.**—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the United States' obligations under that arrangement or agreement.

(d) **CREDITING OF RECEIPTS.**—Any amount received by the United States in carrying out a written arrangement or agreement entered into under subsection (b) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently available for the purposes for which such obligation was made.

(e) **ANNUAL SECRETARY OF DEFENSE REPORTS.**—Not later than 30 days after the end of each fiscal year in which the authority provided by this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on United States participation in the ATARES program during such fiscal year. Each report shall include the following:

(1) The United States balance of executed flight hours at the end of the fiscal year covered by such report.

(2) The types of services exchanged or transferred during the fiscal year covered by such report.

(3) A description of any United States costs under the written arrangement or agreement under subsection (b)(1) in connection with the use of Department of Defense facilities, equipment, or funds to support the ATARES program under that subsection as provided by subsection (b)(2).

(4) A description of the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium paid under subsection (c)(1).

(5) A description of any amounts received by the United States in carrying out a written arrangement or agreement entered into under subsection (b).

(f) **COMPTROLLER GENERAL OF UNITED STATES REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the ATARES program. The report shall set forth the assessment of the Comptroller General of the program, including the types of services available under the program, whether the program is achieving its intended purposes, and, on the basis of actual cost data from the performance of the program, the cost-effectiveness of the program.

(g) **EXPIRATION.**—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of De-

fense first enters into a written arrangement or agreement under subsection (b). The Secretary shall publish notice of such date on a public website of the Department of Defense.

**SEC. 1277. PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) **NATIONAL SECURITY WAIVER AUTHORITY.**—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States.

**SEC. 1278. SENSE OF CONGRESS ON IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.**

Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome short-range rocket defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the procurement of additional Iron Dome batteries and interceptors; and

(6) urges the Department of Defense and the Department of State to explore with their Israeli counterparts and alert Congress of any requirements the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the recent conflict with Hamas-controlled Gaza.

**SEC. 1279. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the prospects for expanding defense trade between the United States and India within the context of their bilateral defense relationship.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An assessment of the policies of the United States for enhancing cooperation and coordination between the Government of the United States and the Government of India on matters of shared security interests.

(B) A description of the policies of the United States for expanding defense trade with India.

(C) An assessment of the opportunities and challenges for expanding security ties between the United States and India, including those opportunities and challenges associated with defense trade relations.

(D) The findings and conclusions of the comprehensive policy review required by subsection (b).

(b) **COMPREHENSIVE POLICY REVIEW.**—The Secretary of Defense shall, in coordination with the Secretary of State, conduct a comprehensive policy review—

(1) to examine the feasibility of engaging in co-production and co-development defense projects with India; and

(2) to consider potential areas of cooperation to engage in co-production and co-development defense projects with India that are aligned with United States national security objectives.

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1280. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

(a) **TECHNICAL AMENDMENT.**—Section 604(a)(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(1)) is amended by inserting "(referred to in this section as the 'Commission')" before the period at the end.

(b) **DUTIES AND RESPONSIBILITIES.**—Section 604(c) of such Act is amended to read as follows:

"(c) **DUTIES AND RESPONSIBILITIES.**—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as 'public diplomacy activities'."

(c) **REPORTS.**—Section 604(d) of such Act is amended to read as follows:

"(d) **REPORTS.**—

"(1) **COMPREHENSIVE ANNUAL REPORT.**—

"(A) **IN GENERAL.**—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

"(i) a detailed list of all public diplomacy activities funded by the United States Government;

"(ii) a description of—

"(I) the purpose, means, and geographic scope of each activity;

"(II) when each activity was started;

"(III) the amount of Federal funding expended on each activity;

"(IV) any significant outside sources of funding; and

"(V) the Federal department or agency to which the activity belongs;

"(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

"(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

"(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

"(B) **EFFECTIVENESS ASSESSMENT.**—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as 'cost-per-audience' or 'cost-per-student' for each activity. Upon the completion of the assessment, the Commission shall assign a rating of—

"(i) 'effective' for activities that—

"(I) set appropriate goals and achieve all or most of the desired results;



“(II) are well-managed; and  
 “(III) are cost efficient;  
 “(ii) ‘moderately effective’ for activities that—

“(I) set appropriate goals and achieve some desired results;

“(II) are generally well-managed; and  
 “(III) need to improve their cost efficiency, including reducing overhead;

“(iii) ‘ineffective’ for activities that—  
 “(I) lack appropriate goals or fail to achieve stated goals or desired results;

“(II) are not well-managed; or  
 “(III) are not cost efficient, such as through insufficient use of available resources to achieve stated goals or desired results, or have excessive overhead; and  
 “(iv) ‘results not demonstrated’ for activities that—

“(I) do not have acceptable performance public diplomacy metrics for measuring results; or

“(II) are unable or failed to collect data to determine if they are effective.

“(2) OTHER REPORTS.—

“(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

“(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

“(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.”.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2015”.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—There is authorized to be appropriated such sums as may be necessary for the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

#### SEC. 1281. SENSE OF CONGRESS ON SALE OF AIRCRAFT TO TAIWAN.

It is the sense of Congress that—

(1) the Taiwan Relations Act (Public Law 96-8) codified the basis for commercial, cultural, and other relations between the people of the United States and the people of Taiwan;

(2) the Taiwan Relations Act states that “the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability”, and that “both the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment on the needs of Taiwan, in accordance with procedures established by law”;

(3) the United States, in accordance with the Taiwan Relations Act, should continue to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability;

(4) notwithstanding the upgrade of Taiwan’s F-16 A/B aircraft, Taiwan will experience a growing shortfall in fighter aircraft, particularly as its F-5 aircraft are retired from service; and

(5) the President should take steps to address Taiwan’s shortfall in fighter aircraft, whether through the sale of F-16 C/D aircraft or other aircraft of similar capability, as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

#### SEC. 1282. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE SYSTEMS, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President’s designee, shall brief the Committee on Foreign Relations and the Committee on Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF CONGRESS ON CERTAIN AGREEMENTS.—It is the sense of Congress that any agreement between the United States and the Russian Federation related to nuclear arms, missile defense systems, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to be inconsistent with or to interfere with the practices, precedents, or oversight of the House of Representatives.

#### SEC. 1283. SENSE OF CONGRESS ON EFFORTS TO REMOVE OR APPREHEND JOSEPH KONY FROM THE BATTLEFIELD AND END THE ATROCITIES OF THE LORD’S RESISTANCE ARMY.

Consistent with the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172), it is the sense of the Congress that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to remove or apprehend Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord’s Resistance Army should continue as appropriate to achieve the goals of the operation;

(2) the Secretary of Defense should provide intelligence, surveillance, and reconnaissance assets, as authorized to be appropriated by other provisions of this Act, to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord’s Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination on efforts to remove or apprehend Joseph Kony from the battlefield and end the atrocities of the Lord’s Resistance Army; and

(4) the regional governments should recommit themselves to the Regional Cooperation Initiative for the Elimination of the Lord’s Resistance Army authorized by the African Union.

#### SEC. 1284. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.

(a) BLOCKING OF ASSETS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) EXCEPTION.—

(A) IN GENERAL.—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1) shall not include the authority to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(b) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) PERSONS DESCRIBED.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) TERMINATION OF SANCTIONS.—Sanctions imposed under this section may terminate 15 days after the date on which the President determines and reports to the appropriate congressional committees that the person covered by such determination has terminated the provision of significant financial, material, and technological support to M23.

(f) TERMINATION OF SECTION.—This section shall terminate on the date that is 15 days after the date on which the President determines and reports to the appropriate congressional committees that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term “United States person” means—



(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SEC. 1285. PILOT PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.**

(a) **PILOT PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a pilot program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) **FUND FOR SUPPORT OF PROGRAM AUTHORIZED.**—The Secretary of Defense may establish and administer a fund to be known as the “Special Defense Repair Fund” (in this section referred to as the “Fund”) to support the program authorized by subsection (a).

(c) **CREDITS TO FUND.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Such amounts, not to exceed \$50,000,000, from amounts authorized to be appropriated for overseas contingency operations for fiscal year 2013 as the Secretary of Defense considers appropriate, and reprogrammed under a reprogramming authority provided by another provision of this Act or by other law.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) **LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.**—

(A) **CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.**—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) **CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.**—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) **LIMITATION ON SIZE OF FUND.**—The total amount in the Fund at any time may not exceed \$50,000,000.

(4) **TREATMENT OF AMOUNTS CREDITED.**—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(5) **AUTHORIZATION TO PURCHASE SERVICES FROM DOD WORKING CAPITAL FUND ACTIVITIES.**—The Fund shall be considered an authorized customer of Department of Defense Working Capital Fund activities. Prices of goods and services sold by Working Capital

Fund activities to the Fund shall reflect Foreign Military Sales pricing guidelines, as promulgated by the Department of Defense Financial Management Regulation, and other applicable guidelines.

(d) **NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.**—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) **SALES OR TRANSFERS OF DEFENSE ARTICLES.**—

(1) **IN GENERAL.**—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) **SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.**—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) **TRANSFERS OF AMOUNTS.**—

(1) **TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.**—Amounts in the Fund may be transferred to any Department of Defense account for use in carrying out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) **TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.**—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) **CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.**—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) **MATERIAL EFFICIENCIES AND DUPLICATION.**—In administering the program authorized by subsection (a), the Secretary of Defense shall ensure to the maximum extent possible that purchases made utilizing the Fund utilize existing Defense Logistics Agency contracts. The Secretary shall also ensure that none of the activities carried out under the program authorized by subsection (a) are duplicative in nature to those performed by other military departments or Defense Agencies.

(i) **CONDUCT BY PUBLIC OR PRIVATE SECTOR FACILITIES OR ENTITIES.**—The repair, overhaul, and refurbishment of defense articles under the program authorized by subsection (a) may be conducted by a facility or entity

in the public sector or the private sector, consistent with the requirements of chapter 146 of title 10, United States Code.

(j) **REPORTS.**—

(1) **ANNUAL REPORT.**—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (1), the Secretary of Defense shall submit to the appropriate congressional committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) **ASSESSMENT REPORT.**—Not later than February 1, 2015, the Secretary of Defense shall submit to the appropriate congressional committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a). At a minimum, the assessment shall address the following:

(A) Cost efficiencies generated by utilization of the Fund.

(B) Time efficiencies gained in the delivery of defense articles under the program.

(C) An explanation of all amounts transferred to and from the Fund pursuant to subsection (f).

(D) A detailed account of excess proceeds credited to the Special Defense Acquisition Fund pursuant to section (g).

(E) A list of defense articles, by quantity and type, repaired under the program and an identification of the foreign countries or international organizations to which the repaired defense articles were sold or transferred.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(k) **DEFENSE ARTICLE DEFINED.**—In this section, the term “defense article” has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(l) **EXPIRATION OF AUTHORITY.**—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

**SEC. 1286. SENSE OF CONGRESS ON THE SITUATION IN THE SENKAKU ISLANDS.**

It is the sense of Congress that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku Islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) the unilateral action of a third party will not affect the United States' acknowledgment of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that "[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes".

#### Subtitle G—Reports

#### SEC. 1291. REVIEW AND REPORTS ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD THE CAPACITY OF AND PARTNER WITH FOREIGN SECURITY FORCES.

##### (a) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Defense Policy Board shall conduct a review of the efforts of the Department of Defense to build the capacity of, or partner with, foreign security forces in support of United States national defense and security strategies.

(2) ELEMENTS.—The review required by this subsection shall include the following:

(A) An examination of the ways in which the efforts of the Department to build the capacity of, or partner with, foreign security forces directly support implementation of current national defense and security strategies.

(B) An assessment of the range of effects that efforts of the Department to build the capacity of, or partner with, foreign security forces are designed to achieve in support of current national defense and security strategies.

(C) An assessment of the criteria used for prioritizing such efforts in support of national defense and security strategies.

(D) An identification of the authorities the Department currently uses to implement such efforts, together with an assessment of the adequacy of such authorities.

(E) An assessment of the capabilities and resources required by the Department to implement such efforts.

(F) An assessment of the most effective distribution of the roles and responsibilities for such efforts within the Department, together with an assessment whether the Department military and civilian workforce is appropriately sized and shaped to meet the requirements of such efforts.

(G) An evaluation of current measures of the Department for assessing activities of the Department designed to build the capacity of, or partner with, foreign security forces, including an assessment whether such measures address the extent to which such activities directly support the priorities of national defense and security strategies.

(H) An identification of recommendations for clarifying or improving the guidance and assessment measures of the Department relating to its efforts to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(3) REPORT.—Not later than 90 days after the completion of the review required by this subsection, the Secretary of Defense shall submit to the congressional defense committees a report containing the result of the review.

(b) STRATEGIC GUIDANCE ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD PARTNER CAPACITY AND OTHER PARTNERSHIP INITIATIVES.—Not later than 120 days after the completion of the review required by subsection (a), the Secretary of Defense shall, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the following:

(1) An assessment, taking into account the recommendations of the Defense Policy Board in the review required by subsection (a), of the efforts of the Department of Defense to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies.

(2) Strategic guidance for the Department for its efforts to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies, which guidance shall address—

(A) the ways such efforts directly support the goals and objectives of national defense and security strategies;

(B) the criteria to be used for prioritizing activities to implement such efforts in support of national defense and security strategies;

(C) the measures to be used to assess the effects achieved by such efforts and the extent to which such effects support the objectives of national defense and security strategies;

(D) the appropriate roles and responsibilities of the Armed Forces, the combatant commands, the Defense Agencies, and other components of the Department in conducting such efforts; and

(E) the relationship of Department workforce planning with the requirements for such efforts.

#### SEC. 1292. ADDITIONAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

Section 1236(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1641) is amended by inserting after "November 1, 2012," the following: "and November 1, 2013,".

#### SEC. 1293. REPORT ON HOST NATION SUPPORT FOR OVERSEAS UNITED STATES MILITARY INSTALLATIONS AND UNITED STATES ARMED FORCES DEPLOYED IN COUNTRY.

##### (a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 of each year from 2013 through 2015, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the direct, indirect, and burden-sharing contributions made by host nations to sup-

port overseas United States military installations and United States Armed Forces deployed in country.

(2) ELEMENTS.—The report required by paragraph (1) shall include at least the following:

(A) A description of all costs associated with stationing United States Armed Forces in the host nation, including military personnel costs, operation and maintenance costs, and military construction costs.

(B) A description of direct, indirect, and burden-sharing contributions made by the host nation, including the following:

(i) Contributions accepted for the following costs:

(I) Compensation for local national employees of the Department of Defense.

(II) Military construction projects of the Department of Defense, including design, procurement, construction management costs, rents on privately-owned land, facilities, labor, utilities, and vicinity improvements.

(III) Other costs such as loan guarantees on public-private venture housing and payment-in-kind for facilities returned to the host nation.

(ii) Contributions accepted for any other purpose.

(C) The methodology and accounting procedures used to measure and track direct, indirect, and burden-sharing contributions made by host nations.

(3) DESCRIPTION OF CONTRIBUTIONS IN UNITED STATES DOLLARS.—The report required by paragraph (1) shall describe the direct, indirect, and burden-sharing contributions made by host nations in United States dollars and shall specify the exchange rates used to determine the United States dollar value of such host nation contributions.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

##### (c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HOST NATION.—The term "host nation" means any country that hosts a permanent or temporary United States military installation or a permanent or rotational deployment of United States Armed Forces located outside of the borders of the United States.

(3) CONTRIBUTIONS.—The term "contributions" means cash and in-kind contributions made by a host nation that replace expenditures that would otherwise be made by the Secretary of Defense using funds appropriated or otherwise made available in defense appropriations Acts.

#### SEC. 1294. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) NATURE OF MILITARY ACTIVITIES.—

(1) **PRINCIPAL PURPOSE.**—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) **ADDITIONAL GOALS.**—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) **ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.**—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) **ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.**—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) **NO AUTHORIZATION FOR USE OF MILITARY FORCE.**—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) **FORM.**—The report required by subsection (a) shall be submitted in classified form.

#### **SEC. 1295. REPORT ON MILITARY ASSISTANCE PROVIDED BY RUSSIA TO SYRIA.**

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate congressional committees a report on military assistance provided by the Russian Federation to Syria.

(b) **MATTERS TO BE INCLUDED.**—The report required by subsection (a) shall include the following:

(1) An analysis of whether Russia is providing direct or indirect military support for the Government of Syria's actions to forcefully act against groups opposing the Government of Syria, including a description of the types of support.

(2) A description and analysis of Russia's military interests in Syria.

(3) A description and analysis of Russia's military presence in Syria.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

#### **TITLE XIII—COOPERATIVE THREAT REDUCTION**

Sec. 1301. Specification of cooperative threat reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Report on Cooperative Threat Reduction Programs in Russia.

#### **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.**

(a) **SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) **FISCAL YEAR 2013 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title, the term “fiscal year 2013 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2013, 2014, and 2015.

#### **SEC. 1302. FUNDING ALLOCATIONS.**

(a) **FUNDING FOR SPECIFIC PURPOSES.**—Of the \$519,111,000 authorized to be appropriated to the Department of Defense for fiscal year 2013 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$68,271,000.

(2) For chemical weapons destruction, \$14,630,000.

(3) For global nuclear security, \$99,789,000.

(4) For cooperative biological engagement, \$276,399,000.

(5) For proliferation prevention, \$32,402,000.

(6) For threat reduction engagement, \$2,375,000.

(7) For activities designated as Other Assessments/Administrative Costs, \$25,245,000.

(b) **REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.**—No fiscal year 2013 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2013 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) **LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2013 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) **NOTICE-AND-WAIT REQUIRED.**—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

#### **SEC. 1303. REPORT ON COOPERATIVE THREAT REDUCTION PROGRAMS IN RUSSIA.**

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on Cooperative Threat Reduction Programs in the Russian Federation.

(b) **MATTERS INCLUDED.**—The report under subsection (a) shall include the following:

(1) Identification of nonproliferation programs in Russia that—

(A) have accomplished their long-term objectives in reducing the threat of proliferation of weapons of mass destruction; and

(B) will be phased out during the five-year period beginning on the date of the enactment of this Act.

(2) Identification of—

(A) nonproliferation programs in Russia that—

(i) reduce the threat of the proliferation of weapons of mass destruction; and

(ii) will not be phased out during such five-year period; and

(B) the metrics to evaluate the success of such programs.

(3) Identification of—

(A) the nature of the threat of the proliferation of weapons of mass destruction that underpin the programs described in paragraphs (1) and (2); and

(B) the current and foreseeable threats that are addressed by such programs.

(4) The impact on nonproliferation programs in Russia and the risks and benefits to national security if the current agreement regarding such programs (commonly referred to as the “umbrella agreement”) is amended or not renewed.

(5) What steps, if any, will be taken to continue or terminate ongoing nonproliferation programs if the umbrella agreement is not renewed.

(c) **FORM.**—The report under subsection (a) shall be in unclassified form, but may contain a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

#### **TITLE XIV—OTHER AUTHORIZATIONS**

##### **Subtitle A—Military Programs**

Sec. 1401. Working capital funds.

Sec. 1402. National Defense Sealift Fund.  
 Sec. 1403. Chemical Agents and Munitions Destruction, Defense.  
 Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.  
 Sec. 1405. Defense Inspector General.  
 Sec. 1406. Defense Health Program.

**Subtitle B—National Defense Stockpile**

Sec. 1411. Authorized uses of National Defense Stockpile funds.  
 Sec. 1412. Additional security of strategic materials supply chains.  
 Sec. 1413. Release of materials needed for national defense purposes from the Strategic and Critical Materials Stockpile.

**Subtitle C—Chemical Demilitarization Matters**

Sec. 1421. Supplemental chemical agent and munitions destruction technologies at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

**Subtitle D—Other Matters**

Sec. 1431. Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund.  
 Sec. 1432. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.  
 Sec. 1433. Authorization of appropriations for Armed Forces Retirement Home.  
 Sec. 1434. Cemeterial expenses.  
 Sec. 1435. Additional Weapons of Mass Destruction Civil Support Teams.

**Subtitle A—Military Programs**

**SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

**SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

**SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) **USE.**—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and  
 (2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

**SEC. 1405. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

**SEC. 1406. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

**Subtitle B—National Defense Stockpile**

**SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.**

(a) **OBLIGATION OF STOCKPILE FUNDS.**—During fiscal year 2013, the National Defense Stockpile Manager may obligate up to \$44,899,227 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

**SEC. 1412. ADDITIONAL SECURITY OF STRATEGIC MATERIALS SUPPLY CHAINS.**

Section 2(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(b)) is amended by inserting “or a single point of failure” after “foreign sources”.

**SEC. 1413. RELEASE OF MATERIALS NEEDED FOR NATIONAL DEFENSE PURPOSES FROM THE STRATEGIC AND CRITICAL MATERIALS STOCKPILE.**

(a) **AUTHORITY FOR PRESIDENT TO DELEGATE SPECIAL DISPOSAL AUTHORITY OF PRESIDENT FOR RELEASE FOR NATIONAL DEFENSE PURPOSES.**—Section 7(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f(a)) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) on the order of the Under Secretary of Defense for Acquisition, Technology, and Logistics, if the President has designated the Under Secretary to have authority to issue release orders under this subsection and, in the case of any such order, if the Under Secretary determines that the release of such materials is required for use, manufacture, or production for purposes of national defense.”.

(b) **EXCLUSION FROM DELEGATION LIMITATION.**—Section 16 of such Act (50 U.S.C. 98h-7) is amended by striking “sections 7 and 13” each place it appears and inserting “sections 7(a)(1) and 13”.

**Subtitle C—Chemical Demilitarization Matters**

**SEC. 1421. SUPPLEMENTAL CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECHNOLOGIES AT PUEBLO CHEMICAL DEPOT, COLORADO, AND BLUE GRASS ARMY DEPOT, KENTUCKY.**

(a) **SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.**—Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended—

(1) in subsection (i)(2), by adding at the end the following new subparagraph:

“(E) A description of any supplemental chemical agent and munitions destruction technologies used at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, during the period covered by the report, including explosive destruction technologies and any technologies developed for the treatment and disposal of energetic or agent hydrolystates.”;

(2) in subsection (j)(2), by adding at the end the following new subparagraph:

“(E) A description and justification for the use of any supplemental chemical agent and munitions destruction technologies used at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, during the period covered by the report, including explosive destruction technologies and any technologies developed for the treatment and disposal of energetic or agent hydrolystates. Such description and justification shall outline—

“(i) the need for the use of supplemental destruction technologies and technologies developed for the treatment and disposal of energetic or agent hydrolystates;

“(ii) site-by-site descriptions of the problematic aspects of the stockpile requiring the use of supplemental technologies;

“(iii) the type of supplemental destruction technologies used at each site; and

“(iv) any planned future use of other supplemental destruction technologies for each site.”;

(3) by redesignating subsection (o) as subsection (p); and

(4) by inserting after subsection (n) the following new subsection (o):

“(o) **SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.**—In determining the technologies to supplement the neutralization destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, the Secretary of Defense may consider the following:

“(1) Explosive Destruction Technologies.

“(2) Any technologies developed for the treatment and disposal of energetic or agent hydrolystates, if problems with the current on-site treatment of hydrolystates are encountered.”.

(b) **REPEAL OF SUPERSEDED PROVISION.**—Section 151 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1645A-30) is repealed.

**Subtitle D—Other Matters**

**SEC. 1431. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer \$5,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

**SEC. 1432. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.**

(a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the funds authorized to be appropriated for section 1406 and available for the Defense Health Program for operation and maintenance, \$139,204,000 may be transferred by the Secretary of Defense to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) **USE OF TRANSFERRED FUNDS.**—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

**SEC. 1433. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of \$67,590,000 for the operation of the Armed Forces Retirement Home.

**SEC. 1434. CEMETERIAL EXPENSES.**

Funds are hereby authorized to be appropriated for the Department of the Army for fiscal year 2013 for cemeterial expenses, not otherwise provided for, in the amount of \$173,800,000.

**SEC. 1435. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.**

(a) **IN GENERAL.**—Section 1403 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

- (1) by striking subsection (b);
- (2) by redesignating subsection (c) as subsection (e); and
- (3) by inserting after subsection (a) the following new subsections (b), (c), and (d):

“(b) **ESTABLISHMENT OF FURTHER ADDITIONAL TEAMS.**—The Secretary of Defense is authorized to have established two additional teams designated as Weapons of Mass Destruction Civil Support Teams, beyond the 55 teams required in subsection (a), if—

“(1) the Secretary of Defense has made the certification provided for in section 12310(c)(5) of title 10, United States Code, with respect to each of such additional teams before December 31, 2011; and

“(2) the establishment of such additional teams does not require an increase in authorized personnel levels above the numbers authorized as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(c) **LIMITATION OF ESTABLISHMENT OF FURTHER TEAMS.**—No Weapons of Mass Destruction Civil Support Team may be established beyond the number authorized by subsections (a) and (b) unless—

“(1) the Secretary submits to Congress a request for authority to establish such team,

including a detailed justification for its establishment; and

“(2) the establishment of such team is specifically authorized by a law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(d) **NOTIFICATION OF DISESTABLISHMENT OF TEAMS.**—No Weapons of Mass Destruction Civil Support Team established pursuant to this section may be disestablished unless, by not later than 90 days before the date on which such team is disestablished, the Secretary submits to the congressional defense committees notice of the proposed disestablishment of the team and the date on which the disestablishment is proposed to take place.”.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Weapons of Mass Destruction Civil Support Teams. The report shall include the following:

(1) A detailed description of risk management criteria and considerations to be used in determining the optimal number and location of Weapons of Mass Destruction Civil Support Teams.

(2) A description of the operational and training activities conducted by the Weapons of Mass Destruction Civil Support Teams during each of fiscal years 2010, 2011, and 2012, and of such activities planned for fiscal year 2013.

(3) An assessment of the optimal number and location of Weapons of Mass Destruction Civil Support Teams in light of the information under paragraphs (1) and (2).

(4) A comparative analysis of the cost of establishing Weapons of Mass Destruction Civil Support Teams in the reserve components of the Armed Forces (other than the National Guard) with the cost of establishing Weapons of Mass Destruction Civil Support Teams in the National Guard.

(5) A description of the portion of the costs of Weapons of Mass Destruction Civil Support Teams that is currently borne by the States.

(6) Any other matter that the Secretary determines is appropriate.

**TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

**Subtitle A—Authorization of Additional Appropriations**

Sec. 1501. Purpose.

Sec. 1502. Procurement.

Sec. 1503. Research, development, test, and evaluation.

Sec. 1504. Operation and maintenance.

Sec. 1505. Military personnel.

Sec. 1506. Working capital funds.

Sec. 1507. Defense Health Program.

Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Sec. 1509. Defense Inspector General.

**Subtitle B—Financial Matters**

Sec. 1521. Treatment as additional authorizations.

Sec. 1522. Special transfer authority.

**Subtitle C—Limitations and Other Matters**

Sec. 1531. Afghanistan Security Forces Fund.

Sec. 1532. Joint Improvised Explosive Device Defeat Fund.

Sec. 1533. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.

Sec. 1534. Plan for transition in funding of United States Special Operations Command from supplemental funding for overseas contingency operations to recurring funding under the future-years defense program.

Sec. 1535. Assessment of counter-improvised explosive device training and intelligence activities of the Joint Improvised Explosive Device Defeat Organization and national and military intelligence Organizations.

**Subtitle A—Authorization of Additional Appropriations**

**SEC. 1501. PURPOSE.**

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2013 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

**SEC. 1502. PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

**SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

**SEC. 1504. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

**SEC. 1505. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

**SEC. 1506. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

**SEC. 1507. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

**SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

**SEC. 1509. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

**Subtitle B—Financial Matters****SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

**SEC. 1522. SPECIAL TRANSFER AUTHORITY.****(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$3,000,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

**Subtitle C—Limitations and Other Matters****SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is the responsibility of the Commander, International Security Assistance Force/Commander, United States Forces—Afghanistan to ensure the security of members of the Armed Forces deployed to Afghanistan and to mitigate internal threats to such forces to the greatest extent possible, while continuing to meet the objectives of the International Security Assistance Force mission in Afghanistan, including the training and equipping of the Afghan National Security Forces so that they may provide for their own security;

(2) the Afghan Public Protection Force must meet and maintain key standards to provide force protection for members of the Armed Forces; and

(3) if the Secretary of Defense determines that the Afghan Public Protection Force is not meeting such standards, the Secretary should take all appropriate actions to provide force protection for members of the Armed Forces, including, if necessary, having the Armed Forces provide for their own force protection.

(b) **CONTINUATION OF EXISTING LIMITATIONS ON USE OF FUNDS IN FUND.**—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4424).

**(c) AFGHAN PUBLIC PROTECTION FORCE.—**

(1) **SEMI-ANNUAL CERTIFICATIONS.**—Not later than 90 days after the date of the enactment of this Act, and semiannually thereafter through December 31, 2014, the Secretary of Defense shall certify in writing to the congressional defense committees the elements specified in paragraph (3).

(2) **REPORT FOLLOWING INABILITY TO CERTIFY ANY ELEMENT.**—If the Secretary determines that an element specified in paragraph (3) cannot be certified in a report required by paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) An explanation why such element cannot be certified.

(B) A description of the actions, if any, that are being taken to mitigate the risk associated with such element.

(C) A description of the specific actions being taken to achieve the certification of such element, to the extent practicable.

(3) **CERTIFICATION ELEMENTS.**—The elements of each certification specified in this paragraph are the following:

(A) That each agreement between the United States and the Government of Afghanistan, or any contract between the Department of Defense and a contractor that subcontracts to the Afghan Public Protection Force, contains—

(i) uniform standards that ensure a consistent level of security;

(ii) standard procedures and institutional mechanisms for dispute resolution;

(iii) requirements for the Afghan Public Protection Force to adhere to the Afghan Public Protection Force Code of Conduct and applicable international standards, such as the Montreux Document, and the International Code of Conduct for private security service providers; and

(iv) provisions for the United States, or the contractor, to take actions to address the failure of the Afghan Public Protection Force to perform in a manner consistent with the Afghan Public Protection Force Code of Conduct and applicable international standards.

(B) That all Afghan Public Protection Force recruits and personnel are vetted under procedures consistent with the vetting standards of the United States for the Afghan National Security Forces as of the date of the enactment of this Act.

(C) That all Afghan Public Protection Force recruits and personnel are biometrically screened in an independent fashion by the United States or contractors.

(D) In the case of contracts to provide force protection at installations in Afghanistan where the Armed Forces are garrisoned or housed, that the Commander, International Security and Assistance Force/Commander, United States Forces—Afghanistan, or designees, are provided the ability to—

(i) approve or disapprove arming authorization for Afghan Public Protection Force personnel performing activities at such installations; and

(ii) account for and maintain records of Afghan Public Protection Force personnel authorized to perform activities at such installations.

(E) That the International Security and Assistance Force Command has designated a centralized entity within that Command authorized to provide oversight of coalition activities relating to the Afghan Public Protection Force, including consultations with the Afghanistan Ministry of Interior regarding rules on the use of force, violations of contract, and other performance issues.

(F) That there is a mechanism in place sufficient to—

(i) account for the transfer of any United States Government-owned, contractor-acquired defense articles to the Afghan Public Protection Force; and

(ii) conduct end-use monitoring, of such defense articles, including an inventory of the

existence and completeness of any such defense articles.

**(d) REPORTS.—**

(1) **INITIAL ASSESSMENT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the Afghan Public Protection Force.

(2) **SUBSEQUENT ASSESSMENTS.**—On a semi-annual basis following the submittal of the report required by paragraph (1) through September 30, 2014, the Secretary shall submit to the congressional defense committees an assessment of the progress in the development of the Afghan Public Protection Force during the preceding six months.

(3) **ELEMENTS.**—Each report under this subsection shall include the following:

(A) A description of the size and composition of the Afghan Public Protection Force.

(B) An assessment of the recruiting and training for the Afghan Public Protection Force.

(C) An assessment of the ability of the Afghan Public Protection Force to perform its tasks and missions.

(D) A description of measures of effectiveness for evaluating the Afghan Public Protection Force.

(E) Any recommendations provided by the United States to the Afghanistan Ministry of Interior to improve the performance of the Afghan Public Protection Force.

(F) A description of any instances of termination of contracts with the Afghan Public Protection Force.

(G) An assessment of the ability of the United States, or contractors, to hold the Afghan Public Protection Force accountable for gross or repeated violations.

(H) A description of the status of United States Government-owned, contractor-acquired defense articles provided to the Afghan Public Protection Force.

(4) **ADDITIONAL ELEMENTS DURING FISCAL YEAR 2014 REPORTS.**—Each report under paragraph (2) submitted during fiscal year 2014 shall include a plan, and any updates, on the post-2014 disposition of the Afghan Public Protection Force.

(5) **SUBMITTAL WITH OTHER REPORTS.**—Each report under paragraph (2) may be submitted as part of the report on progress toward security and stability in Afghanistan that is submitted under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390).

(e) **PLAN FOR USE OF AFGHANISTAN SECURITY FORCES FUND THROUGH FISCAL YEAR 2017.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for using funds available to the Department of Defense to provide assistance to the security forces of Afghanistan through the Afghanistan Security Forces Fund through September 30, 2017.

(f) **AGREEMENTS.**—The Secretary of Defense shall submit to the congressional committees a copy of each agreement entered into by the United States and Afghanistan for services of the Afghan Public Protection Force for the Department of Defense not later than 30 days after entry into such agreement.

**SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEFENSE FUND.**

(a) **USE AND TRANSFER OF FUNDS.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan



Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013. In providing prior notice to the congressional defense committees of the obligation of funds from the Joint Improvised Explosive Device Defeat Fund for such fiscal year, as required by paragraph (4) of such subsection (c), the Secretary of Defense shall include the associated analysis of alternatives conducted in the process of taking action to initiate any project for which the total obligation of funds from the Fund will exceed \$10,000,000.

(b) **MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.**—Not later than 15 days after the end of each month of fiscal year 2013, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of operation.

(c) **INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS.**—

(1) **AVAILABILITY OF CERTAIN FISCAL YEAR 2013 FUNDS.**—Of the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013, \$15,000,000 may be available to the Secretary of Defense to provide training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan that the Secretary has identified as critical for countering the flow of improvised explosive device precursor chemicals from Pakistan to locations in Afghanistan.

(2) **PROVISION THROUGH OTHER US AGENCIES.**—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States Government, the Secretary of Defense may transfer funds available under paragraph (1) to such department or agency for the provision by such department or agency of training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan as described in that paragraph.

(3) **NOTICE TO CONGRESS.**—Funds may not be used under the authority in paragraph (1) until 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a notice—

(A) describing the training, equipment, supplies, and services to be provided using such funds; and

(B) evaluating the effectiveness of the efforts by the Government of Pakistan to counter the flow of improvised explosive device precursor chemicals from Pakistan to locations in Afghanistan.

(4) **EXPIRATION.**—The authority provided by this subsection expires on December 31, 2013.

**SEC. 1533. ONE-YEAR EXTENSION OF PROJECT AUTHORITY AND RELATED REQUIREMENTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.**

(a) **EXTENSION.**—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4426), as amended by section 1534 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1658), is further amended—

(1) in paragraph (6), by striking “October 31, 2011, and October 31, 2012” and inserting “October 31, 2011, October 31, 2012, and October 31, 2013”; and

(2) in paragraph (7)—

(A) by striking “provided in” and inserting “to obligate funds for projects under”; and

(B) by striking “September 30, 2012” and inserting “September 30, 2013”.

(b) **SCOPE OF PROJECTS.**—Paragraph (3) of such subsection, as so amended, is further amended by striking “focus on improving the commercial viability of” and inserting “complement”.

(c) **FUNDING.**—Paragraph (4) of such subsection, as so amended, is further amended—

(1) by striking “The Secretary” and inserting the following:

“(A) **IN GENERAL.**—The Secretary”;

(2) by striking “The amount” and all that follows through “appropriate congressional committees.” and inserting the following:

“(B) **LIMITATION.**—The amount of funds obligated under the authority of subparagraph (A)—

“(i) may not exceed \$150,000,000 for fiscal year 2012, except that not more than 50 percent of such amount of funds may be obligated until the Secretary of Defense submits to the appropriate congressional committees the plan required by subsection (b); and

“(ii) may not exceed \$93,000,000 for fiscal year 2013, except that not more than \$50,000,000 of such amount of funds may be obligated until the Secretary of Defense submits to the appropriate congressional committees the report required by paragraph (7) of this subsection.”; and

(3) by striking “The funds” and inserting the following:

“(C) **AVAILABILITY.**—The funds”.

(d) **REPORT ON IMPLEMENTATION OF TRANSITION ACTION PLAN.**—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as amended by section 1534 of the National Defense Authorization Act for Fiscal Year 2012 and as amended by this section, is further amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) **REPORT ON IMPLEMENTATION OF TRANSITION ACTION PLAN.**—

“(A) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the progress in implementing the Transition Action Plan of the Task Force for Business and Stability Operations in Afghanistan.

“(B) **UPDATES.**—The Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees an update of the report required by subparagraph (A) every 90 days after the submission of such report.”.

**SEC. 1534. PLAN FOR TRANSITION IN FUNDING OF UNITED STATES SPECIAL OPERATIONS COMMAND FROM SUPPLEMENTAL FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS TO RECURRING FUNDING UNDER THE FUTURE-YEARS DEFENSE PROGRAM.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the transition of funding of the United States Special Operations Command from funds authorized to be appropriated for overseas contingency operations (commonly referred to as the “overseas contingency operations budget”) to funds authorized to be appropriated for recurring operations of the Department of Defense in accordance with applicable future-years defense programs under section 221 of title 10, United States Code (commonly referred to as the “base budget”).

**SEC. 1535. ASSESSMENT OF COUNTER-IMPROVISED EXPLOSIVE DEVICE TRAINING AND INTELLIGENCE ACTIVITIES OF THE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION AND NATIONAL AND MILITARY INTELLIGENCE ORGANIZATIONS.**

(a) **ASSESSMENT OF TRAINING ACTIVITIES.**—

(1) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall prepare an assessment of the training-related activities of the Joint Improvised Explosive Device Defeat Organization (JIEDDO).

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall—

(A) include all training programs and functions, both enduring and non-enduring, executed by the Joint Improvised Explosive Device Defeat Organization in support of the United States Armed Forces;

(B) identify any program or function that is similar to or duplicates other training activities conducted elsewhere within the Department of Defense; and

(C) assess the value of maintaining such similarity or duplication.

(3) **CONSULTATION.**—The Secretary of Defense shall prepare the assessment required by paragraph (1) in consultation with the Chairman of the Joint Chiefs of Staff and the other chiefs of staff of the Armed Forces.

(4) **SUBMISSION AND FORM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report containing the results of the assessment required by paragraph (1) to the congressional defense committees. The report shall be submitted in unclassified form, but may include a classified annex.

(b) **ASSESSMENT OF INTELLIGENCE ACTIVITIES.**—

(1) **ASSESSMENT REQUIRED.**—The Secretary of Defense shall prepare an assessment of the intelligence activities carried out in support of the counter-improvised explosive device mission of the Department of Defense.

(2) **ELEMENTS.**—The assessment required by paragraph (1) shall—

(A) consider the activities of the Counter-Improved Explosive Device Operations Integration Center of the Joint Improvised Explosive Device Defeat Organization, including—

(i) identification of all intelligence analysis programs and functions executed by the Counter-Improved Explosive Device Operations Integration Center in support of United States combatant commands and United States military activities in Afghanistan;

(ii) identification of any program or function which is duplicated elsewhere in the intelligence components of the Department of Defense or the intelligence community of the United States;

(iii) an assessment of the value of maintaining such duplication; and

(iv) identification of any opportunities to eliminate unnecessary duplication;

(B) consider the activities of the national and military intelligence communities to counter improvised explosive devices, including an assessment of—

(i) the sufficiency, adequacy, and effectiveness of these efforts in support of the commanders of combatant commands;

(ii) the prioritization of collection efforts and resource allocation within the intelligence components of the Department of Defense toward countering improvised explosive devices; and

(iii) opportunities for improvement of these efforts, including how these components would support a broader counter improvised explosive device effort beyond operations in Afghanistan; and



(C) consider the enduring need for a Counter-Improvised Explosive Device Operations Integration Center and, if determined to be necessary, how this center could be most efficiently and effectively integrated into the broader Department of Defense intelligence community.

(3) CONSULTATION.—The Secretary of Defense shall prepare the assessment required by paragraph (1) in consultation with the Director of National Intelligence and the Chairman of the Joint Chiefs of Staff.

(4) SUBMISSION AND FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report containing the results of the assessment required by paragraph (1) to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate. The report shall be submitted in unclassified form, but may include a classified annex.

#### **TITLE XVI—INDUSTRIAL BASE MATTERS**

Subtitle A—Defense Industrial Base Matters

Sec. 1601. Disestablishment of Defense Materiel Readiness Board.

Sec. 1602. Assessment of effects of foreign boycotts.

Sec. 1603. National security strategy for national technology and industrial base.

Subtitle B—Department of Defense Activities Related to Small Business Matters

Sec. 1611. Role of the directors of small business programs in acquisition processes of the Department of Defense.

Sec. 1612. Small Business Ombudsman for defense audit agencies.

Sec. 1613. Independent assessment of Federal procurement contracting performance of the Department of Defense.

Sec. 1614. Additional responsibilities of Inspector General of the Department of Defense.

Sec. 1615. Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense.

Subtitle C—Matters Relating to Small Business Concerns

#### **PART I—PROCUREMENT CENTER REPRESENTATIVES**

Sec. 1621. Procurement center representatives.

Sec. 1622. Small Business Act contracting requirements training.

Sec. 1623. Acquisition planning.

#### **PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS**

Sec. 1631. Goals for procurement contracts awarded to small business concerns.

Sec. 1632. Reporting on goals for procurement contracts awarded to small business concerns.

Sec. 1633. Senior executives.

#### **PART III—MENTOR-PROTEGE PROGRAMS**

Sec. 1641. Mentor-Protege programs.

#### **PART IV—TRANSPARENCY IN SUBCONTRACTING**

Sec. 1651. Limitations on subcontracting.

Sec. 1652. Penalties.

Sec. 1653. Subcontracting plans.

Sec. 1654. Notices of subcontracting opportunities.

Sec. 1655. Publication of certain documents.

#### **PART V—SMALL BUSINESS CONCERN SIZE STANDARDS**

Sec. 1661. Small business concern size standards.

#### **PART VI—CONTRACT BUNDLING**

Sec. 1671. Contract bundling.

#### **PART VII—INCREASED PENALTIES FOR FRAUD**

Sec. 1681. Safe harbor for good faith compliance efforts.

Sec. 1682. Requirement that fraudulent businesses be suspended or debarred.

Sec. 1683. Annual report on suspensions and debarments proposed by Small Business Administration.

#### **PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS**

Sec. 1691. Offices of Small and Disadvantaged Business Utilization.

Sec. 1692. Small Business Procurement Advisory Council.

#### **PART IX—OTHER MATTERS**

Sec. 1695. Surety bonds.

Sec. 1696. Conforming Amendments; Repeal of redundant provisions; Regulations.

Sec. 1697. Contracting with small business concerns owned and controlled by women.

Sec. 1698. Small business HUBZones.

Sec. 1699. National Veterans Business Development Corporation.

Sec. 1699a. State Trade and Export Promotion Grant Program.

#### **Subtitle A—Defense Industrial Base Matters**

##### **SEC. 1601. DISESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.**

(a) DISESTABLISHMENT OF BOARD.—The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is hereby disestablished.

(b) TERMINATION OF DEFENSE STRATEGIC READINESS FUND.—The Department of Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is hereby closed.

(c) REPEAL.—Subtitle G of title VIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is repealed.

##### **SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOYCOTTS.**

Section 2505 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ASSESSMENT OF EXTENT OF EFFECTS OF FOREIGN BOYCOTTS.—Each assessment under subsection (a) shall include an examination of the extent to which the national technology and industrial base is affected by foreign boycotts. If it is determined that a foreign boycott (other than a boycott addressed in a previous assessment) is subjecting the national technology and industrial base to significant harm, the assessment shall include a separate discussion and presentation regarding that foreign boycott that shall, at a minimum—

“(1) identify the sectors that are subject to such harm;

“(2) describe the harm resulting from such boycott; and

“(3) identify actions necessary to minimize the effects of such boycott on the national technology and industrial base.”.

##### **SEC. 1603. NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.**

(a) REQUIREMENT FOR STRATEGY.—

(1) IN GENERAL.—Section 2501 of title 10, United States Code, is amended as follows:

(A) The section heading is amended by striking “**objectives concerning**” and inserting “**strategy for**”.

(B) Subsection (a) is amended—

(i) in the subsection heading, by striking “OBJECTIVES” and inserting “STRATEGY”;

(ii) by striking “It is the policy of” and all that follows through “objectives:” and inserting the following: “The Secretary of Defense shall develop a national security strategy for the national technology and industrial base. Such strategy shall be based on a prioritized assessment of risks and challenges to the defense supply chain and shall ensure that the national technology and industrial base is capable of achieving the following national security objectives:”; and

(iii) by adding at the end the following new paragraphs:

“(9) Ensuring reliable sources of materials that are critical to national security, such as specialty metals, essential minerals, armor plate, and rare earth elements.

“(10) Reducing, to the maximum extent practicable, the presence of counterfeit parts in the supply chain and the risk associated with such parts.”.

(2) CLERICAL AMENDMENT.—The item relating to section 2501 in the table of sections at the beginning of subchapter II of chapter 148 of such title is amended to read as follows:

“2501. National security strategy for national technology and industrial base.”.

(b) AMENDMENT TO ANNUAL REPORT RELATING TO DEFENSE INDUSTRIAL BASE.—Section 2504 of such title is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by inserting after paragraph (2) (as so redesignated) the following new paragraph (3):

“(3) Based on the strategy required by section 2501 of this title and on the assessments prepared pursuant to section 2505 of this title—

“(A) a description of any mitigation strategies necessary to address any gaps or vulnerabilities in the national technology and industrial base; and

“(B) any other steps necessary to foster and safeguard the national technology and industrial base.”.

(c) REQUIREMENT FOR CONSIDERATION OF STRATEGY IN ACQUISITION PLANS.—Section 2440 of such title is amended by inserting after “base” the following: “, in accordance with the strategy required by section 2501 of this title.”.

(d) CONFORMING AMENDMENTS.—Section 852 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1517; 10 U.S.C. 2504 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c), and in that subsection by striking “subsection (c).” in the first sentence and inserting “section 2501 of title 10, United States Code.”.

#### **Subtitle B—Department of Defense Activities Related to Small Business Matters**

##### **SEC. 1611. ROLE OF THE DIRECTORS OF SMALL BUSINESS PROGRAMS IN ACQUISITION PROCESSES OF THE DEPARTMENT OF DEFENSE.**

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance to

ensure that the head of each Office of Small Business Programs of the Department of Defense is a participant as early as practicable in the acquisition processes—

(1) of the Department, in the case of the Director of Small Business Programs in the Department of Defense; and

(2) of the military department concerned, in the case of the Director of Small Business Programs in the Department of the Army, in the Department of the Navy, and in the Department of the Air Force.

(b) **MATTERS TO BE INCLUDED.**—Such guidance shall, at a minimum—

(1) require the Director of Small Business Programs in the Department of Defense—

(A) to provide advice to the Defense Acquisition Board; and

(B) to provide advice to the Information Technology Acquisition Board; and

(2) require coordination between the chiefs of staff of the Armed Forces and the service acquisition executives, as appropriate (or their designees), and the Director of Small Business Programs in each military department as early as practical in the relevant acquisition processes.

#### **SEC. 1612. SMALL BUSINESS OMBUDSMAN FOR DEFENSE AUDIT AGENCIES.**

(a) **SMALL BUSINESS OMBUDSMAN.**—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

##### **“§ 204. Small Business Ombudsman for defense audit agencies**

“(a) **SMALL BUSINESS OMBUDSMAN.**—The Secretary of Defense shall designate within each defense audit agency an official as the Small Business Ombudsman to have the duties described in subsection (b) and such other responsibilities as may be determined by the Secretary.

“(b) **DUTIES.**—The Small Business Ombudsman of a defense audit agency shall—

“(1) advise the Director of the defense audit agency on policy issues related to small business concerns;

“(2) serve as the defense audit agency’s primary point of contact and source of information for small business concerns;

“(3) collect and monitor relevant data regarding the defense audit agency’s conduct of audits of small business concerns, including—

“(A) data regarding the timeliness of audit closeouts for small business concerns; and

“(B) data regarding the responsiveness of the defense audit agency to issues or other matters raised by small business concerns; and

“(4) make recommendations to the Director regarding policies, processes, and procedures related to the timeliness of audits of small business concerns and the responsiveness of the defense audit agency to issues or other matters raised by small business concerns.

“(c) **AUDIT INDEPENDENCE.**—The Small Business Ombudsman of a defense audit agency shall be segregated from ongoing audits in the field and shall not engage in activities with regard to particular audits that could compromise the independence of the defense audit agency or undermine compliance with applicable audit standards.

“(d) **DEFENSE AUDIT AGENCY DEFINED.**—In this section, the term ‘defense audit agency’ means the Defense Contract Audit Agency and the Defense Contract Management Agency.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by inserting after the item relating to section 203 the following new item:

“204. Small Business Ombudsman for defense audit agencies.”

#### **SEC. 1613. INDEPENDENT ASSESSMENT OF FEDERAL PROCUREMENT CONTRACTING PERFORMANCE OF THE DEPARTMENT OF DEFENSE.**

(a) **ASSESSMENT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity to conduct an independent assessment of the procurement performance of the Department of Defense related to small business concerns.

(b) **MATTERS COVERED.**—The assessment under subsection (a) shall, at a minimum, include an examination of—

(1) the industrial composition of companies receiving subcontracts pursuant to the test program for the negotiation of comprehensive small business subcontracting plans pursuant to section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 15 U.S.C. 637 note), compared to the industrial composition of other contractors in the defense industrial base;

(2) the quality and reliability of data on small business prime contracting and subcontracting by the Department, and the reliability of the information technology systems that the Department uses to track such data;

(3) the negotiation and execution of small business subcontracting plans, and the degree to which proposed teaming agreements are or are not maintained through the performance of contracts;

(4) the extent to which the Department adheres to current policies and guidelines relating to small business prime contracting and subcontracting goals;

(5) the extent to which the Department bundles, consolidates, or otherwise groups requirements into contracts that are unsuitable for award to small business concerns, the extent to which such bundling, consolidation, or grouping of requirements is justified, and the effects that such practices have on small business participation in contracting opportunities with the Department;

(6) the degree to which abuses of small business contracting and subcontracting programs result in contracts and subcontracts intended for small business concerns not being awarded to small business concerns; and

(7) an examination of the transition challenges faced by businesses that graduate from small business programs or grow to exceed the size standards for participation in such programs, along with specific recommendations on steps that should be taken to help ensure the continued health and growth of such businesses.

(c) **REPORT.**—Not later than January 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on the independent assessment conducted under this section. The report shall include the findings and recommendations of the assessment, together with any recommendations that the Secretary may have for improving the Department’s small business contracting practices and addressing any shortcomings identified by the assessment.

#### **SEC. 1614. ADDITIONAL RESPONSIBILITIES OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.**

(a) **REQUIREMENT FOR EXTERNAL PEER REVIEWS.**—Section 8(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “and” at the end of paragraph (8);

(2) by striking the period and inserting “; and” at the end of paragraph (9); and

(3) by adding at the end the following new paragraph:

“(10) conduct, or approve arrangements for the conduct of, external peer reviews of Department of Defense audit agencies in accordance with and in such frequency as provided by Government auditing standards as established by the Comptroller General of the United States.”

(b) **REQUIREMENT FOR ADDITIONAL INFORMATION IN SEMIANNUAL REPORTS.**—Section 8(f) of such Act is amended by striking paragraph (1) and inserting the following:

“(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall be transmitted by the Secretary of Defense to the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress. Each such report shall include—

“(A) information concerning the numbers and types of contract audits conducted by the Department during the reporting period; and

“(B) information concerning any Department of Defense audit agency that, during the reporting period, has either received a failed opinion from an external peer review or is overdue for an external peer review required to be conducted in accordance with subsection (c)(10).”

#### **SEC. 1615. RESTORATION OF 1 PERCENT FUNDING FOR ADMINISTRATIVE EXPENSES OF COMMERCIALIZATION READINESS PROGRAM OF DEPARTMENT OF DEFENSE.**

(a) **RESTORATION.**—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 5141(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1853) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) **FUNDING.**—For payment of expenses incurred to administer the Commercialization Readiness Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds shall not be used to make Phase III awards.”

(b) **TECHNICAL AMENDMENT.**—Section 5141(b)(3)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1854) is amended by striking “subsection (y)—” and all that follows through “the following:” and inserting “subsection (y), by amending paragraph (4) to read as follows:”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as of January 1, 2012.

#### **Subtitle C—Matters Relating to Small Business Concerns**

##### **PART I—PROCUREMENT CENTER REPRESENTATIVES**

#### **SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.**

(a) **IN GENERAL.**—Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended by striking the subsection enumerator and inserting the following:

“(1) PROCUREMENT CENTER REPRESENTATIVES.—”.

(b) ASSIGNMENT AND ROLE.—Paragraph (1) of section 15(1) of such Act (15 U.S.C. 644(1)) is amended to read as follows:

“(1) ASSIGNMENT AND ROLE.—The Administrator shall assign to each major procurement center a procurement center representative with such assistance as may be appropriate.”.

(c) ACTIVITIES.—Section 15(1)(2) of such Act (15 U.S.C. 644(1)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “(2) In addition to carrying out the responsibilities assigned by the Administration, a breakout” and inserting the following:

“(2) ACTIVITIES.—A”;

(2) in subparagraph (B)—

(A) by striking “(B) review, at any time, restrictions on competition” and inserting the following:

“(B) review, at any time, barriers to small business participation in Federal contracting”;

(B) by striking “items” and inserting “goods and services”;

(C) by striking “limitations” and inserting “barriers”;

(3) in subparagraph (C), by striking “(C) review restrictions on competition” and inserting the following:

“(C) review barriers to small business participation in Federal contracting”;

(4) by striking subparagraph (D) and inserting the following:

“(D) review any bundled or consolidated solicitation or contract in accordance with this Act”;

(5) by striking subparagraph (E) and inserting the following:

“(E) have access to procurement records and other data of the procurement center commensurate with the level of such representative's approved security clearance classification, with such data provided upon request in electronic format, when available”;

(6) by striking subparagraphs (F) and (G) and inserting the following:

“(F) receive unsolicited proposals from small business concerns and transmit such proposals to personnel of the activity responsible for reviewing such proposals, who shall furnish the procurement center representative with information regarding the disposition of any such proposal;

“(G) consult with the Director the Office of Small and Disadvantaged Business Utilization of that agency and the agency personnel described in paragraph (7) and (8) of subsection (k) with regard to agency insourcing decisions covered by subsection (k)(11);

“(H) be an advocate for the maximum practicable utilization of small business concerns in Federal contracting, including by advocating against the consolidation or bundling of contract requirements when not justified; and

“(I) carry out any other responsibility assigned by the Administrator.”.

(d) APPEALS.—Section 15(1)(3) of such Act (15 U.S.C. 644(1)(3)) is amended by striking

“(3) A breakout procurement center representative” and inserting the following:

“(3) APPEALS.—A procurement center representative”.

(e) ASSIGNMENT TO MAJOR PROCUREMENT CENTERS.—Paragraph (4) of section 15(1) of such Act (15 U.S.C. 644(1)) is amended by striking “breakout procurement center representative” and inserting “procurement center representative”.

(f) POSITION REQUIREMENTS.—Section 15(1)(5) of such Act (15 U.S.C. 644(1)(5)) is amended—

(1) by striking the paragraph enumerator and inserting the following:

“(5) POSITION REQUIREMENTS.—”;

(2) by striking subparagraphs (A) and (B) and inserting the following:

“(A) IN GENERAL.—A procurement center representative assigned under this subsection shall—

“(i) be a full-time employee of the Administration;

“(ii) be fully qualified, technically trained, and familiar with the goods and services procured by the major procurement center to which that representative is assigned; and

“(iii) have a Level III Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that any person serving in such a position on the date of enactment of this clause may continue to serve in that position for a period of 5 years without the required certification.”;

(3) in subparagraph (C) by striking “(C) The Administration shall establish personnel positions for breakout procurement representatives and advisers assigned pursuant to” and inserting the following:

“(B) COMPENSATION.—The Administrator shall establish personnel positions for procurement center representatives assigned under”.

(g) MAJOR PROCUREMENT CENTER DEFINED.—Section 15(1)(6) of such Act (15 U.S.C. 644(1)(6)) is amended—

(1) by striking “(6) For purposes” and inserting the following:

“(6) MAJOR PROCUREMENT CENTER DEFINED.—For purposes”;

(2) by striking “other than commercial items and which has the potential to incur significant savings as the result of the placement of a breakout procurement center representative” and inserting “goods or services, including goods or services that are commercially available”.

(h) TRAINING.—Section 15(1)(7) of such Act (15 U.S.C. 644(1)(7)) is amended—

(1) by striking the paragraph enumerator and inserting the following:

“(7) TRAINING.—”;

(2) in subparagraph (A) by striking “(A) At such times” and inserting the following:

“(A) AUTHORIZATION.—At such times”.

(3) in subparagraph (B)—

(A) by striking “(B) The breakout procurement center representative” and inserting the following:

“(8) ANNUAL BRIEFING AND REPORT.—A procurement center representative”;

(B) by striking “sixty” and inserting “60”;

and

(4) by inserting after subparagraph (A) the following:

“(B) LIMITATION.—A procurement center representative may provide training under subparagraph (A) only to the extent that the training does not interfere with the representative carrying out other activities under this subsection.”.

#### SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIREMENTS TRAINING.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this part, the Defense Acquisition University and the Federal Acquisition Institute shall each provide a course on contracting requirements under the Small Business Act, including the requirements for small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business

concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

(b) COURSE REQUIRED.—To have a Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification an individual shall be required to complete the course established under subsection (a).

(c) REQUIREMENT THAT BUSINESS OPPORTUNITY SPECIALISTS BE CERTIFIED.—Section 7(j)(10)(D)(i) of the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is amended by inserting after “to assist such Program Participant.” the following: “The Business Opportunity Specialist shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that a Business Opportunity Specialist serving at the time of the date of enactment of the National Defense Authorization Act for Fiscal Year 2013 may continue to serve as a Business Opportunity Specialist for a period of 5 years beginning on that date of enactment without such a certification.”.

#### SEC. 1623. ACQUISITION PLANNING.

Section 15(e)(1) of the Small Business Act (15 U.S.C. 644(e)(1)) is amended—

(1) by striking “the various agencies” and inserting “a Federal department or agency”;

and

(2) by striking the period and inserting “,

and each such Federal department or agency shall—

“(A) provide opportunities for the participation of small business concerns during acquisition planning processes and in acquisition plans; and

“(B) invite the participation of the appropriate Director of Small and Disadvantaged Business Utilization in acquisition planning processes and provide that Director access to acquisition plans.”.

#### PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

##### SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

(a) GOVERNMENTWIDE GOALS.—Paragraph (1) of section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended to read as follows:

“(1) GOVERNMENTWIDE GOALS.—

“(A) ESTABLISHMENT.—The President shall annually establish Governmentwide goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women in accordance with the following:

“(i) The Governmentwide goal for participation by small business concerns shall be established at not less than 23 percent of the total value of all prime contract awards for each fiscal year.

“(ii) The Governmentwide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for each fiscal year.

“(iii) The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for each fiscal year.

“(iv) The Governmentwide goal for participation by small business concerns owned and controlled by socially and economically disadvantaged individuals shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.

“(v) The Governmentwide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.

“(B) ACHIEVEMENT OF GOVERNMENTWIDE GOALS.—Each agency shall have an annual goal that presents, for that agency, the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women to participate in the performance of contracts let by such agency. The Small Business Administration and the Administrator for Federal Procurement Policy shall, when exercising their authority pursuant to paragraph (2), insure that the cumulative annual prime contract goals for all agencies meet or exceed the annual Governmentwide prime contract goal established by the President pursuant to this paragraph.”.

(b) AMENDMENTS TO THE SMALL BUSINESS ACT.—Paragraph (2) of section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended—

(1) in subparagraph (A), by adding at the end the following: “Such goals shall separately address prime contract awards and subcontract awards for each category of small business covered.”;

(2) in subparagraph (D), by striking “For the purpose of establishing goals under this subsection” and all that follows through the end of that subparagraph, and inserting the following: “After establishing goals under this paragraph for a fiscal year, the head of each Federal agency shall develop a plan for achieving such goals at both the prime contract and the subcontract level, which shall apportion responsibilities among the agency’s acquisition executives and officials. In establishing goals under this paragraph, the head of each Federal agency shall make a consistent effort to annually expand participation by small business concerns from each industry category in procurement contracts and subcontracts of such agency, including participation by small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.”;

(3) by striking subparagraphs (E) and (F) and inserting the following:

“(E) The head of each Federal agency, in attempting to attain expanded participation under subparagraph (D), shall consider—

“(i) contracts awarded as the result of unrestricted competition; and

“(ii) contracts awarded after competition restricted to eligible small business concerns under this section and under the program established under section 8(a).

“(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving goals established under subparagraph (A).

“(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.”.

(c) ADDITIONAL REQUIREMENTS.—Not later than 180 days after the date of the enactment of this part, the Administrator of the Small Business Administration shall review and revise the Goaling Guidelines for the Small Business Preference Programs for Prime and Subcontract Federal Procurement Goals and Achievements to the extent necessary to ensure that—

(1) agency subcontracting goals are established on the basis of realistically achievable improvements to levels of subcontracting rather than on the basis of an average of previous years’ subcontracting performance;

(2) agency contracting and subcontracting goals are established in a manner that does not exclude categories of contracts on the basis of—

(A) the type of goods or services for which the agency contracts;

(B) in the case of contracts subject to competitive procedures under chapter 33 of title 41, United States Code—

(i) whether or not funding for the contracts is made directly available to the agency by an Appropriations Act or is made available by reimbursement from another agency or account; or

(ii) whether or not the contract is subject to the Federal Acquisition Regulation; and

(3) whenever an agency contracting or subcontracting goal is established at a level lower than the Governmentwide goal for small business concerns or the relevant category of small business concerns, the Administration is required to document the basis for the decision to establish such lower goal.

(d) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this part, the Chief Counsel for Advocacy of the Small Business Administration shall enter into a contract with an appropriate entity to conduct an independent assessment of the small business procurement goals established in section 15(g) of the Small Business Act.

(1) COORDINATION WITH DEPARTMENT OF DEFENSE.—To the extent practicable, the Administrator shall coordinate this assessment with the Secretary of Defense, to avoid unnecessary duplication with the assessment required by section 1613 of this title.

(2) MATTERS COVERED.—The assessment under this subsection shall, at a minimum, include—

(A) a description of the industrial composition of companies receiving prime contracts and subcontracts with the Federal Government;

(B) a description of the industrial composition of domestic small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women;

(C) a comparison of the industrial composition of prime contractors and subcontractors participating in Federal contracting and the industrial composition of domestic small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women;

(D) a determination of barriers to accurately capturing data on small business prime contracting and subcontracting, including an examination of the reliability of information technology systems used by more than one Federal agency to track such data;

(E) recommendations for improving the quality and availability of data regarding small business prime contracting and subcontracting performance;

(F) recommendations to improve and inform the establishment of the goals in section 15(g) of the Small Business Act, including:

(i) alternate methodologies for establishing the goals;

(ii) determining which contracts should be subject to the goals;

(iii) methods for improving the correlation of current goaling practices with the health of the industrial base; and

(iv) methods of allocating goals between Federal agencies; and

(G) barriers within Federal procurement practices that inhibit the maximum practicable utilization of domestic small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

#### SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

Subsection (h) of section 15 of the Small Business Act (15 U.S.C. 644) is amended to read as follows:

“(h) REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.—

“(1) AGENCY REPORTS.—At the conclusion of each fiscal year, the head of each Federal agency shall submit to the Administrator a report describing—

“(A) the extent of the participation by small business concerns, small business concerns owned and controlled by veterans (including service-disabled veterans), qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women in the procurement contracts of such agency during such fiscal year;

“(B) whether the agency achieved the goals established for the agency under subsection (g)(2) with respect to such fiscal year; and

“(C) any justifications for a failure to achieve such goals.

“(2) REPORTS BY ADMINISTRATOR.—Not later than 60 days after receiving a report from each Federal agency under paragraph (1) with respect to a fiscal year, the Administrator shall submit to the President and Congress, and to make available on a public Web site, a report that includes—

“(A) a copy of each report submitted to the Administrator under paragraph (1);

“(B) a determination of whether each goal established by the President under subsection (g)(1) for such fiscal year was achieved;

“(C) a determination of whether each goal established by the head of a Federal agency under subsection (g)(2) for such fiscal year was achieved;

“(D) the reasons for any failure to achieve a goal established under paragraph (1) or (2) of subsection (g) for such fiscal year and a

description of actions planned by the applicable agency to address such failure, including the Administrator's comments and recommendations on the proposed remediation plan; and

“(E) for the Federal Government and each Federal agency, an analysis of the number and dollar amount of prime contracts awarded during such fiscal year to—

“(i) small business concerns—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns; and

“(IV) through unrestricted competition;

“(ii) small business concerns owned and controlled by service-disabled veterans—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by service-disabled veterans; and

“(V) through unrestricted competition;

“(iii) qualified HUBZone small business concerns—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to qualified HUBZone small business concerns;

“(V) through unrestricted competition where a price evaluation preference was used; and

“(VI) through unrestricted competition where a price evaluation preference was not used;

“(iv) small business concerns owned and controlled by socially and economically disadvantaged individuals—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals;

“(V) through unrestricted competition; and

“(VI) by reason of that concern's certification as a small business owned and controlled by socially and economically disadvantaged individuals;

“(v) small business concerns owned by an Indian tribe (as such term is defined in section 8(a)(13)) other than an Alaska Native Corporation—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

“(V) through unrestricted competition;

“(vi) small business concerns owned by a Native Hawaiian Organization—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

“(V) through unrestricted competition;

“(vii) small business concerns owned by an Alaska Native Corporation—

“(I) in the aggregate;

“(II) through sole source contracts;

“(III) through competitions restricted to small business concerns;

“(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

“(V) through unrestricted competition; and

“(viii) small business concerns owned and controlled by women—

“(I) in the aggregate;

“(II) through competitions restricted to small business concerns;

“(III) through competitions restricted using the authority under section 8(m)(2);

“(IV) through competitions restricted using the authority under section 8(m)(2) and in which the waiver authority under section 8(m)(3) was used; and

“(V) through unrestricted competition; and

“(F) for the Federal Government, the number, dollar amount, and distribution with respect to the North American Industry Classification System of subcontracts awarded during such fiscal year to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women, provided that such information is publicly available through data systems developed pursuant to the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282), or otherwise available as provided in paragraph (3).

“(3) ACCESS TO DATA.—

“(A) FEDERAL PROCUREMENT DATA SYSTEM.—To assist in the implementation of this section, the Administration shall have access to information collected through the Federal Procurement Data System, Federal Subcontracting Reporting System, or any new or successor system.

“(B) AGENCY PROCUREMENT DATA SOURCES.—To assist in the implementation of this section, the head of each contracting agency shall provide, upon request of the Administration, procurement information collected through agency data collection sources in existence at the time of the request. Contracting agencies shall not be required to establish new data collection systems to provide such data.”

#### SEC. 1633. SENIOR EXECUTIVES.

(a) TRAINING.—Programs established for the development of senior executives under section 3396(a) of title 5, United States Code, shall include training with respect to Federal procurement requirements, including contracting requirements under the Small Business Act (15 U.S.C. 631 et seq.).

(b) RESPONSIBILITY FOR ACHIEVING SMALL BUSINESS GOALS.—The head of an agency shall take steps to ensure that members of the senior executive service, as defined under section 3396(a) of title 5, United States Code, responsible for acquisition, other senior officials responsible for acquisition, and other members of the senior executive service, as appropriate, assume responsibility for the agency's success in achieving small business contracting goals and percentages by—

(1) promoting a climate or environment that is responsive to small business concerns;

(2) communicating the importance of achieving the agency's small business contracting goals; and

(3) encouraging small business awareness, outreach, and support.

(c) DEFINITIONS.—In this section the term “responsible for acquisition”, with respect to a member of the senior executive service or other senior official, means such a member or official who acquires services or supplies, directs agency organizations to acquire services or supplies, oversees acquisition officials, including program managers, contracting officers, and other acquisition workforce personnel responsible for formulating and approving acquisition strategies and plans.

#### PART III—MENTOR-PROTEGE PROGRAMS

##### SEC. 1641. MENTOR-PROTEGE PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 47; and

(2) by inserting after section 44 the following:

##### “SEC. 45. MENTOR-PROTEGE PROGRAMS.

“(a) ADMINISTRATION PROGRAM.—

“(1) AUTHORITY.—The Administrator is authorized to establish a mentor-protege program for all small business concerns.

“(2) MODEL FOR PROGRAM.—The mentor-protege program established under paragraph (1) shall be identical to the mentor-protege program of the Administration for small business concerns that participate in the program under section 8(a) (as in effect on the date of enactment of this section), except that the Administrator may modify the program to the extent necessary given the types of small business concerns included as proteges.

“(b) PROGRAMS OF OTHER AGENCIES.—

“(1) APPROVAL REQUIRED.—Except as provided in paragraph (4), a Federal department or agency may not carry out a mentor-protege program for small business concerns unless—

“(A) the head of the department or agency submits a plan to the Administrator for the program; and

“(B) the Administrator approves such plan.

“(2) BASIS FOR APPROVAL.—The Administrator shall approve or disapprove a plan submitted under paragraph (1) based on whether the program proposed—

“(A) will assist proteges to compete for Federal prime contracts and subcontracts; and

“(B) complies with the regulations issued under paragraph (3).

“(3) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Administrator shall issue, subject to notice and comment, regulations with respect to mentor-protege programs, which shall ensure that such programs improve the ability of proteges to compete for Federal prime contracts and subcontracts and which shall address, at a minimum, the following:

“(A) Eligibility criteria for program participants, including any restrictions on the number of mentor-protege relationships permitted for each participant.

“(B) The types of developmental assistance to be provided by mentors, including how the assistance provided shall improve the competitive viability of the proteges.

“(C) Whether any developmental assistance provided by a mentor may affect the status of a program participant as a small business concern due to affiliation.

“(D) The length of mentor-protege relationships.

“(E) The effect of mentor-protege relationships on contracting.

“(F) Benefits that may accrue to a mentor as a result of program participation.

“(G) Reporting requirements during program participation.

“(H) Postparticipation reporting requirements.

“(I) The need for a mentor-protege pair, if accepted to participate as a pair in a mentor-protege program of any Federal department or agency, to be accepted to participate as a pair in all Federal mentor-protege programs.

“(J) Actions to be taken to ensure benefits for proteges and to protect a protege against actions by a mentor that—

“(i) may adversely affect the protege’s status as a small business concern; or

“(ii) provide disproportionate economic benefits to the mentor relative to those provided to the protege.

“(4) LIMITATION ON APPLICABILITY.—Paragraph (1) does not apply to the following:

“(A) Any mentor-protege program of the Department of Defense.

“(B) Any mentoring assistance provided under a Small Business Innovation Research Program or a Small Business Technology Transfer Program.

“(C) Until the date that is 1 year after the date on which the Administrator issues regulations under paragraph (3), any Federal department or agency operating a mentor-protege program in effect on the date of enactment of this section.

“(c) REPORTING.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that—

“(A) identifies each Federal mentor-protege program;

“(B) specifies the number of participants in each such program, including the number of participants that are—

“(i) small business concerns;

“(ii) small business concerns owned and controlled by service-disabled veterans;

“(iii) qualified HUBZone small business concerns;

“(iv) small business concerns owned and controlled by socially and economically disadvantaged individuals; or

“(v) small business concerns owned and controlled by women;

“(C) describes the type of assistance provided to proteges under each such program;

“(D) describes the benefits provided to mentors under each such program; and

“(E) describes the progress of proteges under each such program with respect to competing for Federal prime contracts and subcontracts.

“(2) PROVISION OF INFORMATION.—The head of each Federal department or agency carrying out a mentor-protege program shall provide to the Administrator, on an annual basis, the information necessary for the Administrator to submit a report required under paragraph (1).

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) MENTOR.—The term ‘mentor’ means a for-profit business concern, of any size, that—

“(A) has the ability to assist and commits to assisting a protege to compete for Federal prime contracts and subcontracts; and

“(B) satisfies any other requirements imposed by the Administrator.

“(2) MENTOR-PROTEGE PROGRAM.—The term ‘mentor-protege program’ means a program that pairs a mentor with a protege for the purpose of assisting the protege to compete for Federal prime contracts and subcontracts.

“(3) PROTEGE.—The term ‘protege’ means a small business concern that—

“(A) is eligible to enter into Federal prime contracts and subcontracts; and

“(B) satisfies any other requirements imposed by the Administrator.

“(e) CURRENT MENTOR PROTEGE AGREEMENTS.—Mentors and proteges with approved agreement in a program operating pursuant to subsection (b)(4)(C) shall be permitted to continue their relationship according to the terms specified in their agreement until the expiration date specified in the agreement.

“(f) SUBMISSION OF AGENCY PLANS.—Agencies operating mentor protege programs pursuant to subsection (b)(4)(C) shall submit the plans specified in subsection (b)(1)(A) to the Administrator within 6 months of the promulgation of rules required by subsection (b)(3). The Administrator shall provide initial comments on each plan within 60 days of receipt, and final approval or denial of each plan within 180 days after receipt.”.

#### PART IV—TRANSPARENCY IN SUBCONTRACTING

##### SEC. 1651. LIMITATIONS ON SUBCONTRACTING.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting before section 47 (as redesignated by section 1641 of this subtitle) the following:

##### “SEC. 46. LIMITATIONS ON SUBCONTRACTING.

“(a) IN GENERAL.—If awarded a contract under section 8(a), 8(m), 15(a), 31, or 36, a covered small business concern—

“(1) in the case of a contract for services, may not expend on subcontractors more than 50 percent of the amount paid to the concern under the contract;

“(2) in the case of a contract for supplies (other than from a regular dealer in such supplies), may not expend on subcontractors more than 50 percent of the amount, less the cost of materials, paid to the concern under the contract;

“(3) in the case of a contract described in paragraphs (1) and (2)—

“(A) shall determine for which category, services (as described in paragraph (1)) or supplies (as described in paragraph (2)), the greatest percentage of the contract is awarded;

“(B) shall determine the amount awarded under the contract for that category of services or supplies; and

“(C) may not expend on subcontractors, with respect to the amount determined under subparagraph (B), more than 50 percent of that amount; and

“(4) in the case of a contract for supplies from a regular dealer in such supplies, shall supply the product of a domestic small business manufacturer or processor, unless a waiver of such requirement is granted—

“(A) by the Administrator, after reviewing a determination by the applicable contracting officer that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications (including period for performance) required by the contract; or

“(B) by the Administrator for a product (or class of products), after determining that no small business manufacturer or processor is available to participate in the Federal procurement market.

“(b) SIMILARLY SITUATED ENTITIES.—Contract amounts expended by a covered small business concern on a subcontractor that is a similarly situated entity shall not be considered subcontracted for purposes of determining whether the covered small business concern has violated a requirement established under subsection (a) or (d).

“(c) MODIFICATIONS OF PERCENTAGES.—The Administrator may change, by rule (after providing notice and an opportunity for pub-

lic comment), a percentage specified in paragraphs (1) through (4) of subsection (a) if the Administrator determines that such change is necessary to reflect conventional industry practices among business concerns that are below the numerical size standard for businesses in that industry category.

“(d) OTHER CONTRACTS.—

“(1) IN GENERAL.—With respect to a category of contracts to which a requirement under subsection (a) does not apply, the Administrator is authorized to establish, by rule (after providing notice and an opportunity for public comment), a requirement that a covered small business concern may not expend on subcontractors more than a specified percentage of the amount paid to the concern under a contract in that category.

“(2) UNIFORMITY.—A requirement established under paragraph (1) shall apply to all covered small business concerns.

“(3) CONSTRUCTION PROJECTS.—The Administrator shall establish, through public rulemaking, requirements similar to those specified in paragraph (1) to be applicable to contracts for general and specialty construction and to contracts for any other industry category not otherwise subject to the requirements of such paragraph. The percentage applicable to any such requirement shall be determined in accordance with paragraph (1).

“(e) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED SMALL BUSINESS CONCERN.—The term ‘covered small business concern’ means a business concern that—

“(A) with respect to a contract awarded under section 8(a), is a small business concern eligible to receive contracts under that section;

“(B) with respect to a contract awarded under section 8(m)—

“(i) is a small business concern owned and controlled by women (as defined in that section); or

“(ii) is a small business concern owned and controlled by women (as defined in that section) that is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

“(C) with respect to a contract awarded under section 15(a), is a small business concern;

“(D) with respect to a contract awarded under section 31, is a qualified HUBZone small business concern; or

“(E) with respect to a contract awarded under section 36, is a small business concern owned and controlled by service-disabled veterans.

“(2) SIMILARLY SITUATED ENTITY.—The term ‘similarly situated entity’ means a subcontractor that—

“(A) if a subcontractor for a small business concern, is a small business concern;

“(B) if a subcontractor for a small business concern eligible to receive contracts under section 8(a), is such a concern;

“(C) if a subcontractor for a small business concern owned and controlled by women (as defined in section 8(m)), is such a concern;

“(D) if a subcontractor for a small business concern owned and controlled by women (as defined in section 8(m)) that is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law), is such a concern;

“(E) if a subcontractor for a qualified HUBZone small business concern, is such a concern; or

“(F) if a subcontractor for a small business concern owned and controlled by service-disabled veterans, is such a concern.”.

#### SEC. 1652. PENALTIES.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended by adding at the end the following:

“(g) SUBCONTRACTING LIMITATIONS.—

“(1) IN GENERAL.—Whoever violates a requirement established under section 46 shall be subject to the penalties prescribed in subsection (d), except that, for an entity that exceeded a limitation on subcontracting under such section, the fine described in subsection (d)(2)(A) shall be treated as the greater of—

“(A) \$500,000; or

“(B) the dollar amount expended, in excess of permitted levels, by the entity on subcontractors.

“(2) MONITORING.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall take such actions as are necessary to ensure that an existing Federal subcontracting reporting system is modified to notify the Administrator, the appropriate Director of the Office of Small and Disadvantaged Business Utilization, and the appropriate contracting officer if a requirement established under section 46 is violated.”.

#### SEC. 1653. SUBCONTRACTING PLANS.

(a) AMENDMENTS TO SMALL BUSINESS ACT REQUIREMENTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by—

(1) redesignating paragraphs (7), (8), (9), (10), (11), and (12) as paragraphs (8), (9), (10), (11), (12), and (13) respectively;

(2) inserting after paragraph (6) the following:

“(7) The head of the contracting agency shall ensure that—

“(A) the agency collects and reports data on the extent to which contractors of the agency meet the goals and objectives set forth in subcontracting plans submitted pursuant to this subsection; and

“(B) the agency periodically reviews data collected and reported pursuant to subparagraph (A) for the purpose of ensuring that such contractors comply in good faith with the requirements of this subsection and subcontracting plans submitted by the contractors pursuant to this subsection.”;

(3) in paragraph (9), as redesignated by paragraph (1) of this subsection, striking “shall be a material breach of such contract or subcontract” and inserting “shall be a material breach of such contract or subcontract and may be considered in any past performance evaluation of the contractor”;

(4) in subparagraph (C) of paragraph (11), as redesignated by paragraph (1) of this subsection, by striking “, either on a contract-by-contract basis, or in the case contractors” and inserting “as a supplement to evaluations performed by the contracting agency, either on a contract-by-contract basis or, in the case of contractors”;

(5) by adding at the end the following:

“(14) An offeror for a covered contract that intends to identify a small business concern as a potential subcontractor in a bid or proposal for the contract, or in a plan submitted pursuant to this subsection in connection with the contract, shall notify the small business concern prior to making such identification.

“(15) The Administrator shall establish a reporting mechanism that allows a subcontractor or potential subcontractor to report fraudulent activity or bad faith by a contractor with respect to a subcontracting plan submitted pursuant to this subsection.”.

(b) ADDITIONAL REQUIREMENTS.—

(1) REPORTING REQUIREMENTS.—Not later than 1 year after the date of the enactment of this part, the Administrator of the Small Business Administration shall take such actions as are necessary to ensure that the electronic subcontracting reporting system established by the Administration to carry out the requirement of section 8(d)(6)(E) of the Small Business Act is modified to ensure that it can identify entities that fail to submit required reports.

(2) ANNUAL REPORT.—Not later than March 31 of each year, the Administrator of the Small Business Administration shall provide the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report, based on data available through existing systems, that sets forth, by agency (and to the extent practicable, by type of goal or plan), the following information:

(A) the percentage of entities required to submit reports pursuant to section 8(d)(6) of the Small Business Act that filed such reports and that failed to file such reports during the prior fiscal year;

(B) the percentage of entities filing such reports that met, exceeded, or failed to meet goals set forth in their subcontracting plans during the prior fiscal year; and

(C) the aggregate value by which such entities exceeded, or failed to meet, their subcontracting goals during the prior fiscal year.

#### SEC. 1654. NOTICES OF SUBCONTRACTING OPPORTUNITIES.

Section 8(k)(1) of the Small Business Act (15 U.S.C. 637(k)(1)) is amended by striking “in the Commerce Business Daily” and inserting “on the appropriate Federal Web site (as determined by the Administrator)”.

#### SEC. 1655. PUBLICATION OF CERTAIN DOCUMENTS.

Not later than 270 days after the date of the enactment of this part, the Director of the Office of Management and Budget shall publish procedures and methodologies to be used by Federal agencies with respect to decisions to convert a function being performed by a small business concern to performance by a Federal employee, including procedures and methodologies for determining which contracts will be studied for potential conversion; procedures and methodologies by which a contract is evaluated as inherently governmental or as a critical agency function; and procedures and methodologies for estimating and comparing costs. Should a Federal agency develop any agency-specific methodologies for identifying critical agency functions or supplemental implementation guidance, such methodologies and guidance shall be published upon implementation.

#### PART V—SMALL BUSINESS CONCERN SIZE STANDARDS

##### SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended—

(1) by striking “SEC. 3.” and inserting the following:

“SEC. 3. DEFINITIONS.”;

and

(2) in subsection (a)—

(A) by striking the subsection enumerator and inserting the following:

“(a) SMALL BUSINESS CONCERNS.”;

(B) in paragraph (1), by striking “(1) For the purposes” and inserting the following:

“(1) IN GENERAL.—For the purposes”;

(C) in paragraph (3), by striking “(3) When establishing” and inserting the following:

“(3) VARIATION BY INDUSTRY AND CONSIDERATION OF OTHER FACTORS.—When establishing”;

(D) by moving paragraph (5), including each subparagraph and clause therein, 2 ems to the right; and

(E) by adding at the end the following:

“(6) PROPOSED RULEMAKING.—In conducting rulemaking to revise, modify or establish size standards pursuant to this section, the Administrator shall consider, and address, and make publicly available as part of the notice of proposed rulemaking and notice of final rule each of the following:

“(A) a detailed description of the industry for which the new size standard is proposed;

“(B) an analysis of the competitive environment for that industry;

“(C) the approach the Administrator used to develop the proposed standard including the source of all data used to develop the proposed rule making; and

“(D) the anticipated effect of the proposed rulemaking on the industry, including the number of concerns not currently considered small that would be considered small under the proposed rule making and the number of concerns currently considered small that would be deemed other than small under the proposed rulemaking.

“(7) COMMON SIZE STANDARDS.—In carrying out this subsection, the Administrator may establish or approve a single size standard for a grouping of 4-digit North American Industry Classification System codes only if the Administrator makes publicly available, not later than the date on which such size standard is established or approved, a justification demonstrating that such size standard is appropriate for each individual industry classification included in the grouping.

“(8) NUMBER OF SIZE STANDARDS.—The Administrator shall not limit the number of size standards established pursuant to paragraph (2), and shall assign the appropriate size standard to each North American Industry Classification System Code.”.

#### PART VI—CONTRACT BUNDLING

##### SEC. 1671. CONTRACT BUNDLING.

(a) CONSTRUCTION CONTRACTS.—Section 44 of the Small Business Act (15 U.S.C. 657q) is amended in subsection (a)(2) by striking “or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and” and inserting the following: “or a multiple award contract—

“(A) to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; or

“(B) to satisfy requirements of the Federal agency for construction projects to be performed at 2 or more discrete sites; and”.

(b) CLARIFICATION OF CERTAIN REQUIREMENTS.—Section 44 of such Act is further amended in subsection (c)(1)(E), by striking “certifies to the head of the Federal agency” and inserting “ensures”.

(c) REPEAL OF SUPERSEDED LAW AND CONFORMING CHANGE.—

(1) CONSOLIDATION OF CONTRACT REQUIREMENTS: POLICY AND RESTRICTIONS.—Section 2382 of title 10, United States Code is repealed. The table of sections for chapter 141



of such title is amended by striking the item relating to section 2382.

(2) **CONSOLIDATION OF CONTRACT REQUIREMENTS; DEPARTMENT OF DEFENSE.**—Section 44 of the Small Business Act, as amended by subsections (a) and (b) of this section, is further amended in subsection (c) by striking paragraph (4).

(d) **COMPTROLLER GENERAL REVIEW.**—Not later than 270 days after the date of the enactment of this subsection, the Comptroller General of the United States shall review data and information regarding consolidated contracts awarded by Federal agencies. The review shall include an assessment of—

(1) the extent to which written determinations that the consolidation of contract requirements was necessary and justified meet the requirements of applicable provisions of law and regulation;

(2) the amount of savings and benefits realized pursuant to such contracts, in comparison with—

(A) the performance of similar requirements under previous contracts; and

(B) the savings and benefits anticipated by the analysis required prior to the contract award pursuant to applicable provisions of law and regulation;

(3) the extent to which the consolidation of contract requirements was consistent with the contracting agency's small business subcontracting plans; and

(4) the adequacy of data collected pursuant to section 15 of the Small Business Act relating to contract bundling.

#### **PART VII—INCREASED PENALTIES FOR FRAUD**

##### **SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE EFFORTS.**

(a) **SMALL BUSINESS FRAUD.**—Section 16(d) of the Small Business Act (15 U.S.C. 645(d)) is amended by inserting after paragraph (2) the following:

“(3) **LIMITATION ON LIABILITY.**—This subsection shall not apply to any conduct in violation of subsection (a) if the defendant acted in good faith reliance on a written advisory opinion from a Small Business Development Center (as defined in this Act), or an entity participating in the Procurement Technical Assistance Cooperative Agreement Program defined in chapter 142 of title 10, United States Code; however nothing in this Act shall obligate either entity to provide such a letter nor shall the provision of such a letter in any way render the providing entity liable to the business concern should the Administrator later determine that the concern is not a small business concern. Upon issuance of an advisory opinion under this paragraph, the entity issuing the advisory opinion shall remit a copy of the opinion to the General Counsel of the Administration, who may reject the advisory opinion. If the General Counsel of the Administration rejects the advisory opinion, the Administration shall notify the entity issuing the advisory opinion and the recipient of the opinion, after which time the business concern may not rely upon the opinion.”.

(b) **REGULATIONS.**—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue rules defining what constitutes an adequate advisory opinion for purposes of section 16(d)(3) of the Small Business Act.

(c) **SMALL BUSINESS COMPLIANCE GUIDE.**—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue (pursuant to section 212 of the Small Business Regulatory Enforcement Fairness

Act of 1996) a compliance guide to assist business concerns in accurately determining their status as a small business concern.

##### **SEC. 1682. REQUIREMENT THAT FRAUDULENT BUSINESSES BE SUSPENDED OR DEBARRED.**

(a) **IN GENERAL.**—Section 16(d)(2)(C) of the Small Business Act (15 U.S.C. 645(d)(2)(C)) is amended by striking “on the basis that such misrepresentation indicates a lack of business integrity that seriously and directly affects the present responsibility to perform any contract awarded by the Federal Government or a subcontract under such a contract”.

(b) **DEVELOPMENT AND PROMULGATION OF GUIDANCE.**—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall develop and promulgate guidance implementing this section.

(c) **PUBLICATION OF PROCEDURES REGARDING SUSPENSION AND DEBARMENT.**—Not later than 270 days after the date of enactment of this part, the Administrator shall publish and maintain on the Administration's Web site the current standard operating procedures of the Administration for suspension and debarment, and the name and contact information for the individual designated by the Administrator as the senior individual responsible for suspension and debarment proceedings.

##### **SEC. 1683. ANNUAL REPORT ON SUSPENSIONS AND DEBARMENTS PROPOSED BY SMALL BUSINESS ADMINISTRATION.**

(a) **REPORT REQUIREMENT.**—The Administrator of the Small Business Administration shall submit each year to the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report on the suspension and debarment actions taken by the Administrator during the year preceding the year of submission of the report.

(b) **MATTERS COVERED.**—The report required by subsection (a) shall include the following information for the year covered by the report:

(1) **NUMBER.**—The number of contractors proposed for suspension or debarment.

(2) **SOURCE.**—The office within a Federal agency that originated each proposal for suspension or debarment.

(3) **REASONS.**—The reason for each proposal for suspension or debarment.

(4) **RESULTS.**—The result of each proposal for suspension or debarment, and the reason for such result.

(5) **REFERRALS.**—The number of suspensions or debarments referred to the Inspector General of the Small Business Administration or another agency, or to the Attorney General (for purposes of this paragraph, the Administrator may redact identifying information on names of companies or other information in order to protect the integrity of any ongoing criminal or civil investigation).

#### **PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS**

##### **SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.**

(a) **APPOINTMENT AND POSITION OF DIRECTOR.**—Section 15(k)(2) of the Small Business Act (15 U.S.C. 644(k)(2)) is amended by striking “such agency,” and inserting “such agency to a position that is a Senior Executive Service position (as such term is defined under section 3132(a) of title 5, United States Code), except that, for any agency in which the positions of Chief Acquisition Officer and senior procurement executive (as such terms are defined under section 44(a) of this Act) are not Senior Executive Service positions,

the Director of Small and Disadvantaged Business Utilization may be appointed to a position compensated at not less than the minimum rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of such title (including comparability payments under section 5304 of such title);”.

(b) **PERFORMANCE APPRAISALS.**—Section 15(k)(3) of such Act (15 U.S.C. 644(k)(3)) is amended—

(1) by striking “be responsible only to, and report directly to, the head” and inserting “shall be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, the head”; and

(2) by striking “be responsible only to, and report directly to, such Secretary” and inserting “be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, such Secretary”.

(c) **ADDITIONAL REQUIREMENTS.**—Section 15(k) of such Act (15 U.S.C. 644(k)) is amended by inserting after paragraph (10) the following:

“(11) shall review and advise such agency on any decision to convert an activity performed by a small business concern to an activity performed by a Federal employee;

“(12) shall provide to the Chief Acquisition Officer and senior procurement executive of such agency advice and comments on acquisition strategies, market research, and justifications related to section 44 of this Act;

“(13) may provide training to small business concerns and contract specialists, except that such training may only be provided to the extent that the training does not interfere with the Director carrying out other responsibilities under this subsection;

“(14) shall receive unsolicited proposals and, when appropriate, forward such proposals to personnel of the activity responsible for reviewing such proposals;

“(15) shall carry out exclusively the duties enumerated in this Act, and shall, while the Director, not hold any other title, position, or responsibility, except as necessary to carry out responsibilities under this subsection; and

“(16) shall submit, each fiscal year, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

“(A) the training provided by the Director under paragraph (13) in the most recently completed fiscal year;

“(B) the percentage of the budget of the Director used for such training in the most recently completed fiscal year; and

“(C) the percentage of the budget of the Director used for travel in the most recently completed fiscal year.”.

(d) **REQUIREMENT OF ACQUISITION EXPERIENCE FOR OSDBU DIRECTOR.**—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), as amended by this part, is further amended, in the matter preceding paragraph (1), by striking “who shall” and inserting the following: “, with experience serving in any combination of the following roles: program manager, deputy program manager, or assistant program manager for Federal acquisition program; chief engineer, systems engineer, assistant engineer, or product support manager for Federal acquisition program; Federal contracting officer; small business technical advisor; contracts administrator for Federal Government contracts; attorney specializing in Federal procurement law; small business liaison officer; officer or employee who managed Federal Government contracts

for a small business; or individual whose primary responsibilities were for the functions and duties of section 8, 15 or 44 of this Act. Such officer or employee”.

(e) **TECHNICAL AMENDMENTS.**—Section 15(k) of such Act (15 U.S.C. 644(k)), as amended, is further amended—

(1) in paragraph (1)—  
(A) by striking “be known” and inserting “shall be known”; and

(B) by striking “such agency,” and inserting “such agency;”;

(2) in paragraph (2) by striking “be appointed by” and inserting “shall be appointed by”;

(3) in paragraph (3)—

(A) by striking “director” and inserting “Director”; and

(B) by striking “Secretary’s designee,” and inserting “Secretary’s designee;”;

(4) in paragraph (4)—

(A) by striking “be responsible” and inserting “shall be responsible”; and

(B) by striking “such agency,” and inserting “such agency;”;

(5) in paragraph (5) by striking “identify proposed” and inserting “shall identify proposed”;

(6) in paragraph (6) by striking “assist small” and inserting “shall assist small”;

(7) in paragraph (7)—

(A) by striking “have supervisory” and inserting “shall have supervisory”; and

(B) by striking “this Act,” and inserting “this Act;”;

(8) in paragraph (8)—

(A) in the matter preceding subparagraph (A), by striking “assign a” and inserting “shall assign a”; and

(B) in subparagraph (A), by striking “the activity, and” and inserting “the activity; and”;

(9) in paragraph (9)—

(A) by striking “cooperate, and” and inserting “shall cooperate, and”; and

(B) by striking “subsection, and” and inserting “subsection;”;

(10) in paragraph (10)—

(A) by striking “make recommendations” and inserting “shall make recommendations”;

(B) by striking “subsection (a), or section” and inserting “subsection (a), section”;

(C) by striking “Act or section 2323” and inserting “Act, or section 2323”;

(D) by striking “Code. Such recommendations shall” and inserting “Code, which shall”; and

(E) by striking “contract file.” and inserting “contract file;”.

**SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL.**

(a) **DUTIES.**—Section 7104(b) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended—

(1) in paragraph (1) by striking “and” at the end;

(2) in paragraph (2) by striking “authorities,” and inserting “authorities;”;

(3) by adding at the end the following:

“(3) to conduct reviews of each Office of Small and Disadvantaged Business Utilization established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to determine the compliance of each Office with requirements under such section;

“(4) to identify best practices for maximizing small business utilization in Federal contracting that may be implemented by Federal agencies having procurement powers; and

“(5) to submit, annually, to the Committee on Small Business of the House of Representatives and the Committee on Small Business

and Entrepreneurship of the Senate a report describing—

“(A) the comments submitted under paragraph (2) during the 1-year period ending on the date on which the report is submitted, including any outcomes related to the comments;

“(B) the results of reviews conducted under paragraph (3) during such 1-year period; and

“(C) best practices identified under paragraph (4) during such 1-year period.”

(b) **MEMBERSHIP.**—Section 7104(c)(3) of such Act (15 U.S.C. 644 note) is amended by striking “(established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)))”.

(c) **CHAIRMAN.**—Section 7104(d) of such Act (15 U.S.C. 644 note) is amended by inserting after “Small Business Administration” the following: “(or the designee of the Administrator)”.

**PART IX—OTHER MATTERS**

**SEC. 1695. SURETY BONDS.**

(a) **MAXIMUM BOND AMOUNT.**—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by striking “does not exceed” and all that follows through the period at the end, and inserting “does not exceed \$6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code.”;

(3) by adding at the end the following:

“(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed \$10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.”

(b) **DENIAL OF LIABILITY.**—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

“(e) **REIMBURSEMENT OF SURETY; CONDITIONS.**—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

“(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation,

“(2) the total contract amount at the time of execution of the bond or bonds exceeds \$6,500,000,

“(3) the surety has breached a material term or condition of such guarantee agreement, or

“(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).”;

(2) by inserting after subsection (i) the following:

“(j) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guarantee application.”

(c) **SIZE STANDARDS.**—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by inserting after paragraph (8) the following:

“(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purpose of sections 410, 411, and 412 the term ‘small business concern’ means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of

such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.”

**SEC. 1696. CONFORMING AMENDMENTS; REPEAL OF REDUNDANT PROVISIONS; REGULATIONS.**

(a) **TECHNICAL AMENDMENTS.**—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in the heading of subsection (p), to read as follows: “ACCESS TO DATA.—”; and

(2) in the heading of subsection (q), to read as follows: “REPORTS RELATED TO PROCUREMENT CENTER REPRESENTATIVES.—”.

(b) **CONFORMING AMENDMENTS PERTAINING TO LIMITATIONS ON SUBCONTRACTING.**—

(1) **HUBZONES.**—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended—

(A) in subparagraph (A)(i) by striking subclause (III) and inserting the following:

“(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern under section 31, the small business concern will ensure that the requirements of section 46 are satisfied; and”;

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating subparagraph (D) as subparagraph (B).

(2) **ENTITIES ELIGIBLE FOR CONTRACTS UNDER SECTION 8(a).**—Section 8(a) of such Act (15 U.S.C. 637(a)) is amended by striking paragraph (14) and inserting the following:

“(14) **LIMITATIONS ON SUBCONTRACTING.**—A concern may not be awarded a contract under this subsection as a small business concern unless the concern agrees to satisfy the requirements of section 46.”

(3) **SMALL BUSINESS CONCERNS.**—Section 15 of such Act (15 U.S.C. 644) is amended by striking subsection (o) and inserting the following:

“(o) **LIMITATIONS ON SUBCONTRACTING.**—A concern may not be awarded a contract under subsection (a) as a small business concern unless the concern agrees to satisfy the requirements of section 46.”

(c) **REGULATIONS.**—Not later than 180 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue guidance with respect to the changes made to the Small Business Act by the amendments in this subtitle, with opportunities for notice and comment.

**SEC. 1697. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.**

(a) **PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.**—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) by striking subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(o) **STUDY AND REPORT ON REPRESENTATION OF WOMEN.**—

“(1) **STUDY.**—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

“(2) **REPORT.**—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small

Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”

**SEC. 1698. SMALL BUSINESS HUBZONES.**

(a) **DEFINITION.**—In this section, the term “covered base closure area” means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) **TREATMENT AS HUBZONE.**—

(1) **IN GENERAL.**—Subject to paragraph (2), a covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

(2) **LIMITATION.**—The total period of time that a covered base closure area is treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

**SEC. 1699. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

(a) **IN GENERAL.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) **CORPORATION.**—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **TITLE 10.**—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(2) **TITLE 38.**—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(3) **VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.**—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

**SEC. 1699a. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.**

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands.”.

**TITLE XVII—ENDING TRAFFICKING IN GOVERNMENT CONTRACTING**

Sec. 1701. Definitions.

Sec. 1702. Contracting requirements.

Sec. 1703. Compliance plan and certification requirement.

Sec. 1704. Monitoring and investigation of trafficking in persons.

Sec. 1705. Notification to inspectors general and cooperation with Government.

Sec. 1706. Expansion of penalties for fraud in foreign labor contracting to include attempted fraud and work outside the United States.

Sec. 1707. Improving Department of Defense accountability for reporting trafficking in persons claims and violations.

Sec. 1708. Rules of construction; effective date.

**SEC. 1701. DEFINITIONS.**

In this title:

(1) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(2) **SUBCONTRACTOR.**—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(3) **SUBGRANTEE.**—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(4) **UNITED STATES.**—The term “United States” has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

**SEC. 1702. CONTRACTING REQUIREMENTS.**

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking “without penalty” and all that follows through the period at the end and inserting the following: “or take any of the other remedial actions authorized under section 1704(c) of the National Defense Authorization Act for Fiscal Year 2013, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

“(i) severe forms of trafficking in persons; “(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

“(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; or

“(iv) acts that directly support or advance trafficking in persons, including the following acts:

“(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee’s identity or immigration documents.

“(II) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless—

“(aa) exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”.

**SEC. 1703. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.**

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative’s knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) **LIMITATION.**—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) **DISCLOSURE.**—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) **GUIDANCE.**—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

**SEC. 1704. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.**

(a) **REFERRAL AND INVESTIGATION.**—

(1) **REFERRAL.**—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, including a report from a contracting officer representative, an auditor, an alleged victim or victim’s representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency’s Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 1703.

(2) **INVESTIGATION.**—An Inspector General who receives a referral under paragraph (1) or otherwise receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, shall promptly review the referral or information and determine whether to initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall document the rationale for the decision not to investigate.

(3) **CRIMINAL INVESTIGATION.**—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. The Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of an indictment, information, or criminal complaint against the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor. If the criminal investigation results in a decision not to prosecute, the Inspector General shall promptly determine whether to resume any investigation that was suspended pursuant to this paragraph. In the event that an Inspector General does not resume an investigation, the Inspector General shall document the rationale for the decision.

(b) **REPORT.**—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation to the head of the executive agency that awarded the contract, grant, or cooperative agreement. The report shall include the Inspector General's conclusions regarding whether or not any allegations that the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, are substantiated.

(c) **REMEDIAL ACTIONS.**—

(1) **IN GENERAL.**—Upon receipt of an Inspector General's report substantiating an allegation that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, or notification of an indictment, information, or criminal complaint for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance

period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) **SAVINGS CLAUSE.**—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) **MITIGATING FACTOR.**—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 1703, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) **AGGRAVATING FACTOR.**—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) **INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.**—

(1) **IN GENERAL.**—The head of an executive agency shall ensure that any substantiated allegation in the report under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS) and that the contractor has an opportunity to respond to any such report in accordance with applicable statutes and regulations.

(2) **AMENDMENT TO TITLE 41, UNITED STATES CODE.**—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—

“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or

“(ii) a substantiated allegation, pursuant to section 1704(b) of the National Defense Authorization Act for Fiscal Year 2013, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”

**SEC. 1705. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.**

The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

**SEC. 1706. EXPANSION OF PENALTIES FOR FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.**

(a) **IN GENERAL.**—Section 1351 of title 18, United States Code, is amended—

(1) by striking “Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States” and inserting “(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so,”; and

(2) by adding at the end the following new subsection:

“(b) **WORK OUTSIDE THE UNITED STATES.**—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”

(b) **SPECIAL RULE FOR ALIEN VICTIMS.**—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

**SEC. 1707. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.**

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”

(4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and

(5) by adding at the end the following new clause:

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics.”

**SEC. 1708. RULES OF CONSTRUCTION; EFFECTIVE DATE.**

(a) **LIABILITY.**—Excluding section 1706, nothing in this title shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702.

(b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**—Nothing in this title shall be construed as diminishing or otherwise modifying the authority of the Attorney General

to investigate activities covered by this title.

(c) IMPLEMENTATION AND EFFECTIVE DATES.—

(1) CONTRACTING REQUIREMENTS.—

(A) Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title.

(B) The requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title, shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after the date of the enactment of this Act, and to task and delivery orders awarded on or after such date pursuant to contracts entered before, on, or after such date.

(2) INVESTIGATIVE AND PROCEDURAL REQUIREMENTS.—Federal agencies shall implement the requirements of sections 1704, 1705, and 1707 (other than subsection (c) of section 1704) not later than 90 days after the date of the enactment of this Act.

(3) CRIMINAL LAW CHANGES.—The amendments made by section 1706 shall take effect upon the date of enactment and shall apply to conduct taking place on or after such date.

**TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS**

**Subtitle A—Fire Grants Reauthorization**

Sec. 1801. Short title.

Sec. 1802. Amendments to definitions.

Sec. 1803. Assistance to firefighters grants.

Sec. 1804. Staffing for adequate fire and emergency response.

Sec. 1805. Sense of Congress on value and funding of Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.

Sec. 1806. Report on amendments to Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.

Sec. 1807. Studies and reports on the state of fire services.

**Subtitle B—Reauthorization of United States Fire Administration**

Sec. 1811. Short title.

Sec. 1812. Clarification of relationship between United States Fire Administration and Federal Emergency Management Agency.

Sec. 1813. Modification of authority of Administrator to educate public about fire and fire prevention.

Sec. 1814. Authorization of appropriations.

Sec. 1815. Removal of limitation.

**Subtitle A—Fire Grants Reauthorization**

**SEC. 1801. SHORT TITLE.**

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

**SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency;’” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “‘Indian tribe,’” after “‘county;’”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “Director’s Award” each place it appears and inserting “Administrator’s Award”.

**SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

**“SEC. 33. FIREFIGHTER ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR OF FEMA.—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.

“(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means

firefighting personnel who are paid a stipend for each event to which they respond.

“(9) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

**“(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—**

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

**“(2) MAXIMUM GRANT AMOUNTS.—**

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

**“(B) AGGREGATE.—**

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and

expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.



“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).”

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant’s ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient’s ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant’s aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines

for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(i) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for



purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount author-

ized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

#### SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “fire-fighter” has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “EXPANSION OF PRE-SEPTEMBER 11, 2001,

**FIRE GRANT PROGRAM”** and inserting the following: “**STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE”**”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this subtitle.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for

staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including

representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator

with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

#### **Subtitle B—Reauthorization of United States Fire Administration**

##### **SEC. 1811. SHORT TITLE.**

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

##### **SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

##### **SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.**

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.

##### **SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 8(f).”; and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

##### **SEC. 1815. REMOVAL OF LIMITATION.**

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.—” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

#### **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

##### **SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2013”.

##### **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX of this division for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2016 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

#### **TITLE XXI—ARMY MILITARY CONSTRUCTION**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out certain fiscal year 2010 project.

Sec. 2105. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2106. Extension of authorizations of certain fiscal year 2010 projects.

Sec. 2107. Extension of limitation on obligation or expenditure of funds for tour normalization.

Sec. 2108. Limitation on project authorization to carry out certain fiscal year 2013 project.

##### **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska .....	Fort Wainwright .....	\$10,400,000
	Joint Base Elmendorf-Richardson .....	\$7,900,000
California .....	Concord .....	\$8,900,000
Colorado .....	Fort Carson .....	\$18,000,000

## Army: Inside the United States—Continued

State	Installation or Location	Amount
District of Columbia .....	Fort McNair .....	\$7,200,000
Georgia .....	Fort Benning .....	\$16,000,000
	Fort Gordon .....	\$23,300,000
	Fort Stewart .....	\$49,650,000
Hawaii .....	Pohakuloa Training Area .....	\$29,000,000
	Schofield Barracks .....	\$96,000,000
	Wheeler Army Air Field .....	\$85,000,000
Kansas .....	Fort Riley .....	\$12,200,000
Kentucky .....	Fort Campbell .....	\$81,800,000
	Fort Knox .....	\$6,000,000
Missouri .....	Fort Leonard Wood .....	\$123,000,000
New Jersey .....	Joint Base McGuire-Dix-Lakehurst .....	\$47,000,000
	Picatinny Arsenal .....	\$10,200,000
New York .....	Fort Drum .....	\$95,000,000
	U.S. Military Academy .....	\$192,000,000
North Carolina .....	Fort Bragg .....	\$68,000,000
Oklahoma .....	Fort Sill .....	\$4,900,000
South Carolina .....	Fort Jackson .....	\$24,000,000
Texas .....	Corpus Christi .....	\$37,200,000
	Fort Bliss .....	\$7,200,000
	Fort Hood .....	\$51,200,000
	Joint Base San Antonio .....	\$21,000,000
Virginia .....	Fort Belvoir .....	\$94,000,000
	Fort Lee .....	\$81,000,000
Washington .....	Joint Base Lewis-McChord .....	\$164,000,000
	Yakima .....	\$5,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construc-

tion projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction

projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

## Army: Outside the United States

Country	Installation or Location	Amount
Italy .....	Camp Ederle .....	\$36,000,000
	Vicenza .....	\$32,000,000
Japan .....	Okinawa .....	\$78,000,000
	Sagami .....	\$18,000,000
Korea .....	Camp Humphreys .....	\$45,000,000

## SEC. 2102. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,641,000.

## SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$106,000,000 (the balance of the amount authorized under section 2101(a) for cadet barracks increment 1 at the United States Military Academy, New York).

## SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123

Stat. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent with the Army's construction guidelines for Access Control Points.

## SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama .....	Anniston Army Depot .....	Lake Yard Interchange .....	\$1,400,000
New Jersey .....	Picatinny Arsenal .....	Ballistic evaluation Facility Phase I .....	\$9,900,000

## SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authoriza-

tion Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (123 Stat. 2628), shall remain in effect until Octo-

ber 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Army: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana .....	Fort Polk .....	Land Purchases and Condemnation .....	\$17,000,000
New Jersey .....	Picatinny Arsenal .....	Ballistic Evaluation Facility Phase 2 .....	\$10,200,000

## Army: Extension of 2010 Project Authorizations—Continued

State	Installation or Location	Project	Amount
Virginia .....	Fort Belvoir .....	Road and Access Control Point .....	\$9,500,000
Washington .....	Fort Lewis .....	Fort Lewis-McChord AFB Joint Access .....	\$9,000,000
Kuwait .....	Kuwait .....	APS Warehouses .....	\$82,000,000

**SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS FOR TOUR NORMALIZATION.**

Section 2111 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1665) is amended in the matter preceding paragraph (1) by inserting after “under this Act” the following: “or an Act authorizing funds for military construction for fiscal year 2013”.

**SEC. 2108. LIMITATION ON PROJECT AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.**

The Secretary of the Army may not obligate or expend any funds authorized in this title for the construction of a cadet barracks at the United States Military Academy, West Point, New York, until the Secretary of the Army—

(1) submits to the congressional defense committees, as part of the future-years de-

fense program submitted to Congress during 2013 under section 221 of title 10, United States Code, a plan showing programmed investments to renovate existing cadet barracks at the United States Military Academy; and

(2) certifies to the congressional defense committees that the Secretary has entered into a contract for the renovation of Scott Barracks at the United States Military Academy.

**TITLE XXII—NAVY MILITARY CONSTRUCTION**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2207. Extension of authorizations of certain fiscal year 2010 projects.

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Yuma .....	\$29,285,000
California .....	Camp Pendleton .....	\$88,110,000
	Coronado .....	\$78,541,000
	Miramar .....	\$27,897,000
	Point Mugu .....	\$12,790,000
	San Diego .....	\$71,188,000
	Seal Beach .....	\$30,594,000
	Twentynine Palms .....	\$47,270,000
Florida .....	Jacksonville .....	\$21,980,000
Hawaii .....	Kaneohe Bay .....	\$97,310,000
Mississippi .....	Meridian .....	\$10,926,000
New Jersey .....	Earle .....	\$33,498,000
North Carolina .....	Camp Lejeune .....	\$69,890,000
	Cherry Point Marine Corps Air Station .....	\$45,891,000
	New River .....	\$8,525,000
South Carolina .....	Beaufort .....	\$81,780,000
	Parris Island .....	\$10,135,000
Virginia .....	Dahlgren .....	\$28,228,000
	Oceana Naval Air Station .....	\$39,086,000
	Portsmouth .....	\$32,706,000
	Quantico .....	\$58,714,000
	Yorktown .....	\$48,823,000
Washington .....	Whidbey Island .....	\$6,272,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construc-

tion projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction

projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Bahrain .....	SW Asia .....	\$51,348,000
Diego Garcia .....	Diego Garcia .....	\$1,691,000
Greece .....	Souda Bay .....	\$25,123,000
Japan .....	Iwakuni .....	\$13,138,000
	Okinawa .....	\$8,206,000
Romania .....	Deveselu .....	\$45,205,000
Spain .....	Rota .....	\$17,215,000
Worldwide (Unspecified) .....	Unspecified Worldwide Locations .....	\$34,048,000

**SEC. 2202. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,527,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$97,655,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the

cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act and the projects described in paragraphs (2) and (3) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$382,757,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1666) for an explosive handling wharf at Kitsap, Washington).

(3) \$68,196,000 (the balance of the amount authorized under section 2201(b) of the Military Construction Authorization Act for Fis-

cal Year 2010 (division B of Public Law 111-84; 123 Stat. 2633) for ramp parking at Joint Region Marianas, Guam).

**SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.**

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1666), for Kitsap (Bangor) Washington, for construction of Explosives Handling Wharf No. 2 at that location, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environmental mitigation for the project using appropriations authorized for the project.

**Navy: Extension of 2009 Project Authorization**

State/Country	Installation or Location	Project	Amount
California .....	Marine Corps Base, Camp Pendleton .....	Operations Access Points, Red Beach .....	\$11,970,000
District of Columbia .....	Marine Corps Air Station, Miramar .....	Emergency Response Station .....	\$6,530,000
	Washington Navy Yard .....	Child Development Center .....	\$9,340,000

**SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authoriza-

tion Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (123 Stat. 2632), shall remain in effect until

October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Navy: Extension of 2010 Project Authorization**

State/Country	Installation or Location	Project	Amount
California .....	Mountain Warfare Training Center, Bridgeport .....	Mountain Warfare Training, Commissary .....	\$6,830,000
Maine .....	Portsmouth Naval Shipyard .....	Gate 2 Security Improvements .....	\$7,090,000
Djibouti .....	Camp Lemonier .....	Security Fencing .....	\$8,109,000
		Ammo Supply Point .....	\$21,689,000
		Interior Paved Roads .....	\$7,275,000

**TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Extension of authorizations of certain fiscal year 2010 projects.

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construc-

tion projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Arkansas .....	Little Rock Air Force Base .....	\$30,178,000
Florida .....	Tyndall Air Force Base .....	\$14,750,000
Georgia .....	Fort Stewart .....	\$7,250,000
	Moody Air Force Base .....	\$8,500,000
New Mexico .....	Holloman Air Force Base .....	\$25,000,000
North Dakota .....	Minot Air Force Base .....	\$4,600,000
Texas .....	Joint Base San Antonio .....	\$18,000,000
Utah .....	Hill Air Force Base .....	\$13,530,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construc-

tion projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military con-

struction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

Country	Installation or Location	Amount
Greenland .....	Thule Air Base .....	\$24,500,000
Guam .....	Andersen Air Force Base .....	\$58,000,000
Italy .....	Aviano Air Base .....	\$9,400,000
Portugal .....	Lajes Field .....	\$2,000,000

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding

table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or

improvement of family housing units in an amount not to exceed \$4,253,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$79,571,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Air

Force, as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act and the project described in paragraph (2) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$205,000,000 (the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–

81; 125 Stat. 1670) for the United States Strategic Command Headquarters at Offutt Air Force Base, Nebraska).

**SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) **EXTENSION.**—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (123 Stat. 2636), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) **TABLE.**—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
Missouri .....	Whiteman Air Force Base .....	Land Acquisition North & South Boundary .....	\$5,500,000
Montana .....	Malmstrom Air Force Base .....	Weapons Storage Area (WSA), Phase 2 .....	\$10,600,000

**TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION**

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 2012 projects.

Sec. 2405. Extension of authorization of certain fiscal year 2010 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Sec. 2412. Modification of authority to carry out certain fiscal year 1997 project.

**Subtitle A—Defense Agency Authorizations****SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Marana .....	\$6,477,000
.....	Yuma .....	\$1,300,000
California .....	Coronado .....	\$55,259,000
.....	DEF Fuel Support Point-San Diego .....	\$91,563,000
.....	Edwards Air Force Base .....	\$27,500,000
Colorado .....	Twentynine Palms .....	\$27,400,000
.....	Buckley Air Force Base .....	\$30,000,000
.....	Fort Carson .....	\$56,673,000
.....	Pikes Peak .....	\$3,600,000
Delaware .....	Dover Air Force Base .....	\$2,000,000
Florida .....	Eglin Air Force Base .....	\$41,695,000
.....	Hurlburt Field .....	\$16,000,000
.....	MacDill Air Force Base .....	\$34,409,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$24,289,000
Illinois .....	Great Lakes .....	\$28,700,000
.....	Scott Air Force Base .....	\$86,711,000
Indiana .....	Grissom Army Reserve Base .....	\$26,800,000
Kentucky .....	Fort Campbell .....	\$71,639,000
Louisiana .....	Barksdale Air Force Base .....	\$11,700,000
Maryland .....	Annapolis .....	\$66,500,000
.....	Bethesda Naval Hospital .....	\$69,200,000
.....	Fort Meade .....	\$128,600,000
Missouri .....	Fort Leonard Wood .....	\$18,100,000
New Mexico .....	Cannon Air Force Base .....	\$93,085,000
New York .....	Fort Drum .....	\$43,200,000
North Carolina .....	Camp Lejeune .....	\$80,064,000
.....	Fort Bragg .....	\$130,422,000
.....	Seymour Johnson Air Force Base .....	\$55,450,000
Pennsylvania .....	DEF Distribution Depot New Cumberland .....	\$17,400,000
South Carolina .....	Shaw Air Force Base .....	\$57,200,000
Texas .....	Red River Army Depot .....	\$16,715,000
Virginia .....	Joint Expeditionary Base Little Creek-Fort Story .....	\$11,132,000
.....	Norfolk .....	\$8,500,000
Washington .....	Fort Lewis .....	\$50,520,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construc-

tion projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction

projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:



## Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium .....	Brussels .....	\$26,969,000
Germany .....	Stuttgart-Patch Barracks .....	\$2,413,000
	Vogelweh .....	\$61,415,000
	Weisbaden .....	\$52,178,000
Guam .....	Andersen Air Force Base .....	\$67,500,000
Guantanamo Bay, Cuba .....	Guantanamo Bay .....	\$40,200,000
Japan .....	Camp Zama .....	\$13,273,000
	Kadena Air Base .....	\$143,545,000
	Sasebo .....	\$35,733,000
	Zukeran .....	\$79,036,000
Korea .....	Kunsan Air Base .....	\$13,000,000
	Osan Air Base .....	\$77,292,000
Romania .....	Deveselu .....	\$220,800,000
United Kingdom .....	Menwith Hill Station .....	\$50,283,000
	Royal Air Force Feltwell .....	\$30,811,000
	Royal Air Force Mildenhall .....	\$6,490,000

**SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section

2403(a) and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy con-

servation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

## Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
Alaska .....	Clear .....	\$15,337,000
California .....	Fort Hunter Liggett .....	\$9,600,000
	Parks RFTA .....	\$9,256,000
Colorado .....	Aerospace Data Facility .....	\$3,310,000
	Fort Carson .....	\$4,000,000
Hawaii .....	Joint Base Pearl Harbor Hickam .....	\$6,610,000
Missouri .....	Whiteman .....	\$6,000,000
North Carolina .....	Fort Bragg .....	\$2,700,000
	MCB Camp Lejeune .....	\$5,701,000
New Jersey .....	Sea Girt .....	\$3,000,000
Pennsylvania .....	NSA Mechanicsburg .....	\$19,926,000
	Susquehanna .....	\$2,550,000
	Tobyhanna Army Depot .....	\$3,950,000
Tennessee .....	Arnold .....	\$3,606,000
Texas .....	Fort Bliss .....	\$5,700,000
	Fort Bliss .....	\$2,600,000
	Laughlin .....	\$4,800,000
Virginia .....	MCB Quantico .....	\$7,943,000
	Pentagon Reservation .....	\$2,360,000
	Pentagon Reservation .....	\$2,120,000
Various Locations .....	Various Locations .....	\$12,886,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation

projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of

title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

## Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Italy .....	Naval Air Station Sigonella .....	\$6,121,000
Spain .....	Naval Station Rota .....	\$2,671,000
Various Locations .....	Various Locations .....	\$7,253,000

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act and the projects described in paragraphs (2) through (9) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$13,965,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 119–364; 120 Stat. 2457) for the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland).

(3) \$103,600,000 (the balance of the amount authorized under section 2401(a) for NSA W Recapitalize Building #1 at Fort Meade, Maryland).

(4) \$556,639,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), as amended by section 2404(a) of this Act, for a data center at Fort Meade, Maryland).

(5) \$512,969,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–

84; 123 Stat. 2640) for a hospital at Fort Bliss, Texas).

(6) \$134,900,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672) for an Ambulatory Care Center Phase III at Joint Base San Antonio, Texas).

(7) \$41,913,000 (the balance of the amount authorized as a Military Construction, Defense-Wide project by title X of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888) for a data center at Camp Williams, Utah).

(8) \$792,408,000 (the balance of the amount authorized under section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), as amended by section 2404(b) of this Act, for a hospital at the Rhine Ordnance Barracks, Germany).

(9) \$100,800,000 (the balance of the amount authorized under section 2401(b) for the Aegis Ashore Missile Defense System Complex at Deveselu, Romania).

**SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECTS.**

(a) MARYLAND.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking “\$29,640,000” in the amount column and inserting “\$792,200,000”.

(b) GERMANY.—

(1) PROJECT AUTHORIZATION.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (divi-

sion B of Public Law 112–81; 125 Stat. 1673), is amended in the item relating to Rhine Ordnance Barracks, Germany, by striking “\$750,000,000” in the amount column and inserting “\$990,000,000”.

(2) CERTIFICATION REQUIRED.—The Secretary of Defense may not obligate additional funds made available pursuant to the amendment made by paragraph (1) until the Secretary certifies to the congressional defense committees that both of the following directly support the proposed scope for the hospital at the Rhine Ordnance Barracks, Germany:

(A) A sufficient enduring beneficiary population.

(B) The fiscal year 2014 force structure assessment, incorporated in the budget sub-

mitted by the President to Congress for fiscal year 2014.

**SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2401(a) of that Act (123 Stat. 2640), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Extension of 2010 Project Authorization**

State	Installation or Location	Project	Amount
Virginia .....	Pentagon Reservation .....	Pentagon electrical upgrade .....	\$19,272,000

**Subtitle B—Chemical Demilitarization Authorizations**

**SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under subsection (a) and the project described in paragraph (2) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) \$158,969,000 (the balance of the amount authorized for ammunition demilitarization at Blue Grass, Kentucky, by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as most recently amended by section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4450).

**SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.**

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), and section 2413 of the Military Construction Authorization Act for Fiscal Year

2009 (division B of Public Law 110–417; 122 Stat. 4697), is further amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking “\$484,000,000” in the amount column and inserting “\$520,000,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$866,454,000”.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking “\$484,000,000” and inserting “\$520,000,000”.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

**Subtitle A—Project Authorizations and Authorization of Appropriations**

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition project.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

**Subtitle B—Other Matters**

Sec. 2611. Modification of authority to carry out certain fiscal year 2010 projects.

Sec. 2612. Modification of authority to carry out certain fiscal year 2011 projects.

Sec. 2613. Extension of authorization of certain fiscal year 2009 project.

Sec. 2614. Extension of authorization of certain fiscal year 2010 projects.

**Subtitle A—Project Authorizations and Authorization of Appropriations**

**SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Army National Guard: Inside the United States**

State	Location	Amount
Alabama .....	Fort McClellan .....	\$5,400,000
Arkansas .....	Searcy .....	\$6,800,000
California .....	Fort Irwin .....	\$25,000,000
Connecticut .....	Camp Hartell .....	\$32,000,000
Delaware .....	Bethany Beach .....	\$5,500,000
Florida .....	Camp Blanding .....	\$9,000,000

## Army National Guard: Inside the United States—Continued

State	Location	Amount
Hawaii .....	Miramar .....	\$20,000,000
Idaho .....	Kapolei .....	\$28,000,000
Indiana .....	Orchard Training Area .....	\$40,000,000
Iowa .....	South Bend .....	\$21,000,000
Kansas .....	Terra Haute .....	\$9,000,000
Kentucky .....	Camp Dodge .....	\$3,000,000
Massachusetts .....	Topeka .....	\$9,500,000
Minnesota .....	Frankfort .....	\$32,000,000
Missouri .....	Camp Edwards .....	\$22,000,000
Montana .....	Camp Ripley .....	\$17,000,000
New Jersey .....	Arden Hills .....	\$17,000,000
New York .....	Fort Leonard Wood .....	\$18,000,000
Ohio .....	Kansas City .....	\$1,900,000
Oklahoma .....	Monett .....	\$820,000
Utah .....	Perryville .....	\$700,000
Washington .....	Miles City .....	\$11,000,000
West Virginia .....	Sea Girt .....	\$34,000,000
Wisconsin .....	Stormville .....	\$24,000,000
	Chillicothe .....	\$3,100,000
	Delaware .....	\$12,000,000
	Camp Gruber .....	\$25,000,000
	Camp Williams .....	\$36,000,000
	Fort Lewis .....	\$35,000,000
	Logan .....	\$14,200,000
	Wausau .....	\$10,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Re-

serve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National

Guard locations outside the United States, and in the amounts, set forth in the following table:

## Army National Guard: Outside the United States

Country	Location	Amount
Guam .....	Barrigada .....	\$8,500,000
Puerto Rico .....	Camp Santiago .....	\$3,800,000
	Ceiba .....	\$2,200,000
	Guaynabo .....	\$15,000,000
	Gurabo .....	\$14,700,000

## SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry

out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

## Army Reserve

State	Location	Amount
California .....	Fort Hunter Liggett .....	\$68,300,000
Illinois .....	Tustin .....	\$27,000,000
Maryland .....	Fort Sheridan .....	\$28,000,000
Massachusetts .....	Aberdeen Proving Ground .....	\$21,000,000
Nevada .....	Baltimore .....	\$10,000,000
New Jersey .....	Devens Reserve Forces Training Area .....	\$8,500,000
Washington .....	Las Vegas .....	\$21,000,000
Wisconsin .....	Joint Base McGuire-Dix-Lakehurst .....	\$7,400,000
	Joint Base Lewis-McChord .....	\$40,000,000
	Fort McCoy .....	\$47,800,000

## SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the

Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

## Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona .....	Yuma .....	\$5,379,000
Iowa .....	Fort Des Moines .....	\$19,162,000
Louisiana .....	New Orleans .....	\$7,187,000
New York .....	Brooklyn .....	\$4,430,000
Texas .....	Fort Worth .....	\$11,256,000

## SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

## Air National Guard

State	Location	Amount
California .....	Fresno Yosemite International Airport Air National Guard .....	\$11,000,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$6,500,000
New Mexico .....	Kirtland Air Force Base .....	\$8,500,000
Wyoming .....	Cheyenne Municipal Airport .....	\$6,486,000

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECT.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out a military construction project for the Air Force Reserve location inside the United States, and in the amount, set forth in the following table:

## Air Force Reserve

State	Location	Amount
New York .....	Niagara Falls International Airport .....	\$6,100,000

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

**Subtitle B—Other Matters****SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD READINESS CENTER PROJECT, NORTH LAS VEGAS, NEVADA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2648) for North Las Vegas, Nevada, for construction of a Readiness Center, the Secretary of the Army may construct up to 68,593 square feet of readiness center, 10,000 square feet of unheated equipment storage area, and 25,000 square feet of unheated vehicle storage, consistent with the Army's construction guidelines for readiness centers.

(b) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, MIRAMAR, CALIFORNIA.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2649) for Camp Pendleton, California, for construction of an Army Reserve Center, the Secretary of the Army may construct an Army Reserve Center in the vicinity of the Marine Corps Air Station, Miramar, California.

(c) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, BRIDGEPORT, CONNECTICUT.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84; 123 Stat. 2649) for Bridgeport, Connecticut, for construction of an Army Reserve Center/Land, the Secretary of the Army may construct an Army Reserve Center and acquire land in the vicinity of Bridgeport, Connecticut.

**SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.**

(a) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, FORT STORY, VIRGINIA.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fis-

cal Year 2011 (division B of Public Law 111-383; 124 Stat. 4453) for Fort Story, Virginia, for construction of an Army Reserve Center, the Secretary of the Army may construct an Army Reserve Center in the vicinity of Fort Story, Virginia.

(b) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, FORT CHAFFEE, ARKANSAS.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4451) for Fort Chaffee, Arkansas, for construction of a Live Fire Shoot House, the Secretary of the Army may construct up to 5,869 square feet of Live Fire Shoot House.

(c) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WINDSOR LOCKS, CONNECTICUT.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4451) for Windsor Locks, Connecticut, for construction of a Readiness Center, the Secretary of the Army may construct up to 119,510 square feet of a Readiness Center.

(d) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, KALAELOA, HAWAII.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4451) for Kalaeloa, Hawaii, for construction of a Combined Support Maintenance Shop, the Secretary of the Army may construct up to 137,548 square feet of a Combined Support Maintenance Shop.

(e) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WICHITA, KANSAS.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4451) for Wichita, Kansas, for construction of a Field Maintenance Shop, the Secretary of the Army may construct up to 62,102 square feet of a Field Maintenance Shop.

(f) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, MINDEN, LOUISIANA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4451) for Minden, Louisiana, for construction of a Readiness Center, the Secretary of the Army may construct up to 90,944 square feet of a Readiness Center.

(g) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, SAINT INIGOES, MARYLAND.—In the case of the authorization contained in the table in section 2601 of the

Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4451) for Saint Inigoes, Maryland, for construction of a Tactical Unmanned Aircraft System Facility, the Secretary of the Army may construct up to 10,298 square feet of a Tactical Unmanned Aircraft System Facility.

(h) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, CAMP GRAFTON, NORTH DAKOTA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4451) for Camp Grafton, North Dakota, for construction of a Readiness Center, the Secretary of the Army may construct up to 68,671 square feet of a Readiness Center.

(i) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WATERTOWN, SOUTH DAKOTA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4451) for Watertown, South Dakota, for construction of a Readiness Center, the Secretary of the Army may construct up to 97,865 square feet of a Readiness Center.

(j) AUTHORITY TO CARRY OUT AIR NATIONAL GUARD PROJECT, NASHVILLE, TENNESSEE.—In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

**SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2604 of that Act (122 Stat. 4706), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

## Air National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Mississippi .....	Gulfport-Biloxi International Airport .....	Relocate Munitions Complex .....	\$3,400,000

**SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of

Public Law 111–84; 123 Stat. 2627), the authorizations set forth in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October 1, 2013, or the date of the

enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

## Army Reserve: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
California .....	Camp Pendleton .....	Army Reserve Center .....	\$19,500,000
Connecticut .....	Bridgeport .....	Army Reserve Center/Land .....	\$18,500,000

## Air National Guard: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Mississippi .....	Gulfport-Biloxi Airport .....	Relocate Base Entrance .....	\$6,500,000

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

## Subtitle A—Authorization of Appropriations

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

## Subtitle B—Other Matters

Sec. 2711. Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds.

Sec. 2712. Revised base closure and realignment restrictions and Comptroller General assessment of Department of Defense compliance with codified base closure and realignment restrictions.

## Subtitle A—Authorization of Appropriations

**SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act as specified in the funding table in section 4601.

**SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687

note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act as specified in the funding table in section 4601.

## Subtitle B—Other Matters

**SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS AND AUTHORIZED USES OF BASE CLOSURE ACCOUNT FUNDS.**

(a) ESTABLISHMENT OF SINGLE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT; USE OF FUNDS.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking sections 2906 and 2906A and inserting the following new section 2906:

**“SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.**

“(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the ‘Department of Defense Base Closure Account’ which shall be administered by the Secretary as a single account.

“(b) CREDITS TO ACCOUNT.—There shall be credited to the Account the following:

“(1) Funds authorized for and appropriated to the Account.

“(2) Funds transferred to the Account pursuant to section 2711(b) of the Military Construction Authorization Act for Fiscal Year 2013.

“(3) Funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that funds may be transferred under the authority of this paragraph only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees.

“(4) Proceeds received from the lease, transfer, or disposal of any property at a military installation closed or realigned under this part or the 1988 BRAC law.

“(c) USE OF ACCOUNT.—

“(1) AUTHORIZED PURPOSES.—The Secretary may use the funds in the Account only for the following purposes:

“(A) To carry out the Defense Environmental Restoration Program under section 2701 of title 10, United States Code, and other environmental restoration and mitigation activities at military installations closed or realigned under this part or the 1988 BRAC law.

“(B) To cover property management, disposal, and caretaker costs incurred at military installations closed or realigned under this part or the 1988 BRAC law.

“(C) To cover costs associated with supervision, inspection, overhead, engineering, and design of military construction projects undertaken under this part or the 1988 BRAC law before September 30, 2013, and subsequent claims, if any, related to such activities.

“(D) To record, adjust, and liquidate obligations properly chargeable to the following accounts:

“(i) The Department of Defense Base Closure Account 2005 established by section 2906A of this part, as in effect on September 30, 2013.

“(ii) The Department of Defense Base Closure Account 1990 established by this section, as in effect on September 30, 2013.

“(iii) The Department of Defense Base Closure Account established by section 207 of the 1988 BRAC law, as in effect on September 30, 2013.

“(2) SOLE SOURCE OF FUNDS.—The Account shall be the sole source of Federal funds for the activities specified in paragraph (1) at a military installation closed or realigned under this part or the 1988 BRAC law.

“(3) PROHIBITION ON USE OF ACCOUNT FOR NEW MILITARY CONSTRUCTION.—Except as provided in paragraph (1), funds in the Account may not be used, directly or by transfer to another appropriations account, to carry out a military construction project, including a minor military construction project, under section 2905(a) or any other provision of law at a military installation closed or realigned under this part or the 1988 BRAC law.

“(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NON-APPROPRIATED FUNDS.—

“(1) DEPOSIT OF PROCEEDS IN RESERVE ACCOUNT.—If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or non-appropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the 1988 BRAC law.

“(2) The amount so deposited under paragraph (1) shall be equal to the depreciated value of the investment made with such

funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

“(3) USE OF RESERVE FUNDS.—Subject to the limitation contained in section 204(b)(7)(C)(iii) of the 1988 BRAC law, amounts in the reserve account are hereby made available to the Secretary, without appropriation and until expended, for the purpose of acquiring, constructing, and improving—

“(A) commissary stores; and

“(B) real property and facilities for non-appropriated fund instrumentalities.

“(e) CONSOLIDATED BUDGET JUSTIFICATION DISPLAY FOR ACCOUNT.—

“(1) CONSOLIDATED BUDGET INFORMATION REQUIRED.—The Secretary shall establish a consolidated budget justification display in support of the Account that for each fiscal year—

“(A) details the amount and nature of credits to, and expenditures from, the Account during the preceding fiscal year;

“(B) separately details the caretaker and environmental remediation costs associated with each military installation for which a budget request is made;

“(C) specifies the transfers into the Account and the purposes for which these transferred funds will be further obligated, to include caretaker and environment remediation costs associated with each military installation;

“(D) specifies the closure or realignment recommendation, and the base closure round in which the recommendation was made, that precipitated the inclusion of the military installation; and

“(E) details any intra-budget activity transfers within the Account that exceeded \$1,000,000 during the preceding fiscal year or that are proposed for the next fiscal year and will exceed \$1,000,000.

“(2) SUBMISSION.—The Secretary shall include the information required by paragraph (1) in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code.

“(f) CLOSURE OF ACCOUNT; TREATMENT OF REMAINING FUNDS.—

“(1) CLOSURE.—The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code, except that unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under paragraph (2).

“(2) FINAL REPORT.—No later than 60 days after the closure of the Account under paragraph (1), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

“(A) all the funds credited to and expended from the Account or otherwise expended under this part or the 1988 BRAC law; and

“(B) any funds remaining in the Account.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘commissary store funds’ means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

“(2) The term ‘nonappropriated funds’ means funds received from a non-appropriated fund instrumentality.

“(3) The term ‘nonappropriated fund instrumentality’ means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

“(4) The term ‘1988 BRAC law’ means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).”.

(b) CLOSURE OF EXISTING CURRENT ACCOUNTS; TRANSFER OF FUNDS.—

(1) CLOSURE.—Subject to paragraph (2), the Secretary of the Treasury shall close, pursuant to section 1555 of title 31, United States Code, the following accounts on the books of the Treasury:

(A) The Department of Defense Base Closure Account 2005 established by section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(B) The Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(C) The Department of Defense Base Closure Account established by section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(2) TRANSFER OF FUNDS.—All amounts remaining in the three accounts specified in paragraph (1) as of the effective date of this section, shall be transferred, effective on that date, to the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, as added by subsection (a).

(3) CROSS REFERENCES.—Except as provided in this subsection or the context requires otherwise, any reference in a law, regulation, document, paper, or other record of the United States to an account specified in paragraph (1) shall be deemed to be a reference to the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, as added by subsection (a).

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF FORMER ACCOUNT.—Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is repealed.

(2) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is repealed.

(3) DEFINITION.—

(A) 1990 LAW.—Section 2910(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking “1990 established by section 2906(a)(1)” and inserting “established by section 2906(a)”.

(B) 1988 LAW.—The Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(i) in section 204(b)(7)(A), by striking “established by section 207(a)(1)”;

(ii) in section 209(1), by striking “established by section 207(a)(1)” and inserting “es-

tablished by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)”.

(4) ENVIRONMENTAL RESTORATION.—Chapter 160 of title 10, United States Code, is amended—

(A) in section 2701(d)(2), by striking “Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established under sections 2906 and 2906A” and inserting “Department of Defense Base Closure Account established by section 2906”;

(B) in section 2703(h)—

(i) by striking “the applicable Department of Defense base closure account” and inserting “the Department of Defense Base Closure Account established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note)”; and

(ii) by striking “the applicable base closure account” and inserting “such base closure account”;

(C) in section 2705(g)(2), by striking “Closure Account 1990” and inserting “Closure Account”.

(5) DEPARTMENT OF DEFENSE HOUSING FUNDS.—Section 2883 of such title is amended—

(A) in subsection (c)—

(i) by striking subparagraph (G) of paragraph (1); and

(ii) by striking subparagraph (G) of paragraph (2); and

(B) in subsection (f)—

(i) in the first sentence, by striking “or (G)” both places it appears; and

(ii) by striking the second sentence.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) October 1, 2013; and

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

**SEC. 2712. REVISED BASE CLOSURE AND REALIGNMENT RESTRICTIONS AND COMPTROLLER GENERAL ASSESSMENT OF DEPARTMENT OF DEFENSE COMPLIANCE WITH CODIFIED BASE CLOSURE AND REALIGNMENT RESTRICTIONS.**

(a) CIVILIAN PERSONNEL REDUCTIONS BELOW PRESCRIBED THRESHOLDS.—Section 2687 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (g) and moving such subsection to the end of the section;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) No action described in subsection (a) with respect to the closure of, or realignment with respect to, any military installation referred to in such subsection may be taken within five years after the date on which a decision is made to reduce the civilian personnel thresholds below the levels prescribed in such subsection.”.

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report reviewing the process and criteria used by the Department of Defense to make decisions relating to closures and realignments at military installations, including closures and realignments occurring both above and below the threshold levels specified in section 2687 of title 10, United States Code.

(c) CONFORMING AMENDMENTS RELATING TO REDESIGNATION OF DEFINITIONS SUBSECTION.—

Title 10, United States Code, is amended as follows:

(1) Section 2391(d)(1) is amended by striking “section 2687(e)” and inserting “section 2687”.

(2) Section 2667(i)(3) is amended by striking “section 2687(e)(1)” and inserting “section 2687”.

# **TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

## **Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Authorized cost and scope variations.
- Sec. 2802. Preparation of master plans for major military installations.
- Sec. 2803. Oversight and accountability for military housing privatization projects and related annual reporting requirements.
- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
- Sec. 2805. Comptroller General report on in-kind payments.

## **Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.
- Sec. 2812. Identification requirements for access to military installations.
- Sec. 2813. Report on property disposals at certain closed military installations and additional authorities to assist local communities in the vicinity of such installations.
- Sec. 2814. Report on reorganization of Air Force Materiel Command organizations.

## **Subtitle C—Energy Security**

- Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.
- Sec. 2822. Availability and use of Department of Defense energy cost savings to promote energy security.
- Sec. 2823. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification.
- Sec. 2824. Guidance on financing for renewable energy projects.
- Sec. 2825. Energy savings performance contract report.

## **Subtitle D—Provisions Related to Asia- Pacific Military Realignment**

- Sec. 2831. Certification of military readiness need for a Live Fire Training Range Complex on Guam as condition on establishment of range complex.
- Sec. 2832. Realignment of Marine Corps forces in Asia-Pacific region.

## **Subtitle E—Land Conveyances**

- Sec. 2841. Modification of authorized consideration, Broadway Complex of the Department of the Navy, San Diego, California.
- Sec. 2842. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.

Sec. 2843. Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio.

Sec. 2844. Land conveyance, Castner Range, Fort Bliss, Texas.

Sec. 2845. Modification of land conveyance, Fort Hood, Texas.

Sec. 2846. Land conveyance, Local Training Area for Browning Army Reserve Center, Utah.

## **Subtitle F—Other Matters**

- Sec. 2851. Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations.
- Sec. 2852. Acceptance of gifts and services to support military museum programs and use of cooperative agreements with nonprofit entities for military museum and military educational institution programs.
- Sec. 2853. Additional exemptions from certain requirements applicable to funding for data servers and centers.
- Sec. 2854. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
- Sec. 2855. Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard.
- Sec. 2856. Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California.
- Sec. 2857. Oversight and maintenance of closed base cemeteries overseas containing the remains of members of the Armed Forces or citizens of the United States.
- Sec. 2858. Report on establishment of joint Armed Forces historical storage and preservation facility.
- Sec. 2859. Establishment of commemorative work to Gold Star Mothers.
- Sec. 2860. Establishment of commemorative work to slaves and free Black persons who served in American Revolution.

## **Subtitle A—Military Construction Program and Military Family Housing Changes**

### **SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.**

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “was approved originally” and inserting “was authorized”;

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: “Any reduction in scope of work for a military construction project shall not result in a facility or item of infrastructure that is not complete and useable or does not fully meet the mission requirement contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”; and

(B) by adding at the end the following new paragraph:

“(3) In this subsection, the term ‘scope of work’ refers to the function, size, or quantity of a facility or item of complete and useable infrastructure contained in the jus-

tification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”;

(3) in subsection (c)(1)(A), by striking “and the reasons therefor, including a description” and inserting “, the reasons therefor, a certification that the mission requirement identified in the justification data provided to Congress can be still be met with the reduced scope, and a description”;

(4) by adding at the end the following new subsection:

“(e) Notwithstanding the authority under subsections (a) through (d), the Secretary concerned shall ensure compliance of contracts for military construction projects and for the construction, improvement, and acquisition of military family housing projects with section 1341 of title 31 (commonly referred to as the ‘Anti-Deficiency Act’).”.

### **SEC. 2802. PREPARATION OF MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.**

(a) **MILITARY INSTALLATION MASTER PLANS.**—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2863 the following new section:

#### **“§ 2864. Master plans for major military installations**

“(a) **PLANS REQUIRED.**—At a time interval prescribed by the Secretary concerned (but not less frequently than once every 10 years), the commander of each major military installation under the jurisdiction of the Secretary shall ensure that an installation master plan is developed to address environmental planning, sustainable design and development, sustainable range planning, real property master planning, and transportation planning.

“(b) **TRANSPORTATION COMPONENT.**—The transportation component of the master plan for a major military installation shall be developed and updated in consultation with the metropolitan planning organization designated for the metropolitan planning area in which the military installation is located.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘major military installation’ has the meaning given to the term ‘large site’ in the most recent version of the Department of Defense Base Structure Report issued before the time interval prescribed for development of installation master plans arises under subsection (a).

“(2) The terms ‘metropolitan planning area’ and ‘metropolitan planning organization’ have the meanings given those terms in section 134(b) of title 23 and section 5303(b) of title 49.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by inserting after the item relating to section 2863 the following new item:

“2864. Master plans for major military installations.”.

### **SEC. 2803. OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZA- TION PROJECTS AND RELATED AN- NUAL REPORTING REQUIREMENTS.**

(a) **FINANCIAL INTEGRITY AND ACCOUNTABILITY MEASURES FOR SUSTAINMENT OF PRIVATIZATION PROJECTS.**—

(1) **FINANCIAL INTEGRITY AND ACCOUNTABILITY MEASURES REQUIRED.**—Section 2885 of title 10, United States Code, is amended by adding at the end the following new subsection:



“(f) FINANCIAL INTEGRITY AND ACCOUNTABILITY MEASURES.—(1) The regulations required by subsection (a) shall address the following requirements for each military housing privatization project upon the completion of the construction or renovation of the housing units:

“(A) The financial health and performance of the privatization project, including the debt-coverage ratio of the project and occupancy rates for the housing units.

“(B) An assessment of the backlog of maintenance and repair of the housing units.

“(2) If the debt service coverage for a military housing privatization project falls below 1.0 or the occupancy rates for the housing units of the project are below 75 percent for more than one year, the Secretary concerned shall require the development of a plan to address the financial risk of the project.”.

(2) CONFORMING AMENDMENT.—Subsection (a) of such section is amended in the matter preceding paragraph (1) by inserting before the period at the end of the first sentence the following: “during the course of the construction or renovation of the housing units”.

(b) ANNUAL REPORTING REQUIREMENTS.—Section 2884 of such title is amended by striking subsection (b) and inserting the following new subsections:

“(b) ANNUAL REPORTS TO ACCOMPANY BUDGET MATERIALS.—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 the following:

“(1) A separate report on the expenditures and receipts during the preceding fiscal year covering each of the Funds established under section 2883 of this title, including a description of the specific construction, acquisition, or improvement projects from which funds were transferred and the privatization projects or contracts to which those funds were transferred. Each report shall also include, for each military department or defense agency, a description of all funds to be transferred to such Funds for the current fiscal year and the next fiscal year.

“(2) A report setting forth, by armed force, the following:

“(A) An estimate of the amounts of basic allowance for housing under section 403 of title 37 that will be paid, during the current fiscal year and the fiscal year for which the budget is submitted, to members of the armed forces living in housing provided under the authorities in this subchapter.

“(B) The number of units of military family housing and military unaccompanied housing upon which the estimate under subparagraph (A) for the current fiscal year and the next fiscal year is based.

“(3) A description of the plans for housing privatization activities to be carried out under this subchapter—

“(A) during the fiscal year for which the budget is submitted; and

“(B) during the period covered by the then-current future-years defense plan under section 221 of this title.

“(4) A report identifying each family housing unit acquired or constructed under this subchapter that is used, or intended to be used, as quarters for a general officer or flag officer and for which the total operation, maintenance, and repair costs for the unit exceeded \$50,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.

“(c) ANNUAL REPORT ON PRIVATIZATION PROJECTS.—The Secretary of Defense shall submit to the congressional defense committees a semi-annual report containing on evaluation of the status of oversight and accountability measures under section 2885 of this title for military housing privatization projects. To the extent each Secretary concerned has the right to attain the information described in this subsection, each report shall include, at a minimum, the following:

“(1) An assessment of the backlog of maintenance and repair at each military housing privatization project where a significant backlog exists, including an estimation of the cost of eliminating the maintenance and repair backlog.

“(2) If the debt associated with a privatization project exceeds net operating income or the occupancy rates for the housing units are below 75 percent for more than one year, the plan developed to mitigate the financial risk of the project.

“(3) An assessment of any significant project variances between the actual and pro forma deposits in the recapitalization account.

“(4) The details of any significant withdrawals from a recapitalization account, including the purpose and rationale of the withdrawal and, if the withdrawal occurs before the normal recapitalization period, the impact of the early withdrawal on the financial health of the project.

“(5) An assessment of the extent to which the information required to comply with paragraphs (1) through (4) has been requested by the Secretaries, but has not been made available.

“(6) An assessment of cost assessed to members of the armed forces for utilities compared to utility rates in the local area.”.

**SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.**

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1685), is further amended—

(1) in subsection (c)—  
(A) by striking paragraph (2);  
(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking the second sentence; and

(2) in subsection (h)—  
(A) in paragraph (1), by striking “September 30, 2012” and inserting “September 30, 2013”; and

(B) in paragraph (2), by striking “fiscal year 2013” and inserting “fiscal year 2014”.

**SEC. 2805. COMPTROLLER GENERAL REPORT ON IN-KIND PAYMENTS.**

(a) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the construction or renovation of Department of Defense facilities with in-kind payments. The report shall cover construction or renovation projects begun during the preceding two years.

(2) UPDATES.—Not later than one year after submitting the report required under paragraph (1), and annually thereafter for three years, the Comptroller General shall submit to the congressional defense committees a

report covering projects begun since the most recent report.

(b) CONTENT.—Each report required under subsection (a) shall include the following elements:

(1) A listing of each facility constructed or renovated for the Department of Defense as payment in kind.

(2) The value in United States dollars of that construction or renovation.

(3) The source of the in-kind payment.

(4) The agreement pursuant to which the in-kind payment was made.

(5) A description of the purpose and need for the construction or renovation.

**Subtitle B—Real Property and Facilities Administration**

**SEC. 2811. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT CERTAIN MILITARY INSTALLATIONS.**

Section 2869(a)(1) of title 10, United States Code, is amended—

(1) by striking “any eligible entity” and inserting “any person”;

(2) by striking “the entity” and inserting “the person”; and

(3) by striking “their control” and inserting “the person’s control”.

**SEC. 2812. IDENTIFICATION REQUIREMENTS FOR ACCESS TO MILITARY INSTALLATIONS.**

(a) PROCEDURAL REQUIREMENTS FOR IDENTIFICATION VERIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish procedural requirements regarding access to military installations in the United States by individuals, including individuals performing work under a contract awarded by the Department of Defense. The procedural requirements may vary between military installations, or parts of installations, depending on the nature of the installation, the nature of the access granted, and the level of security required.

(b) ISSUES ADDRESSED.—The procedures required by subsection (a) shall address, at a minimum, the following:

(1) The forms of identification to be required to permit entry.

(2) The measures to be used to verify the authenticity of such identification and identify individuals who seek unauthorized access to a military installation through the use of fraudulent identification or other means.

(3) The measures to be used to notify Department of Defense security personnel of any attempt to gain unauthorized access to a military installation.

**SEC. 2813. REPORT ON PROPERTY DISPOSALS AT CERTAIN CLOSED MILITARY INSTALLATIONS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES IN THE VICINITY OF SUCH INSTALLATIONS.**

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any closure of an active-duty military installation since 1988 in the United States that—

(1) was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

(2) for which property disposals have not been completed as of the date of the enactment of this Act.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the status of property described in subsection (a).

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property;

(3) The plan and schedule, if currently available, for the disposal of each such property.

(4) A description of additional future financial liability or other policy impacts to the Department of Defense that are likely to be incurred in the event that statutory authorities provided by Congress in connection with the disposition of military installations closed under a base closure law are extended to military installations closed apart from a base closure law and for which property disposals have not been completed as of the date of the enactment of this Act.

(5) Such recommendations, if any, as the Secretary of Defense considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) DEFINITIONS.—In this section:

(1) The term “base closure law” has the meaning given that term in section 101(a)(17) of title 10, United States Code.

(2) The term “military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense in the United States.

(3) The term “United States” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Guam.

#### SEC. 2814. REPORT ON REORGANIZATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command organizations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the efficiencies and effectiveness associated with the reorganization of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands, including an assessment of the impact of the reorganization of the Air Force Materiel Command on the responsibilities of other commands regarding the following:

(A) Operational Test and Evaluation.

(B) Follow-on Operational Test and Evaluation.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force manage-

ment structure were coordinated with the Office of the Secretary of Defense and the degree to which any concerns raised by such Office were addressed in the approach selected by the Air Force.

#### Subtitle C—Energy Security

#### SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CONTRACTS FOR THE PROVISION AND OPERATION OF ENERGY PRODUCTION FACILITIES AUTHORIZED TO BE LOCATED ON REAL PROPERTY UNDER THE JURISDICTION OF A MILITARY DEPARTMENT.

Section 2662(a)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(H) Any transaction or contract action for the provision and operation of energy production facilities on real property under the jurisdiction of the Secretary of a military department, as authorized by section 2922a(a)(2) of this title, if the term of the transaction or contract exceeds 20 years.”.

#### SEC. 2822. AVAILABILITY AND USE OF DEPARTMENT OF DEFENSE ENERGY COST SAVINGS TO PROMOTE ENERGY SECURITY.

Section 2912(b)(1) of title 10, United States Code, is amended by inserting after “additional energy conservation” the following: “and energy security”.

#### SEC. 2823. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION.

(a) ADDITIONAL REQUIREMENTS FOR REPORT ON ENERGY-EFFICIENCY STANDARDS.—Subsection (a) of section 2830 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1695) is amended—

(1) in paragraph (1), by striking “Not later than June 30, 2012, the” and inserting “The”;

and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) DEPARTMENT OF DEFENSE UNIFIED FACILITIES CRITERIA AND RELATED POLICIES.—The report shall also include the Department of Defense Unified Facilities Criteria and related Department of Defense policies, which shall be updated—

“(A) to reflect comprehensive guidance for the pursuit of design and building standards throughout the Department of Defense that specifically address energy- and water-efficient standards and sustainable design attributes for military construction based on the cost-benefit analysis, return on investment, total ownership costs, and demonstrated payback of the design standards specified in subparagraphs (A), (B), (C), and (D) of paragraph (2); and

“(B) to ensure that the building design and certification standards are applied to each military construction project based on geographic location and local circumstances to ensure maximum savings.”.

(b) PROHIBITION ON USE OF FUNDS FOR LEED GOLD OR PLATINUM CERTIFICATION PENDING REPORT.—Subsection (b)(1) of such section is amended—

(1) by striking “for fiscal year 2012” and inserting “for fiscal year 2012 or 2013”; and

(2) by inserting before the period at the end the following: “until the report required by subsection (a) is submitted to the congressional defense committees”.

#### SEC. 2824. GUIDANCE ON FINANCING FOR RENEWABLE ENERGY PROJECTS.

(a) GUIDANCE ON USE OF AVAILABLE FINANCING APPROACHES.—

(1) ISSUANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) issue guidance about the use of available financing approaches for financing renewable energy projects; and

(B) direct the Secretaries of the military departments to update their military department-wide guidance accordingly.

(2) ELEMENTS.—The guidance issued pursuant to paragraph (1) should describe the requirements and restrictions applicable to the underlying authorities and any Department of Defense-specific guidelines for using appropriated funds and alternative-financing approaches for renewable energy projects to maximize cost savings and energy efficiency for the Department of Defense.

(b) GUIDANCE ON USE OF BUSINESS CASE ANALYSES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance that establishes and clearly describes the processes used by the military departments to select financing approaches for renewable energy projects to ensure that business case analyses are completed to maximize cost savings and energy efficiency and mitigate drawbacks and risks associated with different financing approaches.

(c) INFORMATION SHARING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a formalized communications process, such as a shared Internet website, that will enable officials at military installations to have timely access on an ongoing basis to information related to financing renewable energy projects on other installations, including best practices and lessons that officials at other installations have learned from their experiences in financing renewable energy projects.

(d) CONSULTATION.—The Secretary of Defense shall issue the guidance under subsections (a) and (b) and develop the communications process under subsection (c) in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment. The Secretary of Defense shall also issue the guidance under subsection (b) in consultation with the Secretaries of the military departments.

#### SEC. 2825. ENERGY SAVINGS PERFORMANCE CONTRACT REPORT.

(a) REPORT REQUIRED.—Not later than June 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the use of energy savings performance contracts awarded by the Department of Defense during calendar years 2010, 2011, and 2012.

(b) ELEMENTS OF REPORT.—The report shall include the following (identified for each military department separately):

(1) The amount of appropriated funds that were obligated or expended during calendar years 2010, 2011, and 2012 for energy savings performance contracts and any funds remaining to be obligated or expended for such energy savings performance contracts.

(2) The amount of such funds that have been used for comprehensive retrofits.

(3) The amount of such funds that have been used to leverage private sector capital, including the amount of such capital.

(4) The amount of savings that have been achieved, or that are expected to be achieved, as a result of such energy savings performance contracts.

**Subtitle D—Provisions Related to Asia-Pacific Military Realignment**

**SEC. 2831. CERTIFICATION OF MILITARY READINESS NEED FOR A LIVE FIRE TRAINING RANGE COMPLEX ON GUAM AS CONDITION ON ESTABLISHMENT OF RANGE COMPLEX.**

A Live Fire Training Range Complex on Guam may not be established (including any construction or lease of lands related to such establishment) in coordination with the realignment of United States Armed Forces in the Pacific until the Secretary of Defense certifies to the congressional defense committees that there is a military training and readiness requirement for the Live Fire Training Range Complex.

**SEC. 2832. REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.**

(a) **RESTRICTION ON USE OF FUNDS FOR REALIGNMENT.**—Except as provided in subsection (c), none of the funds authorized to be appropriated under this Act, and none of the amounts provided by the Government of Japan for construction activities on land under the jurisdiction of the Department of Defense, may be obligated to implement the realignment of Marine Corps forces from Okinawa to Guam or Hawaii until each of the following occurs:

(1) The Commander of the United States Pacific Command provides to the congressional defense committees an assessment of the strategic and logistical resources needed to ensure the distributed lay-down of members of the Marine Corps in the United States Pacific Command Area of Responsibility meets the contingency operations plans.

(2) The Secretary of Defense submits to the congressional defense committees master plans for the construction of facilities and infrastructure to execute the Marine Corps distributed lay-down on Guam and Hawaii, including a detailed description of costs and the schedule for such construction.

(3) The Secretary of the Navy submits a plan to the congressional defense committees detailing the proposed investments and schedules required to restore facilities and infrastructure at Marine Corps Air Station Futenma.

(4) A plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure, if any, on Guam affected by the realignment of forces.

(b) **RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE.**—If the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available in fiscal year 2012 or 2013 under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam, the Secretary of Defense may not carry out such grant, transfer, cooperative agreement, or supplemental funding unless such grant, transfer, cooperative agreement, or supplemental funding is specifically authorized by law.

(c) **EXCEPTIONS TO FUNDING RESTRICTION.**—The Secretary of Defense may use funds described in subsection (a)—

(1) to complete additional analysis or studies required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for proposed actions on Guam or Hawaii;

(2) to initiate planning and design of construction projects at Andersen Air Force Base and Andersen South; and

(3) to carry out any military construction project for which an authorization of appropriations is provided in section 2204, as specified in the funding table in section 4601.

(d) **DEFINITIONS.**—In this section:

(1) **DISTRIBUTED LAY-DOWN.**—The term “distributed lay-down” refers to the planned distribution of members of the Marine Corps in Okinawa, Guam, Hawaii, Australia, and possibly elsewhere that is contemplated in support of the joint statement of the United States-Japan Security Consultative Committee issued April 26, 2012, in the District of Columbia (April 27, 2012, in Tokyo).

(2) **PUBLIC INFRASTRUCTURE.**—The term “public infrastructure” means any utility, method of transportation, item of equipment, or facility under the control of a public entity or State or local government that is used by, or constructed for the benefit of, the general public.

(e) **REPEAL OF SUPERSEDED LAW.**—Section 2207 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1668) is repealed.

**Subtitle E—Land Conveyances**

**SEC. 2841. MODIFICATION OF AUTHORIZED CONSIDERATION, BROADWAY COMPLEX OF THE DEPARTMENT OF THE NAVY, SAN DIEGO, CALIFORNIA.**

Section 2732(b)(1)(A) of the Military Construction Authorization Act, 1987 (division B of Public 99-661; 100 Stat. 4046) is amended by striking “constructed on such real property by the lessees.” and inserting the following: “constructed by the lessees—

“(i) on such real property; or

“(ii) on other real property within the boundaries of the metropolitan San Diego, California, area.”.

**SEC. 2842. USE OF PROCEEDS, LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.**

Section 2862(c) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 869) is amended by striking “construct or improve military family housing units” and all that follows through the period at the end and inserting “improve or repair facilities at Tyndall Air Force Base.”.

**SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Village of Lordstown, Ohio (in this section referred to as the “Village”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Center located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Village to use the parcel for public purposes.

(b) **INTERIM LEASE.**—Until such time as the real property described in subsection (a) is conveyed to the Village, the Secretary may lease the property to the Village.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a) or that the Village has violated a condition imposed by subsection (e), all right, title, and interest in and to such real property, including any improvements thereon, shall, at the option of the Secretary, revert to and become the property of the

United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Village to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Village in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Village.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **CONDITIONS OF CONVEYANCE.**—The conveyance of the real property under subsection (a) shall be subject to the following conditions:

(1) That the Village not use any Federal funds to cover any portion of the conveyance costs required by subsection (d) to be paid by the Village or to cover the costs for the design or construction of any facility on the property.

(2) That the Village begin using the property for public purposes before the end of the five-year period beginning on the date of conveyance.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERMS.**—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT BLISS, TEXAS.**

(a) **CONVEYANCE AUTHORIZED.**—

(1) **CONVEYANCE AUTHORITY.**—The Secretary of the Army may convey, without consideration, to the Parks and Wildlife Department of the State of Texas (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 7,081 acres at Fort Bliss, Texas, for the purpose of permitting the Department to establish and operate a park as an element of the Franklin Mountains State Park.

(2) **PIECEMEAL CONVEYANCES.**—In anticipation of the conveyance of the entire parcel of real property described in paragraph (1), the Secretary may subdivide the parcel and convey to the Department portions of the real property as the Secretary determines that the condition of the real property is compatible with the Department’s intended use of the property.

(b) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real

property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land conveyance under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Department in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to Department. This paragraph does not apply to costs associated with the environmental remediation of the property to be conveyed.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2845. MODIFICATION OF LAND CONVEYANCE, FORT HOOD, TEXAS.**

Section 2848(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2140) is amended by striking “for the sole purpose” and all that follows through “Central Texas.” and inserting the following: “for the purpose of permitting the University System to use the property—

“(1) for the establishment of a State-supported university, separate from other universities of the University System, designated as Texas A&M University, Central Texas; and

“(2) for such other educational purposes as the University System considers to be appropriate and the Secretary of the Army determines to be compatible with military activities in the vicinity of the property.”.

**SEC. 2846. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the State of Utah Department of Veterans Affairs (in this section referred to as the “Department”) all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately five acres of the

Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

(b) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **PAYMENT REQUIRED.**—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**Subtitle F—Other Matters**

**SEC. 2851. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.**

(a) **CALCULATION OF NUMBER OF AFFECTED MEMBERS.**—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”.

(b) **NOTICE REQUIREMENTS.**—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(c) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(2) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.”.

**SEC. 2852. ACCEPTANCE OF GIFTS AND SERVICES TO SUPPORT MILITARY MUSEUM PROGRAMS AND USE OF COOPERATIVE AGREEMENTS WITH NON-PROFIT ENTITIES FOR MILITARY MUSEUM AND MILITARY EDUCATIONAL INSTITUTION PROGRAMS.**

(a) **ACCEPTANCE OF GIFTS AND SERVICES.**—

(1) **IN GENERAL.**—Subsection (a) of section 2601 of title 10, United States Code, is amended—

(A) by striking “Subject to subsection (d)(2), the” and inserting “(1) The”; and

(B) by adding at the end the following new paragraph:

“(2)(A) Notwithstanding section 1342 of title 31, the Secretary concerned may accept a gift of services for a military museum program from a nonprofit entity established for the purpose of supporting a military museum program. Employees or personnel of a nonprofit entity who provide a gift of services under this subparagraph may not be considered to be employees of the United States.

“(B) For the use and benefit of a military museum program, the Secretary concerned may solicit from a bona fide collector a gift of books, manuscripts, works of art, historical artifacts, drawings, plans, models, or condemned or obsolete combat materiel.”.

(2) **CONFORMING AMENDMENTS.**—Such section is further amended—

(A) in subsection (b)(1), by striking “Subject to subsection (d)(2), the” and inserting “The”; and

(B) in subsection (d)—

(i) in paragraph (1), by striking “subsection (b)” and inserting “such subsections”; and

(ii) in paragraph (2), by striking “and money may not be accepted under subsection (a) and property, money, and services may not be accepted under subsection” and inserting “, money, and services may not be accepted under subsection (a) or”; and

(C) in subsection (f), by striking “or money accepted under subsection (a) and any property, money, or services accepted under subsection” and inserting “, money, or services accepted under subsection (a) or”.

(b) **AUTHORITY FOR COOPERATIVE AGREEMENTS.**—

(1) **IN GENERAL.**—Chapter 155 of such title is amended by adding at the end the following new section:

**“§2615. Military museums and military education programs: cooperative agreement authority**

“(a) **USE AUTHORIZED.**—The Secretary concerned may enter into a cooperative agreement with a nonprofit entity for purposes related to—

“(1) a military museum program; or

“(2) the support of a military educational institution program.

“(b) **COOPERATIVE AGREEMENT DESCRIBED.**—

For purposes of subsection (a), an authorized cooperative agreement is described in section 6305 of title 31, except that the use of a cooperative agreement by the Secretary concerned is limited to nonprofit entities.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2615. Military museums and military education programs: cooperative agreement authority.”.

**SEC. 2853. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.**

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking “EXCEPTION.—The Chief” and inserting the following: “EXCEPTIONS.—

“(1) INTELLIGENCE COMPONENTS.—The Chief”; and

(2) by inserting at the end the following new paragraph:

“(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION PROGRAMS.—The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization of appropriations for the High Performance Computing Modernization Program (Program Element 0603461A) if the Chief Information Officer determines that the exemption is in the best interest of national security.”.

**SEC. 2854. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.**

(a) REDESIGNATION.—The Department of Defense regional center for security studies known as the Center for Hemispheric Defense Studies is hereby renamed the “William J. Perry Center for Hemispheric Defense Studies”.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCE TO REGIONAL CENTERS FOR STRATEGIC STUDIES.—Section 184 of title 10, United States Code, is amended—

(A) in subsection (b)(2)(C), by striking “The Center for Hemispheric Defense Studies” and inserting “The William J. Perry Center for Hemispheric Defense Studies”; and

(B) in subsection (f)(5), by striking “the Center for Hemispheric Defense Studies” and inserting “the William J. Perry Center for Hemispheric Defense Studies”.

(2) ACCEPTANCE OF GIFTS AND DONATIONS.—Section 2611(a)(2)(C) of such title is amended by striking “Center for Hemispheric Defense Studies.” and inserting “William J. Perry Center for Hemispheric Defense Studies.”.

(c) REFERENCES.—Any reference to the Department of Defense Center for Hemispheric Defense Studies in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

**SEC. 2855. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF MILITARY DIVERS MEMORIAL AT WASHINGTON NAVY YARD.**

It is the sense of Congress that the Secretary of the Navy should provide an appropriate site at the former Navy Dive School at the Washington Navy Yard for a memorial to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world, subject to the conditions that—

(1) the memorial be paid for with private funds; and

(2) the Secretary of the Navy retain exclusive authority to approve the design and site of the memorial.

**SEC. 2856. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING ACQUISITION OF LAND AND DEVELOPMENT OF A TRAINING RANGE FACILITY ADJACENT TO THE MARINE CORPS AIR GROUND COMBAT CENTER TWENTYNINE PALMS, CALIFORNIA.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Marine Corps has studied the feasibility of acquiring land and developing a training range facility to conduct Marine Expeditionary Brigade level live-fire training on or near the West Coast.

(2) The Bureau of Land Management estimates on national economic impact show \$261,500,000 in commerce at risk.

(3) Economic impact on the local community is estimated to be \$71,100,000.

(b) LIMITATION OF FUNDS PENDING REPORT.—

(1) IN GENERAL.—The Secretary of the Navy may not obligate or expend funds for the transfer of land or development of a new training range on land adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California, until the Secretary of the Navy has provided the congressional defense committees a report on the Marine Corps’ efforts with respect to the proposed training range.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act and shall include the following:

(A) A description of the actual training requirements for the proposed range and where those training requirements are currently being met to support combat deployments.

(B) Identification of the impact on off-road vehicle recreational users of the land, the economic impact on the local economy, the recreation industry, and any other stakeholders.

(C) Identification of any concerns discussed with the Bureau of Land Management regarding their assessments of the impact on other users.

(D) Identification of the impact on the State of California’s 1980 Desert Conservation Plan regarding allocation of the Off Highway Vehicle Recreation Areas.

(E) An evaluation of the potential to use the same land without transfer, but under specific permits for use provided by the Bureau of Land Management (as such permits are used at other locations from the Forest Service and Bureau of Land Management).

(F) An evaluation of any potential impacts on other Bureau of Land Management lands proximate to Marine Corps Air Ground Combat Center Twentynine Palms or other locations in the geographic region.

(3) SECRETARY OF DEFENSE WAIVER.—In the event of urgent national need, the Secretary of Defense may notify the congressional defense committees and waive the requirement for the report required under paragraph (1).

**SEC. 2857. OVERSIGHT AND MAINTENANCE OF CLOSED BASE CEMETERIES OVERSEAS CONTAINING THE REMAINS OF MEMBERS OF THE ARMED FORCES OR CITIZENS OF THE UNITED STATES.**

(a) OVERSIGHT AND MAINTENANCE PLAN REQUIRED.—Not later than 30 days after the closure of a United States military installation located outside of the United States that includes a cemetery containing the remains of members of the Armed Forces or citizens of the United States, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a plan to

ensure the oversight and continued operation and maintenance of the cemetery.

(b) PLAN ELEMENTS.—The plan for a military installation cemetery outside of the United States required by subsection (a) shall—

(1) specify the Federal agency or private entity that will assume responsibility for the operation and maintenance of the cemetery following the closure of the installation; and

(2) describe the information with regard to the cemetery that has been provided to the responsible agency or private entity.

**SEC. 2858. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities of the historical storage and preservation installations of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such installation.

(2) An identification of any shortfalls in the capacity or quality of such installations of any Armed Force, and a description of possible actions to address such shortfalls.

**SEC. 2859. ESTABLISHMENT OF COMMEMORATIVE WORK TO GOLD STAR MOTHERS.**

(a) ELIGIBLE FEDERAL LAND.—In this section, the term “eligible Federal land” means Federal land depicted as “Area I” or “Area II” on the map numbered 869/86501 B and dated June 24, 2003. The term does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) COMMEMORATIVE WORK AUTHORIZED.—The Gold Star Mothers National Monument Foundation may establish a commemorative work on eligible Federal land to commemorate the sacrifices made by mothers, and made by their sons and daughters who as members of the Armed Forces make the ultimate sacrifice, in defense of the United States.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—Chapter 89 of title 40, United States Code, and other applicable Federal laws and regulations shall apply to the establishment of the commemorative work authorized by this section.

(d) PROHIBITION ON USE OF FEDERAL FUNDS.—The Gold Star Mothers National Monument Foundation may not use Federal funds to establish the commemorative work authorized by this section.

(e) DEPOSIT OF EXCESS FUNDS.—

(1) UPON ESTABLISHMENT OF COMMEMORATIVE WORK.—If, upon payment of all expenses for the establishment of the commemorative work authorized by this section (including the maintenance and preservation amounts required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Gold Star Mothers National Monument Foundation shall transmit the amount of the balance to the account provided for in section 8906(b)(3) of such title.

(2) UPON EXPIRATION OF AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—If, upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the

commemorative work, the Gold Star Mothers National Monument Foundation shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator of General Services (as appropriate) following the process provided in section 8906(b)(4) of such title for accounts established under section 8906(b)(3) of such title.

**SEC. 2860. ESTABLISHMENT OF COMMEMORATIVE WORK TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN AMERICAN REVOLUTION.**

(a) **ELIGIBLE FEDERAL LAND.**—In this section, the term “eligible Federal land” means Federal land depicted as “Area I” or “Area II” on the map numbered 869/86501 B and dated June 24, 2003. The term does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) **COMMEMORATIVE WORK AUTHORIZED.**—The National Mall Liberty Fund D.C. may establish a memorial on eligible Federal land to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(c) **COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.**—Chapter 89 of title 40, United States Code, and other applicable Federal laws and regulations shall apply to the establishment of the commemorative work authorized by this section.

(d) **PROHIBITION ON USE OF FEDERAL FUNDS.**—The National Mall Liberty Fund D.C. may not use Federal funds to establish the commemorative work authorized by this section.

(e) **DEPOSIT OF EXCESS FUNDS.**—

(1) **UPON ESTABLISHMENT OF COMMEMORATIVE WORK.**—If, upon payment of all expenses for the establishment of the commemorative work authorized by this section (including the maintenance and preservation amounts required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the National Mall Liberty Fund D.C. shall transmit the amount of the balance to the account provided for in section 8906(b)(3) of such title.

(2) **UPON EXPIRATION OF AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.**—If, upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance

of funds received for the establishment of the commemorative work, the National Mall Liberty Fund D.C. shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator of General Services (as appropriate) following the process provided in section 8906(b)(4) of such title for accounts established under section 8906(b)(3) of such title.

(f) **REPEAL OF JOINT RESOLUTIONS.**—Public Law 99-558 (110 Stat. 3144; 40 U.S.C. 8903 note) and Public Law 100-265 (102 Stat. 39; 40 U.S.C. 8903 note) are repealed.

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION**

Sec. 2901. Authorized Navy construction and land acquisition project.

**SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECT.**

(a) **OUTSIDE THE UNITED STATES.**—The Secretary of the Navy may acquire real property and carry out the military construction project for the installation outside the United States, and in the amount, set forth in the following table:

**Navy: Outside the United States**

Country	Installation	Amount
Djibouti .....	Camp Lemonier .....	\$99,420,000

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the military construction project outside the United States authorized by subsection (a) as specified in the funding table in section 4602.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental cleanup.

Sec. 3103. Other defense activities.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

Sec. 3111. Authorized personnel levels of the Office of the Administrator.

Sec. 3112. Budget justification materials.

Sec. 3113. National Nuclear Security Administration Council.

Sec. 3114. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.

Sec. 3115. Design and use of prototypes of nuclear weapons.

Sec. 3116. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.

Sec. 3117. Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees.

Sec. 3118. Modification and extension of authority on acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.

Sec. 3119. Limitation on availability of funds for Center of Excellence on Nuclear Security.

Sec. 3120. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.

Sec. 3121. Cost-benefit analyses for competition of management and operating contracts.

Sec. 3122. Program on scientific engagement for nonproliferation.

Sec. 3123. Cost containment for Uranium Capabilities Replacement Project.

**Subtitle C—Improvements to National Security Energy Laws**

Sec. 3131. Improvements to the Atomic Energy Defense Act.

Sec. 3132. Improvements to the National Nuclear Security Administration Act.

Sec. 3133. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.

Sec. 3134. Repeal of certain reporting requirements.

**Subtitle D—Reports**

Sec. 3141. Reports on lifetime extension programs.

Sec. 3142. Notification of nuclear criticality and non-nuclear incidents.

Sec. 3143. Quarterly reports to Congress on financial balances for atomic energy defense activities.

Sec. 3144. National Academy of Sciences study on peer review and design competition related to nuclear weapons.

Sec. 3145. Report on defense nuclear nonproliferation programs.

Sec. 3146. Study on reuse of plutonium pits.

Sec. 3147. Assessment of nuclear weapon pit production requirement.

Sec. 3148. Study on a multiagency governance model for national security laboratories.

Sec. 3149. Report on efficiencies in facilities and functions of the National Nuclear Security Administration.

Sec. 3150. Study on regional radiological security zones.

Sec. 3151. Report on abandoned uranium mines.

**Subtitle E—Other Matters**

Sec. 3161. Use of probabilistic risk assessment to ensure nuclear safety.

Sec. 3162. Submittal to Congress of selected acquisition reports and independent cost estimates on life extension programs and new nuclear facilities.

Sec. 3163. Classification of certain restricted data.

Sec. 3164. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.

Sec. 3165. Pilot program on technology commercialization.

Sec. 3166. Congressional advisory panel on the governance of the nuclear security enterprise.

**Subtitle F—American Medical Isotopes Production**

Sec. 3171. Short title.

Sec. 3172. Definitions.

Sec. 3173. Improving the reliability of domestic medical isotope supply.

Sec. 3174. Exports.

Sec. 3175. Report on disposition of exports.

Sec. 3176. Domestic medical isotope production.

Sec. 3177. Annual Department reports.

Sec. 3178. National Academy of Sciences report.



**Subtitle A—National Security Programs  
Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 13-D-301, Electrical Infrastructure Upgrades, Lawrence Livermore National Laboratory, Livermore, California, and Los Alamos National Laboratory, Los Alamos, New Mexico, \$23,000,000.

Project 13-D-903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, \$14,000,000.

Project 13-D-904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, \$2,000,000.

Project 13-D-905, Remote-Handled Low-Level Waste Disposal Project, Idaho National Laboratory, \$8,890,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for other defense activities in carrying out programs as specified in the funding table in section 4701.

**Subtitle B—Program Authorizations,  
Restrictions, and Limitations**

**SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.**

(a) **CAP ON FULL-TIME EQUIVALENT POSITIONS.**—

(1) **IN GENERAL.**—Subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.) is amended by inserting after section 3241 the following new section:

**“SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.**

“(a) **FULL-TIME EQUIVALENT PERSONNEL LEVELS.**—

“(1) **TOTAL NUMBER.**—By October 1, 2014, the total number of employees of the Office of the Administrator may not exceed 1,825.

“(2) **EXCESS.**—For fiscal year 2015 and each fiscal year thereafter, the Administrator may not exceed the total number of employees authorized under paragraph (1) unless, during each fiscal year in which such total number exceeds 1,825, the Administrator submits to the congressional defense committees a report justifying such excess.

“(b) **COUNTING RULE.**—(1) A determination of the number of employees in the Office of the Administrator under subsection (a) shall be expressed on a full-time equivalent basis.

“(2) Except as provided by paragraph (3), in determining the total number of employees in the Office of the Administrator under subsection (a), the Administrator shall count each employee of the Office without regard to whether the employee is located at the headquarters of the Administration, a site

office of the Administration, a service or support center of the Administration, or any other location.

“(3) The following employees may not be counted for purposes of determining the total number of employees in the Office of the Administrator under subsection (a):

“(A) Employees of the Office of Naval Reactors.

“(B) Employees of the Office of Secure Transportation.

“(C) Members of the Armed Forces detailed to the Administration.

“(D) Personnel supporting the Office of the Administrator pursuant to the mobility program under subchapter VI of chapter 33 of title 5, United States Code (commonly referred to as the ‘Intergovernmental Personnel Act Mobility Program’).

“(c) **VOLUNTARY EARLY RETIREMENT.**—In accordance with section 3523 of title 5, United States Code, the Administrator may offer voluntary separation or retirement incentives to meet the total number of employees authorized under subsection (a).

“(d) **USE OF IPA.**—The Administrator shall ensure that the expertise of the national security laboratories and the nuclear weapons production facilities is made available to the Administration, the Department of Energy, the Department of Defense, other Federal agencies, and Congress through the temporary assignment of personnel from such laboratories and facilities pursuant to the Intergovernmental Personnel Act Mobility Program and other similar programs.”.

(2) **CLERICAL AMENDMENT.**—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 3241 the following new item:

“Sec. 3241A. Authorized personnel levels of the Office of the Administrator.”.

(b) **INCREASE IN EXCEPTED POSITIONS.**—

(1) **IN GENERAL.**—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended—

(A) by striking “300” and inserting “600”;

(B) by inserting “contracting, program management,” before “scientific”; and

(C) by adding at the end the following new sentence: “To ensure that the excepted positions established under this section are used, the Administrator, to the extent practicable, shall appoint an individual to such an excepted position to replace the vacancy of a nonexcepted position.”.

(2) **CONFORMING AMENDMENT.**—The heading of such section is amended by inserting “**CONTRACTING, PROGRAM MANAGEMENT,**” before “**SCIENTIFIC**”.

(3) **CLERICAL AMENDMENT.**—The table of contents at the beginning of such Act is amended by striking the item relating to section 3241 and inserting the following new item:

“Sec. 3241. Authority to establish certain contracting, program management, scientific, engineering, and technical positions.”.

**SEC. 3112. BUDGET JUSTIFICATION MATERIALS.**

Section 3251(b) of the National Nuclear Security Administration Act (50 U.S.C. 2451(b)) is amended—

(1) by striking “In the” and inserting “(1) In the”; and

(2) by adding at the end the following new paragraph:

“(2) In the budget justification materials submitted to Congress in support of each such budget, the Administrator shall include an assessment of how the budget maintains the core nuclear weapons skills of the Administration, including nuclear weapons de-

sign, engineering, production, testing, and prediction of stockpile aging.”.

**SEC. 3113. NATIONAL NUCLEAR SECURITY ADMINISTRATION COUNCIL.**

(a) **NNSA COUNCIL.**—Section 4102 of the Atomic Energy Defense Act (50 U.S.C. 2512) is amended to read as follows:

**“SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SECURITY ENTERPRISE.**

“(a) **IN GENERAL.**—The Administrator shall establish a management structure for the nuclear security enterprise in accordance with the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.).

“(b) **NATIONAL NUCLEAR SECURITY ADMINISTRATION COUNCIL.**—(1) The Administrator shall establish a council to be known as the ‘National Nuclear Security Administration Council’. The Council may advise the Administrator on—

“(A) scientific and technical issues relating to policy matters;

“(B) operational concerns;

“(C) strategic planning;

“(D) the development of priorities relating to the mission and operations of the Administration and the nuclear security enterprise; and

“(E) such other matters as the Administrator determines appropriate.

“(2) The Council shall be composed of the directors of the national security laboratories and the nuclear weapons production facilities.

“(3) The Council may provide the Administrator or the Secretary of Energy recommendations for improving the—

“(A) governance, management, effectiveness, and efficiency of the Administration; and

“(B) any other matter in accordance with paragraph (1).

“(4) Not later than 60 days after the date on which any recommendation under paragraph (3) is received, the Administrator or the Secretary, as the case may be, shall respond to the Council with respect to whether such recommendation will be implemented and the reasoning for implementing or not implementing such recommendation.”.

(b) **CLERICAL AMENDMENT.**—The table of contents at the beginning of such Act is amended by striking the item relating to section 4102 and inserting the following new item:

“Sec. 4102. Management structure for nuclear security enterprise.”.

**SEC. 3114. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

(a) **PROJECT REQUIRED.**—

(1) **IN GENERAL.**—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

**“SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.**

“(a) **REPLACEMENT BUILDING REQUIRED.**—The Secretary of Energy shall construct at Los Alamos National Laboratory, New Mexico, a building to replace the functions of the existing Chemistry and Metallurgy Research Building at Los Alamos National Laboratory associated with Department of Energy Hazard Category 2 special nuclear material operations.

“(b) **LIMITATION ON COST.**—The cost of the building constructed under subsection (a) may not exceed \$3,700,000,000. If the Secretary determines the cost will exceed such amount, the Secretary shall submit a detailed justification for such increase to the congressional defense committees.



“(c) PROJECT BASIS.—The construction authorized by subsection (a) shall use as its basis the facility project in the Department of Energy Readiness and Technical Base designated 04-D-125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory).

“(d) ASSISTANCE.—(1) In carrying out this section, the Secretary shall procure the services of the Commander of the Naval Facilities Engineering Command to assist the Secretary with respect to the program management, oversight, and design activities of the project authorized by subsection (a).

“(2) The Secretary shall carry out this subsection using funds made available for the National Nuclear Security Administration.

“(e) DEADLINE FOR COMMENCEMENT OF OPERATIONS.—The building constructed under subsection (a) shall commence operations by not later than December 31, 2026.”

(2) CLERICAL AND TECHNICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4214, as added by section 3131(g)(2), the following new item:

“Sec. 4215. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.”

(b) FUNDING.—

(1) FISCAL YEAR 2013 FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), of the amounts authorized to be appropriated by this Act for fiscal year 2013 for the National Nuclear Security Administration, \$70,000,000 shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act, as added by subsection (a).

(B) EXCEPTION.—The following amounts authorized to be appropriated by this Act for fiscal year 2013 for the National Nuclear Security Administration shall not be available for the construction of the building:

(i) Amounts available for Directed Stockpile Work.

(ii) Amounts available for Naval Reactors.

(iii) Amounts available for the facility project in the Department of Energy Readiness and Technical Base designated 06-D-141.

(2) PRIOR FISCAL YEAR FUNDS.—Amounts authorized to be appropriated for the Department of Energy for a fiscal year before fiscal year 2013 and available for the facility project in the Department of Energy Readiness and Technical Base designated 04-D-125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory, New Mexico) shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act, as added by subsection (a).

(c) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended on any activities associated with a plutonium strategy for the National Nuclear Security Administration that does not include achieving full operational capability of the replacement project by December 31, 2026, as required by section 4215(e) of the Atomic Energy Defense Act, as added by subsection (a).

(d) NAVAL REACTOR STUDY.—

(1) IN GENERAL.—The Deputy Administrator for Naval Reactors shall conduct a study of the replacement project, including an analysis of the cost, benefits, and risks with respect to nuclear safety.

(2) SUBMISSION.—Not later than 18 months after the date of the enactment of this Act, the Deputy Administrator shall submit to the congressional defense committees a re-

port on the study under paragraph (1), including recommendations of the Deputy Administrator with respect to the project structure, oversight model, and potential cost savings of the replacement project.

(3) CONSIDERATION OF RECOMMENDATIONS.—In carrying out the replacement project, the Secretary of Energy shall consider the recommendations made by the Deputy Administrator in the report under paragraph (2) and incorporate such recommendations into the project as the Secretary considers appropriate.

(4) FUNDING.—The Secretary of Energy and the Deputy Administrator shall carry out this subsection using funds authorized to be appropriated by this Act or otherwise made available for the National Nuclear Security Administration that are not made available for the Naval Nuclear Propulsion Program.

(e) REPLACEMENT PROJECT DEFINED.—In this section, the term “replacement project” means the replacement project for the Chemistry and Metallurgy Research Building authorized by section 4215 of the Atomic Energy Defense Act, as added by subsection (a).

#### SEC. 3115. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS.

(a) PROTOTYPES.—Subtitle A of title XLV of the Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

##### “SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS FOR INTELLIGENCE PURPOSES.

“(a) PROTOTYPES.—The Administrator shall develop and carry out a plan for the national security laboratories and nuclear weapons production facilities to design and build prototypes of nuclear weapons to further intelligence estimates with respect to foreign nuclear weapons activities.

“(b) PROHIBITION ON PRODUCTION OF NUCLEAR YIELDS.—In carrying out subsection (a), the Administrator may not conduct any experiments that produce a nuclear yield.”

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4508 the following new item:

“Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence purposes.”

#### SEC. 3116. TWO-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-UsABLE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (C), by striking “2012” and inserting “2014”; and

(B) in subparagraph (D), by striking “2017” and inserting “2019”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “by January 1, 2012”; and

(B) in paragraph (5), by striking “2012” and inserting “2014”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “2012” and inserting “2014”;

(B) in paragraph (1), by striking “2014” and inserting “2016”; and

(C) in paragraph (2), by striking “2020” each place it appears and inserting “2022”;

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “2014” and inserting “2016”; and

(ii) by striking “2019” and inserting “2021”;

and

(B) in paragraph (2)(A), by striking “2020”

each place it appears and inserting “2022”; and

(5) in subsection (e), by striking “2023” and inserting “2025”.

#### SEC. 3117. TRANSPARENCY IN CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.

(a) PUBLICATION REQUIRED.—

(1) IN GENERAL.—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

##### “SEC. 4805. PUBLICATION OF CONTRACTOR PERFORMANCE EVALUATIONS LEADING TO AWARD FEES.

“(a) IN GENERAL.—The Administrator shall take appropriate actions to make available to the public, to the maximum extent practicable, contractor performance evaluations conducted by the Administration of management and operating contractors of the nuclear security enterprise that results in the award of an award fee to the contractor concerned.

“(b) FORMAT.—Performance evaluations shall be made public under this section in a common format that facilitates comparisons of performance evaluations between and among similar management and operating contracts.”

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4803 the following new items:

“Sec. 4804. Notice-and-wait requirement applicable to certain third-party financing arrangements.

“Sec. 4805. Publication of contractor performance evaluations leading to award fees.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contractor performance evaluations conducted by the National Nuclear Security Administration on or after that date.

#### SEC. 3118. MODIFICATION AND EXTENSION OF AUTHORITY ON ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSIONABLE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

(a) PROGRAMS FOR WHICH FUNDS MAY BE ACCEPTED.—Paragraph (2) of section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) is amended to read as follows:

“(2) PROGRAMS COVERED.—The programs described in this paragraph are any programs within the Office of Defense Nuclear Nonproliferation of the National Nuclear Security Administration.”

(b) EXTENSION.—Paragraph (7) of such section is amended by striking “December 31, 2013” and inserting “December 31, 2018”.

#### SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR CENTER OF EXCELLENCE ON NUCLEAR SECURITY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the National Nuclear Security Administration, not more than \$7,000,000 may be obligated or expended for the United States-China Center of Excellence on Nuclear Security until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b)(2).

(b) NUCLEAR SECURITY.—

(1) REVIEW.—The Secretary of Energy, in coordination with the Secretary of Defense, shall conduct a review of the existing and

planned nonproliferation activities with the People's Republic of China as of the date of the enactment of this Act to determine if the engagement is directly or indirectly supporting the proliferation of nuclear weapons development and technology to other nations.

(2) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report certifying that the activities reviewed under paragraph (1) are not contributing to the proliferation of nuclear weapons development and technology to other nations.

(c) **FORM.**—The report under subsection (b)(2) may be submitted in unclassified form and may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SEC. 3120. IMPROVEMENT AND STREAMLINING OF THE MISSIONS AND OPERATIONS OF THE DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **IN GENERAL.**—The Secretary of Energy and the Administrator for Nuclear Security shall review and, to the extent practicable, revise the Department of Energy Acquisition Regulation and other regulations, rules, directives, orders, and policies that apply to the administration, execution, and oversight of the missions and operations of the Department of Energy and the National Nuclear Security Administration to improve and streamline such administration, execution, and oversight.

(b) **IMPROVEMENT AND STREAMLINING.**—In carrying out subsection (a), the Secretary and the Administrator shall review and, to the extent practicable, carry out the following actions:

(1) Streamline business processes and structures to reduce unnecessary, burdensome, or duplicative approvals.

(2) Delegate approval for work for others agreements and cooperative research and development agreements (except those that the Secretary or Administrator determine are high value or unique) to the lowest appropriate officials and streamline the approval processes.

(3) Establish processes for ensuring routine or low-risk procurement and subcontracting decisions are made at the discretion of the management and operating contractors while ensuring that the Secretary or Administrator apply appropriate oversight.

(4) Assess procurement thresholds as of the date of the enactment of this Act and take steps as appropriate to adjust such thresholds.

(5) Eliminate duplicative or low-value reports and data calls and ensure consistency in management and cost-accounting data.

(6) Actions to otherwise streamline, clarify, and eliminate redundancy in the regulations, rules, directives, orders, and policies described by subsection (a).

(c) **BRIEFING.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Administrator shall provide to the appropriate congressional committees a briefing on the review conducted under subsection (a), including the status of such review and any actions taken

or planned to be taken to improve and streamline the regulations, rules, directives, orders, and policies described in such subsection.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

**SEC. 3121. COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.**

(a) **REPORTS REQUIRED.**—The Administrator for Nuclear Security shall submit to the congressional defense committees a report described in subsection (b) by not later than 30 days after the date on which the Administrator awards a contract to manage and operate a facility of the National Nuclear Security Administration.

(b) **REPORT DESCRIBED.**—A report described in this subsection is a report on a contract described by subsection (a) that includes—

(1) the expected cost savings resulting from the competition for the contract over the life of the contract;

(2) the costs of the competition for the contract, including the immediate costs of conducting the competition and any increased costs over the life of the contract;

(3) a description of—

(A) any disruption or delay in mission activities or deliverables resulting from the competition for the contract; and

(B) any benefits of the competition to mission performance or operations;

(4) how the competition for the contract complied with the Federal Acquisition Regulation regarding federally funded research and development centers, if applicable; and

(5) any other matters the Administrator considers appropriate.

(c) **GAO REVIEW.**—Not later than 90 days after each report is submitted to the congressional defense committees under subsection (a) or (d)(2), the Comptroller General of the United States shall submit to such committees a review of such report.

(d) **APPLICABILITY.**—

(1) **IN GENERAL.**—The requirement for reports under subsection (a) shall apply with respect to a contract described by such subsection that is awarded by the Administrator during fiscal years 2013 through 2017.

(2) **FISCAL YEARS 2012 AND 2013 CONTRACTS.**—For each contract described by subsection (a) that is awarded by the Administrator during fiscal years 2012 or 2013 before the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report described in subsection (b) by not later than 90 days after the date of such enactment.

**SEC. 3122. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

(a) **PROGRAM REQUIRED.**—

(1) **SCIENTIFIC ENGAGEMENT.**—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program to advance global nonproliferation and nuclear security efforts.

(2) **ELEMENTS.**—The program under paragraph (1) shall include the following elements:

(A) Training and capacity-building to strengthen nonproliferation and security best practices.

(B) Engagement of scientists of the United States with foreign counterparts to advance nonproliferation goals.

(3) **DISTINCT PROGRAM.**—The program required by this subsection shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

(b) **LIMITATION.**—

(1) **REPORT ON COMMENCEMENT OF PROGRAM.**—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the National Nuclear Security Administration, not more than 50 percent may be obligated or expended under the program under subsection (a) until the date on which the Administrator submits to the appropriate congressional committees a report setting forth the following:

(A) For each country selected for the program as of the date of such report—

(i) a proliferation threat assessment prepared by the Director of National Intelligence; and

(ii) metrics for evaluating the effectiveness of the program.

(B) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

(2) **FORM.**—The report under paragraph (1) may be submitted in unclassified form and may include a classified annex.

(c) **REPORTS ON MODIFICATION OF PROGRAM.**—

(1) **IN GENERAL.**—Not later than 15 days before making any modification in the program under subsection (a) (including selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification.

(2) **NEW COUNTRY.**—If the modification covered by a report under paragraph (1) consists of the selection for the program of a country not previously selected for the program, the report shall include, for each such country, the matters described in subsection (b)(1)(A).

(3) **FORM.**—The report under paragraph (1) may be submitted in unclassified form and may include a classified annex.

(d) **REPORT ON COORDINATION WITH OTHER U.S. NONPROLIFERATION PROGRAMS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report describing the manner in which the program under subsection (a) coordinates with and complements, but does not duplicate, other nonproliferation programs of the Federal Government.

(e) **COMPTROLLER GENERAL REPORT.**—

(1) **IN GENERAL.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program under subsection (a).

(2) **MATTERS INCLUDED.**—The report under paragraph (1) shall include the following:

(A) An assessment by the Comptroller General of the effectiveness of the program, as determined in accordance with the metrics described in subsection (b)(1)(A)(ii).

(B) An assessment of how the program coordinates with, complements, or duplicates other nonproliferation programs of the Federal Government.

(C) Such other matters on the program as the Comptroller General considers appropriate.

(f) **TERMINATION.**—The authority to carry out the program under subsection (a) shall expire on September 30, 2016.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

- (1) The congressional defense committees.
- (2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

**SEC. 3123. COST CONTAINMENT FOR URANIUM CAPABILITIES REPLACEMENT PROJECT.**

(a) EXECUTION PHASES FOR PROJECT.—Project 06-D-141 for the Y-12 Uranium Processing Facility, Y-12 National Security Complex, Oak Ridge, Tennessee, shall be hereafter known as the “Uranium Capabilities Replacement Project”. The project shall be broken into separate execution phases as follows:

- (1) Phase I, which shall consist of—
  - (A) processes and capabilities associated with building 9212, including uranium casting and uranium chemical processing; and
  - (B) the support, administration, and logistics facilities and the building structure and building-level utilities needed to carry out Phases II and III.

(2) Phase II, which shall consist of processes and capabilities associated with buildings 9215 and 9998, including uranium metalworking, machining, and inspection.

(3) Phase III, which shall consist of processes and capabilities associated with building 9204-2E, including radiography, assembly, disassembly, quality evaluation, and production certification operations of nuclear weapon secondaries.

(b) BUDGETING AND AUTHORIZATION FOR EACH PHASE.—

(1) BUDGETING FOR EACH PHASE REQUIRED.—The Secretary of Energy shall budget separately for each Phase under subsection (a) of the project referred to in that subsection.

(2) FUNDING PURSUANT TO SEPARATE AUTHORIZATIONS OF APPROPRIATIONS.—Except as provided by paragraph (3), the Secretary may not proceed with a Phase under subsection (a) of the project referred to in that subsection except with funds expressly authorized to be appropriated for that Phase by law.

(3) UNUSED FUNDING FROM PHASE I.—After Phase I under subsection (a) is completed, the Secretary may use any unobligated funds made available for such Phase for Phase II or Phase III if the Secretary notifies the congressional defense committees before using such funds for Phase II or Phase III.

(c) COMPLIANCE OF PHASES WITH DOE ORDER ON PROGRAM AND PROJECT MANAGEMENT.—Each Phase under subsection (a) of the project referred to in that subsection shall comply with Department of Energy Order 413.3, relating to Program Management and Project Management for the Acquisition of Capital Assets.

(d) LIMITATION ON COST OF PHASE I.—The total cost of Phase I under subsection (a) of the project referred to in that subsection may not exceed \$4,200,000,000. If the Administrator determines the total cost of Phase I will exceed \$4,200,000,000, the Administrator shall submit to the congressional defense committees a detailed justification for such increase.

(e) ASSISTANCE.—

(1) NAVFAC.—In carrying out this section, the Secretary shall procure the services of the Commander of the Naval Facilities Engineering Command to assist the Secretary with respect to the program management, oversight, and design activities of the project referred to in subsection (a).

(2) SOURCE OF FUNDING.—The Secretary shall carry out paragraph (1) using funds

made available for the National Nuclear Security Administration.

(f) GAO QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and quarterly thereafter until the date on which the project referred to in subsection (a) is completed, the Comptroller General of the United States shall submit to the congressional defense committees a report on all Phases under such subsection.

(2) MATTERS INCLUDED.—The reports under paragraph (1) shall include—

(A) the progress on adhering to cost projections for the project referred to in subsection (a) and the progress on meeting the requirements of section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753);

(B) the status of the technology readiness levels for equipment and processes that will accompany each Phase under subsection (a);

(C) independent cost estimates of such Phases;

(D) the programmatic structure of the relationship between the prime contractor and subcontractors; and

(E) any other issue that the Comptroller General determines appropriate with respect to the requirements, cost, schedule, or technology readiness levels of such project.

(g) NAVAL REACTOR STUDY.—

(1) IN GENERAL.—The Deputy Administrator for Naval Reactors shall conduct a study of the project referred to in subsection (a), including an analysis of the cost, benefits, and risks with respect to nuclear safety.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Deputy Administrator shall submit to the congressional defense committees a report on the study under paragraph (1), including recommendations of the Deputy Administrator with respect to the project structure, oversight model, and potential cost savings of the project referred to in subsection (a).

(3) CONSIDERATION OF RECOMMENDATIONS.—In carrying out the project referred to in subsection (a), the Secretary of Energy shall consider the recommendations made by the Deputy Administrator in the report under paragraph (2) and incorporate such recommendations into the project as the Secretary considers appropriate.

(4) FUNDING.—The Secretary and the Deputy Administrator shall carry out this subsection using funds authorized to be appropriated by this Act or otherwise made available for the National Nuclear Security Administration that are not made available for the Naval Nuclear Propulsion Program.

(h) CAPE REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation of the Department of Defense shall submit to the congressional defense committees a review of the cost and schedule of the project referred to in subsection (a).

**Subtitle C—Improvements to National Security Energy Laws**

**SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DEFENSE ACT.**

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501) is amended to read as follows:

**“SEC. 4002. DEFINITIONS.**

“In this division:

“(1) The term ‘Administration’ means the National Nuclear Security Administration.

“(2) The term ‘Administrator’ means the Administrator for Nuclear Security.

“(3) The term ‘classified information’ means any information that has been deter-

mined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

“(4) The term ‘congressional defense committees’ means—

“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

“(5) The term ‘nuclear security enterprise’ means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.

“(6) The term ‘national security laboratory’ means any of the following:

“(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

“(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

“(C) Lawrence Livermore National Laboratory, Livermore, California.

“(7) The term ‘nuclear weapons production facility’ means any of the following:

“(A) The Kansas City Plant, Kansas City, Missouri.

“(B) The Pantex Plant, Amarillo, Texas.

“(C) The Y-12 National Security Complex, Oak Ridge, Tennessee.

“(D) The Savannah River Site, Aiken, South Carolina.

“(E) The Nevada National Security Site, Nevada.

“(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

“(8) The term ‘restricted data’ has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4002 and inserting the following new item:

“Sec. 4002. Definitions.”.

(b) STOCKPILE STEWARDSHIP.—Section 4201(b)(5)(E) of the Atomic Energy Defense Act (50 U.S.C. 2521(b)(5)(E)) is amended by striking “(as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471))”.

(c) ANNUAL ASSESSMENTS.—Section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) is amended by striking subsection (i).

(d) TESTING OF NUCLEAR WEAPONS.—

(1) IN GENERAL.—Section 4210 of the Atomic Energy Defense Act (50 U.S.C. 2530) is amended to read as follows:

**“SEC. 4210. TESTING OF NUCLEAR WEAPONS.**

“(a) UNDERGROUND TESTING.—No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

“(b) ATMOSPHERIC TESTING.—None of the funds appropriated pursuant to the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1547) or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the items relating to sections 4210 and 4211 and inserting the following new item:

“Sec. 4210. Testing of nuclear weapons.”.

(3) CONFORMING AMENDMENT.—Section 4211 of the Atomic Energy Defense Act (50 U.S.C. 2531) is repealed.

(e) MANUFACTURING INFRASTRUCTURE.—Section 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532) is amended by striking subsections (d) and (e).

(f) CRITICAL DIFFICULTIES REPORT.—

(1) IN GENERAL.—Section 4213 of the Atomic Energy Defense Act (50 U.S.C. 2533) is amended—

(A) in the heading, by striking “**NUCLEAR WEAPONS LABORATORIES AND NUCLEAR WEAPONS PRODUCTION PLANTS**” and inserting “**NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES**”;

(B) in subsection (a)—

(i) by striking “Assistant Secretary of Energy for Defense Programs” and inserting “Administrator”;

(ii) by striking “nuclear weapons laboratory” and inserting “national security laboratory”;

(iii) by striking “production plant” and inserting “production facility”;

(C) in subsection (b)—

(i) in the heading, by striking “ASSISTANT SECRETARY” and inserting “ADMINISTRATOR”;

(ii) by striking “Assistant Secretary” each place it appears and inserting “Administrator”;

(D) by striking subsection (e).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4213 and inserting the following new item:

“Sec. 4213. Reports on critical difficulties at national security laboratories and nuclear weapons production facilities.”.

(g) PLAN FOR TRANSFORMATION.—

(1) IN GENERAL.—Section 4214 of the Atomic Energy Defense Act (50 U.S.C. 2534) is amended—

(A) by striking “nuclear weapons complex” each place it appears (including the section heading) and inserting “nuclear security enterprise”;

(B) by striking subsections (b) and (d); and

(C) by redesignating subsection (c) as subsection (b).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4213, as inserted by subsection (f)(2), the following new item:

“Sec. 4214. Plan for transformation of National Nuclear Security Administration nuclear security enterprise.”.

(h) TRITIUM PRODUCTION PROGRAM.—Section 4231 of the Atomic Energy Defense Act (50 U.S.C. 2541) is amended to read as follows: “**SEC. 4231. TRITIUM PRODUCTION PROGRAM.**

“(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons.

“(b) LOCATION OF TRITIUM PRODUCTION FACILITY.—The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.”.

(i) TRITIUM RECYCLING FACILITIES.—Section 4234 of the Atomic Energy Defense Act (50 U.S.C. 2544) is amended—

(1) by striking “(a) IN GENERAL.—The Secretary of Energy” and inserting “The Secretary of Energy”;

(2) by striking subsection (b).

(j) RESTRICTED DATA.—Section 4501 of the Atomic Energy Defense Act (50 U.S.C. 2651) is amended by striking subsection (c).

(k) FOREIGN VISITORS.—

(1) IN GENERAL.—Section 4502 of the Atomic Energy Defense Act (50 U.S.C. 2652) is amended—

(A) in the heading, by striking “**NATIONAL LABORATORIES**” and inserting “**NATIONAL SECURITY LABORATORIES**”;

(B) by striking “national laboratory” each place it appears and inserting “national security laboratory”;

(C) in subsection (g), by striking paragraphs (3) and (4).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4502 and inserting the following new item:

“Sec. 4502. Restrictions on access to national security laboratories by foreign visitors from sensitive countries.”.

(l) BACKGROUND INVESTIGATIONS.—Section 4503 of the Atomic Energy Defense Act (50 U.S.C. 2653) is amended—

(1) by striking “(a) IN GENERAL.”;

(2) by striking subsections (b) and (c); and

(3) by striking “national laboratory” and inserting “national security laboratory”.

(m) NUCLEAR DEFENSE INTELLIGENCE LOSSES.—

(1) IN GENERAL.—Section 4505 of the Atomic Energy Defense Act (50 U.S.C. 2656) is amended—

(A) in the heading, by striking “**NUCLEAR**” and inserting “**ATOMIC**”;

(B) in the heading of subsection (b), by striking “**NUCLEAR**” and inserting “**ATOMIC ENERGY**”;

(C) by striking “nuclear defense” each place it appears and inserting “atomic energy defense”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4505 and inserting the following new item:

“Sec. 4505. Notice to congressional committees of certain security and counterintelligence failures within atomic energy defense programs.”.

(n) COUNTERINTELLIGENCE REPORT.—

(1) IN GENERAL.—Section 4507 of the Atomic Energy Defense Act (50 U.S.C. 2658) is amended—

(A) in the heading, by striking “**NATIONAL LABORATORIES**” and inserting “**NATIONAL SECURITY LABORATORIES**”;

(B) in subsection (a), by striking “national laboratories” and inserting “national security laboratories”;

(C) in subsection (b), by striking “national laboratory” and inserting “national security laboratory”;

(D) by striking subsection (c).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4507 and inserting the following new item:

“Sec. 4507. Report on counterintelligence and security practices at national security laboratories.”.

(o) COMPUTER SECURITY REPORT.—

(1) IN GENERAL.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659)—

(A) in the heading, by striking “**NATIONAL LABORATORY**” and inserting “**NATIONAL SECURITY LABORATORY**”;

(B) in subsection (a) and (b), by striking “national laboratories” each place it appears and inserting “national security laboratories”;

(C) by striking subsections (e) and (f).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4508 and inserting the following new item:

“Sec. 4508. Report on security vulnerabilities of national security laboratory computers.”.

(p) DOCUMENT REVIEW.—Section 4521 of the Atomic Energy Defense Act (50 U.S.C. 2671) is amended by striking subsection (c).

(q) REPORTS ON LOCAL IMPACT ASSISTANCE.—

(1) IN GENERAL.—Section 4604(f) of the Atomic Energy Defense Act (50 U.S.C. 2704(f)) is amended by adding at the end the following new paragraph:

“(3) In addition to the plans submitted under paragraph (1), the Secretary shall submit to Congress every six months a report setting forth a description of, and the amount or value of, all local impact assistance provided during the preceding six months under subsection (c)(6).”.

(2) CONFORMING AMENDMENT.—Section 4851 of the Atomic Energy Defense Act (50 U.S.C. 2821) is repealed.

(3) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4851.

(r) RECRUITMENT AND TRAINING.—Section 4622 of the Atomic Energy Defense Act (50 U.S.C. 2722) is amended—

(1) in subsection (b)—

(A) by striking “(1) As part of” and inserting “As part of”;

(B) by striking paragraph (2); and

(2) by striking subsection (d).

(s) FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—Section 4623 of the Atomic Energy Defense Act (50 U.S.C. 2723) is amended—

(A) in the heading, by striking “**DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX**” and inserting “**NUCLEAR SECURITY ENTERPRISE**”;

(B) in subsection (a), by striking “Department of Energy nuclear weapons complex” each place it appears and inserting “nuclear security enterprise”;

(C) in subsection (c), by striking “following” and all that follows through the period at the end and inserting “national security laboratories and nuclear weapons production facilities.”;

(D) in subsection (f)(2), by striking “the Department of Energy for” and inserting “the nuclear security enterprise for”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4623 and inserting the following new item:

“Sec. 4623. Fellowship program for development of skills critical to the nuclear security enterprise.”.

(t) COST OVERRUNS.—Section 4713(a)(1)(A) of the Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is amended—

(1) by striking “for Nuclear Security”;

(2) by striking “National Nuclear Security”.

(u) BUDGET REQUEST.—

(1) IN GENERAL.—Section 4731 of the Atomic Energy Defense Act (50 U.S.C. 2771) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4731.

(v) CONTRACTOR BONUSES.—Section 4802 of the Atomic Energy Defense Act (50 U.S.C. 2782) is amended—

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(w) FUNDS FOR RESEARCH AND DEVELOPMENT.—Section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792) is amended—

(1) by striking subsections (b) through (d); and

(2) by redesignating subsection (e) as subsection (b).

(x) TECHNOLOGY PARTNERSHIPS.—Section 4813(c) of the Atomic Energy Defense Act (50 U.S.C. 2794(c)) is amended by striking paragraph (5).

(y) UNIVERSITY COLLABORATION.—Section 4814 of the Atomic Energy Defense Act (50 U.S.C. 2795) is amended by striking subsection (c).

(z) ENGINEERING AND MANUFACTURING RESEARCH.—Section 4832 of the Atomic Energy Defense Act (50 U.S.C. 2812) is amended—

(1) in subsection (b), by striking “nuclear weapons complex” and inserting “nuclear security enterprise”; and

(2) by striking subsections (c) through (e).

(aa) PILOT PROGRAM REPORT.—Section 4833 of the Atomic Energy Defense Act (50 U.S.C. 2813) is amended by striking subsection (e).

(bb) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended as follows:

(A) In section 4604(g)(3) (50 U.S.C. 2704(g)(3)), by striking “; the Pinnellas Plant, Florida.”.

(B) In the heading of section 4852 (50 U.S.C. 2822), by striking “NEVADA TEST SITE” and inserting “NEVADA NATIONAL SECURITY SITE”.

(C) By striking “Nevada Test Site” each place it appears and inserting “Nevada National Security Site”.

(D) By striking “Director of Central Intelligence” each place it appears and inserting “Director of National Intelligence”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is further amended by striking the item relating to section 4852 and inserting the following new item:

“Sec. 4852. Payment of costs of operation and maintenance of infrastructure at Nevada National Security Site.”.

#### SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.

(a) NUCLEAR SECURITY ENTERPRISE REFERENCE.—

(1) FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—Section 3253(b) of the National Nuclear Security Administration Act (50 U.S.C. 2453(b)) is amended by striking “nuclear weapons complex” each place it appears and inserting “nuclear security enterprise”.

(2) GAO REPORTS.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

(A) in subsection (a), by striking “nuclear security complex” each place it appears and inserting “nuclear security enterprise”; and

(B) in subsection (b), by striking paragraph (3).

(3) DEFINITION.—Section 3281 of the National Nuclear Security Administration Act

(50 U.S.C. 2471) is amended by adding at the end the following new paragraph:

“(6) The term ‘nuclear security enterprise’ means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.”.

(b) TRANSFER OF FUNCTIONS.—

(1) FUNDS AND PERSONNEL.—Section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481) is amended—

(A) in subsection (c), by striking “specified in subsection (a)” and inserting “of the Administration”; and

(B) by adding at the end the following new subsections:

“(d) TRANSFER OF FUNDS.—(1) Any balance of appropriations that the Secretary of Energy determines is available and needed to finance or discharge a function, power, or duty or an activity that is transferred to the Administration shall be transferred to the Administration and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

“(A) be credited to any applicable appropriation account of the Administration; or

“(B) be credited to a new account that may be established on the books of the Department of the Treasury;

and shall be merged with the funds already credited to that account and accounted for as one fund.

“(2) Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

“(e) PERSONNEL.—(1) With respect to any function, power, or duty or activity of the Department of Energy that is transferred to the Administration, those employees of the element of the Department of Energy from which the transfer is made that the Secretary of Energy determines are needed to perform that function, power, or duty, or for that activity, as the case may be, shall be transferred to the Administration.

“(2) The authorized strength in civilian employees of any element of the Department of Energy from which employees are transferred under this section is reduced by the number of employees so transferred.”.

(2) APPLICABILITY OF EXISTING LAWS AND REGULATIONS.—Section 3296 of the National Nuclear Security Administration Act (50 U.S.C. 2484) is amended to read as follows:

#### “SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND REGULATIONS.

“With respect to any facility, mission, or function of the Department of Energy that the Secretary of Energy transfers to the Administrator under section 3291, unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the date of the transfer that are applicable to such facility, mission, or function shall continue to apply to the corresponding functions of the Administration.”.

(3) RULE OF CONSTRUCTION.—Nothing in section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481), as amended by paragraph (1), may be construed to affect any function or activity transferred by the Secretary of Energy to the Administrator for Nuclear Security before the date of the enactment of this Act.

(c) REPEAL OF EXPIRED PROVISIONS.—

(1) IN GENERAL.—The following sections of the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) are repealed:

(A) Section 3242 (50 U.S.C. 2442).

(B) Section 3292 (50 U.S.C. 2482).

(C) Section 3295 (50 U.S.C. 2483).

(D) Section 3297 (50 U.S.C. 2401 note).

(2) CLERICAL AMENDMENTS.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the items relating to sections 3242, 3292, 3295, and 3297.

(d) TECHNICAL AMENDMENTS TO THE NNSA ACT.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended as follows:

(1) In section 3212(a)(2) (50 U.S.C. 2402(a)(2)), by striking “as added by section 3202 of this Act.”.

(2) In section 3253(b)(3) (50 U.S.C. 2453(b)(3)), by striking “section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note)” and inserting “section 4202(a) of the Atomic Energy Defense Act (50 U.S.C. 2522(a))”.

(3) In section 3281(2) (50 U.S.C. 2471(2))—

(A) in subparagraph (C), by striking “Y-12 Plant” and inserting “Y-12 National Security Complex”; and

(B) in subparagraph (D), by striking “tritium operations facilities at the”.

(4) By striking “Nevada Test Site” each place it appears and inserting “Nevada National Security Site”.

(e) TECHNICAL AMENDMENT TO THE DOE ORGANIZATION ACT.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended by redesignating the second subsection (b) as subsection (c).

#### SEC. 3133. CONSOLIDATED REPORTING REQUIREMENTS RELATING TO NUCLEAR STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE.

(a) CONSOLIDATED PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.—

(1) IN GENERAL.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended to read as follows:

#### “SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE PLAN.

“(a) PLAN REQUIREMENT.—The Administrator, in consultation with the Secretary of Defense and other appropriate officials of the departments and agencies of the Federal Government, shall develop and annually update a plan for sustaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. The plan shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum.

“(b) SUBMISSIONS TO CONGRESS.—(1) In accordance with subsection (c), not later than March 15 of each even-numbered year, the Administrator shall submit to the congressional defense committees a summary of the plan developed under subsection (a).

“(2) In accordance with subsection (d), not later than March 15 of each odd-numbered year, the Administrator shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

“(3) The summaries and reports required by this subsection shall be submitted in unclassified form, but may include a classified annex.

“(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—Each summary of the plan submitted under subsection (b)(1) shall include, at a minimum, the following:

“(1) A summary of the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type.

“(2) A summary of the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types.

“(3) A summary of the methods and information used to determine that the nuclear weapons stockpile is safe and reliable, as well as the relationship of science-based tools to the collection and interpretation of such information.

“(4) A summary of the status of the nuclear security enterprise, including programs and plans for infrastructure modernization and retention of human capital, as well as associated budgets and schedules.

“(5) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

“(6) Such other information as the Administrator considers appropriate.

“(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—Each detailed report on the plan submitted under subsection (b)(2) shall include, at a minimum, the following:

“(1) With respect to stockpile stewardship and management—

“(A) the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type;

“(B) for each five-year period occurring during the period beginning on the date of the report and ending on the date that is 20 years after the date of the report—

“(i) the planned number of nuclear warheads (including active and inactive) for each warhead type in the nuclear weapons stockpile; and

“(ii) the past and projected future total lifecycle cost of each type of nuclear weapon;

“(C) the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types;

“(D) a description of the process by which the Administrator assesses the lifetimes, and requirements for life extension or replacement, of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile;

“(E) a description of the process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile;

“(F) any concerns of the Administrator that would affect the ability of the Administrator to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads);

“(G) mechanisms to provide for the manufacture, maintenance, and modernization of each warhead type in the nuclear weapons stockpile, as needed;

“(H) mechanisms to expedite the collection of information necessary for carrying out the stockpile management program required by section 4204, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials;

“(I) mechanisms to ensure the appropriate assignment of roles and missions for each national security laboratory and nuclear weapons production facility, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mecha-

nisms to ensure the retention of skilled personnel;

“(J) mechanisms to ensure that each national security laboratory has full and complete access to all weapons data to enable a rigorous peer-review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205;

“(K) mechanisms for allocating funds for activities under the stockpile management program required by section 4204, including allocations of funds by weapon type and facility; and

“(L) for each of the five fiscal years following the fiscal year in which the report is submitted, an identification of the funds needed to carry out the program required under section 4204.

“(2) With respect to science-based tools—

“(A) a description of the information needed to determine that the nuclear weapons stockpile is safe and reliable;

“(B) for each science-based tool used to collect information described in subparagraph (A), the relationship between such tool and such information and the effectiveness of such tool in providing such information based on the criteria developed pursuant to section 4202(a); and

“(C) the criteria developed under section 4202(a) (including any updates to such criteria).

“(3) An assessment of the stockpile stewardship program under section 4201 by the Administrator, in consultation with the directors of the national security laboratories, which shall set forth—

“(A) an identification and description of—

“(i) any key technical challenges to the stockpile stewardship program; and

“(ii) the strategies to address such challenges without the use of nuclear testing;

“(B) a strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing;

“(C) an assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program; and

“(D) an assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Administration, including—

“(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

“(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

“(4) With respect to the nuclear security infrastructure—

“(A) a description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements prescribed in—

“(i) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) if such strategy has been submitted as of the date of the plan;

“(ii) the most recent quadrennial defense review if such strategy has not been submitted as of the date of the plan; and

“(iii) the most recent Nuclear Posture Review as of the date of the plan;

“(B) a schedule for implementing the measures described under subparagraph (A) during the 10-year period following the date of the plan; and

“(C) the estimated levels of annual funds the Administrator determines necessary to carry out the measures described under subparagraph (A), including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

“(5) With respect to the nuclear test readiness of the United States—

“(A) an estimate of the period of time that would be necessary for the Administrator to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test;

“(B) a description of the level of test readiness that the Administrator, in consultation with the Secretary of Defense, determines to be appropriate;

“(C) a list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada National Security Site;

“(D) a list and description of the infrastructure and physical plants that are essential to carrying out an underground nuclear test at the Nevada National Security Site; and

“(E) an assessment of the readiness status of the skills and capabilities described in subparagraph (C) and the infrastructure and physical plants described in subparagraph (D).

“(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

“(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—(1) For each detailed report on the plan submitted under subsection (b)(2), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

“(A) An analysis of the plan, including—

“(i) whether the plan supports the requirements of the national security strategy of the United States or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the Nuclear Posture Review; and

“(ii) whether the modernization and refurbishment measures described under subparagraph (A) of subsection (d)(4) and the schedule described under subparagraph (B) of such subsection are adequate to support such requirements.

“(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

“(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

“(i) supporting the annual certification of the nuclear weapons stockpile; and

“(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

“(2) Not later than 180 days after the date on which the Administrator submits the plan



under subsection (b)(2), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

“(f) DEFINITIONS.—In this section:

“(1) The term ‘budget’, with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

“(2) The term ‘future-years nuclear security program’ means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

“(3) The term ‘nuclear security budget materials’, with respect to a fiscal year, means the materials submitted to Congress by the Administrator in support of the budget for that fiscal year.

“(4) The term ‘quadrennial defense review’ means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.

“(5) The term ‘weapons activities’ means each activity within the budget category of weapons activities in the budget of the Administration.

“(6) The term ‘weapons-related activities’ means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

“(A) nuclear nonproliferation;

“(B) nuclear forensics;

“(C) nuclear intelligence;

“(D) nuclear safety; and

“(E) nuclear incident response.”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4203 and inserting the following new item:

“Sec. 4203. Nuclear weapons stockpile stewardship, management, and infrastructure plan.”.

(b) REPEAL OF REQUIREMENT FOR BIENNIAL REPORT ON STOCKPILE STEWARDSHIP CRITERIA.—

(1) IN GENERAL.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended by striking subsections (c) and (d).

(2) TECHNICAL AMENDMENT.—The heading of such section is amended to read as follows: “**STOCKPILE STEWARDSHIP CRITERIA**”.

(3) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4202 and inserting the following new item:

“Sec. 4202. Stockpile stewardship criteria.”.

(c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.—

(1) IN GENERAL.—Section 4203A of the Atomic Energy Defense Act (50 U.S.C. 2523A) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4203A.

(d) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(1) in subsection (b)(2)(B), by striking “nuclear complex” and inserting “nuclear security enterprise”;

(2) by striking subsections (c) and (d); and

(3) by redesignating subsection (e) as subsection (c).

(e) REPEAL OF REQUIREMENT FOR REPORTS ON NUCLEAR TEST READINESS.—

(1) AEDA.—

(A) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is repealed.

(B) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4208.

(2) NDAA FISCAL YEAR 1996.—Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 623) is repealed.

#### SEC. 3134. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) GAO ENVIRONMENTAL MANAGEMENT REPORTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2713) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking “The Comptroller” and all that follows through “(2),” and inserting “Beginning on the date on which the report under subsection (b)(2) is submitted, the Comptroller General shall conduct a review”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking “the end of the period described in paragraph (2)” and inserting “August 30, 2012”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “subsection (c)(3)” and inserting “subsection (c)(2)”; and

(B) in paragraph (2), by striking “90 days” and all that follows through “(c)(3)” and inserting “April 30, 2016, or the date that is 210 days after the date on which the Secretary of Energy notifies the Comptroller General that all American Recovery and Reinvestment Act funds have been expended, whichever is earlier”.

(b) WORKFORCE RESTRUCTURING PLAN UPDATES.—

(1) IN GENERAL.—Section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704), as amended by section 3131(q), is amended—

(A) in subsection (b)(1), by striking “and any updates of the plan under subsection (e)”;

(B) by striking subsection (e);

(C) in subsection (f)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3), as added by such section 3131(q), as paragraph (2); and

(D) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) CONFORMING AMENDMENT.—Section 4643(d)(1) of the Atomic Energy Defense Act (50 U.S.C. 2733(d)(1)) is amended by striking “section 4604(g)” and inserting “section 4604(f)”.

(c) UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION QUARTERLY REPORT.—Section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended by striking subsection e.

#### Subtitle D—Reports

#### SEC. 3141. REPORTS ON LIFETIME EXTENSION PROGRAMS.

(a) PROTOTYPES.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by inserting after section 4215, as added by section 3114(a)(1), the following new section:

#### “SEC. 4216. REPORTS ON LIFETIME EXTENSION PROGRAMS.

“(a) REPORTS REQUIRED.—Before proceeding beyond phase 6.2 activities with respect to any lifetime extension program, the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall

submit to the congressional defense committees a report on such phase 6.2 activities, including—

“(1) an assessment of the lifetime extension options considered for the phase 6.2 activities, including whether the subsystems and components in each option are considered to be a refurbishment, reuse, or replacement of such subsystem or component; and

“(2) an assessment of the option selected for the phase 6.2 activities, including—

“(A) whether the subsystems and components will be refurbished, reused, or replaced; and

“(B) the advantages and disadvantages of refurbishment, reuse, and replacement for each such subsystem and component.

“(b) PHASE 6.2 ACTIVITIES DEFINED.—In this section, the term ‘phase 6.2 activities’ means, with respect to a lifetime extension program, the phase 6.2 feasibility study and option down-select.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4215, as added by section 3114(a)(2), the following new item:

“Sec. 4216. Reports on lifetime extension programs.”.

#### SEC. 3142. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

(a) NOTIFICATION.—

(1) IN GENERAL.—Subtitle C of title XLVI of the Atomic Energy Defense Act (50 U.S.C. 2731 et seq.), as amended by section 3161(a), is amended by adding at the end the following new section:

#### “SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

“(a) NOTIFICATION.—The Secretary of Energy and the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of a nuclear criticality incident resulting from a covered program that results in an injury or fatality or results in the shutdown, or partial shutdown, of a covered facility by not later than 15 days after the date of such incident.

“(b) ELEMENTS OF NOTIFICATION.—Each notification submitted under subsection (a) shall include the following:

“(1) A description of the incident, including the cause of the incident.

“(2) In the case of a criticality incident, whether the incident caused a facility, or part of a facility, to be shut down.

“(3) The effect, if any, on the mission of the Administration or the Office of Environmental Management of the Department of Energy.

“(4) Any corrective action taken in response to the incident.

“(c) DATABASE.—(1) The Secretary shall maintain a record of incidents described in paragraph (2).

“(2) An incident described in this paragraph is any of the following incidents resulting from a covered program:

“(A) A nuclear criticality incident that results in an injury or fatality or results in the shutdown, or partial shutdown, of a covered facility.

“(B) A non-nuclear incident that results in serious bodily injury or fatality at a covered facility.

“(d) COOPERATION.—In carrying out this section, the Secretary and the Administrator shall ensure that each management and operating contractor of a covered facility cooperates in a timely manner.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means—



“(A) the congressional defense committees; and

“(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(2) The term ‘covered facility’ means—

“(A) a facility of the nuclear security enterprise; and

“(B) a facility conducting activities for the defense environmental cleanup program of the Office of Environmental Management of the Department of Energy.

“(3) The term ‘covered program’ means—

“(A) programs of the Administration; and

“(B) defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy.”.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4645, as added by section 3161(b), the following new item:

“Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security shall each submit to the appropriate congressional committees a report detailing any incidents described in paragraph (2) that occurred during the 10-year period before the date of the report.

(2) INCIDENTS DESCRIBED.—An incident described in this paragraph is any of the following incidents that occurred as a result of programs of the National Nuclear Security Administration or defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy:

(A) A nuclear criticality incident that resulted in an injury or fatality or resulted in the shutdown, or partial shutdown, of a facility of the nuclear security enterprise or a facility conducting activities for such defense environmental cleanup programs.

(B) A non-nuclear incident that results in serious bodily injury or fatality at such a facility.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

#### SEC. 3143. QUARTERLY REPORTS TO CONGRESS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

(a) REPORTS REQUIRED.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

#### “SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

“(a) REPORTS REQUIRED.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Energy shall submit to the congressional defense committees a report on the financial balances for each atomic energy defense program at the budget control levels used in the report accompanying the most current Act appropriating funds for energy and water development.

“(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each program

covered by such report, the following as of the end of the fiscal year quarter covered by such report:

“(1) The total amount authorized to be appropriated, including amounts authorized to be appropriated in the current fiscal year and amounts authorized to be appropriated for prior fiscal years.

“(2) The amount unobligated.

“(3) The amount unobligated but committed.

“(4) The amount obligated but uncosted.

“(c) PRESENTATION.—Each report under subsection (a) shall present information as follows:

“(1) For each program, in summary form and by fiscal year.

“(2) With financial balances in connection with funding under recurring DOE national security authorizations (as that term is defined in section 4701(1)) presented separately from balances in connection with funding under any other provisions of law.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4731, as in effect before the amendment made by section 3131(u)(2) takes effect, the following new item:

“Sec. 4732. Quarterly reports on financial balances for atomic energy defense activities.”.

#### SEC. 3144. NATIONAL ACADEMY OF SCIENCES STUDY ON PEER REVIEW AND DESIGN COMPETITION RELATED TO NUCLEAR WEAPONS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the National Academy of Sciences to conduct a study of peer review and design competition related to nuclear weapons.

(b) ELEMENTS.—The study required by subsection (a) shall include an assessment of—

(1) the quality and effectiveness of peer review of designs, development plans, engineering and scientific activities, and priorities related to both nuclear and non-nuclear aspects of nuclear weapons;

(2) incentives for effective peer review;

(3) the potential effectiveness, efficiency, and cost of alternative methods of conducting peer review and design competition related to both nuclear and non-nuclear aspects of nuclear weapons, as compared to current methods;

(4) the known instances where current peer review practices and design competition succeeded or failed to find problems or potential problems; and

(5) such other matters related to peer review and design competition related to nuclear weapons as the Administrator considers appropriate.

(c) COOPERATION AND ACCESS TO INFORMATION AND PERSONNEL.—The Administrator shall ensure that the National Academy of Sciences receives full and timely cooperation, including full access to information and personnel, from the National Nuclear Security Administration and the management and operating contractors of the Administration for the purposes of conducting the study under subsection (a).

(d) REPORT.—

(1) IN GENERAL.—The National Academy of Sciences shall submit to the Administrator a report containing the results of the study conducted under subsection (a) and any recommendations resulting from the study.

(2) SUBMITTAL TO CONGRESS.—Not later than September 30, 2014, the Administrator shall submit to the Committees on Armed

Services of the House of Representatives and the Senate the report submitted under paragraph (1) and any comments or recommendations of the Administrator with respect to the report.

(3) FORM.—The report submitted under paragraph (1) shall be in unclassified form, but may include a classified annex.

#### SEC. 3145. REPORT ON DEFENSE NUCLEAR NON-PROLIFERATION PROGRAMS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 of each year from 2013 through 2015, the Administrator for Nuclear Security shall submit to the appropriate congressional committees a report on the budget, objectives, and metrics of the defense nuclear nonproliferation programs of the National Nuclear Security Administration.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification and explanation of uncommitted balances that are more than the acceptable carryover thresholds, as determined by the Secretary of Energy, on a program-by-program basis.

(B) An identification of foreign countries that are sharing the cost of implementing defense nuclear nonproliferation programs, including an explanation of such cost sharing.

(C) A description of objectives and measurements for each defense nuclear nonproliferation program.

(D) A description of the proliferation of nuclear weapons threat and how each defense nuclear nonproliferation program activity counters the threat.

(E) A description and assessment of nonproliferation activities coordinated with the Department of Defense to maximize efficiency and avoid redundancies.

(F) A description of how the defense nuclear nonproliferation programs are prioritized to meet the most urgent nonproliferation requirements.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(c) FORM.—The report required by subsection (a)(1) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 3146. STUDY ON REUSE OF PLUTONIUM PITS.

(a) STUDY.—Not later than 270 days after the date of the enactment of this Act, the Administrator for Nuclear Security, in coordination with the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall submit to the congressional defense committees a study of plutonium pits, including—

(1) the availability of plutonium pits—

(A) as of the date of the report; and

(B) after such date as a result of the dismantlement of nuclear weapons; and

(2) an assessment of the potential for reusing plutonium pits in future life extension programs.

(b) MATTERS INCLUDED.—The study submitted under subsection (a) shall include the following:

(1) The feasibility and practicability of potential full or partial reuse options with respect to plutonium pits.

(2) The benefits and risks of reusing plutonium pits.

(3) A list of technical challenges that must be resolved to certify aged plutonium under dynamic loading conditions and the full stockpile-to-target sequence of weapons, including a program plan and timeline for resolving such technical challenges and an assessment of the importance of resolving outstanding materials issues on certifying aged plutonium pits.

(4) A list of the facilities that will perform the testing and experiments required to resolve the technical challenges identified under paragraph (3).

(5) The potential costs and cost savings of such reuse.

(6) The effects of such reuse on the requirements for plutonium pit manufacturing.

(7) An assessment of how such reuse affects plans to build a responsive nuclear weapons infrastructure.

**SEC. 3147. ASSESSMENT OF NUCLEAR WEAPON PIT PRODUCTION REQUIREMENT.**

(a) **ASSESSMENT.**—The Secretary of Defense, in coordination with the Secretary of Energy and the Commander of the United States Strategic Command, shall assess the annual plutonium pit production requirement needed to sustain a safe, secure, and reliable nuclear weapon arsenal.

(b) **REPORTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Energy and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a report regarding the assessment conducted under subsection (a), including—

(A) an explanation of the rationale and assumptions that led to the current 50 to 80 plutonium pit production requirement, including the factors considered in determining such requirement;

(B) an analysis of whether there are any changes to the current 50 to 80 plutonium pit production requirement, including the reasons for any such changes;

(C) the cost and implications for national security of various smaller and larger pit production capacities, including with respect to—

(i) the ability to respond to geopolitical and technical risks;

(ii) the sustainment of the nuclear weapons stockpile, including options available for life extension programs; and

(iii) impacts on the requirements for the inactive and reserve nuclear weapons stockpile.

(2) **UPDATE.**—If the report under paragraph (1) does not incorporate the results of the Nuclear Posture Review Implementation Study, the Secretary of Defense, in coordination with the Secretary of Energy and the Commander of the United States Strategic Command, shall submit to the congressional defense committees an update to the report under paragraph (1) that incorporates the results of such study by not later than 90 days after the date on which such committees receive such study.

(c) **FORM.**—The reports under paragraphs (1) and (2) of subsection (b) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 3148. STUDY ON A MULTIAGENCY GOVERNANCE MODEL FOR NATIONAL SECURITY LABORATORIES.**

(a) **INDEPENDENT ASSESSMENT.**—

(1) **IN GENERAL.**—The Administrator for Nuclear Security shall commission an independent assessment regarding the transition of the national security laboratories to

multiagency federally funded research and development centers with direct sustainment and sponsorship by multiple national security agencies. The organization selected to conduct the independent assessment shall have recognized credentials and expertise in national security science and engineering laboratories.

(2) **BACKGROUND MATERIAL.**—The assessment shall leverage previous studies, including—

(A) the report published in 2009 by the Stimson Center titled “Leveraging Science for Security: A Strategy for the Nuclear Weapons Laboratories in the 21st Century”; and

(B) the Phase 1 report published in 2012 by the National Academy of Sciences titled “Managing for High-Quality Science and Engineering at the NNSA National Security laboratories”.

(3) **ELEMENTS.**—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of a new governance structure that—

(i) gives multiple national security agencies, including the Department of Defense, the Department of Homeland Security, the Department of Energy, and the intelligence community, direct sponsorship of the national security laboratories as federally funded research and development centers so that such agencies have more direct and rapid access to the assets available at the laboratories and the responsibility to provide sustainable support for the science and technology needs of the agencies at the laboratories;

(ii) reduces costs to the Federal Government for the use of the resources of the laboratories, while enhancing the stewardship of these national resources and maximizing their service to the Nation;

(iii) enhances the overall quality of the scientific research and engineering capability of the laboratories, including their ability to recruit and retain top scientists and engineers; and

(iv) maintains as paramount the capabilities required to support the nuclear stockpile stewardship and related nuclear missions.

(B) A recommendation as to which, if any, other laboratories associated with any national security agency should be included in the new governance structure.

(C) Options for implementing the new governance structure that minimize disruption of performance and costs to the government while rapidly achieving anticipated gains.

(D) Legislative changes and executive actions that would need to be made in order to implement the new governance structure.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than January 1, 2014, the organization selected to conduct the independent assessment under subsection (a)(1) shall submit to the Administrator and the congressional defense committees a report that contains the findings of the assessment.

(2) **FORM.**—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) **DEFINITION.**—In this section, the term “national security laboratory” has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

**SEC. 3149. REPORT ON EFFICIENCIES IN FACILITIES AND FUNCTIONS OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall submit to the congressional defense committees a report setting forth the assessment of the Council as to the feasibility of finding further efficiencies in the facilities and functions of the National Nuclear Security Administration in order to reduce costs.

(b) **PROCESS.**—If the assessment of the Council in the report under subsection (a) is that excess facilities or duplicative functions exist and seeking efficiencies in the facilities and functions of the Administration is feasible and would reduce cost, the report shall include recommendations for a process to determine the manner in which such efficiencies should be accomplished, including an estimate of the time required to complete the process.

(c) **LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT.**—Amounts authorized to be appropriated by this title and available for the facility projects in the Department of Energy Readiness and Technical Base designated 04-D-125 and 06-D-141 may not be obligated or expended for CD-3, Start of Construction (as found in Department of Energy Order 413.3 B Program and Project Management for the Acquisition of Capital Assets), until the submittal under subsection (a) of the report required by that subsection.

**SEC. 3150. STUDY ON REGIONAL RADIOLOGICAL SECURITY ZONES.**

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a study in accordance with paragraph (3).

(2) **CONSULTATION.**—The Comptroller General may, in conducting the study required under paragraph (1), consult with the Secretary of Energy, the Secretary of Homeland Security, the Secretary of State, the Nuclear Regulatory Commission, and such other departments and agencies of the United States Government as the Comptroller General considers appropriate.

(3) **MATTERS INCLUDED.**—The study under paragraph (1) shall include the following:

(A) An assessment of the radioactive isotopes and associated activity levels that present the greatest risk to national and international security.

(B) A review of current efforts by the Federal Government to secure radiological materials abroad, including coordination with foreign governments, the European Union, the International Atomic Energy Agency, other international programs, and non-governmental organizations that identify, register, secure, remove, and provide for the disposition of high-risk radiological materials worldwide.

(C) A review of current efforts of the Federal Government to secure radiological materials domestically at civilian sites, including hospitals, industrial sites, and other locations.

(D) A definition of regional radiological security zones, including the subset of the materials of concern to be the immediate focus and the security best practices required to achieve that goal.

(E) An assessment of the feasibility, cost, desirability, and added benefit of establishing regional radiological security zones

in high priority areas worldwide in order to facilitate regional collaboration in—

(i) identifying and inventorying high-activity radiological sources at high-risk sites;

(ii) reviewing national level regulations, inspections, transportation security, and security upgrade options; and

(iii) assessing opportunities for the harmonization of regulations and security practices among the nations of the region.

(F) An assessment of the feasibility, cost, desirability, and added benefit of establishing remote regional monitoring centers that would receive real-time data from radiological security sites, would be staffed by trained personnel from the countries in the region, and would alert local law enforcement in the event of a potential or actual terrorist incident or other emergency.

(G) An assessment of the feasibility and cost of securing radiological materials in the United States and through regional monitoring centers, taking into account the threat and consequences of a terrorist attack using fissile materials as compared to the threat and consequences of a terrorist attack using radiological materials.

(H) A list and assessment of the best practices used in the United States that are most critical in enhancing domestic radiological material security and could be used to enhance radiological security worldwide.

(I) An assessment of the United States entity or entities that would be best suited to lead efforts to establish a radiological security zone program.

(J) An estimate of the costs associated with the implementation of a radiological security zone program.

(K) An assessment of the known locations outside the United States housing high-risk radiological materials in excess of 1,000 curies.

(L) An assessment of how efforts to secure radiological materials might impact the available resources, capabilities, and capacity of the United States that would be used to secure fissile materials.

(4) FORM.—The study required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 3151. REPORT ON ABANDONED URANIUM MINES.**

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall undertake a review of, and prepare a report on, abandoned uranium mines in the United States that provided uranium ore for atomic energy defense activities of the United States.

(2) MATTERS TO BE ADDRESSED.—The report shall describe and analyze—

(A) the location of the abandoned uranium mines described in paragraph (1) on Federal, State, tribal, and private land, taking into account any existing inventories undertaken by Federal agencies, States, and Indian tribes, and any additional information available to the Secretary;

(B) the extent to which the abandoned uranium mines—

(i) pose, or may pose, a significant radiation hazard or other significant threat to public health and safety; and

(ii) have caused, or may cause, significant water quality degradation or other environmental degradation;

(C) a ranking of priority by category for the remediation and reclamation of the abandoned uranium mines;

(D) the potential cost and feasibility of remediating and reclaiming, in accordance with applicable Federal law, each category of abandoned uranium mines; and

(E) the status of any efforts to remediate and reclaim abandoned uranium mines.

(b) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall consult with any other relevant Federal agencies, affected States and Indian tribes, and interested members of the public.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the report under subsection (a)(1).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committees on Armed Services of the Senate and the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Natural Resources of the House of Representatives.

(d) CONSTRUCTION.—Nothing in this section may be construed to affect any responsibility or liability of the Federal Government, a State, an Indian tribe, or a person with respect to the remediation of an abandoned uranium mine.

#### **Subtitle E—Other Matters**

#### **SEC. 3161. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY.**

(a) IN GENERAL.—Subtitle C of title XLVI of the Atomic Energy Defense Act (50 U.S.C. 2731 et seq.) is amended by adding at the end the following new section:

#### **“SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY OF FACILITIES OF THE ADMINISTRATION AND THE OFFICE OF ENVIRONMENTAL MANAGEMENT.**

“(a) NUCLEAR SAFETY AT NNSA AND DOE FACILITIES.—The Administrator and the Secretary of Energy shall ensure that the methods for assessing, certifying, and overseeing nuclear safety at the facilities specified in subsection (c) use national and international standards and nuclear industry best practices, including probabilistic or quantitative risk assessment if sufficient data exist.

“(b) ADEQUATE PROTECTION.—The use of probabilistic or quantitative risk assessment under subsection (a) shall be to support, rather than replace, the requirement under section 182 of the Atomic Energy Act of 1954 (42 U.S.C. 2232) that the utilization or production of special nuclear material will be in accordance with the common defense and security and will provide adequate protection to the health and safety of the public.

“(c) FACILITIES SPECIFIED.—Subsection (a) shall apply—

“(1) to the Administrator with respect to the national security laboratories and the nuclear weapons production facilities; and

“(2) to the Secretary of Energy with respect to defense nuclear facilities of the Office of Environmental Management of the Department of Energy.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4644 the following new item:

“Sec. 4645. Use of probabilistic risk assessment to ensure nuclear safety of facilities of the Administration and the Office of Environmental Management.”.

#### **SEC. 3162. SUBMITTAL TO CONGRESS OF SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON LIFE EXTENSION PROGRAMS AND NEW NUCLEAR FACILITIES.**

(a) SUBMITTAL REQUIRED.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by inserting after section 4216, as added by section 3141(a), the following new section:

#### **“SEC. 4217. SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON LIFE EXTENSION PROGRAMS AND NEW NUCLEAR FACILITIES.**

“(a) SELECTED ACQUISITION REPORTS.—(1) At the end of each fiscal-year quarter, the Secretary of Energy, acting through the Administrator, shall submit to the congressional defense committees a report on each nuclear weapon system undergoing life extension. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

“(2) The information contained in the Selected Acquisition Report for a fiscal-year quarter for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for such fiscal-year quarter for a major defense acquisition program under section 2432 of title 10, United States Code, expressed in terms of the nuclear weapon system.

“(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary, acting through the Administrator, shall submit to the congressional defense committees and the Nuclear Weapons Council established under section 179 of title 10, United States Code, an independent cost estimate of the following:

“(A) Each nuclear weapon system undergoing life extension at the completion of phase 6.2A, relating to design definition and cost study.

“(B) Each nuclear weapon system undergoing life extension before initiation of phase 6.5, relating to first production.

“(C) Each new nuclear facility within the nuclear security enterprise that is estimated to cost more than \$500,000,000 before such facility achieves critical decision 2 in the acquisition process.

“(2) A cost estimate for purposes of this subsection may not be prepared by the Department of Energy or the Administration.

“(c) AUTHORITY FOR FURTHER ASSESSMENTS.—Upon the request of the Administrator, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in consultation with the Administrator, may conduct an independent cost assessment of any initiative or program of the Administration that is estimated to cost more than \$500,000,000.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to 4216, as added by section 3141(b), the following new item:

“Sec. 4217. Selected Acquisition Reports and independent cost estimates on life extension programs and new nuclear facilities.”.

#### **SEC. 3163. CLASSIFICATION OF CERTAIN RESTRICTED DATA.**

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended—

(1) in subsection d.—

(A) by inserting “(1)” before “The Commission”; and

(B) by adding at the end the following:

“(2) The Commission may restore to the Restricted Data category any information related to the design of nuclear weapons removed under paragraph (1) if the Commission and the Department of Defense jointly determine that—

“(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

“(B) the information would be more appropriately protected as Restricted Data; and

“(C) restoring the information to the Restricted Data category is in the interest of national security.

“(3) In carrying out paragraph (2), information related to the design of nuclear weapons shall be restored to the Restricted Data category in accordance with regulations prescribed for purposes of such paragraph.”; and

(2) in subsection e.—

(A) by inserting “(1)” before “The Commission”; and

(B) by striking “Central” and inserting “National”; and

(C) by adding at the end the following:

“(2) The Commission may restore to the Restricted Data category any information concerning atomic energy programs of other nations removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that—

“(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

“(B) the information would be more appropriately protected as Restricted Data; and

“(C) restoring the information to the Restricted Data category is in the interest of national security.

“(3) In carrying out paragraph (2), information concerning atomic energy programs of other nations shall be restored to the Restricted Data category in accordance with regulations prescribed for purposes of such paragraph.”.

**SEC. 3164. ADVICE TO PRESIDENT AND CONGRESS REGARDING SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE AND NUCLEAR FORCES.**

(a) IN GENERAL.—Section 1305 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274p) is—

(1) transferred to the Atomic Energy Defense Act (50 U.S.C. 2501 et seq.);

(2) inserted after section 4217 of such Act, as added by section 3162(a);

(3) redesignated as section 4218; and

(4) amended by amending subsection (f) to read as follows:

“(f) EXPRESSION OF INDIVIDUAL VIEWS.—

“(1) IN GENERAL.—No individual, including representatives of the President, may take any action against, or otherwise constrain, a director of a national security laboratory or a nuclear weapons production facility, a member of the Nuclear Weapons Council established under section 179 of title 10, United States Code, or the Commander of the United States Strategic Command from presenting the professional views of the director, member, or Commander, as the case may be, to the President, the National Security Council, or Congress regarding—

“(A) the safety, security, reliability, or credibility of the nuclear weapons stockpile and nuclear forces; or

“(B) the status of, and plans for, the capabilities and infrastructure that support and

sustain the nuclear weapons stockpile and nuclear forces.

“(2) CONSTRUCTION.—Nothing in paragraph (1)(B) may be construed to affect the inter-agency budget process.”.

(b) CONFORMING AMENDMENTS.—Section 4218 of the Atomic Energy Defense Act, as added by subsection (a), is amended—

(1) by striking “nuclear weapons laboratories” each place it appears and inserting “national security laboratories”; and

(2) by striking “nuclear weapons laboratory” each place it appears and inserting “national security laboratory”; and

(3) by striking “nuclear weapons production plants” each place it appears and inserting “nuclear weapons production facilities”; and

(4) by striking “nuclear weapons production plant” each place it appears and inserting “nuclear weapons production facility”; and

(5) by amending subsection (g) to read as follows:

“(g) REPRESENTATIVE OF THE PRESIDENT DEFINED.—In this section, the term ‘representative of the President’ means the following:

“(1) Any official of the Department of Defense or the Department of Energy who is appointed by the President and confirmed by the Senate.

“(2) Any member or official of the National Security Council.

“(3) Any member or official of the Joint Chiefs of Staff.

“(4) Any official of the Office of Management and Budget.”.

(c) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4217, as added by section 3162(b), the following new item:

“Sec. 4218. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile.”.

**SEC. 3165. PILOT PROGRAM ON TECHNOLOGY COMMERCIALIZATION.**

(a) PILOT PROGRAM.—The Secretary of Energy, in consultation with the Technology Transfer Coordinator appointed under section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)), may carry out a pilot program at a national security laboratory for the purpose of accelerating technology transfer from such laboratories to the marketplace with respect to technologies that directly advance the mission of the National Nuclear Security Administration.

(b) TERMINATION.—The authority to carry out the pilot program under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(c) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the pilot program under subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An identification of opportunities for accelerating technology transfer from national security laboratories to the marketplace.

(B) If the Secretary chooses to carry out the pilot program under subsection (a), a description of the plan to carry out such program.

(C) If the Secretary chooses not to carry out the pilot program under subsection (a), a description of why the program will not be carried out.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means the following:

(A) The Committees on Armed Services of the Senate and House of Representatives.

(B) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(C) The Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) The term “national security laboratory” has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

**SEC. 3166. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE OF THE NUCLEAR SECURITY ENTERPRISE.**

(a) ESTABLISHMENT.—There is established a congressional advisory panel to be known as the “Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise” (in this section referred to as the “advisory panel”). The purpose of the advisory panel is to examine options and make recommendations for revising the governance structure, mission, and management of the nuclear security enterprise.

(b) COMPOSITION AND MEETINGS.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Two by the chairman of the Committee on Armed Services of the Senate.

(D) Two by the ranking minority member of the Committee on Armed Services of the Senate.

(E) One by the Speaker of the House of Representatives.

(F) One by the minority leader of the House of Representatives.

(G) One by the majority leader of the Senate.

(H) One by the minority leader of the Senate.

(2) CO-CHAIRMEN.—Two members of the advisory panel shall serve as co-chairmen of the advisory panel. The co-chairmen shall be designated as follows:

(A) The chairman of the Committee on Armed Services of the House of Representatives and the ranking minority member of the Committee on Armed Services of the Senate, in consultation with the Speaker of the House of Representatives and the minority leader of the Senate, shall jointly designate one member of the advisory panel to serve as co-chairman of the advisory panel.

(B) The chairman of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives, in consultation with the majority leader of the Senate and the minority leader of the House of Representatives, shall jointly designate one member of the advisory panel to serve as co-chairman of the advisory panel.

(3) SECURITY CLEARANCE REQUIRED.—Each individual appointed as a member of the advisory panel shall possess (or have recently possessed before the date of such appointment) the appropriate security clearance necessary to carry out the duties of the advisory panel.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be

appointed for the life of the advisory panel. Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(5) MEETINGS.—The advisory panel shall commence its first meeting by not later than March 1, 2013, so long as at least two members have been appointed under paragraph (1) by such date.

(c) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information, including access to classified information, necessary for the advisory panel to carry out its duties under this section. With respect to access to classified information, the Director of National Intelligence may determine which information is necessary under this paragraph.

(2) LIAISON.—The following heads of Federal agencies shall each designate at least one officer or employee of the respective agency to serve as a liaison officer between the agency and the advisory panel:

- (A) The Secretary of State.
- (B) The Secretary of Defense.
- (C) The Secretary of Energy.
- (D) The Secretary of Homeland Security.
- (E) The Director of National Intelligence.

(d) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committees on Armed Services and Energy and Natural Resources of the Senate, and the Committees on Armed Services and Energy and Commerce of the House of Representatives an interim report on the initial findings, conclusions, and recommendations of the advisory panel. To the extent practicable, the interim report shall address the matters described in paragraph (2) and focus on the immediate, near-term actions the advisory panel recommends be taken.

(2) REPORT.—Not later than February 1, 2014, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committees on Armed Services and Energy and Natural Resources of the Senate, and the Committees on Armed Services and Energy and Commerce of the House of Representatives a report on the findings, conclusions, and recommendations of the advisory panel. The report shall include the following:

(A) An assessment of each option considered by the advisory panel for revising the governance structure, mission, and management of the nuclear security enterprise, including the advantages, disadvantages, costs, risks, and benefits of each such option.

(B) The recommendation of the advisory panel with respect to the most appropriate governance structure, mission, and management of the nuclear security enterprise.

(C) Recommendations of the advisory panel with respect to—

(i) the appropriate missions of the nuclear security enterprise, including how complementary missions should be managed while ensuring focus on core missions;

(ii) the organization and structure of the nuclear security enterprise and the Federal agency responsible for such enterprise;

(iii) the roles, responsibilities, and authorities of Federal agencies, Federal officials, the national security laboratories and nuclear weapons production facilities, and the directors of such laboratories and facilities,

including mechanisms for holding such officials and directors accountable;

(iv) the allocation of roles and responsibilities with respect to the mission, operations, safety, and security of the nuclear security enterprise;

(v) the relationships among the Federal agency responsible for the nuclear security enterprise and the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, and other Federal agencies;

(vi) the interagency planning, programming, and budgeting process for the nuclear security enterprise;

(vii) the appropriate means for managing and overseeing the nuclear security enterprise, including the role of federally funded research and development centers, the role and impact of various contracting and fee structures, the appropriate role of contract competition and nonprofit and for-profit contractors, and the use of performance-based and transactional oversight;

(viii) the appropriate means for ensuring the health of the intellectual capital of the nuclear security enterprise, including recruitment and retention of personnel and enhancement of a robust professional culture of excellence;

(ix) the appropriate means for ensuring the health and sustainment of the critical capabilities and physical infrastructure of the nuclear security enterprise;

(x) infrastructure, rules, regulations, best practices, standards, and appropriate oversight mechanisms to ensure robust protection of the health and safety of workers and the public while also providing such workers the ability to effectively and efficiently carry out their mission;

(xi) the appropriate congressional committee structure for oversight of the nuclear security enterprise;

(xii) the length of the terms and suggested qualifications for senior officials of the Federal agency responsible for the nuclear security enterprise;

(xiii) contracting, budget planning, program management, and regulatory changes to reduce the cost of programs and administration without eroding mission effectiveness or requirements and ensuring robust protection of the health and safety of workers and the public; and

(xiv) statutory, regulatory, and policy changes necessary for implementing the recommendations of the advisory panel.

(D) An assessment of if and how the recommendations of the advisory panel will lead to greater mission focus and more effective and efficient program management for the nuclear security enterprise.

(E) Any other information or recommendations relating to the future of the nuclear security enterprise that the advisory panel considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense, not more than \$3,000,000 shall be made available to the advisory panel to carry out this section.

(f) TERMINATION.—The advisory panel shall terminate not later than June 1, 2014.

(g) DEFINITIONS.—In this section:

(1) The term “national security laboratory” has the meaning given that term in section 4002(6) of the Atomic Energy Defense Act, as amended by section 3131(a).

(2) The term “nuclear security enterprise” has the meaning given that term in section 4002(5) of the Atomic Energy Defense Act, as amended by section 3131(a).

(3) The term “nuclear weapons production facility” has the meaning given that term in section 4002(7) of the Atomic Energy Defense Act, as amended by section 3131(a).

#### **Subtitle F—American Medical Isotopes Production**

##### **SEC. 3171. SHORT TITLE.**

This subtitle may be cited as the “American Medical Isotopes Production Act of 2012”.

##### **SEC. 3172. DEFINITIONS.**

In this subtitle:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U-235.

(3) LOW ENRICHED URANIUM.—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U-235.

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

##### **SEC. 3173. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.**

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be evaluated against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The capability of the proposed project to produce molybdenum-99 in a cost-effective manner.

(D) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U-235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals and make recommendations to improve program effectiveness.

(b) **DEVELOPMENT ASSISTANCE.**—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) **URANIUM LEASE AND TAKE-BACK.**—

(1) **IN GENERAL.**—The Secretary shall establish a program to make low enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) **TITLE.**—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) **DUTIES.**—

(A) **SECRETARY.**—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) **PRODUCER.**—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) **COMPENSATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) **DISCOUNT RATE.**—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) **AUTHORIZED USE OF FUNDS.**—Subject to the availability of appropriations, the Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this subtitle, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) **EXCHANGE OF URANIUM FOR SERVICES.**—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) **COORDINATION OF ENVIRONMENTAL REVIEWS.**—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) **OPERATIONAL DATE.**—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) **RADIOACTIVE WASTE.**—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

#### SEC. 3174. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

“c. **MEDICAL PRODUCTION LICENSE SUNSET.**—Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

“d. **MEDICAL PRODUCTION LICENSE EXTENSION.**—The period referred to in subsection c. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

“(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

“(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

“e. **PUBLIC NOTICE.**—To ensure public review and comment, the development of the certification described in subsection d. shall be carried out through announcement in the Federal Register.

“f. **JOINT CERTIFICATION.**—

“(1) **IN GENERAL.**—In accordance with paragraph (2), the ban on the export of highly enriched uranium for purposes of medical isotope production referred to in subsections c. and d. shall not go into effect unless the Secretary of Energy and the Secretary of Health and Human Services have jointly certified that—

“(A) there is a sufficient supply of molybdenum-99 produced without the use of highly enriched uranium available to meet the needs of patients in the United States; and

“(B) it is not necessary to export United States-origin highly enriched uranium for the purposes of medical isotope production in order to meet United States patient needs.

“(2) **TIME OF CERTIFICATION.**—The joint certification under paragraph (1) shall be made not later than 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, except that, if the period referred to in subsection c. is extended under

subsection d., the 7-year deadline under this paragraph shall be extended by a period equal to the period of such extension under subsection d.

“g. **SUSPENSION OF MEDICAL PRODUCTION LICENSE.**—At any time after the restriction of export licenses provided for in subsection c. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

“(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

“(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

“h. **DEFINITIONS.**—As used in this section—

“(1) the term ‘alternative nuclear reactor fuel or target’ means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U-235;

“(2) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235;

“(3) a fuel or target ‘can be used’ in a nuclear research or test reactor if—

“(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

#### SEC. 3175. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

#### SEC. 3176. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) **IN GENERAL.**—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

“SEC. 112. **DOMESTIC MEDICAL ISOTOPE PRODUCTION.**—

“a. The Commission may issue a license, or grant an amendment to an existing license,

for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

“(1) the Commission determines that—

“(A) there is no alternative medical isotope production target that can be used in that reactor; and

“(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

“(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

“b. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

#### SEC. 3177. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3173;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3173(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3173.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and ra-

dioactive waste for which the Department is responsible under section 3173(c).

#### SEC. 3178. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

#### TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.

#### SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2013, \$29,415,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

#### SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) ESTABLISHMENT.—Section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended—

(1) in subsection (b), by striking paragraph (4);

(2) in subsection (c)—

(A) in the heading, by striking “AND VICE CHAIRMAN” and inserting “, VICE CHAIRMAN, AND MEMBERS”;

(B) in paragraph (2), by striking “The Chairman” and inserting “In accordance with paragraph (5), the Chairman”;

(C) by adding at the end the following new paragraph:

“(5) Each member of the Board, including the Chairman and Vice Chairman, shall—

“(A) have equal responsibility and authority in establishing decisions and determining actions of the Board;

“(B) have full access to all information relating to the performance of the Board’s functions, powers, and mission; and

“(C) have one vote.”.

(b) MISSION AND FUNCTIONS.—

(1) IN GENERAL.—Section 312 of the Atomic Energy Act of 1954 (42 U.S.C. 2286a) is amended—

(A) in the heading, by inserting “MISSION AND” before “FUNCTIONS”;

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated by subparagraph (B), the following new subsection (a):

“(a) MISSION.—The mission of the Board shall be to provide independent analysis, advice, and recommendations to the Secretary of Energy to inform the Secretary, in the role of the Secretary as operator and regulator of the defense nuclear facilities of the Department of Energy, in providing adequate protection of public health and safety at such defense nuclear facilities.”; and

(D) in subsection (b), as so redesignated—

(i) in the heading, by striking “IN GENERAL” and inserting “FUNCTIONS”; and

(ii) in paragraph (5), by inserting “, and specifically assess risk (whenever sufficient data exists),” after “shall consider”.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Act of 1954 is amended by striking the item relating to section 312 and inserting the following new item:

“Sec. 312. Mission and functions of the Board.”.

(c) BOARD RECOMMENDATIONS.—

(1) IN GENERAL.—Section 315 of the Atomic Energy Act of 1954 (42 U.S.C. 2286d) is amended—

(A) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(B) by inserting before subsection (b), as redesignated by subparagraph (A), the following new subsection:

“(a) SUBMISSION OF RECOMMENDATIONS.—(1) Subject to subsections (h) and (i), not later than 30 days before the date on which the Board transmits a recommendation to the Secretary of Energy under section 312, the Board shall transmit to the Secretary in writing a draft of such recommendation and any related findings, supporting data, and analyses to ensure the Secretary is adequately informed of a formal recommendation and to provide the Secretary an opportunity to provide input to the Board before such recommendation is finalized.

“(2) The Secretary may provide to the Board comments on a draft recommendation transmitted by the Board under paragraph (1) by not later than 30 days after the date on which the Secretary receives the draft recommendation. The Board may grant, upon request by the Secretary, additional time for the Secretary to transmit comments to the Board.

“(3) After the period of time in which the Secretary may provide comments under paragraph (2) elapses, the Board may transmit a final recommendation to the Secretary.”; and

(C) by amending subsection (b), as so redesignated, to read as follows:

“(b) PUBLIC AVAILABILITY AND COMMENT.—Subject to subsections (h) and (i), after the Secretary of Energy receives a recommendation from the Board under subsection (a)(3), the Board shall promptly make available to the public such recommendation and any related correspondence from the Secretary by—

“(1) providing such recommendation and correspondence to the public in the regional public reading rooms of the Department of Energy; and

“(2) publishing in the Federal Register—

“(A) such recommendation and correspondence; and



“(B) a request for the submission to the Board of public comments on such recommendation that provides interested persons with 30 days after the date of the publication in which to submit comments, data, views, or arguments to the Board concerning the recommendation.”.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Such section 315 is further amended—

(A) in subsection (c), as redesignated by paragraph (1)(A)—

(i) in paragraph (1), by striking “subsection (a)” and inserting “subsection (b)”;

and

(ii) in paragraph (2), by striking “subsection (h)” and inserting “subsection (i)”;

(B) in subsection (d), as so redesignated, by striking “subsection (a) or (b)” and inserting “subsection (b) or (c)”;

(C) in subsection (e), as so redesignated—

(i) by striking “subsection (b)(1)” and inserting “subsection (c)(1)”;

(ii) by striking “subsection (h)” and inserting “subsection (i)”;

(D) in subsection (g), as so redesignated—

(i) in paragraph (1), as so redesignated, by striking “subsection (e)” and inserting “subsection (f)”;

(ii) in paragraph (2), by striking “, to the Committees on Armed Services and on Appropriations of the Senate, and to the Speaker of the House of Representatives” and inserting “and to such committees”;

(E) in subsection (h), as so redesignated—

(i) in paragraph (1), as so redesignated, by striking “through (d)” and inserting “through (e)”;

(ii) in paragraph (3), by striking “and the Speaker”;

(F) by striking “Committees on Armed Services and on Appropriations of the Senate and to the Speaker of the House of Representatives” each place it appears and inserting “Committees on Armed Services, Appropriations, and Energy and Commerce of the House of Representatives and the Committees on Armed Services, Appropriations, and Energy and Natural Resources of the Senate”.

(d) **REPORTS.**—Section 316 of the Atomic Energy Act of 1954 (42 U.S.C. 2286e) is amended by striking “Committees on Armed Services and on Appropriations of the Senate and to the Speaker of the House of Representatives” each place it appears and inserting “Committees on Armed Services, Appropriations, and Energy and Commerce of the House of Representatives and the Committees on Armed Services, Appropriations, and Energy and Natural Resources of the Senate”.

(e) **INFORMATION TO CONGRESS.**—Section 320 of the Atomic Energy Act of 1954 (42 U.S.C. 2286h-1) is amended—

(1) by striking “submitted to the Congress” and inserting “submitted to the Committees on Armed Services, Appropriations, and Energy and Commerce of the House of Representatives and the Committees on Armed Services, Appropriations, and Energy and Natural Resources of the Senate”;

(2) by striking “the Congress.” and inserting “such committees.”.

(f) **INSPECTOR GENERAL.**—

(1) **IN GENERAL.**—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended by adding at the end the following new section:

**“SEC. 322. INSPECTOR GENERAL.**

“(a) **IN GENERAL.**—Not later than October 1, 2013, the Board shall enter into an agreement with an agency of the Federal Government to procure the services of the Inspector

General of such agency for the Board, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.). Such Inspector General shall have expertise relating to the mission of the Board.

“(b) **BUDGET.**—In the budget materials submitted to the President by the Board in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for each fiscal year, the Board shall ensure that a separate, dedicated procurement line item is designated for the services of an Inspector General under subsection (a).”.

(2) **CLERICAL AMENDMENT.**—The table of contents for the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 321 the following new item:

“Sec. 322. Inspector General.”.

(g) **TECHNICAL AMENDMENT.**—Section 313(j)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by striking “section” and all that follows through “implementation” and inserting “section 312(b)(1), the implementation”.

(h) **SAFETY STANDARDS.**—Nothing in this section or in the amendments made by this section shall be construed to cause a reduction in nuclear safety standards.

#### **TITLE XXXIV—NAVAL PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AMOUNT.**—There are hereby authorized to be appropriated to the Secretary of Energy \$14,909,000 for fiscal year 2013 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) **PERIOD OF AVAILABILITY.**—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

#### **TITLE XXXV—MARITIME ADMINISTRATION**

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.

Sec. 3502. Application of the Federal Acquisition Regulation.

Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.

Sec. 3504. Donation of excess fuel to maritime academies.

Sec. 3505. Clarification of heading.

Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.

Sec. 3507. Amendments relating to the National Defense Reserve Fleet.

Sec. 3508. Extension of Maritime Security Fleet program.

Sec. 3509. Container-on-barge transportation.

Sec. 3510. Short sea transportation.

Sec. 3511. Maritime environmental and technical assistance.

Sec. 3512. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.

Sec. 3513. Maritime workforce study.

Sec. 3514. Maritime administration vessel recycling contract award practices.

Sec. 3515. Requirement for barge design.

Sec. 3516. Eligibility to receive surplus training equipment.

Sec. 3517. Coordination with other laws.

**SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2013.**

Funds are hereby authorized to be appropriated for fiscal year 2013, to be available

without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$77,253,000, of which—

(A) \$67,253,000 shall remain available until expended for Academy operations; and

(B) \$10,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$16,045,000, of which—

(A) \$2,400,000 shall remain available until expended for student incentive payments;

(B) \$2,545,000 shall remain available until expended for direct payments to such academies; and

(C) \$11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$12,717,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$3,750,000, all of which shall remain available until expended for administrative expenses of the program.

#### **SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION REGULATION.**

Section 3502(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398 (114 Stat. 1654A-490), is amended by striking “the enactment of this Act” and inserting “contract award”.

#### **SEC. 3503. LIMITATION OF NATIONAL DEFENSE RESERVE FLEET VESSELS TO THOSE OVER 1,500 GROSS TONS.**

Section 57101(a) of title 46, United States Code, is amended by inserting “of 1,500 gross tons or more or such other vessels as the Secretary of Transportation shall determine are appropriate” after “Administration”.

#### **SEC. 3504. DONATION OF EXCESS FUEL TO MARITIME ACADEMIES.**

Section 51103(b) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

“(b) **PROPERTY FOR INSTRUCTIONAL PURPOSES.**—

“(1) **IN GENERAL.**—The Secretary of Transportation may cooperate with and assist the institutions named in paragraph (2) by making vessels, fuel, shipboard equipment, and other marine equipment, owned by the United States Government and determined by the entity having custody and control of such property to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale, lease, or charter on terms and conditions the Secretary considers appropriate. The consent of the Secretary of the Navy shall be obtained with respect to any property from National Defense Reserve Fleet vessels (50 U.S.C. App. 1744) where such vessels are either Ready Reserve Force vessels or other National Defense Reserve Fleet vessels determined to be of sufficient value to the Navy to warrant their further preservation and retention.”.

**SEC. 3505. CLARIFICATION OF HEADING.**

(a) IN GENERAL.—The section designation and heading for section 57103 of title 46, United States Code, is amended to read as follows:

**“§ 57103. Donation of nonretention vessels in the National Defense Reserve Fleet”.**

(b) CLERICAL AMENDMENT.—The analysis for chapter 571 of title 46, United States Code, is amended by striking the item relating to section 57103 and inserting the following:

“57103. Donation of nonretention vessels in the National Defense Reserve Fleet.”.

**SEC. 3506. TRANSFER OF VESSELS TO THE NATIONAL DEFENSE RESERVE FLEET.**

Section 57101 of title 46, United States Code, is amended by adding at the end the following:

“(c) AUTHORITY OF FEDERAL ENTITIES TO TRANSFER VESSELS.—All Federal entities are authorized to transfer vessels to the National Defense Reserve Fleet without reimbursement subject to the approval of the Secretary of Transportation and the Secretary of the Navy with respect to Ready Reserve Force vessels and the Secretary of Transportation with respect to all other vessels.”.

**SEC. 3507. AMENDMENTS RELATING TO THE NATIONAL DEFENSE RESERVE FLEET.**

Subparagraphs (B), (C), and (D) of section 11(c)(1) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)) are amended to read as follows:

“(B) activate and conduct sea trials on each vessel at a frequency that is deemed necessary;

“(C) maintain and adequately crew, as necessary, in an enhanced readiness status those vessels that are scheduled to be activated in 5 or less days;

“(D) locate those vessels that are scheduled to be activated near embarkation ports specified for those vessels; and”.

**SEC. 3508. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.**

(a) DEFINITIONS.—Section 53101 of title 46, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

“(4) FOREIGN COMMERCE.—The term ‘foreign commerce’ means—

“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries.”;

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as paragraphs (5) through (12), respectively; and

(4) by amending paragraph (5), as so redesignated, to read as follows:

“(5) PARTICIPATING FLEET VESSEL.—The term ‘participating fleet vessel’ means any vessel that—

“(A) on October 1, 2015—

“(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

“(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

“(B) on December 31, 2014, is covered by an operating agreement under this chapter.”.

(b) VESSEL ELIGIBILITY.—Section 53102(b) of such title is amended to read as follows:

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

“(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

“(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

“(3) the vessel is self-propelled and—

“(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

“(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

“(4) the vessel—

“(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

“(B) is commercially viable, as determined by the Secretary; and

“(5) the vessel—

“(A) is a United States-documented vessel; or

“(B) is not a United States-documented vessel, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

“(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.”.

(c) OPERATING AGREEMENTS.—Section 53103 of such title is amended—

(1) by amending subsection (b) to read as follows:

“(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

“(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of this paragraph, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of this paragraph. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

“(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

“(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).”; and

(2) by amending subsection (c) to read as follows:

“(c) PROCEDURE FOR AWARDED NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a United States citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.”.

(d) REPEAL OF EARLY TERMINATION BY CONTRACTOR.—Section 53104 of such title is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking “an operating agreement under this chapter is terminated under subsection (c)(3), or if”.

(e) TRANSFER OF OPERATING AGREEMENTS.—Section 53105 of such title is amended—

(1) by amending subsection (e) to read as follows:

“(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.”; and

(2) by amending subsection (f) to read as follows:

“(f) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.”.

(f) PAYMENTS.—Section 53106 of such title is amended—

(1) in subsection (a)(1), by striking “and” after the semicolon at the end of subparagraph (B), and by striking subparagraph (C) and inserting the following:

“(C) \$3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(D) \$3,500,000 for each of fiscal years 2019, 2020, and 2021; and

“(E) \$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.”;

(2) in subsection (c)(3)(C), by striking “a LASH vessel.” and inserting “a lighter aboard ship vessel.”; and

(3) by striking subsection (f).

(g) EMERGENCY PREPAREDNESS AGREEMENTS.—Section 53107(b)(1) of such title is amended to read as follows:

“(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).”.

(h) REPEAL OF WAIVER OF AGE RESTRICTION.—Section 53109 of such title is repealed.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 53111 of such title is amended—

(1) by striking “and” at the end of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

“(3) \$186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(4) \$210,000,000 for each of fiscal years 2019, 2020, and 2021; and

“(5) \$222,000,000 for each fiscal year thereafter through fiscal year 2025.”.

(j) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by—

(1) paragraphs (2), (3), and (4) of subsection (a) take effect on December 31, 2014; and

(2) subsection (f)(2) take effect on December 31, 2014.

**SEC. 3509. CONTAINER-ON-BARGE TRANSPORTATION.**

(a) **ASSESSMENT.**—The Maritime Administrator shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) **FACTORS.**—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with anti-trust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) **RECOMMENDATIONS.**—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) **DEADLINE.**—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 3510. SHORT SEA TRANSPORTATION.**

(a) **PURPOSE.**—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “landside congestion.” and inserting “landside congestion or to promote short sea transportation.”;

(2) in subsection (c), by striking “coastal corridors” and inserting “coastal corridors or to promote short sea transportation”;

(3) in subsection (d), by striking “that the project may” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

“(1) mitigates landside congestion; or

“(2) promotes short sea transportation.”;

and

(4) in subsection (f), by striking “shall” each place it appears and inserting “may”.

(b) **DOCUMENTATION.**—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking “by vessel” and inserting “by a documented vessel”.

**SEC. 3511. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

**“§ 50307. Maritime environmental and technical assistance**

“(a) **IN GENERAL.**—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) **REQUIREMENTS.**—The Secretary of Transportation may—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) **COORDINATION.**—Coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) **ASSISTANCE.**—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).”.

(b) **CONFORMING AMENDMENT.**—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

“50307. Maritime environmental and technical assistance.”.

**SEC. 3512. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.**

Section 501(b) of title 46, United States Code, is amended—

(1) by striking “When the head” and inserting the following:

“(1) **IN GENERAL.**—When the head”; and

(2) by adding at the end the following:

“(2) **DETERMINATIONS.**—The Maritime Administrator shall—

“(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

“(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

“(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

“(3) **NOTICE TO CONGRESS.**—

“(A) **IN GENERAL.**—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) **CONTENTS.**—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.

**SEC. 3513. MARITIME WORKFORCE STUDY.**

(a) **TRAINING STUDY.**—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

**SEC. 3514. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.**

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this title, the Comptroller General of the United States shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) **ASSESSMENT.**—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulation (FAR), and Federal best practices associated with making source selection decisions.

(c) **CONSIDERATIONS.**—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

**SEC. 3515. REQUIREMENT FOR BARGE DESIGN.**

Not later than 270 days after the date of enactment of this title, the Maritime Administrator shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

**SEC. 3516. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.**

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting “or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof” after “a nonprofit training institution”.

**SEC. 3517. COORDINATION WITH OTHER LAWS.**

(a) EARLIER ENACTMENT OF COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012.—If the date of the enactment of the Coast Guard and Maritime Transportation Act of 2012 (H.R. 2838, 112th Congress) is before the date of the enactment of this Act:

(1) Sections 3501, 3503 through 3507, and 3509 through 3516 of this Act, and any amendments made by those sections, shall not go into effect.

(2) Section 501(b)(3)(A) of title 46, United States Code (as added by section 301(2) of the Coast Guard and Maritime Transportation Act of 2012), is amended by striking “the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate” and inserting “the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate”.

(3) Section 414(c) of the Coast Guard and Maritime Transportation Act of 2012 is amended by striking “the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives” and inserting “the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives”.

(b) LATER ENACTMENT OF COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012.—If the date of the enactment of the Coast Guard and Maritime Transportation Act of 2012 (H.R. 2838, 112th Congress) is after the date of the enactment of this Act, sections 301, 402 through 408, 410 through 412, 414, and 415 of such Act, and any amendments made by those sections, shall not go into effect.

**DIVISION D—FUNDING TABLES**

Sec. 4001. Authorization of amounts in funding tables.

**TITLE XLI—PROCUREMENT**

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

**TITLE XLIII—OPERATION AND MAINTENANCE**

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

**TITLE XLIV—MILITARY PERSONNEL**

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

**TITLE XLV—OTHER AUTHORIZATIONS**

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

**TITLE XLVI—MILITARY CONSTRUCTION**

Sec. 4601. Military construction.

Sec. 4602. Military construction for overseas contingency operations.

**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

Sec. 4701. Department of Energy National Security programs.

**SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.**

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

**TITLE XLI—PROCUREMENT****SEC. 4101. PROCUREMENT.****SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)**

Line	Item	FY 2013 Request	Conference Authorized
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>FIXED WING</b>			
001	UTILITY F/W AIRCRAFT .....	18,639	18,639
003	MQ-1 UAV .....	518,088	518,088
004	RQ-11 (RAVEN) .....	25,798	25,798
<b>ROTARY</b>			
006	HELICOPTER, LIGHT UTILITY (LUH) .....	271,983	271,983
007	AH-64 APACHE BLOCK IIIA REMAN .....	577,115	577,115
008	ADVANCE PROCUREMENT (CY) .....	107,707	107,707
009	AH-64 APACHE BLOCK IIIB NEW BUILD .....	153,993	153,993
010	ADVANCE PROCUREMENT (CY) .....	146,121	146,121
013	UH-60 BLACKHAWK M MODEL (MYP) .....	1,107,087	1,107,087
014	ADVANCE PROCUREMENT (CY) .....	115,113	115,113
015	CH-47 HELICOPTER .....	1,076,036	1,076,036
016	ADVANCE PROCUREMENT (CY) .....	83,346	83,346
<b>MODIFICATION OF AIRCRAFT</b>			
018	MQ-1 PAYLOAD—UAS .....	231,508	231,508
020	GUARDRAIL MODS (MIP) .....	16,272	16,272
021	MULTI SENSOR ABN RECON (MIP) .....	4,294	4,294
022	AH-64 MODS .....	178,805	178,805
023	CH-47 CARGO HELICOPTER MODS (MYP) .....	39,135	39,135
024	UTILITY/CARGO AIRPLANE MODS .....	24,842	24,842
026	UTILITY HELICOPTER MODS .....	73,804	73,804
027	KIOWA WARRIOR MODS .....	192,484	192,484
029	NETWORK AND MISSION PLAN .....	190,789	190,789
030	COMMS, NAV SURVEILLANCE .....	133,191	133,191

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
031	GATM ROLLUP .....	87,280	87,280
032	RQ-7 UAV MODS .....	104,339	104,339
	<b>GROUND SUPPORT AVIONICS</b>		
034	AIRCRAFT SURVIVABILITY EQUIPMENT .....	34,037	34,037
036	CMWS .....	127,751	127,751
	<b>OTHER SUPPORT</b>		
037	AVIONICS SUPPORT EQUIPMENT .....	4,886	4,886
038	COMMON GROUND EQUIPMENT .....	82,511	82,511
039	AIRCREW INTEGRATED SYSTEMS .....	77,381	77,381
040	AIR TRAFFIC CONTROL .....	47,235	47,235
041	INDUSTRIAL FACILITIES .....	1,643	1,643
042	LAUNCHER, 2.75 ROCKET .....	516	516
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>5,853,729</b>	<b>5,853,729</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>SURFACE-TO-AIR MISSILE SYSTEM</b>		
001	PATRIOT SYSTEM SUMMARY .....	646,590	696,590
	Additional PAC-3 missiles .....		[50,000]
002	MSE MISSILE .....	12,850	12,850
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
004	HELLFIRE SYS SUMMARY .....	1,401	1,401
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>		
005	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	81,121	81,121
006	TOW 2 SYSTEM SUMMARY .....	64,712	64,712
007	ADVANCE PROCUREMENT (CY) .....	19,931	19,931
008	GUIDED MLRS ROCKET (GMLRS) .....	218,679	218,679
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	18,767	18,767
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	12,051	12,051
	<b>MODIFICATIONS</b>		
011	PATRIOT MODS .....	199,565	199,565
013	MLRS MODS .....	2,466	2,466
014	HIMARS MODIFICATIONS .....	6,068	6,068
	<b>SPARES AND REPAIR PARTS</b>		
016	SPARES AND REPAIR PARTS .....	7,864	7,864
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
017	AIR DEFENSE TARGETS .....	3,864	3,864
018	ITEMS LESS THAN \$5 MILLION (MISSILES) .....	1,560	1,560
019	PRODUCTION BASE SUPPORT .....	5,200	5,200
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>1,302,689</b>	<b>1,352,689</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
001	STRYKER VEHICLE .....	286,818	286,818
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>		
003	STRYKER (MOD) .....	60,881	60,881
004	FIST VEHICLE (MOD) .....	57,257	57,257
005	BRADLEY PROGRAM (MOD) .....	148,193	288,193
	Program increase .....		[140,000]
006	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....	10,341	10,341
007	PALADIN PIM MOD IN SERVICE .....	206,101	206,101
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	107,909	169,909
	Program increase .....		[62,000]
009	ASSAULT BREACHER VEHICLE .....	50,039	50,039
010	M88 FOV MODS .....	29,930	29,930
011	M1 ABRAMS TANK (MOD) .....	129,090	129,090
012	ABRAMS UPGRADE PROGRAM .....	74,433	210,433
	Program increase .....		[136,000]
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
013	PRODUCTION BASE SUPPORT (TCV-WTCV) .....	1,145	1,145
	<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>		
014	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY .....	506	506
017	LIGHTWEIGHT .50 CALIBER MACHINE GUN .....	25,183	0
	Program termination .....		[-25,183]
019	MORTAR SYSTEMS .....	8,104	8,104
021	XM320 GRENADE LAUNCHER MODULE (GLM) .....	14,096	14,096
024	CARBINE .....	21,272	21,272
025	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....	6,598	6,598
026	COMMON REMOTELY OPERATED WEAPONS STATION .....	56,725	56,725
027	HOWITZER LT WT 155MM (T) .....	13,827	13,827
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
029	M777 MODS .....	26,843	26,843
030	M4 CARBINE MODS .....	27,243	27,243
031	M2 50 CAL MACHINE GUN MODS .....	39,974	39,974
032	M249 SAW MACHINE GUN MODS .....	4,996	4,996
033	M240 MEDIUM MACHINE GUN MODS .....	6,806	6,806
034	SNIPER RIFLES MODIFICATIONS .....	14,113	14,113
035	M119 MODIFICATIONS .....	20,727	20,727

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
036	M16 RIFLE MODS .....	3,306	3,306
037	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....	3,072	3,072
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
038	ITEMS LESS THAN \$5 MILLION (WOCV-WTCV) .....	2,026	2,026
039	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....	10,115	10,115
040	INDUSTRIAL PREPAREDNESS .....	442	442
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....	2,378	2,378
	<b>SPARES</b>		
042	SPARES AND REPAIR PARTS (WTCV) .....	31,217	31,217
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>1,501,706</b>	<b>1,814,523</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
001	CTG, 5.56MM, ALL TYPES .....	158,313	123,513
	Unit cost savings .....		[-34,800]
002	CTG, 7.62MM, ALL TYPES .....	91,438	91,438
003	CTG, HANDGUN, ALL TYPES .....	8,954	8,954
004	CTG, .50 CAL, ALL TYPES .....	109,604	109,604
005	CTG, 20MM, ALL TYPES .....	4,041	4,041
006	CTG, 25MM, ALL TYPES .....	12,654	12,654
007	CTG, 30MM, ALL TYPES .....	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round .....		[-18,000]
008	CTG, 40MM, ALL TYPES .....	60,138	0
	Decrease for excess .....		[-60,138]
	<b>MORTAR AMMUNITION</b>		
009	60MM MORTAR, ALL TYPES .....	44,375	44,375
010	81MM MORTAR, ALL TYPES .....	27,471	27,471
011	120MM MORTAR, ALL TYPES .....	87,811	87,811
	<b>TANK AMMUNITION</b>		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	112,380	112,380
	<b>ARTILLERY AMMUNITION</b>		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....	50,861	50,861
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	26,227	26,227
015	PROJ 155MM EXTENDED RANGE XM982 .....	110,329	55,329
	Excalibur I-b round schedule delay .....		[-55,000]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	43,924	43,924
	<b>MINES</b>		
017	MINES & CLEARING CHARGES, ALL TYPES .....	3,775	3,775
	<b>NETWORKED MUNITIONS</b>		
018	SPIDER NETWORK MUNITIONS, ALL TYPES .....	17,408	17,408
	<b>ROCKETS</b>		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	1,005	1,005
020	ROCKET, HYDRA 70, ALL TYPES .....	123,433	123,433
	<b>OTHER AMMUNITION</b>		
021	DEMOLITION MUNITIONS, ALL TYPES .....	35,189	35,189
022	GRENADES, ALL TYPES .....	33,477	33,477
023	SIGNALS, ALL TYPES .....	9,991	9,991
024	SIMULATORS, ALL TYPES .....	10,388	10,388
	<b>MISCELLANEOUS</b>		
025	AMMO COMPONENTS, ALL TYPES .....	19,383	19,383
026	NON-LETHAL AMMUNITION, ALL TYPES .....	7,336	7,336
027	CAD/PAD ALL TYPES .....	6,641	6,641
028	ITEMS LESS THAN \$5 MILLION .....	15,092	15,092
029	AMMUNITION PECULIAR EQUIPMENT .....	15,692	15,692
030	FIRST DESTINATION TRANSPORTATION (AMMO) .....	14,107	14,107
031	CLOSEOUT LIABILITIES .....	106	106
	<b>PRODUCTION BASE SUPPORT</b>		
032	PROVISION OF INDUSTRIAL FACILITIES .....	220,171	220,171
033	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....	182,461	182,461
034	ARMS INITIATIVE .....	3,377	3,377
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>1,739,706</b>	<b>1,571,768</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
001	SEMITRAILERS, FLATBED: .....	7,097	7,097
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	346,115	346,115
003	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....	19,292	19,292
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	52,933	52,933
005	PLS ESP .....	18,035	18,035
009	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	3,619	3,619
010	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....	26,859	26,859
012	TACTICAL WHEELED VEHICLE PROTECTION KITS .....	69,163	69,163
013	MODIFICATION OF IN SVC EQUIP .....	91,754	91,754
	<b>NON-TACTICAL VEHICLES</b>		
018	PASSENGER CARRYING VEHICLES .....	2,548	2,548
019	NONTACTICAL VEHICLES, OTHER .....	16,791	16,791
	<b>COMM—JOINT COMMUNICATIONS</b>		

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....	10,061	10,061
021	WIN-T—GROUND FORCES TACTICAL NETWORK .....	892,635	872,635
	Program adjustment .....		[-20,000]
022	SIGNAL MODERNIZATION PROGRAM .....	45,626	45,626
023	JCSE EQUIPMENT (USREDCOM) .....	5,143	5,143
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....	151,636	151,636
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS .....	6,822	6,822
026	SHF TERM .....	9,108	9,108
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....	27,353	27,353
029	SMART-T (SPACE) .....	98,656	98,656
031	GLOBAL BRDCST SVC—GBS .....	47,131	47,131
032	MOD OF IN-SVC EQUIP (TAC SAT) .....	23,281	23,281
	<b>COMM—C3 SYSTEM</b>		
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....	10,848	10,848
	<b>COMM—COMBAT COMMUNICATIONS</b>		
035	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....	979	979
036	JOINT TACTICAL RADIO SYSTEM .....	556,250	366,250
	Funding ahead of need .....		[-190,000]
037	MID-TIER NETWORKING VEHICULAR RADIO (MNVR) .....	86,219	86,219
038	RADIO TERMINAL SET, MIDS LVT(2) .....	7,798	7,798
039	SINGARS FAMILY .....	9,001	9,001
040	AMC CRITICAL ITEMS—OPA2 .....	24,601	24,601
041	TRACTOR DESK .....	7,779	7,779
043	SPIDER APLA REMOTE CONTROL UNIT .....	34,365	24,365
	Funding ahead of need .....		[-10,000]
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS .....	1,833	1,833
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM .....	12,984	12,984
047	GUNSHOT DETECTION SYSTEM (GDS) .....	2,332	2,332
048	RADIO, IMPROVED HF (COTS) FAMILY .....	1,132	1,132
049	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....	22,899	22,899
	<b>COMM—INTELLIGENCE COMM</b>		
051	CI AUTOMATION ARCHITECTURE .....	1,564	1,564
052	RESERVE CA/MISO GPF EQUIPMENT .....	28,781	28,781
	<b>INFORMATION SECURITY</b>		
053	TSEC—ARMY KEY MGT SYS (AKMS) .....	23,432	23,432
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	43,897	43,897
	<b>COMM—LONG HAUL COMMUNICATIONS</b>		
056	TERRESTRIAL TRANSMISSION .....	2,891	2,891
057	BASE SUPPORT COMMUNICATIONS .....	13,872	13,872
058	WW TECH CON IMP PROG (WWTCIP) .....	9,595	9,595
	<b>COMM—BASE COMMUNICATIONS</b>		
059	INFORMATION SYSTEMS .....	142,133	142,133
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....	57,727	57,727
062	PENTAGON INFORMATION MGT AND TELECOM .....	5,000	5,000
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
065	JTT/CIBS-M .....	1,641	1,641
066	PROPHET GROUND .....	48,797	48,797
069	DCGS-A (MIP) .....	184,007	184,007
070	JOINT TACTICAL GROUND STATION (JTAGS) .....	2,680	2,680
071	TROJAN (MIP) .....	21,483	21,483
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	2,412	2,412
073	CI HUMINT AUTO REPRINTING AND COLLECTION .....	7,077	7,077
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
075	LIGHTWEIGHT COUNTER MORTAR RADAR .....	72,594	72,594
076	CREW .....	15,446	15,446
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	1,470	1,470
079	CI MODERNIZATION .....	1,368	1,368
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
080	FAAD GBS .....	7,980	7,980
081	SENTINEL MODS .....	33,444	33,444
082	SENSE THROUGH THE WALL (STTW) .....	6,212	0
	Slow execution of prior years appropriations .....		[-6,212]
083	NIGHT VISION DEVICES .....	166,516	166,516
085	NIGHT VISION, THERMAL WPN SIGHT .....	82,162	82,162
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	20,717	20,717
089	GREEN LASER INTERDICTION SYSTEM (GLIS) .....	1,014	1,014
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....	29,881	29,881
091	PROFILER .....	12,482	12,482
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	3,075	3,075
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	141,385	141,385
096	MOD OF IN-SVC EQUIP (LLDR) .....	22,403	22,403
098	MORTAR FIRE CONTROL SYSTEM .....	29,505	29,505
099	COUNTERFIRE RADARS .....	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD) ENHANCED SENSOR & MONITORING SYSTEM (WMD) .....	2,426	2,426
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
101	TACTICAL OPERATIONS CENTERS .....	30,196	30,196



**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
102	FIRE SUPPORT C2 FAMILY .....	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....	8,111	8,111
104	FAAD C2 .....	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	64,144	64,144
106	KNIGHT FAMILY .....	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY .....	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS) .....	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....	15,209	15,209
	<b>ELECT EQUIP—AUTOMATION</b>		
115	ARMY TRAINING MODERNIZATION .....	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP .....	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM .....	9,184	9,184
118	CSS COMMUNICATIONS .....	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....	35,493	35,493
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>		
120	ITEMS LESS THAN \$5 MILLION (A/V) .....	8,467	8,467
121	ITEMS LESS THAN \$5 MILLION .....	5,309	5,309
	<b>ELECT EQUIP—SUPPORT</b>		
122	PRODUCTION BASE SUPPORT (C-E) .....	586	586
	<b>CLASSIFIED PROGRAMS</b>		
124A	CLASSIFIED PROGRAMS .....	3,435	3,435
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS) .....	4,374	4,374
128	CBRN SOLDIER PROTECTION .....	9,259	9,259
	<b>BRIDGING EQUIPMENT</b>		
130	TACTICAL BRIDGING .....	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON .....	32,893	32,893
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	25,459	25,459
136	REMOTE DEMOLITION SYSTEMS .....	8,044	8,044
137	< \$5M, COUNTERMINE EQUIPMENT .....	3,698	3,698
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
138	HEATERS AND ECU'S .....	12,210	12,210
139	SOLDIER ENHANCEMENT .....	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	11,222	11,222
141	GROUND SOLDIER SYSTEM .....	103,317	103,317
144	FIELD FEEDING EQUIPMENT .....	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS .....	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....	31,573	31,573
148	ITEMS LESS THAN \$5 MILLION .....	14,093	14,093
	<b>PETROLEUM EQUIPMENT</b>		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	36,266	36,266
	<b>MEDICAL EQUIPMENT</b>		
150	COMBAT SUPPORT MEDICAL .....	34,101	34,101
151	MEDEVAC MISSION EQUIPMENT PACKAGE (MEP) .....	20,540	20,540
	<b>MAINTENANCE EQUIPMENT</b>		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	2,495	2,495
	<b>CONSTRUCTION EQUIPMENT</b>		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....	2,028	2,028
156	SCRAPERS, EARTHMOVING .....	6,146	6,146
157	MISSION MODULES—ENGINEERING .....	31,200	31,200
161	TRACTOR, FULL TRACKED .....	20,867	20,867
162	ALL TERRAIN CRANES .....	4,003	4,003
163	PLANT, ASPHALT MIXING .....	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) .....	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA .....	13,725	13,725
166	CONST EQUIP ESP .....	13,351	13,351
167	ITEMS LESS THAN \$5 MILLION (CONST EQUIP) .....	9,134	9,134
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
170	ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL) .....	10,552	10,552
	<b>GENERATORS</b>		
171	GENERATORS AND ASSOCIATED EQUIP .....	60,302	60,302
	<b>MATERIAL HANDLING EQUIPMENT</b>		
173	FAMILY OF FORKLIFTS .....	5,895	5,895
	<b>TRAINING EQUIPMENT</b>		
175	COMBAT TRAINING CENTERS SUPPORT .....	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM .....	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER .....	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER .....	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	4,056	4,056
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		

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<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
180	CALIBRATION SETS EQUIPMENT .....	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	24,334	24,334
	<b>OTHER SUPPORT EQUIPMENT</b>		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3) .....	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT .....	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH) .....	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING .....	12,920	12,920
189	AMC CRITICAL ITEMS OPA3 .....	19,180	19,180
190	TRACTOR YARD .....	7,368	7,368
191	UNMANNED GROUND VEHICLE .....	83,937	83,937
	<b>OPA2</b>		
193	INITIAL SPARES—C&E .....	64,507	64,507
	<b>PRIOR YEAR SAVINGS</b>		
	<b>UNDISTRIBUTED</b>		
194	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM .....		52,000
	Army requested transfer from Operation and Maintenance, Army, line 100 .....		[52,000]
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	<b>6,326,245</b>	<b>6,152,033</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>		
	<b>STAFF AND INFRASTRUCTURE</b>		
004	OPERATIONS .....	227,414	0
	Transfer of funds to title 15 .....		[-227,414]
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> .....	<b>227,414</b>	<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
001	EA-18G .....	1,027,443	1,014,443
	Engine cost growth .....		[-13,000]
002	ADVANCE PROCUREMENT (CY) .....		45,000
	Program increase .....		[45,000]
003	F/A-18E/F (FIGHTER) HORNET .....	2,035,131	2,017,131
	Engine cost growth .....		[-12,000]
	Engineering Change Order excess funding .....		[-6,000]
004	ADVANCE PROCUREMENT (CY) .....	30,296	30,296
005	JOINT STRIKE FIGHTER CV .....	1,007,632	988,832
	Excessive weapon system unit cost increase .....		[-18,800]
006	ADVANCE PROCUREMENT (CY) .....	65,180	65,180
007	JSF STOVL .....	1,404,737	1,345,937
	Excessive weapon system unit cost increase .....		[-58,800]
008	ADVANCE PROCUREMENT (CY) .....	106,199	106,199
009	V-22 (MEDIUM LIFT) .....	1,303,120	1,291,380
	Flyaway unit cost savings .....		[-11,740]
010	ADVANCE PROCUREMENT (CY) .....	154,202	154,202
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	720,933	720,933
012	ADVANCE PROCUREMENT (CY) .....	69,658	69,658
013	MH-60S (MYP) .....	384,792	384,792
014	ADVANCE PROCUREMENT (CY) .....	69,277	69,277
015	MH-60R (MYP) .....	656,866	826,866
	Cruiser Retention—Restore 5 helicopters .....		[170,000]
016	ADVANCE PROCUREMENT (CY) .....	185,896	185,896
017	P-8A POSEIDON .....	2,420,755	2,387,052
	Excess to need .....		[-33,703]
018	ADVANCE PROCUREMENT (CY) .....	325,679	325,679
019	E-2D ADV HAWKEYE .....	861,498	861,498
020	ADVANCE PROCUREMENT (CY) .....	123,179	123,179
	<b>TRAINER AIRCRAFT</b>		
022	JPATS .....	278,884	268,784
	Airframe cost growth .....		[-10,100]
	<b>OTHER AIRCRAFT</b>		
023	KC-130J .....	3,000	3,000
024	ADVANCE PROCUREMENT (CY) .....	22,995	22,995
025	ADVANCE PROCUREMENT (CY)—RQ-4 UAV .....	51,124	51,124
026	MQ-8 UAV .....	124,573	124,573
027	STUASLO UAV .....	9,593	9,593
	<b>MODIFICATION OF AIRCRAFT</b>		
028	EA-6 SERIES .....	30,062	30,062
029	AEA SYSTEMS .....	49,999	49,999
030	AV-8 SERIES .....	38,703	38,703
031	ADVERSARY .....	4,289	4,289
032	F-18 SERIES .....	647,306	639,306
	ILS growth (OSIP 11-84) .....		[-5,000]
	Other support funding growth (OSIP 001-10) .....		[-3,000]
033	H-46 SERIES .....	2,343	2,343
034	AH-1W SERIES .....	8,721	8,721

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035	H-53 SERIES .....	45,567	42,367
	Other Support cost growth .....		[-3,200]
036	SH-60 SERIES .....	83,527	83,527
037	H-1 SERIES .....	6,508	6,508
038	EP-3 SERIES .....	66,374	66,374
039	P-3 SERIES .....	148,405	148,405
040	E-2 SERIES .....	16,322	16,322
041	TRAINER A/C SERIES .....	34,284	34,284
042	C-2A .....	4,743	4,743
043	C-130 SERIES .....	60,302	60,302
044	FEWSG .....	670	670
045	CARGO/TRANSPORT A/C SERIES .....	26,311	26,311
046	E-6 SERIES .....	158,332	155,842
	SLEP kit installation cost growth (OSIP 003-07) .....		[-2,490]
047	EXECUTIVE HELICOPTERS SERIES .....	58,163	58,163
048	SPECIAL PROJECT AIRCRAFT .....	12,421	12,421
049	T-45 SERIES .....	64,488	59,488
	Avionics Obsolescence kit cost growth .....		[-2,000]
	Synthetic Radar kit cost growth .....		[-3,000]
050	POWER PLANT CHANGES .....	21,569	21,569
051	JPATS SERIES .....	1,552	1,552
052	AVIATION LIFE SUPPORT MODS .....	2,473	2,473
053	COMMON ECM EQUIPMENT .....	114,690	114,690
054	COMMON AVIONICS CHANGES .....	96,183	96,183
056	ID SYSTEMS .....	39,846	39,846
057	P-8 SERIES .....	5,302	5,302
058	MAGTF EW FOR AVIATION .....	34,127	34,127
059	RQ-7 SERIES .....	49,324	49,324
060	V-22 (TILT/ROTOR ACFT) OSPREY .....	95,856	95,856
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
061	SPARES AND REPAIR PARTS .....	1,166,430	1,132,430
	Spares cost growth- F-35C, F-35B, E-2D .....		[-34,000]
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
062	COMMON GROUND EQUIPMENT .....	387,195	387,195
063	AIRCRAFT INDUSTRIAL FACILITIES .....	23,469	23,469
064	WAR CONSUMABLES .....	43,383	43,383
065	OTHER PRODUCTION CHARGES .....	3,399	3,399
066	SPECIAL SUPPORT EQUIPMENT .....	32,274	32,274
067	FIRST DESTINATION TRANSPORTATION .....	1,742	1,742
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>17,129,296</b>	<b>17,127,463</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>MODIFICATION OF MISSILES</b>		
001	TRIDENT II MODS .....	1,224,683	1,214,683
	Tooling, test/support equipment growth .....		[-10,000]
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
002	MISSILE INDUSTRIAL FACILITIES .....	5,553	5,553
	<b>STRATEGIC MISSILES</b>		
003	TOMAHAWK .....	308,970	298,970
	Contract Savings .....		[-10,000]
	<b>TACTICAL MISSILES</b>		
004	AMRAAM .....	102,683	97,390
	Captive air training missile cost growth .....		[-5,293]
005	SIDEWINDER .....	80,226	74,267
	All Up Round Missile Cost Growth .....		[-3,847]
	Captive Air Training Missile Cost Growth .....		[-2,112]
006	JSOW .....	127,609	127,609
007	STANDARD MISSILE .....	399,482	399,482
008	RAM .....	66,769	66,769
009	HELLFIRE .....	74,501	74,501
011	AERIAL TARGETS .....	61,518	61,518
012	OTHER MISSILE SUPPORT .....	3,585	3,585
	<b>MODIFICATION OF MISSILES</b>		
013	ESSM .....	58,194	58,194
014	HARM MODS .....	86,721	86,721
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
016	WEAPONS INDUSTRIAL FACILITIES .....	2,014	2,014
017	FLEET SATELLITE COMM FOLLOW-ON .....	21,454	21,454
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
018	ORDNANCE SUPPORT EQUIPMENT .....	54,945	54,945
	<b>TORPEDOES AND RELATED EQUIP</b>		
019	SSTD .....	2,700	2,700
020	ASW TARGETS .....	10,385	10,385
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
021	MK-54 TORPEDO MODS .....	74,487	74,487
022	MK-48 TORPEDO ADCAP MODS .....	54,281	54,281
023	QUICKSTRIKE MINE .....	6,852	6,852

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<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
<b>SUPPORT EQUIPMENT</b>			
024	TORPEDO SUPPORT EQUIPMENT .....	46,402	46,402
025	ASW RANGE SUPPORT .....	11,927	11,927
<b>DESTINATION TRANSPORTATION</b>			
026	FIRST DESTINATION TRANSPORTATION .....	3,614	3,614
<b>GUNS AND GUN MOUNTS</b>			
027	SMALL ARMS AND WEAPONS .....	12,594	12,594
<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>			
028	CIWS MODS .....	59,303	67,003
	Buy additional ordnance alteration kits .....		[7,700]
029	COAST GUARD WEAPONS .....	19,072	19,072
030	GUN MOUNT MODS .....	54,706	54,706
031	CRUISER MODERNIZATION WEAPONS .....	1,591	19,622
	Cruiser retention—5"/62 Upgrade .....		[18,031]
032	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	20,607	20,607
<b>SPARES AND REPAIR PARTS</b>			
034	SPARES AND REPAIR PARTS .....	60,150	60,150
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....	<b>3,117,578</b>	<b>3,112,057</b>
<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>			
<b>OTHER WARSHIPS</b>			
001	CARRIER REPLACEMENT PROGRAM .....	608,195	605,295
	SEWIP block 2 growth .....		[-2,900]
003	VIRGINIA CLASS SUBMARINE .....	3,217,601	3,217,601
004	ADVANCE PROCUREMENT (CY) .....	874,878	1,652,557
	Advance procurement for 2nd SSN in FY 14 .....		[777,679]
005	CVN REFUELING OVERHAULS .....	1,613,392	1,517,292
	Program decrease .....		[-96,100]
006	ADVANCE PROCUREMENT (CY) .....	70,010	70,010
008	DDG 1000 .....	669,222	669,222
009	DDG-51 .....	3,048,658	3,048,658
010	ADVANCE PROCUREMENT (CY) .....	466,283	466,283
011	LITTORAL COMBAT SHIP .....	1,784,959	1,784,959
<b>AMPHIBIOUS SHIPS</b>			
015	JOINT HIGH SPEED VESSEL .....	189,196	189,196
<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>			
017	ADVANCE PROCUREMENT (CY) .....	307,300	307,300
018	OUTFITTING .....	309,648	309,648
020	LCAC SLEP .....	47,930	47,930
021	COMPLETION OF PY SHIPBUILDING PROGRAMS .....	372,573	372,573
	<b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY</b> .....	<b>13,579,845</b>	<b>14,258,524</b>
<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>			
<b>NAVY AMMUNITION</b>			
001	GENERAL PURPOSE BOMBS .....	27,024	27,024
002	AIRBORNE ROCKETS, ALL TYPES .....	56,575	56,575
003	MACHINE GUN AMMUNITION .....	21,266	21,266
004	PRACTICE BOMBS .....	34,319	34,319
005	CARTRIDGES & CART ACTUATED DEVICES .....	53,755	53,755
006	AIR EXPENDABLE COUNTERMEASURES .....	61,693	60,693
	ALE-55 cost growth .....		[-1,000]
007	JATOS .....	2,776	2,776
008	LRLAP 6" LONG RANGE ATTACK PROJECTILE .....	7,102	7,102
009	5 INCH/54 GUN AMMUNITION .....	48,320	48,320
010	INTERMEDIATE CALIBER GUN AMMUNITION .....	25,544	25,544
011	OTHER SHIP GUN AMMUNITION .....	41,624	38,884
	30MM x 173 linked cartridge contract delay .....		[-2,740]
012	SMALL ARMS & LANDING PARTY AMMO .....	65,893	65,247
	M18A1 mine cost growth .....		[-646]
013	PYROTECHNIC AND DEMOLITION .....	11,176	11,176
014	AMMUNITION LESS THAN \$5 MILLION .....	4,116	4,116
<b>MARINE CORPS AMMUNITION</b>			
015	SMALL ARMS AMMUNITION .....	83,733	83,733
016	LINEAR CHARGES, ALL TYPES .....	24,645	24,645
017	40 MM, ALL TYPES .....	16,201	16,201
019	81MM, ALL TYPES .....	13,711	3,711
	Excess to need .....		[-10,000]
020	120MM, ALL TYPES .....	12,557	12,557
022	GRENADES, ALL TYPES .....	7,634	7,134
	Excess to need .....		[-500]
023	ROCKETS, ALL TYPES .....	27,528	27,528
024	ARTILLERY, ALL TYPES .....	93,065	76,459
	Prior year funds available .....		[-16,606]
025	DEMOLITION MUNITIONS, ALL TYPES .....	2,047	0
	Excess to need .....		[-2,047]
026	FUZE, ALL TYPES .....	5,297	5,297
027	NON LETHALS .....	1,362	1,362

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<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
028	AMMO MODERNIZATION .....	4,566	4,566
029	ITEMS LESS THAN \$5 MILLION .....	6,010	6,010
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>	<b>759,539</b>	<b>726,000</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>SHIP PROPULSION EQUIPMENT</b>		
001	LM-2500 GAS TURBINE .....	10,658	10,658
002	ALLISON 501K GAS TURBINE .....	8,469	8,469
	<b>NAVIGATION EQUIPMENT</b>		
003	OTHER NAVIGATION EQUIPMENT .....	23,392	23,392
	<b>PERISCOPES</b>		
004	SUB PERISCOPES & IMAGING EQUIP .....	53,809	53,809
	<b>OTHER SHIPBOARD EQUIPMENT</b>		
005	DDG MOD .....	452,371	452,371
006	FIREFIGHTING EQUIPMENT .....	16,958	16,958
007	COMMAND AND CONTROL SWITCHBOARD .....	2,492	2,492
008	POLLUTION CONTROL EQUIPMENT .....	20,707	20,707
009	SUBMARINE SUPPORT EQUIPMENT .....	12,046	12,046
010	VIRGINIA CLASS SUPPORT EQUIPMENT .....	79,870	79,870
011	LCS CLASS SUPPORT EQUIPMENT .....	19,865	19,865
012	SUBMARINE BATTERIES .....	41,522	41,522
013	LPD CLASS SUPPORT EQUIPMENT .....	30,543	30,543
014	STRATEGIC PLATFORM SUPPORT EQUIP .....	16,257	16,257
015	DSSP EQUIPMENT .....	3,630	3,630
016	CG MODERNIZATION .....	101,000	184,972
	Cruiser retention .....		[83,972]
017	LCAC .....	16,645	16,645
018	UNDERWATER EOD PROGRAMS .....	35,446	35,446
019	ITEMS LESS THAN \$5 MILLION .....	65,998	65,998
020	CHEMICAL WARFARE DETECTORS .....	4,359	4,359
021	SUBMARINE LIFE SUPPORT SYSTEM .....	10,218	10,218
	<b>REACTOR PLANT EQUIPMENT</b>		
022	REACTOR POWER UNITS .....	286,859	286,859
023	REACTOR COMPONENTS .....	278,503	278,503
	<b>OCEAN ENGINEERING</b>		
024	DIVING AND SALVAGE EQUIPMENT .....	8,998	8,998
	<b>SMALL BOATS</b>		
025	STANDARD BOATS .....	30,131	30,131
	<b>TRAINING EQUIPMENT</b>		
026	OTHER SHIPS TRAINING EQUIPMENT .....	29,772	29,772
	<b>PRODUCTION FACILITIES EQUIPMENT</b>		
027	OPERATING FORCES IPE .....	64,346	64,346
	<b>OTHER SHIP SUPPORT</b>		
028	NUCLEAR ALTERATIONS .....	154,652	154,652
029	LCS COMMON MISSION MODULES EQUIPMENT .....	31,319	31,319
030	LCS MCM MISSION MODULES .....	38,392	38,392
031	LCS SUW MISSION MODULES .....	32,897	32,897
	<b>LOGISTIC SUPPORT</b>		
032	LSD MIDLIFE .....	49,758	49,758
	<b>SHIP SONARS</b>		
034	SPQ-9B RADAR .....	19,777	19,777
035	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....	89,201	89,201
036	SSN ACOUSTICS .....	190,874	190,874
037	UNDERSEA WARFARE SUPPORT EQUIPMENT .....	17,035	17,035
038	SONAR SWITCHES AND TRANSDUCERS .....	13,410	13,410
	<b>ASW ELECTRONIC EQUIPMENT</b>		
040	SUBMARINE ACOUSTIC WARFARE SYSTEM .....	21,489	19,532
	Contract award delays for launch tube and MK3 .....		[-1,957]
041	SSTD .....	10,716	10,716
042	FIXED SURVEILLANCE SYSTEM .....	98,896	98,896
043	SURTASS .....	2,774	2,774
044	MARITIME PATROL AND RECONNAISSANCE FORCE .....	18,428	18,428
	<b>ELECTRONIC WARFARE EQUIPMENT</b>		
045	AN/SLQ-32 .....	92,270	92,270
	<b>RECONNAISSANCE EQUIPMENT</b>		
046	SHIPBOARD IW EXPLOIT .....	107,060	107,060
047	AUTOMATED IDENTIFICATION SYSTEM (AIS) .....	914	914
	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>		
048	SUBMARINE SUPPORT EQUIPMENT PROG .....	34,050	34,050
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>		
049	COOPERATIVE ENGAGEMENT CAPABILITY .....	27,881	22,191
	Excess PAAA backfit installation funding .....		[-615]
	Excess signal data processor backfit kit installation funding .....		[-2,725]
	Signal data processor backfit kit contract delay .....		[-1,350]
	Support funding carryover .....		[-1,000]
050	TRUSTED INFORMATION SYSTEM (TIS) .....	448	448
051	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....	35,732	35,732

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
053	NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....	9,533	9,533
054	MINESWEEPING SYSTEM REPLACEMENT .....	60,111	60,111
055	SHALLOW WATER MCM .....	6,950	6,950
056	NAVSTAR GPS RECEIVERS (SPACE) .....	9,089	9,089
057	AMERICAN FORCES RADIO AND TV SERVICE .....	7,768	7,768
058	STRATEGIC PLATFORM SUPPORT EQUIP .....	3,614	3,614
	<b>TRAINING EQUIPMENT</b>		
059	OTHER TRAINING EQUIPMENT .....	42,911	42,911
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
060	MATCALs .....	5,861	5,861
061	SHIPBOARD AIR TRAFFIC CONTROL .....	8,362	8,362
062	AUTOMATIC CARRIER LANDING SYSTEM .....	15,685	15,685
063	NATIONAL AIR SPACE SYSTEM .....	16,919	16,919
064	FLEET AIR TRAFFIC CONTROL SYSTEMS .....	6,828	6,828
065	LANDING SYSTEMS .....	7,646	7,646
066	ID SYSTEMS .....	35,474	35,474
067	NAVAL MISSION PLANNING SYSTEMS .....	9,958	9,958
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
068	DEPLOYABLE JOINT COMMAND AND CONT .....	9,064	9,064
069	MARITIME INTEGRATED BROADCAST SYSTEM .....	16,026	16,026
070	TACTICAL/MOBILE C4I SYSTEMS .....	11,886	11,886
071	DCGS-N .....	11,887	11,887
072	CANES .....	341,398	320,874
	Contract delay (DDG-51 class) .....		[-7,734]
	Contract delay (LHD-7) .....		[-8,305]
	Excess ADNS installation (afloat) funding .....		[-2,070]
	Excess ADNS installation (ashore) funding .....		[-2,415]
073	RADIAC .....	8,083	8,083
074	CANES-INTELL .....	79,427	79,427
075	GPETE .....	6,083	6,083
076	INTEG COMBAT SYSTEM TEST FACILITY .....	4,495	4,495
077	EMI CONTROL INSTRUMENTATION .....	4,767	4,767
078	ITEMS LESS THAN \$5 MILLION .....	81,755	81,755
	<b>SHIPBOARD COMMUNICATIONS</b>		
080	SHIP COMMUNICATIONS AUTOMATION .....	56,870	56,870
081	MARITIME DOMAIN AWARENESS (MDA) .....	1,063	1,063
082	COMMUNICATIONS ITEMS UNDER \$5M .....	28,522	28,522
	<b>SUBMARINE COMMUNICATIONS</b>		
083	SUBMARINE BROADCAST SUPPORT .....	4,183	4,183
084	SUBMARINE COMMUNICATION EQUIPMENT .....	69,025	69,025
	<b>SATELLITE COMMUNICATIONS</b>		
085	SATELLITE COMMUNICATIONS SYSTEMS .....	49,294	51,294
	SPIDERNet/Spectral Warrior Hardware .....		[2,000]
086	NAVY MULTIBAND TERMINAL (NMT) .....	184,825	184,825
	<b>SHORE COMMUNICATIONS</b>		
087	JCS COMMUNICATIONS EQUIPMENT .....	2,180	2,180
088	ELECTRICAL POWER SYSTEMS .....	1,354	1,354
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
090	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....	144,104	144,104
	<b>CRYPTOLOGIC EQUIPMENT</b>		
091	CRYPTOLOGIC COMMUNICATIONS EQUIP .....	12,604	12,604
	<b>OTHER ELECTRONIC SUPPORT</b>		
092	COAST GUARD EQUIPMENT .....	6,680	6,680
	<b>SONOBUOYS</b>		
095	SONOBUOYS—ALL TYPES .....	104,677	104,677
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
096	WEAPONS RANGE SUPPORT EQUIPMENT .....	70,753	70,753
097	EXPEDITIONARY AIRFIELDS .....	8,678	8,678
098	AIRCRAFT REARMING EQUIPMENT .....	11,349	11,349
099	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....	82,618	81,980
	ADMACS installation cost growth .....		[-638]
100	METEOROLOGICAL EQUIPMENT .....	18,339	18,339
101	DCRS/DPL .....	1,414	1,414
102	AVIATION LIFE SUPPORT .....	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES .....	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT .....	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS .....	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT .....	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS) .....	3,826	3,826
	<b>SHIP GUN SYSTEM EQUIPMENT</b>		
108	NAVAL FIRES CONTROL SYSTEM .....	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT .....	4,528	4,528
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>		
110	NATO SEASPARROW .....	8,960	8,960
111	RAM GMLS .....	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM .....	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT .....	81,614	81,614

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
114	TOMAHAWK SUPPORT EQUIPMENT .....	77,767	72,267
	Production support funding growth .....		[-5,500]
115	VERTICAL LAUNCH SYSTEMS .....	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS .....	4,965	4,965
	<b>FBM SUPPORT EQUIPMENT</b>		
117	STRATEGIC MISSILE SYSTEMS EQUIP .....	181,049	181,049
	<b>ASW SUPPORT EQUIPMENT</b>		
118	SSN COMBAT CONTROL SYSTEMS .....	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT .....	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT .....	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT .....	47,930	47,930
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	3,579	3,579
123	ITEMS LESS THAN \$5 MILLION .....	3,125	3,125
	<b>OTHER EXPENDABLE ORDNANCE</b>		
124	ANTI-SHIP MISSILE DECOY SYSTEM .....	31,743	29,743
	Support funding growth .....		[-2,000]
125	SURFACE TRAINING DEVICE MODS .....	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS .....	23,450	23,450
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
127	PASSENGER CARRYING VEHICLES .....	7,158	7,158
128	GENERAL PURPOSE TRUCKS .....	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP .....	8,692	8,692
130	FIRE FIGHTING EQUIPMENT .....	14,533	14,533
131	TACTICAL VEHICLES .....	15,330	15,330
132	AMPHIBIOUS EQUIPMENT .....	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT .....	7,265	7,265
134	ITEMS UNDER \$5 MILLION .....	15,252	15,252
135	PHYSICAL SECURITY VEHICLES .....	1,161	1,161
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
136	MATERIALS HANDLING EQUIPMENT .....	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT .....	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION .....	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS .....	34,804	34,804
	<b>TRAINING DEVICES</b>		
140	TRAINING SUPPORT EQUIPMENT .....	25,444	25,444
	<b>COMMAND SUPPORT EQUIPMENT</b>		
141	COMMAND SUPPORT EQUIPMENT .....	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT .....	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT .....	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT .....	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT .....	15,696	15,696
149	C4ISR EQUIPMENT .....	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT .....	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT .....	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY .....	183,995	183,995
	<b>CLASSIFIED PROGRAMS</b>		
152A	CLASSIFIED PROGRAMS .....	13,063	13,063
	<b>SPARES AND REPAIR PARTS</b>		
153	SPARES AND REPAIR PARTS .....	250,718	250,718
	<b>TOTAL OTHER PROCUREMENT, NAVY</b> .....	<b>6,169,378</b>	<b>6,219,041</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
001	AAV7A1 PIP .....	16,089	16,089
002	LAV PIP .....	186,216	45,342
	Budget adjustment per USMC .....		[-140,874]
	<b>ARTILLERY AND OTHER WEAPONS</b>		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	2,502	2,502
004	155MM LIGHTWEIGHT TOWED HOWITZER .....	17,913	17,913
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	47,999	47,999
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	17,706	17,706
	<b>OTHER SUPPORT</b>		
007	MODIFICATION KITS .....	48,040	48,040
008	WEAPONS ENHANCEMENT PROGRAM .....	4,537	4,537
	<b>GUIDED MISSILES</b>		
009	GROUND BASED AIR DEFENSE .....	11,054	11,054
011	FOLLOW ON TO SMAW .....	19,650	19,650
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....	20,708	20,708
	<b>COMMAND AND CONTROL SYSTEMS</b>		
014	UNIT OPERATIONS CENTER .....	1,420	1,420
	<b>REPAIR AND TEST EQUIPMENT</b>		
015	REPAIR AND TEST EQUIPMENT .....	25,127	25,127
	<b>OTHER SUPPORT (TEL)</b>		
016	COMBAT SUPPORT SYSTEM .....	25,822	25,822
017	MODIFICATION KITS .....	2,831	2,831
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		



**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
018	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	5,498	5,498
019	AIR OPERATIONS C2 SYSTEMS .....	11,290	11,290
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
020	RADAR SYSTEMS .....	128,079	128,079
021	RQ-21 UAS .....	27,619	27,619
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
022	FIRE SUPPORT SYSTEM .....	7,319	7,319
023	INTELLIGENCE SUPPORT EQUIPMENT .....	7,466	7,466
025	RQ-11 UAV .....	2,318	2,318
026	DCGS-MC .....	18,291	18,291
	<b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>		
029	NIGHT VISION EQUIPMENT .....	48,084	48,084
	<b>OTHER SUPPORT (NON-TEL)</b>		
030	COMMON COMPUTER RESOURCES .....	206,708	206,708
031	COMMAND POST SYSTEMS .....	35,190	35,190
032	RADIO SYSTEMS .....	89,059	89,059
033	COMM SWITCHING & CONTROL SYSTEMS .....	22,500	22,500
034	COMM & ELEC INFRASTRUCTURE SUPPORT .....	42,625	42,625
	<b>CLASSIFIED PROGRAMS</b>		
035A	CLASSIFIED PROGRAMS .....	2,290	2,290
	<b>ADMINISTRATIVE VEHICLES</b>		
035	COMMERCIAL PASSENGER VEHICLES .....	2,877	2,877
036	COMMERCIAL CARGO VEHICLES .....	13,960	13,960
	<b>TACTICAL VEHICLES</b>		
037	54T TRUCK HMMWV (MYP) .....	8,052	8,052
038	MOTOR TRANSPORT MODIFICATIONS .....	50,269	50,269
040	LOGISTICS VEHICLE SYSTEM REP .....	37,262	37,262
041	FAMILY OF TACTICAL TRAILERS .....	48,160	48,160
	<b>OTHER SUPPORT</b>		
043	ITEMS LESS THAN \$5 MILLION .....	6,705	6,705
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
044	ENVIRONMENTAL CONTROL EQUIP ASSORT .....	13,576	13,576
045	BULK LIQUID EQUIPMENT .....	16,869	16,869
046	TACTICAL FUEL SYSTEMS .....	19,108	19,108
047	POWER EQUIPMENT ASSORTED .....	56,253	56,253
048	AMPHIBIOUS SUPPORT EQUIPMENT .....	13,089	13,089
049	EOD SYSTEMS .....	73,699	73,699
	<b>MATERIALS HANDLING EQUIPMENT</b>		
050	PHYSICAL SECURITY EQUIPMENT .....	3,510	3,510
051	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....	11,490	11,490
052	MATERIAL HANDLING EQUIP .....	20,659	20,659
053	FIRST DESTINATION TRANSPORTATION .....	132	132
	<b>GENERAL PROPERTY</b>		
054	FIELD MEDICAL EQUIPMENT .....	31,068	31,068
055	TRAINING DEVICES .....	45,895	45,895
056	CONTAINER FAMILY .....	5,801	5,801
057	FAMILY OF CONSTRUCTION EQUIPMENT .....	23,939	23,939
060	RAPID DEPLOYABLE KITCHEN .....	8,365	8,365
	<b>OTHER SUPPORT</b>		
061	ITEMS LESS THAN \$5 MILLION .....	7,077	7,077
	<b>SPARES AND REPAIR PARTS</b>		
062	SPARES AND REPAIR PARTS .....	3,190	3,190
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>1,622,955</b>	<b>1,482,081</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL FORCES</b>		
001	F-35 .....	3,124,302	3,124,302
002	ADVANCE PROCUREMENT (CY) .....	293,400	293,400
	<b>OTHER AIRLIFT</b>		
005	C-130J .....	68,373	68,373
007	HC-130J .....	152,212	152,212
009	MC-130J .....	374,866	374,866
	<b>HELICOPTERS</b>		
015	HH-60 LOSS REPLACEMENT/RECAP .....	60,596	60,596
017	CV-22 (MYP) .....	294,220	294,220
018	ADVANCE PROCUREMENT (CY) .....	15,000	15,000
	<b>MISSION SUPPORT AIRCRAFT</b>		
019	CIVIL AIR PATROL A/C .....	2,498	2,498
	<b>OTHER AIRCRAFT</b>		
024	TARGET DRONES .....	129,866	129,866
026	RQ-4 .....	75,000	180,200
	Sustain current force structure .....		[105,200]
028	AC-130J .....	163,970	163,970
030	MQ-9 .....	553,530	708,530
	Additional aircraft .....		[155,000]
031	RQ-4 BLOCK 40 PROC .....	11,654	11,654
	<b>STRATEGIC AIRCRAFT</b>		

**SEC. 4101. PROCUREMENT**  
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<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
032	B-2A .....	82,296	82,296
033	B-1B .....	149,756	149,756
034	B-52 .....	9,781	9,781
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	28,800	28,800
	<b>TACTICAL AIRCRAFT</b>		
036	A-10 .....	89,919	173,919
	Retain A-10 force structure .....		[84,000]
037	F-15 .....	148,378	148,378
038	F-16 .....	6,896	6,896
039	F-22A .....	283,871	283,871
040	F-35 MODIFICATIONS .....	147,995	147,995
	<b>AIRLIFT AIRCRAFT</b>		
041	C-5 .....	6,967	6,967
043	C-5M .....	944,819	879,819
	Inflation adjustment and installation efficiencies .....		[-65,000]
044	ADVANCE PROCUREMENT (CY) .....	175,800	175,800
046	C-17A .....	205,079	205,079
047	C-21 .....	199	199
048	C-32A .....	1,750	1,750
049	C-37A .....	445	445
	<b>TRAINER AIRCRAFT</b>		
051	GLIDER MODS .....	126	126
052	T-6 .....	15,494	15,494
053	T-1 .....	272	272
054	T-38 .....	20,455	20,455
	<b>OTHER AIRCRAFT</b>		
056	U-2 MODS .....	44,477	44,477
057	KC-10A (ATCA) .....	46,921	46,921
058	C-12 .....	1,876	1,876
059	MC-12W .....	17,054	17,054
060	C-20 MODS .....	243	243
061	VC-25A MOD .....	11,185	11,185
062	C-40 .....	243	243
063	C-130 .....	67,853	67,853
065	C-130J MODS .....	70,555	70,555
066	C-135 .....	46,707	46,707
067	COMPASS CALL MODS .....	50,024	50,024
068	RC-135 .....	165,237	165,237
069	E-3 .....	193,099	193,099
070	E-4 .....	47,616	47,616
071	E-8 .....	59,320	59,320
072	H-1 .....	5,449	5,449
073	H-60 .....	26,227	26,227
074	RQ-4 MODS .....	9,257	9,257
075	HC/MC-130 MODIFICATIONS .....	22,326	22,326
076	OTHER AIRCRAFT .....	18,832	18,832
077	MQ-1 MODS .....	30,861	30,861
078	MQ-9 MODS .....	238,360	238,360
079	MQ-9 UAS PAYLOADS .....	93,461	93,461
080	CV-22 MODS .....	23,881	23,881
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
081	INITIAL SPARES/REPAIR PARTS .....	729,691	729,691
	<b>COMMON SUPPORT EQUIPMENT</b>		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	56,542	56,542
	<b>POST PRODUCTION SUPPORT</b>		
083	A-10 .....	5,100	5,100
084	B-1 .....	965	965
086	B-2A .....	47,580	47,580
088	KC-10A (ATCA) .....	13,100	13,100
089	C-17A .....	181,703	181,703
090	C-130 .....	31,830	31,830
091	C-135 .....	13,434	13,434
092	F-15 .....	2,363	2,363
093	F-16 .....	8,506	5,906
	Production line shutdown—excess to need .....		[-2,600]
096	OTHER AIRCRAFT .....	9,522	9,522
	<b>INDUSTRIAL PREPAREDNESS</b>		
097	INDUSTRIAL RESPONSIVENESS .....	20,731	20,731
	<b>WAR CONSUMABLES</b>		
098	WAR CONSUMABLES .....	89,727	89,727
	<b>OTHER PRODUCTION CHARGES</b>		
099	OTHER PRODUCTION CHARGES .....	842,392	842,392
	<b>CLASSIFIED PROGRAMS</b>		
103A	CLASSIFIED PROGRAMS .....	20,164	20,164
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>11,002,999</b>	<b>11,279,599</b>

**PROCUREMENT OF AMMUNITION, AIR FORCE**

**SEC. 4101. PROCUREMENT**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
	<b>ROCKETS</b>		
001	ROCKETS .....	8,927	8,927
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	118,075	118,075
	<b>BOMBS</b>		
003	PRACTICE BOMBS .....	32,393	32,393
004	GENERAL PURPOSE BOMBS .....	163,467	163,467
005	JOINT DIRECT ATTACK MUNITION .....	101,921	101,921
	<b>FLARE, IR MJU-7B</b>		
006	CAD/PAD .....	43,829	43,829
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	7,515	7,515
008	SPARES AND REPAIR PARTS .....	1,003	1,003
009	MODIFICATIONS .....	5,321	5,321
010	ITEMS LESS THAN \$5 MILLION .....	5,066	5,066
	<b>FUZES</b>		
011	FLARES .....	46,010	46,010
012	FUZES .....	36,444	36,444
	<b>SMALL ARMS</b>		
013	SMALL ARMS .....	29,223	29,223
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>599,194</b>	<b>599,194</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>		
001	MISSILE REPLACEMENT EQ-BALLISTIC .....	56,906	56,906
	<b>TACTICAL</b>		
002	JASSM .....	240,399	240,399
003	SIDEWINDER (AIM-9X) .....	88,020	88,020
004	AMRAAM .....	229,637	206,937
	Missile unit cost adjustment .....		[-22,700]
005	PREDATOR HELLFIRE MISSILE .....	47,675	47,675
006	SMALL DIAMETER BOMB .....	42,000	42,000
	<b>INDUSTRIAL FACILITIES</b>		
007	INDUSTR'L PREPAREDNS/POL PREVENTION .....	744	744
	<b>CLASS IV</b>		
009	MM III MODIFICATIONS .....	54,794	54,794
010	AGM-65D MAVERICK .....	271	271
011	AGM-88A HARM .....	23,240	23,240
012	AIR LAUNCH CRUISE MISSILE (ALCM) .....	13,620	13,620
013	SMALL DIAMETER BOMB .....	5,000	5,000
	<b>MISSILE SPARES AND REPAIR PARTS</b>		
014	INITIAL SPARES/REPAIR PARTS .....	74,373	74,373
	<b>SPACE PROGRAMS</b>		
015	ADVANCED EHF .....	557,205	547,205
	Schedule Delay Due to Late AP Award .....		[-10,000]
017	WIDEBAND GAPFILLER SATELLITES(SPACE) .....	36,835	36,835
019	GPS III SPACE SEGMENT .....	410,294	410,294
020	ADVANCE PROCUREMENT (CY) .....	82,616	82,616
021	SPACEBORNE EQUIP (COMSEC) .....	10,554	10,554
022	GLOBAL POSITIONING (SPACE) .....	58,147	58,147
023	DEF METEOROLOGICAL SAT PROG(SPACE) .....	89,022	89,022
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	1,679,856	1,679,856
025	SBIR HIGH (SPACE) .....	454,251	454,251
	<b>SPECIAL PROGRAMS</b>		
030	SPECIAL UPDATE PROGRAMS .....	138,904	138,904
	<b>CLASSIFIED PROGRAMS</b>		
030A	CLASSIFIED PROGRAMS .....	1,097,483	1,097,483
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>5,491,846</b>	<b>5,459,146</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>PASSENGER CARRYING VEHICLES</b>		
001	PASSENGER CARRYING VEHICLES .....	1,905	1,905
	<b>CARGO AND UTILITY VEHICLES</b>		
002	MEDIUM TACTICAL VEHICLE .....	18,547	18,547
003	CAP VEHICLES .....	932	932
004	ITEMS LESS THAN \$5 MILLION .....	1,699	1,699
	<b>SPECIAL PURPOSE VEHICLES</b>		
005	SECURITY AND TACTICAL VEHICLES .....	10,850	10,850
006	ITEMS LESS THAN \$5 MILLION .....	9,246	9,246
	<b>FIRE FIGHTING EQUIPMENT</b>		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	23,148	23,148
	<b>MATERIALS HANDLING EQUIPMENT</b>		
008	ITEMS LESS THAN \$5 MILLION .....	18,323	18,323
	<b>BASE MAINTENANCE SUPPORT</b>		
009	RUNWAY SNOW REMOV AND CLEANING EQU .....	1,685	1,685
010	ITEMS LESS THAN \$5 MILLION .....	17,014	17,014
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>		
012	COMSEC EQUIPMENT .....	166,559	166,559

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
013	MODIFICATIONS (COMSEC) .....	1,133	1,133
	<b>INTELLIGENCE PROGRAMS</b>		
014	INTELLIGENCE TRAINING EQUIPMENT .....	2,749	2,749
015	INTELLIGENCE COMM EQUIPMENT .....	32,876	32,876
016	ADVANCE TECH SENSORS .....	877	877
017	MISSION PLANNING SYSTEMS .....	15,295	15,295
	<b>ELECTRONICS PROGRAMS</b>		
018	AIR TRAFFIC CONTROL & LANDING SYS .....	21,984	21,984
019	NATIONAL AIRSPACE SYSTEM .....	30,698	30,698
020	BATTLE CONTROL SYSTEM—FIXED .....	17,368	17,368
021	THEATER AIR CONTROL SYS IMPROVEMENTS .....	23,483	23,483
022	WEATHER OBSERVATION FORECAST .....	17,864	17,864
023	STRATEGIC COMMAND AND CONTROL .....	53,995	34,995
	Early to need .....		[–19,000]
024	CHEYENNE MOUNTAIN COMPLEX .....	14,578	14,578
025	TAC SIGINT SPT .....	208	208
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
027	GENERAL INFORMATION TECHNOLOGY .....	69,743	69,743
028	AF GLOBAL COMMAND & CONTROL SYS .....	15,829	63,029
	Add MQ–1/9 RSO--SOC Procurement .....		[9,900]
	Establish ANG Targeting Unit--Workstation Procurement .....		[37,300]
029	MOBILITY COMMAND AND CONTROL .....	11,023	11,023
030	AIR FORCE PHYSICAL SECURITY SYSTEM .....	64,521	64,521
031	COMBAT TRAINING RANGES .....	18,217	18,217
032	C3 COUNTERMEASURES .....	11,899	11,899
033	GCSS-AF FOS .....	13,920	13,920
034	THEATER BATTLE MGT C2 SYSTEM .....	9,365	9,365
035	AIR & SPACE OPERATIONS CTR-WPN SYS .....	33,907	33,907
	<b>AIR FORCE COMMUNICATIONS</b>		
036	INFORMATION TRANSPORT SYSTEMS .....	52,464	52,464
038	AFNET .....	125,788	125,788
039	VOICE SYSTEMS .....	16,811	16,811
040	USCENTCOM .....	32,138	32,138
	<b>DISA PROGRAMS</b>		
041	SPACE BASED IR SENSOR PGM SPACE .....	47,135	47,135
042	NAVSTAR GPS SPACE .....	2,031	2,031
043	NUDET DETECTION SYS SPACE .....	5,564	5,564
044	AF SATELLITE CONTROL NETWORK SPACE .....	44,219	44,219
045	SPACELIFT RANGE SYSTEM SPACE .....	109,545	109,545
046	MILSATCOM SPACE .....	47,592	47,592
047	SPACE MODS SPACE .....	47,121	47,121
048	COUNTERSPACE SYSTEM .....	20,961	20,961
	<b>ORGANIZATION AND BASE</b>		
049	TACTICAL C-E EQUIPMENT .....	126,131	126,131
050	COMBAT SURVIVOR EVADER LOCATER .....	23,707	23,707
051	RADIO EQUIPMENT .....	12,757	12,757
052	CCTV/AUDIOVISUAL EQUIPMENT .....	10,716	10,716
053	BASE COMM INFRASTRUCTURE .....	74,528	74,528
	<b>MODIFICATIONS</b>		
054	COMM ELECT MODS .....	43,507	43,507
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
055	NIGHT VISION GOGGLES .....	22,693	22,693
056	ITEMS LESS THAN \$5 MILLION .....	30,887	30,887
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
057	MECHANIZED MATERIAL HANDLING EQUIP .....	2,850	2,850
	<b>BASE SUPPORT EQUIPMENT</b>		
058	BASE PROCURED EQUIPMENT .....	8,387	8,387
059	CONTINGENCY OPERATIONS .....	10,358	10,358
060	PRODUCTIVITY CAPITAL INVESTMENT .....	3,473	3,473
062	MOBILITY EQUIPMENT .....	14,471	14,471
063	ITEMS LESS THAN \$5 MILLION .....	1,894	1,894
	<b>SPECIAL SUPPORT PROJECTS</b>		
065	DARP RC135 .....	24,176	24,176
066	DCGS-AF .....	142,928	142,928
068	SPECIAL UPDATE PROGRAM .....	479,446	479,446
069	DEFENSE SPACE RECONNAISSANCE PROG. ....	39,155	39,155
	<b>CLASSIFIED PROGRAMS</b>		
069.A	CLASSIFIED PROGRAMS .....	14,331,312	14,331,312
	<b>SPARES AND REPAIR PARTS</b>		
071	SPARES AND REPAIR PARTS .....	14,663	14,663
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>16,720,848</b>	<b>16,749,048</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DCAA</b>		
002	ITEMS LESS THAN \$5 MILLION .....	1,486	1,486
	<b>MAJOR EQUIPMENT, DCMA</b>		
003	MAJOR EQUIPMENT .....	2,129	2,129

**SEC. 4101. PROCUREMENT**  
**(In Thousands of Dollars)**

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
	<b>MAJOR EQUIPMENT, DHRA</b>		
005	PERSONNEL ADMINISTRATION .....	6,147	6,147
	<b>MAJOR EQUIPMENT, DISA</b>		
012	INFORMATION SYSTEMS SECURITY .....	12,708	12,708
014	GLOBAL COMBAT SUPPORT SYSTEM .....	3,002	3,002
015	TELEPORT PROGRAM .....	46,992	46,992
016	ITEMS LESS THAN \$5 MILLION .....	108,462	108,462
017	NET CENTRIC ENTERPRISE SERVICES (NCES) .....	2,865	2,865
018	DEFENSE INFORMATION SYSTEM NETWORK .....	116,906	116,906
019	PUBLIC KEY INFRASTRUCTURE .....	1,827	1,827
021	CYBER SECURITY INITIATIVE .....	10,319	10,319
	<b>MAJOR EQUIPMENT, DLA</b>		
022	MAJOR EQUIPMENT .....	9,575	9,575
	<b>MAJOR EQUIPMENT, DMACT</b>		
023	MAJOR EQUIPMENT .....	15,179	15,179
	<b>MAJOR EQUIPMENT, DODEA</b>		
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	1,458	1,458
	<b>MAJOR EQUIPMENT, DSS</b>		
026	MAJOR EQUIPMENT .....	2,522	2,522
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>		
027	VEHICLES .....	50	50
028	OTHER MAJOR EQUIPMENT .....	13,096	13,096
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
030	THAAD .....	460,728	460,728
031	AEGIS BMD .....	389,626	389,626
032	BMDs AN/TPY-2 RADARS .....	217,244	380,244
	Procure additional AN/TPY-2 radar .....		[163,000]
033	RADAR SPARES .....	10,177	10,177
	<b>MAJOR EQUIPMENT, NSA</b>		
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	6,770	6,770
	<b>MAJOR EQUIPMENT, OSD</b>		
042	MAJOR EQUIPMENT, OSD .....	45,938	45,938
043	MAJOR EQUIPMENT, INTELLIGENCE .....	17,582	17,582
	<b>MAJOR EQUIPMENT, TJS</b>		
044	MAJOR EQUIPMENT, TJS .....	21,878	21,878
	<b>MAJOR EQUIPMENT, WHS</b>		
045	MAJOR EQUIPMENT, WHS .....	26,550	26,550
	<b>CLASSIFIED PROGRAMS</b>		
045A	CLASSIFIED PROGRAMS .....	555,787	555,787
	<b>AVIATION PROGRAMS</b>		
046	ROTARY WING UPGRADES AND SUSTAINMENT .....	74,832	74,832
048	MH-60 MODERNIZATION PROGRAM .....	126,780	126,780
049	NON-STANDARD AVIATION .....	99,776	37,000
	Transfer to Line 051—Mission Shift .....		[–62,776]
051	U-28 .....	7,530	116,906
	Transfer from Line 049—Mission Shift .....		[62,776]
	USSOCOM UFR .....		[46,600]
052	MH-47 CHINOOK .....	134,785	134,785
053	RQ-11 UNMANNED AERIAL VEHICLE .....	2,062	2,062
054	CV-22 MODIFICATION .....	139,147	139,147
055	MQ-1 UNMANNED AERIAL VEHICLE .....	3,963	26,963
	USSOCOM UFR .....		[23,000]
056	MQ-9 UNMANNED AERIAL VEHICLE .....	3,952	39,352
	USSOCOM UFR .....		[35,400]
058	STUASLO .....	12,945	12,945
059	PRECISION STRIKE PACKAGE .....	73,013	73,013
060	AC/MC-130J .....	51,484	51,484
062	C-130 MODIFICATIONS .....	25,248	25,248
063	AIRCRAFT SUPPORT .....	5,314	5,314
	<b>SHIPBUILDING</b>		
064	UNDERWATER SYSTEMS .....	23,037	15,037
	Transfer to RDDW Line 272 at USSOCOM request .....		[–8,000]
	<b>AMMUNITION PROGRAMS</b>		
066	ORDNANCE REPLENISHMENT .....	113,183	113,183
067	ORDNANCE ACQUISITION .....	36,981	36,981
	<b>OTHER PROCUREMENT PROGRAMS</b>		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	99,838	103,738
	USSOCOM UFR .....		[3,900]
069	INTELLIGENCE SYSTEMS .....	71,428	71,428
070	SMALL ARMS AND WEAPONS .....	27,108	27,108
071	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	12,767	15,967
	USSOCOM UFR .....		[3,200]
074	COMBATANT CRAFT SYSTEMS .....	42,348	42,348
075	SPARES AND REPAIR PARTS .....	600	600
077	TACTICAL VEHICLES .....	37,421	37,421
078	MISSION TRAINING AND PREPARATION SYSTEMS .....	36,949	41,949
	USSOCOM UFR .....		[5,000]

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
079	COMBAT MISSION REQUIREMENTS .....	20,255	26,255
	AC-130 electro-optical and infrared sensors .....		[6,000]
080	MILCON COLLATERAL EQUIPMENT .....	17,590	17,590
082	AUTOMATION SYSTEMS .....	66,573	66,573
083	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	6,549	6,549
084	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	32,335	32,335
085	SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	15,153	15,153
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	33,920	33,920
087	TACTICAL RADIO SYSTEMS .....	75,132	75,132
090	MISCELLANEOUS EQUIPMENT .....	6,667	6,667
091	OPERATIONAL ENHANCEMENTS .....	217,972	243,272
	USSOCOM UFR .....		[25,300]
092	MILITARY INFORMATION SUPPORT OPERATIONS .....	27,417	27,417
	<b>CBDP</b>		
093	INSTALLATION FORCE PROTECTION .....	24,025	24,025
094	INDIVIDUAL PROTECTION .....	73,720	73,720
095	DECONTAMINATION .....	506	506
096	JOINT BIO DEFENSE PROGRAM (MEDICAL) .....	32,597	32,597
097	COLLECTIVE PROTECTION .....	3,144	3,144
098	CONTAMINATION AVOIDANCE .....	164,886	164,886
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>4,187,935</b>	<b>4,491,335</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
001	JOINT URGENT OPERATIONAL NEEDS FUND .....	99,477	0
	Program reduction .....		[-99,477]
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....	<b>99,477</b>	<b>0</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>		
	<b>UNDISTRIBUTED</b>		
999	MISCELLANEOUS EQUIPMENT .....		150,000
	Program increase .....		[150,000]
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> .....		<b>150,000</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>97,432,379</b>	<b>98,398,230</b>

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
	<b>AIRCRAFT PROCUREMENT, ARMY</b>		
	<b>ROTARY</b>		
009	AH-64 APACHE BLOCK IIIB NEW BUILD .....	71,000	71,000
012	KIOWA WARRIOR (OH-58F) WRA .....	183,900	183,900
015	CH-47 HELICOPTER .....	231,300	231,300
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>486,200</b>	<b>486,200</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
004	HELLFIRE SYS SUMMARY .....	29,100	29,100
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>		
008	GUIDED MLRS ROCKET (GMLRS) .....	20,553	20,553
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>49,653</b>	<b>49,653</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
036	M16 RIFLE MODS .....	15,422	15,422
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>15,422</b>	<b>15,422</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
003	CTG, HANDGUN, ALL TYPES .....	1,500	1,500
004	CTG, .50 CAL, ALL TYPES .....	10,000	10,000
007	CTG, 30MM, ALL TYPES .....	80,000	61,000
	Pricing adjustments for target practice round and light-weight dual purpose round .....		[-19,000]
	<b>MORTAR AMMUNITION</b>		
009	60MM MORTAR, ALL TYPES .....	14,000	14,000
010	81MM MORTAR, ALL TYPES .....	6,000	6,000
011	120MM MORTAR, ALL TYPES .....	56,000	56,000
	<b>ARTILLERY AMMUNITION</b>		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....	29,956	29,956
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	37,044	37,044

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
015	PROJ 155MM EXTENDED RANGE XM982 .....	12,300	12,300
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL <b>MINES</b>	17,000	17,000
017	MINES & CLEARING CHARGES, ALL TYPES .....	12,000	12,000
	<b>ROCKETS</b>		
020	ROCKET, HYDRA 70, ALL TYPES .....	63,635	63,635
	<b>OTHER AMMUNITION</b>		
023	SIGNALS, ALL TYPES .....	16,858	16,858
	<b>MISCELLANEOUS</b>		
028	ITEMS LESS THAN \$5 MILLION .....	1,200	1,200
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>357,493</b>	<b>338,493</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	28,247	28,247
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	2,050	2,050
011	HMMWV RECAPITALIZATION PROGRAM .....	271,000	271,000
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....	927,400	927,400
	<b>COMM—INTELLIGENCE COMM</b>		
052	RESERVE CA/MISO GPF EQUIPMENT .....	8,000	8,000
	<b>COMM—BASE COMMUNICATIONS</b>		
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	25,000	65,000
	Transfer from OMA OCO at SOUTHCOM request .....		[40,000]
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
069	DCGS-A (MIP) .....	90,355	90,355
073	CI HUMINT AUTO REPRINTING AND COLLECTION .....	6,516	6,516
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
075	LIGHTWEIGHT COUNTER MORTAR RADAR .....	27,646	27,646
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES .....	52,000	52,000
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	205,209	205,209
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	14,600	14,600
099	COUNTERFIRE RADARS .....	54,585	54,585
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
102	FIRE SUPPORT C2 FAMILY .....	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS) .....	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	5,160	5,160
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS) .....	66,100	66,100
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	3,565	3,565
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
143	FORCE PROVIDER .....	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	650	650
	<b>PETROLEUM EQUIPMENT</b>		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	2,119	2,119
	<b>MAINTENANCE EQUIPMENT</b>		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	428	428
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ) .....	30	30
	<b>TRAINING EQUIPMENT</b>		
175	COMBAT TRAINING CENTERS SUPPORT .....	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM .....	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER .....	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	5,900	5,900
	<b>OTHER SUPPORT EQUIPMENT</b>		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	98,167	118,167
	Rapid equipping force delayed execution rates .....		[–10,000]
	Solar power units .....		[30,000]
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	<b>2,015,907</b>	<b>2,075,907</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>		
	<b>NETWORK ATTACK</b>		
001	ATTACK THE NETWORK .....	950,500	925,000
	Program decrease—under execution .....		[–25,500]
	<b>JIEDDO DEVICE DEFEAT</b>		
002	DEFEAT THE DEVICE .....	400,000	375,000
	Program decrease—under execution & program delays .....		[–25,000]
	<b>FORCE TRAINING</b>		
003	TRAIN THE FORCE .....	149,500	144,500
	Program decrease—under execution & program delays .....		[–5,000]
	<b>STAFF AND INFRASTRUCTURE</b>		
004	OPERATIONS .....	175,400	397,814
	Program decrease—under execution & program delays .....		[–5,000]
	Transfer from title 1 .....		[227,414]
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b> .....	<b>1,675,400</b>	<b>1,842,314</b>



**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
<b>AIRCRAFT PROCUREMENT, NAVY</b>			
<b>COMBAT AIRCRAFT</b>			
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	29,800	29,800
<b>MODIFICATION OF AIRCRAFT</b>			
030	AV-8 SERIES .....	42,238	42,238
032	F-18 SERIES .....	41,243	41,243
035	H-53 SERIES .....	15,870	15,870
038	EP-3 SERIES .....	13,030	13,030
043	C-130 SERIES .....	16,737	16,737
048	SPECIAL PROJECT AIRCRAFT .....	2,714	2,714
054	COMMON AVIONICS CHANGES .....	570	570
<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>			
062	COMMON GROUND EQUIPMENT .....	2,380	2,380
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>164,582</b>	<b>164,582</b>
<b>WEAPONS PROCUREMENT, NAVY</b>			
<b>TACTICAL MISSILES</b>			
009	HELLFIRE .....	17,000	17,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....	6,500	6,500
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....	<b>23,500</b>	<b>23,500</b>
<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>			
<b>NAVY AMMUNITION</b>			
001	GENERAL PURPOSE BOMBS .....	18,000	18,000
002	AIRBORNE ROCKETS, ALL TYPES .....	80,200	80,200
003	MACHINE GUN AMMUNITION .....	21,500	21,500
006	AIR EXPENDABLE COUNTERMEASURES .....	20,303	20,303
011	OTHER SHIP GUN AMMUNITION .....	532	532
012	SMALL ARMS & LANDING PARTY AMMO .....	2,643	2,643
013	PYROTECHNIC AND DEMOLITION .....	2,322	2,322
014	AMMUNITION LESS THAN \$5 MILLION .....	6,308	6,308
<b>MARINE CORPS AMMUNITION</b>			
015	SMALL ARMS AMMUNITION .....	10,948	10,948
016	LINEAR CHARGES, ALL TYPES .....	9,940	9,940
017	40 MM, ALL TYPES .....	5,963	5,963
020	120MM, ALL TYPES .....	11,605	11,605
021	CTG 25MM, ALL TYPES .....	2,831	2,831
022	GRENADES, ALL TYPES .....	2,359	2,359
023	ROCKETS, ALL TYPES .....	3,051	3,051
024	ARTILLERY, ALL TYPES .....	54,886	54,886
025	DEMOLITION MUNITIONS, ALL TYPES .....	1,391	1,391
026	FUZE, ALL TYPES .....	30,945	30,945
027	NON LETHALS .....	8	8
029	ITEMS LESS THAN \$5 MILLION .....	12	12
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC</b> .....	<b>285,747</b>	<b>285,747</b>
<b>OTHER PROCUREMENT, NAVY</b>			
<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>			
070	TACTICAL/MOBILE C4I SYSTEMS .....	3,603	3,603
<b>AIRCRAFT SUPPORT EQUIPMENT</b>			
097	EXPEDITIONARY AIRFIELDS .....	58,200	58,200
<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>			
127	PASSENGER CARRYING VEHICLES .....	3,901	3,901
128	GENERAL PURPOSE TRUCKS .....	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP .....	2,436	2,436
130	FIRE FIGHTING EQUIPMENT .....	3,798	3,798
131	TACTICAL VEHICLES .....	13,394	13,394
134	ITEMS UNDER \$5 MILLION .....	375	375
<b>COMMAND SUPPORT EQUIPMENT</b>			
149	C4ISR EQUIPMENT .....	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT .....	9,323	9,323
	<b>TOTAL OTHER PROCUREMENT, NAVY</b> .....	<b>98,882</b>	<b>98,882</b>
<b>PROCUREMENT, MARINE CORPS</b>			
<b>TRACKED COMBAT VEHICLES</b>			
002	LAV PIP .....	10,000	10,000
<b>ARTILLERY AND OTHER WEAPONS</b>			
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....	108,860	108,860
<b>GUIDED MISSILES</b>			
010	JAVELIN .....	29,158	29,158
<b>OTHER SUPPORT</b>			
013	MODIFICATION KITS .....	41,602	41,602
<b>REPAIR AND TEST EQUIPMENT</b>			
015	REPAIR AND TEST EQUIPMENT .....	13,632	13,632
<b>OTHER SUPPORT (TEL)</b>			
017	MODIFICATION KITS .....	2,831	2,831

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
019	AIR OPERATIONS C2 SYSTEMS .....	15,575	15,575
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
020	RADAR SYSTEMS .....	8,015	8,015
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
023	INTELLIGENCE SUPPORT EQUIPMENT .....	35,310	35,310
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>		
029	NIGHT VISION EQUIPMENT .....	652	652
	<b>OTHER SUPPORT (NON-TEL)</b>		
030	COMMON COMPUTER RESOURCES .....	19,807	19,807
032	RADIO SYSTEMS .....	36,482	36,482
033	COMM SWITCHING & CONTROL SYSTEMS .....	41,295	41,295
	<b>TACTICAL VEHICLES</b>		
039	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	10,466	10,466
041	FAMILY OF TACTICAL TRAILERS .....	7,642	7,642
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
045	BULK LIQUID EQUIPMENT .....	18,239	18,239
046	TACTICAL FUEL SYSTEMS .....	51,359	51,359
047	POWER EQUIPMENT ASSORTED .....	20,247	20,247
049	EOD SYSTEMS .....	362,658	362,658
	<b>MATERIALS HANDLING EQUIPMENT</b>		
050	PHYSICAL SECURITY EQUIPMENT .....	55,500	55,500
052	MATERIAL HANDLING EQUIP .....	19,100	19,100
	<b>GENERAL PROPERTY</b>		
054	FIELD MEDICAL EQUIPMENT .....	15,751	15,751
055	TRAINING DEVICES .....	3,602	3,602
057	FAMILY OF CONSTRUCTION EQUIPMENT .....	15,900	15,900
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>943,683</b>	<b>943,683</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>STRATEGIC AIRCRAFT</b>		
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	139,800	139,800
	<b>OTHER AIRCRAFT</b>		
055	U-2 MODS .....	46,800	46,800
063	C-130 .....	11,400	11,400
067	COMPASS CALL MODS .....	14,000	14,000
068	RC-135 .....	8,000	8,000
075	HC/MC-130 MODIFICATIONS .....	4,700	4,700
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
081	INITIAL SPARES/REPAIR PARTS .....	21,900	21,900
	<b>OTHER PRODUCTION CHARGES</b>		
099	OTHER PRODUCTION CHARGES .....	59,000	59,000
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>305,600</b>	<b>305,600</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>CARTRIDGES</b>		
002	CARTRIDGES .....	13,592	13,592
	<b>BOMBS</b>		
004	GENERAL PURPOSE BOMBS .....	23,211	23,211
005	JOINT DIRECT ATTACK MUNITION .....	53,923	53,923
	<b>FLARE, IR MJU-7B</b>		
006	CAD/PAD .....	2,638	2,638
010	ITEMS LESS THAN \$5 MILLION .....	2,600	2,600
	<b>FUZES</b>		
011	FLARES .....	11,726	11,726
012	FUZES .....	8,513	8,513
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>116,203</b>	<b>116,203</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL</b>		
005	PREDATOR HELLFIRE MISSILE .....	34,350	34,350
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>34,350</b>	<b>34,350</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>CARGO AND UTILITY VEHICLES</b>		
002	MEDIUM TACTICAL VEHICLE .....	2,010	2,010
004	ITEMS LESS THAN \$5 MILLION .....	2,675	2,675
	<b>SPECIAL PURPOSE VEHICLES</b>		
006	ITEMS LESS THAN \$5 MILLION .....	2,557	2,557
	<b>MATERIALS HANDLING EQUIPMENT</b>		
008	ITEMS LESS THAN \$5 MILLION .....	4,329	4,329
	<b>BASE MAINTENANCE SUPPORT</b>		
009	RUNWAY SNOW REMOV AND CLEANING EQU .....	984	984
010	ITEMS LESS THAN \$5 MILLION .....	9,120	9,120
	<b>ELECTRONICS PROGRAMS</b>		
022	WEATHER OBSERVATION FORECAST .....	5,600	5,600
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
027	GENERAL INFORMATION TECHNOLOGY .....	11,157	11,157
	<b>ORGANIZATION AND BASE</b>		
049	TACTICAL C-E EQUIPMENT .....	7,000	7,000
053	BASE COMM INFRASTRUCTURE .....	10,654	10,654
	<b>MODIFICATIONS</b>		
054	COMM ELECT MODS .....	8,000	8,000
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
055	NIGHT VISION GOGGLES .....	902	902
	<b>BASE SUPPORT EQUIPMENT</b>		
059	CONTINGENCY OPERATIONS .....	60,090	60,090
062	MOBILITY EQUIPMENT .....	9,400	9,400
063	ITEMS LESS THAN \$5 MILLION .....	9,175	9,175
	<b>CLASSIFIED PROGRAMS</b>		
069A	CLASSIFIED PROGRAMS .....	2,672,317	2,672,317
	<b>SPARES AND REPAIR PARTS</b>		
071	SPARES AND REPAIR PARTS .....	2,300	2,300
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>2,818,270</b>	<b>2,818,270</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DISA</b>		
015	TELEPORT PROGRAM .....	5,260	5,260
	<b>CLASSIFIED PROGRAMS</b>		
045A	CLASSIFIED PROGRAMS .....	126,201	126,201
	<b>AVIATION PROGRAMS</b>		
061	MQ-8 UAV .....	16,500	16,500
	<b>OTHER PROCUREMENT PROGRAMS</b>		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	151	151
069	INTELLIGENCE SYSTEMS .....	30,528	30,528
077	TACTICAL VEHICLES .....	1,843	1,843
082	AUTOMATION SYSTEMS .....	1,000	1,000
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	108	108
091	OPERATIONAL ENHANCEMENTS .....	14,758	14,758
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>196,349</b>	<b>196,349</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
001	JOINT URGENT OPERATIONAL NEEDS FUND .....	100,000	0
	Program reduction .....		[-100,000]
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....	<b>100,000</b>	<b>0</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>		
	<b>UNDISTRIBUTED</b>		
999	MISCELLANEOUS EQUIPMENT .....		350,000
	Program increase .....		[350,000]
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT</b> .....		<b>350,000</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>9,687,241</b>	<b>10,145,155</b>

**TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>		
		<b>BASIC RESEARCH</b>		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	20,860	20,860
002	0601102A	DEFENSE RESEARCH SCIENCES .....	219,180	219,180
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	80,986	80,986
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	123,045	123,045
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>444,071</b>	<b>444,071</b>
		<b>APPLIED RESEARCH</b>		
005	0602105A	MATERIALS TECHNOLOGY .....	29,041	39,041
		Advanced coating technologies for corrosion mitigation .....		[10,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	45,260	45,260
007	0602122A	TRACTOR HIP .....	22,439	22,439
008	0602211A	AVIATION TECHNOLOGY .....	51,607	51,607
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	15,068	15,068
010	0602303A	MISSILE TECHNOLOGY .....	49,383	49,383
011	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	25,999	25,999
012	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	23,507	23,507
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	69,062	69,062

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
014	0602618.A	BALLISTICS TECHNOLOGY .....	60,823	60,823
015	0602622.A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....	4,465	4,465
016	0602623.A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,169	7,169
017	0602624.A	WEAPONS AND MUNITIONS TECHNOLOGY .....	35,218	35,218
018	0602705.A	ELECTRONICS AND ELECTRONIC DEVICES .....	60,300	60,300
019	0602709.A	NIGHT VISION TECHNOLOGY .....	53,244	53,244
020	0602712.A	COUNTERMINE SYSTEMS .....	18,850	18,850
021	0602716.A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	19,872	19,872
022	0602720.A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	20,095	20,095
023	0602782.A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	28,852	28,852
024	0602783.A	COMPUTER AND SOFTWARE TECHNOLOGY .....	9,830	9,830
025	0602784.A	MILITARY ENGINEERING TECHNOLOGY .....	70,693	70,693
026	0602785.A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	17,781	17,781
027	0602786.A	WARFIGHTER TECHNOLOGY .....	28,281	28,281
028	0602787.A	MEDICAL TECHNOLOGY .....	107,891	107,891
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>874,730</b>	<b>884,730</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
029	0603001.A	WARFIGHTER ADVANCED TECHNOLOGY .....	39,359	39,359
030	0603002.A	MEDICAL ADVANCED TECHNOLOGY .....	69,580	69,580
031	0603003.A	AVIATION ADVANCED TECHNOLOGY .....	64,215	64,215
032	0603004.A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	67,613	67,613
033	0603005.A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....	104,359	104,359
034	0603006.A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY .....	4,157	4,157
035	0603007.A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	9,856	9,856
036	0603008.A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	50,661	50,661
037	0603009.A	TRACTOR HIKE .....	9,126	9,126
038	0603015.A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	17,257	17,257
039	0603020.A	TRACTOR ROSE .....	9,925	9,925
040	0603105.A	MILITARY HIV RESEARCH .....	6,984	6,984
041	0603125.A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....	9,716	9,716
042	0603130.A	TRACTOR NAIL .....	3,487	3,487
043	0603131.A	TRACTOR EGGS .....	2,323	2,323
044	0603270.A	ELECTRONIC WARFARE TECHNOLOGY .....	21,683	21,683
045	0603313.A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	71,111	71,111
046	0603322.A	TRACTOR CAGE .....	10,902	10,902
047	0603461.A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	180,582	180,582
048	0603606.A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....	27,204	27,204
049	0603607.A	JOINT SERVICE SMALL ARMS PROGRAM .....	6,095	6,095
050	0603710.A	NIGHT VISION ADVANCED TECHNOLOGY .....	37,217	37,217
051	0603728.A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	13,626	13,626
052	0603734.A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	28,458	28,458
053	0603772.A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....	25,226	25,226
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>890,722</b>	<b>890,722</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
054	0603305.A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....	14,505	14,505
055	0603308.A	ARMY SPACE SYSTEMS INTEGRATION .....	9,876	9,876
056	0603619.A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	5,054	5,054
057	0603627.A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV .....	2,725	2,725
058	0603639.A	TANK AND MEDIUM CALIBER AMMUNITION .....	30,560	30,560
059	0603653.A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	14,347	14,347
060	0603747.A	SOLDIER SUPPORT AND SURVIVABILITY .....	10,073	10,073
061	0603766.A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	8,660	8,660
062	0603774.A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....	10,715	10,715
063	0603779.A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....	4,631	4,631
064	0603782.A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL .....	278,018	278,018
065	0603790.A	NATO RESEARCH AND DEVELOPMENT .....	4,961	4,961
066	0603801.A	AVIATION—ADV DEV .....	8,602	8,602
067	0603804.A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	14,605	14,605
068	0603805.A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS .....	5,054	5,054
069	0603807.A	MEDICAL SYSTEMS—ADV DEV .....	24,384	24,384
070	0603827.A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	32,050	32,050
071	0603850.A	INTEGRATED BROADCAST SERVICE .....	96	96
072	0604115.A	TECHNOLOGY MATURATION INITIATIVES .....	24,868	24,868
073	0604131.A	TRACTOR JUTE .....	59	59
075	0604319.A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2) .....	76,039	76,039
077	0604785.A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4) .....	4,043	4,043
078	0305205.A	ENDURANCE UAVS .....	26,196	20,197
		Program decrease .....		[–5,999]
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>610,121</b>	<b>604,122</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
079	0604201.A	AIRCRAFT AVIONICS .....	78,538	78,538
080	0604220.A	ARMED, DEPLOYABLE HELOS .....	90,494	90,494
081	0604270.A	ELECTRONIC WARFARE DEVELOPMENT .....	181,347	176,347
		Program adjustment .....		[–5,000]

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
083	0604290.A	MID-TIER NETWORKING VEHICULAR RADIO (MNV) .....	12,636	12,636
084	0604321.A	ALL SOURCE ANALYSIS SYSTEM .....	5,694	5,694
085	0604328.A	TRACTOR CAGE .....	32,095	32,095
086	0604601.A	INFANTRY SUPPORT WEAPONS .....	96,478	93,078
		XM25 funding ahead of need .....		[-3,400]
087	0604604.A	MEDIUM TACTICAL VEHICLES .....	3,006	3,006
089	0604611.A	JAVELIN .....	5,040	5,040
090	0604622.A	FAMILY OF HEAVY TACTICAL VEHICLES .....	3,077	3,077
091	0604633.A	AIR TRAFFIC CONTROL .....	9,769	9,769
092	0604641.A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....	13,141	13,141
099	0604710.A	NIGHT VISION SYSTEMS—ENG DEV .....	32,621	32,621
100	0604713.A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,132	2,132
101	0604715.A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	44,787	44,787
102	0604716.A	TERRAIN INFORMATION—ENG DEV .....	1,008	1,008
103	0604741.A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV .....	73,333	73,333
104	0604742.A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	28,937	28,937
105	0604746.A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	10,815	10,815
106	0604760.A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV .....	13,926	13,926
107	0604780.A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	17,797	17,797
108	0604798.A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	214,270	214,270
109	0604802.A	WEAPONS AND MUNITIONS—ENG DEV .....	14,581	14,581
110	0604804.A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	43,706	43,706
111	0604805.A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV .....	20,776	20,776
112	0604807.A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV .....	43,395	43,395
113	0604808.A	LANDMINE WARFARE/BARRIER—ENG DEV .....	104,983	104,983
114	0604814.A	ARTILLERY MUNITIONS—EMD .....	4,346	4,346
116	0604818.A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	77,223	77,223
117	0604820.A	RADAR DEVELOPMENT .....	3,486	3,486
118	0604822.A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	9,963	27,163
		GFEBS realignment per Army request .....		[17,200]
119	0604823.A	FIREFINDER .....	20,517	20,517
120	0604827.A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	51,851	51,851
121	0604854.A	ARTILLERY SYSTEMS—EMD .....	167,797	167,797
122	0604869.A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....	400,861	0
		Prohibition of funds for MEADS .....		[-400,861]
123	0604870.A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK .....	7,922	7,922
124	0605013.A	INFORMATION TECHNOLOGY DEVELOPMENT .....	51,463	51,463
125	0605018.A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .....	158,646	158,646
126	0605450.A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	10,000	10,000
128	0605456.A	PAC-3/MSE MISSILE .....	69,029	69,029
129	0605457.A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	277,374	315,374
		DRFM countermeasures studies .....		[38,000]
130	0605625.A	MANNED GROUND VEHICLE .....	639,874	639,874
131	0605626.A	AERIAL COMMON SENSOR .....	47,426	47,426
132	0605812.A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH .....	72,295	72,295
133	0303032.A	TROJAN—RH12 .....	4,232	4,232
134	0304270.A	ELECTRONIC WARFARE DEVELOPMENT .....	13,942	13,942
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>3,286,629</b>	<b>2,932,568</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
135	0604256.A	THREAT SIMULATOR DEVELOPMENT .....	18,090	18,090
136	0604258.A	TARGET SYSTEMS DEVELOPMENT .....	14,034	14,034
137	0604759.A	MAJOR T&E INVESTMENT .....	37,394	37,394
138	0605103.A	RAND ARROYO CENTER .....	21,026	21,026
139	0605301.A	ARMY KWAJALEIN ATOLL .....	176,816	176,816
140	0605326.A	CONCEPTS EXPERIMENTATION PROGRAM .....	27,902	27,902
142	0605601.A	ARMY TEST RANGES AND FACILITIES .....	369,900	369,900
143	0605602.A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....	69,183	69,183
144	0605604.A	SURVIVABILITY/LETHALITY ANALYSIS .....	44,753	44,753
146	0605606.A	AIRCRAFT CERTIFICATION .....	5,762	5,762
147	0605702.A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	7,402	7,402
148	0605706.A	MATERIEL SYSTEMS ANALYSIS .....	19,954	19,954
149	0605709.A	EXPLOITATION OF FOREIGN ITEMS .....	5,535	5,535
150	0605712.A	SUPPORT OF OPERATIONAL TESTING .....	67,789	67,789
151	0605716.A	ARMY EVALUATION CENTER .....	62,765	62,765
152	0605718.A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	1,545	1,545
153	0605801.A	PROGRAMWIDE ACTIVITIES .....	83,422	83,422
154	0605803.A	TECHNICAL INFORMATION ACTIVITIES .....	50,820	50,820
155	0605805.A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....	46,763	46,763
156	0605857.A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	4,601	4,601
157	0605898.A	MANAGEMENT HQ—R&D .....	18,524	18,524
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,153,980</b>	<b>1,153,980</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
159	0603778.A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	143,005	143,005
161	0607865.A	PATRIOT PRODUCT IMPROVEMENT .....	109,978	109,978
162	0102419.A	AEROSTAT JOINT PROJECT OFFICE .....	190,422	159,922

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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
		<i>Program decrease</i> .....		[–30,500]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM .....	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	280,247	226,147
		<i>Funding ahead of need</i> .....		[–54,100]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	898	898
169	0203758A	DIGITIZATION .....	35,180	35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	20,733	20,733
172	0203808A	TRACTOR CARD .....	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM .....	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	40,876	40,876
184	0305219A	MQ-1 SKY WARRIOR A UAV .....	74,618	74,618
185	0305232A	RQ-11 UAV .....	4,039	4,039
186	0305233A	RQ-7 UAV .....	31,158	31,158
187	0305235A	VERTICAL UAS .....	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS .....	4,628	4,628
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>1,669,162</b>	<b>1,584,562</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b> .....	<b>8,929,415</b>	<b>8,494,755</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>		
		<b>BASIC RESEARCH</b>		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	113,690	123,690
		<i>Increase Defense University Research Instrumentation Program</i> .....		[10,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,261	18,261
003	0601153N	DEFENSE RESEARCH SCIENCES .....	473,070	473,070
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>605,021</b>	<b>615,021</b>
		<b>APPLIED RESEARCH</b>		
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	89,189	89,189
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	143,301	143,301
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	46,528	46,528
007	0602235N	COMMON PICTURE APPLIED RESEARCH .....	41,696	41,696
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	44,127	44,127
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	78,228	78,228
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	49,635	49,635
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	5,973	5,973
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	96,814	96,814
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....	162,417	162,417
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	32,394	32,394
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>790,302</b>	<b>790,302</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	56,543	56,543
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	18,616	18,616
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	54,858	54,858
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	130,598	130,598
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	11,706	11,706
022	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT .....	256,382	256,382
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	3,880	3,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	51,819	51,819
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>584,402</b>	<b>584,402</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	34,085	34,085
029	0603216N	AVIATION SURVIVABILITY .....	8,783	8,783
030	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	3,773	3,773
031	0603251N	AIRCRAFT SYSTEMS .....	24,512	24,512
032	0603254N	ASW SYSTEMS DEVELOPMENT .....	8,090	8,090
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	5,301	5,301
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,506	1,506
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	190,622	188,622
		<i>Excess to need</i> .....		[–2,000]
036	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	93,346	93,346
037	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	108,871	108,871
039	0603525N	PILOT FISH .....	101,169	101,169
040	0603527N	RETRACT LARCH .....	74,312	74,312

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041	0603536N	RETRACT JUNIPER .....	90,730	90,730
042	0603542N	RADIOLOGICAL CONTROL .....	777	777
043	0603553N	SURFACE ASW .....	6,704	6,704
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	555,123	555,123
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	9,368	9,368
046	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	24,609	24,609
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	13,710	13,710
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	249,748	249,748
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	29,897	29,897
050	0603576N	CHALK EAGLE .....	509,988	509,988
051	0603581N	LITTORAL COMBAT SHIP (LCS) .....	429,420	429,420
052	0603582N	COMBAT SYSTEM INTEGRATION .....	56,551	56,551
053	0603609N	CONVENTIONAL MUNITIONS .....	7,342	7,342
054	0603611M	MARINE CORPS ASSAULT VEHICLES .....	95,182	95,182
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	10,496	10,496
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	52,331	52,331
057	0603658N	COOPERATIVE ENGAGEMENT .....	56,512	56,512
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	7,029	7,029
059	0603721N	ENVIRONMENTAL PROTECTION .....	21,080	21,080
060	0603724N	NAVY ENERGY PROGRAM .....	55,324	55,324
061	0603725N	FACILITIES IMPROVEMENT .....	3,401	3,401
062	0603734N	CHALK CORAL .....	45,966	45,966
063	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,811	3,811
064	0603746N	RETRACT MAPLE .....	341,305	341,305
065	0603748N	LINK PLUMERIA .....	181,220	181,220
066	0603751N	RETRACT ELM .....	174,014	174,014
068	0603764N	LINK EVERGREEN .....	68,654	68,654
069	0603787N	SPECIAL PROCESSES .....	44,487	44,487
070	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,389	9,389
071	0603795N	LAND ATTACK TECHNOLOGY .....	16,132	16,132
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	44,994	44,994
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....	137,369	137,369
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	73,934	73,934
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION .....	711	711
078	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....	71,300	71,300
079	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	5,654	5,654
080	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT .....	31,549	31,549
082	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT .....	86,801	86,801
083	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH .....	44,500	44,500
084	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	13,172	13,172
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	643	643
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>4,335,297</b>	<b>4,333,297</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
087	0604212N	OTHER HELO DEVELOPMENT .....	33,978	33,978
088	0604214N	AV-8B AIRCRAFT—ENG DEV .....	32,789	32,789
089	0604215N	STANDARDS DEVELOPMENT .....	84,988	82,988
		Program behind in execution .....		[-2,000]
090	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	6,866	6,866
091	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	4,060	4,060
092	0604221N	P-3 MODERNIZATION PROGRAM .....	3,451	3,451
093	0604230N	WARFARE SUPPORT SYSTEM .....	13,071	13,071
094	0604231N	TACTICAL COMMAND SYSTEM .....	71,645	71,645
095	0604234N	ADVANCED HAWKEYE .....	119,065	119,065
096	0604245N	H-1 UPGRADES .....	31,105	31,105
097	0604261N	ACOUSTIC SEARCH SENSORS .....	34,299	34,299
098	0604262N	V-22A .....	54,412	54,412
099	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	2,717	2,717
100	0604269N	EA-18 .....	13,009	13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	51,304	51,304
102	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT .....	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ) .....	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	260,616	510,616
		Cruiser Retention .....		[250,000]
106	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB) .....	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS .....	63,891	58,391
		Program execution .....		[-5,500]
109	0604373N	AIRBORNE MCM .....	73,246	73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION .....	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM .....	122,481	122,481
113	0604501N	ADVANCED ABOVE WATER SENSORS .....	255,516	255,516
114	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	82,620	82,620
115	0604504N	AIR CONTROL .....	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS .....	55,826	55,826



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117	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	918	918
118	0604558N	NEW DESIGN SSN .....	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,889	3,889
122	0604601N	MINE DEVELOPMENT .....	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	151,489	151,489
131	0604771N	MEDICAL DEVELOPMENT .....	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM .....	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	737,149	733,949
		Block IV development ahead of need .....		[-3,200]
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD .....	743,926	740,726
		Block IV development ahead of need .....		[-3,200]
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	72,209	72,209
138	0605212N	CH-53K RDTE .....	606,204	606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	421,102	421,102
141	0204202N	DDG-1000 .....	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	1,170	1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	23,255	23,255
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>5,747,232</b>	<b>5,983,332</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
146	0604256N	THREAT SIMULATOR DEVELOPMENT .....	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT .....	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT .....	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES .....	46,856	46,856
153	0605804N	TECHNICAL INFORMATION SERVICES .....	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT .....	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES .....	2,795	2,795
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>845,077</b>	<b>845,077</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT .....	142,282	142,282
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	105,892	105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	34,729	34,729
172	0101236N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	19,208	19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	25,566	25,566
175	0204136N	F/A-18 SQUADRONS .....	188,299	170,299
		Program behind in execution .....		[-18,000]
176	0204152N	E-2 SQUADRONS .....	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	15,695	15,695
178	0204228N	SURFACE SUPPORT .....	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (GATOR) .....	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	19,843	19,843
186	0205601N	HARM IMPROVEMENT .....	11,477	11,477
187	0205604N	TACTICAL DATA LINKS .....	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	27,342	27,342
189	0205632N	MK-48 ADCAP .....	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS .....	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM .....	3,450	3,450
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	58,393	58,393

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196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES .....	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV) .....	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	500	500
210	0305149N	COBRA JUDY .....	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS .....	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	14,676	14,676
218	0305220N	RQ-4 UAV .....	657,483	657,483
219	0305231N	MQ-8 UAV .....	99,600	99,600
220	0305232M	RQ-11 UAV .....	495	495
221	0305233N	RQ-7 UAV .....	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	9,734	9,734
225	0305239M	RQ-21A .....	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT .....	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF) .....	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS .....	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	5,000	5,000
230.A	9999999999	CLASSIFIED PROGRAMS .....	1,151,159	1,351,159
		Program increase .....		[200,000]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>3,975,546</b>	<b>4,157,546</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....	<b>16,882,877</b>	<b>17,308,977</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
		<b>BASIC RESEARCH</b>		
001	0601102F	DEFENSE RESEARCH SCIENCES .....	361,787	361,787
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	141,153	141,153
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	13,094	13,094
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>516,034</b>	<b>516,034</b>
		<b>APPLIED RESEARCH</b>		
004	0602102F	MATERIALS .....	114,166	114,166
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	120,719	120,719
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	89,319	89,319
007	0602203F	AEROSPACE PROPULSION .....	232,547	232,547
008	0602204F	AEROSPACE SENSORS .....	127,637	127,637
009	0602601F	SPACE TECHNOLOGY .....	98,375	98,375
010	0602602F	CONVENTIONAL MUNITIONS .....	77,175	77,175
011	0602605F	DIRECTED ENERGY TECHNOLOGY .....	106,196	106,196
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	104,362	104,362
013	0602890F	HIGH ENERGY LASER RESEARCH .....	38,557	38,557
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,109,053</b>	<b>1,109,053</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	47,890	57,890
		Increase Materials Affordability Initiative program .....		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	6,565	6,565
016	0603203F	ADVANCED AEROSPACE SENSORS .....	37,657	37,657
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	81,376	81,376
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	151,152	151,152
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	32,941	32,941
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	64,557	64,557
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	29,256	29,256
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	21,523	21,523
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	36,352	36,352
024	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	19,004	19,004
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	37,045	37,045
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	31,419	31,419
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>596,737</b>	<b>606,737</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	3,866	3,866
029	0603287F	PHYSICAL SECURITY EQUIPMENT .....	3,704	3,704
030	0603430F	ADVANCED EHF MILSATCOM (SPACE) .....	229,171	227,671
		Project decrease .....		[-1,500]
031	0603432F	POLAR MILSATCOM (SPACE) .....	120,676	120,676
032	0603438F	SPACE CONTROL TECHNOLOGY .....	25,144	23,144
		Project decrease .....		[-2,000]
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	32,243	32,243

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034	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,507	4,507
035	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	652	652
036	0603830F	SPACE PROTECTION PROGRAM (SPP) .....	10,429	10,429
037	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL .....	19,938	19,938
038	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....	71,181	71,181
039	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....	12,027	12,027
040	0603859F	POLLUTION PREVENTION—DEM/VAL .....	2,054	2,054
041	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....	57,975	57,975
042	0604015F	LONG RANGE STRIKE .....	291,742	291,742
043	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	114,417	114,417
044	0604317F	TECHNOLOGY TRANSFER .....	2,576	2,576
045	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....	16,711	16,711
047	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	16,343	16,343
048	0604422F	WEATHER SATELLITE FOLLOW-ON .....	2,000	2,000
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	9,423	9,423
054	0604857F	OPERATIONALLY RESPONSIVE SPACE .....		45,000
		Restore Operationally Responsive Space .....		[45,000]
055	0604858F	TECH TRANSITION PROGRAM .....	37,558	34,558
		Project decrease .....		[-3,000]
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	96,840	96,840
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>1,181,177</b>	<b>1,219,677</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
058	0603840F	GLOBAL BROADCAST SERVICE (GBS) .....	14,652	14,652
059	0604222F	NUCLEAR WEAPONS SUPPORT .....	25,713	25,713
060	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	6,583	4,983
		Program delays .....		[-1,600]
061	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	1,975	1,975
062	0604280F	JOINT TACTICAL RADIO .....	2,594	2,594
063	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	24,534	24,534
064	0604287F	PHYSICAL SECURITY EQUIPMENT .....	51	51
065	0604329F	SMALL DIAMETER BOMB (SDB)—EMD .....	143,000	143,000
066	0604421F	COUNTERSPACE SYSTEMS .....	28,797	28,797
067	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	267,252	247,252
		C-Band Radar re-location .....		[3,000]
		Excess funding .....		[-20,000]
		Undistributed reduction .....		[-3,000]
068	0604429F	AIRBORNE ELECTRONIC ATTACK .....	4,118	4,118
069	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	448,594	446,594
		Project decrease .....		[-2,000]
070	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	9,951	9,951
071	0604604F	SUBMUNITIONS .....	2,567	2,567
072	0604617F	AGILE COMBAT SUPPORT .....	13,059	13,059
073	0604706F	LIFE SUPPORT SYSTEMS .....	9,720	9,720
074	0604735F	COMBAT TRAINING RANGES .....	9,222	9,222
076	0604750F	INTELLIGENCE EQUIPMENT .....	803	803
077	0604800F	F-35—EMD .....	1,210,306	1,207,999
		Block 4—early to need .....		[-2,307]
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD .....	135,437	135,437
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD .....	7,980	7,980
080	0604932F	LONG RANGE STANDOFF WEAPON .....	2,004	2,004
081	0604933F	ICBM FUZE MODERNIZATION .....	73,512	73,512
082	0605213F	F-22 MODERNIZATION INCREMENT 3.2B .....	140,100	140,100
083	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT .....	1,815,588	1,738,488
		Excess prior year funds .....		[-77,100]
084	0605229F	CSAR HH-60 RECAPITALIZATION .....	123,210	123,210
085	0605278F	HC/MC-130 RECAP RDT&E .....	19,039	19,039
086	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM .....	281,056	281,056
087	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	80,200	80,200
089	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE .....	310	310
090	0207701F	FULL COMBAT MISSION TRAINING .....	14,861	14,861
091	0305230F	MC-12 .....	19,949	19,949
093	0401318F	CV-22 .....	28,027	28,027
094	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S) .....	1,960	1,960
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>4,966,724</b>	<b>4,863,717</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
095	0604256F	THREAT SIMULATOR DEVELOPMENT .....	22,812	22,812
096	0604759F	MAJOR T&E INVESTMENT .....	42,236	42,236
097	0605101F	RAND PROJECT AIR FORCE .....	25,579	25,579
099	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT .....	722,071	722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP) .....	10,051	45,051
		Restore Space Test Program .....		[35,000]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	27,301	27,301

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105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING .....	1,294	1,294
111	1001004F	INTERNATIONAL ACTIVITIES .....	3,851	3,851
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,190,349</b>	<b>1,225,349</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....	371,595	370,095
		Project decrease .....		[-1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	17,037	17,037
117	0101113F	B-52 SQUADRONS .....	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	431	431
119	0101126F	B-1B SQUADRONS .....	16,265	16,265
120	0101127F	B-2 SQUADRONS .....	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM .....	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND .....	15,098	15,098
127	0205219F	MQ-9 UAV .....	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....	49,848	49,848
129	0207131F	A-10 SQUADRONS .....	13,538	13,538
130	0207133F	F-16 SQUADRONS .....	190,257	190,257
131	0207134F	F-15E SQUADRONS .....	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	13,683	13,683
133	0207138F	F-22A SQUADRONS .....	371,667	371,667
134	0207142F	F-35 SQUADRONS .....	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES .....	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY .....	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE .....	1,119	1,119
140	0207247F	AF TENCAP .....	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	1,063	1,063
142	0207253F	COMPASS CALL .....	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	65,200	65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	5,767	5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	5,756	5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	16,226	16,226
156	0207448F	C2ISR TACTICAL DATA LINK .....	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	18,086	18,086
158	0207452F	DCAPES .....	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	24,241	24,241
160	0207590F	SEEK EAGLE .....	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION .....	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS .....	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS .....	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT .....	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES .....	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	12,056	12,056
175	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM .....	4,316	2,316
		Underexecution .....		[-2,000]
180	0303601F	MILSATCOM TERMINALS .....	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE .....	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE .....	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER .....	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	33,773	33,773
189	0305111F	WEATHER SERVICE .....	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....	43,187	43,187
191	0305116F	AERIAL TARGETS .....	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION .....	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS) .....	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,680	3,680

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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER .....	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	8,760	8,760
205	0305202F	DRAGON U-2 .....	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	63,501	63,501
210	0305219F	MQ-1 PREDATOR A UAV .....	9,122	9,122
211	0305220F	RQ-4 UAV .....	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL) .....	38,094	38,094
214	0305238F	NATO AGS .....	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE .....	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT .....	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM .....	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION .....	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	64,965	63,365
		ICADS—early to need .....		[-1,600]
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW) .....	1,175	1,175
224	0401115F	C-130 AIRLIFT SQUADRON .....	5,000	5,000
225	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	35,115	35,115
226	0401130F	C-17 AIRCRAFT (IF) .....	99,225	99,225
227	0401132F	C-130J PROGRAM .....	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA) .....	100	0
		Program termination .....		[-100]
231	0401219F	KC-10S .....	24,022	24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	7,471	7,471
234	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES .....	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	119,327	99,327
		Program delays .....		[-20,000]
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	15,873	15,873
240	0804743F	OTHER FLIGHT TRAINING .....	349	349
242	0808716F	OTHER PERSONNEL ACTIVITIES .....	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM .....	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION .....	7,634	7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE .....	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	100,160	100,160
249A	999999999	CLASSIFIED PROGRAMS .....	11,172,183	11,172,183
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>15,867,972</b>	<b>15,842,772</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....	<b>25,428,046</b>	<b>25,383,339</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>BASIC RESEARCH</b>		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	45,071	45,071
002	0601101E	DEFENSE RESEARCH SCIENCES .....	309,051	309,051
003	0601110D8Z	BASIC RESEARCH INITIATIVES .....	19,405	19,405
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	39,676	39,676
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	87,979	87,979
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	50,566	50,566
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>551,748</b>	<b>551,748</b>
		<b>APPLIED RESEARCH</b>		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	20,615	20,615
008	0602115E	BIOMEDICAL TECHNOLOGY .....	110,900	110,900
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .....		10,000
		Program increase .....		[10,000]
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	36,826	36,826
011	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH .....	7,898	7,898
012	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	392,421	392,421
013	0602304E	COGNITIVE COMPUTING SYSTEMS .....	30,424	30,424
015	0602383E	BIOLOGICAL WARFARE DEFENSE .....	19,236	19,236
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	223,269	223,269
017	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH .....	13,753	9,753
		Excessive growth .....		[-4,000]
018	0602668D8Z	CYBER SECURITY RESEARCH .....	18,985	12,985
		Excessive growth .....		[-6,000]
019	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH .....	6,771	6,771
020	0602702E	TACTICAL TECHNOLOGY .....	233,209	233,209
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	166,067	166,067

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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
022	0602716E	ELECTRONICS TECHNOLOGY .....	222,416	222,416
023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	172,352	172,352
024	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....	28,739	28,739
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,703,881</b>	<b>1,703,881</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>		
025	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	25,612	21,612
		Excessive growth .....		[-4,000]
026	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	26,324	26,324
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	77,144	77,144
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT .....	275,022	275,022
029	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY .....	79,975	79,975
031	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	20,032	20,032
032	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY .....	3,892	3,892
033	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY .....	36,685	36,685
034	0603286E	ADVANCED AEROSPACE SYSTEMS .....	174,316	159,316
		Program decrease .....		[-15,000]
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	159,704	159,704
036	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT .....	234,280	234,280
037	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	6,983	6,983
038	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	158,263	158,263
039	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	25,393	25,393
040	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	13,754	9,754
		Excessive growth .....		[-4,000]
042	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH .....	19,935	13,935
		Excessive growth .....		[-6,000]
043	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT .....	8,235	8,235
044	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....	21,966	51,966
		Industrial Base Innovation Fund .....		[30,000]
045	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	24,662	24,662
047	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	24,605	24,605
048	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....	30,678	30,678
049	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	65,282	65,282
050	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	72,234	62,234
		.90nm Next Generation Foundry—early to need .....		[-10,000]
051	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	8,403	8,403
052	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	111,008	111,008
054	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	237,859	229,859
		Program reduction .....		[-8,000]
055	0603765E	CLASSIFIED DARPA PROGRAMS .....	3,000	3,000
056	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	236,883	236,883
057	0603767E	SENSOR TECHNOLOGY .....	299,438	299,438
058	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....	12,195	12,195
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	30,036	30,036
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	107,002	92,002
		Excessive growth .....		[-15,000]
062	0603828J	JOINT EXPERIMENTATION .....	21,230	21,230
063	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	47,433	47,433
064	0603901C	DIRECTED ENERGY RESEARCH .....	46,944	41,944
		Unjustified request .....		[-5,000]
065	0603902C	NEXT GENERATION AEGIS MISSILE .....	224,077	224,077
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	92,602	92,602
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	26,244	26,244
069	0303310D8Z	CWMD SYSTEMS .....	53,946	38,946
		Program reduction .....		[-15,000]
070	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	45,317	45,317
071	1160422BB	AVIATION ENGINEERING ANALYSIS .....	861	861
072	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY .....	4,959	4,959
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD) .....</b>	<b>3,194,413</b>	<b>3,142,413</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
073	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....	33,234	33,234
074	0603527D8Z	RETRACT LARCH .....	21,023	21,023
075	0603600D8Z	WALKOFF .....	94,624	94,624
077	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM .....	16,958	18,958
		Reverse cuts to testing .....		[2,000]
078	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	75,941	75,941
079	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	316,929	316,929
080	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	903,172	978,172
		Program increase .....		[75,000]
081	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL .....	179,023	179,023
082	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	347,012	347,012
084	0603890C	BMD ENABLING PROGRAMS .....	362,711	362,711
085	0603891C	SPECIAL PROGRAMS—MDA .....	272,387	272,387
086	0603892C	AEGIS BMD .....	992,407	992,407
087	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	51,313	51,313
088	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	6,912	6,912

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089	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION .....	366,552	366,552
090	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	55,550	55,550
091	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	63,043	63,043
092	0603906C	REGARDING TRENCH .....	11,371	11,371
093	0603907C	SEA BASED X-BAND RADAR (SBX) .....	9,730	9,730
094	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	99,836	478,836
		Increase to DSWS, ASIP, Arrow-3 cooperative programs .....		[168,000]
		Iron Dome short-range rocket defense .....		[211,000]
095	0603914C	BALLISTIC MISSILE DEFENSE TEST .....	454,400	454,400
096	0603915C	BALLISTIC MISSILE DEFENSE TARGETS .....	435,747	435,747
097	0603920D8Z	HUMANITARIAN DEMINING .....	13,231	13,231
098	0603923D8Z	COALITION WARFARE .....	11,398	11,398
099	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,283	24,083
		Increase for requirements shortfall .....		[20,800]
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT .....	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING .....	5,131	5,131
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM .....		200,000
		Rapid Innovation Program .....		[200,000]
104	0604787J	JOINT SYSTEMS INTEGRATION .....	3,273	3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....	7,364	7,364
107	0604880C	LAND-BASED SM-3 (LBSM3) .....	276,338	276,338
108	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E .....	297,375	242,375
		Project decrease to support technology development .....		[-55,000]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST) .....	58,742	33,742
		Program reduction .....		[-25,000]
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	3,158	3,158
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>6,282,166</b>	<b>6,878,966</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....	6,817	6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....	311,071	311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,699	12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	1,859	1,859
127	0605027D8Z	OUSDC) IT DEVELOPMENT INITIATIVES .....	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION .....	25,269	25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM) .....	3,556	3,556
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD) .....</b>	<b>694,287</b>	<b>694,287</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	2,419	2,419
139	0604943D8Z	THERMAL VICAR .....	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	32,266	32,266
142	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT .....	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....	55,508	55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING .....	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING .....	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD .....	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	6,601	6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	92,849	92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S .....	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	12,056	12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	55,454	55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	15,110	20,110
		DT&E Increase .....		[5,000]
166	0605898E	MANAGEMENT HQ—R&D .....	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	4,454	4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....	2,637	2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....	8,238	8,238
176	0305103E	CYBER SECURITY INITIATIVE .....	1,801	1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	16,041	16,041



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180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2) .....	77,475	77,475
182	0901598C	MANAGEMENT HQ—MDA .....	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS .....	104	104
184A	9999999999	CLASSIFIED PROGRAMS .....	64,255	64,255
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>887,928</b>	<b>892,928</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT .....	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAIS) .....	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....	14,745	14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY .....	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS) .....	3,922	3,922
192	0208045K	C4I INTEROPERABILITY .....	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	12,931	12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	191,452	191,452
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	36,575	36,575
212	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) .....	1,294	1,294
215	0303610K	TELEPORT PROGRAM .....	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE .....	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS .....	6,360	6,360
229	0305199D8Z	NET CENTRICITY .....	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	7,114	7,714
		USSOCOM UFR .....		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,247	3,247
237	0305219BB	MQ-1 PREDATOR A UAV .....	1,355	1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES .....	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS .....	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS .....	4,100	4,100
253	1105219BB	MQ-9 UAV .....	3,002	3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT .....	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT .....	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS .....	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT .....	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....	10,131	10,131
263	1160429BB	AC/MC-130J .....	19,647	19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS .....	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS .....	3,036	3,036
266	1160477BB	SOF WEAPONS SYSTEMS .....	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES .....	11,325	11,325
270	1160481BB	SOF MUNITIONS .....	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION .....	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS .....	26,405	69,405
		Program increase .....		[35,000]
		Transfer from PDW Line 64 at USSOCOM request .....		[8,000]
273	1160484BB	SOF SURFACE CRAFT .....	8,573	8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	16,386	16,386
276A	9999999999	CLASSIFIED PROGRAMS .....	3,754,516	3,754,516
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>4,667,738</b>	<b>4,711,338</b>
		<b>UNDISTRIBUTED GENERAL PROVISIONS</b>		
276B	9999999999	UNDISTRIBUTED GENERAL PROVISIONS .....		-25,000
		DARPA classified programs reduction .....		[-25,000]
		<b>SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS .....</b>		<b>-25,000</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>	<b>17,982,161</b>	<b>18,550,561</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>		
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	72,501	87,501

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
		<i>Program increase for DOT&amp;E cyber—range operations</i> .....		[15,000]
002	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	49,201	49,201
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	63,566	63,566
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b> .....	<b>185,268</b>	<b>200,268</b>
		<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE</b> .....	<b>185,268</b>	<b>200,268</b>
		<b>TOTAL RDT&amp;E</b> .....	<b>69,407,767</b>	<b>69,937,900</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Program Element</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	19,860	14,860
		<i>Program adjustment</i> .....		[-5,000]
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....	<b>19,860</b>	<b>19,860</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b> .....	<b>19,860</b>	<b>14,860</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	4,600	4,600
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....	<b>4,600</b>	<b>4,600</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
131	0604771N	MEDICAL DEVELOPMENT .....	2,173	2,173
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b> .....	<b>2,173</b>	<b>2,173</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	5,200	5,200
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT</b> .....	<b>5,200</b>	<b>5,200</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	6,762	6,762
221	0305233N	RQ-7 UAV .....	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS .....	33,784	33,784
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>48,146</b>	<b>48,146</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....	<b>60,119</b>	<b>60,119</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
249A	9999999999	CLASSIFIED PROGRAMS .....	53,150	53,150
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>53,150</b>	<b>53,150</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....	<b>53,150</b>	<b>53,150</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
239	0305231BB	MQ-8 UAV .....	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS .....	107,387	107,387
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>112,387</b>	<b>112,387</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> .....	<b>112,387</b>	<b>112,387</b>
		<b>TOTAL RDT&amp;E</b> .....	<b>245,516</b>	<b>240,516</b>

**TITLE XLIII—OPERATION AND MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
	<b>OPERATION &amp; MAINTENANCE, ARMY</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	1,223,087	1,223,087
020	MODULAR SUPPORT BRIGADES .....	80,574	80,574
030	ECHELONS ABOVE BRIGADE .....	723,039	723,039
040	THEATER LEVEL ASSETS .....	706,974	706,974
050	LAND FORCES OPERATIONS SUPPORT .....	1,226,650	1,226,650

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
060	AVIATION ASSETS .....	1,319,832	1,319,832
070	FORCE READINESS OPERATIONS SUPPORT .....	3,447,174	3,447,174
080	LAND FORCES SYSTEMS READINESS .....	454,774	454,774
090	LAND FORCES DEPOT MAINTENANCE .....	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT .....	7,401,613	7,349,613
	Army requested transfer to Other Procurement, Army for emergency mananagement modernization prgram .....		[-52,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	3,041,074	3,259,674
	Restoration and Modernization of Facilities .....		[218,600]
120	MANAGEMENT AND OPERATIONAL HQ'S .....	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS .....	177,819	177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS .....	461,333	461,333
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>22,436,871</b>	<b>22,603,471</b>
	<b>MOBILIZATION</b>		
180	STRATEGIC MOBILITY .....	405,496	405,496
190	ARMY PREPOSITIONING STOCKS .....	195,349	195,349
200	INDUSTRIAL PREPAREDNESS .....	6,379	6,379
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>607,224</b>	<b>607,224</b>
	<b>TRAINING AND RECRUITING</b>		
210	OFFICER ACQUISITION .....	112,866	112,866
220	RECRUIT TRAINING .....	73,265	73,265
230	ONE STATION UNIT TRAINING .....	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	443,306	443,306
250	SPECIALIZED SKILL TRAINING .....	1,099,556	1,099,556
260	FLIGHT TRAINING .....	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	191,683	191,683
280	TRAINING SUPPORT .....	652,095	652,095
290	RECRUITING AND ADVERTISING .....	507,510	507,510
300	EXAMINING .....	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING .....	212,477	212,477
330	JUNIOR ROTC .....	182,691	182,691
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>5,058,610</b>	<b>5,058,610</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
350	SERVICEWIDE TRANSPORTATION .....	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES .....	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES .....	610,136	610,136
380	AMMUNITION MANAGEMENT .....	478,707	478,707
390	ADMINISTRATION .....	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS .....	1,547,925	1,547,925
410	MANPOWER MANAGEMENT .....	362,205	338,205
	Army-Identified Excess for Civilian Personnel Resources Support .....		[-24,000]
420	OTHER PERSONNEL SUPPORT .....	220,754	220,754
430	OTHER SERVICE SUPPORT .....	1,153,556	1,150,509
	Army Museum Funding (Early to need) .....		[-3,047]
440	ARMY CLAIMS ACTIVITIES .....	250,970	250,970
450	REAL ESTATE MANAGEMENT .....	222,351	222,351
460	BASE OPERATIONS SUPPORT .....	222,379	222,379
470	SUPPORT OF NATO OPERATIONS .....	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS .....	25,637	25,637
490	CLASSIFIED PROGRAMS .....	1,052,595	1,052,595
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>8,505,887</b>	<b>8,478,840</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
500	UNDISTRIBUTED ADJUSTMENTS .....		-266,600
	Excess Working Capital Fund Carry Over .....		[-146,600]
	Historical unobligated balances .....		[-120,000]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS</b> .....		<b>-266,600</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>36,608,592</b>	<b>36,481,545</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	4,918,144	4,927,144
	Cruiser Retention .....		[9,000]
020	FLEET AIR TRAINING .....	1,886,825	1,886,825
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	44,032	44,032
040	AIR OPERATIONS AND SAFETY SUPPORT .....	101,565	101,565
050	AIR SYSTEMS SUPPORT .....	374,827	374,827
060	AIRCRAFT DEPOT MAINTENANCE .....	960,802	960,802
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	37,545	37,545
080	AVIATION LOGISTICS .....	328,805	328,805
090	MISSION AND OTHER SHIP OPERATIONS .....	4,686,535	4,711,185
	Cruiser Retention .....		[24,650]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	769,204	769,204

**SEC. 4301. OPERATION AND MAINTENANCE**  
*(In Thousands of Dollars)*

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
110	SHIP DEPOT MAINTENANCE .....	5,089,981	5,157,944
	Cruiser Retention .....		[67,963]
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,315,366	1,329,237
	Cruiser Retention .....		[13,871]
130	COMBAT COMMUNICATIONS .....	619,909	619,909
140	ELECTRONIC WARFARE .....	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE .....	174,437	174,437
160	WARFARE TACTICS .....	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	333,554	333,554
180	COMBAT SUPPORT FORCES .....	910,087	910,087
190	EQUIPMENT MAINTENANCE .....	167,158	167,158
200	DEPOT OPERATIONS SUPPORT .....	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS .....	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	204,569	204,569
230	CRUISE MISSILE .....	111,884	111,884
240	FLEET BALLISTIC MISSILE .....	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	87,606	87,606
260	WEAPONS MAINTENANCE .....	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT .....	300,435	300,435
280	ENTERPRISE INFORMATION .....	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	2,101,279	2,155,879
	Restoration and Modernization of Facilities .....		[54,600]
300	BASE OPERATING SUPPORT .....	4,822,093	4,822,093
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>33,758,297</b>	<b>33,928,381</b>
	<b>MOBILIZATION</b>		
310	SHIP PREPOSITIONING AND SURGE .....	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS .....	1,066,329	1,057,329
	Cruiser Retention .....		[-9,000]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	83,901	83,901
350	INDUSTRIAL READINESS .....	2,695	2,695
360	COAST GUARD SUPPORT .....	23,502	23,502
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>1,517,648</b>	<b>1,508,648</b>
	<b>TRAINING AND RECRUITING</b>		
370	OFFICER ACQUISITION .....	147,807	147,807
380	RECRUIT TRAINING .....	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS .....	139,220	139,220
400	SPECIALIZED SKILL TRAINING .....	582,177	582,177
410	FLIGHT TRAINING .....	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION .....	170,746	170,746
430	TRAINING SUPPORT .....	153,403	153,403
440	RECRUITING AND ADVERTISING .....	241,329	242,267
	Naval Sea Cadet Corps .....		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION .....	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING .....	105,776	105,776
470	JUNIOR ROTC .....	51,817	51,817
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>1,716,430</b>	<b>1,717,368</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
480	ADMINISTRATION .....	797,177	797,177
490	EXTERNAL RELATIONS .....	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	235,753	235,753
520	OTHER PERSONNEL SUPPORT .....	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS .....	363,213	363,213
550	SERVICEWIDE TRANSPORTATION .....	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN .....	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT .....	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS .....	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE .....	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	4,984	4,984
710	CLASSIFIED PROGRAMS .....	537,079	537,079
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>4,614,568</b>	<b>4,614,568</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
720	UNDISTRIBUTED ADJUSTMENTS .....		-23,000
	Historical unobligated balances .....		[-23,000]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-23,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>41,606,943</b>	<b>41,745,965</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS OPERATING FORCES</b>		

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
010	OPERATIONAL FORCES .....	788,055	788,055
020	FIELD LOGISTICS .....	762,614	762,614
030	DEPOT MAINTENANCE .....	168,447	168,447
040	MARITIME PREPOSITIONING .....	100,374	100,374
050	SUSTAINMENT, RESTORATION & MODERNIZATION .....	825,039	847,839
	Restoration and Modernization of Facilities .....		[22,800]
060	BASE OPERATING SUPPORT .....	2,188,883	2,188,883
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>4,833,412</b>	<b>4,856,212</b>
	<b>TRAINING AND RECRUITING</b>		
070	RECRUIT TRAINING .....	18,251	18,251
080	OFFICER ACQUISITION .....	869	869
090	SPECIALIZED SKILL TRAINING .....	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION .....	42,744	42,744
110	TRAINING SUPPORT .....	292,150	292,150
120	RECRUITING AND ADVERTISING .....	168,609	168,609
130	OFF-DUTY AND VOLUNTARY EDUCATION .....	56,865	56,865
140	JUNIOR ROTC .....	19,912	19,912
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>680,314</b>	<b>680,314</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	SERVICEWIDE TRANSPORTATION .....	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT .....	83,404	83,404
190	CLASSIFIED PROGRAMS .....	346,071	346,071
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>469,437</b>	<b>469,437</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>5,983,163</b>	<b>6,005,963</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	2,973,141	2,973,141
020	COMBAT ENHANCEMENT FORCES .....	1,611,032	1,744,032
	Global Hawk Block 30 .....		[133,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	1,472,806	1,472,806
040	DEPOT MAINTENANCE .....	5,545,470	5,545,470
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,353,987	1,489,386
	Restoration and Modernization of Facilities .....		[135,399]
060	BASE SUPPORT .....	2,595,032	2,595,032
070	GLOBAL C3I AND EARLY WARNING .....	957,040	957,040
080	OTHER COMBAT OPS SPT PROGRAMS .....	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	733,716	733,716
110	LAUNCH FACILITIES .....	314,490	314,490
120	SPACE CONTROL SYSTEMS .....	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	862,979	850,979
	Joint Forces Command restructuring .....		[-12,000]
140	COMBATANT COMMANDERS CORE OPERATIONS .....	222,429	222,429
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>20,047,084</b>	<b>20,303,483</b>
	<b>MOBILIZATION</b>		
150	AIRLIFT OPERATIONS .....	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS .....	154,049	154,049
170	DEPOT MAINTENANCE .....	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	309,699	309,699
190	BASE SUPPORT .....	707,574	707,574
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>4,434,097</b>	<b>4,434,097</b>
	<b>TRAINING AND RECRUITING</b>		
200	OFFICER ACQUISITION .....	115,427	115,427
210	RECRUIT TRAINING .....	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	336,433	336,433
240	BASE SUPPORT .....	842,441	842,441
250	SPECIALIZED SKILL TRAINING .....	482,634	482,634
260	FLIGHT TRAINING .....	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	235,114	235,114
280	TRAINING SUPPORT .....	101,231	101,231
290	DEPOT MAINTENANCE .....	233,330	233,330
310	RECRUITING AND ADVERTISING .....	130,217	130,217
320	EXAMINING .....	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION .....	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING .....	175,147	175,147
350	JUNIOR ROTC .....	74,809	74,809
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>3,745,868</b>	<b>3,745,868</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
360	LOGISTICS OPERATIONS .....	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES .....	913,843	913,843

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	303,610	303,610
400	BASE SUPPORT .....	1,266,800	1,266,800
410	ADMINISTRATION .....	587,654	587,654
420	SERVICEWIDE COMMUNICATIONS .....	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES .....	1,094,509	1,094,509
440	CIVIL AIR PATROL .....	23,904	23,904
470	INTERNATIONAL SUPPORT .....	81,307	81,307
480	CLASSIFIED PROGRAMS .....	1,239,040	1,239,040
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>7,208,311</b>	<b>7,208,311</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
490	UNDISTRIBUTED ADJUSTMENTS .....		-32,000
	Historical unobligated balances .....		[-32,000]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-32,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>35,435,360</b>	<b>35,659,759</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>		
	<b>OPERATING FORCES</b>		
010	JOINT CHIEFS OF STAFF .....	485,708	485,708
020	SPECIAL OPERATIONS COMMAND .....		5,091,001
	Transfer from line 025 .....		[5,091,001]
025	CLASSIFIED PROGRAMS .....	5,091,001	0
	Transfer to Line 020 .....		[-5,091,001]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,576,709</b>	<b>5,576,709</b>
	<b>TRAINING AND RECRUITING</b>		
030	DEFENSE ACQUISITION UNIVERSITY .....	147,210	147,210
040	NATIONAL DEFENSE UNIVERSITY .....	84,999	84,999
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>232,209</b>	<b>232,209</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
050	CIVIL MILITARY PROGRAMS .....	161,294	161,294
080	DEFENSE CONTRACT AUDIT AGENCY .....	573,973	573,973
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE .....	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY .....	35,137	35,137
150	DEFENSE LOGISTICS AGENCY .....	431,893	431,893
160	DEFENSE MEDIA ACTIVITY .....	224,013	224,013
170	DEFENSE POW/MIA OFFICE .....	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY .....	557,917	557,917
190	DEFENSE SECURITY SERVICE .....		506,662
	Transfer from Line 280 .....		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY .....		443,382
	Transfer from Line 280 .....		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY .....	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT .....	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE .....	2,095,362	2,105,362
	Office of Net Assessment .....		[10,000]
270	WASHINGTON HEADQUARTERS SERVICE .....	521,297	521,297
280	CLASSIFIED PROGRAMS .....	14,933,801	14,033,757
	Additional ISR Support to Operation Observant Compass .....		[50,000]
	Transfer to Line 190 .....		[-506,662]
	Transfer to Line 210 .....		[-443,382]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>26,184,095</b>	<b>26,244,095</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
290	UNDISTRIBUTED ADJUSTMENTS .....		35,000
	DOD Impact Aid .....		[30,000]
	Impact aid for children with severe disabilities .....		[5,000]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>35,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>	<b>31,993,013</b>	<b>32,088,013</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	1,391	1,391
020	MODULAR SUPPORT BRIGADES .....	20,889	20,889
030	ECHELONS ABOVE BRIGADE .....	592,724	592,724
040	THEATER LEVEL ASSETS .....	114,983	114,983
050	LAND FORCES OPERATIONS SUPPORT .....	633,091	633,091
060	AVIATION ASSETS .....	76,823	76,823
070	FORCE READINESS OPERATIONS SUPPORT .....	481,997	481,997

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
080	LAND FORCES SYSTEMS READINESS .....	70,118	70,118
090	LAND FORCES DEPOT MAINTENANCE .....	141,205	141,205
100	BASE OPERATIONS SUPPORT .....	561,878	561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	287,399	308,099
	Restoration and Modernization of Facilities .....		[20,700]
120	MANAGEMENT AND OPERATIONAL HQ'S .....	52,431	52,431
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>3,034,929</b>	<b>3,055,629</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
140	SERVICEWIDE TRANSPORTATION .....	12,995	12,995
150	ADMINISTRATION .....	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS .....	4,895	4,895
170	MANPOWER MANAGEMENT .....	16,074	11,574
	Unjustified growth for civilian personnel .....		[-4,500]
180	RECRUITING AND ADVERTISING .....	60,683	60,683
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>127,079</b>	<b>122,579</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>3,162,008</b>	<b>3,178,208</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	616,776	616,776
020	INTERMEDIATE MAINTENANCE .....	15,076	15,076
030	AIR OPERATIONS AND SAFETY SUPPORT .....	1,479	1,479
040	AIRCRAFT DEPOT MAINTENANCE .....	107,251	107,251
050	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	355	355
060	MISSION AND OTHER SHIP OPERATIONS .....	82,186	82,186
070	SHIP OPERATIONS SUPPORT & TRAINING .....	589	589
080	SHIP DEPOT MAINTENANCE .....	48,593	48,593
090	COMBAT COMMUNICATIONS .....	15,274	15,274
100	COMBAT SUPPORT FORCES .....	124,917	124,917
110	WEAPONS MAINTENANCE .....	1,978	1,978
120	ENTERPRISE INFORMATION .....	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	60,646	60,646
140	BASE OPERATING SUPPORT .....	105,227	105,227
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>1,224,046</b>	<b>1,224,046</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	ADMINISTRATION .....	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS .....	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT .....	3,090	3,090
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>22,936</b>	<b>22,936</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b> .....	<b>1,246,982</b>	<b>1,246,982</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	OPERATING FORCES .....	89,690	89,690
020	DEPOT MAINTENANCE .....	16,735	16,735
030	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	37,913	37,913
040	BASE OPERATING SUPPORT .....	103,746	103,746
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>248,084</b>	<b>248,084</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
050	SERVICEWIDE TRANSPORTATION .....	873	873
060	ADMINISTRATION .....	14,330	14,330
070	RECRUITING AND ADVERTISING .....	8,998	8,998
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>24,201</b>	<b>24,201</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE</b> .....	<b>272,285</b>	<b>272,285</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	2,089,326	2,089,326
020	MISSION SUPPORT OPERATIONS .....	112,992	112,992
030	DEPOT MAINTENANCE .....	406,101	406,101
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	71,564	78,264
	Restoration and Modernization of Facilities .....		[6,700]
050	BASE SUPPORT .....	364,862	364,862
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>3,044,845</b>	<b>3,051,545</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
060	ADMINISTRATION .....	78,824	78,824
070	RECRUITING AND ADVERTISING .....	16,020	16,020
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	19,496	19,496
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,489	6,489



**SEC. 4301. OPERATION AND MAINTENANCE**  
*(In Thousands of Dollars)*

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
100	AUDIOVISUAL .....	808	808
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>121,637</b>	<b>121,637</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
110	UNDISTRIBUTED ADJUSTMENTS .....		33,900
	Retain Air Force Reserve Force Structure .....		[33,900]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS</b> .....		<b>33,900</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE</b> .....	<b>3,166,482</b>	<b>3,207,082</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	680,206	680,206
020	MODULAR SUPPORT BRIGADES .....	186,408	186,408
030	ECHELONS ABOVE BRIGADE .....	865,628	865,628
040	THEATER LEVEL ASSETS .....	112,651	112,651
050	LAND FORCES OPERATIONS SUPPORT .....	36,091	36,091
060	AVIATION ASSETS .....	907,011	907,011
070	FORCE READINESS OPERATIONS SUPPORT .....	751,606	751,606
080	LAND FORCES SYSTEMS READINESS .....	60,043	60,043
090	LAND FORCES DEPOT MAINTENANCE .....	411,940	411,940
100	BASE OPERATIONS SUPPORT .....	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	688,189	737,589
	Restoration and Modernization of Facilities .....		[49,400]
120	MANAGEMENT AND OPERATIONAL HQ'S .....	953,716	953,716
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>6,648,912</b>	<b>6,698,312</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
130	SERVICEWIDE TRANSPORTATION .....	11,806	11,806
140	REAL ESTATE MANAGEMENT .....	1,656	1,656
150	ADMINISTRATION .....	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS .....	39,513	39,513
170	MANPOWER MANAGEMENT .....	7,224	7,224
180	RECRUITING AND ADVERTISING .....	310,143	310,143
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>459,700</b>	<b>459,700</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG</b> .....	<b>7,108,612</b>	<b>7,158,012</b>
	<b>OPERATION &amp; MAINTENANCE, ANG</b>		
	<b>OPERATING FORCES</b>		
010	AIRCRAFT OPERATIONS .....	3,559,824	3,559,824
020	MISSION SUPPORT OPERATIONS .....	721,225	721,225
030	DEPOT MAINTENANCE .....	774,875	774,875
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	270,709	295,409
	Restoration and Modernization of Facilities .....		[24,700]
050	BASE SUPPORT .....	624,443	624,443
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,951,076</b>	<b>5,975,776</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
060	ADMINISTRATION .....	32,358	32,358
070	RECRUITING AND ADVERTISING .....	32,021	32,021
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>64,379</b>	<b>64,379</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>		
080	UNDISTRIBUTED ADJUSTMENTS .....		145,400
	Retain Air National Guard Force Structure .....		[145,400]
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS</b> .....		<b>145,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b> .....	<b>6,015,455</b>	<b>6,185,555</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	108,759	108,759
030	COOPERATIVE THREAT REDUCTION .....	519,111	519,111
040	ACQ WORKFORCE DEV FD .....	274,198	274,198
050	ENVIRONMENTAL RESTORATION, ARMY .....	335,921	335,921
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>1,237,989</b>	<b>1,237,989</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
060	ENVIRONMENTAL RESTORATION, NAVY .....	310,594	310,594
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>310,594</b>	<b>310,594</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	529,263	529,263
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS</b> .....	<b>529,263</b>	<b>529,263</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	13,516	13,516
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	11,133	11,133
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>24,649</b>	<b>24,649</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	237,543	237,543
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>237,543</b>	<b>237,543</b>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>2,340,038</b>	<b>2,340,038</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>174,938,933</b>	<b>175,569,407</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Item</b>	<b>FY 2013 Request</b>	<b>Con- ference Author- ized</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY</b>		
	<b>OPERATING FORCES</b>		
040	THEATER LEVEL ASSETS .....	2,758,162	2,758,162
050	LAND FORCES OPERATIONS SUPPORT .....	991,396	991,396
060	AVIATION ASSETS .....	40,300	40,300
070	FORCE READINESS OPERATIONS SUPPORT .....	1,755,445	1,755,445
080	LAND FORCES SYSTEMS READINESS .....	307,244	307,244
100	BASE OPERATIONS SUPPORT .....	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	250,000	250,000
140	ADDITIONAL ACTIVITIES .....	12,524,137	12,514,137
	Task Force for Stability Operations: Operations/Sustainment Request .....		[-10,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	400,000	200,000
	Historical underexecution .....		[-200,000]
160	RESET .....	3,687,973	3,687,973
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>23,107,822</b>	<b>22,897,822</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
350	SERVICEWIDE TRANSPORTATION .....	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES .....	129,000	129,000
380	AMMUNITION MANAGEMENT .....	78,022	78,022
420	OTHER PERSONNEL SUPPORT .....	137,277	97,277
	Transfer to OPA OCO Line 061 at SOUTHCOM request .....		[-40,000]
430	OTHER SERVICE SUPPORT .....	72,293	72,293
490	CLASSIFIED PROGRAMS .....	1,828,717	1,828,717
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>5,483,619</b>	<b>5,443,619</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>28,591,441</b>	<b>28,341,441</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	937,098	937,098
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	1,000	1,000
040	AIR OPERATIONS AND SAFETY SUPPORT .....	15,794	15,794
050	AIR SYSTEMS SUPPORT .....	19,013	19,013
060	AIRCRAFT DEPOT MAINTENANCE .....	201,912	201,912
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	3,000	3,000
080	AVIATION LOGISTICS .....	44,150	44,150
090	MISSION AND OTHER SHIP OPERATIONS .....	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING .....	24,774	24,774
110	SHIP DEPOT MAINTENANCE .....	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS .....	42,965	42,965
160	WARFARE TACTICS .....	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	19,226	19,226
180	COMBAT SUPPORT FORCES .....	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE .....	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	94,655	94,655
260	WEAPONS MAINTENANCE .....	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	3,218	3,218
300	BASE OPERATING SUPPORT .....	143,442	143,442
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,329,365</b>	<b>5,329,365</b>
	<b>MOBILIZATION</b>		
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	31,395	31,395
360	COAST GUARD SUPPORT .....	254,461	254,461
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>285,856</b>	<b>285,856</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
<b>TRAINING AND RECRUITING</b>			
400	SPECIALIZED SKILL TRAINING .....	50,903	50,903
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>50,903</b>	<b>50,903</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
480	ADMINISTRATION .....	1,377	1,377
490	EXTERNAL RELATIONS .....	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	6,022	6,022
520	OTHER PERSONNEL SUPPORT .....	3,514	3,514
550	SERVICEWIDE TRANSPORTATION .....	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT .....	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE .....	1,425	1,425
710	CLASSIFIED PROGRAMS .....	14,556	14,556
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>214,271</b>	<b>214,271</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>5,880,395</b>	<b>5,880,395</b>
<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>			
<b>OPERATING FORCES</b>			
010	OPERATIONAL FORCES .....	1,921,258	1,921,258
020	FIELD LOGISTICS .....	1,094,028	1,094,028
030	DEPOT MAINTENANCE .....	222,824	222,824
060	BASE OPERATING SUPPORT .....	88,690	88,690
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,326,800</b>	<b>3,326,800</b>
<b>TRAINING AND RECRUITING</b>			
110	TRAINING SUPPORT .....	215,212	215,212
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>215,212</b>	<b>215,212</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
150	SERVICEWIDE TRANSPORTATION .....	512,627	512,627
190	CLASSIFIED PROGRAMS .....	11,701	11,701
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>524,328</b>	<b>524,328</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>4,066,340</b>	<b>4,066,340</b>
<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>			
<b>OPERATING FORCES</b>			
010	PRIMARY COMBAT FORCES .....	1,494,144	1,494,144
020	COMBAT ENHANCEMENT FORCES .....	809,531	809,531
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	13,095	13,095
040	DEPOT MAINTENANCE .....	1,403,238	1,403,238
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	155,954	155,954
060	BASE SUPPORT .....	342,226	342,226
070	GLOBAL C3I AND EARLY WARNING .....	15,108	15,108
080	OTHER COMBAT OPS SPT PROGRAMS .....	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	25,400	25,400
120	SPACE CONTROL SYSTEMS .....	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	52,173	52,173
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,587,369</b>	<b>4,587,369</b>
<b>MOBILIZATION</b>			
150	AIRLIFT OPERATIONS .....	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS .....	43,509	43,509
170	DEPOT MAINTENANCE .....	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	4,431	4,431
190	BASE SUPPORT .....	9,256	9,256
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>3,799,350</b>	<b>3,799,350</b>
<b>TRAINING AND RECRUITING</b>			
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	424	424
240	BASE SUPPORT .....	1,036	1,036
250	SPECIALIZED SKILL TRAINING .....	10,923	10,923
260	FLIGHT TRAINING .....	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	323	323
280	TRAINING SUPPORT .....	352	352
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>13,130</b>	<b>13,130</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
360	LOGISTICS OPERATIONS .....	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	47,200	47,200
400	BASE SUPPORT .....	7,242	7,242
410	ADMINISTRATION .....	1,552	1,552
420	SERVICEWIDE COMMUNICATIONS .....	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES .....	582,977	582,977
480	CLASSIFIED PROGRAMS .....	20,270	20,270
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>841,764</b>	<b>841,764</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>9,241,613</b>	<b>9,241,613</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>		
	<b>OPERATING FORCES</b>		
010	JOINT CHIEFS OF STAFF .....	2,000	2,000
020	SPECIAL OPERATIONS COMMAND .....	2,503,060	2,503,060
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,505,060</b>	<b>2,505,060</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
080	DEFENSE CONTRACT AUDIT AGENCY .....	30,674	30,674
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY .....	102,322	102,322
160	DEFENSE MEDIA ACTIVITY .....	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY .....	2,200,000	2,100,000
	Program Decrease—Coalition Support Funds .....		[-100,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE .....	87,805	87,805
280	CLASSIFIED PROGRAMS .....	2,522,003	2,522,003
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>5,319,519</b>	<b>5,219,519</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>	<b>7,824,579</b>	<b>7,724,579</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>		
	<b>OPERATING FORCES</b>		
030	ECHELONS ABOVE BRIGADE .....	78,600	78,600
050	LAND FORCES OPERATIONS SUPPORT .....	20,811	20,811
070	FORCE READINESS OPERATIONS SUPPORT .....	20,726	20,726
100	BASE OPERATIONS SUPPORT .....	34,400	34,400
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>154,537</b>	<b>154,537</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES .....</b>	<b>154,537</b>	<b>154,537</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	24,834	24,834
020	INTERMEDIATE MAINTENANCE .....	300	300
040	AIRCRAFT DEPOT MAINTENANCE .....	13,364	13,364
060	MISSION AND OTHER SHIP OPERATIONS .....	8,213	8,213
080	SHIP DEPOT MAINTENANCE .....	929	929
100	COMBAT SUPPORT FORCES .....	8,244	8,244
140	BASE OPERATING SUPPORT .....	40	40
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>55,924</b>	<b>55,924</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES .....</b>	<b>55,924</b>	<b>55,924</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	OPERATING FORCES .....	22,657	22,657
040	BASE OPERATING SUPPORT .....	2,820	2,820
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>25,477</b>	<b>25,477</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE .....</b>	<b>25,477</b>	<b>25,477</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	7,600	7,600
030	DEPOT MAINTENANCE .....	106,768	106,768
050	BASE SUPPORT .....	6,250	6,250
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>120,618</b>	<b>120,618</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE .....</b>	<b>120,618</b>	<b>120,618</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	38,485	38,485
020	MODULAR SUPPORT BRIGADES .....	1,959	1,959
030	ECHELONS ABOVE BRIGADE .....	20,076	20,076
040	THEATER LEVEL ASSETS .....	2,028	2,028
060	AVIATION ASSETS .....	183,811	183,811
070	FORCE READINESS OPERATIONS SUPPORT .....	43,780	43,780
100	BASE OPERATIONS SUPPORT .....	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S .....	20,072	20,072
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>380,448</b>	<b>380,448</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Line</i>	<i>Item</i>	<i>FY 2013 Request</i>	<i>Con- ference Author- ized</i>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
160	SERVICEWIDE COMMUNICATIONS .....	2,000	2,000
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>2,000</b>	<b>2,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG</b> .....	<b>382,448</b>	<b>382,448</b>
	<b>OPERATION &amp; MAINTENANCE, ANG</b>		
	<b>OPERATING FORCES</b>		
020	MISSION SUPPORT OPERATIONS .....	19,975	19,975
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>19,975</b>	<b>19,975</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b> .....	<b>19,975</b>	<b>19,975</b>
	<b>AFGHANISTAN SECURITY FORCES FUND</b>		
	<b>MINISTRY OF DEFENSE</b>		
010	SUSTAINMENT .....	2,523,825	2,523,825
020	INFRASTRUCTURE .....	190,000	190,000
030	EQUIPMENT AND TRANSPORTATION .....	241,521	241,521
040	TRAINING AND OPERATIONS .....	758,380	758,380
	<b>SUBTOTAL MINISTRY OF DEFENSE</b> .....	<b>3,713,726</b>	<b>3,713,726</b>
	<b>MINISTRY OF INTERIOR</b>		
050	SUSTAINMENT .....	1,305,950	1,305,950
060	INFRASTRUCTURE .....	50,000	50,000
070	EQUIPMENT AND TRANSPORTATION .....	84,859	84,859
080	TRAINING AND OPERATIONS .....	569,868	569,868
	<b>SUBTOTAL MINISTRY OF INTERIOR</b> .....	<b>2,010,677</b>	<b>2,010,677</b>
	<b>RELATED ACTIVITIES</b>		
090	SUSTAINMENT .....	18,325	18,325
100	INFRASTRUCTURE .....	1,200	1,200
110	EQUIPMENT & TRANSPORTATION .....	1,239	1,239
120	TRAINING AND OPERATIONS .....	4,000	4,000
	<b>SUBTOTAL RELATED ACTIVITIES</b> .....	<b>24,764</b>	<b>24,764</b>
	<b>TOTAL AFGHANISTAN SECURITY FORCES FUND</b> .....	<b>5,749,167</b>	<b>5,749,167</b>
	<b>AFGHANISTAN INFRASTRUCTURE FUND</b>		
010	POWER .....	400,000	350,000
	Program Decrease .....		[-50,000]
	<b>SUBTOTAL AFGHANISTAN INFRASTRUCTURE FUND</b> .....	<b>400,000</b>	<b>350,000</b>
	<b>TOTAL AFGHANISTAN INFRASTRUCTURE FUND</b> .....	<b>400,000</b>	<b>350,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>62,512,514</b>	<b>62,112,514</b>

**TITLE XLIV—MILITARY PERSONNEL**

**SEC. 4401. MILITARY PERSONNEL.**

<b>SEC. 4401. MILITARY PERSONNEL</b> (In Thousands of Dollars)			
	<i>Item</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
	<b>MILITARY PERSONNEL</b> .....	<b>135,111,799</b>	<b>135,777,368</b>
	USMC military personnel in lieu of LAV funding .....		[129,729]
	Retain Global Hawk .....		[22,000]
	Restore accrual payments to the Medicare eligible health care trust fund .....		[672,000]
	Unobligated balances .....		[-295,250]
	Basic allowance for housing for members of the National Guard (Section 603) .....		[6,000]
	Retain 128 Air National Guard AGRs for two air sovereignty alert locations .....		[8,300]
	Retain Air National Guard Force Structure .....		[86,600]
	Retain Air Force Reserve Force Structure .....		[17,100]

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.**

<b>SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS</b> (In Thousands of Dollars)			
	<i>Item</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
	<b>MILITARY PERSONNEL</b> .....	<b>14,060,094</b>	<b>14,055,094</b>
	Navy identified excess to requirement .....		[-5,000]

**TITLE XLV—OTHER AUTHORIZATIONS**

## SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	Conference Authorized
<b>WORKING CAPITAL FUND, ARMY</b>		
PREPOSITIONED WAR RESERVE STOCKS .....	60,037	60,037
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>60,037</b>	<b>60,037</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
<b>CONTAINER DECONSOLIDATION</b>		
SUPPLIES AND MATERIALS (MEDICAL/DENTAL) .....	45,452	45,452
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>45,452</b>	<b>45,452</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	39,135	39,135
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>39,135</b>	<b>39,135</b>
<b>WORKING CAPITAL FUND, DECA</b>		
WORKING CAPITAL FUND, DECA .....	1,371,560	1,371,560
<b>TOTAL WORKING CAPITAL FUND, DECA .....</b>	<b>1,371,560</b>	<b>1,371,560</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>		
<b>T-AKE</b>		
MPF MLP .....	38,000	38,000
POST DELIVERY AND OUTFITTING .....	39,386	39,386
<b>NATIONAL DEF SEALIFT VESSEL</b>		
LG MED SPD RO/RO MAINTENANCE .....	128,819	128,819
DOD MOBILIZATION ALTERATIONS .....	26,598	26,598
TAH MAINTENANCE .....	29,199	29,199
RESEARCH AND DEVELOPMENT .....	42,811	42,811
READY RESERVE FORCE .....	303,323	303,323
<b>TOTAL NATIONAL DEFENSE SEALIFT FUND .....</b>	<b>608,136</b>	<b>608,136</b>
<b>DEFENSE HEALTH PROGRAM</b>		
IN-HOUSE CARE .....	8,625,507	8,625,507
PRIVATE SECTOR CARE .....	16,148,263	15,788,263
Pilot program for treatment of Autism .....		[40,000]
TRICARE historical underexecution .....		[-400,000]
CONSOLIDATED HEALTH SUPPORT .....	2,309,185	2,309,185
INFORMATION MANAGEMENT .....	1,465,328	1,465,328
MANAGEMENT ACTIVITIES .....	332,121	332,121
EDUCATION AND TRAINING .....	722,081	722,081
BASE OPERATIONS/COMMUNICATIONS .....	1,746,794	1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE .....		452,000
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductables for TRICARE Standard .....		[273,000]
Restore pharmacy co-pay estimated savings .....		[179,000]
RDT&E .....	672,977	672,977
PROCUREMENT .....	506,462	506,462
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>32,528,718</b>	<b>32,620,718</b>
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>		
OPERATION & MAINTENANCE .....	635,843	635,843
RDT&E .....	647,351	647,351
PROCUREMENT .....	18,592	18,592
<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION .....</b>	<b>1,301,786</b>	<b>1,301,786</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM .....	109,818	135,718
Authorization increase expanded drug testing .....		[25,900]
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>999,363</b>	<b>1,025,263</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION & MAINTENANCE .....	272,821	331,921
DoD IG growth plan .....		[59,100]
<b>RDT&amp;E</b>		
PROCUREMENT .....	1,000	1,000
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>273,821</b>	<b>332,921</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>37,228,008</b>	<b>37,405,008</b>

## SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<i>Program Title</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
<b>WORKING CAPITAL FUND, ARMY</b>		
PREPOSITIONED WAR RESERVE STOCKS .....	42,600	42,600
<b>TOTAL WORKING CAPITAL FUND, ARMY</b> .....	<b>42,600</b>	<b>42,600</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>		
C-17 CLS ENGINE REPAIR .....	230,400	230,400
TRANSPORTATION FALLEN HEROES .....	10,000	10,000
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE</b> .....	<b>240,400</b>	<b>240,400</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
DEFENSE LOGISTICS AGENCY (DLA) .....	220,364	220,364
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</b> .....	<b>220,364</b>	<b>220,364</b>
<b>DEFENSE HEALTH PROGRAM</b>		
IN-HOUSE CARE .....	483,326	483,326
PRIVATE SECTOR CARE .....	376,982	376,982
CONSOLIDATED HEALTH SUPPORT .....	111,675	111,675
INFORMATION MANAGEMENT .....	4,773	4,773
MANAGEMENT ACTIVITIES .....	660	660
EDUCATION AND TRAINING .....	15,370	15,370
BASE OPERATIONS/COMMUNICATIONS .....	1,112	1,112
<b>TOTAL DEFENSE HEALTH PROGRAM</b> .....	<b>993,898</b>	<b>993,898</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	469,025	469,025
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b> .....	<b>469,025</b>	<b>469,025</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>		
OPERATION & MAINTENANCE .....	10,766	10,766
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL</b> .....	<b>10,766</b>	<b>10,766</b>
<b>TOTAL OTHER AUTHORIZATIONS</b> .....	<b>1,977,053</b>	<b>1,977,053</b>

**TITLE XLVI—MILITARY CONSTRUCTION**

**SEC. 4601. MILITARY CONSTRUCTION.**

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<i>Account</i>	<i>State/Country and Installation</i>	<i>Project Title</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
	<i>Alaska</i>			
Army	Fort Wainwright	Modified Record Fire Range .....	10,400	10,400
Army	Joint Base Elmendorf-Richardson	Modified Record Fire Range .....	7,900	7,900
	<i>California</i>			
Army	Concord	Engineering/Housing Maintenance Shop .....	3,100	3,100
Army	Concord	Lightning Protection System .....	5,800	5,800
	<i>Colorado</i>			
Army	Fort Carson	Central Energy Plant .....	0	0
Army	Fort Carson	Digital Multipurpose Training Range .....	18,000	18,000
	<i>District of Columbia</i>			
Army	Fort McNair	Vehicle Storage Building, Installation .....	7,200	7,200
	<i>Georgia</i>			
Army	Fort Benning	Ground Source Heat Transfer System .....	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System .....	12,200	12,200
Army	Fort Gordon	Modified Record Fire Range .....	4,000	4,000
Army	Fort Gordon	Multipurpose Machine Gun Range .....	7,100	7,100
Army	Fort Stewart	Automated Combat Pistol Qual Crse .....	3,650	3,650
Army	Fort Stewart	Digital Multipurpose Training Range .....	22,000	22,000
Army	Fort Stewart	Unmanned Aerial Vehicle Complex .....	24,000	24,000
	<i>Hawaii</i>			
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course .....	29,000	29,000
Army	Schofield Barracks	Barracks .....	55,000	55,000
Army	Schofield Barracks	Barracks .....	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks .....	85,000	85,000
	<i>Italy</i>			
Army	Camp Ederle	Barracks .....	36,000	36,000
Army	Vicenza	Simulations Center .....	32,000	32,000
	<i>Japan</i>			
Army	Okinawa	Satellite Communications Facility .....	78,000	78,000
Army	Sagami	Vehicle Maintenance Shop .....	18,000	18,000
	<i>Kansas</i>			
Army	Fort Riley	Unmanned Aerial Vehicle Complex .....	12,200	12,200
	<i>Kentucky</i>			
Army	Fort Campbell	Battalion Headquarters Complex .....	55,000	55,000



**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
Army	Fort Campbell	Live Fire Exercise Shoothouse .....	3,800	3,800
Army	Fort Campbell	Unmanned Aerial Vehicle Complex .....	23,000	23,000
Army	Fort Knox	Automated Infantry Squad Battle Course .....	6,000	6,000
	Korea			
Army	Camp Humphreys	Battalion Headquarters Complex .....	45,000	45,000
	Kwajalein Atoll			
Army	Kwajalein Atoll	Pier .....	0	0
	Missouri			
Army	Fort Leonard Wood	Battalion Complex Facilities .....	26,000	26,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2 .....	58,000	58,000
Army	Fort Leonard Wood	Vehicle Maintenance Shop .....	39,000	39,000
	New Jersey			
Army	Joint Base Mcguire-Dix-Lakehurst	Flight Equipment Complex .....	47,000	47,000
Army	Picatinny Arsenal	Ballistic Evaluation Center .....	10,200	10,200
	New York			
Army	Fort Drum, New York	Aircraft Maintenance Hangar .....	95,000	95,000
Army	U.S. Military Academy	Cadet Barracks, Inc 1 .....	192,000	86,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range .....	42,000	42,000
Army	Fort Bragg	Infrastructure .....	30,000	0
Army	Fort Bragg	Unmanned Aerial Vehicle Complex .....	26,000	26,000
	Oklahoma			
Army	Fort Sill	Modified Record Fire Range .....	4,900	4,900
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 2, Ph 2 .....	24,000	24,000
	Texas			
Army	Corpus Christi	Aircraft Component Maintenance Shop .....	13,200	13,200
Army	Corpus Christi	Aircraft Paint Shop .....	24,000	24,000
Army	Fort Bliss	Multipurpose Machine Gun Range .....	7,200	7,200
Army	Fort Hood	Modified Record Fire Range .....	4,200	4,200
Army	Fort Hood	Training Aids Center .....	25,000	25,000
Army	Fort Hood	Unmanned Aerial Vehicle Complex .....	22,000	22,000
Army	Joint Base San Antonio	Barracks .....	21,000	21,000
	Virginia			
Army	Arlington	Cemetery Expansion Millennium Site .....	84,000	0
Army	Fort Belvoir	Secure Admin/Operations Facility .....	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2 .....	81,000	81,000
	Washington			
Army	Joint Base Lewis-Mcchord	Battalion Complex .....	73,000	73,000
Army	Joint Base Lewis-Mcchord	Waste Water Treatment Plant .....	91,000	91,000
Army	Yakima	Convoy Live Fire Range .....	5,100	5,100
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support Fy 13 .....	34,000	34,000
Army	Unspecified Worldwide Locations	Minor Construction Fy 13 .....	25,000	25,000
Army	Unspecified Worldwide Locations	Planning and Design Fy13 .....	65,173	46,173
<b>Total Military Construction, Army .....</b>			<b>1,923,323</b>	<b>1,684,323</b>
	Arizona			
Navy	Yuma	Combat Aircraft Loading Apron .....	15,985	15,985
Navy	Yuma	Security Operations Complex .....	13,300	13,300
	Bahrain Island			
Navy	Sw Asia	Combined Dining Facility .....	9,819	9,819
Navy	Sw Asia	Transient Quarters .....	41,529	41,529
	California			
Navy	Camp Pendleton	Comm. Information Systems Ops Complex .....	78,897	78,897
Navy	Camp Pendleton	Mv22 Aviation Simulator Building .....	4,139	4,139
Navy	Camp Pendleton	San Jacinto Road Extension .....	5,074	5,074
Navy	Coronado	Bachelor Quarters .....	76,063	76,063
Navy	Coronado	H-60s Simulator Training Facility .....	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility .....	14,843	0
Navy	Miramar	Hangar 5 Renovations & Addition .....	27,897	27,897
Navy	Point Mugu	Bams Maintenance Training Facility .....	0	12,790
Navy	San Diego	Entry Control Point (Gate Five) .....	11,752	11,752
Navy	San Diego	Lcs Training Facility .....	59,436	59,436
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab .....	30,594	30,594
Navy	Twentynine Palms	Land Expansion Phase 2 .....	47,270	47,270
	Diego Garcia			
Navy	Diego Garcia	Communications Infrastructure .....	1,691	1,691
	Djibouti			
Navy	Camp Lemonnier	Containerized Living and Work Units .....	7,510	0
Navy	Camp Lemonnier	Fitness Center .....	26,960	0
Navy	Camp Lemonnier	Galley Addition and Warehouse .....	22,220	0
Navy	Camp Lemonnier	Joint HQ/Joint Operations Center Facility .....	42,730	0
	Florida			
Navy	Jacksonville	Bams Mission Control Complex .....	21,980	21,980
	Greece			
Navy	Souda Bay	Aircraft Parking Apron Expansion .....	20,493	20,493
Navy	Souda Bay	Intermodal Access Road .....	4,630	4,630

**SEC. 4601. MILITARY CONSTRUCTION**  
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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
	Guam			
Navy	Joint Region Marianas	North Ramp Parking (Andersen AFB)—Inc 2 .....	25,904	25,904
	Hawaii			
Navy	Kaneohe Bay	Aircraft Staging Area .....	14,680	14,680
Navy	Kaneohe Bay	Mv-22 Hangar and Infrastructure .....	82,630	82,630
	Japan			
Navy	Iwakuni	Maintenance Hangar Improvements .....	5,722	5,722
Navy	Iwakuni	Vertical Take-Off and Landing Pad North .....	7,416	7,416
Navy	Okinawa	Bachelor Quarters .....	8,206	8,206
	Mississippi			
Navy	Meridian	Dining Facility .....	10,926	10,926
	New Jersey			
Navy	Earle	Combat System Engineering Building Addition .....	33,498	32,670
	North Carolina			
Navy	Camp Lejeune	Base Access and Road—Phase 3 .....	40,904	40,904
Navy	Camp Lejeune	Staff Nco Academy Facilities .....	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory .....	11,581	11,581
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound .....	34,310	34,310
Navy	New River	Personnel Administration Center .....	8,525	8,525
	Romania			
Navy	Deveselu, Romania	Aegis Ashore Missile Defense Complex .....	45,205	45,205
	South Carolina			
Navy	Beaufort	Aircraft Maintenance Hangar .....	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades .....	13,675	13,675
Navy	Beaufort	Ground Support Equipment Shop .....	9,465	9,465
Navy	Beaufort	Recycling/Hazardous Waste Facility .....	3,743	3,743
Navy	Beaufort	Simulated Lhd Flight Deck .....	12,887	12,887
Navy	Parris Island	Front Gate Atfp Improvements .....	10,135	10,135
	Spain			
Navy	Rota	General Purpose Warehouse .....	3,378	3,378
Navy	Rota	High Explosive Magazine .....	13,837	13,837
	Virginia			
Navy	Dahlgren	Cruiser/Destroyer Upgrade Training Facility .....	16,494	16,494
Navy	Dahlgren	Physical Fitness Center .....	11,734	11,734
Navy	Oceana Naval Air Station	A School Barracks .....	39,086	39,086
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade .....	32,706	32,706
Navy	Quantico	Infrastructure—Widen Russell Road .....	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7 .....	31,012	31,012
Navy	Quantico	Weapons Training Battalion Mess Hall .....	12,876	12,876
Navy	Yorktown	Armory .....	4,259	4,259
Navy	Yorktown	Bachelor Enlisted Quarters .....	18,422	18,422
Navy	Yorktown	Motor Transportation Facility .....	6,188	6,188
Navy	Yorktown	Regimental Headquarters .....	11,015	11,015
Navy	Yorktown	Supply Warehouse Facility .....	8,939	8,939
	Washington			
Navy	Kitsap	Explosives Handling Wharf #2 (Inc) .....	280,041	254,241
Navy	Whidbey Island	Ea-18g Flight Simulator Facility .....	6,272	6,272
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Mcon Design Funds .....	102,619	102,619
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction .....	16,535	16,535
Navy	Various Worldwide Locations	Bams Operational Facilities .....	34,048	34,048
<b>Total Military Construction, Navy .....</b>			<b>1,701,985</b>	<b>1,573,884</b>
	Arkansas			
AF	Little Rock AFB	C-130J Flight Simulator Addition .....	4,178	4,178
AF	Little Rock AFB	C-130J Fuel Systems Maintenance Hangar .....	26,000	26,000
	Florida			
AF	Tyndall AFB	F-22 Adal Hangar for Low Observable/Composite .....	14,750	14,750
	Georgia			
AF	Fort Stewart, Georgia	Air Support Operations Center (ASOC) .....	7,250	7,250
AF	Moody AFB	HC-130J Simulator Facility .....	8,500	8,500
	Greenland			
AF	Thule Ab	Consolidated Engineer Shop and Supply Facility .....	0	0
AF	Thule Ab	Dormitory (48 Pn) .....	24,500	24,500
	Guam			
AF	Andersen AFB	Fuel Systems Hangar .....	0	0
	Italy			
AF	Aviano Ab	F-16 Mission Training Center .....	9,400	9,400
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Incr 2 .....	161,000	128,000
	New Mexico			
AF	Holloman AFB	Mq-9 Maintenance Hangar .....	25,000	25,000
	North Dakota			
AF	Minot AFB	B-52 Add/Alter Munitions Age Facility .....	4,600	4,600
	Texas			
AF	Joint Base San Antonio	Dormitory (144 Rm) .....	18,000	18,000
	Utah			
AF	Hill AFB	F-35 Adal Building 118 for Flight Simulator .....	4,000	4,000

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
AF	Hill AFB	F-35 Adal Hangar 45w/AMU .....	7,250	7,250
AF	Hill AFB	F-35 Modular Storage Magazines .....	2,280	2,280
	Worldwide Unspecified			
AF	Lajes AFB	Sanitary Sewer Lift/Pump Station .....	2,000	2,000
AF	Rota	Transient Aircraft Hangars .....	15,032	0
AF	Rota	Transient Contingency Dormitory—100 Rm .....	17,625	0
AF	Unspecified Worldwide Locations	Planning and Design .....	18,635	18,635
AF	Various Worldwide Locations	Unspecified Minor Construction .....	18,200	18,200
<b>Total Military Construction, Air Force .....</b>			<b>388,200</b>	<b>322,543</b>
	Arizona			
Def-Wide	Marana	SOF Parachute Training Facility .....	6,477	6,477
Def-Wide	Yuma	Truck Unload Facility .....	1,300	1,300
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility .....	26,969	26,969
	California			
Def-Wide	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac .....	13,969	13,969
Def-Wide	Coronado	SOF Indoor Dynamic Shooting Facility .....	31,170	31,170
Def-Wide	Coronado	SOF Mobile Comm Detachment Support Facility .....	10,120	10,120
Def-Wide	Def Fuel Support Point—San Diego	Replace Fuel Pier .....	91,563	91,563
Def-Wide	Edwards Air Force Base	Replace Fuel Storage .....	27,500	27,500
Def-Wide	Twentynine Palms, California	Medical Clinic Replacement .....	27,400	27,400
	Colorado			
Def-Wide	Buckley Air Force Base	Denver Power House .....	30,000	30,000
Def-Wide	Fort Carson, Colorado	SOF Battalion Operations Complex .....	56,673	56,673
Def-Wide	Pikes Peak	High Altitude Medical Research Lab .....	3,600	3,600
	Delaware			
Def-Wide	Dover AFB	Replace Truck Off-Load Facility .....	2,000	2,000
	Florida			
Def-Wide	Eglin AFB	SOF Avfid Ops and Maintenance Facilities .....	41,695	41,695
Def-Wide	Hurlburt Field	Construct Fuel Storage Facility .....	16,000	16,000
Def-Wide	Macdill AFB	SOF Joint Special Ops University Fac (Jsou) .....	34,409	34,409
	Germany			
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 2 .....	127,000	127,000
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades .....	2,413	2,413
Def-Wide	Vogelweh	Replace Vogelweh Elementary School .....	61,415	61,415
Def-Wide	Weisbaden	Weisbaden High School Addition .....	52,178	52,178
	Guam			
Def-Wide	Andersen AFB	Upgrade Fuel Pipeline .....	67,500	67,500
	Guantanamo Bay, Cuba			
Def-Wide	Guantanamo Bay	Replace Fuel Pier .....	37,600	37,600
Def-Wide	Guantanamo Bay	Replace Truck Load Facility .....	2,600	2,600
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	SOF Sdvt-1 Waterfront Operations Facility .....	24,289	24,289
	Illinois			
Def-Wide	Great Lakes	Drug Laboratory Replacement .....	28,700	28,700
Def-Wide	Scott AFB	DISA Facility Upgrades .....	84,111	84,111
Def-Wide	Scott AFB	Medical Logistics Warehouse .....	2,600	2,600
	Indiana			
Def-Wide	Grisson ARB	Replace Hydrant Fuel System .....	26,800	26,800
	Japan			
Def-Wide	Camp Zama	Renovate Zama High School .....	13,273	13,273
Def-Wide	Kadena Ab	Replace Elementary School .....	71,772	71,772
Def-Wide	Kadena Ab	Replace Stearley Heights Elementary School .....	71,773	71,773
Def-Wide	Sasebo	Replace Sasebo Elementary School .....	35,733	35,733
Def-Wide	Zukeran	Replace Zukeran Elementary School .....	79,036	79,036
	Kentucky			
Def-Wide	Fort Campbell, Kentucky	Replace Barkley Elementary School .....	41,767	41,767
Def-Wide	Fort Campbell, Kentucky	SOF Ground Support Battalion .....	26,313	26,313
Def-Wide	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension .....	3,559	3,559
	Korea			
Def-Wide	Kunsan Air Base	Medical/Dental Clinic Addition .....	13,000	13,000
Def-Wide	Osan AFB	Hospital Addition/Alteration .....	34,600	34,600
Def-Wide	Osan AFB	Replace Osan Elementary School .....	42,692	42,692
	Louisiana			
Def-Wide	Barksdale AFB	Upgrade Pumphouse .....	11,700	11,700
	Maryland			
Def-Wide	Annapolis	Health Clinic Replacement .....	66,500	66,500
Def-Wide	Bethesda Naval Hospital	Base Installation Access/Appearance Plan .....	7,000	7,000
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers .....	35,600	35,600
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities .....	26,600	26,600
Def-Wide	Fort Detrick	USAMRIID Stage I, Incr 7 .....	19,000	19,000
Def-Wide	Fort Meade	High Performance Computing Center Inc 2 .....	300,521	225,521
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1 .....	25,000	25,000
	Missouri			
Def-Wide	Fort Leonard Wood	Dental Clinic .....	18,100	18,100
	New Mexico			
Def-Wide	Cannon AFB	Medical/Dental Clinic Repalcement .....	71,023	71,023

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
Def-Wide	Cannon AFB	SOF Ac-130J Combat Parking Apron .....	22,062	22,062
	New York			
Def-Wide	Fort Drum, New York	Idt Complex .....	25,900	25,900
Def-Wide	Fort Drum, New York	Soldier Specialty Care Clinic .....	17,300	17,300
	North Carolina			
Def-Wide	Camp Lejeune, North Carolina	Medical Clinic Replacement .....	21,200	21,200
Def-Wide	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities .....	53,399	53,399
Def-Wide	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac .....	5,465	5,465
Def-Wide	Fort Bragg	SOF Battalion Operations Facility .....	40,481	70,481
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex .....	31,373	31,373
Def-Wide	Fort Bragg	SOF Support Addition .....	3,875	3,875
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex .....	24,693	24,693
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement .....	53,600	53,600
Def-Wide	Seymour Johnson AFB	Replace Pipeline .....	1,850	1,850
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Communications Building .....	6,800	6,800
Def-Wide	Def Distribution Depot New Cumberland	Replace Reservoir .....	4,300	4,300
Def-Wide	Def Distribution Depot New Cumberland	Replace Sewage Treatment Plant .....	6,300	6,300
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex (Inc 1) .....	157,900	120,000
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement .....	57,200	57,200
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Incr 4 .....	207,400	132,400
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Incr .....	80,700	26,400
Def-Wide	Red River Army Depot	Dfas Facility .....	16,715	16,715
	United Kingdom			
Def-Wide	Menwith Hill Station	Mhs Utilities and Roads .....	3,795	3,795
Def-Wide	Menwith Hill Station	Replace Menwith Hill Elementary/High School .....	46,488	46,488
Def-Wide	Raf Feltwell	Feltwell Elementary School Addition .....	30,811	30,811
Def-Wide	Raf Mildenhall	SOF CV-22 Simulator Facility .....	6,490	6,490
	Utah			
Def-Wide	Camp Williams	Ic Cnci Data Center 1 Inc 4 .....	191,414	191,414
	Virginia			
Def-Wide	Dam Neck	SOF Magazines .....	0	0
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Combat Services Support Facility—East .....	11,132	11,132
Def-Wide	Norfolk	Veterinary Facility Replacement .....	8,500	8,500
	Washington			
Def-Wide	Fort Lewis	SOF Battalion Operations Facility .....	46,553	46,553
Def-Wide	Fort Lewis	SOF Military Working Dog Kennel .....	3,967	3,967
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction .....	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program .....	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction .....	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Minor Construction .....	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning & Design .....	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	8,300	8,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design .....	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex .....	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const .....	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon .....	3,000	3,000
<b>Total Military Construction, Defense-Wide .....</b>			<b>3,654,623</b>	<b>3,432,423</b>
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiv .....	36,000	36,000
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph Xiii .....	115,000	115,000
<b>Total Chemical Demilitarization Construction, Defense .....</b>			<b>151,000</b>	<b>151,000</b>
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program .....	254,163	254,163
<b>Total NATO Security Investment Program .....</b>			<b>254,163</b>	<b>254,163</b>
	Alabama			
Army NG	Fort MC Clellan	Live Fire Shoot House .....	5,400	5,400
	Arkansas			

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
Army NG	Searcy California	Field Maintenance Shop .....	6,800	6,800
Army NG	Fort Irwin Connecticut	Maneuver Area Training & Equipment Site Ph3 .....	25,000	25,000
Army NG	Camp Hartell Delaware	Combined Support Maintenance Shop .....	32,000	32,000
Army NG	Bethany Beach Florida	Regional Training Institute Ph1 .....	5,500	5,500
Army NG	Camp Blanding	Combined Arms Collective Training Fac .....	9,000	9,000
Army NG	Miramar Guam	Readiness Center .....	20,000	20,000
Army NG	Barrigada Hawaii	JFHQ Ph4 .....	8,500	8,500
Army NG	Kapolei Idaho	Army Aviation Support Facility Ph1 .....	28,000	28,000
Army NG	Orchard Trainig Area Indiana	Ortc(Barracks)Ph2 .....	40,000	40,000
Army NG	South Bend	Armed Forces Reserve Center Add/Alt .....	21,000	21,000
Army NG	Terre Haute Iowa	Field Maintenance Shop .....	9,000	9,000
Army NG	Camp Dodge Kansas	Urban Assault Course .....	3,000	3,000
Army NG	Topeka Kentucky	Taxiway, Ramp & Hangar Alterations .....	9,500	9,500
Army NG	Frankfort Massachusetts	Army Aviation Support Facility .....	32,000	32,000
Army NG	Camp Edwards	Ground Water Extraction, Treatment, and Recharge System .....	0	0
Army NG	Camp Edwards Michigan	Unit Training Equipment Site .....	22,000	22,000
Army NG	Camp Grayling Minnesota	Operational Readiness Training Complex (Ortc) Barracks .....	0	0
Army NG	Arden Hills	Readiness Center .....	0	17,000
Army NG	Camp Ripley	Scout Reconnaissance Range .....	17,000	17,000
Army NG	St Paul Missouri	Readiness Center .....	17,000	0
Army NG	Fort Leonard Wood	Regional Training Institute .....	18,000	18,000
Army NG	Kansas City	Readiness Center Add/Alt .....	1,900	1,900
Army NG	Monett	Readiness Center Add/Alt .....	820	820
Army NG	Perryville Montana	Readiness Center Add/Alt .....	700	700
Army NG	Miles City	Readiness Center .....	11,000	11,000
Army NG	New Jersey Sea Girt	Regional Training Institute .....	34,000	34,000
Army NG	New York Stormville	Combined Support Maint Shop Ph1 .....	24,000	24,000
Army NG	Ohio Chillicothe	Field Maintenance Shop Add/Alt .....	3,100	3,100
Army NG	Delaware	Readiness Center .....	12,000	12,000
Army NG	Oklahoma Camp Gruber	Operations Readiness Training Complex .....	25,000	25,000
Army NG	Puerto Rico Camp Santiago	Readiness Center .....	3,800	3,800
Army NG	Ceiba	Refill Station Building .....	2,200	2,200
Army NG	Guaynabo	Readiness Center (JFHQ) .....	15,000	15,000
Army NG	Gurabo Utah	Readiness Center .....	14,700	14,700
Army NG	Camp Williams	BEQ Facility (Regional Training Institute) .....	15,000	15,000
Army NG	Camp Williams Vermont	Regional Training Institute Ph2 .....	21,000	21,000
Army NG	North Hyde Park Washington	Field Maintenance Shop .....	0	0
Army NG	Fort Lewis	Readiness Center .....	35,000	35,000
Army NG	West Virginia Logan	Readiness Center .....	14,200	14,200
Army NG	Wisconsin Wausau	Field Maintenance Shop .....	10,000	10,000
Army NG	Worldwide Unspecified	Planning and Design .....	26,622	26,622
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction .....	15,057	15,057
<b>Total Military Construction, Army National Guard .....</b>			<b>613,799</b>	<b>613,799</b>
Army Res	California Fort Hunter Liggett	Access Control Point .....	0	0
Army Res	Fort Hunter Liggett	Ortc .....	64,000	64,000
Army Res	Fort Hunter Liggett	Uph Barracks .....	4,300	4,300
Army Res	Tustin Illinois	Army Reserve Center .....	27,000	27,000
Army Res	Fort Sheridan	Army Reserve Center .....	28,000	28,000

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<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
	<i>Maryland</i>			
Army Res	Aberdeen Proving Ground	Army Reserve Center .....	21,000	21,000
Army Res	Baltimore	Add/Alt Army Reserve Center .....	10,000	10,000
	<i>Massachusetts</i>			
Army Res	Devens Reserve Forces Training Area	Automatic Record Fire Range .....	4,800	4,800
Army Res	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification .....	3,700	3,700
	<i>Nevada</i>			
Army Res	Las Vegas	Army Reserve Center/AMSA .....	21,000	21,000
	<i>New Jersey</i>			
Army Res	Joint Base McGuire-Dix-Lakehurst	Automated Infantry Squad Battle Course .....	7,400	7,400
	<i>Pennsylvania</i>			
Army Res	Conneaut Lake	Defense Access Road .....	0	0
	<i>Washington</i>			
Army Res	Joint Base Lewis-McChord	Army Reserve Center .....	40,000	40,000
	<i>Wisconsin</i>			
Army Res	Fort McCoy	Central Issue Facility .....	12,200	12,200
Army Res	Fort McCoy	Dining Facility .....	8,600	8,600
Army Res	Fort McCoy	Ecs Tactical Equip. Maint. Facility (Temf) .....	27,000	27,000
	<i>Worldwide Unspecified</i>			
Army Res	Unspecified Worldwide Locations	Planning and Design .....	15,951	15,951
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction .....	10,895	10,895
<b>Total Military Construction, Army Reserve .....</b>			<b>305,846</b>	<b>305,846</b>
	<i>Arizona</i>			
N/MC Res	Yuma	Reserve Training Facility—Yuma AZ .....	5,379	5,379
	<i>Iowa</i>			
N/MC Res	Fort Des Moines	Joint Reserve Center—Des Moines IA .....	19,162	19,162
	<i>Louisiana</i>			
N/MC Res	New Orleans	Transient Quarters .....	7,187	7,187
	<i>New York</i>			
N/MC Res	Brooklyn	Vehicle Maint. Fac.—Brooklyn NY .....	4,430	4,430
	<i>Texas</i>			
N/MC Res	Fort Worth	Commercial Vehicle Inspection Site .....	11,256	11,256
	<i>Worldwide Unspecified</i>			
N/MC Res	Unspecified Worldwide Locations	Planning and Design .....	2,118	2,118
<b>Total Military Construction, Naval Reserve .....</b>			<b>49,532</b>	<b>49,532</b>
	<i>California</i>			
Air NG	Fresno Yosemite IAP ANG	F-15 Conversion .....	11,000	11,000
	<i>Hawaii</i>			
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F-22 Combat Apron Addition .....	6,500	6,500
	<i>New Mexico</i>			
Air NG	Kirtland AFB	Alter Target Intelligence Facility .....	8,500	8,500
	<i>Tennessee</i>			
Air NG	McGhee-Tyson Airport	Dormitory Classroom Facility .....	0	0
	<i>Worldwide Unspecified</i>			
Air NG	Various Worldwide Locations	Planning and Design .....	4,000	4,000
Air NG	Various Worldwide Locations	Unspecified Minor Construction .....	5,900	5,900
	<i>Wyoming</i>			
Air NG	Cheyenne Map	C-130 Flight Simulator Training Facility .....	6,486	6,486
<b>Total Military Construction, Air National Guard .....</b>			<b>42,386</b>	<b>42,386</b>
	<i>California</i>			
AF Res	March Air Reserve Base	Joint Regional Deployment Processing Center .....	0	0
	<i>New York</i>			
AF Res	Niagara Falls IAP	Flight Simulator Facility .....	6,100	6,100
	<i>Worldwide Unspecified</i>			
AF Res	Various Worldwide Locations	Planning and Design .....	2,879	2,879
AF Res	Various Worldwide Locations	Unspecified Minor Construction .....	2,000	2,000
<b>Total Military Construction, Air Force Reserve .....</b>			<b>10,979</b>	<b>10,979</b>
	<i>Worldwide Unspecified</i>			
FH Con Army	Unspecified Worldwide Locations	Family Housing P&D .....	4,641	4,641
<b>Total Family Housing Construction, Army .....</b>			<b>4,641</b>	<b>4,641</b>
	<i>Worldwide Unspecified</i>			
FH Ops Army	Unspecified Worldwide Locations	Furnishings Account .....	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Leasing .....	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property .....	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Management Account .....	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account .....	620	620
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs .....	26,010	26,010
FH Ops Army	Unspecified Worldwide Locations	Services Account .....	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account .....	88,112	88,112

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>FY 2013 Request</b>	<b>Conference Authorized</b>
<b>Total Family Housing Operation And Maintenance, Army .....</b>			<b>530,051</b>	<b>530,051</b>
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Improvements .....	79,571	79,571
FH Con AF	Unspecified Worldwide Locations	Planning and Design .....	4,253	4,253
<b>Total Family Housing Construction, Air Force .....</b>			<b>83,824</b>	<b>83,824</b>
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account .....	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization .....	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Leasing .....	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Maintenance (Rpma Rpmc) .....	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Management Account .....	55,002	55,002
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account .....	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Services Account .....	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Utilities Account .....	75,662	75,662
<b>Total Family Housing Operation And Maintenance, Air Force .....</b>			<b>497,829</b>	<b>497,829</b>
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design .....	4,527	4,527
FH Con Navy	Unspecified Worldwide Locations	Improvements .....	97,655	97,655
<b>Total Family Housing Construction, Navy And Marine Corps .....</b>			<b>102,182</b>	<b>102,182</b>
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account .....	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Leasing .....	83,774	83,774
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property .....	85,254	85,254
FH Ops Navy	Unspecified Worldwide Locations	Management Account .....	62,741	62,741
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account .....	491	491
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs .....	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Services Account .....	19,615	19,615
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account .....	80,860	80,860
<b>Total Family Housing Operation And Maintenance, Navy And Marine Corps .....</b>			<b>378,230</b>	<b>378,230</b>
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	4,660	4,660
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account .....	66	66
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	10,822	10,822
FH Ops DW	Unspecified Worldwide Locations	Leasing .....	35,333	35,333
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property .....	73	73
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property .....	567	567
FH Ops DW	Unspecified Worldwide Locations	Management Account .....	371	371
FH Ops DW	Unspecified Worldwide Locations	Services Account .....	31	31
FH Ops DW	Unspecified Worldwide Locations	Utilities Account .....	12	12
FH Ops DW	Unspecified Worldwide Locations	Utilities Account .....	283	283
<b>Total Family Housing Operation And Maintenance, Defense-Wide .....</b>			<b>52,238</b>	<b>52,238</b>
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund .....	1,786	1,786
<b>Total DOD Family Housing Improvement Fund .....</b>			<b>1,786</b>	<b>1,786</b>
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK .....	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	Don-100: Planing, Design and Management .....	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Don-101: Various Locations .....	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	Don-138: NAS Brunswick, ME .....	4,897	4,897
BRAC 05	Unspecified Worldwide Locations	Don-157: Mca Kansas City, MO .....	39	39
BRAC 05	Unspecified Worldwide Locations	Don-168: Ns Newport, RI .....	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	Don-172: NWS Seal Beach, Concord, CA .....	2,129	2,129
BRAC 05	Unspecified Worldwide Locations	Don-84: JRB Willow Grove & Cambria Reg Ap .....	189	189
BRAC 05	Unspecified Worldwide Locations	Ind-106: Kansas Army Ammunition Plant, KS .....	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	Ind-110: Mississippi Army Ammo Plant, MS .....	160	160
BRAC 05	Unspecified Worldwide Locations	Ind-112: River Bank Army Ammo Plant, CA .....	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	Ind-119: Newport Chemical Depot, IN .....	197	197
BRAC 05	Unspecified Worldwide Locations	Ind-122: Lone Star Army Ammo Plant, TX .....	11,379	11,379
BRAC 05	Unspecified Worldwide Locations	Med-2: Walter Reed Nmmc, Bethesda, MD .....	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	Med-57: Brooks City Base, TX .....	326	326
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations .....	605	605
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations .....	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	Usa-113: Fort Monroe, VA .....	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	Usa-121: Fort Gillem, GA .....	4,976	4,976



**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
BRAC 05	Unspecified Worldwide Locations	Usa-167: USAR Command and Control—NE .....	175	175
BRAC 05	Unspecified Worldwide Locations	Usa-212: USAR Cmd & Cntrl—New England .....	222	222
BRAC 05	Unspecified Worldwide Locations	Usa-222: Fort Mcpherson, GA .....	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	Usa-223: Fort Monmouth, NJ .....	9,989	9,989
BRAC 05	Unspecified Worldwide Locations	Usa-236: Rc Transformation in CT .....	557	557
BRAC 05	Unspecified Worldwide Locations	Usa-242: Rc Transformation in NY .....	172	172
BRAC 05	Unspecified Worldwide Locations	Usa-253: Rc Transformation in PA .....	100	100
BRAC 05	Unspecified Worldwide Locations	Usa-36: Red River Army Depot .....	1,385	1,385
<b>Total Base Realignment and Closure Account 2005 .....</b>			<b>126,697</b>	<b>126,697</b>
Worldwide Unspecified				
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure .....	122,552	122,552
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure .....	79,893	79,893
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure .....	146,951	146,951
<b>Total Base Realignment and Closure Account 1990 .....</b>			<b>349,396</b>	<b>349,396</b>
Worldwide Unspecified				
PYS	Unspecified Worldwide Locations	BRAC 2005 .....	0	-132,513
PYS	Unspecified Worldwide Locations	Contingency Construction .....	0	-20,000
<b>Total Prior Year Savings .....</b>			<b>0</b>	<b>-152,513</b>
Worldwide Unspecified				
GR	Unspecified Worldwide Locations	Civilian Pay Raise Reduction .....	0	-2,334
<b>Total General Reductions .....</b>			<b>0</b>	<b>-2,334</b>
<b>Total Military Construction, Base Funding .....</b>			<b>11,222,710</b>	<b>10,412,905</b>

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Service	Country and Location	Project	FY 2013 Request	Conference Authorized
Navy	Sw Asia .....	Combined Dining Facility .....	0	0
Navy	Sw Asia .....	Transient Quarters .....	0	0
Navy	Camp Lemonier, Djibouti.	Containerized Living and Work Units .....	0	7,510
Navy	Camp Lemonier, Djibouti.	Fitness Center .....	0	26,960
Navy	Camp Lemonier, Djibouti.	Galley Addition and Warehouse .....	0	22,220
Navy	Camp Lemonier, Djibouti.	Joint HQ/Joint Operations Center Facility .....	0	42,730
<b>Total Military Construction, Navy .....</b>			<b>0</b>	<b>99,420</b>
PYS	Unspecified Worldwide Locations.	112-10 and Title Iv of Division H P.L. 112-74 .....	0	-150,768
<b>Total Prior Year Savings .....</b>			<b>0</b>	<b>-150,768</b>
<b>Total Military Construction, OCO Funding .....</b>			<b>0</b>	<b>-51,348</b>

**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
<b>Discretionary Summary By Appropriation</b>		
<b>Energy And Water Development, And Related Agencies</b>		
<b>Appropriation Summary:</b>		
<b>Energy Programs</b>		
Electricity delivery and energy reliability .....	6,000	0
<b>Atomic Energy Defense Activities</b>		
<b>National nuclear security administration:</b>		
Weapons activities .....	7,577,341	7,657,921
Defense nuclear nonproliferation .....	2,458,631	2,485,631
Naval reactors .....	1,088,635	1,088,635
Office of the administrator .....	411,279	382,000
<b>Total, National nuclear security administration .....</b>	<b>11,535,886</b>	<b>11,614,187</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
<b>Environmental and other defense activities:</b>		
Defense environmental cleanup .....	5,472,001	5,009,001
Other defense activities .....	735,702	731,299
<b>Total, Environmental &amp; other defense activities .....</b>	<b>6,207,703</b>	<b>5,740,300</b>
<b>Total, Atomic Energy Defense Activities .....</b>	<b>17,743,589</b>	<b>17,354,487</b>
<b>Total, Discretionary Funding .....</b>	<b>17,749,589</b>	<b>17,354,487</b>
<b>Electricity Delivery &amp; Energy Reliability</b>		
<b>Electricity Delivery &amp; Energy Reliability</b>		
Infrastructure security & energy restoration .....	6,000	0
<b>Weapons Activities</b>		
<b>Directed stockpile work</b>		
<b>Life extension programs</b>		
B61 Life extension program .....	369,000	369,000
W76 Life extension program .....	174,931	219,931
<b>Total, Life extension programs .....</b>	<b>543,931</b>	<b>588,931</b>
<b>Stockpile assessment and design</b>		
W78 Life extension study .....		0
W88 Alt 370 .....		0
<b>Total, Stockpile assessment and design .....</b>	<b>0</b>	<b>0</b>
<b>Stockpile systems</b>		
Stockpile systems .....	0	
B61 Stockpile systems .....	72,364	72,364
W76 Stockpile systems .....	65,445	65,445
W78 Stockpile systems .....	139,207	139,207
W80 Stockpile systems .....	46,540	46,540
B83 Stockpile systems .....	57,947	57,947
W87 Stockpile systems .....	85,689	85,689
W88 Stockpile systems .....	123,217	123,217
<b>Total, Stockpile systems .....</b>	<b>590,409</b>	<b>590,409</b>
<b>Weapons dismantlement and disposition</b>		
Operations and maintenance .....	51,265	51,265
<b>Stockpile services</b>		
Production support .....	365,405	371,405
Research and development support .....	28,103	28,103
R&D certification and safety .....	191,632	199,632
Management, technology, and production .....	175,844	175,844
Plutonium sustainment .....	141,685	141,685
<b>Total, Stockpile services .....</b>	<b>902,669</b>	<b>916,669</b>
<b>Total, Directed stockpile work .....</b>	<b>2,088,274</b>	<b>2,147,274</b>
<b>Campaigns:</b>		
<b>Science campaign</b>		
Advanced certification .....	44,104	54,104
Primary assessment technologies .....	94,000	99,000
Dynamic materials properties .....	97,000	106,000
Advanced radiography .....	30,000	30,000
Secondary assessment technologies .....	85,000	85,000
<b>Total, Science campaign .....</b>	<b>350,104</b>	<b>374,104</b>
<b>Engineering campaign</b>		
Enhanced surety .....	46,421	54,421
Weapon systems engineering assessment technology .....	18,983	18,983
Nuclear survivability .....	21,788	21,788
Enhanced surveillance .....	63,379	63,379
<b>Total, Engineering campaign .....</b>	<b>150,571</b>	<b>158,571</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>		
Diagnostics, cryogenics and experimental support .....	81,942	81,942
Ignition .....	84,172	84,172
Support of other stockpile programs .....	14,817	14,817
NIF diagnostics, cryogenics and experimental support .....	0	0
Pulsed power inertial confinement fusion .....	6,044	6,044
Joint program in high energy density laboratory plasmas .....	8,334	8,334
Facility operations and target production .....	264,691	264,691
<b>Total, Inertial confinement fusion and high yield campaign .....</b>	<b>460,000</b>	<b>460,000</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
<i>Advanced simulation and computing campaign .....</i>	<i>600,000</i>	<i>600,000</i>
<b>Readiness Campaign</b>		
<i>Stockpile readiness .....</i>	<i>0</i>	<i>0</i>
<i>High explosives and weapon operations .....</i>	<i>0</i>	<i>0</i>
<i>Nonnuclear readiness .....</i>	<i>64,681</i>	<i>64,681</i>
<i>Tritium readiness .....</i>	<i>65,414</i>	<i>65,414</i>
<i>Advanced design and production technologies .....</i>	<i>0</i>	<i>0</i>
<b>Total, Readiness campaign .....</b>	<b>130,095</b>	<b>130,095</b>
<b>Total, Campaigns .....</b>	<b>1,690,770</b>	<b>1,722,770</b>
<b>Readiness in technical base and facilities (RTBF)</b>		
<b>Operations of facilities</b>		
<i>Kansas City Plant .....</i>	<i>163,602</i>	<i>163,602</i>
<i>Lawrence Livermore National Laboratory .....</i>	<i>89,048</i>	<i>89,048</i>
<i>Los Alamos National Laboratory .....</i>	<i>335,978</i>	<i>335,978</i>
<i>Nevada National Security Site .....</i>	<i>115,697</i>	<i>115,697</i>
<i>Pantex .....</i>	<i>172,020</i>	<i>172,020</i>
<i>Sandia National Laboratory .....</i>	<i>167,384</i>	<i>167,384</i>
<i>Savannah River Site .....</i>	<i>120,577</i>	<i>120,577</i>
<i>Y-12 National security complex .....</i>	<i>255,097</i>	<i>255,097</i>
<i>Institutional site support .....</i>	<i>0</i>	<i>0</i>
<b>Total, Operations of facilities .....</b>	<b>1,419,403</b>	<b>1,419,403</b>
<i>Program Readiness .....</i>	<i>0</i>	<i>0</i>
<i>Science, technology and engineering capability support .....</i>	<i>166,945</i>	<i>166,945</i>
<i>Maintenance and repair of facilities .....</i>	<i>0</i>	<i>0</i>
<i>Nuclear operations capability support .....</i>	<i>203,346</i>	<i>203,346</i>
<b>Subtotal, Readiness in technical base and facilities .....</b>	<b>1,789,694</b>	<b>1,789,694</b>
<b>Construction:</b>		
<i>13-D-301 Electrical infrastructure upgrades, LANL/LLNL .....</i>	<i>23,000</i>	<i>23,000</i>
<i>12-D-301 TRU waste facilities, LANL .....</i>	<i>24,204</i>	<i>24,204</i>
<i>11-D-801 TA-55 Reinvestment project, LANL .....</i>	<i>8,889</i>	<i>8,889</i>
<i>10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN .....</i>	<i>17,909</i>	<i>17,909</i>
<i>09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM .....</i>	<i>11,332</i>	<i>11,332</i>
<i>08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX .....</i>	<i>24,800</i>	<i>24,800</i>
<i>07-D-140 Project engineering and design (PED) various locations .....</i>	<i>0</i>	<i>0</i>
<i>06-D-140 Project engineering design (PED) various locations .....</i>	<i>0</i>	<i>0</i>
<i>06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12 , Oak Ridge, TN .....</i>	<i>340,000</i>	<i>0</i>
<i>06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12 , Phase I, Oak Ridge, TN .....</i>	<i>0</i>	<i>340,000</i>
<i>04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM .....</i>	<i>0</i>	<i>0</i>
<b>Total, Construction .....</b>	<b>450,134</b>	<b>450,134</b>
<b>Total, Readiness in technical base and facilities .....</b>	<b>2,239,828</b>	<b>2,239,828</b>
<b>Secure transportation asset</b>		
<i>Operations and equipment .....</i>	<i>114,965</i>	<i>114,965</i>
<i>Program direction .....</i>	<i>104,396</i>	<i>104,396</i>
<b>Total, Secure transportation asset .....</b>	<b>219,361</b>	<b>219,361</b>
<i>Nuclear counterterrorism incident response .....</i>	<i>247,552</i>	<i>247,552</i>
<b>Site stewardship</b>		
<i>Operations and maintenance .....</i>	<i>90,001</i>	<i>79,581</i>
<b>Construction</b>		
<i>11-D-601 Sanitary effluent reclamation facility, LANL .....</i>	<i>0</i>	<i>0</i>
<b>Total, Site stewardship .....</b>	<b>90,001</b>	<b>79,581</b>
<b>Defense nuclear security</b>		
<i>Operations and maintenance .....</i>	<i>643,285</i>	<i>643,285</i>
<i>NNSA CIO activities .....</i>	<i>155,022</i>	<i>155,022</i>
<i>Legacy contractor pensions .....</i>	<i>185,000</i>	<i>185,000</i>
<i>Science, Technology and Engineering Capability .....</i>	<i>0</i>	<i>0</i>
<i>National security applications .....</i>	<i>18,248</i>	<i>18,248</i>
<b>Subtotal, Weapons activities .....</b>	<b>7,577,341</b>	<b>7,657,921</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
Rescission .....		0
<b>Total, Weapons Activities .....</b>	<b>7,577,341</b>	<b>7,657,921</b>
<b>Defense Nuclear Nonproliferation</b>		
<b>Nonproliferation and verification R&amp;D</b>		
Operations and maintenance .....	398,186	398,186
Domestic Enrichment R&D .....	150,000	150,000
<b>Subtotal, Nonproliferation and verification R&amp;D .....</b>	<b>548,186</b>	<b>548,186</b>
Nonproliferation and international security .....	150,119	150,119
International nuclear materials protection and cooperation .....	311,000	311,000
<b>Fissile materials disposition</b>		
<b>U.S. surplus fissile materials disposition</b>		
<b>Operations and maintenance</b>		
U.S. plutonium disposition .....	498,979	498,979
U.S. uranium disposition .....	29,736	29,736
<b>Total, Operations and maintenance .....</b>	<b>528,715</b>	<b>528,715</b>
<b>Construction:</b>		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC .....	388,802	388,802
99-D-141-01 Pit disassembly and conversion facility, Savannah River, SC .....	0	0
99-D-141-02 Waste Solidification Building, Savannah River, SC .....	0	0
<b>Total, Construction .....</b>	<b>388,802</b>	<b>388,802</b>
<b>Total, U.S. surplus fissile materials disposition .....</b>	<b>917,517</b>	<b>917,517</b>
Russian surplus fissile materials disposition .....	3,788	3,788
<b>Total, Fissile materials disposition .....</b>	<b>921,305</b>	<b>921,305</b>
Global threat reduction initiative .....	466,021	493,021
Legacy contractor pensions .....	62,000	62,000
<b>Subtotal, Defense Nuclear Nonproliferation .....</b>	<b>2,458,631</b>	<b>2,507,211</b>
Rescission .....		0
<b>Total, Defense Nuclear Nonproliferation .....</b>	<b>2,458,631</b>	<b>2,485,631</b>
<b>Naval Reactors</b>		
Naval reactors development .....	418,072	418,072
Ohio replacement reactor systems development .....	89,700	89,700
S8G Prototype refueling .....	121,100	121,100
Naval reactors operations and infrastructure .....	366,961	366,961
<b>Construction:</b>		
13-D-905 Remote-handled low-level waste facility, INL .....	8,890	8,890
13-D-904 KS Radiological work and storage building, KSO .....	2,000	2,000
13-D-903, KS Prototype Staff Building, KSO .....	14,000	14,000
10-D-903, Security upgrades, KAPL .....	19,000	19,000
10-D-904, NRF infrastructure upgrades, Idaho .....	0	0
09-D-902, NRF Office Building #2 ECC Upgrade, Idaho .....	0	0
08-D-190 Expendable Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID .....	5,700	5,700
07-D-190 Materials research technology complex (MRTC) .....	0	0
<b>Total, Construction .....</b>	<b>49,590</b>	<b>49,590</b>
Program direction .....	43,212	43,212
<b>Subtotal, Naval Reactors .....</b>	<b>1,088,635</b>	<b>1,088,635</b>
<b>Adjustments:</b>		
Rescission of prior year balances .....	0	0
<b>Total, Naval Reactors .....</b>	<b>1,088,635</b>	<b>1,088,635</b>
<b>Office Of The Administrator</b>		
Office of the administrator .....	411,279	382,000
<b>Total, Office Of The Administrator .....</b>	<b>411,279</b>	<b>382,000</b>
<b>Defense Environmental Cleanup</b>		
<b>Closure sites:</b>		
Closure sites administration .....	1,990	1,990

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
<b>Hanford site:</b>		
River corridor and other cleanup operations .....	389,347	389,347
Central plateau remediation .....	558,820	558,820
Richland community and regulatory support .....	15,156	15,156
<b>Total, Hanford site .....</b>	<b>963,323</b>	<b>963,323</b>
<b>Idaho National Laboratory:</b>		
Idaho cleanup and waste disposition .....	396,607	396,607
Idaho community and regulatory support .....	3,000	3,000
<b>Total, Idaho National Laboratory .....</b>	<b>399,607</b>	<b>399,607</b>
<b>NNSA sites</b>		
Lawrence Livermore National Laboratory .....	1,484	1,484
Nuclear facility D & D Separations Process Research Unit .....	24,000	24,000
Nevada .....	64,641	64,641
Sandia National Laboratories .....	5,000	5,000
Los Alamos National Laboratory .....	239,143	239,143
<b>Total, NNSA sites and Nevada off-sites .....</b>	<b>334,268</b>	<b>334,268</b>
<b>Oak Ridge Reservation:</b>		
Building 3019 .....	0	0
OR Nuclear facility D & D .....	67,525	67,525
OR cleanup and disposition .....	109,470	109,470
OR reservation community and regulatory support .....	4,500	4,500
<b>Total, Oak Ridge Reservation .....</b>	<b>181,495</b>	<b>181,495</b>
<b>Office of River Protection:</b>		
<b>Waste treatment and immobilization plant</b>		
01-D-416 A-E/ORP-0060 / Major construction .....	690,000	690,000
<b>Tank farm activities</b>		
Rad liquid tank waste stabilization and disposition .....	482,113	482,113
<b>Total, Office of River protection .....</b>	<b>1,172,113</b>	<b>1,172,113</b>
<b>Savannah River sites:</b>		
Savannah River risk management operations .....	444,089	444,089
SR community and regulatory support .....	16,584	16,584
<b>Radioactive liquid tank waste:</b>		
Radioactive liquid tank waste stabilization and disposition .....	698,294	698,294
<b>Construction:</b>		
05-D-405 Salt waste processing facility, Savannah River .....	22,549	22,549
PE&D glass waste storage building #3 .....	0	0
<b>Total, Radioactive liquid tank waste .....</b>	<b>720,843</b>	<b>720,843</b>
<b>Total, Savannah River site .....</b>	<b>1,181,516</b>	<b>1,181,516</b>
<b>Waste Isolation Pilot Plant</b>		
Waste isolation pilot plant .....	198,010	198,010
<b>Total, Waste Isolation Pilot Plant .....</b>	<b>198,010</b>	<b>198,010</b>
Program direction .....	323,504	323,504
Program support .....	18,279	18,279
<b>Safeguards and Security:</b>		
Oak Ridge Reservation .....	18,817	18,817
Paducah .....	8,909	8,909
Portsmouth .....	8,578	8,578
Richland/Hanford Site .....	71,746	71,746
Savannah River Site .....	121,977	121,977
Waste Isolation Pilot Project .....	4,977	4,977
West Valley .....	2,015	2,015
<b>Total, Safeguards and Security .....</b>	<b>237,019</b>	<b>237,019</b>
Technology development .....	20,000	20,000
Uranium enrichment D&D fund contribution .....	463,000	0
<b>Subtotal, Defense environmental cleanup .....</b>	<b>5,494,124</b>	<b>5,031,124</b>
<b>Adjustments</b>		
Use of prior year balances .....	-12,123	-12,123
Use of unobligated balances .....	-10,000	-10,000

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<i>Program</i>	<i>FY 2013 Request</i>	<i>Conference Authorized</i>
<b>Rescission</b>		
<b>Total, Adjustments</b> .....	<b>-22,123</b>	<b>-22,123</b>
<b>Total, Defense Environmental Cleanup</b> .....	<b>5,472,001</b>	<b>5,009,001</b>
<b>Other Defense Activities</b>		
<b>Health, safety and security</b>		
Health, safety and security .....	139,325	139,325
Program direction .....	106,175	106,175
Undistributed adjustment .....		-4,403
<b>Total, Health, safety and security</b> .....	<b>245,500</b>	<b>241,097</b>
Specialized security activities .....	188,619	188,619
<b>Office of Legacy Management</b>		
Legacy management .....	164,477	164,477
Program direction .....	13,469	13,469
<b>Total, Office of Legacy Management</b> .....	<b>177,946</b>	<b>177,946</b>
<b>Defense-related activities</b>		
<b>Infrastructure</b>		
Idaho sitewide safeguards and security .....	0	0
Defense related administrative support .....	118,836	118,836
Office of hearings and appeals .....	4,801	4,801
<b>Subtotal, Other defense activities</b> .....	<b>735,702</b>	<b>731,299</b>
<b>Total, Other Defense Activities</b> .....	<b>735,702</b>	<b>731,299</b>

And the Senate agree to the same.  
From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD P. "BUCK"  
MCKEON,  
ROSCOE G. BARTLETT,  
MAC THORNBERRY,  
J. RANDY FORBES,  
JEFF MILLER,  
JOE WILSON,  
FRANK A. LOBIONDO,  
MICHAEL R. TURNER,  
JOHN KLINE,  
MIKE ROGERS,  
BILL SHUSTER,  
K. MICHAEL CONAWAY,  
ROBERT J. WITTMAN,  
DUNCAN HUNTER,  
E. SCOTT RIGELL,  
VICKY HARTZLER,  
ALLEN B. WEST,  
MARTHA ROBY,  
ADAM SMITH,  
MIKE MCINTYRE,  
ROBERT E. ANDREWS,  
SUSAN A. DAVIS,  
JAMES R. LANGEVIN,  
RICK LARSEN,  
JIM COOPER,  
MADELEINE Z. BORDALLO,  
JOE COURTNEY,  
NIKI TSONGAS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

MIKE ROGERS,  
C.A. DUTCH  
RUPPERSBERGER,

From the Committee on Education and the Workforce, for consideration of secs. 541 and 561 of the House bill and secs. 563 and 571-73 of the Senate amendment, and modifications committed to conference:

THOMAS E. PETRI,  
KRISTI L. NOEM,  
ROBERT C. "BOBBY" SCOTT,

From the Committee on Energy and Commerce, for consideration of secs. 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and secs. 736, 758, 914, 3118, 3122, 3152-54, 3156, and 5022 of the Senate amendment, and modifications committed to conference:

GREG WALDEN,  
ED WHITFIELD,  
HENRY A. WAXMAN,

From the Committee on Financial Services, for consideration of sec. 661 of the House bill and secs. 651-55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference:

SHELLEY MOORE CAPITO,  
BILL HUIZENGA,  
ED PERLMUTTER,

From the Committee on Foreign Affairs, for consideration of secs. 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245-47, 1301, 1303, 1531-33, title XVII, secs. 3120, 3121, and 3123 of the House bill and secs. 237, 342, 873, subtitle F of title VIII, secs. 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201-04, 1212-15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, secs. 1301, 1531, 1532, 1534, 3114, and 5023 of the Senate amendment, and modifications committed to conference:

ILEANA ROS-LEHTINEN,  
EDWARD R. ROYCE,

From the Committee on Homeland Security, for consideration of sec. 1111 of the House bill and sec. 1803 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON,

From the Committee on the Judiciary, for consideration of secs. 564, 593, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and secs. 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII,

and title LI of the Senate amendment, and modifications committed to conference:

LAMAR SMITH,  
DANIEL E. LUNGREN,  
JOHN CONYERS, JR.,

From the Committee on Natural Resources, for consideration of secs. 316, 317, 601, 2841, 2846, and 2861 of the House bill and secs. 271, 312, 1091, 1433, title XIX, and sec. 2842 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS,  
ROB BISHOP,

From the Committee on Oversight and Government Reform, for consideration of secs. 313, 651, 663, 801, 812, 833, 952, 1101-04, 1111, 1616, 1683, 1702, 1704-06, and 2811 of the House bill and secs. 641, 822, 825, 844, 844A, 892, 894-96, 903, 1099A, 1101-04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference:

DARRELL E. ISSA,  
TIM WALBERG,

From the Committee on Science, Space, and Technology, for consideration of secs. 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and secs. 271, 912, 1046, title XVIII, secs. 3153, 3159, and 3504 of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,  
JUDY BIGGETT,  
EDDIE BERNICE JOHNSON,

From the Committee on Small Business, for consideration of secs. 1611, 1621-23, 1631, 1632, 1641, 1651-58, 1661, 1671-73, 1681-83, 1691, 1693a, 1695, and 1697 of the House bill and secs. 848, 888, 889e, 1090, and 1089E of the Senate amendment, and modifications committed to conference:

SAM GRAVES,  
JAIME HERRERA BEUTLER,

From the Committee on Transportation and Infrastructure, for consideration of secs. 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and secs. 521, 1803, 1804, 3503-05, 3508 and 3509 of the Senate amendment, and modifications committed to conference:

JOHN L. MICA,  
HOWARD COBLE,  
TIMOTHY H. BISHOP,

From the Committee on Veterans Affairs, for consideration of secs. 355, 564, 565, 664, and 728 of the House bill and secs. 642, 755, 756, 759-64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference:

GUS M. BILIRAKIS,  
DOUG LAMBORN,  
MICHAEL H. MICHAUD,

*Managers on the Part of the House.*

CARL LEVIN,  
JOSEPH I. LIEBERMAN,  
JACK REED,  
DANIEL K. AKAKA,  
BEN NELSON,  
JIM WEBB,  
CLAIRE MCCASKILL,  
MARK UDALL,  
KAY R. HAGAN,  
MARK BEGICH,  
JOE MANCHIN III,  
JEANNE SHAHEEN,  
KIRSTEN E. GILLIBRAND,  
RICHARD BLUMENTHAL,  
JOHN MCCAIN,  
JAMES M. INHOFE,  
JEFF SESSIONS,  
SAXBY CHAMBLISS,  
ROGER F. WICKER,  
SCOTT P. BROWN,  
ROB PORTMAN,  
KELLY AYOTTE,  
SUSAN M. COLLINS,  
LINDSEY GRAHAM,  
JOHN CORNYN,

DAVID VITTER,

*Managers on the Part of the Senate.*

# JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4310), to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

*Compliance with rules of the House of Representatives and Senate regarding earmarks and congressionally directed spending items*

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and

Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

## *Summary of discretionary authorizations and budget implication*

The budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives for fiscal year 2013 was \$631.6 billion. Of this amount, \$525.3 billion was requested for base Department of Defense programs, \$88.5 billion was requested for overseas contingency operations, and \$17.8 billion was requested for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The conference agreement would authorize \$633.3 billion in fiscal year 2013, including \$527.5 billion for base Department of Defense programs, \$88.5 billion for overseas contingency operations, and \$17.4 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The following two tables summarize the discretionary authorizations in the agreement and the equivalent budget authority levels for fiscal year 2013 defense programs.

## SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2013 (In Thousands of Dollars)

	FY 2013 Request	Conference Change	Conference Authorized
<b>DISCRETIONARY AUTHORIZATIONS WITHIN THE JURISDICTION OF THE ARMED SERVICES COMMITTEE</b>			
<b>Department of Defense Base Budget</b>			
<b>Division A: Base Budget (Titles I, II, III, IV, XIV, XVII)</b>			
<b>Title I: PROCUREMENT</b>			
Aircraft Procurement, Army .....	5,853,729		5,853,729
Missile Procurement, Army .....	1,302,689	50,000	1,352,689
Weapons & Tracked Combat Vehicles, Army .....	1,501,706	312,817	1,814,523
Procurement of Ammunition, Army .....	1,739,706	-167,938	1,571,768
Other Procurement, Army .....	6,326,245	-174,212	6,152,033
Joint Improvised Explosive Device Defeat Fund .....	227,414	-227,414	
Aircraft Procurement, Navy .....	17,129,296	-1,833	17,127,463
Weapons Procurement, Navy .....	3,117,578	-5,521	3,112,057
Procurement of Ammunition, Navy & Marine Corps .....	759,539	678,679	14,258,524
Shipbuilding & Conversion, Navy .....	13,579,845	-33,539	726,000
Other Procurement, Navy .....	6,169,378	49,663	6,219,041
Procurement, Marine Corps .....	1,622,955	-140,874	1,482,081
Aircraft Procurement, Air Force .....	11,002,999	276,600	11,279,599
Missile Procurement, Air Force .....	5,491,846		599,194
Procurement of Ammunition, Air Force .....	599,194	-32,700	5,459,146
Other Procurement, Air Force .....	16,720,848	28,200	16,749,048
Procurement, Defense-Wide .....	4,187,935	303,400	4,491,335
Joint Urgent Operational Needs Fund .....	99,477	-99,477	
National Guard and Reserve Equipment .....		150,000	150,000
<b>Subtotal, PROCUREMENT</b> .....	<b>97,432,379</b>	<b>965,851</b>	<b>98,398,230</b>
<b>Title II: RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</b>			
RDT&E, Army .....	8,929,415	-434,660	8,494,755
RDT&E, Navy .....	16,882,877	426,100	17,308,977
RDT&E, Air Force .....	25,428,046	-44,707	25,383,339
RDT&E, Defense-Wide .....	17,982,161	568,400	18,550,561
Operational Test & Evaluation, Defense .....	185,268	15,000	200,268
<b>Subtotal, RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION</b> .....	<b>69,407,767</b>	<b>530,133</b>	<b>69,937,900</b>
<b>Title III: OPERATION AND MAINTENANCE</b>			
Operation & Maintenance, Army .....	36,608,592	-127,047	36,481,545
Operation & Maintenance, Navy .....	41,606,943	139,022	41,745,965



**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2013—Continued**  
(In Thousands of Dollars)

	FY 2013 Request	Conference Change	Conference Authorized
Operation & Maintenance, Marine Corps .....	5,983,163	22,800	6,005,963
Operation & Maintenance, Air Force .....	35,435,360	224,399	35,659,759
Operation & Maintenance, Defense-Wide .....	31,993,013	95,000	32,088,013
Operation & Maintenance, Army Reserve .....	3,162,008	16,200	3,178,208
Operation & Maintenance, Navy Reserve .....	1,246,982		1,246,982
Operation & Maintenance, Marine Corps Reserve .....	272,285		272,285
Operation & Maintenance, Air Force Reserve .....	3,166,482	40,600	3,207,082
Operation & Maintenance, Army National Guard .....	7,108,612	49,400	7,158,012
Operation & Maintenance, Air National Guard .....	6,015,455	170,100	6,185,555
Miscellaneous Appropriations .....	2,340,038		2,340,038
<b>Subtotal, OPERATION AND MAINTENANCE .....</b>	<b>174,938,933</b>	<b>630,474</b>	<b>175,569,407</b>
<b>Title IV: MILITARY PERSONNEL .....</b>	<b>135,111,799</b>	<b>646,479</b>	<b>135,758,278</b>
<b>Title XIV: OTHER AUTHORIZATIONS</b>			
Working Capital Fund, Army .....	60,037		60,037
Working Capital Fund, Air Force .....	45,452		45,452
Working Capital Fund, Defense-Wide .....	39,135		39,135
Working Capital Fund, DECA .....	1,371,560		1,371,560
National Defense Sealift Fund .....	608,136		608,136
Defense Health Program .....	32,528,718	92,000	32,620,718
Chemical Agents & Munitions Destruction, Defense .....	1,301,786		1,301,786
Drug Interdiction & Counter-Drug Activities, Defense .....	999,363	25,900	1,025,263
Office of the Inspector General .....	273,821	59,100	332,921
<b>Subtotal, OTHER AUTHORIZATIONS .....</b>	<b>37,228,008</b>	<b>177,000</b>	<b>37,405,008</b>
<b>Subtotal, Division A Base Budget .....</b>	<b>514,118,886</b>	<b>2,949,937</b>	<b>517,068,823</b>
<b>Division B: Military Construction Base Budget (Titles XXI–XXVII)</b>			
<b>Titles XXI–XXVI: MILITARY CONSTRUCTION</b>			
Military Construction, Army .....	1,923,323	–239,000	1,684,323
Military Construction, Navy and Marine Corps .....	1,701,985	–128,101	1,573,884
Military Construction, Air Force .....	388,200	–65,657	322,543
Military Construction, Defense-Wide .....	3,654,623	–222,200	3,432,423
NATO Security Investment Program .....	151,000		151,000
Military Construction, Army National Guard .....	254,163		254,163
Military Construction, Air National Guard .....	613,799		613,799
Military Construction, Army Reserve .....	305,846		305,846
Military Construction, Navy Reserve .....	49,532		49,532
Military Construction, Air Force Reserve .....	42,386		42,386
Chemical Demilitarization Construction .....	10,979		10,979
<b>Subtotal, MILITARY CONSTRUCTION .....</b>	<b>9,095,836</b>	<b>–654,958</b>	<b>8,440,878</b>
<b>Titles XXI–XXVI: FAMILY HOUSING</b>			
Family Housing Construction, Army .....	4,641		4,641
Family Housing O&M, Army .....	530,051		530,051
Family Housing Construction, Navy and Marine Corps .....	102,182		102,182
Family Housing O&M, Navy and Marine Corps .....	378,230		378,230
Family Housing Construction, Air Force .....	497,829		497,829
Family Housing O&M, Air Force .....	83,824		83,824
Family Housing O&M, Defense-Wide .....	52,238		52,238
Family Housing Improvement Fund .....	1,786		1,786
<b>Subtotal, FAMILY HOUSING .....</b>	<b>1,650,781</b>		<b>1,650,781</b>
<b>Title XXVII: BRAC</b>			
Defense Base Closure Account 1990 .....	349,396		349,396
Defense Base Closure Account 2005 .....	126,697		126,697
<b>Subtotal, BRAC .....</b>	<b>476,093</b>		<b>476,093</b>
<b>Military Construction Undistributed Adjustments</b>			
General Reductions .....		–2,334	–2,334
Prior Year Savings .....		–152,513	–152,513
<b>Subtotal, Military Construction Undistributed Adjustments .....</b>		<b>–154,847</b>	<b>–154,847</b>
<b>Total, Division B Base Budget .....</b>	<b>11,222,710</b>	<b>–809,805</b>	<b>10,412,905</b>
<b>Department of Defense Overseas Contingency Operations (OCO) Budget</b>			
<b>OCO Budget—Division A, Title XV</b>			
<b>PROCUREMENT, OCO</b>			
Aircraft Procurement, Army .....	486,200		486,200
Missile Procurement, Army .....	49,653		49,653
Weapons & Tracked Combat Vehicles, Army .....	15,422		15,422
Procurement of Ammunition, Army .....	357,493	–19,000	338,493
Other Procurement, Army .....	2,015,907	60,000	2,075,907
Joint Improvised Explosive Device Defeat Fund .....	1,675,400	166,914	1,842,314
Aircraft Procurement, Navy .....	164,582		164,582

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2013—Continued**  
**(In Thousands of Dollars)**

	FY 2013 Request	Conference Change	Conference Authorized
Weapons Procurement, Navy .....	23,500		23,500
Procurement of Ammunition, Navy & Marine Corps .....	285,747		285,747
Other Procurement, Navy .....	98,882		98,882
Procurement, Marine Corps .....	943,683		943,683
Aircraft Procurement, Air Force .....	305,600		305,600
Procurement of Ammunition, Air Force .....	116,203		116,203
Missile Procurement, Air Force .....	34,350		34,350
Other Procurement, Air Force .....	2,818,270		2,818,270
Procurement, Defense-Wide .....	196,349		196,349
Joint Urgent Operational Needs Fund .....	100,000	-100,000	
National Guard and Reserve Equipment .....		350,000	350,000
<b>Subtotal, PROCUREMENT, OCO .....</b>	<b>9,687,241</b>	<b>457,914</b>	<b>10,145,155</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, OCO</b>			
RDT&E, Army .....	19,860	-5,000	14,860
RDT&E, Navy .....	60,119		60,119
RDT&E, Air Force .....	53,150		53,150
RDT&E, Defense-Wide .....	112,387		112,387
<b>Subtotal, RDT&amp;E, OCO .....</b>	<b>245,516</b>	<b>-5,000</b>	<b>240,516</b>
<b>OPERATION AND MAINTENANCE, OCO</b>			
Operation & Maintenance, Army .....	28,591,441	-250,000	28,341,441
Operation & Maintenance, Navy .....	5,880,395		5,880,395
Operation & Maintenance, Marine Corps .....	4,066,340		4,066,340
Operation & Maintenance, Air Force .....	9,241,613		9,241,613
Operation & Maintenance, Defense-Wide .....	7,824,579	-100,000	7,724,579
Operation & Maintenance, Army Reserve .....	154,537		154,537
Operation & Maintenance, Navy Reserve .....	55,924		55,924
Operation & Maintenance, Marine Corps Reserve .....	25,477		25,477
Operation & Maintenance, Air Force Reserve .....	120,618		120,618
Operation & Maintenance, Army National Guard .....	382,448		382,448
Operation & Maintenance, Air National Guard .....	19,975		19,975
Afghanistan Security Forces Fund .....	5,749,167		5,749,167
Afghanistan Infrastructure Fund .....	400,000	-50,000	350,000
<b>Subtotal, OPERATION AND MAINTENANCE, OCO .....</b>	<b>62,512,514</b>	<b>-400,000</b>	<b>62,112,514</b>
<b>MILITARY PERSONNEL, OCO .....</b>	<b>14,060,094</b>	<b>-5,000</b>	<b>14,055,094</b>
<b>OTHER AUTHORIZATIONS, OCO</b>			
Working Capital Fund, Army .....	42,600		42,600
Working Capital Fund, Air Force .....	240,400		240,400
Working Capital Fund, Defense-Wide .....	220,364		220,364
Defense Health Program .....	993,898		993,898
Drug Interdiction & Counter-Drug Activities, Defense .....	469,025		469,025
Office of the Inspector General .....	10,766		10,766
<b>Subtotal, OTHER AUTHORIZATIONS, OCO .....</b>	<b>1,977,053</b>		<b>1,977,053</b>
<b>Subtotal, OCO Budget, Division A .....</b>	<b>88,482,418</b>	<b>47,914</b>	<b>88,530,332</b>
<b>OCO Budget—Division B, Military Construction</b>			
<b>MILITARY CONSTRUCTION, OCO</b>			
Military Construction, Navy .....		99,420	99,420
Prior Year Savings .....		-150,768	-150,768
<b>Subtotal, MILITARY CONSTRUCTION, OCO .....</b>		<b>-51,348</b>	<b>-51,348</b>
<b>Subtotal, OCO Budget, Division B .....</b>		<b>-51,348</b>	<b>-51,348</b>
<b>Subtotal OCO Budget, Divisions A and B .....</b>	<b>88,482,418</b>	<b>-3,434</b>	<b>88,478,984</b>
<b>Recapitulation, Base Budget .....</b>	<b>525,341,596</b>	<b>2,140,132</b>	<b>527,481,728</b>
<b>Recapitulation, OCO Budget .....</b>	<b>88,482,418</b>	<b>-3,434</b>	<b>88,478,984</b>
<b>TOTAL, DEPARTMENT OF DEFENSE (051) .....</b>	<b>613,824,014</b>	<b>2,136,698</b>	<b>615,960,712</b>
<b>Division C: Department of Energy National Security and Independent Federal Agency Authorizations</b>			
<b>Department of Energy Authorizations</b>			
Electricity Delivery and Energy Reliability .....	6,000	-6,000	
<b>Title XXXI: NATIONAL NUCLEAR SECURITY ADMINISTRATION</b>			
Weapons Activities .....	7,577,341	80,580	7,657,921
Defense Nuclear Nonproliferation .....	2,458,631	27,000	2,485,631
Naval Reactors .....	1,088,635		1,088,635
Office of the Administrator .....	411,279	-29,279	382,000
<b>Subtotal, NATIONAL NUCLEAR SECURITY ADMINISTRATION .....</b>	<b>11,535,886</b>	<b>78,301</b>	<b>11,614,187</b>
<b>Title XXXI: ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES</b>			
Defense Environmental Cleanup .....	5,472,001	-463,000	5,009,001

**SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2013—Continued**  
(In Thousands of Dollars)

	<b>FY 2013 Request</b>	<b>Conference Change</b>	<b>Conference Authorized</b>
Other Defense Activities .....	735,702	-4,403	731,299
<b>Subtotal, ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES .....</b>	<b>6,207,703</b>	<b>-467,403</b>	<b>5,740,300</b>
<b>TOTAL, DEPARTMENT OF ENERGY .....</b>	<b>17,749,589</b>	<b>-395,102</b>	<b>17,354,487</b>
<b>Independent Federal Agency Authorization</b>			
<b>Title XXXII: DEFENSE NUCLEAR FACILITIES SAFETY BOARD</b>			
Defense Nuclear Facilities Safety Board .....	29,415		29,415
<b>TOTAL, DEFENSE NUCLEAR FACILITIES SAFETY BOARD .....</b>	<b>29,415</b>		<b>29,415</b>
<b>TOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053) .....</b>	<b>17,779,004</b>	<b>-395,102</b>	<b>17,383,902</b>
<b>GRAND TOTAL, NATIONAL DEFENSE (050) .....</b>	<b>631,603,018</b>	<b>1,741,596</b>	<b>633,344,614</b>
<b>MEMORANDUM: NON-DEFENSE AUTHORIZATIONS</b>			
Title XIV—Armed Forces Retirement Home (Function 600) .....	67,590		67,590
Title XXXIV—Naval Petroleum and Oil Shale Reserves (Function 700) .....	14,909		14,909
Title XXXV—Maritime Administration (Function 400) .....	146,298		146,298
<b>MEMORANDUM: TRANSFER AUTHORITIES (NON-ADDS)</b>			
Title X—General Transfer Authority (non-add) .....	[5,000,000]		[4,000,000]
Title XV—Special Transfer Authority (non-add) .....	[4,000,000]		[3,000,000]

**NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION**  
(In Thousands of Dollars)

	<b>FY 2013 Request</b>	<b>Conference Change</b>	<b>Conference Authorized</b>
<b>Discretionary Authorizations Within the Jurisdiction of the Armed Services Committee</b>			
Recapitulation, Base Budget .....	525,341,596	2,140,132	527,481,728
Recapitulation, OCO Budget .....	88,482,418	-3,434	88,478,984
<b>TOTAL, DEPARTMENT OF DEFENSE (051) .....</b>	<b>613,824,014</b>	<b>2,136,698</b>	<b>615,960,712</b>
<b>TOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053) .....</b>	<b>17,779,004</b>	<b>-395,102</b>	<b>17,383,902</b>
<b>GRAND TOTAL, NATIONAL DEFENSE (050) .....</b>	<b>631,603,018</b>	<b>1,741,596</b>	<b>633,344,614</b>
<b>Defense Discretionary Programs Outside the Jurisdiction of the Armed Services Committees or Already Authorized</b>			
Defense Production Act Purchases .....	89,189		89,189
Indefinite Account: National Science Center, Army .....	25		25
Indefinite Account: Disposal Of DOD Real Property .....	7,855		7,855
Indefinite Account: Lease Of DOD Real Property .....	12,029		12,029
<b>Subtotal, Budget Sub-Function 051 .....</b>	<b>109,098</b>		<b>109,098</b>
Formerly Utilized Sites Remedial Action Program .....	104,000		104,000
Nuclear Energy .....	93,000		93,000
<b>Subtotal, Budget Sub-Function 053 .....</b>	<b>197,000</b>		<b>197,000</b>
Other Discretionary Programs .....	7,168,000		7,168,000
<b>Subtotal, Budget Sub-Function 054 .....</b>	<b>7,168,000</b>		<b>7,168,000</b>
<b>Total Defense Discretionary Adjustments (050) .....</b>	<b>7,474,098</b>		<b>7,474,098</b>
<b>Budget Authority Implication, National Defense Discretionary</b>			
Department of Defense—Military (051) .....	613,933,112	2,136,698	616,069,810
Atomic Energy Defense Activities (053) .....	17,976,004	-395,102	17,580,902
Defense-Related Activities (054) .....	7,168,000		7,168,000
<b>Total BA Implication, National Defense Discretionary .....</b>	<b>639,077,116</b>	<b>1,741,596</b>	<b>640,818,712</b>
<b>National Defense Mandatory Programs, Current Law (CBO Estimates)</b>			
Concurrent receipt accrual payments to the Military Retirement Fund .....	6,849,000		6,849,000
Revolving, trust and other DOD Mandatory .....	1,100,000		1,100,000
Offsetting receipts .....	-1,794,000		-1,794,000
Net change of provisions in the FY 2013 NDAA .....		-33,000	-33,000
<b>Subtotal, Budget Sub-Function 051 .....</b>	<b>6,155,000</b>	<b>-33,000</b>	<b>6,122,000</b>
Energy employees occupational illness compensation programs and other .....	1,165,000		1,165,000
<b>Subtotal, Budget Sub-Function 053 .....</b>	<b>1,165,000</b>		<b>1,165,000</b>
Radiation exposure compensation trust fund .....	57,000		57,000
Payment to CIA retirement fund and other .....	514,000		514,000
<b>Subtotal, Budget Sub-Function 054 .....</b>	<b>571,000</b>		<b>571,000</b>
<b>Total National Defense Mandatory (050) .....</b>	<b>7,891,000</b>	<b>-33,000</b>	<b>7,858,000</b>
<b>Budget Authority Implication, National Defense Discretionary and Mandatory</b>			
Department of Defense—Military (051) .....	620,088,112	2,136,698	622,191,810
Atomic Energy Defense Activities (053) .....	19,141,004	-395,102	18,745,902
Defense-Related Activities (054) .....	7,739,000		7,739,000
<b>Total BA Implication, National Defense Discretionary and Mandatory .....</b>	<b>646,968,116</b>	<b>1,708,596</b>	<b>648,676,712</b>

**DIVISION A—DEPARTMENT OF DEFENSE  
AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**BUDGET ITEMS**

*M1 Abrams upgrade program*

The budget request included \$74.3 million in Weapons and Tracked Combat Vehicles,

Army (WTCV) for the M1 Abrams upgrade program.

The House bill would authorize \$255.4 million in WTCV for the M1 Abrams upgrade program.

The Senate amendment would authorize \$91.0 million in WTCV for advanced procurement of long-lead items for M1 Abrams upgrades.

The agreement authorizes \$209.3 million in WTCV for the M1 Abrams upgrade program.

The conferees remain concerned about risk in the current and future tank industrial base and direct the Secretary of the Army's attention to the views expressed in the House report to accompany H.R. 4310 (H. Rpt. 112-479) and the Senate report to accompany

S. 3254 (S. Rpt. 112-173) of the National Defense Authorization Act for Fiscal Year 2013. *SPIDERNET/Spectral Warrior hardware*

The budget request included \$49.3 million to purchase and upgrade satellite communications systems for the Navy.

The Senate amendment would increase that line item by \$2.0 million to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

The House bill would approve the budget request.

The conferees agree to recommend an additional \$2.0 million for this program in section 4101 of this Act. The conferees note that the Department of Defense requested a transfer of funds of \$2.0 million in March 2012 as an additional authorization to initiate this new program.

*AC-130 aircraft electro-optical and infrared sensors*

The budget request included \$20.3 million to purchase various items of equipment to meet combat mission requirements for U.S. Special Operations Command forces.

The Senate amendment would increase the authorization of appropriations by \$6.0 million to procure color electro-optical and infrared imaging sensors for AC-130 aircraft used by U.S. Special Operations Command forces in ongoing contingency operations.

The House bill would approve the budget request.

The conferees agree to recommend an additional \$6.0 million for this program in section 4101 of this Act. The conferees note that the Department of Defense requested a transfer of funds of \$8.0 million in November 2012 as an additional authorization to initiate this new program.

Subtitle A—Authorization of Appropriations  
*Authorization of appropriations (sec. 101)*

The House bill contained a provision (sec. 101) authorizing appropriations for fiscal year 2013 for procurement for the Army, the Navy and Marine Corps, the Air Force, and Defense-Wide activities, as specified in the funding table in section 4101.

The Senate amendment contained an identical provision (sec. 101).

The conference agreement includes this provision.

Subtitle B—Army Programs

*Multiyear procurement authority for Army CH-47 helicopters (sec. 111)*

The House bill contained a provision (sec. 111) that would grant the Secretary of the Army authority to enter into a multiyear procurement contract in accordance with section 2306b of title 10, United States Code, for up to 5 years for CH-47 helicopters.

The Senate amendment contained a similar provision (sec. 111).

The Senate recedes with a technical amendment.

*Reports on airlift requirements of the Army (sec. 112)*

The House bill contained a provision (sec. 112) that would require the Secretary of the Army to submit annual reports on the time-sensitive or mission-critical airlift requirements of the Army, including an accounting of sorties flown in support of these requirements during the previous year. The first report would have been required on October 31, 2012. The requirement for the annual report would expire in fiscal year 2017.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to change the due date for the first report to March 31, 2013.

Subtitle C—Navy Programs

*Extension of Ford class aircraft carrier construction authority (sec. 121)*

The House bill contained a provision (sec. 122) that would allow the Secretary of the Navy to buy all Ford-class aircraft carriers over a 6 year period, rather than over a 5 year period as currently allowed.

The Senate amendment contained a similar provision (sec. 122) that would authorize the Secretary of the Navy to buy Ford-class aircraft carriers designated CVN-79 and CVN-80 over a 6 year period.

The Senate recedes.

*Multiyear procurement authority for Virginia class submarine program (sec. 122)*

The House bill contained a provision (sec. 126) that would authorize the Secretary of the Navy to buy not more than 10 Virginia-class submarines under a multiyear procurement contract. The provision would also permit the Secretary to use incremental funding in that multiyear contract.

The Senate amendment contained a similar provision (sec. 124) that would authorize the Secretary of the Navy to buy Virginia-class submarines under a multiyear procurement contract. The provision would also permit the Secretary to use incremental funding for Virginia-class submarines to be procured during fiscal years 2013 through 2018 if the Secretary: (1) determines that such an approach would permit the Navy to procure an additional Virginia-class submarine in fiscal year 2014; and (2) intends to use the funding for that purpose.

The House recedes.

*Multiyear procurement authority for Arleigh Burke class destroyers and associated systems (sec. 123)*

The House bill contained a provision (sec. 125) that would authorize the Secretary of the Navy to buy not more than 10 Arleigh Burke-class destroyers under a multiyear procurement contract. The House provision did not specify which version of Arleigh Burke-class destroyers would be authorized within that authority.

The Senate amendment contained a provision (sec. 125) that would authorize the Secretary of the Navy to buy up to 10 Arleigh Burke-class Flight IIA destroyers under a multiyear procurement contract.

The House recedes.

*Limitation on availability of amounts for second Ford class aircraft carrier (sec. 124)*

The Senate amendment contained a provision (sec. 123) that would limit fiscal year 2013 obligations for the Ford-class aircraft carrier program to 50 percent of the amount in the budget, pending submission of a report by the Secretary of the Navy to the congressional defense committees setting forth a description of the program management and cost control measures that will be employed in constructing the second Ford-class aircraft carrier.

The House bill contained no similar provision.

The House recedes.

*Refueling and complex overhaul of the U.S.S. Abraham Lincoln (sec. 125)*

The House bill contained a provision (sec. 127) that would authorize the Secretary of the Navy to provide funding for the refueling and complex overhaul (RCOH) of the U.S.S. Abraham Lincoln incrementally over a 2 year period. The provision would authorize \$1,613.4 million for that purpose.

The Senate amendment contained a similar provision (sec. 121).

The House recedes with an amendment that would reduce the authorized amount by \$96.1 million.

Late this year, the Navy requested and was granted authority to reprogram \$96.1 million from other fiscal year 2012 programs to support the U.S.S. Abraham Lincoln RCOH. This reduces the need to authorize the originally requested amount.

*Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program (sec. 126)*

The Senate amendment contained a provision (sec. 127) that would require the Secretary of Defense to designate the effort to develop and produce all variants of the mission modules in support of the Littoral Combat Ship program as a major defense acquisition program under section 2430 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

*Report on Littoral Combat Ship designs (sec. 127)*

The House bill contained a provision (sec. 128) that would require the Secretary of the Navy to submit to the congressional defense committees a report on the designs of the Littoral Combat Ship, including comparative cost and performance information for both designs of such ship.

The Senate amendment contained no similar provision.

The Senate recedes.

*Comptroller General review of Littoral Combat Ship program (sec. 128)*

The House bill contained a provision (sec. 129) that would require the Comptroller General of the United States to conduct a review of the Littoral Combat Ship (LCS) program's quality and a review of the U.S. Navy's operational and sustainment support strategy for the program. In particular, the provision would direct the Comptroller General to review whether the Secretary of the Navy was complying with regulations in accepting delivery of LCS vessels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the acceptance compliance review to LCS-1 and LCS-2, the two lead ships in the program.

The conferees note the Navy Board of Inspection and Survey released a July 2012 report regarding LCS "Material Condition and Maintainability." This report highlights numerous sustainment issues that the conferees expect the Navy's LCS Council to address. The conferees specifically note concerns with training requirements, Title 10 compliance for long-term maintenance requirements, potential operational impediments, corrosion control challenges, and manning, among other issues. The conferees also expect the Comptroller General to address these shortfalls, in addition to any other deficiencies he may find, and identify the steps the Navy is taking to ensure success for the long-term sustainment of LCS.

*Sense of Congress on importance of engineering in early stages of shipbuilding (sec. 129)*

The House bill contained a provision (sec. 130) that would state the sense of Congress about the importance of prioritizing early engineering in large ship construction. The provision would also encourage the Secretary of the Navy to do so.

The Senate amendment contained no similar provision.

The Senate recedes.

*Sense of Congress on nuclear-powered ballistic submarines (sec. 130)*

The House bill contained a provision (sec. 121) that would require the Secretary of the

Navy to maintain a minimum of 12 ballistic missile submarines in the fleet.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that is a sense of Congress stating the importance of maintaining a 12 ballistic missile submarine fleet.

*Sense of Congress on Marine Corps amphibious lift and presence requirements (sec. 131)*

The House bill contained a provision (sec. 131) that would state the sense of Congress that:

(1) the Department of Defense should carefully evaluate the maritime force structure necessary to execute demand for forces by the commanders of the combatant commands;

(2) the Department of the Navy should carefully evaluate amphibious lift capabilities to meet current and projected requirements;

(3) the Department of the Navy should consider prioritization of investment in and procurement of the next-generation of amphibious assault ships, as a component of the balanced battle force;

(4) the next-generation amphibious assault ships should maintain survivability protection;

(5) operation and maintenance requirements analysis, as well as the potential to leverage a common hull form design, should be considered to reduce total ownership cost and acquisition cost; and

(6) maintaining a robust amphibious ship building industrial base is vital for the future of the national security of the United States.

The Senate amendment contained a similar provision (sec. 130).

The House recedes.

*Sense of the Senate on Department of the Navy fiscal year 2014 budget request for tactical aviation aircraft (sec. 132)*

The Senate amendment contained a provision (sec. 131) that would express the sense of the Senate that, if the budget request of the Department of the Navy for fiscal year 2014 for F-18 aircraft includes a request for funds for more than 13 new F-18 aircraft, the budget request of the Department of the Navy for fiscal year 2014 for F-35 aircraft should include a request for funds for not fewer than 6 F-35B aircraft and 4 F-35C aircraft, presuming that development, testing, and production of the F-35 aircraft are proceeding according to current plans.

The House bill contained no similar provision.

The House recedes.

#### Subtitle D—Air Force Programs

*Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory (sec. 141)*

The House bill contained a provision (sec. 142) that would require the Commander, U.S. Transportation Command, to submit a report assessing the operational risk for meeting the geographical combatant commanders' airlift requirements with a fleet of less than 301 inter-theater airlift aircraft. The House bill would not allow retirements that would result in a strategic airlift force of fewer than 301 aircraft.

The Senate amendment contained a provision (sec. 141) that would permit the Air Force to reduce the number of strategic airlift aircraft in its inventory from 301 aircraft to 275 aircraft. It would require that the Secretary of the Air Force maintain any C-5A aircraft retired after September 30, 2012, in inviolate storage, with only the Secretary of

Defense permitted to authorize the Air Force to take any spare parts from those aircraft.

The Senate amendment also included a provision (sec. 1708) that would prevent the Air Force from using any fiscal year 2013 funds to divest, retire, or transfer, or prepare to divest, retire, or transfer, any aircraft of the Air Force assigned to units of the Air National Guard or Air Force Reserve as of May 31, 2012. The provision would permit an exception to this prohibition for C-5A strategic airlift aircraft, if the Secretary of the Air Force were to replace such aircraft through a transfer of C-5B, C-5M, or C-17 aircraft so as to maintain all Air National Guard and Air Force Reserve units impacted by such divestment or retirement at current or higher assigned manpower levels to operate the transferred aircraft.

The Senate recedes with an amendment that would permit the Air Force to reduce the number of strategic airlift aircraft in its inventory from 301 aircraft to 275 aircraft, but only after the Department of Defense conducts a comprehensive study that assesses the end-to-end, full-spectrum mobility requirements for all aspects of the National Military Strategy derived from the National Defense Strategy. The provision would also require that the Secretary of the Air Force preserve each C-5 aircraft that is retired by the Secretary during a period in which the total inventory of strategic airlift aircraft of the Secretary is less than 301, such that the retired aircraft: (1) is stored in flyable condition; (2) can be returned to service; and (3) is not used to supply parts to other aircraft, unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.

*Retirement of B-1 bomber aircraft (sec. 142)*

The House bill contained a provision (sec. 141) that would require the Secretary of the Air Force to maintain 36 combat-coded B-1 bomber aircraft beyond fiscal year 2013.

The Senate amendment contained no similar provision.

The Senate recedes.

*Avionics systems for C-130 aircraft (sec. 143)*

The House bill contained a provision (sec. 144) that would prevent the Secretary of the Air Force from terminating the C-130 Avionics Modernization Program (AMP) until 180 days after the Institute for Defense Analyses submits to the congressional defense committees a cost-benefit analysis of modernizing the legacy C-130 airlift fleet with C-130 AMP as compared to only modernizing the legacy C-130 airlift fleet with a reduced scope program for avionics and mission planning systems.

The Senate amendment contained a similar provision (sec. 143) that would delay Air Force implementation of the cancellation or modification of the AMP for the C-130 aircraft until 30 days after the receipt of a report submitted to the congressional defense committees.

The Senate recedes with an amendment that would delay implementation of any cancellation or modification of the C-130 AMP effort until a period of 90 days has elapsed after the date on which the Secretary submits to the congressional defense committees the results of a cost-benefit analysis conducted by the Institute for Defense Analyses.

*Treatment of certain programs for the F-22A Raptor aircraft as major defense acquisition programs (sec. 144)*

The Senate amendment contained a provision (sec. 142) that would require that the Air Force report F-22A modernization and up-

grade programs under the system of the Selected Acquisition Reports (SAR).

The House bill contained no similar provision.

The House recedes with an amendment that would provide that: (1) the Secretary of Defense treat both Increment 3.2B of the F-22A modernization program and any future increment to modernize F-22A aircraft, if viewed as a standalone program as a major defense acquisition program (MDAP), as an MDAP, requiring the submission of a SAR to Congress; and (2) the Secretary of the Air Force report at least annually on the cost, schedule and performance of the F-22A Reliability and Maintainability Maturation Program (RAMMP) and the F-22A Structural Retrofit Program (SRP II).

The conferees find that requiring the Department of Defense (DOD) to establish as an MDAP Increment 3.2B, and possibly other increments, of the Air Force's F-22 modernization program, would help ensure that these large, top-priority programs are subject to proper congressional oversight.

However, the conferees find that doing the same for the RAMMP and SRP II efforts would not be appropriate. The Air Force is pursuing these efforts in addition to modernization and is spending substantial levels of research and development and procurement funding to ensure that the F-22A satisfies its original reliability and performance requirements.

Given that these efforts are currently estimated to cost about \$1.9 billion, the conferees, therefore find that continuing congressional oversight of these efforts is warranted and that separate annual reports on these efforts can assist in this oversight. Rather than view these efforts as only a continuously reprioritized list of maintainability initiatives that grow as more is learned, the conferees expect that the DOD will baseline these efforts in a way that will allow the DOD and Congress to gauge their progress on cost, schedule and performance over time. The conferees expect that the DOD will provide these baselines in the first report it would deliver to Congress under this provision.

*Subtitle E—Joint and Multiservice Matters*  
*Multiyear procurement authority for V-22 joint aircraft program (sec. 151)*

The House bill contained a provision (sec. 124) that would authorize the Secretary of the Navy to enter into a multiyear contract to buy V-22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.

The Senate amendment contained a similar provision (sec. 151) that would authorize the Secretary of the Navy to enter into one or more multiyear contracts for this purpose.

The Senate recedes with an amendment that would allow the Secretary to enter into one or more multiyear contracts to buy V-22 aircraft.

*Procurement of space-based infrared systems satellites (sec. 152)*

The House bill contained a provision (sec. 147) that would authorize the Secretary of the Air Force to enter into a fixed-price contract to procure two Space Based Infrared System (SBIRS) satellites, authorize incremental funding of the two SBIRS satellites over a period not to exceed 6 years, and establish a limitation on the total funds to be obligated and expended for the procurement. This section would also require the Secretary of the Air Force to submit a report to

the congressional defense committees on contract details, cost savings, and plans for reinvesting the cost savings into capability improvements for future blocks of SBIRS satellites.

The Senate amendment contained a similar provision.

The Senate recedes with a clarifying amendment.

*Limitation on availability of funds for evolved expendable launch vehicle program (sec. 153)*

The House bill contained a provision (sec. 146) that would limit 10 percent of the obligation or expenditure of fiscal year 2013 funds authorized for the evolved expendable launch vehicle program until the Secretary of the Air Force submits a report describing the details of the acquisition approach. The report would include the anticipated savings, the planned number of launch vehicle booster cores to be procured, the number of years that the contract will last, an assessment of when new entrants will be certified to compete for evolved expendable launch vehicle class launches, the projected launch manifest with possible opportunities for new entrants to compete, and any other relevant analysis used to inform the acquisition strategy.

The Senate amendment contained no similar provision.

The Senate recedes and amends the House provision to remove the sense of Congress.

*Limitation on availability of funds for retirement of RQ-4 Global Hawk unmanned aircraft systems (sec. 154)*

The House bill contained a provision (sec. 152) that would prevent the Department of Defense from expending any funds to retire, prepare to retire, or place in storage RQ-4 Block 30 Global Hawk unmanned aircraft systems. The provision would also require that the Secretary of the Air Force maintain the operational capability of each RQ-4 Block 30 Global Hawk unmanned aircraft system belonging to the Air Force or delivered to the Air Force until the end of calendar year 2014.

The Senate amendment contained no similar provision.

The Senate recedes.

*Requirement to set F-35 aircraft initial operational capability dates (sec. 155)*

The House bill contained a provision (sec. 151) that would require the Secretary of the Air Force to establish an initial operational capability (IOC) date for the F-35A. The provision would also require the Secretary of the Navy to establish an IOC date for the F-35B and the F-35C. The provision would further require that the Secretaries report on the details of such initial operational capability to the congressional defense committees by December 31, 2012.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay the requirement for the Secretaries to establish IOC dates and report on the details until June 1, 2013.

*Shallow Water Combat Submersible program (sec. 156)*

The Senate amendment contained a provision (sec. 153) that would require the Commander of U.S. Special Operations Command (USSOCOM), not later than 90 days after enactment of this Act, to provide the congressional defense committees with a report on the Shallow Water Combat Submersible Program (SWCS) describing: efforts by the contractor and USSOCOM to more accurately

track schedule and cost; the revised timeline for SWCS initial and full operational capability; and the projected cost to meet the basis of issue requirement. The provision would also require that the Commander submit quarterly updates on the metrics from the earned value management system with which the Command is tracking cost and scheduled performance of the contractor. That requirement shall lapse once the SWCS has completed operational testing and has been found to be operationally effective and operationally suitable.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict to provide the required reports in coordination with the Commander of USSOCOM and modify the reporting requirements.

*Requirement that tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicles use specified standard data link (sec. 157)*

The House bill contained a provision (sec. 153) that would amend section 141 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), as amended by section 143 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), to require that, in carrying out a solicitation for a common data link (CDL), the Secretary of Defense must ensure that such solicitation complies with the most recently issued CDL specification standard of the Department of Defense, and does not include any proprietary or undocumented interface or waveform as a requirement or evaluation criterion of such solicitation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) clarify that the requirement for use of data formats consistent with the architectural standard known as STANAG 4586 would apply to unmanned systems only; and (2) extend the waiver authority of the Under Secretary of Defense for Acquisition, Logistics, and Technology to cover aircraft that are being acquired under a special access program, if that program would not otherwise be considered a major defense acquisition program.

*Study on small arms and small-caliber ammunition capabilities (sec. 158)*

The Senate amendment contained a provision (sec. 889A) that would require the Secretary of Defense to contract with a federally funded research and development center to conduct a study of Army small arms and ammunition capabilities.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Extension of multiyear procurement authority for F/A-18E, F/A-18F, and EA-18G aircraft*

The House bill contained a provision (sec. 123) that would authorize the Secretary of the Navy to modify the current multiyear contract for F/A-18E, F/A-18F, and EA-18G aircraft to extend the current multiyear contract to include fiscal year 2014 production of these aircraft.

The Senate amendment contained no similar provision.

The House recedes.

The Navy informed the conferees that the Navy could achieve no savings using a multiyear contract for buying the 13 aircraft

planned for fiscal year 2014, compared to buying them under an annual contract.

*Transfer of certain fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds*

The Senate amendment contained a provision (sec. 128) that would permit the Secretary of the Navy to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

*Transfer of certain fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles*

The Senate amendment contained a provision (sec. 129) that would permit the Secretary of the Navy to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

*SPIDERNET/Spectral Warrior hardware*

The Senate amendment contained a provision (sec. 132) that would increase the authorization of appropriations by \$2.0 million to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to recommend an additional \$2.0 million for this program in section 4101 of this Act.

*Limitation on availability of funds for divestment or retirement of C-27J aircraft*

The House bill contained a provision (sec. 143) that would prohibit the Air Force from using any available funds to divest, retire, or transfer, or prepare to divest, retire, or transfer, any C-27J aircraft. The prohibition would remain in place until the 180 days after: (1) the Director of the Congressional Budget Office had submitted a life-cycle cost analysis of C-27J, C-130H, and C-130J; and (2) the Secretary of the Air Force submits the report required by section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The Senate amendment contained no similar provision.

The House recedes.

*Review of C-130 force structure*

The House bill contained a provision (sec. 145) that would require the Secretary of the Air Force to conduct a review of the C-130 force structure and report on a number of matters, including how the Secretary will determine which C-130 aircraft will be retired or relocated during fiscal years 2014 through 2018, and details of the costs incurred, avoided, or saved with respect to retiring or relocating C-130 aircraft.

The Senate amendment contained no similar provision.

The House recedes.

*Transfer of certain fiscal year 2011 and 2012 funds for aircraft procurement for the Air Force*

The Senate amendment contained a provision (sec. 145) that would permit the Secretary of the Air Force to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for full-rate production of Handheld, Manpack, and Small Form/Fit radios under the Joint Tactical Radio System program*

The Senate amendment contained a provision (sec. 152) that would limit the availability of funds for the full-rate production of Handheld, Manpack, and Small Form/Fit radios under the Joint Tactical Radio System (JTRS) program.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that during 2012 the Department of Defense (DOD) and Army took significant steps to clarify plans for competition within the JTRS program. These steps included acquisition decision memoranda for the JTRS program issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics in July and October, and a certification regarding Army competition by the Secretary of the Army received by the congressional defense committees on November 29, 2012. The conferees strongly agree with the direction provided to the JTRS program by these documents regarding the conduct of full and open competition for full-rate production of the handheld and manpack radios within the JTRS program. The conferees expect these competitions to be conducted in a manner that allows non-program of record vendors with qualified systems a free and open chance to compete. In addition, the conferees support DOD's current plan for similar competitions in future years. These future competitions provide the best path to acquire the latest, best, and most affordable communications technology solutions to meet military requirements and at the same time avoid locking in long-term, sole-source contract arrangements that discourage competition. Given the rapidly changing nature of technology in the area of communications, the conferees encourage the DOD to constantly reexamine acquisition plans in this area in order to ensure that the DOD acquires the very best and most affordable equipment possible.

*AC-130 aircraft electro-optical and infrared sensors*

The Senate amendment contained a provision (sec. 154) that would increase the authorization of appropriations by \$6.0 million to procure color electro-optical and infrared imaging sensors for AC-130 aircraft used by U.S. Special Operations Command forces in ongoing contingency operations.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to recommend an additional \$6.0 million for this program in section 4101 of this Act.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
BUDGET ITEMS**

*Detailed digital radio frequency modulation countermeasures studies and simulations*

The budget request included \$277.4 million in PE65457A for research and development of Army integrated air and missile defense systems.

The Senate amendment would authorize an additional \$38.0 million for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the

accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense for the requirements of the commanders of the combatant commands.

The House bill would approve the budget request.

The conferees agree to authorize an additional \$38.0 million in PE65457A in section 4201 for a new DRFM program. The conferees note that the Department of Defense requested a transfer of funds of \$38.0 million in March 2012 as an additional authorization to initiate this new program.

*Relocation of C-band radar from Antigua to H.E. Holt Station in Western Australia to enhance space situational awareness capabilities*

The budget request included \$267.3 million in PE 64425F for research and development of space situational awareness systems.

The Senate amendment would authorize, within appropriations authorized for fiscal year 2013, the Secretary of the Air Force to obligate up to \$3.0 million to initiate a new program for the relocation and research and development activities to enhance space situational awareness capabilities through the repurposing of the C-band radar at Antigua, the relocation of that radar to the H.E. Holt Station in Western Australia, and upgrades of the hardware and software of that radar to meet space situational awareness mission needs, operational testing of that radar, and transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

The House bill would approve the budget request.

The conferees agree to authorize \$3.0 million in PE 64425F within section 4201 for this program, and to take an offsetting general reduction of the same amount. The conferees note that the Department of Defense requested a transfer of funds of \$3.0 million in April 2012 as an additional authorization to initiate this new program.

**Subtitle A—Authorization of Appropriations  
Authorization of appropriations (sec. 201)**

The House bill contained a provision (sec. 201) authorizing appropriations for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

The Senate amendment contained an identical provision (sec. 201).

The conference agreement includes this provision.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

*Next-generation long-range strike bomber aircraft nuclear certification requirement (sec. 211)*

The House bill contained a provision (sec. 211) that would require the Secretary of the Air Force to make certain that the next-generation long-range strike bomber will be capable of using strategic weapons by the date it receives declaration of initial operational capability (IOC) and nuclear certified to use strategic weapons no later than 2 years after declaration of IOC.

The Senate amendment contained no similar provision.

The Senate recedes with the understanding that the provision is consistent with the current Air Force plans for nuclear certification of the long-range strike bomber.

*Extension of limitation on availability of funds for Unmanned Carrier-launched Surveillance and Strike system program (sec. 212)*

The House bill contained a provision (sec. 213) that would limit the ability of the Sec-

retary of Defense to obligate more than 75 percent of the total authorized amount of fiscal year 2013 program funds for the unmanned carrier-launched airborne surveillance and strike system (UCLASS) program until the Department of Defense makes certain certifications and established acquisition baselines for the program. The provision would also prevent the Secretary of the Navy from reducing the number of prime contractors working on the UCLASS to one prime contractor for the technology development phase of such program prior to the program achieving the critical design review (CDR) milestone and would specify that the program could not achieve CDR until October 1, 2016.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would:

(1) limit the ability of the Secretary of Defense to obligate more than 75 percent of the total authorized amount of fiscal year 2013 program funds for the UCLASS program until the Department made certain certifications and established acquisition baselines for the program;

(2) specify that the Secretary of the Navy may not reduce the number of prime contractors working on the UCLASS to one prime contractor until the program achieves the preliminary critical design review milestone; and

(3) require that the Under Secretary of Defense for Acquisition, Technology and Logistics:

(a) assess the completeness of the preliminary design reviews of the program for each participating prime contractor; and

(b) certify that each preliminary design review of the program was complete and was not abbreviated, when compared to preliminary design reviews conducted for other major defense acquisition programs.

*Limitation on availability of funds for milestone A activities for an Army medium range multi-purpose vertical takeoff and landing unmanned aircraft system (sec. 213)*

The House bill contained a provision (sec. 215) that would limit the use of funds for Milestone A activities for the MQ-18 Medium Range Multi-Purpose Vertical Take-off and Landing Unmanned Aircraft System (UAS) until the Chairman of the Joint Requirements Oversight Council certifies that: (1) the MQ-18 UAS is required to meet a capability in the Department of Defense manned and unmanned medium-altitude intelligence, surveillance, and reconnaissance force structure; and (2) that an existing UAS cannot meet the required capability or be modified to meet the required capability.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change that limitation to apply to any such Army UAS, not just the MQ-18.

*Use of funds for conventional prompt global strike program (sec. 214)*

The House bill contained a provision (sec. 235) that would require a competitive procedure for any solicitation involving the use of fiscal year 2013 funds for ground testing activities of the prompt global strike program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would give waiver authority to the competitive solicitation procedure if the Secretary of Defense determines that such procedure is not feasible, notifies congressional defense committees and a period of 5 days elapse after the date of such notification.



*Next Generation Foundry for the Defense Microelectronics Activity (sec. 215)*

The Senate amendment contained a provision (sec. 211) that would prohibit the expenditure of funds for the Next Generation Foundry for the Defense Microelectronics Activity until a microelectronics strategy is submitted to the congressional defense committees, as well as an estimate of the full life-cycle costs for the upgrade to the Foundry.

The House bill contained no similar provision.

The House recedes with an amendment that would add an assessment of the manufacturing capability of the United States to produce three-dimensional integrated circuits to serve national defense interests.

*Advanced rotorcraft initiative (sec. 216)*

The Senate amendment contained a provision (sec. 212) that would require a report on the strategy for the use of integrated design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

The House bill contained no similar provision.

The House recedes with an amendment that removes any consideration of the restructuring of the Joint Multirole Rotorcraft program given that the Army has recently improved the program by increasing the technology demonstrators from one to two.

*Subtitle C—Missile Defense Programs*

*Prohibition on the use of funds for the MEADS program (sec. 221)*

The House bill contained a provision (sec. 229) that would prohibit fiscal year 2013 funds for the Department of Defense from being obligated or expended for the Medium Extended Air Defense System.

The Senate amendment contained an identical provision (sec. 236).

The conference agreement includes this provision.

*Availability of funds for Iron Dome short-range rocket defense program (sec. 222)*

The House bill contained a provision (sec. 227) that would authorize funds for the Department of Defense to provide to the Government of Israel for the Iron Dome short-range rocket defense program.

The Senate amendment contained a similar provision (sec. 237).

The House recedes.

The conferees note that in a letter to the House Committee on Armed Services, dated September 11, 2012, Dr. Frank Kendall, Under Secretary of Defense for Acquisition, Technology and Logistics, stated that the Department of Defense agrees with the committee that the Department “needs to obtain appropriate data rights to Iron Dome technology to ensure us the ability to use that data for U.S. defense purposes and to explore potential co-production opportunities.”

The conferees support this policy and expect the Department to keep the congressional defense committees informed of developments and progress on this issue.

*Authority for relocation of certain Aegis weapon system assets between and within the DDG-51 class destroyer and Aegis Ashore programs in order to meet mission requirements (sec. 223)*

The House bill contained a provision (sec. 236) that would provide authority for the Secretary of the Navy to transfer Aegis weapon system equipment with ballistic missile defense capability to the Missile Defense Agency (MDA) for use in the Aegis Ashore system in Romania, to permit meeting the

deployment schedule of December 2015. The provision would also require the Director of MDA to transfer similar equipment to the Navy later to replace any equipment transferred by the Navy to MDA, for the Navy to use in the DDG-51 class destroyer program.

The Senate amendment contained a similar provision (sec. 126).

The House recedes with a clarifying amendment.

*Evaluation of alternatives for the precision tracking space system (sec. 224)*

The House bill contained a provision (sec. 231) that would limit the availability of funds for the Precision Tracking Space System (PTSS) until a federally funded research and development center begins an analysis of alternatives for PTSS, and the terms of reference for such analysis are submitted to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Director of Cost Assessment and Program Evaluation (CAPE) to conduct an independent cost estimate and an evaluation of alternatives for PTSS, and submit the analysis to the congressional defense committees. The provision would limit the availability of more than 75 percent of the fiscal year 2013 funds for PTSS until the Director of CAPE completes the evaluation of alternatives and the approved terms of reference for the evaluation are submitted to the congressional defense committees.

The conferees understand that, as part of the evaluation of alternatives for PTSS, the Director of CAPE plans to consider a variety of sensor systems and options, including planned sensor development programs. The conferees believe such consideration will be valuable to the evaluation of alternatives.

*Next generation Exo-atmospheric Kill Vehicle (sec. 225)*

The House bill contained a provision (sec. 222) that would require the Director of the Missile Defense Agency (MDA) to submit a report to the congressional defense committees on a plan to use the advanced kill vehicle for the Standard Missile-3 Block IIB missile for the Ground-based Midcourse Defense (GMD) system.

The Senate amendment contained a related provision (sec. 234) that would require the Director of MDA to develop and submit a plan for enhancing the current GMD Exo-atmospheric Kill Vehicle (EKV) and options for the competitive development of a next generation EKV for the GMD system.

The House recedes with a technical amendment.

*Modernization of the Patriot air and missile defense system (sec. 226)*

The Senate amendment contained a provision (sec. 235) that would require the Secretary of the Army to submit to the congressional defense committees a plan for support of the long term requirements in connection with the modernization of the Patriot air and missile defense system.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Evaluation and environmental impact assessment of potential future missile defense sites in the United States (sec. 227)*

The House bill contained a provision (sec. 223) that would require the Secretary of Defense to ensure that a missile defense site on the East Coast of the United States is operational by no later than December 31, 2015.

The provision would also require the Secretary to evaluate three possible locations for the site and to prepare an environmental impact statement for each location. Finally, the provision would require the Director of the Missile Defense Agency to develop and submit, with the President's budget request for fiscal year 2014, a plan to deploy missile defense interceptors on the East Coast.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to evaluate at least three possible additional locations in the United States—at least two of which would be on the East Coast—that would be best suited for future deployment of a missile defense interceptor site to protect the homeland against long-range missile threats from nations such as North Korea and Iran. The amendment would also require the Secretary to prepare an environmental impact statement for each location the Secretary evaluates. Finally, the amendment would require the Director of the Missile Defense Agency to develop a contingency plan for the deployment of a potential future homeland missile defense interceptor site, in case the President determines to proceed with such additional deployment, and to notify the congressional defense committees when such contingency plan has been developed.

*Homeland ballistic missile defense (sec. 228)*

The Senate amendment contained a provision (sec. 231) that would state the sense of Congress concerning homeland ballistic missile defense and require a report on the status of efforts to improve the homeland ballistic missile defense capability of the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Regional ballistic missile defense (sec. 229)*

The House bill contained a provision (sec. 234) that would require the Secretary of Defense to submit a report to the congressional defense committees on regional missile defense architectures.

The Senate amendment contained a related provision (sec. 232) that would state the sense of Congress concerning regional missile defense, and would require a report describing the status and progress of regional missile defense programs and efforts.

The House recedes with an amendment that would incorporate the elements of its provision into the Senate provision.

*NATO contributions to missile defense in Europe (sec. 230)*

The House bill contained a provision (sec. 230) that would limit the availability of funds for certain activities of the Phased Adaptive Approach (PAA) to missile defense in Europe until certain conditions were met with respect to cost-sharing arrangements with the North Atlantic Treaty Organization (NATO) for the PAA in Europe.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report from the Secretary of Defense on the contributions of NATO allies, individually and collectively, to missile defense in Europe.

*Report on test plan for the ground-based mid-course defense system (sec. 231)*

The House bill contained a provision (sec. 225) that would require the Department of Defense to conduct a flight test of the

Ground-based Midcourse Defense (GMD) system, using a Ground-Based Interceptor equipped with a Capability Enhanced-1 (CE-1) exo-atmospheric kill vehicle (EKV), against an intercontinental ballistic missile (ICBM) target, not later than December 31, 2013.

The House bill also contained a related provision (sec. 233) that would require the Missile Defense Agency (MDA) to prepare and submit a plan to conduct at least three flight tests of the GMD system every 2 years, unless the Director of MDA certifies that such a plan would not be feasible or cost effective.

The Senate amendment contained no similar provision. The Senate recedes with an amendment that would require the Secretary of Defense to provide to the congressional defense committees a report on the test program for the GMD system. The report would contain an assessment of various GMD test options, including the feasibility, advisability, and cost effectiveness of accelerating the date for testing the GMD system against an ICBM-range target, and of conducting GMD flight tests at a pace of three tests every 2 years. The amendment would also require the Director of Operational Test and Evaluation to review the report and include the Director's views in an appendix to the report.

*Sense of Congress on missile defense (sec. 232)*

The House bill contained a provision (sec. 1237) that would establish limitations and conditions on international agreements relating to missile defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress concerning the continued development and deployment of missile defenses and concerning limitations on missile defenses.

*Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense (sec. 233)*

The Senate amendment contained a provision (sec. 239) that would express the sense of Congress that the Secretary of Defense should submit to Congress the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

#### Subtitle D—Reports

*Mission packages for the Littoral Combat Ship (sec. 241)*

The Senate amendment contained a provision (sec. 251) that would require the Secretary of the Navy to produce a report, in consultation with the Director of Operational Test and Evaluation, on the mine countermeasures warfare, antisubmarine warfare, and surface warfare mission packages for the Littoral Combat Ship.

The House bill contained no similar provision.

The House recedes.

*Study on electronic warfare capabilities of the Marine Corps (sec. 242)*

The House bill contained a provision (sec. 241) that would require the Commandant of the Marine Corps to conduct a study on the future capabilities of the Marine Corps with respect to electronic warfare. The Commandant would be required to address the

following: (1) a detailed plan for EA-6B Prowler aircraft squadrons; (2) a solution for the replacement of such aircraft; (3) concepts of operation for future air-ground task force electronic warfare capabilities of the Marine Corps; and (4) any other issues that the Commandant determined to be appropriate.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the study requirement to focus on a solution for the replacement of the capability of the EA-6B, not the aircraft itself. *Conditional requirement for report on amphibious assault vehicles for the Marine Corps (sec. 243)*

The Senate amendment contained a provision (sec. 253) that would require the Secretary of the Navy and the Commandant of the Marine Corps to jointly submit to the congressional defense committees a report by February 1, 2013, if the ongoing Marine Corps ground combat vehicle fleet mix study recommends the acquisition of a Marine Personnel Carrier (MPC). The report would include an explanation of the role of the MPC in fulfilling the two Marine Expeditionary Brigades (MEB) forcible entry requirement; the fraction of the assault echelon of the MEBs comprised of MPCs, along with an assessment of the operational risks associated with using ship-to-shore connectors to ferry MPCs rather than tanks and artillery; and an estimate of the acquisition and life-cycle costs of a split fleet of Amphibious Combat Vehicles (ACVs) and MPCs as compared to the costs of a pure fleet of ACVs.

The House bill contained no similar provision.

The House recedes with an amendment that would drop the reporting requirements regarding the role of MPCs in forcible entry operations. The Marine Corps states that MPCs will not be employed during the assault or forcible entry phase of the two MEB forcible entry force. The Marine Corps affirms that there will not be any competition between MPCs and other supporting force elements (such as tanks and artillery) for connectors during amphibious assault operations, or between MPCs and ACVs and other forces for deck space.

*Report on cyber and information technology research investments of the Air Force (sec. 244)*

The House bill contained a provision (sec. 245) that would require the Secretary of Defense to submit to the congressional defense committees a study of Air Force cyber operations research, science and technology.

The Senate amendment contained no similar provision, but the Senate report (S. Rept. 112-173) accompanying the National Defense Authorization Act for Fiscal Year 2013 (S. 3254) contained similar directive report language.

The Senate recedes with an amendment that would include the directive report language from S. Rept. 112-173 in the provision. *National Research Council review of defense science and technical graduate education needs (sec. 245)*

The House bill contained a provision (sec. 242) that would direct the Department of Defense (DOD) to have the National Research Council conduct a review of specialized degree-granting graduate programs in the Department in engineering, applied sciences, and management.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that clarifies the scope of the subjects of the review.

The conferees recognize that fostering and increasing the science, technology, engineering, mathematics, and technology management skills of the DOD workforce is an ongoing challenge. The conferees look forward to discussing these challenges with the Department as the terms of reference for this effort are developed.

#### Subtitle E—Other Matters

*Eligibility for Department of Defense laboratories to enter into educational partnerships with educational institutions in territories and possessions of the United States (sec. 251)*

The House bill contained a provision (sec. 251) that would allow Department of Defense laboratories to enter into educational partnerships with educational institutions in U.S. territories and possessions.

The Senate amendment contained an identical provision (sec. 214).

The conference agreement includes this provision.

*Regional advanced technology clusters (sec. 252)*

The House bill contained a provision (sec. 252) that would allow the Secretary of Defense to utilize the research and engineering network of the Department of Defense to support regional advanced technology clusters established by the Secretary of Commerce. This provision would also designate a lead office in the Department to be the main focal point to interact with regional advanced technology clusters.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment removing the creation of the office, but expanding the reporting requirement.

*Sense of Congress on increasing the cost-effectiveness of training exercises for members of the Armed Forces (sec. 253)*

The Senate amendment contained a provision (sec. 272) expressing the sense of Congress in support of emerging technologies that would increase the cost effectiveness of training exercises for members of the Armed Forces.

The House bill contained no similar provision.

The House recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Unmanned combat air system*

The House bill contained a provision (sec. 212) that would require the Secretary of the Navy to: (1) conduct additional technology development risk reduction activities for the unmanned carrier-launched airborne surveillance and strike system (UCLASS) program, using the unmanned combat air system; and (2) preserve a competitive acquisition environment for the UCLASS program.

The Senate amendment contained no similar provision.

The House recedes.

*Transfer of certain fiscal year 2012 Navy research, development, test, and evaluation funds*

The Senate amendment contained a provision (sec. 213) that would permit the Secretary of the Navy to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for future manned ground moving target indicator capability of the Air Force*

The House bill contained a provision (sec. 214) that would prohibit obligation of funding for any activity, including pre-Milestone

A activities, to initiate a new start acquisition program to provide the Air Force with a manned ground moving target indicator (GMTI) capability or manned dismount moving target indicator capability until 90 days after submission of a report by the Secretary of the Air Force.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Air Force's analysis of alternatives (AoA) for a GMTI capability recommended a combination of: (1) manned aircraft based on smaller business jets; (2) and unmanned capability in the form of the Global Hawk Block 40 unmanned system.

The Air Force Chief of Staff testified that the Air Force could not afford to implement the recommendations of the AoA. Nevertheless, the Air Force has not proposed any alternative plan to modernize or replace the manned GMTI capability, and associated on-board command and control capability, currently provided by the Joint Surveillance and Target Attack Radar System (JSTARS).

The conferees believe that the capability provided by the JSTARS is a critical element of the future Air Force intelligence, surveillance, and reconnaissance (ISR) fleet. The conferees note that the Air Force's Fleet Viability Board raised concerns about the long-term supportability of JSTARS aircraft, which are based on a 60 year-old commercial aircraft design. The conferees further note that rapid advances in the areas of sensors and communication links may make it difficult for the Air Force to precisely define long-term future requirements in this mission area at this time.

Nevertheless, the Air Force needs to develop a plan to provide an updated GMTI capability meeting joint warfighting requirements. The capability must include the flexibility to incorporate current and future sensor and communications architectures that can be integrated as they evolve in the future. The conferees are concerned that, absent such a modernization plan, the Air Force may lose its ability to provide this capability to the joint force in the future.

*Transfer of certain fiscal year 2012 Air Force research, development, test, and evaluation funds*

The Senate amendment contained a provision (sec. 215) that would permit the Secretary of the Air Force to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

*Relocation of C-band radar from Antigua to H.E. Holt Station in Western Australia to enhance space situational awareness capabilities*

The Senate amendment contained a provision (sec. 216) that would authorize, within appropriations authorized for fiscal year 2013, the Secretary of the Air Force to obligate up to \$3.0 million to initiate a new program for the relocation and research and development activities to enhance space situational awareness capabilities through the repurposing of the C-band radar at Antigua, the relocation of that radar to the H.E. Holt Station in Western Australia, and upgrades of the hardware and software of that radar to meet space situational awareness mission needs, operational testing of that radar, and transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize \$3.0 million in section 4201 for this program.

*Vertical lift platform technology demonstrations*

The House bill contained a provision (sec. 216) that would authorize up to \$5.0 million for a program to develop and flight-demonstrate vertical lift platform technologies.

The Senate amendment contained no similar provision for the authorization of funds, but contained a provision (sec. 212) requiring a report on the strategy for the use of integrated platform design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

The House recedes.

*Detailed digital radio frequency modulation countermeasures studies and simulations*

The Senate amendment contained a provision (sec. 217) that would authorize an additional \$38.0 million for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense for the requirements of the commanders of the combatant commands.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an additional \$38.0 million in section 4201 for a new DRFM program.

*Procurement of AN/TPY-2 radars*

The House bill contained a provision (sec. 221) that would require the Secretary of Defense to procure two AN/TPY-2 radars, and to submit a report on the feasibility of developing an AN/TPY-2 radar on a rotating turntable to allow the radar to change directions quickly.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware of proposals to place AN/TPY-2 radars on rotating turntables to permit the radars to turn and track threat missiles in flight. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees, not later than 180 days after the date of enactment of this Act, providing an analysis of the concept of developing an AN/TPY-2 radar on a rotational platform. The analysis shall include consideration of the technical feasibility and advisability, as well as the potential utility for missile defense or any other missions, of developing and deploying such a rotating radar, including potential advantages and disadvantages, costs, risks, and mobility considerations.

*Ground-based Midcourse Defense system*

The House bill contained a provision (sec. 224) that would require certain funding levels for the Ground-based Midcourse Defense system.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware that the Department of Defense has stated that it intends to maintain Missile Field-1 (MF-1) at Fort Greely, Alaska in a storage status that would permit it to be refurbished to operational status to deploy six additional Ground-Based Interceptors (GBIs), if that is determined to be necessary. The conferees want to be confident that this missile field

could be available to increase our homeland defense capabilities if the future threat to the homeland should warrant it.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees, not later than 180 days after the enactment of this Act, on the steps the Department of Defense plans to take to keep MF-1 available for possible operational use in the future, if determined to be necessary. The report should include a description of the planned cost of maintaining MF-1 in the planned storage status, and the actions, timeline, circumstances, and estimated costs that would be required to return MF-1 to an operational status with six GBIs.

*Deployment of SM-3 IIB interceptors on land and sea*

The House bill contained a provision (sec. 226) that would require the Secretary of Defense to ensure that the Standard Missile-3 (SM-3) Block II B interceptor missile is deployable both on land and on ships.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that after the submission of the President's budget request for fiscal year 2013, the Missile Defense Agency made the decision that the SM-3 Block IIB missile will be compatible for use with land-based Aegis Ashore sites and with Aegis Ballistic Missile Defense ships. Consequently, the missile will be developed to be deployable on ships, as well as on land.

*Sea based X-band radar*

The House bill contained a provision (sec. 228) that would require the Missile Defense Agency (MDA) to ensure that the Sea-Based X-band radar (SBX) is maintained in a status such that the radar may be deployed in less than 14 days and for at least 60 days each year.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense has placed the SBX radar in a Limited Test Support Status that would permit it to be deployed within 30 days and to operate for up to 60 days at sea each year. The conferees direct the Director of the MDA to submit to the congressional defense committees, not later than 90 days after the enactment of this Act, an assessment of the potential benefits and drawbacks of reducing the deployment readiness timeline of SBX from 30 to 14 days.

*Plan to improve discrimination and kill assessment capability of ballistic missile defense systems*

The House bill contained a provision (sec. 232) that would require the Director of the Missile Defense Agency (MDA) to develop and submit a plan to improve the discrimination and kill assessment capability of Ballistic Missile Defense Systems.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Director of the MDA to submit a report to the congressional defense committees, not later than 120 days after the enactment of this Act, describing MDA's plans, programs, and activities to improve the discrimination and kill assessment capabilities of the Ballistic Missile Defense System, particularly with respect to the Ground-based Midcourse Defense system. The report may be submitted in classified form.

*Readiness and flexibility of intercontinental ballistic missile force*

The Senate amendment contained a provision (sec. 238) that gives the Secretary of Defense, in a manner consistent with international agreements, the authority to retain intercontinental ballistic missile (ICBM) launch facilities supporting the deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers; maintain ICBM on alert or operationally deployed; and preserve ICBM silos in operational or warm status.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe it is important to ensure that the Air Force in its ICBM Master Plan and System Roadmap detail a long-term sustainment acquisition strategy to ensure the existing ICBMs and their supporting infrastructure are well maintained through 2030. The conferees direct the Air Force and the Navy to brief the congressional defense committees not later than 180 days after the date of enactment of this Act on joint Air Force and Navy activities in support of the ICBM Master Plan and the Trident II D5 life extension program that can be jointly undertaken and cost-shared. The conferees expect the Air Force to fully brief the congressional defense committees on the Analysis of Alternative for the Ground Based Strategic Deterrent, including when available, its terms of reference.

*Report on three-dimensional integrated circuit manufacturing capabilities*

The House bill contained a provision (sec. 243) that would require a comprehensive assessment of U.S. manufacturing capability for three-dimensional integrated circuits to serve national defense interests.

The Senate amendment contained no similar provision.

The House recedes. The required assessment is included elsewhere in this Act.

*Report on efforts to field new directed energy weapons*

The House bill contained a provision (sec. 244) that would require the Secretary of Defense to submit a report to the congressional defense committees summarizing efforts within the Department of Defense (DOD) to transition mature and maturing directed energy (DE) technologies to new operational weapon systems.

The Senate amendment contained no similar provision.

The House recedes.

The conferees urge the DOD and military services to begin transitioning DE technologies to operational weapon systems once such technologies have been demonstrated at a sufficient level of maturity in relevant operational environments. The conferees direct the Assistant Secretary of Defense for Research and Engineering, with the military services, to brief the congressional defense committees in conjunction with the submission of the President's budget request for fiscal year 2014 on: 1) An assessment of the maturity of high energy laser and high power microwave technologies and the challenges needed to be overcome to transition these technologies from research efforts to operational capabilities; and 2) The state of DOD's activities linking science and technology demonstrations to operational goals to fieldable prototype systems.

*Comptroller General annual reports on the acquisition program for the Amphibious Combat Vehicle*

The Senate amendment contained a provision (sec. 252) that would require the Com-

troller General of the United States to conduct an annual review of the Marine Corps Amphibious Combat Vehicle (ACV) acquisition program.

The House bill contained no similar provision.

The Senate recedes. The ACV is early in its acquisition life cycle and a forthcoming Analysis of Alternatives will inform Marine Corps development and resource decisions, rendering the Comptroller's report early to need.

*Briefing on power and energy research conducted at University Affiliated Research Centers*

The House bill contained a provision (sec. 253) that would require a briefing on the power and energy-related research being conducted at Department of Defense (DOD) University Affiliated Research Centers (UARCs).

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2013, on power and energy-related research being conducted at DOD UARCs. The briefing shall include a description of the research activities being conducted at these UARCs, including those related to energy efficiency and renewable energy technologies such as for lighting, heating, ventilation, and air-conditioning systems, and the integration of renewable and non-renewable energy technologies.

*Transfer of administration of Ocean Research and Resources Advisory Panel from Department of the Navy to National Oceanic and Atmospheric Administration*

The Senate amendment contained a provision (sec. 271) that would transfer the responsibility for administration of the Ocean Research Advisory Panel from the Department of the Navy to the National Oceanic and Atmospheric Administration of the Department of Commerce.

The House amendment contained no similar provision.

The Senate recedes.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**  
*Operation and maintenance funding (sec. 301)*

The House bill contained a provision (sec. 301) authorizing appropriations for fiscal year 2013 for the use of the Armed Forces and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

The Senate amendment contained an identical provision (sec. 301).

The conference agreement includes this provision.

**Subtitle B—Energy and Environment**

*Training range sustainment plan and training range inventory (sec. 311)*

The House bill contained a provision (sec. 311) that would amend section 348 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) by extending through 2018 the Department of Defense requirement to submit an annual report to Congress on its progress to evaluate training constraints caused by limitations on the use of military land, marine areas, and airspace and progress being made in developing a comprehensive plan to address these limitations.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Authority of Secretary of a military department to enter into cooperative agreements with Indian tribes for land management associated with military installations and State-owned National Guard installations (sec. 312)*

The House bill contained a provision (sec. 317) that would amend the Sikes Act (16 U.S.C. 670 et seq) to authorize the Secretary of a military department to enter into cooperative agreements with Indian tribes.

The Senate amendment contained no similar provision.

The Senate recedes.

*Department of Defense guidance on environmental exposures at military installations and briefing regarding environmental exposures to members of the Armed Forces (sec. 313)*

The House bill contained a provision (sec. 315) that would require the Secretary of Defense to develop a plan for a material solution to measure environmental exposures and to brief that plan to the congressional defense committees.

The Senate amendment contained a similar provision (sec. 311) that would require the Secretary to issue guidance relating to how the military departments and other defense agencies deal with the possible exposure of individuals to environmental contamination at military installations.

The Senate recedes with an amendment that would combine the two provisions into a single provision, with some modifications.

*Report on status of targets in implementation plan for operational energy strategy (sec. 314)*

The House bill contained a provision (sec. 349) that would require the Secretary of Defense to submit an annual report on the status of the targets listed in the document entitled "Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012".

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would only require the above report if the annual report for fiscal year 2011 required under section 2925(b) of title 10, United States Code, is not submitted to the congressional defense committees by December 31, 2012.

*Limitation on obligation of Department of Defense funds from Defense Production Act of 1950 for biofuel refinery construction (sec. 315)*

The House bill contained a provision (sec. 314) that would prohibit the use of funds authorized to be appropriated to the Department of Defense (DOD) in fiscal year 2013 from being obligated or expended for the production or sole purchase of an alternative fuel if the cost exceeds the cost of traditional fossil fuels used for the same purpose, except for continued testing purposes.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that none of the fiscal year 2013 Defense Production Act (DPA) funds may be obligated or expended for the construction of a biofuel refinery until the DOD receives matching DPA contributions from the Department of Energy and equivalent contributions from the Department of Agriculture for the same purpose.

*Sense of Congress on protection of Department of Defense airfields, training airspace, and air training routes (sec. 316)*

The Senate amendment contained a provision (sec. 1086) that would express the sense

of the Senate on the importance of protecting Department of Defense (DOD) airfields, airspace, and air training routes from encroachment and the need to develop comprehensive guidance to protect those assets.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the context of the provision with respect to DOD operational risk assessment and the DOD Siting Clearinghouse.

The conferees expect that the DOD guidance encouraged by this provision will provide further clarification for the assessment of an unacceptable risk to the national security of the United States as defined in Part 211 of title 32, Code of Federal Regulations.

#### Subtitle C—Logistics and Sustainment

##### *Expansion and reauthorization of multi-trades demonstration project (sec. 321)*

The House bill contained a provision (sec. 321) that would amend section 338 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), as most recently amended by section 329 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate amendment contained a similar provision (sec. 322).

The Senate recedes.

##### *Restoration and amendment of certain provisions relating to depot-level maintenance and core logistics capabilities (sec. 322)*

The House bill contained a provision (sec. 322) that would further amend sections 2460 and 2464 of title 10, United States Code, as amended by sections 321 and 327 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The Senate amendment contained a provision (sec. 321) that would repeal the amendments made by sections 321 and 327 and revive sections 2460 and 2464 as in effect prior to the enactment of Public Law 112-81.

The House recedes with an amendment that would amend the revived sections 2460 and 2464 to: (1) clarify the treatment of nuclear refueling opportunities for aircraft carriers; and (2) require the Secretary of Defense to submit a biennial report to Congress on core depot-level maintenance and repair capability requirements and sustaining workloads.

The conferees note that this provision includes conforming changes to sections 2366a and 2366b of title 10, United States Code. Sections 2366a and 2366b, as amended by this provision, would require a determination of the applicability of core logistics capabilities requirements prior to a Milestone A decision, an assessment of core logistics capabilities and associated sustaining workloads prior to a Milestone B decision, and a detailed definition of core logistics capabilities and associated sustaining workloads prior to any contract for low-rate initial production of a major defense acquisition program. The purpose of these requirements is to ensure that the Department of Defense fully considers and plans for life cycle sustainment needs, including core logistics capabilities, early in the acquisition cycle. In the view of the conferees, the Department has too often limited its sustainment options by deferring key decisions until a major weapon system is ready, or nearly ready, to be fielded. The early consideration of and deliberate planning for sustainment needs required by this provision should preserve a broader range of options and result in a more comprehensive and balanced approach to core logistics capabilities.

##### *Rating chains for system program managers (sec. 323)*

The Senate amendment contained a provision (sec. 323) that would require that the Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, comply with the Department of Defense Instructions regarding assignment of program responsibility.

The House bill contained no similar provision.

The House recedes.

The conferees agree that this direction should not be construed to be taking any particular position on the Air Force's plans to reorganize the Air Force Materiel Command (AFMC). Elsewhere in this Act, the conferees recommend a requirement that the Secretary of Defense provide a report on the Air Force's planned reorganization of AFMC organizations.

#### Subtitle D—Readiness

##### *Intergovernmental support agreements with State and local governments (sec. 331)*

The House bill contained a provision (sec. 331) that would authorize the Department of Defense to enter into intergovernmental support agreements with State or local government for the procurement of installation support services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the provision and prevent abuse of the new authority.

##### *Expansion and reauthorization of pilot program for availability of working-capital funds for product improvements (sec. 332)*

The House bill contained a provision (sec. 333) that would expand and reauthorize a pilot program resourced through working capital funds for product improvements.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees encourage the Services to use this pilot authorization to use working capital funds to pursue initiatives costing less than \$1,000,000 for each item that would upgrade, modernize, or retrofit a component or subsystem of an existing weapon system platform or major end item of a weapon system currently sustained in the service inventory.

The limitation on the use of this pilot program to pursue significant change to capabilities is intended by the conferees to preclude the use of working capital funds to develop new versions of equipment, to expand the performance envelope of a current system, or to acquire new types of systems, while still allowing for performance enhancements that improve reliability, sustainability, and maintainability in current systems.

##### *Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports (sec. 333)*

The House bill contained a provision (sec. 3510) that would express the sense of Congress that the Secretary of Defense should expedite completion of the study of strategic ports in the United States. The provision would also direct that the Comptroller General: (1) review the Secretary's report; and (2) conduct his own review of the status of strategic ports.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to direct the Comptroller General to conduct a sufficiency review of the Secretary's report.

#### Subtitle E—Reports

##### *Annual report on Department of Defense long-term corrosion strategy (sec. 341)*

The Senate amendment contained a provision (sec. 331) that would amend section 371 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181, 10 U.S.C. 2228) to require the Department of Defense to provide additional information on corrosion projects in reports to Congress. The additional information includes validated returns on investment for completed corrosion projects, activities, and information on how corrosion funding is used for military projects, the Technical Corrosion Collaboration pilot program, and other corrosion-related activities.

The House bill contained no similar provision.

The House recedes with a technical amendment.

##### *Report on joint strategy for readiness and training in a C4ISR-denied environment (sec. 342)*

The House bill contained a provision (sec. 341) that would direct the Secretary of Defense to submit a report on the readiness of the joint force to conduct operations in environments where there is no access to command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) systems. The provision also would require the development of a C4ISR-denied environment roadmap and exercise plan.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Comptroller General review of annual Department of Defense report on prepositioned materiel and equipment (sec. 343)*

The House bill contained a provision (sec. 342) that would amend section 2229a(b)(1) of title 10, United States Code, by altering the report deadline.

The Senate amendment contained a similar provision (sec. 332).

The Senate recedes.

##### *Modification of report on maintenance and repair of vessels in foreign shipyards (sec. 344)*

The House bill contained a provision (sec. 343) that would modify section 7310(c) of title 10, United States Code, to expand a reporting requirement to cover privately owned vessels that are operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the U.S. Transportation Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the report to cover privately owned vessels, but would exclude proprietary information from the data required in the report for those vessels.

##### *Extension of deadline for Comptroller General report on Department of Defense service contract inventory (sec. 345)*

The House bill contained a provision (sec. 344) that would extend the deadline for a statutorily mandated Government Accountability Office report on the Department of Defense inventory of service contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

#### Subtitle F—Limitations and Extension of Authority

##### *Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training (sec. 351)*

The House bill contained a provision (sec. 351) that would amend section 372 of title 10,

United States Code, to ensure that Department of Defense support to a federal, state, or local law enforcement or emergency response agency to prepare for or respond to an emergency involving chemical or biological agents is consistent with the national preparedness system and other statutory changes made since the creation of the Department of Homeland Security.

The Senate amendment contained a similar provision (sec. 343) that would result in an identical outcome.

The Senate recedes.

*Aerospace control alert mission (sec. 352)*

The House bill contained a provision (sec. 352) that would: (1) prevent Department of Defense from spending any funds to disestablish or downgrade any of the 18 level 5 aerospace control alert (ACA) defense locations in existence as of the date of the enactment of this Act; and (2) establish a consolidated budget justification display that fully identifies the baseline ACA budget for each of the military services, and encompasses all programs and activities of the ACA mission.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to eliminate the language prohibiting disestablishing or downgrading ACA locations. The conferees understand that the Air Force now has no plans to disestablish any ACA units.

*Limitation on authorization of appropriations for the National Museum of the United States Army (sec. 353)*

The House bill contained a provision (sec. 353) that would limit the obligation or expenditure of funds for the National Museum of the United States Army until the Secretary of the Army submits to the congressional defense committees written certification that sufficient private funding has been raised to fund construction of the "baseline museum" and that at least 50 percent of the baseline museum has been completed.

The Senate amendment contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships (sec. 354)*

The House bill contained a provision (sec. 354) that would limit the obligation and expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2013 for the retirement, inactivation, or storage of a cruiser or dock landing ship. The provision would provide an exception for the retirement of the U.S.S. *Port Royal* (CG-73). Finally, the provision would require the Secretary of the Navy to maintain the operational capability and perform the necessary maintenance of the cruisers and dock landing ships in support of operational requirements of the combatant commands.

The Senate amendment contained a provision (sec. 344) that would express the sense of the Congress on Navy fleet requirements, including the fact that the Secretary of the Navy should maintain the operational capability and perform the necessary maintenance and for each cruiser and dock landing ship belonging to the Navy.

The Senate recedes with an amendment that would eliminate the exception for the retirement of the U.S.S. *Port Royal*. The U.S.S. *Port Royal* incurred significant damage following a grounding incident in 2009. Although the Navy indicates that the ship never completely recovered from the grounding, the Navy has not provided adequate

analysis and cost data on the structural condition of the ship.

Therefore, the conferees direct the Secretary of the Navy to conduct a detailed material condition assessment of the U.S.S. *Port Royal* that will:

(1) include a comprehensive inspection of the ship's major structural, machinery, electrical, combat and weapons systems elements;

(2) identify the necessary repairs and modernization, including detailed costs to make those repairs and upgrades, that would be required for the ship to meet its expected service life, consistent with other ships in the *Ticonderoga*-class;

(3) be conducted by the Navy, with the results evaluated by the appropriate Navy technical authority; and

(4) be reviewed by an independent board of subject matter experts, from industry and the Department of Defense.

The conferees further direct the Secretary to submit the results of that assessment, along with results of independent reviews of that assessment, to the congressional defense committees within 180 days of enactment of this Act. The conferees further direct that the Government Accountability Office conduct a sufficiency review of this report. The Secretary shall also provide the congressional defense committees a status update on the assessments within 120 days of enactment of this Act.

*Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law (sec. 355)*

The House bill contained a provision (sec. 355) that would prohibit the transfer of a veterans memorial object to a foreign country unless the transfer is specially authorized by law or the transfer is made after September 30, 2017.

The Senate amendment contained an identical provision (sec. 1093).

The conference agreement includes this provision.

Subtitle G—National Commission on the Structure of the Air Force

*National commission on the structure of the Air Force (secs. 361–367)*

The Senate amendment contained a provision (secs. 1701–1707) that would create a commission to study the appropriate makeup of the Air Force, considering that the Department of the Air Force draws upon active duty forces, the Air Force Reserve, and the Air National Guard.

The House bill contained no similar provision.

The House recedes with an amendment that would have the commission focus on longer-term decisions, but would not freeze near-term force structure changes pending the recommendations of the commission. The amendment would also adjust the direction to the commission from focusing on maximizing achievable costs savings to a focus on maximizing and appropriately balancing affordability, efficiency, effectiveness, capability, and readiness.

Subtitle H—Other Matters

*Military working dog matters (sec. 371)*

The House bill contained a provision (sec. 361) that would require the Secretary of Defense to change the classification of military working dogs from equipment to canine members of the armed forces, establish and maintain a system to provide for the lifetime veterinary care of retired military working dogs by contracting with a private non-profit entity, establish policies to ease

the cost of transporting retired military working dogs for the purposes of adoption, and create a decoration or other recognition for military working dogs killed in action or that perform meritorious acts in service to the United States. The provision would also authorize the service secretaries to transfer retired military working dogs if no suitable adoption is available at the military facility where the dog is located.

The Senate amendment contained a provision (sec. 1049) that would authorize the service secretaries to transfer retired military working dogs if no suitable adoption is available at the military facility where the dog is located, authorize the Secretary of Defense to establish and maintain a system to provide for the veterinary care of retired military working dogs, and authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

The House recedes with an amendment that would authorize the service secretaries to transfer retired military working dogs if no suitable adoption is available at the military facility where the dog is located, and authorize the Secretary of Defense to establish and maintain a system to provide for the veterinary care of retired military working dogs, provided that no federal government funds are provided for that purpose.

*Comptroller General review of handling, labeling, and packaging procedures for hazardous material shipments (sec. 372)*

The House bill contained a provision (sec. 363) that would require the Comptroller General of the United States to conduct a review of the policies and procedures of the Department of Defense (DOD) for handling, labeling and packaging hazardous material shipments.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees expect DOD, during the period while the review by the Government Accountability Office (GAO) is under way, to continue to ensure the safety of the public and the security of sensitive and hazardous shipments, and to monitor driver and carrier performance. Within 60 days of completion of the GAO review, the Secretary of Defense shall ensure that DOD re-engages with the Committees on Armed Services of the Senate and the House of Representatives regarding the appropriate level of mandatory safety standards. The conferees also intend that DOD will still conduct the review required by the Item of Special Interest entitled "Safety and security standards for Department of Defense hazardous materials transport" contained in Senate Report 112-173 accompanying the National Defense Authorization Act of 2013 (S. 3254) and report to the Committees on Armed Services of the Senate and the House of Representatives within 30 days of the completion of that review.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Authorization of appropriations of funds for inactivation execution of the U.S.S. Enterprise*

The House bill contained a provision (sec. 302) that would provide incremental funding authority for inactivating the U.S.S. Enterprise (CVN-65), and would limit the total amount to be obligated and expended by the Secretary of the Navy for this activity to no more than \$708.0 million.

The Senate amendment contained no similar provision.

The House recedes.

*Funding of agreements under the Sikes Act*

The Senate amendment contained a provision (sec. 312) that would amend the Sikes Act (16 U.S.C. 670 et seq) to allow funds committed by the Department of Defense for a cooperative agreement to be made in a lump sum and retained in an interest bearing account.

The House bill contained no similar provision.

The Senate recedes.

*Modification of definition of chemical substance*

The House bill contained a provision (sec. 312) that would modify the definition of chemical substance contained in section 2602 of title 15, United States Code, known as the Toxic Substances Control Act.

The Senate amendment contained no similar provision.

The House recedes.

*Exemption of Department of Defense from alternative fuel procurement requirement*

The House bill contained a provision (sec. 313) that would exempt the Department of Defense from section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140), regarding greenhouse gas emissions.

The Senate amendment contained no similar provision.

The House recedes.

*Southern sea otter military readiness areas*

The House bill contained a provision (sec. 316) that would, among other things, create military readiness areas near the coast of southern California.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress regarding decontamination of former bombardment area on island of Culebra, Puerto Rico*

The House bill contained a provision (sec. 318) that would express the sense of Congress regarding the former bombardment area on the island of Culebra, Puerto Rico.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Committees on Armed Services of the Senate and the House of Representatives have received the report required by Section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383). The U.S. Navy used parts of Culebra as a bombardment area for several decades before the property was transferred by deed from the United States to the Commonwealth of Puerto Rico in 1982 at the Commonwealth's request. The report identified the Former Bombardment Area on the island of Culebra as priority 2 when applying the Munitions Response Site Prioritization Protocol to identify the relative risks posed, which is the highest relative risk ranking possible for a Munitions Response Site that is known or suspected to contain only conventional military munitions. Therefore, the conferees encourage the Department of Defense to continue working with the Commonwealth of Puerto Rico to address unexploded munitions for the protection of the public who visit the area, specifically Flamenco Beach, Carlos Rosario Trail and Beach, and Tamarindo Beach.

*Sense of Congress regarding the performance of commercially available activities by Department of Defense civilian employees*

The House bill contained a provision (sec. 323) that would express the sense of Congress regarding the performance of commercially

available activities by Department of Defense civilian employees.

The Senate amendment contained no similar provision.

The House recedes.

*Center of Excellence for the National Guard State Partnership Program*

The House bill contained a provision (sec. 334) that would amend chapter 5 of title 32, United States Code, by authorizing the Chief of the National Guard Bureau to maintain a Center of Excellence for the National Guard State Partnership Program to provide training opportunities for units and members of the active and reserve components for the purpose of improving the skills for such units and members when deployed to complete the mission of the State Partnership Program.

The Senate amendment contained no similar provision.

The House recedes.

*Comptroller General of the United States report reviewing methodology of Department of Defense relating to costs of performance by civilian employees, military personnel, and contractors*

The House bill contained a provision (sec. 345) that would require the Comptroller General to review Department of Defense methodology relating to costs of performance by civilian employees, military personnel, and contractors.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General to conduct a review of Department of Defense Directive-Type Memorandum 09-007 entitled "Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support" or successor guidance to determine whether the methodology used in the memorandum reflects the actual, relevant, and quantifiable costs to taxpayers of performance by Federal civilian employees, military personnel, and contractors. In conducting this review, the conferees expect the Comptroller General to consult with appropriate officials in the Department of Defense, to include, at a minimum, the Under Secretary of Defense for Personnel and Readiness, the Director of Cost Assessment and Program Evaluation, and the Office of Management and Budget, and with experts and interested parties in the private sector. The conferees direct the Comptroller General to submit a report including his findings and recommendations to the congressional defense committees by not later than 270 days after the date of the enactment of this Act. The report shall contain the results of the review and make recommendations for any statutory or policy changes that the Comptroller General determines are necessary to ensure that the memorandum reviewed appropriately addresses the actual, relevant, and quantifiable costs to taxpayers for Federal civilian employees, military personnel, and contractors.

*Report on medical evacuation policies*

The House bill contained a provision (sec. 346) that would require the Secretary of Defense to report on Department of Defense policies, procedures, and guidelines for helicopter evacuation of injured service members performed by unarmed Army helicopters and armed Air Force helicopters. The provision would also require the Comptroller General to submit to the congressional defense committees an analysis of this report.

The Senate amendment contained no similar provision.

The House recedes.

The conferees commend the Department of Defense for its continuous efforts to improve aeromedical evacuation standards and operations, which have contributed to the highest survival rate for wounded and ill service members in United States history.

The conferees direct the Department of Defense to provide to the Armed Services Committees of the Senate and the House of Representatives a declassified version of the May 2012 Chairman of the Joint Chiefs review of aeromedical evacuation procedures in the United States Central Command area of responsibility. In addition, the conferees note that the report accompanying the House bill (H. Rept. 112-479) contains an item of special interest that directs the Secretary of the Army to establish, by September 1, 2012, a Department-wide standard that requires all in-flight medical care providers to be critical care flight paramedic certified within the next 3 years. The conferees direct the Army to provide the Committees on Armed Services of the Senate and the House of Representatives with a briefing on the status of its compliance with the certification mandates set forth in the House report, and its plans to continuously advance the quality and effectiveness of aeromedical evacuation standards and operations, no later than March 1, 2013.

*Report on providing telecommunications services to uniformed personnel transiting through foreign airports*

The House bill contained a provision (sec. 347) that would require the Secretary of Defense to submit to the congressional defense committees a report on the feasibility of providing market rate or below-market rate telecommunications services to service members transiting through foreign airports while traveling to and from overseas deployments, and to investigate allegations of telecom companies specifically targeting uniformed military personnel in transit overseas, charging them above-market rates for telecom services.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware of instances where U.S. service members transiting through international airports experienced unexpectedly high rates for international telephone calls. The conferees recognize that foreign companies may charge high rates for operator-assisted international telephone service back to the United States and are concerned that this practice is disadvantageous to service members transiting to and from foreign locations, often returning from overseas deployments. The conferees expect commanders and the Department to do more to educate service members about telecommunications rates when transiting foreign airports and encourage the Department to provide alternative, lower-cost methods of communication for service members returning from deployments, where possible.

*Survey and report on personal protection equipment needed by members of the Armed Forces deployed on the ground in combat zones*

The House bill contained a provision (sec. 348) that would require the Secretary of Defense to conduct a survey among members and former members of the Armed Forces requesting information related to personal protection equipment.

The Senate amendment contained no similar provision.

The House recedes.



Assistance for homeland defense mission training

The House bill contained a provision (sec. 362) that would authorize the Secretary of Defense to provide funding assistance for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training.

The Senate amendment contained no similar provision.

The House recedes.

Funding for maintenance of force structure of the Air Force pending commission recommendations

The Senate amendment contained a provision (sec. 1709) that would authorize an additional \$1.4 billion to pay for additional Air Force force structure required by another provision in the Senate bill (sec. 1708).

The House bill contained no similar provision.

The Senate recedes.

Air Force assessments of the effects of proposed movements of airframes on joint readiness training

The Senate amendment contained a provision (sec. 1711) that would require the Secretary of the Air Force to: (1) undertake an assessment of the effects of currently proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and (2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center or for such other purposes as the Secretary considers appropriate.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Air Force to assess the effects of the Department of the Air Force force structure retirements, divestments, and transfers on joint readiness training, particularly military airlift support and combined arms combat training exercises with other services, and to

provide the congressional defense committees a report by April 1, 2013, with the results of Secretary's assessment, including the Secretary's recommendations for improving participation in joint training opportunities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active duty personnel of the armed forces as of September 30, 2013: Army, 552,100; Navy, 322,700; Marine Corps, 197,300; and Air Force, 330,383.

The Senate amendment contained a similar provision (sec. 401) that would authorize active duty end strength for the Air Force of 329,597.

The Senate recedes with an amendment that would authorize active duty end strength for the Air Force of 329,460.

End strength levels for the active forces for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army .....	562,000	552,100	552,100	0	–9,900
Navy .....	325,700	322,700	322,700	0	–3,000
Marine Corps .....	202,100	197,300	197,300	0	–4,800
Air Force .....	332,800	328,900	329,460	560	–3,340
DOD Total .....	1,422,600	1,401,000	1,401,560	560	–21,040

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would establish the following minimum end strengths for active duty personnel as of September 30, 2013: Army, 552,100; Navy, 322,700; Marine Corps, 197,300; and Air Force 330,383.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish minimum active duty end strengths for the Army of 542,700, for the Marine Corps of 193,500, and for the Air Force of 329,460. The amendment would also authorize the Secretary of Defense to reduce end strengths below the minimum levels established in this section by up to 0.5 percent.

Minimum end strength levels for active duty personnel for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY2013	Change from
		Recommendation	FY 2012
Army .....	547,400	542,700	–4,700
Navy .....	325,700	322,700	–3,000
Marine Corps .....	202,100	193,500	–8,600
Air Force .....	332,800	329,460	–3,340
DOD Total .....	1,408,000	1,388,360	–19,640

Annual limitation on end strength reductions for regular component of the Army and Marine Corps (sec. 403)

The House bill contained a provision (sec. 403) that would require the President to submit to Congress as part of the annual budget a certification that reductions in Army and Marine Corps end strength would not undermine ability to meet the requirements of the National Security Strategy, increase security risks, or compel members to endure diminished dwell time between deployments. The provision would also limit annual reductions in Army and Marine Corps end strength to no more than 15,000 soldiers and

5,000 marines measured from that service's end strength at the end of the preceding fiscal year. Finally, the provision would prohibit the use of Overseas Contingency Operations (OCO) funding to pay for end strength requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the certification requirement and OCO budgeting restriction.

The conferees remain concerned with the pace of the planned drawdown of the ground forces while the nation is still at war, as well as the impact of further defense budget reductions on personnel accounts. It is imperative that the Department fully fund its end strength requirements in accordance with the services' force reduction plans in the annual budgets through 2017.

Additional Marine Corps personnel for the Marine Corps Security Guard Program (sec. 404)

The Senate amendment contained a provision (sec. 402) that would require the Secretary of Defense, in consultation with the Secretary of State, to develop and implement a plan to increase the number of members of the Marine Corps assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States embassies, consulates, and other diplomatic facilities by up to 1,000 marines. The purpose of the increase is to provide additional end strength and resources to support enhanced Marine Corps security at embassies and consulates, and other diplomatic facilities.

The provision would further require the President to provide certain funding information on the marine security guard program with the budget submission for fiscal years 2014 through 2017. The provision would require that the Marine Corps fully resource the embassy security mission without de-

grading readiness to fulfill its requirements under the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff. Finally, the provision would require the Secretary to submit a report to Congress by October 1, 2013, and annually thereafter through 2017, on implementation of program increases required by this provision.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the annual reports through 2017 to one report due no later than October 1, 2013, and would make other technical and conforming amendments.

The provision will ensure that the increase in the Marine Corps security guard program in any year up to 1,000 additional marines will be authorized and funded over and above end strength needed for the Marine Corps' core mission requirements. The conferees believe that enhanced embassy security and support of the Marine Corps' core missions are essential, that one mission shall not be funded at the expense of the other, and that each must be fully resourced in future budget requests so as not to undermine readiness, as required by this provision.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on active duty in support of the reserves, as of September 30, 2013: the Army National Guard of the United States, 358,200; the Army Reserve, 205,000; the Navy Reserve, 62,500; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,005; the Air Force Reserve, 72,428; and the Coast Guard Reserve, 9,000.

The Senate amendment contained a similar provision (sec. 411) that would authorize end strength for the Air National Guard of 106,435.

The Senate recedes with an amendment that would authorize end strengths for the

Air National Guard of 105,700 and the Air Force Reserve of 70,880.

End strength levels for the Selected Reserve for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard .....	358,200	358,200	358,200	0	0
Army Reserve .....	205,000	205,000	205,000	0	0
Navy Reserve .....	66,200	62,500	62,500	0	-3,700
Marine Corps Reserve .....	39,600	39,600	39,600	0	0
Air National Guard .....	106,700	101,600	105,700	4,100	-1,000
Air Force Reserve .....	71,400	70,500	70,880	380	-520
DOD Total .....	847,100	837,400	841,880	4,480	-5,220
Coast Guard Reserve .....	10,000	9,000	9,000	0	-1,000

*End strengths for Reserves on active duty in support of the reserves (sec. 412)*

The House bill contained a provision (sec. 412) that would authorize the following end strengths for reserves on active duty in support of the reserve components as of September 30, 2013: the Army National Guard of the United States, 32,060; the Army Reserve,

16,277; the Navy Reserve, 10,114; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,952; and the Air Force Reserve, 2,888.

The Senate amendment contained a similar provision (sec. 412) that would authorize end strength for the Air National Guard of 14,871.

The Senate recedes with an amendment that would authorize end strength for the Air National Guard of 14,765.

End strength levels for reserves on active duty in support of the reserves for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard .....	32,060	32,060	32,060	0	0
Army Reserve .....	16,261	16,277	16,277	0	16
Navy Reserve .....	10,337	10,114	10,114	0	-223
Marine Corps Reserve .....	2,261	2,261	2,261	0	0
Air National Guard .....	14,833	14,305	14,765	460	-68
Air Force Reserve .....	2,662	2,888	2,888	0	226
DOD Total .....	78,414	77,905	78,365	460	-49

*End strengths for military technicians (dual status) (sec. 413)*

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2013: the Army National Guard of the United States, 27,210; the Army Reserve, 8,395; the Air National Guard

of the United States, 22,272; and the Air Force Reserve, 10,946.

The Senate amendment contained a similar provision (sec. 413) that would authorize the following end strengths for military technicians (dual status): the Army Reserve, 8,445; the Army National Guard, 28,380; the Air Force Reserve, 10,716; and the Air National Guard, 22,313.

The Senate recedes with an amendment that would authorize end strengths for the Air National Guard of 22,180 and for the Air Force Reserve of 10,400.

End strength levels for military technicians (dual status) for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard .....	27,210	28,380	27,210	-1,170	0
Army Reserve .....	8,395	8,445	8,395	-50	0
Air National Guard .....	22,509	21,101	22,180	1,079	-329
Air Force Reserve .....	10,777	10,283	10,400	117	-377
DOD Total .....	68,891	68,209	68,185	-24	-706

*Fiscal year 2013 limitation on number of non-dual status technicians (sec. 414)*

The House bill contained a provision (sec. 414) that would establish the following personnel limits for the reserve components of the Army and Air Force for non-dual status

technicians as of September 30, 2013: the Army National Guard of the United States, 1,600; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

Personnel limitations for non-dual status technicians for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard .....	1,600	1,600	1,600	0	0
Air National Guard .....	350	350	350	0	0
Army Reserve .....	595	595	595	0	0
Air Force Reserve .....	90	90	90	0	0
DOD Total .....	2,635	2,635	2,635	0	0

*Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)*

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National

Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2013 to provide operational support.

The Senate amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

The maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2013 is set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard .....	17,000	17,000	17,000	0	0
Army Reserve .....	13,000	13,000	13,000	0	0
Navy Reserve .....	6,200	6,200	6,200	0	0
Marine Corps Reserve .....	3,000	3,000	3,000	0	0
Air National Guard .....	16,000	16,000	16,000	0	0
Air Force Reserve .....	14,000	14,000	14,000	0	0
DOD Total .....	69,200	69,200	69,200	0	0

Subtitle C—Authorization of Appropriations  
Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel at the levels identified in section 4401 of division D of this Act.

The Senate amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy  
Generally

*Limitation on number of Navy flag officers on active duty (sec. 501)*

The House bill contained a provision (sec. 501) that would amend sections 526 and 5150 of title 10, United States Code, to eliminate the exemption for the Director of the Nurse Corps and the Director of the Medical Service Corps from counting against the statutory limit on Navy flag officers on active duty and to increase the statutory limit of flag officers on active duty in the Navy to 161.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to increase the statutory limit of flag officers on active duty in the Navy to 162 and to change the effective date from October 1, 2013 to October 1, 2012 for increasing by one the number of Marine Corps general officers on active duty.

*Reinstatement of authority for enhanced selective early retirement boards and early discharges (sec. 502)*

The Senate amendment contained a provision (sec. 501) that would amend section 638a of title 10, United States Code, to extend until December 31, 2018, the authority to convene selection boards to consider the discharge of regular officers below the grade of lieutenant colonel or commander who have served on active duty for at least 1 year in their current grade, are not on a promotion list, and are not eligible for retirement.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 638a of title 10, United States Code, to extend until December 31, 2018, the authority for enhanced selective early retirement boards and early discharges.

*Modification of definition of joint duty assignment to include all instructor assignments for joint training and education (sec. 503)*

The Senate amendment contained a provision (sec. 503) that would amend section 668(b)(1)(B) of title 10, United States Code, to remove the limitations on the types of instructors included in the definition of “joint duty assignment”.

The House bill contained no similar provision.

The House recedes.

*Exception to required retirement after 30 years of service for Regular Navy Warrant officers in the grade of Chief Warrant Officer, W-5 (sec. 504)*

The House bill contained a provision (sec. 502) that would amend section 1305(a) of title 10, United States Code, to increase from 30 years to 33 years the total active military service a Navy warrant officer in the grade of chief warrant officer, W-5, may serve prior to being statutorily retired for length of service.

The Senate amendment contained a similar provision (sec. 502).

The Senate recedes.

*Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer (sec. 505)*

The House bill contained a provision (sec. 504) that would amend sections 3911, 6323, and 8911 of title 10, United States Code, to extend the authority until September 30, 2018, for the secretaries of the military departments to reduce from 10 to 8 the number of years of commissioned service required for a service member to retire as an officer.

The Senate amendment contained no similar provision.

The Senate recedes.

*Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy (sec. 506)*

The House bill contained a provision (sec. 505) that would amend section 1370 of title 10, United States Code, to authorize the Secretary of Defense to authorize the service secretaries to reduce the time in grade requirement for retirement in the grades of lieutenant colonel and colonel in the Army, Air Force, and Marine Corps and commander and captain in the Navy from not less than 3 years to not less than 2 years during fiscal years 2013 through 2018 for up to 4 percent of the officers in that service serving in that grade.

The Senate amendment contained no similar provision.

The Senate recedes.

*Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement (sec. 507)*

The House bill contained a provision (sec. 506) that would amend section 1370 of title 10, United States Code, to increase the number of brigadier generals and major generals of the Army, Air Force, and Marine Corps and rear admirals (lower half) and rear admirals of the Navy for whom a reduction of time in grade for retirement is authorized during fiscal years 2013 through 2017.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to increase to 10 percent of the authorized active duty strength in that grade the number of brigadier generals and major generals of the Army, Air Force, and Marine Corps and

rear admirals (lower half) and rear admirals of the Navy for whom a reduction of time in grade for retirement is authorized during fiscal years 2013 through 2017.

*Air Force Chief of Chaplains (sec. 508)*

The House bill contained a provision (sec. 503) that would establish the positions of Chief of Chaplains and Deputy Chief of Chaplains in the Air Force and require that officers selected for these positions be recommended by a board of officers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend chapter 805 of title 10, United States Code, to establish the position of the Chief of Chaplains in the Air Force in the grade of major general, and require that the officer selected for this position be recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36, United States Code.

Subtitle B—Reserve Component  
Management

*Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters (sec. 511)*

The House bill contained a provision (sec. 511) that would amend chapter 5 of title 10, United States Code, to codify the positions of the Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters and the Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters. The provision would also add a new requirement that each Assistant to the Chairman have significant joint duty experience as determined by the Chairman.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Automatic Federal recognition of promotion of certain National Guard warrant officers (sec. 512)*

The House bill contained a provision (sec. 512) that would automatically extend federal recognition to members of the National Guard who are promoted from the grade of warrant officer 1 (W-1) to chief warrant officer 2 (W-2) to fill a vacancy in a federally recognized unit in the National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

*Availability of Transition Assistance Advisors to assist members of reserve components who serve on active duty for more than 180 consecutive days (sec. 513)*

The Senate amendment contained a provision (sec. 1052) that would amend chapter 58 of title 10, United States Code, to require the Secretary of Defense to establish as part of the Transition Assistance Program a Transition Assistance Advisor program to provide professionals in each state to assist certain members of the National Guard in accessing certain benefits and health care provided by the Department of Defense and Department of Veterans Affairs.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Chief of the National Guard Bureau to establish a program to provide Transition Assistance Advisors in each state to serve as points of contact to assist eligible members of the reserve components in accessing certain benefits and health care.

#### Subtitle C—General Service Authorities

*Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder (sec. 518)*

The House bill contained a provision (sec. 522) that would amend section 1177(a) of title 10, United States Code, to expand the scope of providers that may conduct pre-administrative separation medical examinations for post-traumatic stress disorder to include licensed clinical social workers and psychiatric nurse practitioners.

The Senate amendment contained a similar provision (sec. 523).

The Senate recedes with an amendment that would authorize licensed clinical social workers and psychiatric advanced practice registered nurses to conduct pre-administrative separation medical examinations for post-traumatic stress disorder.

The conferees note that this provision would not affect the statutory requirement that these examinations be reviewed by appropriate authorities responsible for reviewing and approving separation cases.

*Diversity in the Armed Forces and related reporting requirements (sec. 519)*

The House bill contained a provision (sec. 507) that would require the Secretary of Defense and Secretary of Homeland Security in the case of the Coast Guard, to develop and implement a plan to accurately measure the efforts of the Department of Defense (DOD) and Department of Homeland Security (DHS) in the case of the Coast Guard, to achieve a force reflective of the diverse population of the United States eligible for military service. The provision would require the Secretary of Defense and Secretary of Homeland Security to develop a uniform definition of diversity. Finally, the provision would require annual reports to the congressional defense committees on the progress of DOD and DHS in achieving their diversity goals.

The Senate amendment contained a similar provision (sec. 521) that would require biennial reports to the congressional defense committees through fiscal year 2017.

The Senate recedes with an amendment that would require annual reports on the achievement of diversity goals through fiscal year 2017 and would make other technical and conforming changes.

*Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies (sec. 520)*

The House bill contained a provision (sec. 662) that would amend section 1559 of title 10, United States Code, to extend from December 31, 2013, to December 31, 2016, the limitation on the reduction in the number of military and civilian personnel assigned to duty in the service review agencies of the military departments.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of temporary increase in accumulated leave carryover for members of the Armed Forces (sec. 521)*

The Senate amendment contained a provision (sec. 526) that would extend until Sep-

tember 20, 2015, the authority for certain members to carry over 75 days of leave from one fiscal year to the next, rather than 60.

The House bill contained no similar provision.

The House recedes.

*Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces (sec. 522)*

The House bill contained a provision (sec. 521) that would amend section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to include full-time active guard and reserve members in the population eligible for the career intermission pilot program, to clarify that accrued leave may be carried forward through the period of inactive service, and to clarify that participants in the program who become ill or injured during their period of inactive service may be processed for retirement or separation under chapters 55 and 61 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 522).

The House recedes with a technical amendment.

*Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense (sec. 523)*

The Senate amendment contained a provision (sec. 527) that would prohibit the granting of waivers for commissioning or enlistment in the Armed Forces of an individual who has been convicted of certain sexual offenses under federal or state law.

The House bill contained no similar provision.

The House recedes.

*Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers (sec. 524)*

The Senate amendment contained a provision (sec. 753) that would require the Secretary of Defense to standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the performance of medical evaluation boards, physical evaluation boards, and physical evaluation board liaison officers.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Reports on involuntary separation of members of the Armed Forces (sec. 525)*

The Senate amendment contained a provision (sec. 524) that would require the service secretaries to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 30 days after the end of each quarter of the calendar year in 2013 and 2014, a report on members of the regular components who were involuntarily separated from active duty.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the report to service members involuntarily separated from active duty for reasons other than for cause and would require the report not later than 30 days after the end of each 6-month period during calendar years 2013 and 2014.

*Report on feasibility of developing gender-neutral occupational specialties currently closed to women (sec. 526)*

The House bill contained a provision (sec. 526) that would require the Secretary of Defense to submit to the congressional defense

committees a report evaluating the feasibility of incorporating gender-neutral occupational standards for military occupational specialties currently closed to women.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on education and training and promotion rates for pilots of remotely piloted aircraft (sec. 527)*

The Senate amendment contained a provision (sec. 942) that would require the Secretary and the Chief of Staff of the Air Force to provide a report to the congressional defense committees by January 31, 2013, on remotely piloted aircraft (RPA) pilot promotion and education rates.

The House bill contained no similar provision.

The House recedes with an amendment that would change the due date for the report to 180 days after the date of enactment of this Act.

*Impact of numbers of members within the Integrated Disability Evaluation System on readiness of Armed Forces to meet mission requirements (sec. 528)*

The House bill contained a provision (sec. 404) that would require that members within the Integrated Disability Evaluation System (IDES) not count toward the end strength authorizations for active duty members prescribed for each fiscal year 2013 through 2018.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the secretary concerned to provide with the President's budget submission for fiscal years 2014 through 2018 a statement concerning the degree to which the disability population within that service impacts that service's readiness to meet ongoing mission requirements and dwell time. The amendment would also require that the secretary concerned provide a plan to mitigate any adverse impact.

#### Subtitle D—Military Justice and Legal Matters

*Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps (sec. 531)*

The House bill contained a provision (sec. 531) that would amend sections 806(a) (Article 6(a) of the Uniform Code of Military Justice), 5041, and 5046(a) of title 10, United States Code, to clarify and enhance the role of the Staff Judge Advocate to the Commandant of the Marine Corps.

The Senate amendment contained a similar provision (sec. 531).

The Senate recedes with a clarifying amendment.

*Additional information in reports on annual surveys of the Committee on the Uniform Code of Military Justice (sec. 532)*

The Senate amendment contained a provision (sec. 532) that would amend subsection section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice (UCMJ)), to require the Code Committee to address the following additional matters in its annual report: compliance with processing time goals; cases in which court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review; any provision of the UCMJ that is held unconstitutional; developments in appellate case law relating to courts-martial involving allegations of sexual misconduct; issues associated with implementing legislatively directed changes to the UCMJ or the Manual for Courts-Martial;

measures implemented to ensure the ability of judge advocates to competently participate as trial and defense counsel in, and preside as military judges over, capital cases, national security cases, sexual assault cases, and proceedings of military commissions; and the independent views of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the sufficiency of resources within their service to perform military justice functions.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Code Committee to address the following additional matters in its annual report: compliance with processing time goals; cases in which court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review; any provision of the UCMJ that is held unconstitutional; measures implemented to ensure the ability of judge advocates to competently participate as trial and defense counsel in, and preside as military judges over, capital cases, national security cases, sexual assault cases, and proceedings of military commissions; and the independent views of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the sufficiency of resources within their service to perform military justice functions.

*Protection of rights of conscience of members of the Armed Forces and chaplains of such members (sec. 533)*

The House bill contained a provision (sec. 536) that would require the armed forces to accommodate the moral principles and religious beliefs of service members concerning appropriate and inappropriate expression of human sexuality and would prohibit use of such conscience, principles, or beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment. The provision would also prohibit any member of the armed forces from directing, ordering, or requiring a chaplain to perform any duty, rite, ritual, ceremony, service, or function that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, or contrary to the moral principles and religious beliefs of the endorsing faith group of the chaplain; or discriminating or taking any adverse personnel action against a chaplain on the basis of the refusal by the chaplain to comply with any such direction, order, or requirement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the armed forces to accommodate the beliefs of a service member reflecting the conscience, moral principles, or religious beliefs of the member and, in so far as practicable, would prohibit use of such beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment. The amendment would also prohibit a member of the armed forces from requiring a chaplain to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, or discriminating or taking adverse personnel actions against a chaplain for failing to comply with a requirement to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain.

The conferees intend to accommodate the beliefs of service members, but preserve the

authority to take disciplinary or administrative action for speech or conduct that violates the Uniform Code of Military Justice, including actions and speech that threaten good order and discipline.

*Reports on hazing in the Armed Forces (sec. 534)*

The House bill contained a provision (sec. 535) that would require the Secretary of Defense to provide a briefing by May 1, 2013, to the Committees on Armed Services of the Senate and the House of Representatives on efforts by the Department of Defense and the Coast Guard to prevent hazing of members of the armed forces and to respond to and resolve alleged hazing incidents involving members of the armed forces.

The Senate amendment contained a provision (sec. 543) that would require the service secretaries, in consultation with their respective service chiefs, and the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy, to submit a report not later than 180 days after the date of enactment of this Act on hazing in their service.

The House recedes with an amendment that would require the service secretaries, and the Secretary of Homeland Security in the case of the Coast Guard, to submit the report to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The amendment would also require the report to include an evaluation of the definition of hazing and an assessment of the feasibility of establishing a database to track, respond to, and resolve hazing incidents.

*Subtitle E—Member Education and Training Opportunities and Administration*

*Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and enhancements to the Program (sec. 541)*

The House bill contained a provision (sec. 541) that would amend chapter 58 of title 10, United States Code, to transfer responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Department of Education to the Department of Defense and enhance the program.

The Senate amendment contained a provision (sec. 563) that would enhance the Troops-to-Teachers program.

The Senate recedes with an amendment that would transfer and enhance the Troops-to-Teachers program.

*Support of Naval Academy athletic and physical fitness programs (sec. 542)*

The House bill contained a provision (sec. 542) that would amend chapter 603 of title 10, United States Code, to authorize the Secretary of the Navy to enter into agreements, including collaborative agreements, with the Naval Academy Athletic Association to manage any aspect of the athletic and physical fitness programs of the Naval Academy.

The Senate amendment contained a similar provision (sec. 553) that would authorize the Secretary of the Navy to enter into contracts, cooperative agreements, and leases with the Naval Academy Athletic Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy.

The House recedes with a clarifying amendment.

*Expansion of Department of Defense pilot program on receipt of civilian credentialing for military occupational specialty skills (sec. 543)*

The House bill contained a provision (sec. 544) that would amend section 558 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) to expand the pilot program on receipt of civilian credentialing for skills required for military occupational specialties.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*State consideration of military training in granting certain State certifications and licenses as a condition on the receipt of funds for veterans employment and training (sec. 544)*

The Senate amendment contained a provision (sec. 1099B) that would amend section 4102A of title 38, United States Code, to authorize the Secretary of Veterans Affairs to require states that accept certain funds for veterans' employment and training to consider military training and experience when granting state certifications and licenses for nursing assistants, commercial drivers' licenses, and emergency medical technicians.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to require consideration of military training and experience when granting state certifications and licenses for nonemergency medical professionals, emergency medical professionals, and commercial driver's licenses and would require the Secretary to publish certain information on the Internet website of the Department of Veterans Affairs.

*Department of Defense review of access to military installations by representatives of institutions of higher education (sec. 545)*

The House bill contained a provision (sec. 543) that would require the Inspector General of the Department of Defense to conduct a review to determine the extent of the access that representatives of for-profit educational institutions have to military installations and whether there are adequate safeguards in place to regulate such access.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a review to assess the extent of access that representatives of institutions of higher education have to military installations and to submit a report on the results of this review to the Committees on Armed Services of the Senate and the House of Representatives not later than 270 days after the date of enactment of this Act.

*Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces (sec. 546)*

The Senate amendment contained a provision (sec. 561) that would require the Secretary of Defense to submit a report not later than 90 days after the date of enactment of this Act to the Committees on Armed Services of the Senate and the House of Representatives on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the armed forces on their separation from the armed forces.

The House bill contained no similar provision.

The House recedes with an amendment that would require the report to be submitted not later than 180 days after the date of enactment of this Act.

*Comptroller General of the United States reports on joint professional military education matters (sec. 547)*

The Senate amendment contained a provision (sec. 562) that would require the Comptroller General to conduct a study of Joint Professional Military Education and research institutions.

The House bill contained no similar provision.

The House recedes.

Subtitle F—Reserve Officers' Training Corps and Related Matters

*Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program (sec. 551)*

The Senate amendment contained a provision (sec. 556) that would amend section 2107(c)(1) of title 10, United States Code, to repeal the requirement that at least 50 percent of midshipmen and cadets appointed under section 2107 of title 10, United States Code, qualify for and receive in-state tuition rates at their respective institutions.

The House bill contained no similar provision.

The House recedes.

*Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior Reserve Officers' Training Corps (sec. 552)*

The Senate amendment contained a provision (sec. 558) that would amend chapter 102 of title 10, United States Code, to consolidate under one section of law all military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of the Junior Reserve Officers' Training Corps.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps (sec. 553)*

The Senate amendment contained a provision (sec. 557) that would amend section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to modify the requirement that the Secretary of Defense develop and implement a plan to establish and support not less than 3,700 units of the Junior Reserve Officers' Training Corps (JROTC) not later than September 30, 2020, to a requirement for not less than 3,000 and not more than 3,700 units by September 30, 2020; to authorize service secretaries to determine that all support provided to youth development programs in the armed forces is consistent with funding limitations and the achievement of the objectives of such programs; and to change the due date for required annual reports after 2012 to not later than March 31 of 2015, 2018, and 2020.

The House bill contained no similar provision.

The House recedes with an amendment to require the Secretary of Defense to submit to the congressional defense committees not later than March 31, 2013, a revised plan for the development and support of JROTC units.

*Comptroller General report on Reserve Officers' Training Corps programs (sec. 554)*

The Senate amendment contained a provision (sec. 560) that would require the Com-

troller General of the United States to submit to the congressional defense committees not later than 270 days after the date of enactment of this Act a report on: (1) whether the Reserve Officers' Training Corps (ROTC) programs of the Departments of the Army, Navy, and Air Force are effectively meeting current and projected requirements for newly commissioned officers in the armed forces, (2) the cost-effectiveness and productivity of current ROTC programs; and (3) the adequacy of current oversight and criteria for closure of ROTC programs.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle G—Defense Dependents' Education and Military Family Readiness

*Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 561)*

The House bill contained a provision (sec. 561) that would authorize \$25.0 million for continuation of the Department of Defense (DOD) assistance program to local educational agencies (LEAs) that are impacted by the enrollment of dependent children of military members and DOD civilian employees. The provision would also authorize \$5.0 million for assistance to LEAs with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

The Senate amendment contained a provision (sec. 572) that would authorize \$25.0 million for the assistance program to LEAs impacted by the enrollment of dependent children of military members and civilian employees.

The Senate recedes with an amendment that would authorize \$25.0 million for continuation of the assistance program to LEAs that are impacted by the enrollment of dependent children of military members and DOD civilian employees. The amendment would also authorize \$5.0 million for assistance to LEAs with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations, and extend for 2 years the authority to provide such assistance. Additionally, an obsolete funding reference would be repealed.

The conferees note that for more than two decades, Congress has authorized and appropriated DOD funds to supplement the federal Impact Aid program administered by the U.S. Department of Education, which provides assistance to local school districts with concentrations of federally connected children, including those who reside on Indian lands and military bases, and compensates school districts that have lost tax revenue because federal land is exempt from local property taxes. DOD Impact Aid funds are authorized for districts in which military dependents make up at least 20 percent of average daily attendance, assistance for children with severe disabilities, and assistance for school districts significantly affected by base realignment and closure or relocation of military units.

In a March 2011 report, the Comptroller General found that, "Little is known about the specific use and effectiveness of DOD Impact Aid and there are no national data on military dependent students as a group" ("Education of Military Dependent Students: Better Information Needed to Assess Student Performance" (GAO-11-231)).

The conferees note that supplemental funding for LEAs has never been requested by DOD and comes at a cost by drawing from funds required for military readiness and operations, and believe that in light of current fiscal challenges faced by DOD, the availability of information on the effective use of funds realigned from readiness to supplement other federal assistance programs takes on greater importance. Therefore, the conferees direct DOD to continue its work with the U.S. Department of Education to obtain data on student performance for military connected children based on its commitment, noted in the January 2011 report titled "Strengthening Our Military Families," and to work in collaboration with the congressional defense committees to identify effective strategies for the use of supplemental assistance to LEAs to improve academic performance by and support of military connected children, including those with severe disabilities, for future consideration by Congress should DOD funds be made available for this purpose.

*Impact Aid for children with severe disabilities (sec. 562)*

The Senate amendment contained a provision (sec. 571) that would authorize \$5.0 million in Operation and Maintenance, Defense-wide, for Impact Aid payments for children with disabilities using the criteria set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), for continuation of Department of Defense assistance to local educational agencies that benefit eligible military dependents with severe disabilities.

The House bill contained no similar provision.

The House recedes.

*Amendments to the Impact Aid program (sec. 563)*

The Senate amendment contained a provision (sec. 573) that would amend title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) to: simplify the calculation to determine the payment owed to federal property districts and establish a foundation payment for eligible districts; clarify how to calculate eligible children displaced from housing located on federal property due to renovation, rebuilding, or demolition; and accelerate the deadline for the Department of Education to make final payments to districts.

The House bill contained no similar provision.

The House recedes with an amendment that would: provide a second option when determining a school district's foundation payment, expedite past year foundation payments, and clarify foundation payments for districts determined eligible after fiscal year 2010; and clarify the process whereby eligibility determinations for displaced children are made in order to allow payments to be finalized more quickly, and remove references to "demolition". The amendment would sunset after 2 years, after which the provisions would be repealed.

*Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense committed by an individual while a member of the Armed Forces (sec. 564)*

The House bill contained a provision (sec. 562) that would amend section 1059 of title 10, United States Code, to include children who were carried during pregnancy at the time of a dependent abuse offense within the program to provide transitional compensation

for spouses and dependents of service members separated for such offenses. The provision would also clarify that spouses and dependents who are not residing with the service member at the time of the abuse offense are eligible for the compensation.

The Senate amendment contained a similar provision (sec. 661).

The House recedes with a technical amendment.

*Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students (sec. 565)*

The House bill contained a provision (sec. 563) that would authorize the dependent of an active duty service member or federal employee who had been enrolled in the overseas defense dependents' education school system and was evacuated to enroll in a Department of Defense (DOD) domestic elementary and secondary education school near the safe haven where they were evacuated, for the duration of the school year. The provision would also authorize the dependent of an active duty service member who was enrolled in the defense dependents' education school system overseas who, upon returning to the United States, is enrolled in an elementary or secondary school operated by a local educational agency to enroll in the DOD Education Activity Virtual School on a tuition-paying basis.

The Senate amendment contained a provision (sec. 575) that would authorize the tuition-free enrollment in DOD elementary and secondary schools for dependents who have left a school overseas pursuant to an authorized departure or evacuation order and whose safe haven location is within commuting distance of a DOD school. The provision would also authorize the Secretary of Defense to allow the enrollment of dependents of active duty service members located in the United States who are transitioning from a DOD overseas school to be able to take courses in the DOD Education Activity Virtual School on a tuition-paying basis.

The Senate recedes with an amendment that would authorize the dependent of an active duty service member or federal employee who had been enrolled in the overseas defense dependents' education school system and was evacuated to enroll in a DOD domestic elementary and secondary education school near the safe haven where they were evacuated. Such enrollment would be limited only for the duration of the school year, unless waived by the Secretary of Defense. The provision would also authorize the dependent of an active duty service member who was enrolled in the defense dependents' education school system overseas who, upon returning to the United States, is enrolled in an elementary or secondary school operated by a local educational agency to enroll in the DOD Education Activity Virtual School on a tuition-paying basis.

*Noncompetitive appointment authority regarding certain military spouses (sec. 566)*

The Senate amendment contained a provision (sec. 574) that would codify and expand existing authority for noncompetitive hiring in the civilian workforce of certain military spouses. Under current regulations (5 C.F.R. 315.612), spouses of active duty service members on permanent change of station orders, spouses of 100 percent disabled service members injured while on active duty, and unremarried widows or widowers of a service member who was killed on active duty are eligible for noncompetitive appointments. This provision would expand this hiring au-

thority to all military spouses who relocate to a service member's permanent duty station, remove the 2 year limitation on length of hiring eligibility for spouses who relocate, and specify use of the Department of Veterans Affairs' schedule for rating disabilities to determine a 100 percent disability-rating.

The House bill contained no similar provision.

The House recedes with several clarifying amendments stating that: in order to be eligible, a relocating spouse of a service member must be married to the member on or prior to the permanent change of station of the member; the single appointment per duty station limitation applies to a permanent appointment; and specifying the rules regarding the spouse of a disabled or deceased service member.

*Report on future of family support programs of the Department of Defense (sec. 567)*

The Senate amendment contained a provision (sec. 577) that would require the Secretary of Defense to submit to the congressional defense committees a report on the anticipated future of Department of Defense and service family support programs over the next 5 years. The report would include an assessment by the Secretary of the Army of the Family Readiness Support Assistant (FRSA) program and a description of any planned or anticipated changes to that program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit to the congressional defense committees a report on the anticipated future of Department of Defense and service family support programs over the next 5 years.

The conferees note that service members have raised concerns over the future of the Army's FRSA program and request that the Secretary ensure that a detailed discussion of the future plans for the FRSA program are included in this report.

*Sense of Congress regarding support for Yellow Ribbon Day (sec. 568)*

The House bill contained a provision (sec. 566) that would express the sense of Congress in support of the goals and ideals of Yellow Ribbon Day in honor of members of the armed forces and American civilians serving overseas in defense of the United States.

The Senate amendment contained a similar provision (sec. 576).

The House recedes with an amendment that would express the support of Congress for the goals and ideals of Yellow Ribbon Day in honor of service members and other individuals of the United States who are serving overseas.

The conferees note that the yellow ribbon is often recognized as a symbol of support for members of the armed forces and other American individuals serving overseas apart from their families and loved ones and that designation of a Yellow Ribbon Day would serve as an additional reminder for all people of the United States of the continued sacrifice of these citizens.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces  
*Armed Forces Workplace and Gender Relations Surveys (sec. 570)*

The House bill contained a provision (sec. 578) that would amend section 481 of title 10, United States Code, to require the Armed Forces Workplace and Gender Relations Surveys to solicit information on assaults involving service members. The provision would also alter the timetable for con-

ducting the Armed Forces Workplace and Equal Opportunity Surveys and the Armed Forces Workplace and Gender Relations Surveys.

The Senate amendment contained no similar provision.

The Senate recedes.

*Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty (sec. 571)*

The House bill contained a provision (sec. 582) that would amend chapter 1209 of title 10, United States Code, to authorize members of the reserve components who are alleged victims of sexual assault committed on active duty to remain on active duty or to be recalled to active duty for up to 180 days to complete a line of duty determination.

The Senate amendment contained a similar provision (sec. 541) that would authorize retention on active duty, or recall to active duty, until completion of the line of duty determination.

The House recedes with a technical amendment.

*Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response (sec. 572)*

The House bill contained a provision (sec. 534) that would require the service secretaries to establish a record on the disposition of any report of sexual assault.

The House bill also contained a provision (sec. 573) that would require that information on sexual assault prevention and response be prominently posted at specified locations throughout the Department of Defense.

The House bill also contained a provision (sec. 579) that would require commanders of certain units to conduct an organizational climate assessment that includes sexual assault and equal opportunity elements within 120 days after the commander assumes command and annually thereafter.

The House bill also contained a provision (sec. 580) that would require the secretaries of the military departments to verify and track compliance of commanders in conducting organizational climate assessments.

The House bill also contained a provision (sec. 585) that would require the Secretary of Defense to conduct a general education campaign to notify members of the armed forces regarding the authorities available for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

The Senate amendment contained a similar provision (sec. 542) that would require additional elements to be included in the Department of Defense comprehensive sexual assault and prevention policy.

The Senate amendment also contained a provision (sec. 542(a)(7)) that would provide that the revised comprehensive policy for the Department of Defense sexual assault prevention and response program include a requirement to assign responsibility to receive and investigate complaints for the violation or failure to provide the rights of a crime victim established by section 3771 of title 18, United States Code, as applicable to members of the armed forces and civilian personnel of the Department of Defense.

The House recedes with an amendment that would require the Secretary of Defense to modify the revised comprehensive policy for the Department of Defense sexual assault prevention and response program to include the following new requirements: (1) that the



service secretaries initiate and retain for a specified period a record on the disposition of allegations of sexual assault; (2) that commanders of certain commands and units conduct within 120 days of assuming command and at least annually thereafter a climate assessment for the purposes of preventing and responding to sexual assaults; (3) to post and widely disseminate information about resources available to report and respond to sexual assaults; and (4) for a general education campaign to notify service members of the authorities available for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

The conferees note that the Senate report (S. Rept. 112-173) accompanying the National Defense Authorization Act for 2013 (S. 3254) requires the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives not later than January 7, 2013, on the practicability and advisability of extending additional rights under the Crime Victims' Rights Act (18 U.S.C. 3771) to victims involved in cases tried by courts-martial and a means for seeking redress for failure to be afforded such rights.

*Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses (sec. 573)*

The House bill contained a provision (sec. 571) that would require the secretaries of the military departments to establish special victim teams for investigation, prosecution, and victim support in connection with child abuse, serious domestic violence, or sexual offenses under the Uniform Code of Military Justice.

The Senate amendment contained a similar provision (sec. 542(a)(1) and (b)).

The Senate recedes with an amendment that would require the Secretary of Defense to prescribe regulations under which the service secretaries would be required to establish special victim capabilities.

*Enhancement to training and education for sexual assault prevention and response (sec. 574)*

The House bill contained a provision (sec. 572) that would require the Secretary of Defense to include sexual assault prevention and response training in the training for new or prospective commanders at all levels of command. The provision would also require that the Department of Defense sexual assault policy be carefully explained to each new service member during initial entry and accession training.

The Senate amendment contained a similar provision (sec. 542(a)(3) and (4)).

The Senate recedes.

*Modification of annual Department of Defense reporting requirements regarding sexual assaults (sec. 575)*

The House bill contained a provision (sec. 574) that would amend section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to require the Secretaries of the military departments to include additional information in the case synopsis portion of the annual report on sexual assaults.

The Senate amendment contained a similar provision (sec. 546).

The Senate recedes with a clarifying amendment that would require additional information to be included in reports regarding sexual assaults involving members of the armed forces beginning with the report required to be submitted by March 1, 2014.

*Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases (sec. 576)*

The House bill contained a provision (sec. 533) that would require the Secretary of Defense to establish an independent panel to conduct a review and assessment of judicial proceedings under the Uniform Code of Military Justice (UCMJ) involving sexual assault and related offenses in order to develop potential improvements in such proceedings.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to establish a Response Systems Panel to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under article 120 of the UCMJ (10 U.S.C. 920) for the purpose of developing recommendations regarding how to improve the effectiveness of such systems. The amendment would also require the Secretary to establish a Judicial Proceedings Panel to conduct an independent review and assessment of judicial proceedings conducted under the UCMJ involving adult sexual assault and related offenses for the purpose of developing recommendations for improvements to such proceedings.

The conferees acknowledge the progress made by the Department of Defense in developing policies, programs, and tracking of the crime of sexual assault. The conferees view the purpose of the panels established by this section as a means to achieve a greater understanding of sexual assault in the military and how effectively sexual assault is addressed through the UCMJ as well as to identify any needed reforms in systems used to investigate, prosecute, and adjudicate the crime of sexual assault.

The conferees expect the Response Systems Panel to conduct a comprehensive review that will provide the conferees and the Department of Defense with a factual basis for making reforms to the systems used to investigate, prosecute and adjudicate adult sexual assault offenses under Article 120 the UCMJ. This panel, among other things, shall address issues such as: (1) how the military system for adjudicating sexual assault offenses compares to civilian systems in terms of protections for defendants and mitigation of potential punishments; (2) the impact of the method for selection of court members for trials by court-martial when compared to jury selection in civilian courts; (3) why victims are reluctant to report that they have been sexually assaulted; (4) the adequacy and appropriateness of medical care and legal support provided to victims of sexual assault; (5) whether medical records and rape kits are properly preserved; (6) allegations that commanders are unresponsive or indifferent to reports of sexual assault; (7) assertions that measures other than courts-martial are used inappropriately to address allegations of sexual assault or to shield alleged perpetrators who are considered superior performers; (8) the allegation that commanders are not held accountable for failure to enforce policies and laws related to adult sexual assault crimes and for failure to investigate and to hold service members who commit sexual assaults accountable for their actions; (9) whether victims of sexual assault who receive mental health counseling should be required to report such counseling when seeking a security clearance; (10) whether the military careers of victims who report sexual assaults are adversely affected; (11)

how Military Rules of Evidence (MRE) 412 (relevance of alleged victim's sexual behavior or sexual predisposition) and 513 (psychotherapist-patient privilege) differ from civilian applications in ways that adversely impact on the willingness of victims to report sexual assaults and testify in court proceedings; and (12) the unique relationship between a trainer and trainee in basic military training.

The conferees expect the Judicial Proceedings Panel to build on the findings of the Response Systems Panel and to address, among other things: (1) whether MRE 412 and 513 are correctly applied; (2) the application of the "good military character" defense under MRE 404 and 405; and (3) whether subjecting victims to cross examination at Article 32, UCMJ, investigations discourages victims from reporting sexual assaults or participating in legal proceedings to hold assailants accountable.

With regard to the support rendered to the panels, the conferees expect that the department's Sexual Assault and Prevention Office (SAPRO) will be involved; however, in order to ensure that the SAPRO will not be diverted from its other missions, the conferees expect that the primary responsibility for supporting and resourcing the panels will come from other department and military service assets.

*Retention of certain forms in connection with Restricted Reports on sexual assault at request of the member of the Armed Forces making the report (sec. 577)*

The Senate amendment contained a provision (sec. 544) that would require the Secretary of Defense to ensure that copies of Department of Defense Forms 2910 and 2911 filed in connection with a restricted report of sexual assault involving a member of the armed forces are retained for the longer of 50 years or the time provided for the retention of such forms in connection with unrestricted reports of sexual assault.

The House bill contained no similar provision.

The House recedes with an amendment that would require retention of these reports at the request of a service member who files a restricted report of sexual assault.

*General or flag officer review of and concurrence in separation of members of the Armed Forces making an Unrestricted Report of sexual assault (sec. 578)*

The House bill contained a provision (sec. 581) that would require the Secretary of Defense to conduct a review of all unrestricted reports of sexual assault made by members of the armed forces since October 1, 2000, to determine the number of members who were subsequently separated from the service and the circumstances of and grounds for such separation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a policy to require a general or flag officer to review the circumstances of, and grounds for, the proposed involuntary separation of any service member who: (1) made an unrestricted report of a sexual assault; (2) is recommended for involuntary separation from the armed forces within 1 year after making the unrestricted report of a sexual assault; and (3) requests a review on the grounds that the member believes the recommendation for involuntary separation was initiated in retaliation for making the report. The concurrence of the general or flag officer conducting the review is required

in order to separate a member who requests the review.

*Department of Defense policy and plan for prevention and response to sexual harassment in the Armed Forces (sec. 579)*

The House bill contained a provision (sec. 575) that would require the secretaries of the military departments to include information on sexual harassment in the annual Department of Defense report on sexual assault.

The Senate amendment contained a provision (sec. 545) that would require the Secretary of Defense to develop a comprehensive policy to prevent and respond to sexual harassment in the armed forces.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a comprehensive policy to prevent and respond to sexual harassment in the armed forces and to develop a plan to collect information and data regarding substantiated incidents of sexual harassment involving members of the armed forces.

#### Subtitle I—Suicide Prevention and Resilience

*Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs (sec. 580)*

The Senate amendment contained a provision (sec. 751) that would require the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, to establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (DOD), including those of the military departments and the armed forces.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, to establish within the Office of the Secretary of Defense a position with responsibility for oversight of all suicide prevention and resilience programs of DOD and each of the military departments.

*Reserve component suicide prevention and resilience program (sec. 581)*

The Senate amendment contained a provision (sec. 512) that would amend chapter 1007 of title 10, United States Code, to codify the Suicide Prevention and Community Health and Response Program for National Guard and reserve component members, to move it from within the Office for Reintegration Programs to the Office of the Secretary of Defense, and to repeal subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note). The program would terminate on October 1, 2015.

The House bill contained no similar provision.

The House recedes with an amendment that would amend chapter 1007 of title 10, United States Code, to codify the Suicide Prevention and Community Health and Response Program for National Guard and reserve component members, to require the Secretary of Defense to provide training on suicide prevention, resilience, and community healing and response at Yellow Ribbon Reintegration Program events and activities, to move the program from within the Office for Reintegration Programs to the Office of the Secretary of Defense, and to repeal subsection (i) of section 582 of the National Defense Authorization Act for Fiscal

Year 2008 (10 U.S.C. 10101 note). The program would terminate on October 1, 2017.

*Comprehensive policy on prevention of suicide among members of the Armed Forces (sec. 582)*

The Senate amendment contained a provision (sec. 752) that would require the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, to develop and implement a comprehensive program on the prevention of suicide among members of the armed forces.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, to develop within the Department of Defense a comprehensive policy on the prevention of suicide among service members.

*Study of resilience programs for members of the Army (sec. 583)*

The Senate amendment contained a provision (sec. 528) that would require the Secretary of the Army to carry out a research program on resilience of members of the Army to determine the effectiveness of the current Comprehensive Soldier and Family Fitness Program and to verify the current Army means to reduce trends in high risk or self-destructive behavior.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Army to conduct a study of resilience programs within the Army. The amendment would also require that the study draw upon professionally accepted measurements and assessments to evaluate the impact of such programs.

#### Subtitle J—Other Matters

*Issuance of prisoner-of-war medal (sec. 584)*

The House bill contained a provision (sec. 551) that would amend section 1128 of title 10, United States Code, to eliminate the requirement that foreign armed forces be “hostile to the United States” as a prerequisite for requiring the Secretary concerned to award the prisoner-of-war (POW) medal to any person taken prisoner or held captive while serving with the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary concerned, pursuant to uniform regulations prescribed by the Secretary of Defense, to issue a POW medal to any person serving with the armed forces under circumstances which the Secretary concerned finds to have been comparable to those under which persons have generally been held captive by enemy armed forces during periods of armed conflict.

The conferees note that the current POW medal statute contemplates the award only in the context of armed conflict or other action against an enemy of the United States and requires issuance of the award in these situations. The conferees believe this should continue to be the norm. However, the conferees also recognize that there may be circumstances when an individual serving with the armed forces is held captive by other than an enemy armed force, by other than a hostile nation, or during times other than periods of armed conflict in conditions comparable to those in which the POW medal is now required. For this reason, the conferees recommend amendment of current law to give the service secretaries the authority to issue an award in appropriate cases where

the conditions of captivity are comparable to those in which a POW is held by enemy armed forces.

The conferees are aware of the inconsistent application of the statute by the Department of Defense and the Department of the Air Force to the U.S. airmen interned at Wauwilermoos, Switzerland, during World War II. Some internees have been awarded the medal, while the vast majority have not. In the conferees’ view, this is the result of inconsistent interpretations of provisions of the current law that would be removed by this provision. Furthermore, from the information provided to the conferees, it appears these individuals were held in conditions comparable to those in which POWs are held by enemy armed forces. The conferees direct the Secretary of the Air Force to review the cases of the Wauwilermoos internees to determine if such an award is merited under the regulations prescribed by the Secretary of Defense, and to award the medal in appropriate cases.

*Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment (sec. 585)*

The Senate amendment contained a provision (sec. 1099) that would make technical amendments to the charter of the American Registry of Pathology in section 177 of title 10, United States Code, to remove the Armed Forces Institute of Pathology, which was disestablished under past defense base closure and realignment actions.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus (sec. 586)*

The Senate amendment contained a provision (sec. 559) that would amend section 983 of title 10, United States Code, to delete the requirement for the Secretary of Defense to publish in the Federal Register once every 6 months a list of each institution of higher education that is ineligible for contracts and grants because the Secretary has determined that the institution has a policy or practice that prohibits or prevents the establishment of a Senior Reserve Officers’ Training Corps (SROTC) unit or a student at that institution from enrolling in a SROTC unit at another institution of higher education.

The House bill contained no similar provision.

The House recedes.

*Acceptance of gifts and services related to educational activities and voluntary services to account for missing persons (sec. 587)*

The House bill contained a provision (sec. 523) that would amend section 1501 of title 10, United States Code, to authorize the Secretary of Defense to accept gratuitous or voluntary services to assist in accounting for missing personnel.

The Senate amendment contained a similar provision (sec. 582) that would amend sections 2601(i)(2), 1588(a), and chapter 155 of title 10, United States Code, to authorize the acceptance of voluntary services to facilitate accounting for missing persons and to authorize military museums and military education programs to enter into cooperative agreements with certain nonprofit entities.

The House recedes with an amendment that would amend sections 2601 and 1588 of title 10, United States Code, to authorize the

acceptance of services that benefit the education of service members and their family members, and voluntary services to facilitate accounting for missing persons.

*Display of State, District of Columbia, commonwealth, and territorial flags by the Armed Forces (sec. 588)*

The House bill contained a provision (sec. 1096) that would amend section 2249b of title 10, United States Code, to require the Secretary of Defense to ensure that whenever the official flags of all 50 States are displayed by the armed forces, such display shall include the flags of the District of Columbia, Commonwealth of Puerto Rico, United States Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would repeal the provision in section 2249b of title 10, United States Code, that prohibits the use of funds to prescribe or enforce any rule that arbitrarily excludes the official flag of any State, territory, or possession of the United States from any display of the flags of the States, territories, and possessions of the United States at an official ceremony of the Department of Defense.

*Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs (sec. 589)*

The Senate amendment contained a provision (sec. 1048) that would amend section 7049(a) and 9314a(a) of title 10, United States Code, to authorize enrollment of eligible defense industry employees in educational programs leading to a professional continuing education certificate in the Naval Defense Development Program and the Air Force Institute of Technology and increase the maximum number of such employees who may enroll at each educational institution to 250 employees at any one time.

The House bill contained no similar provision.

The House recedes with an amendment that would retain the current limit of 125 defense industry employees authorized to be enrolled in the Naval Defense Development Program and the Air Force Institute of Technology at any one time and would require the Secretary of Defense to request an increase in this limit if the Secretary determines that it is in the best interest of the Department of Defense.

*Extension of authorities to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions (sec. 590)*

The Senate amendment contained a provision (sec. 1087) that would amend section 2023(d) of title 38, United States Code, to extend for 1 year the authority of the Secretary of Veterans Affairs and the Secretary of Labor to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.

The House bill contained no similar provision.

The House recedes.

*Inspection of military cemeteries under the jurisdiction of Department of Defense (sec. 591)*

The House bill contained a provision (sec. 594) that would amend section 1(d) of Public Law 111-339 to require the Inspector General

of the Department of Defense, instead of the Secretary of the Army, to report on the execution of and compliance with Army Directive 2010-04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010, in fiscal year 2013. The provision would also amend section 592(d)(2) of Public Law 112-81 (124 Stat. 3592) to provide the Inspector General of the Department of Defense and the Secretaries of the military departments an additional 6 months to meet the inspection and reporting requirements required by that section.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on results of investigations and reviews conducted with respect to Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base (sec. 592)*

The House bill contained a provision (sec. 1070) that would require the establishment of a Federal Mortuary Affairs Advisory Commission.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, not later than 180 days after the date of enactment of this Act, to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the investigations and reviews that were conducted with respect to the improper handling and preparation of the remains of deceased members of the armed forces and civilians at the Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base, including a summary of actions taken as a result of these reviews.

*Preservation of editorial independence of Stars and Stripes (sec. 593)*

The House bill contained a provision (sec. 591) that would require the Secretary of Defense to extend the lease for the commercial office space in the District of Columbia currently occupied by the editorial staff and management operations of Stars and Stripes until the Secretary can provide space in a Government-owned facility located within the National Capital Region that is geographically remote from the Defense Media Activity's facilities at Fort Meade, Maryland.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than February 1, 2013, describing the implementation of this provision.

The conferees expect the Secretary to provide space in a qualifying Government-owned facility no later than the termination date of the current lease extension, which is November 25, 2013. The conferees direct that the current lease extension shall not be extended further without prior consultation with the Committees on Armed Services of the Senate and the House of Representatives.

*National public awareness and participation campaign for Veterans' History Project of American Folklife Center (sec. 594)*

The Senate amendment contained a provision (sec. 1098) that would require the Director of the American Folklife Center at the Library of Congress to carry out a national public awareness and participation campaign for the Veterans' History Project of the American Folklife Center.

The House bill contained no similar provision.

The House recedes.

*Report on accuracy of data in the Defense Enrollment Eligibility Reporting System (sec. 595)*

The Senate amendment contained a provision (sec. 584) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives not later than 90 days after the date of enactment of this Act a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System (DEERS).

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance (sec. 596)*

The House bill contained a provision (sec. 592) that would express the sense of Congress that "Taps" should be designated as the National Song of Remembrance.

The Senate amendment contained a similar provision (sec. 1088).

The House recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Sense of Senate on inclusion of assignments as academic instructor at the military service academies as joint duty assignments*

The Senate amendment contained a provision (sec. 504) that would express the sense of the Senate that the Secretary of Defense should include assignments in which military officers are assigned as instructors responsible for preparing and presenting academic courses on the faculty of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy as joint duty assignments.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to designate assignments of military officers as instructors on the faculty of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy as the equivalent of a joint duty assignment for the purpose of satisfying the joint duty requirements established in section 661 of title 10, United States Code.

*Authority for appointment of persons who are lawful permanent residents as officers of the National Guard*

The Senate amendment contained a provision (sec. 511) that would amend section 313(b)(1) of title 32, United States Code, to authorize a lawful permanent resident to be eligible for appointment as an officer of the National Guard.

The House bill contained no similar provision.

The Senate recedes.

*On-line tracking of certain reserve duty*

The House bill contained a provision (sec. 513) that would require the Secretary of Defense to establish an on-line means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008.

The Senate amendment contained no similar provision.

The House recedes.

*Report on mechanisms to ease the reintegration into civilian life of members of the National Guard and Reserves following a deployment on active duty*

The Senate amendment contained a provision (sec. 513) that would require the Secretary of Defense to conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and Reserves following a deployment on active duty in the armed forces, and to report to the congressional defense committees not later than 180 days after the enactment of this Act on the results of that study.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the annual Yellow Ribbon Reintegration Program report, required by section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) and section 597 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), already addresses reintegration issues affecting members of the National Guard and Reserves.

*Authorized leave available for members of the armed forces upon birth or adoption of child*

The House bill contained a provision (sec. 524) that would increase the number of days of non-chargeable leave from 21 to 42 that a service member may be granted following adoption of a child. The provision would also provide that the other service member of a dual military couple be awarded 10 days of non-chargeable leave that could be taken while the primary caregiver is on adoption leave.

The Senate amendment contained no similar provision.

The House recedes.

*Command responsibility and accountability for remains of members of the Army, Navy, Air Force, and Marine Corps who die outside the United States*

The House bill contained a provision (sec. 525) that would require the Secretary of Defense to ensure continuous military command responsibility and accountability for the remains of each deceased member of the military services who died outside the United States.

The Senate amendment contained no similar provision.

The House recedes.

*Compliance with medical profiles issued for members of the armed forces*

The House bill contained a provision (sec. 527) that would require the Secretary of a military department to ensure that commanding officers do not prohibit or restrict the ability of physicians to issue a medical profile and that they comply with the terms of a medical profile issued to a member of the armed forces.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe medical guidance is critical in advising commanders of potential problems, physical limitations, and potential situations that could be harmful to the service member or detrimental to the mission. Medical officials have the responsibility for documenting medical determinations and recommendations to commanders in the form of a profile. Commanders are responsible for assignment of military duties that are commensurate with the profile. The conferees expect that commanders will comply with service regulations and policies regarding assignment of duties to and deployment

of service members who have a medical profile.

*Persons who may exercise disposition authority regarding charges involving certain sexual misconduct offenses under the Uniform Code of Military Justice*

The House bill contained a provision (sec. 532) that would require the Secretary of Defense to require the secretaries of the military departments to restrict disposition authority under the Uniform Code of Military Justice (UCMJ) for certain sexual offenses to officers who have authority to convene special courts-martial and who are in the grade of O-6 (colonel or Navy captain) or higher.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense has already exercised the authority granted to the Secretary under Article 22 of the UCMJ to withhold initial disposition authority from commanders who do not possess at least special court-martial convening authority and who are not in the grade of O-6 (colonel or Navy captain) or higher for specified sexual offenses under the UCMJ. Elsewhere in this act, an independent panel is required to monitor the implementation of the Secretary's policy withholding initial disposition authority.

*Use of military installations as sites for marriage ceremonies or marriage-like ceremonies*

The House bill contained a provision (sec. 537) that would prohibit military installations or other property owned or rented by, or otherwise under the control of the Department of Defense, from being used to officiate, solemnize, or perform a marriage or marriage-like ceremony involving anything other than the union of one man with one woman.

The Senate amendment contained no similar provision.

The House recedes.

*Coordination between Yellow Ribbon Reintegration Program and Small Business Development Centers*

The House bill contained a provision (sec. 538) that would require the Department of Defense to assist each State to coordinate services under the Yellow Ribbon Reintegration Program with Small Business Development Centers.

The Senate amendment contained no similar provision.

The House recedes.

*Inclusion of the School of Advanced Military Studies Senior Level Course as a senior level service school*

The Senate amendment contained a provision (sec. 551) that would amend section 2151(b)(1) of title 10, United States Code, to authorize the Senior Level Course of the School of Advanced Military Studies of the Army Command and General Staff College to offer Joint Professional Military Education Phase II (JPME II) instruction and credit.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that the Senior Level Course of the School of Advanced Military Studies of the Army Command and General Staff College is a fellowship of the Army War College. The conferees recommend that JPME II credit for participants in this fellowship be awarded through the Army War College.

*Award of Purple Heart to members of the armed forces who were victims of the attacks at recruiting station in Little Rock, Arkansas, and at Fort Hood, Texas*

The House bill contained a provision (sec. 552) that would require the Secretary concerned to award the Purple Heart to members of the armed forces who were killed or wounded in the attacks that occurred at the recruiting station in Little Rock, Arkansas, on June 1, 2009, and at Fort Hood, Texas, on November 5, 2009.

The Senate amendment contained a provision (sec. 525) that would require the Secretary of Defense, in coordination with the service secretaries, to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2013, a report on the advisability of modifying the criteria for the award of the Purple Heart to military personnel, and the Defense Medal of Freedom to civilian personnel, who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideological, political, or religious beliefs that give rise to terrorism.

The conference agreement does not include these provisions.

*Modification of eligibility for associate degree programs under the Community College of the Air Force*

The Senate amendment contained a provision (sec. 552) that would amend section 9315(b) of title 10, United States Code, to authorize enlisted members of the armed forces other than the Air Force participating in joint-service medical training and education or serving as instructors in such training and education to participate in associate degree programs of the Community College of the Air Force (CCAF).

The House bill contained no similar provision.

The Senate recedes.

The House report (H. Rept. 112-78) accompanying the National Defense Authorization Act for Fiscal Year 2013 (H.R. 1540) requires a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the results of a review of the feasibility and cost of allowing enlisted members from the other services, including the U.S. Coast Guard, to participate in the CCAF's associate degree program. This briefing, which has not yet been provided, was required within 180 days after enactment of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81). The conferees await this briefing before making changes to the eligibility requirements for the CCAF's associate degree program.

*Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired) on the retired list*

The House bill contained a provision (sec. 553) that would entitle Brigadier General Charles E. Yeager, United States Air Force (retired), to hold the rank of major general while on the retired list of the Air Force.

The Senate amendment contained no similar provision.

The House recedes.

In section 563 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), Congress authorized the President to appoint, by and with the consent of the Senate, Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list of the Air Force. This authorization is still in effect.

The conferees encourage the Secretary of Defense to conduct a good-faith review of

Brigadier General Yeager's outstanding military record to ascertain whether the President should nominate him for appointment to the grade of major general on the retired list of the Air Force.

*Authorization for award of the Medal of Honor to First Lieutenant Alonzo H. Cushing for acts of valor during the Civil War*

The House bill contained a provision (sec. 554) that would authorize the President to award the Medal of Honor to First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that this decision does not prejudice the final outcome with regard to the award of the Medal of Honor to First Lieutenant Alonzo Cushing, nor does it preclude further action by Congress.

Rather, the conferees require a better understanding of the process used and materials available to the Department of Defense and the military services for considering Medal of Honor recommendations for acts of heroism during the Civil War. The conferees are concerned about the ability to examine events that occurred nearly 150 years ago and to make individual determinations in a consistent, equitable, and well-informed manner.

Therefore, the conferees direct the Secretary of Defense, in consultation with the service secretaries, to report to the Committees on Armed Services of the Senate and the House of Representatives, not later than 90 days after enactment of this Act, on the process and materials used by review boards for consideration of Medal of Honor recommendations for acts of heroism that occurred during the Civil War.

*Grade of commissioned officers in uniformed medical accession programs*

The Senate amendment contained a provision (sec. 554) that would amend sections 2114(b) and 2121(c) of title 10, United States Code, to eliminate the requirement that officers serve in the grade of O-1 throughout their medical education.

The House bill contained no similar provision.

The Senate recedes.

*Authority for service commitment for reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve*

The Senate amendment contained a provision (sec. 555) that would amend section 2603(b) of title 10, United States Code, to authorize members of the Selected Reserve to fulfill a service obligation incurred for acceptance of a fellowship, scholarship, or grant by serving on active duty for a period of at least three times the length of the period of the education or training, or in the Selected Reserve for a period of at least five times the length of the period of the education or training.

The House bill contained no similar provision.

The Senate recedes.

*Retroactive award of Army Combat Action Badge*

The House bill contained a provision (sec. 555) that would authorize the Secretary of the Army to award the Army Combat Action Badge to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was

personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001.

The Senate amendment contained no similar provision.

The House recedes.

*Report on Navy review, findings, and actions pertaining to Medal of Honor nomination of Marine Corps Sergeant Rafael Peralta*

The House bill contained a provision (sec. 556) that would require the Secretary of the Navy to submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the Navy review, findings, and actions pertaining to the Medal of Honor nomination of Marine Corps Sergeant Rafael Peralta.

The Senate amendment contained no similar provision.

The House recedes.

*Protection of child custody arrangements for parents who are members of the armed forces*

The House bill contained a provision (sec. 564) that would amend title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq) to provide that if a court renders a temporary custody order based solely on the deployment or anticipated deployment of a service member, the court shall require the reinstatement of the prior custody order upon the return of the servicemember from deployment, unless the court finds that reinstatement is not in the best interest of the child. The provision would also prohibit a court from considering the absence of a servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of a child.

The Senate amendment contained no similar provision.

The House recedes.

*Treatment of relocation of members of the armed forces for active duty for purposes of mortgage refinancing*

The House bill contained a provision (sec. 565) that would amend section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) to authorize a service member to refinance a principal residence in circumstances where the service member was unable to continue residing in the residence by virtue of receiving permanent change of station orders, or when deployed or mobilized in support of a military operation for a period of at least 18 months.

The Senate amendment contained no similar provision.

The House recedes.

*Continued submission of progress reports regarding certain incident information management tools*

The House bill contained a provision (sec. 576) that would require the Secretary of Defense to continue to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the establishment of the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database until the Secretary certifies that both systems are fully functional and operational.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense has reported that the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database are fully functional and operational and that the Services are contributing the necessary information to each system. The conferees

want to ensure that all sexual assault incidents are accurately documented to facilitate appropriate oversight.

*Briefings on Department of Defense actions regarding sexual assault prevention and response in the armed forces*

The House bill contained a provision (sec. 577) that would require the Secretary of Defense, or the designee of the Secretary, to brief the Committees on Armed Services of the Senate and the House of Representatives on the status of implementation of the sexual assault provisions in the National Defense Authorization Act for Fiscal Year 2011 (Public Law 112-81), and other initiatives of the Secretary of Defense and service secretaries to address sexual assault involving members of the armed forces.

The Senate amendment contained no similar provision.

The House recedes.

*Family briefings concerning accountings for members of the armed forces and Department of Defense civilian employees listed as missing*

The Senate amendment contained a provision (sec. 581) that would amend section 1501 of title 10, United States Code, to require the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to conduct periodic briefings for families of missing persons on Department of Defense activities to account for those persons.

The House bill contained no similar provision.

The Senate recedes.

*Inclusion of information on substantiated reports of sexual harassment in member's official service record*

The House bill contained a provision (sec. 583) that would require that a notation of substantiated reports of sexual harassment against a member of the military services be included in the service record of the member.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress on military sexual trauma*

The House bill contained a provision (sec. 584) that would express the sense of the Congress that the Secretary of Veterans Affairs should expand efforts to raise awareness about military sexual trauma and the treatment and services that the Department provides to victims.

The Senate amendment contained no similar provision.

The House recedes.

In light of the fact that the available data shows an overwhelming number of military sexual trauma claims go unreported within the Department of Defense, making it very difficult for veterans to show proof of the assault when filing claims with the Department of Veterans Affairs for post-traumatic stress disorder and other mental health conditions caused by military sexual trauma, the conferees believe the Secretary of Veterans Affairs should review the disability process to ensure that victims of military sexual trauma who file claims for service connection do not face unnecessary or overly burdensome requirements in order to claim disability benefits with the Department. The conferees also encourage the Secretary of Defense and the Secretary of Veterans Affairs to expand efforts to raise awareness about treatment and services provided to victims of sexual assault.

*Posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army*

The Senate amendment contained a provision (sec. 585) that would authorize the

President to issue an appropriate posthumous honorary commission promoting Sergeant (retired) Paschal Conley to second lieutenant in the Army.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the President has authority to issue this posthumous commission pursuant to Article II, Section 2 of the Constitution of the United States.

*Department of Defense Sexual Assault and Harassment Oversight and Advisory Council*

The House bill contained a provision (sec. 586) that would amend chapter 7 of title 10, United States Code, to establish a Sexual Assault and Harassment Oversight and Advisory Council.

The Senate amendment contained no similar provision.

The House recedes.

*Inclusion of freely associated states within scope of Junior Reserve Officers' Training Corps Program*

The House bill contained a provision (sec. 590) that would amend section 2031(a) of title 10, United States Code, to authorize service secretaries to establish and maintain Junior Reserve Officers' Training Corps units at qualifying secondary educational institutions in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

The Senate amendment contained no similar provision.

The House recedes.

*Recommended conduct during sounding of bugle call commonly known as "Taps"*

The House bill contained a provision (sec. 593) that would amend chapter 3 of title 36, United States Code, to establish the recommended conduct of persons during the sounding of the bugle call known as "Taps".

The Senate amendment contained no similar provision.

The House recedes.

*Pilot program to provide transitional assistance to members of the armed forces with a focus on science, technology, engineering, and mathematics*

The House bill contained a provision (sec. 595) that would authorize the Secretary of Defense to conduct pilot programs to provide transitional assistance to members of the armed forces with a focus on science, technology, engineering and mathematics.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are encouraged by the Department of Defense, Department of Veterans Affairs, and Department of Labor revised Transition Assistance Program that will provide a structured, integrated transition model with a goal of career readiness for military personnel as they transition out of military service. The conferees recognize that the fields of science, technology, engineering and mathematics offer critically needed opportunities for job growth and American competitiveness, and urge that the revised plan include elements to encourage transitioning service members to acquire and develop these skills.

*Sense of Congress regarding the recovery of the remains of certain members of the armed forces killed in Thurston Island, Antarctica*

The House bill contained a provision (sec. 596) that would express the sense of the Congress reaffirming its support for the recovery and return to the United States of the remains of crewmembers who died as a result

of the crash of a Navy aircraft known as George One over Thurston Island, Antarctica. The provision would also encourage the Department of Defense to review the facts and research pertaining to the crash and to pursue new efforts to achieve this goal.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Navy previously assessed the feasibility of recovering the George One crew and, owing to the location of the crash, logistics support, climate in the region, potential hazard to the recovery team, and cost, determined that the difficulty and risk involved with a recovery is too great, and therefore designated the George One to be the final resting place of those who lost their lives in the crash.

*Report on effects of multiple deployments*

The House bill contained a provision (sec. 597) that would require the Secretary of Defense to submit to Congress a report on the effects of multiple deployments on the well-being of military personnel and any recommended changes to health evaluations prior to redeployments.

The Senate amendment contained no similar provision.

The House recedes.

*Establishment of chain of command for Army National Military Cemeteries*

The House bill contained a provision (sec. 598) that would require the Secretary of the Army to establish a chain of command for the Army National Military Cemeteries, to include a military commander of the Army National Military Cemeteries to replace the current civilian director upon the termination of the tenure of the director.

The Senate amendment contained no similar provision.

The House recedes.

*Military salute during recitation of pledge of allegiance by members of the Armed Forces not in uniform and by veterans*

The House bill contained a provision (sec. 599) that would amend section 4 of title 4, United States Code, to authorize members of the armed forces not in uniform and veterans to render the military salute during the recitation of the pledge of allegiance.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VI—COMPENSATION AND OTHER PERSONEL BENEFITS

Subtitle A—Pay and Allowances

*Fiscal year 2013 increase in military basic pay (sec. 601)*

The House bill contained a provision (sec. 601) that would authorize a pay raise for members of the uniformed services of 1.7 percent effective January 1, 2013. This across-the-board pay raise is equal to the Administration request.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 602)*

The Senate amendment contained a provision (sec. 603) that would extend for 1 year the authority of the Secretary of Defense to temporarily increase the rate of basic allowance for housing in areas impacted by natural disasters or experiencing a sudden influx of personnel.

The House bill contained no similar provision.

The House recedes.

*Basic allowance for housing for two-member couples when one member is on sea duty (sec. 603)*

The House bill contained a provision (sec. 602) that would authorize certain uniformed service members in a pay grade below E-6, who are assigned to sea duty, and who are married to another uniformed service member to receive a basic allowance for housing (BAH) in circumstances where they currently do not qualify. Current law requires that both married members be in a pay grade below E-6, have no dependents, and be simultaneously assigned to sea duty.

The Senate amendment contained no similar provision.

The Senate recedes.

*Rates of basic allowance for housing for members performing active Guard and Reserve duty (sec. 604)*

The House bill contained a provision (sec. 603) that would amend section 403(g) of title 37, United States Code, to prohibit the rate of basic allowance for housing (BAH) paid to a member of the Army National Guard or Air National Guard to be reduced upon the transition of the member between active duty and full-time National Guard duty when the transition occurs without a break in active service.

The Senate amendment contained a similar provision (sec. 601) that would require that BAH for Army and Air National Guard members on full-time duty be based on their permanent duty station and not modified upon the transition of the member between active duty and full-time National Guard duty so long as the transition occurs without a break in active service.

The House recedes with an amendment that would add a new subsection to section 403(g) of title 37, United States Code, to require that the BAH paid to a member of a reserve component performing active guard and reserve duty as defined in section 101(d)(6) of title 10, United States Code, be based on their permanent duty station in most cases, even when the member is mobilized for service on active duty. The amendment would further require that during such transitions between active duty and active guard and reserve duty, affected members continue to retain uninterrupted eligibility for BAH rate protection as provided for under sections (b)(6) and (c)(2) of the section, so long as the member remains on active duty without a break in service. Finally, the amendment would require that members receiving BAH at a rate higher than provided for under this provision, as of the date of enactment of this Act, continue to receive the higher rate until such time as they are reassigned for duty at their permanent duty station, when they shall begin to receive BAH at the prevailing rate in effect at that duty station. The Secretary concerned, with approval of the Secretary of Defense, may continue to pay the higher rate in certain cases to ensure fairness and equity or to serve the best interests of the United States.

*Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error (sec. 605)*

The House bill contained a provision (sec. 605) that would require the Secretary of Defense to pay eligible individuals \$200 per day for days earned under the Post-Deployment/Mobilization Respite Absence (PDMRA) program, when the individuals were unable to use those days due to government error, as determined by a board for the correction of military records.

The Senate amendment contained a similar provision (sec. 602).

The House recedes with a technical amendment to allow the Secretary concerned to determine the required government error by processes other than through a board for the correction of military records.

Subtitle B—Bonuses and Special and Incentive Pays

*One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)*

The House bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, travel and transportation expenses for inactive-duty training outside normal commuting distance, and income replacement for reserve component members experiencing extended and frequent mobilization for active duty service.

The Senate amendment contained a similar provision (sec. 611).

The Senate recedes.

*One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)*

The House bill contained a provision (sec. 612) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus, education loan repayment for certain health professionals who serve in the Selected Reserve, accession and retention bonuses for psychologists, the accession bonus for registered nurses, incentive special pay for nurse anesthetists, special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties.

The Senate amendment contained an identical provision (sec. 612).

The conference agreement includes this provision.

*One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)*

The House bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

The Senate amendment contained an identical provision (sec. 613).

The conference agreement includes this provision.

*One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)*

The House bill contained a provision (sec. 614) that would extend for 1 year the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, and special bonus and incentive pay authorities for officers in health professions. The provision would also extend for 1 year the authority to pay hazardous duty pay, assignment or spe-

cial duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The Senate amendment contained an identical provision (sec. 614).

The conference agreement includes this provision.

*One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)*

The House bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between armed forces, and the accession bonus for officer candidates.

The Senate amendment contained an identical provision (sec. 615).

The conference agreement includes this provision.

*Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve (sec. 616)*

The House bill contained a provision (sec. 616) that would increase the maximum amount of the officer affiliation bonus for officers in the Selected Reserve from \$10,000 to \$20,000.

The Senate amendment contained a similar provision (sec. 616).

The Senate recedes.

*Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages (sec. 617)*

The House bill contained a provision (sec. 617) that would amend section 326 of title 37, United States Code, to increase the maximum amount of the incentive bonus to convert military occupational specialty to ease personnel shortages from \$2,000 to \$4,000 in the case of a member of a reserve component.

The Senate amendment contained a similar provision (sec. 617).

The Senate recedes.

Subtitle C—Travel and Transportation Allowances

*Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated (sec. 621)*

The Senate amendment contained a provision (sec. 631) that would amend sections 474 and 476 of title 37, United States Code, to authorize the payment of travel and transportation allowances for certain members of the Selected Reserve, their dependents, and household effects when the member is involuntarily separated due to force structure reductions between October 1, 2012, and December 31, 2018, and fills a critical vacancy in another unit of the Selected Reserve that is at least 150 miles from the member's residence.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Authority for comprehensive program for space-available travel on Department of Defense aircraft (sec. 622)*

The Senate amendment contained a provision (sec. 632) that would add a new section 2641c to title 10, United States Code, that would codify the authority of the Secretary

of Defense to establish a program to provide transportation to active and reserve component members, retirees, certain widows, and dependents on Department of Defense (DOD) aircraft on a space-available basis beginning January 1, 2014, or such earlier date as determined by the Secretary pursuant to regulation.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate the authority in section 2641b of title 10, United States Code, relating to space-available travel for retired members residing in Commonwealths or possessions of the United States for certain health care services, within the program authority provided by this provision. The amendment would also require the Secretary to submit to the congressional defense committees an initial implementation report describing the basis for the establishment of a travel program under this provision, categories of individuals who would be provided travel under the program, how the Secretary would ensure that the program was conducted in a budget-neutral manner, and the metrics by which the Secretary would monitor the efficiency and effective execution of the program.

The conferees emphasize that the purpose of no-cost, space-available travel on military aircraft is to assist military members and their families in responding to emergent personal circumstances and arduous duty conditions and to provide a means of respite from the rigors of active duty, for members of the active and reserve components. The option to seek space-available travel has also been offered, at a lower priority, to military retirees in recognition of their careers of service and to authorized members of the Selected Reserve. The conferees note that the authority given to the Secretary in this provision includes the discretion to limit travel under the program to one or more categories of traveler in order to control costs and ensure the safety, security, and efficient processing of travelers. The conferees expect the Secretary to exercise this discretion, when necessary, to ensure the program's efficiency and budget neutrality, and to maintain priority of travel for active duty members and their families, especially during peak travel times and at the busiest travel locations.

In executing a space-available travel program, DOD must provide accurate information about the hardships aspiring space-available travelers are likely to experience. As DOD noted in its December 2007 report to Congress on space-available travel, "current eligible Space-A travelers often experience disillusionment because of the contrast between the perceived promises of Space-A travel . . . and the reality of arduous conditions often encountered when using the system." The conferees believe that DOD should do more to educate potential travelers on these realities.

Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

*Extension of authority to provide two years of commissary and exchange benefits after separation (sec. 631)*

The House bill contained a provision (sec. 631) that would extend through December 31, 2018, the authority for service members involuntarily separated from military service to continue to use commissary and exchange stores during the 2 year period following separation.

The Senate amendment contained no similar provision.



The Senate recedes.

*Transitional use of military family housing (sec. 632)*

The House bill contained a provision (sec. 632) that would reinstate authority to permit service members who are involuntarily separated from military service to continue to reside, along with their families, in military family housing provided or leased by the Department of Defense for up to 180 days following the date of such separation. The provision would also clarify that such members would not be authorized to draw the basic allowance for housing during this period. The authority provided under this provision would expire December 31, 2018.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle E—Disability, Retired Pay, and Survivor Benefits

*Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity (sec. 641)*

The House bill contained a provision (sec. 651) that would amend sections 1450 and 1452 of title 10, United States Code, to clarify that military retirees who have elected to participate in the Survivor Benefit Plan (SBP) and who subsequently elect to waive their military retired pay in favor of a survivor annuity under the Federal Employees Retirement System, do not have to continue paying premiums under SBP.

The Senate amendment contained a similar provision (sec. 641).

The Senate recedes.

*Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members (sec. 642)*

The Senate amendment contained a provision (sec. 642) that would amend section 1967 of title 38, United States Code, to remove service members from automatic enrollment as a dependent under the Family Servicemembers' Group Life Insurance program when they are insured on their own behalf under the Servicemembers' Group Life Insurance program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Clarification of computation of combat-related special compensation for chapter 61 disability retirees (sec. 643)*

The Senate amendment contained a provision (sec. 643) that would amend section 1413a of title 10, United States Code, to clarify that the maximum award under the combat-related special compensation (CRSC) statute may not, when combined with the amount of retired pay payable to the retiree after mandatory reductions are taken pursuant to sections 5304 and 5305 of title 38, United States Code, cause the total of such combined payments to exceed the amount of retired pay the member would have been entitled to based solely on years of service. The provision would be effective on October 1, 2013.

The House bill contained no similar provision.

The House recedes with an amendment that would make the provision effective on January 1, 2013.

Subtitle F—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations

*Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas (sec. 651)*

The House bill contained a provision (sec. 642) that would eliminate the requirement that the Secretary of Defense report to Congress the changes in restrictions on the sale of merchandise by commissary and exchange stores overseas that are required to prevent the resale of such merchandise in violation of treaty obligations of the United States or host nation laws.

The Senate amendment contained no similar provision.

The Senate recedes.

*Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House (sec. 652)*

The House bill contained a provision (sec. 643) that would amend section 2493(a) of title 10, United States Code, to clarify that primary next of kin, other family members, and escorts of family members of service members who die while located or serving overseas are authorized users of the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware.

The Senate amendment contained a similar provision (sec. 583).

The Senate recedes with a technical amendment.

Subtitle G—Military Lending

*Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents (sec. 661)*

The Senate amendment contained a provision (sec. 652) that would amend section 987 of title 10, United States Code, to clarify that States may not waive the application of consumer protections enacted for the benefit of state residents on the basis of nonresident or military status of an individual covered under that section. The provision would also require the Secretary of Defense to consult with federal regulators at least once every 2 years in carrying out the duties required under section 987, and would remove the Office of Thrift Supervision from the list of federal regulators with whom the Secretary is required to consult. Finally, the provision would be effective no later than 1 year from the date of enactment of this Act, or such earlier date as determined by the Secretary of Defense in regulation.

The House bill contained no similar provision.

The House recedes with a technical amendment that would include the Bureau of Consumer Financial Protection on the list of federal regulators with whom the Secretary is required to consult.

*Effect of violations of protections on consumer credit extended to members of the Armed Forces and their dependents (sec. 662)*

The Senate amendment contained a provision (sec. 653) that would amend section 987 of title 10, United States Code, to provide for civil liability in United States district court for violations of consumer protections for service members and dependents under that section.

The Senate amendment also contained a provision (sec. 655) that would further amend section 987 of title 10, United States Code, to require that the protections afforded by that section be enforced by the agencies specified in section 108 of the Truth in Lending Act (15

U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.

The House bill contained no similar provisions.

The House recedes with a technical amendment.

The conferees expect that, for the purposes of the enforcement authority under this section, a violation of the Military Lending Act would be treated as though it were a violation of the Truth in Lending Act.

*Consistent definition of dependent for purposes of applying limitations on terms of consumer credit extended to certain members of the Armed Forces and their dependents (sec. 663)*

The House bill contained a provision (sec. 661) that would amend section 987(i) of title 10, United States Code, to conform the definition of dependent under that section with the definition of dependent contained in subparagraphs (A), (D), (E), and (I) of section 1072(2) of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 654).

The Senate recedes.

Subtitle H—Military Compensation and Retirement Modernization Commission  
*Purpose, scope, and definitions (sec. 671)*

The Senate amendment contained a provision (sec. 1601) that would establish a short title for this series of provisions creating the Military Compensation and Retirement Modernization Commission.

The Senate amendment contained a provision (sec. 1602) that would establish the purpose of the Military Compensation and Retirement Modernization Commission as: (1) ensuring the long-term viability of the All-Volunteer Force; (2) enabling a high quality of life for military families; and (3) modernizing and achieving fiscal sustainability of the compensation and retirement systems.

The Senate amendment also contained a provision (sec. 1603) that would establish definitions for common terms used in the Military Compensation and Retirement Modernization Commission Act of 2012.

The House bill contained no similar provisions.

The House recedes with an amendment that would remove the short title and amend the first purpose of the commission to ensure the long term viability of the All-Volunteer Force by sustaining the required human resources of that force during all levels of conflict and economic conditions. The House amendment would also require the Commission, prior to making recommendations for changes to the military compensation and retirement systems, to examine all laws and policies of the Federal Government concerning payment of government benefits to current and former service members, veterans, and family members, including survivors, as well as laws and policies affecting various programs and benefits under the Department of Veterans Affairs, including outlays from the various federal trust funds supporting those programs. The amendment would further require that the Commission consider the interrelationship between and among the various federal benefits affecting service members, veterans, survivors, and their families in developing recommendations on the military compensation and retirement systems.

*Military Compensation and Retirement Modernization Commission (sec. 672)*

The Senate amendment contained a provision (sec. 1604) that would establish in the

executive branch an independent commission called the Military Compensation and Retirement Modernization Commission. The provision would provide that the Commission be composed of nine members appointed by the President, in consultation with the Chairman and Ranking Members of the Committees on Armed Services of the Senate and House of Representatives. The provision would provide that the President designate one member as the Commission's Chairman. The provision would require that Commission members have significant expertise in federal compensation and retirement systems, including the military compensation and retirement systems, private sector compensation, retirement, or human resource systems, actuarial science, and be selected based on their knowledge and experience with the uniformed services and the military compensation and retirement systems. The provision would require that at least five members of the Commission have active duty military experience, that at least one member have experience as an enlisted member of the armed forces, that at least one member have experience as a member of a reserve component, and that at least one member was a spouse of a military member, or be someone with significant experience in military family issues. Finally, the provision would prohibit the appointment of individuals as members of the Commission who are, or were within the year preceding appointment, employed by a veterans service organization or military-related advocacy group or association.

The Senate amendment also contained a provision (sec. 1608) that would establish the pay rate for members of the Military Compensation and Retirement Modernization Commission as the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The provision would set the pay rate for the Chairman of the Commission as the daily equivalent of the annual rate of pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

The House bill contained no similar provisions.

The House recedes with an amendment that would provide that the Commission be composed of nine members, with the President appointing one, the Majority Leader and Minority Leader of the Senate appointing two each in consultation with the Chairman and Ranking Member of the Committee on Armed Services of the Senate, respectively, and the Speaker and Minority Leader of the House of Representatives appointing two each in consultation with the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives, respectively. The amendment would also eliminate the requirements for individuals appointed to the Commission to have experience as a member of the uniformed services or as a spouse of a member.

*Commission hearings and meetings (sec. 673)*

The Senate amendment contained a provision (sec. 1605) that would require the Military Compensation and Retirement Modernization Commission to conduct hearings on recommendations for legislative changes under consideration, and that all hearings be open to the public, except those in which classified information might be considered. The provision would require that any hearing open to the public be advertised on a federal website no less than 14 days prior to the hearing. The provision would require the Commission to hold its initial meeting with-

in 30 days of all members being appointed. The provision would establish that five members constitute a quorum of the Commission. Lastly, the provision would require the Commission to seek written public comment on recommendations under consideration.

The Senate amendment also contained a provision (sec. 1611) that would authorize the Military Compensation and Retirement Modernization Commission to lease space and acquire personal property to the extent funds are available.

The House bill contained no similar provisions.

The House recedes with an amendment that would require the Administrator of General Services, within 90 days after enactment of this Act and in consultation with the Secretary of Defense, to identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission.

*Principles and procedure for Commission recommendations (sec. 674)*

The Senate amendment contained a provision (sec. 1606) that would require the Military Compensation and Retirement Modernization Commission to conduct a review of the military retirement and compensation systems in the context of current compensation and retirement programs, force management objectives, and changes in life expectancy and the labor force. The provision would require the President, within 5 months of the establishment of the Commission, to establish and transmit to Congress and the Commission principles for modernizing the military compensation and retirement systems, including maintaining recruitment and retention of the best military personnel, modernizing the active and reserve military compensation and retirement systems, differentiating between active and reserve military service, differentiating between service in the armed forces and service in the other uniformed services, and ensuring the fiscal sustainability of the military compensation and retirement systems. The provision would require that recommendations of the Commission grandfather the benefits of service members who first became a member of a uniformed service before the date of enactment of a military compensation and retirement modernization act, except that such recommendations may include an opt-in mechanism for members who would choose to be covered by some or all of the provisions of a military compensation and retirement modernization act.

The provision would require the Secretary of Defense, within 9 months of the establishment of the Commission, to transmit to Congress and the Commission the Secretary's recommendations for military compensation and retirement modernization, and would require the Secretary to consult the Secretaries of Health and Human Services, Commerce, and Homeland Security on recommendations that affect the Public Health Service, the National Oceanic and Atmospheric Administration, and the U.S. Coast Guard, respectively. The provision would require the Commission to conduct public hearings on the Secretary's recommendations. The provision would require the Commission, within 15 months of its establishment, to transmit to the President and Congress a report containing its findings, conclusions, and recommendations for modernizing the military compensation and retirement systems, and legislative proposals necessary to implement those recommendations.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the retired pay of currently serving members who joined a uniformed service prior to the date of enactment of an Act to modernize the military compensation and retirement systems could not be less than they would be eligible to receive under the current military compensation and retirement system, nor may the date at which they are eligible to receive such retired pay be adjusted to the financial detriment of the member. Further, the House amendment would prohibit the adjustment of retired pay of retired service members retired as of the date of enactment of an Act to modernize the military compensation and retirement systems by any change enacted pursuant to such an Act.

*Consideration of Commission recommendations by the President (sec. 675)*

The Senate amendment contained a provision (sec. 1607) that would require the President, within 60 days of receiving the report of the Military Compensation and Retirement Modernization Commission, to transmit to Congress and the Commission a report approving or disapproving the Commission's recommendations. The provision would also provide for a procedure for the Commission to revise its recommendations in response to disapproval by the President. Finally, the provision would provide for expedited and protected consideration of military compensation and retirement modernization legislation in the Senate and the House of Representatives, without amendment, and without being subject to points of order, other than budget points of order.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the provisions concerning expedited and protected consideration of military compensation and retirement modernization legislation by the Congress.

*Executive Director (sec. 676)*

The Senate amendment contained a provision (sec. 1609) that would require the Military Compensation and Retirement Modernization Commission to appoint, and fix the rate of pay of, an Executive Director in accordance with section 3161 of title 5, United States Code. The provision would prohibit the appointment as Executive Director of any person having served on active duty in the armed forces, as a civilian employee of the Department of Defense, or as an employee of a veterans service organization or military-related advocacy group or association during the 1-year period preceding the date of appointment.

The House bill contained no similar provision.

The House recedes.

*Staff (sec. 677)*

The Senate amendment contained a provision (sec. 1610) that would authorize the Military Compensation and Retirement Modernization Commission Executive Director to appoint and fix the rate of pay of additional personnel to serve as staff for the Commission. The provision would limit the number of Department of Defense personnel detailed to the Commission to no more than one-third of the total personnel employed as staff, and would prohibit the employment of or detail to the Commission staff of anyone employed by the Department of Defense who was involved in the formation of recommendations for military compensation and retirement modernization. The provision would limit the number of personnel eligible for military retired pay to no more than one-

fourth of the total personnel serving as Commission staff. The provision would prohibit a person from serving on the Commission staff if that person had been employed by a veterans service organization or military-related advocacy group or association within the 1-year period preceding employment on the Commission staff. Finally, the provision would prohibit the service of any staff member to the Commission employed by or detailed from the Department of Defense from being considered in that staff member's efficiency or fitness report.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the limitations on detailees from the Department of Defense to any executive branch department, and would also extend the protections concerning performance reviews to staff members detailed or employed by any of the uniformed services.

#### *Judicial review precluded (sec. 678)*

The Senate amendment contained a provision (sec. 1612) that would preclude the actions of the President, the Secretary of Defense, and the Military Compensation and Retirement Modernization Commission from judicial review.

The House bill contained no similar provision.

The House recedes with a technical amendment.

#### *Termination (sec. 679)*

The Senate amendment contained a provision (sec. 1613) that would provide for the termination of the Military Compensation and Retirement Modernization Commission no later than 26 months after the Commission's establishment date.

The House bill contained no similar provision.

The House recedes.

#### *Funding (sec. 680)*

The Senate amendment contained a provision (sec. 1613) that would require that of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2013, up to \$10.0 million shall be available to the Military Compensation and Retirement Modernization Commission to carry out its duties under this title.

The House bill contained no similar provision.

The House recedes with a technical amendment.

### SUBTITLE I—OTHER MATTERS

#### *Equal treatment for members of Coast Guard Reserve called to active duty under title 14, United States Code (sec. 681)*

The House bill contained a provision (sec. 663) that would include mobilization under section 712 of title 14, United States Code, within the definition of "contingency operation" in section 101 of title 10, United States Code, and would make the application of the change retroactive to April 19, 2010, for the purpose of credit for certain benefits.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would change the retroactive date to December 31, 2011.

#### *Report regarding Department of Veterans Affairs claims process transformation plan (sec. 682)*

The Senate amendment contained a provision (sec. 1085) that would require the Secretary of Veterans Affairs to submit to Congress, not later than 60 days after the date of enactment of this Act, a plan to reduce the

current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future, including a plan to partner with non-federal entities.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the report include a detailed explanation of the Veterans Benefits Administration Claims Transformation Plan.

### LEGISLATIVE PROVISIONS NOT ADOPTED

#### *Modification of program guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components under DOD Instruction 1327.06*

The House bill contained a provision (sec. 604) that would grandfather certain members of the reserve components deployed in support of a contingency operation prior to October 1, 2011, who were adversely impacted by policy changes issued on that date affecting the Post-Deployment/Mobilization Respite Absence program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the issue was addressed by Public Law 112-120, enacted into law on May 25, 2012.

#### *Travel and transportation allowances for non-medical attendants for members receiving care in a residential treatment program*

The House bill contained a provision (sec. 621) that would authorize travel and transportation allowances for qualified non-medical attendants for members receiving care in a residential treatment program if the attending health care professional or hospital commander deems that participation in treatment by the non-medical attendant is essential to the treatment of the member.

The Senate amendment contained no similar provision.

The House recedes.

The conferees have been informed that the Department of Defense is revising its Military Health System policies and the TRICARE benefit for substance use disorder treatment in response to the findings of an internal review conducted last year and the recent Institute of Medicine (IOM) Study on "Substance Use Disorders in the U.S. Armed Forces" made publicly available on September 17, 2012. Changes to the TRICARE benefit with respect to intensive outpatient and office-based services are currently under internal review and coordination.

Regarding intensive outpatient services, the conferees have been informed that the TRICARE Management Activity (TMA) has issued a regulatory clarification to managed care support contractors on the scope of the partial hospitalization program (PHP) benefit, allowing for the reimbursement of PHP services, defined as a time-limited, ambulatory, active-treatment program that offers therapeutically intensive, coordinated, and structured clinical services within a stable therapeutic environment. Full-day, half-day, evening, and weekend programs may be included. The conferees have also been informed that TRICARE now allows for the reimbursement of half-day partial hospitalization, defined as treatment of a minimum of 3 hours per day but less than 6 hours per day. These two regulatory clarifications allow for PHP services to be provided less than 5 days per week or for 3 hours per day, which TRICARE refers to as half-day partial hospitalization, but may also be called "inten-

sive outpatient" care at facilities providing such outpatient services.

#### *Charitable organizations eligible for donations of unusable commissary store food and other food prepared for the armed forces*

The House bill contained a provision (sec. 641) that would clarify that the Secretary of Defense may make donations of unusable food to charitable food banks, food pantries, and soup kitchens.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense is currently authorized to donate unusable, unmarketable, and unsaleable food to certain entities and encourage the Secretary to utilize this authority to the maximum extent practicable.

#### *Purchase of sustainable products, local food products, and recyclable materials for resale in commissary and exchange store systems*

The House bill contained a provision (sec. 644) that would require the governing body providing oversight and management direction to the military exchange and commissary systems to establish guidelines for the identification of fresh meat, poultry, seafood, produce, and other products raised or produced through sustainable methods that are not harmful to the environment. The provision would also require the governing body to establish, not later than September 30, 2017, goals for all exchange and commissary stores to purchase sustainable products, local food products, and recyclable materials.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that the Department of Defense is currently working to develop and implement policies to increase the availability of sustainable products and local food products in the commissary and exchange store systems, and encourage the Department to make every effort to provide consumers with sustainable and local product choices wherever feasible.

#### *Enhancement of protections on consumer credit for members of the armed forces and their dependents*

The Senate amendment contained a provision (sec. 651) that would amend section 987 of title 10, United States Code, to require that vehicle title loans and payday loans, regardless of duration or whether they are open- or closed-end, are included within the definition of "consumer credit" contained in regulations promulgated by the Secretary of Defense pursuant to that section. The provision would also require the Secretary to develop a policy on the predatory extension of credit through installment loans that target members of the armed forces and their dependents.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize the progress the Department of Defense has made since consumer protections for military members and their dependents against predatory lending were enacted in the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), codified in section 987 of title 10, United States Code. A recent report by the Consumer Federation of America, *The Military Lending Act Five Years Later*, found that "the law has been largely effective in curbing predatory . . . lending to covered borrowers." Nevertheless, the report found that many predatory lenders have

modified their products to avoid coverage by the Department's rules implementing section 987, and recommended that "the Department of Defense . . . conduct an internal study of service members, financial counselors, and legal assistance/JAG officers to ascertain the impact of the current set of . . . rules on the use of defined products, problems caused by similar and emerging products, and the use of allotments to pay for commercial credit."

The conferees are concerned that the Department must remain vigilant to eliminate continuing, evolving predatory lending practices targeting service members and their families, and believe the Department should review its regulations implementing section 987, to address changes in the industry and the evolution of lending products offered since 2007, continuing use of predatory marketing practices, and other abuses identified by consumer protection advocates, including the Consumer Financial Protection Bureau's Office of Servicemember Affairs.

The conferees direct the Secretary to conduct surveys of counselors, legal assistance attorneys, service members, and other appropriate personnel, and to consult with both consumer protection advocacy groups and representatives of the financial services industry to determine if changes to rules implementing section 987 are necessary to protect covered borrowers from continuing and evolving predatory lending practices, and to report to the Committees on Armed Services of the Senate and House of Representatives no later than 1 year after the date of enactment of this Act on the results of such review.

*Mortgage protection for members of the armed forces, surviving spouses, and certain veterans*

The House bill contained a provision (sec. 664) that would amend section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App 533) to expand certain mortgage protections for service members, surviving spouses, and veterans; to make knowing violations of these protections a criminal offense; and to increase civil penalties for violations of these protections.

The Senate amendment contained no similar provision.

The House recedes.

*Study on issuing identification cards to certain members upon discharge*

The House bill contained a provision (sec. 665) that would require the Secretary of Defense to conduct a study to assess the feasibility of issuing identification cards to certain service members upon discharge from the service.

The Senate amendment contained no similar provision.

The House recedes.

*Report on issuance by Armed Forces Medical Examiner of death certificates for members of the armed forces who die on active duty abroad*

The Senate amendment contained a provision (sec. 662) that would require the Secretary of Defense to submit a report to the congressional defense committees on the issuance by the Armed Forces Medical Examiner of death certificates for members of the armed forces who die on active duty abroad.

The House bill contained no similar provision.

The Senate recedes.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

*Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated (sec. 701)*

The House bill contained a provision (sec. 702) that would amend section 1076d(b) of title 10, United States Code, to authorize 180 days of extended coverage through December 31, 2018, under the program known as TRICARE Reserve Select for members of the Selected Reserve who are involuntarily separated without cause under other than adverse conditions. The provision would also amend section 1076a(a)(1) to authorize extended coverage through December 31, 2018, for members of the Selected Reserve enrolled in the TRICARE dental program.

The Senate amendment contained a provision (sec. 701) that would authorize similar periods of extended coverage under TRICARE Reserve Select and the TRICARE dental program for members of the Selected Reserve, on a permanent basis.

The Senate recedes with a technical amendment.

*Inclusion of certain over-the-counter drugs in TRICARE uniform formulary (sec. 702)*

The Senate amendment contained a provision (sec. 702) that would amend section 1074g of title 10, United States Code, to authorize the Department of Defense to place selected over-the-counter drugs on the uniform formulary and make such drugs available to eligible beneficiaries. An over-the-counter drug would only be included on the uniform formulary if the Pharmacy and Therapeutics Committee finds that the drug is cost-effective and clinically effective. The provision would also authorize the Secretary of Defense to establish a copayment amount for these drugs, if appropriate.

The House bill contained no similar provision.

The House recedes with an amendment clarifying that the Secretary is authorized to not charge any copayment for over-the-counter drugs under this provision.

The conferees note that the Department of Defense has been providing selected over-the-counter drugs with no beneficiary copayment under demonstration authority for several years, and that the pilot program has resulted in significant savings to the Department. The conferees encourage the Department to continue to implement the authority provided by this section in a similar manner.

*Modification of requirements on mental health assessments for members of the Armed Forces deployed in connection with a contingency operation (sec. 703)*

The Senate amendment contained a provision (sec. 713) that would amend section 1074m(a) of title 10, United States Code, to align mandatory post-deployment person-to-person mental health assessments for certain service members with other existing health assessments. The provision would also limit the pre-deployment mental health assessments required under this section to those service members who will be subjected or exposed to operational risk factors during deployment in a contingency operation.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 1074m(a) of title 10, United States Code, to align mandatory post-deployment person-to-person mental health assessments for certain service mem-

bers with other existing health assessments by changing the required assessment period from between 180 days after deployment to 1 year after deployment, to between 180 days after deployment to 18 months after deployment.

*Use of Department of Defense funds for abortions in cases of rape and incest (sec. 704)*

The Senate amendment contained a provision (sec. 711) that would authorize the use of Department of Defense funds for abortions in cases of rape or incest.

The House bill contained no similar provision.

The House recedes.

*Pilot program on certain treatments of autism under the TRICARE program (sec. 705)*

The House bill contained a provision (sec. 704) that would authorize behavioral health treatment, including applied behavior analysis therapy, for autism spectrum disorders when prescribed by a physician to be covered under the basic TRICARE program for certain beneficiaries.

The Senate amendment contained a provision (sec. 705) that would authorize behavioral health treatment, including applied behavior analysis therapy, for all developmental disabilities as defined by section 15002(8) of title 42, United States Code, including autism spectrum disorders, when prescribed by a physician to be covered under the basic TRICARE program for certain beneficiaries.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a 1-year pilot program to provide for the treatment of autism spectrum disorders, including applied behavior analysis, for all TRICARE beneficiaries covered under the basic program.

The conferees are aware that the Department of Defense (DOD) has been ordered by the District Court for the District of Columbia to provide coverage under the basic TRICARE benefit for applied behavior analysis. The conferees understand that the plaintiffs and DOD have each submitted motions to reconsider the court order. The conferees have provided DOD this 1-year authority in order to allow DOD to assess such coverage independent from litigation proceedings.

*Pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships (sec. 706)*

The House bill contained a provision (sec. 725) that would authorize the Secretary of Defense to carry out a pilot program to enhance the efforts of the Department of Defense (DOD) in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in members of the National Guard and reserves, their family members, and their caregivers through community partners. The provision would also authorize the Secretary to award grants to these community partners.

The Senate amendment contained a provision (sec. 722) that would authorize the Secretary of Defense to carry out a research program to assess the feasibility and advisability of enhancing the efforts of the DOD in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in reserve component members, their families, and their caregivers.

The Senate recedes with an amendment that would authorize the Secretary to carry out a pilot program to enhance the efforts of

DOD in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in members of the National Guard and reserves, their family members, and their caregivers through agreements with community partners.

*Sense of Congress on health care for retired members of the uniformed services (sec. 707)*

The House bill contained a provision (sec. 701) that would express the sense of Congress that career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20-30 year military career, and that those decades of sacrifice constitute a pre-paid premium for health care during retirement.

The Senate amendment contained a provision (sec. 706) that would express the sense of Congress that career members of the uniformed services and those who are medically retired, and their families, endure unique and extraordinary demands and make extraordinary sacrifices in protecting freedom for all Americans, and that access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

The House recedes.

*Subtitle B—Health Care Administration Authority for automatic enrollment in TRICARE Prime of dependents of members in pay grades above pay grade E-4 (sec. 711)*

The House bill contained a provision (sec. 712) that would require all dependents of members in pay grade E-4 or below to be automatically enrolled in TRICARE Prime, and would authorize the Secretary of Defense to automatically enroll dependents of members in pay grade E-5 or higher in TRICARE Prime.

The Senate amendment contained no similar provision.

The Senate recedes.

*Cost-sharing rates for the pharmacy benefits program of the TRICARE program (sec. 712)*

The House bill contained a provision (sec. 718) that would establish cost-sharing rates under the TRICARE pharmacy benefits program for fiscal year 2013 in statute, and in fiscal years 2014 and beyond, would limit annual increases in pharmacy copayments to the amount equal to the cost of living adjustment percentage increase in retiree pay.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish cost-sharing rates under the TRICARE pharmacy benefits program for fiscal year 2013 in statute, and would in fiscal years 2014 through 2022 limit any annual increases in pharmacy copayments to increases in retiree cost of living adjustments. The provision would also enable the Department of Defense to delay increasing copayments until the aggregate increase amounts to at least 1 dollar. Beyond fiscal year 2022, the Secretary of Defense would be authorized to increase copayments as the Secretary considers appropriate.

*Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense (sec. 713)*

The House bill contained a provision (sec. 715) that would amend section 1089(a) of title 10, United States Code, to clarify that subcontractors providing health care under personal services contracts are covered for medical malpractice purposes under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671-2680)

in the same manner as government employees providing the same services, as requested by the Department of Defense.

The Senate amendment contained a similar provision (sec. 721).

The House recedes.

*Expansion of evaluation of the effectiveness of the TRICARE program (sec. 714)*

The Senate amendment contained a provision (sec. 703) that would amend section 717(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) to update the reporting requirements of the Department of Defense report, "Evaluation of the TRICARE Program: Access, Cost, and Quality," to reflect the Department's practice of reporting on access, cost, and quality broadly for the military health care system, not solely for retirees as required by current law. The provision would also require the Department to evaluate access, cost, and quality for military dependent children under the age of 21 and for dependents of active-duty members with severe disabilities and special needs.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Requirement to ensure the effectiveness and efficiency of health engagements (sec. 715)*

The House bill contained a provision (sec. 714) that would require the Secretary of Defense, in coordination with the Assistant Secretary of Defense for Health Affairs and the Uniformed Services University of the Health Sciences (USUHS) to develop a process to ensure that health engagements conducted by the Department of Defense (DOD) are effective and efficient in meeting the national security goals of the United States. The provision would also authorize the Secretary of Defense, in coordination with USUHS, to conduct pilot programs to assess the effectiveness of the processes developed to ensure the efficiency and effectiveness of health engagements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, in coordination with the Under Secretary of Defense for Policy and the Assistant Secretary of Defense for Health Affairs, to develop a process to ensure that health engagements conducted by DOD are effective and efficient in meeting the national security goals of the United States. The provision would also authorize the Assistant Secretary of Defense for Health Affairs to establish a measure of effectiveness learning tool to assess the effectiveness of processes developed to ensure the efficiency and effectiveness of health engagements.

The conferees understand that the USUHS and its Center for Disaster and Humanitarian Assistance Medicine have focused efforts on the use of health as a means of ensuring security, stability, and enduring partnerships in specific areas of interest throughout the world; and are developing a process that will allow for identification of best practices, analyses, and policy assessment. The conferees encourage the Secretary of Defense to consult with USUHS with regard to its work in this area to ensure that global health engagements are effective and efficient means of engagement toward our national security goals.

*Pilot program for refills of maintenance medications for TRICARE for Life beneficiaries through the TRICARE mail-order pharmacy program (sec. 716)*

The House bill contained a provision (sec. 717) that would require the Secretary of De-

fense to conduct a 5-year pilot program to refill prescription maintenance medications for TRICARE for Life beneficiaries through TRICARE's national mail-order pharmacy program. The provision would allow beneficiaries to opt out of the mail-order program after 1 year, and would authorize the Secretary to waive the mail-order requirement on an individual basis if the Secretary deems it appropriate.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to conduct the 5-year mail-order pilot program for TRICARE for Life beneficiaries, but would also authorize beneficiaries to fill both initial and refill prescriptions at military treatment facilities, and authorize the Secretary to promulgate regulations to address instances where a beneficiary attempts to refill prescriptions at a retail pharmacy rather than through the mail-order program or at a military treatment facility.

*Subtitle C—Mental Health Care and Veterans Matters*

*Sharing between Department of Defense and Department of Veterans Affairs of records and information retained under the medical tracking system for members of the Armed Forces deployed overseas (sec. 723)*

The Senate amendment contained a provision (sec. 755) that would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly enter into a memorandum of understanding providing for the sharing between departments of the results of examinations and other records on members of the armed forces that are retained and maintained with respect to the medical tracking system for members deployed overseas.

The House bill contained no similar provision.

The House recedes.

*Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs (sec. 724)*

The Senate amendment contained a provision (sec. 756) that would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly enter into a memorandum of understanding providing for certain members of the armed forces to volunteer or be considered for employment as peer counselors under certain peer support counseling programs carried out by the Secretary of Veterans Affairs.

The House bill contained no similar provision.

The House recedes.

*Research and medical practice on mental health conditions (sec. 725)*

The Senate amendment contained a provision (sec. 757) that would require the Secretary of Defense to establish an organization to carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices.

*Transparency in mental health care services provided by the Department of Veterans Affairs (sec. 726)*

The Senate amendment contained a provision (sec. 759) that would require the Secretary of Veterans Affairs to develop and implement a comprehensive set of measures to assess mental health care services provided by the Department of Veterans Affairs.

The House bill contained no similar provision.

The House recedes with several technical amendments.

*Expansion of Vet Center Program to include furnishing counseling to certain members of the Armed Forces and their family members (sec. 727)*

The Senate amendment contained a provision (sec. 760) that would authorize the Secretary of Veterans Affairs to provide counseling and mental health services to certain members of the armed forces and their family members at vet centers.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Organization of the Readjustment Counseling Service in the Department of Veterans Affairs (sec. 728)*

The Senate amendment contained a provision (sec. 762) that would organize within the Veterans Health Administration the Readjustment Counseling Service to provide readjustment counseling and services to certain veterans, members of the armed forces, and their family members.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Recruitment of mental health providers for furnishing mental health services on behalf of the Department of Veterans Affairs without compensation from the Department (sec. 729)*

The Senate amendment contained a provision (sec. 763) that would require the Secretary of Veterans Affairs to carry out a national program of outreach to societies, community organizations, nonprofit organizations, and government entities in order to recruit mental health providers to provide mental health care services for the Department on a part-time, without-compensation basis.

The House bill contained no similar provision.

The House recedes with several technical amendments.

*Peer support (sec. 730)*

The Senate amendment contained a provision (sec. 764) that would amend section 1720F(j) of title 38, United States Code, to require the Secretary of Veterans Affairs to establish and carry out a peer support counseling program as a part of the existing comprehensive program designed to reduce the incidence of suicide among veterans.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle D—Reports and Other Matters

*Plan for reform of the administration of the military health system (sec. 731)*

The House bill contained a provision (sec. 719) that would amend section 716 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) to require the Secretary of Defense to implement and com-

plete any recommendations included in the report on the review of the administration of the military health system submitted by the Comptroller General before restructuring or reorganizing the military health system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a detailed plan to implement reforms to the governance of the military health system described in the memorandum of the Deputy Secretary of Defense dated March 2012. The amendment would require the Secretary of Defense to submit the plan to the congressional defense committees on specified dates in 2013, and would limit the obligation of specified funds until the Secretary submits the contents of the plan to the congressional defense committees. The amendment would also require the Comptroller General of the United States to submit to the congressional defense committees a review of the contents of the plan.

The conferees expect appropriate officials of the Department to be responsive to requests from the Comptroller General of the United States and the Committees on Armed Services of the Senate and the House of Representatives for briefings and updates on the Department's progress in implementation of governance reform.

*Future availability of TRICARE Prime throughout the United States (sec. 732)*

The Senate amendment contained a provision (sec. 704) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under newly awarded TRICARE managed care contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime for eligible beneficiaries in all TRICARE regions throughout the United States, to include a description of a plan to provide assistance to affected individuals to identify health care providers in their transition from TRICARE Prime to TRICARE Standard.

*Extension of Comptroller General report on contract health care staffing for military medical treatment facilities (sec. 733)*

The House bill contained a provision (sec. 721) that would extend the deadline for the Comptroller General of the United States to submit the report required by section 726(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) on the contracting activities used by the military departments to provide health care professional services by civilian providers.

The Senate amendment contained no similar provision.

The Senate recedes.

*Extension of Comptroller General report on women-specific health services and treatment for female members of the Armed Forces (sec. 734)*

The House bill contained a provision (sec. 722) that would extend the deadline for the Comptroller General of the United States to submit the report required by section 725(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) on

health care services for female service members.

The Senate amendment contained no similar provision.

The Senate recedes.

*Study on health care and related support for children of members of the Armed Forces (sec. 735)*

The House bill contained a provision (sec. 723) that would express the sense of Congress that TRICARE should be proactive in meeting children's health care needs and that a comprehensive review of TRICARE policies and programs is necessary, to include children with special needs and chronic health care conditions. The provision would also require the Secretary of Defense to establish a working group to review the TRICARE program with respect to providing pediatric health care, including special and chronic health care needs, and to make recommendations to ensure children of members of the armed forces have access to appropriate care.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a study on the health care and related support provided by the Secretary to military dependent children, and to submit to the congressional defense committees a report on the study, including a plan to improve and continuously monitor the access of dependent children to quality health care.

The conferees note that a requirement to expand the annual evaluation of TRICARE to include family members and children with special needs is included elsewhere in this Act.

*Report on strategy to transition to use of human-based methods for certain medical training (sec. 736)*

The House bill contained a provision (sec. 724) that would require the Secretary of Defense to submit to the congressional defense committees a report that outlines a strategy to refine and, when appropriate, transition to using human-based training methods for the purpose of training service members in the treatment of combat trauma injuries by October 1, 2017. The provision would also require an annual report on the development and implementation of human-based training methods for training service members in the treatment of combat trauma injuries.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to the congressional defense committees a report that outlines a strategy, including a detailed timeline, to refine and, when appropriate, transition to using human-based training methods for the purpose of training service members in the treatment of combat trauma injuries.

*Study on incidence of breast cancer among members of the Armed Forces serving on active duty (sec. 737)*

The House bill contained a provision (sec. 726) that would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly conduct a study on the incidence of breast cancer among active-duty members, reserve component members, and veterans.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a study on the incidence of breast cancer among members of the armed forces serving on active duty.

*Performance metrics and reports on Warriors in Transition programs of the military departments (sec. 738)*

The Senate amendment contained a provision (sec. 731) that would require the Secretary of Defense to submit to Congress not later than 180 days after the date of enactment of this Act and every 180 days thereafter until September 30, 2017, data on the longitudinal status of service members participating in a Warriors in Transition program. The data would document the performance of the Department of Defense in addressing the physical health, mental and behavioral health, educational and vocational aptitude and capabilities, and other appropriate matters, at specified periods during the service members' participation in the program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish a policy containing uniform performance outcome measurements to be used by each service secretary in tracking and monitoring service members in the Warriors in Transition programs. The Secretary of Defense would be required to submit a report on this policy to the congressional defense committees no later than 180 days after enactment of this Act and annually thereafter until 2018.

*Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury (sec. 739)*

The Senate amendment contained a provision (sec. 733) that would require the Secretary of Defense to develop and report to the Committees on Armed Services of the Senate and the House of Representatives on a plan to streamline Department of Defense (DOD) programs that address psychological health and traumatic brain injury (TBI).

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress in support of the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, their families, the medical community, and the public on the causes, symptoms, and treatment of post traumatic stress disorder. The amendment would also require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the coordination and integration of DOD programs that address service member TBI and psychological health.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Medical and dental care contracts for certain members of the National Guard*

The House bill contained a provision (sec. 703) that would require the Secretary of Defense to ensure that each individual who receives medical or dental care under a contract entered into by the National Guard of a State meets standards of medical and dental readiness upon mobilization of the individual.

The Senate amendment contained no similar provision.

The House recedes.

*Mental health assessments for members of the armed forces*

The House bill contained a provision (sec. 705) that would amend section 1074m(a) of title 10, United States Code, to require the Secretary of Defense to provide person-to-

person mental health screenings once during each 180 day period during which a member is deployed.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the Secretary of Defense to develop a policy to provide mental health assessments to service members while they are deployed in a contingency operation, if personnel in deployed units whose responsibilities include providing unit health care services are available and the use of those services for this purpose would not impair their capacity to perform higher priority tasks.

*Unified Medical Command*

The House bill contained a provision (sec. 711) that would amend chapter 6 of title 10, United States Code, to require the President to establish a unified combatant medical command for medical operations.

The Senate amendment contained no similar provision.

The House recedes.

*Availability of certain fertility preservation treatments for members of the armed forces on active duty*

The Senate amendment contained a provision (sec. 712) that would provide fertility preservation treatments as a medical benefit for service members who have been diagnosed with a condition for which the recommended course of treatment could cause infertility.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Assistant Secretary of Defense for Health Affairs issued policy guidance to the military departments and TRICARE Management Activity on April 3, 2012, to make assisted reproductive services available for seriously ill or severely injured active duty service members, and authorized the use of supplemental health care program funds for this purpose. The conferees have been informed that the Department of Defense is also reviewing fertility preservation for service members prior to deployment in support of contingency operations, and conducting an ongoing review of fertility options for service members who have sustained genitourinary injuries.

The conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on implementation of the "Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II and III) Active Duty Service Members" no later than June 1, 2013. The report shall include data on experience since issuance of the policy, including an analysis of the types of injuries or illness of those who sought the procedures, the procedures that were sought, what procedures or services were provided by both military treatment facilities and civilian providers, and an assessment of issues concerning quality of life and costs. In addition, the report shall provide an assessment of the feasibility and advisability of providing fertility preservation treatment for service members both in relation to deployment in support of contingency operations and as a result of illness or injury. The conferees expect the report to include recommendations for changes in policy or legislation that may be necessary to provide such services to military service members who, as a consequence of illness or injury, require assistance for procreative ability.

*Cooperative health care agreements between the military departments and non-military health care entities*

The House bill contained a provision (sec. 713) that would authorize the secretary of each military department to establish cooperative health care agreements between military installations and local or regional health care entities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense was provided the authority to enter into cooperative health care agreements under section 713 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 1073 note), and that the Secretary may delegate this authority.

*Pilot program on increased third-party collection reimbursements in military medical treatment facilities*

The House bill contained a provision (sec. 716) that would require the Secretary of Defense to conduct a pilot program to assess the feasibility of using revenue-cycle improvement processes to increase amounts collected by military treatment facilities from third party payers.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are encouraged by ongoing efforts of the Department of Defense to identify and analyze industry best practices to improve reimbursements from third-party payers for charges for health care services incurred by the United States at military treatment facilities. The conferees request that the Department examine revenue-cycle improvement processes as part of this effort.

*Increased collaboration with NIH to combat triple negative breast cancer*

The House bill contained a provision (sec. 727) that would require the Department of Defense to work in collaboration with the National Institutes of Health to identify specific genetic and molecular targets and biomarkers for triple negative breast cancer and to provide information that will enable triple negative breast cancer patients to be identified earlier and aid the development of therapies for the disease.

The Senate amendment contained no similar provision.

The House recedes.

*Pilot program on payment for treatment of members of the armed forces and veterans for traumatic brain injury and post-traumatic stress disorder*

The House bill contained a provision (sec. 728) that would require the Secretary of Defense and the Secretary of Veterans Affairs to each carry out a 5-year pilot program to establish a process to provide payment for treatments of traumatic brain injury or post-traumatic stress disorder received by service members and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities.

The Senate amendment contained no similar provision.

The House recedes.

*Congressional support for greater awareness of post-traumatic stress disorder*

The House bill contained a provision (sec. 729) that would express congressional support for the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, their families, and the public about the causes,



symptoms, and treatment of post-traumatic stress disorder (PTSD). The provision would also express support for the creation of an advisory committee on PTSD to coordinate Department of Defense, Department of Veterans Affairs, and other executive departments and agencies for the prevention, diagnosis, and treatment of PTSD.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that language expressing the sense of Congress in support of greater awareness for PTSD is included elsewhere in this Act.

*Report on Department of Defense support of members of the armed forces who experience traumatic injury as a result of vaccinations required by the Department*

The Senate amendment contained a provision (sec. 732) that would require the Secretary of Defense, in consultation with the secretaries of the military departments, to report on the adequacy and effectiveness of the policies, procedures, and systems of the Department of Defense in providing support to service members who experience traumatic injury as a result of a vaccination required by the Department.

The House bill contained no similar provision.

The Senate recedes.

*Report on implementation of recommendations of the Comptroller General of the United States on prevention of hearing loss among members of the armed forces*

The Senate amendment contained a provision (sec. 734) that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives on the status of implementation of the recommendations of the Comptroller General of the United States in the report "Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes" (GAO-11-114, January 2011).

The House bill contained no similar provision.

The Senate recedes.

The conferees request the Secretary of Defense to provide the Committees on Armed Services of the Senate and the House of Representatives with a briefing no later than March 1, 2013 on the status of implementation of the Comptroller General's recommendations to prevent hearing loss.

*Sense of Senate on mental health counselors for members of the armed forces, veterans, and their families*

The Senate amendment contained a provision (sec. 735) that would express the sense of the Senate that the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the armed forces, veterans, and their families.

The House bill contained no similar provision.

The Senate recedes.

*Prescription drug take-back program for members of the armed forces and their dependents*

The Senate amendment contained a provision (sec. 736) that would require the Secretary of Defense and the Attorney General to jointly carry out a program under which members of the armed forces and their dependents may deliver controlled substances to such facilities as may be jointly determined by the Secretary and Attorney Gen-

eral to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

The House bill contained no similar provision.

The Senate recedes.

The conferees have been informed that the Drug Enforcement Administration (DEA) has drafted a comprehensive Notice of Proposed Rulemaking to implement the Secure and Responsible Drug Disposal Act of 2010 (Public Law 111-273). The conferees urge the DEA to ensure the Department of Defense is provided the opportunity to review and provide comment on the rule, and expect that the Department of Justice will keep Congress informed of these efforts.

*Assessment of adequacy of mental health care benefits under the TRICARE program*

The Senate amendment contained a provision (sec. 754) that would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the armed forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

The House bill contained no similar provision.

The Senate recedes.

*Disposal of controlled substances*

The Senate amendment contained a provision (sec. 758) that would require the Administrator of the Drug Enforcement Administration to enter into a memorandum of understanding with each of the Secretary of Defense and the Secretary of Veterans Affairs to establish procedures under which service members or veterans may deliver a controlled substance to an employee of the Department of Defense or the Department of Veterans Affairs in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

The House bill contained no similar provision.

The Senate recedes.

The conferees have been informed that the Drug Enforcement Administration (DEA) has drafted a comprehensive Notice of Proposed Rulemaking to implement the Secure and Responsible Drug Disposal Act of 2010 (Public Law 111-273). The conferees urge the DEA to ensure the Department of Defense and Department of Veterans Affairs are each provided the opportunity to review and provide comment on the rule, and expect that the Department of Justice will keep Congress informed of these efforts.

*Authority for Secretary of Veterans Affairs to furnish mental health care through facilities other than vet centers to immediate family members of members of the armed forces deployed in connection with a contingency operation*

The Senate amendment contained a provision (sec. 761) that would authorize the Secretary of Veterans Affairs to provide mental health care to family members of certain members of the armed forces through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate. This authority would expire 3 years after the date of the enactment of this Act.

The House bill contained no similar provision.

The Senate recedes.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Acquisition Policy and Management

*Treatment of procurements on behalf of the Department of Defense through the Work for Others program of the Department of Energy (sec. 801)*

The House bill contained a provision (sec. 801) that would exempt procurements through the Department of Energy (DOE) Work for Others program from requirements applicable to interagency transactions of the Department of Defense (DOD) under section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify procurement requirements applicable to DOD procurements through the DOE Work for Others program for the purposes of section 801. In general, the conferees understand that DOD officials are required to comply with the requirements of the Defense Supplement to the Federal Acquisition Regulation (DFARS), but that DFARS requirements are not applicable to officials of other federal agencies, except to the extent that they implement statutory requirements specific to interagency transactions.

Accordingly, DOD procurements of property and services through the DOE Work for Others program comply with the requirements of section 801 if they are consistent with the Federal Acquisition Regulation and other laws and regulations that apply to procurements of property and services by Federal agencies generally, and with the following laws and regulations specific to DOD transactions through the DOE Work for Others program:

(A) the Memorandum of Agreement Between the Department of Defense and the Department of Energy Governing Department of Defense Funded Work Performed at the Department of Energy Laboratories and Facilities (dated September 16, 2010), or a successor agreement;

(B) the Memorandum of the Director of Defense Procurement and Acquisition Policy on Department of Defense-Wide Policy for Using the Department of Energy's Work for Others Program to Access DOE-Owned Research, Development and Production Facilities through Interagency Agreements (dated September 30, 2011), or a successor policy;

(C) the Standard Interagency Agreement Part A for DOD Components and all DOE activities (dated December 16, 2010), or a successor agreement;

(D) the Department of Energy Acquisition Regulations; and

(E) Department of Energy Order 481.1C, Work for Others (Non-Department of Energy Funded Work (dated January 24, 2005) as amended, or a successor order.

*Review and justification of pass-through contracts (sec. 802)*

The Senate amendment contained a provision (sec. 822) that would prohibit the Department of Defense and other federal agencies from awarding a contract for the performance of services unless the contractor agrees that at least 50 percent of the direct labor on the contract will be performed by the contractor or by a subcontractor that is specifically identified in the contract.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development (USAID) to revise guidance applicable to contracts, task orders, and delivery orders awarded by such agencies for which the prime contractor is expected to subcontract more than 70 percent of the total cost of work to be performed and ensure that contracting officers consider alternative contracting structures and approaches and justify their decisions in writing.

The conferees note that Section 52.215-22 of the Federal Acquisition Regulation, which implements the requirements of section 866 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), requires offerors for certain contracts, task orders, and delivery orders, to notify the government in their proposals if they intend to subcontract more than 70 percent of the total cost of the work to be performed. In accordance with Defense Contract Audit Agency (DCAA) memorandum 11-PSP-003(R), DCAA is responsible for reviewing pass-through charges in connection with any such contract, task order, or delivery order to ensure that such charges are reasonable. In accordance with applicable DCAA standards, pass-through charges may be determined to be reasonable because they are in accordance with a prime contractor's established rates, even in a case where the prime contractor does little more than monitor the performance of a subcontractor. In such cases, the issue that should be addressed by contracting officials is not whether the charges are reasonable, but whether the contract structure and approach is in the best interest of the Department of Defense, the Department of State, or USAID.

The conferees direct the Comptroller General to report to the congressional defense committees not later than 2 years after the date of the enactment of this Act on the implementation of this provision by the Department of Defense, the Department of State, and USAID. The Comptroller General's review should assess existing statutes and regulations relating to pass-through contracts and pass-through charges and make any recommendations that the Comptroller General determines to be appropriate.

*Availability of amounts in Defense Acquisition Workforce Development Fund (sec. 803)*

The Senate amendment contained a provision (sec. 823) that would clarify the extent to which amounts in the Defense Acquisition Workforce Development Fund (DAWDF) may be used for training of temporary members of the acquisition workforce. The provision would also extend direct hiring authority for the Department of Defense acquisition workforce for an additional 2 years.

The House bill contained no similar provision.

The House recedes with an amendment that would update the amounts available in the DAWDF to reflect the Department's current plans for the acquisition workforce.

*Department of Defense policy on contractor profits (sec. 804)*

The Senate amendment contained a provision (sec. 824) that would require the Secretary of Defense to review the profit guidelines in the Department of Defense Supplement to the Federal Acquisition Regulation.

The House bill contained no similar provision.

The House recedes with an amendment requiring the Secretary to obtain the views of

experts and interested parties before completing the review and clarifying that Congress does not intend the review to reach any pre-ordained conclusion.

The conferees direct the Secretary to provide periodic updates to the congressional defense committees on the conduct, progress, and results of the required review.

*Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain nondefense agencies (sec. 805)*

The Senate amendment contained a provision (sec. 825) that would repeal the requirement for the Department of Defense Inspector General to submit periodic follow-up reports on internal controls for procurements made by the Department through specified federal agencies.

The House bill contained no similar provision.

The House recedes.

The conferees expect the Inspector General to determine the need for follow-on reports on the basis of a risk assessment that weighs the vulnerability of inter-agency contracting against other contracting vulnerabilities.

*Extension of authority relating to management of supply-chain risk (sec. 806)*

The Senate amendment contained a provision (sec. 826) that would extend to January 1, 2016, the pilot authority under section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The House bill contained no similar provision.

The House recedes with an amendment that would extend the authority to September 30, 2018, and require the Department of Defense to develop criteria for evaluating the effectiveness of the program, assess the program on the basis of such criteria, and report to the congressional defense committees on the results.

*Sense of Congress on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative (sec. 807)*

The Senate amendment contained a provision (sec. 827) that would express the sense of the Senate in support of efforts by the Department of Defense to implement its item unique identification initiative.

The House bill contained no similar provision.

The House recedes with a technical amendment that would make the provision a sense of Congress.

*Subtitle B—Provisions Relating to Major Defense Acquisition Programs*  
*Limitation on use of cost-type contracts (sec. 811)*

The Senate amendment contained a provision (sec. 801) that would prohibit the use of cost-type contracts for the production of major defense acquisition programs unless the Under Secretary of Defense for Acquisition, Technology, and Logistics determines that a cost-type contract is needed to provide a required capability in a timely and cost-effective manner.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the applicability of the provision.

The conferees believe that the Department of Defense should select the contract type for a production program that is consistent with the level of risk for the program. Consistent with sound acquisition practice, how-

ever, very few major defense acquisition programs should be in production unless program risk has already been reduced to a manageable level. Therefore, the conferees expect the Under Secretary to be judicious in applying the authority to grant exceptions under this provision.

*Estimates of potential termination liability of contracts for the development or production of major defense acquisition programs (sec. 812)*

The Senate amendment contained a provision (sec. 804) that would require the Secretary of Defense to submit a report to the congressional defense committees on any case in which the potential termination liability under a contract for the development or production of major defense acquisition programs exceeds \$100 million.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) direct the Government Accountability Office to report to the congressional defense committees on the extent to which the Department of Defense (DOD) is considering potential termination liability as a factor in entering and in terminating contracts for major defense acquisition programs; and (2) require the Under Secretary of Defense for Acquisition, Technology, and Logistics to review relevant acquisition guidance and take such steps as are necessary to ensure that potential termination liability is so considered.

The conferees expect DOD to ensure that information regarding potential termination liability on contracts for the development or production of major defense acquisition programs, including estimates of potential termination liability and how such termination liability is likely to increase or decrease over the period of performance, is available to the congressional defense committees upon request.

*Technical change regarding programs experiencing critical cost growth due to change in quantity purchased (sec. 813)*

The Senate amendment contained a provision (sec. 805) that would clarify the actions to be taken by the Department of Defense in the case of programs that exceed thresholds for critical cost growth due only to a change in the quantity of items to be purchased.

The House bill contained no similar provision.

The House recedes.

*Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process (sec. 814)*

The Senate amendment contained a provision (sec. 806) that would repeal the requirement for the Department of Defense to conduct annual reviews of programs initiated before the enactment of the certification requirements in section 2366b of title 10, United States Code to determine whether or not they meet the requirements under that section.

The House bill contained no similar provision.

The House recedes.

*Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations*

*Modification of time period for congressional notification of the lease of certain vessels by the Department of Defense. (sec. 821)*

The House bill contained a provision (sec. 811) that would amend section 2401 of title 10, United States Code, by modifying the time

period for congressional notification of the lease of certain vessels from 30 days of continuous session to 60 days.

The Senate amendment contained a similar provision (sec. 886) that would change the notice period from 30 days of continuous session to 30 days.

The Senate recedes.

*Extension of authority for use of simplified acquisition procedures for certain commercial items (sec. 822)*

The House bill contained a provision (sec. 812) that would extend the authority for use of simplified acquisition procedures for certain commercial items to January 1, 2015.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees direct the Comptroller General to report to the congressional defense committees, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Oversight and Government Reform by October 1, 2013, on the use of this authority. The Comptroller General's report should address, at a minimum: (1) the extent of use of the authority; (2) the cited rationales for use of the authority; (3) the acquisition outcomes that have resulted; and (4) any waste, fraud, or abuse that have resulted from the use of the authority.

*Codification and amendment relating to life-cycle management and product support requirements (sec. 823)*

The House bill contained a provision (sec. 813) that would codify and amend the life cycle management and product support requirements for major weapon systems in section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Codification of requirement relating to Government performance of critical acquisition functions (sec. 824)*

The House bill contained a provision (sec. 814) that would codify section 820 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), regarding government performance of critical acquisition functions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment adding certain positions to the list of critical acquisition functions, as requested by the Department of Defense.

*Competition in acquisition of major subsystems and subassemblies on major defense acquisition programs (sec. 825)*

The House bill contained a provision (sec. 815) that would restrict Department of Defense obligations for operations and maintenance pending a certification that the Department of Defense is implementing the requirement in section 202 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23) for competition throughout the life cycle of major weapon systems.

The Senate amendment contained a provision (sec. 802) that would strengthen the competition requirements in section 202.

The House recedes with a clarifying amendment.

The conferees agree that the full implementation of section 202, including the requirement to ensure competition throughout the life cycle of major weapon systems, can

help reduce costs, improve contractor performance, and result in better products for the warfighter. The conferees direct the Secretary of Defense to revise the guidance on operation and support costs for major weapon systems required by section 832 of the National Defense Authorization Act for Fiscal Year 2012 an appropriate emphasis on the importance of competition in holding down such costs.

*Compliance with Berry Amendment required for uniform components supplied to Afghan military or Afghan National Police (sec. 826)*

The House bill contained a provision (sec. 819) that would require the Department of Defense to comply with section 2533a of title 10, United States Code, known as the Berry amendment, in purchases of textile components for the production and supply of uniforms to the Afghan National Army or the Afghan National Police.

The Senate amendment contained an identical provision (sec. 867).

The conference agreement includes this provision.

*Enhancement of whistleblower protections for contractor employees (sec. 827)*

The Senate amendment contained a provision (sec. 844) that would strengthen protections for contractor employees who blow the whistle on waste, fraud, and abuse on Department of Defense (DOD) contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) revise the provision to ensure that it fully covers contractors of the National Aeronautics and Space Administration, as well as DOD; (2) clarify that whistleblower remedies may include only reasonable attorneys' fees; (3) modify the provision on arbitration agreements; and (4) exclude elements of the intelligence community from coverage.

The conferees agree that whistleblower complaints related to commercial aviation safety issues are uniquely within the expertise of the Federal Aviation Administration (FAA), and should be investigated through FAA whistleblower procedures set forth in section 106(t) of title 49, United States Code (section 341 of Public Law 112-95), to the maximum extent practicable. The conferees direct the DOD Inspector General to work with the FAA Office of Audit and Evaluation and the Occupational Safety and Health Administration to address commercial aviation safety issues. The conferees note that DOD remains responsible for the oversight and regulation of public use aircraft, as defined in section 40102(a)(41)(E) of title 49, United States Code.

*Pilot program for enhancement of contractor employee whistleblower protections (sec. 828)*

The Senate amendment contained a provision (sec. 844A) that would provide enhanced statutory protections for employees of civilian agency contractors who blow the whistle on waste, fraud, and abuse on federal contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) clarify that whistleblower remedies may include only reasonable attorneys' fees; (2) modify the provision on arbitration agreements; (3) exclude elements of the intelligence community from coverage; and (4) sunset the provision after 4 years.

*Extension of contractor conflict of interest limitations (sec. 829)*

The Senate amendment contained a provision (sec. 845) that would require the Sec-

retary of Defense to determine whether contractor conflict of interest limitations should be extended to additional categories of contractors.

The House bill contained no similar provision.

The House recedes with an amendment requiring the Secretary of Defense to document in writing the results of the review, including the findings and recommendations of the review and the basis for those findings and recommendations. The conferees direct the Secretary to provide a briefing to the congressional defense committees on these matters, upon request.

*Repeal of sunset for certain protests of task and delivery order contracts (sec. 830)*

The Senate amendment contained a provision (sec. 846) that would repeal the sunset date in section 2304c(e) of title 10, United States Code, regarding the authority to file bid protests for certain task and delivery order contracts.

The House bill contained no similar provision.

The House recedes.

*Guidance and training related to evaluating reasonableness of price (sec. 831)*

The Senate amendment contained a provision (sec. 841) that would authorize the Department of Defense (DOD) to require contractors to provide additional data, including certified cost or pricing data, when necessary to evaluate the price reasonableness of certain commercial items that are procured for the support of a major system.

The House bill contained no similar provision.

The House recedes with an amendment that would require DOD to issue guidance on the use of the authority provided by sections 2379 and 2306a(d) of title 10, United States Code to evaluate the reasonableness of contractor prices.

The conferees have determined that sections 2379 and 2306a(d) provide the Department with the authority that it needs to obtain price information and uncertified cost information, when necessary to evaluate the price reasonableness of commercial items. The inconsistent use of this authority by the Department appears to have created uncertainty in the vendor community without assuring reasonable prices. The conferees expect the guidance required by this section to address these problems.

*Department of Defense access to, use of, and safeguards and protections for contractor internal audit reports (sec. 832)*

The Senate amendment contained a provision (sec. 843) that would clarify the access of the Defense Contract Audit Agency (DCAA) to contractor internal audit reports and supporting materials.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the limited purposes for which such audit access is provided and establish safeguards and protections to ensure that audit materials are not used for any other purposes. Subsection (b) of the provision would establish documentation requirements for DCAA requests of internal audit reports or supporting materials. The conferees direct the Director of DCAA to provide the required documentation to the congressional defense committees, upon request. The conferees understand that the documentation provided to the congressional defense committees would not include copies of any contractor internal audit reports or supporting materials.

*Contractor responsibilities in regulations relating to detection and avoidance of counterfeit electronic parts (sec. 833)*

The House bill contained a provision (sec. 816) that would provide that costs associated with the use of counterfeit parts are allowable costs on the defense contracts of a contractor that has a system to detect and avoid such parts that has been reviewed and approved by the Department of Defense and that gives timely notice to the Government of any discovery or suspicion of such parts in its supply chain if: (1) the parts were procured from a trusted supplier; or (2) the parts were provided to the contractor as government-furnished property in accordance with part 45 of the Federal Acquisition Regulation.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would provide that such costs are allowable costs only if the parts were provided to the contractor as government-furnished property.

#### Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations

*Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan (sec. 841)*

The House bill contained a provision (sec. 821) that would extend and expand authority for the Department of Defense to acquire supplies on a non-competitive basis in certain countries that are assisting the Department's efforts in Afghanistan.

The Senate amendment contained a provision (sec. 866) that would extend the same authority.

The Senate recedes with an amendment that would delete a limitation on the use of funds until the Government of Pakistan agrees to take certain steps, which have now taken place.

*Limitation on authority to acquire products and services produced in Afghanistan (sec. 842)*

The House bill contained a provision (sec. 822) that would update section 886 of the National Defense Authorization Act for Fiscal Year 2008 and prohibit the use of the authority provided by that section until such a time as the Secretary of Defense determines that the Government of Afghanistan is not taxing assistance provided by the United States to Afghanistan.

The Senate amendment contained no similar provision.

The House recedes with an amendment that would update section 886, but exclude the new prohibition.

The conferees agree that actions taken by the Government of Afghanistan to tax assistance provided by the United States to Afghanistan are in violation of existing agreements between the United States and Afghanistan. The conferees direct the Secretary of Defense, in consultation with the Secretary of State, to report to the congressional defense committees not later than 180 days after the date of the enactment of this Act on steps that the U.S. government has taken or plans to take to address this problem.

*Responsibility within Department of Defense for operational contract support (sec. 843)*

The Senate amendment contained a provision (sec. 861) that would require the Secretary of Defense to prescribe in regulations the chain of authority and responsibility within the Department of Defense for policy planning and execution of contract support for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the provision to address operational contract support in overseas operations of all kinds.

*Data collection on contract support for future overseas contingency operations involving combat operations (sec. 844)*

The Senate amendment contained a provision (sec. 862) that would require annual reports on contract support for any future overseas contingency operation meeting specified criteria.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) require the Secretary of Defense (DOD), the Secretary of State, and the Administrator of the United States Agency for International Development to ensure that their agencies have the capability in place to collect and report relevant data on contract support for future overseas contingency operations; and (2) require the Government Accountability Office (GAO) to report to the appropriate congressional committees on the adequacy of data collection systems established for this purpose.

The ability of the DOD and other federal agencies to effectively manage and coordinate contractors depends on the timely availability of reliable data upon which to make informed decisions. If data is lacking or is unreliable, there may not be an appropriate basis for measuring or assessing the effectiveness of contracting, making policy decisions, and ensuring transparency of government operations.

In Iraq and Afghanistan, DOD and other federal agencies have been unable to accurately track data on contracts and contractors. In 2004, the U.S. Army Corps of Engineers and the Project and Contracting Office developed the Iraq Reconstruction Management System (IRMS) to serve as a single database for tracking, coordinating, and managing all U.S. Government agency projects receiving Iraq Relief and Reconstruction Funds. According to the Special Inspector General for Iraq Reconstruction, IRMS had a short design life and rapidly became operationally unreliable and unstable. DOD and other agencies frequently used internal systems to track and manage their own projects. In July 2008, DOD and the Department of State agreed to use the Synchronized Predeployment Operational Tracker (SPOT) as a common database and system of record for data on contracts and contractor personnel. However, GAO and others have raised serious questions about the reliability of the data contained in SPOT. The conferees conclude that improved contract data systems are critical to ensure sound decision-making and transparency in future overseas operations.

*Inclusion of operational contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure (sec. 845)*

The Senate amendment contained a provision (sec. 863) that would require the Department of Defense to address issues arising out of contract support for overseas contingency operations in several military systems and processes.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the provision applies to all types of operational contract support and delete subsection (c) of the Senate provi-

sion relating to joint professional military education.

The conferees direct the Secretary of Defense to ensure that the curriculum established for each phase of joint professional military education pursuant to section 2154 of title 10, United States Code, includes content appropriate for such phase on requirements definition, program management for operational contract support, contracting for operational contract support, and the strategic impact of contracting on military missions.

*Requirements for risk assessments related to contractor performance (sec. 846)*

The Senate amendment contained a provision (sec. 864) that would require the Department of Defense, the Department of State, and the United States Agency for International Development to perform risk assessments and develop risk mitigation plans for risks associated with contractor performance of critical functions in support of any contingency operation that is expected to continue for more than 1 year and require the expenditure of more than \$250.0 million for contract support.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the provision and add a requirement that operational plans developed by combatant commanders address potential risks associated with reliance on contractors to perform critical functions.

*Extension and modification of reports on contracting in Iraq and Afghanistan (sec. 847)*

The Senate amendment contained a provision (sec. 865) that would extend for 2 years the requirement for an annual report on contracting in Iraq and Afghanistan pursuant to section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended by section 835 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Responsibilities of Inspectors General for overseas contingency operations (sec. 848)*

The Senate amendment contained a provision (sec. 869) that would establish the oversight responsibilities of the Inspectors General of the Department of Defense, the Department of Defense, and the United States Agency for International Development for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment streamlining the provision.

The conferees agree that establishing clear oversight responsibility is essential to minimize fraud, waste, and abuse in future overseas contingency operations.

*Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies (sec. 849)*

The Senate amendment contained a provision (sec. 871) that would establish the responsibility of the Chief Acquisition Officers of federal agencies for providing oversight of contracts and contracting activities of their agencies in support of overseas contingency operations.

The House bill contained no similar provision.

The House recedes.

*Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations (sec. 850)*

The Senate amendment contained a provision (sec. 872) that would require the Secretary of State and the Administrator for the United States Agency for International Development (USAID) to submit a report to Congress on contract support for overseas contingency operations, including an assessment of the relevant agency chain of command, procedures and processes, and strategies for improvements.

The House bill contained no similar provision.

The House recedes.

The conferees agree on the importance of a clear chain of responsibility for policy, planning, execution, and management of contract support for overseas contingency operations. The need for further clarification on this issue is underscored by Government Accountability Office report GAO-12-854R, "Agency Actions to Address Recommendations by the Commission on Wartime Contracting in Iraq and Afghanistan," which noted that the Department of State and USAID have no plans to implement approximately two-thirds of the recommendations of the Commission on Wartime Contracting in Iraq and Afghanistan.

*Database on price trends of items and services under Federal contracts (sec. 851)*

The Senate amendment contained a provision (sec. 874) that would require the Administrator for Federal Procurement Policy to establish a database of information on price trends for items and services under contracts with the Federal Government.

The House bill contained no similar provision.

The House recedes.

The conferees note that the Department of Defense (DOD) already maintains a database of price information pursuant to section 892 of the Ike Skelton National Defense Authorization for Fiscal Year 2011 (Public Law 111-383) and the "Better Buying Power" initiative of the Secretary of Defense. The conferees understand that the DOD database will serve as a model for the government-wide database and that the Department will not be required to establish a new database to comply with the requirements of this section.

*Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System (sec. 852)*

The Senate amendment contained a provision (sec. 875) that would require a modification to the Federal Awardee Performance and Integrity Information System to include information on parent, subsidiary, and successor entities.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions (sec. 853)*

The Senate amendment contained a provision (sec. 876) that would require the prompt inclusion of data on contractor performance in past performance databases and establish the timeline for contractor comments and responses.

The House bill contained no similar provision.

The House recedes.

The conferees note that this section would extend to civilian agencies requirements that are identical to the requirements already applicable to the Department of Defense pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

#### Subtitle E—Other Matters

*Requirements and limitations for suspension and debarment officials of the Department of Defense, the Department of State, and the United States Agency for International Development (sec. 861)*

The Senate amendment contained a provision (sec. 881) that would require the suspension and debarment officials of the military departments and the Defense Logistics Agency, and of the Department of State and the United States Agency for International Development, to be independent of acquisition officials and to develop written policies for the consideration and documentation of referrals and decisions.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify and streamline the provision. The conferees direct suspension and debarment officials to ensure that the documentation guidance required by this provision addresses, at a minimum, documentation requirements for decisions to suspend or debar, decisions not to suspend or debar, decisions to decline to pursue suspension or debarment, and administrative agreements entered into in lieu of suspension or debarment.

*Uniform contract writing system requirements (sec. 862)*

The Senate amendment contained a provision (sec. 882) that would require the Department of Defense, the Department of State, and the United States Agency for International Development to establish uniform standards and requirements for the processing of procurement requests, contracts, receipts, and invoices.

The House bill contained no similar provision.

The House recedes.

*Extension of other transaction authority (sec. 863)*

The Senate amendment contained a provision (sec. 887) that would extend for 5 years the authority for the Secretary of Defense to carry out a pilot program for the acquisition of certain prototypes pursuant to "other transactions" under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160).

The House bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to review the authority extended by this provision and make a recommendation as to whether the authority should be made permanent. The conferees expect the Secretary to ensure that applicable guidance provides appropriate safeguards against abuse before seeking permanent authority.

*Report on allowable costs of compensation of contractor employees (sec. 864)*

The Senate amendment contained a provision (sec. 842) that would reduce the limitation on allowable compensation for defense contractor employees from the median amount of compensation provided to senior executives in large United States corporations (currently \$763,000) to the maximum level of compensation for federal employees, which is set at the annual salary of the Vice

President of the United States (currently \$230,700). The provision would also require a report by the Department of Defense Inspector General on allowable costs of employee compensation.

The House bill contained no similar provision.

The House recedes with an amendment that would require a report by the Comptroller General on allowable costs of employee compensation. The conferees conclude that Congress should have the benefit of this review before mandating a new or revised cap on such compensation.

*Reports on use of indemnification agreements (sec. 865)*

The Senate amendment contained a provision (sec. 847) that would require the Department of Defense to report to the congressional defense committees on the use of indemnification agreements in defense contracts.

The House bill contained no similar provision.

The House recedes.

*Plan to increase number of contractors eligible for contracts under Air Force NETCENTS-2 contract (sec. 866)*

The Senate amendment contained a provision (sec. 889C) that would require the Secretary of Defense to develop a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity contract. The Secretary would be required to submit that plan to the congressional defense committees within 180 days of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

*Inclusion of information on prevalent grounds for sustaining bid protests in annual protect report by Comptroller General to Congress (sec. 867)*

The Senate amendment contained a provision (sec. 889D) that would require the Comptroller General to include information on common grounds for sustaining bid protests in annual reports to Congress.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Management structure for developmental test and evaluation*

The Senate amendment contained a provision (sec. 803) that would clarify the oversight and supervisory responsibilities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation over the chief developmental testers and lead developmental test and evaluation organizations of the military departments.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the matters addressed in the Senate provision are addressed elsewhere in the conference agreement.

*Prohibition on contracting with persons that have business operations with state sponsors of terrorism*

The House bill contained a provision (sec. 803) that would prohibit the Department of Defense from entering contracts with persons that have business operations with state sponsors of terrorism.

The Senate amendment contained no similar provision.

The House recedes.

*Additional definition relating to production of specialty metals within the United States*

The House bill contained a provision (sec. 817) that would provide a statutory definition for the term “produced” as used in section 2533b of title 10, United States Code, requiring that specialty metals be produced in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 823 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) required the Secretary of Defense to review and revise the regulatory definition for the term “produced,” as necessary and appropriate. On July 24, 2012—almost a year after the statutory deadline—a proposed rule revising the definition was published for comment in the Federal Register. The conferees are disappointed by this delay and urge the Secretary to complete the regulatory process as quickly as possible.

*Assessment of infrared technology sectors*

The House bill contained a provision (sec. 818) that would direct the Department of Defense (DOD) to conduct an assessment and report on the health and status of various sectors of the national defense infrared technology industrial base.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to assess the health and status of the relevant industrial base sectors critical to the design, development, and manufacturing of infrared technologies of interest to the national defense community. The technologies of interest include, but are not limited to, focal plane arrays, as well as associated electronics, cooling technologies, and integrated imaging systems. The assessment shall leverage the on going DOD sector-by-sector, tier-by-tier industrial base assessment activities by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and the Department of Defense shall brief the congressional defense committees on the findings of the assessment within 120 days after the date of the enactment of this Act.

*One-year extension of temporary limitation on aggregate annual amount available for contract services*

The Senate amendment contained a provision (sec. 821) that would extend for 1 year the limitation on aggregate annual spending for contract services in section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the level of authorized spending for contract services is addressed elsewhere in this conference report.

*Enhancement of review of acquisition process for rapid fielding of capabilities in response to urgent operational needs*

The House bill contained a provision (sec. 831) that would strike the requirement in section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) that the streamlined acquisition process for rapid fielding of capabilities in response to urgent operational needs be used only for capabilities that can appropriately be acquired under fixed-price contracts.

The Senate amendment contained no similar provision.

The House recedes.

*Location of contractor-operated call centers in the United States*

The House bill contained a provision (sec. 832) that would require that any call center operated pursuant to a Department of Defense contract be located in the United States.

The Senate amendment contained no similar provision.

The House recedes.

*Consideration and verification of information relating to effect on domestic employment of award of defense contracts*

The House bill contained a provision (sec. 833) that would authorize Department of Defense officials to consider information relating to the effect on employment in the United States in making award decisions for competitive proposals.

The Senate amendment contained no similar provision.

The House recedes.

*Requirement to include trafficking in persons in performance assessments of defense contractors*

The House bill contained a provision (sec. 835) that would require the inclusion of trafficking in persons in any performance assessment of a defense contractor or subcontractor.

The Senate amendment contained no similar provision.

The House recedes.

The issue of trafficking in persons by defense contractors, subcontractors, and by labor recruiters, brokers, and agents for such contractors and subcontractors, is comprehensively addressed elsewhere in the conference report.

*Short title*

The Senate amendment contained a provision (sec. 860) that would provide a short title for the wartime subcontracting subtitle of the bill.

The House bill contained no similar provision.

The Senate recedes.

*Sense of Senate on the contributions of Latvia and other North Atlantic Treaty Organization member nations to the success of the Northern Distribution Network*

The Senate amendment contained a provision (sec. 868) that would express the sense of the Senate commending Latvia and other North Atlantic Treaty Organization (NATO) member states along the Northern Distribution Network (NDN) for their contributions in maintaining reliable lines of supply for U.S. and coalition forces in Afghanistan. The provision would also express support for efforts by the Department of Defense (DOD) to procure goods from Latvia and other NATO member states along the NDN when competitively-priced quality products are available.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the mutually-beneficial relationship that the United States has with Latvia and other NATO member nations along the NDN for supplying U.S. and coalition forces in Afghanistan. The conferees encourage DOD to continue to cultivate this important relationship.

*Agency reports and inspector general audits of certain information on overseas contingency operations*

The Senate amendment contained a provision (sec. 870) that would require inspector

general audits of certain information provided by the Department of Defense (DOD), the Department of State (State), and the United States Agency for International Development (USAID).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that a separate provision of this Act would clarify the responsibility of the Inspectors General of DOD, State, and USAID for reviewing and ascertaining the accuracy of information provided by federal agencies relative to obligations and expenditures, costs of programs and projects, accountability of funds, and the award and execution of major contracts, grants, and agreements in support of contingency operations.

*Professional education for Department of State personnel on acquisition for Department of State support and participation in overseas contingency operations*

The Senate amendment contained a provision (sec. 873) that would require the Secretary of State to develop and administer a course of professional education on acquisition for specified Department of State personnel.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree on the importance of professional education on acquisition matters for key personnel responsible for contract support in overseas contingency operations and expect the Department of State to take appropriate steps to ensure the development and implementation of suitable training courses. The conferees intend to work with the committees of jurisdiction in the Senate and the House of Representatives to ensure proper oversight of these efforts.

*Public availability of database of senior Department of Defense officials seeking employment with defense contractors*

The Senate amendment contained a provision (sec. 877) that would require that information in the database established pursuant to section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) be made available to the public.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the database established pursuant to section 847(b) consists of written legal opinions prepared by DOD ethics officials and provided to DOD personnel on an individual basis to help guide their conduct.

*Additional bases for suspension or debarment*

The Senate amendment contained a provision (sec. 881A) that would provide for mandatory consideration of suspension or debarment in certain circumstances.

The House bill contained no similar provision.

The Senate recedes.

*Comptroller General of the United States review of use by the Department of Defense, the Department of State, and the United States Agency for International Development of urgent and compelling exception to competition*

The Senate amendment contained a provision (sec. 883) that would require the Government Accountability Office (GAO) to review the use by the Department of Defense (DOD), the Department of State, and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Comptroller General to report to the appropriate congressional committees by not later than 1 year after the date of the enactment of this Act on the use of the urgent and compelling exception by the DOD, the Department of State, and the United States Agency for International Development. The Comptroller General's report should address, at a minimum, the following: (1) the pattern of use of the exception by acquisition organizations; (2) the range of items or services acquired through the use of the exception; (3) the process for reviewing and approving justifications involving the exception; (4) whether the justifications meet the requirements of the Federal Acquisition Regulation; (5) the extent to which the exception is used as a basis for sole-source procurements, and whether such use is justified; and (6) agency compliance with the statutory requirement to limit the duration of contracts awarded pursuant to the exception.

*Authority to provide fee-for-service inspection and testing by Defense Contract Management Agency for certain critical equipment in the absence of a procurement contract*

The Senate amendment contained a provision (sec. 884) that would authorize the Defense Contract Management Agency (DCMA) to accept reimbursement from a manufacturer or assembler for testing and inspection of an item when the nature of the item requires such inspection or testing as a precondition to government acceptance of the item under a future government contract.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that the Department of Defense (DOD) requested this authority to enable contractors who choose to proceed with the development of new defense products at their own risk to have those products tested and qualified in advance of the award of a contract, shortening the lead times necessary to meet military requirements. However, the conferees are concerned that the proposed legislation included no mechanisms to ensure that: (1) small businesses that cannot afford to pay for inspection or testing have equal access to the program; and (2) the program is used only for high priority military needs and not to advantage particular manufacturers or products in a competitive market. The conferees are also concerned that DCMA may not be the most appropriate, or the only, testing resource that should be made available for the purpose of pre-award testing. The conferees remain open to a future legislative proposal that addresses these issues.

*Report by the suspension and debarment officials of the military departments and the Defense Logistics Agency*

The Senate amendment contained a provision (sec. 889) that would require the suspension and debarment officials of the military departments and the Defense Logistics Agency (DLA) to report to the congressional defense committees on the timeliness of suspension and debarment processes and decisions.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the suspension and debarment officials of the military departments and DLA, in coordination with Department of Defense officials responsible for

preparing suspension and debarment cases, to report to the congressional defense committees on: (1) target goals for preparing and processing suspension and debarment cases; (2) average times for preparing and processing suspension and debarment cases; and (3) if the military department or DLA is not meeting target goals, an explanation for the shortcoming and a description of actions that have been taken or will be taken to ensure that target goals for preparing and processing suspension and debarment cases are met in the future.

*Annual report on defense contracting fraud*

The Senate amendment contained a provision (sec. 889B) that would require the Department of Defense to report annually on contracts awarded to companies that have previously been indicted for, settled charges of, been fined for, or been convicted of fraud. The House bill contained no similar provision.

The Senate recedes.

#### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

##### Subtitle A—Department of Defense Management

*Additional duties of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and amendments to Strategic Materials Protection Board (sec. 901)*

The House bill contained a provision (sec. 901) that would amend section 139c of title 10, United States Code, to specify the duties of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy. The provision would also amend section 187 of title 10, United States Code, to realign the membership of the Strategic Materials Protection Board.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees are concerned that responsibility for the secure supply of materials critical to national security, which supports the defense industrial base, is decentralized throughout the Department of Defense. Therefore, the conferees believe that in order to support a more coherent, comprehensive strategy as it pertains to materials critical to national security, the office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy should provide relevant policy guidance and oversight of matters that pertain to ensuring reliable resource availability of materials critical to national security.

*Requirement for focus on urgent operational needs and rapid acquisition (sec. 902)*

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to designate a senior official to be the focal point within the Department of Defense (DOD) to lead the Department's urgent operational needs and rapid acquisition efforts.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that this provision does not require the creation of a new position or a new office, but can be addressed by the designation of a senior official in an existing position. DOD Directive 5000.71, dated August 24, 2012, establishes the Warfighter Senior Integration Group as a standing DOD-wide forum to lead and facilitate rapid responses to urgent operational needs identified by combatant commanders and assigns key policy and implementation responsibilities to the Director of the Joint Rapid Acquisition Cell.

The conferees also note that Chairman of the Joint Chiefs of Staff Instruction 3170.01H, issued January 10, 2012, and the Manual for the Operation of the Joint Capabilities Integration and Development System, issued January 19, 2012, establish a new category of requirement, known as Joint Emergent Operational Needs (JEON). Under the Instruction and the Manual, JEONs may be acquired through rapid fielding processes developed for acquisitions to meet Joint Urgent Operational Needs (JUON). The Instruction and the Manual make little distinction between JUONs and JEONs: both go through the same rapid acquisition process, both are authorized to use the same expedited alternatives to Analyses of Alternatives, both are permitted to proceed directly to procurement "without the need to develop and validate any of the other associated JCIDS [Joint Capabilities Integration Development System] documents"; and both are assessed for long-term operational utility only after they have been fielded. Unlike JUONs, however, JEONs are not subject to statutory requirements limiting them to capabilities that can be fielded within 2 years, do not require extensive development, are based on proven technologies, and can be appropriately acquired through fixed price contracts.

The conferees conclude that JEONs must be more than a process for avoiding the upfront planning requirements of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23) and the limitations established in section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383). Accordingly, the conferees direct the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Vice Chairman of the Joint Chiefs of Staff, to develop additional guidance for JEONs, including:

criteria for assessing the urgency of requirements (including a determination of the likelihood of "an anticipated or pending contingency operation");

standards for ensuring that technologies are sufficiently mature to be suitable for rapid acquisition;

procedures for ensuring the appropriate consideration of alternative solutions; and processes for ensuring appropriate cost-performance trade-offs, sound cost estimates, and robust testing and systems engineering.

In the absence of well-developed protections along these lines, the conferees do not believe that rapid acquisition processes are an appropriate mechanism to meet requirements identified as JEONs.

Finally, the conferees note that Section 804 required the Secretary of Defense to conduct a comprehensive review of the Department's urgent operational needs and rapid acquisition processes and report the findings to the congressional defense committees by January 2012. The conferees are disappointed that the Department has yet to transmit the required report.

*Designation of Department of Defense senior official for enterprise resource planning system data conversion (sec. 903)*

The House bill contained a provision (sec. 903) that would require the Secretary of Defense to designate a senior official in the Department of Defense with principal responsibility for coordination and management oversight of data conversion for enterprise resource planning systems and set forth the responsibilities of that senior official.

The Senate amendment contained no similar provision.



The Senate recedes.

*Additional responsibilities and resources for Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (sec. 904)*

The House bill contained a provision (sec. 904) that would clarify the responsibilities and resources available to the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (DASD(DT&E)).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) authorize the DASD(DT&E) to communicate directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) on matters within the statutory responsibilities of the office; (2) clarify the oversight and supervisory responsibilities of the DASD(DT&E) over the chief developmental testers and lead developmental test and evaluation organizations of the military departments; (3) ensure that the DASD(DT&E) is consulted on assessments of technical maturity and integration risk of critical technologies at key stages in the acquisition process; (4) provide for the DASD(DT&E) to serve concurrently as the Director of the Defense Test Resource Management Center (TRMC); (5) require that the DASD(DT&E) be provided sufficient professional staff and civilian personnel to carry out the statutory responsibilities of the office; (6) ensure that the DASD(DT&E) has prompt access to test records and data relating to major defense acquisition programs; (7) require that the DASD(DT&E) and the Deputy Assistant Secretary of Defense for Systems Engineering provide separate reports to Congress; (8) provide for separate sections in the DASD(DT&E)'s report addressing the activities of the TRMC and assessing the adequacy of resources available to the DASD(DT&E) and to matrixed organizations, including the lead developmental test and evaluation organizations of the military departments; (9) require the USD(AT&L) to report annually to the congressional defense committees on any decision by a major defense acquisition program to disregard the recommendations of the DASD(DT&E) regarding either elements to be included in the developmental test and evaluation plan for the program or the readiness of the program to proceed to initial operational testing and evaluation; and (10) require the USD(AT&L) to notify the congressional defense committees of any decision to conduct developmental testing on a major defense acquisition program without an approved test and evaluation plan in place.

The Weapon Systems Acquisition Reform Act of 2009 (Public Law 111-23) established the position of DASD(DT&E) because of a recognition that developmental testing and evaluation plays a critical role in identifying and correcting problems in major weapon systems early, before they lead to excessive cost overruns and schedule delays. For this reason, the conferees are disappointed that the Department of Defense has not yet fully resourced the office of DASD(DT&E) and has not always included DASD(DT&E) in key meetings regarding major defense acquisition programs. The conferees are also troubled that the military departments have not always provided test records and data in a timely manner and have not given adequate attention to shortcomings identified by DASD(DT&E) in developmental testing. The conferees expect the Department to take prompt and aggressive action to address these shortcomings.

The conferees note that the provision would require the Secretary of Defense to ensure that the DASD(DT&E) has sufficient professional staff of military and civilian personnel to enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law. In this regard, the conferees are particularly concerned by the low number of members of the senior executive service who have been assigned to the Office of Developmental Test and Evaluation. The conferees direct the USD(AT&L), as he evaluates the organization and staffing of his office, to give careful consideration to the question whether the DASD(DT&E) is adequately resourced and appropriately placed within the office.

*Definition and report on terms "preparation of the environment" and "operational preparation of the environment" for joint doctrine purposes (sec. 905)*

The Senate amendment contained a provision (sec. 901) that would require the Secretary of Defense to formally define the terms "preparation of the environment (PE)" and "operational preparation of the environment (OPE)" for the purposes of Joint Doctrine and provide the Committees on Armed Services of the Senate and House of Representatives a report, including: the definitions of PE and OPE, examples of PE and OPE activities highlighting application of the concepts and drawing distinctions between the two types of activities, and an assessment of the respective roles of special operations and general purpose forces in conducting PE and OPE activities.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the reporting format to include a classified annex.

The conferees are concerned that, despite frequent use, the terms PE and OPE are not accurately defined or clearly understood, and are often used interchangeably to describe various Title 10 activities by special operations and general purpose forces. Furthermore, the conferees believe the inadequate definition of these terms has resulted in confusion within the military, friction in the interagency coordination process, and reduced congressional oversight by the defense committees. In responding to subsections (b)(2), (b)(4), and (b)(5) of the required report, the conferees direct the Secretary of Defense to provide examples of activities meeting the definitions of operational preparation of the environment and preparation of the environment as well as an assessment of the appropriate roles of special operations forces and general purpose forces in carrying out such activities in all relevant domains, including land, sea, air, space, and cyber.

*Information for Deputy Chief Management Officer of the Department of Defense from the military departments and Defense Agencies for defense business system investment reviews (sec. 906)*

The Senate amendment contained a provision (sec. 904) that would ensure that the Deputy Chief Management Officer of the Department of Defense has access to information relevant to the performance of the functions of that office.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle B—Space Activities

*Reports on Integration of Acquisition and Capability Delivery Schedules for Segments of Major Satellite Acquisition Programs and Funding for Such Programs (sec. 911)*

The House bill contained a provision (sec. 911) that would direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit an annual assessment for 5 years on the synchronization of satellite, ground, and user terminal segments of space major defense acquisition programs. For each such space program for which a primary capability of such program will be operable by one program segment at least 1 year after the date on which such capability is operable by another program segment, the Under Secretary would provide the cause of the delay, identify the steps the Department is taking to improve the alignment of when the program segments become operable, and outline the related challenges, costs, and risks. The assessment would also include a description of the impact to the mission of the space system from the delay.

The Senate amendment contained a provision (sec. 913) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to track concurrently the development of both the satellite and ground systems and to report to Congress corrective measures that will be taken when the satellite and ground systems are more than 1 year apart in synchronization.

The House recedes with an amendment that would require a report on each major satellite acquisition program assessing the integration of acquisition and delivery of capabilities of program segments and, if the program is determined to be non-integrated, what the impacts are on mission and what measures should be taken to ensure the program is integrated. The amendment requires the milestone decision authority to submit a similar report as part of the documentation used to approve the acquisition of a major satellite program and again at milestone B. The amendment requires, if after submission of the report, the Under Secretary of Defense for Acquisition, Technology, and Logistics determines the program is non-integrated, the Under Secretary shall submit to the congressional defense committees a report identifying its impact on mission, measures to improve acquisition, and any risks and challenges that impede the ability to integrate the program. The Under Secretary shall continue to update the report with the President's budget submission to Congress for 5 years unless the program becomes integrated before that time. If the program continues to be non-integrated at the end of 5 years, the Government Accountability Office shall review the program and submit the results of the review to the congressional defense committees.

*Commercial space launch cooperation (sec. 912)*

The House bill contained a provision (sec. 916) that would provide authorities for the Department of Defense to enter into contracts with private entities for cooperation on launch ranges and facilities.

The Senate amendment contained a similar provision (sec. 912).

The Senate recedes with a clarifying amendment.

The conferees note that this provision applies only to bases and launch facilities administered by the Department of Defense and is intended for those commercial entities who already operate at Department of Defense sites or will be required to operate there due to the nature of the mission they are conducting.

*Limitations on international agreements concerning outer space activities (sec. 913)*

The House bill contained a provision (sec. 913) that would prohibit funds authorized to be appropriated by this or any other Act for use by the Secretary of Defense or the Director of National Intelligence to limit the activities of the Department of Defense or the Intelligence Community in outer space to implement or comply with an international agreement concerning outer space activities unless such agreement is ratified by the Senate or authorized by statute. The provision would require a report not later than 90 days after the date of enactment of this Act by the Secretary of State and the Secretary of Defense on the negotiations on an international agreement concerning outer space activities. The provision would also require the Secretary of Defense to submit to Congress, including all committees with an interest in outer space activities, an unclassified annual report by January 1st of each year, detailing foreign countries, including the names of such countries, with counter-space programs that could be a threat to the national security or commercial space systems of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a certification by the President that, if the United States becomes a signatory to a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any other similar agreement, the agreement has no legally binding effect for limiting activities by the United States in outer space. Furthermore, the provision would require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence to certify that the agreement is equitable, enhances national security, and has no militarily significant impact on the United States' ability to conduct military or intelligence activities in outer space. The amendment would require regular briefings to Congress on the status of any negotiation leading to such a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any other similar agreement. If the United States becomes a signatory to a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or other similar agreement, the amendment would require notification to Congress at least 60 days prior to signing such an agreement by the head of each agency or department of the Federal Government addressing the effects of such action.

The conferees do not intend the certification requirement in this provision to set any legislative precedent regarding non-legally binding international agreements, which shall each be evaluated on a case-by-case basis.

*Operationally Responsive Space Program Office (sec. 914)*

The Senate bill contained a provision (sec. 911) that would give acquisition authority for the Operationally Responsive Space (ORS) Program Office to the Program Executive Officer for Space and change the head of the office reporting structure from the Department of Defense Executive Agent for Space to the Commander of the Air Force Space and Missile Command. The provision would require an Executive Committee made up of the Commander of the Air Force Space Command; the Under Secretary of Defense

for Acquisition, Technology, and Logistics; the Commander of U.S. Strategic Command; and the Executive Agent for Space, which would chair the board. The provision grants authority to transfer up to \$60.0 million from the Weather Follow On Satellite Program, to the extent provided in appropriations acts to other higher priority programs.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the Follow On Weather Satellite and add the Army and Navy space program commanders to the Executive Committee to ensure that decisions are made accounting for the joint nature of the ORS program office.

The conferees instruct the Commander of the Air Force Space and Missile Systems Center to which the Office now reports, to provide a plan to the congressional defense committees, not later than 90 days after the date of enactment of this Act, that discusses how the existing and future technologies and operational systems developed in the ORS program are to be integrated into service acquisition programs to meet combatant command requirements.

*Report on overhead persistent infrared technology (sec. 915)*

The House bill contained a provision (sec. 912) that would require the Secretary of Defense, in consultation with the Director of National Intelligence, to submit to the congressional defense committees, the Senate Select Committee on Intelligence, and the House Permanent Select Committee on Intelligence, within 270 days after the date of the enactment of this Act, a report on Overhead Persistent Infrared (OPIR) technology that specifically addresses the following: (1) an assessment of whether there are further opportunities for the Department of Defense and the intelligence community to capitalize on increased data sharing, fusion, interoperability, and exploitation; and (2) a recommendation as to how to better coordinate efforts between the Department and the intelligence community for exploitation of OPIR sensor data. The provision would also require that not later than 90 days after the Department delivers its report to the congressional defense committees, the Comptroller General of the United States assess the Department's report to ensure it is comprehensive, fully supported, and sufficiently detailed. Further, the Comptroller General shall identify any shortcomings, limitations, or other matters that affect the quality or findings of the Department's report on OPIR.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the assessment to include elements of the Joint OPIR Integrated Space Trade (JOIST) study by the Department of Defense and intelligence community as it pertains to OPIR technology requirements, strategy, plan, and budget for the entire space layer of the Department of Defense and intelligence community with supporting ground architecture for current and next generation OPIR with respect to missile warning, missile defense, battlespace awareness, and technical intelligence. The amendment also shortens the reporting requirement from 270 days to 180 days.

*Assessment of foreign components and the space launch capability of the United States (sec. 916)*

The House bill contained a provision (sec. 914) that would require the Secretary of Defense to direct a federally funded research

and development center to conduct an independent assessment on the national security implications of continuing to use foreign component and propulsion systems for launch vehicles under the evolved expendable launch program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to conduct the independent study. It should be emphasized that given the cost to perform studies, the Under Secretary should use the most cost effective method possible. This provision is not directing the Under Secretary to contract outside the Department to perform the assessment, but to use the many federal advisory panels that advise the Under Secretary if at all possible.

*Report on counter space technology (sec. 917)*

The House bill contained a provision (sec. 915) that would require a report, to be submitted to the Armed Services Committees of the Senate and House of Representatives and Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, not later than 1 year after enactment of this Act and annually thereafter for 2 years, which details key space technologies that could be used, or are being sought, by a foreign country with a counter space or ballistic missile program, and should be subject to export controls by the United States or an ally of the United States, as appropriate.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add the Counter Space Technology List at the Department of State as part of the information the report is to be based on.

*Subtitle C—Intelligence-Related Activities  
Authority to provide geospatial intelligence support to certain security alliances and regional organizations (sec. 921)*

The House bill contained a provision (sec. 921) that would amend section 443 of title 10, United States Code, to provide the Director of the National Geospatial-Intelligence Agency (NGA) the authority to provide regional organizations with defense or security components and security alliances of which the United States is a member with imagery intelligence and geospatial information support. The provision would also require, in each case of providing imagery intelligence or geospatial information support to a regional organization or security alliance, the Director of the NGA to: (1) ensure that such intelligence and such support are not provided by such regional organization or such security alliance to any other person or entity; (2) notify the congressional defense committees, Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate that the Director of the NGA has provided such intelligence or support; and (3) coordinate the provision of such intelligence and such support with the commander of the appropriate combatant command.

The Senate amendment contained a similar provision (sec. 921) that would allow the NGA Director to also share information with international organizations. The Senate provision did not include requirements described in (1), (2), and (3) of the House provision described above.

The Senate recedes with an amendment that would require, in lieu of the conditions described in (1), (2), and (3) of the House provision, the NGA director to submit a report

by January 15, 2014 and 2015, on the information support provided during the preceding years, including an identification of each organization or alliance receiving such support, and the number of times such support was provided.

*Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University (sec. 922)*

The House bill contained a provision (sec. 922) that would provide a technical correction to Section 2161 of title 10, United States Code, to account for the redesignation of the National Defense Intelligence College as the National Intelligence University.

The Senate amendment contained no similar provision.

The Senate recedes.

*Review of Army Distributed Common Ground System (sec. 923)*

The Senate amendment contained a provision (sec. 922) that would direct the Secretary of the Army to assign oversight of the Distributed Common Ground System-Army (DCGS-A) cloud acquisition effort to the Army's Chief Information Officer (CIO)/G-6. The provision would require the CIO to conduct an audit of the program and provide an assessment and recommendations to the Secretary of the Army and Chief of Staff of the Army by December 1, 2012.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Army to direct the Army Systems Acquisition Review Council to review the DCGS-A program and report to the congressional defense committees within 180 days of enactment of this Act. The review would include an assessment of: (1) the acquisition strategy; (2) current technical performance as compared to requirements; (3) competitive procedures for incorporating new capabilities, including through product fly-offs; (4) plans and mechanisms to incorporate industry best practices and to ensure compatibility with the Joint Information Environment; (5) the adequacy of investments to maximize ease of use; (6) the Army's preparations to ensure that enterprise knowledge management and training for DCGS is compatible with force structure planning; and (7) the need for changes in the DCGS-A program.

The conferees expect the Army to ensure that the DCGS-A acquisition process is open to the agile and competitive adoption or incorporation of advanced commercial tools and capabilities, whether they be licensed products or based on unlicensed open source technology or software. Where comparable in cost and performance, such commercial or commercial open source capabilities should have at least an equal status to government-funded development activities with contractors based on "open source" technology or software foundations.

*Electro-optical imagery (sec. 924)*

The Senate amendment contained a provision (sec. 930) that would require the Secretary of Defense and the Director of National Intelligence to sustain through fiscal year 2013 the commercial electro-optical (EO) imagery collection capacity planned under the Enhanced View program approved in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81). The provision also would require the Vice Chairman of the Joint Chiefs of Staff to conduct a comprehensive analysis of imagery requirements for the Department of Defense

(DOD). The provision would in addition require the Congressional Budget Office (CBO) to conduct a study, based on the DOD requirements, of the potential role of commercial-class imagery in meeting the needs of the government. The provision would require the completion of these studies in time to inform decisions on the fiscal year 2014 budget and the fiscal year 2015 budget request by Congress. Finally, the provision would require CBO to examine whether the administration's proposed actions on commercial imagery are consistent with Presidential policy directives, the Federal Acquisition Regulation (FAR), and statute.

The House bill contained no similar provision.

The House recedes with an amendment that would remove: (1) the requirement that the administration sustain through fiscal year 2013 the commercial imagery collection capacity planned under the Enhanced View program previously approved by Congress; and (2) the requirement that CBO assess whether the administration's decision to reduce purchases of commercial industry and procure from only one company is consistent with policy, FAR, and statute.

The conferees note that, in the wake of the government's budget decisions, the two commercial EO imagery companies decided to merge, which, if upheld by an ongoing Department of Justice review, would undermine the rationale for the Senate provision's requirement to sustain collection capacity at previously approved levels. If the corporate merger is rejected as anti-competitive, the conferees will consider the state of the industrial base in their assessment of the results of the requirements and capabilities studies mandated in this conference agreement.

*Defense Clandestine Service (sec. 925)*

The Senate amendment contained a provision (sec. 932) that would prohibit the obligation of appropriated Military Intelligence Program (MIP) funds in fiscal year 2013 to exceed the number of personnel conducting or supporting human intelligence (HUMINT) within the Department of Defense (DOD) as of April 20, 2012. This provision would also require the Office of Cost Assessment and Program Evaluation (CAPE) to provide an estimate of the total cost of the Defense Clandestine Service (DCS) to the congressional defense and intelligence committees.

The provision also would require the Under Secretary of Defense for Intelligence (USDI) to provide a report to the congressional defense and intelligence committees by February 1, 2013, that provides or explains: (1) where DOD case officers will be deployed or based and a schedule for those deployments; (2) certification that the prospective locations can and will accommodate these deployments; (3) the objectives established for each military service, U.S. Special Operations Command, and the Defense Intelligence Agency (DIA) to improve career management for case officers and the plans to achieve the objectives of the DCS; and (4) any Memoranda of Agreement or Understanding necessary to implement planned reforms with other departments and agencies and between DOD components.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the use of funds authorized to be appropriated by this Act to increase the civilian manpower on hand, conducting or supporting HUMINT, in excess of the fill-rate of such personnel as of April 20, 2012. If, as of the date of enactment of this

Act, the civilian fill-rate exceeds the fill-rate as of April 20, 2012, the Secretary of Defense must take appropriate action to promptly reduce the fill-rate, consistent with reduction in force procedures, to that as of April 20, 2012, unless the Secretary, within 30 days, provides a detailed justification for each of the additional civilians. If the Secretary chooses to submit justifications for the increased civilian fill-rates, the fill-rate during the remainder of fiscal year 2013 cannot exceed the fill-rate as of the date of enactment of this Act.

The justification provided by the Secretary shall address the questions contained in the classified annex to this report regarding any additional civilian personnel added to the DCS beyond the number employed in the Defense HUMINT enterprise as of April 20, 2012.

The amendment would also prohibit the use of funds authorized to be appropriated by this Act to increase the positions in the DOD served by members of the armed forces conducting or supporting HUMINT, in excess of the number of positions, or billets, as of April 20, 2012.

The amendment would also require that CAPE consult with the Office of the Director of National Intelligence in conducting the required cost estimate of DCS.

The conferees support the efforts of the USDI and the DIA Director to reform the Defense HUMINT enterprise and provide multi-intelligence support to the military. However, the conferees agree that the DCS initiative should be limited in scope until the Department of Defense can demonstrate that it can correct longstanding problems in the recruitment, management, and execution of the clandestine service; that the service provides a unique capability to the Department of Defense; that the return on investment from further expansion in this mission area will be greater than that from alternative investments in other priorities, in the context of overall personnel and budget reductions; and that the proposed growth of the clandestine service and deployments can be supported.

The conferees recommend that the Secretary of Defense consider, in future budget requests, proposing split funding between the National Intelligence Program and MIP budgets for the DCS, in light of the stated objective of focusing collection on the needs of the Department of Defense.

*Subtitle D—Cyberspace-Related Matters*  
*Implementation strategy for Joint Information Environment (sec. 931)*

The Senate amendment contained a provision (sec. 923) that would require the Department of Defense (DOD) to undertake comprehensive network consolidation and redesign to improve performance and enhance cybersecurity, and to free up personnel to achieve an appropriate balance between U.S. Cyber Command's mission capabilities. In the event that the rate at which personnel freed up from network consolidation is insufficient, or if the personnel available are not able to meet the requirements for supporting U.S. Cyber Command's offensive missions, the provision would require the Secretary of Defense to take appropriate action to provide qualified personnel in the required timeframe.

The House bill contained no similar provision.

The House recedes with an amendment that would, in recognition of the activities already underway within DOD to rationalize the Department's networks under the Joint Information Environment (JIE) initiative, direct the Secretary of Defense to define the

strategy for implementing the JIE. The required strategy would include: (1) the Secretary's vision for the JIE; (2) the key milestones, costs, metrics, and resources needed to achieve this vision; (3) the acquisition strategy and management plan for the JIE; (4) the key technical and policy challenges for implementation; (5) identification of dependencies and gaps with respect to other initiatives (such as data center consolidation and information technology efficiencies); and (6) plans for addressing the personnel challenges associated with manning, training, operating, and defending the JIE.

The amendment would also modify the Senate provision by requiring the Secretary of Defense to submit a plan to provide personnel to meet validated requirements for the JIE and for the full spectrum of cyber operations to support the missions and plans of the combatant commands and the national cyber defense mission of the Department, including offensive cyber operations.

The conferees are concerned about shortfalls in the number and quality of cyber personnel available to support the on-net intelligence collection, preparation of the environment, defensive, and offensive missions of the Department. The conferees understand that U.S. Cyber Command is currently defining the required number and skills of such personnel, in conjunction with the military services, combatant commands, and the Office of the Secretary of Defense. The conferees believe the number of highly skilled cyber operators that could be required and the difficulty in recruiting, training, and retaining them, is daunting. The conferees note that the Secretary of Defense has committed to provide Congress with his initial planning to address this personnel issue early in the coming calendar year.

Finally, the conferees note that the report accompanying the House bill (H. Rept. 112-479) directs the Secretary of Defense to provide a briefing to the congressional defense committees within 180 days of the enactment of this Act that identifies the National Guard units that have a computer network defense role and describes that role. The conferees direct that the Secretary's cyber personnel planning and reporting to Congress include consideration of the National Guard.

*Next-generation host-based cyber security system for the Department of Defense (sec. 932)*

The Senate amendment contained a provision (sec. 924) that would require the Department of Defense (DOD) Chief Information Officer (CIO) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) to develop a strategy to acquire next-generation host-based cybersecurity tools and capabilities, and provide that strategy to Congress in conjunction with the President's budget request for fiscal year 2015.

The House bill contained no similar provision.

The House recedes with an amendment that would require the CIO to consult with the USD(AT&L) and the Commander of U.S. Cyber Command in the development of the strategy and to ensure the consideration of commercial applications in acquiring security tools for integration into the next-generation host-based security system.

The conferees recognize that increased and improved threat intelligence is a critical component for the future cybersecurity posture of the military. Further, the conferees believe that the Department of Defense should do more to broaden the types and sources of cyber threat intelligence data to support the common operational picture, in-

cluding data from host-based security systems, network flow data, and network hunting information.

Additionally, the conferees believe that U.S. Cyber Command, along with the military services and combat support agencies, should do more concept development and experimentation with these new sources of cyber intelligence information to understand how to better utilize these sources in day-to-day operations.

*Improvements in assurance of computer software procured by the Department of Defense (sec. 933)*

The Senate amendment contained a provision (sec. 925) that would mandate multiple actions to improve the security and quality of computer software code used by the Department of Defense (DOD), and enhance the ability of the DOD to compete software maintenance and upgrades.

The House bill contained no similar provision.

The House recedes with an amendment that would eliminate most of the specific required actions in the Senate provision, providing latitude to the DOD to develop or define methods and policies to improve software security and to measure their effectiveness. The amendment would not specifically require DOD to develop or update best practice software development and acquisition models to improve the security of software, or to measure contractor compliance with such models; to develop, and require proof of compliance with, secure software coding standards; to require program managers to develop and implement secure software coding plans; to make use of third-party software code assessment centers in government and the private sector; or to make use of software repositories.

Instead, the provision would mandate that the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) develop a baseline software assurance policy for the lifecycle of covered systems. The elements of the policy must include the mandated use of automated vulnerability analysis tools throughout the lifecycle of covered systems; the identification and prioritization of software security vulnerabilities and remediation strategies, and to reflect them in contract requirements; and the "promotion" of best practices and standards for achieving software security and quality. The USD(AT&L) also would be required collect data on the implementation of the policy and measure the effectiveness of the policy.

The conferees agree that DOD can and must make major improvements in the base level of security of the software it procures, including both custom-developed and commercial products modified or adapted specifically for DOD requirements. The conferees believe that improved software security need not be more costly or take more time to develop. Security must be designed, engineered, and tested into product development.

Leading commercial companies now understand the importance of secure software and have adopted disciplined, repeatable processes and techniques to achieve it. Industry associations and individual companies, as well as the National Security Agency (NSA) and the National Institute of Standards and Technology, claim that the National Information Assurance Partnership is truly transforming the Common Criteria process to ensure that security is built into commercial software products and objectively verified. The conferees are concerned that the DOD acquisition process and policies do not ap-

pear to have a defined role for Common Criteria. As the Department looks at how to translate remediation strategies into contract requirements and source selection criteria, the conferees direct that USD(AT&L) examine the potential role for Common Criteria product certifications in acquisitions of commercial software for covered systems, including commercial software packages that are integrated by or with custom code developed by DOD contractors.

The conferees also note that DOD officials from USD(AT&L) and the Office of the Chief Information Officer have expressed the need for a focused research and development effort to improve automated tools for discovering vulnerabilities in software, and to look at opportunities to push the state-of-the-art in emerging areas such as research into the use of formal methods. The conferees expect that this commitment will be reflected in the Department's software security policy and future budget requests. Similarly, consistent with the direction in the Senate report (S. Rept. 112-173) accompanying the National Defense Authorization Act for Fiscal Year 2013 (S. 3254), the conferees expect USD(AT&L) to make maximum use of software code analysis tools in development and use by NSA to support the acquisition of secure software.

*Competition in connection with Department of Defense tactical data link systems (sec. 934)*

The Senate amendment contained a provision (sec. 926) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)):

- (1) To develop an inventory of all data links in use and in development in the Department of Defense;
- (2) To conduct a business case analysis of each data link program and make a determination whether there is adequate competition in development, maintenance, upgrade, and new procurement, and if not, whether the program should be opened up to competition;
- (3) For each data link program that is identified for increased competition, to develop a plan that addresses how any policy, legal, programmatic, or technical barriers to competition will be overcome; and
- (4) For each program where competition is determined to be inadvisable, to prepare a justification for that conclusion.

The Senate provision would also require the USD(AT&L) to provide a report to Congress in conjunction with the submission of the fiscal year 2015 budget request, and the Comptroller General to conduct a separate evaluation.

The House bill contained no similar provision.

The House recedes with an amendment that would drop the requirement for a formal "business case" analysis, as well as the requirement for a separate evaluation by the Comptroller General.

*Collection and analysis of network flow data (sec. 935)*

The Senate amendment contained a provision (sec. 928) that would allow the Department of Defense (DOD) Chief Information Officer (CIO), in coordination with the Under Secretary of Defense for Intelligence (USDI), and the Under Secretary of Defense for Policy to take advantage of the research and development activities and capabilities of the Community Data Center (CDC) managed by the Defense Information Systems Agency (DISA) to enhance DOD's capabilities to collect, analyze, and store so-called network flow data records. The purpose of the provision would be to improve DOD's capabilities

to handle its own voluminous flow data records, and to potentially make this technology available for the defense of the country voluntarily through the Tier 1 Internet Service Providers (ISPs).

The House bill contained no similar provision.

The House recedes with an amendment that would include companies that are not Tier 1 Internet Service Providers but are managed security service providers in the requirement to coordinate DOD research and development activities.

The conferees recognize that increased and improved threat intelligence is a critical component for the future cybersecurity posture of the military. Further, the conferees believe that the DOD should do more to broaden the types and sources of cyber threat intelligence data to support the common operational picture, including data from host-based security systems, network flow data, and network hunting information.

Additionally, the conferees believe that United States Cyber Command, along with the military services and combat support agencies, should do more concept development and experimentation with these new sources of cyber intelligence information to understand how to better utilize these sources in day-to-day operations.

*Competition for large-scale software database and data analysis tools (sec. 936)*

The Senate amendment contained a provision (sec. 929) that would prohibit the use of the National Security Agency's (NSA) Accumulo cloud computing database by other Department of Defense (DOD) components after September 30, 2013, unless the Chief Information Officer (CIO) certifies that there are no viable commercial open source databases that have the security features of Accumulo, or that Accumulo itself has become a successful open source database project. The provision also would require that DOD and intelligence community officials coordinate fully on the use by DOD components of cloud computing infrastructure and services offered by the intelligence community for purposes other than intelligence analysis to ensure consistency with the DOD information technology efficiencies initiative, data center and server consolidation plans, and cybersecurity plans and policies.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the Senate provision: (1) to require DOD to conduct an analysis of large-scale software database and analysis tools, including technical requirements and available commercial, open source, and government solutions, and to report to Congress the results within 180 days of the enactment of this Act; and (2) to require competitive procedures for acquisitions of large-scale software database and analysis tools. In the event that a component decides not to use competitive procedures under the Federal Acquisition Regulations, the CIO and the Under Secretary of Defense for Acquisition, Technology, and Logistics would be required to provide notification to Congress of such decisions and the rationale for such decisions on a quarterly basis. This approval requirement would have a sunset limitation of 5 years.

The conferees note that the marketplace for commercial and commercially-supported open source "big data" analytics is vibrant, booming, and constantly innovating. These capabilities are becoming increasingly important for DOD as it strives for information

technology efficiencies and superior performance across multiple mission areas and support functions. The conferees believe that DOD must have an especially strong reason for rejecting competitive acquisition approaches for such capabilities.

The conferees note that DOD has already determined that the Accumulo database that NSA developed using government and contract engineers is a successful open-source project that is supported by commercial companies. The conferees expect that future acquisitions of Accumulo would be executed through such commercial vendors.

Federal Acquisition Regulations and government policy favors acquisition of commercial products over government-developed solutions when such commercial products can meet the government's needs. Recently, because of market trends and opportunities, DOD organizations are more reluctant to buy licensed commercial software products using traditional licensing models, in part due to the availability and attractiveness of open-source software. This trend overall is positive in that it puts pressure on industry to make better products more economically.

However, the conferees believe it is also possible for government-funded, essentially in-house development programs that unjustifiably compete with the private sector to spring up under the "open source" banner. While the conferees are fully supportive of open-source initiatives, government-off-the-shelf (GOTS) programs are GOTS programs by any name, and should be avoided whenever and wherever there are competitive commercial alternatives, regardless of whether the GOTS software is government-owned or even "open-sourced" while it is being developed or after the fact.

*Software licenses of the Department of Defense (sec. 937)*

The Senate amendment contained a provision (sec. 931) that would direct the Chief Information Officer of the Department of Defense (DOD) to conduct an inventory within 180 days of existing software licenses owned by DOD, including those in use and not in use.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees look forward to working with the DOD to ensure the committees are briefed annually on progress being made to implement the plan. The conferees expect DOD to effectively and efficiently manage its resources, including the number of software licenses it procures, to eliminate waste and unnecessary duplication to the maximum extent practicable.

*Sense of Congress on potential security risks to Department of Defense networks (sec. 938)*

The Senate amendment contained a provision (sec. 934) that would express the sense of the Senate regarding potential risks to the security of Department of Defense (DOD) networks from the incorporation of equipment and software from foreign sources, and the need for DOD authority and processes to mitigate such risks beyond those that already exist for covered National Security Systems acquired by DOD. The provision would also acknowledge the difficulty involved in blocking sales of information technology systems and services due to concerns about cybersecurity while maintaining our commitment to free trade and fair and transparent competition.

The House bill contained no similar provision.

The House recedes with an amendment that would change the provision from a sense of the Senate to a sense of the Congress, and to drop the "Findings" section.

The conferees are aware that cybersecurity threats are pervasive and serious, including through the supply chain of information technology equipment and software. Semiconductor manufacturing is already dominated by foreign producers, presenting supply chain risk management challenges. In a number of instances, foreign manufacturers of telecommunications equipment, including advanced wireless technology, are gaining global market share due to high quality and low prices. Competitive market forces ensure that commercial providers of consumer, business, and government systems and services will choose equipment and associated software from these manufacturers. In some cases, like Huawei Industries and ZTE Corporation, this competitive position stems in part from inappropriate government subsidies and other forms of assistance.

The conferees are concerned that some of these companies also present clear cybersecurity supply chain risks that the U.S. Government must address. For instance, the conferees are aware that the Committee on Foreign Investment in the United States has blocked the attempt by Huawei to acquire United States technology firms on two occasions and the National Security Agency and the Secretary of Commerce have advised two major United States telecommunications carriers against selecting Huawei as a supplier. Such supply chain threats require increased attention, as well as additional and varied tools for dealing with such supply chain challenges. For that reason, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) provided authority and mechanisms for the Secretary of Defense to control these supply chain risks. That legislation only addressed National Security Systems, leaving many information technology systems and missions exposed to these kinds of supply chain risks. The conferees recognize that blocking sales from providers of information technology systems and services due to concerns about cybersecurity risks, while maintaining our commitment to free trade and fair and transparent competition, poses difficult policy challenges.

*Quarterly cyber operations briefings (sec. 939)*

The House bill contained a provision (sec. 942) that would require the Secretary of Defense to provide a quarterly briefing to the Committees on Armed Services of the Senate and the House of Representatives on significant military cyberspace operations that were carried out by the Department of Defense in the preceding quarter.

The Senate amendment contained no similar provision.

The Senate recedes.

*Sense of Congress on the United States Cyber Command (sec. 940)*

The Senate amendment contained a provision (sec. 935) that includes a number of findings and would express the sense of Congress and the Secretary of Defense should brief and consult with Congress before any decision is made to recommend to the President to elevate United States Cyber Command from a sub-unified command to a unified command.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress the Secretary of Defense should brief and consult

with Congress when the Secretary makes any such proposal to the President. The amendment also would drop the findings section from the provision.

*Reports to Department of Defense on penetrations of networks and information systems of certain contractors (sec. 941)*

The Senate amendment contained a provision (sec. 936) that would require: (1) the Under Secretary of Defense for Intelligence (USDI) to establish a process and criteria for designating what companies among those that conduct classified activities with the Department of Defense (DOD), and which of their networks and information systems, must report cyber intrusions to DOD; (2) designating companies to report cyber intrusions of these networks and information systems, including a description of the penetration technique, and a sample of the malicious software, if available; and (3) designating companies, upon the request of DOD, to provide access by DOD to those networks and information systems, so that DOD can study the penetration and ascertain what DOD information might have been stolen.

The provision would also require the USDI to establish this reporting process in coordination with the Under Secretary of Defense for Policy, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the DOD Chief Information Officer, and the Commander of U.S. Cyber Command.

Finally, the provision would prohibit dissemination outside of DOD of information obtained or derived through the process that is not created by or for DOD without the approval of the contractor.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) place the Secretary of Defense in charge of creating the breach reporting process; (2) require that the Secretary of Defense designate a senior official to establish criteria for designating which contractors and which networks and information systems that process or contain information created by or for DOD that is subject to enhanced protection would be subject to the reporting requirement; (3) add to the reporting requirement a summary of information that has been potentially compromised; (4) establish procedures to allow access by DOD personnel for forensic analysis that are limited to determining whether DOD information was successfully exfiltrated and provide for reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person; and (5) limit the application of this section until the date on which the Secretary establishes the procedures and criteria required by this legislation. The amendment also would provide technical changes to the definition of cleared defense contractors.

The conferees emphasize that the procedures developed pursuant to this provision, in general, should exclude access to information that is not essential to understanding and preventing penetrations potentially resulting in the loss of DOD information and should protect the privacy of private-sector communications.

The conferees are aware that DOD is working on a Defense Federal Acquisition Regulation (DFAR) rulemaking that would mandate cyber breach reporting from a potential pool of contractors much wider than the cleared defense contractors designated in this provision, as well as standards for the protection of DOD information across the entire defense industrial base (DIB). The con-

ferrees note that this provision is intended to be compatible with, and provide support for, that eventual DFAR rule. As such, the conferees also expect DOD to consult with industry as it develops the reporting process pursuant to this provision.

The conferees also encourage DOD to build on the existing voluntary DIB information sharing program, where practical and sensible to do so, including such areas as the definition of reportable events, and the forensics damage assessment process allowing contractors to remove proprietary or other types of information before DOD forensics teams copy information or "image" systems.

The conferees recognize that as the lead federal agency designated by the President for coordinating with the DIB, DOD has a critical role in supporting cyber security matters involving the DIB. To fulfill DOD's obligations as the sector-specific agency for the national DIB critical infrastructure sector, as outlined in DOD Directive 3020.40 "DOD Policy and Responsibilities for Critical Infrastructure," DOD must work cooperatively with industry to create a successful public-private partnership that can provide timely and effective defenses for the nation's cyber infrastructure. The conferees also emphasize that this provision is not intended to apply to telecommunications and Internet service provider networks that merely transmit DOD information between DIB companies, within DIB companies, between DOD elements, or to and from DOD, unless such services are provided under requirements for the enhanced protection of DOD information.

**Subtitle E—Other Matters**

*Advice on military requirements by Chairman of Joint Chiefs of Staff and Joint Requirements Oversight Council (sec. 951)*

The House bill contained a provision (sec. 951) that would amend section 153 of title 10, United States Code, to clarify the role of the Chairman of the Joint Chiefs of Staff and the Joint Requirements Oversight Council in identifying, assessing, and approving military requirements and related functions.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Enhancement of responsibilities of the Chairman of the Joint Chiefs of Staff regarding the national military strategy (sec. 952)*

The Senate amendment contained a provision (sec. 1041) that would consolidate and clarify the requirements for the Chairman of the Joint Chiefs of Staff's submission or update, if any, of the National Military Strategy, and the annual submission of the Chairman's Risk Assessment.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments.

*One-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense regional centers for security studies (sec. 953)*

The House bill contained a provision (sec. 954) that would extend for 1 year the current authority under section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), as amended by section 941 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), for the five Regional Centers for Security Studies of the Department of Defense to waive the re-

imbursement costs required under section 184(f) of title 10, United States Code, for personnel of nongovernmental organizations and international organizations to participate in activities of the centers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the requirement for the Comptroller General of the United States to assess the effectiveness of the Regional Centers for Security Studies.

The conferees remain concerned about the activities of five Regional Centers for Security Studies of the Department of Defense, particularly as they relate to their support to the geographic combatant commanders. Therefore, the conferees direct the Comptroller General of the United States to assess: (1) the effectiveness of the Regional Centers for Security Studies in meeting the centers' objectives and advancing the priorities of the Department of Defense; (2) the extent to which the centers perform a unique function within the interagency community; (3) measures of effectiveness and impact indicators each center uses to internally evaluate its programs; (4) oversight mechanisms within the Department of Defense; (5) the depth and extent of support the centers provide to the geographic combatant commanders; (6) whether the centers' activities are duplicated by other entities in the Department of Defense or United States Government; (7) the benefits, if any, of waiving reimbursement costs for personnel of nongovernmental organizations and international organizations to participate in activities of the centers on an ongoing basis; and (8) other matters the Comptroller General may deem appropriate. The Comptroller General would be required to submit a report of such assessment by June 30, 2013, to the Committees on Armed Services of the Senate and House of Representatives.

*National Language Service Corps (sec. 954)*

The House bill contained a provision (sec. 955) that would require the Secretary of Defense to establish and maintain within the Department of Defense a National Language Service Corps.

The Senate amendment contained a similar provision (sec. 941).

The Senate recedes with a clarifying amendment that would authorize the Secretary of Defense to establish and maintain within the Department of Defense a National Language Service Corps.

*Savings to be achieved in civilian personnel workforce and service contractor workforce of the Department of Defense (sec. 955)*

The Senate amendment contained a provision (sec. 341) that would require the Secretary of Defense to develop and begin implementation of a plan to achieve savings in funding for the civilian workforce and the service contractor workforce of the Department of Defense (DOD) from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for military personnel achieved by the planned reduction in military end strength contained in the budget request for fiscal year 2013.

The House bill contained no similar provision.

The House recedes with an amendment that would require DOD to achieve savings in the total funding for each covered workforce from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for basic military personnel pay achieved from

reductions in military end strengths over the same period of time. The conferees understand that current DOD plans call for a 5 percent reduction in military end strength through fiscal year 2017.

The conference amendment would also: (1) require the Secretary to ensure that the efficiencies plan is developed in a manner that is consistent with statutory force planning requirements and ensures that the DOD civilian and contract services workforces are appropriately sized to support defense needs; (2) require the Secretary to consider statutorily required workload analyses and risk assessments in determining core or critical functions to be excluded from the savings requirements; and (3) require the Government Accountability Office to report on the extent to which savings are being achieved and the provision is being implemented in a manner consistent with statutory sourcing and workforce management requirements.

*Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship (sec. 956)*

The House bill contained a provision (sec. 952) that would amend section 1902(k) of title 50, United States Code, to authorize the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a federal agency or office identified by the Secretary of Defense as having national security responsibilities to appoint to positions in the excepted service eligible individuals who have successfully completed the requirements of the National Security Education Program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a federal agency or office identified by the Secretary of Defense as having national security responsibilities to appoint to positions in the excepted service eligible individuals who have successfully completed the requirements of the National Security Education Program, provided they have not received such an appointment previously.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps*

The House bill contained a provision (sec. 905) that would redesignate the Department of the Navy as the Department of the Navy and the Marine Corps and redesignate the position of the Secretary of the Navy as the Secretary of the Navy and Marine Corps.

The Senate amendment contained no similar provision.

The House recedes.

*Department of Defense representation in dispute resolution regarding surrender of Department of Defense bands of electromagnetic frequencies*

The Senate amendment contained a provision (sec. 914) that would amend section 1062(b)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65, 47 U.S.C. 921 note) to require that the Department of Defense (DOD) be adequately represented in the inter-agency spectrum reallocation process.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize the criticality of the radio frequency spectrum to national economic growth and our national security

capabilities. As the importance of spectrum to the national economy increases, it is essential that the needs and concerns of the DOD be adequately considered during reallocation, sharing, or auction of spectrum impacting national security capabilities.

The conferees are concerned that by not including specific national security representation, the Technical Panel and the Dispute Resolution Board, established under section 6701 of The Middle Class Tax Relief Act of 2012 (Public Law 112-96), may make decisions that could result in arbitrary determinations regarding the "sufficiency" of spectrum reallocation or sharing transition plans addressing national security capabilities and any dispute that may arise thereafter, without adequate input from the DOD. To ensure these equities are considered, the conferees direct the Secretary of Defense to determine whether the needs and concerns of the DOD have been adequately considered and addressed during the processes of identifying frequencies to be surrendered and transition planning, including review of transition plans by the Technical Panel and any dispute resolution by the Dispute Resolution Board, impacting national security capabilities.

Further, the conferees expect the National Telecommunications and Information Administration ensure that the rules and procedures implementing the Technical Panel and Dispute Resolution Board as required by Public Law 112-96 incorporate methods that enable the Secretary of Defense to make the necessary determination on the needs and concerns of the DOD with respect to consideration of transition plans impacting national security capabilities.

*Integration of critical signals intelligence capabilities*

The Senate amendment contained a provision (sec. 927) that would require the Director of the Intelligence, Surveillance, and Reconnaissance (ISR) Task Force to develop a plan to integrate multiple technical signals intelligence (SIGINT) capabilities together to satisfy requirements to detect, identify, track, and precisely locate communications equipment from airborne platforms.

The House bill contained no similar provision.

The Senate recedes.

*Limitation on certain funding until certification that inventory of contracts for services has begun*

The House bill contained a provision (sec. 931) that would fence certain funds until the Department of Defense is in full compliance with the requirements of section 2330a of title 10, United States Code, to develop an inventory of contract services.

The Senate amendment contained no similar provision.

The House recedes.

The conferees remain convinced that the required inventory is an important tool to provide transparency in government contracting and to assist decision-makers in planning, programming, and budgeting defense funds. The conferees are disappointed with the long delays in the Department's implementation of the inventory required by section 2330a. The conferees note that the Department has recently developed a plan to comply with the requirements of section 2330a and expect the Department to implement this plan in a timely manner.

*Requirement to ensure sufficient levels of government management, control, and oversight of functions closely associated with inherently governmental functions*

The House bill contained a provision (sec. 932) that would require the military depart-

ments to ensure that their staffing levels are sufficient to provide appropriate management, control, and oversight of functions closely associated with inherently governmental functions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 129a(f)(3) of title 10, United States Code, already requires the Secretary of Defense to ensure that the Department of Defense maintains sufficient capabilities within the Department to manage, control, and oversee functions performed by contractors. The conferees expect the Department to comply with these requirements.

*Special management attention required for certain functions identified in inventory of contracts for services*

The House bill contained a provision (sec. 933) that would require the Department of Defense to give special management attention to functions identified in the inventory of contract services required by section 2330a of title 10, United States Code, as being closely associated with inherently governmental functions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Department of Defense to ensure that the Department maintains the capabilities required by section 129a(f)(3) of title 10, United States Code, in connection with any functions closely associated with inherently governmental functions that are performed by contractors.

*Military activities in cyberspace*

The House bill contained a provision (sec. 941) that would clarify that the Secretary of Defense has the authority to conduct clandestine cyberspace activities in support of military operations pursuant to a congressionally authorized use of force outside of the United States, or to defend against a cyber attack on an asset of the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

*Annual briefing to congressional defense committees on certain written policy guidance*

The House bill contained a provision (sec. 953) that would require the Secretary of Defense to brief the congressional defense committees annually on the defense planning guidance and policy guidance developed pursuant to section 113 of title 10, United States Code.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the Secretary of Defense, or his designee, should, upon request and subsequent to submission of the annual defense budget request, provide the congressional defense committees with a briefing, classified or unclassified, that describes the defense planning guidance as required by section 113(g) of title 10, United States Code, and from which the budget request submitted was developed. The conferees agree that the Secretary of Defense, when developing this briefing shall exclude descriptions of strategic contingency planning or plans.

#### TITLE X—GENERAL PROVISIONS

##### Subtitle A—Financial Matters

*General transfer authority (sec. 1001)*

The House bill contained a provision (sec. 1001) that would provide the Department of



Defense with \$3.5 billion of general transfer authority in fiscal year 2013.

The Senate amendment contained a similar provision (sec. 1001) that would provide the Department of Defense with \$5.0 billion general transfer authority in fiscal year 2013.

The House recedes with an amendment providing the Department of Defense with \$4.0 billion of general transfer authority in fiscal year 2013.

*Budgetary effects of this Act (sec. 1002)*

The House bill contained a provision (sec. 1002) that would determine the budgetary effects of this Act.

The Senate amendment contained a similar provision (sec. 4).

The Senate recedes with a technical amendment.

*Sense of Congress on notice to Congress on unfunded priorities (sec. 1003)*

The House bill contained a provision (sec. 1003) that would require members of the Joint Chiefs of Staff and the Commander, U.S. Special Operations Command, to submit to the congressional defense committees, within 30 days of the Department's annual budget request, a report containing a list of unfunded priorities.

The Senate amendment contained a similar provision (sec. 1047) that would express the sense of the Senate that the service chiefs and the Commander, U.S. Special Operations Command, should provide unfunded priorities lists to the congressional defense committees.

The House recedes with an amendment that would express the sense of Congress.

*Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization (sec. 1004)*

The Senate amendment contained a provision (sec. 1002) that would give the Secretary of Defense transfer authority of up to \$150.0 million to the nuclear weapons program in the National Nuclear Security Administration if the amount appropriated for that program is less than \$7.9 billion—the amount specified for fiscal year 2013 in the report required by section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The House bill contained no similar provision.

The House recedes.

*Audit readiness of Department of Defense statements of budgetary resources (sec. 1005)*

The Senate amendment contained a provision (sec. 1003) that would codify the goal established by the Secretary of Defense of validating the statement of budgetary resources of the Department of Defense as audit ready by the end of fiscal year 2014, provided that the achievement of this goal is affordable, does not result in excessive one-time fixes and manual work-arounds, and will not delay full auditability for the Department's financial statements.

The House bill contained no similar provision.

The House recedes.

*Report on balances carried forward by the Department of Defense at the end of fiscal year 2012 (sec. 1006)*

The Senate amendment contained a provision (sec. 1005) that would require the Secretary of Defense to submit to the Congress the dollar amount of obligated and unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012.

The House bill contained no similar provision.

The House recedes.

*Report on elimination and streamlining of reporting requirements, thresholds, and statutory and regulatory requirements resulting from unqualified audit opinion of Department of Defense financial statements (sec. 1007)*

The Senate amendment contained a provision (sec. 903) that would, in the event that the Department of Defense (DOD) fails to achieve an unqualified audit opinion by the end of fiscal year 2017, transfer the Defense Finance and Audit Service from DOD to the Department of the Treasury and establish a new Chief Management Officer position within DOD.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Under Secretary of Defense (Comptroller) to report to Congress on elimination and streamlining of reporting requirements, thresholds, and statutory and regulatory requirements that may be made possible when DOD achieves an unqualified audit opinion.

The conferees remain concerned about the ability of the DOD to meet the 2014 objective for the audit readiness of its Statement of Budget Readiness and the 2017 objective for full audit readiness. For example, according to the most recent Financial Improvement and Audit Readiness Plan Status Report submitted to Congress, the Air Force missed 7 out of 15 near-term audit readiness deadlines. Concerns raised by these missed deadlines are exacerbated by management failures on the Expeditionary Combat Support System program and the recent decision to terminate this program.

The conferees agree that a continued legislative focus on this issue is necessary to ensure that the DOD meets established objectives and that if DOD shows a lack of progress further legislation—which could include possible incentives identified pursuant to the report required by this section and penalties for failure to achieve meaningful progress—is likely to be required.

**Subtitle B—Counter-Drug Activities**

*Extension of the authority to establish and operate National Guard counterdrug schools (sec. 1008)*

The House bill contained a provision (sec. 1011) that would authorize the Secretary of Defense to continue to operate the five National Guard Counterdrug Schools currently in existence for an additional period of 5 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would incorporate a new reporting requirement and establish an annual limitation on funding.

*Biannual reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account (sec. 1009)*

The House bill contained a provision (sec. 1012) that would extend by 1 year the reporting requirement on expenditures to support foreign counter-drug activities under section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), as most recently amended by section 1008 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The Senate amendment contained a similar provision (sec. 1014) that would require the Secretary of Defense to submit on a quarterly basis reports to the congressional defense committees setting forth, by project

code, a description of all expenditures of funds to support foreign counterdrug activities from the Drug Interdiction and Counterdrug Activities Defense-wide account. Further, the provision would repeal section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), as most recently amended by section 1008 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The House recedes with an amendment that would modify the requirement under the Senate amendment to require semi-annual reports.

*Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia (sec. 1010)*

The House bill contained a provision (sec. 1013) that would extend by 1 year the unified counterdrug and counterterrorism campaign in the Republic of Colombia under section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375), as most recently amended by section 1007 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The Senate amendment contained a provision (sec. 1013) that would permit, for 1 fiscal year, the Secretary of Defense to expend not more than \$50.0 million to continue to support the unified counterdrug and counterterrorism campaign of the Government of Colombia. The provision would permit the Secretary to provide: (1) logistics support, services, and supplies; (2) the types of support authorized under section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), as amended; and (3) the types of support authorized under 1033(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as amended. The provision would prohibit U.S. personnel from participating in any combat operation in connection with assistance provided under this authority. The provision would require the Secretary of Defense to submit an annual report on any assistance provided pursuant to this provision to the congressional defense committees.

The Senate recedes.

*Extension of Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities (sec. 1011)*

The House bill contained a provision (sec. 1014) that would extend by 1 year the support for joint task forces under section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136), as most recently amended by section 1004 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The Senate amendment contained an identical provision (sec. 1011).

The conference agreement includes this provision.

The conferees note that the Department of Defense (DOD) is currently using this authority in a limited number of locations. While the conferees are pleased to learn of DOD's judicious use of this authority, the conferees also believe there are additional activities that could potentially be conducted in additional regions, particularly against illicit smuggling networks in North-west Africa.

*Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments (sec. 1012)*

The Senate amendment contained a provision (sec. 1012) that would amend section 1033

of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85), as most recently amended by section 1006 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), to require biennial certification following the first year certification, rather than annual certification for the Department of Defense to provide additional support for counterdrug activities to certain foreign governments.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Naval Vessels and Shipyards

*Policy relating to major combatant vessels of the strike forces of the United States Navy (sec. 1013)*

The House bill contained a provision (sec. 1021) that would amend section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181). Section 1012 requires that all combatant vessels of the strike forces of the Navy, including all new classes of such vessel, be designed with integrated nuclear power systems. The provision would amend section 1012 to require the Secretary of the Navy to notify the congressional defense committees if, after a cost benefit analysis, the Secretary decides it would not be practical for the new class of ships to be nuclear powered.

The Senate amendment contained no similar provision.

The Senate recedes.

*Limitation on availability of funds for delayed annual naval vessel construction plan (sec. 1014)*

The House bill contained a provision (sec. 1022) that would fence some funds available to the Secretary of the Navy until the annual shipbuilding plan required under section 231 of title 10, United States Code, has been submitted to Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

*Retirement of naval vessels (sec. 1015)*

The Senate amendment contained a provision (sec. 1021) that would require the Chief of Naval Operations (CNO) to produce a report that would set forth a comprehensive description of the current requirements of the Navy for combatant vessels of the Navy, including submarines. The provision would also require that, if the number of these vessels is less than 313 ships, the report would have to include the justification of the CNO for that smaller number, and an explanation of how that smaller number is consistent with the recently revised strategic guidance issued by the President and the Secretary of Defense in 2012.

The House bill contained no similar provision.

The House recedes.

*Termination of a Maritime Prepositioning Ship Squadron (sec. 1016)*

The Senate amendment contained a provision (sec. 1022) that would limit funding to terminate a Maritime Prepositioning Ship Squadron (MPSRON) until a report is received on the impact of the termination.

The House bill contained no similar provision.

The House recedes with an amendment that would add to the report a description of any increased risk or operational plan impacts associated with using Norway to fulfill the MPSRON requirement.

*Sense of Congress on recapitalization for the Navy and Coast Guard (sec. 1017)*

The Senate amendment contained a provision (sec. 1023) that would state that it is the

sense of Congress that, among other things: (1) the Secretary of Defense, in coordination with the Secretary of the Navy, should maintain the recapitalization plans for the Navy as a priority in all future force structure decisions; and (2) the Secretary of Homeland Security should maintain the recapitalization plans for the Coast Guard as a priority in all future force structure decisions.

The House bill contained no similar provision.

The House recedes.

*Notice to Congress for the review of proposals to name naval vessels (sec. 1018)*

The Senate amendment contained a provision (sec. 1024) that would identify appropriate and necessary standards for the naming of vessels of the Navy, and would amend section 7292 of title 10, United States Code, by adding a new subsection that would prevent the Secretary of the Navy from announcing or implementing any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report that justifies how such a naming proposal follows the appropriate and necessary standards for the naming of vessels of the Navy set forth in this Act.

The House bill contained no similar provision.

The House recedes.

The conferees agree that: (1) the ship naming process must not be politicized; (2) setting forth objective criteria can help in this goal; and (3) establishing a notify-and-wait period will aid the Armed Service Committees' oversight of the process.

Subtitle D—Counterterrorism

*Extension of authority to make rewards for combating terrorism (sec. 1021)*

The House bill contained a provision (sec. 1034) that would extend the section 127(b) of title 10, United States Code, which allows the Secretary of Defense to offer and make rewards to a person providing information or nonlethal assistance to U.S. Government personnel or government personnel of Allied Forces participating in a combined operation with U.S. Armed Forces through fiscal year 2014 and require a report that outlines future requirements of the authority.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that the Department has used this authority in Afghanistan, but not in other ongoing contingency operations such as Operation Observant Compass, the U.S. military's operation to advise and assist the Ugandan People's Defense Force (UDPF) and other regional militaries in their ongoing efforts to apprehend or remove Joseph Kony and his top lieutenants from the battlefield. Enhancing U.S. Africa Command's (AFRICOM) effectiveness in helping regional partners and one of the most enduring and destructive scourges on the continent would go a great distance in convincing the people and governments of Africa that the United States can offer a sincere and valuable contribution to the continent's security. The conferees believe that U.S. forces have not made effective use of the Department of Defense's (DOD) counterterrorism rewards program, despite Joseph Kony's designation as a Specially Designated Global Terrorist in 2008. This authority allows deployed forces to incentivize the local populace to provide information in support of operations conducted against international terrorism and to improve force protection. The conferees

believe delegating appropriate approvals for the use of this authority to forces on the ground and targeting outreach efforts at defecting LRA members would enhance the use and effectiveness of this authority.

*Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba (sec. 1022)*

The House bill contained a provision (sec. 1038) that would prohibit the use of fiscal year 2013 Department of Defense (DOD) funds or funds otherwise made available to the DOD to construct or modify any facility in the United States to house Guantanamo detainees.

The Senate amendment contained a provision (sec. 1031(a)) that would extend through fiscal year 2013 the prohibition under section 1026 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1566) on the construction or modification of facilities in the United States to house Guantanamo detainees.

The Senate recedes.

The conferees note that the language of the House provision and the conference agreement is identical to that contained in section 1026 of Public Law 112-81 except that the prohibition is extended from fiscal year 2012 to fiscal year 2013.

*Report on recidivism of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who have been transferred to foreign countries (sec. 1023)*

The House bill contained a provision (sec. 1039) that would require two reports relating to transfers of individuals detained at the U.S. Naval Station, Guantanamo Bay, Cuba. The first report would require the Director of the Defense Intelligence Agency (DIA), in consultation with the heads of the other elements of the intelligence community, as appropriate, to assess the factors causing or contributing to the recidivism of Guantanamo detainees that are released or transferred. The second report would require the Secretary of State to assess the effectiveness of the agreements with other countries relating to the transfer or release of Guantanamo detainees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would consolidate the two reports into one report submitted by the DIA Director, in consultation with the heads of each of the other elements of the intelligence community.

*Notice and report on use of naval vessels for detention of individuals captured outside Afghanistan pursuant to the Authorization for Use of Military Force (sec. 1024)*

The House bill contained a provision (sec. 1040) that would require the Secretary of Defense to submit a notification to the Committees on Armed Services of the Senate and the House of Representatives not later than 5 days after detaining an individual on a naval vessel outside the United States pursuant to the Authorization for Use of Military Force (Public Law 107-40). The House provision would also require the Secretary to submit to those Committees a detailed report on the use of naval vessels for detention purposes.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the period for submitting the notification of detention from not later than 5 days to not later than 30 days after

the individual is first detained. The amendment would also require that if the detained individual is transferred or released before the notice of the individual's detention is submitted, the Secretary must submit to the Committees on Armed Services of the Senate and the House of Representatives notice of the transfer or release. The amendment would retain the reporting requirement in the House bill on the use of naval vessels for detention purposes.

*Notice required prior to transfer of certain individuals detained at the Detention Facility at Parwan, Afghanistan (sec. 1025)*

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to notify the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than 10 days prior to the transfer of any third country national detainee held at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or any other country. As part of the notification required by this provision, the Secretary of Defense would be required to provide certain assessments and certifications.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that the specified assessments are conducted prior to the transfer of any third country national subject to this provision, but would eliminate the requirement that the assessments or certifications relating to those assessments be submitted to Congress as part of the transfer notification.

*Report on recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan (sec. 1026)*

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report relating to the recidivism of individuals formerly detained at the detention facility at Parwan, Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1027)*

The House bill contained a provision (sec. 1036) that would prohibit the use of Department of Defense (DOD) funds for fiscal year 2013 to transfer or release detainees at U.S. Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories, or possessions.

The Senate amendment contained a provision (sec. 1032) that would establish a permanent prohibition on the use of any appropriated funds to transfer or release Guantanamo detainees to or within the United States, its territories, or possessions.

The Senate recedes.

*Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities (sec. 1028)*

The House bill contained two provisions (sec. 1037 and sec. 1043) that would extend for

1 year the certification requirements applicable to the transfer or release of detainees at the United States Naval Station, Guantanamo Bay, Cuba and revise those requirements.

The Senate amendment contained a provision (sec. 1031(b)) that would extend the certification requirements for 1 year without change.

The Senate recedes with an amendment that would extend the certification requirement for 1 year and modify the requirement in two ways.

First, the amendment would provide that in assessing the risk that a detainee will engage in terrorist activity if released, as required by the certification requirements or the national security waiver with regard to certain certification requirements, the Secretary of Defense may give favorable consideration to any detainee who has cooperated with U.S. intelligence and law enforcement authorities pursuant to a pre-trial agreement while in Department of Defense custody, and for whom appropriate agreements and mechanisms are in place to provide for continued cooperation with U.S. intelligence and law enforcement authorities following transfer.

Second, the amendment would add that, if the Secretary of Defense invokes the national security waiver, the Secretary must also provide as part of the report accompanying the waiver classified information on the detainee's record of cooperation with the Department while in DOD custody and any agreements in place to provide for the detainee's continuing cooperation after transfer.

*Rights Unaffected (sec. 1029)*

The House bill contained a provision (sec. 1033) that would state that nothing in the Authorization for Use of Military Force (Public Law 107-40) (AUMF) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) (FY 2012 NDAA) shall be construed to deny the availability of the writ of *habeas corpus* or to deny any Constitutional rights in an Article III court for any person who is lawfully in the United States when detained and who is otherwise entitled to the availability of such writ or such rights.

The Senate amendment contained a provision (sec. 1033) that would state that an authorization for the use of military force shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

The Senate recedes with an amendment that would state that nothing in the AUMF or the FY 2012 NDAA shall be construed to deny the availability of the writ of *habeas corpus* or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws.

The conferees note that Under Article 1, section 9 of the Constitution, *habeas corpus* rights "shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." The Supreme Court has stated that Congress may not be presumed to have limited *habeas corpus* rights absent "an unmistakably clear statement" to that effect. (*Hamdan v. Rumsfeld*, 548 U.S. 557, 575 (2006); *Boumedienne v. Bush*, 553 U.S. 723, 738 (2008)).

The conferees note that no provision of the AUMF or the FY 2012 NDAA addresses the

availability of the writ of *habeas corpus*. On the contrary, section 1021(e) of the FY 2012 NDAA expressly states: "Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States." Further, the conferees acknowledge that constitutional rights may not be restricted or denied by statute. Consequently, nothing in the AUMF or the FY 2012 NDAA restricts or denies existing *habeas corpus* rights or any other existing constitutional rights.

Subtitle E—Nuclear Forces

*Nuclear weapons employment strategy of the United States (sec. 1031)*

The House bill contained a provision (sec. 1051) that would require annual briefings to the congressional defense committees, specifically the Chairmen and Ranking Members and such professional staff as they designate, on the nuclear weapons employment strategy, plans and options of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require notification to the congressional defense committees when there is an anomaly of the nuclear command, control and communications system that rises to the level of notification to Secretary of Defense or the Nuclear Weapons Council. This requirement is intended to involve those anomalies that are beyond the de minimis issues.

*Progress of modernization (sec. 1032)*

The House bill contained a provision (sec. 1054) that would prohibit the expenditure of any funds made available for fiscal year 2013 or any fiscal year thereafter to implement a new nuclear weapons employment strategy until a period of 1 year after a report detailing such strategy has been submitted to Congress. The section would also provide that for fiscal years 2013 through 2021, no funds made available for each such fiscal year may be used to carry out the decisions of the 2010 Nuclear Posture Review Implementation study that would alter the nuclear weapons employment strategy, guidance, plans or options of the United States until the President certifies that the resources projected in the February 2011 update to the report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) have been requested from the Congress, have been provided in appropriations acts passed by the Congress and signed by the President, and the sequestration mechanism of the Balanced Budget and Emergency Deficit Control Act of 1985, (Public Law 99-177), have been repealed or otherwise terminated.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require notice 60 days before the 2010 Nuclear Posture Review Implementation Study from the 2010 Nuclear Posture Review is issued or implemented, and that the President shall transmit to congressional defense committees a report providing the high, medium and low confidence assessments of intelligence community as to whether the United States will have significant warning of a strategic surprise or breakout caused by foreign nuclear weapons development.

*Report in the event of insufficient funding for modernization of nuclear weapons stockpile (sec. 1033)*

The House bill contained a provision (sec. 1053) that would amend section 1045(a) of the

National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) to require a report in any year in which funding is appropriated for nuclear modernization activities that is less than projected in the November 2010 update of the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) within 60 days of the determination of insufficient funding. The section would prohibit the reduction of U.S. deployed nuclear warheads until the President certifies that the resource shortfall identified in the report has been addressed and 120 days have elapsed following such certification. The limitation on reductions would not apply regarding reductions made to ensure the safety, security, reliability and credibility of the U.S. nuclear weapons stockpile and delivery systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require notification to the appropriate congressional committees 60 days before a reduction in the number of deployed nuclear warheads.

*Prevention of asymmetry of nuclear weapon stockpile reductions (sec. 1034)*

The House bill contained a provision (sec. 1056) that would require the President to certify whether reductions in the U.S. nuclear weapons stockpile would result in the stockpile being smaller than that of the Russian Federation. The section would provide that if the President certifies that the U.S. nuclear weapons stockpile is smaller than the Russian stockpile, he may not make any reductions to the U.S. stockpile until the Commander of U.S. Strategic Command reports on a potential strategic imbalance created by the reductions and a period of 180 days has elapsed following the submission of the report to the congressional defense committees. The section would except from the limitation reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would replace the limitation on reductions with a report by the Commander of the U.S. Strategic Command, transmitted by the President 60 days before the reduction, covering whether it would create a strategic imbalance or degrade deterrence and extended deterrence between the total number of the nuclear weapons of the United States and the total number of the Russian Federation.

*Strategic delivery systems (sec. 1035)*

The Senate amendment contained a provision (sec. 1071) that would require the President to certify to the congressional defense committees whether plans to modernize strategic delivery systems are funded at a level equal to or more than that outlined in the November 2010 update to the plan found in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). If the level of funding is less than that referred to in the November 2010 update, then the President must submit as part of the reporting requirements under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), his assessment of whether a lack of full funding will result in a loss of military capability. If the President determines that the lack of full funding will result in a loss of military capability, he must submit with the section 1043 report a plan to preserve or retain the capability that would be lost, and a

report that assesses the impact of the lack of full funding and a description of the funding required to restore the capability.

The House bill contained a similar provision (sec. 1055) that would require the President to certify annually whether plans to modernize or replace strategic delivery systems are fully resourced and being executed at a level equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of Public Law 111-84. The section would further prohibit the use of funds to reduce, convert, or eliminate strategic delivery systems as a result of the New START treaty or otherwise unless the President is able to issue the required certification.

The House recedes with an amendment that would require the President to certify annually to the congressional defense committees whether plans to replace or modernize strategic delivery systems are funded at levels equal that under the November 2010 update to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). If before fiscal year 2020, the President reports that the plan to modernize the strategic delivery systems is not fully funded according to the November 2010 update, the President shall include with the report to Congress under section 1043 of Public Law 112-81 a determination whether the lack of funding will result in a loss of military capability as compared to the November 2010 update. If the determination is made that a lack of full funding will result in a loss of military capability, the President shall include with the report under section 1043 of Public Law 112-81, a plan to preserve the military capability that would be lost, an assessment of the impact of the lack of full funding on the strategic delivery systems, and a description of the funding required to restore military capability. The President must certify a commitment to accomplishing the modernization and replacement of strategic delivery systems and the political obligations concerning nuclear modernization as set forth in declaration 12 of the Resolution of Advice and Consent to Ratification of the New START treaty.

The amendment also requires that the President make the certification regarding full funding for the strategic delivery systems under the November 2010 update to the section 1251 plan not less than 60 days before the date on which the President carries out any proposed reduction to the strategic delivery systems along with any additional reporting matters described in this section. In addition, the President must certify to the congressional defense committees that the Russian Federation is in compliance with its arms control obligations with the United States.

*Consideration of expansion of nuclear forces of other countries (sec. 1036)*

The House bill contained a provision (sec. 1057) that would require that in any year in which the President recommends reductions in the nuclear forces of the United States that no funds made available for fiscal year 2012 or any fiscal year thereafter may be used for such reduction until the President transmits to the appropriate congressional committees a report regarding foreign nuclear weapons programs and a certification by the Commander of U.S. Strategic Command as to whether the recommended reductions in U.S. nuclear forces could have specific implications for U.S. national security.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that requires the President to transmit a re-

port to Congress 60 days before any such reduction with a high, medium and low confidence intelligence community assessment regarding a country's number and type of nuclear weapons, its modernization plans, warhead and strategic delivery vehicle production capacity, nuclear doctrine and the impact of the reductions on deterrence and extended deterrence of the United States. In addition, the Commander of the United States Strategic Command shall certify to congressional defense committees whether such reductions impair the ability of the United States to respond to unplanned strategic or geopolitical events, technical challenges or whether such reductions degrade United States deterrence or the extended deterrence it provides to its friends and allies. With regard to extended deterrence, the conferees expect the Commander will consult with the Secretary of State.

*Nonstrategic nuclear weapon reductions and extended deterrence policy (sec. 1037)*

The House bill contained a provision (sec. 1060) that would state the policy of the United States regarding nonstrategic nuclear weapons reductions as well as the United States policy on the extended deterrence commitment to Europe. The section would also limit any funds made available for fiscal year 2013 or any fiscal year thereafter to reduce, consolidate or withdraw U.S. nuclear weapons that are based in Europe until certain specific conditions are met, as established by a certification from the President submitted to the appropriate congressional committees, and a period of 180 days has elapsed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a notification to the congressional defense committees 60 days before the reduction, consolidation, or withdrawal of nuclear forces based in Europe.

*Unilateral change in nuclear weapons stockpile of the United States (sec. 1038)*

The House bill contained a provision (sec. 1065B) that would prohibit the President from retiring, dismantling, or eliminating any nuclear weapon if the action results in a level lower than that described by the New Strategic Arms Reduction Treaty.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President, prior to considering a change to the size of the total stockpile of deployed and non-deployed hedge weapons by more than 25 percent, other than through a treaty even if over several years, to submit to the congressional defense committees the terms of reference of a nuclear posture review. The 25 percent change would include either a reduction or an increase in nuclear stockpile size.

Under the provision, the President would be allowed to change the nuclear stockpile by more than 25 percent upon completing the nuclear posture review and submitting it to the congressional defense committees.

This provision would not apply to changes in the nuclear weapons stockpile resulting from treaty obligations, but would apply to any other changes. This provision would be a recurring requirement.

The Nuclear Posture Review would be submitted in an unclassified form but may include a classified annex.

*Expansion of duties and responsibilities of the Nuclear Weapons Council (sec. 1039)*

The House bill contained a provision (sec. 1061) that would amend section 179 of title 10,

United States Code, (10 U.S.C. 179) authorizing the Nuclear Weapons Council (NWC) to require circulation of materials to the Chairman of the NWC not later than 7 days before a Council meeting and to coordinate and approve the annual budget proposals of the National Nuclear Security Administration (NNSA).

The Senate amendment contained a similar provision (sec. 902) that would amend the statute authorizing the NWC (10 U.S.C. 179) to require that concurrent with the President's budget submission, that the Council certify in writing that the budget for the NNSA meets both the nuclear stockpile and the stockpile stewardship requirements as well as provide programmatic oversight of the nuclear command and control system. The provision also requires the Council to notify the congressional defense committees on the impacts of any authorization or appropriation bill adopted by either the Senate or the House of Representatives that in the view of the Council fails to adequately fund the nuclear stockpile and nuclear stockpile stewardship requirements.

The Senate recedes with an amendment that would require certification by the NWC of the NNSA budget with dissenting opinions at the time of budget submission to the Congress, provide oversight of the nuclear command and control system and provide that the NWC notify the congressional defense committees on the impacts of any authorization or appropriation bill adopted by either the Senate or House that fails to fund the nuclear stockpile stewardship requirements.

The conferees understand there will be circumstances which could preclude meeting the 7-day advance document requirement before a meeting of the NWC. The conferees intend the 7-day requirement apply to the extent possible.

The conferees expect that the NWC not only certify (as required by statute) the NNSA budget as it is submitted to the Congress but that the NWC also take an active role in shaping and reviewing the NNSA budget as it is prepared for submission to Congress and negotiated with the Office of Management and Budget during the budget review process.

*Interagency Council on the Strategic Capability of the National Laboratories (sec. 1040)*

The House bill contained a provision (sec. 1062) that would establish an Interagency Council on the Strategic Capability of the National Laboratories. The membership of the Council would include the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, the Director of National Intelligence, the Administrator for Nuclear Security, and other officials as designated by the President. The Council would be responsible for a variety of matters related to identifying, assessing, and ensuring adequate support for strategic capabilities at the national laboratories that could be used by the participating agencies to accomplish national security missions. This section would also require each member of the Council to create streamlined consideration and approval processes for their agency to procure the services of the national laboratories on appropriate matters. Finally, this provision would require the Council to submit a report to appropriate congressional committees on the functions and effectiveness of the Council.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add a requirement that the Council, in its report to Congress, assess the stra-

tegic capabilities and core competencies of laboratories and engineering centers operated by the Department of Defense, including mission areas and functions that should be carried out by these laboratories and engineering centers.

*Cost estimates for nuclear weapons (sec. 1041)*

The House bill contained a provision (sec. 1065A) that would amend section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) and would require cost estimates for sustaining and modernizing the U.S. nuclear deterrent and the nuclear stockpile over the 10 year period including training, basing, security, testing, research, development, deployment, transportation, personnel, overhead, and other appropriate matters as well as budget estimates listed by location for the Department of Defense. The Comptroller General would be required to review the cost estimates prepared by the Department of Defense within 180 days.

The Senate amendment contained a similar provision (sec. 1073) that would require the Congressional Budget Office to obtain a 10 year cost estimate of nuclear weapons enterprise in the Departments of Defense and Energy.

The Senate recedes with an amendment that would amend section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) and require cost estimates for sustaining and modernizing the U.S. nuclear deterrent and the nuclear stockpile over the 10 year period including for procurement, military construction, operation and maintenance, research, development, test, and evaluation for the Department of Defense, with a review of the costs by the Comptroller General. The amendment would also require a 10 year cost estimate by the Congressional Budget Office of the nuclear enterprise in the Departments of Defense and Energy.

*Prior notification with regard to retirement of strategic delivery systems (sec. 1042)*

The House bill contained a provision (sec. 1065C) that would limit any funds authorized to be appropriated for fiscal year 2013 or any fiscal year thereafter for the Department of Defense to reduce, convert, or decommission any strategic delivery system pursuant to the levels set forth under the New START Treaty unless the President certifies to Congress that the Russian Federation makes a commensurate reduction, conversion or decommissioning under the Treaty and that the Russian Federation is not developing or deploying a strategic delivery system that is not covered under the treaty limits and capable of reaching the United States. The provision limits any funds authorized to be appropriated for fiscal year 2013 or any fiscal year thereafter if such funds would eliminate a leg of the nuclear triad.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President submit the report required under section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112-81), 60 days before any such reduction, conversion or decommissioning of any strategic delivery systems under the New START Treaty.

*Report on nuclear warheads on intercontinental ballistic missiles of the United States (sec. 1043)*

The House bill contained a provision (sec. 1059) that would prohibit reductions in the number of warheads loaded on U.S. intercontinental ballistic missiles unless the

President certifies that the Russian Federation and the People's Republic of China are carrying out similar reductions with an exception for reductions made to ensure the safety, security, reliability and credibility of the U.S. nuclear weapons stockpile and delivery systems

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report on the requirements necessary to ensure the United States retains the ability to upload multiple warheads on intercontinental ballistic missiles if circumstances dictate that such actions are needed.

*Requirements for combined or interoperable warhead for certain missile systems (sec. 1044)*

The Senate amendment contained a provision (sec. 1072) that would require the Nuclear Weapons Council to provide Congress with the definition of a combined warhead so that the 6.1 and 6.2 process will have clarity in the out-years.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretaries of the Navy and Air Force to submit to the Nuclear Weapons Council their plans and views with respect to a combined or interoperable warhead for the W78 Minuteman III missile system and the W88 Trident II system. The amendment would also require that these views be combined unedited with the report from the Nuclear Weapons Council setting forth the requirements for the combined or interoperable warhead and provided to Congress.

To better understand the requirements associated with this interoperable warhead, the conferees direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit to the congressional defense committees by February 1, 2013, any briefing materials that pertain to the interoperable warhead that were provided to the Nuclear Weapons Council by the Commander of U.S. Strategic Command during the Council's July 2012 meetings. In addition to the original materials, the Under Secretary and the Commander of U.S. Strategic Command may also submit any update to the information contained in the materials.

*Reports on capability of conventional and nuclear forces against certain tunnel sites and on nuclear weapons program of the People's Republic of China (sec. 1045)*

The House bill contained a provision (sec. 1063) that would require a report within 1 year after the date of enactment of this Act on the implications of the underground tunneling network of the People's Republic of China and the capacity of the conventional and nuclear forces of the United States to hold those tunnels (and assets contained within) at risk, including any implications for U.S. force structure and program requirements. Such report would be unclassified, with a classified annex if necessary. Information controlled under special access programs and alternate or compensatory control measures are limited to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes.

*Report on conventional and nuclear forces in the Western Pacific region (sec. 1046)*

The House bill contained a provision (sec. 1064) that requires a report on the deployment of additional conventional and nuclear

forces to the Western Pacific, detailing specific issues with such deployments including an evaluation of any bilateral agreements, basing arrangements and costs required for such deployments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to consider the feasibility and strategic value of such deployments as part of the report.

#### Subtitle F—Miscellaneous Authorities and Limitations

##### *Expansion of authority of the Secretary of the Army to loan or donate excess non-automatic service rifles for funeral and other ceremonial purposes (sec. 1051)*

The House bill contained a provision (sec. 1072) that would amend section 4683(a) of title 10, United States Code, to change the statutory limitation on the number of excess small arms that the Secretary of the Army can donate to certain eligible organizations for funeral and other ceremonial purposes. This section would also establish a rotational small arms loan program should the demand for ceremonial small arms exceed currently available excess supply.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of the Army to loan or donate excess non-automatic service rifles to meet the needs of authorized eligible organizations with respect to performing funeral and other ceremonies.

##### *Interagency collaboration on unmanned aircraft systems (sec. 1052)*

The House bill contained a provision (sec. 1074) that would: (1) amend section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) to encourage technical collaboration and sharing of personnel, resources, and information among the Department of Defense (DOD), the Federal Aviation Administration (FAA), and the National Aeronautics and Space Administration (NASA); (2) direct the Secretary of Defense to collaborate with the FAA and NASA Administrators on solutions to the challenges of unmanned aerial system (UAS) integration into the National Airspace System (NAS); and (3) require the Secretary of Defense to provide an annual report for a period of 5 years on the progress of research and development for UAS NAS integration and future funding requirements.

The Senate amendment contained a nearly identical provision (sec. 1046).

The Senate recedes with an amendment that would clarify that congressional intent is for the collaboration effort to result in all public agencies gaining better access to the NAS, and that the Secretary's annual report should include information on progress in sharing with the FAA safety operational and performance data as it relates to unmanned aircraft system operation and the impact on the NAS.

##### *Authority to transfer surplus Mine-Resistant Ambush-Protected vehicles and spare parts (sec. 1053)*

The House bill contained a provision (sec. 1075) that would authorize the Secretary of Defense to transfer surplus Mine-Resistant Ambush-Protected vehicles to non-profit United States humanitarian demining organizations for purposes of demining activities and training of such organizations. This section would specify that any transfer of such a vehicle shall be made on a loan basis; re-

quire the cost of operation and maintenance of the vehicles to be borne by the recipient organization; and include any other appropriate conditions as determined by the Secretary. This section would require the Secretary to notify the congressional defense committees in writing 60 days prior to making any transfer of vehicles or spare parts.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Notice to Congress of certain Department of Defense nondisclosure agreements (sec. 1054)*

The House bill contained a provision (sec. 1077) that would prohibit the Department of Defense (DOD) from the use of nondisclosure agreements to prevent members of the armed forces and DOD civilian employees from communicating with Members of Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to notify the congressional defense committees of any nondisclosure agreements that members of the armed forces or DOD civilian employees are asked to sign that could restrict communications with Congress, and provide the text of the agreements and a description of the category of employees who will be asked to sign, along with an explanation of the need and the legal basis for such agreements.

The conferees note that all nominees for senior civilian and military positions in the Department of Defense make a commitment in the confirmation process to ensure that testimony, briefings, and other communications of information are provided to the congressional defense committees in a timely manner and to protect witnesses and briefers from reprisal for their testimony or briefings.

The conferees strongly discourage DOD from the use of nondisclosure agreements that could restrict communications with Congress, except in cases where such agreements are necessary to protect classified information, contractor proprietary information, or source selection sensitive information.

##### *Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet (sec. 1055)*

The House bill contained a provision (sec. 332) that would amend section 9515 of title 10, United States Code. Section 9515 provides authority for the Secretary of Defense to guarantee higher minimum levels of business than would otherwise be authorized by law to United States passenger carrying air carriers participating in the Civil Reserve Air Fleet. This authority will expire on December 31, 2015. The House bill provision would: (1) extend the sunset date to 2020; and (2) permit the Secretary to expand the possible uses of these assured business guarantees to cargo carrying air carriers.

The Senate amendment contained an identical provision (sec. 1043).

The conference agreement includes the provision.

##### *Authority for short-term extension of lease for aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program (sec. 1056)*

The Senate amendment contained a provision (sec. 933) that would allow the Secretary of the Air Force to extend or renew, on a temporary basis, the current lease of aircraft to support the Blue Devil intelligence, surveillance, and reconnaissance program.

The House bill contained no similar provision.

The House recedes.

##### *Rule of construction relating to prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons (sec. 1057)*

The House bill contained a provision (sec. 1071) that would amend section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) to allow the Secretary of Defense to authorize a military or Department of Defense (DOD) civilian mental health professional or commanding officer to inquire if a service member plans to acquire or already possesses a weapon if the mental health professional or commanding officer has reasonable grounds to believe that the service member is at high risk for suicide or causing harm to others.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 1062(c) to allow the Secretary of Defense to authorize a military or DOD civilian health professional or commanding officer to inquire if a service member plans to acquire or already possesses a weapon if the health professional or commanding officer has reasonable grounds to believe that the service member is at risk for suicide or causing harm to others.

The conferees note that members of a service member's chain of command or others who come into contact with a service member who they reasonably believe may be at risk for suicide or causing harm to others, may inform the service member's commanding officer of their concerns. The conferees expect that in implementing this provision the Secretary of Defense will ensure that DOD policy clearly outlines the authority to inquire about legally owned private weapons. By amending section 1062(c), the conferees do not intend to modify or eliminate any existing statutory authority of the Department.

##### *Sense of Congress on the Joint Warfighting Analysis Center (sec. 1058)*

The Senate amendment contained a provision (sec. 1051) that would express the sense of Congress that the Joint Warfighting Analysis Center should have adequate resources to meet the continuing requirements of the combatant commands.

The House bill contained no similar provision.

The House recedes.

##### *Limitations on retirement of fixed-wing intratheater airlift aircraft for general support and time sensitive/mission critical direct support airlift missions of the Department of Defense (sec. 1059)*

The House bill contained a provision (sec. 1076) that would prohibit the Department of Defense from divesting, retiring, or transferring, or preparing to divest, retire, or transfer, any: (1) C-23 aircraft of the Army assigned to the Army as of May 31, 2012; or (2) aircraft of the Air Force assigned to the Air Force as of May 31, 2012.

The Senate amendment contained a similar provision (sec. 1708) that would apply that prohibition to any aircraft of the Air Force assigned to units of the Air National Guard or Air Force Reserve as of May 31, 2012.

The Senate recedes with an amendment.

On November 2, 2012, the Air Force provided Congress with a revised plan for fiscal year 2013 force structure that made substantial changes to the original fiscal year 2013



force structure proposal that led to these actions by Congress. The Air Force has indicated that the Secretary of the Air Force intends to implement that proposal in lieu of the force structure proposal submitted with the President's budget request.

The conference agreement includes a provision that would require the Secretary of the Air Force to retain an additional 32 fixed-wing, intra-theater airlift aircraft beyond the number of such aircraft proposed to be retained in the Secretary's total force structure proposal provided to the congressional defense committees on November 2, 2012. These 32 aircraft would be kept to support the Army's fixed-wing direct support/time sensitive airlift mission requirements of 40 dedicated aircraft. The Air Force's revised proposal already incorporated an extra eight C-130 aircraft that could be used to support the Army's mission requirements. The conferees also agree that, in retaining an additional 32 aircraft, the Secretary of the Air Force should have the discretion to choose C-130s, C-27s, or a combination of both.

The conferees are concerned with the Air Force's capability to meet the Army's time sensitive/mission critical direct support airlift mission requirement, given the quantity of fixed-wing, intra-theater airlift aircraft that the Secretary of Defense currently proposes to retire, even under the revised proposal. The conferees expect this restriction will apply only during fiscal year 2013, by which time Congress should have received the report on intra-theater requirements for both Title 10, Title 32, and Army direct support intra-theater airlift missions. This report was required by section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81).

The conferees note that the Vice Chiefs of Staff of the Air Force and the Army signed a memorandum of agreement (MOA), dated September 13, 2009, that defined the concept of employment for the Department of the Air Force in providing direct support of Department of the Army time sensitive or mission critical intra-theater airlift missions.

The conference agreement would require that, not later than June 1, 2013, the Secretary of the Air Force shall ensure that this MOA is incorporated into Department of the Air Force doctrine, strategy, tactics, and modeling and the Air Force core capabilities of agile combat support and rapid global mobility operations.

The conferees further agree that the Air Force should proceed with force structure divestments, retirements, and transfers approved in requests prior to the fiscal year 2013 budget request.

However, the conferees direct the Secretary of the Air Force to: (1) develop a strategy to ensure that personnel readiness, training, and retention for units transitioning to new or different missions would remain at the highest level practicable during ongoing force structure retirements, divestments, and transfers; and (2) minimize, to the maximum extent practical, time-related gaps for units transitioning to new or different missions.

The conferees note that additional resources in individual authorization accounts to sustain the Air Force force structure are provided for elsewhere in this Act.

#### Subtitle G—Studies and Reports

##### *Electronic warfare strategy of the Department of Defense (sec. 1061)*

The House bill contained a provision (sec. 1067) that would require the Secretary of Defense to review and update Department of

Defense guidance related to electronic warfare not later than January 1, 2013, to ensure that oversight roles and responsibilities within the Department are clearly defined. This section would also require the Commander, U.S. Strategic Command, to update and issue guidance regarding the responsibilities of the combatant command with regard to joint electronic warfare capabilities. Finally, this section would include additional reporting requirements in the annual report on electronic warfare required by section 1053 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date by which the Commander, U.S. Strategic Command, would be required to issue updated guidance from January 1, 2013, to October 1, 2013.

The conferees expect that the review and update of electronic warfare guidance will include an examination of the relationship between cyber warfare and electronic warfare, and that the Commander, U.S. Strategic Command, will highlight for the leadership of the Department of Defense issues relating to oversight, management, and integration that need to be resolved across these two warfare missions.

##### *Report on counterproliferation capabilities and limitations (sec. 1062)*

The House bill contained a provision (sec. 1068) that would require the Secretary of Defense to provide a report to the congressional defense committees by March 1, 2013, outlining operational capabilities, limitations, and shortfalls within the Department of Defense with respect to counterproliferation and combating weapons of mass destruction involving special operations forces and key enabling forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide the required report to the congressional defense committees no later than 180 days after enactment of this Act. The amendment also modifies the elements of the required report.

##### *Report on strategic airlift aircraft (sec. 1063)*

The Senate amendment contained a provision (sec. 1061) that would direct the Secretary of Defense to submit to the congressional defense committees a report that sets forth various assessments related to: (1) possible Federal Aviation Administration certification for commercial use of a commercial variant of the C-17 aircraft, a retired C-17A aircraft, and a retired C-5A aircraft; and (2) the Civil Reserve Air Fleet (CRAF) and the potential for using these aircraft to augment capability in participating CRAF air carriers. The Secretary would be required to submit that report not later than 90 days after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the congressional recipients of the report to include the Commerce Committee of the Senate and the Transportation and Infrastructure Committee of the House of Representatives.

##### *Repeal of biennial report on the Global Positioning System (sec. 1064)*

The Senate bill contained a provision (sec. 1062) that would repeal the biennial report on global positioning systems prepared by the Department of Defense in response to 10 U.S.C. 2281d. This information can readily be

obtained from the biennial Federal Radio-navigation Plan.

The House bill contained no similar provision.

The House recedes.

##### *Improvements to reports required on acquisition of technology relating to weapons of mass destruction and the threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles (sec. 1065)*

The Senate amendment contained a provision (sec. 1063) that would repeal section 234 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) titled, "Annual Report on Threat Posed to the United States by Weapons of Mass Destruction, Ballistic Missiles, and Cruise Missiles".

The House bill contained no similar provision.

The House recedes with an amendment that would amend the report required by section 234 of Public Law 105-85 with additional requirements for the Secretary of Defense, in consultation with the Director of National Intelligence, to carry out an annual report due not later than January 30 of each year similar to what was proposed to be repealed by the Senate. The conferees were informed that a report, "Acquisition of Technology Relating to Weapons of Mass Destruction" required by section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104-293) was repealed by both the Senate Select Committee on Intelligence in its version of the Intelligence Authorization Act for Fiscal Year 2013 (S. 3454), reported out of that committee on July 30, 2012, as well as the House Permanent Select Committee on Intelligence in its version of the Intelligence Authorization Act for Fiscal Year 2013 (H.R. 5743), which was passed by the House of Representatives on May 31, 2012.

The result of the proposed Senate repeal and the actions of the intelligence committees of the Senate and the House of Representatives would be no meaningful unclassified data reported to the Congress and the American public in a comprehensive way on these serious threats.

The conferees are cognizant of the cost of preparing these reports, but note that this reporting consolidation should permit efficiency and cost-savings. The conferees believe this new report should be prepared in as thorough a fashion as possible taking advantage of the venue of this more comprehensive unclassified report.

The conferees expect that for the first report submission, the existing work done to prepare for the respective Secretary of Defense and Director of National Intelligence reports, which are now consolidated, should be utilized to ensure a thorough and cost-effective report, submitted on time.

##### *Report on force structure of the United States Army (sec. 1066)*

The House bill contained a provision (sec. 1081) that would establish a bipartisan independent strategic review panel to conduct a regular review of the national defense strategic environment, an assessment of the quadrennial defense review required under section 118 of title 10, United States Code, and a review of the future of the U.S. Army. The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to provide Congress with a report on the Army's future force structure.

The conferees direct the National Defense Panel, established by section 118(f) of title 10, United States Code, to include an assessment of the national security defense strategic environment of the next 20 years in the



next report of the Panel, as required by paragraph (7) of subsection (f) of section 118 of title 10, United States Code.

*Report on planned efficiency initiatives at Space and Naval Warfare Systems Command (sec. 1067)*

The Senate amendment contained a provision (sec. 1068) that would require the Secretary of the Navy to submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs of the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the plans evaluated by the Secretary should be for all echelons of SPAWAR.

*Report on military resources necessary to execute United States Force Posture Strategy in the Asia Pacific Region (sec. 1068)*

The Senate amendment contained a provision (sec. 1067) that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to review the strategy, force structure, and resource requirements for the Asia Pacific region and to report to the congressional defense committees on the results within 1 year of enactment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the Center for Strategic and International Studies issued an independent assessment in August 2012 on U.S. Force Posture Strategy in the Asia-Pacific Region. That assessment, conducted in accordance with Section 346 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), recommends a better alignment of engagement strategies between U.S. Pacific Command and the Department of Defense (DOD) in order to improve capabilities to respond to a range of contingencies. The assessment also noted that the DOD "has not adequately articulated the strategy behind its force posture planning, nor aligned the strategy with resources in a way that reflects current budget realities."

The conferees note that the DOD has requested hundreds of millions of dollars for infrastructure and facility requirements on Guam, yet there is not a clear, specific plan in the current budget request for the military resources and equipment needed in the Pacific theater to lift and maneuver our military forces. The conferees expect that the report required by this provision will address the plan for ensuring that any proposed force realignments in the Pacific region, to include moving U.S. Marines from Japan to Australia, Guam, and Hawaii, are supported by resources that will allow our forces to meet operational requirements. Military commanders in the region must have adequate ground, naval, and air assets to meet the operational and logistical challenges in the Pacific theater, including strategic airlift and sealift to move forces quickly around an extremely large and diverse area of responsibility. These resources should be in place before the forces are realigned, so as not to incur additional operational risk in this critical region.

*Rialto-Colton Basin, California, water resources study (sec. 1069)*

The House bill contained a provision (sec. 1089) that would require the Secretary of the

Interior to conduct a study of water resources in the Rialto-Colton Basin in California.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Reports on the potential security threat posed by Boko Haram (sec. 1070)*

The House bill contained a provision (sec. 1090) that would direct the Secretary of State to submit a report on whether the Nigerian organization known as "Boko Haram" meets the criteria for designation as a Foreign Terrorist Organization (FTO) under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

The Senate amendment contained a provision (sec. 1089) that would require the Director of National Intelligence (DNI) to submit an intelligence assessment on the threat posed by Boko Haram. Following submission of the DNI's assessment, the Secretary of State would be required to submit a report to Congress on the current U.S. strategy to counter the threat posed by Boko Haram.

The House recedes with an amendment that would require the reports under this provision to be classified, and require the report under subsection (b) of the provision to be a joint report prepared by the Secretary of State and the Secretary of Defense.

The conferees understand that the State Department has conducted an assessment of whether to designate Boko Haram as an FTO. The conferees expect that a discussion of the findings of the Department's assessment on whether Boko Haram should be designated as an FTO be included in the report required under this subsection.

*Study on the ability of national test and evaluation capabilities to support the maturation of hypersonic technologies for future defense systems development (sec. 1071)*

The Senate amendment contained a provision (sec. 1069) that would require an interagency study on the ability of the national test and evaluation infrastructure, including the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the private sector, to help mature hypersonic technologies for defense systems development.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments. The conferees direct that DOD and NASA provide resources to support this study and report, as well as to provide all information and data on capabilities, funding, requirements, and other matters required for the study and report.

The conferees believe that maintaining the capabilities to conduct hypersonic ground testing is a national security priority and are not confident the Federal Government is taking all necessary actions to maintain relevant capabilities. The conferees are aware that as part of the fiscal year 2013 budget certification, the Test Resource Management Center opposed planned Air Force reductions that would have mothballed a number of important wind tunnels without assessing the impact on other agencies' programs or the cost to recover that mothballed capability in the future.

Lastly, the conferees note that this study requirement supersedes the hypersonic test and evaluation infrastructure study requirement outlined in the Senate report (S. Rept. 112-173) accompanying the National Defense Authorization Act for Fiscal Year 2013 (S. 3254).

Subtitle H—Other Matters

*Technical and clerical amendments (sec. 1076)*

The House bill contained a provision (sec. 1083) that would make technical and clerical amendments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment making additional technical and clerical amendments.

*Sense of Congress on recognizing Air Mobility Command on its 20th anniversary (sec. 1077)*

The House bill contained a provision (sec. 1091) that would express the sense of Congress that, on the occasion of the 20th anniversary of the establishment of Air Mobility Command, the people of the United States should: (1) recognize the critical role that Mobility Air Forces play in the Nation's defense; and (2) express appreciation for the leadership of Air Mobility Command and the more than 134,000 active duty, Air National Guard, Air Force Reserve, and Department of Defense civilians that make up the command.

The Senate amendment contained no similar provision.

The Senate recedes.

*Dissemination abroad of information about the United States (sec. 1078)*

The House bill contained a provision (sec. 1097) that would amend section 501 of the United States Information and Educational Exchange Act of 1948 (also known as the Smith-Mundt Act; 22 U.S.C. 1461) to authorize, with certain exceptions, the Secretary of State and the Broadcasting Board of Governors (BBG) to use funds appropriated or otherwise made available for public diplomacy information programs to provide for the preparation, dissemination, and use of information intended for foreign audiences abroad about the United States, its people, and its policies, through press, publications, radio, motion pictures, the Internet, and other information media, including social media, and through information centers, instructors, and other direct or indirect means of communication. The provision would also amend the Foreign Relations Authorization Act of Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1a) to remove existing statutory limits on the Department of State's and BBG's ability to provide information about their activities to the Congress, media or public.

The Senate amendment contained no similar provision.

The Senate recedes with a technical and clarifying amendment.

The conferees maintain that the Secretary of State and BBG are authorized to utilize funds for public diplomacy programs to provide for the preparation, dissemination, and use of information intended for foreign audiences. Further, the conferees maintain that no funds authorized for the Department of State or BBG shall be used to influence public opinion in the United States. The conferees recognize that the ban on domestic dissemination of BBG or Department of State public diplomacy products contained in the Smith-Mundt Act did not envision the development of new technologies, including the Internet or satellite broadcasting, which do not honor national boundaries. The conferees note the modification on the prohibition on domestic dissemination does not apply to other agencies of the U.S. Government, as the initial ban was also not applicable to them. In addition, this amendment in no way broadens or otherwise changes the current missions of the Department of State and BBG.

In addition, the conferees believe the provision would allow BBG to respond to domestic requests for BBG material, but not to seek to syndicate such material through domestic media outlets with the intent to develop audiences within the United States. Further, the conferees expect that reimbursements and fees should not exceed the actual costs incurred to make materials available pursuant to the statute. The conferees also believe that the fees charged pursuant to this provision should be assessed according to a standardized, publicly-available fee schedule; and that the Secretary of State, BBG, and the National Archivist should maintain and provide to Congress a regular accounting of the funds collected pursuant to the reimbursement authority of section 501(b)(1) and the fee-collection authority of section 501(b)(4).

*Coordination for computer network operations (sec. 1079)*

The House bill contained a provision (sec. 1098) that would require the President to submit to the congressional defense committees a charter for an interagency body to coordinate and deconflict full-spectrum military cyber operations for the Federal Government. The provision would require the report to include: (1) business rules and processes governing the interagency body's activities; (2) interagency guidance on roles and responsibilities for military cyber operations; (3) the membership of the coordination body; and (4) plans for documenting the body's activities. Finally, the provision would require the Secretary of Defense to submit to the congressional defense committees for fiscal year 2015 and all years thereafter, Department of Defense-wide budget materials for military cyber operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting requirement from the President to the Secretary of Defense and the form of the reporting to a briefing. The amendment would also alter the contents of the briefing to include: (1) business processes and rules governing interagency coordination processes; (2) membership and responsibilities relating to the interagency process; (3) interagency guidance on roles and responsibilities for military cyber operations; and (4) plans to implement the interagency guidance.

*Sense of Congress regarding unauthorized disclosures of classified information (sec. 1080)*

The House bill contained a provision (sec. 1099C) that would require the Attorney General to investigate possible violations of federal law related to alleged leaks of certain classified information.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Department of Defense, the Department of Justice, and other federal agencies should take positive steps to address the unauthorized disclosure of classified information.

*Technical amendments to repeal statutory references to United States Joint Forces Command (sec. 1081)*

The Senate amendment contained a provision (sec. 1082), as requested by the Department of Defense, that would amend title 10, United States Code, to remove references to the United States Joint Forces Command (USJFCOM) in order to reflect the disestablishment of USJFCOM effective August 4, 2011.

The House bill contained no similar provision.

The House recedes.

*Sense of Congress on non-United States citizens who are graduates of United States educational institutions with advanced degrees in science, technology, engineering, and mathematics (sec. 1082)*

The Senate amendment contained a provision (sec. 1083) that would express the sense of Congress on the importance of science, technology, engineering, and mathematics (STEM) to the Department of Defense.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees recognize that in order to maintain and advance the military technological superiority of the armed forces, the United States requires the best and brightest scientists, mathematicians, and engineers to discover, develop, and field the next generation of weapon systems and defense technologies. The capabilities of the armed forces are highly reliant upon advanced technologies that provide our forces with a technological edge on the battlefield. Furthermore, the conferees are concerned that more than half of all graduates with advanced scientific and technical degrees from United States institutions of higher education are non-United States citizens who have very limited opportunities upon graduation to contribute to the science and technology activities of the Department of Defense and the United States defense industrial base. Of those graduates that are left that are able to support the Department of Defense and the defense industrial base, competition with other sectors is exacerbated by salary discrepancies and significant administrative obstacles. The conferees note that while there is an overarching national priority to increase the numbers of United States citizens who have appropriate advanced degrees in science, technology, engineering and mathematics, it would also be beneficial if the Department of Defense and the defense industrial base were able to access the pool of talent consisting of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, many of whom are otherwise returning to their home countries.

*Scientific framework for recalcitrant cancers (sec. 1083)*

The Senate amendment contained a provision (sec. 5022) that would amend subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) to direct the National Cancer Institute to develop scientific frameworks for the conduct or support of research efforts on recalcitrant cancers.

The House bill contained no similar provision.

The House recedes.

*Protection of veterans' memorials (sec. 1084)*

The Senate amendment contained a provision (sec. 1096) that would amend sections 2314 and 2315 of title 18, United States Code, to make it a criminal offense to transport stolen veterans' memorials of any value in interstate or foreign commerce, or to sell or receive stolen veterans' memorials of any value that have crossed a state or United States boundary after being stolen, punishable by a fine and imprisonment for not more than 10 years.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the maximum penalty to a

fine and imprisonment for not more than 1 year when the value of the veterans' memorial object is less than \$1000. The amendment would also define "veterans' memorial object" as a grave marker, headstone, monument, or other object intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.

*Sense of Congress regarding spectrum (sec. 1085)*

The Senate amendment contained a provision (sec. 5317) that states a sense of Congress on sharing and making available federal spectrum without harming federal users.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees are concerned that by not including specific national security representation, the Technical Panel and the Dispute Resolutions Board, established under section 6701 of The Middle Class Tax Relief Act of 2012 (Public Law 112-96), may make decisions that could result in arbitrary determinations regarding the "sufficiency" of spectrum relocation or sharing transition plans addressing national security capabilities and any dispute that may arise thereafter, without adequate input from the Department of Defense (DOD). To ensure these equities are considered under the amendment, the Secretary of Defense would determine whether the needs and concerns of the DOD have been adequately considered and addressed during the processes of identifying frequencies to be surrendered and transition planning, including review of transition plans by the Technical Panel and any dispute resolution by the Dispute Resolution Board, impacting national security capabilities.

Further, the conferees expect the National Telecommunications and Information Administration ensure that the rules and procedures implementing the Technical Panel and Dispute Resolution Board as required by Public Law 112-96 incorporate methods that enable the Secretary of Defense to make the necessary determination on the needs and concerns of the DOD with respect to consideration of transition plans impacting national security capabilities.

*Public Safety Officers' Benefits Program (sec. 1086)*

The Senate amendment contained a provision (sec. 5021) that would revise and enhance the Dale Long Public Safety Officer Benefits Program.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Removal of action (sec. 1087)*

The Senate amendment contained a provision (sec. 5024) that would address the removal of certain actions to federal court under section 1442 of title 28, United States Code.

The House bill contained no similar provision.

The House recedes.

*Transport for female genital mutilation (sec. 1088)*

The Senate amendment contained a provision (sec. 1092) that would amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for purposes of female genital mutilation.

The House bill contained no similar provision.

The House recedes.

*Amendments to law enforcement officer safety provisions of title 18 (sec. 1089)*

The Senate amendment contained a provision (sec. 1099C) that would amend the law enforcement officer safety provisions in title 18, United States Code.

The House bill contained no similar provision.

The House recedes.

*Reauthorization of sale of aircraft and parts for wildfire suppression purposes (sec. 1090)*

The Senate amendment contained a provision (sec. 1095) that would reinstate the Wildfire Suppression Aircraft Transfer Act of 1996 (Public Law 104-307), making its provisions effective until the end of fiscal year 2017. The Act, which had expired at the end of fiscal year 2005, allowed the Department of Defense to sell excess aircraft and aircraft parts to private operators for wildfire suppression purposes.

The House bill contained no similar provision.

The House recedes.

*Transfer of excess aircraft to other departments of the Federal Government (sec. 1091)*

The Senate amendment contained a provision (sec. 1094) that would direct the Secretary of Defense to transfer, from excess aircraft inventory, up to 12 aircraft each to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard, respectively. The provision would require that the Secretary of Defense afford equal priority for transferring any excess aircraft to the Forest Service and the Coast Guard before any other department or agency of the Federal Government. Finally, the authority to transfer excess aircraft under the provision would expire on December 31, 2013.

The House bill contained no similar provision.

The House recedes with an amendment that would make the authority for the Secretary of Defense permissive, and would limit the Secretary's authority under the provision to transfer up to seven aircraft to each organization. The provision would provide that the seven-aircraft limitation would cease upon formal notification of the Secretary of Agriculture and the Secretary of Homeland Security that the Secretary's respective department will decline or accept seven aircraft.

The conferees understand that this provision may help resolve pressing concerns regarding aviation forces within the Forest Service and the Coast Guard. The Forest Service has an urgent need to replace its fleet of large air tankers to more effectively combat increasingly severe and frequent forest fires, and the Coast Guard has a severely aging aircraft fleet serving important homeland defense missions, with only scarce resources to modernize that fleet.

ITEMS OF SPECIAL INTEREST

*Below threshold fund transfers between Department of Defense accounts*

The Senate report contained an item of special interest directing the Secretary of Defense to submit a report to the congressional defense committees providing suggestions to increase the transparency and accountability of funds transfers that do not require the prior approval of Congress.

The House report contained no similar language.

The conferees note that the defense authorization and appropriations acts regularly authorize the Secretary of Defense to

transfer limited amounts of funding among departmental accounts to facilitate unforeseen priorities. As these transfers fall outside the normal congressional authorization and appropriations process, Congress and the Department of Defense restrict these transfers, as a matter of policy, to ensure that they are performed in a manner consistent with congressional intent. These restrictions include a congressional review process for transfers that exceed specific dollar thresholds specified in appropriations acts. Despite these limits, the conferees note that Department of Defense transfers in fiscal year 2011 totaled more than \$27.0 billion and more than half of these were below threshold and thus not subject to congressional review.

Congress grants a certain degree of flexibility to the Department of Defense to manage federal taxpayer funds efficiently and effectively in response to changing conditions and emerging requirements. The conferees are concerned that significant realignments of funding are transacted without congressional approval or notification. Therefore, the conferees direct the Secretary of Defense to provide a summary of below threshold reprogrammings to the congressional defense committees 30 days after the end of each fiscal quarter. This summary should include a narrative describing each defense priority to which funding was transferred. These narratives should be categorized according to justification, such as emergent operational needs, program modifications, changes of mission, fact-of-life adjustments, or adjustments to meet Congressional intent. In addition, the summary should also include a narrative describing each program from which funding was transferred. These narratives should also be categorized according to justification, such as delay, deferral, or inability to execute.

*Comptroller General of the United States Review of Geographic Combatant Commands*

The House Report contained an item of special interest directing the Comptroller General of the United States to conduct a review of the personnel and resources of the geographic combatant commands (GCC), their supporting military service component commands, and other assigned task forces, and to submit a report on a variety of matters.

The conferees note that as the challenges to national security continue to evolve, the Department of Defense faces missions of increasing scope, variety, and complexity around the world. To perform these missions, the GCCs conduct activities within assigned areas of responsibility, to include military-to-military relations, stability operations, security assistance engagements, post-conflict operations, disaster relief, humanitarian assistance, and other tasks, as assigned. Each GCC also has dedicated military service component sub-unified commands, theater special operations commands, and task forces operating in support of these missions.

At a time of growing economic and fiscal constraints and evolving security requirements, the conferees believe that the Department must ensure the GCCs and their supporting elements have the appropriate levels and types of personnel and resources to execute theater security campaign plans and to respond to emerging contingencies while avoiding duplication of effort and excessive headquarters structure. The conferees note that in a March 2012 report, the Comptroller General concluded that there may be additional opportunities to consolidate organizations and centralize functions across the Department, to include the GCCs.

The conferees direct the Comptroller General of the United States to conduct a review of the personnel and resources of the combatant commands, their supporting military service component commands, theater special operations commands, and assigned task forces, and to submit a report on the findings to the Committees on Armed Services of the Senate and House of Representatives by June 30, 2013. The review should cover the following: (1) the level of resources, in terms of personnel and overall support costs, associated with the commands for fiscal years 2001 through 2011 and an assessment of their adequacy to meet the commands' assigned missions and responsibilities; (2) how the commands, their supporting military service component commands, theater special operations commands, and assigned task forces are currently organized and structured to ensure efficiency and avoid duplication within and among the various organizations; (3) what steps, if any, the Department has taken to reexamine the size and structure of its GCCs and their subordinate organizations in light of the new strategic guidance issued in 2012; (4) how the Department maximizes efficiencies across the GCCs and the associated sub-unified numeric coded organizations and the associated commander support organizations; and (5) other matters the Comptroller General may deem appropriate.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Sense of Congress regarding the counterdrug tethered aerostat radar system program*

The House bill contained a provision (sec. 1015) that would express the sense of Congress regarding the counterdrug tethered aerostat radar system (TARS) program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the importance of TARS to the ongoing efforts of the United States Government to combat illicit trafficking in the U.S. Southern Command area of responsibility.

*Findings on detention pursuant to the Authorization for Use of Military Force enacted in 2001*

The House bill contained a provision (sec. 1031) that would state congressional findings regarding principles of law underlying detention pursuant to the Authorization for Use of Military Force enacted in 2001.

The Senate amendment contained no similar provision.

The House recedes.

*Findings regarding habeas corpus rights*

The House bill contained a provision (sec. 1032) that would state congressional findings regarding the writ of habeas corpus and the constitutional limitation on the suspension of the writ of habeas corpus.

The Senate amendment contained no similar provision.

The House recedes.

*Prohibition on travel to the United States for certain detainees repatriated to the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands*

The House bill contained a provision (sec. 1035) that would prohibit any individual detained at the U.S. detention facility at U.S. Naval Station, Guantanamo Bay, Cuba, and who has been repatriated to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, from being afforded the rights and benefits provided under section 141 of the applicable Compact of Free Association (Public Law 99-658; 108-188).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that no Guantanamo detainees are or would be eligible for the immigration benefits of section 141 of the Compacts of Free Association relating to the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. These benefits are only afforded to citizens, or their relatives, of Palau, Micronesia, or the Marshall Islands, and Guantanamo detainees are not legally eligible to attain naturalized citizenship.

*Commitments for nuclear weapons stockpile modernization*

The House bill contained a provision (sec. 1052) that consists of a series of congressional findings on U.S. nuclear weapons stockpile modernization.

The Senate amendment contained no similar provision.

The House recedes.

*Chemistry and Metallurgy Research Replacement Nuclear Facility and Uranium Processing Facility*

The House bill contained a provision (sec. 1058) that would require an annual certification by the President whether the construction of the Chemistry and Metallurgy Research Replacement Nuclear Facility and the Uranium Processing Facility will be completed not later than 2021 and whether both facilities will be fully operational by not later than 2024. The section would further require that if the President is not able to so certify, then no funds made available for fiscal year 2012 or any year thereafter may be available to reduce the non-deployed nuclear warheads of the United States until 120 days after the President is able to make the certification. The section would include an exception for reductions necessary to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile.

The Senate amendment contained no similar provision.

The House recedes.

*Sense of Congress on nuclear arsenal*

The House bill contained a provision (sec. 1065) that expressed the sense of Congress on nuclear force structure, employment strategy, and posture.

The Senate amendment contained no similar provision.

The House recedes.

*Assessment of Department of Defense use of electromagnetic spectrum*

The House bill contained a provision (sec. 1066) that requires a report to the congressional defense committees, the Energy and Commerce Committee of the House of Representatives, and the Commerce, Science, and Transportation Committee of the Senate, not later than 270 days after the date of the enactment of this Act assessing the Department of Defense's use of electromagnetic spectrum.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that Department of Defense planning for spectrum should be informed by the July 2012 report by the President's Council of Advisors on Science and Technology (PCAST) titled: "Realizing the Full Potential of Government-Held Spectrum to Spur Economic Growth." Therefore, the conferees direct the Secretary of Defense, in consultation with the Director of National Intelligence, to submit a report to the congressional defense committees, not

later than 270 days after the date of enactment of this Act assessing the implications of and the potential implementation challenges posed by the recommendations made in the PCAST report. Specific issues to be addressed should include sharing in the 1755–1850 MHz band, impacts associated with the report's recommendations on general access in 3500–3650 MHz band, feasibility of dynamic sharing, as well as examples of major modifications to transmitter and receiver systems to permit such sharing. The report should also recommend how field trials with non-federal users to test spectrum sharing would be conducted and any issues associated with such field trials.

*Report on communications from Congress on status of military construction projects*

The House bill contained a provision (sec. 1069) that would require the Secretary of Defense to submit a report to Congress describing any letters from Congress that refer to or request information on the status of a military construction project in the future-years defense program.

The Senate amendment contained no similar provision.

The House recedes.

*Report on manufacturing industry*

The House bill contained a provision (sec. 1070) requiring a report assessing the manufacturing industry of the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize the importance of the production capacity of the United States as it relates to the defense industrial base and to national security. The conferees also recognize the importance of assessing the strengths and vulnerabilities of the defense industrial base and the defense supply chain and the need for a prioritized capability strategy for the defense industrial base. The conferees note that these issues are addressed elsewhere in this Act.

*Report on long-term costs of Operation New Dawn, Operation Enduring Freedom, and other contingency operations*

The House bill contained a provision (sec. 1070B) that would require the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, to submit a report on the long-term costs of Operation New Dawn and Operation Enduring Freedom.

The Senate amendment contained no similar provision.

The House recedes.

*Prohibition on the use of funds for manufacturing beyond low-rate initial production at certain prototype integration facilities*

The House bill contained a provision (sec. 1073) that would put a cap on the maximum number of units that could be produced by an Army prototype integration facility.

The Senate amendment contained no similar provision.

The House recedes.

*Authority of Corps of Engineers to construct projects critical to navigation safety*

The House bill contained a provision (sec. 1078) that would authorize the Army Corps of Engineers to accept non-Federal funds to construct certain navigation projects that have not been specifically authorized by law.

The Senate amendment contained no similar provision.

The House recedes.

*Review of Air National Guard Component Numbered Air Force Augmentation Force*

The House bill contained a provision (sec. 1079) that would require the Secretary of the

Air Force to review the decision of the Secretary to cancel or consolidate the Air National Guard Component Numbered Air Force Augmentation Force.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that the Air Force has taken action to restore these missions in its most recent force structure proposal for fiscal year 2013.

*Notification of delayed reports*

The House bill contained a provision (sec. 1082) that would require the Department of Defense to formally notify the congressional defense committees of any statutorily-required report that will not be submitted by the date required under law, and to provide an explanation for the delay.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that it is the practice of the Department of Defense (DOD) to send an interim response to appropriate congressional committees whenever it misses a statutory deadline for a reporting requirement. The conferees direct DOD to include in such interim responses an explanation for the delay and an estimate of the date on which the report will be submitted.

*Prohibition on use of information against a United States citizen gathered by unmanned aerial vehicle without a warrant*

The House bill contained a provision (sec. 1084) that would make information gathered by an unmanned aerial vehicle of the Department of Defense (DOD) inadmissible against a citizen of the United States in any U.S. court, unless the information was obtained pursuant to a court order.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that information obtained by DOD unmanned aerial vehicles is not exempt from existing constitutional and statutory warrant requirements, where such requirements are applicable.

*The House of Representatives honors*

The House bill contained a provision (sec. 1085) that would encourage surviving Air Raid Wardens and other volunteers of the United States Office of Civilian Defense during World War II to record and permanently preserve stories of their service for future generations.

The Senate amendment contained no similar provision.

The House recedes.

*Cost of wars*

The House bill contained a provision (sec. 1086) that would direct the Secretary of Defense to post on the public Web site of the Department of Defense the costs of the wars in Afghanistan and Iraq.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Congressional Budget Office (CBO) and the Congressional Research Service (CRS) have published reports concerning the costs of the wars in Afghanistan and Iraq. The conferees further note that CBO reports are available to the public and CRS reports are available to Members of Congress.

*Trial of foreign terrorists*

The House bill contained a provision (sec. 1088) that would prohibit the trial of any foreign terrorist who is subject to trial by military commission by any court or tribunal other than a military commission.

The Senate amendment contained no similar provision.

The House recedes.

#### *White Sands Missile Range and Fort Bliss*

The Senate amendment contained a provision (sec. 1091) that would provide for national security benefits for White Sands Missile Range and Fort Bliss.

The House bill contained no similar provision.

The Senate recedes.

#### *Consolidation of data centers*

The House bill contained a provision (sec. 1092) that would amend section 2867 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) to require annual performance plans, that the performance plans be consistent with a Government Accountability Office (GAO) report to Congress on data center consolidation, and an annual report on progress in achieving consolidation goals consistent with the GAO report.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress regarding preservation of Second Amendment rights of active duty military personnel stationed or residing in the District of Columbia

The House bill contained a provision (sec. 1093) that would express the sense of Congress that active duty military personnel who are stationed in or residing in the District of Columbia should be exempt from the District of Columbia's restrictions on the possession of firearms.

The Senate amendment contained no similar provision.

The House recedes.

#### *Conditional replacement for Fiscal Year 2013 sequester*

The House bill contained a provision (sec. 1094) that would conditionally eliminate sequestration of defense spending in fiscal year 2013.

The Senate amendment contained no similar provision.

The House recedes.

#### *Report on defense forensic data*

The House bill contained a provision (sec. 1095) that would authorize the Director of the Defense Forensic Office within the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics to evaluate opportunities to increase the matching success rate when forensic data is collected during site exploitation to match forensic data stored in DNA databases.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the Secretary of Defense to examine the legal, policy, social and technical implications of improving DNA database matching capabilities with other U.S. agencies, allies and key partner nations.

#### *Improving United States foreign police assistance activities*

The House bill contained a provision (sec. 1099) that would require the President to submit to Congress the final report of the National Security Council's Interagency Policy Committee. The provision would also require the Secretary of State and the Secretary of Defense to submit, within 180 days of the date of enactment of this Act, a plan for instituting mechanisms to improve coordination and information sharing regarding U.S. foreign police assistance activities.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that in June 2012, the Secretary of State submitted to Congress the report required by section 1235(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) on U.S. Government foreign police training and equipping programs. As that report indicates, foreign police assistance activities are being conducted across the U.S. Government, including the Department of State, the Department of Defense, the U.S. Agency for International Development, the Department of Justice, the Department of Homeland Security, and the Department of the Treasury. The conferees encourage the various departments and agencies of the U.S. Government involved in foreign police assistance activities to develop mechanisms for improving the inter-agency coordination of these programs.

#### *Sense of Congress regarding United States Northern Command preparedness*

The House bill contained a provision (sec. 1099A) that would state the sense of Congress regarding the preparedness of the United States Northern Command.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that United States Northern Command plays a vital role in providing defense support to civil authorities, including support and capabilities to State and local governments, for domestic disaster relief and consequence management. The conferees urge United States Northern Command to continue strengthening its relationships, planning, and coordination with other federal, State, and local agencies to enhance domestic response capabilities.

#### *Limitation on military musical units*

The House bill contained a provision (sec. 1099B) that would limit appropriations for military musical units to \$200,000,000.

The Senate amendment contained no similar provision.

The House recedes.

#### *Report on effects of budget sequestration on Department of Defense*

The Senate amendment contained a provision (sec. 1004) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report on the impact on the Department of Defense of the sequestration of funds for fiscal year 2013, if triggered on January 2, 2013, under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Sequestration Transparency Act of 2012 (Public Law 112-155) required the President to submit to the Congress a report on the sequestration that is scheduled to be ordered on January 2, 2013. Pursuant to Public Law 112-155, the Office of Management and Budget issued the report on September 14, 2012.

#### *Transfer of certain fiscal year 2012 and 2013 funds*

The Senate amendment contained a provision (sec. 1006) that would authorize the transfer, subject to action in an appropriations Act, of \$46.0 million from fiscal year 2012 or 2013 procurement or research, development, test and evaluation accounts.

The House bill contained no similar provision.

The Senate recedes.

#### *Modification of authority on training of special operations forces with friendly foreign forces*

The Senate amendment contained a provision (sec. 1042) that would modify section 2011 of title 10, United States Code, to state that the purposes of the Joint Combined Exchange Training (JCET) authority are to support: (1) the training of U.S. Special Operations Forces and (2) the training of the armed forces and other security forces of a friendly foreign country. Consistent with current practice, the modification contained in the Senate amendment would also require the Secretary of Defense to coordinate with the Secretary of State prior to the initiation of any such training. Lastly, the modification contained in the Senate amendment would authorize unspecified minor military construction projects, up to \$250,000, that are in direct support of authorized training.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the JCET authority is an effective tool for improving the language and cultural expertise of U.S. Special Operations Forces while providing opportunities to practice skills needed to conduct a variety of missions, including foreign internal defense, unconventional warfare, and counterterrorism. The conferees also recognize the inherent benefit of JCET events in building the capacity of foreign partners and enhancing U.S. influence in host countries. The conferees note that the existing JCET authority allows flexibility for U.S. Special Operations Forces to engage with appropriate partner nation armed forces and other security forces, including those that conduct border and maritime security, internal defense and security, and counterterrorism operations.

However, the conferees believe the Department has taken a narrow interpretation of the JCET statutory authority stating that the "primary purpose" of funding for JCET activities "shall be to train the special operations forces of the combatant command." This narrow interpretation has, in some cases, limited the overall effectiveness of JCET events and the efforts of the geographic combatant commanders to achieve persistent, rather than episodic, engagement with high-priority partner nation security forces. The conferees believe such persistent engagements are consistent with the purposes of the JCET authority.

The conferees are further concerned that a lack of sufficient resources and the unavailability of regionally-aligned U.S. Special Operations Forces due to high operational tempo has led to less frequent and shorter duration engagements with partner forces in key regions and countries, indirectly weakening partnerships that could be used to identify, deter, and mitigate national security threats. This lack of continual on-the-ground experience has eroded regional, cultural, and linguistic expertise once resident within certain special operations units, inhibited the building of personal relationships with host country personnel, and limited the implicit training value of planning and deploying to remote locations under arduous conditions.

The conferees direct the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Commander of U.S. Special Operations Command, not later than March 1, 2013, to submit a report to the Committees on Armed Services of the Senate and House of Representatives describing any deficiencies or

limitations of the current JCET authority that negatively impact the effectiveness of such engagements, including an assessment of the utility of authorizing unspecified minor military construction and other construction in support of JCET activities.

*Participation of veterans in the Transition Assistance Program of the Department of Defense*

The Senate amendment contained a provision (sec. 1044) that would authorize veterans to participate in the Transition Assistance Program (TAP) of the Department of Defense for 1 year following discharge or separation from the armed forces.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the revised TAP being implemented pursuant to section 1144 of title 10, United States Code, includes an enriched set of tools and connections to enhance the transition for service members and to ensure that eligible veterans retain access to the transition materials, information and services.

The Department of Labor's (DOL) revised 3-day employment workshop provides transitioning service members with updated "career-readiness" focused materials, information and services. The mandatory employment workshop connects each separating service member with nearly 3,000 DOL American Job Centers (AJC) via the "Gold Card" certificate. The AJCs know the community labor market where the separating service member will live and provide the veteran with 6 months of priority one-on-one employment services. These services provide veterans with direct local labor market exposure, insight, and personalized employment assistance that is more robust than what is available in the DOL employment workshop for transitioning service members.

Additionally, all separating service members are required to participate in the revised Department of Veterans Affairs (VA) benefits briefing and must register in the VA's eBenefits portal before separation. The eBenefits portal permanently connects service members to VA resources both prior to and following separation from military service. This allows VA to reach out to service members and veterans directly. Eligible veterans are provided ongoing full online access to the same benefits information and services provided to transitioning service members while still on active duty.

*Modification of the Ministry of Defense Advisor Program*

The Senate amendment contained a provision (sec. 1045) that would modify the Ministry of Defense Advisors Program, established in section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), to permit the Secretary of Defense to assign civilian employees of the Department of Defense as advisors to regional organizations with defense or security components and international organizations of which the United States is a member.

The House bill contained no similar provision.

The Senate recedes.

*Report on program on return of rare earth phosphors from Department of Defense fluorescent lighting waste to the domestic rare earth supply chain*

The Senate amendment contained a provision (sec. 1064) that requires a cost-benefit analysis on the feasibility and advisability of establishing a program within the Department of Defense (DOD) to recapture fluorescent lighting waste.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees on the results of a cost-benefit analysis and on recommendations concerning the feasibility and advisability of establishing a program within the DOD to recapture fluorescent lighting waste, and making such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain. The report should provide for the disposal and mitigation of residual mercury and other hazardous by-products of the recycling process and address concerns regarding the potential export of heavy rare earth materials from United States Government sources to non-allied nations.

This information may be incorporated into the report required by the House report (H. Rept. 112-479) accompanying the National Defense Authorization Act for Fiscal Year 2013 (H.R. 4310).

*Study on Bradley Fighting Vehicle industrial base*

The Senate amendment contained a provision (sec. 1066) that would require the Secretary of the Army to conduct a study on the Bradley Fighting Vehicle industrial base.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Army to submit a report to the congressional defense committees by May 1, 2013, on the Bradley Fighting Vehicle industrial base. The report should include, but not be limited to, an assessment of the financial impact and risk of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and an assessment of the industrial capability and capacity impact and risk of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

*Report on simulated tactical flight training in a sustained gravity environment*

The Senate amendment contained a provision (sec. 1069A) that would require a study of the implications of simulator-based training for fighter aircraft in a sustained gravity environment.

The House bill contained no similar provision. However, the House report (H. Rept. 112-497) accompanying the National Defense Authorization Act for Fiscal Year 2013 (H.R. 4310) included direction for the Secretary of Defense to conduct a study on the effectiveness of simulated tactical flight training in a sustained gravity environment and to submit a report to the congressional defense committees by December 31, 2013.

The Senate recedes.

The conferees understand the cost of operating high-performance fighter aircraft continues to increase the overall costs of the flying hour program. While the conferees support the current level of funding of the flying hour program and the invaluable experience provided, the conferees believe that alternative methods to train and prepare pilots for combat should be assessed. One such alternative has been an increased reliance on simulator-based training platforms. Among the emerging technologies available to simulate the dynamic forces experienced during flight is a new class of centrifuge-based flight simulators known as "sustained-G tac-

tical flight trainers." These simulators combine centrifugation with high fidelity cockpit modules to mimic the physiological stresses and gravitational forces experienced during actual flight.

Therefore, the conferees direct the Secretary of Defense to contract with a Federally Funded Research and Development Center (FFRDC) to conduct a study on the effectiveness of simulated tactical flight training in sustained gravity environments. The Secretary should transmit the FFRDC report to the congressional defense committees not later than June 30, 2014, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment. The study should assess the impact on training effectiveness, cost, pilot and aircraft readiness, and life-cycle efficiencies from simulator-based training platforms on the modeled aircraft.

*Report on Department of Defense support for United States diplomatic security*

The Senate amendment contained a provision (sec. 1069B) that would require a report on Department of Defense support for United States diplomatic security.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that congressional committees in the House of Representatives and Senate, as well as the State Department's Accountability Review Board, are reviewing the September 11, 2012, assault on the U.S. State Department's temporary mission facility in Benghazi, Libya.

The conferees understand the Department of Defense (DOD) is supporting the ongoing effort of the State Department's Accountability Review Board, as well as the reviews by the various congressional committees. Further, the conferees note that the Secretary of Defense has indicated that DOD is working with the Department of State to assess how the attack in Benghazi, Libya, should inform planning for future DOD support to diplomatic security and installations.

The conferees also note that DOD is conducting its own internal review to determine whether force posture and other contingency plans need to be adjusted. The Secretary of Defense has indicated that he intends to brief the Committees on Armed Services of the Senate and the House of Representatives on this internal review. The conferees direct that the committees be provided such a briefing promptly upon completion of the DOD internal review.

*Comptroller General of the United States report on Department of Defense spending for conferences and conventions*

The Senate amendment contained a provision (sec. 1069C) that would require the Comptroller General of the United States to report to the congressional defense committees on Department of Defense (DOD) spending on conferences and conventions.

The House bill contained no similar provision.

The Senate recedes.

The conferees are aware that some conferences and conventions provide unique training, readiness, and partnership capacity building opportunities for the DOD. These conferences and conventions can provide specialized education and unique training opportunities, and they often serve to enhance cooperation and interoperability with

allies and partner nations. The conferees are also aware that some large meetings, which could be categorized as conferences, are necessary to support and enhance the DOD's role and performance in interagency operations, such as natural disaster response or consequence management, and to plan and prepare major training exercises. However, the conferees are concerned that the DOD may lack the capacity or fail to exercise sufficient oversight of conferences and conventions and that it may not have necessary mechanisms in place to prevent wasteful or excessive spending in connection with those conferences and conventions. The conferees expect the Department to establish appropriate mechanisms to avoid unnecessary conferences and conventions and wasteful or excessive spending.

Therefore, the conferees direct the Comptroller General to review the DOD's oversight and management of conferences and conventions and to report to the congressional defense committees not later than 270 days after the date of the enactment of this Act. The review shall assess, at a minimum, historical levels of DOD spending for conferences and conventions, whether the Department has reasonable controls established for such spending, the efficacy of any new controls on such spending implemented by the Department of Defense in the last year, and whether those new controls have been implemented in a manner that has led the Department to incur unnecessary or excessive fees for the cancellation of conferences or conventions. The review shall also assess those controls and processes utilized by the DOD to ensure that the Department's spending on conferences and conventions is properly aligned with the strategy, plans, missions, goals, and objectives of the Department. Finally, the report shall examine whether certain events, such as planning sessions for major training exercises, should be categorized as training or readiness events, rather than as conferences.

*Sense of the Senate on the maintenance by the United States of a triad of strategic nuclear delivery systems*

The Senate amendment contained a provision (sec. 1084) that would state the sense of the Senate that the United States should maintain a triad of strategic nuclear delivery systems and the United States is committed its modernization.

The House Bill contained no similar provision.

The Senate recedes.

The conferees note that section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) requires the President to provide detailed information, in the annual budget request submitted to the Congress, on funding for modernization of the strategic nuclear delivery systems and stockpile.

*Transportation of individuals to and from facilities of Department of Veterans Affairs*

The Senate amendment contained a provision (sec. 1097) that would authorize the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, examination, treatment, and care.

The House bill contained no similar provision.

The Senate recedes.

*Improved enumeration of members of the armed forces in any tabulation of total population by Secretary of Commerce*

The Senate amendment contained a provision (sec. 1099A) that would require the Sec-

retary of Commerce to include service members who are deployed abroad in the census tabulation for the state of their permanent duty station or homeport.

The House bill contained no similar provision.

The Senate recedes.

*Modernization of absentee ballot mail delivery system*

The Senate amendment contained a provision (sec. 1099D) that would express the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots.

The House bill contained no similar provision.

The Senate recedes.

The conferees encourage the Department of Defense to continue efforts to ensure that military personnel are afforded a timely opportunity to vote in state and federal elections.

*Housing Assistance for Veterans*

The Senate amendment contained a series of provisions (sections 5001, 5002, and 5003) contained in Division E of the bill that would establish a pilot program authorizing the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans.

The House bill contained no similar provisions.

The Senate recedes.

*Government Accountability Office Mandates Revision Act*

The Senate amendment contained a subtitle (subtitle A of title LIII, sections 5301-5302) that would repeal obsolete and unneeded requirements for reviews and reports by the Government Accountability Office.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that this matter will be addressed as a freestanding bill.

*Improper Payments Elimination and Recovery Improvement Act*

The Senate amendment contained a subtitle (subtitle B of title LIII, sections 5311-5317) that would address the issue of improper payments by federal agencies.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that this matter will be addressed as a freestanding bill.

*Stolen Valor Act*

The Senate amendment contained a provision (sections 5011-5014) that would establish the "Stolen Valor Act of 2012" by amending section 704 of title 18, United States Code, to make it a criminal offense for a person to knowingly, falsely, and materially represent himself or herself to have served in the armed forces or to have been awarded certain military decorations, medals, or ribbons with intent to secure a tangible benefit or personal gain.

The House bill contained no similar provision.

The Senate recedes.

**TITLE XI—CIVILIAN PERSONNEL MATTERS**

*One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas (sec. 1101)*

The House bill contained a provision (sec. 1104) that would authorize the head of an ex-

ecutive agency to waive limitations on the aggregate of basic and premium pay payable through calendar year 2013 to an employee who performs work in an overseas location that is in the area of responsibility of the Commander, United States Central Command (USCENTCOM), or a location that was formerly in USCENTCOM but has been moved to an area of responsibility of the Commander, United States Africa Command, in support of a contingency operation or an operation in response to a declared emergency. The amount payable may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

*Expansion of experimental personnel program for scientific and technical personnel at the Defense Advanced Research Projects Agency (sec. 1102)*

The House bill contained a provision (sec. 1101) that would amend section 1101(b)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), as amended by section 1110 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), to authorize the appointment of not more than 60 employees to scientific and engineering positions in the Defense Advanced Research Projects Agency (DARPA).

The Senate amendment contained a similar provision (sec. 1102). The Senate amendment would also require that the provision shall not be construed as affecting any authorization on the numbers of personnel that may be employed at DARPA overall.

The House recedes.

*Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies (sec. 1103)*

The House bill contained a provision (sec. 1103) that would extend to 2017 the direct hiring authority available for civilian agency acquisition positions under section 1703 of title 41, United States Code, and modify the authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the authority without modifying it.

*One-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone (sec. 1104)*

The Senate amendment contained a provision (sec. 1103) that would authorize temporary discretionary authority to federal agencies to grant allowances, benefits, and gratuities comparable to those provided to members of the foreign service to an agency's civilian employees on official duty in a combat zone. This authority would expire at the end of fiscal year 2014.

The House bill contained no similar provision.

The House recedes.

*Policy on senior mentors (sec. 1105)*

The House bill contained a provision (sec. 1105) that would require the Department of Defense to notify the congressional defense committees at least 60 days before implementing any change to the policy regarding senior mentors established in accordance with the requirements of section 1102 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383).

The Senate amendment contained no similar provision.



The Senate recedes.

*Authority to pay for the transport of family household pets for Federal employees during certain evacuation operations (sec. 1106)*

The House bill contained a provision (sec. 1102) that would amend section 5725 of title 5, United States Code, to authorize the transport at government expense of family household pets of government employees during evacuations from permanent stations in foreign locations.

The Senate amendment contained a similar provision (sec. 1101).

The Senate recedes.

*Interagency personnel rotations (sec. 1107)*

The House bill contained a provision (sec. 1111) that would establish a new interagency personnel rotation system for persons serving in national security positions across the executive branch, to be managed by an interagency Committee on National Security Personnel (CNSP).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would simplify and streamline the provision, providing the CNSP with greater flexibility in the implementation of the new program. The provision would give the executive branch broad authority to identify and define interagency communities of interest (ICI) covered by the bill, to identify which agencies are included in the program and which positions in each agency are within an ICI, and to establish processes and procedures for carrying out the program.

The provision would require that the interagency program be carried out in at least two ICI during the first 4 years after enactment, including an ICI for emergency management and an ICI for stabilization and reconstruction. The conferees understand that the emergency management ICI would encompass components of federal agencies engaged in international disaster relief, while the stabilization and reconstruction ICI would encompass components of federal agencies assisting in stabilization and reconstruction efforts in connection with overseas contingency operations.

The conferees note that the provision would require the CNSP to develop appropriate performance measures, reporting requirements, and other accountability devices for the evaluation of the program. In this regard, the conferees expect the CNSP to establish mechanisms to gather information from individuals completing rotational service under the program, including views on the value of the experience, the value added to the interagency process, the value provided to the home agency, and any improvements that could be made to the program.

The conferees further note that the provision would require the Comptroller General to review the implementation and effectiveness of the interagency personnel rotation program established pursuant to this section. The conferees will carefully review the Comptroller General's findings and recommendations to determine whether the program is working as intended, and whether any revisions or adjustments may be needed.

#### LEGISLATIVE PROVISION NOT ADOPTED

*Federal Employees Retirement System age and retirement treatment for certain retirees of the armed forces*

The Senate amendment contained a provision (sec. 1104) that would amend section 3307(e) of title 5, United States Code, to increase the maximum age at which certain former service members may be appointed to federal law enforcement positions from age 37 to age 47.

The House bill contained no similar provision.

The Senate recedes.

#### TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

##### Subtitle A—Assistance and Training

*Modification and extension of authorities relating to program to build the capacity of foreign military forces (sec. 1201)*

The House bill contained a provision (sec. 1202) that would modify the authority under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163) for the Secretary of Defense, with the concurrence of the Secretary of State, to conduct programs to build the capacity of foreign military forces to conduct counterterrorism and stability operations (the “1206 authority”). The provision would add small-scale military construction to the types of assistance that could be provided under the 1206 authority during fiscal year 2013. Small-scale military construction would be limited to under \$750,000 per program and no more than \$25.0 million in small-scale military construction could be authorized during fiscal year 2013. The provision would also authorize up to 20 percent of the amount authorized for fiscal year 2013 to be obligated and expended for programs authorized in fiscal year 2014, provided that the Secretary of Defense notifies the specified congressional committees by September 30, 2013, of his decision to do so.

The Senate amendment contained a provision (sec. 1201) that would extend the 1206 authority for 1 year through the end of fiscal year 2014 and would amend the required elements of the congressional notification of the initiation of a 1206 project to include additional information on the assistance provided to the recipient country during the preceding 3 fiscal years.

The Senate recedes with an amendment that would extend the 1206 authority, including the annual sublimit on the amount of funds that can be used for stability operations capacity-building, through the end of fiscal year 2014. The amendment would eliminate the authority to obligate and expend fiscal year 2013 funds for programs authorized in fiscal year 2014, but the conference provision would retain the authority to provide 1206 assistance for small-scale military construction. The amendment would also clarify the required elements of the congressional notification required prior to the initiation of a 1206 project.

*Extension of authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries (sec. 1202)*

The House bill contained a provision (sec. 1203) that would extend for 3 fiscal years the authority for the Department of Defense (DOD) to accept, on a non-reciprocal basis, defense personnel of the defense ministry of an ally or friendly foreign government.

The Senate amendment contained a similar provision (sec. 1202) that would extend the aforementioned authority for 5 fiscal years.

The Senate recedes with an amendment that would extend the authority for 4 fiscal years.

The conferees urge the Department to continue its use of this authority and to consider using it to enhance—consistent with the Defense Strategic Guidance—our relationships with partners and allies.

*Authority to build the capacity of certain counterterrorism forces in Yemen and East Africa (sec. 1203)*

The Senate amendment contained a provision (sec. 1203) that would authorize the Sec-

retary of Defense, with the concurrence of the Secretary of State, to provide training, equipment, supplies, and minor military construction to: (1) the Yemen Ministry of Interior (MOI) Counterterrorism Unit (CTU); (2) the national military forces, counterterrorism forces, and security agencies that serve a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya; and (3) the national military forces of nations participating in the African Union Mission in Somalia. These funds would be for the purpose of conducting counterterrorism operations against al Qaeda in the Arabian Peninsula in Yemen, and al Qaeda affiliates and al Shabaab in East Africa, respectively. The provision would permit the Secretary of Defense to expend not more than \$75.0 million in support of the Yemen MOI CTU and not more than \$75.0 million in support of the named forces conducting counterterrorism operations in East Africa. The provision would require that any support pursuant to this section must be provided in a manner that promotes the observance of and respect for human rights and fundamental freedom and for legitimate civilian authority in the country receiving such assistance. The provision would expire when the Global Security Contingency Fund achieves full operational capability or September 30, 2014, whichever occurs earlier.

The House bill contained no similar provision.

The House recedes.

The conferees believe that the extension of this authority should not detract from efforts to ensure the Global Security Contingency Fund reaches full operational capability in a timely manner.

*Limitation on activities under State Partnership Program pending compliance with certain program-related requirements (sec. 1204)*

The Senate amendment contained a provision (sec. 1204) that would prohibit the Secretary of Defense from obligating or expending more than 50 percent of the funds available for fiscal year 2013 for the State Partnership Program (SPP) until the final regulations required pursuant to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) are completed and the necessary regulatory adjustments have been finalized to ensure compliance of the program with the Anti-Deficiency Act (Public Law 97-258).

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary of Defense from obligating or expending funds for SPP after a date specified in this Act.

##### Subtitle B—Matters Relating to Iraq,

##### Afghanistan, and Pakistan

*Authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1211)*

The House bill contained a provision (sec. 1212) that would authorize the use during fiscal year 2013 of up to \$508.0 million in Department of Defense (DOD) funds under the authority of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) to support the operations and activities of the Office of Security Cooperation in Iraq (OSC-I). The provision would also authorize the use of these funds to provide training and assistance to Iraqi Ministry of Defense personnel. In addition, the provision would require the Secretary of Defense to submit to the specified congressional committees a detailed report relating to the OSC-I.

The Senate amendment contained a provision (sec. 1212) that would extend for fiscal year 2013 the authority of section 1215 of Public Law 112-81 for the Secretary of Defense to support the operations and activities of the OSC-I and authorize the use of up to \$508.0 million in DOD funds for these purposes.

The Senate recedes with a clarifying amendment that would provide that during fiscal year 2013 the Secretary of Defense may authorize the OSC-I to conduct non-operational training of Iraqi Ministry of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps and integrate certain processes within the Iraqi security forces. The amendment would also clarify the reporting requirement.

The conferees expect the Administration to act deliberately to accelerate the transition of the OSC-I to a normalized status comparable to Offices of Security Cooperation in other countries, and that funding for the activities and operations of the OSC-I will be transitioned from the DOD to other sources.

*Report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan (sec. 1212)*

The House bill contained a provision (sec. 1214) that would prohibit the Department of Defense from contracting or otherwise employing private security contractors (PSCs) to guard military facilities in Afghanistan where U.S. Armed Forces personnel are garrisoned or housed or to provide security for U.S. Armed Forces personnel in Afghanistan. The provision would also prohibit contracting with the Afghan Public Protection Force (APPF) to provide static security at such military installations or facilities or personal security for U.S. Armed Forces personnel. The provision would require the use of the U.S. Armed Forces to provide such services organically and the deployment of U.S. Armed Forces members in sufficient numbers to ensure that such duties do not detract from other missions in Afghanistan. The President would be authorized to waive the requirements of this section if the President makes specific certifications regarding the capabilities of PSCs or the APPF. Finally, the House provision would require quarterly reports by the Secretary of Defense to the congressional defense committees on attacks on U.S. Armed Forces carried out by members of the Afghan National Security Forces, APPF, or PSCs, called "insider attacks", and efforts to counter such attacks.

The Senate amendment contained a provision (sec. 1537) that would require the Secretary of Defense to submit to Congress a detailed report on insider attacks and the steps being taken by the International Security Assistance Force and the Government of Afghanistan to prevent and respond to this threat.

The Senate recedes with an amendment that would express the sense of Congress on insider attacks and require the Secretary of Defense to submit to the congressional defense committees a detailed report, and semi-annual updates to that report, on insider attacks and the measures by the U.S. Government and the Government of Afghanistan to address such attacks and associated threats.

The conferees direct the Secretary of Defense to notify the congressional defense committees promptly of any decision by the commander of coalition forces in Afghanistan to suspend or cease training, advising,

or security assistance activities with the Afghan National Security Forces due to an insider attack. The notification should include an assessment of the impact that the Secretary anticipates the temporary suspension or cessation of training, advising, or security assistance activities will have on efforts to transition the lead responsibility for security to the Afghan National Security Forces.

*United States military support in Afghanistan (sec. 1213)*

The House bill contained a provision (sec. 1216) that would express the sense of Congress regarding the United States mission in Afghanistan. The provision would also require the President to notify the congressional defense committees prior to any public announcement of a decision to reduce the number of U.S. Armed Forces in Afghanistan below the levels of such forces deployed to Afghanistan as of certain specified dates.

The Senate amendment contained a provision (sec. 1536) that would require that not later than 30 days after the President makes a decision to change the level of U.S. Armed Forces in Afghanistan, the Chairman of the Joint Chiefs of Staff, through the Secretary of Defense, must submit to the congressional defense committees a detailed assessment of the risk to the U.S. mission and interests in Afghanistan as the change in troop levels is implemented.

The Senate recedes with an amendment that would require the Secretary of Defense to notify the congressional defense committees of any Presidential-level decision on changes to U.S. troop levels in Afghanistan. The amendment would also require that not later than 30 days after such a Presidential-level decision, the Chairman of the Joint Chiefs of Staff, through the Secretary of Defense, would be required to submit a detailed assessment of the risk to the U.S. mission and interests in Afghanistan associated with such a change in U.S. troop levels, including the risk associated with the transition of combat responsibilities to the Afghan Security Forces following such a change in U.S. troop levels. The provision's notification requirements would terminate on December 31, 2014.

*Modification of report on progress toward security and stability in Afghanistan (sec. 1214)*

The House bill contained a provision (sec. 1218) that would modify the reporting requirements under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-81), as amended, relating to progress toward security and stability in Afghanistan. The provision would require additional detailed information relating to the Afghanistan National Security Forces (ANSF), including measures on literacy rates, recruitment, entry-level training, personnel issues, professionalism, retention, logistics, and transition.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the additional reporting requirements relating to the ANSF. The amendment would also require information on steps taken by the United States, the International Security Assistance Force, and the Government of Afghanistan in preparation for the Afghan presidential elections in 2014, including to train a sufficient number of ANSF personnel, including female ANSF members, and to secure election workers, materials, and locations as may be necessary to safely carry out the elections, including the participation of women. Additionally, the amendment would require information

on the transition from partnership to security force assistance activities as the ANSF increasingly take the security lead in Afghanistan.

*Independent assessment of the Afghan National Security Forces (sec. 1215)*

The Senate amendment contained a provision (sec. 1219) that would require the Secretary of Defense to provide for the conduct of an independent assessment of the capability requirements for the Afghan National Security Forces to provide security for Afghanistan after 2014. At the Secretary's discretion, the assessment would be conducted by either a federally-funded research and development center or an independent, non-governmental institute with relevant expertise.

The House bill contained no similar provision.

The House recedes.

*Extension and modification of logistical support for coalition forces supporting certain United States military operations (sec. 1216)*

The Senate amendment contained a provision (sec. 1217) that would extend for 1 year the authority provided in section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 111-81), as amended, to provide logistical support to coalition forces in Afghanistan.

The House bill contained no similar provision.

The House recedes.

*Report on Afghanistan Peace and Reintegration Program (sec. 1217)*

The Senate amendment contained a provision (sec. 1220) that would require a report by the Secretary of Defense, in consultation with the Secretary of State, on the Afghanistan Peace and Reconciliation Program, which seeks to reintegrate former insurgents into Afghan society.

The House bill contained no similar provision.

The House recedes.

*One-year extension of authority to use funds for reintegration activities in Afghanistan (sec. 1218)*

The House bill contained a provision (sec. 1213) that would amend section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), as amended, to extend the authority to use Department of Defense funds to support reintegration activities in Afghanistan through fiscal year 2013 and authorize the use of up to \$35.0 million for these purposes.

The Senate amendment contained a similar provision (sec. 1213) that includes a sense of the Senate on the conflict-induced displacement of Afghans.

The Senate recedes.

The conferees are concerned about the rise in the displacement of Afghans due to the ongoing conflict in Afghanistan and the corresponding increase in humanitarian needs. The conferees encourage the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan to jointly develop a comprehensive strategy to address this rising displacement and associated humanitarian requirements, which should include an assessment of and a plan to enhance the capacity of the Government of Afghanistan to address the causes, and respond to the consequences, of forced displacement within Afghanistan.

*One-year extension and modification of authority for program to develop and carry out infrastructure projects in Afghanistan (sec. 1219)*

The Senate amendment contained a provision (sec. 1214) that would authorize the use of up to \$350.0 million during fiscal year 2013 for the Afghanistan Infrastructure Program (AIP) to develop and carry out infrastructure programs in Afghanistan that support the counterinsurgency campaign. Funding for the AIP is provided through the Afghanistan Infrastructure Fund (AIF). The provision would also restrict the availability of a portion of the AIF funds during fiscal year 2013 until the Secretary of Defense submits a plan for the use of AIF funds under the AIP.

The House bill contained no similar provision.

The House recedes.

*Report on updates and modifications to campaign plan for Afghanistan (sec. 1220)*

The House bill contained a provision (sec. 1215) that would repeal section 1226 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) and require the Comptroller General to report to the congressional defense committees on any substantial update or modification to the campaign plan for Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes.

*Commanders' Emergency Response Program in Afghanistan (sec. 1221)*

The House bill contained a provision (sec. 1201) that would amend section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), to extend the authority for the Commanders' Emergency Response Program (CERP) in Afghanistan through fiscal year 2013.

The Senate amendment contained a similar provision (sec. 1211) that would extend the CERP authority through fiscal year 2013 and limit the amount of funds available for the program to \$200.0 million, which is a reduction of \$200.0 million from the budget request of \$400.0 million.

The House recedes. The conferees note that during fiscal year 2012, the amount of CERP funds obligated in Afghanistan was less than \$200.0 million. With the drawdown of U.S. troops in Afghanistan, the conferees anticipate that CERP spending will decrease accordingly.

*Authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan (sec. 1222)*

The Senate amendment contained a provision (sec. 1224) that would authorize the transfer of defense articles being drawn down in Afghanistan, and the provision of defense services in connection with such transfers, to the military and security forces of Afghanistan to restore and maintain internal peace and security. The provision would also authorize the transfer of such defense articles and such defense services to the military and security forces of Yemen to support counterterrorism operations and counter al Qaeda in the Arabian Peninsula and to the military and security forces of Somalia and other specified East African countries to support their efforts to conduct counterterrorism and postconflict stability operations in Somalia. The provision would authorize the transfer of such nonexcess defense articles up to a limit of \$250.0 million in any fiscal year and would exempt during fiscal years 2013 and 2014 the transfer of such excess defense articles (EDA) to specified countries from counting against the annual limita-

tion on the aggregate value of EDA transferred under section 516 of the Foreign Assistance Act of 1961 (Public Law 87-195). The provision would also permit construction equipment being drawn down from Afghanistan to be treated as EDA under section 516 of Public Law 87-195. The authority to transfer nonexcess defense articles under this section would expire on December 31, 2014.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the authority to transfer nonexcess defense articles under this section to transfers only to Afghanistan. The amendment would also eliminate the provision allowing construction equipment being withdrawn from Afghanistan to be treated as EDA under section 516 of Public Law 87-195. The amendment would clarify that any EDA transferred from the Department of Defense stocks in Afghanistan, regardless of the recipient country, would be exempt during fiscal years 2013 and 2014 from the annual limitation on the aggregate value of EDA transferred under section 516 of Public Law 87-195.

*Report on efforts to promote the security of Afghan women and girls during the security transition process (sec. 1223)*

The Senate amendment contained a provision (sec. 1249) that would require the Secretary of Defense, with the concurrence of the Secretary of State, to submit to the appropriate congressional committees a plan for promoting the security of Afghan women during the security transition process. The provision would also require reporting on implementation of this plan as part of the report submitted pursuant to sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense and the Secretary of State jointly to submit a report on U.S. Government efforts to promote the security of Afghan women and girls during the security transition process. The report would include a discussion of efforts to monitor changes in women's security conditions in areas undergoing transition, including indicators that are or may be used to measure the security of women and girls during the transition process. Examples of such indicators could include: the mobility of women and girls; the participation of women in local governing bodies; school attendance rates for girls; and women's access to government services. The report would also include discussions of efforts that may increase gender awareness and responsiveness within the Afghan National Army (ANA) and Afghan National Police (ANP), and of efforts to increase the number of female personnel within the ANA and ANP.

The conferees encourage the Secretary of State, in preparing the report required by this section, to consult with the Administrator of the United States Agency for International Development and the Department of State Coordinator for Global Women's Issues.

*Sense of Congress commending the Enduring Strategic Partnership Agreement between the United States and Afghanistan (sec. 1224)*

The Senate amendment contained a provision (sec. 1222) that would express the sense of Congress commending the Enduring Strategic Partnership Agreement between the United States of America and the Islamic Republic of Afghanistan.

The House bill contained no similar provision.

The House recedes.

*Consultations with Congress on a bilateral security agreement with Afghanistan (sec. 1225)*

The Senate amendment contained a provision (sec. 1223) that would require, not later than 30 days prior to entering into a Bilateral Security Agreement with Afghanistan, that the President submit the agreement to the appropriate congressional committees for review.

The House bill contained no similar provision.

The House recedes with an amendment that would require the President to consult periodically with the appropriate congressional committees on the status of the negotiations of the Bilateral Security Agreement. The amendment would also require the President, prior to entering into any Bilateral Security Agreement with Afghanistan, to make the text of the agreement available to the appropriate congressional committees.

The conferees note that the Enduring Strategic Partnership Agreement between the United States of America and the Islamic Republic of Afghanistan (ESPA), signed on May 1, 2012, establishes an enduring strategic partnership between the two countries. The ESPA reaffirms the presence and operations of U.S. Armed Forces in Afghanistan, and commits the United States and Afghanistan to continue to foster close cooperation concerning mutually-determined defense and security arrangements. The conferees further note that the ESPA commits the United States and Afghanistan to initiate negotiations of a Bilateral Security Agreement, with the goal of concluding that agreement within 1 year to supersede the existing U.S.-Afghanistan Status of Forces agreements.

*Completion of transition of United States combat and military and security operations to the Government of Afghanistan (sec. 1226)*

The Senate amendment contained a provision (sec. 1221) that would express the sense of Congress regarding the transition of security responsibility to the Government of Afghanistan and the drawdown of U.S. troops from Afghanistan through the end of 2014.

The House bill contained no similar provision.

The House recedes with a number of clarifying amendments, including an amendment to the sense of Congress that the recommendations of the International Security Assistance Force Commander on the overall strategy in Afghanistan, including the pace of the drawdown of U.S. troops, should be given serious consideration.

*Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1227)*

The House bill contained a provision (sec. 1211) that would extend through fiscal year 2013 the authority under section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended, for the Secretary of Defense to reimburse coalition nations for support provided to U.S. military operations, and provide other specified support to these nations. The provision would limit the amount of fiscal year 2013 funds available to provide reimbursements and other support under section 1233 of Public Law 110-181 (known as "Coalition Support Funds") to no more than \$1.65 billion. The provision would also limit the portion of Coalition Support Funds that may be provided to Pakistan to no more than \$650.0

million during fiscal year 2013. In addition, the provision would restrict Coalition Support Fund payments to Pakistan until the Secretary of Defense provides to the congressional defense committees certain specified reports and certifications regarding Pakistan and its cooperation in counterterrorism efforts.

The Senate amendment contained a similar provision (sec. 1216) that would extend for fiscal year 2013 and modify the authority to provide Coalition Support Funds. The provision would authorize the availability of up to \$1.75 billion during fiscal year 2013 for these purposes. The provision would prohibit any reimbursements to Pakistan for claims of support provided during a period when the ground lines of supply through Pakistan to Afghanistan were closed to the transshipment of U.S. military equipment and supplies. The provision would also require that, prior to any Coalition Support Fund reimbursements to Pakistan during fiscal year 2013, the Secretary of Defense would have to make certain certifications to the congressional defense committees regarding Pakistan and its support to counterterrorism operations. The Secretary would be authorized to waive the certification requirements if the Secretary determines that doing so is in the U.S. national security interest.

The House recedes with an amendment that would limit the amount of fiscal year 2013 funds available for Coalition Support Fund payments to \$1.65 billion. The amendment would also limit the portion of Coalition Support Funds that may be paid to Pakistan to no more than \$1.2 billion during fiscal year 2013. The amendment would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report to the congressional defense committees on the provision of reimbursements and other support to Pakistan.

The conferees note that the amendment would retain the certification requirement with regard to Coalition Support Fund payments to Pakistan, with a number of clarifications to the certification provisions. The amendment would also retain the national security waiver applicable to the certification requirement. Finally, the amendment would include the prohibition on reimbursements to Pakistan for any claims arising during a period when the ground lines of supply through Pakistan to Afghanistan were closed.

#### *Extension and modification of Pakistan Counterinsurgency Fund (sec. 1228)*

The House bill contained a provision (sec. 1217) that would extend through fiscal year 2013 the authority under section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), as most recently amended by section 1220 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), for the Pakistan Counterinsurgency Fund (PCF). The provision would also amend the reporting requirement under section 1220(b) of Public Law 112-81, to require, in any year in which funds would be made available to the PCF, that the Secretary of Defense, with the concurrence of the Secretary of State, must submit to the appropriate congressional committees an update to the section 1220(b) report on a strategy for utilizing the PCF and the metrics for measuring the progress of that strategy. The provision would additionally restrict the availability of PCF funds to no more than 10 percent of amounts appropriated or transferred to the PCF until 30 days after the Secretary of Defense submits to the appropriate congressional committees the update to the section 1220(b) report.

The House bill also contained a provision (sec. 1219) that would restrict the use of funds authorized to be appropriated by this Act for the PCF until the Secretary of Defense certifies to the appropriate congressional committees that Pakistan is committed to and implementing a strategy to counter improvised explosive devices (IEDs). The Secretary would be authorized to waive the certification requirement if the Secretary determines doing so is in the national security interest of the United States.

The Senate amendment contained a provision (sec. 1215) that would extend through fiscal year 2013 the PCF authority under section 1220 of Public Law 111-84, as amended. The provision would also extend for 1 year the limitations of section 1220 of Public Law 112-81 that restrict the availability of PCF funds to no more than 40 percent of amounts available to the Fund during fiscal year 2013 until the Secretary of Defense submits the section 1220(b) report.

The Senate recedes with an amendment that would extend the PCF authority through fiscal year 2013 and extend for 1 year the limitations on the availability of PCF funds under section 1220 of Public Law 112-81. In addition, the amendment would require that before any of the funds authorized to be appropriated for or transferred into the PCF may be used, the Secretary of Defense must certify to the appropriate congressional committees that: (1) Pakistan is demonstrating a continuing commitment to and making significant efforts to implement a counter-IED strategy, and (2) Pakistan is cooperating with U.S. counterterrorism efforts, including by not detaining, prosecuting or imprisoning Pakistani citizens as a result of their cooperation with such efforts, including Dr. Shakil Afridi, the doctor who assisted in efforts to track down Osama bin Laden. Under the amendment the Secretary of Defense would be authorized to waive the certification if the Secretary determines that doing so is in the national security interest of the United States.

#### *Subtitle C—Matters Relating to Iran*

##### *Report on United States capabilities in relation to China, North Korea, and Iran (sec. 1231)*

The House bill contained a provision (sec. 1223) that would amend section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2541) by requiring an annex to the military power report on Iran in which the Commander of U.S. Central Command would provide an assessment of any gaps in intelligence, capabilities, capacity, or authorities to counter Iranian threats to the interest of the United States in the region.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Chairman of the Joint Chiefs of Staff, in consultation with the appropriate geographic and functional combatant commanders, to submit a report regarding U.S. capabilities relative to the People's Republic of China, the Democratic People's Republic of Korea, and the Republic of Iran. The conferees note that this report shall reflect the full and complete assessments of the commanders of the geographic and functional combatant commands.

##### *Report on military capabilities of Gulf Cooperation Council members (sec. 1232)*

The House bill contained a provision (sec. 1225) that would direct the Secretary of Defense, in consultation with the Secretary of State, to develop a plan to enhance the military capabilities of certain allies in the Mid-

dle East to bolster the posture of such allies in relation to the threat posed by Iran.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense, in consultation with the Secretary of State, to evaluate gaps in the military capabilities of the Gulf Cooperation Council (GCC) members and submit a report on the findings of their evaluation to the appropriate congressional committees.

The conferees note that the Department of Defense and Department of State has undertaken a number of efforts to further improve U.S.-GCC security cooperation and interoperability. These ongoing efforts serve as the principal security coordination mechanism between the United States and the six GCC countries. The conferees note and endorse the objectives of this ongoing dialogue as an effective way to address common perceived threats, including the improvement of GCC defense capabilities and interoperability; regional security issues; counterproliferation; counterterrorism; and critical infrastructure protection.

##### *Sense of Congress with respect to Iran (sec. 1233)*

The House bill contained a provision (sec. 1221) that would express certain findings related to the threat represented by the Islamic Republic of Iran to the United States, the State of Israel, and Iran's neighbors. This provision would further declare that it is the policy of the United States to take all necessary measures, including military action if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the findings and would make the provision an expression of the sense of Congress, as well as insert the words "be prepared to".

##### *Rule of construction (sec. 1234)*

The House bill contained a provision (sec. 1228) that would state that nothing in this Act shall be construed as authorizing the use of force against Iran.

The Senate amendment contained no similar provision.

The Senate recedes.

#### *Subtitle D—Iran Sanctions*

##### *Short title (sec. 1241)*

The Senate amendment contained a provision (sec. 1261) that would name the subtitle the "Iran Freedom and Counter-Proliferation Act of 2012."

The House bill contained no similar provision.

The House recedes.

##### *Definitions (sec. 1242)*

The Senate amendment contained a provision (sec. 1262) that would establish certain definitions for purposes of the Iran Freedom and Counter-Proliferation Act of 2012.

The House bill contained no similar provision.

The House recedes with an amendment that would add the Committees on Armed Services of the Senate and the House of Representatives to the definition of "Appropriate Congressional Committees" contained in this provision, as well as a definition for the term "good"—as defined by section 16 of the Export Administration Act of 1979 (50 U.S.C. App 2415).

*Declaration of policy on human rights (sec. 1243)*

The Senate amendment contained a provision (sec. 1263) that would establish the policy of the United States with respect to denying the Government of Iran the ability to continue to oppress its people; supporting efforts of the people of Iran to promote the establishment of their basic freedoms; helping the Iranian people produce and access information; and defeating attempts by the Government of Iran to jam or obstruct international satellite broadcasts.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the declaration of policy to an expression of the sense of Congress.

*Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran (sec. 1244)*

The Senate amendment contained a provision (sec. 1264) that would: (1) make a series of findings with respect to Iran's energy, shipping, and shipbuilding sectors; (2) designate entities that operate Iran's ports and entities in its energy, shipping, and shipbuilding sectors as entities of proliferation concern; and (3) block and prohibit, with limited exceptions, all transactions in property in the United States by any person that is associated with these sectors or that provides support to those sectors or to any person on the list of "specially designated nationals and blocked persons" (the "SDN List") with respect to Iran maintained by the Department of the Treasury and sanction transactions with these sectors. The provision would provide exceptions for: (1) petroleum purchases from Iran pursuant to section 1245 of the National Defense Authorization Act for 2012 (Public Law 112-81) (i.e. countries with an exception for significantly reducing their purchases from Iran); (2) certain financial transactions involving institutions in those countries; (3) natural gas purchases from Iran so long as the purchasing country holds the payment for Iran in an account to be drawn on for permissible trade; and (4) purchases of food, agricultural commodities, medicine, medical devices, and humanitarian assistance. Also included in the provision is an allowance for a Presidential waiver if a determination is made that such waiver is vital to the national security of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) increase the number of days after enactment of this Act that this provision would take effect to 180 days; (2) strike a provision relating to the application of certain provisions of the Iran Sanctions Act of 1996 (Public Law 104-172), as amended; (3) increase to 180 days the period of time for which a Presidential waiver is in effect; (4) insert an exception for certain activities relating to the reconstruction of Afghanistan—if the President determines such an exception is in the national interest; and (5) make a number of technical modifications.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

*Imposition of sanctions with respect to the sale, supply, or transfer of certain materials to or from Iran (sec. 1245)*

The Senate amendment contained a provision (sec. 1265) that would impose sanctions

contained in the Iran Sanction Act of 1996 (Public Law 104-172), as amended, including a ban on opening correspondent accounts in the United States for banks involved in the sale, supply, or transfer to Iran or for facilitating or conducting such a transaction, involving precious metal, graphite, raw or semi-finished metals, metallurgical coal, and software for integrating industrial processes in connection with Iran's energy, shipping, and ship-building industries, or to Iranian persons on the SDN list. The provision would allow for a Presidential waiver of sanctions for interests vital to the national security of the United States and also contains certain limited exceptions. Certain related provisions elsewhere in this Act involve materials for resale and barter.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) increase the number of days after enactment of this Act that this provision would take effect to 180 days; (2) insert an exception for non-designated Iranian financial institutions that are not connected to Iran's weapons of mass destruction program, its support for terrorism, or its abuses of human rights; (3) increase to 180 days the period of time for which a Presidential waiver is in effect; and (4) make a number of technical and clarifying modifications.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

*Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities of persons with respect to which sanctions have been imposed (sec. 1246)*

The Senate amendment contained a provision (sec. 1266) that would impose sanctions contained in the Iran Sanction Act of 1996 (Public Law 104-172), as amended, on: (1) any insurance or reinsurance provider or underwriter that knowingly provides underwriting service, insurance, or reinsurance for activities for which sanctions have been imposed under current law; (2) to any person in the energy, shipping, or ship-building sector in Iran; (3) transactions involving the materials covered in section 1245; (4) any person designated on the SDN List in connection with proliferation of weapons of mass destruction or support for terrorism; and (5) any other person on the SDN List, with certain limited exceptions. The provision would provide waivers for transactions involving humanitarian goods, a due diligence exception for underwriters, insurers, and reinsurers, as well as a Presidential waiver for interests vital to the national security of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) increase the number of days after enactment of this Act that this provision would take effect to 180 days; (2) strike subsection (f)—the clause relating to the application of certain provisions of the Iran Sanctions Act of 1996 (Public Law 104-172), as amended; (3) increase to 180 days the period of time for which a Presidential waiver is in effect; and (4) make a number of technical and clarifying modifications.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

*Imposition of sanctions with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals (sec. 1247)*

The Senate amendment contained a provision (sec. 1267) that would prohibit the opening of or impose strict conditions on the maintaining of a correspondent account or a payable-through account in the United States by a foreign financial institution that the President determines has knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the SDN List. The provision would provide exceptions for humanitarian transactions, certain financial institutions, petroleum sales permitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), and certain natural gas sales. The provision would also provide a Presidential waiver of sanctions for interests vital to the national security of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) increase the number of days after enactment of this Act that this provision would take effect to 180 days; (2) increase to 180 days the period of time for which a Presidential waiver is in effect; and (3) make a number of technical and clarifying modifications.

*Inclusion of the Islamic Republic of Iran Broadcasting on the list of human rights abusers (sec. 1248)*

The Senate amendment contained a provision (sec. 1268) that would make a series of findings about the Islamic Republic of Iran Broadcasting (IRIB) entity's contributions to the infringement of individuals' human rights and would direct the President to determine the same. The provision would also designate and sanction the IRIB and the President of the IRIB, Ezzatollah Zargami, on account of human rights violations.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the President to impose sanctions on IRIB, as well as its President, Ezzatollah Zargami, under the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) of 2010 (Public Law 111-195; 22 U.S.C. 8511 et seq.); include them on the SDN List and blocked persons maintained by the Office of Foreign Asset Control; and incorporate appropriate administrative provisions.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

*Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran (sec. 1249)*

The Senate amendment contained a provision (sec. 1269) that would amend Title I of Public Law 111-195 by inserting a new subsection that would direct the President to impose sanctions on individuals determined to have engaged in corruption or other activities relating to the diversion of goods intended for the people of Iran or the misappropriation of proceeds from the sale or resale of such goods. The provision would also require the names of individuals identified under this subsection to be made available to the public and posted on the Internet websites of the Department of the Treasury and the Department of State. The provision

would also include a number of relevant clerical amendments to Public Law 111–195.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

*Waiver requirement related to exceptional circumstances preventing significant reductions in crude oil purchases (sec. 1250)*

The Senate amendment contained a provision (sec. 1270) that would amend section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) by inserting an additional determination the President is required to make when issuing a waiver of sanctions with respect to petroleum transactions. Under the provision, the President would also be required, prior to issuing a waiver of sanctions, to certify that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Statute of limitations for civil actions regarding terrorist acts (sec. 1251)*

The Senate amendment contained a provision (sec. 1271) that would amend Section 2335 of title 18, United States Code, and modify the statute of limitations for civil action regarding terrorist acts to 10 years.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the effective date of the provision.

*Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers (sec. 1252)*

The Senate amendment contained a provision (sec. 1272) that would direct the President to submit to the appropriate congressional committees a report that contains: (1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company and the owners and operators of those vessels; and (2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed have landed.

The House bill contained no similar provision.

The House recedes with an amendment that would terminate the reporting requirement under this subsection after a certain number of reports, as well as add the words “large or otherwise significant” to focus collection resources on vessels of concern.

*Implementation; penalties (sec. 1253)*

The Senate amendment contained a provision (sec. 1273) that would provide the President with the authority, consistent with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to implement this subtitle and establish certain penalties for a person that commits an unlawful act under this subtitle.

The House bill contained no similar provision.

The House recedes with an amendment that would provide for the application of cer-

tain sections of the Iran Sanctions Act of 1996 (Public Law 104–172), as amended.

*Applicability to certain natural gas projects (sec. 1254)*

The Senate amendment contained a provision (sec. 1274) that would establish that nothing in this subtitle shall apply with respect to any activity described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (Public Law 112–158; 22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

The House bill contained no similar provision.

The House recedes.

*Rule of construction (sec. 1255)*

The Senate amendment contained a provision (sec. 1275) that would establish a rule of construction with respect to this subtitle that nothing shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

The House bill contained no similar provision.

The House recedes.

*Subtitle E—Satellites and Related Items*

*Authority to remove satellites and related components and technology from the United States Munitions List (secs. 1261–1267)*

The House bill contained a provision (subtitle E, sec. 1241) that would grant authority to the President, after making certain determinations, to remove commercial satellites and related components and technology from the United States Munitions List (USML), consistent with the requirements to notify and consult with Congress under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778) regarding the removal of any defense item from the USML. The House provision would also prohibit the export of commercial satellites and related components and technology to the People's Republic of China, North Korea, currently named state sponsors of terrorism, and other countries on which there are regulatory arms export restrictions.

The House bill also contained a provision (sec. 1242) that require a quarterly report from the President on licenses and other authorizations for such items subsequently listed on the Commerce Control List (CCL).

The House bill also contained a provision (sec. 1243) that amends section 38(f) of the Arms Export Control Act to modify the information to be provided in connection with notifications when the President seeks to move items from the USML.

The House bill also contained a provision (sec. 1244) that require a report on the extent to which the CCL has exemptions from country-wide licensing requirements.

The House bill also contained a provision (sec. 1245) that provide for end-use monitoring for certain CCL items and required a report.

The House bill also contained a provision (sec. 1246) that require that all relevant departments concur to any future changes to Category XV of the USML (relating to spacecraft systems and associated equipment) and require an annual report on the reviews conducted in reading such concurrence.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would strike section 1241(a) of the House bill and replace it with a repeal of section 1513(a) of Subtitle B of Title XV of the Strom Thurmond National Defense Author-

ization Act for Fiscal Year 1999 (Public Law 105–261). The effect of this repeal would be that the satellites and related items that were on the CCL on the date of the enactment of Public Law 105–261 and, thereafter, were transferred to the USML pursuant to section 1513(a) and controlled under the Arms Export Control Act, may be transferred back to the CCL, subject to certain determinations. The conferees note that this repeal would not change the regulatory structure and obligations that currently apply for existing licenses or submitted applications under the authority of the International Traffic in Arms Regulations ((ITAR), 22 C.F.R. part 120 et seq.). The conferees believe further regulatory action, subject to the conditions set out in this provision, will have to be taken to change such structure and obligations. The conferees note that nothing in the conference agreement would obviate the requirement to submit to Congress the report required under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) for any item removed from the USML as a result of the enactment of the conference agreement.

The amendment would further amend the prohibition in section 1241(c) of the House bill on the export, transfer, re-transfer, or re-export on commercial satellites and related items to China, Cuba, Iran, North Korea, Sudan, Syria, or any other country under a U.S. arms embargo pursuant to section 126.1 of the ITAR to comport with the repeal in subsection (a) of the amendment, adding a Presidential waiver of the prohibition to be consistent with other provisions of export control law; and striking the ITAR 126.1 prohibition and replacing it with a presumption of denial of any such export to a country with respect to which the United States maintains a comprehensive arms embargo. The amendment would also provide for a reporting requirement to certain congressional committees regarding efforts by certain countries to illicitly obtain satellites and related items. The conferees expect the Director of National Intelligence to ensure protection of sources and methods in preparing such report.

The conferees note that this amendment would explicitly state that the prohibition applies to all such satellites and items subject to the Export Administration Regulations, whether or not specifically enumerated on the CCL. The conferees note that in ongoing compliance matters concerning the re-transfer of U.S. technology to China, certain such items had been designated by the Department of Commerce as EAR–99. The conferees do not intend for this provision to affect ongoing compliance matters, which the conferees expect will be pursued with all available diligence. Thus, the amendment would also specify that no items transferred as a result of the enactment of this Act may be launched in China, North Korea, or a designated state sponsor of terrorism, or as part of a launch vehicle owned, operated, or manufactured by any such government, or persons or entities acting on their behalf. The amendment would permit, however, the President to waive these particular prohibitions on a case-by-case basis, with advance notice to Congress. The conferees note that the President is already permitted to waive similar restrictions on exports of USML items to China, and for satellites and related items to China for launch, on launch vehicles owned by China that are contained in section 902 of the Foreign Relations Authorization Act of Fiscal Years 1990 and 1991 (Public Law 101–246), which would be intentionally unchanged by this provision. Section 1515 of



Public Law 105-261, which will remain in force, requires that each time the President seeks to waive those restrictions on the export to China of any satellite of United States origin or related items, the President must accompany the required report with a detailed justification setting forth numerous justifications related to the export, including why the proposed launch is in the national security interest of the United States and what the impact of the proposed export will be on employment in the United States. The conferees stress that this amendment would intentionally leave those matters unchanged. The conferees also note that the aforementioned waiver for exporting satellites and related items has not been used since the late 1990s, owing to concerns about Chinese missile and other proliferation activities and human rights violations. The conferees find it difficult to envision a scenario under current circumstances in which a President would utilize the waiver authority that would be provided in the amendment.

The amendment would also modify the requirements of the report from the President on licenses and other authorizations for satellites and related items subsequently listed on the CCL.

Furthermore, the amendment would largely retain, but modify, reporting requirements on country exemptions for licensing of certain satellites and related items and end-use monitoring.

The amendment would require that all relevant agencies review regulations proposing changes to Category XV of the USML. This provision would ensure that all relevant agencies cooperate in making determinations regarding the level of control to be accorded to space technology. The conferees believe special concern is warranted because in the past, certain items related to satellites were treated as EAR99 items, meaning no license was required and therefore no substantive ability to deny re-exports of such items existed.

The amendment would also add a rule of construction to make clear that, notwithstanding the repeal of section 1513(a), the remaining provisions of Subtitle B of title XV of Public Law 105-261, which apply to "satellites and related items" without reference to such items' regulatory coverage under the USML or the CCL, continue to apply to satellites and related items subject to the Export Administration Regulations. The conferees expect that notifications required to be provided by the Department of Commerce pursuant to section 1514(a)(7) of Public Law 105-261 for satellites and related items made subject to the jurisdiction of the Export Administration Regulations as a result of this amendment would be made prior to the issuance of any such license. The conferees note that nothing in this Act shall be construed as removing or limiting existing authorities of the President under Public Law 105-261 with respect to defense articles and defense services that remain subject to the jurisdiction of the ITAR or to otherwise take such actions as are necessary to implement requirements for improving national security controls in the export licensing of satellites, launch vehicles, and related items.

#### Subtitle F—Other Matters

##### *Additional elements in annual report on military and security developments involving the People's Republic of China (sec. 1271)*

The House bill contained a provision (sec. 1231) that would modify the elements required to be included in the annual report on the military and security developments in-

volving the People's Republic of China and would also require a combatant commander's assessment of gaps in capabilities.

The Senate amendment contained a similar provision (sec. 1232).

The Senate recedes with an amendment that modifies some of the elements required to be included in future reports. The amendment would also remove the requirement for a combatant commander assessment and consolidate the requirement for an assessment into another section of this Act for fiscal year 2013, as part of a broader report from the Chairman of the Joint Chiefs of Staff regarding gaps in capabilities.

##### *NATO Special Operations Headquarters (sec. 1272)*

The House bill contained a provision (sec. 1234) that would extend through fiscal year 2013 the authority contained in section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), as amended, for the Secretary of Defense to provide up to \$50.0 million per year to support the operations of the North Atlantic Treaty Organization (NATO) Special Operations Headquarters (NSHQ). The House provision would also prohibit the Secretary from obligating or expending more than 50 percent of the funds available for fiscal year 2013 until 30 days after the Secretary finalizes and formalizes the United States Special Operations Command as the lead component with executive agent responsibilities for the NSHQ.

The Senate amendment contained a provision (sec. 342) that would make permanent the authority of the Secretary to provide up to \$50.0 million in any fiscal year to support the operations of the NSHQ. The Senate provision would also require an annual report describing the activities of the NSHQ and summarizing the support provided to the NSHQ by the U.S. and other NATO member countries.

The Senate recedes with an amendment that would extend through fiscal year 2015 the authority of the Secretary to provide up to \$50.0 million per year to support the operations of the NSHQ and require an annual report describing the activities of the NSHQ and summarizing the support provided to the NSHQ by the U.S. and other NATO member countries.

The conferees continue to see great value in the ability of the NSHQ to enhance the capabilities and interoperability of NATO Special Operations Forces consistent with the purposes specified in section 1244 of Public Law 111-84. The conferees also believe the extension of this authority through fiscal year 2015 will enable continued support of the NSHQ through a critical period as responsibility for security in Afghanistan transitions from the International Security Assistance Force to the Afghan National Security Forces by the end of 2014. Lastly, the conferees believe, barring an exceptional and compelling justification, that additional modifications to this authority should not be necessary prior to fiscal year 2015 and look forward to considering a request from the Secretary for continued U.S. support to the NSHQ at the appropriate time.

##### *Sustainability requirements for certain capital projects in connection with overseas contingency operations (sec. 1273)*

The Senate amendment contained a provision (sec. 1245) that would establish requirements for future overseas contingency operations that the Department of Defense (DOD), the Department of State (DOS) and the United States Agency for International

Development (USAID) conduct detailed assessments of the necessity and sustainability of capital projects above certain specified cost thresholds prior to carrying out any such project. The Secretary of Defense, the Secretary of State, or the Administrator of USAID, as applicable, would be authorized to waive the limitations of this section to initiate a project if the determination is made that doing so is in U.S. national security, diplomatic, or humanitarian interests, but a sustainability assessment would still have to be conducted subsequently. The provision would also require detailed, semi-annual reporting on each capital project subject to this section.

The House bill contained a provision (sec. 1239) that would require that, for certain specified infrastructure projects, the head of a federal department or agency responsible for carrying out the project must submit to Congress, not later than 60 days prior to the project's commencement, a plan for carrying out and sustaining the project. Projects covered by this provision would be infrastructure projects in a foreign country for which the United States is contributing not less than \$1.0 million from funds available for overseas contingency operations.

The House recedes with a technical amendment.

##### *Administration of the American, British, Canadian, and Australian Armies' Program (sec. 1274)*

The Senate amendment contained a provision (sec. 1241) that would authorize the Secretary of Defense to enter into cost-sharing agreements with the countries participating in the American, British, Canadian, and Australian (ABCA) Armies' Program. The provision would allow the Department of Defense to accept contributions from the other participating countries to pay their equitable share of the costs associated with the ABCA Armies' Program. The authority provided under this provision would sunset after 5 years.

The House bill contained no similar provision.

The House recedes with a technical amendment.

##### *United States participation in Headquarters Eurocorps (sec. 1275)*

The Senate amendment contained a provision (sec. 1242) that would authorize the participation of members of the armed forces as members of the staff of Headquarters Eurocorps to support the North Atlantic Treaty Organization activities of that corps. U.S. participation on the staff would be limited to 2 service members until the Secretary of Defense submits a report to the Committees on Armed Services of the Senate and the House of Representatives on the plans, benefits, and costs of such participation.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to notify the Committees on Armed Services of the Senate and the House of Representatives if the number of members of the armed forces participating on the staff of the Headquarters Eurocorps will exceed 10 members.

##### *Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services (sec. 1276)*

The Senate amendment contained a provision (sec. 1243) that would allow the Secretary of Defense, with the concurrence of the Secretary of State, to authorize U.S. participation in the Air Transport, Air-to-Air



Refueling and other Exchanges of Services (ATARES) program of the Movement Coordination Centre Europe. The program would allow for the exchange or transfer of air transportation and air refueling services among ATARES program participants.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Prohibition on use of funds to enter into contracts or agreements with Rosoboronexport (sec. 1277)*

The House bill contained a provision (sec. 802) that would require that any U.S.-funded contract to procure helicopters for the Afghan Security Forces must be awarded using competitive procedures. The provision would also prohibit the Secretary of Defense from awarding a contract, directly or indirectly, to any entity controlled, directed, or influenced by: (1) a country that has provided weapons to Syria after the enactment of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108-175); or (2) any country that is a state sponsor of terrorism. The Secretary of Defense would be authorized to waive the requirements of the provision if the Secretary determines that doing so is in the U.S. national security interests.

The Senate amendment contained a provision (sec. 1050) that would prohibit the use of funds authorized to be appropriated by this Act to enter into a contract or provide a loan to the Russian state corporation, Rosoboronexport. The provision would allow the Secretary of Defense to waive this prohibition if in the U.S. national security interests.

The House recedes with a technical amendment.

*Sense of Congress on Iron Dome short-range rocket defense system (sec. 1278)*

The Senate amendment contained a provision (sec. 1250) that would express the sense of Congress in support of the Israeli Iron Dome short-range rocket defense system.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Bilateral defense trade relationship with India (sec. 1279)*

The Senate amendment contained a provision (sec. 1252) that would require the Secretary of Defense to report on certain elements of the United States defense trade relationship with India and would require a comprehensive review of the feasibility of co-production and co-development of defense projects with India.

The House bill contained no similar provision.

The House recedes with an amendment that would require coordination with the Secretary of State and would modify certain elements of the report.

The conferees believe that the bilateral defense trade relationship with India is important to both countries and that the United States government must work to advance that relationship in a variety of areas. In particular, the conferees urge the Secretary of Defense, the Secretary of State and other relevant United States officials to take the following actions:

(1) review all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses to determine the feasibility of establishing a single United States working group dedicated to strategic and technology trade;

(2) engage counterparts in the Government of India in a dialogue on the current challenges related to compatibility of the Foreign Military Sales and direct commercial sale programs with the Indian Defense Procurement Procedure;

(3) engage counterparts in the Government of India in a dialogue about elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new Indian defense officials to learn about procedures for United States defense sales; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing defense acquisition expertise by assisting with the development of training institutions and human capital.

*United States Advisory Commission on Public Diplomacy (sec. 1280)*

The Senate amendment contained a provision (sec. 5023) that would reauthorize and modify the responsibilities of the United States Advisory Commission on Public Diplomacy through fiscal year 2014.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the underlying provision to reauthorize the United States Advisory Commission on Public Diplomacy through fiscal year 2015, as well as additional technical and clarifying modifications.

*Sense of Congress on sale of aircraft to Taiwan (sec. 1281)*

The House bill contained a provision (sec. 1240) that would require the President to sell F-16C/D aircraft to Taiwan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the requirement for the sale of F-16C/D aircraft but express the sense of Congress that the President should take steps to address Taiwan's shortfall in fighter aircraft.

The conferees note that in an unclassified assessment dated January 21, 2010, and provided to the congressional defense committees by the Department of Defense pursuant to a requirement in the conference report (Conf. Rept. 111-288) accompanying the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84), the Defense Intelligence Agency stated, among other things, that although Taiwan had almost 400 combat aircraft, far fewer were operationally capable, and that Taiwan's F-5 fighters have reached the end of their operational service life. The conferees note further that the administration acknowledged, in a widely-circulated letter dated April 27, 2012, that Taiwan is experiencing a growing shortfall in fighter aircraft, even with the F-16 A/B upgrades made available to Taiwan in September 2011. Despite this shortfall, however, the conferees are not aware of any plan by the administration to address Taiwan's fighter aircraft needs, whether through the sale of F-16C/D or otherwise. Accordingly, the conferees direct the Secretary of Defense, in coordination with the Secretary of State, to ensure that a briefing is prepared and made available to the congressional defense committees and other interested committees, not later than April 15, 2013, that explains the administration's plan for meeting the statutory requirements of the Taiwan Relations Act (Public Law 96-8) regarding ensuring that Taiwan air forces can contribute appropriately to the defense of Taiwan.

*Briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems (sec. 1282)*

The Senate amendment contained a provision (sec. 1074) that would require the executive branch to provide briefings, not less than twice per year, to the Senate Foreign Relations Committee and the Senate Armed Services Committee on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems. The provision would also express the sense of the Senate that certain agreements may be made only pursuant to the treaty-making power of the President.

The House bill contained no similar provision.

The House recedes with an amendment that would add a rule of construction to clarify that nothing in the provision shall be construed to be inconsistent with or to interfere with the practices, precedents, or oversight of the House of Representatives.

*Sense of Congress on efforts to remove or apprehend Joseph Kony from battlefield and end the atrocities of the Lord's Resistance Army (sec. 1283)*

The Senate amendment contained a provision (sec. 1246) that would express the sense of the Senate on ongoing U.S. military efforts to support the apprehension or removal of Joseph Kony and his top commanders from the battlefield and end atrocities perpetrated by his Lord's Resistance Army (LRA).

The House bill contained no similar provision.

The House recedes with an amendment that would modify the provision to make it a sense of Congress and make other technical modifications.

The conferees note that the President notified Congress in October 2011 of Operation Observant Compass (OOC), an operation to support the efforts of Ugandan and other regional militaries to remove Joseph Kony and other senior leaders of the LRA from the battlefield in Central Africa, and his decision to send approximately 100 U.S. Special Operations Forces Personnel to Central Africa help regional partners achieve these goals.

The conferees support U.S. Africa Command's (AFRICOM) ongoing operation in Central Africa to advise and assist regional partners and will continue to resource these efforts in order to ensure the mission achieves its stated objectives.

The conferees note that this Act would provide an additional \$50.0 million to enhance the intelligence, surveillance, and reconnaissance (ISR) support to AFRICOM's OOC. While the conferees intend for a majority portion of these additional funds to be used to improve ISR collection capabilities, the conferees recognize the importance of improving other aspects of ISR support to OOC. The conferees believe the "find" portion of the "find-fix-finish" intelligence cycle requires focused interagency and multi-disciplinary approaches to develop an intelligence strategy tied to operations on the ground to successfully locate Kony and other top LRA commanders. As such, the conferees support the use of a portion of these additional funds to improve other aspects of ISR support to OOC, including intelligence exploitation, analysis, dissemination, and sharing.

Additionally, the conferees expect that the Deputy Under Secretary of Defense for Warfighter Support and Director of the ISR

Task Force, in coordination with the Director for Emerging Capabilities and Technology Investments will manage this ISR initiative, in support of AFRICOM. The conferees believe the ISR Task Force has provided critical support to operations in the U.S. Central Command area of responsibility in recent years and believe that support to OOC is an opportunity for the ISR Operations and Global Support Directorate of the Deputy Under Secretary of Defense for Warfighter Support to demonstrate similar capabilities in support of another combatant commands with unmet ISR requirements.

Lastly, the conferees expect to receive frequent updates on the allocation of funds authorized and appropriated for ISR support to OOC and the role these additional capabilities will play in an integrated intelligence strategy.

*Imposition of sanctions with respect to support for the rebel group known as M23 (sec. 1284)*

The Senate amendment contained a provision (sec. 1247) that would impose sanctions with respect to persons that provide significant financial, material, or technical support to the rebel group known as M23 operating in the Democratic Republic of the Congo.

The House bill contained no similar provision.

The House recedes with an amendment that would amend subsection (g) to include the Committees on Armed Services of the Senate and the House of Representatives in the definition of the appropriate congressional committees, make technical modifications and modify the sanctions termination clause.

The exclusion of import sanctions in this section pertains only to the new authorities provided in this subsection and does not affect the President's authority under already existing law to employ such sanctions.

*Pilot program on repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities (sec. 1285)*

The Senate amendment contained a provision (sec. 1248) that would authorize the Secretary of Defense to establish a pilot program to repair, overhaul, or refurbish in-stock defense articles in anticipation of their sale or transfer to eligible foreign countries or international organizations. The provision would also authorize the establishment of a fund, called the Special Defense Repair Fund, to support the program. The provision would limit the total amount in the Fund at any time to not more than \$50.0 million.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments.

The conferees expect the Department of Defense to keep the Committees on Armed Services of the Senate and the House of Representatives apprised as the fund is established and the program is implemented.

*Sense of Congress on the situation in the Senkaku Islands (sec. 1286)*

The Senate amendment contained a provision (sec. 1251) that would express the sense of the Senate regarding the situation in the Senkaku Islands.

The House bill contained no similar provision.

The House recedes with an amendment that would express the Senate provision as a sense of Congress.

Subtitle G—Reports

*Review and reports on Department of Defense efforts to build the capacity of and partner with foreign security forces (sec. 1291)*

The Senate amendment contained a provision (sec. 1231) that would require the Defense Policy Board to assess Department of Defense (DOD) efforts to build the capacity of, and partner with, foreign security forces in support of U.S. national security and defense strategies. The provision would require the Secretary of Defense to report to the congressional defense committees on the results of the Defense Policy Board review. The provision would also require that the Secretary of Defense, taking into account the recommendations of the Defense Policy Board review, to report to the congressional defense committees on the Department's strategic guidance for its efforts to build the capacity of, and partner with, foreign military forces in support of U.S. national security and defense strategies.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Additional report on military and security developments involving the Democratic People's Republic of Korea (sec. 1292)*

The House bill contained a provision (sec. 1232) that would require an additional report on the military and security developments involving the Democratic People's Republic of Korea and would also require a combatant commander's assessment of gaps in capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that removes the requirement for a combatant commander assessment and consolidates the requirement for an assessment into another section of this Act, as part of a broader report from the Chairman of the Joint Chiefs of Staff regarding gaps in capabilities.

*Report on host nation support for overseas United States military installations and United States Armed Forces deployed in country (sec. 1293)*

The House bill contained a provision (sec. 1233) that would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report to the appropriate congressional committees not later than March 1 of each year from 2013 through 2015, on the direct, indirect, and burden sharing contributions made by host nations in support of U.S. Armed Forces deployed in country.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria (sec. 1294)*

The Senate amendment contained a provision (sec. 1235) that would require a report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria.

The House bill contained no similar provision.

The House recedes.

*Report on military assistance provided by Russia to Syria (sec. 1295)*

The House bill contained a provision (sec. 1303) that would limit Cooperative Threat Reduction funding to Russia until the Secretary of Defense, in coordination with the

Secretary of State, certifies to the congressional defense committees that Russia is not providing direct or indirect support to the Syrian government to suppress the Syrian people and that Russia is not providing equipment and technology to Syria, Iran, or North Korea that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report, not later than 90 days after the date of enactment of this Act, by the Secretary of Defense, in coordination with the Secretary of State, on military assistance provided by the Russian Federation to Syria. The report would also include the types of direct or indirect military support and a description and analysis of Russia's military interest presence in Syria.

The conferees note that a report on Cooperative Threat Reduction efforts with Russia is required elsewhere in this Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

*Codification of National Guard State Partnership Program*

The House bill contained a provision (sec. 335) that would codify the National Guard Bureau's (NGB) State Partnership Program (SPP).

The Senate amendment contained no similar provision.

The House recedes.

*Strategy for supporting the achievement of a secure presidential election in Afghanistan in 2014*

The Senate amendment contained a provision (sec. 1218) that would require the Secretary of Defense, in consultation with the Secretary of State, to develop a strategy for supporting the Government of Afghanistan in its efforts to provide for the security of the 2014 Afghan presidential elections.

The House bill contained no similar provision.

The Senate recedes. The conferees note that a separate provision of this Act amends the reporting requirements under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) to require detailed information on preparations to provide security for the Afghan presidential elections in 2014, including efforts to train a sufficient number of female members of the Afghan National Security Forces and to provide security for polling places and election personnel as necessary to safely carry out the elections, including the participation of women.

*Limitation on use of funds under the Pakistan Counterinsurgency Fund*

The House bill contained a provision (sec. 1219) that would restrict the use of funds authorized to be appropriated by this Act for the Pakistan Counterinsurgency Fund (PCF) until the Secretary of Defense certifies to the appropriate congressional committees that Pakistan is committed to and implementing a strategy to counter improvised explosive devices (IEDs), including attacking IED networks, monitoring precursors used in IEDs, and developing regulations for the manufacture of certain materials, including calcium ammonium nitrate, and their supply to legitimate end users. The Secretary would be authorized to waive the certification requirement if the Secretary determines doing so is in the national security interest of the United States.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that the restrictions contained in this provision of the House bill are included in another provision of this title that extends and modifies the authority for the PCF for fiscal year 2013.

*United States military preparedness in the Middle East*

The House bill contained a provision (sec. 1222) that would recognize the importance of conducting military exercises and maintaining a high-level state of readiness in the Middle East to the national security of the United States and its allies. The provision would also require the Secretary of Defense to submit to the congressional defense committees a plan to strengthen the presence of the United States Armed Forces in the Middle East.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the Secretary of Defense to continue to ensure that a full range of options for various contingencies in the region are available to the President.

Additionally, the conferees note that the last update received on these matters was in 2011, in conjunction with the quarterly readiness report required by section 482 of title 10, United States Code (10 U.S.C. 482), in which the Secretary of Defense provided information on the overall readiness of U.S. Armed Forces in the U.S. Central Command (CENTCOM) area of responsibility to counter threats from Iran. As such, the conferees direct the Secretary of Defense to ensure that the next report required under 10 U.S.C. 482, includes a discussion of the operational readiness, military exercises, and resource requirements associated with CENTCOM's ability to respond to a full range of contingencies involving Iran, including its threat to close the Strait of Hormuz.

*Enhancing the defense of Israel and United States interests in the Middle East*

The House bill contained a provision (sec. 1224) that would express the sense of Congress about the need for the United States to take certain measures to assist in the defense of Israel and require a series of reports regarding Israel's qualitative military edge, as well as a report on efforts to expand cooperation between the United States and Israel.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that President Barack Obama signed into law the United States-Israel Enhanced Security Cooperation Act (Public Law 112-150) on July 27, 2012. This public law incorporated the underlying reporting requirements in the House provision. The conferees support strongly the United States-Israel Enhanced Security Cooperation Act.

*Plan to increase strategic regional partnerships*

The House bill contained a provision (sec. 1226) that would direct the Secretary of Defense to develop a plan to increase strategic partnerships and access agreements with regional allies in the Middle East and Caucasus.

The Senate amendment contained no similar provision.

The House recedes.

*Definitions*

The House bill contained a provision (sec. 1227) that would provide definitions for a number of other provisions in subtitle C of title 12 of this Act.

The Senate amendment contained no similar provision.

The House recedes.

*Report on the implementation by the Government of Bahrain of the recommendations by the Bahrain Independent Commission of Inquiry*

The Senate amendment contained a provision (sec. 1233) that would require a report by the Secretary of State on the implementation by the Government of Bahrain of the recommendations contained in the Bahrain Independent Commission of Inquiry.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of State, no later than 180 days after enactment of this Act, to submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry. The report required shall include: (1) a description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry; (2) an assessment of whether each recommendation has been fully complied with by the Government of Bahrain; and (3) an assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

The conferees support the longstanding partnership between the U.S. and the Kingdom of Bahrain and note that the Naval Support Activity-Bahrain is a valuable strategic asset for the U.S. and a key component of continued mutually beneficial U.S.-Bahrain strategic cooperation.

*Reports on Syria*

The Senate amendment contained a provision (sec. 1234) that would require a series of reports on matters relating to Syria.

The House bill contained no similar provision.

The Senate recedes.

Not later than 90 days after enactment of this Act, the conferees direct the Secretary of Defense, Secretary of State, and Director of National Intelligence to provide a report that leverages existing intelligence products to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Select Committee on Intelligence of the Senate, an updated assessment on: (1) the opposition groups in Syria; (2) the Government of Syria's weapons stockpiles; and (3) current activities to provide assistance to Syria's political opposition.

*Reports on exports of missile defense technology to certain countries*

The House bill contained a provision (sec. 1235) that would require the Secretary of Defense to submit reports to Congress on the types of assistance provided by the Department of Defense to countries that export certain space and missile-related technologies, and a description of such exports to other countries with certain space and missile-related programs.

The Senate amendment contained no similar provision.

The House recedes.

*Limitation on funds to provide the Russian Federation with access to missile defense technology*

The House bill contained a provision (sec. 1236) that would prohibit the availability of funds from being used to provide classified ballistic missile defense technology and data of the United States to the Russian Federation. The provision would also limit the availability of funds to provide other ballistic missile technology and data of the United States to the Russian Federation unless the President meets certain reporting requirements.

The Senate amendment contained a related provision (sec. 233) that would state it is the sense of Congress that it is in the national security interests of the United States to pursue efforts at missile defense cooperation with Russia that would enhance security, including the sharing of classified United States missile defense information.

The conference agreement does not include either of these provisions.

*Limitation on assistance to provide tear gas or other riot control items*

The House bill contained a provision (sec. 1238) that would prohibit funds authorized to be appropriated by this Act to be used to provide tear gas or other riot control items to the government of a country undergoing a transition to democracy in the Middle East or North Africa unless the Secretary of Defense certifies to certain congressional committees that the security forces of such governments are not using excessive force to repress peaceful, lawful, and organized dissent.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that such items are typically purchased via direct commercial sale, not with funds from the Department of Defense, and that the Secretary of State has prevented the sale and transfer of such items in certain cases.

*Limitation on funds for United States participation in joint military exercises with Egypt*

The House bill contained a provision (sec. 1240c) that would prohibit funds authorized to be appropriated by this Act from being made available for United States participation in joint military exercises with Egypt if the Government of Egypt terminates or withdraws from the 1979 Israeli-Egypt peace treaty.

The Senate amendment contained no similar provision.

The House recedes.

*Limitation on funds for institutions or organizations established by the United Nations Convention on the Law of the Sea*

The House bill contained a provision (sec. 1240A) that would limit the use of funds for institutions or organizations established by the United Nations Convention on the Law of the Sea.

The Senate amendment contained no similar provision.

The House recedes.

*Removal of Brigade Combat Teams from Europe*

The House bill contained a provision (sec. 1240B) that would authorize and request the President to end the permanent basing of United States Armed Forces on the territory of North Atlantic Treaty Organization (NATO) members nations in Europe and return the four Brigade Combat Teams currently stationed in Europe to the United

States. The provision would also establish as U.S. policy that the deployment of armed forces on a rotational basis in Europe is a force structure arrangement sufficient to satisfy U.S. commitments under the North Atlantic Treaty, to address the current security environment, and contribute to peace and stability in Europe.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that there are significant advantages that come from European-based U.S. troops, including the opportunity to train regularly with ally and partner forces at U.S. training centers in Europe. The conferees further note, however, that the global strategic and U.S. fiscal environments require that the President and Congress carefully examine all overseas basing, including that in Europe, to determine what is the most effective overseas force posture for our national security at the lowest possible cost. The conferees therefore encourage the President and the Department of Defense to continue to look closely at the advantages and disadvantages associated with the forward deployment of U.S. troops in Europe and elsewhere. The conferees finally note that the President already has the authority to relocate U.S. forces based in Europe, making the authority that would be provided by the proposed section unnecessary.

*Authority to establish program to provide assistance to foreign civilians for harm incident to combat operations of the Armed Forces in foreign countries*

The Senate amendment contained a provision (sec. 1244) that would authorize the Secretary of Defense to establish a program under which military commanders would be able, at their discretion, to provide assistance to foreign civilians who are harmed incident to U.S. combat operations abroad. Any assistance provided under the program would be ex gratia and would not be considered an acknowledgement of any legal obligation to provide compensation.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that our military commanders have a number of authorities available to provide assistance to civilians who suffer harm in a combat zone. These include:

The Foreign Claims Act (FCA), which authorizes the payment of claims in connection with noncombat activities of U.S. military forces outside the United States. The FCA does not authorize compensation for losses resulting directly or indirectly from combat activities.

Solatia payments under section 2242 of title 10, United States Code, which authorizes payments to a victim or victim's family to express sympathy for an injury or loss suffered, when such payments are consistent with the local custom. These payments are not claims payments and are not based on any acceptance of legal liability by the United States.

Commanders' Emergency Response Program (CERP), which commanders in Iraq and Afghanistan have used to make ex gratia condolence or battle damage payments for harm caused by U.S. or coalition forces. Payments under CERP are provided as sympathy payments or to provide humanitarian relief to the victim or the victim's family.

These authorities have contributed greatly to promoting goodwill with the local populace in combat zones. The conferees direct the Secretary of Defense to ensure that the operational plans for future contingency op-

erations include, as appropriate, guidance on the authorities for and utilization of assistance to foreign civilians that are harmed incident to U.S. combat operations overseas.

#### TITLE XIV—OTHER AUTHORIZATIONS

##### Subtitle A—Military Programs

###### *Working capital funds (sec. 1401)*

The House bill contained a provision (sec. 1401) authorizing appropriations for fiscal year 2013 for the use of the Armed Forces and agencies of the Department of Defense for working capital and revolving funds, as specified in the funding table in section 4501.

The Senate amendment contained an identical provision (sec. 1401).

The conference agreement includes this provision.

###### *National Defense Sealift Fund (sec. 1402)*

The House bill contained a provision (sec. 1402) authorizing appropriations for fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

The Senate amendment contained a similar provision (sec. 1402).

The House recedes.

###### *Chemical Agents and Munitions Destruction, Defense (sec. 1403)*

The House bill contained a provision (sec. 1403) authorizing appropriations for fiscal year 2013 for the Department of Defense for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

The Senate amendment contained an identical provision (sec. 1404).

The conference agreement includes this provision.

###### *Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1404)*

The House bill contained a provision (sec. 1404) authorizing appropriations for fiscal year 2013 for the Department of Defense for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

The Senate amendment contained an identical provision (sec. 1405).

The conference agreement includes this provision.

###### *Defense Inspector General (sec. 1405)*

The House bill contained a provision (sec. 1405) authorizing appropriations for fiscal year 2013 for the Department of Defense for the Office of the Inspector General, as specified in the funding table in section 4501.

The Senate amendment contained an identical provision (sec. 1406).

The conference agreement includes this provision.

###### *Defense Health Program (sec. 1406)*

The House bill contained a provision (sec. 1406) authorizing appropriations for fiscal year 2013 for the Defense Health Program, as specified in the funding table in section 4501.

The Senate amendment contained a similar provision (sec. 1403).

The Senate recedes.

##### Subtitle B—National Defense Stockpile

###### *Authorized uses of National Defense Stockpile funds (sec. 1411)*

The House bill contained a provision (sec. 1411) that would authorize funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

The Senate amendment contained no similar provision.

The Senate recedes.

###### *Additional security of strategic materials supply chains (sec. 1412)*

The House bill contained a provision (sec. 1412) that would amend section 2(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a) to include language taking into account single points of failure.

The Senate amendment contained no similar provision.

The Senate recedes.

###### *Release of materials needed for national defense purposes from the Strategic and Critical Materials Stockpile (sec. 1413)*

The Senate amendment contained a provision (sec. 1411), as requested by the Department of Defense, that would authorize the President to delegate release authority of the National Defense Stockpile to the Undersecretary of Defense for Acquisition, Technology, and Logistics.

The House bill contained no similar provision.

The House recedes.

##### Subtitle C—Chemical Demilitarization Matters

###### *Supplemental chemical agent and munitions destruction technologies at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky (sec. 1421)*

The Senate amendment contained a provision (sec. 1421) that would authorize the Secretary of Defense to consider using technologies, including explosive destruction technologies, to supplement the neutralization and destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

The House bill contained no similar provision.

The House recedes with an amendment that would include reporting requirements for the use of supplemental destruction technologies at Pueblo and Blue Grass.

##### Subtitle D—Other Matters

###### *Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund (sec. 1431)*

The House bill contained a provision (sec. 1421) that would recommend a transfer of \$26.0 million in unobligated balances contained in the Pentagon Reservation Maintenance Revolving Fund to the Treasury of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

###### *Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois (sec. 1432)*

The House bill contained a provision (sec. 1422) that would authorize the Secretary of Defense to transfer \$139.2 million from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) for the operations of the Captain James A. Lovell Federal Health Care Center.

The Senate amendment contained no similar provision.

The Senate recedes.

###### *Authorization of appropriations for Armed Forces Retirement Home (sec. 1433)*

The House bill contained a provision (sec. 1423) that would authorize \$67.6 million to be

appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home.

The Senate amendment contained an identical provision (sec. 1431).

The conference agreement includes this provision.

#### *Cemeterial expenses (sec. 1434)*

The House bill contained a provision (sec. 1407) that would authorize appropriations for the Army Cemeterial Expenses for Arlington National Cemetery, Virginia, at the level identified in section 4501 of division B.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The budget requested funds in the Army's military construction account and operations and maintenance accounts for expansion at Arlington National Cemetery (ANC). The conferees note that the Army's military construction account has historically not been used to authorize construction at ANC, and the conferees believe changing this precedent would not be in the best interest of ANC.

The conferees believe this funding is appropriately contained in the Cemeterial Expenses account and have therefore removed it from the military construction and operation and maintenance tables. This movement of funds should in no way be taken as a lack of support for expansion at ANC.

The conferees anticipate the appropriations committees of the Senate and the House of Representatives will move funding from the Army's military construction and operation and maintenance accounts to Cemeterial Expenses consistent with the authorization contained in this Act.

#### *Additional Weapons of Mass Destruction Civil Support Teams (sec. 1435)*

The House bill contained a provision (sec. 1087) that would amend section 1043 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) to authorize an additional two Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) beyond the 55 previously authorized.

The Senate amendment contained a similar provision (sec. 1432).

The House recedes with an amendment that would require the Secretary of Defense to provide notice to the congressional defense committees at least 90 days prior to disestablishing any of the 57 WMD-CSTs authorized by the provision.

#### LEGISLATIVE PROVISION NOT ADOPTED

#### *Policy of the United States with respect to a domestic supply of critical and essential minerals*

The Senate amendment contained a provision (sec. 1433) that would establish a policy to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the requirement for the inclusion of essential minerals was added into the modified strategy for the National Security Strategy for National Technology and Industrial Base section 2501 of title 10, United States Code.

#### TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

##### Subtitle A—Authorization of Additional Appropriations

#### *Purpose (sec. 1501)*

The House bill contained a provision (sec. 1501) stating the purpose of the title.

The Senate amendment contained an identical provision (sec. 1501).

The conference agreement includes this provision.

#### *Procurement (sec. 1502)*

The House bill contained a provision (sec. 1502) authorizing additional appropriations for fiscal year 2013 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

The Senate amendment contained an identical provision (sec. 1502).

The conference agreement includes this provision.

#### *Research, development, test, and evaluation (sec. 1503)*

The House bill contained a provision (sec. 1503) authorizing additional appropriations for fiscal year 2013 for the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

The Senate amendment contained an identical provision (sec. 1503).

The conference agreement includes this provision.

#### *Operation and maintenance (sec. 1504)*

The House bill contained a provision (sec. 1504) authorizing additional appropriations for fiscal year 2013 for the use of the Armed Forces and other agencies of the Department of Defense for operation and maintenance, as specified in the funding table in section 4302.

The Senate amendment contained an identical provision (sec. 1504).

The conference agreement includes this provision.

#### *Military personnel (sec. 1505)*

The House bill contained a provision (sec. 1505) authorizing additional appropriations for fiscal year 2013 for the use of the Armed Forces and other agencies of the Department of Defense for military personnel, as specified in the funding table in section 4402.

The Senate amendment contained an identical provision (sec. 1505).

The conference agreement includes this provision.

#### *Working capital funds (sec. 1506)*

The House bill contained a provision (sec. 1506) authorizing additional appropriations for fiscal year 2013 for the use of the Armed Forces and other agencies of the Department of Defense for working capital and revolving funds, as specified in the funding table in section 4502.

The Senate amendment contained an identical provision (sec. 1506).

The conference agreement includes this provision.

#### *Defense Health Program (sec. 1507)*

The House bill contained a provision (sec. 1507) authorizing additional appropriations for fiscal year 2013 for the use of the Armed Forces and other agencies of the Department of Defense for the Defense Health Program, as specified in the funding table in section 4502.

The Senate amendment contained an identical provision (sec. 1507).

The conference agreement includes this provision.

#### *Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1508)*

The House bill contained a provision (sec. 1508) authorizing additional appropriations for fiscal year 2013 for the Department of Defense for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

The Senate amendment contained an identical provision (sec. 1508).

The conference agreement includes this provision.

#### *Defense Inspector General (sec. 1509)*

The House bill contained a provision (sec. 1509) authorizing additional appropriations for fiscal year 2013 for the Department of Defense for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

The Senate amendment contained an identical provision (sec. 1509).

The conference agreement includes this provision.

##### Subtitle B—Financial Matters

#### *Treatment as additional authorizations (sec. 1521)*

The House bill contained a provision (sec. 1521) stating that the amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The Senate amendment contained an identical provision (sec. 1521).

The conference agreement includes this provision.

#### *Special transfer authority (sec. 1522)*

The House bill contained a provision (sec. 1522) that would provide the Department of Defense with \$3.0 billion of special transfer authority in fiscal year 2013.

The Senate amendment contained a similar provision (sec. 1522) that would provide the Department of Defense with \$4.0 billion special transfer authority in fiscal year 2013.

The Senate recedes.

##### Subtitle C—Limitations and Other Matters

#### *Afghanistan Security Forces Fund (sec. 1531)*

The House bill contained a provision (sec. 1533) that would extend through fiscal year 2013 the limitations under section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended, on the availability of funds for the Afghanistan Security Forces Fund (ASFF). The provision would prohibit the use of fiscal year 2013 ASFF funds to support the Afghan Public Protection Force (APPF) until the Secretary of Defense makes a number of specific certifications to the congressional defense committees relating to the APPF, including with regard to the terms of the contracts entered into by the Department of Defense for APPF services; the level of support provided by the Afghan Ministry of Interior for the APPF; the conditions for end-use monitoring of APPF equipment; the mechanisms for controlling costs associated with APPF services; and the adequacy of APPF security for supply convoys. In addition, the provision would require the Secretary of Defense to conduct quarterly assessments of the APPF and report the results of those assessments to the congressional defense committees.

The Senate amendment contained a provision (sec. 1531) that would extend for fiscal year 2013 the requirement that funds available for the ASFF be subject to the conditions specified in section 1513 of Public Law 110-181, as amended. The provision would also explicitly authorize the use of ASFF funds during fiscal year 2013 to increase the

capacity of the APPF. In addition, the provision would require the Secretary of Defense to provide the congressional defense committees a plan for the continued use of the ASFF to build and sustain the Afghan National Security Forces (ANSF) through September 30, 2017.

The House recedes with an amendment that would require the Secretary of Defense to certify to the congressional defense committees, or report on why the certification cannot be made, regarding whether the APPF meets certain specified standards and whether the Commander, International Security Assistance Force/Commander United States Forces—Afghanistan has the ability to exercise oversight over APPF personnel, in particular when those forces are providing force protection at bases where U.S. Armed Forces personnel are garrisoned or housed. The Secretary would be required to make such a certification or report on a semi-annual basis. The amendment would also require the Secretary of Defense to provide a detailed report to the congressional defense committees assessing the APPF. The amendment would require that after the initial assessment report, subsequent assessments of the APPF be provided on a semi-annual basis, and can be included as part of the report on progress toward security and stability in Afghanistan submitted under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181).

The conference provision retains the requirement for a plan to use the ASFF to build and sustain the ANSF through September 30, 2017.

The conferees urge the Department of Defense to engage with and encourage the APPF to take steps to meet all of the certification standards under this section that the Secretary of Defense determines the APPF have not met.

*Joint Improvised Explosive Device Defeat Fund (sec. 1532)*

The House bill contained a provision (sec. 1531) that would authorize annual transfer authorities, expand current reporting requirements, and other associated activities for the Joint Improvised Explosive Device Defeat Fund (JIEDDF). The provision would also authorize the Secretary of Defense, in concurrence with the Secretary of State, to use funds from the JIEDDF for the purposes of monitoring, disrupting, and interdicting the movement of explosive precursors from a country that borders Afghanistan to locations within Afghanistan.

The Senate amendment contained a similar provision (sec. 1532) that would authorize various transfer authorities, reporting requirements, and other associated activities for the JIEDDF, as well as require these authorities to expire on December 31, 2013. The provision would also make available to the Secretary of Defense not more than \$15.0 million from the JIEDDF to provide training, equipment, services, and supplies to the Government of Pakistan for the purposes of countering the flow of improvised explosive device (IED) chemical precursors from Pakistan into locations in Afghanistan, or the Secretary of Defense may transfer these funds to the head of another Department or agency of the United States to be administered by that Department or agency for the specific purpose of countering the flow of IED chemical precursors from Pakistan into Afghanistan.

The House recedes with an amendment that would combine the two provisions with some modifications. The amendment would

incorporate reporting requirements in the House bill; modify the expiration authority in the Senate amendment to only apply to the transfer authority; and adopt the limitation of the use of the JIEDDF for the particular purposes in the Senate amendment. The amendment would further require the Secretary to notify the congressional defense committees 15 days prior to obligating any funds and provide details on the specific training, equipment, services, and supplies to be provided to the Government of Pakistan, as well as include an evaluation of the effectiveness of efforts by the Government of Pakistan to counter the flow of IED chemical precursors into Afghanistan.

The amendment would also direct the Joint Improvised Explosive Device Defeat Organization (JIEDDO) to provide prior notice to the congressional defense committees of the obligation of funds from the JIEDDF and would require JIEDDO to include any associated analysis of alternatives (AoA) conducted in the process of taking action to initiate any project for which the total obligation of funds from the JIEDDF will exceed \$10.0 million.

The conferees understand JIEDDO currently conducts a comparative analysis throughout their rapid acquisition process for all initiatives. It is not the intent of the conferees to impede this process or delay fielding needed capability to the warfighter by requiring an AoA reporting requirement. The conferees only require a summary of the alternatives be prepared and forwarded to the congressional defense committees when this information is available as part of JIEDDO's program development process.

The conferees also direct the Secretary of Defense to notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate as part of the notification requirement included in the amendment.

*One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan (sec. 1533)*

The House bill contained a provision (sec. 1532) that would extend for 1 year the authority under section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), as amended, for the Department of Defense Task Force for Business and Stability Operations (TFBSO). The provision would narrow the scope of projects that the TFBSO is authorized to carry out to those associated with Afghanistan's mining and mineral resources sector. The provision would also reduce the amount of funds available for TFBSO projects to \$50.0 million for fiscal year 2013. In addition, none of these funds would be available until the Secretary of Defense notifies the appropriate congressional committees that the activities of the TFBSO will be transitioned to the Department of State by September 30, 2013.

The Senate amendment contained a provision (sec. 1534) that would extend for fiscal year 2013 the authority under section 1535 of Public Law 111-383, as amended, for the TFBSO and authorize the use of up to \$93.0 million to carry out TFBSO projects.

The Senate recedes with an amendment that extends the TFBSO's authority through fiscal year 2013. Under the amendment, up to \$93.0 million may be used for TFBSO projects, except that not more than \$50.0 million may be available until the Secretary of Defense submits a report to the appropriate congressional committees on the implementation of the TFBSO Transition Ac-

tion Plan that was submitted to the Armed Services Committees of the Senate and House of Representatives in May 2012. The amendment does not include the restrictions in the House provision on the scope of projects that the TFBSO is authorized to carry out.

*Plan for transition in funding of United States Special Operations Command from supplemental funding for overseas contingency operations to recurring funding under the future-years defense program (sec. 1534)*

The Senate amendment contained a provision (sec. 1533) that would require the Secretary of Defense to provide the congressional defense committees, as part of the fiscal year 2014 budget request, with a plan to fully transition appropriate U.S. Special Operations Command funding from the overseas contingency operations budget to the base budget over the future-years defense program to maintain critical and enduring special operations capabilities.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to provide the plan within 90 days of enactment of this Act.

*Assessment of counter-improvised explosive device training and intelligence activities of the Joint Improvised Explosive Device Defeat Organization and national and military intelligence organizations (sec. 1535)*

The Senate amendment contained a provision (sec. 1535) that would direct the Secretary of Defense to conduct assessments of the Joint Improvised Explosive Device Defeat Organization's (JIEDDO) training activities and intelligence activities.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the elements of the assessments.

Six years after the Department of Defense (DOD) established JIEDDO as its coordinating agency to lead, advocate, and coordinate responses to the improvised explosive device (IED) threat across the Department, according to the Government Accountability Office, DOD continues to experience fragmentation, overlap, and duplication in its counter-IED efforts. The conferees believe the Secretary of Defense should, in consultation with the appropriate DOD elements, conduct comprehensive assessments of the training and intelligence activities of JIEDDO and identify any areas of duplication and make a determination of whether duplication of effort is necessary to ensure mission success.

**LEGISLATIVE PROVISION NOT ADOPTED**

*Limitation on the use of funds in Overseas Contingency Operations Transfer Fund*

The House bill contained a provision (sec. 1523) that would place limits on the use of funds in the Overseas Contingency Operations Transfer Fund in fiscal year 2013.

The Senate amendment contained no similar provision.

The House recedes.

**TITLE XVI—INDUSTRIAL BASE MATTERS**

**LEGISLATIVE PROVISIONS ADOPTED**

**Subtitle A—Defense Industrial Base Matters**  
*Disestablishment of Defense Materiel Readiness Board (sec. 1601)*

The House bill contained a provision (sec. 1601) that would repeal section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) and disestablish the Defense Materiel Readiness Board.

The Senate amendment contained an identical provision (sec. 885).

The conference agreement includes this provision.

*Assessment of effects of foreign boycotts (sec. 1602)*

The House bill contained a provision (sec. 1602) that would amend section 2505 of title 10, United States Code, to require that the annual industrial base report submitted by the Secretary of Defense pursuant to that section include an assessment of the impact of foreign boycotts on the national technology and industrial base.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that the issue of foreign boycotts need be addressed only to the extent that such boycotts are subjecting the national technology and industrial base (or a sector of the national technology and industrial base) to significant harm.

*National security strategy for national technology and industrial base (sec. 1603)*

The House bill contained a provision (sec. 1604) that would require the Department of Defense (DOD) to develop a national security strategy for the national technology and industrial base.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Given the vast scope of the defense industrial base, the conferees realize that such a strategy will have to be tailored to the various sectors of the defense industrial base and understand that innovation timelines can vary significantly between sectors. In addition, the conferees strongly urge the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy to leverage to the maximum possible extent existing organizations, capabilities, and authorities within the DOD in the development and execution of this strategy.

Subtitle B—Department of Defense Activities Related to Small Business Matters

*Role of the directors of small business programs in acquisition processes of the Department of Defense (sec. 1611)*

The House bill contained a provision (sec. 1612) that would require the Secretary of Defense to ensure the participation of the directors of small business programs of the Department of Defense and the military departments in the requirements development and acquisition processes of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure the participation of the directors of small business programs as early as possible in the acquisition processes of the Department.

The conferees understand that contract requirements and specifications can be drafted in a manner that is unnecessarily restrictive of competition or unnecessarily excludes small business. The directors of small business programs can and should play a key role in ensuring that the Department avoids such restrictive requirements and specifications.

*Small Business Ombudsman for defense audit agencies (sec. 1612)*

The House bill contained a provision (sec. 1613) that would require the Secretary of Defense to designate a small business advocate within the Defense Contract Audit Agency and the Defense Contract Management Agency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the designation of small business ombudsmen and clarify the duties of the position to ensure that the activities of the new ombudsmen do not compromise audit independence or undermine compliance with applicable audit standards.

*Independent assessment of Federal procurement contracting performance of the Department of Defense (sec. 1613)*

The House bill contained a provision (sec. 1614) that would require the Secretary of Defense to enter into a contract with a federally funded research and development center to conduct an independent assessment of the procurement performance of the Department of Defense related to small business concerns.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) direct the Secretary to select an appropriate entity to conduct the independent assessment; and (2) streamline and clarify the matters to be addressed by the review.

The conferees note that the amendment does not include a requirement to review the potential for increased opportunities for contracting and subcontracting with small business concerns owned and controlled by service-disabled veterans. The Department has informed the conferees that an independent assessment addressing this issue has already been completed by a federally funded research and development center and is currently in the review process.

*Additional responsibilities of Inspector General of the Department of Defense (sec. 1614)*

The House bill contained a provision (sec. 1616) that would require the Inspector General of the Department of Defense to conduct peer reviews of the defense audit agencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the Inspector General may either conduct peer reviews or approve arrangement for the conduct of external peer reviews by other competent entities.

*Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense (sec. 1615)*

The House bill contained a provision (sec. 1617) that would authorize the Secretary of Defense to use not more than 1 percent of the funds available to the Department of Defense pursuant to the Small Business Innovative Research Program to cover expenses incurred to administer the Commercialization Readiness Program.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

*Procurement center representatives (sec. 1621)*

The House bill contained a provision (sec. 1621) that would amend section 15(1) of the Small Business Act (15 U.S.C. 644(1)) to strengthen and clarify the roles and responsibilities of Procurement Center Representatives (PCRs) in the acquisition process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strengthen and clarify the roles

and responsibilities of PCRs, while ensuring that the small business offices within the federal agencies serve as the primary advocates for small business during the pre-decisional acquisition planning processes of such agencies.

*Small Business Act contracting requirements training (sec. 1622)*

The House bill contained a provision (sec. 1622) that would require the Defense Acquisition University and the Federal Acquisition Institute to establish courses on contracting requirements under the Small Business Act (15 U.S.C. 632 et seq.).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment deleting the requirement for a report by the Government Accountability Office.

*Acquisition planning (sec. 1623)*

The House bill contained a provision (sec. 1623) that would address the consideration of small business issues in the acquisition planning processes of federal agencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify and streamline the provision. The conferees believe that early participation of small business specialists in the acquisition process should reduce protests, thereby speeding up the process, while improving small business opportunities.

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

*Goals for procurement contracts awarded to small business concerns (sec. 1631)*

The House bill contained a provision (sec. 1631) that would amend section 15(g) of the Small Business Act (title 15 United States Code Subsection 644) to establish new goals for the participation of small business concerns in federal contracting.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strengthen incentives for federal agencies to contract with small business by recodifying certain provisions relating to small business contracting goals, tightening procedures for establishing such goals, and requiring federal agencies to develop concrete plans to meet such goals.

*Reporting on goals for procurement contracts awarded to small business concerns (sec. 1632)*

The House bill contained a provision (sec. 1632) that would establish enhanced federal agency reporting requirements relative to contracts awarded to small businesses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that federal agencies are not required to establish new data collection systems for the purpose of meeting these requirements.

*Senior executives (sec. 1633)*

The House bill contained a provision (sec. 1633) that would require the incorporation of small business considerations into the training and evaluation of senior executives responsible for acquisition functions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require federal agencies to ensure that senior executives assume responsibility for the achievement of small business goals.

The conferees understand that one of the steps taken by the Department of Defense to ensure that senior officials assume responsibility for the achievement of small business



contracting goals has been to include consideration of such goals in performance evaluations for such officials in appropriate circumstances. The conferees expect other federal agencies to adopt similar measures to comply with the requirements of this provision.

**PART III—MENTOR-PROTEGE PROGRAMS**  
*Mentor-Protégé programs (sec. 1641)*

The House bill contained a provision (sec. 1641) that would provide a statutory and regulatory framework for mentor-protégé programs at federal agencies other than the Department of Defense (DOD). The provision would not apply to DOD programs, for which such a framework is already in place.

The Senate amendment contained no similar provision.

The Senate recedes.

**PART IV—TRANSPARENCY IN SUBCONTRACTING**  
*Limitations on subcontracting (sec. 1651)*

The House bill contained a provision (sec. 1651) that would clarify statutory requirements limiting the extent to which work awarded pursuant to a small business contract may be performed by subcontractors.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Penalties (sec. 1652)*

The House bill contained a provision (sec. 1652) that would strengthen penalties for violations of subcontracting limitations applicable to small business contractors.

The Senate amendment contained no similar provision.

The Senate recedes.

*Subcontracting plans (sec. 1653)*

The House bill contained a provision (sec. 1655) that would amend section 8(d) of the Small Business Act (15 U.S.C. 637(d)) to modify and strengthen the authorities of the Small Business Administration relative to the submission and enforcement of small business subcontracting plans.

The Senate amendment contained a provision (sec. 888) that would require the establishment of a new mechanism for reporting fraudulent activity or bad faith by prime contractors with respect to subcontracting plans.

The Senate recedes with an amendment that would strengthen requirements for collecting, reviewing, and evaluating information on prime contractor compliance with small business subcontracting plans, require the establishment of a new mechanism for reporting fraudulent activity or bad faith by prime contractors with respect to subcontracting plans, and require the Small Business Administration to submit an annual report on compliance with such plans.

*Notices of subcontracting opportunities (sec. 1654)*

The House bill contained a provision (sec. 1656) that would make a technical correction to section 8(k)(1) of the Small Business Act (15 U.S.C. 637(k)(1)), regarding notices of subcontracting opportunities.

The Senate amendment contained no similar provision.

The Senate recedes.

*Publication of certain documents (sec. 1655)*

The House bill contained a provision (sec. 1658) that would prohibit a federal agency, other than the Department of Defense, from insourcing a function that is being performed by a small business concern until the agency has published procedures and methodologies with respect to such insourcing decisions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Director of the Office of Management and Budget to publish procedures and methodologies to be used by federal agencies with respect to decisions to insource functions that are being performed by small business concerns.

**PART V—SMALL BUSINESS CONCERN SIZE STANDARDS**

*Small business concern size standards (sec. 1661)*

The House bill contained a provision (sec. 1661) that would clarify statutory provisions regarding size standards applicable to small business concerns.

The Senate amendment contained no similar provision.

The Senate recedes.

**PART VI—CONTRACT BUNDLING**  
*Contract bundling (sec. 1671)*

The House bill contained a provision (sec. 1671) that would expand and modify the definition of bundled contracts and eliminate procedures related to contract consolidation under the Small Business Act (15 U.S.C. 657q).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure the applicability of contract consolidation procedures to construction contracts, ensure that government-wide consolidation procedures are fully applicable to the Department of Defense, and require the Government Accountability Office to review data and information regarding consolidated contracts awarded by Federal agencies.

**PART VII—INCREASED PENALTIES FOR FRAUD**  
*Safe harbor for good faith compliance efforts (sec. 1681)*

The House bill contained a provision (sec. 1681) that would amend section 16(d) of the Small Business Act (15 U.S.C. 645(d)) to provide a "safe harbor" for certain firms that violate the prohibition against misrepresenting themselves as small businesses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide safe harbor for a firm that relies in good faith on a written advisory opinion provided by a Small Business Development Center or an entity participating in the Procurement Technical Assistance Program. Any such written advisory opinion would have to be submitted for review to the General Counsel of the Small Business Administration, which would have the authority to reject the opinion.

*Requirement that fraudulent businesses be suspended or debarred (sec. 1682)*

The House bill contained a provision (sec. 1683) that would clarify standards for the suspension or disbarment of entities that misrepresent themselves as small businesses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that the publication requirement in subsection (d) of the provision applies only to the suspension and debarment procedures of the Small Business Administration.

*Annual report on suspensions and debarments proposed by Small Business Administration (sec. 1683)*

The House bill contained a provision (sec. 1684) that would require the Small Business Administration (SBA) to submit an annual report to Congress on suspension and debar-

ment actions taken by the SBA in the previous year.

The Senate amendment contained no similar provision.

The Senate recedes.

**PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS**  
*Offices of Small and Disadvantaged Business Utilization (sec. 1691)*

The House bill contained a provision (sec. 1691) that would clarify the roles of the offices of Small and Disadvantaged Business Utilization (SADBU) in federal agencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the experience necessary for directors of SADBU offices.

*Small Business Procurement Advisory Council (sec. 1692)*

The House bill contained a provision (sec. 1692) that would clarify the duties and structure of the Small Business Advisory Council established pursuant to section 7104 of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644).

The Senate amendment contained no similar provision.

The Senate recedes.

**PART IX—OTHER MATTERS**  
*Surety bonds (sec. 1695)*

The House bill contained a provision (sec. 1695) that would raise the maximum surety bond amount that may be guaranteed by the Small Business Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

*Conforming Amendments; Repeal of redundant provisions; Regulations (sec. 1696)*

The House bill contained a provision (sec. 1653) that would make certain conforming amendments relative to limitations on subcontracting by recipients of small business contracts.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment consolidating technical and conforming amendments from several provisions of the House bill.

*Contracting with small business concerns owned and controlled by women (sec. 1697)*

The Senate amendment contained a provision (sec. 848) that would modify rules for contracting with woman-owned small businesses pursuant to section 8(m) of the Small Business Act (15 U.S.C. section 637(m)).

The House bill contained no similar provision.

The House recedes with an amendment that would strike language pertaining to the issue of economic disadvantage.

*Small Business HUBZones (sec. 1698)*

The Senate amendment contained a provision (sec. 889E) that would provide extended eligibility for the HUBZone program administered by the Small Business Administration (SBA) to base closure areas that were unable to avail themselves of the full 5-year term provided by law due to delays in processing by the SBA.

The House bill contained no similar provision.

The House recedes.

*National Veterans Business Development Corporation (sec. 1699)*

The Senate amendment contained a provision (sec. 1090) that would terminate the federal charter for the National Veterans Business Development Corporation.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*State Trade and Export Promotion Grant Program (sec. 1699a)*

The Senate amendment contained a provision (sec. 1099E) that would make a technical change to the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) to address the inadvertent omission of the Commonwealth of the Northern Mariana Islands from a trade and export promotion program.

The House bill contained no similar provision.

The House recedes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

##### *Advancing Innovation Pilot Program*

The House bill contained a provision (sec. 1603) that would establish a pilot program to accelerate the development and fielding of research innovations from qualifying institutions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees continue to maintain keen interest in ensuring that the Department of Defense (DOD) has robust and efficient mechanisms for transitioning scientific and technological innovation from research activities into system acquisitions and other programs of record that ultimately further DOD's missions. The conferees understand that the Under Secretary of Defense for Acquisition, Technology, and Logistics has initiated an effort to comprehensively review and streamline the acquisition system. The conferees applaud this review, and urge the Under Secretary to use this opportunity to review technology transition programs and funding mechanisms within the Department in order to eliminate poor performing or marginal initiatives, identify and strengthen those that function effectively, and consider initiating new programs should they be deemed necessary.

In addition, the conferees are also aware that the Department has recently issued a new instruction on the availability of samples, drawings, information, equipment, materials, and certain services to non-DOD persons and entities that should support Department-wide goals for technology transfer from DOD laboratories and engineering centers. The conferees fully support the goals of DOD Instruction 5535.11, which states that it is policy, "to promote research and development within the commercial sector of the U.S. economy, and the transfer of technology from the military to the commercial sector." The conferees also agree that "providing information or unique or scarce items to a private sector entity will significantly aid that entity's ability to engage in research critical to the development of a useful military or commercial technology," and should play a central role in any Department-wide strategy for technology transition. The conferees urge leadership within the Department to do more to socialize this new instruction with the private sector, academia, as well as DOD stakeholders, to ensure it is utilized to the maximum extent practicable.

*Assessment of outreach for small business concerns owned and controlled by women and minorities required before conversion of certain functions to contractor performance*

The House bill contained a provision (sec. 1696) that would require the Department of Defense to conduct outreach to certain categories of small businesses before outsourcing

certain functions to private sector entities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Department of Defense to conduct outreach to all categories of small businesses and to other qualified entities before outsourcing functions performed by federal employees.

*Assessment of small business programs transition*

The House bill contained a provision (sec. 1615) that would require that the Secretary of Defense select an entity outside the Department of Defense (DOD) to conduct an independent review and assessment of the transition of technologies developed by small business.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Government Accountability Office (GAO) is currently conducting a comprehensive body of work to assess how well the Department is managing, developing, and transitioning technologies across its science and technology enterprise. The first review, which is currently underway, assesses DOD and military service programs dedicated to facilitating the transition of technologies to major weapon acquisition programs or directly to the field. The conferees direct the Comptroller General to ensure that future GAO reviews performed under this body of work include an assessment of the transition of technologies developed by small businesses through the Small Business Innovative Research (SBIR) program, including: (1) an analysis of technologies developed under the SBIR program and the extent to which such technologies were incorporated into major weapon systems or major automated information systems; (2) an analysis of established or ad hoc procedures to allow program offices to monitor, evaluate, and transition small business-developed technologies into their programs; and (3) additional actions that may be needed to improve DOD and the military services' processes for monitoring, evaluating, and transitioning small business-developed technologies for use in major weapon systems or major automated information systems (including any appropriate data collection and measures of effectiveness and performance).

##### *Government Accountability Office report*

The House bill contained a provision (sec. 1642) that would require a Government Accountability Office report on certain issues relative to mentor-protégé programs carried out by federal agencies.

The Senate amendment contained no similar provision.

The House recedes.

##### *Limitation on contracting*

The House bill contained a provision (sec. 1697) that would prohibit a federal agency from entering into any contract unless a preference is given to small business concerns owned and controlled by service-disabled veterans.

The Senate amendment contained no similar provision.

The House recedes.

##### *Office of Hearings and Appeals*

The House bill contained a provision (sec. 1682) that would establish an Office of Hearings and Appeals within the Small Business Administration.

The Senate amendment contained no similar provision.

The House recedes.

##### *Pilot program to assist in the growth and development of advanced small business concerns*

The House bill contained a provision (sec. 1611) that would establish a pilot program under which certain contracts would be set aside for competition among advanced small business concerns.

The Senate amendment contained no similar provision.

The House recedes.

The conferees remain concerned by the difficulties that businesses have had after graduating from small business programs or growing to exceed the size standards for participation in such programs. A separate provision in this conference report would require an independent assessment of federal procurement contracting performance of the Department of Defense related to small business concerns. The assessment to be conducted pursuant to this provision would include an examination of the transition challenges faced by businesses that graduate from small business programs or grow to exceed the size standards for participation in such programs and provide recommendations on steps that should be taken to help ensure the continued health of such businesses.

##### *Program to provide federal contracts to early stage small business*

The House bill contained a provision (sec. 1693a) that would establish a new procurement preference program for early stage small businesses.

The Senate amendment contained no similar provision.

The House recedes.

##### *Regulations*

The House bill contained a provision (sec. 1654) that would establish a timeline for the issuance of certain regulations implementing amendments made by this Act.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the timeline for relevant guidance is addressed elsewhere in this Act.

##### *Regulations*

The House bill contained a provision (sec. 1657) that would establish a timeline for the issuance of certain regulations implementing amendments made by this Act.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the timeline for relevant guidance is addressed elsewhere in this Act.

##### *Repeal of redundant provisions*

The House bill contained a provision (sec. 1672) that would repeal certain provisions relative to contract consolidation and bundling.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the issue of contract consolidation and bundling is addressed elsewhere in this Act.

##### *Technical amendments*

The House bill contained a provision (sec. 1673) that would make technical amendments to section 15 of the Small Business Act (title 15, United States Code, subsection 644).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that technical amendments to the Small Business Act are consolidated in a separate provision.

TITLE XVII—END TRAFFICKING IN  
GOVERNMENT CONTRACTING  
LEGISLATIVE PROVISIONS ADOPTED

*Definitions (sec. 1701)*

The House bill contained a provision (sec. 1702) that would provide definitions relative to human trafficking prohibitions and requirements for government contracts.

The Senate amendment contained a similar provision (sec. 896).

The Senate recedes.

*Contracting requirements (sec. 1702)*

The House bill contained a provision (sec. 1703) that would strengthen human trafficking prohibitions and requirements applicable to government contracts.

The Senate amendment contained a similar provision (sec. 893).

The House recedes with an amendment that would clarify the circumstances in which a contractor or subcontractor, labor recruiter or broker is required to pay for return transportation costs to an employee upon the end of employment. The conferees conclude that the payment of such costs is critical in the case of third-country nationals who are brought to countries like Iraq and Afghanistan to provide services under federal government contracts in support of overseas contingency operations.

*Compliance plan and certification requirement (sec. 1703)*

The House bill contained a provision (sec. 1704) that would require certain government contractors to develop plans to detect and avoid human trafficking.

The Senate amendment contained a similar provision (sec. 894).

The House recedes with an amendment that would clarify the applicability of the requirement.

*Monitoring and investigation of trafficking in persons (sec. 1704)*

The House bill contained a provision (sec. 1705) that would establish executive agency responsibilities and authorities for detecting and avoiding human trafficking under government contracts.

The Senate amendment contained a similar provision (sec. 895).

The House recedes with an amendment that would clarify the responsibilities and authorities of agency heads and inspectors general, clarify the discretion of inspectors general to determine whether alleged misconduct rises to a level that requires investigation, and ensure that only substantiated allegations are included in the government-wide database of contractor misconduct.

*Notification to inspectors general and cooperation with Government (sec. 1705)*

The House bill contained a provision (sec. 1706) that would require agency heads to notify the appropriate inspector general of any credible allegation of conduct in violation of human trafficking prohibitions and requirements.

The Senate amendment contained a similar provision (sec. 896).

The Senate recedes with a technical amendment.

*Expansion of penalties for fraud in foreign labor contracting to include attempted fraud and work outside the United States (sec. 1706)*

The House bill contained a provision (sec. 1707) that would amend section 1351 of title 18, United States Code, to prohibit human trafficking in connection with U.S. Government contracts performed outside the United States.

The Senate amendment contained a similar provision (sec. 897) that would also ad-

dress the issue of the admittance of aliens to the United States in certain circumstances.

The House recedes.

*Improving Department of Defense accountability for reporting trafficking in persons claims and violations (sec. 1707)*

The House bill contained a provision (sec. 1708) that would clarify reporting requirements applicable to trafficking in persons cases under Department of Defense contracts.

The Senate amendment contained a similar provision (sec. 898).

The House recedes.

*Rule of construction; effective date (sec. 1708)*

The House bill contained a provision (sec. 1709) that would establish a rule of construction relative to the trafficking in persons provisions in this Act.

The Senate amendment contained a similar provision (sec. 899).

The House recedes with an amendment that would address the implementation and effective dates for provisions in this subtitle.

LEGISLATIVE PROVISION NOT ADOPTED

*Short title*

The House bill contained a provision (sec. 1701) that would provide a short title for provisions of the bill addressing trafficking in persons.

The Senate amendment contained a similar provision (sec. 891).

The conference agreement does not contain the provisions.

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

Subtitle A—Fire Grants Reauthorization

*Short title (sec. 1801)*

The Senate amendment contained a provision (sec. 1801) that would state that this subtitle may be cited as the “Fire Grants Reauthorization Act of 2012.”

The House bill contained no similar provision.

The House recedes.

*Amendments to definitions (sec. 1802)*

The Senate amendment contained a provision (sec. 1802) that would amend definitions in this subtitle.

The House bill contained no similar provision.

The House recedes.

*Assistance to firefighters grants (sec. 1803)*

The Senate amendment contained a provision (sec. 1803) that would amend section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) to provide assistance to firefighters grants.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Staffing for adequate fire and emergency response (sec. 1804)*

The Senate amendment contained a provision (sec. 1804) that would provide for adequate staffing of fire and emergency response.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Sense of Congress on value and funding of Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs (sec. 1805)*

The Senate amendment contained a provision (sec. 1805) that would state the sense of Congress on the value and funding of assistance to firefighters and staffing for adequate fire and emergency response programs.

The House bill contained no similar provision.

The House recedes.

*Report on amendments to assistance to firefighters and staffing for adequate fire and emergency response programs (sec. 1806)*

The Senate amendment contained a provision (sec. 1806) that would require a report on amendments to assistance to firefighters and staffing for adequate fire and emergency response programs.

The House bill contained no similar provision.

The House recedes.

*Studies and reports on the state of fire services (sec. 1807)*

The Senate amendment contained a provision (sec. 1807) that would require studies and reports on the state of fire services.

The House bill contained no similar provision.

The House recedes.

Subtitle B—Reauthorization of United States Fire Administration

*Short title (sec. 1811)*

The Senate amendment contained a provision (sec. 1811) that would state that this subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012.”

The House bill contained no similar provision.

The House recedes.

*Clarification of relationship between United States Fire Administration and Federal Emergency Management Agency (sec. 1812)*

The Senate amendment contained a provision (sec. 1812) that would clarify the relationship between the United States Fire Administration and the Federal Emergency Management Agency.

The House bill contained no similar provision.

The House recedes.

*Modification of authority of Administrator to educate public about fire and fire prevention (sec. 1813)*

The Senate amendment contained a provision (sec. 1813) that would modify the authority of the Administrator of the United States Fire Administration to educate the public about fire and fire prevention.

The House bill contained no similar provision.

The House recedes.

*Authorization of appropriations (sec. 1814)*

The Senate amendment contained a provision (sec. 1814) that would authorize appropriations for the United States Fire Administration.

The House bill contained no similar provision.

The House recedes.

*Removal of limitation (sec. 1815)*

The Senate amendment contained a provision (sec. 1815) that would remove a certain limitation on the Administrator of the United States Fire Administration.

The House bill contained no similar provision.

The House recedes.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

*Summary and explanation of funding tables*

Division B of this Act would authorize funding for military construction projects of the Department of Defense (DOD). It includes funding authorizations for the construction and operation of military family housing as well as military construction for

the reserve components, the defense agencies, and the North Atlantic Treaty Organization (NATO) Security Investment Program. It would also provide authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds.

The following tables provide the project-level authorizations for the military construction funding authorized in Division B of this Act, other than the overseas contingency operations projects authorized in title XXIX, and summarize that funding by account. Funding for base closure projects is summarized in the table that follows, and is explained in additional detail in the table included in title XXVII of this report.

#### LEGISLATIVE PROVISIONS ADOPTED

##### *Short title (sec. 2001)*

The House bill contained a provision (sec. 2001) that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2013.

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

##### *Expiration of authorizations and amounts required to be specified by law (sec. 2002)*

The House bill contained a provision (sec. 2002) that would ensure that the authorizations provided in titles XXI through XXVI shall expire on October 1, 2015, or the date of enactment of an act authorizing funds for military construction for fiscal year 2016, whichever is later.

The Senate amendment contained a similar provision (sec. 2002).

The House recedes.

#### LEGISLATIVE PROVISION NOT ADOPTED

##### *Effective date*

The House bill contained a provision (sec. 2003) stating the date titles XXI through XXVII shall take effect.

The Senate amendment contained no similar provision.

The House recedes.

#### TITLE XXI—ARMY MILITARY CONSTRUCTION

##### BUDGET ITEM

##### *Summary*

The budget request included \$192.0 million for a Cadet Barracks at the United States Military Academy (USMA). The conferees have significant concerns about the condition of the current cadet barracks at USMA. A provision in this title deals specifically with this project; however, the Army will be unable to obligate and expend the full amount of the budget request and therefore the conference agreement would reduce the authorization of appropriations by \$106.0 million.

The budget request included \$84.0 million for the Millennium Site cemetery expansion at Arlington National Cemetery (ANC). The conferees note that the Army's military construction account has historically not been used to authorize construction at ANC, and the conferees agree that changing this precedent would not be in the best interests of the Army or ANC. Therefore, the conference agreement would transfer the \$84.0 million for this project to the Cemeterial Expenses account where it is fully funded.

#### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorized Army construction and land acquisition projects (sec. 2101)*

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2101).

The Senate recedes with a clarifying amendment. The conferees note the authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

##### *Family housing (sec. 2102)*

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2013. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2102).

The conference agreement includes this provision.

##### *Authorization of appropriations, Army (sec. 2103)*

The House bill contained a provision (sec. 2103) that would authorize appropriations for the active component military construction and family housing projects of the Army for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction and family housing projects authorized for the active duty component of the Army.

The Senate amendment contained a similar provision (sec. 2103).

The House recedes with a clarifying amendment.

##### *Modification of authority to carry out certain fiscal year 2010 project (sec. 2104)*

The House bill contained a provision (sec. 2104) that would modify the authority to carry out a certain fiscal year 2010 project.

The Senate amendment contained an identical provision (sec. 2104).

The conference agreement includes this provision.

##### *Extension of authorizations of certain fiscal year 2009 projects (sec. 2105)*

The House bill contained a provision (sec. 2105) that would extend the authorization for certain fiscal year 2009 projects.

The Senate amendment contained an identical provision (sec. 2105).

The conference agreement includes the provision.

##### *Extension of authorizations of certain fiscal year 2010 projects (sec. 2106)*

The House bill contained a provision (sec. 2106) that would extend the authorization for certain fiscal year 2010 projects.

The Senate amendment contained an identical provision (sec. 2106).

The conference agreement includes the provision.

##### *Extension of limitation on obligation or expenditure of funds for tour normalization (sec. 2107)*

The House bill contained a provision (sec. 2107) that would extend the limitation to continue a tour normalization prohibition of funds included in section 2111 of the Military Construction Act for Fiscal Year 2012 (division B of Public Law 112-81).

The Senate amendment contained no similar provision.

The House recedes.

##### *Limitation on project authorization to carry out certain fiscal year 2013 project (sec. 2108)*

The Senate amendment contained a provision (sec. 2107) that would provide the Sec-

retary of the Army authorization to carry out a military construction project to construct a cadet barracks at the U.S. Military Academy, New York.

The House bill contained no similar provision.

The House recedes with an amendment that would place a limitation on the use of funds for the project requiring the Secretary of the Army to submit, as part of the next future-years defense program, a plan for the renovation of the existing barracks inventory at West Point. The Secretary of the Army would also be required to certify that a contract has been awarded for the renovation of Scott barracks.

Conferees also note that while the project is listed as a barracks, the project should not be built to the Army one-plus-one standard but should conform to existing dormitory standards on campus.

#### TITLE XXII—NAVY MILITARY CONSTRUCTION

##### BUDGET ITEM

##### *Summary*

The budget request included \$14.8 million for a Broad Area Maritime Surveillance Maintenance Training Facility at Naval Air Station Lemoore (Beale Air Force Base), California. The Department of the Navy has requested a change in location, which the conferees have accepted, for that project to Naval Base Ventura County (Point Mugu), California. This change would result in a \$2.1 million reduction in the project.

The budget request included funding for four projects at Camp Lemonnier, Djibouti. These four projects represent \$99.2 million in authorizations. The conference agreement would authorize the full amount for these projects in a separate account as Title XXIX of this Act.

The budget request included \$280.0 million for the second increment of the Explosives Handling Wharf #2 in Naval Base Kitsap, Washington. The conferees understand that the Navy will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations for this project by \$25.8 million.

#### LEGISLATIVE PROVISIONS ADOPTED

##### *Authorized Navy construction and land acquisition projects (sec. 2201)*

The House bill contained a provision (sec. 2201) that would authorize military construction projects for the active component of the Navy for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2201).

The Senate recedes with a clarifying amendment. The conferees note the authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

##### *Family housing (sec. 2202)*

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2013. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

*Improvements to military family housing units*  
(sec. 2203)

The House bill contained a provision (sec. 2203) that would authorize funding for fiscal year 2013 to improve existing family housing.

The Senate amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

*Authorization of appropriations, Navy* (sec. 2204)

The House bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Navy for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction and family housing projects authorized for the active-duty component of the Navy.

The Senate amendment contained a similar provision (sec. 2204).

The House recedes with a clarifying amendment.

*Modification of authority to carry out certain fiscal year 2012 project* (sec. 2205)

The House bill contained a provision (sec. 2205) that would modify the authority provided in section 2201 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81) and authorize the Secretary of the Navy to make certain modifications to the scope of a previously authorized construction project.

The Senate amendment contained an identical provision (sec. 2205).

The conference agreement includes the provision.

*Extension of authorizations of certain fiscal year 2009 projects* (sec. 2206)

The House bill contained a provision (sec. 2206) extending the authorization for certain fiscal year 2009 project.

The Senate amendment contained an identical provision (sec. 2206).

The conference agreement includes this provision.

*Extension of authorizations of certain fiscal year 2010 projects* (sec. 2207)

The House bill contained a provision (sec. 2207) extending the authorization for certain fiscal year 2010 projects.

The Senate amendment contained an identical provision (sec. 2207).

The conference agreement includes this provision.

TITLE XXIII—AIR FORCE MILITARY  
CONSTRUCTION  
BUDGET ITEM

*Summary*

The conferees note that the budget request for the Air Force for military construction is considerably reduced this fiscal year. The Air Force has described this reduction as a 'strategic pause' in military construction. The conferees are concerned that this reallocation of budget authority may endanger the Air Force's ability to meet future military construction requirements.

The budget request includes \$161.0 million for the second increment of the U.S. Strategic Command (STRATCOM) Replacement Facility at Offutt Air Force Base, Nebraska. The conferees understand that the Department will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations for this project by \$33.0 million.

The budget request included funding for two projects at Rota, Spain. The conferees

have been informed that the Air Force no longer requires the Transient Contingency Dormitory or the Transient Aircraft Hangers, \$17.6 million and \$15.0 million, respectively, and the conference agreement would, therefore, eliminate funding for both projects.

The budget request, and the House bill included an authorization of \$128.0 million for a hardened Fuel Maintenance Hangar at Andersen Air Force Base, Guam, that was first included in the fiscal year 2012 budget request. The conferees note that incremental appropriations for this project were provided in the Consolidated Appropriations Act, 2012 (P.L. 112-74).

The conferees have concerns about the costs associated with the hardening of facilities in the U.S. Pacific Command area of responsibility, but recognize the strategic value of Andersen Air Force Base and believe the Air Force should continue to ensure that the facilities at this location remain suitable for mission requirements.

The conference agreement would, therefore, include an authorization of \$58.0 million for an unhardened Fuel Maintenance Hangar at Andersen Air Force Base, Guam.

LEGISLATIVE PROVISIONS ADOPTED

*Authorized Air Force construction and land acquisition projects* (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize military construction projects for the active component of the Air Force for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2301).

The Senate recedes with an amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Family housing* (sec. 2302)

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2013. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2302).

The conference agreement includes this provision.

*Improvements to military family housing units*  
(sec. 2303)

The House bill contained a provision (sec. 2303) that would authorize funding for fiscal year 2013 to improve existing family housing.

The Senate amendment contained an identical provision (sec. 2303).

The conference agreement includes this provision.

*Authorization of appropriations, Air Force* (sec. 2304)

The House bill contained a provision (sec. 2304) that would authorize appropriations for the active component military construction and family housing projects of the Air Force for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction and family housing projects authorized for the active duty component of the Air Force.

The Senate amendment contained a similar provision (sec. 2304).

The House recedes with a clarifying amendment.

*Extension of authorizations of certain fiscal year 2010 projects* (sec. 2305)

The House bill contained a provision (sec. 2305) that would extend the authorization for certain fiscal year 2010 projects.

The Senate amendment contained an identical provision (sec. 2305).

The conference agreement includes the provision.

TITLE XXIV—DEFENSE AGENCIES MILITARY  
CONSTRUCTION  
BUDGET ITEM

*Summary*

The conferees note that the previously classified location for a SOF Parachute Training Facility has been identified by the Department of Defense as Marana, Arizona.

The budget request included \$300.5 million for the second increment of the High Performance Computing Center at Fort Meade, Maryland. The conferees understand that the National Security Agency (NSA) will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations for this project by \$75.0 million. The conference agreement also includes a provision that would modify the authorization provided last year for this project. The conferees previously required the NSA to validate the cost of the project and are pleased that the updated request resulted in a \$68.3 million reduction.

The budget request included \$207.4 million for the fourth increment of the Hospital Replacement at Fort Bliss, Texas. The conferees understand that the Department will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations by \$75.0 million.

The budget request included \$80.7 million for the third increment of the Ambulatory Care Center at Joint Base San Antonio, Texas. The conferees understand that the Department will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations by \$54.3 million.

The budget request included an authorization of \$157.9 million and an authorization of appropriations in the same amount for an Aegis Ashore Missile Defense System Complex in Deveselu, Romania. The Department of Defense informed the conferees that after extensive planning and design, the actual authorization requirement would be \$220.8 million, though the Department would be unable to obligate and expend the full amount of the budget request. Therefore, the authorization of appropriations in the conference agreement would be reduced by \$37.9 million; however, the authorization would be increased to the newly requested amount.

The budget request included \$30.0 million for infrastructure at Fort Bragg, North Carolina, to support construction of facilities for special operations forces. These projects are authorized in this Title. The conference agreement would eliminate the project in Title XXI and move the \$30.0 million to the SOF Battalion Operations Facility project that the infrastructure was planned to support.

The conference agreement would eliminate this infrastructure project since the resulting infrastructure would not constitute a "complete and useable" facility as required by statute. The conferees are aware of the Major Force Program-11 rule to not provide for common service requirements and view this as an exception.

## LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Defense Agency Authorizations  
*Authorized Defense Agencies construction and land acquisition projects (sec. 2401)*

The House bill contained a provision (sec. 2401) that would authorize military construction projects for the defense agencies for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2401).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this act provides the binding list of specific construction projects authorized at each location.

*Authorized energy conservation projects (sec. 2402)*

The House bill contained a provision (sec. 2402) that would authorize certain energy conservation projects for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2402).

The Senate recedes.

The budget request included authorization of appropriations for \$150.0 million for the Energy Conservation Investment Program (ECIP). The conferees note that the budget justification documents accompanying the budget request contained a list of projects by service that would be carried out with funds authorized for the ECIP account.

The conferees believe that greater transparency and oversight is required to ensure that the projects proposed in the budget request for ECIP are actually carried out. Therefore, the conferees have included in the table at section 4601 of this Act, a list of specific ECIP project authorizations that exceed \$2.0 million that have been added to the military construction tables by project, name, and location.

The conferees recommend that future budget submissions conform to this protocol.  
*Authorization of appropriations, Defense Agencies (sec. 2403)*

The House bill contained a provision (sec. 2403) that would authorize appropriations for military construction and family housing projects of the defense agencies for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec. 2403).

The House recedes with a clarifying amendment.

*Modification of authority to carry out certain fiscal year 2012 projects (sec. 2404)*

The House bill contained a provision (sec. 2404) that would modify the authority provided in section 2401 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81) and authorize the Secretary of Defense to make certain modifications to the scope of previously authorized military construction projects.

The Senate amendment contained a similar provision (sec. 2405).

The Senate recedes with a clarifying amendment.

*Extension of authorization of certain fiscal year 2010 project (sec. 2405)*

The House bill contained a provision (sec. 2405) that would extend the authorization listed until October 1, 2013, or the date of enactment of an act authorizing funds for mili-

tary construction for fiscal year 2014, which-ever is later.

The Senate amendment contained an identical provision (sec. 2404).

The conference agreement includes the provision.

Subtitle B—Chemical Demilitarization  
 Authorizations

*Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2411)*

The House bill contained a provision (sec. 2411) that would authorize appropriations for military construction projects for the chemical demilitarization program for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2411).

The Senate recedes with a clarifying amendment.

*Modification of authority to carry out certain fiscal year 1997 project (sec. 2412)*

The House bill contained a provision (sec. 2412) that would modify the authority provided in section 2401 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201) and authorize the Secretary of Defense to make certain modifications to the scope of a previously authorized construction project.

The Senate amendment contained an identical provision (sec. 2412).

The conference agreement includes this provision.

## LEGISLATIVE PROVISION NOT ADOPTED

*Additional authority to carry out certain fiscal year 2013 project*

The Senate amendment contained a provision (sec. 2406) authorizing an Upgrade Fuel Pipeline at Andersen Air Force Base, Guam, with certain limitations.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

## LEGISLATIVE PROVISIONS ADOPTED

*Authorized NATO construction and land acquisition projects (sec. 2501)*

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

*Authorization of appropriations, NATO (sec. 2502)*

The House bill contained a provision (sec. 2502) that would authorize the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program.

The Senate amendment contained an identical provision (sec. 2502).

The conference agreement includes this provision.

TITLE XXVI—GUARD AND RESERVE FORCES  
 FACILITIES  
 BUDGET ITEM

## Summary

The budget request included \$17.0 million for a Readiness Center at St. Paul, Minnesota. The Department of Defense has re-

quested that the location of this Readiness Center be changed to Arden Hills, Minnesota. This request has been accepted in the conference agreement.

## LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Project Authorizations and  
 Authorization of Appropriations

*Authorized Army National Guard construction and land acquisition projects (sec. 2601)*

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2601).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Army Reserve construction and land acquisition projects (sec. 2602)*

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2602).

The Senate recedes with an amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)*

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve and the Marine Corps Reserve for fiscal year 2013.

The Senate amendment contained an identical provision (sec. 2603).

The conference agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Air National Guard construction and land acquisition projects (sec. 2604)*

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2604).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorized Air Force Reserve construction and land acquisition project (sec. 2605)*

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2605).

The Senate recedes with an amendment.

The authorized amounts are listed in this provision on an installation-by-installation

basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

*Authorization of appropriations, National Guard and Reserve (sec. 2606)*

The House bill contained a provision (sec. 2606) that would authorize appropriations for the reserve component military construction projects for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction projects authorized for the reserve components.

The Senate amendment contained an identical provision (sec. 2606).

The conference agreement includes this provision.

#### Subtitle B—Other Matters

*Modification of authority to carry out certain fiscal year 2010 projects (sec. 2611)*

The House bill contained a provision (sec. 2611) that would modify the authority provided in section 2601 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111-84) and authorize the Secretary of the Army to make certain modifications to the scope of previously authorized construction projects.

The Senate amendment contained no similar provision.

The Senate recedes.

*Modification of authority to carry out certain fiscal year 2011 projects (sec. 2612)*

The House bill contained a provision (sec. 2612) that would modify the authority provided in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383) and authorize the Secretary of the Army to make certain modifications to the scope of previously authorized construction projects.

The Senate amendment contained a similar provision (sec. 2613).

The Senate recedes with a clarifying amendment.

*Extension of authorization of certain fiscal year 2009 project (sec. 2613)*

The House bill contained a provision (sec. 2613) that would extend the authorization for certain fiscal year 2009 military construction project.

The Senate amendment contained an identical provision (sec. 2611).

The conference agreement includes this provision.

*Extension of authorization of certain fiscal year 2010 projects (sec. 2614)*

The House bill contained a provision (sec. 2614) that would extend the authorization for certain fiscal year 2010 military construction projects.

The Senate amendment contained an identical provision (sec. 2612).

The conference agreement includes this provision.

#### TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

##### LEGISLATIVE PROVISIONS ADOPTED

#### Subtitle A—Authorization of Appropriations

*Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990 (sec. 2701)*

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2013 for ongoing activities that are required to implement the decision of the 1988, 1991, 1993, and 1995 Base Closure and Realignment rounds.

The Senate amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

*Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005 (sec. 2702)*

The House bill contained a provision (sec. 2702) that would authorize military construction projects for fiscal year 2013 for ongoing activities that are required to implement the decisions of the 2005 Base Closure and Realignment round.

The Senate amendment contained an identical provision (sec. 2702).

The conference agreement includes this provision.

#### Subtitle B—Other Matters

*Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds (sec. 2711)*

The House bill contained a provision (sec. 2711) that would strike sections 2906 and 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) that establishes Treasury accounts for the Base Closure and Realignment rounds of 1991, 1993, 1995, and 2005, and would unify these Treasury accounts into a single Treasury account known as the “Department of Defense Base Closure Account.”

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the Department of Defense to maintain accountability for expenses incurred to carry out the decisions of each round of base realignments and closures.

*Revised base closure and realignment restrictions and Comptroller General assessment of Department of Defense compliance with codified base closure and realignment restrictions (sec. 2712)*

The Senate amendment contained a provision (sec. 2704) that would direct the Comptroller General to develop objective criteria to be used by the Department of Defense to make decisions relating to realignments of units employed at military installations that are not currently covered by section 2687 of title 10, United States Code.

The provision would also include a 1-year moratorium on implementing any realignment that would result in a military installation covered under section 2687 to no longer be covered by section 2687.

The House bill contained no similar provision.

The House recedes with an amendment that would create a moratorium on closing any installation for 5 years where any realignment has resulted in that installation previously covered under section 2687 to no longer be covered by section 2687.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Consideration of United States military bases located overseas in criteria used to consider and recommend military installations for closure or realignment*

The House bill contained a provision (sec. 2714) that would require consideration of United States military bases located overseas in criteria used to consider and recommend military installations for closure and realignment.

The Senate amendment contained no similar provision.

The House recedes.

*Technical amendments to section 2702 of the Military Construction Authorization Act for Fiscal Year 2012*

The Senate amendment contained a provision (sec. 2703) that would make a technical amendment and a conforming amendment to section 2702 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1681).

The House bill contained no similar provision.

The Senate recedes as the technical changes are contained in title X of this Act.

*Prohibition on conducting additional Base Realignment and Closure (BRAC) round*

The House bill contained a provision (sec. 2713) that would prohibit funds authorized to be appropriated by this Act from being used to propose, plan for, or execute an additional Base Realignment and Closure round.

The Senate amendment contained no similar provision.

The House recedes.

*Air Armament Center, Eglin Air Force Base*

The House bill contained a provision (sec. 2712) that would require the Secretary of the Air Force to retain an Air Armament Center at Eglin Air Force Base, Florida, with the same integrated mission elements, responsibilities, and capabilities as existed upon the completion of implementation of the recommendations of the 2005 Base Closure and Realignment Commission, until such time as it is modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Air Force has embarked on a significant reorganization of the Air Force Materiel Command (AFMC) that the Secretary of the Air Force indicates will improve warfighter support, drive standard processes, improve life cycle acquisition management and reduce overhead. Specifically, the Air Force has proposed a reduction of more than 1,000 positions across the Command that represents an annual savings of more than \$100.0 million. As the Air Force implements this reorganization, the conferees expect the Secretary to rigidly adhere to the reporting requirements contained in section 2687 of title 10, United States Code entitled “Base Closures and Realignment.” While the conferees believe that it is imperative to generate efficiencies across the entirety of the Air Force enterprise, the conferees also believe it is essential to preserve critical functions and capabilities at installations assigned to AFMC.

#### TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

##### LEGISLATIVE PROVISIONS ADOPTED

*Subtitle A—Military Construction Program and Military Family Housing Changes*

*Authorized cost and scope variations (sec. 2801)*

The Senate amendment contained a provision (sec. 2801) that would amend section 2853 of title 10, United States Code, to clarify the authorizations for scope variations in military construction and family housing projects.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the construction justification data provided to Congress each year by the Department of Defense for each



military construction project includes a list of supporting facilities that are required to ensure a complete and useable primary facility or item of complete and useable infrastructure. These supporting facilities are listed as categories such as utility services, site preparation, special features, systems, or measures with corresponding scopes normally provided as lump sums, with the exception of demolition.

The conferees note that a list of supporting facilities should not contain separate or distinct facilities or complete and useable facilities. While the conferees understand the need for flexibility during the design process to determine the full extent of supporting facilities, the list of associated work and the categories provided under supporting facilities should be considered as the scope for the project.

In addition, the continued use of lump sums is not consistent with the intent of conferees to ensure Congress receives a clear and concise description of the costs and scope of the proposed construction prior to authorization. Therefore, the conferees expect that the construction justification data in future budget submissions will include, to the maximum extent practicable, a clearer estimate of the scope of each category of supporting facilities required to ensure a complete and useable facility or item of infrastructure.

*Preparation of master plans for major military installations (sec. 2802)*

The House bill contained a provision (sec. 2801) that would require installation master plans at a period not to exceed 10 years. Such plans shall address environmental planning, sustainable design and development, sustainable range planning, real property master planning, and transportation planning.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Oversight and accountability for military housing privatization projects and related annual reporting requirements (sec. 2803)*

The House bill contained a provision (sec. 2802) that would provide additional oversight and accountability in the pursuit of military housing privatization projects to include an assessment of the financial viability of the long-term project, a resident satisfaction assessment and an assessment of the backlog of maintenance and repair. Furthermore, this section would delete several reporting requirements that were duplicative or obsolete and replace them with reporting requirements associated with the long-term viability of the family housing projects.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States (sec. 2804)*

The House bill contained a provision (sec. 2803) that would amend section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136) and extend the Department's ability to use operation and maintenance appropriations for military construction purposes for the United States Central Command and Combined Joint Task Force-Horn of Africa area of responsibility until September 30, 2013.

The Senate amendment contained a similar provision (sec. 2803).

The House recedes.

*Comptroller General report on in-kind payments (sec. 2805)*

The Senate amendment contained a provision (sec. 2802) that would require the Comptroller General of the United States to submit a report on the construction or renovation of Department of Defense facilities with in-kind payments.

The House bill contained no similar provision.

The House recedes.

*Subtitle B—Real Property and Facilities Administration*

*Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations (sec. 2811)*

The House bill contained a provision (sec. 2812) that would amend section 2869(a)(1) of title 10, United States Code, as amended by section 2815 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81), to change the party with whom a real estate exchange can be conducted.

The Senate amendment contained a similar provision (sec. 2812).

The Senate recedes.

*Identification requirements for access to military installations (sec. 2812)*

The House bill contained a provision (sec. 2814) that would establish minimum identification requirements for entry onto all military installations and require the Department of Defense to take steps to enforce these requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department of Defense to establish identification standards and requirements for entry onto military installations, and provide that these standards and requirements may vary between installations, or parts of installations, depending on the nature of the installation, the nature of the access granted, and the level of security required.

*Report on property disposals at certain closed military installations and additional authorities to assist local communities in the vicinity of such installations (sec. 2813)*

The House bill contained a provision (sec. 2813) that would provide an indemnification for properties transferred at closed military installations.

The Senate amendment contained a similar provision (sec. 313) that would require a report on property disposals.

The House recedes with a technical amendment.

*Report on reorganization of Air Force Materiel Command organizations (sec. 2814)*

The Senate amendment contained a provision (sec. 2706) that would require the Secretary of Defense to submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command (AFMC) organizations. The Secretary would be required to include an analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense (OSD) and the Director, Test Resource Management Center, and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force. The Secretary would be required to submit the report not later than 180 days after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would have the assessment apply more generically to OSD, since other offices within OSD have equities in AFMC organization and their management.

The conferees note that the Air Force has embarked on a significant reorganization of the Air Force Materiel Command (AFMC) that the Secretary of the Air Force indicates will improve warfighter support, drive standard processes, improve life cycle acquisition management and reduce overhead. Specifically, the Air Force has proposed a reduction of more than 1,000 positions across the Command that represents an annual savings of more than \$100.0 million. As the Air Force implements this reorganization, the conferees expect the Secretary to rigidly adhere to the reporting requirements contained in section 2687 of title 10, United States Code entitled "Base Closures and Realignment." While the conferees believe that it is imperative to generate efficiencies across the entirety of the Air Force enterprise, the conferees also believe it is essential to preserve critical functions and capabilities at installations assigned to AFMC.

*Subtitle C—Energy Security*

*Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department (sec. 2821)*

The House bill contained a provision (sec. 2821) that would require the Department of Defense to notify Congress when entering into contracts for the provision and operation of energy production facilities on real property owned by the United States if the contract is longer than 20 years.

The Senate amendment contained no similar provision.

The Senate recedes.

*Availability and use of Department of Defense energy cost savings to promote energy security (sec. 2822)*

The House bill contained a provision (sec. 2823) that would amend section 2912(b)(1) of title 10, United States Code, to include consideration of energy security.

The Senate amendment contained no similar provision.

The Senate recedes.

*Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification (sec. 2823)*

The House bill contained a provision (sec. 2822) that would continue the prohibition on the use of funds for Leadership in Energy and Environmental Design gold or platinum certifications for fiscal year 2013 set forth in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81). This section would also limit the use of funds for implementation of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) building standard 189.1.

The Senate amendment contained a similar provision (sec. 2822).

The Senate recedes with a clarifying amendment. The amendment would limit the prohibition on the use of funds to Leadership in Energy and Environmental Design gold or platinum certifications for fiscal year 2013 until the submission of a required report and updated policy guidance from the Department of Defense (DOD).

The conferees note that while there is no prohibition limiting the use of funds for implementation of ASHRAE building standard 189.1, they expect DOD to not provide broad, sweeping policy guidance on the use of

ASHRAE building standard 189.1 but rather utilize this standard on a project by project basis to maximize savings based on geographic locations and returns on investment through water and energy efficiencies, among other considerations.

*Guidance on financing for renewable energy projects (sec. 2824)*

The Senate amendment contained a provision (sec. 2821) that would require the Department of Defense to issue guidance for financing renewable energy projects.

The House bill contained no similar provision.

The House recedes with a technical amendment.

*Energy savings performance contract report (sec. 2825)*

The House bill contained a provision (sec. 834) that would require the military departments to submit reports to the congressional defense committees on the use of energy savings performance contracts (ESPCs).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring a single report by the Department of Defense (DOD), and clarifying the content of the required report.

The conferees note that DOD has encouraged the military services to increase the use of ESPCs to meet energy savings goals. Under section 8287 of title 42, United States Code, ESPC contracts provide for the contractor to incur the costs of implementing energy savings measures, including at least the costs (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel, in exchange for a share of any energy savings directly resulting from the implementation of such measures.

Section 8287 provides for the use of ESPCs “solely for the purpose of achieving energy savings and benefits ancillary to that purpose.” While ESPCs are not available for the purpose of the construction of new buildings or facilities, the conferees note that in some cases, the installation of equipment meeting the standard of section 8287 requires the modification or repair of existing facilities, or the construction of ancillary facilities or infrastructure, to accommodate the equipment. In such cases, ESPCs may be used for the construction, repair, maintenance, or modification of facilities or infrastructure ancillary to the qualifying equipment. The conferees expect a detailed description of any facility work required to carry out an ESPC to be included in the report required by this section.

#### Subtitle D—Provisions Related to Asia-Pacific Military Realignment

*Certification of military readiness need for a Live Fire Training Range Complex on Guam as condition on establishment of range complex (sec. 2831)*

The House bill contained a provision (sec. 2832) that would prohibit the establishment of a firing range on the territory of Guam until the Secretary of Defense certifies that the firing range is required to meet a national security need.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Realignment of Marine Corps forces in the Asia-Pacific region (sec. 2832)*

The House bill contained a provision (sec. 2833) that would strike a requirement of section 2207 of the Military Construction Au-

thorization Act for Fiscal Year 2012 (division B of Public Law 112-81) to obtain a coordinated federal agency plan that supports the civilian infrastructure on Guam, as well as a requirement in such Act to obtain tangible progress regarding the relocation of Marine Corps Air Station Futenma as a condition for moving forward with the Marine Corps realignment of forces to Guam.

The Senate amendment contained a provision (sec. 2208) that would extend a prohibition on funds for construction activities to implement the realignment of Marine Corps' forces from Okinawa, pending the receipt of certain certifications and plans from the Department of Defense.

The House recedes with an amendment that would expand the exceptions for the use of funds through fiscal year 2013.

The conferees strongly support a robust U.S. military force posture in the Asia-Pacific region as the cornerstone of peace and stability and to underwrite the development of new economic and security partnerships.

One key initiative involves changes to the stationing of U.S. forces in Japan, and specifically Okinawa, in furtherance of the U.S.-Japan bilateral arrangement. The Defense Policy Review Initiative, as further detailed in the U.S.-Japan Alliance Transformation and Realignment for the Future and the 2006 U.S.-Japan Roadmap for Realignment Implementation agreement (‘Roadmap agreement’), laid out a series of U.S. force consolidations and base closures intended to improve the cooperation of the two allies, adjust the stationing of U.S. forces, and reduce the burden on local Japanese communities.

The conferees note that on April 27, 2012, the U.S.-Japan Security Consultative Committee issued a joint statement detailing changes to the plans for the realignment of Marines on Okinawa. Specifically, the U.S. and Japan separated the requirement of tangible progress on the construction of the Futenma Replacement Facility (FRF) from other Marine re-stationing efforts on Okinawa to return lands to local communities. Also, while the overall number of marines to leave Okinawa remained essentially the same as under the previous agreement (approximately 9,000), the new distributed laydown will result in fewer Marines being re-stationed to Guam with the remainder of the forces in Australia and Hawaii.

The conferees are encouraged by the adjustments to the Roadmap agreement that will allow the United States Marine Corps to establish and employ full Marine Air Ground Task Force (MAGTF) capabilities at multiple locations in the Asia-Pacific region. While the cost estimates for the construction and infrastructure plans at each location are preliminary, the conferees note that the Government of Japan has already transferred to the United States \$834.0 million towards the agreed total contribution of \$3.1 billion for construction activities to support the relocation of 4,700 Marines from Okinawa to Guam. Of the \$834.0 million, \$725.0 million remains unobligated in the U.S. Treasury and further expenditures are subject to negotiations and mutual agreement between the two Governments.

The conferees recognize the majority of construction required to relocate ground units from Okinawa to Guam cannot be carried out until the environmental impacts of the new plans for Guam and Hawaii are studied, which will take a number of years.

In the meantime, the conferees have been advised that updates to environmental studies are not required for the construction of infrastructure and facilities to support the

relocation of a United States Marine Corps Combat Aviation Element to the north side of Andersen Air Force Base, Guam, as agreed upon in the Roadmap agreement, or to construct ground training facilities at Andersen South.

The conferees also note that the Marine Corps has recently increased the use of airspace ranges on and around Guam to meet Marine aviation training requirements in the Pacific theater. These training missions are accomplished through temporary deployments of Marine Air squadrons to Andersen Air Force Base that require ramp space and facilities shared with the U.S. Air Force.

The Marine Corps has proposed new facilities on the north ramp of Andersen Air Force Base and at Andersen South that would have military utility independent of the permanent relocation of Marines from Guam. These facilities can be used to meet current requirements of Marine units in the Pacific as well as the permanent stationing of a United States Marine Corps Combat Aviation Element at Andersen Air Force Base, as agreed upon in the Roadmap agreement.

As such, the conferees have modified the prohibition maintained by this section to allow for construction of a certain infrastructure project and for planning and design activities in fiscal year 2013 for the Marine Corps aviation infrastructure and facilities on the north ramp of Andersen Air Force Base and ground training facilities at Andersen South.

The conferees do not intend for these investments to be interpreted as an endorsement of the distributed laydown, as questions still remain about facility master plans, training requirements, and affordability in a fiscally constrained environment. The conferees also note that the new distributed laydown proposed for Marine Corps forces will require the completion of a concept of operations, an analysis of logistics requirements, and a plan for strategic lift for the MAGTFs to meet operational requirements.

The conferees are further concerned about the lack of formal timelines for the development of master plans and budgets for the completion of the realignments. This uncertainty increases the risk that a delay in investments or construction prolonged over 10 years or more will have a detrimental impact on the readiness and operational capabilities of the MAGTFs in the region.

Lastly, the conferees note that the updated agreement has separated the movement of Marines from Okinawa from the requirement for tangible progress on the construction of a replacement facility for Marine Corps Futenma on Okinawa. As such, there is not a clear plan or timeline to build the FRF at Camp Schwab in the Henoko area of Okinawa, and the Marine Corps will continue to operate from MCAS Futenma, a heavily-enclaved air base in the crowded Ginowan area of Okinawa. The MCAS Futenma facilities and infrastructure are in deteriorated condition due to the deliberate decision over a number of years to defer maintenance, repairs, and renovations in light of the eventual base closure.

The conferees are concerned that any decision to further delay the construction of an FRF without a plan to provide for safe, secure facilities at MCAS Futenma will put Marines, their families, and people in the local community at risk. Accordingly, the conferees support an expanded investment profile for the maintenance and repair of facilities at MCAS Futenma until such time as an alternative basing strategy can be developed to replicate the capabilities provided by MCAS Futenma.

#### Subtitle E—Land Conveyances

*Modification of authorized consideration, Broadway Complex of the Department of the Navy, San Diego, California (sec. 2841)*

The House bill contained a provision (sec. 2842) that would modify section 2732 of the Military Construction Authorization Act for Fiscal Year 1987 (division B of Public Law 99-661) to expand the Secretary of the Navy's ability to use the proceeds from the Broadway Complex, San Diego, California, lease to construct real property.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Use of proceeds, land conveyance, Tyndall Air Force Base, Florida (sec. 2842)*

The Senate amendment contained a provision (sec. 2832) that would modify the authorities for use of proceeds of a land conveyance at Tyndall Air Force Base, Florida.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio (sec. 2843)*

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey, without consideration, the John Kunkel Army Reserve Center, Warren, Ohio, to the Village of Lordstown for public purposes.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Land conveyance, Castner Range, Fort Bliss, Texas (sec. 2844)*

The House bill contained a provision (sec. 2844) that would authorize the Secretary of the Army to convey the Castner Range at Fort Bliss, Texas, to the Parks and Wildlife Department of the State of Texas for the purpose of establishing an additional element of the Franklin Mountains State Park.

The Senate amendment contained no similar provision.

The Senate recedes.

*Modification of land conveyance, Fort Hood, Texas (sec. 2845)*

The House bill contained a provision (sec. 2845) that would modify a land conveyance at Fort Hood, Texas, that was provided in the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375). Specifically, the Secretary of the Army would be authorized to expand the Texas A&M University, Central Texas, to include elements that the University System of the State of Texas considers appropriate.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Land conveyance, Local Training Area for Browning Army Reserve Center, Utah (sec. 2846)*

The Senate amendment contained a provision (sec. 2831) that would authorize the conveyance of real property at Browning Army Reserve Center, Utah.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

#### Subtitle F—Other Matters

*Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations (sec. 2851)*

The House bill contained a provision (sec. 2872) that would modify notice requirements

in advance of permanent reduction of sizable numbers of members of the armed forces at military installations.

The Senate amendment contained a similar provision (sec. 2705).

The House recedes.

*Acceptance of gifts and services to support military museum programs and use of cooperative agreements with nonprofit entities for military museum and military educational institution programs (sec. 2852)*

The House bill contained a provision (sec. 2811) that would amend chapter 155 of title 10, United States Code, to authorize service secretaries to accept services from nonprofit entities to support a military museum program, clarify authority to solicit and accept gifts for military museums, authorize the lease of military museum property to nonprofit entities for purposes related to the military museum program, and to enter into cooperative agreements with nonprofit entities to support a military museum program.

The Senate amendment contained a similar provision (sec. 582(c)) that would authorize military museums to enter into cooperative agreements with certain nonprofit entities.

The Senate recedes with a clarifying amendment.

*Additional exemptions from certain requirements applicable to funding for data servers and centers (sec. 2853)*

The Senate amendment contained a provision (sec. 2844) providing an exemption to the High Performance Computing Modernization Program from certain requirements by the Department of Defense (DOD) Chief Information Officer relating to data servers and centers.

The House bill contained no similar provision.

The House recedes.

The conferees note that the DOD High Performance Computing Modernization Program was initiated in response to congressional direction to modernize the DOD laboratories' high performance computing capabilities. The conferees are aware that this program has a well-established process for identifying and monitoring investment for these high performance computing capabilities in a manner that reduced unwarranted duplication.

*Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies (sec. 2854)*

The House bill contained a provision (sec. 2862) that would, as requested by the Department of Defense, redesignate the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.

The Senate amendment contained a similar provision (sec. 1081).

The Senate recedes with a clarifying amendment.

*Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard (sec. 2855)*

The House bill contained a provision (sec. 2863) that would express the sense of Congress that the Navy should provide an appropriate site at the former Navy Dive School at the Washington Navy Yard for a memorial to honor the members of the armed forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California (sec. 2856)*

The House bill contained a provision (sec. 2870) that would limit the availability of funds pending the submission of a report regarding the acquisition of land and development of a training range facility adjacent to the Marine Corps Ground Air Combat Center Twenty Nine Palms, California.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Oversight and maintenance of closed base cemeteries overseas containing the remains of members of the Armed Forces or citizens of the United States (sec. 2857)*

The Senate amendment contained a provision (sec. 2843) that would require notification to the congressional defense committees with respect to oversight and maintenance of base cemeteries following the closure of overseas military installations.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Report on establishment of joint Armed Forces historical storage and preservation facility (sec. 2858)*

The Senate amendment contained a provision (sec. 1065) that would require a report on the establishment of a joint armed forces historical storage and preservation facility.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

*Establishment of commemorative work to Gold Star Mothers (sec. 2859)*

The House bill contained a provision (sec. 2864) that would require the Secretary of the Army to permit the Gold Star Mothers National Monument Foundation to establish a Gold Star Mothers National Monument in Arlington National Cemetery or on federal land under the jurisdiction of the Department of the Army in the vicinity of Arlington National Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Gold Star Mothers National Monument Foundation to establish a commemorative work on eligible federal land to commemorate the sacrifices made by mothers, and made by their sons and daughters who as members of the armed forces make the ultimate sacrifice in defense of the United States. The establishment of the commemorative work must comply with chapter 89 of title 40, United States Code, and other federal laws and regulations.

*Establishment of commemorative work to slaves and free Black persons who served in American Revolution (sec. 2860)*

The Senate amendment contained provisions (sections 1901-1904) that would authorize the establishment of a commemorative work on federal land in the District of Columbia to honor slaves and free black persons who served as soldiers and sailors or who provided civilian assistance during the American Revolution.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the establishment of

the commemorative work comply with chapter 89 of title 40, United States Code, and other federal laws and regulations, and that would make other technical and conforming changes.

#### LEGISLATIVE PROVISIONS NOT ADOPTED

##### *Modification to authorized land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska*

The House bill contained a provision (sec. 2841) that would modify section 2851 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81) and would change the lead agency responsible for completing the land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska, from the Secretary of the Air Force to the Secretary of the Interior.

The Senate amendment contained no similar provision.

The House recedes.

##### *Transfer of administrative jurisdiction, Fort Lee Military Reservation and Petersburg National Battlefield, Virginia*

The House bill contained a provision (sec. 2846) that would authorize the Secretary of the Army and the Secretary of the Interior to enter into a land exchange for 1.170 acres of real property at the Fort Lee Military Reservation, Virginia, and the Petersburg National Battlefield, Virginia.

The Senate amendment contained a similar provision (sec. 2842).

The conference agreement does not include the provisions in response to objections by committees of jurisdiction.

##### *Naming of training and support complex, Fort Bragg, North Carolina*

The House bill contained a provision (sec. 2865) that would name the training and support complex at Fort Bragg, North Carolina, the "Colonel Robert Howard Training and Support Complex".

The Senate amendment contained no similar provision.

The House recedes.

The conference agreement fails to include the provision without prejudice. The conferees believe that the naming of facilities and infrastructure is appropriately done under existing policy and procedures of the Department of Defense.

##### *Naming of electrochemistry engineering facility, Naval Support Activity Crane, Crane, Indiana*

The House bill contained a provision (sec. 2866) that would rename the electrochemistry engineering facility on Naval Support Activity Crane, Crane, Indiana, as the "John Hostettler Electrochemistry Engineering Facility".

The Senate amendment contained no similar provision.

The House recedes. The conference agreement fails to include the provision without prejudice. The conferees believe that the naming of facilities and infrastructure is appropriately done under existing policy and procedures of the Department of Defense.

##### *Massachusetts Institute of Technology—Lincoln Laboratory improvement project*

The House bill contained a provision (sec. 2869) that would authorize the Secretary of the Air Force to enter into discussions with the Massachusetts Institute of Technology for a project to improve and modernize the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts.

The Senate amendment contained no similar provision.

The House recedes.

As a federally funded research and development center sponsored by the Department of Defense, Massachusetts Institute of Technology's Lincoln Laboratory conducts research and develops technologies that address critical national security challenges.

The conferees note that Lincoln Laboratory's facilities at Hanscom Air Force Base are in need of improvement and modernization in order to carry out their mission. The conferees believe that the Secretary of the Air Force has existing authorities under section 2667 of title 10, United States Code, to carry out improvements and modernization of the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts.

The conferees encourage the Secretary of the Air Force to enter into discussions with the Massachusetts Institute of Technology to carry out such improvements and modernizations as the Secretary determines to be appropriate.

##### *Clarification of authority of Secretary to assist with development of public infrastructure in connection with the establishment or expansion of a military installation*

The Senate amendment contained a provision (sec. 2841) that would require specific authorization of any grant, cooperative agreement, or supplement of funds available under federal programs administered by agencies other than the Department of Defense that result in the development of public infrastructure.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that, in recent years, the Office of Economic Adjustment has entered into a number of cooperative agreements or awarded grants for infrastructure projects that were not included in the budget request.

The conferees, therefore, request the Department of Defense to submit a report to the congressional defense committees within 180 days of enactment of this Act describing all such projects carried out since fiscal year 2001, and describing whether they were included in the President's budget request for the fiscal year in which funds were appropriated for their use. The report should also describe whether the project was completed on time and on budget according to the original contract amount for the project.

##### *Use of operation and maintenance funding to support community adjustments related to realignment of military installations and relocation of military personnel on Guam*

The House bill contained a provision (sec. 2831) that would authorize the Secretary of Defense to assist the Government of Guam in meeting the costs of providing increased municipal services and facilities associated with the realignment of military forces to the territory of Guam. This authorization would be provided if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Secretary's assistance. This authority would expire on September 30, 2020.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General to submit a review of public infrastructure required to support the realignment of U.S. Armed Forces to Guam and report to the congressional defense committees by June 1, 2013.

The report should provide an assessment of public infrastructure projects that have re-

ceived federal funding to date that are intended to directly or indirectly support the realignment of U.S. Armed Forces to Guam. The assessment should also include a description of each project, the source of federal funds for each project, and the requirement for each project.

In addition, the review shall provide an assessment of public infrastructure projects that may be required to directly or indirectly support the realignment of Marines from Okinawa to Guam that could, under existing federal law, receive funding from the Federal Government. The assessment shall include a description of each project, the potential source of all funds for each project, the estimated cost, and whether projects funded by federal sources fall within the responsibility of a federal department or agency.

##### *Inclusion of religious symbols as part of military memorials*

The House bill contained a provision (sec. 2861) that would add a new section to chapter 21 of title 36, United States Code, and would authorize the inclusion of religious symbols as part of a military memorial that is established or acquired by the U.S. Government. This section would also authorize the inclusion of religious symbols on certain military memorials that are not established by the U.S. Government.

The Senate amendment contained no similar provision.

The House recedes.

##### *Use of project labor agreements in military construction projects and military family housing projects*

The House bill contained a provision (sec. 2806) that would prohibit the use of project labor agreements in military construction projects and military family housing projects.

The Senate amendment contained no similar provision.

The House recedes.

##### *Definition of renewable energy source for Department of Defense energy security*

The House bill contained a provision (sec. 2824) that would amend section 2924(7)(A) of title 10, United States Code, to categorize direct use solar technologies as a type of renewable energy source for the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

##### *Execution of the Chemistry and Metallurgy Research Replacement nuclear facility and limitation on alternate plutonium strategy*

The House bill contained a provision (sec. 2805) that would require the Secretary of Defense, in coordination with the Administrator of the National Nuclear Security Administration (NNSA), to request such funds in fiscal year 2014 and subsequent fiscal years under the military construction authority provided by section 2804 of the House bill to ensure the Chemistry and Metallurgy Research Replacement (CMRR) nuclear facility achieves full operational capability by 2024. Finally, this section would limit any funds authorized to be appropriated by this Act or any other Act from being obligated or expended on any activities associated with a plutonium strategy for the NNSA that does not include achieving full operational capability of the CMRR nuclear facility by fiscal year 2024.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that sec. 3114 of the conference agreement would require the Secretary of Energy to carry out the CMRR project and limits funding from being obligated or expended on any activities associated with a plutonium strategy that does not include achieving full operational capability of the CMRR facility by 2026.

*Treatment of certain defense nuclear facility construction projects as military construction*

The House bill contained a provision (sec. 2804) that would mandate that certain construction projects of the National Nuclear Security Administration (NNSA) be deemed military construction projects and require that such projects therefore be subject to: (1) the advance-project authorization requirement of section 2802(a) of title 10, United States Code, and other requirements of chapter 169 of such title related to military construction projects carried out by the Secretary of Defense; and (2) annual acts authorizing military construction projects (and authorizing the appropriation of funds therefor) for a fiscal year. This section would also require that the Chemistry and Metallurgy Research Building Replacement (CMRR) project, in Los Alamos, New Mexico, the Uranium Processing Facility (UPF) project, in Oak Ridge, Tennessee, and any nuclear facility of the NNSA initiated on or after October 1, 2013, that is estimated to cost more than \$1.0 billion (and is intended to be primarily utilized to support NNSA's nuclear weapons activities), be treated as military construction projects. Further, this section would authorize, as military construction, the CMRR project in the amount of \$3.5 billion and the UPF project in the amount of \$4.2 billion.

The Senate amendment contained no similar provision.

The House recedes.

*Authority to accept as consideration for leases of non-excess property of military departments and defense agencies real property interests and natural resource management services related to agreements to limit encroachment*

The Senate amendment contained a provision (sec. 2811) that would amend section 2667 of title 10, United States Code, to allow authorities under the enhanced use lease program to be used to develop buffer areas around military installations.

The House bill contained no similar provision.

The Senate recedes.

*Plan to protect Department of Defense critical assets from electromagnetic pulse weapons*

The House bill contained a provision (sec. 2815) that would require the Department of Defense to provide a plan to protect defense critical assets and other equipment at military facilities from the adverse effects of electromagnetic pulse (EMP) and high-powered microwave weapons.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense is already planning to provide the congressional defense committees with a number of reports related to planning and preparations for potential EMP events, including reports required by section 1048 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417), and the report required by the House report (H. Rept. 112-78) accompanying the National Defense Authorization Act for Fiscal Year 2012 (H.R. 1540).

The conferees note that the first report required by section 1048, submitted in February 2011, included a detailed discussion of the Department's plans, programs, and processes, in place and planned, for protecting the Department's mission critical systems against potential EMP attack. The Department updated this information in the second report required by section 1048, submitted in January 2012. Furthermore, the conferees understand that the Department plans to provide additional information on the status of the Department's programs and plans to protect its mission critical systems against possible EMP attack in future versions of the reports required under section 1048. These reports will include information on the implementation of Department of Defense Instruction 3150.09, the "Chemical, Biological, Radiological, and Nuclear Survivability Policy," and any updates to that policy, including information relating to the protection of mission critical systems and their associated facilities against EMP attack. The conferees understand that these reports will also include a discussion of the Department's strategy and planning for mission assurance related to defense critical assets, as defined by Department of Defense Directive 3020.40 titled "DoD Policy and Responsibilities for Critical Infrastructure." The conferees direct the Department to include with the next report required by section 1048 an assessment of the defense critical asset program's ability to withstand an electromagnetic pulse. The conferees further direct the Department to provide a briefing to the congressional defense committees, not later than March 15, 2013, on implementation of its mission assurance strategy, particularly as it pertains to defense critical assets.

*Retention of core functions of the Electronic Systems Center at Hanscom Air Force base, Massachusetts*

The House bill contained a provision (sec. 2867) that would require the Secretary of the Air Force to retain the core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

The Senate amendment contained a similar provision (sec. 1710) that would levy the same requirement on the Secretary of the Air Force until 180 days after the National Commission on the Structure of the Air Force submits its report to the congressional defense committees.

The conference agreement does not include the provisions. The conferees note that the Air Force has embarked on a significant reorganization of the Air Force Materiel Command (AFMC) that the Secretary of the Air Force indicates will improve warfighter support, drive standard processes, improve life cycle acquisition management and reduce overhead. Specifically, the Air Force has proposed a reduction of more than 1,000 positions across the Command that represents an annual savings of more than \$100.0 million. As the Air Force implements this reorganization, the conferees expect the Secretary to rigidly adhere to the reporting requirements contained in section 2687 of title 10, United States Code entitled "Base Closures and Realignment." While the conferees believe that it is imperative to generate effi-

ciencies across the entirety of the Air Force enterprise, the conferees also believe it is essential to preserve critical functions and capabilities at installations assigned to AFMC.

*Retention of core functions of the Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio*

The House bill contained a provision (sec. 2868) that would require the Secretary of the Air Force to retain the core functions of the Air Force Materiel Command that exist at Wright-Patterson Air Force Base, Ohio, as of November 1, 2011, until such time as such core functions are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Air Force has embarked on a significant reorganization of the Air Force Materiel Command (AFMC) that the Secretary of the Air Force indicates will improve warfighter support, drive standard processes, improve life cycle acquisition management and reduce overhead. Specifically, the Air Force has proposed a reduction of more than 1,000 positions across the Command that represents an annual savings of more than \$100.0 million. As the Air Force implements this reorganization, the conferees expect the Secretary to rigidly adhere to the reporting requirements contained in section 2687 of title 10, United States Code entitled "Base Closures and Realignment." While the conferees believe that it is imperative to generate efficiencies across the entirety of the Air Force enterprise, the conferees also believe it is essential to preserve critical functions and capabilities at installations assigned to AFMC.

*Retention of core functions of the Air Traffic Control Station, Johnstown Air National Guard Base, Pennsylvania*

The House bill contained a provision (sec. 2871) that would require the Secretary of the Air Force to retain the core functions of the Air Traffic Control Station at Johnstown Air National Guard Base, Pennsylvania, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

The Senate amendment contained no similar provision.

The House recedes.

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION  
LEGISLATIVE PROVISION ADOPTED**

*Authorized Navy construction and land acquisition project (sec. 2901)*

The House bill contained a provision (sec. 2901) that would contain the list of authorized Navy construction projects for fiscal year 2013.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The authorized amounts are listed on an installation by installation basis. The list contained in this report is intended to be the binding list of the specific projects authorized at each location.

DIVISION C—DEPARTMENT OF ENERGY  
NATIONAL SECURITY AUTHORIZA-  
TIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs  
Authorizations

*Overview*

Title XXXI would authorize appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2013, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95-91). This title would authorize appropriations in five categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; (4) defense nuclear waste disposal; and (5) energy security and assurance. National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize \$11.9 billion for the NNSA, an increase of \$401.6 million above the budget request.

The Senate amendment contained a similar provision (sec. 3101) that would authorize \$11.6 billion for the NNSA, an increase of \$38.0 million above the budget request.

The conferees agree to include a provision that would authorize \$11.6 billion for the NNSA, an increase of \$78.3 million above the budget request.

Within NNSA, the provision would authorize \$7.7 billion for weapons activities, an increase of \$80.6 million above the budget request; \$2.5 billion for defense nuclear nonproliferation, an increase of \$27.0 million above the budget request; \$1.1 billion for naval reactors, the amount of the budget request; and \$382.0 million for the Office of the Administrator, a decrease of \$29.3 million below the budget request.

Within weapons activities, for directed stockpile work the provision would authorize \$2.1 billion, an increase of \$59.0 million above the budget request. For campaigns, the provision would authorize \$1.7 billion, an increase of \$32.0 million above the budget request. For readiness in the technical base and facilities, the provision would authorize \$2.2 billion, the amount of the budget request.

Within defense nuclear nonproliferation, for nonproliferation and verification research and development the provision would authorize \$548.2 million, the amount of the budget request. For nonproliferation and international security, the provision would authorize \$150.1 million, the amount of the budget request. For international nuclear materials protection and cooperation, the provision would authorize \$311.0 million, the amount of the budget request. For fissile materials disposition, the provision would authorize \$921.3 million, the amount of the budget request. For the Global Threat Reduction Initiative, the provision would authorize \$493.0 million, an increase of \$27.0 million above the budget request.

*Defense environmental cleanup (sec. 3102)*

The House bill contained a provision (sec. 3102) that would authorize appropriations for fiscal year 2013 defense environmental cleanup activities at \$5.4 billion.

The Senate amendment contained a similar provision (sec. 3102) that would authorize

appropriations for fiscal year 2013 defense environmental cleanup activities at \$5.0 billion.

The conferees agree to include a provision that would authorize appropriations for fiscal year 2013 defense environmental cleanup activities at \$5.0 billion.

*Other defense activities (sec. 3103)*

The House bill contained a provision (sec. 3103) that would authorize appropriations for fiscal year 2013 other defense activities at \$685.7 million.

The Senate amendment contained a similar provision (sec. 3103) that would authorize appropriations for fiscal year 2013 other defense activities at \$735.7 million.

The conferees agree to include a provision that would authorize appropriations for fiscal year 2013 other defense activities at \$731.3 million.

Subtitle B—Program Authorizations,  
Restrictions, and Limitations

*Authorized personnel levels of the Office of the  
Administrator (Sec. 3111)*

The House bill contained a provision (sec. 3111) that would amend the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq) by creating a new section 3241A that would limit the total number of employees of the National Nuclear Security Administration's (NNSA) Office of the Administrator. The total number of employees of the Office of the Administrator, as determined on a full-time equivalent basis, would be limited to 1,730 beginning 180 days after enactment of this Act, and 1,630 beginning October 1, 2014. This section would exclude from counting toward this limit the employees of the Office of Naval Reactors, the employees of the Office of Secure Transportation, and members of the Armed Forces who are detailed to NNSA. This section would also amend section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) to increase from 300 to 450 the number of scientific, engineering, and technical positions in the NNSA.

The Senate amendment contained a similar provision (sec. 3118) that would amend section 3241 of the National Nuclear Security Act (50 U.S.C. 2441) by increasing the ability of the Administrator to hire up to 700 contracting, scientific, engineering, and technical positions under hiring authorities used by the former Atomic Energy Commission (42 U.S.C. 2201(d)).

The Senate recedes with an amendment that would cap the number of full time employees to 1,825 by October 1, 2014. Thereafter, the Administrator would not be authorized to exceed this total number of employees unless the Administrator submits a report to the congressional defense committees. The amendment would also increase the number of excepted positions to 600 and allow such positions to include contracting and program management. The conferees intend contracting and program management to include budget planning expertise. Finally, the amendment requires the Administrator to ensure that the expertise of the national security laboratories and the nuclear weapons production facilities is available to government agencies by maintaining a robust program of temporary assignments through the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371 et seq) and other similar programs.

*Budget justification materials (sec. 3112)*

The House bill contained a provision (sec. 3112) that would require the Administrator for Nuclear Security to include in the annual budget request, beginning with fiscal year

2014, an assessment of how that budget maintains the core nuclear weapons skills of its personnel, including nuclear weapons design, engineering, production, testing, and prediction of stockpile aging.

The Senate amendment contained no similar provision.

The Senate recedes.

*National Nuclear Security Administration Council (sec. 3113)*

The House bill contained a provision (sec. 3114) that would amend section 4102 of the Atomic Energy Defense Act (50 U.S.C. 2512) to streamline statutory requirements related to the management structure of the National Nuclear Security Administration (NNSA). This section would also reform and broaden the mandate of the Defense Programs Management Council and rename it the "National Nuclear Security Administration Council". The Council would advise the Administrator for Nuclear Security on scientific and technical issues related to policy matters, and on operational concerns, strategic planning, and development of priorities related to the nuclear security enterprise and to the mission and operations of the NNSA. The Council would be composed of the directors of NNSA's national security laboratories and nuclear weapons production facilities. This section would also provide the Council the authority to provide recommendations to the Administrator or the Secretary of Energy, and would require the Administrator or the Secretary to provide a response to the Council within 60 days of receiving such a recommendation.

The Senate amendment included no similar provision.

The Senate recedes with a clarifying amendment.

*Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico (sec. 3114)*

The Senate amendment contained a provision (sec. 3111) that would direct the Secretary of Energy and the Administrator of the National Nuclear Security Administration (NNSA) to construct a building to replace the functions of the existing Chemistry and Metallurgy Research Building at Los Alamos National Laboratory associated with Department of Energy (DOE) Hazard Category 2 special nuclear material operations.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize \$70.0 million for restarting design and engineering of the replacement for the Chemistry and Metallurgy Research Building, which was "deferred for at least 5 years" in February 2012. The amendment requires that no funds shall be obligated or expended for a plutonium strategy that does not include achieving full operational capability of the replacement facility by December 31, 2026. The Nuclear Weapons Council has stated the replacement facility must be operational by 2028-2030. Furthermore, the amendment directs the Deputy Administrator for Naval Reactors to submit a report on the replacement project to the congressional defense committees not later than 18 months after the date of enactment of this Act analyzing the cost, benefits, and risks with respect to nuclear safety and recommendations on project structure, oversight model, and potential cost savings. Lastly, the amendment allows for the Secretary of Energy to incorporate such recommendations into the project as the Secretary considers appropriate.



*Design and use of prototypes of nuclear weapons (sec. 3115)*

The House bill contained a provision (sec. 3116) that would require the Administrator for Nuclear Security to develop and carry out a plan for the national nuclear weapons laboratories and nuclear weapons production plants to design and build prototypes of nuclear weapons to further intelligence assessments of foreign nuclear weapons activities. This section would also prohibit the Administrator from conducting any experiment that would produce a nuclear yield.

The Senate amendment contained no similar provision.

The Senate recedes.

*Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina (sec. 3116)*

The House bill contained a provision (sec. 3122) that would provide a 2 year extension to the schedule for the disposition of weapons-usable plutonium at the Savannah River Site, located in Aiken, South Carolina.

The Senate amendment contained a similar provision (sec. 3113).

The House recedes.

*Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees (sec. 3117)*

The House bill contained a provision (sec. 3157) that expressed the sense of Congress that the use of competition of management and operating contracts at the National Nuclear Security Administration (NNSA) has resulted in significant increases in award fees to the contractors and that the NNSA Administrator should ensure that such fees are as low as possible while maintaining the focus on national service and attracting high quality contractors.

The Senate amendment contained a similar provision (sec. 3117) that would require the NNSA Administrator to publish, to the maximum extent practicable, the performance evaluations developed by its site offices that result in award fees to contractors. The provision also requires that future publications of performance evaluations adhere to a common format to facilitate comparisons of evaluations between similar contracts.

The House recedes with a clarifying amendment.

The conferees direct the NNSA Administrator to provide a report to Congress not later than 180 days after the date of enactment of this Act regarding how the NNSA ensures the fees to its management and operating contractors are as low as possible while maintaining focus on national service and attracting high quality contractors to operate its laboratories and facilities.

*Modification and extension of authority on acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide (sec. 3118)*

The Senate amendment contained a provision (sec. 3119) that would expand the authority of the Secretary of Energy under section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) for the Secretary to accept contributions from international partners to all programs within the National Nuclear Security Administration's Defense Nuclear Nonproliferation Program.

The House bill contained no similar provision.

The House recedes.

*Limitation on availability of funds for Center of Excellence on Nuclear Security (sec. 3119)*

The House bill contained a provision (sec. 3121) that would limit funds that may be ob-

ligated or expended by the Secretary of Energy for fiscal year 2013 to not more than \$7.0 million for a Center of Excellence on Nuclear Security in the People's Republic of China until the date on which the Secretary of Energy reviews, in coordination with the Secretary of Defense, and submits a report to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives certifying that current and planned nonproliferation activities with China are not directly or indirectly contributing to the proliferation of nuclear weapons development and technology to other nations.

The Senate amendment contained no similar provision.

The Senate recedes.

*Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration (sec. 3120)*

The House bill contained a provision (sec. 3117) that would require the Secretary of Energy and the Administrator for Nuclear Security to revise various regulations, rules, directives, orders, and policies to improve and streamline the administration, execution, and oversight of the Department of Energy and the National Nuclear Security Administration's missions and operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require such revision occur to the extent practicable.

*Cost-benefit analyses for competition of management and operating contracts (sec. 3121)*

The House bill contained a provision (sec. 3118) that would require the Administrator for Nuclear Security to submit a report to the congressional defense committees before the Administrator releases any final request for proposals for competition of any contract to manage and operate a facility of the National Nuclear Security Administration. The report would be required to include a cost-benefit analysis of the competition that includes the expected costs and cost savings resulting from the competition; a description of any disruption or delay in mission activities or deliverables resulting from the competition; a description of any benefits of the proposed competition to mission performance or operations; and an assessment of how the competition complies with the Federal Acquisition Regulation regarding Federally Funded Research and Development Centers, if applicable. This section would also require the Comptroller General of the United States to submit a review of the Administrator's report to the congressional defense committees within 90 days of the Administrator submitting any report pursuant to this section. The requirements of this section would apply to any request for proposals that is released by the Administrator during fiscal years 2012 through 2017.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Administrator to issue a report to the congressional defense committees not later than 30 days after the contract is awarded.

*Program on scientific engagement for non-proliferation (sec. 3122)*

The House bill contained a provision (sec. 3120) that would provide that not more than \$8.0 million authorized to be appropriated for fiscal year 2013 may be obligated or expended

for the Global Security through Science Partnerships (GSSP) program, formally known as the Global Initiatives for Proliferation Prevention (GIPP) program, until such time as the Secretary of Energy submits a report to the appropriate congressional committees on the plan to complete the GSSP program by the end of calendar year 2015.

The Senate amendment contained a similar provision (sec. 3114) that would authorize a program for scientific engagement of U.S. scientists with scientists in countries of concern with respect to nonproliferation and require several conditions be met before any expenditure of funds: (1) a nonproliferation threat assessment of the country by the Director of National Intelligence; (2) clear metrics for success so that the program does not become stagnant in the country of concern; and (3) rigorous accounting standards approved by the Government Accountability Office to ensure that there is clear oversight of the funds expended.

The Senate recedes with an amendment that would limit the expenditure of funds for this program to not more than 50 percent of those authorized to be appropriated for fiscal year 2013 until the conditions contained in the Senate provision are met and would authorize the program through fiscal year 2016. The amendment would also require the program's administrator, if the program is modified for a new country or program element, to report to the congressional defense committees, the Committee on Foreign Affairs of the Senate and the Committee on Foreign Relations of the House of Representatives. The amendment would also require the administrator to report to the specified committees on coordination with respect to other similar nonproliferation programs in the U.S. Government. The conferees expect that the administrator would distribute any and all such reports from this section with other committees of interest in the Congress.

The conferees interpret section b(1)(B) to mean accounting standards already approved and used by the Comptroller General of the United States, and to be incorporated by reference. The conferees expect this program to be separate and distinct from the GIPP, which was started in 1994 and is terminated.

*Cost containment for Uranium Capabilities Replacement Project (sec. 3123)*

The Senate amendment contained a provision (sec. 3120) that would add enhanced oversight of the Uranium Processing Facility construction project by requiring separate and distinct authorizations for each phase of the project and capping the cost of the first phase of the project, replacing building 9212, at \$4.2 billion.

The House bill contained a provision (sec. 2804) that would move the construction phase of the project to the Department of Defense under its military construction authorities.

The House recedes with an amendment that would rename the project the "Uranium Capabilities Replacement Project" to recognize the fundamental change to the project inherent in the National Nuclear Security Administration's (NNSA) proposal to phase the project and complete only a portion of the original scope under the cost range previously established for the full project. The conferees expect the NNSA Administrator to expeditiously and efficiently carry out all phases of the project to result in a smaller, more efficient, safer, and more easily-secured infrastructure at NNSA Y-12 production plant. The amendment would also require the Secretary of Energy to procure the



services of the Naval Facilities Engineering Command to assist the Secretary with respect to program management, oversight, and design activities of the project. The Deputy Administrator of Naval Reactors would also be required to conduct a study of the project regarding project structure, oversight and potential cost savings. Further, the Department of Defense Office of Cost Analysis and Program Evaluation would be required to submit a report to the congressional defense committees 180 days after enactment of this Act reviewing the cost and schedule of the project. To ensure long-term monitoring of the effort, the amendment would require quarterly reporting by the Government Accountability Office on the project. The conferees also encourage the Department of Energy and the Defense Nuclear Facilities Safety Board to resolve outstanding issues related to the design, construction, and operations of the facility.

Subtitle C—Improvements to National Security Energy Laws

*Improvements to the Atomic Energy Defense Act (sec. 3131)*

The House bill contained a provision (sec. 3131) that would make changes to the Atomic Energy Defense Act (50 U.S.C. 2501) to streamline the statute, update terminology, clarify definitions, and make technical corrections.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Improvements to the National Nuclear Security Administration Act (sec. 3132)*

The House bill contained a provision (sec. 3132) that would make changes to the National Nuclear Security Administration Act (Public Law 106-65) to streamline the statute, repeal expired sections of the code, update terminology, clarify definitions, and make technical corrections.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

*Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure (sec. 3133)*

The House bill contained a provision (sec. 3134) that would consolidate several existing reporting requirements in sections 4202, 4203, 4203A, 4204, 4207, and 4208 of the Atomic Energy Defense Act (Public Law 106-65) with section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) into a new section.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

*Repeal of certain reporting requirements (sec. 3134)*

The House bill contained a provision (sec. 3135) that would repeal several recurring reporting requirements. First, the provision would repeal the requirement in section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) for the Comptroller General of the United States to submit a status report every 120 days to the congressional defense committees on the environmental clean-up projects conducted by the Department of Energy's Office of Environmental Management with funds provided by the American Recovery and Reinvestment Act of 2009 (Public Law 111-5). Second, the section would amend section 4604 of the Atomic Energy Defense Act (50 U.S.C.

2704) to repeal the requirement for the Secretary of Energy to annually submit to Congress an update of the Department of Energy's defense nuclear facilities workforce restructuring plan. Third, the section would amend section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) to eliminate the requirement that the Secretary of Energy prepare a quarterly report that identifies information determined to be Unclassified Controlled Nuclear Information during the quarterly reporting period.

The Senate amendment contained two similar provisions (sec. 3115 and 3135) related to the first and second repeals, but did not have a provision related to the third repeal regarding Unclassified Controlled Nuclear Information.

The Senate recedes.

Subtitle D—Reports

*Reports on lifetime extension programs (sec. 3141)*

The House bill contained a provision (sec. 3142) that would require that before proceeding beyond phase 6.2 feasibility study and option down-select activities on any life extension activities, the directors of the national nuclear weapons laboratories shall submit to the congressional defense committees a report on the lifetime extension program option for the nuclear physics package, i.e., refurbishment, reuse, and replacement, of that weapon and an assessment of why the option selected was selected, including an assessment of pros and cons of the other two options, including costs and other considerations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Nuclear Weapons Council to submit the report with additional clarifying provisions.

The conferees direct the Nuclear Weapons Council to include in the report how cost was considered in the analysis leading to the decision.

*Notification of nuclear criticality and non-nuclear incidents (sec. 3142)*

The House bill contained a provision (sec. 3141) that would require the Administrator for Nuclear Security and the Secretary of Energy to notify the appropriate congressional committees of any nuclear criticality incident resulting from programs of the National Nuclear Security Administration or the defense environmental cleanup program which results in an injury or fatality or results in the shut-down, or partial shut-down, of a facility of the nuclear security enterprise or of a facility of the Office of Environmental Management, within 15 days of such occurrence. The notification would include a description of the incident, including the cause of the incident, any mission impacts, and any corrective action taken in response to the incident. The provision would also require the Secretary and the Administrator to maintain a record of these nuclear incidents and of any non-nuclear incidents that result in serious bodily injury or a fatality. Finally, the provision would require the Secretary and the Administrator to submit a report to the appropriate congressional committees within 90 days after the date of the enactment of this Act detailing any such incidents that have occurred in the last 10 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require only the Secretary Energy to maintain a record of such incidents

since the Secretary can share such a record with the Administrator.

*Quarterly reports to Congress on financial balances for atomic energy defense activities (sec. 3143)*

The Senate bill contained a provision (sec. 3116) that would amend the Atomic Energy Defense Act (division D of Public Law 107-314) to require the Secretary of Energy to provide to the congressional defense committees quarterly obligation and expenditure rates for atomic energy defense programs based on the control points of the conference report accompanying the annual Energy and Water Development and Related Agencies Appropriations Act.

The House bill contained no similar provision.

The House recedes.

*National Academy of Sciences study on peer review and design competition related to nuclear weapons (sec. 3144)*

The House bill contained a provision (sec. 3143) that would require the Administrator for Nuclear Security to enter into an agreement with the National Academies of Science to conduct a study of peer review and design competition related to nuclear weapons. The Administrator would be required to ensure the National Academies receives full and timely cooperation from the National Nuclear Security Administration and its contractors for the purposes of conducting the study. The Administrator would be required to submit the report and any recommendations of the National Academies, together with any comments or recommendations, to the congressional defense committees by December 15, 2014.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the due date for the report to Congress to no later than September 30, 2014.

The conferees direct the Administrator to ensure that the agreement with the National Academy of Sciences is conducted in the most cost-effective manner possible.

*Report on defense nuclear nonproliferation programs (sec. 3145)*

The House bill contained a provision (sec. 3144) that would require the Administrator of the National Nuclear Security Administration (NNSA) to submit a report to the appropriate congressional committees no later than March 1 of each year from 2013 through 2015, detailing the Defense Nuclear Nonproliferation (DNN) program's budget, objectives, and metrics. This provision would also require an identification and explanation of the foreign countries that are sharing the cost burden of implementing DNN programs, a description of the objectives and measurements for each DNN program, a description of the threat of the proliferation of nuclear weapons and how each DNN program counters these threats, and a description of how the programs are prioritized to meet the most urgent nonproliferation requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

*Study on reuse of plutonium pits (sec. 3146)*

The House bill contained a provision (sec. 3145) that would require the Administrator for Nuclear Security to conduct a study of the plutonium pits available, those that may become available as a result of nuclear weapon dismantlement, and assess the potential for reuse of these pits in future life extension programs. The study would include an analysis of: the feasibility and practicability of

potential full or partial reuse options; the benefits and risks of reusing plutonium pits; the potential costs and cost savings; and the impacts of reuse on the requirements for pit manufacturing. This section would require the Administrator to submit a report on the results of the study to the congressional defense committees within 120 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would increase the due date of the report from 120 to 270 days after enactment of this Act, require the Administrator to submit the report in coordination with the Nuclear Weapons Council, add additional technical assessments regarding dynamic loading conditions, the stockpile-to-target sequence and testing facilities required to resolve technical challenges in such an assessment.

The conferees note that pit reuse does not negate the need for a responsive infrastructure to produce additional plutonium pits. The conferees direct the Administrator to provide an interim brief to the congressional defense committees 120 days after the date of enactment of this Act.

*Assessment of nuclear weapon pit production requirement (sec. 3147)*

The House bill contained a provision (sec. 3155) that would require the Secretary of Defense and the Secretary of Energy, in coordination with the Commander of U.S. Strategic Command, to jointly assess the annual plutonium pit production requirement needed to sustain a safe, secure, and reliable nuclear weapon arsenal. This section would require an update to this report if the report submitted does not incorporate the results of the currently ongoing Nuclear Posture Review Implementation Study.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that requires, as part of the assessment, an assessment of cost and national security implications for various smaller and larger pit production rates from the current 50–80 pit requirement. The conferees note that rates including 10 to 20 pits per year, 20 to 30 pits per year, 30 to 50 pits per year, 50 to 80 pits per year, and larger should be included as part of the analysis.

*Study on a multiagency governance model for national security laboratories (sec. 3148)*

The House bill contained a provision (sec. 3146) that would require the Administrator of the National Nuclear Security Administration to commission an independent assessment of transitioning the national security laboratories of the Administration to multiagency federally funded research and development centers. The assessment shall be conducted by a independent nongovernment entity classified by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove tax classification of the entity.

The conferees direct the Administrator to use the most cost-effective means possible to conduct this assessment.

*Report on efficiencies in facilities and functions of the National Nuclear Security Administration (sec. 3149)*

The Senate amendment contained a provision (sec. 3132) that would require the Nuclear Weapons Council (NWC) to report to the congressional defense committees no

later than 180 days after enactment of this Act, on the feasibility of consolidation in the National Nuclear Security Administration (NNSA) complex if excess facilities exist and consolidation would reduce cost. If the NWC finds further consolidation is feasible, the report would recommend a process for consolidation. Furthermore, the Senate amendment would state that no funds may be spent on phase CD-3 (start of construction) of the Chemistry and Metallurgy Research Replacement (CMRR) building, Department of Energy Project 04-D-125 and the Uranium Processing Facility (UPF), 06-D-141 until such report is transmitted to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require the NWC to report on efficiencies in the facilities and functions of the NNSA.

The conferees fully support all modernization efforts underway at the NNSA. Due to the recent design changes at the UPF, causing a year delay in CD-3, and the deferral of the replacement for the CMRR building, the conferees expect the NWC should be able to produce the required report without impact to either project.

*Study on regional radiological security zones (sec. 3150)*

The Senate amendment contained a provision (sec. 3133) that would require the National Nuclear Security Administration to prepare a report on the feasibility of establishing radiological security zones on a regional basis rather than on a country by country case as is now done. The report would include the estimated costs of establishing and monitoring such zones through centralized monitoring centers. The report would be due no later than 180 days after date of enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Government Accountability Office to prepare the report.

The conferees recognize the importance of securing radiological sources and do not intend that this study assume that these efforts should be given greater priority than current efforts to remove and secure vulnerable fissile materials.

*Report on abandoned uranium mines (sec. 3151)*

The Senate amendment contained a provision (sec. 3134) that would require the Secretary of Energy to prepare a report on abandoned uranium mines used by the U.S. atomic weapons program. The report would be due 18 months after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would require consultation in preparing the report with the Secretary of Interior and the Administrator of the Environmental Protection Agency and clarify that the provision does not alter the liability of any responsible or affected party.

**Subtitle E—Other Matters**

*Use of probabilistic risk assessment to ensure nuclear safety (sec. 3161)*

The House bill contained a provision (sec. 3151) that would require the Administrator for Nuclear Security and the Secretary of Energy to ensure that the methods for certifying and overseeing nuclear safety at defense nuclear facilities of the National Nuclear Security Administration (NNSA) and the Department of Energy's Office of Envi-

ronmental Management use national and international standards and nuclear industry best practices, including probabilistic risk assessment, for parts, equipment, and systems for which sufficient data exists to support such methods.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that the use of probabilistic risk assessments do not replace the adequate protection standard outlined in section 182 of the Atomic Energy Act of 1954 (P.L. 83-703 as amended) but to supplement it consistent with the findings of *Union of Concerned Scientists v. NRC*, 824 F.2d 108, 120 (D.C. Circuit, 1987). In addition, the utilization and production of special nuclear material will be in accordance with the common defense and security of the United States.

*Submission to Congress of selected acquisition reports and independent cost estimates on life extension programs and new nuclear facilities (sec. 3162)*

The House bill contained a provision (sec. 3154) that would require the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation (CAPE) and in coordination with the Administrator for Nuclear Security, to assess the cost of options and alternatives for new life extension programs and new nuclear facilities within the nuclear security enterprise that are expected to cost more than \$500.0 million. This section would also require the Secretary of Defense to submit a copy of these cost assessments to the congressional defense committees within 30 days of their completion. Finally, this section would provide the Administrator for Nuclear Security the authority to ask the Secretary of Defense to seek a CAPE assessment on other initiatives of the National Nuclear Security Administration that are expected to cost more than \$500.0 million.

The Senate amendment contained a related provision (sec. 3112) that would require the National Nuclear Security Administration to provide selected acquisition reports on each nuclear weapon system undergoing life extension. The reports shall be based on existing provisions in section 2432 of title 10, United States Code. The provision also recommends independent cost estimates for nuclear weapons undergoing life extension at the completion of phase 6.2A and before entering Phase 6.5 of the unit.

The House recedes with an amendment that would combine the two provisions into one section on Selected Acquisition Reports and cost estimates.

*Classification of certain restricted data (sec. 3163)*

The House bill contained a provision (sec. 3153) that would amend section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) to permit the Secretary of Energy, in conjunction with the Secretary of Defense or the Director of National Intelligence, to restore certain information related to the design of nuclear weapons back into the Restricted Data category. This provision would also make a technical correction to subsection 142e of the Atomic Energy Act by updating the term "Director of Central Intelligence" to "Director of National Intelligence" to conform section 142e with the transfer of functions contained in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458).

The Senate amendment contained a similar provision (sec. 3121).

The House recedes with a clarifying amendment.

*Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces (sec. 3164)*

The House bill contained a provision (sec. 3152) that would transfer section 7274p of title 42, United States Code, and re-designate it as section 4215 of the Atomic Energy Defense Act (50 U.S.C. Chapter 42). The provision would also amend and clarify the underlying statute to ensure that no person, including representatives of the President, may prevent or constrain a director of a national security laboratory, a director of a nuclear weapons production facility, a member of the Nuclear Weapons Council, or the Commander, U.S. Strategic Command, from sharing his or her professional views with the President, the National Security Council, or Congress. The provision would require the Administrator for Nuclear Security and the Secretary of Defense to establish classified mail channels to enable such information to be transmitted directly to Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that strikes the subsection related to classified mail channels and clarifies that the presentation of information related to the status of and plans for the capabilities and infrastructure that support and sustain the nuclear weapons stockpile and nuclear forces should not be construed to affect the inter-agency budget process.

As currently required by section 7274 of title 42, United States Code, the conferees believe that all national leaders require access to the objective, independent, and unfiltered professional advice and opinions of the Nation's nuclear weapons experts regarding the safety, security, effectiveness, and reliability of the nuclear weapons stockpile, and reiterate their strong support for ensuring Congress has unconstrained access to such.

*Pilot program on technology commercialization (sec. 3165)*

The House bill contained a provision (sec. 3158) that would authorize the Secretary of Energy to establish, in coordination with the Technology Transfer Coordinator, a pilot program on technology commercialization.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the pilot program to 2 years in duration and strike the requirement for involvement of a non-profit entity. The amendment would also require the Secretary of Energy to submit a report describing the program or, if it is not carried out, why it was not carried out.

The conferees direct the Secretary to ensure that any pilot program carried out under this section is in the best interests of the National Nuclear Security Administration and to ensure that competitive procedures are used in selecting any private entity to participate in such a program.

*Congressional advisory panel on the governance of the nuclear security enterprise (sec. 3166)*

The Senate amendment contained a provision (sec. 3161) that would establish a congressional advisory panel to make recommendations with respect to revising the governance structure of the National Nuclear Security Administration (NNSA) to permit the Administration to operate more effectively.

The House bill contained no similar provision.

The House recedes with an amendment that would create a Congressional Advisory

Panel on the Governance of the Nuclear Security Enterprise to address the immediate and long-term issues associated with the NNSA. In addition, the amendment appoints four panel members each, by the Committee on Armed Services of the House of Representatives, by the Committee on Armed Services of the Senate, and by the Leadership of the House and Senate.

The conferees note that this Panel is created in lieu of the House receding in sections 3113, 3115, and 3133, and the Senate receding in sections 3131 and 3141 to address many of the issues the House identified in those provisions.

#### Subtitle F—American Medical Isotopes Production

*American Medical Isotopes Act of 2012 (secs. 3171–3178)*

The Senate amendment contained nine provisions (sections 3151–3159) that comprised a program to develop a domestic supply of the medical isotope molybdenum-99 (MO-99) using low enriched uranium while phasing out the export of highly enriched uranium for production of medical isotopes. An abbreviated description is as follows.

Section 3151 would provide a short title.

Section 3152 would define terms used throughout the Act.

Section 3153 would direct the Secretary of Energy to establish a technology-neutral, cost-shared program to evaluate and support projects for the domestic production of MO-99 for medical uses without the use of highly enriched uranium.

Section 3154 would amend section 134 of the Atomic Energy Act (AEA) of 1954 (42 U.S.C. 2160d), by striking subsection (c), and by adding 5 new subsections designated (c) through (f). New subsection (c) would prohibit the Nuclear Regulatory Commission from issuing a license for the export of highly enriched uranium for medical isotope production effective 7 years after the date of enactment. New subsection (d) would permit the 7-year period in subsection (c) to be extended for up to 6 additional years if the Secretary certifies that there is insufficient global supply of MO-99 produced without the use of highly enriched uranium to satisfy the domestic market and that the export of highly enriched uranium is the most effective temporary means to increase the domestic supply of MO-99. New subsection (e) would require public notice and comment on the certification. New subsection (f) would provide for the suspension, for up to 12 months, of the prohibition on the export licensing of highly enriched uranium after it has become effective if there is a critical shortage of MO-99, the Secretary certifies that the export of highly enriched uranium is the only effective temporary means to increase the supply, and Congress enacts a joint resolution approving the temporary suspension. New subsection (g) would define terms used in section 134 of the Atomic Energy Act of 1954.

Section 3155 would require the Chairman of the Nuclear Regulatory Commission to submit to Congress a report on the current disposition of previous exports of highly enriched uranium used as targets of fuel in a nuclear research or test reactor.

Section 3156 would add a new section 112 to the AEA to authorize the Nuclear Regulatory Commission to license the use in the United States of highly enriched uranium as a target for medical isotope production only if, in addition to other requirements of the AEA, the Commission determines that no low enriched uranium target can be used in the reactor, and the recipient has provided

assurances that if a low enriched uranium target can be used, it will be, and the Secretary certifies that the United States Government is actively supporting the development of low enriched uranium targets for the reactor.

Section 3157 would require the Secretary to report to Congress 1 year after the date of enactment of this Act, and annually for the ensuing 5 years, on actions to support the production of molybdenum-99 for medical uses without the use of highly enriched uranium.

*Section 3158 would require the National Academy of Sciences to study the state of MO-99 production and use not later than 5 years after the date of enactment of this Act.*

*Section 3159 would repeal The Nuclear Safety Research, Development and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.).*

*The House bill contained no similar provision.*

*The House recedes with an amendment that would require the Department of Energy, as part of its program to develop a domestic supply of MO-99 (section 3173), to produce MO-99 in a cost effective manner and that the Nuclear Science Advisory Committee, in addition to conducting annual reviews of the program, make recommendations to improve the program's effectiveness. In addition, the conferees expect that in pursuing the program in Section 3173, the Secretary of Energy shall ensure that the program is carried out in a technology neutral manner to reduce the use of highly enriched uranium and produce significant quantities of MO-99 for medical uses. Demonstration of technology necessary to domestically produce significant quantities of MO-99 for medical uses on a commercial scale seeks to address potential civilian use supply issues while also enhancing national security. Section 3173 requires the Secretary to cooperate with non-federal entities and share the costs incurred in the development, demonstration, and commercial application of the technology necessary to achieve the goals of the program, including the civilian medical applications.*

*The amendment would also make technical changes in section 3174 and add a requirement that the Secretaries of Energy and Health and Human Services must jointly certify that before the provisions in subsections (c) and (d) take effect there is a sufficient supply of MO-99 produced without the use of highly enriched uranium available to meet the needs of the patients in the United States; and that it is not necessary to export United States-origin highly enriched uranium for the purposes of medical isotope production in order to meet United States patient needs. In addition, the joint certification would be required not later than 7 years after the date of enactment of this Act. If the period referred to in subsection (c) is extended under subsection (d), the 7 year deadline would be extended by a period equal to the period of such extension under subsection (d).*

*The amendment would also strike the repeal of The Nuclear Safety Research, Development and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.).*

#### LEGISLATIVE PROVISIONS NOT ADOPTED

*Contractor governance, oversight, and accountability*

The House bill contained a provision (sec. 3113) that would require the Administrator for Nuclear Security to establish a reformed system of governance, management, and oversight of the National Nuclear Security Administration (NNSA). The House bill also contained a provision (sec. 3115) that would require the Administrator to establish policies and procedures for the regulation and oversight of health, safety, and security of

the nuclear security enterprise. Lastly, the House bill also contained a provision (sec. 3133) that would clarify the role of the Administrator and reinforce the semi-autonomous nature of the NNSA.

The Senate amendment contained a provision (sec. 3131) that would require the Secretary of Energy to submit a report to the congressional defense committees on the actions required to transition, to the maximum extent practicable, the regulation of non-nuclear operations of the NNSA to federal agencies other than the Department of Energy (DOE). The Senate amendment also contained a provision (sec. 3161) that would express a sense of Congress regarding any efforts to reform oversight of the nuclear security enterprise.

The conference agreement does not include these provisions.

The conferees emphasize that there is widespread recognition that the current system for governance, management, and oversight of the nuclear security enterprise is broken. For instance, in 2009 the bipartisan Congressional Commission on the Strategic Posture of the United States found that “the governance structure of the NNSA is not delivering the needed results. This governance structure should be changed.” The Commission elaborated, saying, “The NNSA was formed to improve management of the weapons program and to shelter that program from what was perceived as a welter of confusing and contradictory DOE directives, policies, and procedures. Despite some success, the NNSA has failed to meet the hopes of its founders. Indeed, it may have become part of the problem, adopting the same micromanagement and unnecessary and obtrusive oversight that it was created to eliminate.” The Commission concluded “it is time to consider fundamental changes.” Recent studies by the Henry L. Stimson Center (“Leveraging Science for Security”), the National Academies of Science (“Managing for High-Quality Science and Engineering at the NNSA National Security Laboratories”) and “The Comprehensive Nuclear Test Ban Treaty—Technical Issues for the United States”) and other objective, bipartisan groups have reached similar conclusions.

The conferees share the concerns expressed by these myriad groups, and believe the status quo is not working and must not be continued. The weaknesses of the current system, including an overly bureaucratic system, weak accountability, ineffective oversight, insufficient program and budget expertise, and poor contract management have been repeatedly demonstrated—including by recent high-profile failures such as the July 2012 security breach at the Y-12 National Security Complex. These incidents prove that a deeply bureaucratic system is no guarantee of health, safety, and security—and may in fact jeopardize health, safety, and security.

Furthermore, the conferees believe that the current system is not delivering the results required by the military and by the taxpayer. The cost of major stockpile and infrastructure modernization projects has risen to unprecedented levels due, in part, to the overwhelming bureaucracy within the system. Further slippage in project schedules is unacceptable, and could undermine the credibility of the nation's nuclear deterrent. Administrative costs within the NNSA and the nuclear security enterprise must be reduced and the enterprise must be refocused on accomplishing its mission effectively and efficiently, as well as safely and securely.

The conferees expect the advisory panel that would be created elsewhere in this Act

to provide a bipartisan solution to fix this system. The conferees expect the advisory panel would provide actionable recommendations that directly address the host of systemic problems identified by previous studies and by the conferees. The conferees believe changes on the margins are not a solution.

*Limitation on availability of funds for inertial confinement fusion ignition and high yield campaign*

The House bill contained a provision (sec. 3119) that would limit the obligation and expenditure of funds for fusion ignition research and experiments to not more than 50 percent until the Administrator for Nuclear Security certifies to the congressional defense committees that fusion ignition has been achieved at the National Ignition Facility (NIF) or the Administrator submits a report on fusion ignition.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are pleased that the National Nuclear Security Administration has submitted the report required in section 3119 of the House bill regarding a path forward for the NIF, including fusion ignition. The conferees believe that the NIF should continue to balance the goal of achieving ignition with other stockpile needs as part of the life extension programs as well as ongoing work for other agencies and offices in the Department of Energy.

*Limitation on availability of funds for nuclear nonproliferation activities with Russian Federation*

The House bill contained a provision (sec. 3123) that would limit Cooperative Threat Reduction funding to Russia until the Secretary of Energy, in coordination with the Secretaries of State and Defense, certify to the congressional defense committees that Russia is not providing direct or indirect support to the Syrian government to suppress the Syrian people and that Russia is not providing equipment and technology to Syria, Iran, or North Korea that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists.

The Senate amendment contained no similar provision.

The House recedes.

*Intellectual property related to uranium enrichment*

The House bill contained a provision (sec. 3156) that would authorize the Secretary of Energy to make available, from the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013, not more than \$150.0 million for the development and demonstration of domestic national security-related enrichment technologies. Thirty days before making such funds available for these purposes, the Secretary of Energy would be required to certify to the congressional defense committees that such funds are needed for national security purposes and describe what those purposes are. If the Secretary chooses to make such funds available, this section would require the Secretary to utilize merit selection procedures and execute an agreement with the recipient of such funds. The agreement would include a requirement for the recipient to achieve specific technical criteria by dates not later than June 30, 2014, and require that immediately upon execution of such agreement that the recipient grant to the Federal Government a royalty-free, non-

exclusive license in all enrichment-related intellectual property and associated technical data owned, licensed, or otherwise controlled by the recipient. This section would also require that any existing agreement between the Secretary of Energy and the recipient be amended to permit the Secretary to use or allow third parties to use such intellectual property and associated technical data for national defense purposes.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that this domestic uranium enrichment project is authorized for \$150.0 million within the budget tables for the National Nuclear Security Administration. The conferees understand that the Department of Energy entered into a cooperative agreement for this project and that this cooperative agreement and other associated agreements include taxpayer protections similar to those required by the House provision. The conferees expect that the Department of Energy will continue to take all actions necessary to ensure robust taxpayer protections for the funds invested in this project.

*Renewable energy*

The Senate amendment contained a provision (sec. 3122) that would amend the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) by striking “geothermal” and inserting “geothermal (including geothermal heat pumps)”.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Department of Defense already accounts for energy derived from geothermal heat pumps under the broader construct of geothermal sources in meeting goals for the use of renewable energy.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**LEGISLATIVE PROVISIONS ADOPTED**

*Authorization (sec. 3201)*

The House bill contained a provision (sec. 3201) that would authorize \$31.4 million to be appropriated for the Defense Nuclear Facilities Safety Board (DNFSB), which is \$2.0 million above the fiscal year 2013 budget request.

The Senate amendment contained a similar provision (sec. 3201) that would authorize \$29.4 million to be appropriated for the DNFSB, which is the fiscal year 2013 budget request.

The House recedes.

*Improvements to the Defense Nuclear Facilities Safety Board (sec. 3202)*

The House bill contained a provision (sec. 3202) that would amend the enabling statute of the Defense Nuclear Facilities Safety Board (DNFSB) (42 United States Code, section 2286) to provide congressional direction regarding the DNFSB's operation, clarify the DNFSB's mission, and improve collaboration between the DNFSB and the Department of Energy.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the sharing of draft recommendations between the DNFSB and the Department of Energy before a final recommendation is published. The provision would also require the DNFSB, where feasible, to account for risk in its recommendations. The conferees believe accounting for risk does not replace the adequate protection

standard outlined in section 182 of the Atomic Energy Act (AEA) of 1954 (42 United States Code, section 2011), but to supplement it consistent with the findings of *Union of Concerned Scientists v. NRC*, 824 F. 2d 108, 120 (D.C. Circuit, 1987). The amendment would also require the DNFSB to obtain the services of an inspector general consistent with the Inspector General Act of 1978 (5 U.S.C. App.). The conferees intend the procurement of such services shall be in addition to the underlying budget of the DNFSB. Accordingly, the requirement would be established that the procurement of inspector general services shall be a separate budget line in the DNFSB's annual budget submission to the Congress.

The conferees highlight that, per the AEA, the Secretary of Energy has a statutory responsibility to balance national security requirements, cost, and safety of the nuclear security enterprise. Further, section 312(a)(5) of the AEA requires the DNFSB, in making its recommendations, "to consider the technical and economic feasibility of the recommended measures." To better understand how the DNFSB considers such issues, the conferees direct the Chairman of the DNFSB to submit a report to the congressional defense committees by February 15, 2013, regarding how the DNFSB considers the technical and economic feasibility of implementing its recommended measures.

#### TITLE XXXIV—NAVAL PETROLEUM RESERVES LEGISLATIVE PROVISION ADOPTED

##### *Authorization of appropriations (sec. 3401)*

The House bill contained a provision (sec. 3401) that would authorize \$14.9 million for fiscal year 2013 for operation and maintenance of the Naval Petroleum and Oil Reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

#### TITLE XXXV—MARITIME ADMINISTRATION LEGISLATIVE PROVISIONS ADOPTED

##### *Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013 (sec. 3501)*

The House bill contained a provision (sec. 3501) that would authorize appropriations for the Maritime Administration of the Department of Transportation for those activities of the Maritime Administration associated with maintaining national defense sealift.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Application of the Federal Acquisition Regulation (sec. 3502)*

The House bill contained a provision (sec. 3502) that would clarify that the appropriate version of the Federal Acquisition Regulations to be applied to a contract for purchase of recycling services is the version in effect at the time the contract is awarded.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons (sec. 3503)*

The House bill contained a provision (sec. 3503) that would clarify that vessels in the National Defense Reserve Fleet are to be 1,500 gross tons or greater and those vessels the Secretary of Transportation determines are appropriate to be included in the National Defense Reserve Fleet.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Donation of excess fuel to maritime academies (sec. 3504)*

The House bill contained a provision (sec. 3504) that would authorize the Maritime Administration, with the concurrence of the owner of the fuel or excess equipment, to donate excess fuel or equipment on National Defense Reserve Fleet vessels to the State Maritime Academies to carry out training. In the case of Ready Reserve Force vessels, the Maritime Administration would be required to consult with the Secretary of the Navy before donating such fuel or equipment to the Academies.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Clarification of heading (sec. 3505)*

The House bill contained a provision (sec. 3505) that would make a purely technical correction to change the title of section 57103 of title 46, United States Code, from "Sale of Obsolete Vessels in the National Defense Reserve Fleet" to "Donation of Non-Retention Vessels in the National Defense Reserve Fleet."

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Transfer of vessels to the National Defense Reserve Fleet (sec. 3506)*

The House bill contained a provision (sec. 3506) that would clarify the Maritime Administration's authority to receive vessels from the armed forces and other federal entities, thereby enhancing the Administration's ability to efficiently dispose of obsolete Government vessels.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Amendments relating to the National Defense Reserve Fleet (sec. 3507)*

The House bill contained a provision (sec. 3507) that would allow the Maritime Administration to have flexibility in determining when to conduct activations and sea trials of vessels in the National Defense Reserve Fleet, while still ensuring readiness in accordance with Department of Defense readiness requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Extension of Maritime Security Fleet program (sec. 3508)*

The House bill contained a provision (sec. 3508) that would: (1) extend the sunset date for the Maritime Security Fleet Program (MSP) to September 30, 2025; (2) direct the Maritime Administration to offer contracts for extending contracts to current MPS participants before offering them to other contractors; (3) authorize periodic increases to the MSP stipend for participants through fiscal year 2025 to account for inflation; and (4) prioritize new MSP contracts awards according to Department of Defense priorities.

The Senate amendment contained no similar provision.

The Senate recedes.

##### *Container-on-barge transportation (sec. 3509)*

The Senate amendment contained a provision (sec. 3502) that would require Maritime Administrator to assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code). The Administrator would be required to report to the Committee on Com-

merce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 180 days of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

##### *Short sea transportation (sec. 3510)*

The Senate amendment contained a provision (sec. 3503) that would clarify certain definitions and applications of provisions related to short sea transportation.

The House bill contained no similar provision.

The House recedes.

##### *Maritime environmental and technical assistance (sec. 3511)*

The Senate amendment contained a provision (sec. 3504) that would amend Chapter 503 of title 46, United States Code, to permit the Secretary of Transportation to engage in environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system.

The House bill contained no similar provision.

The House recedes.

##### *Identification of actions to enable qualified United States flag capacity to meet national defense requirements (sec. 3512)*

The Senate amendment contained a provision (sec. 3505) that would: (1) clarify the role of the Maritime Administrator in granting waivers to navigation or vessel-inspection laws when such waivers are determined to be in the interest of national defense; and (2) expand the requirements to notify Congress and the public promptly when such waivers are requested or issued.

The House bill contained a similar provision (sec. 3509).

The House recedes.

##### *Maritime workforce study (sec. 3513)*

The Senate amendment contained a provision (sec. 3506) that would require the Comptroller General to conduct a study on the training needs of the maritime workforce. The provision would require that the Comptroller General submit a report within 1 year of the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Armed Services of the Senate and the House of Representatives.

The House bill contained no similar provision.

The House recedes.

##### *Maritime administration vessel recycling contract award practices (sec. 3514)*

The Senate amendment contained a provision (sec. 3507) that would require the Comptroller General to conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The provision would require that the Comptroller General submit a report not later than 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Armed Services of the Senate and the House of Representatives.

The House bill contained no similar provision.

The House recedes.

*Requirement for barge design (sec. 3515)*

The Senate amendment contained a provision (sec. 3508) that would require the Maritime Administrator to complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that would be able to utilize roll-on/roll-off, or load-on/load-off technology in marine highway maritime commerce. The provision would require that the Administrator complete that design within 270 days after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

*Eligibility to receive surplus training equipment (sec. 3516)*

The Senate amendment contained a provision (sec. 3509) that would expand the eligibility to receive surplus training equipment

from the Maritime Administration to include training institutions that are instrumentalities of a State, Territory, or Commonwealth of the United States or District of Columbia, or that are instrumentalities of a unit of local government within a State, Territory, or Commonwealth of the United States or District of Columbia.

The House bill contained no similar provision.

The House recedes.

*Coordination with other laws (sec. 3517)*

The conferees understand that the Senate passed the Coast Guard and Maritime Transportation Act of 2012 (H.R. 2838), clearing the measure for the President. Some provisions in that Act coincide with provisions in title XXXV of this Act. In most cases, the language in the two Acts is identical, but in others it is not.

Therefore, the conference agreement includes a provision that would avoid sending

conflicting guidance that could be confusing about congressional intent.

LEGISLATIVE PROVISION NOT ADOPTED

*Short title*

The Senate amendment contained a provision (sec. 3501) that would establish the title of this section as the “Maritime Authorization Act for Fiscal Year 2013.”

The House bill contained no similar provision.

The Senate recedes.

DIVISION D—FUNDING TABLES

*Authorization of amounts in funding tables (sec. 4001)*

The House bill contained a provision (sec. 4001) that would provide for the authorization of projects, programs, and activities in accordance with the tables in Division D.

The Senate amendment contained a similar provision (sec. 4001).

The Senate recedes.

# TITLE XLI—PROCUREMENT

## SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)											
Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY FIXED WING										
001	UTILITY F/W AIRCRAFT .....	2	18,639	2	18,639	2	18,639			2	18,639
003	MQ-1 UAV .....	19	518,088	19	518,088	19	518,088			19	518,088
004	RQ-11 (RAVEN) .....	234	25,798	234	25,798	234	25,798			234	25,798
	ROTARY										
006	HELICOPTER, LIGHT UTILITY (LUH) .....	34	271,983	34	271,983	34	271,983			34	271,983
007	AH-64 APACHE BLOCK IIIA REMAN .....	40	577,115	40	577,115	40	577,115			40	577,115
008	ADVANCE PROCUREMENT (CY) .....		107,707		107,707		107,707				107,707
009	AH-64 APACHE BLOCK IIIB NEW BUILD .....	8	153,993	8	153,993	8	153,993			8	153,993
010	ADVANCE PROCUREMENT (CY) .....		146,121		146,121		146,121				146,121
013	UH-60 BLACKHAWK M MODEL (MYP) .....	59	1,107,087	59	1,107,087	59	1,107,087			59	1,107,087
014	ADVANCE PROCUREMENT (CY) .....		115,113		115,113		115,113				115,113
015	CH-47 HELICOPTER .....	38	1,076,036	38	1,076,036	38	1,076,036			38	1,076,036
016	ADVANCE PROCUREMENT (CY) .....		83,346		83,346		83,346				83,346
	MODIFICATION OF AIRCRAFT										
018	MQ-1 PAYLOAD—UAS .....		231,508		231,508		231,508				231,508
020	GUARDRAIL MODS (MIP) .....		16,272		16,272		16,272				16,272
021	MULTI SENSOR ABN RECON (MIP) .....		4,294		4,294		4,294				4,294
022	AH-64 MODS .....		178,805		178,805		178,805				178,805
023	CH-47 CARGO HELICOPTER MODS (MYP) .....		39,135		39,135		39,135				39,135
024	UTILITY/CARGO AIRPLANE MODS .....		24,842		24,842		24,842				24,842
026	UTILITY HELICOPTER MODS .....		73,804		73,804		73,804				73,804
027	KIOWA WARRIOR MODS .....		192,484		192,484		192,484				192,484
029	NETWORK AND MISSION PLAN .....		190,789		190,789		190,789				190,789
030	COMMS, NAV SURVEILLANCE .....		133,191		133,191		89,191				133,191
	JTRS integration delayed .....						[-44,000]				
031	GATM ROLLUP .....		87,280		87,280		87,280				87,280
032	RQ-7 UAV MODS .....		104,339		104,339		104,339				104,339
	GROUND SUPPORT AVIONICS										
034	AIRCRAFT SURVIVABILITY EQUIPMENT .....		34,037		34,037		34,037				34,037
036	CMWS .....		127,751		127,751		127,751				127,751
	OTHER SUPPORT										
037	AVIONICS SUPPORT EQUIPMENT .....		4,886		4,886		4,886				4,886
038	COMMON GROUND EQUIPMENT .....		82,511		82,511		82,511				82,511
039	AIRCREW INTEGRATED SYSTEMS .....		77,381		77,381		77,381				77,381
040	AIR TRAFFIC CONTROL .....		47,235		47,235		47,235				47,235
041	INDUSTRIAL FACILITIES .....		1,643		1,643		1,643				1,643
042	LAUNCHER, 2.75 ROCKET .....		516		516		516				516
	TOTAL AIRCRAFT PROCUREMENT, ARMY .....	434	5,853,729	434	5,853,729	434	5,809,729			434	5,853,729
	MISSILE PROCUREMENT, ARMY										
	SURFACE-TO-AIR MISSILE SYSTEM										
001	PATRIOT SYSTEM SUMMARY .....	84	646,590	84	696,590	84	646,590		50,000	84	696,590
	Additional PAC-3 missiles .....				[50,000]				[50,000]		

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
002	MSE MISSILE .....		12,850		12,850		12,850				12,850
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>										
004	HELLFIRE SYS SUMMARY .....		1,401		11,401		1,401				1,401
	Program increase .....				[10,000]						
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>										
005	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	400	81,121	400	81,121	400	81,121			400	81,121
006	TOW 2 SYSTEM SUMMARY .....	1,403	64,712	1,403	64,712	1,403	64,712			1,403	64,712
007	ADVANCE PROCUREMENT (CY) .....		19,931		19,931		19,931				19,931
008	GUIDED MLRS ROCKET (GMLRS) .....	1,608	218,679	1,608	218,679	1,608	218,679			1,608	218,679
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	2,430	18,767	2,430	18,767	2,430	18,767			2,430	18,767
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....		12,051		12,051		12,051				12,051
	<b>MODIFICATIONS</b>										
011	PATRIOT MODS .....		199,565		199,565		199,565				199,565
013	MLRS MODS .....		2,466		2,466		2,466				2,466
014	HIMARS MODIFICATIONS .....		6,068		6,068		6,068				6,068
	<b>SPARES AND REPAIR PARTS</b>										
016	SPARES AND REPAIR PARTS .....		7,864		7,864		7,864				7,864
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
017	AIR DEFENSE TARGETS .....		3,864		3,864		3,864				3,864
018	ITEMS LESS THAN \$5 MILLION (MISSILES) .....		1,560		1,560		1,560				1,560
019	PRODUCTION BASE SUPPORT .....		5,200		5,200		5,200				5,200
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>5,925</b>	<b>1,302,689</b>	<b>5,925</b>	<b>1,362,689</b>	<b>5,925</b>	<b>1,302,689</b>		<b>50,000</b>	<b>5,925</b>	<b>1,352,689</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>										
	<b>TRACKED COMBAT VEHICLES</b>										
001	STRYKER VEHICLE .....	58	286,818	58	286,818	58	286,818			58	286,818
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>										
003	STRYKER (MOD) .....		60,881		60,881		60,881				60,881
004	FIST VEHICLE (MOD) .....		57,257		57,257		57,257				57,257
005	BRADLEY PROGRAM (MOD) .....		148,193		288,193		148,193		140,000		288,193
	Program increase .....				[140,000]				[140,000]		
006	HOWITZER, MED SP FT 155MM M109A6 (MOD) .....		10,341		10,341		10,341				10,341
007	PALADIN PIM MOD IN SERVICE .....	17	206,101	17	206,101	17	206,101			17	206,101
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	31	107,909	51	169,909	31	230,909	20	62,000	51	169,909
	Program increase .....			[20]	[62,000]		[123,000]	[20]	[62,000]		
009	ASSAULT BREACHER VEHICLE .....	10	50,039	10	50,039	10	50,039			10	50,039
010	M88 FOV MODS .....		29,930		29,930		29,930				29,930
011	M1 ABRAMS TANK (MOD) .....		129,090		129,090		129,090				129,090
012	ABRAMS UPGRADE PROGRAM .....		74,433		255,433		74,433		136,000		210,433
	Program increase .....				[181,000]				[136,000]		
012A	ADVANCE PROCUREMENT (CY) .....						91,000				0
	Advanced procurement Abrams upgrade program .....						[91,000]				
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
013	PRODUCTION BASE SUPPORT (TCV-WTCV) .....		1,145		1,145		1,145				1,145
	<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>										
014	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY .....		506				506				506
	XM25 funding ahead of need .....				[-506]						
017	LIGHTWEIGHT .50 CALIBER MACHINE GUN .....	610	25,183	610	25,183			-610	-25,183		0
	Program termination .....					[-610]	[-25,183]	[-610]	[-25,183]		
019	MORTAR SYSTEMS .....		8,104		8,104		8,104				8,104
021	XM320 GRENADE LAUNCHER MODULE (GLM) .....	2,280	14,096	2,280	14,096	2,280	14,096			2,280	14,096
024	CARBINE .....	12,000	21,272	12,000	21,272	12,000	21,272			12,000	21,272
025	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....	2,107	6,598	2,107	6,598	2,107	6,598			2,107	6,598
026	COMMON REMOTELY OPERATED WEAPONS STATION .....	240	56,725	240	56,725	240	56,725			240	56,725
027	HOWITZER LT WT 155MM (T) .....		13,827		13,827		13,827				13,827
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>										
029	M777 MODS .....		26,843		26,843		26,843				26,843
030	M4 CARBINE MODS .....		27,243		27,243		27,243				27,243
031	M2 50 CAL MACHINE GUN MODS .....		39,974		39,974		39,974				39,974
032	M249 SAW MACHINE GUN MODS .....		4,996		4,996		4,996				4,996
033	M240 MEDIUM MACHINE GUN MODS .....		6,806		6,806		6,806				6,806
034	SNIPER RIFLES MODIFICATIONS .....		14,113		14,113		14,113				14,113
035	M119 MODIFICATIONS .....		20,727		20,727		20,727				20,727
036	M16 RIFLE MODS .....		3,306		3,306		3,306				3,306
037	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....		3,072		3,072		3,072				3,072
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
038	ITEMS LESS THAN \$5 MILLION (WOCV-WTCV) .....		2,026		2,026		2,026				2,026
039	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....		10,115		10,115		10,115				10,115
040	INDUSTRIAL PREPAREDNESS .....		442		442		442				442
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....		2,378		2,378		2,378				2,378
	<b>SPARES</b>										
042	SPARES AND REPAIR PARTS (WTCV) .....		31,217		31,217		31,217				31,217
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>17,353</b>	<b>1,501,706</b>	<b>17,373</b>	<b>1,884,200</b>	<b>16,743</b>	<b>1,690,523</b>	<b>-590</b>	<b>312,817</b>	<b>16,763</b>	<b>1,814,523</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>										
	<b>SMALL/MEDIUM CAL AMMUNITION</b>										
001	CTG, 5.56MM, ALL TYPES .....		158,313		123,513		158,313		-34,800		123,513



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(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Unit cost savings .....				[-34,800]				[-34,800]		
002	CTG, 7.62MM, ALL TYPES .....		91,438		91,438		91,438				91,438
003	CTG, HANDGUN, ALL TYPES .....		8,954		8,954		8,954				8,954
004	CTG, .50 CAL, ALL TYPES .....		109,604		109,604		109,604				109,604
005	CTG, 20MM, ALL TYPES .....		4,041		4,041		4,041				4,041
006	CTG, 25MM, ALL TYPES .....		12,654		12,654		12,654				12,654
007	CTG, 30MM, ALL TYPES .....		72,154		54,154		35,154		-18,000		54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round.				[-18,000]		[-37,000]		[-18,000]		
008	CTG, 40MM, ALL TYPES .....		60,138		60,138				-60,138		0
	Decrease for excess .....								[-60,138]		
	<b>MORTAR AMMUNITION</b>										
009	60MM MORTAR, ALL TYPES .....		44,375		44,375		44,375				44,375
010	81MM MORTAR, ALL TYPES .....		27,471		27,471		27,471				27,471
011	120MM MORTAR, ALL TYPES .....		87,811		87,811		87,811				87,811
	<b>TANK AMMUNITION</b>										
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....		112,380		112,380		112,380				112,380
	<b>ARTILLERY AMMUNITION</b>										
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....		50,861		50,861		50,861				50,861
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....		26,227		26,227		26,227				26,227
015	PROJ 155MM EXTENDED RANGE XM982 .....		110,329		55,329		55,329		-55,000		55,329
	Excalibur I-b round schedule delay .....				[-55,000]		[-55,000]		[-55,000]		
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....		43,924		43,924		43,924				43,924
	<b>MINES</b>										
017	MINES & CLEARING CHARGES, ALL TYPES .....		3,775		3,775		3,775				3,775
	<b>NETWORKED MUNITIONS</b>										
018	SPIDER NETWORK MUNITIONS, ALL TYPES .....		17,408		17,408		3,108				17,408
	Program decrease .....								[-14,300]		
	<b>ROCKETS</b>										
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....		1,005		1,005		1,005				1,005
020	ROCKET, HYDRA 70, ALL TYPES .....		123,433		123,433		123,433				123,433
	<b>OTHER AMMUNITION</b>										
021	DEMOLITION MUNITIONS, ALL TYPES .....		35,189		35,189		35,189				35,189
022	GRENADES, ALL TYPES .....		33,477		33,477		33,477				33,477
023	SIGNALS, ALL TYPES .....		9,991		9,991		9,991				9,991
024	SIMULATORS, ALL TYPES .....		10,388		10,388		10,388				10,388
	<b>MISCELLANEOUS</b>										
025	AMMO COMPONENTS, ALL TYPES .....		19,383		19,383		19,383				19,383
026	NON-LETHAL AMMUNITION, ALL TYPES .....		7,336		7,336		7,336				7,336
027	CAD/PAD ALL TYPES .....		6,641		6,641		6,641				6,641
028	ITEMS LESS THAN \$5 MILLION .....		15,092		15,092		15,092				15,092
029	AMMUNITION PECULIAR EQUIPMENT .....		15,692		15,692		15,692				15,692
030	FIRST DESTINATION TRANSPORTATION (AMMO) .....		14,107		14,107		14,107				14,107
031	CLOSEOUT LIABILITIES .....		106		106		106				106
	<b>PRODUCTION BASE SUPPORT</b>										
032	PROVISION OF INDUSTRIAL FACILITIES .....		220,171		220,171		220,171				220,171
033	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL .....		182,461		182,461		182,461				182,461
034	ARMS INITIATIVE .....		3,377		3,377		3,377				3,377
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY .....</b>		<b>1,739,706</b>		<b>1,631,906</b>		<b>1,573,268</b>		<b>-167,938</b>		<b>1,571,768</b>
	<b>OTHER PROCUREMENT, ARMY</b>										
	<b>TACTICAL VEHICLES</b>										
001	SEMITRAILERS, FLATBED: .....	27	7,097	27	7,097	27	7,097			27	7,097
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	1,248	346,115	1,248	346,115	1,248	396,115			1,248	346,115
	Program increase for USAR .....								[50,000]		
003	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP .....		19,292		19,292		19,292				19,292
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....	1,534	52,933	1,534	52,933	1,534	52,933			1,534	52,933
005	PLS ESP .....		18,035		18,035		18,035				18,035
009	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	12	3,619	12	3,619	12	3,619			12	3,619
010	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....	60	26,859	60	26,859	60	26,859			60	26,859
012	TACTICAL WHEELED VEHICLE PROTECTION KITS .....	950	69,163	950	69,163	950	69,163			950	69,163
013	MODIFICATION OF IN SVC EQUIP .....		91,754		91,754		91,754				91,754
	<b>NON-TACTICAL VEHICLES</b>										
018	PASSENGER CARRYING VEHICLES .....		2,548		2,548		2,548				2,548
019	NONTACTICAL VEHICLES, OTHER .....		16,791		16,791		16,791				16,791
	<b>COMM—JOINT COMMUNICATIONS</b>										
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....	7,038	10,061	7,038	10,061	7,038	10,061			7,038	10,061
021	WIN-T—GROUND FORCES TACTICAL NETWORK .....	2,166	892,635	2,166	872,635	2,166	892,635		-20,000	2,166	872,635
	Program adjustment .....				[-20,000]				[-20,000]		
022	SIGNAL MODERNIZATION PROGRAM .....		45,626		45,626		45,626				45,626
023	JCSE EQUIPMENT (USREDCOM) .....		5,143		5,143		5,143				5,143
	<b>COMM—SATELLITE COMMUNICATIONS</b>										
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....	23	151,636	23	151,636	23	151,636			23	151,636
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS .....		6,822		6,822		6,822				6,822
026	SHF TERM .....		9,108		9,108		9,108				9,108
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....	3,592	27,353	3,592	27,353	3,592	27,353			3,592	27,353
029	SMART-T (SPACE) .....		98,656		98,656		98,656				98,656

SEC. 4101. PROCUREMENT  
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Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
031	GLOBAL BRDCST SVC—GBS .....		47,131		47,131		47,131				47,131
032	MOD OF IN-SVC EQUIP (TAC SAT) .....	39	23,281	39	23,281	39	23,281			39	23,281
	<b>COMM—C3 SYSTEM</b>										
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....		10,848		10,848		10,848				10,848
	<b>COMM—COMBAT COMMUNICATIONS</b>										
035	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....		979		979		979				979
036	JOINT TACTICAL RADIO SYSTEM .....	11,059	556,250	11,059	521,250	11,059	526,250		–190,000	11,059	366,250
	Funding ahead of need .....				[–35,000]		[–30,000]		[–190,000]		
037	MID-TIER NETWORKING VEHICULAR RADIO (MNV) .....		86,219		76,219		86,219				86,219
	Program adjustment .....				[–10,000]						
038	RADIO TERMINAL SET, MIDS LVT(2) .....		7,798		7,798		7,798				7,798
039	SINCGARS FAMILY .....		9,001		9,001		9,001				9,001
040	AMC CRITICAL ITEMS—OPA2 .....	108	24,601	108	24,601	108	24,601			108	24,601
041	TRACTOR DESK .....		7,779		7,779		7,779				7,779
043	SPIRIT APLA REMOTE CONTROL UNIT .....		34,365		19,365		13,365		–10,000		24,365
	Funding ahead of need .....				[–15,000]		[–21,000]		[–10,000]		
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS .....		1,833		1,833		1,833				1,833
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM .....		12,984		12,984		12,984				12,984
047	GUNSHOT DETECTION SYSTEM (GDS) .....	46	2,332	46	2,332	46	2,332			46	2,332
048	RADIO, IMPROVED HF (COTS) FAMILY .....		1,132		1,132		1,132				1,132
049	MEDICAL COMM FOR CBT CASUALTY CARE (MC4) .....	2,535	22,899	2,535	22,899	2,535	22,899			2,535	22,899
	<b>COMM—INTELLIGENCE COMM</b>										
051	CI AUTOMATION ARCHITECTURE .....		1,564		1,564		1,564				1,564
052	RESERVE CA/MISO GPF EQUIPMENT .....	1,540	28,781	1,540	28,781	1,540	28,781			1,540	28,781
	<b>INFORMATION SECURITY</b>										
053	TSEC—ARMY KEY MGT SYS (AKMS) .....	6,087	23,432	6,087	23,432	6,087	23,432			6,087	23,432
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	2,469	43,897	2,469	43,897	2,469	43,897			2,469	43,897
	<b>COMM—LONG HAUL COMMUNICATIONS</b>										
056	TERRESTRIAL TRANSMISSION .....		2,891		2,891		2,891				2,891
057	BASE SUPPORT COMMUNICATIONS .....		13,872		13,872		13,872				13,872
058	VW TECH CON IMP PROG (WVTCIP) .....		9,595		9,595		9,595				9,595
	<b>COMM—BASE COMMUNICATIONS</b>										
059	INFORMATION SYSTEMS .....		142,133		142,133		142,133				142,133
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....		57,727		57,727		57,727				57,727
062	PENTAGON INFORMATION MGT AND TELECOM .....		5,000		5,000		5,000				5,000
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>										
065	JIT/CIBS-M .....		1,641		1,641		1,641				1,641
066	PROPHET GROUND .....	13	48,797	13	48,797	13	48,797			13	48,797
069	DCGS-A (MIP) .....	1,743	184,007	1,743	184,007	1,743	184,007			1,743	184,007
070	JOINT TACTICAL GROUND STATION (JTGS) .....	5	2,680	5	2,680	5	2,680			5	2,680
071	TROJAN (MIP) .....		21,483		21,483		21,483				21,483
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....		2,412		2,412		2,412				2,412
073	CI HUMINT AUTO REPRINTING AND COLLECTION .....		7,077		7,077		7,077				7,077
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>										
075	LIGHTWEIGHT COUNTER MORTAR RADAR .....	43	72,594	43	72,594	43	72,594			43	72,594
076	CREW .....		15,446		15,446		15,446				15,446
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....		1,470		1,470		1,470				1,470
079	CI MODERNIZATION .....		1,368		1,368		1,368				1,368
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
080	FAAD GBS .....		7,980		7,980		7,980				7,980
081	SENTINEL MODS .....	70	33,444	70	33,444	70	33,444			70	33,444
082	SENSE THROUGH THE WALL (STTW) .....		6,212		6,212				–6,212		0
	Slow execution of prior years appropriations .....						[–6,212]		[–6,212]		
083	NIGHT VISION DEVICES .....	8,687	166,516	8,687	166,516	8,687	166,516			8,687	166,516
085	NIGHT VISION, THERMAL WPN SIGHT .....		82,162		82,162		82,162				82,162
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....		20,717		20,717		20,717				20,717
089	GREEN LASER INTERDICTION SYSTEM (GLIS) .....		1,014		1,014		1,014				1,014
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....		29,881		29,881		29,881				29,881
091	PROFILER .....	136	12,482	136	12,482	136	12,482			136	12,482
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....		3,075		3,075		3,075				3,075
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	1,032	141,385	1,032	141,385	1,032	141,385			1,032	141,385
096	MOD OF IN-SVC EQUIP (LLDR) .....		22,403		22,403		22,403				22,403
098	MORTAR FIRE CONTROL SYSTEM .....		29,505		29,505		29,505				29,505
099	COUNTERFIRE RADARS .....	13	244,409	13	244,409	13	244,409			13	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD) EN- HANCED SENSOR & MONITORING SYSTEM (WMD).		2,426		2,426		2,426				2,426
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>										
101	TACTICAL OPERATIONS CENTERS .....	133	30,196	133	30,196	133	30,196			133	30,196
102	FIRE SUPPORT C2 FAMILY .....	1,642	58,903	1,642	58,903	1,642	58,903			1,642	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....	445	8,111	445	8,111	445	8,111			445	8,111
104	FAAD C2 .....		5,031		5,031		5,031				5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	12	64,144	12	64,144	12	64,144			12	64,144
106	KNIGHT FAMILY .....		11,999		11,999		11,999				11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....		1,853		1,853		1,853				1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY .....		14,377		14,377		14,377				14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....		59,821		59,821		59,821				59,821
112	MANEUVER CONTROL SYSTEM (MCS) .....	721	51,228	721	51,228	721	51,228			721	51,228

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Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	5,976	176,901	5,976	176,901	5,976	176,901			5,976	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....		15,209		15,209		15,209				15,209
	<b>ELECT EQUIP—AUTOMATION</b>										
115	ARMY TRAINING MODERNIZATION .....		8,866		8,866		8,866				8,866
116	AUTOMATED DATA PROCESSING EQUIP .....		129,438		129,438		129,438				129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM .....		9,184		9,184		9,184				9,184
118	CSS COMMUNICATIONS .....	2,062	20,639	2,062	20,639	2,062	20,639			2,062	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....		35,493		35,493		35,493				35,493
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>										
120	ITEMS LESS THAN \$5 MILLION (A/V) .....		8,467		8,467		8,467				8,467
121	ITEMS LESS THAN \$5 MILLION .....	89	5,309	89	5,309	89	5,309			89	5,309
	<b>ELECT EQUIP—SUPPORT</b>										
122	PRODUCTION BASE SUPPORT (C-E) .....		586		586		586				586
	<b>CLASSIFIED PROGRAMS</b>										
124A	CLASSIFIED PROGRAMS .....		3,435		3,435		3,435				3,435
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>										
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	1,562	3,960	1,562	3,960	1,562	3,960			1,562	3,960
127	BASE DEFENSE SYSTEMS (BDS) .....	637	4,374	637	4,374	637	4,374			637	4,374
128	CBRN SOLDIER PROTECTION .....	219	9,259	219	9,259	219	9,259			219	9,259
	<b>BRIDGING EQUIPMENT</b>										
130	TACTICAL BRIDGING .....	7	35,499	7	35,499	7	35,499			7	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON .....	68	32,893	68	32,893	68	32,893			68	32,893
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>										
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....		29,106		29,106		29,106				29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	522	25,459	522	25,459	522	25,459			522	25,459
136	REMOTE DEMOLITION SYSTEMS .....	364	8,044	364	8,044	364	8,044			364	8,044
137	< \$5M, COUNTERMINE EQUIPMENT .....		3,698		3,698		3,698				3,698
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>										
138	HEATERS AND ECU'S .....	1,332	12,210	1,332	12,210	1,332	12,210			1,332	12,210
139	SOLDIER ENHANCEMENT .....		6,522		6,522		6,522				6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....		11,222		11,222		11,222				11,222
141	GROUND SOLDIER SYSTEM .....	5,226	103,317	5,226	103,317	5,226	103,317			5,226	103,317
144	FIELD FEEDING EQUIPMENT .....	228	27,417	228	27,417	228	27,417			228	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	8,891	52,065	8,891	52,065	8,891	52,065			8,891	52,065
146	MORTUARY AFFAIRS SYSTEMS .....		2,358		2,358		2,358				2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....	266	31,573	266	31,573	266	31,573			266	31,573
148	ITEMS LESS THAN \$5 MILLION .....	818	14,093	818	14,093	818	14,093			818	14,093
	<b>PETROLEUM EQUIPMENT</b>										
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	208	36,266	208	36,266	208	36,266			208	36,266
	<b>MEDICAL EQUIPMENT</b>										
150	COMBAT SUPPORT MEDICAL .....	1,938	34,101	1,938	34,101	1,938	34,101			1,938	34,101
151	MEDEVAC MISSION EQUIPMENT PACKAGE (MEP) .....		20,540		20,540		20,540				20,540
	<b>MAINTENANCE EQUIPMENT</b>										
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	20	2,495	20	2,495	20	2,495			20	2,495
	<b>CONSTRUCTION EQUIPMENT</b>										
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....		2,028		2,028		2,028				2,028
156	SCRAPERS, EARTHMOVING .....	9	6,146	9	6,146	9	6,146			9	6,146
157	MISSION MODULES—ENGINEERING .....	40	31,200	40	31,200	40	31,200			40	31,200
161	TRACTOR, FULL TRACKED .....	61	20,867	61	20,867	61	20,867			61	20,867
162	ALL TERRAIN CRANES .....	1	4,003	1	4,003	1	4,003			1	4,003
163	PLANT, ASPHALT MIXING .....	1	3,679	1	3,679	1	3,679			1	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HME) .....	76	30,042	76	30,042	76	30,042			76	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA .....	182	13,725	182	13,725	182	13,725			182	13,725
166	CONST EQUIP ESP .....	47	13,351	47	13,351	47	13,351			47	13,351
167	ITEMS LESS THAN \$5 MILLION (CONST EQUIP) .....		9,134		9,134		9,134				9,134
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>										
170	ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL) .....		10,552		10,552		10,552				10,552
	<b>GENERATORS</b>										
171	GENERATORS AND ASSOCIATED EQUIP .....	2,074	60,302	2,074	60,302	2,074	60,302			2,074	60,302
	<b>MATERIAL HANDLING EQUIPMENT</b>										
173	FAMILY OF FORKLIFTS .....	64	5,895	64	5,895	64	5,895			64	5,895
	<b>TRAINING EQUIPMENT</b>										
175	COMBAT TRAINING CENTERS SUPPORT .....	339	104,649	339	104,649	339	104,649			339	104,649
176	TRAINING DEVICES, NONSYSTEM .....		125,251		125,251		125,251				125,251
177	CLOSE COMBAT TACTICAL TRAINER .....	8	19,984	8	19,984	8	19,984			8	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER .....		10,977		10,977		10,977				10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....		4,056		4,056		4,056				4,056
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>										
180	CALIBRATION SETS EQUIPMENT .....	3	10,494	3	10,494	3	10,494			3	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	1,674	45,508	1,674	45,508	1,674	45,508			1,674	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	2,786	24,334	2,786	24,334	2,786	24,334			2,786	24,334
	<b>OTHER SUPPORT EQUIPMENT</b>										
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....		5,078		5,078		5,078				5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3) .....		46,301		46,301		46,301				46,301
185	BASE LEVEL COMMON EQUIPMENT .....		1,373		1,373		1,373				1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	248	59,141	248	59,141	248	59,141			248	59,141
187	PRODUCTION BASE SUPPORT (OTH) .....		2,446		2,446		2,446				2,446

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
188	SPECIAL EQUIPMENT FOR USER TESTING .....	206	12,920	206	12,920	206	12,920			206	12,920
189	AMC CRITICAL ITEMS OPA3 .....	1,141	19,180	1,141	19,180	1,141	19,180			1,141	19,180
190	TRACTOR YARD .....		7,368		7,368		7,368				7,368
191	UNMANNED GROUND VEHICLE .....	311	83,937	311	83,937	311	71,937			311	83,937
	Transfer to PE 0604641A at Army request .....						[-12,000]				
	<b>OPA2</b>										
193	INITIAL SPARES—C&E .....	34	64,507	34	64,507	34	64,507			34	64,507
	<b>PRIOR YEAR SAVINGS</b>										
	<b>UNDISTRIBUTED</b>										
194	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM .....							52,000			52,000
	Army requested transfer from Operation and Maintenance, Army, line 100.							[52,000]			
	<b>TOTAL OTHER PROCUREMENT, ARMY .....</b>	<b>94,966</b>	<b>6,326,245</b>	<b>94,966</b>	<b>6,246,245</b>	<b>94,966</b>	<b>6,307,033</b>	<b>-174,212</b>		<b>94,966</b>	<b>6,152,033</b>
	<b>JOINT IMPR EXPLOSIVE DEV DEFEAT FUND</b>										
	<b>STAFF AND INFRASTRUCTURE</b>										
004	OPERATIONS .....		227,414					-227,414			0
	Transfer of funds to title 15 .....				[-227,414]		[-227,414]	[-227,414]			
	<b>TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND ..</b>		<b>227,414</b>					<b>-227,414</b>			<b>0</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>										
	<b>COMBAT AIRCRAFT</b>										
001	EA-18G .....	12	1,027,443	12	997,443	12	1,027,443	-13,000		12	1,014,443
	Cost growth-CFE electronics, non-recurring costs .....				[-30,000]						
	Engine cost growth .....							[-13,000]			
002	ADVANCE PROCUREMENT (CY) .....				45,000		45,000				45,000
	Program increase .....				[45,000]			[45,000]			
003	F/A-18E/F (FIGHTER) HORNET .....	26	2,035,131	26	1,989,131	26	2,035,131	-18,000		26	2,017,131
	Cost growth-CFE electronics, support costs .....				[-46,000]						
	Engine cost growth .....							[-12,000]			
	Engineering Change Order excess funding .....							[-6,000]			
004	ADVANCE PROCUREMENT (CY) .....		30,296		30,296		90,296				30,296
	Retain option for additional FY 14 aircraft .....						[60,000]				
005	JOINT STRIKE FIGHTER CV .....	4	1,007,632	4	1,007,632	4	1,007,632	-18,800		4	988,832
	Excessive weapon system unit cost increase .....							[-18,800]			
006	ADVANCE PROCUREMENT (CY) .....		65,180		65,180		65,180				65,180
007	JSF STOVL .....	6	1,404,737	6	1,404,737	6	1,404,737	-58,800		6	1,345,937
	Excessive weapon system unit cost increase .....							[-58,800]			
008	ADVANCE PROCUREMENT (CY) .....		106,199		106,199		106,199				106,199
009	V-22 (MEDIUM LIFT) .....	17	1,303,120	17	1,303,120	17	1,303,120	-11,740		17	1,291,380
	Flyaway unit cost savings .....							[-11,740]			
010	ADVANCE PROCUREMENT (CY) .....		154,202		154,202		154,202				154,202
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	27	720,933	27	720,933	27	720,933			27	720,933
012	ADVANCE PROCUREMENT (CY) .....		69,658		69,658		69,658				69,658
013	MH-60S (MYP) .....	18	384,792	18	384,792	18	384,792			18	384,792
014	ADVANCE PROCUREMENT (CY) .....		69,277		69,277		69,277				69,277
015	MH-60R (MYP) .....	19	656,866	24	826,866	19	656,866	170,000		19	826,866
	Cruiser Retention—Restore 5 helicopters .....			[5]	[170,000]			[170,000]			
016	ADVANCE PROCUREMENT (CY) .....		185,896		185,896		185,896				185,896
017	P-8A POSEIDON .....	13	2,420,755	13	2,420,755	13	2,420,755	-33,703		13	2,387,052
	Excess to need .....							[-33,703]			
018	ADVANCE PROCUREMENT (CY) .....		325,679		325,679		325,679				325,679
019	E-2D ADV HAWKEYE .....	5	861,498	5	861,498	5	861,498			5	861,498
020	ADVANCE PROCUREMENT (CY) .....		123,179		123,179		123,179				123,179
	<b>TRAINER AIRCRAFT</b>										
022	JPATS .....	33	278,884	33	278,884	33	278,884	-10,100		33	268,784
	Airframe cost growth .....							[-10,100]			
	<b>OTHER AIRCRAFT</b>										
023	KC-130J .....		3,000		3,000		3,000				3,000
024	ADVANCE PROCUREMENT (CY) .....		22,995		22,995		22,995				22,995
025	ADVANCE PROCUREMENT (CY)—RQ-4 UAV .....		51,124		51,124		51,124				51,124
026	MQ-8 UAV .....	6	124,573	6	124,573	6	124,573			6	124,573
027	STUASLO UAV .....	5	9,593	5	9,593	5	9,593			5	9,593
	<b>MODIFICATION OF AIRCRAFT</b>										
028	EA-6 SERIES .....		30,062		30,062		30,062				30,062
029	AEA SYSTEMS .....		49,999		49,999		49,999				49,999
030	AV-8 SERIES .....		38,703		38,703		38,703				38,703
031	ADVERSARY .....		4,289		4,289		4,289				4,289
032	F-18 SERIES .....		647,306		647,306		647,306	-8,000			639,306
	ILS growth (OSIP 11-84) .....							[-5,000]			
	Other support funding growth (OSIP 001-10) .....							[-3,000]			
033	H-46 SERIES .....		2,343		2,343		2,343				2,343
034	AH-1W SERIES .....		8,721		8,721		8,721				8,721
035	H-53 SERIES .....		45,567		45,567		45,567	-3,200			42,367
	Other Support cost growth .....							[-3,200]			
036	SH-60 SERIES .....		83,527		83,527		83,527				83,527
037	H-1 SERIES .....		6,508		6,508		6,508				6,508

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
038	EP-3 SERIES .....		66,374		66,374		66,374				66,374
039	P-3 SERIES .....		148,405		148,405		148,405				148,405
040	E-2 SERIES .....		16,322		16,322		16,322				16,322
041	TRAINER A/C SERIES .....		34,284		34,284		34,284				34,284
042	C-2A .....		4,743		4,743		4,743				4,743
043	C-130 SERIES .....		60,302		60,302		60,302				60,302
044	FEWSG .....		670		670		670				670
045	CARGO/TRANSPORT A/C SERIES .....		26,311		26,311		26,311				26,311
046	E-6 SERIES .....		158,332		158,332		158,332		-2,490		155,842
	SLEP kit installation cost growth (OSIP 003-07) .....								[-2,490]		
047	EXECUTIVE HELICOPTERS SERIES .....		58,163		58,163		58,163				58,163
048	SPECIAL PROJECT AIRCRAFT .....		12,421		12,421		12,421				12,421
049	T-45 SERIES .....		64,488		64,488		64,488		-5,000		59,488
	Avionics Obsolescence kit cost growth .....								[-2,000]		
	Synthetic Radar kit cost growth .....								[-3,000]		
050	POWER PLANT CHANGES .....		21,569		21,569		21,569				21,569
051	JPATS SERIES .....		1,552		1,552		1,552				1,552
052	AVIATION LIFE SUPPORT MODS .....		2,473		2,473		2,473				2,473
053	COMMON ECM EQUIPMENT .....		114,690		114,690		114,690				114,690
054	COMMON AVIONICS CHANGES .....		96,183		96,183		96,183				96,183
056	ID SYSTEMS .....		39,846		39,846		39,846				39,846
057	P-8 SERIES .....		5,302		5,302		5,302				5,302
058	MAGTF EW FOR AVIATION .....		34,127		34,127		34,127				34,127
059	RQ-7 SERIES .....		49,324		49,324		49,324				49,324
060	V-22 (TILT/ROTOR ACFT) OSPREY .....		95,856		95,856		95,856				95,856
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
061	SPARES AND REPAIR PARTS .....		1,166,430		1,126,430		1,166,430		-34,000		1,132,430
	Spares cost growth- F-35C, F-35B, E-2D .....				[-40,000]				[-34,000]		
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>										
062	COMMON GROUND EQUIPMENT .....		387,195		387,195		387,195				387,195
063	AIRCRAFT INDUSTRIAL FACILITIES .....		23,469		23,469		23,469				23,469
064	WAR CONSUMABLES .....		43,383		43,383		43,383				43,383
065	OTHER PRODUCTION CHARGES .....		3,399		3,399		3,399				3,399
066	SPECIAL SUPPORT EQUIPMENT .....		32,274		32,274		32,274				32,274
067	FIRST DESTINATION TRANSPORTATION .....		1,742		1,742		1,742				1,742
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b>	<b>191</b>	<b>17,129,296</b>	<b>196</b>	<b>17,228,296</b>	<b>191</b>	<b>17,189,296</b>		<b>-1,833</b>	<b>191</b>	<b>17,127,463</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>										
	<b>MODIFICATION OF MISSILES</b>										
001	TRIDENT II MODS .....		1,224,683		1,224,683		1,224,683		-10,000		1,214,683
	Tooling, test/support equipment growth .....								[-10,000]		
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
002	MISSILE INDUSTRIAL FACILITIES .....		5,553		5,553		5,553				5,553
	<b>STRATEGIC MISSILES</b>										
003	TOMAHAWK .....	196	308,970	196	308,970	196	308,970		-10,000	196	298,970
	Contract Savings .....								[-10,000]		
	<b>TACTICAL MISSILES</b>										
004	AMRAAM .....	67	102,683	67	109,983	67	102,683		-5,293	67	97,390
	Captive air training missile cost growth .....								[-5,293]		
	Program decrease .....				[-2,700]						
	Program increase .....				[10,000]						
005	SIDEWINDER .....	150	80,226	150	80,226	150	80,226		-5,959	150	74,267
	All Up Round Missile Cost Growth .....								[-3,847]		
	Captive Air Training Missile Cost Growth .....								[-2,112]		
006	JSOW .....	280	127,609	280	135,109	280	127,609			280	127,609
	Program decrease .....				[-2,700]						
	Program increase .....				[10,200]						
007	STANDARD MISSILE .....	94	399,482	94	399,482	94	399,482			94	399,482
008	RAM .....	62	66,769	62	66,769	62	66,769			62	66,769
009	HELLFIRE .....	998	74,501	998	87,301	998	74,501			998	74,501
	Program decrease .....				[-4,600]						
	Program increase .....				[17,400]						
011	AERIAL TARGETS .....		61,518		61,518		61,518				61,518
012	OTHER MISSILE SUPPORT .....		3,585		3,585		3,585				3,585
	<b>MODIFICATION OF MISSILES</b>										
013	ESSM .....	37	58,194	37	58,194	37	58,194			37	58,194
014	HARM MODS .....	100	86,721	100	86,721	100	86,721			100	86,721
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>										
016	WEAPONS INDUSTRIAL FACILITIES .....		2,014		2,014		2,014				2,014
017	FLEET SATELLITE COMM FOLLOW-ON .....		21,454		21,454		21,454				21,454
	<b>ORDNANCE SUPPORT EQUIPMENT</b>										
018	ORDNANCE SUPPORT EQUIPMENT .....		54,945		54,945		54,945				54,945
	<b>TORPEDOES AND RELATED EQUIP</b>										
019	SSTD .....		2,700		2,700		2,700				2,700
020	ASW TARGETS .....		10,385		10,385		10,385				10,385
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>										
021	MK-54 TORPEDO MODS .....	75	74,487	75	74,487	75	74,487			75	74,487

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
022	MK-48 TORPEDO ADCAP MODS .....	94	54,281	94	54,281	94	54,281			94	54,281
023	QUICKSTRIKE MINE .....		6,852		6,852		6,852				6,852
	<b>SUPPORT EQUIPMENT</b>										
024	TORPEDO SUPPORT EQUIPMENT .....		46,402		46,402		46,402				46,402
025	ASW RANGE SUPPORT .....		11,927		11,927		11,927				11,927
	<b>DESTINATION TRANSPORTATION</b>										
026	FIRST DESTINATION TRANSPORTATION .....		3,614		3,614		3,614				3,614
	<b>GUNS AND GUN MOUNTS</b>										
027	SMALL ARMS AND WEAPONS .....		12,594		12,594		12,594				12,594
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>										
028	CIWS MODS .....		59,303		59,303		67,003		7,700		67,003
	Buy additional ordnance alteration kits .....						[7,700]		[7,700]		
029	COAST GUARD WEAPONS .....		19,072		19,072		19,072				19,072
030	GUN MOUNT MODS .....		54,706		54,706		54,706				54,706
031	CRUISER MODERNIZATION WEAPONS .....		1,591		19,622		1,591		18,031		19,622
	Cruiser retention—5"/62 Upgrade .....				[18,031]				[18,031]		
032	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....		20,607		20,607		20,607				20,607
	<b>SPARES AND REPAIR PARTS</b>										
034	SPARES AND REPAIR PARTS .....		60,150		60,150		60,150				60,150
	<b>TOTAL WEAPONS PROCUREMENT, NAVY .....</b>	<b>2,153</b>	<b>3,117,578</b>	<b>2,153</b>	<b>3,163,209</b>	<b>2,153</b>	<b>3,125,278</b>		<b>-5,521</b>	<b>2,153</b>	<b>3,112,057</b>
	<b>SHIPBUILDING &amp; CONVERSION, NAVY</b>										
	<b>OTHER WARSHIPS</b>										
001	CARRIER REPLACEMENT PROGRAM .....	1	608,195	1	608,195	1	608,195		-2,900	1	605,295
	SEWIP block 2 growth .....								[-2,900]		
003	VIRGINIA CLASS SUBMARINE .....	2	3,217,601	2	3,217,601	2	3,217,601			2	3,217,601
004	ADVANCE PROCUREMENT (CY) .....		874,878		1,652,878		1,652,557		777,679		1,652,557
	Advance procurement for 2nd SSN in FY 14 .....				[778,000]		[777,679]		[777,679]		
005	CVN REFUELING OVERHAULS .....	1	1,613,392	1	1,613,392	1	1,613,392		-96,100	1	1,517,292
	Program decrease .....								[-96,100]		
006	ADVANCE PROCUREMENT (CY) .....		70,010		70,010		70,010				70,010
008	DDG 1000 .....		669,222		669,222		669,222				669,222
009	DDG-51 .....	2	3,048,658	2	3,048,658	2	3,048,658			2	3,048,658
010	ADVANCE PROCUREMENT (CY) .....		466,283		581,283		466,283				466,283
	Advance procurement .....				[115,000]						
011	LITTORAL COMBAT SHIP .....	4	1,784,959	4	1,784,959	4	1,784,959			4	1,784,959
	<b>AMPHIBIOUS SHIPS</b>										
015	JOINT HIGH SPEED VESSEL .....	1	189,196	1	189,196	1	189,196			1	189,196
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>										
017	ADVANCE PROCUREMENT (CY) .....		307,300		307,300		307,300				307,300
018	OUTFITTING .....		309,648		309,648		309,648				309,648
020	LCAC SLEP .....	2	47,930	2	47,930	2	47,930			2	47,930
021	COMPLETION OF PY SHIPBUILDING PROGRAMS .....		372,573		372,573		372,573				372,573
	<b>TOTAL SHIPBUILDING &amp; CONVERSION, NAVY .....</b>	<b>13</b>	<b>13,579,845</b>	<b>13</b>	<b>14,472,845</b>	<b>13</b>	<b>14,357,524</b>		<b>678,679</b>	<b>13</b>	<b>14,258,524</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>										
	<b>NAVY AMMUNITION</b>										
001	GENERAL PURPOSE BOMBS .....		27,024		27,024		27,024				27,024
002	AIRBORNE ROCKETS, ALL TYPES .....		56,575		56,575		56,575				56,575
003	MACHINE GUN AMMUNITION .....		21,266		21,266		21,266				21,266
004	PRACTICE BOMBS .....		34,319		34,319		34,319				34,319
005	CARTRIDGES & CART ACTUATED DEVICES .....		53,755		53,755		53,755				53,755
006	AIR EXPENDABLE COUNTERMEASURES .....		61,693		61,693		61,693		-1,000		60,693
	ALE-55 cost growth .....								[-1,000]		
007	JATOS .....		2,776		2,776		2,776				2,776
008	LRLAP 6" LONG RANGE ATTACK PROJECTILE .....		7,102		7,102		7,102				7,102
009	5 INCH/54 GUN AMMUNITION .....		48,320		48,320		48,320				48,320
010	INTERMEDIATE CALIBER GUN AMMUNITION .....		25,544		25,544		25,544				25,544
011	OTHER SHIP GUN AMMUNITION .....		41,624		41,624		41,624		-2,740		38,884
	30MM x 173 linked cartridge contract delay .....								[-2,740]		
012	SMALL ARMS & LANDING PARTY AMMO .....		65,893		65,893		65,893		-646		65,247
	M18A1 mine cost growth .....								[-646]		
013	PYROTECHNIC AND DEMOLITION .....		11,176		11,176		11,176				11,176
014	AMMUNITION LESS THAN \$5 MILLION .....		4,116		4,116		4,116				4,116
	<b>MARINE CORPS AMMUNITION</b>										
015	SMALL ARMS AMMUNITION .....		83,733		83,733		83,733				83,733
016	LINEAR CHARGES, ALL TYPES .....		24,645		24,645		24,645				24,645
017	40 MM, ALL TYPES .....		16,201		16,201		16,201				16,201
019	81MM, ALL TYPES .....		13,711		3,711		3,711		-10,000		3,711
	Excess to need .....				[-10,000]		[-10,000]		[-10,000]		
020	120MM, ALL TYPES .....		12,557		12,557		12,557				12,557
022	GRENADES, ALL TYPES .....		7,634		7,134		7,134		-500		7,134
	Excess to need .....				[-500]		[-500]		[-500]		
023	ROCKETS, ALL TYPES .....		27,528		27,528		27,528				27,528
024	ARTILLERY, ALL TYPES .....		93,065		93,065		93,065		-16,606		76,459
	Prior year funds available .....								[-16,606]		
025	DEMOLITION MUNITIONS, ALL TYPES .....		2,047				47		-2,047		0

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(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Excess to need .....				[-2,047]		[-2,000]		[-2,047]		
026	FUZE, ALL TYPES .....		5,297		5,297		5,297				5,297
027	NON LETHALS .....		1,362		1,362		1,362				1,362
028	AMMO MODERNIZATION .....		4,566		4,566		4,566				4,566
029	ITEMS LESS THAN \$5 MILLION .....		6,010		6,010		6,010				6,010
	<b>PRIOR YEAR SAVINGS</b>										
029B	PRIOR YEAR SAVINGS .....						-88,300				0
	Ammunition change in requirements .....						[-88,300]				
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>		<b>759,539</b>		<b>746,992</b>		<b>658,739</b>		<b>-33,539</b>		<b>726,000</b>
	<b>OTHER PROCUREMENT, NAVY</b>										
	<b>SHIP PROPULSION EQUIPMENT</b>										
001	LM-2500 GAS TURBINE .....		10,658		10,658		10,658				10,658
002	ALLISON 501K GAS TURBINE .....		8,469		8,469		8,469				8,469
	<b>NAVIGATION EQUIPMENT</b>										
003	OTHER NAVIGATION EQUIPMENT .....		23,392		23,392		23,392				23,392
	<b>PERISCOPES</b>										
004	SUB PERISCOPES & IMAGING EQUIP .....		53,809		53,809		53,809				53,809
	<b>OTHER SHIPBOARD EQUIPMENT</b>										
005	DDG MOD .....		452,371		452,371		452,371				452,371
006	FIREFIGHTING EQUIPMENT .....		16,958		16,958		16,958				16,958
007	COMMAND AND CONTROL SWITCHBOARD .....		2,492		2,492		2,492				2,492
008	POLLUTION CONTROL EQUIPMENT .....		20,707		20,707		20,707				20,707
009	SUBMARINE SUPPORT EQUIPMENT .....		12,046		12,046		12,046				12,046
010	VIRGINIA CLASS SUPPORT EQUIPMENT .....		79,870		79,870		79,870				79,870
011	LCS CLASS SUPPORT EQUIPMENT .....		19,865		19,865		19,865				19,865
012	SUBMARINE BATTERIES .....		41,522		41,522		41,522				41,522
013	LPD CLASS SUPPORT EQUIPMENT .....		30,543		30,543		30,543				30,543
014	STRATEGIC PLATFORM SUPPORT EQUIP .....		16,257		16,257		16,257				16,257
015	DSSP EQUIPMENT .....		3,630		3,630		3,630				3,630
016	CG MODERNIZATION .....		101,000		184,972		101,000		83,972		184,972
	Cruiser retention .....				[83,972]				[83,972]		
017	LCAC .....		16,645		16,645		16,645				16,645
018	UNDERWATER EOD PROGRAMS .....		35,446		35,446		35,446				35,446
019	ITEMS LESS THAN \$5 MILLION .....		65,998		65,998		65,998				65,998
020	CHEMICAL WARFARE DETECTORS .....		4,359		4,359		4,359				4,359
021	SUBMARINE LIFE SUPPORT SYSTEM .....		10,218		10,218		10,218				10,218
	<b>REACTOR PLANT EQUIPMENT</b>										
022	REACTOR POWER UNITS .....		286,859		286,859		286,859				286,859
023	REACTOR COMPONENTS .....		278,503		278,503		278,503				278,503
	<b>OCEAN ENGINEERING</b>										
024	DIVING AND SALVAGE EQUIPMENT .....		8,998		8,998		8,998				8,998
	<b>SMALL BOATS</b>										
025	STANDARD BOATS .....		30,131		30,131		30,131				30,131
	<b>TRAINING EQUIPMENT</b>										
026	OTHER SHIPS TRAINING EQUIPMENT .....		29,772		29,772		29,772				29,772
	<b>PRODUCTION FACILITIES EQUIPMENT</b>										
027	OPERATING FORCES IPE .....		64,346		64,346		64,346				64,346
	<b>OTHER SHIP SUPPORT</b>										
028	NUCLEAR ALTERATIONS .....		154,652		154,652		154,652				154,652
029	LCS COMMON MISSION MODULES EQUIPMENT .....		31,319		31,319		31,319				31,319
030	LCS MCM MISSION MODULES .....		38,392		38,392		38,392				38,392
031	LCS SUW MISSION MODULES .....		32,897		32,897		32,897				32,897
	<b>LOGISTIC SUPPORT</b>										
032	LSD MIDLIFE .....		49,758		49,758		49,758				49,758
	<b>SHIP SONARS</b>										
034	SPQ-9B RADAR .....		19,777		19,777		19,777				19,777
035	AN/SQQ-89 SURF ASW COMBAT SYSTEM .....		89,201		89,201		89,201				89,201
036	SSN ACOUSTICS .....		190,874		190,874		190,874				190,874
037	UNDERSEA WARFARE SUPPORT EQUIPMENT .....		17,035		17,035		17,035				17,035
038	SONAR SWITCHES AND TRANSDUCERS .....		13,410		13,410		13,410				13,410
	<b>ASW ELECTRONIC EQUIPMENT</b>										
040	SUBMARINE ACOUSTIC WARFARE SYSTEM .....		21,489		21,489		21,489		-1,957		19,532
	Contract award delays for launch tube and MK3 .....								[-1,957]		
041	SSTD .....		10,716		10,716		10,716				10,716
042	FIXED SURVEILLANCE SYSTEM .....		98,896		98,896		98,896				98,896
043	SURTASS .....		2,774		2,774		2,774				2,774
044	MARITIME PATROL AND RECONNSAISANCE FORCE .....		18,428		18,428		18,428				18,428
	<b>ELECTRONIC WARFARE EQUIPMENT</b>										
045	AN/SLQ-32 .....		92,270		92,270		92,270				92,270
	<b>RECONNAISSANCE EQUIPMENT</b>										
046	SHIPBOARD IW EXPLOIT .....		107,060		108,185		107,060				107,060
	Cruiser Retention .....				[1,125]						
047	AUTOMATED IDENTIFICATION SYSTEM (AIS) .....		914		914		914				914
	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>										
048	SUBMARINE SUPPORT EQUIPMENT PROG .....		34,050		34,050		34,050				34,050
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>										



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		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
049	COOPERATIVE ENGAGEMENT CAPABILITY .....		27,881		27,881		27,881		-5,690		22,191
	Excess PAAA backfit installation funding .....								[-615]		
	Excess signal data processor backfit kit installation funding.								[-2,725]		
	Signal data processor backfit kit contract delay .....								[-1,350]		
	Support funding carryover .....								[-1,000]		
050	TRUSTED INFORMATION SYSTEM (TIS) .....		448		448		448				448
051	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....		35,732		35,732		35,732				35,732
053	NAVY COMMAND AND CONTROL SYSTEM (NCCS) .....		9,533		9,533		9,533				9,533
054	MINESWEEPING SYSTEM REPLACEMENT .....		60,111		60,111		60,111				60,111
055	SHALLOW WATER MCM .....		6,950		6,950		6,950				6,950
056	NAVSTAR GPS RECEIVERS (SPACE) .....		9,089		9,089		9,089				9,089
057	AMERICAN FORCES RADIO AND TV SERVICE .....		7,768		7,768		7,768				7,768
058	STRATEGIC PLATFORM SUPPORT EQUIP .....		3,614		3,614		3,614				3,614
	<b>TRAINING EQUIPMENT</b>										
059	OTHER TRAINING EQUIPMENT .....		42,911		42,911		42,911				42,911
	<b>AVIATION ELECTRONIC EQUIPMENT</b>										
060	MATCALS .....		5,861		5,861		5,861				5,861
061	SHIPBOARD AIR TRAFFIC CONTROL .....		8,362		8,362		8,362				8,362
062	AUTOMATIC CARRIER LANDING SYSTEM .....		15,685		15,685		15,685				15,685
063	NATIONAL AIR SPACE SYSTEM .....		16,919		16,919		16,919				16,919
064	FLEET AIR TRAFFIC CONTROL SYSTEMS .....		6,828		6,828		6,828				6,828
065	LANDING SYSTEMS .....		7,646		7,646		7,646				7,646
066	ID SYSTEMS .....		35,474		35,474		35,474				35,474
067	NAVAL MISSION PLANNING SYSTEMS .....		9,958		9,958		9,958				9,958
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>										
068	DEPLOYABLE JOINT COMMAND AND CONT .....		9,064		9,064		9,064				9,064
069	MARITIME INTEGRATED BROADCAST SYSTEM .....		16,026		16,026		16,026				16,026
070	TACTICAL/MOBILE C4I SYSTEMS .....		11,886		11,886		11,886				11,886
071	DCGS-N .....		11,887		11,887		11,887				11,887
072	CANES .....		341,398		344,848		341,398		-20,524		320,874
	Contract delay (DDG-51 class) .....								[-7,734]		
	Contract delay (LHD-7) .....								[-8,305]		
	Cruiser Retention .....				[3,450]						
	Excess ADNS installation (afloat) funding .....								[-2,070]		
	Excess ADNS installation (ashore) funding .....								[-2,415]		
073	RADIAC .....		8,083		8,083		8,083				8,083
074	CANES-INTELL .....		79,427		79,427		79,427				79,427
075	GPETE .....		6,083		6,083		6,083				6,083
076	INTEG COMBAT SYSTEM TEST FACILITY .....		4,495		4,495		4,495				4,495
077	EMI CONTROL INSTRUMENTATION .....		4,767		4,767		4,767				4,767
078	ITEMS LESS THAN \$5 MILLION .....		81,755		81,755		81,755				81,755
	<b>SHIPBOARD COMMUNICATIONS</b>										
080	SHIP COMMUNICATIONS AUTOMATION .....		56,870		58,023		56,870				56,870
	Cruiser Retention .....				[1,153]						
081	MARITIME DOMAIN AWARENESS (MDA) .....		1,063		1,063		1,063				1,063
082	COMMUNICATIONS ITEMS UNDER \$5M .....		28,522		28,522		28,522				28,522
	<b>SUBMARINE COMMUNICATIONS</b>										
083	SUBMARINE BROADCAST SUPPORT .....		4,183		4,183		4,183				4,183
084	SUBMARINE COMMUNICATION EQUIPMENT .....		69,025		69,025		69,025				69,025
	<b>SATELLITE COMMUNICATIONS</b>										
085	SATELLITE COMMUNICATIONS SYSTEMS .....		49,294		49,294		51,294		2,000		51,294
	SPIDERNet/Spectral Warrior Hardware .....						[2,000]		[2,000]		
086	NAVY MULTIBAND TERMINAL (NMT) .....		184,825		186,540		184,825				184,825
	Cruiser Retention .....				[1,715]						
	<b>SHORE COMMUNICATIONS</b>										
087	JCS COMMUNICATIONS EQUIPMENT .....		2,180		2,180		2,180				2,180
088	ELECTRICAL POWER SYSTEMS .....		1,354		1,354		1,354				1,354
	<b>CRYPTOGRAPHIC EQUIPMENT</b>										
090	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....		144,104		144,104		144,104				144,104
	<b>CRYPTOLOGIC EQUIPMENT</b>										
091	CRYPTOLOGIC COMMUNICATIONS EQUIP .....		12,604		12,604		12,604				12,604
	<b>OTHER ELECTRONIC SUPPORT</b>										
092	COAST GUARD EQUIPMENT .....		6,680		6,680		6,680				6,680
	<b>SONOBUOYS</b>										
095	SONOBUOYS—ALL TYPES .....		104,677		104,677		104,677				104,677
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>										
096	WEAPONS RANGE SUPPORT EQUIPMENT .....		70,753		70,753		70,753				70,753
097	EXPEDITIONARY AIRFIELDS .....		8,678		8,678		8,678				8,678
098	AIRCRAFT REARMING EQUIPMENT .....		11,349		11,349		11,349				11,349
099	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT .....		82,618		82,618		82,618		-638		81,980
	ADMACS installation cost growth .....								[-638]		
100	METEOROLOGICAL EQUIPMENT .....		18,339		18,339		18,339				18,339
101	DCRS/DPL .....		1,414		1,414		1,414				1,414
102	AVIATION LIFE SUPPORT .....		40,475		40,475		40,475				40,475
103	AIRBORNE MINE COUNTERMEASURES .....		61,552		61,552		61,552				61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT .....		18,771		18,771		18,771				18,771

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		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
105	PORTABLE ELECTRONIC MAINTENANCE AIDS .....		7,954		7,954		7,954				7,954
106	OTHER AVIATION SUPPORT EQUIPMENT .....		10,023		10,023		10,023				10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS) .....		3,826		3,826		3,826				3,826
	<b>SHIP GUN SYSTEM EQUIPMENT</b>										
108	NAVAL FIRES CONTROL SYSTEM .....		3,472		3,472		3,472				3,472
109	GUN FIRE CONTROL EQUIPMENT .....		4,528		4,528		4,528				4,528
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>										
110	NATO SEASPARROW .....		8,960		8,960		8,960				8,960
111	RAM GMLS .....		1,185		1,185		1,185				1,185
112	SHIP SELF DEFENSE SYSTEM .....		55,371		55,371		55,371				55,371
113	AEGIS SUPPORT EQUIPMENT .....		81,614		81,614		81,614				81,614
114	TOMAHAWK SUPPORT EQUIPMENT .....		77,767		77,767		77,767		-5,500		72,267
	Production support funding growth .....								[-5,500]		
115	VERTICAL LAUNCH SYSTEMS .....		754		754		754				754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS .....		4,965		4,965		4,965				4,965
	<b>FBM SUPPORT EQUIPMENT</b>										
117	STRATEGIC MISSILE SYSTEMS EQUIP .....		181,049		181,049		181,049				181,049
	<b>ASW SUPPORT EQUIPMENT</b>										
118	SSN COMBAT CONTROL SYSTEMS .....		71,316		71,316		71,316				71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT .....		4,018		4,018		4,018				4,018
120	SURFACE ASW SUPPORT EQUIPMENT .....		6,465		6,465		6,465				6,465
121	ASW RANGE SUPPORT EQUIPMENT .....		47,930		47,930		47,930				47,930
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>										
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....		3,579		3,579		3,579				3,579
123	ITEMS LESS THAN \$5 MILLION .....		3,125		3,125		3,125				3,125
	<b>OTHER EXPENDABLE ORDNANCE</b>										
124	ANTI-SHIP MISSILE DECOY SYSTEM .....		31,743		42,981		31,743		-2,000		29,743
	Cruiser Retention .....				[1,238]						
	Program increase for NULKA decoys .....				[10,000]						
	Support funding growth .....								[-2,000]		
125	SURFACE TRAINING DEVICE MODS .....		34,174		34,174		34,174				34,174
126	SUBMARINE TRAINING DEVICE MODS .....		23,450		23,450		23,450				23,450
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>										
127	PASSENGER CARRYING VEHICLES .....		7,158		7,158		7,158				7,158
128	GENERAL PURPOSE TRUCKS .....		3,325		3,325		3,325				3,325
129	CONSTRUCTION & MAINTENANCE EQUIP .....		8,692		8,692		8,692				8,692
130	FIRE FIGHTING EQUIPMENT .....		14,533		14,533		14,533				14,533
131	TACTICAL VEHICLES .....		15,330		15,330		15,330				15,330
132	AMPHIBIOUS EQUIPMENT .....		10,803		10,803		10,803				10,803
133	POLLUTION CONTROL EQUIPMENT .....		7,265		7,265		7,265				7,265
134	ITEMS UNDER \$5 MILLION .....		15,252		15,252		15,252				15,252
135	PHYSICAL SECURITY VEHICLES .....		1,161		1,161		1,161				1,161
	<b>SUPPLY SUPPORT EQUIPMENT</b>										
136	MATERIALS HANDLING EQUIPMENT .....		15,204		15,204		15,204				15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT .....		6,330		6,330		6,330				6,330
138	FIRST DESTINATION TRANSPORTATION .....		6,539		6,539		6,539				6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS .....		34,804		34,804		34,804				34,804
	<b>TRAINING DEVICES</b>										
140	TRAINING SUPPORT EQUIPMENT .....		25,444		25,444		25,444				25,444
	<b>COMMAND SUPPORT EQUIPMENT</b>										
141	COMMAND SUPPORT EQUIPMENT .....		43,165		43,165		43,165				43,165
142	EDUCATION SUPPORT EQUIPMENT .....		2,251		2,251		2,251				2,251
143	MEDICAL SUPPORT EQUIPMENT .....		3,148		3,148		3,148				3,148
146	NAVAL MIP SUPPORT EQUIPMENT .....		3,502		3,502		3,502				3,502
148	OPERATING FORCES SUPPORT EQUIPMENT .....		15,696		15,696		15,696				15,696
149	C4ISR EQUIPMENT .....		4,344		4,344		4,344				4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT .....		19,492		19,492		19,492				19,492
151	PHYSICAL SECURITY EQUIPMENT .....		177,149		177,149		177,149				177,149
152	ENTERPRISE INFORMATION TECHNOLOGY .....		183,995		183,995		183,995				183,995
	<b>CLASSIFIED PROGRAMS</b>										
152A	CLASSIFIED PROGRAMS .....		13,063		13,063		13,063				13,063
	<b>SPARES AND REPAIR PARTS</b>										
153	SPARES AND REPAIR PARTS .....		250,718		250,718		250,718				250,718
	<b>TOTAL OTHER PROCUREMENT, NAVY</b> .....		<b>6,169,378</b>		<b>6,272,031</b>		<b>6,171,378</b>		<b>49,663</b>		<b>6,219,041</b>
	<b>PROCUREMENT, MARINE CORPS</b>										
	<b>TRACKED COMBAT VEHICLES</b>										
001	AAV7A1 PIP .....		16,089		16,089		16,089				16,089
002	LAV PIP .....		186,216		45,316		46,216		-140,874		45,342
	Budget adjustment per USMC .....				[-140,900]		[-140,000]		[-140,874]		
	<b>ARTILLERY AND OTHER WEAPONS</b>										
003	EXPEDITIONARY FIRE SUPPORT SYSTEM .....		2,502		2,502		2,502				2,502
004	155MM LIGHTWEIGHT TOWED HOWITZER .....		17,913		17,913		17,913				17,913
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....		47,999		47,999		47,999				47,999
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....		17,706		17,706		17,706				17,706
	<b>OTHER SUPPORT</b>										
007	MODIFICATION KITS .....		48,040		48,040		48,040				48,040

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
008	WEAPONS ENHANCEMENT PROGRAM .....		4,537		4,537		4,537				4,537
	<b>GUIDED MISSILES</b>										
009	GROUND BASED AIR DEFENSE .....		11,054		11,054		11,054				11,054
011	FOLLOW ON TO SMAW .....		19,650		19,650		19,650				19,650
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) .....		20,708		20,708		20,708				20,708
	<b>COMMAND AND CONTROL SYSTEMS</b>										
014	UNIT OPERATIONS CENTER .....		1,420		1,420		1,420				1,420
	<b>REPAIR AND TEST EQUIPMENT</b>										
015	REPAIR AND TEST EQUIPMENT .....		25,127		25,127		25,127				25,127
	<b>OTHER SUPPORT (TEL)</b>										
016	COMBAT SUPPORT SYSTEM .....		25,822		25,822		25,822				25,822
017	MODIFICATION KITS .....		2,831		2,831		2,831				2,831
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>										
018	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....		5,498		5,498		5,498				5,498
019	AIR OPERATIONS C2 SYSTEMS .....		11,290		11,290		11,290				11,290
	<b>RADAR + EQUIPMENT (NON-TEL)</b>										
020	RADAR SYSTEMS .....		128,079		128,079		128,079				128,079
021	RQ-21 UAS .....	5	27,619	5	27,619	5	27,619			5	27,619
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>										
022	FIRE SUPPORT SYSTEM .....		7,319		7,319		7,319				7,319
023	INTELLIGENCE SUPPORT EQUIPMENT .....		7,466		7,466		7,466				7,466
025	RQ-11 UAV .....		2,318		2,318		2,318				2,318
026	DCGS-MC .....		18,291		18,291		18,291				18,291
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>										
029	NIGHT VISION EQUIPMENT .....		48,084		48,084		48,084				48,084
	<b>OTHER SUPPORT (NON-TEL)</b>										
030	COMMON COMPUTER RESOURCES .....		206,708		206,708		206,708				206,708
031	COMMAND POST SYSTEMS .....		35,190		35,190		35,190				35,190
032	RADIO SYSTEMS .....		89,059		89,059		89,059				89,059
033	COMM SWITCHING & CONTROL SYSTEMS .....		22,500		22,500		22,500				22,500
034	COMM & ELEC INFRASTRUCTURE SUPPORT .....		42,625		42,625		42,625				42,625
	<b>CLASSIFIED PROGRAMS</b>										
035A	CLASSIFIED PROGRAMS .....		2,290		2,290		2,290				2,290
	<b>ADMINISTRATIVE VEHICLES</b>										
035	COMMERCIAL PASSENGER VEHICLES .....		2,877		2,877		2,877				2,877
036	COMMERCIAL CARGO VEHICLES .....		13,960		13,960		13,960				13,960
	<b>TACTICAL VEHICLES</b>										
037	5/4T TRUCK HMMVV (MYP) .....		8,052		8,052		8,052				8,052
038	MOTOR TRANSPORT MODIFICATIONS .....		50,269		50,269		50,269				50,269
040	LOGISTICS VEHICLE SYSTEM REP .....	8	37,262	8	37,262	8	37,262			8	37,262
041	FAMILY OF TACTICAL TRAILERS .....		48,160		48,160		48,160				48,160
	<b>OTHER SUPPORT</b>										
043	ITEMS LESS THAN \$5 MILLION .....		6,705		6,705		6,705				6,705
	<b>ENGINEER AND OTHER EQUIPMENT</b>										
044	ENVIRONMENTAL CONTROL EQUIP ASSORT .....		13,576		13,576		13,576				13,576
045	BULK LIQUID EQUIPMENT .....		16,869		16,869		16,869				16,869
046	TACTICAL FUEL SYSTEMS .....		19,108		19,108		19,108				19,108
047	POWER EQUIPMENT ASSORTED .....		56,253		56,253		56,253				56,253
048	AMPHIBIOUS SUPPORT EQUIPMENT .....		13,089		13,089		13,089				13,089
049	EO SYSTEMS .....		73,699		73,699		73,699				73,699
	<b>MATERIALS HANDLING EQUIPMENT</b>										
050	PHYSICAL SECURITY EQUIPMENT .....		3,510		3,510		3,510				3,510
051	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....		11,490		11,490		11,490				11,490
052	MATERIAL HANDLING EQUIP .....		20,659		20,659		20,659				20,659
053	FIRST DESTINATION TRANSPORTATION .....		132		132		132				132
	<b>GENERAL PROPERTY</b>										
054	FIELD MEDICAL EQUIPMENT .....		31,068		31,068		31,068				31,068
055	TRAINING DEVICES .....		45,895		45,895		45,895				45,895
056	CONTAINER FAMILY .....		5,801		5,801		5,801				5,801
057	FAMILY OF CONSTRUCTION EQUIPMENT .....		23,939		23,939		23,939				23,939
060	RAPID DEPLOYABLE KITCHEN .....		8,365		8,365		8,365				8,365
	<b>OTHER SUPPORT</b>										
061	ITEMS LESS THAN \$5 MILLION .....		7,077		7,077		7,077				7,077
	<b>SPARES AND REPAIR PARTS</b>										
062	SPARES AND REPAIR PARTS .....		3,190		3,190		3,190				3,190
	<b>PRIOR YEAR SAVINGS</b>										
062A	PRIOR YEAR SAVINGS .....						-135,200				0
	LAV procurement acquisition objective change PY .....						[-135,200]				
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>13</b>	<b>1,622,955</b>	<b>13</b>	<b>1,482,055</b>	<b>13</b>	<b>1,347,755</b>		<b>-140,874</b>	<b>13</b>	<b>1,482,081</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>										
	<b>TACTICAL FORCES</b>										
001	F-35 .....	19	3,124,302	19	3,124,302	19	3,124,302			19	3,124,302
002	ADVANCE PROCUREMENT (CY) .....		293,400		229,400		293,400				293,400
	Excess advance procurement .....				[-64,000]						
	<b>OTHER AIRLIFT</b>										
005	C-130J .....		68,373		68,373		68,373				68,373

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
007	HC-130J .....	1	152,212	1	152,212	1	152,212			1	152,212
009	MC-130J .....	4	374,866	4	374,866	4	374,866			4	374,866
012	C-27J .....				115,000						0
	C-27J buy-back .....				[115,000]						
	HELICOPTERS										
015	HH-60 LOSS REPLACEMENT/RECAP .....		60,596		60,596		60,596				60,596
017	CV-22 (MYP) .....	4	294,220	4	294,220	4	294,220			4	294,220
018	ADVANCE PROCUREMENT (CY) .....		15,000		15,000		15,000				15,000
	MISSION SUPPORT AIRCRAFT										
019	CIVIL AIR PATROL A/C .....	5	2,498	5	2,498	5	2,498			5	2,498
	OTHER AIRCRAFT										
024	TARGET DRONES .....	15	129,866	15	129,866	15	129,866			15	129,866
026	RQ-4 .....		75,000		180,200		75,000		105,200		180,200
	Sustain current force structure .....				[105,200]				[105,200]		
028	AC-130J .....	2	163,970	2	163,970	2	163,970			2	163,970
030	MQ-9 .....	24	553,530	36	712,430	24	553,530	12	155,000	36	708,530
	Additional aircraft .....			[12]	[158,900]			[12]	[155,000]		
031	RQ-4 BLOCK 40 PROC .....		11,654		11,654		11,654				11,654
	STRATEGIC AIRCRAFT										
032	B-2A .....		82,296		82,296		82,296				82,296
033	B-1B .....		149,756		149,756		149,756				149,756
034	B-52 .....		9,781		9,781		9,781				9,781
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....		28,800		28,800		28,800				28,800
	TACTICAL AIRCRAFT										
036	A-10 .....		89,919		89,919		89,919		84,000		173,919
	Retain A-10 force structure .....								[84,000]		
037	F-15 .....		148,378		148,378		148,378				148,378
038	F-16 .....		6,896		6,896		6,896				6,896
039	F-22A .....		283,871		283,871		283,871				283,871
040	F-35 MODIFICATIONS .....		147,995		147,995		147,995				147,995
	AIRLIFT AIRCRAFT										
041	C-5 .....		6,967		6,967		6,967				6,967
043	C-5M .....		944,819		944,819		944,819		-65,000		879,819
	Inflation adjustment and installation efficiencies .....								[-65,000]		
044	ADVANCE PROCUREMENT (CY) .....		175,800		175,800		175,800				175,800
046	C-17A .....		205,079		205,079		205,079				205,079
047	C-21 .....		199		199		199				199
048	C-32A .....		1,750		1,750		1,750				1,750
049	C-37A .....		445		445		445				445
	TRAINER AIRCRAFT										
051	GLIDER MODS .....		126		126		126				126
052	T-6 .....		15,494		15,494		15,494				15,494
053	T-1 .....		272		272		272				272
054	T-38 .....		20,455		20,455		20,455				20,455
	OTHER AIRCRAFT										
056	U-2 MODS .....		44,477		44,477		44,477				44,477
057	KC-10A (ATCA) .....		46,921		46,921		46,921				46,921
058	C-12 .....		1,876		1,876		1,876				1,876
059	MC-12W .....		17,054		17,054		17,054				17,054
060	C-20 MODS .....		243		243		243				243
061	VC-25A MOD .....		11,185		11,185		11,185				11,185
062	C-40 .....		243		243		243				243
063	C-130 .....		67,853		67,853		67,853				67,853
065	C-130J MODS .....		70,555		70,555		70,555				70,555
066	C-135 .....		46,707		46,707		46,707				46,707
067	COMPASS CALL MODS .....		50,024		50,024		50,024				50,024
068	RC-135 .....		165,237		165,237		165,237				165,237
069	E-3 .....		193,099		193,099		193,099				193,099
070	E-4 .....		47,616		47,616		47,616				47,616
071	E-8 .....		59,320		59,320		71,320				59,320
	Restart production line for the JSTARS re-engining program.						[12,000]				
072	H-1 .....		5,449		5,449		5,449				5,449
073	H-60 .....		26,227		26,227		26,227				26,227
074	RQ-4 MODS .....		9,257		9,257		9,257				9,257
075	HC/MC-130 MODIFICATIONS .....		22,326		22,326		22,326				22,326
076	OTHER AIRCRAFT .....		18,832		18,832		18,832				18,832
077	MQ-1 MODS .....		30,861		30,861		30,861				30,861
078	MQ-9 MODS .....		238,360		238,360		238,360				238,360
079	MQ-9 UAS PAYLOADS .....		93,461		93,461		93,461				93,461
080	CV-22 MODS .....		23,881		23,881		23,881				23,881
	AIRCRAFT SPARES AND REPAIR PARTS										
081	INITIAL SPARES/REPAIR PARTS .....		729,691		728,291		729,691				729,691
	Premature request for deployment spares packages for F-35.				[-23,000]						
	Support additional MQ-9 aircraft .....				[21,600]						
	COMMON SUPPORT EQUIPMENT										

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....		56,542		56,542		56,542				56,542
	<b>POST PRODUCTION SUPPORT</b>										
083	A-10 .....		5,100		5,100		5,100				5,100
084	B-1 .....		965		965		965				965
086	B-2A .....		47,580		47,580		47,580				47,580
088	KC-10A (ATCA) .....		13,100		13,100		13,100				13,100
089	C-17A .....		181,703		181,703		181,703				181,703
090	C-130 .....		31,830		31,830		31,830				31,830
091	C-135 .....		13,434		13,434		13,434				13,434
092	F-15 .....		2,363		2,363		2,363				2,363
093	F-16 .....		8,506		8,506		8,506		-2,600		5,906
	Production line shutdown—excess to need .....								[-2,600]		
096	OTHER AIRCRAFT .....		9,522		9,522		9,522				9,522
	<b>INDUSTRIAL PREPAREDNESS</b>										
097	INDUSTRIAL RESPONSIVENESS .....		20,731		20,731		20,731				20,731
	<b>WAR CONSUMABLES</b>										
098	WAR CONSUMABLES .....		89,727		89,727		89,727				89,727
	<b>OTHER PRODUCTION CHARGES</b>										
099	OTHER PRODUCTION CHARGES .....		842,392		842,392		842,392				842,392
	<b>CLASSIFIED PROGRAMS</b>										
103A	CLASSIFIED PROGRAMS .....		20,164		20,164		20,164				20,164
	<b>PRIOR YEAR SAVINGS</b>										
103B	PRIOR YEAR SAVINGS .....						-920,748				0
	C-130 AMP cancellation .....						[-207,163]				
	Common vertical lift support platform (CVLSP) cancellation .....						[-52,800]				
	Light attack armed reconnaissance (LAAR) cancellation .....						[-115,049]				
	Light mobility aircraft cancellation .....						[-65,296]				
	RQ-4 Global Hawk Block 30 cancellation .....						[-480,440]				
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE .....</b>	<b>74</b>	<b>11,002,999</b>	<b>86</b>	<b>11,316,699</b>	<b>74</b>	<b>10,094,251</b>	<b>12</b>	<b>276,600</b>	<b>86</b>	<b>11,279,599</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>										
	<b>ROCKETS</b>										
001	ROCKETS .....		8,927		8,927		8,927				8,927
	<b>CARTRIDGES</b>										
002	CARTRIDGES .....		118,075		118,075		118,075				118,075
	<b>BOMBS</b>										
003	PRACTICE BOMBS .....		32,393		32,393		32,393				32,393
004	GENERAL PURPOSE BOMBS .....		163,467		163,467		163,467				163,467
005	JOINT DIRECT ATTACK MUNITION .....	3,259	101,921	3,259	101,921	3,259	101,921			3,259	101,921
	<b>FLARE, IR MJU-7B</b>										
006	CAD/PAD .....		43,829		43,829		43,829				43,829
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....		7,515		7,515		7,515				7,515
008	SPARES AND REPAIR PARTS .....		1,003		1,003		1,003				1,003
009	MODIFICATIONS .....		5,321		5,321		5,321				5,321
010	ITEMS LESS THAN \$5 MILLION .....		5,066		5,066		5,066				5,066
	<b>FUZES</b>										
011	FLARES .....		46,010		46,010		46,010				46,010
012	FUZES .....		36,444		36,444		36,444				36,444
	<b>SMALL ARMS</b>										
013	SMALL ARMS .....		29,223		29,223		29,223				29,223
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE .....</b>	<b>3,259</b>	<b>599,194</b>	<b>3,259</b>	<b>599,194</b>	<b>3,259</b>	<b>599,194</b>			<b>3,259</b>	<b>599,194</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>										
	<b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>										
001	MISSILE REPLACEMENT EQ-BALLISTIC .....		56,906		56,906		56,906				56,906
	<b>TACTICAL</b>										
002	JASSM .....	157	240,399	157	240,399	157	240,399			157	240,399
003	SIDEWINDER (AIM-9X) .....	164	88,020	164	88,020	164	88,020			164	88,020
004	AMRAAM .....	113	229,637	113	244,637	113	229,637		-22,700	113	206,937
	Missile unit cost adjustment .....								[-22,700]		
	Program increase .....				[15,000]						
005	PREDATOR HELLFIRE MISSILE .....	413	47,675	413	47,675	413	47,675			413	47,675
006	SMALL DIAMETER BOMB .....	144	42,000	144	42,000	144	42,000			144	42,000
	<b>INDUSTRIAL FACILITIES</b>										
007	INDUSTRIAL PREPAREDNESS/POL PREVENTION .....		744		744		744				744
	<b>CLASS IV</b>										
009	MM III MODIFICATIONS .....		54,794		54,794		54,794				54,794
010	AGM-65D MAVERICK .....		271		271		271				271
011	AGM-88A HARM .....		23,240		23,240		23,240				23,240
012	AIR LAUNCH CRUISE MISSILE (ALCM) .....		13,620		13,620		13,620				13,620
013	SMALL DIAMETER BOMB .....		5,000		5,000		5,000				5,000
	<b>MISSILE SPARES AND REPAIR PARTS</b>										
014	INITIAL SPARES/REPAIR PARTS .....		74,373		74,373		74,373				74,373
	<b>SPACE PROGRAMS</b>										
015	ADVANCED EHF .....		557,205		557,205		557,205		-10,000		547,205

SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Schedule Delay Due to Late AP Award .....							[-10,000]			
017	WIDEBAND GAPFILLER SATELLITES(SPACE) .....		36,835		36,835		36,835				36,835
019	GPS III SPACE SEGMENT .....	2	410,294	2	410,294	2	410,294			2	410,294
020	ADVANCE PROCUREMENT (CY) .....		82,616		82,616		82,616				82,616
021	SPACEBORNE EQUIP (COMSEC) .....		10,554		10,554		10,554				10,554
022	GLOBAL POSITIONING (SPACE) .....		58,147		58,147		58,147				58,147
023	DEF METEOROLOGICAL SAT PROG(SPACE) .....		89,022		89,022		89,022				89,022
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	4	1,679,856	4	1,679,856	4	1,679,856			4	1,679,856
025	SBIR HIGH (SPACE) .....	2	454,251	2	454,251	2	454,251			2	454,251
	<b>SPECIAL PROGRAMS</b>										
030	SPECIAL UPDATE PROGRAMS .....		138,904		138,904		138,904				138,904
	<b>CLASSIFIED PROGRAMS</b>										
030A	CLASSIFIED PROGRAMS .....		1,097,483		1,097,483		1,097,483				1,097,483
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>999</b>	<b>5,491,846</b>	<b>999</b>	<b>5,506,846</b>	<b>999</b>	<b>5,491,846</b>	<b>-32,700</b>		<b>999</b>	<b>5,459,146</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>										
	<b>PASSENGER CARRYING VEHICLES</b>										
001	PASSENGER CARRYING VEHICLES .....		1,905		1,905		1,905				1,905
	<b>CARGO AND UTILITY VEHICLES</b>										
002	MEDIUM TACTICAL VEHICLE .....		18,547		18,547		18,547				18,547
003	CAP VEHICLES .....		932		932		932				932
004	ITEMS LESS THAN \$5 MILLION .....		1,699		1,699		1,699				1,699
	<b>SPECIAL PURPOSE VEHICLES</b>										
005	SECURITY AND TACTICAL VEHICLES .....		10,850		10,850		10,850				10,850
006	ITEMS LESS THAN \$5 MILLION .....		9,246		9,246		9,246				9,246
	<b>FIRE FIGHTING EQUIPMENT</b>										
007	FIRE FIGHTING/CRASH RESCUE VEHICLES .....		23,148		23,148		23,148				23,148
	<b>MATERIALS HANDLING EQUIPMENT</b>										
008	ITEMS LESS THAN \$5 MILLION .....		18,323		18,323		18,323				18,323
	<b>BASE MAINTENANCE SUPPORT</b>										
009	RUNWAY SNOW REMOV AND CLEANING EQU .....		1,685		1,685		1,685				1,685
010	ITEMS LESS THAN \$5 MILLION .....		17,014		17,014		17,014				17,014
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>										
012	COMSEC EQUIPMENT .....		166,559		166,559		166,559				166,559
013	MODIFICATIONS (COMSEC) .....		1,133		1,133		1,133				1,133
	<b>INTELLIGENCE PROGRAMS</b>										
014	INTELLIGENCE TRAINING EQUIPMENT .....		2,749		2,749		2,749				2,749
015	INTELLIGENCE COMM EQUIPMENT .....		32,876		32,876		32,876				32,876
016	ADVANCE TECH SENSORS .....		877		877		877				877
017	MISSION PLANNING SYSTEMS .....		15,295		15,295		15,295				15,295
	<b>ELECTRONICS PROGRAMS</b>										
018	AIR TRAFFIC CONTROL & LANDING SYS .....		21,984		21,984		21,984				21,984
019	NATIONAL AIRSPACE SYSTEM .....		30,698		30,698		30,698				30,698
020	BATTLE CONTROL SYSTEM—FIXED .....		17,368		17,368		17,368				17,368
021	THEATER AIR CONTROL SYS IMPROVEMENTS .....		23,483		23,483		23,483				23,483
022	WEATHER OBSERVATION FORECAST .....		17,864		17,864		17,864				17,864
023	STRATEGIC COMMAND AND CONTROL .....		53,995		53,995		53,995		-19,000		34,995
	Early to need .....								[-19,000]		
024	CHEYENNE MOUNTAIN COMPLEX .....		14,578		14,578		14,578				14,578
025	TAC SIGINT SPT .....		208		208		208				208
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>										
027	GENERAL INFORMATION TECHNOLOGY .....		69,743		69,743		69,743				69,743
028	AF GLOBAL COMMAND & CONTROL SYS .....		15,829		15,829		15,829		47,200		63,029
	Add MQ-1/9 RSO--SOC Procurement .....								[9,900]		
	Establish ANG Targeting Unit--Workstation Procurement.								[37,300]		
029	MOBILITY COMMAND AND CONTROL .....		11,023		11,023		11,023				11,023
030	AIR FORCE PHYSICAL SECURITY SYSTEM .....		64,521		64,521		64,521				64,521
031	COMBAT TRAINING RANGES .....		18,217		18,217		18,217				18,217
032	C3 COUNTERMEASURES .....		11,899		11,899		11,899				11,899
033	GCSS-AF FOS .....		13,920		13,920		13,920				13,920
034	THEATER BATTLE MGT C2 SYSTEM .....		9,365		9,365		9,365				9,365
035	AIR & SPACE OPERATIONS CTR-WPN SYS .....		33,907		33,907		33,907				33,907
	<b>AIR FORCE COMMUNICATIONS</b>										
036	INFORMATION TRANSPORT SYSTEMS .....		52,464		52,464		52,464				52,464
038	AFNET .....		125,788		125,788		125,788				125,788
039	VOICE SYSTEMS .....		16,811		16,811		16,811				16,811
040	USCENTCOM .....		32,138		32,138		32,138				32,138
	<b>DISA PROGRAMS</b>										
041	SPACE BASED IR SENSOR PGM SPACE .....		47,135		47,135		47,135				47,135
042	NAVSTAR GPS SPACE .....		2,031		2,031		2,031				2,031
043	NUDET DETECTION SYS SPACE .....		5,564		5,564		5,564				5,564
044	AF SATELLITE CONTROL NETWORK SPACE .....		44,219		44,219		44,219				44,219
045	SPACELEIFT RANGE SYSTEM SPACE .....		109,545		109,545		109,545				109,545
046	MILSATCOM SPACE .....		47,592		47,592		47,592				47,592
047	SPACE MODS SPACE .....		47,121		47,121		47,121				47,121
048	COUNTERSPACE SYSTEM .....		20,961		20,961		20,961				20,961

**SEC. 4101. PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>ORGANIZATION AND BASE</b>										
049	TACTICAL C-E EQUIPMENT .....		126,131		126,131		126,131				126,131
050	COMBAT SURVIVOR EVADER LOCATER .....		23,707		23,707		23,707				23,707
051	RADIO EQUIPMENT .....		12,757		12,757		12,757				12,757
052	CCTV/AUDIOVISUAL EQUIPMENT .....		10,716		10,716		10,716				10,716
053	BASE COMM INFRASTRUCTURE .....		74,528		74,528		74,528				74,528
	<b>MODIFICATIONS</b>										
054	COMM ELECT MODS .....		43,507		43,507		43,507				43,507
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>										
055	NIGHT VISION GOGGLES .....		22,693		22,693		22,693				22,693
056	ITEMS LESS THAN \$5 MILLION .....		30,887		30,887		30,887				30,887
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>										
057	MECHANIZED MATERIAL HANDLING EQUIP .....		2,850		2,850		2,850				2,850
	<b>BASE SUPPORT EQUIPMENT</b>										
058	BASE PROCURED EQUIPMENT .....		8,387		8,387		8,387				8,387
059	CONTINGENCY OPERATIONS .....		10,358		10,358		10,358				10,358
060	PRODUCTIVITY CAPITAL INVESTMENT .....		3,473		3,473		3,473				3,473
062	MOBILITY EQUIPMENT .....		14,471		14,471		14,471				14,471
063	ITEMS LESS THAN \$5 MILLION .....		1,894		1,894		1,894				1,894
	<b>SPECIAL SUPPORT PROJECTS</b>										
065	DARP RC135 .....		24,176		24,176		24,176				24,176
066	DCGS-AF .....		142,928		142,928		142,928				142,928
068	SPECIAL UPDATE PROGRAM .....		479,446		479,446		479,446				479,446
069	DEFENSE SPACE RECONNAISSANCE PROG. ....		39,155		39,155		39,155				39,155
	<b>CLASSIFIED PROGRAMS</b>										
069A	CLASSIFIED PROGRAMS .....		14,331,312		14,331,312		14,331,312				14,331,312
	<b>SPARES AND REPAIR PARTS</b>										
071	SPARES AND REPAIR PARTS .....		14,663		14,663		14,663				14,663
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....		<b>16,720,848</b>		<b>16,720,848</b>		<b>16,720,848</b>		<b>28,200</b>		<b>16,749,048</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>										
	<b>MAJOR EQUIPMENT, DCAA</b>										
002	ITEMS LESS THAN \$5 MILLION .....		1,486		1,486		1,486				1,486
	<b>MAJOR EQUIPMENT, DCMA</b>										
003	MAJOR EQUIPMENT .....		2,129		2,129		2,129				2,129
	<b>MAJOR EQUIPMENT, DHRA</b>										
005	PERSONNEL ADMINISTRATION .....		6,147		6,147		6,147				6,147
	<b>MAJOR EQUIPMENT, DISA</b>										
012	INFORMATION SYSTEMS SECURITY .....		12,708		12,708		12,708				12,708
014	GLOBAL COMBAT SUPPORT SYSTEM .....		3,002		3,002		3,002				3,002
015	TELEPORT PROGRAM .....		46,992		46,992		46,992				46,992
016	ITEMS LESS THAN \$5 MILLION .....		108,462		108,462		108,462				108,462
017	NET CENTRIC ENTERPRISE SERVICES (NCES) .....		2,865		2,865		2,865				2,865
018	DEFENSE INFORMATION SYSTEM NETWORK .....		116,906		116,906		116,906				116,906
019	PUBLIC KEY INFRASTRUCTURE .....		1,827		1,827		1,827				1,827
021	CYBER SECURITY INITIATIVE .....		10,319		10,319		10,319				10,319
	<b>MAJOR EQUIPMENT, DLA</b>										
022	MAJOR EQUIPMENT .....		9,575		9,575		9,575				9,575
	<b>MAJOR EQUIPMENT, DMACT</b>										
023	MAJOR EQUIPMENT .....	6	15,179	6	15,179	6	15,179			6	15,179
	<b>MAJOR EQUIPMENT, DODEA</b>										
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....		1,458		1,458		1,458				1,458
	<b>MAJOR EQUIPMENT, DSS</b>										
026	MAJOR EQUIPMENT .....		2,522		2,522		2,522				2,522
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>										
027	VEHICLES .....	1	50	1	50	1	50			1	50
028	OTHER MAJOR EQUIPMENT .....	3	13,096	3	13,096	3	13,096			3	13,096
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>										
030	THAAD .....	36	460,728	48	587,728	36	560,728			36	460,728
	Procure additional THAAD interceptors .....			[12]	[127,000]		[100,000]				
031	AEGIS BMD .....	29	389,626	29	389,626	29	389,626			29	389,626
032	BMDS AN/TPY-2 RADARS .....	1	217,244	2	387,244	1	217,244	1	163,000	2	380,244
	Procure additional AN/TPY-2 radar .....			[1]	[170,000]			[1]	[163,000]		
033	RADAR SPARES .....		10,177		10,177		10,177				10,177
	<b>MAJOR EQUIPMENT, NSA</b>										
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....		6,770		6,770		6,770				6,770
	<b>MAJOR EQUIPMENT, OSD</b>										
042	MAJOR EQUIPMENT, OSD .....		45,938		45,938		45,938				45,938
043	MAJOR EQUIPMENT, INTELLIGENCE .....		17,582		17,582		17,582				17,582
	<b>MAJOR EQUIPMENT, TJS</b>										
044	MAJOR EQUIPMENT, TJS .....		21,878		21,878		21,878				21,878
	<b>MAJOR EQUIPMENT, WHS</b>										
045	MAJOR EQUIPMENT, WHS .....		26,550		26,550		26,550				26,550
	<b>CLASSIFIED PROGRAMS</b>										
045A	CLASSIFIED PROGRAMS .....		555,787		555,787		555,787				555,787
	<b>AVIATION PROGRAMS</b>										
046	ROTARY WING UPGRADES AND SUSTAINMENT .....		74,832		74,832		74,832				74,832



SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
048	MH-60 MODERNIZATION PROGRAM .....		126,780		126,780		126,780				126,780
049	NON-STANDARD AVIATION .....	7	99,776	7	36,976	7	37,000		-62,776	7	37,000
	Transfer to Line 051—Mission Shift .....				[-62,800]		[-62,776]		[-62,776]		
051	U-28 .....		7,530		116,930		116,906		109,376		116,906
	Transfer from Line 049—Mission Shift .....				[62,800]		[62,776]		[62,776]		
	USSOCOM UFR .....				[46,600]		[46,600]		[46,600]		
052	MH-47 CHINOOK .....	7	134,785	7	134,785	7	134,785			7	134,785
053	RQ-11 UNMANNED AERIAL VEHICLE .....		2,062		2,062		2,062				2,062
054	CV-22 MODIFICATION .....	4	139,147	4	139,147	4	139,147			4	139,147
055	MQ-1 UNMANNED AERIAL VEHICLE .....		3,963		26,963		26,963		23,000		26,963
	USSOCOM UFR .....				[23,000]		[23,000]		[23,000]		
056	MQ-9 UNMANNED AERIAL VEHICLE .....		3,952		39,352		39,352		35,400		39,352
	USSOCOM UFR .....				[35,400]		[35,400]		[35,400]		
058	STUASLO .....		12,945		12,945		12,945				12,945
059	PRECISION STRIKE PACKAGE .....		73,013		73,013		73,013				73,013
060	AC/MC-130J .....		51,484		51,484		51,484				51,484
062	C-130 MODIFICATIONS .....		25,248		25,248		25,248				25,248
063	AIRCRAFT SUPPORT .....		5,314		5,314		5,314				5,314
	<b>SHIPBUILDING</b>										
064	UNDERWATER SYSTEMS .....		23,037		23,037		15,037		-8,000		15,037
	Transfer to RDDW Line 272 at USSOCOM request .....						[-8,000]		[-8,000]		
	<b>AMMUNITION PROGRAMS</b>										
066	ORDNANCE REPLENISHMENT .....		113,183		113,183		113,183				113,183
067	ORDNANCE ACQUISITION .....		36,981		36,981		36,981				36,981
	<b>OTHER PROCUREMENT PROGRAMS</b>										
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....		99,838		103,738		103,738		3,900		103,738
	USSOCOM UFR .....				[3,900]		[3,900]		[3,900]		
069	INTELLIGENCE SYSTEMS .....		71,428		71,428		71,428				71,428
070	SMALL ARMS AND WEAPONS .....		27,108		27,108		27,108				27,108
071	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....		12,767		12,767		15,967		3,200		15,967
	USSOCOM UFR .....						[3,200]		[3,200]		
074	COMBATANT CRAFT SYSTEMS .....		42,348		42,348		42,348				42,348
075	SPARES AND REPAIR PARTS .....		600		600		600				600
077	TACTICAL VEHICLES .....		37,421		37,421		37,421				37,421
078	MISSION TRAINING AND PREPARATION SYSTEMS .....		36,949		41,949		41,949		5,000		41,949
	USSOCOM UFR .....				[5,000]		[5,000]		[5,000]		
079	COMBAT MISSION REQUIREMENTS .....		20,255		20,255		26,255		6,000		26,255
	AC-130 electro-optical and infrared sensors .....						[6,000]		[6,000]		
080	MILCON COLLATERAL EQUIPMENT .....		17,590		17,590		17,590				17,590
082	AUTOMATION SYSTEMS .....		66,573		66,573		66,573				66,573
083	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....		6,549		6,549		6,549				6,549
084	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....		32,335		32,335		32,335				32,335
085	SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....		15,153		15,153		15,153				15,153
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....		33,920		33,920		33,920				33,920
087	TACTICAL RADIO SYSTEMS .....		75,132		75,132		75,132				75,132
090	MISCELLANEOUS EQUIPMENT .....		6,667		6,667		6,667				6,667
091	OPERATIONAL ENHANCEMENTS .....		217,972		243,272		243,272		25,300		243,272
	USSOCOM UFR .....				[25,300]		[25,300]		[25,300]		
092	MILITARY INFORMATION SUPPORT OPERATIONS .....		27,417		27,417		27,417				27,417
	<b>CBDP</b>										
093	INSTALLATION FORCE PROTECTION .....		24,025		24,025		24,025				24,025
094	INDIVIDUAL PROTECTION .....		73,720		73,720		73,720				73,720
095	DECONTAMINATION .....		506		506		506				506
096	JOINT BIO DEFENSE PROGRAM (MEDICAL) .....		32,597		32,597		32,597				32,597
097	COLLECTIVE PROTECTION .....		3,144		3,144		3,144				3,144
098	CONTAMINATION AVOIDANCE .....		164,886		164,886		164,886				164,886
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE .....</b>	<b>94</b>	<b>4,187,935</b>	<b>107</b>	<b>4,624,135</b>	<b>94</b>	<b>4,428,335</b>	<b>1</b>	<b>303,400</b>	<b>95</b>	<b>4,491,335</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>										
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>										
001	JOINT URGENT OPERATIONAL NEEDS FUND .....		99,477				99,477		-99,477		0
	Program reduction .....				[-99,477]				[-99,477]		
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND ...</b>		<b>99,477</b>				<b>99,477</b>		<b>-99,477</b>		<b>0</b>
	<b>NATIONAL GUARD &amp; RESERVE EQUIPMENT</b>										
	<b>UNDISTRIBUTED</b>										
999	MISCELLANEOUS EQUIPMENT .....								150,000		150,000
	Program increase .....								[150,000]		
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT ...</b>								<b>150,000</b>		<b>150,000</b>
	<b>TOTAL PROCUREMENT .....</b>	<b>125,474</b>	<b>97,432,379</b>	<b>125,524</b>	<b>99,111,919</b>	<b>124,864</b>	<b>96,967,163</b>	<b>-577</b>	<b>965,851</b>	<b>124,897</b>	<b>98,398,230</b>

## SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	<b>AIRCRAFT PROCUREMENT, ARMY</b>										
	<b>ROTARY</b>										
009	AH-64 APACHE BLOCK IIIB NEW BUILD .....	2	71,000	2	71,000					2	71,000
	Funding ahead of need .....					[–2]	[–71,000]				
012	KIOWA WARRIOR (OH-58F) WRA .....	16	183,900	16	183,900	16	183,900			16	183,900
015	CH-47 HELICOPTER .....	6	231,300	6	231,300	6	231,300			6	231,300
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY .....</b>	<b>24</b>	<b>486,200</b>	<b>24</b>	<b>486,200</b>	<b>22</b>	<b>415,200</b>			<b>24</b>	<b>486,200</b>
	<b>MISSILE PROCUREMENT, ARMY</b>										
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>										
004	HELLFIRE SYS SUMMARY .....	161	29,100	161	29,100	161	29,100			161	29,100
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>										
008	GUIDED MLRS ROCKET (GMLRS) .....	186	20,553	186	20,553	186	20,553			186	20,553
	<b>TOTAL MISSILE PROCUREMENT, ARMY .....</b>	<b>347</b>	<b>49,653</b>	<b>347</b>	<b>49,653</b>	<b>347</b>	<b>49,653</b>			<b>347</b>	<b>49,653</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>										
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>										
036	M16 RIFLE MODS .....		15,422		15,422		15,422				15,422
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY .....</b>		<b>15,422</b>		<b>15,422</b>		<b>15,422</b>				<b>15,422</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>										
	<b>SMALL/MEDIUM CAL AMMUNITION</b>										
003	CTG, HANDGUN, ALL TYPES .....		1,500		1,500		1,500				1,500
004	CTG, .50 CAL, ALL TYPES .....		10,000		10,000		10,000				10,000
007	CTG, 30MM, ALL TYPES .....		80,000		61,000		80,000		–19,000		61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.				[–19,000]				[–19,000]		
	<b>MORTAR AMMUNITION</b>										
009	60MM MORTAR, ALL TYPES .....		14,000		14,000		14,000				14,000
010	81MM MORTAR, ALL TYPES .....		6,000		6,000		6,000				6,000
011	120MM MORTAR, ALL TYPES .....		56,000		56,000		56,000				56,000
	<b>ARTILLERY AMMUNITION</b>										
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP .....		29,956		29,956		29,956				29,956
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....		37,044		37,044		37,044				37,044
015	PROJ 155MM EXTENDED RANGE XM982 .....		12,300		12,300		12,300				12,300
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....		17,000		17,000		17,000				17,000
	<b>MINES</b>										
017	MINES & CLEARING CHARGES, ALL TYPES .....		12,000		12,000		12,000				12,000
	<b>ROCKETS</b>										
020	ROCKET, HYDRA 70, ALL TYPES .....		63,635		63,635		63,635				63,635
	<b>OTHER AMMUNITION</b>										
023	SIGNALS, ALL TYPES .....		16,858		16,858		16,858				16,858
	<b>MISCELLANEOUS</b>										
028	ITEMS LESS THAN \$5 MILLION .....		1,200		1,200		1,200				1,200
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY .....</b>		<b>357,493</b>		<b>338,493</b>		<b>357,493</b>		<b>–19,000</b>		<b>338,493</b>
	<b>OTHER PROCUREMENT, ARMY</b>										
	<b>TACTICAL VEHICLES</b>										
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	223	28,247	223	28,247	223	28,247			223	28,247
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....		2,050		2,050		2,050				2,050
011	HMMVV RECAPITALIZATION PROGRAM .....	2,128	271,000	2,128	271,000	2,128	271,000			2,128	271,000
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS .....		927,400		927,400		927,400				927,400
	<b>COMM—INTELLIGENCE COMM</b>										
052	RESERVE CA/MISO GPF EQUIPMENT .....		8,000		8,000		8,000				8,000
	<b>COMM—BASE COMMUNICATIONS</b>										
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....		25,000		25,000		65,000		40,000		65,000
	Transfer from OMA OCO at SOUTHCOM request .....						[40,000]		[40,000]		
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>										
069	DCGS-A (MIP) .....	960	90,355	960	90,355	960	90,355			960	90,355
073	CI HUMINT AUTO REPRINTING AND COLLECTION .....		6,516		6,516		6,516				6,516
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>										
075	LIGHTWEIGHT COUNTER MORTAR RADAR .....		27,646		27,646		27,646				27,646
077	FMFLY OF PERSISTENT SURVEILLANCE CAPABILITIES .....		52,000		52,000		52,000				52,000
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....		205,209		205,209		205,209				205,209
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>										
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....		14,600		14,600		14,600				14,600
099	COUNTERFIRE RADARS .....	4	54,585	4	54,585	4	54,585			4	54,585
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>										
102	FIRE SUPPORT C2 FAMILY .....		22,430		22,430		22,430				22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM .....		2,400		2,400		2,400				2,400
112	MANEUVER CONTROL SYSTEM (MCS) .....		6,400		6,400		6,400				6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....		5,160		5,160		5,160				5,160
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>										
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....		15,000		15,000		15,000				15,000
127	BASE DEFENSE SYSTEMS (BDS) .....	7,193	66,100	7,193	66,100	7,193	66,100			7,193	66,100
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>										
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....		3,565		3,565		3,565				3,565

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	COMBAT SERVICE SUPPORT EQUIPMENT										
143	FORCE PROVIDER .....	1	39,700	1	39,700	1	39,700			1	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	15	650	15	650	15	650			15	650
	PETROLEUM EQUIPMENT										
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	13	2,119	13	2,119	13	2,119			13	2,119
	MAINTENANCE EQUIPMENT										
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	4	428	4	428	4	428			4	428
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ) .....		30		30		30				30
	TRAINING EQUIPMENT										
175	COMBAT TRAINING CENTERS SUPPORT .....		7,000		7,000		7,000				7,000
176	TRAINING DEVICES, NONSYSTEM .....	1,275	27,250	1,275	27,250	1,275	27,250			1,275	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER .....		1,000		1,000		1,000				1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....		5,900		5,900		5,900				5,900
	OTHER SUPPORT EQUIPMENT										
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....		98,167		60,167		91,167		20,000		118,167
	Rapid equipping force delayed execution rates .....				[-38,000]		[-37,000]		[-10,000]		
	Solar power units .....						[30,000]		[30,000]		
	TOTAL OTHER PROCUREMENT, ARMY .....	11,816	2,015,907	11,816	1,977,907	11,816	2,048,907		60,000	11,816	2,075,907
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND										
	NETWORK ATTACK										
001	ATTACK THE NETWORK .....		950,500		950,500		850,500		-25,500		925,000
	Program decrease—under execution .....						[-100,000]		[-25,500]		
	JIEDDO DEVICE DEFEAT										
002	DEFEAT THE DEVICE .....		400,000		400,000		350,000		-25,000		375,000
	Program decrease—under execution & program delays .....						[-50,000]		[-25,000]		
	FORCE TRAINING										
003	TRAIN THE FORCE .....		149,500		149,500		128,500		-5,000		144,500
	Program decrease—under execution & program delays .....						[-21,000]		[-5,000]		
	STAFF AND INFRASTRUCTURE										
004	OPERATIONS .....		175,400		402,800		373,814		222,414		397,814
	Program decrease—under execution & program delays .....						[-29,000]		[-5,000]		
	Transfer from title 1 .....				[227,400]		[227,414]		[227,414]		
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND ..		1,675,400		1,902,800		1,702,814		166,914		1,842,314
	AIRCRAFT PROCUREMENT, NAVY										
	COMBAT AIRCRAFT										
011	H-1 UPGRADES (UH-1Y/AH-1Z) .....	1	29,800	1	29,800	1	29,800			1	29,800
	MODIFICATION OF AIRCRAFT										
030	AV-8 SERIES .....		42,238		42,238		42,238				42,238
032	F-18 SERIES .....		41,243		41,243		41,243				41,243
035	H-53 SERIES .....		15,870		15,870		15,870				15,870
038	EP-3 SERIES .....		13,030		13,030		13,030				13,030
043	C-130 SERIES .....		16,737		16,737		16,737				16,737
048	SPECIAL PROJECT AIRCRAFT .....		2,714		2,714		2,714				2,714
054	COMMON AVIONICS CHANGES .....		570		570		570				570
	AIRCRAFT SUPPORT EQUIP & FACILITIES										
062	COMMON GROUND EQUIPMENT .....		2,380		2,380		2,380				2,380
	TOTAL AIRCRAFT PROCUREMENT, NAVY .....	1	164,582	1	164,582	1	164,582			1	164,582
	WEAPONS PROCUREMENT, NAVY										
	TACTICAL MISSILES										
009	HELLFIRE .....	212	17,000	212	17,000	212	17,000			212	17,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM) .....	50	6,500	50	6,500	50	6,500			50	6,500
	TOTAL WEAPONS PROCUREMENT, NAVY .....	262	23,500	262	23,500	262	23,500			262	23,500
	PROCUREMENT OF AMMO, NAVY & MC										
	NAVY AMMUNITION										
001	GENERAL PURPOSE BOMBS .....		18,000		18,000		18,000				18,000
002	AIRBORNE ROCKETS, ALL TYPES .....		80,200		80,200		80,200				80,200
003	MACHINE GUN AMMUNITION .....		21,500		21,500		21,500				21,500
006	AIR EXPENDABLE COUNTERMEASURES .....		20,303		20,303		20,303				20,303
011	OTHER SHIP GUN AMMUNITION .....		532		532		532				532
012	SMALL ARMS & LANDING PARTY AMMO .....		2,643		2,643		2,643				2,643
013	PYROTECHNIC AND DEMOLITION .....		2,322		2,322		2,322				2,322
014	AMMUNITION LESS THAN \$5 MILLION .....		6,308		6,308		6,308				6,308
	MARINE CORPS AMMUNITION										
015	SMALL ARMS AMMUNITION .....		10,948		10,948		10,948				10,948
016	LINEAR CHARGES, ALL TYPES .....		9,940		9,940		9,940				9,940
017	40 MM, ALL TYPES .....		5,963		5,963		5,963				5,963
020	120MM, ALL TYPES .....		11,605		11,605		11,605				11,605
021	CTG 25MM, ALL TYPES .....		2,831		2,831		2,831				2,831
022	GRENADES, ALL TYPES .....		2,359		2,359		2,359				2,359
023	ROCKETS, ALL TYPES .....		3,051		3,051		3,051				3,051
024	ARTILLERY, ALL TYPES .....		54,886		54,886		54,886				54,886
025	DEMOLITION MUNITIONS, ALL TYPES .....		1,391		1,391		1,391				1,391
026	FUZE, ALL TYPES .....		30,945		30,945		30,945				30,945

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		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
027	NON LETHALS .....		8		8		8				8
029	ITEMS LESS THAN \$5 MILLION .....		12		12		12				12
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>		<b>285,747</b>		<b>285,747</b>		<b>285,747</b>				<b>285,747</b>
	<b>OTHER PROCUREMENT, NAVY</b>										
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>										
070	TACTICAL/MOBILE C4I SYSTEMS .....		3,603		3,603		3,603				3,603
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>										
097	EXPEDITIONARY AIRFIELDS .....		58,200		58,200		58,200				58,200
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>										
127	PASSENGER CARRYING VEHICLES .....		3,901		3,901		3,901				3,901
128	GENERAL PURPOSE TRUCKS .....		852		852		852				852
129	CONSTRUCTION & MAINTENANCE EQUIP .....		2,436		2,436		2,436				2,436
130	FIRE FIGHTING EQUIPMENT .....		3,798		3,798		3,798				3,798
131	TACTICAL VEHICLES .....		13,394		13,394		13,394				13,394
134	ITEMS UNDER \$5 MILLION .....		375		375		375				375
	<b>COMMAND SUPPORT EQUIPMENT</b>										
149	C4ISR EQUIPMENT .....		3,000		3,000		3,000				3,000
151	PHYSICAL SECURITY EQUIPMENT .....		9,323		9,323		9,323				9,323
	<b>TOTAL OTHER PROCUREMENT, NAVY .....</b>		<b>98,882</b>		<b>98,882</b>		<b>98,882</b>				<b>98,882</b>
	<b>PROCUREMENT, MARINE CORPS</b>										
	<b>TRACKED COMBAT VEHICLES</b>										
002	LAV PIP .....		10,000		10,000		10,000				10,000
	<b>ARTILLERY AND OTHER WEAPONS</b>										
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM .....		108,860		108,860		108,860				108,860
	<b>GUIDED MISSILES</b>										
010	JAVELIN .....		29,158		29,158		29,158				29,158
	<b>OTHER SUPPORT</b>										
013	MODIFICATION KITS .....		41,602		41,602		41,602				41,602
	<b>REPAIR AND TEST EQUIPMENT</b>										
015	REPAIR AND TEST EQUIPMENT .....		13,632		13,632		13,632				13,632
	<b>OTHER SUPPORT (TEL)</b>										
017	MODIFICATION KITS .....		2,831		2,831		2,831				2,831
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>										
019	AIR OPERATIONS C2 SYSTEMS .....	51	15,575	51	15,575	51	15,575			51	15,575
	<b>RADAR + EQUIPMENT (NON-TEL)</b>										
020	RADAR SYSTEMS .....		8,015		8,015		8,015				8,015
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>										
023	INTELLIGENCE SUPPORT EQUIPMENT .....		35,310		35,310		35,310				35,310
	<b>OTHER COMM/ELEC EQUIPMENT (NON-TEL)</b>										
029	NIGHT VISION EQUIPMENT .....	332	652	332	652	332	652			332	652
	<b>OTHER SUPPORT (NON-TEL)</b>										
030	COMMON COMPUTER RESOURCES .....	25	19,807	25	19,807	25	19,807			25	19,807
032	RADIO SYSTEMS .....	74	36,482	74	36,482	74	36,482			74	36,482
033	COMM SWITCHING & CONTROL SYSTEMS .....	4	41,295	4	41,295	4	41,295			4	41,295
	<b>TACTICAL VEHICLES</b>										
039	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	32	10,466	32	10,466	32	10,466			32	10,466
041	FAMILY OF TACTICAL TRAILERS .....		7,642		7,642		7,642				7,642
	<b>ENGINEER AND OTHER EQUIPMENT</b>										
045	BULK LIQUID EQUIPMENT .....		18,239		18,239		18,239				18,239
046	TACTICAL FUEL SYSTEMS .....		51,359		51,359		51,359				51,359
047	POWER EQUIPMENT ASSORTED .....		20,247		20,247		20,247				20,247
049	EOD SYSTEMS .....	207	362,658	207	362,658	207	362,658			207	362,658
	<b>MATERIALS HANDLING EQUIPMENT</b>										
050	PHYSICAL SECURITY EQUIPMENT .....		55,500		55,500		55,500				55,500
052	MATERIAL HANDLING EQUIP .....		19,100		19,100		19,100				19,100
	<b>GENERAL PROPERTY</b>										
054	FIELD MEDICAL EQUIPMENT .....		15,751		15,751		15,751				15,751
055	TRAINING DEVICES .....		3,602		3,602		3,602				3,602
057	FAMILY OF CONSTRUCTION EQUIPMENT .....		15,900		15,900		15,900				15,900
	<b>TOTAL PROCUREMENT, MARINE CORPS .....</b>	<b>725</b>	<b>943,683</b>	<b>725</b>	<b>943,683</b>	<b>725</b>	<b>943,683</b>			<b>725</b>	<b>943,683</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>										
	<b>STRATEGIC AIRCRAFT</b>										
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....		139,800		139,800		139,800				139,800
	<b>OTHER AIRCRAFT</b>										
055	U-2 MODS .....		46,800		46,800		46,800				46,800
063	C-130 .....		11,400		11,400		11,400				11,400
067	COMPASS CALL MODS .....		14,000		14,000		14,000				14,000
068	RC-135 .....		8,000		8,000		8,000				8,000
075	HC/MC-130 MODIFICATIONS .....		4,700		4,700		4,700				4,700
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>										
081	INITIAL SPARES/REPAIR PARTS .....		21,900		21,900		21,900				21,900
	<b>OTHER PRODUCTION CHARGES</b>										
099	OTHER PRODUCTION CHARGES .....		59,000		59,000		59,000				59,000
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE .....</b>		<b>305,600</b>		<b>305,600</b>		<b>305,600</b>				<b>305,600</b>

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		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	CARTRIDGES										
002	CARTRIDGES .....		13,592		13,592		13,592				13,592
	BOMBS										
004	GENERAL PURPOSE BOMBS .....		23,211		23,211		23,211				23,211
005	JOINT DIRECT ATTACK MUNITION .....	1,419	53,923	1,419	53,923	1,419	53,923			1,419	53,923
	FLARE, IR MJU-7B										
006	CAD/PAD .....		2,638		2,638		2,638				2,638
010	ITEMS LESS THAN \$5 MILLION .....		2,600		2,600		2,600				2,600
	FUZES										
011	FLARES .....		11,726		11,726		11,726				11,726
012	FUZES .....		8,513		8,513		8,513				8,513
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	1,419	116,203	1,419	116,203	1,419	116,203			1,419	116,203
	MISSILE PROCUREMENT, AIR FORCE										
	TACTICAL										
005	PREDATOR HELLFIRE MISSILE .....	304	34,350	304	34,350	304	34,350			304	34,350
	TOTAL MISSILE PROCUREMENT, AIR FORCE .....	304	34,350	304	34,350	304	34,350			304	34,350
	OTHER PROCUREMENT, AIR FORCE										
	CARGO AND UTILITY VEHICLES										
002	MEDIUM TACTICAL VEHICLE .....		2,010		2,010		2,010				2,010
004	ITEMS LESS THAN \$5 MILLION .....		2,675		2,675		2,675				2,675
	SPECIAL PURPOSE VEHICLES										
006	ITEMS LESS THAN \$5 MILLION .....		2,557		2,557		2,557				2,557
	MATERIALS HANDLING EQUIPMENT										
008	ITEMS LESS THAN \$5 MILLION .....		4,329		4,329		4,329				4,329
	BASE MAINTENANCE SUPPORT										
009	RUNWAY SNOW REMOV AND CLEANING EQU .....		984		984		984				984
010	ITEMS LESS THAN \$5 MILLION .....		9,120		9,120		9,120				9,120
	ELECTRONICS PROGRAMS										
022	WEATHER OBSERVATION FORECAST .....		5,600		5,600		5,600				5,600
	SPCL COMM-ELECTRONICS PROJECTS										
027	GENERAL INFORMATION TECHNOLOGY .....		11,157		11,157		11,157				11,157
	ORGANIZATION AND BASE										
049	TACTICAL C-E EQUIPMENT .....		7,000		7,000		7,000				7,000
053	BASE COMM INFRASTRUCTURE .....		10,654		10,654		10,654				10,654
	MODIFICATIONS										
054	COMM ELECT MODS .....		8,000		8,000		8,000				8,000
	PERSONAL SAFETY & RESCUE EQUIP										
055	NIGHT VISION GOGGLES .....		902		902		902				902
	BASE SUPPORT EQUIPMENT										
059	CONTINGENCY OPERATIONS .....		60,090		60,090		60,090				60,090
062	MOBILITY EQUIPMENT .....		9,400		9,400		9,400				9,400
063	ITEMS LESS THAN \$5 MILLION .....		9,175		9,175		9,175				9,175
	CLASSIFIED PROGRAMS										
069A	CLASSIFIED PROGRAMS .....		2,672,317		2,672,317		2,672,317				2,672,317
	SPARES AND REPAIR PARTS										
071	SPARES AND REPAIR PARTS .....		2,300		2,300		2,300				2,300
	TOTAL OTHER PROCUREMENT, AIR FORCE .....		2,818,270		2,818,270		2,818,270				2,818,270
	PROCUREMENT, DEFENSE-WIDE										
	MAJOR EQUIPMENT, DISA										
015	TELEPORT PROGRAM .....		5,260		5,260		5,260				5,260
	CLASSIFIED PROGRAMS										
045A	CLASSIFIED PROGRAMS .....		126,201		126,201		126,201				126,201
	AVIATION PROGRAMS										
061	MQ-8 UAV .....		16,500		16,500		16,500				16,500
	OTHER PROCUREMENT PROGRAMS										
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	4	151	4	151	4	151			4	151
069	INTELLIGENCE SYSTEMS .....	41	30,528	41	30,528	41	30,528			41	30,528
077	TACTICAL VEHICLES .....	54	1,843	54	1,843	54	1,843			54	1,843
082	AUTOMATION SYSTEMS .....	1	1,000	1	1,000	1	1,000			1	1,000
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS .....	12	108	12	108	12	108			12	108
091	OPERATIONAL ENHANCEMENTS .....	31	14,758	31	14,758	31	14,758			31	14,758
	TOTAL PROCUREMENT, DEFENSE-WIDE .....	143	196,349	143	196,349	143	196,349			143	196,349
	JOINT URGENT OPERATIONAL NEEDS FUND										
	JOINT URGENT OPERATIONAL NEEDS FUND										
001	JOINT URGENT OPERATIONAL NEEDS FUND .....		100,000		50,000		100,000		-100,000		0
	Program reduction .....				[-50,000]				[-100,000]		
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND ...		100,000		50,000		100,000		-100,000		0
	NATIONAL GUARD & RESERVE EQUIPMENT										
	UNDISTRIBUTED										
999	MISCELLANEOUS EQUIPMENT .....				500,000				350,000		350,000

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Program increase .....				[500,000]				[350,000]		
	<b>TOTAL NATIONAL GUARD &amp; RESERVE EQUIPMENT ...</b>				<b>500,000</b>				<b>350,000</b>		<b>350,000</b>
	<b>TOTAL PROCUREMENT .....</b>	<b>15,041</b>	<b>9,687,241</b>	<b>15,041</b>	<b>10,307,641</b>	<b>15,039</b>	<b>9,676,655</b>		<b>457,914</b>	<b>15,041</b>	<b>10,145,155</b>

## TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>					
		<b>BASIC RESEARCH</b>					
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	20,860	20,860	20,860		20,860
002	0601102A	DEFENSE RESEARCH SCIENCES .....	219,180	219,180	219,180		219,180
003	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	80,986	80,986	80,986		80,986
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	123,045	123,045	123,045		123,045
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>444,071</b>	<b>444,071</b>	<b>444,071</b>		<b>444,071</b>
		<b>APPLIED RESEARCH</b>					
005	0602105A	MATERIALS TECHNOLOGY .....	29,041	39,291	29,041	10,000	39,041
		Advanced coating technologies for corrosion mitigation .....		[10,250]		[10,000]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY .....	45,260	45,260	45,260		45,260
007	0602122A	TRACTOR HIP .....	22,439	22,439	22,439		22,439
008	0602211A	AVIATION TECHNOLOGY .....	51,607	51,607	51,607		51,607
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	15,068	15,068	15,068		15,068
010	0602303A	MISSILE TECHNOLOGY .....	49,383	49,383	49,383		49,383
011	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	25,999	25,999	25,999		25,999
012	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	23,507	23,507	23,507		23,507
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	69,062	69,062	69,062		69,062
014	0602618A	BALLISTICS TECHNOLOGY .....	60,823	60,823	60,823		60,823
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY .....	4,465	4,465	4,465		4,465
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM .....	7,169	7,169	7,169		7,169
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY .....	35,218	35,218	35,218		35,218
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES .....	60,300	60,300	60,300		60,300
019	0602709A	NIGHT VISION TECHNOLOGY .....	53,244	53,244	53,244		53,244
020	0602712A	COUNTERMINE SYSTEMS .....	18,850	18,850	18,850		18,850
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY .....	19,872	19,872	19,872		19,872
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	20,095	20,095	20,095		20,095
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY .....	28,852	28,852	28,852		28,852
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY .....	9,830	9,830	9,830		9,830
025	0602784A	MILITARY ENGINEERING TECHNOLOGY .....	70,693	70,693	70,693		70,693
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	17,781	17,781	17,781		17,781
027	0602786A	WARFIGHTER TECHNOLOGY .....	28,281	28,281	28,281		28,281
028	0602787A	MEDICAL TECHNOLOGY .....	107,891	107,891	107,891		107,891
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>874,730</b>	<b>884,980</b>	<b>874,730</b>	<b>10,000</b>	<b>884,730</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY .....	39,359	39,359	39,359		39,359
030	0603002A	MEDICAL ADVANCED TECHNOLOGY .....	69,580	69,580	69,580		69,580
031	0603003A	AVIATION ADVANCED TECHNOLOGY .....	64,215	64,215	64,215		64,215
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY .....	67,613	67,613	67,613		67,613
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY .....	104,359	104,359	104,359		104,359
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY .....	4,157	4,157	4,157		4,157
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	9,856	9,856	9,856		9,856
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY .....	50,661	50,661	50,661		50,661

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
037	0603009A	TRACTOR HIKE .....	9,126	9,126	9,126		9,126
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS .....	17,257	17,257	17,257		17,257
039	0603020A	TRACTOR ROSE .....	9,925	9,925	9,925		9,925
040	0603105A	MILITARY HIV RESEARCH .....	6,984	6,984	6,984		6,984
041	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT .....	9,716	9,716	9,716		9,716
042	0603130A	TRACTOR NAIL .....	3,487	3,487	3,487		3,487
043	0603131A	TRACTOR EGGS .....	2,323	2,323	2,323		2,323
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY .....	21,683	21,683	21,683		21,683
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	71,111	71,111	71,111		71,111
046	0603322A	TRACTOR CAGE .....	10,902	10,902	10,902		10,902
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	180,582	180,582	180,582		180,582
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY .....	27,204	27,204	27,204		27,204
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM .....	6,095	6,095	6,095		6,095
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY .....	37,217	37,217	37,217		37,217
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	13,626	13,626	13,626		13,626
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	28,458	28,458	28,458		28,458
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....	25,226	25,226	25,226		25,226
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>890,722</b>	<b>890,722</b>	<b>890,722</b>		<b>890,722</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....	14,505	14,505	14,505		14,505
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION .....	9,876	9,876	9,876		9,876
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	5,054	5,054	5,054		5,054
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV .....	2,725	2,725	2,725		2,725
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	30,560	30,560	30,560		30,560
059	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	14,347	14,347	14,347		14,347
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	10,073	10,073	10,073		10,073
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	8,660	8,660	8,660		8,660
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....	10,715	10,715	10,715		10,715
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....	4,631	4,631	4,631		4,631
064	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL .....	278,018	278,018	278,018		278,018
065	0603790A	NATO RESEARCH AND DEVELOPMENT .....	4,961	4,961	4,961		4,961
066	0603801A	AVIATION—ADV DEV .....	8,602	8,602	8,602		8,602
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	14,605	14,605	14,605		14,605
068	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS .....	5,054	5,054	5,054		5,054
069	0603807A	MEDICAL SYSTEMS—ADV DEV .....	24,384	24,384	24,384		24,384
070	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	32,050	32,050	32,050		32,050
071	0603850A	INTEGRATED BROADCAST SERVICE .....	96	96	96		96
072	0604115A	TECHNOLOGY MATURATION INITIATIVES .....	24,868	24,868	24,868		24,868
073	0604131A	TRACTOR JUTE .....	59	59	59		59
075	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2) .....	76,039	76,039	76,039		76,039
077	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4) .....	4,043	4,043	4,043		4,043
078	0305205A	ENDURANCE UAVS .....	26,196	17,196	26,196	–5,999	20,197
		Program decrease .....		[–9,000]		[–5,999]	
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>610,121</b>	<b>601,121</b>	<b>610,121</b>	<b>–5,999</b>	<b>604,122</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
079	0604201A	AIRCRAFT AVIONICS .....	78,538	78,538	78,538		78,538
080	0604220A	ARMED, DEPLOYABLE HELOS .....	90,494	90,494	90,494		90,494
081	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	181,347	176,347	181,347	–5,000	176,347
		Program adjustment .....		[–5,000]		[–5,000]	
083	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVr) .....	12,636	12,636	12,636		12,636
084	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	5,694	5,694	5,694		5,694
085	0604328A	TRACTOR CAGE .....	32,095	32,095	32,095		32,095
086	0604601A	INFANTRY SUPPORT WEAPONS .....	96,478	93,078	96,478	–3,400	93,078
		XM25 funding ahead of need .....		[–3,400]		[–3,400]	
087	0604604A	MEDIUM TACTICAL VEHICLES .....	3,006	3,006	3,006		3,006
089	0604611A	JAVELIN .....	5,040	5,040	5,040		5,040
090	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	3,077	3,077	3,077		3,077
091	0604633A	AIR TRAFFIC CONTROL .....	9,769	9,769	9,769		9,769
092	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....	13,141	13,141	25,141		13,141



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Transfer from OPA line 191 at Army request .....			[12,000]		
099	0604710A	NIGHT VISION SYSTEMS—ENG DEV .....	32,621	32,621	32,621		32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,132	2,132	2,132		2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	44,787	44,787	44,787		44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV .....	1,008	1,008	1,008		1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV ....	73,333	73,333	73,333		73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	28,937	28,937	28,937		28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	10,815	10,815	10,815		10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV .....	13,926	13,926	13,926		13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	17,797	17,797	17,797		17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	214,270	214,270	214,270		214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV .....	14,581	14,581	14,581		14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	43,706	43,706	43,706		43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV .....	20,776	20,776	20,776		20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT— ENG DEV.	43,395	43,395	43,395		43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV .....	104,983	104,983	104,983		104,983
114	0604814A	ARTILLERY MUNITIONS—EMD .....	4,346	4,346	4,346		4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	77,223	77,223	77,223		77,223
117	0604820A	RADAR DEVELOPMENT .....	3,486	3,486	3,486		3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	9,963	9,963	27,163	17,200	27,163
		GFEBS realignment per Army request .....			[17,200]	[17,200]	
119	0604823A	FIREFINDER .....	20,517	20,517	20,517		20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	51,851	51,851	51,851		51,851
121	0604854A	ARTILLERY SYSTEMS—EMD .....	167,797	167,797	167,797		167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP) .....	400,861			–400,861	0
		Prohibition of funds for MEADS .....		[–400,861]	[–400,861]	[–400,861]	
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK .....	7,922	7,922	7,922		7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	51,463	51,463	51,463		51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .....	158,646	158,646	158,646		158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	10,000	10,000	10,000		10,000
128	0605456A	PAC–3/MSE MISSILE .....	69,029	69,029	69,029		69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	277,374	277,374	315,374	38,000	315,374
		DRFM countermeasures studies .....			[38,000]	[38,000]	
130	0605625A	MANNED GROUND VEHICLE .....	639,874	639,874	639,874		639,874
131	0605626A	AERIAL COMMON SENSOR .....	47,426	47,426	47,426		47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFAC- TURING DEVELOPMENT PH.	72,295	72,295	72,295		72,295
133	0303032A	TROJAN—RH12 .....	4,232	4,232	4,232		4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT .....	13,942	13,942	13,942		13,942
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>3,286,629</b>	<b>2,877,368</b>	<b>2,952,968</b>	<b>–354,061</b>	<b>2,932,568</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
135	0604256A	THREAT SIMULATOR DEVELOPMENT .....	18,090	18,090	18,090		18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT .....	14,034	14,034	14,034		14,034
137	0604759A	MAJOR T&E INVESTMENT .....	37,394	37,394	37,394		37,394
138	0605103A	RAND ARROYO CENTER .....	21,026	21,026	21,026		21,026
139	0605301A	ARMY KWAJALEIN ATOLL .....	176,816	176,816	176,816		176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM .....	27,902	27,902	27,902		27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES .....	369,900	369,900	369,900		369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....	69,183	69,183	69,183		69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS .....	44,753	44,753	44,753		44,753
146	0605606A	AIRCRAFT CERTIFICATION .....	5,762	5,762	5,762		5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES .....	7,402	7,402	7,402		7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS .....	19,954	19,954	19,954		19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	5,535	5,535	5,535		5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING .....	67,789	67,789	67,789		67,789
151	0605716A	ARMY EVALUATION CENTER .....	62,765	62,765	62,765		62,765
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	1,545	1,545	1,545		1,545
153	0605801A	PROGRAMWIDE ACTIVITIES .....	83,422	83,422	83,422		83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	50,820	50,820	50,820		50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....	46,763	46,763	46,763		46,763
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	4,601	4,601	4,601		4,601

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
157	0605898A	MANAGEMENT HQ—R&D .....	18,524	18,524	18,524		18,524
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,153,980</b>	<b>1,153,980</b>	<b>1,153,980</b>		<b>1,153,980</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	143,005	143,005	143,005		143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT .....	109,978	109,978	109,978		109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE .....	190,422	150,422	190,422	–30,500	159,922
		Program decrease .....		[–40,000]		[–30,500]	
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	32,556	32,556	32,556		32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	253,959	253,959	253,959		253,959
166	0203740A	MANEUVER CONTROL SYSTEM .....	68,325	68,325	68,325		68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	280,247	226,147	226,247	–54,100	226,147
		Funding ahead of need .....		[–54,100]	[–54,000]	[–54,100]	
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	898	898	898		898
169	0203758A	DIGITIZATION .....	35,180	35,180	35,180		35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	20,733	20,733	20,733		20,733
172	0203808A	TRACTOR CARD .....	63,243	63,243	63,243		63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM .....	31,738	31,738	31,738		31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	35	35	35		35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	7,591	7,591	7,591		7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	15,961	15,961	15,961		15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	120,927	120,927	120,927		120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	15,756	15,756	15,756		15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	14,443	14,443	14,443		14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	31,303	31,303	31,303		31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	40,876	40,876	40,876		40,876
184	0305219A	MQ–1 SKY WARRIOR A UAV .....	74,618	74,618	74,618		74,618
185	0305232A	RQ–11 UAV .....	4,039	4,039	4,039		4,039
186	0305233A	RQ–7 UAV .....	31,158	31,158	31,158		31,158
187	0305235A	VERTICAL UAS .....	2,387	2,387	2,387		2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	15,248	15,248	15,248		15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	59,908	59,908	59,908		59,908
189A	9999999999	CLASSIFIED PROGRAMS .....	4,628	4,628	4,628		4,628
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>1,669,162</b>	<b>1,575,062</b>	<b>1,615,162</b>	<b>–84,600</b>	<b>1,584,562</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>8,929,415</b>	<b>8,427,304</b>	<b>8,541,754</b>	<b>–434,660</b>	<b>8,494,755</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>					
		<b>BASIC RESEARCH</b>					
001	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	113,690	123,690	113,690	10,000	123,690
		Increase Defense University Research Instrumentation Program .....		[10,000]		[10,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	18,261	18,261	18,261		18,261
003	0601153N	DEFENSE RESEARCH SCIENCES .....	473,070	473,070	473,070		473,070
003A	0601XXXN	SCIENCE AND TECHNOLOGY .....		3,450			0
		Transfer from PE 0205658N .....		[3,450]			
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>605,021</b>	<b>618,471</b>	<b>605,021</b>	<b>10,000</b>	<b>615,021</b>
		<b>APPLIED RESEARCH</b>					
004	0602114N	POWER PROJECTION APPLIED RESEARCH .....	89,189	89,189	89,189		89,189
005	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	143,301	143,301	143,301		143,301
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	46,528	46,528	46,528		46,528
007	0602235N	COMMON PICTURE APPLIED RESEARCH .....	41,696	41,696	41,696		41,696
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	44,127	44,127	44,127		44,127
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	78,228	78,228	78,228		78,228
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	49,635	49,635	49,635		49,635
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	5,973	5,973	5,973		5,973
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	96,814	96,814	96,814		96,814
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....	162,417	162,417	162,417		162,417
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	32,394	32,394	32,394		32,394
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>790,302</b>	<b>790,302</b>	<b>790,302</b>		<b>790,302</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY .....	56,543	56,543	56,543		56,543

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Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	18,616	18,616	18,616		18,616
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	54,858	54,858	54,858		54,858
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	130,598	130,598	130,598		130,598
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	11,706	11,706	11,706		11,706
022	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT .....	256,382	256,382	256,382		256,382
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	3,880	3,880	3,880		3,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	51,819	51,819	51,819		51,819
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>584,402</b>	<b>584,402</b>	<b>584,402</b>		<b>584,402</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	34,085	34,085	34,085		34,085
029	0603216N	AVIATION SURVIVABILITY .....	8,783	8,783	8,783		8,783
030	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	3,773	3,773	3,773		3,773
031	0603251N	AIRCRAFT SYSTEMS .....	24,512	24,512	24,512		24,512
032	0603254N	ASW SYSTEMS DEVELOPMENT .....	8,090	8,090	8,090		8,090
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	5,301	5,301	5,301		5,301
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	1,506	1,506	1,506		1,506
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	190,622	190,622	190,622	–2,000	188,622
		Excess to need .....				[–2,000]	
036	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	93,346	93,346	93,346		93,346
037	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	108,871	108,871	108,871		108,871
039	0603525N	PILOT FISH .....	101,169	101,169	101,169		101,169
040	0603527N	RETRACT LARCH .....	74,312	74,312	74,312		74,312
041	0603536N	RETRACT JUNIPER .....	90,730	90,730	90,730		90,730
042	0603542N	RADIOLOGICAL CONTROL .....	777	777	777		777
043	0603553N	SURFACE ASW .....	6,704	6,704	6,704		6,704
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	555,123	929,523	555,123		555,123
		Program increase .....		[374,400]			
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	9,368	9,368	9,368		9,368
046	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	24,609	24,609	24,609		24,609
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	13,710	13,710	13,710		13,710
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	249,748	249,748	249,748		249,748
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	29,897	29,897	29,897		29,897
050	0603576N	CHALK EAGLE .....	509,988	509,988	509,988		509,988
051	0603581N	LITTORAL COMBAT SHIP (LCS) .....	429,420	429,420	429,420		429,420
052	0603582N	COMBAT SYSTEM INTEGRATION .....	56,551	56,551	56,551		56,551
053	0603609N	CONVENTIONAL MUNITIONS .....	7,342	7,342	7,342		7,342
054	0603611M	MARINE CORPS ASSAULT VEHICLES .....	95,182	95,182	95,182		95,182
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	10,496	10,496	10,496		10,496
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	52,331	52,331	52,331		52,331
057	0603658N	COOPERATIVE ENGAGEMENT .....	56,512	56,512	56,512		56,512
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	7,029	7,029	7,029		7,029
059	0603721N	ENVIRONMENTAL PROTECTION .....	21,080	21,080	21,080		21,080
060	0603724N	NAVY ENERGY PROGRAM .....	55,324	55,324	55,324		55,324
061	0603725N	FACILITIES IMPROVEMENT .....	3,401	3,401	3,401		3,401
062	0603734N	CHALK CORAL .....	45,966	45,966	45,966		45,966
063	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,811	3,811	3,811		3,811
064	0603746N	RETRACT MAPLE .....	341,305	341,305	341,305		341,305
065	0603748N	LINK PLUMERIA .....	181,220	181,220	181,220		181,220
066	0603751N	RETRACT ELM .....	174,014	174,014	174,014		174,014
068	0603764N	LINK EVERGREEN .....	68,654	68,654	68,654		68,654
069	0603787N	SPECIAL PROCESSES .....	44,487	44,487	44,487		44,487
070	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,389	9,389	9,389		9,389
071	0603795N	LAND ATTACK TECHNOLOGY .....	16,132	16,132	16,132		16,132
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	44,994	44,994	44,994		44,994
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....	137,369	137,369	137,369		137,369
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	73,934	73,934	73,934		73,934
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION .....	711	711	711		711
078	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW) .....	71,300	71,300	71,300		71,300
079	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	5,654	5,654	5,654		5,654

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080	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	31,549	31,549	31,549		31,549
082	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT .....	86,801	86,801	86,801		86,801
083	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	44,500	44,500	44,500		44,500
084	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	13,172	13,172	13,172		13,172
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	643	643	643		643
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>4,335,297</b>	<b>4,709,697</b>	<b>4,335,297</b>	<b>–2,000</b>	<b>4,333,297</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
087	0604212N	OTHER HELO DEVELOPMENT .....	33,978	33,978	33,978		33,978
088	0604214N	AV–8B AIRCRAFT—ENG DEV .....	32,789	32,789	32,789		32,789
089	0604215N	STANDARDS DEVELOPMENT .....	84,988	84,988	84,988	–2,000	82,988
		Program behind in execution .....				[–2,000]	
090	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	6,866	6,866	6,866		6,866
091	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	4,060	4,060	4,060		4,060
092	0604221N	P–3 MODERNIZATION PROGRAM .....	3,451	3,451	3,451		3,451
093	0604230N	WARFARE SUPPORT SYSTEM .....	13,071	13,071	13,071		13,071
094	0604231N	TACTICAL COMMAND SYSTEM .....	71,645	71,645	71,645		71,645
095	0604234N	ADVANCED HAWKEYE .....	119,065	119,065	119,065		119,065
096	0604245N	H–1 UPGRADES .....	31,105	31,105	31,105		31,105
097	0604261N	ACOUSTIC SEARCH SENSORS .....	34,299	34,299	34,299		34,299
098	0604262N	V–22A .....	54,412	54,412	54,412		54,412
099	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	2,717	2,717	2,717		2,717
100	0604269N	EA–18 .....	13,009	13,009	13,009		13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	51,304	51,304	51,304		51,304
102	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT .....	61,163	61,163	61,163		61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ) .....	187,024	187,024	187,024		187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	337,480	337,480	337,480		337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	260,616	510,616	260,616	250,000	510,616
		Cruiser Retention .....		[250,000]		[250,000]	
106	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION .....	824	824	824		824
107	0604329N	SMALL DIAMETER BOMB (SDB) .....	31,064	31,064	31,064		31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS .....	63,891	63,891	63,891	–5,500	58,391
		Program execution .....				[–5,500]	
109	0604373N	AIRBORNE MCM .....	73,246	73,246	73,246		73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	10,568	10,568	10,568		10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	39,974	39,974	39,974		39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM.	122,481	47,481	122,481		122,481
		Transfer from RDN 112 to RDN 167 .....		[–75,000]			
113	0604501N	ADVANCED ABOVE WATER SENSORS .....	255,516	255,516	255,516		255,516
114	0604503N	SSN–688 AND TRIDENT MODERNIZATION .....	82,620	82,620	82,620		82,620
115	0604504N	AIR CONTROL .....	5,633	5,633	5,633		5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS .....	55,826	55,826	55,826		55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	918	918	918		918
118	0604558N	NEW DESIGN SSN .....	165,230	165,230	165,230		165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	49,141	49,141	49,141		49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	196,737	196,737	196,737		196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,889	3,889	3,889		3,889
122	0604601N	MINE DEVELOPMENT .....	8,335	8,335	8,335		8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	49,818	49,818	49,818		49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	10,099	10,099	10,099		10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	7,348	7,348	7,348		7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	5,518	5,518	5,518		5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	87,662	87,662	87,662		87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	64,079	64,079	64,079		64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	151,489	152,614	151,489		151,489
		Cruiser Retention .....		[1,125]			
131	0604771N	MEDICAL DEVELOPMENT .....	12,707	12,707	12,707		12,707
132	0604777N	NAVIGATION/ID SYSTEM .....	47,764	47,764	47,764		47,764

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133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	737,149	737,149	737,149	–3,200	733,949
		Block IV development ahead of need .....				[–3,200]	
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD .....	743,926	743,926	743,926	–3,200	740,726
		Block IV development ahead of need .....				[–3,200]	
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,143	12,143	12,143		12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	72,209	72,209	72,209		72,209
138	0605212N	CH–53K RDTE .....	606,204	606,204	606,204		606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	421,102	421,102	421,102		421,102
141	0204202N	DDG–1000 .....	124,655	124,655	124,655		124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	1,170	1,170	1,170		1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	23,255	23,255	23,255		23,255
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>5,747,232</b>	<b>5,923,357</b>	<b>5,747,232</b>	<b>236,100</b>	<b>5,983,332</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
146	0604256N	THREAT SIMULATOR DEVELOPMENT .....	30,790	30,790	30,790		30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT .....	59,221	59,221	59,221		59,221
148	0604759N	MAJOR T&E INVESTMENT .....	35,894	35,894	35,894		35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION .....	7,573	7,573	7,573		7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	20,963	20,963	20,963		20,963
151	0605154N	CENTER FOR NAVAL ANALYSES .....	46,856	46,856	46,856		46,856
153	0605804N	TECHNICAL INFORMATION SERVICES .....	796	796	796		796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	32,782	32,782	32,782		32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,306	3,306	3,306		3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT .....	70,302	70,302	70,302		70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT .....	144,033	144,033	144,033		144,033
158	0605864N	TEST AND EVALUATION SUPPORT .....	342,298	342,298	342,298		342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	16,399	16,399	16,399		16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	4,579	4,579	4,579		4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	8,000	8,000	8,000		8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	18,490	18,490	18,490		18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES .....	2,795	2,795	2,795		2,795
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>845,077</b>	<b>845,077</b>	<b>845,077</b>		<b>845,077</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	142,282	217,282	142,282		142,282
		Transfer from RDN 112 to RDN 167 .....		[75,000]			
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	105,892	105,892	105,892		105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	34,729	34,729	34,729		34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	1,434	1,434	1,434		1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	19,208	19,208	19,208		19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT) .....	25,566	25,566	25,566		25,566
175	0204136N	F/A–18 SQUADRONS .....	188,299	188,299	188,299	–18,000	170,299
		Program behind in execution .....				[–18,000]	
176	0204152N	E–2 SQUADRONS .....	8,610	8,610	8,610		8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	15,695	15,695	15,695		15,695
178	0204228N	SURFACE SUPPORT .....	4,171	4,171	4,171		4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	11,265	11,265	11,265		11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	45,922	45,922	45,922		45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	8,435	8,435	8,435		8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....	75,088	75,088	75,088		75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	20,229	20,229	20,229		20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,756	1,756	1,756		1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	19,843	19,843	19,843		19,843
186	0205601N	HARM IMPROVEMENT .....	11,477	11,477	11,477		11,477
187	0205604N	TACTICAL DATA LINKS .....	118,818	118,818	118,818		118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	27,342	27,342	27,342		27,342
189	0205632N	MK–48 ADCAP .....	28,717	28,717	28,717		28,717
190	0205633N	AVIATION IMPROVEMENTS .....	89,157	89,157	89,157		89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM .....	3,450		3,450		3,450
		Transfer to Science and Technology (RDN 003A) .....		[–3,450]			
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	86,435	86,435	86,435		86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	219,054	219,054	219,054		219,054

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Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	181,693	181,693	181,693		181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	58,393	58,393	58,393		58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	22,966	22,966	22,966		22,966
197	0207161N	TACTICAL AIM MISSILES .....	21,107	21,107	21,107		21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	2,857	2,857	2,857		2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV) .....	1,932	1,932	1,932		1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	188,482	188,482	188,482		188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	16,749	16,749	16,749		16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	26,307	26,307	26,307		26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	500	500	500		500
210	0305149N	COBRA JUDY .....	17,091	17,091	17,091		17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) .....	810	810	810		810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	8,617	8,617	8,617		8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	9,066	9,066	9,066		9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS .....	30,654	30,654	30,654		30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	25,917	25,917	25,917		25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	14,676	14,676	14,676		14,676
218	0305220N	RQ-4 UAV .....	657,483	657,483	657,483		657,483
219	0305231N	MQ-8 UAV .....	99,600	99,600	99,600		99,600
220	0305232M	RQ-11 UAV .....	495	495	495		495
221	0305233N	RQ-7 UAV .....	863	863	863		863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	9,734	9,734	9,734		9,734
225	0305239M	RQ-21A .....	22,343	22,343	22,343		22,343
226	0308601N	MODELING AND SIMULATION SUPPORT .....	5,908	5,908	5,908		5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF) .....	27,391	27,391	27,391		27,391
229	0708011N	INDUSTRIAL PREPAREDNESS .....	54,879	54,879	54,879		54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	5,000	5,000	5,000		5,000
230A	9999999999	CLASSIFIED PROGRAMS .....	1,151,159	1,351,159	1,151,159	200,000	1,351,159
		Program increase .....		[200,000]		[200,000]	
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>3,975,546</b>	<b>4,247,096</b>	<b>3,975,546</b>	<b>182,000</b>	<b>4,157,546</b>
		<b>PRIOR YEAR SAVINGS</b>					
230B	9999999999	PRIOR YEAR SAVINGS .....			-8,832		0
		Medium range maritime UAS cancellation .....			[-8,832]		
		<b>SUBTOTAL PRIOR YEAR SAVINGS .....</b>			<b>-8,832</b>		<b>0</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>16,882,877</b>	<b>17,718,402</b>	<b>16,874,045</b>	<b>426,100</b>	<b>17,308,977</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>					
		<b>BASIC RESEARCH</b>					
001	0601102F	DEFENSE RESEARCH SCIENCES .....	361,787	361,787	361,787		361,787
002	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	141,153	141,153	141,153		141,153
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	13,094	13,094	13,094		13,094
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>516,034</b>	<b>516,034</b>	<b>516,034</b>		<b>516,034</b>
		<b>APPLIED RESEARCH</b>					
004	0602102F	MATERIALS .....	114,166	114,166	114,166		114,166
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	120,719	120,719	120,719		120,719
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	89,319	89,319	89,319		89,319
007	0602203F	AEROSPACE PROPULSION .....	232,547	232,547	232,547		232,547
008	0602204F	AEROSPACE SENSORS .....	127,637	127,637	127,637		127,637
009	0602601F	SPACE TECHNOLOGY .....	98,375	98,375	98,375		98,375
010	0602602F	CONVENTIONAL MUNITIONS .....	77,175	77,175	77,175		77,175
011	0602605F	DIRECTED ENERGY TECHNOLOGY .....	106,196	106,196	106,196		106,196
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	104,362	104,362	104,362		104,362
013	0602890F	HIGH ENERGY LASER RESEARCH .....	38,557	38,557	38,557		38,557
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,109,053</b>	<b>1,109,053</b>	<b>1,109,053</b>		<b>1,109,053</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>					
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	47,890	57,890	47,890	10,000	57,890
		Increase Materials Affordability Initiative program .....		[10,000]		[10,000]	
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	6,565	6,565	6,565		6,565
016	0603203F	ADVANCED AEROSPACE SENSORS .....	37,657	37,657	37,657		37,657

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Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	81,376	81,376	81,376		81,376
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	151,152	151,152	151,152		151,152
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	32,941	32,941	32,941		32,941
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	64,557	64,557	64,557		64,557
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	29,256	29,256	29,256		29,256
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	21,523	21,523	21,523		21,523
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	36,352	36,352	36,352		36,352
024	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	19,004	19,004	19,004		19,004
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	37,045	37,045	37,045		37,045
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	31,419	31,419	31,419		31,419
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>596,737</b>	<b>606,737</b>	<b>596,737</b>	<b>10,000</b>	<b>606,737</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	3,866	3,866	3,866		3,866
029	0603287F	PHYSICAL SECURITY EQUIPMENT .....	3,704	3,704	3,704		3,704
030	0603430F	ADVANCED EHF MILSATCOM (SPACE) .....	229,171	227,671	227,671	–1,500	227,671
		Project decrease .....		[–1,500]	[–1,500]	[–1,500]	
031	0603432F	POLAR MILSATCOM (SPACE) .....	120,676	120,676	120,676		120,676
032	0603438F	SPACE CONTROL TECHNOLOGY .....	25,144	23,144	23,144	–2,000	23,144
		Project decrease .....		[–2,000]	[–2,000]	[–2,000]	
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	32,243	32,243	32,243		32,243
034	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,507	4,507	4,507		4,507
035	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D .....	652	652	652		652
036	0603830F	SPACE PROTECTION PROGRAM (SPP) .....	10,429	10,429	10,429		10,429
037	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL .....	19,938	19,938	19,938		19,938
038	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....	71,181	71,181	71,181		71,181
039	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE) .....	12,027	12,027	12,027		12,027
040	0603859F	POLLUTION PREVENTION—DEM/VAL .....	2,054	2,054	2,054		2,054
041	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....	57,975	57,975	57,975		57,975
042	0604015F	LONG RANGE STRIKE .....	291,742	291,742	291,742		291,742
043	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	114,417	114,417	114,417		114,417
044	0604317F	TECHNOLOGY TRANSFER .....	2,576	2,576	2,576		2,576
045	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....	16,711	16,711	16,711		16,711
047	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	16,343	16,343	16,343		16,343
048	0604422F	WEATHER SATELLITE FOLLOW-ON .....	2,000	2,000	2,000		2,000
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	9,423	9,423	9,423		9,423
054	0604857F	OPERATIONALLY RESPONSIVE SPACE .....		25,000	45,000	45,000	45,000
		Restore Operationally Responsive Space .....		[25,000]	[45,000]	[45,000]	
055	0604858F	TECH TRANSITION PROGRAM .....	37,558	34,558	34,558	–3,000	34,558
		Project decrease .....		[–3,000]	[–3,000]	[–3,000]	
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	96,840	96,840	96,840		96,840
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>1,181,177</b>	<b>1,199,677</b>	<b>1,219,677</b>	<b>38,500</b>	<b>1,219,677</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
058	0603840F	GLOBAL BROADCAST SERVICE (GBS) .....	14,652	14,652	14,652		14,652
059	0604222F	NUCLEAR WEAPONS SUPPORT .....	25,713	25,713	25,713		25,713
060	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	6,583	6,583	6,583	–1,600	4,983
		Program delays .....				[–1,600]	
061	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	1,975	1,975	1,975		1,975
062	0604280F	JOINT TACTICAL RADIO .....	2,594	2,594	2,594		2,594
063	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	24,534	24,534	24,534		24,534
064	0604287F	PHYSICAL SECURITY EQUIPMENT .....	51	51	51		51
065	0604329F	SMALL DIAMETER BOMB (SDB)—EMD .....	143,000	143,000	143,000		143,000
066	0604421F	COUNTERSPACE SYSTEMS .....	28,797	28,797	28,797		28,797
067	0604425F	SPACE SITUATION AWARENESS SYSTEMS .....	267,252	267,252	247,252	–20,000	247,252
		C-Band Radar re-location .....			[3,000]	[3,000]	
		Excess funding .....			[–20,000]	[–20,000]	
		Undistributed reduction .....			[–3,000]	[–3,000]	
068	0604429F	AIRBORNE ELECTRONIC ATTACK .....	4,118	4,118	4,118		4,118
069	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	448,594	446,594	446,594	–2,000	446,594
		Project decrease .....		[–2,000]	[–2,000]	[–2,000]	
070	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	9,951	9,951	9,951		9,951



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071	0604604F	SUBMUNITIONS .....	2,567	2,567	2,567		2,567
072	0604617F	AGILE COMBAT SUPPORT .....	13,059	13,059	13,059		13,059
073	0604706F	LIFE SUPPORT SYSTEMS .....	9,720	9,720	9,720		9,720
074	0604735F	COMBAT TRAINING RANGES .....	9,222	9,222	9,222		9,222
076	0604750F	INTELLIGENCE EQUIPMENT .....	803	803	803		803
077	0604800F	F-35—EMD .....	1,210,306	1,210,306	1,210,306	-2,307	1,207,999
		Block 4—early to need .....				[-2,307]	
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD .....	135,437	135,437	135,437		135,437
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD ...	7,980	7,980	7,980		7,980
080	0604932F	LONG RANGE STANDOFF WEAPON .....	2,004	2,004	2,004		2,004
081	0604933F	ICBM FUZE MODERNIZATION .....	73,512	73,512	73,512		73,512
082	0605213F	F-22 MODERNIZATION INCREMENT 3.2B .....	140,100	140,100	140,100		140,100
083	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT .....	1,815,588	1,815,588	1,728,458	-77,100	1,738,488
		Excess prior year funds .....			[-87,130]	[-77,100]	
084	0605229F	CSAR HH-60 RECAPITALIZATION .....	123,210	123,210	123,210		123,210
085	0605278F	HC/MC-130 RECAP RDT&E .....	19,039	19,039	19,039		19,039
086	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM .....	281,056	281,056	281,056		281,056
087	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	80,200	80,200	80,200		80,200
089	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE .....	310	310	310		310
090	0207701F	FULL COMBAT MISSION TRAINING .....	14,861	14,861	14,861		14,861
091	0305230F	MC-12 .....	19,949	19,949	19,949		19,949
092	0401138F	C-27J AIRLIFT SQUADRONS .....		25,000			0
		Joint Cargo Aircraft .....		[25,000]			
093	0401318F	CV-22 .....	28,027	28,027	28,027		28,027
094	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S) .....	1,960	1,960	1,960		1,960
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>4,966,724</b>	<b>4,989,724</b>	<b>4,857,594</b>	<b>-103,007</b>	<b>4,863,717</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
095	0604256F	THREAT SIMULATOR DEVELOPMENT .....	22,812	22,812	22,812		22,812
096	0604759F	MAJOR T&E INVESTMENT .....	42,236	42,236	42,236		42,236
097	0605101F	RAND PROJECT AIR FORCE .....	25,579	25,579	25,579		25,579
099	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	16,197	16,197	16,197		16,197
100	0605807F	TEST AND EVALUATION SUPPORT .....	722,071	722,071	722,071		722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	16,200	16,200	16,200		16,200
102	0605864F	SPACE TEST PROGRAM (STP) .....	10,051	45,001	45,051	35,000	45,051
		Restore Space Test Program .....		[34,950]	[35,000]	[35,000]	
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	42,597	42,597	42,597		42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	27,301	27,301	27,301		27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE .....	13,964	13,964	13,964		13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	203,766	203,766	203,766		203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	42,430	42,430	42,430		42,430
108	0804731F	GENERAL SKILL TRAINING .....	1,294	1,294	1,294		1,294
111	1001004F	INTERNATIONAL ACTIVITIES .....	3,851	3,851	3,851		3,851
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,190,349</b>	<b>1,225,299</b>	<b>1,225,349</b>	<b>35,000</b>	<b>1,225,349</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....	371,595	370,095	370,095	-1,500	370,095
		Project decrease .....		[-1,500]	[-1,500]	[-1,500]	
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	91,697	91,697	91,697		91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	17,037	17,037	17,037		17,037
117	0101113F	B-52 SQUADRONS .....	53,208	53,208	53,208		53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	431	431	431		431
119	0101126F	B-1B SQUADRONS .....	16,265	16,265	16,265		16,265
120	0101127F	B-2 SQUADRONS .....	35,970	35,970	20,970		35,970
		Efficiencies .....			[-15,000]		
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM .....	30,889	30,889	30,889		30,889
122	0101314F	NIGHT FIST—USSTRATCOM .....	10	10	10		10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM .....	5,609	5,609	5,609		5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND .....	15,098	15,098	15,098		15,098
127	0205219F	MQ-9 UAV .....	147,971	147,971	147,971		147,971

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Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT .....	49,848	49,848	49,848		49,848
129	0207131F	A-10 SQUADRONS .....	13,538	13,538	13,538		13,538
130	0207133F	F-16 SQUADRONS .....	190,257	190,257	190,257		190,257
131	0207134F	F-15E SQUADRONS .....	192,677	192,677	192,677		192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	13,683	13,683	13,683		13,683
133	0207138F	F-22A SQUADRONS .....	371,667	371,667	371,667		371,667
134	0207142F	F-35 SQUADRONS .....	8,117	8,117	8,117		8,117
135	0207161F	TACTICAL AIM MISSILES .....	8,234	8,234	8,234		8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	87,041	87,041	87,041		87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) .....	1,472	1,472	1,472		1,472
138	0207224F	COMBAT RESCUE AND RECOVERY .....	2,095	2,095	2,095		2,095
139	0207227F	COMBAT RESCUE—PARARESCUE .....	1,119	1,119	1,119		1,119
140	0207247F	AF TENCAP .....	63,853	63,853	63,853		63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	1,063	1,063	1,063		1,063
142	0207253F	COMPASS CALL .....	12,094	12,094	12,094		12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	187,984	187,984	187,984		187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	7,950	7,950	7,950		7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	76,315	76,315	76,315		76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	8,653	8,653	8,653		8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	65,200	65,200	65,200		65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	5,767	5,767	5,767		5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	5,756	5,756	5,756		5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	16,226	16,226	16,226		16,226
156	0207448F	C2ISR TACTICAL DATA LINK .....	1,633	1,633	1,633		1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	18,086	18,086	18,086		18,086
158	0207452F	DCAPES .....	15,690	15,690	15,690		15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	24,241	24,241	24,241		24,241
160	0207590F	SEEK EAGLE .....	22,654	22,654	22,654		22,654
161	0207601F	USAF MODELING AND SIMULATION .....	15,501	15,501	15,501		15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS .....	5,699	5,699	5,699		5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	4,425	4,425	4,425		4,425
164	0208006F	MISSION PLANNING SYSTEMS .....	69,377	69,377	69,377		69,377
165	0208021F	INFORMATION WARFARE SUPPORT .....	7,159	7,159	7,159		7,159
166	0208059F	CYBER COMMAND ACTIVITIES .....	66,888	66,888	66,888		66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE .....	12,056	12,056	12,056		12,056
175	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	4,159	4,159	4,159		4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	20,124	20,124	20,124		20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	69,133	69,133	69,133		69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM .....	6,512	6,512	6,512		6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM .....	4,316	4,316	4,316	-2,000	2,316
		Underexecution .....				[-2,000]	
180	0303601F	MILSATCOM TERMINALS .....	107,237	107,237	107,237		107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE .....	129,106	129,106	129,106		129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,461	4,461	4,461		4,461
186	0305103F	CYBER SECURITY INITIATIVE .....	2,055	2,055	2,055		2,055
187	0305105F	DOD CYBER CRIME CENTER .....	285	285	285		285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE) .....	33,773	33,773	33,773		33,773
189	0305111F	WEATHER SERVICE .....	29,048	29,048	29,048		29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) ..	43,187	43,187	43,187		43,187
191	0305116F	AERIAL TARGETS .....	50,496	50,496	50,496		50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	354	354	354		354
195	0305145F	ARMS CONTROL IMPLEMENTATION .....	4,000	4,000	4,000		4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	342	342	342		342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	29,621	29,621	29,621		29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	14,335	14,335	14,335		14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,680	3,680	3,680		3,680
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER .....	2,430	2,430	2,430		2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE) .....	8,760	8,760	8,760		8,760
205	0305202F	DRAGON U-2 .....	23,644	23,644	23,644		23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES .....	21,000	21,000	21,000		21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	96,735	96,735	96,735		96,735

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208	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	13,316	13,316	13,316		13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	63,501	63,501	63,501		63,501
210	0305219F	MQ-1 PREDATOR A UAV .....	9,122	9,122	9,122		9,122
211	0305220F	RQ-4 UAV .....	236,265	236,265	236,265		236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	7,367	7,367	7,367		7,367
213	0305236F	COMMON DATA LINK (CDL) .....	38,094	38,094	38,094		38,094
214	0305238F	NATO AGS .....	210,109	210,109	210,109		210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE .....	24,500	24,500	24,500		24,500
216	0305265F	GPS III SPACE SEGMENT .....	318,992	318,992	318,992		318,992
217	0305614F	JSPOC MISSION SYSTEM .....	54,645	54,645	54,645		54,645
218	0305881F	RAPID CYBER ACQUISITION .....	4,007	4,007	4,007		4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE .....	13,357	13,357	13,357		13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE) .....	64,965	64,965	64,965	-1,600	63,365
		ICADS—early to need .....				[-1,600]	
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS .....	19,586	19,586	19,586		19,586
223	0308699F	SHARED EARLY WARNING (SEW) .....	1,175	1,175	1,175		1,175
224	0401115F	C-130 AIRLIFT SQUADRON .....	5,000	5,000	5,000		5,000
225	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	35,115	35,115	35,115		35,115
226	0401130F	C-17 AIRCRAFT (IF) .....	99,225	99,225	99,225		99,225
227	0401132F	C-130J PROGRAM .....	30,652	30,652	30,652		30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	7,758	7,758	7,758		7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA) .....	100	100	100	-100	0
		Program termination .....				[-100]	
231	0401219F	KC-10S .....	24,022	24,022	24,022		24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT .....	7,471	7,471	7,471		7,471
234	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	4,984	4,984	4,984		4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,588	1,588	1,588		1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES .....	577	577	577		577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	119,327	119,327	119,327	-20,000	99,327
		Program delays .....				[-20,000]	
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	15,873	15,873	15,873		15,873
240	0804743F	OTHER FLIGHT TRAINING .....	349	349	349		349
242	0808716F	OTHER PERSONNEL ACTIVITIES .....	117	117	117		117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	2,018	2,018	2,018		2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM .....	1,561	1,561	1,561		1,561
245	0901220F	PERSONNEL ADMINISTRATION .....	7,634	7,634	7,634		7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	1,175	1,175	1,175		1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE .....	3,491	3,491	3,491		3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	100,160	100,160	100,160		100,160
249A	9999999999	CLASSIFIED PROGRAMS .....	11,172,183	11,172,183	11,149,583		11,172,183
		Classified reduction .....				[-22,600]	
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>15,867,972</b>	<b>15,866,472</b>	<b>15,828,872</b>	<b>-25,200</b>	<b>15,842,772</b>
		<b>PRIOR YEAR SAVINGS</b>					
249B	9999999999	PRIOR YEAR SAVINGS .....			-78,426		0
		C-130 AMP cancellation .....			[-6,509]		
		Global Hawk Block 30 cancellation .....			[-64,000]		
		MALD II Cancellation .....			[-7,917]		
		<b>SUBTOTAL PRIOR YEAR SAVINGS .....</b>			<b>-78,426</b>		<b>0</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>	<b>25,428,046</b>	<b>25,512,996</b>	<b>25,274,890</b>	<b>-44,707</b>	<b>25,383,339</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>					
		<b>BASIC RESEARCH</b>					
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	45,071	45,071	45,071		45,071
002	0601101E	DEFENSE RESEARCH SCIENCES .....	309,051	309,051	309,051		309,051
003	0601110D8Z	BASIC RESEARCH INITIATIVES .....	19,405	19,405	19,405		19,405
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	39,676	39,676	39,676		39,676
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	87,979	87,979	87,979		87,979
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	50,566	50,566	50,566		50,566
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>551,748</b>	<b>551,748</b>	<b>551,748</b>		<b>551,748</b>
		<b>APPLIED RESEARCH</b>					

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007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	20,615	20,615	20,615		20,615
008	0602115E	BIOMEDICAL TECHNOLOGY .....	110,900	110,900	110,900		110,900
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE Program increase .....		10,000 [10,000]		10,000 [10,000]	10,000
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	36,826	36,826	36,826		36,826
011	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH .....	7,898	7,898	7,898		7,898
012	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	392,421	392,421	392,421		392,421
013	0602304E	COGNITIVE COMPUTING SYSTEMS .....	30,424	30,424	30,424		30,424
015	0602383E	BIOLOGICAL WARFARE DEFENSE .....	19,236	19,236	19,236		19,236
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	223,269	223,269	223,269		223,269
017	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH .....	13,753	13,753	13,753	–4,000 [–4,000]	9,753
018	0602668D8Z	CYBER SECURITY RESEARCH .....	18,985	18,985	18,985	–6,000 [–6,000]	12,985
019	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	6,771	6,771	6,771		6,771
020	0602702E	TACTICAL TECHNOLOGY .....	233,209	233,209	233,209		233,209
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY .....	166,067	166,067	166,067		166,067
022	0602716E	ELECTRONICS TECHNOLOGY .....	222,416	222,416	222,416		222,416
023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES .....	172,352	172,352	172,352		172,352
024	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT .....	28,739	28,739	28,739		28,739
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>1,703,881</b>	<b>1,713,881</b>	<b>1,703,881</b>		<b>1,703,881</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT (ATD)</b>					
025	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	25,612	25,612	25,612	–4,000 [–4,000]	21,612
026	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT .....	26,324	26,324	26,324		26,324
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	77,144	77,144	65,844 [–11,300]		77,144
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	275,022	275,022	275,022		275,022
029	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY .....	79,975	79,975	79,975		79,975
031	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	20,032	20,032	20,032		20,032
032	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	3,892	3,892	3,892		3,892
033	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY .....	36,685	36,685	36,685		36,685
034	0603286E	ADVANCED AEROSPACE SYSTEMS .....	174,316	149,316 [–25,000]	174,316	–15,000 [–15,000]	159,316
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY .....	159,704	159,704	159,704		159,704
036	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVEL- OPMENT.	234,280	229,280 [–5,000]	234,280		234,280
037	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	6,983	6,983	6,983		6,983
038	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	158,263	158,263	158,263		158,263
039	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	25,393	25,393	25,393		25,393
040	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	13,754	13,754	13,754	–4,000 [–4,000]	9,754
042	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH .....	19,935	19,935	19,935	–6,000 [–6,000]	13,935
043	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) AD- VANCED DEVELOPMENT.	8,235	8,235	8,235		8,235
044	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PRO- GRAM.	21,966	21,966	51,966 [30,000]	30,000 [30,000]	51,966
045	0603699D8Z	Industrial Base Innovation Fund .....					
047	0603712S	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT .....	24,662	24,662	24,662		24,662
048	0603713S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS .....	24,605	24,605	24,605		24,605
049	0603716D8Z	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY .....	30,678	30,678	30,678		30,678
050	0603720S	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	65,282	65,282	65,282		65,282
		MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT .....	72,234	82,234	69,234	–10,000 [–10,000]	62,234
		.90nm Next Generation Foundry-early to need .....					
		DMEA upgrade reduction .....				–3,000 [–3,000]	
		Program increase .....		[10,000]			
051	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	8,403	8,403	8,403		8,403

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052	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	111,008	111,008	111,008		111,008
054	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	237,859	212,859	237,859	–8,000	229,859
		Program reduction .....		[–25,000]		[–8,000]	
055	0603765E	CLASSIFIED DARPA PROGRAMS .....	3,000	3,000	3,000		3,000
056	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	236,883	236,883	236,883		236,883
057	0603767E	SENSOR TECHNOLOGY .....	299,438	299,438	299,438		299,438
058	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT .....	12,195	12,195	12,195		12,195
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	30,036	30,036	30,036		30,036
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	107,002	107,002	107,002	–15,000	92,002
		Excessive growth .....				[–15,000]	
062	0603828J	JOINT EXPERIMENTATION .....	21,230	21,230	21,230		21,230
063	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE .....	47,433	47,433	47,433		47,433
064	0603901C	DIRECTED ENERGY RESEARCH .....	46,944	76,944	46,944	–5,000	41,944
		Program increase .....		[30,000]			
		Unjustified request .....				[–5,000]	
065	0603902C	NEXT GENERATION AEGIS MISSILE .....	224,077	224,077	224,077		224,077
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	92,602	92,602	92,602		92,602
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	26,244	26,244	26,244		26,244
069	0303310D8Z	CWMD SYSTEMS .....	53,946	53,946	53,946	–15,000	38,946
		Program reduction .....				[–15,000]	
070	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT .....	45,317	45,317	45,317		45,317
071	1160422BB	AVIATION ENGINEERING ANALYSIS .....	861	861	861		861
072	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959	4,959		4,959
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD) .....</b>	<b>3,194,413</b>	<b>3,179,413</b>	<b>3,210,113</b>	<b>–52,000</b>	<b>3,142,413</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
073	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234	33,234		33,234
074	0603527D8Z	RETRACT LARCH .....	21,023	21,023	21,023		21,023
075	0603600D8Z	WALKOFF .....	94,624	94,624	94,624		94,624
077	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM .....	16,958	16,958	18,958	2,000	18,958
		Reverse cuts to testing .....			[2,000]	[2,000]	
078	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	75,941	75,941	75,941		75,941
079	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	316,929	316,929	316,929		316,929
080	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	903,172	1,363,172	903,172	75,000	978,172
		East Coast site planning and development, and EIS work .....		[103,000]			
		Program increase .....		[357,000]		[75,000]	
081	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL .....	179,023	179,023	179,023		179,023
082	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	347,012	347,012	347,012		347,012
084	0603890C	BMD ENABLING PROGRAMS .....	362,711	362,711	362,711		362,711
085	0603891C	SPECIAL PROGRAMS—MDA .....	272,387	272,387	272,387		272,387
086	0603892C	AEGIS BMD .....	992,407	992,407	992,407		992,407
087	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	51,313	51,313	51,313		51,313
088	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	6,912	6,912	6,912		6,912
089	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552	366,552		366,552
090	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	55,550	55,550	55,550		55,550
091	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	63,043	63,043	63,043		63,043
092	0603906C	REGARDING TRENCH .....	11,371	11,371	11,371		11,371
093	0603907C	SEA BASED X-BAND RADAR (SBX) .....	9,730	9,730	9,730		9,730
094	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	99,836	267,836	409,836	379,000	478,836
		Arrow Weapon System improvements .....			[20,000]		
		Arrow–3 interceptor .....			[20,000]		
		David's Sling short-range BMD .....			[60,000]		
		Increase to DSWS, ASIP, Arrow–3 cooperative programs .....		[168,000]		[168,000]	
		Iron Dome short-range rocket defense .....			[210,000]	[211,000]	
095	0603914C	BALLISTIC MISSILE DEFENSE TEST .....	454,400	454,400	454,400		454,400
096	0603915C	BALLISTIC MISSILE DEFENSE TARGETS .....	435,747	435,747	435,747		435,747
097	0603920D8Z	HUMANITARIAN DEMINING .....	13,231	13,231	13,231		13,231
098	0603923D8Z	COALITION WARFARE .....	11,398	11,398	11,398		11,398
099	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,283	3,283	24,083	20,800	24,083
		Increase for requirements shortfall .....			[20,800]	[20,800]	

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	12,368	12,368	12,368		12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RE-SEARCH AND ENGINEERING.	5,131	5,131	5,131		5,131
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM .....			200,000	200,000	200,000
		Rapid Innovation Program .....			[200,000]	[200,000]	
104	0604787J	JOINT SYSTEMS INTEGRATION .....	3,273	3,273	3,273		3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM .....	7,364	7,364	7,364		7,364
107	0604880C	LAND-BASED SM-3 (LBSM3) .....	276,338	276,338	276,338		276,338
108	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT .....	420,630	420,630	420,630		420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E .....	297,375	50,000	297,375	-55,000	242,375
		Project decrease to support technology development .....		[-247,375]		[-55,000]	
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST) .....	58,742	58,742	58,742	-25,000	33,742
		Program reduction .....				[-25,000]	
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	3,158	3,158	3,158		3,158
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>	<b>6,282,166</b>	<b>6,662,791</b>	<b>6,814,966</b>	<b>596,800</b>	<b>6,878,966</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)</b>					
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,817	6,817	6,817		6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	110,383	110,383	110,383		110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....	311,071	311,071	311,071		311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) .....	25,787	25,787	25,787		25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	20,688	20,688	20,688		20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES .....	5,749	5,749	5,749		5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	12,699	12,699	12,699		12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	387	387	387		387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	1,859	1,859	1,859		1,859
127	0605027D8Z	OUSDC(C) IT DEVELOPMENT INITIATIVES .....	7,010	7,010	7,010		7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....	133,104	133,104	133,104		133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION .....	25,269	25,269	25,269		25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....	10,238	10,238	10,238		10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	19,670	19,670	19,670		19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EIM) .....	3,556	3,556	3,556		3,556
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD) .....</b>	<b>694,287</b>	<b>694,287</b>	<b>694,287</b>		<b>694,287</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	6,383	6,383	6,383		6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	3,845	3,845	3,845		3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....	144,109	144,109	144,109		144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	2,419	2,419	2,419		2,419
139	0604943D8Z	THERMAL VICAR .....	8,214	8,214	8,214		8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	19,380	19,380	19,380		19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	32,266	32,266	32,266		32,266
142	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT .....	840	840	840		840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....	56,012	56,012	56,012		56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	55,508	55,508	55,508		55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING .....	18,174	18,174	18,174		18,174
147	0605142D8Z	SYSTEMS ENGINEERING .....	43,195	43,195	43,195		43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD .....	6,457	6,457	6,457		6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	4,901	4,901	4,901		4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	6,307	6,307	6,307		6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	6,601	6,601	6,601		6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	92,849	92,849	92,849		92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S.	1,857	1,857	1,857		1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	12,056	12,056	12,056		12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	55,454	55,454	55,454		55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION ....	16,364	16,364	16,364		16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	15,110	15,110	20,110	5,000	20,110
		DT&E Increase .....			[5,000]	[5,000]	
166	0605898E	MANAGEMENT HQ—R&D .....	69,767	69,767	69,767		69,767

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	4,454	4,454	4,454		4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....	2,637	2,637	2,637		2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....	8,238	8,238	8,238		8,238
176	0305103E	CYBER SECURITY INITIATIVE .....	1,801	1,801	1,801		1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	16,041	16,041	16,041		16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	77,475	77,475	77,475		77,475
182	0901598C	MANAGEMENT HQ—MDA .....	34,855	34,855	34,855		34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS .....	104	104	104		104
184A	9999999999	CLASSIFIED PROGRAMS .....	64,255	64,255	64,255		64,255
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>887,928</b>	<b>887,928</b>	<b>892,928</b>	<b>5,000</b>	<b>892,928</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	8,866	8,866	8,866		8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT.	3,238	3,238	3,238		3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	288	288	288		288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	14,745	14,745	14,745		14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY .....	5,013	5,013	5,013		5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS) .....	3,922	3,922	3,922		3,922
192	0208045K	C4I INTEROPERABILITY .....	72,574	72,574	72,574		72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING .....	6,214	6,214	6,214		6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT .....	499	499	499		499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....	14,498	14,498	14,498		14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	26,164	26,164	26,164		26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,931	12,931	12,931		12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI) .....	6,296	6,296	6,296		6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	30,948	30,948	30,948		30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	11,780	11,780	11,780		11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	191,452	241,452	191,452		191,452
		Program increase .....		[50,000]			
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	36,575	46,575	36,575		36,575
		Program increase .....		[10,000]			
212	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	24,278	24,278	24,278		24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	2,924	2,924	2,924		2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) .....	1,294	1,294	1,294		1,294
215	0303610K	TELEPORT PROGRAM .....	6,050	6,050	6,050		6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	17,058	17,058	17,058		17,058
222	0305103K	CYBER SECURITY INITIATIVE .....	4,189	4,189	4,189		4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP) .....	10,462	10,462	10,462		10,462
227	0305186D8Z	POLICY R&D PROGRAMS .....	6,360	6,360	6,360		6,360
229	0305199D8Z	NET CENTRICITY .....	21,190	21,190	21,190		21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	7,114	7,714	7,714	600	7,714
		USSOCOM UFR .....		[600]	[600]	[600]	
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	3,247	3,247	3,247		3,247
237	0305219BB	MQ—1 PREDATOR A UAV .....	1,355	1,355	1,355		1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,303	2,303	2,303		2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES .....	1,478	1,478	1,478		1,478
249	0708011S	INDUSTRIAL PREPAREDNESS .....	27,044	27,044	27,044		27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES .....	4,711	4,711	4,711		4,711
251	0902298J	MANAGEMENT HQ—OJCS .....	4,100	4,100	4,100		4,100
253	1105219BB	MQ—9 UAV .....	3,002	3,002	3,002		3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT ..	97,267	97,267	97,267		97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT .....	821	821	821		821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT .....	25,935	25,935	25,935		25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS .....	51,700	51,700	51,700		51,700
261	1160421BB	SPECIAL OPERATIONS CV—22 DEVELOPMENT .....	1,822	1,822	1,822		1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) .....	10,131	10,131	10,131		10,131
263	1160429BB	AC/MC—130J .....	19,647	19,647	19,647		19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS .....	2,225	2,225	2,225		2,225



**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
265	1160476BB	SOF TACTICAL RADIO SYSTEMS .....	3,036	3,036	3,036		3,036
266	1160477BB	SOF WEAPONS SYSTEMS .....	1,511	1,511	1,511		1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS .....	4,263	4,263	4,263		4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS .....	4,448	4,448	4,448		4,448
269	1160480BB	SOF TACTICAL VEHICLES .....	11,325	11,325	11,325		11,325
270	1160481BB	SOF MUNITIONS .....	1,515	1,515	1,515		1,515
271	1160482BB	SOF ROTARY WING AVIATION .....	24,430	24,430	24,430		24,430
272	1160483BB	SOF UNDERWATER SYSTEMS .....	26,405	61,405	34,405	43,000	69,405
		Program increase .....		[35,000]		[35,000]	
		Transfer from PDW Line 64 at USSOCOM request .....			[8,000]	[8,000]	
273	1160484BB	SOF SURFACE CRAFT .....	8,573	8,573	8,573		8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	7,620	7,620	7,620		7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	16,386	16,386	16,386		16,386
276A	9999999999	CLASSIFIED PROGRAMS .....	3,754,516	3,774,416	3,754,516		3,754,516
		Program increases .....		[19,900]			
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>4,667,738</b>	<b>4,783,238</b>	<b>4,676,338</b>	<b>43,600</b>	<b>4,711,338</b>
		<b>UNDISTRIBUTED GENERAL PROVISIONS</b>					
276B	9999999999	UNDISTRIBUTED GENERAL PROVISIONS .....			-100,000	-25,000	-25,000
		DARPA classified programs reduction .....			[-25,000]	[-25,000]	
		DARPA undistributed reduction .....			[-75,000]		
		<b>SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS .....</b>			<b>-100,000</b>	<b>-25,000</b>	<b>-25,000</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>	<b>17,982,161</b>	<b>18,473,286</b>	<b>18,444,261</b>	<b>568,400</b>	<b>18,550,561</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>					
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>					
001	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	72,501	107,501	76,501	15,000	87,501
		NCR Transition .....			[4,000]		
		Program increase for DOT&E cyber—range operations .....		[25,000]		[15,000]	
		Program increase for DOT&E cyber—threat development and assessment .....		[10,000]			
002	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	49,201	49,201	49,201		49,201
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	63,566	63,566	63,566		63,566
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>185,268</b>	<b>220,268</b>	<b>189,268</b>	<b>15,000</b>	<b>200,268</b>
		<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE .....</b>	<b>185,268</b>	<b>220,268</b>	<b>189,268</b>	<b>15,000</b>	<b>200,268</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>69,407,767</b>	<b>70,352,256</b>	<b>69,324,218</b>	<b>530,133</b>	<b>69,937,900</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	19,860	19,860	19,860	-5,000	14,860
		Program adjustment .....				[-5,000]	
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>19,860</b>	<b>19,860</b>	<b>19,860</b>		<b>19,860</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>19,860</b>	<b>19,860</b>	<b>19,860</b>	<b>-5,000</b>	<b>14,860</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	4,600	4,600	4,600		4,600
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>4,600</b>	<b>4,600</b>	<b>4,600</b>		<b>4,600</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
131	0604771N	MEDICAL DEVELOPMENT .....	2,173	2,173	2,173		2,173
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>2,173</b>	<b>2,173</b>	<b>2,173</b>		<b>2,173</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>RD&amp;E MANAGEMENT SUPPORT</b>							
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	5,200	5,200	5,200		5,200
		<b>SUBTOTAL RD&amp;E MANAGEMENT SUPPORT .....</b>	<b>5,200</b>	<b>5,200</b>	<b>5,200</b>		<b>5,200</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>							
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	6,762	6,762	6,762		6,762
221	0305233N	RQ-7 UAV .....	7,600	7,600	7,600		7,600
230A	9999999999	CLASSIFIED PROGRAMS .....	33,784	33,784	33,784		33,784
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>48,146</b>	<b>48,146</b>	<b>48,146</b>		<b>48,146</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY .....</b>	<b>60,119</b>	<b>60,119</b>	<b>60,119</b>		<b>60,119</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>							
249A	9999999999	CLASSIFIED PROGRAMS .....	53,150	53,150	53,150		53,150
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>53,150</b>	<b>53,150</b>	<b>53,150</b>		<b>53,150</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF .....</b>	<b>53,150</b>	<b>53,150</b>	<b>53,150</b>		<b>53,150</b>
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .. Program increase .....		10,000 [10,000]			0
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT .....		25,000			0
		Program increase .....		[25,000]			
094	0603913C	ISRAELI COOPERATIVE PROGRAMS .....		680,000			0
		Iron Dome .....		[680,000]			
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM .....		200,000			0
		Program increase .....		[200,000]			
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>							
239	0305231BB	MQ-8 UAV .....	5,000	5,000	5,000		5,000
276A	9999999999	CLASSIFIED PROGRAMS .....	107,387	107,387	107,387		107,387
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>112,387</b>	<b>112,387</b>	<b>112,387</b>		<b>112,387</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>	<b>112,387</b>	<b>1,027,387</b>	<b>112,387</b>		<b>112,387</b>
		<b>TOTAL RD&amp;E .....</b>	<b>245,516</b>	<b>1,160,516</b>	<b>245,516</b>	<b>-5,000</b>	<b>240,516</b>

## TITLE XLIII—OPERATION AND MAINTENANCE

### SEC. 4301. OPERATION AND MAINTENANCE.

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, ARMY</b>						
<b>OPERATING FORCES</b>						
010	MANEUVER UNITS .....	1,223,087	1,223,087	1,223,087		1,223,087
020	MODULAR SUPPORT BRIGADES .....	80,574	80,574	80,574		80,574
030	ECHELONS ABOVE BRIGADE .....	723,039	723,039	723,039		723,039
040	THEATER LEVEL ASSETS .....	706,974	706,974	706,974		706,974
050	LAND FORCES OPERATIONS SUPPORT .....	1,226,650	1,226,650	1,226,650		1,226,650
060	AVIATION ASSETS .....	1,319,832	1,319,832	1,319,832		1,319,832
070	FORCE READINESS OPERATIONS SUPPORT .....	3,447,174	3,452,174	3,447,174		3,447,174
	Weapons of Mass Destruction Civil Support Teams .....		[5,000]			
080	LAND FORCES SYSTEMS READINESS .....	454,774	454,774	454,774		454,774
090	LAND FORCES DEPOT MAINTENANCE .....	1,762,757	1,762,757	1,811,157		1,762,757
	Foreign Military Sales Special Defense Repair Fund Senate Floor Amdt (Levin 3114) .....			[48,400]		

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
100	BASE OPERATIONS SUPPORT .....	7,401,613	7,401,613	7,401,613	-52,000	7,349,613
	Army requested transfer to Other Procurement, Army for emergency manangement modernization prgram .....				[-52,000]	
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	3,041,074	3,234,674	3,041,074	218,600	3,259,674
	Realignment to Cemeterial Expenses, Army .....		[-25,000]			
	Restoration and Modernization of Facilities .....		[218,600]		[218,600]	
120	MANAGEMENT AND OPERATIONAL HQ'S .....	410,171	410,171	410,171		410,171
130	COMBATANT COMMANDERS CORE OPERATIONS .....	177,819	177,819	177,819		177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS .....	461,333	461,333	461,333		461,333
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>22,436,871</b>	<b>22,635,471</b>	<b>22,485,271</b>	<b>166,600</b>	<b>22,603,471</b>
	<b>MOBILIZATION</b>					
180	STRATEGIC MOBILITY .....	405,496	405,496	405,496		405,496
190	ARMY PREPOSITIONING STOCKS .....	195,349	195,349	195,349		195,349
200	INDUSTRIAL PREPAREDNESS .....	6,379	6,379	6,379		6,379
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>607,224</b>	<b>607,224</b>	<b>607,224</b>		<b>607,224</b>
	<b>TRAINING AND RECRUITING</b>					
210	OFFICER ACQUISITION .....	112,866	112,866	112,866		112,866
220	RECRUIT TRAINING .....	73,265	73,265	73,265		73,265
230	ONE STATION UNIT TRAINING .....	51,227	51,227	51,227		51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS .....	443,306	443,306	443,306		443,306
250	SPECIALIZED SKILL TRAINING .....	1,099,556	1,099,556	1,099,556		1,099,556
260	FLIGHT TRAINING .....	1,130,627	1,130,627	1,130,627		1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	191,683	191,683	191,683		191,683
280	TRAINING SUPPORT .....	652,095	652,095	652,095		652,095
290	RECRUITING AND ADVERTISING .....	507,510	507,510	507,510		507,510
300	EXAMINING .....	156,964	156,964	156,964		156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION .....	244,343	244,343	244,343		244,343
320	CIVILIAN EDUCATION AND TRAINING .....	212,477	212,477	212,477		212,477
330	JUNIOR ROTC .....	182,691	182,691	182,691		182,691
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>5,058,610</b>	<b>5,058,610</b>	<b>5,058,610</b>		<b>5,058,610</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>					
350	SERVICEWIDE TRANSPORTATION .....	601,331	601,331	601,331		601,331
360	CENTRAL SUPPLY ACTIVITIES .....	741,324	741,324	741,324		741,324
370	LOGISTIC SUPPORT ACTIVITIES .....	610,136	610,136	610,136		610,136
380	AMMUNITION MANAGEMENT .....	478,707	478,707	478,707		478,707
390	ADMINISTRATION .....	556,307	556,307	539,107		556,307
	GFEBs realignment per Army request .....			[-17,200]		
400	SERVICEWIDE COMMUNICATIONS .....	1,547,925	1,547,925	1,547,925		1,547,925
410	MANPOWER MANAGEMENT .....	362,205	362,205	362,205	-24,000	338,205
	Army-Identified Excess for Civilian Personnel Resources Support .....				[-24,000]	
420	OTHER PERSONNEL SUPPORT .....	220,754	220,754	220,754		220,754
430	OTHER SERVICE SUPPORT .....	1,153,556	1,150,509	1,145,456	-3,047	1,150,509
	Army Museum Funding (Early to need) .....		[-3,047]	[-8,100]	[-3,047]	
440	ARMY CLAIMS ACTIVITIES .....	250,970	250,970	250,970		250,970
450	REAL ESTATE MANAGEMENT .....	222,351	222,351	222,351		222,351
460	BASE OPERATIONS SUPPORT .....	222,379	222,379	222,379		222,379
470	SUPPORT OF NATO OPERATIONS .....	459,710	459,710	459,710		459,710
480	MISC. SUPPORT OF OTHER NATIONS .....	25,637	25,637	25,637		25,637
490	CLASSIFIED PROGRAMS .....	1,052,595	1,052,595	1,052,595		1,052,595
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>8,505,887</b>	<b>8,502,840</b>	<b>8,480,587</b>	<b>-27,047</b>	<b>8,478,840</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
500	UNDISTRIBUTED ADJUSTMENTS .....		-350,700	-120,000	-266,600	-266,600
	Army Medical Evacuation Paramedic Certification Training .....		[5,000]			
	Excess Working Capital Fund Carry Over .....				[-146,600]	
	Historical unobligated balances .....		[-289,200]	[-120,000]	[-120,000]	
	Overestimate of Foreign Currency Fluctuation Costs .....		[-66,500]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-350,700</b>	<b>-120,000</b>	<b>-266,600</b>	<b>-266,600</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>36,608,592</b>	<b>36,453,445</b>	<b>36,511,692</b>	<b>-127,047</b>	<b>36,481,545</b>

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, NAVY</b>						
<b>OPERATING FORCES</b>						
010	MISSION AND OTHER FLIGHT OPERATIONS .....	4,918,144	4,927,144	4,918,144	9,000	4,927,144
	Cruiser Retention .....		[9,000]		[9,000]	
020	FLEET AIR TRAINING .....	1,886,825	1,886,825	1,886,825		1,886,825
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	44,032	44,032	44,032		44,032
040	AIR OPERATIONS AND SAFETY SUPPORT .....	101,565	101,565	101,565		101,565
050	AIR SYSTEMS SUPPORT .....	374,827	374,827	374,827		374,827
060	AIRCRAFT DEPOT MAINTENANCE .....	960,802	960,802	960,802		960,802
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	37,545	37,545	37,545		37,545
080	AVIATION LOGISTICS .....	328,805	328,805	328,805		328,805
090	MISSION AND OTHER SHIP OPERATIONS .....	4,686,535	4,711,185	4,686,535	24,650	4,711,185
	Cruiser Retention .....		[24,650]		[24,650]	
100	SHIP OPERATIONS SUPPORT & TRAINING .....	769,204	769,204	769,204		769,204
110	SHIP DEPOT MAINTENANCE .....	5,089,981	5,157,944	5,089,981	67,963	5,157,944
	Cruiser Retention .....		[67,963]		[67,963]	
120	SHIP DEPOT OPERATIONS SUPPORT .....	1,315,366	1,329,237	1,315,366	13,871	1,329,237
	Cruiser Retention .....		[13,871]		[13,871]	
130	COMBAT COMMUNICATIONS .....	619,909	619,909	619,909		619,909
140	ELECTRONIC WARFARE .....	92,364	92,364	92,364		92,364
150	SPACE SYSTEMS AND SURVEILLANCE .....	174,437	174,437	174,437		174,437
160	WARFARE TACTICS .....	441,035	441,035	441,035		441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	333,554	333,554	333,554		333,554
180	COMBAT SUPPORT FORCES .....	910,087	910,087	910,087		910,087
190	EQUIPMENT MAINTENANCE .....	167,158	167,158	167,158		167,158
200	DEPOT OPERATIONS SUPPORT .....	4,183	4,183	4,183		4,183
210	COMBATANT COMMANDERS CORE OPERATIONS .....	95,528	95,528	95,528		95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	204,569	204,569	204,569		204,569
230	CRUISE MISSILE .....	111,884	111,884	111,884		111,884
240	FLEET BALLISTIC MISSILE .....	1,181,038	1,181,038	1,181,038		1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	87,606	87,606	87,606		87,606
260	WEAPONS MAINTENANCE .....	519,583	519,583	519,583		519,583
270	OTHER WEAPON SYSTEMS SUPPORT .....	300,435	300,435	300,435		300,435
280	ENTERPRISE INFORMATION .....	1,077,924	1,077,924	1,077,924		1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	2,101,279	2,155,879	2,101,279	54,600	2,155,879
	Restoration and Modernization of Facilities .....		[54,600]		[54,600]	
300	BASE OPERATING SUPPORT .....	4,822,093	4,822,093	4,822,093		4,822,093
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>33,758,297</b>	<b>33,928,381</b>	<b>33,758,297</b>	<b>170,084</b>	<b>33,928,381</b>
<b>MOBILIZATION</b>						
310	SHIP PREPOSITIONING AND SURGE .....	334,659	334,659	334,659		334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	6,562	6,562	6,562		6,562
330	SHIP ACTIVATIONS/INACTIVATIONS .....	1,066,329	587,329	1,066,329	-9,000	1,057,329
	Cruiser Retention .....		[-9,000]		[-9,000]	
	Fiscal year 2013 portion of USS ENTERPRISE Inactivation Costs .....		[-470,000]			
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	83,901	83,901	83,901		83,901
350	INDUSTRIAL READINESS .....	2,695	2,695	2,695		2,695
360	COAST GUARD SUPPORT .....	23,502	23,502	23,502		23,502
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>1,517,648</b>	<b>1,038,648</b>	<b>1,517,648</b>	<b>-9,000</b>	<b>1,508,648</b>
<b>TRAINING AND RECRUITING</b>						
370	OFFICER ACQUISITION .....	147,807	147,807	147,807		147,807
380	RECRUIT TRAINING .....	10,473	10,473	10,473		10,473
390	RESERVE OFFICERS TRAINING CORPS .....	139,220	139,220	139,220		139,220
400	SPECIALIZED SKILL TRAINING .....	582,177	582,177	582,177		582,177
410	FLIGHT TRAINING .....	5,456	5,456	5,456		5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION .....	170,746	170,746	170,746		170,746
430	TRAINING SUPPORT .....	153,403	153,403	153,403		153,403
440	RECRUITING AND ADVERTISING .....	241,329	242,267	241,329	938	242,267
	Naval Sea Cadet Corps .....		[938]		[938]	
450	OFF-DUTY AND VOLUNTARY EDUCATION .....	108,226	108,226	108,226		108,226
460	CIVILIAN EDUCATION AND TRAINING .....	105,776	105,776	105,776		105,776

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
470	JUNIOR ROTC .....	51,817	51,817	51,817		51,817
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>1,716,430</b>	<b>1,717,368</b>	<b>1,716,430</b>	<b>938</b>	<b>1,717,368</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
480	ADMINISTRATION .....	797,177	797,177	797,177		797,177
490	EXTERNAL RELATIONS .....	12,872	12,872	12,872		12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	120,181	120,181	120,181		120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	235,753	235,753	235,753		235,753
520	OTHER PERSONNEL SUPPORT .....	263,060	263,060	263,060		263,060
530	SERVICEWIDE COMMUNICATIONS .....	363,213	363,213	363,213		363,213
550	SERVICEWIDE TRANSPORTATION .....	182,343	182,343	182,343		182,343
570	PLANNING, ENGINEERING AND DESIGN .....	282,464	282,464	282,464		282,464
580	ACQUISITION AND PROGRAM MANAGEMENT .....	1,092,123	1,092,123	1,092,123		1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT .....	53,560	53,560	53,560		53,560
600	COMBAT/WEAPONS SYSTEMS .....	25,299	25,299	25,299		25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS .....	64,418	64,418	64,418		64,418
620	NAVAL INVESTIGATIVE SERVICE .....	580,042	580,042	580,042		580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	4,984	4,984	4,984		4,984
710	CLASSIFIED PROGRAMS .....	537,079	537,079	537,079		537,079
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>4,614,568</b>	<b>4,614,568</b>	<b>4,614,568</b>		<b>4,614,568</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
720	UNDISTRIBUTED ADJUSTMENTS .....		-166,400	-23,000	-23,000	-23,000
	Historical unobligated balances .....		[-166,400]	[-23,000]	[-23,000]	
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-166,400</b>	<b>-23,000</b>	<b>-23,000</b>	<b>-23,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>41,606,943</b>	<b>41,132,565</b>	<b>41,583,943</b>	<b>139,022</b>	<b>41,745,965</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>					
	<b>OPERATING FORCES</b>					
010	OPERATIONAL FORCES .....	788,055	788,055	788,055		788,055
020	FIELD LOGISTICS .....	762,614	762,614	762,614		762,614
030	DEPOT MAINTENANCE .....	168,447	168,447	168,447		168,447
040	MARITIME PREPOSITIONING .....	100,374	100,374	100,374		100,374
050	SUSTAINMENT, RESTORATION & MODERNIZATION .....	825,039	847,839	825,039	22,800	847,839
	Restoration and Modernization of Facilities .....		[22,800]		[22,800]	
060	BASE OPERATING SUPPORT .....	2,188,883	2,188,883	2,188,883		2,188,883
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,833,412</b>	<b>4,856,212</b>	<b>4,833,412</b>	<b>22,800</b>	<b>4,856,212</b>
	<b>TRAINING AND RECRUITING</b>					
070	RECRUIT TRAINING .....	18,251	18,251	18,251		18,251
080	OFFICER ACQUISITION .....	869	869	869		869
090	SPECIALIZED SKILL TRAINING .....	80,914	80,914	80,914		80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION .....	42,744	42,744	42,744		42,744
110	TRAINING SUPPORT .....	292,150	292,150	292,150		292,150
120	RECRUITING AND ADVERTISING .....	168,609	178,609	168,609		168,609
	Recruiting and advertising .....		[10,000]			
130	OFF-DUTY AND VOLUNTARY EDUCATION .....	56,865	56,865	56,865		56,865
140	JUNIOR ROTC .....	19,912	19,912	19,912		19,912
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>680,314</b>	<b>690,314</b>	<b>680,314</b>		<b>680,314</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
150	SERVICEWIDE TRANSPORTATION .....	39,962	39,962	39,962		39,962
170	ACQUISITION AND PROGRAM MANAGEMENT .....	83,404	83,404	83,404		83,404
190	CLASSIFIED PROGRAMS .....	346,071	346,071	346,071		346,071
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>469,437</b>	<b>469,437</b>	<b>469,437</b>		<b>469,437</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
200	UNDISTRIBUTED ADJUSTMENTS .....		-23,900			0
	Historical unobligated balances .....		[-23,900]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-23,900</b>			<b>0</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>5,983,163</b>	<b>5,992,063</b>	<b>5,983,163</b>	<b>22,800</b>	<b>6,005,963</b>

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>						
<b>OPERATING FORCES</b>						
010	PRIMARY COMBAT FORCES .....	2,973,141	2,973,141	2,973,141		2,973,141
020	COMBAT ENHANCEMENT FORCES .....	1,611,032	1,744,032	1,611,032	133,000	1,744,032
	Global Hawk Block 30 .....		[133,000]		[133,000]	
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	1,472,806	1,472,806	1,472,806		1,472,806
040	DEPOT MAINTENANCE .....	5,545,470	5,545,470	5,545,470		5,545,470
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,353,987	1,569,487	1,353,987	135,399	1,489,386
	Restoration and Modernization of Facilities .....		[215,500]		[135,399]	
060	BASE SUPPORT .....	2,595,032	2,595,032	2,595,032		2,595,032
070	GLOBAL C3I AND EARLY WARNING .....	957,040	957,040	957,040		957,040
080	OTHER COMBAT OPS SPT PROGRAMS .....	916,200	916,200	916,200		916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	733,716	733,716	733,716		733,716
110	LAUNCH FACILITIES .....	314,490	314,490	314,490		314,490
120	SPACE CONTROL SYSTEMS .....	488,762	488,762	488,762		488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	862,979	862,979	862,979	-12,000	850,979
	Joint Forces Command restructuring .....				[-12,000]	
140	COMBATANT COMMANDERS CORE OPERATIONS .....	222,429	222,429	222,429		222,429
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>20,047,084</b>	<b>20,395,584</b>	<b>20,047,084</b>	<b>256,399</b>	<b>20,303,483</b>
<b>MOBILIZATION</b>						
150	AIRLIFT OPERATIONS .....	1,785,379	1,785,379	1,785,379		1,785,379
160	MOBILIZATION PREPAREDNESS .....	154,049	154,049	154,049		154,049
170	DEPOT MAINTENANCE .....	1,477,396	1,477,396	1,477,396		1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	309,699	309,699	309,699		309,699
190	BASE SUPPORT .....	707,574	707,574	707,574		707,574
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>4,434,097</b>	<b>4,434,097</b>	<b>4,434,097</b>		<b>4,434,097</b>
<b>TRAINING AND RECRUITING</b>						
200	OFFICER ACQUISITION .....	115,427	115,427	115,427		115,427
210	RECRUIT TRAINING .....	17,619	17,619	17,619		17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC) .....	92,949	92,949	92,949		92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	336,433	336,433	336,433		336,433
240	BASE SUPPORT .....	842,441	842,441	842,441		842,441
250	SPECIALIZED SKILL TRAINING .....	482,634	482,634	482,634		482,634
260	FLIGHT TRAINING .....	750,609	750,609	750,609		750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	235,114	235,114	235,114		235,114
280	TRAINING SUPPORT .....	101,231	101,231	101,231		101,231
290	DEPOT MAINTENANCE .....	233,330	233,330	233,330		233,330
310	RECRUITING AND ADVERTISING .....	130,217	130,217	130,217		130,217
320	EXAMINING .....	2,738	2,738	2,738		2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION .....	155,170	155,170	155,170		155,170
340	CIVILIAN EDUCATION AND TRAINING .....	175,147	175,147	175,147		175,147
350	JUNIOR ROTC .....	74,809	74,809	74,809		74,809
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>3,745,868</b>	<b>3,745,868</b>	<b>3,745,868</b>		<b>3,745,868</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
360	LOGISTICS OPERATIONS .....	1,029,734	1,029,734	1,029,734		1,029,734
370	TECHNICAL SUPPORT ACTIVITIES .....	913,843	913,843	913,843		913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	303,610	303,610	303,610		303,610
400	BASE SUPPORT .....	1,266,800	1,266,800	1,266,800		1,266,800
410	ADMINISTRATION .....	587,654	587,654	587,654		587,654
420	SERVICEWIDE COMMUNICATIONS .....	667,910	667,910	667,910		667,910
430	OTHER SERVICEWIDE ACTIVITIES .....	1,094,509	1,094,509	1,094,509		1,094,509
440	CIVIL AIR PATROL .....	23,904	23,904	23,904		23,904
470	INTERNATIONAL SUPPORT .....	81,307	81,307	81,307		81,307
480	CLASSIFIED PROGRAMS .....	1,239,040	1,239,040	1,239,040		1,239,040
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>7,208,311</b>	<b>7,208,311</b>	<b>7,208,311</b>		<b>7,208,311</b>
<b>UNDISTRIBUTED ADJUSTMENTS</b>						
490	UNDISTRIBUTED ADJUSTMENTS .....		-43,700	-32,000	-32,000	-32,000
	Historical unobligated balances .....		[-141,700]	[-32,000]	[-32,000]	

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Overestimate of Foreign Currency Fluctuation Costs .....		[−32,000]			
	Retain Air Force Force Structure .....		[130,000]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS</b> .....		<b>−43,700</b>	<b>−32,000</b>	<b>−32,000</b>	<b>−32,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b> .....	<b>35,435,360</b>	<b>35,740,160</b>	<b>35,403,360</b>	<b>224,399</b>	<b>35,659,759</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>					
	<b>OPERATING FORCES</b>					
010	JOINT CHIEFS OF STAFF .....	485,708	485,708	485,708		485,708
020	SPECIAL OPERATIONS COMMAND .....		5,091,001	5,107,501	5,091,001	5,091,001
	Transfer from line 025 .....		[5,091,001]	[5,091,001]	[5,091,001]	
	USSOCOM UFR .....			[16,500]		
025	CLASSIFIED PROGRAMS .....	5,091,001			−5,091,001	0
	Transfer to Line 020 .....		[−5,091,001]	[−5,091,001]	[−5,091,001]	
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>5,576,709</b>	<b>5,576,709</b>	<b>5,593,209</b>		<b>5,576,709</b>
	<b>TRAINING AND RECRUITING</b>					
030	DEFENSE ACQUISITION UNIVERSITY .....	147,210	144,710	147,210		147,210
	Program decrease .....		[−2,500]			
040	NATIONAL DEFENSE UNIVERSITY .....	84,999	82,499	84,999		84,999
	Program decrease .....		[−2,500]			
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>232,209</b>	<b>227,209</b>	<b>232,209</b>		<b>232,209</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
050	CIVIL MILITARY PROGRAMS .....	161,294	161,294	161,294		161,294
080	DEFENSE CONTRACT AUDIT AGENCY .....	573,973	573,973	573,973		573,973
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,293,196	1,293,196	1,293,196		1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE .....	17,513	17,513	17,513		17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	676,186	676,186	676,186		676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,346,847	1,346,847	1,346,847		1,346,847
140	DEFENSE LEGAL SERVICES AGENCY .....	35,137	35,137	35,137		35,137
150	DEFENSE LOGISTICS AGENCY .....	431,893	431,893	431,893		431,893
160	DEFENSE MEDIA ACTIVITY .....	224,013	224,013	224,013		224,013
170	DEFENSE POW/MIA OFFICE .....	21,964	21,964	21,964		21,964
180	DEFENSE SECURITY COOPERATION AGENCY .....	557,917	557,917	540,317		557,917
	Defense Security Assessment .....			[−2,600]		
	Global Train and Equip Program .....			[−15,000]		
190	DEFENSE SECURITY SERVICE .....		506,662	506,662	506,662	506,662
	Transfer from Line 280 .....		[506,662]	[506,662]	[506,662]	
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION .....	35,319	35,319	35,319		35,319
210	DEFENSE THREAT REDUCTION AGENCY .....		443,382	443,382	443,382	443,382
	Transfer from Line 280 .....		[443,382]	[443,382]	[443,382]	
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	2,744,971	2,744,971	2,744,971		2,744,971
230	MISSILE DEFENSE AGENCY .....	259,975	259,975	259,975		259,975
250	OFFICE OF ECONOMIC ADJUSTMENT .....	253,437	253,437	114,037		253,437
	Decrease for ahead of need request .....			[−139,400]		
260	OFFICE OF THE SECRETARY OF DEFENSE .....	2,095,362	2,125,362	2,095,362	10,000	2,105,362
	Advancing Diversity and EO .....		[5,000]			
	Office of Net Assessment .....		[10,000]		[10,000]	
	Program decrease .....		[−10,000]			
	Readiness Environmental Protection Initiative .....		[25,000]			
270	WASHINGTON HEADQUARTERS SERVICE .....	521,297	521,297	521,297		521,297
280	CLASSIFIED PROGRAMS .....	14,933,801	14,045,757	14,158,757	−900,044	14,033,757
	Additional ISR Support to Operation Observant Compass .....			[50,000]	[50,000]	
	Commercial imagery service level agreement .....			[125,000]		
	Program increase .....		[62,000]			
	Transfer to Line 190 .....		[−506,662]	[−506,662]	[−506,662]	
	Transfer to Line 210 .....		[−443,382]	[−443,382]	[−443,382]	
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>26,184,095</b>	<b>26,276,095</b>	<b>26,202,095</b>	<b>60,000</b>	<b>26,244,095</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
290	UNDISTRIBUTED ADJUSTMENTS .....		−107,700	5,000	35,000	35,000
	DOD Impact Aid .....		[30,000]		[30,000]	

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Historical unobligated balances .....		[-128,000]	[-25,000]		
	Impact aid for children with severe disabilities .....			[5,000]	[5,000]	
	Impact aid for schools with military dependent students .....			[25,000]		
	Overestimate of Foreign Currency Fluctuation Costs .....		[-9,700]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-107,700</b>	<b>5,000</b>	<b>35,000</b>	<b>35,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>	<b>31,993,013</b>	<b>31,972,313</b>	<b>32,032,513</b>	<b>95,000</b>	<b>32,088,013</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>					
	<b>OPERATING FORCES</b>					
010	MANEUVER UNITS .....	1,391	1,391	1,391		1,391
020	MODULAR SUPPORT BRIGADES .....	20,889	20,889	20,889		20,889
030	ECHELONS ABOVE BRIGADE .....	592,724	592,724	592,724		592,724
040	THEATER LEVEL ASSETS .....	114,983	114,983	114,983		114,983
050	LAND FORCES OPERATIONS SUPPORT .....	633,091	633,091	633,091		633,091
060	AVIATION ASSETS .....	76,823	76,823	76,823		76,823
070	FORCE READINESS OPERATIONS SUPPORT .....	481,997	481,997	481,997		481,997
080	LAND FORCES SYSTEMS READINESS .....	70,118	70,118	70,118		70,118
090	LAND FORCES DEPOT MAINTENANCE .....	141,205	141,205	141,205		141,205
100	BASE OPERATIONS SUPPORT .....	561,878	561,878	561,878		561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	287,399	308,099	287,399	20,700	308,099
	Restoration and Modernization of Facilities .....		[20,700]		[20,700]	
120	MANAGEMENT AND OPERATIONAL HQ'S .....	52,431	52,431	52,431		52,431
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,034,929</b>	<b>3,055,629</b>	<b>3,034,929</b>	<b>20,700</b>	<b>3,055,629</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
140	SERVICEWIDE TRANSPORTATION .....	12,995	12,995	12,995		12,995
150	ADMINISTRATION .....	32,432	32,432	32,432		32,432
160	SERVICEWIDE COMMUNICATIONS .....	4,895	4,895	4,895		4,895
170	MANPOWER MANAGEMENT .....	16,074	16,074	16,074	-4,500	11,574
	Unjustified growth for civilian personnel .....				[-4,500]	
180	RECRUITING AND ADVERTISING .....	60,683	60,683	60,683		60,683
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>127,079</b>	<b>127,079</b>	<b>127,079</b>	<b>-4,500</b>	<b>122,579</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
190	UNDISTRIBUTED ADJUSTMENTS .....		1,100			0
	Army Medical Evacuation Paramedic Certification Training .....		[5,000]			
	Deny request of increase for technicians .....		[-3,900]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>1,100</b>			<b>0</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES .....</b>	<b>3,162,008</b>	<b>3,183,808</b>	<b>3,162,008</b>	<b>16,200</b>	<b>3,178,208</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>					
	<b>OPERATING FORCES</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	616,776	616,776	616,776		616,776
020	INTERMEDIATE MAINTENANCE .....	15,076	15,076	15,076		15,076
030	AIR OPERATIONS AND SAFETY SUPPORT .....	1,479	1,479	1,479		1,479
040	AIRCRAFT DEPOT MAINTENANCE .....	107,251	107,251	107,251		107,251
050	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	355	355	355		355
060	MISSION AND OTHER SHIP OPERATIONS .....	82,186	82,186	82,186		82,186
070	SHIP OPERATIONS SUPPORT & TRAINING .....	589	589	589		589
080	SHIP DEPOT MAINTENANCE .....	48,593	48,593	48,593		48,593
090	COMBAT COMMUNICATIONS .....	15,274	15,274	15,274		15,274
100	COMBAT SUPPORT FORCES .....	124,917	124,917	124,917		124,917
110	WEAPONS MAINTENANCE .....	1,978	1,978	1,978		1,978
120	ENTERPRISE INFORMATION .....	43,699	43,699	43,699		43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	60,646	60,646	60,646		60,646
140	BASE OPERATING SUPPORT .....	105,227	105,227	105,227		105,227
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>1,224,046</b>	<b>1,224,046</b>	<b>1,224,046</b>		<b>1,224,046</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
150	ADMINISTRATION .....	3,117	3,117	3,117		3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	14,337	14,337	14,337		14,337



SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
170	SERVICEWIDE COMMUNICATIONS .....	2,392	2,392	2,392		2,392
180	ACQUISITION AND PROGRAM MANAGEMENT .....	3,090	3,090	3,090		3,090
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>22,936</b>	<b>22,936</b>	<b>22,936</b>		<b>22,936</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES .....</b>	<b>1,246,982</b>	<b>1,246,982</b>	<b>1,246,982</b>		<b>1,246,982</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	OPERATING FORCES .....	89,690	89,690	89,690		89,690
020	DEPOT MAINTENANCE .....	16,735	16,735	16,735		16,735
030	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	37,913	37,913	37,913		37,913
040	BASE OPERATING SUPPORT .....	103,746	103,746	103,746		103,746
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>248,084</b>	<b>248,084</b>	<b>248,084</b>		<b>248,084</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
050	SERVICEWIDE TRANSPORTATION .....	873	873	873		873
060	ADMINISTRATION .....	14,330	14,330	14,330		14,330
070	RECRUITING AND ADVERTISING .....	8,998	8,998	8,998		8,998
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>24,201</b>	<b>24,201</b>	<b>24,201</b>		<b>24,201</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE .....</b>	<b>272,285</b>	<b>272,285</b>	<b>272,285</b>		<b>272,285</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	PRIMARY COMBAT FORCES .....	2,089,326	2,089,326	2,089,326		2,089,326
020	MISSION SUPPORT OPERATIONS .....	112,992	112,992	112,992		112,992
030	DEPOT MAINTENANCE .....	406,101	406,101	406,101		406,101
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	71,564	78,264	71,564	6,700	78,264
	Restoration and Modernization of Facilities .....		[6,700]		[6,700]	
050	BASE SUPPORT .....	364,862	364,862	364,862		364,862
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,044,845</b>	<b>3,051,545</b>	<b>3,044,845</b>	<b>6,700</b>	<b>3,051,545</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
060	ADMINISTRATION .....	78,824	78,824	78,824		78,824
070	RECRUITING AND ADVERTISING .....	16,020	16,020	16,020		16,020
080	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	19,496	19,496	19,496		19,496
090	OTHER PERS SUPPORT (DISABILITY COMP) .....	6,489	6,489	6,489		6,489
100	AUDIOVISUAL .....	808	808	808		808
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>121,637</b>	<b>121,637</b>	<b>121,637</b>		<b>121,637</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
110	UNDISTRIBUTED ADJUSTMENTS .....		161,617		33,900	33,900
	Retain Air Force Reserve Force Structure .....		[161,617]		[33,900]	
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>161,617</b>		<b>33,900</b>	<b>33,900</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE .....</b>	<b>3,166,482</b>	<b>3,334,799</b>	<b>3,166,482</b>	<b>40,600</b>	<b>3,207,082</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>					
	<b>OPERATING FORCES</b>					
010	MANEUVER UNITS .....	680,206	680,206	680,206		680,206
020	MODULAR SUPPORT BRIGADES .....	186,408	186,408	186,408		186,408
030	ECHELONS ABOVE BRIGADE .....	865,628	865,628	865,628		865,628
040	THEATER LEVEL ASSETS .....	112,651	112,651	112,651		112,651
050	LAND FORCES OPERATIONS SUPPORT .....	36,091	36,091	36,091		36,091
060	AVIATION ASSETS .....	907,011	907,011	907,011		907,011
070	FORCE READINESS OPERATIONS SUPPORT .....	751,606	751,606	751,606		751,606
080	LAND FORCES SYSTEMS READINESS .....	60,043	60,043	60,043		60,043
090	LAND FORCES DEPOT MAINTENANCE .....	411,940	411,940	411,940		411,940
100	BASE OPERATIONS SUPPORT .....	995,423	995,423	995,423		995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	688,189	737,589	688,189	49,400	737,589
	Restoration and Modernization of Facilities .....		[49,400]		[49,400]	
120	MANAGEMENT AND OPERATIONAL HQ'S .....	953,716	953,716	953,716		953,716
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,648,912</b>	<b>6,698,312</b>	<b>6,648,912</b>	<b>49,400</b>	<b>6,698,312</b>

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
130	SERVICEWIDE TRANSPORTATION .....	11,806	11,806	11,806		11,806
140	REAL ESTATE MANAGEMENT .....	1,656	1,656	1,656		1,656
150	ADMINISTRATION .....	89,358	89,358	89,358		89,358
160	SERVICEWIDE COMMUNICATIONS .....	39,513	39,513	39,513		39,513
170	MANPOWER MANAGEMENT .....	7,224	7,224	7,224		7,224
180	RECRUITING AND ADVERTISING .....	310,143	310,143	310,143		310,143
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>459,700</b>	<b>459,700</b>	<b>459,700</b>		<b>459,700</b>
<b>UNDISTRIBUTED ADJUSTMENTS</b>						
190	UNDISTRIBUTED ADJUSTMENTS .....		-79,700			0
	Army Medical Evacuation Paramedic Certification Training .....		[5,000]			
	Deny request of increase for technicians .....		[-95,000]			
	Retain Army National Guard Force Structure .....		[10,300]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-79,700</b>			<b>0</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>7,108,612</b>	<b>7,078,312</b>	<b>7,108,612</b>	<b>49,400</b>	<b>7,158,012</b>
<b>OPERATION &amp; MAINTENANCE, ANG</b>						
<b>OPERATING FORCES</b>						
010	AIRCRAFT OPERATIONS .....	3,559,824	3,563,329	3,559,824		3,559,824
	Aerospace Control Alert .....		[3,505]			
020	MISSION SUPPORT OPERATIONS .....	721,225	721,225	721,225		721,225
030	DEPOT MAINTENANCE .....	774,875	774,875	774,875		774,875
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	270,709	295,409	270,709	24,700	295,409
	Restoration and Modernization of Facilities .....		[24,700]		[24,700]	
050	BASE SUPPORT .....	624,443	624,443	624,443		624,443
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,951,076</b>	<b>5,979,281</b>	<b>5,951,076</b>	<b>24,700</b>	<b>5,975,776</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>						
060	ADMINISTRATION .....	32,358	32,358	32,358		32,358
070	RECRUITING AND ADVERTISING .....	32,021	32,021	32,021		32,021
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>64,379</b>	<b>64,379</b>	<b>64,379</b>		<b>64,379</b>
<b>UNDISTRIBUTED ADJUSTMENTS</b>						
080	UNDISTRIBUTED ADJUSTMENTS .....		286,800		145,400	145,400
	Retain Air National Guard Force Structure .....		[286,800]		[145,400]	
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>286,800</b>		<b>145,400</b>	<b>145,400</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG .....</b>	<b>6,015,455</b>	<b>6,330,460</b>	<b>6,015,455</b>	<b>170,100</b>	<b>6,185,555</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>						
<b>MISCELLANEOUS APPROPRIATIONS</b>						
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	108,759	108,759	108,759		108,759
030	COOPERATIVE THREAT REDUCTION .....	519,111	519,111	519,111		519,111
040	ACQ WORKFORCE DEV FD .....	274,198	274,198	274,198		274,198
050	ENVIRONMENTAL RESTORATION, ARMY .....	335,921	335,921	335,921		335,921
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>1,237,989</b>	<b>1,237,989</b>	<b>1,237,989</b>		<b>1,237,989</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>						
060	ENVIRONMENTAL RESTORATION, NAVY .....	310,594	310,594	310,594		310,594
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>310,594</b>	<b>310,594</b>	<b>310,594</b>		<b>310,594</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>						
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	529,263	529,263	529,263		529,263
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>529,263</b>	<b>529,263</b>	<b>529,263</b>		<b>529,263</b>
<b>MISCELLANEOUS APPROPRIATIONS</b>						
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	13,516	13,516	13,516		13,516
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	11,133	11,133	11,133		11,133
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>24,649</b>	<b>24,649</b>	<b>24,649</b>		<b>24,649</b>

**SEC. 4301. OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>MISCELLANEOUS APPROPRIATIONS</b>						
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	237,543	237,543	237,543		237,543
	<b>SUBTOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>237,543</b>	<b>237,543</b>	<b>237,543</b>		<b>237,543</b>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>2,340,038</b>	<b>2,340,038</b>	<b>2,340,038</b>		<b>2,340,038</b>
<b>UNDISTRIBUTED GENERAL PROVISIONS</b>						
<b>UNDISTRIBUTED GENERAL PROVISIONS</b>						
010	UNDISTRIBUTED GENERAL PROVISIONS .....			–45,000		0
	Undistributed reduction to Title III .....			[–45,000]		
	<b>SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS .....</b>			<b>–45,000</b>		<b>0</b>
	<b>TOTAL UNDISTRIBUTED GENERAL PROVISIONS .....</b>			<b>–45,000</b>		<b>0</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>174,938,933</b>	<b>175,077,230</b>	<b>174,781,533</b>	<b>630,474</b>	<b>175,569,407</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>OPERATION &amp; MAINTENANCE, ARMY</b>						
<b>OPERATING FORCES</b>						
040	THEATER LEVEL ASSETS .....	2,758,162	2,758,162	2,758,162		2,758,162
050	LAND FORCES OPERATIONS SUPPORT .....	991,396	991,396	991,396		991,396
060	AVIATION ASSETS .....	40,300	40,300	40,300		40,300
070	FORCE READINESS OPERATIONS SUPPORT .....	1,755,445	1,755,445	1,755,445		1,755,445
080	LAND FORCES SYSTEMS READINESS .....	307,244	307,244	307,244		307,244
100	BASE OPERATIONS SUPPORT .....	393,165	393,165	393,165		393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	250,000	250,000	250,000		250,000
140	ADDITIONAL ACTIVITIES .....	12,524,137	12,395,137	12,475,737	–10,000	12,514,137
	Task Force for Stability Operations: Operations/Sustainment Request .....		[–129,000]		[–10,000]	
	YMQ–18A unmanned aerial vehicle .....			[–48,400]		
150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	400,000	200,000	200,000	–200,000	200,000
	Historical underexecution .....		[–200,000]	[–200,000]	[–200,000]	
160	RESET .....	3,687,973	3,437,973	3,687,973		3,687,973
	Unexecutable depot-level maintenance .....		[–250,000]			
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>23,107,822</b>	<b>22,528,822</b>	<b>22,859,422</b>	<b>–210,000</b>	<b>22,897,822</b>
<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>						
350	SERVICEWIDE TRANSPORTATION .....	3,238,310	3,238,310	3,238,310		3,238,310
360	CENTRAL SUPPLY ACTIVITIES .....	129,000	129,000	129,000		129,000
380	AMMUNITION MANAGEMENT .....	78,022	78,022	78,022		78,022
420	OTHER PERSONNEL SUPPORT .....	137,277	137,277	97,277	–40,000	97,277
	Transfer to OPA OCO Line 061 at SOUTHCOM request .....			[–40,000]	[–40,000]	
430	OTHER SERVICE SUPPORT .....	72,293	72,293	72,293		72,293
490	CLASSIFIED PROGRAMS .....	1,828,717	1,828,717	1,828,717		1,828,717
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>5,483,619</b>	<b>5,483,619</b>	<b>5,443,619</b>	<b>–40,000</b>	<b>5,443,619</b>
<b>UNDISTRIBUTED ADJUSTMENTS</b>						
500	UNDISTRIBUTED ADJUSTMENTS .....		–179,700			
	Historical unobligated balances .....		[–179,700]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>–179,700</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>28,591,441</b>	<b>27,832,741</b>	<b>28,303,041</b>	<b>–250,000</b>	<b>28,341,441</b>
<b>OPERATION &amp; MAINTENANCE, NAVY</b>						
<b>OPERATING FORCES</b>						
010	MISSION AND OTHER FLIGHT OPERATIONS .....	937,098	937,098	937,098		937,098
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	1,000	1,000	1,000		1,000
040	AIR OPERATIONS AND SAFETY SUPPORT .....	15,794	15,794	15,794		15,794

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
050	AIR SYSTEMS SUPPORT .....	19,013	19,013	19,013		19,013
060	AIRCRAFT DEPOT MAINTENANCE .....	201,912	201,912	201,912		201,912
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	3,000	3,000	3,000		3,000
080	AVIATION LOGISTICS .....	44,150	44,150	44,150		44,150
090	MISSION AND OTHER SHIP OPERATIONS .....	463,738	463,738	463,738		463,738
100	SHIP OPERATIONS SUPPORT & TRAINING .....	24,774	24,774	24,774		24,774
110	SHIP DEPOT MAINTENANCE .....	1,310,010	1,310,010	1,310,010		1,310,010
130	COMBAT COMMUNICATIONS .....	42,965	42,965	42,965		42,965
160	WARFARE TACTICS .....	25,970	25,970	25,970		25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	19,226	19,226	19,226		19,226
180	COMBAT SUPPORT FORCES .....	1,668,359	1,668,359	1,668,359		1,668,359
190	EQUIPMENT MAINTENANCE .....	7,954	7,954	7,954		7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	94,655	94,655	94,655		94,655
260	WEAPONS MAINTENANCE .....	303,087	303,087	303,087		303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	3,218	3,218	3,218		3,218
300	BASE OPERATING SUPPORT .....	143,442	143,442	143,442		143,442
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,329,365</b>	<b>5,329,365</b>	<b>5,329,365</b>		<b>5,329,365</b>
	<b>MOBILIZATION</b>					
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	31,395	31,395	31,395		31,395
360	COAST GUARD SUPPORT .....	254,461	254,461	254,461		254,461
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>285,856</b>	<b>285,856</b>	<b>285,856</b>		<b>285,856</b>
	<b>TRAINING AND RECRUITING</b>					
400	SPECIALIZED SKILL TRAINING .....	50,903	50,903	50,903		50,903
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>50,903</b>	<b>50,903</b>	<b>50,903</b>		<b>50,903</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
480	ADMINISTRATION .....	1,377	1,377	1,377		1,377
490	EXTERNAL RELATIONS .....	487	487	487		487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	6,022	6,022	6,022		6,022
520	OTHER PERSONNEL SUPPORT .....	3,514	3,514	3,514		3,514
550	SERVICEWIDE TRANSPORTATION .....	184,864	184,864	184,864		184,864
580	ACQUISITION AND PROGRAM MANAGEMENT .....	2,026	2,026	2,026		2,026
620	NAVAL INVESTIGATIVE SERVICE .....	1,425	1,425	1,425		1,425
710	CLASSIFIED PROGRAMS .....	14,556	14,556	14,556		14,556
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>214,271</b>	<b>214,271</b>	<b>214,271</b>		<b>214,271</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
720	UNDISTRIBUTED ADJUSTMENTS .....		-22,100			
	Historical unobligated balances .....		[-22,100]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-22,100</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>5,880,395</b>	<b>5,858,295</b>	<b>5,880,395</b>		<b>5,880,395</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>					
	<b>OPERATING FORCES</b>					
010	OPERATIONAL FORCES .....	1,921,258	1,921,258	1,921,258		1,921,258
020	FIELD LOGISTICS .....	1,094,028	1,094,028	1,094,028		1,094,028
030	DEPOT MAINTENANCE .....	222,824	222,824	222,824		222,824
060	BASE OPERATING SUPPORT .....	88,690	88,690	88,690		88,690
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,326,800</b>	<b>3,326,800</b>	<b>3,326,800</b>		<b>3,326,800</b>
	<b>TRAINING AND RECRUITING</b>					
110	TRAINING SUPPORT .....	215,212	215,212	215,212		215,212
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>215,212</b>	<b>215,212</b>	<b>215,212</b>		<b>215,212</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
150	SERVICEWIDE TRANSPORTATION .....	512,627	512,627	512,627		512,627
190	CLASSIFIED PROGRAMS .....	11,701	11,701	11,701		11,701
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>524,328</b>	<b>524,328</b>	<b>524,328</b>		<b>524,328</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
200	UNDISTRIBUTED ADJUSTMENTS .....		-15,600			
	Historical unobligated balances .....		[-15,600]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-15,600</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>4,066,340</b>	<b>4,050,740</b>	<b>4,066,340</b>		<b>4,066,340</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>					
	<b>OPERATING FORCES</b>					
010	PRIMARY COMBAT FORCES .....	1,494,144	1,494,144	1,494,144		1,494,144
020	COMBAT ENHANCEMENT FORCES .....	809,531	809,531	809,531		809,531
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	13,095	13,095	13,095		13,095
040	DEPOT MAINTENANCE .....	1,403,238	1,403,238	1,403,238		1,403,238
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	155,954	155,954	155,954		155,954
060	BASE SUPPORT .....	342,226	342,226	342,226		342,226
070	GLOBAL C3I AND EARLY WARNING .....	15,108	15,108	15,108		15,108
080	OTHER COMBAT OPS SPT PROGRAMS .....	271,390	271,390	271,390		271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	25,400	25,400	25,400		25,400
120	SPACE CONTROL SYSTEMS .....	5,110	5,110	5,110		5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	52,173	52,173	52,173		52,173
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,587,369</b>	<b>4,587,369</b>	<b>4,587,369</b>		<b>4,587,369</b>
	<b>MOBILIZATION</b>					
150	AIRLIFT OPERATIONS .....	3,187,211	3,187,211	3,187,211		3,187,211
160	MOBILIZATION PREPAREDNESS .....	43,509	43,509	43,509		43,509
170	DEPOT MAINTENANCE .....	554,943	554,943	554,943		554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	4,431	4,431	4,431		4,431
190	BASE SUPPORT .....	9,256	9,256	9,256		9,256
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>3,799,350</b>	<b>3,799,350</b>	<b>3,799,350</b>		<b>3,799,350</b>
	<b>TRAINING AND RECRUITING</b>					
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	424	424	424		424
240	BASE SUPPORT .....	1,036	1,036	1,036		1,036
250	SPECIALIZED SKILL TRAINING .....	10,923	10,923	10,923		10,923
260	FLIGHT TRAINING .....	72	72	72		72
270	PROFESSIONAL DEVELOPMENT EDUCATION .....	323	323	323		323
280	TRAINING SUPPORT .....	352	352	352		352
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>13,130</b>	<b>13,130</b>	<b>13,130</b>		<b>13,130</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
360	LOGISTICS OPERATIONS .....	100,429	100,429	100,429		100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	47,200	47,200	47,200		47,200
400	BASE SUPPORT .....	7,242	7,242	7,242		7,242
410	ADMINISTRATION .....	1,552	1,552	1,552		1,552
420	SERVICEWIDE COMMUNICATIONS .....	82,094	82,094	82,094		82,094
430	OTHER SERVICEWIDE ACTIVITIES .....	582,977	582,977	582,977		582,977
480	CLASSIFIED PROGRAMS .....	20,270	20,270	20,270		20,270
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>841,764</b>	<b>841,764</b>	<b>841,764</b>		<b>841,764</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
490	UNDISTRIBUTED ADJUSTMENTS .....		-34,700			
	Historical unobligated balances .....		[-34,700]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-34,700</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>9,241,613</b>	<b>9,206,913</b>	<b>9,241,613</b>		<b>9,241,613</b>
	<b>OPERATION &amp; MAINTENANCE, DEFENSE-WIDE</b>					
	<b>OPERATING FORCES</b>					
010	JOINT CHIEFS OF STAFF .....	2,000	2,000	2,000		2,000
020	SPECIAL OPERATIONS COMMAND .....	2,503,060	2,503,060	2,503,060		2,503,060
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,505,060</b>	<b>2,505,060</b>	<b>2,505,060</b>		<b>2,505,060</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
080	DEFENSE CONTRACT AUDIT AGENCY .....	30,674	30,674	30,674		30,674

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
090	DEFENSE CONTRACT MANAGEMENT AGENCY .....	69,803	69,803	69,803		69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY .....	3,334	3,334	3,334		3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY .....	152,925	152,925	152,925		152,925
140	DEFENSE LEGAL SERVICES AGENCY .....	102,322	102,322	102,322		102,322
160	DEFENSE MEDIA ACTIVITY .....	10,823	10,823	10,823		10,823
180	DEFENSE SECURITY COOPERATION AGENCY .....	2,200,000	1,550,000	2,200,000	-100,000	2,100,000
	Program Decrease—Coalition Support Funds .....		[-650,000]		[-100,000]	
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	139,830	139,830	139,830		139,830
260	OFFICE OF THE SECRETARY OF DEFENSE .....	87,805	87,805	87,805		87,805
280	CLASSIFIED PROGRAMS .....	2,522,003	2,522,003	2,522,003		2,522,003
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>5,319,519</b>	<b>4,669,519</b>	<b>5,319,519</b>	<b>-100,000</b>	<b>5,219,519</b>
	<b>UNDISTRIBUTED ADJUSTMENTS</b>					
290	UNDISTRIBUTED ADJUSTMENTS .....		-29,300			
	Historical unobligated balances .....		[-29,300]			
	<b>SUBTOTAL UNDISTRIBUTED ADJUSTMENTS .....</b>		<b>-29,300</b>			
	<b>TOTAL OPERATION &amp; MAINTENANCE, DEFENSE-WIDE .....</b>	<b>7,824,579</b>	<b>7,145,279</b>	<b>7,824,579</b>	<b>-100,000</b>	<b>7,724,579</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>					
	<b>OPERATING FORCES</b>					
030	ECHELONS ABOVE BRIGADE .....	78,600	78,600	78,600		78,600
050	LAND FORCES OPERATIONS SUPPORT .....	20,811	20,811	20,811		20,811
070	FORCE READINESS OPERATIONS SUPPORT .....	20,726	20,726	20,726		20,726
100	BASE OPERATIONS SUPPORT .....	34,400	34,400	34,400		34,400
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>154,537</b>	<b>154,537</b>	<b>154,537</b>		<b>154,537</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES .....</b>	<b>154,537</b>	<b>154,537</b>	<b>154,537</b>		<b>154,537</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>					
	<b>OPERATING FORCES</b>					
010	MISSION AND OTHER FLIGHT OPERATIONS .....	24,834	24,834	24,834		24,834
020	INTERMEDIATE MAINTENANCE .....	300	300	300		300
040	AIRCRAFT DEPOT MAINTENANCE .....	13,364	13,364	13,364		13,364
060	MISSION AND OTHER SHIP OPERATIONS .....	8,213	8,213	8,213		8,213
080	SHIP DEPOT MAINTENANCE .....	929	929	929		929
100	COMBAT SUPPORT FORCES .....	8,244	8,244	8,244		8,244
140	BASE OPERATING SUPPORT .....	40	40	40		40
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>55,924</b>	<b>55,924</b>	<b>55,924</b>		<b>55,924</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES .....</b>	<b>55,924</b>	<b>55,924</b>	<b>55,924</b>		<b>55,924</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	OPERATING FORCES .....	22,657	22,657	22,657		22,657
040	BASE OPERATING SUPPORT .....	2,820	2,820	2,820		2,820
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>25,477</b>	<b>25,477</b>	<b>25,477</b>		<b>25,477</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE .....</b>	<b>25,477</b>	<b>25,477</b>	<b>25,477</b>		<b>25,477</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>					
	<b>OPERATING FORCES</b>					
010	PRIMARY COMBAT FORCES .....	7,600	7,600	7,600		7,600
030	DEPOT MAINTENANCE .....	106,768	106,768	106,768		106,768
050	BASE SUPPORT .....	6,250	6,250	6,250		6,250
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>120,618</b>	<b>120,618</b>	<b>120,618</b>		<b>120,618</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE .....</b>	<b>120,618</b>	<b>120,618</b>	<b>120,618</b>		<b>120,618</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>					
	<b>OPERATING FORCES</b>					
010	MANEUVER UNITS .....	38,485	38,485	38,485		38,485
020	MODULAR SUPPORT BRIGADES .....	1,959	1,959	1,959		1,959

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
030	ECHELONS ABOVE BRIGADE .....	20,076	20,076	20,076		20,076
040	THEATER LEVEL ASSETS .....	2,028	2,028	2,028		2,028
060	AVIATION ASSETS .....	183,811	183,811	183,811		183,811
070	FORCE READINESS OPERATIONS SUPPORT .....	43,780	43,780	43,780		43,780
100	BASE OPERATIONS SUPPORT .....	70,237	70,237	70,237		70,237
120	MANAGEMENT AND OPERATIONAL HQ'S .....	20,072	20,072	20,072		20,072
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>380,448</b>	<b>380,448</b>	<b>380,448</b>		<b>380,448</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>					
160	SERVICEWIDE COMMUNICATIONS .....	2,000	2,000	2,000		2,000
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>		<b>2,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>382,448</b>	<b>382,448</b>	<b>382,448</b>		<b>382,448</b>
	<b>OPERATION &amp; MAINTENANCE, ANG OPERATING FORCES</b>					
020	MISSION SUPPORT OPERATIONS .....	19,975	19,975	19,975		19,975
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>19,975</b>	<b>19,975</b>	<b>19,975</b>		<b>19,975</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG .....</b>	<b>19,975</b>	<b>19,975</b>	<b>19,975</b>		<b>19,975</b>
	<b>AFGHANISTAN SECURITY FORCES FUND</b>					
	<b>MINISTRY OF DEFENSE</b>					
010	SUSTAINMENT .....	2,523,825	2,523,825	2,523,825		2,523,825
020	INFRASTRUCTURE .....	190,000	190,000	190,000		190,000
030	EQUIPMENT AND TRANSPORTATION .....	241,521	241,521	241,521		241,521
040	TRAINING AND OPERATIONS .....	758,380	758,380	758,380		758,380
	<b>SUBTOTAL MINISTRY OF DEFENSE .....</b>	<b>3,713,726</b>	<b>3,713,726</b>	<b>3,713,726</b>		<b>3,713,726</b>
	<b>MINISTRY OF INTERIOR</b>					
050	SUSTAINMENT .....	1,305,950	1,305,950	1,305,950		1,305,950
060	INFRASTRUCTURE .....	50,000	50,000	50,000		50,000
070	EQUIPMENT AND TRANSPORTATION .....	84,859	84,859	84,859		84,859
080	TRAINING AND OPERATIONS .....	569,868	569,868	569,868		569,868
	<b>SUBTOTAL MINISTRY OF INTERIOR .....</b>	<b>2,010,677</b>	<b>2,010,677</b>	<b>2,010,677</b>		<b>2,010,677</b>
	<b>RELATED ACTIVITIES</b>					
090	SUSTAINMENT .....	18,325	18,325	18,325		18,325
100	INFRASTRUCTURE .....	1,200	1,200	1,200		1,200
110	EQUIPMENT & TRANSPORTATION .....	1,239	1,239	1,239		1,239
120	TRAINING AND OPERATIONS .....	4,000	4,000	4,000		4,000
	<b>SUBTOTAL RELATED ACTIVITIES .....</b>	<b>24,764</b>	<b>24,764</b>	<b>24,764</b>		<b>24,764</b>
	<b>TOTAL AFGHANISTAN SECURITY FORCES FUND .....</b>	<b>5,749,167</b>	<b>5,749,167</b>	<b>5,749,167</b>		<b>5,749,167</b>
	<b>AFGHANISTAN INFRASTRUCTURE FUND</b>					
010	POWER .....	400,000	375,000	350,000	-50,000	350,000
	Program Decrease .....		[-25,000]	[-50,000]	[-50,000]	
	<b>SUBTOTAL AFGHANISTAN INFRASTRUCTURE FUND .....</b>	<b>400,000</b>	<b>375,000</b>	<b>350,000</b>	<b>-50,000</b>	<b>350,000</b>
	<b>TOTAL AFGHANISTAN INFRASTRUCTURE FUND .....</b>	<b>400,000</b>	<b>375,000</b>	<b>350,000</b>	<b>-50,000</b>	<b>350,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>62,512,514</b>	<b>60,977,114</b>	<b>62,174,114</b>	<b>-400,000</b>	<b>62,112,514</b>

## TITLE XLIV—MILITARY PERSONNEL

### SEC. 4401. MILITARY PERSONNEL.

**SEC. 4401. MILITARY PERSONNEL**  
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
MILITARY PERSONNEL .....	135,111,799	135,726,855	135,117,799	646,479	135,777,368
USMC military personnel in lieu of LAV funding .....		[131,730]		[129,729]	
Retain Global Hawk .....		[22,200]		[22,000]	
Restore accrual payments to the Medicare eligible health care trust fund .....		[672,000]		[672,000]	
Unobligated balances .....		[-352,000]		[-295,250]	
Army medical evacuation paramedic certification training .....		[2,000]			
Reserve Components administrative absence (Section 604) .....		[2,000]			
Basic allowance for housing for members of the National Guard (Section 603) .....		[6,000]	[6,000]	[6,000]	
Non-medical attendant travel (Section 621) .....		[2,000]			
Retain 128 Air National Guard AGRs for two air sovereignty alert locations .....		[8,300]		[8,300]	
Retain Air National Guard Force Structure .....		[70,826]		[86,600]	
Retain Air Force Force Structure .....		[30,000]			
Retain Air Force Reserve Force Structure .....		[20,000]		[17,100]	

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
MILITARY PERSONNEL .....	14,060,094	14,060,094	14,060,094	-5,000	14,055,094
Navy identified excess to requirement .....				[-5,000]	

## TITLE XLV—OTHER AUTHORIZATIONS

**SEC. 4501. OTHER AUTHORIZATIONS.**

**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

Program Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>WORKING CAPITAL FUND, ARMY</b>					
PREPOSITIONED WAR RESERVE STOCKS .....	60,037	60,037	60,037		60,037
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>60,037</b>	<b>60,037</b>	<b>60,037</b>		<b>60,037</b>
<b>WORKING CAPITAL FUND, AIR FORCE</b>					
<b>CONTAINER DECONSOLIDATION</b>					
SUPPLIES AND MATERIALS (MEDICAL/DENTAL) .....	45,452	45,452	45,452		45,452
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>45,452</b>	<b>45,452</b>	<b>45,452</b>		<b>45,452</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>					
DEFENSE LOGISTICS AGENCY (DLA) .....	39,135	39,135	39,135		39,135
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>39,135</b>	<b>39,135</b>	<b>39,135</b>		<b>39,135</b>
<b>WORKING CAPITAL FUND, DECA</b>					
WORKING CAPITAL FUND, DECA .....	1,371,560	1,371,560	1,371,560		1,371,560
<b>TOTAL WORKING CAPITAL FUND, DECA .....</b>	<b>1,371,560</b>	<b>1,371,560</b>	<b>1,371,560</b>		<b>1,371,560</b>
<b>NATIONAL DEFENSE SEALIFT FUND</b>					
<b>T-AKE</b>					
MPF MLP .....	38,000	38,000	38,000		38,000
POST DELIVERY AND OUTFITTING .....	39,386	39,386	39,386		39,386
<b>NATIONAL DEF SEALIFT VESSEL</b>					
LG MED SPD RO/RO MAINTENANCE .....	128,819	128,819	128,819		128,819
DOD MOBILIZATION ALTERATIONS .....	26,598	26,598	26,598		26,598
TAH MAINTENANCE .....	29,199	29,199	29,199		29,199
RESEARCH AND DEVELOPMENT .....	42,811	42,811	42,811		42,811



**SEC. 4501. OTHER AUTHORIZATIONS**  
(In Thousands of Dollars)

Program Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
READY RESERVE FORCE .....	303,323	303,323	303,323		303,323
<b>TOTAL NATIONAL DEFENSE SEALIFT FUND .....</b>	<b>608,136</b>	<b>608,136</b>	<b>608,136</b>		<b>608,136</b>
<b>DEFENSE HEALTH PROGRAM</b>					
IN-HOUSE CARE .....	8,625,507	8,625,507	8,625,507		8,625,507
PRIVATE SECTOR CARE .....	16,148,263	16,178,263	16,193,263	–360,000	15,788,263
Pilot program for treatment of Autism .....		[30,000]	[45,000]	[40,000]	
TRICARE historical underexecution .....				[–400,000]	
CONSOLIDATED HEALTH SUPPORT .....	2,309,185	2,309,185	2,309,185		2,309,185
INFORMATION MANAGEMENT .....	1,465,328	1,465,328	1,465,328		1,465,328
MANAGEMENT ACTIVITIES .....	332,121	332,121	332,121		332,121
EDUCATION AND TRAINING .....	722,081	722,081	722,081		722,081
BASE OPERATIONS/COMMUNICATIONS .....	1,746,794	1,746,794	1,746,794		1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE .....		301,900	452,000	452,000	452,000
Foreign currency fluctuation .....		[–5,100]			
Overfunding in electronic health record .....		[–30,000]			
Pilot program for TBI and PTSD for Armed Forces members and veterans ..		[10,000]			
Restore DOD assumed Savings for TRICARE Proposals .....			[452,000]		
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductables for TRICARE Standard .....		[273,000]		[273,000]	
Restore pharmacy co-pay estimated savings .....		[179,000]		[179,000]	
Study on breast cancer among members of the Armed Forces and veterans ..		[10,000]			
TRICARE rate adjustments .....		[90,000]			
Unobligated balances .....		[–225,000]			
RDT&E .....	672,977	672,977	672,977		672,977
PROCUREMENT .....	506,462	454,462	506,462		506,462
Overfunding in electronic health record .....		[–52,000]			
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>32,528,718</b>	<b>32,808,618</b>	<b>33,025,718</b>	<b>92,000</b>	<b>32,620,718</b>
<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>					
OPERATION & MAINTENANCE .....	635,843	635,843	635,843		635,843
RDT&E .....	647,351	647,351	647,351		647,351
PROCUREMENT .....	18,592	18,592	18,592		18,592
<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION .....</b>	<b>1,301,786</b>	<b>1,301,786</b>	<b>1,301,786</b>		<b>1,301,786</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	889,545	889,545	863,645		889,545
Transfer to Demand Reduction Program .....			[–25,900]		
DRUG DEMAND REDUCTION PROGRAM .....	109,818	109,818	135,718	25,900	135,718
Authorization increase expanded drug testing .....			[25,900]	[25,900]	
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>999,363</b>	<b>999,363</b>	<b>999,363</b>	<b>25,900</b>	<b>1,025,263</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OPERATION & MAINTENANCE .....	272,821	272,821	331,921	59,100	331,921
DoD IG growth plan .....			[59,100]	[59,100]	
RDT&E .....					
PROCUREMENT .....	1,000	1,000	1,000		1,000
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>273,821</b>	<b>273,821</b>	<b>332,921</b>	<b>59,100</b>	<b>332,921</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>37,228,008</b>	<b>37,507,908</b>	<b>37,784,108</b>	<b>177,000</b>	<b>37,405,008</b>

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Program Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>WORKING CAPITAL FUND, ARMY</b>					
PREPOSITIONED WAR RESERVE STOCKS .....	42,600	42,600	42,600		42,600
<b>TOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>42,600</b>	<b>42,600</b>	<b>42,600</b>		<b>42,600</b>

**SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Program Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>WORKING CAPITAL FUND, AIR FORCE</b>					
C-17 CLS ENGINE REPAIR .....	230,400	230,400	230,400		230,400
TRANSPORTATION FALLEN HEROES .....	10,000	10,000	10,000		10,000
<b>TOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>240,400</b>	<b>240,400</b>	<b>240,400</b>		<b>240,400</b>
<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>					
DEFENSE LOGISTICS AGENCY (DLA) .....	220,364	220,364	220,364		220,364
<b>TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>220,364</b>	<b>220,364</b>	<b>220,364</b>		<b>220,364</b>
<b>DEFENSE HEALTH PROGRAM</b>					
IN-HOUSE CARE .....	483,326	483,326	483,326		483,326
PRIVATE SECTOR CARE .....	376,982	376,982	376,982		376,982
CONSOLIDATED HEALTH SUPPORT .....	111,675	111,675	111,675		111,675
INFORMATION MANAGEMENT .....	4,773	4,773	4,773		4,773
MANAGEMENT ACTIVITIES .....	660	660	660		660
EDUCATION AND TRAINING .....	15,370	15,370	15,370		15,370
BASE OPERATIONS/COMMUNICATIONS .....	1,112	1,112	1,112		1,112
<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>993,898</b>	<b>993,898</b>	<b>993,898</b>		<b>993,898</b>
<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....	469,025	469,025	469,025		469,025
<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF .....</b>	<b>469,025</b>	<b>469,025</b>	<b>469,025</b>		<b>469,025</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>					
OPERATION & MAINTENANCE .....	10,766	10,766	10,766		10,766
<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>10,766</b>	<b>10,766</b>	<b>10,766</b>		<b>10,766</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>1,977,053</b>	<b>1,977,053</b>	<b>1,977,053</b>		<b>1,977,053</b>

## TITLE XLVI—MILITARY CONSTRUCTION

### SEC. 4601. MILITARY CONSTRUCTION.

**SEC. 4601. MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	ALASKA	FORT WAINWRIGHT	MODIFIED RECORD FIRE RANGE	10,400	10,400	10,400		10,400
Army	ALASKA	JOINT BASE ELMENDORF-RICHARDSON	MODIFIED RECORD FIRE RANGE	7,900	7,900	7,900		7,900
Army	CALIFORNIA	CONCORD	ENGINEERING/HOUSING MAINTENANCE SHOP	3,100	3,100	3,100		3,100
Army	CALIFORNIA	CONCORD	LIGHTNING PROTECTION SYSTEM	5,800	5,800	5,800		5,800
Army	COLORADO	FORT CARSON	CENTRAL ENERGY PLANT	0	0	0		0
Army	COLORADO	FORT CARSON	DIGITAL MULTIPURPOSE TRAINING RANGE	18,000	18,000	18,000		18,000
Army	DISTRICT OF COLUMBIA	FORT MCNAIR	VEHICLE STORAGE BUILDING, INSTALLATION	7,200	7,200	7,200		7,200
Army	GEORGIA	FORT BENNING	GROUND SOURCE HEAT TRANSFER SYSTEM	16,000	16,000	16,000		16,000
Army	GEORGIA	FORT GORDON	GROUND SOURCE HEAT TRANSFER SYSTEM	12,200	12,200	12,200		12,200
Army	GEORGIA	FORT GORDON	MODIFIED RECORD FIRE RANGE	4,000	4,000	4,000		4,000
Army	GEORGIA	FORT GORDON	MULTIPURPOSE MACHINE GUN RANGE	7,100	7,100	7,100		7,100
Army	GEORGIA	FORT STEWART	AUTOMATED COMBAT PISTOL QUAL CRSE	3,650	3,650	3,650		3,650
Army	GEORGIA	FORT STEWART	DIGITAL MULTIPURPOSE TRAINING RANGE	22,000	22,000	22,000		22,000
Army	GEORGIA	FORT STEWART	UNMANNED AERIAL VEHICLE COMPLEX	24,000	24,000	24,000		24,000
Army	HAWAII	POHAKULOA TRAINING AREA	AUTOMATED INFANTRY PLATOON BATTLE COURSE	29,000	29,000	29,000		29,000
Army	HAWAII	SCHOFIELD BARRACKS	BARRACKS	55,000	55,000	55,000		55,000
Army	HAWAII	SCHOFIELD BARRACKS	BARRACKS	41,000	41,000	41,000		41,000
Army	HAWAII	WHEELER ARMY AIR FIELD	COMBAT AVIATION BRIGADE BARRACKS	85,000	85,000	85,000		85,000
Army	ITALY	CAMP EDERLE	BARRACKS	36,000	36,000	36,000		36,000
Army	ITALY	VICENZA	SIMULATIONS CENTER	32,000	32,000	32,000		32,000
Army	JAPAN	OKINAWA	SATELLITE COMMUNICATIONS FACILITY	78,000	78,000	78,000		78,000
Army	JAPAN	SAGAMI	VEHICLE MAINTENANCE SHOP	18,000	18,000	18,000		18,000

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Army	KANSAS	FORT RILEY	UNMANNED AERIAL VEHICLE COMPLEX	12,200	12,200	12,200		12,200
Army	KENTUCKY	FORT CAMPBELL	BATTALION HEADQUARTERS COMPLEX	55,000	55,000	55,000		55,000
Army	KENTUCKY	FORT CAMPBELL	LIVE FIRE EXERCISE SHOOTHOUSE	3,800	3,800	3,800		3,800
Army	KENTUCKY	FORT CAMPBELL	UNMANNED AERIAL VEHICLE COMPLEX	23,000	23,000	23,000		23,000
Army	KENTUCKY	FORT KNOX	AUTOMATED INFANTRY SQUAD BATTLE COURSE	6,000	6,000	6,000		6,000
Army	KOREA	CAMP HUMPHREYS	BATTALION HEADQUARTERS COMPLEX	45,000	45,000	45,000		45,000
Army	KWAJALEIN ATOLL	KWAJALEIN ATOLL	PIER	0	0	0		0
Army	MISSOURI	FORT LEONARD WOOD	BATTALION COMPLEX FACILITIES	26,000	26,000	26,000		26,000
Army	MISSOURI	FORT LEONARD WOOD	TRAINEE BARRACKS COMPLEX 3, PH 2	58,000	58,000	58,000		58,000
Army	MISSOURI	FORT LEONARD WOOD	VEHICLE MAINTENANCE SHOP	39,000	39,000	39,000		39,000
Army	NEW JERSEY	JOINT BASE MCGUIRE-DIX-LAKEHURST	FLIGHT EQUIPMENT COMPLEX	47,000	47,000	47,000		47,000
Army	NEW JERSEY	PICATINNY ARSENAL	BALLISTIC EVALUATION CENTER	10,200	10,200	10,200		10,200
Army	NEW YORK	FORT DRUM, NEW YORK	AIRCRAFT MAINTENANCE HANGAR	95,000	95,000	95,000		95,000
Army	NEW YORK	U.S. MILITARY ACADEMY	CADET BARRACKS, INC 1	192,000	192,000	0	-106,000	86,000
Army	NORTH CAROLINA	FORT BRAGG	AERIAL GUNNERY RANGE	42,000	42,000	42,000		42,000
Army	NORTH CAROLINA	FORT BRAGG	INFRASTRUCTURE	30,000	30,000	0	-30,000	0
Army	NORTH CAROLINA	FORT BRAGG	UNMANNED AERIAL VEHICLE COMPLEX	26,000	26,000	26,000		26,000
Army	OKLAHOMA	FORT SILL	MODIFIED RECORD FIRE RANGE	4,900	4,900	4,900		4,900
Army	SOUTH CAROLINA	FORT JACKSON	TRAINEE BARRACKS COMPLEX 2, PH 2	24,000	24,000	24,000		24,000
Army	TEXAS	CORPUS CHRISTI	AIRCRAFT COMPONENT MAINTENANCE SHOP	13,200	13,200	13,200		13,200
Army	TEXAS	CORPUS CHRISTI	AIRCRAFT PAINT SHOP	24,000	24,000	24,000		24,000
Army	TEXAS	FORT BLISS	MULTIPURPOSE MACHINE GUN RANGE	7,200	7,200	7,200		7,200
Army	TEXAS	FORT HOOD	MODIFIED RECORD FIRE RANGE	4,200	4,200	4,200		4,200
Army	TEXAS	FORT HOOD	TRAINING AIDS CENTER	25,000	25,000	25,000		25,000
Army	TEXAS	FORT HOOD	UNMANNED AERIAL VEHICLE COMPLEX	22,000	22,000	22,000		22,000
Army	TEXAS	JOINT BASE SAN ANTONIO	BARRACKS	21,000	21,000	21,000		21,000
Army	VIRGINIA	ARLINGTON	CEMETERY EXPANSION MILLENNIUM SITE	84,000	84,000	0	-84,000	0
Army	VIRGINIA	FORT BELVOIR	SECURE ADMIN/OPERATIONS FACILITY	94,000	94,000	94,000		94,000
Army	VIRGINIA	FORT LEE	ADV INDIVIDUAL TRAINING BARRACKS CPLX, PH2	81,000	81,000	81,000		81,000
Army	WASHINGTON	JOINT BASE LEWIS-MCCHORD	BATTALION COMPLEX	73,000	73,000	73,000		73,000
Army	WASHINGTON	JOINT BASE LEWIS-MCCHORD	WASTE WATER TREATMENT PLANT	91,000	91,000	91,000		91,000
Army	WASHINGTON	YAKIMA	CONVOY LIVE FIRE RANGE	5,100	5,100	5,100		5,100
Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	HOST NATION SUPPORT FY 13	34,000	34,000	34,000		34,000
Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MINOR CONSTRUCTION FY 13	25,000	25,000	25,000		25,000
Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN FY13	65,173	65,173	46,173	-19,000	46,173
<b>Total Military Construction, Army</b>				<b>1,923,323</b>	<b>1,923,323</b>	<b>1,598,323</b>	<b>-239,000</b>	<b>1,684,323</b>
Navy	ARIZONA	YUMA	COMBAT AIRCRAFT LOADING APRON	15,985	15,985	15,985		15,985
Navy	ARIZONA	YUMA	SECURITY OPERATIONS COMPLEX	13,300	13,300	13,300		13,300
Navy	BAHRAIN ISLAND	SW ASIA	COMBINED DINING FACILITY	9,819	0	9,819		9,819
Navy	BAHRAIN ISLAND	SW ASIA	TRANSIENT QUARTERS	41,529	0	41,529		41,529
Navy	CALIFORNIA	CAMP PENDLETON	COMM. INFORMATION SYSTEMS OPS COMPLEX	78,897	78,897	78,897		78,897
Navy	CALIFORNIA	CAMP PENDLETON	MV22 AVIATION SIMULATOR BUILDING	4,139	4,139	4,139		4,139
Navy	CALIFORNIA	CAMP PENDLETON	SAN JACINTO ROAD EXTENSION	5,074	5,074	5,074		5,074
Navy	CALIFORNIA	CORONADO	BACHELOR QUARTERS	76,063	76,063	76,063		76,063
Navy	CALIFORNIA	CORONADO	H-60S SIMULATOR TRAINING FACILITY	2,478	2,478	2,478		2,478
Navy	CALIFORNIA	LEMOORE	BAMS MAINTENANCE TRAINING FACILITY	14,843	0	0	-14,843	0
Navy	CALIFORNIA	MIRAMAR	HANGAR 5 RENOVATIONS & ADDITION	27,897	27,897	27,897		27,897
Navy	CALIFORNIA	POINT MUGU	BAMS MAINTENANCE TRAINING FACILITY	0	12,790	12,790	12,790	12,790
Navy	CALIFORNIA	SAN DIEGO	ENTRY CONTROL POINT (GATE FIVE)	11,752	11,752	11,752		11,752
Navy	CALIFORNIA	SAN DIEGO	LCS TRAINING FACILITY	59,436	59,436	59,436		59,436
Navy	CALIFORNIA	SEAL BEACH	STRATEGIC SYSTEMS WEAPONS EVAL. TEST LAB	30,594	30,594	30,594		30,594
Navy	CALIFORNIA	TWENTYNINE PALMS	LAND EXPANSION PHASE 2	47,270	47,270	47,270		47,270
Navy	DIEGO GARCIA	DIEGO GARCIA	COMMUNICATIONS INFRASTRUCTURE	1,691	1,691	1,691		1,691
Navy	DJIBOUTI	CAMP LEMONNIER	CONTAINERIZED LIVING AND WORK UNITS	7,510	0	7,510	-7,510	0
Navy	DJIBOUTI	CAMP LEMONNIER	FITNESS CENTER	26,960	0	26,960	-26,960	0
Navy	DJIBOUTI	CAMP LEMONNIER	GALLEY ADDITION AND WAREHOUSE	22,220	0	22,220	-22,220	0
Navy	DJIBOUTI	CAMP LEMONNIER	JOINT HQ/JOINT OPERATIONS CENTER FACILITY	42,730	0	42,730	-42,730	0
Navy	FLORIDA	JACKSONVILLE	BAMS MISSION CONTROL COMPLEX	21,980	21,980	21,980		21,980

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Navy	GREECE	SOUDA BAY	AIRCRAFT PARKING APRON EXPANSION	20,493	20,493	20,493		20,493
Navy	GREECE	SOUDA BAY	INTERMODAL ACCESS ROAD	4,630	4,630	4,630		4,630
Navy	GUAM	JOINT REGION MARI- ANAS	NORTH RAMP PARKING (ANDERSEN AFB)—INC 2	25,904	25,904	0		25,904
Navy	HAWAII	KANEOHE BAY	AIRCRAFT STAGING AREA	14,680	14,680	14,680		14,680
Navy	HAWAII	KANEOHE BAY	MV-22 HANGAR AND INFRASTRUCTURE	82,630	82,630	82,630		82,630
Navy	JAPAN	IWAKUNI	MAINTENANCE HANGAR IMPROVEMENTS	5,722	5,722	5,722		5,722
Navy	JAPAN	IWAKUNI	VERTICAL TAKE-OFF AND LANDING PAD NORTH	7,416	7,416	7,416		7,416
Navy	JAPAN	OKINAWA	BACHELOR QUARTERS	8,206	8,206	8,206		8,206
Navy	MISSISSIPPI	MERIDIAN	DINING FACILITY	10,926	10,926	10,926		10,926
Navy	NEW JERSEY	EARLE	COMBAT SYSTEM ENGINEERING BUILDING AD- DITION	33,498	33,498	33,498	–828	32,670
Navy	NORTH CAROLINA	CAMP LEJEUNE	BASE ACCESS AND ROAD—PHASE 3	40,904	40,904	40,904		40,904
Navy	NORTH CAROLINA	CAMP LEJEUNE	STAFF NCO ACADEMY FACILITIES	28,986	28,986	28,986		28,986
Navy	NORTH CAROLINA	CHERRY POINT MARINE CORPS AIR STATION	ARMORY	11,581	11,581	11,581		11,581
Navy	NORTH CAROLINA	CHERRY POINT MARINE CORPS AIR STATION	MARINE AIR SUPPORT SQUADRON COMPOUND	34,310	34,310	34,310		34,310
Navy	NORTH CAROLINA	NEW RIVER	PERSONNEL ADMINISTRATION CENTER	8,525	8,525	8,525		8,525
Navy	ROMANIA	DEVESELU, ROMANIA	AEGIS ASHORE MISSILE DEFENSE COMPLEX	45,205	45,205	45,205		45,205
Navy	SOUTH CAROLINA	BEAUFORT	AIRCRAFT MAINTENANCE HANGAR	42,010	42,010	42,010		42,010
Navy	SOUTH CAROLINA	BEAUFORT	AIRFIELD SECURITY UPGRADES	13,675	13,675	13,675		13,675
Navy	SOUTH CAROLINA	BEAUFORT	GROUND SUPPORT EQUIPMENT SHOP	9,465	9,465	9,465		9,465
Navy	SOUTH CAROLINA	BEAUFORT	RECYCLING/HAZARDOUS WASTE FACILITY	3,743	3,743	3,743		3,743
Navy	SOUTH CAROLINA	BEAUFORT	SIMULATED LHD FLIGHT DECK	12,887	12,887	12,887		12,887
Navy	SOUTH CAROLINA	PARRIS ISLAND	FRONT GATE ATFP IMPROVEMENTS	10,135	10,135	10,135		10,135
Navy	SPAIN	ROTA	GENERAL PURPOSE WAREHOUSE	3,378	3,378	3,378		3,378
Navy	SPAIN	ROTA	HIGH EXPLOSIVE MAGAZINE	13,837	13,837	13,837		13,837
Navy	VIRGINIA	DAHLGREN	CRUISER/DESTROYER UPGRADE TRAINING FA- CILITY	16,494	16,494	16,494		16,494
Navy	VIRGINIA	DAHLGREN	PHYSICAL FITNESS CENTER	11,734	11,734	11,734		11,734
Navy	VIRGINIA	OCEANA NAVAL AIR STATION	A SCHOOL BARRACKS	39,086	39,086	39,086		39,086
Navy	VIRGINIA	PORTSMOUTH	DRYDOCK 8 ELECTRICAL DISTRIBUTION UP- GRADE	32,706	32,706	32,706		32,706
Navy	VIRGINIA	QUANTICO	INFRASTRUCTURE—WIDEN RUSSELL ROAD	14,826	14,826	14,826		14,826
Navy	VIRGINIA	QUANTICO	THE BASIC SCHOOL STUDENT QUARTERS— PHASE 7	31,012	31,012	31,012		31,012
Navy	VIRGINIA	QUANTICO	WEAPONS TRAINING BATTALION MESS HALL	12,876	12,876	12,876		12,876
Navy	VIRGINIA	YORKTOWN	ARMORY	4,259	4,259	4,259		4,259
Navy	VIRGINIA	YORKTOWN	BACHELOR ENLISTED QUARTERS	18,422	18,422	18,422		18,422
Navy	VIRGINIA	YORKTOWN	MOTOR TRANSPORTATION FACILITY	6,188	6,188	6,188		6,188
Navy	VIRGINIA	YORKTOWN	REGIMENTAL HEADQUARTERS	11,015	11,015	11,015		11,015
Navy	VIRGINIA	YORKTOWN	SUPPLY WAREHOUSE FACILITY	8,939	8,939	8,939		8,939
Navy	WASHINGTON	KITSAP	EXPLOSIVES HANDLING WHARF #2 (INC)	280,041	280,041	254,241	–25,800	254,241
Navy	WASHINGTON	WHIDBEY ISLAND	EA-18G FLIGHT SIMULATOR FACILITY	6,272	6,272	6,272		6,272
Navy	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	MCON DESIGN FUNDS	102,619	102,619	102,619		102,619
Navy	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	16,535	16,535	16,535		16,535
Navy	WORLDWIDE UN- SPECIFIED	VARIOUS WORLDWIDE LOCATIONS	BAMS OPERATIONAL FACILITIES	34,048	34,048	34,048		34,048
<b>Total Military Construction, Navy</b>				<b>1,701,985</b>	<b>1,549,164</b>	<b>1,648,228</b>	<b>–128,101</b>	<b>1,573,884</b>
AF	ARKANSAS	LITTLE ROCK AFB	C-130J FLIGHT SIMULATOR ADDITION	4,178	4,178	4,178		4,178
AF	ARKANSAS	LITTLE ROCK AFB	C-130J FUEL SYSTEMS MAINTENANCE HANGAR	26,000	26,000	26,000		26,000
AF	FLORIDA	TYNDALL AFB	F-22 ADAL HANGAR FOR LOW OBSERVABLE/ COMPOSITE	14,750	14,750	14,750		14,750
AF	GEORGIA	FORT STEWART, GEOR- GIA	AIR SUPPORT OPERATIONS CENTER (ASOC)	7,250	7,250	7,250		7,250
AF	GEORGIA	MOODY AFB	HC-130J SIMULATOR FACILITY	8,500	8,500	8,500		8,500
AF	GREENLAND	THULE AB	CONSOLIDATED ENGINEER SHOP AND SUPPLY FACILITY	0	0	0		0
AF	GREENLAND	THULE AB	DORMITORY (48 PN)	24,500	24,500	24,500		24,500
AF	GUAM	ANDERSEN AFB	FUEL SYSTEMS HANGAR	0	0	0		0
AF	ITALY	AVIANO AB	F-16 MISSION TRAINING CENTER	9,400	9,400	9,400		9,400
AF	NEBRASKA	OFFUTT AFB	US STRATCOM REPLACEMENT FACILITY, INCR 2	161,000	161,000	128,000	–33,000	128,000
AF	NEW MEXICO	HOLLOMAN AFB	MQ-9 MAINTENANCE HANGAR	25,000	25,000	25,000		25,000
AF	NORTH DAKOTA	MINOT AFB	B-52 ADD/ALTER MUNITIONS AGE FACILITY	4,600	4,600	4,600		4,600

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AF	TEXAS	JOINT BASE SAN ANTONIO	DORMITORY (144 RM)	18,000	18,000	18,000		18,000
AF	UTAH	HILL AFB	F-35 ADAL BUILDING 118 FOR FLIGHT SIMULATOR	4,000	4,000	4,000		4,000
AF	UTAH	HILL AFB	F-35 ADAL HANGAR 45W/AMU	7,250	7,250	7,250		7,250
AF	UTAH	HILL AFB	F-35 MODULAR STORAGE MAGAZINES	2,280	2,280	2,280		2,280
AF	WORLDWIDE UN-SPECIFIED	LAJES AFB	SANITARY SEWER LIFT/PUMP STATION	2,000	2,000	2,000		2,000
AF	WORLDWIDE UN-SPECIFIED	ROTA	TRANSIENT AIRCRAFT HANGARS	15,032	15,032	0	-15,032	0
AF	WORLDWIDE UN-SPECIFIED	ROTA	TRANSIENT CONTINGENCY DORMITORY—100 RM	17,625	17,625	0	-17,625	0
AF	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	18,635	18,635	18,635		18,635
AF	WORLDWIDE UN-SPECIFIED	VARIOUS WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	18,200	18,200	18,200		18,200
<b>Total Military Construction, Air Force</b>				<b>388,200</b>	<b>388,200</b>	<b>322,543</b>	<b>-65,657</b>	<b>322,543</b>
Def-Wide	ARIZONA	MARANA	SOF PARACHUTE TRAINING FACILITY	6,477	6,477	6,477		6,477
Def-Wide	ARIZONA	YUMA	TRUCK UNLOAD FACILITY	1,300	1,300	1,300		1,300
Def-Wide	BELGIUM	BRUSSELS	NATO HEADQUARTERS FACILITY	26,969	26,969	26,969		26,969
Def-Wide	CALIFORNIA	CORONADO	SOF CLOSE QUARTERS COMBAT/DYNAMIC SHOOT FAC	13,969	13,969	13,969		13,969
Def-Wide	CALIFORNIA	CORONADO	SOF INDOOR DYNAMIC SHOOTING FACILITY	31,170	31,170	31,170		31,170
Def-Wide	CALIFORNIA	CORONADO	SOF MOBILE COMM DETACHMENT SUPPORT FACILITY	10,120	10,120	10,120		10,120
Def-Wide	CALIFORNIA	DEF FUEL SUPPORT POINT—SAN DIEGO	REPLACE FUEL PIER	91,563	91,563	91,563		91,563
Def-Wide	CALIFORNIA	EDWARDS AIR FORCE BASE	REPLACE FUEL STORAGE	27,500	27,500	27,500		27,500
Def-Wide	CALIFORNIA	TWENTYNINE PALMS, CALIFORNIA	MEDICAL CLINIC REPLACEMENT	27,400	27,400	27,400		27,400
Def-Wide	COLORADO	BUCKLEY AIR FORCE BASE	DENVER POWER HOUSE	30,000	30,000	30,000		30,000
Def-Wide	COLORADO	FORT CARSON, COLORADO	SOF BATTALION OPERATIONS COMPLEX	56,673	56,673	56,673		56,673
Def-Wide	COLORADO	PIKES PEAK	HIGH ALTITUDE MEDICAL RESEARCH LAB	3,600	3,600	3,600		3,600
Def-Wide	DELAWARE	DOVER AFB	REPLACE TRUCK OFF-LOAD FACILITY	2,000	2,000	2,000		2,000
Def-Wide	FLORIDA	EGLIN AFB	SOF AVFID OPS AND MAINTENANCE FACILITIES	41,695	41,695	41,695		41,695
Def-Wide	FLORIDA	HURLBURT FIELD	CONSTRUCT FUEL STORAGE FACILITY	16,000	16,000	16,000		16,000
Def-Wide	FLORIDA	MACDILL AFB	SOF JOINT SPECIAL OPS UNIVERSITY FAC (JSOU)	34,409	34,409	34,409		34,409
Def-Wide	GERMANY	RHINE ORDNANCE BARRACKS	MEDICAL CENTER REPLACEMENT INCR 2	127,000	127,000	127,000		127,000
Def-Wide	GERMANY	STUTTGART-PATCH BARRACKS	DISA EUROPE FACILITY UPGRADES	2,413	2,413	2,413		2,413
Def-Wide	GERMANY	VOGELWEH	REPLACE VOGELWEH ELEMENTARY SCHOOL	61,415	61,415	61,415		61,415
Def-Wide	GERMANY	WEISBADEN	WEISBADEN HIGH SCHOOL ADDITION	52,178	52,178	52,178		52,178
Def-Wide	GUAM	ANDERSEN AFB	UPGRADE FUEL PIPELINE	67,500	67,500	0		67,500
Def-Wide	GUANTANAMO BAY, CUBA	GUANTANAMO BAY	REPLACE FUEL PIER	37,600	37,600	37,600		37,600
Def-Wide	GUANTANAMO BAY, CUBA	GUANTANAMO BAY	REPLACE TRUCK LOAD FACILITY	2,600	2,600	2,600		2,600
Def-Wide	HAWAII	JOINT BASE PEARL HARBOR-HICKAM	SOF SDVT-1 WATERFRONT OPERATIONS FACILITY	24,289	24,289	24,289		24,289
Def-Wide	ILLINOIS	GREAT LAKES	DRUG LABORATORY REPLACEMENT	28,700	28,700	28,700		28,700
Def-Wide	ILLINOIS	SCOTT AFB	DISA FACILITY UPGRADES	84,111	84,111	84,111		84,111
Def-Wide	ILLINOIS	SCOTT AFB	MEDICAL LOGISTICS WAREHOUSE	2,600	2,600	2,600		2,600
Def-Wide	INDIANA	GRISSOM ARB	REPLACE HYDRANT FUEL SYSTEM	26,800	26,800	26,800		26,800
Def-Wide	JAPAN	CAMP ZAMA	RENOVATE ZAMA HIGH SCHOOL	13,273	13,273	13,273		13,273
Def-Wide	JAPAN	KADENA AB	REPLACE ELEMENTARY SCHOOL	71,772	71,772	71,772		71,772
Def-Wide	JAPAN	KADENA AB	REPLACE STEARLEY HEIGHTS ELEMENTARY SCHOOL	71,773	71,773	71,773		71,773
Def-Wide	JAPAN	SASEBO	REPLACE SASEBO ELEMENTARY SCHOOL	35,733	35,733	35,733		35,733
Def-Wide	JAPAN	ZUKERAN	REPLACE ZUKERAN ELEMENTARY SCHOOL	79,036	79,036	79,036		79,036
Def-Wide	KENTUCKY	FORT CAMPBELL, KENTUCKY	REPLACE BARKLEY ELEMENTARY SCHOOL	41,767	41,767	41,767		41,767
Def-Wide	KENTUCKY	FORT CAMPBELL, KENTUCKY	SOF GROUND SUPPORT BATTALION	26,313	26,313	26,313		26,313

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Def-Wide	KENTUCKY	FORT CAMPBELL, KENTUCKY	SOF LANDGRAF HANGAR EXTENSION	3,559	3,559	3,559		3,559
Def-Wide	KOREA	KUNSAN AIR BASE	MEDICAL/DENTAL CLINIC ADDITION	13,000	13,000	13,000		13,000
Def-Wide	KOREA	OSAN AFB	HOSPITAL ADDITION/ALTERATION	34,600	34,600	34,600		34,600
Def-Wide	KOREA	OSAN AFB	REPLACE OSAN ELEMENTARY SCHOOL	42,692	42,692	42,692		42,692
Def-Wide	LOUISIANA	BARKSDALE AFB	UPGRADE PUMPHOUSE	11,700	11,700	11,700		11,700
Def-Wide	MARYLAND	ANNAPOLIS	HEALTH CLINIC REPLACEMENT	66,500	66,500	66,500		66,500
Def-Wide	MARYLAND	BETHESDA NAVAL HOSPITAL	BASE INSTALLATION ACCESS/APPEARANCE PLAN	7,000	7,000	0		7,000
Def-Wide	MARYLAND	BETHESDA NAVAL HOSPITAL	ELECTRICAL CAPACITY AND COOLING TOWERS	35,600	35,600	35,600		35,600
Def-Wide	MARYLAND	BETHESDA NAVAL HOSPITAL	TEMPORARY MEDICAL FACILITIES	26,600	26,600	26,600		26,600
Def-Wide	MARYLAND	FORT DETRICK	USAMRIID STAGE I, INCR 7	19,000	19,000	19,000		19,000
Def-Wide	MARYLAND	FORT MEADE	HIGH PERFORMANCE COMPUTING CENTER INC 2	300,521	300,521	225,521	-75,000	225,521
Def-Wide	MARYLAND	FORT MEADE	NSAW RECAPITALIZE BUILDING #1/SITE M INC 1	25,000	25,000	25,000		25,000
Def-Wide	MISSOURI	FORT LEONARD WOOD	DENTAL CLINIC	18,100	18,100	18,100		18,100
Def-Wide	NEW MEXICO	CANNON AFB	MEDICAL/DENTAL CLINIC REPLACEMENT	71,023	71,023	71,023		71,023
Def-Wide	NEW MEXICO	CANNON AFB	SOF AC-130J COMBAT PARKING APRON	22,062	22,062	22,062		22,062
Def-Wide	NEW YORK	FORT DRUM, NEW YORK	IDT COMPLEX	25,900	25,900	25,900		25,900
Def-Wide	NEW YORK	FORT DRUM, NEW YORK	SOLDIER SPECIALTY CARE CLINIC	17,300	17,300	17,300		17,300
Def-Wide	NORTH CAROLINA	CAMP LEJEUNE, NORTH CAROLINA	MEDICAL CLINIC REPLACEMENT	21,200	21,200	21,200		21,200
Def-Wide	NORTH CAROLINA	CAMP LEJEUNE, NORTH CAROLINA	SOF MARINE BATTALION COMPANY/TEAM FACILITIES	53,399	53,399	53,399		53,399
Def-Wide	NORTH CAROLINA	CAMP LEJEUNE, NORTH CAROLINA	SOF SURVIVAL EVASION RESIST. ESCAPE TNG FAC	5,465	5,465	5,465		5,465
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF BATTALION OPERATIONS FACILITY	40,481	40,481	50,481	30,000	70,481
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF CIVIL AFFAIRS BATTALION COMPLEX	31,373	31,373	41,373		31,373
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF SUPPORT ADDITION	3,875	3,875	3,875		3,875
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF SUSTAINMENT BRIGADE COMPLEX	24,693	24,693	34,693		24,693
Def-Wide	NORTH CAROLINA	SEYMOUR JOHNSON AFB	MEDICAL CLINIC REPLACEMENT	53,600	53,600	53,600		53,600
Def-Wide	NORTH CAROLINA	SEYMOUR JOHNSON AFB	REPLACE PIPELINE	1,850	1,850	1,850		1,850
Def-Wide	PENNSYLVANIA	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	REPLACE COMMUNICATIONS BUILDING	6,800	6,800	6,800		6,800
Def-Wide	PENNSYLVANIA	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	REPLACE RESERVOIR	4,300	4,300	4,300		4,300
Def-Wide	PENNSYLVANIA	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	REPLACE SEWAGE TREATMENT PLANT	6,300	6,300	6,300		6,300
Def-Wide	ROMANIA	DEVESELU, ROMANIA	AEGIS ASHORE MISSILE DEFENSE SYSTEM COMPLEX (INC 1)	157,900	82,900	157,900	-37,900	120,000
Def-Wide	SOUTH CAROLINA	SHAW AFB	MEDICAL CLINIC REPLACEMENT	57,200	57,200	57,200		57,200
Def-Wide	TEXAS	FORT BLISS	HOSPITAL REPLACEMENT INCR 4	207,400	207,400	107,400	-75,000	132,400
Def-Wide	TEXAS	JOINT BASE SAN ANTONIO	AMBULATORY CARE CENTER PHASE 3 INCR	80,700	80,700	80,700	-54,300	26,400
Def-Wide	TEXAS	RED RIVER ARMY DEPOT	DFAS FACILITY	16,715	16,715	16,715		16,715
Def-Wide	UNITED KINGDOM	MENWITH HILL STATION	MHS UTILITIES AND ROADS	3,795	3,795	3,795		3,795
Def-Wide	UNITED KINGDOM	MENWITH HILL STATION	REPLACE MENWITH HILL ELEMENTARY/HIGH SCHOOL	46,488	46,488	46,488		46,488
Def-Wide	UNITED KINGDOM	RAF FELTWELL	FELTWELL ELEMENTARY SCHOOL ADDITION	30,811	30,811	30,811		30,811
Def-Wide	UNITED KINGDOM	RAF MILDENHALL	SOF CV-22 SIMULATOR FACILITY	6,490	6,490	6,490		6,490
Def-Wide	UTAH	CAMP WILLIAMS	IC CNCI DATA CENTER 1 INC 4	191,414	191,414	191,414		191,414
Def-Wide	VIRGINIA	DAM NECK	SOF MAGAZINES	0	0	0		0
Def-Wide	VIRGINIA	JOINT EXPEDITIONARY BASE LITTLE CREEK—STORY	SOF COMBAT SERVICES SUPPORT FACILITY—EAST	11,132	11,132	11,132		11,132
Def-Wide	VIRGINIA	NORFOLK	VETERINARY FACILITY REPLACEMENT	8,500	8,500	8,500		8,500
Def-Wide	WASHINGTON	FORT LEWIS	SOF BATTALION OPERATIONS FACILITY	46,553	46,553	46,553		46,553
Def-Wide	WASHINGTON	FORT LEWIS	SOF MILITARY WORKING DOG KENNEL	3,967	3,967	3,967		3,967

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Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	CONTINGENCY CONSTRUCTION	10,000	0	10,000	-10,000	0
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	ENERGY CONSERVATION INVESTMENT PROGRAM	150,000	150,000	150,000		150,000
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	EXERCISE RELATED MINOR CONSTRUCTION	6,440	6,440	6,440		6,440
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MINOR CONSTRUCTION	5,000	5,000	5,000		5,000
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING & DESIGN	5,000	5,000	5,000		5,000
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	105,700	105,700	105,700		105,700
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	47,978	47,978	47,978		47,978
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	7,928	7,928	7,928		7,928
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	105,569	105,569	105,569		105,569
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	2,919	2,919	2,919		2,919
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	8,300	8,300	8,300		8,300
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	27,620	27,620	27,620		27,620
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	4,548	4,548	4,548		4,548
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	SOF OPERATIONS AND SKILLS TRAINING COMPLEX	0	0	0		0
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UNSPECIFIED MINOR CONST	10,000	10,000	10,000		10,000
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	3,000	3,000	3,000		3,000
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	7,254	7,254	7,254		7,254
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	4,091	4,091	4,091		4,091
Def-Wide	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UNSPECIFIED MINOR MILCON	3,000	3,000	3,000		3,000
<b>Total Military Construction, Defense-Wide</b>				<b>3,654,623</b>	<b>3,569,623</b>	<b>3,435,123</b>	<b>-222,200</b>	<b>3,432,423</b>
Chem Demil	COLORADO	PUEBLO DEPOT	AMMUNITION DEMILITARIZATION FACILITY, PH XIV	36,000	36,000	36,000		36,000
Chem Demil	KENTUCKY	BLUE GRASS ARMY DEPOT	AMMUNITION DEMILITARIZATION PH XIII	115,000	115,000	115,000		115,000
<b>Total Chemical Demilitarization Construction, Defense</b>				<b>151,000</b>	<b>151,000</b>	<b>151,000</b>	<b>0</b>	<b>151,000</b>
NATO	WORLDWIDE UN-SPECIFIED	NATO SECURITY INVESTMENT PROGRAM	NATO SECURITY INVESTMENT PROGRAM	254,163	254,163	254,163		254,163
<b>Total NATO Security Investment Program</b>				<b>254,163</b>	<b>254,163</b>	<b>254,163</b>	<b>0</b>	<b>254,163</b>
Army NG	ALABAMA	FORT MC CLELLAN	LIVE FIRE SHOOT HOUSE	5,400	5,400	5,400		5,400
Army NG	ARKANSAS	SEARCY	FIELD MAINTENANCE SHOP	6,800	6,800	6,800		6,800
Army NG	CALIFORNIA	FORT IRWIN	MANEUVER AREA TRAINING & EQUIPMENT SITE PH3	25,000	25,000	25,000		25,000
Army NG	CONNECTICUT	CAMP HARTELL	COMBINED SUPPORT MAINTENANCE SHOP	32,000	32,000	32,000		32,000
Army NG	DELAWARE	BETHANY BEACH	REGIONAL TRAINING INSTITUTE PH1	5,500	5,500	5,500		5,500
Army NG	FLORIDA	CAMP BLANDING	COMBINED ARMS COLLECTIVE TRAINING FAC	9,000	9,000	9,000		9,000
Army NG	FLORIDA	MIRAMAR	READINESS CENTER	20,000	20,000	20,000		20,000
Army NG	GUAM	BARRIGADA	JFHQ PH4	8,500	8,500	8,500		8,500
Army NG	HAWAII	KAPOLEI	ARMY AVIATION SUPPORT FACILITY PH1	28,000	28,000	28,000		28,000
Army NG	IDAHO	ORCHARD TRAINING AREA	ORTC(BARRACKS)PH2	40,000	40,000	40,000		40,000
Army NG	INDIANA	SOUTH BEND	ARMED FORCES RESERVE CENTER ADD/ALT	21,000	21,000	21,000		21,000
Army NG	INDIANA	TERRE HAUTE	FIELD MAINTENANCE SHOP	9,000	9,000	9,000		9,000
Army NG	IOWA	CAMP DODGE	URBAN ASSAULT COURSE	3,000	3,000	3,000		3,000
Army NG	KANSAS	TOPEKA	TAXIWAY, RAMP & HANGAR ALTERATIONS	9,500	9,500	9,500		9,500
Army NG	KENTUCKY	FRANKFORT	ARMY AVIATION SUPPORT FACILITY	32,000	32,000	32,000		32,000
Army NG	MASSACHUSETTS	CAMP EDWARDS	GROUND WATER EXTRACTION, TREATMENT, AND RECHARGE SYSTEM	0	0	0		0
Army NG	MASSACHUSETTS	CAMP EDWARDS	UNIT TRAINING EQUIPMENT SITE	22,000	22,000	22,000		22,000

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Army NG	MICHIGAN	CAMP GRAYLING	OPERATIONAL READINESS TRAINING COMPLEX (ORTC) BARRACKS	0	0	0		0
Army NG	MINNESOTA	ARDEN HILLS	READINESS CENTER	0	17,000	17,000	17,000	17,000
Army NG	MINNESOTA	CAMP RIPLEY	SCOUT RECONNAISSANCE RANGE	17,000	17,000	17,000		17,000
Army NG	MINNESOTA	ST PAUL	READINESS CENTER	17,000	0	0	-17,000	0
Army NG	MISSOURI	FORT LEONARD WOOD	REGIONAL TRAINING INSTITUTE	18,000	18,000	18,000		18,000
Army NG	MISSOURI	KANSAS CITY	READINESS CENTER ADD/ALT	1,900	1,900	1,900		1,900
Army NG	MISSOURI	MONETT	READINESS CENTER ADD/ALT	820	820	820		820
Army NG	MISSOURI	PERRYVILLE	READINESS CENTER ADD/ALT	700	700	700		700
Army NG	MONTANA	MILES CITY	READINESS CENTER	11,000	11,000	11,000		11,000
Army NG	NEW JERSEY	SEA GIRT	REGIONAL TRAINING INSTITUTE	34,000	34,000	34,000		34,000
Army NG	NEW YORK	STORMVILLE	COMBINED SUPPORT MAINT SHOP PH1	24,000	24,000	24,000		24,000
Army NG	OHIO	CHILlicothe	FIELD MAINTENANCE SHOP ADD/ALT	3,100	3,100	3,100		3,100
Army NG	OHIO	DELAWARE	READINESS CENTER	12,000	12,000	12,000		12,000
Army NG	OKLAHOMA	CAMP GRUBER	OPERATIONS READINESS TRAINING COMPLEX	25,000	25,000	25,000		25,000
Army NG	PUERTO RICO	CAMP SANTIAGO	READINESS CENTER	3,800	3,800	3,800		3,800
Army NG	PUERTO RICO	CEIBA	REFILL STATION BUILDING	2,200	2,200	2,200		2,200
Army NG	PUERTO RICO	GUAYNABO	READINESS CENTER (JFHQ)	15,000	15,000	15,000		15,000
Army NG	PUERTO RICO	GURABO	READINESS CENTER	14,700	14,700	14,700		14,700
Army NG	UTAH	CAMP WILLIAMS	BEQ FACILITY (REGIONAL TRAINING INSTITUTE)	15,000	15,000	15,000		15,000
Army NG	UTAH	CAMP WILLIAMS	REGIONAL TRAINING INSTITUTE PH2	21,000	21,000	21,000		21,000
Army NG	VERMONT	NORTH HYDE PARK	FIELD MAINTENANCE SHOP	0	0	0	0	0
Army NG	WASHINGTON	FORT LEWIS	READINESS CENTER	35,000	35,000	35,000		35,000
Army NG	WEST VIRGINIA	LOGAN	READINESS CENTER	14,200	14,200	14,200		14,200
Army NG	WISCONSIN	WAUSAU	FIELD MAINTENANCE SHOP	10,000	10,000	10,000		10,000
Army NG	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	26,622	26,622	26,622		26,622
Army NG	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	15,057	15,057	15,057		15,057
<b>Total Military Construction, Army National Guard .....</b>				<b>613,799</b>	<b>613,799</b>	<b>613,799</b>	<b>0</b>	<b>613,799</b>
Army Res	CALIFORNIA	FORT HUNTER LIGGETT	ACCESS CONTROL POINT	0	0	0		0
Army Res	CALIFORNIA	FORT HUNTER LIGGETT	ORTC	64,000	64,000	64,000		64,000
Army Res	CALIFORNIA	FORT HUNTER LIGGETT	UPH BARRACKS	4,300	4,300	4,300		4,300
Army Res	CALIFORNIA	TUSTIN	ARMY RESERVE CENTER	27,000	27,000	27,000		27,000
Army Res	ILLINOIS	FORT SHERIDAN	ARMY RESERVE CENTER	28,000	28,000	28,000		28,000
Army Res	MARYLAND	ABERDEEN PROVING GROUND	ARMY RESERVE CENTER	21,000	21,000	21,000		21,000
Army Res	MARYLAND	BALTIMORE	ADD/ALT ARMY RESERVE CENTER	10,000	10,000	10,000		10,000
Army Res	MASSACHUSETTS	DEVENS RESERVE FORCES TRAINING AREA	AUTOMATIC RECORD FIRE RANGE	4,800	4,800	4,800		4,800
Army Res	MASSACHUSETTS	DEVENS RESERVE FORCES TRAINING AREA	COMBAT PISTOL/MP FIREARMS QUALIFICATION	3,700	3,700	3,700		3,700
Army Res	NEVADA	LAS VEGAS	ARMY RESERVE CENTER/AMSA	21,000	21,000	21,000		21,000
Army Res	NEW JERSEY	JOINT BASE MCGUIRE- DIX-LAKEHURST	AUTOMATED INFANTRY SQUAD BATTLE COURSE	7,400	7,400	7,400		7,400
Army Res	PENNSYLVANIA	CONNEAUT LAKE	DEFENSE ACCESS ROAD	0	0	0		0
Army Res	WASHINGTON	JOINT BASE LEWIS- MCCHORD	ARMY RESERVE CENTER	40,000	40,000	40,000		40,000
Army Res	WISCONSIN	FORT MCCOY	CENTRAL ISSUE FACILITY	12,200	12,200	12,200		12,200
Army Res	WISCONSIN	FORT MCCOY	DINING FACILITY	8,600	8,600	8,600		8,600
Army Res	WISCONSIN	FORT MCCOY	ECS TACTICAL EQUIP. MAINT. FACILITY (TEMF)	27,000	27,000	27,000		27,000
Army Res	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	15,951	15,951	15,951		15,951
Army Res	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	10,895	10,895	10,895		10,895
<b>Total Military Construction, Army Reserve .....</b>				<b>305,846</b>	<b>305,846</b>	<b>305,846</b>	<b>0</b>	<b>305,846</b>
N/MC Res	ARIZONA	YUMA	RESERVE TRAINING FACILITY—YUMA AZ	5,379	5,379	5,379		5,379
N/MC Res	IOWA	FORT DES MOINES	JOINT RESERVE CENTER—DES MOINES IA	19,162	19,162	19,162		19,162
N/MC Res	LOUISIANA	NEW ORLEANS	TRANSIENT QUARTERS	7,187	7,187	7,187		7,187
N/MC Res	NEW YORK	BROOKLYN	VEHICLE MAINT. FAC.—BROOKLYN NY	4,430	4,430	4,430		4,430
N/MC Res	TEXAS	FORT WORTH	COMMERCIAL VEHICLE INSPECTION SITE	11,256	11,256	11,256		11,256
N/MC Res	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PLANNING AND DESIGN	2,118	2,118	2,118		2,118
<b>Total Military Construction, Naval Reserve .....</b>				<b>49,532</b>	<b>49,532</b>	<b>49,532</b>	<b>0</b>	<b>49,532</b>



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Air NG	CALIFORNIA	FRESNO YOSEMITE IAP ANG	F-15 CONVERSION	11,000	11,000	11,000		11,000
Air NG	HAWAII	JOINT BASE PEARL HARBOR-HICKAM	TFI—F-22 COMBAT APRON ADDITION	6,500	6,500	6,500		6,500
Air NG	NEW MEXICO	KIRTLAND AFB	ALTER TARGET INTELLIGENCE FACILITY	8,500	8,500	8,500		8,500
Air NG	TENNESSEE	MCGHEE-TYSON AIR- PORT	DORMITORY CLASSROOM FACILITY	0	0	0		0
Air NG	WORLDWIDE UN- SPECIFIED	VARIOUS WORLDWIDE LOCATIONS	PLANNING AND DESIGN	4,000	4,000	4,000		4,000
Air NG	WORLDWIDE UN- SPECIFIED	VARIOUS WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,900	5,900	5,900		5,900
Air NG	WYOMING	CHEYENNE MAP	C-130 FLIGHT SIMULATOR TRAINING FACILITY	6,486	6,486	6,486		6,486
<b>Total Military Construction, Air National Guard .....</b>				<b>42,386</b>	<b>42,386</b>	<b>42,386</b>	<b>0</b>	<b>42,386</b>
AF Res	CALIFORNIA	MARCH AIR RESERVE BASE	JOINT REGIONAL DEPLOYMENT PROCESSING CENTER	0	0	0		0
AF Res	NEW YORK	NIAGARA FALLS IAP	FLIGHT SIMULATOR FACILITY	6,100	6,100	6,100		6,100
AF Res	WORLDWIDE UN- SPECIFIED	VARIOUS WORLDWIDE LOCATIONS	PLANNING AND DESIGN	2,879	2,879	2,879		2,879
AF Res	WORLDWIDE UN- SPECIFIED	VARIOUS WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	2,000	2,000	2,000		2,000
<b>Total Military Construction, Air Force Reserve .....</b>				<b>10,979</b>	<b>10,979</b>	<b>10,979</b>	<b>0</b>	<b>10,979</b>
FH Con Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	FAMILY HOUSING P&D	4,641	4,641	4,641		4,641
<b>Total Family Housing Construction, Army .....</b>				<b>4,641</b>	<b>4,641</b>	<b>4,641</b>	<b>0</b>	<b>4,641</b>
FH Ops Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	FURNISHINGS ACCOUNT	31,785	31,785	31,785		31,785
FH Ops Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	LEASING	203,533	203,533	203,533		203,533
FH Ops Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	109,534	109,534	109,534		109,534
FH Ops Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	MANAGEMENT ACCOUNT	56,970	56,970	56,970		56,970
FH Ops Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	MISCELLANEOUS ACCOUNT	620	620	620		620
FH Ops Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	PRIVATIZATION SUPPORT COSTS	26,010	26,010	26,010		26,010
FH Ops Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	SERVICES ACCOUNT	13,487	13,487	13,487		13,487
FH Ops Army	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	UTILITIES ACCOUNT	88,112	88,112	88,112		88,112
<b>Total Family Housing Operation And Maintenance, Army .....</b>				<b>530,051</b>	<b>530,051</b>	<b>530,051</b>	<b>0</b>	<b>530,051</b>
FH Con AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	IMPROVEMENTS	79,571	79,571	79,571		79,571
FH Con AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	PLANNING AND DESIGN	4,253	4,253	4,253		4,253
<b>Total Family Housing Construction, Air Force .....</b>				<b>83,824</b>	<b>83,824</b>	<b>83,824</b>	<b>0</b>	<b>83,824</b>
FH Ops AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	FURNISHINGS ACCOUNT	37,878	37,878	37,878		37,878
FH Ops AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	HOUSING PRIVATIZATION	46,127	46,127	46,127		46,127
FH Ops AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	LEASING	62,730	62,730	62,730		62,730
FH Ops AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	MAINTENANCE (RPMA RPMC)	201,937	201,937	201,937		201,937
FH Ops AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	MANAGEMENT ACCOUNT	55,002	55,002	55,002		55,002
FH Ops AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,943	1,943	1,943		1,943
FH Ops AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	SERVICES ACCOUNT	16,550	16,550	16,550		16,550
FH Ops AF	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	UTILITIES ACCOUNT	75,662	75,662	75,662		75,662
<b>Total Family Housing Operation And Maintenance, Air Force .....</b>				<b>497,829</b>	<b>497,829</b>	<b>497,829</b>	<b>0</b>	<b>497,829</b>

SEC. 4601. MILITARY CONSTRUCTION  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
FH Con Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	DESIGN	4,527	4,527	4,527		4,527
FH Con Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	IMPROVEMENTS	97,655	97,655	97,655		97,655
<b>Total Family Housing Construction, Navy And Marine Corps .....</b>				<b>102,182</b>	<b>102,182</b>	<b>102,182</b>	<b>0</b>	<b>102,182</b>
FH Ops Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	FURNISHINGS ACCOUNT	17,697	17,697	17,697		17,697
FH Ops Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	LEASING	83,774	83,774	83,774		83,774
FH Ops Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	85,254	85,254	85,254		85,254
FH Ops Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MANAGEMENT ACCOUNT	62,741	62,741	62,741		62,741
FH Ops Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MISCELLANEOUS ACCOUNT	491	491	491		491
FH Ops Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PRIVATIZATION SUPPORT COSTS	27,798	27,798	27,798		27,798
FH Ops Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	SERVICES ACCOUNT	19,615	19,615	19,615		19,615
FH Ops Navy	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UTILITIES ACCOUNT	80,860	80,860	80,860		80,860
<b>Total Family Housing Operation And Maintenance, Navy And Marine Corps .....</b>				<b>378,230</b>	<b>378,230</b>	<b>378,230</b>	<b>0</b>	<b>378,230</b>
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	FURNISHINGS ACCOUNT	20	20	20		20
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	FURNISHINGS ACCOUNT	4,660	4,660	4,660		4,660
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	FURNISHINGS ACCOUNT	66	66	66		66
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	LEASING	10,822	10,822	10,822		10,822
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	LEASING	35,333	35,333	35,333		35,333
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	73	73	73		73
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	567	567	567		567
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MANAGEMENT ACCOUNT	371	371	371		371
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	SERVICES ACCOUNT	31	31	31		31
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UTILITIES ACCOUNT	12	12	12		12
FH Ops DW	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	UTILITIES ACCOUNT	283	283	283		283
<b>Total Family Housing Operation And Maintenance, Defense-Wide .....</b>				<b>52,238</b>	<b>52,238</b>	<b>52,238</b>	<b>0</b>	<b>52,238</b>
FHIF	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	FAMILY HOUSING IMPROVEMENT FUND	1,786	1,786	1,786		1,786
<b>Total DOD Family Housing Improvement Fund .....</b>				<b>1,786</b>	<b>1,786</b>	<b>1,786</b>	<b>0</b>	<b>1,786</b>
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	COMM ADD 3: GALENA FOL, AK	1,337	1,337	1,337		1,337
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	DON-100: PLANING, DESIGN AND MANAGEMENT	5,038	5,038	5,038		5,038
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	DON-101: VARIOUS LOCATIONS	4,176	4,176	4,176		4,176
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	DON-138: NAS BRUNSWICK, ME	4,897	4,897	4,897		4,897
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	DON-157: MCSA KANSAS CITY, MO	39	39	39		39
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	DON-168: NS NEWPORT, RI	1,742	1,742	1,742		1,742
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	DON-172: NWS SEAL BEACH, CONCORD, CA	2,129	2,129	2,129		2,129
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	DON-84: JRB WILLOW GROVE & CAMBRIA REG AP	189	189	189		189
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	IND-106: KANSAS ARMY AMMUNITION PLANT, KS	7,280	7,280	7,280		7,280

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(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	IND-110: MISSISSIPPI ARMY AMMO PLANT, MS	160	160	160		160
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	IND-112: RIVER BANK ARMY AMMO PLANT, CA	22,431	22,431	22,431		22,431
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	IND-119: NEWPORT CHEMICAL DEPOT, IN	197	197	197		197
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	IND-122: LONE STAR ARMY AMMO PLANT, TX	11,379	11,379	11,379		11,379
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MED-2: WALTER REED NMMC, BETHESDA, MD	7,787	7,787	7,787		7,787
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	MED-57: BROOKS CITY BASE, TX	326	326	326		326
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PROGRAM MANAGEMENT VARIOUS LOCATIONS	605	605	605		605
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	PROGRAM MANAGEMENT VARIOUS LOCATIONS	20,453	20,453	20,453		20,453
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-113: FORT MONROE, VA	12,184	12,184	12,184		12,184
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-121: FORT GILLEM, GA	4,976	4,976	4,976		4,976
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-167: USAR COMMAND AND CONTROL—NE	175	175	175		175
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-212: USAR CMD & CNTRL—NEW ENGLAND	222	222	222		222
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-222: FORT MCPHERSON, GA	6,772	6,772	6,772		6,772
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-223: FORT MONMOUTH, NJ	9,989	9,989	9,989		9,989
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-236: RC TRANSFORMATION IN CT	557	557	557		557
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-242: RC TRANSFORMATION IN NY	172	172	172		172
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-253: RC TRANSFORMATION IN PA	100	100	100		100
BRAC 05	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	USA-36: RED RIVER ARMY DEPOT	1,385	1,385	1,385		1,385
<b>Total Base Realignment and Closure Account 2005 .....</b>				<b>126,697</b>	<b>126,697</b>	<b>126,697</b>	<b>0</b>	<b>126,697</b>
BRAC IV	WORLDWIDE UN-SPECIFIED	BASE REALIGNMENT & CLOSURE, AIR FORCE	BASE REALIGNMENT & CLOSURE	122,552	122,552	122,552		122,552
BRAC IV	WORLDWIDE UN-SPECIFIED	BASE REALIGNMENT & CLOSURE, ARMY	BASE REALIGNMENT & CLOSURE	79,893	79,893	79,893		79,893
BRAC IV	WORLDWIDE UN-SPECIFIED	BASE REALIGNMENT & CLOSURE, NAVY	BASE REALIGNMENT & CLOSURE	146,951	146,951	146,951		146,951
<b>Total Base Realignment and Closure Account 1990 .....</b>				<b>349,396</b>	<b>349,396</b>	<b>349,396</b>	<b>0</b>	<b>349,396</b>
PYS	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	BRAC 2005	0	-126,697	0	-132,513	-132,513
PYS	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	CONTINGENCY CONSTRUCTION	0	-20,000	0	-20,000	-20,000
<b>Total Prior Year Savings .....</b>				<b>0</b>	<b>-146,697</b>	<b>0</b>	<b>-152,513</b>	<b>-152,513</b>
GR	WORLDWIDE UN-SPECIFIED	UNSPECIFIED WORLD-WIDE LOCATIONS	CIVILIAN PAY RAISE REDUCTION	0	0	0	-2,334	-2,334
<b>Total General Reductions .....</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>-2,334</b>	<b>-2,334</b>
<b>Total Military Construction, Base Funding .....</b>				<b>11,222,710</b>	<b>10,838,192</b>	<b>10,558,796</b>	<b>-809,805</b>	<b>10,412,905</b>

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.**
**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Navy	BAHRAIN ISLAND	SW ASIA	COMBINED DINING FACILITY	0	9,819	0	0	0
Navy	BAHRAIN ISLAND	SW ASIA	TRANSIENT QUARTERS	0	41,529	0	0	0

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Navy	DJIBOUTI	CAMP LEMONIER, DJIBOUTI	CONTAINERIZED LIVING AND WORK UNITS	0	7,510	0	7,510	7,510
Navy	DJIBOUTI	CAMP LEMONIER, DJIBOUTI	FITNESS CENTER	0	26,960	0	26,960	26,960
Navy	DJIBOUTI	CAMP LEMONIER, DJIBOUTI	GALLEY ADDITION AND WAREHOUSE	0	22,220	0	22,220	22,220
Navy	DJIBOUTI	CAMP LEMONIER, DJIBOUTI	JOINT HQ/JOINT OPERATIONS CENTER FACILITY	0	42,730	0	42,730	42,730
<b>Total Military Construction, Navy .....</b>				<b>0</b>	<b>150,768</b>	<b>0</b>	<b>99,420</b>	<b>99,420</b>
PYS	WORLDWIDE UN- SPECIFIED	UNSPECIFIED WORLD- WIDE LOCATIONS	112–10 AND TITLE IV OF DIVISION H P.L. 112– 74	0	–150,768	0	–150,768	–150,768
<b>Total Prior Year Savings .....</b>				<b>0</b>	<b>–150,768</b>	<b>0</b>	<b>–150,768</b>	<b>–150,768</b>
<b>Total Military Construction, OCO Funding .....</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>–51,348</b>	<b>–51,348</b>

## TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Discretionary Summary By Appropriation</b>					
<b>Energy And Water Development, And Related Agencies</b>					
<b>Appropriation Summary:</b>					
<b>Energy Programs</b>					
Electricity delivery and energy reliability .....	6,000	0	–6,000	–6,000	0
<b>Atomic Energy Defense Activities</b>					
<b>National nuclear security administration:</b>					
Weapons activities .....	7,577,341	323,638	25,000	80,580	7,657,921
Defense nuclear nonproliferation .....	2,458,631	27,000	0	27,000	2,485,631
Naval reactors .....	1,088,635	99,000	37,986	0	1,088,635
Office of the administrator .....	411,279	–48,000	–25,000	–29,279	382,000
<b>Total, National nuclear security administration .....</b>	<b>11,535,886</b>	<b>401,638</b>	<b>37,986</b>	<b>78,301</b>	<b>11,614,187</b>
<b>Environmental and other defense activities:</b>					
Defense environmental cleanup .....	5,472,001	10,000	–463,000	–463,000	5,009,001
Other defense activities .....	735,702	–50,000	0	–4,403	731,299
<b>Total, Environmental &amp; other defense activities .....</b>	<b>6,207,703</b>	<b>–40,000</b>	<b>–463,000</b>	<b>–467,403</b>	<b>5,740,300</b>
<b>Total, Atomic Energy Defense Activities .....</b>	<b>17,743,589</b>	<b>361,638</b>	<b>–425,014</b>	<b>–389,102</b>	<b>17,354,487</b>
<b>Total, Discretionary Funding .....</b>	<b>17,749,589</b>	<b>361,638</b>	<b>–431,014</b>	<b>–395,102</b>	<b>17,354,487</b>
<b>Electricity Delivery &amp; Energy Reliability</b>					
<b>Electricity Delivery &amp; Energy Reliability</b>					
Infrastructure security & energy restoration .....	6,000		–6,000	–6,000	0
<b>Weapons Activities</b>					
<b>Directed stockpile work</b>					
<b>Life extension programs</b>					
B61 Life extension program .....	369,000	66,000			369,000
W76 Life extension program .....	174,931	81,000		45,000	219,931
<b>Total, Life extension programs .....</b>	<b>543,931</b>	<b>147,000</b>	<b>0</b>	<b>45,000</b>	<b>588,931</b>
<b>Stockpile assessment and design</b>					
W78 Life extension study .....					0
W88 Alt 370 .....					0
<b>Total, Stockpile assessment and design .....</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Stockpile systems</b>					
Stockpile systems .....	0				
B61 Stockpile systems .....	72,364				72,364
W76 Stockpile systems .....	65,445		25,000		65,445
W78 Stockpile systems .....	139,207	12,000			139,207
W80 Stockpile systems .....	46,540				46,540
B83 Stockpile systems .....	57,947				57,947
W87 Stockpile systems .....	85,689				85,689
W88 Stockpile systems .....	123,217	5,000			123,217
<b>Total, Stockpile systems .....</b>	<b>590,409</b>	<b>17,000</b>	<b>25,000</b>	<b>0</b>	<b>590,409</b>
<b>Weapons dismantlement and disposition</b>					
Operations and maintenance .....	51,265				51,265
<b>Stockpile services</b>					
Production support .....	365,405	6,000		6,000	371,405
Research and development support .....	28,103	4,000			28,103
R&D certification and safety .....	191,632	27,000		8,000	199,632
Management, technology, and production .....	175,844	9,000			175,844
Plutonium sustainment .....	141,685	9,000			141,685
<b>Total, Stockpile services .....</b>	<b>902,669</b>	<b>55,000</b>	<b>0</b>	<b>14,000</b>	<b>916,669</b>
<b>Total, Directed stockpile work .....</b>	<b>2,088,274</b>	<b>219,000</b>	<b>25,000</b>	<b>59,000</b>	<b>2,147,274</b>
<b>Campaigns:</b>					
<b>Science campaign</b>					
Advanced certification .....	44,104	29,500		10,000	54,104
Primary assessment technologies .....	94,000	7,000		5,000	99,000
Dynamic materials properties .....	97,000	9,000		9,000	106,000
Advanced radiography .....	30,000				30,000
Secondary assessment technologies .....	85,000				85,000
<b>Total, Science campaign .....</b>	<b>350,104</b>	<b>45,500</b>	<b>0</b>	<b>24,000</b>	<b>374,104</b>
<b>Engineering campaign</b>					
Enhanced surety .....	46,421	8,500		8,000	54,421
Weapon systems engineering assessment technology .....	18,983				18,983
Nuclear survivability .....	21,788				21,788
Enhanced surveillance .....	63,379	8,000			63,379
<b>Total, Engineering campaign .....</b>	<b>150,571</b>	<b>16,500</b>	<b>0</b>	<b>8,000</b>	<b>158,571</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>					
Diagnostics, cryogenics and experimental support .....	81,942				81,942
Ignition .....	84,172	-30,000			84,172
Support of other stockpile programs .....	14,817	20,000			14,817
NIF diagnostics, cryogenics and experimental support .....	0				0
Pulsed power inertial confinement fusion .....	6,044				6,044
Joint program in high energy density laboratory plasmas .....	8,334				8,334
Facility operations and target production .....	264,691				264,691
<b>Total, Inertial confinement fusion and high yield campaign .....</b>	<b>460,000</b>	<b>-10,000</b>	<b>0</b>	<b>0</b>	<b>460,000</b>
Advanced simulation and computing campaign .....	600,000	-30,000			600,000
<b>Readiness Campaign</b>					
Stockpile readiness .....	0				0
High explosives and weapon operations .....	0				0
Nonnuclear readiness .....	64,681				64,681
Tritium readiness .....	65,414				65,414
Advanced design and production technologies .....	0				0
<b>Total, Readiness campaign .....</b>	<b>130,095</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>130,095</b>
<b>Total, Campaigns .....</b>	<b>1,690,770</b>	<b>22,000</b>	<b>0</b>	<b>32,000</b>	<b>1,722,770</b>
<b>Readiness in technical base and facilities (RTBF)</b>					
Operations of facilities					

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Kansas City Plant .....	163,602				163,602
Lawrence Livermore National Laboratory .....	89,048				89,048
Los Alamos National Laboratory .....	335,978				335,978
Nevada National Security Site .....	115,697				115,697
Pantex .....	172,020				172,020
Sandia National Laboratory .....	167,384				167,384
Savannah River Site .....	120,577				120,577
Y-12 National security complex .....	255,097				255,097
Institutional site support .....	0				0
<b>Total, Operations of facilities .....</b>	<b>1,419,403</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,419,403</b>
Program Readiness .....	0				0
Science, technology and engineering capability support .....	166,945				166,945
Maintenance and repair of facilities .....	0				0
Nuclear operations capability support .....	203,346				203,346
<b>Subtotal, Readiness in technical base and facilities .....</b>	<b>1,789,694</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,789,694</b>
<b>Construction:</b>					
13-D-301 Electrical infrastructure upgrades, LANL/LLNL .....	23,000				23,000
12-D-301 TRU waste facilities, LANL .....	24,204				24,204
11-D-801 TA-55 Reinvestment project, LANL .....	8,889				8,889
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN .....	17,909				17,909
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM .....	11,332				11,332
08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX .....	24,800				24,800
07-D-140 Project engineering and design (PED) various locations .....	0				0
06-D-140 Project engineering design (PED) various locations .....	0				0
06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12, Oak Ridge, TN .....	340,000		-340,000	-340,000	0
06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12, Phase 1, Oak Ridge, TN .....	0		340,000	340,000	340,000
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM .....	0	100,000			0
<b>Total, Construction .....</b>	<b>450,134</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>450,134</b>
<b>Total, Readiness in technical base and facilities .....</b>	<b>2,239,828</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>2,239,828</b>
<b>Secure transportation asset</b>					
Operations and equipment .....	114,965				114,965
Program direction .....	104,396				104,396
<b>Total, Secure transportation asset .....</b>	<b>219,361</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>219,361</b>
Nuclear counterterrorism incident response .....	247,552				247,552
<b>Site stewardship</b>					
Operations and maintenance .....	90,001	-17,362		-10,420	79,581
<b>Construction</b>					
11-D-601 Sanitary effluent reclamation facility, LANL .....	0				0
<b>Total, Site stewardship .....</b>	<b>90,001</b>	<b>-17,362</b>	<b>0</b>	<b>-10,420</b>	<b>79,581</b>
<b>Defense nuclear security</b>					
Operations and maintenance .....	643,285				643,285
NNSA CIO activities .....	155,022				155,022
Legacy contractor pensions .....	185,000				185,000
Science, Technology and Engineering Capability .....	0				0
National security applications .....	18,248				18,248
<b>Subtotal, Weapons activities .....</b>	<b>7,577,341</b>	<b>323,638</b>	<b>25,000</b>	<b>80,580</b>	<b>7,657,921</b>
Rescission .....					0

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
<b>Total, Weapons Activities</b>	<b>7,577,341</b>	<b>323,638</b>	<b>25,000</b>	<b>80,580</b>	<b>7,657,921</b>
<b>Defense Nuclear Nonproliferation</b>					
<b>Nonproliferation and verification R&amp;D</b>					
Operations and maintenance	398,186				398,186
Domestic Enrichment R&D	150,000				150,000
<b>Subtotal, Nonproliferation and verification R&amp;D</b>	<b>548,186</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>548,186</b>
Nonproliferation and international security	150,119				150,119
International nuclear materials protection and cooperation	311,000				311,000
<b>Fissile materials disposition</b>					
<b>U.S. surplus fissile materials disposition</b>					
<b>Operations and maintenance</b>					
U.S. plutonium disposition	498,979				498,979
U.S. uranium disposition	29,736				29,736
<b>Total, Operations and maintenance</b>	<b>528,715</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>528,715</b>
<b>Construction:</b>					
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802				388,802
99-D-141-01 Pit disassembly and conversion facility, Savannah River, SC	0				0
99-D-141-02 Waste Solidification Building, Savannah River, SC	0				0
<b>Total, Construction</b>	<b>388,802</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>388,802</b>
<b>Total, U.S. surplus fissile materials disposition</b>	<b>917,517</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>917,517</b>
Russian surplus fissile materials disposition	3,788				3,788
<b>Total, Fissile materials disposition</b>	<b>921,305</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>921,305</b>
Global threat reduction initiative	466,021	27,000		27,000	493,021
Legacy contractor pensions	62,000				62,000
<b>Subtotal, Defense Nuclear Nonproliferation</b>	<b>2,458,631</b>	<b>27,000</b>	<b>0</b>	<b>48,580</b>	<b>2,507,211</b>
Rescission					0
<b>Total, Defense Nuclear Nonproliferation</b>	<b>2,458,631</b>	<b>27,000</b>	<b>0</b>	<b>27,000</b>	<b>2,485,631</b>
<b>Naval Reactors</b>					
Naval reactors development	418,072				418,072
Ohio replacement reactor systems development	89,700	97,000	37,986		89,700
S8G Prototype refueling	121,100				121,100
Naval reactors operations and infrastructure	366,961				366,961
<b>Construction:</b>					
13-D-905 Remote-handled low-level waste facility, INL	8,890				8,890
13-D-904 KS Radiological work and storage building, KSO	2,000				2,000
13-D-903, KS Prototype Staff Building, KSO	14,000				14,000
10-D-903, Security upgrades, KAPL	19,000				19,000
10-D-904, NRF infrastructure upgrades, Idaho	0				0
09-D-902, NRF Office Building #2 ECC Upgrade, Idaho	0				0
08-D-190 Expedited Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID	5,700				5,700
07-D-190 Materials research technology complex (MRTC)	0				0
<b>Total, Construction</b>	<b>49,590</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>49,590</b>
Program direction	43,212	2,000			43,212
<b>Subtotal, Naval Reactors</b>	<b>1,088,635</b>	<b>99,000</b>	<b>37,986</b>	<b>0</b>	<b>1,088,635</b>
<b>Adjustments:</b>					
Rescission of prior year balances	0				0
<b>Total, Naval Reactors</b>	<b>1,088,635</b>	<b>99,000</b>	<b>37,986</b>	<b>0</b>	<b>1,088,635</b>

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Office of the administrator .....	411,279	-48,000	-25,000	-29,279	382,000
<b>Total, Office Of The Administrator .....</b>	<b>411,279</b>	<b>-48,000</b>	<b>-25,000</b>	<b>-29,279</b>	<b>382,000</b>
<b>Defense Environmental Cleanup</b>					
<b>Closure sites:</b>					
Closure sites administration .....	1,990				1,990
<b>Hanford site:</b>					
River corridor and other cleanup operations .....	389,347				389,347
Central plateau remediation .....	558,820				558,820
Richland community and regulatory support .....	15,156				15,156
<b>Total, Hanford site .....</b>	<b>963,323</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>963,323</b>
<b>Idaho National Laboratory:</b>					
Idaho cleanup and waste disposition .....	396,607				396,607
Idaho community and regulatory support .....	3,000				3,000
<b>Total, Idaho National Laboratory .....</b>	<b>399,607</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>399,607</b>
<b>NNSA sites</b>					
Lawrence Livermore National Laboratory .....	1,484				1,484
Nuclear facility D & D Separations Process Research Unit .....	24,000				24,000
Nevada .....	64,641				64,641
Sandia National Laboratories .....	5,000				5,000
Los Alamos National Laboratory .....	239,143				239,143
<b>Total, NNSA sites and Nevada off-sites .....</b>	<b>334,268</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>334,268</b>
<b>Oak Ridge Reservation:</b>					
Building 3019 .....	0				0
OR Nuclear facility D & D .....	67,525				67,525
OR cleanup and disposition .....	109,470				109,470
OR reservation community and regulatory support .....	4,500				4,500
<b>Total, Oak Ridge Reservation .....</b>	<b>181,495</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>181,495</b>
<b>Office of River Protection:</b>					
<b>Waste treatment and immobilization plant</b>					
01-D-416 A-E/ORP-0060 / Major construction .....	690,000				690,000
<b>Tank farm activities</b>					
Rad liquid tank waste stabilization and disposition .....	482,113				482,113
<b>Total, Office of River protection .....</b>	<b>1,172,113</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,172,113</b>
<b>Savannah River sites:</b>					
Savannah River risk management operations .....	444,089				444,089
SR community and regulatory support .....	16,584				16,584
<b>Radioactive liquid tank waste:</b>					
Radioactive liquid tank waste stabilization and disposition .....	698,294				698,294
<b>Construction:</b>					
05-D-405 Salt waste processing facility, Savannah River .....	22,549				22,549
PE&D glass waste storage building #3 .....	0				0
<b>Total, Radioactive liquid tank waste .....</b>	<b>720,843</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>720,843</b>
<b>Total, Savannah River site .....</b>	<b>1,181,516</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,181,516</b>
<b>Waste Isolation Pilot Plant</b>					
Waste isolation pilot plant .....	198,010				198,010
<b>Total, Waste Isolation Pilot Plant .....</b>	<b>198,010</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>198,010</b>
Program direction .....	323,504				323,504
Program support .....	18,279				18,279
<b>Safeguards and Security:</b>					
Oak Ridge Reservation .....	18,817				18,817



**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Paducah .....	8,909				8,909
Portsmouth .....	8,578				8,578
Richland/Hanford Site .....	71,746				71,746
Savannah River Site .....	121,977				121,977
Waste Isolation Pilot Project .....	4,977				4,977
West Valley .....	2,015				2,015
<b>Total, Safeguards and Security .....</b>	<b>237,019</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>237,019</b>
Technology development .....	20,000	10,000			20,000
Uranium enrichment D&D fund contribution .....	463,000		–463,000	–463,000	0
<b>Subtotal, Defense environmental cleanup .....</b>	<b>5,494,124</b>	<b>10,000</b>	<b>–463,000</b>	<b>–463,000</b>	<b>5,031,124</b>
<b>Adjustments</b>					
Use of prior year balances .....	–12,123				–12,123
Use of unobligated balances .....	–10,000				–10,000
<b>Rescission</b>					
<b>Total, Adjustments .....</b>	<b>–22,123</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>–22,123</b>
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,472,001</b>	<b>10,000</b>	<b>–463,000</b>	<b>–463,000</b>	<b>5,009,001</b>
<b>Other Defense Activities</b>					
<b>Health, safety and security</b>					
Health, safety and security .....	139,325				139,325
Program direction .....	106,175				106,175
Undistributed adjustment .....		–50,000		–4,403	
<b>Total, Health, safety and security .....</b>	<b>245,500</b>	<b>–50,000</b>	<b>0</b>	<b>–4,403</b>	<b>241,097</b>
Specialized security activities .....	188,619				188,619
<b>Office of Legacy Management</b>					
Legacy management .....	164,477				164,477
Program direction .....	13,469				13,469
<b>Total, Office of Legacy Management .....</b>	<b>177,946</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>177,946</b>
<b>Defense-related activities</b>					
<b>Infrastructure</b>					
Idaho sitewide safeguards and security .....	0				0
Defense related administrative support .....	118,836				118,836
Office of hearings and appeals .....	4,801				4,801
<b>Subtotal, Other defense activities .....</b>	<b>735,702</b>	<b>–50,000</b>	<b>0</b>	<b>–4,403</b>	<b>731,299</b>
<b>Total, Other Defense Activities .....</b>	<b>735,702</b>	<b>–50,000</b>	<b>0</b>	<b>–4,403</b>	<b>731,299</b>

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD P. “BUCK”  
MCKEON,  
ROSCOE G. BARTLETT,  
MAC THORNBERRY,  
J. RANDY FORBES,  
JEFF MILLER,  
JOE WILSON,  
FRANK A. LOBIONDO,  
MICHAEL R. TURNER,  
JOHN KLINE,  
MIKE ROGERS,  
BILL SHUSTER,  
K. MICHAEL CONAWAY,  
ROBERT J. WITTMAN,  
DUNCAN HUNTER,  
E. SCOTT RIGELL,  
VICKY HARTZLER,  
ALLEN B. WEST,  
MARTHA ROBY,

ADAM SMITH,  
MIKE MCINTYRE,  
ROBERT E. ANDREWS,  
SUSAN A. DAVIS,  
JAMES R. LANGEVIN,  
RICK LARSEN,  
JIM COOPER,  
MADELEINE Z. BORDALLO,  
JOE COURTNEY,  
NIKI TSONGAS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

MIKE ROGERS,  
C.A. DUTCH

RUPPERSBERGER,  
From the Committee on Education and the Workforce, for consideration of secs. 541 and 561 of the House bill and secs. 563 and 571–73 of the Senate amendment, and modifications committed to conference:

THOMAS E. PETRI,

KRISTI L. NOEM,  
ROBERT C. “BOBBY” SCOTT,

From the Committee on Energy and Commerce, for consideration of secs. 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and secs. 736, 758, 914, 3118, 3122, 3152–54, 3156, and 5022 of the Senate amendment, and modifications committed to conference:

GREG WALDEN,  
ED WHITFIELD,  
HENRY A. WAXMAN,

From the Committee on Financial Services, for consideration of sec. 661 of the House bill and secs. 651–55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference:

SHELLEY MOORE CAPITO,  
BILL HUIZENGA,  
ED PERLMUTTER,

From the Committee on Foreign Affairs, for consideration of secs. 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202,

1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245-47, 1301, 1303, 1531-33, title XVII, secs. 3120, 3121, and 3123 of the House bill and secs. 237, 342, 873, subtitle F of title VIII, secs. 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201-04, 1212-15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, secs. 1301, 1531, 1532, 1534, 3114, and 5023 of the Senate amendment, and modifications committed to conference:

ILEANA ROS-LEHTINEN,  
EDWARD R. ROYCE,

From the Committee on Homeland Security, for consideration of sec. 1111 of the House bill and sec. 1803 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON,

From the Committee on the Judiciary, for consideration of secs. 564, 593, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and secs. 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII, and title LI of the Senate amendment, and modifications committed to conference:

LAMAR SMITH,  
DANIEL E. LUNGREN,  
JOHN CONYERS, JR.,

From the Committee on Natural Resources, for consideration of secs. 316, 317, 601, 2841, 2846, and 2861 of the House bill and secs. 271, 312, 1091, 1433, title XIX, and sec. 2842 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS,  
ROB BISHOP,

From the Committee on Oversight and Government Reform, for consideration of secs. 313, 651, 663, 801, 812, 833, 952, 1101-04, 1111, 1616, 1683, 1702, 1704-06, and 2811 of the House bill and secs. 641, 822, 825, 844, 844A, 892, 894-96, 903, 1099A, 1101-04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference:

DARRELL E. ISSA,  
TIM WALBERG,

From the Committee on Science, Space, and Technology, for consideration of secs. 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and secs. 271, 912, 1046, title XVIII, secs. 3153, 3159, and 3504 of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,  
JUDY BIGGERT,  
EDDIE BERNICE JOHNSON,

From the Committee on Small Business, for consideration of secs. 1611, 1621-23, 1631, 1632, 1641, 1651-58, 1661, 1671-73, 1681-83, 1691, 1693a, 1695, and 1697 of the House bill and secs. 848, 888, 889E, 1090, and 1089E of the Senate amendment, and modifications committed to conference:

SAM GRAVES,  
JAIME HERRERA BEUTLER,

From the Committee on Transportation and Infrastructure, for consideration of secs. 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and secs. 521, 1803, 1804, 3503-05, 3508 and 3509 of the Senate amendment, and modifications committed to conference:

JOHN L. MICA,  
HOWARD COBLE,  
TIMOTHY H. BISHOP,

From the Committee on Veterans Affairs, for consideration of secs. 355, 564, 565, 664, and 728 of the House bill and secs. 642, 755, 756, 759-64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference:

GUS M. BILIRAKIS,  
DOUG LAMBORN,  
MICHAEL H. MICHAUD,

*Managers on the Part of the House.*

CARL LEVIN,  
JOSEPH I. LIEBERMAN,

JACK REED,  
DANIEL K. AKAKA,  
BEN NELSON,  
JIM WEBB,  
CLAIRE MCCASKILL,  
MARK UDALL,  
KAY R. HAGAN,  
MARK BEGICH,  
JOE MANCHIN III,  
JEANNE SHAHEEN,  
KIRSTEN E. GILLIBRAND,  
RICHARD BLUMENTHAL,  
JOHN MCCAIN,  
JAMES M. INHOFE,  
JEFF SESSIONS,  
SAXBY CHAMBLISS,  
ROGER F. WICKER,  
SCOTT P. BROWN,  
ROB PORTMAN,  
KELLY AYOTTE,  
SUSAN M. COLLINS,  
LINDSEY GRAHAM,  
JOHN CORNYN,  
DAVID VITTER,

*Managers on the Part of the Senate.*

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8826. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World San Diego Fireworks, Mission Bay; San Diego, CA [Docket No.: USCG-2012-0874] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8827. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wounded Warriors Benefit, Lake Erie, Huron, Ohio [Docket No.: USCG-2012-0889] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8828. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2012-Head of the South Regatta, Savannah River, Augusta, GA [Docket No.: USCG-2012-0913] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8829. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oregon City Bridge Grand Opening Fireworks Display; Willamette River, Oregon City, OR [Docket No.: USCG-2012-0805] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8830. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Thames River Degaussing Range Replacement Operations; New London, CT [Docket Number: USCG-2012-0623] (RIN: 1625-AA11) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8831. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; East River, Flushing

and Gowanus Bays, and Red Hook and Buttermilk Channels; New York, NY [Docket Number: USCG-2012-0950] (RIN: 1625-AA11) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8832. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Water Main Crossing; Choctawhatchee Bay; Santa Rosa Beach, FL [Docket Number: USCG-2012-0518] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8833. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Changes to Original Rule; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA [Docket No.: USCG-2012-0767] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8834. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Submarine Cable Installation Project; Chicago River, Chicago, Illinois [Docket No.: USCG-2012-0886] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8835. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Memorandum of Understanding between the United States and the Government of the Republic of Cyprus concerning the imposition of import restrictions on Pre-Classical and Classical Archaeological Objects, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. House Resolution 819. Resolution directing the Attorney General of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad, adversely (Rept. 112-704). Referred to the House Calendar.

Mr. MCKEON: Committee of Conference. Conference report on H.R. 4310. A bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes (Rept. 112-705). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 6675. A bill to direct the Secretary of Commerce to establish a program under which preloaded debit cards are made available for the purchase of certain goods and

services; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 6676. A bill to amend the FAA Modernization and Reform Act of 2012 to provide guidance and limitations regarding the integration of unmanned aircraft systems into United States airspace, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself and Mr. SCOTT of Virginia):

H.R. 6677. A bill to amend the Internal Revenue Code of 1986 to replace the mortgage interest deduction with a nonrefundable credit for indebtedness secured by a residence, to provide affordable housing to extremely low-income families, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 6678. A bill to amend the Internal Revenue Code of 1986 to encourage research at community colleges and other institutions of higher education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 6679. A bill to amend the Federal Food, Drug, and Cosmetic Act to increase criminal penalties for the sale or trade of prescription drugs knowingly caused to be adulterated or misbranded, to modify requirements for maintaining records of the chain-of-custody of prescription drugs, to establish recall authority regarding drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RUSH:

H.R. 6680. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. REED (for himself, Mr. HIGGINS, Mr. TURNER of New York, Mr. MEEKS, Mr. OWENS, Ms. BUEKLE, Ms. CLARKE of New York, Mr. KING of New York, Mr. CROWLEY, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Ms. HAYWORTH, Mr. HANNA, Mr. BISHOP of New York, Mr. GIBSON, Mr. ENGEL, Mr. TONKO, Ms. HOCHUL, Mr. GRIMM, Mr. TOWNS, Mr. ISRAEL, Mr. SERRANO, Mr. RANGEL, Mr. NADLER, Mrs. MALONEY, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. ACKERMAN, Mrs. LOWEY, and Mr. BILIRAKIS):

H.R. 6681. A bill to designate the facility of the United States Postal Service located at 815 County Road 23 in Tyrone, New York, as the "Specialist Christopher Scott Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. REED (for himself and Mr. DOGETT):

H.R. 6682. A bill to establish consistent requirements for the electronic content and format of data used in the administration of certain human services programs under the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM:

H.J. Res. 122. A joint resolution establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012; considered and passed.

By Mr. KUCINICH:

H. Res. 835. A resolution expressing the sense of the House of Representatives that the United States should adopt a target of 350 parts per million of atmospheric carbon dioxide by which to evaluate domestic and international climate change policies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ANDREWS:

H.R. 6675.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. MARKEY:

H.R. 6676.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. ELLISON:

H.R. 6677.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 7, Clause 1 and Section 8, Clause 1.

By Mr. HOLT:

H.R. 6678.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. ISRAEL:

H.R. 6679.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. RUSH:

H.R. 6680.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause III of the United States Constitution.

By Mr. REED:

H.R. 6681.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. REED:

H.R. 6682.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 308: Mr. CARNEY, Mr. LOEBSACK, Mr. HOYER, Ms. BONAMICI, Mrs. DAVIS of California, Mrs. CHRISTENSEN, Mr. RUPPERSBERGER, Mr. HINCHEY, Ms. BERKLEY, Mr. LARSEN of Washington, Mr. DAVID SCOTT of Georgia, Mr. HINOJOSA, and Mr. CARNAHAN.

H.R. 1265: Mr. BROOKS.

H.R. 1426: Mr. MEEHAN.

H.R. 1509: Ms. SCHWARTZ.

H.R. 1513: Mr. BUTTERFIELD and Ms. FUDGE.

H.R. 1546: Mr. BARBER.

H.R. 1781: Ms. ESHOO and Mr. DOLD.

H.R. 1964: Mr. YOUNG of Indiana.

H.R. 2052: Mr. HIGGINS.

H.R. 2775: Mr. JOHNSON of Georgia, Ms. HAHN, and Ms. WOOLSEY.

H.R. 2931: Ms. MCCOLLUM.

H.R. 3102: Mr. HIMES, Mr. SCHIFF, and Ms. HAHN.

H.R. 3364: Mr. VAN HOLLEN.

H.R. 3381: Mr. RUPPERSBERGER.

H.R. 3619: Mr. PETERS.

H.R. 3661: Mr. ISRAEL, Mr. GRIFFIN of Arkansas, Mr. MARCHANT, and Mr. MANZULLO.

H.R. 3839: Mr. ANDREWS.

H.R. 4077: Mr. LEWIS of Georgia.

H.R. 4180: Mr. WALBERG.

H.R. 5942: Mr. BACHUS, Ms. SEWELL, and Mr. LATHAM.

H.R. 6173: Mrs. BACHMANN.

H.R. 6446: Mr. DENHAM, Mr. YODER, Mr. KINZINGER of Illinois, Mr. GRIMM, Mr. GRIFFIN of Arkansas, Mr. KIND, and Mr. MEEHAN.

H.R. 6470: Mr. PETERS.

H.R. 6475: Ms. CLARKE of New York.

H.R. 6480: Mr. RIBBLE.

H.R. 6490: Mr. RUSH, Mr. LYNCH, Mr. GRIMM, Mr. ROE of Tennessee, Mr. MCKINLEY, Mr. OWENS, and Mr. TURNER of Ohio.

H.R. 6527: Ms. CASTOR of Florida.

H.R. 6616: Mr. SCHOCK.

H.R. 6654: Mr. MCCAUL, Mr. MCKEON, and Mr. KEATING.

H.R. 6658: Mr. PETERSON.

H.R. 6659: Mr. PETERSON.

H. Con. Res. 145: Mrs. ELLMERS.

H. Res. 98: Mr. GOODLATTE.

H. Res. 823: Mr. RANGEL.

H. Res. 824: Mr. JOHNSON of Ohio, Mr. FRANKS of Arizona, Mr. LUCAS, Mr. MARCHANT, and Mr. WHITFIELD.

H. Res. 831: Mr. COSTA, Mr. COHEN, and Mr. CONYERS.

H. Res. 834: Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. SIRES, Mr. BROOKS, Mr. BILIRAKIS, Mr. HIGGINS, Mr. CONNOLLY of Virginia, Mrs. SCHMIDT, Ms. SCHWARTZ, Mr. BUCHANAN, Mr. ROSKAM, Mr. DENT, Mr. LANCE, Mr. ADERHOLT, Mr. ENGEL, Mr. POE of Texas, Mr. TIBERI, Mr. MARINO, Mr. SCHRADER, Mr. CARTER, Mr. SCHOCK, Mr. SHERMAN, Mr. GOSAR, Mr. FLAKE, Mr. POMPEO, Mr. SMITH of Texas, and Mr. WESTMORELAND.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff  
benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to  
the Committee on Ways and Means in H.R.

6655, the Protect Our Kids Act of 2012, do not  
contain any congressional earmarks, limited  
tax benefits, or limited tariff benefits as de-  
fined in clause 9 of rule XXI.

## EXTENSIONS OF REMARKS

### HONORING JAY PIERSON

#### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. CANTOR. Mr. Speaker, I rise today to honor Jay Pierson, who has dedicated the past 34 years to this legislative body and our Nation.

As a floor assistant, Jay's knowledge of the House rules and procedure, and the guidance he provides Members and staff have allowed this institution to run smoothly in service to the American people. As a dedicated, revered, and unwavering presence on House floor, Jay himself has become an institution.

Members and staff on both sides of the aisle call Jay their friend for his assistance and his incredible kindness. Known not only for his expertise on House rules and procedure, Jay is a historian of the House and holds a doctorate in English. None may know Jay better than the staff of the Library of Congress from whom he is constantly borrowing and returning books.

Mr. Speaker, I know I am joined by current and former members of Congress and staff when I say that we all feel honored to have worked with Jay. I thank Jay very much for his service and I wish him, his wife JoAnn, and his sons Joel and Jeff the best as they enjoy more time together.

### RECOGNIZING THE 60TH ANNIVERSARY OF THE ILLINOIS POISON CENTER

#### HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. ROSKAM. Mr. Speaker, I rise today to recognize the 60th anniversary of the Illinois Poison Center (IPC), the oldest poison center in the United States. Their services in poison treatment and prevention have made the Illinois Poison Center a great contributor to the Illinois emergency medical community.

Increased awareness of the potential dangers of over the counter and prescription medications as well as common household products is a crucial step toward better poison safety and prevention, especially for children. Nearly half of the 77,000 poisonings reported to the Illinois Poison Center last year involved children under the age of five. Most of these cases could be prevented by greater awareness of potential risks posed by household substances. The Illinois Poison Center has proven its dedication to educating the citizens of Illinois in better poison prevention.

Thanks to its trained medical staff, the Illinois Poison Center treats over 90 percent of

calls reporting poisoning over the phone, reducing the need for doctor's visits and emergency room care.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing March 2013 as Poison Prevention Month in Illinois, and in commending the Illinois Poison Center on 6 decades of excellence in poison education and treatment to the State of Illinois.

### IN RECOGNITION OF SERGEANT BRIAN J. NELSON

#### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize Marine Corps Master Sergeant Brian J. Nelson as he is presented with the Purple Heart on December 19, 2012 in Falmouth, Massachusetts.

The Purple Heart, a military decoration awarded by the President, is reserved for members of the Armed Forces who have been injured by an instrument of war in the hands of the enemy. It is one of the highest honors that our servicemen and women may receive. Sergeant Nelson was wounded by an improvised explosive device in Anbar Province, Iraq, on September 30, 2006. He was in the middle of serving his second tour of duty in Iraq at that time. However, this did not stop Sergeant Nelson from returning to active duty, as he deployed a third time to Afghanistan following his recovery. Sergeant Nelson's heroism and commitment to serving our country is truly remarkable, and throughout his military career he has served as an embodiment of real patriotism.

Sergeant Nelson is a native of Cape Cod, having grown up in Falmouth. Before graduating from Falmouth High School, he was selected to be captain of the both the school's cross country and track teams. He then received a bachelor's degree from the University of New Hampshire in chemical engineering, an accomplishment that would later assist him during his tenure in the Armed Forces. For nearly a decade, Sergeant Nelson spent his summers as a lifeguard on the beaches of Falmouth and Dennis before enlisting in the Marine Corps in November of 2003. Two years later, he deployed from Camp Lejeune, North Carolina, for combat operations in Anbar Province, Iraq, and returned to that region the following year. After recovering from the injuries he sustained in 2006 and his promotion to Sergeant, he deployed for a third time from Camp Pendleton, California, to Helmand Province in Afghanistan. Here, Sergeant Nelson worked as a civil affairs development officer and as the coordinator in the experimental Poppyseed Biofuel Program. Since his return to the United States, Sergeant Nelson has

been serving in the Marine Corps Combat Water Survival Instructor Course in Quantico, Virginia.

Sergeant Nelson has earned much recognition for his service to his country. In addition to the Purple Heart, Sergeant Nelson has also received three Navy and Marine Corps Achievement Medals and the Combat Action Ribbon, and he has been selected to attend the Assessment and Selection Indoctrination Course for the Marine Corps Special Operations Command this January. Such accolades are truly fitting for a member of our Armed Services who has always shown the highest level of dedication to his country.

Mr. Speaker, please join me in recognizing Marine Corps Master Sergeant Brian J. Nelson as he is awarded the Purple Heart. I thank my colleagues for joining me in recognition of this distinguished member of our Armed Services.

### TRIBUTE TO THE 30TH VETERANS DAY OF REMEMBRANCE PROGRAM

#### HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. THORNBERRY. Mr. Speaker, I rise to recognize a great community program in my district. For thirty years, Mineral Wells ISD and the American Legion Post 75 have co-sponsored an outstanding program to recognize and honor our nation's veterans. This program is held in the high school stadium and is open to all people of the community and the area. All school students of Mineral Wells ISD are driven by bus to the stadium. This year the program was held on November 12th for an audience of approximately 5500.

Some of the neighboring schools also bring their students to the program. The program comprises performances from all campuses of Mineral Wells ISD including the kindergarten drill team, choirs from the middle school, and students from the junior and senior high schools. The high school band performs a pre-ceremony concert while attendees get seated. A dance team from the high school performs as well.

This year, Lt. General Richard E. "Tex" Brown III (USAF, Ret.) was the guest speaker. He was a former graduate of Mineral Wells High School. Lt. General Brown spoke of the great respect this area has for the military and for veterans. The Master of Ceremonies was LTC Robert Clayton Evans (US Army, Ret.). He also was a former graduate of Mineral Wells High School, a West Point graduate, and a member of the American Legion Post 75. It was a great homecoming for both men.

American Legion, Sons of the Legion, and American Legion Auxiliary state commanders and presidents attended this program. Elected

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

officials of the county and school officials also were among the platform guests.

Students from Mineral Wells High School also helped with other duties involved with the program. Some passed out programs or helped seat groups in the stands. Some passed out small flags to the crowd or helped fill red, white, and blue balloons for the final song.

Local Legion members performed a flag service and presented service flags in the program. Another member manned a small cannon to open the program after a local pilot presented a flyover to honor our veterans. Lunch was served after the program by more local members of the American Legion Post 75 family.

Mineral Wells recognizes the service that veterans have given to our country now and in the past with this outstanding program. For that reason, Mineral Wells ISD and American Legion Post 75 should be noted for their efforts.

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#### TRIBUTE TO DANIEL K. MILLER

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. LATHAM. Mr. Speaker, I rise to recognize the retirement of Iowa Public Television's executive director and general manager, Daniel Miller, and express my appreciation for his years of service to IPTV and the people of Iowa.

A Des Moines native, Mr. Miller has been a part of the IPTV family for 37 years and has been the executive director and general manager since 2002. Under Dan's leadership, IPTV has expanded its statewide and nationwide relevance by tripling its broadcast offerings amidst balancing the transition to digital television and shrinking government funding. Iowa Public Television boasts more than two million viewers each month, and at times its central Iowa station has been the most-watched public television station in the country.

Dan's many accomplishments at IPTV have earned him deserved praise across the nation, including numerous broadcasting and broadcast journalism awards on the regional and national levels. Simply put, the IPTV we know and love today would not be the same without Mr. Miller's tireless efforts and passionate advocacy.

Mr. Speaker, in an increasingly divisive media environment, Dan's career and legacy at IPTV is a testament to the importance of objective and factual journalism. He has never wavered in his commitment to the truth and journalistic integrity, and I am honored to call him my friend. I invite my colleagues in the House to join me in congratulating Mr. Miller on his illustrious career, and wish him a happy retirement.

#### PERSONAL EXPLANATION

### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. PENCE. Mr. Speaker, I was unavoidably absent on December 12 and 13, 2012 and missed rollcall votes. Had I been present, I would have voted "Aye" on rollcall votes 621, 622, 623, 624, 625 and 626.

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#### RETIREMENT OF JUDGE JOSEPH P. MACNABB

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. WESTMORELAND. Mr. Speaker, I come before you today to commemorate the retirement of Judge Joseph P. MacNabb. Over the years, Judge MacNabb has proved his dedication to the people of the Third District and Georgia and his presence in the community will not be forgotten.

Joseph MacNabb was born in Newnan, Georgia to George and Ella MacNabb. He graduated with top honors from Newnan High School and attended Emory University. Following Emory, Judge MacNabb graduated from the University of Georgia School of Law and served as the First Chairman of the Moot Court Board.

Judge MacNabb used his degree to truly serve people. While he was a Captain in the Judge Advocate General's Corps in the United States Army, Judge MacNabb spent time in the Republic of Korea and was awarded the Army Commendation Medal and the Meritorious Service Medal.

After his service abroad, he returned to Georgia and practiced law in Newnan for 43 years as a Partner in the law firm of Mathews, Knight & MacNabb, and then as a Partner in law firm of Rosenzweig, Jones & MacNabb. His hard work did not go unnoticed in the community, as he was elected President of the Newnan Bar Association in 1978 and represented the Coweta County Board of Education for 16 years.

Judge MacNabb was appointed Judge of the Juvenile Court of Coweta County in 1982 and served for 31 years. He was also appointed Judge of the Juvenile Court of Heard County in 1991 and served for 21 years. During his time as Juvenile Judge in Coweta County, he was instrumental in helping establish a permanent home for the Juvenile Court in 2006, earning widespread praise in the community for his commitment to the juvenile court system.

Throughout his career, Judge MacNabb has shown his ability to help others, be the cases big or small. His work abroad on behalf of our nation and in the local community shows his dedication to the legal system and those who are struggling within it. A judge is a man of character and integrity, and Judge MacNabb epitomizes that, which is why I am proud to help honor his service to and I wish our best to Judge MacNabb as he begins his next jour-

ney, and hope he has a long and happy retirement.

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#### TRIBUTE TO EAGLE SCOUT KYLE MATTHEW JENNETT

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Kyle Matthew Jennett of Creston, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Kyle renovated latrines at a local county park to ensure greater public utilization, including handicap accessibility. The work ethic Kyle has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Kyle and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

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#### IN RECOGNITION OF PETER JAMES DEJARNATT

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Peter James DeJarnatt for his 16 years of service on the Pacifica City Council, four of them as mayor. Pete has been a tireless champion of the environment and Pacifica residents and visitors can thank him for many of the trails and much of the open space that allow all of us to enjoy the beautiful coast.

Pete was first elected to the city council in 1996. During his tenure, he always aimed to achieve a balance between development and the quality of life of residents. His work and partnership with the Pacifica Land Trust were vital in the transfers of Mori Point, the San Pedro Headland parcel and Cattle Hill to the Golden Gate National Recreation Area.

Pete was instrumental in championing major improvements to Linda Mar Beach, a popular surf spot. Ample parking, hiking and biking trails have turned it into a true multipurpose area, attracting tourists and locals alike. He

also helped create flood protection for lower Linda Mar as well as a new estuary for San Pedro Creek. The San Pedro Creek Control Project included rerouting the lower creek, placing gravel to provide steelhead spawning beds, and creating new wetlands. The solar power projects on top of the wastewater treatment plant and the community center are in part due to Pete's outstanding work.

As an advocate of the arts and civic engagement, Pete played an important part in creating the Sanchez Art Center, the farmers market, additional senior housing, the skateboard park and the new police station. He has been a long-time supporter of Pacifica's library system and the resource center.

Pete, a native San Franciscan, graduated from Terra Nova High School and attended the College of San Mateo.

He and his long time partner Dianne Devin live in Pacifica. In his spare time, Peter loves to garden, hike, camp, dive and read.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Peter DeJarnatt on the day of his retirement as mayor of Pacifica. He has dedicated his life to his community and public service and has never tired of improving the lives of residents of this coastal gem.

#### RECOGNIZING WOMEN-OWNED SMALL BUSINESSES

#### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. TERRY. Mr. Speaker, today, I rise to recognize twelve women who are making a difference in the Second Congressional District and—in fact—all of Nebraska.

Small businesses are the life blood of our economy. They provide about 55 percent of all jobs in the private sector, and create about two of every three net new jobs in the United States. In 2007, women owned 7.8 million businesses.

On Friday, I will be honoring the achievements of some of the women business owners throughout the Second Congressional District. Through their hard work and dedication, they have created opportunities and made a difference in our community. As we work to strengthen our economy, women business owners will continue to play an important role in that recovery.

I also ask all of my colleagues to join me in celebrating the important contributions women continue to make in support of our economy.

BC CLARK

BC Clark was recognized as the Women in Business Spotlight for January 2012. She is the co-founder and President of the Metro Omaha Women's Business Center (MOWBC) which was founded in 2007. MOWBC hosts monthly business forums on the third Friday of each month. The mission of the organization is to empower women to become economically self-sufficient by providing target education in business, professional and personal growth. As President, Clark has recently instituted the MOWBC "Start-up Award Grant" awarded annually to women

entrepreneurs for their initial start-up costs. In addition to being the President of MOWBC, Clark is a Counselor at SCORE, serves on the Board of Directors for the Ralston Area Chamber of Commerce, Midlands Latino Community Development Corporation and the Nebraska Business Development Center Advisory Board.

DIANE BRUCE

Diane Bruce was recognized as the Women in Business Spotlight for February 2012. She is the cofounder of Charv's Contracting, Inc. which was founded in 2009. Charv's Contracting is a woman-owned and managed small business certified by the SBA and is also approved by the City of Omaha as a Tier H Emerging Small Business. Charv's Contracting focuses on small to medium sized new construction and remodeling services for commercial and residential properties. Bruce has played a vital role in improving the overall company with her 20 year background in sales, marketing and office management. Various residential as well as government customers have worked with Charv's Contracting, like, City of Lincoln, State of Nebraska, Omaha Housing Authority and the Buland Group.

NANCY SEMPEK

Nancy Sempek was recognized as the Women in Business Spotlight for March 2012. She is the current owner of Christensen Drywall Construction, Inc. which was founded in 1949. Christensen Drywall is a woman-owned and managed small business certified by the SBA as well as certified as a Tier II Emerging Small Business with the City of Omaha. The company specializes in residential, both new and remodel, and commercial finishes. They provide a wide variety of construction and drywall services for all construction or remodeling needs ranging from acoustical ceilings to water damage. Some of the projects that Christensen Drywall has worked on are the Hummel Park Nature Camp Center, commercial tenant finishes and low income housing.

SHAYNE FILI

Shayne Fili was recognized as the Women in Business Spotlight for April 2012. She is the President and Owner of Auction Solutions, Inc. which was founded in 1999. Auction Solutions is an SBA certified Woman-Owned Small Business and a Tier II Emerging Small Business with the City of Omaha. The Auction Solution team primarily focuses on Real Estate and Personal Property Auctions, but also focuses on Estates, Collections, Collector Vehicles and more. As the owner, Fili has played a vital role in improving the overall company by becoming a CAGA Appraiser and CAI certified, obtaining her Real Estate Salesperson License, as well as becoming a Real Estate Broker and BAS certified.

JULIE KAUP

Julie Kaup was recognized as the Women in Business Spotlight for May 2012. She is the current President and Owner of Boss Electric LLC, which was founded in 2010 and is quickly being recognized as an up-and-coming electrical contracting company in Eastern Nebraska. Boss Electric is an SBA certified Woman Owned Small Business, a Tier II Emerging Small Business with the City of Omaha and a Registered Apprenticeship Sponsor with the U.S. Department of Labor. The team at Boss Electric handles multiple areas of expertise which range from new construction to remodeling, build outs and commercial projects. As the owner, Kaup has brought a unique aspect to the company

with her background as a pharmaceutical representative. This sales and marketing background has allowed Boss Electric to market and sell their brand of electrical contracting in a fresh way to commercial, residential and government customers. The Army and Air National Guard, VA Hospital, and GSA contracts are just a few of the government contracts that Boss Electric has been awarded.

LISA WOLFORD

Lisa Wolford was recognized as the Women in Business Spotlight for June 2012. She is the founder and current CEO of CSSS.NET which was founded in 1997. CSSS.NET is certified with the SBA as an 8(a) Small Disadvantaged Business, 8(m) Woman Owned Small Business and a Service Disabled Veteran Owned Business. The company specializes in providing high quality IT services and solutions to federal, state, and commercial customers. As CEO, Wolford has played a vital role in improving the overall company by steering the company firmly and fully into the federal marketplace, contracting with U.S. Strategic Command, (USSTRATCOM), Centers for Medicare and Medicaid Services (CMS) and the National Aeronautics and Space Administration. CSSS.NET was named 2011 SBA Nebraska Veteran Services Champion of the Year, 2010 Vetrepreneur of the Year (NaVOBA) for exceptional Government service, won the Nunn-Perry Award in 2009 in recognition of CSSS.NET's work in GIS.

DANIELLE ZOZ

Danielle Zoz was recognized as the Women in Business Spotlight for July, 2012. She took the position of CEO of the GovDirect organization, and she is part owner of both GovDirect and Bizco Technologies. GovDirect is a Woman Owned Business, is HUBZone Certified, and located in downtown Lincoln, Nebraska. GovDirect's focus is to provide superior consulting, services and product procurement to the federal, state and local government markets as well as education customers. Zoz and her team pride themselves on assisting customers with building the right technology solutions and delivering them on time and within budget.

LEE PANKOWSKI

Lee Pankowski was recognized as the Women in Business Spotlight for August 2012. She started LP Custodial & Supply LLC in July 2005, with only two employees. She began to build a client list by knocking on doors, chasing down leads, and contacting people she knew. Her company is certified as an SBA 8(a) Business and SBA Small Disadvantaged Business. Some of her past and current contracts have been with the US Customs Office at Eppley, LAX Air Traffic Control Tower, the 10 Omaha Public Libraries, Union Pacific in Nebraska and Kansas, and the Omaha Fire and Police Training Center. LP Custodial & Supply takes pride in what they do; helping businesses grow by impressing clients with a sanitary environment and keeping employees work space clean and healthy. Their goal is to maintain an environment where a business can focus on their growth.

TRACIE MALESA

Tracie Malesa was recognized as the Women in Business Spotlight for September 2012. Du-Rite Electric was founded in 1958 by Tracie's maternal grandparents, Roger and Marlene Charbonneau. The company has been in its Elkhorn, Nebraska location since 1977. After helping the company out on an occasional basis over the years, Tracie formally joined Du-Rite in December of 2005 as

an owner and Vice-President. Trade's partners in Du-Rite include her mother, Valerie Malesa, and her father, Edward Malesa. Du-Rite is registered as a Tier 2 company with the City of Omaha, and has obtained a Woman Owned Small Business certification. Du-Rite Electric is licensed in Nebraska and Iowa and has proudly served local metropolitan homeowners, builders and contractors for their residential and commercial electrical needs. Du-Rite prides itself on providing quality products and services for fair and competitive prices.

CONNIE MARTIN

Connie Martin was recognized as the Women in Business Spotlight for October 2012. She started SpecPro, Inc. with two employees and an idea of providing exemplary maintenance, repair and replacement services to owners of commercial skylights and windows. With their expertise and experience, SpecPro, Inc. currently offers services across the country with the majority of services offered in 12 Midwestern states. SpecPro, Inc. is now the largest maintenance and repair company specializing in composite commercial translucent skylights in the United States. SpecPro, Inc. is certified as a Woman-Owned Small Business.

TINA DIAZ-CIECHOMSKI

Tina Diaz-Ciechowski was recognized as the Women in Business Spotlight for November 2012. Since a young girl, she has always wanted to own her own business; due to circumstances, she had to give up that dream to raise her two young boys as a single mom. She eventually started Future Construction Specialties in June of 2000, with only one employee. Now Tina has thirteen employees including subcontractors. Future Construction Specialties is a City of Omaha Tier H Small Emerging and Hispanic Woman Owned Business.

The company offers complete home improvement and remodeling to Omaha and surrounding areas. They are a full-service contractor specializing in concrete work, masonry, siding and roofing. They also offer flooring and tile installation, drywall and painting, framing, finishing and much more. Diaz-Ciechowski believes that giving customers the best skilled craftsmanship shows the type of pride they take into their work.

JENNIFER MAASSEN

Jennifer Maassen was recognized as the Women in Business Spotlight for the month of December 2012. She is the current CEO of McCallie Associates Incorporated which was founded in 1982. McCallie is a woman-owned and managed small business certified by the National Women Business Owners Corporation. The McCallie team delivers high quality contract mission and systems support for the Department of Defense and Public Health customers. As CEO, Maassen has played a vital role in improving the overall company. Since then, McCallie has been recognized as one of the Top 500 Woman Owned

Businesses in the United States, and in 2011, Maassen was honored as the Bellevue Business Woman of the Year by the Bellevue Chamber of Commerce for her "unwavering commitment, leadership and dedication to the Bellevue-Offutt Community." McCallie was also the State of Nebraska nominee for the Secretary of Defense Employer Support Freedom Award, and in 2012, McCallie received the Bronze Award of Merit for Business Integrity from the Better Business Bureau.

#### IN RECOGNITION OF JAMES NANTELL

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor James Nantell. He has served for 40 years in the public sector, twelve of them as the City Manager for the City of Burlingame. A gifted community leader, there isn't a street corner in Burlingame that doesn't have his fingerprints on it.

Jim became city manager of Burlingame in November of 2000 and my time is too short to list all of his accomplishments. At the top of that list is the merger of the fire departments of Burlingame and Hillsborough to form the Central County Fire Department in 2004. The two cities share staff, training and equipment to protect their citizens while reducing cost. For the past 15 years Jim has been a champion of shared services and he currently chairs the Shared Services Initiative of the San Mateo County City Managers Association.

Much of Jim's work has resulted in very visible improvements in Burlingame. For example he facilitated the upgrade to the Burlingame Avenue train station, oversaw the approval of the Mills-Peninsula Medical Center and the Peninsula Humane Society Center for Compassion, obtained federal stimulus funds for street resurfacing projects, developed the Burlingame Avenue streetscape concept plan, obtained a designation of Burlingame as a "Tree City USA" for a 31st consecutive year, and implemented the construction of a bicycle and pedestrian crossing bridge over U.S. Highway 101.

Over the last ten years, Jim has overseen the rehabilitation of some 40 miles of the 100-year-old water and sewer pipeline system in Burlingame and the construction of a 1.5 million gallon retention basin at the waste water treatment plant.

Jim has also brought many wonderful celebrations to Burlingame. In 2008, he worked closely with local officials and community

members to put on nine flawless Centennial events. Residents can thank him for the annual pet parade and employee Halloween costume contest.

Before Jim brought his energy and talent to Burlingame, he served the City of San Mateo for 28 years. He started as assistant recreation center director in 1973 and within a year became the director. From 1975–76 he was the supervisor for athletics and outdoor recreation. From 1976–81 he served as the administrative director of athletics, aquatics, outdoor recreation and community relations. The following four years Jim was the superintendent of recreation and human services. From 1985–90 he served as assistant city manager and from 1990–2000 as deputy city manager and the interim fire chief from 1995–96.

Jim has been a board member of the San Mateo Rotary Club, the Lesley Foundation, the Strategic Planning Committee for the Peninsula Family YMCA, and Our Lady of Angels men's club.

His career clearly demonstrates his passion for recreation and outdoor activities. In his spare time, he has helped coordinate many foot races, including the Bay to Breakers race, the Giants Run to Home Plate, the San Francisco Zoo Run, and the San Francisco Marathon.

Jim, a Wisconsin native, graduated with a BA in Psychology from the University of Wisconsin-Madison. He earned his M.S. in Parks and Recreation Administration from San Francisco State University. He attended the Harvard Kennedy School of Government in 2000.

Jim married his college sweetheart Christine 42 years ago. They are the proud parents of four children—Maddie, Michael, Ashley and Erin—and grandparents of three grandchildren.

Mr. Speaker, I ask the House of Representatives to rise with me to honor James Nantell for his outstanding and storied service to San Mateo County. His contributions will continue to benefit residents for decades to come.

#### PERSONAL EXPLANATION

#### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall vote on December 17, 2012, and would like the RECORD to reflect that I would have voted as follows:

Rollcall No. 627: yes.

Rollcall No. 628: yes.



## HOUSE OF REPRESENTATIVES—Wednesday, December 19, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 19, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 624

In the Senate of the United States, December 18 (legislative day, December 17), 2012.

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusionary Nation and famously declared "this is our country";

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Regimental Combat Team during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged

as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

*Resolved, That—*

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate has passed concurrent Resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 63. Concurrent resolution correcting the enrollment of S. 2367.

S. Con. Res. 64. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### THE FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the reality behind the fiscal cliff is that, if we really get down to work, talking with one another, digging into the details, it really is not that hard.

The nuclear arsenal is a prime example and something that doesn't get nearly the attention it deserves. It is an illustration of why the fiscal sequestration level over the next 10 years for the Department of Defense, which would bring it down to 2007 spending levels, adjusted for inflation, is really not that draconian.

During the Cold War, the United States spent, on average, \$35 billion a year on its nuclear weapons complex. Today it spends an estimated \$55 billion.

The nuclear weapons budget is spread across the Department of Defense, Department of Energy, the Department of Homeland Security. And the government doesn't publicly disclose how much it is, but the last year that the elements were aggregated together, it spent at least \$52.4 billion. That's in 2008, according to the Carnegie Endowment for Peace.

That doesn't include classified programs, and it was 5 times the State Department budget, 7 times the EPA, and 14 times what the Department of Energy spent on everything else it does. Indeed, the President agreed to a \$200 billion modernization in order to secure the approval of the strategic arms reduction treaty in the Senate.

Well, perhaps it's time for us to take a step back and ask what is actually the purpose. Who is the enemy that this nuclear arsenal is going to deter?

The nuclear arsenal didn't stop Iran from pursuing nuclear weapons. It's not helping us at all with the terrorists who are now the central focus of our security concerns. It doesn't help in Iraq or Afghanistan, and we basically have a stalemate between Russia and China.

Nuclear weapons have not been used since World War II. They likely never will be, so why do we need land-based intercontinental ballistic missiles, bombers, and submarine launch delivery systems, all three of them?

Do we really need 12 new strategic submarines that will cost almost \$5 billion a year, if we're lucky and contain costs?

Who actually is being deterred by this massive spending and buildup?

Exactly what are the circumstances 30 years from now that call for this massive stockpile of weapons and three redundant delivery systems?

You know, recent articles in the Post by Walter Pincus really focused on this. There's Dana Priest's work also in the Post; GAO reports—you don't have to dig very deeply to find out that this is a bloated, flawed program with little technical benefit for us now, a great deal of fiscal pain currently and well into the future.

Twenty-one years ago, President George H.W. Bush unilaterally announced the elimination of thousands of land-based tactical nuclear weapons stationed in Europe and an end to the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

deployment of tactical nuclear weapons on surface ships, attack submarines, and land-based Naval aircraft.

Billions had been spent over the years on such weapons, but there was really never any plans for how to use them. Most have been dismantled, and the United States today is no weaker. Most, frankly, have not even noticed.

What could we accomplish over the next 10 years with the same sort of bold thinking on the part of the President, the Pentagon, and Members in Congress?

It's time that we find out.

#### LET U.S. MARINE JON HAMMAR GO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, 27-year-old Marine Corps veteran Jon Hammar honorably served two tours of duty in Iraq and Afghanistan. While he was on Active Duty, Hammar's battalion was hit very hard in Fallujah, and 13 of his fellow Marines were killed in action.

When he came home to America, he suffered from PTSD, as many of our warriors do. He spent time in a recovery facility in California to cope with the mental wounds of war.

Then, in August, Jon decided to get some R&R. He wanted to go to Costa Rica with a fellow marine, Ian McDonough, and they wanted to go on a surfing trip. According to McDonough, surfing gave Jon peace of mind and really helped with his therapy.

So the two packed up their car with their surfboards and began their journey from Florida to Costa Rica. Their trip took them through Texas to the border, in Brownsville, Texas. There they crossed the international border into Matamoros, Mexico, and that is as far as they got.

On the trip, Jon carried with him a 100-year-old antique gun, a family heirloom that belonged to his grandfather. When they arrived at the U.S. Customs and Border Protection in Texas, Jon did what he was supposed to do; he filled out all the necessary paperwork. He talked to U.S. Customs and verified with them that the rifle did not violate any Mexican law.

The two allegedly handed the Mexican officials the paperwork regarding the rifle. But instead of continuing on their way to Costa Rica to go surfing, Hammar was immediately detained and dragged away to a notorious prison in Matamoros where they house narcoterrorists.

Now, Mr. Speaker, here's a photograph of our marine when he served America. This is a photograph of him recently taken in the Matamoros prison. As you notice, he is in solitary confinement, and, similar to the old days,

chained to his bed where he cannot go anywhere. This is all because of a misunderstanding and a mix-up about what the law is and what should have happened to him at the border.

□ 1010

So he's being held as a criminal because the size of the barrel on that rifle was, apparently, too long—even though U.S. Customs told Hammar he was not violating any American or Mexican law in having the rifle. Hammar had no criminal intent when he took that old rifle into Mexico.

Jon Hammar should not have to spend another holiday away from his family—holidays he spent when he served as a marine—and certainly he shouldn't spend a holiday away from his family in a Mexican jail where he is illegally being detained. Obviously, there appears to be a misunderstanding between U.S. and Mexican officials, with Hammar literally caught in the middle of this. So Mexican President Enrique Nieto should intervene and have Hammar released. It is in the power of the Mexican President to solve this international incident and do so in a diplomatic way. So I ask that he do so and release Hammar by Christmas.

Mr. Speaker, this marine and veteran has spent his life defending freedom, defending America, taking care of America. It's time that America take care of him by asking for and expecting his release from this Mexican prison where he ought not to be.

And that's just the way it is.

#### HONORING OUTGOING CBC CHAIRMAN REPRESENTATIVE EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 5 minutes.

Mr. HOYER. Mr. Speaker, for over 40 years, the Congressional Black Caucus has strengthened and enhanced the work of the people's House. It does so by carrying into this Chamber the voices of millions of Americans who, for too long in our history, were voiceless. It represents millions of our citizens who contribute greatly to building our economy, defending our hard-won freedoms, and fighting for equal justice and equal opportunity for all of our citizens. The Congressional Black Caucus has been rightly known for a long period of time as the conscience of the Congress.

Mr. Speaker, since he arrived here 7 years ago, our colleague and my friend, EMANUEL CLEAVER, has been the conscience of the CBC. Representative CLEAVER, as most of us who served with him know, but many Americans might not know, wears multiple hats. He is not only the former mayor of Kansas City, Missouri, but he is also an ordained Methodist pastor. Pastor

CLEAVER is frequently called upon for words to deliver at my whip meeting on Thursday mornings. I have said that they are the highlight of our week in many respects.

EMANUEL CLEAVER speaks to us about humanity, about caring, about respecting each of our colleagues on either side of the aisle, of respecting and honoring our responsibilities to our fellow citizens. In short, EMANUEL CLEAVER, on a weekly basis, appeals to the best that is within us to reflect the best that is America.

EMANUEL CLEAVER will shortly be succeeded as president of the CBC by MARCIA FUDGE from Ohio—like EMANUEL CLEAVER, a leader of conscience, a leader of great ability, and a leader who will reach out to all of us as well and continue to lead this organization that we know as the conscience of the Congress.

As we talk about creating jobs, as we talk about caring for one another, as we talk about making life better for all Americans, there is no more compelling voice than the Congressional Black Caucus towards that end. There has been no more compelling voice than that of my friend, EMANUEL CLEAVER.

EMANUEL, I expect your leadership to be enhanced as the days go by. You have shown us an example of how one can serve with dignity, with grace, and with effectiveness. Thank you.

Mr. Speaker, for over forty years, the Congressional Black Caucus has strengthened and enhanced the work of the people's house.

It does so by carrying into this Chamber the voices of millions of Americans who for too long in our history were denied a voice.

It represents millions of our citizens who contribute greatly to building our economy, defending our hard-won freedoms, and fighting for equal justice and equal opportunity for all.

The Congressional Black Caucus has long been the conscience of the Congress. And since he arrived here seven years ago, EMANUEL CLEAVER has been the conscience of the CBC.

Rep. CLEAVER—as most of us who serve with him know, but many Americans might not know—wears multiple hats, also being an ordained Methodist pastor.

Pastor CLEAVER is frequently called upon to deliver words of wisdom in the weekly meetings Democrats hold for our caucus, and he uses those opportunities to tell us parables intended to teach that behind every bill and every vote is a human story—real lives and real consequences.

Though he will be stepping down as its Chair, I know Rep. CLEAVER will continue to do his part to ensure the CBC retains its position as a moral guide in this House.

That we never forget the real people behind the policies we act on here—people struggling to be safe in our cities, pursue educational opportunities, access health care, and find good jobs.

The CBC may be called, in many respects, guardians of our American dream.

And I thank my friend—Rep. CLEAVER, Mayor CLEAVER, Pastor CLEAVER, Chairman

CLEAVER—for being a steady captain of that guard over the past two years.

He surely leaves large shoes to fill, but I know Rep. FUDGE will do a great job at the helm as the CBC's new chair.

And I look forward to working as closely with her as I have with Rep. CLEAVER to help extend the promise of the American dream to all our people.

#### THANKING THE THIRD CONGRESSIONAL DISTRICT OF ARIZONA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. QUAYLE) for 5 minutes.

Mr. QUAYLE. Mr. Speaker, I rise today to thank the people of the Third Congressional District of Arizona, who put their trust and faith in me to represent them in the 112th Congress. The people of our district are good, hard-working Americans. They value their family, their country, and their freedoms. It was an absolute honor to serve them in this Congress.

I would also like to thank my family and friends for their unwavering support throughout my life. Without them, I would not be here today.

Mr. Speaker, I'd also like to thank my tireless staff both here in Washington and back home in Arizona. Their dedication to our district and to our country was something that was amazing to watch. And over the course of 2 years, working day and night, they became a lot more than just people I work with. They became extended family. And I thank them for that.

Mr. Speaker, I want to finally thank, more importantly, my wife, Tiffany, who, a few years ago, made me the luckiest man on the face of the Earth when she said "yes" to be my wife. I want to thank her for all of the sacrifices that she has made so that I could be in this House. She has held down a full-time job, all the while playing both mom and dad to our daughter, Evie, when I was away from home. I can never thank her enough for all that she has done.

Mr. Speaker, the past 2 years have been an interesting ride, primarily because it was highly unlikely that I would ever speak on this floor. You see, Mr. Speaker, if you had asked me 5 years ago if I would ever run for public office, I would have said "no." And not because I don't value and honor public service. I certainly do. But it's because the environment that I grew up in, I saw the bad side of politics and I didn't know if I wanted to put my family through the same trials and tribulations. However, that all changed as I witnessed our country continuing to stray from its founding principles, and if it didn't reverse course, we were going to lose countless generations because of lost opportunities.

So, Mr. Speaker, I ran for office not for a title, not for some unhealthy desire to be the center of attention, but

to serve my fellow citizens and to be a part of a movement that would reestablish the belief that our country's greatness comes from its people and not from the government and to make sure that America remains the last great hope on Earth.

Two years ago, we sat out to accomplish those objectives. We didn't succeed—not for the lack of trying. We did take steps toward solving the biggest and most severe issues that we face. We must build on this and not shrink from solving the fiscal disaster that awaits us if we do nothing.

Mr. Speaker, as this Congress comes to a close in the next couple of weeks, I'm confident that the Members of the next Congress will rise to the occasion and provide the solutions to a worried Nation. However, my confidence is not limitless. If petty politics drives policy decisions, if one group is pitted against another for political gain, if personal destruction drowns out personal accountability, then, sadly, the legacy of our great Nation will be forever altered and the world will be a dimmer place.

I hope and pray this does not happen, Mr. Speaker. But as I said, my confidence is not limitless.

#### HONORING EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. DAVID SCOTT) for 5 minutes.

Mr. DAVID SCOTT of Georgia. I rise to join some of my fellow colleagues in recognizing and honoring a distinguished gentleman serving in the Congress of the United States, who is the chairman of the Congressional Black Caucus, and that is Representative Reverend EMANUEL CLEAVER.

God has a way of having the right person serve at the right time and in the right place, and we have such a person in our chairman, Chairman CLEAVER. Chairman CLEAVER took office at a time of great turmoil and tumultuousness. This country was experiencing and we were at the height of perhaps the most devastating financial crisis since the Great Depression.

□ 1020

Chairman CLEAVER turned that situation into a tremendous positive by bringing his insightfulness and by helping to share with the entire Nation that while we did have great economic calamity, for every sector in our economy nowhere was that damage as greatly felt as in the African American community. We were blessed to have a chairman who could articulate it with the sensitivity and with the intelligence and with the intellect to be able to express those very serious concerns that were impacting the African American community in a way and in a manner that it enveloped the entirety of the entire population of our country.

Chairman CLEAVER became chairman at the time of the height of the tumultuous health care debate, where there was great passions that were brought to bear and expressions of demonstration where hundreds of thousands of people gathered here in Washington to express their concerns. But Chairman CLEAVER provided a calmness, an impact that helped us to navigate those troubled waters very, very successfully.

When it came time to look at the disparities of this economic impact and joblessness, he initiated job fairs in every congressional district all across this country that helped people be able to get jobs. He addressed the health disparities—particularly as they impacted the African American community—in a way and in a manner that everyone was able to accept the reality.

So, we thank you, Congressman CLEAVER, for the outstanding job that you have done, and we want to thank God for sending the right person to us at the right time. Thank you, Chairman CLEAVER. It is my great honor to serve with you. Thank you for your outstanding service.

#### EXPRESSING THANKS TO CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. WATT) for 5 minutes.

Mr. WATT. Mr. Speaker, I want to join with my colleagues in expressing thanks and giving praise to our outgoing chair of the Congressional Black Caucus. He's not leaving Congress, he's just leaving the chairmanship of the Congressional Black Caucus.

I don't usually come over here for these 5-minute speeches or 1-minute speeches, but today I thought I would make an exception to say some things about our outgoing chair.

I want to make two points. First of all, contrary to the perception that's out in the world, there are no bad people in this body. All of us are good people who are here to serve the American people, and our constituents in particular. I characterize us as all good guys—and that includes female in that good guys category too. But then there are people who because of their particular qualities I would put in a category of really, really, really good people. It doesn't take long to detect those people; it comes through in their manner, in the way that they deal with their colleagues and the way that they consult and console you when you really need consultation and consolation; and the way they give you advice or fail to give you advice or don't give you advice when you either need it or don't need it. They're not in the way; they're just really, really, really good people. That's the category in which I

would put our outgoing chair, Chairman EMANUEL CLEAVER. And his leadership has been outstanding, but it's not that that I came to praise.

The second thing I really want to emphasize about him is that the question I get most from constituents is who's doing something inside you all's institution to make you all more compatible with each other? So every week I look forward to getting in my intra-Congress mail this letter that our outgoing chair sends to every Member of this body, just one or two or three paragraphs, one page—never longer than one page, just giving us some sage wisdom and advice about how to be nicer to each other, how to soften our edges, how to work better together to achieve the aspirations of our constituents and of our Nation.

Those are the little things that people out in the public never see or hear about, and Chairman CLEAVER has set that example. Sometimes I'm sure he feels like he's a voice in the wilderness by doing that, but every single week each of us gets this special appeal from EMANUEL CLEAVER to be what we should be, stewards of our country, and to do it in a way that does not demean our institution and demean each other, and to advocate for what we believe, but to do it in a way that is more human and kind.

So I want to join with my colleagues in thanking him for his leadership, but most of all I want to thank him for the tremendous role model he has been for our institution to try to make our institution a better place in which to serve and to try to make each of us better Members of this institution.

#### NEW MARKETS TAX CREDIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. NEAL) for 5 minutes.

Mr. NEAL. Mr. Speaker, let me also thank Reverend CLEAVER. At his request, I campaigned with him and for him and did a series of Social Security events in his constituency. I spent the better part of 2 days with him, and I got an opportunity to see the regard and respect that he was held in by the citizens of Kansas City.

Mr. Speaker, let me address the issue of extending the New Markets Tax Credit. I have fought for this program since its enactment in 2000 because it's a cost-effective way to create jobs and drive investments in communities with high rates of poverty and unemployment. I've seen the amazing results of this initiative firsthand. Let me highlight just some of those Massachusetts projects.

Let me first tell you a little bit about the New Markets Tax Credit. It was designed to stimulate investment and economic growth in low-income communities that are traditionally

overlooked by conventional capital markets. Since its enactment, the credit has generated \$45 billion in capital for projects in low-income communities that range from the first supermarket in a generation in southeast Washington, DC, to the restoration of one of the greatest acoustical houses in the world, the Colonial Theater in Pittsfield, Massachusetts. Furthermore, New Markets' investments between 2003 and 2010 have been responsible for creating over 500,000 jobs in economically distressed communities across the country. These are remarkable results.

Let me share with you another success story from back home that further explains why I'm a big supporter of New Markets: the Holyoke Public Library. Holyoke is a city in western Massachusetts with a population of about 40,000 people. From the late 19th century until the mid-20th century Holyoke was the world's biggest paper manufacturer. In fact, at one point there were 25 paper mills in operation in Holyoke, and that's how Holyoke got its nickname, "The Paper City."

□ 1030

However, this industrial city's fortunes ebbed when the paper mills closed, and Holyoke now has one-third of its population living below the poverty line.

The Holyoke Public Library project is currently underway and involves renovating and expanding the 110-year-old library and transforming it into a 21st century education and training center.

For many years, there had been very little funding available to maintain the facility itself. And, therefore, over time, the library has substantially aged and deteriorated. Today, nearly 40 percent of the library's interior is seriously compromised and inaccessible to the public. But thanks in large part to New Market's tax credit financing, the Holyoke Public Library is currently being renovated and modernized, and the new and improved library will provide critical public access to computers and the latest technology.

New Market's tax credits are a good example of how public and private investment can be used to spur community and economic revitalization. New Market's tax credits expired at the end of last year. It's critical that the Congress not leave town until we, once again, extend this program and the opportunities that come with it.

#### REFLECTING ON CHAIRMAN EMANUEL CLEAVER WITH GRATITUDE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. BASS) for 5 minutes.

Ms. BASS of California. Mr. Speaker, I rise today to acknowledge the extraordinary leadership of my colleague,

Mr. EMANUEL CLEAVER, who represents with distinction Missouri's Fifth District. I want to offer a special word of appreciation for his many years of service, not merely for his constituents, but for his steady commitment to employ the power of his office to ensure our Nation is set on a course where we all succeed.

As chair of the Congressional Black Caucus, Mr. CLEAVER used this position of leadership to help elevate and embolden us to address some of the great social and economic challenges of our day, not just for African Americans, but for all Americans.

I am reminded of the evening in North Carolina at the Democratic Convention when he gave that impassioned and fiery speech that brought everyone to our feet. He reminded us that in America our strength is rooted in our Nation's most profound gift—its diversity. He reminded us that no matter how difficult times may get or may be that we must "hope on," and that it is the power of our hope that drives us to not give up when we have failed, but to try again until we get it right.

As I complete my first term in Congress, let me thank the chairman for his counsel, his guidance, and his friendship. He's provided advice and wisdom that as a newcomer to Washington has been invaluable. He's stepping down as the head of the Congressional Black Caucus, but we will all continue to enjoy hearing his reflections at caucus meetings and getting the notes on promoting civility. It's my personal hope that one day he will collect all of these notes and reflections and publish them.

But I did think that I would end with words from that famous North Carolina speech:

Hope inspires me to believe that any day now, we will catch up to the ideals put forth by our Nation's Founding Fathers. It is our hope and faith that moves us. It is our hope that tells us our latter days will be better than our former. It is our hope that instructs us to march on.

I look forward to working with you in the years through the struggles and successes that are in front of us. Thank you, Mr. CLEAVER, for your service, your friendship and for your leadership.

#### A TRIBUTE TO CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. FUDGE) for 5 minutes.

Ms. FUDGE. Mr. Speaker, today I rise to salute EMANUEL CLEAVER, II, my chairman and my friend, the Congressman from the great State of Missouri who was unanimously elected to lead the Congressional Black Caucus for the 112th Congress. As we move closer to adjournment of this Congress, I rise with my colleagues to thank EMANUEL

CLEAVER for his stellar leadership and sacrifice during the last 2 years.

From councilman to Kansas City's first African American mayor to Member of Congress, and most recently our leader, Chairman CLEAVER has continually represented the interests of both his constituents and scores of under-represented Americans with an undeniable zeal and passion.

The leader of the Congressional Black Caucus carries the burden of modeling that which makes us the "Conscience of the Congress," and he has succeeded. A man of fine intellect and unwavering integrity who daily exhibits his deep-seated belief in civility, Chairman CLEAVER is firm in his convictions based on what is right rather than what is expedient. As an ordained minister with many years of pastoral experience, EMANUEL CLEAVER has not only served as chairman of the caucus but has served as our spiritual adviser as well. He is a friend on whom we can all depend. He is selfless and unassuming, yet powerful, respected, and a trusted leader on both sides of the aisle. Chairman EMANUEL CLEAVER has earned the respect and admiration of citizens throughout this Nation and many beyond our borders.

Today, I salute Chairman EMANUEL CLEAVER. Today, the Congressional Black Caucus salutes him. We thank him for his dedication to our people, his devotion to the highest standards and his undeniably effective leadership. Our caucus thanks Chairman CLEAVER, our country thanks him, and I thank him.

#### A TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIR EMANUEL CLEAVER, II

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. RICHARDSON) for 5 minutes.

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to a great man, one of the most respected Members of this House, a leader of unparalleled ability, a trusted friend, and one of the best chairs in the 41-year history of the Congressional Black Caucus. I'm talking about the distinguished gentleman from Missouri, the honorable EMANUEL CLEAVER, II.

The Congressional Black Caucus has long and rightly been known as the "Conscience of the Congress," and it's no exaggeration to say that EMANUEL CLEAVER is the conscience of the CBC.

Prior to being elected to the House of Representatives, he served on the local level. But since coming here to the House in 2004, EMANUEL CLEAVER has been a champion for the poor, the aged, the infirm, and for those struggling to join the middle class or working to stay there. He has worked tirelessly to expand educational and employment opportunities for those looking to build

a better life for themselves and their families and to represent God. He has done so with dignity, grace, civility, and unfailing good cheer.

As CBC chair during the 112th Congress, EMANUEL CLEAVER understood the importance of drawing attention to the economic crisis in the African American community, where the unemployment rates were more than double that of whites. And under his leadership, the CBC launched the "For the People" Jobs Initiative, hosting town hall discussions and job fairs, one of which was in Los Angeles, in my hometown, and four other urban areas hit hardest by the recession.

The CBC took the feedback that was received from those communities and its recommendations for creating jobs to the President, who included them in the American Jobs Act.

Following the assault and the murder of Trayvon Martin, an unarmed African American teenager in Florida, the CBC stood up for his parents and made sure their plea for justice did not go unheeded. Chairman CLEAVER understood that justice delayed is justice denied. And when the precious right to vote was under attack this election season, the CBC, led by Chairman CLEAVER and the incoming chair, MARCIA FUDGE, exposed those voter suppression efforts and worked overtime to overcome those obstacles and to ensure that our constituents were ready and able to vote with the CBC's "For the People" voter participation initiative. As a result, African American turnout in the 2012 election far exceeded expectations and was successful in reelecting President Barack Obama.

Mr. Speaker, Chairman CLEAVER has led the Congressional Black Caucus with skill, compassion, and an unwavering commitment to justice and equal opportunity during some of the most critical times of this Nation's history. I thank Chairman CLEAVER for his service, for his leadership, for his friendship, and, most of all, for his example of being led by God here in the House of Representatives.

□ 1040

#### IN MEMORY OF MAVIS DONAHUE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DAVIS) for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, Members of the House, I rise first of all to commend a matriarch in my community who passed away a few days ago, Ms. Mavis Donahue, who came to the United States of America from Jamaica. Of course, much of her family came with her, and they kind of stay together as a group.

It was her daughter, Claudette, that I first met, and we worked together for about 40 years. But then her son-in-law, Billy, Claudette's husband, took

the first photograph that I ever used in a campaign brochure. Their daughter Erica, who is my goddaughter, was the first person who ever appeared on a campaign brochure when I decided to run for public office. So I simply want to commend them as they prepare to take their mother, their grandmother, their aunt, their friend, their neighbor, back to her home in Jamaica to be buried alongside her mother.

I also join my colleagues in coming to pay tribute to our leader, the Reverend Congressman EMANUEL CLEAVER. We've all talked about his leadership, and I've been told two things about leadership that I always try to remember. One is that leadership is the ability to get other people to do what you want them to do but because they want to do it, meaning that somehow or another you can convince them that what you're talking about is the thing to do. The other thing that I've learned about leadership is that you can't lead successfully where you don't go, and you can't teach what you don't know.

I've been able to follow the life of EMANUEL CLEAVER long before he became a Member of the House of Representatives. See, he grew up in the Midwest, kind of, but really the Southwest, in a real sense, as I did. Our schools played football in the Southwest Athletic Conference. The first time we decided to televise our game, we went out and washed cars and did all the things you did to raise the money that we needed. We played Prairie View, and lo and behold, they beat us 28-0, which was a real letdown after we had paid to have the football game televised.

But I remember that EMANUEL came out of school, went to work for the Southern Christian Leadership Conference, became a leader in his community as a young person, pastor of a tremendous church that I've had the opportunity to visit, and they even let me have something to say.

Reverend CLEAVER, Congressman CLEAVER, America has benefited from your leadership for many years. We know that what you've done for the caucus and for this Congress will stand, but we know that you will keep doing it for many more years to come.

God bless you and God keep you.

#### UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CURSON) for 5 minutes.

##### GENERAL LEAVE

Mr. CURSON of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert material into the RECORD on the subject of Representative EMANUEL CLEAVER's retirement as chair of the Congressional Black Caucus.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CURSON of Michigan. I, too, offer my congratulations to Representative CLEAVER for his service to all Americans as the CBC chair.

Millions of Americans are out of work through no fault of their own. Millions of Americans are relying on federally funded benefits to make ends meet as our Nation's struggling economy starts to recover. These unemployment benefits for the long-term unemployed will immediately and completely stop on December 29, 2012, unless we in Congress act. There is no phaseout. Every individual receiving those benefits now will be cut off cold.

The Department of Labor estimates that over 2 million Americans will lose their emergency benefits at the end of the year, including over 92,000 people in my home State of Michigan. Cutting off benefits for the long-term unemployed will have a devastating impact on middle class families who are struggling to stay out of poverty. They are critically important for necessities of life, rent, groceries, and utilities. Cutting off unemployment benefits will also hurt America's economic recovery, as economists predict that allowing the UC benefits to expire at the end of this year will reduce economic growth next year by \$58 billion.

Emergency unemployment benefits provide a particularly valuable economic contribution to the economy because financially stressed unemployed workers typically spend the benefits they receive quickly. Cutting off these benefits will hurt small businesses and add to the downward spiral of a failing economy. The Census Bureau reports that unemployment benefits, both State and Federal, reduced the number of Americans living in poverty last year by 2.3 million, including over 600,000 children. The Congressional Research Service estimates that in 2011, unemployment benefits reduced the poverty rate for families receiving them by 40 percent.

Cutting off unemployment benefits for too many Americans will only substantially increase hardship and poverty in our Nation. Now is not the time to deprive these Americans of a critical lifeline. Federally funded unemployment benefits should be extended by this Congress.

The best cure for unemployment is to create jobs. We can do this by investing in rebuilding our Nation's infrastructure, creating real jobs and real revenue by people working for a living.

#### STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I, too, rise to pay my respect and to honor Representative CLEAVER.

I am one of those many Members of the House who each week waits for that letter from Congressman CLEAVER. In each of these letters, he tells a life lesson, typically one to inspire us to be more hopeful, to be more willing to look at the issue from someone else's perspective, to be more compassionate, to be more loving. So I, too, share in his commitment to making this place a more responsive environment for all, and I thank Mr. CLEAVER for his great leadership as the chair of the CBC over the last year.

Mr. Speaker, I now would like to turn to my prepared remarks for this morning. I would like to read you some song lyrics that Air Force Technical Sergeant Jennifer Smith found on her government computer at Shaw Air Force Base. The lyrics of the song are called the "The S&M Man," and they go like this:

Who can take a machete, whack off all her limbs, Throw her in the ocean, and watch her try to swim?

#### The S&M Man.

Jennifer Smith reported this song and other sexually explicit documents to her superiors in the Air Force. "The S&M Man" is offensive, it's hostile, but to her male colleagues and superiors, the song is just tradition, a tradition that is alive and well, celebrated in song, patches, coins, offensive pictures, behavior, and the tacit approval of commanding officers.

A military tradition of demeaning women is not only sickening, but contrary to the fundamental principles of an institution founded in respect and honor and in discipline. It undermines our military's readiness and cohesion. Simply put, it gravely damages the military.

This is the 24th time that I have come to the floor to share the story of a servicemember, either man or woman, who has been raped, sexually assaulted, or harassed by fellow servicemembers. By the Department of Defense's own records and estimates, there are 19,000 rapes and sexual assaults each year in the military, and the VA reports that half a million veterans are affected by military sexual trauma.

□ 1050

Still, fewer than 14 percent of these victims actually report the crimes. And why is that? It is because so few are prosecuted—fewer than 9 percent—and a minuscule number end in conviction.

Air Force Sergeant Jennifer Smith has been subjected to this toxic culture for nearly two decades. She finally had enough. She filed a lawsuit; and in her lawsuit, she chronicles 17 years of abuse and a toxic culture—from 1995 until the present time—a culture that speaks of repulsive and destructive behavior by servicemembers and the tacit approval of their commanders.

Jennifer Smith joined the Air Force 17 years ago, when she was just 18 years of age. Her career has been filled with promotions and with medals and commendations by her commanding officers. She is one of the soldiers whom we so highly regard in the military. She has a record of astonishing accomplishments. In many of the commendations, she has been told that she is a "gifted mentor" who "goes above and beyond" and to "promote her now." Her career has also been filled with sexual harassment, assaults, and complacency—or worse—from her commanding officers.

During her five deployments in Iraq, Kuwait, Korea, and Germany, Sergeant Smith has endured assault by a master sergeant, who pushed her into a room, dropped his pants, and tried to force himself on her; harassment by a vice commander, who told her to relax and take her top off during a meeting; constant exposure to pornographic material and sexually explicit flight songs; and an attempted rape she was too scared to report.

Sergeant Smith endured sexual harassment and a hostile work environment for 13 years when she decided to speak up. It's time for all of us to speak up. It's time for all of us to expect from the military what we expect from the private sector—no hostile work environment.

She found pornographic materials in her squadron that included two "Doofer" books and magazines that were in her shared office. She reported them, but nothing was done.

Later that year, approximately two months after Technical Sergeant Smith had deployed to Iraq, she was assaulted outside of the gym. A man grabbed her from behind and physically dragged her to a dark place behind the building.

The man pushed her up against the wall and groped her. He had his arm under her neck, lifting her feet off the ground. He said, "I could kill you right now . . . and no one is going to miss you."

Technical Sergeant Smith was able to break free, and ran away as fast as she could. She went to work the next day and did not say anything about it because she feared retaliation and harassment.

This is happening now—in January 2012, Technical Sergeant Smith was back from Iraq at Shaw Air Base to manage pilot training. Whenever she checked her computer, she was bombarded with sexually hostile documents and videos. She reported the offensive material. Nothing was done.

In response to news coverage Sergeant Smith's formal complaint, Air Force Chief of Staff Gen. Mark Welsh ordered a service-wide sweep of workspaces and public areas for images, calendars and other materials that objectify women.

This sweep is inadequate, or worse. It appears to be a response to bad press rather than an aggressive tool to root out and expose this toxic culture.

The sweep which began on Wednesday, December 5th, provides a twelve-day window



for it to be completed after a very public notification.

This window and public notification intentionally or unintentionally provides service members the time to hide the content, and the opportunity for commanding officers to not find anything. Why did the Air Force tip off service members that the sweep was taking place? Commanding officers who performed the sweep also had an incentive not to find anything because it would reflect poorly on the command climate they are charged with maintaining.

This sweep also did not include individual desks, cabinet drawers, lockers, or military issued computer hard drives, where much of the content in the Smith complaint was stored.

Describing the need for a sweep, General Welsh explained, "In my view, all this stuff is connected.

If we're going to get serious about things like sexual assault, we have to get serious about an environment that could lead to sexual harassment. In some ways, this stuff can all be linked."

I agree with General Welsh. It's time to get serious about sexual assault in the military, but this must include credible and effective oversight actions to counter the culture that permits and fosters systemic harassment, assault, and rape.

And even with effective sweeps, it won't be as easy as taking down a calendar or deleting a computer file. Ending the epidemic of rape and sexual assault in the military will require a reboot of the military justice system, and addressing commander influence in these all too common cases. We owe Jennifer Smith and her many colleagues subjected to this gross harassment better. We don't tolerate it in the private sector.

#### MENTAL HEALTH FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. While our Nation still grieves the loss of so many children and teachers and others in Connecticut, it is a time for Congress to begin a thoughtful dialogue on what we can do to deal with these mass-casualty incidences in our country. They have been going on for some time; but perhaps when we see the faces of children, principals, teachers and others, it will burn upon our hearts and motivate us to take further action. I want to make sure, Mr. Speaker, that Congress takes the appropriate action in a thoughtful, willful, determined way and that it doesn't jump to quick conclusions as if simple fixes will prevent this from happening.

First, to the parents of children across America who are asking questions, Mr. Speaker, I'd like to offer some of this advice, and also in my background as a psychologist, it's important for people to remember this:

Parents should be asking their children what they have heard about the incident. We should listen to their con-

cerns and their emotions. We should answer their questions with age-appropriate information. We should support and comfort and reassure them of their safety at home and at school. We should observe and watch for symptoms of problems, such as changes in appetite, such as sleep issues, worries, aggression, anger, and sadness. We should protect our children from other media exposure and information that creates more fear and problems;

It is important for parents to call for professional help for their children if they are showing some concerns and symptoms of this beyond simple adjustment. For parents who have children who also have anger disorders, it is important for parents to review with school personnel locally how their schools are handling security and providing counseling assistance at school;

It is important for parents to pay attention to their own concerns and worries and to, over time, keep watch as concerns and symptoms may come later—even for those who are far distant from the location where this occurred.

For my colleagues, Mr. Speaker, I recommend that we remove the stigma surrounding mental illness in our talk about it and that we, first and foremost, address this as a mental health issue. We must commit to expanding access for those who are unable to receive treatment. If parents are not sure what to do, we need to provide them with information and assistance to get their children help. We have to review a wide range of things, such as television violence and video games in relation to violent behavior. We have to make sure that we are reviewing research that is being done with the National Institutes of Health, the National Institute of Mental Health, and our universities across the country. What we do not yet have is an answer to understanding how we can accurately predict those who will perform violent acts.

It is also important to understand that, for mentally ill persons, it is a diagnosable and treatable condition, that in the vast majority of cases there is no violence involved, and that, as a matter of fact, those with mental illness are 11 times more likely to be the victims of aggression rather than the sources of aggression. We can understand some of the risks: these often times are people between the ages of 15 and 25, and they generally tend to be males, intelligent; but we need to make sure we are identifying and providing resources for care for the families.

At the Federal Government level, I also recommend that Congress use a thoughtful approach in reviewing every single mental health program that we fund. In the Department of Justice, the Department of Education, Health and Human Services, the Department of Defense, we need a thorough and

thoughtful review of what we spend and how it is spent even if it gets down to the level of family and community.

Understand, for example, in the Children's Mental Health Services program, it was funded at \$117 million in fiscal year 2012. The President has proposed a cut of nearly \$29 million of this; and with sequestration, it will be cut by a further \$8 million. Should we make those cuts? Is that a program that is using this money effectively and efficiently? Let's talk about these in a candid and honest way with Members of Congress and the community.

Let's also understand that about 58 million Americans suffer from a mental disorder in a given year. About one in four people will have some diagnosable illness; and if one seeks treatment, one can get help. We also need to understand that, with psychotropic medication, over 70 percent of the time it is prescribed by a non-psychiatrist. With persons who have other problems with that—drug interactions—or who have other problems not quite dealt with, it is important to make sure that insurance plans funded by the Federal Government, State governments, and private insurers are appropriately allowing people to be treated for this.

We have many directions in which we need to go on this. Let's make sure we don't go in the wrong direction.

#### HONORING THE REVEREND EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. I rise in honor of our outgoing Congressional Black Caucus chairman, Congressman Reverend EMANUEL CLEAVER.

Chairman CLEAVER has been a truly outstanding leader of the Congressional Black Caucus during the 112th Congress. We were fortunate to have his wisdom and steady—mind you, steady—leadership as we have navigated through some of the most contentious debates that I have witnessed during my time in Congress.

Faced with a job crisis unlike any that we have seen in recent history, Chairman CLEAVER instituted a very successful job initiative. With unemployment at record levels, with three to four unemployed persons for every single job opening, with 50 million in poverty, and with unemployment disparities like none we have ever seen, he understood that it was extremely important not only to talk about the need for jobs but to take action to bring jobs to the people, and that's exactly what Chairman CLEAVER and the Congressional Black Caucus did with last year's jobs tour, by launching jobs fairs in districts across the country, and we actually connected people with real jobs.

Chairman CLEAVER also helped lead the fight against the efforts to disenfranchise millions of voters. He has been a strong advocate for protecting the most vulnerable among us in ensuring that the social safety net stays in place and in pushing for a budget that is balanced and fair.

Now, as we are all trying to make sense of this so-called "fiscal cliff," I am reminded of what he said so succinctly as a result of last year's deal. He called it, quite frankly, a "Satan sandwich." He has really been able to take leadership on these issues because, as a person of faith, he understands the moral and the, really, I think, extremely deep ethical impacts of our decisions. He pricks our conscience as we approach our deliberations.

Indeed, in what has many times and often times been the most divisive, polarizing, and political climate that many of us have experienced, Chairman CLEAVER has used his pastoral skills, his ability to bring people together on both sides of the aisle to help us all through times of trouble.

□ 1100

He is truly a Member's Member. He helped to remind us exactly why we are all here. And yes, he is a brilliant legislator, but he's also a prophetic leader.

Chairman CLEAVER visited my district on my birthday not long ago, and he blessed me and my church with a sermon. And I must say, it was a moving, a powerful, and a spirited sermon. He's truly an anointed pastor, and he has demonstrated this gift in his work and his leadership here in Congress.

Also, Chairman CLEAVER is a strong environmentalist, and I had the privilege to visit his district where, as mayor of Kansas City, he led the way in the greening of his great city. His presentation and his clarity on climate change and how it is affecting God's planet and its inhabitants is brilliant and it's clear. Communities of color and low-income communities owe Chairman CLEAVER a debt of gratitude for tackling this tough issue with patience and with clarity.

But I know that Chairman Reverend Congressman CLEAVER does not stand alone. He has an amazing support system with his family and his wife, Dianne, who has been a friend to me and to the Congressional Black Caucus. Dianne is a brilliant and beautiful woman who was taught, like myself, by the Sisters of Loretto. She has been by his side offering her advice, counsel, and love.

I thank Chairman CLEAVER for his friendship. My congressional district, my pastor, J. Alfred Smith, Sr., and Junior, the Allen Temple Baptist Church in Oakland, California, and my entire congressional district deeply appreciate Chairman CLEAVER's generosity and his attention, not only to

his remarkable constituents and his district, but to my district, to all of our districts, to our great Nation, and to our country.

Thank you, Chairman Reverend Congressman EMANUEL CLEAVER for your tremendous leadership, for your friendship, and I look forward to our continuing work together for peace and justice.

#### TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, let it be very clear, EMANUEL CLEAVER is not retiring from the United States Congress, but we are here to thank him for his service to the Congressional Black Caucus as chair, but really to the Nation.

Let me thank my colleagues for gathering this morning to raise a voice of crescendo in thanks and appreciation for this man called EMANUEL CLEAVER. His progeny and his ancestors are grateful for the mark that he has made on behalf of America.

Chairman CLEAVER speaks eloquently about his origins of hailing from Texas and his many relatives who remain there, even those who are in the surrounding areas of the 18th Congressional District. He's a proud graduate of Prairie View A&M University in Texas, in the surrounding area of Houston, Prairie View, Texas. He has a great heritage and connectedness to the Black Power movement, and he is a good combination of peace, gentleness, firmness, leadership, and courage.

And I might say that he was a man for these times, just as the Bible dictated that Esther was a woman for her time, was there for a time such as that. Our chairman of the Congressional Black Caucus found his role in a number of challenges that we faced. And if I might paraphrase a Biblical story, hopefully I have it nearly right, but I call this chairman a modern day Joseph who is able to wear the multicolored coat, representing constituencies from all backgrounds and going to represent his people in a foreign land. Chairman CLEAVER would go to places where others had not gone or raise his voice for issues that were unpopular, and he did so with the consensus and collaboration of the astute and committed members of the Congressional Black Caucus.

I went to his district, as many of us did. We're proud to see the affection, friendship, and love given to him by his constituents. I was so interested in what we call the green corridor; so many are looking to instill and implement that in their own districts.

Thank you, Reverend CLEAVER, for coming to Houston, Texas, on more

than one occasion, but particularly to the NAACP banquet when I was named a recipient of the Mickey Leland Humanitarian Achievement Award, but more importantly, for your words of diminished return that if, in fact, we go to the lowest common denominator, if we don't raise ourselves to the highest level of challenge, then it becomes a diminished return, if I might paraphrase Chairman CLEAVER's words. It was a rousing and challenging speech that lifted people off their feet, and it caused us to think about what we need to do.

Finally, as others have spoken of his work on creating jobs for all of America, particularly those underserved, where the African American job unemployment rate was so high, he was a champion during the debate and the challenge of passing the Affordable Care Act, now proudly ObamaCare. When we came together that Sunday, March 19, before we had to go and vote, it was Chairman CLEAVER that led us to a prayer service where we worshipped and were renewed. We came back ready to cast our votes, to put this great legislation that is going to save lives over the top. We did it as a body, as a collective body, and as a group of members of the Congressional Black Caucus. And so even preceding his time in leadership, he led.

Finally, Mr. Speaker, let me offer my thank-you to this native son of Texas, a graduate of Prairie View A&M, one of the great institutions in the State of Texas. Let me congratulate his wife and his wonderful children and his extended family and all those who have seen in him the willingness to sacrifice for others. Thank you, Chairman CLEAVER. The great news is you're not retiring from this body and your leadership for America will continue.

#### TRIBUTE TO CONGRESSIONAL BLACK CAUCUS CHAIRMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. CLARKE) for 5 minutes.

Ms. CLARKE of New York. Mr. Speaker, I rise today to pay tribute to the outgoing chairman of the Congressional Black Caucus, the Reverend and Representative EMANUEL CLEAVER, II, of Missouri, who is my colleague and good friend. Representative CLEAVER has graciously served with distinction in the House of Representatives and the Fifth Congressional District of Missouri for nearly 8 years.

He has been an outstanding chairman to the Congressional Black Caucus, ushering the caucus through its 40th anniversary. He cares deeply for all Americans—children, seniors, and the marginalized of our society. Who can forget his demonstrative leadership on



the CBC Jobs Tour where tens of thousands of Americans lined up for an opportunity to present themselves to employers.

From creating economic opportunity, supporting quality education for all children, to ensuring equal access to health care for all Americans, Chairman CLEAVER has truly been the embodiment of the conscience of the Congress.

After the shooting of our colleague Gabrielle Giffords, her staff, and constituents in Tucson, Arizona, occurred, Chairman CLEAVER was one of the first people to call for civility and the end to the toxic rhetoric here in Washington.

Congressman CLEAVER led the effort to ensure that all citizens registered to vote on National Voter Registration Day, which was an initiative to raise awareness to block the voter suppression efforts with the enacting of voter ID laws by numerous States during the Presidential election this year.

This outspoken, soft-spoken minister can bring the fire when needed. I cannot forget his legendary and enthusiastic speech to Democrats on the pressing issues that affect all Americans, as demonstrated in his 2012 Democratic National Convention speech in Charlotte, North Carolina. He is not afraid to display his passion for what is right.

□ 1110

Chairman CLEAVER is truly a man on a mission for his constituents in Kansas City and all Americans across this Nation. A crusader for justice, I am proud to serve alongside him in the Congressional Black Caucus and look forward to our continued friendship in the 113th Congress.

I wish him God's richest blessings and continued success.

#### HONORING EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ISRAEL) for 5 minutes.

Mr. ISRAEL. Mr. Speaker, I rise to join my colleagues in honoring Chairman EMANUEL CLEAVER. I have never had to wait so long to say something nice about a colleague of ours, and that gives you a sense of how wonderful Chairman CLEAVER has been as the chairman of the CBC, as a Member of Congress, and as a human being.

This is a place of hard elbows and harsh tongues, and Chairman CLEAVER has always worked to make us better, a better Congress and better as individuals.

He and I found common ground very early on in our tenure together. I created the House Center Aisle Caucus, and he reached out to me and we tried to figure out ways of injecting respect and tolerance and sensitivity into our discourse on the floor of the House. We share the value that listening is better

than shouting and that bringing people together is a more valued tradition than driving them apart.

His leadership of the CBC has inspired so many of us, his ability to drive the CBC forward and, at the same time, to reach even higher. And I know that the incoming chairperson, Chairwoman FUDGE, will pursue those goals with equal tenacity and equal vision.

Finally, Mr. Speaker, I would say this. Although EMANUEL CLEAVER ascended to the highest position in the Congressional Black Caucus, although he has become a senior Member of this Congress, he has never forgotten that our fundamental ability is to work for those we serve, and he has reminded us every single day that no matter how high you are at any given time, there is always a higher calling. And for that we are forever grateful to Chairman CLEAVER, for his service to the CBC and his continuing service as a Member of this body. He has made us a better Congress and a better country, and we look forward to continuing to work with him.

#### HONORING REPRESENTATIVE EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 2½ minutes.

Mr. PAYNE. Mr. Speaker, today I rise to honor my good friend and mentor, chairman of the Congressional Black Caucus, Representative EMANUEL CLEAVER, the outgoing chairman of the CBC.

An accomplished and esteemed legislator, Congressman CLEAVER was instrumental in orchestrating the CBC For the People Jobs Initiative, which brought together private and public sector entities across the Nation to help the unemployed Americans get jobs.

He also spearheaded voter protection events to bring attention to the State voter suppression policies designed to discourage and prevent African Americans from exercising their right to vote.

Personally, it was my pleasure to get to know Congressman CLEAVER through his relationship with my father, the late Congressman Donald Payne, Sr. However, I became more acquainted with Mr. CLEAVER when I was a candidate for the 10th Congressional District of New Jersey.

Throughout the many encounters with Congressman CLEAVER, he has always shown tremendous leadership, intellect, kindness, and poise. These characteristics were on full display during the passing of my father. My family and I were honored to have Mr. CLEAVER deliver a very emotional and uplifting speech that was felt throughout the church during my father's home-going service in March. His ad-

vice and words of comfort during those very challenging times were tremendous help, and I will always be grateful for his unwavering support.

During my transition to Capitol Hill, he offered a great deal of support, oftentimes stopping me in the hallways to ask me how am I doing and how can he help. His assistance has eased my transition considerably, and I am grateful for the profound impact that Congressman CLEAVER has had on me.

In just a few months, I've come to know why my father considered him a great colleague and an outstanding leader. Today I cannot think of a better friend and mentor.

Thank you.

#### HONORING THE SERVICE OF CONGRESSMAN EMANUEL CLEAVER

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 2½ minutes.

Mr. RANGEL. I don't rise to talk about and to give accolades to Congressman CLEAVER because he has served the Congressional Black Caucus so well. And the reason I don't is because I can't imagine that he won't continue to serve us as he has this capacity to do.

I know that Congresswoman Judge FUDGE is going to do a remarkable job, but there is a uniqueness about Reverend CLEAVER, Pastor CLEAVER, City Councilman CLEAVER, Mayor CLEAVER, Congressman CLEAVER. God has given these terrific assets to be able to take complex, emotional problems and to talk to you like he's known you all of your life as he helps you to work with him to try to find some solution.

Every time I hear him give a talk, I vision him in his church talking about those things that give inspiration to so many people that have lost hope, and especially now, as many have lost their homes and lost jobs.

As we struggle in this Congress today, in trying to bring some balance in terms of our deficit, our spending, as well as our raising the revenue, I cannot help but look at the reverend, Congressman, chairman in terms of the words of Matthew, when Jesus made it abundantly clear that, although the rich were not asking Jesus for comfort as related to providing for the sick and the naked and the poor and the underprivileged, somehow Jesus had said what EMANUEL CLEAVER follows, that it's not what we do here in the Congress for Members of Congress, indeed, it's not what we do for the rich and the middle class, but the basic question we all have to decide is: What did we do for the lesser among us, the vulnerable, the sick, the aged, and the poor?

Certainly, EMANUEL CLEAVER provides a conscience for all of us that are privileged to serve in this august body.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor one of Congress's finest

members, Chairman EMANUEL CLEAVER, for his exemplary leadership and service to the Congressional Black Caucus.

While Chairman CLEAVER has worked on behalf of the people of Missouri's fifth district for the last eight years, and in service to the people of Kansas City as a councilman and mayor for many more than that, I want his constituents to know the depth, character, and accomplishments of the public servant they are so fortunate to have representing them and Americans across this country.

As Chairman of the Congressional Black Caucus, Congressman CLEAVER has guided its more than 40 members on their mission to extend the promise of the American dream to every community and corner of this Nation. Through his tireless advocacy on issues critical to the African American community and his stewardship of the Caucus's jobs fair initiative, Chairman CLEAVER worked to bring the business community together with the many talented and skilled workers that were disproportionately impacted during this recent economic recession.

He has worked to ensure that every child has an opportunity to receive a quality education; that every man and woman can exercise their constitutional right to vote, and that the doors of economic and social opportunity are open to every American who seeks to step through them.

And, like so many of my fellow Members, I have the privilege of knowing Chairman CLEAVER as a dear friend and mentor. He is always ready with a kind or encouraging word, no matter the situation or where he stands on the issues.

I salute the Chairman for his distinguished leadership and achievements with the Congressional Black Caucus and congratulate him on this milestone in his career. As colleagues, we are grateful that we will continue to benefit from his service and friendship for years to come.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor our colleague, the Honorable EMANUEL CLEAVER III. Congressman CLEAVER has served with distinction during the 112th Congress as the 20th chair of the Congressional Black Caucus (CBC).

During his tenure as CBC chair, Chairman CLEAVER focused on bringing critical issues before the United States that are of importance to Black America such as voter protection, job creation, inequity in unemployment, the debt-ceiling and many other pressing issues facing our country. As a co-chair of the CBC Technology and Infrastructure taskforce I have worked closely with Chairman CLEAVER to advocate for the needs of community colleges, increased workforce training, initiatives to broaden participation in STEM and inadequate, outdated, and underfunded transportation systems.

Chairman CLEAVER deserves to be commended for highlighting African-American inequity in unemployment and spearheading the Congressional Black Caucus Jobs tour this past summer. The jobs tour was a nationwide initiative that helped pair thousands of unemployed African Americans with employers and brought the issue to the forefront of the national discussion. As past chair of the CBC I

know that the work of the Caucus truly serves as a voice for the voiceless and its 43 Members serve as the conscience of the United States Congress.

It has been an honor to be a friend and colleague of Chairman CLEAVER during our years in Congress. He continues to inspire and encourage us all through his milestone of service to our Nation throughout his tenure as a United States Congressman.

Mr. Speaker, I would like to recognize Chairman CLEAVER for his many accomplishments during his tenure as Chairman of the CBC.

Mrs. CHRISTENSEN. I rise in tribute to the Chair of the Congressional Black Caucus, the Honorable EMANUEL CLEAVER this morning.

Every Chair brings a special brand of leadership to the Caucus and every term in which that Chair serves has its own unique challenges.

Chairman EMANUEL CLEAVER led the 112th Caucus with humor and equanimity and provided a strong and unwavering moral compass for not just the CBC, but for the entire Democratic Caucus.

His stories—we never knew where he was going with them until the end—were always full of wit and “down-home wisdom” and always held a message to remind us “whose we are” and “what is expected of us.” There was always an inspirational message to fuel us for the task.

We were continually challenged during the 112th Congress, the recession, the contentious election season and its voter suppression initiatives, the ethics attacks on our members, and the Tea Party influence on our Republican colleagues made it a particularly challenging two years.

But he met and led us to meet those challenges head on and took the CBC to yet another higher level. I was proud to serve as his First Vice-chair.

I know these years were full of sacrifice for him and his family and so I proudly join all of the other members of the CBC to tell him thank you for his excellent and significant stewardship.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to congratulate Congressman EMANUEL CLEAVER, for the great job he has done as Chairman of the Congressional Black Caucus in the 112th Congress.

As the 20th chair of the Congressional Black Caucus, Congressman CLEAVER has benefited from the legacy of many great leaders from our past.

A legacy that includes inspiring leaders like Shirley Chisholm, the first African American female Member to be elected to Congress, Charles Diggs, Jr., the first Chairman of the Congressional Black Caucus, and the late great Congressman Donald Payne from New Jersey.

I can say with great sincerity, that Congressman CLEAVER has established a legacy of his own.

During his tenure as CBC Chairman Congressman CLEAVER has sought to fight the pervasive job loss in the African American community by promoting the CBC jobs initiative.

Chairman CLEAVER has led Members of the Congressional Black Caucus across the coun-

try, where we have called upon private and public sector partners to immediately remedy the jobs crisis by going into communities with legitimate employment opportunities for the undeserved.

Under Representative CLEAVER's leadership, the CBC has hosted town hall meetings and job fairs in the hardest hit, economically distressed areas to provide opportunities for people to be connected to real employment.

When Republican state legislators decided to pass egregious voter I.D. laws to undermine the Voting Rights Act of 1965, Congressman CLEAVER made sure that the Congressional Black Caucus was at the forefront of the fight to educate the voting public about these laws, and stop them in their tracks.

After working under the leadership of Congressman CLEAVER for the last two years, I can attest with great confidence that he has shown a natural aptitude for strong leadership, with a clear vision that will serve as a great example for future CBC Chairmen for years to come.

I think my colleagues would agree with me when I say—Congressman CLEAVER, you have served well.

Thank you for your commitment and your tireless effort on behalf of the CBC.

I look forward to working with you, and continuing to “fight the good fight” in the 113th Congress.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Eternal God, we give You thanks for giving us another day. We pause in Your presence and ask guidance for the men and women of the people's House.

Enable them, O God, to act on what they believe to be right and true and just, and to do so in ways that show respect for those with whom they disagree.

Send Your healing upon our Nation. As we continue to recover from such a great tragedy, endow the Members of this House and all our governmental leaders with the wisdom to respond with whatever policies and laws might be needed to ensure greater peace and security in our land.

Bless us this day and every day, and may all that is done be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. CHU) come forward and lead the House in the Pledge of Allegiance.

Ms. CHU led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### CORRECTING THE ENROLLMENT OF S. 2367

Mr. OLSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 63 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

#### S. CON. RES. 63

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word "lunatic" from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike "in subsection (b)" and insert "in subsection (j)".*

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

### AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE LATE HONORABLE DANIEL K. INOUE

Mr. OLSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 64 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the concurrent resolution is as follows:

#### S. CON. RES. 64

*Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.*

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

### PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE ONE HUNDRED THIRTEENTH CONGRESS

Mr. OLSON. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the resolution is as follows:

#### H. RES. 836

*Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Thirteenth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred sixty copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.*

The resolution was agreed to.

A motion to reconsider was laid on the table.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### NO WASHINGTON PERMIT REQUIRED

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the United States State Department has haughtily told Israel not to build homes in East Jerusalem. It might upset the Palestinians, sayeth the State Department. It might even hurt their feelings.

The United States has no business telling Israel or any other country

where they can or cannot build homes in their own country. Israel doesn't need a construction permit from Washington to build a house on their own land. What would we think if some country told us we couldn't build homes in certain parts of our Nation? We would tell that country, in probably not very polite language, "Mind your own business."

The United States is once again meddling in the internal affairs of a sovereign nation. This is the arrogance of power. In the meantime, Prime Minister Netanyahu of Israel is going ahead with the housing project without the United States building permit. And good for him.

And that's just the way it is.

### NOTHING WILL EVER BE MADE STRAIGHT ABOUT U.S. INTERVENTION IN LIBYA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. This past September 11, four Americans, including our Ambassador, were killed in Benghazi.

The responsibility for security failures has now been placed on the State Department. End of story? No. The deeper question is why did the U.S. intervene in Libya in the first place.

Twenty months after a U.S.-led mission to overthrow the Libyan Government, militias are still battling in the streets for control; al Qaeda-linked groups have a foothold in Libya they did not have before U.S. intervention.

Why did we spend U.S. tax dollars to open the door for al Qaeda in Libya? The intervention itself was a disaster, and it makes the case that the U.S. Government's policy of intervention in Libya was wrong and that everything that proceeds from that intervention is bound to be tainted.

The book of Ecclesiastes says: That which is crooked cannot be made straight. Nothing will ever be made straight about U.S. intervention in Libya.

### SEQUESTRATION MUST BE ADDRESSED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, with the negotiations surrounding the fiscal cliff, the administration is ignoring sequestration. This important issue must be addressed which devastates national security and destroys 700,000 jobs.

In addition, I am grateful for the opportunity to offer a fond farewell to two hardworking staffers, Ryann DuRant, office scheduler, and Master Gunner Sergeant Michelle King, military

Fellow of the United States Marine Corps. Both women have served with dedication to the people of South Carolina's Second Congressional District. Michelle is relocating to the Pentagon where she will work with the Sexual Assault Prevention and Response Office. Ryann is taking a legislative correspondent and press assistant position with her new hometown representative of Myrtle Beach, Congressman-elect TOM RICE. Their competence, hard work, and good humor will be missed. We wish them all the best of success in the future.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### WHAT OUR LAX GUN LAWS BRING US

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Twenty children ages 6 and 7 went to school last Friday to learn, to play, to take their first steps into this world. What happened to them and six brave teachers determined to protect them is horrific and unimaginable. Our hearts break for their families, their friends, and their loved ones. What has been taken from them cannot be taken back.

The tragedy at Sandy Hook happened because we turned a blind eye to the carnage our lax gun laws bring us. It's time to change those laws before another school, mall, or movie theater is turned into a crime scene.

We must ban assault weapons. We must ban extended ammunition clips that shoot 30 bullets at a time. We must demand that everyone everywhere receives a thorough background check if they want to own a gun.

It's time to reclaim our security, and it starts by making changes to the law.

□ 1210

#### HONORING JOHN MATSUSHIMA

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Madam Speaker, I rise today to honor Dr. John Matsushima, who will be honored as a Citizen of the West at the National Western Stock Show this coming January. This prestigious award has been presented since 1978, and the selected recipient must embody the spirit and determination of the Western pioneer who is committed to perpetuating the West's agricultural heritage and ideals. I can think of no better person to receive this honor than Dr. Matsushima.

Now 91 years old, he has dedicated his life to teaching others about agriculture and livestock. He began teaching in 1961 at Colorado State University, and he continued to enrich the

lives of students until his retirement in 1992. Dr. Matsushima currently holds the title of professor emeritus at Colorado State University, and still spends significant time on campus as an adviser to those who will be future stewards of agriculture.

Among his many honors and awards, Dr. Matsushima received the Japan Emperor award in 2009 and was the first Japanese American to achieve this accomplishment. He has also received national and Colorado 4-H Club awards, the Colorado State University Livestock Leader award, and Colorado State's Best Teacher award.

He is a true pioneer who has committed his life's work to Colorado and to the Western United States. These stories highlight an amazing man, and I am proud to honor Dr. Matsushima on the House floor.

#### MAINTAIN THE C-130 FLEET

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, this week, conferees met to reach an agreement on the National Defense Authorization Act. As we consider a final agreement, I rise in support of language in the conference report which prevents the movement and retirement of C-130 aircraft.

Madam Speaker, western New York is home to the Niagara Falls Air Reserve Station, which hosts a robust fleet of C-130 aircraft. These aircraft were among the planes used to deliver supplies to the regions of New York and New Jersey in the aftermath of hurricane devastation. Additionally, these western New York aircraft flew over 1,500 missions in Iraq and Afghanistan.

Representatives KATHLEEN HOCHUL, LOUISE SLAUGHTER, and I wrote to the conferees on this important issue, and we are pleased that the committee agreed to keep in language in the House-passed bill to maintain the C-130 fleet. I encourage the House to support the conference report language that will maintain the C-130 fleet.

#### THE TRAGEDY IN NEWTOWN, CONNECTICUT

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, I rise today to express the sorrow I feel about the tragedy that happened in Newtown, Connecticut, last Friday.

I have a personal connection with Newtown. After being transferred from Texas, my parents were sent to Connecticut, to the corporate headquarters of my father's company. They bought a home in Newtown. My brother graduated from Newtown High School. I

would go to Newtown for the holidays. I have driven past Sandy Hook Elementary School—the place where 20 innocent children and six adults were killed by a madman.

As a parent, I cannot imagine the pain the families who lost a child are feeling. From my brief time in Newtown, I saw that it was a true community with strong people. They will go forward, but they need our thoughts, our prayers, and our love.

May God bless them and help them find peace.

#### MEDICARE IDENTITY THEFT PREVENTION ACT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Madam Speaker, today the House will consider the Medicare Identity Theft Prevention Act, and I urge my colleagues to support it this afternoon.

Despite actions taken by this House and Federal agencies, Medicare identity theft continues to be a problem. Medicare's own inspector general issued a report stating that more than a quarter-million Medicare beneficiaries are potential victims of identity theft. This is simply unacceptable.

The bill we will consider today makes a commonsense change to Medicare cards that most seniors carry. It will ensure that, in the future, Social Security numbers are not displayed or embedded on these cards, which are issued to every Medicare beneficiary.

Seniors spend their whole lives building financial security for their retirement years. They shouldn't have to worry about losing it if someone steals one's Medicare card.

#### HONORING THE CAREER OF BOB MORTON, AN EASTERN WASHINGTON LEGEND

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. It is with great pride that I rise today to honor the tremendous service and career of Bob Morton, a 22-year veteran of the Washington State Legislature, who recently announced that he was going to be retiring at the end of the year.

He was first elected to the House in 1990, and then he was appointed to the Senate, where he currently represents the Seventh District, including Pend Oreille, Ferry, Stevens, and parts of Okanogan and Spokane Counties. He owned a small logging business and ran cattle while also preaching at his local church and serving the community.

But Bob is not just an outstanding legislator for eastern Washington; he is also a close friend, a mentor, and the

reason that I got into politics and public service in the first place.

As an elected official, I've worked with him on countless issues, and his advice and friendship have been invaluable. He is recognized for his leadership and knowledge of forest health and good forest management. No one knows Western water law better than Bob, and he has participated in most of the negotiations over Washington water law.

Bob and his wife, Linda, have five children and 11 grandchildren, and I know they're looking forward to spending more time with them in their retirement. I wish them the best in their next adventures.

#### SUPERSTORM SANDY DISASTER ASSISTANCE PACKAGE

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, it has been nearly 8 weeks since Superstorm Sandy struck our shores and devastated an entire region. It has been 8 weeks, and Congress has yet to send a disaster assistance package to the affected States.

It is precedent for this body to stand together in the aftermath of a natural disaster and to immediately provide the necessary assistance in order to help communities recover and rebuild. Two weeks after Hurricane Katrina hit the gulf coast, Congress approved more than \$62 billion in Federal aid. One month after Hurricanes Ike and Gustav hit Texas, Congress approved more than \$20 billion in aid.

Why can't this Congress come together and approve the \$60 billion requested by the President to help the victims of Sandy? The damage done by Sandy is far beyond the resources and capacity that any single State possesses to recover on its own.

It is my hope that this Chamber can set aside its differences and swiftly approve the supplemental funding. Such assistance will aid those who have lost everything in the storm, and it will help to rebuild our communities stronger than ever. New Jersey, New York, and Connecticut have always stood by other regions of this Nation that have been faced with difficult circumstances. I trust that my colleagues in Congress will now come to our aid.

#### THE NEWTOWN TRAGEDY AND THE NEED FOR TIGHTER GUN CONTROL

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Madam Speaker, every corner of America has been deeply affected by the tragic loss of so many lives in Newtown, Connecticut. We mourn for the enormity of grief and

for the inconsolable loss visited upon Newtown's families, and we know that our response to Newtown must not and cannot go the way of the many other senseless acts of violence we almost routinely witness. The tragedy in Newtown must be a call to action.

Members from both sides of the aisle have acknowledged that it is time for a conversation about the accessibility of high-capacity weapons in our country and of the culture of violence we live in. This conversation is long overdue, and it is simply not an option to allow this discussion to become stagnant or to be bullied into silence by seemingly untouchable organizations.

America's laws must reasonably control gun manufacturing, sale, and usage. We must act to make real changes that will provide real protection for America's families. In the days to come, let us work together to do just that.

#### LET US MOURN WITH ACTION

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, you will hear many voices being raised in the backdrop of an unspeakable tragedy from which, even as Members think of it, they cry.

Just a few minutes ago, there was a press conference in which there was probably not a dry eye in that room as Members gave tribute to those lives lost and to those being buried today, and as they spoke of their own anguish, their lost children, and of the loss of their fellow staff members in a gun incident.

So I rise today to say that we must act and can act and can pass legislation even this week. I join with Senator FEINSTEIN's effort and Congressman PERLMUTTER's and Congresswoman MCCARTHY's and that of many others with legislation. I join with the legislation of H.R. 277, that talks about protecting our children, which was introduced by myself. I join with the statement by the Progressive Caucus that speaks about this ammunition, these guns, and mental health. I also join with Dick's Sporting Goods store.

I will just personally say to those who are listening: maybe you'll want to turn in your guns. Oh, no. I am not going to take your guns, but look at what Dick's Sporting Goods did in the moment they wanted to be part of the solution and a part of America. Let us mourn with action.

God bless those who have lost their lives.

□ 1220

#### COMMEMORATING LIFE OF JENNI RIVERA

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I rise to honor and commemorate the life of Mexican American singer Jenni Rivera. Jenni used her powerful voice, soulful singing style, and honest lyrics to create a message that spoke to the resiliency of women.

That powerful voice was silenced forever when she and six others were killed in a plane crash on December 9. Born and raised in Long Beach, California, to immigrant parents from Mexico, Jenni Rivera started her career selling her CDs at flea markets. When she died at the age of 43, Jenni was a top-selling artist, an actress, television producer, and entrepreneur.

Tragically, she was on the cusp of multicultural stardom when she died. She had just finished filming her first film and was in talks with ABC to star in her own sitcom.

Her talent and authenticity shined brightly in a music genre dominated by men. Jenni's lyrics offered a new and refreshing woman's perspective.

Madam Speaker, please join me in honoring the memory of Jenni Rivera and the message of empowerment she gave to millions of women that she spoke for.

#### IMPLEMENTING THE HIRE ACT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Madam Speaker, as more and more of our brave warriors return from Afghanistan, more and more of them are looking for work. It's our duty as a Nation to make sure that we're doing everything possible to get these troops reemployed. That's why I'd like to applaud both the Senate and the House for including in the National Defense Authorization Act the Helping Iraq and Afghanistan Veterans Return to Employment, the HIRE Act.

What it does is establish a very commonsense process that encourages State credentialing authorities to consider certain military occupational training when granting licenses. It makes absolutely no sense to force a battlefield medic to spend time and Federal dollars taking redundant training to be an EMT. It makes no sense for a State agency that wouldn't count hundreds of hours driving heavy equipment in Afghanistan to get a CDL license. The Department of Defense spends \$140 billion a year training our military personnel, the best in the world. It would be ludicrous to not use that investment to get them jobs here at home.

Eight States have already passed legislation to develop the process. I encourage Members of Congress, talk to their State and their Governor to get this done.

## FISCAL TURNING POINT

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Madam Speaker, as a Nation, we are gaining momentum as our economy gets back on track. For my constituents in San Diego, home prices are on the rise and most employers are adding jobs and hours instead of cutting back. We cannot afford to undo the progress we are making, especially for the middle class.

The only way to accelerate our economic progress is to balance economic development with protection for the most vulnerable Americans from job losses, tax increases, and program cuts. Americans young and old need to know that Congress believes in the future and that we'll work together to keep our country on the rise.

I think often of Gandhi's statement: The future depends on what we do in the present.

Let's not waste this critical opportunity to advance economic growth and invest in our future.

## PREVENTING MORE SANDY HOOKS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. PRICE of North Carolina. Madam Speaker, we have experiences in our personal and collective lives that challenge us profoundly, forcing us to search our souls and to change our behavior. Our Nation experienced such a moment on Friday as 20 children were gunned down at Sandy Hook Elementary School, along with six teachers and administrators who were attempting to protect them.

As we mourn and reach out to the families of Newtown, we owe the victims and each other serious consideration of how to prevent more Newtowns and Auroras and Oak Creeks and Tucsons. We must shore up mental health outreach and support, especially for troubled young people. And politically difficult as it may be, we must deal with the instruments of destruction, keeping deadly weapons out of the hands of violent and deranged people and removing weapons of mass killing from our streets.

The horror of Sandy Hook must overcome any temptation to accept the unacceptable or to avoid responsibility for addressing the crying need for change.

## RESOLVING FISCAL CLIFF

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, people have no idea what we're doing because we don't know what we're

doing. It reminds me of being in traffic: we all hurry to get to where—to another bottleneck and to wait.

Resolving the fiscal cliff is an opportunity to show that we can work together in a bipartisan manner; but to do so, we must listen and put the people first and the party second. If we don't, a middle class family of four will see their taxes rise by \$2,200 in 2013. Unemployment will go up to 9.1 percent.

Remember, the cost of extending all of the Bush tax cuts is \$2.4 trillion in 10 years. Extend the middle class tax cuts and let the Bush tax cuts for the upper 2 percent return to the Clinton rates. We cannot sacrifice the middle class, the steady job growth that we've seen just to protect the upper 2 percent. This is not the message we want to send, and this is not the message Republicans want to send.

## ADDRESSING GUN VIOLENCE

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Madam Speaker, I joined my colleagues in the Connecticut delegation in Newtown last Sunday night. We will never forget that vigil—the despondency, the anger, the hopelessness. But over time, that emotion turns into the imperative that we act as public officials to make sure that this never happens again.

We have so much to do in a Nation awash in guns, and not just guns, but guns that are designed for the explicit purpose to do nothing but to kill lots of people quickly, in a Nation that celebrates violence as a solution and as entertainment, in a Nation that does not do enough to address the needs of its mentally disturbed.

One thing we should do right away, though, is put to rest forever the pernicious fantasy that more people carrying arms will make us safer. That's not backed by fact. It's not backed by data. It's not backed by history. It is a testosterone-laden fantasy. A gun in the home is 22 times more likely to be used in a suicide or a murder or violent assault than it is likely to be used in self-defense.

The RAND Corporation studies show that police officers trained in a situation of an exchange of gunfire hit their intended target less than two in 10 times—trained police officers. Ladies and gentlemen, more guns do not make for a safer America.

## COMMONSENSE GUN SAFETY LAWS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, yesterday my office hosted the Brady Campaign to Prevent Gun Violence,

and I met with families whose lives have been devastated by gun violence, families who lost loved ones in Columbine, at Virginia Tech, at Aurora, and in other incidents. No words of mine could ever match the pain that these families felt as a result of these losses.

The recent tragedy in Newtown, unfortunately, is the most recent in a long series of mass killings involving guns. But this incident is especially horrific because it involved the slaughter of 20 innocent children and their teachers. This must mark a turning point in the debate over commonsense gun safety laws. It's critical for lawmakers on both sides of the aisle to commit themselves to do everything we can to end this violence because commonsense gun laws aren't Democratic values or Republican values; they're American values. And if our values as Americans mean anything at all, then surely all Americans are entitled to enjoy their lives and live in neighborhoods that are safe and free from gun violence.

There is lots of talk about a national conversation, beginning a dialogue. The time for talking is over. Now we must act: banning assault weapons and high-capacity assault clips, fixing our criminal background check system, and closing loopholes that allow 40 percent of gun sales to go forward without background checks.

□ 1230

## RECENT DECREASE IN MENTAL HEALTH FUNDING

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, in view of what has happened in Newtown, Connecticut, it is important to place on the Record the fact that our Nation has been experiencing the largest reduction in State mental health services of this generation. According to the National Alliance on Mental Illness, States have cumulatively cut over \$1.8 billion from their mental health services between 2009 and 2011. This is the largest reduction in State mental health services in half a century.

With 1 in 17 people in America living with a serious neurological condition, how is this tremendous decrease in funding possible or humane?

Often, those who suffer the most are angels of destiny. According to a report from the Federal Bureau of Justice statistics, more than half of our country's prison population suffers or has suffered from mental disorders, but only a fraction of that population receives treatment during their incarceration. And, in fact, individuals with mental illness are far more likely to be victims of crime than the perpetrators.

Newtown is a national tragedy, Madam Speaker, but it reveals again

our shared responsibility to support and treat those in this country who need our help so desperately. I urge our colleagues to support a more constructive Federal role in assuring proper and early diagnosis and intervention of affected youth and appropriate treatment.

I congratulate President Obama and Vice President BIDEN for their leadership in moving our Nation to a better day for us all. So many of us here in Congress wish to join them in this great national challenge.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### REFERRING QUAPAW TRIBE OF OKLAHOMA TRUST CLAIMS TO COURT OF FEDERAL CLAIMS

Mr. SMITH of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 668) to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 668

*Resolved,*

#### SECTION 1. REFERRAL.

Pursuant to section 1492 of title 28, United States Code, the bill (H.R. 5862), entitled "A Bill relating to members of the Quapaw Tribe of Oklahoma (O-Gah-Pah)," now pending in the House of Representatives, is referred to the chief judge of the United States Court of Federal Claims for a determination as to whether the Tribe and its members have Indian trust-related legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution.

#### SEC. 2. PROCEEDING AND REPORT.

Upon receipt of the bill, the chief judge shall—

(1) proceed according to the provisions of sections 1492 and 2509 of title 28, United States Code, notwithstanding the bar of any statute of limitations; and

(2) report back to the House of Representatives, at the earliest practicable date, providing—

(A) findings of fact and conclusions of law that are sufficient to inform the Congress of the nature, extent, and character of the In-

dian-trust related claims of the Quapaw Tribe of Oklahoma and its tribal members for compensation as legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution; and

(B) the amount, if any, legally or equitably due from the United States to the claimants.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first of all, I want to thank the gentleman from Oklahoma (Mr. COLE) for sponsoring House Resolution 668.

This bill allows a Native American Tribe that resides in Oklahoma, the Quapaw, to appear before the United States Federal court of claims to plead for damages against the Federal Government for mismanagement of tribal funds. The court would issue a report, either favorable or unfavorable, to the tribe. If favorable, the Natural Resources Committee would be authorized to move separate legislation to effect the court's decision.

In 2002, the tribe filed a lawsuit for an accounting in Federal district court of the U.S. Government's mismanagement of tribal and tribal member trust assets.

In November 2004, the tribe and the U.S. Government agreed that the tribe and third-party contractors would conduct an accounting of the U.S. Government's actions and inactions related to the trust assets. This was to facilitate a mediated solution to this lawsuit's claims. In exchange for this mediated route, the tribe would dismiss the lawsuit.

In June 2010, after 5 years of accounting and related analysis, the Quapaw Analysis was completed and shared with the U.S. Government. This set the stage for mediation. That analysis confirmed that the government's mismanagement of the Quapaw's trust constituted a breach of trust.

The tribe initiated multiple attempts to resolve their claims, which the government rejected. By 2011, the tribe sought relief in court from the government's failure to fulfill its trust obligations and to mediate and settle the trust claims.

Last year, eight Quapaw Tribe members filed a class-action lawsuit on behalf of themselves and other individuals for damages based on breach of trust. The government filed motions to dismiss the case and also refused to respond to a formal settlement demand proffered by the tribe.

The government's foot-dragging necessitates our passage of House Resolution 668 today. The bill doesn't guarantee a desired outcome; it only allows the Quapaw a chance to go before the Federal court of claims and make their best case. Even if the court rules in their favor, the Natural Resources Committee must still move subsequent legislation that incorporates the court's decision through both Houses of Congress.

Also, a revision to the bill stipulates that an award of damages by the court only applies to claims that are not already pending before the Court of Federal Claims. This ensures that claimants will not be doubly or excessively compensated.

Again, I want to thank the gentleman from Oklahoma (Mr. COLE) for his persistence on this issue and for introducing this particular bill. I urge my colleagues to support House Resolution 668.

I reserve the balance of my time.

Ms. ZOE LOFGREN of California. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 668, a congressional reference bill concerning the trust-related claims of the Quapaw Tribe of Oklahoma.

Now, congressional reference bills are rare in Congress. The House hasn't considered such a bill since 2002 in the 107th Congress, but the fact that this procedure is a rare one doesn't mean that it isn't a useful one.

Unlike most other legislation, reference bills require passage in only one Chamber to take effect. If passed by either the House or Senate, the bill would simply refer a claim against the U.S. Government to the U.S. Court of Federal Claims for consideration.

The court, however, as the chairman has indicated, would not be authorized to render a final ruling on the claim. Rather, it would only be authorized to consider evidence and to submit a report to Congress with its findings and recommendations. Congress could then decide, based on the court's report, whether or not to enact a private claims bill or appropriate funds to the claimant in the interest of justice.

In this case, H. Res. 668 would refer the bill, H.R. 5862, a bill relating to members of the Quapaw Tribe of Oklahoma, to the Court of Federal Claims. And as amended, the bill would authorize the court to determine whether the tribe and its members have trust-related legal or equitable claims against the U.S., other than legal claims that are currently pending before the court.



We have consulted with the Department of Justice and the Department of the Interior on this matter, and both agencies agree that the Quapaw Tribe has legitimate claims against the United States concerning certain tribal lands that were held in trust by the Federal Government. The only real dispute is the value of the claim.

This makes this congressional reference bill an appropriate measure to help bring this matter to a final resolution. By referring the case to the Federal claims court, they can consider all the evidence, submit a report on what the court believes to be the appropriate value of the tribal claim, and then, based on that court's findings and conclusions, Congress can play its appropriate role to consider whether or not it is in the interest of justice to pass a private claims bill or otherwise appropriate funds to satisfy the claim.

This procedure will help the Congress do the right thing, and that's why we're sent here, to do the right thing.

So I ask my colleagues to support this important legislation. I commend Congressman COLE for his diligent pursuit of this matter of justice.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield as much time as he may consume to the gentleman from Oklahoma (Mr. COLE), who is the sponsor of this legislation.

Mr. COLE. I thank the gentleman for yielding.

I had a long oration I was going to make, but I want to be quite honest. My good friend Chairman SMITH and my good friend Ranking Member LOFGREN have actually covered the case as well or better than I can. They're both distinguished attorneys. They understand the intricacies involved here, so there's no need for me to go through and literally repeat point by point what they have already made.

I do want to make one central point, or two points.

First, I want to thank both of them. This is a matter of justice. This is a bipartisan effort to try and make sure that an Indian nation that has a legitimate claim against the United States of America has an opportunity to go to court and make its case; no pre-determination of the outcome, no settlement without coming back through Congress again, just simply an opportunity to make a case of an injustice that all sides admit occurred, and establish what's fair compensation.

□ 1240

I want to commend, again, both my colleagues, and particularly Chairman SMITH. This simply could not have happened without his cooperation, his help, and the diligent work of his staff. I urge passage of the legislation.

#### INTRODUCTION

Several hundred years ago, the Quapaw ("the Downstream People") were part of a

larger group known as the Dhegiha Sioux, which split into the modern tribes known as the Quapaw, Osage, Ponca, Kansa, and Omaha. The Quapaw's ancestral lands are located at the confluence of the Arkansas and Mississippi rivers in what is present day Arkansas. When first encountered by the Europeans in the 1670's, there were some 20,000 Quapaws living in four villages in this area.

A series of treaties with the U.S. Government resulted in most of the Quapaw land being ceded to the United States, and the Tribe acquiesced to relocation to the far northeastern corner of present day Oklahoma. In the process, the tribal land base was whittled down to its current acreage.

After Quapaw lands in Oklahoma were found to contain rich deposits of zinc and lead in 1905, the Government allowed mining activities to be carried out largely unfettered, and not for the benefit of the Quapaws. For years the value of the Quapaw mineral estate was exported from their land with the Government failing to ensure that royalties, bonuses and other payments were properly made and managed.

#### WHY H. RES. 668 IS NECESSARY

The Office of Historical Trust Accounting (OHTA) was established by Secretary of the Interior Secretarial Order No. 3231 on July 10, 2001; OHTA is charged with planning, organizing, directing and executing the historical accounting of tribal trust accounts and non-monetary assets.

In 2002, the Tribe filed a lawsuit for an accounting and for asset mismanagement in the Federal District Court in Oklahoma alleging the U.S. Government owed them an accounting and had mismanaged their funds and non-monetary assets.

During this time, there were over 104 tribal lawsuits pending and the Department of the Interior—Office of Historic Trust Accounting's ability to fund the accountings and determine whether assets were mismanaged was severely limited. At the same time, the Department of Justice had similar concerns about its ability to respond to the myriad of tribal lawsuits.

In July 2004, the U.S. Government and the Tribe negotiated and agreed to settle the pending lawsuit, and enter into an agreement under which the Department of the Interior would enter into a contract with Quapaw Information Services as contractor, to "identify, select, and analyze documents, and prepare an analysis (the Quapaw Analysis), of Interior's management" of the Tribe's Tribal Trust Fund Account, along with certain non-monetary land and natural resources assets held in trust on behalf of the Tribe, and eight individual members of the Tribe.

In 2010—after six years of work, Quapaw Information Systems gave its report to the U.S. Government. In turn, the U.S. Government accepted the accounting as being in conformity with the Federal standards, but refused to do anything with the accounting.

The Tribe fulfilled its end of the bargain. The U.S. Government did not.

By 2011, the Tribe was left with no choice but to seek relief in court from the Government's failure—not only its failure to fulfill its trust obligations, but its agreement to mediate and settle the matter once the accounting was

completed. Accordingly, eight Quapaw tribal members filed a class-action lawsuit on behalf of themselves and all other similarly situated tribal members. This case, *Goodeagle v. United States*, seeks damages for the Government's breach of trust in the U.S. Court of Federal Claims.

In May 2011, the Tribe submitted a formal settlement demand to the Government, to which the Government has never responded.

Instead, the Government has filed repeated Motions to Dismiss the Goodeagle case.

With the settlement demand ignored, and the Government's ongoing refusal to resolve these claims through settlement, in September 2012, the Tribe filed a complaint for damages in the U.S. Court of Federal Claims.

In November 2012, the Government filed yet another motion to dismiss the Tribe's case.

#### THE MECHANICS OF H. RES. 668

To ensure that the Tribe and its members can pursue their trust-related claims in the U.S. Court of Federal Claims, Rep. TOM COLE and Rep. DAN BOREN introduced H. Res. 668. Notably, this resolution does not pre-determine the outcome of the U.S. Court of Federal Claims review of the Tribe's lawsuit.

It simply allows the Tribe and its members to plead their case to a neutral decision-maker in a judicial proceeding.

Some may assume that the sending of a congressional reference to the U.S. Court of Federal Claims has already predetermined liability in favor of a claimant. As observed by former House Member (Rep. Marion T. Bennett (R-MO)), who became a Claims Court judge, "nothing could be further from the truth or the intent of Congress . . . Congress intends only to afford an impartial and independent forum for determination of the merits of a complex claim by judicial methods." Bennett, *Private Claims Acts and Congressional References*, 9 JAG L. Rev. 9 (1967).

H. Res. 668, as amended, simply affords the Tribe and its members the chance to present their case about the nature, extent, and character of the Indian trust related claims of the Quapaw Tribe and its tribal members for compensation as legal or equitable claims against the United States other than the legal claims that are pending in the Court of Federal Claims on the date of House approval of this to a neutral decision-maker in a judicial proceeding.

Ms. ZOE LOFGREN of California. I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time.

Mr. BOREN. Madam Speaker, the purpose of this statement is to clarify the scope of the resolution before us. It states that it encompasses Quapaw tribal and individual claims "other than the legal claims that are pending in the Court of Federal Claims on the date of enactment of this resolution."

A question arises. If one or more of those currently pending legal claims are dismissed by the Court for lack of jurisdiction, would the dismissed claim be considered "pending" for purposes of this resolution?

In my view, the answer is no. Our intention with the reference resolution is to request from the Chief Judge of the U.S. Court of Federal Claims a report containing findings of fact and



conclusions of law concerning the nature, extent, and character of the Indian-trust related claims of the Quapaw Tribe of Oklahoma and its tribal members for compensation. As the language of the resolution suggests, these claims may be legal or equitable in nature, and exclude only the claims that are already within the jurisdiction of the Court of Federal Claims (including the statute of limitations) and are already pending in the Court of Federal Claims on the date of enactment. If a claim is dismissed as being outside the statute of limitations or for jurisdictional reasons, in my view, it was not pending on the date of enactment.

The intent behind the resolution is to have the Court review and render a final and complete resolution of all such claims—that resolution to occur either in the pending cases under the jurisdiction already granted the Court of Federal Claims by the Indian Tucker Act or else under the terms of H. Res. 668.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 668.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ZOE LOFGREN of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZATION ACT OF 2012

Mr. ROGERS of Michigan. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6672) to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6672

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Pandemic and All-Hazards Preparedness Reauthorization Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

### TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

Sec. 101. National Health Security Strategy.

Sec. 102. Assistant Secretary for Preparedness and Response.

Sec. 103. National Advisory Committee on Children and Disasters.

Sec. 104. Modernization of the National Disaster Medical System.

Sec. 105. Continuing the role of the Department of Veterans Affairs.

### TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

Sec. 201. Temporary redeployment of federally funded personnel during a public health emergency.

Sec. 202. Improving State and local public health security.

Sec. 203. Hospital preparedness and medical surge capacity.

Sec. 204. Enhancing situational awareness and biosurveillance.

Sec. 205. Eliminating duplicative Project Bioshield reports.

### TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

Sec. 301. Special protocol assessment.

Sec. 302. Authorization for medical products for use in emergencies.

Sec. 303. Definitions.

Sec. 304. Enhancing medical countermeasure activities.

Sec. 305. Regulatory management plans.

Sec. 306. Report.

Sec. 307. Pediatric medical countermeasures.

### TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RE- SEARCH AND DEVELOPMENT

Sec. 401. BioShield.

Sec. 402. Biomedical Advanced Research and Development Authority.

Sec. 403. Strategic National Stockpile.

Sec. 404. National Biodefense Science Board.

### TITLE I—STRENGTHENING NATIONAL PREPAREDNESS AND RESPONSE FOR PUBLIC HEALTH EMERGENCIES

#### SEC. 101. NATIONAL HEALTH SECURITY STRATEGY.

(a) IN GENERAL.—Section 2802 of the Public Health Service Act (42 U.S.C. 300hh-1) is amended—

(1) in subsection (a)(1), by striking “2009” and inserting “2014”; and

(2) in subsection (b)—

(A) in paragraph (1)(A), by inserting “, including drills and exercises to ensure medical surge capacity for events without notice” after “exercises”; and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A)—

(I) by striking “facilities), and trauma care” and inserting “and ambulatory care facilities and which may include dental health facilities), and trauma care, critical care,”; and

(II) by inserting “(including related availability, accessibility, and coordination)” after “public health emergencies”;

(ii) in subparagraph (A), by inserting “and trauma” after “medical”;

(iii) in subparagraph (B), by striking “Medical evacuation and fatality management” and inserting “Fatality management”;

(iv) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(v) by inserting after subparagraph (B), the following new subparagraph:

“(C) Coordinated medical triage and evacuation to appropriate medical institutions based on patient medical need, taking into account regionalized systems of care.”;

(vi) in subparagraph (E), as redesignated by clause (iv), by inserting “(which may include

such dental health assets)” after “medical assets”; and

(vii) by adding at the end the following:

“(G) Optimizing a coordinated and flexible approach to the medical surge capacity of hospitals, other health care facilities, critical care, and trauma care (which may include trauma centers) and emergency medical systems.”;

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting “, including the unique needs and considerations of individuals with disabilities,” after “medical needs of at-risk individuals”; and

(ii) in subparagraph (B), by inserting “the” before “purpose of this section”; and

(D) by adding at the end the following:

“(7) COUNTERMEASURES.—

“(A) Promoting strategic initiatives to advance countermeasures to diagnose, mitigate, prevent, or treat harm from any biological agent or toxin, chemical, radiological, or nuclear agent or agents, whether naturally occurring, unintentional, or deliberate.

“(B) For purposes of this paragraph, the term ‘countermeasures’ has the same meaning as the terms ‘qualified countermeasures’ under section 319F-1, ‘qualified pandemic and epidemic products’ under section 319F-3, and ‘security countermeasures’ under section 319F-2.

“(8) MEDICAL AND PUBLIC HEALTH COMMUNITY RESILIENCY.—Strengthening the ability of States, local communities, and tribal communities to prepare for, respond to, and be resilient in the event of public health emergencies, whether naturally occurring, unintentional, or deliberate by—

“(A) optimizing alignment and integration of medical and public health preparedness and response planning and capabilities with and into routine daily activities; and

“(B) promoting familiarity with local medical and public health systems.”.

(b) AT-RISK INDIVIDUALS.—Section 2814 of the Public Health Service Act (42 U.S.C. 300hh-16) is amended—

(1) by striking paragraphs (5), (7), and (8);

(2) in paragraph (4), by striking “2811(b)(3)(B)” and inserting “2802(b)(4)(B)”;

(3) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(4) by inserting before paragraph (2) (as so redesignated), the following:

“(1) monitor emerging issues and concerns as they relate to medical and public health preparedness and response for at-risk individuals in the event of a public health emergency declared by the Secretary under section 319;”;

(5) by amending paragraph (2) (as so redesignated) to read as follows:

“(2) oversee the implementation of the preparedness goals described in section 2802(b) with respect to the public health and medical needs of at-risk individuals in the event of a public health emergency, as described in section 2802(b)(4);”;

(6) by inserting after paragraph (6), the following:

“(7) disseminate and, as appropriate, update novel and best practices of outreach to and care of at-risk individuals before, during, and following public health emergencies in as timely a manner as is practicable, including from the time a public health threat is identified; and

“(8) ensure that public health and medical information distributed by the Department of Health and Human Services during a public health emergency is delivered in a manner that takes into account the range of

communication needs of the intended recipients, including at-risk individuals.”.

**SEC. 102. ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE.**

(a) IN GENERAL.—Section 2811 of the Public Health Service Act (42 U.S.C. 300hh-10) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by inserting “, security countermeasures (as defined in section 319F-2),” after “qualified countermeasures (as defined in section 319F-1)”;

(B) in paragraph (4), by adding at the end the following:

“(D) **POLICY COORDINATION AND STRATEGIC DIRECTION.**—Provide integrated policy coordination and strategic direction with respect to all matters related to Federal public health and medical preparedness and execution and deployment of the Federal response for public health emergencies and incidents covered by the National Response Plan developed pursuant to section 504(6) of the Homeland Security Act of 2002, or any successor plan, before, during, and following public health emergencies.

“(E) **IDENTIFICATION OF INEFFICIENCIES.**—Identify and minimize gaps, duplication, and other inefficiencies in medical and public health preparedness and response activities and the actions necessary to overcome these obstacles.

“(F) **COORDINATION OF GRANTS AND AGREEMENTS.**—Align and coordinate medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this Act, to the extent possible, including program requirements, timelines, and measurable goals, and in consultation with the Secretary of Homeland Security, to—

“(i) optimize and streamline medical and public health preparedness and response capabilities and the ability of local communities to respond to public health emergencies; and

“(ii) gather and disseminate best practices among grant and cooperative agreement recipients, as appropriate.

“(G) **DRILL AND OPERATIONAL EXERCISES.**—Carry out drills and operational exercises, in consultation with the Department of Homeland Security, the Department of Defense, the Department of Veterans Affairs, and other applicable Federal departments and agencies, as necessary and appropriate, to identify, inform, and address gaps in and policies related to all-hazards medical and public health preparedness and response, including exercises based on—

“(i) identified threats for which countermeasures are available and for which no countermeasures are available; and

“(ii) unknown threats for which no countermeasures are available.

“(H) **NATIONAL SECURITY PRIORITY.**—On a periodic basis consult with, as applicable and appropriate, the Assistant to the President for National Security Affairs, to provide an update on, and discuss, medical and public health preparedness and response activities pursuant to this Act and the Federal Food, Drug, and Cosmetic Act, including progress on the development, approval, clearance, and licensure of medical countermeasures.”; and

(C) by adding at the end the following:

“(7) **COUNTERMEASURES BUDGET PLAN.**—Develop, and update on an annual basis, a coordinated 5-year budget plan based on the medical countermeasure priorities described in subsection (d). Each such plan shall—

“(A) include consideration of the entire medical countermeasures enterprise, includ-

“(i) basic research and advanced research and development;

“(ii) approval, clearance, licensure, and authorized uses of products; and

“(iii) procurement, stockpiling, maintenance, and replenishment of all products in the Strategic National Stockpile;

“(B) inform prioritization of resources and include measurable outputs and outcomes to allow for the tracking of the progress made toward identified priorities;

“(C) identify medical countermeasure life-cycle costs to inform planning, budgeting, and anticipated needs within the continuum of the medical countermeasure enterprise consistent with section 319F-2; and

“(D) be made available to the appropriate committees of Congress upon request.”;

(2) by striking subsection (c) and inserting the following:

“(C) **FUNCTIONS.**—The Assistant Secretary for Preparedness and Response shall—

“(1) have lead responsibility within the Department of Health and Human Services for emergency preparedness and response policy coordination and strategic direction;

“(2) have authority over and responsibility for—

“(A) the National Disaster Medical System pursuant to section 2812;

“(B) the Hospital Preparedness Cooperative Agreement Program pursuant to section 319C-2;

“(C) the Biomedical Advanced Research and Development Authority pursuant to section 319L;

“(D) the Medical Reserve Corps pursuant to section 2813;

“(E) the Emergency System for Advance Registration of Volunteer Health Professionals pursuant to section 319I; and

“(F) administering grants and related authorities related to trauma care under parts A through C of title XII, such authority to be transferred by the Secretary from the Administrator of the Health Resources and Services Administration to such Assistant Secretary;

“(3) exercise the responsibilities and authorities of the Secretary with respect to the coordination of—

“(A) the Public Health Emergency Preparedness Cooperative Agreement Program pursuant to section 319C-1;

“(B) the Strategic National Stockpile pursuant to section 319F-2; and

“(C) the Cities Readiness Initiative; and

“(4) assume other duties as determined appropriate by the Secretary.”; and

(3) by adding at the end the following:

“(d) **PUBLIC HEALTH EMERGENCY MEDICAL COUNTERMEASURES ENTERPRISE STRATEGY AND IMPLEMENTATION PLAN.**—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, and every year thereafter, the Assistant Secretary for Preparedness and Response shall develop and submit to the appropriate committees of Congress a coordinated strategy and accompanying implementation plan for medical countermeasures to address chemical, biological, radiological, and nuclear threats. In developing such a plan, the Assistant Secretary for Preparedness and Response shall consult with the Director of the Biomedical Advanced Research and Development Authority, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs. Such strategy and plan shall be known as the ‘Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan’.

“(2) **REQUIREMENTS.**—The plan under paragraph (1) shall—

“(A) describe the chemical, biological, radiological, and nuclear agent or agents that may present a threat to the Nation and the corresponding efforts to develop qualified countermeasures (as defined in section 319F-1), security countermeasures (as defined in section 319F-2), or qualified pandemic or epidemic products (as defined in section 319F-3) for each threat;

“(B) evaluate the progress of all activities with respect to such countermeasures or products, including research, advanced research, development, procurement, stockpiling, deployment, distribution, and utilization;

“(C) identify and prioritize near-, mid-, and long-term needs with respect to such countermeasures or products to address a chemical, biological, radiological, and nuclear threat or threats;

“(D) identify, with respect to each category of threat, a summary of all awards and contracts, including advanced research and development and procurement, that includes—

“(i) the time elapsed from the issuance of the initial solicitation or request for a proposal to the adjudication (such as the award, denial of award, or solicitation termination); and

“(ii) an identification of projected timelines, anticipated funding allocations, benchmarks, and milestones for each medical countermeasure priority under subparagraph (C), including projected needs with regard to replenishment of the Strategic National Stockpile;

“(E) be informed by the recommendations of the National Biodefense Science Board pursuant to section 319M;

“(F) evaluate progress made in meeting timelines, allocations, benchmarks, and milestones identified under subparagraph (D)(ii);

“(G) report on the amount of funds available for procurement in the special reserve fund as defined in section 319F-2(h) and the impact this funding will have on meeting the requirements under section 319F-2;

“(H) incorporate input from Federal, State, local, and tribal stakeholders;

“(I) identify the progress made in meeting the medical countermeasure priorities for at-risk individuals (as defined in 2802(b)(4)(B)), as applicable under subparagraph (C), including with regard to the projected needs for related stockpiling and replenishment of the Strategic National Stockpile, including by addressing the needs of pediatric populations with respect to such countermeasures and products in the Strategic National Stockpile, including—

“(i) a list of such countermeasures and products necessary to address the needs of pediatric populations;

“(ii) a description of measures taken to coordinate with the Office of Pediatric Therapeutics of the Food and Drug Administration to maximize the labeling, dosages, and formulations of such countermeasures and products for pediatric populations;

“(iii) a description of existing gaps in the Strategic National Stockpile and the development of such countermeasures and products to address the needs of pediatric populations; and

“(iv) an evaluation of the progress made in addressing priorities identified pursuant to subparagraph (C);

“(J) identify the use of authority and activities undertaken pursuant to sections 319F-1(b)(1), 319F-1(b)(2), 319F-1(b)(3), 319F-

1(c), 319F-1(d), 319F-1(e), 319F-2(c)(7)(C)(iii), 319F-2 (c)(7)(C)(iv), and 319F-2(c)(7)(C)(v) of this Act, and subsections (a)(1), (b)(1), and (e) of section 564 of the Federal Food, Drug, and Cosmetic Act, by summarizing—

“(i) the particular actions that were taken under the authorities specified, including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

“(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

“(iii) the number of, nature of, and other information concerning the persons and entities that received a grant, cooperative agreement, or contract pursuant to the use of such authorities, and the persons and entities that were considered and rejected for such a grant, cooperative agreement, or contract, except that the report need not disclose the identity of any such person or entity;

“(iv) whether, with respect to each procurement that is approved by the President under section 319F-2(c)(6), a contract was entered into within one year after such approval by the President; and

“(v) with respect to section 319F-1(d), for the one-year period for which the report is submitted, the number of persons who were paid amounts totaling \$100,000 or greater and the number of persons who were paid amounts totaling at least \$50,000 but less than \$100,000; and

“(K) be made publicly available.

“(3) GAO REPORT.—

“(A) IN GENERAL.—Not later than 1 year after the date of the submission to the Congress of the first Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of Congress a report, concerning such Strategy and Implementation Plan.

“(B) CONTENT.—The report described in subparagraph (A) shall review and assess—

“(i) the near-term, mid-term, and long-term medical countermeasure needs and identified priorities of the Federal Government pursuant to paragraph (2)(C);

“(ii) the activities of the Department of Health and Human Services with respect to advanced research and development pursuant to section 319L; and

“(iii) the progress made toward meeting the timelines, allocations, benchmarks, and milestones identified in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan under this subsection.

“(e) PROTECTION OF NATIONAL SECURITY.—In carrying out subsections (b)(7) and (d), the Secretary shall ensure that information and items that could compromise national security, contain confidential commercial information, or contain proprietary information are not disclosed.”.

(b) INTERAGENCY COORDINATION PLAN.—In the first Public Health Emergency Countermeasures Enterprise Strategy and Implementation Plan submitted under subsection (d) of section 2811 of the Public Health Service Act (42 U.S.C. 300hh-10) (as added by subsection (a)(3)), the Secretary of Health and Human Services, in consultation with the Secretary of Defense, shall include a description of the manner in which the Department of Health and Human Services is coordi-

nating with the Department of Defense regarding countermeasure activities to address chemical, biological, radiological, and nuclear threats. Such report shall include information with respect to—

(1) the research, advanced research, development, procurement, stockpiling, and distribution of countermeasures to meet identified needs; and

(2) the coordination of efforts between the Department of Health and Human Services and the Department of Defense to address countermeasure needs for various segments of the population.

#### SEC. 103. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

Subtitle B of title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by inserting after section 2811 the following:

##### “SEC. 2811A. NATIONAL ADVISORY COMMITTEE ON CHILDREN AND DISASTERS.

“(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Homeland Security, shall establish an advisory committee to be known as the ‘National Advisory Committee on Children and Disasters’ (referred to in this section as the ‘Advisory Committee’).

“(b) DUTIES.—The Advisory Committee shall—

“(1) provide advice and consultation with respect to the activities carried out pursuant to section 2814, as applicable and appropriate;

“(2) evaluate and provide input with respect to the medical and public health needs of children as they relate to preparation for, response to, and recovery from all-hazards emergencies; and

“(3) provide advice and consultation with respect to State emergency preparedness and response activities and children, including related drills and exercises pursuant to the preparedness goals under section 2802(b).

“(c) ADDITIONAL DUTIES.—The Advisory Committee may provide advice and recommendations to the Secretary with respect to children and the medical and public health grants and cooperative agreements as applicable to preparedness and response activities authorized under this title and title III.

“(d) MEMBERSHIP.—

“(1) IN GENERAL.—The Secretary, in consultation with such other Secretaries as may be appropriate, shall appoint not to exceed 15 members to the Advisory Committee. In appointing such members, the Secretary shall ensure that the total membership of the Advisory Committee is an odd number.

“(2) REQUIRED MEMBERS.—The Secretary, in consultation with such other Secretaries as may be appropriate, may appoint to the Advisory Committee under paragraph (1) such individuals as may be appropriate to perform the duties described in subsections (b) and (c), which may include—

“(A) the Assistant Secretary for Preparedness and Response;

“(B) the Director of the Biomedical Advanced Research and Development Authority;

“(C) the Director of the Centers for Disease Control and Prevention;

“(D) the Commissioner of Food and Drugs;

“(E) the Director of the National Institutes of Health;

“(F) the Assistant Secretary of the Administration for Children and Families;

“(G) the Administrator of the Federal Emergency Management Agency;

“(H) at least two non-Federal health care professionals with expertise in pediatric

medical disaster planning, preparedness, response, or recovery;

“(I) at least two representatives from State, local, territorial, or tribal agencies with expertise in pediatric disaster planning, preparedness, response, or recovery; and

“(J) representatives from such Federal agencies (such as the Department of Education and the Department of Homeland Security) as determined necessary to fulfill the duties of the Advisory Committee, as established under subsections (b) and (c).

“(e) MEETINGS.—The Advisory Committee shall meet not less than biannually.

“(f) SUNSET.—The Advisory Committee shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.”.

#### SEC. 104. MODERNIZATION OF THE NATIONAL DISASTER MEDICAL SYSTEM.

Section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (A), in clause (i) by inserting “, including at-risk individuals as applicable” after “victims of a public health emergency”;

(B) by redesignating subparagraph (C) as subparagraph (E); and

(C) by inserting after subparagraph (B), the following:

“(C) CONSIDERATIONS FOR AT-RISK POPULATIONS.—The Secretary shall take steps to ensure that an appropriate specialized and focused range of public health and medical capabilities are represented in the National Disaster Medical System, which take into account the needs of at-risk individuals, in the event of a public health emergency.”.

“(D) ADMINISTRATION.—The Secretary may determine and pay claims for reimbursement for services under subparagraph (A) directly or through contracts that provide for payment in advance or by way of reimbursement.”; and

(2) in subsection (g), by striking “such sums as may be necessary for each of the fiscal years 2007 through 2011” and inserting “\$52,700,000 for each of fiscal years 2013 through 2017”.

#### SEC. 105. CONTINUING THE ROLE OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 8117(g) of title 38, United States Code, is amended by striking “such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011” and inserting “\$155,300,000 for each of fiscal years 2013 through 2017 to carry out this section”.

#### TITLE II—OPTIMIZING STATE AND LOCAL ALL-HAZARDS PREPAREDNESS AND RESPONSE

##### SEC. 201. TEMPORARY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.

Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

“(e) TEMPORARY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL DURING A PUBLIC HEALTH EMERGENCY.—

“(1) EMERGENCY REDEPLOYMENT OF FEDERALLY FUNDED PERSONNEL.—Notwithstanding any other provision of law, and subject to paragraph (2), upon request by the Governor of a State or the chief of a tribe or such Governor or chief’s designee, the Secretary may authorize the requesting State or tribe to temporarily redeploy, for purposes of immediately addressing a public health emergency in the State or tribe, non-Federal personnel funded in whole or in part through, as appropriate, programs under this Act.

“(2) ACTIVATION OF EMERGENCY REDEPLOYMENT.—

“(A) PUBLIC HEALTH EMERGENCY.—The Secretary may authorize a temporary redeployment of personnel under paragraph (1) only during the period of a public health emergency determined pursuant to subsection (a).

“(B) CONTENTS OF REQUEST.—To seek authority for a temporary redeployment of personnel under paragraph (1), the Governor of a State or the chief of a tribe shall submit to the Secretary a request for such authority and shall include in the request each of the following:

“(i) An assurance that the public health emergency in the geographic area of the requesting State or tribe cannot be adequately and appropriately addressed by the public health workforce otherwise available.

“(ii) An assurance that the public health emergency would be addressed more efficiently and effectively through the requested temporary redeployment of personnel.

“(iii) An assurance that the requested temporary redeployment of personnel is consistent with the any applicable All-Hazards Public Health Emergency Preparedness and Response Plan under section 319C-1.

“(iv) An identification of—

“(I) each Federal program from which personnel would be temporarily redeployed pursuant to the requested authority; and

“(II) the number of personnel who would be so redeployed from each such program.

“(v) Such other information and assurances as the Secretary may require.

“(C) CONSIDERATION.—In reviewing a request for temporary redeployment under paragraph (1) of personnel funded through a Federal program, the Secretary shall consider the degree to which the program would be adversely affected by the redeployment.

“(D) TERMINATION AND EXTENSION.—

“(i) TERMINATION.—A State or tribe's authority for a temporary redeployment of personnel under paragraph (1) shall terminate upon the earlier of the following:

“(I) The Secretary's determination that the public health emergency no longer exists.

“(II) Subject to clause (ii), the expiration of the 30-day period following the date on which the Secretary approved the State or tribe's request for such authority.

“(ii) EXTENSION AUTHORITY.—The Secretary may extend the authority to authorize a temporary redeployment of personnel under paragraph (1) beyond the date otherwise applicable under clause (i)(II) if the public health emergency still exists as of such date, but only if—

“(I) the State or tribe that submitted the initial request for authority for a temporary redeployment of personnel submits a request for an extension of such authority; and

“(II) the request for an extension contains the same type of information and assurances necessary for the approval of an initial request for such authority.

“(3) NOTICE TO PERSONNEL OF POSSIBILITY OF REDEPLOYMENT.—The Secretary shall ensure that, if a State or tribe receives Federal funds for personnel who are subject to the Secretary's redeployment authority under this subsection, the State or tribe gives notice to such personnel of the possibility of redeployment—

“(A) at the time of hiring; or

“(B) in the case of personnel hired before the date of the enactment of this subsection, as soon as practicable.

“(4) NOTICE TO CONGRESS.—The Secretary shall give notice to the Congress in conjunction with the approval under this subsection of—

“(A) any initial request for authority for a temporary redeployment of personnel; and

“(B) any request for an extension of such authority.

“(5) GUIDANCE.—The Secretary shall—

“(A) not later than 6 months after the enactment of this subsection, issue proposed guidance on the temporary redeployment of personnel under this subsection; and

“(B) after providing notice and a 60-day period for public comment, finalize such guidance.

“(6) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Comptroller General of the United States shall conduct an independent evaluation, and submit to the appropriate committees of the Congress a report, on the Secretary's authority under this subsection, including—

“(A) a description of how, and under what circumstances, such authority has been used by States and tribes;

“(B) an analysis of how such authority has assisted States and tribes in responding to public health emergencies;

“(C) an evaluation of how such authority has improved operational efficiencies in responding to public health emergencies;

“(D) an analysis of the extent to which, if any, Federal programs from which personnel have been temporarily redeployed pursuant to such authority have been adversely affected by the redeployment; and

“(E) recommendations on how such authority could be improved to further assist in responding to public health emergencies.

“(7) DEFINITION.—In this subsection, the term ‘State’ includes, in addition to the entities listed in the definition of such term in section 2, the Freely Associated States.

“(8) SUNSET.—The authority under this subsection shall terminate on the date that is 5 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.”.

#### SEC. 202. IMPROVING STATE AND LOCAL PUBLIC HEALTH SECURITY.

(a) COOPERATIVE AGREEMENTS.—Section 319C-1 of the Public Health Service Act (42 U.S.C. 247d-3a) is amended—

(1) in subsection (b)(1)(C), by striking “consortium of entities described in subparagraph (A)” and inserting “consortium of States”;

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) by striking clauses (i) and (ii) and inserting the following:

“(i) a description of the activities such entity will carry out under the agreement to meet the goals identified under section 2802, including with respect to chemical, biological, radiological, or nuclear threats, whether naturally occurring, unintentional, or deliberate;

“(ii) a description of the activities such entity will carry out with respect to pandemic influenza, as a component of the activities carried out under clause (i), and consistent with the requirements of paragraphs (2) and (5) of subsection (g);”;

(ii) in clause (iv), by striking “and” at the end; and

(iii) by adding at the end the following:

“(vi) a description of how, as appropriate, the entity may partner with relevant public and private stakeholders in public health emergency preparedness and response;

“(vii) a description of how the entity, as applicable and appropriate, will coordinate with State emergency preparedness and response plans in public health emergency pre-

paredness, including State educational agencies (as defined in section 9101(41) of the Elementary and Secondary Education Act of 1965) and State child care lead agencies (designated under section 658D of the Child Care and Development Block Grant Act of 1990);

“(viii) in the case of entities that operate on the United States-Mexico border or the United States-Canada border, a description of the activities such entity will carry out under the agreement that are specific to the border area including disease detection, identification, investigation, and preparedness and response activities related to emerging diseases and infectious disease outbreaks whether naturally occurring or due to bioterrorism, consistent with the requirements of this section; and

“(ix) a description of any activities that such entity will use to analyze real-time clinical specimens for pathogens of public health or bioterrorism significance, including any utilization of poison control centers;”;

(B) in subparagraph (C), by inserting “, including addressing the needs of at-risk individuals,” after “capabilities of such entity”;

(3) in subsection (f)—

(A) in paragraph (2), by adding “and” at the end;

(B) in paragraph (3), by striking “; and” and inserting a period; and

(C) by striking paragraph (4);

(4) in subsection (g)—

(A) in paragraph (1), by striking subparagraph (A) and inserting the following:

“(A) include outcome goals representing operational achievements of the National Preparedness Goals developed under section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats; and”;

(B) in paragraph (2)(A), by adding at the end the following: “The Secretary shall periodically update, as necessary and appropriate, such pandemic influenza plan criteria and shall require the integration of such criteria into the benchmarks and standards described in paragraph (1).”;

(5) by striking subsection (h);

(6) in subsection (i)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking “\$824,000,000 for fiscal year 2007, of which \$35,000,000 shall be used to carry out subsection (h),” and inserting “\$641,900,000 for fiscal year 2013”; and

(II) by striking “such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$641,900,000 for each of fiscal years 2014 through 2017”;

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(iv) in subparagraph (C), as so redesignated, by striking “subparagraph (C)” and inserting “subparagraph (B)”;

(B) in subparagraphs (C) and (D) of paragraph (3), by striking “(1)(A)(i)(I)” each place it appears and inserting “(1)(A)”;

(C) in paragraph (4)(B), by striking “subsection (c)” and inserting “subsection (b)”;

and

(D) by adding at the end the following:

“(7) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

“(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

“(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as described in subsection (g).”; and

(7) in subsection (j), by striking paragraph (3).

(b) VACCINE TRACKING AND DISTRIBUTION.—Section 319A(e) of the Public Health Service Act (42 U.S.C. 247d-1(e)) is amended by striking “such sums for each of fiscal years 2007 through 2011” and inserting “\$30,800,000 for each of fiscal years 2013 through 2017”.

#### SEC. 203. HOSPITAL PREPAREDNESS AND MEDICAL SURGE CAPACITY.

(a) ALL-HAZARDS PUBLIC HEALTH AND MEDICAL RESPONSE CURRICULA AND TRAINING.—Section 319F(a)(5)(B) of the Public Health Service Act (42 U.S.C. 247d-6(a)(5)(B)) is amended by striking “public health or medical” and inserting “public health, medical, or dental”.

(b) ENCOURAGING HEALTH PROFESSIONAL VOLUNTEERS.—

(1) EMERGENCY SYSTEM FOR ADVANCE REGISTRATION OF VOLUNTEER HEALTH PROFESSIONALS.—Section 319I(k) of the Public Health Service Act (42 U.S.C. 247d-7b(k)) is amended by striking “\$2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2011” and inserting “\$5,000,000 for each of fiscal years 2013 through 2017”.

(2) VOLUNTEERS.—Section 2813 of the Public Health Service Act (42 U.S.C. 300hh-15) is amended—

(A) in subsection (d)(2), by adding at the end the following: “Such training exercises shall, as appropriate and applicable, incorporate the needs of at-risk individuals in the event of a public health emergency.”; and

(B) in subsection (i), by striking “\$22,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2011” and inserting “\$11,200,000 for each of fiscal years 2013 through 2017”.

(c) PARTNERSHIPS FOR STATE AND REGIONAL PREPAREDNESS TO IMPROVE SURGE CAPACITY.—Section 319C-2 of the Public Health Service Act (42 U.S.C. 247d-3b) is amended—

(1) in subsection (a), by inserting “, including capacity and preparedness to address the needs of pediatric and other at-risk populations” before the period at the end;

(2) in subsection (b)(1)(A)(ii), by striking “centers, primary” and inserting “centers, community health centers, primary”;

(3) by striking subsection (c) and inserting the following:

“(c) USE OF FUNDS.—An award under subsection (a) shall be expended for activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b) with respect to all-hazards, including chemical, biological, radiological, or nuclear threats.”;

(4) by striking subsection (g) and inserting the following:

“(g) COORDINATION.—

“(1) LOCAL RESPONSE CAPABILITIES.—An eligible entity shall, to the extent practicable, ensure that activities carried out under an award under subsection (a) are coordinated with activities of relevant local Metropolitan Medical Response Systems, local Medical Reserve Corps, the local Cities Readiness Initiative, and local emergency plans.

“(2) NATIONAL COLLABORATION.—Partnerships consisting of one or more eligible entities under this section may, to the extent practicable, collaborate with other partner-

ships consisting of one or more eligible entities under this section for purposes of national coordination and collaboration with respect to activities to achieve the preparedness goals described under paragraphs (1), (3), (4), (5), and (6) of section 2802(b).”;

(5) in subsection (i)—

(A) by striking “The requirements of” and inserting the following:

“(1) IN GENERAL.—The requirements of”;

and

(B) by adding at the end the following:

“(2) MEETING GOALS OF NATIONAL HEALTH SECURITY STRATEGY.—The Secretary shall implement objective, evidence-based metrics to ensure that entities receiving awards under this section are meeting, to the extent practicable, the applicable goals of the National Health Security Strategy under section 2802.”; and

(6) in subsection (j)—

(A) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—For purposes of carrying out this section, there is authorized to be appropriated \$374,700,000 for each of fiscal years 2013 through 2017.”; and

(B) by adding at the end the following:

“(4) AVAILABILITY OF COOPERATIVE AGREEMENT FUNDS.—

“(A) IN GENERAL.—Amounts provided to an eligible entity under a cooperative agreement under subsection (a) for a fiscal year and remaining unobligated at the end of such year shall remain available to such entity for the next fiscal year for the purposes for which such funds were provided.

“(B) FUNDS CONTINGENT ON ACHIEVING BENCHMARKS.—The continued availability of funds under subparagraph (A) with respect to an entity shall be contingent upon such entity achieving the benchmarks and submitting the pandemic influenza plan as required under subsection (i).”.

#### SEC. 204. ENHANCING SITUATIONAL AWARENESS AND BIOSURVEILLANCE.

Section 319D of the Public Health Service Act (42 U.S.C. 247d-4) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B), by inserting “poison control centers,” after “hospitals.”;

(B) in paragraph (2), by inserting before the period at the end the following: “, allowing for coordination to maximize all-hazards medical and public health preparedness and response and to minimize duplication of effort”;

(C) in paragraph (3), by inserting before the period at the end the following: “and update such standards as necessary”;

(2) by striking subsection (c); and

(3) in subsection (d)—

(A) in the subsection heading, by striking “PUBLIC HEALTH SITUATIONAL AWARENESS” and inserting “MODERNIZING PUBLIC HEALTH SITUATIONAL AWARENESS AND BIOSURVEILLANCE”;

(B) in paragraph (1)—

(i) by striking “Pandemic and All-Hazards Preparedness Act” and inserting “Pandemic and All-Hazards Preparedness Reauthorization Act of 2012”;

(ii) by inserting “, novel emerging threats,” after “disease outbreaks”;

(C) by striking paragraph (2) and inserting the following:

“(2) STRATEGY AND IMPLEMENTATION PLAN.—Not later than 180 days after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Secretary shall submit to the appropriate committees of Congress a coordinated strategy and an accompanying implementation plan that identifies and dem-

onstrates the measurable steps the Secretary will carry out to—

“(A) develop, implement, and evaluate the network described in paragraph (1), utilizing the elements described in paragraph (3);

“(B) modernize and enhance biosurveillance activities; and

“(C) improve information sharing, coordination, and communication among disparate biosurveillance systems supported by the Department of Health and Human Services.”;

(D) in paragraph (3)(D), by inserting “community health centers, health centers” after “poison control.”;

(E) in paragraph (5), by striking subparagraph (A) and inserting the following:

“(A) utilize applicable interoperability standards as determined by the Secretary, and in consultation with the Office of the National Coordinator for Health Information Technology, through a joint public and private sector process.”; and

(F) by adding at the end the following:

“(6) CONSULTATION WITH THE NATIONAL BIODEFENSE SCIENCE BOARD.—In carrying out this section and consistent with section 319M, the National Biodefense Science Board shall provide expert advice and guidance, including recommendations, regarding the measurable steps the Secretary should take to modernize and enhance biosurveillance activities pursuant to the efforts of the Department of Health and Human Services to ensure comprehensive, real-time, all-hazards biosurveillance capabilities. In complying with the preceding sentence, the National Biodefense Science Board shall—

“(A) identify the steps necessary to achieve a national biosurveillance system for human health, with international connectivity, where appropriate, that is predicated on State, regional, and community level capabilities and creates a networked system to allow for two-way information flow between and among Federal, State, and local government public health authorities and clinical health care providers;

“(B) identify any duplicative surveillance programs under the authority of the Secretary, or changes that are necessary to existing programs, in order to enhance and modernize such activities, minimize duplication, strengthen and streamline such activities under the authority of the Secretary, and achieve real-time and appropriate data that relate to disease activity, both human and zoonotic; and

“(C) coordinate with applicable existing advisory committees of the Director of the Centers for Disease Control and Prevention, including such advisory committees consisting of representatives from State, local, and tribal public health authorities and appropriate public and private sector health care entities and academic institutions, in order to provide guidance on public health surveillance activities.”;

(4) in subsection (e)(5), by striking “4 years after the date of enactment of the Pandemic and All-Hazards Preparedness Act” and inserting “3 years after the date of enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012”;

(5) in subsection (g), by striking “such sums as may be necessary in each of fiscal years 2007 through 2011” and inserting “\$138,300,000 for each of fiscal years 2013 through 2017”;

(6) by adding at the end the following:

“(h) DEFINITION.—For purposes of this section the term ‘biosurveillance’ means the process of gathering near real-time biological data that relates to human and zoonotic

disease activity and threats to human or animal health, in order to achieve early warning and identification of such health threats, early detection and prompt ongoing tracking of health events, and overall situational awareness of disease activity.”.

#### SEC. 205. ELIMINATING DUPLICATIVE PROJECT BIOSHIELD REPORTS.

Section 5 of the Project Bioshield Act of 2004 (42 U.S.C. 247d-6c) is repealed.

### TITLE III—ENHANCING MEDICAL COUNTERMEASURE REVIEW

#### SEC. 301. SPECIAL PROTOCOL ASSESSMENT.

Section 505(b)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(5)(B)) is amended by striking “size of clinical trials intended” and all that follows through “. The sponsor or applicant” and inserting the following: “size—

“(i)(I) of clinical trials intended to form the primary basis of an effectiveness claim; or

“(II) in the case where human efficacy studies are not ethical or feasible, of animal and any associated clinical trials which, in combination, are intended to form the primary basis of an effectiveness claim; or

“(ii) with respect to an application for approval of a biological product under section 351(k) of the Public Health Service Act, of any necessary clinical study or studies. The sponsor or applicant”.

#### SEC. 302. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

(a) IN GENERAL.—Section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-3) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “sections 505, 510(k), and 515 of this Act” and inserting “any provision of this Act”;

(B) in paragraph (2)(A), by striking “under a provision of law referred to in such paragraph” and inserting “under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act”; and

(C) in paragraph (3), by striking “a provision of law referred to in such paragraph” and inserting “a section of this Act or the Public Health Service Act referred to in paragraph (2)(A)”;

(2) in subsection (b)—

(A) in the subsection heading, by striking “EMERGENCY” and inserting “EMERGENCY OR THREAT JUSTIFYING EMERGENCY AUTHORIZED USE”;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “may declare an emergency” and inserting “may make a declaration that the circumstances exist”;

(ii) in subparagraph (A), by striking “specified”;

(iii) in subparagraph (B)—

(I) by striking “specified”; and

(II) by striking “; or” and inserting a semicolon;

(iv) by amending subparagraph (C) to read as follows:

“(C) a determination by the Secretary that there is a public health emergency, or a significant potential for a public health emergency, that affects, or has a significant potential to affect, national security or the health and security of United States citizens living abroad, and that involves a biological, chemical, radiological, or nuclear agent or agents, or a disease or condition that may be attributable to such agent or agents; or”; and

(v) by adding at the end the following:

“(D) the identification of a material threat pursuant to section 319F-2 of the Public Health Service Act sufficient to affect na-

tional security or the health and security of United States citizens living abroad.”;

(C) in paragraph (2)—

(i) in subparagraph (A), by amending clause (ii) to read as follows:

“(ii) a change in the approval status of the product such that the circumstances described in subsection (a)(2) have ceased to exist.”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(D) in paragraph (4), by striking “advance notice of termination, and renewal under this subsection.” and inserting “, and advance notice of termination under this subsection.”; and

(E) by adding at the end the following:

“(5) EXPLANATION BY SECRETARY.—If an authorization under this section with respect to an unapproved product or an unapproved use of an approved product has been in effect for more than 1 year, the Secretary shall provide in writing to the sponsor of such product an explanation of the scientific, regulatory, or other obstacles to approval, licensure, or clearance of such product or use, including specific actions to be taken by the Secretary and the sponsor to overcome such obstacles.”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting “the Assistant Secretary for Preparedness and Response,” after “consultation with”;

(ii) by striking “Health and” and inserting “Health, and”; and

(iii) by striking “circumstances of the emergency involved” and inserting “applicable circumstances described in subsection (b)(1)”;

(B) in paragraph (1), by striking “specified” and inserting “referred to”; and

(C) in paragraph (2)(B), by inserting “, taking into consideration the material threat posed by the agent or agents identified in a declaration under subsection (b)(1)(D), if applicable” after “risks of the product”;

(4) in subsection (d)(3), by inserting “, to the extent practicable given the circumstances of the emergency,” after “including”;

(5) in subsection (e)—

(A) in paragraph (1)(A), by striking “circumstances of the emergency” and inserting “applicable circumstances described in subsection (b)(1)”;

(B) in paragraph (1)(B), by amending clause (iii) to read as follows:

“(iii) Appropriate conditions with respect to collection and analysis of information concerning the safety and effectiveness of the product with respect to the use of such product during the period when the authorization is in effect and a reasonable time following such period.”;

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking “manufacturer of the product” and inserting “person”;

(II) by striking “circumstances of the emergency” and inserting “applicable circumstances described in subsection (b)(1)”;

(III) by inserting at the end before the period “or in paragraph (1)(B)”;

(ii) in subparagraph (B)(i), by inserting before the period at the end “, except as provided in section 564A with respect to authorized changes to the product expiration date”;

(iii) by amending subparagraph (C) to read as follows:

“(C) In establishing conditions under this paragraph with respect to the distribution

and administration of the product for the unapproved use, the Secretary shall not impose conditions that would restrict distribution or administration of the product when distributed or administered for the approved use.”; and

(D) by amending paragraph (3) to read as follows:

“(3) GOOD MANUFACTURING PRACTICE; PRESCRIPTION.—With respect to the emergency use of a product for which an authorization under this section is issued (whether an unapproved product or an unapproved use of an approved product), the Secretary may waive or limit, to the extent appropriate given the applicable circumstances described in subsection (b)(1)—

“(A) requirements regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established under section 501 or 520(f)(1), and including relevant conditions prescribed with respect to the product by an order under section 520(f)(2);

“(B) requirements established under section 503(b); and

“(C) requirements established under section 520(e).”;

(6) in subsection (g)—

(A) in the subsection heading, by inserting “REVIEW AND” before “REVOCATION”;

(B) in paragraph (1), by inserting after the period at the end the following: “As part of such review, the Secretary shall regularly review the progress made with respect to the approval, licensure, or clearance of—

“(A) an unapproved product for which an authorization was issued under this section; or

“(B) an unapproved use of an approved product for which an authorization was issued under this section.”; and

(C) by amending paragraph (2) to read as follows:

“(2) REVISION AND REVOCATION.—The Secretary may revise or revoke an authorization under this section if—

“(A) the circumstances described under subsection (b)(1) no longer exist;

“(B) the criteria under subsection (c) for issuance of such authorization are no longer met; or

“(C) other circumstances make such revision or revocation appropriate to protect the public health or safety.”;

(7) in subsection (h)(1), by adding after the period at the end the following: “The Secretary shall make any revisions to an authorization under this section available on the Internet Web site of the Food and Drug Administration.”;

(8) by adding at the end of subsection (j) the following:

“(4) Nothing in this section shall be construed as authorizing a delay in the review or other consideration by the Secretary of any application or submission pending before the Food and Drug Administration for a product for which an authorization under this section is issued.”; and

(9) by adding at the end the following:

“(m) CATEGORIZATION OF LABORATORY TESTS ASSOCIATED WITH DEVICES SUBJECT TO AUTHORIZATION.—

“(1) IN GENERAL.—In issuing an authorization under this section with respect to a device, the Secretary may, subject to the provisions of this section, determine that a laboratory examination or procedure associated with such device shall be deemed, for purposes of section 353 of the Public Health Service Act, to be in a particular category of

examinations and procedures (including the category described by subsection (d)(3) of such section) if, based on the totality of scientific evidence available to the Secretary—

“(A) such categorization would be beneficial to protecting the public health; and

“(B) the known and potential benefits of such categorization under the circumstances of the authorization outweigh the known and potential risks of the categorization.

“(2) CONDITIONS OF DETERMINATION.—The Secretary may establish appropriate conditions on the performance of the examination or procedure pursuant to such determination.

“(3) EFFECTIVE PERIOD.—A determination under this subsection shall be effective for purposes of section 353 of the Public Health Service Act notwithstanding any other provision of that section during the effective period of the relevant declaration under subsection (b).”.

(b) EMERGENCY USE OF MEDICAL PRODUCTS.—Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by inserting after section 564 the following:

**“SEC. 564A. EMERGENCY USE OF MEDICAL PRODUCTS.**

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PRODUCT.—The term ‘eligible product’ means a product that—

“(A) is approved or cleared under this chapter or licensed under section 351 of the Public Health Service Act;

“(B)(i) is intended for use to prevent, diagnose, or treat a disease or condition involving a biological, chemical, radiological, or nuclear agent or agents; or

“(ii) is intended for use to prevent, diagnose, or treat a serious or life-threatening disease or condition caused by a product described in clause (i); and

“(C) is intended for use during the circumstances under which—

“(i) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

“(ii) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.

“(2) PRODUCT.—The term ‘product’ means a drug, device, or biological product.

“(b) EXPIRATION DATING.—

“(1) IN GENERAL.—The Secretary may extend the expiration date and authorize the introduction or delivery for introduction into interstate commerce of an eligible product after the expiration date provided by the manufacturer if—

“(A) the expiration date extension is intended to support the United States ability to protect—

“(i) the public health; or

“(ii) military preparedness and effectiveness; and

“(B) the expiration date extension is supported by an appropriate scientific evaluation that is conducted or accepted by the Secretary.

“(2) REQUIREMENTS AND CONDITIONS.—Any extension of an expiration date under paragraph (1) shall, as part of the extension, identify—

“(A) each specific lot, batch, or other unit of the product for which extended expiration is authorized;

“(B) the duration of the extension; and

“(C) any other requirements or conditions as the Secretary may deem appropriate for the protection of the public health, which

may include requirements for, or conditions on, product sampling, storage, packaging or repackaging, transport, labeling, notice to product recipients, recordkeeping, periodic testing or retesting, or product disposition.

“(3) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has, under paragraph (1), extended the expiration date and authorized the introduction or delivery for introduction into interstate commerce of such product after the expiration date provided by the manufacturer.

“(4) EXPIRATION DATE.—For purposes of this subsection, the term ‘expiration date’ means the date established through appropriate stability testing required by the regulations issued by the Secretary to ensure that the product meets applicable standards of identity, strength, quality, and purity at the time of use.

“(c) CURRENT GOOD MANUFACTURING PRACTICE.—

“(1) IN GENERAL.—The Secretary may, when the circumstances of a domestic, military, or public health emergency or material threat described in subsection (a)(1)(C) so warrant, authorize, with respect to an eligible product, deviations from current good manufacturing practice requirements otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including requirements under section 501 or 520(f)(1) or applicable conditions prescribed with respect to the eligible product by an order under section 520(f)(2).

“(2) EFFECT.—Notwithstanding any other provision of this Act or the Public Health Service Act, an eligible product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because, with respect to such product, the Secretary has authorized deviations from current good manufacturing practices under paragraph (1).

“(d) EMERGENCY DISPENSING.—The requirements of sections 503(b) and 520(e) shall not apply to an eligible product, and the product shall not be considered an unapproved product (as defined in section 564(a)(2)(A)) and shall not be deemed adulterated or misbranded under this Act because it is dispensed without an individual prescription, if—

“(1) the product is dispensed during the circumstances described in subsection (a)(1)(C); and

“(2) such dispensing without an individual prescription occurs—

“(A) as permitted under the law of the State in which the product is dispensed; or

“(B) in accordance with an order issued by the Secretary, for the purposes and duration of the circumstances described in subsection (a)(1)(C).

“(e) EMERGENCY USE INSTRUCTIONS.—

“(1) IN GENERAL.—The Secretary, acting through an appropriate official within the Department of Health and Human Services, may create and issue emergency use instructions to inform health care providers or individuals to whom an eligible product is to be administered concerning such product's approved, licensed, or cleared conditions of use.

“(2) EFFECT.—Notwithstanding any other provisions of this Act or the Public Health Service Act, a product shall not be consid-

ered an unapproved product and shall not be deemed adulterated or misbranded under this Act because of the issuance of emergency use instructions under paragraph (1) with respect to such product or the introduction or delivery for introduction of such product into interstate commerce accompanied by such instructions—

“(A) during an emergency response to an actual emergency that is the basis for a determination described in subsection (a)(1)(C)(i); or

“(B) by a government entity (including a Federal, State, local, or tribal government entity), or a person acting on behalf of such a government entity, in preparation for an emergency response.”.

(c) RISK EVALUATION AND MITIGATION STRATEGIES.—Section 505–1 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355–1), is amended—

(1) in subsection (f), by striking paragraph (7); and

(2) by adding at the end the following:

“(k) WAIVER IN PUBLIC HEALTH EMERGENCIES.—The Secretary may waive any requirement of this section with respect to a qualified countermeasure (as defined in section 319F–1(a)(2) of the Public Health Service Act) to which a requirement under this section has been applied, if the Secretary determines that such waiver is required to mitigate the effects of, or reduce the severity of, the circumstances under which—

“(1) a determination described in subparagraph (A), (B), or (C) of section 564(b)(1) has been made by the Secretary of Homeland Security, the Secretary of Defense, or the Secretary, respectively; or

“(2) the identification of a material threat described in subparagraph (D) of section 564(b)(1) has been made pursuant to section 319F–2 of the Public Health Service Act.”.

(d) PRODUCTS HELD FOR EMERGENCY USE.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by inserting after section 564A, as added by subsection (b), the following:

**“SEC. 564B. PRODUCTS HELD FOR EMERGENCY USE.**

“It is not a violation of any section of this Act or of the Public Health Service Act for a government entity (including a Federal, State, local, or tribal government entity), or a person acting on behalf of such a government entity, to introduce into interstate commerce a product (as defined in section 564(a)(4)) intended for emergency use, if that product—

“(1) is intended to be held and not used; and

“(2) is held and not used, unless and until that product—

“(A) is approved, cleared, or licensed under section 505, 510(k), or 515 of this Act or section 351 of the Public Health Service Act;

“(B) is authorized for investigational use under section 505 or 520 of this Act or section 351 of the Public Health Service Act; or

“(C) is authorized for use under section 564.”.

**SEC. 303. DEFINITIONS.**

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4) is amended by striking “The Secretary, in consultation” and inserting the following:

“(a) DEFINITIONS.—In this section—

“(1) the term ‘countermeasure’ means a qualified countermeasure, a security countermeasure, and a qualified pandemic or epidemic product;

“(2) the term ‘qualified countermeasure’ has the meaning given such term in section 319F–1 of the Public Health Service Act;



“(3) the term ‘security countermeasure’ has the meaning given such term in section 319F–2 of such Act; and

“(4) the term ‘qualified pandemic or epidemic product’ means a product that meets the definition given such term in section 319F–3 of the Public Health Service Act and—

“(A) that has been identified by the Department of Health and Human Services or the Department of Defense as receiving funding directly related to addressing chemical, biological, radiological, or nuclear threats, including pandemic influenza; or

“(B) is included under this paragraph pursuant to a determination by the Secretary.

“(b) GENERAL DUTIES.—The Secretary, in consultation”.

#### SEC. 304. ENHANCING MEDICAL COUNTERMEASURE ACTIVITIES.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 303, is further amended—

(1) in the section heading, by striking “TECHNICAL ASSISTANCE” and inserting “COUNTERMEASURE DEVELOPMENT, REVIEW, AND TECHNICAL ASSISTANCE”;

(2) in subsection (b), by striking the subsection enumerator and all that follows through “shall establish” and inserting the following:

“(b) GENERAL DUTIES.—In order to accelerate the development, stockpiling, approval, licensure, and clearance of qualified countermeasures, security countermeasures, and qualified pandemic or epidemic products, the Secretary, in consultation with the Assistant Secretary for Preparedness and Response, shall—

“(1) ensure the appropriate involvement of Food and Drug Administration personnel in interagency activities related to countermeasure advanced research and development, consistent with sections 319F, 319F–1, 319F–2, 319F–3, 319L, and 2811 of the Public Health Service Act;

“(2) ensure the appropriate involvement and consultation of Food and Drug Administration personnel in any flexible manufacturing activities carried out under section 319L of the Public Health Service Act, including with respect to meeting regulatory requirements set forth in this Act;

“(3) promote countermeasure expertise within the Food and Drug Administration by—

“(A) ensuring that Food and Drug Administration personnel involved in reviewing countermeasures for approval, licensure, or clearance are informed by the Assistant Secretary for Preparedness and Response on the material threat assessment conducted under section 319F–2 of the Public Health Service Act for the agent or agents for which the countermeasure under review is intended;

“(B) training Food and Drug Administration personnel regarding review of countermeasures for approval, licensure, or clearance;

“(C) holding public meetings at least twice annually to encourage the exchange of scientific ideas; and

“(D) establishing protocols to ensure that countermeasure reviewers have sufficient training or experience with countermeasures;

“(4) maintain teams, composed of Food and Drug Administration personnel with expertise on countermeasures, including specific countermeasures, populations with special clinical needs (including children and pregnant women that may use countermeasures, as applicable and appropriate), classes or groups of countermeasures, or other counter-

measure-related technologies and capabilities, that shall—

“(A) consult with countermeasure experts, including countermeasure sponsors and applicants, to identify and help resolve scientific issues related to the approval, licensure, or clearance of countermeasures, through workshops or public meetings; and

“(B) improve and advance the science relating to the development of new tools, standards, and approaches to assessing and evaluating countermeasures—

“(i) in order to inform the process for countermeasure approval, clearance, and licensure; and

“(ii) with respect to the development of countermeasures for populations with special clinical needs, including children and pregnant women, in order to meet the needs of such populations, as necessary and appropriate; and

“(5) establish”; and

(3) by adding at the end the following:

“(c) FINAL GUIDANCE ON DEVELOPMENT OF ANIMAL MODELS.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, the Secretary shall provide final guidance to industry regarding the development of animal models to support approval, clearance, or licensure of countermeasures referred to in subsection (a) when human efficacy studies are not ethical or feasible.

“(2) AUTHORITY TO EXTEND DEADLINE.—The Secretary may extend the deadline for providing final guidance under paragraph (1) by not more than 6 months upon submission by the Secretary of a report on the status of such guidance to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

“(d) DEVELOPMENT AND ANIMAL MODELING PROCEDURES.—

“(1) AVAILABILITY OF ANIMAL MODEL MEETINGS.—To facilitate the timely development of animal models and support the development, stockpiling, licensure, approval, and clearance of countermeasures, the Secretary shall, not later than 180 days after the enactment of this subsection, establish a procedure by which a sponsor or applicant that is developing a countermeasure for which human efficacy studies are not ethical or practicable, and that has an approved investigational new drug application or investigational device exemption, may request and receive—

“(A) a meeting to discuss proposed animal model development activities; and

“(B) a meeting prior to initiating pivotal animal studies.

“(2) PEDIATRIC MODELS.—To facilitate the development and selection of animal models that could translate to pediatric studies, any meeting conducted under paragraph (1) shall include discussion of animal models for pediatric populations, as appropriate.

“(e) REVIEW AND APPROVAL OF COUNTERMEASURES.—

“(1) MATERIAL THREAT.—When evaluating an application or submission for approval, licensure, or clearance of a countermeasure, the Secretary shall take into account the material threat posed by the chemical, biological, radiological, or nuclear agent or agents identified under section 319F–2 of the Public Health Service Act for which the countermeasure under review is intended.

“(2) REVIEW EXPERTISE.—When practicable and appropriate, teams of Food and Drug Administration personnel reviewing applica-

tions or submissions described under paragraph (1) shall include a reviewer with sufficient training or experience with countermeasures pursuant to the protocols established under subsection (b)(3)(D).”.

#### SEC. 305. REGULATORY MANAGEMENT PLANS.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–4), as amended by section 304, is further amended by adding at the end the following:

“(f) REGULATORY MANAGEMENT PLAN.—

“(1) DEFINITION.—In this subsection, the term ‘eligible countermeasure’ means—

“(A) a security countermeasure with respect to which the Secretary has entered into a procurement contract under section 319F–2(c) of the Public Health Service Act; or

“(B) a countermeasure with respect to which the Biomedical Advanced Research and Development Authority has provided funding under section 319L of the Public Health Service Act for advanced research and development.

“(2) REGULATORY MANAGEMENT PLAN PROCESS.—The Secretary, in consultation with the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority, shall establish a formal process for obtaining scientific feedback and interactions regarding the development and regulatory review of eligible countermeasures by facilitating the development of written regulatory management plans in accordance with this subsection.

“(3) SUBMISSION OF REQUEST AND PROPOSED PLAN BY SPONSOR OR APPLICANT.—

“(A) IN GENERAL.—A sponsor or applicant of an eligible countermeasure may initiate the process described under paragraph (2) upon submission of a written request to the Secretary. Such request shall include a proposed regulatory management plan.

“(B) TIMING OF SUBMISSION.—A sponsor or applicant may submit a written request under subparagraph (A) after the eligible countermeasure has an investigational new drug or investigational device exemption in effect.

“(C) RESPONSE BY SECRETARY.—The Secretary shall direct the Food and Drug Administration, upon submission of a written request by a sponsor or applicant under subparagraph (A), to work with the sponsor or applicant to agree on a regulatory management plan within a reasonable time not to exceed 90 days. If the Secretary determines that no plan can be agreed upon, the Secretary shall provide to the sponsor or applicant, in writing, the scientific or regulatory rationale why such agreement cannot be reached.

“(4) PLAN.—The content of a regulatory management plan agreed to by the Secretary and a sponsor or applicant shall include—

“(A) an agreement between the Secretary and the sponsor or applicant regarding developmental milestones that will trigger responses by the Secretary as described in subparagraph (B);

“(B) performance targets and goals for timely and appropriate responses by the Secretary to the triggers described under subparagraph (A), including meetings between the Secretary and the sponsor or applicant, written feedback, decisions by the Secretary, and other activities carried out as part of the development and review process; and

“(C) an agreement on how the plan shall be modified, if needed.

“(5) MILESTONES AND PERFORMANCE TARGETS.—The developmental milestones described in paragraph (4)(A) and the performance targets and goals described in paragraph (4)(B) shall include—



“(A) feedback from the Secretary regarding the data required to support the approval, clearance, or licensure of the eligible countermeasure involved;

“(B) feedback from the Secretary regarding the data necessary to inform any authorization under section 564;

“(C) feedback from the Secretary regarding the data necessary to support the positioning and delivery of the eligible countermeasure, including to the Strategic National Stockpile;

“(D) feedback from the Secretary regarding the data necessary to support the submission of protocols for review under section 505(b)(5)(B);

“(E) feedback from the Secretary regarding any gaps in scientific knowledge that will need resolution prior to approval, licensure, or clearance of the eligible countermeasure and plans for conducting the necessary scientific research;

“(F) identification of the population for which the countermeasure sponsor or applicant seeks approval, licensure, or clearance and the population for which desired labeling would not be appropriate, if known; and

“(G) as necessary and appropriate, and to the extent practicable, a plan for demonstrating safety and effectiveness in pediatric populations, and for developing pediatric dosing, formulation, and administration with respect to the eligible countermeasure, provided that such plan would not delay authorization under section 564, approval, licensure, or clearance for adults.

#### “(6) PRIORITIZATION.—

“(A) PLANS FOR SECURITY COUNTERMEASURES.—The Secretary shall establish regulatory management plans for all security countermeasures for which a request is submitted under paragraph (3)(A).

“(B) PLANS FOR OTHER ELIGIBLE COUNTERMEASURES.—The Secretary shall determine whether resources are available to establish regulatory management plans for eligible countermeasures that are not security countermeasures. If resources are available to establish regulatory management plans for eligible countermeasures that are not security countermeasures, and if resources are not available to establish regulatory management plans for all eligible countermeasures for which requests have been submitted, the Director of the Biomedical Advanced Research and Development Authority, in consultation with the Commissioner, shall prioritize which eligible countermeasures may receive regulatory management plans.”.

#### SEC. 306. REPORT.

Section 565 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb-4), as amended by section 305, is further amended by adding at the end the following:

“(g) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and annually thereafter, the Secretary shall make publicly available on the Web site of the Food and Drug Administration a report that details the countermeasure development and review activities of the Food and Drug Administration, including—

“(1) with respect to the development of new tools, standards, and approaches to assess and evaluate countermeasures—

“(A) the identification of the priorities of the Food and Drug Administration and the progress made on such priorities; and

“(B) the identification of scientific gaps that impede the development, approval, licensure, or clearance of countermeasures for populations with special clinical needs, including children and pregnant women, and

the progress made on resolving these challenges;

“(2) with respect to countermeasures for which a regulatory management plan has been agreed upon under subsection (f), the extent to which the performance targets and goals set forth in subsection (f)(4)(B) and the regulatory management plan have been met, including, for each such countermeasure—

“(A) whether the regulatory management plan was completed within the required timeframe, and the length of time taken to complete such plan;

“(B) whether the Secretary adhered to the timely and appropriate response times set forth in such plan; and

“(C) explanations for any failure to meet such performance targets and goals;

“(3) the number of regulatory teams established pursuant to subsection (b)(4), the number of products, classes of products, or technologies assigned to each such team, and the number of, type of, and any progress made as a result of consultations carried out under subsection (b)(4)(A);

“(4) an estimate of resources obligated to countermeasure development and regulatory assessment, including—

“(A) Center-specific objectives and accomplishments; and

“(B) the number of full-time equivalent employees of the Food and Drug Administration who directly support the review of countermeasures;

“(5) the number of countermeasure applications and submissions submitted, the number of countermeasures approved, licensed, or cleared, the status of remaining submitted applications and submissions, and the number of each type of authorization issued pursuant to section 564;

“(6) the number of written requests for a regulatory management plan submitted under subsection (f)(3)(A), the number of regulatory management plans developed, and the number of such plans developed for security countermeasures; and

“(7) the number, type, and frequency of meetings between the Food and Drug Administration and—

“(A) sponsors of a countermeasure as defined in subsection (a); or

“(B) another agency engaged in development or management of portfolios for such countermeasures, including the Centers for Disease Control and Prevention, the Biomedical Advanced Research and Development Authority, the National Institutes of Health, and the appropriate agencies of the Department of Defense.”.

#### SEC. 307. PEDIATRIC MEDICAL COUNTERMEASURES.

(a) PEDIATRIC STUDIES OF DRUGS.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsection (d), by adding at the end the following:

“(5) CONSULTATION.—With respect to a drug that is a qualified countermeasure (as defined in section 319F-1 of the Public Health Service Act), a security countermeasure (as defined in section 319F-2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F-3 of the Public Health Service Act), the Secretary shall solicit input from the Assistant Secretary for Preparedness and Response regarding the need for and, from the Director of the Biomedical Advanced Research and Development Authority regarding the conduct of, pediatric studies under this section.”; and

(2) in subsection (n)(1), by adding at the end the following:

“(C) For a drug that is a qualified countermeasure (as defined in section 319F-1 of the Public Health Service Act), a security countermeasure (as defined in section 319F-2 of the Public Health Service Act), or a qualified pandemic or epidemic product (as defined in section 319F-3 of such Act), in addition to any action with respect to such drug under subparagraph (A) or (B), the Secretary shall notify the Assistant Secretary for Preparedness and Response and the Director of the Biomedical Advanced Research and Development Authority of all pediatric studies in the written request issued by the Commissioner of Food and Drugs.”.

(b) ADDITION TO PRIORITY LIST CONSIDERATIONS.—Section 409I of the Public Health Service Act (42 U.S.C. 284m) is amended—

(1) by striking subsection (a)(2) and inserting the following:

“(2) CONSIDERATION OF AVAILABLE INFORMATION.—In developing and prioritizing the list under paragraph (1), the Secretary—

“(A) shall consider—

“(i) therapeutic gaps in pediatrics that may include developmental pharmacology, pharmacogenetic determinants of drug response, metabolism of drugs and biologics in children, and pediatric clinical trials;

“(ii) particular pediatric diseases, disorders or conditions where more complete knowledge and testing of therapeutics, including drugs and biologics, may be beneficial in pediatric populations; and

“(iii) the adequacy of necessary infrastructure to conduct pediatric pharmacological research, including research networks and trained pediatric investigators; and

“(B) may consider the availability of qualified countermeasures (as defined in section 319F-1), security countermeasures (as defined in section 319F-2), and qualified pandemic or epidemic products (as defined in section 319F-3) to address the needs of pediatric populations, in consultation with the Assistant Secretary for Preparedness and Response, consistent with the purposes of this section.”; and

(2) in subsection (b), by striking “subsection (a)” and inserting “paragraphs (1) and (2)(A) of subsection (a)”.

(c) ADVICE AND RECOMMENDATIONS OF THE PEDIATRIC ADVISORY COMMITTEE REGARDING COUNTERMEASURES FOR PEDIATRIC POPULATIONS.—Subsection (b)(2) of section 14 of the Best Pharmaceuticals for Children Act (42 U.S.C. 284m note) is amended—

(1) in subparagraph (C), by striking the period and inserting “; and”;

(2) by adding at the end the following:

“(D) the development of countermeasures (as defined in section 565(a) of the Federal Food, Drug, and Cosmetic Act) for pediatric populations.”.

#### TITLE IV—ACCELERATING MEDICAL COUNTERMEASURE ADVANCED RESEARCH AND DEVELOPMENT

##### SEC. 401. BIOSHIELD.

(a) PROCUREMENT OF COUNTERMEASURES.—Section 319F-2(c) of the Public Health Service Act (42 U.S.C. 247d-6b(c)) is amended—

(1) in paragraph (1)(B)(i)(III)(bb), by striking “eight years” and inserting “10 years”;

(2) in paragraph (2)(C), by striking “the designated congressional committees (as defined in paragraph (10))” and inserting “the appropriate committees of Congress”;

(3) in paragraph (5)(B)(ii), by striking “eight years” and inserting “10 years”;

(4) in subparagraph (C) of paragraph (6)—

(A) in the subparagraph heading, by striking “DESIGNATED CONGRESSIONAL COMMITTEES” and inserting “APPROPRIATE CONGRESSIONAL COMMITTEES”; and

(B) by striking “the designated congressional committees” and inserting “the appropriate congressional committees”; and

(5) in paragraph (7)(C)—

(A) in clause (i)(I), by inserting “including advanced research and development,” after “as may reasonably be required,”;

(B) in clause (ii)—

(i) in subclause (III), by striking “eight years” and inserting “10 years”; and

(ii) by striking subclause (IX) and inserting the following:

“(IX) CONTRACT TERMS.—The Secretary, in any contract for procurement under this section—

“(aa) may specify—

“(AA) the dosing and administration requirements for the countermeasure to be developed and procured;

“(BB) the amount of funding that will be dedicated by the Secretary for advanced research, development, and procurement of the countermeasure; and

“(CC) the specifications the countermeasure must meet to qualify for procurement under a contract under this section; and

“(bb) shall provide a clear statement of defined Government purpose limited to uses related to a security countermeasure, as defined in paragraph (1)(B).”; and

(C) by adding at the end the following:

“(viii) FLEXIBILITY.—In carrying out this section, the Secretary may, consistent with the applicable provisions of this section, enter into contracts and other agreements that are in the best interest of the Government in meeting identified security countermeasure needs, including with respect to reimbursement of the cost of advanced research and development as a reasonable, allowable, and allocable direct cost of the contract involved.”.

(b) REAUTHORIZATION OF THE SPECIAL RESERVE FUND.—Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended—

(1) in subsection (c)—

(A) by striking “special reserve fund under paragraph (10)” each place it appears and inserting “special reserve fund as defined in subsection (h)”; and

(B) by striking paragraphs (9) and (10); and

(2) by adding at the end the following:

“(g) SPECIAL RESERVE FUND.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts appropriated to the special reserve fund prior to the date of the enactment of this subsection, there is authorized to be appropriated, for the procurement of security countermeasures under subsection (c) and for carrying out section 319L (relating to the Biomedical Advanced Research and Development Authority), \$2,800,000,000 for the period of fiscal years 2014 through 2018. Amounts appropriated pursuant to the preceding sentence are authorized to remain available until September 30, 2019.

“(2) USE OF SPECIAL RESERVE FUND FOR ADVANCED RESEARCH AND DEVELOPMENT.—The Secretary may utilize not more than 50 percent of the amounts authorized to be appropriated under paragraph (1) to carry out section 319L (related to the Biomedical Advanced Research and Development Authority). Amounts authorized to be appropriated under this subsection to carry out section 319L are in addition to amounts otherwise authorized to be appropriated to carry out such section.

“(3) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund shall not be used to pay costs other than pay-

ments made by the Secretary to a vendor for advanced development (under section 319L) or for procurement of a security countermeasure under subsection (c)(7).

“(4) REPORT.—Not later than 30 days after any date on which the Secretary determines that the amount of funds in the special reserve fund available for procurement is less than \$1,500,000,000, the Secretary shall submit to the appropriate committees of Congress a report detailing the amount of such funds available for procurement and the impact such reduction in funding will have—

“(A) in meeting the security countermeasure needs identified under this section; and

“(B) on the annual Public Health Emergency Medical Countermeasures Enterprise and Strategy Implementation Plan (pursuant to section 2811(d)).

“(h) DEFINITIONS.—In this section:

“(1) The term ‘advanced research and development’ has the meaning given such term in section 319L(a).

“(2) The term ‘special reserve fund’ means the ‘Biodefense Countermeasures’ appropriations account, any appropriation made available pursuant to section 521(a) of the Homeland Security Act of 2002, and any appropriation made available pursuant to subsection (g)(1).”.

#### SEC. 402. BIOMEDICAL ADVANCED RESEARCH AND DEVELOPMENT AUTHORITY.

(a) DUTIES.—Section 319L(c)(4) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(4)) is amended—

(1) in subparagraph (B)(iii), by inserting “(which may include advanced research and development for purposes of fulfilling requirements under the Federal Food, Drug, and Cosmetic Act or section 351 of this Act)” after “development”; and

(2) in subparagraph (D)(iii), by striking “and vaccine manufacturing technologies” and inserting “vaccine-manufacturing technologies, dose-sparing technologies, efficacy-increasing technologies, and platform technologies”.

(b) TRANSACTION AUTHORITIES.—Section 319L(c)(5) of the Public Health Service Act (42 U.S.C. 247d-7e(c)(5)) is amended by adding at the end the following:

“(G) GOVERNMENT PURPOSE.—In awarding contracts, grants, and cooperative agreements under this section, the Secretary shall provide a clear statement of defined Government purpose related to activities included in subsection (a)(6)(B) for a qualified countermeasure or qualified pandemic or epidemic product.”.

(c) FUND.—Paragraph (2) of section 319L(d) of the Public Health Service Act (42 U.S.C. 247d-7e(d)(2)) is amended to read as follows:

“(2) FUNDING.—To carry out the purposes of this section, there is authorized to be appropriated to the Fund \$415,000,000 for each of fiscal years 2013 through 2017, such amounts to remain available until expended.”.

(d) CONTINUED INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 319L(e)(1)(C) of the Public Health Service Act (42 U.S.C. 247d-7e(e)(1)(C)) is amended by striking “7 years” and inserting “11 years”.

(e) EXTENSION OF LIMITED ANTITRUST EXEMPTION.—Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d-6a note) is amended by striking “6-year” and inserting “11-year”.

(f) INDEPENDENT EVALUATION.—Section 319L of the Public Health Service Act (42 U.S.C. 247d-7e) is amended by adding at the end the following:

“(f) INDEPENDENT EVALUATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this sub-

section, the Comptroller General of the United States shall conduct an independent evaluation of the activities carried out to facilitate flexible manufacturing capacity pursuant to this section.

“(2) REPORT.—Not later than 1 year after the date of enactment of this subsection, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1). Such report shall review and assess—

“(A) the extent to which flexible manufacturing capacity under this section is dedicated to chemical, biological, radiological, and nuclear threats;

“(B) the activities supported by flexible manufacturing initiatives; and

“(C) the ability of flexible manufacturing activities carried out under this section to—

“(i) secure and leverage leading technical expertise with respect to countermeasure advanced research, development, and manufacturing processes; and

“(ii) meet the surge manufacturing capacity needs presented by novel and emerging threats, including chemical, biological, radiological, and nuclear agents.”.

(g) DEFINITIONS.—

(1) QUALIFIED COUNTERMEASURE.—Section 319F-1(a)(2)(A) of the Public Health Service Act (42 U.S.C. 247d-6a(a)(2)(A)) is amended—

(A) in the matter preceding clause (i), by striking “to—” and inserting “—”;

(B) in clause (i)—

(i) by striking “diagnose” and inserting “to diagnose”; and

(ii) by striking “; or” and inserting a semicolon;

(C) in clause (ii)—

(i) by striking “diagnose” and inserting “to diagnose”; and

(ii) by striking the period at the end and inserting “; or”; and

(D) by adding at the end the following:

“(iii) is a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii).”.

(2) QUALIFIED PANDEMIC OR EPIDEMIC PRODUCT.—Section 319F-3(i)(7)(A) of the Public Health Service Act (42 U.S.C. 247d-6d(i)(7)(A)) is amended—

(A) in clause (i)(II), by striking “; or” and inserting “;”;

(B) in clause (ii), by striking “; and” and inserting “; or”; and

(C) by adding at the end the following:

“(iii) a product or technology intended to enhance the use or effect of a drug, biological product, or device described in clause (i) or (ii); and”.

(3) TECHNICAL AMENDMENTS.—Section 319F-3(i) of the Public Health Service Act (42 U.S.C. 247d-6d(i)) is amended—

(A) in paragraph (1)(C), by inserting “, 564A, or 564B” after “564”; and

(B) in paragraph (7)(B)(iii), by inserting “, 564A, or 564B” after “564”.

#### SEC. 403. STRATEGIC NATIONAL STOCKPILE.

Section 319F-2 of the Public Health Service Act (42 U.S.C. 247d-6b) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting “consistent with section 2811” before “by the Secretary to be appropriate”; and

(ii) by inserting before the period at the end of the second sentence the following: “and shall submit such review annually to the appropriate congressional committees of jurisdiction to the extent that disclosure of such information does not compromise national security”; and

(B) in paragraph (2)(D), by inserting before the semicolon at the end the following: “and that the potential depletion of countermeasures currently in the stockpile is identified and appropriately addressed, including through necessary replenishment”; and

(2) in subsection (f)(1), by striking “\$640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (c)(10)(A).” and inserting “\$533,800,000 for each of fiscal years 2013 through 2017. Such authorization is in addition to amounts in the special reserve fund referred to in subsection (h).”.

#### SEC. 404. NATIONAL BIODEFENSE SCIENCE BOARD.

Section 319M(a) of the Public Health Service Act (42 U.S.C. 247d-f(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D)—

(i) in clause (i), by striking “and” at the end;

(ii) in clause (ii), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

“(iii) one such member shall be an individual with pediatric subject matter expertise; and

“(iv) one such member shall be a State, tribal, territorial, or local public health official.”; and

(B) by adding at the end the following flush sentence:

“Nothing in this paragraph shall preclude a member of the Board from satisfying two or more of the requirements described in subparagraph (D).”; and

(2) in paragraph (5)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(D) provide any recommendation, finding, or report provided to the Secretary under this paragraph to the appropriate committees of Congress.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Texas (Mr. GENE GREEN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. ROGERS of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on H.R. 6672.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ROGERS of Michigan. Madam Speaker, I yield myself such time as I may consume.

Although it has been more than 10 years since September 11 and the anthrax attacks that followed, the threat of bioterrorism remains a very real danger to the American people. Fortunately, we have spent the last decade preparing for chemical, biological, radiological, and nuclear threats by developing and stockpiling numerous

medical countermeasures to protect Americans in the event of such an attack. As a result of these efforts, we now have numerous vaccines and treatments in the Strategic National Stockpile that will save thousands of lives if we are attacked. However, the work to protect Americans against bioterrorism is not finished; and we must pass this bill, or the future of America's public health preparedness infrastructure will be in jeopardy.

The Pandemic and All-Hazards Preparedness Authorization Act, known as PAHPRA, is a fiscally responsible bill that represents common ground between the bipartisan House and Senate-passed preparedness bills. I would like to take the opportunity to thank the bipartisan cosponsors, including Chairman UPTON and Ranking Member WAXMAN, as well as our great bipartisan partners in the Senate for their support in what has been a very productive process to ensure the health, preparedness of our States and hospitals for the next flu outbreak or pandemic.

The bill will reauthorize critically important biodefense programs designed to promote the continued development of medical countermeasures against threats and would strengthen the Nation's public health preparedness infrastructure. Reauthorizing these programs is essential to how the Nation would respond to a chemical, biological, radiological, or nuclear attack. PAHPRA will reauthorize critically important programs for 5 years at the fiscal year 2012 appropriated level. The bill would not create a new program nor increase the authorization for appropriations for the existing program.

H.R. 6672 would reauthorize and improve certain provisions of Project Bioshield and PAHPRA. Its passage, I think, is important for the future of our national security here at home.

Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. I yield myself such time as I may consume.

I rise in strong support of the Pandemic and All-Hazards Preparedness Reauthorization Act, which will reauthorize certain provisions of the Project Bioshield Act of 2004 and Pandemic and All-Hazards Preparedness Act of 2006. This legislation was passed by Congress to help the U.S. develop countermeasures against chemical, biological, radiological, and nuclear terrorism agents and to provide a mechanism for Federal acquisition of these newly developed countermeasures.

Our Nation remains vulnerable to these threats because many of these vaccines and medicines that are needed to protect our citizens do not exist. Developing and stockpiling these medical countermeasures require time, resources, and research—all of which will be provided under the legislation before us today. I'm pleased that the lan-

guage I supported during the committee process was included, aimed at increasing emphasis on regionalized trauma care systems.

This bill is also very important to me because the University of Texas Medical Branch's Galveston National Laboratory is in my backyard. The Galveston National Lab is the only BSL-4 lab located on a university campus. At the lab, scientists conduct research to develop therapies, vaccines, and diagnostic tests for naturally-occurring emerging diseases such as SARS and avian influenza, as well as for microbes that might be employed by terrorists. This is exactly the type of research we hope to encourage under the Pandemic and All-Hazards Preparedness Reauthorization Act.

As an original cosponsor of the bill with Mr. ROGERS, I'm very pleased how quickly we moved this rare bipartisan piece of legislation. I want to thank Mr. ROGERS, Chairman UPTON, Ranking Member WAXMAN, Ranking Member PALLONE, Mrs. MYRICK, Ms. ESHOO, and Mr. MARKEY for their work on H.R. 6672. I strongly urge my colleagues to vote “yes” on this legislation.

I reserve the balance of my time.

Mr. ROGERS of Michigan. I yield 2 minutes to the distinguished chairman and a great leader of this Congress, the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I particularly want to thank Mr. ROGERS, who has helped shepherd this bill through our committee. I appreciate the very hard work of Chairman PITTS, Ranking Members WAXMAN and PALLONE, along with all the members of our committee to get this bill done and to the floor this afternoon.

Madam Speaker, this bill, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, would reauthorize programs designed to encourage the development of medical countermeasures and improve the Nation's health infrastructure to help us respond to a terrorist attack. This bill is very similar to H.R. 2405, the Pandemic and All-Hazards Preparedness Act of 2011, which passed the House last year. This bill, H.R. 6672, reflects common ground reached between the House and Senate through months and months of bipartisan negotiations. I'm hopeful that the Congress, House and Senate, will enact the bill this week so that we can ensure that our Nation is prepared for the unthinkable.

This bill reauthorizes the special reserve fund, the Biodefense Advanced Research and Development Authority, and public health preparedness programs, while eliminating duplicative reports. It also clarifies that the Assistant Secretary for Preparedness and Response is the leader of the Federal Government's efforts on preparedness and response. This clarification will

help in removing duplication, improving coordination, and providing accountability.

The bill also takes important steps to foster medical countermeasure development by ensuring that the FDA's regulations of medical countermeasures are predictable, consistent, and, in fact, transparent. Finally, the bill would provide additional flexibility for emergency distribution, stockpiling, and use of medical countermeasures so the Nation is prepared for whatever may happen.

I would urge all of my colleagues to support the bill. Again, I commend Republicans and Democrats for working together on a bill that really does need to get to the President's desk.

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Mr. PALLONE. Madam Speaker, I'd like to yield such time as she may consume to the gentlewoman from California (Ms. ESHOO) and stress her involvement in this issue over the years.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

Ms. ESHOO. I thank the gentleman.

Madam Speaker, it's good to see you in the chair. We're all going to miss you a great, great deal.

I rise today in support of the Pandemic and All-Hazards Preparedness Act's reauthorization, legislation I first introduced in 2006 with Congressman MIKE ROGERS to better help our country prepare for a chemical, biological, radiological, or nuclear attack.

Developing and stockpiling appropriate countermeasures is essential for public safety, and these programs encourage American companies to invest in areas of high critical need.

The bill before us today includes new provisions that highlight the important needs of our Nation's children. Children are not just little adults; they need special care and special medical attention. They're especially vulnerable to biological or chemical agents because of their size, their limited capacity to flush out toxins, their underdeveloped motor skills, and their total reliance on their parents or other caregivers.

While the hope is that we will never need to use these countermeasures to combat an attack on our country, I'm proud that we've strengthened these programs for everyone in our country, especially the children.

I'm pleased to see the Pandemic and All-Hazards Preparedness Act voted on today. I thank everyone that's been involved in this on a bipartisan basis in the spirit in which it was first introduced when we introduced it in 2006, and I look forward to seeing it signed into law by the President of the United States.

Mr. ROGERS of Michigan. Madam Speaker, I just want to say thank you

and congratulate my friend, ANNA ESHOO, for the work that she's done on this bill in such a bipartisan way. I think we would not have advanced to this degree without her great help and assistance.

With that, I would yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. I thank the gentleman for yielding.

I also want to start by thanking our chairman, Chairman UPTON, Mr. WAXMAN, the ranking member, Mr. ROGERS, as well as our staff, Clay Alspach with the majority staff, for all their help in assuring that this bill, H.R. 6672, came to the floor.

In an emergency we need all hands on deck. In the aftermath of an attack, natural disaster, or pandemic, we need to be assured that there is an adequate supply of countermeasures to meet our Nation's needs. This program has also proven itself effective and deserves to be reauthorized and strengthened, as this bill does.

Our Nation will never reach the surge capacity it needs without utilizing all personnel in our health care workforce. The committee has worked with me to ensure maximum capacity by correcting an oversight in the original law and now clarifies that dentists and dental facilities have the opportunity to be included in the first responder framework by incorporating earlier legislation, H.R. 570.

Dentists are willing and trained to support the medical and public health response to a disaster, and this legislation allows States the option of incorporating dentists into their disaster response framework.

In addition, the legislation expands on a long-held priority for me by strengthening our Nation's commitment to trauma care and its continued necessity in the aftermath of a disaster.

We're fortunate to have the bill on the floor today to ensure that our national disaster response framework has the maximum available resources. I urge the Senate to take up this legislation.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I'm pleased to rise in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012. This bill reflects bipartisan work that has taken place between the House and Senate over the last several months to resolve differences between the House and Senate-passed PAHPA reauthorization bills.

We all know very well that our Nation continues to face threats that require an ongoing commitment to public health and emergency preparedness. Just recently we experienced a devastating storm along the east coast—Hurricane Sandy—that destroyed en-

tire communities in coastal New Jersey and New York, including areas within my district. The Federal Government's support, including through programs authorized by PAHPA, was critical in the wake of this disaster.

The legislation before us today reauthorizes programs and activities first established as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the 2004 Project Bioshield Act, and the 2006 Pandemic and All-Hazards Preparedness.

In the wake of 9/11, Congress placed a high priority on biodefense. Congress first passed the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 to improve the Nation's ability to respond to acts of biological terrorism.

In 2004, we passed the Project Bioshield Act with tremendous bipartisan support, and Democrats and Republicans worked together to authorize the development, procurement, and emergency use of medical countermeasures for biological, chemical, radiological, and nuclear threats.

We then identified some shortfalls, and in 2006 worked to amend and build upon the existing BioShield program and Department of Health and Human Services authorities by passing PAHPA. For example, PAHPA charged the Assistant Secretary for Preparedness and Response with the Department's public health and medical response. It required, a National Health Security Strategy to guide the Department's preparedness and response efforts, reauthorize grants to improve State and local public health and hospital preparedness, and establish the Biomedical Advance Research and Development Authority to spur development of medical countermeasures.

Together, BioShield and PAHPA represent more comprehensive efforts to prepare for and respond to public health emergencies, whether they're naturally occurring events like the H1N1 outbreak, or those that are deliberate, such as anthrax attacks. As a result of these bills and the investments that followed, our Nation is better equipped to respond to public health emergencies.

I'd just like to take a few moments, Madam Speaker, to highlight ways that H.R. 6672 will continue the progress we've made over the past decade.

First, the bill further facilitates the development of medical countermeasures through emphasizing medical countermeasures advancement in the National Health Security Strategy; requiring the development of a 5-year budget analysis of the countermeasure enterprise; and calling for the development of a countermeasure strategy and implementation plan.

Second, Madam Speaker, H.R. 6672 bolsters the Nation's medical and public health preparedness and response

infrastructure, including through a new authority that would allow States to redeploy personnel funded through Federal programs to the areas within their State where they're most needed in the aftermath of a disaster.

Third, it strengthens and clarifies the position of Assistant Secretary for Preparedness and Response as the lead for HHS on emergency preparedness and response and calls for streamlining and better coordinating HHS preparedness grants with those of other departments.

Next, it places even greater emphasis on the special needs of pediatric and other at-risk populations in preparing for and responding to public health emergencies.

Finally, H.R. 6672 improves FDA's emergency response capabilities. It will enable FDA to authorize the distribution and use of medical countermeasures in preparation for an emergency and to take actions during an emergency that will allow for the most effective use of medical countermeasures.

I'd like to thank Congressman MIKE ROGERS, Congressman GENE GREEN, and their staff who authored the original House legislation, H.R. 2405. I'd like to recognize the contributions of Chairman UPTON, Chairman PITTS, Ranking Member WAXMAN, Congresswoman ESHOO, and Congressman MARKEY, and their staff in strengthening the legislation as it moved through the committee process and in discussions with the Senate. They have all worked in a bipartisan fashion over the past 1½ years to accomplish the goals of our Members and should be commended for their work.

I also urge Members to join me in supporting passage of H.R. 6672. I'm hopeful that our Senate colleagues will similarly support this bill's passage so we can get the bill to the President's desk.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, at this time we have no further speakers, and I would continue to reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I'd like to submit letters of support from the following organizations into the RECORD: the Alliance for Biosecurity, the American Academy of Pediatrics, the Biotechnology Industry Organization, or BIO, the Roundtable on Critical Care Policy, and a joint letter from four public health organizations. Those are the American Public Health Association, the Association of State and Territorial Health Officials, the National Association of County and City Health Officials, and the Trust for America's Health.

I yield back the balance of my time.

ALLIANCE FOR BIOSECURITY, OFFICE  
OF THE SECRETARY AND LEGAL  
COUNSEL,

Washington, DC, December 17, 2012.

Hon. MIKE ROGERS,  
Rayburn House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE ROGERS: On behalf of the Alliance for Biosecurity, I write in strong support of the Pandemic All-Hazards Preparedness Reauthorization Act of 2012 (H.R. 6672). The Alliance for Biosecurity is a collaboration of pharmaceutical and biotechnology companies working to develop medical countermeasures (MCMs) to prevent and treat diseases associated with bioterrorism and emerging infectious diseases. It is essential to our nation's safety that this bill is passed by the House and Senate before the end of the 112th Congress.

As you know, the chemical, biological, radiological, and nuclear (CBRN) threat is real and growing. It is critical that the country continue ongoing efforts to develop, procure, and stockpile MCMs to both deter an attack and protect our citizens should a bioterrorism event occur. The Congressionally-established Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism 2008 report predicted that "it is more likely than not that a weapon of mass destruction will be used in a terrorist attack somewhere in the world by the end of 2013." There is a limited commercial market for MCMs; consequently, without adequate advanced development and stockpiling funding, companies have neither the incentive nor the ability to invest in these life-saving therapies.

Reauthorization of PAHPA and Project BioShield is critical to ensuring the sustainability of the MCM enterprise. We applaud the tireless work of you and your colleagues on this important issue and urge that this measure is brought up for consideration in the House and Senate without delay to ensure that our nation remains prepared to face such threats.

Respectfully submitted on behalf of the Alliance for Biosecurity.

MAUREEN DONAHUE HARDWICK,  
Secretariat and Legal Counsel.

AMERICAN ACADEMY OF PEDIATRICS,  
December 18, 2012.

Hon. MIKE ROGERS,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN ROGERS: On behalf of the American Academy of Pediatrics (AAP), a professional organization of 60,000 primary care pediatricians, pediatric medical subspecialists, and pediatric surgical specialists dedicated to the health, safety, and well-being of infants, children, adolescents, and young adults, I write to express our support for H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012.

Representing twenty-five percent of the U.S. population, children are not little adults. Their developing minds and bodies place them at disproportionate risk during a disaster situation. Children are particularly vulnerable to aerosolized biological or chemical agents because they breathe more times per minute than adults and they are more vulnerable to agents that act on or through the skin because their skin is thinner and they have a larger surface-to-mass ratio than adults. Children need different dosages of medicine than adults, not only because they are smaller, but also because certain drugs and biologics may have different or unanticipated effects on developing children.

From needles and tubing, to oxygen masks and ventilators, to imaging and laboratory technology, children need medical equipment that has been specifically designed for their size and unique physiology.

Numerous expert bodies including the National Commission on Children and Disasters and the National Biodefense Science Board (NBSB) have found that, with respect to medical countermeasures (MCMs) for children, significant gaps remain in pediatric indications, dosages and formulations. H.R. 6672 includes several important provisions that will help advance the development of MCMs for children by maximizing existing pediatric drug testing laws, increasing pediatric expertise at federal agencies involved in MCM development and procurement, and prioritizing children within the existing Public Health Emergency Medical Countermeasures Enterprise. Additionally, the expansion of existing emergency use authorization authority will be critical to ensuring that countermeasures for children are stockpiled in advance of a disaster or emergency.

In particular, the Academy thanks you for including a provision that will require the Secretary of Health and Human Services to establish a National Advisory Committee on Children and Disasters. With the termination of the National Commission on Children and Disasters, which helped focus attention on gaps in disaster planning and delivered practical recommendations to the President and Congress, the National Advisory Committee on Children and Disasters will help ensure that important progress made at various federal agencies, state and local levels, and throughout the private sector continues. Importantly, the Advisory Committee will bring together federal and non-federal partners to provide guidance and recommendations on our nation's preparedness to meet the needs of children before, during and after all-hazards emergencies. It is our hope that the Advisory Committee will comprehensively assess progress toward fulfilling the recommendations of the National Commission on Children and Disasters. The Academy looks forward to working with you and the Department of Health and Human Services to establish the National Advisory Committee on Children and Disasters.

H.R. 6672 maintains the important role of the National Disaster Medical System (NDMS) while ensuring that the NDMS takes into account pediatric populations. It also ensures that the requirements for the Hospital Preparedness Program and the Public Health Emergency Preparedness Cooperative Agreement Program have specific pediatric performance measures. The AAP applauds the requirement in the legislation that the NBSB include an individual with pediatric subject matter expertise.

Thank you for your continued commitment to improving the health and well-being of children. We look forward to working with you on passage of H.R. 6672.

Sincerely,  
THOMAS K. MCINERNEY, MD, FAAP,  
President.

BIOTECHNOLOGY  
INDUSTRY ORGANIZATION,  
December 18, 2012.

Hon. JOHN BOEHNER,  
*Speaker of the House, House of Representatives,  
The Capitol, Washington, DC.*

Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives, The  
Capitol, Washington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the Biotechnology Industry Organization (BIO), I am writing with our support for H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA) of 2012, sponsored and championed by Chairman Mike Rogers (R-MI).

BIO represents more than 1,100 biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States. BIO members are involved in the research and development of healthcare, agricultural, industrial and environmental biotechnology products. Our members play a central role in ensuring the effective development of medical countermeasures (MCMs) to protect our nation's citizens against chemical, biological, radiological and nuclear threats, whether naturally occurring or man-made.

We strongly support the simultaneous reauthorization of Project BioShield and the Special Reserve Fund (SRF) with PAHPRA. Because the government represents the sole marketplace for the vast majority of MCMs, the funding available through the SRF is vital for private companies, considering the high cost and significant time commitment associated with the development and manufacture of these products. We also support the bill's provisions clarifying the regulatory process at the U.S. Food and Drug Administration (FDA) for MCMs, as these provisions will help accelerate MCM development and approval, improving the nation's preparedness.

We thank you for moving the legislation forward in the House, and we look forward to working with you, Chairman Rogers, Congressman Gene Green, and the Senate to ensure that H.R. 6672 is ultimately enacted into law this year. Thank you.

Sincerely,

JAMES C. GREENWOOD,  
*President & CEO.*

THE ROUNDTABLE  
ON CRITICAL CARE POLICY,  
Washington, DC, December 18, 2012.

Hon. JOHN BOEHNER,  
*Speaker of the House, House of Representatives,  
U.S. Capitol, Washington, DC.*

Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives, U.S.  
Capitol, Washington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: The Roundtable on Critical Care Policy strongly supports the Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA) of 2012 and urges the House of Representatives to swiftly pass this vital legislation that will improve America's public health, medical preparedness and response capabilities, and enhance the nation's ability to care for the critically ill and injured in the aftermath of a public health emergency.

In particular, our organization strongly supports the Roundtable-endorsed provisions included in the House and Senate negotiated version of PAHPRA that would prioritize critical care within the National Health Security Strategy (NHSS). More specifically, these provisions would, for the first time,

add care for critically ill patients in our nation's intensive care units (ICU) to the federal government's medical preparedness and surge capacity goals, thereby ensuring that critical care is included in federal, state and local planning efforts to increase preparedness for public health emergencies. This reauthorization would require the inclusion of medical surge capacity in the periodic evaluation of the nation's preparedness capabilities, enabling an efficient and effective medical response during an emergency.

The Roundtable also commends the inclusion of language in the NHSS that requires coordinated medical triage and evacuation to appropriate medical institutions during a public health emergency, which supports the Roundtable's past calls for increased planning for patient evacuation in hospitals—including ICUs.

When our nation is faced with a health emergency, the critical care delivery system is an integral component of our nation's medical response. Yet, despite the fact that Americans depend on this delivery system to care for our most critically ill and injured—a system whose capacity is truly put to the test and often stretched to its limits in the event of a widespread health emergency—critical care medicine has not been given sufficient consideration in our disaster preparedness efforts, until now.

The Roundtable believes that the inclusion of these provisions in the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 will go a long way towards strengthening the nation's critical care infrastructure, and addressing the needs of the critically ill and injured in the event of a major public health crisis.

We applaud the U.S. House of Representatives under your leadership for working to improve our federal disaster preparedness efforts, and ensuring the prioritization of critical care within PAHPRA.

Sincerely,

STEPHANIE SILVERMAN,  
*President.*

DECEMBER 18, 2012.

Hon. JOHN BOEHNER,  
*Speaker of the House, U.S. Capitol, Wash-  
ington, DC.*

Hon. NANCY PELOSI,  
*House Minority Leader, U.S. Capitol, Wash-  
ington, DC.*

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: On behalf of the undersigned organizations, dedicated to protecting the public health of our nation, we write to express our support for the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012 (PAHPRA/H.R. 6672) before the House of Representatives this week. We thank you for your leadership on this legislation that is critical to the safety of our nation.

PAHPRA is vital to state and local health and other public health practitioners who are a critical part of any community's first response to disease outbreaks, emergencies, and acts of terrorism. The following provisions in particular are essential to keeping communities healthy and safe:

Temporary Redeployment of Federally Funded Personnel During a Public Health Emergency (Section 201): The provision allows states and tribes to request from the Department of Health and Human Services (HHS) the authority to temporarily reassign public health personnel from other HHS-funded grant programs to respond to a major emergency. The authority would allow state and local governments to meet the tremendous staffing needs required by a disaster.

Reauthorization of the Public Health and Emergency Preparedness Grants (PHEP) (Section 202): The PHEP cooperative agreement program provides funding to local and state public health departments to strengthen their capacity and capability to effectively respond to public health emergencies including terrorist threats, infectious disease outbreaks, natural disasters, and biological, chemical, nuclear, and radiological emergencies. State and local health departments work with federal government officials, law enforcement, emergency management, health care, business, education, and religious groups to plan, train, and prepare for emergencies so that when disaster strikes, communities are prepared.

Reauthorization of the Hospital Preparedness Program (HPP) (Section 203): HPP provides funding to state and local health departments to enhance hospital preparedness and improve overall surge capacity in the case of public health emergencies. The preparedness activities carried out under this program strengthen the capabilities of hospitals throughout the country to respond to floods, hurricanes, or wildfires, and also include training for a potential influenza pandemic or terrorist attack.

Carryover of Grant Use, Coordination (Section 202 and 203): The bill updates the preparedness grant programs at HHS giving grantees limited ability to carry over funds encouraging flexibility and efficiency. The provisions promote long-term planning currently impossible in an unpredictable fiscal environment.

Children's Preparedness (Sections 103, 307 and throughout): The bill establishes the National Advisory Committee on Children and Disasters to bring together federal and non-federal partners to provide guidance and recommendations on medical and public health preparedness for children before, during and after a disaster or public health emergency. The bill takes significant steps to consider the particular needs of pediatric populations in Medical Countermeasure (MCM) research and development. The bill also calls for consideration of the needs of children, as an at-risk population, in the Public Health Emergency Medical Countermeasures Enterprise Strategy and Implementation Plan, PHEP, HPP, and Medical Reserve Corps.

Enhancing Situational Awareness and Biosurveillance (Section 204): The bill calls for planning and integration of the current biosurveillance systems to strengthen the nation's bioterrorism and disease outbreak response capabilities. The bill also requires coordination with the National Biodefense Science Board. HHS is required to provide a report to Congress on their implementation plans and progress.

Individuals with Disabilities (Section 101): The bill calls for the consideration of the needs individuals with disabilities in the National Health Security Strategy.

Thank you again for your work to reauthorize this important legislation. We look forward to working with you and your staff to move this bill to the President's desk.

Sincerely,

GEORGES C. BENJAMIN, MD,  
FACP, FACEP, (E)  
*Executive Director,  
American Public  
Health Association.*

PAUL E. JARRIS, MD, MBA,  
*Executive Director, As-  
sociation of State  
and Territorial  
Health Officials.*

ROBERT M. PESTRONK,



MPH,  
Executive Director,  
National Association  
of County and City  
Health Officials.  
JEFF LEVI, PHD,  
Executive Director,  
Trust For America's  
Health.

□ 1300

Mr. ROGERS of Michigan. Madam Speaker, there are many things that keep me awake at night as the chairman of the House Permanent Select Committee on Intelligence. The growing threat from chemical, biological, radiological, and nuclear attacks not only abroad but here is of growing concern. Instability in governments that possess these materials, an increasing interest from those who would choose to do harm to the United States, desire to get their hands on these materials means that we must prepare ourselves here at home for the unfortunate. I think unlikely certainly in the short term, but possible position of being attacked with these disturbing weapons systems. This is that important step to protect Americans by increasing our stockpiles, and I would urge its passage.

With that, Madam Speaker, I yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I rise in support of H.R. 6672, the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012, and urge my colleagues to support this bill as well.

Madam Speaker, this legislation has been a long time coming. The House version of the bill passed this body over one year ago; the Senate version was adopted in March of this year. Since that time we have been engaged in a lengthy, but extremely productive process with our Senate colleagues and their staff to come together to bridge the differences between the two bills. H.R. 6672 is the product of that effort. It is our hope that the Senate will pass the bill as soon as possible after the House acts on the legislation today, allowing the critical work authorized under the legislation to continue.

Toward that end, H.R. 6672 reauthorizes and makes minor—but important—improvements to various programs and activities first established in the 2004 Project Bioshield Act and the 2006 Pandemic and All-Hazards Preparedness Act, or as it is commonly referred to, “PAHPA.” These programs and activities are key in helping to ensure that our Nation is well prepared to successfully manage the effects of natural disasters, infectious disease outbreaks, and acts of bioterrorism.

H.R. 6672 includes dozens of changes to these underlying authorities. Let me highlight just three provisions that deserve special attention:

The bill targets the Food and Drug Administration, FDA, to ensure that it focuses on medical countermeasures—that is, products designed to combat chemical, biological, radioactive, and nuclear agents—of the highest importance. It requires FDA to work with industry on industry-submitted regulatory management

plans for prioritized countermeasures to facilitate scientific exchanges between the FDA and countermeasure product sponsors to streamline our ability to make these products available. Just last Friday, FDA approved the first drug developed and procured under Project BioShield. Raxibacumab is approved for use together with antibiotics to treat anthrax in children and adults. The FDA provisions in H.R. 6672—together with the renewed emphasis in our countermeasure enterprise through other provisions in this legislation—will make it possible for even more drugs and devices to move from early development to procurement.

The legislation also makes improvements to the Nation's blueprint for public health preparedness and response activities that will enhance the ability of our diverse health care system to respond to mass casualty emergencies. Among such improvements are clarifying the role of the Assistant Secretary of Preparedness and Response as the lead office within the Department of Health and Human Services, HHS, for emergency preparedness and response. H.R. 6672 also establishes a new authority to permit the HHS Secretary to approve a request of a state, territory, or an Indian tribe to redeploy certain federally-supported employees during the time of a national emergency to geographic areas where such employees are needed most.

In addition, H.R. 6672 continues support for investments in State and local public health departments. Such investments are necessary to make certain that we have the requisite public health infrastructure in place to respond immediately and appropriately to any public health threat that may arise.

This legislation reflects the effort of a number of members—Democrats and Republicans alike. On our side of the aisle Congressman GREEN, Congresswoman ESHOO, Congressman MARKEY, and our Health Subcommittee Ranking Member—Congressman PALLONE—have been deeply involved. I want to thank them and their staff for all the long and incredibly hard work they have put into this legislation and to the process of getting us here today.

I urge my colleagues to vote in favor of H.R. 6672.

Mr. PAULSEN. Madam Speaker, I rise in strong support of the Pandemic and All-Hazards Preparedness Reauthorization Act of 2012. This legislation will bolster the nation's public health preparedness infrastructure and ensure the reauthorization of programs that provide key resources to states, health departments and hospitals.

I am particularly pleased that the final legislation contains key provisions that enhance the nation's ability to care for the critically ill and injured in the aftermath of a public health emergency. For the first time, the federal government will be required to prioritize the critical care system in its emergency and disaster planning efforts. Furthermore, the bill requires additional planning regarding evacuation of patients.

Last year, I introduced legislation with my colleague from Wisconsin, Congresswoman BALDWIN to ensure that the nation's critical care system is structured to provide the highest quality and most efficient health care. This

legislation is designed to determine inefficiencies in the current system and bolster capabilities to meet future demands—including improving federal disaster preparedness efforts to care for the critically ill or injured.

A key aspect of this bill was to put in place measures to ensure there are sufficient numbers of critical care providers to respond in a medical crisis, develop best practices for the safe evacuation of ICU patients, and enhance the current databases that provide necessary resource information in the aftermath of a disaster. I'm happy to report that these important provisions are all reflected in today's bill.

Today's bill recognizes that critical care services play an important role in our medical response system and provides an opportunity to build more prepared and resilient communities that are able to respond and contain the impact of a public health emergency. I urge its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 6672.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROGERS of Michigan. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY REAUTHORIZATION ACT

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1440) to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act” or the “PREEMIE Reauthorization Act”.*

#### SEC. 2. TABLE OF CONTENTS.

*The table of contents of this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

**TITLE 1—PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY**

*Sec. 101. Research and activities at the Centers for Disease Control and Prevention.*

*Sec. 102. Activities at the Health Resources and Services Administration.*

*Sec. 103. Other activities.*

## TITLE II—NATIONAL PEDIATRIC RESEARCH NETWORK

Sec. 201. National Pediatric Research Network.

### TITLE III—CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION

Sec. 301. Program of payments to children's hospitals that operate graduate medical education programs.

## TITLE I—PREMATURITY RESEARCH EXPANSION AND EDUCATION FOR MOTHERS WHO DELIVER INFANTS EARLY

### SEC. 101. RESEARCH AND ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) **EPIDEMIOLOGICAL STUDIES.**—Section 3 of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f) is amended by striking subsection (b) and inserting the following:

“(b) **STUDIES AND ACTIVITIES ON PRETERM BIRTH.**—

“(1) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may, subject to the availability of appropriations—

“(A) conduct epidemiological studies on the clinical, biological, social, environmental, genetic, and behavioral factors relating to prematurity, as appropriate;

“(B) conduct activities to improve national data to facilitate tracking the burden of preterm birth; and

“(C) continue efforts to prevent preterm birth, including late preterm birth, through the identification of opportunities for prevention and the assessment of the impact of such efforts.

“(2) **REPORT.**—Not later than 2 years after the date of enactment of the PREEMIE Reauthorization Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).”

(b) **REAUTHORIZATION.**—Section 3(e) of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b–4f(e)) is amended by striking “2011” and inserting “2017”.

### SEC. 102. ACTIVITIES AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) **TELEMEDICINE AND HIGH-RISK PREGNANCIES.**—Section 3301(i)(1)(B) of the Public Health Service Act (42 U.S.C. 254c–14(i)(1)(B)) is amended by striking “or case management services” and inserting “case management services, or prenatal care for high-risk pregnancies”;

(b) **PUBLIC AND HEALTH CARE PROVIDER EDUCATION.**—Section 399Q of the Public Health Service Act (42 U.S.C. 280g–5) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (F) and inserting the following:

“(A) the core risk factors for preterm labor and delivery;

“(B) medically indicated deliveries before full term;

“(C) the importance of preconception and prenatal care, including—

“(i) smoking cessation;

“(ii) weight maintenance and good nutrition, including folic acid;

“(iii) the screening for and the treatment of infections; and

“(iv) stress management;

“(D) treatments and outcomes for premature infants, including late preterm infants;

“(E) the informational needs of families during the stay of an infant in a neonatal intensive care unit; and

“(F) utilization of evidence-based strategies to prevent birth injuries;”;

(B) by striking paragraph (2) and inserting the following:

“(2) programs to increase the availability, awareness, and use of pregnancy and post-term information services that provide evidence-based, clinical information through counselors, community outreach efforts, electronic or telephonic communication, or other appropriate means regarding causes associated with prematurity, birth defects, or health risks to a post-term infant;”;

(2) in subsection (c), by striking “2011” and inserting “2017”.

### SEC. 103. OTHER ACTIVITIES.

(a) **INTERAGENCY COORDINATING COUNCIL ON PREMATURITY AND LOW BIRTHWEIGHT.**—The Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act is amended by striking section 5 (42 U.S.C. 247b–4g).

(b) **ADVISORY COMMITTEE ON INFANT MORTALITY.**—

(1) **ESTABLISHMENT.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may establish an advisory committee known as the “Advisory Committee on Infant Mortality” (referred to in this section as the “Advisory Committee”).

(2) **DUTIES.**—The Advisory Committee shall provide advice and recommendations to the Secretary concerning the following activities:

(A) Programs of the Department of Health and Human Services that are directed at reducing infant mortality and improving the health status of pregnant women and infants.

(B) Strategies to coordinate the various Federal programs and activities with State, local, and private programs and efforts that address factors that affect infant mortality.

(C) Implementation of the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c–8) and Healthy People 2020 infant mortality objectives.

(D) Strategies to reduce preterm birth rates through research, programs, and education.

(3) **PLAN FOR HHS PRETERM BIRTH ACTIVITIES.**—Not later than 1 year after the date of enactment of this section, the Advisory Committee (or an existing advisory committee designated by the Secretary) shall develop a plan for conducting and supporting research, education, and programs on preterm birth through the Department of Health and Human Services and shall periodically review and revise the plan, as appropriate. The plan shall—

(A) examine research and educational activities that receive Federal funding in order to enable the plan to provide informed recommendations to reduce preterm birth and address racial and ethnic disparities in preterm birth rates;

(B) identify research gaps and opportunities to implement evidence-based strategies to reduce preterm birth rates among the programs and activities of the Department of Health and Human Services regarding preterm birth, including opportunities to minimize duplication; and

(C) reflect input from a broad range of scientists, patients, and advocacy groups, as appropriate.

(4) **MEMBERSHIP.**—The Secretary shall ensure that the membership of the Advisory Committee includes the following:

(A) Representatives provided for in the original charter of the Advisory Committee.

(B) A representative of the National Center for Health Statistics.

(c) **PATIENT SAFETY STUDIES AND REPORT.**—

(1) **IN GENERAL.**—The Secretary shall designate an appropriate agency within the Department of Health and Human Services to coordinate existing studies on hospital readmissions of preterm infants.

(2) **REPORT TO SECRETARY AND CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the agency designated under paragraph (1) shall submit to the Secretary and to Congress a report containing the findings and recommendations resulting from the studies coordinated under such paragraph, including recommendations for hospital discharge and followup procedures designed to reduce rates of preventable hospital readmissions for preterm infants.

## TITLE II—NATIONAL PEDIATRIC RESEARCH NETWORK

### SEC. 201. NATIONAL PEDIATRIC RESEARCH NETWORK.

Section 409D of the Public Health Service Act (42 U.S.C. 284h; relating to the Pediatric Research Initiative) is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following:

“(d) **NATIONAL PEDIATRIC RESEARCH NETWORK.**—

“(1) **NETWORK.**—In carrying out the Initiative, the Director of NIH, in consultation with the Director of the Eunice Kennedy Shriver National Institute of Child Health and Human Development and in collaboration with other appropriate national research institutes and national centers that carry out activities involving pediatric research, may provide for the establishment of a National Pediatric Research Network consisting of the pediatric research consortia receiving awards under paragraph (2).

“(2) **PEDIATRIC RESEARCH CONSORTIA.**—

“(A) **IN GENERAL.**—The Director of NIH may award funding, including through grants, contracts, or other mechanisms, to public or private nonprofit entities—

“(i) for establishing or strengthening pediatric research consortia; and

“(ii) for providing support for such consortia, including with respect to—

“(I) basic, clinical, behavioral, or translational research to meet unmet pediatric research needs; and

“(II) training researchers in pediatric research techniques in order to address unmet pediatric research needs.

“(B) **RESEARCH.**—The Director of NIH may ensure that—

“(i) each consortium receiving an award under subparagraph (A) conducts or supports at least one category of research described in subparagraph (A)(ii)(I) and collectively such consortia conduct or support all such categories of research; and

“(ii) one or more such consortia provide training described in subparagraph (A)(ii)(II).

“(C) **NUMBER OF CONSORTIA.**—

“(i) **IN GENERAL.**—The Director of NIH may make awards under this paragraph for not more than 8 pediatric research consortia, with a minimum of one pediatric research consortium that prioritizes collaboration with institutions serving rural areas.

“(ii) **EXCEPTION.**—Notwithstanding clause (i), the Director of NIH may make awards under this paragraph for more than 8 pediatric research consortia based on a finding of need by the Director. Before making any award pursuant to the preceding sentence, the Director of NIH shall give written notice to the Congress of the Director's intent to make the award and shall include in the notice an explanation of the Director's finding of need.

“(D) **ORGANIZATION OF CONSORTIUM.**—Each consortium receiving an award under subparagraph (A) shall—

“(i) be formed from a collaboration of cooperating institutions;

“(ii) be coordinated by a lead institution;

“(iii) agree to disseminate scientific findings rapidly and efficiently; and



“(iv) meet such requirements as may be prescribed by the Director of NIH.

“(E) SUPPLEMENT, NOT SUPPLANT.—Any support received by a consortium under subparagraph (A) shall be used to supplement, and not supplant, other public or private support for activities authorized to be supported under this paragraph.

“(F) DURATION OF CONSORTIUM SUPPORT.—Support of a consortium under subparagraph (A) may be for a period of not to exceed 5 years. Such period may be extended at the discretion of the Director of NIH.

“(3) COORDINATION OF CONSORTIA ACTIVITIES.—The Director of NIH shall—

“(A) as appropriate, provide for the coordination of activities (including the exchange of information and regular communication) among the consortia established pursuant to paragraph (2); and

“(B) as appropriate, require the periodic preparation and submission to the Director of reports on the activities of each such consortium.

“(4) ASSISTANCE WITH REGISTRIES.—Each consortium receiving an award under paragraph (2)(A) shall provide assistance to the Centers for Disease Control and Prevention in the establishment or expansion of patient registries and other surveillance systems as appropriate and upon request by the Director of the Centers.

“(e) RESEARCH ON PEDIATRIC RARE DISEASES OR CONDITIONS.—In making awards under subsection (d)(2) for pediatric research consortia, the Director of NIH shall ensure that an appropriate number of such awards are awarded to such consortia that agree to—

“(1) focus primarily on pediatric rare diseases or conditions (including any such diseases or conditions that are genetic disorders or are related to birth defects); and

“(2) conduct or coordinate one or more multisite clinical trials of therapies for, or approaches to, the prevention, diagnosis, or treatment of one or more pediatric rare diseases or conditions.”.

### **TITLE III—CHILDREN'S HOSPITAL GME SUPPORT REAUTHORIZATION**

#### **SEC. 301. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.**

(a) IN GENERAL.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended—

(1) in subsection (a), by striking “through 2005 and each of fiscal years 2007 through 2011” and inserting “through 2005, each of fiscal years 2007 through 2011, and each of fiscal years 2013 through 2017”;

(2) in subsection (f)(1)(A)(iv), by inserting “and each of fiscal years 2013 through 2017” after “2011”; and

(3) in subsection (f)(2)(D), by inserting “and each of fiscal years 2013 through 2017” after “2011”.

(b) REPORT TO CONGRESS.—Section 340E(b)(3)(D) of the Public Health Service Act (42 U.S.C. 256e(b)(3)(D)) is amended by striking “Not later than the end of fiscal year 2011” and inserting “Not later than the end of fiscal year 2016”.

Amend the title so as to read: “An Act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy; to reduce infant mortality caused by prematurity; to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions; and to reauthorize support for graduate medical education programs in children's hospitals.”.

The SPEAKER pro tempore (Mr. WESTMORELAND). Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New

Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

#### **GENERAL LEAVE**

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials into the RECORD on S. 1440.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. PITTS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1440, the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act, would take important steps to protect and improve children's health. The bill includes three important programs: the PREEMIE Reauthorization Act, the National Pediatric Research Network, and the Children's Hospitals Graduate Medical Education Reauthorization.

The PREEMIE Reauthorization Act addresses one of the leading causes of neonatal death and a major cause of childhood disabilities: preterm birth. Since its passage in 2006, the PREEMIE Act has sponsored important research that has led to improved prevention and care of children born too early. Reauthorization will mean the continuation of the program that will lead to even better outcomes for children.

The National Pediatric Research Network is a proven way to support pediatric research by coordinating multicentered research activities, including those in rural areas. By working in teams, innovative research improves especially for diseases that are rare or affect a small population of children. Most of the approximately 7,000 rare diseases are pediatric and often genetic, and doctors do not have sufficient therapies to treat them. This bill will help alleviate that problem.

The Children's Hospital Graduate Medical Education Reauthorization would enable the Department of Health and Human Services to provide funding to freestanding children's hospitals to support the training of pediatricians and other residents. Prior to the enactment of CHGME, the number of residents in children's hospitals had declined by 13 percent. Now the program has enabled children's hospitals to increase their training programs by 35 percent.

In my home State of Pennsylvania, three premier children's hospitals, Children's Hospital of Pittsburgh, St. Christopher's Hospital for Children, and Children's Hospital of Philadelphia receive CHGME funds that support and ensure world-renowned health care for children.

CHGME is a significant achievement in pediatric health care in Pennsyl-

vania and across the country. Despite these gains, shortages still exist, and the future of the pediatric workforce relies on the continuation of CHGME.

I commend the leadership on both sides of the aisle and in the committee for their leadership on this. These programs enjoy bipartisan support, and I urge my colleagues to support S. 1440.

I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

I am pleased to rise in support of S. 1440, as amended. The legislation before us extends two existing programs and creates one new initiative, all activities that impact children's health.

The first title of the legislation reauthorizes the Prematurity Research Expansion and Education for Mothers who deliver Infants Early, or PREEMIE, Act through fiscal year 2017. The PREEMIE Act was signed into law in 2006, and I was proud to be a cosponsor of the original House legislation.

S. 1440, as amended, calls for further studies on factors related to prematurity, improved data on the national burden of preterm birth, continued preterm birth prevention efforts, and strengthened public and health provider education on risk factors for preterm delivery and treatments and outcomes for preterm infants. The legislation also codifies an advisory committee to the Secretary of Health and Human Services on infant mortality and directs the Secretary to coordinate existing quality studies on hospital readmissions and preterm infants.

Since the enactment of the PREEMIE Act, we've seen the preterm birth rate decline to its present level of just under 12 percent, the lowest rate we've seen since the late nineties. The good news is there's been progress in better understanding the causes of premature births and promoting interventions that work. On the other hand, however, we still don't know the causes of premature birth in up to 40 percent of cases. And then there's the cost to the health care system of premature births—more than \$26 billion each year—not to mention the increased risks of serious disability and death for newborns and the tremendous toll prematurity takes on their families. And that's precisely why the goals of the PREEMIE Act remain just as salient as they were 6 years ago.

The second title is similar to the House-passed National Pediatric Research Network Act of 2012 and allows the National Institutes of Health to establish a national pediatric research network comprised of up to eight pediatric research consortia, or groups of collaborating institutions. The consortia will conduct basic clinical, behavioral, and translational research on pediatric diseases and conditions.

Among the eight consortia, the NIH Director will ensure that an appropriate number of awards go to consortia that focus primarily on pediatric rare diseases, such as spinal muscular atrophy or birth defects such as Down syndrome. There are many rare pediatric diseases, and in some of these diseases, the children are incredibly fragile. If we can allow for research to occur across the country, not just one single location, research can be done at a larger level because children could then participate without having to travel.

Additionally, we all know too well that, traditionally, pediatric research has been underfunded. That can make it hard to train and develop the research talent needed to address these devastating illnesses. The consortia can therefore be the training grounds for future researchers, helping to fill the pediatric pipeline.

Finally, the third title, Madam Speaker, of the amendment to S. 1440 reauthorizes the Children's Hospitals Graduate Medical Education, or CHGME, program through fiscal year 2017. The legislation maintains the current authorization level and will support the work of 56 children's hospitals training over 5,000 pediatric residents in 30 States.

The CHGME program was first established in 1999, following declines in pediatric training programs that threatened the stability of the pediatric workforce.

□ 1310

Like any parent knows, it's important to have a trusted health provider to turn to when your child is sick or hurt. In Congress, on a bipartisan basis, we recognize that if we didn't create and fund programs to train pediatricians, there wouldn't be anyone left to care for our kids.

Since its inception, the CHGME program has been a success story, supporting children's hospitals and their work to train future generations of our pediatric workforce, including pediatric subspecialists in very short supply. Representing only 1 percent of all hospitals, the small number of children's hospitals that participate in the program train approximately 40 percent of all pediatricians and nearly half of all pediatric specialists. That's why continuing this critical program will have a major impact on access to primary care and specialty care for kids.

Reauthorizing this program, Madam Speaker, was one of my top health priorities of the year, and I want to thank Chairman JOE PITTS, the chairman of our Health Subcommittee, for working with me on this bill. Together with his help and leadership, we were able to move this bill through our committee and to the House floor last year. I'm hopeful that reauthorization of the

CHGME program will finally make it to the President's desk as part of S. 1440.

I just want to take a moment to commend Chairman UPTON, Chairman PITTS, and Ranking Member WAXMAN for their leadership on this legislation. I have to recognize and thank the House sponsor of the PREEMIE Act and the National Pediatric Research Network Act, and those Energy and Commerce members: Congresswoman ESHOO, Congressman LANCE, Congresswoman CAPPS, and Congresswoman MCMORRIS RODGERS. They were really dedicated to these important issues.

Madam Speaker, I reserve the balance of my time.

Mr. PITTS. Madam Speaker, I yield 2 minutes to the gentleman from Georgia, one of the leaders on this issue, Dr. PHIL GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I thank the chairman for yielding.

The gentleman from New Jersey just gave attributions to so many members, both Republicans and Democrats, from the Energy and Commerce Committee that worked so long and hard on this legislation back originally in 2006 and now in the reauthorization of S. 1440, the PREEMIE Act.

There are a lot of statistics that some people may not be aware of. One is the fact that about two-thirds of all infant deaths in the first year of life are among the preterm infants. In 2008, 12.3 percent of all live births, over 500,000 babies, were born preterm.

Madam Speaker, let me put it a little bit in context. Prematurity or preterm birth is by definition a birth earlier than 37 weeks. Those children are usually not the problem. They're not the ones that end up with permanent disabilities. But there is a subset of prematurity, maybe sometimes referred to as "immaturity," children that are born as early as 20 weeks, all the way up to 37 weeks. Those children are the ones that very often, if they survive, are left with permanent long-term disabilities. We see a lot of folks on the Hill coming down the halls of our office buildings, and sometimes they're in wheelchairs, sometimes they're visually impaired, sometimes they're hearing impaired, but so many of those adults and children that we see on Capitol Hill were born prematurely. So a piece of legislation like this is hugely important.

I'll end my remarks by just making it a little personal. My wife, Billie, and I, Madam Speaker, have 13 grandchildren, and the oldest will be 15 years old in about 3 weeks. And they were born at 26 weeks—they each weighed 1 pound and 12 ounces. Thank God they are virtually unimpaired today and in the eighth grade and doing well. It tugs at your heartstrings. This is something that is hugely important.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PITTS. I yield an additional 30 seconds to the gentleman from Georgia.

Mr. GINGREY of Georgia. The graduate medical education piece is very important because these children's hospitals, they see so many of these young kids. In fact, 50 percent or more of their patient population are Medicaid, and they need this funding for continuing medical education for pediatric residents.

I will just conclude with that and say how proud I am to be supportive of such a great piece of legislation.

Mr. PALLONE. Madam Speaker, I would like to now yield such time as she may consume to the sponsor of the House PREEMIE Act, the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman.

Madam Speaker, I'm very proud to rise in support of the PREEMIE Act legislation that I introduced with Congressman LEONARD LANCE. He's been a terrific partner not only on this legislation but on other pieces of legislation that we've moved through the Energy and Commerce Committee, and I salute him.

This bill will expand research, education, and prevention of preterm birth. As the mother of two children, I know how precious the earliest part of life is, and it's our responsibility to do everything we can to make sure that our little ones begin their lives with more than a fighting chance.

Each year, as was stated, half a million babies are born prematurely in our country, and preterm birth is the leading cause of newborn mortality and the second-leading cause of infant mortality. Babies born even a few weeks too early can require weeks to months of hospitalization after birth, and premature birth can sometimes lead to developmental delays and disability later in life.

In addition to the emotional and physical toll of prematurity, there are significant health care costs to families, to our medical systems, and our economy. A 2006 report by the Institute of Medicine found the cost associated with preterm birth in the United States was \$26.2 billion annually, or \$51,600 per infant born preterm. These are staggering amounts of dollars. While employers, private insurers, and individuals bear about half of the cost of health care for these infants, 40 percent is paid for by Medicaid. So it's in the best interest of healthy babies, hopeful families, and the budget of our country to decrease preterm births.

The good news is our investment in preventing prematurity is paying off. In 2006, I introduced and Congress passed the first ever comprehensive PREEMIE Act, and prematurity rates have declined since then. This is very good news. The better news is that today we're reauthorizing this law, which will build upon the momentum

of the original law and provide us with new tools and knowledge to improve the lives and health of America's mothers and children.

The PREEMIE Act has been packaged with other important pediatric health bills. I thank the chairman of the subcommittee, Mr. PITTS, the chairman of our full committee, Mr. UPTON, the ranking member of the full committee, as well as Mr. PALLONE, and all of our colleagues.

You know very well, Madam Speaker, that we come to this place to do good things for our country that will strengthen our Nation. How proud I am that we are living up to that in presenting this bill here today.

In closing, I would also like to thank Erin Katznick-Wise of my staff, who has worked on this bill as if it were the most important thing she could do in her life, understanding that it is one of the most important things she could do in her life for children in our country; to the American Academy of Pediatricians, who have been so magnificent in instructing all of us in our work on this legislation; and a particular shout-out to Dr. Phil Pizzo, the dean of the Stanford School of Medicine, a pediatrician himself who at one time worked with great distinction at the National Institutes of Health.

□ 1320

Mr. PITTS. Madam Speaker, I yield 2½ minutes to the chairman of the full committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. I, too, want to commend the Republicans and Democrats, who worked very, very hard to get this legislation to the floor and, hopefully, to the President's desk as soon as possible. I particularly commend Chairman PITTS and Ranking Member PALLONE, LEONARD LANCE, ANNA ESHOO, LOIS CAPPS, and the staffs, really, on both sides. I made a commitment to all of these Members early on that we would work very diligently to get this legislation here, and we are finally here.

Madam Speaker, this bill, S. 1440, known as the PREEMIE Reauthorization Act, is designed to strengthen health care for kids, particularly for vulnerable kids. Not only does the bill reauthorize the PREEMIE Act, but it also includes the reauthorization of the Children's Hospital Graduate Medical Education program, and it authorizes the National Pediatric Research Network.

The original PREEMIE Act that I sponsored brought attention to the problems related to preterm birth, and since its passage, the preterm birth rate has declined. Good news. Yet, despite that improvement, according to the CDC, still a half a million babies are born prematurely every year in this country. That's one out of eight. We can and we must do better. This re-

authorization will continue to strengthen the ongoing effort to track, prevent, and treat prematurity, ensuring that every child has a healthy start and a better chance at a healthy and a productive future.

Madam Speaker, the National Pediatric Research Network brings us a step closer in providing more help to children with unmet health needs, particularly to those with rare pediatric and genetic diseases. I've met a number of times with a family in my district, the Kennedys, whose wonderful little daughters—Brielle and Brooke, who are affectionately known in our office as "Sleeping Beauty" and "Cinderella"—have a rare disease called spinal muscular atrophy. It's often difficult to conduct research into these diseases due to the very small number of kids with that disease, but today, we are working to provide families like the Kennedys and so many others with greater hope for a cure or an advancement in the treatment.

This bill will help establish pediatric research networks and the consortia that are effective in overcoming gaps in research. Networks and consortia will be comprised of leading institutions that will act as partners to consolidate and coordinate those research efforts.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentleman has expired.

Mr. PITTS. I yield the gentleman an additional 30 seconds.

Mr. UPTON. With the passage of the Children's Hospital Graduate Medical Education in 1999, freestanding children's hospitals began receiving funds to support their pediatric medical residency programs. As a result, the number of pediatricians in the U.S. has grown steadily. Today, over 40 percent of the pediatricians and pediatric specialists are trained in the 57 freestanding children's hospitals that receive this funding. A proven track record. We need to get it done.

Again, I congratulate the Members on the floor today for getting this bill, hopefully, to the President's desk before the year is out.

Mr. PALLONE. I yield such time as she may consume to the Democratic sponsor of the House National Pediatric Research Network Act of 2012, which is the second title of the legislation before us, the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I do want to acknowledge the gentlelady in the chair as my partner in the Capps-Emerson lectures and as my neighbor and a real friend.

Madam Speaker, I rise in strong support of the PREEMIE Reauthorization Act. This is an important bill to improve the health outcomes of pregnant women and their babies, and it shows our Nation's commitment to addressing the costly and emotionally troubling incidence of preterm birth. While

this is enough reason for me to support this legislation, I would like to highlight two additional sections of the bill that will improve the health and well-being not only of newborns but of our children as they grow.

First, it includes the reauthorization of the Children's Hospital Graduate Medical Education program. This is a critical investment in both the health of our kids and in the health of our economy by bringing new, talented individuals into the health care workforce.

From my years as a school nurse, I know the difficulty that children experience, especially those with special health care needs, when they look for a pediatric specialist. Over the years, we have seen how CHGME programs have made a measurable impact in alleviating that burden, allowing these children and their families to focus on healing. I am proud to be an original cosponsor of this legislation and will continue to champion it in the House.

While we must ensure that the providers are available for our kids, we are still far behind on too many important diagnostics, cures, and treatments for many of our ailing children. That is why this bill also includes the National Pediatric Research Network Act, which is a bill that I coauthored with my colleague, Representative CATHY MCMORRIS RODGERS.

This legislation will help strengthen and coordinate our Nation's research on pediatric diseases. It will disseminate research findings quickly so that all children may benefit, especially those who have rare diseases; and it will expand the geographic scope of research, giving sick kids easier access to research programs and to clinical trials. Moreover, this bill places an added emphasis on researching children's rare diseases, like spinal muscular atrophy, as my colleague Mr. UPTON has noted, and on developing new treatments to fight them.

The low prevalence of these diseases makes them particularly hard to research, and yet these diseases have such a marked impact on the lives of far too many families and communities, like the Strong family of Santa Barbara. My constituents Bill and Victoria Strong have worked tirelessly on behalf of their daughter, Gwendolyn, and all children with spinal muscular atrophy and other rare diseases. The work they've done to help raise the profile of pediatric rare disease research is going to help families all across the Nation. I thank them.

I also thank the leadership of the Energy and Commerce Committee—Chairman UPTON, Ranking Member WAXMAN, Chairman PITTS, and Ranking Member PALLONE—for their dedication to this bill. I thank the staff, especially Ruth Katz, for working across the aisle and across the Capitol to bring a strong bill now to the floor.

I urge my colleagues to support this bipartisan bill. I urge its swift passage in the Senate so that we can improve the health and well-being of all infants and all children.

Mr. PITTS. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE), a leader on this issue.

Mr. LANCE. It is wonderful to see you in the chair, and I congratulate you on your magnificent service to the people of Missouri and the Nation.

I rise in strong support of S. 1440, to reauthorize the 2006 PREEMIE Act and to provide important continued research, education, and intervention in the national effort to reduce preterm births.

Madam Speaker, our Nation's premature birth rate is one of the highest in the world, and it is the leading cause of newborn death in the United States. Infants born just a few weeks too soon can face serious health challenges and are at risk for lifelong health and learning disabilities. In addition to its human toll, premature birth costs our economy billions of dollars per year; and while the medical community has made great strides in identifying the risk factors associated with premature births, far too many premature births today have no known causes.

That is why the Members of the House and Senate have worked in a bipartisan and bicameral fashion to reauthorize the 2006 PREEMIE Act so that we may continue to spur innovative solutions that will ultimately lead not just to healthier babies but to lower annual health care costs.

I thank Chairman UPTON and Chairman PITTS and Ranking Member WAXMAN and Ranking Member PALLONE for their steadfast leadership on this issue as well as to thank Senators LAMAR ALEXANDER and MICHAEL BENNET. Once again, I commend Congresswoman ANNA ESHOO of California for working on an important issue to the health and well-being of the American people.

While many complain about the partisan nature of Congress, we have worked in a cooperative fashion on this and other issues, as has the entire Energy and Commerce Committee. It is in that bipartisan spirit that I ask all of my colleagues to join with us in the support of the PREEMIE Reauthorization Act so that we as a Nation will be able to continue our focus on premature birth research and prevention.

Mr. PALLONE. I have no additional speakers, Madam Speaker, so I would simply ask that we support this legislation and pass it on a bipartisan basis.

I yield back the balance of my time.

□ 1330

Mr. PITTS. Madam Speaker, I have no further speakers. I urge support for this bipartisan legislation.

I yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I rise in support of S. 1440, as amended, and urge my colleagues to support the bill as well.

As amended, S. 1440 is comprised of the authorization or re-authorization of three different programs, all related to children's health. Together, these provisions constitute a bipartisan effort to help ensure that our kids—and their health care needs—are appropriately and adequately addressed.

Title One of the bill would reauthorize and improve the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early—or PREEMIE—Act. Established in 2006, the PREEMIE Act expands federal research related to preterm labor and delivery, and the care and treatment, and outcomes of preterm and low birth weight infants. It also supports education programs for health professionals and the public on prematurity. Title One is designed to enhance these activities and represents a renewed commitment to our nation's efforts to reduce premature birth, the leading killer of newborns.

Title Two of S. 1440 would allow the National Institutes of Health to establish a national pediatric research network dedicated to finding treatments and cures for pediatric diseases and conditions—especially those that are rare. In addition to the research itself, Title Two places special emphasis on professional training for future pediatric researchers. These and other related components of Title Two are intended to build on the strong body of pediatric research that NIH already conducts and supports. I would encourage NIH to take full advantage of this opportunity.

Finally, Title Three of the bill would reauthorize the children's hospital graduate medical education—or CHGME—program. This program provides ongoing and consistent financial support to hospitals such as Children's Hospital of Los Angeles for the training of doctors who want to specialize in pediatrics. Over the years, the CHGME program has been enormously successful in reversing the significant decline in the number of pediatrician trainees across the country. Indeed, today, children's hospitals nationwide that are supported by the program train 40% of all pediatricians and 43% of all pediatric specialists.

As I have noted, this package of programs is a bi-partisan initiative that reflects the work of several members of the Energy and Commerce Committee. I especially want to note Congresswoman ESHOO, the Democratic sponsor of the original PREEMIE Reauthorization Act; Congresswoman CAPPs, the Democratic sponsor of the original National Pediatric Research Network Act; and Congressman PALLONE, the Democratic sponsor of the original Children's Hospital GME Support Reauthorization Act. All of them and all of us—on both sides of the aisle—have much to be proud of in supporting S. 1440, as amended.

I urge my colleagues to vote for S. 1440, as amended.

Mrs. McMORRIS RODGERS. Madam Speaker, as a mother, I am reminded on a daily basis of the importance of the health of our Nation's children.

For that reason, I am proud to support the Prematurity Research Expansion and Education for Mothers who deliver Infants Early (PREEMIE) Act. This important legislation authorizes research to prevent preterm births and it requires the Secretary of HHS to coordinate our Nation's efforts to achieve this goal.

This legislation also amends the Public Health Service Act to extend and reauthorize appropriations for Children's Hospital Graduate Medical Education. This is the source of training of most of our Nation's pediatricians.

The PREEMIE act also includes legislation introduced by Representative CAPPs and myself, the National Pediatric Research Network Act which will build upon our Nation's commitment to pediatric medical research. That commitment has led to the prevention and treatment of terrible conditions such as polio, meningitis, childhood leukemia, and congenital heart disease.

Research networks have a proven track record in their ability to ensure collaboration and sharing of resources which, in turn, have led to medical discoveries that have improved lives. This legislation will authorize NIH to establish up to 8 pediatric research networks throughout the nation. Each network will be selected by NIH through a competitive review process. These networks will allow multiple institutions to work together in a "hub and spoke" fashion in order to encourage collaboration and resource sharing.

These pediatric networks will improve health outcomes for children who have conditions such as spinal muscular atrophy, Down syndrome, and Fragile X. This will be accomplished by encouraging teamwork among researchers, patients, and NIH.

Today, I am proud to vote for measures to improve the health of our Nation's children.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, S. 1440, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### MEDICARE IVIG ACCESS AND STRENGTHENING MEDICARE AND REPAYING TAXPAYERS ACT OF 2012

Mr. BRADY of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1845) to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1845

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012".

**TITLE I—MEDICARE IVIG ACCESS****SEC. 101. MEDICARE PATIENT IVIG ACCESS DEMONSTRATION PROJECT.**

(a) **ESTABLISHMENT.**—The Secretary shall establish and implement a demonstration project under part B of title XVIII of the Social Security Act to evaluate the benefits of providing payment for items and services needed for the in-home administration of intravenous immune globulin for the treatment of primary immune deficiency diseases.

(b) **DURATION AND SCOPE.**—

(1) **DURATION.**—Beginning not later than one year after the date of enactment of this Act, the Secretary shall conduct the demonstration project for a period of 3 years.

(2) **SCOPE.**—The Secretary shall enroll not more than 4,000 Medicare beneficiaries who have been diagnosed with primary immunodeficiency disease for participation in the demonstration project. A Medicare beneficiary may participate in the demonstration project on a voluntary basis and may terminate participation at any time.

(c) **COVERAGE.**—Except as otherwise provided in this section, items and services for which payment may be made under the demonstration program shall be treated and covered under part B of title XVIII of the Social Security Act in the same manner as similar items and services covered under such part.

(d) **PAYMENT.**—The Secretary shall establish a per visit payment amount for items and services needed for the in-home administration of intravenous immune globulin based on the national per visit low-utilization payment amount under the prospective payment system for home health services established under section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(e) **WAIVER AUTHORITY.**—The Secretary may waive such requirements of title XVIII of the Social Security Act as may be necessary to carry out the demonstration project.

(f) **STUDY AND REPORT TO CONGRESS.**—

(1) **INTERIM EVALUATION AND REPORT.**—Not later than three years after the date of enactment of this Act, the Secretary shall submit to Congress a report that contains an interim evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the in-home administration of intravenous immune globulin.

(2) **FINAL EVALUATION AND REPORT.**—Not later than one year after the date of completion of the demonstration project, the Secretary shall submit to Congress a report that contains the following:

(A) A final evaluation of the impact of the demonstration project on access for Medicare beneficiaries to items and services needed for the in-home administration of intravenous immune globulin.

(B) An analysis of the appropriateness of implementing a new methodology for payment for intravenous immune globulins in all care settings under part B of title XVIII of the Social Security Act (42 U.S.C. 1395k et seq.).

(C) An update to the report entitled “Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)”, issued in February 2007 by the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services.

(g) **FUNDING.**—There shall be made available to the Secretary to carry out the demonstration project not more than \$45,000,000 from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t).

(h) **DEFINITIONS.**—In this section:

(1) **DEMONSTRATION PROJECT.**—The term “demonstration project” means the demonstration project conducted under this section.

(2) **MEDICARE BENEFICIARY.**—The term “Medicare beneficiary” means an individual who is enrolled for benefits under part B of title XVIII of the Social Security Act.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Health and Human Services.

**TITLE II—STRENGTHENING MEDICARE SECONDARY PAYER RULES****SEC. 201. DETERMINATION OF REIMBURSEMENT AMOUNT THROUGH CMS WEBSITE TO IMPROVE PROGRAM EFFICIENCY.**

Section 1862(b)(2)(B) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)) is amended by adding at the end the following new clause:

“(vii) **USE OF WEBSITE TO DETERMINE FINAL CONDITIONAL REIMBURSEMENT AMOUNT.**—

“(I) **NOTICE TO SECRETARY OF EXPECTED DATE OF A SETTLEMENT, JUDGMENT, ETC.**—In the case of a payment made by the Secretary pursuant to clause (i) for items and services provided to the claimant, the claimant or applicable plan (as defined in paragraph (8)(F)) may at any time beginning 120 days before the reasonably expected date of a settlement, judgment, award, or other payment, notify the Secretary that a payment is reasonably expected and the expected date of such payment.

“(II) **SECRETARIAL PROVIDING ACCESS TO CLAIMS INFORMATION THROUGH A WEBSITE.**—The Secretary shall maintain and make available to individuals to whom items and services are furnished under this title (and to authorized family or other representatives recognized under regulations and to an applicable plan which has obtained the consent of the individual) access to information on the claims for such items and services (including payment amounts for such claims), including those claims that relate to a potential settlement, judgment, award, or other payment. Such access shall be provided to an individual, representative, or plan through a website that requires a password to gain access to the information. The Secretary shall update the information on claims and payments on such website in as timely a manner as possible but not later than 15 days after the date that payment is made. Information related to claims and payments subject to the notice under subclause (I) shall be maintained and made available consistent with the following:

“(aa) The information shall be as complete as possible and shall include provider or supplier name, diagnosis codes (if any), dates of service, and conditional payment amounts.

“(bb) The information accurately identifies those claims and payments that are related to a potential settlement, judgment, award, or other payment to which the provisions of this subsection apply.

“(cc) The website provides a method for the receipt of secure electronic communications with the individual, representative, or plan involved.

“(dd) The website provides that information is transmitted from the website in a form that includes an official time and date that the information is transmitted.

“(ee) The website shall permit the individual, representative, or plan to download a statement of reimbursement amounts (in this clause referred to as a ‘statement of reimbursement amount’) on payments for claims under this title relating to a potential settlement, judgment, award, or other payment.

“(III) **USE OF TIMELY WEB DOWNLOAD AS BASIS FOR FINAL CONDITIONAL AMOUNT.**—If an individual (or other claimant or applicable plan with the consent of the individual) obtains a statement of reimbursement amount from the website during the protected period as defined in subclause (V) and the related settlement, judgment, award or other payment is made during such period, then the last statement of reimbursement amount that is downloaded during such period and within 3 business days before the date of the settlement, judgment, award, or other payment shall constitute the final conditional amount subject to recovery under clause (ii) related to such settlement, judgment, award, or other payment.

“(IV) **RESOLUTION OF DISCREPANCIES.**—If the individual (or authorized representative) believes there is a discrepancy with the statement of reimbursement amount, the Secretary shall provide a timely process to resolve the discrepancy. Under such process the individual (or representative) must provide documentation explaining the discrepancy and a proposal to resolve such discrepancy. Within 11 business days after the date of receipt of such documentation, the Secretary shall determine whether there is a reasonable basis to include or remove claims on the statement of reimbursement. If the Secretary does not make such determination within the 11 business-day period, then the proposal to resolve the discrepancy shall be accepted. If the Secretary determines within such period that there is not a reasonable basis to include or remove claims on the statement of reimbursement, the proposal shall be rejected. If the Secretary determines within such period that there is a reasonable basis to conclude there is a discrepancy, the Secretary must respond in a timely manner by agreeing to the proposal to resolve the discrepancy or by providing documentation showing with good cause why the Secretary is not agreeing to such proposal and establishing an alternate discrepancy resolution. In no case shall the process under this subclause be treated as an appeals process or as establishing a right of appeal for a statement of reimbursement amount and there shall be no administrative or judicial review of the Secretary’s determinations under this subclause.

“(V) **PROTECTED PERIOD.**—In subclause (III), the term ‘protected period’ means, with respect to a settlement, judgment, award or other payment relating to an injury or incident, the portion (if any) of the period beginning on the date of notice under subclause (I) with respect to such settlement, judgment, award, or other payment that is after the end of a Secretarial response period beginning on the date of such notice to the Secretary. Such Secretarial response period shall be a period of 65 days, except that such period may be extended by the Secretary for a period of an additional 30 days if the Secretary determines that additional time is required to address claims for which payment has been made. Such Secretarial response period shall be extended and shall not include any days for any part of which the Secretary determines (in accordance with regulations) that there was a failure in the claims and payment posting system and the failure was justified due to exceptional circumstances (as defined in such regulations). Such regulations shall define exceptional circumstances in a manner so that not more than 1 percent of the repayment obligations under this subclause would qualify as exceptional circumstances.

“(VI) **EFFECTIVE DATE.**—The Secretary shall promulgate final regulations to carry

out this clause not later than 9 months after the date of the enactment of this clause.

“(VII) WEBSITE INCLUDING SUCCESSOR TECHNOLOGY.—In this clause, the term ‘website’ includes any successor technology.

“(viii) RIGHT OF APPEAL FOR SECONDARY PAYER DETERMINATIONS RELATING TO LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS’ COMPENSATION LAWS AND PLANS.—The Secretary shall promulgate regulations establishing a right of appeal and appeals process, with respect to any determination under this subsection for a payment made under this title for an item or service for which the Secretary is seeking to recover conditional payments from an applicable plan (as defined in paragraph (8)(F)) that is a primary plan under subsection (A)(ii), under which the applicable plan involved, or an attorney, agent, or third party administrator on behalf of such plan, may appeal such determination. The individual furnished such an item or service shall be notified of the plan’s intent to appeal such determination”.

#### SEC. 202. FISCAL EFFICIENCY AND REVENUE NEUTRALITY.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended—

(1) in paragraph (2)(B)(ii), by striking “A primary plan” and inserting “Subject to paragraph (9), a primary plan”; and

(2) by adding at the end the following new paragraph:

“(9) EXCEPTION.—

“(A) IN GENERAL.—Clause (ii) of paragraph (2)(B) and any reporting required by paragraph (8) shall not apply with respect to any settlement, judgment, award, or other payment by an applicable plan arising from liability insurance (including self-insurance) and from alleged physical trauma-based incidents (excluding alleged ingestion, implantation, or exposure cases) constituting a total payment obligation to a claimant of not more than the single threshold amount calculated by the Secretary under subparagraph (B) for the year involved.

“(B) ANNUAL COMPUTATION OF THRESHOLD.—

“(i) IN GENERAL.—Not later than November 15 before each year, the Secretary shall calculate and publish a single threshold amount for settlements, judgments, awards, or other payments for obligations arising from liability insurance (including self-insurance) and for alleged physical trauma-based incidents (excluding alleged ingestion, implantation, or exposure cases) subject to this section for that year. The annual single threshold amount for a year shall be set such that the estimated average amount to be credited to the Medicare trust funds of collections of conditional payments from such settlements, judgments, awards, or other payments arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section shall equal the estimated cost of collection incurred by the United States (including payments made to contractors) for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents subject to this section for the year. At the time of calculating, but before publishing, the single threshold amount for a year, the Secretary shall inform, and seek review of, the Comptroller General of the United States with regard to such amount.

“(ii) PUBLICATION.—The Secretary shall include, as part of such publication for a year—

“(I) the estimated cost of collection incurred by the United States (including pay-

ments made to contractors) for a conditional payment arising from liability insurance (including self-insurance) and for such alleged incidents; and

“(II) a summary of the methodology and data used by the Secretary in computing such threshold amount and such cost of collection.

“(C) EXCLUSION OF ONGOING EXPENSES.—For purposes of this paragraph and with respect to a settlement, judgment, award, or other payment not otherwise addressed in clause (ii) of paragraph (2)(B) that includes ongoing responsibility for medical payments (excluding settlements, judgments, awards, or other payments made by a workers’ compensation law or plan or no fault insurance), the amount utilized for calculation of the threshold described in subparagraph (A) shall include only the cumulative value of the medical payments made under this title.

“(D) REPORT TO CONGRESS.—Not later than November 15 before each year, the Secretary shall submit to the Congress a report on the single threshold amount for settlements, judgments, awards, or other payments for conditional payment obligations arising from liability insurance (including self-insurance) and alleged incidents described in subparagraph (A) for that year and on the establishment and application of similar thresholds for such payments for conditional payment obligations arising from worker compensation cases and from no fault insurance cases subject to this section for the year. For each such report, the Secretary shall—

“(i) calculate the threshold amount by using the methodology applicable to certain liability claims described in subparagraph (B); and

“(ii) include a summary of the methodology and data used in calculating each threshold amount and the amount of estimated savings under this title achieved by the Secretary implementing each such threshold.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning with 2014.

#### SEC. 203. REPORTING REQUIREMENT.

Section 1862(b)(8) of the Social Security Act (42 U.S.C. 1395y(b)(8)) is amended—

(1) in the first sentence of subparagraph (E)(i), by striking “shall be subject” and all that follows through the end of the sentence and inserting the following: “may be subject to a civil money penalty of up to \$1,000 for each day of noncompliance with respect to each claimant.”; and

(2) by adding at the end the following new subparagraph:

“(I) REGULATIONS.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for the specification of practices for which sanctions will and will not be imposed under subparagraph (E), including not imposing sanctions for good faith efforts to identify a beneficiary pursuant to this paragraph under an applicable entity responsible for reporting information. After considering the proposals so submitted, the Secretary, in consultation with the Attorney General, shall publish in the Federal Register, including a 60-day period for comment, proposed specified practices for which such sanctions will and will not be imposed. After considering any public comments received during such period, the Secretary shall issue final rules specifying such practices.”.

#### SEC. 204. USE OF SOCIAL SECURITY NUMBERS AND OTHER IDENTIFYING INFORMATION IN REPORTING.

Section 1862(b)(8)(B) of the Social Security Act (42 U.S.C. 1395y(b)(8)(B)) is amended by adding at the end (after and below clause (ii)) the following:

“Not later than 18 months after the date of enactment of this sentence, the Secretary shall modify the reporting requirements under this paragraph so that an applicable plan in complying with such requirements is permitted but not required to access or report to the Secretary beneficiary social security account numbers or health identification claim numbers, except that the deadline for such modification shall be extended by one or more periods (specified by the Secretary) of up to 1 year each if the Secretary notifies the committees of jurisdiction of the House of Representatives and of the Senate that the prior deadline for such modification, without such extension, threatens patient privacy or the integrity of the secondary payer program under this subsection. Any such deadline extension notice shall include information on the progress being made in implementing such modification and the anticipated implementation date for such modification.”.

#### SEC. 205. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 1862(b)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395y(b)(2)(B)(iii)) is amended by adding at the end the following new sentence: “An action may not be brought by the United States under this clause with respect to payment owed unless the complaint is filed not later than 3 years after the date of the receipt of notice of a settlement, judgment, award, or other payment made pursuant to paragraph (8) relating to such payment owed.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to actions brought and penalties sought on or after 6 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BRADY) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. BRADY of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Madam Speaker, I yield myself such time as I may consume.

I, too, want to add my thanks and appreciation to my classmate on her years of dedication and stellar service to the United States of America on behalf of your wonderful State. Thank you.

Some of you may remember David, the little boy in the bubble. He was a constituent from Shenandoah, Texas, who passed away at the age of 12 after



living many years of his life in a sterile environment at the Texas Children's Hospital in Houston, Texas. His mom, Carol Ann Demeret, is a champion for David and for other patients who were born with immunodeficiency disease. Carol Ann is a friend and a constituent, and has worked so hard to help those patients impacted with that disease. For years now, Carol Ann and I and many others have been fighting to change the law that could help patients like David.

Intravenous immune globulin, or IVIG therapy, is a vital step for treating patients with certain life-threatening diseases. These are patients for whom virtually every trip outside is potentially deadly. For the 250,000 Americans with primary immunodeficiency disease, there is no place more dangerous than going to a hospital for treatment. This is why home IVIG treatment actually prevents people being exposed to common illnesses that may make you and I miserable for a day or two, but could be deadly for patients with suppressed immune systems.

Regular access to IVIG therapy means a better quality of life, less disability, and potentially the difference between life and death. Unfortunately, today current law excludes from Medicare coverage the items and services necessary to administer IVIG therapy in the home, where doctors tell us patients with compromised immune systems can benefit the most.

The Medicare IVIG Access Act requires the Centers for Medicare and Medicaid Services to do a couple of things. It establishes a 3-year demonstration project to cover these items and services necessary to do this therapy in the home. It evaluates the impact of the demonstration project on access for these Medicare beneficiaries, analyzes the appropriateness of implementing a new methodology for IVIG payment in all care settings under Medicare part B, and updates a previous report on this by the Assistant Secretary for Planning and Evaluation.

It's my intent that the required study consider the impact of lag times with respect to data used to determine the average sales price and make recommendations to reduce the lag time to ensure more accurate pricing for IVIG, and to report whether home infusion saves the Medicare program tax dollars by improving access to all care settings.

The Medicare Payment Advisory Committee recently looked at home infusion, including the access problem for Medicare beneficiaries with PIDD.

The June MedPAC report reported that a targeted expansion of home infusion coverage focusing on certain drugs would have more likelihood of savings.

Drugs with a narrow indication and precise diagnostic criteria like IVIG for PIDD are less likely to have a

woodwork effect than drugs with broad uses or imprecise diagnostic criteria. MedPAC's report also highlighted that fixing the part B home infusion therapy for beneficiaries with PIDD may save money because some of the other covered therapies for these patients are more expensive.

I expect, Madam Speaker, that the study required by this bill will give us more information about potential savings from giving people access to the right kind of care, reducing their exposure to germs in other settings, and increased compliance with prescribed therapy.

There may be a lot of division and partisanship in Washington right now, but not about this bill. I would like to thank my esteemed colleague, Representative DORIS MATSUI of California, for her leadership and tremendous hard work on this important bill. We have here today a solid, bipartisan bill, and both the House and Senate join together in support of Medicare IVIG access.

Madam Speaker, I will include in the RECORD an exchange of letters between the Ways and Means Committee and Energy and Commerce Committee related to this bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
*Washington, DC, December 11, 2012.*

HON. DAVE CAMP,  
*Chairman, Committee on Ways and Means,*  
*Washington, DC.*

DEAR CHAIRMAN CAMP: I am writing concerning H.R. 1845, the "Medicare IVIG Access Act." I wanted to notify you that the Committee on Energy and Commerce will forgo action on the bill so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce is not waiving any of its jurisdiction, and the Committee will not be prejudiced with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate a response confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 1845 on the House floor.

Sincerely,

FRED UPTON,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
*Washington, DC, December 18, 2012.*

HON. FRED UPTON,  
*Chairman, Committee on Energy and Commerce,*  
*Washington.*

DEAR CHAIRMAN UPTON, Thank you for your letter regarding H.R. 1845, the "Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012," as amended, which is expected to be considered on the floor this week.

I appreciate your willingness to forgo action on H.R. 1845. I agree that your decision should not prejudice the Committee on Energy and Commerce with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 1845 on the House floor.

Sincerely,

DAVE CAMP,  
*Chairman.*

Mr. KIND. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1845. It's a combination of two strong, bipartisan commonsense bills before the House today. I want to thank the gentleman on the Ways and Means Committee, Mr. BRADY, for his support of this important legislation.

As one of the coauthors of the SMART Act, one of the bills that have been combined today, with Representative TIM MURPHY, and as an original cosponsor of the Medicare IVIG Access Act, I'm glad these two bipartisan bills have been combined and brought to the floor for consideration and hopefully passage later today.

The SMART Act had 139 bipartisan cosponsors; the Medicare IVIG Access Act, with 65 bipartisan cosponsors, are perfect examples of, at times, Democrats and Republicans joining forces and getting something done around this place. And hopefully that spirit will continue in the days to come with the difficult decisions that face this body.

I would like to thank my good friend TIM MURPHY for his leadership and hard work in moving the SMART Act through the Energy and Commerce Committee. I'd also like to recognize the extraordinary, broad stakeholder coalition that has worked so hard to help get the SMART Act on the floor today, particularly the American Association For Justice and the MARC Coalition.

Finally, I want to thank Representative BRADY and DORIS MATSUI for their tireless efforts on behalf of the Medicare IVIG Access Act. Their legislation is a step toward ensuring all seniors with primary immunodeficiency diseases are able to access life-saving IVIG drugs in their own home.

But let me just take a few minutes to discuss the need for the SMART Act. The SMART Act reforms the badly broken Medicare secondary payer system. For background, the Medicare secondary payer system requires Medicare to recoup the cost of hospital and doctor bills for a senior if her injuries are the responsibility of a private insurer or some other third party. So far so good. Making sure Medicare doesn't pay for injuries caused by another third party is good policy to help keep Medicare solvent.

The problem is that under the current system, seniors and parties that want to settle a claim often cannot determine how much they owe Medicare. That often results in the settlements collapsing. The result is that seniors are denied settlements to compensate for their injuries, and the Medicare trust fund is never reimbursed. That's

bad for seniors, and it's bad for the Medicare program. We're talking about cases where seniors are trying to give money back to the government and the government simply won't say how much they owe it. It's outrageous that seniors can't even give money back to Medicare that the government is owed because the system is broken down.

At a time when Congress is considering cuts to the Medicare benefits and provider payments, we need to at least make sure that Medicare is getting the money seniors want to send it.

The SMART Act will improve the Medicare secondary payer system by making the government work more efficiently, reducing unnecessary burdens and waste, and speeding the repayment of amounts owed to the Medicare trust fund. The best way to demonstrate the need for the legislation is with a few examples of the current system's unfairness and outright absurdity.

□ 1340

I have a handful of demand letters here sent by CMS to seniors asking to be repaid \$1.59, or \$2.81, or \$4.82, or even \$36.75. Those amounts CMS has sought to recoup from seniors is far less than the amount it actually costs CMS to pursue these claims. That's penny wise and a pound foolish.

The SMART Act makes sure CMS is only pursuing Medicare secondary payment claims that will recoup at least the cost that it takes CMS to pursue these claims. That's commonsense reform.

This bill makes financial sense for Medicare, but it will also make a meaningful difference for seniors who are awaiting settlements that are held up by Medicare's process today.

In fact, I heard the story of one gentleman who fell on a retailer's handicapped ramp while using a walker. Now, Mr. Law cut his left hand; he hit his head on the fence alongside the ramp. He and the retailer discussed the medical charges, and they agreed to settle for \$2,000.

It took 18 months and eight written exchanges with CMS to resolve this simple MSP claim, which delayed settlement of the claim by the same 18 months. Plus, Mr. Law actually passed away during the extended timeframe.

We can do better for seniors. We can get Medicare the money it's owed a lot faster. This legislation would accomplish that.

These are just a few of the examples of why the SMART Act is needed. The toll this broken system takes on seniors and the burden it imposes on businesses is unacceptable.

I urge my colleagues to vote for H.R. 1845 to support this commonsense reform, including the IVIG program.

And, Madam Speaker, since this may be the last time I'll have a chance to address you in the chair, I too want to

echo the sentiments of so many of our colleagues, to congratulate you on such a distinguished career here in the House.

You did well in representing your constituents back home in Missouri. We'll miss you as a colleague, someone who tried hard to work on finding bipartisan, commonsense solutions to the challenges facing our Nation. And, of course, we wish you all the best in your future endeavors.

I reserve the balance of my time.

Mr. BRADY of Texas. At this time, I yield 2 minutes to the chairman of the Health Subcommittee, a longtime fighter for patients and those on Medicare, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my friend from Texas.

Madam Speaker, I rise today in strong support of H.R. 1845, as amended, the Medicare IVIG Access and Strengthening Medicare and Repaying Taxpayers Act of 2012.

This legislation would create a 3-year demonstration project to provide up to 4,000 Medicare beneficiaries suffering from primary immunodeficiency diseases with in-home coverage of IVIG. Medicare beneficiaries with PIDD need the biologic IVIG to boost their immune system so they can fight off infection and maintain a high quality of life.

Medicare currently offers comprehensive coverage of IVIG treatments in the physician's office and hospital setting, but not when IVIG is administered in the home. This flawed payment policy encourages Medicare beneficiaries to receive care in the most costly settings.

Under this demonstration project, Medicare part B would cover the home administration costs, including the trained medical professional who administers the biologic, allowing up to 4,000 beneficiaries with PIDD to receive IVIG treatments in their home. Importantly, beneficiaries who receive IVIG in their home can avoid the risk of infection inherent in alternative treatment settings.

The HHS Secretary would be required to issue a report to Congress detailing the impact this demonstration project had on beneficiary access to care, and whether or not CMS should permanently change its IVIG coverage policy. According to CBO, the costs of this one-time demonstration are fully offset by permanently reforming Medicare's secondary-payer rules as detailed in the SMART Act.

The SMART Act will help ensure that taxpayers will not be stuck with a Medicare bill for incidents caused when another party is liable or negligent. The SMART Act also makes important changes so that the arcane Medicare rules would no longer be an impediment for parties resolving their differences and reaching settlement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BRADY of Texas. Madam Speaker, I yield another minute to the gentleman from California.

Mr. HERGER. Madam Speaker, we need to protect the Medicare trust funds, and we need to have an efficient, consistent, and clear process to resolve these claims; and the SMART Act does exactly that.

I urge my colleagues to join me in support of this important legislation.

Mr. KIND. Madam Speaker, I want to thank my good friend, the gentleman from California, for his support of H.R. 1845, in particular, the SMART Act, and congratulate him, as well, on his distinguished career since he will be retiring at the end of this session of Congress as well.

At this time I yield as much time as she may consume to the gentlewoman from California (Ms. MATSUI), the principal author of the Medicare IVIG Act.

Ms. MATSUI. I'd like to thank my colleague for yielding.

I also want to say, Madam Speaker, thank you for your many wonderful years of service and our friendship. We'll miss you in this Chamber, and we wish you well.

Madam Speaker, I rise in strong support of H.R. 1845, the Medicare IVIG Access Act. I'd like to thank Congressman BRADY for his hard work and his leadership on this legislation, as well as Congressman KIND for the leadership on the SMART Act provisions of this important legislation.

Primary Immunodeficiency Diseases or, as we call it, PIDDs, is a group of diseases that cause a person's immune system to be unable to function properly. Unlike most of us who are able to fight common infectious diseases, patients with untreated PIDD can become seriously ill from a simple cold virus or even a cut on their arm.

Patients with PIDD are generally treated with intravenous immunoglobulin, or IVIG, a complex drug that provides them a temporary immune system. Every 3-4 weeks, patients receive an IV treatment for about 2-4 hours per treatment. To maintain a healthy immune system, they must have this treatment for the rest of their lives.

People with commercial insurance typically receive care in any of three settings: hospital outpatient departments; a physician's office; or at home, administered by a nurse. For many patients, receiving their care at home is optimal, as it greatly reduces the risk of infection.

However, for Medicare beneficiaries with PIDD, the program pays for home infusion of IVIG but does not cover nursing services and supplies. As you can imagine, a 74-year-old Medicare recipient on a fixed income is not capable of paying the several hundred dollars a month necessary for the nurse to provide IVIG infusions in their homes. As



a result, many patients are forced to receive their treatment in a hospital setting, oftentimes increasing the likelihood of infection, pneumonia, and an expensive stay in a hospital billed to Medicare.

Madam Speaker, this does not make sense for the patient or for Medicare, and that's why Congressman BRADY and I introduced the Medicare IVIG Access Act.

Madam Speaker, this legislation is budget-neutral and fully paid for. H.R. 1845 creates a 3-year demonstration project capped at 4,000 patients, in which the nursing services and supplies associated with home infusion of IVIG will be covered for Medicare beneficiaries with PIDD.

I believe that this project will mirror the results of studies of patients with commercial insurance that found increased compliance, fewer infections and overall savings for patients infused at home versus the hospital.

Madam Speaker, patients with rare genetic diseases should not see their access to care diminish when they become eligible for Medicare. H.R. 1845 fixes the gap in Medicare coverage that unfairly restricts patients' access to IVIG and disrupts their continuity of care.

I strongly encourage my colleagues to vote for this critically important legislation.

□ 1350

Mr. BRADY of Texas. Madam Speaker, I am pleased to yield 5 minutes to the lead author and champion of the SMART Act, one of our health care leaders, Mr. MURPHY of Pennsylvania.

Mr. MURPHY of Pennsylvania. I thank the gentleman.

Madam Speaker, may I add my accolades to your work for the people of Missouri, particularly my ancestors who founded Murphy's Settlement, now Farmington, in your district. You've done them well.

Four years ago, Lorraine Babich of Washington County, Pennsylvania, then age 73, suffered injuries so severe from a car accident that she will never fully recover. After the accident, Lorraine underwent a very difficult surgery. She was transferred to a rehabilitation facility, where she contracted Methicillin-resistant *Staphylococcus Aureus*, otherwise known as MRSA. Sadly, Lorraine's condition has worsened. She now suffers from dementia and must receive 24/7 care at a nursing home. The physical pain in Lorraine's life is multiplied by the emotional pain of recent years. A year after the accident, Lorraine lost her husband; then, last year, her only child passed away.

Lorraine's story is heartbreaking and tragic, and it's depressing to learn Medicare is working against Lorraine's interests. In the fall of 2010, Lorraine's family and the automobile insurer for the other driver in the accident

reached a monetary settlement. The insurer agreed to pay Lorraine's medical bills, and Lorraine would also collect damages. First, Lorraine's health insurer—Medicare—had to be repaid, but the Centers for Medicare and Medicaid Services won't tell Lorraine or the auto insurer how much is owed to the Medicare trust fund. The insurance company wants to reimburse Medicare and provide Lorraine with a settlement, but CMS's complicated bureaucracy is standing in the way.

There are thousands of cases just like Lorraine's in congressional districts across the country. But we now have a chance to fix this problem and make sure Lorraine and her family receive what they are rightfully owed by passing H.R. 1845, which includes a bipartisan bill I introduced with Congressman RON KIND.

Our bill, the Strengthening Medicare and Repaying Taxpayers Act, or the SMART Act, will recoup billions of dollars owed by insurance companies to the Medicare trust fund quickly and eliminate waste within CMS. The SMART Act, which has nearly 140 bipartisan cosponsors and the support of trial lawyers, patient advocates, defense attorneys, and the U.S. Chamber of Commerce, requires that Medicare provide settling parties with accurate information about the total costs of medical bills when the parties announce a settlement is near.

The Congressional Budget Office has looked at our bill and found it will save billions in Medicare. The current Medicare Secondary Payer bureaucracy is causing seniors to have their Social Security checks garnished and their Medicare coverage denied, through no fault of their own. Our bill fixes these issues and ensures bureaucracy does not stand in the way of a settlement.

Right now, insurers are walking away from settlements because of the flaws in the Medicare Secondary Payer statute. When those settlements break down, seniors get nothing and the taxpayers are not repaid. By enacting this legislation, Congress can help Lorraine and thousands of senior citizens who are needlessly suffering because Medicare isn't operating effectively and efficiently.

I want to thank Chairmen UPTON and CAMP, Ranking Members WAXMAN and LEVIN, and Congressman KIND for their support on this legislation. I want to extend a special thanks to their respective staffs for their hard work, particularly Robert Horne and Brad Grantz. Without them, this legislation wouldn't be moving forward.

This is good government and saves taxpayers' money. I urge its adoption.

Mr. KIND. I yield such time as he may consume to my very good friend, the gentleman from New Jersey, one of the leaders in the Energy and Commerce Committee, Mr. PALLONE.

Mr. PALLONE. I want to thank the gentleman from Wisconsin.

Madam Speaker, I rise to lend my support to H.R. 1845, as amended. This bill combines two pieces of legislation: H.R. 1845, which provides a demonstration for the coverage of home infusion of intravenous immune globulin, or IVIG, and H.R. 1063, which makes improvements to the Medicare Secondary Payer process, or MSP. However, I would like to note my concerns about the process.

Our committee acted on H.R. 1063, and I commend the chairman for his efforts to ensure it was a bipartisan product, but we did not act on the IVIG legislation, which is every bit as important to our Members as the MSP. So it's my hope that in the future we can avoid situations like this.

The Medicare Secondary Payer provisions of this bill will reduce the burdens of the secondary payer process for beneficiaries and other stakeholders. Most importantly, the legislation will do so in a way that ensures that we're also protecting taxpayer dollars and the Medicare trust fund. I do worry, however, that the MSP bill does not include administrative funding for the Centers for Medicare and Medicaid Services, or CMS, to implement these new changes.

One of the primary complaints I hear about MSP is that stakeholders are currently frustrated because the process does not move fast enough. But here we are, legislating new responsibilities on top of an already slow process—with no funding. This will simply burden the agency and make it more difficult to get to resolution on secondary payer cases in a timely fashion. So I hope that at some future date we can provide a reasonable sum to the agency to allow them to be better equipped to speed this process along.

One additional point on MSP: the new process we've established for resolving disputes of claims posted on the Web portal is not intended to supplant the ordinary appeals process for MSP activities. I believe that is clear in the language, but I want to note that there should be no ambiguity. This bill does not supplant existing appeals rights.

In addition to MSP changes, this bill also provides for a 3-year demonstration related to IVIG. IVIG is a blood-derived treatment that helps strengthen the immune systems of immune-deficient patients and prevents paralysis in some autoimmune diseases and neuropathies. Currently, Medicare beneficiaries may receive home infusion of IVIG as a part B benefit; however, the equipment, nursing services, and supplies necessary for the home infusion are not reimbursed.

Congresswoman MATSUI has been a clear leader on this issue and it's to her credit that it's included in this package today. She's worked so tirelessly on this IVIG issue, and I'm hopeful that this demonstration project she

has championed will both save money for the Medicare program and improve access to needed services for this vulnerable population. I thank her for her leadership on behalf of these patients.

I also want to thank Chairman UPTON for working on these two issues with us, and I look forward to the next Congress, where, hopefully, we'll find additional areas of common ground to work on.

Mr. KIND. I have no further speakers. I encourage my colleagues to support H.R. 1845, and I yield back the balance of my time.

Mr. BRADY of Texas. I yield myself such time as I may consume.

In closing, I want to thank my counterpart, DORIS MATSUI, for her great work on this issue. I so appreciate the leadership and partnership of Mr. KIND and Mr. MURPHY in combining these two important health care bills in order to both provide safer, more affordable access to care for those with compromised immune deficiencies, as well as finding ways to save money with the important Medicare program and the SMART Act.

I want to thank Andrew Wankum of my staff for his excellent work on this bill, Dan Elling, staff director of the Ways and Means Subcommittee on Health, as well as Jennifer Safavian for her leadership on the Ways and Means Committee. But I especially want to thank my constituent friend, Carol Ann Demaret, the mom of David, for her decades of hard work on behalf of these patients. And I appreciate so much Marcia Boyle, the founder of the Immune Deficiency Foundation, and all those patients who for years have come up here asking for this help and change.

Today, this Congress, Republicans and Democrats alike, join together in providing that help and that access. I urge support for this bill and yield back the balance of my time.

Mr. WAXMAN. Madam Speaker, I am pleased that we are bringing this bill to the floor today. This bill combines two pieces of legislation, H.R. 1845 which provides a demonstration for the coverage of home infusion of intra venous immune globulin (IVIG) and H.R. 1063, which makes improvements to the Medicare Secondary Payer process.

H.R. 1063 was developed and reported by the Energy and Commerce Committee as a bipartisan effort. I commend Chairman Upton's willingness to work with us to achieve a solution. I believe we have a good balance assembling this package of improvements to the current process.

Under current law, Medicare is a secondary payer to certain group health plans and non-group health plans regardless of state law or plan provisions. These plans include auto or other liability insurance, no-fault insurance, and workers' compensation plans. But even though it is legally a secondary payer, it pays medical claims for Medicare beneficiaries—even if they may have other entities with a legal responsibility—and then recovers its ex-

penditures so seniors and persons with disabilities are able to get the services they need. Then the appropriate claims are settled after the fact. The goal of the Medicare Secondary Payer bill is to reduce the burdens of the secondary payer process for beneficiaries and other stakeholders and help to have timely settlements, but to do so in a way that makes sure we are also protecting taxpayer dollars and the Medicare trust fund.

I do regret that we were unable to include administrative funding for the Centers for Medicare and Medicaid Services (CMS) to implement these new changes. Stakeholders are currently frustrated because the process does not move fast enough; adding new responsibilities on top of an already slow process—with no new funding—is going to burden the agency and make it more difficult to meet the stakeholders' desired time frame for resolution. I hope that at some future date we can provide a reasonable sum to speed this process along.

I would like to clarify one additional point regarding the changes in this bill. The new process we have established for resolving disputes of claims posted on the web portal is not intended to supplant the ordinary appeals process for MSP activities. I believe that is clear in the language, but I want to note there should be no ambiguity.

I am also pleased that a bill Congresswoman MATSUI has been a clear leader on is included in this package today. She has worked tirelessly on this IVIG issue, and I am hopeful that this demonstration project she has championed will save both save money for the Medicare program and improve access to needed services for this vulnerable population. I thank her for her leadership on this issue.

I thank Chairman UPTON for working on these two issues with us, and our colleagues on the Ways and Means Committee who worked to bring these bills to the floor, and I look forward to next Congress where hopefully we will find additional areas of common ground to work on.

Mr. REICHERT. Madam Speaker, I rise today to express my support for H.R. 1845. Title II addresses a set of issues involving the employers and the casualty insurance industry and the Medicare Secondary Payer (MSP) law.

However, this is not the only set of MSP issues that impact workers' compensation that also needs to be addressed. My legislation, H.R. 5284, the Medicare Secondary Payer and Workers' Compensation Settlement Agreement Act, is cosponsored by Representative MIKE THOMPSON and has bipartisan support.

This legislation aims to resolve the delays by the Centers for Medicare and Medicaid Services (CMS) in reviewing workers' compensation settlements to determine the appropriate set-aside amount to be maintained by Medicare beneficiaries to pay for future medical costs in which Medicare may have an interest.

H.R. 5284 creates a system of certainty and allows the workers' compensation settlement process to move forward while eliminating millions of dollars in administrative costs. It will help create clear and consistent standards,

currently lacking in the process, to address workers' compensation issues. Most importantly, it will benefit all parties involved—injured workers, employers, insurers and CMS.

I am hopeful that the House of Representatives will be able to move H.R. 5284 towards enactment.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of H.R. 1845, a combination of two common-sense Medicare reforms that would improve access to intravenous immune globulin (IVIG) home infusion for beneficiaries with primary immunodeficiency diseases while streamlining the process for repayments to the Medicare Trust Fund.

While the Medicare Modernization Act of 2003 sought to ensure that patients needing IVIG therapy could receive their infusions at home, the current policy does not cover the items and services necessary for providers to administer it in the home. As a result, access to home infusion is limited and seniors who rely solely on Medicare have no choice but to receive their treatments in the hospital, a more risky environment for immune deficient patients. The Medicare IVIG Access Act would create a three-year demonstration project that would study coverage of the items and services needed to administer IVIG home infusion.

This legislation is fiscally responsible, paid for through the inclusion of the Strengthening Medicare and Repaying Taxpayers (SMART) Act. The SMART Act would sensibly reform the Medicare Secondary Payer system, increasing the likelihood of and speed up reimbursements to the Medicare Trust Fund. This is a win-win—beneficiaries and companies will be able to resolve their claims faster and the Trust Fund will be strengthened through a more efficient repayment process.

I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 1845, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BRADY of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1400

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6672, by the yeas and nays;

H.R. 1845, by the yeas and nays;

House Resolution 668, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining

electronic votes will be conducted as 5-minute votes.

# PANDEMIC AND ALL-HAZARDS PREPAREDNESS REAUTHORIZA- TION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6672) to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 383, nays 16, not voting 32, as follows:

[Roll No. 633]

YEAS—383

Ackerman	Chabot	Fleischmann
Adams	Chaffetz	Fleming
Aderholt	Chandler	Flores
Alexander	Chu	Forbes
Altmire	Ciциlline	Fortenberry
Amodei	Clarke (MI)	Frank (MA)
Andrews	Clarke (NY)	Franks (AZ)
Austria	Clay	Frelinghuysen
Bachmann	Cleaver	Fudge
Bachus	Clyburn	Galleghy
Baldwin	Coble	Garamendi
Barber	Cohen	Gardner
Barletta	Cole	Garrett
Barrow	Conaway	Gerlach
Barton (TX)	Connolly (VA)	Gibbs
Bass (NH)	Conyers	Gibson
Becerra	Cooper	Gingrey (GA)
Benishek	Costa	Gohmert
Berg	Courtney	Goodlatte
Berkley	Cravaack	Gosar
Biggert	Crawford	Gowdy
Bilirakis	Crenshaw	Granger
Bishop (GA)	Critz	Graves (MO)
Bishop (NY)	Crowley	Green, Gene
Bishop (UT)	Cuellar	Griffin (AR)
Black	Culberson	Griffith (VA)
Blackburn	Cummings	Grijalva
Blumenauer	Curson (MI)	Grimm
Bonamici	Davis (CA)	Guinta
Bonner	Davis (IL)	Guthrie
Boren	DeFazio	Gutierrez
Boswell	DeGette	Hahn
Boustany	DeLauro	Hanabusa
Brady (PA)	DelBene	Hanna
Brady (TX)	Denham	Harper
Braley (IA)	Dent	Hartzler
Brooks	DesJarlais	Hastings (FL)
Brown (FL)	Deutch	Hastings (WA)
Buchanan	Diaz-Balart	Hayworth
Buchanan	Dicks	Heck
Buerkle	Doggett	Heinrich
Burgess	Dold	Hensarling
Burton (IN)	Donnelly (IN)	Herger
Butterfield	Doyle	Herrera Beutler
Calvert	Dreier	Higgins
Camp	Duffy	Himes
Canseco	Edwards	Hinchey
Cantor	Ellison	Hinojosa
Capito	Ellmers	Hirono
Capps	Emerson	Hochul
Capuano	Engel	Holden
Carnahan	Eshoo	Holt
Carney	Farenthold	Honda
Carson (IN)	Farr	Hoyer
Carter	Fattah	Huelskamp
Cassidy	Fincher	Huizenga (MI)
Castor (FL)	Fitzpatrick	Hultgren

Hunter	Miller (NC)	Sarbanes
Hurt	Miller, Gary	Scalise
Israel	Miller, George	Schakowsky
Issa	Moore	Schiff
Jackson Lee	Moran	Schilling
(TX)	Mulvaney	Schock
Jenkins	Murphy (PA)	Schrader
Johnson (GA)	Myrick	Schwartz
Johnson (OH)	Nadler	Schweikert
Johnson, E. B.	Napolitano	Scott (SC)
Johnson, Sam	Neal	Scott (VA)
Jones	Neugebauer	Scott, Austin
Jordan	Noem	Scott, David
Kaptur	Nugent	Sensenbrenner
Keating	Nunes	Serrano
Kelly	Olson	Sessions
Kildee	Olver	Sewell
Kind	Owens	Sherman
King (IA)	Palazzo	Shimkus
Kinzinger (IL)	Pallone	Shuster
Kissell	Pascrell	Simpson
Kline	Pastor (AZ)	Sires
Kucinich	Paulsen	Slaughter
Lamborn	Payne	Smith (NE)
Lance	Pearce	Smith (NJ)
Langevin	Pelosi	Smith (TX)
Lankford	Perlmutter	Smith (WA)
Larsen (WA)	Peters	Southland
Larson (CT)	Peterson	Speier
Latham	Petri	Stearns
LaTourette	Pingree (ME)	Stivers
Latta	Pitts	Sutton
Lee (CA)	Polis	Terry
Levin	Pompeo	Thompson (CA)
Lewis (CA)	Posey	Thompson (MS)
Lewis (GA)	Price (GA)	Thompson (PA)
Lipinski	Price (NC)	Thornberry
LoBiondo	Quayle	Tiberi
Loebach	Quigley	Tierney
Lofgren, Zoe	Rahall	Tipton
Long	Rangel	Tonko
Lowe	Reed	Tsongas
Lucas	Rehberg	Turner (NY)
Luetkemeyer	Reichert	Turner (OH)
Lungren, Daniel	Renacci	Upton
E.	Ribble	Van Hollen
Lynch	Richardson	Velázquez
Maloney	Richmond	Visclosky
Manzullo	Rigell	Walberg
Marchant	Rivera	Walden
Marino	Roby	Walz (MN)
Markey	Roe (TN)	Wasserman
Matheson	Rogers (AL)	Schultz
Matsui	Rogers (KY)	Waters
McCarthy (CA)	Rogers (MI)	Watt
McCarthy (NY)	Rohrabacher	Waxman
McCaul	Rokita	Webster
McClintock	Rooney	Welch
McCollum	Ros-Lehtinen	West
McDermott	Roskam	Westmoreland
McGovern	Ross (AR)	Whitfield
McHenry	Ross (FL)	Wilson (FL)
McIntyre	Rothman (NJ)	Wilson (SC)
McKeon	Roybal-Allard	Wittman
McMorris	Royce	Wolf
Rodgers	Runyan	Womack
McNerney	Ruppersberger	Woolsey
Meehan	Rush	Yarmuth
Meeks	Ryan (OH)	Yoder
Mica	Ryan (WI)	Young (AK)
Michaud	Sánchez, Linda	Young (IN)
Miller (FL)	T.	
Miller (MI)	Sanchez, Loretta	

NAYS—16

Amash	Fox
Broun (GA)	Graves (GA)
Campbell	Harris
Duncan (SC)	Kingston
Duncan (TN)	Labrador
Flake	Massie

NOT VOTING—32

Akin	Green, Al	Paul
Baca	Hall	Pence
Bartlett	Johnson (IL)	Platts
Bass (CA)	King (NY)	Reyes
Berman	Landry	Schmidt
Billbray	Luján	Shuler
Bono Mack	Lummis	Stark
Coffman (CO)	Mack	Sullivan
Costello	McKinley	Towns
Dingell	Murphy (CT)	Young (FL)
Gonzalez	Nunnelee	

□ 1421

Messrs. DUNCAN of Tennessee, KINGSTON, and LABRADOR changed their vote from “yea” to “nay.”

Ms. WILSON of Florida changed her vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COFFMAN of Colorado. Mr. Speaker, on rollcall No. 633, I was unavoidably detained. Had I been present, I would have voted “yea.”

# MEDICARE IVIG ACCESS AND STRENGTHENING MEDICARE AND REPAYING TAXPAYERS ACT OF 2012

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 1845) to provide for a study on issues relating to access to intravenous immune globulin (IVIG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVIG in the home, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 3, not voting 27, as follows:

[Roll No. 634]

YEAS—401

Ackerman	Bonner	Chabot
Adams	Boren	Chaffetz
Aderholt	Boswell	Chandler
Alexander	Boustany	Chu
Altmire	Brady (PA)	Ciциlline
Amodei	Brady (TX)	Clarke (MI)
Andrews	Braley (IA)	Clarke (NY)
Austria	Brooks	Clay
Bachmann	Broun (GA)	Cleaver
Bachus	Brown (FL)	Clyburn
Baldwin	Buchanan	Coble
Barber	Bucshon	Coffman (CO)
Barletta	Buerkle	Cohen
Barrow	Burgess	Cole
Barton (TX)	Burton (IN)	Conaway
Bass (CA)	Butterfield	Connolly (VA)
Bass (NH)	Calvert	Conyers
Becerra	Camp	Cooper
Benishek	Campbell	Costa
Berg	Canseco	Courtney
Berkley	Cantor	Cravaack
Biggert	Capito	Crawford
Bilirakis	Capps	Crenshaw
Bishop (GA)	Capuano	Critz
Bishop (NY)	Carnahan	Crowley
Bishop (UT)	Carney	Cuellar
Black	Carson (IN)	Culberson
Blackburn	Carter	Cummings
Blumenauer	Cassidy	Curson (MI)
Bonamici	Castor (FL)	Davis (CA)

Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DelBene  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa

Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Pearce

Pelosi  
Perlmutter  
Peters  
Petri  
Pingree (ME)  
Pitts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
Stearns  
Stivers  
Stutzman  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen

Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Amash  
Akin  
Baca  
Bartlett  
Berman  
Bilbray  
Bono Mack  
Costello  
Gonzalez  
Green, Al

Waxman  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf

Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Ackerman  
Adams  
Aderholt  
Alexander  
Altmire  
Amodei  
Andrews  
Austria  
Bachmann  
Bachus  
Baldwin  
Barber  
Barletta  
Barrow  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishiek  
Berg  
Berkley  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Bonner  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Ciilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeLauro  
DelBene

[Roll No. 635]  
YEAS—398

Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Flores  
Forbes  
Fortenberry  
Foss  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa

Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Manzullo  
Marchant  
Marino  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pearce  
Pelosi

NAYS—3

NOT VOTING—27

□ 1428

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amendment title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.”.

A motion to reconsider was laid on the table.

#### REFERRING QUAPAW TRIBE OF OKLAHOMA TRUST CLAIMS TO COURT OF FEDERAL CLAIMS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 668) to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MYRICK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 5, not voting 28, as follows:

Perlmutter	Rush	Thompson (MS)
Peters	Ryan (OH)	Thompson (PA)
Peterson	Ryan (WI)	Thornberry
Petri	Sánchez, Linda	Tiberi
Pingree (ME)	T.	Tierney
Pitts	Sanchez, Loretta	Tipton
Poe (TX)	Sarbanes	Tonko
Polis	Scalise	Tsongas
Pompeo	Schakowsky	Turner (NY)
Posey	Schiff	Turner (OH)
Price (GA)	Schilling	Upton
Price (NC)	Schmidt	Van Hollen
Quayle	Schock	Velázquez
Quigley	Schrader	Visclosky
Rahall	Schwartz	Walberg
Rangel	Schweikert	Walden
Reed	Scott (SC)	Walsh (IL)
Rehberg	Scott (VA)	Walz (MN)
Reichert	Scott, Austin	Wasserman
Renacci	Scott, David	Schultz
Ribble	Sensenbrenner	Serrano
Richardson	Sessions	Watt
Richmond	Sewell	Waxman
Rigell	Sherman	Webster
Rivera	Shinkus	Welch
Roe (TN)	Shuster	West
Rogers (AL)	Simpson	Westmoreland
Rogers (KY)	Sires	Whitfield
Rogers (MI)	Slaughter	Wilson (FL)
Rohrabacher	Smith (NE)	Wilson (SC)
Rokita	Smith (NJ)	Wittman
Rooney	Smith (TX)	Wolf
Ros-Lehtinen	Smith (WA)	Womack
Roskam	Southerland	Woodall
Ross (AR)	Speier	Woolsey
Ross (FL)	Stearns	Yarmuth
Rothman (NJ)	Stivers	Yoder
Roybal-Allard	Stutzman	Young (AK)
Royce	Sutton	Young (FL)
Runyan	Terry	Young (IN)
Ruppersberger	Thompson (CA)	

## NAYS—5

Amash	Hastings (WA)	McClintock
Campbell	Markey	

## NOT VOTING—28

Akin	Gonzalez	Nunnelee
Baca	Green, Al	Pence
Bartlett	Gutierrez	Platts
Berman	Johnson (IL)	Reyes
Billray	King (NY)	Shuler
Bono Mack	Landry	Stark
Costello	Luján	Sullivan
DeGette	Mack	Towns
Fleming	McKinley	
Garamendi	Murphy (CT)	

□ 1436

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. PLATTS. Mr. Speaker, on rollcall Nos. 633, 634, and 635, I was inadvertently delayed and was not present. Had I been present, I would have voted "yea" on all three votes.

## PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today, due to unforeseen circumstances, I missed the following votes:

H.R. 6672—To reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes—had I been present, I would have voted "yea."

H.R. 1845—Medicare IVIG Access Act, as amended—had I been present, I would have voted "yea."

H. Res. 668—To refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma (O-Gah-Pah) as well as its individual members—had I been present, I would have voted "yea."

### MEDICARE IDENTITY THEFT PREVENTION ACT OF 2012

Mr. SAM JOHNSON of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1509) to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1509

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Identity Theft Prevention Act of 2012".

#### SEC. 2. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended—

(1) by moving clause (x), as added by section 1414(a)(2) of the Patient Protection and Affordable Care Act, 2 ems to the left;

(2) by redesignating clause (x), as added by section 2(a)(1) of the Social Security Number Protection Act of 2010, and clause (xi) as clauses (xi) and (xii), respectively; and

(3) by adding at the end the following new clause:

"(xiii) The Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall establish cost-effective procedures to ensure that a Social Security account number (or derivative thereof) is not displayed, coded, or embedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII and that any other identifier displayed on such card is not identifiable as a Social Security account number (or derivative thereof)."

(b) IMPLEMENTATION.—In implementing clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), the Secretary of Health and Human Services shall establish a cost-effective process that involves the least amount of disruption to Medicare beneficiaries and health care providers. The Secretary shall consider implementing a process, similar to the process involving Railroad Retirement Board beneficiaries, under which a Medicare beneficiary identifier which is not a Social Security account number (or derivative thereof) is used external to the Department of Health and Human Services and is convertible over to a Social Security account number (or derivative thereof) for use internal to such Department and the Social Security Administration.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Clause (xiii) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), shall apply with respect to Medicare cards issued on and after an effective date

specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 3 years after the date of the enactment of this Act.

(2) REISSUANCE.—The Secretary—

(A) shall provide for the reissuance of Medicare cards that comply with the requirements of such clause not later than 3 years after the effective date specified by the Secretary under paragraph (1); and

(B) may permit an individual to apply for the reissuance of a Medicare card that complies with such requirements before the date of reissuance otherwise provided under subparagraph (A) in such exceptional circumstances as the Secretary may specify.

(d) FUNDING.—

(1) OFFSET FROM MIF.—Amounts in the Medicare Improvement Fund under section 1898 of the Social Security Act (42 U.S.C. 1395iii) that are available for expenditures from the Fund for services furnished in a fiscal year (through fiscal year 2020) shall be available for transfer to the Centers for Medicare & Medicaid Services Program Management Account as the Secretary of Health and Human Services determines necessary to offset the costs incurred by the Secretary (including costs under the agreement described in paragraph (2)(A)) in such fiscal year (or a previous fiscal year) in implementing clause (xiii) of section 205(c)(2)(C) of such Act (42 U.S.C. 405(c)(2)(C)), as added by subsection (a)(3), and this section.

(2) AVAILABILITY OF FUNDING FOR THE SOCIAL SECURITY ADMINISTRATION.—

(A) FUNDING UNDER AGREEMENT.—The Commissioner of Social Security and the Secretary of Health and Human Services shall enter into and maintain an agreement which shall—

(i) provide funds to the Commissioner, at scheduled intervals as specified in the agreement, for the full costs of the responsibilities of the Commissioner under this section; and

(ii) require an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement.

(B) AVAILABILITY OF FUNDS.—Amounts transferred to the Centers for Medicare & Medicaid Services Program Management Account under paragraph (1) shall be available to the Secretary of Health and Human Services to carry out the agreement under subparagraph (A) and the Secretary shall provide funds to the Commissioner as required under such agreement.

(e) ACCOUNTABILITY.—

(1) ACCOUNTING OF EXPENDITURES.—The Secretary of Health and Human Services and the Commissioner of Social Security shall—

(A) keep a detailed accounting of expenditures associated with the implementation of such clause and this section; and

(B) submit a report on such expenditures to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Comptroller General of the United States, on a semi-annual basis, in each of fiscal years 2013 through 2021.

(2) AUDIT.—The Comptroller General shall conduct a semi-annual financial audit of the expenditures of the Department of Health and Human Services and of the Social Security Administration during such fiscal years in implementing such clause and this section. Each such audit shall include an examination of whether funds made available under subsection (d) are used solely for the purpose described in such subsection.

### SEC. 3. MEDICARE SMART CARD TECHNOLOGY STUDY AND REPORT.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study that examines whether the Medicare program should use smart card technology for Medicare beneficiary cards and for provider membership cards.

(b) **DETAILS OF STUDY.**—Such study shall include an examination of the following:

(1) Potential levels of provider investment required to use cards with such technology in various care settings.

(2) Systems-related and implementation-related costs to the Medicare program to use such technology.

(3) The extent to which private insurance companies have adopted or considered such technology and their reasons for adoption or non-adoption of such technology.

(4) The extent to which use of cards with such technology would—

(A) reduce the potential for identity theft and other unlawful use of Medicare beneficiary and provider identifying information;

(B) increase the quality of care furnished to Medicare beneficiaries;

(C) improve the accuracy and efficiency in the billing for Medicare items and services furnished by Medicare providers;

(D) reduce waste, fraud, and abuse in the Medicare program; and

(E) impact the ability of Medicare beneficiaries to access services.

(c) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Ways and Means and Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the study conducted under this section. Such report may include recommendations regarding the use of smart card technology under the Medicare program.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. **SAM JOHNSON**) and the gentleman from Texas (Mr. **DOGGETT**) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. **SAM JOHNSON**).

GENERAL LEAVE

Mr. **SAM JOHNSON** of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the **RECORD**.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. **SAM JOHNSON** of Texas. Mr. Speaker, I yield myself such time as I may consume.

Today, the House considers legislation that has long been a bipartisan priority of the Committee on Ways and Means, protecting seniors from identity theft. Identity theft is a lasting and devastating crime. Victims spend years having to prove who they are while monitoring credit reports, fending off collection agencies for charges they never made, or the IRS for taxes they don't owe. Some are even picked up by law enforcement for crimes committed by the ID thief using their name. Seniors have every reason to be concerned.

According to the Department of Justice, 8.6 million households experienced identity theft in 2010. Over 1 million of these households are headed by seniors at risk of having their Social Security numbers stolen. Fraud involving government documents accounted for 27 percent of the identity theft complaints in 2011, making it the most common and fastest growing form of identity theft complaint according to the Federal Trade Commission.

Mr. Speaker, we know Americans are told not to carry their Social Security cards in case a wallet or purse is lost or stolen. Yet seniors are told they must carry their Medicare card which displays their Social Security number. Not only does this not make sense; it puts seniors at risk. The largest seniors organization in America agrees. According to AARP:

All Medicare patients must carry a benefits card that displays their Social Security number. Such easy access to sensitive information makes the cards a hot target for identity thieves who want to file false claims.

Mr. Speaker, the Medicare Identity Theft Prevention Act of 2012 requires the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, to take action to ensure Social Security numbers no longer are used on Medicare cards. It requires the Secretary to develop a cost-effective way to do that, with as little impact as possible on Medicare beneficiaries and health care providers.

Further, funds from the Medicare Improvement Fund are made available to pay for implementation costs. According to CBO, the costs of this bill are fully offset and would not increase the deficit.

Lastly, the bill directs GAO to conduct a study to determine whether the Medicare program should use smart card technology, an idea advanced by my colleagues, **JIM GERLACH** of Pennsylvania and **EARL BLUMENAUER** of Oregon, to prevent waste, fraud, and abuse in the Medicare program.

Members should know this isn't the first time CMS has been directed to act. Starting in 2002, GAO first called for ending the use of Social Security numbers on government documents. Then in 2005, fiscal year 2006, the Labor-HHS bill urged the Secretary to accelerate planning for removing Social Security numbers and asked for a report. And then in 2007, OMB issued a directive to all Federal agencies to develop plans for reducing the use of Social Security numbers. And then in 2008, my colleague **LLOYD DOGGETT** and I brought a bill to the floor that passed by voice vote to end the use of Social Security numbers on Medicare cards. Most recently, at an August 2012 Ways and Means Committee joint subcommittee hearing, GAO questioned CMS's lack of a serious plan to stop displaying the Social Security number.

While CMS fails to act, both the public and private sectors are working to protect their customers and businesses from identity theft. The Departments of Defense and Veterans Affairs are removing Social Security numbers from their ID and medical cards, and I applaud them for taking that action. Private health insurance and many others ended the use of Social Security numbers on public documents a long time ago. And even CMS knows better. It won't allow insurers in the Medicare Advantage and part D drug benefit programs to use Social Security numbers on their enrollees' cards.

The time to protect our nearly 50 million Americans carrying Medicare cards with their personal information is long overdue. It's high time that Congress passes this commonsense bill. There's no reason why American seniors have to continue to be put at risk of ID theft. We need to act right now, and I urge all of my colleagues to vote "yes" and pass the Medicare Identity Theft Prevention Act today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. **DOGGETT**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Chairman **JOHNSON** for his leadership on this, and I concur fully with the remarks he made.

In 2008, I filed this piece of legislation with Chairman **JOHNSON**'s help. At that time, we worked together and passed it through the House, and the Senate failed to act.

□ 1450

And since that time, whether it was under a Republican or Democratic administration, there has not been sufficient priority placed on this by the Centers for Medicare and Medicaid Services to address this question of privacy. It is a serious matter. It clearly requires legislation, and this time, hopefully, the Senate will respond to our bipartisan initiative and get it passed into law.

There are, indeed, about 48 million Americans, seniors, individuals with disabilities, who are carrying in their wallet or purse today something that makes them vulnerable to identity theft, and that something is their Medicare card.

Apart from the Social Security card itself, the Medicare card is the most frequently issued government document that displays a Social Security number, and that practice invites foul play.

It was back in 2007 when the Bush administration, recognizing this danger by the overuse of Social Security numbers, sent out a directive to Federal agencies to eliminate the use of Social Security numbers and explore alternative identifiers. Despite this directive, Medicare has not yet taken appropriate steps to remove the numbers from Medicare cards.

Although we have bipartisan agreement on the severity of the problem, we also have had bipartisan administrative inaction when it comes to addressing it. Clearly, we need congressional action.

To protect both the savings and the peace of mind of Medicare beneficiaries, this bipartisan legislation would require Medicare to take steps that private companies, the Department of Defense, and the Department of Veterans Affairs have already taken to protect the identities of those that they serve.

Every time that a senior or an individual with disabilities hands over their Medicare card to a health care provider or elsewhere, they are handing over the keys to their financial security. With increasing sophistication by identity thieves, inaction again here is simply unacceptable.

Seniors who have saved, who have built a lifetime of financial security and their reputations are all at stake. Their savings and their credit should not be put needlessly at risk if someone steals a Medicare card or it gets misplaced or left with a provider by mistake.

Medicare should make sure that it does no harm to the financial security and credit rating of those that it serves with health care security. This act will help to ensure that the government better protects our seniors, denying thieves access to this critical data. Inaction would jeopardize in a continuing way the safety of so many.

This legislation, when we previously introduced it, was supported by Consumers Union, the National Committee to Preserve Social Security and Medicare, the Silver Haired Legislature, nationally and in Texas, as well as the Elder Justice Coalition.

Seniors confront many threats to retirement security these days, but this bill will be directed toward one that we can do something about immediately, and that's those who would swindle our seniors.

I urge adoption of the measure, and reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Ms. JENKINS), a member of the Committee on Ways and Means.

Ms. JENKINS. I thank the gentleman from Texas for yielding, and would like to commend Chairman JOHNSON and Congressman DOGGETT for their leadership on this legislation.

Mr. Speaker, today there are nearly 50 million Medicare beneficiaries who are told to carry their Medicare cards with them at all times while simultaneously being told not to carry their Social Security card. They are told that carrying their Social Security card in their purse or wallet puts them at risk of identity theft, which is a problem that affects 1 million seniors yearly.

The irony is that the Medicare cards all feature beneficiaries' Social Security numbers prominently. This means that our seniors are in a tight spot. They are at risk of identity theft simply by carrying their Medicare card with them.

I support passage of this bill because it would ensure that a person's Social Security Number is no longer printed on their Medicare card. This bipartisan, commonsense measure will ensure that the 115,000 Medicare enrollees in my district will be safe from identity theft.

Mr. DOGGETT. Mr. Speaker, one addition to this bill from 2008 deals with the question of Medicare fraud. I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the cosponsor of legislation dealing with that and a member of the Ways and Means Health Subcommittee, to discuss this important addition.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy, and I strongly identify with the persistence and the eloquence from Chairman JOHNSON and my friend, Mr. DOGGETT, to deal with this problem of identity theft.

The hearing was a little unnerving. I appreciate the follow-through and, hopefully, something will happen. I identify strongly with the arguments you made on behalf of it.

But I would like to focus, if I could, on one other element because it's directly related. And I see my good friend, Mr. GERLACH, is here on the floor, and I anticipate will be speaking to it as well.

We should be concerned about maybe learning another lesson from the Department of Defense, which, as the chairman mentioned, is already using this for their purposes. Being able to use an opportunity for a Common Access Card for Medicare will have very important application to the area of rampant Medicare fraud.

Sixty billion dollars is the number we have heard in our subcommittee. It could be more, it could be less, but it's a huge sum of money, and it compounds going forward.

Our first concern, however, should be about the quality of care for the senior citizens who receive Medicare. And the Common Access Card, being able to digitally track this information, provides security for these transactions, makes it less likely that there will be mistakes, be able to follow up and follow through.

Second, it will, in fact, help us stop fraud. This is an area that has been relentlessly abused, where people order, there are changes in the order, sometimes orders are actually made that are entirely different than what people had requested.

Having this secure card will enable people to be able to have the security of the transaction, know where it's at, greater accuracy of billing, track mis-

takes, stop fraud. And I cannot say strongly enough that I think it's important for us to move.

I appreciate the work that was done putting a study over the next 2 years about this provision. But with all due respect, I hope, as this legislation works its way through Congress—and I hope that it is yet enacted while we are still here for the 112th Congress—that we're able to be serious not just about a 2-year study. This is an area in which we ought to be able to implement pilot projects right now across the country.

It would make a difference for the administration. I think there's no question we could come to scale very quickly, help senior citizens and the reliability of their Medicare coverage, reduce fraud, and allow government to track our activities going forward.

There's a lot of talk about the fiscal cliff and the need to save money and the back and forth that's going on here. But this provision that Mr. GERLACH and I are advancing is a simple, commonsense, bipartisan proposal that would help us right now improve service, save money, and improve the reliability of the system.

I would hope that this is the sort of provision that would find favor with our colleagues in the House, and with the administration, working together, we can implement those pilot projects sooner rather than later and have broader application for great, positive effect for Medicare, for the taxpayers.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GERLACH), who is a member of the Committee on Ways and Means.

Mr. GERLACH. Mr. Speaker, I want to first acknowledge the hard work and leadership of my colleague on the Ways and Means Committee, Mr. JOHNSON of Texas, as well as our committee chairman, Mr. CAMP of Michigan. Both gentlemen recognize the urgency of finding practical solutions for protecting seniors and taxpayers against easily preventable Medicare waste, fraud and improper payments, and the ever increasing threat of identity theft.

Mr. Speaker, whenever someone in Washington proposes a new idea for shrinking costs and saving precious taxpayer dollars, we usually receive a barrage of questions from folks concerned that they will have to do with less and possibly see services they depend upon curtailed in some way.

This legislation we're considering today contains provisions that would kick-start a critically important process that ultimately may allow Congress to use commonsense technology in cutting an estimated \$60 billion a year in improper and fraudulent Medicare payments while making sure seniors enrolled in Medicare receive the care and treatment they have earned.



□ 1500

We're attempting to cut costs without restricting access to care. Specifically, this legislation authorizes a study by the Government Accountability Office examining the benefits of a proposed pilot program to modernize the Medicare card that almost every senior carries with him or her in a wallet or a pocketbook. Under the proposed pilot program as introduced in legislation by my colleague Congressman BLUMENAUER and myself, as part of the Medicare Common Access Card Act, smart card technology would be used to protect personal information of Medicare participants, prevent phantom billing for procedures that were never performed or products that were never purchased, and speed payments to doctors and hospitals while reducing costly billing errors.

While today's Medicare card provides seniors access to the health care services they need, that small piece of plastic can provide the narrow opening unscrupulous individuals exploit to snatch identities and cheat taxpayers and seniors out of billions of dollars every year.

The U.S. Department of Health and Human Services estimates that waste, fraud, and abuse cost the Medicare program about \$60 billion a year. Nearly 10 percent of the entire annual Medicare budget—or approximately \$48 billion a year—is lost to improper payments, according to a report issued by the Government Accountability Office. That's a significant amount of human resources and financial resources that are better used helping our seniors pay for hospital visits, prescription drugs, and other vital medical care.

The Department of Defense has issued more than 20 million secure smart cards to authenticate and verify access for access to programs and facilities. To date, the Department of Defense reports that not a single common access card has been counterfeited.

We cannot stop improper payments in the Medicare system until we find a way to know and to verify who is authorized to provide and receive benefits. A comprehensive study is an important first step that will make sure we get the job done right for taxpayers, seniors, doctors, and other health care providers.

Taxpayers and seniors deserve the protection against identity theft and fraud that this legislation would provide, and I urge my colleagues to begin the process of putting in place a simple, low-cost solution for bringing the Medicare card into the 21st century, and I thank the gentleman for leading this effort.

Mr. DOGGETT. I yield 2 minutes to the ranking member of the Health Subcommittee on the Commerce Committee, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank my colleague from Texas.

Mr. Speaker, I, like many of my colleagues, am concerned with the problem of identity theft—particularly identity theft from elderly individuals, who can be viewed as easy victims by unscrupulous criminals. I think we all agree that a commonsense step to prevent identity theft and further protect beneficiaries is to remove beneficiary Social Security numbers from their Medicare cards, but it's important to point out that this is not as easy as it would seem at first glance.

Medicare has dozens of claims processing systems, each that will need to be modified to accept a new beneficiary number. Providers, too, will have to ensure their billing systems can accommodate the new numbers. We will need an extensive education campaign to ensure that a new numbering system or the issuance of new cards doesn't simply present a golden opportunity for unscrupulous individuals to find a new way to rip off seniors.

Now, I certainly support the policy goal of H.R. 1509, the Medicare Identity Theft Prevention Act of 2012. This bill provides approximately \$300 million to the Secretary of HHS to move forward on removing Social Security numbers from ID cards, yet we do not know whether that amount is sufficient. I'm concerned that if we fail to provide sufficient funding for this task, we may wind up with a programmatic mess, confusion, or even worse. I think we owe it to the Medicare beneficiaries and providers to ensure that this worthy undertaking is done well. In addition, the bill allows for funding of the Social Security Administration's costs but not the costs of the Medicare agency itself, and that's an issue that has to be addressed.

So as we move forward, Mr. Speaker, we must make sure that the funding is sufficient and that both CMS and SSA can equitably access these funds. Beneficiary identity security depends on it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HERGER), also a member on the Ways and Means Committee and chairman on the Subcommittee on Health.

Mr. HERGER. I thank my good friend from Texas.

Mr. Speaker, I rise to speak in strong support of H.R. 1509, which is commonsense, bipartisan legislation that will protect our Nation's seniors.

I do not doubt that many of us have received letters from constituents who have faced problems due to their Social Security number being compromised. Over the years, I've held a number of forums in my northern California district to raise awareness about identity theft and financial scams targeting senior citizens. I've heard complaints from many of these constituents that, while the public increasingly understands the importance of safeguarding personal information, Medicare isn't

doing its part. With today's vote, we take the first step towards removing these numbers from the Medicare cards that beneficiaries are encouraged to carry with them at all times. We've heard too many excuses over the years, and it is becoming clear to me that CMS simply isn't interested in protecting seniors and people with disabilities from identity theft. Importantly, this legislation will not increase the deficit.

H.R. 1509 also includes a study to examine the use of smart card technology in the Medicare program. Some technology stakeholders have expressed concerns with the duration of the 2-year study. If GAO is able to complete the study on a more expedited timeframe, I would be happy to work with Congressman GERLACH and the technology community to shorten this deadline as the bill moves through the legislative process.

Given the inaction at CMS on removing Social Security numbers from Medicare cards, it is time for the Congress to lead. It is time to take this long overdue, commonsense approach and protect America's seniors. I urge passage of H.R. 1509.

Mr. DOGGETT. I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. I yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee and acting chairman of the Subcommittee on Human Resources.

Mr. PAULSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Medicare Identity Theft Prevention Act.

With the constant growth of technology and, as an unfortunate result, identity theft, I have received numerous inquiries from my constituents—and in particular, seniors—about what we are doing and the need to protect people from identity theft. Earlier this year, I also held a seminar in my district with seniors about identity theft, and it was very well attended.

In 2010, nearly 7 percent of households were victims of identity theft. Of those households, over 1 million were headed by seniors. Today, nearly 50 million Medicare cards display the Social Security number. Social Security numbers are absolutely one of the most valuable pieces of personal identity that we have, therefore making it a top target for criminals.

For years, the General Accounting Office and the Social Security special inspector general have recommended and asked Congress to remove the Social Security numbers from Medicare cards because it is an unnecessary risk for seniors. That's exactly what this legislation does. It will help prevent seniors from becoming victims of these types of theft and fraud by removing the Social Security number from those Medicare cards.



I'm pleased to be a cosponsor and actively support this legislation. This is common sense. This is bipartisan. There's no reason for delay. We can stop putting seniors at unnecessary risk.

I want to thank, in particular, the subcommittee chairman, Mr. JOHNSON, as well as Congressman DOGGETT for their bipartisan leadership on this effort and bringing it to the floor before the end of the year.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. MARCHANT), a member of the Committee on Ways and Means.

Mr. MARCHANT. I rise to support the Medicare Identity Theft Prevention Act of 2012. This is a commonsense, bipartisan bill that would establish cost-effective procedures to help protect the identity of all seniors.

Seniors are a high-risk demographic for identity theft. Identity thieves have targeted seniors in my district in Texas and across the country. This year's Centers for Medicare Services inspector general report found that more than a quarter million Medicare beneficiaries have been potential victims of identity theft.

□ 1510

Most Medicare cards currently use Social Security numbers as the identifier. By removing Social Security numbers from Medicare cards, this bill gives seniors the identity protection that they deserve. Seniors work their entire lives for financial security, and that security should not be jeopardized due to preventable identity theft. Other Federal programs and private insurance plans made similar changes years ago, and Medicare beneficiaries should have the same level of identity protection and security.

I'm proud to support this legislation, and I urge my colleagues to do so.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman from Texas, my colleague, Chairman JOHNSON, and I hope the Senate will respond this time to our action.

I yield back the balance of my time.

Mr. SAM JOHNSON of Texas. Thank you, Mr. DOGGETT.

I yield myself such time as I may consume.

Mr. Speaker, despite increasing pressure from this committee and this House, CMS has refused to act to remove Social Security numbers from Medicare cards. If CMS won't act, we must. This commonsense bill is a vital step in protecting our Nation's seniors from identity theft, and we can't afford to put seniors at risk any longer. Medicare beneficiaries want, need, and deserve better. I urge all my colleagues to vote "yes," and I hope the Senate will act immediately to pass this legislation.

I yield back the balance of my time.

Mr. REICHERT. Mr. Speaker, I rise today in support of the Medicare Identity Theft Prevention Act. I applaud Chairman JOHNSON and Representative DOGGETT for introducing this bill and bringing it to the floor.

America's seniors are some of our most valued citizens. They have spent their lives working hard and preparing for their much deserved "golden years." It seems only fitting, then, that we reward their hard work and labor by protecting them. That's our job.

Under current law, Social Security numbers are used as the main component of a Medicare beneficiary's health insurance claim number and are displayed on over 50 million Medicare ID cards. This simply doesn't make sense. It puts each of these 50 million people at heightened risk for identity theft and fraud. We've already seen high rates for this type of crime: in 2010 alone over 8.6 million households were victims of ID theft, including one million seniors. Seniors' social security numbers are especially valuable because they can be used by thieves to obtain employment, benefits, and credit.

The GAO first recommended removing social security numbers from government documents ten years ago. Both the private and public sectors have already taken steps to remove social security numbers from forms of public identification. However, fully aware of the risks posed to seniors, the Centers for Medicare and Medicaid Services has refused to act. Both sides of the aisle agree, this is simply unacceptable.

Therefore, it is clearly time for Congress to take action. I urge my colleagues to support this legislation so that we can better protect our senior citizens.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, H.R. 1509, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DOGGETT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### PROTECT OUR KIDS ACT OF 2012

Mr. CAMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6655

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. COMMISSION.

This Act may be cited as the "Protect our Kids Act of 2012".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) deaths from child abuse and neglect are preventable;

(2) deaths from child abuse and neglect are significantly underreported and there is no national standard for reporting such deaths;

(3) according to the Child Maltreatment Report of 2011, in fiscal year 2011, 1,545 children in the United States are reported to have died from child abuse and neglect, and many experts believe that the actual number may be significantly more;

(4) over 42 percent of the number of children in the United States who die from abuse are under the age of 1, and almost 82 percent are under the age of 4;

(5) of the children who died in fiscal year 2011, 70 percent suffered neglect either exclusively or in combination with another maltreatment type and 48 percent suffered physical abuse either exclusively or in combination;

(6) increased understanding of deaths from child abuse and neglect can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect; and

(7) Congress in recent years has taken a number of steps to reduce child fatalities from abuse and neglect, such as—

(A) providing States with flexibility through the Child and Family Services Improvement and Innovation Act of 2011 to operate child welfare demonstration projects to test services focused on preventing abuse and neglect and ensuring that children remain safely in their own homes;

(B) providing funding through the Child and Family Services Improvement Act of 2006 for services and activities to enhance the safety of children who are at risk of being placed in foster care as a result of a parent's substance abuse;

(C) providing funding through the Fostering Connections to Success and Increasing Adoptions Act of 2008 for grants to facilitate activities such as family group decision-making meetings and residential family treatment programs to support parents in caring for their children; and

(D) requiring States through the Child and Family Services Improvement and Innovation Act of 2011 to describe how they will improve the quality of data collected on fatalities from child abuse and neglect.

#### SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission to Eliminate Child Abuse and Neglect Fatalities (in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) MEMBERS.—The Commission shall be composed of 12 members, of whom—

(i) 6 shall be appointed by the President;

(ii) 2 shall be appointed by the Speaker of the House of Representatives;

(iii) 1 shall be appointed by the minority leader of the House of Representatives;

(iv) 2 shall be appointed by the majority leader of the Senate; and

(v) 1 shall be appointed by the minority leader of the Senate.

(B) QUALIFICATIONS.—Each member appointed under subparagraph (A) shall have experience in one or more of the following areas:

(i) child welfare administration;

(ii) child welfare research;

(iii) child development;

(iv) legislation, including legislation involving child welfare matters;

(v) trauma and crisis intervention;

(vi) pediatrics;

(vii) psychology and mental health;

(viii) emergency medicine;

(ix) forensic pathology or medical investigation of injury and fatality;

(x) social work with field experience;

(xi) academia at an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), with a focus on one or more of the other areas listed under this subparagraph;

(xii) law enforcement, with experience handling child abuse and neglect matters;

(xiii) civil law, with experience handling child abuse and neglect matters;

(xiv) criminal law, with experience handling child abuse and neglect matters;

(xv) substance abuse treatment;

(xvi) education at an elementary school or secondary school, as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

(xvii) epidemiology; and

(xviii) computer science or software engineering with a background in interoperability standards.

(C) DIVERSITY OF QUALIFICATIONS.—In making appointments to the Commission under subparagraph (A), the President and the congressional leaders shall make every effort to select individuals whose qualifications are not already represented by other members of the Commission.

(2) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 60 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The President shall select a Chairperson for the Commission from among its members.

#### SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a thorough study on the use of child protective services and child welfare services funded under title IV and subtitle A of title XX of the Social Security Act to reduce fatalities from child abuse and neglect.

(2) MATTERS STUDIED.—The matters studied by the Commission shall include—

(A) the effectiveness of the services described in paragraph (1) and best practices in preventing child and youth fatalities that are intentionally caused or that occur due to negligence, neglect, or a failure to exercise proper care;

(B) the effectiveness of Federal, State, and local policies and systems within such services aimed at collecting accurate, uniform data on child fatalities in a coordinated fashion, including the identification of the most and least effective policies and systems in practice;

(C) the current (as of the date of the study) barriers to preventing fatalities from child abuse and neglect, and how to improve efficiency to improve child welfare outcomes;

(D) trends in demographic and other risk factors that are predictive of or correlated with child maltreatment, such as age of the child, child behavior, family structure, parental stress, and poverty;

(E) methods of prioritizing child abuse and neglect prevention within such services for families with the highest need; and

(F) methods of improving data collection and utilization, such as increasing interoperability among State and local and other data systems.

(3) MATERIALS STUDIED.—The Commission shall review—

(A) all current (as of the date of the study) research and documentation, including the National Survey of Child and Adolescent Well-Being and research and recommendations from the Government Accountability Office, to identify lessons, solutions, and needed improvements related to reducing fatalities from child abuse and neglect; and

(B) recommendations from the Advisory Board on Child Abuse and Neglect.

(b) COORDINATION.—The Commission shall provide opportunities for graduate and doctoral students to coordinate research with the Commission.

(c) RECOMMENDATIONS.—The Commission shall—

(1) develop recommendations to reduce fatalities from child abuse and neglect for Federal, State, and local agencies, and private sector and nonprofit organizations, including recommendations to implement a comprehensive national strategy for such purpose; and

(2) develop guidelines for the type of information that should be tracked to improve interventions to prevent fatalities from child abuse and neglect.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date on which a majority of the members of the Commission have been appointed, the Commission shall submit a report to the President and Congress, which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) EXTENSION.—The President may extend the date on which the report described in paragraph (1) shall be submitted by an additional 1 year.

(3) ONLINE ACCESS.—The Commission shall make the report under paragraph (1) available on the publicly available Internet Web site of the Department of Health and Human Services.

#### SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) LOCATION.—The location of hearings under paragraph (1) shall include—

(A) areas with high fatality rates from child abuse and neglect; and

(B) areas that have shown a decrease in fatalities from child abuse and neglect.

(3) SUBJECT.—The Commission shall hold hearings under paragraph (1)—

(A) to examine the Federal, State, and local policies and available resources that affect fatalities from child abuse and neglect; and

(B) to explore the matters studied under section 4(a)(2).

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

#### SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—At the discretion of the relevant agency, any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate on the earlier of—

(1) the 30th day after the date on which the Commission submits its report under section 4(d); or

(2) the date that is 3 years after the initial meeting under section 3(d).

#### SEC. 8. FEDERAL AGENCY RESPONSE.

Not later than 6 months after the submission of the report required under section 4(d), any Federal agency that is affected by a recommendation described in the report shall submit to Congress a report containing the response of the Federal agency to the recommendation and the plans of the Federal agency to address the recommendation.

**SEC. 9. ADJUSTMENT TO THE TANF CONTINUING AGENCY FUND FOR STATE WELFARE PROGRAMS.**

(a) IN GENERAL.—Section 403(b)(2) of the Social Security Act (42 U.S.C. 603(b)(2)) is amended by striking “for fiscal years 2011 and 2012” and all that follows through the end of the paragraph and inserting “for fiscal years 2013 and 2014 such sums as are necessary for payment to the Fund in a total amount not to exceed \$612,000,000 for each fiscal year, of which \$2,000,000 shall be reserved for carrying out the activities of the commission established by the Protect Our Kids Act of 2012 to reduce fatalities resulting from child abuse and neglect.”

(b) PREVENTION OF DUPLICATE APPROPRIATIONS FOR FISCAL YEAR 2013.—Expenditures made pursuant to section 148 of the Continuing Appropriations Resolution, 2013, for fiscal year 2013, shall be charged to the applicable appropriation provided by the amendments made by this section for such fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

**GENERAL LEAVE**

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6655, the Protect Our Kids Act of 2012. As we are too painfully reminded this week by the horrific tragedy in Newtown, Connecticut, for all the good this Nation has done to lift up children, we still have much more work to do. So, Mr. Speaker, before I get into the remarks about the bill I want to extend my heartfelt condolences to the victims and their loved ones struggling, as we all are, to understand this senseless assault on children and their educators.

While Newtown is rightly receiving the Nation's attention, what goes unnoticed far too often is the number of children that die each year in this country as a result of abuse and neglect. Sadly, their deaths often come at the hands of those who should be caring for them the most.

State reports indicate that more than 1,500 children in the U.S. died from abuse or neglect in fiscal year 2010, and research shows that these reports may significantly understate the actual number of these fatalities. Congress should do what it can to prevent these tragedies, which is why this legislation is before us today.

This legislation is the result of careful bipartisan work over the past couple of years. In 2010, I requested that

the Government Accountability Office (GAO) review what is known about the circumstances of child deaths and near deaths resulting from abuse and neglect, State approaches to gathering and reporting this information, and what steps the Department of Health and Human Services has taken to support the collection and accurate reporting of this information.

GAO completed its review in July of last year and presented its findings at a Ways and Means Subcommittee on Human Resources hearing that same month. In their report, GAO said many more children die from abuse and neglect than are currently reported. They also reported that government agencies have different definitions of abuse and neglect, and that administrative barriers hinder the sharing of this information across agencies.

Following that hearing, I worked with Congressman DOGGETT—and I thank him for his bipartisan support—the ranking member of the Subcommittee on Human Resources, to develop a legislative proposal to address these issues. Last week, the subcommittee held another hearing to review this proposal. Finally, after almost 2 years of work, we are here on the House floor today to consider and pass this important bill.

This bipartisan legislation will establish a commission charged with developing recommendations to reduce child deaths caused by abuse and neglect. The commission will study a variety of issues, including data on fatalities, prevention methods, and the adequacy of current programs before making their recommendations. Any Federal agency affected by a recommendation of the commission will be required to report within 6 months on how it plans to address the recommendation. Importantly, this legislation is paid for and will not add to our deficit.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to vote in favor of this bipartisan bill and, in doing so, take an important step toward preventing the tragic deaths of so many of our Nation's children from abuse and neglect.

Mr. Speaker, I yield the remainder of my time to Mr. PAULSEN, the acting chair of the Human Resources Subcommittee, and ask unanimous consent that he be allowed to control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Minnesota will control the balance of the time.

There was no objection.

Mr. DOGGETT. My thanks to Chairman CAMP and Chairman PAULSEN, whose leadership has facilitated our consideration of this bill today and the crafting of it into the piece of legislation that it is.

I rise in support of the Protect Our Kids Act, which represents an improved version over legislation that I introduced about a year ago.

We are reminded, as Chairman CAMP indicated, by the tragedy in Connecticut, each family touched by the damage, the deaths of these youngest Americans. In contrast, as with so many families, in our family we share the joy of three little girls. As difficult as it is to conceive of the wrong, the evil that occurred in Connecticut so recently, it is similarly difficult to conceive of how many of our youngest Americans are the subject of abuse and even death.

We, through the Protect Our Kids Act, are seeking to have thoughtful consideration of what steps we can take to protect these most vulnerable children. We're not interested in another commission that just prepares another report that gets filed somewhere; we're interested in action coming from this commission.

The original legislation, which was filed in a way that provided for its consideration in a number of committees, has been, in terms of jurisdiction, narrowed somewhat, but the objectives of the legislation remain as broad as they ever were—to explore every aspect of child abuse leading to child fatalities and to find more bipartisan solutions to addressing that serious matter.

I reflect on the testimony of a witness from Dallas, Madeline McClure, the executive director of the Texas Association for the Protection of Children, who testified before our committee very recently that the estimate of 753,000 children being abused and neglected in America is a conservative one, but that to put it in context, if you filled the Alamodome, the Darrell K. Royal Stadium in Austin, the Hubert Humphrey Metro Dome in Minneapolis, Yankee Stadium, the stadium in Georgia, in Tennessee, Tiger Stadium in Louisiana, the Rose Bowl, the Century Link Fields in Washington State, you would fill those and still not cover all of the children who are subject to abuse and neglect each year in this country. Almost half of those children that are abused are age 4 or under.

Our bill provides an opportunity to take an important step forward in developing a national strategy to protect our most vulnerable children. The commission, appointed by the President and Congress, would develop recommendations to reduce the number of children who die from abuse and neglect.

The commission would bring together a group of experts from around the country in a wide variety of professions to identify prevention efforts. So little of the resources that we focus on abused and neglected children in America today goes to prevention, and that should be an important focus in a broad sense, as well as the collection of good data so that we can adequately compare what's happening and can also understand the best practices that are already underway in many communities across America.

□ 1520

As we listened to experts both in our recent hearing in front of the Subcommittee on Human Resources and last year when we held a hearing, we note the need for what one called an “accessible blueprint” for the States to implement better child abuse prevention strategy. That’s a blueprint that this commission can provide.

In my home State of Texas, there are groups like Voices for Children San Antonio, CASA, Children’s Shelters in San Antonio, Austin and other communities, and TexProtects, that are serving as a voice for the voiceless and trying to prevent child abuse. There are local leaders like Texas State Senator Carlos Uresti, who was the moving force behind the Texas Blue Ribbon Task Force and the Bexar County Task Force on Child Abuse.

The important work that these folks are doing has been a great benefit; but despite it, the fatalities that are stemming from child abuse continue to grow, and they are almost at epidemic proportions in Texas, and in San Antonio in particular. Last year, there were almost 6,000 confirmed cases of child abuse in the San Antonio area in Bexar County, the highest number in Texas, higher than even Houston and Harris County, which has about twice the population.

In the last decade, Texas had over 2,000 children who were killed—who died—as a result of abuse and neglect. Last year, we had a total in Texas of nearly 66,000 confirmed cases. That’s just too much. There is more that we can do and that we must do to protect these youngest Americans.

Child abuse and neglect are not isolated. The children don’t just “bounce back.” The consequences of abuse and neglect are felt throughout the lifetime and, indeed, often from one generation to another. These conditions can linger for a very long time. The data are clear: among those adults who have experienced the highest level of childhood trauma, these individuals were five times more likely to suffer from alcoholism, nine times more likely to be involved in drug abuse, three times more likely to be clinically depressed, and four times more likely to be addicted to nicotine. Additional research shows a relationship between childhood abuse and the presence of a range of adult diseases.

In the past, this Congress’ adoption of expert advice has provided progress in dealing with the issue of child neglect and abuse. We have made some positive changes to the way children are placed into foster care and have elevated child safety as a primary welfare goal for the States. But as evidenced by the statistics, there are gaps in policy. There is much more work to be done to reduce the number of children who die each year in the hands of someone who is supposed to be caring for them.

The Protect Our Kids Act is a significant step in the right direction, and I urge its approval.

I reserve the balance of my time.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have an opportunity to improve the way our child welfare system works. We have a chance to learn what is most effective in preventing fatalities from child abuse and neglect. By acting on this bill today, we can make a significant difference in the lives of children who need to be protected.

In a hearing that we held just this last week on the Protect Our Kids Act of 2012, I shared the heartbreaking story of Devin Drake, who is an example of the type of tragedy we hope to prevent through the work of this important commission.

In August of 2011, Devin Drake was a 3-year-old boy living just outside of Minneapolis with his mother and her boyfriend. Child welfare officials had been in contact with the family previously, but this wasn’t enough to prevent what happened next. It was on one fateful night that Devin was seriously injured when his mother’s boyfriend struck him, knocking him down to the bathroom floor. Devin hit his head hard enough that he had trouble standing up, but neither his mother nor her boyfriend took the time to bring him to the hospital.

His condition worsened the next day; and when he was finally taken to the hospital, it was too late. Doctors reported that Devin had severe head trauma, punctured lungs, and a number of contusions. Four days later, Devin Drake died.

This bill will help to prevent those types of tragedies. This commission created by this bill would review the effectiveness of current child welfare services, it will examine the data we have now about childhood fatalities, and it will study factors that are predictive of child abuse and neglect. And through this work, this commission can provide Congress and others with critical information on how we can improve our child abuse prevention efforts.

I note that while this bill provides some resources for the commission to do its work, thanks to Chairman CAMP and Mr. DOGGETT, they have worked very carefully to ensure that the commission operates within existing social services funding. As a result, this bill does not add to the deficit. This shows how critical this issue is and how bipartisan this issue is, as well.

I urge all my colleagues to support this important legislation and reserve the balance of my time.

Mr. DOGGETT. Mr. Speaker, at this time, I would yield 2 minutes to the gentlewoman from California, who is the cochair of the Foster Youth Caucus and who has actively participated in

coming to the hearings in our committee because of her great interest in preventing child abuse, Ms. BASS.

Ms. BASS of California. Mr. Speaker, I rise today in strong support of the Protect Our Kids Act. First of all, I want to thank Ranking Member DOGGETT, Chairman CAMP, and Chairman PAULSEN for their leadership and commitment to eliminating child fatalities.

Unfortunately, Federal Government statistics estimate that every day in America approximately 2,000 children are confirmed victims of child abuse and neglect, nearly 700 children are removed from their families and placed in foster care due to child abuse and neglect, and about four children die as a result.

Additionally, in fiscal year 2010 alone, more than 1,500 children in the U.S. died due to maltreatment. Of these, more than 40 percent were under the age of 1 year old, and more than 80 percent were under the age of 4.

These statistics are absolutely unacceptable; and to make matters worse, research has shown that these reports substantially underestimate the number of children who die due to maltreatment.

As a Nation, we have a responsibility to develop effective strategies and solutions to proactively stop this abuse and neglect. When children are removed from their home, they really become our children, and it is our responsibility.

While Congress has enacted a variety of laws regarding child welfare and protection, there is no unified, comprehensive Federal strategy for reducing instances of child abuse and neglect. This bill will ensure that the highest levels of government work together to develop a national strategy to eliminate child abuse and neglect fatalities. By bringing together experts on child development, trauma and crisis intervention, pediatrics, social work, law enforcement, criminal law, and substance abuse treatment, the commission will truly protect our kids.

As the cochair of the Congressional Caucus on Foster Youth, I look forward to continue working with my colleagues to help prevent child abuse, neglect and fatalities. I urge my colleagues to support H.R. 6655.

Mr. PAULSEN. Mr. Speaker, we have no other speakers. I reserve the balance of my time.

Mr. DOGGETT. I would yield myself such time as I may consume.

Mr. Speaker, as Texas District Judge Darlene Byrne, a leader in establishing child protection courts has said:

Childhood should be a time of innocence and freedom, but it is a sad fact that many children are vulnerable to injury and abuse. Our Nation’s children need good leaders to stand up and find creative ways to protect them from harm. The creation of the National Commission to End Child Fatalities is an important step in that direction.

At a hearing, Mr. Speaker, of our Ways and Means Human Resources Subcommittee that we held over a year ago, I expressed hope that we would be able to come together in a bipartisan response. Today, we are doing just that.

As we take this step toward reducing child neglect and abuse, I would like to thank the many children's protection groups that have been so instrumental in providing input and support for this legislation, including the members of the National Coalition to End Child Abuse Deaths; particularly the National Association of Social Workers; the National Center for the Review and Prevention of Child Deaths; the National Children's Alliance; Every Child Matters Education Fund; and, of course, the National District Attorneys Association, as well as individuals like Michael Petit, Teresa Huizar, who testified before our committee, Kim Day, Teri Covington and Joan Zlotnick.

We have a real chance to see this bipartisan legislation become law this very year in the few days that remain. There is similar, bipartisan legislation that was introduced last year at the same time I originally filed the bill that is authored by Senators KERRY and COLLINS.

□ 1530

I'm hopeful that the Senate will see the bipartisan action that we have here today and the commitment we have and will move forward with this improved version of the legislation quickly.

With that, I yield back the balance of my time and give my thanks to Chairman PAULSEN.

Mr. PAULSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Protect Our Kids Act of 2012 will help us prevent child fatalities from abuse and neglect. The commission created by this bill will show us how we can improve on our current efforts, and it will help provide us with the information we need to move forward on this issue.

I urge my colleagues to support the bill today.

I want to thank not only Chairman CAMP, but Ranking Member DOGGETT for his leadership and his passion on this issue.

I urge support and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill, H.R. 6655.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PAULSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

#### JAMES M. CARTER AND JUDITH N. KEEP UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6166) to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the "James M. Carter and Judith N. Keep United States Courthouse," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

H.R. 6166

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The United States courthouse located at 333 West Broadway Street in San Diego, California, shall be known and designated as the "James M. Carter and Judith N. Keep United States Courthouse".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James M. Carter and Judith N. Keep United States Courthouse".

Mrs. DAVIS of California. Mr. Speaker, I am pleased to offer my bill, H.R. 6166, for consideration to designate the new courthouse at 333 West Broadway Street in San Diego as the James M. Carter and Judith N. Keep United States Courthouse.

First, I would like to thank Chairman MICA, Ranking Member RAHALL, Subcommittee Chairman DENHAM and Subcommittee Ranking Member NORTON, the Democratic and Republican staff of the Committee, and my colleagues from California who came together to move this legislation honoring two highly deserving judges and human beings.

By way of background, when this iconic new courthouse construction project in downtown San Diego was nearing completion and the time had come to consider a name for the new building, my office sought input from the San Diego legal community to determine a consensus choice.

After considering hundreds of submissions, it became clear that, among many worthy options, San Diegans preferred to honor two former, prominent San Diegan judges—Judge James Carter or Judge Judy Keep.

After reviewing their achievements, I decided that the right thing to do would be to honor both of these individuals—as they were both true trailblazers in the San Diego community.

And reflecting San Diego's widespread support for honoring Judge Carter and Judge Keep my legislation was endorsed by the San

Diego City Council, the San Diego County Bar Association, and San Diego's Mayor at the time, Jerry Sanders.

Judge Carter was the moving force behind the creation of the Southern California District.

In response to the tremendous population growth in San Diego after World War II, Judge Carter successfully convinced the Judicial Conference of the United States to create the Southern District—allowing the people of San Diego and its neighboring communities access to the federal court system.

In 1966, after its creation, Judge Carter became the first Chief Judge of the District Court, serving in that position until his appointment to the 9th Circuit Court of Appeals.

Judge Keep was instrumental in opening up the San Diego legal field to women.

Judge Keep graduated from San Diego Law School as its valedictorian—at a time when fewer than 5% of lawyers were women!

She then worked as a Staff Attorney at Defenders, Inc. where she was the first female staff attorney representing indigent criminal defendants in federal court.

In 1980, Judge Keep was nominated to become the first female judge for the District Court of the Southern District of California, and later she became the District Court's first female Chief Judge.

Displaying true dedication to public service, both Judge Carter and Judge Keep worked tirelessly off the bench to better the San Diego community.

Judge Carter founded the Federal Defenders of San Diego and was instrumental in the creation of the University of San Diego Law School.

Former law clerks of Judge Carter remember him as a giant of his time, a man who was revered by the San Diego legal community, and whose service was an example for all those who followed in his footsteps.

Judge Carter even touched the life of one of our colleagues, Senator MIKE CRAPO. Like many law clerks who passed through the judge's chambers, he was in awe of Judge Carter's service and work. And in Senator CRAPO's words, there is "no more appropriate way to honor his legacy than to name this federal courthouse for Judge Carter."

Judge Keep was a Chair of both the Task Force on Judicial Wellness and the Conference of Chief District Judges for the 9th Circuit, and she worked with the San Diego Community Foundation and the Armed Forces YMCA.

And, both judges served as role models and mentors to countless young attorneys and judges in San Diego.

A Superior Court judge, who appeared before Judge Keep as a young prosecutor wrote to me:

Judy's presence and words of wisdom shaped my own career and trajectory. Even after her death, her light continues to shine. I keep her picture in my court chambers to remind me everyday of what is important in life and about how to arrive at the best decisions possible.

Judge Carter and Judge Keep served the public with distinction and truly reflected the San Diego legal community's shared values of excellence and integrity.

The new San Diego Courthouse will be a fitting testament to their careers and inspire others in the community to continue to follow their path.

Thank you again for your consideration of this legislation honoring these two trailblazing San Diego public servants.

U.S. SENATE,

Washington, DC, September 16, 2010.

Representative SUSAN DAVIS,  
Longworth HOB,  
Washington, DC.

DEAR REPRESENTATIVE DAVIS: I recently became aware of your efforts to solicit input on the naming of the new federal courthouse in San Diego, to be opened in 2013. I expect you have been receiving many worthy suggestions from your constituents, and I would like to join those who have suggested to you that the courthouse be named for former federal judge James M. Carter.

Following graduation from Harvard Law School in 1977, I served for a year as law clerk to Judge Carter on the Ninth U.S. Circuit Court of Appeals. I learned a great deal through this experience and came to admire Judge Carter as an outstanding federal judge.

Judge Carter was responsible for the legislation that first created the Southern District of California, and he would go on to become the District's founding Chief Judge. Upon his passing in 1979, the local newspaper editorials hailed him as "The Dean of the San Diego Judiciary".

Given the time that has passed since his service, I recognize many of his contemporaries are no longer with us, and the memory of his accomplishments may have faded. As one who did have the honor of working with this fine man, I can think of no more appropriate way to honor his legacy than to name this federal courthouse for Judge Carter.

Thanks for your consideration.

Sincerely,

MIKE CRAPO,  
U.S. Senator.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 6166.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### PAUL BROWN UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (H.R. 6633) to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the "Paul Brown United States Courthouse," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

H.R. 6633

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The United States courthouse located at 101 East Pecan Street in Sherman, Texas, shall be known and designated as the "Paul Brown United States Courthouse".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Paul Brown United States Courthouse".

Mr. HALL. Mr. Speaker, I rise in support of H.R. 6633, a bill to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the "Paul Brown United States Courthouse". Judge Brown was an outstanding Federal judge who passed away on November 26 after 21 years of distinguished service. Judge Paul Brown was my good friend, a respected judge, and beloved member of the Sherman, Texas community.

Judge Brown represented the finest qualities of jurisprudence. Hanging on his wall in the Sherman Federal Courthouse were Socrates' four qualities for a good judge—to hear courteously, to answer wisely, to consider soberly, and to decide impartially.

Judge Brown embodied all of these qualities, and he dispensed justice accordingly. He was highly regarded, well-respected, and was a role model for many.

Paul Brown was the youngest of a family of six raised on a farm near Pottsboro, TX. He graduated from Denison High School and although underage, he was able to get his parents' consent to join the U.S. Navy when World War II broke out. He served on a minesweeper in both the Atlantic and Pacific Theaters and as a part of the occupation forces in Japan. He was discharged as an Electrician's Mate 2nd Class in June 1946.

He returned to his studies and received a law degree in 1950 from the University of Texas before being recalled to active duty in the Korean war. He saw combat aboard a minesweeper which was sunk by mines, and he received an honorable discharge in December 1951.

Judge Brown worked as an assistant U.S. Attorney in Texarkana under U.S. Attorney William Steger—who would become his mentor, good friend, and eventually fellow colleague on the bench. He served as Assistant U.S. Attorney from 1953 to 1959, and then followed in Judge Steger's footsteps as U.S. District Attorney from 1959 to 1961.

While in Texarkana, Judge and married Frances Morehead, and the two returned home to Sherman, where he practiced law for a number of years. In 1985 Senator Phil Graham recommended him to President Ronald Reagan for a new judge's position created for the Eastern District of Texas, and he was confirmed that year. He held court in Beaumont, Paris, Sherman, and Texarkana, and as the caseload in Sherman grew, he eventually pre-

sided over the Sherman courthouse exclusively.

Premiere cases over the years included intellectual property, patent cases, and criminal cases precipitated by the bank and savings and loan failures of the 1980s and 1990s. In recent years he noted the increase in drug cases and expressed his regret that, in spite of all the efforts that have been made to prosecute drug dealers, the Nation is not making much progress in curtailing the use of drugs. No matter what type of cases came before him, Judge Brown always enjoyed the work and ran an efficient and orderly courtroom. His personal work ethic and judicial integrity were remarkable, and his reputation for punctuality is legendary.

As we near adjournment of the 112th Congress, I ask my colleagues to join me in celebrating the life of a great American, outstanding public servant, and respected jurist. This bill has the support of the Federal judges in the Eastern District, and I ask for your support of H.R. 6633, to designate the United States courthouse in Sherman, Texas, the "Paul Brown United States Courthouse".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6633.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### JAMES F. BATTIN UNITED STATES COURTHOUSE

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3311) to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3311

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JAMES F. BATTIN UNITED STATES COURTHOUSE.

(a) IN GENERAL.—

(1) DESIGNATION.—The United States courthouse located at 2601 2nd Avenue North, Billings, Montana, shall be known and designated as the "James F. Battin United States Courthouse".

(2) TECHNICAL AMENDMENT.—The "James F. Battin United States Courthouse" located at 315 North 26th Street, Billings, Montana, shall no longer be known and designated as the "James F. Battin United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a)(1) shall be deemed to be a reference to the "James F. Battin United States Courthouse".



The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 3311.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENHAM. Mr. Speaker, I yield myself such time as I may consume.

S. 3311 would designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the James F. Battin United States Courthouse.

Judge Battin received his law degree from George Washington University Law School in 1951. Prior to attending law school during World War II, Judge Battin served in the United States Navy.

Early in his career, Judge Battin practiced law in Washington, D.C., and in Billings, Montana. Later, he served in a number of public service positions, including deputy county attorney for Yellowstone County, Montana, and city attorney in Billings.

In 1958, Judge Battin served as a State representative in Montana, and in 1961 Judge Battin was elected to the U.S. House of Representatives and served as a U.S. Representative from Montana until 1969. In 1969, Judge Battin was appointed by President Nixon to be a judge on the U.S. District Court for the District of Montana. During that time, he served as chief judge from '78 to '90, when he assumed senior status.

Judge Battin's commitment to public service is clear. I believe his dedication to serving this Nation makes it fitting to name this courthouse after him.

I support passage of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3311. It's a bill to designate the courthouse in Billings, Montana, as the James F. Battin United States Courthouse.

As my colleague has so aptly stated, in 1969, President Nixon appointed James Battin to the Federal bench in Billings, Montana, where he continued his 40 years of public service to the citizens of that State. In 1978, Judge Battin was appointed chief judge and served in that position for 12 years. He remained active in judicial affairs until his death in September of 1996.

Prior to his judicial appointment, Judge Battin served, as was mentioned, in the House of Representatives, representing eastern Montana from 1960 to 1969, when he resigned to receive his judicial appointment. While in this Congress, Judge Battin served on the Judiciary Committee, the Foreign Affairs Committee, and the Ways and Means Committee.

Judge Battin was also a World War II Navy veteran, a member of the Montana State Legislature, and also Billings city attorney and general counsel for the Billings planning board.

It is fitting to honor the contributions Judge Battin, a great hero to Montana, has made to public service with the designation of the U.S. courthouse in Billings, Montana, as the James F. Battin United States Courthouse.

I urge support of S. 3311 and urge my colleagues to also support the bill.

I yield back the balance of my time, Mr. Speaker.

Mr. DENHAM. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, S. 3311.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1540

#### MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 925) to designate Mt. Andrea Lawrence.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 925

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mt. Andrea Lawrence Designation Act of 2011".

#### SEC. 2. FINDINGS.

Congress finds that Andrea Mead Lawrence—

(1) was born in Rutland County, Vermont, on April 19, 1932, where she developed a lifelong love of winter sports and appreciation for the environment;

(2) competed in the 1948 Winter Olympics in St. Moritz, Switzerland, and the 1956 Winter Olympics in Cortina d'Ampezzo, Italy, and was the torch lighter at the 1960 Winter Olympics in Squaw Valley, California;

(3) won 2 Gold Medals in the Olympic special and giant slalom races at the 1952 Winter Olympics in Oslo, Norway, and remains the only United States double-gold medalist in alpine skiing;

(4) was inducted into the U.S. National Ski Hall of Fame in 1958 at the age of 25;

(5) moved in 1968 to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California, a place that she fought to protect for the rest of her life;

(6) founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra;

(7) served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra;

(8) worked, as a member of the Great Basin Air Pollution Control District, to reduce air pollution that had been caused by the dewatering of Owens Lake;

(9) founded the Andrea Lawrence Institute for Mountains and Rivers in 2003 to work for environmental protection and economic vitality in the region she loved so much;

(10) testified in 2008 before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill that was enacted the day before she died;

(11) passed away on March 31, 2009, at 76 years of age, leaving 5 children, Cortlandt, Matthew, Deirdre, Leslie, and Quentin, and 4 grandchildren; and

(12) leaves a rich legacy that will continue to benefit present and future generations.

#### SEC. 3. DESIGNATION OF MT. ANDREA LAWRENCE.

(a) IN GENERAL.—Peak 12,240 (which is located 0.6 miles northeast of Donahue Peak on the northern border of the Ansel Adams Wilderness and Yosemite National Park (UTM coordinates Zone 11, 304428 E, 4183631 N)) shall be known and designated as "Mt. Andrea Lawrence".

(b) REFERENCES.—Any reference in a law, map, regulation, document, record, or other paper of the United States to the peak described in subsection (a) shall be considered to be a reference to "Mt. Andrea Lawrence".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

S. 925 will designate an unnamed mountain near Yosemite National Park in California as Mt. Andrea Lawrence in honor of the late Olympic skier and local community leader in that area.

Similar legislation passed the House by voice vote in the last Congress, legislation which was not taken up in the other body. I, once again, urge my colleagues to support this simple bill. Its companion measure in the House, I might add, is authored by our colleague from California (Mr. McKEON).

With that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The bill designates an unnamed mountain peak at the northern border of the Ansel Adams Wilderness and Yosemite National Park in California as Mt. Andrea Lawrence.

Andrea Lawrence, a former Olympic skier and inductee into the U.S. National Ski Hall of Fame, was a community leader in northern California who worked to protect these special places and communities in the eastern Sierra.

We applaud Senator BOXER and Congressman MCKEON for this legislation, and we support its passage.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Mr. MCKEON. Mr. Speaker, I speak in favor of S. 925, to name a peak in the Eastern Sierra in honor of Andrea Mead Lawrence. This legislation is a companion bill to my House version, H.R. 1818. I would like to thank Senator BOXER for working with me to ensure the legacy of a great woman who called the Eastern Sierra home. Let me also express my appreciation to the leaders of the Committee on Natural Resources, Chairman HASTINGS and Ranking Member MARKEY who worked to help bring this legislation to the floor today, as well as Majority Leader CANTOR for allowing this bill to move.

Andrea Mead Lawrence was a remarkable woman. I was honored to know and work with her for the protection of the Eastern Sierra, a cause she championed for much of her life. Born in Rutland County, Vermont on April 19, 1932, she developed a life-long love of winter sports and appreciation for the environment. A skilled skier, she competed in the 1948 Winter Olympics in St. Moritz, Switzerland as well as the 1956 Winter Olympics in Cortina d'Ampezzo, Italy. She also served as the torch lighter at the 1960 Winter Olympics in Squaw Valley, California. In the 1952 Winter Olympics in Oslo, Norway, she won two Gold Medals in the Olympic special and giant slalom races. For her significant accomplishments, she was inducted into the U.S. National Ski Hall of Fame in 1958, at the age of 25.

These remarkable achievements at a young age, however, were just the beginning of a life of service to her community and environmental preservation. In 1968, Andrea moved to Mammoth Lakes in the spectacularly beautiful Eastern Sierra of California. It was in this special region she spent the rest of her life working to protect the area's natural treasures.

Never one to rest on her accomplishments, she founded the Friends of Mammoth to maintain the beauty and serenity of Mammoth Lakes and the Eastern Sierra. She served for 16 years on the Mono County Board of Supervisors, where she worked tirelessly to protect and restore Mono Lake, Bodie State Historic Park, and other important natural and cultural landscapes of the Eastern Sierra. As a member of the Great Basin Air Pollution Control District, she worked to reduce air pollution caused by the dewatering of Owens Lake. In 2003, she founded the Andrea Lawrence Insti-

tute for Mountains and Rivers to protect the environment and the economic vitality of this important region.

In 2008, she testified before the Mono County Board of Supervisors in favor of the Eastern Sierra and Northern San Gabriel Wild Heritage Act, a bill enacted the day before she died on March 31, 2009 at the age of 76. Andrea left a rich legacy of a family of five children and four grandchildren, as well as a distinguished record in skiing. Her tireless efforts have left a better legacy for the people who live and recreate in the Eastern Sierra.

Andrea Mead Lawrence's life philosophy is summed up in her quote "Your life doesn't stop by winning medals. It's only the beginning. And if you have the true Olympic spirit, you have to put it back into the world in meaningful ways." Mr. Speaker, it is very fitting to name Peak 12,240 "Mt. Andrea Lawrence"; both in her honor, and as a visible point of inspiration for future generations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 925.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### HATCH ACT MODERNIZATION ACT OF 2012

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2170) to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act", to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2170

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hatch Act Modernization Act of 2012".

#### SEC. 2. PERMITTING STATE AND LOCAL EMPLOYEES TO BE CANDIDATES FOR ELECTIVE OFFICE.

Section 1502(a)(3) of title 5, United States Code, is amended to read as follows:

"(3) if the salary of the employee is paid completely, directly or indirectly, by loans or grants made by the United States or a

Federal agency, be a candidate for elective office."

#### SEC. 3. APPLICABILITY OF PROVISIONS RELATING TO STATE AND LOCAL EMPLOYEES.

(a) STATE OR LOCAL AGENCY.—Section 1501(2) of title 5, United States Code, is amended by inserting "or the executive branch of the District of Columbia, or an agency or department thereof" before the semicolon.

(b) STATE OR LOCAL OFFICER OR EMPLOYEE.—Section 1501(4) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) an individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by—

"(i) a State or political subdivision thereof;

"(ii) the District of Columbia; or

"(iii) a recognized religious, philanthropic, or cultural organization."

(c) EXCEPTION OF CERTAIN OFFICERS.—Section 1502(c)(3) of title 5, United States Code, is amended—

(1) by striking "'or municipality'" and inserting "municipality, or the District of Columbia"; and

(2) by striking "'or municipal'" and inserting "municipal, or the District of Columbia";

(d) MERIT SYSTEMS PROTECTION BOARD ORDERS.—Section 1506(a)(2) of title 5, United States Code, is amended by inserting "(or in the case of the District of Columbia, in the District of Columbia)" after "the same State".

(e) PROVISIONS RELATING TO FEDERAL EMPLOYEES MADE INAPPLICABLE.—Section 7322(1) of title 5, United States Code, is amended—

(1) in subparagraph (A), by adding "or" at the end;

(2) in subparagraph (B), by striking "or" at the end;

(3) by striking subparagraph (C); and

(4) by striking "services;" and inserting "services or an individual employed or holding office in the government of the District of Columbia;"

(f) EMPLOYEES RESIDING IN CERTAIN MUNICIPALITIES.—Section 7325(1) of title 5, United States Code, is amended to read as follows:

"(1) the municipality or political subdivision is—

"(A) the District of Columbia;

"(B) in Maryland or Virginia and in the immediate vicinity of the District of Columbia; or

"(C) a municipality in which the majority of voters are employed by the Government of the United States; and"

#### SEC. 4. HATCH ACT PENALTIES FOR FEDERAL EMPLOYEES.

Chapter 73 of title 5, United States Code, is amended by striking section 7326 and inserting the following:

#### "§ 7326. Penalties

"An employee or individual who violates section 7323 or 7324 shall be subject to removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, reprimand, or an assessment of a civil penalty not to exceed \$1,000."

#### SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect 30 days after the date of enactment of this Act.

(b) APPLICABILITY RULE.—



(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by section 4 shall apply with respect to any violation occurring before, on, or after the effective date of this Act.

(2) EXCEPTION.—The amendment made by section 4 shall not apply with respect to an alleged violation if, before the effective date of this Act—

(A) the Special Counsel has presented a complaint for disciplinary action, under section 1215 of title 5, United States Code, with respect to the alleged violation; or

(B) the employee alleged to have committed the violation has entered into a signed settlement agreement with the Special Counsel with respect to the alleged violation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

The adoption today of S. 2170 will mark an important step in the Oversight and Government Reform Committee's long-term effort to modernize the Hatch Act.

At its best, the Hatch Act keeps partisan politics out of the workplace and prevents those in political power from abusing their authority to advance partisan political causes. At its worst, however, the Hatch Act causes the Federal Government to unnecessarily interfere with the rights of well-qualified candidates to run for local office.

S. 2170 addresses these flaws by easing restrictions on State and local government employees and on employees of the District of Columbia Government who are covered by the Hatch Act. The bill also provides a greater range of penalties, in addition to termination, for those Federal employees who violate the law. S. 2170 will allow more individuals the right to run for public office without violating the Hatch Act.

Under current law, State and local government employees may not run for partisan office if their jobs are connected to Federal funding. For example, in Pennsylvania, a K-9 officer was not allowed to run for a local school board because his partner, a black Labrador, was tied to funding from the Department of Homeland Security. In another case, the U.S. Office of Special Counsel advised an ambulance driver that he would violate the Hatch Act if

he ran for county coroner because some of the patients he transported received Medicaid.

In enforcing the Hatch Act, the Office of Special Counsel routinely advises deputy sheriffs they are ineligible to run for sheriff, and the number of local law enforcement Hatch Act cases has dramatically increased with the influx of Federal dollars to local police departments as a result of the attacks on September 11, 2001. The best candidates for local law enforcement and other positions are often disqualified from participating in local elections. The concern is especially acute in rural areas, where the pool of candidates for elective office is limited by the population.

Congressman LATTA has led the way in championing Hatch Act reform for State and local sheriffs. The National Sheriffs Association has noted that the current law "severely limits the number of qualified candidates for sheriff."

The OSC is required by law to intervene in State and local contests hundreds of times a year through formal investigations. The OSC also issues thousands of advisory opinions annually to potential State and local candidates. Approximately 45 percent of the OSC's overall Hatch Act case load, including more than 500 investigations over the past 2 years, involves State and local campaign cases. These cases do not involve any allegations of coercive or abusive political conduct.

Investigating hundreds of State and local campaigns annually is a poor use of the OSC's limited budget, and it creates a burden on States and localities that must respond to these investigations. The U.S. Office of Special Counsel should be spending its limited resources on investigations of waste, fraud, and abuse in the Federal Government. It should not be spent interfering with State and local elections and disqualifying qualified candidates from seeking elective office.

With that, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 2170, the Hatch Act Modernization Act. This needed bill is based on recommendations from the head of the U.S. Office of Special Counsel, Carolyn Lerner. This legislation was introduced by Senator DANIEL AKAKA, along with the ranking member of the Oversight Committee, ELIJAH CUMMINGS. This bill will make three key reforms:

The first reform will allow State and local government workers to run for political office. The Hatch Act prohibits any of these employees from running in a partisan political election if their jobs involve Federal funding. This creates problems for many government workers who are otherwise well qualified to run for local office.

For example, Mr. Jon Greiner had to be fired as police chief of Ogden, Utah,

because he ran for a State senate seat and won. Ms. Kristin DiCenso, an Illinois State employee, was prevented from running for court clerk. In response to this barrier, she said, "I was utterly deflated. It's insanity."

The second reform would institute a less severe range of penalties for Hatch Act violations. Current law requires employees who violate the Hatch Act to be terminated unless the Merit Systems Protection Board unanimously votes for a lesser penalty. Jon Adler, the president of the Federal Law Enforcement Officers Association, testified that this penalty system is draconian.

The third reform made by this bill is to treat District of Columbia employees like State and local government employees under the Hatch Act.

□ 1550

This is a commonsense change.

In closing, I support the Hatch Act Modernization Act, and I hope that every Member of the House will support this bill so that it can become law.

Mr. Speaker, I ask that we pass the underlying bill, and I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, at this time I'd like to yield 3 minutes to my friend and colleague, Mr. CHAFFETZ of Utah, a member of the Oversight and Government Reform Committee.

Mr. CHAFFETZ. Mr. Speaker, I thank the gentleman from Texas. I rise in support of S. 2170, the Hatch Act Modernization Act of 2012. I'd also like to thank and commend Ranking Member CUMMINGS and his work with Chairman ISSA for bringing this bill to the floor on a bipartisan and a bicameral basis.

I also want to commend Senator MIKE LEE for his tireless work on this, his concern, particularly on what happened in Utah, and his good work with Senator AKAKA. The bill wouldn't be here today without their good work, and I commend them both for working, again, in a bipartisan way.

I am also a proud cosponsor of H.R. 4152, sponsored by Ranking Member CUMMINGS—I'm glad to come together with him—which is the House companion to S. 2170. S. 2170 makes commonsense, long overdue reforms to the Hatch Act, which became law nearly 75 years ago. While the numerous reforms this legislation includes are all important, I'd like to highlight the critical reform made by section 2 of this bill.

In May of this year, the Oversight and Government Reform Subcommittee with jurisdiction over the Federal workforce held a hearing where members heard of the ongoing problems with the Hatch Act and options for reform. At the hearing, the subcommittee heard from my fellow Utahn Jon Greiner, an individual whose experience with the Hatch Act has become far too common and is the reason why we're here today.

In 2006, Mr. Greiner, while serving as the chief of the Ogden City Utah Police Department, was elected to the Utah State Senate. While this occasion would presumably be joyous, unfortunately for Chief Greiner, it was the beginning of a 5-year legal battle with the Federal entities charged with the enforcing of the Hatch Act. At the end of the long and costly legal battle, Chief Greiner was ultimately found by these Federal entities to have violated the Hatch Act in December 2011. Chief Greiner was not only fired by Ogden City for his violation, but was also banned by the Federal Government from serving as a law enforcement officer in Utah for 18 months.

And what did Chief Greiner do to deserve such punishment? He simply signed a required quarterly report for a Federal technology grant awarded to upgrade the Weber and Morgan County, Utah, emergency dispatch center—a Federal grant that didn't even directly benefit the Ogden City Police Department but, instead, was designed to enhance the dispatch capabilities for the entire county. Chief Greiner didn't receive a cent of the money in his paycheck nor did his department. He was simply the department and city's point of contact after one pen stroke ended an exemplary career of nearly four decades of distinguished public service.

Thankfully, Mr. Speaker, section 2 of S. 2170 will now make it possible for State and local public servants whose job is connected to Federal funding to be able to run for office—while still preventing those who are paid completely by the Federal Government from running for office.

Sadly, Mr. Speaker, Chief Greiner's Hatch Act violation, while absurd, has occurred all over the country. I'm happy to say, after this legislation is passed, it should never, ever happen again. I urge my colleagues to join me in supporting this bipartisan, bicameral piece of legislation.

Again, I thank Chairman ISSA for making this happen and for the work of Ranking Member CUMMINGS.

Mr. CLAY. Mr. Speaker, at this time, I yield 5 minutes to the gentleman from Maryland, ELIJAH CUMMINGS, the chief sponsor of the bill.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of the Hatch Act Modernization Act.

Senator AKAKA and I introduced this legislation, along with a number of our distinguished colleagues on both sides of the aisle. The bill incorporates recommendations for reform that the Special Counsel Carolyn Lerner sent to Congress last year. I want to thank Senator AKAKA not only for his work on this bill, but for everything he has done for Federal workers.

I would also like to take a moment to thank my good friend Representative JASON CHAFFETZ, the chairman of

the National Security Subcommittee, for his very hard work in support of this legislation, as well as Chairman ISSA for helping to bring this bill to the floor today.

This legislation makes commonsense reforms to the Hatch Act that are much needed. The Hatch Act was passed to ensure that Federal Government employees work on behalf of the American people rather than whatever political party is in power. The law works well most of the time, but it has had some unintended consequences.

Currently, the Hatch Act prohibits State and local government employees from running for partisan political office if they work on programs that receive Federal funding. This can and has led to some unfair and absurd results. For example, Matthew Arlen, a transit officer in Philadelphia, was barred from running for his school board because his canine partner was paid for by a Federal grant. Officer Arlen told *The Washington Post*:

I was upset because I truly believed I had something to offer my community.

Mr. Speaker, I include in the RECORD a New York Times op-ed by Special Counsel Carolyn Lerner. In her op-ed, Special Counsel Lerner wrote:

Increasingly, the act is being used as a political weapon to disqualify otherwise well-qualified candidates even when there is no indication of wrongdoing.

This bill will fix that.

The Hatch Act Modernization Act also creates a range of penalties for Hatch Act violations. Currently, the only available penalty for violation of the Hatch Act, no matter how minor the violation, is termination, unless the Merit Systems Protections Board votes unanimously to impose a lesser penalty. Under this legislation, the Board will have the ability to impose a punishment that fits the crime.

This legislation also ensures that the District of Columbia employees are treated similarly to State and local government employees rather than as Federal employees.

The Hatch Act Modernization Act makes reforms that are much needed, that are bipartisan, noncontroversial, and widely supported. I urge my colleagues to support the bill and send it to the President for his signature.

Again, I want to thank all of my colleagues for joining in on this effort to make this commonsense bill law.

[From the New York Times, Oct. 30, 2011]

A LAW MISUSED FOR POLITICAL ENDS

(By Carolyn N. Lerner)

WASHINGTON.—The federal agency I lead, the United States Office of Special Counsel, enforces a law that is broken and needs to be fixed.

The law, the Hatch Act of 1939, was intended to keep improper politics out of the federal workplace. At its best, it prevents people in political power from abusing their positions. It prohibits coercion by a government supervisor—such as pressuring employ-

ees to volunteer for or contribute to a campaign—and shields the civil service and the federal workplace from politicking.

But at its worst, the law prevents would-be candidates in state and local races from running because they are in some way, no matter how trivially, tied to a source of federal funds in their professional lives. Our caseload in these matters quintupled to 526 complaints in the 2010 fiscal year, from 98 in 2000. We advised individuals on this law 4,320 times in 2010.

Matthew P. Arlen is a police officer for the Southeastern Pennsylvania Transportation Authority. A Republican, he wanted to run for the school board, but we told him in June he could not because his bomb-sniffing dog is funded through the Department of Homeland Security.

The Port of Albany, in New York, got stimulus funds to rebuild its dock and wharf, so we told Terrence P. Hurley, who is the port's chief financial officer, that he could not run in last month's Democratic primary for the county legislature.

Increasingly, the act is being used as a political weapon to disqualify otherwise well-qualified candidates, even when there is no indication of wrongdoing. An allegation that a candidate has violated federal law—simply by stepping forward to run—can cast a cloud.

Of course, the would-be candidate could give up his day job. But the day job usually pays the rent, and many of the elective offices being sought pay little or nothing. Forcing people to resign in order to participate in the democratic process is unfair and bad policy.

Sheriffs' offices are especially affected. Since 9/11, federal grants to state and local law enforcement have soared. Deputies are commonly the most knowledgeable and capable potential candidates, but they are ineligible to succeed their bosses because of the influx of federal money.

Anthony C. Nelson is on next month's ballot for sheriff in Lowndes County, Miss. He stepped up after the previous Democratic nominee, an acting police chief, left the race over a Hatch Act problem. Then Mr. Nelson, the head of the local juvenile detention center, was himself accused of violating the act. An investigation by our office found that the center got no federal funding, so he remains on the ballot.

I have sent Congress proposed legislation to fix the Hatch Act by removing restrictions on state and local government workers who want to run for elected office. This would not cost taxpayers anything. It would demonstrate respect for the independence of state and local elections, and would allow qualified candidates to serve their communities as elected officials.

Mr. FARENTHOLD. Mr. Speaker, I'd like to yield 2 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I thank the gentleman for yielding.

I rise today in support of the Hatch Act Modernization Act of 2012. I want to applaud Chairman ISSA for the oversight and work he has done on the Hatch Act reform during this Congress and thank him for working with me. I'm particularly pleased that the legislation before us today contains a major piece of my legislation, H.R. 498, the State and Local Law Enforcement Hatch Act Reform Act.

Currently, more than six decades since the enactment of the original

Hatch Act, there is virtually no law enforcement agency that does not receive some amount or type of Federal funds. Consequently, almost all State or local law enforcement officers are covered under the Hatch Act and must quit their jobs to run for the office of sheriff. This reality discourages experienced individuals from running for the position and places a serious financial burden on them.

Reform to the current version of the Hatch Act is sorely needed. With the passage of the Hatch Act Modernization Act, we will ensure that citizens have the opportunity to elect the best candidate as their sheriff.

Further reform to the Hatch Act is still needed, but the Hatch Act Modernization Act is a step in the right direction and will do a great deal to make sure that highly qualified men and women are able to run for the office of sheriff or other elected positions.

I want to thank Congressman TIM HOLDEN for his partnership with me in this Congress on my legislation, Hatch Act reform for State and local law enforcement officers, and I look forward to continuing to work on this issue in the upcoming Congress.

Mr. CLAY. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1600

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding and for his work in helping to bring this bill to the floor today.

I especially want to thank the ranking member of the Oversight and Government Reform Committee, ELIJAH CUMMINGS, who introduced the Hatch Act Modernization Act of 2012 in the House, and to thank Senator DANIEL AKAKA, who introduced the bill in the Senate.

I want to especially thank Chairman DARRELL ISSA, who held very productive and revealing hearings on the Hatch Act during this session, without which this bill could not have come to the floor today.

And I thank our friends in the Senate, Senators JOSEPH LIEBERMAN and SUSAN COLLINS, who had their own hearings to modernize the Hatch Act, and who supported the provisions of this bill that pertain to the District of Columbia only.

The Hatch Act Modernization Act of 2012 contains two of our longtime priority bills for the district—the District of Columbia Hatch Act Reform Act and the Hatch Act National Capital Region Parity Act—giving D.C. full equality under the Federal Hatch Act.

Our first bill, the District of Columbia Hatch Act Reform Act, which is included in this bill, passed the House in the last Congress but stalled in the Senate. I have been fighting for the bill

for most of my term of service in the Congress.

The D.C. Hatch Act Reform Act eliminates discriminatory treatment of the District of Columbia, which, alone among U.S. jurisdictions, still falls under the Federal Hatch Act, as it did before Congress made the District an independent jurisdiction in 1973 able to enact its own local laws.

My provision retains Federal Hatch Act authority concerning prohibited partisan and political activity that applies to every locality upon receipt of Federal funds or functions, and requires the District to enact its own local Hatch Act barring similar local violations. And I'm pleased to say that the District has already done that and is waiting only for passage of this bill and for signing by the President.

Hatch Act violations in the District are rare, but the District needs to be able to enforce its own Hatch Act to be fully accountable and responsible for local violations, with which only a local objective body would be familiar.

The present treatment of District employees under the Hatch Act, as if these employees of a local government were employees of a Federal agency, has led to confusion for the Office of Special Counsel, or OSC, which enforces the Hatch Act.

In a recent case, an advisory neighborhood commissioner, elected by the people of the District of Columbia, was cited for violations of the Hatch Act when he ran for higher office, even though these commissioners are elected officials under local D.C. law.

Or to cite another absurdity, the District of Columbia will have its first election for a partisan attorney general in 2014. Under current law, the winner of that election would be treated as if he were a Federal employee. That would mean that the person who won the office of attorney general for the District of Columbia would have to resign that office in order to seek reelection in 2018. And this is not what the Federal Hatch Act, let alone a local Hatch Act, would have intended.

As a result of the failure to clear up the confusion between local and Federal jurisdictions, the application of the Hatch Act to D.C. government employees has been inconsistent by the OSC. The present law leaves the OSC with local responsibility when Federal jurisdiction is not indicated. This fix, therefore, is long overdue.

Our second bill, the Hatch Act National Capital Region Parity Act, allows OPM to permit Federal employees who reside in the District to run as independent candidates in local partisan elections. Under the Hatch Act, Federal employees generally may not be candidates in partisan elections.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CLAY. I yield an additional minute to the gentlewoman.

Ms. NORTON. In the 1940s, Congress gave OPM the authority to exempt Federal employees living in towns in Maryland, Virginia, and the immediate vicinity of the District from the Hatch Act's prohibition on Federal employees running in partisan elections, so that towns with a high concentration of Federal employees would not be deprived by having a significant percentage of their residents unable to participate in local affairs.

However, OPM was not given the authority to exempt Federal employees living in D.C. because the city did not have local elections before the Home Rule Act of 1973. The Hatch Act Modernization Act includes these two bills and brings the District one step closer to equal treatment and self-government, and implements these and other commonsense revisions to the Hatch Act.

I applaud the chairman and the ranking member for the entire Act, and I thank them very much that our bills are included.

Mr. FARENTHOLD. Mr. Speaker, I have no other speakers at this time, and continue to reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no further speakers on this bill. I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I'd like to take this one final opportunity to urge my colleagues to support the Hatch Act Modernization Act of 2012. We've heard from speakers on both sides of the aisle indicating some of the absurd results that we have seen as a result of this act, none more glaring than the officer whose canine partner, a Labrador named Haynes, was prohibited from running for office.

With that, and all the other examples, I think it's clear we need to support passage of S. 2170.

I see the chairman has asked for some time. If my colleague on the other side of the aisle doesn't object, I would like to yield 2 minutes to the chairman, Mr. ISSA.

Mr. ISSA. Mr. Speaker, I want to thank my colleagues on both sides of the aisle, particularly my friend, Mr. CLAY.

It is not often that we get to come here as a committee and talk about something that, in fact, affects perceived government cronyism and misconduct, a law that protects the American people against politics getting into your government, and then say, but we need to reduce it a little. We need to make it a little tighter.

This is an example where, as many of my colleagues have said, unintended consequences have made a good bill into a bill that stifles the opportunity and legitimate political activity that occurs by people serving in State and local office.

So I join with my colleagues on both sides of the aisle, with my good friend

from the District of Columbia, and say this is the time in which we're making small technical changes that make a big difference to our political landscape around the country, and in a good way.

We want to make sure that we have the opportunity to have everyone participate, and I want to thank Members of both parties for bringing this bill. And I want to particularly thank my colleague, Mr. CUMMINGS, for his effort throughout the entire Congress to get us where we are here today.

Mr. FARENTHOLD. I do urge all Members to join me in support of this bill. I yield back the remainder of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 2170.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### PUBLIC INTEREST DECLASSIFICATION BOARD REAUTHORIZATION ACT OF 2012

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3564) to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3564

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Interest Declassification Board Reauthorization Act of 2012".

#### SEC. 2. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) SUBSEQUENT APPOINTMENT.—Section 703(c)(2)(D) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking the period at the end and inserting "from the date of the appointment."

(b) VACANCY.—Section 703(c)(3) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking "A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term."

(c) EXTENSION OF SUNSET.—Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 435 note) is amended by striking "2012." inserting "2014."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1610

#### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. I yield myself such time as I may consume.

S. 3564, the Public Interest Declassification Board Act, reauthorizes the Public Interest Declassification Board, or PIDB, for an additional 2 years. Without congressional action, the PIDB will sunset on December 31, 2012.

The PIDB is an advisory committee tasked with improving and modernizing the process used to classify and declassify government information. The volume of classified information has skyrocketed in recent years, due to the rapid increase in electronic communications, as well as an institutional bias that prefers overclassification as a risk-avoidance strategy. Overclassification can unduly hinder much-needed public transparency and the ability to rapidly share information across the government.

The chief goals of the PIDB are to help develop effective modern standards and processes for classification and declassification to address the problems by overclassification and promote the fullest possible public access to national security records through efficient and timely declassification systems. S. 3564 will further the cause of transparency by maintaining an expert advisory group to ensure the executive branch is classifying and declassifying records in a timely and responsible manner.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this important legislation. This bill renews the authorization of the Public Interest Declassification Board. The PIDB is an advisory committee whose purpose is to promote the fullest possible public access to significant national security decisions and activities. The PIDB advises the President on policies related to classification and declassification of national security information. The Board also advises the President on the declassification and release of classified records with historical value. The authorization for the PIDB is set to expire at the end of this month. It is important that we reauthorize the authority for this panel so that their important work is not jeopardized.

Just last month, the PIDB issued a report to the President, titled "Transforming the Security Classification System." The report made a number of recommendations for improving the

classification system. The report criticized our current system. It stated:

We believe the current classification and declassification systems are outdated and incapable of dealing adequately with the large volumes of classified information generated in an era of digital communication and information systems. Overcoming the entrenched practices that no longer serve the purpose of protecting our national security will prove difficult.

Transparency and access to information are essential tools for effective oversight of the executive branch. Outdated systems for managing classified information must be modernized to provide greater public access to information about the Federal Government's policies and activities. Reauthorizing the PIDB is critical to that effort, and I support this bill. I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. FARENTHOLD. As we've heard, this bill promotes bipartisan-supported transparency in the government. I urge my colleagues to support the passage of the Public Interest Declassification Board Reauthorization Act of 2012, S. 3564, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, S. 3564.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FARENTHOLD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6016) to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6016

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Employee Accountability Act".

#### SEC. 2. SUSPENSION FOR 14 DAYS OR LESS FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

Paragraph (1) of section 7501 of title 5, United States Code, is amended to read as follows:

"(1) 'employee' means—

"(A) an individual in the competitive service who is not serving a probationary or trial

period under an initial appointment or who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less; or

“(B) a career appointee in the Senior Executive Service who—

“(i) has completed the probationary period prescribed under section 3393(d); or

“(ii) was covered by the provisions of subchapter II of this chapter immediately before appointment to the Senior Executive Service;”.

### SEC. 3. INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES.

(a) IN GENERAL.—Chapter 75 of title 5, United States Code, is amended by adding at the end the following:

#### “SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

##### “§ 7551. Definitions

“For the purposes of this subchapter—

“(1) ‘employee’ has the meaning given such term in section 7541; and

“(2) ‘investigative leave’ means a temporary absence without duty for disciplinary reasons, of a period not greater than 90 days.

##### “§ 7552. Actions covered

“This subchapter applies to investigative leave.

##### “§ 7553. Cause and procedure

“(a)(1) Under regulations prescribed by the Office of Personnel Management, an agency may place an employee on investigative leave, without loss of pay and without charge to annual or sick leave, only for misconduct, neglect of duty, malfeasance, or misappropriation of funds.

“(2) If an agency determines that such employee’s conduct is serious or flagrant, the agency may place such employee on investigative leave under this subchapter without pay.

“(b)(1) At the end of each 45-day period during a period of investigative leave implemented under this section, the relevant agency shall review the investigation into the employee with respect to the misconduct, neglect of duty, malfeasance, or misappropriation of funds.

“(2) Not later than 5 business days after the end of each such 45-day period, the agency shall submit a report describing such review to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

“(3) At the end of a period of investigative leave implemented under this section, the agency shall—

“(A) remove an employee placed on investigative leave under this section;

“(B) suspend such employee without pay; or

“(C) reinstate or restore such employee to duty.

“(4) The agency may extend the period of investigative leave with respect to an action under this subchapter for an additional period not to exceed 90 days.

“(c) An employee against whom an action covered by this subchapter is proposed is entitled to, before being placed on investigative leave under this section—

“(1) at least 30 days’ advance written notice, stating specific reasons for the proposed action, unless—

“(A) there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment can be imposed; or

“(B) the agency determines that the employee’s conduct with respect to which an action covered by this subchapter is proposed is serious or flagrant as prescribed in regulation by the Office of Personnel Management;

“(2) a reasonable time, but not less than 7 days, to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer;

“(3) be represented by an attorney or other representative; and

“(4) a written decision and specific reasons therefor at the earliest practicable date.

“(d) An agency may provide, by regulation, for a hearing which may be in lieu of or in addition to the opportunity to answer provided under subsection (c)(2).

“(e) An employee against whom an action is taken under this section is entitled to appeal to the Merit Systems Protection Board under section 7701.

“(f) Copies of the notice of proposed action, the answer of the employee when written, and a summary thereof when made orally, the notice of decision and reasons therefor, and any order effecting an action covered by this subchapter, together with any supporting material, shall be maintained by the agency and shall be furnished to the Merit Systems Protection Board upon its request and to the employee affected upon the employee’s request.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 75 of title 5, United States Code, is amended by adding after the item relating to section 7543 the following:

#### “SUBCHAPTER VI—INVESTIGATIVE LEAVE FOR SENIOR EXECUTIVE SERVICE EMPLOYEES

“7551. Definitions.

“7552. Actions covered.

“7553. Cause and procedure.”.

### SEC. 4. SUSPENSION OF SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 7543 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting “misappropriation of funds,” after “malfeasance,”; and

(2) in subsection (b), by amending paragraph (1) to read as follows:

“(1) at least 30 days’ advance written notice, stating specific reasons for the proposed action, unless—

“(A) there is reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment can be imposed; or

“(B) the agency determines that the employee’s conduct with respect to which an action covered by this subchapter is proposed is serious or flagrant as prescribed in regulation by the Office of Personnel Management;”.

### SEC. 5. MISAPPROPRIATION OF FUNDS AMENDMENTS.

(a) REINSTATEMENT IN THE SENIOR EXECUTIVE SERVICE.—Section 3593 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by inserting “misappropriation of funds,” after “malfeasance,”; and

(2) in subsection (b), by striking “or malfeasance” and inserting “malfeasance, or misappropriation of funds”.

(b) PLACEMENT IN OTHER PERSONNEL SYSTEMS.—Section 3594(a) of title 5, United States Code, is amended by striking “or malfeasance” and inserting “malfeasance, or misappropriation of funds”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

Earlier this year, the Committee on Government Oversight and Reform held a hearing concerning the wasteful spending that occurred during the planning and execution of the General Services Administration 2010 Western Regional Conference. As you may recall, the GSA spent more than \$820,000 on a conference originally budgeted at \$250,000. The GSA has no triggers or controls in place to stop this flagrant overspending. GSA employees, including Jeff Neely, a career member of the Senior Executive Service, failed to follow GSA policy, Federal procurement law, and basic common sense.

H.R. 6016 helps ensure Senior Executive Service, or SES, employees are held accountable for their actions. It allows an SES employee to be fired for misappropriation of funds and gives the agency head discretion to place an SES on unpaid leave, all while maintaining that employee’s existing due process rights.

I’d like to commend my colleague, Mr. KELLY, for his work on this bill, and urge all Members to support its adoption.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the majority for working with us to make additional improvements to H.R. 6016, the Government Employee Accountability Act, as amended. I thank the gentleman, Mr. KELLY from Pennsylvania, who introduced this bill to address an unfortunate instance where a few Senior Executive Service officials at the GSA received a lot of attention regarding their extravagant spending on a Las Vegas conference.

While I fully support the purpose and intent of this legislation to prevent misappropriation and misuse of taxpayer dollars, we need to be careful not to allow the bad actions of a few government employees to take away from the good work that our Federal workers do every day. I have the greatest respect and appreciation for our Federal workers, and I think we all need to be reminded that these men and women devote their professional lives to serving all Americans. This is especially

important to note given all the recent legislation attacking these middle class Federal workers' pay and benefits. I believe in the importance of safeguarding taxpayer dollars and holding our public servants accountable. For this reason, I support this bill.

I reserve the balance of my time.

Mr. FARENTHOLD. At this time I yield such time as he may consume to my friend, colleague, and neighbor on the Government Oversight and Reform Committee, the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. Mr. Speaker, I do rise today in support of the Government Employee Accountability Act, H.R. 6016, and I thank the gentleman from Texas and the gentleman from Missouri (Mr. CLAY).

As a result of this, I think when we had that hearing last spring, both sides were outraged. I remember Chairman ISSA speaking out very strongly and also Ranking Member CUMMINGS speaking out very strongly. Because we truly are the stewards of the taxpayer money. And what we said at that time was that we're going to get to the bottom of this, and we're going to find out how this happened and why it happened. When I got back to my office, our switchboard was lighting up and people from back home in western Pennsylvania said, Why is this happening?

I stress exactly what you said—we have a lot of wonderful people working very hard for this country, for this government, and we don't want to paint them all with the same brush. But by the same token, when there is some wrongdoing, it is up to us in the Congress to step forward and do things that make sense.

□ 1620

So this is just a commonsense solution to a situation that has to be addressed. I would say that working together, this is a bipartisan effort to make sure that we have great accountability for those taxpayer dollars that are being spent.

This piece of legislation, as it goes forward today—let's make sure that we understand this—these are the senior executives, these are the creme de la creme, these are the top people that we rely on. That Western Region Conference, as Mr. FARENTHOLD pointed out, was \$600,000 over budget, and at some point you've got to wonder why. When we asked the GSA, when we asked Ms. Johnson, Why is Mr. Neely on leave with pay, she said, Well, we don't have any mechanism to prevent that from happening; we don't have the tools to do that. So what we said was, let's go back into the regular world, let's go back into commonsense rules and let's give them a tool to use that makes sense for the American people.

So, I applaud what you're saying, Mr. CLAY. It's nice working with you on

this. I want to especially thank the committee. We did work very hard on this to come up with something that makes sense for America and makes sense also for the people that work for us. So I thank you.

Mr. CLAY. I continue to reserve.

Mr. FARENTHOLD. At this point, Mr. Speaker, I yield 2 minutes to the chairman of the Transportation and Infrastructure Committee and my colleague on the Government Oversight and Reform Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. I thank the gentleman for yielding. I thank him for his leadership. Particularly, I want to thank Mr. KELLY for his perseverance, his introduction and sponsorship of H.R. 6016, and encourage my colleagues to support that legislation today.

Most often when you hear about scandals in the Federal Government, there's a little bit of a flurry and then not much is done. Mr. KELLY has stepped forward and introduced legislation that will correct one of the most egregious actions against the Federal taxpayer that we've seen.

Our committee, the Transportation Committee, does oversee the General Services Administration. Within that agency, we heard about the conduct of one senior executive employee, the Senior Executive Services, one of the highest levels of administration in our government. That person thumbed his nose in a hot tub at the taxpayers, at the Congress, and at everyone else.

Today, this is taxpayers' revenge. This is a little gift hopefully we can put under the Christmas tree for the taxpayers so that people in those positions will not receive their pay and can be removed from office. We had to change the law—and we will change the law—to make certain that people who are supposed to be good stewards of the taxpayer dollars are held accountable. So I thank everyone in a bipartisan manner in bringing this legislation forward and strongly support its adoption.

Mr. CLAY. At this time I have no further speakers, and I yield back the balance of my time.

Mr. FARENTHOLD. As we have heard from both sides of the aisle, this is a bill designed to prevent the worst kind of overspending, one of the worst examples that we've seen.

I understand Mr. CLAY and agree with his concerns that we cannot violate the due process rights of government employees. We've worked to protect that, but we've also worked very hard to do the job that we were elected to do, and that is to be good stewards of the taxpayers' money. This bill, the Government Employees Accountability Act, H.R. 6016, Mr. KELLY's bill, does just that; and I urge my colleagues to support the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6016, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FARENTHOLD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### NELSON "MAC" MACWILLIAMS POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4062) to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the "Nelson 'Mac' MacWilliams Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4062

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NELSON "MAC" MACWILLIAMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the "Nelson 'Mac' MacWilliams Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Nelson 'Mac' MacWilliams Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4062.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4062, introduced by the gentleman from California (Mr. HUNTER), would designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the Nelson "Mac" MacWilliams Post Office Building. The bill was introduced on February 16.



Mr. Speaker, Mr. MacWilliams served in the U.S. Navy for 22 years and retired as a Navy chief in 1999. Upon returning to civilian life, he was a small business owner.

Mr. MacWilliams served his community in San Diego in many ways, including with the Ramona Chamber of Commerce. He is responsible for assisting local fire victims and military personnel in Mr. HUNTER's district office. Sadly, nearly a year ago, on December 20, 2011, Mr. MacWilliams passed away. He is remembered fondly by his wife, brother, sons, daughters, and several grandchildren.

Mr. Speaker, Mr. MacWilliams is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4062, to designate the facility of the U.S. Postal Service located at 1444 Main Street in Ramona, California as the Nelson "Mac" MacWilliams Post Office Building.

The bill before us was introduced by Representative DUNCAN HUNTER. Nelson MacWilliams graduated from Calverton High School in Huntington, Maryland. Nelson MacWilliams would attend Salisbury State University in Salisbury, Maryland, before enlisting in the U.S. Navy in 1977. Upon his retirement from the Navy, he would begin serving his community in California.

His work with the Ramona Chamber of Commerce would establish him as a respected member within the community. He was called on by Representative HUNTER to help small businesses within the community. His tireless efforts would help local small businesses succeed in cutting bureaucratic red tape.

Mr. Speaker, I urge passage of the underlying measure, and I reserve the balance of my time.

Mr. FARENTHOLD. At this time I'd like to yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman from Texas. And my good friend from Missouri, thank you for your kind words about Mac—Nelson "Mac" MacWilliams. See, he passed away about a year ago on December 20, 2011, in an unfortunate car accident that cost him his life on one of the most dangerous roads in San Diego County. He was a dedicated public servant, proud Navy veteran, an all-around great guy to be around.

San Diego is not just the city part where there's the ocean and the beach. There's the back country in San Diego. You have small towns like Ramona

where everybody knows each other. There is literally a place called Cheers. It's a bar in Ramona where everybody does know your name. You could find Mac there after work on Sundays.

He was a member of the VFW. Like my friend said, he was in the Navy from 1977 to 1999, where he became a Navy chief. Anybody who knows the Navy or knows the U.S. military, they understand that the Navy runs on its chiefs. The chiefs are the ones that actually get things done, the ones that you look to when you need to cut through the red tape and cut through the bureaucracy.

Mac was also a member of the Veterans of Foreign Wars Post 7783 in Ramona, California. It was because of their request, along with others in Ramona, that I introduced this bill to name the post office in Ramona for Mac.

When the devastating wildfires hit San Diego in 2007, Mac answered the call to service again, working tirelessly helping victims get assistance to rebuild their homes. As we can see from Hurricane Katrina or Hurricane Sandy, when natural disasters happen, the bureaucracy is sometimes hard to get through, but Mac specialized at that as a Navy chief.

□ 1630

He did the same thing working as the executive director of the Ramona, California, Chamber of Commerce for 4 years. In his position, he advocated for businesses and built lasting relationships across the region.

But Mac wasn't a big business guy. He came out of the Navy. The reason he was chosen for that position was because he was great to be with, he knew how to get along with people of differing views and ideologies, and he simply knew how to get things done.

The VFW said in their letter:

One of Mac's traits was that he was always "on duty." There was never a problem too small which did not dictate 100 percent effort to have it corrected.

In fact, on the day he died, Mac was coming into my office because he was in the middle of some casework for a constituent and didn't want to wait until he got back from Christmas vacation.

At his funeral, one of my constituents and VFW Post member, Dale Smith, described Mac by saying:

Mac was a gentle, intelligent individual and a "get-it-done" kind of guy, no matter what obstacles stood in his way.

He was a proud veteran and public servant who served his country in the Navy and served the people in his community on veterans and military issues. He had a profound impact on his community and deserves recognition for his contributions, and naming the post office for him in the community he did so much for is a fitting way to commemorate his memory.

Mr. CLAY. Mr. Speaker, I have no further speakers. I urge my colleagues to join the entire House in honoring this great American, and I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I, too, urge my colleagues to support H.R. 4062, the Nelson "Mac" MacWilliams Post Office Building naming, and yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 4062.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### POSTAL INSPECTOR TERRY ASBURY POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6587) to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the "Postal Inspector Terry Asbury Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6587

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. POSTAL INSPECTOR TERRY ASBURY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, shall be known and designated as the "Postal Inspector Terry Asbury Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Postal Inspector Terry Asbury Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. I thank the gentleman.

Mr. Speaker, I rise today in support of my legislation, H.R. 6587, to designate the United States Postal Service facility located at 225 Simi Village Drive in Simi Valley, California, as the Postal Inspector Terry Asbury Post Office Building.

Terry Asbury was born in Superior, Wisconsin, in 1950. Shortly after turning 18, he joined the United States Army and served multiple tours in Vietnam. After being honorably discharged in 1971, Terry began his career in the United States Postal Service. He worked out of the Van Nuys facility, starting as a mail clerk and handler before moving up all the way to U.S. postal inspector in 1986.

On Saturday, January 30, 1990, Inspector Asbury was returning in his vehicle after conducting an investigation in the Los Angeles area when his vehicle was struck head-on by a van towing a boat and a trailer. Four days later, on February 3, he succumbed to his injuries, passing away at the early age of 39.

He was a loving husband and an exceptional person who went out of his way to help others and make the world a better place to live. I cannot see a more fitting way to memorialize a great American and resident of my hometown in Simi Valley, California, than to dedicate this post office in his honor.

Mr. Speaker, I thank Chairman ISSA, Ranking Member CUMMINGS, and the others for allowing me to bring this bill to the floor today in such a quick fashion, and I urge my colleagues to support this legislation.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Oversight and Government Reform Committee, I'm pleased to join my colleagues in the consideration of H.R. 6587, to designate the facility of the U.S. Postal Service located at 225 Simi Valley Drive in Simi Valley, California, as the Postal Inspector Terry Asbury Post Office Building.

I want to thank Representative GALLEGLY, on November 13, 2012, for introducing this bill. Inspector Asbury diligently served the U.S. Postal Service as postal inspector for 4 years when he was tragically killed while conducting an investigation.

In remembrance of Inspector Asbury for his tireless work and dedication to service, I urge my colleagues to pass this bill.

Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge all the Members to support the passage of H.R. 6587. I can think of no more fitting a way to honor Postal Inspector Asbury than naming this building after him.

I do urge all Members to support passage and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6587.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FARENTHOLD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed. Votes will be taken in the following order:

H.R. 6655, by the yeas and nays;

S. 3564, by the yeas and nays;

H.R. 6016, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PROTECT OUR KIDS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 330, nays 77, not voting 24, as follows:

[Roll No. 636]

YEAS—330

Ackerman  
Adams  
Aderholt  
Alexander  
Altmire  
Amodei  
Andrews  
Austria  
Bachmann  
Bachus  
Baldwin  
Barber  
Barletta  
Barrow  
Barton (TX)

Bass (CA)  
Bass (NH)  
Becerra  
Berg  
Berkley  
Berman  
Biggert  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Black  
Blumenauer  
Bonamici  
Bonner  
Boren

Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brown (FL)  
Buchanan  
Bucshon  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Canseco  
Cantor  
Capito  
Capps

Capuano  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DelBene  
Denham  
Dent  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Forbes  
Fortenberry  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gerlach  
Gibbs  
Gibson  
Goodlatte  
Granger  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Herger  
Herrera Beutler  
Higgins  
Himes

Hinchey  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Hultgren  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (NY)  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loebuck  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McDermott  
McGovern  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Murphy (PA)  
Nadler  
Napolitano  
Neal  
Noem  
Nugent  
Nunes  
Oliver  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Peterson

Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Posey  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schmidt  
Schock  
Schraeder  
Schwartz  
Scott, David  
Serrano  
Sewell  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Speier  
Stivers  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Tiberi  
Tierney  
Tipton  
Tonko  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Vislosky  
Walberg  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Webster  
Welch  
West  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf



Womack  
WoolseyYarmuth  
YoderYoung (FL)  
Young (IN)[Roll No. 637]  
YEAS—409Owens  
Palazzo  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-LehtinenRoskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Roybal-Allard  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southernland  
Speier  
StearnsStivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Webster  
Welch  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (FL)  
Young (IN)

## NAYS—77

Akin  
Amash  
Benishek  
Bishop (UT)  
Blackburn  
Brooks  
Broun (GA)  
Buerkle  
Burgess  
Campbell  
Carter  
Chabot  
Chaffetz  
Conaway  
Cravaack  
Culberson  
DesJarlais  
Duffy  
Duncan (SC)  
Duncan (TN)  
Farenthold  
Flake  
Fleischmann  
Fleming  
Flores  
FoxxGardner  
Garrett  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Harris  
Hensarling  
Huelskamp  
Huizenga (MI)  
Hunter  
Jordan  
Kingston  
Labrador  
Lamborn  
Landry  
Lankford  
Lummis  
Manzullo  
Marchant  
Massie  
McClintock  
McHenry  
Miller (FL)  
Mulvaney  
MyrickNeugebauer  
Olson  
Palazzo  
Paul  
Pompeo  
Price (GA)  
Quayle  
Rohrabacher  
Rokita  
Ross (FL)  
Scalise  
Schilling  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Southernland  
Stearns  
Stutzman  
Thornberry  
Walsh (IL)  
Westmoreland  
Woodall  
Young (AK)Ackerman  
Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amash  
Amodei  
Andrews  
Austria  
Bachmann  
Bachus  
Baldwin  
Barber  
Barletta  
Barrow  
Barton (TX)  
Bass (CA)  
Bass (NH)  
Becerra  
Benishek  
Berg  
Berkley  
Berman  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallely  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
HunterDeFazio  
DeGette  
DeLauro  
DeBene  
Denham  
Dent  
DesJarlais  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
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Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Manzullo  
Marchant  
Marino  
Markey  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Olson  
OlverHurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
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Landry  
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Lipinski  
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McCarthy (CA)  
McCarthy (NY)  
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McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Olson  
Olver

## NOT VOTING—24

Baca  
Bartlett  
Bilbray  
Bono Mack  
Boswell  
Gingrey (GA)  
Gohmert  
GonzalezHolden  
Johnson (IL)  
King (IA)  
LaTourette  
Luján  
Mack  
McKinley  
Murphy (CT)Nunnelee  
Pence  
Reyes  
Richardson  
Scott (VA)  
Shuler  
Stark  
WaxmanBlack  
Blackburn  
Blumenauer  
Bonamici  
Bonner  
Boren  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)

## □ 1659

Messrs. KINGSTON, MILLER of Florida, HUELSKAMP, GARDNER, GOSAR, HUNTER, GARRETT, SEN-SENRENNER, AKIN, MANZULLO, BENISHEK, CRAVAACK, OLSON, BURGESS, SCHILLING, POMPEO, MARCHANT, and ROKITA changed their vote from “yea” to “nay.”

Mr. CANSECO changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PUBLIC INTEREST DECLASSIFICATION BOARD REAUTHORIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3564) to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 1, not voting 21, as follows:

## NAYS—1

Young (AK)

## NOT VOTING—21

Baca  
Bartlett  
Bilbray  
Bono Mack  
Boswell  
Cole  
GohmertGonzalez  
Johnson (IL)  
LaTourette  
Luján  
Mack  
McKinley  
MicaMurphy (CT)  
Nunnelee  
Pence  
Reyes  
Shuler  
Stark  
Waxman

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

## □ 1706

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GOVERNMENT EMPLOYEE ACCOUNTABILITY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6016) to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr.

FARENTHOLD) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 27, as follows:

[Roll No. 638]

YEAS—402

Ackerman	Cuellar	Higgins
Adams	Culberson	Himes
Aderholt	Cummings	Hinchee
Akin	Curson (MI)	Hinojosa
Alexander	Davis (CA)	Hirono
Altmire	Davis (IL)	Hochul
Amash	DeFazio	Holden
Amodi	DeGette	Holt
Andrews	DeLauro	Honda
Austria	DelBene	Hoyer
Bachmann	Denham	Huelskamp
Bachus	Dent	Huizenga (MI)
Baldwin	DesJarlais	Hultgren
Barber	Deutch	Hunter
Barletta	Diaz-Balart	Hurt
Barrow	Dingell	Israel
Barton (TX)	Doggett	Issa
Bass (CA)	Dold	Jackson Lee
Bass (NH)	Donnelly (IN)	(TX)
Becerra	Doyle	Jenkins
Benishek	Dreier	Johnson (GA)
Berg	Duffy	Johnson (OH)
Berkley	Duncan (SC)	Johnson, E. B.
Berman	Duncan (TN)	Johnson, Sam
Biggert	Edwards	Jones
Bilirakis	Ellison	Jordan
Bishop (GA)	Ellmers	Kaptur
Bishop (NY)	Emerson	Keating
Bishop (UT)	Engel	Kelly
Black	Eshoo	Kildee
Blackburn	Farenthold	Kind
Blumenauer	Farr	King (IA)
Bonamici	Fattah	King (NY)
Bonner	Fincher	Kingston
Boren	Fitzpatrick	Kinzinger (IL)
Boustany	Flake	Kissell
Brady (PA)	Fleischmann	Kline
Brady (TX)	Fleming	Kucinich
Braley (IA)	Flores	Labrador
Broun (GA)	Forbes	Lamborn
Brown (FL)	Fortenberry	Lance
Buchanan	Fox	Landry
Bucshon	Frank (MA)	Langevin
Buerkle	Franks (AZ)	Lankford
Burgess	Frelinghuysen	Larsen (WA)
Butterfield	Fudge	Larson (CT)
Calvert	Gallely	Latham
Camp	Garamendi	Latta
Campbell	Gardner	Lee (CA)
Canseco	Garrett	Levin
Capito	Gerlach	Lewis (CA)
Capps	Gibbs	Lewis (GA)
Capuano	Gibson	Lipinski
Carnahan	Gingrey (GA)	LoBiondo
Carney	Gohmert	Loeb
Carson (IN)	Goodlatte	Lofgren, Zoe
Carter	Gosar	Long
Cassidy	Gowdy	Lowey
Castor (FL)	Granger	Lucas
Chabot	Graves (GA)	Luetkemeyer
Chaffetz	Graves (MO)	Lummis
Chandler	Green, Al	Lungren, Daniel
Chu	Green, Gene	E.
Cicilline	Griffin (AR)	Lynch
Clarke (MI)	Griffith (VA)	Maloney
Clarke (NY)	Grijalva	Manzullo
Clay	Grimm	Marchant
Cleaver	Guinta	Marino
Clyburn	Guthrie	Markey
Coble	Gutierrez	Massie
Coffman (CO)	Hahn	Matheson
Cohen	Hall	McCarthy (CA)
Cole	Hanabusa	McCarthy (NY)
Conaway	Hanna	McCaul
Connolly (VA)	Harper	McClintock
Conyers	Harris	McCollum
Cooper	Hartzler	McDermott
Costa	Hastings (FL)	McGovern
Costello	Hastings (WA)	McHenry
Courtney	Hayworth	McIntyre
Cravaack	Heck	McKeon
Crawford	Heinrich	McMorris
Crenshaw	Hensarling	Rodgers
Critz	Herger	McNerney
Crowley	Herrera Beutler	Meehan

Meeks	Ribble	Smith (NJ)
Michaud	Richardson	Smith (TX)
Miller (FL)	Richmond	Smith (WA)
Miller (MI)	Rigell	Southerland
Miller (NC)	Rivera	Speier
Miller, Gary	Roby	Stearns
Miller, George	Roe (TN)	Stivers
Moore	Rogers (AL)	Stutzman
Mulvaney	Rogers (KY)	Sullivan
Murphy (PA)	Rogers (MI)	Sutton
Myrick	Rohrabacher	Terry
Nadler	Rokita	Thompson (CA)
Napolitano	Rooney	Thompson (MS)
Neal	Ros-Lehtinen	Thompson (PA)
Neugebauer	Roskam	Thornberry
Noem	Ross (FL)	Tiberi
Nugent	Rothman (NJ)	Tierney
Nunes	Roybal-Allard	Tipton
Olson	Royce	Tonko
Oliver	Runyan	Towns
Owens	Ruppersberger	Tsongas
Palazzo	Rush	Turner (OH)
Pallone	Ryan (OH)	Upton
Pascarell	Ryan (WI)	Van Hollen
Pastor (AZ)	Sánchez, Linda	Velázquez
Paul	T.	Visclosky
Paulsen	Sanchez, Loretta	Walberg
Payne	Sarbanes	Walden
Pearce	Scalise	Walsh (IL)
Pelosi	Schakowsky	Walz (MN)
Perlmutter	Schiff	Wasserman
Peters	Schilling	Schultz
Peterson	Schmidt	Waters
Petri	Schock	Watt
Pingree (ME)	Schrader	Webster
Pitts	Schwartz	Welch
Platts	Schweikert	West
Poe (TX)	Scott (SC)	Westmoreland
Polis	Scott (VA)	Wilson (FL)
Pompeo	Scott, Austin	Wilson (SC)
Posey	Scott, David	Wittman
Price (GA)	Sensenbrenner	Wolf
Price (NC)	Serrano	Womack
Quayle	Sessions	Woodall
Quigley	Sewell	Woolsey
Rahall	Sherman	Yarmuth
Rangel	Shuster	Yoder
Reed	Simpson	Young (AK)
Rehberg	Sires	Young (FL)
Reichert	Slaughter	Young (IN)
Renacci	Smith (NE)	

NAYS—2

NOT VOTING—27

Matsui	Moran
Baca	Gonzalez
Bartlett	Johnson (IL)
Bilbray	LaTourette
Bono Mack	Lujan
Boswell	Mack
Brooks	McKinley
Burton (IN)	Mica
Cantor	Murphy (CT)
Dicks	Nunnelee

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1713

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: “A bill to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes.”.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unable to make votes the evening of Wednesday, December 19, 2012 due to my attendance of a

funeral. Had I been present, I would have voted “yea” on rollcalls 637 and 638.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3197) to name the Department of Veterans Affairs medical center in Spokane, Washington, as the “Mann-Grandstaff Department of Veterans Affairs Medical Center”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, SPOKANE, WASHINGTON.

The Department of Veterans Affairs medical center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the “Mann-Grandstaff Department of Veterans Affairs Medical Center”. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Mann-Grandstaff Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

□ 1720

Mr. MILLER of Florida. I yield myself such time as I may consume.

H.R. 3197 would rename the medical center in Spokane the Mann-Grandstaff Department of Veterans Affairs Medical Center. This legislation would recognize not one but two American heroes, both Medal of Honor recipients: Private First Class Joe Eugene Mann and Platoon Sergeant Bruce Alan Grandstaff. Their story is nothing less than heroic.

Private First Class Mann served in the 101st Infantry Division of the U.S. Army during World War II.

On September 18, 1944, while under heavy fire, he crept into range of the enemy's artillery position and was able to destroy key weaponry. Though wounded four times, he refused

medical evacuation in order to remain with and stand guard over his platoon throughout the night. During an attack the next morning, PFC Mann selflessly threw himself on top of a live grenade, sacrificing his own life to save those of his fellow soldiers around him.

He was posthumously awarded the Medal of Honor for his bravery on August 30, 1945.

Platoon Sergeant Grandstaff served in the Eight Infantry Regiment, Fourth Infantry Division during the Vietnam War.

On May 18, 1967, a weapons platoon he was leading came under attack. Though he was under heavy enemy fire from three directions, Platoon Sergeant Grandstaff raced to the aid of several of his fellow soldiers who had been wounded, saving the life of one. Seriously wounded himself and unable to maneuver around the enemy onslaught, he refused medical aid and continued to defend his position fiercely. At one point, he was able to crawl to within ten meters of an enemy machine gun and destroy it with hand grenades, saving countless lives. Platoon Sergeant Grandstaff eventually succumbed to his wounds in the battlefield.

He was also posthumously awarded the Medal of Honor for his bravery on that day.

Together, Private First Class Mann and Platoon Sergeant Grandstaff are examples of the best, the most courageous, and the most giving and selfless parts of the American spirit. To have the VAMC in their home state of Washington bear their names is a proper and befitting honor.

H.R. 3197 has received the unanimous support of Washington's Congressional delegation and major veterans service organizations (VSOs).

Among the many Washington State VSOs who have provided letters of support of this legislation are: the Veterans of Foreign Wars of the United States Department of Washington, the American Legion Department of Washington, the American Veterans (AMVETS) Department of Washington, the American Ex Prisoners of War Department of Washington, the Disabled American Veterans Department of Washington, the Fleet Reserve Association Northwest Region, the Washington State Gold Star Mothers, the Gold Star Wives of America Northwest Region, the Department of Washington Marine Corps League, the Washington State Military Officers Association of America, and the Blue Star Mothers of Washington.

Further, the Congressional Budget Office, in a preliminary cost estimate, has assured me that H.R. 3197 represents only a minimal cost of less than five hundred thousand dollars to the federal Government.

At this time I yield such time as she may consume to the sponsor of this particular piece of legislation, the chairwoman of the Republican Conference, the gentlelady from Washington (Mrs. McMORRIS RODGERS).

Mrs. McMORRIS RODGERS. Thank you, Mr. Chairman.

I rise today in strong support of H.R. 3197, naming the Veterans Affairs Medical Center in Spokane, Washington, after two of our local eastern Washington heroes the Mann-Grandstaff Department of Veteran Affairs Medical

Center. Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff are heroes from eastern Washington who gave their last full measure of devotion to our Nation. Both men have been awarded the Medal of Honor for their bravery in World War II and the Vietnam War, respectively.

After graduating from high school in Reardan, Washington, Private First Class Joe E. Mann, like two of his brothers, joined the Army and trained at Fort Lewis in Washington State. Two years after enlisting, PFC Mann was on the front lines in Best, Holland, where his platoon was surrounded. In the face of heavy fire, PFC Mann was able to destroy an ammunition dump and took out numerous enemy troops. Despite being wounded four times, including both arms, PFC Mann refused to be evacuated and instead remained with his platoon and stood guard that evening. The following morning, the enemy attacked, throwing hand grenades as they approached. A grenade landed within a few feet of PFC Mann. Unable to raise his bandaged arms, PFC Mann yelled, Grenade, and threw his body on top of it. Saving his fellow soldiers, PFC Mann died moments after the explosion. For this act of gallantry, PFC Mann was awarded the Congressional Medal of Honor.

Born and raised in Spokane, Washington, Platoon Sergeant Bruce A. Grandstaff graduated from North Central High School in 1952, and enlisted in the Army a few years later. In 1966, he volunteered for duty in Vietnam. On May 18, 1967, Platoon Sergeant Grandstaff was leading a weapons platoon when it came under attack. Despite taking heavy fire from three directions, he raced into the intense fire to aid his men. Surrounded by 700 enemy troops during a 5-hour siege and being wounded in both legs, Platoon Sergeant Grandstaff continued to fight and encourage his men. Realizing that his position was being overrun, he asked for artillery fire on his exact location, knowing full well it would result in his death.

His heroic actions that day immediately saved at least eight of his fellow brethren and saved many others by alerting them of the enemy's bunkered location. At the time of his death, he had already been awarded the Silver Star for courage and valor in battle. For his gallantry that day in May, Platoon Sergeant Grandstaff was posthumously awarded the Congressional Medal of Honor.

Private First Class Mann and Platoon Sergeant Grandstaff are heroes, willing to sacrifice their own lives in order to protect their fellow soldiers. Their selfless advancement of freedom, liberty, justice, and democracy is truly humbling. I am honored to represent the legacy both men left behind for eastern Washington and our Nation.

Mr. Speaker, I urge all of my colleagues to join in honoring these two eastern Washington heroes, Private First Class Joe E. Mann and Platoon Sergeant Bruce A. Grandstaff, and to support H.R. 3197.

Mr. MICHAUD. I yield myself such time as I may consume.

I rise today to offer my support of H.R. 3197, a bill to name the Department of Veterans Affairs Medical Center in Spokane, Washington, the Mann-Grandstaff Department of Veterans Affairs Medical Center.

Private First Class Joe Mann served with the 101st Airborne division during World War II. He lost his life in the Netherlands, courageously absorbing the blast of a hand grenade with his body to protect those around him while in battle. Later, in 1954, Private First Class Mann received the Medal of Honor.

Platoon Sergeant Bruce Grandstaff also received the Medal of Honor after his death. Having served in Vietnam, Sergeant Grandstaff found his platoon surrounded by the enemy near the Cambodia border and crawled through the front lines to save his comrades. Despite his wounds, he was able to notify the U.S. helicopters of their location and valiantly called for artillery in order to prevent the enemy from advancing.

Private First Class Mann and Sergeant Grandstaff went above and beyond the call of duty and made the ultimate sacrifice for our Nation. It is most appropriate that the VA Medical Center in Spokane be renamed in honor of these two heroes.

I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I do also want to thank the sponsor of this legislation, Mrs. McMORRIS RODGERS. She's the wife of a retired Navy commander, and she herself has proven to be a strong and steadfast advocate for veterans in Washington and around this country.

I also want to say thanks to my good friend, the new ranking member, MIKE MICHAUD, for his leadership in helping to move this legislation to the floor. He's been an active and valuable member of our committee since his first days in Congress almost a decade ago, and he himself has proven himself time and time again a strong voice for America's veterans.

#### GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous materials on H.R. 3197.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I urge all of my colleagues to join me

in supporting H.R. 3197, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 3197.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MICHAUD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### WILLIAM "BILL" KLING VA CLINIC

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6443) to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the "William 'Bill' Kling VA Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6443

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. WILLIAM "BILL" KLING VA CLINIC.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall be known and designated as the "William 'Bill' Kling VA Clinic".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "William 'Bill' Kling VA Clinic".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

The legislation before us would name the VA community-based outpatient clinic in Sunrise, Florida, the William "Bill" Kling VA Clinic. William, better known as Bill, served as a Navy radar technician during the Second World War.

When he moved to Plantation, Florida, in 1973, Bill continued his service—this time as an advocate for his fellow veterans. He spent eight years as Florida's Commissioner of Veterans Affairs and twenty-seven years as the President of the Broward County Veterans Council. Bill was also a proud and active member of the American Legion, the Veterans of Foreign Wars, the Disabled American Vet-

erans, and the Jewish War Veterans of the United States.

In each of those capacities, he worked tirelessly to ensure that the struggles and triumphs of veterans in Broward County, in Florida, and around the county were properly recognized and respected.

He was instrumental in the opening of a VA CBOC in Oakland Park more than two decades ago and, when that facility became unserviceable, played an active role in relocating it to Sunrise.

Thanks in part to his efforts, the Broward County CBOC reopened in Sunrise in 2008 and has been helping to improve the health and daily lives of Broward County veterans each day since.

Today, the entrance to that ninety-eight thousand square foot clinic bears a plaque dedicated to Bill.

Given the leadership he has unquestionably shown on behalf of his fellow veteran Floridians, it is only proper that that facility should now also bear his name.

H.R. 6443 has received the unanimous support of Florida's Congressional delegation and Florida's major veterans service organizations (VSOs).

Among the VSOs who have provided letters of support in favor of this legislation are: the Vietnam Veterans of America Florida State Council, the American Legion Department of Florida, and the Jewish War Veterans of the United States.

□ 1730

Mr. Speaker, at this time I have no further speakers, but I do want to reserve the balance of my time so the gentleman from Maine can recognize the sponsor of the legislation.

Mr. MICHAUD. Mr. Speaker, I would now like to yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) such time as she may consume.

Ms. WASSERMAN SCHULTZ. I thank the gentleman. I thank both gentlemen.

I rise to offer H.R. 6443, a bill that will designate the Department of Veterans Affairs health clinic located at 9800 West Commercial Boulevard in the city of Sunrise, Florida, as the William "Bill" Kling VA Clinic. I offer this bill, along with the entire Florida House delegation, to honor a beloved member of our south Florida veterans' community, William "Bill" Kling, who passed away, sadly, on August 6 at age 84.

My deepest appreciation goes out to the Committee on Veterans' Affairs and Chairman MILLER, who is a good friend from the great State of Florida, for supporting this effort and helping it to come to the floor.

Bill was a member of our greatest generation of Americans, serving our Nation as a radar technician for the Navy during World War II. But Bill's service to our Nation was far from over when he returned from war. In fact, it was just beginning.

Bill Kling became a national leader and one of the strongest advocates for

our Nation's veterans. He was dedicated to helping generations of veterans as they returned to civilian life. He worked tirelessly to make sure our veterans were getting the benefits they deserved, from education under the GI Bill to quality health care through our VA system.

I'm sure my Florida colleagues will agree that Bill was a force to be reckoned with, ever brightening our congressional doorways, pushing the urgency of the issue at hand.

I know we are all grateful for the remarkable legacy he leaves behind, and he will be sorely missed. In particular, my thoughts and prayers go out to Bill's family, including his children, Marsha Mittentag and Steven Kling.

I had the distinct pleasure, Mr. Speaker, of working with Bill for the last 23 years and have witnessed firsthand the many ways he helped thousands of veterans in Florida. I'm also proud to have called him my friend. For the past 7 years, Bill served as the chair of my Military Academy Nominations Board, where he helped the next generation of military leaders realize their dream of serving the country they love.

For 8 years he served on the Florida Commission on Veterans' Affairs, and for the past 27 years, as you've heard, he was the president of the Broward County Veterans Council. He also led the Jewish War Veterans and was a member of the American Legion, Veterans of Foreign Wars, and the Disabled American Veterans.

The list of superlatives for Bill is long and shows him as the great American that he was. Bill was inducted into the Broward Senior Hall of Fame, received the Humanitarian of the Year award from the Dolphin Democrats, and changed the scope of veterans' services in south Florida.

In particular, he helped bring the Alexander "Sandy" Nininger Veterans' Nursing Home to Pembroke Pines in 2001 and worked with other veterans to create the South Florida National Cemetery in Palm Beach in 2007.

One of Bill's greatest accomplishments and lasting legacies was ensuring that veterans would have easy access to quality medical care. Bill noticed that too often veterans in Broward County had to travel too far to go to a VA facility to get the care they needed. With that in mind, he helped open the Oakland Park VA outpatient clinic more than two decades ago. When the building the clinic occupied began deteriorating, Bill worked to open a brand new facility. Even though this effort took years, Bill kept a smile on his face and kept working to overcome every obstacle because that's just how Bill Kling operated.

So in 2008, a new 98,000-square-foot clinic opened in Sunrise, and fittingly on Bill's birthday. I think it's fair to

say that without Bill Kling this wonderful center that serves thousands of our veterans each year might not exist.

With that in mind, my good friend and colleague, Congressman TED DEUTCH, and I and the rest of the delegation offer this legislation today which will rename the Broward outpatient clinic as the William “Bill” Kling VA Clinic. This is such a fitting way to memorialize and thank Bill Kling. With passage of this bill, every veteran who walks through the doors of the Broward VA Clinic will know the name of the man who did so much for so many.

Mr. Speaker, I urge my colleagues to support passage of this legislation so we may pay tribute to a great American, William “Bill” Kling.

Mr. MILLER of Florida. I am grateful to my good friend from Florida (Ms. WASSERMAN SCHULTZ) for bringing this legislation to the floor and honoring such a fine gentleman. I also again want to thank the ranking member for helping us work so quickly to bring this legislation to the floor.

I would also note that, in closing, a preliminary cost estimate provided by CBO, H.R. 6443 represents only a minimal cost to the Federal Government.

With that, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I now would yield 3 minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank my friend from Maine.

I rise today and urge unanimous support for H.R. 6443, to designate the Department of Veterans Affairs facility in Sunrise as the Bill Kling VA Clinic.

Naming this clinic after Bill Kling is more than a way to honor the memory of a great man. It's a most fitting way to acknowledge one of Bill's greatest accomplishments as a tireless advocate for south Florida's veterans.

Because of Bill Kling, Florida's veterans are better cared for. Year after year he fought for the benefits that our veterans so rightfully earned during their service, including education under the GI Bill and health care through the VA.

His achievements were many, but it was the opening of the clinic in Sunrise that Bill was the most proud of. He had previously assisted with the establishment of an outpatient clinic in Oakland Park. As the years passed and the facility was no longer suitable to care for the veterans, he started on what would be a 13-year project of establishing a new facility. After years of obstacles, the clinic opened in 2008 on his birthday. He commented at the time that the fight was not for a building, the fight was for better health care for our veterans. Now, thanks to Bill Kling and thanks to his vision, veterans in south Florida have a local VA health care facility available to them. The veterans from the west side of the

county are able to receive medical assistance without the burden of having to travel long distances.

I urge my colleagues to join me in renaming this clinic in his honor. Every veteran cared for in this clinic is part of Bill's lasting legacy. I'm humbled to remember him today not just as a community leader but as a friend. I commend Congresswoman WASSERMAN SCHULTZ, my good friend and colleague, for her introduction of this bill and her comments honoring the memory of Mr. Kling. He truly was caring and compassionate, a loyal person and a loyal friend. He made everyone who crossed his path feel as though they were the most special person he knew.

Finally, Mr. Speaker, when we announced the legislation to rename this facility at the facility there were some veterans standing out in front waiting to go in. They asked what the hubbub was about, and they asked why all the TV cameras, and I explained to them who Bill Kling was and why this was being done. They were grateful for the opportunity to know, and now veterans just like those veterans, when they walk through the front door, will learn not only about Bill Kling but will learn of his example as a veteran for continuing to work hard every single day for his fellow veterans. What a great honor we're bestowing on his family by honoring his memory in this way.

Again, I urge my colleagues to unanimously support H.R. 6443, honoring this late, great American.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

I rise today to offer my support of H.R. 6443, a bill to designate a Department of Veterans Affairs facility in Sunrise, Florida, as the “William ‘Bill’ Kling VA Clinic.”

Mr. Kling was a World War II veteran, having served as a radar technician in the United States Navy.

He went on to serve as a staunch advocate for the veterans of Florida, including: 27 years as President of the Broward County Veterans Council, 8 years as Florida's Commissioner of Veterans Affairs, and Memberships with The American Legion, Veterans of Foreign Wars, Jewish War Veterans and Disabled American Veterans.

Mr. Kling fought for greater access to healthcare for his fellow veterans, which after 13 years of advocacy, led to the opening of this facility in Sunrise in 2008.

Moreover, Mr. Kling was also a key player in the opening of the South Florida National Cemetery in 2007 and the State Veterans Nursing Home in Pembroke Pines in 2001.

While Mr. Kling is no longer with us, his tireless advocacy on behalf of our Nation's veterans lives makes him the perfect candidate for the naming of the VA clinic in Sunrise.

Before yielding back my time, I'd also like to thank Chairman MILLER and your entire staff for working with the minority staff to bring these two bills before the House. But I also want to thank you for your friendship and your guidance over the years as we

both served on the Veterans' Affairs Committee. I look forward to my new role as the ranking member of the Veterans' Affairs Committee and look forward to working with you and your staff as well.

I want to thank you for your strong advocacy for our veterans. That's one of the reasons why I think we work very well together—we have a common goal, a common purpose to help our veterans and their families out. So I want to thank you and look forward to working with you in the upcoming Congress as well as the remainder of this Congress.

With that, Mr. Speaker, I yield back the balance of my time.

#### GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members would have 5 legislative days to revise and extend and add any extraneous material for H.R. 6443.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I appreciate the kind remarks by my good friend, the ranking member of the Veterans' Affairs Committee. I once again encourage all Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 6443.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MICHAUD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1740

#### HOURLY MEETING ON TOMORROW

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore (Mr. CANSECO). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6379) to designate the facility

of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the "Representative Curtis B. Inabinett, Sr. Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6379

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, shall be known and designated as the "Representative Curtis B. Inabinett, Sr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Representative Curtis B. Inabinett, Sr. Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

**GENERAL LEAVE**

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume and ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6379.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, H.R. 6379, introduced by the gentleman from South Carolina (Mr. CLYBURN), would designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the Representative Curtis B. Inabinett, Sr. Post Office. This bill was introduced on September 12.

Mr. Speaker, Mr. Inabinett is a long-standing and faithful citizen of South Carolina. He was born there in 1931 and attended grade school, college, and graduate school in the State. Later, he taught at Baptist High School in Charleston County and was appointed to the Charleston County Election Commission. He became the mayor of Ravenel, South Carolina, and joined the South Carolina House of Representatives where he served until 2001.

Mr. Speaker, Representative Inabinett is a worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as a member of the Committee on Oversight and Govern-

ment Reform, I am pleased to join my colleagues in a bipartisan way in the consideration of H.R. 6379 to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the Representative Curtis B. Inabinett, Sr. Post Office.

I am pleased to yield 5 minutes to the distinguished assistant Democratic leader, Congressman CLYBURN from the great State of South Carolina, for as much time as he may consume.

Mr. CLYBURN. Mr. Speaker, I thank the gentlelady from New York for yielding me the time.

Mr. Speaker, I rise today in support of H.R. 6379, naming the post office in Ravenel, South Carolina, after Representative Curtis B. Inabinett, Sr.

I want to thank my colleagues in the South Carolina congressional delegation for their support of this bill.

Curtis Inabinett was born in Islandton, South Carolina, to Cornelius Benjamin Inabinett and Eula Lee Stephens-Inabinett. When Curtis was 11, his father passed away, leaving Curtis, as the oldest of 11 siblings, to shoulder the responsibility of helping to manage the family farm and look after his younger brothers and sisters.

Curtis attended South Carolina State College, and after several years in the United States Army, he became a teacher at Baptist Hill High School in Charleston County, South Carolina, where he taught for 13 years. He then became the principal of R D Schroder Middle School, a position he held until his retirement in 1989.

His commitment to public service went beyond his passion for education. He and I got started in politics around the same time when he was appointed as the first African American on the Charleston County Election Commission. Later, Curtis would win a seat on the Ravenel Town Council, and in 1982, he became the first African American mayor of Ravenel.

In 1991, Curtis was elected to the South Carolina House of Representatives. He retired from the State house in 2000. Following the 2001 settlement of a redistricting lawsuit, Curtis became one of three African Americans who won seats on the Charleston County Council, where he served until 2011.

Throughout his tenure representing his hometown of Ravenel, whether as its mayor, its State representative, or on the county council, Curtis has been a fierce advocate for the needs of his community. He has broken down barriers throughout his life, and I'm sure the town of Ravenel will be proud to be the home of the Representative Curtis B. Inabinett, Sr. Post Office.

Mrs. MALONEY. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, as the gentleman from South Carolina has so eloquently put it, this is a fine, fine

gentleman, well deserving of having this postal facility named after him. I urge all Members to support passage of H.R. 6379 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6379.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

**SIDNEY "SID" SANDERS McMATH POST OFFICE BUILDING**

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3869) to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the "Sidney 'Sid' Sanders McMath Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3869

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SIDNEY "SID" SANDERS MCMATH POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, shall be known and designated as the "Sidney 'Sid' Sanders McMath Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sidney 'Sid' Sanders McMath Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1750

**GENERAL LEAVE**

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, H.R. 3869, introduced by the gentleman from Arkansas (Mr. GRIFFIN), would designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the Sidney "Sid" Sanders McMath Post Office Building. The bill was introduced on February 1 and was reported from the Government Oversight and Reform Committee on February 7.

Mr. Speaker, Sid McMath was a prosecuting attorney, a decorated United States Marine officer, and the 34th Governor of the great State of Arkansas. As a Marine officer, he received the Legion of Merit Silver Star for his heroic leadership during World War II. As Governor, McMath championed several infrastructure improvements to benefit his State. This included the paving of primary roads and expanding rural electrification.

McMath unfortunately died in his home in Little Rock, Arkansas, on Saturday, October 4, 2003. He was given a full military funeral by the U.S. Marine Corps Honor Guard.

Mr. Speaker, Mr. McMath is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

With that, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3869, to designate the facility of the U.S. Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the "Sidney 'Sid' Sanders McMath Post Office Building."

The bill before us was introduced by Representative TIM GRIFFIN on February 1, 2012. In accordance with committee requirements, H.R. 3869 is cosponsored by all members of the Arkansas delegation and was reported out of the Oversight Committee by unanimous consent on June 27, 2012.

As a former two-term Governor for Arkansas, Sidney Sanders McMath started his career as an enlisted officer with the U.S. Marine Corps. Having fought in the battle for the Solomon Islands in World War II, Mr. McMath would earn the rank of lieutenant colonel for his courageous efforts in the war. When he retired from the U.S. Marine Corps, his rank was major general.

A decorated war hero, McMath would return to his hometown of Hot Springs in time to be elected as a local prosecutor. Earning a reputation as a reformer, he worked tirelessly to rid the local government of corruption. His noble actions and hard work would carry him to victory in the 1948 election to become Governor of Arkansas. Leading the way as a reformist in all

manners, McMath fought for civil rights for African Americans and modernized the Arkansas transportation infrastructure.

His hard work and determination have cemented his legacy in Arkansas's history. To commemorate Sidney "Sid" Sanders McMath, I ask that we pass the measure before us, and I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, at this time, I would like to yield as much time as he may consume to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in support of H.R. 3869. This bill would designate the facility of the United States Post Office located at 600 East Capitol Avenue in Little Rock as the Sidney "Sid" Sanders McMath Post Office Building.

Sid McMath is one of Arkansas's finest sons, and he dedicated his life to serving Arkansas and our country. He was the 34th Governor of Arkansas and served as a U.S. Marine in World War II. He received the Silver Star for his valor during the Battle of Piva Forks.

Sid McMath was born in Columbia County, Arkansas, on June 14, 1912. In high school, he was a skilled boxer and won the State Golden Gloves title. He worked his way through college at the University of Arkansas by waiting tables, washing dishes, and fighting in exhibition boxing matches. After college, he served as a United States Marine during World War II where he distinguished himself in combat and earned the Silver Star and the Legion of Merit.

In 1948, Sid McMath was elected as the 34th Governor of Arkansas, serving from 1949 to 1953. As Governor, he was a staunch advocate for civil rights, fighting to uphold voting rights for all Americans and working to abolish the poll tax.

After serving as Governor, he continued his service to his Nation as a member of the Marine Corps Reserve, rising to the rank of major general. In 1967, he founded the Marine Corps Junior ROTC at Catholic High School for Boys in Little Rock. Many of the cadets known as "Sid's Kids" have followed his example by serving our country.

Governor McMath passed away in 2003 at the age of 91 in Little Rock. His autobiography, "Promises Kept," was posthumously awarded the Arkansas Historical Association's highest accolade, the John G. Ragsdale Prize.

Today we honor Sid McMath's dedication and service to his State and Nation by installing a permanent marker of his contribution to Arkansas and America. His example is one all Americans and Arkansans can admire, and I urge my colleagues to join me in supporting this bill to honor his legacy.

Mrs. MALONEY. Mr. Speaker, having no other speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join with Representative GRIFFIN in

urging all of our Members to support this bill in the naming of the Sidney "Sid" Sanders McMath Post Office Building, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3869.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### ELIZABETH L. KINNUNEN POST OFFICE BUILDING

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3378) to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the "Elizabeth L. Kinnunen Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3378

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ELIZABETH L. KINNUNEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, shall be known and designated as the "Elizabeth L. Kinnunen Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Elizabeth L. Kinnunen Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous material to the RECORD regarding H.R. 3378.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.



H.R. 3378, introduced by the gentleman from Michigan (Mr. BENISHEK), would designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the Elizabeth L. Kinnunen Post Office Building.

This bill was introduced November 4, 2011, and reported from the Government Oversight and Reform Committee on February 7, 2012.

Mr. Speaker, Elizabeth Kinnunen was a strong pillar of her community in Munising, Michigan. She and her husband, Oscar, operated a boarding house in Marquette, Michigan, and together they raised 11 children. Two of their sons fought bravely for their country and tragically gave their lives. Her son Eiso was killed in action during World War II. Her son Raymond was killed during the Korean war.

□ 1800

Mr. Speaker, Mrs. Kinnunen is a very worthy designee of this postal facility naming, and I urge all Members to join me in the support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself as much time as I may consume.

As a member of the Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the Elizabeth L. Kinnunen Post Office Building.

The bill before us was introduced by my colleague DAN BENISHEK on November 4, 2011. In accordance with committee requirements, H.R. 3378 is cosponsored by all members of the Michigan delegation, and it was reported out of the Oversight Committee by a voice vote on February 7, 2012.

Elizabeth Kinnunen has a very special place in America's heart due to her personal sacrifice for our country. Mrs. Kinnunen is what we call a "double gold star mother." Her son Eiso was killed in action during the Battle of the Bulge in World War II. Unfortunately, years later, her son Raymond was killed during the Korean War, while a third son, Reino, served in West Germany during the same war. No mother should have to lose two sons to war; but her family sacrifice will forever be part of history, and I ask that we pass this bill with no reservation.

I reserve the balance of my time.

Mr. FARENTHOLD. I yield as much time as he may consume to my distinguished colleague from the State of Michigan (Mr. BENISHEK).

Mr. BENISHEK. Thanks to the gentleman from Texas.

Mr. Speaker, I come to the floor today to urge my colleagues to support my legislation, H.R. 3378, a bill to name the post office building in Munising, Michigan, after the late Mrs. Elizabeth Kinnunen.

Mrs. Kinnunen's story is like that of many people's from northern Michigan and all across this Nation. It's a story of an immigrant who came to this country in the hopes of a better life and left America a better place. Mrs. Kinnunen came to our country from Finland in 1903. She married Oscar Kinnunen in 1909. They had 11 children, and like parents do all across this country, they worked hard all of their lives to ensure that their children would have a shot at the American Dream.

Mr. and Mrs. Kinnunen operated a boarding house in Marquette, Michigan. They provided warm beds to many timber and mining workers in Marquette County. Eventually, they moved to Munising, Michigan, where Oscar worked for the paper company and Elizabeth worked as a local cook. Mrs. Kinnunen was a faithful member of the Messiah Lutheran Church in Munising.

Mrs. Kinnunen's life was marked by tragedy. Two of her sons, Eiso and Raymond, were both killed in war while defending the freedoms we cherish so much. Eiso was killed in action during the Battle of the Bulge in 1945, and Raymond lost his life in the Korean War in 1952. We will never know the devastating grief their family must have suffered after such an enormous loss. We will also never be able to fathom the somber dignity Mrs. Kinnunen must have felt—in the words of President Lincoln—to have laid so costly a sacrifice upon the altar of freedom.

Mrs. Elizabeth Kinnunen died on April 5, 1974, at the age of 81. She is not famous. Her name does not grace history books; but Mrs. Kinnunen's life—the hard work she did, the family she raised, the terrible sacrifices she endured—is a small but important part of this long story that we call the United States. It is the countless lives like hers that has made this country the greatest Nation in the world. Naming this post office in her honor is a thoughtful and lasting way for the community of Munising to celebrate her life and accomplishments.

I urge my colleagues to support this legislation.

Mrs. MALONEY. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. FARENTHOLD. I urge all Members to support the passage of H.R. 3378, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 3378.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### CECIL E. BOLT POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4389) to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the "Cecil E. Bolt Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4389

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CECIL E. BOLT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, shall be known and designated as the "Cecil E. Bolt Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Cecil E. Bolt Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I respectfully ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 4389, introduced by the gentleman from California (Mr. COSTA), would designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the Cecil E. Bolt Post Office. This bill was introduced on April 18, and it was reported out favorably from the Committee on Oversight and Government Reform on June 27.

Mr. Speaker, Cecil Bolt was drafted into the Army just prior to the start of World War II. He was assigned to the 75th Artillery Unit in the Aleutian Islands in Alaska. After the war, Mr. Bolt returned to Fowler, California, and was appointed postmaster in 1947. He was known for his friendly service,



especially when delivering packages on Christmas Eve, which is something at this time of the year we can all appreciate. Sadly, Mr. Bolt passed away on February 9, 2007, but he is fondly remembered by many family members and friends.

Mr. Speaker, Mr. Bolt is a very worthy designee of this postal facility naming, and I urge all Members to join me in the support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues in the consideration of H.R. 4389, which was introduced by my good friend and colleague to whom I now yield such time as he may consume, the gentleman from the great State of California, Representative JIM COSTA.

Mr. COSTA. Mr. Speaker, I rise in support of H.R. 4389, and I thank the gentlelady from New York for yielding me the time to speak on behalf of the naming of this post office in Fowler, California, on behalf of Cecil E. Bolt, who was the postmaster there for many, many years.

Today is a great day for the city of Fowler and for its community and the city council, which over a year ago overwhelmingly came to me and asked that we dedicate and name—appropriately so—the post office at Fowler, California, on behalf of a postmaster who served the city and the community so well for so many years.

Fowler is a wonderful community in my district of over 5,000 people, one not unlike many communities that we have throughout the country—with a high school and with generations of families that have lived there for years. As a matter of fact, the mother of one of our colleagues, Congresswoman JACKIE SPEIER, was born in Fowler, California.

Today, we name the post office after Cecil E. Bolt. He was born and raised in Idaho, but like many, came to California. After graduating from college, Mr. Bolt moved to Fowler in 1939. Just prior to World War II, he was drafted into the U.S. Army, and as was noted, he was assigned to the 75th Artillery Unit in Alaska.

□ 1810

Cecil Bolt was part of, as Tom Brokaw wrote, America's Greatest Generation. In 1942, he married the love of his life, Naomi Opal Gourley, and together they raised two loving daughters: Dorothy Jane and Kathy Jean.

After the war, Bolt returned to Fowler and was appointed the postmaster, a position he held for 27 years. Known for his dedication and friendly demeanor, many times he would personally deliver packages, and not just during the Christmas season but

throughout the year because of course everybody knew Cecil. His decades of public service extended far beyond the walls of the post office, which centered as a hub of activity for the community.

Cecil volunteered every day for more than 17 years at the Marshall Elementary School, where his service helped shape a generation of young people. He was also a faithful and active member of the Presbyterian Church of Fowler, where he also served as a Sunday school teacher and a Kids Club volunteer. For his service, he received Fowler's "Citizen of the Year" award in 1969 and the "Silent Servant of the Year" award in 2004.

Sadly, after years and years of service, Cecil Bolt passed away in 2007. Those in the city of Fowler who knew him were undoubtedly better off thanks to the good service of Postmaster Bolt.

So in conclusion, Mr. Speaker, the city of Fowler and its county council and the overwhelming support of citizens of the city and students who wrote in postcards ask that we do this in his honor without reservation—recognize the post office in the city of Fowler to be named after Postmaster Cecil E. Bolt in dedication to his family and the community of Fowler as well as the United States Postal Service.

Mr. FARENTHOLD. Having no other speakers at this time, I continue to reserve the balance of my time.

Mrs. MALONEY. Having no further speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 4389, the Cecil E. Bolt Post Office. I urge all Members to join me in support of this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 4389.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

LIEUTENANT KENNETH M. BALLARD MEMORIAL POST OFFICE

Mr. FARENTHOLD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6260) to designate the facility of the United States Postal Service lo-

cated at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6260

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIEUTENANT KENNETH M. BALLARD MEMORIAL POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, shall be known and designated as the "Lieutenant Kenneth M. Ballard Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Kenneth M. Ballard Memorial Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. FARENTHOLD) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FARENTHOLD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6260, introduced by the gentlelady from California (Ms. ESHOO) would designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office." This bill was introduced August 1 and reported favorably from the Committee on Oversight and Government Reform.

Lieutenant Ballard committed his entire adult life to serving his country. Upon graduating from Mountain View High School in 1995, Mr. Ballard enlisted in the Army. During his military career, he served in Germany, Bosnia, Macedonia, and Iraq. Sadly, Lieutenant Ballard was killed in 2004 while deployed in Iraq. I'm truly grateful for the brave and heroic service of Lieutenant Ballard and for all those who serve and defend our Nation every day.

Mr. Speaker, Lieutenant Ballard is a very worthy designee of this postal facility naming, and I urge all Members to join me in support of this bill.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and

Government Reform, I'm pleased to join my colleagues in support of H.R. 6260, a bill to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the Lieutenant Kenneth M. Ballard Memorial Post Office.

The bill before us was first introduced by my good friend and colleague, Representative ANNA ESHOO from the great State of California, and I yield her such time as she may consume.

Ms. ESHOO. Mr. Speaker, I thank my colleague and good friend and classmate Mrs. MALONEY from New York, and I thank our colleague from Texas for his very kind and generous remarks about the designation of the United States post office in Mountain View, California, in my district, as the Lieutenant Kenneth M. Ballard Memorial Post Office.

A Mountain View native, Ken Ballard joined the Army at the age of 18. He comes from a distinguished family that have given a long line of military service to our country. He attended basic training at Fort Knox, Kentucky. He went on to bravely serve our Nation in Germany, Bosnia, Macedonia, and Iraq.

On April 3, 2004, Lieutenant Ballard's battalion, the 2nd Battalion, 37th Regiment, 1st Armored Division turned in their weapons and began preparing to return home. The very next day, violence broke out in Baghdad, and shortly thereafter, Lieutenant Ballard's tour was unexpectedly extended for an additional 120 days.

Less than 2 months later, on May 20, 2004, after 9 years of service, Lieutenant Ballard was killed in Najaf, Iraq, by accidental discharge of the M-240 weapon on his vehicle. He was a recipient of the Purple Heart and three Bronze Stars, two with valor device.

Lieutenant Ballard was a true American hero, and his ultimate sacrifice deserves our formal recognition of gratitude, which is what we are doing here today. In paying tribute to him and his service, the House will not only honor his sacrifice, but also that of every brave American who dons a uniform in defense of our Nation each and every day. So many have given their lives so that we may live ours freely, and each deserves our gratitude, our respect, and our remembrance.

I want to thank the city council of Mountain View, California, for their support of this effort, and I want to pay tribute to Lieutenant Ballard's mother, Karen Meredith, for her unswerving advocacy on behalf of her son that the truth would be documented and put forward, and of course her support in the renaming of the post office of his hometown after him.

So I urge my colleagues to vote for this legislation. I thank everyone on a bipartisan basis that has been involved in this.

□ 1820

Mr. FARENTHOLD. Mr. Speaker, I continue to reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I join my colleague and compliment her on her very moving tribute, not only to her constituent but to all the men and women who serve our great Nation.

Mr. Speaker, I thank my colleagues on both sides of the aisle for their support of this renaming in honor of a true American hero. And noting that I have no additional speakers, I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Speaker, I join the gentlelady from California and the gentlelady from New York in support of this legislation honoring Lieutenant Kenneth M. Ballard, naming the post office the Lieutenant Kenneth M. Ballard Memorial Post Office, and urge my colleagues to enthusiastically support H.R. 6260.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill, H.R. 6260.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### RELATING TO THE DEATH OF THE HONORABLE DANIEL K. INOUE, A SENATOR FROM THE STATE OF HAWAII

Ms. HIRONO. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 839

*Resolved*, That the House of Representatives—

(1) receives with profound sorrow the news of the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii;

(2) authorizes the Speaker to appoint such Members as he may designate to serve with members of the Senate as a committee to represent the House in attendance at the funeral of the Senator;

(3) directs the Clerk to communicate this resolution to the Senate and transmit a copy to the family of the Senator; and

(4) when it adjourns today, does so as a further mark of respect to the memory of the Senator.

The SPEAKER pro tempore. The gentlewoman from Hawaii is recognized for 1 hour.

Ms. HIRONO. Mr. Speaker, earlier this week, my State of Hawaii and our Nation lost a truly great man, Senator Daniel K. Inouye. He began serving our country when he was only 17 years old, joining the Army after the attack on Pearl Harbor.

At that time, many questioned the patriotism of people who looked like him, but for Senator Inouye that was precisely why he joined the service. He was a true patriot. He loved this country and was willing to do whatever he could to defend it. In fact, he lost his arm charging a series of machine gun nests on a hill on San Terenzo, Italy, on April 21, 1945. His heroic actions rightly earned him the Medal of Honor.

He was the embodiment of the Greatest Generation: courage, sacrifice, humility, and love of country. It's why the commitment to serve and protect those who fight for our country has always been one he took personally. It's why he always stood up for the ideals of freedom and justice that our country is founded upon, because he saw firsthand what happens when we don't. And it's why he was always proud to stand up for our heritage in Hawaii.

The truth is, Senator Inouye deeply loved our beautiful State of Hawaii. Half a century ago, he had a vision of the Hawaii we inherit from him today. Over his many decades of service, he displayed a builder's skill, pouring the foundation of the modern and vibrant Hawaii that is his legacy. And so the greatest tribute we can pay Senator Inouye is to acquire his vision, apply his skills, and build on the remarkable foundation he laid for us, from strengthening our schools and university to building our roads and bridges.

And just today, our State marked another milestone led by Senator Inouye. We signed a full funding grant agreement with the U.S. Government for our Oahu rail project. This was a project championed by Senator Inouye through many years, through many ups and downs.

The Senator saw the future of Hawaii often before others did; and when he saw something that was going to better the lives of the people in Hawaii, he always fought for it. This is probably one of the things he will be remembered for the most, his tenacity in fighting for the people of Hawaii and for doing what is right.

And while he may have been a fierce competitor, he was always a gentle spirit. In a Washington that, at times, is so torn apart by partisanship, Dan Inouye always worked to defuse that situation and bring us together. He understood that words mattered as much as actions, and he always worked to elevate the debate.

And he stood by his friends, no matter their political stripes. It's why we've all heard from people on both sides of the aisle, and some who are speaking today, who are so saddened by

his death by what our country lost this week.

I received a message from our good friend and brother, ENI FALBOMAVEGA from American Samoa. He is traveling overseas and asked that I mention his deep condolences to the people of Hawaii.

ENI, like so many, calls Senator Inouye a mentor. He taught us all lessons we'll never forget. Simply put, Senator Inouye was an extraordinary person, a giant in the Senate, who accomplished so much for the people of Hawaii and our Nation. It is now up to us to carry on that work, to realize his vision, to draw upon his strength, his strength of purpose and strength of character, to do what is right.

I know the people of Hawaii join me today in pledging to do just that.

Aloha, Senator INOUE.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 839.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Ms. HIRONO. I would now like to yield as much time as he consumes to my colleague from the Commonwealth of the Northern Marianas, KILILI SABLAN.

Mr. SABLAN. Thank you very much.

Mr. Speaker, I'd also like to express my deepest condolences to the people of Hawaii for their loss of a great Senator and a great American. I would not be here today standing in the well of the House if not for Senator Daniel K. Inouye.

This beloved leader did so much for many Americans, for so many people of the Pacific, as we are hearing tonight. He touched the lives of so many individuals, including my own life.

In 1986, Senator Inouye gave me the opportunity to work as a Fellow in his office here at the Capitol. Senator Inouye had established a program to bring young men and women from the Pacific Islands to Washington to learn about Congress and the United States Government. We came from American Samoa and from the Northern Mariana Islands, my home.

What an opportunity Senator Inouye gave us. What an eye-opening experience to see Congress at work. What an education to watch up close this distinguished man of the Senate, by turns dignified, gracious, good humored, principled, quiet and when called to defend the forgotten, fierce, fierce and formidable. I was inspired.

□ 1830

Seeing what an elected official could be, what he could do to bring justice to this world, I dared to dream of one day

doing the same. The Northern Mariana Islands did not even have a seat in Congress in 1986. That did not happen until 23 years later. But throughout those 23 years, I held that dream deep in my heart, the dream that Senator Daniel Inouye planted that some day I could represent my people as I had seen him represent the people of Hawaii and America.

I will admit that dream did not always burn brightly. There were times when I did not tend the flame. But when the day came that Congress granted a seat to the people of the Northern Mariana Islands, that flame roared to life. That inspiration that Daniel K. Inouye had lit in my heart, fed by the ideals that he had instilled in me those many years ago, the ideal that we're all equals in this great country, as citizens and as individuals, and that, against all odds, we can overcome poverty, we can overcome prejudice, we can overcome terrible, terrible, physical injury and survive stronger than ever. We can survive and prevail if we believe in the inherent decency and goodness of America, as Senator Daniel K. Inouye believed—if we are not afraid to dream.

And so I dreamt, inspired by this man, aided by the opportunity he once gave to me. And tonight, Mr. Speaker, I stand here in the well of this hallowed Chamber to say thank you to Daniel K. Inouye.

Thank you, Senator Inouye, for showing me the way here. Thank you, sir, for showing us all what it means to be a true Member of Congress. Thank you, and good night. Rest well. We shall always remember you.

Ms. HIRONO. Mr. Speaker, I now yield such time as he may consume to my good friend from Alaska, Congressman DON YOUNG.

Mr. YOUNG of Alaska. I thank the good lady for yielding.

This is a solemn moment. The gentleman from the Mariana Islands just gave a presentation. I would like to think Senator Inouye and I played a role in making sure he could stand on this floor and give that presentation.

Danny Inouye, the Senator from Hawaii—actually, he was the third Senator from Alaska. And excuse me, Danny, for saying this; I don't want to call you Senator at this time, but just Danny. He was always able to reach across the aisle and solve problems of the noncontiguous States with my friend, Senator Stevens. Hand-in-hand, two veterans. One lost an arm and one flew 36 missions over the Hump. Together, they were one, they were brothers, and they said that so many times—brothers in arms, brothers in supporting two noncontiguous States, brothers in solving problems for people across the aisle.

I didn't serve with Danny, but I knew him well because he was a friend of my people, the Alaska Natives. In fact, we

had him 2 years ago at the AFN convention speaking to the need and necessity for the Hawaiian Natives to be recognized as the Alaskan Natives were.

He was an icon—a person that could work together. And he was—think about this—a young man that was Japanese. He was not in an internment camp. He volunteered for the America that he loved. He loved and served and lost, but he always won. He always won. But he did that by reaching the one arm he had left in his hand and shaking that hand and saying, Let's do it together. Let's work together. Let's not have the animosity, the rancor that's occurring today.

In fact, when I think about it a moment, I think, Danny, God bless you. You're in heaven. Hawaii is better off. Alaska is better off. But if we don't change our ways, you would be terribly disappointed. You would not be happy the way things are happening in this Congress, including the United States Senate.

And so, Danny, I will tell you one thing. You have Alaskans—especially my wife, my children, and my grandchildren—that thank you for the efforts you put forth to take the aboriginal people and bring them into the mainstream of life, with the help of Senator Ted Stevens.

So God bless you, Danny, Senator from Hawaii, and the third Senator for the State of Alaska.

Ms. HIRONO. Mr. Speaker, I yield such time as she may consume to my friend from California, Congresswoman DORIS MATSUI.

Ms. MATSUI. I would like to thank my friend, the gentle lady from Hawaii, for organizing this time for all of us to honor Daniel Inouye.

It's with heavy heart that I rise here today in support of this resolution honoring the late Senator Inouye. On December 17, our country lost a beloved leader, an American hero, and a man I was honored to call my friend.

Rising to become the most senior Member of the United States Senate, Senator Inouye will be remembered, not only for his distinguished record as a legislator, but also for his heroism on the battlefield. Senator Inouye served his country on the battlefields of Europe during World War II and earned the Nation's highest honor for military valor, the Medal of Honor.

As a soldier, Senator Inouye fought for the lives of American citizens back home to protect his fellow servicemen and also for the ideals our country stands for: equality, justice, and freedom. When he joined politics, the only thing that changed was his battlefield.

Senator Inouye was a giant in Congress who demonstrated his strong love for his country and belief in American ideals with every action he took. He was a man who stood by his convictions and fought for what he believed

and was never afraid to reach across the aisle and look for bipartisan solutions to some of our Nation's most pressing problems. And while his presence was certainly strongly felt here in the Capitol, he remained accessible to and was loved, not only by his constituents in Hawaii, but across this country.

When I put the word out to my California constituents that Senator Inouye had passed away and that Congress had lost one of its greatest leaders, I received an outpouring of comments from my constituents expressing their sorrow and sharing stories of ways that Senator Inouye had touched their lives. Even in my district of Sacramento, California, Senator Inouye was well known, well respected, and well loved.

As the highest serving Asian American in our country's history, Senator Inouye was a true inspiration to the Asian American community.

As a Member of Congress, my late husband, Bob Matsui, worked closely with Senator Inouye on the movement for Japanese American redress and reparations. Together with colleagues, they helped secure a formal government apology for innocent Japanese Americans who were victims of one of our country's darkest moments.

It will be impossible to find a stronger voice for our Nation's veterans than Senator Inouye. He was instrumental in getting the Congressional Gold Medal awarded to several military units from World War II, units composed almost entirely of persons of Japanese ancestry who exhibited exceptional bravery on the battlefield while their own families were in internment camps here at home.

Earlier this year, I worked closely with Senator Inouye to ensure that the Congressional Gold Medal toured the country so everyone could have the opportunity to learn about the bravery and heroism of these veterans.

□ 1840

This is the type of man Senator Inouye was. He was a man who, up to the very end, worked tirelessly to bring recognition to those who deserve it the most.

Senator Inouye devoted his life to serving his country. He was an inspiration and a role model—a real role model—an example of what every public servant should strive to be.

My thoughts and prayers are with his wife, Irene, his son Ken, and their family, and especially to his granddaughter Maggie, whom we will make sure hears about the stories of her great-grandfather.

On a personal level, when my husband passed away some 8 years ago, I recall how generous and sincere Dan Inouye was towards me and my family during those difficult days. I know this is a difficult time, but it is my sincere

hope that there is some comfort in knowing that his legacy of remarkable service and dedication to our country, his love of country, will live on for generations to come. He was truly a giant.

Ms. HIRONO. I would now like to yield such time as she may consume to my friend from California (Ms. CHU).

Ms. CHU. Earlier this week, our country lost a valiant war hero and one of the greatest statesmen of our time with the passing of Senator Daniel K. Inouye.

Senator Inouye was an inspirational leader and a true American patriot in every sense of the word. In fact, it's hard to think of the State of Hawaii without Daniel Inouye. Since the moment Hawaii gained statehood in 1959 he has represented the Aloha State in Congress and ensured that Hawaii and others in the Pacific region have access to resources and facilities that many on the continental U.S. take for granted.

Even though he was labeled an enemy alien during World War II, he made the decision to enlist in the Japanese American "Go for Broke" 442nd regimental combat team. He fought bravely, even as thousands of Japanese Americans were unjustly placed in internment camps at home. In one terrible battle in Italy, he led an assault against a heavily defended ridge. Germans shot at him with machine guns, destroying his right arm. Despite that, he was still able to destroy the German bunker. His bravery earned him the Medal of Honor and the Congressional Gold Medal, and for that alone he will always be remembered as a true American hero.

But Senator Inouye's service to our country extends far beyond World War II. He was a trailblazer in politics when there were few Asian Americans. He rose through the ranks, becoming the chairman of the powerful Senate Appropriations Committee and the President pro tem of the U.S. Senate, and became our highest-ranking Asian American politician. He broke barriers and paved the way for countless Asian American and Pacific Islanders in public service. In my role as chair of the Congressional Asian Pacific American Caucus, I truly valued his guidance as a founder and longtime executive board member of our caucus. He was a tireless advocate for both the people of Hawaii and the broader Asian American and Pacific Islander community.

All of us who had the honor to know and learn from him will dearly miss his leadership and the honor and integrity that he brought to the job. My heart goes out to his wife, Irene Inouye, his son, Daniel Ken Inouye, Jr., and the many family, friends, colleagues, and constituents for their tremendous loss.

So aloha, Senator Inouye. Thank you for your lifetime of service. While your passing has left us with a great void, we know that your legacy will con-

tinue to live on in the many accomplishments you leave behind and in the generations you've inspired through your service to our country.

Ms. HIRONO. Mr. Speaker, I now yield such time as she may consume to my friend and colleague from Hawaii, Congresswoman HANABUSA.

Ms. HANABUSA. Thank you to my colleague from Hawaii for doing this.

Mr. Speaker, I rise today in support of House Resolution 839, which relates to the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii. I know that as the most senior Member of the United States Senate, as the Appropriations chair, and as a true war hero, Senator Inouye will be remembered in Washington, in Hawaii, and across the Nation. Tomorrow, he will be given one of the highest honors of anyone in this country, and that is to be able to lie in state in this Capitol. But for me, the passing strikes deeper because he was also my mentor and a dear friend.

I had the honor of having lunch with Senator Inouye just before he went into the hospital, and we discussed many things. Know that his love and concern for Hawaii and for America never wavered. He never stopped thinking about how things could be made better, who we could help, and what we could accomplish. He was, of course, a force to be reckoned with, and as I said at the time I just couldn't think about Hawaii without Senator Inouye.

Since his passing, statements like the Congressman from Alaska just said about the Senator being their third Senator has been made by other Congressmen to me as well, so you know that his impact was felt very deeply throughout this country.

As long as Hawaii has been a State, Dan Inouye served us in Washington—"us" meaning the people of Hawaii. For most people in Hawaii, he was always there, as dependable as the sunrise, yet he was never proud, never acted as though he was better than the people he represented.

I can tell you from personal experience that it is just impossible to be an elected official in Hawaii without being in awe of Daniel K. Inouye, someone who served so long, accomplished so much, and yet made it seem so effortless.

Hawaii was and is a grassroots State. You need to get out there with the people, share their activities, eat their food—now, that's really critical—laugh at their jokes. And there was Dan Inouye, the war hero, recipient of the Medal of Honor, U.S. Senator, an iconic force in Hawaii's history and politics, and he just fit right in. We, the people of Hawaii, we can spot a phony a mile away, but we loved him because we knew he was the real thing. He was genuine.

So here was the most senior Member of the Senate, chair of the Appropriations Committee, President pro temp,

and third in line to the succession to the Presidency, but in his heart he was no different than that kid growing up in territorial Hawaii, not wearing shoes until he got to high school—by the way, not wearing shoes we called going “hadashi” in Hawaii—who volunteered just out of high school to serve his country in war. I think that’s why, when he ran for reelection, his bumper stickers didn’t say Senator Inouye, or Daniel K. Inouye, it just said Dan.

I still remember his political poster when I began to recognize political posters, solid black with Dan, his signature, in yellow. Simple, yet strong, as he was. I didn’t know at that time the significance of the colors. Those were the colors of his alma mater, McKinley High School, again, a statement that he never forgot where he came from.

For me, knowing Dan Inouye and learning from him, that down-to-earth nature was a very special thing. When he shared his insights about serving the people who elected us and doing what is right for Hawaii and America, I knew it was coming from his heart. Not just that what he was doing was advising to show the true love for the people he served, but also that he was sharing these insights with me because he cared enough about me to pass on the lessons.

□ 1850

He genuinely wanted me to do better. Quietly, with that great smile and that beautiful, resonant voice, he gave that gift of his experience and his wisdom. He was a man of such accomplishment and power who was also unbelievably generous of himself.

I will never forget that gift from my friend, Dan Inouye. For the next few days, as we say good-bye to a genuine hero, a champion of Hawaii, a political icon, I hope, Mr. Speaker, you will join us in remembering a wonderful man and pass this resolution so that we may all say, “Aloha, Dan, mahalo, and thank you.”

Ms. HIRONO. I now yield such time as he may consume to my good friend from California, Congressman MIKE HONDA.

Mr. HONDA. Thank you, Madam Chair.

I, too, rise today with a heavy heart to honor and to remember Senator Dan Inouye.

On December 17, 2012, the State of Hawaii, our Nation, the Asian American and Pacific Islander community and all champions of social justice and change lost our polaris, our guiding light, our guiding star—Senator Daniel K. Inouye. I’m deeply saddened by the passing of my dear friend who has been a hero to us all, his ohana.

From his service on the battlefields of World War II—we mentioned a Medal of Honor—to the Senate floor, in serving the Aloha State in Congress since

it achieved statehood in 1959 and rising to become the highest ranking Asian Pacific Islander in our Nation’s history, his impact on our lives and our community is immeasurable and unparalleled.

The Senator has had a deep sense and reflected a deep sense of dignity in spite of any kinds of situations that may surround him, a quiet calm of strength even in the battlefields to the Halls of Congress.

We know that during the time of Watergate, he was slighted and insulted through a racial slur, but he did not exchange one for another. He just reflected his quiet strength and dignity by not responding at all. The rest of the country did for him. And as he went through the Watergate process, he showed that he could serve and deal with justice with an even hand. And with that, he showed that this country can deal with all kinds of problems that it faces.

As chairman of the Senate Appropriations Committee, Senator Inouye worked across the aisle to ensure that the needs of the people of Hawaii and the sovereign rights of native Hawaiians and other indigenous people, as our friend, DON YOUNG, had mentioned, as well as the AA-PI communities, were priorities of this government.

During the seventies and eighties, Senator Inouye played a critical role in making sure that this country understood its behavior towards the Japanese Americans on the mainland and in Hawaii. There was an effort to secure an apology, a recognition of the wrongdoings, and also move forward with the idea of reparations, but it didn’t seem as if they were making much progress. He wisely said to leadership of this movement, Perhaps we need to do a study and a commission to educate and inform the rest of the Members of this body to understand what it is that we are fighting for. And so came about the World War II Commission on Internment. And through the commission study and their gathering information across this country and listening to testimony, from people who were aged to the people who were younger, securing information validating the position of those who were seeking an apology from this government came the conclusion and the final decision to move forward with the bill, my bill, 442, to rescind Executive Orders 9022 and 9044, and also to make sure that this country understood the reasons for the incarceration and internment of Japanese Americans in this country during 1942.

The conclusion of that commission reflected the wisdom of Senator Inouye. The conclusion of the commission said the reason why internment happened to Americans of Japanese descent was because of war hysteria, racial prejudice, and the failure—the failure—of political leadership. And to

that, it’s been always a reminder for me when I listened to him and I watched him work that he would never, ever allow the lack of failure of political leadership in this country to ever fall—not on his watch.

Since 1959 when I graduated from high school, I reflected back now, today, of how young he was then and how he stood his ground and guided Alaska and this country through his life and his dedication to public service.

So, Senator Inouye proved to be a very devoted husband and a father. I extend my sincerest condolences to the entire Inouye family.

Senator Inouye’s passing may mark an end of an era, I would say, but I would declare and say that his work will continue to impact this country in terms of a continuous attention to ohana and to the rights of all people, including aboriginal folks.

He once stated in his fight to protect the Filipino World War II veterans, he said about them, he said that heroes should never be forgotten or ignored. And he always continued to make sure that those who serve this country were not to be forgotten or ignored.

So, we, as a grateful Nation, will never, ever forget the Senator from Hawaii, a war hero, a servant through his military service, and a servant through his service in the Halls of Congress.

So I say to him “Aloha, mahalo.”

Ms. HIRONO. Mr. Speaker, I want to thank all of my colleagues who came to the floor tonight to share their experiences and thoughts about Senator Inouye, as well as all my other colleagues who express their condolences to Irene Hirano Inouye, his wife; his son, Ken; his daughter-in-law; his granddaughter, Maggie; and all those who have expressed and shared their experiences with Senator Inouye.

This is a man who touched so many lives, not just in Hawaii, but all across the country. And we all know at this point what a great Senator he was and all of the good works that he did, but at a time like this, we often hear from just individuals who want to share their very human stories about individual kindnesses that he showed. In fact, one of my colleagues today said, Did you know that I was at a function where it was raining, and he held an umbrella over my head with his one good arm for an hour? Or how much he cared about the Hansen’s disease patients in Kalaupapa, and he invited them to Oahu to meet with the Secretary of Transportation, Ray LaHood, so that the Secretary could hear from these residents who often did not get to travel very much, who could share with the Secretary their own concerns and to ask for his help, and they were helped.

So it is always a human dimension to what Senator Inouye did that always struck me, and he did so in a very quiet

way. So we honor him, we thank him, and his last word before he passed on was, "Aloha."

Senator, we bid you aloha. We love you. Aloha.

Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of this resolution allowing Members of Congress to honor the life of a great American hero and a friend to us all. I want to thank my good friends from Hawaii, Ms. HIRONO and Ms. HANABUSA, for their leadership in introducing this resolution.

We have lost a father, a hero, and a true friend. There is no doubt Senator Daniel K. Inouye was a strong advocate for the people of Hawaii but he was also instrumental in helping the people of American Samoa and all our Territories and neighbors in the Pacific. The Samoan people recognized the Senator's passion for the people of the Pacific especially American Samoa by bestowing him the esteemed chief title, Fofoga o Samoa—meaning, the Voice of Samoa.

On the Hill, Fofoga o Samoa Senator Inouye was a giant. He was greatly respected not only for his service as a Senator but, importantly, his patience and unique ability to work with both sides of the aisle for many years. Being a Territory and having a small population, it is very difficult to move legislation without having any representation or support in the Senate, and Fofoga o Samoa Senator Inouye was always there for American Samoa. He was also a fighter for the rights of Native Hawaiians, ensuring veterans received their benefits, and was a pioneer for all Asian and Pacific Americans.

I remember in early 1990 when I accompanied the Senator on a Congressional Delegation he led on a Pacific tour that included my District. It was an honor and a privilege accompanying him on this tour because it showed me his deep understanding and care for all of the people in the Pacific. Just as he was a boy that was born and raised in a Territory (Hawaii), he felt it was the right thing to do to help our Territories. This was just a small sample of the Senator's leadership and diligence in recognizing the importance of helping our Territories and the Freely Associated States.

As a former member of the 442nd 100th Battalion, I can only thank the Senator and his comrades for their service and 'Go For Broke' attitude which has laid the path for many of the Samoan sons and daughters to serve in our great military force. I am forever grateful for the Senator's service to our nation and for his love and compassion for the people of American Samoa.

Let us pray that the Lord comfort those who have lost an amazing leader who has touched each and every one of our lives.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in reflection and remembrance of the life of Senator Daniel Inouye.

I was deeply saddened to hear of the loss of Senator Daniel Inouye on Monday; his passing marks the end of an era for the people of Hawaii, for the United States Senate and Congress, and for the country. A public servant from start to finish, Daniel Inouye has left a shining, indelible mark on history that will inspire Americans for generations to come.

His story is simply incredible. Daniel was a medical volunteer during the Pearl Harbor attacks in 1941. Even though the U.S. Army banned people of Japanese descent from enlisting, and even though Executive Order 9066 authorized the internment of roughly 110,000 Japanese Americans, Daniel Inouye found it within himself to be an American patriot.

Soon after the ban on enlistment was lifted, he abandoned his Pre-Med studies at the University of Hawaii and enlisted in the U.S. Army in 1943. He was a war hero in the truest sense of the term, earning a Medal of Honor for his actions on the battlefields of World War II before his state was even admitted to the Union.

Daniel Inouye was a Lieutenant and Platoon Leader on the battlefield in Tuscany, Italy in April 1945. Even after being shot in the stomach by German machine gun fire, he refused medical treatment and still managed to find the courage to destroy 2 machine gun nests. Nearly losing consciousness from blood loss, he heroically charged a 3rd machine gun nest before having his right arm severed by a German grenade. Somehow, even after these grave injuries, Daniel Inouye still found a way to toss a grenade that destroyed the 3rd bunker.

He remained a proud member of the military until his honorable discharge as a Captain in 1947. He was Hawaii's first Representative in the House, a source of great pride to all Members, past and present.

As Hawaii's first Congressman and, subsequently, as a nine-term Senator, Daniel Inouye embodied the spirit of "aloha" in his work. Serving as Chairman of the Appropriations Committee, he worked to strengthen our national security and help veterans access the benefits they've earned.

He was a consistent champion for the interests of Hawaii's people. I am grateful for the opportunity to have worked with Senator Inouye, and my thoughts are with his family and with the people of his beloved Hawaii, who will always remember him for his leadership and his courage. As a Senator, he never forgot his military roots, and has always been a voice for veterans.

Senator Inouye was a patriarch of Hawaii, and all Hawaiians will long remember his unyielding devotion to the economic vitality, progress, and success of his beloved home State. His fellow Americans will long remember his leadership in protecting our men and women in uniform, strengthening our national security, reaching across the aisle, and investing in a future of prosperity for all.

By his actions, he stood firm for the independence of the Congress, the strength of our democracy, and the values of the American people.

I want to extend my condolences to his wife, Irene, his son Daniel Jr., and the rest of his family as they mourn the loss of a great man.

When asked recently how he wanted to be remembered, Daniel said, quite humbly, "I represented the people of Hawaii and this nation honestly and to the best of my ability. I think I did OK." I think that I speak for us all when I say that this was quite an understatement for a man who accomplished so much and sacrificed so much for this country. And so with heavy hearts, we bid "aloha" to Sen-

ator Daniel Inouye—a man whose chapter in American history will live on.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1900

#### RECOGNIZING DEPARTING MEMBERS OF THE MASSACHUSETTS DELEGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. MARKEY. Mr. Speaker, I rise this evening to honor two great Members of the Massachusetts delegation who are departing. The first, JOHN OLVER.

JOHN OLVER is a public service powerhouse, a transportation titan inside of this institution. He has a Ph.D. in science; but as he came to this institution, he became a scientist who became a statesman, and we were honored to have him in our delegation and in this Chamber. He was an avid outdoorsman, but he was ahead of his time in bringing attention to this Chamber for our consideration of the impacts of climate change, the need to protect our natural environment, the need to raise science as it affected the planet.

He arrived in Congress in 1991. His service on the Appropriations Committee helped rebuild our country's infrastructure and resulted in critical investments in transportation. At the same time, he was always an incredible advocate for his constituents, for their industries, and for the way of life of western Massachusetts.

He was a very special Member of this institution. He began his career in the Massachusetts State Legislature. He has dedicated the largest portion of his life to serving the public, to serving ordinary citizens; and he is going to be sorely missed. He made a huge difference in the lives of the people of Massachusetts and our country. And I just want to say that from our entire delegation and from the entire Congress, he is definitely going to be someone who is irreplaceable in this institution.

At this point, I would like to reserve the balance of my time and to recognize the gentleman from western Massachusetts (Mr. NEAL).

Mr. NEAL. Mr. Speaker, I want to thank Mr. MARKEY for allowing me to participate in this Special Order tonight and to speak of two very valued Members of the Massachusetts congressional delegation and to speak of two Members who have had a profound influence on not just the politics of Massachusetts, but the important policies of Massachusetts.



Some years ago, George W. Bush, President Bush, said to me at a St. Patrick's day luncheon with some humor, Hey, RICH, how am I doing in Massachusetts? And I said, Mr. President, I don't think you're doing that great in Massachusetts right now, with some laughter. He said to me in a very candid observation, I want to tell you something. I always liked running against you guys from Massachusetts and tangling with you guys from Massachusetts, he said, because I always felt I was matching up against the best in America.

I thought that was pretty interesting for a conservative President to talk about the Massachusetts congressional delegation, and I think that the two members who are departing from this delegation are part of the high skill of two very good legislators. That's a skill that is not today held in the regard that it once was, the skill of the really good legislator, individuals who painstakingly know where the commas have to go, know when paragraphs have to end, and to make sure that sentences don't run on so that the intention of the legislation is honored. We all cheer on the final product, but many people dislike having to view the process that gets us there.

In the case of Congressman FRANK, he always had this reputation for being the great and universal outsider in politics, but his success came from the fact that he mastered the skill of the insider in this institution. He knew when enough was enough and it was the best deal you were going to get. After he made full advocacy for the plan that he offered and desired, he also knew that you needed 218 votes, or in his committee, he wanted to put the face of bipartisanship on the actual bill.

So Republican legislators in this institution, members of the Banking Committee would always say to me, Geez, BARNEY FRANK is one capable guy, because he was looking for the compromise as the path forward. You could talk to him about the complications of capital ratios, you could talk to him about the Federal Reserve Board, and you could talk to him about world issues; but at the same time, he unfailingly made it home to march in all of those parades, to attend functions for people who had been with him in elected office for four decades, to make those phone calls that you have to make. And he understood, once again, that in this institution the opinions of America and the emotions of America play out. Sometimes you get a good deal, and other days you don't quite get the deal that you wanted.

Before anybody in public life was advocating for gay rights, BARNEY FRANK was in the forefront. BARNEY FRANK was in the forefront on women's rights, and he was a great scholar, student, and participant in the civil rights struggles of our times.

Both these legislators are, interestingly enough, in my mind, principled individuals, children of the New Deal who believed that government plays a positive role in the lives of the American family. Not because government draws a conclusion on where we end up necessarily in life, but they both believe fervently in the idea that government ensured that everybody could get to the starting line for the race.

In the case of JOHN OLVER, Ray LaHood said to me one night at dinner—and Ray has been a fast friend. For those of us who are interested in transportation in western Massachusetts and indeed central Massachusetts, Ray LaHood said to me, You know, JOHN OLVER is one smart guy. He said, The meetings in his office can go on for a long time, but I've got to tell you, he really understands transportation theory and he understands transportation implementation.

A couple of the great things that we were able to participate in—because in western Massachusetts we always use the argument that people don't pay enough attention to our part of the State—but it was the small things like extending broadband access into the hill towns of western Massachusetts, improving rail transportation from New Haven, to Hartford, to Springfield, and on to Vermont. And in the case of JOHN OLVER, he was very helpful to me when I asked him in the transportation legislation to make sure that my congressional district and constituency were able to secure the funding that we desired. That's an important part of the legislator's life.

I also think that what was interesting about JOHN and BARNEY, they're believers. In a time when the public often says that the elected embrace superficial positions only to seek and curry the favor of the public, one of the two important things about these two guys is they were happy to tell you they disagreed with you. In fact, as the two of them got older, they were enthusiastic about telling you they disagreed with you. Oftentimes, when you walk into a room where the audience might be one that only wants you to say what they want you to say, these two would go into the room and say what they thought was on their minds, conclusions that they had drawn after long service in this institution and in the Massachusetts Legislature.

□ 1910

I also will tell you, based upon the point that I raised at the beginning of my comments, that we need to return in this institution to the skill of the legislator. It's the same skill that the jeweler looks at a diamond with. It's the same ambition that takes people to Pulitzer Prizes. It's the athlete in the gym who spends his time preparing for the Olympics. We need to honor that skill because it's often outside of the

glare of the public, and when those in the public do see it, they're uncomfortable with it. It's the give and take of legislative life that made these two very good to work with.

I'll say this about the two of them as well—and they might not like it—that there were times when we needed something that they might not quite have been in agreement with; and after you got a little bit of their irritation, they generally included what it was that you wanted.

So it was an honor to serve with them, and I hope that we haven't heard the last of either JOHN OLVER or BARNEY FRANK. They've been very important to this institution and to America.

Mr. MARKEY. I thank the gentleman so much.

I would now like to recognize the gentleman from Massachusetts, MIKE CAPUANO.

Mr. CAPUANO. I thank the gentleman for yielding.

I generally don't do a whole lot of work on this stuff, but I've known these two gentlemen a long time. I met them both in 1976 when I was in law school and had the good fortune of getting a work study job at the statehouse. They were both there already. They were both already well recognized and influential at the statehouse; and I will tell you, from the day I met them, I started learning from both of them.

I want to be very clear. I want to echo everything RICHARD NEAL said. I hold public service up in high regard, and I know that everybody in the Mass delegation does as well. These two gentlemen not only have served in Congress; they've served at the State level, and they were both educators. They didn't do this because that's what they could do. One has a Ph.D. from MIT. The other has a law degree from Harvard. Either one of them could have done anything he wanted to do and been well compensated in doing it, and they could have had much more comfortable lives in never having read their names in the newspapers as bad people on different occasions. The fact is that they gave of themselves right from the beginning as young men. They didn't go out and make \$1 million and then come in.

I think it's an amazing thing because, for those of us who have followed a similar path, the first several years of doing public service, no matter what you're doing, are not lucrative—they're usually a difficult struggle—and then to stick to it for as long as they did. Between the two of them, if you add up not just the years they served in elective office—because elective office is only one way to give back to the public—but if you add to that the years they served as staff members or teachers and if you add that together, combined, we're talking 100 years, guys.

I'm sorry, between the two of you, it's 100 years of public service to the Commonwealth of Massachusetts. That's something that's amazing.

As I said, I started learning from them both at the statehouse. It didn't stop. I moved beyond the statehouse. JOHN was still there. BARNEY had moved to Congress. I kept learning from them. I'll be honest, in my job at the statehouse, I went on to become a full-time employee.

You know it, but most people listening don't know it.

In Massachusetts, most of the committees are joint committees—house and senate. I was on a joint committee payroll, but everybody knew that I worked for the house. JOHN happened to be the senate chairman of the committee I worked for, and since Massachusetts is such an overwhelmingly Democratic State, my job was, really, to do everything I could to stick it to JOHN OLVER on behalf of the house and get everything we wanted and not what the senate wanted. It was kind of funny because, now that I'm in Congress, it's amazing in that those fights were really nothing more than just the epitome of family fights. They were nothing compared to the fights we have here that are based on deep philosophical differences of opinion.

Even then, I loved working with JOHN because, as RICHIE said, I remember once we were at 2½ and we traveled in the State, arguing against the limitations of local rights. JOHN went on for about 20, 30 minutes at some hearing about the evils of this particular proposition. Everybody was kind of getting tired and moving on.

JOHN broke and said, I'm awfully sorry that I'm kind of running on about this issue, but you have to understand that I'm a college professor. I think in 50-minute blocks.

Then he went right back in and did the other 20 minutes. I don't know if he convinced anybody, but he made me laugh the whole time because he knew who he was; he knew what he was; and he knew the subject better.

When I got to Congress, my first assignment, per one of my many friends and mentors, Joe Moakley, was Financial Services. BARNEY was already there. I can't tell you how much I learned from him. We share a philosophical view, as I think most of the delegation does, particularly in the matters of financial services. Housing is a passion of mine. It has been for a long time, as it was for BARNEY. The truth is that it really became incredibly easy for me. I was able to cut a step back on the details of a lot of the major housing policy because BARNEY was such a champion, and I was able to focus on some of the holes that I saw in some of the policies that maybe some of the other Members of this Congress didn't see.

That's true about many, many things—of the financial services bill.

BARNEY just carried that bill like you can't believe. It allowed me the opportunity to not worry about the big stuff because BARNEY was going to take care of it. I got to focus on some of the smaller details that we got engaged in. I learned so much from him as a member of the Financial Services Committee.

I hope I can be one-tenth as successful as you have been, BARNEY, in bringing people together but in not forgetting who and what we are and who and what we believe in.

Then I got on the Transportation Committee. JOHN, by that time, was already the cardinal of the Transportation Subcommittee and Appropriations. It's true. I thought I knew a fair amount about transportation. I'm kind of one of those guys who thinks, Don't tell me about my district. Nobody knows my district better than I do. I know the needs. I work with them. That's one of the reasons I'm such a vocal and public proponent of earmarks, because no one knows my congressional district better than I do except JOHN OLVER when it came to transportation matters.

I've got to tell you, JOHN, it made me angry a couple of times when you came up and you told me things about my district's transportation needs. You were right and I hadn't realized. I was like, Oh, geez. He got me again.

I can't tell you how many times I've worked with him to try to improve transportation policy for my district but, in turn, for the Commonwealth and, in turn, for the country. So I just wanted to come up tonight to thank both of them for their service on behalf of the general public, but also on a personal matter.

Both of you have been guiding lights for me. I have learned a lot from both of you—different approaches, similar philosophies, different personalities, different attitudes. I'm a little different than both of you on some things, but I'm alike on some things as well. I will tell you that, as a lifelong resident of Massachusetts, I am proud that you served us. I am proud that I've had the opportunity to work with you before Congress and in Congress; and I will tell you that I am proud to call you both colleagues and friends. Thank you very much.

Mr. MARKEY. I thank the gentleman for his comments, and I turn to recognize the gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. I thank my colleague for yielding.

I had the privilege of serving with these two gentlemen, not only in Congress but in the Massachusetts Legislature. I remember being elected and serving at the age of 24, and my seat was right in front of BARNEY FRANK's seat in the legislature at the time. Now, at that time, we had 240 legislators. Very few people had legislative

aides. Truly, you were on your own: you were your own speechwriter; you were your own researcher; you did your own negotiations. So to have BARNEY FRANK behind me in the give and take of everything when there were issues on the floor and when we were talking was amazing. I can't even tell you what I learned about being a lawmaker and a legislator, of putting deals together and negotiating.

We also worked in the legislative study group at the time, and I learned an important lesson that is, sadly, not utilized at the State or Federal level these days, that of how to work in coalitions effectively, because a lot of us were real progressives, and the legislature at the time wasn't particularly noted for that. I learned from people like BARNEY that, if you work together, they're going to need your vote sometime, and we could work together as a group and be effective. I learned at that stage that you can be effective at any level of the legislature if you become skilled and if you become tenacious. He inherited this.

I had the good fortune of also getting to know his mother, Elsie. Now, she was very active with the Mass Association of Older Americans, and she was terrific. She was passionate, knowledgeable, effective, and I can see where he got a lot of his skills.

□ 1920

But one of the things that impressed me also was the fact that in his time working as the chief executive for the late mayor Kevin White in Boston, he had the opportunity to really be there at the executive level. And I could see that reflect in his legislating, and I could see it today because he knew from the legislative side how important it was to do things to empower people on the executive side and how they could work in tandem. I know he took from that experience the fact that there are no sacred cows. When you're in that position in a big city and you're doing things you have to do, you're not always taking the most popular stands, but you're taking tough stands against different groups. And he had no sacred cows and he was willing to speak up when necessary.

I think people in this Chamber know as well that when he took the floor then, just like when he takes the floor now, you don't want to be the other person on the other side of that debating. But even in the din of a noisy House, something that's similar to both branches, when he would get up, everyone would get quiet. They wanted to listen. They were really interested in the intellectual and the humorous sides of the debate that they were about to see.

During that time as well, we would have our votes up on the board. I can tell you this: at a time when you were in the distinct minority on the issue of



gender rights, discrimination, discrimination against some sexual orientation, on issues of basic fairness and progressive, those lights were always on the right side, whether in the majority, the winning side or the losing side. Times have changed things. Decades have changed how the public feels about many of these positions, and now they're popular. But at that time they weren't, but he was resolute.

You know, I also look back at some of the differences during that period of time. Back then BARNEY would have no time to shine his shoes. Or he would have holes in his shoes, and maybe his suit looked like it hadn't seen the cleaners—ever. But I remember his campaign slogans at the time. They said: Neatness isn't everything, vote for BARNEY FRANK.

And I've seen an amazing transformation now that I'm going to have the privilege, as he has had, to represent the city of New Bedford, of BARNEY around in Joseph Abboud suits, tailor-made, American-made, by the way, and I've seen that transformation as well.

But I've got some big shoes to fill down there. He is beloved in that area. As much as he is dealing with the intricacies of something like Dodd-Frank, many of the other things he's done representing city issues, he is by far the most popular elected official that the fishermen in the New Bedford area in the southeastern Massachusetts area have ever seen. His loyalty to them is probably only eclipsed by their loyalty to him. He knows so much about fish that I don't know if I'll ever catch up or ever have the opportunity, but it's amazing how complex that issue is as well.

But I will say this. Of all of the actions he's taken during his time in public life, I might dare to say what I think one of his most proudest actions would be, not just what people would think, working with fishing or Dodd-Frank, but I think it was really his marriage to Jim. He has told me how important that was to do while he was a Member of Congress, again showing leadership by action on an issue. And I was just so happy to be at that wedding and to see that union, that marriage, and I was very pleased to see the happiness and the love that was there at that time. My only regret is that his mother wasn't there to see it as well because she would have been so proud.

One thing you'll never say about BARNEY FRANK or JOHN OLVER, I don't think there was ever a TV ad, an attack ad, that had one of those weather vane issues. You know, where you changed your position on this and you changed your position on something else, on an important issue. They were both resolute. And I had the opportunity to serve with JOHN briefly in the Senate in Massachusetts. Interestingly enough, when he was chairman of tax-

ation in the Senate, I was his successor as chairman of taxation in the Massachusetts Senate. When I had that position, I started going through the reports and the research documents, and I knew that they just weren't done by researchers, that they had his thumb prints and his intellectual abilities all over them. I must tell you, if I started going back through those things a few decades ago, I probably wouldn't be through them now.

I remember on the floor of the House when JOHN would be carrying a bill to the floor, how people didn't really question anything he had to say. But it's interesting enough, when you go for questions, I seldom saw people go up to JOHN with questions on that legislation because all of us didn't want to know that much about whatever he was talking about. But JOHN had that same sense, strong sense of fairness, a protector of civil rights, a protector of equality, and one of the leaders of our time in understanding about the importance of the environment and the way we treat it.

He was a champion for western Massachusetts, not just with the infrastructure that's there, but when you thought of our colleges out there and the kind of infrastructure that gives people the opportunity for a good life and to advance in life, JOHN OLVER's fingerprints were all over that. He took that same attention to detail he had in the Massachusetts legislature and used it in Appropriations to great effect.

So with JOHN and BARNEY, I wish them both well. They deserve it, and they will continue to be productive, helping our State and helping the people in our State in other capacities.

Mr. MARKEY. I thank the gentleman, and I now yield to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank Mr. MARKEY for recognizing me at this point in time for the Special Order. You know, we did a little research so I wouldn't just stand up here, because I know JOHN and BARNEY are sticklers for detail. So we did a little research. We found a Special Order of some time ago when BARNEY FRANK, Congressman FRANK, came down to the floor basically to chastise one of the colleagues who had made a false claim during their Special Order. What BARNEY had to say at that point:

Special Orders are a time when Members can fairly freely say things without fear of contradiction because there's generally no one there. And as you listen to many of the Special Orders, there is a very good reason why no one is here: no one ought to pay a lot of attention to them.

Well, BARNEY and JOHN, today people ought to pay attention to what we are saying during this particular Special Order because you have both served the Commonwealth of Massachusetts and

the United States for a long period of time, ably, and in a way that nobody should forget and everybody should want to talk about and recount. There's a lot of years between the two of you.

JOHN, 40 years in total, over 20 of them here in the United States House of Representatives. But I remember knowing you well before you knew me. Back when JOHN OLVER was a senator in the State of Massachusetts, as a young student at the time, I had the responsibility of janitorial services and cleaning up that State house. And I can remember going into his office. He was always busy, always had people in there, still working late into the night. But we were going around emptying barrels and vacuuming rugs, and he was always generous and kind to us at that point in time, but I noted how busy he was getting detail, and that never changed.

When I later had the opportunity to come here to the House of Representatives and be a colleague of JOHN's, just as others have recounted before me, he is meticulous in his detail, knowledgeable about every subject matter upon which he spoke or upon which he acted, and he added so much. It would be unfair, after over 20 years, to say that JOHN OLVER had a specialty in just one area because like every Member, you have to know a lot about a lot of different subjects and work very well with your staff to make sure that you have all of the information that you need. And JOHN was a leader and knowledgeable in a number of different areas. What he did for his part of the State will not be forgotten anytime soon by people there, whether it's getting designated an actual heritage area for his region, and so much more, but we will remember him for the work he did, particularly with appropriations on transportation matters.

□ 1930

And my district will remember JOHN for the work he did because, as RICHIE noted, and BILL before me, he oftentimes knew exactly what your district needed and knew how to help you get it. And so I can go to various parts of my district now, JOHN, and see projects that are there because of your help, because of your knowledge of what went on and your focus and persistence in making sure that they were funded.

Most recently was the city of Amesbury, which opened up a transportation center, which also houses its veterans office and its Council on Aging. And I mentioned to those folks who were there the work that you had done in helping us do that. They are all incredibly grateful, as are so many other people throughout my district and the districts of all of our colleagues here, for the work that you did and the time you spent on our districts' needs, as well as taking care of

your district's needs. So I want to thank you for that and share the appreciation of all the people in my district.

Now, up until a couple of weeks ago, BARNEY's office was around the corner from mine, and so oftentimes we would have a steady stream of BARNEY visitors who found their way in there. If BARNEY could see them in the district, he wondered why they were taking up his time down here when he was busy doing things like the Dodd-Frank bill, fishing bills and other things of that nature, so they'd all come over and wander into my office.

But the fact of the matter is that BARNEY always was intensely involved with the matters that he was dealing with here. It reminded me of something else he said on the floor one time. He said that, when he was talking about one of our beloved former colleagues, Joe Moakley, he said that—what was true about Joe was, I think, also true about him. He said Joe Moakley was a great stereotype breaker. And BARNEY, you've been a great stereotype breaker as well in so many different areas it's countless on that.

But you said:

One of the things that we suffer from in this country is the assumption that if we are A, we cannot be B; if we are X, we cannot be Y.

You said Joe Moakley showed us that that could be and what it could be, and you have done the same.

BARNEY's been about one of the most fierce debaters down here. Used to be before I got to Congress, whenever I saw something going on in the House, I would always be anxious if BARNEY was up there, and I would watch other colleagues who might be in a colloquy with him sort of wince because they knew if they had misspoken or spoken out of line or out of turn they were going to get a comeuppance on that that they deserved, but done in a way that always had either good biting sarcasm or wit to drive it home on that basis.

You've been one of the most intense Members, and I say that in a good way, when you believe on the issues that were there, but always pragmatic enough to know the art of the deal. And RICHIE spoke to that, RICHIE NEAL when he discussed things on the floor here.

It's important in this legislative body to not be so ideologically extreme that you cannot, at some point, make a compromise, not on your principles, but on other matters so that we can get the business of this House done. BARNEY Frank and JOHN OLVER always had that in mind, always knew how to treat their colleagues with respect, and always knew how to drive to a bargain that would represent all of their values, make sure that they weren't compromising their principles, but make sure that the business of this country and the things that were important in

their district and their State got done. Both of you deserve a great deal of credit, and we can only hope that this House finds its way back to those days, when the majority of this body finds all of that necessary and possible to do.

On a personal note, as BILL mentioned, Patrice and I were thrilled when BARNEY and Jim got married; another way of showing that you can be a leader at times.

I just recently saw a program on Cheryl Wright, a country western singer; and if anybody got a chance to see it, she went through how difficult it was for her to come out. And I was moved by that show because it reminded of what it must have been for BARNEY and for anybody else in public life to have to come out—not knowing what the reaction of your own family or your friends or their colleagues or anybody in public is going to think about that—and take the risk to do it. And that is certainly one thing that this body and this country will always remember.

Whether it was our fishermen, the gay, lesbian and transgender community, so many Massachusetts residents are going to remember BARNEY Frank for all that he did, as they are going to remember JOHN OLVER on that. We're going to miss both of you fellows down here.

And JOHN, we wish you and Rose only the best in your future. I know you're going to keep busy in so many ways that you can.

And BARNEY, you and Jim are going to be busy, but not too busy, I hope, to come and share some dinners with Patrice and me.

The one nice part about that is BARNEY was never bashful about telling Patrice she could make what she made last time, that was just fine, but he and Jim weren't going to be doing the cooking.

So good luck to both of you, and thank you for letting us share your comradeship and be colleagues of yours. Thanks for all that you've done for the country and the Commonwealth and your districts.

Mr. MARKEY. We thank the gentleman from Salem.

I recognize the gentlewoman from Lowell, Ms. TSONGAS.

Ms. TSONGAS. Thank you, Mr. MARKEY.

It's great to be here, although a sad moment as well because we are losing—not truly losing, but no longer serving on a daily basis with—two remarkable colleagues with whom it has been my privilege to serve for 5 years. They are distinguished legislators, as we're hearing, but they're also great friends.

BARNEY FRANK has been a family friend for many years. In fact, my sister-in-law, Thaleia Tsongas Schlesinger, was BARNEY's press secretary in his first race for Congress.

And I was so proud to receive his support when I first got the seat 5 years

ago. He commented at the time that he was responsible for defeating the last woman who had served from Massachusetts, and he wanted to help elect the next woman who was seeking to serve for Massachusetts. It had been 25 years.

And BARNEY, as we've heard, really has been a legend in everything he's done. I watched him from afar. I was quite young when he was working with Kevin White. We knew who he was because, even at that young age, he was very colorful and very able and recognized as being so extraordinarily bright and always witty, as a State legislator as well. In here we see it and have heard about it over and over again.

Soon after getting here 5 years ago, maybe a year into it, you know, we struggled with the collapse of Wall Street. And I remember thinking that we were so fortunate to have BARNEY Frank in a place where his expertise, his commitment to learning, brought such great value to what we sought to do in order to stop the free fall, while protecting American citizens and the American economy. And it really was a moment where one was reminded that as much as we talk about term limits and the need to be reinvigorated and bring new people in, there is tremendous value in people who have been here a while, who have mastered the material and who know quickly how to respond in an emergency, which that moment most certainly was. And it's something I take with me, that we need to have a balance. But we were fortunate to have BARNEY Frank in the position as chairman of Financial Services, as he was at that moment.

And we've heard and will never forget the tremendous work he has done on civil rights and gender equality. I often think that, as we come to Washington and we seek to make a difference, we're really like a little feather in a stream. We can make a little difference here and there, but BARNEY Frank has improved the lives of millions of Americans across this country with his work on gender equality.

And, again, I will never forget, as the Employment Nondiscrimination Act passed this House for the first time, did not go anywhere in the Senate, but, again, a remarkable testament to BARNEY's commitment and extraordinary personal courage as he has fought for these issues for so many years.

And I have to congratulate him on falling in love with and marrying a gentleman from my district, Jim Ready. It's been a wonderful thing. But I think the best thing of all was that he came from Tewksbury, Massachusetts, now JOHN's district.

JOHN OLVER, I think of JOHN as a gentleman of the House. He's so thoughtful, so knowledgeable, so quiet, but so committed. And I've been happy to inherit a certain part of his district; although, I know that his constituents there will miss him forever. And I

think, as an example of how generous a man he is, how hard he worked as we made our way into these new communities, how hard he worked for me and Congressman MCGOVERN to make sure that we were introduced in a way that positioned us well to move on and become representatives of those communities.

So I'm happy to inherit them, but again, I know I have such big shoes to fill, and I see it in particular in all his work. He has been the cardinal on the transportation side of the Appropriations Committee, the tremendous work he's done to bring resources to some communities that really will benefit from them.

But it is not just about the resources. The Fitchburg rail line is not just about a rail line. It is about the future of a community connecting the central part of Massachusetts into the Boston area, improving the lives, the economic opportunities of the people who live and work there. So again, a remarkable legislator who I know I will miss.

I went to an event that was hosted by his many, many staff members. He was beloved by his staff. And also attending were a number of people who, over the years, had made their way into JOHN's office to talk about some particular funding that they were seeking. And across the board, everyone said how well prepared they had to be because, invariably, he knew more than they knew and would have a question for them that they could not answer.

□ 1940

I have to say I had the very same experience with him as I made my way into his office.

So, remarkable legislators, people who have done so much good for our country, so much good for our Commonwealth, and who do so much. For those who wonder about the quality of those of us who serve here, I think we can only be proud. They have only elevated the stature of this most remarkable institution and that which we all seek, which is to be a Member of Congress, and do so in a way that is intelligent, with great integrity. None of us will have the wit, though, of BARNEY FRANK.

Mr. MARKEY. I thank the gentlelady, and I yield to the gentleman from Worcester, Mr. MCGOVERN.

Mr. MCGOVERN. I thank the dean of our delegation for yielding me the time.

Let me just say that it is a real privilege to serve in the Massachusetts delegation. I think some of the most colorful and effective political personalities have come from Massachusetts. And I'm proud to be part of this delegation. But I'm particularly proud to be part of a delegation that includes JOHN OLVER and BARNEY FRANK. My new district includes many of the towns and cities that JOHN OLVER has represented

over the years. As I've gotten to know these communities, I've gotten to realize how much love the people of these cities and towns have for JOHN OLVER, how much they appreciate his incredible work. And I have also come to appreciate all that he has done: transportation and infrastructure projects; new quality, affordable housing; protection of open space; daycare centers; support for colleges and universities. And I can go on and on and on.

As NIKI TSONGAS pointed out, his intellect is unequaled. Sometimes it's a little bit intimidating. I'm afraid to ask JOHN OLVER a question because I don't want to know that much. Nonetheless, there is nobody who knows more detail about every single project in every single community in his district than JOHN OLVER.

JOHN's a quiet man, but he's a determined man. He's someone with deep, strong convictions and someone who has a spine of steel. He cares about people halfway down the block and he cares about people halfway around the world. I had the unique experience of engaging in civil disobedience with JOHN not once but twice, protesting the genocide in Darfur. And we shared time in a cell together on two different occasions. A lot of people wouldn't expect JOHN to be involved in that type of protest. But he was there. He was there because he thought it was important. And he thought it was important that the world know that people are watching what was happening in Darfur and in the Sudan. He's taught me a lot, and I value his friendship very much. I'm going to be his new Congressman, so I expect I will hear from him on a regular basis.

As for BARNEY, I will miss him, like everyone here, very, very much. When I was an aide to Joe Moakley in the early 1980s, no matter who Joe Moakley was meeting with, he had the TV on, watching the proceedings on C-SPAN. But when BARNEY came to the floor, he'd tell everybody to be quiet, shut up, and listen. This is going to be good. And he would increase the volume and everybody would sit there and watch BARNEY FRANK in action.

There is no one I enjoy and there is no one I think most of my colleagues enjoy seeing debate on the floor than BARNEY FRANK. And I would say that there is probably no one the Republicans fear more during debate than BARNEY FRANK. He has the ability to be able to make the most important points but also maintain a sense of humor. It has been one of the reasons why he's been so effective.

I have had the good fortune of sharing communities with BARNEY over the years. We represented the city of Fall River together. And I think it's important for people to know that in addition to being this national leader, BARNEY FRANK is also a very effective bread-and-butter, nuts-and-bolts politi-

cian who cared very, very deeply about every single issue that occurred in his district, whether it was an economic development initiative, whether it was a bridge or a road, whether it was helping a veteran get his medals from World War II or helping Mrs. O'Leary find her lost Social Security check, or becoming the champion of fishermen on the east coast. He immersed himself in these issues, and he was an unbelievably powerful spokesperson for all these issues.

But BARNEY is not only, in my opinion, a great Member of Congress. He's also a very, very good man. Look at the causes that he has championed. We've heard about his efforts on behalf of LGBT rights, civil rights, human rights, affordable housing, a voice for working families, reining in the excesses of these financial institutions on Wall Street. But for me, what I have admired about him is that he has been a steadfast and unequal voice on behalf of poor people in this country. I regret very much that so much of what goes on here in Washington neglects paying attention to the very least among us. And BARNEY has been out there, even though it's unfashionable, talking about the need for affordable housing for people who are poor, making sure that people have enough to eat, making sure that people get what they need so they can have ladders of opportunity to succeed. And I'm going to miss his voice on those issues in particular. Because, to me, they're so important. I happen to believe if government stands for anything, it ought to stand for the most vulnerable in this country.

So, BARNEY, thank you. One other thing. My mother wants you to run for Senate. She told you that at the airport. She wanted me to tell you that again. But I will close by saying that it is with great affection and love and friendship and so much respect that I stand here tonight to pay tribute to two people who I think are giants in this institution: JOHN OLVER and BARNEY FRANK.

I thank the dean for yielding me the time.

Mr. MARKEY. I thank the gentleman.

I yield such time as she may consume to the leader of the Democratic Party, the gentlelady from San Francisco, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding.

Tonight, we come to the floor to pay tribute to two people—BARNEY FRANK and JOHN OLVER—who, in many ways, could not be more different. They are the same in this respect: they have made important marks on the Congress of the United States. What is special about them is that they are so different. But in their shared values, in their effectiveness, their knowledge of the issues and their ability to persuade our colleagues to join them in a vote,

they share that talent, especially those values representing Massachusetts in the Congress.

I had the privilege of serving with JOHN OLVER on the Appropriations Committee. So I saw firsthand and very close up his extraordinary mastery of the facts and the substance before us and his political astuteness to find a way to get the job done as a chairman and ranking member of an important subcommittee of Appropriations, Transportation, better known as THUD. He's a cardinal on that committee. That's what they call them. So as a cardinal, he commanded a great deal of respect from our colleagues, though that came easy to us because, as I say, we knew him well, his values and his judgment.

I want to point out one thing in particular, and that is he always had an interest in promoting or empowering women, whether it was in the Congress or in the country or in the world. There were some early conversations I had with him about human rights violations against women—against anyone—but his concern was deep and knowledgeable. In Congress, he was supportive of advancing women into positions of power here. I can speak of that firsthand. And also for women in the country. His wife is an academic, as he is. Having served in this Congress all this time, you can still be considered that—an intellectual. Again, he always knew of what he spoke. He brought great passion, judgment, and deliberativeness. He was very deliberative in getting a job done.

□ 1950

So it was an honor to call him "colleague." He brought a special contribution to the Congress. Thank you, Congressman JOHN OLVER, for your leadership, for your friendship.

Again, sitting there next to BARNEY FRANK, who is a phenomenon, a force of nature, somebody very special to all of us; unique in terms of his incredible intellect and, in some people's opinion, great humor—his and mine, for two. To serve with him is really an experience. We learned from him not only every time he spoke, because he spoke with such wisdom and knowledge of the subject, but also we learned from him how to get his attention, hold it—but not too long—and move on with whatever idea we had in mind.

I had the occasion when I came to Congress the first time to call BARNEY and say, I'm so offended by what is going on on the floor. They're saying terrible things about people there who are in need, and the rhetoric went on and on and on and on.

When I got to the end of it, he said, Why are you calling me?

I said, Well, I want to know, what are we going to do about it?

He said, What are you going to do about it? And next time you call me,

just get right to the point right from the start.

Well, that was very good advice. Now when I speak, I say, BARNEY, subject, problem, action needed, timing. And now we've gotten along great for decades. As one of my friends, John Burton, would say, he just wanted to know if you enjoyed the movie; he didn't want to know if you had butter on your popcorn. Just spare me the extra information that was not needed by him.

So I first basked in his aura at the Banking Committee, where he was a leader on the Housing Subcommittee. We had that in common, representing Boston and San Francisco, two cities with the high cost of housing and knowing that we had to meet the needs of people who could not afford that high cost. So that respect for people's need to have the dignity of a home, no matter what their economic situation was, was, again, his commitment, as others have mentioned, to those at the lower place on the economic scale. So housing, affordability of it, the stock of it, the housing opportunities for people with HIV and AIDS, all of those kinds of issues. As you can imagine, he had the full view of it all in a way to get the job done.

Discrimination—everybody has talked about it this evening, but it's a very transformative thing to see BARNEY talk about discrimination, how it affected him, could have affected him in his life, and how he didn't want that risk to be taken by other young people who might have had some questions about their sexuality and the rest.

I remember when we were doing the hate crimes bill, fully inclusive hate crimes bill. It was really a very important bill that some people would have to take a political risk to vote for in their districts. When BARNEY came to the Caucus and spoke about it, he said, I'm the chairman of the Financial Services Committee. Important leaders of the financial community beat a path to my door. They want to hear what I think on subjects and tell me what they think. But I wasn't always the chairman of the Financial Services Committee. I was once a 16-year-old boy who had questions. I identify with those little boys now, those young people now, and that's why this was important. It was following the Matthew Shepard murder and all that that implied.

But for him to have the generosity of spirit to share his innermost thoughts about his own life and how that instructed him to act, it was almost a moral imperative for him to act. He had a special responsibility, because of his own personal experience, to act. And Members just responded to him. He spoke to them in a very personal way. They responded to him in a very personal way, and we passed something very, very important for our country and discrimination.

I remember the first time we passed the amendment to repeal Don't Ask, Don't Tell. Oh, my gosh, it was so exciting. It was so exciting. So I went up to BARNEY after the vote and I said, BARNEY, you're making history today.

He said, Yes, because we repealed Don't Ask, Don't Tell.

I said, No.

Because we did this amendment on the Defense authorization bill?

I said, No, not because of that. That's history, yes, but we're making history because today you're going to vote for your first Defense authorization bill which has funding for the war in Iraq and Afghanistan.

So, in any event, knowing that we had a greater good, a separate issue to deal with and people were waiting to see how Congress would act, he of course made history by not only voting for an amendment to repeal Don't Ask, Don't Tell, but for the Defense authorization bill. Many like-minded and thinking and voting people who follow BARNEY's lead followed him down that path so that a bill would pass.

But it just goes over and over again. It's the consumer, protecting the taxpayer, protecting the consumer; the bill, Dodd-Frank, of such magnitude and scope, having such important implications for, again, protecting Main Street. He was masterful, not just because he was protecting the consumer, but because he understood the balance that was necessary in the legislation. That was really a mark of his leadership all along. He always respected the views of all stakeholders and any initiative that was put forward.

I see by the walking around of the dean of the Massachusetts delegation that time may be short, so I will reduce my remarks. But I did want to make sure people knew what an important force he was in providing affordable housing in our country, ending discrimination in every possible way—I just named two—in the fight against HIV and AIDS, in protecting the consumer and the taxpayer, and Dodd-Frank.

I know that any of us who were at his wedding and any of us who danced with him at his wedding know that that was a special privilege indeed not shared by many, but a compliment indeed.

He will be very missed. He will be missed for his intellect. Every time he spoke, we learned. He will be missed for his intellect. He will be missed for his parliamentary prowess. He was a master of parliamentary procedure and, I think, revelled in playing that role on the floor of the House.

Again, always values based, loved his district, proud of the State of Massachusetts, and, really, a national figure that will go down in history as one of the greats to have ever served in the House of Representatives.

Flamboyant—he's given me fashion advice, which is interesting getting

fashion advice from BARNEY FRANK. But I valued that. If he took the trouble or had the thought to make the point that I should give away a particular article of clothing because—not known for his sartorial splendor, nonetheless, if he made a point about it, he knew that there was some truth to whatever view he was expounding.

So with that, I'm honored to join the Massachusetts delegation to sing the praises of two great leaders as they're different in terms of style, but significant, both of them, in their contribution to our country: Congressman—otherwise known as Chairman—JOHN OLVER, the cardinal from the Appropriations Committee, and Chairman BARNEY FRANK, it's an honor to serve with you, a privilege to call you friend. Thank you for your service to our country.

Mr. MARKEY. I thank the gentleman.

I yield myself such time as may remain in the hour. Since my time is about to expire, I would ask if it were possible for the gentleman from Indiana to be able to yield 5 minutes to me as the opening part of his Special Order.

Mr. BURTON of Indiana. Madam Speaker, the gentleman, the old man, or the dean, as they call him, of the Massachusetts delegation, has asked if we would give him some of our 1-hour time, and I would like to ask unanimous consent that we give him—how much time do you need? Five minutes? An additional 5 minutes.

The SPEAKER pro tempore (Ms. HAYWORTH). The gentleman's request cannot be entertained. The gentleman has 1 minute remaining. Then the gentleman from Indiana will be recognized, at which point he could yield time.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. If BARNEY FRANK were down here, none of this would have happened in terms of the understanding of the parliamentary procedure. He was up there trying to grab the imaginary microphone so he could clarify the parliamentary situation.

□ 2000

I will conclude this part just by saying, again, that JOHN OLVER has been for us just an invaluable colleague. He taught all of us so much about our own districts. The other Members have mentioned it, but when he sat down with us talking about transportation, he explained our own districts to us in terms of what was possible and what was needed.

On climate change, I've talked to him over 20 years about the issue. He was on this issue in the early 1990s and probably understood it even before then. He is that smart. He is that visionary in terms of the issues that are central not just to Massachusetts but

to our planet. And it has been my great honor to have served with you, JOHN, and to have called you my friend and my colleague over all of these years. We all thank you so much for what you have done for us and done for the country.

Thank you. Thank you so much.

The SPEAKER pro tempore. The time of the gentleman has expired.

#### MY FAREWELL MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Madam Speaker, I yield 5 minutes to my colleague from Massachusetts.

Mr. MARKEY. I thank the gentleman very much.

Now, on BARNEY Frank, BARNEY Frank is at the same time the smartest Member and the wittiest Member of the United States Congress. That is quite a double to be able to pull off. He has a nuclear power plant for a brain. There is absolutely nothing that he cannot recall when he needs it here in this legislative process.

Now, over his career, he is usually right, but too soon for many people to be able to accept. That is how far ahead he was on so many of the issues which we worked on here in the House of Representatives. His political philosophy is, if you want to negotiate, he wants peace. He would love to negotiate with you. He knows that he will out-negotiate you. But if you want political war, he enjoys that, too, because he does not see it as a sprint but as a marathon heading towards that day when the truth will ultimately prevail.

When he was in the State legislature, when I served with him, when we had monumental battles on whether or not to reinstitute the death penalty in Massachusetts, whether or not we were going to have a black senate seat in Massachusetts, it was BARNEY FRANK who led the efforts to sustain the veto that would make sure that our State would still be the leader in progressive causes.

Here in Congress, the debate on NATO burden sharing, the way BARNEY would frame it for people is, we helped these people, it's now late into the last century and into this century, and we can't any longer take from the poor people's programs in this country in order to, in fact, pay for the defense of Europe. It was time for Europe to pick up their own fair share of the burden. The same thing was true with fighting for fishermen. The same thing was true with issue after issue out here on the House floor.

Dodd-Frank, which was debated right here on the House floor, the same place where Abe Lincoln was trying to get

the votes to abolish slavery, same seats, BARNEY FRANK led the effort to create the new financial services constitution for the 21st century in not just the United States but on the whole planet. And there were some provisions that were so important, that is, creating a Consumer Protection Bureau, that they would rather have ELIZABETH WARREN as a Senator than have her be the head of the Consumer Protection Bureau inside of Dodd-Frank, and that's just a small part of the totality of that bill.

BARNEY's message always was to stand up and have courage. Stand up for what's right, even if you don't win early. He has been a parliamentary and a substantive cop on the beat walking around here on the House floor, using the microphone as his nightstick in order to make sure that nothing happened here that was wrong would go uncommented upon so that people would know what should have been happening.

Back in the Massachusetts legislature in the early seventies, the mid-1970s, BARNEY decided to make amendments on gay rights. Discrimination was rampant, but no one was raising the issue across the country. And so we started to have votes in the Massachusetts legislature. BARNEY was on the losing side. He knew he would lose early on. But, ultimately, those defeats led to the victories which we talk about today. Out here on the House floor, BARNEY was the lead opponent of the Defense of Marriage Act. He knew that even if he was on the wrong side, he was going to stand up and make sure that everyone else knew ultimately what the right side would look like.

There was one day I was standing right here at this microphone, and I was talking about oil subsidies that I felt were unjustified, and I said:

Giving a subsidy to an oil company recording record profits would be like subsidizing a fish to swim or a bird to fly. You just don't have to do it.

I was feeling quite good about myself. I finished, and I just walked over here, and BARNEY stood up and came over to me, and he said, you know, you didn't finish that. And I said, finish what? Well, the whole stanza:

Fish gotta swim and birds gotta fly.

I'm gonna love that man till the day I die.

That man is Jim Ready, and BARNEY is now married to him.

It's because of his efforts in making it possible to change the culture in our country that BARNEY is going to love that man until the day he dies. But it took a lot of courage, and it took a lot of foresight to know that that day would arrive.

So, yeah, and NANCY PELOSI said it—the Mount Rushmore of Massachusetts: Congressmen Tip O'Neill, Joe Moakley, and BARNEY FRANK. He's going down in history. And we all know it. On so

many different fronts, he changed the way America thinks. And it's quite a gift that he had and that he gave to the country.

So for both of them, it has been just an enormous privilege for all of us to serve with you, and I think everyone on both sides of the aisle knows that there was greatness in our delegation and that it was an honor, JOHN and BARNEY, to have been able to serve with you for all of these years. Thank you all so much.

Mr. BURTON of Indiana. Madam Speaker, let me just follow up on what was just said and say that BARNEY FRANK and I have had a lot of differences over the years, but we've also found times when we could work together. In fact, we even cosponsored a bill one time.

So BARNEY and your colleague, I wish you both the very best, and hopefully we will run into each other along the road in the future.

Madam Speaker, let me just make a couple of comments to my two colleagues who are going to follow me on this Special Order. They have told me if I talk too long they're going to hit me in the head with a ball bat, so I'm not going to talk too long tonight. But I do want to say a couple of things.

First of all, let me start off by saying that Daniel Inouye, Senator Inouye, I never met, but I read in the paper many years ago the exploits of Daniel Inouye when he was in the military. A Japanese young man whose family was put in a camp during World War II, and he volunteered to go into the military. He became an outstanding member of the military. In Italy there were exploits that he performed that won him the Congressional Medal of Honor. And you don't get that unless you are really an extraordinary human being.

□ 2010

He took out an enemy position, a German position, when he was hit again and again and again. He lost one of his arms, and he just kept going. I wish he were still here today. I called him on the phone when I found out about that, and I told him I had never met him, but I wanted him to know that there were Members of the House who really thought he was an extraordinary man. And he was, and I'm sure he's going to be missed.

I've been here 30 years, and I'm retiring at the end of this term. I thought I ought to have at least a little bit of a swan song, maybe 5 or 10 minutes where I could talk to my colleagues a little bit about what's happened over the 30 years.

When I first came here, I was a very young man, and I knew everything. You couldn't tell me anything. Now that I've been here 30 years, I realize I didn't know much of anything, and I probably know less now than I did then. In fact, I just found there were a

couple of things I missed along the boat with the Parliamentarian.

There are a couple of things I would like to comment about, and that is we have 435 Members in this House and 100 Members in the Senate. We start working with each other and we work together, but we really don't know much about each other. I don't know much about your background, Madam Speaker. I don't know much about my colleagues' background. We work together, and we don't know whether we were poor, rich, well educated, or uneducated; and we work together.

The thing that really has bothered me as the years have gone by is that I see things happen to my colleagues about whom I know very little, and it bothers me. One of the leaders on the Democrat side of the aisle lost his wife a few years ago, and it wasn't for several months that I even knew about it. I've had a number of my colleagues who've lost their kids, who have gone through all kinds of tragedies in their families, and I think many of my colleagues don't know much about it. We just go on, and we continue to have the vitriolic conversations and debates that we have, and we don't realize that we haven't walked in the other guy's shoes very much.

I thought tonight I would just maybe take a minute or two—and I'm sure that most of my colleagues are out doing something else, but maybe they'll get a chance to hear what I'm saying tonight. But whether we're Democrats or Republicans, liberals or conservatives, we ought to think about the other guy and the other gal who's working so hard to get their points across and who may be going through tragedies that we don't even understand or can't even imagine. We need to think about walking in their shoes just a little bit before we're so critical.

Time goes by so fast. I've been here 30 years, and I can remember the first day I walked up the steps of the Capitol with my family and the television camera was following me. I thought, man, this is going to last forever. I thought my kids would be with me forever, my staff would be with me forever, and my wife would be with me forever. She passed away about 11 years ago. Fortunately, I have another wonderful wife. But you go through all these tragedies, and it goes by so fast and you just don't realize it. And you don't take the time to smell the roses until you're just a little bit older and have missed so much.

If I were saying something to my colleagues tonight, I would say, Do your very best and explain yourself the very best that you can, but realize that the other guy who has a different point of view than you really believes most of the time in what he's doing, and we ought to be a little more tolerant and don't criticize him too much until you've had a chance to walk in his shoes.

According to General Patton in the movie "Patton," he said, All glory is fleeting. It's true. I see these young guys come in who are like me and these young ladies come in, and they're going to whip the world; they're going to change this world overnight. I try to talk to them in an elderly, fatherly way, I guess you would say. I'd say, Have you ever been around the Capital and looked at all the statues? And they'll say, I've looked at a few of them. I'll say, Have you ever seen some of pictures around here? They'll look and they'll say, Oh, yeah, we've seen them. I'll say, Do you know who they are? And they'll say, Well, no. I'll say, Well, they were Speakers of the House and Vice Presidents and Presidents of the United States, and you don't know who they are. And they'll say, That's right. I say, Remember this. You think you're going to be remembered. You're going to do your best, but you're just going to be a footnote in history, one line in a history book. So don't take yourself so seriously. Do the best you can, and fight for the things in which you believe, and stick by your principles. But don't go around thinking that you float on air and that you're something special because you're just another Congressman. We've had about 12,000 Congressmen and Senators in our history, and you're going to be one of them. It's an honor to be able to be numbered among those; but remember, there were Ceasars who ruled the world, and you don't even know who they are. So be a little more realistic when you start thinking about how important you might be because, really, all glory is fleeting.

I want to read to you something here, a couple of poems. Bear with me for just a minute. The first poem is called "A Bag of Tools":

Isn't it strange how princes and kings,  
and clowns that caper in sawdust rings,  
and common people, like you and me,  
are builders for eternity?  
Each is given a bag of tools;  
a shapeless mass; a book of rules.  
And each must make, ere life is flown,  
a stumbling block or a steppingstone.

I hope my colleagues will all try to make their lives a steppingstone.

I want to talk about a guy that served not in this Chamber, but another Chamber. He was a House Member. I'll tell you a little bit about him, and it's in a poem. It says:

A squalid village set in wintry mud.  
A hub-deep ox-cart slowly groans and squeaks.

A horseman hails and halts. He shifts his cud  
And speaks:

"Well, did you hear? Tom Lincoln's wife today.

The devil's luck for folk as poor as they.  
Poor Tom! Poor Nance!  
Poor young one! Born without a chance!  
A baby in that God-forsaken den,  
That worse than cattle-pen!  
Well, what are they but cattle? Cattle? Tut!  
A critter is beef, hide and tallow, but  
Who'd swap one for the critters of that hut?



White trash! Small fry!  
 Whose only instinct is to multiply!  
 They're good at that,  
 And so, today, God wot! Another brat!  
 A squawking, squalling, red-faced good-for-naught  
 Spilled on the world, heaven only knows for what.  
 Better if he were black,  
 For then he'd have a shirt upon his back  
 And something in his belly as he grows.  
 More than he is like to have, as I suppose.  
 Yet there be those  
 Who claim 'equality' for this new brat,  
 And that damned democrat  
 Who squats today where Washington once sat,  
 He'd have it that this Lincoln cub might be  
 Of even value in the world with you and me!  
 Yes, Jefferson, Tom Jefferson, who but he?  
 Who even hints that black men should be free.  
 That feather-headed fool would tell you, maybe  
 A president might lie in this new baby!  
 In this new squawker born without a rag  
 To hide himself! Good God, it makes me gag!  
 This human-spawn  
 Born for a world to wipe its feet upon  
 A few years hence, but now  
 More helpless than the litter of a sow,  
 And—oh, well! Send the women-folks to Nance."  
 "Poor little devil! Born without a chance!"

Then I want to say to my colleagues one more thing, and then I'll stop. This is when you speak on the floor. I hope my colleagues will get a chance to read this because it's really important:

Drop a pebble in the water: just a splash, and it is gone;  
 But there's half-a-hundred ripples circling on and on and on,  
 Spreading, spreading from the center, flowing on out to the sea,  
 And there is no way of telling where the end is going to be.  
 Drop a pebble in the water: in a minute you forget,  
 But there's little waves a-flowing, and there's ripples circling yet,  
 And those little waves a-flowing to a great big wave have grown;  
 You've disturbed a mighty river just by dropping in a stone.  
 Drop an unkind word, or careless: in a minute it is gone;  
 But there's half-a-hundred ripples circling on and on and on.  
 They keep spreading, spreading, spreading from the center as they go,  
 And there is no way to stop them, once you've started them to flow.  
 Drop an unkind word, or careless: in a minute you forget;  
 But there's little waves a-flowing and there's ripples circling yet.  
 And perhaps in some sad heart a mighty wave of tears you've stirred,  
 And disturbed one who was happy, ere you dropped that unkind word.  
 Drop a word of cheer and kindness: just a flash and it is gone;  
 But there's half-a-hundred ripples circling on and on and on,  
 Bearing hope and joy and comfort on each splashing, dashing wave,  
 Till you wouldn't believe the volume of the one kind word you gave.  
 Drop a word of cheer and kindness: in a minute you forget;  
 But there's gladness still a-swelling, and there's joy circling yet.

And you've rolled a wave of comfort whose sweet music can be heard  
 Over miles and miles of water, just by dropping one kind word.

□ 2020

So, if I were talking to my colleagues tonight, I'd say to think about your colleagues and their families and the troubles that they have and the heartache they're feeling, and to think about the words that you're saying to them and the kind of attitude that you're creating in your colleagues and their families by the things you're saying. Fight for the things you believe in, but remember, there's another human being over there who can be helped or hurt just by what you're saying on the floor of the House of Representatives or in the United States Senate.

With that, Madam Speaker, I yield back the balance of my time.

#### WHAT CAN YOU SAY?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 40 minutes as the designee of the majority leader.

Mr. FORTENBERRY. Thank you, Madam Speaker.

Before my colleague DAN BURTON leaves the Chamber, I just want to say thank you. Thank you for your thoughtful reflections here.

I should tell the Speaker, as well as everyone who might be watching, that we were teasing you a moment ago because you said you were only going to speak for 10 minutes, and I said, DAN BURTON, you've never spoken for 10 minutes in your life. You're going to go a lot longer than that.

You held it to about 10, and your words were not only precise but deeply thoughtful and meaningful, and I think they're an outstanding tribute to you in leaving this body. I want to thank you for your personal friendship to me and for your words of admonition to the rest of us to try to be a little bit kinder, a little bit gentler.

I think it's important for people to know—and you alluded to it—that, over a decade ago, your own wife died. The caregiver for your wife, as she had cancer, was Samia, who became your friend and who became a friend of your family's, and your own children encouraged you to, perhaps, pursue a relationship with her, and now she is your lovely wife. It has been a pleasure to see you so happy in these last years of public service, but we really appreciate your dedication and passion to serving this Nation. So thank you so much.

Madam Speaker, I would like to turn to another topic now. I sat in my office last night, looking at the pictures of the precious little children who were killed in Connecticut last Friday. What

can you say? My heart breaks for them and their parents and for the people of Newtown. I looked at the picture of little Caroline Previdi, one of the 6-year-old children who died. I'm sure she was a happy child, full of life's potential just like my own little Caroline, who just turned 7 a few days ago. What can you say? It's unthinkable that a person would kill innocent little children with such cravenness and violence. These children's Christmas presents are still under the tree. Their moms and dads are still looking at them.

In this town where we pride ourselves on rhetorical flourish, precision of thought, and volume of words, what can you say? What can you do other than stand in solidarity, in spirit, with the grieving families, and perhaps—just perhaps—hug those you love a little bit tighter?

Now the Sandy Hook Elementary School tragedy is sparking a national debate about how and why this happened and about how it might have been prevented. That debate is understandable and needs to happen. In the coming weeks, Congress will be called on to react. Questions have already arisen about guns and school safety and emergency preparedness. But these concerns and debates may bypass altogether some of the deeper, more difficult issues involved, like what we grappled with after the tragic shootings of the young people at Columbine High School and on the Virginia Tech campus.

What we must do is be honest. Yes, there were guns involved. Yes, there are issues of school safety. Yes, there was a collapse of mental health intervention. But I have not heard a significant discussion of the broader cultural context in which this and other tragedies have happened.

All of these tragedies happened against a backdrop of a culture that increasingly devalues and degrades human life. Graphic acts of violence and inhumanity pervade popular culture, entertainment, and other venues that vie for our attention. In flipping through the channels recently, I saw on a "Law and Order" show, ironically, a man shot in an elevator and the blood splashing on his attorney. Seconds later, we move on to the next scene or to the next commercial without consequence.

We are supposedly entertained by this, and of course the producer gets the profit, but who really pays? Society grows increasingly numb to the increasing levels of wanton brutality, cruelty, and indignity, all celebrated for profit. Perhaps most of us can shake it off or just turn it off, but what happens when a person of limited stability sees these images over and over again? We preach tolerance for one another, but we fill our culture with grotesque and inhuman depictions and expect that there will not be consequences.

Madam Speaker, I am sure there are any number of Ph.D.s out there who will somehow refute that there is a correlation between this aggressive assault of images constantly before us and the recurring violence that is all around us. Instead, we want simple answers and quick fixes, and then we'll just move on.

I suggest that we look inward to regain a deeper understanding of what it means to be in community, in a common bond with neighbors, where persons are not in isolation, where check mechanisms are so ordinary that persons are not simply roaming around, disconnected from communities of concern, family life, mental health treatment, or swift enforcement action, whatever is needed. A single and simple policy response from Washington cannot fix this. We all want to have a more caring and supportive society, but the fragmentation of family, civic, and our Nation's community life lends itself to isolation, anger and, for some, even despair.

Let's be clear: this tragedy is the result of a deeply disturbed person who committed unspeakable crimes. That is where the blame rests. But perhaps an outcome deserving of these children who died is that we all take some responsibility for the degradation of culture—what we think about, the way we conduct ourselves—and perhaps strive for that which is noble, for that which is good, and for that which is just.

Madam Speaker, I yield back the balance of my time.

#### MY DAYS IN CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 32 minutes as the designee of the majority leader.

Mr. BARTLETT. Thank you, Madam Speaker.

I would like to echo the concerns of my colleague. We are changed, we are affected by what we see, by what we hear, by what we listen to, by what we watch. You cannot swim in a sea of violence and not be affected by it. I know we have a Constitution and an amendment which guarantees freedom of speech, but you don't have a right to do what is wrong, and it is wrong that our entertainment media is placing before, particularly our impressionable young people, these unending scenes of violence in these video games.

□ 2030

You know the unbridled expression of when one right infringes on another, we limit that right. You do have a right of freedom of speech; but still, you can't yell "fire, fire" in a crowded theater if there is no fire because people could get hurt in trying to get out. That same philosophy, I think, would

permit us to limit the kinds of entertainment and violence that pervade our society.

I know there are many factors as to what caused this tragedy, but certainly this could be one of them, particularly to people who don't have all of the faculties that the average of us have for contending with changes in our environment.

I would like also to refer back to comments that my good friend DAN BURTON made that so little is known about us here. We kind of appear here, Madam Speaker, almost as if we were the products of spontaneous generation and there we are in front of the microphone and a million, a million and a half people out there are watching us. Just who are we? So I thought I would spend just a moment doing what I probably should have done 20 years ago and kind of introduce myself.

I was born in 1926. If you are doing some quick math, yes, that means I'm in my 87th year. Our family hardly knew that there was a Great Depression. We were just as poor before the Depression as we were during the Depression.

I was the first member of my immediate family to graduate from college. I wanted to be a medical missionary, and so I was studying theology and I was taking science courses so that I could go to med school. And I had a really, really good science teacher, and I took all of the courses he offered and enough more so that when I graduated from college, I not only had a degree, a major in the Bible and a minor in homiletics—that's a degree in theology—I also had a major in biology and a minor in chemistry. And I had decided not to go to medical school, and I wanted to go into the ministry; but I was 21 years old and I looked 17 and I wasn't married, and you don't have a big, immediate, bright future in the missionary looking 17 and not being married and so they advised me to occupy myself until I got older and got married.

And so I went to graduate school, and I got a master's and a doctorate and committed myself to being a very serious basic researcher. I taught medical school for 4 years. I worked at the National Institutes of Health. I went to a lot of professional scientific meetings. I have about 50 papers in the basic scientific literature.

And then I had kind of a strange twist to my career when I went as a basic researcher to the School of Aviation Medicine at Pensacola, Florida. They had some problems that I thought I could solve. I was a farm boy. I live on a farm now; I've always lived on a farm. You kind of learn to make do. I thought I could fix some of the problems they had. That resulted in the awards of 19 military patents as a result of fixing some of those problems that they had.

That started a career of working 20 years for the military. I should mention that I returned to my basic first love and that was teaching, and I taught for another 20 years. Also, my wife and I ran a home construction business. Congressman BEN CARDIN said ROSCOE was green before it was cool to be green. I was building solar houses back in the late seventies and early eighties and selling them for, I remember, as much as 17 percent interest.

Then I was retired for 5 years, and I ran for Congress. I tell you, there's nothing I have done that has given me the fulfillment and the satisfaction as serving the constituents of the 6th Congressional District of Maryland. For 20 consecutive elections, 10 primaries and 10 general elections, they returned me to the Congress. I want to thank my constituents very much for that vote of confidence. That was really largely due to the fact that I had such an incredible staff that did a really good job of making me look good in spite of all of my limitations and frailties.

Most of my commitment in the Congress has been in the Armed Services Committee. You can only have one chairmanship here. And for the last dozen years or so, those chairmanships have been in Armed Services. I shared leadership of one of those subcommittees, the one that has responsibility for the Navy and the Marine Corps, with my good friend Gene Taylor from Mississippi. I was his chair for 4 years and then he was my chair when we changed leadership here in the Congress for 2 years. We are term limited on our side of the aisle, so I had to leave that subcommittee.

But while I was there, Gene and I changed the course of our Navy for the future. In the future, all of our major surface combatants will be nuclear. It didn't make any sense to us that our aircraft carriers, which are nuclear and fueled for 30 years, cannot function without their escort ships that are fueled for about 5 to 7 days. And if there are no tankers out there to refuel them, our aircraft carriers cannot function. That didn't seem to make any sense to us, and so we pushed and finally got it through. Our future Navy major surface combatants are going to be nuclear.

We also had responsibility for the Marine Corps, as I mentioned, and the IEDs and MRAPs; and I was honored to work with my friend, Gene Taylor, and we shepherded the MRAPs and its development—\$47 billion. It saved a lot of lives in the most asymmetric war in the history of the world.

I thought I might spend the few moments that remain kind of looking back at those times I've come to the floor. I came here to talk about four different things in Special Orders, and I thought I might spend just a few moments talking about those things.



I probably got more calls in our office about a talk that I have given here probably four or five times. I called it "What Made America Great." What I was trying to do was to go back and look at our history, to refute two big lies that are out there in our land. One of those is that our Founding Fathers were largely atheist and deist and they wanted to set up a country that was devoid of religion.

If you look at our history books, of course, that isn't true. What I did in that talk was simply go back to our Founding Fathers and look at their statements. I went back to our early Congress and looked at what they did, like buying 20,000 copies of the Bible to give out to our early constituents; like sending, paying for missionaries to go to the American Indians for 100 years. Our Congress did that.

And then I looked at our Supreme Court. Until they made that big decision about three-fourths through the history of our young country, they were devoutly supportive of religion. A case came to the Supreme Court about using the Bible in schools, and they said: Why shouldn't you use the Bible in our schools? Where else can you find so clear a definition of what is right and what is wrong?

And then I went to our schools and the "McGuffey Reader." Some of our schools went back to that because we were graduating kids from college who couldn't read their own diploma. And so in desperation, they looked at, gee, what did work when our kids graduated from school and could read. The "McGuffey Reader" was one of those. He makes no apology. He quoted more often from the Bible than any other source.

One of our Founding Fathers was Benjamin Franklin, and some others, like Thomas Jefferson, were said to be deists. Now, what is a deist? A deist is someone who believes there is a God. They believe He created you, but He also set in motion some laws, and don't bother praying to Him because your destiny is going to be determined by how you relate to those laws.

I'm going to give a quote, not an exact quote, but pretty close to what Benjamin Franklin said, and let you decide if you think he was a deist or not. It was in Philadelphia. The Constitutional Convention was deadlocked. They might not get a Constitution. Benjamin Franklin, I believe, was the oldest member of that delegation, probably the most respected Governor of Pennsylvania.

□ 2040

And he rose to speak, and this is what he said:

I'm an old man. I've lived a long time. And the longer live the more certain I am that God controls in the affairs of men. If a sparrow cannot fall to the ground without His notice, can a nation rise without His aid?

And then he went on to say:

I move that, henceforth, we begin each of our meetings with prayer.

That started a precedent. I know that the 10 Commandments are coming down from the walls of the courthouse, and I know the nativity scene is disappearing from the public square. You still see it here, "In God We Trust." And we begin each of our meetings here with prayer, and they do the same thing in the Senate on the other side of this building.

We've probably got more responses in our office to that talk, what made America great, and it's easy to refute those two great lies. Our Founding Fathers were Christians. They wanted to set up a Christian nation, and that First Amendment is very simple, very simple.

You know, they came here, most of our Founding Fathers came here to escape two tyrannies: the tyranny of the church and the tyranny of the crown. If you think about it, they all came from countries that had a king or an emperor, and so there was the tyranny of the crown.

If you also think about it, there was a state church. In England, it was the Episcopal Church; on the continent, it was the Roman Church. And those churches could and did oppress other religions, so they came here and they didn't want that to happen in their country.

And so they said something very simple and very straightforward, that they'd make no law respecting an establishment of religion. The state cannot establish a religion; otherwise, leave men free to worship as they please.

I have no idea how that's gotten warped into this idea that you can't be religious, that government has to be totally separated from religion.

By the way, that clause is in the Constitution. The separation of church and state, it's in the Constitution of the USSR. It's not in our Constitution.

Well, the second thing I came here to the floor to talk about when the debate was raging was the ethical embryonic stem cell procurement. Remember when George Bush came to office, there was a lot of research in stem cells, and we'd been using adult stem cells, but experts in the area—and I'm probably the only Member of Congress who has had a degree in advanced embryology, and so I knew a little bit about embryonic stem cells. And the experts all believed that there ought to be more usefulness of embryonic stem cells than adult stem cells simply because they're totipotent; they will develop into anything and everything the body needed. An adult stem cell that's already kind of differentiated, you're somewhat limited in what you can do with it.

But to get these embryonic stem cells, they were destroying the embryo. Now, every year there's something like 40,000 embryos that are just discarded

because the owners don't want them anymore and they won't pay for keeping them. They're frozen in liquid nitrogen, and so they're discarded.

And the argument was you can take one of these discarded embryos, it's going to be discarded anyhow, and you can crush it and you can get the stem cells from it. But before you do that, you look at it under the microscope, and there you see it, living tissue. Gee, that might be the next Albert Einstein.

When you're talking about them collectively, 40,000, it's easy just to say they're going to be discarded; when you're looking at that one under your microscope, a unique human being if you just give it the chance to be implanted and to grow in the womb.

But I knew that we could get cells from these early embryos and not hurt the embryo. How did I know that? How was I so sure of that? Well, you can take half the cells from an early embryo and it goes on to develop a perfectly good child, infant. How do I know that? Because the other half of those cells went on to produce another perfectly good twin.

In every case of twins that you see, identical twins that you see, half of the cells were taken from the embryo, and the other half went on—the Chairman of the President's Commission on Ethical Embryonic Stem Cells was an identical twin, and I asked him if he felt any less of a person because he was only half a person, because he's only half the embryonic cell. It's a perfectly silly question, of course. But then he said, Gee, that is a silly question, isn't it?

And I said, But that's what people are saying; if you are going to take a cell or two from an early embryo, somehow it's going to be less of a person when it develops.

I worked 5 years, nearly 6 years with the White House, with the Council of Catholic Bishops, with the right-to-life community, and we developed a bill that was passed unanimously in the Senate, and it failed on a technicality in the House. It came up on suspension. It got way more than half the votes, but not two-thirds of the vote.

So Bush gave it the effect of law because he supported it by making it an executive order. And the first executive order of this administration, the hand had hardly come off the Bible when our new President reversed that executive order. Had it become law—

And people ask me what was the greatest disappointment of my 20 years, and that was that my bill passed unanimously by the Senate couldn't have become law because it would still be because you would have to overcome a veto, and we would not have two-thirds of the votes to do that.

Well, a third thing that I came here to the floor to talk about was electromagnetic pulse. I had no idea when I first learned about this, but I called my

friend Tom Clancy, because I knew that he had written a book where this was a scenario in his book, and he does really good research. So I asked him about EMP. He said, If you read my book, you know all that I know about it. Let me refer you to the smartest man hired by the U.S. Government.

That's a tall order because we hire a lot of people, but in his view, that was a Dr. Lowell Wood from Lawrence Livermore. And this was pre-cell phone days. Remember the pagers?

I paged Lowell Wood. He was supposed to be in California, Lawrence Livermore. Went up to the satellite and down, and he was within Washington and he got it, and within an hour he was sitting in my office.

Well, an electromagnetic pulse, we have only one brief experience with it in our country, and that was in 1962 in Johnston Island and the Starfish Prime, the only time we ever detonated a weapon above the atmosphere and we had no idea what would happen. It produced an electromagnetic pulse that caused a lot of disturbances in Hawaii, which was about 800 miles away.

The Soviets had a lot more experience than we. They actually developed, designed—we designed but never built them—an enhanced EMP weapon, a single, large nuclear—oh, I shouldn't say that because it doesn't have to be a large bomb because it could be a relatively small bomb that is EMP-enhanced.

A single appropriate bomb detonated 300 miles high over Nebraska or Iowa would blanket our whole country, and if the EMP radon was robust enough, it would essentially fry all of our micro-electronics. The grid would be down for a year or more, and your car wouldn't run. And there have been a couple of books written on that subject. One I would recommend that's an easy read and a very well-researched book—and I commend Newt Gingrich, he brought the author to my office, and he mentioned this on the campaign trail.

Thank you, Newt.

This is Bill Forstchen's book called "One Second After."

I came to my office one day and there was a big book on my desk and there was a handwritten note in it. It was from a Dr. Lowrie. He was retired, a Ph.D. electrical engineer in his hospital room recovering from cardiac surgery, and he was surfing the television and he happened on C-SPAN and I was giving one of the half dozen talks that I've given on EMP, and he listened to it and got turned on and did a lot of research and wrote a book, about 700 pages.

I didn't think I could read a novel that long. It was so captivating. I read it, and it's called "The Satan Legacy." The Satan was a big SS-18. It was one of the Soviet missiles with 10 nuclear warheads. And the story had one of them missing when they transferred from the Ukraine to Russia.

Now we know that several other things could also bring down the grid.

Oh, by the way, as a result of my work on EMP, we now have a permanent EMP task force in the Pentagon looking at our preparedness militarily. We have the EMP Commission, which functioned for four terms, that is 8 years. They have written classified and unclassified reports, and I would recommend that you get one of their unclassified reports.

But now there are several other things that could also bring down the grid. One of those is cyber. This is a whole new warfare that we've been in, and we hardly knew about it, but there it was raging. An appropriate cyberattack could bring down our grid.

And something that will bring down the grid—this is not an if, this is a when—and that's a giant solar storm. The only question is when will the next one come. And if we are not prepared for it—and we are not now—and if we do not prepare for it, it will bring down the grid.

And McClelland, the top person in that part of FERC, sat in my office and said that the grid would be down for a year and a half to 2 years.

□ 2050

That's a very long time to hold your breath. And there's another thing that could bring down the grid, and that is a terrorist attack. If you knew what the important substations were and you know which insulators to take out, it wouldn't take more than a dozen or so people with a .22 rifle.

Now why, when the grid goes down, can't you bring it back up? That's because in all of these instances, there's going to be surges of electricity that blow the major transformers. They simply won't melt down. We have a few spares, but a very inadequate number of spares. We don't make them in our country. You just order them. There's none available to order, by the way. You order one and they will build it for you. And it takes a year, year-and-a-half to 2 years to build one. And we don't build them in our country.

So I'm pleased that my efforts—which I started here on the floor talking about EMP—have resulted in a recognition that this is something we really need to deal with.

There's a fourth thing that I came to the floor to talk about, and I will spend the last few minutes of our time here together this evening talking about that, and that is energy. I have been to the floor, I think, 52 times; and most of those times I came here, I talked for a full hour. I was talking about not just energy generically, but a specific type of energy, and that is liquid fuels. Because when you're talking about energy, we really do have to separate liquid fuels from the other major carrier of energy. It's not energy. It's the way you carry energy. That's electricity.

We shouldn't have any deficit of electricity with more nuclear power plants. Yes, they are safe. We've never lost a person operating them. With more wind machines, with more solar, with more micro-hydro, with more true geothermal, we need another word for these heat pumps that are looking not at the zero cold and trying to heat that up. It's like trying to make it colder to heat your house up in the wintertime or trying to heat up hot air to make your house cooler in the summertime.

If you're looking at 56 degrees here, that's a whole lot more efficient. We call that geothermal. We've got to have another word for that, because true geothermal is tapping into the molten core of the Earth. That, for all practical purposes, is infinite and will be there for a very, very long time. With these sources, we can produce all the electricity that we would like to produce, but that is not true of liquid fuels. They are finite.

One of the first people to recognize that—and he was for several years a pariah and then he became an icon—his name was M. King Hubbert. He gave what I think will be recognized as the most important speech of the last century. I believe that speech was the 8th day of May in 1956. And he gave that speech in San Antonio, Texas. He was an oil geologist. He gave it to a group of oil people.

As you look back in your history books, you will find that at that time we were king of oil. We produced more oil. We used more oil. We're still doing that. We're using more oil than anybody else. And we sold more oil and exported more oil than any other country in the world. And M. King Hubbert told them something that was just audacious and seemingly ridiculous. He said, Notwithstanding the fact that we are so big in oil today, in just 14 years the United States will reach its maximum oil production. And no matter what you do after that, oil production in the United States will go down.

How can he make that kind of a prediction? He made it because when he looked at an individual oil field, he saw that the exploitation of that field produced kind of a bell curve. Sometimes a little distorted bell curve, but kind of a bell curve. When you first started pumping, it really came out. And then you reached a peak and then it was harder and harder to get it out until finally it tailed off and you'd gotten all you could out of the well.

So he rationalized that if he could add up all the little fields in the United States, he could get all the little bell curves and you get one big bell curve. When he did that, it reached its maximum in 1970. And so he made that prediction in 1956. Right on schedule, in 1970, we reached our maximum oil production. And no matter what we've done since then, like building more oil

wells in all the rest of the world put together, for instance, today we produce about half the oil we produced in 1956.

The second speech—and I don't know if these two men even knew each other—was given by Hyman Rickover just about a year later. It was the 14th day of May, 1957. It was a speech given in St. Paul, Minnesota. And you can pull this one up. It was lost until a few years ago. Just Google for Rickover and energy speech and it will come up. I think you will agree with me that it was probably the most insightful speech in the last century.

And in it he noted that oil is finite. He said in the 8,000—I didn't think it was that long; those are his numbers—in the 8,000-year recorded history of man, the age of oil will be but a blip. We're behaving as if it's going to be forever. He called it this "Golden Age." Please, please Google for Rickover and energy speech and pull it up. I think you'll be fascinated by the speech.

One of the things he said in it was how long it lasts is important in only one regard: the longer it lasts, the more time we'll have to plan an orderly transition to other sources of energy. That's not quite what we're doing. And I'm not sure that he would agree that drill, baby, drill is an orderly transition to other sources of energy.

I have just two charts of the probably hundred-or-more charts that I've used from time to time in talking about this subject—and the subject is peak oil.

Let me show you these two charts. This is a chart that ends in 2008, and it has the oil production followed by the two major entities in the world that have the most credibility in this—the EIA, the Energy Information Administration, and the IEA, the International Energy Association, which is a creature of the OECD in Europe. And these were their two curves. You see they're leveling out up there. The headline was: "Peak Oil: Are We There Yet?"

And I want to show you another chart. And you can not find these curves anymore. They were kind of disquieting, and they're taken down from the Web site. These are the curves put up by the IEA, International Energy Association. Here we're following the production of oil. You can go back here—way, way back for hundreds of years. Every time we needed more, we could produce more oil.

The different colors here, natural gas, liquids on top—they have that growing. That will grow. Nonconventional oil, that's from the oil shales. That's growing. That will grow. The dark red there really should be a part of the blue down here. It's just enhanced oil recovery, squeezing a little more out of the fields we're pumping from, like putting live steam down there and CO<sub>2</sub> and so forth to force it out. This is the fields we're now pumping, and they're admitting that we're reaching peak oil, plateau here, because they have them tailing off.

Now, this chart was done in 2008, and the one below it was done in 2010. I'll come to that in just a moment.

In order to keep the total liquids going up, you notice what they've done is projected two huge fields here, that by 2030 they said a fourth of all the liquids we're getting, only a fourth of it will come from the fields we're now pumping, that three-fourths of it will come from something else. And half of the total is going to be from fields that we're not getting anything from now. That's a pretty tall order.

Then, in 2010 they did this other curve down here, and they have reversed the two on top here. And different colors. But they're the same thing. And they've included the dark red here down with the oil fields that we're now pumping. And notice this goes to 2035. Up here, by the way, they were going to peak at 112 million barrels a day. Now we're stuck at 84 million billion barrels for 5 years. They have it going up to 112. Two years later, reality is setting in. Now it goes up to only 96. And they go out 5 years further to 2035. Notice the precipitous drop-off in the fields that we're now pumping.

Now, we have some irrational exuberance, as Alan Greenspan would define it, in our country about our ability to get some additional gas and oil out of things like the Marcellus shales and the fields out in the West by horizontal drilling and fracking; and these are represented in these two curves here. I think that one can say, in analyzing history, with considerable confidence that these two wedges here will not occur. By the way it's 600,000. It sounds like a lot, doesn't it? 600,000 barrels.

□ 2100

We use 84 million barrels a day. In 11 or 12 days, we—the world—use a billion barrels of oil. So if we're getting 600,000 from the Bakken oil fields out in the West, that's almost literally a drop in the bucket, isn't it?

I'd just like to close, this last chance probably that I have to come and chat with you here on the floor. It's been a huge honor to represent 660,000 people in the First District of Maryland, to come here to the Congress to talk to maybe a million, a million and a half people listening to us out there. Thank you, constituents, for this honor. Thank you for listening.

I yield back the balance of my time.

#### CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 30 minutes.

Mrs. CHRISTENSEN. I thank the Democratic leader and leadership for giving us the opportunity to come to the floor as the Congressional Black

Caucus. Perhaps some other Members may be joining us.

We wanted to just add our word of sympathy and condolences to the families in Newtown, Connecticut. We will all grieve for a very, very long time, and rightly so, the loss of the 20 innocent little children and seven adults who lost their lives in an utterly senseless and horrific act of violence.

The people of the Virgin Islands, like the rest of our Nation—and indeed the world—mourn the loss of the 27 people gunned down in Newtown, Connecticut, last week. Our thoughts and prayers are with their families and the entire town and they will continue to be for a very long time. Our hearts especially go out to them throughout what we know will be an extremely difficult Christmas season.

The President and many others have reminded us that we have been here far too many times even in just this year. As he said at the ecumenical service a few evenings ago, it's time to act. It's not enough to sympathize with the families who lost loved ones. We have to take action to protect our children and to protect all our citizens. To that extent, I've signed on to the Large Capacity Ammunition Feeding Device Act, sponsored by Congresswomen MCCARTHY and DEGETTE, which would prohibit the transfer or import of large-capacity ammunition feeding devices manufactured before the date of enactment, as well as four or five other bills sponsored by Congresswomen MALONEY and MCCARTHY, Congressman PERLMUTTER, and others, to improve background checks, to slow the trafficking of guns, and to keep them out of the hands of individuals who should not have them; as well as the PROMISE Act, which is a prevention bill.

I'm joined this evening by Congresswoman YVETTE CLARKE of Brooklyn, New York, who has long been an advocate for ending the gun violence in our communities and providing the kinds of assistance, both in intervention and prevention, that we need in so many communities around this country. She has been a leader on so many issues, and I'd like to yield her such time as she might consume.

Ms. CLARKE of New York. I thank my colleague for yielding.

Madam Speaker, I've joined my colleague, Dr. DONNA CHRISTENSEN, Representative of the Virgin Islands, here tonight in remembrance of the 20 first-grade children and six educators who were mercilessly gunned down last Friday at the Sandy Hook Elementary School, innocent victims of senseless gun violence.

To the families, educators, and the community of Newtown, Connecticut, on behalf of the people of the 11th Congressional District of Brooklyn, New York, I wish to express my most profound and deepest condolences.

I believe, like so many across this Nation, that the families of these victims, the families of children in every community in the United States, have some very important questions for Members of Congress. I also believe that as their representatives we have an obligation to provide them with answers.

Question: Why? Why have we allowed our communities around this Nation, from a supermarket in Tucson, Arizona to a movie theater in Aurora, Colorado, to a shopping mall in Oregon, to an elementary school in Newtown, Connecticut, to the streets of Brooklyn, New York, why have we been so reluctant in protecting them? Why have we left them unprotected, vulnerable to gun violence, death, and the terror that such actions inflict?

Who will speak for the people whose lives were cut short, struck down, maimed and traumatized for life? When will we realize that these incidents are not inevitable, that we have the ability to prevent gun violence and an obligation to do everything in our power to make gun violence a thing of the past? The answer to these questions will define this generation of Members of Congress. Our answers will determine the future of our civil society.

Americans have the right to demand answers from this Congress. We have the authority to keep the guns away from the streets of our cities and towns. In the 11th Congressional District which I represent in New York City, the New York City Police Department reported 274 victims from 226 incidents involving gun violence, and that was in two neighborhoods in the district that I represent. The majority of these crimes were registered in just two communities; 274 victims from 226 incidents. Now, fortunately, not everyone perished in these instances, but one incident of death is one too many. The repercussions of the trauma that comes from those who witness these incidents, who dodge the bullets in our communities, is immeasurable.

We have the authority to focus our efforts on penalties for gun trafficking and unlawful sales of firearms. We have the authority to prevent the retail sale of assault weapons and high-capacity magazines or clips that are designed for military combat use. We have the ability to register handguns and micro stamp munitions to trace ownership and origin. We have the authority; we only need to have the courage to act.

The Newtown tragedy has highlighted a vexing issue that we as Americans must address. It is imperative that we set aside our differences in the 113th Congress to pass legislation that will increase accountability among gun vendors and owners, support local law enforcement to stem the tide of gun trafficking across our Nation, reduce the number of illegal guns on our streets, and remove access to high-pow-

ered militarized weapons and ammunition which have no place in our communities.

Madam Speaker, this is not a Republican problem, it is not a Democrat problem. This is an American problem, and this is a problem we must have the courage to address.

I want to thank my colleague for yielding. As I drove up to the Capitol for this Special Order this evening, I reflected on the flags waving at half-mast over the Capitol, an indication of the deep grief and sorrow that our Nation faces at this time. I think to my own community, where I've attended far too many funerals of families that have been devastated by the heinous act of gun violence.

□ 2110

I think about a former colleague of mine. As a member of the New York City Council, I unfortunately count myself among the victims who witnessed my own city council colleague being gunned down before us. And so, what we need to understand is that while these incidents may seem remote from many families, the implications of what can happen in our communities extend beyond what we may hear in the news but affect tens of thousands who may not have been the immediate or intended target of gun violence but have been a witness, have been family members, community members, that have a love and a care for the lost one who were taken senselessly and needlessly. Let us muster up the courage to act. I yield back.

Mrs. CHRISTENSEN. Thank you, Congresswoman CLARKE, for joining us. Again, thank you for your leadership, and thank you for those words that you have uttered on behalf of our communities and the community of Newtown and children and our citizens across this country.

Flags are flying at half-mast across this country. I know whenever I would drive at home last weekend, and I would see them, our thoughts and our hearts went out to the people of Newtown because we knew that that was why they were that way. Like my colleague, I recall going to funerals with my children, something that I never had to do, funerals of their friends.

In his column just a few days ago, Nicholas Kristof quoted David Hemenway, a public health specialist at Harvard, who reported that children 5 to 14 in America are 13 times more likely to be murdered with guns as children in other industrialized countries. And that ought to be a call of action to all of us.

He wrote, and I agree:

Let's treat firearms rationally as the center of a public health crisis, a public health crisis that claims one life every 20 minutes.

If only for the sake of our children, we have to act and really need to begin with renewing the ban on assault weapons.

The homicide rate in the United States is 6.9 points higher than rates in 22 other populous, high-income countries combined. This gives me great pause when I think that the homicide rate in our neighboring Puerto Rico is more than four times higher than that of the U.S., and the Virgin Islands' rate is even higher than that compared to the United States overall. The last reported in Puerto Rico was 36.2 per 100,000, and the Virgin Islands is closer to 60. We, Puerto Rico, and the Virgin Islands have pleaded for more Federal help. And we can begin by passing the assault ban next year and the other related bills.

The United States has the highest rate of gun ownership in the world, an average of 88 per 100 people. I understand that the next highest is Yemen, somewhere around 56 per 100 people. But the rate of gun ownership doesn't always directly relate to the number of homicides. Honduras, with the most homicides by firearm at 68.43 per 100,000 has only 6.2 firearms per 100 people compared to our 88, while Finland, which has a relatively high one, 45.3 guns per 100 people, only reports about 19 per 100,000 homicides by firearms.

So while we must do what is required to reduce guns in our community, assault weapons in particular in this country, there's much more work that has to be done.

As Attorney General Holder said earlier this week, and I'm quoting him here:

As a nation, I think we have to ask ourselves some hard questions. We need to discuss who we are as a nation, talk about the freedoms that we have, the rights that we have, and how those might be used in a responsible way.

I recently wrote to my fellow Virgin Islanders, as we looked at ours being one of the highest homicide rates in the Nation, I also think we need to go further in examining what we have been doing or what we have not been doing in our territory and across our Nation that has created an atmosphere where gun violence is escalating to a frightening and totally unacceptable level, and where in many districts, gun violence has turned, in my district, has turned against law enforcement. Six officers have been injured by gunfire this year in the Virgin Islands, and one, Colvin Georges, died as a result of his injuries. And communities across this country are experiencing the same thing.

I know that many feel that guns are needed for their and their families' protection. But reports show that keeping a firearm in the home increases the risk of homicide by a factor of three. And on the whole, guns are more likely to raise the risk of injury than confer protection.

The killings in Newtown, Aurora, and other places are horrific mass killings by disturbed people, and we need to

find a way to prevent them from getting access to any kind of firearm. But gun violence is happening every week in neighborhoods across our country, and these, too, demand our attention, including gang-related gun violence. Gang violence is a growing epidemic across this country. Congress has to work toward passing and funding legislation like the Youth Promise Act, which helps communities facing the greatest youth gang and crime challenges to develop a comprehensive response to youth violence through a coordinated prevention and intervention response.

To go back to where we are in the United States compared to other countries, data compiled by the United Nations' Office on Drugs and Crime confirms Americans are living with greater risk of gun-related death than are residents of other developed countries. From 2007 to 2009, the U.S. averaged 10,987 homicides per year by firearm compared with an average of 182 in Germany, 75 in Spain and 47 in the United Kingdom. Mexico, though, averaged about 5,980 annual homicides, still half of ours, by firearm during that same period. Colombia was higher.

Roseanna Ander, executive director of the University of Chicago Crime Lab, has said that the U.S. is an outlier in lethal violence among developed countries. Other countries have similar rates of rape and battery, Ander said, but because so much American violence includes guns, the rate of death is so much higher.

The steady gun violence leaves especially young blacks and Latino men particularly vulnerable and more likely to die in a shooting, Federal data shows. In each year from 2006 to 2010, homicide was the leading cause of death for African American males ages 15 to 24, more than the next nine causes of death combined, according to data from the Centers for Disease Control and Prevention.

Persistent gun violence is part of a complex cycle born of poverty and residential segregation, as is poor health and substandard education, which all are related to the poverty and the persistent gun violence, challenges that the Nation has yet to truly face and address.

That's what Sampson said, and I agree. And he also said:

Guns are readily available. Gun violence thrives, in part, because exposure to violence makes children more likely to engage in violence themselves. It makes them have difficulty learning and, therefore, climbing the economic ladder.

So we can make a big difference. But to make that difference, we have to have the political will. We have to be able to stand up to the NRA, which has gone silent in the face of this tragedy, and other organizations that have blocked us from doing what we know in our hearts is the right thing to do.

It is our responsibility, as Congresswoman CLARKE said, to do what we must to protect our children and to protect our other citizens. President Obama has set up a task force which will be headed by Vice President JOE BIDEN. He is calling on us to ban military-style assault weapons, to ensure that background checks are there for all gun purchases, and to make access to mental health services at least as easy as it is to access guns.

□ 2120

I would hope that we would not see the partisanship or the brinksmanship that we're seeing right now on this fiscal cliff issue, and that we'll all work with our Vice President and our President to truly memorialize the children that are being laid to rest this week and not have them be martyrs to our inaction.

With that, Madam Speaker, I would love to yield to our Congressman from Louisiana. I'm sure that he will add a lot to this discussion.

I talked about the fact that African-American and Latino males have high rates of death due to gun violence, and one report that goes back to 2004 rates Louisiana as number two.

So I'll yield such time as he may consume to the gentleman from Louisiana, CEDRIC RICHMOND.

Mr. RICHMOND. I thank the gentlelady from the Virgin Islands for yielding and commend her on her passion as a physician and someone who has taken an oath to preserve life and to make sure that people can live out their years in a meaningful way and die of natural causes.

I will just say that I'm from Louisiana, which our motto is we are the sportsman's paradise. We like to fish and we like to hunt. We like to have a fishing pole and we like to have a gun. The difference is that the guns we use and the guns that sportsmen use are rifles, and you don't need high-capacity magazines in order to hunt deer, to hunt dove, to hunt ducks, to hunt rabbit. You just don't do that.

I rise tonight in support of my colleagues because, especially in our urban cities, we are losing far too many of our children, our fathers, our mothers, our sisters, and our brothers to gun violence. And every once in a while, we'll have an event that will shake the confidence of our country and make us take a step back and rationally look at our gun laws in this country and say, Wait, we've done far too much. We've expanded the Second Amendment too far. The Founders of the Constitution, when the Second Amendment was crafted, had no idea that we would have AK-47s with clips that can hold 50 rounds.

I can just tell you about an incident in La Place, Louisiana, about 6 months ago where a gentleman was denied benefits at an office and decided he was

going to his car and he was going to go back inside. One of those Good Samaritans, an older lady, called the police and said there was a man armoring up in his car. State police and our sheriffs responded to it and found the man in his car. When they found him, he had more ammunition in his trunk than State police and our sheriffs put together. He had an AK-47, another rifle, and so much ammunition.

But the scary part to that story, and why this Good Samaritan was so key, is when they arrested him, they went to his apartment and he had a suicide note there in his trailer. He had every intention of making sure that he could go in there and kill as many people as he could, even if it meant him dying. When the thugs and the criminals have more guns and more ammunition than our first responders, then we have a problem.

In urban cities, when our kids have better access to guns than textbooks, then we're a country that went wrong. We're not talking about every American's basic right to bear arms, because that is sacred, it's in our Constitution, and I believe in it. But when we start talking about assault weapons with high-capacity magazines, we're talking about weapons of mass destruction.

If you look at Newtown, if you look at Aurora and you look around our country at the incidents that have happened, these are not incidents where one or two people lose their life. If we tally the number of people in the United States that die because of gun violence, if another country entered our soil and did that to us, we would declare war and we would go out and find those people responsible. But here in the United States, we have taken the Second Amendment to protect things that are just indefensible.

I will join with my colleagues, and I will say, when I was in the Louisiana State Legislature, I authored, every year I was there, an assault weapons ban, a bill to close the gun show loopholes, to have a gun registry. I'm not suggesting here today that we do everything I did in the State legislature, because some things went very far, but what I am challenging America to do is to challenge the NRA, the liberals, the gun control lobby, whatever you want to call them. We should all come together in the name of the citizens of the United States that we've lost and have an adult conversation about can we do better, because we can.

We don't need clips that allow people to take out a whole neighborhood. We don't need guns that you can shoot through police vests and through the police car door and through their shield and hit their body sold in our sporting good stores in this country.

At some point, we have to come together. We can't just come together and pray and mourn. People are tired of mourning, and people are not fed up,

but people have given up on prayer. When you see incidents when you have to bury your children—when you drop a child off at school you expect to go there that afternoon and pick them up and talk about what they learned today and do they need help with their homework, you never imagine that you're going to go there and find your child deceased with multiple gunshot wounds because of assault rifles with high-capacity clips.

We are the United States of America, always in search of a more perfect Union. We can do better, we have to do better.

I will close with my own little paraphrase from a song, and it's to the Members of Congress. We had an incident that shed light on this earlier in our term in which our colleague was a victim of gun violence.

We should be careful of what we do, because the life we save may be our own.

Mrs. CHRISTENSEN. Thank you, Congressman RICHMOND.

The three of us have been here on behalf of the Congressional Black Caucus to add our voices to those across our Nation who are mourning the loss of those who were killed last week in Newtown.

The gentleman said more access to guns than schoolbooks. It's really true. There's more access to guns in most communities than schoolbooks and computers for many children; more access to guns than to decent housing; more access to guns than a decent job; more access to guns than quality health care, especially mental health care.

So, colleagues on both sides of the aisle, we need to act, and we need to act in the name of those beautiful first graders and all of those across this country who have been lost to gun violence over the years. I hope that we will take that kind of action.

With that, Madam Speaker, I yield back the balance of my time.

#### WISDOM THROUGH PRAYER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Madam Speaker, first I think it's important to let the people of Connecticut who have suffered so and lost loved ones know that they will continue to be in our thoughts and prayers. It is such a difficult time, and they need our support. It is a difficult time. I think so often when we look for wisdom in different places, I believe what Proverbs said, Solomon should have known:

The fear of the Lord is the beginning of wisdom.

In the early days of our country, people sought wisdom through prayer. The

Constitutional Convention, when they could not reach an agreement after nearly 5 weeks, 80-year-old Ben Franklin stood up and the contentiousness stopped.

□ 2130

Someone wrote that George Washington looked like he had a very much relieved look on his face. 80-year-old Ben Franklin was overweight, suffering not only from gout but from arthritis, had a cane, had to have help getting up and down sometimes; but his mind was still brilliant. That's when he pointed out why we have not once thought of humbly applying to the Father of lights to illuminate our understanding. We have his whole recorded speech because he recorded it. He wrote it in his own handwriting. Madison was taking notes, but we have Ben Franklin's speech, and it has provided such solace to me.

He pointed out to his friends that there were times when every one of them could remember back during the Revolution when they asked God for specific things and God answered their prayers. That was all part of the Constitutional Convention, and he said these words:

Our prayers, sir, were heard, and they were graciously answered. If a sparrow cannot fall to the ground without His notice, is it possible an empire could rise without His aid? We have been assured, sir, in the sacred writings that, unless the Lord build the house, they labor in vain that build it.

Then he went on. He said:

I also firmly believe, without His concurring aid, we shall succeed in our political building no better than the builders of Babel: We shall be confounded by our local partial interests, and we, ourselves, shall become a byword down through the ages.

Then he went on to make a motion that just as they had during the Revolution with the Continental Congress that this Constitutional Convention Congress should begin every day with prayer.

So he made the motion and there was great discussion; but unlike the Revolutionary days, they didn't have money. This was a Constitutional Convention that had just convened. These people came together to write a Constitution. They didn't have money as a body. They had no chaplain. They couldn't afford to hire a chaplain, and they figured only with an independent chaplain that they could agree on could they have somebody come in and lead each day with prayer as they had during the Revolution. So that was put off until such time as they could hire a chaplain, which happened as soon as we became a Nation and the Constitution was ratified.

But Randolph from Virginia followed up Ben Franklin's motion. He said, Okay. Basically, they're saying we don't have money to hire a chaplain, but one thing we can do: Here we are at the end of June 1787. We're about to

celebrate our country's birthday again, our anniversary; so why don't we just agree to all go to church together—listen to the same pastor, hear the same sermon, worship God all together as a Constitutional Convention? They all went to the Reformed-Calvinistic Church, and the pastor apparently did an excellent job because, when they came back, there was a new spirit. They had their disagreements, but there was a spirit of cooperation.

I heard some of the comments of my friends earlier across the aisle, and I know their hearts. I know DONNA CHRISTENSEN has been extremely gracious to me, personally. Good people. Good people with the best of intentions. I think the world of JOE LIEBERMAN. I was visiting with him on Sunday morning of his ideas to have a commission come together and not just jump quickly to some politically correct solution. Let's do the right thing by America, not a knee-jerk, which like the assault weapon ban did nothing. In fact, Columbine occurred during the middle of the so-called "assault weapon ban." Every gun is an assault weapon.

The machetes in Rwanda—the worst genocide that we know of in human history. 800,000 or so with machetes? Of course, we know during World War II that the genocide wasn't just 800,000, that it was millions—6 million Jews. They were killed by all kinds of means. So we need to be smart about the way we deal with this issue of mass murders and violence in our society, and everything should be on the table.

As we continue to remember the loved ones of those who were victims of the tragedy at Newtown, Connecticut, things go on here in this town. This body tomorrow, we've been alerted, will vote on what's being called "Plan B." Plan A was to try to reach an agreement with the President. From my experience as an attorney, I've negotiated small deals, multimillion-dollar deals. I was a district judge, a chief justice, a certified mediator. I don't know if there is anybody else in the congressional body who has been through the training and process of becoming an international arbitrator. I have a lot of experience in negotiating from all sides when you see Speaker BOEHNER go beyond what anybody I'm aware of and our conference really wanted him to do initially.

He said, Okay. We will come up with \$800 billion of revenue, Mr. President, because that's where you had gotten up to. \$800 billion is what you were demanding before, so we'll cut to the chase. We'll just quit negotiating, and we'll give you what you want—\$800 billion in new revenue.

The President responded by saying, No, no, no, no. Now I'm at \$1.6 trillion. Now that you're at \$800 billion, I'm at \$1.6 trillion of new revenue wanting.

What most people who really look at our problem in this town realize is that



it really isn't a tax problem, that it's a spending problem. When we went from the Speaker Pelosi-Harry Reid budget of 2008 that ended on September 30 of 2008, I heard no one that year complain that the Federal Government is not spending enough money. We were spending more money than we had then. Yet in January of '09, after President Obama comes in and the Speaker is PELOSI and the majority leader in the Senate is HARRY REID, we began spending about \$1.6 trillion more than we had coming in. We had 2.3 or so trillion dollars coming in in Federal revenue, and we were spending about \$1.6 trillion more than that?

That's one of the reasons 2 weeks ago I couldn't believe that we were voting to eliminate the use of the word "lunatic," because it seems to me only a lunatic body would come up with the idea of, gee, we're in financial trouble; let's spend more than \$1 trillion more than we have coming in. That's financially irresponsible.

As my friend RANDY NEUGEBAUER pointed out again this week: A vote over taxes that doesn't deal with the massive spending is a vote to defer taxes in order to let our children and grandchildren and future generations pay the tax because we don't have the moral consistency to take care of our own debts. We're going to lay it on future generations.

So, in seeking wisdom, it's part of my belief that you pray; you seek wise counsel and read scripture. In doing that, I find as an old history major—I went to Texas A&M. I knew I was going into the Army for 4 years. I loved history, so why not major in history? You learn so much from history. I thought I remembered these words, and I was able to find them. So, Madam Speaker, I want to finish the evening tonight with these words. These are brilliant words.

□ 2140

These are words of wisdom from a man named JOHN BOEHNER. This is an article. It's basically a transcript that was done by Major Garrett, October 25, 2010. This was 8 days before the 2010 election, which turned out to be the largest conservative-wave election in American history. So I will just read basically the transcript. It's an article, but it's really a transcript. It says that Representative JOHN BOEHNER is interviewed in his Capitol Hill office March 10, 2010, but the article is dated October 25, 2010.

The National Journal representative said:

About 3 weeks before the 1994 elections, I asked you if House Republicans were ready to win the majority and ready to govern the House. You said then that sometimes the wave takes you into power whether you're ready or not. It did then. It may now. What is similar to you about the 1994 cycle? And more important, are you ready to lead now and will you lead differently if you win?

Minority Leader BOEHNER said:

Well, all kinds of things have changed, and there are a lot of differences. But maybe the biggest thing that's different now is near 10 percent unemployment. I mean, we're going to have to start making tough choices on spending to give our economy a chance to start moving and creating jobs again. As for me personally, you know I had a front row seat to what worked and what didn't in 1994. And I like to think that I learned a thing or two.

National Journal:

If you become Speaker, you will be the first since Tom Foley to have previously chaired a committee. (Foley chaired the Agriculture Committee.) How will your past as chairman and legislator with many bills—No Child Left Behind chief among them—influence your approach to allowing committees to set the agenda and give signals instead of receive them from leadership?

Minority Leader BOEHNER said:

We need to stop writing bills in the Speaker's office and let Members of Congress be legislators again. Too often in the House right now we don't have legislators, we just have voters. Under Speaker PELOSI, 430 out of 435 Members are just here to vote and raise money. That's it. That's not right. We were each elected to uphold the Constitution and represent 600,000-odd people in our districts. We need to open this place up, let some air in. We have nothing to fear from letting the House work its will. Nothing to fear from the battle of ideas. That starts with committees. The result will be more scrutiny and better legislation.

The National Journal:

Related to this it has often been said by those closest to you that you respect and admire and believe in regular order. What does that mean to you and how much institutional value do you place on placing regular order at the center of House procedures and House reforms?

Minority Leader BOEHNER:

Yes, I do, absolutely. The House is the body closest to the people. That's by design. We're the crucible, the testing ground for new ideas and new policies, and the institutions of the House that have grown up over 200 years of trial and error are the best way to test those ideas and policies. We don't need five Members sitting behind a closed door writing a bill like they did with the stimulus or ObamaCare. It's nuts.

National Journal:

If you are Speaker, will you ever bring a bill to the floor that hasn't been true to the 3-day rule?

Minority Leader BOEHNER:

No.

National Journal:

That's it? Just no?

Minority Leader BOEHNER:

Right. I can see a scenario like right after 9/11 when we would have to act immediately in a true national emergency, I guess, maybe, but this is a serious commitment. I know it's going to be a pain in the neck, but we're going to do it.

National Journal:

Enough about procedure. How worried are you about facing a government shutdown fight with President Obama over cutting spending as much as the Pledge to America promises?

Minority Leader BOEHNER:

Look, Major, our goal is to cut the size of government, not to shut it down. If we take the majority, the President is going to have to realize that he can't keep ignoring the American people. They're out there looking at what the President and PELOSI and HARRY REID are doing, and they're shouting "stop" at the top of their lungs. We're going to listen to them, and the President better, too.

National Journal:

Deputy Whip ERIC CANTOR has virtually ruled out a government shutdown. Do you rule it out as a negotiating tactic or as a possible outcome of a budget disagreement?

Minority Leader BOEHNER:

I've said the same thing as ERIC. Our goal is to make government smaller, not to shut it down. JEB HENSARLING has a bill that would prevent a government shutdown in the event of a budget standoff. We're going to stay focused on doing what the American people want, and what they want is less spending.

National Journal:

Do you anticipate a resolution of the Bush tax cut issue or a lengthy congressional resolution in the lame duck session? Or are you girding your Members to deal with both issues as soon as the 111th Congress convenes?

Minority Leader BOEHNER:

Hell, I don't think we need to wait until after the election. Let's come back right now and stop this tax hike and cut spending. That's what we put in the pledge that we want to do right now.

National Journal:

A reauthorization of the highway bill is due in the next Congress. Will you, as the GOP leadership, support any increase in the Federal gasoline tax to finance additional road, bridge or highway construction?

Minority Leader BOEHNER:

I've never supported a tax increase of any kind.

National Journal:

Will you extend into the 111th Congress the current House GOP moratorium on earmarks? Related to that, if you win the majority, will you seek any change to the Appropriations Committee's professional staff or other reforms to signal that, in your words, "business as usual" is over when it comes to discretionary spending?

Minority Leader BOEHNER:

Look, I've always had a no earmarks policy. I helped get the conference into a place where we have a current moratorium. And I think it's perfectly clear that going back to business as usual is not an option. That's the case with earmarking specifically, and with spending in general. Change is never easy, but change is necessary. It's what the American people are demanding of us.

National Journal:

You've said you are open to having spending-cut legislation come to the House floor each week or, at a minimum, regularly. How do you intend for this to work?

Minority Leader BOEHNER:

Well, I think a model for that particular proposal may be the YouCut project that ERIC and the other members of our economic recovery solutions group have been doing all year. They've got a ton of specific cuts, chosen by the American people in an online poll. I also said in my speech in September at AEI

that I think we need to look at breaking up all these massive spending bills—break them into smaller bills that are more conducive to scrutiny and debate. We said in the pledge that we need to set up a process that makes it easier to cut spending. In my mind that means, among other things, if a Member has an amendment that would cut spending, it should get a vote. Period.

□ 2150

Skipping down.

National Journal:

How much longer do you envision staying in Congress? And, related to that, did you learn anything valuable from the speaker-ship of NANCY PELOSI?

Minority Leader BOEHNER:

Hell, I've already stayed here a lot longer than I ever thought I would. We'll see. I think the current majority has reinforced what I already knew. You can't run this place, at least not well, by shutting out the American people, shutting out the other party, and even shutting out your own members. You can twist arms and crack heads and cut deals for a while, but it just won't work in the long term.

Madam Speaker, with that, I yield back the balance of my time.

#### APPOINTMENT AS MEMBER TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, of the following individual on the part of the House to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014:

Mr. Larry Wortzel, Williamsburg, Virginia.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 52 minutes p.m.), the House stood in recess.

□ 2220

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BISHOP of Utah) at 10 o'clock and 20 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report

(Rept. No. 112-707) on the resolution (H. Res. 840) providing for consideration of the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. RES. 66, PERMANENT TAX RELIEF FOR FAMILIES AND SMALL BUSINESSES ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 6684, SPENDING REDUCTION ACT OF 2012

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112-708) on the resolution (H. Res. 841) providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and providing for consideration of the bill (H.R. 6684) to provide for spending reduction, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MICA (at the request of Mr. CANTOR) for today after 5 p.m. on account of attending a funeral.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 285. An act for the relief of Sopuruchi Chukwueke.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 19, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 6116. To amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

H.R. 6223. To amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

#### ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), under its previous order and pursuant to House Resolution 839, the House adjourned until tomorrow, Thursday, December 20, 2012, at noon, as a further mark of respect to the memory of the late Honorable Daniel K. Inouye.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8836. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Creation of a Low Power Radio Service; Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations [MB Docket No.: 99-25; MB Docket No. 07-172. RM 11338] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8837. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-160, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8838. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-147, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8839. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-151, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8840. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of two gyroscopes and one accelerometer, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8841. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Red Bull Flugtag Miami, Biscayne Bay; Miami, FL [Docket No.: USCG-2012-0728] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.



8842. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation Clearwater Super Boat National Championship Race, Gulf of Mexico; Clearwater, FL [Docket No.: USCG-2012-0452] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8843. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Atlantic Intracoastal Waterway; Emerald Isle, NC [Docket No.: USCG-2012-0812] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8844. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana [Docket No.: USCG-2012-0904] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8845. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Atlantic Intracoastal Waterway (AIWW), Newport River, Morehead City, NC [Docket No.: USCG-2012-0628] (RIN: 1625-AA09) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8846. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; DeStefano Wedding Fireworks Display, Patchogue Bay, Patchogue, NY [Docket Number: USCG-2012-0571] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8847. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cruise Ships, Santa Barbara Harbor, Santa Barbara, California [Docket Number: USCG-2011-0906] (RIN: 1625-AA87) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8848. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Atlantic Intracoastal Waterway; Oak Island, NC [Docket Number: USCG-2012-0811] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8849. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; Palm Beach World Championship, Atlantic Ocean; Jupiter, FL [Docket No.: USCG-2012-0721] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Bridge Demolition Project; Indiana Harbor Canal, East Chicago, Indiana [Docket No.: USCG-2012-0904] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8851. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Security Zone; James River, Kingsmill Resort, Williamsburg, VA [Docket No.: USCG-2012-0931] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8852. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Schuylkill River, Philadelphia, PA [Docket No.: USCG-2012-0625] (RIN: 1625-AA09) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; USCGC WILLIAM FLORES Commissioning Ceremony, Ybor Channel; Tampa, FL [Docket No.: USCG-2012-0885] (RIN: 1625-AA87) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Large Cruise Ships; Lower Mississippi River, Southwest Pass Sea Buoy to Mile Marker 96.0; New Orleans, LA [Docket Number: USCG-2010-0012] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Alliance Road Bridge Demolition; Black Warrior River, Locust Fork; Birmingham, AL [Docket Number: USCG-2012-0902] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of Florida: Committee on Veterans' Affairs. Fourth Quarter Report of the Activities of the Committee on Veterans' Affairs During the 112th Congress (Rept. 112-706). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 840. Resolution providing for consideration of the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. 112-707). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 841. Resolution providing for consideration of the Senate amendment to the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and providing for consideration of the bill (H.R. 6684) to provide for spending reduction (Rept. 112-708). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. PASCRELL (for himself, Mr. RANGEL, Mr. SMITH of New Jersey, Mr. PALLONE, Ms. DELAUNO, Mr. LOBIONDO, Mr. FRELINGHUYSEN, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. GARRETT, Mr. LANCE, Mr. GRIMM, Mr. RUNYAN, Mr. TURNER of New York, Mrs. LOWEY, Mr. ISRAEL, Mr. REED, Mr. ENGEL, Mr. TOWNS, Mr. SIRE, Mr. HIGGINS, Mr. ANDREWS, Mr. COURTNEY, Mr. LANGEVIN, Mr. ACKERMAN, Mr. PAYNE, and Mr. HOLT):

H.R. 6683. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for damages relating to Hurricane Sandy, and for other purposes; to the Committee on Ways and Means.

By Mr. CANTOR:

H.R. 6684. A bill to provide for spending reduction; to the Committee on the Budget, and in addition to the Committees on Ways and Means, Agriculture, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 6685. A bill to protect the Nation's law enforcement officers by banning the Five-seveN Pistol and 5.7 x 28mm SS190, SS192, SS195LF, SS196, and SS197 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians; to the Committee on the Judiciary.

By Ms. ESHOO:

H.R. 6686. A bill to amend the Toxic Substances Control Act relating to certain mercury compounds, products, and processes; to the Committee on Energy and Commerce.

By Mr. GERLACH (for himself and Mr. NEAL):

H.R. 6687. A bill to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines; to the Committee on Ways and Means.

By Mr. JORDAN (for himself, Mr. MULVANEY, Mr. SCALISE, Mr. GARRETT, Mr. FLORES, Mr. BROWN of Georgia, Mr. WALBERG, Mrs. HARTZLER, Mr. STUTZMAN, Mr. OLSON, Mr. LUETKEMEYER, Mr. GRIFFIN of Arkansas, Mr. CULBERSON, Mr. ROE of Tennessee, Mr. PEARCE, Mr. GRAVES of Georgia, Mr. HUELKAMP, Mr. GIBBS, Mr. FLEMING, Mrs. MYRICK, Mr. PRICE of Georgia, Mrs. BLACKBURN, and Mr. SCHWEIKERT):

H.R. 6688. A bill to extend tax relief for all Americans, to replace the defense sequester scheduled to take effect on January 2, 2013, with responsible reductions in direct and other spending, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, Agriculture, Energy and Commerce, Financial Services, the Judiciary, Oversight and Government Reform, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 6689. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the

Interior to participate in the design, planning, and construction of the South Sacramento County Agriculture and Habitat Lands Water Recycling Project in Sacramento County, California; to the Committee on Natural Resources.

By Mr. OLSON:

H. Res. 836. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Thirteenth Congress; considered and agreed to.

By Ms. HIRONO (for herself, Ms.

HANABUSA, Mr. DICKS, Mr. YOUNG of Alaska, Mr. DONNELLY of Indiana, Mr. MCDERMOTT, Ms. JACKSON LEE of Texas, Mr. PRICE of North Carolina, Mr. HONDA, Mr. SABLAN, Ms. CHU, Mr. FALOMAVAEGA, Ms. MATSUI, Mr. MURPHY of Connecticut, Mr. PERLMUTTER, Ms. MCCOLLUM, Mr. CHANDLER, Mr. COURTNEY, Ms. ESHOO, Mr. ELLISON, Mr. NADLER, Mr. FARR, Mr. RAHALL, Mr. RANGEL, Mr. FRANK of Massachusetts, Mrs. NAPOLITANO, Ms. WOOLSEY, Mr. BOSWELL, Mrs. CAPPS, Mrs. LOWEY, Mr. MARKEY, Mr. HOYER, Mr. HEINRICH, Mr. GEORGE MILLER of California, Ms. LORETTA SANCHEZ of California, Ms. CLARKE of New York, and Mr. GARAMENDI):

H. Res. 837. A resolution relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii; to the Committee on House Administration.

By Mr. SMITH of New Jersey:

H. Res. 838. A resolution expressing the sense of the House of Representatives that the Secretary of State should seek to amend Article 22 of the Statute of the International Court of Justice to move the seat of the Court from the Netherlands; to the Committee on Foreign Affairs.

By Ms. HIRONO:

H. Res. 839. A resolution relating to the death of the Honorable Daniel K. Inouye, a Senator from the State of Hawaii; considered and agreed to.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PASCRELL:

H.R. 6683.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. CANTOR:

H.R. 6684.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1, 3, and 18 and Article I, Section 9, Clause 7 of the United States Constitution.

By Mr. ENGEL:

H.R. 6685.

Congress has the power to enact this legislation pursuant to the following:

The bill is enacted pursuant to the power granted to Congress under the following provisions of the United States Constitution:

Article I, Section 1;  
Article I, Section 8, Clause 1;  
Article I, Section 8, Clause 3; and  
Article I, Section 8, Clause 18.

By Ms. ESHOO:

H.R. 6686.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8, the General Welfare Clause

By Mr. GERLACH:

H.R. 6687.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. JORDAN:

H.R. 6688.

Congress has the power to enact this legislation pursuant to the following:

The Constitution (specifically Article 1, Section 8, Clause 1) grants Congress the power to lay and collect taxes, duties, imposts, and excises under certain conditions. Congress has previously utilized this grant of authority—broadened by the 16th Amendment to include taxation on income—and therefore existing law in this area would not be expanded by this bill. The legislation continues current tax policy in some cases (requiring no additional expansion of power) or limits and repeals current utilization of power by the Congress (also requiring no additional Constitutional Authority beyond what currently exists).

Congress has similarly utilized the constitutional power to withdraw funds from the treasury (affirmed in Article 1, Section 9, Clause 7) so long as the funds are spent on a constitutionally appropriate power; if Congress has authority to fund what it currently does fund, then it also has the power to limit the amount that it appropriates to these ends. Additionally, this legislation repeals or reduces the funding for various federal programs and repeals certain requirements imposed by federal legislation and agencies, many of which have a questionable basis in the constitutional powers of Congress. By reducing or repealing these programs and regulations, this legislation is acting on the affirmation in the 10th Amendment that “powers

not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” This legislation would more closely align the federal government with both the letter and spirit of the Constitution in the ways stated above.

By Ms. MATSUI:

H.R. 6689.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 263: Ms. EDWARDS.

H.R. 493: Mr. TERRY.

H.R. 1063: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1426: Ms. SCHWARTZ.

H.R. 1802: Mr. CALVERT.

H.R. 1867: Mr. BUTTERFIELD.

H.R. 2256: Mr. SHERMAN and Ms. LORETTA SANCHEZ of California.

H.R. 2721: Mr. MCGOVERN.

H.R. 2775: Ms. BROWN of Florida.

H.R. 2969: Mr. VAN HOLLEN.

H.R. 3627: Mr. VAN HOLLEN.

H.R. 3769: Mr. MICHAUD.

H.R. 4077: Mr. STIVERS.

H.R. 4103: Mr. SHERMAN.

H.R. 4122: Mr. COHEN and Mr. PRICE of North Carolina.

H.R. 6385: Mrs. BACHMANN.

H.R. 6398: Mr. MARCHANT.

H.R. 6439: Mr. GRIFFIN of Arkansas.

H.R. 6446: Mr. STIVERS and Mr. TIBERI.

H.R. 6511: Mr. AUSTIN SCOTT of Georgia.

H.R. 6655: Mr. RANGEL, Mr. PASCRELL, Ms. BASS of California, Mr. LARSON of Connecticut, Mr. BERG, Mr. NEAL, Mr. MARCHANT, Mr. TIBERI, and Mr. REICHERT.

H. Con. Res. 143: Mr. MILLER of Florida, Ms. JACKSON LEE of Texas, Mr. HINCHEY, and Mr. PALAZZO.

H. Res. 734: Mr. CONYERS.

H. Res. 824: Mr. GERLACH and Mr. HARRIS.

H. Res. 834: Mr. CANSECO, Mrs. LOWEY, Mr. GERLACH, Mr. MCCAUL, Mr. WAXMAN, Ms. CASTOR of Florida, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. PETERS, Mr. SCHWEIKERT, Mr. STIVERS, Mr. REED, Mr. POSEY, Mr. FINCHER, Mr. DIAZ-BALART, Mrs. MYRICK, Mr. CASSIDY, Ms. BUERKLE, Mr. FRANKS of Arizona, Ms. CHU, Mr. BACA, Mr. JOHNSON of Ohio, Mr. PEARCE, Mr. WOMACK, Mr. OLSON, Mrs. MCCARTHY of New York, Mr. MARKEY, Mr. COSTA, Mr. DOLD, and Mr. PAULSEN.

## SENATE—Wednesday, December 19, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of love, may Your presence fill our lawmakers with Your wisdom and power. May Your wisdom lead them away from the pitfalls of delayed obedience so that they will seek to promptly do Your will. Lord, make them a source of strength. Direct their actions; motivate their hearts, as they seek to begin this day with an unreserved commitment to You. God, give them Your supernatural power, wisdom, and guidance, for You know them, their needs, their motives, their hopes, and their fears.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 19, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

PATRICK J. LEAHY,  
*President pro tempore.*

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will

be in a period of morning business for 1 hour; the Republicans will control the first half, the majority the second half.

Following morning business, we will resume consideration of the supplemental appropriations bill. I mentioned last night we are going to have to move forward on this bill. I have been told the Republicans want to have a substitute, and we look forward to whatever that might be. We can set up a series of votes to satisfy those people who want to change this bill in some manner.

I would note that in the Northeast—other States but principally New York and New Jersey—there are about 700,000 people who have lost their homes. Tens of thousands of those homes have been destroyed, and other people are still living in very difficult situations.

When we had the devastation in the Gulf, we got the aid to those States very quickly. The population of those States—Louisiana, Mississippi, Alabama—is very sparse compared to New York and New Jersey. We have to make a decision on this very important legislation before we leave this week, and we are going to do that. I hope everyone would cooperate, but we have to do this. It is very unfair to the millions of people who are suffering as a result of this devastation.

We have had some devastating wildfires in the West. They are terribly damaging to the environment and on occasion there is lost life and often there are property losses. But relatively speaking, compared to the millions of people involved in this storm, we have to get our priorities right. It is unfair to those people who are suffering. It is not only individual people, but it is also businesses. I hope we can finalize this matter in the next day or two.

### TRIBUTES TO DEPARTING SENATORS

KENT CONRAD

Mr. REID. Madam President, it is often said a man is only as good as his word. In this new world we live in, the same applies to women. This is a world we live in where men and women, as much as we can, are treated equally. A good man is somebody who has his word that is good. A good woman is a person who has their word that is good. I believe that is true.

If that fact is true, then Mr. KENT CONRAD, the Senior Senator from North Dakota, is a good man, indeed.

When he was running for the Senate the first time, he promised the people

of North Dakota he would not run for reelection if the Nation's budget deficit was higher at the end of his term than at the beginning of it.

We came to the Senate together. I can remember 27 years ago in the LBJ Room where I first met KENT CONRAD—we were running for the Senate—this studious man, very intense. I can still remember that. We have been friends now for all those many years. But think what he did. He could have been reelected so easily and he probably could have figured out some way around it: It was my intention to reduce the debt, but we weren't able to do it.

But he didn't follow that path. He said: I am not running for reelection, and he didn't. It is amazing what he did. He takes the national debt personally. He takes it very seriously. KENT announced he wouldn't seek reelection. I was stunned. KENT, how could you do that? He said: I gave my word. But fate, as we know—and we are feeling it today with these flowers here behind me—fate is rarely anticipated. After his first term was set to expire and he had announced he wasn't running for reelection, Quentin Burdick, with whom I had the pleasure of serving, died, and so he ran for his seat and was elected. So he has held both Senate seats in North Dakota. He ran in that special election to replace Senator Burdick and won. The Senate, the people of North Dakota, and every American who cares about controlling the Federal debt have benefited from his faithful service.

Every time we have done something dealing with the debt in the last 26 years, KENT CONRAD has been at the forefront. ObamaCare, he was on top of that. He was one of the Gang of 6, it was called at the time, and took months and months. He came up, of course, with the magnificent idea, he and Judd Gregg—two people who know the finances of this country as well as any other two men in the world—they were going to do something about it, and they introduced legislation. It was patterned after the base closing commissions. They would do their work—the Commission—come back to the Senate, no filibusters, no amendments. That was KENT CONRAD and Judd Gregg's idea. As we know, the problem was the Republicans who supported the legislation, cosponsored it, wouldn't let us get it on the floor; six or seven of them voted against that. The Bowles-Simpson Commission; the Obama-Boehner talks, two rounds of those; Biden-Cantor, he was involved in every one of those; the Gang of 6, the Gang of

8. Even though he wasn't personally one of the three people on the super-committee, Chairperson MURRAY was leaning on him all the time for information.

He has been terrific. As chairman of the Budget Committee, no one could do more than he did. I can remember he managed the bills we had on getting budgets. He was here, my seat was there, and he wanted me to help him. Why? Because he didn't have time to deal with procedure. He was dealing with substance. I still joke with him about this. He was so intense; we could see that mind of his working. So he was happy I was here working with him to get the budgets through.

He has been a powerful voice against runaway deficits but always being totally reasonable, recognizing that we are in a time of economic slowdown and we have to do something about the debt. But he also believes that during any of these periods of time, we need stimulation of the economy; they go together.

As I have indicated, no one cares more about addressing the national debt than Senator CONRAD. But he also understands the balance between fiscal responsibility and funding our national priorities.

KENT CONRAD has been bipartisan. Sometimes some criticize him for being so bipartisan. He has never been afraid to reach across the aisle to keep our country on a responsible path. He is a person who is not an ideologue. I could be wrong, but I think he was the first person to endorse Obama. Obama was a Senator who gave indication he wanted to run for President. I think Senator CONRAD was the first to endorse him. We know Senator Obama didn't sell very well in North Dakota, but that didn't stop KENT CONRAD. He thought he was the best person to be President of the United States.

The proposal I mentioned with Senators CONRAD and Gregg was a blueprint for what the Bowles-Simpson Commission then came up with. As I have indicated, every bipartisan deficit reduction since then—and some partisan efforts—anytime there was involvement with the debt, he was there.

Although we have yet to reach a solution or a conclusion to the very serious fiscal challenges this country faces, I credit KENT CONRAD for the progress we have made to this point. He will continue to be a voice for reason and moderation even in his retirement. See, KENT has always had a brilliant mind for numbers. He is a step above an accountant's mind. I truly like accountants. My daughter-in-law is an accountant, but he is a step above that. He is of the mathematician's caliber; he is so very smart.

After graduating from college, he worked for the North Dakota State Tax Commission. The person who ran that tax commission was Byron Dor-

gan, who later joined him in the Senate. In 1980, KENT succeeded Byron as the commissioner of taxes in North Dakota. They are the best of friends. He served as tax commissioner for 6 years.

He is a fifth-generation North Dakotan, born in Bismarck. KENT CONRAD was raised by his grandparents. When he was 5 years old, his parents were killed by a drunk driver and so he was raised by his wonderful grandparents and he has told me so many times about how good they were to him.

He was always interested in politics. At his retirement party, he talked about coming to Washington, DC, and he went back to his room or wherever he went that evening and wrote on a piece of paper that he was going to be a Senator. He was just a boy, a little kid. He was a teenager, but at least in my view of a 16-year-old today he was still a little kid. He said he wanted to be a Senator to himself. "It so inspired me that I thought someday I'd like to be down on that floor and I'd like to debate the great issues of the day."

He has done it. He has done it for 24 years.

Today KENT doesn't just debate the great issues of the day, he also is famous for making sure people understand what he is talking about. He has visual aids—we call them charts—that explain all his numbers and make them understandable. In 2001, the Rules Committee gave him his own printer since he was producing more charts than all the rest of the Senators combined—and that is the truth. He is famous for his charts.

He is renowned for his dog. He loves that little dog named Dakota. It is a fluffy white dog, a *bijon frise*. Everywhere KENT goes, Dakota is with him. They love that dog like only people can love animals. I often question how—I used to question; I don't anymore. I have a daughter. My oldest child is a daughter. She is allergic to cats. Her husband, trying to be nice to her, bought her a cat that had no hair. Frankly, it was kind of an ugly little animal, but my daughter loves that cat. They named the cat Olivia. The cat got out at night—they live in a suburb here—and a raccoon attacked the cat so the cat was never the same after that. But my daughter spent lots of money on this cat.

I finally said: Lana, why are you spending money on the cat?

She said: Dad, I love that animal.

So that was the beginning; I don't question it anymore. If my daughter feels that strongly about a cat, I am going to stop criticizing people who spend money on animals.

I am reminded of my daughter every day I see him with Dakota because she loved Olivia like he loves Dakota. He and his lovely wife Lucy have spent lots of money on that little dog. They love that dog. He calls him Little Guy; that Little Guy.

I am going to miss KENT a lot. He is my friend, my pal. I wish him and his family well. He has a lovely family. His wife Lucy was the long-time chief of staff for Byron Dorgan—two Senators, both representing the same State, one Senator's wife is the chief of staff for his colleague. She went out in the private sector fairly recently and has done a great job. She has been involved in Major League Baseball. She and KENT love baseball. KENT always talks about he talked to Pete Angelos, the owner of the Baltimore Orioles; that he is looking forward to his retirement because Angelos promised him a tryout. He is going to try to play professional baseball. He loves baseball. They go to spring training when they can. I hope they will still have a presence in Washington. I think so much of both of them. They are wonderful people.

They have two children, a daughter who wrote a book about politics, and one grandson. KENT always boasts about how smart his daughter is. I went to the book signing. I am sure she is smart because she has such a brilliant father.

I value both KENT's friendship and leadership. While he will be missed in the Senate, he should rest assured that his legacy will remain long after he leaves.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### PREVENTING FURTHER ECONOMIC DAMAGE

Mr. MCCONNELL. Madam President, there is still time to prevent further damage to the economy and to stop the automatic tax hike on every American that's scheduled to go into effect at the beginning of the New Year. The President has a real opportunity, the second in 2 years, to do something significant about our debt crisis and jumpstart our economy. He has a real opportunity to show he can govern. He is letting that opportunity slip away.

Senate Democrats and the White House now say that a "balanced approach" is one that can pass both the House and Senate. But we know that neither the Democrat bill in the Senate, nor the President's plan for more than a trillion dollars in tax hikes meets their own new test of 'balance.'

Speaker BOEHNER, like me, would like to prevent a tax hike on everyone. But given the President's failure to act, the House will soon vote on legislation to prevent a tax hike on anyone making less than a million dollars a year—rather than letting taxes go up on every American taxpayer; in other words, a plan that 53 of our Democrat colleagues here in the Senate already

voted to support. It is a plan that would ensure far more American families and small businesses are protected from tax hikes than anything our Democrat friends have proposed.

Democrats will have an opportunity to offer and vote on changes if they no longer agree with their previous positions. But what they cannot do is sit on their hands and let taxes go up on every American taxpayer. Senate Democrats have wasted precious time all year with show votes designed to fail. That has left us with little time to do the real work that needs to be done. But there is still enough time for us to finish all of our work before this weekend, if we are all willing to stay late and work hard. For the sake of the people who sent us here, it can and should be done.

#### TRIBUTES TO DEPARTING SENATORS

JIM DEMINT

Madame President, I would like to speak this morning in tribute to an unexpected addition to the list of retirees on the Republican side of the Senate, Senator JIM DEMINT of South Carolina.

They say success has many fathers, but it is hard to think of anyone who has done more than JIM DEMINT to raise the public's awareness on spending and debt, and the threat that big government poses to our liberties.

JIM has been a powerful voice for conservatism during his time in the House and the Senate. I have no doubt he will be extremely effective in his new post over at the Heritage Foundation. I wish him every success. Because the truth is, the Nation simply cannot continue on its current path, and if JIM can help more people understand that from his new perch on Massachusetts Avenue, then it will clearly have been worth it.

And so while JIM's voice will be missed here in the Senate, we are glad to see he will be putting his considerable talents to good use by helping to arm his former colleagues and many others with the arguments they will need to make the case for constitutional conservatism in the years ahead.

As a young boy, JIM developed a knack for sales by necessity. His mom ran a ballroom dancing school out of their home as a way to keep food on the table for her four children, and part of JIM's job was to recruit the students. He says he still runs into people who attended the DeMint Academy of Dance and Decorum. "Our home sometimes seemed like boot camp," JIM once said, because to survive as a single parent his mom enlisted all four kids for daily duties starting at 6 a.m. It was "the closest I would come to basic training." Interestingly, part of JIM's responsibilities involved filling in for folks who did not have a dance partner.

When JIM wasn't busy in the ballroom, he was working his two paper routes or bagging groceries at the grocery store. On weekends, he fed his love of music as the drummer for a band called "Salt and Pepper." He was best known for his vocals on the song "Wipe-out" and the song's distinctive opening cackle. JIM says he could have been a rock star, if it weren't for the fact that he had no voice or musical talent. So as an adult, he stuck with sales, and it was from there that he launched his political career.

It has not been easy. JIM has always worked hard to ensure that Debbie and the kids remained at the center of his life. I know how much he admires Debbie for keeping her focus on their kids over the years. Theirs has been a true partnership almost since the day they first met all the way back in the seventh grade.

JIM was not always all that political. In fact, those who know him best say that one of the most surprising things about his career is how such a shy and gentle spirit could be viewed by so many as a take-no-prisoners firebrand. As a young marketing executive, he recalls thinking that he had a wife, kids and a business—and that was basically his universe. He did not even know who his congressman was. To this day, one of the things JIM enjoys doing most is working on his lawn back in Greenville. And while he has gotten his share of awards in Washington over the years, I don't think any of them compare with the one his neighborhood association gave him a few years back for "best lawn." He is really proud of that one.

JIM's interest in politics came about when the government started to intrude more and more into his business, and when he started to notice how it unwittingly harmed others. "The more I learned about how things operated," he once said, "the more I understood how problems in our society such as broken homes, crime, and school drop-out were a direct result of well-intended but misdirected government policies."

So he got involved.

In 1992, Bob Inglis walked into his office and asked for his help in running a race in South Carolina's 4th District. JIM took the job and for the first time began to think about running for political office himself. When Inglis retired, JIM decided to run as his replacement. He was 47 years old, he had never run for anything in his life, and Debbie thought he was crazy. But the voters liked what he was selling, and so did his colleagues in the House. They voted him President of their freshman class in 1999.

Six years later, JIM was elected to the Senate. And he has been a leader here as well, working to cut Federal spending and reform how we spend taxpayer dollars. A conservative stalwart,

JIM leaves with a stellar 98.77 lifetime rating from the American Conservative Union. And, crucially, he has made a difference. One member of the press corps once referred to JIM as the patron saint of lost causes in the Senate. And, frankly, I don't think we will be abolishing the tax code anytime soon, as JIM has suggested, but that's to miss the point. Great causes almost always start out with a constituency of one, and JIM has never been afraid to take up important and unpopular causes early, and let the polls and punditry take care of themselves.

After becoming what he called a "recovering earmarker," he succeeded in convincing others to give up the practice. As a member of the Foreign Relations Committee, he was also instrumental in resolving a serious problem in Honduras a few years ago after the Obama Administration misconstrued the legal ouster of a president with a political coup. JIM enlisted Miguel Estrada to figure out what was really going on down there, and I was happy to help him travel to Honduras to investigate in person. JIM soon reported back that it was instantly obvious it was not a coup. The story eventually had a happy ending: the Honduran people held a new election and inaugurated a new president and the Obama administration grudgingly backed down. But none of this would have happened without the leadership of Senator DEMINT. "The senator kept the administration honest," Estrada later said. "He was invaluable."

Senator DEMINT and I share a profound commitment to free speech, and he has written eloquently on its importance for our Nation. "Good government," he has written, "is a result of freedom debated." He has called the right to free speech the "most treasured benefit of living in a free and democratic nation." And he has certainly exercised that right to the fullest both here in the Senate and across the country.

Throughout his political career, JIM has always been guided by an unwavering commitment to freedom, and I know it is that same commitment to defend and enlarge our freedom that led him into this next chapter in his life. It is this passion to defend freedom, both for Americans here at home and for our allies around the world, that has struck a chord with so many Americans and helped make JIM a national figure—not to mention a best-selling author.

In addition to the fact that he and his staff have helped address more than 30,000 constituent inquiries during his time here in the Senate, it is also why JIM has remained so popular with his constituents back home, and it is why his colleagues here in the Senate are so sad to see him go.

JIM leaves with a legacy. He has been a real champion for limited government and constitutional conservatism

on the national stage. But what has always guided him most over the years is the conviction that most decisions are best made at the local level. And whether it is his work with veterans, in promoting adoption, or in reforming education, that is what he has always stressed.

So I want to thank the Senator from South Carolina for his sterling service to the Palmetto State and to our country. I wish him and Debbie and the entire DeMint family all the very best in the years ahead. Godspeed, Senator DEMINT.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

The Senator from Utah is recognized.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

#### TRIBUTE TO DEPARTING SENATORS

JIM DE MINT

Mr. HATCH. Madam President, I wish to say a few words about my colleague JIM DEMINT. We have had a lot of really good people during my service here on both sides of the aisle. I have friends who have passed on and who made such a difference around here. I have to say that JIM DEMINT has been a rock-ribbed conservative who I think has made a great difference in this body and for whom I have a lot of respect. I have profound gratitude that he has fought as hard as he has for the principles he believes in, most of which I believe in.

I wish him Godspeed as he works over at the Heritage Foundation. I can't imagine a better place for somebody who loves the issues, wants to play a role, has played a role, understands this body, understands the political nature of this country, and has been very active in trying to change this country for the better. JIM has those kinds of abilities. I wish him well, and I sure hope he will have a great time while he is over at the Heritage Foundation. I have great respect for him. I think most people who really know him have great respect for him. I always respect people who really do what they believe, and JIM DEMINT has exemplified that as well as anybody I know.

#### TANF

Mr. HATCH. Madam President, I rise today to speak about important issues facing us as we work to reauthorize the Temporary Assistance for Needy Families Program, the TANF Program. Poverty has risen to a crisis level in our country. In 2011 there were 16.1 million children in families with incomes below the poverty level.

The pernicious effects of poverty have implications for children's health, education, and well-being. Research has demonstrated that there are significant associations between poverty and problems with children's health, cognitive development, behavior, emotional well-being, and school achievement. These problems are exacerbated for families in extreme poverty, where the annual income is less than half of the poverty level. In 2011 there were over 7 million children in the United States living in extreme poverty.

Poverty is also a risk factor for child abuse and neglect. Data assembled by the Center for Law and Social Policy reveals that poverty is the single best predictor of child maltreatment. Children living in families with annual incomes below \$15,000 were 22 times more likely to be abused or neglected than those living in families with annual incomes of \$30,000 or more.

According to a report from the Children's Defense Fund, "Children of color continue to suffer disproportionately from poverty." The Children's Defense Fund cites data showing that more than one in three African-American children and more than one in three Hispanic children were poor in 2011, compared to a 1-in-8 ratio among White non-Hispanic children.

These families face huge challenges navigating the bare necessities of daily life. Fresh healthy food can be rare. Unsafe housing contributes to chronic child health issues such as asthma. Transportation to and from work, the grocery store, and the doctor can be infrequent and unreliable.

Programs funded through TANF—the Temporary Assistance for Needy Families Program—provide cash assistance to families struggling in deep and persistent poverty. TANF is a block grant to States for their use in ending dependence on government benefits and, more broadly, to promote child well-being. TANF Programs can also provide work support such as transportation assistance and childcare for families working to get themselves out of poverty and into decent-paying jobs. In addition to safety net and work support programs, TANF also funds a number of child welfare programs that, when effective, reduce the number of children in foster care and help keep families together.

When TANF was enacted, many States used the funding stream in an effort to move welfare recipients into work. However, over time the focus of

TANF in many of these States has shifted from working with job-ready adults to a funding stream largely dedicated to funding purposes unconnected to job readiness.

For many years I have expressed concern that nationwide over 50 percent of able-bodied adults receiving cash assistance are reported to engage in zero hours of work-related activity. Additionally, I have raised concerns that most States are not able to meet the Federal work-participation rate. This work-participation rate requires that a State engage half of its cash assistance caseload in specified work-related activities for a certain number of hours each week.

If you ask the average middle-class American how many able-bodied adults receiving welfare should be engaged in work or work-related activities, my guess is the answer would be all of them. It should be shocking to the American people that most States are not able to engage half of their welfare caseloads in such activities.

Furthermore, I have raised concerns that there is a considerable amount of TANF spending on child welfare programs that goes unaccounted for and is not coordinated with possibly duplicative spending administered by State child welfare agencies.

Authority for TANF expired at the end of 2010. Unfortunately, although this is a matter of serious concern, the Obama administration has never proposed a 5-year reauthorization of the TANF Program. Instead, on July 12, 2012, the Department of Health and Human Services released a document, which they inaccurately described as an "Information Memorandum," to the States claiming on behalf of the Obama administration unprecedented waiver authority over TANF work rules.

This action provoked a swift and strong condemnation from members of the legislative branch and rightly so.

Many Members of Congress believe the welfare waiver document constitutes an excessive and unwarranted overreach on the part of the executive branch. The Government Accountability Office agreed with us and has determined that the July 12, 2012, document is, in fact, a rule as defined by the Administrative Procedures Act and as such should have been submitted to Congress for review.

Since the welfare waiver is considered a rule, like all rules, it is subject to a joint resolution of disapproval under the Congressional Review Act. The Senate Parliamentarian agrees with the GAO, and she has advised that for purposes of the CRA, that is, the Congressional Review Act, this rule should be considered to have been received by Congress on September 10, 2012, even though the administration failed to submit it as required by law.

The CRA provides the Senate with a procedure for expedited consideration

and a vote on a resolution of disapproval during a certain window of time so long as at least 30 Senators have signed a discharge petition to bring the resolution to the floor. I have introduced such a resolution, S.J. Res. 50, which provides for congressional disapproval of the rule submitted by the Department of Health and Human Services relating to the authority to waive Federal welfare work requirements under section 407 of the Social Security Act. Having introduced it within the required timeframe under the CRA and having obtained enough signatures on a discharge petition, it is within my rights as a Senator to call for a vote on my resolution prior to the Senate's adjournment this year.

Now, I am not naive, nor am I overly idealistic. I am well aware that the vote on S.J. Res. 50 would likely fall along party lines, and this is disappointing. It is clear that the administration's purpose in granting themselves this waiver authority is to undermine a work-first approach to getting welfare recipients or clients off the rolls. This has been the desire of many critics of Clinton-era welfare reforms since they were enacted.

The administration has not been forthcoming at all about what they want to substitute for a work-first approach. In the past, absent strong Federal performance standards, States have allowed activities such as journaling, exercise, or assisting a neighbor, just to name a few, to count as work for the purposes of welfare eligibility.

Here is why I have such a problem with this shift in policy: I believe most people receiving welfare are unhappy with their situation and want to be able to work. Even with assistance, families trying to survive on cash-assistance welfare are living in desperately impoverished circumstances. The reasons some families have to go on welfare can be, of course, complicated. Many adults on welfare struggle with mental health and substance abuse issues. These barriers to work prevent adults on welfare from having work-readiness skills. Additionally, inactivity and the lack of attachment to the workforce can exacerbate mental health and self-medicating tendencies and create a downward spiral for these families, and it can be very hard to reverse course.

Over the years, research has consistently revealed that a work-first approach to welfare, combining an intense effort to engage recipients in work-related activities to foster an attachment to work with a blended array of work supports, such as education and training, has the greatest degree of success in getting clients off of welfare.

The reason I am so vehemently opposed to the administration's scheme to undermine the welfare work requirements is that I believe it will hinder,

not help, the effort to get adults off welfare and into the workforce. Put simply, allowing activities that are not work to count as work will not get people off welfare.

The administration and their apologists have not even tried to make a policy case for their non-work-first approach. Instead, apologists of the administration's welfare waiver rule generally attempt to obfuscate and distract from the fact that the Obama administration granted themselves waiver authority to bypass the legislative branch with the goal of weakening welfare requirements.

Let's take a look at some of their arguments. Right out of the gates, supporters of the administration's policy argue that members of the legislative branch asserting their rights in the face of executive overreach were simply trying to give the Romney-Ryan campaign an issue.

Well, in case anyone hasn't heard, the country recently held an election, and President Obama was reelected. There is no longer a Romney-Ryan campaign, so that distraction falls away.

Apologists of the executive overreach have also tried to muddy the issue by suggesting that the administration is giving the States what they asked for. For example—and I take this a little personally—in an effort to create a false justification for their power grab, the Obama administration has repeatedly misrepresented the views of the State of Utah. It is true that when asked by the administration what they wanted in a TANF reauthorization, some States indicated the desire for more flexibility, but there was never any indication that the States wanted the administration to go around Congress to provide this flexibility.

According to the Government Accountability Office, between 2000 and 2009—during the Clinton, Bush, and even the Obama administration—HHS consistently told States that they had no waiver authority under TANF. So States naturally and rightly assumed that any requests for waivers would have to go through Congress. This is evidenced by the fact that in the 6 months since HHS granted itself authority to waive welfare work requirements, not a single State has applied for one of these waivers. In other words, any argument that the need for State flexibility is so urgent that the administration had to bypass Congress to give it falls by the wayside. Once again, we see a distraction crumble under the weight of the facts.

Another distraction raised by supporters of the administration is comments from a former House Ways and Means staffer to the press indicating that he thought additional flexibility for States might not be a bad idea. Of course, this same staffer also said that unilaterally establishing these waivers

without consulting Congress was not the way to go. If that is the best expert opinion supporters of the administration can come up with to support this shift in policy, they have clearly failed to make their case.

Once we cut through all of these distractions the administration and its allies have tried to throw in our path, we are left again with the heart of the matter. The Obama administration is trying to bypass Congress and enact policies that are not provided for under current law. Whether or not one agrees with the administration's change in policy, that simple fact remains and we ought to stand up for the prerogatives of the legislative branch. That is why we have three separate branches of government, so that we have some checks and some balances in our society.

As a Member of the Senate, I simply cannot stand by and watch the administration undermine the relevance of the legislative branch. I cannot stand by and see Members of the House of Representatives who have worked for years to develop expertise on welfare policy turned into potted plants.

But there is more than one way to stand up for the U.S. Congress. The country has been through an exhaustive and highly partisan election. Some call it a status quo election. The country has elected a Democrat to the White House and sent back a divided Congress. No one side can claim a mandate, in my opinion, and I think in the opinion of most people. What the American people want is for Democrats and Republicans and the President to work together to get things done for the American people, and get things done right for the American people. One of the things we need to get done is a comprehensive overhaul and reauthorization of TANF. Welfare-work requirements need to be updated and strengthened, certain loopholes need to be closed, and there must be increased transparency and accountability relative to TANF spending on child welfare programs and services.

In order to begin bringing all sides together, particularly after such an acrimonious political period, someone must make the first move. Therefore, as an act of good faith, in order to facilitate a collegial bipartisan working relationship on TANF, I am putting my colleagues on notice that earlier today I sent President Obama a letter informing him that I will not insist on a vote on my resolution of disapproval during this session of Congress. In the spirit of compromise and bipartisanship, I have asked President Obama to respond to my action by instructing Health and Human Services Secretary Kathleen Sebelius to withdraw the welfare waiver rule and submit a 5-year TANF reauthorization proposal to the Congress. If there are aspects of the welfare waiver rule the administration wishes us to



consider, I hope they will include them in their proposal so they can be debated and negotiated here in Congress.

I have written to the President and told him I am committed to working with his administration as well as Chairman CAMP and Chairman BAUCUS to enact comprehensive and meaningful welfare reauthorization early on in the 113th Congress. I made this offer to President Obama with good will and in good faith. However, if the President rebuffs my overture, the Congressional Review Act will afford me this opportunity for another vote on a resolution of disapproval next year. This is because even if the Senate meets in legislative session every day until January 3—including Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, and all weekends—there will not have been 60 session days between the date the welfare waiver rule is deemed to have been submitted to the Senate and the convening of the 113th Congress. Since the 112th Congress will end before the full 60-session-day period has elapsed, the Congressional Review Act provides for another 60-day period to act on a disapproval resolution regarding this rule in 2013. I hope it doesn't come to that. Therefore, if President Obama does not withdraw the welfare waiver rule, submit a 5-year TANF reauthorization plan, and then work with Congress to enact meaningful, comprehensive welfare reform that strengthens work requirements and provides for improved accountability of TANF spending, I will be right back here in a few months exercising my right to demand a vote on a new resolution of disapproval under the Congressional Review Act.

I sincerely hope it does not come to that. As my colleagues know, I have a long history of forging bipartisan compromises on welfare, among many other things. I was a key player during the 1996 consideration of welfare reform that was passed by a Republican Congress and signed by a Democratic President. In 2002, Senator Breaux and I worked with Republicans and Democrats to draft the so-called "tripartisan" agreement on welfare reauthorization. I stand willing to work again on a bipartisan basis on this important issue at this most critical time.

As Members of Congress, I believe we have a moral obligation to do what we can to help those facing staggering challenges and deep and persistent poverty. We can begin to meet this moral obligation by strengthening and improving the TANF Programs for the working poor, the middle class, and children in the child welfare system.

In America today we have women who take their children with them rummaging through trash cans, hoping to find discarded soda cans so they can sell them back to stores. In America today we have families who every

month must make painful decisions about whether to buy food or medicine or whether to pay to heat their home or put gas in their car. Many single moms have no good choices when it comes to providing childcare for their children while they attempt to find work. I can think of no group of Americans more deserving of having the Senate's time and attention directed toward crafting policies designed to help improve their lives.

If my colleagues look over my past 36 years, I have been there for these Americans. I was there in enacting TANF. I was there on a number of child welfare programs. I was there on the Child Care and Development Block Grant. I was there on the Americans With Disabilities Act, and countless other bills. These bills I worked on have helped to make a difference.

But I am concerned that increasingly, we are becoming a welfare society. A lot of people aren't going to go to work, and every time, every quarter, we find more and more people who won't even look for a job anymore. That is not the way to run a great country. That is not the way to help people to be self-sufficient, it is not the way to help people to be self-reliant, and it is not the way to keep a country great.

This is an important issue. I believe everybody in the Senate ought to stand up for the rights of the Congress. And I believe the President can show great good will here if he would do what I have suggested, which I think my Democratic colleagues would appreciate as well, and that is send up the 5-year reauthorization of TANF and of course withdraw that particular approach toward waivers that literally should not ever be granted without congressional consent. I think the President would come a long way by doing that and it would mean a lot to me personally. Let's hope we can get the President to consider these remarks this day because they have been delivered in good faith, hoping we will find solutions to these problems and, above all, hoping we can help our people.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, in every corner of the globe—from pole to pole, and from the top of our atmosphere to the depths of our oceans—we see evidence of the fundamental changes that are taking place across our Earth.

In 2012, North America experienced a number of unusually severe events and passed several ominous milestones. These episodes have driven a shift in attitude—a realization, really, among Americans. As we head home for the holidays this year, each of us is likely to find back in our home States that more and more people are convinced that climate change is happening, and that it is deadly serious.

Here are just some of the extraordinary events that occurred as we look back on this year, 2012.

January 2012 was the fourth warmest January experienced in the contiguous United States since we began keeping records. And we began keeping records in 1895. By the end of January, snowpack in the Sierra Nevada Mountains was 50 percent less than normal.

February 2012 marked the end of the fourth warmest winter on record—an above-average start to the year but not extremely so.

Then this happened: March 2012. March 2012 was the warmest March on record. Every State in the Nation experienced a record daily high temperature in March. There were 21 instances of nighttime temperatures—nighttime temperatures—being as warm or warmer than the existing daytime record temperature.

It was also in March that a University of Texas poll asked respondents if they thought climate change was occurring. Madam President, 83 percent of Democrats said yes; 60 percent of Independents said yes; 45 percent of Republicans said yes.

As 2012 went on, things did not slow down much for the lower 48 States.

April 2012 would become the third warmest April on record. I came to the floor in April to speak about another milestone surpassed that month. For the first time—for the first time—one of NOAA's remote monitoring sites—this one in the Arctic—recorded a concentration of 400 parts per million of carbon dioxide in the Earth's atmosphere, crushing records that go back 8,000 centuries. For 8,000 centuries mankind has inhabited a planet with an atmosphere with carbon concentration being 170 and 300 parts per million. We have broken out of that. For the first time, in April, we hit 400 parts per million.

By May, it was no surprise that spring 2012 was a full 2 degrees Fahrenheit warmer than the next warmest spring in recorded history. May was the second warmest ever.

June was only the eighth warmest June, but it officially marked the end



of the warmest 12-month period the United States of America has ever experienced.

Across the lower 48, July was not only the warmest July on record, it was the all-time warmest month in America in recorded history. According to the U.S. Drought Monitor, 62.9 percent of the contiguous U.S. was experiencing moderate to exceptional drought by the end of the month—nearly two-thirds. Madam President, 62.9 percent was experiencing moderate to exceptional drought as a result of this being the all-time warmest month.

As the mercury climbed in July, so did agreement among Americans on the crisis of climate change. That University of Texas poll was taken again, and the percentage of Democrats convinced of global climate change had risen to 87 percent in July, up from 83 percent in March. Among Independents, the percentage went from 60 percent up to 72 percent. And Republican believers in climate change became a majority. They went from 45 percent to 53 percent.

By August we had experienced the third hottest summer in the history of the continental United States. In the West, 3.6 million acres were ablaze with wildfires—nearly twice the August average, and the most in the 12-year period of record.

August also brought bad news from the North. The University of Colorado's National Snow and Ice Data Center and NASA announced that Arctic sea ice had reached a record low area of 1.58 million square miles—nearly 70,000 square miles smaller than the previous modern record low. Over the past three decades, average annual temperatures had increased twice as much over the Arctic as over the rest of the world. The average extent of the Arctic sea ice has declined by 25 to 30 percent in that time, and the rate of decline is accelerating.

September 2012. September 2012 was the 16th month in a row that the contiguous United States recorded an above 20th century average temperature.

October finally ended that record streak with a temperature across the lower 48 that was 0.3 degrees Fahrenheit below the long-term average. But October also brought us, as the Acting President pro tempore so well knows, Hurricane Sandy, Superstorm Sandy. It was the largest Atlantic hurricane on record, claiming more than 100 lives, and the second costliest. The cleanup in my home State of Rhode Island and across the east coast—I know most agonizingly in New York and New Jersey—is still underway. This week in the Senate we are working to approve a \$60 billion aid package which will help restore that damage.

#### HAZARD MITIGATION

Let me step aside of my climate remarks and speak for 1 minute to that

because as we consider this supplemental appropriations bill, long-term mitigation must be part of this discussion. We should not replace and rebuild what was damaged just as it was. We need to replace and rebuild smarter. Sandy is a preview of what is to come. Infrastructure that failed or flooded should be replaced to higher standards; at-risk roads, wastewater treatment plants, and other utilities need to be relocated to safer places.

If disaster strikes, as it has, and we do not plan ahead, as we are being urged not to, we will squander Federal dollars. A 2005 study by the National Institute of Building Sciences showed FEMA hazard mitigation efforts yielded an average cost-benefit ratio of 4 to 1—\$4 saved for every \$1 spent. Let's not be foolish.

A prime example of this sort of smart planning was in the Acting President pro tempore's home State at Point Lookout, Lido Beach, and Atlantic Beach. These communities invested in sand dune buffers—sand dune habitat buffers. When Sandy came, they suffered relatively little damage compared to nearby Long Beach, which had decided against maintaining a sand dune buffer and ended up with an estimated \$200 million in property and infrastructure damage.

Coastal wetlands act like sponges during flooding events. They absorb water. They dissipate wave energy. They protect against storm surge. They are an important part of our coastal defenses in coastal States. Natural dune systems on barrier islands and beaches do the same. They are part of our natural defense against coastal storms. These natural defenses must be protected and strengthened for our future safety. And I hope that even Senators who come from landlocked States can appreciate what this means in coastal States.

So back to Sandy. While it is impossible to say specifically that climate change caused Superstorm Sandy, we know that warmer oceans, warmer, moister air, and higher sea level all add to the power and danger of these extreme storms. We know that climate change "loads the dice" for such storms.

Madam President, 2012 marched us past even more portentous milestones. NOAA reported that November 2012 was the 333rd month in a row—the 333rd month in a row—that the global monthly temperature was above the 20th century average. The Earth has not seen a single month below 20th century average temperatures since February of 1985. Some of these interns and pages here were born after that. They have lived their entire lives in that environment.

According to the National Climate Data Center, 2012 is set to be the warmest calendar year on record for the contiguous United States. December would

have to be one full degree Fahrenheit colder than the coldest December on record to prevent that from happening and make up for the exceptionally hot first 8 months of the year.

The overwhelming majority of scientific research indicates that these observed changes in the Earth's atmosphere are the direct result of human activity; namely, the emission of carbon dioxide from the burning of fossil fuels.

Just last week, Dr. James Powell, former Reagan and George H.W. Bush appointee to the National Science Board, released a new review of the scientific literature, in which he searched for articles that expressly reject human-caused global warming or propose an alternate explanation. He looked at 13,950 peer-reviewed climate articles—nearly 14,000 peer-reviewed climate articles. Madam President, 24—24—either rejected global warming trends or denied the human contribution to warming.

I am not even sure if viewers looking at this on C-SPAN can see it, but on this circle pie graph I have in the Chamber, this little red line depicts the 24 articles out of the 14,000. It is a tiny fringe.

The science is clear, and more and more Americans accept that the science is clear behind climate change. An AP poll out just last week found that 78 percent of Americans accept the reality of climate change.

The findings, like the University of Texas poll, break it down by political party: 83 percent of Democrats, 77 percent of Independents, and 70 percent of Republicans. So the real debate in this country is not whether humans are altering our climate but how severely we will do so and how as a society we will respond to this challenge.

Although some Members of this Chamber continue to deny the existence of climate change, Americans are aware that our Nation is vulnerable to extreme weather events. They are aware that climate change loads the dice. They are aware that carbon pollution continues unabated, and they are aware that Congress has failed to act.

The public is ready for us to take action, but we are not. We are, as I have said in a previous speech, sleepwalking. As Congress sleepwalks, Americans actually are taking action on their own. In coordination with the nonprofit organization 350.org, for example, students at more than 150 colleges and universities across the country are pressing those institutions to sell off the portions of their endowment portfolios that are invested in fossil fuel companies. These students are imploring their schools to weigh the real cost of climate change against the drive for greater financial returns and divest from the polluters.

This type of divestment campaign was employed effectively in the 1980s to

pull investment from South Africa during apartheid. With American college and university endowments estimated to total more than \$400 billion, this movement by students deserves significant attention.

In the Senate key legislation such as the Water Resources Development Act must reflect the reality that our climate and environment are changing, that we need to prepare for these changes. We should take direct legislative action to mitigate climate change. We should defend the administration's carbon pollution standards which will require new and existing powerplants to clean up their smokestacks.

The United States must support the Department of Defense, the world's single largest consumer of oil, as a leader in energy efficiency and alternative fuel development for our national security sake. We must extend the production tax credit as our colleague, Senator MARK UDALL of Colorado, has so often and so eloquently pressed us to do. The American Wind Energy Association is pushing for a 6-year extension of the production tax credit to grow a vibrant wind power industry in America.

A greener economy provides a cleaner and safer future for Americans. More Americans already work in the green industries than in the fossil fuels industry. A Brookings Institution report found the clean economy employs 2.7 million workers. That is manufacturing and exports, the kind of jobs that support a strong middle class. But in Congress we are sleepwalking through history. We are sleepwalking through history, and we must wake up; awaken to our duties, awaken to our responsibilities, awaken to the plain facts that lay all around us if only we would open our eyes and see them.

The public has every reason to want to grab us and give us a good shake. We are sleepwalking through this era, lulled as we sleepwalk by the narcotics of corporate money, corporate money out of the polluters and their allies. We are lulled by the narcotics of manufactured doubt planted in a campaign of disinformation by those same polluters and allies. But history is calling us loudly and clearly. History is shouting in our ears. We are oblivious, sleepwalking along.

The people across the country and around the world are counting on us. They are imploring us. We have responsibilities to them. Yet in Congress, we ignore the facts. We ignore our duties. We sleepwalk on. It is irresponsible and it is wrong.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

#### REMEMBERING DANIEL K. INOUE

Mr. BAUCUS. Madam President, I would like to say a few words about our

close, beloved friend, colleague, Danny Inouye. I am hard pressed to think of anyone in this body I respected and loved more than Danny Inouye. His broad smile, his desire to work with you, help you, his interest in finding common ground, his decency, his honesty, his forthrightness, and his dedication to service is unsurpassed.

Someone pointed out to me that when Dan was first chairman of the House Appropriations Committee, he passed all of the measures through his committee virtually unanimously. We should stop and think about that for just a second. This place is now so polarized, it is so difficult to get measures passed. But Dan, as committee chairman, worked with his members so virtually every bill in his first year was passed unanimously. There was one that was 29 to 1.

If only we would stop and reflect on that a bit, it would help us to work better together. Dan also worked very closely with Ted Stevens. One time Ted was chairman of the Appropriations Committee, another time the ranking member. The two of them worked very closely together to get measures passed through the Appropriations Committee. Other committees do the same; the chairman and the ranking member work well together. Regrettably, those measures then come out to the floor and become very polarized. That toxic dynamic of this echo chamber, Washington, DC, takes over once measures get on the floor.

Everyone will talk about Danny as a military hero. He certainly was in so many respects. When Pearl Harbor was bombed, he tried to sign up, and he was refused because he was Japanese American. The Japanese were the enemy. But he and others petitioned the President and he was able to finally sign up.

Danny served his country, our country, fully over in Italy, losing an arm. He was such a hero, storming several German machine-gunner nests. He was so brave because he was American. He was fighting for his country.

Some may have mentioned, or some might in the future mention, Danny's statement to many of us who went to a Prayer Breakfast a few months ago. Dan did not ever go to any Prayer Breakfasts, but he went to one. He wanted to explain why he did something. It was one of the more touching moments in my memory here. It is when Danny went through a bit of his life, explaining how he was—in Hawaii, in a foster home or an orphanage, something similar to that, and a bishop would come by monthly to each of the young children, and say: What can I do for you, young lady; you, young man?

Danny right away said: I want a home. And Danny explained how he then went to live in the Security home, raised by nuns. That went a long way to help Danny appreciate and understand decency, working together, community. It meant a lot to him.

Later, at Pearl Harbor he wanted to sign up. He did and served. But when he explained all of this to us, he then mentioned how he stormed—he was a very good shot. He was an excellent shot. He was a marksman. He was a sharpshooter. He recounted the first German he shot and killed in Italy.

At that moment he was pretty proud of himself, very patriotic. I am a good shot. I am an American. I got that German. They were engaged with the enemy frequently. He shot a few more Germans. One time he stormed a tower. There was a machine gunner up in the tower. Danny rushed up. Prior to that time, one of the soldiers threw a grenade or shot a bazooka. It blew up most of the Germans there in that tower.

Danny stormed up the stairway, got up there and there was one still alive. Danny's immediate reaction was to use the butt of his gun to hit the soldier so the soldier could not shoot him. Well, at that moment, the soldier then reached into his pocket and pulled out photographs, photographs of the soldier's family, the soldier's mother, the soldier's brothers and sisters and children.

Danny, in that instant, it was like an epiphany. He then realized he was not shooting the enemy, he was not shooting soldiers, he was not racking up statistics, he was killing people, a person, a real live person. It hit him so hard he then decided he had to leave. He had to stop this. He could not go on killing people.

He went to the chaplain and said: Chaplain, I have to leave.

The chaplain said: Well, I understand. That is your right. But maybe it is best if you stay in the service.

Danny stayed. Danny said a lot of people count sheep going to sleep at night. Danny stayed awake at night. He could not sleep. He was counting the soldiers he shot and killed, and that had a huge, profound effect on him.

Years later, the Senate was debating the Iraq war resolution. Senator Byrd walked up to Senator Inouye. Senator Byrd, as we will recall, was very much opposed to the United States entering the war in Iraq. He stood up on the Senate floor and very eloquently explained why it was the wrong thing to do—the United States should not send troops over to Iraq.

Well, Senator Byrd walked over to Danny and said: Danny, I have to ask you if you can support this resolution. I know you cannot because, my gosh, you are a war hero and given your military service.

Danny right away said: Oh, no, I will vote with you because it is the right thing to do. It is wrong for the United States to send troops over to Iraq.

Danny said it was largely because of that experience, when that soldier reached in his pocket and showed him

photographs of his family, that it just changed him. It changed Danny and made Danny realize the importance of not going to war unless it is absolutely, totally necessary, and going to Iraq was not necessary.

I was so impressed with Danny in so many different ways. When I was first here, Danny was assigned to defend Harrison Williams who was charged with ABSCAM violations. I remember, right over here on the side over here, Danny set up; that was his responsibility as a lawyer on the floor to defend Senator Williams. I was stunned at Danny's presentation. It was so good. It was so thoughtful. He spoke with such authority. Sure, he was a lawyer doing what lawyers are supposed to do, but as I said, it was stunning. He was an amazing man. It may be kind of a small thing. It may not be something that is repeated terribly often on the floor of the Senate, but I was stunned at how good he was. Other things I have also dealt with him personally on, matters dealing with the Appropriations Committee and sometimes on matters dealing with Montana.

I was really honored; we have this tradition around here called the secret Santa where we give presents secretly to one of our colleagues. I drew Danny Inouye's name. I was Danny's secret Santa. I thought: My gosh, what am I going to do to sufficiently honor Danny?

I thought a little bit. Years ago there was something in Montana called the Devil's Brigade. During World War II the U.S. military joined with Canadians and set up secret training for rugged men, mountaineers, miners and loggers, and so forth to go over to Europe and help fight the war.

It is interesting, this is a precursor to all of special operations: Navy SEALs and Rangers and all of the special operations sprung from this secret, joint U.S.-Canadian effort in Montana. It was called the Devil's Brigade.

They went over in their first big operation to scale a cliff that was outside Rome, a hill held by the Germans. The Germans thought no way in the world would someone come up the cliff, so we will not defend the cliff.

Sure enough, the Devil's Brigade climbed that cliff at night. They beat the Germans up on the top. I thought this was a great gift for Danny since World War II and Italy meant so much for him.

But, regretfully, when I went to the little ceremony, Danny was not there and I could not give him my Secret Santa gift—but it is a small thing. As I walked over here, the secretary in my office said: Senator, you should see this. A letter came in today, just today, this morning. It is from Danny, and it was wishing me happy birthday. My birthday is 4 days after Pearl Harbor, and it just poignantly hit me. This was something thoughtful Danny did.

He did it himself. It wasn't an office letter. It was something he wrote himself.

I will just finish. There were a lot of things about Danny, but the one thing I think that is so appropriate, again, Dan was such a statesman. He was beloved, obviously a hero, and all the things we like to talk about.

I would like to read a little excerpt from a book. It is a preface Dan wrote. Dan wrote his own personal history. It is a "Journey to Washington" by Senator Danny Inouye.

There is a preface, written by Senator Mike Mansfield, at the beginning of the book, and I would like to read this preface. It summarizes Danny.

The life of Danny Inouye has carried him from the streets of Honolulu into war, into law and political leadership in Hawaii, and, now, into the Senate of the United States as the first American Senator of Japanese ancestry. Dan Inouye's life is a personal triumph, a triumph of a man's courage and determination. But his triumph is, in the end, the triumph of America. The recognition which has come to Dan Inouye, like others before him, reveals the resilient capacity of this nation for replenishment, with energy and wisdom drawn from the many wellsprings of the human race. The story of Daniel Ken Inouye, an American, is, in truth, an enduring chapter in the story of America.

So, Danny, aloha.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. I would like to compliment the Senator from Montana on his deeply moving and so personal reminiscences. It was both touching and manly. Thank you very much. It was inspirational.

#### HURRICANE SANDY

Madam President, I come to the floor—and I am so glad the Senator from New York is the Presiding Officer—because here we are, the Chamber is vacant. It looks like the Senate is not moving. The Presiding Officer is a Senator from New York, along with Senator SCHUMER. I am a Senator from Maryland, and we have been hit by a hurricane. We have been hit by Hurricane Sandy.

I come to the floor to say, as we reflect on the life and times of Senator Danny Inouye, we should also reflect on his work, which is to move appropriations bills in a timely way—and particularly when that appropriations bill deals with the supplemental appropriations to meet the compelling human needs of our communities and our people when they have suffered a natural disaster.

The clock is ticking. We have businesses that need to restart. We have homes that need to be rebuilt. In my

own State of Maryland, we had a double whammy. As the hurricane came forth on our coastal areas along the beloved Chesapeake Bay and the Atlantic Ocean, we were hit by the hurricane. Then up in western Maryland, Garrett County, called the Switzerland of Maryland, we were hit by a blizzard—a blizzard.

Where are we now? It has been days. The TV cameras have left, but the compelling human need has not.

What is the Senate facing? Inertia, parliamentary roadblocks, and we are fussing about the budget. I believe we need to have a more frugal, sensible government, but these are the American people. Sometimes I am for helping other nations around the world, but after a natural disaster, while we have been busy rebuilding Afghanistan, how about if we rebuild New York, New Jersey. How about getting my communities up and running along the coast of the Chesapeake Bay and communities such as Crisfield. These people are not asking for a handout; they are asking for a hand up. These are the American citizens who pay their taxes on time. Then why doesn't the Senate act on time? I am deeply frustrated by the inertia and the parliamentary roadblocks for nothing.

Look what this would mean. We could show hope and help. Actually, along the way, the very things we will do will be creating jobs in the local community because this is physical reconstruction—and, I might add, the reconstruction of human lives.

The Senator from New York knows so well; she told me the moving stories of the firefighters themselves, our gallant first responders who suffered terrible fires in their own home communities. What a horrible thing. I know if the Presiding Officer came over with me to the Eastern Shore and went down to the community of Crisfield, she would be touched. This is a wonderful community, but they have had some hard times. They have a 94-percent unemployment rate. Our agriculture and our seafood industries have been hit by drought and declining species. Our industries have been hard hit. In these rural areas, these homes have been in these communities for generation after generation after generation.

The western shore lobbyists who come in or appraisers who are looking for Gucci waterfront property might value these small, tidy, well-maintained homes for appraisal value, but the appraisal was in the hearts of my people of Crisfield. Generations have lived there. Generations have worked there. Generations have sent their sons to fight the wars—and now their daughters. All they want is for their country to help them rebuild, get the mold out, get some assistance coming in so they can buy their crab pots and get back to work. They want their homes. They want to get their lives

back, and they want to get their livelihoods back.

What do we have here? Inertia.

When all is said and done, I am very tired that more gets said than gets done. This is the time to act. My constituents truly need help, and we have been here.

I am going to congratulate Senator MURRAY and Senator LANDRIEU, who chair the subcommittees in Appropriations on FEMA and THUD because it will be FEMA money and community development block grant money that will help these communities. Now we are going to need the Corps of Engineers for beach replenishment, public investments that will protect private property. It has been 2 months since Sandy, 2 months. Surely, we can act.

The President has made a request. Yes, it is a hefty \$60 billion. But look at who was hit, a big city that is one of the heartbeats of America, New York, and a little community such as Crisfield. But no matter whether someone lives in New York City or in Crisfield, MD, they deserve the help from their government.

I say to my colleagues, let us think of the people we were sent to represent. We weren't sent to represent a bottom line; we were sent to represent people. I would hope we would put into place, that we would pass the President's request. We have great policies that were arrived at—and if you truly want to honor Senator Inouye, let us honor his own code of conduct, a gentle way, a civil way, a consensus builder, a bipartisan builder, and a worker to move this bill.

Senator Inouye chaired the full Committee on Appropriations these last couple years. His own staff shared a story with me, and it is relevant today.

He said: I chaired the Defense subcommittee, and that is how the Federal budget defends America. But my other committees, like Labor-HHS—and I might add housing, Federal disaster assistance—is how we define ourselves. So those who say let us make sure we defend America, let us also make sure we put the money in the Federal budget on how it defines America.

The way we define America is when one community is hit, all communities are hit. If New York is hit, Crisfield or Ocean City, all communities have been hit. We need to act like the United States of America because the disaster the Chair and I faced 2 months ago could be somebody else's disaster tomorrow. And the real disaster should not be in the Senate because we failed to act.

I call my colleagues to the floor, and I call them forth to pass these appropriations. I look forward again to working on both sides of the aisle to have a safer country from either a defense or a disaster perspective, and I also look forward to moving this bill in a way that we will define our country,

that we are a country that helps, neighbor helping neighbor.

I yield the floor.

Mr. LEAHY. Madam President, I wish to praise the senior Senator from Maryland. I was out here listening to what she said but not just the words. She believes them. It is a passion. She cares.

She and I have served on the Appropriations Committee for about 100 or 200 years, I think. She was a child when she went there, but we have served there together. We both have lost one of our dearest friends, Senator Inouye.

But over and over in that committee, I have heard her stand and say: People are involved. These are human beings, and we ought to stand up for them.

As the distinguished Presiding Officer knows, because she represents New York State, when we have a disaster of this unbelievable amount, the whole Nation is supposed to come together. We are the United States of America. We are not the State of New York, the State of Maryland, the State of Vermont; we are the United States of America.

We have come together as a country. Whether the disaster has been in California, on the east coast or in Southern States or in the West, we come together, and that is what we are trying to do. I would defy any Senator who has worried about coming together to help these people to go to one of the homes. Go to one of the homes on Long Island. Go to one of the homes that has been devastated. Go to one of the businesses where we have a couple who spent their whole life building up their business, hoping to have something to leave to their children, and now they are looking at rubble. Come on. These are real people. This is the United States of America.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Leahy (for Inouye) amendment No. 3338, in the nature of a substitute.

Leahy (for Inouye) amendment No. 3339 (to amendment No. 3338), of a perfecting nature.

Merkley amendment No. 3367 (to amendment No. 3338), to extend certain supplemental agricultural disaster assistance programs.

McCain/Coburn amendment No. 3355 (to amendment No. 3338), to strike funding for the Emergency Forest Restoration Program.

Tester amendment No. 3350 (to amendment No. 3338), to provide additional funds for wild land fire management.

Coburn/McCain amendment No. 3371 (to amendment No. 3338), to ensure that Federal disaster assistance is available for the most severe disasters.

Mr. LEAHY. Madam President, I see the distinguished senior Senator from New Mexico on the Senate floor, and I yield to him.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. I thank my colleague Senator LEAHY.

Madam President, what is the pending business before the Senate now? Is it an amendment to this legislation?

The ACTING PRESIDENT pro tempore. Amendment No. 3371 is the pending business.

#### AMENDMENT NO. 3344

Mr. BINGAMAN. Madam President, I ask unanimous consent that the pending amendment be set aside and that I be permitted to call up amendment No. 3344 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. WEBB, and Mr. WYDEN, proposes an amendment numbered 3344.

Mr. BINGAMAN. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOON BOPHA.

(a) IN GENERAL.—The agreement entitled “The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review” signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the “Agreement”)

is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of State, in coordination with the Secretary of the Interior, enters into an implementing arrangement with the Republic of Palau that makes the adjustments to dates and amounts as set forth in Senate Amendment 3331.

(b) AMENDMENT.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

(c) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as are specified to carry out sections 1, 2(a), 4(a), and 5 of the Agreement for each of fiscal years 2014 through 2024.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. BINGAMAN. Madam President, this is an amendment offered by myself and cosponsored by Senators WEBB and WYDEN. It would provide for the approval of an agreement between the United States and the Republic of Palau in response to Supertyphoon Bopha.

Few people are aware that as Hurricane Sandy was making its landfall in the northeastern part of our country, the United States, a supertyphoon known as Bopha was tracking a path of destruction across the western Pacific. The Republic of Palau, which is one of our closest allies and with which we are tied by a strategic alliance known as the Compact of Free Association, was struck by Bopha on December 2, causing extensive damage. The President of Palau declared a state of emergency, and the U.S. President, acting through the Department of State, issued a disaster declaration for Palau.

This massive storm went on to kill over 1,000 people in the Philippines. Fortunately, there were no deaths in Palau, but high winds and storm surge and torrential rains caused widespread damage.

A week ago the Ambassador from Palau, the Honorable Hersey Kyota, wrote to me as the chair of the Committee on Energy and Natural Resources, which has jurisdiction for assistance to nations that are in free association with the United States. The Ambassador asked for my help in responding to the disaster, but he did not ask for additional funding. Instead, the Ambassador asked that the agreement on future assistance that was signed between the United States and Palau in 2010 be added to this emergency supplemental so the funding already agreed to by representatives of the United States would become available for disaster relief and recovery in Palau.

I fully support the request by the Ambassador. I am glad to have the cosponsorship of my colleagues Senator WEBB, who is chairman of the Asia-Pacific subcommittee, and Senator WYDEN, who, of course, is the incoming chair of the Energy and Natural Resources Committee, and I urge my colleagues' support of the amendment.

The amendment tracks S. 343, which was introduced by me in February of 2011. At that time it was cosponsored by Senators MURKOWSKI, AKAKA, and WEBB. The agreement to be approved would revise and update the Compact of Free Association that has governed U.S.-Palau relations since 1994 by extending and phasing out financial assistance over 11 years.

Palau is an island nation located strategically between the U.S. territory of Guam, the Philippines, and Indonesia. Captured in World War II, Palau became part of the U.S.-administered Trust Territory of the Pacific Islands. In 1994 Palau became a sovereign nation in free association with the United States under a 50-year compact that grants the U.S. military rights that the Department of State calls “vital to our national security.”

The compact also provided Palau with an initial 15-year term of assistance that ended in 2009. The agreement would extend and phase out U.S. assistance by 2024. Congress has provided stop-gap funding since 2009, but the Department of Defense wrote to our committee—the Committee on Energy and Natural Resources—in April of 2011 stating:

Failure to follow through on our commitments to Palau, as reflected in the proposed [agreement], would jeopardize our defense posture in the Western Pacific.

The agreement provides for the phaseout of financial assistance for operations, construction, and maintenance. The Congressional Budget Office's 10-year budget estimate for direct spending is \$171 million. This U.S. commitment to future funding would make a crucial contribution to Palau's efforts to respond and recover from this present disaster.

U.S. failure to respond to the needs of this strategic ally in its time of need by simply approving the already signed agreement would signal to Palau and to most other nations in the Pacific that the United States is an unreliable partner. So I urge the support of my colleagues for this amendment and for approving the agreed-to assistance to Palau so they may have the resources needed to respond to Supertyphoon Bopha.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FAREWELL TO THE SENATE

Mrs. HUTCHISON. Madam President, I rise today to address this Chamber for possibly the last time as the senior Senator from the great State of Texas.

I have to say it is an ironic note that if I had given my farewell address last week, there would have been so much joy in the halls of the Capitol, ringing with the laughter and the anticipation of our season's happiest time. But in just one weekend, a sadness has set in with the news of a massacre of innocent children in Newtown, CT, followed by the loss of our wonderful colleague, Senator Danny Inouye.

So I will leave this extraordinary institution and experience with a heavy heart for those who have been lost in the last few days.

I want to thank the people of Texas for asking me to represent them in Washington. I want to thank the many people who have served on my staff for almost 20 years. I have to say I am touched that both benches on both sides of this room are filled with my staff members who have been so hard-working and so loyal and have produced so much in 20 years for our State and Nation, and I thank them.

I want to thank my colleagues and all the people who work here, the Senators, but also those who work behind the scenes to make our lives as good as they can be with the hard hours we all have; those who keep our buildings safe and clean, who work in the libraries, the shops, the cafeterias, and who guide tens of thousands of tourists through our Nation's beautiful Capitol each year.

I want to thank my husband Ray and our two children Bailey and Houston. They are 11 years old now, and so many of my colleagues who were here when I started bringing my children as babies have watched them grow up. The Senate isn't easy on families. They have sacrificed so I could serve the people of Texas, and I am grateful for their patience and generosity. They have loved coming to the Capitol—11 years for the children and 20 for my husband Ray. And I know my children's fondest memory, if I ask them what do they remember most about visits to the Capitol, is playing soccer in the Russell Building's hallways in the evenings when the coast is clear.

I would not be here today if it were not for my parents who gave me the gifts of strong values, unwavering support, and education to be whatever I wanted to be. I must say that my parents were surprised when they saw what I wanted to be. They would never have thought that their daughter, growing up in LaMarque, TX—a town of 15,000 good people—would think she

could be a United States Senator. We had a wonderful public school system, and I am proud to say I am a product of public education. My public schools in LaMarque—which were excellent—and my University of Texas and University of Texas Law School prepared me to be what I could be.

It has been a privilege to walk these halls in the Capitol of the world's greatest and longest serving democracy.

I think back to the days that stand out in our memories. September 11, 2001, of course, is the one none of us will ever forget. We know exactly where we were the minute we knew there was a terrorist attack on America. And though we suffered a horrific attack, the strength, resilience, and extraordinary acts of kindness of the American people showed the world that attempts to destroy our way of life would never succeed. On that day, no one could get in or out of Washington and many communications networks were inoperable. So when the Pentagon was hit and the Capitol was evacuated, my staff and I walked one block to my home on Capitol Hill. Just as an example, the husband of my office manager worked in the section of the Pentagon that had been hit, so we were on the one phone that we had to hospitals, the police, anyone we thought might be able to tell us if he was safe. Thankfully, he was fine. But there were so many who waited for hours, who called hospitals, to hear from their loved ones. Sometimes the news was a relief and sometimes they waited in vain for good news.

I have to say it was an incredible moment when the Senators who could find each other, wherever they had gone from the Capitol, finally gathered late afternoon in the Capitol Police headquarters to talk to our leaders who had been taken to an undisclosed location. They said, We don't want anyone to come, but we were going to the steps of the Capitol to hold a press conference. We don't want anyone there because we don't know if it is safe, but we want to tell the press that we are going to open for business tomorrow and do the Nation's business, even though there was suspicion that the Capitol had been on the terrorists' list of targets.

Every single one of the Senators—and I think there were 60 to 70 who had made it to the Capitol Police headquarters—did come to the Capitol steps, as did Members of the House of Representatives. After the press conference was held by the leaders, all of the several hundred who had gathered spontaneously broke out singing "God Bless America." That was a time that said this is the strength of our country and we will not be defeated.

As I exit the Senate, I am aware that we are divided as a legislative body and as a country. I do not think we have different goals—not here, and not in

America—but we do have different ways of reaching them. Congress suffers a great deal of criticism for partisan acrimony. But while we may disagree politically and air our opposition in this Chamber, it is the conversation behind the scenes that cements and defines our relationships. I will leave the Senate knowing I have worked with men and women of great patriotism, intellect, and heart on both sides of the aisle.

I wish to thank my colleagues, Democrat and Republican, for the many wonderful years working together. We seconded one another at times and engaged in rigorous debate in others. Yet the American people should know that either way, we are collegial and we all understand that our States have different needs and there will be differences in priorities. But in the Senate, an adversary today will be an ally tomorrow. It is a rare occasion for acrimony to turn personal.

It would be my parting hope that this collegiality will not be lost. Protecting the rights of the minority has assured that every Senator's voice is heard and every State represented is heard, as intended by our Constitution. Open debate and open amendments are what differentiate the Senate from the House.

When our committees function, we pass bills in vigorous markups, we put the bills in shape for floor debate. If they don't go through committees and are not allowed floor amendments, the quality of the legislation suffers and mistakes are often made.

Let me give you some examples of how relationships can produce results.

During the anthrax scare, the Hart Building was closed for a month, which made it very difficult, of course, for Senators based there to do their work. So Senator DIANNE FEINSTEIN's staff joined in my offices in the Russell Building. My chief of staff at the time gave them full access. One of Senator FEINSTEIN's staff members commented on that: A Republican office giving Democrats free rein? But my chief of staff said, They had full access because we trusted them.

Senator FEINSTEIN and I have teamed up to pass important legislation—the Hutchison-Feinstein Overseas Basing Commission—that studied the training capabilities and costs of overseas military bases to determine their value compared to American bases. This resulted in consolidation and closures that brought thousands of troops back to the United States where training and rapid deployment were superior. We passed the Feinstein-Hutchison Breast Cancer Research Stamp bill that, through voluntary purchase, has raised \$72 million for breast cancer research. That was Senator FEINSTEIN's idea. And Senator FEINSTEIN and I took the Amber Alert for abducted children nationwide, which has accounted for

rescuing almost 600 children since its passage.

I remember when Senator Hillary Clinton stopped by with her chief of staff to wish me happy birthday the first year she was in the Senate. It was just a few months after she had arrived, and my staff was surprised—and possibly a bit star-struck—to see the former First Lady walk into the room. We went on to work together on Vital Voices, a global partnership dedicated to supporting and empowering women leaders and social entrepreneurs in emerging economies. We also teamed up with Senators MIKULSKI and COLLINS to assure public schools had the option to offer single-sex schools and classes, after I visited with Secretary of Education Rod Paige the Young Women's Leadership Academy in the Harlem area of New York City—one of the first and most successful pilot projects for girls' public schools, with which I know the Presiding Officer is very familiar.

I remember the time I invited Senator BARBARA MIKULSKI to Texas, because she and I have worked together supporting NASA for so many years, and this year she has been chair and I ranking member of the Appropriations subcommittee funding NASA. We went to visit the Johnson Space Center because I wanted her to see the great work they are doing there. Then I took her to the Houston rodeo because I wanted her to see the Texas culture. Well, I am not sure the Senator who grew up in the inner city of Baltimore knew exactly how people would dress at the rodeo, but suffice it to say there were a lot of rhinestones and cowboy boots and big hair and big hats. Senator MIKULSKI whispered to me during this time, KAY, if we were here Monday and we went to the Chamber of Commerce, would these people look like this? And I said, Yeah, pretty much.

Senator MIKULSKI and I also teamed up to pass the Homemaker IRA, to make sure our stay-at-home moms and dads would have the same opportunity for retirement security savings that those who work outside the home have, and it has been a huge success. We also cosponsored the National Breast and Cervical Cancer Early Detection Program. She is a skilled legislator and a dear friend.

Senator JAY ROCKEFELLER has been an outstanding chairman of the Commerce Committee. We don't always agree, but as the lead Democrat and Republican we have worked hard to reach consensus, and we have gotten things done—the FAA bill, started the planning for the next generation of air traffic control systems; the highway bill; the NASA reauthorization that ensured we would keep the focus on our space program that has been instrumental in our national security and economic development, with tremendous help from Senator BILL NELSON,



who is the only one among us today who has actually been into space.

In a Congress that has been marked by little progress, we have found a way forward. For some, that might not be something to take pride in. But we have served the American people by passing legislation that keeps the country running, and I am very proud of what we have been able to accomplish. Our Commerce Committee has been one of the most productive in the whole Congress. And I count him as a friend.

MARIA CANTWELL and HARRY REID and I have worked to address the issues of our State's taxpayers to have the same deductions as those who have income taxes, though we do not, and that parity has been so important.

Leader MITCH MCCONNELL has guided our party and our conference through the past 6 years. He is a gifted leader and one whom I have witnessed time and time again come up with strategies that have gotten things done in the right way.

Senator JON KYL and I have worked on immigration and death tax relief. Senator LAMAR ALEXANDER and I have championed the America Competes Act, so we would continue the priority of scientific research and that we would never fail to invest in research because it is the sequel for our economy.

I am very pleased the distinguished ranking member of the Judiciary Committee and the Finance Committee—Finance Committee now and Judiciary before—is also on the Senate floor. He has been a wonderful friend to me, helping me in my very first election when he was the rock star at my fundraisers in Texas. I thank Senator ORRIN HATCH for his long membership in this body.

I have had the wonderful, good fortune to serve with two colleagues from my home State. First, Senator Phil Gramm, who was a wonderful mentor and colleague. They broke the mold after Senator Gramm. We always enjoyed our school rivalry—he being a Texas Aggie and me being a University of Texas alum—they like to call them hopeless Tea-sips, but we are proud Longhorns.

I have had a great relationship with my other Senator, who is soon going to be the senior Senator from Texas, JOHN CORNYN. JOHN CORNYN, I am very pleased to say, is going to get the opportunity that I have had all these years when people trip up and introduce me as the senior citizen of Texas. I turn that mantle over to my colleague, Senator CORNYN.

I am very proud he is going to be the deputy Republican leader in the next Congress. I know he is going to be a steady hand at the wheel as we try to steer the ship of state in the right direction. He has proven time and again that his steady leadership is the one

that rises to the top. I thank him for being on the floor as well today.

In fact, I want to praise our entire Texas congressional delegation. We call it Team Texas. It is a spirit that holds our delegation together, Republicans and Democrats. I have noted that there are those in Washington who think Texans are a little too loud, and we have a little too much fun, but I can assure everyone that Team Texas' hearts are as big as our mouths.

It has been a long and wonderful 19-plus years. We hit the ground running, and we have never stopped. When I was first elected in a special election in 1993, we had two—actually four full planeloads of people flying up for my swearing in. Because it was a special election, we filled the entire gallery. Those rowdy Texans were so happy to watch my little swearing in ceremony. It was a great day for me, as well as my wonderful and loyal friends and supporters.

I started having weekly constituent coffees that first year because there were so many visitors from Texas and I wanted to make sure at least there was one time every week that any Texan who was here who wanted to see me could come and visit and was welcome. So every Thursday morning around 9 or 9:30, the person in charge of this first effort was the wife of a three-star general who volunteered her time in our offices. I think it was as much her handling of the event as the idea itself that has led many other Senators to take up this practice and get a chance to always visit with their constituents at least once a week if they were otherwise going to committee meetings or having to do their work and were not able to see everyone. I want to thank Gert Clark for putting her stamp on our Senate hospitality.

Some of the most powerful moments that will stay with me forever were spent with our members of the military. Visiting with them where they are in harm's way across the world is one of the most moving of all experiences. I will never forget the first time, in the early 1990s, flying into Sarajevo in an undercover C-130 that was disguised as a Red Cross delivery of peas—2,000 pounds of peas that we actually had on the C-130—and I have to say my good friend, Danny Inouye, was on that trip with us, as I look over at his empty desk with the white flowers, as was Senator Ted Stevens. We flew in to see our troops in Bosnia.

Later I went back to Bosnia to spend Easter with our troops where we had the most beautiful Easter sunrise service I have ever attended or ever will. It was in an open-air hangar with our service men and women who were deployed there. For the first time it was a Texas Guard unit that was in command of the base, and it was the first time since the Korean war that we had a Guard unit in command of an oper-

ation overseas. They did a great job, which led to many Guard units from other States also to take command of bases and operations.

I flew out of Baghdad—this was in the last few years—in another C-130 when there were no lights on the plane and no lights on the runway to make sure there was no clue to the enemy that we were leaving when they were firing missiles around the airport. Or the times I had visited Afghanistan, where the first time I visited with Senator MCCAIN, our troops were sleeping on cots. There were probably 600 or 700 cots in an old Russian-built aircraft hangar, before anything had been brought in for living quarters for our troops. All of their belongings were under their cots, and that was all they had for that first mission into Afghanistan.

I have always been one who has such great respect and gratitude for our men and women in uniform. They put their lives on the line and pledge to give their all for our freedom. The power to wage war is an enormous one, and the weight of its responsibility should rest heavy on our shoulders.

I leave this Chamber proud to have worked to assure our men and women in uniform have the best training, the best equipment, and the quality of life to do the job we are asking them to do. Because of my deep respect for our Armed Forces, my first choice of committees when I came in 1993 was Armed Services, and I was honored to be the first woman in 20 years to chair a subcommittee on Armed Services. The woman before me was Margaret Chase Smith. As the only woman to chair the Senate Republican Policy Committee, I was pleased to be a part of Republican leadership for many years—again, the first since Margaret Chase Smith.

When I was first running for office I said I wanted to make things better for our sons and open for our daughters. I leave the Senate knowing that January will see the greatest number of female Senators in our Nation's history. I know the torch will be carried on by the next generation.

It is no secret that Texans have a particular sense of state pride. I am no exception. I have deep Texas roots. The Senate seat that I hold first belonged to Thomas Jefferson Rusk, my great-great-grandfather's law partner and good friend. They both signed the Texas Declaration of Independence from Mexico in 1836. That history reminds me every day that we must protect the freedom that so many of our ancestors fought to produce and retain. My colleague sitting on the Senate floor is in the Sam Houston line, and that is a proud line too. Thomas Jefferson Rusk and Sam Houston were the Commander in Chief and Secretary of War of the Texas Army when we fought for independence. It is so fitting that those two were our first two selected

Senators when Texas became a State in 1845.

Each summer I take a week to tour one part of Texas on a bus. It has been so much fun. We did the first one, which was the El Camino Real de los Tejas that we had just passed a bill to designate as a national historic trail, and we went from the Louisiana border to the Mexican border. It took us a week on the bus. It was so great that we have done it every year since in a different part of Texas. It is my State staff's favorite week of the year as well.

I am one of the few to have had the opportunity and the absolute pleasure to visit all 254 counties in Texas. I have met Texans from all walks of life who have opened their homes, their businesses, and shared their stories.

I will be sad to leave, but it is time. I believe strongly that we should keep the lifeblood of Congress pumping. It is good to have new waves of legislators come in with fresh ideas and perspectives after every election. But while I believe that new generations should invigorate Congress, I also want to say a few words of praise for experience.

Knowing the history of an issue is essential to monitor progress. Knowing what an agency should be doing, knowing what was put in law and why allows for better oversight. The expertise of our longer serving Members is an essential part of good governance.

I hope some of the priorities I have championed will continue. Investment in science, technology, and higher education and encouraging more young people to study science, technology, engineering, and math, known as STEM, will make sure we are bringing forward those young minds with the creativity and the engineering background to create the economies for the future. It is so important. This has been the lifeblood of our economy, and it must continue.

Saving the manned space exploration program and ensuring the long-term future of NASA is an essential generator for our economy. Ensuring that stay-at-home moms and dads who worked so hard raising children and contributing to the community have spousal IRAs to save for retirement, and easing the marriage penalty by doubling the standard deduction—these are a few of the things I hope will continue to be championed as I leave.

It has been such an honor to serve in the Senate. I leave with the hope that the values that built America into the greatest Nation on Earth will be protected so that future generations will have the same opportunities we have had in this great country, opportunities for which our forebears sacrificed so much.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Texas.

Mr. CORNYN. Madam President, Texans have a profound sense of history,

and it is only appropriate that Senator HUTCHISON should mention the fact that we both come from long lines of Texans, starting with Thomas Jefferson Rusk, who first held her Senate seat, and Sam Houston, who held the Senate seat I hold. I will never forget Senator HUTCHISON coming to the floor of the Senate every March 2, Texas Independence Day, and regaling the Chamber with Travis' letter from the Alamo, reminding everyone about another important event in Texas history, a tradition which she carried on after Senator John Tower did for so many years when he served here.

This is a historic moment for many reasons. First, because we are paying tribute to an extraordinary woman who has made history by being the first Texas female United States Senator and someone who has spent the last two decades fighting for common-sense values in our Nation's Capitol. While it is hard to summarize Senator HUTCHISON's great work in just a few short minutes, I am going to try. I am going to try to highlight some of her signature achievements and explain why she enjoys such outstanding support from her constituents back in our great State.

To start with, I cannot think of any Senator serving in this Chamber who works harder than KAY BAILEY HUTCHISON. Sometimes I affectionately refer to her as the Energizer Bunny of the Texas delegation. She is tireless and she is relentless in her pursuit of what she believes is in the best interests of the constituents in our State.

As she mentioned, she has been a tireless advocate for Texas military families. We take great pride in the fact that 1 out of every 10 individuals who wears the uniform of the U.S. military calls Texas home. Of course, some of the most powerful tributes to KAY's legacy are what I have heard from our men and women in uniform.

It is no exaggeration to say every military base in Texas has felt the impact of her work on various Senate committees. I know how deeply proud KAY is of the work she has done to help the troops stationed in Texas from Fort Bliss in the west to the Red River Army Depot in the east—which I dare say she pretty much singlehandedly saved from being BRACed the last time that occurred—from Sheppard Air Force Base in Wichita Falls to the Naval Air Force Base in Corpus Christi in the south. Not only has KAY worked to provide our troops with the resources they need, she has done a whole lot to help returning veterans and, of course, their families.

We always talk about supporting our troops when they are deployed overseas, but we spend less time—indeed not enough time—discussing ways to help them assimilate back into civilian life. As the son of a U.S. Air Force veteran who spent 31 years in the Air

Force, I am acutely aware, as KAY is, it is not just those who wear the uniform who serve but their families as well.

Many returning vets and their families encounter a whole range of social and economic hardships that can be hard to overcome. Most notably, the unemployment rate among our returning vets from Afghanistan and Iraq is significantly higher than for the general population, something I know KAY has worked on extensively. She has also worked to get our veterans the medical assistance, the job training, and the financial support they need. Indeed, I don't know of any Senator who has done more to help America's heroes adjust to life after the military. That is just one of the reasons why she will be sorely missed.

Here is another reason KAY will be missed. She has fought time and time again to promote tax relief for hard-working Texas families. In the mid-1990s, as she alluded, she helped to create the so-called homemaker IRA to make sure stay-at-home moms and dads were able to save for their retirement on an equal basis with their counterparts who worked outside the home. I know it is one of her proudest achievements, and I am proud to join with the Senator from Maryland, Ms. BARBARA MIKULSKI, in attempting to rename this IRA the KAY BAILEY HUTCHISON spousal IRA in her honor. I hope we can join together and honor Senator HUTCHISON by getting that done before we close out our business this year.

KAY, of course, has always championed the State sales tax deduction, which may not seem like a big deal to others in this Chamber, but it is a big deal back home in Texas as a matter of fundamental fairness because we don't have a State income tax. I daresay we never will have a State income tax as long as I draw a breath. However, we do pay State sales taxes, and it is only fair that Texas enjoys the same sort of deductibility for the State sales tax that other States have enjoyed for the State income taxes.

KAY has also worked to reduce the marriage penalty tax. She has been a strong defender of taxpayer interests, and her efforts have made the Tax Code less hostile to saving and to families.

She alluded to her great work with NASA. She is one of the Senate's leading supporters of NASA and human space flight. NASA has contributed historical technological breakthroughs that have benefited all Americans. KAY appreciates the vital importance of basic scientific research, long-term American prosperity, and she appreciates the role NASA has played in fostering innovation. She has long said and advocated for support for NASA because she believes that when we support NASA, we are supporting technologies and the jobs of the future. That is why KAY has done so much to



help the Johnson Space Center and our universities to promote Texas as a research State.

Her beloved University of Texas is grateful for her support over the years, which is one reason they will soon launch the KAY BAILEY HUTCHISON Center for Latin American law.

KAY has also crafted legislation that has benefited some of the most vulnerable Americans. Her work on behalf of missing and exploited children includes the national AMBER Alert Network, which she introduced back in 2003. As she said earlier, this law has helped to rescue more than 570 abducted children who would not have benefited but for her work. That is a remarkable achievement, and it is more than just a number when we count the human lives which have been so dramatically affected by her work.

A final note. As I said, Senator HUTCHISON has made history serving as a first woman to serve the great State of Texas in the Senate. KAY has always been a pioneer of sorts. As a father of two daughters, that means a lot to me. I am used to being surrounded at home by strong, intelligent women, but having served with KAY, I have also been a partner with a strong, intelligent Texas woman. KAY has been a role model for so many young women, not just in Texas but throughout the United States. I am honored to be her colleague and I am proud to be her friend.

Senator KAY BAILEY HUTCHISON leaves behind a tremendous legacy of which she, Ray, and her children can be proud. She has a legacy that will long be celebrated by Texans from El Paso to Caddo Lake and from Amarillo to Brownsville. Everyone in this Chamber will miss her, and I know I speak for all my colleagues when I wish her the very best in the next exciting chapter of her life.

I join with my colleagues in saying to the Senator, *vaya con dios*.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to join everyone here in thanking KAY for her great service in the Senate. I have worked closely with her on a wide variety of issues. I have to say she is a fierce advocate. In fact, I have to say all our women Senators have been fierce advocates, and we have benefited from them being here.

KAY has paved the way for Senators—both male and female—to truly become better Senators and in many cases great Senators. KAY BAILEY HUTCHISON is a great Senator. She worked her guts out the whole time she was here. She is still here, but she is going to retire at this time and she has represented Texas well.

All I can say is she has been my friend all this time. When I needed help from her, she was always there. I tried

to be there for her when she needed help as well. She has not only been a delightful person to be around but a very intelligent lawyer. She fought for what she believed—most of which I believed in—in a way nobody could truly ever get mad at KAY BAILEY HUTCHISON.

She is a wonderful person, wonderful mother, and we are going to miss her terribly. This is a body where we could use a few more women Senators—maybe a lot more than a few. They are very good people who work very hard and not the least of whom is KAY BAILEY HUTCHISON.

I remember at times when I had difficulties with the BRAC system and difficulties with special NASA problems, and so forth, we always worked together. We could always count on her to come up with intelligent solutions to some of the problems that should not have existed but did.

I have personally appreciated her very much during those times and in so many other ways as we worked together on legislation to help this country and as we worked to represent our respective States. I have so much respect for Texas, the people of Texas, and what they stand for. I have great respect for these Texan Senators who are two of the best we have ever had in the Senate.

Senator HUTCHISON has been an exemplary Senator, not just for women but for all of us. She has also set some standards that I think both women and male Senators are going to have to try to emulate.

I just want say to the Senator that we love her, we appreciate her, and we wish her the very best. We are going to miss her. This is one Senator who will miss her greatly, and I want her to know that. All I can say is God be with her.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased in joining my colleagues in commending and congratulating our distinguished colleague from Texas. Her service in the Senate has truly been outstanding and she has made an impact in our Committee on Appropriations. We have deliberated about the funding of all the Federal agencies and departments of the Federal Government. She has been very careful. She is very serious about her responsibilities, and I am glad to be here today to wish her well in the years ahead and compliment her on a very distinguished career in the Senate.

Mr. LEVIN. Mr. President, Michigan and Texas have much in common, despite the fact they are North vs. South, cowboy boots vs. snowshoes, mesquite vs. pine.

One of the things we have in common is water. Our States are, economically, historically, and culturally tied to

great waters: Texas to the Gulf of Mexico, Michigan to the Great Lakes. And this shared interest has afforded me the pleasure of working alongside Senator KAY BAILEY HUTCHISON, a true Texas pioneer.

As the lead cosponsor of the Harbor Maintenance Act, Senator HUTCHISON has been an invaluable ally in the effort to ensure that America's harbors receive the maintenance funding they need to help our economy grow. Her efforts were instrumental in recruiting 37 cosponsors on our bill and in securing language regarding harbor maintenance for the first time in a transportation bill. Her efforts have made a significant difference in the lives of the thousands of American workers whose jobs are directly tied to well-maintained harbors, from the Port of Galveston to the scores of ports dotting Michigan's shoreline.

Senator HUTCHISON has shown important leadership on other transportation issues, such as a more equitable formula for Federal surface transportation funding, and for adequate funding for State maritime academies, including academies in Texas and Michigan, that help meet the needs of our commercial shipping industry as well as the Department of Defense.

She has been an able and dedicated advocate for our Nation's veterans. She pioneered the concept of the home-maker IRA, which helped millions of American women achieve greater retirement security. She has energetically pushed for stronger science and educational programs, including the establishment of a groundbreaking medicine, engineering, and science academy in her State.

We shouldn't be surprised at these and other successes. When she first graduated from the University of Texas Law School, she bumped up against the misguided tendencies of the law firms at the time to dismiss female candidates, no matter how talented. Undaunted, she walked into a local TV station and asked for a job as a reporter and became the State's first female television reporter. She took a detour, but her experience covering politics led to the Texas House of Representatives, the State treasurer's office, and eventually to become the first Texan woman elected to the U.S. Senate.

The Senate will miss her dedication, her quite effectiveness, her ability to seek practical, bipartisan solutions. She has made a habit of making history, and I wish her the best in whatever history-making endeavors she turns to next.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise also to congratulate and thank a terrific Senator, KAY BAILEY HUTCHISON, and to wish her much success in her further efforts. I know she

will provide great leadership in whatever she is doing. It has been wonderful to watch over the years, seeing the pictures of Bailey and Houston and how they have grown, celebrating and going to baby showers. On top of all the other accolades today, Senator HUTCHISON is a devoted and wonderful mother to two beautiful children.

As everyone has said, she is the first and only woman to represent Texas in the Senate and will always have that distinction of opening doors and barriers. I know she agrees with me that once the doors open, we want to make sure more women are able to walk through that door as well.

I wish to congratulate her for all she has done. We have come together to fight for opportunities for women around the world at the Senate Women's Caucus on Burma and other efforts she has led. I am very supportive of adding her name to the spousal IRA law. I think that is a very fitting tribute, and I am hopeful we can get that done as well.

I just want to congratulate her.

I do want to have the opportunity to talk about something else, but I see my friend wanting to say a few words.

Mrs. HUTCHISON. Mr. President, if the Senator would yield for just a moment to let me say thank you to all the wonderful Senators who have spoken and said nice things. It is one of the few times Senators sort of pause and wish someone well, as they are leaving. It has truly been very touching, and I appreciate the kind words of the Senator from Michigan. It has been a distinct pleasure to have colleagues on both sides of the aisle feel we have done so much together. My hope is that as I am going out the door, the collegiality of the Senate will never change.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

##### THE FARM BILL

Ms. STABENOW. Mr. President, I also wish to speak about the importance of passing a farm bill today and thank the Senator from Texas for her support as we passed a strong bipartisan farm bill in the Senate back in June when sent it over to the House of Representatives.

We have had 80 days since the farm bill expired. That is 80 days that farm families and small businesses have been holding their breath and wanting to know what is going to happen in rural America and agriculture across the country. I have not given up, nor have other colleagues here. Certainly, my partner here in the Senate, Senator ROBERTS, and our partners in the House, including Chairman LUCAS and

Ranking Member PETERSON, all stand ready if we can get a positive signal from the House Republican leadership to get this done. There is no doubt in my mind that we can do it. For everyone listening, the issue is not differences in the commodity title, which I have every confidence we can come together on and work out; the question is, as we are seeing efforts being worked on for a larger deficit reduction package, whether the House leadership will think rural America and agriculture are important enough to include. That is the question. It is whether the savings we have achieved in deficit reduction by eliminating unwarranted taxpayer subsidies and creating other efficiencies and tackling waste, fraud, and abuse, whether that is worthy of a priority in the effort that is being worked on. We have continued to point out the fact that the 16 million people across America who work because of agriculture deserve to be a priority.

I thank our leadership and the leadership across the aisle for making it a priority of this Senate back in June. I thank my colleagues on the committee in the House for making it a priority and for passing a bipartisan bill in July. For the life of me—I am appalled continually that the Republican leadership of the U.S. House of Representatives does not consider the security and the livelihood of 16 million people who live in rural America across this country to be a priority.

We are including a final list of things that need to get done. We are not giving up. We are coming back next week, and we are going to be here, and we are ready at any moment to be able to do what we need to do.

Across this aisle, colleagues have worked in good faith in the Senate, and I am very grateful. I appreciate the support of the Presiding Officer in urging that we get this done. We have colleagues on both sides of the aisle who have come together to make tough decisions. We are willing to make some more, but we are not willing to give up on 16 million people who live in rural communities—small towns such as where I grew up in Claire, MI—who are counting on us to do the right thing and to give them the ability to plan, the ability to get help for the disasters they have seen, and the ability to know they can move forward and care for their families.

We have a disaster bill right now on the floor. As chair of the Agriculture Committee, there is no way I am going to allow a disaster amendment without being able to offer an amendment that relates to agriculture disaster which we have fully paid for in the farm bill.

So we are willing to do two tracks here if we come together, which I hope we will, on a disaster package. Certainly, people in rural America—farmers, ranchers across this country—have

felt the disasters other communities have felt. So I am proud to join with Senator MERKLEY and Senator McCASKILL and others in putting forward the portions of the farm bill that deal with disaster relief as part of this package which is now moving forward. I hope we will have an opportunity to vote and come together on that, which is so important. That does not negate the need to get a farm bill done or our desire to do that or the fact that we are laser-focused until the last moment we have available on getting it done.

Let me remind my colleagues that farming is the riskiest business in the world. There are a lot of risky things we can do. There are a lot of disasters that have happened.

I was pleased to have the opportunity to join with our colleague from New Jersey, Senator MENENDEZ, last week to visit some of the coastline in New Jersey and to be a part of a group that looked at the devastation there. And there is no question, it is up to our country at times such as these, when people are wiped out, their homes are wiped out, it is our responsibility to come together and to act on behalf of citizens in those States. I strongly support doing that. It is also our responsibility to acknowledge and recognize and help others around the country who have similar disasters.

As I said before, there is no business that is riskier than farming. Thank goodness we have people who are willing to stay in farming and ranching regardless of what happens with the weather. Thank goodness we have a strong crop insurance system in place, and we strengthened that even more, which is incredibly important, in this farm bill. But we have had disasters happen that need to be addressed for those who farm for us.

In the spring we experienced late freezes in Michigan and in New York and in Pennsylvania that wiped out food crops. A lot of small family farms, farms in northern Michigan, were wiped out. In my home State, late freezes and a spring frost caused them to lose practically their entire crop right off the bat. It warmed up, the buds came out, and then they had a deep freeze that killed everything. Our growers produce 75 percent of the U.S. supply of cherries. That is around 270 million pounds. The cherry producers experienced a 98-percent loss.

In our amendment in the disaster bill and in the farm bill, we give them some help because they spent the rest of the crop year this year having to pay to maintain the orchards and the trees, eating the costs and hoping the trees will bounce back next year and produce a crop. So they have all the costs of maintaining everything but no revenue coming in.

Cherry producers were also forced to fight spreading diseases such as cherry leaf spot and bacterial canker, making

the trees even more costly to maintain and at risk of loss. They didn't just lose their crop this year; they had to invest a lot of money to save their orchards without having any dollars coming in. We give them some help. It doesn't cover all the losses but some help to be able to stay in business. We do that through the farm bill.

Apple producers in most areas of Michigan and in New York and in Pennsylvania had about a 40-percent production, so they lost 60 percent. Think about a business losing 60 percent of its income for a year or, in the case of cherries, 98 percent. We have things in place to support them when that happens. That is why we have disaster assistance, and that is why we have other things as well. We have something called the farm bill when things like this happen in agriculture or disaster assistance for agriculture, as we are proposing assistance for.

Also, in the summer we saw record-breaking drought, as we know. We heard story after story about families whose crops were left withering in the fields, entire corn crops devastated in Iowa, and wildfires in Colorado killing 2 people and forcing residents to evacuate over 34,000 homes. Drought and wildfires cost the State of Oklahoma more than \$400 million this year alone according to a report that has just been produced by Oklahoma State University. That includes crops and livestock, property loss from wildfires, and emergency costs.

I have heard so many times from my friend, the distinguished ranking member from Kansas, about what has happened in Kansas. We had the opportunity to be there and to hear from people directly in Kansas. My staff has walked in the field and seen that there is nothing there because of the drought and what it means.

This year represented the worst drought since 1956. That is a disaster. At the height of the drought this summer, over 80 percent of the contiguous United States experienced drought conditions—80 percent. We still have 11 States with exceptional drought conditions and 17 States with severe drought conditions. Seventeen States across the country, in the Northeast, the Midwest, the South, the Great Plains, the Southwest, and on the west coast—every region except the Pacific Northwest has suffered from long-term drought.

Sixty percent of the farms in the United States experienced drought this year, and we saw severe droughts in 57 percent of farmland acres. By the end of this last October, over half of the pastures and ranges in the United States were rated poor to very poor. And 1,692 counties in the country, spread across 36 States, were declared a primary disaster area because of the drought.

By the way, there are a whole lot of issues around weather that we need to

be talking about and dealing with, and we need to be doing that in the new year.

So this is what is happening for farmers and ranchers. On May 20 only 3 percent of our corn crop was rated poor or very poor, but by the end of September over 50 percent was rated poor or very poor. Our cattle inventories were at a 60-year low as farmers and ranchers have had to sell off their breeding stock because they don't have the hay or grazing land to feed them. Low water levels in the Mississippi are affecting grain shipments, threatening to affect shipments early next year as farmers try to plant their crops. We have seen reports that grain is piling up in elevators while farmers try to figure out alternative routes of shipping their products to market.

Hurricane Isaac left hundreds of thousands of acres underwater. Hurricane Isaac caused destruction like nothing we could have imagined. As I said, I saw the damage up close from Hurricane Sandy. Weather disasters have destroyed millions of acres of farmland and affected millions of families in every State and corner of this country.

We are considering a disaster bill today. Well, the farm bill is a disaster bill because it not only has disaster assistance but it creates 5-year certainty for our growers, who deserve it. They deserve to know what is going to be happening. They deserve to know so they can go to the banker and talk about their financing for the coming crop year and be able to plan as well as get immediate help.

I support passing a disaster bill, and agriculture should be a part of this, but it is not enough. We need to do that, and we need to have a 5-year farm bill in order to create the certainty we need.

We have spent so much time focusing on how we move forward with agriculture today and create the right kind of risk management tools for the future. I am very proud of what we have been able to do.

We—the members of the Agriculture Committees—have also been, frankly, the only committee to step up voluntarily and say: We will put money on the table for deficit reduction. We did it during deficit reduction talks. We have done it in the House and the Senate as we have written the farm bills. We are willing to be a part of the solution. We are part of the solution.

One of the things I find very frustrating is that if, in fact, it doesn't get done this year, those who don't want reform, those who want government payments even in good times may very well get another year of government payments that we can't afford and taxpayers should not be paying for. So this really is about reform.

I hear colleagues talking on the other side of the aisle all the time

about the things we shouldn't be doing and the things we shouldn't be paying for. Well, I would encourage them to join us in the fight to get a farm bill done to stop an area where we have all agreed we should not be providing government payments in the area of direct payments. I know there are those in the House who want to keep that going as long as possible, but it is not right in an era when we have to make tough choices for families and every other part of the budget to allow that to happen.

We passed a reform bill. We tackled fraud and abuse in nutrition. We consolidated conservation and saved money. We tackled payments that have been given out for years that don't make sense and that the government can't afford. We listened to farmers to strengthen risk management tools, predominantly crop insurance. With all the weather disasters I have described this year, if we can strengthen crop insurance, we are going to give them a better safety net going forward for whatever comes in the coming year.

So there is a lot on the line. There is a lot on the line for 16 million people who have jobs because of agriculture and the food industry. There is a lot on the line for people who go to the grocery store and eat and want to know food prices are not going to go up, that milk prices are not going to go up. There is a lot on the line for people who just want us to come together and work together. In light of everything going on, we did that kind of a farm bill. They did that in the House in committee.

All the Speaker and the leadership have to do is say: We care about rural America. We care about 16 million people who work every day, who are folks who do their jobs, and when the job has to get done, whether it is early in the morning or late at night, they do it, and they expect us to do the same thing.

There is no excuse—none—that makes any sense not to get a 5-year farm bill done, not to make sure we have the disaster assistance that is needed for farmers and ranchers, and not to get reforms that cut back on taxpayer subsidies we should not be providing, and the deficit reduction that is critically important as we come up to this fiscal cliff.

I wish to thank everyone in this body for working with us to get a bill done of which I think we should all be very proud. We are going to continue to push as we go forward, hoping that at some moment the House Republican leadership will look around at the small towns in their districts and decide they matter and that they will pass a 5-year farm bill.

Thank you.

The PRESIDING OFFICER. The Senator from Vermont.

## CHAINED CPI

Mr. SANDERS. Mr. President, as we continue to debate how to prevent this so-called fiscal cliff and how to go forward in deficit reduction, my Republican friends, apparently, want the American people to believe that making the wealthiest people in this country pay a few dollars more in taxes would amount to some kind of terrible sacrifice, and they are vigorous and unanimous in opposing the President's initial proposal to do away with all of Bush's tax breaks for people making \$250,000 a year or more. I guess their new proposal coming out of the House is that only people making \$1 million a year or more would see their tax rates go up.

Let me say a word about hardship and a word about sacrifice and it is not about the problems of millionaires and billionaires who are doing phenomenally well and who are being asked to pay a few dollars more to help us deal with deficit reduction, at a time when their tax rates are at a historically low rate. Let me tell you about sacrifice, and let me tell you about on whom we should not be balancing the budget.

This morning, in the Veterans' Affairs Committee, I held a press conference, which included every major veterans organization in this country, representing millions and millions of veterans, people who have put their lives on the line to defend our country and many of whom have suffered as a result.

The organizations that were there with me to say no to the so-called chained CPI—which would cut benefits for disabled veterans, which would cut benefits for widows and kids who lost their husband or their father in Iraq or Afghanistan and would see a chained CPI cut back on their limited benefits—we had at this press conference the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, the Iraq and Afghanistan Veterans of America, the Paralyzed Veterans of America, the Blinded Veterans Association, the Wounded Warrior Project, the Military Order of the Purple Heart, the National Military Family Association, the Vietnam Veterans of America, the National Guard Association, the National Association of Uniformed Services, the Jewish War Veterans, the Military Officers Association of America, AMVETS, the Association of the United States Army, the Commissioned Officers Association of the U.S. Public Health Service, the Naval Enlisted Reserve Association, the United Spinal Association, VetsFirst.

What all of them said—and some of them made this statement far more poignantly than I can—is when we talk about sacrifice, they are there; they have already done it. Some of them have come back from our wars without

arms or legs or maybe they have lost their eyesight. They have sacrificed, and it is morally absurd to be equating on one hand the sacrifice of a multimillionaire, asking him to pay a few dollars more in taxes, with asking people who have lost their limbs defending this country to make a sacrifice. That is not equivalent sacrifice.

Let me talk about this so-called chained CPI. I know there are some folks out there—and I think we have had Wall Street CEOs worth hundreds of millions of dollars, who were bailed out by the taxpayers of this country, who have the most extravagant retirement benefits imaginable—they have come to Washington, DC, to tell Congress we should cut Social Security benefits for disabled veterans, raise taxes on low-income workers.

Let me tell you what this—what some call a tweak—would do. In terms of the chained CPI, more than 3.2 million disabled veterans receive disability compensation from the Veterans' Administration—3.2 million veterans. They would see a reduction—a significant reduction—in their benefits. Under the chained CPI, a disabled veteran who started receiving VA disability benefits at age 30 would have their benefits cut by more than \$1,400 at age 45, \$2,300 at age 55, and \$3,200 at age 65.

Does anybody in their right mind think the American people want to see benefits cut for men and women who sacrificed, who lost limbs defending their country? Are we going to balance the budget on their backs?

I challenge anyone who supports a chained CPI to go to Walter Reed hospital, visit with the men and women who have lost their legs, lost their arms, lost their eyesight as a result of their service in Afghanistan or Iraq. Come Veterans Day and come Memorial Day, all the politicians go out and give speeches of how much we love our veterans. It is great to give a good speech on Memorial Day or Veterans Day but what about standing up for them now?

I know the Wall Street CEOs and the big money lobbyists are descending on Washington trying to protect the wealthy and the powerful. But maybe now is the time—not just Veterans Day, not just Memorial Day—that we stand with veterans, we stand with disabled veterans. They have sacrificed, and I think it is unseemly, I think it is immoral to be balancing the budget on their backs.

We have also made a commitment to the surviving spouses and children who have lost a loved one in battle by providing them with Dependency Indemnity Compensation benefits that average less than \$17,000 a year. Do my colleagues truly think we should be cutting benefits for surviving spouses who lost their husband in Iraq or Afghanistan?

Further, we have made a promise to every American; that is, that above and beyond benefits for disabled vets, what we have said is a couple things: For those who are older, we have said Social Security will be there for them in their old age, in their time of need or if they become disabled, and we have said those benefits will also keep up with inflation.

Today, over 9 million veterans receive Social Security benefits as part of the tens of millions of Americans who receive Social Security, and more than 770,000 veterans receive Social Security disability benefits.

We are talking now about the "Greatest generation," the people who saved this country in World War II. I just met last week—and it chokes me up every time I meet these guys—a fellow from Winooski, VT, who was in the Battle of the Bulge, that hugely important battle at the end of World War II to stop the Nazi advance. He was also at Normandy.

Do you truly want to balance the budget on his back?

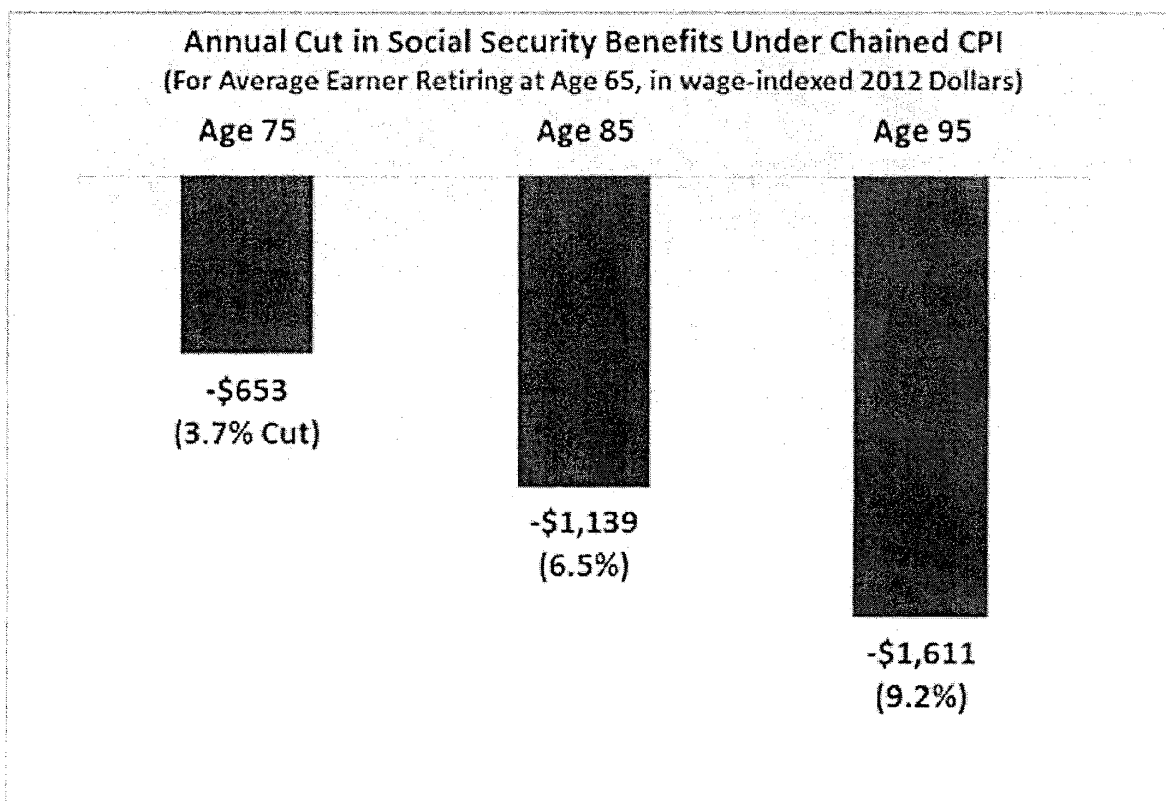
We are talking about the brave men and women who served in Korea, Vietnam, and other conflicts as well.

Let us be clear what this chained CPI would do because I think there are some people—I guess if someone is a Wall Street CEO guy and is making millions of dollars a year and has a great retirement package, when we are talking about hundreds of dollars a year, that is what they use for lunch. They do not have to worry about keeping their house warm or buying food. That is not within their world view.

Under the chained CPI—we should all understand this is no small tweak; this is not some administrative issue—under the chained CPI, average seniors who retire at age 65 would see their Social Security benefits cut by about \$650 a year when they reach age 75. Again, I understand if someone is a Wall Street CEO, if one is a millionaire, hey, \$650 a year is not a lot of money. But let me tell you, if you are a senior citizen living in Vermont or Minnesota and you have to worry about heating your home, you have to worry about putting gas in your car, you have to worry about prescription drugs, \$650 a year is a lot of money, if you are living on \$15-, \$16-, \$18,000 a year of income, most of that coming from Social Security. So if you retire at age 65, it is about a \$650 cut when you reach age 75, and it is more than \$1,000 a year when you turn 85.

I ask unanimous consent to have printed in the RECORD a chart which talks about annual cuts in Social Security benefits under the chained CPI.

There being no objection, the material was ordered to be printed in the RECORD, as follows:



Mr. SANDERS. What the chart shows is that at age 75 the cut would be \$653, a 3.7-percent cut; at age 85 it would be \$1,139, a 6.5-percent cut; and at age 95, it would be \$1,611, a 9.2-percent cut.

The rich are getting richer. We have growing wealth and income inequality

in America. The wealthiest people in this country are paying the lowest effective tax rate in decades. We are going to balance the budget on the backs of seniors trying to get by on \$15,000, \$18,000 a year? Is that what this

Congress stands for? I certainly hope not.

The fact of the matter is, the current formula for calculating COLAs is not too generous. And whenever I speak in Vermont, I say to seniors—and I speak to them quite often—there are some

folks in Washington who think that your COLA—the formulation and how we reach a COLA for you—is too generous. Do you know what happens. They laugh. They invariably break out in laughter because they know that in the last 3 years, two out of those years they got zero COLA. They know this year they are going to get a 1.7-percent COLA, which is one of the lowest COLA increases ever.

They also know the current formulation for a COLA does not fully take into account the escalating costs of prescription drugs and health care, which is where most seniors spend their money. They are not spending their money on flat-screen TVs or iPhones or iPads. They are spending their money heating their homes, buying food, paying for prescription drugs, and paying for health care. These costs are going up much faster than general inflation. I think what most economists would tell you is that the current formulation for determining COLAs with Social Security is inadequate, too low, rather than, as the advocates of the chained CPI would suggest, that they are too high.

Furthermore—this has not been widely discussed—moving to a chained CPI would also result in an across-the-board tax increase of more than \$60 billion over the next 10 years that will disproportionately hurt low-income and middle-income families the most. In fact, two-thirds of the tax increase under a chained CPI would impact Americans earning less than \$100,000 a year, and many would be impacted by losing the earned income tax credit and the childcare tax credit.

Maybe I am missing something, but I thought I heard from the White House and here on the floor of the Senate that we are not going to raise taxes for people earning less than \$250,000 a year. Maybe I am wrong. But I thought I heard that many times. Well, if you vote for the chained CPI, in fact you are raising taxes on a whole lot of people, including low-income working families. Under the chained CPI, low-income workers would see their taxes go up by 14½ percent, mainly by cutting the earned income tax credit and the refundable childcare tax credit. So if we are going to keep faith with what we have said here, I say to my Democratic and Republican friends: No tax increases for workers making less than \$250,000 a year. We better reject this chained CPI.

Furthermore, I must tell you that I am disappointed, because I thought I heard a few weeks ago my friends in the White House telling us that Social Security—telling us truthfully, correctly—has nothing to do with deficit reduction, because Social Security is funded by the payroll tax, and that Social Security should be off the table in terms of deficit reduction. I heard that many, many times. So I wonder how

Social Security has suddenly gotten back on the table, including a chained CPI, with devastating cuts to seniors and disabled vets.

I think we should deal with Social Security. I think Senator DICK DURBIN made a good point: Let's deal with it. Let's deal with it separately. Let's determine how, in a fair way, we can make Social Security solvent for the next 50 or 75 years without cutting benefits.

I have ideas on that, Senator BEGICH has ideas on that, Senator HARKIN and others. And the Presiding Officer has been thinking about ways that we make Social Security solvent and strong for 75 years without cutting benefits. Let's have that discussion, but not as part of a deficit reduction bill when Social Security has had nothing to do with deficit reduction.

I do not often quote Ronald Reagan, but this is what Ronald Reagan said on October 7, 1984. He was absolutely right. Ronald Reagan:

Social Security has nothing to do with the deficit. Social Security is totally funded by the payroll tax levied on employer and employee. If you reduce the outgo of Social Security, that money would not go into the general fund to reduce the deficit, it would go into the Social Security Trust Fund, so Social Security has nothing to do with planning the budget or erasing or lowering the deficit.

October 7, 1984. Reagan was right. I have to tell you that when Barack Obama was campaigning for President in 2008, he told the AARP on September 6, 2008, that:

John McCain's campaign has suggested that the best answer for the growing pressures on Social Security might be to cut cost of living adjustments or raise the retirement age. Let me be clear. I will do neither.

September 6, 2008. Barack Obama. One of the astounding things about Congress and the inside-the-beltway mentality is how out of touch it is with what the American people are thinking and what the American people are believing. Yesterday there was a poll in the Washington Post. I ask unanimous consent that that poll be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

MR. SANDERS. What that poll said—I hope my colleagues are listening—this is yesterday in the Washington Post, and this is absolutely consistent with every other poll I have seen—60 percent of the American people believe it would be unacceptable to change the way Social Security benefits are calculated so that benefits increase at a slower rate than they do now in order to strike a budget deal. Only 34 percent would find this acceptable. Sixty percent of the American people believe it would be unacceptable to raise the age of Medicare eligibility, 68 percent of the American people believe it would be unacceptable to cut spending on

Medicaid. But 74 percent of the American people said in this poll that they would accept raising taxes on Americans with incomes of over \$250,000 a year. This is consistent with every other poll that is out there. The American people are saying: Wait a minute. The middle class, the working class is hurting. Do not cut Social Security, Medicare, Medicaid. That is what they said yesterday in the poll.

What they also said, at a time when the rich are getting richer, yes, they should be asked to contribute more in taxes. I mentioned earlier that to the best of my knowledge, every single veterans organization has made it clear that they are strongly opposed to the so-called chained CPI, which would cut benefits for disabled vets.

The AARP and the every other seniors organization, including the groups to protect Social Security, the National Committee to Protect Social Security and Medicare, and others are saying do not cut Social Security benefits. The AFL-CIO has been very vigorous in protecting working families and saying do not cut Social Security, do not cut Medicare, do not cut Medicaid.

Here we are, the American people overwhelmingly want the wealthy to pay more in taxes and not cut Social Security and Medicare and Medicaid, organizations representing tens of millions of people are saying, ask the wealthy to pay more in taxes, not cut Social Security, Medicare, and Medicaid.

What are we talking about here? We are talking about cutting Social Security, Medicare, and Medicaid, and asking the wealthy to pay more but nowhere near as much as they should be asked to pay.

We wonder. We wonder why Congress has a 9-percent favorability rating. I will tell you that my phones today—and I do not think this is an organized effort, by the way—my phones in my office—and you might want to check your offices, but my office phones are bouncing off the hook from people in Vermont and all over this country saying: Do not cut Social Security.

So I would say to the American people, right now a deal is being hatched which would cut Social Security and benefits for disabled veterans, raising taxes on low-income workers. If you think that is a bad idea, you might want to get ahold of your Senator or Member of the House.

Let me conclude by saying, in my view, deficit reduction is a serious issue. We, as you know, have already cut \$1.5 trillion in programs as a result of the agreements in 2010 and 2011, and up to this point the millionaires and billionaires have not contributed one nickel—one nickel—more in taxes. So deficit reduction is a serious issue. I look forward to playing an active role in making sure that we address that serious problem. But I will do everything

in my power to make sure we do not balance the budget on the backs of veterans, the elderly, the children, the sick, and the poor, and low-income working people

(EXHIBIT 1)

PUBLIC WANTS COMPROMISE ON FISCAL CLIFF,  
BUT SPECIFICS UNPOPULAR

IN THIS POLL:

With the end of the year approaching, Americans give Obama his highest approval ratings in over a year and key advantages over Republicans in the battle over the so-called 'fiscal cliff.' Still, majorities say both Obama and Republicans are not willing enough to compromise to reach a deal.

POLL QUESTIONS

Q: Do you approve or disapprove of the way Barack Obama is handling his job as president?

APPROVE—54%

DISAPPROVE—42

Q: Do you approve or disapprove of the way Obama is handling the economy?

APPROVE—50%

DISAPPROVE—48

Q: Do you approve or disapprove of the way Obama is handling taxes?

APPROVE—48%

DISAPPROVE—45

Q: Do you approve or disapprove of the way Obama is handling Budget negotiations to avoid the so-called 'fiscal cliff'?

APPROVE—45%

DISAPPROVE—43

Q: Do you think Obama has a mandate to carry out the agenda he presented during the presidential campaign, or should he compromise on the things the Republicans strongly oppose?

OBAMA HAS MANDATE TO CARRY OUT AGENDA—34%

OBAMA SHOULD COMPROMISE—56

Q: Which comes closest to describing the way you feel about the outcome of the 2012 presidential election: enthusiastic, satisfied but not enthusiastic, dissatisfied but not angry or angry?

Enthusiastic—23%; Satisfied but not enthusiastic—31; Dissatisfied but not angry—31; No opinion—2.

Q: Do you approve or disapprove of the way The Democrats in Congress are doing their job?

APPROVE—39%

DISAPPROVE—56

Q: Do you approve or disapprove of the way The Republicans in Congress are doing their job?

APPROVE—25%

DISAPPROVE—70

Q: Do you approve or disapprove of the way the Republican leaders of Congress are handling budget negotiations to avoid the so-called 'fiscal cliff'?

APPROVE—26%

DISAPPROVE—65

Q: Who do you trust to do a better job Coping with the main problems the nation faces over the next few years—(Obama) or (the Republicans in Congress)?

Obama—50%; Republicans—35; (VOL) Both equally—1; (VOL) Neither—11; No opinion—3.

Q: Who do you trust to do a better job Handling the economy—(Obama) or (the Republicans in Congress)?

Obama—54%; Republicans in Congress—36; (VOL) Both equally—1; (VOL) Neither—7; No opinion—1.

Q: Who do you trust to do a better job Protecting the middle class—(Obama) or (the Republicans in Congress)?

Obama—58%; Republicans in Congress—32; (VOL) Both equally—1; (VOL) Neither—7; No opinion—3.

Q: Who do you trust to do a better job Handling taxes—(Obama) or (the Republicans in Congress)?

Obama—46%; Republicans in Congress—42; (VOL) Both equally—1; (VOL) Neither—9; No opinion—3.

Q: Who do you trust to do a better job Handling the federal budget deficit—(Obama) or (the Republicans in Congress)?

Obama—45%; Republicans in Congress—41; (VOL) Both equally—2; (VOL) Neither—10; No opinion—3.

Q: Overall, what do you think is the best way to reduce the federal budget deficit—(by cutting federal spending), (by increasing taxes) or by a combination of both?

Cutting federal spending—29%; Increasing taxes—4; Combination of both—65; No opinion—2.

Q: If deficit reduction comes both from (cutting spending) AND from (increasing taxes), should it be more from (cutting spending), or more from (increasing taxes) or should it be half from each?

More from cutting spending—47%; More from increasing taxes—10; Half from each—41; No opinion—2.

Q: In order to strike a budget deal, would you accept Cutting spending on Medicaid, which is the government health insurance program for the poor or is this something you would find unacceptable?

ACCEPT—28%

UNACCEPTABLE—68

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Cutting military spending or is this something you would find unacceptable?

ACCEPT—42%

UNACCEPTABLE—55

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Raising taxes on Americans with incomes over 250-thousand dollars a year or is this something you would find unacceptable?

ACCEPT—74%

UNACCEPTABLE—24

Q: In order to strike a budget deal that avoids the so-called 'fiscal cliff', would you accept Raising the age for Medicare coverage from 65 to 67 or is this something you would find unacceptable?

ACCEPT—36%

UNACCEPTABLE—60

Q: In order to strike a budget deal, would you accept Changing the way Social Security benefits are calculated so that benefits increase at a slower rate than they do now or is this something you would find unacceptable?

ACCEPT—34%

UNACCEPTABLE—60

Q: In order to strike a budget deal, would you accept Capping the amount of money people can claim in tax deductions at no more than 50-thousand dollars a year or is this something you would find unacceptable?

ACCEPT—54%

UNACCEPTABLE—36

Q: How likely do you think it is that (Obama) and (Republicans in Congress) will agree on a budget plan that avoids the fiscal cliff?

Very likely—14%; Somewhat likely—38; Somewhat unlikely—26; Very unlikely—19; No opinion—2.

Q: If a budget agreement is not reached, who do you think will be mainly to blame—(the Republicans in Congress) or (Obama)?

Republicans in Congress—47%; Obama—31; (VOL) Both—18; (VOL) Neither—\*; No opinion—3.

Q: How concerned are you, if at all, about what may happen to the national economy if Obama and Congress cannot reach a budget agreement?

Very concerned—58%; Somewhat concerned—30; Not too concerned—7; Not concerned at all—3; No opinion—1.

Q: How concerned are you, if at all, about what may happen to your personal finances if Obama and Congress cannot reach a budget agreement?

Very concerned—48%; Somewhat concerned—32; Not too concerned—11; Not concerned at all—10; No opinion—1.

Q: How concerned are you, if at all, about what may happen to the government's ability to operate effectively if Obama and Congress cannot reach a budget agreement?

Very concerned—48%; Somewhat concerned—30; Not too concerned—11; Not concerned at all—9; No opinion—2.

Q: How concerned are you, if at all, about what may happen to the U.S. military if Obama and Congress cannot reach a budget agreement?

Very concerned—44%; Somewhat concerned—31; Not too concerned—14; Not concerned at all—9; No opinion—2.

Q: Has the leadership of the Republican Party been too willing or not willing enough to compromise with Obama on the budget deficit?

Too willing—14%; Not willing enough—76; About right—2; No opinion—8.

Q: Has Obama been too willing or not willing enough to compromise with the leadership of the Republican Party on the budget deficit?

Too willing—28%; Not willing enough—57; About right—5; No opinion—10.

Q: Generally speaking, do you usually think of yourself as . . . ?

Democrat—31%; Republican—24; Independent—38.

Mr. SANDERS. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I ask unanimous consent to speak as in morning business for a period of up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEWTOWN, CONNECTICUT TRAGEDY

Mr. COONS. Mr. President, I rise today with a heavy heart. When we first heard of the horrific shooting in Newtown, CT, on Friday, it was impossible for me not to react, not just as a Senator but as a parent, as a father. And as my wife and I spent the weekend reflecting on the heartbreaking loss of 20 innocent children and 6 of their teachers and faculty, as we talked to our own 3 young children about what had happened, we thought about the grief and the anguish for a whole range of different parents deeply touched by this tragic incident.

The first, of course, are the parents who lost their precious innocent children, their 6- and 7-year-olds in the



massacre at Sandy Hook Elementary School last Friday. Joel and JoAnn Bacon lost their precocious, outgoing, red-haired daughter Charlotte, just 6 years old. JoAnn had recently bought Charlotte a new holiday dress in her favorite color—pink—and a pair of white boots. Charlotte had begged and begged to wear her new outfit early, and on Friday, December 14, the last day of Charlotte's young life, her mother JoAnn agreed.

Steve and Rebecca Kowalski lost their active and athletic 7-year-old son Chase. Just 2 days before the shooting, Chase's next-door neighbor had asked him what he wanted for Christmas, and I understand he pointed to his two missing front teeth.

Any of us who have had the special blessing and joy of raising young children, especially at holiday time, can only imagine the unbearable sorrow of these families who now and forever will have a child-sized hole in their hearts and their lives.

We offer you whatever small measure of comfort we can in knowing that you are not alone, that all across this country and around the world people pray for your healing, and we all hope that with time you and your families can come to understand and live through the grief of this moment.

We also think of other parents, parents who years before raised their young adult children to give back to their community and the next generation—young adults who chose to become teachers. In addition to the heroics of school principal Dawn Hochsprung, school psychologist Mary Sherlach, and teacher Anne Marie Murphy, a mother of four herself, three other very young teachers gave their lives to protect the students in their care: Lauren Rousseau, a 30-year-old substitute teacher; Victoria Soto, a heroic 27-year-old teacher; and Rachel Davino, a 29-year-old whose boyfriend was planning to propose on Christmas Eve. Their parents too, their families are in our prayers.

Also in our hearts today are the families of the courageous first responders who rushed toward danger as everyone else rushed away. In any emergency, Mr. President, as you know, being a former attorney general, our law enforcement officers face unknown danger with extraordinary courage. At Sandy Hook Elementary, police officers rushed to the site knowing full well that an armed gunman awaited them. What they found was unimaginable. Thank God they arrived as quickly as they did or the carnage might have been worse. But we need but reflect for a moment on what those police officers and firefighters and folks from the ME's office ultimately found—unspeakable carnage. These heroes could not react as parents, as community members. They had to choke back their own grief and horror to

carry out their professional responsibilities to catalogue, investigate, and document every detail of this tragic scene so that justice could be done and lessons learned. The scars of those long hours on a crime scene like this last a lifetime, and first responders all across this country in situations such as this bear them with honor and dignity and without complaint.

This tragedy, of course, also has ripple effects far beyond Sandy Hook and far beyond Newtown, CT. All over this country there are parents whose children struggle with mental illness, with mental health challenges, who don't have the resources they need to cope. My office has had many calls from worried parents since Friday's shootings, worried for many reasons, but one that stood out for me was a dad from Newark, DE, whose own child is struggling with mental illness and who is working hard to try to find the resources to ensure appropriate care so that he won't someday be watching the television with horror as the tragic actions of his child unfold.

We think of the story also shared online of the mother in Idaho, terrified her own son has the capacity to kill someday and yet without the ability to give him the intensive medical care, treatment, and intervention she believes he needs.

Across this country, mental health care is a growing challenge for us. Between 2009 and 2011, States cut more than \$2 billion from community mental health services. Two-thirds of States have significantly slashed funding in these difficult economic times, leaving parents seeking help for their mentally ill children often with nowhere to turn.

We must do better for all these parents—the parents who lost their children at Sandy Hook Elementary, the parents who lost their children who were teachers and faculty, the families of those who were first responders, and families who struggle with children with mental illness and mental health problems.

But, frankly, this week I also think about parents all over our country who have lost their children, just as precious and just as innocent as those at Sandy Hook, to gun violence, outside the media spotlight. The truth is gun violence knows no boundaries of race or class, but our national response at times seems to.

There were 41 murders in Delaware alone last year, 28 of them where guns were used as the murder weapon.

Sixteen-year-old Alexander Kamara was playing in a soccer tournament at Eden Park in my hometown of Wilmington this summer when he was shot and killed in execution style.

Dominique Helm, age 19, was standing with his teenage cousins on the steps of his Brandywine Village rowhouse last September when a gunman opened fire. He stumbled through

the doorway and died in his living room as his mother Nicole ran to him.

Stories like this are tragically, appallingly, common across our country every day. Every day, 34 Americans are murdered with a gun. It happens in our streets and in our neighborhoods. It happens in movie theaters in Aurora, CO, and houses of worship at Oak Creek, WI. It happens in high schools in Littleton, CO, and at a college campus in Blacksburg, VA. It happens outside a supermarket in Tucson, AZ, where one of the six people killed was 9-year-old Christina Taylor Green—a child herself born on 9/11, imbued with a sense of hope and a call to public service, who wanted to meet her Congresswoman Gabbie Giffords in order to learn more about public service.

They say nearly 40 percent of Americans know someone directly who has been a victim of gun violence. In Christina's case, her father was my high school classmate back in Delaware. Gun violence touches families, communities, and neighborhoods all over this country.

So what do we owe these parents? What can we offer their families besides our thoughts and prayers? I believe we must fulfill our central responsibility of protecting the safety of our children and our communities, while also preserving the individual liberties guaranteed in our Constitution.

On Sunday night, we watched President Obama speak to a community reeling in shock and grief, for the fourth time in his time as President. He asked us as a Nation whether we are doing enough to protect our children, and he gave us the painfully honest answer that we did not give ourselves after Fort Hood, after Tucson, after Aurora. He said, No, we are not. We are not doing enough to protect our own children.

Horrible crimes like these have a very complex web of causes—including, of course, mental illness. This complexity presents us with a complicated challenge. But the reality is the United States has the highest rate of gun deaths in the industrialized world, nearly 20 times higher than comparable nations.

In my view, this calls out for a comprehensive approach, for a thorough and searching examination of the causes of this uniquely American crisis. I believe it requires action by this Congress and our President.

I have received calls and letters, e-mails and Facebook posts, from Delawareans around the State, Republicans and Democrats, doctors and teachers, parents and children. They have shared with me their grief and their ideas, and they have called for action.

The United States has a long and proud tradition of independence, of protecting ourselves, of exercising our right to self-determination, of hunting



and of a sporting tradition that is enshrined in our second amendment. And we have to recognize the importance—the legitimacy—of the concerns of gun owners to know that in the debate that can and will and should unfold in this Chamber we will respect their right to bear arms and that we will respect and honor this most important part of America's fabric. But every constitutionally protected right has its boundaries, its limitations.

I am troubled in particular by the thread that ties together too many of these tragic mass shootings: that the perpetrator had clear mental health problems, unaddressed, untreated mental illness challenges, and used military-style weapons and clips that have no place in everyday civilian life.

Several of my colleagues have already come forward with proposals—Senators MANCHIN, LAUTENBERG, WARNER, FEINSTEIN, and others, and I will touch on a few.

I believe reinstating the ban on high-capacity magazines, focusing on ammunition and on the outrageously devastating impact of military clips and military ammunition particularly on children across all these instances—I think we should focus on that, and reinstate the ban on high-capacity magazines in the next Congress.

In addition, Senator LIEBERMAN just the other day on the floor—and he has been joined by Senator ROCKEFELLER—has called for a study to gain a better understanding of the linked issues of mental health, mass shootings, and the desensitization of violence in our culture. President Obama has picked that up and carried it forward, and is proposing a new commission which the Vice President—Delaware's own JOE BIDEN—will be chairing. It is my hope that out of this important work we can find a path forward that marries the crying need to deal with mental health issues with cultural concerns about violence and desensitization with responsible limitations on the excessive use of military-style weapons and clips.

Last, in my view, we can and must do more to keep guns out of the hands of those with a history of violent crime or demonstrated mental illness. Our database system is broken and has to be repaired.

At Virginia Tech, 32 students and professors were murdered by a young man who got a gun he should have been prohibited from buying. A court had already ruled he was mentally ill and posed an imminent danger, but these findings simply weren't reported to the FBI's gun background check system. That is a travesty. The parents of those 32 murdered in Blacksburg, VA should be crying out for justice.

We should ensure that no gun sold in this country is sold to someone we know to be dangerous or who poses a direct threat to innocent Americans' lives. Today, an estimated 40 percent of

all gun sales—some 6 million weapons a year—are sold by unlicensed dealers who aren't required to conduct any criminal background check under Federal law. This is how 12 students and 1 teacher were murdered at Columbine High School in Colorado, with guns bought from an unlicensed seller—no paperwork, no questions asked.

It is my hope, it is my prayer, that we will work to address this and many other complex but important issues in the coming weeks and months, and that we will consider all these proposals carefully and reach a balanced but effective solution.

I will apply the test of balance to find ways that we can continue to respect our traditions and protect constitutional liberties while still advancing our moral requirement to keep our kids and our communities safe.

As parents, we can't help but react with horror at the slaughter of innocent children in their classrooms. We all have to take time first to grieve with our families and our communities; but as policymakers, we also have a calling to react to the facts as we see them. And in this regard a reaction will have three stages: We need to reflect, we need to debate, and then we need to act.

The reflection and the debate have already begun. The action is still to come. I look forward to working with the Presiding Officer and my colleagues in the weeks and months ahead to ensure that this time we act. The victims of Newtown, CT, deserve nothing less.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I know we have Senators who have talked about bringing amendments to the floor. I know the distinguished majority leader is trying to get a finite list and a time to vote on them. I hope that can be done. I hope Senators who have amendments will bring them up, debate them, and vote them up or down so we can get on with this bill.

If you are a person whose home has been devastated or your children's school has been destroyed in this storm or your business is only a pile of rubble—those people really find it pretty difficult to see us, whether it is the U.S. Senate or the other body, standing around saying we may have amendments, we may not have amendments, we may have something that is not germane to what we have here but we want to make a message amendment. They are saying: We are Americans—

we are Americans and we are suffering. Do something for us, just as this body always has. Whether the disaster has been in the Midwest, the West, the Northeast, the Southeast, or the South, we have come together for our fellow Americans.

Time is running out, and we should get moving. I urge Senators, bring your amendments. If you really think they have merit, if you really think they have anything to do with this disaster relief, if you really think they are going to be able to help, bring them in and let's vote them up, vote them down. But let's not just sit here thinking that maybe we can wait longer.

We get paid our salaries. I don't know of any Senator who has lost his or her home, certainly not his or her business. They are still here, and they still get paid every couple of weeks. That is not the case for hundreds of thousands of people. Let's start acting to take care of them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. HATCH. Mr. President, I rise today to discuss the ongoing situation with the so-called fiscal cliff. To millions of Americans, what's happening here in Washington must be a mystery.

In less than 2 weeks, almost every single taxpaying citizen will face a massive tax hike if we don't act. For weeks now, the Speaker of the House, JOHN BOEHNER, has been trying to get this President to come up with a fair, reasonable and balanced solution so we don't go over this cliff.

The President, thinking he has some sort of mandate after his reelection, has been less than reasonable. In fact, this President has proposed more and more spending, and more and more tax hikes in his proposals to the Speaker, while the Speaker is trying to stop these tax hikes and deal with our over \$16 trillion debt. The President just can't take yes for an answer. He must think that if he keeps slow-walking these proposals that Republicans will get the blame—and members of his administration have even revealed that they would be more than happy if we went over the cliff.

What kind of cruel Christmas gift is that?

After the Speaker and the President exchanged offers this week, House Republicans are looking at having votes on two competing pieces of legislation as early as tomorrow. The first is legislation that passed this body over the summer—deeply-flawed legislation that every Democrat in this body supported.

I should note that I put forward a more common-sense alternative that would have extended all the current tax policy for 1 year during which time we could undertake a comprehensive overhaul of our bloated, broken tax code. I think I characterized it as putting it over for 1 year and dedicating that year to tax reform, which we all know needs to be done.

The second piece of legislation that the House will vote on is legislation that Speaker BOEHNER has called "Plan B"—a more limited piece of legislation that extends almost all the current tax policy as is in the law today.

I understand that this "Plan B" is a plan of necessity. And while I understand that the Speaker continues to negotiate with the President to try and reach an agreement, the Speaker has put this forward to force action from this intransigent White House.

What does the Speaker's plan do?

The Speaker's plan would provide seamless permanent tax relief for American taxpayers who earn less than \$1 million. For taxpayers earning above \$1 million, the statutory rates on ordinary and capital gain income would be set at the level President Obama and Congressional Democrats have insisted on.

My preference is clear. I have legislation that this body voted on in August that shows what I believe is the better path.

I oppose tax increases very strongly and have said over and over that we should not be touching tax rates. But I also understand, given the reality before us, that the Speaker has to move forward with a plan to force action.

Is it perfect from my perspective? No, but we cannot let the perfect be the enemy of the good.

The Speaker, in my view, is the only person in these negotiations trying to find a resolution. I commend him—I admire him—I back him—and I know he is working hard discussing this legislation with the members of the House Republican Conference as they move towards a vote.

I hope they support this plan. However, it turns out, if I was a member of the House, I would.

But I am a Member of the Senate and this leads me to ask: after the House passes "Plan B" and defeats the Senate Democrats' tax bill, what is it that Senate Democrats want to do?

The House will presumably send its bill to the Senate. Senator REID and the White House have already said it is dead on arrival in the Senate. I find that very curious indeed since so many Democrats seem to have wanted exactly what the Speaker is giving them. Then they complain that the Speaker's plan isn't "balanced," despite the fact that the President in a proposal was calling on more stimulus spending and for the continuation of so-called temporary stimulus tax provisions that the

President now somehow wants to make permanent.

So I would say to my friends on the other side of the aisle, what is it exactly that you want to do?

What is it that Senate Democrats and the White House want?

We are all waiting.

The American people are waiting.

Enough of the games. Put your money where your mouth is, and tell us what you think is better than what Speaker BOEHNER is ultimately going to put forward.

If I were in the House, I would be supporting Speaker BOEHNER. Frankly, I do support Speaker BOEHNER.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

AMENDMENT NO. 3367, AS MODIFIED

Mr. MERKLEY. Mr. President, I ask for the regular order with respect to my amendment, No. 3367.

The PRESIDING OFFICER. The amendment is now pending.

Mr. MERKLEY. I have a modification at the desk. I ask that my amendment be so modified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment is as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking "The Secretary shall use such sums as are necessary from the Trust Fund" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012";

(2) in subsection (d)(2), by striking "The Secretary shall use such sums as are necessary from the Trust Fund" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012";

(3) in subsection (e)(1)—

(A) by striking "The Secretary" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary"; and

(B) by striking "per year from the Trust Fund" and inserting "for fiscal year 2012";

(4) in subsection (f)(2)(A), by striking "the Secretary shall use such sums as are necessary from the Trust Fund" and inserting "Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012"; and

(5) in subsection (i), by striking "September 30, 2011" and inserting "September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)".

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a non-insured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

"(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

"(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

"(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency')."; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "and" after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

"(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and"; and

(i) in subparagraph (B)—

(I) by inserting "(except ferns)" after "floricultural";

(II) by inserting "(except ferns)" after "ornamental nursery"; and

(III) by striking "(including ornamental fish)" and inserting "(including ornamental fish, but excluding tropical fish)";

(2) in subsection (d), by striking "The Secretary" and inserting "Subject to subsection (1), the Secretary";

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking "\$250" and inserting "\$260"; and

(B) in subparagraph (B)—

(i) by striking "\$750" and inserting "\$780"; and

(ii) by striking "\$1,875" and inserting "\$1,950"; and

(4) by adding at the end the following:

"(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

"(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

"(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

"(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

"(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

"(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

"(I) harvested;

"(II) planted but not harvested; or

"(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

"(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

"(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

“(A) the service fee required by subsection (k); and

“(B) a premium for the applicable crop year that is equal to—

“(i) the product obtained by multiplying—

“(I) the number of acres devoted to the eligible crop;

“(II) the yield, as determined by the Secretary under subsection (e);

“(III) the coverage level elected by the producer;

“(IV) the average market price, as determined by the Secretary; and

“(ii) 5.25-percent premium fee.

“(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

“(4) ADDITIONAL AVAILABILITY.—

“(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. MERKLEY. I also ask unanimous consent to add Senator FRANKEN, Senator TIM JOHNSON, and Senator TOM UDALL as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, it is my understanding that at 4 o'clock, Senator DURBIN from Illinois will be speaking. I ask unanimous consent that I be allowed to speak at the conclusion of his remarks, at or around 4:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

#### FAREWELL TO THE SENATE

Mr. KYL. Mr. President, I am deeply honored to have served for 18 years as Arizona's 10th Senator and for four terms in the House of Representatives before that. Now it is time to move on. My successor, Senator-elect JEFF FLAKE, is a good and honorable public servant who will work hard on behalf of our great State of Arizona, and my colleague JOHN MCCAIN will continue his long and dedicated public service as well. I appreciate the remarks he delivered here yesterday.

I say thank you to my colleagues for your friendship. It has been a privilege working with so many of you on both sides of the aisle. While it is true that Washington would benefit from more civility, the Senate behind the scenes is an extraordinarily collegial institution, and I will certainly miss that aspect of the job.

I also thank my staff, past and present, for working so many long hours and for spending so much time analyzing the issues that will determine America's future.

Farewell speeches offer the opportunity to reminisce about the past. I actually do not believe that would be the best use of either your time or mine. Instead, I am going to comment on some of the biggest public policy changes America faces and recommend principles to guide the way forward.

I was first elected to public office when the Reagan revolution was in full swing. Maximizing freedom guided the policies of that era, with tremendous success. My goal as a public servant has been to advance and maintain a consensus in favor of the so-called three legs of the Reagan public policy stool.

One, dynamic, growth-oriented economics; two, the social values that make limited government possible; and three, a national security commitment that emphasizes a strong and sovereign America. In each of the three areas, maximizing freedom and the positive results that flow from that is the goal.

Let's turn first to economic freedom. The Reagan years showed us that expanding economic freedom should be the North Star, the guiding light of U.S. policy because it is the best way to achieve sustained and broad-based prosperity for all. Free markets, low taxes, and limited government allow

citizens to use their talents and resources in whatever way they choose and keep more of the fruits of their labor.

I encourage people to invest, work, start businesses, and hire others. In other words, free markets promote economic well-being for all. Cutting taxes at the margins; that is, reducing the rate of tax on the next \$1 earned, encourages growth. Raising taxes can have the opposite effect. Nobel economist Edward Prescott of Arizona has found that higher marginal tax rates are the reason Europeans work one-third fewer hours than Americans.

When marginal rates are lower, prosperity flows to other sectors of society, allowing businesses to create jobs and new products, compete for workers, raise wages, invest their profits, which then can be lent to other entrepreneurs. Everyone gains in a free economy. As John F. Kennedy put it, a rising tide lifts all boats.

Look at what free enterprise has achieved. After President Reagan dramatically lowered tax rates and trimmed regulation, income increased in every quintile. Millions of new private sector jobs were created and the stock market soared, tripling in value over 8 years. The lower tax rates, reduced regulatory burden produced a more robust economy and a more robust economy meant more revenue for government. Similar results attended the tax rate reductions during the Presidency of George W. Bush.

In recent years, many policymakers have forgotten these lessons. Since 2008, America's score in the Index of Economic Freedom has declined significantly to the point that we are no longer considered a free economy but, rather, a mostly free economy. That is what happens when we dramatically increase government spending and regulations. Now we are on the verge of a massive tax increase which could undermine small businesses and stifle economic growth America badly needs.

Policymakers must focus on the basic laws of economic input. A faulty view has gained traction in recent years that consumption fueled by government spending actually creates economic growth. It doesn't. It just moves money around by taking from people who produced it and could productively spend or reinvest it and giving it to government to spend. Consumption is the wrong target.

People only change their spending habits when they know they will have greater consistent income over time; for example, when they receive a raise at work or get a permanent tax cut. That is why temporary stimulus tax gimmicks don't work.

If the problem with the economy is supposedly a lack of consumption, the government cannot solve that problem by spending for us. After all, it is our tax money that is being taken out of

the economy and spent. When government borrows, it will eventually have to tax the people to pay back what it has borrowed. There is no free lunch. For the government to spend, taxpayers have to give up wealth they could have spent or invested. Keynesian demand-side economics assumes the government is more efficient at spending our money than we are. That assumption has proved to be incorrect time and again.

Wise policymakers will find the right balance between the need for more tax revenue and the need for more economic freedom. They will remember there is no fixed economic pie that legislators should try to divide. They will remember that labor, capital, and technology are the real factors that drive long-term economic growth, not government spending. They will stop shackling would-be entrepreneurs and job creators with ever more burdensome regulations.

Here is some more good news about growth-based free enterprise. It is the most moral economic system ever devised for three reasons. First, it is premised on the truth that success only comes by supplying something to others that they need or want. In the bargain, both sides benefit. Second, this system has produced incredible wealth around the world, lifting millions out of poverty. No economic system can come close in helping that many people. So it is the most moral economic system in providing material benefits, but that is only part of the story.

Free enterprise provides more than increased income and material prosperity. Those things help, but they are not what make humans thrive. The key determinant of lasting happiness and satisfaction is what American Enterprise Institute president Arthur Brooks has called earned success. People are happiest when they do something they are good at, when they create value in the lives of others, and genuinely earn their income regardless of how much it is.

Brooks put it very well in his book "The Battle," and I quote:

Earned success gives people a sense of meaning about their lives. And meaning also is key to human flourishing. It reassures us that what we do in life is of significance and value, for ourselves and for those around us. To truly flourish, we need to know that the ways in which we occupy our waking hours are not based on mere pursuit of pleasure or money or any other superficial goal. We need to know that our endeavors have a deeper purpose.

The earned success that comes from doing a job well explains why fabulously wealthy people often choose not to retire after they have earned their fortunes. They are motivated by the satisfaction that comes from spending the day productively by creating, innovating, and solving problems. They are creating purpose-driven value in their own lives and oftentimes tangible value in the lives of others.

The effect of earned success also explains why people who win the lottery often become depressed when they find out that free money offers hollow joy. Free enterprise promotes freedom to achieve and, therefore, more opportunities to earn success. It is the most moral economic system ever created. It is also the fairest system because it rewards merit, hard work, and achievement. This is what brought my grandparents to this country, along with millions of other immigrants. Incidentally, real free enterprise has no place for crony capitalism because it doesn't have government picking winners and losers.

The biggest economic favor policymakers can do for Americans is to follow the Reagan legacy and support free market policies that create more opportunity, more mobility and more earned success and therefore more human flourishing possible for every American. Free enterprise is the only economic system that gives us so many opportunities to pursue fundamental happiness and lasting satisfaction.

This brings us to the second leg of the Reagan stool—the question of values. President Reagan devoted his Presidency—and indeed his entire career in public life—to the expansion of economic freedom. He also understood that economic freedom depends on certain cultural underpinnings, such as marriage, family, and personal responsibility. He understood that family breakdown and social pathologies would ultimately make people more reliant on government and thus more eager for government to expand, sapping them of individual responsibility and the need to care for others in the family or community.

In short, Reagan understood that economic conservatism would not and could not survive unless social conservatism survived too.

The United States has a stronger philosophical attachment to freedom and limited government than any other Nation on Earth. Yet I also recognize that many cultural trends are working against us. For example, nearly 41 percent of all American children are now born to unmarried women, compared with fewer than 11 percent in 1970. Without stable, two-parent families, the government bears more of a burden of caring for these children. The growth in food stamps and other support programs makes the point. At some point, this makes it harder to maintain a political consensus that favors limited government, economic freedom, and programs that help people out of poverty rather than entrenching it. Why?

To quote Princeton scholar Robert P. George, limited government:

Cannot be maintained where the marriage culture collapses and families fail to form or easily dissolve. Where these things happen, the health, education, and welfare function

of the family will have to be undertaken by someone or some institution, and that will sooner or later be government.

In other words, in the absence of two-parent families, the government fills the financial role of the father, to say nothing of the critical roles fathers play. Over time, more and more Americans have come to rely on the government to provide for their most basic needs, needs that two-parent families have traditionally supported. Those Americans are now competing for increasingly scarce resources.

This is not to judge the status of these families or to suggest it is in any way inappropriate for government to provide the help. It is precisely because we do care that we provide help through government and other institutions. But that is an action to ameliorate the effects of a condition, not to change the underlying condition.

I believe we must do all we can to revive the marriage culture, increase family stability, and ensure that more children grow up in two-parent households. Strong families have always been the key to upward mobility and economic security.

If we want to remain an aspirational society, a society where children have the opportunities and the resources to pursue their dreams and create a better life, we must encourage young Americans to embrace what Ron Haskins and Isabel Sawhill of the Brookings Institution have called the success sequence. That sequence is very simple: Complete high school, get a full-time job, get married before having kids. If we follow that sequence, we are virtually guaranteed to avoid poverty.

The marriage culture is fighting an uphill battle against forces that threaten to overwhelm them. I urge everyone who believes in limited government, economic freedom, and the real self-worth and well-being of our children to do their part in rebuilding the institution of marriage. No other social cause or campaign is more vital to America's future.

When it comes to shaping our culture, we must also improve the quality of our students' civic education. I fear that many American students are graduating from high school and college with only the vaguest knowledge of our founding and our Constitution and what it means to be an American. It is hard to defend rights if we don't know what they are and where they came from.

Schools shape students' views about our priorities as a society and what principles are worth standing for. Instead of teaching history and the fundamentals of America's founding, many curriculums focus on small, politically correct topics such as gender, class, diversity, and ethnicity. The entertainment industry and many major media outlets, too, dwell on these topics and lend them outsized importance.

These topics tend to be political and emphasize what divides us. They ignore our common heritage of freedom, equality, self-reliance, human dignity, faith, and community. As William Bennett recently wrote: When we look at what students are being taught, it is easy to see why more of them prefer socialism over free market capitalism. He writes: "Politics is downstream from the culture."

Bennett also noted that Plato said the two most important questions in society are: Who teaches the young and what do we teach them.

I believe we need to think long and hard about these two questions. It is time to have a serious discussion about civics education. If Americans don't understand or appreciate the foundations of our republican government, those foundations will gradually erode. In that sense, political and historical literacy is critical to the preservation of our constitutional freedoms.

As President Reagan famously said:

Freedom is never more than one generation away from extinction. We didn't pass it on to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same.

Moving to the last leg of the Reagan policy stool: national security. I have tried to follow the Reagan legacy of pursuing peace through strength. As President Reagan once said, "Of the four wars in my lifetime, none came about because America was too strong."

President Reagan knew that weakness tempts aggression, and he believed that deterrence meant "making sure any adversary who thinks about attacking the United States . . . concludes the risks to him outweigh any potential gains. Once he understands that, he won't attack. We maintain the peace through our strength; weakness only invites aggression."

American strength remains the best guarantor against major armed conflict between nation-states. While it is not our role to police the world—and we couldn't do it in any event—it is also true that we are the indispensable Nation to help safeguard liberal values around the world.

For America to continue its leadership role, however, we must have a military with both the capability and the flexibility to address a wide range of challenges. And, yes, it means adequately funding the military requirements, among other things, by avoiding the devastating sequestration of necessary defense investments. I wish to speak to four of our challenges: nuclear modernization, missile defense, terrorist threats, and transnational law.

For the first time in the history of U.S. nuclear policy, the President has placed nuclear disarmament and non-proliferation, rather than nuclear deterrence, "atop the U.S. nuclear agenda."

Ironically, more treaties or unilateral actions that take us closer to nuclear disarmament will not help us reduce the dangers we face today. Such actions will only serve to make our allies who depend on U.S. nuclear guarantees more nervous, while potentially weakening the credibility of U.S. nuclear deterrence. Senate support for the 2010 New START treaty was based upon a commitment to modernize our aging nuclear complex and weapons. As that commitment starts to decay, it will become increasingly difficult to rebuild the responsive nuclear infrastructure that even the President agreed is necessary for further nuclear reductions as well as the continued credibility of the U.S. nuclear arsenal. Note that I said "for further nuclear reductions." They are literally dependent upon the U.S. modernization.

The New START proceedings made it clear that the nuclear balance between the United States and Russia under New START force levels would be stable—except, of course, for the huge diversity—or disparity, I would say—in tactical nuclear weapons that Russia enjoys. But under this stability, there would be no incentives to strike first during a crisis nor would there be incentives to grow our respective nuclear arsenals in the future. We should, therefore, think very carefully before we contemplate any changes to longstanding U.S. nuclear deterrence policies or pursue further reductions in support of the President's disarmament agenda.

We absolutely cannot know for certain that fewer numbers of weapons will make us safer. In fact, Henry Kissinger and Brent Scowcroft recently reminded us "that strategic stability is not inherent with low numbers of weapons; indeed, excessively low numbers could lead to a situation in which surprise attacks are conceivable."

Policymakers would do well to heed the advice of Winston Churchill offered in his last address to the United States Congress. He said:

Be careful above all things not to let go of the atomic weapon until you are sure, and more than sure, that other means of preserving peace are in your hands.

Against the backdrop of more than 100 million war casualties from conventional weapons in just the 30 years before development of the atomic weapon, Churchill's advice is sobering indeed.

The second challenge we face is with respect to missile defense. Recent events illustrate the importance of missile defense in today's security environment. Israel's Iron Dome missile defense system protected its population against rocket attacks, giving Israeli military and political authorities the time and the space necessary to avoid a devastating ground war, which is ultimately what made a truce possible.

As Secretary of Defense Panetta said at the time, "Iron Dome does not start wars, it helps prevent wars."

Elsewhere in the world, Turkey has requested NATO Patriot batteries to protect it against Syrian ballistic missiles potentially armed with chemical weapons. Meanwhile, Japan, South Korea, and the United States recently activated their ballistic missile defense systems in response to North Korea's long-range ballistic missile launch—yet another reminder that the threat doesn't stand still.

In response to Iran's development of nuclear weapons and longer range ballistic missiles, NATO has agreed to support the deployment of short, medium, and long-range missile defense systems to protect alliance territory and thereby avoid potential Iranian nuclear blackmail. So the benefits of defense are well appreciated, especially by those most directly affected or threatened.

We have proven that it is possible to hit a bullet with a bullet, and we have debunked the Cold War-era argument that missile defense contributes to a new arms race. In fact, since the United States withdrew from the ABM Treaty, we have reduced the number of deployed nuclear weapons from 6,000 under START to 1,700 under the Moscow Treaty to 1,550 under the New START treaty. We must continue to disabuse some of the notion that U.S. vulnerability to the Russian and Chinese nuclear arsenals is a source of stability when, in fact, the most important constitutional and moral duty of any President is to protect the American people.

We have made some progress in deploying domestic missile defenses since the United States withdrew from the ABM Treaty in 2002, though we have also squandered opportunities to do more. Here are just a few missile defense challenges for the future.

First, over the past 4 years, the Obama administration has consistently reduced funding for missile defense. Second, it has refocused funding on regional missile defenses that protect others at the expense of protecting the homeland of the United States and developing future technologies. Third, the administration has scaled back the number of ground-based interceptors protecting the homeland from 54 to only 30—numbers that do not begin to meet the standard established by the Missile Defense Act of 1999, which required a defense capable of addressing accidental and unauthorized attacks from any source. And, fourth, the administration has no plans to modernize interceptors that are more than 20 years old. That is the technology that is protecting America today, and it is, therefore, unlikely to keep up with future threats.

As I said, there is very little funding devoted to new breakthrough technologies that could provide even more

effective defenses for the United States, such as lasers and space-based interceptors.

We should remember, as NORTHCOM Commander General Jacoby has explained to Congress, that “no homeland task is more important than protecting the United States from a limited ICBM attack. . . .”

Finally, one of the greatest challenges we face today stems from Russian attempts to limit the development and deployment of U.S. and allied missile defense systems. The United States cannot allow Russia to dictate to us limits on the capabilities of U.S. missile defenses. If they could be effective against a Russian launch, then so be it. That is what it means to protect Americans from potential threats. If the Russians argue that they pose no possible threat, then our missile defense should be irrelevant to them.

From negotiations on the New START treaty to threatening the United States and NATO in an attempt to limit our planned deployments in Europe, the Russians have never abandoned their goal of limiting the effectiveness of U.S. missile defense. The answer is not “reset” but recommitment to the principle that the most moral way to protect the American people from missile attacks is by missile defense.

The third national security challenge I wish to briefly discuss is the threat of political Islam. To defeat an enemy, we must first know the enemy, and that includes calling them by their name: radical Islamists who seek to impose their ideology to rule others—to govern political, social, and civic life, as well as religious life.

Intelligence is key to defeating political Islam. The Foreign Intelligence Surveillance Act, or FISA, and the PATRIOT Act are good examples of the tools we need to know what our enemies are planning and who they are before they strike. These tools cannot be allowed to expire.

The PATRIOT Act reflects a recognition that investigators charged with preventing acts of terrorism should have at least the same investigative tools as Federal agents charged with targeting mobsters or health care fraud.

The fourth and last national security challenge I will mention is the rise of transnational law, which poses a serious threat to American sovereignty. Our government was founded on the principle that laws should be made through the democratic process so that the people could hold their legislators accountable. The American people elected their own representatives and, therefore, control their own affairs. That is the theory.

Americans want the benefits of global cooperation based on widespread acceptance of useful international “rules of the road,” of course. But such rules,

like our domestic laws, should be adopted through democratic processes that assure accountability on the part of the legislators. They should not be imposed by international bodies with zero accountability to the American people.

The rise of global governance, I believe, challenges this principle. By “global governance” I mean the use of multilateral treaties and other agreements to delegate power on matters such as the environment, natural resources, and individual rights to new international bodies with broad powers and little or no political accountability. Such issues have traditionally been decided by the laws of individual nations, not by international bureaucracies. Some treaties would directly implicate U.S. national security flexibility or capability.

One such treaty was defeated by the Senate in 1999—the Comprehensive Nuclear Test-Ban Treaty, which would have jeopardized America’s nuclear deterrent by preventing us from ever again conducting tests of our nuclear weapons. We should never give up the right to verify that our nuclear deterrent works. It is critical that we know, that our allies who rely on these weapons know, and that our potential adversaries know, or our weapons will not have deterrent effect. I urge my colleagues to defeat this treaty again should it come up before the Senate in the President’s second term.

In conclusion, in all three areas I have discussed here, we have had successes and we have had failures. I think of what Margaret Thatcher said as she was leaving public office; that there are no permanent victories in politics. What she meant was one can leave office having upheld their principles and having accomplished some of their policy goals, but that doesn’t mean there will always be a consensus in favor of their preferred policies or that their accomplishments would not be reversed in the future.

As I look back on my 26 years in Congress and my 18 years in the Senate, I am deeply proud of everything we have accomplished—from tax relief and welfare reform to missile defense and nuclear policy, not to mention things of primary importance to my State. But I also understand that political victories can be ephemeral because in a democracy, a debate over these issues never really ends. It is always ongoing.

I will miss being involved in these important debates and decisions directly. From now on, my role in these matters will be as a private citizen, but I still aim to be involved.

It has been an honor—really the privilege of a lifetime—to serve, and it is difficult to say goodbye. But I will depart Capitol Hill with enormous faith in the American people, a profound appreciation for the miracle of the American Republic, and a resilient optimism about America’s future.

I thank my colleagues.

The PRESIDING OFFICER (Mr. CARDIN.). The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to say a few words about our colleague, Senator JON KYL. I have always appreciated his comments, his thoughtfulness, his patriotism, and his intellectual leadership in the Senate. He will be sorely missed after 18 years in the Senate. I am sorry the Senate will be losing Senator KYL’s extraordinary talents, but as he retires from politics at the end of this month, I know he will remain a powerful force in the world of ideas.

Time magazine named JON one of the 10 best Senators in 2006. At the time, he said: “You can accomplish a lot if you’re not necessarily out in front on everything.” That echoes Ronald Reagan’s comment—one of his favorite slogans: “There is no limit to what a man can do . . . if he doesn’t mind who gets the credit.”

Over the last 18 years, JON KYL has accomplished a lot in this Chamber, and he has never seemed to care one bit about who got the credit. When he announced his retirement, the Wall Street Journal said JON “has been as consequential as any Republican in Congress over the last decade and a half.” That is quite a compliment and thoroughly deserved.

As you could tell from his comments, JON has spent a career promoting the Reagan legacy. After he leaves, many of us will be promoting the Kyl legacy.

He is a person of strong principle, a man deep in knowledge of public policy, and a person—uncharacteristic in politics—of remarkable humility. Here is how one writer described his unique skill set. Senator KYL, he wrote, “is one of those rare breeds who seem to make no strong enemies even while holding firm to a consistent philosophy.” As you have heard, he has been a leader on things ranging as wide as missile defense to criminal justice to tax policy.

One of the things I have admired about Senator KYL is he always seems to be among the most knowledgeable people in any room at any given time on any given topic that is under discussion. When he speaks, people listen. But he often willingly pushes others into the spotlight rather than himself. It is because he thinks tactically: How can I advance this policy or this idea, not: How can I advance myself in the public spotlight.

That certainly has been my experience with Senator KYL. But I would add something else. He has also been a courageous intellectual leader. He has consistently led on complex issues that other Senators have ignored or neglected or just have a difficulty understanding, complex topics such as nuclear modernization, missile defense, and transnational law, each of which he mentioned in his remarks just a moment ago. It is not easy to become the



Senate's top authority on nuclear weapons, but JON KYL is, and it is not the best way to get your face on cable news. Not a lot of air time is given to people who want to talk about such arcane but important topics.

I have also watched Senator KYL over the past couple of years cultivate more junior Senators and help them become experts in their own right on all of his favorite issues. As a matter of fact, I attended a meeting on that just today where he was trying to bring along a number of us on the nuclear issue. Senator KYL is always thinking about the future, always thinking about the next generation of American leaders and the challenges they will face.

JON quoted Margaret Thatcher, reminding us there are no permanent victories in politics. He understands that the debate over limited government and a robust national defense will never be over, it will never be completely won and, hopefully, never completely lost. That is why he has worked so hard to educate and encourage other younger Senators who will be fighting these battles long after he leaves the Chamber.

As I mentioned earlier, JON KYL is tremendously principled. He is a proud conservative, but he is also a fair-minded and enormously effective legislator. Last February the New York Times declared that he "may be [one of] the rare member[s] of his party who combines the trust of conservatives, policy smarts, and forcefulness that are needed to secure deals that can pass."

It has been my great honor and privilege to work with JON KYL on such issues as immigration reform and criminal law, among others. He is a true patriot, a true intellectual in the greatest sense of that term, and a truly effective Senator for his State and for the Nation. After more than a quarter century of public service, including 18 years here in the Senate, JON KYL deserves a happy and healthy and successful retirement, but he will be sorely missed by everybody in this Chamber.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to echo the comments of the distinguished Senator from Texas. I have served with JON KYL for his whole time in the U.S. Senate, and he is a lawyer's lawyer. I do not say that lightly. I do not consider many lawyers a lawyer's lawyer. JON is an excellent lawyer, one of the best I have met and certainly one of the best ever to sit in Congress.

He also does not go off the deep end. When he speaks, anybody with brains should listen. Plus, he is a tremendous example not just to some of us older guys around here but especially to the new Senators and others who have come into this body. He has been a piv-

otal member of the Judiciary Committee, including when I chaired it and when we did so many interesting things. He was a pivotal member on leading to a balanced budget in the middle of the 1990s. JON has argued for that, has argued for these types of fiscal restraints and responsibilities like no one I know.

JON is one of the most honest and decent and credible people I have known in the whole time I have been in the U.S. Senate. He has been an excellent leader for our party. As assistant minority leader and assistant majority leader, he has been a great, great leader in our party. We have all trusted him because he is a person who is trustworthy. We have all listened to him because he is a person worth listening to. We have all shared the pains of this place with him as friends and brothers working together, we hope in the best interests of our country. And there is no question in anybody's mind on either side of this floor, when it comes to JON KYL, they know he is a true American patriot who has done everything he could while he has been here to keep this country strong.

I have to say I have always been impressed with JON KYL. I have watched him close up for all these years, but I do not know that I have ever been more impressed than when he led the fight with regard to nuclear weapons and with regard to START. He not only was well informed, he was the best informed, and this body should have listened to everything he said. I am sure most people did.

I do not think any of us would fail to try to serve this country to the best of our ability. All I can say, in closing, is that JON has served this country to the best of his ability, and his abilities are extraordinary.

I personally count him as a friend. When I had this very interesting reelection this last time, with what seemed like the whole world coming down on me for some reason, one of the first people to offer help was JON KYL. He came to Utah, and it meant so much to me.

All I can say is, wherever JON goes after this is over, they are going to be lucky people to have him around. And I wish him all the success in the world. He deserves it. I hope he and his wife and family—whom I like very much—will have a wonderful, glorious existence from this day onward.

We are going to miss you, JON. We are going to miss your intellectual capacity. I am personally going to miss your legal capacity. And all of these other accolades that have been given your way, I will miss all of those too. But you have a friend here, and this friendship, in my opinion, is an eternal one, and anything I can ever do for you, I will certainly try because I know you would never ask for anything that was not accurate or right. So I wish

you Godspeed, and know there are a lot of us who really, really hate to see you go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would like to associate myself with the remarks of Senator CORNYN and Senator HATCH. Both of them have spoken eloquently and correctly about the absolutely unique and exceptional contributions JON KYL has made to America and to the U.S. Senate.

There is no Senator I have admired more, no Senator I look to more to decide how to cast my vote, and I mean that absolutely as a fact. The words they have used I am not so eloquent as to say, but they do not overstate the value of my friend JON KYL.

His statement that we just heard is a comprehensive analysis, overview of the current situation of this great Republic of which we are a part. He meant every word of it. One of the most remarkable things about it is that on every vote, every time an issue came up, those are the values he sought to advance. And sometimes you have to take a step back to gain two steps forward, but Senator KYL always had a vision for what America should be. I believe it is the correct vision that we have inherited from our ancestors that has made this country so productive and so valuable. Everything he has done, every effort he has made has been to advance those good values—a great America, a decent America. And he has understood it.

When he talks about free enterprise, he explains why that is preferable to other forms of distribution of wealth. Would you rather have politicians distribute the wealth in this country? He can articulate that in a way that emphasizes the moral power of it, the need to have peace in the world, but how do you have it? Do you get peace through weakness or do you have peace through strength? And are the nuclear issues necessary to our posture as a strong nation in the world that is resistant and deters attack? Yes, they are. He understands those issues.

I serve on the Armed Services Committee. JON does not, but he knows more about that issue than I do. And I have found his leadership so valuable because it is a thankless task. People do not want to talk about it, but he has talked about it. He knows it is important, even though no one would give him credit politically for being engaged in those issues. But it is important for America, and he is willing to commit himself to that.

I will join with Senator HATCH and Senator CORNYN in my admiration for JON's service on the Judiciary Committee. That is an important committee, and he has been a rock-solid member of it. Even though he has been in the leadership, so therefore he did

not chair the committee—which he would have been one of the great chairmen we would have ever had of that committee—but he has moved the committee and brought forth issues and advocated principles that are consistent with the great American rule of law.

Today we just got word that Robert Bork died. He had a classical view of how the Constitution should be interpreted and one I basically share for the most part. I think JON has. He understands those issues. He is able to communicate the great richness of the American heritage of law to the common people in language people can understand, but he is also capable of reading the most complex legal document and being able to spot problems with it and advocate changes in law that are sophisticated in the most technical details.

I guess I would have to say Senator HATCH is correct. This Senate, in my view, has never had a better lawyer than JON KYL. He has argued cases before the Supreme Court in his private practice days. Not many have been a part of that.

So whether we are talking about the crime victims advocacy efforts he has made over a long period of time here, recognizing that the law should be in existence to advance and protect innocent people against the wrongdoers, and that we ought not to become so obsessed with defendants' rights that we do not remember the victims who deserve vindication and remuneration for the crimes that have been put upon them.

There are other things I could say and other issues we have joined in, that we have fought on. On more than one occasion, JON has felt something was important. Sometimes those issues were not very popular, but he believed they were important and would rally people. I have joined with him. We have had some good battles. We have won a few, frankly, several I never thought we were going to win. But somehow, with his legislative skill, his determination, his feisty spirit, we stayed in there and bad things did not occur, at least from my perspective, that may have occurred otherwise.

It is a great pleasure to have served with JON. I consider him—I know the grammar is not perfect—our most invaluable Senator. So we are going to be losing someone of great national importance. I know he will be active. He has got a fabulous wife, Caryll. They have been partners for so many years. I enjoy watching them and how they interact as a family. He has the values that reflect the highest qualities of American life.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am joining my colleagues in rising today to pay honor and respect to the service of

JON KYL, a tribute to his passion for public service and his State of Arizona and his country in this Congress for 26 years. I echo all the sentiments and all the words that have been said by our colleagues. There are not enough adjectives to adequately describe the extraordinary service JON has provided to this country.

I have had the pleasure of serving alongside him in the House of Representatives, in the Senate—two times, as some know. I served before and then was out for 12 years and then came back. In my many years of service here, it is hard to think of a person who has been more influential and been more of someone I wanted to emulate and to learn from and to look at as a wise counsel than JON KYL.

He has been described as an influential member of the Judiciary and Finance Committees. Yes, he has been an outspoken leader on issues of very significant importance to this country—significant issues including the landmark Crime Victims Rights Act, progrowth tax policies that we have been debating here, patient-centered health care reform, and antiterrorism laws, nuclear proliferation, safeguarding our nuclear stockpile. On and on it could go.

JON recently called me to his office and said, you know, there are 13 separate things here that have been the highest priority for me. Now not many Senators will tell you they have got 13 high-priority issues they not only are interested in but have drilled down in a unique, in-depth understanding of those particular issues. JON said: One thing I want to accomplish before I leave is to make sure someone will pick up the ball and take the baton and carry on those issues after I leave.

That is an extraordinary statement. First of all, the breadth and the depth of his engagement and his knowledge, which I do not think any one person here—it would take many—could begin to duplicate, but also the leadership that he has provided on issues of significant importance to the future of this country. JON was listed as one of the world's 100 most influential people—well-deserved recognition.

In Washington, he has been labeled as one of the 25 hardest working lawmakers. I cannot think of anybody who stands higher in that list than JON KYL. My mental image of JON KYL is JON striding through the Halls of Congress literally leaning into the wind. It is as if there is a 60-mile gale coming in his face, and JON is leaning into it with determination. I see his staff nodding their heads here. It has got to be hard to stay up with JON when he has his mind on something and he is determined to get something done. He is leaning in like a ship into a gale, moving forward to try to accomplish his mission.

We all say when someone leaves here, we are losing someone whom maybe we

cannot replace. That may or may not be true. In my first iteration, when I gave my farewell speech, I think there were probably a lot of people who said: We can find a substitute for COATS; that will not be too hard. It is true. Finding a replacement for JON KYL is a tall task. It is going to be very hard to find someone who has the passion for this, his service, the intelligence and the knowledge of the issues he engages in, the leadership qualities he provides, the counsel he provides to all of us. JON KYL is the go-to guy. JON KYL is the person you go to to say: JON, how do we get this done? What should our strategy be? If you are on board, I think we can accomplish this. I know I am repeating a lot of what has been said already about JON and will be said by others here who will come down, but to find someone this grounded in his endeavors is hard to find.

JON is also grounded in his faith, his faith in God, his faith in America, his faith in his constituents, his faith in this institution, not a perfect institution, one which we are struggling in right now, but his faith that in the end we are here to do what is best for America. In the end, we will need to make hard decisions. JON has always been one leading that effort, always one willing to stand up to make those decisions.

I count him as a friend. Marsha and I wish you, JON, and Caryll, all the best in this next chapter of your life. I am comforted by the fact that you will not be more than a phone call away, and the fact that I am going to need wise counsel on a number of things; more than that, that we can retain a friendship which we have enjoyed in our service together on two separate occasions interrupted by 12 years. But I am looking forward to continuing to enjoy our time together. I want to wish you and Caryll not only our thanks, thanks from the people I represent and thanks from America for your service, but the very best wishes for both of you in the future.

I yield the floor and I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. (Mr. MANCHIN). Without objection, it is so ordered.

AMENDMENT NO. 3371, AS MODIFIED

Mr. COBURN. Mr. President, I ask unanimous consent to return to Coburn amendment No. 3371.

THE PRESIDING OFFICER. The amendment is now pending.

Mr. COBURN. I ask unanimous consent that the amendment be modified with the changes I will now send to the desk.



The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the "Administrator") shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

(b) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures to assess the capacities of States to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term "State" means—

- (1) a State;
- (2) the District of Columbia;
- (3) the Commonwealth of Puerto Rico;
- (4) any other territory or possession of the United States; and
- (5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

**SEC. 1106. PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS.**

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term "seriously delinquent tax debt" means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term "seriously delinquent tax debt" does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, none of the amounts appropriated by or otherwise made available under this Act may be used to make payments to an individual or entity who has a seriously delinquent tax debt during the pendency of such seriously delinquent tax debt.

**SEC. 1107. PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS.**

None of the amounts appropriated by or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available. This prohibition shall not apply to funeral costs.

**SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.**

None of the funds appropriated or made available in this Act may be used for any

commercial fishery that is located more than 50 miles outside of the boundaries of a major disaster area, as declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), for Hurricane Sandy.

**SEC. \_\_\_\_\_. RETURN OF UNUSED EMERGENCY FUNDS.**

(a) RETURN OF FUNDS.—Any amount made available by this Act to carry out a program that is designated as an emergency and 2 years after the date of enactment of this Act remains available for obligation or has been obligated but not yet spent shall be rescinded and returned to the Treasury to reduce the deficit.

(b) PROGRAM TERMINATION.—Notwithstanding any other provision of this Act, any new program authorized and funded by this Act is terminated 2 years after the date of enactment of this Act.

(c) MATCH SUNSET.—The 90/10 cost share provided in this Act shall expire 2 years after the date of enactment of this Act.

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FUTURE DISASTER RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated or otherwise made available by this Act may not be obligated or expended for any contract awarded after the date of the enactment of this Act in support of disaster recovery if such contract was awarded using other than competitive procedures as otherwise required by chapter 33 of title 41, United States Code, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) CURRENT NO-BID CONTRACTS.—

(1) REVIEW OF CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, Federal agencies shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(A) Whether opportunities exist to achieve cost savings under such contracts.

(B) Whether the requirements being met by such contracts can be met using a new or existing contract awarded through competitive procedures.

(2) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either subparagraph of that paragraph applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract, to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue the use of the contract.

Strike section 1003 and insert the following:

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations and posts the notification on the public website of that agency not less than 3 full business days before either Department (or a modal administration of either Department) announces the selection of any project, State or locality to receive a grant award totaling \$500,000 or more.

In title IV, under the heading "CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)" under the heading "CORPS OF ENGINEERS—CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT

OF DEFENSE—CIVIL" strike "Provided further, That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs;" and insert "Provided further, That the Secretary shall determine the Federal and non-Federal cost share for implementing any project using these funds in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213):".

SEC. \_\_\_\_\_. Section 406(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)(1)) is amended—

(1) in the paragraph heading, by striking "MINIMUM"; and

(2) by striking "not less than" and inserting "not more than 75 percent".

On page 16, strike lines 17 through 20 and insert "Provided".

On page 24, line 21, strike the period and insert the following: "Provided further, That the amounts made available under this heading may not be used to assist a building, a mobile home, or any personal property that is located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless, on the date on which the disaster to which the assistance relates occurred, the building, mobile home, or personal property was covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.".

Mr. COBURN. Mr. President, I would like to talk about per capita damage indicators and initiating a rule process update.

The State of Oklahoma, in the last 7 years, has had more declarations of disaster named than any other State in the country. The standard used to be if we had a disaster that overwhelmed the ability of the State to handle it. We have gotten away from that, and this hasn't been updated since 1986. Under the Stafford Act of 1988, the whole purpose of our emergency response was for us to step in and provide assistance when State and local capabilities were overwhelmed. It is clear in New York and New Jersey and in communities that were affected by this latest storm that State and local capabilities were overwhelmed. It is clearly an appropriate time for the Federal Government, through the Federal Emergency Management Agency, to step in and provide assistance.

Unfortunately, FEMA has been declaring an increasing number of disasters over the past two decades, including for many storms and many events where State and local capabilities weren't overwhelmed. Let me make that statement again.

Many of the disasters that have been declared were declared when State and local capabilities were not overwhelmed at all. So here we are, sitting with this tremendous debt, sitting with

tremendous deficits, and we are now applying a lower standard than what we should, in my mind. It is not just my opinion; the GAO has actually so decided. We have a GAO report that says this ought to be modified.

If we go back in history and look at the Reagan administration, on average they declared 28 events each year in the 1980s. Under the current administration, we are averaging 140 disaster declarations a year. My State, as I said, has had the most FEMA disaster declarations—25 in total.

So what I am offering isn't necessarily going to be beneficial for my State, but it makes great common sense for our country because if, in fact, they update the per capita effect, some of those declared disasters in Oklahoma probably would not now be declared disasters.

Let me give an example. In 2011, we felt a little tremble in Washington from an earthquake. A disaster declaration was declared for Virginia after the earthquake that was felt in the Capitol. But this wasn't a disaster that overwhelmed local capabilities. It didn't overwhelm the capabilities of the regional capital area, and it didn't overwhelm the capabilities of Virginia. Yet we transferred what were truly responsibilities of the State and local communities to the Federal Government.

So this per capita damage indicator ends up becoming very problematic for two reasons: First, it was established in 1986 and FEMA has failed to update it; and, second, simply using a per capita damage indicator is an unfair way to assess whether a disaster has occurred.

Let me explain why. Suppose you have a small populated State versus a large populated State where you have a large concentration of people in an area. You would not ever attain it if you have a large population, whereas if you have a small population, you will, with the exact same event. So my question is, Should Oklahoma benefit on a per capita basis from the same event happening in Oklahoma as happens in Los Angeles, where we get declared an emergency and Los Angeles doesn't? That is what has happened, since we have not updated this per capita damage indicator. It is unfair for the larger, more populous States that we do it this way.

So all we are saying is we should take the GAO report and follow some of the recommendations. And what are those recommendations? FEMA should review the per capita damage indicator and initiate a rulemaking to modernize it. It would require the FEMA Administrator to update the per capita damage indicator for all the years since 1996 by no later than January 1, 2016. So we are going to give them over 3 years to update it.

Second, the amendment requires the FEMA Administrator to report to Con-

gress on better and fairer ways to assess States' preparedness and capabilities to respond to a disaster.

Finally, I would say this is a reasonable approach based on what GAO's analysis and recommendations were, which is to encourage FEMA to update its process for how it declares disasters so that we can preserve and focus more aid for disasters such as Sandy, which is in front of us right now.

It is my belief that although this may divide some in this Chamber, this is a smart thing for us to do for the country. It is a fair thing for us to do for every State—to treat them all the same instead of advantaging the smaller States, such as my State, and giving a disadvantage to the larger States.

I would be happy to work with the chairman to modify this in a way that would meet with his approval, but it is something that is sorely lacking. It is something that is causing us to intercede at times we shouldn't be and causing us to not intercede at times we should.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent that the Senators from Alaska, New Hampshire, Rhode Island, and Massachusetts be permitted to proceed in a colloquy for a period of about 15 minutes, with the understanding that at the end of it we will enter into a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FISHERIES

Mr. KERRY. Mr. President, I begin by saying very quickly there is an amendment that has been brought forward to try to strike from an emergency assistance bill critical aid, aid that is, frankly, less than it ought to be in order to deal with the crisis of the fisheries not of one State but of the entire New England region and of other regions of the country—the Pacific, also, and other parts of the country that have been hit.

The fact is that in Massachusetts we have 77,000 jobs, a billion-dollar industry that is a part of our culture and a part of our history. Fishing is vital to our State. We have local fishermen, we have commercial fishermen, we have a sports fishing industry, and it is a vital part of the commerce of our State and of the entire history of our Nation.

We have been hit in the last years by record levels of reduction in our fish

stocks, and we have also been hit by Federal regulations that are trying desperately to hold on to those fish stocks for the long term and for the future, which have, regrettably, reduced our fishing effort in certain fisheries by 50 to 80 percent.

We have fishermen who have their boats—just like a home—mortgaged. Their homes, their families are entirely dependent on their ability to bring in revenue, but because of the regulations they are prevented from going out and doing that because of the reduction in the stock which is a God-given effect of nature—just like a drought in the Western part of our country, just like a flood which we respond to, just like a fire, just like a storm.

Our fishermen are the farmers of the ocean, and they provide an unbelievable amount of food to the people of our country. We want to preserve that. If they are not going to fish for a few years, we want to know they can come back and fish sometime in the future, and that is what they want to do.

Just as we have tide people over in the past in our country—just as in Katrina we went and helped people and small businesses that had been wiped out temporarily to be able to come back—our fishing people deserve emergency assistance to tide them over and help them through this most critical time.

I would turn to the Senator from New Hampshire and the Senator from Alaska and I ask the Senator from New Hampshire what this means to the State of New Hampshire, if she might share with us.

Mrs. SHAHEEN. My friend from Massachusetts understands the challenges we have in New Hampshire, as does Senator WHITEHOUSE from Rhode Island because, in fact, fishing is one of the oldest industries we have in New England. In New Hampshire, it dates back over 400 years. Because we have a much smaller coastline than Massachusetts and Rhode Island, we have a smaller group of people who earn their living through fishing. They have smaller boats, and therefore they are more affected by some of the fishing regulations and some of the adverse weather conditions that have affected fishing.

About 90 percent of the fishing New Hampshire's fishermen do is for cod, and cod is the species that has been most affected by declining fish stocks. It is a huge issue for our small remaining fishing industry. The fact that there is funding to help them in this bill is absolutely critical because without this funding we are going to lose that industry in New Hampshire. We have 5,000 jobs affected here, \$106 million in income to the State of New Hampshire.

I think it is important to point out that this is a bipartisan effort. Last

week we had a letter with 13 of our colleagues, including Senators WICKER, MURKOWSKI, COLLINS, SNOWE, and BROWN, urging the committee to include this funding in the bill. It is there now. I certainly hope we are going to see bipartisan support for keeping this funding in the bill.

Let me just turn—

Mr. KERRY. Mr. President, before my colleague does, if I could ask the Senator from New Hampshire—I ask unanimous consent that the Senator from Maryland be able to join us in this colloquy and extend it for about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I know the Senator from New Hampshire wanted to turn to the Senator from Alaska?

Mrs. SHAHEEN. We are from New England. Senator MIKULSKI is further south on the east coast. But this is a bicoastal problem because, as I know Senator BEGICH will tell us, it is a huge issue for people in Alaska and for those on the west coast. They have the same problem.

Mr. BEGICH. I will tell you, in Alaska it is even magnified in a lot of ways. If you think of this country, three-quarters of the coastline is Alaska. Fishermen have been fishing there commercially not just for a few hundred years but for 10,000 years of survival on our oceans.

When you think of the value in 76,000 jobs in Alaska directly and indirectly connected to the fishing industry, it is over \$5 billion. It doesn't matter in a commercial fishery—if you are in McDonald's having a fish sandwich, the odds are that it comes from our fisheries. If you sit in the fanciest restaurants anywhere in the world, the odds are that some of our fish is there.

As Senator SHAHEEN said, this is a bipartisan issue. The disasters that are declared for fisheries in this bill have been declared disasters. It is not some pie in the sky, some pork, or we sit around and say: Let's get some money for every State. These are actually declared disasters by the States and our Federal Government that need to be funded.

In our situation, it is even more dire—not just the economic impact I just laid out, but an elder told me one time that in urban cities, you walk out the door and you go down the street to Safeway for your food. In rural Alaska, you open your door, and what is in front of you? The nature they see is the grocery store.

So when they have—in our case, the YK Delta, the Yukon-Kuskokwim Delta in the western part of Alaska, had a devastating king salmon fishery loss in terms of the quantity of the fish. So when that fish is not able to be harvested, to be put into the storehouses for the winter, then the limited cash that they have, in an area where

fuel cost to heat their home is \$8, \$9, \$12 a gallon, now has to go to not only heating that they have already set that cash aside for, now they have to get food shipped in. So their limited cash is now split between heating their home and putting food on the table.

Let me tell you, in Fairbanks, AK, which is urban, outside it was 40 below yesterday. So heating your home is not like just turning on your heater when you come home from work. It is a whole different ball game.

But most importantly, they live off the land. It is not some hobby they do on the weekend. It is not a sports event. They harvest the food. The Senator from Massachusetts said it best—we harvest the ocean. We are no different from any farmer in the Midwest or anywhere else. So when the YK Delta loses its king salmon, a critical piece of their food supply, it is real. It is not about: We will go fishing next year. This is about: Do we have enough food on the table?

When I hear people on the other side and others who say this is a bunch of pork and a bunch of this and that, they need to come to Alaska. I would enjoy them coming right now in the winter at 40 below and seeing what people have to do.

To me, this is such a small amount to make such an impact not only to us but to all the coastal States that are suffering with this situation in our fishing industry.

Mr. KERRY. Mr. President, I ask the Senator from Maryland, if I can—I know the Senator from Rhode Island wants to join in here, but the Senator from Alaska made a really important point that I think the Senator from Maryland can speak to very specifically; that is, this is not some amount of money that got pulled out of the sky and was put in in the dead of night behind a closed door as some kind of backdoor deal. This has been thoroughly vetted through the Commerce Department, through the fisheries, through the committees, through all of the regulators, through the White House. The White House has signed off on this. This is a designated emergency. It has gone through the requests of the Governors. The Governors have had to submit their data. It has all been through the process.

I would ask the Senator from Maryland because she is responsible on the Appropriations Committee for making these judgments—there is not a Senator here who would not agree that she does that with rigor and with standards—I ask her what the meaning is, No. 1, to the State of Maryland, which has a fishing industry, and, No. 2, to the legitimate process of the Senate?

Ms. MIKULSKI. I thank the Senators from New England, and I am happy to answer the question and join here with my fellow coastal Senators.

First, I would like to respond in my official responsibility in the Senate,

which is to chair the Subcommittee on Commerce, Justice, Science. It is in that subcommittee that the NOAA—the National Oceanic and Atmospheric Agency—is funded. It is there that the fisheries money is spent. Any fishery disaster, in order to qualify for Federal assistance, must be certified by the Secretary of Commerce. Every single fisheries disaster in this bill has been certified by the Secretary of Commerce to meet compelling human need, economic necessity, and be within the criteria established by law.

The Senator from Oklahoma, well-intentioned, is asking us to violate the law. He wants to make fisheries disasters under the Stafford Act. The Stafford Act, named after the Senator from New Hampshire—a wonderful Republican—was for FEMA. If you think you have a FEMA disaster, you go to the Governor. There has to be data collected. It has to go to the President. If you think you have a fishery disaster—which we coastal Senators experience these days all too often—it has to go through the Secretary of Commerce.

I assure those of you on the floor, all those Senators, all taxpayers listening, that every one of these fisheries disasters has been certified, has been vetted to really say that in each and every State where we respond, it meets this criterion.

As to the money in the bill, in a \$60 billion bill, this is \$150 million. Listen to the jobs, listen to the economy, listen to people who go out in really cold weather and put their hands in that icy water, and they all risk their lives.

Everybody wants to go see the movie “Triple Storm.” We can't have a triple storm here in the Senate, which is this amendment, rejection of the urgent supplemental, and the inertia of the Senate.

I say to my colleagues, your words are well-spoken in defense of your State, but you are also exactly following the law.

I urge the Senator from Oklahoma to withdraw his amendment because it would make it out of compliance.

I say to each and every one of you as a fellow coastal Senator, I know our fishing industries—you call them fishermen, we call them watermen—whether it is oysters, crab, or rockfish, it is part of our economy and it is part of our identity. They asked for help.

I will oppose the amendment of the Senator from Oklahoma. I actually would ask him to withdraw it because it is not a matter of debating policy, how to be a smarter and more frugal government, it is actually in violation of the current law.

I thank Senators for standing up for their own communities, and I hope this clarifies this bizarre situation.

Mrs. SHAHEEN. Will the Senator from Maryland yield for a minute?

Ms. MIKULSKI. I yield to the Senator from New Hampshire.

Mrs. SHAHEEN. Isn't it true that since 1994, Federal fishery failures have been declared on 29 different occasions and that nearly \$827 million in Federal funding has been appropriated for fishery disaster relief?

Ms. MIKULSKI. Yes, the Senator is exactly right. And it happened under both Democratic and Republican Senates. So this has been declared under President Bill Clinton, and we worked with his Secretaries of Commerce. This was done under George Bush, and Secretary Gutierrez, himself from a coastal State of Florida—we worked very well together because the appropriators and the Governors and the economy people have to work together with Senators.

The answer is yes. Again, you cannot get fisheries disaster assistance unless it has been certified by the Secretary of Commerce in compliance with the criteria in current law.

Mr. KERRY. Mr. President, could I just take 30 seconds, if I may?

Mr. WHITEHOUSE. Sure.

Mr. KERRY. I want to make it clear to my colleagues as we engage in this colloquy—I asked at the beginning of it if one of my staff folks would go check out some figures for me, and I just got them. I hope the Senator from Oklahoma is listening to this because from just 2004 to 2011—7 years—the Federal Emergency Management Agency region 6, which includes Texas, Oklahoma, Arkansas, Louisiana, and New Mexico—that is 5 States—received 68 disaster declarations and almost \$40 billion in disaster assistance. For five States, \$40 billion. We have more than five States—many more here—asking for \$150 million, as the Senator from Maryland has pointed out.

The distinction is so clear. I just say point-blank that this legislation is not going to pass without the inclusion of this fishery money—point-blank and period. I think the Senator from Rhode Island would agree with me.

Mr. WHITEHOUSE. I would be delighted to agree with the Senator from Massachusetts. On Rhode Island's behalf, our fisheries disaster, as the distinguished Senator from Maryland said, was declared by the Secretary of Commerce. This is not a maybe. This is not trying to sneak something in. This is a declaration of the U.S. Government. It was the New England multispecies groundfish fishery disaster that affected the State of Massachusetts. There was great leadership from Senator KERRY on all of this, as it affected the State of New Hampshire, and great leadership from Senator SHAHEEN on all of this.

Governors of Rhode Island, Massachusetts, Maine, New Hampshire, New York, and Connecticut all signed the request for that disaster declaration.

In Rhode Island's letter our congressional delegation—myself and my senior Senator, Mr. REED, Congressman

CICILLINE, and Congressman LANDEVIN—wrote:

In addition to the direct impact on groundfish catch limits, there will likely be indirect impacts on other fisheries that these same permit holders, and many other Rhode Island fisherman, also rely on.

To the point Senator BEGICH of Alaska made, economic disaster in the fishing industry cascades through the rest of our economy.

Ms. MIKULSKI. Yes.

Mr. WHITEHOUSE. It is not just the fishermen coming home with empty nets because the cod moved offshore, it is the fuel suppliers to their boats, the engine repair shops that take care of the mechanics, the net repair and construction groups. So a whole economy stands on this. It is really inconceivable that a Senator from a State that has, as one of a group of five, soaked up \$40 billion of disaster assistance would now begrudge us \$150 million after this disaster was declared.

This is bipartisan. Let me ask unanimous consent to have printed in the RECORD the letter Senator SHAHEEN mentioned earlier as an exhibit for the end of the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1.)

Mr. WHITEHOUSE. It is signed by 35 Republicans and 9 Democrats. It could not be more bipartisan. We are trying to deal with a real problem here, and it is a recurring problem.

Our historic New England ground fishery is facing significant cuts in our catch limits because our populations are not rebounding the way that scientists anticipated they would. Something out there is causing this failure to rebound and unprecedented environmental changes very related to the environmental changes that whip up giant storms like Sandy are at the heart of this.

One last quote, and then I will yield back to my colleagues who are engaged in this colloquy. Where we are is a big body of water called the Northeast Shelf Large Marine Ecosystem which is tracked by NOAA, and it extends from the Gulf of Maine all the way down to Cape Hatteras on our Atlantic coast.

Here is what NOAA reports:

During the first six months of 2012, sea surface temperatures in the Northeast Shelf Large Marine Ecosystem were the highest ever recorded . . . above-average temperatures were found in all parts of the ecosystem, from the ocean bottom to the sea surface and across the region.

There is a real physical rationale and reason for the disaster that we are seeking a remedy for in our home State industries that are being so grievously stricken.

Ms. MIKULSKI. Mr. President, may I draw the distinction between a fishery disaster and an earmark? Because there is an undercurrent here from the amendment of the Senator from Oklahoma, who has said on many occasions

that he has been the defendant of the taxpayer. Well, so am I. The difference between an earmark is a congressionally designated project that meets the criteria that Senator deems appropriate to help his State. That is not what this is. When he says it has to be certified by the Stafford Act, he is implying that these are uncertified, unneeded, unwarranted, and are earmarks. Once again I will say that these are certified by the Secretary of Commerce. They meet the criteria for compelling economic and human need as required by law. This is not an earmark, it is certified disaster assistance.

Let's get rid of this phony-baloney nonsense that somehow or another that would undermine this bill of \$150 million that could restore livelihoods for people who are willing to work out there and risk their lives to feed America.

Mr. KERRY. Mr. President, it is my understanding that our time is just about up.

The PRESIDING OFFICER. Correct.

Mr. KERRY. Mr. President, I ask unanimous consent for 5 minutes under the colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I will take 1 minute of it. I thank the Senator from Maryland for that important distinction.

I want to say to the Senator from Oklahoma—and the other Senator from Oklahoma—that I think all of us have enormous respect for him and for his intelligence and the way in which he seeks to protect taxpayers and cut pork and get rid of earmarks. We all respect that. There are legitimate moments when it is appropriate to do that.

I think the Senator may have either not known or not been aware of all the details that have been laid out here, and I would plead with him to take a look at the legitimacy of the law, the way in which this has been set up, and hopefully withdraw his amendment.

Also, to all of our colleagues, I know we are struggling with the fiscal cliff and it is the holiday time. There are a lot of people hurting in America. In the wake of what happened in Newtown, CT—a moment that sort of stops our country cold—where we all have to stop and think about what is and is not important and what our responsibilities are, it is hard for me to grapple onto the notion that in a moment there could be a change in attitude where people could begin to perhaps find a constructive way to work together. There are so many people in so many places who are living by the law. They are dependent on this profession and want to stand up and return to it because it is part of their lifetime and will not get help on a Federal basis the way we have helped people throughout our history.

I call on our colleagues to think hard about that as we think about this amendment.

I yield to the Senator from New Hampshire.

Mr. INHOFE. Mr. President, I yield for a point of inquiry. It was my understanding that under the unanimous consent that I would get the floor. I don't mind waiting for the time that they have requested, but I want to make sure I do get recognized after the conclusion of this for such time as I shall consume under morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. Reserving the right to object, I think the way we operate is that we need to have a time agreement, and we also have to have an agreement that at the conclusion of the Senator's remarks, we will go back into a quorum call.

Mr. INHOFE. Yes, I certainly agree to that. Keep in mind I have already asked for unanimous consent not to proceed for more than 20 minutes.

Mr. KERRY. Not to exceed 20 minutes with the understanding that the quorum call will go into effect at the end of the remarks.

The PRESIDING OFFICER. Hearing no objection, so ordered.

Mr. KERRY. We reserve our time, and I yield to the Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I will be brief because my friend from Massachusetts was eloquent in talking about the livelihood of people in our fishing industry who have been affected by the disaster, and as a result there have been low species and low catch numbers because of regulations in an effort to bring back those fish.

I hope if we can support these disaster funds that as the Department of Commerce is allocating this funding, that they will do it with a collaborative process that invites fishermen and fishing businesses to have a say in that process. Given that their livelihoods have been affected, I think it is important for them to be part of the process of how this funding is given out.

Mr. BEGICH. Let me conclude with my comments to say I agree especially with the latter part regarding how to engage people on what these resources will be. I want to commend the chairman of the Subcommittee on Appropriations on the eloquent description of exactly how this happened. I like earmarks as well, but this is not an earmark. This is a process that has gone through step after step to ensure that everyone in my State—Republican Governor and a Republican and Democratic delegation—has an important role here.

This takes nothing away from Superstorm Sandy. We recognize—all of us on this floor—how devastating that was, but this was also a disaster of

a different making. As a matter of fact, at the request of Senator KERRY—and as the chair of the Subcommittee on Oceans and Fisheries—I listened to the fishermen there about the many species that are devastated and the quotas they are facing.

This is not only critical to be done now, it is also that the amount of money is so small and the impact is significant when we think about the thousands of jobs that will be affected by this.

In my State it is truly about food and survival for the Alaskan Native community in the winter months with temperatures that are not zero or 10 above but 40 below.

I implore my colleagues on the other side to support this bipartisan effort and reject the amendment by Senator COBURN.

Again, I thank all of my colleagues for coming down here. This just shows one of the roles that we have as a legislative body. When disasters are declared, we unify, no matter where we live, to figure out how to make sure the people of this country are taken care of.

I yield the floor.

Mr. WHITEHOUSE. I will close the colloquy by thanking Senator MIKULSKI for her leadership, support, and her key role on the Appropriations Committee. I want to thank Senator KERRY of Massachusetts for his leadership on the original disaster declarations that brought us to this point. I want to thank Senator SHAHEEN of New Hampshire for pulling this colloquy together. Thank you to Senator BEGICH for his advocacy on that other coast.

I yield the floor.

#### EXHIBIT 1

U.S. SENATE,

Washington, DC, December 11, 2012.

Hon. BARBARA A. MIKULSKI,  
*Chairwoman, Subcommittee on Commerce, Justice, Science, & Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.*

Hon. KAY BAILEY HUTCHISON,  
*Ranking Member, Subcommittee on Commerce, Justice, Science, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR CHAIRWOMAN MIKULSKI AND RANKING MEMBER HUTCHISON: We are writing in support of including federal fisheries disaster funding in any emergency supplemental appropriations bill developed in response to Superstorm Sandy. Over the past year, extreme weather and other natural events have wreaked havoc on commercial and recreational fishermen in our states, leading the Secretary of Commerce to declare federal fisheries disasters. Despite these declarations and the ongoing hardship, Congress has not yet appropriated funds.

As you know, the Secretary of Commerce is authorized to declare federal fisheries disasters under Section 308(d) of the Interjurisdictional Fisheries Act and Section 315 of the Magnuson-Stevens Fishery Conservation and Management Act. These designations allow Congress to appropriate federal relief funds to alleviate the harm caused by natural dis-

asters to fisheries and the fishing industry. The disaster assistance funds can be used to repair or restore fishing equipment and infrastructure, compensate for losses, restore fisheries habitat, support workforce education, provide low-interest loans, and conduct monitoring and cooperative research focused on improving stock assessments.

Currently, federal fisheries disasters have been declared in nine states in response to four different events:

**Superstorm Sandy**—On November 16, 2012, a federal fisheries disaster was declared for New Jersey and New York due to the damage caused by Superstorm Sandy. The high winds and storm surge devastated marinas, destroyed fishing vessels, and resulted in severe economic losses for both commercial and recreational fishermen.

**Northeast Multispecies (Groundfish) Fishery**—On September 13, 2012, a federal fisheries disaster was declared for Rhode Island, Maine, Massachusetts, New Hampshire, New York, and Connecticut. The projected reductions in the total allowable catch for certain critical groundfish stocks will have a significant impact on many of the same coastal communities that were hit by Sandy. Despite strict adherence to new and rigorous management practices by fishermen, key fish stocks have not returned. Slow recovery and declining fish stocks will continue to have a negative impact on commercial fishing, harming local communities and economies.

**Alaska Chinook**—On September 12, 2012, a federal fisheries disaster was declared for Alaska Chinook salmon fisheries in the Yukon River, Kuskokwim River, and Cook Inlet. Thousands of Alaskans have been impacted including commercial fishermen, sport fishermen, and subsistence-based residents. Beyond direct impacts, indirect impacts have been felt by communities through reduced tax revenue, reduced work for processor employees, and reduced income for fishery dependent businesses.

**Mississippi Oyster and Blue Crab**—On September 12, 2012, a federal fisheries disaster was declared for commercial oyster and blue crab fisheries in Mississippi. Historic flooding of the lower Mississippi River required opening of the Bonnet Cane Spillway on May 9, 2011. This action released substantial amounts of freshwater into the Mississippi Sound, impacting the entire ecosystem. Mississippi's oyster and blue crab fisheries were extensively damaged, resulting in severe economic hardship for commercial fishermen still recovering from the devastating impacts of Hurricane Katrina and the BP oil spill.

Fishing is an integral part of our states' economies and cultures. These disasters have devastated fishing families and coastal communities and there is an urgent need to provide federal assistance. We urge you to move swiftly to appropriate funds for these federal fisheries disaster declarations.

Sincerely,

FRANK R. LAUTENBERG,  
SUSAN M. COLLINS,  
ROBERT MENENDEZ,  
LISA MURKOWSKI,  
JACK REED,  
ROGER F. WICKER,  
CHARLES E. SCHUMER,  
JOHN F. KERRY,  
MARK BEGICH,  
KIRSTEN E. GILLIBRAND,  
SCOTT BROWN,  
JEANNE SHAHEEN,  
SHELDON WHITEHOUSE,  
OLYMPIA J. SNOWE.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I am going to expand my remarks from my original intent because of what I have been listening to on the floor. I really reserved this time to talk about two very significant things that happened.

In fact, 53 years ago in 1959—and I have to ask the question as it gets closer and closer to Christmas: Why are we here? There is always a lot of theater right before Christmastime. The things we are talking about now could well be taken care of afterward. It could be done after we have a chance to look and assess the damages of Sandy.

As far as the fiscal cliff is concerned, this is something that we have known about for a long time. Right now it seems that in this body—and the other body down the hall in the House—that they don't want to do anything until it gets close to Christmas, that somehow people are at home watching, and sitting with bated breath and wondering what wisdom we are going to extol. I don't know if that is true in other States, but I know that it is not true in Oklahoma. I told them this was going to happen. I told them before the election in October. I introduced a bill, S. 3473. I introduced that bill because I knew what was going to happen.

What we have been talking about here in the last few minutes during the colloquy that I came in and caught the last part of is this Sandy issue. This is always interesting. When a disaster occurs in America and emotions are high, everybody all of a sudden wants to pour money on it, and in this case it will be \$60.4 billion. How did they come up with \$60.4 billion? I don't know because I wasn't in on that.

I come from Oklahoma. We have disasters all the time. We have our tornadoes that are very serious, and of course we take care of the problems when they come up. We do get some Federal help, but nonetheless we analyze what the damages are and what was caused by the particular disaster. We don't just use that to open the door and have something in there for everybody, and that is what is happening now. They are asking for \$60 billion, and there is something for everyone in it. That is what we are talking about today.

Again, we should not be talking about it right before Christmas and use this as an excuse to take this right up to Christmas. Right now we don't have time to get all the way through this and analyze the actual losses that were attributed to Sandy. It was a disaster, and I understand that. People lost their lives and their property. Nonetheless, we don't know, and we are guessing right now.

Some say: Well, how about \$60.4 billion? That sounds good. It could be \$70 billion, it could be \$80 billion, or it could be \$30 billion. The Heritage

Foundation did an analysis of the damages of Sandy. We talked about the \$60.4 billion, which is the amount directly attributed to Sandy. We should get the study before it is criticized. The Heritage Foundation did the study, and it is actually \$12.8 billion. That represents the amount that individuals lost as a direct result of this disaster called Sandy that tragically hit our east coast.

Now what about the other \$47.6 billion? As an example, they have \$28 billion in there for future disasters. Oh, wait a minute. We are supposed to be addressing a disaster that just occurred. The \$28 billion is for future disasters. Here is a good one. There is 3.5 for global warming. They always have to get global warming in there. That is kind of interesting because we actually had several debates and several pieces of legislation called cap-and-trade. We took it up before this body and we defeated it. I am talking about going back 12 years ago. The last one was the House bill, and that was called Waxman-Markey. It was defeated because people realized that cap-and-trade would be the largest tax increase in the history of America, somewhere between \$300 and \$400 billion a year. That equates to about \$3,000 for each family in my State of Oklahoma who files a Federal income tax return. So people realize that is true. Yet at the same time, the Administrator, appointed by President Obama, Lisa Jackson, when asked the question, If you were to pass any bill here for cap and trade in Oklahoma, would this reduce CO<sub>2</sub> worldwide, said: No. That is because the problem is not here; the problem is in countries such as China, India, Mexico, and other places.

Nonetheless, how many people in this body even know what this President has done through his executive powers? He has spent \$68.4 billion on global warming initiatives in the 4 years he has been President and that is without any authority from this body.

Here is another one: \$150 million. I was listening to my good friend Senator BEGICH from Alaska—and I have a great deal of respect for him. He and I have worked on legislation together such as the pilots' bill of rights legislation. Nonetheless, fisheries in Alaska were significant, but they were not on the east coast. This didn't happen—the last time I looked at a map, it was on the west coast, not the east coast, so it should not be in here.

Then we go on to the fiscal cliff. We are all here talking about this fiscal cliff that is here and all of a sudden we have to do something about it. How many people realize that we knew this was coming a long time ago? I mentioned my bill, which is S. 3473, that showed we don't have to raise \$1.4 trillion, we can raise \$2.7 trillion without any cuts to the military, and it is all right there. Look it up: S. 3473. Now,

months later, right before Christmas, we come here and say, Oh, trauma has set in; it is going to be a disaster, so we have to come up with \$1.4 trillion.

How many people realize that this President—and this is not the Democrats, not the Republicans, not the House, not the Senate—it was the President of the United States, in his budget—there were four budgets he had in his 4 years. He had over \$1 trillion of deficit in each budget. If we add up all of his deficits—this is what the President gave us now. Again, it was not the Democrats or Republicans, House or Senate; this was his budget that he drafted and signed, with \$5.3 trillion of deficit in it—that is more deficit than all budgets of all Presidents combined since George Washington—and nobody cares. We say this and people shake their heads and they don't seem to care. He said it so it must be all right.

So now after this President has given us \$5.3 trillion of deficit, now all of a sudden—he did that in 4 years, but in 10 years we can't even come up with \$1.4 trillion. It is easy. We could do it. I did it in a bill introduced several months ago. We knew it was coming, but Christmas is coming too so we are all lined up to grandstand—I don't mean grandstand; that sounds demeaning. I don't mean it that way.

When we think about the money this President has spent—what about the \$800 billion stimulus that didn't stimulate? How many people in America—how many Members of this body—know what that \$800 billion was spent for? I suggest not very many. I do, because I made a point to look. There are things that it did not stimulate. Only 3 percent of it went to roads and highways and that type of thing. But, again, he came up with in one fell swoop \$800 billion, and now we wonder—that was in the first couple of months and now in 10 years, how can we come up with this much more? So, anyway, I just wanted to say that.

While we are talking about the budget, I think it is appropriate to say something else about it, because it was in the budget that was part of disarming America. I can remember going over to Afghanistan after the President's first budget because I knew he was cutting the military and I knew if I were over there responding with the tanks going back and forth that it would get people's attention, and it did. In that first budget he did away with the only fifth-generation fighter, the F-22; he did away with our lift capacity, the C-17; did away with our future combat system, did away with the ground-based interceptor in Poland; all of these things in one budget. That is what took place.

JON KYL is retiring, and I noticed that when he made his going-away speech today he talked about the disasters we are facing right now. We are talking here about weather disasters.



What about nuclear disasters? What about the fact that we had the New START Treaty, which I opposed, but nonetheless, that put levels on both Russia and ourselves. In terms of our nuclear stockpile, which was supposed to go down equally to 1,550 warheads, it is now down, and they are talking about doing away with them altogether. It is another subject for another time, but I will spend some time talking about it later.

Anyway, as we started, I mentioned two significant things happened in 1959. One was—and we are all revering now Danny Inouye. Senator Inouye is different than most other Senators. I remember when my daughter Katie was much younger and she said, My two favorite U.S. Senators—I thought I was going to be one of them—my two favorite ones are Senator Inouye and Senator Jesse Helms. They are such kind, older guys. She wanted to know if they ever got angry at anything. No, they didn't. As a conservative Republican I have gone to him many times for favors, really, to ask if we could get something done, and he never turned me down during that time. I had a long visit yesterday with his son and told him what we feel about Danny Inouye and how much we are going to miss him. So that happened in 1959. That was when he was first elected to the U.S. Senate.

The other thing that is significant that happened in 1959, 53 years ago today, is I was married. So this is my 53rd wedding anniversary, and it happened we were married in 1959. In fact, she is watching now. She hardly ever does, but I called and said watch because I can't be there for our anniversary so I have to do it this way, and so she is. Today is only the second time in 53 years that we haven't been together on our anniversary.

But I would ask the question: Who will be there today? That is who will be there today, our 20 kids and grandkids. Look at them all. Isn't that neat? Yes, they are going to be there, but I am not, but she won't be alone. Isn't that significant? All of that happened and it started with just us, right there, and there they are. A person might look and see that one little girl is a little bit different than the rest of them. That is the little girl right here. We call her Zegita Marie. There she is. We found her 12 years ago, only 2 days old. She was a cute little girl and she was just near death in an orphanage in Ethiopia and we went back there and got her nursed back to health. My daughter Molly, who had nothing but boys, adopted her.

I want to say to my wife who is listening right now, even though I won't be home, 3 days from now on the 22nd—that is Saturday—I want you to watch the “Mike Huckabee Show” because she is going to be interviewed and talking about adoption.

Senator LANDRIEU and I head the adoption caucus in the U.S. Senate. There are hundreds of thousands of little kids out there and people who want to adopt little kids, and they can't do it because of the problems. This little girl wouldn't even be alive today and here she is now, 11½, almost 12 years old, reading at college level and doing wonderful things. So, KAY, be sure to tune in to Mike Huckabee and watch her being interviewed 3 days from now.

The last thing I will say is that this is bad enough not to be home during our anniversary, but it is also bad as we get closer to Christmas. If you can only see the celebration that is going on right now, all those kids. They are all there and they are participating.

I remember what happened in the year 2009. In 2009, we played the same game here: You know, we were here doing a little theater, making sure everybody knew we were working, and we didn't get out until the afternoon, just about noon, on Christmas Eve. I remember that was the worst snowstorm in the history of northern Texas and of Oklahoma. Where is global warming when you need it? It was terrible. I got to DFW and I wanted to go on to Tulsa. I was in a hurry to get there because Kay and I belong to a church in Tulsa where we were married, all of our kids were married there, and my wife was even baptized there, and every Christmas Eve they have the most beautiful setting and three of my grandkids were going to be singing in that and I never missed it in 50 years. We got to Dallas; they weren't going to take off. I pleaded with them. They took off, the only plane that took off from DFW, and went to Tulsa that day. We went through 6-foot drifts, if my colleagues can believe it, to get down there to see my little grandkids singing. Well, that is not going to happen this time, because I will be back there.

I would say this to my wife. We have had kind of a tradition for 53 years now: I always get Kay roses. She loves roses. So I am not there today, but I want to say to Kay that if you will go out in our front yard now and look under the giant oak tree that you and I planted over 50 years ago, your roses are there.

Finally, I want to say two more things. One is I want to assure Kay that I love her more today than I did 50 years ago; and secondly, I am not Bing Crosby, but I am going to say—and all the people in Oklahoma understand this—there may be 99 Senators here playing their games on Christmas, but as Bing said, I'll be home for Christmas and you can be sure of that. You can count on it.

With that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, Senator REED and I want to speak briefly, and unless the leader has arrived, we will return the Senate to a quorum call at the conclusion of the remarks by Senator REED and myself. And it is gratifying that the Senator from Pennsylvania is presiding.

Yesterday, I requested that the cloakroom hotline Senator CASEY's Children's Hospital Graduate Medical Education Support Reauthorization Act, S. 958, with an amendment important to Rhode Island and to the country regarding growing our mental health care pediatric workforce.

My amendment would make resources available to increase the number of residents trained in child and adolescent psychiatry. Senator CASEY's—the Presiding Officer's—bill and my amendment have the unanimous support of my caucus and I believe have very broad support in the Republican caucus as well. Unfortunately, there has been an objection to my unanimous consent request, so I am very disappointed that my colleagues on the other side of the aisle are not able to clear this particular bill. I am also disappointed that none of the Republicans who object to this measure have approached me or my staff with their concerns—none of them. If it is just one, then he or she has not. If it is more than one, none of them have.

I was prepared to come to the floor today and make a live unanimous consent request to find out exactly where the objections to this amendment lie. But, instead, I will urge my Republican colleagues to work with me and with Senator CASEY of Pennsylvania to reach consensus on this important measure.

The CHGME program should be reauthorized. Since its enactment in 1999, the program has helped address the need for more pediatric specialists. But there is a gap in the field of child and adolescent psychiatry.

The American Psychiatric Association concluded this year that “targeted efforts must be made to encourage medical training and residency in the subspecialties of child and adolescent psychiatry. . . .”

I gather my time is very brief, so I am going to yield to Senator REED very shortly, but I do want to thank Senator CASEY and Senator ISAKSON for their patience and their hard work.

The amendment I have proposed and Senator REED of Rhode Island has proposed is an amendment that does not add any additional spending. It stays within the existing budgetary limit. It confines the amount available for child and adolescent psychiatry to less than

1 percent of the total. I believe it is a very sensible measure, particularly in the wake of the tragedy in Newtown, CT. The idea that there is not room for further attention to child mental health and psychiatry and adolescent mental health and psychiatry seems to me to be an unfortunate outcome.

Bradley Hospital in Rhode Island would be a beneficiary of this. They are a particularly good hospital in a great number of settings.

As I said, I know time is short, so I will yield the remaining moments of our time to Senator REED.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to join Senator WHITEHOUSE in commending the Presiding Officer for his underlying legislation, along with Senator ISAKSON, and commend my colleague and friend, Senator WHITEHOUSE, for his leadership on this issue, and begin where he left off, which is, in the wake of the unfathomable tragedy in Newtown, CT, the idea that we do not need more trained child psychiatrists and child counselors is difficult to understand. We do need them.

The legislation the Senator from Pennsylvania has introduced would help children's hospitals across the Nation and we are strongly behind it. But we also want to make help available to children's psychiatric hospitals, such as Bradley Hospital in Rhode Island.

One of the facts that emerged from the terrible tragedy in Newtown is that we have young people who need help, desperately need help, and their parents need help—help to recognize problems, help to not only diagnose them but treat them, and we do not have a sufficient number of trained child psychiatrists in the country to do that.

This legislation, this amendment, would allow us to do that. It adds no cost, as Senator WHITEHOUSE indicated, and I think it should be something that we would do almost automatically when it comes to the welfare of our children, but particularly in the wake of the terrible tragedy in Connecticut.

So I wanted to be here to lend my support to the underlying efforts of the Senator from Pennsylvania and to the specific efforts of my colleague, the Senator from Rhode Island.

Mr. President, I ask unanimous consent that a statement by Dr. Gregory Fritz, who is the academic director of the residency program at Bradley Hospital, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### PARITY FOR KIDS' MENTAL HEALTH

Despite the passage of the Federal mental-health parity bill, stigma and prejudice are still alive and well when it comes to legislation affecting children's psychiatric hospitals. The latest example of how our government continues to maintain discriminatory funding policies specifically directed against children with mental-health issues involves

Federal support for graduate medical education (GME).

Although this issue is far overshadowed by the federal debt issue, those who care about the mental health of children need to be aware that achieving true parity still entails overcoming significant obstacles. Getting children's psychiatric hospitals recognized as legitimate sites of medical education is one such obstacle on the road to real parity that has both symbolic and pragmatic importance.

The history of Federal support for training physicians during their hospital residencies goes back to the establishment of Medicare, in 1965. Recognizing that America needs a steady supply of physicians in all the areas of medicine, and that their training carries substantial additional expense for teaching hospitals, Medicare authorization includes a per-resident reimbursement that is provided to hospitals through a complicated formula. One element for determining GME payments is the percentage of a hospital's reimbursement that comes from Medicare. That children's hospitals would thus be excluded from the program (because Medicare pays virtually zero for children's medical care) was unintentional, but it took 34 years for this oversight to be corrected.

The Children's Hospitals Graduate Medical Education Payment Program (CHGME), in 1999, established a pool to provide residency education support to children's hospitals in a system modeled after the Medicare GME system. The unintentional disincentive to train pediatric generalists and specialists was removed and pediatric training accelerated dramatically. This year, a total of \$317.5 million offsets the training expenses of 5,500 residents at 46 children's hospitals, and the CHGME program is widely considered a success.

Parallel to the initial oversight in the Medicare bill, in the arcane definition of a children's hospital detailed in the CHGME regulations is language making it impossible for children's psychiatric hospitals to qualify. Only the most cynical observer would conclude that this was a deliberate attempt to exclude children's psychiatric hospitals and the child psychiatric and pediatric residents they train, especially since no medical specialty represents a greater shortage area than child and adolescent psychiatry. Yet, steady efforts since 2002 to correct this oversight have thus far been unsuccessful.

The CHGME reauthorization needed for the program to continue would seem to offer the ideal opportunity to end this de facto discrimination against children with mental-health problems. Sen. Sheldon Whitehouse and Representatives David Cicilline and James Langevin, all Rhode Island Democrats, have offered similar versions of a brief amendment to the reauthorization that would correct the language to reflect the original bill's intent.

If passed, it would admit four or five children's psychiatric hospitals that meet strict criteria into the pool of hospitals eligible for CHGME reimbursement. A larger taxpayer outlay is not requested; rather, the existing money would be spread slightly more thinly (an estimated 30 additional residents would be added to the current 5,500). One would think it a small price to pay to correct an injustice, but passage is far from guaranteed.

As a child psychiatrist working at Bradley Hospital, one of the psychiatric hospitals that would finally be included, I'm far from dispassionate about this issue. I see every day the agony experienced by families with autism, childhood suicide, adolescent sub-

stance abuse or pediatric bipolar disorder; it's different, but no less severe, than the pain associated with juvenile diabetes or leukemia. As are all mental-health professionals, I'm troubled by the months-long waiting lists that prevent children's access to child psychiatric services.

The distinction between psychological and physiological disorders is artificial and antiquated, reflecting outdated fears and prejudices. In short, I see no valid reason to perpetuate the exclusion of children's psychiatric hospitals from the mechanism designed to support physicians' training. Neither do the thousands of members of 39 national organizations who have signed on to a letter urging support of the Whitehouse amendment. Mental-health parity is the law in principle; the CHGME reauthorization should make it be the case in practice.

Mr. REED. Mr. President, I have a comment on an additional issue but would only do so if the Senator from Rhode Island would allow.

Mr. WHITEHOUSE. Mr. President, let me yield back to my senior Senator to move to his other issue. But let me also say what a pleasure and a privilege it has been to work with him in our shared determination to see that this amendment is made—this very reasonable amendment that will add no additional spending and will expand the reach of adolescent and child psychiatry in this country. He has been terrific to work with. It is always a pleasure and privilege to have Senator REED as my senior Senator, but this has been a particularly good occasion of working together.

With that, I yield back to my senior Senator.

The PRESIDING OFFICER. The senior Senator from Rhode Island.

Mr. REED. Mr. President, I want to touch on a topic that was discussed by many of my colleagues, including Senator WHITEHOUSE; and that is the fisheries disaster in the Northeast, which was declared by the Secretary of Commerce in 2012. There is language and support in the supplemental appropriations bill to help our fishing industry in the Northeast that has been affected by this disaster in the areas of New York, Connecticut, and Rhode Island.

These fishermen have been for years under a painful regime of restricted fishing so that the stock could be replenished. Despite their efforts, some of the fishing stock has not responded, leading to a declaration of a fisheries disaster by the Secretary of Commerce.

The funding that is included in the supplemental applies to New England, but it also helps Alaska and Mississippi. I appreciate very much the fact that Senator MIKULSKI is working to include this funding in the bill. She is an extraordinary leader in our Senate, an extraordinary and compassionate leader when it comes to issues affecting the fishing industry, not just in her home area of the Chesapeake Bay and the Atlantic but as far away as Alaska and Rhode Island and Maine. I would hope we could move to help



these fishermen get on with their lives with this assistance.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

#### REMEMBERING DANNY K. INOUE

Mr. LEVIN. When 7-year-old Danny Inouye saw the Japanese planes over his Hawaii home on December 7, 1941, his first impulse was to help. So he ran to help. He had emergency medical training. He used that training to help bind the wounds of the Americans injured in the attack on Pearl Harbor.

His second impulse, just as strong, was to defend our country. But the America of 1941 did not want his service. In fact, it considered Danny and his fellow Japanese Americans suspect and called them enemy aliens and confined more than 100,000 of them to internment camps. When Danny Inouye tried to enlist to defend his country, his country told him: You are not welcome.

That Danny Inouye did not allow anger and resentment to overcome his love of country says something remarkable about him and about our country. When in 1943 President Roosevelt allowed Japanese Americans to enlist in the fight against Nazi Germany, Inouye and thousands of young men answered the call. He burned with desire to defend the Nation that had told him and people of his background: You may not serve; a Nation that still held thousands of Japanese Americans behind barbed-wire fences.

When he left Hawaii for the Army, his father told him: This country has been good to us. Whatever you do, do not dishonor this country. Danny, on more than one occasion, told stories about his Army training in Mississippi, about the racial segregation he saw. He told the story of how after he returned from World War II he stopped in California on the way home to Hawaii to stop to get a haircut and was told: We don't serve Japs here.

He stood there in full dress uniform, his chest covered in medals, a hook in place of the arm blown apart by a German rifle grenade. Even then he had to confront hatred. There is so much that is remarkable about the life of Dan Inouye, the story of his service on the battlefields of Italy is indeed remarkable, physical courage he displayed in winning the Medal of Honor is alone enough to earn the title "hero."

But rising above his physical courage and the guts he showed is the moral courage it took for Dan Inouye and his fellow Japanese Americans to even set

foot on that battlefield. What is it that spurs some of our countrymen to offer their lives in defense of a country that shuns them? Where does that love of country come from? How can we impart some of it to those who too often take this country for granted?

It would be a wonderful tribute to Dan Inouye to seek out ways to encourage such service by future generations. Dan Inouye's work did not end when he took off his soldier's uniform. In many ways, it was just beginning. Forced by the loss of his arm to give up dreams of a medical career, he entered politics. His was one of the most remarkable careers in public service our country has ever seen. We will miss Dan Inouye so much in the Senate, his leadership, his legislative talent, yes, but also his friendship, his humor, his humility, his steadfast belief in the American people. He was the last remaining Senator who voted for the Civil Rights Act of 1964. In that vote and so many others, he served the Nation and the Senate with distinction that few have ever matched.

In Michigan we proudly claim an early connection to this noble man. Much of his recovery from the wounds he suffered in Italy took place at a veteran's hospital in Battle Creek, MI. There he met two other young men, a soldier from Kansas named Bob Dole and one from Michigan named Phil Hart. They formed a lifelong bond, one that endured all the way to the Senate.

In 2003, when we dedicated that former hospital in Battle Creek, now a Federal office facility, as the Hart-Dole-Inouye Federal Center, Senator Inouye told the audience: All of us have chapters in our lives, milestones. My most important chapter, he said, was a Battle Creek chapter. This is where I learned what democracy was all about, where I learned what America was all about.

To have imparted any lessons on America to Dan Inouye would be a remarkable honor. What we may have taught him pales in comparison to what he taught us.

A few years ago, in a speech honoring his fellow Japanese-American veterans, Danny told his audience that our greatness as a Nation lies in part in our willingness to recognize the flaws in our past, including our treatment of Japanese Americans and our determination in whatever limited way we could to make amends. Dan Inouye served his country because of his dream of what we could be: a Nation unbound by our all too human failings.

He believed to his core that we are able to shed old prejudices. He believed that our Nation, despite its flaws, shines with such bright promise that we could inspire remarkable service and sacrifice, even in those who suffer from our shortcomings, a Nation so great that those we treat with disdain or even hatred can respond with love

that knows no limit. This love was as powerful as the love that Dan Inouye showed for all Americans and for the very idea of America.

I am so grateful for the lessons that Danny taught me, so grateful for his friendship. Barb and I send our deepest condolences to Irene and all of Danny's family, to the people of Hawaii, and to all of those touched by this remarkable man.

Mr. REID. Mr. President. Our former colleague, now Secretary of the Interior Ken Salazar has written a letter in memory of our departed colleague Dan Inouye. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,  
*Washington, December 18, 2012.*

Majority Leader HARRY REID,  
*Hart Senate Office Bldg.,  
Washington, DC.*

DEAR MAJORITY LEADER: Senator Danny Inouye was and will continue to be one of my lifetime heroes. In December 2008, when the President, you and I were in discussions about my potential service as United States Secretary of the Interior, Senator Inouye said the following to me:

"The Secretary of the Interior is the most important position in the Cabinet because you are the Custodian of America's Natural Resources and America's Heritage."

Senator Inouye's description of the Department was a major factor in my decision to accept the President's offer to serve as Secretary of the Interior. I have adopted his description of the job of Secretary as my motto and as the best description of the Department of the Interior.

Like you, I will forever miss Senator Inouye. He has served and continues to serve as a mentor and inspiration to me in all of my days in public service. I know his life and his teachings will continue to live through each of us as he continues to inspire our journey forward.

Respectfully,

KEN SALAZAR,  
*U.S. Secretary of the Interior,  
former U.S. Senator.*

Mr. REID. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I have not yet filed, but I intend to shortly, an alternative amendment to the emergency supplemental which is on the Senate floor and in the process of being debated. I would like to explain what it is that I am going to file and what it does and explain the rationale behind it.

Mr. LEAHY. Would the Senator yield for a question?

Mr. COATS. I yield to the Senator.

Mr. LEAHY. It is my understanding that the Senator is not going to seek action on it now, it is simply to file it?

Mr. COATS. That is correct.

Mr. LEAHY. I thank my distinguished colleague.

We have shared this colloquy on two different occasions. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. The Senator from Vermont is correct. I don't intend to take any action on this now. I know there are events planned tonight. We are in the middle of mourning for our lost colleague as well. But I simply wanted to explain for the record what it is that we are attempting to do.

I think all of us are sensitive to the pain and the damage incurred by those in the Northeast due to the catastrophic, clearly catastrophic record proportion hurricane that hit that sector of our country just weeks ago. Clearly, that is something that falls in the category of an emergency. It goes beyond the ability of State and local jurisdictions to address with their own resources. They will participate in the recovery, and they have. It is remarkable, in this country virtually no State, no Senator, can stand and simply say, well, we haven't been touched and not understand the need for the response that comes from disasters, whether they be tornadoes like occurred in my State of Indiana just this past spring—we needed emergency help and response and received that—or whether it is flooding that has occurred throughout the Midwest and in other parts of the country that has caused a tremendous amount of damage.

There have been terrorist attacks such as 9/11, Oklahoma City. In this case, hurricanes, and we have had a number of those. Katrina stands in our mind, Irene, and on and on it goes with Sandy being the latest. This one was truly of a monumental proportion and created a lot of damage.

Therefore, a Federal response is needed and necessary if we are going to begin to have an adequate recovery, get people back to work and back in their homes, businesses up and growing again and working.

The bill that is currently on the Senate floor for us attempts to do that. Some of us were somewhat staggered by the initial number, \$60.4 billion. That may not be enough; that may be too much. But in the short amount of time that we have had to try to put all the estimates together in terms of what might be needed, what we as Senate Appropriations Republicans have attempted to do is to separate that from what we believe is immediately needed—immediate being from the time of the storm through March 27—to attend to those initial responses that need to take place. There were a

whole raft of things that run the gamut from debris cleanup to repairing damaged and flooded facilities, destroyed homes, public facilities, and so forth. But we need to try to go through and separate the immediate and make sure that measure of support as quickly and as expeditiously as possible is brought to the area to address the problem and distinguish them from those longer term projects and interests that have been proposed.

When our committee met, it was, I think, up to 10 Senators from the affected States testifying. We heard a number of suggestions about the number of things that ought to be incorporated into this legislation. Mitigation was one major issue. Mitigation simply is preparing for the next storm so we can mitigate or lessen the damage that occurred from the storm that we just incurred. But mitigation is a long-term project. It is not something that can be immediately entered into.

Interestingly enough, on the proposals that were presented before the committee, many were contradictory. Some thought that burying wires underground would prevent, obviously, tree limbs from taking them down and losing power on above-ground wiring. In a city like Manhattan, Boston, or a major metropolitan area or in any city, it is an enormously expensive project.

While that seemed initially to meet some success, then one of the experts who was testifying said, well, wait a minute. The flooding that occurs with this would go in and would corrode the piping and corrode a lot of the systems and the switches, and that might not be the best thing to do. I don't know whether that is better to do or not better to do, but it is certainly something that needs to be examined carefully and vetted before we commit to that type of project.

Others said we should rebuild the sand dunes and sand islands offshore to provide barriers. There was the piece, I think it was in the New York Times, that basically said this has shown some real promise in terms of protecting areas by having sand barriers off coast.

Other experts came in and said, well, yes, sometimes that works and sometimes it doesn't work, and you need to be careful how and where you build these. It is not the panacea, it is not the be-all and end-all of how you prevent this type of damage, but it clearly is something that we ought to look at, clearly something we ought to examine. But making a decision now in the weeks' aftermath of the storm, just days from adjournment, and saying this is why we need \$13 billion toward mitigation projects—without vetting those projects, without examining those, having experts look at it and tell us what they think would work, how much it would cost, setting the priorities of what ought to be first, what ought to be done and what, per-

haps, might not work and be postponed—all of that requires a process.

If we are going to be responsible with the taxpayers' dollars at a time of this fiscal crisis, and particularly now, it seems to me the most logical and responsible way to move forward is to identify the immediate needs and provide the immediate funding to address those needs.

Secondly, on those needs that are longer term, go through the process. That is why we have committees. That is why we have procedures in place, to identify how best to move forward and spend the taxpayer dollars in a useful way that doesn't turn out to be a waste of money and deny us the opportunities to do the mitigation or other repairs that may be needed.

The additional funding, of course, this is a short-term proposal. It goes through March 27. It addresses those needs that fall into that category that meet the criteria of what we set out when we told our staff on the Appropriations Committee to go through and scrub the bill that was put before us and separate out that which was needed now from that which could be done later. That criteria excluded funding for projects not related to Sandy.

There is the long list of requests out there for previous disasters. Mitigation was for future disasters that may or may not come. On mitigation, we said let's set that aside for later deliberation.

On nonrelated issues, such as cleaning up the tsunami debris on the west coast, those expenditures put in this \$60.4 billion proposal by the administration and brought to this Senate floor, if it is not related directly to this storm, let's set those aside for the procedures that were being dealt with before Sandy occurred or put those procedures in place to deal with it afterward. So unrelated items and unsubstantiated items, those are where all the facts weren't in, where these were estimates that had not been certified and not substantiated in a way that I think puts us in a position to make the correct decisions in terms of going forward.

So under that criteria, we came up with a proposal that is a little bit of a work in progress, but totals around \$24 billion.

Mr. LEAHY addressed the Chair.

Mr. COATS. I yield to the Senator, but I would like to finish my remarks, if I could. I know we all have time commitments.

Mr. LEAHY. I am only going to make a short unanimous consent request, if I could.

Mr. COATS. I yield to the Senator.

ORDER FOR RECESS

Mr. LEAHY. Mr. President, I ask unanimous consent that upon the completion of the distinguished Senator's remarks the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. COATS. Mr. President, the concept behind this, of course, is to be as careful as we can with the taxpayers' money and make sure that each dollar spent is spent on something that has been thoroughly examined, looked at, vetted, scrubbed, and determined to be necessary going forward. We have to determine the share, the cost share for the State and local communities; what that percentage ought to be that comes from the State and the local communities as opposed to the Federal Government.

We have to determine how to best go forward with the best project that can, hopefully, prevent future damage should a second storm or subsequent storm occur. We have to look at a whole number of factors and make judgments. That is what we are elected to do.

When the taxpayers send their money into the Federal Government, they don't want us to just throw up a number and throw some wish list out and throw out money at unsubstantiated and unscrubbed projects that are proposed. So I am not suggesting that everything in the proposal, the \$60.4 billion, is not necessary. I am simply saying give us some time, at least these 3 months through March 27, to have our committees and have the experts look at these proposals and make sure it is substantiated.

So we remove the unsubstantiated, the mitigated, the non-Sandy related. We have removed all that from this program, and that is how we arrived at this number.

Now, I could go through a number of examples—I don't think I need to do that at this particular point in time. When we look at the various categories this falls into, sometimes we matched exactly what it was in the administration's bill, saying this is an accurate number.

Flood insurance, for instance, we require people living in flood zones to buy flood insurance. They buy the flood insurance, and they are looking for their check. If the estimate has been made, and it has been made actuarially and through the procedures of FEMA and all those evaluating the cost, and the decision is made and the number is determined and certified, then a check is written and those people can move on to their lives. That is an immediate need.

We can't tell people to pay their premiums and we will somehow find a way to get their checks to them a year from now. This is an immediate need. In that regard, we have matched their request made by the Flood Insurance Program to provide the borrowing authority so that they can cut those checks. Whether it is Christmas or the middle of the year, those people need

to get their lives back together and we want to get that money to them.

So as you go through the list here and the categories, as you compare what we have provided and what was provided in the larger bill, you find congruence in a number of areas, but a number of other areas, which I have generalized in terms of mitigation, in terms of community development block grants, all these take time to come to fruition, to be put together. The plans need to be vetted and approved. They are not necessary to provide the necessary immediate need and aid that is for the people who are suffering from the consequences of this storm. If we go through all that and scrub it, we arrive at a considerably lower number.

But I want it said that this number, while higher than some would like and lower than others would like, is a carefully thought-through, reasonable number to take care of needs for now, through this Christmas season and all the way to March 27. This Congress will then revisit the matter and see what else is needed. But during that time, we will be able to also carefully work through the estimates, substantiate those estimates, certify that. Then, obviously, I think those proposing will have a much better foundation to stand on in terms of what they are requesting, and those of us who are trying to be very careful with the taxpayers' dollars will be able to assert or state why we think this may not be necessary at this time or perhaps doesn't fall in the category of being related to Sandy.

We all know when some emergency supplemental comes to the Halls of Congress, a lot of people reach in their pocket, pull out their wish list, waiting for the next train that has to be something we will move through quickly, has to be something signed by the President because it is designated as an emergency. They throw on their wish list of unresolved, unfunded projects that perhaps are legitimate, perhaps maybe just earmarks or something that needs a train to hook onto in order to get passed. That is what we want to try to avoid.

As I said, I will be filing this amendment, which hopefully will be seen as an alternative to give Members a choice in terms of how best to move forward in dealing with this legitimate supplemental emergency provision.

With that, I yield the floor.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 5:18 p.m., the Senate recessed subject to the call of the Chair and reassembled at 9:46 p.m., when

called to order by the Presiding Officer (Mr. WHITEHOUSE).

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, is the substitute now pending?

The PRESIDING OFFICER. The Senator is correct.

#### AMENDMENT NO. 3338 WITHDRAWN

Mr. LEAHY. Mr. President, I withdraw the pending substitute amendment No. 3338.

The PRESIDING OFFICER. The Senator has that right and the amendment is withdrawn.

Mr. LEAHY. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I express my appreciation to the manager of this bill, Senator LEAHY. He and I have worked together on the Appropriations Committee for more than a quarter of a century.

#### AMENDMENT NO. 3395

(Purpose: In the nature of a substitute)

Mr. President, I have a substitute amendment at the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3395.

(The amendment is printed in today's RECORD under "Text of Amendments.")

#### AMENDMENT NO. 3396 TO AMENDMENT NO. 3395

Mr. REID. Mr. President, I have a first-degree amendment to the substitute which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3396 to amendment No. 3395.

The amendment is as follows:

At the end, add the following new section:  
Sec. \_\_\_\_.

This Act shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3397 TO AMENDMENT NO. 3396

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3397 to amendment No. 3396.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion to the substitute at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 3395 to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse.

#### AMENDMENT NO. 3398

Mr. REID. Mr. President, I have a first-degree amendment to the text of the language proposed to be stricken which is at the desk, and I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3398 to the language proposed to be stricken by amendment No. 3395.

The amendment is as follows:

At the end, add the following new section:  
Sec. XXXXXXXX

This Act shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3399 TO AMENDMENT NO. 3398

Mr. REID. Mr. President, I have a second-degree amendment which is at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3399 to amendment No. 3398.

The amendment is as follows:

In the amendment, strike "5 days" and insert "4 days".

#### MOTION TO COMMIT WITH AMENDMENT NO. 3400

Mr. REID. Mr. President, I move to commit the bill, H.R. 1, to the Appropria-

tions Committee, with instructions that are at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill, H.R. 1, to the Committee on Appropriations with instructions to report back forthwith with an amendment numbered 3400.

The amendment is as follows:

At the end, add the following new section:  
Sec. \_\_\_\_\_

This Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3401

Mr. REID. Mr. President, I have a first-degree amendment to the instructions at the desk, and I ask the Chair to have that reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3401 to the instructions of the motion to commit H.R. 1.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3402 TO AMENDMENT NO. 3401

Mr. REID. Mr. President, I have a second-degree amendment at the desk, and I ask for it to be reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3402 to amendment No. 3401.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion to the underlying bill at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 1, an act making appropriations for the Department of Defense and other departments and agen-

cies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse.

#### FLOOD CONTROL

Mr. LAUTENBERG. Mr. President, I rise today to engage in a colloquy with my friend Senator LEAHY, who is managing the Senate Supplemental Appropriations bill. The bill includes funding and language provisions for the U.S. Army Corps of Engineers that will help construct and improve crucial flood control projects in areas impacted by Hurricane Sandy, including along the Jersey Shore. Mitigation projects along the coast are critical to preventing future damage, and that's why I am pleased that language is included in the bill to authorize projects for construction that are currently in the study phase. This provision will expedite flood control efforts in flood-prone areas impacted by Hurricane Sandy, and I am pleased Senator LEAHY agrees this is a valuable initiative.

Mr. LEAHY. I am pleased to work with Senator LAUTENBERG on this issue. New Jersey, New York, and other States throughout the region were devastated by Hurricane Sandy. In particular, flood-prone areas and the coastline experienced severe damage. That is why the Supplemental Appropriations bill includes funding and language to improve damaged projects, construct new projects to prevent future damage, and to authorize projects in the study phase for construction, provided that the Corps of Engineers determines doing so would cost-effectively reduce flood and storm damage risks.

Mr. LAUTENBERG. Requiring the Corps of Engineers to determine whether potential projects in affected areas can cost-effectively reduce flood and storm damage risks before receiving construction authorization is a valuable goal. However, Hurricane Sandy changed the conditions of many projects, which could increase the final cost of those projects. Also, many homes and businesses in flood-prone areas were destroyed. This could lead to a decrease in the value of property protected by proposed projects. Therefore, the combined impact of increased project costs and a reduction in the value of property that would be protected by planned flood control infrastructure could result in a calculation that shows a higher project cost with lower economic benefits. Does the Senator agree that the language regarding the cost-effectiveness of flood and storm damage efforts under consideration for construction authorization is not intended to disqualify projects that

could have increased costs and decreased economic benefits as a result of Hurricane Sandy?

Mr. LEAHY. Yes. The language does not intend for the Corps of Engineers to disqualify studies under consideration for construction authorization based on increased costs and decreased economic benefits as a result of Hurricane Sandy. In addition, the term "cost-effectiveness" does not refer to the benefit to cost ratio typically used by the Corps of Engineers.

Mr. LAUTENBERG. I thank Senator LEAHY, along with Energy and Water Development Appropriations Subcommittee Chairman DIANNE FEINSTEIN, who has jurisdiction over the Corps, for their work on this vital bill, which would help states affected by Hurricane Sandy recover and prepare for future storms. It includes important language to allow projects in the study phase to be constructed and does not intend to disqualify projects with increased costs and decreased economic benefits as a result of Hurricane Sandy. Given that this process is different than standard practice, does the Senator agree that the Corps of Engineers should submit a report to Congress to explain the process that will be implemented?

Mr. LEAHY. Yes. The Corps is directed to submit a report to the Committee on Appropriations on its proposed process for determining cost-effectiveness, in accordance with the aforementioned intentions, no later than 45 days following enactment of this Act.

#### GREAT LAKES DREDGING FUNDING

Mr. LEVIN. Mr. President, I want to bring attention to a significant disaster situation in the Great Lakes region. As a result of a deadly combination of the Midwest drought and an unusually warm winter, the Great Lakes are at near record low water levels. The Army Corps of Engineers reports that Lakes Michigan and Huron are more than 2 feet below their long-term average. Lake Superior is more than 1 foot below its long-term average. Keith Kompoltowicz, chief of watershed hydrology for the Army Corps of Engineers, has said regarding the Great Lakes water levels, "There is a good chance of setting record lows." The situation in the Great Lakes has resulted in freighters getting stuck in channels, ships carrying reduced loads leading to millions of dollars in losses, harbors closing or being threatened with closure, and so-called Harbors of Refuge not being able to provide shelter to boaters in distress.

Ms. STABENOW. Mr. President, I share my colleague's deep concern with the low water levels in the Great Lakes. This is, without a doubt, a disaster for the communities who rely on our harbors and waterways. The Great Lakes provide jobs for more than 800,000 Michigan residents, and low

water levels in the lakes are threatening those jobs. The Great Lakes support a \$7 billion fishing industry, and a \$16 billion recreational boating industry. However, weather disasters this year have resulted in water levels in the Great Lakes near record lows. Normally we count on spring rains and snow melt-off to raise the level of the lakes. But this spring we saw only a 4 inch rise in Lake Michigan and Lake Huron, one-third of the normal level. And for the first time on record, there was no spring rise in levels of Lake St. Clair and Lake Erie. Due in part to the summer heat wave, at the height of which every single one of Michigan's 83 counties was declared a disaster area, 2012 was also marked by evaporation rates over 50 percent above average for the 4 largest lakes. There is no question that the shipping channels and harbors of the Great Lakes are in distress. We cannot reverse the drought, but we can support the dredging projects necessary to ensure that the 139 Federal harbors and waterways in the Great Lakes region can continue to serve our Nation's economy.

Mr. BROWN of Ohio. While the water levels are at historic lows in Lakes Michigan and Huron, Lake Erie, which my State borders, also has water levels below its long-term average. Because the Great Lakes navigational system is interconnected, with shipments often moving from Duluth to Cleveland to Buffalo, a problem in one harbor can have negative impacts across all of the 60 commercial projects in the Great Lakes system. The light-loading of ships has repercussions across our transportation system with very real impacts on jobs and our manufacturing and agricultural sectors. This year's drought across Ohio, Michigan, and other parts of the upper-Midwest has been nothing short of a natural disaster.

Mr. LEVIN. In addition to response, recovery and mitigation related to Hurricane Sandy damage, I also understand this bill provides funds to help respond to other natural disasters. I would ask the manager of the bill, Senator LEAHY, is that correct?

Mr. LEAHY. Yes, that is correct. The Supplemental Appropriations bill includes some funding related to natural disasters other than Hurricane Sandy.

Mr. LEVIN. Would the near-historic low water levels of the Great Lakes caused by drought and mild winters be considered a natural disaster?

Mr. LEAHY. The bill does not define "natural disaster," but the near record water level lows in the Great Lakes caused by drought and unusually warm weather leading to increased evaporation are certainly contributing to significant drought-like consequences at Great Lakes ports and harbors.

Mr. LEVIN. I thank the Senator. I am pleased the bill includes \$821 million to dredge federal navigation chan-

nels and repair damage to Corps projects nationwide related to natural disasters. Would federally-authorized Great Lakes harbors and channels be eligible for that funding?

Mr. LEAHY. Yes. The funding is tied to estimates of natural disaster damages relayed to Congress by the Corps, however, the funding is not earmarked to specific projects. The Corps utilizes this funding to restore essential project functions based on the Corps' priority of the damages. In that context, Great Lakes ports and harbors would be eligible for the funding.

Mr. LEVIN. I thank the Senator for his clarification. The Army Corps of Engineers estimates that \$35 million could be utilized in operations and maintenance funding just to restore minimum operations in the Great Lakes system. I am hopeful that \$35 million of the \$821 million for dredging will be directed to Great Lakes projects. I thank the Senator for his work on this important legislation, and I thank my friends for their support in addressing the low water level impacts on the Great Lakes navigational system through this supplemental appropriations bill.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, I filed cloture on the substitute amendment and the bill itself. I have had a conversation with the Republican leader earlier this evening. I am hopeful we can get a list—a short list—of amendments and a path to complete work on this bill as soon as possible. The FISA bill is something we have to do before we leave. I have said that several times this week. I have had conversations with several interested Members. I am hopeful we can get an agreement to complete action on this matter tomorrow.

The DOD authorization conference report, they have completed that work. It has been tedious and very hard. Senator MCCAIN and Senator LEVIN have worked very hard. We are hopeful we can lock in an agreement to vote on that tomorrow. We also have to confirm three district court judges. We hope to be able to do that tomorrow. We have a lot of work to do.

The House, as we speak—how to say this in a kind way. They are trying to come up with something. They have had to work all day to come up with something. We are waiting for their "something."

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DISASTERS

Mr. MERKLEY. Mr. President, tonight we are wrapping up affairs here on the floor, and what is going on right now is that the main substitute amendment that had a whole series of other amendments attached to it that has been the result of the work over the last couple of days has been withdrawn, so we are back to square one in terms of addressing a series of national disasters around the country.

Tomorrow, with the new amendment, we will start off the day with a new basic amendment and a new chance to have amendments to the replacement. I explain this simply to say that a number of Senators who had amendments over the last couple of days will come back tomorrow and will ask to have their amendments be considered. I will be one of them, and I wanted to explain why.

In my home State of Oregon, we had the worst forest fires in a century this summer, and the devastation to ranchers and farmers was enormous. There was the loss of forage on their own land, the loss of forage on BLM land, certainly the loss of livestock, and the loss of miles of fencing in these fires. Basically, whole ranching enterprises were destroyed.

The largest of these fires was larger than the Presiding Officer's State, the State of Rhode Island. That is an enormous fire. That was just one of the many fires we had sweeping our State, and this was not just something that happened in Oregon. This happened in many States this summer because it goes along with something else, which is we had the worst drought in many parts of the country. So we have farmers and ranchers across this Nation devastated this past summer by drought, devastated by fires which were larger because of drought conditions.

Normally we would have had disaster programs to assist with these disasters. These disaster programs were authorized in the farm bill. In this Chamber we had a bipartisan coming together. We passed the farm bill, and we sent it over to the House. There it has sat, month after month after month, while our farmers and our ranchers all across this Nation faced these disasters with

no assistance, no assistance in a situation in which they should be able to expect assistance. It is the tradition of our Nation that when there are extraordinary disasters, we rally together, respond and rebuild those communities, whether they be urban disasters or whether they be rural disasters. But because the farm bill has not been passed, not gotten to the President, these disaster programs have not been reauthorized, and our farmers and ranchers watch us and wait. They say where is our government, our partner, when disaster occurs?

They know the tax dollars they pay go into the central government and have many times been allocated to others around this Nation facing disasters of all kinds—earthquakes, hurricanes, floods, droughts. But these individuals, now that Mother Nature has struck them, stand waiting.

We have an opportunity tomorrow to right this wrong. We have a bill that is about the enormous terrible disaster that affected our Northeastern States in the form of Hurricane Sandy.

We should be absolutely expedient in taking care of communities so dramatically affected. But at the same time, isn't it right that we take care of the other communities around this country that have faced disasters this last year that are waiting on us?

I invite my colleagues to come to the floor and explain to me if they feel it is not right to take care of the other disasters we have had this last year. I would like to be able to go to the ranchers and farmers in my State and explain to them the arguments that others might bring about why their disaster, the destruction of their livelihood that the great hand of Mother Nature struck, why we shouldn't address and assist them when we are assisting others so dramatically affected around this Nation. Quite frankly, I have no answer. I have no answer. I can't think of an answer.

Will any of my 99 colleagues come to me and explain why we shouldn't pass this amendment tomorrow, the amendment that I will propose? I will tell you that a number of us came together to propose this amendment. Senator STABENOW, Senator MCCASKILL, Senator BAUCUS, Senator WYDEN, Senator TIM JOHNSON, Senator FRANKEN, Senator TOM UDALL, representing all kinds of parts of our Nation, who understand the impact that drought has had, understand the impact the fires have had. They have come together from different parts of the Nation to say we are in this together. Let's not leave stranded our ranchers and farmers when we gather to debate tomorrow. Let's let this amendment be brought forward, and let's get it passed as part of this very appropriate response to this very terrible disaster called Hurricane Sandy.

#### LIMITED SERVICE EXCLUSION

Mr. PRYOR. Mr. President, I rise today to address an issue that has arisen between companies within the moving industry. Recently, a group of full-service moving companies has attempted to change rules established by law, regulations, and court findings. These full-service moving companies are aiming to undermine the clear intent of Congress by avoiding the formal rulemaking or legislative process. The changes sought would benefit their companies and damage their competitors within the sector.

In recent years, full-service moving companies have faced new competition from a growing number of companies that allow consumers a "do it yourself" alternative to more expensive, traditional movers. Some general freight motor carriers have been offering "do it yourself" consumers an option for moving: a non-household goods motor carrier drops off empty containers or trailers at the consumer's doorstep for the consumer to load, the consumer loads the trailer—individually, with help from neighbors, or by hiring a third party. After loading, the consumer calls the container company or freight carrier to pick up the container or trailer, the container company then arranges for an authorized general freight or flatbed carrier to pick up and haul the loaded container, dropping it off on the requested delivery date for the consumer to unload; and the carrier returns to pick up the empty container or trailer when unloaded. The customer is able to purchase the level of service he or she wants and manage the process themselves from start to finish.

Mr. President, that is precisely the type of service alternative Congress intended to encourage when it included the so-called "Limited Service Exclusion" in the "Household Goods Mover Oversight Enforcement and Reform Act of 2005," enacted as §§ 4201–16 of Pub. L. No. 109–59, 119 Stat. 1144 (2005), now known as "SAFETEA-LU." This Limited Service Exclusion, codified at 49 U.S.C. § 13102 (12)(c), expressly states that:

The term [household goods motor carrier] does not include a motor carrier when the motor carrier provides transportation of household goods in containers or trailers that are entirely loaded and unloaded by an individual (other than an employee or agent of the motor carrier).

I sponsored this provision and worked with others in Congress to incorporate this Limited Service Exclusion into law and want to be clear of the intent of the law. The "Limited Service Exclusion" was intended for the non-household goods motor carrier that drops off empty containers or trailers, which are loaded by the consumer or a third party, and then delivered or stored by the container company or freight carrier. The exclusion's

intent was to keep portable container supply companies and general freight carriers from the regulations required for household good movers.

The written guidance that has been requested by the full-service moving companies are pushing would ignore the Limited Service Exclusion's intent by blocking portable container supply companies and general freight carriers from relying on this statutory exclusion to work together and with the do it yourself consumer to move the consumer's belongings to his new home. That requested interpretation would reverse decades of legal precedent and rule that if the container supplier or general freight carrier refers the consumer to a third party who provides the labor to load or unload the containers and trailers, and the consumer elects to use those services, this third party automatically becomes the "agent" of that container company or trucking company. This attempted change of the statute with its anti-competitive effects is exactly the opposite of what I and my colleagues in the Senate and the House who voted for SAFETEA-LU intended.

The traditional moving companies urge the FMCSA to adopt a definition of "agent"—as such term is used in the Limited Service Exclusion. This would result in greater costs to consumers and will prevent container and general freight carriers from using the Limited Service Exclusion as Congress intended. The FMCSA already has embedded in its regulations the ideal basis for arriving at a definition of "agent" that is consistent with our intent. The FMCSA's own regulation, 49 CFR § 375.103, requires it to apply the "ordinary practical meaning" to the term "agent." The "ordinary practical meaning" of the term agent is well settled as a matter of black letter law and there is no cause for a federal agency to attempt to further interpret such a well-established term. Simply put, the definition compels a finding that: as long as the container or freight carrier does not control the third party who the consumer engages to load and unload the container or trailer, the carrier does not authorize the third party to act for and on behalf of this carrier, and the third party does not agree to act on behalf of the carrier, then the third party is not the agent of the carrier. Facilitating the consumer to contract with a third party that provides loading and unloading services does not create an agency relationship as we intended that term in the Limited Service Exclusion. Moreover, on a related issue, the Limited Service Exclusion should remain intact even if the carrier receives compensation for facilitating the consumer to contract with packing and loading providers, provided that the carrier does not have an agency relationship with the packing and loading providers.

Mr. RUBIO. Mr. President, as Senator PRYOR points out, the clear intent of Congress in adopting the Limited Service Exclusion section of SAFETEA-LU was to ensure cost-conscious, budget-driven consumers will continue to have the option to choose low-cost moving services for their goods. Although I was not a member of Congress when SAFETEA-LU was passed, you can plainly see that Congress made it clear in another section of SAFETEA-LU that it was codifying and preserving decades of law developed and perpetuated at the FMCSA, its predecessor the Interstate Commerce Commission, and the courts that authorize general commodity motor carriers lacking household goods authority to transport household goods as long as they do not perform specialized household goods related services such as loading and unloading. Here is what Congress added to SAFETEA-LU, now codified at 49 U.S.C. § 13102(12)(B):

The term ["household goods motor carrier"] includes any person that is considered to be a household goods motor carrier under regulations, determinations, and decisions of the Federal Motor Carrier Safety Administration that are in effect on the date of enactment of the Household Goods Mover Oversight Enforcement and Reform Act of 2005.

The definition of "household goods motor carrier" that Congress sought to preserve and perpetuate focuses on the nature of the services performed, not on the commodity itself. If the motor carrier provides specialized household goods related services—packing, loading, unloading, etc.—for the consumer, the carrier must be deemed a "household goods motor carrier" with respect to the goods it transports under a long line of court, FMCSA and ICC decisions and implementing regulations. Conversely, if the carrier (or its agent) does not perform those specialized services in conjunction with those household goods, it may transport them without being registered and regulated as a "household goods carrier." This emphasis on the nature of the carrier services performed and not the nature of the commodity itself is also at the very heart of and reflected in the appropriately named "Limited Service Exclusion." The interpretation that the traditional movers advocate would overturn, not preserve, agency precedent and arrive at a definition of "household goods motor carrier" that unlawfully contravenes the service-based exclusion codified in 49 U.S.C. § 13102(12)(c).

Mr. PRYOR. Along with the growth of general freight motor carriers and container-supply companies catering to the needs of do-it-yourself consumers, we have seen some of these same companies become regulated property brokers and step forward in this capacity to assist these consumers. For a negotiated fee, they offer to arrange with portable container companies and general freight carriers

to place the containers and trailers for loading and to have them transported to their destinations when loaded. To counteract this middleman-service, the full-service traditional moving companies are now urging the FMCSA to require do it yourself consumers desiring broker assistance to engage only brokers registered with and regulated by the FMCSA as "household goods brokers" to make these arrangements on their behalf and to require them to use only registered, full-service "household goods motor carriers" to perform the underlying transportation.

Their principal argument relies upon a false negative inference they want the FMCSA to draw from the absence of a similar "Limited Service Exclusion" from the "household goods broker" definition for brokers that arrange household goods moves for do-it-yourself consumers. This effort at changing the meaning of the statute further obstructs the intent behind the Household Goods Mover Oversight Enforcement and Reform Act of 2005. We want the consumers to have access to low-cost transportation services as an alternative to the traditional full-service moving companies when motor carriers, lacking specific household goods authority and not providing specialized household goods related services, perform the underlying transportation in reliance upon the Limited Service Exclusion codified at 49 U.S.C. § 13102(12)(c). No broker-specific Limited Service Exclusion is required: if the underlying motor carrier service does not provide packing and loading services, then the motor carrier need not hold household goods authority from the FMCSA. In turn, the broker engaged by the consumer to arrange the transportation (without any packing and loading services) likewise need not hold household goods broker authority and need not use a household goods motor carrier. Accordingly, a motor carrier authorized to haul property (excluding household goods) can perform the move.

Mr. RUBIO. Mr. President, as Senator PRYOR has articulated, the FMCSA should not suppress competition in the moving industry, and my fear is that this would happen if the agency eliminates an important moving option for do-it-yourself consumers. This would economically hurt the principal users of portable storage companies, namely the middle class, military, students and other price-conscious consumers. For these reasons and the others mentioned by my colleague, it is my sincere hope that the FMCSA preserves the rights of consumers, as intended by Congress, to ready and unfettered access to lower cost options with respect to moving their household goods.



# TRIBUTES TO DEPARTING SENATORS

DAN AKAKA

Mr. LEVIN. Mr. President, for the last 22 years, DANIEL AKAKA has represented the people of Hawaii in this body. They have been the better for his service, and I have greatly appreciated the wisdom, humility, and passion with which he has served here.

One issue on which we have been able to work closely as fellow members of the Homeland Security and Governmental Affairs Committee is oversight of the Federal workforce, a key issue for his State and for taxpayers everywhere. Senator AKAKA's passion for Federal workforce issues comes from his passion for public service and for effective government. Just in this Congress, I was an original cosponsor of his Federal Whistleblower Protection Act, to strengthen the law protecting Federal employees who bring to light fraud, waste, and abuse in Federal programs. That Akaka bill is expected to be signed into law before the end of the year. Also this Congress, I was proud to cosponsor his Hatch Act Modernization Act to allow hard-working employees of State and local governments, who are covered by the Hatch Act, to serve as elected officials in their communities.

In addition to his focus on Federal workforce issues, Senator AKAKA has long been a valued member of the Armed Services Committee. We have worked together on legislation to reform Defense Department business and financial management systems; strengthen oversight and accountability of wartime contracting; and strengthen the Defense Department's management of the substantial funds it spends to acquire property and services.

Senator AKAKA joined in 2002 with Senator INHOFE to form the Senate Army Caucus, and through this bipartisan group they have focused welcome attention on the programs and needs of our Army. Senator AKAKA, himself an Army veteran, has been an important source of insight into the challenges facing our soldiers and their families.

Of course, as the former chairman of the Veterans' Affairs Committee, Senator AKAKA has long demonstrated an intense dedication to those who have helped defend our Nation. His steadfast advocacy for veterans health programs, education benefits, and other important programs has made a significant and lasting impact on the lives of veterans and their families.

When people describe DANIEL AKAKA, one of the first words used to describe him is "humble." He is indeed that. He has been a dedicated and principled servant of the people of Hawaii and our Nation, an unfailing ally of our veterans and their families, and a valued colleague and friend. I will miss him, and I will always remember how he

taught us that gentleness and effectiveness are not mutually exclusive characteristics.

HERB KOHL

Mr. President, in his four terms representing the State of Wisconsin in this body, Senator HERB KOHL's focus has been precisely where it should be: the welfare of the people of his State and of our Nation. Whether in supporting American manufacturers and the jobs they provide, in fighting for protection from crime and for adequate nutrition for our children, in protecting senior citizens from elder abuse, or in preserving the Great Lakes that our two States share, Senator KOHL has accomplished much on behalf of American families.

I have been fortunate to work closely with Senator KOHL on issues of vital importance to our States. He has long been a strong supporter of the Manufacturing Extension Partnership, which helps U.S. manufacturers with technical support and services that make them more efficient and competitive in the global marketplace. His support for adequate MEP funding has made a significant difference for American companies and workers.

Now, we in Michigan bow to no one in our love for the Great Lakes, but even I would admit that Wisconsin, second only to Michigan in its length of Great Lakes coastline, is a close competitor. As a member of the Great Lakes Task Force, which I cochair, he has supported cleanup of toxic hot spots, the fight against invasive species, protecting Great Lakes water quality, and sufficient funding for the Great Lakes Restoration Initiative.

We have also shared an interest in consumer protection. Senator KOHL chairs the Judiciary Committee's Subcommittee on Antitrust, Competition Policy and Consumer Rights, and from that platform, he has battled those who would prey on American consumers, whether they are abusive credit card companies or oil-exporting cartel nations.

But where Senator KOHL has left what may be his most lasting impression is in his hard work on behalf of our Nation's most vulnerable citizens: children and seniors. He has long advocated solutions to help make college more affordable. He has helped expand the availability of nutritious breakfasts for school-age children and programs to help parents afford food on the table for their families. He has worked to strengthen afterschool programs. And in 2007 and again in 2008, he introduced the Patient Safety and Abuse Protection Act, which allowed employers to perform background checks on nursing home employees to help prevent elder abuse. When this legislation was included in the Affordable Care Act in 2009, it was a major step forward for patient safety.

I will miss working with HERB KOHL on these and many other issues. I will

miss the opportunity to give him a hard time whenever our Detroit Pistons beat his Milwaukee Bucks. I hope we can continue the important work he has helped move forward: protecting good jobs, our Great Lakes, our students, and our seniors.

DANIEL K. INOUE

Mr. WHITEHOUSE. Mr. President, today the State of Hawai'i, the Senate, and the United States mourn the loss of Senator Daniel Inouye.

Observers of the Senate today know Chairman Inouye as a poised, soft-spoken statesman: courteous and collegial; shunning of the spotlight; above the petty churn of the partisan fray. But historians will remember him as a great patriot, a fierce warrior, a brave pioneer, and a great leader.

Chairman Inouye's unflinching commitment to his country withstood both the moral threat of having his family deemed "enemy aliens" and the direct physical threat of Nazi firepower. His famed "Go For Broke" 442nd Regimental Combat Team was made up of Japanese-American volunteers, but even among this exceptionally decorated group of men, Second Lieutenant Inouye exemplified exceptional bravery and sacrifice in what Winston Churchill described as the war "to confront not only military but moral aggression."

The fight to see the American values of freedom, justice, and equality fulfilled would continue beyond the war years and throughout Chairman Inouye's lifetime of service to his home state and his country. The new State of Hawai'i sent him to Washington as part of its very first delegation. The first Japanese American elected to Congress, he has been a champion of civil rights for women, Asian Americans, Native Hawaiians, and African Americans. Indeed, Chairman Inouye was the last surviving member of the Senate to have voted for the Civil Rights Act of 1964. He also ferreted out corruption at the highest level of government, serving on the Senate's select committee on the Watergate scandal, and chairing the investigation of the Iran-Contra arms affair.

But Dan Inouye was first and foremost a servant of the people of Hawai'i. Ever grateful for the faith they entrusted in him year after year, he worked to make sure they had every opportunity to achieve the full potential of the American Dream. I was honored that he joined me as an original member of the Senate Oceans Caucus, and as a cosponsor of my bill to establish a National Endowment for the Oceans to protect the environment and economies that are so vital to both his home State and my own.

As his colleague and compatriot Senator DANIEL AKAKA said on the Senate floor in those first hours after we received the terrible news of Chairman

Inouye's passing, "He fulfilled his dream of creating a better Hawai'i." His wife Irene, his son Ken, his daughter-in-law Jessica, his stepdaughter Jennifer, and his granddaughter Maggie can all be proud of that legacy. My thoughts are with them in this, their time of loss.

As the old hymn tells us:

Now the laborer's task is o'er;  
Now the battle day is past;  
Now upon the farther shore  
Lands the voyager at last.

Aloha, Dan Inouye.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MIKE BURKE

• Mr. CARDIN. Mr. President, today I wish to thank and to honor an invaluable member of my Senate team, Michael Burke. As my Maryland projects director, Mike has been the key liaison between the Federal legislative process and the critical institutions of my home State of Maryland. As my top environmental adviser, Mike has been vital to each of my environmental priorities, from climate change to the Chesapeake Bay. Mike is a substantive expert, a keen strategist, a wise counselor, and an attentive mentor and friend to my entire team. He is a diligent public servant who leads quietly, by example, with the strength of his knowledge and skill. As he retires after an exemplary career of service, I am pleased to pay public tribute to this remarkable man.

Mike has devoted much of his career to protecting the natural splendor of Maryland and the Mid-Atlantic, particularly our iconic Chesapeake Bay. Before joining my team, Mike was associate director of the Environmental Protection Agency's Chesapeake Bay program. There, he dedicated himself to implementing solutions for the bay, which is the world's largest estuary, one of the most important water bodies in the Nation, and a natural resource that all Marylanders treasure. Shortly after I was sworn into the Senate, Mike joined my office as an EPA fellow. He demonstrated an incredible knowledge and understanding of the wide range of issues affecting Maryland, and I knew I needed to hire him as a permanent member of my staff. He brought his passion for the environment to his work in the Senate, skillfully leading efforts on environmental issues from Chesapeake Bay health to clean air, and from climate change to wildlife conservation. I will continue to fight hard for the issues and programs that Mike helped initiate.

Mike knows the ecological importance of the Chesapeake Bay and the impediments harming the bay's ecology because he has seen it all and experienced it firsthand. From Poplar Neck to Elk Neck, from Catoctin Mountain

to Calvert Cliffs, from the Nanticoke to the Pocomoke, from Rocky Gorge to Sandy Point, Mike has experienced the natural wonder of our great State. It is his deep appreciation for the importance of protecting our State's natural resources that has made him such a valuable member of my staff.

In addition to his critical environmental work, Mike led my team in charge of instate projects. The key institutions of Maryland's public life our universities, our hospitals, our local governments, and community organizations have benefitted from Mike's expertise in navigating the legislative process and his commitment to fighting on behalf of the people of Maryland.

Mike's substantive knowledge and political acumen extend well beyond the bay and Maryland. His policy expertise led Senator BARBARA BOXER, the chairman of the Environment and Public Works Committee, to ask me if I would "lend" Mike to her committee during the committee's arduous work on both the 2010 climate bill and the 2012 Transportation bill. While his full-time service to my office was missed during those periods, I was pleased to see how much my colleague from California valued Mike's input and skill, and I was happy to see him brought in to help the chairman with these important committee initiatives.

In addition to his wealth of knowledge and strategic skill, Mike will be missed most of all for the warmth, integrity, and generosity of spirit that he brings to every encounter. When he first joined my office, he would occasionally send Maryland trivia questions around to the staff. His enthusiasm helped to broaden my team's—and even my own—knowledge of the great State of Maryland, and endeared him to everyone in the office. No matter how tough the circumstance and here in the Senate, we often face tough days—Mike is quick to declare with a smile that he has "never had a bad day." He has committed himself to mentorship, voluntarily and enthusiastically spending hours working with more junior colleagues, guiding and advising them with a selflessness that is remarkable for being all too rare.

During the years, I am proud to say that I have come to value Mike not just as a staff member, but as a friend. He and his wife Pat have become favorites within the Cardin team, and I am pleased to have this opportunity to acknowledge Pat publicly as well. Her strong commitment to Maryland is evident not only in her own work in children's health care, but in her support of Mike's efforts here in these Halls, and I thank her for her contribution to the people of Maryland.

Mike's knowledge of the environmental issues of the day does not just stem from his professional experience,

but also from his personal interest as an avid naturalist, bird watcher, kayaker, and overall lover of the outdoors. Mike is most at home among the natural spaces he treasures, either on the water in a sea kayak or walking along a nature trail. For several years, Mike has shared that passion with the community by writing a column featuring different species of Mid-Atlantic native and migratory birds in the "Chesapeake Bay Journal." As with everything he does, Mike's columns always manage to include some of the quiet wisdom that is uniquely his. In a column about the common song sparrow, a local bird that is often overlooked in favor of those with brighter colors and flashier songs, Mike urges his readers to look beyond the bird's plain exterior to appreciate its unique contribution to the natural community. His words manage to capture something about his own steady, unassuming service to those around him. Mike writes, "We lead quiet lives until some rare person decides to listen with abiding patience, waiting for us to finally step out from behind protective cover and softly announce our presence. And then anonymity gives way to the individuality that has been there all along." For me, for my team, Mike has always been both the quiet presence and the patient listener, working with steady determination for the people of Maryland. As he looks forward to a retirement filled with relaxation and the outdoor recreation that he loves, I am humbly grateful for his service. He will be missed.●

#### MESSAGES FROM THE HOUSE

At 9:46 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 285. An act for the relief of Sopuruchi Chukwueke.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6014. An act to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

H.R. 6671. An act to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

At 12:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

The message also announced that the House passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 6504. An act to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes.

H.R. 6621. An act to correct and improve certain provisions of the Leahy-Smith America Invests Act and title 35, United States Code.

H.J. Res. 122. Joint resolution establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

#### ENROLLED BILLS SIGNED

At 2:52 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 285. An act for the relief of Sopuruchi Chukwueke.

H.R. 3783. An act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 63. Concurrent resolution correcting the enrollment of S. 2367.

S. Con. Res. 64. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye.

The message also announced that the Clerk of the House be directed to return to the Senate the bill (S. 2367) to strike the word "lunatic" from Federal law, and for other purposes, in compliance with a request of the Senate for the return thereof.

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the house passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6672. An act to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

The message further announced that the House passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 1440. An act to reduce preterm labor and delivery and the risk of pregnancy-related

deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

At 6:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Health, Education, Labor, and Pensions.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 19, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8583. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Expansion of 911 Access Loans and Loan Guarantees" (RIN0572-AC24) received in the Office of the President of the Senate on December 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8584. A communication from the Manager of the BioPreferred Program, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Designation of Product Categories for Federal Procurement, Round 9" (RIN0599-AA15) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8585. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus subtilis Strain QST 713 Variant Soil; Amendment to an Exemption from the Requirement of a Tolerance for Bacillus subtilis Strain QST 713 to Include Residues of Bacillus subtilis Strain QST 713 Variant Soil" (FRL No. 9369-3) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8586. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)" (FRL No. 9372-1) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8587. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flubendiamide; Pesticide Tolerances" (FRL No. 9373-3) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8588. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriproxyfen; Pesticide Tolerances" (FRL No. 9365-6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8589. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Picoxystrobin; Pesticide Tolerances" (FRL No. 9370-8) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8590. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dodine; Pesticide Tolerances" (FRL No. 9364-7) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8591. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clodinafop-propargyl; Pesticide Tolerance" (FRL No. 9371-6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8592. A communication from the Acting Principal Deputy Assistant Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Purl K. Keen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-8593. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the Fiscal Year 2010 Report on the Department of Defense (DoD) Operation and Financial Support for Military Museums; to the Committee on Armed Services.

EC-8594. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Amendments to Program Regulations" (RIN2577-AC80) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8595. A communication from the Chief Counsel, Federal Emergency Management

Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8596. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish Fisheries of the Exclusive Economic Zone Off Alaska and Pacific Halibut Fisheries; Observer Program" (RIN0648-BB42) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8597. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Gray Triggerfish Management Measures" (RIN0648-BB90) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8598. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Fishery; Recreational Quota Harvested" (RIN0648-XC303) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8599. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions to Electric Quarterly Report Filing Process" (RIN1902-AD52) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Energy and Natural Resources.

EC-8600. A communication from the Acting Administrator, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the Corporation's annual financial audit and management report for the fiscal year ending September 30, 2012; to the Committee on Environment and Public Works.

EC-8601. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a semiannual report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-8602. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; South Coast Air Quality Management District; Prevention of Significant Deterioration; Greenhouse Gases" (FRL No. 9749-6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8603. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Wyoming; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309"

(FRL No. 9756-9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8604. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone; Listing of Substitutes for Ozone Depleting Substances—Fire Suppression and Explosion Protection" (FRL No. 9757-5) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8605. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Grain Sorghum" (FRL No. 9760-2) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8606. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; South Bend/Elkhart, Indiana Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets" (FRL No. 9761-1) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8607. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg 8-Hour Ozone Maintenance Area Revision to Approved Motor Vehicle Emissions Budgets" (FRL No. 9760-9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8608. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for the 1997 8-Hour Ozone Standards; Technical Amendments" (FRL No. 9762-4) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8609. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; The 2002 Base Year Emissions Inventory for the Pittsburgh-Beaver Valley Non-attainment Area for 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9760-8) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8610. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL No. 9750-4) received in the Office of the President

of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8611. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to Stormwater Regulations to Clarify that an NPDES Permit is not Required for Stormwater Discharges from Logging Roads" (FRL No. 9758-9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8612. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for California" (FRL No. 9750-6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8613. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; Eastern Kern, Imperial, Placer, and Yolo-Solano; Prevention of Significant Deterioration" (FRL No. 9739-5) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8614. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of Washington; Regional Haze State Implementation Plan" (FRL No. 9722-9) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8615. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 9736-6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8616. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval, Disapproval and Promulgation of State Implementation Plans; State of Utah; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309" (FRL No. 9751-6) received in the Office of the President of the Senate on December 12, 2012; to the Committee on Environment and Public Works.

EC-8617. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 2006 Fine Particle Standard" (FRL No. 9763-6) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8618. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain

Chemical Substances" (FRL No. 9372-8) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8619. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rule on Certain Chemical Substances; Withdrawal of Significant New Use Rules" (FRL No. 9373-8) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8620. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Infrastructure SIP Requirements for the 2006 PM<sub>2.5</sub> NAAQS; Revisions to FIPs To Reduce Interstate Transport of PM<sub>2.5</sub> and Ozone; Correction" (FRL No. 9763-3) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8621. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas and Permits for Major Stationary Sources Locating in Nonattainment Areas or the Ozone Transport Region" (FRL No. 9763-4) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8622. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-143, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KOHL, from the Special Committee on Aging:

Special Report entitled "Alzheimer's Disease and Dementia: A Comparison of International Approaches" (Rept. No. 112-254).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 1980, a bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures (Rept. No. 112-255).

Report to accompany S. 2388, a bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes (Rept. No. 112-256).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1910. A bill to provide benefits to domestic partners of Federal employees (Rept. No. 112-257).

S. 241. A bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 1100. A bill to amend title 41, United States Code, to prohibit inserting politics into the Federal acquisition process by prohibiting the submission of political contribution information as a condition of receiving a Federal contract.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 2234. A bill to prevent human trafficking in government contracting.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TOOMEY:

S. 3690. A bill to require the Government Accountability Office to include in its annual report to Congress a list of the most common grounds for sustaining protests relating to bids for contracts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mrs.

GILLIBRAND, and Mr. LAUTENBERG):

S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 3692. A bill to amend title 32, United States Code, to authorize National Guard support for State and local efforts to keep schools safe from violence, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER:

S. 3693. A bill to enhance the safety of America's schools; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 3694. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to enhance existing programs providing mitigation assistance by encouraging States to adopt and actively enforce State building codes, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN (for himself, Ms. AYOTTE, Mr. ALEXANDER, Mr. BLUNT, Mr. MORAN, Mr. PAUL, and Mr. RUBIO):

S. 3695. A bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER):

S. 3696. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, and Mr. MERKLEY):

S. 3697. A bill to amend the Toxic Substances Control Act relating to certain mercury compounds, products, and processes; to the Committee on Environment and Public Works.

By Ms. COLLINS (for herself, Mr. LEAHY, Mr. AKAKA, and Mr. BROWN of Massachusetts):

S. 3698. A bill to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property; considered and passed.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. Res. 625. A resolution recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives; considered and agreed to.

By Mr. WARNER (for himself, Mr. WEBB, and Mr. MCCAIN):

S. Con. Res. 65. A concurrent resolution congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 25th and final deployment of the vessel; to the Committee on Armed Services.

## ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1709

At the request of Mr. CASEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1709, a bill to temporarily reduce interest rates for certain small business disaster loans, and for other purposes.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a

cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care and recognition of military working dogs, and for other purposes.

S. 3280

At the request of Mr. JOHANNIS, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3518

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3518, a bill to make it a principal negotiating objective of the United States in trade negotiations to eliminate government fisheries subsidies, and for other purposes.

S. 3623

At the request of Mr. REED, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 3623, a bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes.

S. 3635

At the request of Mr. COONS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3635, a bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

S. CON. RES. 62

At the request of Mr. BLUMENTHAL, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. Con. Res. 62, a concurrent resolution expressing the sense of the Congress that our current tax incentives for retirement savings provide important benefits to Americans to help plan for a financially secure retirement.

S. RES. 613

At the request of Mr. LIEBERMAN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Nevada (Mr. HELLER), the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. REED) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 613, a resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support to the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Res. 613, supra.

S. RES. 618

At the request of Mr. LEVIN, the names of the Senator from Indiana

(Mr. LUGAR), the Senator from Arizona (Mr. MCCAIN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

AMENDMENT NO. 3344

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of amendment No. 3344 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENT NO. 3349

At the request of Mr. WHITEHOUSE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 3349 intended to be proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENT NO. 3367

At the request of Mr. MERKLEY, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of amendment No. 3367 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

AMENDMENT NO. 3381

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 3381 intended to be proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mrs. GILLIBRAND and Mr. LAUTENBERG):

S. 3691. A bill to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. KERRY. Mr. President, today I am introducing the STRONG Act of 2012, or the Strengthening The Resilience of Our National on the Ground

Act. This legislation will build upon existing extreme weather resiliency efforts to provide State and local actors with the tools and information they need to help prepare, plan for, and more quickly recover from extreme weather events. Hurricane Sandy has shown us that extreme weather remains a major challenge for our Nation.

Recently, extreme weather events have battered the nation, resulting in record-high losses for 2011 and more broken records in 2012. In the past 30 years, there have been more than 130 extreme weather events in the United States that generated at least \$1 billion in devastating damages. Most recently, Hurricane Sandy resulted in more than 100 deaths, the evacuation of hundreds of thousands of people, power outages affecting more than 8.5 million homes, massive flooding, gasoline shortages, and a crippled regional energy and transportation infrastructure. Extreme weather ravaged every region of the United States this year, with drought conditions in more than 60 percent of the contiguous United States; deadly floods; destructive wildfires on more than nine million acres across 37 States; and deadly heat waves.

By building stronger communities, we can reduce the serious economic and human costs of extreme weather over the short and long term. For every \$1 spent now on disaster preparedness and resilience-building, we could avoid at least \$4 in future losses. We need to make our Nation stronger and more resilient against extreme weather or face an increasingly more expensive and deadly future.

The STRONG Act of 2012 will use existing Federal resources to help reduce future losses of life, property, and well-being. It will also help limit declines in regional economic growth due to disasters. Specifically, it directs the Federal Government to create a more comprehensive approach to planning for and supporting resiliency efforts due to extreme weather. The bill directs the White House Office of Science and Technology Policy to chair a high-level interagency working group to assess Federal agencies' activities related to extreme weather resilience across key sectors, such as agriculture, water management, infrastructure, public health, and national security. It develops a plan to better support State, local, and private and public sector resiliency efforts in the short and long-term, including establishing a public clearinghouse of information. The bill emphasizes State, local, and private sector involvement; a Federal advisory group composed of private and public representatives will play a key consultative role throughout the process, as will an advisory group composed of State, local, and tribal representatives. It also complements and builds upon recent activities by my colleagues and



the White House in the Federal response to the devastation of Hurricane Sandy.

I believe that by better understanding and planning, we can reduce the serious economic and human costs of extreme weather on our communities. The events of 2012 and years past have clearly demonstrated the need for better and more efficient governance before disaster strikes again.

A number of organizations are supportive of this bill, including the U.S. Conference of Mayors, the National Association of Counties, the National Emergency Management Association, the National Weather Association, and the American Planning Association.

I am pleased that Senators GILLIBRAND and LAUTENBERG are original cosponsors of this legislation. I look forward to building upon a strong foundation and improving our extreme weather resiliency efforts. It is our responsibility to protect our citizens and help minimize future loss and damage. I ask all Senators to support this legislation.

By Mr. LIEBERMAN (for himself, Mr. DURBIN, Mrs. MURRAY, and Mrs. BOXER):

S. 3696. A bill to provide for the admission of the State of New Columbia into the Union; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise to introduce the New Columbia Admissions Act that will create a 51st State from the populated portions of Washington, D.C., giving these more than 600,000 disenfranchised Americans the voice they deserve in our national government. The United States is the only democracy in the world that denies voting representation to the people who live in its capital city. It is long past time to end this unjust and embarrassing distinction.

I am not the only Senator who feels this way—Senators DURBIN, BOXER, and MURRAY join me in cosponsoring this bill today. My friend Senator Inouye had planned to cosponsor this bill as he was a strong supporter of the District's right to have congressional representation.

Under this bill, there would still be Federal district called Washington, D.C., which would be under the control of Congress as the Constitution mandates. But it would be a smaller area encompassing the White House, the Capitol, the Supreme Court and the National Mall, where few people actually live. The rest of the current District of Columbia—diverse business districts and residential neighborhoods that are home to more than half a million U.S. citizens—would become a new State.

This is completely in accord with the principles and mandates of the Constitution and our Founding Fathers. Indeed, I think it is worth remem-

bering why our Founding Fathers created a Federal district in the first place.

After the Revolutionary War, Philadelphia, PA, was the capital of the government formed by the Articles of Confederation. That Congress met in what we now know as Independence Hall in Philadelphia.

In 1783, a mob of Revolutionary War veterans besieged Independence Hall, demanding promised payments for their service during the war. Congress asked the governor of Pennsylvania, John Dickinson, to call out the militia to defend the capital, but he sided with the veterans and refused.

Congress had to flee to Princeton, NJ.

This failure of a state government to protect the national government became a major concern of the Constitutional Convention in 1787 and it was decided the Constitution must create a Federal district that could be controlled and protected by the new Federal government.

But Article One, Section Eight of the Constitution, which created the Federal district, did not order a particular location. It only said only that it may not exceed "10 miles square"—or 100 square miles.

The Residence Act of 1790 gave President Washington authority to pick the final site of the capital, and the site of the current Washington D.C. was chosen as a result of a compromise between Thomas Jefferson and Alexander Hamilton.

When John Adams moved into the White House in 1800, Washington, D.C. had a population of just 3,210 people—in a Nation of roughly 5 million. Even then the founders were concerned about voting rights for residents of the new capital. In the early days before the capital was fully established, its residents were allowed to vote in Maryland or Virginia. There were proposals to guarantee their suffrage going forward but unfortunately they did not get enacted amid the press to establish the new government. Certainly, though, it would have been unimaginable to the founders that a population of more than half a million in our capital city should be disenfranchised in the national legislature.

Yet that is the current reality. Now we are a Nation of more than 300 million and Washington, D.C. is a thriving community of 618,000 people. That's more people than Wyoming has and about the same as Vermont and North Dakota have, which, of course, have full representation in Congress. According to the U.S. Census, Washington, D.C. is growing faster than all 50 States. Demographers expect it will only get bigger in the years to come because much of that growth has been with young people who want to raise families in the District.

The District of Columbia already functions as a state in many respects—

indeed the Federal Government treats it as a State for purposes of most Federal programs.

More important, the residents of the District of Columbia have all the responsibilities of U.S. citizenship. They pay more Federal income tax per capita than residents of any state; D.C. residents and businesses send on average \$20 billion to the Federal treasury each year. D.C. residents must serve on Federal juries and male residents must register for Selective Service. More than 190,000 D.C. residents have served in the military in wartime and about 1,700 have died for our country in the wars of the last century alone. All this occurred while the District's residents were denied voting representation in Congress.

The current inequity has even been noted by international bodies, including the United Nations Human Rights Commission, as a possible violation of international human rights accords.

It is long past time to give these American citizens who have chosen Washington as their home full participation in our democracy. People who live in D.C. are, of course, as American as people who live throughout our country—teachers, firefighters, doctors, janitors, parents, children, veterans, retirees. Why do their contributions to our democracy—financial and otherwise—merit rights and representation any less than those of their fellow citizens in the 50 states?

In sum, nothing in the Constitution prevents Congress from ceding this territory to a new State. There will still be a Federal district under Congressional control and protected by Federal authorities.

The voters of this new state will have the same rights we give voters in every other State, including those seven small states with populations under 1 million. If the idea seems strange, remember that many also once could not imagine full voting rights for women or racial minorities. It is the nature of civil rights that the disenfranchised must fight to gain acceptance of rights that, in retrospect, seem morally compelled and beyond question. We must right this injustice toward the residents of the District just as Congress historically has righted other voting injustices that stretched back to the very founding of the Nation.

I will soon leave Congress after having had the great privilege of serving here for 24 years. Securing full voting rights for the 600,000 Americans who live in the District of Columbia is unfinished business, not just for me, but for the United States of America.



## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 625—RECOGNIZING THE JANUARY 12, 2013, OPENING OF THE UNITED STATES FREEDOM PAVILION: THE BOEING CENTER AT THE NATIONAL WORLD WAR II MUSEUM IN NEW ORLEANS, LOUISIANA, AND SUPPORTING PLANS FOR OTHER EDUCATIONAL PAVILIONS AND INITIATIVES

Ms. LANDRIEU (for herself and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

## S. RES. 625

Whereas historians Stephen E. Ambrose and Gordon H. "Nick" Mueller, among others, founded the National D-Day Museum on June 6, 2000;

Whereas section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) designated the National D-Day Museum as "America's National World War II Museum";

Whereas the National World War II Museum advances the mission of educating the public about the experience of the United States in World War II, covering all branches of the Armed Forces and the Merchant Marine, and documenting and highlighting activities on both the battlefield and home front;

Whereas the exhibits and programs of the National World War II Museum portray why the War occurred, how the War was won, and what the War means today, and celebrate the spirit of the United States and enduring values displayed during the War;

Whereas the National World War II Museum emphasizes the diverse nature of the war effort of the United States, reflecting the contributions of women, African-Americans, Japanese-Americans, Hispanic Americans, Native Americans, and other groups that have been neglected in many accounts of World War II;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans made amphibious invasions possible and carried United States soldiers ashore in every theatre and campaign during the War;

Whereas President Dwight D. Eisenhower, the former Supreme Commander of the Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries, as the "man who won the war for us," in a 1960s conversation with the preeminent historian Stephen E. Ambrose, leading Ambrose to initiate plans for the National World War II Museum;

Whereas the National D-Day Museum, now known as the "National World War II Museum", has made great strides in the development of the facilities, exhibits, and programs at the Museum;

Whereas the National World War II Museum, since the grand opening on June 6, 2000, which was the 56th anniversary of the D-Day invasion of Normandy, France, has attracted more than 3,000,000 visitors from across the United States and around the world, and has reached millions more through Internet-based and other distance learning programs;

Whereas World War II veterans and home front supporters, recognized as the "greatest

generation" because of the sacrifices of the veterans and home front supporters at a pivotal time in United States history, are passing away at a rapid rate, creating an urgent need to preserve the stories, and to pay tribute to the service of the veterans and home front supporters;

Whereas Congress recognizes the need to preserve forever the knowledge and history of the most decisive achievement of the United States during the 20th century and to portray that history to citizens, scholars, visitors, and school children for generations to come;

Whereas Congress appropriated funds in 1992 to authorize the design and construction of the National D-Day Museum to commemorate the epic 1944 Normandy invasion, and appropriated additional funds in 1998, 2000, 2001, 2002, 2003, and 2009 to help expand the Museum to cover the entire experience of the United States in World War II, and the transformational impact on the United States and the world;

Whereas the World War II Memorial on the National Mall in Washington, DC, will always be the symbolic memorial where people come to remember the sacrifices made during World War II;

Whereas the National World War II Museum in New Orleans will always be the educational institution where people come to learn about the monumental struggle by the United States against would-be oppressors, so that future generations can understand the role the United States played in the preservation and advancement of freedom in the middle of the 20th century;

Whereas the State of Louisiana and thousands of donors, including foundations, companies, and Museum members in every State, have contributed millions of dollars and other support to help build and advance the National World War II Museum, and hundreds of volunteers, many from the World War II era, have provided invaluable assistance to the Museum;

Whereas the Board of Trustees of the National World War II Museum, national in scope, and the Presidential Counselors advisory group, featuring leading historians and museum professionals, provide effective guidance and oversight for the National World War II Museum;

Whereas the National World War II Museum continues to add to and maintain 1 of the largest personal history collections in the United States, representing the experiences of the men and women who fought in World War II and served on the home front, with more than 7,000 videotaped, oral, and written accounts in the collection, and plans to digitize the collection to vastly improve public access;

Whereas the National World War II Museum is an official affiliate of the Smithsonian Institution, with a formal agreement to borrow Smithsonian artifacts for exhibits;

Whereas the National World War II Museum collaborates with other museums and memorials in the United States and around the world;

Whereas the National World War II Museum has added major facilities in recent years through donor support, including the Solomon Victory Theater complex, which features a 4-D theater, the Stage Door Canteen, a United Service Organization-styled entertainment venue, and the Kushner Restoration Pavilion, home to a major patrol torpedo boat restoration project;

Whereas the National World War II Museum will open the United States Freedom Pavilion: The Boeing Center in January 2013;

Whereas the Pavilion will feature aircraft such as the B-17 bomber and the P-51 fighter, the latter flown by the Tuskegee Airmen, and a submarine experience and exhibits honoring Medal of Honor recipients, government leaders who served in World War II, and industries that became known as the "Arsenal of Democracy"; and

Whereas other major pavilions and interactive exhibits are planned or under development as the Museum anticipates the completion of the campus by 2016, including the Campaigns of Courage: European and Pacific Theaters Pavilion, the Liberation Pavilion, and a Union Station train experience in the original Louisiana Memorial Pavilion: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and applauds the planned January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center, an iconic pavilion funded in part by the Federal Government and a major feature of the institution designated by section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) as "America's National World War II Museum";

(2) recognizes the generous assistance from private individuals, corporations, foundations, the Federal Government, the State of Louisiana, and other public entities committed to offering a lasting tribute to the achievements of the United States in World War II; and

(3) expresses support for the mission of the National World War II Museum as vital to the preservation of democratic values, to the understanding of United States history and founding principles, and to the education of future generations about the relevance of the War experience to the past and future greatness of the United States.

SENATE CONCURRENT RESOLUTION 65—CONGRATULATING THE NAVY AND THE CURRENT AND FORMER OFFICERS AND CREW OF THE U.S.S. ENTERPRISE (CVN 65) ON COMPLETION OF THE 25TH AND FINAL DEPLOYMENT OF THE VESSEL

Mr. WARNER (for himself, Mr. WEBB, and Mr. MCCAIN) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

## S. CON. RES. 65

Whereas on November 4, 2012, the U.S.S. Enterprise returned to her homeport of Norfolk, Virginia, after completing the 25th and final deployment of the vessel;

Whereas the U.S.S. Enterprise, the first nuclear powered aircraft carrier to serve the United States, is scheduled for inactivation in December 2012 after more than 51 years in active service to the Navy and the Nation;

Whereas the U.S.S. Enterprise is the 8th vessel to bear that name and justly and rightfully maintained the honor and tradition of those vessels that previously bore the name;

Whereas the U.S.S. Enterprise participated in the embargo of the island of Cuba ordered by President John Kennedy in the fall of 1962, helping to prevent an escalation of that crisis;

Whereas the U.S.S. Enterprise conducted multiple deployments in support of combat operations during the Vietnam War;

Whereas the U.S.S. Enterprise, upon receiving the news of the September 11, 2001,

attacks on the United States while returning home from a six-month deployment, immediately reversed course and was deployed in the Arabian Sea;

Whereas the U.S.S. Enterprise launched hundreds of air strikes into Afghanistan in support of Operation Enduring Freedom throughout October 2001 to destroy Taliban and al Qaeda targets;

Whereas the U.S.S. Enterprise deployed six times over the last 11 years to conduct combat operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

Whereas the U.S.S. Enterprise and the 10 Nimitz-class aircraft carriers of the Navy have proven the wisdom and value of nuclear powered aircraft carriers, which have played crucial roles across the range of military operations, from humanitarian assistance to combat operations, including operations in Iraq and Afghanistan since the beginnings of hostilities, providing, from the sea, unparalleled precision strike, close air support, and surveillance in support of ground combat operations: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) congratulates the Navy and the many crews of the U.S.S. Enterprise (CVN 65) on having provided the United States an incalculable service in international relations and engagement and in the prevention and winning of armed conflicts over the 51-year period of the service of the U.S.S. Enterprise;

(2) honors the service and memory of the 121 Sailors who made the ultimate sacrifice for their country while serving onboard U.S.S. Enterprise, including the 30 that were killed in action during the Vietnam War;

(3) honors the service of the 20 U.S.S. Enterprise Sailors who were held as Prisoners of War during the Vietnam War, the 3 who died in captivity, and the 5 that are still listed as missing-in-action; and

(4) congratulates the nearly 100,000 current and former Sailors who have served on the U.S.S. Enterprise and thanks them for the selfless sacrifice they made in service to the United States.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3382. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3383. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3384. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3385. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3386. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3387. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3388. Mrs. BOXER submitted an amendment intended to be proposed by her to the

bill H.R. 1, supra; which was ordered to lie on the table.

SA 3389. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3390. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3391. Mr. COATS (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3392. Mr. CARDIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3393. Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3394. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3395. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3396. Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3397. Mr. REID proposed an amendment to amendment SA 3396 proposed by Mr. REID to the amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3398. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3399. Mr. REID proposed an amendment to amendment SA 3398 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3400. Mr. REID proposed an amendment to the bill H.R. 1, supra.

SA 3401. Mr. REID proposed an amendment to amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3402. Mr. REID proposed an amendment to amendment SA 3401 proposed by Mr. REID to the amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, supra.

SA 3403. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3404. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3405. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

SA 3406. Mr. MERKLEY (for Mr. KOHL (for himself and Mr. LEE)) proposed an amendment to the bill H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

SA 3407. Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill S. 3202, to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3382.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FUTURE DISASTER RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated or otherwise made available by this Act may not be obligated or expended for any contract awarded after the date of the enactment of this Act in support of disaster recovery if such contract was awarded using other than competitive procedures as otherwise required by chapter 33 of title 41, United States Code, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) CURRENT NO-BID CONTRACTS.—

(1) REVIEW OF CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, Federal agencies shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(A) Whether opportunities exist to achieve cost savings under such contracts.

(B) Whether the requirements being met by such contracts can be met using a new or existing contract awarded through competitive procedures.

(2) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either subparagraph of that paragraph applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract, to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue of the use of the contract.

**SA 3383.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 17 through 20 and insert “Provided”.

**SA 3384.** Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, lines 21 and 22, strike “to remain available until expended: *Provided*,” and insert “to remain available until the earlier of the date on which such funds are expended or the date that is 2 years after the date of the enactment of this Act: *Provided*,”

That any funding provided under this heading that remains available for obligation or has been obligated but not yet spent as of the date that is 2 years after the date of the enactment of this Act shall be rescinded and returned to the Treasury for deficit reduction: *Provided further*, That none of the funds provided under this heading may be distributed until the National Railroad Passenger Corporation submits a detailed plan to Congress pertaining to each project or program that describes how such funds will be expended: *Provided further*, That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy: *Provided further*,”.

**SA 3385.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, line 21, strike the period and insert the following: “: *Provided further*, That the amounts made available under this heading may not be used to assist a building, a mobile home, or any personal property that is located in an area that has been identified by the Administrator of the Federal Emergency Management Agency as an area having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless, on the date on which the disaster to which the assistance relates occurred, the building, mobile home, or personal property was covered by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.”.

**SA 3386.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, strike line 19 and all that follows through page 33, line 16, and insert the following:

SEC. 605. In administering the funds made available to address any major disaster declared during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat,

sewage, mechanical, electrical, and plumbing), that were significantly damaged as a result of the major disaster, are subject to flood risk, and are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility.

**SA 3387.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, strike lines 17 through 20 and insert “*Provided further*, That any project that is under study by the Corps for reducing flooding and storm damage risks within the boundaries of the North Atlantic Division of the Corps that was affected by Hurricane Sandy and for which the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible is hereby authorized: *Provided*”.

**SA 3388.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike lines 9 through 14 and insert the following:

“(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may—

“(1) waive notice and comment rulemaking requirements under title 5, United States Code, if the Administrator determines that such action is necessary to expeditiously implement this section; and

“(2) carry out the alternative procedures under this section as a pilot program.”.

**SA 3389.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 3 through 10 and insert the following:

“(d) EXPEDITED PROCEDURES.—

“(1) IN GENERAL.—For the purpose of providing assistance under this section, the President shall ensure that—

“(A) adequate resources are devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

“(B) the shortest existing applicable process under the National Environmental Policy

Act and the National Historic Preservation Act shall be utilized.

“(2) AUTHORITY FOR OTHER EXPEDITED PROCEDURES.—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures.”.

**SA 3390.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 5, insert “, consistent with applicable law” after “process”.

On page 49, line 10, insert before the first period “, consistent with applicable law”.

**SA 3391.** Mr. COATS (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

That the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

#### SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

##### TITLE I

##### DEPARTMENT OF AGRICULTURE

##### DOMESTIC FOOD PROGRAMS

##### FOOD AND NUTRITION SERVICE

##### COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$6,000,000: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the “Act”), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended.

## TITLE II

## DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

## OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", \$32,000,000 to remain available until September 30, 2014, as follows—

(1) \$6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) \$5,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) \$20,800,000 for mapping, charting, damage assessment, and marine debris coordination and re-mediation;

*Provided*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", \$9,000,000, to remain available until September 30, 2015, to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy: *Provided*, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## SCIENCE

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATIONCONSTRUCTION AND ENVIRONMENTAL  
COMPLIANCE AND RESTORATION

For an additional amount for "Construction and Environmental Compliance and Restoration" for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, \$4,000,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## TITLE III

## DEPARTMENT OF DEFENSE

## DEPARTMENT OF DEFENSE—MILITARY

## OPERATION AND MAINTENANCE

## OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$5,370,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$40,015,000, to remain available until September 30, 2013, for necessary expenses related to the con-

sequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY  
NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## PROCUREMENT

## PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## REVOLVING AND MANAGEMENT FUNDS

## DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## TITLE IV

## DEPARTMENT OF DEFENSE CIVIL

## DEPARTMENT OF THE ARMY

## CORPS OF ENGINEERS—CIVIL

## OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", \$483,000,000, to remain available until September 30, 2014, to repair U.S. Army Corps of Engineers projects and dredge Federal navigation channels damaged by the impacts of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control

Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

## FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", \$340,000,000, to remain available until September 30, 2014, to support emergency operations, repairs and other activities in response Hurricane Sandy as authorized by law: *Provided*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

## TITLE V

## INDEPENDENT AGENCIES

## SMALL BUSINESS ADMINISTRATION

## SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$20,000,000, to remain available until September 30, 2014, for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy: *Provided*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses related to the consequences of Hurricane Sandy and other disasters, \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## DISASTER LOANS PROGRAM ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, \$500,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, \$100,000,000, to remain available until expended, of which \$90,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for

Salaries and Expenses: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

#### TITLE VI

#### DEPARTMENT OF HOMELAND SECURITY

##### U.S. CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,347,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

##### COAST GUARD

##### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Acquisition, Construction, and Improvements” for necessary expenses related to the consequences of Hurricane Sandy, \$143,899,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112-74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further*, That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

##### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### DISASTER RELIEF FUND

For an additional amount for the “Disaster Relief Fund” for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$5,379,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### SCIENCE AND TECHNOLOGY RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for “Research, Development, Acquisition, and Operations” for necessary expenses related to the consequences of Hurricane Sandy, \$3,249,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISION—THIS TITLE

Sec. 601. (a) Subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended—

(1) by inserting “(1)” after the subsection designation; and (2) by adding at the end the following new paragraph:

“(2) Notwithstanding paragraph (1)—

“(A) clause (2) of the first sentence of such paragraph shall be applied, through September 30, 2017, by substituting ‘\$25,725,000,000’ for ‘\$1,500,000,000’; and

“(B) effective upon the submission by the Administrator to the Congress of a plan for specific actions to be taken in connection with the flood insurance program under this title that will provide for the repayment of any amounts borrowed pursuant to this paragraph before the expiration of the 10-year period that begins upon the date of the enactment of this paragraph, a schedule for implementation of such actions, a schedule required under subsection (c) for such repayment, and a certification by the Administrator that the Administrator will adhere to such schedules, clause (2) of the first sentence of paragraph (1) shall be applied, through September 30, 2017, by substituting ‘\$30,425,000,000’ for ‘11,500,000,000’.”.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

#### TITLE VII

#### DEPARTMENT OF THE INTERIOR

##### FISH AND WILDLIFE SERVICE

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$64,000,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### NATIONAL PARK SERVICE

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, including the full scope of repairs to the Statue of Liberty and Ellis Island, \$190,000,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

##### OIL SPILL RESEARCH

For an additional amount for “Oil Spill Research” for necessary expenses related to the consequences of Hurricane Sandy, \$3,000,000, to remain available until September 30, 2014: *PROVIDED*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### ENVIRONMENTAL PROTECTION AGENCY

##### LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for “Leaking Underground Storage Tank Fund” for nec-

essary expenses related to the consequences of Hurricane Sandy, \$5,000,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251 (b) (2) (A) ( i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE VIII

#### DEPARTMENT OF LABOR

##### EMPLOYMENT AND TRAINING ADMINISTRATION

##### TRAINING AND EMPLOYMENT SERVICES

For an additional amount for “Employment and Training Administration Training and Employment Services”, \$50,000,000 for the dislocated workers assistance national reserve, which shall be available from the date of enactment of this Act though September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### ADMINISTRATION FOR CHILDREN AND FAMILIES SOCIAL SERVICES BLOCK GRANT

For an additional amount for “Social Services Block Grant”, \$350,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided*, That, notwithstanding section 2002 of the SSA, the distribution of such amount shall be limited to the States of New York and New Jersey: *Provided further*, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: *Provided further*, That the Secretary of Health and Human Services shall distribute such amount to the States of New York and New Jersey based on the number of registrants for Individual Assistance provided by the Federal Emergency Management Agency within the counties that received a Presidential major disaster declaration for the Federal Emergency Management Agency Individual Assistance related to Hurricane Sandy as of the date of enactment of this Act: *Provided further*, That in addition to other uses permitted by title XX of the SSA, funds appropriated in this paragraph may be used for health services (including mental health services), and costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *Provided further*, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy’s October 29, 2012 landfall subject to Federal review of documentation of the cost of services provided: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in subpart C of 45 CFR part 1309 shall apply: *Provided further*, That such amount is designated by the Congress as being for an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$85,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: *Provided*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall be available through September 30, 2014 for costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: *Provided further*, That none of the funds appropriated in this paragraph shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### OFFICE OF THE SECRETARY

#### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” for disaster response and recovery expenses related to Hurricane Sandy, \$122,000,000, of which \$100,000,000 is to remain available through September 30, 2014: *Provided*, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: *Provided further*, That obligations incurred for response activities for Hurricane Sandy prior to enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### RELATED AGENCIES

#### SOCIAL SECURITY ADMINISTRATION LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for “Limitation on Administrative Expenses”, \$2,000,000, for necessary expenses resulting from Hurricane Sandy: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### TITLE IX

#### DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, \$20,457,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENT OF VETERANS AFFAIRS VETERANS HEALTH ADMINISTRATION

##### MEDICAL SERVICES

For an additional amount for “Medical Services”, \$21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, \$6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENTAL ADMINISTRATION

#### INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for “Information Technology Systems”, \$500,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### CONSTRUCTION, MAJOR PROJECTS

For an additional amount for “Construction, Major Projects”, \$207,000,000 to remain available until September 30, 2017, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE X

#### DEPARTMENT OF TRANSPORTATION

#### FEDERAL HIGHWAY ADMINISTRATION

##### FEDERAL-AID HIGHWAYS

##### EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$444,300,000, to remain available until expended: *Provided*, That such amount is des-

ignated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### FEDERAL RAILROAD ADMINISTRATION

#### OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy, \$32,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### FEDERAL TRANSIT ADMINISTRATION

#### PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, \$3,400,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: *Provided further*, That, of the funds made available under this heading, \$6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### COMMUNITY PLANNING AND DEVELOPMENT

##### COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community Development Fund” for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), \$2,000,000,000, to remain available until expended: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *Provided further*, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: *Provided further*, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That the Secretary shall by notice specify



the criteria for approval of such plans within 45 days of enactment of this Act: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105-276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: *Provided further*, That a grantee may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: *Provided further*, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: *Provided further*, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided further*, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: *Provided further*, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of

any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: *Provided further*, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(1): *Provided further*, That of the funds made available under this heading, up to \$10,000,000 may be transferred to "Program Office Salaries and Expenses, Community Planning and Development" for technical assistance and administrative costs (including information technology costs), related solely to administering funds available, under this heading or funds made available under prior appropriations to the "Community Development Fund" for disaster relief, long-term recovery, or emergency expenses: *Provided further*, That, of the funds made available under this heading, \$10,000,000 shall be transferred to "Office of Inspector General": *Provided further*, That the amounts provided under this heading are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this chapter, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this chapter to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State or locality is selected to receive a grant award totaling \$1,000,000 or more is announced by either Department or a modal administration.

#### TITLE XI

##### GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this Act that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

This Act may be cited as the "Disaster Relief Appropriations Act, 2013".



**SA 3392.** Mr. CARDIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 8 and 9, strike “\$810,000,000, to remain available until expended,” and insert “\$820,000,000, to remain available until expended, of which \$10,000,000 shall be made available to the Administrator of the Environmental Protection Agency to provide State grants for wetland restoration in areas affected by Hurricane Sandy, with the grants funds to be used to support flood mitigation and adaptation to changing hydrological conditions,”.

**SA 3393.** Mr. CARDIN (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 501.

**SA 3394.** Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) As used in this section—

(1) the term “applicant” means an entity that is eligible to apply for assistance under a State public assistance grant under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the rules issued under that Act, as a result of the major disaster declaration of June 17, 2011 (44032 Federal Register (July 22, 2011)); and

(2) the terms “FEMA” and “Administrator” mean the Federal Emergency Management Agency and the Administrator thereof, respectively.

(b) FEMA shall obligate such Federal funds as are necessary, not later than 30 days after the date of submission of one or more Project Worksheets by an applicant, for engineering services related to the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the applicant on or after April 3, 2011.

(c) FEMA shall make final payment of the Federal share of projects submitted on Project Worksheets by applicants, other than the Worksheets identified in subsection (b), as soon as practicable after the date of enactment of this Act.

(d) Nothing in this section circumvents requirements to determine eligibility for funding under Part 206 of title 44, Code of Federal

Regulations, as in effect on the date of enactment of this Act.

**SA 3395.** Mr. REID proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause, and insert in lieu thereof:

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:

#### SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE

##### TITLE I

##### DEPARTMENT OF AGRICULTURE

##### AGRICULTURAL PROGRAMS

##### FARM SERVICE AGENCY

##### EMERGENCY CONSERVATION PROGRAM

For necessary expenses for the “Emergency Conservation Program”, \$25,090,000, to remain available until expended, of which \$15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### EMERGENCY FOREST RESTORATION PROGRAM

For necessary expenses for the “Emergency Forest Restoration Program”, \$58,855,000, to remain available until expended, of which \$49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### CONSERVATION PROGRAMS

##### NATURAL RESOURCES CONSERVATION SERVICE

##### EMERGENCY WATERSHED PROTECTION PROGRAM

For necessary expenses for the “Emergency Watershed Protection Program”, \$125,055,000, to remain available until expended, of which \$77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): *Provided*, That unobligated balances for the “Emergency Watershed Protection Program” provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters, and shall remain available until expended: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### DOMESTIC FOOD PROGRAMS

##### FOOD AND NUTRITION SERVICE

##### COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$15,000,000, to

remain available through September 30, 2014: *Provided*, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the “Act”), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

##### TITLE II

##### DEPARTMENT OF COMMERCE

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities”, \$373,000,000 to remain available until September 30, 2014, as follows—

(1) \$6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) \$10,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) \$150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;

(4) \$56,800,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and

(5) \$150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012:

*Provided*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction”, \$109,000,000, to remain available until September 30, 2015, as follows—

(1) \$47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;

(2) \$9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;

(3) \$44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and

(4) \$8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure:

*Provided*, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF JUSTICE  
GENERAL ADMINISTRATION  
OFFICE OF INSPECTOR GENERAL

For an additional amount for “General Administration, Office of Inspector General” for necessary expenses related to the consequences of Hurricane Sandy, \$20,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL BUREAU OF INVESTIGATION  
SALARIES AND EXPENSES

For an additional amount for “Federal Bureau of Investigation, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$4,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG ENFORCEMENT ADMINISTRATION  
SALARIES AND EXPENSES

For an additional amount for “Drug Enforcement Administration, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$230,000, to remain available until September 30, 2013: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL PRISON SYSTEM  
BUILDINGS AND FACILITIES

For an additional amount for “Federal Prison System, Buildings and Facilities” for necessary expenses related to the consequences of Hurricane Sandy, \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SCIENCE

NATIONAL AERONAUTICS AND SPACE  
ADMINISTRATION

CONSTRUCTION AND ENVIRONMENTAL  
COMPLIANCE AND RESTORATION

For an additional amount for “Construction and Environmental Compliance and Restoration” for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, \$15,000,000, to remain available until September 30, 2018: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCIES  
LEGAL SERVICES CORPORATION  
PAYMENT TO THE LEGAL SERVICES  
CORPORATION

For an additional amount for “Legal Services Corporation, Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: *Provided*, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104-134 (referenced by Public Law 105-119) shall not apply to the amount made available under this heading.

TITLE III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY  
OPERATION AND MAINTENANCE  
OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$5,370,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$8,500,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY  
NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”,

\$3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL  
GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL  
DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS—CIVIL  
INVESTIGATIONS

For an additional amount for “Investigations” to expedite studies of flood and storm damage reduction related natural disasters, \$50,000,000 at full Federal expense, to remain available until expended: *Provided*, That using \$34,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricanes Sandy and Isaac in the North Atlantic and Mississippi Valley Divisions of the U.S. Army Corps of Engineers: *Provided further*, That using up to \$15,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: *Provided further*, That using \$500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the performance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: *Provided further*, That as a part of the study, the Secretary

shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Construction” to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, \$3,461,000,000, to remain available until expended: *Provided*, That \$2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events that occurred in 2012 along the Gulf Coast and Atlantic Coast within the boundaries of the North Atlantic and Mississippi Valley Divisions of the Corps that were affected by Hurricanes Sandy and Isaac: *Provided further*, That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable reduction to flooding and storm damage risks: *Provided further*, That any project that is under study by the Corps for reducing flooding and storm damage risks and that the Corps studies demonstrate will cost-effectively reduce those risks is hereby authorized: *Provided further*, That local interests shall provide all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: *Provided further*, That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs: *Provided further*, That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: *Provided further*, That the Secretary may transfer up to \$499,000,000 of the funds provided under this heading to other U.S. Army Corps of Engineers Accounts to address damages from previous natural disasters following normal policies and cost sharing: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any such transfer: *Provided further*, That up to \$51,000,000 of the funds provided under this heading shall be used to expedite con-

tinuing authorities projects along the coastal areas in States impacted by Hurricane Sandy within the boundaries of the North Atlantic Division: *Provided further*, That \$9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

#### OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance”, \$821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to Corps projects nationwide related to natural disasters: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, \$1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities in response to flood, hurricanes or other natural disasters as authorized by law: *Provided*, That \$430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design profiles of the authorized projects: *Provided further*, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: *Provided further*, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### EXPENSES

For an additional amount for “Expenses” for increased efforts to oversee emergency response and recovery activities related to natural disasters, \$10,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### TITLE V

#### INDEPENDENT AGENCIES

##### GENERAL SERVICES ADMINISTRATION

##### REAL PROPERTY ACTIVITIES

##### FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the “Federal Buildings Fund”, \$7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### SMALL BUSINESS ADMINISTRATION

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$40,000,000, to remain available until September 30, 2014, of which \$20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy; and of which \$20,000,000 is for grants or cooperative agreements for public-private partnerships to provide long-term economic development assistance to industries and/or regions affected by Hurricane Sandy through economic development initiatives, including innovation clusters, industry accelerators, supply-chain support, commercialization, and workforce development: *Provided*, That the Small Business Administration (SBA) shall expedite the delivery of assistance in disaster-affected areas by awarding grants or cooperative agreements for technical assistance only to current recipients of SBA grants or cooperative agreements using a streamlined application process that relies, to the maximum extent practicable, upon previously submitted documentation: *Provided further*, That the Administrator of the Small Business Administration shall waive the matching requirements under section 21(a)(4)(A) and 29(c) of the Small Business Act for any grant made using funds made available under this heading: *Provided further*, That in designing appropriate economic development initiatives and identifying those regions and industries most affected by Hurricane Sandy, the SBA shall work with other Federal agencies, State and local economic development entities, institutions of higher learning, and private sector partners: *Provided further*, That grants or cooperative agreements for public-private partnerships may be awarded to public or private nonprofit organizations, or any

combination thereof: *Provided further*, That no later than 30 days after the date of enactment of this Act, or no less than 7 days prior to obligation of funds, whichever occurs earlier, the SBA shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General” for necessary expenses related to the consequences of Hurricane Sandy and other disasters, \$5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DISASTER LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, \$500,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, \$260,000,000, to remain available until expended, of which \$250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “\$2,000,000” and inserting “\$5,000,000”.

SEC. 502. Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after “which are made under paragraph (1) of subsection (b)” the following: “: *Provided further*, That the Administrator, in obtaining the best available collateral for a loan of not more than \$200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: *Provided further*, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards

used to evaluate the quality (rather than the type) of such collateral”.

#### TITLE VI

#### DEPARTMENT OF HOMELAND SECURITY U.S. CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,667,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

#### U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$855,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

#### COAST GUARD

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Acquisition, Construction, and Improvements” for necessary expenses related to the consequences of Hurricane Sandy, \$274,233,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112-74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: *Provided further*, That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

#### UNITED STATES SECRET SERVICE

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$300,000: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

#### FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF FUND

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Disaster Relief Fund” in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$11,487,735,000, to remain available until expended: *Provided*, That of the total amount provided, \$5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That the amount in the previous proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That of the total amount provided, \$6,108,735,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That of the total amount provided, \$3,000,000 shall be transferred to the Department of Homeland Security “Office of Inspector General” for audits and investigations related to disasters.

#### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, \$300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to \$4,000,000 is for administrative expenses to carry out the direct loan program: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$400,000,000: *Provided further*, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### SCIENCE AND TECHNOLOGY

#### RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for “Research, Development, Acquisition, and Operations” for necessary expenses related to the consequences of Hurricane Sandy, \$3,249,000, to remain available until September 30, 2017: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DOMESTIC NUCLEAR DETECTION OFFICE

##### SYSTEMS ACQUISITION

For an additional amount for “Systems Acquisition” for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection equipment, \$3,869,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a))

is amended by striking “\$20,725,000,000” and inserting “\$30,425,000,000”.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

**SEC. 602.** The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater weight to the factors considered under section 206.48(b)(3) of title 44, Code of Federal Regulations, to accurately measure the acute needs of a population following a disaster in order to expedite a declaration of Individual Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

**SEC. 603.** For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs required to comply with a State’s Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

**SEC. 604.** Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency may recommend to the President an increase in the Federal cost share of the eligible cost of permanent work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for damages resulting from Hurricane Sandy without delay.

**SEC. 605.** In administering the funds made available to address any major disaster declared during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing), that were significantly damaged as a result of the major disaster, are subject to flood risk, and are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility.

#### LEVEES

**SEC. 606.** (a) **DEFINITIONS.**—In this section—  
(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “covered hazard mitigation land” means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) **AUTHORITY.**—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices and would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the Federal Government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) **MAINTENANCE CERTIFICATION.**—

(1) **IN GENERAL.**—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) **REVIEW.**—The Chief of Engineers shall review a certification submitted under para-

graph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

**SEC. 607.** The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncanceled or partially canceled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109-88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234), as amended by section 4502 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including additional disaster-related expenses of a municipal character. In calculating a community’s revenues while determining cancellation, the Administrator shall exclude revenues for special districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes more limited than the scope allowed by the General Fund. In calculating a community’s expenses, the Administrator shall include disaster-related capital expenses for which the community has not been reimbursed by Federal or insurance proceeds, debt service expenses, and accrued but unpaid uncompensated absences (vacation and sick pay). In calculating the operating deficit of the local government, the Administrator shall also consider all interfund transfers. When considering the period following the disaster, the Administrator may consider a period of 3, 5, or 7 full fiscal years after the disaster, beginning on the date of the declaration, in determining eligibility for cancellation. The criteria for cancellation do not apply to those loans already cancelled in full. Applicants shall submit supplemental documentation in support of their applications for cancellation on or before April 30, 2014, and the Administrator shall issue determinations and resolve any appeals on or before April 30, 2015. Loans not cancelled in full shall be repaid not later than September 30, 2035. The Administrator may use funds provided under Public Law 109-88 to reimburse those communities that have repaid all or a portion of loans, including interest, provided as Special Community Disaster Loans under Public Law 109-88 or Public Law 109-234, as amended by section 4502 of Public Law 110-28. Further, the Administrator may use funds provided under Public Law 109-88 for necessary expenses to carry out this provision: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SEC. 608.** The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds \$10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR-1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency determination on the application for assistance: *Provided*, That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal

Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant's claim: *Provided further*, That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111-5 not later than 15 days after the date of issuance of the Inspector General's finding in the previous proviso: *Provided further*, That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

#### DISASTER RECOVERY

SEC. 609. (a) **SHORT TITLE.**—This section may be cited as the "Disaster Recovery Act of 2012".

(b) **HAZARD MITIGATION.**—

(1) **IN GENERAL.**—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

(d) **EXPEDITED PROCEDURES.**—

"(1) **IN GENERAL.**—For the purpose of providing assistance under this section, the President shall ensure that—

"(A) adequate resources are devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

"(B) the shortest existing applicable process under the National Environmental Policy Act and the National Historic Preservation Act shall be utilized.

"(2) **AUTHORITY FOR OTHER EXPEDITED PROCEDURES.**—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures.

"(e) **ADVANCE ASSISTANCE.**—The President may provide not more than 25 percent of the amount of the estimated cost of hazard mitigation measures to a State grantee eligible for a grant under this section before eligible costs are incurred."

(2) **ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.**—Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting "Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rulemaking if the Administrator determines doing so is necessary to expeditiously implement this section and may carry out the alternative procedures under this section as a pilot program" after "applications submitted under paragraph (1)".

(3) **APPLICABILITY.**—The authority under the amendments made by this subsection shall apply for—

(A) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(B) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

(c) **PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.**—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers, as added by section 607 of the SAFE Port Act (Public Law 109-347; 120 Stat. 1941) as section 427; and

(2) by adding at the end the following:

#### "SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.

"(a) **IN GENERAL.**—The Administrator of the Federal Emergency Management Agency may approve projects under the alternative procedures adopted under this section for—

"(1) any major disaster or emergency declared on or after the date of enactment of this section; and

"(2) any project relating to a major disaster or emergency declared before the date of enactment of this section for which construction has not begun on the date of enactment of this section.

"(b) **ADOPTION.**—The Administrator, in coordination with States, tribal, and local governments, and owners or operators of private nonprofit facilities, may adopt alternative procedures to administer assistance provided under sections 403(a)(3)(A), 406, 407, and 502(a)(5).

"(c) **GOALS.**—Any procedures adopted under subsection (b) shall further the goals of—

"(1) reducing the costs to the Federal Government of providing such assistance;

"(2) increasing flexibility in the administration of such assistance;

"(3) expediting the provision of such assistance to States, tribal, and local governments and to owners or operators of private nonprofit facilities; and

"(4) providing financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private nonprofit facility for the timely and cost-effective completion of projects with such assistance.

"(d) **VOLUNTARY PARTICIPATION.**—Participation in alternative procedures adopted under this section shall be at the election of a State, tribal, or local government, or owner or operator of a private nonprofit facility consistent with procedures determined by the Administrator.

"(e) **REQUIREMENTS FOR PROCEDURES.**—The alternative procedures adopted under subsection (b) shall include—

"(1) for repair, restoration, and replacement of damaged facilities under section 406—

"(A) making grants on the basis of fixed estimates, if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible for any actual costs that exceed the estimate;

"(B) providing an option for a State, tribal, or local government, or owner or operator of a private nonprofit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of—

"(i) the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government or the owner or operator of a private nonprofit facility; and

"(ii) management expenses;

"(C) consolidating, to the extent determined appropriate by the Administrator, the

facilities of a State, tribal, or local government, or owner or operator of a private nonprofit facility as a single project based upon the estimates adopted under the procedures;

"(D) if the actual costs of a project completed under the procedures are less than the estimated costs thereof, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for purposes of—

"(i) cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster; and

"(ii) other activities to improve future Public Assistance operations or planning;

"(E) in determining eligible cost under section 406, the Administrator shall make available, at an applicant's request and where the Federal Emergency Management Agency or the certified cost estimate prepared by the applicant's professionally licensed engineers has estimated an eligible Federal share for a project of not less than \$5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section;

"(F) in determining eligible cost under section 406, the Administrator shall, at the applicant's request, consider properly conducted and certified cost estimates prepared by professionally licensed engineers (mutually agreed upon by the Administrator and the applicant), to the extent that such estimates comply with applicable regulation, policy, and guidance; and

"(2) for debris removal under sections 403(a)(3)(A), 407, and 502(a)(5)—

"(A) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

"(B) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

"(C) allowing use of program income from recycled debris without offset to the grant amount;

"(D) reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private nonprofit facility performing or administering debris and wreckage removal;

"(E) providing incentives to State, tribal, and local governments to have a debris management plan approved by the Federal Emergency Management Agency and have prequalified one or more debris and wreckage removal contractors before the date of declaration of the major disaster; and

"(F) if the actual costs of projects under subparagraph (A) are less than the estimated costs of the project, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

"(i) debris management planning;

"(ii) acquisition of debris management equipment for current or future use; and

"(iii) other activities to improve future debris removal operations, as determined by the Administrator.

"(f) **WAIVER AUTHORITY.**—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may waive notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section, and may carry out the



alternative procedures under this section as a pilot program.

“(g) REIMBURSEMENT.—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”.

(d) SIMPLIFIED PROCEDURES.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is amended—

(1) by striking “If the Federal estimate” and inserting the following:

“(a) IN GENERAL.—If the Federal estimate”;

(2) by inserting “or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b)” after “\$35,000” the first place it appears;

(3) by inserting “or, if applicable, the amount established under subsection (b),” after “\$35,000 amount”; and

(4) by adding at the end the following:

“(b) THRESHOLD.—

“(1) REPORT.—Not later than 1 year after the date of enactment of the Disaster Recovery Act of 2012, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the ‘Administrator’), shall—

“(A) complete an analysis to determine whether an increase in the threshold for eligibility under subsection (a) is appropriate, which shall include consideration of cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures; and

“(B) submit to the appropriate committees of the Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) a report regarding the analysis conducted under subparagraph (A).

“(2) AMOUNT.—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

“(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5, United States Code; and

“(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

“(3) REVIEW.—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.”.

(e) ESSENTIAL ASSISTANCE.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

“(d) SALARIES AND BENEFITS.—

“(1) IN GENERAL.—The President may reimburse a State, tribal, or local government for costs relating to pay and benefits (including overtime and hazardous duty pay) for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, provided such work is not typically performed by such employees and the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals.

“(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall

assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”.

(f) UNIFIED FEDERAL REVIEW.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (c), is amended by adding at the end the following:

“SEC. 429. UNIFIED FEDERAL REVIEW.

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Disaster Recovery Act of 2012, and in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.

“(b) CONTENTS.—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster, and shall be updated as appropriate, consistent with applicable law.”.

(g) DISPUTE RESOLUTION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(B) the term “eligible assistance” means assistance—

(i) under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173);

(ii) for which the legitimate amount in dispute is not less than \$1,000,000, which the Administrator shall adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor; and

(iii) for which the applicant has a non-Federal share.

(2) PROCEDURES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in order to facilitate an efficient recovery from major disasters, the Administrator shall establish procedures under which an applicant may request the use of alternative dispute resolution, including arbitration by an independent review panel, to resolve disputes relating to eligible assistance.

(B) BINDING EFFECT.—A decision by an independent review panel under this subsection shall be binding upon the parties to the dispute.

(C) CONSIDERATIONS.—The procedures established under this subsection shall—

(i) allow a party of a dispute relating to eligible assistance to request an independent review panel for the review;

(ii) require a party requesting an independent review panel as described in clause (i) to agree to forego rights to any further appeal of the dispute relating to any eligible assistance;

(iii) require that the sponsor of an independent review panel for any alternative dispute resolution under this subsection shall be—

(I) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a re-employed annuitant who was an employee of the Federal Government) selected by the Administrator; and

(II) responsible for identifying and maintaining an adequate number of independent

experts qualified to review and resolve disputes under this subsection;

(iv) require an independent review panel to—

(I) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Federal Emergency Management Agency interpretations of those laws through its published policies and guidance;

(II) consider only evidence contained in the administrative record, as it existed at the time at which the Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; and

(IV) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous;

(v) require an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection; and

(vi) direct that if an independent review panel for any alternative dispute resolution under this subsection determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs of the Federal Emergency Management Agency relating to the review by the independent review panel.

(D) FUNDS RECEIVED.—Any funds received by the Federal Emergency Management Agency under the authority under this subsection shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(3) SUNSET.—A request for review by an independent review panel under this subsection may not be made after December 31, 2015.

(4) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the termination of authority under this subsection pursuant to paragraph (3), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report analyzing the effectiveness of the program under this subsection.

(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

(i) a determination of the availability of data required to complete the report;

(ii) an assessment of the effectiveness of the program under this subsection, including an assessment of whether the program expedited or delayed the disaster recovery process;

(iii) an assessment of whether the program increased or decreased costs to administer section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(iv) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(v) a recommendation as to whether any aspect of the program under this subsection should be made a permanent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in



order to improve the disaster recovery process.

(h) **INDIVIDUAL ASSISTANCE FACTORS.**—In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that contribute to trauma), to measure the severity, magnitude, and impact of a disaster.

(i) **CHILD CARE.**—Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

(1) in the paragraph heading, by inserting “CHILD CARE,” after “DENTAL,”; and

(2) by inserting “child care,” after “dental,”.

(j) **TEMPORARY HOUSING.**—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(2) by inserting after clause (i) the following:

“(ii) **LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.**—

“(I) **IN GENERAL.**—The President, to the extent it would be a cost effective alternative to other temporary housing options, may—

“(aa) enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

“(bb) make repairs or improvement to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

“(II) **IMPROVEMENTS OR REPAIRS.**—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement; and may not exceed the value of the lease agreement.

“(III) **PERIOD OF ASSISTANCE.**—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.”; and

(3) in clause (iv), as so redesignated, by striking “clause (ii)” and inserting “clause (iii)”.

(k) **TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.**—

(1) **MAJOR DISASTER REQUESTS.**—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(A) by striking “All requests for a declaration” and inserting “(a) **IN GENERAL.**—All requests for a declaration”; and

(B) by adding at the end the following:

“(b) **INDIAN TRIBAL GOVERNMENT REQUESTS.**—

“(1) **IN GENERAL.**—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) **SAVINGS PROVISION.**—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

“(c) **COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.**—

“(1) **IN GENERAL.**—In providing assistance to an Indian tribal government under this Act, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

“(A) the President has the authority to waive or adjust the payment under another provision of this Act; and

“(B) the President determines that the waiver or adjustment is necessary and appropriate.

“(2) **CRITERIA FOR MAKING DETERMINATIONS.**—The President shall establish criteria for making determinations under paragraph (1)(B).”.

(2) **EMERGENCY REQUESTS.**—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

“(c) **INDIAN TRIBAL GOVERNMENT REQUESTS.**—

“(1) **IN GENERAL.**—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) **SAVINGS PROVISION.**—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.”.

(3) **DEFINITIONS.**—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(A) in paragraph (7)(B) by striking “; and” and inserting “, that is not an Indian tribal government as defined in paragraph (6); and”; and

(B) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (5) the following:

“(6) **INDIAN TRIBAL GOVERNMENT.**—The term ‘Indian tribal government’ means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.)”; and

(D) by adding at the end the following:

“(12) **CHIEF EXECUTIVE.**—The term ‘Chief Executive’ means the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government.”.

(4) **REFERENCES.**—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after section 102 the following: “**SEC. 103. REFERENCES.**

“Except as otherwise specifically provided, any reference in this Act to ‘State and local’, ‘State or local’, ‘State, and local’, ‘State, or local’, or ‘State, local’ (including the plural form of such terms) with respect to governments or officials and any reference to a ‘local government’ in sections 406(d)(3) and 417 shall be deemed to refer also to Indian tribal governments and officials, as appropriate.”.

(5) **REGULATIONS.**—

(A) **ISSUANCE.**—The President shall issue regulations to carry out the amendments made by this subsection.

(B) **FACTORS.**—In issuing regulations under this paragraph, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

(1) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Chair of the Hurricane Sandy Rebuilding Task Force established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of the Treasury, and others whom the Chair determines to be appropriate, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a discussion of—

(1) the impacts of Hurricane Sandy on local government budgets in States where a major disaster has been declared, including revenues from taxes, fees, and other sources, and expenses related to operations, debt obligations, and unreimbursed disaster-related costs;

(2) the availability of loans from private sources to address such impacts, including information on interest rates, repayment terms, securitization requirements, and the ability of affected local governments to qualify for such loans;

(3) the availability of Federal resources to address the budgetary impacts of Hurricane Sandy upon local governments;

(4) the ability of the Community Disaster Loan program authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to effectively and expeditiously address budgetary impacts of Hurricane Sandy and other disasters upon local governments, including—

(A) an assessment of the current statutory limits on loan amounts;

(B) the regulations, policies, and procedures governing program mobilization to communities in need and expeditious processing of loan applications;

(C) information on interest rates, repayment terms, securitization requirements, and ability of affected local governments to qualify for such loans;

(D) criteria governing the cancellation of such loans, including appropriate classification of available revenues and eligible expenses, and the consistency of program rules with customary local government budgetary practices and State or local laws that affect the specific budgetary practices of local governments affected by Hurricane Sandy and other disasters;

(E) repayment terms and timeframes on loans that do not qualify for cancellation;

(F) options for Congressional consideration related to legislative modifications of this program, and any other applicable provisions of Federal law, in order to address the budgetary impacts of Hurricane Sandy and other disasters upon local governments; and

(G) recommendations on steps the Federal Emergency Management Agency may take in order to improve program administration, effectiveness, communications, and speed; and

(5) potential consequences of Federal action or inaction to address the budgetary impacts of Hurricane Sandy upon local governments.

(m) **APPLICABILITY.**—Unless otherwise specified, this section and the amendments made by this section shall apply for—

(1) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(2) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

## TITLE VII

### DEPARTMENT OF THE INTERIOR

#### FISH AND WILDLIFE SERVICE

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$78,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### NATIONAL PARK SERVICE

##### HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$50,000,000, to remain available until September 30, 2015, including costs to states necessary to complete compliance activities required by section 106 of the National Historic Preservation Act and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to pre-

pare for, respond to, and recover from Hurricane Sandy, \$348,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

##### OIL SPILL RESEARCH

For an additional amount for “Oil Spill Research” for necessary expenses related to the consequences of Hurricane Sandy, \$3,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENTAL OPERATIONS

##### OFFICE OF THE SECRETARY

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Departmental Operations” and any Department of the Interior component bureau or office for necessary expenses related to the consequences of Hurricane Sandy and for other activities related to storms and natural disasters, \$150,000,000, to remain available until expended: *Provided*, That funds appropriated herein shall be used to restore and rebuild parks, refuges, and other public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand future storms and reduce the amount of damage caused by such storms; protect natural and cultural values; and assist State, tribal and local governments: *Provided further*, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expenditure, grants, or cooperative agreements, including grants to or cooperative agreements with States, Tribes, and municipalities, to carry out the purposes provided herein: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for the amounts provided herein within 60 days of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for “Environmental Programs and Management” for necessary expenses related to the consequences of Hurricane Sandy, \$725,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for “Leaking Underground Storage Tank Fund” for nec-

essary expenses related to the consequences of Hurricane Sandy, \$5,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for “State and Tribal Assistance Grants”, \$810,000,000, to remain available until expended, of which \$700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act, and of which \$110,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for Hurricane Sandy: *Provided further*, That no eligible state shall receive less than two percent of such funds: *Provided further*, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further*, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the funds appropriated herein shall only be used for eligible projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That notwithstanding the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available for the purchase of land and easements necessary for the siting of eligible treatment works projects: *Provided further*, That the Administrator may retain up to \$1,000,000 of the funds appropriated herein for management and oversight of the requirements of this section: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RELATED AGENCIES

#### DEPARTMENT OF AGRICULTURE

##### FOREST SERVICE

##### CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricane Sandy, \$4,400,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER RELATED AGENCY  
SMITHSONIAN INSTITUTION  
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE VIII

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Training and Employment Services”, \$50,000,000, for the dislocated workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of enactment of this Act through September 30, 2013: *Provided*, That the Secretary of Labor may transfer up to \$3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
SOCIAL SERVICES BLOCK GRANT

For an additional amount for “Social Services Block Grant”, \$500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: *Provided*, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: *Provided further*, That section 2002(c) of the Social Security Act shall be applied to funds appropriated in this paragraph by substituting succeeding 2 fiscal years for succeeding fiscal year: *Provided further*, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: *Provided further*, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for health services (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: *Provided further*, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following costs, subject to guidelines established by the Secretary, for health care providers (as defined by the Secretary): (a) payments to compensate employees of health care providers for wages lost as a di-

rect result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged as a direct result of Hurricane Sandy: *Provided further*, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy’s October 29, 2012, landfall, subject to Federal review of documentation of the cost of services provided: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or insurance: *Provided further*, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in Subpart C of 45 CFR Part 1309 shall apply: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$100,000,000, for making payments under the Head Start Act in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: *Provided*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) or the matching requirements of section 640(b) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall be available through September 30, 2014 for activities to assist affected Head Start agencies, including technical assistance, costs of Head Start services (including supportive services for children and families, and provision of mental health services for children affected by Hurricane Sandy), and costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: *Provided further*, That none of the funds appropriated in this paragraph shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: *Provided further*, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” for disaster response and recovery, and other expenses related to Hurricane Sandy, and for other disaster-response activities, \$200,000,000, to remain available until expended: *Provided*, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: *Provided further*, That

obligations incurred for response activities for Hurricane Sandy prior to the enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: *Provided further*, That funds appropriated under this paragraph shall not be available for costs that are eligible for reimbursement by the Federal Emergency Management Agency or are covered by insurance: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RELATED AGENCY

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for “Limitation on Administrative Expenses”, \$2,000,000, for necessary expenses resulting from Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IX

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, \$24,200,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for “Medical Services”, \$21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, \$6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for “National Cemetery Administration”, \$1,100,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION  
INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", \$500,000, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", \$207,000,000 to remain available until expended, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Facilities and equipment", \$30,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$921,000,000, to remain available until expended: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD  
PASSENGER CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy and to advance capital projects that address Northeast Corridor infrastructure recovery, mitigation and resiliency in the affected areas, \$336,000,000, to remain available until expended: *Provided*, That the Administrator of the Federal Railroad Administration may retain up to one-half of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION  
PUBLIC TRANSPORTATION EMERGENCY RELIEF  
PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, \$10,783,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That, of the funds provided under this heading, the Secretary may transfer up to \$5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, in order to carry out mitigation projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 15 days in advance of any such transfer: *Provided further*, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: *Provided further*, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: *Provided further*, That, of the funds made available under this heading, \$6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: *Provided further*, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for the "Community Development Fund" for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), \$17,000,000,000, to remain available until expended, of which at least \$2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: *Provided*, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: *Provided further*, That, of the amount provided under this heading, \$500,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: *Provided further*, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enact-

ment of this Act based on the best available data: *Provided further*, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: *Provided further*, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: *Provided further*, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105-276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: *Provided further*, That a grantee may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: *Provided further*, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: *Provided further*, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, non-discrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided further*, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: *Provided further*, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42

U.S.C. 4321 et seq.): *Provided further*, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: *Provided further*, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: *Provided further*, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(l): *Provided further*, That of the funds made available under this heading, up to \$10,000,000 may be transferred to "Program Office Salaries and Expenses, Community Planning and Development" for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the "Community Development Fund" for disaster relief, long-term recovery, or emergency expenses: *Provided further*, That, of the funds made available under this heading, \$10,000,000 shall be transferred to "Office of Inspector General": *Provided further*, That the amounts provided under this heading are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this title, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State or lo-

cality is selected to receive a grant award totaling \$1,000,000 or more is announced by either Department or a modal administration.

#### TITLE XI

##### GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this title that involve repairing, rebuilding, or restoring infrastructure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and main-

tain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

This Act may be cited as the "Disaster Relief Appropriations Act, 2013".

**SA 3396.** Mr. REID proposed an amendment to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end, add the following new section:

#### Sec.

This Act shall become effective 7 days after enactment.

**SA 3397.** Mr. REID proposed an amendment to amendment SA 3396 proposed by Mr. REID to the amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

In the amendment, strike "7 days" and insert "6 days".

**SA 3398.** Mr. REID proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end, add the following new section:

#### Sec.

This Act shall become effective 5 days after enactment.

**SA 3399.** Mr. REID proposed an amendment to amendment SA 3398 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

In the amendment, strike "5 days" and insert "4 days".

**SA 3400.** Mr. REID proposed an amendment to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end, add the following new section:

#### Sec.

This Act shall become effective 3 days after enactment.

**SA 3401.** Mr. REID proposed an amendment to amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

**SA 3402.** Mr. REID proposed an amendment to amendment SA 3401 proposed by Mr. REID to the amendment SA 3400 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

**SA 3403.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**Sec. .... Increased Embassy Security**

Funds appropriated under the heading “Administration of Foreign Affairs” under Title VIII of Division I of Public Law 112-74 and as carried forward under Public Law 112-175, may be transferred to, and merged with, any such other funds appropriated under such title and heading: *Provided*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

**SA 3404.** Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**GENERAL PROVISIONS—THIS CHAPTER**

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking “The Secretary shall use such sums as are necessary from the Trust Fund” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(2) in subsection (d)(2), by striking “The Secretary shall use such sums as are necessary from the Trust Fund” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(3) in subsection (e)(1)—

(A) by striking “The Secretary” and inserting “Of the funds of the Commodity Credit Corporation, the Secretary”; and

(B) by striking “per year from the Trust Fund” and inserting “for fiscal year 2012”;

(4) in subsection (f)(2)(A), by striking “the Secretary shall use such sums as are necessary from the Trust Fund” and inserting “of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012”;

(5) in subsection (i), by striking “September 30, 2011” and inserting “September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)”.

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a non-insured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

“(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

“(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

“(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the ‘Agency’).”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “and” after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

“(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and”; and

(ii) in subparagraph (B)—

(I) by inserting “(except ferns)” after “floricultural”; and

(II) by inserting “(except ferns)” after “ornamental nursery”; and

(III) by striking “(including ornamental fish)” and inserting “(including ornamental fish, but excluding tropical fish)”;

(2) in subsection (d), by striking “The Secretary” and inserting “Subject to subsection (1), the Secretary”;

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking “\$250” and inserting “\$260”; and

(B) in subparagraph (B)—

(i) by striking “\$750” and inserting “\$780”; and

(ii) by striking “\$1,875” and inserting “\$1,950”; and

(4) by adding at the end the following:

“(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

“(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

“(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

“(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

“(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

“(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

“(I) harvested;

“(II) planted but not harvested; or

“(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

“(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

“(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

“(A) the service fee required by subsection (k); and

“(B) a premium for the applicable crop year that is equal to—

“(i) the product obtained by multiplying—

“(I) the number of acres devoted to the eligible crop;

“(II) the yield, as determined by the Secretary under subsection (e);

“(III) the coverage level elected by the producer;

“(IV) the average market price, as determined by the Secretary; and

“(ii) 5.25-percent premium fee.

“(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

“(4) ADDITIONAL AVAILABILITY.—

“(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).



**SA 3405.** Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION TO VETERANS.**

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

**“§3698. Comprehensive policy on providing education information to veterans**

“(a) COMPREHENSIVE POLICY REQUIRED.—The Secretary shall develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning.

“(b) SCOPE.—In developing the policy required by subsection (a), the Secretary shall include each of the following elements:

“(1) Effective and efficient methods to inform individuals of the educational and vocational counseling provided under section 3697A of this title.

“(2) A centralized mechanism for tracking and publishing feedback from students and State approving agencies regarding the quality of instruction, recruiting practices, and post-graduation employment placement of institutions of higher learning that—

“(A) allows institutions of higher learning to verify feedback and address issues regarding feedback before the feedback is published;

“(B) protects the privacy of students, including by not publishing the names of students; and

“(C) publishes only feedback that conforms with criteria for relevancy that the Secretary shall determine.

“(3) The merit of and the manner in which a State approving agency shares with an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b) information regarding the State approving agency's evaluation of an institution of higher learning.

“(4) Description of the information provided to individuals participating in the Transition Assistance Program under section 1144 of title 10 relating to institutions of higher learning.

“(5) Effective and efficient methods to provide veterans and members of the Armed Forces with information regarding postsecondary education and training opportunities available to the veteran or member.

“(c) POSTSECONDARY EDUCATION INFORMATION.—(1) The Secretary shall ensure that the information provided pursuant to subsection (b)(5) includes—

“(A) an explanation of the different types of accreditation available to educational institutions and programs of education;

“(B) a description of Federal student aid programs; and

“(C) for each institution of higher learning, for the most recent academic year for which information is available—

“(i) whether the institution is public, private nonprofit, or proprietary for-profit;

“(ii) the name of the national or regional accrediting agency that accredits the institution, including the contact information used by the agency to receive complaints from students;

“(iii) information on the State approving agency, including the contact information used by the agency to receive complaints from students;

“(iv) whether the institution participates in any programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

“(v) the tuition and fees;

“(vi) the median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) held by individuals upon completion of programs of education at the institution of higher learning (as determined from information collected by the Secretary of Education);

“(vii) the cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the institution;

“(viii) the total enrollment, graduation rate, and retention rate, as determined from information collected by the Integrated Postsecondary Education Data System of the Secretary of Education;

“(ix) whether the institution provides students with technical support, academic support, and other support services, including career counseling and job placement; and

“(x) the information regarding the institution's policies related to transfer of credit from other institutions, as required under section 485(h)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(h)(1)) and provided to the Secretary of Education under section 132(i)(1)(V)(iv) of such Act (20 U.S.C. 1015a(i)(1)(V)(iv)).

“(2) To the extent practicable, the Secretary shall provide the information described in paragraph (1) by including hyperlinks on the Internet website of the Department to other Internet websites that contain such information, including the Internet website of the Department of Education, in a form that is comprehensive and easily understood by veterans, members of the Armed Forces, and other individuals.

“(3)(A) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information that has been reported, or information that is similar to information that has been reported, by an institution of higher learning to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section, the Secretary of Veterans Affairs shall obtain the information the Secretary of Veterans Affairs requires from the Secretary or head with the information rather than the institution of higher learning.

“(B) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information from an institution of higher learning that has not been reported to another Federal agency, the Secretary shall, to the degree practicable, obtain such information through the Secretary of Education.

“(d) CONSISTENCY WITH EXISTING EDUCATION POLICY.—In carrying out this section, the Secretary shall ensure that—

“(1) the comprehensive policy is consistent with any requirements and initiatives resulting from Executive Order No. 13607; and

“(2) the efforts of the Secretary to implement the comprehensive policy do not dupli-

cate the efforts being taken by any Federal agencies.

“(e) COMMUNICATION WITH INSTITUTIONS OF HIGHER LEARNING.—To the extent practicable, if the Secretary considers it necessary to communicate with an institution of higher learning to carry out the comprehensive policy required by subsection (a), the Secretary shall carry out such communication through the use of a communication system of the Department of Education.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘institution of higher learning’ has the meaning given that term in section 3452(f) of this title.

“(2) The term ‘postsecondary education and training opportunities’ means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3697A the following new item:

“3698. Comprehensive policy on providing education information to veterans.”.

(b) SURVEY.—In developing the policy required by section 3698(a) of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs shall conduct a market survey to determine the availability of the following:

(1) A commercially available off-the-shelf online tool that allows a veteran or member of the Armed Forces to assess whether the veteran or member is academically ready to engage in postsecondary education and training opportunities and whether the veteran or member would need any remedial preparation before beginning such opportunities.

(2) A commercially available off-the-shelf online tool that provides a veteran or member of the Armed Forces with a list of providers of postsecondary education and training opportunities based on criteria selected by the veteran or member.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report that includes—

(1) a description of the policy developed by the Secretary under section 3698(a) of title 38, United States Code, as added by subsection (a);

(2) a plan of the Secretary to implement such policy; and

(3) the results of the survey conducted under subsection (b), including whether the Secretary plans to implement the tools described in such subsection.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

(2) COMMERCIALLY AVAILABLE OFF-THE-SHELF.—The term “commercially available off-the-shelf” has the meaning given that term in section 104 of title 41, United States Code.

(3) POSTSECONDARY EDUCATION AND TRAINING OPPORTUNITIES.—The term “postsecondary education and training opportunities” means any postsecondary program of



education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.

**SEC. 2. PROHIBITION ON CERTAIN USES OF INDUCEMENTS BY EDUCATIONAL INSTITUTIONS.**

Section 3696 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary shall not approve under this chapter any course offered by an educational institution if the educational institution provides any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

“(2) To the degree practicable, the Secretary shall carry out paragraph (1) in a manner that is consistent with the Secretary of Education’s enforcement of section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).”.

**SEC. 3. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.**

Section 3684 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) Not later than 90 days after the date of the enactment of this subsection, the Secretary shall ensure that the Department provides personnel of educational institutions who are charged with submitting reports or certifications to the Secretary under this section with assistance in preparing and submitting such reports or certifications.”.

**SEC. 4. LIMITATION ON AWARDS AND BONUSES TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.**

For fiscal year 2013, the Secretary of Veterans Affairs may not pay more than \$395,000,000 in awards or bonuses under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title.

**SA 3406.** Mr. MERKLEY (for Mr. KOHL (for himself and Mr. LEE)) proposed an amendment to the bill H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Foreign and Economic Espionage Penalty Enhancement Act of 2012”.

**SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.**

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking “not more than \$500,000” and inserting “not more than \$5,000,000”.

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking “not more than \$10,000,000” and inserting “not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided”.

**SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.**

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States

Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

**SA 3407.** Mr. MERKLEY (for Mrs. MURRAY) proposed an amendment to the bill S. 3202, to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes, as follows.

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Scoring of budgetary effects.

**TITLE I—CEMETERY MATTERS**

- Sec. 101. Furnishing caskets and urns for deceased veterans with no known next of kin.
- Sec. 102. Veterans freedom of conscience protection.
- Sec. 103. Improved communication between Department of Veterans Affairs and medical examiners and funeral directors.
- Sec. 104. Identification and burial of unclaimed or abandoned human remains.
- Sec. 105. Exclusion of persons convicted of committing certain sex offenses from interment or memorialization in national cemeteries, Arlington National Cemetery, and certain State veterans’ cemeteries and from receiving certain funeral honors.
- Sec. 106. Restoration, operation, and maintenance of Clark Veterans Cemetery by American Battle Monuments Commission.
- Sec. 107. Report on compliance of Department of Veterans Affairs with industry standards for caskets and urns.

**TITLE II—HEALTH CARE**

- Sec. 201. Establishment of open burn pit registry.
- Sec. 202. Transportation of beneficiaries to and from facilities of Department of Veterans Affairs.
- Sec. 203. Extension of reduced pension for certain veterans covered by medicaid plans for services furnished by nursing facilities.
- Sec. 204. Extension of report requirement for Special Committee on Post-Traumatic-Stress Disorder.

**TITLE III—OTHER MATTERS**

- Sec. 301. Off-base transition training for veterans and their spouses.
- Sec. 302. Requirement that judges on United States Court of Appeals for Veterans Claims reside within 50 miles of District of Columbia.
- Sec. 303. Designation of Trinka Davis Veterans Village.
- Sec. 304. Designation of William “Bill” Kling Department of Veterans Affairs Outpatient Clinic.
- Sec. 305. Designation of Mann-Grandstaff Department of Veterans Affairs Medical Center.
- Sec. 306. Designation of David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic.

**SEC. 2. SCORING OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**TITLE I—CEMETERY MATTERS**

**SEC. 101. FURNISHING CASKETS AND URNS FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN.**

- (a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—
  - (1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following new subsection (f):

“(f) The Secretary may furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran in any case in which the Secretary—

“(1) is unable to identify the veteran’s next of kin, if any; and

“(2) determines that sufficient resources for the furnishing of a casket or urn for the burial of the veteran in a national cemetery are not otherwise available.”; and

(3) in subsection (h), as redesignated by paragraph (1), by adding at the end the following new paragraph:

“(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.”.

(b) **EFFECTIVE DATE.**—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is one year after the date of the enactment of this Act.

#### **SEC. 102. VETERANS FREEDOM OF CONSCIENCE PROTECTION.**

(a) **IN GENERAL.**—Section 2404 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall ensure that—

“(A) the expressed wishes of the next of kin or other agent of the deceased veteran are respected and given appropriate deference when evaluating whether the proposed interment or funeral, memorial service, or ceremony affects the safety and security of the national cemetery and visitors to the cemetery;

“(B) to the extent possible, all appropriate public areas of the cemetery, including committal shelters, chapels, and benches, may be used by the family of the deceased veteran for contemplation, prayer, mourning, or reflection; and

“(C) during such interment or funeral, memorial service, or ceremony, the family of the deceased veteran may display any religious or other symbols chosen by the family.

“(2) Subject to regulations prescribed by the Secretary under paragraph (4), including such regulations ensuring the security of a national cemetery, the Secretary shall, to the maximum extent practicable, provide to any military or volunteer veterans honor guard, including such guards belonging to a veterans service organization or other non-governmental group that provides services to veterans, access to public areas of a national cemetery if such access is requested by the next of kin or other agent of a deceased veteran whose interment or funeral, memorial service, or ceremony is being held in such cemetery.

“(3) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall notify the next of kin or other agent of the deceased veteran of funeral honors available to the deceased veteran, including such honors provided by any military or volunteer veterans honor guard described in paragraph (2).

“(4) The Secretary shall prescribe regulations to carry out this subsection.”.

(b) **INTERIM IMPLEMENTATION.**—The Secretary may carry out paragraphs (1) through (3) of section 2404(h) of such title, as added by subsection (a), before the Secretary pre-

scribes regulations pursuant to paragraph (4) of such section, as so added.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the implementation of section 2404(h) of such title, as added by subsection (a). Such report shall include a certification of whether the Secretary is in compliance with all of the provisions of such section.

#### **SEC. 103. IMPROVED COMMUNICATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND MEDICAL EXAMINERS AND FUNERAL DIRECTORS.**

(a) **IN GENERAL.**—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

##### **“§ 2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors**

“(a) **REQUIRED INFORMATION.**—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

“(1) Whether the deceased veteran was cremated.

“(2) The steps taken to ensure that the deceased veteran has no next of kin.

“(b) **DECEASED VETERAN DESCRIBED.**—A deceased veteran described in this subsection is a deceased veteran—

“(1) with respect to whom the Secretary determines that there is no next of kin or other person claiming the body of the deceased veteran; and

“(2) who does not have sufficient resources for the furnishing of a casket or urn for the burial of the deceased veteran in a national cemetery, as determined by the Secretary.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2413 the following new item:

“2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors.”.

(c) **EFFECTIVE DATE.**—Section 2414 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is 180 days after the date of the enactment of this Act.

#### **SEC. 104. IDENTIFICATION AND BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.**

(a) **IDENTIFICATION OF UNCLAIMED OR ABANDONED HUMAN REMAINS.**—The Secretary of Veterans Affairs shall cooperate with veterans service organizations to assist entities in possession of unclaimed or abandoned human remains in determining if any such remains are the remains of veterans or other individuals eligible for burial in a national cemetery under the jurisdiction of the Secretary.

(b) **BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.**—

(1) **FUNERAL EXPENSES.**—Section 2302(a)(2) of title 38, United States Code, is amended by striking “who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose

body is held by a State (or a political subdivision of a State), and”.

(2) **TRANSPORTATION COSTS.**—Section 2308 of such title is amended—

(A) by striking “Where a veteran” and all that follows through “compensation, the” and inserting “(a) **IN GENERAL.**—The”;

(B) in subsection (a), as designated by subparagraph (A), by inserting “described in subsection (b)” after “of the deceased veteran”; and

(C) by adding at the end the following new subsection:

“(b) **DECEASED VETERAN DESCRIBED.**—A deceased veteran described in this subsection is any of the following veterans:

“(1) A veteran who dies as the result of a service-connected disability.

“(2) A veteran who dies while in receipt of disability compensation (or who but for the receipt of retirement pay or pension under this title, would have been entitled to compensation).

“(3) A veteran whom the Secretary determines is eligible for funeral expenses under section 2302 of this title by virtue of the Secretary determining that the veteran has no next of kin or other person claiming the body of such veteran pursuant to subsection (a)(2)(A) of such section.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to burials and funerals occurring on or after the date that is one year after the date of the enactment of this Act.

#### **SEC. 105. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERIES, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS’ CEMETERIES AND FROM RECEIVING CERTAIN FUNERAL HONORS.**

(a) **PROHIBITION AGAINST.**—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) A person—

“(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

“(B) who, for such crime, is sentenced to a minimum of life imprisonment; and

“(C) whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State, as the case may be).”.

(b) **CONFORMING AMENDMENTS.**—Section 2411(a)(2) of such title is amended—

(1) by striking “or (b)(2)” each place it appears and inserting “, (b)(2), or (b)(4)”; and

(2) by striking “capital” each place it appears.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

#### **SEC. 106. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.**

(a) **IN GENERAL.**—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery for which it was decided under such section that

the cemetery will become a permanent cemetery and the American Battle Monuments Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) **LIMITATION ON FUTURE BURIALS.**—Burials at the cemetery described in subsection (a) after the date of the agreement described in such subsection shall be limited to eligible veterans, as determined by the Commission, whose burial does not incur any cost to the Commission.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission—

(1) \$5,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the cemetery described in subsection (a); and

(2) amounts necessary to operate and maintain the cemetery described in subsection (a).

**SEC. 107. REPORT ON COMPLIANCE OF DEPARTMENT OF VETERANS AFFAIRS WITH INDUSTRY STANDARDS FOR CASKETS AND URNS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Department of Veterans Affairs with industry standards for caskets and urns.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of industry standards for caskets and urns.

(2) An assessment of compliance with such standards at national cemeteries administered by the Department with respect to caskets and urns used for the interment of those eligible for burial at such cemeteries.

**TITLE II—HEALTH CARE**

**SEC. 201. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.**

(a) **ESTABLISHMENT OF REGISTRY.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic airborne chemicals and fumes caused by open burn pits;

(B) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits;

(C) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(D) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits.

(2) **COORDINATION.**—The Secretary of Veterans Affairs shall coordinate with the Secretary of Defense in carrying out paragraph (1).

(b) **REPORT TO CONGRESS.**—

(1) **REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.**—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare reports as follows:

(A) Not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(i) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic airborne chemicals and fumes caused by open burn pits.

(ii) Recommendations to improve the collection and maintenance of such information.

(iii) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(B) Not later than five years after completing the initial report described in subparagraph (A), a follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what degree the content of the registry established under subsection (a) is current and scientifically up-to-date.

(2) **SUBMITTAL TO CONGRESS.**—

(A) **INITIAL REPORT.**—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the initial report prepared under paragraph (1)(A).

(B) **FOLLOW-UP REPORT.**—Not later than five years after submitting the report under subparagraph (A), the Secretary of Veterans Affairs shall submit to Congress the follow-up report prepared under paragraph (1)(B).

(c) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE INDIVIDUAL.**—The term “eligible individual” means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) **OPEN BURN PIT.**—The term “open burn pit” means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

**SEC. 202. TRANSPORTATION OF BENEFICIARIES TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) **IN GENERAL.**—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

**“§ 111A. Transportation of individuals to and from Department facilities**

“(a) **TRANSPORTATION BY SECRETARY.**—(1) The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.

“(2) The authority granted by paragraph (1) shall expire on the date that is one year after the date of the enactment of this section.”

(b) **CONFORMING AMENDMENT.**—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting “TRANSPORTATION BY THIRD-PARTIES.—” before “The Secretary”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

“111A. Transportation of individuals to and from Department facilities.”.

**SEC. 203. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.**

Section 5503(d)(7) of title 38, United States Code, is amended by striking “September 30, 2016” and inserting “November 30, 2016”.

**SEC. 204. EXTENSION OF REPORT REQUIREMENT FOR SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.**

Section 110(e)(2) of the Veterans' Health Care Act of 1984 (Public Law 98-528; 38 U.S.C. 1712A note) is amended by striking “through 2012” and inserting “through 2016”.

**TITLE III—OTHER MATTERS**

**SEC. 301. OFF-BASE TRANSITION TRAINING FOR VETERANS AND THEIR SPOUSES.**

(a) **PROVISION OF OFF-BASE TRANSITION TRAINING.**—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations.

(b) **ELIGIBLE INDIVIDUALS.**—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

(c) **LOCATIONS.**—

(1) **NUMBER OF STATES.**—The Secretary shall carry out the training under subsection (a) in not less than three and not more than five States selected by the Secretary for purposes of this section.

(2) **SELECTION OF STATES WITH HIGH UNEMPLOYMENT.**—Of the States selected by the Secretary under paragraph (1), at least two shall be States with high rates of unemployment among veterans.

(3) **NUMBER OF LOCATIONS IN EACH STATE.**—The Secretary shall provide training under subsection (a) to eligible individuals at a sufficient number of locations within each State selected under this subsection to meet the needs of eligible individuals in such State.

(4) **SELECTION OF LOCATIONS.**—The Secretary shall select locations for the provision of training under subsection (a) to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

(d) **INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.**—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

(e) **ANNUAL REPORT.**—Not later than March 1 of any year during which the Secretary provides training under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

(f) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the termination of

the one-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility and advisability of carrying out off-base transition training at locations nationwide.

**SEC. 302. REQUIREMENT THAT JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS RESIDE WITHIN 50 MILES OF DISTRICT OF COLUMBIA.**

(a) RESIDENCY REQUIREMENT.—

(1) IN GENERAL.—Section 7255 is amended to read as follows:

**“§ 7255. Offices, duty stations, and residences**

“(a) PRINCIPAL OFFICE.—The principal office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area, but the Court may sit at any place within the United States.

“(b) OFFICIAL DUTY STATIONS.—(1) Except as provided in paragraph (2), the official duty station of each judge while in active service shall be the principal office of the Court of Appeals for Veterans Claims.

“(2) The place where a recall-eligible retired judge maintains the actual abode in which such judge customarily lives shall be considered the recall-eligible retired judge's official duty station.

“(c) RESIDENCES.—(1) Except as provided in paragraph (2), after appointment and while in active service, each judge of the Court of Appeals for Veterans Claims shall reside within 50 miles of the Washington, D.C., metropolitan area.

“(2) Paragraph (1) shall not apply to recall-eligible retired judges of the Court of Appeals for Veterans Claims.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by striking the item relating to section 7255 and inserting the following new item:

“7255. Offices, duty stations, and residences.”.

(b) REMOVAL.—Section 7253(f)(1) is amended by striking “or engaging in the practice of law” and inserting “engaging in the practice of law, or violating section 7255(c) of this title”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (c) of section 7255, as added by subsection (a), and the amendment made by subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLICABILITY.—The amendment made by subsection (b) shall apply with respect to judges confirmed on or after January 1, 2012.

**SEC. 303. DESIGNATION OF TRINKA DAVIS VETERANS VILLAGE.**

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, shall after the date of the enactment of this Act be known and designated as the “Trinka Davis Veterans Village”.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Trinka Davis Veterans Village”.

**SEC. 304. DESIGNATION OF WILLIAM “BILL” KLING DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.**

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall after the date of the enact-

ment of this Act be known and designated as the “William ‘Bill’ Kling Department of Veterans Affairs Outpatient Clinic”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “William ‘Bill’ Kling Department of Veterans Affairs Outpatient Clinic”.

**SEC. 305. DESIGNATION OF MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.**

(a) DESIGNATION.—The Department of Veterans Affairs medical center in Spokane, Washington, shall after the date of the enactment of this Act be known and designated as the “Mann-Grandstaff Department of Veterans Affairs Medical Center”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs medical center referred to in subsection (a) shall be deemed to be a reference to the “Mann-Grandstaff Department of Veterans Affairs Medical Center”.

**SEC. 306. DESIGNATION OF DAVID F. WINDER DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC.**

(a) DESIGNATION.—The Department of Veterans Affairs community based outpatient clinic located in Mansfield, Ohio, shall after the date of the enactment of this Act be known and designated as the “David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs community based outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the “David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 19, 2012, at 8:30 a.m., to hold a briefing entitled, “Accountability Review Board”.

The PRESIDING OFFICER. With objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate on December 19, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled “The State of the Right to Vote After the 2012 Election.”

The PRESIDING OFFICER. With objection, it is so ordered.

**COMMITTEE ON VETERANS’ AFFAIRS**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on December 19, 2012.

The PRESIDING OFFICER. With objection, it is so ordered.

**SUBCOMMITTEE ON FINANCIAL INSTITUTIONS ON CONSUMER PROTECTION**

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Financial Institutions and Consumer Protection be authorized to meet during the session of the Senate on December 19, 2012, at 10 a.m., to conduct a hearing entitled “Making Sense of Consumer Credit Reports.”

The PRESIDING OFFICER. With objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**IMPROVING TRANSPARENCY OF EDUCATION OPPORTUNITIES FOR VETERANS ACT OF 2012**

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Veterans’ Affairs Committee be discharged from further consideration of H.R. 4057 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4057) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent that the Murray substitute amendment which is at the desk be agreed to; the bill, as amended, be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3405) was agreed to.

(The amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4057), as amended, was read the third time and passed.

#### FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. MERKLEY. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 493, H.R. 6029.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent that a Kohl-Lee substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3406) was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign and Economic Espionage Penalty Enhancement Act of 2012".

#### SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) FOR OFFENSES COMMITTED BY INDIVIDUALS.—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking "not more than \$500,000" and inserting "not more than \$5,000,000".

(b) FOR OFFENSES COMMITTED BY ORGANIZATIONS.—Section 1831(b) of such title is amended by striking "not more than \$10,000,000" and inserting "not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided".

#### SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) CONSULTATION.—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6029), as amended, was read the third time and passed.

#### MEASURES DISCHARGED

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal naming bills en bloc and that the Senate proceed to their consideration en bloc: H.R. 3477, H.R. 3870, H.R. 3912, H.R. 5738, H.R. 5837, H.R. 5954, S. 3630, and S. 3662.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 3477, H.R. 3870, H.R. 3912, H.R. 5738, H.R. 5837, and H.R. 5954)

were ordered to a third reading, were read the third time and passed.

The bills (S. 3630 and S. 3662) were ordered to be engrossed for a third reading, were read the time and passed, as follows:

#### S. 3630

(To designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office")

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CAPTAIN RHETT W. SCHILLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, shall be known and designated as the "Captain Rhett W. Schiller Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Rhett W. Schiller Post Office".

#### S. 3662

(To designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building")

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Lieutenant Ryan Patrick Jones Post Office Designation Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) First Lieutenant Ryan Patrick Jones volunteered to serve the United States in the Army.

(2) Lieutenant Jones earned his rank, the Army Achievement Medal, the Purple Heart, the Bronze Star, the Iraqi Freedom Medal, the Combat Action Badge, and the War on Terrorism Badge through his dedication to the highest ideals of the United States.

(3) Lieutenant Jones chose from a young age to generously volunteer his talents to his community, and was recognized with academic, social, and athletic leadership positions throughout his life.

(4) Lieutenant Jones committed himself to excellence in all aspects of his life, including earning a Bachelor of Science degree, with honors, in civil and environmental engineering.

(5) While earning his engineering degree at Worcester Polytechnic Institute, Lieutenant Jones was awarded a Reserve Officers' Training Corps scholarship.

(6) Lieutenant Jones faithfully and expertly led his fellow soldiers as a platoon leader in the Army's First Infantry Division while deployed to Iraq in 2007.

(7) Lieutenant Jones made the ultimate sacrifice for the United States on May 2, 2007, when he was killed in action by an improvised explosive device set by the enemy.

(8) Lieutenant Jones' life of service, courage, and honor was made possible by his dedicated parents, Mr. Kevin Jones and Mrs. Elaine Jones, who reside in Westminster, Massachusetts.

(9) Mr. and Mrs. Jones organized the shipment of supplies to soldiers serving alongside their son, thereby supporting the morale of the members of the Armed Forces.

(10) Before entering combat, Lieutenant Jones made arrangements to ensure that his life insurance policy proceeds would become a scholarship fund to benefit others, a request that Mr. and Mrs. Jones fulfilled.

(11) Lieutenant Jones is remembered by his family, his friends, and the people of the United States as a role model for his fellow citizens to emulate.

(12) Lieutenant Jones' spirit of generosity has been commemorated by organizations ranging from the Commonwealth of Massachusetts to the Boston Celtics.

(13) It is fitting that the life of Lieutenant Jones should be further memorialized for future generations by naming the post office in Westminster, Massachusetts, in his honor.

### SEC. 3. LIEUTENANT RYAN PATRICK JONES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, shall be known and designated as the "Lieutenant Ryan Patrick Jones Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Ryan Patrick Jones Post Office Building".

### DEPARTMENT OF STATE REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS ACT OF 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 537, S. 2318.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2318) to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of State Rewards Program Update and Technical Corrections Act of 2012".

#### SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of State's existing rewards programs permit the payment of reward for information leading to the arrest or conviction of—

(A) individuals who have committed, or attempted or conspired to commit, certain acts of international terrorism;

(B) individuals who have committed, or attempted or conspired to commit, certain narcotics-related offenses; and

(C) individuals who have been indicted by certain international criminal tribunals.

(2) The Department of State considers the rewards program to be "one of the most valuable assets the U.S. Government has in the fight against international terrorism". Since the program's inception in 1984, the United States Government has rewarded over 60 people who pro-

vided actionable information that, according to the Department of State, prevented international terrorist attacks or helped convict individuals involved in terrorist attacks.

(3) The program has been credited with providing information in several high-profile cases, including the arrest of Ramzi Yousef, who was convicted in the 1993 bombing of the World Trade Center, the deaths of Uday and Qusay Hussein, who United States military forces located and killed in Iraq after receiving information about their locations, and the arrests or deaths of several members of the Abu Sayyaf group, believed to be responsible for the kidnappings and deaths of United States citizens and Filipinos in the Philippines.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the rewards program of the Department of State should be expanded in order to—

(1) address the growing threat to important United States interests from transnational criminal activity, such as intellectual property rights piracy, money laundering, trafficking in persons, arms trafficking, and cybercrime; and

(2) target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.

#### SEC. 3. ENHANCED REWARDS AUTHORITY.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting "serious violations of international humanitarian law, transnational organized crime," after "international narcotics trafficking,";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Attorney General" and inserting "heads of other relevant departments or agencies";

(B) in paragraphs (4) and (5), by striking "paragraph (1), (2), or (3)" both places it appears and inserting "paragraph (1), (2), (3), (8), or (9)";

(C) in paragraph (6)—

(i) by inserting "or transnational organized crime group" after "terrorist organization"; and

(ii) by striking "or" at the end;

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking "including the use by the organization of illicit narcotics production or international narcotics trafficking" and inserting "or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking";

(ii) in subparagraph (A), by inserting "or transnational organized crime" after "international terrorism"; and

(iii) in subparagraph (B)—

(I) by inserting "or transnational organized crime group" after "terrorist organization"; and

(II) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

"(8) the arrest or conviction in any country of any individual for participating in, primarily outside the United States, transnational organized crime;

"(9) the arrest or conviction in any country of any individual conspiring to participate in or attempting to participate in transnational organized crime; or

"(10) the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.";

(3) in subsection (g), by adding at the end the following new paragraph:

"(3) ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.—Not less than 15 days before publicly announcing that a reward may be offered for a particular foreign national accused of war crimes, crimes against humanity, or genocide, the Secretary of State shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary, setting forth the reasons why the arrest or conviction of such foreign national is in the national interests of the United States."; and

(4) in subsection (k)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraphs:

"(5) TRANSNATIONAL ORGANIZED CRIME.—The term 'transnational organized crime' means—

"(A) racketeering activity (as such term is defined in section 1961 of title 18, United States Code) that involves at least one jurisdiction outside the United States; or

"(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and that is intended to obtain, directly or indirectly, a financial or other material benefit.

"(6) TRANSNATIONAL ORGANIZED CRIME GROUP.—The term 'transnational organized crime group' means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime."

#### SEC. 4. TECHNICAL CORRECTION.

Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking "The Secretary shall authorize a reward of \$50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden."

#### SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing the use of activity precluded under the American Servicemembers' Protection Act of 2002 (title II of Public Law 107-206; 22 U.S.C. 7421 et seq.).

#### SEC. 6. FUNDING.

The Secretary of State shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Services account of the Department of State to pay rewards authorized pursuant to this Act and to carry out other activities related to such rewards authorized under section 36 of the State Department Basic Authorities Act (22 U.S.C. 2708).

Mr. MERKLEY. I further ask the committee-reported substitute amendment be agreed to, the bill as amended be read a third time, and the Senate immediately proceed to a voice vote on passage of the bill as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the bill as amended.

The bill (S. 2318), as amended, was passed.

Mr. MERKLEY. I further ask the motion to reconsider be made and laid upon the table, without any intervening action or debate and any statement be printed in the RECORD.



The PRESIDING OFFICER. Without objection, it is so ordered.

#### DIGNIFIED BURIAL OF VETERANS ACT OF 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent the Veterans' Affairs Committee be discharged from further consideration of S. 3202, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3202) to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent the Murray substitute amendment at the desk be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3407) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 3202), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### IMPROVING VETERANS ACCESS TO FEDERAL SURPLUS PERSONAL PROPERTY

Mr. MERKLEY. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. 3698, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3698) to amend title 40, United States Code, to improve veterans service organizations access to federal surplus personal property.

There being no objection, the Senate proceeded to consider the bill.

Mr. MERKLEY. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3698) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3698

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Formerly Owned Resources for Veterans to Express

Thanks for Service Act of 2012" or the "FOR VETS Act of 2012".

#### SEC. 2. VETERANS ACCESS TO FEDERAL EXCESS AND SURPLUS PERSONAL PROP- ERTY.

Section 549(c)(3) of title 40, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B)—

(A) in clause (viii), by adding "or" at the end; and

(B) by striking clause (x); and

(3) by adding at the end the following:

"(C) for purposes of providing services to veterans (as defined in section 101 of title 38), to an organization whose—

"(i) membership comprises substantially veterans; and

"(ii) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38."

#### OBSERVING THE 100TH BIRTHDAY OF ROSA PARKS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 618 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 618) observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, over a half century ago, Rosa Parks sparked a revolution in American race relations when she decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people but the entire world. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. Twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws requiring blacks to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus. The driver of that bus was the same driver with whom she would have her confrontation years later.

Rosa Parks, by her quiet courage, symbolizes all that is vital about non-violent protest, as she endured threats of death and persisted as an advocate for the simple, basic lessons she taught the Nation and from which the Nation has benefitted immeasurably. The bus boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would

one day have a national holiday declared in his honor, the Reverend Martin Luther King, Jr.

February 4, 2013, marks the 100th Anniversary of the birth of Rosa Parks. In recognition of this occasion, I am immensely proud to be joined by 56 bipartisan cosponsors of S. Res. 618, which was just adopted unanimously by the Senate, observing the 100th birthday of Rosa Parks and commemorating her legacy. I am especially pleased to have had the input of Senators STABENOW, SESSIONS, and ALEXANDER in the crafting of this resolution, which is befitting one who so significantly contributed to the breaking down the barriers of legal discrimination against African Americans, and equality for us all.

Although Rosa Parks will be forever associated with one day in Montgomery, AL, she lived most of her life in my home state of Michigan, and we proudly claim her as our own. She continued to dedicate her life to advancing equal opportunity and to educating our youth about the past struggles for freedom, from slavery up to the civil rights movement of the 1960s.

In 1987, Rosa Parks and Elaine Steele co-founded the Rosa and Raymond Parks Institute for Self-Development. Its primary focus has been working with young people from across the country and the world as part of the "Pathways to Freedom" program. With the work of the Institute, we can truly say that in addition to having played a major role in shaping America's past and present, Rosa Parks is continuing to help shape America's future.

In the spirit of the enormous contributions of Rosa Parks to this Nation, the Henry Ford Museum of Dearborn, MI will commemorate the 100th birthday of Rosa Parks by calling for a national day of courage; and sponsoring a program that highlights her contributions to the civil rights movement. The activities will include a day-long celebration, with both virtual and on-site activities featuring nationally-recognized speakers, musical and dramatic interpretative performances, a panel presentation of "Rosa's Story" and a reading of the tale "Quiet Strength," and will feature the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks' extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up.

Mr. President, in November of 2005, upon her passing, Rosa Parks became the first woman in the history of the United States to lie in honor in the Capitol Rotunda. And, a few years earlier on June 15, 1999, Rosa Parks was presented with the highest honor of Congress, the Congressional Gold Medal, of which I was pleased to co-author. I was also pleased to be a part



of the effort in directing the Architect of the Capitol to commission a statue of Rosa Parks, which will soon be placed in the U.S. Capitol, making her the second African American woman to receive such an honor.

Mr. President, the cosponsors of the resolution are: Senators STABENOW, SESSIONS, ALEXANDER, LANDRIEU, COCHRAN, HARKIN, SHELBY, CORNYN, BOXER, MURRAY, COBURN, KERRY, HUTCHISON, GILLIBRAND, MR. LEAHY, SANDERS, REID, MIKULSKI, DURBIN, PRYOR, NELSON of Florida, BROWN of Ohio, LIEBERMAN, MR. CONRAD, LAUTENBERG, KOHL, CANTWELL, MCCASKILL, WYDEN, COONS, BAUCUS, WHITEHOUSE, MANCHIN, BENNET, CARDIN, HAGAN, CASEY, BEGICH, MENENDEZ, WARNER, UDALL of New Mexico, KLOBUCHAR, INOUE, CORKER, JOHNSON of South Dakota, FRANKEN, ROCKEFELLER, UDALL of Colorado, BLUMENTHAL, AKAKA, REED, SHAHEEN, WEBB, MCCAIN, LUGAR, and GRASSLEY.

Mr. LEAHY. Mr. President, I am pleased the Senate will agree to S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks, and commemorating her legacy. It is hard to believe that 57 years have passed since Rosa Parks refused to give up her seat on a public bus, a heroic act for a young woman from Tuskegee, AL, who joined so many in the fight for civil rights. I am proud of the progress this country has made toward equality for all, in large part thanks to the work and inspiration of leaders like Rosa Parks, although we as a Nation have more work to do.

Rosa's brave act of defiance inspired a city-wide boycott and national movement, and she remains an important symbol of the civil rights movement to this day. Her legacy reminds Vermonters and Americans all over the country that one brave voice or action can shine a light on injustice and challenge society to accept nothing less than freedom and equality for all mankind.

In 2006 I was proud to work to reauthorize one of the most important civil rights laws in our history and to have that voting rights legislation bare Rosa Parks' name. Unfortunately, some are trying to overturn that protective and important law despite the continuing threat to the right to vote. As we commemorate her birth 100 years ago, I hope we can all agree that threats to civil rights are not a relic of the past. To honor Rosa Parks' memory, we must continue to fight to ensure that all Americans can vote and have their vote counted. I thank Senator LEVIN for submitting this resolution and am proud to join him in commemorating the legacy of Rosa Parks.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be placed in the RECORD.

The resolution (S. Res. 618) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 618

Whereas Rosa Louise McCauley Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley;

Whereas Rosa Parks dedicated her life to the cause of universal human rights and truly embodied the love of humanity and freedom;

Whereas Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for refusing to give up her seat on a bus to a White man, and her stand for equal rights became legendary;

Whereas news of the arrest of Rosa Parks resulted in approximately 42,000 African-Americans boycotting Montgomery buses for 381 days, beginning on December 5, 1955, until the bus segregation law was changed on December 21, 1956;

Whereas the United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses;

Whereas the civil rights movement led to the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241), which broke down the barrier of legal discrimination against African-Americans and made equality before the law a reality for all people of the United States;

Whereas Rosa Parks has been honored as the "first lady of civil rights" and the "mother of the freedom movement", and her quiet dignity ignited the most significant social movement in the history of the United States;

Whereas, in 1987, Rosa Parks and her close associate Elaine Steele cofounded the Rosa and Raymond Parks Institute for Self Development to motivate and direct youth to achieve their highest potential through Rosa Parks' philosophy of "quiet strength" and cross-cultural exposure for nurturing a global and inclusive perspective;

Whereas Rosa Parks was the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Congressional Gold Medal, the Spingarn Award, which is the highest honor of the National Association for the Advancement of Colored People for civil rights contributions, and the Presidential Medal of Freedom, which is the highest civilian honor in the United States, and was named one of the 20 most influential and iconic figures of the 20th century;

Whereas Rosa Parks sparked one of the largest movements in the United States against racial segregation, and by her quiet courage symbolizes all that is vital about nonviolent protest because of the way she endured threats of death and persisted as an advocate for the basic lessons she taught the people of the United States;

Whereas Rosa Parks and her husband Raymond Parks relocated to Michigan in 1957, and remained in Michigan until the death of Rosa Parks on October 24, 2005;

Whereas, on Tuesday, October 26, 2005 the United States Senate adopted a Resolution expressing its condolences on the passing of Rosa Parks, and honored her life and accomplishments;

Whereas, in recognition of the historic contributions of Rosa Parks, her remains were placed in the rotunda of the Capitol from October 30 to October 31, 2005, so that the peo-

ple of the United States could pay their last respects to this great American;

Whereas, in November 2005, Congress authorized the Joint Committee on the Library to procure a statue of Rosa Parks to be placed in the Capitol;

Whereas the United States Postal Service will issue a stamp in February 2013 to honor Rosa Parks and her courage to act at a pivotal moment in the civil rights movement;

Whereas, the bus on which Rosa Parks sparked a new era in the American quest for freedom and equality is one of the most significant artifacts of the American civil rights movement and is on permanent display in the Henry Ford Museum in Dearborn, Michigan;

Whereas, on February 4, 2013, the Henry Ford Museum, will commemorate the 100th birthday of Rosa Parks by calling for a National Day of Courage and sponsoring a program that highlights her contributions to the civil rights movement, including a day-long celebration, with both virtual and on-site activities featuring nationally recognized speakers, musical and dramatic interpretative performances, a panel presentation of "Rosa's Story" and a reading of the tale "Quiet Strength", featuring the actual bus on which Rosa Parks sat as the centerpiece in commemorating Rosa Parks' extraordinary life and accomplishments, and affording everyone the opportunity to board the bus and sit in the seat that Rosa Parks refused to give up; and

Whereas the Rosa Parks Museum at Troy University and the Mobile Studio will commemorate the birthday of Rosa Parks with the 100th Birthday Wishes Project, culminating on February 4, 2013, with a 100th birthday celebration at the Davis Theatre for the Performing Arts in Montgomery, Alabama, where 2,000 birthday wishes submitted by individuals throughout the United States will be transformed into 200 graphic messages: Now, therefore, be it

*Resolved*, That the Senate—

(1) observes the 100th birthday of civil rights icon Rosa Parks; and

(2) commemorates the legacy of Rosa Parks to inspire all people of the United States to stand up for freedom and the principles of the Constitution.

Mr. MERKLEY. Mr. President, I ask that Senator WEBB be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OPENING OF THE UNITED STATES FREEDOM PAVILION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 625 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 625) recognizing the January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center at the National World War II Museum in New Orleans, Louisiana, and supporting plans for other educational pavilions and initiatives.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 625) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 625

Whereas historians Stephen E. Ambrose and Gordon H. "Nick" Mueller, among others, founded the National D-Day Museum on June 6, 2000;

Whereas section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) designated the National D-Day Museum as "America's National World War II Museum";

Whereas the National World War II Museum advances the mission of educating the public about the experience of the United States in World War II, covering all branches of the Armed Forces and the Merchant Marine, and documenting and highlighting activities on both the battlefield and home front;

Whereas the exhibits and programs of the National World War II Museum portray why the War occurred, how the War was won, and what the War means today, and celebrate the spirit of the United States and enduring values displayed during the War;

Whereas the National World War II Museum emphasizes the diverse nature of the war effort of the United States, reflecting the contributions of women, African-Americans, Japanese-Americans, Hispanic Americans, Native Americans, and other groups that have been neglected in many accounts of World War II;

Whereas the 12,000 landing craft designed and built by Higgins Industries in New Orleans made amphibious invasions possible and carried United States soldiers ashore in every theatre and campaign during the War;

Whereas President Dwight D. Eisenhower, the former Supreme Commander of the Allied Expeditionary Forces in Europe, credited Andrew Jackson Higgins, the chief executive officer of Higgins Industries, as the "man who won the war for us," in a 1960s conversation with the preeminent historian Stephen E. Ambrose, leading Ambrose to initiate plans for the National World War II Museum;

Whereas the National D-Day Museum, now known as the "National World War II Museum", has made great strides in the development of the facilities, exhibits, and programs at the Museum;

Whereas the National World War II Museum, since the grand opening on June 6, 2000, which was the 56th anniversary of the D-Day invasion of Normandy, France, has attracted more than 3,000,000 visitors from across the United States and around the world, and has reached millions more through Internet-based and other distance learning programs;

Whereas World War II veterans and home front supporters, recognized as the "greatest generation" because of the sacrifices of the veterans and home front supporters at a pivotal time in United States history, are passing away at a rapid rate, creating an urgent need to preserve the stories, and to pay tribute to the service of the veterans and home front supporters;

Whereas Congress recognizes the need to preserve forever the knowledge and history of the most decisive achievement of the United States during the 20th century and to portray that history to citizens, scholars, visitors, and school children for generations to come;

Whereas Congress appropriated funds in 1992 to authorize the design and construction of the National D-Day Museum to commemorate the epic 1944 Normandy invasion, and appropriated additional funds in 1998, 2000, 2001, 2002, 2003, and 2009 to help expand the Museum to cover the entire experience of the United States in World War II, and the transformational impact on the United States and the world;

Whereas the World War II Memorial on the National Mall in Washington, DC, will always be the symbolic memorial where people come to remember the sacrifices made during World War II;

Whereas the National World War II Museum in New Orleans will always be the educational institution where people come to learn about the monumental struggle by the United States against would-be oppressors, so that future generations can understand the role the United States played in the preservation and advancement of freedom in the middle of the 20th century;

Whereas the State of Louisiana and thousands of donors, including foundations, companies, and Museum members in every State, have contributed millions of dollars and other support to help build and advance the National World War II Museum, and hundreds of volunteers, many from the World War II era, have provided invaluable assistance to the Museum;

Whereas the Board of Trustees of the National World War II Museum, national in scope, and the Presidential Counselors advisory group, featuring leading historians and museum professionals, provide effective guidance and oversight for the National World War II Museum;

Whereas the National World War II Museum continues to add to and maintain 1 of the largest personal history collections in the United States, representing the experiences of the men and women who fought in World War II and served on the home front, with more than 7,000 videotaped, oral, and written accounts in the collection, and plans to digitize the collection to vastly improve public access;

Whereas the National World War II Museum is an official affiliate of the Smithsonian Institution, with a formal agreement to borrow Smithsonian artifacts for exhibits;

Whereas the National World War II Museum collaborates with other museums and memorials in the United States and around the world;

Whereas the National World War II Museum has added major facilities in recent years through donor support, including the Solomon Victory Theater complex, which features a 4-D theater, the Stage Door Canteen, a United Service Organization-styled entertainment venue, and the Kushner Restoration Pavilion, home to a major patrol torpedo boat restoration project;

Whereas the National World War II Museum will open the United States Freedom Pavilion: The Boeing Center in January 2013;

Whereas the Pavilion will feature aircraft such as the B-17 bomber and the P-51 fighter, the latter flown by the Tuskegee Airmen, and a submarine experience and exhibits honoring Medal of Honor recipients, government leaders who served in World War II, and industries that became known as the "Arsenal of Democracy"; and

Whereas other major pavilions and interactive exhibits are planned or under development as the Museum anticipates the completion of the campus by 2016, including the Campaigns of Courage: European and Pacific Theaters Pavilion, the Liberation Pavilion, and a Union Station train experience in the original Louisiana Memorial Pavilion: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and applauds the planned January 12, 2013, opening of the United States Freedom Pavilion: The Boeing Center, an iconic pavilion funded in part by the Federal Government and a major feature of the institution designated by section 8134(c) of the Department of Defense Appropriations Act of 2004 (Public Law 108-87; 117 Stat. 1105) as "America's National World War II Museum";

(2) recognizes the generous assistance from private individuals, corporations, foundations, the Federal Government, the State of Louisiana, and other public entities committed to offering a lasting tribute to the achievements of the United States in World War II; and

(3) expresses support for the mission of the National World War II Museum as vital to the preservation of democratic values, to the understanding of United States history and founding principles, and to the education of future generations about the relevance of the War experience to the past and future greatness of the United States.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the Republican leader, in consultation with the Ranking Members of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individuals to the United States-China Economic Security Review Commission: Robin Cleveland of Virginia for a term expiring December 31, 2014, Dennis C. Shea of Virginia for a term expiring December 31, 2014, and James M. Talent of Missouri, for a term expiring December 31, 2013.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106-398, as amended by Public Law 108-7, and upon the recommendation of the Majority Leader, in consultation with the Chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appoints the following individual to the United States-China Economic Security Review Commission: Katherine Tobin of Virginia for a term beginning January 1, 2013 and expiring December 31, 2014.

#### ORDERS FOR THURSDAY, DECEMBER 20, 2012

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Thursday, December 20, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the

morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. MERKLEY. Tonight the majority leader filed cloture on the substitute amendment and the emergency supplemental bill. We will work on an agreement for amendments to the bill. The filing deadline for all first-degree amendments is 1 p.m. tomorrow.

Senator INOUE will lie in state in the Capitol Rotunda tomorrow. Senators will gather in the Senate Chamber at 9:35 a.m. tomorrow morning to proceed to the viewing together.

ADJOURNMENT UNTIL 11 A.M.  
TOMORROW

Mr. MERKLEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 10:21 p.m., adjourned until Thursday, December 20, 2012, at 11 a.m.

## EXTENSIONS OF REMARKS

DEPARTMENT OF LABOR  
ACTIVITIES ON OREGON FARMS**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. WALDEN. Mr. Speaker, following is the letter I referred to earlier today.

CONGRESS OF THE UNITED STATES,  
Washington, DC, August 17, 2012.

Hon. HILDA L. SOLIS,  
Secretary, U.S. Department of Labor,  
Washington, DC.

DEAR MADAM SECRETARY: In the last two weeks, we have received reports about Department of Labor (DOL) activities on Oregon farms which raise significant questions. Specifically, we have been made aware of three issuances of "hot goods" orders (HGO) by DOL to sanction violations of the Fair Labor Standards Act (FLSA) since August 2nd. Depending on the case, these HGOs can prevent perishable farm products from being shipped off-farm, and effectively shut down harvest activity while the order is in place. We absolutely do not condone violations of the FLSA. However, in a phone call with Congressman Kurt Schrader and DOL representatives on Monday, August 13th, 2012, the DOL asserted that a HGO could only be considered after thorough investigation, due process opportunities for response by the employer, and a finding that the violations were willful, egregious, and/or repeated. Indeed, DOL's website states that restraining the shipment of goods is to be used after a thorough process:

"When all the fact-finding steps have been completed, the employer and/or the employer's representative will be told whether violations have occurred and, if so, what the violations are and how to correct them. If back wages are owed, the employer will be asked to pay the back wages and the employer may be asked to compute the amounts due. . . . In the absence of an employer voluntarily correcting the violations, the Wage and Hour Division may seek to restrain the shipment of the goods."

We are concerned that Oregon farmers have presented us with a narrative and supporting documentation that indicates that DOL may have abandoned the normal due process mechanisms and remedies in favor of a significant sanction. In one case, a farmer was told that the HGO would only be lifted after a large sum was paid to DOL and after he signed a consent judgment. The consent judgment included a waiver of any recourse if findings of fact or law later exonerated him. It required a waiver of the right to contest the finding. All this took place before the farmer was ever informed in writing what the alleged violations were.

We are not asking you to address these specific cases and cannot verify their credibility, but rather, we are writing to ask you for additional clarification of DOL procedures and practices for issuing HGOs on agricultural enterprises and enforcing the FLSA, including:

Is it the policy of the DOL to not disclose alleged violations to employers before issuing hot goods orders?

What test or standard is the DOL using to determine the need for a hot goods order?

Why does the DOL ask employers to waive rights for future findings of fact or law in its consent judgments?

What opportunity is there for an employer to respond without having his/her perishable crop under threat?

On farms and elsewhere throughout the economy, DOL serves a vital function in communicating and enforcing rules and laws to protect all working people. Statutes and rules give the Department the tools necessary to apply remedies commensurate with the severity and/or frequency of violations of the law. It is our hope that the fairness and due process provided by law is available to all employers and employees alike.

Please consider this request consistent with all applicable laws and regulations. We thank you for your consideration and look forward to your response.

Sincerely,

KURT SCHRADER.  
PETER DEFAZIO.  
RON WYDEN.  
GREG WALDEN.  
JEFF MERKLEY.  
SUZANNE BONAMICI.

IN RECOGNITION OF SAN MATEO  
COUNTY SUPERVISOR ROSE JACOBS GIBSON**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor San Mateo County Supervisor Rose Jacobs Gibson upon her retirement from the San Mateo County Board of Supervisors.

While on the board, Supervisor Gibson initiated the East Palo Alto Crime Reduction Task Force, a collaborative effort between law enforcement and community groups. This effort successfully reinforced the accomplishments of her city service and led to the adoption of additional measures to reduce violence. Today, this task force stresses four strategies to create a healthier East Palo Alto: Prevention, Intervention, Enforcement, Sustainability. These are all strategies championed by Rose Jacobs Gibson and they include the activities of community clean ups, gang intervention, a Police Activities League, and a re-entry program for ex-offenders. East Palo Alto is a healthier place for all residents thanks to Rose Jacobs Gibson and her leadership.

Supervisor Gibson also continued her efforts to reduce crime by helping to create the Domestic Violence Council. The council is a permanent instrument to educate policymakers in our county about this critically important subject. She co-chaired the first Women's Crimi-

nal Justice Summit, a forum that identified many ways that existing resources could be used to improve the outcomes of our criminal justice system. She is a strong advocate for programs that prepare incarcerated women to lead independent, productive lives once they re-enter the community.

Supervisor Gibson sits on the board of the Housing Endowment and Regional Trust (HEART) of San Mateo County and is a policy leader in the development of affordable housing within our community. HEART has assisted in developing nearly every major affordable housing development in our county since its founding. Supervisor Gibson was instrumental in designing San Mateo County's housing element and can always be counted upon to advocate for the elemental right to decent housing for every human being.

Public health has always been a significant part of Supervisor Gibson's agenda. She initiated a countywide summit on health disparities, an event that led to the creation of several health-focused task forces. The task forces, in turn, identified strategies to reduce childhood obesity and drug and alcohol abuse. As one example of a brick-and-mortar impact in our community, the Ravenswood Family Health Clinic was founded in East Palo Alto as a result of a team of advocates, including most notably Supervisor Gibson. This facility is a linchpin in community healthcare in East Palo Alto.

Rose also served on the East Palo Alto City Council from 1992 to 1999. She was Mayor in 1995 and 1996. She and her many allies in the community were instrumental in reducing the crime rate and in helping to restore community faith in law enforcement.

While on the city council, Rose Jacobs Gibson supported the shutdown of a toxic chemical plant and as a member of the Board of Supervisors she demanded an investigation of toxic contaminants in our county parks. She regularly worked with our transportation agency to improve public transit for her district's residents and she worked as a member of a team of community leaders to secure funding and approvals for school improvements throughout her district.

Rose Jacobs Gibson will be remembered fondly in San Mateo County as a leader who was eloquent and forceful, gracious and principled, visionary and practical. San Mateo County has been the beneficiary of Supervisor Gibson's public service at so many levels and in so many ways that it is difficult to sum up the achievements of a lifetime in a single recitation of her accomplishments. I respectfully end these comments with a simple observation about Rose Jacobs Gibson: She has left her mark, and generations yet to come will live better lives because of her service.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IDENTIFY TROUBLED YOUTH  
NEEDING HELP AND SUPPORT

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. KAPTUR. Mr. Speaker, in our continuing efforts to turn the tragic events at Newtown to high purpose, I include two articles from the USA Today newspaper, one entitled "A Boy Lost in the Shadows", and another, "Newtown Puts Mental Services in Spotlight."

These articles remind me of a conversation a few years ago with a caring grade school teacher from my own district who became quite frustrated with the local school system's inability to help her manage the behavior of a child in her elementary classroom. The child, several times a day, became uncontrollable, moving about the classroom, throwing tantrums, screaming loudly, often falling to the floor, thus causing great confusion in the class. Despite the teacher's repeated attempts to help the child, it became obvious professional help was needed. A complicating factor became family members who were in denial that anything out of the ordinary was actually occurring with the child, despite the constant disruption, acting out, anger, and anti-social behavior the child was demonstrating. After repeated attempts that took three years, and let me emphasize three years, the teacher was able to have the child referred to behavioral specialists and placed in a more appropriate learning environment. That situation alone made me wonder about the manner in which we as a society make help available to children who exhibit destructive behaviors that are harmful to themselves and potentially to others.

Mr. Speaker, as a society, we seem to lack the methods to identify troubled youth and put them on a proper path to healing, if healing is possible. Too often, a child is left floundering due to our collective inability to help them find a constructive path forward. For example, many of our local boards of education often are not properly equipped to identify and assist children who are uncivil or who are completely alienated from their surroundings. Some families, too, seem unaware of their child's behaviors as unusual or potentially destructive. As the article I inserted in the RECORD yesterday reports, some parents are so overwhelmed in caring for children with special behavioral conditions, they simply don't know what else to do. Then again, too often there is no one to call to help.

Through the Commission President Obama proposed be formed to address the conditions that led to Newtown's tragedy, surely that Commission should invite a cross section of Americans to share their knowledge about what led to the mass killings that have harmed so many in our nation over the past decade, and what we must do as a society to prevent future tragedies. We can all envision a future where the incredible intelligence and goodwill of the citizens of our nation can lead us to a better day if we provide a forum to listen carefully to the voices among us who grapple with these challenges daily.

[From USA Today, December 17, 2012]

A BOY LOST IN THE SHADOWS

(By Donna Leinwand Leger and Yamiche Alcindor)

SANDY HOOK, CONN. Adam Lanza left only the faintest impression on classmates, neighbors and the people of Newtown before he killed his mother and shot his way into Sandy Hook Elementary, where he killed 20 children and six teachers before turning the gun on himself.

Lanza, 20, skulked through the hallways of Newtown High School in over-sized button-down shirts, eyes perpetually downcast. His name appears a few times on the honor roll published in the weekly Newtown Bee, but his picture is absent from The Newtown Nighthawk yearbook.

"He was very withdrawn," said Tracy Dunn, 20, who graduated from Newtown High School in 2010, Lanza's class.

Dunn, a junior at Massachusetts College of Pharmacy and Health Sciences, said she never saw him talk with anyone or hang out with friends. He spent time with computers and cameras in the technology room and belonged to the Tech Club.

"He would always have his head down walking to class with his briefcase—kind of scurrying," she said. "He never sat down or said anything to kids at this locker. He was just there in the background."

Andrew Lapple, who sat next to Lanza in homeroom their senior year at Newtown High, told the Hartford Courant that Lanza "never really talked at all" and walked the corridors at school clutching his laptop.

"He walked down the halls, against the wall almost like he was afraid of people," Lapple said. "He was definitely kind of strange, but you'd never think he'd do something like this."

Lanza grew up in Sandy Hook in a sprawling colonial house with his parents, Nancy and Peter, and an older brother, Ryan, 24. His parents divorced in 2009 after a long separation, and his father has remarried. Family friends and relatives say much of his education was home schooling by his mother.

He attended Reed Intermediate School for sixth grade and appears in a 2003 yearbook photo. In the 2005 yearbook for Newtown Middle School, he's listed with the seventh grade without a picture under "camera shy," but he isn't listed in the eighth-grade class the next year. His name surfaces at Newtown High School in 2008 as a sophomore.

Marsha Moskowitz of Sandy Hook drove the school bus that took Lanza to Newtown Middle. She remembers him as "quiet, shy and reserved."

His mother clashed with school officials and eventually removed Adam from public school and home-schooled him, her former sister-in-law, Marsha Lanza of Chicago, told a CBS News affiliate.

Lanza had trouble with her youngest son for years, and her friend Louise Tambascio, owner of My Place Pizza & Restaurant. He was diagnosed with a disorder on the autism spectrum called Asperger syndrome, she said. Psychologist Elizabeth Laugeson, an assistant clinical professor at the University of California-Los Angeles, had no knowledge of Adam Lanza's case but said, "There really is no clear association between Asperger's and violent behavior."

Nancy Lanza stopped into My Place once or twice a week but rarely talked about her younger son, Tambascio said. Ryan, the older son, bused table at the restaurant for two years. He is outgoing and personable, she said. The brothers haven't spoken in two years, she said.

"Ryan who was the complete opposite of his brother," she said. Adam "always had his face down. He would never look you in the eye."

Police say the three guns used in the massacre were purchased legally and registered to Nancy Lanza, whom friends described as a gun and shooting aficionado. Tambascio said shooting was "a hobby."

She "had nothing to do with what her son did. She's a good person, goodhearted. She would do anything for you," Tambascio said.

Nancy Lanza "liked the single-mindedness of shooting," her landscaper, Dan Holmes told The Washington Post, Holmes said she mentioned taking her son to the firing range to practice. Holmes never entered the house or saw her son, but she did once bring an antique rifle outside to show him, he told the Post.

The shooter's father, Peter Lanza of Stamford, said the family is "in a state of disbelief."

"We, too, are asking why," he said in a written statement. "Like so many of you, we are saddened, but struggling to make sense of what has transpired."

The Lanzas' neighbors on Yogananda Street say it's puzzling that on such a close-knit block where residents throw barbecues for newcomers, so few of them knew Adam Lanza or had ever seen him.

"It's a mystery. Nobody knows them, which is odd for this neighborhood," Len Strocchia said. "Everyone knows each other through the children, the school bus. The community here is kids."

Neighbor Dave Lapp said he had little to tell the FBI and State Police when they called on Friday night. "We walked by their house with the dog every day, and we don't know them. We've never even seen them," Lapp said.

Dunn, Adam Lanza's classmate, fears that may have been at the root of the problem.

"Maybe if someone had tried to reach out to Adam—maybe he needed a friend. Maybe this wouldn't have happened," Dunn said. "He's just one kid who slipped through the cracks."

[From USA Today, December 17, 2012]

NEWTOWN PUTS MENTAL SERVICE IN  
SPOTLIGHT

(By Liz Szabo)

Families and doctors who treat the mentally ill say they hope Friday's tragedy in Newtown, Conn., will refocus the nation's attention on improving mental health services.

Police have not released details about the motives or mental state of shooter Adam Lanza. But perpetrators of similar mass shootings—at Virginia Tech, Northern Illinois University and an event in Tuscon for former congresswoman Gabrielle Giffords—all had serious mental health conditions.

"We wait for things like this to happen and then everyone talks about mental health," says Priscilla Dass-Brailsford, an associate professor of psychology at Georgetown University Medical Center. "But they quickly forget."

There are hundreds of multiple-casualty shootings a year, says forensic psychologist Dewey Cornell, director of the Virginia Youth Violence Project. People have become so desensitized that they pay no attention, he says, yet mental illness contributes to domestic violence, child abuse, drug addiction, homelessness and incarceration. Investing in mental health care could help prevent tragedies, he says.

"Mental health has shrunk down to the level of short-term crisis management," Cornell says. "We can't think about the gunman

in the parking lot and what to do with him. We have to get involved a lot earlier."

Schools and communities "have cut their mental health services to the bone. We're paying a price for it."

IN RECOGNITION OF BRUCE  
BODAKEN

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor my friend and true visionary Bruce Bodaken, who many years ago brought his passion to expand health insurance coverage to all Americans to Blue Shield of California. Bruce is now retiring after a remarkable ten-year tenure of outstanding service as Chairman, President and CEO of Blue Shield.

Bruce is not your typical health plan CEO. In fact, I was prepared not to like him when we first met more than ten years ago. He has a Masters degree in philosophy and was teaching that subject at the University of Colorado when he shifted his career to health care. The man who will take over Bruce's role in January 2013, Paul Markovich, currently COO of Blue Shield, calls him their "resident philosopher."

Under Bruce's leadership, Blue Shield became one of the fastest growing health plans in California, with a total membership today of 3.3 million and 4,800 employees. In 2002, Bruce was the first health plan CEO in the country to propose a plan for universal coverage. His plan became a template for the Affordable Care Act enacted by Congress in 2010. I share Bruce's belief that health care is a right, not a privilege.

Bruce launched the Blue Shield of California Foundation which has given over \$150 million in grants during the last five years to support community clinics, children's health initiatives, domestic violence programs, leadership training and policy research. It was named one of the country's 20 most generous corporate foundations by BusinessWeek in 2010.

In a remarkable move, Bruce oversaw the company's precedent setting step to cap profits at two percent of revenue and return the differences to its customers. Last year that difference amounted to almost \$500 million.

Bruce also serves on the board and executive committee of America's Health Insurance Plans (AHIP) and the BlueCross and BlueShield Association board. He is a member of the Institute of Medicine's Roundtable on Value & Science-Driven Health Care and serves on the board of directors of the California Business Roundtable, WageWorks, and the University of California, Berkeley's Health Services Management Program.

He joined Blue Shield in 1994 as president and chief operating officer. Previously, he served as senior vice president and associate chief operating officer of FHP International Corporation in Southern California.

A native of Iowa, Bruce earned his BA from Colorado State University and his MA from the University of Colorado, both in philosophy.

Bruce says that his education has deeply influenced his career and world perspective.

When he received the Lifetime Achievement Award from the San Francisco Business Times this year, he said that his training in philosophy, logic, communications and thinking about big questions had an application particularly in a world that was changing to a new model of health care.

In his retirement, Bruce is looking forward to dedicating more time to his family and friends and his favorite past time—tennis.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Bruce Bodaken, a compassionate leader, big thinker and tireless advocate. His fight to cover all the uninsured isn't over and hasn't always been easy, but he will not give up. His commitment reminds me of something his most inspirational icon, Nelson Mandela, once said: "When the water starts boiling, it is foolish to turn off the heat."

CELEBRATING THE 85TH BIRTHDAY OF HIS MAJESTY KING  
BHUMIBOL ADULYADEJ OF THAILAND

**HON. DANA ROHRBACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. ROHRBACHER. Mr. Speaker, we join the people of Thailand in commemorating the 85th birthday of His Majesty King Bhumibol Adulyadej of Thailand on December 5, 2012.

During King Bhumibol's 66 year reign, he has continued to foster a strong partnership with the United States. As a great source of tranquility in the country, he has helped Thailand strengthen its friendship with the United States while becoming an example of democracy and economic development in Southeast Asia. Next year, we look forward to celebrating the 180th anniversary of America's bilateral relationship with Thailand since the signing of the Treaty of Amity and Commerce.

King Bhumibol's life work has been dedication to the fulfillment of his coronation oath: "We shall reign with righteousness for the benefit and happiness of the Siamese people." Today we applaud his righteousness and his many accomplishments that have brought peace, stability, and prosperity to the people of Thailand. It is known that His Majesty is a talented musician, and today we recognize he has replaced discord with harmony throughout his life.

It is my pleasure to join our Thai friends in celebrating this important occasion, and extend my best regards to His Majesty for his good health and a happy birthday.

PERSONAL EXPLANATION

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. SMITH of Washington. Mr. Speaker, on Monday, December 17, 2012, I was unable to be present for recorded votes. Had I been present, I would have voted: "yes" on vote

No. 627 (on the motion to suspend the rules and pass H.R. 4606, as amended); and "yes" on vote No. 628 (on the motion to suspend the rules and pass S. 3193).

IN RECOGNITION OF CHRISTINE  
KROLIK

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Christine Krolik, retiring Hillsborough city council member, former mayor, and tireless advocate for our public schools and many community organizations.

Christine moved to Hillsborough in 1995 with her husband Jeff and two sons, John and Billy. She immediately immersed herself in work to improve the public school system by advocating for smaller class sizes. She combined two of her outstanding talents in this effort: singing and fundraising. While she co-chaired the Scrip Committee from 1996–2000, she launched the Scrippettes singers to promote sales. The four Scrippettes performed jazzy versions of holiday songs including "Jingle Bell Rock," "Have Yourself a Merry Little Christmas" and "Swingin' at Santa's Place." Today the group calls itself Swing Set and continues to delight people at civic functions from singing the National Anthem at Giants' games to warming up the crowd at Hillsborough's Light Up the Town celebrations.

Christine's boundless energy has been successfully put to use as co-chair of Hillsborough Concourse events in 2001, co-chair of the Measure B campaign to benefit Hillsborough's public schools in 2002, and the Citizens Communication Advisory Committee appointed by the mayor to help the city council and town staff to communicate with residents about issues affecting the town, also in 2002.

Christine was first elected to the city council in 2004. From 2006–2008, she served as vice mayor, and from 2008–2010 she served as mayor. During her 2010 term, she oversaw Hillsborough's Centennial, a flawlessly orchestrated celebration featuring marching bands, floats and vintage cars, and the dedication of Centennial Park. That year Christine was appropriately honored for her countless contributions as Hillsborough Citizen of the Year.

Christine is a firm believer that a strong sense of community is vital in a city and improves quality of life. While mayor, she embarked on an ambitious agenda to develop a Hillsborough emergency preparedness program, the Hillsborough Neighborhood Network, an outdoor movie night, adult classes at Town Hall and the first ever Hillsborough Memorial Day Parade.

Her remarkable contributions to the Town have been matched by her generous support of many important community organizations. Christine serves as president and board member of Innvision/Shelter Network providing transitional housing to homeless families, veterans and single adults. She is past president and present board member of Hillbarn Theatre providing valuable cultural programming in the county.

A native of Philadelphia, Christine earned her BA in Theater from Arcadia University, and she is a graduate of the conservatory at Circle-in-the-Square School of Theatre in New York. She is an accomplished actress in amateur productions and has played memorable roles such as Adelaide in *Guys and Dolls* and Dolly in *Hello, Dolly*.

The vitality, creativity and enthusiasm that Christine has brought to the city council for eight years will certainly be missed. She has created a standard of community engagement which will be an inspiration to her successors.

Mr. Speaker, I ask the House of Representatives to rise with me to honor one of the finest local elected officials of San Mateo County, Christine Kroltik. I am honored to call her one of my best friends. She has dedicated herself to the betterment of her fellow residents and our beautiful town. At a white elephant Christmas party a year ago, Christine fought for a superhero costume—a fitting symbol of a person who has committed her life to helping others survive and thrive.

#### TRIBUTE TO JERRY BROWN

#### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Hood River County Chief Deputy Sheriff Jerry Brown. Chief Deputy Brown joins Sheriff Joe Wampler in retirement from the Hood River County Sheriff's Office on January 1, 2013, capping a career in law enforcement and public service going back to the 1970's. Chief Deputy Brown has dedicated his life to duty, honor, and service to the citizens and visitors of Hood River County, Oregon.

Jerry Brown has served his country and his community for decades. He is not only a long time veteran of law enforcement, but also he is a veteran of the U.S. Marine Corps who served our country in Vietnam. In 1978 he took the reins of "The Next Door," a non-profit organization in Hood River that provides care and support for children and families in the area. During his time with The Next Door, Jerry coordinated week-long hikes and camping trips for youth, diligently fundraised, and secured accreditation through the Youth Care Association. His efforts helped form the program into a model for other areas to follow that endures to this day.

The pull to serve and protect citizens of my home town, Hood River, Oregon, drew Jerry to his full-time career in law enforcement. He started as a patrolman with Hood River Police Department and spent 20 years working to ensuring the community's safety. During his career with Hood River Police Department, Jerry also served as a detective, sergeant, and attained the rank of lieutenant before joining the sheriff's office in 2006.

For the past six years, Jerry has served as Sheriff Wampler's chief deputy, lending his knowledge and experience to the position. The positive impact Chief Deputy Brown has made on the sheriff's office, and his community, will continue to inspire others to serve their nation, state, and community long into the future.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Jerry Brown. He has earned the thanks of a grateful nation for his service and the thanks of our community for his unwavering commitment. Please join me in wishing Chief Deputy Sheriff Jerry Brown a very long and happy retirement.

#### IN RECOGNITION OF GINNY SILVA JAQUITH

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Dr. Ginny Silva Jaquith, a close friend, former colleague and remarkable public servant who is retiring today from serving an interim term on the Pacifica City Council. When the city needed her, Ginny stepped up to the plate and brought her professionalism and experience to the council. In the 30 plus years I have known Ginny, she has always risen to the occasion.

Ginny is no stranger to the Pacifica City Council. She served on it from 1980–1992, including three terms as mayor. The highlights from her tenure were the creation of the city's best known event, the Pacifica Fog Fest, and the Community Center, both of which greatly enhanced the wonderful sense of community in Pacifica. Ginny served on the Pacifica Coast Fog Fest founding board from 1985 to 1992 and after she left the council, she was on the Fog Fest Organizing Group from 2000–2010.

She worked closely with the Golden Gate National Recreation Area to acquire Sweeney Ridge, a spectacular hiking area of ridges and ravines between Pacifica and San Bruno that slope down to the San Francisco Bay on one side and the Pacific Ocean on the other. She helped turn the Sanchez Art Center into reality. The city worked closely with local artists and residents to purchase an abandoned elementary school and transform it into the invaluable art and educational center it is now.

Ginny was also instrumental in the establishment of the Redevelopment Agency in Rockaway Beach and a Commercial Development Task Force and Plan. She served on the San Mateo County Civil Grand Jury and on the Pacifica Task Force for Sharp Park Golf Course.

Today she continues to give her time and energy to the Board of Directors of Pacificans Care, the Rotary Club of Pacifica, the Presidio Golf Club and the City of Pacifica Beautification Task Force.

Ginny was born in Gustine, California and grew up in the Sunnyvale, Cupertino area. She earned her BS in Recreation from San Jose State University, her MS in Recreation Administration from San Francisco State University, and her EdD in Education from the University of San Francisco.

She taught in SFSU's Recreation and Leisure Department for 27 years, was the department chair for three years and is a Professor Emerita.

She and her husband Robin of 38 years live on Pedro Point. In her spare time she enjoys the arts, playing golf, cooking and traveling.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Dr. Ginny Jaquith for her past and continuing service to the residents of Pacifica. Her tireless commitment and dedication have made this beloved coastal town a better and more beautiful place for everyone.

#### TRIBUTE TO CHANCELLOR TIMOTHY P. WHITE

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to southern California and higher education are exceptional. The University of California has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Chancellor Timothy P. White is one of these individuals. After four years of service to the University of California, Riverside (UCR), he will be leaving the University of California to take a new post as Chancellor of the California State University system.

Chancellor White was born in Buenos Aires, Argentina. He later immigrated to northern California, and is a first-generation college student who has matriculated within every college system in California. After beginning at Diablo Valley Community College, he earned a Bachelor's Degree from Fresno State University, a Master's from Cal State Hayward (East Bay), and a Ph.D. in Exercise Physiology at the University of California, Berkeley. He previously held positions as Professor and Chair of the Department of Human Biodynamics at UC Berkeley, and as Professor and Chair of the Department of Movement Science and research scientist in the Institute of Gerontology at the University of Michigan. White had previously served as Dean, Provost, and Executive Vice President at Oregon State University, and came to UCR from the University of Idaho, where he had been President since August 2004. There he established a strategic direction to further the university's role as the state's land-grant and flagship research university. He is internationally recognized for his work in muscle plasticity, injury, and aging.

One of the many accomplishments during Chancellor White's tenure at UCR was the University's successful receipt of "preliminary accreditation" from the Liaison Committee on Medical Education, the national accrediting body for educational programs leading to the M.D. degree in U.S. and Canadian medical schools. This was UCR's second attempt to gain accreditation for an independent, four-year medical school. This momentous achievement was made possible due to the tremendous efforts of Chancellor White and the future Dean of the Medical School, Dr. G. Richard Olds, in partnership with local, state and federal officials, as well as community and business leaders. UCR will be able to recruit students for the charter class of 50 medical students, enrolling in August 2013.



UCR has also gained national and international recognition for excellence in research, teaching and service under Chancellor White's tenure. UCR is ranked among the top 200 campuses around the globe in both the Shanghai Jiao Tong Academic Ranking of World Universities and the Times Higher Education rankings, and was recognized for its exceptional commitment to public service by Washington Monthly. Other accomplishments include the creation of a strategic plan to guide the institution, the announcement of the new School of Public Policy, growth of campus enrollment to almost 21,000 students, and new levels of achievement and accomplishment by faculty and students alike. In addition, under Chancellor White's guidance, Riverside was selected to host the new UCPath project, which will consolidate basic human resources operations across the entire UC system as a permanent cost-saving measure.

I have come to know Chancellor White well through many years working together on a variety of educational issues in Riverside. I can personally attest to the Chancellor's incredible work-ethic, professionalism, and positive attitude. He is married to Dr. Karen N. White, who is an Associate of the Chancellor and an assistant clinical Professor for the UCR Biomedical Sciences Program. She has been a great advocate on behalf of our veterans through the Operation Education Scholarship Program, which she founded and established on the UCR campus in 2010. They have four sons.

In light of all Chancellor White has done for the University of California and the Inland Empire, it is only fitting that he be honored as he continues his service to higher education. Chancellor White's tireless passion for public service and higher education has contributed immensely to the betterment of our region and the state and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he moves onto the next phase of his life.

IN HONOR OF ROBERT M. LIGHTFOOT, JR. ON HIS APPOINTMENT TO THE ASSOCIATE ADMINISTRATOR OF NASA

**HON. ROBERT B. ADERHOLT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. ADERHOLT. Mr. Speaker, today I congratulate Robert M. Lightfoot, Jr., on the occasion of his appointment as the Associate Administrator for NASA, the agency's highest-ranking civil servant position. As he is the first native Alabamian to hold this position, I am pleased to stand before this body of Congress to recognize his contributions to NASA and our country.

He previously was director of NASA's Marshall Space Flight Center in Huntsville, Ala. Named to the position in August 2009, he headed one of NASA's largest field installations, which plays a critical role in NASA's space operations, exploration and science missions. Mr. Lightfoot managed a broad

range of propulsion, scientific and space transportation activities contributing to the nation's space program.

From 2007 to 2009, Mr. Lightfoot was Deputy Director of the Marshall Space Flight Center. Lightfoot served as manager of the Space Shuttle Propulsion Office at Marshall from 2005 to 2007, where he was responsible for overseeing the manufacture, assembly and operation of the primary shuttle propulsion elements: the main engines, external tank, solid rocket boosters and reusable solid rocket motors.

Mr. Lightfoot received a bachelor's degree in mechanical engineering in 1986 from the University of Alabama. In October 2007, he was named Distinguished Departmental Fellow for the University of Alabama, Department of Mechanical Engineering. He was selected as a University of Alabama College of Engineering fellow in 2009. Lightfoot serves on the University of Alabama Mechanical Engineering Advisory Board. In 2010, he was inducted into the State of Alabama Engineering Hall of Fame.

Mr. Lightfoot has received numerous awards during his NASA career, including a NASA Outstanding Leadership medal in 2007 for exemplary leadership of the Shuttle Propulsion Office, assuring safety for the return to flight of the space shuttle. In 2006, he was awarded the Presidential Rank Award for Meritorious Executives, and in 2010 he received the Presidential Rank Award for Distinguished Executives—the highest honors attainable for federal government work. In 2000, Mr. Lightfoot received a Spaceflight Leadership Recognition Award, which recognizes leaders who exemplify characteristics necessary for success. In 1999, NASA's astronaut corps presented him with a Silver Snoopy Award, which honors individuals who have made key contributions to the success of human spaceflight missions. He also received the NASA Exceptional Achievement Medal in 1996 for significant contributions to NASA's mission.

We are thankful for the years of dedication and hard work by Robert Lightfoot. We wish him and his family the best in this new role of service to our country.

IN RECOGNITION OF THOMAS KASTEN

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Thomas Kasten who has served on the Hillsborough City Council for twelve years, including two terms as mayor. The residents of our town are very fortunate to have benefitted from the expertise and leadership of such an outstanding businessman and manager.

Tom, first elected to the city council in 2000, is currently the mayor and police commissioner. He balanced the budget both years and left the town in good financial condition. With his leadership skills he was able to calm a heated controversy about increased garbage and water rates that brought out large and vocal groups of residents. He also oversaw

the approval of the largest capital expenditure plan in the town's history to replace a substantial portion of the 100-year old sewer system.

During his first term as mayor from 2004–2006, Tom had to deal with the town's fight over MacMansions replacing smaller ranch homes. He established the Zoning Study Committee and included leaders from both sides of the controversy to develop adjustments to the building code.

Tom also chaired the board of directors of the City/County Association of Governments (C/CAG) of San Mateo County and is now the vice chair of its legislative committee. He sits on the board of directors of the Housing Endowment and Regional Trust of San Mateo County (HEART) and serves on its nominating and by laws committees. Previously, he was on the board of the Peninsula Traffic Congestion Relief Alliance. In 2007, Tom was the chair of the Regional Housing Needs Allocation Policy Advisory Committee for San Mateo County and is currently chairing its policy committee.

Tom honed his business skills during his 34-year long career at Levi Strauss & Co., where he was the president of the youthwear, men's jeans, and womenswear divisions. In addition, he served as executive vice president of new business development in which capacity he took the company private after 14 years as a public company. Tom was responsible for all information technology for Levi Strauss United States. Today, he continues his connection to Levis Strauss & Co. and serves on the Investment Committee.

Tom has lectured at some of our finest universities, including Stanford, Berkeley, UCLA and San Francisco State University, and he has been a keynote speaker at countless business conferences in the United States and abroad. He is also a frequent guest on television and radio and has been quoted in magazines such as Fortune and Fast Company. Computerworld Magazine named Tom one of the "Premier 100 Information Technology Leader in the U.S." in 2000.

Tom is very active in the Jewish community and volunteers his time and expertise with the Jewish Community Federation of the San Francisco Bay Area and the Jewish Home Foundation.

Originally from Portland, Oregon, Tom received his BS and MBA in Marketing from the University of California at Berkeley.

Tom and his wife, Kendra, have lived in Hillsborough 28 years. They have two children, Jeffrey and Alyssa.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Thomas Kasten who has tirelessly devoted his time and energy to the residents of Hillsborough.

HONORING THE LIFE AND SERVICE OF BISHOP WALTER F. SULLIVAN

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. CANTOR. Mr. Speaker, I would like to take this opportunity to remember and honor the life of Bishop Walter F. Sullivan, whose recent death saddens the many people whose

lives he touched throughout his time as bishop of the Catholic Diocese of Richmond.

Bishop Sullivan served in churches throughout Virginia since he was ordained in 1953. As the longest-serving bishop in the Richmond diocese's 192-year history, he made a lasting impact in and outside of the Catholic Church. Bishop Sullivan was an advocate for the underprivileged and welcomed people of all faiths with open arms. During his time as bishop, the diocese established various new parishes, advisory committees for the youth, women, and minorities, homes for the elderly, and retreat centers.

Bishop Sullivan also commissioned the first public Holocaust memorial in Virginia, "Rachel Weeping for Her Children," which celebrated its 25th anniversary in April. Acts like this made Bishop Sullivan a hero and champion to many. He spent his life committed to helping others, and he will be greatly missed.

Mr. Speaker, though we mourn the death of Bishop Walter Sullivan, we come together to pay tribute to and honor the life and work of such an important figure in our history.

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CONGRATULATING JIM TURNER  
ON 40 YEARS OF RADIO HOSTING

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. WEBSTER. Mr. Speaker, I take this opportunity to recognize a gentleman who has been a mainstay in the Central Florida community for many years. After 40 years with NewsTalk WDBO as one of Central Florida's most respected and beloved news hosts, Jim Turner has announced his plan to retire.

Mr. Turner joined WDBO in 1972 and has hosted the station's morning segment since 1985. He is respected not only in the Central Florida community but throughout the country. In 2004 he was awarded by his peers in the National Association of Broadcasters the prestigious Marconi Award for Personality of the Year.

Founded in 1924 as a physics project of Rollins College, WDBO is today one of Central Florida's great news and talk radio stations. During his tenure as the morning show host, Turner headed the station's transformation from music to information and talk.

Jim Turner's daily presence on WDBO's morning talk segment will be sorely missed. We are grateful for the years he has spent talking with Central Florida, and we wish him well.

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RECOGNIZING ROBERT J. ARNOLD  
ON THE OCCASION OF HIS RE-  
TIREMENT AFTER 38 YEARS OF  
SERVICE TO OUR NATION

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. MILLER of Florida. Mr. Speaker, it is with great pleasure that I rise to recognize Mr.

Robert J. Arnold, Chief Technologist, 96th Test Wing, Eglin Air Force Base, on the occasion of his retirement after 38 years distinguished public service to the United States Air Force and our great nation.

Mr. Arnold's career began in industry, performing and later managing missile, A-7, and F-8 weapons programs at numerous test and evaluation facilities. In previous positions with the Air Force, he led A-10 and F-15 weapons test programs at Edwards Air Force Base, California. During his outstanding career, he managed test and evaluation programs involving practically every type of weapon and aircraft in the Air Force inventory. He formed the Corporate Plans Office for the Air Force Development Test Center at Eglin Air Force Base, Florida, establishing and leading the Center's strategic planning program, institutionalizing modernization planning, and implementing a command-wide "Single-Face-to-Customer" office. Upon formation of the Air Armament Center at Eglin Air Force Base, he established the Plans and Programs Directorate for the Center and led planning for the inaugural Air Armament Summit to shape the future of air armament and joint service test and training infrastructure.

Mr. Arnold's record as a leader and his ability to form partnerships at all levels of government is unsurpassed. He was hand-picked by Air Staff to serve as the Interim Deputy Director for the Defense Test Resource Management Center (DTRMC) where he orchestrated preparation of the initial DTRMC DoD Strategic Plan for test and evaluation resources.

Without his care and stewardship as Chairman of the Eglin Encroachment Committee, mission critical natural resources might never have been preserved. His leadership enhanced community partnerships in the Eglin community and throughout the State of Florida.

Mr. Arnold's contributions to range sustainment, encroachment and the test and evaluation field as a whole have saved millions, brought him national recognition and benchmarked a number of innovative processes that will stand the test of time. His talents and overall knowledge and understanding of the Air Force mission will be greatly missed.

Mr. Speaker, it is only on rare occasions that we find men of such exceptional character as Bob Arnold. He left his indelible mark on the Air Force and the Northwest Florida community. On behalf of the United States Congress, I would like to offer my congratulations to Bob and his wife, Myra. My wife, Vicki, and I wish them the best for continued success.

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IN HONOR OF DR. WILLIAM  
PURCELL

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. KISSELL. Mr. Speaker, I rise today to honor a true, dedicated leader in my state and in my community, Dr. William Purcell of Scotland County, North Carolina. Dr. Purcell grew up in Laurinburg, North Carolina, just south of my home town of Biscoe, North Carolina. He

attended public schools in Laurinburg before graduating from Davidson College, and later, the University of North Carolina School of Medicine. After proudly serving our nation in the United States Army Medical Corps in France, during the Cold War, he returned home to North Carolina where he practiced pediatrics in Laurinburg for 36 years. During this time he also served on the Laurinburg City Council for six years, and as the Mayor of Laurinburg for 10 years. He became a member of the North Carolina Senate in 1997 and has proudly served the 25th District for seven terms before announcing his retirement this year.

If there is any indication of the impact this man has had on his community, it is the numerous awards he has received, including the Distinguished Service Award from the University of North Carolina in 2005, for his commitment to making preventive health care a top priority. Dr. Purcell's dedication to the health of the children of North Carolina continued after his retirement as a pediatrician, making its way into the halls of the General Assembly where he served as a member of the Appropriations Committee on Health and Human Services, and the Chairman of the Legislative Task Force on Childhood Obesity. To honor this commitment, ABC News Correspondent George Stephanopoulos presented him with the Nathan Davis Award, the American Medical Association's highest award for a public office. Most recently, in 2008, his fellow senators and local news correspondents voted him one of the most effective members of the North Carolina Senate.

Senator Purcell and I have been friends for quite some time now, and this has allowed me to experience first-hand his generosity and his commitment to the well-being of the people of our state. As a former educator, I understand the importance of pediatric health and wellness, and their impact on a student's ability to succeed. I sincerely thank Dr. Purcell for his tireless devotion to making our community a better place.

Mr. Speaker, it is with admiration and appreciation that I rise today to speak of the ceaseless and tireless efforts of Senator Purcell to represent the people of Anson, Richmond, Scotland, and Stanly counties, and our state as a whole. Today, I urge my colleagues to join me in commending Senator Purcell for his outstanding leadership and achievements, and for a life of selfless devotion to those around him.

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HONORING REAR ADMIRAL JAMES  
W. LISANBY (USN RETIRED)

**HON. ED WHITFIELD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. WHITFIELD. Mr. Speaker, I rise today, to recognize (Ret.) Rear Admiral James W. Lisanby, who passed away on November 14, 2012.

Rear Admiral Lisanby, a native of Caldwell County, Kentucky, served his country and community with great integrity and honor. He rose through the ranks of the United States

Navy during his 37 years to become a rear admiral and a chief engineer. He was instrumental in the development of the modern era of shipbuilding at the Ingalls shipyard in Pascagoula, Mississippi.

After spending many years of service abroad and at sea, Rear Admiral Lisanby became the Commander of Naval Ships Engineering Center, his first Flag officer assignment, where he was responsible for the design and engineering of all ships and weapons developed for the U.S. Navy. He finished his stellar Navy career as the Deputy Commander for Acquisition and Logistics in the U.S. Navy's Sea Systems Command in Washington, DC.

Following retirement for the Navy, Rear Admiral Lisanby started his own consulting firm, Naval Services International, Inc., and became the first American elected President of the International Professional Engineering and Naval Architects Society, IPEN. He also served on numerous boards, including those of the United Services Life Insurance Company and the Sioux Manufacturing Company of Devil's Lake, ND, and he also served as the Chairman of the Board of Technology Financing, Inc., part of the BMT Group of International Companies.

Not only was he successful in serving his country, and in business, but he had a very impressive academic record. A U.S. Naval Academy graduate, he earned a Professional Engineers Degree (PE) from the Massachusetts Institute of Technology, and an advanced Management Degree from the Harvard Business School (PMD).

Rear Admiral Lisanby and his wife of 61 years, Gladys, retired to Arlington, Virginia and Pascagoula, Mississippi until Hurricane Katrina destroyed their beachfront home. At that time, the Lisanbys returned to Kentucky, and Caldwell County.

After returning to Kentucky, the Lisanbys became very active in the community, particularly in their support of the arts. They became members of the Endowment Circle of the Princeton Art Guild, where its Lisanby Courtyard honors Lisanby's mother, a lifelong artist and arts supporter.

Rear Admiral Lisanby was also an active member of Ogden Memorial United Methodist Church in Princeton, a Rotarian and a Paul Harris Fellow.

In addition to his wife, he is survived by his brother, Charles, two daughters, Elizabeth Ann Lisanby and Dr. Sarah Hollingsworth Lisanby, and their families.

The people of Caldwell County, the Commonwealth of Kentucky, and this great Nation were greatly served by Rear Admiral Lisanby, and he will be truly missed.

#### PERSONAL EXPLANATION

#### HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mrs. HARTZLER. Mr. Speaker, on Monday, December 17, 2012, I was unable to vote. Had I been present, I would have voted as follows:

On rollcall No. 627, "yea."

On rollcall No. 628, "yea."

#### HONORING THE LIFE OF VICTORIA LEIGH SOTO

#### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. DeLAURO. Mr. Speaker, it is with the heaviest of hearts that I rise today to join the Stratford and Sandy Hook communities as they remember Victoria Leigh Soto who was so tragically taken from us last Friday. Only 27 years old, Victoria was a first-grade teacher at Sandy Hook Elementary School where she lost her life protecting her students. Room 10 lost its teacher and we lost an exceptional young woman.

A lifelong resident of Stratford, Connecticut, Victoria graduated from Stratford High School in 2003 and earned a degree with high honors in Education and History from Eastern Connecticut State University. She was currently working to complete her Master's Degree at Southern Connecticut State University. She was a student teacher at Brewster Elementary School in Durham, Connecticut and in her fifth year as a first-grade teacher at Sandy Hook Elementary School, Victoria was fulfilling the dream she had had since she was just three years old. Teaching was her passion and it showed. Her students adored her—the many pictures inscribed with "I Love Miss Soto" that adorned her desk a testament to the impact she had on the children she was charged to care for and educate each day.

Victoria was equally as passionate about her family. In one of her Facebook postings she wrote of her life, "In my spare time, I love spending time with my black lab, Roxie. I love spending time with my brothers, my sisters, and cousins." Family and friends have described her as a role model—not only to them but to everyone she met.

As the event at Sandy Hook Elementary School unfolded, Victoria quickly hid her young students in closets and cabinets. When the gunman came into her classroom Victoria told him that her students were not in the class but in the gym. He turned the gun on her and she was lost to us. Her students would later be found by first responders, huddled together in the closets and cabinets. She saved each of their lives while sacrificing her own. Victoria was a hero in every sense of the word.

The tragic event that occurred at Sandy Hook Elementary School and all of those we lost that day will never be erased from our minds. Though there are no words that can ease her families suffering, I hope that they can take some small comfort in the knowledge that Victoria will always be remembered as a hero. My thoughts and prayers are with her parents, Carlos and Donna, as well as her siblings, Jillian, Carlee, and Carlos Matthew, and extended family as they say goodbye to their angel. Victoria Leigh Soto was an extraordinary young woman and will long serve as an inspiration to us all.

IN HONOR OF CORPORAL MICHAEL P. NICHOLSON'S SERVICE TO HIS COUNTRY

#### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. CASTOR of Florida. Mr. Speaker, I rise today in honor of one of Florida's brightest sons, Corporal Michael, P. Nicholson of The United States Marine Corps, Echo Company. On July 6, 2011 in an IED blast Corporal Nicholson was almost mortally wounded when he lost his legs and part of his left arm and numerous other injuries. His personal decorations include The Purple Heart, Combat Action Ribbon and numerous other service awards. Michael was 2nd Platoon Mortar Chief and Assistant Patrol Leader. This strong young man from Tampa has been through hell and back and with much more to overcome he has been a shining example to all, and makes you proud to say you're an American. The Tampa Bay community honors his service to our great country. What Michael "Stands For," is magnificent, and few of us will ever reach the heights to which he has already scaled in his short lifetime and will into the future. A Marine's Marine, our thoughts and prayers go out to him and his family. I submit this poem penned in his honor by Albert Caswell.

#### STAND FOR SOMETHING

Stand!  
Stand for something,  
or live for nothing at all!  
Die for something,  
or the rest of your life so crawl!  
Stand!  
Better to give up your strong arm and legs,  
then look back at all of that emptiness that  
you so gave this world, you saw!  
And so realize,  
that your life really meant nothing at all!  
Stand for something!  
So noble and so very tall!  
Better,  
to make a difference with it all!  
And so answer that most heroic of all calls!  
That call to arms!  
That call to war!  
That call to death,  
for all of our freedoms to so insure!  
Because,  
moments are all that we so have!  
To stand tall!  
To change the world!  
To go off with our flags unfurled!  
To stand for something!  
All in that blood that binds you,  
but to so answer that most noble cause!  
To stand for something,  
to where only such hearts of honor are so  
called!  
Yea Stand!  
Stand for something,  
or live for nothing at all!  
To shine,  
to make a difference with it all!  
But,  
To wear those magnificent shades of green!  
And be but only one of "The Few",  
But to be only one of The very Bold!  
To have and to hold!  
Our Nation's most precious of all Gold!  
A United States Marine!  
One of the best damn things,  
that this country has ever seen!  
As already Michael,

in your short life as you have so convened!  
 All in that fight,  
 with all your might!  
 As you were so magnificently seen!  
 As it was on that fateful day,  
 when your fine life almost went away!  
 As a IED explosion,  
 halfway to Heaven on that day!  
 When,  
 something so deep down inside of you would  
     not give way!  
 Because you were born to lead,  
 even in your darkest days!  
 As the tears ran down your most heroic face!  
 Because Nicholson,  
 your fine life that still had so much more to  
     say!  
 For you had miles to go,  
 and mountains to so climb on your most he-  
     roic way!  
 And so many hearts to so heal,  
 and to so inspire,  
 lifting them all so ever higher!  
 While, all of the Angels for you so prayed!  
 As you Michael,  
 still have such life of happiness that which  
     before you so awaits!  
 As you Michael may have lost your two  
     strong legs and arm!  
 But they'll not touch your great heart of  
     amazing grace,  
 that which so inside of you so beats and  
     burns so very warm this very day!  
 The one that which you were so born with,  
 that which so says Marine get up and move  
     on . . . the course to stay!  
 And Pity is not a town where you will ever  
     stay!  
 As you so teach us!  
 As you so reach us!  
 As you so beseech all in every way!  
 With the kind of lessons about life that only  
     a kid like you could say!  
 As you rain mortars of hope down upon us  
     all,  
 all in what your fine heart has so to con-  
     vey. . .  
 Because, already in your short life Mi-  
     chael. . .  
 you've traveled higher and farther than any  
     of us ever will or may!  
 Because, you so Stood For Something!  
 And as you Still Do, To This Very Day!  
 For Something, So Noble and So Brilliant,  
     and So Bright!  
 Someone To So look Up To,  
 whose most courageous heart brings such  
     light!  
 These rays!  
 Marine, I could climb the highest mountain,  
 and yet never would I reach where you stand  
     this day!  
 For only a few in heaven will so stand, as  
     they!  
 And if ever I had a son Michael,  
 I wish he could but be half the man you are  
     in every way!  
 Who Stands for Something so very brilliant,  
 that which most of us never may!  
 All in you in what I saw,  
 as our hearts to you Michael so run!  
 Because in The Game of Life,  
 you are a Champion in every way!  
 Oh how I wish I could stand as tall as you  
     this very day!  
 What have you stood for, out on life's way?  
 Stand!

IN RECOGNITION OF JUDGE  
 CARMEN RIVERA-WORLEY

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor Judge Carmen Rivera-Worley. Judge Rivera-Worley has served as District Judge for the 16th District Court in Denton County, Texas for the past nine years.

Judge Rivera-Worley received a Bachelor's Degree from Texas A&M University in 1977. She also received a Master's Degree from Texas Tech University in 1978. In addition to those degrees, Judge Rivera-Worley proved her commitment to higher-education by earning her Jurisprudence Doctorate from the University of Texas School of Law in 1982. These numerous degrees have allowed Judge Rivera-Worley to extend her knowledge and continually serve the citizens of Denton and Val Verde counties.

Judge Rivera-Worley has extensive experience in practicing law. Before her current position as District Judge, the Honorable Rivera-Worley held several positions as an attorney in Denton County and Val Verde County. She previously served in Denton County's Criminal District Attorney's Office as the Assistant Criminal District Attorney/Chief of Civil Division from 1992–2003. Also, she served as Val Verde County Attorney from 1987–1992. Prior to that position, she was Val Verde County Assistant Attorney from 1985 to 1987.

Judge Rivera-Worley also played an active role in numerous professional associations. These include the Denton County Bar Association and The Texas State Bar Association, particularly in the following sections: Construction Law Section, Government Lawyer Section, and Labor and Employment Section. In addition, she held many positions in the Texas District and County Attorney's Association. In the Texas District and County Attorney's Association, she was a member of the Board of Directors, the Long Range Planning Committee for Publications, the Editorial Board, and the Legislative Committee. Also, she served as the Chair of the Civil Committee of the Association, and was also a member of the Governor's Prosecution Advisory Committee on Punishment Standards Commission, and was a speaker at conferences on local government and purchasing for the Texas Association of Counties and Texas Purchasing Association.

Beyond her professional experience, Judge Rivera-Worley has proven her commitment to the community by working with civic organizations and charities in the region. She is currently an associate of the Denton Independent School District's Bond Progress Committee and of the Denton Christian Preschool Board of Directors and Nominations Committee. Judge Rivera-Worley has also devoted her time to the Trinity United Methodist Church by being a member of the Board of Trustees and of the Council on Ministries. She was also the Chair of the Youth Ministries Committee for the church.

Even with her already outstanding track record of leading her community, Judge Rivera-Worley found the time to serve as a

member of the Minority Access Committee at Ann's Haven Hospice. She also played a significant role in the Denton Chapter of the League of United Latin American Citizens, and was also named Trustee of the Sarah E. Worley Educational Foundation Trust.

Judge Rivera-Worley is a very active member in her community and has a true passion for helping others. As she retires, she will leave a legacy of excellence in the 16th District Court of Denton County and will not be forgotten. I am pleased to recognize Judge Rivera-Worley and am privileged to represent Denton County in the U.S. House of Representatives.

IN SUPPORT OF CONTINUING  
 EMERGENCY UNEMPLOYMENT  
 COMPENSATION BENEFITS

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. DAVIS of Illinois. Mr. Speaker, although our economy is gradually improving after one of the worst economic crises in our Nation's history, the economic crisis remains a daily reality for 12 million unemployed workers and for the millions of Americans experiencing record levels of food insecurity, poverty, and foreclosure.

Unemployment benefits are a critical lifeline for our citizens and our economy, keeping 2.3 million Americans (including over 600,000 children) from falling into poverty in 2011, reducing the poverty rate for families by 40 percent in 2011, and generating \$1.52 in economic activity for every \$1 in economic compensation. The non-partisan Congressional Budget Office estimates that extending these benefits another year will create 300,000 much-needed jobs.

Now is not the time to cut unemployment; millions of Americans rely on unemployment assistance to survive. In my home state of Illinois during 2012, approximately 320,000 people relied on regular unemployment benefits and almost 140,000 additional Illinoisans depended on emergency unemployment. As Illinois and our nation continue to struggle out of this recession, failure to extend this critical lifeline will impose incredible hardship on approximately two million Americans. Failure to extend this critical lifeline means that—in addition to 90,000 Illinoisans who will abruptly lose benefits on December 29th—an additional 2,800 Illinoisans will lose benefits each week in 2013 if Republicans insist on slashing federal emergency assistance.

Our nation continues to experience historic levels of long-term unemployment. Most unemployed Americans no longer receive unemployment insurance benefits, reflecting the crisis that exists for the millions of Americans who have exhausted their benefits and still cannot find work. Indeed, over 40.8 percent of all unemployed workers, more than 5 million people, have been out of work for more than 6 months. These Americans lost their jobs through no fault of their own, they tirelessly try to find work when the jobs are few and far between, and they struggle to cover basic food,

housing, and transportation costs for their families on an average of \$290 a week, a pittance which typically replaces only half of the average family's expenses.

Now is not the time to cut unemployment; our economy needs federal unemployment benefits to support its growth. In addition to cruelly stripping millions of Americans of vital assistance just days after Christmas, a Republican failure to continue unemployment benefits would devastate our fragile recovery. Moody's economist, Mark Zandi, estimates that slashing emergency benefits this year will reduce economic growth in 2013 by \$58 billion. Cutting unemployment benefits for two million people will take a tremendous toll on businesses as well as families. Even with the creation of millions of new private-sector jobs and improvements in the ratio of unemployed workers to job openings, jobs remain hard to get. There are 4 million fewer jobs in the economy now than at the beginning of the recession. Further, there are still 3.4 unemployed workers for each available job, worse than at any point during the 2001 recession and dramatically higher than the 1.8 people per job at the outset of the recession in December 2007.

Government leaders have a responsibility to protect Americans and our country, especially during times of national crisis. Failure to continue unemployment benefits will harm our economic recovery and disproportionately harm groups of Americans who already are hardest hit by the economic crisis—including older Americans, low-income Americans, Americans from racial and ethnic minority groups, and Americans without a high school diploma. Congress must quickly act to support our citizens and our economic recovery by continuing emergency unemployment benefits.

#### TRIBUTE TO DR. LOUIS LYNN

##### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a South Carolina entrepreneur and leading landscape designer, Dr. Louis Lynn, a recent recipient of the U.S. Department of Commerce Minority Business Development Agency's 2012 Ronald H. Brown Leadership Award. The Award recognizes exceptional leaders who have made great strides in creating diversity in the public or private sector. Dr. Lynn is a tremendous small business leader in South Carolina, and I am proud to call him a friend.

Dr. Lynn is a native of Lamar, South Carolina. His childhood in a rural area prompted his love of nature, and he spent his youth participating in the 4-H club and selling produce. He also came from a family of entrepreneurs—his grandfather was a shop owner and his father, Lawton, ran a butcher plant. His father was an influential figure in his life, who taught him to take a sense of pride in hard work, and the elder Lynn was even once named South Carolina Father of the Year.

In 1964, Louis Lynn entered the second freshman class to integrate Clemson Univer-

sity. He received his Bachelor's and Master's degrees in Horticulture from Clemson, and went on to earn a PhD in Horticulture from the University of Maryland. Early in his career, Dr. Lynn was a research scientist. His work at Monsanto led to the development of Roundup® herbicide. But he was called to more hands-on horticultural work.

In 1985, Dr. Lynn established ENVIRO Ag Science, Inc., which has become the largest African-American-owned landscape business in South Carolina. As the company has grown, it has added offices in Atlanta and Tucker, Georgia and now employs 85 full-time people. ENVIRO Ag Science, Inc. was recently named one of the 25 Fastest Growing Companies in South Carolina. His business began as a small residential landscaping business, but today is recognized for very high-profile projects including the landscaping of the Columbia Convention Center, the University of South Carolina Colonial Center, and BMW Manufacturing. Other clients include Ft. Jackson, Shaw Air Force Base, Fort Gordon and the Savannah River Nuclear site. As a SBA HUBZone Certified contractor, his firm is currently under contract with the Department of Defense for repair and renovation services on historic buildings at Fort Benning, Georgia and Fort Bragg, North Carolina.

Dr. Lynn is a man of great faith. He feels called to give back to the community. In 1988, he was elected to the Clemson Board of Trustees, and is serving his seventh four-year term. He has also served on the boards of the BB&T Bank, South Carolina Workforce Investment, the State Chamber of Commerce, the Columbia Chamber of Commerce, the South Carolina Governor's School for Science and Mathematics, the Palmetto Agribusiness Council, the Midlands Business Leadership Council, the State Museum Foundation, the South Carolina Horticulture Society and the South Carolina Commission of Higher Education.

Dr. Lynn and his wife, Audrey, are the parents of three adult children.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Dr. Louis Lynn on receiving the prestigious Ronald H. Brown Leadership Award. He has made extraordinary contributions as an entrepreneur, a community leader, and a man of faith. I can think of no one more deserving of this honor.

#### HONORING FLORIDA'S 7TH CONGRESSIONAL DISTRICT ACADEMY BOARD MEMBERS

##### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. MICA. Mr. Speaker, I rise today to pay tribute to members of my 7th Congressional District of Florida United States Service Academy Board Members. These are wonderful Americans who have provided voluntary service to assist in the nomination and selection of young men and women who will attend our nation's military academies. Each of these individuals has faithfully worked to help our country choose the very best of our youth to

train for leadership positions in our military branches. The United States Army, Navy, Air force and Marine Corps each owe these board members special thanks and recognition for their years of work and efforts.

They have not only interviewed hundreds of students applying to the academies, but also provided invaluable counseling and support in their important life and career choices.

On behalf of all the people of the 7th Congressional District I salute and honor LTC James T Marino (Ret.) of St. Johns, Mr. Derek Hankerson of St. Augustine, Dr. Dan Kelso of St. Augustine, Col. Douglass Wood (Ret.) of Palm Coast, Mr. Dan Quiggle of Ponte Vedra Beach, Col. Frank Farmer, Jr. (Ret.) of Ormond Beach, Col. Charles Early, Jr. (Ret.) of DeLand, Mrs. Mary Ann Welsh of Ormond Beach, Mr. Dan Hughes USMC (Ret.) of Palm Coast, Capt. Bill Knehans, DC, USN (Ret.) of Ormond Beach, LTC Al Peterson (Ret.) of Welaka and Mr. Tony Papandrea of Palm Coast.

I ask my colleagues to join me in recognizing and thanking the Military Service Academy Board Members of Florida's 7th Congressional District.

#### HONORING FORMER SENATOR GEORGE MCGOVERN

##### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. MCGOVERN. Mr. Speaker, George McGovern was a leader in the battle to end hunger—here in the United States and around the world. His recent passing should remind all of us of the need to continue his fight. Hunger is a political condition. We have the food and know-how to end it—what we're missing is the political will. As a tribute to Senator McGovern, let's all help create that political will.

Mr. Speaker, I submit a number of tributes to the great man.

GEORGE MCGOVERN—AN OUTSTANDING LEADER ON CHILDREN'S HUNGER AND NUTRITION

(By Gus Schumacher)

George McGovern will be remembered for much during his extraordinary 90 years—for some it is for his difficult loss to Richard Nixon in the 1972 presidential election, for others it is for his heroics while serving as a WWII bomber pilot. I will always remember the former Congressman and Senator from South Dakota for his unflinching public service, his integrity and his great courage over decades to sustain a passionate commitment to assisting the poor and hungry both domestically and overseas.

I was fortunate to get to know Senator McGovern in the late 1990's during my tenure as Undersecretary at the USDA while he served as our Ambassador to the United Nations Food and Agriculture Organization in Rome. During those meetings he continually pressured us for more support to the world's hungry, especially children. When he returned to the United States, he continued his pressure on us to fund what soon would become the McGovern-Dole International Food for Education and Child Nutrition Program.

On his return from Rome, Senator McGovern convinced former Senator Bob Dole of

Kansas to write a joint OpEd column in the Washington Post on the paucity of good nutrition for school children in developing countries—children trying to learn, but their learning impeded by scarce food and classroom hunger. Building on his domestic life-long efforts to improve nutrition for school lunches in America, he fostered the initial Woman, Infants and Children (WIC) program for pregnant mothers and their young children. With the help of Senator Dole, the two senior statesmen from opposite sides of the political aisle helped generate major improvements in the food stamp program, together again the Senators said, we need to generate support and funding for such programs overseas.

Congressman Jim McGovern (D-MA), no relation to Senator McGovern, read that Washington Post article, called President Clinton and asked him to invite McGovern to the White House. The President quickly invited him over to the Cabinet Room and asked a number of senior officials from the White House, USAID and USDA to join the briefing. Agriculture Secretary Dan Glickman and I were among those at this seminal meeting. McGovern was passionate on his proposal and quickly convinced the President who then turned to Secretary Glickman and me to use our authorities under the Commodity Credit Corporation legislation (Secretary Glickman was then Chair and I was then President of CCC) to ramp up a pilot program in 2001. It was extremely successful and Congress subsequently included funding in each farm bill since that historic White House meeting.

McGovern's passion for improving children nutrition was infectious. He never flagged on this work and here at Wholesome Wave his passion and dedication is reflected in our efforts to deepen his early work on food stamps and WIC with our nutrition incentives for these programs in more than 300 farmers markets across the country. Our work benefits many of the families that McGovern was so passionate to assist. He will be much missed, but his legacy to assist hungry children here at home and overseas is continuing.

ENDNOTE

The McGovern-Dole International Food for Education and Child Nutrition Program (McGovern-Dole program) helps support education, child development, and food security for some of the world's poorest children. It provides for donations of U.S. agricultural products, as well as financial and technical assistance, for school feeding and maternal and child nutrition projects in low-income, food-deficit countries that are committed to universal education. The McGovern-Dole program was originally authorized by the Farm Security and Rural Investment Act of 2002. The legislation called for the use of \$100 million in Commodity Credit Corporation (CCC) funds to launch the program in fiscal year 2003, with future funding coming from Congressional appropriators. The program was reauthorized in the Food, Conservation, and Energy Act of 2008. That legislation provides for the use of \$84 million in CCC funds and allows for annual Congressional appropriations, which has been approximately \$100 million annually in recent years. The program is administered by the U.S. Department of Agriculture's Foreign Agricultural Service and is named in honor of Ambassador and former Senator George McGovern and former Senator Robert Dole for their tireless efforts to encourage a global commitment to school feeding and child nutrition.

[From the Washington Post, Oct. 21, 2012]

GEORGE MCGOVERN, THE MAN WHO NEVER

GAVE UP

(By Bob Dole)

When I learned that George McGovern was nearing the end of his remarkable life, I couldn't help but think back to the day in June 1993 when both of us attended the funeral of former first lady Pat Nixon, in Yorba Linda, Calif. After the service, George was asked by a reporter why he should honor the wife of the man whose alleged dirty tricks had kept him out of the White House. He replied, "You can't keep on campaigning forever."

That classy remark was typical of George, a true gentleman who was one of the finest public servants I had the privilege to know.

I am sure there are some who were surprised by the long friendship that George and I shared. After all, before his death this weekend at age 90, he was a proud and unapologetic liberal Democrat and I am a lifelong Republican. As chairman of the Republican Party, I did what I could to ensure the defeat of his 1972 run for the White House. When the election was over, however, George and I knew that we couldn't keep on campaigning forever. We also knew that what we had in common was far more important than our different political philosophies.

Both of us were guided by the values we learned growing up in the plains of the Midwest—he in Mitchell, S.D., and me in Russell, Kan. Our lives were also transformed by the experience of wearing the uniform of our country during World War II.

We would both come to understand that our most important commonality—the one that would unite us during and after our service on Capitol Hill—was our shared desire to eliminate hunger in this country and around the world. As colleagues in the 1970s on the Senate Hunger and Human Needs Committee, we worked together to reform the Food Stamp Program, expand the domestic school lunch program and establish the Special Supplemental Program for Women, Infants, and Children.

More than a quarter-century later, with political ambitions long behind us, we joined together again. Soon after President Bill Clinton named George ambassador to the U.N. Food and Agriculture Organization in 1998, he called to ask for my help in strengthening global school feeding, nutrition and education programs. We jointly proposed a program to provide poor children with meals at schools in countries throughout Africa, Asia, Latin America and Eastern Europe. In 2000, President Clinton authorized a two-year pilot program based on our proposal, and in 2002, Congress passed and President George W. Bush signed into law the McGovern-Dole International Food for Education and Child Nutrition Program. Since its inception, the program has provided meals to 22 million children in 41 countries.

In recent years, George and I had several occasions to get together and reflect on our lives, our political careers and our respective presidential campaigns. No matter how many times we replayed it, he never did defeat President Nixon and I never did defeat Bill Clinton. We agreed, however, that the greatest of life's blessings cannot be counted in electoral votes.

In 2008, George and I were humbled to be named the co-recipients of the World Food Prize. As we were called on stage to accept the award, we once again reached across the aisle, walking to the podium literally arm-in-arm. I began my acceptance remarks by

saying that "The good news is that we finally won something. It proves that you should never give up."

There can be no doubt that throughout his half-century career in the public arena, George McGovern never gave up on his principles or in his determination to call our nation to a higher plain. America and the world are for the better because of him.

STATEMENT BY ADMINISTRATOR SHAH ON THE PASSING OF SENATOR GEORGE MCGOVERN

Senator George McGovern was a tremendous leader in the global movement to end hunger and malnutrition, and his partnership and friendship to the U.S. Agency for International Development will be irreplaceable. Senator McGovern's ties to our Agency date back to his appointment by President John F. Kennedy as the first Director of Food for Peace in 1961. He noted that this time at USAID was key to making him a lifelong champion of combating hunger, a commitment that has shaped global institutions and impacted millions of people around the world.

In his 18 years in the U.S. Senate, he sponsored numerous health and nutrition programs and served as chair of the Senate Select Committee on Nutrition and Human Needs. In addition to fighting hunger in the United States, he also teamed up with Senator Robert Dole to successfully pass the McGovern-Dole International Food for Education and Child Nutrition Program, which provides school meals to millions of children around the world each year. He played an instrumental role in helping establish the UN World Food Programme and was appointed as the UN's first Global Ambassador on World Hunger in 2001. He was recognized for his great leadership as co-Laureate of the World Food Prize in 2008.

Senator McGovern's tireless dedication to ending hunger and malnutrition helped encourage a renewed focus on food security around the world, including President Obama's global initiative Feed the Future. Across more than six decades of public service, he inspired countless others with his leadership, friendship, and commitment, always taking the time to mentor and coach young people.

Senator McGovern will be greatly missed, but his legacy has left us inspired and reenergized to carry his mission forward.

[From the Daily Beast, Oct. 22, 2012]

ROBERT SHRUM ON FRIEND GEORGE MCGOVERN, THE PROPHET POLITICIAN

(By Robert Shrum)

Written off today as history's greatest loser for his 1972 presidential drubbing, the senator should be remembered for moving America forward on innumerable issues, from Vietnam to gay rights, says friend and former speechwriter Robert Shrum.

When I was first called and told that George McGovern was in hospice care, I was overwhelmed with sadness. Yes, at 90, he had lived a long and extraordinary life, but when I talked with him in recent years, he was tirelessly immersed in public events, acutely insightful, a political leader retired from office though never from caring or speaking out. He had an undiminished sense of the possible, and how to push the boundaries. In him, that combination was not always seen or credited—in part because he was so genuinely principled, and of course because he so decisively lost in 1972.

So I think of him, and will write of him here, as a great undaunted man, often intentionally misunderstood, caricatured by opponents on the right and inside his own party,

but who nonetheless lifted the vision of the nation—and in his friend Robert Kennedy's phrase, "made better the life of the world."

I am not an objective observer. He was a shining and shaping force in my life. He trusted me to help with his acceptance speech for the Democratic presidential nomination when I was still in my 20s and had come to his campaign only weeks before the convention. He taught me about foreign policy and farm policy, and how to sip a vodka martini. When I worked for him in the Senate, he and his wife, Eleanor, one of the sharpest and sweetest people I ever met, took me on my first European trip, and then again to Asia. It's a journey that has never ended and without them might never have started.

In his last gift of public service, as the American ambassador to the United Nations Food and Agriculture Organization in Rome under President Clinton, and for a while even under President George W. Bush, George and Eleanor happily let me guide them around museums and churches—and restaurants—I'm certain they had been to before. It was a reprise of my days there more than two decades earlier, when we were on our way home from India, Pakistan, and Vietnam, and they changed our stopover from London to the Eternal City because I so yearned to see it. My wife, Marylouise, who loved to cook risotto for George as much as he loved to eat it, more than once said he was a second father to me. In that, I was not alone.

In the mid-1970s, when George had many years ahead of him, and far more to give, I decided to write a book called *Losers* about presidential candidates who, despite defeat and the blame that inevitably follows, had moved America forward in transformational ways. George would have been the concluding chapter. I sat down with one of the leading publishers in New York who dismissed the idea. Nobody, he said, wants to read about losers. Then he wondered if I'd be interested in ghostwriting a book for Nixon attorney general and Watergate criminal John Mitchell. I wasn't and I doubt Mitchell would have been interested in me.

When I told George, he laughed. Maybe I could refute "our" speeches on the Watergate cover-up during the '72 election. The irony was that George had been entirely right then, and his criticisms had been largely dismissed. President Nixon might have been impeached, but George was still written off as history's biggest loser.

History itself has bigger claims and a longer view. George, who bridled at being labeled an isolationist or an extremist—he was neither, but he was only human—also had a certain equanimity about the stereotype, a belief that what he had cared for, stood for, and accomplished mattered more than what was said about him. But in death if not in life, he deserves a fair accounting of who he truly was, and the differences he made.

George would reject similar counsel of caution to address an openly gay political organization in Los Angeles. He was the first United States senator ever to do so.

For example, his famous 1972 call to "Come Home, America," smeared then by Nixon's henchmen and since then by the neocons as a slogan of weakness, a policy of withdrawal from the world, was in reality a summons to honor defining American values and national interest. It surely was a demand to end the Vietnam War but also to pursue a "just and decent" activism abroad that in the end would strengthen our national security—and our claim to be the "last, best hope of earth." For this, the decorated bomber pilot

of World War II was reviled by the campaign of someone who had spent those dangerous years playing poker in the South Pacific. But the standard George raised has a lasting and fateful relevance. How much better off we would be now if his warning to refuse the wrong war and instead rebuild our own country had been heeded as the Bush administration plotted to plunge into Iraq.

George was as right about Vietnam as he was about Watergate. And another caricature hurled at him in 1972—that he favored "acid, amnesty, and abortion"—is in retrospect a partial libel, but in the main a tribute. He never favored the legalization of hard drugs. But amnesty for those who in conscience could not serve in Vietnam, which he saw as an essential part of healing the wounds of war, was granted within four years by President Carter. And a woman's right to choose was secured by the Supreme Court just months after George lost 49 states.

He also changed forever the way we nominate presidential candidates. The McGovern Commission he led reformed the process, breaking the grip of party bosses and ceding the power to voters in primaries and caucuses. He secured fair representation for women and racial and ethnic minorities that now encompasses LGBT Americans too. He put the people back in the party, and he's the reason the Democratic Party looks like America. The McGovern model has been tweaked, but it remains fundamentally the same, and it's been adopted by Republicans as well as Democrats.

George could achieve this, and more that I will honor him for here, because of perhaps the least noticed truth about him. He was a great politician. He was a college professor first elected to Congress in conservative South Dakota in the Eisenhower sweep of 1956. But there were lines he wouldn't cross even if it was politically prudent. He lost his first bid for the Senate in 1960 because he spurned the advice to avoid a campaign stop with John F. Kennedy, who was deeply unpopular in the state. (Eighteen years on, facing a tough re-election campaign, the one he would finally lose, George would reject similar counsel of caution to address an openly gay political organization in Los Angeles. He was the first United States senator ever to do so.)

After the 1960 election, the president-elect called him and said: "Hi, George. This is Jack. I'm terribly sorry I cost you that Senate seat." Kennedy then appointed him director of the new White House Office of Food for Peace.

The episode forged his friendship with Bobby Kennedy, and soon after Teddy, and it left him with a lifelong passion to end the plague of hunger in the world and the shame of hunger in America. He took that passion with him when he won a Senate seat two years later by a mere 597 votes. He would be elected three times in all, a remarkable record in a state that usually disagreed with him but respected his authenticity and the steadfastness of his beliefs. He turned his vulnerability into an asset.

As he declared for president in 1972 against one of the strongest primary fields in the modern era, he seemed to have few assets. Starting out far behind, in single digits, he triumphed as the anti-war candidate; he also maneuvered adroitly in states like Wisconsin, where he appealed to blue-collar voters with a proposal for property tax reform. He had a masterful strategy, and he assembled a masterful organization of the young and the talented.

George was unlucky too—and in politics, genius is often luck. He wasn't going to beat

Nixon, but the contest could have been much closer. And he might have survived to run the next time. Then he selected his running mate, Missouri Sen. Tom Eagleton, in the way it was customarily done then—with a few questions and no formal vetting. The choice blew up when the press reported that Eagleton, who had offered the reassurance that there was nothing embarrassing in his background, had undergone a series of shock treatments for depression. Eagleton was replaced; George fell 20 points behind and stayed there. The collateral result was the elaborate process for picking a vice-presidential nominee that has prevailed ever since. It's one legacy George would have preferred not to create.

It's telling that in the 2012 campaign, the stronger position on abortion and women's issues is the one he had 40 years ago. He was ahead of his time, and he was a reshaping influence on our times.

He not only opposed the Vietnam War but afterward proposed the reconciliation that was delayed until the 1990s. Gerald Ford might have gone for it—he discussed it with George—but flatly ruled it out 10 days after Ronald Reagan announced a challenge to Ford's renomination.

George advocated normalization of relations with China in a series of lectures in 1951, at the height of the Korean War. He did it again to far more attention—the lectures had provoked only a venomous response in the local newspaper—on the Senate floor in 1966, during the escalation of the Vietnam War. He called for an end to the embargo on Cuba a decade later and twice visited the island to meet Fidel Castro.

Review what I have recounted so far: events have proved him correct, as they will on Cuba. He was to a very real degree the politician as prophet. He had no meanness, but there was steel in his convictions. His Senate colleagues squirmed in 1970 as he reproved them before a vote on setting a deadline to withdraw from Vietnam: "Every senator here is partly responsible for that human wreckage at Walter Reed and Bethesda Naval, and all across our land—young men without legs, or arms, or genitals, or faces, or hopes."

Yet he could work with those on the other side, including the usually intractable right-wing senator from North Carolina, Jesse Helms. George made peace with Nixon, who had plotted to blame him for the shooting of George Wallace, and visited Nixon's home in New Jersey. George McGovern never yielded in his beliefs, but he never hated either. Indeed he treasured his relationship with the conservative icon Bill Buckley, whom he debated repeatedly on Firing Line. For one taping of the show in 1984, the team of McGovern and Shrum bested Buckley and George Will, persuading an audience at the Yale Political Union to vote for Walter Mondale over Ronald Reagan. After the election, Buckley said the same thing both to George and me: "As Yale goes, so goes Minnesota." George joyfully repeated the line.

It was his inner core that made him a torchbearer of ideals. But it was his temperament, his respect for others, that let him collaborate with Bob Dole to save and expand the Food Stamp Program. Millions of people in America who may not remember his name will not go hungry today because of George—and others half a world away are alive and whose children are alive because of his service from Food for Peace from 1961 to 2001, when he resigned as ambassador to the U.N. food agency.

His is a dual legacy, of ideas and of so many individuals he brought into politics who stayed to make their own mark.



There was his proposal for tax simplification—lowering rates and closing loopholes—which predated the reform Reagan negotiated with the Democrats by 14 years. The notion is still at the center of campaign conversation today, in the bastardized form Mitt Romney exploits to conceal his giveaways to the wealthy. George would be the first to denounce it; as he once said: “Money made by money should be taxed at the same rate as money made by men”

Those who enlisted with George in 1972 constitute a legion of significance in our national life, foremost among them the young Yale Law student who was our co-campaign manager in Texas, BM Clinton, along with friend Hillary Rodham. As president, Clinton would cast himself as a centrist Democrat, and George sometimes thought he was wrong, for example, on gay rights and the Defense of Marriage Act. (Clinton now thinks he was wrong too.) But George was also fiercely loyal to Clinton and quietly proud that he had started out in the McGovern campaign, in one of the toughest and most hopeless states.

I have been fortunate. Two leaders were at the center of my life in politics. I was graced by their friendship and the privilege of a place in their campaigns and their causes. Ted Kennedy was the greatest senator in a century, and maybe ever. George McGovern served in the Senate for a little more than a third as long, but he too had a singular greatness. He too changed America—and brought us close to the best America.

I will never forget what happened as the 1972 landslide poured in on us. I walked into the candidate's suite where he was standing over the sink, shaving. His assistant Jeff Smith, who ran the traveling party, was crying. George put down his razor and said: “Jeff, it's OK. It's OK. We'll wake up in the morning and our lives will go on.” Jeff choked back his tears and replied: “That's easy for you to say.”

It wasn't, of course. And things weren't always easy for him, in politics or in a life where he lost two adult children, his daughter Terry and son Steve. He spent his last years without his Eleanor. But he got up in the morning, and for him life didn't just go on. He made it count, in his youth and his age, in office and out, in victory and defeat.

People close to George admired him because he held himself to a higher standard. We loved him for the person he was.

It has been used as a term of derision, but I will always be proud to be a McGovernite.

#### TRIBUTE TO SHERIFF JOSEPH WAMPLER

#### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. WALDEN. Mr. Speaker, it is with great pride that I rise today to pay special tribute to Hood River County Sheriff Joe Wampler. My long time friend, Sheriff Wampler is retiring on January 1, 2013, capping a career in law enforcement that dates back to 1973 when he began working for Hood River County at the age of 19 as a seasonal Marine Deputy. Sheriff Wampler has dedicated nearly four decades to duty, honor and service to the citizens and visitors of Hood River County, Oregon.

Joe began his full-time career in law enforcement in my home town of Hood River as

a patrolman with Hood River Police Department, steadily rising through the ranks to that of captain. He was elected sheriff and took office in 1993. At that time, the entire patrol division had four vehicles to share, prompting Sheriff Wampler to institute a vehicle replacement program that endures today. Every deputy on his watch now has their own dedicated vehicle, improving response time and reducing vehicle maintenance.

During Sheriff Wampler's five terms in office, the agency acquired much needed, specialized equipment to assist with rural law enforcement and search and rescue needs. Today, the office has three airplanes, a snow cat, snow machines, ATV's, a mobile command vehicle and a mobile command trailer just to name a few.

This equipment has aided the sheriff's office in numerous search and rescue operations, including a December 2006 mission that gained national attention. Sheriff Wampler led the search effort for three missing climbers on Mt. Hood, personally piloting the department's Piper Cub airplane to look into one final tip before making the difficult decision, after two weeks of searching, to focus on recovery of the climber's remains. His personal passion for the residents and visitors of Hood River County is an inspiration.

Additionally, Sheriff Wampler was one of the founding members of Northern Oregon Regional Corrections (NORCOR), the regional jail facility in The Dalles. NORCOR, which opened in 1999, replaced Hood River and Wasco Counties' aging jail facilities and gave Sherman and Gilliam Counties a dedicated jail. NORCOR gave Hood River County over 40% more jail space with minimal financial impact.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing Sheriff Joe Wampler. He has earned the thanks of a grateful nation not only for his dedication to service, but also for his unwavering commitment to his community. Please join me in wishing him a very long and happy retirement.

#### PERSONAL EXPLANATION

#### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. TERRY. Mr. Speaker, due to mechanical difficulties, I was unable to make votes on Monday, December 17, 2012. Had I been present, I would have voted “aye” on both H.R. 4604 and S. 3193.

#### HONORING THE HONORABLE WILLIAM C. COLEMAN, JR.

#### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. MICA. Mr. Speaker, I rise today to pay tribute to a great American patriot, an accomplished state and national leader and a wonderful personal mentor and friend, William C. Coleman, Jr. passed away on December 13,

2012. With the passing of Bill Coleman, the Central Florida community and our country has lost one of the outstanding figures of our time.

Born in Tennessee, Bill was first introduced to Central Florida when he would frequently visit his grandparents who lived in Lancaster Park. Hours after graduating High School, Bill enlisted in the United States Army.

During World War II, as an Army Paratrooper with the 101st Airborne Division, he landed in France in June of 1944 during the Normandy Invasion behind enemy lines. After his capture and survival as a Prisoner of War, he returned to civilian life. He is the recipient of the Purple Heart, Bronze Star and POW medal. His passion to aid those who served in our nations military never faltered. Bill would make two more jumps into Normandy; one in 1994 and another in 2004 to mark the 50th and 60th Anniversary of D-Day.

Bill enjoyed a successful real estate career and also taught the subject to many at Rollins College as well as launching what has been decades of community service. He was an active member and leader in numerous organizations including the University Club and Republican Party of Florida. In Central Florida, he was a Charter Member of the Tiger Bay Club, a founding Member of the Central Orlando Kiwanis Club and President of the Central Florida Veterans Council. In addition, Bill served as Chairman of the Orange County and Orlando Mayor's Advisory Council as well as serving as the Central Florida Veterans Memorial Park Foundation's first President. Countless community organizations and events were successful because of his tireless work and support.

Bill Coleman was elected to the Florida State House of Representatives in 1955 and later served as Florida's first Secretary of Transportation. At the national level, he was selected by President George W. Bush to serve as United States Commissioner of Public Buildings.

Bill Coleman's tireless efforts to aid American Veterans were instrumental in securing a new VA Hospital and extensive medical complex in Central Florida scheduled to open next year.

To honor the service and memory of our veterans and military, Bill also helped to lead and support memorial projects to commemorate and recognize their contributions to keeping America free.

While Bill's family has lost a loved one, I have lost a wonderful friend and mentor. From my very first days in Central Florida 40 years ago, Bill Coleman never stopped assisting or inspiring me. He, more than anyone in the community, helped me be part of numerous civic endeavors, veterans' programs and Republican Party and leadership positions. For this special guidance, assistance and friendship I will forever be grateful.

As we honor and recognize Bill Coleman's many life achievements, our sympathy is extended to his wife, Toni, and family. Bill's passion for our veterans was only exceeded by his love of his wonderful wife and children. They include his sons Kevin and Billy and his daughter Kim as well as eleven grandchildren and nine great-grandchildren.

In closing, my colleagues, I ask you to join me in both paying tribute and recognizing the life and service of William C. Coleman, Jr.

#### HONORING MR. LEON PAGE

### HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. WHITFIELD. Mr. Speaker, I rise today to honor the life of Mr. Leon Page, who passed away last Monday, December 10, 2012.

Mr. Page was a community leader and philanthropist who helped organize Franklin Bank and Trust and served as chairman of the bank's board of directors for 45 years.

In his 90 years of life, Mr. Page helped open and lead what became the largest bank in Franklin, Kentucky, an area I have the privilege of representing in the First Congressional District of Kentucky.

Mr. Page was active in all facets of the community. He was instrumental in industrial development in Franklin and Simpson County and was active in various community organizations. Having served as President for both the Franklin-Simpson Chamber of Commerce and the Franklin Rotary Club, Mr. Page also helped organize the Caveland Girl Scout Council and was treasurer of the Quarterback Club.

Leon Page served on the Kentucky Bankers Association and various boards and councils at Western Kentucky University. He also established a scholarship fund at Western Kentucky University that awards a four-year scholarship to a Franklin-Simpson High School graduate who majors in business each year.

I join the family, friends, and entire Franklin, Kentucky community in mourning the passing of this great man. He demonstrated the best of the values found throughout the First Congressional District of Kentucky. He is someone who, despite his personal success, will best be remembered as inspiring and helping guide others to achieve success for themselves, and a man who graciously gave back to a community that had given him so much.

#### TRIBUTE TO ABRAM "CAPTAIN" COLES, JR.

### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a trailblazing first responder from Columbia, South Carolina. Abram "Captain" Coles, Jr. passed away on December 12, 2012, at the age of 87. He devoted 35 years of service to the Columbia Fire Department that he helped integrate, and this remarkable man will be sorely missed.

Abram Coles, Jr. was born July 7, 1925 in Hopkins, South Carolina to Abram and Patsy Gunter Coles. He was educated in the public schools of Richland County and graduated from Booker T. Washington High School in Columbia in 1943.

After graduation, Abram was inducted into the U.S. Navy and served from 1943 to 1946. One of the highlights of his tour of duty was accompanying General Patton on his return from Europe to the United States.

After completing his military service, Abram enrolled at Benedict College in Columbia, and graduated in 1951 with a Bachelor's degree in Chemistry. In 1953, he became one of the original eight African Americans to join the Columbia Fire Department. He was assigned to the Harden Street Fire Station. While employed as a fireman, he taught classes and rose through the ranks to become the first African-American Captain in Columbia.

Abram was also very active in many professional organizations including the South Carolina Firefighters Association, and was the 2002 President of the Retired Columbia Firefighter's Association. He was also a member of the Townsman's Club of Columbia, where he served as president for several years.

Abram was an avid bridge player and enjoyed gardening and fishing. In his spare time, he painted homes and businesses and enjoyed repairing just about anything.

Abram was baptized at an early age at Zion Benevolent Baptist Church in Hopkins. After relocating to Columbia, he joined First Calvary Baptist Church and served there for many years. Later, he became a member of St. Luke Episcopal Church of Columbia where he served with the men's club until his health declined.

He was married to Lillie Mae Weston for 33 years until her death. In 1988, he married Jacqueline Parks. Abram had one daughter, four grandchildren, and one great-grandson.

Mr. Speaker, I ask you and my colleagues to join me in recognizing the extraordinary contributions of this ordinary man. I, like so many others in Columbia, South Carolina, am proud to call Abram Coles, Jr. a friend. He made a lasting impression on his community and all who knew him, and that is a tremendous legacy.

#### IN MEMORY OF SENATOR DANIEL INOUE

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to the memory of Senator DANIEL INOUE of Hawaii. Senator INOUE was an extraordinary leader, family man, and American hero. He leaves behind his wife Irene and son Ken, as well as countless friends and constituents who mourn his passing. He was 88.

Senator INOUE served nobly in World War II and was awarded a Medal of Honor. He then continued to devote his life to our Nation and the State of Hawaii by becoming the state's first congressman as well as a nine-term senator. He was eventually appointed to the prestigious position of Chairman of the Appropriations Committee, and in his work he was always mindful of strengthening our national security and fulfilling our promises to our veterans. Many of my constituents have family

and friends in Hawaii, and I know they all directly benefited from his hard work and commitment to the values of the American people.

Mr. Speaker, Senator INOUE was a model of integrity, courage, and bipartisanship. His presence will be sorely missed, but I know his memory will inspire our leaders in years to come. I extend my thoughts and prayers to his family and loved ones. I hope they find some comfort in knowing the incredible legacy he leaves behind in hearts across the Nation.

#### PERSONAL EXPLANATION

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. GOODLATTE. Mr. Speaker, on rollcall Nos. 627 & 628, I was unavoidably detained. Had I been present, I would have voted "aye" on both rollcall votes.

#### MOROCCAN AUTONOMY PLAN

### HON. DAVID RIVERA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, December 18, 2012*

Mr. RIVERA. Mr. Speaker, like so many others, I ran for Congress because I believe in the greatness of the American people, the nobility of our national ideals, and the eminence of our principles and rights that have made America that shining city upon a hill.

But there are still many peoples who yearn for freedom and basic human liberties. The Sahrawi people of Western Sahara have been trapped in dreadful and oppressive conditions for over thirty years with the support and enabling of a compromised and corrupt Algerian government and its puppet regime, the Polisario Front.

The Polisario instituted mass kidnappings of Sahrawis from their homes into the Tindouf region in Western Algeria. The majority of these refugees have remained warehoused and imprisoned in Tindouf's sprawling camps for 35 years.

The Polisario partners and collaborates with the likes of Cuba, whose military distributes food in the camps on a quid pro quo basis and "educates" children who have been reportedly stolen from their parents, and Al-Qaeda in the Maghreb.

The Government of Morocco has advanced an Autonomy Plan that does address these issues and provides a clear, simple, transparent and democratic solution to the long drawn out Sahara crisis. This is where America's support should lie.

Mr. Speaker, the United States can and must continue to advance fundamental human rights, freedom and democracy as we, in this chamber, continue to work together for peace, justice, and human dignity in the Western Sahara.

#### THE MOROCCAN INITIATIVE IN THE WESTERN SAHARA

The Moroccan initiative comes in response to repeated requests of the United Nations

Security Council and several of its key members, including the United States, that Morocco propose a solution to this longstanding problem that could facilitate the opening of negotiations for a "just, durable and peaceful" political solution.

After nearly a decade of trying to bring the Polisario and Morocco to agreement to conduct a referendum to determine the territories future, Kofi Annan, then Secretary General, and James Baker, then Personal Envoy for the Western Sahara, reported to the Security Council that it was not possible to achieve agreement between the Polisario and Morocco on the central issue of who should be permitted to vote in a referendum. Consequently, Annan and Baker recommended that the Security Council encourage Morocco and the Polisario to enter into direct negotiations to find a compromise political solution. The Security Council accepted the assessment of Annan and Baker that a referendum would not be possible, and began a process carried through several years of UNSC resolutions calling for direct negotiations.

James Baker proposed two such compromise political solutions based on the underlying assumption that the proposals would allow Morocco to remain sovereign in the Western Sahara, but that the territory would benefit from a substantial autonomy that would allow it to become self-governing. Morocco accepted the first Baker proposal as the basis for direct negotiations, but the Polisario refused. The Polisario accepted the second Baker proposal, but Morocco refused since it did not allow for direct negotiations between the parties on the terms of the arrangement. The Moroccan proposal is the first and only proposal to come from one of the Parties to the conflict in response to the Security Council encouragements. In various forms, the Polisario has continued to insist that the referendum be held, and threatens a renewal of hostilities and the eviction of the United Nations peacekeeping force from the territory under its control, despite the fact that the Security Council repeatedly has made clear that this solution is no longer viable.

#### SUMMARY OF THE MOROCCAN INITIATIVE:

The initiative is the product of a year long internal and foreign Moroccan consultation process. All sectors of the Sahrawi population were included in the consultations and the views of foreign governments and expert international authorities were sought before the plan was finalized for presentation to the United Nations.

The plan itself represents an outline for a political solution that traces what Morocco considers to be the broad scope of an autonomy arrangement for the Western Sahara. It does not go into extensive detail on its various aspects on the assumption that such specific arrangements should be the result of direct negotiations rather than the imposition of only one of the parties to the dispute.

The plan provides for a local elected legislature that would subsequently elect an executive authority. It also would establish a separate judiciary for the autonomous region with competence to render justice on matters specific to the autonomous status of the region. The legislature would elect a chief executive.

The formula proposed by Morocco would ensure majority representation in the legislature for Sahrawi inhabitants of the autonomous region, while also ensuring credible legislative representation for non-Sahrawis who have been long-time residents in the territory. Residents of the autonomous region

would also continue to elect representatives to the national legislature.

The government of the autonomous region would have exclusive authorities on some issues, shared authority with the central government of Morocco on others and consultative rights on authorities that remain reserved to the central government and that effect the region.

The autonomous government would control local administration, local police, education, cultural development, economic development, regional planning, tourism, investment, trade, public works and transportation, housing, health, sports and social welfare. It would have taxing authorities to support these functions and would continue to receive funding from the central budget as well. It would be able to establish foreign regional trade relations offices and would have consultative rights on other sovereign foreign agreements affecting the region.

The central government would retain exclusive jurisdiction over the normal elements of sovereign authority: national defense, currency, postal, and foreign affairs and religion, over which the Monarchy has a special status in Morocco.

The chief executive of the autonomous region would be elected by the legislature, but would be invested by and serve in the name of the Monarchy.

The initiative also envisages transitional bodies to guide the central government and the autonomous authority through the initial stages of implementation of the plan.

All individual rights guaranteed under the Moroccan Constitution would continue to apply to all residents of the autonomous region.

#### MOROCCAN INITIATIVE FOR NEGOTIATING AN AUTONOMY STATUTE FOR THE SAHARA REGION

##### I. MOROCCO'S COMMITMENT TO A FINAL POLITICAL SOLUTION

1. Since 2004, the Security Council has been regularly calling upon "the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution."

2. Responding to this call by the international community, the Kingdom of Morocco set a positive, constructive and dynamic process in motion, and pledged to submit an autonomy proposal for the Sahara, within the framework of the Kingdom's sovereignty and national unity.

3. This initiative is part of the endeavors made to build a modern, democratic society, based on the rule of law, collective and individual freedoms, and economic and social development. As such, it brings hope for a better future for the region's populations, puts an end to separation and exile, and promotes reconciliation.

4. Through this initiative, the Kingdom of Morocco guarantees to all Sahrawis, inside as well as outside the territory, that they will hold a privileged position and play a leading role in the bodies and institutions of the region, without discrimination or exclusion.

5. Thus, the Sahara populations will themselves run their affairs democratically, through legislative, executive and judicial bodies enjoying exclusive powers. They will have the financial resources needed for the region's development in all fields, and will take an active part in the nation's economic, social and cultural life.

6. The State will keep its powers in the royal domains, especially with respect to defense, external relations and the constitutional and religious prerogatives of His Majesty the King.

7. The Moroccan initiative, which is made in an open spirit, aims to set the stage for dialogue and a negotiation process that would lead to a mutually acceptable political solution.

8. As the outcome of negotiations, the autonomy statute shall be submitted to the populations concerned for a referendum, in keeping with the principle of self-determination and with the provisions of the UN Charter.

9. To this end, Morocco calls on the other parties to avail the opportunity to write a new chapter in the region's history. Morocco is ready to take part in serious, constructive negotiations in the spirit of this initiative, and to contribute to promoting a climate of trust.

10. To achieve this objective, the Kingdom of Morocco remains willing to cooperate fully with the UN Secretary-General and his Personal Envoy.

#### II. BASIC ELEMENTS OF THE MOROCCAN PROPOSAL

11. The Moroccan autonomy project draws inspiration from the relevant proposals of the United Nations Organization, and from the constitutional provisions in force in countries that are geographically and culturally close to Morocco. It is based on internationally recognized norms and standards.

##### A. POWERS OF THE SAHARA AUTONOMOUS REGION

12. In keeping with democratic principles and procedures, and acting through legislative, executive and judicial bodies, the populations of the Sahara autonomous Region shall exercise powers, within the Region's territorial boundaries, mainly over the following:

Region's local administration, local police force and jurisdictions;

In the economic sector: economic development, regional planning, promotion of investment, trade, industry, tourism and agriculture;

Region's budget and taxation;

Infrastructure: water, hydraulic facilities, electricity, public works and transportation;

In the social sector: housing, education, health, employment, sports, social welfare and social security;

Cultural affairs, including promotion of the Saharan Hassani cultural heritage;

Environment.

13. The Sahara autonomous Region will have the financial resources required for its development in all areas. Resources will come, in particular, from:

Taxes, duties and regional levies enacted by the Region's competent authorities;

Proceeds from the development of natural resources allocated to the Region;

The share of proceeds collected by the State from the development of natural resources located in the Region;

The necessary funds allocated in keeping with the principle of national solidarity;

Proceeds from the Region's assets.

14. The State shall keep exclusive jurisdiction over the following in particular:

The attributes of sovereignty, especially the flag, the national anthem and the currency;

The attributes stemming from the constitutional and religious prerogatives of the King, as Commander of the Faithful and Guarantor of freedom of worship and of individual and collective freedoms;

National security, external defense and defense of territorial integrity;

External relations;

The Kingdom's juridical order.

### III. APPROVAL AND IMPLEMENTATION PROCEDURE FOR THE AUTONOMY STATUTE

27. The Region's autonomy statute shall be the subject of negotiations and shall be submitted to the populations concerned in a free referendum. This referendum will constitute a free exercise, by these populations, of their right to self-determination, as per the provisions of international legality, the Charter of the United Nations and the resolutions of the General Assembly and the Security Council.

28. To this end, the parties pledge to work jointly and in good faith to foster this political solution and secure its approval by the Sahara populations.

29. Moreover, the Moroccan Constitution shall be amended and the autonomy Statute incorporated into it, in order to guarantee its sustainability and reflect its special place in the country's national juridical architecture.

30. The Kingdom of Morocco shall take all the necessary steps to ensure full integration, into the nation's fabric, of persons to be repatriated. This will be done in a manner which preserves their dignity and guarantees their security and the protection of their property.

31. To this end, the Kingdom of Morocco shall, in particular, declare a blanket amnesty, precluding any legal proceedings, arrest, detention, imprisonment or intimidation of any kind, based on facts covered by this amnesty.

32. Once the parties have agreed on the proposed autonomy, a Transitional Council composed of their representatives shall assist with repatriation, disarmament, demobilization and reintegration of armed elements who are outside the territory, as well as with any other action aimed at securing the approval and implementation of the present Statute, including elections.

33. Just like the international community, the Kingdom of Morocco firmly believes today that the solution to the Sahara dispute can only come from negotiations. Accordingly, the proposal it is submitting to the United Nations constitutes a real opportunity for initiating negotiations with a view to reaching a final solution to this dispute, in keeping with international legality, and on the basis of arrangements which are consistent with the goals and principles enshrined in the United Nations Charter.

34. In this respect, Morocco pledges to negotiate in good faith and in a constructive, open spirit to reach a final, mutually acceptable political solution to the dispute plaguing the region. To this end, the Kingdom of Morocco is prepared to make a positive contribution to creating an environment of trust which would contribute to the successful outcome of this initiative.

35. The Kingdom of Morocco hopes the other parties will appreciate the significance and scope of this proposal, realize its merit, and make a positive and constructive contribution to it. The Kingdom of Morocco is of the view that the momentum created by this initiative offers a historic chance to resolve this issue once and for all.

### HONORING THE PUBLIC SERVICE OF CLARK COUNTY COMMISSIONER MARC BOLDT

#### HON. JAIME HERRERA BEUTLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Ms. HERRERA BEUTLER. Mr. Speaker, I rise today to honor a good friend and dedicated public servant. Marc Boldt was born in Vancouver, Washington, and has been a resident of Hockinson, Washington since 1985. I've known Marc since I was young and my family lived close to his farm where I picked blueberries along with my brothers. Marc was elected to the State Legislature in 1994 from Washington's 17th Legislative District where he served 5 terms as a state representative, until he was elected to the Board of Clark County Commissioners in 2004. His second term will end at the close of this year.

Throughout his time as an elected official, Marc Boldt has provided strong leadership and a willingness to put the people of Clark County first. He has been a business advocate, a tireless supporter of the agricultural community, and a friend to the people he was elected to serve.

Adding to all of this, Marc and his wife Dawn have six children and three grandchildren. Marc is a current member of the Clark County Farm Bureau and has served over 18 years as a local youth leader and Sunday school teacher. He is a former member of the Hockinson School District Curriculum Committee and the Future Farmers of America—Clark County Chapter. Marc has served over 10 years as a local 4H Leader.

I believe his deep roots in our community have provided him with the passion and energy to serve the people who live here. When he's not in Commission meetings or visiting farms and businesses throughout the county, you'll find him serving the community in some other way. In the month of August, there's only one place to find Marc—the Clark County Fairgrounds. He'll be serving up BBQ sandwiches or handing change to customers, all in the name of supporting Young Life to try and provide a positive influence in the lives of Clark County teens.

His work on behalf of the people who live in Clark County has earned the respect of people of all political stripes.

While his service on the Board of Clark County Commissioners will end in January of 2013, Marc will no doubt continue to serve the people of Southwest Washington as a community leader. He is a loving husband, father, grandfather, public servant, and a friend to all. Today, I ask all members of Congress to join me in honoring an extraordinary man and public servant, Marc Boldt.

### PERSONAL EXPLANATION

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. GERLACH. Mr. Speaker, on December 17, 2012, I unfortunately missed two recorded

votes on the House floor. Had I been present, I would have voted "aye" on rollcall 627 and "aye" on rollcall 628.

### HONORING THE LIFE AND MEMORY OF JUSTIN KUNICK

#### HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. HIGGINS. Mr. Speaker, I rise today to celebrate the life and memory of a great Western New Yorker, Justin Kunick. Teacher and coach to many but inspiration to all, Kunick encouraged those around him to rise above the obstacles and put forth their best effort in the classroom, on the field and in all other arenas.

No stranger to obstacles, Kunick faced his first when he was born with a heart defect and underwent surgery to save his life. Two years later further complications temporarily paralyzed the right side of his body forcing him to become dominant from his left. With a complicated medical record, one of the last places you would expect Kunick to be attracted to was the baseball diamond, but that's exactly what happened.

Although he had lost the ability to operate fully from his right side, it did not stop him from pitching more games, 36 to be exact, than anyone in Keuka College history. After college Kunick left New York State, moving to Florida to teach chemistry and coach the game that he had come to love. He spent the next six years as an assistant coach at Ridge-wood High School before moving to Fivay as its schools head coach.

At Fivay, Kunick rebuilt the baseball program instilling discipline and encouraging perseverance. He developed close relationships with his players and created a reputation as a coach who would do anything for his boys. Eventually a new team motto sprouted from his leadership, rise above.

In February, Kunick encountered a new hurdle after being diagnosed with Stage IV colon cancer. Living up to his team motto, he quickly underwent surgery and was back on the field the next week. In and out of the hospital, Kunick watched over his team contacting them by phone and text messages between innings.

On April 27th Justin Kunick lost his battle with cancer at the age of only 32. Although he is no longer with us, his spirit lives on in his students and players. Kunick believed that you could overcome anything life threw at you; as long as you were giving it your all, you were rising above.

Mr. Speaker, today I call on my colleagues in Congress to join me in celebrating the life and spirit of a great man who lived with enduring principles. It is my privilege to honor Justin Kunick's memory today.

HONORING THE STEVENS FAMILY  
IN AMERICA, 11 GENERATIONS  
ALWAYS MOVING FORWARD

**HON. ALBIO SIRES**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. SIRES. Mr. Speaker, I rise today to honor the John Stevens Family on all of their great accomplishments as entrepreneurs and philanthropists, and to share the history of the family that founded the Stevens Institute of Technology. Stevens Institute of Technology was founded in 1870 and is named for a distinguished family of engineers and inventors who have made tremendous contributions to our nations' maritime and railroad systems. Stevens' 55-acre tree-shaded campus occupies part of the family's original estate, near the edge of the Hudson River at Castle Point in Hoboken, New Jersey overlooking Manhattan.

Stevens, also known as "The Innovation University," has a student population of more than 6,000 students and over 37,000 alumni. Alumni have leadership positions in many industries including construction, power generation, telecommunications, green energy, biotechnology, transportation, green energy and the financial community.

Today there are more than 400 descendants of the Stevens family throughout the United States and abroad. On October 6, 2012, they came to Stevens Institute of Technology for their first family reunion in more than 30 years to reconnect, to learn about their family history, and to gain an understanding of the many ways the university founded by their ancestors 142 years ago has contributed to our society.

The most notable member of the family was Colonel John Stevens III. During the Revolutionary War, he was appointed to be a captain in Washington's Army at age twenty-seven. Later he was promoted to Colonel, and collected taxes for the American cause as Treasurer of New Jersey. After the war in 1784, he purchased land that is now Hoboken, and includes the current campus for Stevens Institute of Technology.

In 1798, Colonel Stevens was the first inventor to build and sail a steamboat on the Hudson River. The Colonel's boiler design, his twin screw propellers, and the steam ferry he ran between Hoboken and New York were among his many outstanding "firsts." His steam ship, the *Phoenix*, captained by his son Robert was also the first steamship to sail the ocean, in 1809. On land, Colonel Stevens purchased the first American locomotive, the "John Bull." The John Bull is now on display at the Smithsonian Museum in Washington, DC.

The Colonel's sons also developed an aptitude for innovative engineering. His son Robert invented the T-rail for railroads, which is still in use today on railroads throughout the world. Robert also invented the ferry slip, a supporting iron rod for projecting guard beams on steamboats, and made several other improvements to ferries and steamboats. A second son, Edwin A. Stevens, founded the university as a part of his estate. Edwin built and

operated New Jersey's first railroad. His experiments also resulted in the iron-clad warship. A third son, John Cox Stevens, was a sailor and joined the syndicate that built the schooner "America" and became the first winner of the famed America's Cup racing series. He also founded the New York Yacht Club and this year was inducted into the Yachting Hall of Fame, on October 13, 2012 at a ceremony held in New Orleans, Louisiana.

Other notable Stevens family descendants throughout the years include former Member of Congress, Millicent Fenwick (R-NJ), who was also appointed by President Reagan as the first U.S. Ambassador to the Food and Agriculture Organization in Rome, a U.S. Ambassador to Spain, a casualty and a survivor from the *Lusitania*, a member of the first class of the Naval Academy in Annapolis, the current CEO of Habitat for Humanity International and more.

I applaud the John Stevens Family for all of their contributions and ask my colleagues to join me in recognizing their great accomplishments. I wish them all continued success and thank them for their dedication to making New Jersey and our country greater for future generations.

TRIBUTE TO KEITH KING

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. BONNER. Mr. Speaker, I rise to recognize and congratulate a distinguished member of the Alabama business community, Mr. Keith King, P.E., who is soon to retire from Volkert & Associates, Inc., after 52 years of service.

A 1958 graduate of Auburn University's School of Civil Engineering, Keith King was hired by David G. Volkert as a project engineer in 1960.

Over the last five decades, Mr. King has witnessed many changes in the Mobile-headquartered engineering company which has grown to become one of the top-ranked engineering, planning, and environmental consulting firms in the United States.

Keith served as president from 1983 until 2007 and CEO until 2011. Volkert, Inc. has grown continuously and opened operations centers in 11 States employing over 600 associates.

As an accomplished professional engineer, licensed in eight States, Keith King has obtained national recognition for many of the projects he has engineered and managed. He was Chief Engineer for the Interstate 10 Twin Bridges over Mobile Bay, which was named one of the Ten Outstanding Engineering Achievements of 1978 by the National Society of Professional Engineers (NSPE).

He was principal-in-charge of the Alabama State Docks' McDuffie Coal Export Facility Project, which in 1984 received the Engineering Excellence Award from the American Consulting Engineers Council of Alabama.

In 1992, Volkert's Cochrane/Africatown U.S.A. Bridge over the Mobile River was named one of the Outstanding Engineering Achievements by NSPE and received the Fed-

eral Highway Administration Award of Excellence.

All three of these projects are in the State of Alabama Engineering Hall of Fame. Mr. King, himself was inducted in 2001 and Volkert, Inc. was honored in 2002.

Keith has worked hard to improve the areas of licensure, continuing professional development, ethical standards, and professionalism. His involvement includes two terms on the Alabama Licensure Board, the Business Council of Alabama (Chairman, 2000-2001); Alabama Society of Professional Engineers (President); National Society of Professional Engineers (NSPE) (Vice President-Southeast; Chairman, National Membership Committee and Licensure and Qualifications for Practice Committee); Fellow Member of American Society of Civil Engineers and NSPE; Member of the American Consulting Engineers Council.

He remains actively involved with Auburn University, where he has chaired the Auburn Alumni Engineering Council and served on the Auburn University Board of Directors.

On behalf of the people of south Alabama, I extend heartfelt congratulations to Keith and his lovely wife, Julia, as well as their entire family. Additionally, I wish them both a long and happy retirement, including plenty of deep-sea fishing.

CONGRATULATING THE NIGHT-  
HAWKS OF NORTHERN GUILFORD  
HIGH SCHOOL

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. COBLE. Mr. Speaker, there is an old saying that goes, the "third time is a charm." In the case of the football team at Northern Guilford High School, the new expression should be, the "third time is perfection." That is because this football team, located in the Sixth District of North Carolina, just won its third straight state high school football championship. This time, however, the title capped a perfect 15-0 season.

On December 1, 2012, the Nighthawks of Northern Guilford High School defeated Charlotte Catholic 64-26 to capture its third consecutive NCHSAA Class 3-AA championship. Senior T.J. Logan led the way by rushing for an unbelievable 510 yards and scoring eight touchdowns. This was the third straight title for longtime Head Coach Johnny Roscoe. In 2010, Northern Guilford went 14-2 to win the first championship. In 2011, the Nighthawks completed a 14-1 season to secure its second straight title. This year, no one stopped the Nighthawks on the way to a 15-0 season that culminated in their third crown in three years.

What is left for Northern Guilford to accomplish following this three-year run? I'm sure Coach Roscoe, always the perfectionist, could point to many areas for improvement during the season and the title contest. But it is hard to argue against perfection. I think Ed Hardin, the outstanding sports columnist for the (Greensboro) News & Record stated it best: "We might never see anything like this again in these parts," Hardin wrote, "and in the coming years we'll look back and debate about

this team. Was it the best we ever saw? Was the remarkably talented (T.J.) Logan the best player we ever produced in Guilford County? You could make that argument. The game played out like the season. Fast start, confounding moments and then brilliance."

That brilliance was a team effort all the way and led by Coach Roscoe, who has been around football for four decades. Coach Roscoe was ably assisted by Brian Thomas, Ben Hepler, Richard Burton, Todd Sharp, Lee Meekins, Chris Vaughan, Chris Harris, and Justin Davis. All of these coaches will tell you that the Nighthawks' perfect season was also due to the fine efforts provided by Team Trainer Justin Ollis, Assistant Trainer Valerie Smith, Team Physician Kirstin Shepperson and Team Managers Jenne Livingston, Sydney Monroe, Taylor Phillips, Ashlyn Thomas, and Mercedes Wiglesworth, along with Ball Boy Britt Thomas.

Every one of the 2012 champion Nighthawks can take pride in the completion of this perfect season. They include: Tre Purcell, C.J. Freeman, Brett Welch, Cameron Harris, Mook Reynolds, Robert Willcox, T.J. Logan, AJ Love, Nick Jones, Austin Coltrane, Justin Wallace, Daniel Kelly, Matt Page, Burney Sindab, Tucker Hord, Molick Scott, Chris Ripberger, Malik Parker, Matthew McGarry, Max Maynard, Rory Bergen, Bernard Sindab, T.J. Ruff, Josh Parker, Johnny Loflin, Jacob King, Ryan Johnston, Nick Fryer, Mason Monroe, TyShawn Reese, Austin Simmons, Josh Covington, Max Klietsch, Dylan Hakala, Trey French, Eric Hong, Josh Steele, Kamen Smith, Chris Forlano, Trevor McKee, Steven Branz, Jalen Hollins, Malik Hampton-Prioleau, Andrew Keen, John Wagoner, Tristen Simmons, Alex Hasler, Carlos Williams, Terrell Headen, Bret Unkel, and Duncan Taylordean.

A winning season also requires support from school administrators and leaders and Northern Guilford has a winning team there, too. Congratulations are appropriate for Principal Will Laine, Assistant Principals Doug Foutty and Travis Ward, and Athletic Director Brian Thomas. All can take pride in three straight state championships.

Last, but far from least, we have to mention Nighthawk Nation. I am sure that everyone associated with the football team will tell you that Northern Guilford's formidable fan base spurred them on to victory. No doubt that the students, parents, faculty, staff, and supporters of Northern Guilford football are beaming with pride following a third state championship.

The seniors on this team will move on to their next adventures. For the returning Nighthawks, I am sure they have already begun their dreams of four in a row. If that happens, I plan to be back here again next year offering my own congratulations. For now, on behalf of the citizens of the Sixth District of North Carolina, we congratulate and thank the football team at Northern Guilford High School for showing us how perfection can be achieved. The third time is a charm indeed.

# RECOGNIZING THE REPUBLIC OF CHINA (TAIWAN) FOR CONTRIBUTIONS TO THE RECONSTRUCTION EFFORTS FOR THE NE COAST OF THE U.S.

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Ms. CLARKE of New York. Mr. Speaker, I rise today to recognize the Republic of China (ROC), also known as Taiwan. Immediately after Hurricane Sandy hit the Northeast coast on October 29th and 30th, many foreign governments and non-governmental organizations offered generous help to the United States. The Republic of China government (Taiwan) offered \$1.3 million to aid in relief and reconstruction efforts.

On November 16th Taiwan donated \$1 million to two charities, United Way International and Habitat for Humanity International, two of the leading relief agencies. The rest of the funds were distributed to the state governments of New York and New Jersey, which were among the hardest hit areas.

A ceremony marking the transfer of funds to the two charities was held in Washington, DC, on December 6, 2012. On behalf of the current 11th Congressional District, soon to be the 9th Congressional district of New York, I recognize the ROC for their generous contribution and show of good will towards the United States. As parts of the Northeast coast continue to rebuild, on behalf of my constituents, I am grateful to those who have offered their assistance. I thank the ROC and look forward to continuing a long lasting and fruitful friendship.

## TRIBUTE TO MAYOR HARRY MASON

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. BONNER. Mr. Speaker, I rise to honor the contributions of a remarkable public servant and dear friend, Mayor Harry Mason. In November, Mayor Mason retired after 20 years as chief executive of Pine Hill, Alabama.

In his best-selling 1998 book, *The Greatest Generation*, former NBC Television anchor Tom Brokaw told the story of what he believed was the greatest generation any society has ever produced. "... These men and women fought not for fame and recognition, but because it was the right thing to do. When they came back they rebuilt America into a superpower."

Harry Mason was a product of that historic generation; a native of Southwest Alabama, a hardworking local businessman, and citizen who stepped up to serve his country and his home town because it was the right thing to do.

As an assistant engineer in the Merchant Marine during World War II, Harry was aboard the S.S. *Sea Porpoise* when it landed 3,000 troops on the beaches of Normandy during the

second wave of the famous D-Day invasion to liberate France. On July 5, 1944, the S.S. *Sea Porpoise* was damaged by a German mine. The ship's complement of 159 crew and passengers, including Harry, were uninjured and the ship survived.

When he returned stateside to civilian life, like so many others of our "Greatest Generation" Harry eagerly rejoined the workforce helping his father run the family business. He invested his life and his heart in Pine Hill, and according to a recent article in the *Thomasville Times*, Harry wouldn't have had it any other way. "Except for the war, I never even entertained a thought of going somewhere else," he told the paper.

It wasn't long before Harry turned his passion to public service, first as a member of the Wilcox County Board of Education during the tumultuous 1960s and 70s. In 1991, he left his family business of running the Economy Store and instead ran for mayor.

Looking back at 20 years of leading his town, he has much for which to be proud. An expansion of the Pine Hill's water and sewer system and city limits come to mind. Perhaps most notably during his last year in office, Pine Hill landed one of the largest industries to come to Southwest Alabama in years. Harry joined state and local officials in welcoming Golden Dragon Copper to the Pine Hill area in February. When completed, this new factory is expected to employ 300 workers with the potential to reach 500.

An active presence in the community, Mayor Harry Mason has also served as a member of the board of the Bank of Pine Hill. However, of all his many accomplishments, Harry points to his 20 years' service as chief of the Pine Hill Volunteer Fire Department as his greatest.

On behalf of the people of south Alabama, I wish Harry and his wonderful wife, Mittie, the very best for a well-deserved and duly-earned retirement.

## PERSONAL EXPLANATION

**HON. PAUL RYAN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. RYAN of Wisconsin. Mr. Speaker, yesterday, I missed rollcall votes 629 and 630. Had I been present, I would have cast the following votes:

Rollcall 629—On Motion to Suspend the Rules and Pass—"yes."

Rollcall 630—On Motion to Suspend the Rules and Agree to the Senate Amendment—"yes."

## IN TRIBUTE TO HOWARD AND SUSAN GROFF

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to my good friends, entrepreneurs and patriots Howard and Susan Groff.

The Groffs have owned Northwest Excavating Co., Inc. since the 1960s. Howard's father, Bob Groff, founded the company in 1959 under the name "Northwest Compaction." The company started out modestly, with two backhoes, an Arrow hammer, a skid loader, and a Gradall.

During the first few years, Northwest focused primarily on renting equipment and operators to local grading and sewer contractors. The company prospered during the 1960s due to the ever-increasing construction throughout Southern California. While maintaining a conservative approach towards growth, the company slowly added equipment to its fleet.

During the mid- to late 1960s, Howard and Sue bought the company. Howard often worked as equipment operator, mechanic, lowbed driver, or anything else that needed to be done, while Sue managed the finances. Howard, much like his father before him, undertook a conservative management approach toward the company. During the late 1960s and into the early 1970s, the company grew at a steady pace.

As a result of the company's early experience working for underground sewer contractors, Northwest began an underground utilities division. This division dug trenches for power and telephone lines by the foot, then backfilled and compacted the trenches. Howard did all the estimating and ran most of the jobs. He is now acting CEO while his son Robert has taken over the daily management duties. Sue has stepped aside from the financial end.

Howard and Sue owned and operated, along with their son Michael, Northridge Equipment Rental in five locations in California, which they sold in 2005. The Groffs have also developed, owned, and managed office and industrial buildings throughout the San Fernando Valley.

For more than 30 years, the Groffs owned their own auto racing teams with their sons as drivers, which included racing in the Indy 500 for several years. Howard and Sue also are major supporters of our military and veterans and have been a major sponsor of my U.S. Rep. ELTON GALLEGLEY and Friends Operation Toy Drop at Naval Base Ventura County. In addition to voting in every election, they also actively support candidates who share their fiscal conservative convictions.

In addition to their sons Michael and Robert, Howard and Sue have a daughter, Debra, seven grandchildren, and four great-grandchildren.

Mr. Speaker, I know my colleagues join me in paying tribute to my friends Howard and Susan Groff for proving that conservative growth can build successful businesses and for proving their love for America by their generosity to our military men and women and by taking an active role in the American political process.

#### CONGRATULATING THE SPANISH FORT TOROS FOR WINNING THE ALABAMA CLASS 5-A FOOTBALL CHAMPIONSHIP

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. BONNER. Mr. Speaker, I rise to offer my congratulations to the Spanish Fort High School Toros for their decisive 45-14 victory over McCalla's McAdory High School Yellow Jackets in the Alabama High School Athletic Association's (AHSAA) 5-A football championship on December 6, 2012.

Spanish Fort's already impressive gridiron record of capturing two state championships in seven seasons is all the more noteworthy since the Toro's young football program only debuted in 2006.

According to the Mobile Press-Register, both teams brought impressive records into the championship game at Auburn University's Jordan-Hare Stadium. "Spanish Fort had the pinball offense averaging 39.5 points per game. McAdory had the swarming defense that forged an unbeaten season through 14 games."

However, in the end it was Spanish Fort who dominated the field on both offense and defense, with 377 total yards, while holding the Yellow Jackets to just 187 yards.

The Press-Register further noted, "Spanish Fort (14-1) extended a school record for points in a single season to 598 with its 45-14 win."

The Toros took an early lead in the game with two touchdowns before the Yellow Jackets answered with seven points. The Toros then fired back with a vengeance—adding 31 points to the scoreboard.

Senior quarterback Joel Poe was named the Class 5-A MVP after completing 17-of-24 passes for 177 yards and running for a 10-yard touchdown.

The Toros's 5-A victory placed an exclamation point on another season for the record books for Spanish Fort.

Congratulations to Head Coach Mark Freeman, and Assistant Coaches Duane Davis, Shawn DeFoor, Joseph German and Greg Crager, as well as to the Toros players—Sammy Tolbert, Edward Autry, Maxwell Goodwin, Samuel Harris, Myles York, Joel Poe, Matthew Hall, Devonte Patrick, Deon Johnson, Blain Crain, Ronald Smith, Jonathan Cook, Darren Tate, Gunner Hendrix, Chason Milner, Tyler Johnston, Eugene Leach, Ryan Brooks, Trey Shabel, Kristian Cotton, Kylan Cotton, Cameron Harrison, Caleb Valrie, Jacob Goodwin, Tony Mitchell, Javon Brown, Dominique Woodward, Miguel Restrepo, Preston Hall, Alexander Theodore, John Campbell, Deonte Cyprian, Caleb Hughes, Stephan Holcombe, Keland Dotch, Marcus Walton, Stephen Wilson, Hayden Falkenberry, Brady Vincent, Delong Harrison, John Williamson, Thomas Johnston, Keion White, David Keener, Drew Kitchens, Jeremy Murray, Braxton Armstead, Justin Murray, Jacob Clark, Matthew Thompson, Todd Shetler, Robert Riley, Iverson Diego Delapena, Samuel Howard, Davoris Thomas, Maurice Cole, Chase Holliman, John Stockton,

Cody Shultz, Grey Curtis, Taylor Murray, Logan Mangum, Victor Dunning, Chase Rowe, Christopher Morehouse, Tyler Brentzel, Brad Andre, Grant Horst, Michael Eubanks, Owen Betts, Trevor Pfeil, Kaleb Hall, Ian Bjuro, Brandon Prince, Hamilton Biggs, Austin Grobe, Wilton Cox, Deandre Townsend, Robert Rella, Mitchell Meador, William Petersen, Jimmy Ogletree, Lawton McGahey, Hunter Wood, Roger Lawhon, Tyler Howell, William Nelson, Darius Johnson, Bryan Williams and Jonathan Hoover.

#### RECOGNIZING TIMOTHY HOLABIRD

#### HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. McCLINTOCK. Mr. Speaker, I rise today in recognition of the many contributions Timothy Holabird has made to Modoc, Lassen, Plumas, and Sierra counties located in northeastern California.

Tim has combined experience and knowledge of the lands and people that define the region with a steadfast determination to help these rural communities. Federal agencies administer more than 80 percent of the land, and Tim has aggressively championed interests of people versus the seeming indifference and neglect of the bureaucracies. Bringing all parties together, establishing common goals and objectives, and actually solving problems has been his hallmark.

As four fires ravaged the area this summer, Tim pursued the interests and concerns of local citizens to the point of his own physical exhaustion. He personally bridged the communication gap with agencies attacking the fires and the communities immediately threatened. In the devastating aftermath of the fires, Tim worked with all parties to restore and salvage. In particular, he has been relentless resolving the immediate, critical issue of thousands of acres of lost grazing land.

Tim understands the appropriate role of government in land and resource management and has personally sacrificed to uphold the public's interests. Mr. Speaker, while it seems the aim of our government agencies is to restrict access and the productive use of our federal lands, Timothy Holabird remains a steadfast advocate for access and use by the very best stewards of this land—the local citizens.

#### REMEMBERING THE LIVES LOST IN THE 1862 U.S.-DAKOTA CONFLICT

#### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. ELLISON. Mr. Speaker, I rise today in remembrance of those who lost their lives in the U.S.-Dakota War of 1862. This year marks the 150th anniversary of the conflict, reminding us of this tragic era in Minnesota's history, and how it has shaped the lives of the Dakota people to this day.



It is easy to consider history as a list of dates—a discovery, a war, a proclamation, an election. We forget the complex human interactions that shape the past and continue to affect our communities today.

What has come to be known as the U.S.-Dakota War of 1862 has its roots in the rapid expansion of Minnesota's population by white settlers, and the subsequent treatment of indigenous peoples. From 1850–1860, the numbers of white settlers in Minnesota grew from 5,000 to more than 170,000; in that same decade, Native Americans went from the majority of people in Minnesota to being outnumbered by whites 5–1. Treaties made between the Dakota people and the U.S. government pushed native communities off their ancestral lands with promises of money, food, and commodities. Forced assimilation policies further marginalized tribes by requiring the adoption of European style dress, hair, and culture. Tensions escalated when the government failed to pay promised annuities, a drought decreased the supply of food leaving many Dakota families hungry, and the U.S. government took back land set aside for Indian reservations, reducing the remaining reservation size drastically.

The first violent acts of the conflict occurred on August 17, 1862, when four young Dakota men killed five people at a farm near Acton, Minnesota. These murders divided the Dakota community; some argued it was time to go to war with the settlers who now claimed ancestral Dakota land, but much of the community wanted to maintain peace. Nevertheless, Dakota leader Little Crow led his Nation to war, understanding that the greater power of the U.S. government would most likely prevail.

The weeks of violence that followed in Southern Minnesota led to over 1,000 deaths. The U.S.-Dakota war is one of the bloodiest conflicts between a Native tribe and the U.S. government, surpassing both the conflicts of Little Big Horn and Wounded Knee. The war's end was marked by the largest mass execution in U.S. history, when 38 Dakota men were convicted in kangaroo courts and hung on December 26, 1862. Originally 303 Dakota men were tried and sentenced to death, but President Lincoln personally reviewed the cases and stayed the execution of those whose conviction was based on questionable testimony. Two additional Dakota warriors were forcibly returned from Canada and hanged at Fort Snelling in 1865.

Although the day of the execution stands out in history, the suffering of the Dakota people continued throughout the winter and into the coming years. Those Dakota who had surrendered to U.S. forces, many of whom opposed the war, were forced to march to an internment camp at Fort Snelling and suffer through a brutally cold winter filled with disease, food shortages, and assaults by soldiers and civilians alike. Hundreds perished over the winter, and those who survived were forcibly relocated to Western reservations where similar conditions led to more deaths. Some 6,000 displaced members of the Dakota community relocated to Canada and Western states and territories, and by the end of the decade a majority of the Dakota tribe had left its ancestral lands.

The U.S.-Dakota War reminds us of how the events of the past continue to reverberate to

this day. Dakota tribe members are still dispersed over several states and into Canada as a direct result of this conflict. Most unfortunately, the Dakota Expulsion Act of 1863, a federal law making it illegal for Dakota people to live in Minnesota, has yet to be repealed. In August of this year, members of the Dakota community took part in a walk through South Dakota to the Minnesota border, symbolizing the unjust forcible removal of all Dakota people from Minnesota in 1863.

The healing from the War is ongoing; honoring those we lost and remembering our complicated past should not be limited to anniversaries of the conflict. We should use this year of reflection to inform a more inclusive view of history, an appreciation of how far we've come, and recognition of all we must do to continue to support our Native communities today.

CONGRATULATING MR. GREGG POLLACK, RECIPIENT OF THE GOVERNOR'S INNOVATORS UNDER 40 AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Gregg Pollack, winner of the Governor's Innovators Under 40 Award. Mr. Pollack is the founder and CEO of Envy Labs, a technology consulting company based in Orlando, Florida.

Envy Labs, which Mr. Pollack founded in 2009, specializes in website and mobile application design and development, and works on a broad variety of projects from web development to branding to user interface design. Through an open and creative work environment, Envy Labs focuses on producing excellent products and services while investing in their employees' personal and professional lives.

The Governor's Innovators Under 40 Award is one of Governor Rick Scott's 2012 Innovators in Business Awards, which are designed to recognize outstanding contributions toward growing and diversifying Florida's economy. The Innovators Under 40 Award is presented to Florida residents under the age of 40 who own or lead a Florida company with annual revenue of \$1 million or more and who have created at least 10 jobs since January 2011.

Through Mr. Pollack's direction, Envy Labs has grown and expanded to include a school with courses in coding and web design called Code School. Envy Labs is also active in the Orlando tech community, hosting tech events and camps downtown. Mr. Pollack is to be congratulated for the hard work and innovation he has demonstrated, and for the contributions to Florida's economy that this award honors. He is well deserving of this recognition. May his work inspire others to follow in his footsteps.

HONORING THE HOUSTON TEXANS ON WINNING THEIR 2ND STRAIGHT AFC SOUTH DIVISION TITLE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to commend the Houston Texans on clinching their 2nd straight AFC South Division Title. The Texans are a relatively new franchise, established in 2002. They currently lead the AFC race for home field advantage throughout the playoffs. As an avid Texans fan, I am proud to honor the Houston Texans on this great achievement.

I would like to submit the following article: "Texans Cement Supremacy in Division and Look Beyond" by Tom Spousta, printed in The New York Times, December 17, 2012:

HOUSTON—Arian Foster and Dwight Freeney embraced at midfield and, after a few heartfelt words, began pulling their shoulder pads over their heads. They exchanged jerseys, Foster giving up his Houston Texans No. 23 and Freeney handing over his Indianapolis Colts No. 93—one that will hang in Foster's collection to commemorate Houston's second consecutive AFC South division title.

The Colts officially acquiesced Sunday to the supremacy of the Texans, who own the AFC's best record at 12–2 but whose dominance somehow still remains questioned as the playoffs approach.

They beat Indianapolis, 29–17, in spectacularly efficient fashion before a raucous crowd at Reliant Stadium. A modest locker room celebration followed, but the Texans know a greater validation of their season will come with a top seed and home-field advantage for the postseason.

"You always have to bask in the moment of winning a division championship, but I think the expectations we put on ourselves and everybody puts on us are much bigger than that," said Foster, who had 27 carries for 165 yards, 131 of those coming in the second half. "We're proud of what we've done here, but we've got more to go."

Indianapolis (9–5) lost a chance to earn a wild-card berth with two games to play, including the season finale at home against the Texans, who gave the Colts plenty to fix before then.

Matt Schaub was 23 of 31 passing for 261 yards and guided an offense that did not commit a turnover. Eleven of those completions went for 151 yards to Andre Johnson, who caught a touchdown pass and surpassed 11,000 yards for his career.

Shayne Graham kicked five field goals, and Bryan Braman blocked a punt for a touchdown. Houston's defense atoned for its poor performance in last week's 42–14 loss at New England, allowing only one third-down conversion and sacking Andrew Luck five times, three of those coming from J. J. Watt.

Luck finished 13 of 27 for 186 yards behind an offensive line missing two starters. He threw a 61-yard touchdown pass to T. Y. Hilton and an 8-yarder to Dwayne Allen. But a key Colts drive in the second quarter resulted in their costliest error, when Mewelde Moore fumbled at the Texans' goal line after being hit by Watt and the ball was recovered by Tim Dobbins.

"We got back to what we are as a football team," Texans Coach Gary Kubiak said.

"Protecting the ball, running the ball, playing solid defense. That's how we win."

Watt, who paid tribute to the shooting victims in Newtown, Conn., by writing the town's name on one of his gloves, finished with 10 tackles and now has an AFC-leading 19.5 sacks.

The Colts owned an odds-defying 8-1 record this season in games decided on the final possession, so there was no cause for panic after the Texans grabbed a 20-10 halftime lead. But Indianapolis generated little momentum in the second half and finished with 272 total yards, compared with 417 yards for the Texans.

"It was a tough loss for us," Bruce Arians, the Colts' interim coach, said. "We came here with one idea and that was to win the division and we're not going to win the division. They did it, and my hat is off to the Texans, and we'll see them in a couple weeks."

#### RECOGNITION OF CYPRUS' PRESIDENCY OF THE EUROPEAN UNION

##### HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. SIRE. Mr. Speaker, I rise today to recognize the Republic of Cyprus as their first rotating European Union (EU) Presidency comes to a close. The past six months have been lauded as a very productive presidency and I would like to honor the importance of this accomplishment for a small—yet still occupied and divided—country like Cyprus. Some of the most notable accomplishments show a continued commitment to human rights and democratic governments.

During Cyprus's presidency they oversaw the implementation of Iran sanctions—the toughest EU measure to date. The EU was also awarded the 2012 Nobel Peace Prize in recognition of its longtime commitment to promoting peace, as well as reconciliation, democracy, human rights, and the rule of law. Furthermore, the EU focused on steps needed to eradicate human trafficking during the sixth EU Anti-Trafficking Day conference entitled, "Working Together Towards the Eradication of Trafficking in Human Beings: The Way Forward."

Mr. Speaker, as a friend and ally of the United States, I would like to congratulate Cyprus on a productive EU presidency. This is an important moment in the history of Cyprus and as a stable democracy dedicated to human rights and religious freedom; I wish to honor this significant event.

#### RECOGNIZING FUN SPOT ACTION PARK OF ORLANDO, FLORIDA, RECIPIENT OF THE 2012 BRASS RING AWARD FOR THE BEST FAMILY ENTERTAINMENT CENTER IN THE COUNTRY FROM IAAPA

##### HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. WEBSTER. Mr. Speaker, I am pleased to take this opportunity to congratulate Mr. John Arie and his family on Fun Spot Action Park of Orlando, Florida having received the 2012 Brass Ring Award for the Best Family Entertainment Center in the country from the International Association of Amusement Parks and Attractions. This is a prestigious award and deserves special recognition for the hard work and dedication that went into this outstanding accomplishment.

The Arie family is well deserving of this recognition for their unfailing dedication and leadership in the family entertainment center industry. In receiving this award, they have demonstrated many character qualities, including enthusiasm, diligence and remarkable service. The forty-plus years of service the Arie family has provided in owning, operating, and developing Fun Spot Attractions is a true testament to the significant importance of small businesses.

This is not the first time that Fun Spot Action Park of Orlando has been recognized for their commitment to excellence in the tourism industry across Central Florida. Fun Spot has been chosen and honored two prior times by the IAAPA for their standards of excellence in promoting and advertising the family entertainment center industry.

The efforts of Mr. Arie and his family to serve the Central Florida community are to be commended. It is not often that such a strong commitment to service is found within one family. I wish them great success as they have the opportunity to undergo a 10-acre expansion that will triple the size of the Orlando Fun Spot Action Park.

On behalf of the citizens of Central Florida, I am pleased to recognize and congratulate Mr. Arie and his family for their hard work, dedication, and leadership on this well-deserved award. May their investment to community and small business inspire others to follow in their footsteps.

#### DON'T LET FOREIGN AID FALL OFF THE FISCAL CLIFF

##### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. BERMAN. Mr. Speaker, as negotiations to avoid the "fiscal cliff" enter the final stages, it is important that we keep in mind the potentially devastating consequences of across-the-board cuts. This is true not only for domestic programs, but also for foreign assistance, which represents less than one percent of the

federal budget and is one of the most cost-effective ways of protecting our interests across the globe. Today, more than ever, our health, security, and prosperity depend on a world in which basic human needs are met, fundamental rights and freedoms are respected, conflicts are resolved peacefully, and the world's resources are used wisely.

In this regard, I commend to my colleagues an excellent op-ed by Sharon Waxman, vice-president of the International Rescue Committee. Her article in *The Hill*, "Don't Let Foreign Aid Fall off the Fiscal Cliff," outlines the importance of foreign aid in saving lives and easing suffering for millions around the world.

#### RECOGNIZING THE CHAMPIONSHIP SEASON OF THE WYOMISSING SPARTANS HIGH SCHOOL FOOTBALL TEAM

##### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate the players, coaches and staff of the Wyomissing Spartans High School football team of Berks County, Pennsylvania on their undefeated season and on capturing the PIAA District III AA State Championship.

The Wyomissing Spartans set a Berks County record for points scored and wins in a season, finishing with a perfect 16-0 record. The Spartans are the first team in Berks County history to win a state title in football at any level.

The Spartans' championship roster includes: Gerald Burns, Thomas Paolini, Corey Unger, Spenser Lloyd, Sean Smith, Joseph Cacchione, Scott Kuczala, Brian Walters, Rahul Kalani, Adam Chaffe, Caleb Naylor, Juche Jackson, Bern Donahue, Chase Hartman, Alex Anzalone, Brandon Faust, Eric Waxler, Brandon Gonzalez, Mason Smith, Scott McAvoy, Justin Causa, Jonah Bowman, Sam Debell-Mitton, Peter Geyer, Josh Naylor, Jack Baker, Sam Weaver, Peter Bonino, Josh Pappas, Shane Hasenauer, Connor Reedy, Chris Eaton, Jeremy Bell, Will Kroppe, Anthony Colon, Jeriko Reyes, Cody Cox, Ben Wertz, Sean Reusing, Logan Jones, Dan Sweitzer, Wyatt Metzger, Finnegan Daly, Brian Bamberger, Jon Olmeda, Sean Clark, Nate Hain, Jack Wertz, Liam Reedy, and Daniel Faust.

The champion Spartans were coached by Head Coach Bob Wolfrum and Assistant Coaches Tom Baldwin, Andrew Siggins, Al Silveri, Todd Zechman, Steve O'Neil, Richard Hoffmaster, Nick Wojciechowski, Frank Ferrandino, Bill Hartman, Steve Brunner, Chris Blickley, Corbett Babb, Ty Smith, and Jim Delp. In addition, the School District's Athletic Director is Corbin Stoltzfus.

Mr. Speaker, in light of their outstanding accomplishments, undefeated season, and state championship victory, I ask that my colleagues join me today in recognizing the players, coaches, and staff of the Wyomissing Spartans High School Football Team of Berks County, Pennsylvania for their incredible and unforgettable season.

HONORING BARRY RUTENBERG

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. STEARNS. Mr. Speaker, I would like to take a moment to recognize one of my constituents, Barry Rutenberg, from Gainesville, FL. Barry is the 2012 chairman of the National Association of Home Builders (NAHB) and has been deeply involved in helping housing—and his fellow builders—get back on course.

After suffering the worst housing downturn since the Great Depression, Barry's steady leadership at NAHB during the past year has paid great dividends as he has presided over a solid recovery for the industry. Housing starts and single-family sales are projected to jump 20 percent for the year, and the number of improving housing markets has soared from just 12 in September of 2011 to more than 200 in December of 2012. Meanwhile, home prices have stabilized across much of the Nation, helping to put more workers on the job and making housing a net contributor to economic growth.

As chairman of NAHB, Barry has provided a laser-like focus to help get housing back on track by working with lawmakers on both sides of the aisle to get pro-housing bills introduced and passed. NAHB played a pivotal role in re-authorizing and preserving the National Flood Insurance Program for an additional five years. This put to an end the many short-term lapses the program has endured in recent years—along with the delays and canceled home sales those lapses have caused home buyers and home builders.

Under Barry's direction, NAHB instituted a nationwide Protect Homeownership campaign that featured several rallies in key political swing states during this past election season. This effort to elevate housing on the national agenda sent a powerful message to the electorate that Americans value homeownership and Congress must support pro-housing policies that will create jobs and help local communities to flourish.

In normal times housing accounts for more than 17 percent of the Nation's total economic output. Building 100 single-family homes creates more than 300 full-time jobs and generates millions of dollars of tax revenues which increase the property tax base that supports local schools, police and firefighters across the land.

To help housing return to its position as an engine of economic growth, Barry instituted an aggressive agenda at NAHB. He made it a priority to help protect housing tax incentives that are vital to renters and home buyers; prevent expensive, pointless regulations from impeding home building and dampening the recovery; and to push for a balanced solution to overhaul the Nation's housing finance system that retains a federal backstop in the event of a catastrophic situation while providing a stable, affordable supply of credit for home buyers and limiting taxpayer exposure.

He also maintained a regular presence on Capitol Hill, meeting with lawmakers and testifying on behalf of the Nation's home builders on how small businesses and consumers

would benefit from smarter and more sensible regulation.

I commend the efforts of Barry Rutenberg and NAHB to ensure that housing remains accessible and affordable to America's families and an important national priority.

**HARRIS COUNTY VETERAN'S COURT PROGRAM****HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. POE of Texas. Mr. Speaker, since the United States of America entered the War on Terror, many things have changed with what our troops encounter overseas. Our soldiers are not only fighting a war where guerrilla tactics, suicide bombings, and targeted killings are used, but they are fighting over values and morals versus territory. This war has not been in one specific country, but takes place wherever our enemies are attacking or hiding.

A lot has changed in this modern day war, but thankfully a lot has changed with how we help our troops when they return home. 2.4 million Americans have fought in Iraq or Afghanistan and the Department of Veterans Affairs have diagnosed roughly 200,000 of those Americans with post-traumatic stress disorder with many more that have gone undiagnosed. Many of these men have come home and are still fighting internal demons from these perilous places that they have returned from.

Thankfully, Harris County Texas District Judge, Marc Carter, an Army veteran himself noticed that many of the defendants coming through the Harris County courts were veterans who had recently come home from fighting overseas. Judge Carter is judge of the 228th Criminal District Court of Texas. He replaced me after I served as judge in that court for 22 years.

Judge Carter and other members of the Harris County community recognized this problem in 2009 and took the initiative to create the first veteran's court in the state of Texas. The Harris County Veteran's Court Program specifically works with first time misdemeanors and felonies. If veterans choose to go through the program instead of going to prison, it requires two years of probation and treatment.

The reason why the Veteran's Court Program is so successful is because it addresses the root of the problem, which is PTSD and drug abuse. Many of these veterans are still mentally overseas fighting for our and their lives and these programs give them the help they need to readjust back into society. Since 2008 veteran's treatment courts have been created in 27 States.

These men have been to the darkest places on earth to protect the American people and although there is a lot we owe our veterans, most importantly, we owe them a second chance.

And that's just the way it is.

RECOGNIZING LIEUTENANT COMMANDER TOM G. WEILER

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. WITTMAN. Mr. Speaker, I rise today to recognize those men and women who have served this great Nation with honor, men such as Lieutenant Commander Tom G. Weiler, United States Navy.

For the past year, Lieutenant Commander Weiler, a proud submariner and graduate of the University of Notre Dame, served on my staff as a Congressional Defense Fellow. During his assignment, he served as a senior member of my staff responsible for defense, veterans, foreign affairs and intelligence matters. Lieutenant Commander Weiler executed his work as a liaison to the constituents of the First District and the numerous defense installations in the First District with distinction. Furthermore, he provided exceptional support to me as my staff liaison to the House Armed Services Committee in my role as a Subcommittee Chairman and as the Co-Chair of the Congressional Shipbuilding Caucus.

Lieutenant Commander Weiler directly contributed to my goal of providing excellent constituent service to the people of the First District. He was responsible for bringing numerous constituent inquiries to a successful conclusion and he was able to leverage his personal and operational experience to respond to the most challenging inquiries.

In addition to his efforts on behalf of the First District, Lieutenant Commander Weiler took on projects with regional, state and national implications, demonstrating his ability to view a challenge from many angles and develop innovative solutions often requiring collaboration across many levels of government.

Lieutenant Commander Weiler's work ethic, duty to mission, and commitment to servant leadership is without equal. I believe that his personal drive to achieve excellence in his work has and will set a very high standard for his peers.

I would also like to thank Lieutenant Commander Weiler for the service and sacrifice he has made, and continues to make, for our Nation and our great Navy. His keen sense of honor, impeccable integrity, boundless work ethic, and loyal devotion to duty earned him the respect and admiration of my staff and the First District of Virginia. After spending eight of the last eleven years stationed in Hawaii, which included multiple patrols in the Western Pacific and a 12-month deployment to Germany, Lieutenant Commander Weiler is headed to England as the only U.S. Navy submarine officer to participate in the Royal Navy Submarine Command Course in Portsmouth, England in 2013. Following this distinguished opportunity to train with the British Royal Navy, Lieutenant Commander Weiler will embark on his journey to become an Executive Officer of a United States Navy submarine and attend the Submarine Command Course. After this intense course of instruction Lieutenant Commander Weiler will return to sea and to leading Sailors as he goes back into harm's way to execute his trade as submariner in the

"silent service" of this great Nation. I have no doubt that Lieutenant Commander Weiler will continue to serve the United States Navy honorably and with distinction.

I wish him the best of luck as he continues his Naval career. It was an honor and a pleasure having him serve on my staff. We all can sleep soundly at night knowing that men and women like Lieutenant Commander Tom Weiler are members of our all-volunteer force and they stand ready to defend our country and take the fight to our enemies; far away from their families and the comforts of the United States of America.

Lieutenant Commander Weiler, thank you. Best of luck to you and God bless you, your family, and all the Sailors you are charged with leading. Fair winds and following seas . . . and GO IRISH!

#### TRIBUTE TO TERESA VANZANT

#### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Teresa Vanzant, in honor of her retirement after dedicating 31 years of public service to Kentucky's Rockcastle County Circuit Court Clerk's Office.

Teresa's passion and commitment to public service was inspired by her father and my dear friend, the late Denver Miller, who also served as Circuit Court Clerk in Rockcastle County for three terms. Denver instilled in his family, the value of being an engaged citizen and giving back to the community. Denver's service as Clerk and Administrative Assistant to the Administrative Office of the Court also influenced his son, James Miller who serves as Rockcastle County's Jailer. The tireless dedication of this entire family will be a legacy long admired in our region.

Teresa Vanzant is also a role model for women in public service in our rural communities. In addition to her role as Circuit Court Clerk, she has volunteered for the Kentucky Women's Missionary Union, the Mt. Vernon Elementary Family Resource Center Council, President of Kiwanis Rockcastle, the Education Chair of Kentucky's Circuit Court Clerk's Association, Secretary of the Trust for Life, and a board member of the anti-drug Rockcastle County UNITE Coalition. Teresa works diligently, to not only serve her county, but to be a voice for opportunity and vision for generations to follow.

Mr. Speaker, I ask my colleagues to join me in honoring a leader and dear friend of southern and eastern Kentucky, Teresa Vanzant, on her retirement. My wife Cynthia and I wish Teresa and her family all the best in the years to come.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,359,758,742,907.76. We've added \$5,132,881,693,994.68 to our debt in nearly 4 years. This is \$5 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

#### TRIBUTE TO ADOLFO JESUS VALADEZ

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing the 80th birthday of Adolfo Jesus Valadez.

Adolfo Jesus Valadez, the son of Mexican immigrants who came to the United States fleeing the Mexican Revolution, was born and raised in San Antonio, Texas. Adolfo attended local public elementary schools and in 1949, graduated from Central Catholic High School. He enrolled in the University of Texas at Austin to study business administration and pharmacy studies. However, his studies were interrupted when he was called to serve his country as part of the post WWII occupation forces. Adolfo served as an Army Corps medic in Germany, where he provided health care services to American troops and learned to speak German fluently.

When Adolfo returned to the U.S., he completed his studies at the University of Texas at Austin and received a Bachelor's degree in Pharmacy, one of the few Mexican-Americans at that time to receive an undergraduate degree. Adolfo moved back to San Antonio and worked as a registered pharmacist serving the city's poor in various settings, including the Stella Maris Clinic on the west side of the city. Eventually, he opened his own small business—Lydia's Prescription Pharmacy—an independent pharmacy on San Antonio's south side. Adolfo provided high quality pharmacy services to the area residents while also mentoring many Mexican-American youth to pursue higher education in the health professions.

For over 30 years, Lydia's Pharmacy served the residents of the south side of San Antonio until Adolfo's retirement. During those years, Adolfo together with his wife Lydia, raised their family and served their community. In 1986, the family suffered the tragic loss of the youngest child, Rebecca Christina, "Becky". Despite this incredible loss, Adolfo and his family, with the love and support of family and friends, worked through their grief and continued to thrive. Adolfo and Lydia will celebrate their 49th wedding anniversary on January 26, 2013 and their remaining four children have

led successful careers in law, health care, and public health. In addition to running a business and raising a family, Adolfo earned a second degree in business administration; found time to serve as a board member of the St. Peter's/St. Joseph's Children's Home; became a member of the Our Lady of Grace Knights of Columbus; and traveled with friends and family within the U.S., Europe, and Mexico. He is a longtime Spurs fan and enjoyed their first of four championships like most San Antonians did, by riding through downtown in an impromptu celebration. He is also a devoted grandfather to his seven grandchildren.

Again, please join me in recognizing a true community leader in San Antonio on his 80th birthday, Adolfo Jesus Valadez.

#### HONORING THE SERVICE OF CALIFORNIA ASSEMBLYMAN ANTHONY J. PORTANTINO

#### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. SCHIFF. Mr. Speaker, I rise today to honor Anthony Portantino for his six years of service in the California State Assembly. A graduate of Albright College in Reading, Pennsylvania, Assemblyman Portantino started out with a successful career in the entertainment industry. He produced and co-wrote a multitude of film and TV productions, including independent historical films highlighting racial issues in American history.

Mr. Portantino was then elected to the La Cañada Flintridge City Council in 1999 with over 70 percent of the vote. As a member of the City Council/School District Joint Use Committee, he played a pivotal role in procuring funding and services for local public schools. Mr. Portantino continued to serve as a member of the Council for nearly eight years and served two terms as its Mayor in 2001 and in 2005. He resigned in 2006 upon his election to the California State Assembly.

During his years in the California legislature, Assemblyman Portantino served the 44th District with great distinction, championing tougher regulations on firearms and successfully passing 38 bills into law.

He presided as Chair of the Assembly's Committee on Higher Education and was a member of the Transportation, Government Organization and Public Safety Standing Committees. He also served as a member of the Assembly Select Committees on the Preservation of California's Entertainment Industry, Foster Care, and Community Colleges. Assemblyman Portantino has been recognized by his community for his extraordinary efforts on behalf of the Gold Line and for his exemplary service as a state legislator.

As a strong advocate for transparency and accountability in state finances, and a champion of health care issues, Assemblyman Portantino will be missed in the Assembly and by his constituents, but I know he will continue to represent the needs of his community in any endeavor he chooses to pursue hereafter. I join my colleagues in thanking him for his service and wish the Assemblyman, his wife

Ellen, and their children Sofia and Isabella, the best in this new chapter of their lives.

#### REMEMBERING JOE McNULTY

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2012

Mr. WOLF. Mr. Speaker, I come to the floor today to remember a former member of my staff who lost his battle with cancer two weeks ago today.

Joe McNulty was my deputy press secretary and director of online communications. He worked for me from the summer of 2009 until this July, when he left to go to law school at the University of South Carolina. Joe was an important member of my staff and will be missed dearly.

Joe was an amazing individual and certainly left his mark on this world, as evidenced by the number of people who attended his memorial service at Immanuel Bible Church in Springfield, Virginia on December 10. Aside from family, friends and co-workers, classmates from high school and college were in attendance as were friends and neighbors of his parents, Paul and Brenda, and three sisters, Katy, Anni and Corrie.

People came from as far away as Spain for the service. There were friends from the church he attended and members of his college club soccer team. His principal from Robinson high school came, as did the school's choral director. The current U.S. Attorney for the Eastern District of Virginia was at the service (Joe's father was the U.S. Attorney for the Eastern District of Virginia from 2001–2006) as were several other assistant U.S. attorneys from the office and a number of U.S. Marshals.

Joe's passing also made Politico's Playbook, something everyone on Capitol Hill reads every day and Joe devoured every morning.

The service for Joe was deeply moving. The pastor of his church in Fairfax spoke at the service, as did the pastor of the church he started attending in South Carolina, where he was attending law school. Both talked about Joe's strong faith in the Lord.

Joe's best friend, Steve Brewer, talked about how they met as freshmen in high school and said Joe was the best friend anyone could ask for. He told a story about how on a recent birthday the Washington area was paralyzed by a massive snowstorm, yet Joe managed to dig out his car and drive across town so his best friend wouldn't be alone on his birthday. That spoke volumes of Joe's loyalty and the value he placed on friendship.

Joe's older sister, Katy, spoke on behalf of the "McNulty Women." She reminisced about how she and "Joey" would play for hours on end as toddlers and that Joe was always a good sport about playing the things that his older sister always wanted. She also talked about how "Joey" cared about his sisters and always looked out for them.

His father, whom I have known since his days when he served on the House Judiciary Committee, described how Joe always put

others first, even in his darkest hours. He emphasized how much Joe would want to thank everyone for all they have done for him through the years and for coming to his memorial service. He told a story about how as Joe was once being wheeled into an operating room he asked the nurses to stop so he could thank them and the doctors for all they were doing for him. One of the nurses said no one had ever done that before. That was Joe. Always putting others first.

Paul also stressed Joe's unwavering courage, especially as he received one piece of bad news after another yet always helped his family and friends get through it all. Paul said Joe referred to his courageous reaction to news about spreading cancer as "a leadership moment."

His family has carried on Joe's spirit, sending out this message a few days after the service: "On behalf of all the McNultys, I [his mother, Brenda] just wanted to say THANK YOU SO VERY MUCH for all of your selflessness over the weekend as you prepared, and on Monday for Joe's service. It was above and beyond anything we could ever hope for or imagine and we are so very grateful. . . . Every word spoken and every song sung ministered to us and to everyone there. So many people have been telling us that they appreciated the scriptures, were moved by the whole tone of the service, and gained a new appreciation for Joe and all he was about. We truly appreciate all you did to participate in the service and wish we could give you all a huge collective hug but mere words will have to do."

I was honored to speak at Joe's service on December 10. Below are my remarks:

I am speaking today on behalf of my entire staff, who worked with Joe and loved Joe. We extend our condolences to Brenda and Paul and the rest of Joe's family.

Joe started in the Wolf office as an intern but left as a vital part of our staff. He always wanted to be a prosecutor like his father. That drove him.

I know my staff would have liked him to have abandoned those plans for our own selfish reasons because of the talents he brought to the office. He always pushed us to find new and more creative ways to reach constituents. He was a trend setter on Capitol Hill for communicating online. Other offices would regularly reach out to him asking for advice. He also was active in the Republican Communications Association, serving as its treasurer and reinvigorating the organization with great speakers and social events.

Joe brought an incredible work ethic to the office. No job was too menial; no task insurmountable. He also had an unbelievable reservoir of energy. There were nights that he would play sports until the wee hours of the morning but be at his desk first thing in the morning ready to conquer the world.

He never really stopped working. My staff got an e-mail from him just the other day making sure we had seen an article on an issue the office has put a lot of time and effort into.

Everyone who knew Joe well knew that he could be stubborn at times—stubborn in a way you don't often find in his generation; the kind of stubbornness that stems from deep integrity and a willingness to fight for what he believed was right.

It was this same quality that drove him to keep working even during the toughest hours of his fight against cancer. Even on the most

challenging days, Joe would come in to the office ready to work, and work hard. We practically had to order him home to rest up. Joe had an uncommon drive and commitment to public service.

Joe had an infectious smile and a great personality. Everyone loved being with him and he was always setting up office outings for the staff. In small Hill offices, where everyone attended different schools, there are friendly rivalries, particularly among Virginia schools.

Joe was part of the JMU mafia in the office, which at one point outnumbered all the staff from other Virginia schools and they never let anyone forget that, especially that JMU once beat Virginia Tech in football. Joe was proud to be a JMU Duke and volunteered with the JMU Alumni Association and the JMU Politicos, the school's Capitol Hill networking group.

Joe loved to eat, and for a little guy he could eat. He holds the office record for eating six giant glazed donuts in one day. One of his going away presents was donuts.

Joe also valued public service, which led him to take the next step in his career: law school. Although we missed him after he left our office this summer, we were so proud of him for getting into University of South Carolina. He pursued his dream of law school, daring to envision a future even when so much was uncertain about the present.

I want to read from parts of an email Joe sent to the staff on his last day in the office this summer:

"I just wanted to say thank you to all of you one more time. It has truly been an honor and privilege to work with all of you. I have learned so much working with all of you over the past three years and each of you have encouraged me and taught me lessons that I will never forget. I think it is important for all of us to remember how blessed we are to have the opportunity to serve our country. I know it's hard to remember that on a daily basis but that is truly what you are doing when you work for a member of Congress. You are serving the people of your community and you ARE making a huge difference."

"... My time on Capitol Hill has also taught me that many people are really cynical and believe that all politicians are corrupt. It's easy to reach a point where you think that it's too hard to enact real change or get the big things done. But this is a mentality I think we should try to suppress. If you believe in something and you want to enact change, then get in there and fight for what you believe in. That's what public service is all about. If you think you have good ideas that can help people, don't be afraid to fight for them. Don't let the weekly scandal or negative news story discourage you from trying to help people or make a difference in your country."

Joe wanted to make a difference. And he did. But it was a life cut painfully short. Joe was a man of faith and scripture tells us in Ecclesiastes 7:2, "For death is the destiny of every man the living should take this to heart."

We here today should take it to heart.

In Psalm 103:15, King David said:

"As for man, his days are like grass. He flourishes like a flower of the field, the wind blows over and it is gone and its place remembers no more."

It's apparent even as the cancer attacked his body, that Joe's soul was strengthened by his faith in Jesus, a faith which only grew in the face of circumstance that would dictate otherwise. In an e-mail to a staff member before leaving last summer he wrote:

"There is no way I could have gotten through my bout with cancer had I not had a foundation in Christ. Reading my Bible was the one thing that gave me hope and encouragement when I was in pain and sick."

We grieve Joe's passing but we celebrate his life and know he has entered eternal life with his savior and Lord. Our goal should be to live a life of faith so that we can one day join Joe in the House of our Heavenly Father.

#### PERSONAL EXPLANATION

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. COHEN. Mr. Speaker, on December 17, 2012, I was attending to a sick friend and comforting his family and was unable to vote on rollcall vote 628.

If present, I would have voted "yea" on S. 3193.

#### PERSONAL EXPLANATION

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. HOLT. Mr. Speaker, I did not return to Washington in time on Monday December 17, 2012 and missed two votes.

Had I been present I would have voted "yes" on H.R. 4606—To authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes (rollcall 627), "yes" on S. 3193—To make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes (rollcall 628).

#### RECOGNIZING COLONEL ROBERT M. WALTEMMEYER

### HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. GIBSON. Mr. Speaker, I rise today to recognize Colonel Robert M. Waltemeyer of the Joint Improvised Explosive Device Defeat Organization (JIEDDO), who will retire from the United States Army on January 11, 2013 after thirty years of distinguished service.

Colonel Waltemeyer was commissioned as an Infantry Officer in 1983. In 1987 he entered Special Forces (SF) and commanded his first SF detachment in Bad Toelz, Germany, where he implemented and supported operations throughout Southwest Asia, Western and Eastern Europe, and Africa. From 1997–2003 he commanded the 2nd Battalion 10th Special Forces Group where he conducted operations throughout the Balkans. Following the events of September 11, 2001, Colonel Waltemeyer led the United States European Command's first war on terrorism mission through the

Georgian Train and Equip Mission. In 2003 Colonel Waltemeyer conducted unconventional warfare operations in Northern Iraq, employing Kurdish, Christian and Arab militias to create a northern front in advance of Operation Iraqi Freedom. From 2003–2005, he served on the Joint Staff before taking command of United States Army Garrison Japan from 2006–2009. Upon leaving Japan Colonel Waltemeyer served as the Director of International Security Assistance Forces (ISAF) Regional Command South's Joint Border Coordination Center in Spin Boldak, Afghanistan, where he led a combined staff comprised of United States, Afghan, and Pakistani military and security personnel.

Throughout his thirty years of service to the nation, Colonel Waltemeyer has earned numerous awards and decorations to include: Combat Infantryman's Badge, Expert Infantryman's Badge, Special Forces and Ranger Tabs, Master Parachutists Wings, the Meritorious Service Medal and the Legion of Merit.

I am proud to share in the celebration of Colonel Waltemeyer's military career. I would also like to congratulate his wife Ramona, and his two children, Carrie and Sam, whose love and support has aided and strengthened Colonel Waltemeyer as he has served our great nation. I wish him all the best in his retirement.

#### HONORING THE LIFE AND SERVICE OF DOYLE EDWARD CONNER, SR.

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the life and service of Doyle Edward Conner, Sr. Throughout his long and distinguished career in politics, Doyle Connor served the people of Florida for 40 years in both the Florida House of Representatives and as the Commissioner of Agriculture. Commissioner Conner served as a mentor and an inspiration to countless individuals throughout the state. All of Florida mourns the loss of a great man and unparalleled public servant.

Commissioner Conner was a fourth-generation farmer who grew up learning the value of hard work on his family's farm in Starke, Florida where he helped raise cattle, grow strawberries and cut timber. Commissioner Conner was a born leader, and he was active in his community from a very young age. He participated in his local 4-H club and eventually became president of the Alachua County branch of 4-H. In 1947, he graduated from high school and enrolled at the University of Florida where he became involved in the Future Farmers of America (FFA), serving as the president of FFA at both the state and national levels.

In 1950, while still a 21-year-old student at the University of Florida, Commissioner Conner was elected to the Florida House of Representatives. Despite his youth, he quickly established himself as a serious and committed statesman who was respected by his colleagues on both sides of the aisle. Due to his assiduous work ethic and natural leader-

ship, Commissioner Conner quickly rose through the ranks of the Florida House of Representatives. In 1957, at the age of only 28, Commissioner Conner was elected as the Speaker of the Florida House of Representatives, becoming the youngest Speaker in the state's history—a record that still stands today. While serving as Speaker, he helped craft legislation to promote and advance Florida's agricultural industry, including the landmark Green Belt Law. He also worked to establish first-class agricultural labs to help eradicate numerous diseases and predators and pave the way for the further development of the Florida agricultural industry.

In 1960, after serving 10 years in the Florida House of Representatives, Commissioner Conner was elected as the Florida Commissioner of Agriculture, a position that he held until his retirement in 1991. Commissioner Conner brought his vast experience as both a farmer and a legislator to his new role and helped expand Florida's output from \$900 million in 1960 to more than \$6 billion at the time of his departure in 1991. Commissioner Conner was a tireless worker, who traveled around the world to promote Florida agriculture and open new markets for Florida's farmers. He also expanded on his earlier legislative efforts to combat diseases, and under his leadership, Florida established a method for detecting the Mediterranean fruit fly which became the worldwide standard.

His excellence and leadership in Florida was recognized nationally, and he was even asked by President Kennedy to move to Washington to lead the U.S. Department of Agriculture. After thanking the President for his offer, Commissioner Conner respectfully informed him that he wanted to keep his family in Florida and continue serving the state he so deeply loved. For his service to the agricultural industry, he was presented with numerous awards and recognitions. He was inducted into the Florida Agricultural Hall of Fame, Florida Citrus Hall of Fame, the Florida 4-H Hall of Fame, and the Florida FFA Hall of Fame.

Commissioner Conner also had an unwavering commitment to educating young people to help advance Florida's agricultural sector. He maintained a life-long relationship with his alma mater, serving as the president of the University of Florida National Alumni Association, and in 1972, he received the Distinguished Alumni Award. Today, the University of Florida maintains a scholarship in Commissioner Conner's name, which is awarded to students throughout Florida who display leadership in FFA and 4-H.

Commissioner Conner served as a mentor to numerous individuals throughout his career. My wife Vicki and I both had the distinct privilege and honor of working for and learning from Commissioner Conner. His leadership and commitment to Florida helped inspire me and numerous others to pursue public service. His contribution to the state of Florida and our nation cannot be overstated, and his legacy will continue to inspire Floridians for generations to come.

Mr. Speaker, on behalf of the United States Congress I am honored to recognize the life and service of a great man, Commissioner Doyle Conner. His contribution to Florida will never be forgotten. Vicki and I extend our

most heartfelt condolences to the entire Conner family.

#### PERSONAL EXPLANATION

### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. COHEN. Mr. Speaker, on December 17, 2012, I was attending to a sick friend and comforting his family and was unable to vote on rollcall vote 627.

If present, I would have voted "yea" on H.R. 4606.

#### IT'S THE MOST WONDERFUL TIME OF THE YEAR

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. POE of Texas. Mr. Speaker, it's the most wonderful time of the year. Next week, Americans throughout the fruited plain will come together and pause from the bustle of their everyday lives to celebrate Christmas with the ones they love. To Christians, Christmas is the day to honor the birth of Jesus. The word "Christmas" actually comes from the words "Cristes Maesse," which literally translates to Christ's Mass. The word "holiday" derives its meaning from the words "Holy Day". It also means Grandma's apple pie, Christmas carols, wreaths, cookies, Santa, presents, ornate Christmas trees and other rich traditions that symbolize December 25th.

In the midst of the holiday cheer, we should never forget that some families will have an empty chair at their Christmas dinner this year. For some homes, the empty chair represents a loved one who is serving overseas. For others, the chair is a somber reminder of the warrior who served but never returned. As you celebrate the season within the warmth of your home, think of the families without a full house and the sacrifices they make not just at Christmas time but the other 364 days of the year as well. These families bear the burdens of war, and these burdens weigh heaviest during this time of year.

War at Christmas is not new, and this year will be no exception for those who are still on call serving America. But there is a special way to connect with our troops throughout the world. Each year in Southeast Texas, children and businesses in the community come together and volunteer to make handmade cards for our troops who won't be home for Christmas. It began when my office gathered dozens of cards for me to bring in my suitcase to visit NATO troops overseas. Then we teamed up with Operation Interdependence and the Red Cross to collect 6,000 cards. And every year since it has grown. This year a record-shattering 69,000 handmade cards from the community are on their way overseas. The cards come from all walks of life in the community from the third grader to the local business employee. Each card is dif-

ferent but their message is the same: Thank you. Texans are especially grateful during this time of year for that soldier, that warrior, that sailor, that airman who can't be with their families because they're representing the United States in lands far, far away. There is something about a warrior from the United States opening up a handmade Christmas card from some kid in the United States. At that moment, the darkness of war seems to disappear because of the brightness of a child.

No matter what is going on in the rest of the world, the Christmas spirit of good will and generosity is alive and well in America. Random acts of kindness are seen throughout the nation whether it is a handmade holiday card, a charitable donation to a stranger to ensure that families get to eat a Christmas dinner or a toy drive for children who may not otherwise get to experience the joy of giving and receiving. Christmas really does bring out the best in America.

So next week pause. Eat Grandma's cookies, sing Christmas carols, open presents and enjoy your loved ones. Think of those who have an empty seat at the table this year because their husband, wife, son, daughter, mother or father is serving our country in lands far far away. And don't forget the reason for the season, the birth of Jesus that occurred over 2,000 years ago. Wish your neighbor a Merry Christmas, and be thankful that you live in a nation where you can.

And that's just the way it is.

#### IN TRIBUTE TO THOMAS AND ESTHER WACHTELL

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to my good friends, Thomas and Esther Wachtell, patriots, entrepreneurs, philanthropists, and community volunteers.

Tom and Esther own and operate Oak Knoll Ranch in Ojai, California. They produce and ship apples from their 10-acre orchard but more importantly, the ranch is their base for their many other efforts.

Tom and Esther both have had storied careers. Tom was a Navy lieutenant commander in the Office of Naval Intelligence, executive vice-president of Occidental Petroleum Corporation in Los Angeles, president of Merrit Energy in Los Angeles, an investor/consultant for Gulf Exploration in Covington, Louisiana, and, with Esther, co-proprietor of Eve's Apples in Ojai.

Esther is president of The Wachtell Group, a fundraising consulting company specializing in large capital campaigns. In addition, she was executive vice-president and president of The Music Center of Los Angeles, an investor with her husband in Gulf Exploration, and co-proprietor of Eve's Apples.

The lists of their community involvements are even longer. Tom's list includes founder/president of the Los Angeles Opera, director of the Performing Arts Council of The Music Center of Los Angeles, director of the World Trade Center in Los Angeles, director of the

Good Hope Foundation in Los Angeles, a Republican Eagle, and a member of the Romney Finance Committee.

Esther's list includes founder/chair of the Center on Philanthropy and Public Policy at USC, trustee for Children's Hospital in Los Angeles, director of the Museum of Ventura County in Ventura, California, president of the Ojai Music Festival in Ojai; director of the Libbey Bowl Foundation in Ojai, and director for Ojai Community Bank.

Beneficiaries of their large philanthropic grants include Children's Hospital, Choate School, the Ronald Reagan Presidential Foundation and Library, the Music Center Opera, the Music Center of Los Angeles County, and the Republican Party.

In addition, Esther served as development chair for the Museum of Ventura County, raising \$7.5 million for the museum, and for Children's Hospital, raising more than \$1 billion, a record for the hospital. She also helped raise \$4 million to rebuild the Libbey Bowl as president of the Ojai Music Festival.

Both list their greatest accomplishment as raising three happy and successful children who are married to three wonderful spouses and who have given them 12 fantastic grandchildren.

Mr. Speaker, I know my colleagues join my wife, Janice, and me in paying tribute to our close friends Tom and Esther Wachtell, for their patriotism, entrepreneurship, and philanthropy, which has made our nation stronger politically and economically and made our world a better place to live.

#### HONORING THE SERVICE OF DR. LINDA J. HEWETT

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize Dr. Linda J. Hewett as she celebrates her retirement as co-director of the University of California San Francisco (UCSF), Fresno Alzheimer's and Memory Center (AMC).

Dr. Hewett's lifelong dedication for assisting California's most vulnerable citizens began when she earned her nursing degree in 1968 from the Westminster Hospital in London, where she specialized in maternal and child health. In 1990, she received her doctorate in Clinical Psychology from Pepperdine University.

Dr. Hewett's passion for ensuring that people of all ages live a quality life led her to specialize in neuropsychology. After finishing her pre-doctorate work at Rancho Los Amigos Hospital and post doctorate at UCSF, Fresno AMC, she became the co-director of AMC in 1994. Dr. Hewett began as the Assistant Clinical Professor for the departments of Neurology, Family & Community Medicine, UCSF Medical School, Fresno Medical Education Program, and will retire as an Associate Professor for UCSF. In addition, Dr. Hewett has worked as the Senior Neuropsychologist at AMC since 2004, and from 2001-2003, she was the Director of the Gerontology Program at California State University, Fresno.



Dr. Hewett has served in many capacities over the past few decades. Because of her efforts to educate and spread awareness about Alzheimer's disease she has become a true champion for our Central Valley. Dr. Hewett's expertise is sought out from people all over the state and country. Due to her work with the California State Legislature, there are more Alzheimer's Research Centers that have provided invaluable resources for Alzheimer's and dementia patients.

Thousands of families have been fortunate to receive the benefits of Dr. Hewett's care.

Her overwhelming knowledge and compassion is comforting to her patients and their families. I had the privilege to see Dr. Hewett's work firsthand as she personally treated people very close to my heart. She made them feel comfortable and at ease, and I will always

be grateful for the expertise and kindness that she provided to them.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Linda J. Hewett for her service, compassion, and devotion to bettering the lives of others. We thank Dr. Hewett today for her outstanding contributions to the San Joaquin Valley and to the State of California.

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#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees

to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, December 20, 2012 may be found in the Daily Digest of today's Report.

## HOUSE OF REPRESENTATIVES—Thursday, December 20, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. DOLD).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 20, 2012.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day. We ask today that You bless the Members of the people's House to be the best and most faithful servants of the people they serve.

On this day, Congress honors the life of Senator Daniel Inouye, who lies in state in the rotunda. He was the first to serve his State in this assembly. He served his country for decades as a true patriot, soldier, legislator, statesman, and gentleman—always thousands of miles from his own home.

Endow the Members of this assembly with a measure of the courage, integrity, and loyalty of such an exemplar of public service.

And may all that is done this day in the people's House be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 20, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) or Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2012 at 10:02 a.m.:

That the Senate passed without amendment H.R. 3477.

That the Senate passed without amendment H.R. 3870.

That the Senate passed without amendment H.R. 3912.

That the Senate passed without amendment H.R. 5738.

That the Senate passed without amendment H.R. 5837.

That the Senate passed without amendment H.R. 5954.

That the Senate passed without amendment H.R. 4057.

That the Senate passed without amendment H.R. 6029.

That the Senate passed S. 3630.

That the Senate passed S. 3662.

That the Senate passed S. 2318.

That the Senate passed S. 3202.

That the Senate passed S. 3698.

Appointments:

United States-China Economic Security Review Commission.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### ESTATE TAX

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Growing up on a Kansas dairy farm, I know the estate tax is a threat to family farms. This tax makes bailing hay and shoveling manure sound like a get-rich-quick scheme, when most family farms make an average of \$45,000 a year. Raising the estate tax to 55 percent and dropping the exemption to \$1 million might be feasible for a hedge fund manager,

but it will jeopardize the future of farmers and their families, forcing many to sell their farms they worked to build for generations.

Many farmers are "land rich" but "cash poor." The average land value for 65,000 Kansas farms is \$900,000. Throw in a \$300,000 combine, a \$250,000 tractor, and Kansas farmers are suddenly millionaires according to estate tax math. But this isn't wealth they can use to pay taxes. It's in assets.

Farmers provide us with a safe and dependable food supply. We cannot allow the estate tax to put them out of business.

### NO JUSTIFICATION TO CUT SOCIAL SECURITY BENEFITS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Will seniors be pushed off the fiscal cliff?

Social Security did not cause the deficit, but the White House's plan to lower Social Security cost-of-living benefits could eventually reduce seniors' annual benefits by hundreds of dollars. The gimmick is called the chained Consumer Price Index. The chained CPI works this way:

As the cost of living goes up, seniors inevitably turn to cheaper alternatives. For example, if seniors eat steak, but then can't afford its higher price, they can switch to something cheaper—like cat food. The cost of living calculation would chain to the cheaper item—cat food. So the less you pay for food, the less benefits you get.

The chained CPI benefit cut will chain aging seniors to a poverty of choices, a lower standard of living with cheaper products. The chained CPI formula doesn't take into account seniors' rising health care costs. If it did, benefits would go up.

There is no justification to cut Social Security benefits. "No" to throwing seniors off the fiscal cliff. "No" to a cat food Christmas.

### DEMANDING THE TRUTH

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Mr. Speaker, just over 100 days ago, four Americans were murdered in cold blood during coordinated terrorist attacks on the U.S. consulate in Benghazi, Libya. These attacks were premeditated acts of war on

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America and the American way of life, committed by terrorists with ties to al Qaeda.

This week, the Obama administration released a report as to exactly what happened surrounding these terrorist attacks. This report confirmed what we already knew: there was no protest outside the consulate on September 11. It also cites systemic failures in Embassy security, putting in danger the lives of every person at the compound in Benghazi.

This report is an important step towards stopping another attack on America and American initiatives overseas. But one thing remains clear: serious mistakes were made by senior officials here in Washington. Those mistakes cost American lives. There must be accountability.

#### REMEMBERING SENATOR DANIEL INOUE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Senator Inouye lies in state this morning. But as a young lieutenant platoon leader on a battlefield in Italy, even after being shot in the stomach by German machine-gun fire, he refused medical treatment and still managed to find the courage to destroy two machine-gun posts. Nearly losing consciousness from blood loss, he heroically charged a third machine-gun nest before having his right arm severed by a German grenade. Somehow, even after those grave injuries, Daniel Inouye still found a way to toss a grenade that destroyed the third bunker.

What an American. What a man who loved this country and stood for the values of diversity. He loved the independence of the Congress, and he fought for it in the strength of our democracy and the values of America. His words were this:

I represented the people of Hawaii and this Nation honestly and to the best of my ability. I think I did okay.

To the Senator and your family, you did more than okay. To the Asian American community in Houston, Texas, and all of Texas, I want you to note this hero spoke volumes for what America is all about, that no matter where we've come from, we can stand equally under the sun.

He thought of that and his beloved Hawaii as his final words, not only in representing Hawaii—"aloha"—but to America.

Senator, we love you, and good-bye. What a great champion, a great warrior for peace, and one who represented all of us so well.

□ 1210

#### SUCCESS WITH THE NATIONAL DEFENSE AUTHORIZATION ACT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today, the House will vote on the National Defense Authorization Act for 2013. Congratulations to House Armed Services Committee Chairman BUCK McKEON and committee staff director Bob Simmons for their leadership with this legislation promoting peace through strength.

Our brave men and women in uniform, their families, and our veterans have earned the support and care they deserve by dedicating their lives to keep American families safe. The passage of today's bill will provide for a 1.7 percent troop pay increase, controlled copay rate increases for TRICARE beneficiaries, and institute new procedures and regulations to combat and prosecute sexual assault within the military.

It is my hope that this legislation will pass the House overwhelmingly this evening, receive full support in the Senate, and promptly arrive on the President's desk for his signature. Our national security depends on it.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### GREAT LAKES RESTORATION INITIATIVE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, the Great Lakes are our Nation's greatest natural resource. They are the source of 95 percent of our surface freshwater and are directly connected to 1.5 million jobs.

Though efforts to protect and restore the Great Lakes have made great strides over the past several decades, many challenges remain. Invasive species, pollution, and habitat loss in the Great Lakes have a negative effect on recreation and tourism, as well as on the general economy.

I was pleased to sign a bipartisan letter along with other Members of the House to request at least \$300 million for the Great Lakes Restoration Initiative in the President's fiscal year 2014 budget.

Mr. Speaker, the Great Lakes Restoration Initiative has been invaluable in efforts to protect and restore the Great Lakes. I strongly encourage the President and my colleagues in Congress to ensure that it is fully funded going forward.

#### FISCAL CLIFF

(Mr. PALAZZO asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PALAZZO. Mr. Speaker, today, this body will take up legislation that will cut spending, replace the dangerous defense sequester, and protect millions from the biggest tax hike our country has ever seen. This is a good first step. The costs are simply too high to go over the fiscal cliff.

Earlier this week, the CPA Caucus met with former Comptroller David Walker to discuss what we truly need for meaningful, long-term reform. Walker proposed six basic principles that I want to share with this body today:

1. Pro-Growth. Truly pro-growth policies will empower our small businesses rather than strangle them with taxes and regulations at every turn.

2. Socially equitable. We're in this together, and we cannot expect one income bracket to bear the burden of solving all of our problems.

3. Culturally acceptable. We need the support and backing of the American people to enact good solutions.

4. Mathematically possible. We cannot continue to ignore the bottom line. I'm a CPA. To me, it's obvious that we have to balance our books.

5. Politically feasible. Our solutions won't always be perfect, but they have to be proposals both sides can agree on.

6. Bipartisan support. We can agree to disagree on certain matters, but we must still work together.

These six principles can be our bridge forward.

#### HONORING NEW MEXICO SPEAKER OF THE HOUSE BEN LUJÁN

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Mr. Speaker, I rise today to honor one of New Mexico's great leaders, New Mexico Speaker of the House Ben Luján, who passed away Tuesday night after his battle with lung cancer. Speaker Luján is the father of our colleague, and my friend, Congressman BEN RAY LUJÁN.

First elected to the State legislature in 1974, Ben Luján served as speaker of the house from 2001 until 2012. Throughout his tenure in the House, Speaker Luján showed that he was a champion for working families, a tireless advocate for his constituents, and an absolute master of legislative strategy.

At the beginning of this year, when Speaker Luján spoke to the legislature of his battle with cancer, he encouraged everyone to make their time on Earth worthwhile and to "make a difference for the children, our working families, and for the elderly." Speaker Luján has inspired me and so many New Mexicans to do just that. Our good thoughts and prayers are with his wife Carmen, with BEN RAY, and with the rest of the Luján family.

## BALANCING THE BUDGET

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DESJARLAIS. Mr. Speaker, it seems there are those who still fail to realize that we cannot continue down this road of fiscal insanity. It isn't politics; it's math. Our spending is simply unsustainable, yet we have not seen a serious proposal from the White House to address our trillion-dollar deficits.

The President thinks the answer is more taxes. But while the tax increases President Obama is calling for would hurt small businesses, they would have little effect in reducing our deficits. That is because our debt is being driven by spending, plain and simple. Therefore, to solve our problem, we must implement serious spending cuts and reforms.

The good news is this isn't hard to do; we just have to look at the amount of revenue coming in and not spend more than that. Rather than spending more than we can afford, we must prioritize our spending. Hundreds of millions of Americans do this every day. If my constituents in Tennessee can balance their budgets, so can Washington.

HONORING REPRESENTATIVE  
ELTON GALLEGLY

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, down here in the well sometimes when you hear what we all say to each other you might think that we are not a very friendly bunch towards each other, but I want to let people know today that we actually have a lot of friendships here on this floor. I'm going to take the time this week before we break for Christmas to say goodbye to some of my friends who are leaving from Congress—especially from the Democratic side, but I have a particularly good friend on the other side, Congressman ELTON GALLEGLY.

He has had a congressional career here for 25 years. He's been a leader and a fierce defender of animal rights. With the successful passage of legislation that he recently sponsored, the creation and the sale of videos depicting the torture of animals is forever illegal. Animal lovers across the country are thankful for his leadership on that.

Though ELTON and I a lot of times disagree on a lot of things politically, we've become very close friends over the years. I have sought his guidance on many issues here, on foreign affairs, on transportation, and even on some outside things, outside of this, maybe even in my own personal life.

So I want to thank him for being a good friend. I wish him a lot of luck in

his next chapter of his life, and I just want to tell him that I will miss him.

## HONORING JAY PIERSON

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, I rise today to honor the distinguished career of someone who is a friend to me and my colleagues, and that's Jay Pierson.

For 34 years, Jay has been a mainstay of the House and the floor. He began his congressional career back in 1978 with then-Republican leader John Rhodes. Throughout his tenure, he has worked for Speakers Newt Gingrich, Dennis Hastert, and now JOHN BOEHNER.

Since I came to the House in 2003, I have known Jay to be a true student of this institution. He has helped me personally—and countless other Members—learn how this body works, and he has been quick to assist a Member with any question about the floor, or even a good book recommendation.

Mr. Speaker, what most people may not know about Jay is that, in addition to a bachelor's degree from Westmont College and a master's degree from California State University, he earned his Ph.D. from the University of Maryland.

In his upcoming retirement, I want to thank Jay for his service to this great institution. I wish he and his wife, JoAnne, all the best in their future endeavors. My friend, Jay Pierson.

## PLAN B

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, I rise in strong opposition to the Republican so-called "Plan B" bill. Not only would it not address the so-called fiscal cliff—it's really a human cliff—but it's a pure political gimmick to distract from the Republicans' failure to negotiate in good faith.

Mr. Speaker, we cannot grow our economy or reduce our deficits by making even more cuts on the backs of children, veterans, our seniors, our disabled, and the millions of Americans in poverty. Low-income and middle-income Americans have already been slammed by \$1.5 trillion in cuts to the safety net, mind you, that they rely on every day.

A fiscally responsible and balanced approach would be to immediately pass the \$1.5 trillion in new revenue to match the cuts that we've already made, while protecting middle class tax cuts.

Mr. Speaker, 98 percent of the American people have already paid their fair share; it's time for the wealthiest 2

percent to do the same. Let's not forget the over 2 million who will lose their unemployment benefits December 29. Mr. Speaker, please don't let them fall off this human cliff during this holiday season. We should extend this today.

□ 1220

## THE FISCAL CLIFF

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, we've reached the fiscal cliff not because we tax too little, but because we spend too much. We are focusing on whom to raise taxes and by how much. This debate really should be about outrageous spending.

Many people believe that what's happening in Greece cannot happen in the United States. But think about it, Greece kept borrowing and spending until eventually they couldn't pay their public workers, take care of the elderly and the poor, or deliver any of the services they promised to its people. The United States is headed down the very same path.

We'll be right back here having this same debate very soon if we don't cut spending. Instead of discussing taxing the top 2 percent, the next time it will be the top 50 percent, and so on, until we are all being taxed—everyone—but spending so much that we still cannot meet our obligations.

This debate should be about spending, not taxes, so that we can give the American people what they want—a strong economy and a guarantee that programs like Social Security and Medicare will remain intact.

## PLAN B HURTS EVERYBODY

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, as if the Speaker's Plan B were not bad enough—not extending unemployment benefits or fixing the SGR so seniors would continue to have their doctors, killing jobs, again threatening the full faith and credit of our country, and leaving the sequester cuts in place—last night the Republicans dug up the horrible reconciliation bill that they pushed through this House in May. They should have left it over in the Senate where it went to die a timely death.

The reconciliation bill they will put up with it for a revote today is like Plan B, just worse. It will cut food stamps, eliminate the social services block grants, and weaken the consumer protections that we put in place. They can't help themselves. They'll make

one more attempt to roll back much of the Affordable Care Act, including repealing the public health fund and funding for the exchanges, cutting the children's health insurance program, and taking away all of the Medicaid funding that was provided for the territories.

Either way, these bills would hurt many people—poor, middle class Americans, children and seniors, all to save tax cuts for the wealthy. On November 6, Americans voted for us to work together to strengthen our country, not weaken it. These highly partisan bills will hurt our country, and no one should vote for either of them.

#### AVOIDING THE FISCAL CLIFF

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I wonder if anybody is listening. The message from the American people is loud and clear: extend the middle class tax cuts now. Republican leadership is holding hostage tax cuts for 98 percent of Americans and 97 percent of small businesses to give more tax breaks to the wealthiest Americans. Democratic Members of Congress have commonsense solutions, and we can't wait around any longer as real proposals languish while the House GOP gets its act together.

I, along with 181 of my colleagues, have signed the discharge petition to automatically bring to the House floor the Senate-passed middle class tax cuts which the President has said he will sign immediately. This could be an opportunity for us to work together, resolve some of our differences, and offer the American people the kind of Congress they want: working together.

#### TAXES

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise to express my disappointment that House leadership is again playing political games instead of getting our work done. With time running short, they've decided to prohibit a vote on extending the middle class tax cuts for families making up to \$250,000 per year. Instead, we will only be voting on the so-called Republican Plan B.

Plan B is yet another giveaway to the wealthiest 1 percent of Americans and at the expense of middle class families. It forces middle class families to pay \$1,000 more a year in taxes in order to give millionaires a \$50,000 break. That's not what the American people voted for in November. They sent a clear message that they wanted us to put aside our differences and work together to pass a balanced plan that

protects middle class families and ensures that everyone pays their fair share.

We agree. We all agree that families making up to \$250,000 should not see their taxes go up on January 1. We could pass that bill today and give millions of families across this country peace of mind, but we're not even getting to vote on that bill. Instead, we're taking a symbolic vote that solves nothing. My constituents—all of our constituents—deserve better.

#### HONORING THE LIFE OF LEONILA VEGA

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I come to the floor to honor Leonila Vega, a ferocious advocate for seniors and people with disabilities. In her role as the executive director of the Direct Care Alliance, I worked closely with her to improve the conditions of work for those who provide in-home care and, with it, the quality of care that they provide for others.

Although she lost her battle with cancer on November 19, the battle she waged for quality care and dignity for workers continues.

I cannot adequately describe all of her accomplishments in one short minute, so I'm submitting a longer statement for the RECORD. But I do hope that in honoring her today and talking about her passion, I hope that her passion for social justice is an inspiration to all of us.

#### RECOGNIZING THE ACHIEVEMENTS OF SENATOR BARBARA A. MIKULSKI

(Mr. CUMMINGS asked and was given permission to address the House for 1 minute.)

Mr. CUMMINGS. Today, I am incredibly pleased to congratulate my dear colleague, Senator BARBARA A. MIKULSKI, for her ascension to the chair of the Senate Appropriations Committee. Senator MIKULSKI's commitment to our great State is undeniable. She has worked tirelessly throughout her prestigious career to serve her fellow Marylanders, first as a social worker, and now as one of the most influential Members of the United States Senate.

Senator MIKULSKI is a leader that Maryland and, truly, our Nation, can be proud of. She was the first woman elected to the Senate who was not preceded by her husband or father and has continued breaking barriers ever since. This trend continued yesterday when she became the very first female Senator in the history of our Nation to become the chair of the powerful Appropriations Committee.

I'm honored and proud to serve alongside her here in the United States Congress, and I look forward to continuing to work together with her for the betterment of our Nation.

#### NEWTOWN, CONNECTICUT, AND GUN SAFETY REFORMS

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, I rise today, first of all, to express my deepest condolences to the families and friends of those killed in last week's tragic elementary school shooting in Newtown, Connecticut.

But this incomprehensible act of violence should compel us to address the larger context. It is a fact that over 10,000 Americans are murdered by gun violence each year. No other civilized nation on the planet experiences anything like this annual gun slaughter, but we have 5 percent of the population and own 50 percent of the world's guns.

Now, the needed reforms are not radical. Many, including closing the gun show loophole and requiring gun owners to report to police lost or stolen guns, are even supported by the vast majority of NRA members. It would be far too simplistic and self-serving, though, to lay the blame for this inaction on the most commonsense measures entirely at the feet of the NRA, which we're inclined to do because the truth is that we, as the representatives of the people, are the ones who are ultimately responsible for doing nothing to protect our constituents.

The fact is that if we don't take action now, we're all complicit in the next massacre of innocents.

□ 1230

#### PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 840 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 840

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered.

on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommend if applicable.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days in which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. As is customary for this conference report, this is a closed rule which provides for the consideration of the conference report to accompany H.R. 4310, the Defense Authorization Act for Fiscal Year 2013, and provides 1 hour of general debate, with 30 minutes equally divided and controlled by the chair and the ranking minority member of the House Armed Services Committee.

I'm actually pleased to stand before the House today in support of the rule as well as the underlying legislation, which was H.R. 4310, and the conference report that accompanies the Defense Authorization Act for Fiscal Year 2013.

I also have to, at the beginning, thank the chairman of the House Armed Services Committee, Mr. McKEON, for his hard work and his steady leadership on this bill, as well as the ranking member, Mr. SMITH of Washington, for continuing the time-honored tradition of close cooperation and bipartisanship when it comes to defense and producing this conference report. I also thank the professional staff, which has worked closely together on literally hundreds of very difficult and often very technical issues and has done so cooperatively in an extremely responsible manner.

I'm very proud that the Armed Services Committee produced a bill in a very bipartisan manner. I'm proud of the floor of the House who voted and passed, in a bipartisan way, this bill back in May. The Senate has finally decided to pass the bill in December. That the Senate has passed a bill is commendable. It is unusual, but it is also commendable. The fact that they have done this here gives us an opportunity of passing one of the few bills that must be done in every session of Congress. The Senate's procrastination on this effort is one of the things that is worrisome. I only hope that in the years to come, the Senate majority

leadership will return to acting expeditiously, deliberately, and in a more timely manner in something that is this important.

It is actually a testament to the competency and professionalism of the House Armed Services Committee staff, the House leadership staff, and the Rules Committee staff that this enormous and complex conference agreement could be rescued at the end of what is becoming an otherwise contentious lame-duck session.

Mr. Speaker, in our Rules Committee meeting the other day, we had the opportunity of having Mr. HASTINGS and others refer to the Constitution. It is very significant that in the beginning of the Constitution, the Preamble, that we talked about creating a more perfect Union. A more perfect Union is not a grammatical flaw that was introduced by the Founding Fathers. It had a specific historical context. It also talked about preserving or promoting domestic tranquility, which had, also, a specific historical context which had nothing to do with America being sedate or tranquil. It had something to do with the specific concept of private property. It also talked about promoting general welfare, even though they had a uniquely different idea of the word "general" than we have today.

But in providing in the intermediary with all these provisions is also the word that we are supposed to provide for the common defense. It was not unusual that that word was in there, put in by Gouverneur Morris and the rest of them.

When the Founding Fathers met to write our Constitution, they were looking at the historical milieu of the day and the concepts that were going on at that time. They responded in a way to try to make sure that they solved the problems of the day in a way that would never come up again. The concept of providing for the common defense became one of the core constitutional responsibilities that was extremely significant.

We had won the Revolutionary War, but we had also—several of the States—violated the treaty with Britain. The inability of some States to protect Tory property had given the British the reason to continue to have armed British soldiers on American soil or British forts on American soil. We could not, under the Articles of Confederation, control our borders. The British were arming subgroups coming in here to do more than just destroy our domestic tranquility, but also to take down and harm the lives of Americans. It seems some things never change.

But the Articles of Confederation and Congress could not respond to this. They had an Army of only 700 people. There was no Navy to control the shipping or protect our shipping rights.

The Articles of Confederation and Congress realized what we should also realize that if we do not have an adequate and strong defense, not only can we not militarily defend this country, but we don't have the ability of diplomatically trying to reach solutions to problems without resorting to military efforts. They realized that this was one of the flaws of America when they wrote the Constitution.

So it is not unusual for them to specifically put in here that one of the responsibilities that this House has is to provide for the common defense. It is not unusual that in article I, section 8, there are 17 clauses. Seven of those 17 clauses, as well as the introduction, talk about the necessity of military defense and military preparedness for this country. They recognized how significant that was, not just for defending militarily, but also for the future and the diplomatic abilities of the future United States.

This bill deals with one of the few core constitutional responsibilities that we had. Fortunately, over the past 51 years, Congress has been able to come together in an amazingly bipartisan way to come up with a Defense authorization bill that provides our Defense agencies the ability to function, to train, to equip our forces, and to provide for our military personnel and their families.

We are betting if we do not do this, that the large-scale threats to our national security will be so far in the future we can just sort of tread water. I hope sometimes that they are right, but that treading would not be what the Founding Fathers would look at as providing for the common defense.

In a real world, there would be what I would consider to be a more significant and effective bill, but we're not dealing with the real world. We are dealing, though, with real-world issues. Part of the issue is that we are looking at a world that is extremely dangerous for us—we do not know what the future enemy will be—and we are also dealing with a world in which we are continually trying to diminish our military presence.

Our Navy is smaller than it has been since 1917. Our Army will be smaller than it was at the beginning of World War II. Our Air Force is the smallest it has ever been in the history of this country, with the oldest planes that we've ever had. Those issues are issues that are significant, they are important, and they must be addressed. And those are going to be ongoing, long-term issues.

This particular bill does not do as much to address that particular problem and give us the security of the future as I wish it could do. That's only because we are not dealing in a perfect world where we can establish the setting that we wish to do. We have to deal with the setting in which we find ourselves.

□ 1240

Having said that, there are a lot of things in this particular conference report and in the House-passed bill which are very, very positive, and they do move us forward. As we continue the discussion of this rule as well as the debate of the conference report on the floor, we will talk about some of those things that are positive and that do move us forward.

With that, Mr. Speaker, I look forward to the continuing discussion about talking about what is, indeed, in this particular bill.

I reserve the balance of my time.

Mr. MCGOVERN. I want to thank the gentleman from Utah for the time, and I yield myself such time as I may consume.

I rise in opposition to the underlying bill, the National Defense Authorization bill.

I recognize and appreciate all of the hard work that went into crafting this conference report—on both sides of the aisle. I commend Chairman MCKEON and Ranking Member SMITH and all their staffs for all of the work that they have done. I especially appreciate that the final version of the bill includes a modified version of the Merkley amendment on Afghanistan that was approved by the United States Senate, but unfortunately, the final product contains policies that I simply cannot support.

The bill increases funding—beyond the Pentagon's request—for several programs, including a new missile defense base on the east coast. The bill also denies the Pentagon the opportunity to save money with its failure to include a cut to the contractor comp cap, its failure to include a round of base closures, and its failure to implement end-strength troop reductions even though we are supposedly ending our involvement in two wars.

At a time when Congress is being asked to look for savings, even considering cutting vital programs like Social Security, it is unconscionable to me that we would continue to mandate wasteful funding that the military has said it does not need and does not want. How can we look into the eyes of a senior citizen who is living off of Social Security and tell him that his cost-of-living adjustment will be smaller so that we can buy weapons that the military doesn't even want?

Also very troubling to me is that this bill continues to prevent the President from fulfilling his commitment to close the Guantanamo Bay prison camp by imposing unnecessary and ill-advised transfer restrictions. Mr. Speaker, I am proud to serve as the cochair of the Tom Lantos Human Rights Commission. We constantly and appropriately criticize other countries for their lack of transparency and adherence to the rule of law. The continued existence of Guantanamo undermines

our standing around the world. The President has said repeatedly that he wants to close Guantanamo. There is broad bipartisan support among national security experts for him to do so. Congress just needs to get out of the way.

Mr. Speaker, while I support a great deal of this bill, especially programs and services for our veterans and military retirees, I cannot support a bill this large when we are in the middle of negotiations on the so-called "fiscal cliff." The Pentagon is more willing than this Congress to look at the defense budget and make thoughtful but significant reductions. This bill continues to show that, when it comes to defense spending, Congress is part of the problem, not part of the solution.

I would like to insert into the RECORD an article that appeared in today's Washington Post by Walter Pincus, entitled, "Military funds to spare?," in which he quotes Secretary of Defense Panetta in a speech. He said that the committees here in the Congress "had diverted about \$74 billion of what we asked for in savings in our proposed budget to the Congress, and they diverted them to other areas that, frankly, we don't need." That is from the Secretary of Defense.

I would also like to insert into the RECORD a letter to the President that was sent to Members of Congress as well, urging that he veto the National Defense Authorization Act because it extends restrictions on transferring detainees out of the Guantanamo prison.

Mr. Speaker, let me just conclude my opening here by saying that I want a defense second to none. I believe that we need to do whatever we need to do to protect the citizens of this country, but just throwing more money at the Pentagon doesn't mean that you're getting a stronger defense. Expanding the bloat and the waste in the Pentagon does nothing to enhance our national security. We need a new definition of "national security," one that includes things like jobs for our citizens, one that includes access to a good quality education, one that includes a strong infrastructure, one that includes good health care for everybody in this country, an end to homelessness, and an end to hunger in the United States of America.

I say this because, after we debate this rule, we're going to take up another rule dealing with the so-called "Plan B" and "Plan C," and maybe there's a Plan D and a Plan E, who knows. What is particularly troublesome to me is that, in the tax version of what the Republicans are going to bring to the floor later, it includes things like ending programs that benefit middle-income families and poor families.

Under their proposal, 25 million working families with tens of millions of children will pay an average of \$1,000

more in taxes. That's not fair. That undermines the economic security of that family.

Under their proposal, 11 million families would lose a tax credit that helps pay for college. How is that in our security? We're told time and time again by all of the experts that, in order for us to continue to be an economic global power, we need a well-educated workforce. So what are they proposing? That 11 million families lose their tax credits to help pay for college.

Fifty million seniors and other Medicare enrollees' health care would be jeopardized as doctors face a 27 percent cut in Medicare payments under this proposal. That's just the tax version of what they're proposing. We haven't even gotten to what they're proposing in terms of spending cuts.

So here we are, talking about a Defense Authorization Act that is more money than our Pentagon wants, that is more money than our Joint Chiefs of Staff want, that is more money than the Secretary of Defense wants. As we're doing this, we're telling the American people that we have to lower your cost-of-living adjustment on Social Security, that we have to lower your quality of health care, that we have to cut some money from housing programs, that we have to cut SNAP and food stamps so that you won't have enough to eat.

This is crazy. This is crazy. So, yes, we're all for a military and a defense second to none, but I will tell you that some of our biggest threats are not halfway around the world—they're halfway down the block. We have to start paying attention to what's happening in this country, so I urge my colleagues to vote "no" on this bill.

I reserve the balance of my time.

[From the Washington Post, Dec. 19, 2012]

MILITARY FUNDS TO SPARE?

(By Walter Pincus)

Congress and Defense Secretary Leon E. Panetta showed this week that there are hundreds of millions, if not billions, of loose dollars in the Pentagon's budget that can be shifted around without apparent harm to national security.

In a speech Wednesday at the National Press Club, Panetta voiced his frustration at changes the House and Senate armed services committees had made in the fiscal 2013 defense authorization bill. At one point he said that the committees "had diverted about \$74 billion of what we asked for in savings in our proposed budget to the Congress, and they diverted them to other areas that, frankly, we don't need."

He spoke about "pressure on the department to retain excess force structure and infrastructure instead of investing in the training and equipment that makes our force agile and flexible and ready." Without specifying programs, Panetta mentioned having to keep "aircraft, ships, tanks, bases, even those that have outlived their usefulness, [but] have a natural political constituency."

As if on cue, just two hours after Panetta's speech, the chairmen of the Senate and House armed services committees—Sen. Carl Levin (D-Mich.) and Rep. Howard P. "Buck"



McKeon (R-Calif.)—released summaries of the House-Senate conference report on the fiscal 2013 defense bill that contained funding changes illustrating some of what Panetta had been complaining about.

For example, the conferees approved more than \$500 million to continue the Global Hawk Block 30, high-altitude, long-endurance unmanned aircraft that have integrated imagery, radar and intelligence sensors. The Pentagon had decided to risk terminating this version of Global Hawk (there are others in use and being built) and noted that it would save \$800 million in fiscal 2013 and \$2.5 billion over the next five years.

Two other congressional add-ons illustrate members' desire to keep plant production lines open—and jobs filled. They were \$136 million to upgrade the M1 Abrams tank and \$140 million to modify the M2 Bradley armored vehicle. And \$45 million was added to funds to purchase F-18s to hold open "the option of buying more" in fiscal 2014. In the nuclear area, Congress added \$70 million toward construction of a \$3.7 billion building for research on plutonium at the Los Alamos National Laboratory in New Mexico that the administration wanted to delay for two more years.

Two other congressional favorites got boosts beyond what the Pentagon approved. One was an added \$152 million for missile defense; the other, for \$143 million, went to Special Operations Command for an imagery intelligence program its commander wanted but higher-level officials vetoed. The conferees' message: What Special Ops wants, it gets.

One compromise reached over the past month involved the administration's controversial plan to reorganize military air transport assets that affected Air National Guard bases around the country, a step that mobilized opposition not just from Congress but from governors of the states involved. The solution was to halt the retirement of 26 C-5A aircraft, "holding the strategic airlift total at 301 aircraft, until the Defense Department completes a comprehensive study of air mobility requirements," according to the House committee. In addition, the Air Force will maintain an additional 32 C-130 or C-27J tactical airlift aircraft, some of which were going to be retired.

As he has in the past, Panetta said that health-care costs for the military were growing fast and had hit \$50 billion this year. The need was for some cost controls, but the conferees blocked any increase in fees for the Defense Department's health-care program, known as TRICARE, or any effort to establish new ones.

Meanwhile, the conferees took steps to cap the rate under which the Army and Marine Corps reduce force numbers over the next five years. And somehow they found excess funds to provide provisions to ease the blow to the roughly 100,000 service personnel that are let go. Those individuals will be permitted to reside in military housing with their families for six months after their date of separation and use commissary and exchange stores for two years after separation.

There was one \$188 million reduction that neither Panetta nor the conferees touched—the one for military bands.

The Army maintains 99 bands, many of them National Guard-based, and intends to spend \$221.1 million on them during fiscal 2013. That's up \$3.3 million from fiscal 2012. The Navy has 14 bands that will cost an estimated \$55.6 million next year, while the Marine Corps has 12 bands that will cost \$53.6 million in 2013. The Air Force has 12 active-duty

and 11 Air National Guard bands. Together they cost an estimated \$58 million.

RE: VETO THE NATIONAL DEFENSE AUTHORIZATION ACT BECAUSE IT EXTENDS RESTRICTIONS ON TRANSFERRING DETAINEES OUT OF THE GUANTANAMO PRISON

DEAR PRESIDENT OBAMA: The undersigned human rights, religious, and civil liberties groups strongly urge you to veto the National Defense Authorization Act for Fiscal Year 2013 (NDAA) because it would impede your ability to close Guantanamo. Specifically, the NDAA conference bill restricts the Executive Branch's authority to transfer detainees for repatriation or resettlement in foreign countries or for prosecution in federal criminal court for the full fiscal year.

Your commitment to close the Guantanamo prison was a hallmark of your 2008 campaign and a signal to everyone, both across America and around the globe, of a renewed commitment to the rule of law. Your executive order, on your second full day as president, directing the government to close the prison should have heralded the end of the prison, but instead triggered a long series of failures and obstacles to its closure. There are still 166 detainees left at Guantanamo, and the promise of closing the prison remains unfulfilled.

We appreciate that you publicly renewed your commitment to closing Guantanamo in public comments this fall, and we strongly believe that you can accomplish this objective during your second term. You can still make the successful closing of the Guantanamo prison an important part of your historic legacy.

However, if the NDAA is signed with any transfer restrictions in it, the prospects for Guantanamo being closed during your presidency will be severely diminished, if not gone altogether. The current statutory restrictions on transfer expire on March 27, 2013. Those restrictions—which have been in place for nearly two years with zero detainees being certified for transfer overseas and zero detainees transferred to the United States for prosecution—are functionally similar to the restrictions in the NDAA bill pending in Congress. If extended for the entire fiscal year, then nearly a year of your second term could be lost, and the political capital required to start closing it later in your next term will be even greater.

Now is the time to end the statutory restrictions on closing Guantanamo, by vetoing the NDAA because it extends them. When signing earlier versions of these restrictions into law, you stated, "my Administration will work with the Congress to seek repeal of these restrictions, will seek to mitigate their effects, and will oppose any attempt to extend or expand them in the future." The restrictions have proven unworkable, and should not be extended for yet another year.

There is broad support among national security and foreign policy leaders for closing Guantanamo. Your own national security and foreign policy leadership team shares your commitment to closing Guantanamo. The list of leaders who support closing the Guantanamo prison is long, and crosses party lines, including: former President George W. Bush, former Secretary of State Condoleezza Rice, former Secretary of State Colin Powell, former Secretary of Defense Robert Gates, former National Security Advisor James Jones, General Charles C. Krulak (ret.) former Commandant of the Marine Corps, General Joseph P. Hoar (ret.), former CESTCOM commander, and Brigadier

General Michael Lehnert (ret.), who set up the Guantanamo prison, and 25 retired admirals and generals. Closing Guantanamo is good human rights policy and good national security policy.

We realize that there is a long tradition of the NDAA being enacted annually. However, an annual NDAA is not required for the Department of Defense to carry out its functions. The NDAA does not fund the Department of Defense, and all of its provisions can be either implemented by agency action or enacted as part of other legislation. Four of your five immediate predecessors—Presidents Carter, Reagan, Clinton, and George W. Bush—each vetoed an NDAA. Restrictions impeding the closing of the Guantanamo prison clearly warrant a veto by you.

We believe that you will be far more likely to succeed in fulfilling your commitment to closing the Guantanamo prison if the transfer restrictions are allowed to expire on March 27. We strongly urge you to veto the NDAA, because it includes an extension of the restrictions on transferring detainees out of Guantanamo for either repatriation or resettlement overseas or prosecution in the United States. Thank you for your attention to this request.

Sincerely,  
American Civil Liberties Union, American Friends Service Committee, Amnesty International USA, Appeal for Justice, Bill of Rights Defense Committee, Brennan Center for Justice, Center for Constitutional Rights, Center for International Policy, Center for Victims of Torture, Commission on Social Action of Reform Judaism, Council on American-Islamic Relations, Defending Dissent Foundation, Disciples Justice Action Network, Friends Committee on National Legislation, Human Rights Watch, International Justice Network, Japanese American Citizens League, Maryknoll Office for Global Concerns, National Association of Criminal Defense Lawyers, National Religious Campaign Against Torture, Peace Action, Presbyterian Church (USA) Office of Public Witness, Physicians for Human Rights, Psychologists for Social Responsibility, Rabbis for Human Rights—North America, United Church of Christ Justice and Witness Ministries, United Methodist Church, General Board of Church and Society, Unitarian Universalist Association, Win Without War.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank the ranking member and chairman of the Rules Committee.

Today, I rise to discuss just one portion of the National Defense Authorization Act. It is a section of the conference report that supports our Nation's first responders, and I signed the conference report for that section only.

In July of last year, I introduced legislation to reauthorize two programs—the Assistance to Firefighters Grant Program, the AFG Program, and the Staffing for Adequate Fire and Emergency Response Program, the SAFER Program. These programs were created

to help local fire departments across the country maintain and increase their capacity to do all that we ask them to do each day, including fighting fires, responding to medical emergencies, and providing safety and aid in the face of disasters, either natural or manmade.

Maintaining the equipment, training, and personnel to safely and swiftly respond to calls for assistance is increasingly difficult. Fire departments around the country have been forced to lay off firefighters and to do without needed equipment and training. The fire grant programs have played an important role in helping local fire departments overcome some of these challenges, providing over \$6 billion in assistance since the year 2000. These grants have been essential to maintaining public safety in many communities, and they're even more important in the face of our shrinking local budgets.

Fire is a serious problem in the United States, killing over 3,000 people a year, which is a rate higher than in all other industrialized countries. Additionally, each year, nearly 20,000 people are injured, over 100 firefighters are killed in the line of duty, and \$10 billion in property is lost due to fire.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield the gentlelady an additional 1 minute.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much.

In my State of Texas, 2011 was an especially destructive year, with 4 million acres burned, over 5,500 homes and structures destroyed, and hundreds of millions of dollars in damages.

Mr. Speaker, I rise today to discuss just one portion of the National Defense Authorization Act—a section of the conference report that supports our nation's first responders. In July of last year, I introduced legislation to reauthorize two programs—the Assistance for Firefighters Grant (AFG) Program and the Staffing for Adequate Fire and Emergency Response (SAFER) program. These programs were created to help local fire departments across the country maintain and increase their capacity to do all that we ask of them each day, including fighting fires, responding to medical emergencies, and providing safety and aid in the face of disasters either natural or man-made.

Maintaining the equipment, training, and personnel to safely and swiftly respond to calls for assistance is increasingly difficult. Fire departments around the country have been forced to lay off firefighters and to do without needed equipment and training. The fire grant programs have played an important role in helping local fire departments overcome some of these challenges, providing over \$6 billion in assistance since 2000. These grants have been essential to maintaining public safety in many communities and they are even more important in the face of shrinking local budgets.

Fire is a serious problem in the United States, killing over 3,000 people a year—a

rate higher than all other industrialized countries. Additionally, each year nearly 20,000 people are injured, over 100 firefighters are killed in the line of duty, and \$10 billion in property is lost due to fire. In my State of Texas, 2011 was an especially destructive year with 4 million acres burned, over 5,500 homes and structures destroyed, and hundreds of millions of dollars in damages.

Statistics show that minorities and low-income Americans are disproportionately the victims of fires. In addition to providing the resources necessary to ensure our fire departments have the equipment and personnel they need, the United States Fire Administration, which is also reauthorized in the conference report, supports fire prevention and safety activities, promotes the professional development of the fire and emergency response community, and conducts research, testing, and evaluation to help reduce fire deaths, injuries, and loss.

We need to ensure that our firefighters and emergency medical personnel have the tools that they need to protect us. Reauthorization of the fire grant programs and the United States Fire Administration will do just that.

The good news is that, even in these times of increasing partisanship, these common sense provisions have once again garnered widespread support. I am pleased that the bipartisan co-chairs of the Congressional Fire Services Caucus have joined me in supporting the reauthorization of these critical programs. As the Ranking Member of the House Science, Space, and Technology Committee, which has jurisdiction over these programs, I hope the rest of my colleagues will join us in supporting these provisions.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

□ 1250

Mr. KUCINICH. In this discussion over the NDAA, we arrive at a moment where we meet the moral consequences of our Nation's choices over the past decade. We chose war in Iraq, Afghanistan, Pakistan, Libya, Yemen, Somalia, and perhaps later on Iran. Inexplicably, we've created openings for al Qaeda and radical fundamentalists as a result of our interventions. At home, we choose a false notion of security over personal freedom, even if it means we look the other way when the very language of this bill opens the door for indefinite detentions of Americans. And we choose poverty over plenty by giving over a half trillion dollars to the Pentagon and nearly \$90 billion for wars, including Afghanistan, while facing reductions in domestic spending.

We put war on the Nation's credit card, including a \$5 trillion charge for the war in Iraq, which was based on lies. We gather at a fiscal cliff of our own making and refuse to see the implications of our unrestrained spending for war. But when it comes to providing for the long-term security of our seniors, a cynical ploy using the Con-

sumer Price Index is being used to cut seniors' Social Security benefits.

When did America become more concerned about the control of and the security of foreign lands than the retirement security of our own people? Unending war abroad means austerity here at home. It's caviar for the Pentagon and cat food for seniors. Our choices are being made, but when will we choose for America jobs for all, education for all, health care for all, housing opportunities for all, retirement security for all? When will we choose freedom over fear? When will we break the hold which fear has over this Nation and our budget choices?

I'm voting "no" on this bill.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

In the cacophonous list of things that this bill does not do, one can even look at some other areas. I mean, there are other areas in which we have problems in the defense of this country and future challenges that are before us, even in the modernization of our weapons system.

Even as Russia has fielded new and modernized nuclear ICBMs, the U.S. land-based nuclear deterrence is in need of future modernization; and yet this administration has cut resources to begin planning for the upgrading and modernization of our ICBMs and related nuclear-based systems that have largely been ignored. This trend simply cannot continue.

But having recognized those problems that are there, it is also time to realize what this bill actually does that moves us, as a Nation, forward:

It will provide \$552 billion, which is \$2 billion more than the President requested, and that is a plus;

It increases the pay for our all-voluntary forces by 1.7 percent and provides critical bonuses for those who are now working in harm's way;

It keeps the faith with the military retirees and our veterans in regard to TRICARE, and rejects the administration's proposal to increase fees and co-payments on them;

It deals with the issue of troop reduction in a responsible way by putting caps on the number of troop reductions that can be placed in a single year;

It has a conscience clause for servicemen and for chaplains;

It implements the Hyde amendment;

It addresses sexual assault with bipartisan, specific new regulations and procedures for combating and prosecuting sexual assaults within the military;

It has a total new program to provide and help with suicide prevention for dealing with those people who have volunteered to represent this country in the military;

It opens up new bipartisan reforms for competition and innovation in the way the Department deals with small businesses and spurs on innovation;

It deals with strategic forces like the NNSA reforms, our nuclear oversight, our missile defense system, the Iron Dome;

Its provisions dealing with Guantánamo Bay, which prohibit the transfer of detainees to the United States, are the exact right thing that should be done;

It also looks at retaining our vital systems like our naval cruisers, our airlift capacities, Global Hawk, the anti-armor, and investing in new future capabilities that we need like airborne electronic warfare. The aircraft that we need, the submarines, the destroyers that happen to be there; and, indeed, it has a section in there dealing with the sanctions on Iran.

All of those are specific and important to us.

We have a responsibility to make sure that this core constitutional responsibility of ours is done efficiently. I want it to be known that those who are in the military uniform must respond to the higher-ups which they are dealing with. The Secretary of Defense must deal with walking a line of talking about what they have to do and what they wish they could do. In no way does anyone in uniform say that things that are put in this budget is something that they do not need or do not want.

We have cut the military in this country when we were cutting nothing else. While we were running up stimulus bills, we were still cutting the military. We cut them in the last 2 years of the Bush administration. Under Secretary Gates, it was a \$400 billion cut. All told, the cuts that this Congress has put on the fence when it has not cut other areas is between \$800 billion and \$1 trillion, and that doesn't even count what could happen within sequestration.

We seem to forget, as we're looking, and we take some of the things we have here for granted. The United States has had air superiority since the Korean War, which means our men on the ground, when they hear something overhead, don't have to worry about whose insignia will be on that plane; they know it is ours. But if, indeed, we do not upgrade and innovate and improve our air capacity, we don't have that in the future.

And what we do now is not just simply what we can do today; what we are authorizing in this bill is what we can do 20 years from now. If we don't start the research and development today, we will not have that capacity.

I reject those who say, Look, the F-35 is too expensive; let's just build more F-16s—even though Third World countries have planes that have the same capacity technologically as our F-16s and our F-15s. What we need is a new generation, so if our men are put into a fight, it will not be a fair one.

And we have the technology, the new generation of technology to make sure

that we are in the forefront and to make sure that we maintain that air dominance into the future. It is something that we have had for so long and we have had so many people work so hard to maintain that we here, today, seem to sometimes take it for granted. And we ought not. This is our future. This bill is about our future, and we cannot—we cannot—simply go back because we wish to change the milieu of what is happening here. This is a good bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

First of all, we have air superiority over every country in the world. We have the strongest military in the world, and I'm proud of the men and women who serve in our military.

But, you know, we have to make choices here. I mean, do we really need all these troops deployed in Europe that have been there basically since World War II? I mean, I don't think Germany is going to invade France any time soon or Russia is going to invade Poland, but yet we have a huge amount of deployed American forces in Europe. Maybe we need to have a discussion about whether or not we need that, whether or not we can afford that expense, whether or not it does anything to enhance our security.

Again, I want a military that is the best in the world. I want them to continue to be that way. I want them to be second to none. I want to make sure that we have all that we need, but I don't want to be investing in things we don't need. And when the Joint Chiefs of Staff and when the Secretary of Defense and all of the experts tell us that they don't need something, and we here appropriate money to keep something going that is unnecessary, that is unwanted, at the same time while you're trying to cut the benefits of some poor old lady on Social Security, there's something wrong with this equation. We have to start thinking about the security of people here in this country as well.

What we're going to do right after this is take up a rule that is going to gut a whole bunch of programs that, quite frankly, keep people from falling through the cracks—everything from food stamps to child nutrition programs to education programs. Anything that helps anybody who's in need is going to get walloped after the next rule is passed, with a tax plan that is so blatantly unfair that I can't even believe that my friends are bringing it to the floor of the House for a debate.

So, you know, let's talk about what we need to do to maintain the security of our people in this country. We need a strong military. We need to meet the challenges abroad, but we also need to meet the challenges here in the United States of America. We need to focus on things like jobs and affordable housing,

making sure that people have the ladders of opportunity so they can succeed. So that's where I object.

□ 1300

This bill is more than the people at the Pentagon want. We're just throwing more money at this, and I think it's a mistake.

Mr. Speaker, at this time I'd like to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Speaker, I too believe in military preparedness, coming from a State like Texas, where the population of men and women who have served or are serving in the United States military is renowned and appreciated.

As I look at the tourists who walk through the Halls, I wonder which of those young people will take an oath and join the United States military. And so when I see raises for the troops, it pleases, I think, all of us.

I'm concerned about the Afghanistan timeline. I had hoped that it could be expedited. I certainly do commend the Iron Dome because we saw it work with respect to Israel. I question, however, the drones that may have collateral damage.

But I do think it's important that this bill does, in fact, make a commitment to protecting the women and children in Afghanistan, responds to the issues dealing with sexual assault against military personnel, and particularly women, and is strong on Iran sanctions.

But I rise today as well because I think when we talk about people, and we talk about the men and women of the United States military, we talk about their health. And yesterday, in the Rules Committee I raised this point and I raise it again.

I'm going to support this bill because I think it'll make a leap of faith and commitment to finding the cause of triple negative breast cancer. I mentioned yesterday in the Rules Committee that triple negative breast cancer cells are usually of a higher grade and size, onset at a younger age, more aggressive and more likely to metastasize.

In fact, the survival rate for breast cancer, but on triple negative, people are diagnosed and they die in months, maybe a year, such as my constituent, Yvonne Williams, a wonderful health professional who left a husband and two children.

Or maybe the young lady who stopped me when I was walking in the Race for the Cure and said, my mother, a Hispanic woman, got triple negative breast cancer. We did everything we could, and she died within months.

Apart from surgery, the only relief is cytotoxic chemotherapy, its only available treatment. Targeted molecular treatments, while being investigated, are not accepted treatment for this disease.

As I speak today, there are women who may be listening, or others who realize that either their loved one or they may be diagnosed with triple negative breast cancer, and they understand the impact. Whether they are Caucasian or Asian or Hispanic or African American, this disease has not been able to be treated like breast cancers in the other stages.

So I offered an amendment that the House accepted. I think it is an important amendment because what it spoke to is that we need to pinpoint and focus in on what is the cause of this disease. And it called for the triple negative breast cancer patients to be identified earlier in the progression of their disease and to develop targets on molecular and biomolecular issues.

But through that amendment, I must say, although I wanted the specific language, the House was able to hold its position.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield an additional 30 seconds to the gentlelady.

Ms. JACKSON LEE of Texas. The House was able to hold its position. And on title VII, section 737, I want to say thank you. There is a long amendment that includes my amendment and specifically speaks to having a report that will have recommendations for changes to policy, a law that could improve the prevention, early detection, awareness and treatment of breast cancer among the members of the Armed Forces.

I would ask the Defense Department that when you look at treatment and research, you must include the triple negative breast cancer. That is, as well, an attack on your personnel in the United States military. If we care about our soldiers, our men and women in all of the branches who serve us, we'll care about their health, and we will include that research.

I thank the conferees for moving forward on something that is so near and dear to the families of those who live, but certainly of those of the families who have died.

Mr. Speaker, I am here today in support of language from my Amendment, Number 91 to H.R. 4310 "National Defense Authorization Act," which would direct the Department of Defense Office of Health to work in collaboration with the National Institutes of Health to identify specific genetic and molecular targets and biomarkers for Triple Negative Breast Cancer (TNBC).

In addition, my amendment was intended to result in information useful in biomarker selection, drug discovery, and clinical trials design that will enable both TNBC patients to be identified earlier in the progression of their disease and develop multiple targeted therapies for the disease.

Unfortunately, my language was not included in the Senate Amendment but I have read language in the Joint Manager's Statement and the Conference Report does provide for a study.

The language reads, "Study on incidence of breast cancer among members of the Armed Forces serving on active duty," and is included in Section 737.

I stand up for all women today who have been victims and really for those who might so that we can look into prevention, cure, and eradication of breast cancer.

Triple negative breast cancer is a specific strain of breast cancer for which no targeted treatment is available. The American Cancer Society calls this particular strain of breast cancer "an aggressive subtype associated with lower survival rates."

I offer this amendment in hopes that through a coordinated effort, DOD and NIH can develop a targeted treatment for the triple negative breast cancer strain.

Breast cancers with specific, targeted treatment methods, such as hormone and gene based strains, have higher survival rates than the triple negative subtype, highlighting the need for a targeted treatment.

Today, breast cancer accounts for 1 in 4 cancer diagnoses among women in this country. It is also the most commonly diagnosed cancer among African American women. The American Cancer society estimates that in 2011, more than 26,000 African American women will be diagnosed with breast cancer, and another 6,000 will die from the disease.

Between 2002 and 2007, African American women suffered a 39 percent higher death rate from breast cancer than other groups.

African American women are also 12 percent less likely to survive five years after a breast cancer diagnosis. One reason for this disparity is that African American women are disproportionately affected by triple negative breast cancer.

More than 30 percent of all breast cancer diagnoses in African American are of the triple negative variety. Black women are far more susceptible to this dangerous subtype than white or Hispanic women.

#### THE STORY OF YOLANDA WILLIAMS

Mr. Speaker, last year, I spoke at a funeral for Yolanda Williams, one of my constituents in the 18th Congressional District of Texas. Yolanda died from her battle with triple negative breast cancer. Like many other women who are diagnosed with this aggressive strain, she did not respond to treatment. Yolanda, wife and mother of two daughters, was only 44 years old.

This strain of breast cancer is not only more aggressive, it is also harder to detect, and more likely to recur than other types. Because triple negative breast cancer is difficult to detect, it often metastasizes to other parts of the body before diagnosis. 70 percent of women with metastatic triple negative breast cancer do not live more than five years after being diagnosed.

Research institutions all over the Nation have started to focus on this dangerous strain of breast cancer. In my home City of Houston, Baylor College of Medicine has its best and brightest minds working tirelessly to develop a targeted treatment for the triple negative breast cancer subtype. It is time for the Department of Defense to follow that example and commit additional funding to study the triple negative strain.

I had urged my colleagues to join me in protecting women across the Nation from this

deadly form of breast cancer by supporting my amendment, and enough of them did so that language was sent to the Senate addressing triple negative breast cancer; and we live to fight another day for more precise language dedicated to a most-pernicious form of breast cancer, while being appreciative of language in the final conference report addressing breast cancer among those most at risk, on active duty fighting, for our country.

#### FAST FACTS

Breast cancer accounts for 1 in 4 cancer diagnoses among women in this country.

The survival rate for breast cancer has increased to 90 percent for White women but only 78 percent for African American Women.

African American women are more likely to be diagnosed with larger tumors and more advanced stages of breast cancer.

Triple-negative breast cancer, TNBC, is a term used to describe breast cancers whose cells do not have estrogen receptors and progesterone receptors, and do not have an excess of the HER2 protein on their cell membrane of tumor cells.

Triple Negative Breast Cancer (TNBC) cells are usually of a higher grade and size; onset at a younger age; more aggressive; more likely to metastasize.

TNBC also referred to as basal-like (BL) due to their resemblance to basal layer of epithelial cells.

There is not a formal detailed classification of system of the subtypes of these cells.

TNBC is in fact a heterogeneous group of cancers with varying differences in prognosis and survival rate between various subtypes. This has led to a lot of confusion amongst both physicians and patients.

Apart from surgery, cytotoxic chemotherapy is the only available treatment; targeted molecular treatments while being investigated are not accepted treatment.

Between 10–17 percent of female breast cancer patients have the triple negative subtype.

Triple-negative breast cancer most commonly affect African American women, followed by Hispanic women.

African American women have prevalence TNBC of 26 percent vs 16 percent in non-African-Americans women.

TNBC usually affects women under 50 years of age.

African American women have a prevalence of premenopausal breast cancer of 26 percent vs 16 percent for non-African-American women.

Women with TNBC have 3 times the risk of death than women with the most common type of breast cancer.

Women with TNBC are more likely to have distant metastases in the brain and lung and more common subtypes of breast cancer.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, it's my pleasure to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, this defense authorization legislation is a missed opportunity. Our Republican friends would have us approve this at a time when we're struggling

with the long-term fiscal stability of the United States. We're set to pass a bill that authorizes funding above what we approved in the Budget Control Act. This is spending 20 percent above the Cold War average, double what we had in 2001.

Even if somehow we went over that dreaded fiscal cliff and sequestration kicked in, it would only reduce spending to what it was in 2007, adjusted for inflation, when we were fighting two wars. It's a missed opportunity.

I heard my friend from Utah talk about avoiding any increase in fee in terms of health care. Excuse me?

We're looking at draconian impacts that some are suggesting for some of our society's most vulnerable. And, here, we haven't adjusted a fee since 1995.

The Department of Defense is going to spend \$50 billion on health care. It's gone up 300 percent since 2001. Ten million people are involved, and they count it as a point of pride that we're not making any adjustment at all? For a retired three or four star general earning a pension of over \$200,000 a year, 80 percent of whom go to work for the defense industry, and they pay a \$50 fee?

I'm sorry, I think it's a missed opportunity.

I heard my friend from Utah talk about the nuclear arsenal and upgrading intercontinental ballistic missiles. I think this is a missed opportunity. Look at the nuclear arsenal, we're spending over \$55 billion a year—we don't know how much more because that information isn't readily available—for weapons that have not enabled us to fight in Iraq or Afghanistan.

Many of these weapons we can't use, will never use, but we're going to spend \$200 billion upgrading the arsenal over the next 10 years. And we're looking at three separate delivery systems, including new submarines at almost \$5 billion a piece. Against whom?

We need a tiny fraction of this to deal with China or Russia. Our nuclear arsenal isn't stopping Iran from trying to achieve its nuclear weapon.

These are sad, missed opportunities to right-size the military, which will still be the most powerful in the world, by far.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. For us to deal with the threats that we face today, to deal with the damage that we have done in the reckless misguided war in Iraq, to be able to deal meaningfully with the Guard and Ready Reserve that should be upgraded and healed from the damage that was inflicted upon them.

We can provide far more real security, save tax dollars, deal with the needs of veterans that are about to be,

sadly, undercut, and provide balance to our budget. In fact, the fiscal instability from reckless bills like this is, in fact, a national security threat.

We're no longer going to be able nor should we pay almost half the world's entire military spending. We should start by rejecting this authorization.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I always hate to try and say we ought to learn lessons of history; but the Founding Fathers, when they made that our core constitutional responsibility, clearly understood that if you do not have a military capacity, you do not have not only the ability to defend the country, but you do not have the ability to make diplomatic efforts in any of those areas.

It is interesting that our allies in NATO are spending far more of their GDP on military defense than we are. But obviously, and ironically, those who are are almost always those countries which experienced firsthand what it was like to live under the domination of the Soviet Union. They understand the significance of this particular proposal and these particular kinds of bills.

Mr. Speaker, I would like at this time to recognize the soon-to-be-retired chairman of the Rules Committee who has done so much in his tenure here in the Capitol. I yield such time as he may consume to the gentleman from California (Mr. DREIER).

□ 1310

Mr. DREIER. I thank my friend from Brigham City. I appreciate his generosity of yielding me such time as I may consume.

Mr. Speaker, let me just say that I appreciate the fact that my friend from Worcester said we should have a defense capability that is second to none. We should be preeminent in the world. I appreciate his statement. I also appreciate the fact that he talks about the multifarious societal needs that are out there, ensuring that we don't see those who are struggling to make ends meet suffer. We concur wholeheartedly in that goal. But I have said this time and time again. I said it in the Rules Committee and Mr. BISHOP and I had a discussion about this. And Mr. HASTINGS of Fort Lauderdale got into there as well.

This is my perspective. Thomas Jefferson said that two thinking people given the exact set of facts can draw different conclusions, but I've concluded as I looked at the preamble to the Constitution with all the important statements in there—We the people of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, do ordain and establish this Constitution for the

United States—I argue, Mr. Speaker, that the five most important words in the midst of that preamble are “provide for the common defense.”

And the reason I say that is that as we look at all the things that the Federal Government does, virtually all of them—not all, but virtually all of them—can be handled by individuals, by communities, cities, families, counties, and States. But there's one thing that cannot be handled by those other entities, and that is our national security. We can't have the individual States providing for the national security. And that's why I believe it is the single most important responsibility for the National Government.

I believe that we can have a cost-effective national defense. I believe that we can correctly focus on waste. We know and have heard the horror stories, and we've heard about some of the waste that's taken place in the Pentagon. We've got to bring an end to that, no doubt about it.

At the same time, my friend from Utah just talked about the fact that our allies within the North Atlantic Treaty Organization are spending a greater percentage of their gross domestic product on national security for the reason that they have felt threatened. They've lived under repression. There are NATO allies that have been countries that were basically under the control of the former Soviet Union. And in light of that, they continue to live with an understanding of how important national security is. We have important countries in Eastern and Central Europe that are struggling to not only become members of the European Union but to join the North Atlantic Treaty Organization because they still are seeking a chance to be free of that kind of repression.

I'm reminded of what took place during the 2008 Summer Olympics in Georgia, when we saw the incursion from Vladimir Putin's Russia into Georgia over the breakaway regions of Abkhazia and South Ossetia. We continue to see lots of threats. It is a very dangerous world. Tragically, Plato said: Only the dead have seen the end of war.

And I remember that as we saw the demise of the Soviet Union, the crumbling of the Berlin Wall, many of us did believe as Francis Fukuyama famously wrote about the end of history, believing that political pluralism, the rule of law, and self-determination and democratic institutions would thrive all over the world. Well, it hasn't quite worked out that way in the last couple of decades. And we all know what the consequences of those threats have been. For the first time ever, we had the kind of attack that we did on September 11 on our soil.

All this is to say, Mr. Speaker, it's important that we have a strong, balanced defense authorization bill. And I

believe that the National Defense Authorization Act that is before us is right. And I appreciated hearing the distinguished ranking member of the Committee on Rules, Ms. SLAUGHTER, praise the fact that it's focusing on some of those very important social issues that she has raised and addressed. She complimented this defense authorization conference report for doing that.

And there are other things. This morning, I was listening to WAMU. I wasn't aware of this, but I heard the Delegate from the District of Columbia, Ms. NORTON, talk about the fact that we are going to have recognition of flags in the District of Columbia for our veterans. And there's inclusion in this conference report that deals with that issue. She pointed to the fact that flags are very, very important. When we have foreign dignitaries come to the United States of America, flags are used to recognize their presence. Of course, veterans from the States across the country have that, but the District of Columbia hasn't. I'm pleased that Ms. NORTON was able to have that issue addressed in the National Defense Authorization Act conference report.

And so this is a measure which I believe really transcends political party. There's great bipartisan support for it. And it also covers lots of important issues that do come back to our Nation's security. And so I believe, Mr. Speaker, that as we look, again, at those five most important words, from my perspective, in the middle of the preamble of the U.S. Constitution, "providing for the common defense," that we are doing that—and exactly that—with this measure.

So I encourage my colleagues to support the rule and the conference report that we will have. I believe it will be a great benefit to our men and women in uniform and to the future security of the United States of America and our allies.

Mr. MCGOVERN. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, as we begin debate on this National Defense Authorization Act, it's critical that we understand just how important it is to our troops and to our country that we pass this legislation with a bipartisan vote. It's easy to get bogged down in partisanship on most issues, but this cannot be one of them. This legislation provides the men and women of our Armed Forces the necessary equipment and financial support to effectively carry out their duties while at the same time protecting all of our national security. Our troops have proven time and again that they are the most skilled forces in the world, but we must provide them with the necessary support to help them serve and protect our country.

Congress has an obligation to support the men and women who serve in the Armed Forces and who sacrifice so much for us every day. Our country owes them more than we can ever repay. And I strongly urge my colleagues to honor and respect our Armed Forces by passing this bill when it comes up later today and affording our troops the funding that they need and deserve.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me first thank Mr. MCGOVERN for yielding the time and your tremendous and tireless leadership on the Rules Committee, but also for your leadership in protecting our young men and women at home and providing strategies for how to bring them home quickly and safely and orderly.

With the drawdowns from two wars, now is the perfect opportunity to re-evaluate our runaway defense spending and make sure that our defense budget reflects our overall national security strategy. Many outside experts from across the political spectrum have concluded that the Pentagon can afford much more substantial cuts than what's found in this bill. Secondly, while this bill contains some audit provisions, these measures are only set to take hold in 2017. The Pentagon needs to be audited. It should have been audited and should be audited right now—last year, this year, next year. We can't wait until 2017.

Earlier this year, I offered an amendment that would have cut any Federal agency's budget by 5 percent if they are unable to provide audit-ready financial documents. We need to get some sunlight on the Pentagon's books to create a culture of responsibility and accountability at the Defense Department.

On Afghanistan, the bill has some notable positive steps, but nonetheless fails to call for a swift and safe withdrawal of our troops. On the positive side, I applaud the conferees for including provisions to ensure that security for Afghan women and girls is a priority during the transition to Afghan security responsibility.

□ 1320

However, on balance, this bill does not go far enough.

We all know there is no military solution in Afghanistan, and it's time to bring home our brave men and women in uniform and transition to full Afghan control. After 10 years and \$600 billion invested in an unstable country, it's past time to end this war—not in 2014, but right now.

Finally, I'm very concerned about how this bill undermines the bedrock

values of America, and I'm talking about the constitutional guarantees of due process. I was disappointed to see Senator FEINSTEIN's provision prohibiting indefinite detention removed during the conference. We should not allow those who seek to terrorize the American people to win by trashing the very civil liberties at the heart of our national identity.

So I urge a "no" vote on the rule and a "no" vote on final passage.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 5½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, this is a moment of opportunity for us to get serious about dealing with our budget deficit by eliminating the bloat and the waste in the Pentagon's budget.

What we have before us has some very good provisions in it, but it also has some very bad provisions in it. The gentlelady from California mentioned the language on Guantanamo, which is unfortunate. But this bill also reflects more money—more money—than the Pentagon even wants, more money than the Joint Chiefs of Staff wants. So we're throwing more money into this Pentagon budget even though they haven't asked for it and they don't want it.

At the same time, my friends on the other side of the aisle are proposing measures—which are going to be taken up in the next rule—to decimate the social safety net in this country, to make it more difficult for middle-income families, to make it more difficult to send your kids to school, to make it more difficult to get affordable housing, or to get access to food and nutrition if you are in desperate times.

So it just doesn't make any sense to me. I mean, the idea that we're giving more money to the Pentagon than they want, but at the same time we're taking away from our people right here at home.

National security has to mean the quality of life and the standard of living for the people of the United States of America. It has to mean things like jobs and financial security for our families.

I regret very much that my friends on the other side of the aisle seem to not care about what happens to people here in this country because their budgets and their tax bills go directly after middle-income families and constitute an all-out war on the poor.

There was an article in The Washington Post on December 19: "John Boehner's Plan B Would Raise Taxes on the Poor." Really? I mean, is that how you're going to balance the budget, by sticking it to people who already are in vulnerable times? This is wrong.

My friends talk about the debt and the deficit, but what they don't talk



about is that we have fought two wars in Iraq and Afghanistan and we haven't paid for it, all on our credit card. We send our young men and women into harm's way, and we ask them and their families to sacrifice, and we do nothing. We just put the bill on our credit card.

A few months ago, the chairman of the Budget Committee, Mr. RYAN, said it's about \$1.3 trillion—I think he's lowballing it—but \$1.3 trillion on our debt, and nobody over there says a word. They all go after programs like Social Security and Medicare and food stamps.

So, Mr. Speaker, I ask that we defeat the previous question. If we defeat the previous question, I will offer an amendment to this rule to make in order an amendment that will allow the House to have a chance to vote on a bill passed by the Senate to extend middle class tax cuts, which has been introduced in the House as H.R. 15. Also, the amendment would prevent this House from adjourning until we have averted the fiscal cliff and the President has signed legislation to prevent tax increases on the middle class.

There is a rumor out there that my friends on the other side of the aisle are going to try to pass Plan B and C and run out of town and just leave for vacation. I want to get home for Christmas as much as anyone else, but the bottom line is that we are facing a crisis—an artificial crisis that my friends helped create, but we need to avert it.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment into the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I urge my colleagues to vote “no” and defeat the previous question. I urge a “no” vote on the rule.

I would again remind my colleagues that national security and national defense also has to mean the quality of life for people here in the United States.

With that, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the remainder of my time.

There are several things I wish to address that have been brought up in the last speech. The first one is, I was just informed that by all means we probably will be here tomorrow and voting, which really hurts my feelings. In one respect, I don't have an upgrade on tomorrow's flight, so maybe it's a good thing that we will be, but there are other times that we will be dealing with these issues.

People have talked about the amount of money that's going here. I hope

Members of the House realize that 50 percent of all the cuts that have been made by this administration have been made on the backs of the military, even though the military defense represents less than 20 percent of the Federal budget. Military has, over the past years, been cut and cut and cut again.

This increase over what the President's budget request was is only 0.3 percent higher than the President's budget, and it is less than last year's authorization. I say that only as a fact, not something I think is good because I think we need to be spending more on what these people have to do.

To say that the people in uniform don't want or don't need the programs that are in here is unfair to them. They have to say a specific line in the positions they are in. But the idea that you wouldn't take the cruisers that are going to be expended in here and continue to keep those even though they were scheduled to be mothballed decades before their life span is over, or that you are using these funds to restructure the force structure of the Air Force, which is critical to this country so that we maintain the air superiority we have had since the Korean conflict, that is a ridiculous concept.

This bill is about people. The gentleman from Massachusetts has an air base, Hanscom, in his State—probably not in his district, but his State. I have air complexes. I have people who are working on these issues. We have not modernized our equipment, which means we have to have people working on our air complexes to try to take our antiquated equipment and restore it so it can be useful, so that those who are put in harm's way defending this country at least have the vehicles and the resources available to defend themselves and present the possible outcome. These are the people that are going to be helped. These are the jobs that are going to be helped by the passage of this particular bill. These are the people who get TRICARE, which was given to them either as a bonus to sign or given to them in lieu of salary increases. And it is unfair for the President to say they should have an increase in their copay.

These people who are working at these bases, they're not making \$50,000 a year in a pension—they'd be lucky if they make that much money as part of their salary. Those are the people that we need to look after. It is the people who make sure that we have a military that functions, not just those on the front line, not just those in uniform, but also those who provide their services and provide the material that they need to maintain this stuff. This bill moves that forward.

I hope that we do not have as a body a myopic approach to the need for the securing of this country, and we understand how significant this is. This is one of the few responsibilities Congress has to do this year and every year.

I want to just say one thing about the potential previous question. It's not an issue of when we get a chance to vote on it. We have voted on the previous question that the Democrats would like to put in place of this. On August 1, we did have a vote, the Levin of Michigan amendment. It was defeated in this House in a bipartisan manner, with 19 Democrats voting “no” on the amendment. Another vote on this at this time is a redundancy; it's been done. Now let us move on to do what this bill is supposed to do, the conference report that solves the problems and puts us moving forward in our defense authorization so that we actually do come up with the programs we need, not just for today but also for the future. It's a good conference report. It's a good underlying bill. We need to move forward.

In closing, Mr. Speaker, I would urge Members to support this rule, which is—I misspoke earlier, it is a standard rule for all conference reports. I urge them to support the underlying provisions of this conference report and of our bill because it is essential for our Nation's defense. It is our core constitutional responsibility, and we should not in any way, shape, or form shirk that.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 840 OFFERED BY  
MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following new sections:

SEC. 2. When the House considers the Senate amendment to H.J. Res. 66, it shall be in order to consider a substitute amendment consisting of the text of H.R. 15, if offered by Representative Levin or his designee.

SEC. 3. It shall not be in order to consider a concurrent resolution providing for adjournment or adjournment sine die unless the House has been notified that the President has signed legislation to prevent a tax increase on the middle class, and to avert the so-called “fiscal cliff.”

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the



control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. With that, Mr. Speaker, I yield back the balance of my time and move the previous question on the resolution.

□ 1330

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

# PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.J. Res. 66, PERMANENT TAX RELIEF FOR FAMILIES AND SMALL BUSINESSES ACT OF 2012, AND PROVIDING FOR CONSIDERATION OF H.R. 6684, SPENDING REDUCTION ACT OF 2012

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 841 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 841

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the joint resolution (H.J. Res. 66) approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6684) to provide for spending reduction. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the Majority Leader and Minority Leader or their respective designees; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Rochester, New York, the distinguished ranking minority member of the Committee on Rules, Ms. SLAUGHTER, pending which I yield myself such time as I might consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

## GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I was just thinking about the fact that there are 26 letters in the alphabet, and we have

had the first three letters used in discussion here on the House floor today, A, B, and my friend from Worcester brought up the letter C in talking about this. We have what is so-called letter B. And I'm not doing a Sesame Street skit here, Mr. Speaker. Letter B is what we are talking about, Plan B, and I think about Plan A.

Plan A is what the majority in the House of Representatives has been trying for the last 2 years to implement, and it's, very simply, a plan that is designed to put into place something that, interestingly enough, Democrats and Republicans alike say that they support. That plan is meaningful, strong, bold plans for a simpler, fairer Tax Code.

The President of the United States supports tax reform. I'm pleased that the President of the United States strongly supports the notion of taking the top corporate tax rate from 35 percent to 25 percent. That, again, is a very positive area of agreement that we have. But I will say that we in the majority have been trying to put into place real, meaningful tax reform that can ensure that people will see reduced rates, and we will generate enhanced gross domestic product growth.

Coupled with that, our Plan A, Mr. Speaker, has been designed to bring about a reduction in the size, scope, and reach of the Federal Government. And everyone knows what that means. Everyone knows what has to be done to reduce the size, scope, and reach of the Federal Government, and that is real entitlement reform.

So Plan A consists, Mr. Speaker, of two simple things: pro-growth tax reform that will keep taxes low for individuals, job creators, and small businesses in this country so that we can encourage that kind of job creation to which we all, Democrat and Republican alike, aspire; and a reduction of the mammoth size of this behemoth, which, as we all know, encourages a cycle of dependence which has been generational, and it's essential that we turn the core of it.

So just getting our fiscal house in order dealing with the 16-plus trillion dollar national debt is, again, only part of that. But encouraging individual initiative and responsibility, creating pride in individuals by, again, paring back entitlement spending is the right thing for us to do as a nation. That's what Plan A consists of, Mr. Speaker.

Now, if you look at where we are today, we know 11 days from now we are going over the so-called proverbial fiscal cliff. What does that mean? It means that every single American who pays income taxes will see a tax increase go into effect. We also know there will be a massive sequester, which, as we have just passed the rule, and I guess we're going to have a vote on that, as we've just debated the rule on the National Defense Authorization

Act, we know it could have a devastating—devastating—impact on our national security.

We know, I think Democrat and Republican alike—not universally, because I know there are some people who do want to go over that cliff, but very few—I think Democrat and Republican alike by and large recognize that increasing taxes on working Americans, in fact, will create a scenario which will impinge on our ability to encourage the kind of gross domestic product growth that is important for us and for our security as well, economic security and our overall national security.

So I think about my former California colleague, the now-Secretary of Defense Leon Panetta, who said to this institution:

Please do what you can to ensure that we don't have that sequester take effect. Do what you can. Work hard to try and make sure that we can address abuse that's taken place within the Pentagon spending, but have what is necessary for our national security.

So as we look at these issues, we're going through a troubling time. We have divided government, something that those nations that live under a Westminster-type system don't have. We have a Democratic President and a Republican House of Representatives. I happen to believe that that creates an opportunity.

I didn't vote for Barack Obama for President of the United States, Mr. Speaker, but I will say that I do believe that having a President of one party and a United States House of Representatives of another party does create an opportunity for us to work together in a bipartisan way tackling entitlement spending.

We know that if my party had won everything, it would have been tough for us. It would have been tough for us because of the political attacks that would have taken place from the other side of the aisle to take on entitlement reform. But working together now that we have, again, a President of one party and a House of Representatives of another party, I believe that we can tackle this issue, and that's really what we desire. I think it's the right thing to do.

We're in the midst of very tough negotiations that are taking place between two people, as we all know: the President of the United States, Barack Obama, and the Speaker of the House of Representatives, JOHN BOEHNER. And I want to express my appreciation to my colleagues on the other side of the aisle. I've been in the minority. I've served in the minority up until—from 1980 until 1994, 14 years I served in the minority, and from 2006 until 2010, for 4 years I served in the minority. And it's challenging. It's not easy.

But we are, as I said, 11 days away from going over the fiscal cliff, and we

feel strongly about the need for this institution to state its position on this. I know that we've heard that the majority leader in the United States Senate, Mr. REID, has indicated that he doesn't want to bring up, if this bill passes the House of Representatives, this measure, and the President has put out a Statement of Administration Policy that this bill would not gain his signature.

□ 1340

I don't think that anyone is convinced that the bill that we're going to pass here is one that is going to end up being the agreement, but it's very important in the negotiating process for work to proceed and for institutions to stake their position.

We happen to believe that Mr. BOEHNER has really made some bold steps in working to ensure that we do not go over that fiscal cliff, and I think that we are in a position today where I think that the action that we will take will be a positive step to enhance the chance for a negotiated resolution to this.

I want to say that the process hasn't been perfect, and I'm not claiming that everything that took place upstairs in the Rules Committee last night was perfect. But I will say, look at what it is that we've included: basically a reduction of \$238 billion over 10 years in the reconciliation package that passed this House of Representatives earlier this year. The measure that we have before us that is going to be debated separately is one that is actually pared back from the measure that passed the House of Representatives. The only changes that have been made have been made to accommodate the date change, putting in this month of December in place of the earlier month this year when the debate took place.

We know what this is. And for those who might claim that the so-called "reconciliation package" that we have is imposing draconian cuts which will be devastating for those who are struggling in this country, I remind them of the alternative, which happens to be the sequester. It's our hope that this reconciliation package, Mr. Speaker, will play a role in ensuring that the sequester that would be devastating—I acknowledge it would be devastating—does not take place. This is the alternative to the sequester, Mr. Speaker.

The package that we have will, in fact, see rate increases for those earning in excess of \$1 million. That's .19 percent of the American Federal income taxpayers. That means that all the rest of the Americans, an overwhelming majority, will actually avoid seeing that tax increase go into effect.

I also would like to say that we have to remember that if you look at the '01 and '03 tax cuts that became public law, part of that law, current law, Mr. Speaker, makes it clear that we actu-

ally would see those rates with the top rate at 39.6 percent. That's part of the '03 agreement that we had. So any action that we take that is less than that top rate of 39.6 percent, Mr. Speaker, is actually a tax cut, and we need to recognize that.

Mr. Speaker, what we're doing here—and I appreciate again the understanding of the minority—is simply trying to move ahead with this good-faith negotiating process that Speaker BOEHNER and the President of the United States are in the midsts of. I hope that in light of the balanced approach of this package, that we'll be able—by the way, this package has enjoyed at least statements of support from Democrats in the past from both the House and the Senate—I hope that this can be a positive step as we seek to resolve just as quickly as we possibly can this question.

We all know that uncertainty is the enemy of prosperity; and our goal is, Mr. Speaker, to put into place a policy that will have the kind of certainty that will encourage our job creators and encourage those who are out there seeking to get onto the first rung of the economic ladder to have the kind of opportunity that is necessary.

With that, Mr. Speaker, I reserve the balance of my time.

If the measures before us constituted the Republican Plan A, they would be a package of sweeping tax and entitlement reforms. They would provide considerable new revenues through economic growth and a simpler, fairer tax code. They would rein in our ballooning deficit by making our entitlement programs solvent over the long term. Together these critical initiatives would put our economy back on the path toward prosperity and opportunity.

For two years, this Republican Majority has worked tirelessly to enact Plan A. We have passed dozens of bills. Speaker BOEHNER has spent countless hours negotiating with President Obama. All in an effort to advance our Plan A. I still have hope that we will reach an agreement that will substantially achieve the goals that we have outlined: growth and balanced budgets through meaningful tax and entitlement reform.

But the measure before us today is not Plan A. It is Plan B. Time is running out. We are 11 days away from the end of 2012. 11 days away from our last opportunity to avoid the so-called fiscal cliff. 11 days away from significant tax increases on every single tax payer in America and devastating cuts to our military.

The Members of this body may disagree on many things, but we all agree that the across-the-board tax rates that become effective on January 1 will have a very damaging effect on our frail economy. The first of today's underlying bills is a safeguard against the most detrimental aspects of the fiscal cliff. It extends the 2001 and 2003 tax cuts for the 99.81 percent of Americans who make less than \$1 million a year. This action protects the middle class and virtually all small businesses. No other single action would go further to mitigate the crisis that is looming before us.

The second of today's underlying bills makes responsible spending cuts that will help

to rein in our deficit without compromising national security. Defense Secretary Panetta has tirelessly exhorted Congress to avoid these draconian cuts to our military at all costs. We are absolutely committed to getting our fiscal house in order. But we must do so in a way that does not sacrifice our security. The underlying spending package makes essential cuts, while ensuring that we do not put our homeland and our troops at grave risk.

We of course want to go much further than simply limiting the worst of the damage of the fiscal cliff. We will continue to strive for a comprehensive solution until the tremendous challenges before us are addressed. These challenges will not be resolved in any sustainable way until we substantially reform our tax code and deal with the fundamental insolvency of our entitlement programs. But we would be utterly derelict in our duty to first do no harm if we failed to implement these critical stopgap measures.

It is essential to recognize that current law raises taxes for every single Federal income tax payer on January 1. Every working American, every small business owner, will face a higher marginal rate 11 days from now. That is the current law of the land. Today's underlying tax bill maintains current law for 0.19 percent of taxpayers, while cutting taxes for 99.81 percent. This is not a tax increase. It is a tax cut for very nearly everyone. Without it, we run the real and serious risk of plunging our economy back into recession.

Today's measures represent neither a comprehensive solution nor the end of our efforts to reach one. It is simply action that must be taken to protect our fragile economy and beleaguered workforce until a long-term solution can be reached.

I urge my colleagues to support this rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, today we're watching an attempt to perpetrate a hoax. To everybody watching, I want to say to you don't bother to take notes, no need to call the family to see history being made here. Just move along. There's nothing happening here. We've got this plan that doesn't come anywhere close to being a solution to the fiscal cliff. It's a political gimmick, and all of us recognize that it has no chance whatsoever of becoming law.

The process that has brought us here has been equally shameful, more befitting a developing country than the greatest democracy on Earth. It has been absolutely painful to watch the otherwise responsible Members of the majority play their assigned roles, pretending that what we did last night was normal and legitimate. Last night we saw one of the greatest miscarriages of the democratic process in my time on the Rules Committee. Facing the impending fiscal cliff that could devastate our economy and harm millions of Americans, the majority decided to cobble together last-minute legislation on a wing and a prayer.

Last night, the Rules Committee spent most of the evening debating legislation that we've barely seen. We were told that there would be two bills. Two bills actually were filed at midnight on Tuesday. One of them disappeared. And in the waning hours, even while the debate on the rule was taking place, a third was dropped into our laps. It turned out to be a warmed-over bill that went through the House of Representatives in May destroying health care, food stamps, and almost every other possibility of people in the country to survive. That's how the majority wants to solve the greatest economic threat facing our Nation.

With nothing less than millions of jobs on the line, does the majority really believe that passing a bill in less than 24 hours that will do absolutely nothing is responsible governing?

Today we're prepared to vote on this legislation and, I think, possibly adjourn for the final time this year. If this is the majority's final attempt to reach a compromise, then our Nation does indeed face frightening times. If no compromise is reached, we may face the greatest displacement of workers since 1929 as sequestration takes effect and forces countless layoffs. How devastating is that to a recovering economy? Every American knows we cannot let this happen; and, frankly, I believe that every Member of Congress knows that we never would let it happen. But after last night, I'm not so sure.

This is not a serious solution to avoid economic catastrophe. It's just one last attack on the poor and the middle class right before we tumble off together over the fiscal cliff. Today's bill contains many dangerous provisions. I mentioned part C that we got last night, the old warmed-over bill providing an average tax cut of \$50,000 for millionaires and billionaires. Meanwhile, the 25 million working families would pay an average of \$1,000 more on taxes; 11 million families would lose a tax credit that helps to pay for college; drastic cuts would be made to Medicare; and the important provisions of the Affordable Care Act would be no more. They simply could not adjourn this year without one last attempt to destroy the health care bill that will provide health care for millions more Americans, many covered by insurance that they have never been able to have before.

During my last election, which occurred last month, I met more than one person who told me that they had been born—there is one person who sticks out in my mind—she had been born with cerebral palsy, Mr. Speaker. She told me that her whole life, while she brought up a family, lived her life driving a car, cooking, moving, everything that we all do and take for granted in life, she had to do without any health insurance because having been

born with cerebral palsy, she had a pre-existing condition that prevented it. It was not until she was 65 and was able to get Medicare did she have the peace of mind that most of us take for granted that she was eligible to be covered. Why in the world do we keep trying to be the only industrial country that does not take better care of its people than that?

Finally, 2 million Americans would lose their unemployment assistance right here at the holiday time. As I said before, the nutrition assistance program would be gutted. Those unjust cuts would leave millions struggling to pay their bills and put food on the table.

The Americans that we're talking about, those that will be suffering, are not the ones that caused the problem in this country. They had nothing to do with financial services and the shenanigans that were played that brought us to our knees. Yet, continually, this House asks them through the majority side to pay the price.

□ 1350

Enough already. They're not to blame, and they should not be put on the block.

Sadly, just days ago—Tuesday, in fact—it appeared that President Obama and Speaker BOEHNER were close to a fiscal cliff compromise. President Obama had made concessions, some that, frankly, as I pointed out, our side is not that crazy about, but in the blink of an eye, the House majority decided to walk away in 51 seconds, announcing what they were going to do in a take-it-or-leave-it manner and introduce this political hoax that is before us today.

Mr. Speaker, don't anybody be fooled. The American people know better. They see through this. They know that a compromise means that we must meet in the middle. Unfortunately, the majority continues to think, if they pass extreme legislation and then run for the hills, the rest of us will be forced to give in.

We've seen similar antics from the majority throughout the 112th Congress—from holding the full faith and credit of this Nation hostage for the first time in its history and losing our credit rating to voting 33 times to repeal health care reform. The majority has continually advanced a cynical and partisan agenda at the expense of our Nation's welfare. Given this, there is little surprise that the approval rating for Congress is at an all-time low and that historians have said it is the least productive Congress in our history.

Mr. Speaker, in the election just last month, the American people made their voices heard. When asked to choose between an extreme agenda that took care of the millionaires and billionaires at their expense, they said "no" in that they wanted not to be

going over a fiscal cliff, and they have made that very clear.

I think of what we have done to just the economic future of this country by debating this fiscal cliff as long as we have, but I don't believe, as I said, that we will actually go over it, except I'm not really clear on what we're doing here today unless that is to cut and run. Yet, in the process, the majority has presided over a shameful legislative circus not worthy of this institution. When our Nation is in desperate need of serious solutions, the majority is doing everything in its power to avoid finding the answers.

I strongly oppose this hoax before us. I urge my colleagues on both sides of the aisle to oppose the rule and the underlying legislation.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks that my good friend from Rochester has made as it relates to the sequester. I agree with her completely, Mr. Speaker. It is very important that we not let the sequester take place, and I hope and believe that she is right, that we will not see that happen.

Number two, I'd like to associate myself with her remarks as it relates to ensuring that we do not go over the fiscal cliff. That's something that is very, very desired on our part as well.

I'd also like to respond to just one point very quickly, Mr. Speaker, before I yield to my good friend from Roseville and say that I can provide my friend from Rochester, our distinguished ranking member of the Rules Committee, assurance that we will not be adjourning the Congress today and ending our work. I have said—I said in the Rules Committee, Mr. Speaker—that we are going to continue with our work.

The action that we are going to take relates to these two measures: again, the reconciliation package, which is designed to ensure, as my friend from Rochester has said, that we don't see sequestration, which we all know would be devastating if it were to take effect. It is a package of \$238 billion over a 10-year period of time. It is a very responsible measure that is not going to be gutting programs but is going to responsibly begin to tackle entitlement reform.

Ms. SLAUGHTER. Will the gentleman yield?

Mr. DREIER. I yield to the gentlelady from New York.

Ms. SLAUGHTER. I appreciate your yielding.

I appreciate your giving us your assurance, but I do recall that Mr. MCGOVERN and I, both in our turns, asked last night for assurance that the bill that we were looking at was the bill we were going to vote on, and all we got was doublespeak. So, while I appreciate your giving me your assurance, I think I'll give it back to you.

Mr. DREIER. If I could reclaim my time, I will say again that I have served as long in the minority as JOHN DINGELL. I have served longer in the minority in this House, Mr. Speaker, than the dean of the House, JOHN DINGELL, has served, and I understand. I've served 18 years in the minority, and I understand that it is challenging, and I respect that fact. To say that as we're dealing with the very end of this session that we're not trying to get to an agreement is a mischaracterization of where we are.

I've associated myself with the remarks of my friend from Rochester as it relates to our quest to ensure that we don't see the sequester take effect or that we go over the fiscal cliff, and to say that the package that we have that deals with the reduction of \$238 billion over a 10-year period of time is, again, virtually identical to what passed this House. It has actually been reduced by 100 pages. It's much smaller than what was passed in May by this House, and I believe that it's a package that is, again, one that can responsibly be a first step towards something that we all know does need to be done. As I talk to Democrats, there is recognition that entitlement reform has to take place, and so I believe that that is the right thing to do.

With that, Mr. Speaker, I would like to yield 2½ minutes to my very good friend, a very, very strong budget hawk, my fellow Californian, Mr. MCCLINTOCK.

Mr. MCCLINTOCK. I thank my friend for yielding.

Mr. Speaker, the debate over the fiscal cliff has become so hyperbolic that I'm afraid we're losing touch with common sense.

Contrary to many press accounts and many statements by Members, there is no bill before the Congress that proposes raising taxes on millionaires or anybody else. There is a law that takes effect on January 1 that will raise taxes on millionaires and small businesses filing as millionaires and on everybody else, and there is a bill to protect everybody else from that law, which is the issue before us today.

The President says he wants to protect everybody except those greedy millionaires and billionaires. Well, that's precisely what this bill does, and yet he has vowed to veto it. The truth is he wants to sock everybody who is making over \$200,000. Now, that includes 1.3 million small businesses filing under subchapter S. That's 84 percent of net small business income. That is precisely the income that they use to produce two-thirds of the jobs in our economy.

The Congressional Budget Office warns us that Mr. Obama's "eat the rich" crusade will actually result in throwing 200,000 middle class families into unemployment. Ernst & Young estimates 700,000 lost jobs.

House Republicans now have a choice in that we can try to save as many Americans from these ruinous tax increases as the President will permit or we can end up at an impasse that assures taxes go up on everyone. So let us pass this bill. If it doesn't work, then let's pass it at whatever level the President will agree to. It's not as if we haven't repeatedly warned him.

Some of my conservative colleagues say that sparing some people these tax increases is tantamount to raising them on others. For a lifeguard who sees 10 swimmers drowning off his beach, if he can only save nine of them, that doesn't mean he has drowned the 10th one. And no lifeguard would be worth his pay if he said, Well, my principle is that nobody should drown off my beach; therefore, as a matter of principle, if I can't save them all, then I won't save any.

As Americans watch as thousands and thousands of middle class jobs are sacrificed on the ideological altar of Obamanomics next year, I think this country will be a lot sadder and a lot wiser, but until then, let's save who we can.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished ranking member of the Committee on Ways and Means, the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. This is an important moment. These bills move the Nation dangerously closer to the cliff with only 11 days before our Nation would go over it. They make finding common ground far more difficult with only 11 days left to find it. These bills are not a plan; they're a ploy. They are bills to nowhere. They undermine trust so essential for agreement. We've just heard it.

The Republicans claim that letting the tax rate go up from 35 to 39.6 percent on income over \$1 million is not a tax hike because it would happen on its own. But then they say that if the tax cut rate would go up on income below \$1 million by happening on its own, it would be the biggest tax increase in history. That is patently inconsistent.

□ 1400

But far worse than the hypocrisy is the way they design their tax provisions. For those with income over \$1 million, they provide a tax cut of at least \$50,000.

They raise only one-third of the revenue contained in the Speaker's discussions with the White House and far less than proposed by the President. Talk about undermining trust.

It would raise taxes on 11 million middle class taxpayers—11 million—through their failure to continue the education credit, and they hurt millions of other middle class families with their failure to keep the improvements to the child tax credit and the earned income tax credit.

And there is stony silence, indeed stone-hearted silence, on 2 million unemployed workers looking for work

who would lose their insurance immediately on December 29. And silence on the 27 percent cut to doctors treating Medicare patients.

And in a deeply cynical move, so cynical, the Republicans have decided to offer another bill to put off some of the sequester in defense. And they pay for it how? By deep and ugly cuts to important programs impacting seniors, kids, and disabled Americans.

The Republicans are tying themselves into knots. But in doing so, they're tying into knots the chances for our Nation not going over the cliff. Vote "no" on these bills that take us backwards, that undercut trust, that increase the chances of going over the cliff. This is not a plan; it's a ploy.

Mr. DREIER. Mr. Speaker, I'd like to inquire of my friend how many speakers she has remaining. It looks like she has a couple at least. I reserve the balance of my time, Mr. Speaker.

Ms. SLAUGHTER. I'd be happy to tell you. We expect four. I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Rules Committee.

Mr. MCGOVERN. I thank the ranking member for the time.

Mr. Speaker, just when I thought the process in this House couldn't get any worse, last night in the Rules Committee the Republicans reached a new low. We originally were told that we were meeting on the Speaker's so-called "Plan B" tax bill, which continues the proud Republican tradition of protecting tax cuts for the wealthy at the expense of middle class families and poor people.

But then we were told there would be a new bill, some kind of magical mystery bill that was introduced in the middle of the hearing. Now I'm not sure what to call this one, Plan B.2.0 maybe? Plan C? The We-Don't-Really-Have-a-Plan Plan?

It turns out that the magical mystery bill is similar to the reconciliation bill the Republicans brought to the floor a couple of months ago. That bill was a bad idea then, and it's a bad idea now.

It cuts \$36 billion from the SNAP program, taking food off the table of struggling Americans. Millions of households would see a cut in their benefits. Millions of families would have less food tomorrow than they do today. And hundreds of thousands of kids would lose their access to free school meals. That's the Republican idea of a Christmas present. It's enough to make Ebenezer Scrooge embarrassed.

The bill threatens Medicare, children's programs, education, infrastructure. In short, it threatens our economy as a whole. And at the same time, it not only protects the Pentagon budget, it increases it by billions of dollars. Does anyone here really believe there's not a single dollar to be saved anywhere in the Pentagon?

Mr. Speaker, the American people have spoken. They've made it loud and clear that they want a balanced approach. They want an approach that asks the wealthiest, the most fortunate Americans, to pay a little bit more, and that protects our seniors, our children, and our most vulnerable neighbors. But the Republican leadership of this House refuses to listen.

Mr. Speaker, let me say another thing about this process. I would say to my Republican freshman colleagues that you rode to power on a wave of outrage over the way the House conducts its business. I remember the lectures and the promises and the things that you said would change. I would say to those freshmen: you own this now. You have officially become part of the problem, if not the problem.

A vote for this rule is a vote for an outrageous abuse of power and a vote against transparency and openness, and it's a vote against accountability.

Finally, Mr. Speaker, let me just say this. My Republican friends have made it unfashionable to worry about the poor and the elderly and the vulnerable. That's crystal clear in the text of what we're debating here today. I urge my colleagues not to turn your backs on the most needy. Let's balance our budget in a way that doesn't lower the quality of life or decrease the standard of living for people of this country. We can do so much better. Instead of doing this, you should be negotiating with the President. Go back to the negotiating table and stop the games.

Mr. DREIER. Mr. Speaker, at this time I'm happy to yield 5 minutes to my friend from Lawrenceville, Georgia (Mr. WOODALL), a very hardworking, thoughtful member of the House Rules Committee.

Mr. WOODALL. Mr. Speaker, I thank my chairman for yielding me the time.

I came down here to talk about tax policy and my support for the rule, Mr. Speaker; but I've got to tell you, when folks back home ask me what's wrong with this place, I'm going to start playing them a clip of this debate because there's a serious topic on the floor right now. This fiscal cliff, I don't think there's a man or woman in this room with a voting card who doesn't believe this is a serious issue for our economy, for working families, and for small businesses that we're counting on bringing us out of this recession. I believe every man and woman in this room believes that.

And yet as we're down here trying to have that discussion, in the short 11 days we have left to sort that out, I hear that our tax package, which does exactly what the President has asked, though not the levels that he asked for it, it picks winners and losers. He campaigned on that platform. I think it's wrong. I think we ought to keep tax rates low for everyone, but the President says no. The President says we

ought to pick some folks who win and some folks who lose, and this tax bill does that. But it just deals with taxes because, as my friend from Massachusetts reminded me, when I ran as a part of this freshman class, I said let's try to make things more simple here. Because we all know what happens at the end of the year. Anybody who's watched this process in December knows those Christmas tree bills that come rolling to the floor where you handle 100 different unrelated things at one time.

Well, Mr. Speaker, I'd be interested in polling folks who don't have a voting card. I'd be interested in knowing what folks who've listened to this debate believe is happening in this underlying tax bill, because I've been told by some of the speakers on this floor that this tax bill throws Americans off unemployment; when, in fact, it does no such thing. No such thing.

Do we need to deal with unemployment? Yes, we do—in an unemployment bill.

I've been told that this tax bill cuts payments to doctors. It does no such thing. There's not one line in this bill that does any such thing. Do we need to deal with Medicare and SGR? Of course we do.

Do we need to jumble all of these things together in a straightforward tax bill? The answer's no.

I'm told by my friend it's not just stony silence on these issues; it's stone hearted to be silent.

Who is it, Mr. Speaker, who believes it advances the debate, this hard, complicated debate we have, who believes we advance it by calling the absence of a nongermane provision stone hearted on the part of the authors? Don't tell me about violating trust. Don't tell me about how it is folks ought to work cooperatively together. We have that opportunity right now, and folks are throwing it away line by line by line.

My friend from the Rules Committee comes to the floor, Mr. Speaker, and he says this bill throws folks off food stamps. Nonsense. Nonsense.

Every single time I go to the town hall meeting, Mr. Speaker, folks believe if only we eliminate the fraud in government, we'll balance the budget. Now, due to spending that both sides of the aisle are responsible for, we're way far out of balance. Fraud won't do it, Mr. Speaker. That's not going to be enough.

□ 1410

But what the underlying bill does to request to eliminate the defense sequester cuts that President Obama's Secretary of Defense has called so dangerous, it says the only people who should get food stamps are people who qualify for food stamps. That's right. The underlying bill says the only folks who should get food stamps are those who qualify for food stamps.

Now, it turns out, Mr. Speaker, like every Federal program, there's some fraud, and so some folks are receiving taxpayer-sponsored benefits today who have not earned them, who do not find themselves entitled to them by virtue of their circumstances. And because this underlying bill aims to eliminate that fraud, folks come to the floor and say, Why in the world are Republicans throwing hungry people out during Christmas?

It's outrageous, Mr. Speaker, that we can't have a conversation about serious things in a serious time. The outrages that my colleagues on the Rules Committee point to from last night, I tell you, Mr. Speaker, what happened last night is exactly what I would hope would happen in a conversation like this.

Almost to a person, every Democratic member in that Rules Committee and those testifying said, All we have in front of us tonight is a tax bill. All we have in front of us is a tax bill, and every American knows the problem isn't taxes. The problem is too much spending. Where are the spending cuts?

And so the Rules Committee staff went to work immediately, Mr. Speaker, and found a package, not that had never been seen before, not that had never been read before, not that had never been vetted before, but one that had passed this body in a bipartisan way.

They said, You know what? The criticism from my colleagues is right. We do need to do this, and we did.

The SPEAKER pro tempore (Mr. WOMACK). The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, I yield my friend an additional 30 seconds.

Mr. WOODALL. I thank my chairman for the additional time.

There is a sense out there in this country that folks in Washington, D.C., just want to argue about things, that they don't want to solve anything at all.

You all made absolutely accurate criticisms last night that I'm glad we took steps to correct. We have a straightforward tax bill today. We have a straightforward sequester replacement bill today.

Mr. Speaker, this isn't the wrong way to do things; this is the right way to do things. And with only 11 days left to prevent all American families from having an unprecedented tax increase, let's pass these bills. Let's pass this rule. Let's get to debate on the underlying resolutions.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the distinguished ranking member of the Committee on Small Business.

Ms. VELÁZQUEZ. I thank the gentlelady for yielding.

Mr. Speaker, I rise in opposition to this rule and the underlying legisla-

tion. This measure punishes working families just to deliver more tax breaks for the wealthy.

Under this legislation, those making over \$1 million a year will receive an average tax cut of \$50,000. That is not the 1 percent. It is the top one-third of the 1 percent. Meanwhile, 25 million working families will pay an average of \$1,000 more in taxes.

For those families that are struggling to find work in this difficult economy, this bill is equally bad. Two million Americans will lose unemployment benefits next month, pushing them out into the cold.

Retirees and seniors will also be hurt. With a 27 percent cut in Medicare payments, 50 million seniors will see their health care endangered.

Mr. Speaker, what the American people are watching right here right now is a tragic comedy, because the other side knows quite well that, even if this legislation passes the House today, it is going nowhere. So here we are, with time running out, rather than coming up with real compromise, we are playing another game of political charades. That is not what the American people want us to do.

I urge my colleagues, reject this bill so we can come up with a solution that becomes law, addresses our fiscal challenges while protecting working families.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 7 minutes remaining. The gentlewoman from New York has 14½ minutes remaining.

Mr. DREIER. So I think the gentlewoman from New York (Ms. SLAUGHTER) might want to exhaust some of the speakers she has.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentlelady, the ranking member from the Rules Committee, and I thank the chairman of the Rules Committee.

Mr. Speaker, when I mention the words Hurricane Sandy and the tragedy in Newtown, Connecticut, many would wonder what do they have in common? The enormous gun tragedy, a loss of 26 lives, and Americans suffering from a devastating storm. Certainly our hearts go out for those babies who were lost. But it really speaks to Americans in need. And I guess that's why I'm so troubled to be on the floor today, because the framework that we have says to America that when you're in need, we will not, as this Congress and as this government, be prepared to help you.

I think what is disappointing—and I know for the Speaker it is probably the same case as I'm speaking, because just about 3 days ago we thought there was

a deal between the White House and the framework that was offered and the leadership of this House. It's disappointing that, in the course of a couple of days, we've come to a situation where this plan, Plan B, raises only about \$300 billion from high-income households, and the Center on Budget Priorities suggests that millionaires will get \$108,500 per million, over \$1 million in tax cuts.

But what will the middle class get?

Plan B allows the old pre-Bush—or Bush tax cuts to continue the itemized deductions for the rich, giving them more opportunity to keep their money. In fact, we will lose \$400 billion, under this plan, in high-income revenues. Disappointing.

But at the same time, there is a thought that we should cut Social Security by changing the way Social Security is calculated, so that if a senior buys cheap food, that means they need cheap Social Security, and we cut their Social Security benefits because we thought there was a deal. I can't agree with that at all, cutting Social Security, and I can't agree with recalculating how a senior gets their check.

But I will tell you that this plan raises taxes rather than reduces it, as the President wants to do, as this House of Democrats wants to do, as the Senate bill, where 180-plus Democrats have signed. This raises taxes \$1,000 on 25 million working families.

And then there is a mysterious bill that, I guess, suggests that we are in the business of making cuts. But you know what that will do?

And by the way, there's no sequester plan in this plan that is here. It cuts education, research, and national security; but it also cuts the hardworking Americans who are yet employed, and it cuts off 2 million of them, unemployment insurance. It cuts out doctors.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. SLAUGHTER. I yield the gentlelady another minute.

Ms. JACKSON LEE of Texas. I thank the gentlelady.

Twenty-seven percent.

Mr. DREIER. Mr. Speaker, may I ask my friend to yield? I will yield her an additional 30 seconds.

Ms. JACKSON LEE of Texas. I will be happy to yield to the gentleman.

Mr. DREIER. I just wanted to inquire. I didn't understand this "there is no sequester here." We're dealing with the threat of a sequester, and our idea is \$238 billion in spending reductions within the reconciliation bill that passed the House last May is what we're including. So I just didn't understand, if I could just ask my friend.

And I'm happy to yield her an additional 30 seconds, Mr. Speaker.

Ms. JACKSON LEE of Texas. I thank the gentleman for his inquiry.

When we started out with the Plan B, there was no sequester plan. Obviously,



there was a mysterious offering last evening.

Mr. DREIER. If the gentlewoman would further yield, let me just say that there is a plan to respond to the sequester, and that is the \$238 billion reduction over a 10-year period of time that is the reconciliation bill that was passed by the House last May.

Ms. JACKSON LEE of Texas. Reclaiming my time, I thank the gentleman.

In the original Plan B that I assume the Rules Committee was to address last evening through the distinguished chairperson, there was no sequester plan. We were in a posture of cutting education and research.

Yes, you are right. In the creative work of your staff, as you said right here on the floor of the House, late into the night you found the reconciliation that had been addressed in the summer, I believe, and all of us, a lot of us, voted against it.

□ 1420

All of us voted against it, and we understand that that plan will have no traction in the United States Senate. I thank the gentleman for his work, but what I'm suggesting is there is no sequester plan. There was no sequester plan with the Plan B. And as I was saying, if I can quickly go back, Madam Ranking Member, without this plan, what we leave in place with Plan B, which really troubles me, coming from the Texas Medical Center and meeting with the hospital before I left Houston, it cuts reimbursements for doctors seeing Medicare patients by 27 percent. Fifty million Americans will then have their health care in jeopardy. It cuts nutrition plans, food stamps. There is no plan.

My quiet comment, Mr. Speaker, as I close, it is in disappointment. It is not in shrill debate. It is simply in disappointment. Because we have Americans who are looking to us to work with the President, to work with the Speaker, to go forward on the plan that was offered on Monday—at least for us to debate—and to find a way to be able to respond when people like those victims of Hurricane Sandy and Newtown, Connecticut, call on us. That's all I'm asking my colleagues, is that you work with us.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to say that it has been said here before that the bill that mysteriously appeared last night had passed the House in a bipartisan way. Let me point out it was bipartisan opposition. No Democrat voted for it and 16 Republicans voted "no."

I am pleased to yield 1 minute to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Mr. Speaker, I rise in opposition to this rule and the underlying bills.

In the dead of night, 5 days before Christmas, House Republicans released legislation that they are rushing to the floor to gut funding for health care, food assistance, and other vital social services. Christmas is a season of giving, but sadly, Republicans are taking—taking food off the table for millions of American families that are struggling in these tough economic times by cutting food assistance by \$36 billion, taking the unemployment lifeline away from more than 2 million Americans who are trying to get back on their feet, and taking funding away from block grants that provide protective services for abused children. Why would Republicans insist on taking so much away from our families during this holiday season? So they can give an average \$50,000 tax break to millionaires.

I urge my colleagues to stand up for millions of children, workers, and families that are facing a real cliff. Vote "no" on the rule and the bills.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to a very thoughtful colleague from the Ways and Means Committee, Mr. TIBERI.

Mr. TIBERI. Let's review real quick here for everybody. We have a fiscal cliff occurring at the beginning of next year—12 short days. That means taxes go up for everybody who pay taxes and across-the-board spending cuts. The Democrat alternative, the Levin bill, was rejected on a bipartisan basis earlier this year. Our preferable bill has been rejected in the Senate. The Speaker and the President have been talking, but the President hasn't been serious. Not a dollar for cuts and a dollar for revenue.

Today is an attempt to try to save most Americans, Mr. Speaker—99.8 percent of Americans—from seeing their taxes go up. Three-quarter of a million small business owners will see their taxes go up if this plan isn't passed versus the Levin bill. Those three-quarter of a million small business owners employ many, many tens of thousands of people in America who are the middle class.

The bill before us is a comprehensive bill. Mr. Speaker, it gives us certainty. In the Ways and Means Committee we've heard testimony after testimony from business owners. Give us certainty. The Democrat alternative is a year. It's not even comprehensive. It doesn't even include the estate tax. We'll be right back here again December of next year for the 1-year patch. This gives us certainty. This gives employers certainty. This gives jobs creators certainty. It gives Americans who pay the alternative minimum tax certainty that they won't ever pay it again.

Mr. Speaker, this is the right medicine for 99.8 percent of Americans to prevent them from seeing their taxes

go up on January 1. And it gives us an opportunity the next session of Congress to provide comprehensive tax reform that will simplify our Tax Code, that will give us even more certainty, and more competitiveness to our employers so the middle class can grow and prosper and we can improve our economy.

Ms. SLAUGHTER. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Thank you, and I appreciate the time and the opportunity to speak on this measure.

I'm concerned about the fiscal cliff. And it's important. President Obama has tried to work with the opposition party and has gone from what he was elected on—increasing taxes, for fairness, on families earning over \$250,000—to \$400,000. But no, that wasn't enough. This proposal goes to a million dollars a year. Now \$400,000 is plenty comfortable. The President's gone a long way. The fact is that there's a lot of revenue that's being lost between \$400,000 and \$1 million. We need that revenue to rectify some problems in our society, of which there are still many.

This bill would cut funding for the National Institutes of Health. That is our physical cliff. And I want to talk to you how this fiscal cliff affects the physical cliff. The National Institutes of Health is the agency that comes up with research dollars that allows our lives to be extended and bettered. At Duke University there is a great lung transplant program, headed by Dr. Robert Davis. Duke needs more money to perfect their lung transplant program that's the best in the country. But still, it's only a 50 percent chance that a person will live 8 years with a lung transplant because the transplanted lung tends to be rejected. They don't know why. They need know find out it. It's National Institutes of Health funds that will find out and give people a chance to breathe and live.

In my hometown of Memphis there's research at the Methodist Hospital. We have Dr. James Eason, one of the finest liver transplant doctors in the country. But throughout the country there are people in places like St. Jude Children's Research Hospital in Memphis finding cures for childhood cancers and childhood catastrophic illnesses. This bill cuts funds to the National Institutes of Health. They should not be cut ever. They should be increased. And some of the funds that they are missing are the funds that will go to people earning over \$400,000 and up to \$1 million that tax relief is being given to. They don't know right now that they might not be the people that need that lung or that liver transplant or some other medical science cure or discovery. But there are people out there in the lottery of life that will. This bill doesn't take that into consideration.



Any bill that cuts funds to the National Institutes of Health will eventually cut people's lives short—and the quality of their life—because it's through research funded at the National Institutes of Health that we find these cures and these new procedures. Doctors need to be paid, hospitals need to be paid, research needs to be undertaken.

I believe the President has gone a great distance on the fiscal cliff to get to \$400,000. He's even talked about cutting some programs that deal with the most vulnerable people, the poorest, on Social Security cost-of-living increases, which I oppose. But the President has tried. I hope that this bill fails and we deal with the President in a responsible way and avoid the fiscal and the physical cliff.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 1 minute to a great member of the Appropriations Committee, our hardworking friend from Savannah, Georgia, Ann's father, Mr. KINGSTON.

Mr. KINGSTON. I thank the gentleman from California.

Mr. Speaker, the President owns this economy. He owns the high unemployment rate—the 23 million Americans who are unemployed or underemployed. He owns the lack of jobs, lack of opportunities. He owns the \$750 billion annual deficit that he has had for the 4 years. It is time for the President to step up.

□ 1430

Now, knowing that this fiscal cliff was going to take place for well over a year now—in fact, people have seen it coming long before then—the President has not acted in good faith and put alternatives on the floor for us to vote on.

What we're doing here today is three things. Number one, we are moving a centralized negotiation back to where it should be, a decentralized basis so that 435 House Members can vote, can speak on it and express their opinion. Now, hopefully, beyond that, the Senate can take it and amend it and change it and do whatever they want, but this debate belongs inside the United States Capitol. What the Speaker is doing today is giving us that opportunity.

Last year, we heard so much about the 99 percenters. This is going to give tax relief to those 99 percent, and it's permanent. I know how long it's taken us to do something with the death tax. That is in this bill.

This is good for the economy. It's good for economic growth, and I urge a "yes" vote on the rule.

Ms. SLAUGHTER. Mr. Speaker, I can't say it enough, today's legislation is a step backwards in the effort to find a fiscal cliff compromise. Plan B, Plan C, neither one of them are serious proposals but a gimmick designed to get

headlines. By using the Halls of Congress to play political games, the majority is making it harder to find a commonsense and bipartisan solution to the impending fiscal cliff.

The time for these games is over. It's time that the majority comes to the table with a serious proposal that reflects the wishes of the American people.

Nobody wants to see the taxes raised on 25 million working families. As I said earlier, they seem to be called upon to pay the price for the fiscal irresponsibility of the financial district.

The American people don't want to see hundreds of thousands lose access to nutritional programs, and I sure can tell you that they don't want to see Wall Street reforms repealed and the historic health care law dismantled, but all these things would happen if this bill before us became law.

I strongly urge my colleagues to reject the gimmick proposal before us today and return to the serious work of balancing our budget while protecting the poor and the working class.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to this rule to make in order an amendment which will allow the House to have a chance to vote on the bill passed by the Senate to extend the middle class tax cuts to all persons making less than \$250,000, which has been introduced in the House as H.R. 15. Also, the amendment would prevent the House from adjourning until we have averted the fiscal cliff and the President has signed legislation to prevent tax increases on the middle class.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. So, Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question, and vote "no" on the rule and certainly on the underlying bill.

I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me say that we all know we're 11 days away from going over the proverbial fiscal cliff. We are trying our doggonedest to make sure that a sequester doesn't go into place. We all know that Secretary Panetta has said that that would be a devastating thing for our Nation's security.

I think that discussions taking place between the President of the United States and the Speaker of the House of Representatives are very important. I also think it's important for every Member of the House to have an opportunity to state where they stand on these issues.

The bill before us is one which actually has, again, basically enjoyed bipartisan support. I remember when Senator SCHUMER made it clear that he believed that there should not be any increase for anyone who earns under \$1 million. That was a request that he said. I know there was a lot of discussion within the Democratic Caucus as to exactly what that level should be. Well, this is at the level that Senator SCHUMER had indicated that he supported earlier on.

I've got to say to my friend from Rochester, Mr. Speaker, we are not planning to adjourn. We want to address this issue. We want to do everything that we possibly can, Mr. Speaker, to resolve this just as quickly as we possibly can.

We're just a few days away from Christmas. We are obviously still here working. We're prepared to come back after Christmas. Sadly, many of our colleagues are going to the funeral of Senator Inouye. That service that will take place in Hawaii has created a challenge for us when it relates to the schedule itself.

We understand that this is a difficult time, but we need to work together to put into place pro-growth economic policies. I think that there is, as I said in my opening remarks, a bipartisan quest to do that. I congratulate the President for his call for reduction in the corporate tax rate from 35 percent to 25 percent. Real tax reform is something we've been trying to do for a while and I think can be done in a bipartisan way. Real entitlement reform that does not hurt our fellow Americans is something that can be done in a responsible way.

So I will simply say that this is not a perfect process, but it's an end-of-the-session process that's going on right now to deal with a tough, tough situation. We don't want our fellow Americans to be hurting, especially at this time of year as we look towards the Christmas holidays. I believe that we can see an agreement which will work to ensure that that does not take place.

So, Mr. Speaker, I urge my colleagues to support the rule, support the underlying legislation, both the tax issue and the effort to ensure that we don't see a sequester take place to bring about \$238 billion, as the House passed it last May, of spending over a 10-year period of time. This is the right thing for us to do to get on a path that can provide certainty, which we all know is necessary.

So I urge support of the rule, and I urge support of the underlying legislation, both bills.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 841 OFFERED BY  
MS. SLAUGHTER OF NEW YORK

In section 1, strike "The previous question shall be considered as ordered on the motion

to its adoption without intervening motion.” and insert “The previous question shall be considered as ordered on the motion to its adoption without intervening motion except a substitute amendment consisting of the text of H.R. 15, if offered by Representative Levin or his designee, which shall be considered as read, shall not be subject to any point of order, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent.”

At the end of the resolution, add the following new section:

SEC. 3. It shall not be in order to consider a concurrent resolution providing for adjournment or adjournment sine die unless the House has been notified that the President has signed legislation to prevent a tax increase on the middle class, and to avert the so-called “fiscal cliff.”

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

#### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

Because the vote today may look bad for the Republican majority they will say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he

then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. DREIER. With that, I yield back the balance of my time and move the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 841 will be followed by 5-minute votes on adoption of House Resolution 841, if ordered; ordering the previous question on House Resolution 840; and adoption of House Resolution 840, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 184, not voting 14, as follows:

[Roll No. 639]

YEAS—233

Adams	Campbell	Forbes
Aderholt	Canseco	Fortenberry
Akin	Cantor	Fox
Alexander	Capito	Franks (AZ)
Amash	Carter	Frelinghuysen
Amodei	Cassidy	Gallely
Austria	Chabot	Gardner
Bachmann	Chaffetz	Garrett
Bachus	Coble	Gerlach
Barletta	Coffman (CO)	Gibbs
Bartlett	Cole	Gibson
Bass (NH)	Conaway	Gingrey (GA)
Benish	Cravaack	Gohmert
Berg	Crawford	Goodlatte
Biggart	Crenshaw	Gosar
Bilbray	Denham	Gowdy
Bilirakis	Dent	Granger
Bishop (UT)	DesJarlais	Graves (GA)
Black	Diaz-Balart	Graves (MO)
Blackburn	Dold	Griffin (AR)
Bonner	Dreier	Griffith (VA)
Bono Mack	Duffy	Guinta
Boustany	Duncan (SC)	Guthrie
Brady (TX)	Duncan (TN)	Hall
Brooks	Ellmers	Hanna
Broun (GA)	Emerson	Harper
Buchanan	Farenthold	Harris
Buchson	Fincher	Hartzler
Buerkle	Fitzpatrick	Hastings (WA)
Burgess	Flake	Hayworth
Burton (IN)	Fleischmann	Heck
Calvert	Fleming	Hensarling
Camp	Flores	Herger

Herrera Beutler	Meehan	Scalise
Huelskamp	Miller (FL)	Schilling
Huizenga (MI)	Miller (MI)	Schmidt
Hultgren	Miller, Gary	Schock
Hunter	Mulvaney	Schweikert
Hurt	Murphy (PA)	Scott (SC)
Issa	Myrick	Scott, Austin
Jenkins	Neugebauer	Sensenbrenner
Johnson (IL)	Noem	Sessions
Johnson (OH)	Nugent	Shimkus
Jordan	Nunes	Shuster
Kelly	Nunnelee	Simpson
King (IA)	Olson	Smith (NE)
King (NY)	Palazzo	Smith (NJ)
Kingston	Paul	Smith (TX)
Kinzing (IL)	Paulsen	Southerland
Kline	Pearce	Stearns
Labrador	Pence	Stivers
Lamborn	Petri	Stutzman
Lance	Pitts	Sullivan
Landry	Platts	Terry
Lankford	Poe (TX)	Thompson (PA)
Latham	Pompeo	Thornberry
LaTourette	Posey	Tiberi
Latta	Price (GA)	Tipton
Lewis (CA)	Quayle	Turner (NY)
LoBiondo	Reed	Turner (OH)
Long	Rehberg	Upton
Lucas	Reichert	Walberg
Luetkemeyer	Renacci	Walden
Lummis	Ribble	Walsh (IL)
Lungren, Daniel E.	Rigell	Webster
Mack	Roby	West
Manzullo	Roe (TN)	Westmoreland
Marchant	Rogers (AL)	Whitfield
Marino	Rogers (KY)	Wilson (SC)
Massie	Rogers (MI)	Wittman
McCarthy (CA)	Rohrabacher	Wolf
McCaul	Rokita	Womack
McClintock	Rooney	Woodall
McHenry	Ros-Lehtinen	Yoder
McKeon	Roskam	Young (AK)
McKinley	Ross (FL)	Young (FL)
McMorris	Royce	Young (IN)
Rodgers	Runyan	
	Ryan (WI)	

NAYS—184

Ackerman	Curson (MI)	Kildee
Altmire	Davis (CA)	Kind
Andrews	Davis (IL)	Kissell
Baca	DeFazio	Kucinich
Baldwin	DeGette	Langevin
Barber	DeLauro	Larsen (WA)
Barrow	DelBene	Lee (CA)
Barton (TX)	Deuth	Levin
Bass (CA)	Dicks	Lewis (GA)
Becerra	Dingell	Lipinski
Berkley	Doggett	Loeb
Berman	Donnelly (IN)	Lofgren, Zoe
Bishop (GA)	Doyle	Lujan
Bishop (NY)	Edwards	Lynch
Blumenauer	Ellison	Maloney
Bonamici	Engel	Markley
Boren	Eshoo	Matheson
Boswell	Farr	Matsui
Brady (PA)	Fattah	McCarthy (NY)
Braley (IA)	Frank (MA)	McCormack
Brown (FL)	Fudge	McDermott
Butterfield	Garamendi	McGovern
Capps	Gonzalez	McIntyre
Capuano	Green, Al	McNerney
Carnahan	Green, Gene	Meeks
Carney	Grijalva	Michaud
Carson (IN)	Gutierrez	Miller (NC)
Castor (FL)	Hahn	Miller, George
Chandler	Hanabusa	Moore
Chu	Hastings (FL)	Moran
Cicilline	Heinrich	Murphy (CT)
Clarke (MI)	Higgins	Nadler
Clarke (NY)	Himes	Napolitano
Clay	Hinojosa	Neal
Cleaver	Hirono	Oliver
Clyburn	Hochul	Owens
Cohen	Holden	Pallone
Connolly (VA)	Holt	Pascarella
Conyers	Honda	Pastor (AZ)
Cooper	Hoyer	Payne
Costa	Israel	Pelosi
Costello	Jackson Lee	Perlmutter
Courtney	(TX)	Peters
Critz	Johnson (GA)	Peterson
Crowley	Johnson, E. B.	Pingree (ME)
Cuellar	Kaptur	Polis
Cummings	Keating	Price (NC)

Quigley  
Rahall  
Rangel  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff

Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney

Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)

## NOT VOTING—14

Culberson  
Grimm  
Hinchey  
Johnson, Sam  
Jones

Larson (CT)  
Lowey  
Mica  
Reyes  
Richardson

Rivera  
Shuler  
Woolsey  
Yarmuth

□ 1457

Ms. ESHOO, Messrs. GEORGE MILLER of California, HOLT, BRADY of Pennsylvania, and Ms. SCHAKOWSKY changed their vote from “yea” to “nay.”

Messrs. AMASH, JORDAN, and HUNTER changed their vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. LARSON of Connecticut. Mr. Speaker, on December 20, 2012, I was not present for rollcall vote 639. If I had been present for this vote, I would have voted “nay” on rollcall vote 639.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 197, not voting 15, as follows:

[Roll No. 640]

## YEAS—219

Adams  
Aderholt  
Akin  
Alexander  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Buchanan  
Bucshon  
Buerkle

Burgess  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson

Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Guinta  
Guthrie

Hall  
Hanna  
Harper  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lance  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McHenry

McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)

Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Clay  
Culberson

Burton (IN)  
Carnahan  
Chaffetz  
Clay  
Culberson

Grimm  
Hinchey  
Johnson, Sam  
Lamborn  
Lynch

Mica  
Reyes  
Richardson  
Rivera  
Shuler

## NAYS—197

Ackerman  
Altmire  
Amash  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Broun (GA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Ciilline  
Clarke (MI)  
Clarke (NY)  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cueellar  
Cummings  
Curson (MI)

Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DelBene  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Franks (AZ)  
Fudge  
Garamendi  
Gohmert  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Harris  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)

Johnson, E. B.  
Jones  
Jordan  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Landry  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lujan  
Maloney  
Markey  
Massie  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)

## NOT VOTING—15

Burton (IN)  
Carnahan  
Chaffetz  
Clay  
Culberson

Grimm  
Hinchey  
Johnson, Sam  
Lamborn  
Lynch

Mica  
Reyes  
Richardson  
Rivera  
Shuler

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1505

Mr. FRANKS of Arizona changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

## PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 840) providing for consideration of the conference report to accompany the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 186, not voting 12, as follows:

[Roll No. 641]

## YEAS—233

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert

Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Lambador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Crawford  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee

Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
West  
Westmoreland  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NAYS—186

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Barton (TX)  
Bass (CA)  
Becerra  
Berkley

Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield

Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)

Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DelBene  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt

Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebbeck  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Pascarella  
Pastor (AZ)  
Payne  
Pelosi

Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradner  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOT VOTING—12

Culberson  
Grimm  
Hinchey  
Johnson, Sam

Mica  
Reyes  
Richardson  
Rivera

Ross (AR)  
Shuler  
Waters  
Webster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1512

So the previous question was ordered.  
The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.  
The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 177, not voting 11, as follows:

[Roll No. 642]

## AYES—243

Adams  
Aderholt  
Akin  
Alexander

Amash  
Amodei  
Austria  
Bachmann

Bachus  
Barletta  
Bartlett  
Barton (TX)

Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Eshoo  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)

Griffith (VA)  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Renacci  
Hochul  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
Massie  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Miller, George  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens

Palazzo  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—177

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici

Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)

Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings

Curson (MI)	Kind	Quigley
Davis (CA)	Kissell	Rahall
Davis (IL)	Kucinich	Rangel
DeFazio	Langevin	Rothman (NJ)
DeGette	Larsen (WA)	Roybal-Allard
DeLauro	Larson (CT)	Ruppersberger
DelBene	Lee (CA)	Rush
Deutch	Levin	Ryan (OH)
Dicks	Lewis (GA)	Sánchez, Linda
Dingell	Lipinski	T.
Doggett	Loebach	Sanchez, Loretta
Doyle	Lofgren, Zoe	Sarbanes
Edwards	Lowe	Schakowsky
Ellison	Luján	Schiff
Engel	Lynch	Schrader
Farr	Maloney	Schwartz
Fattah	Markey	Scott (VA)
Frank (MA)	Matsui	Scott, David
Fudge	McCarthy (NY)	Serrano
Garamendi	McCollum	Sewell
Gonzalez	McDermott	Sherman
Green, Al	McGovern	Sires
Green, Gene	McNerney	Slaughter
Grijalva	Meeks	Smith (WA)
Gutierrez	Michaud	Speier
Hahn	Miller (NC)	Stark
Hanabusa	Moore	Sutton
Hastings (FL)	Moran	Thompson (CA)
Heinrich	Murphy (CT)	Thompson (MS)
Himes	Nadler	Tierney
Hinojosa	Napolitano	Tonko
Hirono	Neal	Towns
Holden	Oliver	Tsongas
Holt	Pallone	Van Hollen
Honda	Pascrell	Velázquez
Hoyer	Pastor (AZ)	Visclosky
Israel	Paul	Wasserman
Jackson Lee	Payne	Schultz
(TX)	Pelosi	Waters
Johnson (GA)	Perlmutter	Watt
Johnson, E. B.	Peters	Waxman
Jones	Peterson	Welch
Kaptur	Pingree (ME)	Wilson (FL)
Keating	Polis	Woolsey
Kildee	Price (NC)	Yarmuth

## NOT VOTING—11

Culberson	Mica	Richmond
Grimm	Paulsen	Rivera
Hinchey	Reyes	Shuler
Johnson, Sam	Richardson	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1518

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, I was unable to make votes the afternoon of Thursday, December 20, 2012 due to my attendance of a funeral and a delayed return flight. Had I been present, I would have voted "yea" on rollcalls 639, 640, 641 and 642.

# TO TAKE CERTAIN ACTIONS UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT AND FOR OTHER PURPOSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-158)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to terminate the designation of the Federation of Saint Kitts and Nevis (St. Kitts and Nevis) as a beneficiary developing country under the Generalized System of Preferences (GSP) program. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that if the President determines that a beneficiary developing country has become a "high-income" country, as defined by the official statistics of the International Bank for Reconstruction and Development (i.e., the World Bank), then the President shall terminate the designation of such country as a beneficiary developing country for purposes of the GSP, effective on January 1 of the second year following the year in which such determination is made.

Pursuant to section 502(e) of the 1974 Act, I have determined that it is appropriate to terminate the designation of St. Kitts and Nevis as a beneficiary developing country under the GSP program because it has become a high-income country as defined by the World Bank. Accordingly, St. Kitts and Nevis' eligibility for trade benefits under the GSP program will end on January 1, 2014.

BARACK OBAMA.

THE WHITE HOUSE, December 20, 2012.

## CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. McKEON. Mr. Speaker, pursuant to House Resolution 840, I call up the conference report on the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 840, the conference report is considered read.

(For conference report and statement, see proceedings of the House of December 18, 2012, at page 17325.)

The SPEAKER pro tempore. The gentleman from California (Mr. McKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, since both the gentleman from California and the gentleman from Washington signed the conference report, it is clear they are supporters of the conference report. So I claim the 20 minutes that is allotted for someone in opposition when both majority and minority are in support.

The SPEAKER pro tempore. Does the gentleman from California support the conference report?

Mr. McKEON. I do.

The SPEAKER pro tempore. Does the gentleman from Washington support the conference report?

Mr. SMITH of Washington. I do, yes.

The SPEAKER pro tempore. Under clause 8(d)(2) of rule XXII, if the managers both support the conference report, then another Member may claim one-third of the time allotted for debate thereon.

The Chair will recognize the gentleman from Massachusetts to control 20 minutes in opposition to the conference report.

The gentleman from California is recognized.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Fiscal Year 2013 National Defense Authorization Act Conference Report. As you know, the NDAA is the key instrument by which the Congress fulfills its primary constitutional responsibility to provide for the common defense.

□ 1530

This year will mark the 51st straight year we've successfully completed our work. We have long prided ourselves on our ability to reach across the aisle and build strong bipartisan legislation on behalf of our troops. This year is no exception.

The bill authorizes \$552.2 billion for national defense and \$88.5 billion for overseas contingency operations. In fact, though our troops are at war and a significant share of our equipment inventory is exceeding retirement age, this year's funding is a reduction in real terms from last year.

Recognizing the magnitude of the cuts imposed upon the military over the past year is important. We must acknowledge the significant contribution defense has already made to deficit reduction. Half of the savings has come out of defense, even though the defense accounts for only 17 percent of the overall budget.

Yet in a matter of days, sequestration will go into effect and, without further action, will do incredible injury to a military that took generations to build. It will take generations to fix. And the blow will not come from an enemy, but from our own inability to fulfill the basic obligations of governance. That is why I am pleased that today the House not only considers this critical piece of legislation, but will also vote—once more—to stop sequestration. It's imperative that both the President and the Senate show similar leadership and resolve sequestration before the end of this year.

Despite these challenges, this conference agreement ensures that we can safeguard military readiness in a time of declining budgets and increased strains on our Armed Forces. We support missile defense, global strike,

strategic and tactical airlift, and were able to preserve critical military capabilities. The bill supports pay and benefits for our military and their families, including a 1.7 percent pay raise, and rejects administration proposals to significantly accelerate increases in TRICARE pharmacy copays for our retirees.

Unfortunately, there has been some inaccurate reporting regarding our detainee provisions. The protections included in the House-passed bill have been preserved in the conference agreement, and we worked closely during the conference negotiations with our House colleagues, who exercised leadership on this issue, to ensure that we retain their support. We did not include an amendment adopted 2 weeks ago on the Senate floor because we could not reach consensus on what the effect of the language would be.

Rest assured, this conference report ensures that every American's constitutional rights, including the right to habeas corpus, remain unaffected, and every American can challenge the legality of their detention in Federal court. The "great writ" of habeas corpus is a citizen's most fundamental protection against unlawful deprivations of liberty. This reflects a consensus built after exhaustive debate over several years in both Chambers.

The conference report covers many more critical issues, but I will close in the interest of time. Before I do, I would like to thank all our Members for their hard work, but in particular, my partner on the committee, Ranking Member SMITH from Washington.

I reserve the balance of my time.

Mr. SMITH of Washington. I yield myself 3 minutes.

I, too, rise in support of the conference report. I want to particularly thank Chairman McKEON, Senator LEVIN, and Senator MCCAIN, who worked with us to get this product, as well as all the members of the committee and staff. We truly did work on this in a bipartisan fashion. I don't think there's a single one of us that's completely happy with everything that's in this piece of legislation, but that's the nature of compromise and working together to get something done.

We need to pass a defense bill to support our troops and to get our troops the pay raise and the support that they need. So to get there, we have to work past our differences in order to come up with a product that we can vote for. We did that. It's proof that the legislative process can work.

This is a critical piece of legislation. First and foremost, it prioritizes support for our troops and their families. We have to remember that we still have over 60,000 troops deployed in combat in Afghanistan. Making sure that they have the equipment, supplies, and support that they need to do

the job that they're being asked to do is our number one priority.

I'm pleased that we have a 1.7 percent pay raise included in this bill and pleased that we continue to support the effort in Afghanistan. I'm also pleased that we have language in this bill that makes it clear that it is time to end that mission in Afghanistan and bring our troops home as soon as we responsibly can. I believe that is also a critical priority going forward.

There are other critical provisions of this bill. Once again, the Senate added language to ramp-up sanctions against Iran to keep the pressure on them to, hopefully, discourage them from developing a nuclear weapon. That is a critical piece of legislation.

We also have in here reform to our satellite export regime. The cumbersome nature of that regime has significantly harmed the U.S. satellite industry. We've gone from having 65 percent of that market worldwide to less than 25 in the last 15 years. Getting back to a competitive place with that industry is critical to our national security. Those are companies that we're going to depend on to provide us the best equipment to best protect this Nation. That change is very welcome.

I am still disappointed in where we are at on Guantanamo Bay and detainee policy. This bill, again, though only for 1 year, not permanently, as they proposed in the Senate—I'm pleased that we were able to do that—tie the President's hands in how to deal with the people at Guantanamo Bay. We need to close Guantanamo and have the President have the freedom to deal with the inmates there in a way that is consistent with our values, our laws, and our Constitution.

We also do not fix the detainee problem. The chairman is correct. We once again state, basically, that if you have rights, you have rights, but we still hold open the possibility of indefinite detention of people on U.S. soil. I think that is wrong. I think that is something that we should change.

I will also disagree that habeas corpus is the highest form of protection for our rights. It is more like the last resort. It's the one thing that under no circumstances we can take away from you. The highest protection of individual rights is our Constitution and our article III courts that provide full due process and full rights to everybody facing criminal charges. So I hope we will fix that at some point.

Overall, this is a good bill that does one of our very important tasks here in Congress—to provide for the common defense—and I urge support of the measure.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I intend to reserve most of the time for myself, but I have shared with the ranking member of the Armed Services Committee, who's done a very good job

and had some commitments, and I'm yielding to some people as a proxy for him, but I will begin by yielding 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I want to thank the gentleman from Massachusetts for yielding.

Mr. Speaker, while I very much appreciate all the work of Congressmen McKEON and SMITH on this bill, I rise today because I strongly oppose allowing plans to significantly cut the Air National Guard embodied in this bill. I worked on a bipartisan basis to block these cuts because I strongly believe that, before an irreversible decision is made, we must have the strategic and cost benefit justification. This 11th-hour proposal still does not provide that justification and should not move forward.

The Iowa National Guard's 132nd Fighter Wing, for instance, is one of the most cost-effective and experienced units in the country. These men and women served our country and stayed honorably and they deserve better, yet this bill will allow their F-16s to be retired and positions cut without explanation for how it serves our national security or the taxpayers of America.

I strongly oppose this decision, which is why I did not sign the conference report and, for the first time since I've come to this office, will oppose the National Defense Authorization Act this year.

#### GENERAL LEAVE

Mr. McKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise or extend their remarks and insert extraneous material on the conference report to accompany H.R. 4310.

The SPEAKER pro tempore (Mr. YODER). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McKEON. I yield such time as he may consume to my friend and colleague, the chairman of the Subcommittee on Tactical Air and Land Forces, the gentleman from Maryland (Mr. BARTLETT).

□ 1540

Mr. BARTLETT. I rise in support of the conference report for the National Defense Authorization Act for fiscal year 2013, the 51st consecutive conference report for this committee and the National Defense Authorization Act.

I have had the honor of serving as the chairman of the Tactical Air and Land Forces Subcommittee of the Armed Services Committee. Under the full committee leadership of Chairman McKEON and Ranking Member SMITH, the support of SILVESTRE REYES, our subcommittee's ranking member, and a truly superb staff, ours is a really bipartisan effort.

Our first priority and immediate requirement has continued to be to fully support our personnel serving overseas in Afghanistan and the many other countries where we have asked them to serve under the daily constant threat of their personal survival. We have worked diligently to support the armed services and provide additional resources to support the warfighter. This conference report properly reflects these immediate requirements.

Consideration of this conference report comes during a continued period of critical challenges to our national security—from the rapidly growing national debt, cybersecurity threats, and across the threat spectrum to include security of chemical weapons stockpiles and proliferation of nuclear weapons.

The Nation's fiscal circumstances and world events continue to challenge our government's will and capacity to constructively address the enormity of the challenges we face. The challenge is to develop an effective National Military Strategy that matches available resources and reflects the current and projected threat and fiscal environment. A fundamental objective appraisal of the national strategy is needed to enable the committee's full and balanced consideration of force structure and equipment investment plans and programs.

I am concluding my service to Congress. It has been my great honor to serve our servicemembers and their families, the people of Maryland's Sixth District, this committee, and the House of Representatives for 20 years now. It has also been my honor to put national security interests first in my service to the Armed Services Committee.

I strongly urge all of my colleagues to support the National Defense Authorization Act conference report.

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in support of this legislation and commend Mr. MCKEON and Mr. SMITH for their leadership in making it happen.

Most importantly, this legislation takes care of the people most important to us—the men and women in uniform who will receive a pay raise under this legislation.

Second, it maintains our competitive edge in technology as we look for new ways to defend our country and improve our situation around the world.

Third, I believe very strongly this bill affirms the Constitution of the United States; makes it clear that nothing in any statute, including this one, in any way subverts or undercuts the Fifth Amendment due process rights of any person under any circumstances. For these reasons, I would urge my friends both on the Republican and Democratic side to vote "yes."

Mr. FRANK of Massachusetts. Mr. Speaker, continuing to yield according to the arrangements of the gentleman from Washington, the ranking member, I yield 4 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman. Mr. Speaker, I rise in opposition to this conference report. While the report is an improvement over the House bill, it still falls short of where we need to be on the question of detention without trial. Nonetheless, I do want to commend the gentleman from Washington for his conscientious work on this and other aspects of the legislation.

As a Nation, no matter what adversity we have faced we have done so as Americans. We have united behind the values and freedoms that gave birth to this Nation and that have made it a moral force in the world. In the last decade, however, we have begun to let go of our freedoms bit by bit, with each new Executive order, each new court decision, and yes, each new act of Congress. We have begun giving away our rights to privacy, our right to our day in court when the government harms us, and with this legislation we are continuing down the path of destroying the right to be free from imprisonment without due process of law.

The conference report states that:

Nothing in the Authorization for Use of Military Force or the National Defense Authorization Act for fiscal year 2012 shall be construed to deny the availability of the writ of habeas corpus or to deny any constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws.

This language simply continues the flawed policies established in the 2011 defense authorization bill. First, it applies only to "any person inside the United States." That is important, but most of the debate on indefinite detention without charge and on the lack of due process has to do with people held by our government outside our borders—including, potentially, U.S. citizens.

The language in this bill, combined with the prohibitions against moving these detainees into the United States, guarantees that we will continue holding people indefinitely without charge—contrary to our traditions of due process and civil rights.

Second, this text continues the claimed authority of the United States Government to hold even U.S. persons captured on United States soil indefinitely and without charge. Some people may take comfort in the provision that states that those of us entitled to certain rights prior to the passage of the AUMF and of last year's defense authorization bill continue to have the same rights afterwards. But this bill does not say who among us are fortu-

nate enough to have those rights, nor does it tell us what those rights might be. It does not specify how the executive branch is to determine which of us are entitled to these constitutional protections and which of us are not. And it does not provide us with recourse if the President gets it wrong.

Although I am urging a "no" vote on this conference report, I do want to acknowledge that, despite these very real problems, there are things in this bill that are important and that deserve Member support. For example, Senator SHAHEEN's amendment to allow servicemembers and their dependents to obtain abortions in military hospitals in cases of rape and incest rights a terrible wrong. But we must take great care. Our liberties are too precious to be cast aside in times of peril and fear. We have the tools to deal with those who would attack us. We do not need to surrender our liberty.

Because of this momentous challenge to the founding principles of the United States—that no person may be deprived of liberty without due process of law—this bill should be rejected.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the vice chairman of the Armed Services Committee and the chairman of the Subcommittee on Emerging Threats and Capabilities, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. First, let me commend the chairman, the ranking member, and all the staff members for getting us here.

Unfortunately, it is all too rare for the House to consider a bill with over 140 amendments on the floor here, have it passed, have a bill pass the Senate, go to a conference committee, and then have the conference report come back out to go to the President. It is all too rare, but if it's going to happen, it ought to happen on a bill dealing with the country's national security, and obviously that's what this bill does.

Mr. Speaker, I think this is a good bill that makes significant progress in a number of areas. From the Emerging Threats and Capabilities Subcommittee, which I'm pleased to lead with Mr. LANGEVIN, the distinguished gentleman from Rhode Island, we enhance oversight of cyber-operations in this bill, although we both acknowledge there is much more work to be done in the field of cyber. We meet some of the unfunded requirements of our special operations forces. We take steps to improve the management of our science and technology programs. And there are improvements to acquisition of information technology, which is an increasing challenge to the Pentagon because it does not fit within our normal acquisition methods.

Finally, Mr. Chairman, I would just comment briefly. The gentleman from New York read the provision in this bill that deals with detention. It is absolutely true that this bill affirms yet



again that the original Authorization for the Use of Military Force passed in 2001 or last year's NDAA does not change the basic constitutional rights to which all persons in the United States are entitled. Now, it may be that there are some people who are unhappy with those basic constitutional rights; they think it should be more, or they think the Supreme Court has misinterpreted some of those rights. That is a different debate.

□ 1550

But there has been a fair amount of misinformation on this point, and I think for all Members who are concerned about this issue who get questioned about this issue, just read the language which says nothing changes those basic constitutional rights.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO). Ms. BORDALLO. Chairman McKEON, I thank you and, of course, Ranking Member ADAM SMITH.

I rise today, Mr. Speaker, in support of the conference report for H.R. 4310. This defense bill conference report works to ensure that our men and women in uniform are well trained and equipped through the authorization of \$176 billion in operation and maintenance funding, plus \$62 billion for overseas operations, including Afghanistan.

The conferees have restored 77 aircraft and 3,313 people to the Air Force's force structure, mostly in the Air National Guard and the Air Force Reserve, to ensure adequate resources are available to the States and the territories to respond to mobilizations, homeland defense and disaster-assistant missions. I am personally pleased that the conferees did not allow the retirement of Block 30 Global Hawks, which provide critical ISR capability.

I am particularly pleased that the conference report authorizes the Secretary of Defense to establish a program to provide space-available transportation to Active Duty servicemembers and their dependents and Reserve component members and others at the Secretary's discretion.

While I am disappointed that the conferees authorized percentage reductions in the DOD civilian workforce, I expect the Department to implement these reductions in compliance with the statutory requirements for a balanced workforce sized to meet mission requirements, workload, and to mitigate risks in operational readiness.

Most importantly, Mr. Speaker, this conference report takes a major step toward loosening restrictions on the obligation and the expenditure of U.S. and Government of Japan funds to support the military buildup on Guam. I believe that this bill sends a strong message that the United States remains committed to providing resources to refocus on the Asia-Pacific region.

I'm also pleased that the conference report includes a requirement that flags from the District of Columbia and the U.S. territories be displayed at U.S. military installations around the world.

I ask my colleagues to support the conference report.

Mr. FRANK of Massachusetts. Mr. Speaker, at the request of the chairman of the full committee, I would now yield 2 minutes to him. I believe he intends to conduct a colloquy.

Mr. McKEON. I thank the gentleman for yielding.

Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky for the purpose of a colloquy.

Mr. WHITFIELD. Well, thank you, Chairman McKEON, and I certainly want to thank you and Mr. SMITH and your staffs for the hard work to complete this 51st consecutive defense authorization bill. As you know, the Energy and Commerce Committee has an interest in a number of provisions included in the bill. One of the provisions is section 3113, which modifies section 4102 of the Atomic Energy Defense Act.

My understanding of the Armed Services Committee's intention with regard to section 3113 is that, one, you want to reinvigorate a dormant statutory council by updating it and transforming it; and, two, you want to clean up the U.S. Code by eliminating obsolete language referring to the Assistant Secretary of Energy for Defense Programs.

Is that your understanding, as well?

Mr. McKEON. That's correct. This council will be an important mechanism for improving communication, and the rest of section 4102 is defunct.

Mr. WHITFIELD. It is also my understanding that it was not the intent in section 3113 to affect the Secretary of Energy's management, planning and oversight authority, or delegation authority, related to the National Nuclear Security Administration.

Is that your understanding, as well?

Mr. McKEON. That's correct. To further affirm that, I've sent a letter to the Secretary of Energy making clear the striking of this section in no way affects the Secretary's authorities.

Mr. WHITFIELD. Well, Chairman McKEON, I want to thank you very much. The Energy and Commerce Committee was concerned about the elimination of portions of the underlying section, and it is my understanding that you will commit to working with the Energy and Commerce Committee next year to restore pertinent portions of section 4102 of the Atomic Energy Defense Act.

Mr. McKEON. Yes, you have my commitment and my thanks for bringing this to our attention.

Mr. WHITFIELD. Well, thank you. It's a joy working with you, and, once again, congratulations.

Mr. McKEON. Mr. Speaker, at this time, I yield 2 minutes to my friend

and colleague, the chairman of the Subcommittee on Readiness, the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Speaker, first I want to thank the chairman, the ranking member and staff of the Armed Services Committee for the great job that they have done in bringing this bill to the floor.

This bill takes several steps to ensure our military readiness, including the restoration of funding to retain at least three Ticonderoga-class guided missile cruisers that the Navy proposed to retire well before the end of their expected service life. The conference also added an additional 32 tactical airlift aircraft that are essential to meeting the Army's direct support airlift missions. These additional force structure changes are essential to ensuring our military meets mission requirements.

The bill also refuses to authorize another round of BRAC, which I believe was founded on a flawed premise that assumes the administration's proposal for a reduced force structure is correct. I categorically refuse to accept a diminished Department of Defense and believe that additional force structure is necessary to support our combatant commanders.

While I support this bill, I'd be remiss if I did not express my concern associated with continued discussions on further reductions to the Department of Defense budget. While I believe the Federal Government, including the Department of Defense, needs to seek additional efficiencies, I reject the notion that additional cuts to Federal Government should be levied on the backs of our servicemen and -women who provide so much. We hold a special trust with these men and women, and we should oppose any proposal that seeks to diminish the promises provided to our valiant servicemembers.

Mr. Speaker, I hope and encourage our Members to support this bill.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island, the ranking member on the Emerging Threats Subcommittee, Mr. LANGEVIN.

Mr. LANGEVIN. I want to thank Ranking Member SMITH for yielding and also wish to thank Chairman McKEON, both of them, for their hard work on this bill and working so collaboratively on behalf of the men and women in uniform and for our national security. I also want to thank the committee staff and all of my colleagues on the committee for their work on this year's legislation. I'd especially like to give a special thanks to Chairman THORNBERRY, who has been a superb partner on the Emerging Threats and Capabilities Subcommittee, and I particularly want to thank him for his hard work and our collaborative work together on cybersecurity, which I care passionately about.

While this legislation is not perfect in my eyes, it represents a compromise

and common purpose that voters expect of us, as well as our continued commitment to one of our fundamental purposes as Members of Congress—providing for the common defense.

Now, this bill makes important investments in both the people and the programs that make defense work. It ensures that we have a robust national security. I'm particularly proud to note that it includes key provisions I advocated for directing the procurement of an additional Virginia-class submarine in FY 14. These boats are critical to our national security, and the hardworking men and women at Electric Boat in my district are building them ahead of schedule and under budget. This bill preserves the two-boat-per-year model that has made such efficiencies possible.

I would also like to highlight the important cybersecurity provisions that enhance the oversight of Defense Department cyberoperations, establish criteria for DOD contractors to rapidly report cyberattacks and, most importantly, cyberpenetrations, especially when they've been successful, and obviously the work done here to grow our cyberworkforce. The highly skilled men and women who defend the United States' interests in cyberspace, in my opinion, are too few in number, and we have to reverse this trend, and we must attract, train and retain the very best.

Likewise, I'm pleased that this legislation includes provisions I authored that ask the DOD to assess the state of next-generation directed energy technologies. DE technologies hold great promise. In the short and medium term, they will not be a replacement for kinetic defenses; but they can be an added benefit, whether it's on missile defense or leak defense.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield the gentleman an additional 1 minute.

Mr. LANGEVIN. I thank the gentleman.

These technologies will not be, again, a replacement for kinetic defenses; but given the threats that we face in terms of raid sizes from adversaries on both short-, medium-, and long-range missiles, directed energy technologies do add an added dimension of defense that can supplement kinetic defenses.

With that, I want to thank all of my colleagues for their hard work on this bill. Again, I want to thank Chairman McKEON and Ranking Member SMITH for working so well together, their hard work; and I urge all of my colleagues to support this important legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, how much time remains on all sides?

The SPEAKER pro tempore. The gentleman from Massachusetts has 13 minutes remaining, the gentleman from California has 10½ minutes remaining,

and the gentleman from Washington has 12 minutes remaining.

□ 1600

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, I have some differences with particular provisions here, I would agree with the gentleman from New York, but that's not my major reason. That's not my reason at all for commandeering the time of this debate, and I apologize to those on the committee who worked so hard and who had an expectation to be able to talk about this specifically. I tried to accommodate that some, but here is my dilemma: it's partly the structure of this institution and of our rules and of our task.

The committee does a very good job of operating within the given parameters of America's military engagement. They discharge very well their obligation to fund that level. What we don't have in our structure is a form in which to debate the most important question we face as a country: What level of worldwide military engagement should we be committed to pursuing? Because that level of military engagement dictates the funding.

Members have said this is a good bill because it supports the men and women who we send into battle and into harm's way. Of course it does. It would be immoral to do anything less for them. The question is not whether having made a decision to be engaged on a worldwide basis we fund them adequately, but whether we are asking them to do too much. I would say my general principle in part is this.

We have a superior military, wonderful men and women, very well-equipped thanks to this House and this Senate and the administration. They do very well what a military can do. A military can stop bad things from happening.

Where we make the mistake is of asking these wonderful people to do something that militaries are not good at: make good things happen, take on roles in societies, quite literally and metaphorically, foreign to us and deal with the deepest human problems of religious and cultural disagreements.

I would be morally conflicted if I thought those kinds of interventions could be successful. I would like to alleviate the people in Afghanistan who suffer from some of these problems or in Iraq or elsewhere, but the point is we can't do that. The best trained and armed 30-year-old Americans can't resolve the problems that rack those societies. They can repel enemies, but they cannot create good societies.

Beyond that, we are suffering, I believe, from cultural lag. Sixty-seven years ago, at the end of World War II, America needed to be there for virtually every society in the world outside of the vicious Communism pre-

sided over by Joseph Stalin. The nations of Western and Central Europe had been weakened by World War II. They were vulnerable to Stalin.

Russia had been weakened, too, but he was able to use the brutal force of his system to put whatever resources he had into a military that not only threatened, but ate up freedom in many European countries. And Harry Truman, to his credit, with the bipartisan support from Congress said, no, no further, and inserted American troops and American money to keep the weak nations of Western and Central Europe from being overrun by Stalin.

Stalin, thank God, is dead, and the terrible system over which he presided has crumbled. That does not mean that I believe Russia is a wonderful place to live. I continue to be grateful to my grandparents for getting the heck out of there, but it's not a threat to the United States' competence.

On the other hand, the European nations that we went in there to protect are now strong and prosperous. We no longer have weak nations in Central and Western Europe, and there is no longer a belligerent threat to them. One thing that hasn't changed is we're still there, with tens of billions of dollars of American money protecting the strong nations against a nonexistent threat.

Japan was disarmed 67 years ago because of understandable fears. Japan, today, is a very different country, and an American policy that insists on subsidizing the defense of Japan because of what happened 67 years ago is a disservice to the American people.

I want us to be the strongest nation in the world, Mr. Speaker. Some of my liberal friends say that sounds xenophobic. It's very simple. Somebody's going to be the strongest nation in the world by the process of elimination. I look at the candidates, and I'm for us.

I will be honest with you, if Denmark had the possibility of being the strongest nation in the world, I would be pretty relaxed about it, but they can't handle it. It's either going to be us or some country I'm not that crazy about. But we can be the strongest nation in the world much less expensively than we are.

Let me read from some who are critical because this President hasn't gone far enough. And a couple of my colleagues have praised the bill for putting more weapons into play than the Pentagon wants for objecting to their retirement of these weapons; in other words, it's more money than the Pentagon wanted in some cases. Here's the viewpoint that I think is being expressed here.

In an article in The Wall Street Journal on November 7, the day after the election—hope springs eternal for some people—Mr. Jack David and Michael

Dunn wrote an op-ed piece. Mr. David was the Deputy Assistant Secretary of Defense in the Bush administration; Mr. Dunn had the former presidency over the Air Force Association. Here's what they say in support of more aircraft, part of which the committee appeared to be responding to. It wasn't directly, but it was in consonance with it. They complain that the Air Force has been a victim of its success. They say:

Ironically, the inattention and repeated cuts that have taken a toll on this branch of the military haven't received the public attention they deserve because the Air Force has been so successful. No U.S. soldier has been killed by enemy airpower since 1953. For six decades, the Air Force has been able to deny operational airspace to adversaries, so U.S. ground forces have operated with little fear of enemy aircraft attacking their positions.

This is in *The Wall Street Journal*, written by a former Bush Assistant Secretary of Defense and the head of the Air Force Association.

But they say it's not enough to have had no American killed since 1953—for which I'm very pleased—and have totally dominated every battlefield for six decades. Here's what we have to do, they say:

But the U.S. relies on the Air Force to do much more than that—including to hold at risk any actual or potential enemy target, anywhere in the world.

At a time when I'm being asked—I'm not going to do it—to cut back on the cost of living for Social Security, when we don't have adequate funds for health research, when we have had cities lay off police and fire—you're worried about the safety of Americans? Let's give the cities the resources not to lay off police and fire—I don't want to vote money to hold at risk any actual or potential enemy target anywhere in the world.

By the way, we have to do this ourselves, because the next thing we have to do is “protect the ground forces of friends and allies.” Why can't some of our allies protect their own ground forces? Is there something about Germany and Italy and France and Spain and England and Japan that renders them genetically incapable of having their own air forces? I know we were told we have to stay in Iraq and Afghanistan because they don't have their own air force, but neither do the people attacking them.

The next thing we are told is “to protect the U.S. from a nuclear attack.” I agree. We have a nuclear capacity that far exceeds any potential combination of enemies. We had, during the height of the Cold War, the triad. We could destroy the Soviet Union in a thermonuclear war, and they had the capacity to go after us by missiles, submarines, or strategic air command.

I have a proposal that sounds like I'm kidding. Sometimes I'm kidding; this time I'm not. Can we not go to the

Pentagon and say, You know what? Now that there is no Soviet Union, there is a much weaker Russia—and I agree, Russia won a war against Georgia. They won a war against the country of Georgia. I think the way that we have armed the State of Georgia, I'm not sure what the outcome would be if that was the war. But Russia does not have anything like the capacity it had at the height of the Cold War. We still have the capacity to destroy them. Can we not say to the Pentagon, You know those three ways you have for destroying the Soviet Union? Please pick two. Would we not be very secure against a Soviet nuclear attack if we had two instead of the three and can save billions of dollars?

Now we're told, also, we must “provide navigation through its global positioning systems.” We have to protect, I'm told, the trade routes everywhere in the world, we have to protect them against China.

Mitt Romney got something right in his debate with the President when he said he's not afraid of toughening sanctions against China for currency manipulation because, he says, people say they're going to cut off their trade.

They make an enormous amount of money out of that trade. Why would they cut it off? Agreed. Why would the Chinese shut down the navigation route over which they make an enormous amount of money? It's like Dominos decided to tear up the street so they couldn't deliver the pizza. We are spending money on the Navy that protects every shipping lane everywhere in the world as if we were the only ones who had that interest.

□ 1610

Now let me give this one—surprising from conservatives—which is to airlift humanitarian aid anywhere in the world. I wish we were doing more in Haiti, and I wish we were doing more to stop children from dying of illness in Africa—but we have to give humanitarian aid anywhere in the world to our wealthy allies and others? Frankly, I wish we were better able to deliver humanitarian aid to New Jersey than to rich countries elsewhere. I don't say that as an isolationist. I wish we were doing more in some ways. I regret the attack on the International Monetary Fund—that I hear from my Republican colleagues—which would destabilize Europe. I would like to increase economic aid. I would like to do more to fight AIDS and malaria. I would like to do it in a more effective way.

Now, I'm told, in part, well, it's bad for jobs if you cut the military. That is a head-swiveling degree of inconsistency. I am told by many of my Republican colleagues, when the Federal Government provides aid to cities to keep firefighters on the job, when it builds roads, when it builds housing for the elderly, that somehow that's just

something called “stimulus,” which doesn't add to the economy; but apparently, when we spend money to maintain bases in Germany or in Okinawa, when we build weapons that aren't needed, and even more when we maintain a nuclear arsenal we don't need, that somehow, magically, that creates jobs. It's as if Keynes were only right if he were armed. It's military Keynesianism.

The government does not help with the economy. Of the people who have said no government stimulation of the economy, how can they, Mr. Speaker, then turn around and say, We've got to do this for jobs? By the way, I think there is a government role in stimulating the economy. Defense tends to be, on the whole, the least efficient way to do it. The largest percentage of it is spent overseas. If we close down bases in NATO, it's going to hurt some people—but not here—and people who can afford it. Now I'm told, Well, that's mean because you're allies, and you're supposed to have troops where your allies are. Then how come I never saw any Belgian troops at the border in the United States? It's a one-way street.

Now, let me say of the President—and he has done a very good job, and I appreciate his withdrawal from Iraq and his resisting of some of the pressure, but he should go further. I did note—and the country is ready for this—that during that memorable moment when Clint Eastwood lost the debate to a chair that one of the things he said that got enormous applause at the Republican convention was, Let's get out of Afghanistan right away. The American people understand we have long since stopped doing a lot of good there. That's not because there is any lack of bravery or skill on the part of those wonderful young people who are there. It's not their fault that we have put them in a place they no longer ought still to be. We ought to withdraw them.

I have one difference with the President, let me say in closing. On this, he says—however he's the President, and when you're the President, they all tell you these things—that America is the indispensable Nation. We were in 1945. We should not consider ourselves to be the indispensable Nation today. We are not indispensable to the defense of Germany and Italy and England, and we act as if we are. We're not indispensable in keeping open sea lanes for other countries. Frankly, Mr. Speaker, the time has come for us to urge wealthy nations that face no significant threat to dispense with us from the standpoint of our military activity.

So that's my objection to this bill. It does a reasonable job—with some disagreements some of us would have—of funding the current level of commitment, but the current level of commitment far exceeds any rational definition of “national security.” It's zero

sum. It comes at the expense of every other program we try to maintain to promote the quality of life in the United States. I hope the bill is defeated.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman's time has expired.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Military Personnel, the gentleman from South Carolina (Mr. WILSON), a member of the conference committee.

Mr. WILSON of South Carolina. Thank you, Mr. Chairman, for your successful leadership of peace through strength.

The conference report for the National Defense Authorization Act provides our warfighters, veterans, and military families the care and support they deserve and have earned. Specifically, the conference report will authorize a true pay increase of 1.7 percent, limit end-strength reductions for the active Army and Marine Corps, provide significant new regulations and procedures for combating sexual assault, extend access to family housing and commissary-exchange benefits for troops who are involuntarily separated, and control the rate of co-pay increases for TRICARE.

From the beginning, the military personnel provisions have resulted from a bipartisan process. I want to thank subcommittee ranking member, Congresswoman SUSAN DAVIS, for her contributions. Additionally, I appreciate the dedication of the staff: John Chapla, Debra Wada, Jeanette James, Craig Greene, and Jim Weiss, along with military legislative assistant Chad Sydnor and military fellow, Marine Master Gunnery Sergeant Michelle King. I also want to note the contributions of Michael Higgins, who is a retiring subcommittee staffer and true professional who has devoted 23 years of service to the committee after serving 20 years in the Air Force. Mike has made a positive difference on behalf of servicemembers, military families, and veterans.

I urge my colleagues to support the conference report.

Mr. Speaker, the following is my statement in its entirety: Thank you Mr. Chairman for your successful leadership for peace through strength. The conference report for the National Defense Authorization Act provides our war fighters, veterans and military families the care and support they deserve and have earned; additionally ensuring that proposed drawdown plans do not cut to the heart of the Army and Marine Corps. Specifically, the conference report will:

Authorize a troop pay increase of 1.7% and extend bonuses and special pay for our service members; limit end strength reductions for the active Army and Marine Corps; provide significant new regulations and procedures for combating and prosecuting sexual assault within the military; extend access to family

housing for six months and commissary and exchange benefits for two years for troops who are involuntarily separated; and control the rate of co-pay increases for the Tricare, pharmacy benefit.

From the beginning, the military personnel provisions in the Fiscal Year 2013 Defense Authorization Act have resulted from a bipartisan process. I want to thank the subcommittee Ranking Member, Congresswoman SUSAN DAVIS for her contributions and support in this process.

Additionally, I appreciate the dedication of the Subcommittee staff: John Chapla, Debra Wada, Jeanette James, Craig Greene, and Jim Weiss along with military legislative assistant Chad Sydnor and military fellow, Marine Master Gunnery Sergeant Michelle King.

I also want to note the contributions of Michael Higgins, a retiring subcommittee staffer and true professional, who has devoted 23 years of service to the committee, after serving 20 years in the Air Force. Mike will be retiring soon and this conference report will be his last one. Mike has made a positive difference on behalf of servicemembers, military families and veterans.

I urge my colleagues to support the conference report on the Fiscal Year 2013 National Defense Authorization Act.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend Mr. SMITH, the ranking member, and I thank Mr. McKEON for the work that they have done; and I want to thank my friend BARNEY FRANK for the thoughtful perspective he brings to the consideration of this bill.

As we struggle to get America on a fiscally sustainable path, none of us in this body or in this country ought to believe that we can save harmless defense from oversight and savings where they can be affected while maintaining the security of our country. It would simply be irrational to believe that we cannot have a contribution from the defense sector of our budgets when we are struggling to do what Admiral Mullen says is the number one security issue that we have, and that is the fiscal stability of our country and the elimination of our debt. So I thank Mr. FRANK for his contribution.

Mr. Speaker, I rise in support of the conference report, a bipartisan measure to enhance our national security and provide for our troops. Ranking Member SMITH and the chairman, Mr. McKEON, and our Democrats on the committee have worked closely with their Republican counterparts for a long time to craft a bill that will strengthen our defense against emerging threats while ensuring that our troops in Afghanistan and around the world have the resources they need to get the job done that we have given them. This bill includes a number of key provisions, and Ranking Member SMITH and his counterparts deserve great credit for ensuring their inclusion:

For one, the bill expands the military's toolkit when it comes to preventing sexual assault—a profoundly unsettling problem in the military. Importantly, from my perspective, this conference report preserves the Shaheen language added in the Senate, extending health coverage for female servicemembers, on whom we are so dependent in our Armed Forces, or their dependents who need access to emergency services following an incident of rape or incest;

In recognizing the importance of strong military ties with Israel, this bill authorizes nearly \$480 million for missile defense cooperation with our longtime and critical ally. That includes \$211 million for the Iron Dome system, which was critically successful in defending Israeli citizens against Hamas rockets from Gaza just a few weeks ago;

We also remain committed to efforts that compel Iran to abandon its nuclear weapons program which threatens the United States and our allies. To that end, this bill further tightens sanctions on Iran. I strongly support those sanctions;

I was also pleased to see the conference report does not include dangerous House-passed language that would have prevented the administration from using all the judicial tools available to bring terrorists to justice.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Washington. I yield the gentleman an additional minute.

Mr. HOYER. I thank the gentleman.

Like any compromise, this is not a perfect bill. We don't pass perfect bills, but it's a good bill that is worthy of support.

I would be remiss if I did not note my concern with section 533—unnecessary and, in my opinion, dangerously vague language that represents another backdoor attack on the highly successful repeal of the discriminatory Don't Ask, Don't Tell policy and the open service of courageous gay and lesbian servicemembers.

As Barry Goldwater so aptly said, what I'm concerned about is not whether they're straight, but whether they can shoot straight. We ought to focus on competency and patriotism, not anything else.

On balance, this is critical national security legislation, and I urge my colleagues to join me in supporting it. Our troops continue to do an outstanding job. Many of them are at the point of the spear in harm's way. We owe them our gratitude and our continuing support.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Strategic Forces, a member of the conference committee, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Thank you, Chairman McKEON.

Mr. Speaker, I urge my colleagues to support the conference report for the National Defense Authorization Act for Fiscal Year 2013.

This bill sets important national security priorities, such as the block-buy procurement of two space-based infrared system satellites. It also establishes important oversight mechanisms for the acquisition timelines of satellite, ground, and user-terminal segments of space programs, which have been lacking in recent years.

The conference report urges and ensures greater efficiency and effectiveness at the National Nuclear Security Administration by limiting the bureaucracy and paper-pushing, and begins the process of important reforms of the Defense Nuclear Facilities Safety Board.

□ 1620

It requires the administration to make good on its nuclear infrastructure modernization promises, including completing the Los Alamos Chemistry and Metallurgy Research Replacement Nuclear Facility by 2026. The United States must not be the only nuclear weapons state without a meaningful production capability.

It also imposes important oversight on unilateral nuclear reductions, including requiring a new nuclear posture review.

Lastly, it supports a robust national missile defense, including requiring the Department of Defense to begin the work of fielding an additional missile defense site in the United States, likely on the east coast. As I have told my colleagues for some time, every Member of Congress is just three classified briefings away from understanding how important this site is.

Our Israeli allies have proven how important an effective, layered missile defense is, and I'm grateful that the conference report includes the \$211 million recommended in the Strategic Forces mark this past April for Iron Dome, and it supports our other cooperative missile defense programs with Israel.

I want to thank Chairman MCKEON for his leadership that has resulted in the 51st consecutive National Defense Authorization Act, and we look forward to beginning work on the 52nd.

I also want to thank Tim Morrison, lead staff of the Strategic Forces Subcommittee, for his expertise and his leadership in ensuring that our Strategic Forces Subcommittee and this mark include important initiatives to protect our national security.

Lastly, I, too, want to join many who are congratulating Mr. FRANK on the end of his congressional career, but I do want to note his rhetorical question of why do we have troops in Europe defending Europe against the Soviet Union that no longer exists. Even though it is a statement that many

Members state here on the House floor, it is absolutely incorrect. There is not one servicemember that we have there that's doing anything but essential work to our national security.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Mrs. DAVIS), ranking member on the Military Personnel Subcommittee.

Mrs. DAVIS of California. Mr. Speaker, I rise in support of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013.

As the ranking member of the Military Personnel Subcommittee, I'm very pleased that this bill includes a number of provisions that continue our commitment to our men and women in uniform and their dedicated families. I want to thank my chairman, JOE WILSON, for his support and assistance, and recognize the chairman of the House Armed Services Committee, BUCK MCKEON, and ADAM SMITH, the ranking member, for their leadership.

Here are a few highlights from the conference report.

There will be a 1.7 percent pay raise, a critically important recognition of what our servicemembers do for us, particularly during economically challenging times.

It provides separation authorities as the services reduce their end strength. These authorities will be crucial to the Department's ability to execute its drawdown in a responsible manner that ensures that long-serving members and their families are compensated appropriately.

We continue our focus on mental health by codifying the Suicide Prevention and Community Health and Response Program for the National Guard and Reserves. Additionally, the bill requires the Secretary of Defense to provide training on suicide prevention, resilience, and community health, and it expands the scope of providers who may conduct pre-administrative separation medical examinations for post-traumatic stress disorder to include licensed clinical social workers and psychiatric advanced practice registered nurses.

We all know sexual assault remains a focus for the Congress, and there are a number of provisions that help to address the problem, including prohibiting the granting of waivers for commissioning or enlistment of an individual who has been convicted of sexual offenses under Federal or State law, and it requires the services to establish special victim capabilities for investigation, prosecution, and victim support in connection with child abuse, serious domestic violence, or sexual offenses under the Uniform Code of Military Justice.

The bill authorizes the Defense Department to establish transition assistance programs for members of the Guard and Reserve components who

serve on active duty for more than 180 days, a program that previously did not exist.

And the bill provides female servicemembers and dependents with the same reproductive rights in cases of rape and incest that other women in Federal health plans can already exercise.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman an additional 30 seconds.

Mrs. DAVIS of California. I want to note, Mr. Speaker, that the bill continues to recognize the sacrifices of those who serve our Nation in uniform. During a time when many young Americans of all stripes—male and female, gay and straight, from every ethnic background conceivable—are forward deployed and all around the globe, we in the Congress have an obligation to ensure that these men and women are provided for. We must stand up to this important obligation. I urge all of my colleagues to support the bill.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from Virginia (Mr. WITTMAN), the chairman of the Subcommittee on Oversight and Investigations and a member of the conference committee.

Mr. WITTMAN. Mr. Speaker, I would like to start by thanking our chairman, Mr. MCKEON, and ranking member Mr. SMITH for their leadership, and to thank all the staff for their great work. You know, in this city where partisan strife tends to reign supreme, it is truly refreshing to see folks able to work across the aisle and focus on a common goal, which is ensuring that the men and women of our all-volunteer force are provided with the highest-caliber resources, training, and authorities as they step into harm's way to complete their missions.

Our Nation is the greatest nation the world has ever known, precisely because our brave servicemen and -women make up the finest military the world has ever known.

But our military is certainly facing many difficult challenges, both here at home, where the Pentagon has endured 50 percent of the Nation's deficit reduction despite the fact it only comprises 20 percent of the budget, and also abroad, where our troops continue to serve bravely in Afghanistan, and where geopolitical focus is beginning to shift to the Asia Pacific.

These challenges have certainly been at the heart of efforts by the Oversight and Investigations Subcommittee throughout the past year. And over the past 6 months, the O&I Subcommittee convened a number of hearings and briefings on the training and development of the Afghan National Security Forces. I consider this issue one of our national security imperatives, and we must continue to monitor this effort in the months to come.

Since June of 2011, the subcommittee also conducted an extended study of the Navy's 30-year shipbuilding program in order to better understand the effectiveness of this plan and its impact on the defense industrial base.

These initiatives, and others like them, have been aimed at maximizing the successes of our military, increasing our capabilities for future successes, and ensuring efficient and effective use of resources and funding.

At the heart of all of this, we must ensure that the looming defense cuts under sequestration are addressed. Our national security depends on us getting this right.

This conference report today echoes these goals of providing for our military, and I'd like to thank the Members and staff for their dedication to our men and women in uniform.

Most importantly, Mr. Speaker, I'd like to thank the soldiers, sailors, marines, airmen, and Coast Guardsmen who selflessly serve this Nation on a daily basis. Without their service, we would not be the great Nation we are today, and their example inspires me on a daily basis.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ), the ranking member on the Strategic Forces Subcommittee.

Ms. LORETTA SANCHEZ of California. I thank the ranking member, Mr. Speaker.

As the ranking member on the Subcommittee on Strategic Forces, I'm pleased with many of the provisions here in this conference report.

In the fiscal year 2013 NDAA, we successfully included strong support for the national security space programs, our nuclear deterrent, and our nuclear nonproliferation efforts, including an increase for the global threat reduction initiative and steps for a renewed ban on exports of highly enriched uranium.

I'm also pleased that the bill authorized funding for nuclear cleanup, and homeland and regional missile defense, including strong support for our U.S.-Israeli cooperation.

That section of the bill also contains important provisions to ensure our capabilities are tailored to our national security requirements, and that they're cost-effective. How do we do that? As a first step, we're going to have detailed studies and independent reviews of maintaining our nuclear weapons and analyses on plutonium pit reuse and on current requirements for plutonium pit production.

The bill also does not contain some very controversial issues we had in the House version, in particular, that would have weakened our health, safety, and security across the nuclear weapons complex and really undermined what I believe is our Federal oversight role. These steps will help us to sustain the deterrent force we need

to meet 21st century challenges without overspending or compromising the safety of our workers or the public.

There is some concern still: a \$6 billion plutonium facility remains part of our immediate plans even though the Department of Defense, the U.S. Strategic Command, the National Nuclear Security Administration, and the National Laboratories, they all agree we don't need this facility for at least another 5 years, and they prefer more cost-effective ways of doing this.

□ 1630

But, unfortunately, this was continued in this bill, and many other provisions. Thank you again.

Lastly, I want to thank all of the staff for having helped us. To Mr. McKEON, and also to my ranking member, thank you so much.

Mr. McKEON. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Mrs. HARTZLER), my friend and colleague, a member of the Armed Services Committee.

Mrs. HARTZLER. Mr. Speaker, I rise in support of the conference report for H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I want to thank Chairman McKEON and Ranking Member SMITH and all the colleagues of the conference committee for working together in a bipartisan fashion to bring this important bill to the floor for the 51st consecutive year.

The legislation we have brought here to the floor supports America's defense capabilities to better protect our homeland and support our troops. It is a good bill that will provide them with the tools and funding they need as they protect our freedoms and our liberties. There is no higher priority than advocating on their behalf, and they deserve nothing less than our best.

There's good news for our military personnel. The bill authorizes a troop pay increase of 1.7 percent and extended bonuses and special pay for our men and women in uniform. Personally, I'm proud to see important military construction projects funded at Fort Leonard Wood. In addition, the bill continues support for the family of long-range strike bomber programs, including the B-2, whose home is Whiteman Air Force Base.

Mr. Speaker, I'm proud to vote for this legislation and continue to pray for our troops and thank them for their service and their sacrifice.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. McINTYRE), the ranking member on the Seapower Subcommittee.

Mr. McINTYRE. Mr. Speaker, I rise today in support of the National Defense Authorization Conference Report. I appreciate the hard work of Chairman McKEON and Ranking Member SMITH and that of my counterpart, Chairman AKIN, on the Seapower and Projection

Forces Subcommittee, on which I serve as ranking member.

Among other important measures, this report provides a 1.7 percent pay raise, well deserved for our military servicemembers. It authorizes nearly \$11 billion, which is almost \$160 million more than the President's budget originally requested for our U.S. Special Operations Command, which has been a key component of the war against violent extremists.

And I can tell you, as the cochairman and cofounder of the Special Operations Forces Caucus, and one who represents Fort Bragg, home of the U.S. Army Special Operations Command and Joint Special Operations Command, and who has constituents who serve at the Marine Special Operations Command at Camp Lejeune, I am extremely pleased to see this investment in our Special Operations Forces warriors who are often on the front lines during global conflicts.

Also, as ranking member of the Seapower Subcommittee, I'm pleased that the conference report makes real investments in our Nation's sea power by authorizing 10 new ships, a multi-year procurement authority for 10 *Arleigh Burke*-class destroyers, and a multi-year procurement authority for 10 *Virginia*-class submarines, as well as the authority to fund them incrementally.

The incremental funding gives the Navy greater flexibility in funding the new submarines and will take advantage of the savings generated from the *Virginia*-class attack submarines that continue to come in underbudget.

Mr. Speaker, I thank my colleagues for their hard work on this conference report. We stand up for America's defense and for those that serve our country, and I look forward to its passage on the House floor today.

Mr. McKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT), who's been very helpful in putting together the final bill.

Mr. GOHMERT. Mr. Speaker, on September 18, 2001, 7 days after the worst attack in American history, the authorized use of military force was passed. And I've come to understand how legislation can be hurriedly thrown together, and it was. We were in a crisis.

In those days I was a judge. When I got to Congress and the NDAA came up to extend, reauthorize the AUMF, this issue of whether American citizens were protected came up. Some mistakenly thought the NDAA did some granting of power to the President that he shouldn't have, but actually it was in the original AUMF. It said the President could basically go after any nation, organization, or person that he thought was a threat or may have participated. That needed to be reined in.

I've worked with some of my colleagues, with professors, with legal experts. Even though one professor went



to Harvard, they've been immensely helpful, and we've crafted language. And I even appreciate Senator LEVIN working with us and Chairman McKEON being willing to look at these different issues.

Our original amendment included a 30-day requirement. Within 30 days there had to be a writ of habeas corpus hearing. Yet we got criticized, saying you're restricting to only 30 days, so we took that out.

The language in here, as Mr. NADLER pointed out, does not protect American citizens in foreign countries. That will have to be done another day. But it does go beyond what I originally wanted to do and protects people that are in the United States, if they are authorized under our Constitution to have those protections.

I am grateful that these things have been done. I'm grateful this language is in there to restrict the President's power back to what I think was appropriate under the Constitution. I will be voting for the NDAA and appreciate the chairman's indulgence in my push to get this done.

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. JOHNSON), a member of the committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to thank the conferees for including in the NDAA language I authored to help prevent tragic cases of suicide among members of the military. Military suicides are, sadly, increasing, with 280 suicides this year in the Active Duty and Reserve Army alone.

The new language would allow military commanding officers and mental health professionals to talk to troubled servicemembers about their personal firearms and encourage them to safely store those weapons in a military facility or by means of a gun lock. The prohibition of such confidential dialogue, which this language repeals, prevented potentially lifesaving conversations between counselors and servicemembers.

We owe it to our soldiers and their families and their loved ones to do everything we can to help them, and this language is a small step in that direction.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself the balance of my time to close. And I really want to close just to emphasize how important the work is that our staffs do, both in the House and the Senate. The work that they've done ever since May, when we first put together the bill on the House side, and then the accelerated time schedule that they had to operate under because the Senate waited until December 4 to pass their bill, and we had to throw together a quick conference report.

There are an endless array of critically important legislative issues that

are handled in this bill, and the staffs that we have do an amazing job under a tight timeline of working together to resolve differences and come up with the best legislation. We have an outstanding staff. We could not do this without them.

Again I will emphasize that I hope this bill shows that it's possible that people who disagree—and you can hear from our debate there are many things we disagree strongly about, certainly Republicans and Democrats, but also House and Senate. Yet somehow we come together and put together this 1,600-page bill to spend \$633 billion and provide for the common defense of the United States of America.

So I urge support, and I thank all those involved in this work product.

I yield back the balance of my time. Mr. McKEON. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I once again rise in support of this bipartisan fiscal year 2013 National Defense Authorization Conference Report, and I concur totally with the concluding remarks of Mr. SMITH. Our staff has done a fantastic job. And I have enjoyed working with him, and we will continue to work together in a bipartisan way.

This NDAA bill passed the Armed Services Committee on a vote of 56–5. It passed the full House by nearly 300 votes; and, likewise, the Senate adopted its version of the bill unanimously.

However, I fully acknowledge we had to tackle tough issues in a very compressed timeframe, as Mr. SMITH pointed out. Every one of us could find something in this bill that we would rather change, but none of us can deny that this bill has been exhaustively debated. It's the only major authorization bill that's been able to proceed through regular order in both the House and the Senate this year.

The House considered 303 amendments, between the committee and the floor. The Senate considered at least 151 amendments. We've all had a chance to have our say on this bill and to have the Congress act its will.

I urge my colleagues to join me in ushering this bill across the finish line and vote "yes" on adoption of the conference report. This is a good piece of legislation that's critically needed by our troops.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise in opposition to the Conference Report on the National Defense Authorization Act of 2012 but will use this statement to speak of the silver lining in this otherwise flawed legislation.

The silver lining of which I speak is Title 7, Section 737, which includes language for a breast cancer study. Last night before the Rules Committee I spoke of an amendment I offered to H.R. 4310 "National Defense Authorization Act," which directed the Department of Defense Office of Health to work in collaboration with the National Institutes of

Health to identify specific genetic and molecular targets and biomarkers for Triple Negative Breast Cancer (TNBC). In addition, the amended language was designed to result in the generation of information that could then be useful in biomarker selection, drug discovery, and clinical trials design. This will enable medical professionals to identify TNBC patients earlier in the progression of their disease and would help advance the development of multiple targeted therapies for the disease.

My amendment which passed the House was designed to highlight the importance of studying and eventually finding effective treatments for triple negative breast cancer.

I was pleased to note that, although it was not included in the bill we vote on tonight, my amendment helped generate the language included today in Title 7, Section 737 which highlights the importance of breast cancer among members of the armed services. I wish to emphasize the importance of addressing triple negative breast cancer and that this aspect must be included in the National Defense Reauthorization.

Triple negative breast cancer is a specific strain of breast cancer for which no targeted treatment is available. The American Cancer Society calls this particular strain of breast cancer "an aggressive subtype associated with lower survival rates."

I believe that through a coordinated effort between the DOD and NIH that they can develop a targeted treatment for the triple negative breast cancer strain.

Breast cancers with specific, targeted treatment methods, such as hormone and gene based strains, have higher survival rates than the triple negative subtype, highlighting the need for a targeted treatment.

Today, breast cancer accounts for 1 in 4 cancer diagnoses among women in this country. It is also the most commonly diagnosed cancer among African American women. The American Cancer Society estimates that in 2011, more than 26,000 African American women will be diagnosed with breast cancer, and another 6,000 will die from the disease.

Between 2002 and 2007, African American women suffered a 39% higher death rate from breast cancer than other groups.

African American women are also 12% less likely to survive five years after a breast cancer diagnosis. One reason for this disparity is that African American women are disproportionately affected by triple negative breast cancer.

More than 30% of all breast cancer diagnoses in African American women are of the triple negative variety. Black women are far more susceptible to this dangerous subtype than White or Hispanic women.

#### FAST FACTS

Breast cancer accounts for 1 in 4 cancer diagnoses among women in this country.

The survival rate for breast cancer has increased to 90% for White women but only 78% for African American women.

African American women are more likely to be diagnosed with larger tumors and more advanced stages of breast cancer.

Triple-negative breast cancer (TNBC) is a term used to describe breast cancers whose



cells do not have estrogen receptors and progesterone receptors, and do not have an excess of the HER2 protein on their cell membrane of tumor cells.

Triple Negative Breast Cancer (TNBC) cells are usually of a higher grade and size; onset at a younger age; more aggressive; and more likely to metastasize.

TNBC also referred to as basal-like (BL) due to their resemblance to basal layer of epithelial cells, there is not a formal detailed classification of system of the subtypes of these cells. TNBC is in fact a heterogeneous group of cancers; with varying differences in prognosis and survival rate between various subtypes. This has led to a lot of confusion amongst both physicians and patients.

Apart from surgery, cytotoxic chemotherapy is the only available treatment, targeted molecular treatments while being investigated are not accepted treatment.

Between 10–17% of female breast cancer patients have the triple negative subtype.

Triple-negative breast cancer most commonly affects African American women, followed by Hispanic women. African American women have a prevalence of TNBC of 26% vs 16% in non-African American women.

TNBC usually affects women under 50 years of age. African American women have a prevalence of premenopausal breast cancer of 26% vs 16% for Non-African American women.

Women with TNBC are at 3 times the risk of death than women with the most common type of breast cancer.

Women with TNBC are more likely to have distance metastases in the brain and lung and more common subtypes of breast cancer.

Finally, Mr. Speaker I want to point out a part of this bill which I find vexing; that which relates to detainee policy. Our Constitution is a living document but sometimes we must go to great pains to emphasize this point when some of its most basic protections are threatened or simply ignored. The text continues the asserted authority of the U.S. Government to hold even U.S. citizens (persons) captured on U.S. soil indefinitely and without charge. This must be reviewed!

The language in this bill concerning the law of detention has major implications for our fundamental rights that should be considered on their own and not included as part of a Defense Authorization bill. These provisions should be the subject of close scrutiny by the Judiciary Committee.

The complex legal and constitutional issues should be properly analyzed, and the implications for our bedrock values of liberty and freedom carefully considered. I am mindful that we are charged with pursuing a great many issues and cannot fully address them all in a single setting; yet this is too important to again, be included as part of an authorization as if these were routine matters.

The Conference Report states that “[n]othing in the Authorization for Use of Military Force . . . or the National Defense Authorization Act for Fiscal Year 2012 . . . shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be en-

titled to the availability of such writ or to such rights in the absence of such laws.”

This language simply continues the flawed policies established in the 2011 Defense Authorization Bill.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, as a conferee and senior member of the House Armed Forces Committee, due to unforeseen health complications, I was unable to sign the Conference Report to H.R. 4310, the National Defense Authorization Act of FY2013 on December 18, 2012. If I had the opportunity to sign the Conference Report to H.R. 4310, I would have signed it.

Mr. PAUL. Mr. Speaker, I rise to oppose what will be the final National Defense Authorization Act (NDAA) I will face as a Member of the U.S. House of Representatives. As many of my colleagues are aware, I have always voted against the NDAA regardless of what party controls the House. Far from simply providing an authorization for the money needed to defend this country, which I of course support, this authorization and its many predecessors have long been used to fuel militarization, enrich the military industrial complex, expand our empire overseas, and purchase military and other enormously expensive equipment that we do not need and in large part does not work anyway. They wrap all of this mess up in false patriotism, implying that Members who do not vote for these boondoggles do not love their country.

The military industrial complex is a jigsaw puzzle of seemingly competing private companies; but they are in reality state-sponsored enterprises where well-connected lobbyists, usually after long and prosperous careers in the military or government, pressure Congress to fund pet projects regardless of whether we can afford them or whether they are needed to defend our country. This convenient arrangement is the welfare of the warfare state.

Because of the false perception that we must pass this military spending authorization each year or our men and women in uniform will go hungry, Congress has over the years taken the opportunity to pack it with other items that would have been difficult to pass on their own. This is nothing new on Capitol Hill. In the last few years, however, this practice has taken a sinister turn.

The now-infamous NDAA for fiscal year 2012, passed last year, granted the president the authority to indefinitely detain American citizens without charge, without access to an attorney, and without trial. It is difficult to imagine anything more un-American than this attack on our Constitutional protections. While we may not have yet seen the widespread use of this unspeakably evil measure, a wider application of this “authority” may only be a matter of time.

Historically these kinds of measures have been used to bolster state power at the expense of unpopular scapegoats. The Jewish citizens of 1930s Germany knew all about this reprehensible practice. Lately the scapegoats have been mostly Muslims. Hundreds, perhaps many more, even Americans, have been held by the U.S. at Guantanamo and in other secret prisons around the world.

But this can all change quickly, which makes it all the more dangerous. Maybe one day it will be Christians, gun-owners, homeschoolers, etc.

That is why last year, along with Reps. JUSTIN AMASH, WALTER JONES, and others, we attempted to simply remove the language from the NDAA (sec. 1021) that gave the president this unconstitutional authority. It was a simple, readable amendment. Others tried to thwart our straightforward efforts by crafting elaborately worded amendments that in practice did nothing to protect us from this measure in the bill. Likewise this year there were a few celebrated but mostly meaningless attempts to address this issue. One such effort passed in the Senate version of this bill. The conferees have simply cut it out. The will of Congress was thus ignored by a small group of Members and Senators named by House and Senate leadership.

There are many other measures in this NDAA Conference Report to be concerned about. It continues to fund our disastrous wars in Afghanistan, Pakistan, Yemen, and elsewhere for example.

The Conference Report contains yet another round of doomed-to-fail new sanctions against Iran. These are acts of war against Iran without actually firing a shot. But this time the House and Senate conferees are going further than that. The report contains language that pushes the U.S. as close to an actual authorization for the use of force against Iran as we can get. The Report “. . . asserts that the U.S. should be prepared to take all necessary measures, including military action if required, to prevent Iran from threatening the U.S., its allies, or Iran’s neighbors with a nuclear weapon and reinforces the military option should it prove necessary.”

This kind of language just emboldens Iran’s enemies in the region to engage in increasingly reckless behavior with the guarantee that the U.S. military will step in if they push it too far. That is an unwise move for everyone concerned.

This Conference Report contains increased levels of foreign military aid, including an additional half-billion dollars in missile assistance to an already prosperous Israel and some \$300 million to help an increasingly prosperous Russia control its chemical, nuclear, and biological weapons. And Russia does not even want the money!

Overall, this authorization will give the president even more money for military activities next year than he requested. At a time when the news has been dominated by reports of our budget crisis, the “fiscal cliff,” and the “need” to increase taxes on Americans, Congress is foolishly spending even more on the military budget than the administration wants! I suppose that is what counts as a reduction in the language of Washington.

I urge my colleagues to oppose this, and all future, reckless and dangerous military spending bills that are destroying our national security by destroying our economy.

Mr. GRAVES of Missouri. Mr. Speaker, today I proudly endorse the passage of the National Defense Authorization Act (NDAA) conference report. As Chairman of the Small Business Committee, over the past two years, we have held over a dozen hearings on federal procurement issues which resulted in eleven contracting reform bills being voted out of Committee with bipartisan support. At the same time that our Committee was developing

legislation, the HASC's Panel on Business Challenges in the Defense Industry was holding hearings and roundtables examining many of the same issues. I appreciate the leadership of Mr. SHUSTER and Mr. LARSEN in this effort, and I was pleased to be part of one of these roundtables. The Panel and my Committee share a common understanding of issues facing small business participation in contracting and the health of the industrial base, which is the basis for the package of about thirty-five provisions that were included in the House-passed version of the NDAA.

As HASC's Panel and my Committee found, the federal government marketplace is full of great opportunities for small businesses to succeed, if only we give them the chance. The federal government spends over half a trillion dollars each year on private sector contracts; small businesses deserve a chance to compete for the work, because they bring efficiency and cost-savings to the taxpayer and create jobs while doing it.

This year's NDAA makes substantial reforms to small business contracting which will benefit small contractors throughout the Nation and is supported by nearly 30 trade associations. The small business provisions in the NDAA will help make sure existing small business goals are actually met, empower small business advocates, and crack down on fraud. Most importantly, this legislation ensures that small businesses have greater opportunities to compete. Government contracting offers a unique opportunity to invest in small businesses while also stimulating our economy, considering small businesses create the majority of new jobs. The passage of the conference report is a victory for the 27 million small businesses hard at work throughout America.

Mr. ISRAEL. Mr. Speaker, I rise today to support the bipartisan conference agreement for the National Defense Authorization Act for fiscal year 2013. The conference report authorizes critical resources for our men and women in uniform and the defense of the American people. While I do not agree with every provision in this bill, I'd like to commend the conference committee for including in its report the Israel King amendment which was passed in the House in May 2012.

This bipartisan amendment would improve the coordination of research, treatment, education, and outreach of mental health, substance use disorders, and traumatic brain injury (TBI) among members of the National Guard, Reserve and their families. All Americans have a moral obligation to provide the best care possible to our veterans when they return home after so bravely serving their country.

Mental health and substance use disorders and TBI affect nearly 20% of all the service members who have been deployed to Iraq and Afghanistan. Even more disturbing is that an American veteran commits suicide every 80 minutes. This is unacceptable. We must act now to ensure our veterans have the support services and access to care that they deserve.

While many active duty service members return from deployments to military bases and have access to quality mental health services, members of the National Guard and Reserve often return from a tour of duty and transition

into civilian life far from military bases and without easy access to the care they need. Members of the National Guard and Reserve who have mental health, substance use disorders, or TBI are more likely to have a difficult time transitioning back into family life and their careers.

And those who do seek care in their community may not always receive the most appropriate and effective treatment options. This amendment would allow the Department of Defense to carry out a pilot program with public-private partnerships based on a competitive, merit-based grant process. We have learned that the government cannot meet the needs of our veterans alone. That is why these innovative partnerships are so critical.

Again, I thank the conference committee for including this important amendment in the final bill. American veterans and their families have already sacrificed so much for our country. I encourage all Members to support this critical care for our veterans which they not only need but deserve. We owe them nothing less.

Mr. VAN HOLLEN. Mr. Speaker, it is with great regret that I rise to reluctantly oppose the Fiscal Year 2013 National Defense Authorization Conference Report.

While the final version of the Defense Authorization bill makes many key improvements from the House-passed bill earlier this year, it unfortunately continues to fail the test of balance and funds billions of dollars of unnecessary programs within the Defense Department, while disregarding the caps set forth by the Budget Control Act. As Chairman of the Appropriations Committee, Mr. ROGERS, said last year when we passed the BCA, "Tough choices will have to be made, particularly when it comes to defense and national security priorities, but shared sacrifice will bring shared results." Unfortunately, the bill that is before us violates that bipartisan agreement.

In developing its plan for FY2013, the Defense Department conducted a comprehensive review of force needs, capabilities and obligations. Difficult choices were made about which programs to keep and which to cut in order to maintain a fiscally responsible mission ready capability. However, the Conference Report authorizes funding levels above those requested by the president and above the BCA. The measure authorizes \$552 billion in base national defense spending for the current year and \$88.5 billion for the war in Afghanistan—\$1.7 billion above the funding levels requested by the President in his February budget submission and \$6.3 billion above the cap the BCA set last year.

There are many programs contained in this bill that were not requested by the Defense Department. For example, the measure authorizes the establishment of a missile defense site on the East Coast that the DoD says threatens funding for the maintenance and construction of other more urgent elements of the country's missile defense. The administration has not identified a requirement for a third U.S.-based missile defense site, and has yet to assess its feasibility or cost.

The bill also includes provisions that block the administration's ability to retire aging and unnecessary military aircraft, including eighteen RQ-4 Global Hawk Block 30 drones. As a result, the Defense Department would be

forced to operate, sustain, and maintain aircraft that are in excess of national requirements and are not affordable in this budget environment. At the same time, I was disappointed that the Conference Report ended funding for the Medium Extended Air Defense System, or MEADS, a \$3.4 billion missile defense system. The President asked Congress to restore funding for the system, which is being developed in a partnership with Germany and Italy and is viewed as a symbol of transatlantic cooperation.

I remain concerned about potential arbitrary cuts to the civilian workforce at DoD. In particular, there is a provision in the bill that requires a percentage reduction in the civilian and service contractor employee workforces that is proportional to the reduction in military end strength over a five-year period. While I am encouraged that the Conference Report made some changes that will give the Department of Defense more flexibility than existed in the original bill, the final version could continue to compromise the Department's ability to appropriately size its workforce to meet the mission workload requirements and its readiness and management needs. As the Defense Department stated, "... even during these periods of constrained defense budgets, we must ensure that we have the sufficient number of federal civilian personnel to meet the support needs of our military forces.

I am also disappointed that an amendment was stripped from the Conference Report which would have banned the indefinite military detention without charge or trial of Americans and lawful U.S. residents on domestic soil. Americans and permanent residents of the U.S. who are detained in the United States should be granted the right to be tried in the civilian justice system. We can and must protect our national security without jeopardizing our fundamental rights and freedoms.

I do, however, support several measures included in the final version of the NDAA. I was pleased that nearly \$480 million was allocated for U.S.-Israel missile defense cooperation, including \$211 million for Iron Dome, reaffirming the U.S.-Israel ties on missile defense. I also support the inclusion of an amendment offered by Senator SHAHEEN, which allows Department of Defense funds to be used to allow female service members to choose to terminate a pregnancy in cases of rape.

In addition, I was encouraged that the Conference Report proposed to enhance protections for contractor-employee whistleblowers who blow the whistle on waste, fraud, and abuse on DOD contracts and the contracts of civilian agencies. Furthermore, I support the bill's critical human rights provisions, including new requirements to monitor overseas subcontractors for human trafficking.

Despite the inclusion of these important measures, the fact remains that the FY2013 Defense Authorization Bill departs significantly from the spending levels set forth in the BCA last year. It is in violation of a bipartisan agreement and understanding that in order to get our fiscal house in order we have to make tough decisions on defense and non-defense spending alike. For those reasons, I cannot support this legislation.

Mr. BISHOP of Utah. Mr. Speaker, in a perfect world, I would have preferred that language offered by Senator FEINSTEIN and Senator LEE on detainees and habeas corpus would have prevailed in this final conference agreement.

However, when carefully comparing and analyzing both the House and Senate language on detainees clarifying the rights of habeas corpus, I believe that both versions clearly are a step forward in preserving and protecting citizen's civil liberties against any implied powers of the Executive branch. Both provisions make clear that every U.S. citizen or permanent resident alien have their full habeas corpus rights intact.

There are many members on the House side which have worked hard and tirelessly on this issue. In particular, I would like to thank the gentleman from Texas, Mr. GOHMERT, who served with distinction as a federal judge prior to coming to this body and has a keen understanding of the legal implications and interpretations of statutory language. He, along with Mr. RIGELL and Mr. LANDRY, have been instrumental leaders in working with all sides of this issue and helping to come up with compromise language which moves us forward in a positive way.

This language is not perfect, but it moves us in the direction we need to go. We should continue to work on this next year.

Mr. KEATING. Mr. Speaker, I would like to thank Ranking Member SMITH and Chairman MCKEON in reaching an agreement on the proposed Air Force structure changes for FY13 in the conference report on H.R. 4310. Since the Air Force's original proposal in February, I, along with a number of my colleagues in the Massachusetts delegation, have been concerned over the future of the 102nd Air Operation Group within my district. The work of these Guardsmen at the historic Otis Air National Guard Base on Cape Cod is critical in supporting active duty Air Force members in a joint 24/7/365 intelligence, surveillance, and reconnaissance mission. The work that is completed at Otis has the direct impact of saving the lives of Americans overseas, and it is all done locally, in a cost-effective manner. Not many Guard bases have the training or infrastructure to support such concentrated day to day activities, but the men and women of Otis greatly contribute to Massachusetts' widely understood reputation as the "brain state" through their education and specialized training. Their work is further supported by an extensive network of communications infrastructure and technology. Otis is also a part of the larger Massachusetts Military Reservation, which employs an efficient State and Federal base model to share responsibilities, labor, and costs associated with the base among the Air Force, Air Guard, Army Guard, Coast Guard, and the Department of Homeland Security. It would have been a sad turn of events and complete waste of national resources and defense assets if this unit were to be eliminated. For this reason, I was pleased to learn that after numerous letters and meetings with both Air Force and Air National Guard officials, the Air Force came to the same conclusion in regard to the loss of these men and women. Following a careful review of its original proposal, the Air Force updated its recommenda-

tions in November and included the restoration of 141 positions within the 102nd Air Operations Group. This conference report will now bring this recommendation to life and grant not only the heroes at Otis with the job security that they deserve, but our Nation with the adequate defense that it has been promised.

I would also like to take a moment to thank the conferees for their work in regard to a small provision that will have a big impact on the descendants of the over 5,000 African-American patriots who fought for independence and freedom during the Revolutionary War. This provision will authorize the National Mall Liberty Fund to establish a memorial in Washington, D.C. to honor the service and sacrifice of these brave men and their families. Massachusetts alone was home to 31 percent of the 5,000 known African American soldiers. Only 1,174 of the 1,550 are connected by birth, enlistment, or residence to a municipality, including 60 patriots from 10 towns in Barnstable County in my district. Sandwich (17), Falmouth (12), Barnstable (9), and Harwich (6) had the highest numbers. Many more could be unaccounted for and are awaiting discovery. I am confident that through the establishment of this fully-funded memorial many more heroic tales surrounding the African-American Revolutionary War heroes honored will come to light and further contribute to our Nation's history and legacy.

Finally, the conference report includes the reauthorization of the Assistance to Firefighter Grant (AFG) program, which is composed of the FIRE and SAFER grant programs. As the Ranking Member of the Homeland Security Committee's Oversight, Investigations and Management subcommittee I have witnessed firsthand the impact of these grants in improving the equipment and training of career, volunteer, and combination fire departments. Many fire departments throughout the Commonwealth, particularly in Fall River and New Bedford, where aging, industrial infrastructure remains particularly prone to fires, rely on these funds. Just this summer, I was able to work with my delegation to help secure a SAFER grant for Fall River Fire Department, which reinstated the jobs of 79 firefighters. A number of fire houses across the country are now waiting for a new round of funding to keep their doors open to the communities that they protect. This reauthorization is the first step in helping to do this, but I urge this body to act swiftly in setting aside the appropriate funding for the AFG program to keep the firefighters who risk their lives each day, employed and ready to assist.

□ 1640

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 840, the previous question is ordered on the conference report.

The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SMITH of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## SPENDING REDUCTION ACT OF 2012

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to House Resolution 841, I call up the bill (H.R. 6684) to provide for spending reduction, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 841, the bill is considered read.

The text of the bill is as follows:

H.R. 6684

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Spending Reduction Act of 2012".

### SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—AGRICULTURE

Sec. 101. ARRA sunset at March 1, 2013.

Sec. 102. Categorical eligibility limited to cash assistance.

Sec. 103. Standard utility allowances based on the receipt of energy assistance payments.

Sec. 104. Employment and training; workfare.

Sec. 105. End State bonus program for the supplemental nutrition assistance program.

Sec. 106. Funding of employment and training programs.

Sec. 107. Turn off indexing for nutrition education and obesity prevention.

Sec. 108. Extension of Authorization of Food and Nutrition Act of 2008.

Sec. 109. Effective date and application of amendments.

#### TITLE II—COMMITTEE ON ENERGY AND COMMERCE

##### Subtitle A—Repeal of Certain ACA Funding Provisions

Sec. 201. Repealing mandatory funding to states to establish American Health Benefit Exchanges.

Sec. 202. Repealing Prevention and Public Health Fund.

Sec. 203. Rescinding unobligated balances for CO-OP program.

##### Subtitle B—Medicaid

Sec. 211. Revision of provider tax indirect guarantee threshold.

Sec. 212. Rebasement of State DSH allotments for fiscal year 2022.

Sec. 213. Repeal of Medicaid and CHIP maintenance of effort requirements under PPACA.

Sec. 214. Medicaid payments to territories.

Sec. 215. Repealing bonus payments for enrollment under Medicaid and CHIP.

#### TITLE III—FINANCIAL SERVICES

Sec. 301. Table of contents.

##### Subtitle A—Orderly Liquidation Fund

Sec. 311. Repeal of liquidation authority.

##### Subtitle B—Home Affordable Modification Program

Sec. 321. Short title.

Sec. 322. Congressional findings.

Sec. 323. Termination of authority.  
Sec. 324. Sense of Congress.

**Subtitle C—Bureau of Consumer Financial Protection**

Sec. 331. Bringing the Bureau of Consumer Financial Protection into the regular appropriations process.

**Subtitle D—Repeal of the Office of Financial Research**

Sec. 341. Repeal of the Office of Financial Research.

**TITLE IV—COMMITTEE ON THE JUDICIARY**

Sec. 401. Short title.  
Sec. 402. Encouraging speedy resolution of claims.  
Sec. 403. Compensating patient injury.  
Sec. 404. Maximizing patient recovery.  
Sec. 405. Punitive damages.  
Sec. 406. Authorization of payment of future damages to claimants in health care lawsuits.  
Sec. 407. Definitions.  
Sec. 408. Effect on other laws.  
Sec. 409. State flexibility and protection of States' rights.  
Sec. 410. Applicability; effective date.

**TITLE V—COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM**

Sec. 501. Retirement contributions.  
Sec. 502. Annuity supplement.  
Sec. 503. Contributions to Thrift Savings Fund of payments for accrued or accumulated leave.

**TITLE VI—COMMITTEE ON WAYS AND MEANS**

**Subtitle A—Recapture of Overpayments Resulting From Certain Federally-subsidized Health Insurance**

Sec. 601. Recapture of overpayments resulting from certain federally-subsidized health insurance.

**Subtitle B—Social Security Number Required to Claim the Refundable Portion of the Child Tax Credit**

Sec. 611. Social security number required to claim the refundable portion of the child tax credit.

**Subtitle C—Human Resources Provisions**

Sec. 621. Repeal of the program of block grants to States for social services.

**TITLE VII—SEQUESTER REPLACEMENT**

Sec. 701. Short title.  
Sec. 702. Protecting veterans programs from sequester.  
Sec. 703. Achieving \$19 billion in discretionary savings.  
Sec. 704. Conforming amendments to section 314 of the Congressional Budget and Impoundment Control Act of 1974.  
Sec. 705. Treatment for PAYGO purposes.  
Sec. 706. Elimination of the fiscal year 2013 sequestration for defense direct spending.

**TITLE I—AGRICULTURE**

**SEC. 101. ARRA SUNSET AT MARCH 1, 2013.**

Section 101(a)(2) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 120) is amended by striking “October 31, 2013” and inserting “February 28, 2013”.

**SEC. 102. CATEGORICAL ELIGIBILITY LIMITED TO CASH ASSISTANCE.**

Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in the 2d sentence of subsection (a) by striking “households in which each member

receives benefits” and inserting “households in which each member receives cash assistance”, and

(2) in subsection (j) by striking “or who receives benefits under a State program” and inserting “or who receives cash assistance under a State program”.

**SEC. 103. STANDARD UTILITY ALLOWANCES BASED ON THE RECEIPT OF ENERGY ASSISTANCE PAYMENTS.**

(a) STANDARD UTILITY ALLOWANCE.—Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(1) in subsection (e)(6)(C) by striking clause (iv), and

(2) in subsection (k) by striking paragraph (4) and inserting the following:

“(4) THIRD PARTY ENERGY ASSISTANCE PAYMENTS.—For purposes of subsection (d)(1), a payment made under a State law (other than a law referred to in paragraph (2)(G)) to provide energy assistance to a household shall be considered money payable directly to the household.”.

(b) CONFORMING AMENDMENTS.—Section 2605(f)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)(2)) is amended—

(1) by striking “and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e))”, and

(2) in subparagraph (A) by inserting before the semicolon the following: “, except that such payments or allowances shall not be deemed to be expended for purposes of determining any excess shelter expense deduction under section 5(e)(6) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(6))”.

**SEC. 104. EMPLOYMENT AND TRAINING; WORKFARE.**

(a) ADMINISTRATIVE COST-SHARING FOR EMPLOYMENT AND TRAINING PROGRAMS.—

(1) IN GENERAL.—Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(A) in subsection (a) by inserting “(other than a program carried out under section 6(d)(4) or section 20)” after “supplemental nutrition assistance program” the 1st place it appears, and

(B) in subsection (h)—

(i) by striking paragraphs (2) and (3), and

(ii) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—

(A) Section 17(b)(1)(B)(iv)(III)(hh) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(hh)) is amended by striking “(g), (h)(2), or (h)(3)” and inserting “or (g)”.

(B) Section 22(d)(1)(B)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2031(d)(1)(B)(ii)) is amended by striking “(g), (h)(2), and (h)(3)” and inserting “and (g)”.

(b) ADMINISTRATIVE COST-SHARING AND REIMBURSEMENTS FOR WORKFARE.—Section 20 of the Food and Nutrition Act of 2008 (7 U.S.C. 2029) is amended by striking subsection (g).

**SEC. 105. END STATE BONUS PROGRAM FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (d).

**SEC. 106. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.**

For purposes of fiscal year 2013, the reference to \$90,000,000 in section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) shall be deemed to be a reference to \$79,000,000.

**SEC. 107. TURN OFF INDEXING FOR NUTRITION EDUCATION AND OBESITY PREVENTION.**

Section 28(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2037(d)) is amended by striking “years—” and all that follows through the period at the end, and inserting “years, \$375,000,000.”.

**SEC. 108. EXTENSION OF AUTHORIZATION OF FOOD AND NUTRITION ACT OF 2008.**

Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended by striking “2012” and inserting “2013”.

**SEC. 109. EFFECTIVE DATE AND APPLICATION OF AMENDMENTS.**

This title and the amendments made by this title shall take effect on the date of enactment of this Act, and shall apply only with respect to certification periods that begin on or after such date.

**TITLE II—COMMITTEE ON ENERGY AND COMMERCE**

**Subtitle A—Repeal of Certain ACA Funding Provisions**

**SEC. 201. REPEALING MANDATORY FUNDING TO STATES TO ESTABLISH AMERICAN HEALTH BENEFIT EXCHANGES.**

(a) IN GENERAL.—Section 1311(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(a)) is repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available under such section 1311(a), the unobligated balance is rescinded.

**SEC. 202. REPEALING PREVENTION AND PUBLIC HEALTH FUND.**

(a) IN GENERAL.—Section 4002 of the Patient Protection and Affordable Care Act (42 U.S.C. 300u-11) is repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by such section 4002, the unobligated balance is rescinded.

**SEC. 203. RESCINDING UNOBLIGATED BALANCES FOR CO-OP PROGRAM.**

Of the funds made available under section 1322(g) of the Patient Protection and Affordable Care Act (42 U.S.C. 18042(g)), the unobligated balance is rescinded.

**Subtitle B—Medicaid**

**SEC. 211. REVISION OF PROVIDER TAX INDIRECT GUARANTEE THRESHOLD.**

Section 1903(w)(4)(C)(ii) of the Social Security Act (42 U.S.C. 1396b(w)(4)(C)(ii)) is amended by inserting “and for portions of fiscal years beginning on or after June 1, 2013,” after “October 1, 2011.”.

**SEC. 212. REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2022.**

Section 1923(f) of the Social Security Act (42 U.S.C. 1396r-4(f)) is amended—

(1) by redesignating paragraph (9) as paragraph (10);

(2) in paragraph (3)(A) by striking “paragraphs (6), (7), and (8)” and inserting “paragraphs (6), (7), (8), and (9)”;

(3) by inserting after paragraph (8) the following new paragraph:

“(9) REBASING OF STATE DSH ALLOTMENTS FOR FISCAL YEAR 2022.—With respect to fiscal 2022, for purposes of applying paragraph (3)(A) to determine the DSH allotment for a State, the amount of the DSH allotment for the State under paragraph (3) for fiscal year 2021 shall be treated as if it were such amount as reduced under paragraph (7).”.

**SEC. 213. REPEAL OF MEDICAID AND CHIP MAINTENANCE OF EFFORT REQUIREMENTS UNDER PPACA.**

(a) REPEAL OF PPACA MEDICAID MOE.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by striking subsection (gg).

(b) REPEAL OF PPACA CHIP MOE.—Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(1) by striking subparagraph (A);  
 (2) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(3) in the paragraph heading, by striking “CONTINUATION OF ELIGIBILITY STANDARDS FOR CHILDREN UNTIL OCTOBER 1, 2019” and inserting “CONTINUITY OF COVERAGE”.

(c) CONFORMING AMENDMENTS.—

(1) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended by striking paragraph (74).

(2) Effective January 1, 2014, paragraph (14) of section 1902(e) (as added by section 2002(a) of Public Law 111-148) is amended by striking the third sentence of subparagraph (A).

(d) EFFECTIVE DATE.—Except as provided in subsection (c)(2), the amendments made by this section shall take effect on the date of the enactment of this section.

#### SEC. 214. MEDICAID PAYMENTS TO TERRITORIES.

(a) LIMIT ON PAYMENTS.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended—

(1) in paragraph (2)—

(A) by striking “paragraphs (3) and (5)”; and

(B) by inserting “paragraph (3)” after “and subject to”;

(2) in paragraph (4), by striking “(3), and” and all that follows through “of this subsection” and inserting “and (3) of this subsection”; and

(3) by striking paragraph (5).

(b) FMAP.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by striking “shall be 55 percent” and inserting “shall be 50 percent”.

#### SEC. 215. REPEALING BONUS PAYMENTS FOR ENROLLMENT UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—Paragraphs (3) and (4) of section 2105(a) of the Social Security Act (42 U.S.C. 1397ee(a)) are repealed.

(b) RESCISSION OF UNOBLIGATED FUNDS.—Of the funds made available by section 2105(a)(3) of the Social Security Act, the unobligated balance is rescinded.

(c) CONFORMING CHANGES.—

(1) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Section 2104(n)(2) of the Social Security Act (42 U.S.C. 1397dd(n)(2)) is amended by striking subparagraph (D).

(2) OUTREACH OR COVERAGE BENCHMARKS.—Section 2111(b)(3) of the Social Security Act (42 U.S.C. 1397kk(b)(3)) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by inserting “or” after the semicolon at the end; and

(ii) by striking clause (ii); and

(B) by striking subparagraph (C).

#### TITLE III—FINANCIAL SERVICES

##### SEC. 301. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Sec. 301. Table of contents.

    Subtitle A—Orderly Liquidation Fund

Sec. 311. Repeal of liquidation authority.

    Subtitle B—Home Affordable Modification Program

Sec. 321. Short title.

Sec. 322. Congressional findings.

Sec. 323. Termination of authority.

Sec. 324. Sense of Congress.

    Subtitle C—Bureau of Consumer Financial Protection

Sec. 331. Bringing the Bureau of Consumer Financial Protection into the regular appropriations process.

    Subtitle D—Repeal of the Office of Financial Research

Sec. 341. Repeal of the Office of Financial Research.

#### Subtitle A—Orderly Liquidation Fund

##### SEC. 311. REPEAL OF LIQUIDATION AUTHORITY.

(a) IN GENERAL.—Title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act is hereby repealed and any Federal law amended by such title shall, on and after the date of enactment of this Act, be effective as if title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act had not been enacted.

(b) CONFORMING AMENDMENTS.—

(1) DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.—The Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(A) in the table of contents for such Act, by striking all items relating to title II;

(B) in section 165(d)(6), by striking “, a receiver appointed under title II,”;

(C) in section 716(g), by striking “or a covered financial company under title II”;

(D) in section 1105(e)(5), by striking “amount of any securities issued under that chapter 31 for such purpose shall be treated in the same manner as securities issued under section 208(n)(5)(E)” and inserting “issuances of such securities under that chapter 31 for such purpose shall be treated as public debt transactions of the United States, and the proceeds from the sale of any obligations acquired by the Secretary under this paragraph shall be deposited into the Treasury of the United States as miscellaneous receipts”; and

(E) in section 1106(c)(2), by amending subparagraph (A) to read as follows:

“(A) require the company to file a petition for bankruptcy under section 301 of title 11, United States Code; or”.

(2) FEDERAL DEPOSIT INSURANCE ACT.—Section 10(b)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1820(b)(3)) is amended by striking “, or of such nonbank financial company supervised by the Board of Governors or bank holding company described in section 165(a) of the Financial Stability Act of 2010, for the purpose of implementing its authority to provide for orderly liquidation of any such company under title II of that Act”.

(3) FEDERAL RESERVE ACT.—Section 13(3) of the Federal Reserve Act is amended—

(A) in subparagraph (B)—

(i) in clause (ii), by striking “, resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or” and inserting “or is subject to resolution under”; and

(ii) in clause (iii), by striking “, resolution under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act, or” and inserting “or resolution under”; and

(B) by striking subparagraph (E).

#### Subtitle B—Home Affordable Modification Program

##### SEC. 321. SHORT TITLE.

This subtitle may be cited as the “HAMP Termination Act of 2012”.

##### SEC. 322. CONGRESSIONAL FINDINGS.

The Congress finds the following:

(1) According to the Department of the Treasury—

(A) the Home Affordable Modification Program (HAMP) is designed to “help as many as 3 to 4 million financially struggling homeowners avoid foreclosure by modifying loans to a level that is affordable for borrowers now and sustainable over the long term”; and

(B) as of October 2012, only 840,835 active permanent mortgage modifications were made under HAMP.

(2) Many homeowners whose HAMP modifications were canceled suffered because they

made futile payments and some of those homeowners were even forced into foreclosure.

(3) The Special Inspector General for TARP reported that HAMP “benefits only a small portion of distressed homeowners, offers others little more than false hope, and in certain cases causes more harm than good”.

(4) Approximately \$30 billion was obligated by the Department of the Treasury to HAMP, however, approximately only \$4.34 billion has been disbursed.

(5) Terminating HAMP would save American taxpayers approximately \$2.84 billion, according to the Congressional Budget Office.

##### SEC. 323. TERMINATION OF AUTHORITY.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended by adding at the end the following new subsection:

“(c) TERMINATION OF AUTHORITY TO PROVIDE NEW ASSISTANCE UNDER THE HOME AFFORDABLE MODIFICATION PROGRAM.—

“(1) IN GENERAL.—Except as provided under paragraph (2), after the date of the enactment of this subsection the Secretary may not provide any assistance under the Home Affordable Modification Program under the Making Home Affordable initiative of the Secretary, authorized under this Act, on behalf of any homeowner.

“(2) PROTECTION OF EXISTING OBLIGATIONS ON BEHALF OF HOMEOWNERS ALREADY EXTENDED AN OFFER TO PARTICIPATE IN THE PROGRAM.—Paragraph (1) shall not apply with respect to assistance provided on behalf of a homeowner who, before the date of the enactment of this subsection, was extended an offer to participate in the Home Affordable Modification Program on a trial or permanent basis.

“(3) DEFICIT REDUCTION.—

“(A) USE OF UNOBLIGATED FUNDS.—Notwithstanding any other provision of this title, the amounts described in subparagraph (B) shall not be available after the date of the enactment of this subsection for obligation or expenditure under the Home Affordable Modification Program of the Secretary, but should be covered into the General Fund of the Treasury and should be used only for reducing the budget deficit of the Federal Government.

“(B) IDENTIFICATION OF UNOBLIGATED FUNDS.—The amounts described in this subparagraph are any amounts made available under title I of the Emergency Economic Stabilization Act of 2008 that—

“(i) have been allocated for use, but not yet obligated as of the date of the enactment of this subsection, under the Home Affordable Modification Program of the Secretary; and

“(ii) are not necessary for providing assistance under such Program on behalf of homeowners who, pursuant to paragraph (2), may be provided assistance after the date of the enactment of this subsection.

“(4) STUDY OF USE OF PROGRAM BY MEMBERS OF THE ARMED FORCES, VETERANS, AND GOLD STAR RECIPIENTS.—

“(A) STUDY.—The Secretary shall conduct a study to determine the extent of usage of the Home Affordable Modification Program by, and the impact of such Program on, covered homeowners.

“(B) REPORT.—Not later than the expiration of the 90-day period beginning on the date of the enactment of this subsection, the Secretary shall submit to the Congress a report setting forth the results of the study under subparagraph (A) and identifying best practices, derived from studying the Home

Affordable Modification Program, that could be applied to existing mortgage assistance programs available to covered homeowners.

“(C) COVERED HOMEOWNER.—For purposes of this subsection, the term ‘covered homeowner’ means a homeowner who is—

“(i) a member of the Armed Forces of the United States on active duty or the spouse or parent of such a member;

“(ii) a veteran, as such term is defined in section 101 of title 38, United States Code; or

“(iii) eligible to receive a Gold Star lapel pin under section 1126 of title 10, United States Code, as a widow, parent, or next of kin of a member of the Armed Forces person who died in a manner described in subsection (a) of such section.

“(5) PUBLICATION OF MEMBER AVAILABILITY FOR ASSISTANCE.—Not later than 5 days after the date of the enactment of this subsection, the Secretary of the Treasury shall publish to its Website on the World Wide Web in a prominent location, large point font, and boldface type the following statement: ‘The Home Affordable Modification Program (HAMP) has been terminated. If you are having trouble paying your mortgage and need help contacting your lender or servicer for purposes of negotiating or acquiring a loan modification, please contact your Member of Congress to assist you in contacting your lender or servicer for the purpose of negotiating or acquiring a loan modification.’

“(6) NOTIFICATION TO HAMP APPLICANTS REQUIRED.—Not later than 30 days after the date of the enactment of this subsection, the Secretary of the Treasury shall inform each individual who applied for the Home Affordable Modification Program and will not be considered for a modification under such Program due to termination of such Program under this subsection—

“(A) that such Program has been terminated;

“(B) that loan modifications under such Program are no longer available;

“(C) of the name and contact information of such individual’s Member of Congress; and

“(D) that the individual should contact his or her Member of Congress to assist the individual in contacting the individual’s lender or servicer for the purpose of negotiating or acquiring a loan modification.”

#### SEC. 324. SENSE OF CONGRESS.

The Congress encourages banks to work with homeowners to provide loan modifications to those that are eligible. The Congress also encourages banks to work and assist homeowners and prospective homeowners with foreclosure prevention programs and information on loan modifications.

#### Subtitle C—Bureau of Consumer Financial Protection

#### SEC. 331. BRINGING THE BUREAU OF CONSUMER FINANCIAL PROTECTION INTO THE REGULAR APPROPRIATIONS PROCESS.

Section 1017 of the Consumer Financial Protection Act of 2010 is amended—

(1) in subsection (a)—

(A) by amending the heading of such subsection to read as follows: “BUDGET, FINANCIAL MANAGEMENT, AND AUDIT.—”;

(B) by striking paragraphs (1), (2), and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (1) and (2), respectively; and

(D) by striking subparagraphs (E) and (F) of paragraph (1), as so redesignated;

(2) by striking subsections (b), (c), and (d);

(3) by redesignating subsection (e) as subsection (b); and

(4) in subsection (b), as so redesignated—

(A) by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$200,000,000 to carry out this title for each of fiscal years 2013 and 2014.”; and

(B) by redesignating paragraph (4) as paragraph (2).

#### Subtitle D—Repeal of the Office of Financial Research

#### SEC. 341. REPEAL OF THE OFFICE OF FINANCIAL RESEARCH.

(a) IN GENERAL.—Subtitle B of title I of the Dodd-Frank Wall Street Reform and Consumer Protection Act is hereby repealed.

(b) CONFORMING AMENDMENTS TO THE DODD-FRANK ACT.—The Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(1) in section 102(a), by striking paragraph (5);

(2) in section 111—

(A) in subsection (b)(2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (A), (B), (C), and (D), respectively;

(B) in subsection (c)(1), by striking “subparagraphs (C), (D), and (E)” and inserting “subparagraphs (B), (C), and (D)”;

(3) in section 112—

(A) in subsection (a)(2)—

(i) in subparagraph (A), by striking “direct the Office of Financial Research to”;

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), and (N) as subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), and (M), respectively; and

(B) in subsection (d)—

(i) in paragraph (1), by striking “the Office of Financial Research, member agencies, and” and inserting “member agencies and”;

(ii) in paragraph (2), by striking “the Office of Financial Research, any member agency, and” and inserting “any member agency and”;

(iii) in paragraph (3)—

(I) by striking “, acting through the Office of Financial Research,” each place it appears; and

(II) in subparagraph (B), by striking “the Office of Financial Research or”; and

(iv) in paragraph (5)(A), by striking “, the Office of Financial Research.”;

(4) in section 116, by striking “, acting through the Office of Financial Research,” each place it appears; and

(5) by striking section 118.

(c) CONFORMING AMENDMENT TO THE PAPERWORK REDUCTION ACT.—Effective as of the date specified in section 1100H of the Dodd-Frank Wall Street Reform and Consumer Protection Act, section 1100D(a) of such Act is amended to read as follows:

“(a) DESIGNATION AS AN INDEPENDENT AGENCY.—Section 3502(5) of subchapter I of chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act) is amended by inserting ‘the Bureau of Consumer Financial Protection,’ after ‘the Securities and Exchange Commission,’.”

(d) TECHNICAL AMENDMENTS.—The table of contents for the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended—

(1) by striking the item relating to section 118; and

(2) by striking the items relating to subtitle B of title I.

#### TITLE IV—COMMITTEE ON THE JUDICIARY

##### SEC. 401. SHORT TITLE.

This title may be cited as the “Help Efficient, Accessible, Low-cost, Timely Healthcare (HEALTH) Act of 2012”.

##### SEC. 402. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

The time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first. In no event shall the time for commencement of a health care lawsuit exceed 3 years after the date of manifestation of injury unless tolled for any of the following—

(1) upon proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

Actions by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that actions by a minor under the full age of 6 years shall be commenced within 3 years of manifestation of injury or prior to the minor’s 8th birthday, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care organization have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

##### SEC. 403. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this title shall limit a claimant’s recovery of the full amount of the available economic damages, notwithstanding the limitation in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—In any health care lawsuit, the amount of noneconomic damages, if available, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same injury.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—For purposes of applying the limitation in subsection (b), future noneconomic damages shall not be discounted to present value. The jury shall not be informed about the maximum award for noneconomic damages. An award for noneconomic damages in excess of \$250,000 shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law. If separate awards are rendered for past and future noneconomic damages and the combined awards exceed \$250,000, the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party’s several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party’s percentage of responsibility. Whenever a judgment of liability is rendered as to any party, a separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant’s harm.



**SEC. 404. MAXIMIZING PATIENT RECOVERY.**

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants. In particular, in any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity. In no event shall the total of all contingent fees for representing all claimants in a health care lawsuit exceed the following limits:

(1) Forty percent of the first \$50,000 recovered by the claimant(s).

(2) Thirty-three and one-third percent of the next \$50,000 recovered by the claimant(s).

(3) Twenty-five percent of the next \$500,000 recovered by the claimant(s).

(4) Fifteen percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) APPLICABILITY.—The limitations in this section shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution. In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section. The requirement for court supervision in the first two sentences of subsection (a) applies only in civil actions.

**SEC. 405. PUNITIVE DAMAGES.**

(a) IN GENERAL.—Punitive damages may, if otherwise permitted by applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer. In any health care lawsuit where no judgment for compensatory damages is rendered against such person, no punitive damages may be awarded with respect to the claim in such lawsuit. No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages. At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(1) whether punitive damages are to be awarded and the amount of such award; and

(2) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages, if awarded,

in a health care lawsuit, the trier of fact shall consider only the following—

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages, if awarded, in a health care lawsuit may be as much as \$250,000 or as much as two times the amount of economic damages awarded, whichever is greater. The jury shall not be informed of this limitation.

(c) NO PUNITIVE DAMAGES FOR PRODUCTS THAT COMPLY WITH FDA STANDARDS.—

(1) IN GENERAL.—

(A) No punitive damages may be awarded against the manufacturer or distributor of a medical product, or a supplier of any component or raw material of such medical product, based on a claim that such product caused the claimant's harm where—

(i) (I) such medical product was subject to premarket approval, clearance, or licensure by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such medical product which caused the claimant's harm or the adequacy of the packaging or labeling of such medical product; and

(II) such medical product was so approved, cleared, or licensed; or

(ii) such medical product is generally recognized among qualified experts as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable Food and Drug Administration regulations, including without limitation those related to packaging and labeling, unless the Food and Drug Administration has determined that such medical product was not manufactured or distributed in substantial compliance with applicable Food and Drug Administration statutes and regulations.

(B) RULE OF CONSTRUCTION.—Subparagraph (A) may not be construed as establishing the obligation of the Food and Drug Administration to demonstrate affirmatively that a manufacturer, distributor, or supplier referred to in such subparagraph meets any of the conditions described in such subparagraph.

(2) LIABILITY OF HEALTH CARE PROVIDERS.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a medical product approved, licensed, or cleared by the Food and Drug Administration shall not be named as a party to a product liability lawsuit involving such product and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or seller of such product. Nothing in this paragraph prevents a court from consolidating cases involving health care providers and cases involving products liability claims against the manufacturer, distributor, or product seller of such medical product.

(3) PACKAGING.—In a health care lawsuit for harm which is alleged to relate to the adequacy of the packaging or labeling of a drug which is required to have tamper-resist-

ant packaging under regulations of the Secretary of Health and Human Services (including labeling regulations related to such packaging), the manufacturer or product seller of the drug shall not be held liable for punitive damages unless such packaging or labeling is found by the trier of fact by clear and convincing evidence to be substantially out of compliance with such regulations.

(4) EXCEPTION.—Paragraph (1) shall not apply in any health care lawsuit in which—

(A) a person, before or after premarket approval, clearance, or licensure of such medical product, knowingly misrepresented to or withheld from the Food and Drug Administration information that is required to be submitted under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or section 351 of the Public Health Service Act (42 U.S.C. 262) that is material and is causally related to the harm which the claimant allegedly suffered

(B) a person made an illegal payment to an official of the Food and Drug Administration for the purpose of either securing or maintaining approval, clearance, or licensure of such medical product; or

(C) the defendant caused the medical product which caused the claimant's harm to be misbranded or adulterated (as such terms are used in chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.)).

**SEC. 406. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.**

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments, in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

**SEC. 407. DEFINITIONS.**

In this title:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term "alternative dispute resolution system" or "ADR" means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term "claimant" means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COMPENSATORY DAMAGES.—The term "compensatory damages" means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of



society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. The term “compensatory damages” includes economic damages and non-economic damages, as such terms are defined in this section.

(4) **CONTINGENT FEE.**—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(5) **ECONOMIC DAMAGES.**—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(6) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services or any medical product affecting interstate commerce, or any health care liability action concerning the provision of health care goods or services or any medical product affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim. Such term does not include a claim or action which is based on criminal liability; which seeks civil fines or penalties paid to Federal, State, or local government; or which is grounded in antitrust.

(7) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider, a health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(8) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, including, but not limited to, third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services or medical products, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(9) **HEALTH CARE ORGANIZATION.**—The term “health care organization” means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting

under a contract or arrangement with a health care organization to provide or administer any health benefit.

(10) **HEALTH CARE PROVIDER.**—The term “health care provider” means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(11) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care organization, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, or treatment of any human disease or impairment, or the assessment or care of the health of human beings.

(12) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(13) **MEDICAL PRODUCT.**—The term “medical product” means a drug, device, or biological product intended for humans, and the terms “drug”, “device”, and “biological product” have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(g)(1) and (h)) and section 351(a) of the Public Health Service Act (42 U.S.C. 262(a)), respectively, including any component or raw material used therein, but excluding health care services.

(14) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider, health care organization, or a manufacturer, distributor, or supplier of a medical product. Punitive damages are neither economic nor noneconomic damages.

(16) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

#### SEC. 408. EFFECT ON OTHER LAWS.

(a) **VACCINE INJURY.**—

(1) To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title does not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) **OTHER FEDERAL LAW.**—Except as provided in this section, nothing in this title shall be deemed to affect any defense available to a defendant in a health care lawsuit or action under any other provision of Federal law.

#### SEC. 409. STATE FLEXIBILITY AND PROTECTION OF STATES’ RIGHTS.

(a) **HEALTH CARE LAWSUITS.**—The provisions governing health care lawsuits set forth in this title preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits, or mandates or permits subrogation or a lien on collateral source benefits.

(b) **PROTECTION OF STATES’ RIGHTS AND OTHER LAWS.**—(1) Any issue that is not governed by any provision of law established by or under this title (including State standards of negligence) shall be governed by otherwise applicable State or Federal law.

(2) This title shall not preempt or supersede any State or Federal law that imposes greater procedural or substantive protections for health care providers and health care organizations from liability, loss, or damages than those provided by this title or create a cause of action.

(c) **STATE FLEXIBILITY.**—No provision of this title shall be construed to preempt—

(1) any State law (whether effective before, on, or after the date of the enactment of this Act) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 303(a); or

(2) any defense available to a party in a health care lawsuit under any other provision of State or Federal law.

#### SEC. 410. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this Act, except that any health care lawsuit arising from an injury occurring prior to the date of the enactment of this Act shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

#### TITLE V—COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

##### SEC. 501. RETIREMENT CONTRIBUTIONS.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—

(1) **INDIVIDUAL CONTRIBUTIONS.**—Section 8334(c) of title 5, United States Code, is amended—

(A) by striking “(c) Each” and inserting “(c)(1) Each”; and

(B) by adding at the end the following:

“(2) Notwithstanding any other provision of this subsection, the applicable percentage of basic pay under this subsection shall—

“(A) except as provided in subparagraph (B) or (C), for purposes of computing an amount—

“(i) for a period in calendar year 2013, be equal to the applicable percentage under this subsection for calendar year 2012, plus an additional 1.5 percentage points;

“(ii) for a period in calendar year 2014, be equal to the applicable percentage under this subsection for calendar year 2013 (as determined under clause (i)), plus an additional 0.5 percentage point;

“(iii) for a period in calendar year 2015, 2016, or 2017, be equal to the applicable percentage under this subsection for the preceding calendar year (as determined under clause (i) or this clause, as the case may be), plus an additional 1.0 percentage point; and

“(iv) for a period in any calendar year after 2017, be equal to the applicable percentage under this subsection for calendar year 2017 (as determined under clause (iii));

“(B) for purposes of computing an amount with respect to a Member for Member service—

“(i) for a period in calendar year 2013, be equal to the applicable percentage under this subsection for calendar year 2012, plus an additional 2.5 percentage points;

“(ii) for a period in calendar year 2014, 2015, 2016, or 2017, be equal to the applicable percentage under this subsection for the preceding calendar year (as determined under clause (i) or this clause, as the case may be), plus an additional 1.5 percentage points; and

“(iii) for a period in any calendar year after 2017, be equal to the applicable percentage under this subsection for calendar year 2017 (as determined under clause (ii)); and

“(C) for purposes of computing an amount with respect to a Member or employee for Congressional employee service—

“(i) for a period in calendar year 2013, be equal to the applicable percentage under this subsection for calendar year 2012, plus an additional 2.5 percentage points;

“(ii) for a period in calendar year 2014, 2015, 2016, or 2017, be equal to the applicable percentage under this subsection for the preceding calendar year (as determined under clause (i) or this clause, as the case may be), plus an additional 1.5 percentage points; and

“(iii) for a period in any calendar year after 2017, be equal to the applicable percentage under this subsection for calendar year 2017 (as determined under clause (ii)).

“(3)(A) Notwithstanding subsection (a)(2), any excess contributions under subsection (a)(1)(A) (including the portion of any deposit under this subsection allocable to excess contributions) shall, if made by an employee of the United States Postal Service or the Postal Regulatory Commission, be deposited to the credit of the Postal Service Fund under section 2003 of title 39, rather than the Civil Service Retirement and Disability Fund.

“(B) For purposes of this paragraph, the term ‘excess contributions’, as used with respect to contributions made under subsection (a)(1)(A) by an employee of the United States Postal Service or the Postal Regulatory Commission, means the amount by which—

“(i) deductions from basic pay of such employee which are made under subsection (a)(1)(A), exceed

“(ii) deductions from basic pay of such employee which would have been so made if paragraph (2) had not been enacted.”.

(2) GOVERNMENT CONTRIBUTIONS.—Section 8334(a)(1)(B) of title 5, United States Code, is amended—

(A) in clause (i), by striking “Except as provided in clause (ii),” and inserting “Except as provided in clause (ii) or (iii),”; and

(B) by adding at the end the following:

“(iii) The amount to be contributed under clause (i) shall, with respect to a period in any year beginning after December 31, 2012, be equal to—

“(I) the amount which would otherwise apply under clause (i) with respect to such period, reduced by

“(II) the amount by which, with respect to such period, the withholding under subparagraph (A) exceeds the amount which would otherwise have been withheld from the basic pay of the employee or elected official involved under subparagraph (A) based on the percentage applicable under subsection (c) for calendar year 2012.”.

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

(1) INDIVIDUAL CONTRIBUTIONS.—Section 8422(a)(3) of title 5, United States Code, is amended—

(A) by redesignating subparagraph (B) as subparagraph (C);

(B) by inserting after subparagraph (A) the following:

“(B) Notwithstanding any other provision of this paragraph, the applicable percentage under this paragraph for civilian service by employees or Members other than revised annuity employees shall—

“(i) except as provided in clause (ii) or (iii), for purposes of computing an amount—

“(I) for a period in calendar year 2013, be equal to the applicable percentage under this paragraph for calendar year 2012, plus an additional 1.5 percentage points;

“(II) for a period in calendar year 2014, be equal to the applicable percentage under this paragraph for calendar year 2013 (as determined under subclause (I)), plus an additional 0.5 percentage point;

“(III) for a period in calendar year 2015, 2016, or 2017, be equal to the applicable percentage under this paragraph for the preceding calendar year (as determined under subclause (II) or this subclause, as the case may be), plus an additional 1.0 percentage point; and

“(IV) for a period in any calendar year after 2017, be equal to the applicable percentage under this paragraph for calendar year 2017 (as determined under subclause (III));

“(ii) for purposes of computing an amount with respect to a Member—

“(I) for a period in calendar year 2013, be equal to the applicable percentage under this paragraph for calendar year 2012, plus an additional 2.5 percentage points;

“(II) for a period in calendar year 2014, 2015, 2016, or 2017, be equal to the applicable percentage under this paragraph for the preceding calendar year (as determined under subclause (I) or this subclause, as the case may be), plus an additional 1.5 percentage points; and

“(III) for a period in any calendar year after 2017, be equal to the applicable percentage under this paragraph for calendar year 2017 (as determined under subclause (II)); and

“(iii) for purposes of computing an amount with respect to a Congressional employee—

“(I) for a period in calendar year 2013, 2014, 2015, 2016, or 2017, be equal to the applicable percentage under this paragraph for the preceding calendar year (including as increased

under this subclause, if applicable), plus an additional 1.5 percentage points; and

“(II) for a period in any calendar year after 2017, be equal to the applicable percentage under this paragraph for calendar year 2017 (as determined under subclause (I)).”; and

(C) in subparagraph (C) (as so redesignated by subparagraph (A))—

(i) by striking “9.3” each place it appears and inserting “12”; and

(ii) by striking “9.8” each place it appears and inserting “12.5”.

(2) GOVERNMENT CONTRIBUTIONS.—Section 8423(a)(2) of title 5, United States Code, is amended—

(A) by striking “(2)” and inserting “(2)(A)”; and

(B) by adding at the end the following:

“(B)(i) Subject to clauses (ii) and (iii), for purposes of any period in any year beginning after December 31, 2012, the normal-cost percentage under this subsection shall be determined and applied as if section 501(b)(1) of the Spending Reduction Act of 2012 had not been enacted.

“(ii) Any contributions under this subsection in excess of the amounts which (but for clause (i)) would otherwise have been payable shall be applied toward reducing the unfunded liability of the Civil Service Retirement System.

“(iii) After the unfunded liability of the Civil Service Retirement System has been eliminated, as determined by the Office, Government contributions under this subsection shall be determined and made disregarding this subparagraph.

“(iv) The preceding provisions of this subparagraph shall be disregarded for purposes of determining the contributions payable by the United States Postal Service and the Postal Regulatory Commission.”.

#### SEC. 502. ANNUITY SUPPLEMENT.

Section 8421(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”; and

(2) in paragraph (2), by striking “paragraph (3)” and inserting “paragraphs (3) and (4)”; and

(3) by adding at the end the following:

“(4)(A) Except as provided in subparagraph (B), no annuity supplement under this section shall be payable in the case of an individual who first becomes subject to this chapter after December 31, 2012.

“(B) Nothing in this paragraph applies in the case of an individual separating under subsection (d) or (e) of section 8412.”.

#### SEC. 503. CONTRIBUTIONS TO THRIFT SAVINGS FUND OF PAYMENTS FOR ACCRUED OR ACCUMULATED LEAVE.

(a) AMENDMENTS RELATING TO CSRS.—Section 8351(b) of title 5, United States Code, is amended—

(1) by striking paragraph (2)(A) and inserting the following:

“(2)(A) An employee or Member may contribute to the Thrift Savings Fund in any pay period any amount of such employee’s or Member’s basic pay for such pay period, and may contribute (by direct transfer to the Fund) any part of any payment that the employee or Member receives for accumulated and accrued annual or vacation leave under section 5551 or 5552. Notwithstanding section 2105(e), in this paragraph the term ‘employee’ includes an employee of the United States Postal Service or of the Postal Regulatory Commission.”;

(2) by striking subparagraph (B) of paragraph (2); and

(3) by redesignating subparagraph (C) of paragraph (2) as subparagraph (B).

(b) AMENDMENTS RELATING TO FERS.—Section 8432(a) of title 5, United States Code, is amended—

(1) by striking all that precedes paragraph (3) and inserting the following:

“(a)(1) An employee or Member—

“(A) may contribute to the Thrift Savings Fund in any pay period, pursuant to an election under subsection (b), any amount of such employee’s or Member’s basic pay for such pay period; and

“(B) may contribute (by direct transfer to the Fund) any part of any payment that the employee or Member receives for accumulated and accrued annual or vacation leave under section 5551 or 5552.

“(2) Contributions made under paragraph (1)(A) pursuant to an election under subsection (b) shall, with respect to each pay period for which such election remains in effect, be made in accordance with a program of regular contributions provided in regulations prescribed by the Executive Director.”; and

(2) by adding at the end the following:

“(4) Notwithstanding section 2105(e), in this subsection the term ‘employee’ includes an employee of the United States Postal Service or of the Postal Regulatory Commission.”.

(c) REGULATIONS.—The Executive Director of the Federal Retirement Thrift Investment Board shall promulgate regulations to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 1 year after the date of the enactment of this Act.

## TITLE VI—COMMITTEE ON WAYS AND MEANS

### Subtitle A—Recapture of Overpayments Resulting From Certain Federally-subsidized Health Insurance

#### SEC. 601. RECAPTURE OF OVERPAYMENTS RESULTING FROM CERTAIN FEDERALLY-SUBSIDIZED HEALTH INSURANCE.

(a) IN GENERAL.—Paragraph (2) of section 36B(f) of the Internal Revenue Code of 1986 is amended by striking subparagraph (B).

(b) CONFORMING AMENDMENT.—So much of paragraph (2) of section 36B(f) of such Code, as amended by subsection (a), as precedes “advance payments” is amended to read as follows:

“(2) EXCESS ADVANCE PAYMENTS.—If the”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2013.

### Subtitle B—Social Security Number Required to Claim the Refundable Portion of the Child Tax Credit

#### SEC. 611. SOCIAL SECURITY NUMBER REQUIRED TO CLAIM THE REFUNDABLE PORTION OF THE CHILD TAX CREDIT.

(a) IN GENERAL.—Subsection (d) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) IDENTIFICATION REQUIREMENT WITH RESPECT TO TAXPAYER.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to any taxpayer for any taxable year unless the taxpayer includes the taxpayer’s Social Security number on the return of tax for such taxable year.

“(B) JOINT RETURNS.—In the case of a joint return, the requirement of subparagraph (A) shall be treated as met if the Social Security number of either spouse is included on such return.

“(C) LIMITATION.—Subparagraph (A) shall not apply to the extent the tentative minimum tax (as defined in section 55(b)(1)(A)) exceeds the credit allowed under section 32.”.

(b) OMISSION TREATED AS MATHEMATICAL OR CLERICAL ERROR.—Subparagraph (I) of section 6213(g)(2) of such Code is amended to read as follows:

“(I) an omission of a correct Social Security number required under section 24(d)(5) (relating to refundable portion of child tax credit), or a correct TIN under section 24(e) (relating to child tax credit), to be included on a return.”.

(c) CONFORMING AMENDMENT.—Subsection (e) of section 24 of such Code is amended by inserting “WITH RESPECT TO QUALIFYING CHILDREN” after “IDENTIFICATION REQUIREMENT” in the heading thereof.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

### Subtitle C—Human Resources Provisions

#### SEC. 621. REPEAL OF THE PROGRAM OF BLOCK GRANTS TO STATES FOR SOCIAL SERVICES.

(a) REPEALS.—Sections 2001 through 2007 of the Social Security Act (42 U.S.C. 1397–1397f) are repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(d) of the Social Security Act (42 U.S.C. 604(d)) is amended—

(A) in paragraph (1), by striking “any or all of the following provisions of law:” and all that follows through “The” and inserting “the”;

(B) in paragraph (3)—

(i) by striking “RULES” and all that follows through “any amount paid” and inserting “RULES.—Any amount paid”;

(ii) by striking “a provision of law specified in paragraph (1)” and inserting “the Child Care and Development Block Grant Act of 1990”; and

(iii) by striking subparagraph (B); and

(C) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(2) Section 422(b) of the Social Security Act (42 U.S.C. 622(b)) is amended—

(A) in paragraph (1)(A)—

(i) by striking “administers or supervises” and inserting “administered or supervised”; and

(ii) by striking “subtitle 1 of title XX” and inserting “subtitle A of title XX (as in effect before the repeal of such subtitle)”;

(B) in paragraph (2), by striking “under subtitle 1 of title XX.”.

(3) Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(A) in paragraph (4), by striking “, under subtitle 1 of title XX of this Act.”; and

(B) in paragraph (8), by striking “XIX, or XX” and inserting “or XIX”.

(4) Section 472(h)(1) of the Social Security Act (42 U.S.C. 672(h)(1)) is amended by striking the 2nd sentence.

(5) Section 473(b) of the Social Security Act (42 U.S.C. 673(b)) is amended—

(A) in paragraph (1), by striking “(3)” and inserting “(2)”;

(B) in paragraph (4), by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”;

(C) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(6) Section 504(b)(6) of the Social Security Act (42 U.S.C. 704(b)(6)) is amended in each of subparagraphs (A) and (B) by striking “XIX, or XX” and inserting “or XIX”.

(7) Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) is amended by striking the penultimate sentence.

(8) Section 1128(h) of the Social Security Act (42 U.S.C. 1320a–7(h)) is amended—

(A) by adding “or” at the end of paragraph (2); and

(B) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(9) Section 1128A(i)(1) of the Social Security Act (42 U.S.C. 1320a–7a(i)(1)) is amended by striking “or subtitle 1 of title XX”.

(10) Section 1132(a)(1) of the Social Security Act (42 U.S.C. 1320b–2(a)(1)) is amended by striking “XIX, or XX” and inserting “or XIX”.

(11) Section 1902(e)(13)(F)(iii) of the Social Security Act (42 U.S.C. 1396a(e)(13)(F)(iii)) is amended—

(A) by striking “EXCLUSIONS” and inserting “EXCLUSION”; and

(B) by striking “an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or”.

(12) The heading for title XX of the Social Security Act is amended by striking “BLOCK GRANTS TO STATES FOR SOCIAL SERVICES” and inserting “HEALTH PROFESSIONS DEMONSTRATIONS AND ENVIRONMENTAL HEALTH CONDITION DETECTION”.

(13) The heading for subtitle A of title XX of the Social Security Act is amended by striking “Block Grants to States for Social Services” and inserting “Health Professions Demonstrations and Environmental Health Condition Detection”.

(14) Section 16(k)(5)(B)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(k)(5)(B)(i)) is amended by striking “, or title XX.”.

(15) Section 402(b)(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(3)) is amended by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(16) Section 245A(h)(4)(I) of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1255a(h)(4)(I)) is amended by striking “, XVI, and XX” and inserting “and XVI”.

(17) Section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (B)—

(I) by striking “—” and all that follows through “(i)”;

(II) by striking “or” at the end of clause (i); and

(III) by striking clause (ii); and

(ii) in subparagraph (D)(ii), by striking “or title XX”; and

(B) in subsection (o)(2)(B)—

(i) by striking “or title XX” each place it appears; and

(ii) by striking “or XX”.

(18) Section 201(b) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1931(b)) is amended by striking “titles IV–B and XX” each place it appears and inserting “part B of title IV”.

(19) Section 3803(c)(2)(C) of title 31, United States Code, is amended by striking clause (vi) and redesignating clauses (vii) through (xvi) as clauses (vi) through (xv), respectively.

(20) Section 14502(d)(3) of title 40, United States Code, is amended—

(A) by striking “and title XX”; and

(B) by striking “, 1397 et seq.”.

(21) Section 2006(a)(15) of the Public Health Service Act (42 U.S.C. 300z–5(a)(15)) is amended by striking “and title XX”.

(22) Section 203(b)(3) of the Older Americans Act of 1965 (42 U.S.C. 3013(b)(3)) is amended by striking “XIX, and XX” and inserting “and XIX”.

(23) Section 213 of the Older Americans Act of 1965 (42 U.S.C. 3020d) is amended by striking “or title XX”.

(24) Section 306(d) of the Older Americans Act of 1965 (42 U.S.C. 3026(d)) is amended in each of paragraphs (1) and (2) by striking “titles XIX and XX” and inserting “title XIX”.

(25) Section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624) is amended in each of subsections (b)(4) and (j) by striking “under title XX of the Social Security Act.”.

(26) Section 602 of the Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10901) is repealed.

(27) Section 3(d)(1) of the Assisted Suicide Funding Restriction Act of 1997 (42 U.S.C. 14402(d)(1)) is amended by striking subparagraph (C) and redesignating subparagraphs (D) through (K) as subparagraphs (C) through (J), respectively.

(c) **EFFECTIVE DATE.**—The repeals and amendments made by this section shall take effect on January 1, 2013.

#### **TITLE VII—SEQUESTER REPLACEMENT**

##### **SEC. 701. SHORT TITLE.**

This title may be cited as the “Sequester Replacement Act of 2012”.

##### **SEC. 702. PROTECTING VETERANS PROGRAMS FROM SEQUESTER.**

Section 256(e)(2)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

##### **SEC. 703. ACHIEVING \$19 BILLION IN DISCRETIONARY SAVINGS.**

(a) **REVISED 2013 DISCRETIONARY SPENDING LIMIT.**—Paragraph (2) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(2) with respect to fiscal year 2013, for the discretionary category, \$1,047,000,000,000 in new budget authority.”.

(b) **DISCRETIONARY SAVINGS.**—Section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(A) **FISCAL YEAR 2013.**—

“(i) **FISCAL YEAR 2013 ADJUSTMENT.**—On January 2, 2013, the discretionary category set forth in section 251(c)(2) shall be decreased by \$19,104,000,000 in budget authority.

“(ii) **SUPPLEMENTAL SEQUESTRATION ORDER.**—On January 15, 2013, OMB shall issue a supplemental sequestration report for fiscal year 2013 and take the form of a final sequestration report as set forth in section 254(f)(2) and using the procedures set forth in section 253(f), to eliminate any discretionary spending breach of the spending limit set forth in section 251(c)(2) as adjusted by clause (i), and the President shall order a sequestration, if any, as required by such report.”.

##### **SEC. 704. CONFORMING AMENDMENTS TO SECTION 314 OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.**

Section 314(a) of the Congressional Budget Act of 1974 is amended to read as follows:

“(a) **ADJUSTMENTS.**—

“(1) **IN GENERAL.**—The chair of the Committee on the Budget of the House of Representatives or the Senate may make adjustments as set forth in paragraph (2) for a bill or joint resolution, amendment thereto or conference report thereon, by the amount of new budget authority and outlays flowing therefrom in the same amount as required by section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“(2) **MATTERS TO BE ADJUSTED.**—The chair of the Committee on the Budget of the House of Representatives or the Senate may make the adjustments referred to in paragraph (1) to—

“(A) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a);

“(B) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget; and

“(C) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget.”.

##### **SEC. 705. TREATMENT FOR PAYGO PURPOSES.**

The budgetary effects of this Act and any amendment made by it shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

##### **SEC. 706. ELIMINATION OF THE FISCAL YEAR 2013 SEQUESTRATION FOR DEFENSE DIRECT SPENDING.**

Any sequestration order issued by the President under the Balanced Budget and Emergency Deficit Control Act of 1985 to carry out reductions to direct spending for the defense function (050) for fiscal year 2013 pursuant to section 251A of such Act shall have no force or effect.

The **SPEAKER** pro tempore. The gentleman from Wisconsin (Mr. **RYAN**) as the designee of the majority leader and the gentleman from Maryland (Mr. **VAN HOLLEN**) as the designee of the minority leader each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

##### **GENERAL LEAVE**

Mr. **RYAN** of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6684, the Spending Reduction Act.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. **RYAN** of Wisconsin. Mr. Speaker, I yield myself 1 minute.

This is what we should be doing almost every day here—cutting spending. In particular, this cuts \$236 billion over the next 10 years in net spending cuts to pay for 1 year of the sequester. It sets aside the sequester on defense and nondefense discretionary spending. It cuts \$218 billion in mandatory spending and \$19 billion in discretionary spending by lowering those caps. The result of this is we believe it's better to identify specific spending cuts, waste, fraud, and abuse in the Federal Government in order to prevent the sequester from occurring. This sets aside this question for 1 year. But in exchange for that, it has a net spending reduction of \$236 billion. We think the path forward is even lower spending, which is what this achieves.

I yield 5 minutes to the chairman of the House Armed Services Committee, Mr. **MCKEON**.

Mr. **MCKEON**. I thank the gentleman for yielding, and I thank him for his efforts on this bill.

Today, we will send to the Senate a way out of this fiscal crisis. Rather than react in defense of the President's position, I urge the other body to treat this package as a good faith effort to

protect America's middle class and small businesses from harmful tax hikes and to reduce spending to resolve sequestration. We know that the President is willing to put adjustments to entitlements on the table. This proposal provides a framework for us to reach bipartisan agreement on how to do that.

If we fail to act, on January 2 a hammer's strike will fall on America's Armed Forces. It will be one of the most significant and damaging blows to our troops and our national security in history. Without even the stroke of a pen, sequester will do incredible injury to a military that took generations to build. It will take generations to fix. And the blow will not come from an enemy, but from our own inability to fulfill the basic obligations of governance.

We must stop substituting regular order with brinksmanship. We must not allow impasses of our own doing to harm our Armed Forces. I call on the President to lead rather than create a new crisis. We cannot stand idly by while we have American men and women fighting to keep us safe across the globe. It's a disgrace that the President decided to use them as pawns in these negotiations, and it's a disgrace that we haven't managed to rescue them yet.

My leadership made me a promise: sequestration would not happen. Today, for the sixth time, they are bringing a measure to the floor in an effort to keep that promise. I thank them for what they have done and wish we could have done even more. The American people were also promised that sequestration would not happen. Many times over his campaign and in the presence of our troops and veterans the Commander in Chief made that promise: sequestration would not happen. Yet as we stand here today, days away from the catastrophe, the President of the United States hasn't lifted a finger to keep that promise.

If the Senate fails to take our offer seriously, we will likely return to Washington after Christmas. But the 68,000 American troops in Afghanistan don't have that luxury. We ask them to bear the pain of combat. I hope we will not ask them to shoulder the weight of Washington's irresponsibility. Every man and woman who serves in this Chamber, in the one down the hall, and in the Oval Office down the street are the stewards of a sacred trust. We have all put our left hand on a Bible and raised our right hand and made a sacred pledge. Part of that pledge is to defend the men and women who put their lives on the line to defend us. If we allow the year to end without resolving sequestration, we will all be in direct and unforgivable violation of that trust. I have debated and reasoned with my colleagues, and now I beg you, do not let the year end without ending sequestration.

I urge passage of this measure.

Mr. VAN HOLLEN. I yield myself such time as I may consume.

At the outset, I just want to say to my friend, the chairman of the Budget Committee, I have great respect for him. And I hope he won't take it the wrong way, but I'm glad to have you back, and look forward to actually working with you next year. I actually hoped that we'd be able to work in a bipartisan way, starting right now. Unfortunately, that doesn't appear to be the case, and we are engaged here in the House on this floor today in what has become a ridiculous political stunt which will actually take us much closer as a country to going over the fiscal cliff. We're wasting valuable time. The Speaker should be engaged with the President of the United States in negotiations rather than having walked away from those negotiations with the President. That walking away is becoming a bad habit.

The President put on the table a balanced budget plan that calls for shared responsibility. It calls for \$1.2 trillion in additional revenues from high-income earners over the next 10 years, and \$1.2 trillion in additional cuts, if you include the interest savings over the next 10 years. And by the way, Mr. Speaker, that \$1.2 trillion in cuts comes on top of the over \$1 trillion in cuts that have already been agreed to this year.

And to our colleague, the distinguished chairman of the Armed Services Committee, when he says that the President hasn't lifted a finger to remove the sequester on defense, that's just not true. It's just not true. In fact, the President's proposal to cut the \$1.2 trillion would also remove the sequester for at least 1 year—and maybe for 10. And it's more cuts total than what we're talking about on the floor here today.

So what we really have, Mr. Speaker, is the fact that too many of our Republican colleagues still think that compromise is a dirty word. And that's what brings us to the floor today in this political exercise.

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As has, unfortunately, been the case throughout the year, the Republican package that we're dealing with today has two objectives. One objective is to minimize the impact of the budget challenge on high-income earners and to shift that burden on the middle-income earners and working people.

The numbers tell the story, Mr. Speaker. Because if we go over the fiscal cliff, people earning over \$1 million will face a significant income tax hike. But under the Republican Plan B, compared to the Senate plan that is before this House right now, the House Republican plan would give those millionaires a \$50,000 tax break on average.

But do you know who would pay more under a Republican Plan B? A

whole lot of middle class families. Eleven million families will see an average of \$1,100 tax increase because the Republican Plan B takes away the tuition tax credit. Twelve million families will lose the enhanced child tax credit; they will face \$800 more burden. EITC, 6 million families will pay more. The typical U.S. Army private—including those men and women serving us in Afghanistan today—married with a newborn infant will see a \$453 increase in taxes as a result of Republican Plan B. On average, 25 million families will pay an average of \$1,000 more so that 402,000 families who make over \$1 million can get an average tax break of \$50,000. That's the tax part of Republican Plan B.

We're here today right now talking about the cutting part of Republican Plan B. I think all of us recall during the election the Republican Presidential candidate said:

There are 47 percent of the people who will vote for the President no matter what.

And then he went on to say:

And so my job is not to worry about those people.

Well, you know what? The Republican sequester-cutting plan today is making their nominee's promise come true. It sends a signal that our Republican colleagues just don't care about the 47 percent. Because you know who gets hit? Here's what it would do. This is according to the Congressional Budget Office.

By the way, Mr. Speaker, this is a recycled version. We had virtually the same bill on the floor last spring; we're just doing it again. That bill did not get one single Democratic vote, and now it's brought here under the premise of some kind of bipartisan approach. The reason it didn't get Democratic support is, while they're providing these tax breaks to people making over \$1 million compared to what it would be if we went over the fiscal cliff, 22 million children will face reduced or eliminated food benefits. That's according to the Congressional Budget Office. 1.8 million Americans will permanently lose their food assistance, and of those, nearly 300,000 children will lose their school free or reduced lunch program.

So what this sequester-avoidance plan does is make good on the promise that Republicans don't care about the 47 percent. That's why it didn't get any Democratic votes last spring. That's why, Mr. Speaker, I urge my colleagues to vote against it today.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

My friend started off by saying this is a farce, this is not real. This is what Congress is supposed to do.

Let's review what this legislation is or is not.

Number one, six congressional committees went through their areas of ju-

risdiction to look for areas where spending can be reduced—to look for areas where there was government duplication, to look for areas where there was government waste and fraud—reported out of those committees savings, spending cuts, and we package it together here. We ought to be doing this each and every year.

More to the point, Mr. Speaker, this package of spending cuts are built on top of the fact that we actually passed a budget to pay off the debt. We actually passed a budget to make sure that nobody gets a tax increase. That's a lot more than the President can say.

The President's budget was voted down unanimously in the House and the Senate. The Senate, they haven't passed a budget in 3 years. We don't just have a fiscal cliff, we have a fiscal abyss in front of us, and that is the debt crisis that is on our horizon.

Failure to address this debt crisis means not just 47 percent of Americans, but every American gets hurt. Every American gets a lower standard of living. Every American, especially the next generation, receives a lower standard of living if we don't fix this mess.

So what is this we're doing here today? We're saying we don't think the crude across-the-board sequester is good policy. We think it will harm our national security—the first and primary responsibility of the Federal Government—and we want to replace next year's cuts with even more spending cuts that we think are smart spending cuts.

The gentleman is talking about all these people who will lose food stamps and free and reduced lunches. Let me say it really clearly: Every single person who qualifies for food stamps will get food stamps. Every single child who qualifies for a free and reduced lunch will get their free and reduced lunch. What we're saying is you actually have to qualify for these benefits to get these benefits, and that's not the case today. We are spending so much money from this government that people who don't even qualify for these benefits, who make more than they should to qualify for them, are getting these benefits.

There is a lot of waste. There's a lot of fraud. There's a lot of abuse in how our Federal tax dollars are being spent, and we're beginning to rein that in with this down payment of spending cuts.

With respect to taxes, what we are trying to do here is limit the damage to the taxpayer. There's not a single tax increase that we're proposing here—not a single. What we're saying is prevent as many tax increases as possible from hitting anybody in this economy. Because you know what? It's not a very good economy. Look, elections have consequences. We understand that. I, of all people, understand

that. The consequence of this election is we have a President who in every proposal he has given us has called for net spending increases along with tax increases.

He used to say we ought to cut \$3 of spending for every \$1 of tax increases. He's not even doing that. The latest proposals say let's raise taxes and then raise spending. Mr. Speaker, that's what got us in trouble in the first place.

With that, I'd like to yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Financial Services Committee.

Mr. BACHUS. Mr. Speaker, the gentleman from Maryland (Mr. VAN HOLLEN) says that this is political theater, that this is a waste of time. Well, let me tell you that the Financial Services Committee has cut \$35 billion of unnecessary wasteful spending. We started with bailout money, \$29 billion that Dodd-Frank said, if a too-big-to-fail company goes broke, we're going to pay off their creditors and counterparties. Now, didn't the American people tell us in 2008 and 2009 what they felt about using their money to bail out creditors and counterparties? People that are making \$40,000 and \$50,000 a year would have to help pay \$29 billion.

We also do away with the HAMP program. Now, is that a waste of time, doing away with this program? The special inspector general for TARP, the Congressional Oversight Panel, and the Government Accounting Office—the Government Accounting Office, many of those employees are your constituents in Maryland—even the editorial writers of *The New York Times* said—now, this is *New York Times*. They said HAMP does more harm than good. It's a wasteful program. Even my Democratic colleagues on the Financial Services Committee said, It doesn't work, but we can make it work. Well, let's shut it down.

□ 1700

\$2.8 billion. Is that a waste of our time today?

Third, this legislation saves over \$5 billion. Is that inconsequential? Is that theater? Because it gives real accountability to a government agency that right now has not, the CFPB. They have unlimited funds. Then it takes \$4.9 billion in savings from just by making reforms that this Congress, this House, voted by over 400 Members to do; but the Senate, even though this will save \$4.9 billion, they haven't even taken this bill up. 414 of us voted for this bill, and the Senate hasn't taken it up. But I guess I shouldn't be surprised. As the budget chairman said, they haven't passed a budget for 3 years.

My gosh, let's quit talking about this group of Americans or that group of Americans. Let's talk about America as if it's one country. Let's don't en-

gage in class warfare. Let's don't pit one income group or one group against each other.

We're going to take a very small step today, but it's a first step, and it's not an unimportant step towards cutting the national debt. The national debt in the last 4 years has gone up 70 percent. That's a staggering amount.

Now, let me say this. Chairman Bernanke, for 6 years, but particularly the last 4 years, has come before our committee, and he said that the national debt is imperiling our economic future. Let me use his words.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 1 minute.

Mr. BACHUS. He said:

Our economic security is at risk if we don't cut down on the debt.

Mr. McKEON was here speaking. Secretary Bob Gates said that it's imperiling our national security. Is that theater? Is the national debt an illusion? Americans don't think so, and today we'll start acting. We'll start acting. And we'll do something else: We'll cut taxes. We'll preserve those tax cuts, except for those millionaires, people making over \$1 million, as Mr. VAN HOLLEN said. We're going to let those tax rates go back up, which is exactly what NANCY PELOSI proposed. We're going to take her proposal. And, do you know, as Mr. VAN HOLLEN says, it probably won't get one Democratic vote for something that your leader proposed 3 months ago.

That's political theater, Mr. VAN HOLLEN.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

I wish the outgoing chairman of Financial Services would check his facts.

Ms. PELOSI, the Democratic leader, did not make a tax proposal that would give people over \$1 million a year a \$50,000 tax break, which is exactly what the Republican plan would do, number one.

Number two, the proposal that the President has put on the table has \$1.2 trillion cuts if you include interest savings, which is more than the cuts here, and will also deal with the sequester.

Number three, the Republican proposal out of Financial Services will increase the likelihood that taxpayers have to bail out the financial industry again, not reduce it.

And number four, they strip away the independence of the Consumer Finance Protection Board so that lobbyists can meddle in exactly how they do their work so that they're looking out for lobbyists' interests rather than the interests of the American people.

So this whole approach that we're seeing right here is another example of trying to help the folks at the very top at the expense of the rest of the country.

And, Mr. BACHUS, it wasn't me making the 40 percent comment talking about dividing America. That was the comment made by the Republican candidate for President.

With that, I yield 1½ minutes to the distinguished lady from New York, a member of the Appropriations Committee, Ms. LOWEY, and I congratulate her on becoming the new ranking member.

Ms. LOWEY. And I congratulate you on the wisdom which you generously share with all of us.

Mr. Speaker, I rise in strong opposition to the bill.

Instead of putting forth a serious, comprehensive, and balanced deficit reduction plan, the Republicans are taking a timeout so the House can embark on yet another futile effort to pass portions of the Ryan budget—the same Ryan budget that would end Medicare as we know it, walk away from the caps on discretionary spending agreed to in the Budget Control Act, and has no chance of being signed into law.

Our constituents want us to negotiate and agree to a solution to avoid economic catastrophe. I have concerns with some of the proposals the President has made in his negotiations with the Speaker, but at least the President was seeking a workable compromise.

Instead, the majority walked away from the negotiating table and away from a \$2.4 trillion deficit reduction package. Given everything our country has been through in the last 2 months, from Superstorm Sandy to the tragedy in Newtown, the last thing Americans need is for politicians to refuse to compromise while risking market collapse, credit downgrade, and putting the brakes on economic growth and job creation.

I urge my colleagues to end the political charade. Let's get back to the serious task of negotiating a balanced deficit reduction plan. Let's do it now, today. We can do it.

Mr. RYAN of Wisconsin. Mr. Speaker, I, too, want to add my congratulations to the fine gentlewoman from New York on becoming the ranking member of the Appropriations Committee. She has our respect and our congratulations.

With that, I'd like to yield 1 minute to the distinguished majority leader, Mr. CANTOR.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Wisconsin, the chairman of our Budget Committee.

Mr. Speaker, I rise today to urge support for the measures before us to replace the sequester and reduce the deficit and to extend permanent tax relief for the middle class and hundreds of thousands of small business people.

For the past weeks and months, as people have been looking for jobs and budgeting for their expenses, we've been working to keep taxes from going up and offering commonsense spending



reforms. The Spending Reduction Act at issue today reduces our deficit and protects our national security by replacing indiscriminate cuts that are neither strategic nor balanced.

Mr. Speaker, we all agree that our current spending path is unsustainable and poses a real threat to the economy, to job creation, and to our ability to remain competitive in the global economy. We must address the underlying issue that faces this country, which is the mounting deficit and load of debt that we are going to leave to this generation and the next. But the President has been unwilling to consider serious spending cuts or offer a serious and balanced plan to avoid the fiscal cliff.

The risks of unchecked spending are grave. The consequences of our debt crisis will be felt by every student looking for a job that matches their skills after graduation, by every retiree counting on Social Security and Medicare, and by every small business owner looking to expand and hire.

We have passed bills and put forward reforms that would save programs like Social Security, Medicare, and Medicaid from certain and predictable failure, yet we cannot find cooperation, Mr. Speaker, from the White House or the other side of the aisle to help solve these problems.

It is unfortunate that we find ourselves in this place just 11 days from the new year. For months, we have been ready and willing to work with the President to prevent the fiscal cliff from impacting small businesses and hardworking families.

The math shows that the President's push to hike taxes won't reduce the deficit, and, left unchecked, his government spending will bankrupt our future. Our plan will protect 740,000 additional small businesses that would otherwise be hit by the tax hike the President is proposing.

We don't believe taxes should go up on anybody, but if we can prevent taxes from going up on as many people as possible, on 99.81 percent of American families and small businesses, we must and need to do so.

Americans are looking for jobs, small businesses are deciding whether they should hire or invest in growing, and many Americans are struggling to make ends meet. We are all committed to creating an economy where everyone has an opportunity to succeed.

House Republicans are offering a plan today similar to one that received 53 Democratic votes in the U.S. Senate only 2 years ago, and the Spending Reduction Act is a serious start toward reducing our deficit and protecting our national security.

□ 1710

Absent a balanced offer from the President, this is our Nation's best option, and Senate Democrats should take up both of these measures immediately.

The President has a choice, Mr. Speaker. He can support these measures or be responsible for reckless spending and the largest tax hike in American history.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

What is unbalanced is the Republican package that we see on the floor today. We already talked about the numbers of the Republican Plan B tax proposal which compared to going over the fiscal cliff and the Senate alternative would actually provide millionaires with a \$50,000 tax cut on average while 25 million American families will actually see a tax increase of \$1,000 on average, including, Mr. Speaker, some of our soldiers on the front line in Afghanistan today.

The majority leader talked about doing the math. Then do the math on the tax plan, because that's exactly what it shows. What the President has called for is a balanced plan that asks for the wealthiest to share the burden of our deficit challenge and make sure that we get our economy in full gear.

With that, I yield 1½ minutes to the distinguished ranking member of the Ways and Means Committee, Mr. LEVIN.

Mr. LEVIN. I did not know that I would follow the distinguished majority leader.

I just want to say, and I mostly want to talk about Plan C, but for him or anybody else to come on the floor and say that the President hasn't proposed spending cuts isn't true, and it undercuts the necessary level of trust to find common ground. That kind of a statement should not be made.

I sat in the Rules Committee for 3 hours and participated for 2 hours last night. There was no reference to Plan C, and it came up just a few minutes secretly before midnight. The purpose of Plan C is to try to get votes for Plan B within the Republican Conference. What it does is to undermine the Affordable Care Act by eliminating the true-up protections, and the joint task committee says it would result in the loss of health insurance coverage for 420,000 people. It would also repeal the Social Services Block Grant which provides services for millions of Americans.

It wasn't many years ago when Chairman CAMP wrote:

SSBG has been a key source of flexible funding for critical social services.

So now in a desperate effort to find votes for Plan B, you turn your back on that.

Finally, it would harm millions of low-income families and their kids. The estimate is it would affect 1 million families and more than 3 million kids.

Searching for votes for Plan B with that kind of an approach, I think, is abominable.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Maryland has 17½ minutes remaining, and the gentleman from Wisconsin has 15½ minutes remaining.

Mr. VAN HOLLEN. I yield 1½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, the Republican majority needs to do what Americans do every day in labor negotiations and real estate offices and other places around this country, and that's to negotiate rather than simply restate their position.

The President asked for higher tax rates on income above \$250,000, and he compromised and moved it up to \$400,000. The President started with a spending cut number that was \$500 billion or \$600 billion, and he moved it up to \$1.2 trillion. And he included within that a very controversial proposal dealing with Social Security increases.

The President has compromised. The Republicans once again are simply regurgitating their same old position, a tax provision that has a \$50,000-a-year tax cut for millionaires and a tax increase for 25 million working families, including servicemembers and their children, and a proposal that cuts jobs on transportation projects, daycare centers, and nursing homes across the country.

We should stop wasting our time on one-sided bills, follow the President's lead, lift our sights higher, and negotiate. That is the way out of this conundrum. And I would urge my friends on the majority side to stop pontificating and start negotiating.

Mr. RYAN of Wisconsin. I yield myself 30 seconds to say, Follow the President's lead? I wish he were leading.

The gentleman from Michigan said he's offered all these specifics. I wish it were so. Where are they? We hear numbers, we hear platitudes, we see budget gimmicks and accounting tricks; but we don't see specifics. We have yet to see a specific solution from this President to deal with his debt crisis.

He's claimed he wants to cut \$3 of spending for every \$1 of tax increase. We've seen a lot of specific tax increase proposals come from the President, but we haven't seen a specific spending cut proposal from the President. That's the problem.

With that, Mr. Speaker, I yield 3 minutes to the chairman of the Agriculture Committee, the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS. Mr. Speaker, I rise in support of this legislation.

It's no secret we're facing a severe debt crisis right now. We're at the \$16 trillion mark in debt piled up. If we don't act quickly, we'll be passing a crushing burden along to our children



and grandchildren. Reducing government spending is never an easy task. We face difficult choices, but House Republicans have lived up to our responsibilities to find ways to cut our costs so that we can once again live within our means.

The Agriculture Committee did its part by finding \$33 billion in savings over 10 years. We did this by making credible, commonsense reforms to the supplemental assistance program, SNAP—food stamps if you want to call it that. These provisions reduce waste and abuse and close program loopholes.

I'd like to make it absolutely clear that none of these recommendations will prevent families that qualify for assistance under SNAP from receiving those benefits. Think about that. All they have to do is demonstrate their income level, demonstrate their asset level, fill out their paperwork, qualify, and they will receive their benefits. We're working hard to better target the program and improve its integrity so that families in need can continue to receive nutrition assistance.

Every one of these provisions represents common sense and good government in times of fiscal restraint. I would also like to note that the policies included in this bill are not the only changes that the House Agriculture Committee has passed that would cause deficit reduction. In July, the Ag Committee passed a comprehensive farm bill by a strong bipartisan vote, a majority of Republicans and a majority of Democrats. The bill will save \$35 billion in the agricultural baseline. Our bill makes reforms to commodity programs, conservation programs, as well as significant reforms to the food stamp program.

My committee is doing everything it can to provide a variety of options for all sides and all parties to consider. We've made workable reforms to all programs within our jurisdiction, saving taxpayers billions of dollars. We want to be a part of the solution. We have proven time and time again we're willing to do our part.

Again, I urge my colleagues to adopt these reforms. Yes, it means you'll have to apply. Yes, it means you'll have to demonstrate your assets and your income. But if you're qualified, you will receive the help you need. You just have to demonstrate you need the help. Is that unreasonable?

□ 1720

With a \$16 trillion deficit—is that unreasonable?—and with a \$1 trillion annual spending deficit? Demonstrate you need the help and we'll help you. That's not unreasonable.

Mr. VAN HOLLEN. Mr. Speaker, a couple of points here.

First, the chairman of the Budget Committee said that the President hadn't put any specific spending cuts on the table. That's just not true. His

proposal has been available to the public for well over a year now. As to just one specific proposal, the President has said we should get rid of excessive agriculture subsidies. He has called for \$30 billion on that item alone.

Mr. RYAN of Wisconsin. Will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman.

Mr. RYAN of Wisconsin. I meant "net."

Mr. VAN HOLLEN. In reclaiming my time, that also is not true, and on that, we will have a longer discussion.

The reality is ag subsidies are one very concrete example. Interestingly, this bill that our Republican colleagues have brought to the floor, again, while cutting deeply into the food and nutrition programs, doesn't take one penny from ag subsidies for agribusinesses.

Now, Mr. Speaker, it's also important to correct another statement that has been made by both the chairman of the Budget Committee and the chairman of the Ag Committee with respect to the food program. I think the chairman knows that the SNAP statute provides in statute two routes for people to be eligible for food and nutrition assistance—one is the specific income and asset test, or they can become eligible under the SNAP statute based on participation in other programs in which they have to show income-based need.

Nobody wants fraud. We should find every dollar of wasted money and get rid of it, but don't pretend that people who qualify under the statute are engaged in fraud. What you're proposing to do in this Republican bill is to deny millions of those people on nutrition programs their legal support, and we do not think we should be doing that. At the same time, we are giving millionaires a \$50,000 average tax cut.

With that, Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank my colleague from Maryland.

Mr. Speaker, Republicans are, once again, trying to undermine the recovery of the American middle class. House Republicans have rejected a balanced approach to addressing our deficits and, instead, have opted for draconian cuts to the people who can afford them the least in an effort to protect the wealthy. The Republican plan may as well be called the "reverse Robin Hood agenda," by which they take from the poor to give to the rich:

It starts by literally taking food out of the mouths of children by cutting the critical Supplemental Nutrition Assistance Program, SNAP;

Next, they move on to one of their favorite pastimes—trying to repeal the Affordable Care Act, specifically the provisions that help make health care more affordable for women, children, seniors, and the poor; 300,000 low-in-

come children will lose access to health care thanks to cuts to Medicaid and to the Children's Health Insurance Program. Women will lose access to critical health services covered in the ACA, like cancer screenings and immunizations;

Finally, the last step is to go after another favorite GOP target, and that's Social Security.

Mr. Speaker, House Republicans have only one constituency to protect, and that's the wealthiest Americans. It couldn't be more obvious.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 3 minutes to the chairman of the Energy and Commerce Committee, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Today, we take a stand for future generations as we work to get our \$16 trillion national debt under control and as we put ourselves on a path towards a more sound fiscal future.

In the Spending Reduction Act of 2012, we identified key areas to sensibly reduce spending in the effort to replace the blunt instrument known as the "sequester." Without this thoughtful, balanced package of savings, in 2 weeks the sequester is going to cut discretionary spending indiscriminantly while shielding the lion's share of the government's budget from reductions.

Critical priorities, such as important cancer research at the NIH and FDA review and inspection budgets to help keep foods and medicines safe, are on the chopping block because we have failed to engage in a substantive discussion on reforming entitlement programs that, in fact, threaten to derail the long-term solvency of the U.S.

I am proud of the work of our committee. It has identified over \$100 billion in savings over the next decade, and we accomplished it in a sensible, responsible manner. We say enough is enough to the litany of slush funds tucked into ObamaCare, slush funds that we discovered, through aggressive oversight, to be blank checks given to HHS that are going to cost taxpayers billions of dollars.

We made commonsense changes to Medicaid that are going to put important programs on firmer ground. Among other reforms, we eliminated the Medicaid maintenance-of-effort requirement. This Federal mandate impedes a State's ability to implement program integrity measures, and it actually weakens the safety net by making it more difficult for States to target resources to the most vulnerable Americans. We achieved significant savings, as well, in something that was noticeably absent in the President's health care law, that being tort reform. The President declared in his 2011 State of the Union Message:

I am willing to look at other ideas to bring down costs, including one that Republicans suggested last year—medical malpractice reform to rein in frivolous lawsuits.

After 2 years of empty promises, now is the time for the President to fulfill that pledge and to finally put doctors, patients, and taxpayers first. That's in this bill.

The House passed a budget and now legislation again that truly cuts spending to offset the automatic spending cuts, or sequester. Our debt grows by nearly \$4 billion a day, and it's our kids and our grandkids who are going to pay the price if we stand by and do nothing. Without action, a \$20 trillion debt could soon be a reality.

So, if not us, who is going to do it? If not now, when is it going to happen? Our work is not easy, but it's necessary. It's time to make the tough choices to get this deficit down. Let's vote for this bill.

Mr. VAN HOLLEN. Mr. Speaker, I now yield 1½ minutes to the gentlelady from California (Ms. WATERS), and I congratulate her on becoming the ranking member of the Financial Services Committee.

Ms. WATERS. Thank you very much.

While it is clear that the Republican majority's H.R. 6684 is an attempt to generate votes for Speaker BOEHNER's Plan B, when it comes to protecting the American middle class from another taxpayer bailout, H.R. 6684 gets a failing grade:

First, the plan repeals our financial regulators' existing authority, which was created in the Dodd-Frank Wall Street Reform Act, to end the era of too-big-to-fail institutions;

H.R. 6684 would also tie the hands of the Consumer Financial Protection Bureau, an agency we formed under Dodd-Frank to make sure financial institutions play by the rules when it comes to mortgage and student loans, credit cards, and payday lenders. H.R. 6684 would eliminate that independent funding and, instead, tie their hands by making the Bureau basically have to go through the appropriations process;

The plan likewise eliminates the Office of Financial Research, an Agency tasked with collecting information on the health of our financial markets and conducting research on financial stability issues;

Finally, H.R. 6684 would just kill the Home Affordable Modification Program. We need to improve our ability to do loan modifications, not kill it.

It is unfortunate that, at the end of another session of Congress, the Republicans are again playing with the U.S. economy when they should be working in a bipartisan manner with the House Democrats in order to avert the fiscal cliff.

Ladies and gentlemen, I know that many of you didn't know that all of this was in this bill; but we have this plan, this orderly way, of dissolving these financial institutions when they put our economy at risk. So vote "no" on this particular bill.

Mr. RYAN of Wisconsin. I reserve the balance of my time.

Mr. VAN HOLLEN. May I inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Maryland has 11½ minutes remaining, and the gentleman from Wisconsin has 9 minutes remaining.

Mr. VAN HOLLEN. Mr. Speaker, I will just say a few words again about the priorities reflected in this Republican package.

If you look at Plan B, the tax part, you're giving people who earn over \$1 million a year on average a \$50,000 tax cut compared to what it would be under the Senate proposal. At the same time, under this proposal that we're talking about here on the floor of the House, you're talking about eliminating important support in food and nutrition programs for millions of Americans, including for 300,000 kids who would no longer be on school lunch programs.

□ 1730

What this boils down to once again, Mr. Speaker, is a question of priorities. We've got to reduce our deficit, and we've got to get the economy moving again. But we have to deal with the deficit in a balanced way, not in a way that provides additional tax breaks to the wealthiest Americans at the expense of the rest of the country.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 1 minute.

The food stamp program has grown over the last 10 years by 270 percent. That's far in excess of the recession. With these kinds of reforms, it will have grown by 260 percent. Hardly the kind of draconian cuts the gentleman seems to suggest. What we're saying with these programs is that you need to be eligible for the actual benefit to receive the benefit. That's not asking too much. If we can't put commonsense reforms like this in place, we'll never get anywhere in dealing with this debt crisis.

The gentlelady from the Financial Services Committee says it's just wrong to submit the Consumer Financial Protection Bureau agency to the appropriations process. I find that an amazing critique.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself another 30 seconds.

This is an agency that gets its money from the Federal Reserve without ever having to go through Congress. When we uphold the Constitution to take office, let's never forget that the power of the purse lies in the legislative branch. All of these executive agencies should have to go through the appropriations process. That's not gutting a program; that's bringing accountability to a program.

With that, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I rise in support of the underlying bill, H.R. 6684, the Spending Reduction Act of 2012, because as Chairman RYAN said, we are not only facing a fiscal cliff, but as he put it, we're facing a fiscal abyss. Indeed, if you will, a fiscal Grand Canyon.

I want to address my remarks to title IV of the bill, which was just referenced by the chairman of the Energy and Commerce Committee, the gentleman from Michigan. That's the Help Efficient, Accessible, Low-cost, Timely Healthcare Act of 2012, or the HEALTH Act, to implement reasonable, comprehensive, and effective health care liability reforms; indeed, exactly what the President has been calling for for the last 5 years, even in the first election when he was campaigning and speaking to the American Medical Association in Chicago.

As a physician for over 30 years, I fully understand the importance of finding balance in medical liability by keeping doctors and hospitals accountable for their actions while limiting the frivolous lawsuits that contribute to inflated health care costs and rising insurance premiums. We need to reform the system so that patients who have been duly wronged receive a deserved settlement but, at the same time, protect our Nation's physicians who work hard every day to ensure that their patients receive quality care.

Therefore, I once again introduced the HEALTH Act in this 112th Congress to ensure that those who have valid liability claims are supported while, at the same time, discouraging the practice of jackpot justice.

If enacted, this title in H.R. 6684 would make health care delivery more accessible and cost effective in the United States by limiting the amount of patient awards that are available for plaintiff attorney's fees. Among other things, the legislation would ensure that all settlements against medical providers are proportional to their responsibility for the patient's injury.

Mr. Speaker, the nonpartisan Congressional Budget Office has stated that if the HEALTH Act were enacted, the Federal Government alone would save \$48 billion over the next 10 years. Other studies have shown the savings to be much higher, some as high as \$200 billion annually over all of health care, which indeed constitutes, as my colleagues know, nearly one-fifth of our entire economy.

Tort reform will also help end the practice of defensive medicine, which is one of the largest cost drivers of health care. When physicians are forced to order these excessive tests simply to avoid malpractice suits, health care costs go up and patient safety goes down.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. GINGREY of Georgia. I thank the gentleman.

I wholeheartedly believe that the HEALTH Act takes an important step to improve health care delivery in this country. This is the kind of common-sense, market-based reform that a health care system requires.

Mr. Speaker, I fully support H.R. 6684 and, more specifically, the immense benefits that the HEALTH Act will not only have on the Federal budget but on the health of our Nation.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume. Let's talk a little bit about what this Republican package will and will not do with respect to health issues.

First of all, while their bill would replace much of the sequester, they leave in place the 2 percent across-the-board Medicare cut. Let me say that again. Despite all the talk we're hearing today on the floor about their efforts to replace these across-the-board cuts, they leave them in place for Medicare, which will hit providers and have an impact on the Medicare system.

Second, with respect to children's health, they cut about \$20 billion from Medicaid and the Children's Health program over the next 10 years, even though those programs are protected from the sequester. So if we were to go over the fiscal cliff—which apparently is the way our Republican colleagues want to take us right now because we're not down talking with the President but we're here on the floor. If we go over the fiscal cliff, those children's health care is protected. But if we adopt the Republican proposal, those children will actually see less health security. In fact, according to the Congressional Budget Office, in 2015, there will be 300,000 children who no longer have coverage under the Children's Health Insurance Program. That's what they're proposing here, even as their tax Plan B provides millionaires with an average tax break of \$50,000 compared to the Senate plan, and even though their tax plan, while providing millionaires that average rate compared to the Senate plan, is going to increase the tax burden on 25 million families. So an average tax cut for millionaires of \$50,000 compared to the Senate plan, and at the same time a sequester proposal that would result in 300,000 kids in the year 2015 losing their Children's Health Insurance coverage, according to the Congressional Budget Office.

There you have, Mr. Speaker, the priorities in the Republican plan. That's not balance.

Look, the reason we're here is because our Republican colleagues refuse to compromise. They bring this bill to the floor in the name of a productive contribution to compromise when this virtually identical bill did not get a

single Democratic vote last spring—not one. And that's compromise?

The Senate has already said it's not going to take up this bill. That old bill has been sitting over there, and the President has said he would veto it. We are wasting the people's time, Mr. Speaker. It's time for the Speaker of this House to negotiate with the President.

Now, we know what the problem is. There's this book, Mr. Speaker, which is very aptly titled, "It's Even Worse Than It Looks." This book was written by two scholars of the Congress, one person in a Democratic-leaning think tank and the other in a Republican-leaning think tank. Here's what they say, and they say it with great regret. They say:

The problem is that in the House today, we have a Republican Party that's become an insurgent outlier, ideologically extreme, contemptuous of the inherited social and economic policy regime, and scornful of compromise.

That's from two independent, non-partisan scholars. And, Mr. Speaker, that's exactly the problem we've got here today.

□ 1740

It's time for the Speaker to actually follow the good counsel of many members of his caucus. Either take up the Senate bill and pass it, or let's get serious and negotiate with the President, who's put forward a balanced plan, a plan, as many of my colleagues have said, that a lot of Democrats don't like.

In fact, there are going to be Democrats who don't vote for even the proposals the President's put forward already. Many are still reserving judgment.

That's the test of compromise, not a bill that comes to the floor that's never had a single Democratic vote. That's not compromise.

The American people want us to work together. Let's stop playing these political games, Mr. Speaker. Let's not bring to the floor of the House bills that have never gotten a Democratic vote before, and which the President has already indicated he will veto because they fail the important test of balance.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, let me just say, over the past decade Medicaid spending increased by 150 percent. Over the next decade it's projected to increase by 225 percent, and an effort to slow the increase is called a cut. That's our problem.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ISSA), the chairman of the Government Reform and Oversight Committee.

Mr. ISSA. Mr. Speaker, shame on this body. We have a \$10 trillion hole in the difference between our spending and our revenue, and we can't find a way to compromise?

The gentleman from Maryland said that it didn't receive a single Democratic vote. This is the most humble and minimal proposal I could imagine. The chairman of the Budget Committee, himself, would recognize that we're not getting close to a balanced budget with this. We're simply making a down payment on it.

My committee marked up one of the largest portions of these improvements, which aligns the Federal workforce's compensation, including Members of Congress and their staffs, a little closer to the rest of the workforce, a little closer to the rest of hard-working Americans, and yet we can't get a single Democratic vote.

I say to the Democrats, quite frankly, shame on you for not being able to make a down payment on a \$10 trillion shortfall. And to my colleagues on the Republican side, this isn't enough. This isn't nearly enough, but at least we're showing that we don't have a partner in the White House and we don't have a partner in this body that will work with us to begin a down payment on \$10 trillion worth of shortfall.

In closing, even if, in fact, the President got his original wish, that we were going to go over the cliff and raise \$538 billion in new revenue, we would still have \$500 billion worth of excess spending that has built up since Bill Clinton left office.

I hope the American people are watching. I hope they'll demand that we do more than just make a small down payment and then argue about it; that, in fact, we need to address \$10 trillion over 10 years—\$1 trillion a year—and we're not even beginning to do that.

I hope that this will pass, because, in fact, we need the Democrats to realize this is only the beginning of what will be a much tougher, tougher effort on behalf of the American people.

Mr. VAN HOLLEN. Mr. Speaker, it's true that our Republican colleagues are not going to have a partner for a totally lopsided, unbalanced approach, that, once again, minimizes the responsibility of the wealthiest of the country at the expense of everybody else.

I yield 1½ minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member on the Financial Services Committee.

Mr. FRANK of Massachusetts. The previous speaker complained about not being willing to make cuts. That's right after the House is apparently about to vote on a defense bill in which Members boasted about how they were putting weapons systems into play that the Pentagon didn't want, far more expensive than the kinds of things I've been concerned about.

What troubles me most about this, and it's a tough choice, is the attack on the Consumer Financial Protection Bureau. Now, I know my Republican

colleagues hated the idea of an independent bureau responsive to consumers and not financial institutions. We created an independent one. They didn't have the votes to stop it. They don't have the willingness to take it on head-on.

This buries in this large bill, which isn't subject to amendment, a provision that would take away the independence of the consumer bureau. It would say that they are now going to be subject to annual appropriations.

Oh, but I'm told that's a matter of principle. But it's apparently not a matter of principle for a financial regulatory institution that the bankers like.

I offered a motion in committee to subject the Federal Reserve System to annual appropriations. That was voted down by the Republicans.

Oh, the consumer bureau, that's dangerous. There they go getting people refunds on credit cards. But the Federal Reserve, oh no, they can stay autonomous. The controller of the currency, the Federal Deposit Insurance Corporation. So this strong principle my Republican colleagues discovered only came to light when we try to protect consumers. And with regard to every other financial institution, they say it's okay.

They also would abolish the Office of Financial Research, a nonpartisan entity that's just to get information. There was a wide consensus that we had a problem in the first part of the century when we didn't know what was happening. The Republicans want us to vote for continued ignorance.

Mr. RYAN of Wisconsin. May I inquire as to how much time remains?

The SPEAKER pro tempore. The gentleman from Wisconsin has 2 minutes remaining, and the gentleman from Maryland has 3½ minutes remaining.

Mr. RYAN of Wisconsin. I'll reserve the balance of my time since we have no more speakers for closing, and leave it to the gentleman from Maryland.

Mr. VAN HOLLEN. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Let me thank the Speaker for the service that he's given to the Congress.

Some day someone may review our conduct here in the House, and one of the speakers on the other side, I guess he's gone, but he said shame on the Congress. I just wanted to join with him on that.

But I also want history to record that they may ask what the heck was RANGEL doing down there when this was going on? What happened?

And I hope the RECORD is abundantly clear that this was outlined in a campaign. It was a Presidential campaign. And the President said that as a result of America getting into wars and not paying for it, and as a result of wrong-

doing in Wall Street, and the result of a whole lot of people getting out of work, that we had to have a program to raise the money and to pay down on the deficit by cutting back programs.

It seems as though what has happened here is that the Republican Party missed something. Maybe it was election night. Maybe it was a small group of the Republican Party. But they really didn't believe, or don't believe that the President won.

And this whole idea of protecting 2 percent of the population actually was on a vote. The people voted, and the President said he was going to protect 98 percent of the taxpayers. And so somehow this is not being understood.

Further from that, if you have to have more savings, and I agree that we do, why would you go, of all places, to the most vulnerable?

My friend from Wisconsin often tells me how fast food stamps have arisen in the last 2, 4, 6 years. I wonder whether he's ever taken time to find out whether there's any relationship between the increase in unemployment and increase in food stamps.

So I just want to be recorded, Mr. Speaker, this ain't for real.

Mr. VAN HOLLEN. Mr. Speaker, I yield 1 minute to the distinguished ranking member from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, and my colleagues, we've seen this business all over and over again from the Republicans. Plan B, Plan C. Let's work on a bipartisan agreement to avoid the fiscal cliff.

But what they presented to us today would slash Medicaid, which will hurt hundreds of thousands of people, including cutting off 300,000 children from health insurance, hurting some of our most vulnerable citizens. It would impede implementation of the health reform law that's already benefiting millions of Americans.

It fails to protect Medicare from billions of dollars in cuts under the sequestration. It establishes a Federal medical malpractice system trampling on the rights of States. It undermines our future health by cutting today's prevention and public health investments.

This is so unacceptable. We have nothing to solve the looming physician payment cuts.

These are exactly the same Republican proposals that were rejected by the American people. They don't want more tax breaks for the millionaires and billionaires and big corporations paid for by cuts to our poorest Americans.

□ 1750

Mr. VAN HOLLEN. I yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. I want to thank the gentleman for yielding.

I know that people may be confused by some of this debate, so I just want to bring some common sense to it.

In every instance, A is the preferable option. Whether you get your ticket to heaven or you get to go free or you get the present you want under the Christmas tree, when somebody suggests to you option B, it's something less than the best.

We have the very best country on the face of the Earth. We're the wealthiest, strongest, most powerful nation in the world. And what they're asking us to do is to choose, rather than a grand bargain to put our fiscal house in order, they want us to go with Plan B.

I hope that the House would reject Plan B. Doing something less than our best as a Nation is not worthy of this House. It's not even worthy of the majority to bring this here today, because they know it's not going anywhere. We know it's not going anywhere. And if we want to move our country forward, which is what the American people voted for on the last Election Day, we need to choose the A option rather than Plan B.

Plan B is not the way to go unless we're trying to get in second place to countries like China and others. If we want to stay in the lead, we need to get our fiscal House in order and reject this Plan B.

The SPEAKER pro tempore. All time on the Democratic side has expired. The gentleman from Wisconsin has 2 minutes remaining.

Mr. RYAN of Wisconsin. Mr. Speaker, let's take a step back to remind us where we are.

On January 1, if we do nothing, every American taxpayer will see a massive tax increase. That will dramatically hurt our economy and families. Then, on the next day, we'll face a 10 percent cut in our defense budget.

Americans chose divided government, whether it was intended or not. The President won. The House is still a Republican House. We're going to have to find a way to make this work. This is what we're attempting to do today. We want to avert this crisis, this cliff, but that means to begin to get spending under control, that means to prevent as many tax increases from hitting Americans as possible.

My friend—and I mean this sincerely—my friend from Maryland says we need a balanced approach. The President, in all of his latest proposals, says more taxes and even more net spending. Hardly a balanced approach.

Here's the problem: Our problem is not balanced. Even if all the current tax rates are extended, those taxes still go up. The problem is spending goes way up. Spending is our problem.

The size of our government will double over the course of this generation as a share of the economy. The President has shown no leadership on dealing with the drivers of our debt. We

have. We have passed our budget. We put the specifics out there.

Let's avert a fiscal cliff and let's get on to the business of preventing the fiscal abyss, which is the coming debt crisis that will not be resolved until we have real leadership; and that, unfortunately, is sorely lacking.

With that, I urge passage of this. Let's prevent taxpayers from tax increases, get a down payment on spending cuts, and let's pass this bill.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise today in strong support of H.R. 6684, the Spending Reduction Act of 2012. This bill is essential in stopping the devastating across-the-board sequestration cuts set to take place across the entire Federal Government in just a few weeks. Half of those cuts would come from the Department of Defense and our national security programs.

The Department of Defense, industry, and the Congressional Defense Committees, have repeatedly and consistently warned of the consequences of letting sequestration take place. If allowed to happen, the impact to the Department of Defense would be a reduction of 8.2 percent or \$54.6 billion from the fiscal year 2013 budget. The total sequestration reduction for Defense through fiscal year 2021 amounts to roughly \$492 billion—almost half a trillion dollars.

With military pay and personnel costs exempt from the cuts, the actual cut to all other accounts increases to 9.4 percent. Even though the Department of Defense has some limited flexibility to allocate sequestration cuts in the operating accounts, a computer will cut all procurement and research accounts proportionally—which will directly impact more than 2,500 programs and projects. The impact on our national security and readiness will be severe.

Base operating budgets will be cut, negatively impacting readiness. Training could be significantly reduced, resulting in unprepared troops and higher risk to those who deploy. Civilian personnel will certainly be affected, possibly resulting in hiring freezes and unpaid furloughs. Fewer weapon systems will be bought, which starts a vicious circle of rises in unit prices for the remaining weapons. Other major weapon systems will be reduced or terminated, and current contracts may have to be terminated or renegotiated, resulting in additional costs to the government and a loss of favorable contract terms in some cases. Procurement and Depot Maintenance schedules will be severely impacted, which is enormously disruptive, especially in shipbuilding and maintenance when future deployments rely on maintaining schedules.

Earlier this year, Secretary of Defense Leon Panetta testified that the impact of sequestration on the Department of Defense alone would drive up our nation's unemployment rate by a full percent. Jobs will be lost but more importantly, infrastructure and manufacturing capabilities critical to our national security will be lost. Already prime contractors have notified their suppliers and subcontractors that programs are on hold. This has left thousands of small businesses with no choice but to close their doors and lay off workers as work orders have dried up.

Our nation's manufacturing base relies upon these workers and their special skills. We rely on these small businesses to supply critical components for important weapons systems and platforms.

Mr. Speaker, as you know, the impact of sequestration is very real and is very imminent. Just consider that if sequestration remains in place for its full nine years, our nation will be left with the smallest ground force since 1940, the smallest number of ships since 1915, and the smallest Air Force in history.

When we talk about the impending cliff, these across-the-board cuts to our defense budget will result in not only an economic fiscal cliff, but of greatest concern to me, a cliff off which our national security will fall. This will impact our readiness, our ability to defend our nation, and our ability to ensure the safety of all our volunteer force as they operate around the world.

Mr. Speaker, I want to commend you for keeping the impact sequestration will have on our nation's security at the forefront of your negotiations with President Obama. We cannot, and we must not, let these devastating cuts happen. Unfortunately, only the House has acted to do anything about it, passing a bill on May 10 and considering this bill today. I urge my colleagues in the House to approve this legislation today and for the Senate to follow suit quickly to ensure that sequestration does not become a stark reality just 13 short days from now. Failing to take action will cause irreversible harm to our nation's security and violate our Constitutional responsibility to "provide for the common defense."

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 841, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. VAN HOLLEN. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. VAN HOLLEN. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Van Hollen moves to recommit the bill H.R. 6684 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following:

#### **TITLE VIII—DISCLOSURE OF HIGHER BENEFICIARY COSTS AND PROVIDER CUTS UNDER MEDICARE, MEDICAID, AND CHIP CUTS**

##### **SEC. 801. DISCLOSURE OF HIGHER BENEFICIARY COSTS AND PROVIDER CUTS UNDER MEDICARE, MEDICAID, AND CHIP CUTS.**

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall publish, on

the public Internet Web site of the Department of Health and Human Services, the information described in subsection (b) with regard to each congressional district in the United States (including the District of Columbia and each of the territories of the United States).

(b) REQUIRED INFORMATION.—The information described in this subsection, with respect to a congressional district, is—

(1) the number of Medicare beneficiaries in such district, the number of Medicaid beneficiaries in such district, and the number of Children's Health Insurance Program beneficiaries in such district, who, at any time during the ten-year period beginning on the first day of the first fiscal year that begins after the date of the enactment of this Act, will—

(A) lose coverage under the Medicare program under title XVIII of the Social Security Act, under a State plan or waiver under the Medicaid program under title XIX of such Act, or under a State child health plan under the Children's Health Insurance Program under title XXI of such Act, respectively, as a result of the implementation of this Act; or

(B) experience an increase in premiums, cost-sharing, or other out-of-pocket costs under such respective program as a result of the implementation of this Act; and

(2) the name and location of each hospital and nursing facility that would experience a reduction in payments under the Medicare program, a State plan or waiver under the Medicaid program, or a State child health plan under the Children's Health Insurance Program as a result of the implementation of this Act.

#### **TITLE IX—END TAXPAYER SUBSIDIES FOR BIG OIL**

##### **SEC. 901. DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES NOT ALLOWED WITH RESPECT TO OIL AND GAS ACTIVITIES OF MAJOR INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Subparagraph (A) of section 199(d)(9) of the Internal Revenue Code of 1986 is amended by inserting "(9 percent in the case of any major integrated oil company (as defined in section 167(h)(5)(B)))" after "3 percent".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2012.

##### **SEC. 902. PROHIBITION ON USING LAST-IN, FIRST-OUT ACCOUNTING FOR MAJOR INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Section 472 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(h) MAJOR INTEGRATED OIL COMPANIES.—Notwithstanding any other provision of this section, a major integrated oil company (as defined in section 167(h)(5)(B)) may not use the method provided in subsection (b) in inventorying of any goods."

(b) EFFECTIVE DATE AND SPECIAL RULE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2012.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendment made by this section to change its method of accounting for its first taxable year beginning after December 31, 2012—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account ratably over a period (not greater than 8 taxable years) beginning with such first taxable year.

**SEC. 903. LIMITATION ON DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS OF MAJOR INTEGRATED OIL COMPANIES.**

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new sentence: “This subsection shall not apply to amounts paid or incurred by a taxpayer in any taxable year in which such taxpayer is a major integrated oil company (as defined in section 167(h)(5)(B)).”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2012.

Mr. RYAN of Wisconsin (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 5 minutes.

Mr. VAN HOLLEN. Thank you, Mr. Speaker.

The chairman of the Budget Committee began his closing remarks by saying, “Let’s take a step back.” Unfortunately, Mr. Speaker, that’s exactly what this package of bills does for the country; it takes us many steps back. And the reason it takes us back is because the Speaker of this House has backed out of negotiations with the President for a balanced approach to dealing with our deficit and making sure that we accelerate economic growth and job creation in this country.

The issue has never been whether or not to reduce our long-term deficit. The question has always been: How? And how you do it reflects your priorities. The President has made clear his priority is not to give higher income individuals another tax break relative to what would happen if we went over the fiscal cliff, and yet that’s exactly what this package of proposals would do.

□ 1800

I’ve used this chart a couple of times, Mr. Speaker. I’m going to use it again, and with good reason, because no one has or can dispute the facts in this chart.

The reality is, while folks who earn more than \$1 million a year, about 402 families in this country—and God bless them, we want people to keep making more money; the issue here is shared responsibility for reducing our deficit—under the Republican plan relative to the Senate bill, they’re going to get a \$50,000 average tax break, while over 25 million Americans will see an increase

in their tax obligation compared with where we are today. We don’t think that’s balanced. That’s not even balanced within their tax plan.

At the same time, they bring to the floor today a bill, a sequestration bill that, by the way, leaves in place the cuts to Medicare and then cuts support for kids on food stamps and children under the health insurance bill, groups that, frankly, would be protected if we went over the fiscal cliff under current law.

So, Mr. Speaker, this is a question of priorities. So what this motion to recommit does is say, you know what, we think it’s time that we end the taxpayer giveaways and subsidies to the Big Oil companies. My goodness, why should all of us be providing them one more round of tax breaks? Gas prices are high, their profits are going through the roof, taxpayers should not be subsidizing that. And we certainly shouldn’t be subsidizing that when we have before us a bill that removes about 300,000 kids from the school lunch program and removes about 300,000 kids from the Children’s Health Insurance Program in the year 2015, according to the Congressional Budget Office.

So, again, this is about priorities. What this very simple motion to recommit does, in addition to asking that oil companies no longer keep getting taxpayer subsidies, is just to disclose to the public what the impact of these cuts will be on citizens throughout this country. It says, tell us what the impact of the Medicare and Medicaid and Children’s Health Insurance Program cuts will be on kids and others in our congressional districts.

At the very least, we should know what we’re doing. The Congressional Budget Office had told us, but anybody who thinks that that independent, nonpartisan group has its projections wrong, we’ll get a real world check. So this is simple accountability. This is understanding what the impact of your vote will be. So I would hope that our colleagues would recognize that at this time, when oil companies are doing just great, they don’t need welfare from the U.S. Government.

We should also understand very clearly what the impact of these cuts will be because the projections by the nonpartisan Congressional Budget Office are that it’s going to have a very serious negative impact on kids’ health, as well as in terms of the support under the preventive health fund for women around the country. So, for example, with the \$10 billion cut to the prevention fund, 326,000 women would not get breast cancer screenings; 284,000 women would not get cervical cancer screenings they are slated to receive in 2013.

These cuts have real impact. So the question is not whether to make cuts—we have to make cuts. The President

has put \$1.2 trillion in additional cuts forward on top of the \$1 trillion. We’re just asking for balance. We’re asking for common sense in our priorities. I urge people to support the motion to recommit.

I yield back the balance of my time. Mr. RYAN of Wisconsin. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I enjoy this. It’s good reading. It has a very rich irony, “Title VIII. Disclosure of higher beneficiary costs from provider cuts under Medicare, Medicaid, and CHIP cuts.” Where was this when they passed ObamaCare? Where was this need for disclosure on the beneficiaries of Medicare when they took \$716 billion from Medicare to spend on ObamaCare? Where was this concern when they raised \$1 trillion in taxes to pay for ObamaCare? Where was all of this need for disclosure when they were hitting providers and beneficiaries in Medicare to pay for their vaunted ObamaCare program?

The gentleman talks about cuts to food stamps and Medicaid. Food stamps will have grown by 260 percent instead of 270 percent under this bill. Medicaid has grown by 150 percent over the last decade, and it is projected to grow by 225 percent over the next decade. Slowing the growth of spending isn’t a cut, it’s slowing the growth of spending. This is our problem, Mr. Speaker. If we lambaste these commonsense ideas as draconian cuts, we’re never going to fix this problem. If we keep this kind of language and definition, heaven help us.

The other part on oil companies, all these taxes. Look, I’ve been a member of the Ways and Means Committee for 12 years. A number of years ago we put in place a policy that says: We want more manufacturing in America. We want to reward manufacturing jobs. So if you manufacture something in America, you will pay effectively lower tax rates than if you make something overseas. The idea would be more U.S. manufacturing jobs. Here’s what they do. They say ah, ah, ah, not if you’re in the oil industry. So, if you’re working in the oil fields in North Dakota or the Marcellus shale in Pennsylvania or the Woodford in Texas, we don’t want your jobs, because if you manufacture oil in America, we’re raising your taxes. We’re not going to raise your taxes if you manufacture oil overseas, but if you create American-made energy jobs, this raises your taxes. Not only does it raise our taxes and costs American energy jobs, it raises our gas prices. How is that good for consumers and families?

So, it’s an anti-American energy job, pro-high gas tax bill that all of a sudden calls for the kind of disclosure that

they weren't willing to disclose when they jammed ObamaCare through. This is not serious and I reject this motion.

I urge all Members to vote against the motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. VAN HOLLEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6684, if ordered; adoption of the conference report on H.R. 4310; and suspension of the rules with regard to 3197, if ordered; H.R. 6443, if ordered; and S. 925, if ordered.

The vote was taken by electronic device, and there were—yeas 179, nays 243, not voting 9, as follows:

## [Roll No. 643]

## YEAS—179

Ackerman	Dicks	Lowey
Altmire	Dingell	Lujan
Andrews	Doggett	Lynch
Baca	Donnelly (IN)	Maloney
Baldwin	Doyle	Markey
Barber	Edwards	Matsui
Bass (CA)	Ellison	McCarthy (NY)
Becerra	Engel	McCollum
Berkley	Eshoo	McDermott
Berman	Farr	McGovern
Bishop (GA)	Fattah	McIntyre
Bishop (NY)	Frank (MA)	McNerney
Blumenauer	Fudge	Meeks
Bonamici	Garamendi	Michaud
Boswell	Gonzalez	Miller (NC)
Brady (PA)	Grijalva	Miller, George
Braley (IA)	Gutierrez	Moore
Brown (FL)	Hahn	Moran
Butterfield	Hanabusa	Murphy (CT)
Capps	Hastings (FL)	Nadler
Capuano	Heinrich	Napolitano
Carnahan	Higgins	Neal
Carney	Himes	Owens
Carson (IN)	Hinchey	Pallone
Castor (FL)	Hinojosa	Pascarell
Chandler	Hirono	Pastor (AZ)
Chu	Hochul	Payne
Cicilline	Holden	Perlmutter
Clarke (MI)	Holt	Peters
Clarke (NY)	Honda	Peterson
Clay	Hoyer	Pingree (ME)
Cleaver	Israel	Polis
Clyburn	Johnson (GA)	Price (NC)
Cohen	Johnson, E. B.	Quigley
Connolly (VA)	Jones	Rahall
Conyers	Kaptur	Rangel
Cooper	Keating	Richardson
Costello	Kildee	Richmond
Courtney	Kind	Ross (AR)
Critz	Kissell	Rothman (NJ)
Crowley	Kucinich	Roybal-Allard
Cummings	Langevin	Ruppersberger
Curson (MI)	Larsen (WA)	Rush
Davis (CA)	Larson (CT)	Ryan (OH)
Davis (IL)	Lee (CA)	Sánchez, Linda T.
DeFazio	Levin	Sanchez, Loretta
DeGette	Lewis (GA)	Sarbanes
DeLauro	Lipinski	Schakowsky
DelBene	Loebach	Schiff
Deutch	Lofgren, Zoe	

Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)

Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)

Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

NOT VOTING—9

Buerkle  
Oliver  
Johnson, Sam  
Nunnelee  
Pelosi  
Reyes  
Rivera  
Stark

□ 1828

Mr. HALL, Mrs. BACHMANN, Messrs. CANTOR, COFFMAN of Colorado, GARY G. MILLER of California, SMITH of Texas, GARRETT, REED, BACHUS, and BILIRAKIS changed their vote from “yea” to “nay.”

Ms. WASSERMAN SCHULTZ, Messrs. LEVIN and POLIS changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 209, answered “present” 1, not voting 6, as follows:

## [Roll No. 644]

## YEAS—215

Adams	Duffy	King (IA)
Aderholt	Duncan (SC)	King (NY)
Akin	Ellmers	Kingston
Alexander	Emerson	Kinzing (IL)
Amodei	Farenthold	Kline
Austria	Fincher	Lamborn
Bachmann	Flake	Lance
Bachus	Fleischmann	Lankford
Barletta	Fleming	Latham
Bartlett	Flores	LaTourette
Barton (TX)	Forbes	Latta
Bass (NH)	Fortenberry	Lewis (CA)
Benishek	Fox	Long
Berg	Franks (AZ)	Lucas
Biggart	Frelinghuysen	Luetkemeyer
Bilbray	Gallegly	Lummis
Bilirakis	Gardner	Lungren, Daniel E.
Black	Garrett	Mack
Blackburn	Gerlach	Manzullo
Bonner	Gibbs	Marchant
Bono Mack	Gingrey (GA)	Marino
Boustany	Goodlatte	McCarthy (CA)
Brady (TX)	Gosar	McCaul
Brooks	Gowdy	McClintock
Buchanan	Granger	McHenry
Bucshon	Graves (GA)	McKeon
Buerkle	Graves (MO)	McKinley
Burgess	Griffin (AR)	McMorris
Burton (IN)	Griffith (VA)	Rodgers
Calvert	Grimm	Meehan
Camp	Guinta	Mica
Campbell	Guthrie	Miller (FL)
Canseco	Hall	Miller (MI)
Cantor	Hanna	Miller, Gary
Capito	Harper	Mulvaney
Carter	Harris	Murphy (PA)
Chabot	Hartzler	Myrick
Chaffetz	Hastings (WA)	Neugebauer
Coble	Hayworth	Noem
Coffman (CO)	Heck	Nugent
Cole	Hensarling	Nunes
Conaway	Herger	Olson
Cravaack	Huizenga (MI)	Palazzo
Crawford	Hultgren	Paulsen
Crenshaw	Hunter	Pearce
Denham	Hurt	Pence
Dent	Issa	Petri
DesJarlais	Jenkins	Pitts
Diaz-Balart	Johnson (OH)	Poe (TX)
Dold	Jordan	
Dreier	Kelly	

## NAYS—243

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Cravaack  
Crawford  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel E.  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)

Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jackson Lee (TX)  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzing (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Smith (NJ)  
Smith (TX)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Noem  
Nugent  
Nunes  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)



Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce

Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry

## NAYS—209

Ackerman  
Altmire  
Amash  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Broun (GA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Cassidy  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DeBene  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Fitzpatrick  
Frank (MA)  
Fudge

Garamendi  
Gibson  
Gohmert  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Richardson  
Honda  
Hoyer  
Huelskamp  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Labrador  
Landry  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markley  
Massie  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler

Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Paul  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Platts  
Polis  
Price (NC)  
Quigley  
Rahall  
Rangel  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Schweikert  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Whitfield  
Wilson (FL)  
Wolf  
Woolsey  
Yarmuth

ANSWERED “PRESENT”—1  
Bishop (UT)

## NOT VOTING—6

Costello  
Culberson

Johnson, Sam  
Reyes

Rivera  
Stark

□ 1836

So the bill was passed.  
The result of the vote was announced  
as above recorded.  
A motion to reconsider was laid on  
the table.

CONFERENCE REPORT ON H.R. 4310,  
NATIONAL DEFENSE AUTHORIZA-  
TION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. The un-  
finished business is the question on  
adoption of the conference report on  
the bill (H.R. 4310) to authorize appro-  
priations for fiscal year 2013 for mili-  
tary activities of the Department of  
Defense, for military construction, and  
for defense activities of the Depart-  
ment of Energy, to prescribe military  
personnel strengths for such fiscal  
year, and for other purposes, on which  
the yeas and nays were ordered.

The Clerk read the title of the bill.  
The SPEAKER pro tempore. The  
question is on the conference report.

This will be a 5-minute vote.

The vote was taken by electronic de-  
vice, and there were—yeas 315, nays  
107, not voting 9, as follows:

## [Roll No. 645]

## YEAS—315

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amodei  
Andrews  
Austria  
Baca  
Bachus  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonamici  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (PA)  
Brady (TX)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Butterfield  
Calvert

Camp  
Canseco  
Cantor  
Capito  
Capps  
Carnahan  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Cicilline  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Connolly (VA)  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Cummings  
Curson (MI)  
Davis (CA)  
DeFazio  
DeBene  
Denham  
Dent  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold

Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Foxy  
Franks (AZ)  
Frelinghuysen  
Fudge  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gowdy  
Granger  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Grimm  
Guinta  
Guthrie  
Hanabusa  
Hanna  
Harper  
Hartzler

Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Hoyer  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (OH)  
Johnson, E. B.  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
LaTourette  
Latta  
Levin  
Lewis (CA)  
Lipinski  
LoBiondo  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lungren, Daniel  
E.  
Manzullo  
Marino  
Matheson  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McHenry  
McIntyre

McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Pascarell  
Pastor (AZ)  
Paulsen  
Pearce  
Pence  
Perlmutter  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Richardson  
Richmond  
Rigell  
Roby  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)

Sánchez, Linda  
T.  
Sanchez, Loretta  
Scalise  
Schiff  
Schilling  
Schmidt  
Schock  
Schradler  
Schwartz  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Towns  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Visclosky  
Walden  
Walz (MN)  
Wasserman  
Schultz  
Waxman  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NAYS—107

Ackerman  
Amash  
Bachmann  
Baldwin  
Bass (CA)  
Becerra  
Blumenauer  
Boswell  
Braley (IA)  
Campbell  
Capuano  
Carney  
Carson (IN)  
Chu  
Clarke (MI)  
Clarke (NY)  
Cohen  
Conyers  
Crowley  
Davis (IL)  
DeGette  
DeLauro  
DesJarlais  
Doyle  
Duncan (TN)  
Edwards  
Ellison  
Farr  
Fattah

Frank (MA)  
Gibson  
Gosar  
Graves (GA)  
Griffith (VA)  
Grijalva  
Gutierrez  
Hahn  
Hall  
Harris  
Himes  
Hinchey  
Honda  
Huelskamp  
Johnson (GA)  
Johnson (IL)  
Jones  
Kind  
Kucinich  
Labrador  
Landry  
Latham  
Lee (CA)  
Lewis (GA)  
Loeb sack  
Lofgren, Zoe  
Lummis  
Lynch  
Mack

Maloney  
Marchant  
Markey  
Massie  
Matsui  
McClintock  
McCollum  
McDermott  
McGovern  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Nugent  
Olver  
Pallone  
Paul  
Payne  
Pelosi  
Peters  
Pingree (ME)  
Polis  
Quigley  
Rangel  
Ribble

Roe (TN)	Slaughter	Walsh (IL)
Rush	Thompson (CA)	Waters
Sarbanes	Tierney	Watt
Schakowsky	Tonko	Welch
Schweikert	Van Hollen	Woolsey
Sensenbrenner	Velázquez	Yarmuth
Serrano	Walberg	

## NOT VOTING—9

Berkley	Fortenberry	Rivera
Burton (IN)	Johnson, Sam	Roybal-Allard
Culberson	Reyes	Stark

## □ 1843

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KING of Iowa. Mr. Speaker, this evening on rollcall No. 645, the Conference Report for the National Defense Authorization Act for Fiscal Year 2013, I intended to vote “no” but mistakenly cast a “yes” vote.

# MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3197) to name the Department of Veterans Affairs medical center in Spokane, Washington, as the “Mann-Grandstaff Department of Veterans Affairs Medical Center”.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CASSIDY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 9, as follows:

[Roll No. 646]

## YEAS—421

Ackerman	Benishek	Brooks
Adams	Berg	Brown (GA)
Aderholt	Berkley	Brown (FL)
Akin	Berman	Buchanan
Alexander	Biggert	Buchson
Altmire	Bilbray	Buerkle
Amash	Bilirakis	Burgess
Amodel	Bishop (GA)	Burton (IN)
Andrews	Bishop (NY)	Butterfield
Austria	Bishop (UT)	Calvert
Baca	Black	Camp
Bachmann	Blackburn	Campbell
Bachus	Blumenauer	Canseco
Baldwin	Bonamici	Cantor
Barber	Bonner	Capito
Barletta	Bono Mack	Capps
Barrow	Boren	Capuano
Bartlett	Boswell	Carnahan
Barton (TX)	Boustany	Carney
Bass (CA)	Brady (PA)	Carson (IN)
Bass (NH)	Brady (TX)	Carter
Becerra	Braley (IA)	Cassidy

Castor (FL)	Hall	McIntyre
Chabot	Hanabusa	McKeon
Chaffetz	Hanna	McKinley
Chandler	Harper	McMorris
Chu	Harris	Rodgers
Cicilline	Hartzler	McNerney
Clarke (MI)	Hastings (FL)	Meehan
Clarke (NY)	Hastings (WA)	Meeks
Clay	Hayworth	Mica
Cleaver	Heck	Michaud
Clyburn	Heinrich	Miller (FL)
Coble	Hensarling	Miller (MI)
Coffman (CO)	Herger	Miller (NC)
Cohen	Herrera Beutler	Miller, Gary
Cole	Higgins	Miller, George
Conaway	Himes	Moore
Connolly (VA)	Hinche	Moran
Conyers	Hinojosa	Mulvaney
Cooper	Hirono	Murphy (CT)
Costa	Hochul	Murphy (PA)
Costello	Holden	Myrick
Cravaack	Holt	Nadler
Crawford	Honda	Napolitano
Crenshaw	Hoyer	Neal
Critz	Huelskamp	Neugebauer
Crowley	Huizenga (MI)	Noem
Cuellar	Hultgren	Nugent
Cummings	Hunter	Nunes
Curson (MI)	Hurt	Nunnelee
Davis (CA)	Israel	Olson
Davis (IL)	Issa	Olver
DeFazio	Jackson Lee	Owens
DeGette	(TX)	Palazzo
DeLauro	Jenkins	Pallone
DelBene	Johnson (GA)	Pascarell
Denham	Johnson (IL)	Pastor (AZ)
Dent	Johnson (OH)	Paul
DesJarlais	Johnson, E. B.	Paulsen
Deutch	Jones	Payne
Diaz-Balart	Jordan	Pearce
Dingell	Kaptur	Pelosi
Doggett	Keating	Pence
Dold	Kelly	Perlmutter
Donnelly (IN)	Kildee	Peters
Doyle	Kind	Peterson
Dreier	King (IA)	Petri
Duffy	King (NY)	Pingree (ME)
Duncan (SC)	Kingston	Pitts
Duncan (TN)	Kinzinger (IL)	Platts
Edwards	Kissell	Poe (TX)
Ellison	Kline	Pollis
Elmiers	Kucinich	Pompeo
Engel	Labrador	Posey
Eshoo	Lamborn	Price (GA)
Farenthold	Lance	Price (NC)
Farr	Landry	Quayle
Fattah	Langevin	Quigley
Fincher	Lankford	Rahall
Fitzpatrick	Larsen (WA)	Rangel
Flake	Larson (CT)	Reed
Fleischmann	Latham	Rehberg
Fleming	LaTourette	Reichert
Flores	Latta	Renacci
Forbes	Lee (CA)	Ribble
Fortenberry	Levin	Richardson
Fox	Lewis (CA)	Richmond
Frank (MA)	Lewis (GA)	Roby
Franks (AZ)	Lipinski	Roe (TN)
Frelinghuysen	LoBiondo	Rogers (AL)
Fudge	Loeb	Rogers (KY)
Gallely	Lofgren, Zoe	Rogers (MI)
Garamendi	Long	Rohrabacher
Gardner	Lowey	Rokita
Garrett	Lucas	Rooney
Gerlach	Luetkemeyer	Ros-Lehtinen
Gibbs	Lujan	Roskam
Gibson	Lummis	Ross (AR)
Gingrey (GA)	Lungren, Daniel	Ross (FL)
Gohmert	E.	Rothman (NJ)
Gonzalez	Lynch	Roybal-Allard
Goodlatte	Mack	Royce
Gosar	Maloney	Runyan
Gowdy	Marchant	Ruppersberger
Granger	Marino	Rush
Graves (GA)	Markey	Ryan (OH)
Graves (MO)	Massie	Ryan (WI)
Green, Al	Matheson	Sánchez, Linda
Green, Gene	Matsui	T.
Griffin (AR)	McCarthy (CA)	Sanchez, Loretta
Griffith (VA)	McCarthy (NY)	Sarbanes
Grijalva	McCauley	Scalise
Grimm	McClintock	Schakowsky
Guinta	McCollum	Schiff
Guthrie	McDermott	Schilling
Gutierrez	McGovern	Schmidt
Hahn	McHenry	Schock

Schrader	Stearns	Walsh (IL)
Schwartz	Stivers	Walz (MN)
Schweikert	Stutzman	Wasserman
Scott (SC)	Sullivan	Schultz
Scott (VA)	Sutton	Waters
Scott, Austin	Terry	Watt
Scott, David	Thompson (CA)	Waxman
Sensenbrenner	Thompson (MS)	Webster
Serrano	Thompson (PA)	Welch
Sessions	Thornberry	West
Sewell	Tiberi	Westmoreland
Sherman	Tierney	Whitfield
Shimkus	Tipton	Wilson (FL)
Shuler	Tonko	Wilson (SC)
Shuster	Towns	Wittman
Simpson	Tsongas	Wolf
Sires	Turner (NY)	Womack
Slaughter	Turner (OH)	Woodall
Smith (NE)	Upton	Woodsey
Smith (NJ)	Van Hollen	Yarmuth
Smith (TX)	Velázquez	Yoder
Smith (WA)	Visclosky	Young (AK)
Southerland	Walberg	Young (FL)
Speier	Walden	Young (IN)

## NAYS—1

Rigell

## NOT VOTING—9

Courtney	Emerson	Reyes
Culberson	Johnson, Sam	Rivera
Dicks	Manzullo	Stark

## □ 1850

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# WILLIAM “BILL” KLING VA CLINIC

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6443) to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the “William ‘Bill’ Kling VA Clinic”.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HUIZENGA of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 9, as follows:

[Roll No. 647]

## YEAS—422

Ackerman	Baca	Bass (NH)
Adams	Bachmann	Becerra
Aderholt	Bachus	Benishek
Akin	Baldwin	Berg
Alexander	Barber	Berkley
Altmire	Barletta	Berman
Amash	Barrow	Biggert
Amodel	Bartlett	Bilbray
Andrews	Barton (TX)	Bilirakis
Austria	Bass (CA)	Bishop (GA)

Bishop (NY)	Fleischmann	Latham	Reed	Schock	Tipton	Amodei	Deutch	Keating
Bishop (UT)	Fleming	LaTourette	Rehberg	Schrader	Tonko	Andrews	Diaz-Balart	Kelly
Black	Flores	Latta	Reichert	Schwartz	Towns	Austria	Dingell	Kildee
Blackburn	Forbes	Lee (CA)	Renacci	Schweikert	Tsongas	Baca	Doggett	Kind
Blumenauer	Fortenberry	Levin	Ribble	Scott (SC)	Turner (NY)	Bachmann	Dold	King (IA)
Bonamici	Fox	Lewis (CA)	Richardson	Scott (VA)	Turner (OH)	Bachus	Donnelly (IN)	King (NY)
Bonner	Frank (MA)	Lewis (GA)	Richmond	Scott, Austin	Upton	Baldwin	Doyle	Kingston
Bono Mack	Franks (AZ)	Lipinski	Rigell	Scott, David	Van Hollen	Barber	Dreier	Kinzinger (IL)
Boren	Frelinghuysen	LoBiondo	Roby	Sensenbrenner	Velázquez	Barletta	Duffy	Kissell
Boswell	Fudge	Loebsack	Roe (TN)	Serrano	Visclosky	Barrow	Duncan (SC)	Kline
Boustany	Gallely	Loftgren, Zoe	Rogers (AL)	Sessions	Walberg	Bartlett	Duncan (TN)	Kucinich
Brady (PA)	Garamendi	Long	Rogers (KY)	Sewell	Walden	Barton (TX)	Edwards	Labrador
Brady (TX)	Gardner	Lowe	Rogers (MI)	Sherman	Walsh (IL)	Bass (NH)	Ellison	Lamborn
Braley (IA)	Garrett	Lucas	Rohrabacher	Shinkus	Walsh (MN)	Becerra	Ellmers	Lance
Brooks	Gerlach	Luetkemeyer	Rokita	Shuler	Wasserman	Benishek	Engel	Landry
Broun (GA)	Gibbs	Luján	Rooney	Shuster	Schultz	Berg	Eshoo	Langevin
Brown (FL)	Gibson	Lummis	Ros-Lehtinen	Simpson	Waters	Berkley	Farenthold	Lankford
Buchanan	Gingrey (GA)	Lungren, Daniel E.	Roskam	Sires	Watt	Berman	Farr	Larsen (WA)
Bucshon	Gohmert	Lynch	Ross (AR)	Slaughter	Webster	Biggert	Fattah	Larson (CT)
Buerkle	Gonzalez	Mack	Ross (FL)	Smith (NE)	Welch	Bilbray	Fincher	Latham
Burgess	Goodlatte	Maloney	Rothman (NJ)	Smith (NJ)	West	Billakis	Fitzpatrick	LaTourette
Burton (IN)	Gosar	Manzullo	Roybal-Allard	Smith (TX)	Westmoreland	Bishop (GA)	Flake	Latta
Butterfield	Gowdy	Marchant	Royce	Smith (WA)	Whitfield	Bishop (NY)	Fleischmann	Lee (CA)
Calvert	Granger	Marino	Runyan	Southerland	Wilson (FL)	Bishop (UT)	Levin	Lewis (CA)
Camp	Graves (GA)	Marky	Ruppersberger	Speier	Wilson (SC)	Black	Forbes	Lewis (GA)
Campbell	Graves (MO)	Massie	Rush	Stearns	Wittman	Blackburn	Fortenberry	Lipinski
Canseco	Green, Al	Matheson	Ryan (OH)	Stivers	Wolf	Blumenauer	Fox	Fox
Cantor	Green, Gene	Matsui	Ryan (WI)	Stutzman	Womack	Bonamici	Frank (MA)	Frank (MA)
Capito	Griffin (AR)	McCarthy (CA)	Sánchez, Linda T.	Sullivan	Woodall	Bonner	Frank (AZ)	LoBiondo
Capps	Griffith (VA)	McCarthy (NY)	Sanchez, Loretta	Sutton	Woolsey	Bono Mack	Frelinghuysen	Loebsack
Capuano	Grijalva	McCaul	Sarbanes	Terry	Yarmuth	Boren	Fudge	Loftgren, Zoe
Carnahan	Grimm	McClintock	Scalise	Thompson (CA)	Yoder	Boswell	Gallegly	Long
Carney	Guinta	McCollum	Schakowsky	Thompson (MS)	Young (AK)	Boustany	Garamendi	Lowey
Carson (IN)	Guthrie	McDermott	Schiff	Thompson (PA)	Young (FL)	Brady (PA)	Gardner	Lucas
Carter	Gutierrez	McGovern	Schilling	Thornberry	Young (IN)	Brady (TX)	Garrett	Langevin
Cassidy	Hahn	McHenry	Schmidt	Tierney		Braley (IA)	Gerlach	Lummis
Castor (FL)	Hall	McIntyre				Brooks	Gibbs	Lungren, Daniel E.
Chabot	Hanabusa	McKeon	Courtney	Emerson	Rivera	Broun (GA)	Gibson	Lynch
Chaffetz	Hanna	McKinley	Culberson	Johnson, Sam	Stark	Brown (FL)	Gingrey (GA)	Mack
Chandler	Harper	McMorris	Dicks	Reyes	Waxman	Buchanan	Gohmert	Maloney
Chu	Harris	Rodgers				Bucshon	Gonzalez	Manzullo
Cicilline	Hartzler	McNerney				Buerkle	Goodlatte	Marchant
Clarke (MI)	Hastings (FL)	Meehan				Burgess	Gosar	Marino
Clarke (NY)	Hastings (WA)	Meeks				Burton (IN)	Gowdy	Massie
Clay	Hayworth	Mica				Butterfield	Granger	Matheson
Cleaver	Heck	Michaud				Calvert	Graves (GA)	Matsui
Clyburn	Heinrich	Miller (FL)				Camp	Graves (MO)	McCarthy (CA)
Coble	Hensarling	Miller (MI)				Canseco	Green, Al	McCarthy (NY)
Coffman (CO)	Herger	Miller (NC)				Cantor	Green, Gene	McCaul
Cohen	Herrera Beutler	Miller, Gary				Capito	Griffin (AR)	McClintock
Cole	Higgins	Miller, George				Capps	Griffith (VA)	McCollum
Conaway	Himes	Moore				Capuano	Grimm	McDermott
Connolly (VA)	Hinchey	Moran				Carnahan	Guinta	McGovern
Conyers	Hinojosa	Mulvaney				Carney	Guthrie	McHenry
Cooper	Hirono	Murphy (CT)				Carson (IN)	Gutierrez	McIntyre
Costa	Hochul	Murphy (PA)				Carter	Hahn	McKeon
Costello	Holden	Myrick				Cassidy	Hall	McKinley
Cravaack	Holt	Nadler				Castor (FL)	Hanabusa	McMorris
Crawford	Honda	Napolitano				Chabot	Hanna	Rodgers
Crenshaw	Hoyer	Neal				Chaffetz	Harper	McNerney
Critz	Huelskamp	Neugebauer				Chandler	Harris	Meehan
Crowley	Huizenga (MI)	Noem				Chu	Hartzler	Meeks
Cuellar	Hultgren	Nugent				Cicilline	Hastings (FL)	Mica
Cummings	Hunter	Nunes				Clarke (MI)	Hastings (WA)	Michaud
Curson (MI)	Hurt	Nunnelee				Clarke (NY)	Hayworth	Miller (FL)
Davis (CA)	Israel	Olson				Clay	Heck	Miller (MI)
Davis (IL)	Issa	Oliver				Cleaver	Heinrich	Miller (NC)
DeFazio	Jackson Lee	Owens				Clyburn	Hensarling	Miller, Gary
DeGette	(TX)	Palazzo				Coble	Herger	Miller, George
DeLauro	Jenkins	Pallone				Coffman (CO)	Higgins	Moore
DelBene	Johnson (GA)	Pascarell				Cohen	Himes	Moran
Denham	Johnson (IL)	Pastor (AZ)				Cole	Hinchey	Mulvaney
Dent	Johnson (OH)	Paul				Conaway	Hinojosa	Murphy (CT)
DesJarlais	Johnson, E. B.	Paulsen				Connolly (VA)	Hirono	Murphy (PA)
Deutch	Jones	Payne				Conyers	Hochul	Myrick
Diaz-Balart	Jordan	Pearce				Cooper	Holden	Nadler
Dingell	Kaptur	Pelosi				Costa	Holt	Napolitano
Doggett	Keating	Penc				Costello	Hoyer	Neugebauer
Dold	Kelly	Perlmutter				Cravaack	Huelskamp	Noem
Donnelly (IN)	Kildee	Peters				Crawford	Huizenga (MI)	Nugent
Doyle	King (IA)	Peterson				Crenshaw	Hultgren	Nunes
Dreier	King (NY)	Petri				Crowley	Hunter	Nunnelee
Duffy	Kingston	Pingree (ME)				Cuellar	Hurt	Olson
Duncan (SC)	Kinzinger (IL)	Pitts				Culberson	Israel	Oliver
Duncan (TN)	Kissell	Platts				Cummings	Issa	Owens
Edwards	Kline	Poe (TX)				Curson (MI)	Jackson Lee	Palazzo
Ellison	Kucinich	Polis				Davis (CA)	(TX)	Pallone
Ellmers	Labrador	Pompeo				Davis (IL)	Jenkins	Pascarell
Engel	Lamborn	Posey				DeFazio	Johnson (GA)	Pastor (AZ)
Eshoo	Lance	Price (GA)				DeGette	Johnson (IL)	Paul
Farenthold	Langevin	Price (NC)				DeLauro	Johnson (OH)	Paulsen
Farr	Landry	Quayle				DelBene	Johnson, E. B.	Payne
Fattah	Langevin	Quigley				Denham	Jones	Pearce
Fincher	Larsen (WA)	Rahall				Dent	Jordan	Pelosi
Fitzpatrick	Larson (CT)	Rangel				DesJarlais	Kaptur	
Flake								

## NOT VOTING—9

□ 1857

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### MT. ANDREA LAWRENCE DESIGNATION ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 925) to designate Mt. Andrea Lawrence.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HUIZENGA of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 7, not voting 16, as follows:

[Roll No. 648]

YEAS—408

Ackerman	Aderholt	Alexander
Adams	Akin	Altmire

Pence	Ruppersberger	Thompson (CA)
Perlmutter	Ryan (OH)	Thompson (MS)
Peters	Ryan (WI)	Thompson (PA)
Peterson	Sánchez, Linda	Thornberry
Petri	T.	Tiberi
Pingree (ME)	Sanchez, Loretta	Tierney
Pitts	Sarbanes	Tipton
Platts	Scalise	Tonko
Poe (TX)	Schakowsky	Towns
Polis	Schiff	Tsongas
Pompeo	Schilling	Turner (NY)
Posey	Schmidt	Turner (OH)
Price (GA)	Schrader	Upton
Price (NC)	Schwartz	Van Hollen
Quayle	Schweikert	Velázquez
Quigley	Scott (SC)	Visclosky
Rahall	Scott (VA)	Walberg
Rangel	Scott, David	Walden
Rehberg	Sensenbrenner	Walz (MN)
Renacci	Sessions	Wasserman
Ribble	Sewell	Schultz
Richardson	Sherman	Watt
Richmond	Shimkus	Waxman
Rigell	Shuler	Webster
Roby	Shuster	Welch
Roe (TN)	Simpson	West
Rogers (AL)	Sires	Westmoreland
Rogers (KY)	Slaughter	Whitfield
Rogers (MI)	Smith (NE)	Wilson (FL)
Rohrabacher	Smith (NJ)	Wilson (SC)
Rokita	Smith (TX)	Wittman
Rooney	Smith (WA)	Wolf
Ros-Lehtinen	Southerland	Womack
Roskam	Speier	Woodall
Ross (AR)	Stearns	Woolsey
Ross (FL)	Stivers	Yarmuth
Rothman (NJ)	Stutzman	Yoder
Roybal-Allard	Sullivan	Young (FL)
Royce	Sutton	Young (IN)
Runyan	Terry	

## NAYS—7

Amash	Reed	Young (AK)
Campbell	Walsh (IL)	
Flores	Waters	

## NOT VOTING—16

Bass (CA)	Johnson, Sam	Schock
Courtney	Markey	Scott, Austin
Dicks	Reichert	Serrano
Emerson	Reyes	Stark
Grijalva	Rivera	
Honda	Rush	

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 6 minutes p.m.), the House stood in recess.

□ 2101

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GARDNER) at 9 o'clock and 1 minute p.m.

# PROVIDING FOR THE APPOINTMENT OF BARBARA BARRETT AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of Senate Joint Resolution 49, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the joint resolution is as follows:

## S.J. RES. 49

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Alan Spoon of Massachusetts on May 5, 2012, is filled by the appointment of Barbara Barrett of Arizona. The appointment is for a term of 6 years, beginning on the later of May 5, 2012, or the date of the enactment of this joint resolution.*

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## HOOR OF MEETING ON TOMORROW

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 20, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of Senate on December 20, 2012 at 7:44 p.m.:

That the Senate agreed to without amendment H.J. Res. 122.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

## MEDICARE IDENTITY THEFT PREVENTION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1509) to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SAM JOHNSON) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## ELIZABETH L. KINNUNEN POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3378) to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the "Elizabeth L. Kinnunen Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## SIDNEY "SID" SANDERS McMATH POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3869) to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the "Sidney 'Sid' Sanders McMath Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CECIL E. BOLT POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4389) to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the "Cecil E. Bolt Post Office".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### LIEUTENANT KENNETH M. BALLARD MEMORIAL POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6260) to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### REPRESENTATIVE CURTIS B. INABINETT, SR. POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6379) to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the "Representative Curtis B. Inabinett, Sr. Post Office".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### POSTAL INSPECTOR TERRY ASBURY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6587) to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the "Postal Inspector Terry Asbury Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FAREWELL TO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Arizona (Mr. FLAKE) is recognized for the remaining time until 10 p.m. as the designee of the majority leader.

Mr. FLAKE. Mr. Speaker, I've been putting off these remarks for a few weeks now. The truth is I've been reluctant to deliver my final speech on the House floor. This has been my home away from home for the past dozen years, and it's tough to say goodbye to friends and colleagues.

When I'm asked what I enjoy most about this place, I respond without hesitation: it's the give and take on the House floor. To be sure, much of what is said here is scripted with Members of both parties playing their designated role. Too often, talking points serve as literary guardrails. But every so often, genuine debate breaks out. Spontaneous points are made, Members are persuaded, and minds are changed. This frequently happens late at night when Members are less concerned about whether folks are watching at home. I wish more people would tune in during such nonscripted discussions. It represents Congress at its best.

My first 6 years here were spent in the majority, followed by 4 years in the minority, then 2 years again in the majority.

□ 2110

Having experienced both, I can tell you that I prefer the majority. But either party holding the reins of power should recognize that their grasp is tenuous, and that's a good thing. Both parties benefit by taking turns in the wilderness every now and then.

Over the past 12 years I've offered hundreds of amendments, privileged resolutions, and points of order in this Chamber. These offerings, most of which were to curb spending, were not always successful. In fact, the vast majority of these offerings resulted in far more red marks next to Members' names than green marks up on the wall above me. But I like to think that we, over time, made a difference, and that this institution is better for it.

In addition to my own capable staff, both here and in Arizona, I want to thank those who staff this Chamber, from the floor staff who answer to leadership on both sides of the aisle, to the clerks, to the stenographers, to the parliamentarians who keep us operating within the rules, to the cloakroom staff who keep us fed and remind us when to vote. I've found that there resides in all of these individuals an abiding love and a deep respect for this institution.

Most of all, I want to thank my family—my wife Cheryl and my five children, Ryan, Alexis, Austin, Tanner, and Dallin. They have been supportive, patient, and long-suffering in dealing with a schedule that is anything but family friendly. Thank you.

Finally, I want to thank the good people of Arizona, who, perhaps against their better judgment, have sent me here six times to represent them. I will be forever grateful.

So now I head through the rotunda and into the other Chamber, the Senate, better known to this body as enemy territory. I've used that phrase many times myself, for which I will have to now repent. But at least my penance will be practiced during a 6-year term.

A few weeks ago the 12 newly elected Senate freshmen were invited to the National Archives. Before our meal we were taken to the legislative vault, where we viewed the original signed copy of the first bill enacted by Congress, as well as other landmark pieces of legislation and memorabilia. Oaths of allegiance signed by Revolutionary War soldiers, witnessed by General Washington, documents and artifacts related to the Civil War, segregation, and women's suffrage were also on hand.

It was an affirmation of the tumultuous seas through which our ship of state has sailed for more than 200 years. We have had many brilliant and inspired individuals at the helm and trimming the sails along the way. We've also had personalities ranging from mediocre to malevolent, but our system of government has survived them all.

Serious challenges lie ahead, particularly on the fiscal side, but any honest reckoning of our history and our prospects will note that we've confronted and survived more daunting challenges than we now face. It's a durable, resilient system of government that we

have here, designed to withstand the foibles of men, including yours truly.

May God continue to bless the United States of America, and may He be ever mindful of this great and honorable institution, the House of Representatives, the people's House.

Mr. Speaker, for the last time, I yield back the balance of my time.

#### PAYING A DEBT OF GRATITUDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Indiana (Mr. PENCE) is recognized for the remaining time until 10 p.m. as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, it is an honor to rise for what will be my last time speaking as a Member of the United States House of Representatives. The people of Indiana have given me a new assignment. But I rise tonight to pay a debt of gratitude to all those who gave me the privilege to serve in this place.

As a boy, I dreamed of someday representing my hometown in our Nation's Capital. And 12 years ago, the people of the Sixth Congressional District made that dream a reality, and so I begin tonight by simply saying thank you to all of them for letting me live that dream in these past 12 years, to come to this place again and again and to be some small part of the story of this institution and America's story.

My only ambition in Congress has been to look after my family and keep my word to the people that sent me here, to let my yes be yes and my no be no. And it is my hope that as people review the totality of my record and my life, they'll see that we've done just that.

But there are those to thank tonight that made that possible, and that's what brings me to this task this evening.

First, permit me to give thanks to God, whose grace and mercy has sustained us every day that we have served the people of Indiana in this place.

Next, and on this earth most of all, I rise to honor and thank my beloved wife, Karen Pence, whose love, whose support, whose sacrifice, patience and kindness, have made all that I have done in the service of the people of Indiana and this place possible. Thanks for believing in me. I love you, and I'll see you home.

To our children, Michael, Charlotte and Audrey, they were 6, 7, and 8 when I first arrived in this place and stood on this floor with my right hand raised 12 years ago. They're now 18, 19, and 21. Thank you for your love. But thank you for the sacrifices that you made so that we could live our dreams. Now go make your dreams come true. I know every one of you can.

To my colleagues, with whom I've stood in this place, shoulder to shoul-

der, doing freedom's work, standing each and every day cheerfully on behalf of the founding principles of this Nation, standing for a strong national defense, for limited government, for economic freedom and for the moral foundations of this Nation, you know who you are, and we will take you from this place in our hearts always.

You know, there's a saying back home that when you see a turtle on a fence post, one thing you know for sure is he didn't get there on his own. And so lastly, what I want to do tonight, Mr. Speaker, is really pay a debt of gratitude to the best congressional staff in American history, the men and women who have served our efforts in this city and at home in Indiana for the past 12 years.

I leave this body truly humbled when I look back at the caliber of the staff that we've been able to call to this mission, servant leaders, all. They are men and women who approached each and every day with a servant's heart, made sacrifices over the years in order to serve the people of Indiana with integrity and energy.

Names like Bill Smith and Lani Czarniecki, Jennifer Pavlik and Josh Pitcock, Matt Lloyd and Paul Teller, Marc Short, Brian Neale and Ryan Jarmula, just to name a few.

□ 2120

I don't really have time tonight to name all the men and women who've served us in various capacities over these last 12 years.

Before I yield the floor for the last time, let me close simply by speaking a word of confidence and one more word of gratitude.

Some people look on Washington, D.C., and they're rightly frustrated. Some people come to this Nation's Capital and lose their idealism. I'm not such a person. When I walk out of this Capitol for the last time, I will leave here with my idealism in tact. I will continue to believe, as our Founders did, that we are one Nation under God, rich with a purpose yet to be fulfilled. No matter how dark the day may seem, we can be confident when we stand for freedom and we do freedom's work. Because freedom is not just our story, it's His story. And when we stand for freedom, however imperfectly, we make His work on this Earth our own.

In the words of the poet, I depart this place by saying:

The woods are lovely dark and deep,  
But I have promises to keep,  
And miles to go before I sleep,  
And miles to go before I sleep.

I say to my colleagues and friends and neighbors in Indiana, my duties take me elsewhere, but wherever providence leads this Nation, let us ever remember that we have promises to keep for future generations of Americans in preserving, protecting, and defending the blessings of liberty for ourselves

and for our posterity. And I know we'll keep that promise—because we're Americans.

Thank you for the honor of addressing you tonight. And to the people of the Sixth Congressional District, know that I will always be grateful for the privilege you have given me to serve in this place, and I will always cherish my days in the people's House.

May God bless the United States House of Representatives and all who serve her now and all who will ever serve on this floor. And may God bless the United States of America.

I yield back the balance of my time.

MIKE PENCE STAFF ROSTER: 2001–2012

Acornley, Mark—Part-Time Admin Assistant: October 6, 2011–2012

Adams, Susan—Staff Assistant: October 6, 2003–February 29, 2004

Ahearn, Mark—Legislative Director: January 22, 2002–April 2, 2003

Alexander, Jerry—Constituent Services Representative & Director of Community Outreach: July 9, 2001–May 15, 2007

Arnold, Ron—Director of Administration & Deputy Chief of Staff: January 3, 2001–October 31, 2009

Atterholt, Kathleen—Caseworker: January 3, 2001–January 2, 2010

Bauer, Zachary—Staff Assistant & Legislative Correspondent: January 4, 2010–2012

Bennett, Kim—Deputy District Director: January 3, 2001–2012

Berry, Debra—District Representative: August 6, 2001–2012

Breeding, Mary—Paid Intern & Staff Assistant: April 1, 2001–January 18, 2002

Brinkman, Muffet—Staff Assistant: January 8, 2001–March 31, 2001

Brown, Skip—Communications Assistant: January 2, 2004–November 16, 2005

Brown, Will—Staff Assistant & Legislative Correspondent: January 3, 2009–January 2, 2011

Castor, Amy—Staff Assistant: May 16, 2004–March 12, 2006

Collins, Larry Ken—Communications Director: January 3, 2001–March 31, 2001

Craig, Lindsey—Legislative Assistant: January 2, 2009–April 12, 2012

Crouch, Daniel—Legislative Assistant & Senior Legislative Assistant: January 16, 2007–August 7, 2009

Czarniecki, Cary (Lani)—District Director: January 3, 2001–2012

Dilly, Jonathan—Paid Intern: May 21, 2001–August 8, 2001

Evans, Ben—Constituent Services Representative: January 4, 2010–2012

Fisher, Ryan—Legislative Assistant & Legislative Director: January 3, 2001–January 2, 2007

Fortin, Kristin—Paid Intern: May 7, 2001–July 13, 2001

Gaskill, Kily Smith—Executive Assistant: January 13, 2009–2012

Gibbs, LeAnne Holdman—Staff Assistant, Legislative Assistant, Senior Legislative Assistant & Legislative Director: February 24, 2004–October 21, 2008

Hawkins, Nicole—Community Development Assistant: January 23, 2006–April 6, 2007

Howe, Jeff—Field Representative: January 3, 2003–February 28, 2010

Hughes, Kaitlynn—Press Assistant, Press Secretary: January 2, 2011–2012

Jarmula, Ryan—Staff Assistant, Legislative Assistant and Senior Legislative Assistant: January 22, 2008–2012

Karchner, Derek—Staff Assistant & Press Assistant: January 22, 2002–March 6, 2003

Keller, Aaron—Paid Intern: June 12, 2001–July 31, 2001

Kennedy, Elizabeth—Staff Assistant: February 23, 2004–April 30, 2005

Kiefer, Chris—Legislative Assistant & Senior Legislative Assistant: January 3, 2001–April 30, 2005

Kincaid, Andrew—Legislative Assistant: January 3, 2001–December 31, 2001

Lahr, Matt—Press Assistant: February 1, 2006–January 2, 2007; Press Secretary: May 10, 2010–January 9, 2011

Lavoie, Matt—Staff Assistant: March 13, 2006–April 15, 2007

Likens, Darlene—Caseworker: January 3, 2001–May 31, 2002

Lloyd, Matthew—Communications Director: January 29, 2003–December 31, 2008; Communications Director for GOP Conference: January 1, 2009–December 31, 2010; Communications Director: January 1, 2011–2012

McCarthy, Greg—Staff Director of Foreign Affairs, Middle East and South Asia Subcommittee while Rep. Pence served as Ranking Member: January 1, 2007–January 2, 2009

Meeker, Autumn—Staff Assistant: June 1, 2010–2012

Milazzo, Nathaniel—Legislative Correspondent, Legislative Assistant & Legislative Director: April 25, 2005–January 2, 2011

Miller, Craig—Legislative Assistant: January 3, 2004–June 4, 2005

Miller, Molly Jarmu—Communications Assistant & Legislative Assistant: January 1, 2002–July 28, 2003

Miner, Ryan—Paid Intern: June 1, 2007–July 11, 2007

Myers, Janille—Executive Assistant: January 12, 2009–2012

Neale, Brian—Legislative Assistant & Legislative Director: June 17, 2009–2012

Pardieck, Karrie—Casework Director: January 3, 2001–2012

Pavlik, Jennifer Marsh—Executive Assistant & Staff Director: January 6, 2001–2012

Perdew, Abby—Administrative Assistant & Administrative Director: January 27, 2009–October 31, 2011

Phipps, Andrew—Director of Community Relations: January 3, 2001–October 31, 2001

Piegrass, Stephen—Communications Director: April 23, 2001–August 15, 2002

Pitcock, Joshua—Legislative Assistant, Deputy Chief of Staff and General Counsel: May 11, 2005–Dec 31, 2008; Deputy Chief of Staff and General Counsel for GOP Conference: January 1, 2009–June 30, 2011; Deputy Chief of Staff and General Counsel: January 1, 2011–July 31, 2012; Chief of Staff—August 1, 2012–2012

Radtke, Schrade (Trip)—Legislative Director: March 22, 2003–December 30, 2003

Reger, Ryan—Field Representative: January 3, 2001–December 31, 2007

Shettle, John—Part-Time Caseworker: January 3, 2001–2012

Siktberg, Alan—Staff Assistant/Field Representative: February 1, 2005–February 14, 2008

Slatter, Ian—Legislative Assistant & Communications Director: January 1, 2002–January 31, 2003

Smith, William A.—Chief of Staff: January 3, 2001–July 31, 2012; Senior Advisor: August 1, 2012–2012

Son, Daniel—Communications Assistant & Press Secretary: January 26, 2008–May 31, 2010

Sulc, Kevin—Constituent Services Representative: July 9, 2001–2012

Tronovitch, Ryan—Staff Assistant: April 27, 2007–December 31, 2007

Wilson, Mikah—Constituent Services Representative/Caseworker/Administrator: January 3, 2003–October 31, 2009

Wilson, Duncan—February 23, 2005–February 28, 2005

Wilson, William Patrick—Legislative Director: January 2, 2001–December 31, 2001

#### CHAIRMAN MIKE PENCE, REPUBLICAN STUDY COMMITTEE STAFF ROSTER: 2005–2006

Executive Director—Sheila Cole  
Deputy Director—Paul Teller  
Policy Director—Russ Vought  
Senior Policy Analyst—Derek Baker  
Policy Analyst—Joelle Cannon  
Research Assistant—Marcus Kelley  
Communications Director—Matt Lloyd

#### CHAIRMAN MIKE PENCE, HOUSE REPUBLICAN CONFERENCE STAFF ROSTER: 2009–2010

Name	Title	Tenure
Marc Short .....	Chief of Staff .....	Jan. 2009–Dec. 2010
Josh Pitcock .....	Deputy Chief of Staff .....	Jan. 2009–Feb. 2010
	Deputy Chief of Staff/General Counsel .....	Mar. 2010–Dec. 2010
Emily Seidel .....	Director of Operations/Assistant to the Chief of Staff .....	Jan. 2009–Dec. 2010
Katie Strand .....	Director of Member Services and Events .....	Jan. 2009–Dec. 2010
Melanie Looney .....	Coalitions Director/General Counsel .....	Jan. 2009–Feb. 2010
Russ Vought .....	Policy Director .....	Jan. 2009–Aug. 2010
Daris Meeks .....	Policy Advisor and Legislative Counsel .....	June 2009–Aug. 2010
	Policy Director .....	Aug. 2010–Dec. 2010
Adam Hepburn .....	Policy Advisor .....	Jan. 2009–Dec. 2010
Chris Jacobs .....	Policy Advisor .....	Jan. 2009–Jan. 2010
Andy Koenig .....	Policy Advisor .....	Jan. 2009–Dec. 2010
Jonathan Hiller .....	Policy Advisor .....	July 2010–Dec. 2010
John Gray .....	Policy Advisor .....	Apr. 2010–Dec. 2010
Sarah Makin .....	Policy Advisor .....	Jan. 2009–Mar. 2010
	Policy Advisor/Coalitions Liaison .....	Mar. 2010–Dec. 2010
Brian McManus .....	Policy Advisor/Coalitions Liaison .....	Apr. 2010–Dec. 2010
Lisa Tanner .....	Policy Advisor .....	June 2009–Aug. 2009
Matt Lloyd .....	Communications Director .....	Jan. 2009–Dec. 2010
Mary Vought .....	Press Secretary .....	Feb. 2009–Dec. 2010
Andeliz Castillo .....	Deputy Press Secretary and Director of Specialty Media .....	Feb. 2009–Dec. 2010
Courtney Kolb .....	Media Coordinator .....	Jan. 2009–July 2010
	Deputy Press Secretary .....	July 2010–Dec. 2010
Rachel Semmel .....	Press Assistant .....	Jan. 2009–July 2010
	Radio/TV Booker .....	July 2010–Dec. 2010
Brian Newell .....	Deputy Press Secretary/Speechwriter .....	Jan. 2009–Mar. 2010
Doug Sachtleben .....	Deputy Press Secretary/Speechwriter .....	Apr. 2010–Dec. 2010
Katie Hughes .....	Press Assistant .....	June 2010–Dec. 2010
Emily Pickett .....	Press Assistant .....	June 2010–Dec. 2010
Ben Howard .....	Staff Assistant .....	Feb. 2009–Dec. 2010
Scott Neale .....	Staff Assistant .....	Jan. 2009–May 2010
Ja'Ron Smith .....	Staff Assistant .....	Jan. 2009–Dec. 2010
Ryan Howell .....	Visual Media .....	Jan. 2009–Dec. 2010
Bryant Avondoglio .....	Visual Media .....	Jan. 2009–Dec. 2010
David Holley .....	Visual Media .....	Jan. 2009–Dec. 2010
Rebecca Propp .....	Visual Media .....	June 2009–Dec. 2010
Ericka Anderson .....	Visual Media (blogger) .....	Mar. 2009–Dec. 2010

#### AMERICA'S FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for the remaining time until 10 p.m. as the designee of the majority leader.

Mrs. BLACKBURN. I am absolutely delighted to stand and say “thank you” to Mr. FLAKE—Senator Flake, it will be—and to Mr. PENCE. It will be Governor Pence. We are delighted that they have served here. And I will have to say that they have been happy warriors as we have many times stood on this floor and have fought against earmarks, have fought against increased spending.

And I dare say, Mr. Speaker, as Mr. FLAKE crosses the rotunda and into the other Chamber, I don't think the Senate will ever go back to earmarks, be-

cause I know someone who can filibuster an earmark with the best of them. That talent is coming to that other Chamber.

Indeed, the happy warrior who will be the Governor of Indiana, my concern there, quite frankly, Mr. Speaker, is I know some of the reforms that he has in mind for that great State, and I don't want them to become too competitive with my home State of Tennessee. I'm going to be keeping a very close eye on the good work that he is doing there for the people of Indiana and look forward to what he is going to do.

It is so very true, and we talk about it a lot, but I think we appreciate it here in this Chamber. Our States are the laboratories of democracy in this great Nation. That is where great ideas come from. They bubble up and they get tested. We know that Indiana is going to have quite a few new ideas that they'll be trying, so we're looking forward to seeing what he will do there.

I want to yield at this time to the gentleman from Texas (Mr. HENSARLING) who has worked so closely with these two gentlemen as we have fought expanded government, fought higher taxes, fought uncontrollable and out-of-control spending. I yield to the gentleman for his comments this evening.

Mr. HENSARLING. I thank the gentlelady for yielding to me.

Mr. Speaker, an hour ago, I had no idea that I would be on the House floor to witness the farewell speeches of two giants who have served in this institution. In many ways, Mr. Speaker, I approach my comments tonight with trepidation because my voice is most inadequate and unprepared for this moment.

The term “happy warrior” was used. The gentleman from Arizona (Mr. FLAKE), I have never known him not to have a smile on his face. Mr. Speaker, if there was one individual who summed up the phrase that one man in the right makes a majority, it's the gentleman from Arizona, JEFF FLAKE.

Mr. Speaker, I have no doubt whatsoever that the other body will never be the same when the gentleman from Arizona steps into that other Chamber—because of his leadership. Many come here and serve. They speak with eloquence. They represent their values. They represent their constituents. But, Mr. Speaker, not all that many leave this institution and can look themselves in the mirror and know they have made a difference. The gentleman from Arizona has made a difference in the people's House and how the people's money has been spent.

Mr. Speaker, it's a challenging time in our Nation's history. There's much turmoil. I know many question Madison's genius—perhaps mad genius—in providing for this thing called divided



government. It's sloppy; it's messy; it gets a little noisy; it's not always efficient; but it has produced the greatest, freest, most prosperous Republic in the history of mankind. That divided government is played out in this institution by noble men and women who mean well. Again, I find my voice most inadequate to honor the work of these two great men.

I look at the words above you, Mr. Speaker, "In God we trust." Few have lived that and had it emblazoned on their heart as the gentleman from Indiana, MIKE PENCE.

□ 2130

He knows the words of Jefferson: Can the liberties of a Nation be thought secure when we have removed their only firm foundation, and that is a conviction in the hearts of man that these liberties are gifts of God?

I know this man, this great man from the Heartland. I know Karen, Michael, Charlotte and Audrey. What a strong family. I want to thank them for their sacrifice. We, Mr. Speaker, as you know, we serve our country, but we don't sacrifice. But our families do. What a great sacrifice of the Pence family of Indiana to let this great man come and serve with distinction for these years.

MIKE PENCE has brought the values of the Heartland to this institution and taught us all well. He has led by example, and he's done something that, frankly, few Members have done, and that is he has inspired us to greatness.

Again, Mr. Speaker, many serve here as public servants, but some go beyond being a public servant and they embody everything that was good and great about the Founders. We have a special word for those people, it's called "patriot." MIKE PENCE, the gentleman from Indiana, is a patriot. His moral compass always points true north. His humor and compassion have lifted his colleagues in this Chamber in tough and challenging moments.

He embodies that definition of character that he always does what is right even when no one is watching. And because he understands better than most what the true genius of America is, every day he gets up, he praises his Lord, he thanks Him for his family, and he dreams bold dreams because, Mr. Speaker, he is an American.

Mr. Speaker, I've been granted many blessings in life, many blessings in life, few that I will cherish as much as the blessing of fighting for freedom on the floor of the United States House of Representatives at the side of MIKE PENCE. He has taught me that verse in Proverbs that "iron sharpens iron." Mr. Speaker, he has always sharpened my iron. He has taught me about Proverbs 18:24: And there is a friend that sticketh closer than a brother. MIKE PENCE is my friend that sticketh closer than a brother.

I've often thought, What is the highest praise that I can pay to such a friend? Back in Dallas, Texas, I've got a son, Travis; he's 9. Since it's a school night, he, hopefully, is not playing Angry Birds or Plants Versus Zombie or some other electronic game. He and his sister are the apple of my eye and my wife's eye. And I think, Mr. Speaker, what kind of life might my son have? How do I want to raise my son? What do I want to teach him? Who do I want him to emulate? Mr. Speaker, I've said this about very few people I have met in life, but Mr. Speaker, I could never be more proud than if my son, Travis Jeb Hensarling, grew up to be like MIKE PENCE, the Governor-elect of Indiana, my friend, our patriot.

Mrs. BLACKBURN. I thank the gentleman for those kind remarks.

I know that we all share in expressing how much we have enjoyed having these gentlemen with us. We also want to recognize someone. I want to yield to the gentleman from Florida, who has been with us for all too short a period of time. Mr. WEST is here for his last day on this floor. I know that each of us joins in saying thank you to him.

He came to this floor and, Mr. Speaker, he does not back down from the fight. I think that he runs toward that fight when it is a fight for freedom, when it is a fight for getting this government under control and returning us to our constitutional principles, because he is a constitutional conservative.

As we have, this week, stood on this floor and have discussed the issues that are in front of us, the issues that the media have termed the "fiscal cliff," you know, many of us have talked about this, that this day was coming. Indeed, the Republicans in the House have been working on this issue for months. My goodness, we sent bills starting in May over to the Senate. They've been sitting on HARRY REID's desk, some of them—the last one went over September 19—and they have chosen not to take up those bills.

It's important to note that in that lesson of looking at what the Senate chose not to do and what the leader of the Senate chose not to do, we have people in the House that chose to take an action that would prohibit higher taxes on all Americans. It would prohibit the sequestration from taking place on our military, and it would enable us to move toward a pathway of fiscal responsibility and economic growth and renaissance in this Nation.

So at this time, I yield to the gentleman from Florida (Mr. WEST).

Mr. WEST. I want to thank the gentlewoman from Tennessee for allowing me to participate this evening. Thank you, Mr. Speaker, for allowing me to have this time. But I want to also pay homage to two great men that are going to be departing this House of Representatives.

I think back to 5 years ago, in December of 2007. I had just gotten back from 2½ years of serving in Afghanistan, and I decided that I was going to throw my hat into the ring to run for Congress in 2008. I understood what it meant to be a constitutional conservative. I understood what it meant when you talked about limited government, when you talked about fiscal responsibility, individual sovereignty; when you talked about a free marketplace of ideas, where the American people can prosper, and also a strong national defense. But of course the critical thing was I could go back and I could read Locke and I could read Montesquieu. I could read Hobbes or Rousseau. I could read all of the writings of our Founding Fathers. But I wanted to look at two individuals or several individuals that I could see as role models.

So when you get back and you start to look at C-SPAN and say, Who can I model myself after, I can tell you that the two men that are going to depart this House of Representatives—one to go be Senator-elect from Arizona, another going to be Governor-elect from Indiana—were two individuals that I studied.

When I wanted to know about fiscal responsibility, I heard about this gentleman, Representative JEFF FLAKE from Arizona, who was Mr. Earmark. I, first of all, had to understand, okay, being in the military, what does an earmark mean? Well, I come to understand what it meant, and I come to understand how horrible it is when you look at what is happening with our debt and our deficit and our fiscal irresponsibility.

I came to understand what it meant to have principles and pragmatism and having the courage to stand upon your convictions and continue to push and continue to try to make a difference, even if it seems that you may stand alone. Because that's one of the mottos from a great unit in the 101st Airborne Division, Currahee. We know that from the Band of Brothers what that means, "stands alone."

If there is one person that has always stood alone and will continue to do so for the principles that are right, fiscal responsible principles that are right, it's Senator-elect JEFF FLAKE. Being able to study him and see him and not so much worrying about having a bunch of conversations, but learning by example, helped me to have 2 great years here in the people's House, the people's House where for 22 years in uniform I served to protect, and now I got the opportunity to walk in these great Halls with a great man, who I know will continue to go on to the Senate, where they truly do need some help with fiscal responsibility.

I know that when we look across, just the same as that unit in December of 1944, when they were surrounded, they sent back one simple response,

that they were not going to surrender. I think we all know what that one-word response is.

□ 2140

If I could think of one person that will stand on the Senate floor and give that same response, it will be Senator-elect, JEFF FLAKE.

Now, when I think about the other gentleman, the Governor-elect of Indiana, there was a person that contacted me, and if you talked to him, he will say I was supporting ALLEN WEST before it became cool to support ALLEN WEST, and that is absolutely 100 percent right. Because MIKE PENCE understood that it's not about the empty promises of outreach to a community, it's about finding those individuals that really and truthfully do believe in constitutional, conservative principles and supporting them to get them to a position where they can have a voice and they can, in turn, be examples to our black communities. That's what MIKE PENCE did for me in 2008. He kept encouraging me. And even though we fell short, on that next day, he was the first person to call and say:

I know what type of man you are, and I know what type of fighter you are, and I know you're going to do it again.

Therefore, I ended up being here in 2010. I had the opportunity to be taught, to be coached and to be mentored by a great man, a great constitutional conservative, a man there that will go make a difference for a State, and I think that one day he will make a difference for our great Nation.

So as once upon a time a general said, as he stood there, that old soldiers never die, they just fade away, I'm not going to fade away, because these two men have encouraged me to do something better and do something different, to take off a camouflage uniform and put on a suit and tie but continue to fight for the principles and values that make this country great and that make this country exceptional. I think that's what we see happening right now.

I am so encouraged that we have the right people here in the House, we will have the right people in the Senate and we will have the right people down in our States to make a difference to secure a better future for all of our children and our grandchildren so we do not saddle them with the debt that we're currently looking at, we do not saddle them with the out-of-control spending, and we do not leave them with an insecure America and an unstable world.

Those men that are going to depart here are going to be part of that transformation, that restoration, that reclaiming of a sense of American pride and exceptionalism that when we look at those words up there, "in God we trust," we will truly inculcate that back into who we are as a people.

So as we go forth, we talk about this thing called the fiscal cliff, I know that these men understood what the right type of tax policies are that create economic growth. We are not about wealth redistribution. We are about wealth expansion. We are about that American Dream that can take an inner city kid from Atlanta, Georgia, and allow him to be standing here today speaking to the American people before incredible men that will go and do more incredible things for this great Nation.

I believe that we are standing on the verge of a new dawn for America. But all we have to do is go back and recommit to those principles and value that our Founding Fathers accepted, that our Founding Fathers wrote in the Declaration, that they improved and perfected through the Constitution, and now they're looking at us in this generation to be the ones that carry it on. 236 years. And I believe that we will be around for another 236 years.

The test for us right now is do we believe that America is about a bigger government? Or do we believe that America is about an indomitable, entrepreneurial spirit? And if we believe the latter instead of the former, then we will have those right tax policies, we will have the right regulatory policies, and we will have the right monetary policies so that we are not printing more money and devaluing our dollar so that we see commodity prices going up.

Will we, once again, have our small businesses grow, which is a reflection of our entrepreneurial spirit? But, most importantly, will we respect the individual, their sovereignty, their rights, and their freedoms, and make sure that we have the strongest, most powerful military that will cause people to say, we will not challenge you, because they know that what we stand for, this that we will defend, is something that we truly do believe in.

So as this may be my last time speaking here on this House floor, I can tell you that the principles and values that we stand for as constitutional conservatives, you don't have to be in the House of Representatives to continue that fight, because it's a fight worth doing, but it's a fight worth doing because I've had some great men and great women to be examples for me as I go forward.

There are many men and women that are standing on freedom's ramparts, our watchmen on the walls, that are trusting and depending on us right now to make sure that their service, their sacrifice, and their commitment shall not be in vain.

So I thank you all. I thank you for your coaching and your mentoring. I thank you for the example that you set. I thank you for allowing me to be here to speak on this night.

May God bless America, and may God keep us all forevermore.

Mrs. BLACKBURN. We thank the gentleman from Florida for yielding back, and we thank him so much for his service to this House.

Mr. Speaker, as we close for the Christmas season, I do want to make just a few comments about what has transpired today. And I think it is so noteworthy that those Members who are departing have stood on this floor tonight and have talked about what it means to serve in the U.S. House of Representatives, and how grateful we are that they have chosen that service. And we each have shared a commitment to make certain that we are committed to pushing—pushing—the Federal Government to get its fiscal house in order.

Indeed, Mr. HENSARLING many times has said that that is our primary goal as conservatives because we know that the greatest threat to our Nation's security is our nation's debt. Many of us talk about Admiral Mullen's comments on July 6, 2010, when he said that the greatest threat to our Nation's security is our Nation's debt.

This week, as we have looked at the so-called fiscal cliff, as we have looked at the expiration of the tax cuts, as we have worked through the growing and just boiling and rolling debt that is sweeping over this government, as we have watched this deficit climb higher every year, we have sought to find a solution to this.

As I mentioned earlier in our remarks, we have stood in this House, and going back to May 10, we passed reconciliation August 1, we passed an extension of all the 2001, 2003 tax reductions—they're called the Bush tax cuts. We passed a sequester bill on the 2nd, and on September 19, we passed a pathway to tax reform.

Mr. Speaker, what is so significant about that is that those pieces of legislation left here, some of them with a bipartisan vote, all with a strong vote from this body, and they traveled across to the Senate. And from May to September, they found their place on HARRY REID's desk. What is so sad about this is that HARRY REID made his choice. The Senate made their choice. And their choice was to not take up those pieces of legislation.

This crisis that we have had, our so-called crisis, the fiscal cliff crisis and Taxmageddon, all of this is a crisis of their making because it is a crisis of inaction. But, Mr. Speaker, many times, that is what happens here. It is inaction, what does not get done, that causes the situation where there is a rush to the last minute.

We have had the American people watching closely, and we have had the comments from the President, the comments from different ones in the Cabinet, and the comments from the Senate. But I remind my colleagues that we took our actions here in the body, we sent that legislation, and we

did it because we understand that \$16 trillion worth of debt and annual deficits of \$1 trillion are far too much for our children and grandchildren.

□ 2150

The speakers tonight who have joined me on this floor have talked about how we have hopes and dreams for our children, for our grandchildren, for the futures of our families. You know what? If you're facing \$16 trillion, \$20 trillion, \$25 trillion worth of debt as a nation, it is very difficult to see those hopes and dreams come true.

My concern as I look at my grandchildren is that the decisions—maybe the selfishness even—of people in Washington who want to tax too much and want to spend too much, who are taxing and spending not their money, but my children and grandchildren's money, children of the next generation, leaders maybe even a generation or more away, they are spending their money, because at this point we are borrowing 46 cents of every dollar we spend. It's not sustainable.

That is why we have very thoughtfully, over the last several months, approached this issue, and it's why this week we have worked with our leadership to find a solution to this, to look at different angles. And the decision came that the best decision for this, the best way to approach it, the best way to make certain we address this is to stand firm on the actions that the House has taken and for the Senate to take up the legislation that they've had the opportunity to take up since September 19. They could take up any bill and amend it. They could vote on it. They could send it back to us. They could go to conference.

You see, as we talk about our children and their future and as we talk about this amount of debt, what we do not want to do is to cap our children's future and trade to the people that hold our debt. If we're not careful, that's exactly what is going to happen.

As we have gone through this process this week, as my colleagues have all watched it and said exactly what has happened, what are the decisions, what are the consequences of the decisions we have made, are we going to resolve it, I do believe that you are going to see a resolution to this. It will happen because the American people are saying to us and they're saying to the President, It is time to get this spending under control. Our children deserve better of us. They have the right to live free lives, to dream big dreams, and to make those dreams come true.

I do want to say a "thank you" to our leadership. I think the way that Speaker BOEHNER has handled these issues this week, the way he has worked with the Members in this body to show respect to them, to show respect for their opinions and respect for their constituents, I think that that

has been a true sign of leadership that was willing to listen and then willing to move the way the body wanted to move.

And the decision was made by the body not to move forward on the Plan B. But I think in making that decision, what you will see is our leadership moving forward more committed and with individuals even more prepared to get to work and to get this solved and to do what the American people are expecting us to do, which is to get this spending under control. They have sent the message loud and clear: Washington does not have a revenue problem; it has a spending problem. It has an out-of-control spending problem and an insatiable appetite for the taxpayers' money.

As we have worked through this week, as we've talked to our constituents—and so many of us in this body have done telephone town halls and we have been on the phone and we have answered emails. And we know that there is no limit to how much money, how much of other people's money government will try to spend. There's no limit to how much of the taxpayers' money. So the American people have sent the message to us and we all have sent it to our leadership, and they have listened and they have responded.

The time to get the spending under control is now. The time to stop kicking the can down the road is now. And we will head away for Christmas and return, I think, with a strength and a resolve and a courage to address the fiscal issues of this Nation. The House, where the spending bills and appropriation process begins, we will tackle this with strength, with resolve, with courage to get the job done so that, just as my colleagues have said here tonight, so that future generations have a brighter future and so that we will continue to stand for the cause of freedom.

With that, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of illness.

Mr. RIVERA (at the request of Mr. CANTOR) for today and the balance of the week on account of a family medical emergency.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2318. An act to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for

other purposes, to the Committee on Foreign Affairs.

S. 3202. An act to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes, to the Committee on Veterans' Affairs; in addition to the Committee on Armed Services and the Committee on the Budget for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 3630. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office", to the Committee on Oversight and Governmental Reform.

S. 3662. An act to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building", to the Committee on Oversight and Governmental Reform.

S. 3698. An act to amend title 40, United States Code, to improve veterans service organizations access to Federal surplus personal property, to the Committee on Oversight and Governmental Reform.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act", to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

S. 2367. An act to strike the word "lunatic" from Federal law, and for other purposes.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse".

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

#### A BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 20, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 3783. To provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

#### ADJOURNMENT

Mrs. BLACKBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 56 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, December 21, 2012, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8856. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [EPA-HQ-OPP-2012-0825; FRL-9372-1] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8857. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flubendiamide; Pesticide Tolerances [EPA-HQ-OPP-2007-0099; FRL-9373-3] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8858. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyriproxyfen; Pesticide Tolerances [EPA-HQ-OPP-2011-1012; FRL-9365-6] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8859. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket: ID FEMA-2012-0003] received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8860. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2012-0003] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8861. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Native American Housing Assistance and Self-Determination Reauthorization Act of 2008: Amendments to Program Regulations [Docket No.: FR-5275-F-13] (RIN: 2577-AC80) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8862. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Organization and Functions, and Seal (RIN: 2590-AA54) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8863. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8864. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation

of Air Quality Implementation Plans; Indiana; South Bend/Elkhart, Indiana Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets [EPA-R05-OAR-2012-0536; FRL-9761-1] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8865. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; The 2002 Base Year Emissions Inventory for the Pittsburgh-Beaver Valley Nonattainment Area for 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0601; FRL-9760-8] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8866. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg 8-Hour Ozone Maintenance Area Revision to Approved Motor Vehicle Emissions Budgets [EPA-R03-OAR-2012-0444; FRL-9760-9] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8867. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; San Joaquin Valley; Attainment Plan for the 1997 8-hour Ozone Standards; Technical Amendments [EPA-R09-OAR-2011-0589; FRL-9762-4] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8868. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans; State of Wyoming; Regional Haze Rule Requirements for Mandatory Class I Areas under 40 CFR 51.309 [EPA-R08-OAR-2011-0400; FRL-9756-9] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus subtilis Strain QST 713 Variant Soil; Amendment to an Exemption from the Requirement of a Tolerance for Bacillus subtilis Strain QST 713 to Include Residues of Bacillus subtilis Strain QST 713 Variant Soil [EPA-HQ-OPP-2011-0669; FRL-9369-3] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8870. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Listing of Substitutes for Ozone Depleting Substances — Fire Suppression and Explosion Protection [EPA-HQ-OAR-2011-0111; FRL-9757-5] (RIN: 2060-AQ84) received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8871. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Supplemental Determination for Renewable Fuels Produced Under the Final RFS2 Program From Grain Sorghum [EPA-HQ-OAR-2011-0542; FRL-9760-2] received December 11, 2012, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8872. A letter from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Electric Quarterly Filing Process [Docket No.: RM12-3-000] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8873. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife and Plants; Endangered Status for the Main Hawaiian Islands Insular False Killer Whale Distinct Population Segment [Docket No.: 0912161432-2630-04] (RIN: 0648-XT37) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8874. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No.: 120917459-2591-01] (RIN: 0648-BC57) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8875. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Research vessel SIKULIAQ Launch, Marinette, Wisconsin [Docket No.: USCG-2012-0896] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8876. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Battle of Queenston Heights Bicentennial, Niagara River, Lewiston, NY [Docket No.: USCG-2012-0849] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8877. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: America's Cup World Series Finish-line, San Francisco, CA [Docket No.: USCG-2012-0884] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8878. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Columbus Day Weekend, Biscayne Bay, Miami, FL [Docket No.: USCG-2012-0191] (RIN: 1625-AA11) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8879. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Steam Ship Col. James M. Schoonmaker relocation project, Maumee River, Toledo, OH [Docket No.: USCG-2012-0939] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8880. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Leukemia & Lymphoma Light the

Night Walk Fireworks Displays; Willamette River, Portland, OR [Docket No.: USCG-2012-0803] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8881. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Atlantic Intracoastal Waterway; Carolina Beach, NC [Docket No.: USCG-2012-0741] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8882. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper T. Smith Fireworks Event; Mobile River; Mobile, AL [Docket No.: USCG-2012-0869] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8883. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Inland Waterways Navigation Regulations [Docket No.: USCG-2011-1086] (RIN: 1625-AB84) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8884. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Exercise, Hood Canal, Washington [Docket No.: USCG-2012-0822] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8885. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Fixed and Moving Safety Zone; Around the USACE Bank Grading Units, Mat Sinking Unit, and the M/V Harrison and M/V William James [Docket No.: USCG-2012-0738] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8886. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations; 2012 Ironman 70.3 Miami, Biscayne Bay; Miami, FL [Docket No.: USCG-2012-0559] (RIN: 1625-AA08) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8887. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Shipping and Transportation; Technical, Organizational, and Conforming Amendments [Docket No.: USCG-2012-0832] (RIN: 1625-AB87) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8888. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-63; Introduction [Docket FAR: 2012-0080, Sequence 6] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

8889. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition

Circular 2005-63; Small Entity Compliance Guide [Docket FAR: 2012-0081, Sequence 8] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8890. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Iran Threat Reduction [FAC 2005-63; FAR Case 2012-030; Docket 2012-0030, Sequence 1] (RIN: 9000-AM44) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

8891. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2012 cumulative List of Changes in Plan Qualifications [Notice 2012-76] received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8892. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2012-78] received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8893. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Deduction for Qualified Film and Television Production Costs [TD 9603] (RIN: 1545-BJ23) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8894. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Certain exceptions to disclosure requirements under Tres. Reg. Sec. 1.6011-4(b)(5) (Rev. Proc. 2013-11) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8895. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Taxable Medical Devices [TD 9604] (RIN: 1545-BJ44) received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the Matter of Allegations Relating to Representative Gregory Meeks (Rept. 112-709). Referred to the House Calendar.

Mr. BONNER: Committee on Ethics. In the Matter of Representative Tim Ryan (Rept. 112-710). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1073. A bill to designate the United States courthouse to be constructed in Jackson, Mississippi, as the "R. Jess Brown United States Courthouse" (Rept. 112-711). Referred to the House Calendar.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2919. A bill to eliminate the reimbursement requirement for certain tornado shelters constructed with Federal assistance, and for other purposes; with an amendment (Rept. 112-712). Referred to

the Committee of the Whole House on the state of the Union.

Mr. RYAN of Wisconsin: Committee on the Budget. Activities and Summary Report of the Committee on the Budget, House of Representatives, One Hundred Twelfth Congress fourth quarter (Rept. 112-713). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. Report on the Activities of the Committee on Education and the Workforce for the Fourth Quarter of the 112th Congress (Rept. 112-714). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 1063. A bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims; with an amendment (Rept. 112-715, Pt. 1). Ordered to be printed.

Mr. BONNER: Committee on Ethics. In the Matter of Allegations Relating to Representative Shelley Berkley (Rept. 112-716). Referred to the House Calendar.

#### REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 3116. A bill to authorize certain programs of the Department of Homeland Security, and for other purposes; with an amendment, (Rept. 112-717, Pt. 1); referred to the Committees on Energy and Commerce, Science, Space, and Technology, and Transportation for a period ending not later than December 21, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(f), 1(p) and 1(r) respectively, of rule X.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LATHAM (for himself, Mr. BOSWELL, Mr. KING of Iowa, Mr. LOESACK, Mr. BRALEY of Iowa, Mr. GRIFFIN of Arkansas, Mr. WOMACK, Mr. TIBERI, and Mr. STIVERS):

H.R. 6690. A bill to limit the Secretary of the Air Force from retiring or transferring certain aircraft of the Air National Guard or Air Force Reserve; to the Committee on Armed Services.

By Mr. SCOTT of Virginia (for himself, Mr. WOLF, and Mr. CUMMINGS):

H.R. 6691. A bill to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

By Mr. CLARKE of Michigan (for himself, Ms. SCHAKOWSKY, Mr. SABLON, Ms. LEE of California, Mr. CLEAVER, and Ms. CLARKE of New York):

H.R. 6692. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to exempt the Substance Abuse and Mental Health Services Administration (SAMHSA) from sequestration; to the Committee on the Budget.

By Mr. CONNOLLY of Virginia:

H.R. 6693. A bill to amend the Animal Welfare Act to provide for the protection of

birds, rats, and mice, and for other purposes; to the Committee on Agriculture.

By Mr. FINCHER:

H.R. 6694. A bill to amend the definition of mortgage originator under the Dodd-Frank Wall Street Reform and Consumer Protection Act to include certain employees of a retailer of manufactured homes; to the Committee on Financial Services.

By Mr. GARRETT:

H.R. 6695. A bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes; to the Committee on Financial Services.

By Mr. GOSAR (for himself and Mr. SCHWEIKERT):

H.R. 6696. A bill to direct the Secretary of the Interior to take certain land located in Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community, and for other purposes; to the Committee on Natural Resources.

By Mr. KUCINICH:

H.R. 6697. A bill to amend the citizen suit provisions in several statutes to impose an additional award to prevailing plaintiffs; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 6698. A bill to direct the President to submit to Congress a report on fugitives currently residing in other countries whose extradition is sought by the United States and related matters; to the Committee on Foreign Affairs.

By Mr. TURNER of Ohio:

H.R. 6699. A bill to provide certain assistance to North Atlantic Treaty Organization allies; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH (for himself, Mr. CONNOLLY of Virginia, and Ms. LEE of California):

H.R. 6700. A bill to amend the Internal Revenue Code of 1986 to disallow deductions for the payment of punitive damages, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 6701. A bill to provide for the continued lease or eventual conveyance of certain Federal land within the boundaries of Fort Wainwright Military Reservation in Fairbanks, Alaska; to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida (for himself and Ms. MATSUI):

H.R. 6702. A bill to amend the National Organ Transplant Act to prevent the sale of bone marrow and umbilical cord blood, and for other purposes; to the Committee on Energy and Commerce.

By Ms. NORTON:

H. Res. 842. A resolution recognizing the contributions of Senator Joseph I. Lieber-

man to the nation and to the equal rights and general welfare of the citizens of District of Columbia; to the Committee on Oversight and Government Reform.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. LATHAM:

H.R. 6690.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. SCOTT of Virginia:

H.R. 6691.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution

Clause 18 of section 8 of article I of the Constitution

By Mr. CLARKE of Michigan:

H.R. 6692.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 and Article I, Section 9, Clause 7 of the United States Constitution

By Mr. CONNOLLY of Virginia:

H.R. 6693.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of Article I of the United States Constitution

By Mr. FINCHER:

H.R. 6694.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. GARRETT:

H.R. 6695.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clauses 1 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States"), 3 ("To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"), and 18 ("To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof").

By Mr. GOSAR:

H.R. 6696.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution. This bill pertains to the federal Indian trust relationship. Accordingly, Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 3:

"The Congress shall have the power to . . . regulate commerce with foreign nations, and

among the several states, and with the Indian tribes;"

Additionally, since this bill directs the Secretary of Interior to take lands into trust for the benefit of an Indian tribe, meaning the federal government would hold title to the land in trust on behalf of the tribe, it is important to note that Congress has the express constitutional authority to manage and convey federal lands, pursuant to Article IV, Section 3, Clause 2:

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

By Mr. KUCINICH:

H.R. 6697.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause III and/or Article 1, Section 8, Clause IXX of the Constitution.

By Mr. SMITH of New Jersey:

H.R. 6698.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 18

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. TURNER of Ohio:

H.R. 6699.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution: The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. WELCH:

H.R. 6700.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: The Congress shall have Power To . . . make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof . . .

By Mr. YOUNG of Alaska:

H.R. 6701.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14

To make Rules for the Government and Regulation of the land and naval Forces.

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States, and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. YOUNG of Florida:

H.R. 6702.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 of the United States Constitution.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 308: Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. SMITH of Washington, Ms. KAPTUR, Mr. COURTNEY, Mr. THOMPSON of California, Mr. ANDREWS, Mr. BRALEY of Iowa, Mr. WATT, Mr. CURSON of Michigan, Mr. BOSWELL, and Mr. SABLAN.

H.R. 591: Mr. LEVIN, Mr. MARKEY, Mr. PALONE, and Mr. PASTOR of Arizona.

H.R. 751: Mr. LOEBSACK and Mr. LEWIS of Georgia.

H.R. 1054: Ms. BASS of California.

H.R. 1182: Mr. YODER.

H.R. 1781: Mr. PASTOR of Arizona.

H.R. 2033: Ms. WASSERMAN SCHULTZ.

H.R. 2069: Mr. BOREN.

H.R. 2104: Mr. ROE of Tennessee and Mr. TIERNEY.

H.R. 2554: Ms. MOORE, Ms. LEE of California, and Mr. SCOTT of Virginia.

H.R. 2721: Ms. BONAMICI.

H.R. 2775: Ms. LEE of California and Ms. BASS of California.

H.R. 3015: Ms. DEGETTE.

H.R. 3704: Ms. ZOE LOFGREN of California.

H.R. 4103: Mr. ENGEL, Mr. COURTNEY, Ms. MCCOLLUM, Mr. CONYERS, Mrs. MALONEY, Mr. BISHOP of New York, Mr. ACKERMAN, Ms. SCHWARTZ, Ms. LEE of California, Mr. POLIS, and Mr. HIMES.

H.R. 6043: Mr. ROE of Tennessee.

H.R. 6174: Ms. LORETTA SANCHEZ of California.

H.R. 6241: Mr. PERLMUTTER.

H.R. 6299: Mr. ROKITA, Mr. GRIFFIN of Arkansas, Mr. BERG, Mr. TURNER of New York, and Ms. HAYWORTH.

H.R. 6311: Mr. ELLISON.

H.R. 6589: Mr. DOGGETT and Mr. CUELLAR.

H.R. 6597: Mr. GARDNER, Mr. HOLT, and Mr. TIBERI.

H.R. 6646: Mr. SCHWEIKERT, Mr. TIPTON, Mr. BROUN of Georgia, Mr. ROSS of Florida, Mr. WILSON of South Carolina, Mrs. ADAMS, and Mr. WEBSTER.

H.R. 6658: Mr. CLEAVER, Mr. JOHNSON of Georgia, and Mr. PAYNE.

H.R. 6659: Mr. CLEAVER, Mr. JOHNSON of Georgia, Mr. SCHIFF, and Mr. PAYNE.

H.R. 6660: Mr. BOUSTANY and Mr. LARSEN of Washington.

H. Res. 220: Mr. HIMES.

H. Res. 823: Mr. RIVERA, Ms. MATSUI, and Mr. SABLAN.

H. Res. 826: Mr. AMODEI and Mr. CARTER.

H. Res. 834: Mr. WALBERG, Mr. DENHAM, Mr. MILLER of Florida, Ms. HANABUSA, Mr. PASCRELL, Mr. BACHUS, Mrs. LUMMIS, Mr. HULTGREN, Ms. MATSUI, Mr. HANNA, Mr. MICA, Mr. AUSTIN SCOTT of Georgia, Ms. WASSERMAN SCHULTZ, Mr. KINZINGER of Illinois, Mr. RUNYAN, Mr. WILSON of South Carolina, Mr. CICILLINE, Mr. HASTINGS of Florida, Mr. SOUTHERLAND, Mr. SCALISE, Mr. ROYCE, Mr. DUFFY, Mr. SMITH of New Jersey, and Mr. KEATING.



**SENATE—Thursday, December 20, 2012**

The Senate met at 11 a.m. and was called to order by the Honorable SHERROD BROWN, a Senator from the State of Ohio.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose mercy exceeds our sins, we thank You for the failures that drive us again and again to You for forgiveness and restoration. May we see in our setbacks opportunities for growth and progress.

Lord, change our lawmakers not from what they were but toward what they really are: generous, wise, and responsible stewards of Your bountiful grace. Keep us from becoming a country that wants to feel good rather than be good, as You empower us to live worthy of our forebears who sacrificed so much for freedom.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable SHERROD BROWN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 20, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHERROD BROWN, a Senator from the State of Ohio, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. BROWN of Ohio thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**MODIFICATIONS TO AMENDMENTS—H.R. 1**

Mr. REID. Mr. President, I ask unanimous consent that the clerk be au-

thorized to modify the instruction lines on amendments proposed to the substitute amendment No. 3395.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of H.R. 1, which is the legislative vehicle for the supplemental appropriations bill involving the terrible storm that struck New England. The filing deadline for the first-degree amendments is 1 p.m. today. We will work on an agreement for amendments in order to complete action on the bill.

We are also hopeful that we can complete the extremely important Defense authorization bill today, and we are moving forward on FISA today. We are moving forward one way or the other. I hope we can get an agreement to move forward. If not, we will move forward without an agreement.

We will need everyone to pay attention as they always do but maybe more so today. There are a lot of things going on here, and people need to understand that we have things to do if we want to be able to get home for a few days for Christmas, even though we will be back on the Thursday after Christmas.

**TRIBUTES TO DEPARTING SENATORS****JEFF BINGAMAN**

Mr. REID. Mr. President, I wish to take a few minutes today to honor my colleague, the senior Senator from New Mexico, JEFF BINGAMAN, as he retires from a long career of service to our country.

For 30 years Senator BINGAMAN has been a dedicated representative of the people of New Mexico, but for 26 of those years he was the junior Senator from New Mexico. The only person I know of who was a junior Senator longer than Senator BINGAMAN was Fritz Hollings. He was a junior Senator for many decades to Strom Thurmond. But 26 years as a junior Senator still makes you a fairly senior Senator. JEFF served alongside Senator Pete Domenici, the longest serving Senator in New Mexico's history. Until 2009 he was the most senior junior Senator.

JEFF BINGAMAN has never been one to get hung up on titles and credits. If there was ever a conscience of this body, it is JEFF BINGAMAN, a man who has been called by others, including Byron Dorgan, a workhorse. That is

really true. For three decades he has quietly but diligently fought for the people of New Mexico and this country.

American industrialist Henry Kaiser once gave this bit of advice: "When your work speaks for itself, don't interrupt." And that is JEFF BINGAMAN. That could have been written for JEFF BINGAMAN by Henry Kaiser. That has been JEFF BINGAMAN's motto for years. He is not one for flashy press conferences. Most of the time he is too busy.

JEFF learned humility in the small town of Silver City, NM, where he grew up. His father was a professor and his mom a teacher, and they instilled in him a love and appreciation for education—and that is an understatement. He got his bachelor's degree from Harvard and his law degree from Stanford. Those are two of the finest educational institutions in the world, and he has a degree from both of them, Harvard and Stanford.

At Stanford, where he was going to law school, he met his wonderful wife Anne. I have such warmth for this woman. We have traveled together. I can remember trips we took on Senate codels; she was always the life of the party. She is a great match for JEFF—JEFF being quiet, subdued; Anne, not always so. I love them both. Anne is a political powerhouse in her own right. She served 3 years as head of the Anti-trust Division of the Department of Justice under President Bill Clinton.

After they finished their law degrees, JEFF and Anne returned to New Mexico, and they both entered the private practice of law. There, JEFF spent 6 years in the Army Reserve, and at that time he and Anne had their son John. Senator BINGAMAN served a year as assistant attorney general before being elected attorney general of New Mexico in 1978. Four years later he was elected to the U.S. Senate.

As time evolves here, you see it in the face of our children. I can remember that when I first came to this body, JEFF had already been here 4 years. We had our Senate retreats, and there was little John, and I watched him grow as we did the retreats. I saw him just a short time ago, this handsome young man, now working on his own in New York in a very important job.

In addition to being a committed advocate for the people of New Mexico, JEFF has been a distinguished chairman of the Energy and Natural Resources Committee. As chairman, he has pushed for solutions to perhaps the greatest crisis of our time: global climate change. He has run into brick walls many times. As the Presiding Officer knows, it has been difficult to get

much done. But it is not because JEFF BINGAMAN hasn't tried. I am so disappointed that JEFF is leaving that committee with so much unfinished work. Certain Senators have held up hundreds of bills in that committee. What a shame. But that is what has happened.

The Energy Policy Act of 2005—passed thanks to Senator BINGAMAN's leadership—changed the Federal Government's role in energy policy. It created energy efficiency and renewable tax credits that have grown the crucial green energy industry. He led that charge. Two years later JEFF guided Congress to raise vehicle fuel efficiency standards for the first time in 32 years.

Senator BINGAMAN also serves on the Finance Committee. He is tireless there, whether working on ObamaCare—and he was instrumental in the progress of that, working with Senator BAUCUS, Senator CONRAD, and others. He has also served on the Joint Economic Committee. He has been a valued Democratic Member of this body. In the caucus, he has been terrific.

He has been someone I can call upon to ask for advice. Over the years we have served together, he didn't come and visit with me often, but when JEFF BINGAMAN wanted to see me, I knew immediately that he had thought through and knew what he wanted to talk about and knew what he wanted me to help him with. I think so much of him, I admire him, and I appreciate him. I will always remember this good man and the work he has done. I am sorry to see this brilliant, hard-working leader depart this body.

When JEFF announced his retirement a couple years ago, this is what he said:

It is not easy to get elected to the Senate, and it is not easy to decide to leave the Senate. There is important work that remains to be done. That is true today, and it will be the case at the end of this Congress. It will be true at the end of every future Congress as well.

Again, he hit the mark: There is plenty of important work left to be done. I am only sorry he won't be here to help us do that work.

I congratulate Senator BINGAMAN and his wife Anne on their long, productive careers. I wish them the very best in the years to come.

#### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### PLAN B

Mr. MCCONNELL. Mr. President, I wish to start out today with a little context.

For more than a year, President Obama and Democrats in Congress

have known, as well as I have, that every single taxpayer is scheduled to get slammed with an automatic tax hike on January 1, and for an entire year, they have been running out the clock.

Think about it. For President Obama, there is no better outcome than for taxes to go up on absolutely everybody. Why do I say that? Why does the President want taxes to go up on absolutely everybody? Because, frankly, that is the only way to pay for the big government this President wants. You have to raise taxes on everybody—the super-rich, the rich, the middle class, the lower class—you name it. Everybody has to have a tax increase because if all you do is whack the so-called rich, you only get enough money for about a week of government. If all you do is whack the super-rich, you only get enough money for about a week of government. So let's be clear about this matter. He wants to soak everybody, and there is only one way to do it, and that is exactly what he gets if we do nothing.

If that wasn't obvious before this week, it should be perfectly obvious now. Here we are less than a week before Christmas, and what is the President doing? What is his quarterback here in the Senate, the majority leader, doing? They have been playing Lucy and the football with the American people for months. They have said no to every single proposal that has been offered to avoid this tax hike, including their own. They are running out the clock, moving the goalposts, sitting on their hands. They aren't doing anything.

Well, I say enough. Enough. The time for games is over. The President may want to soak the American people to fund his vision of a social welfare state, but we are not going to let him do it.

Later today Republicans in the House will pass a bill that protects more than 99 percent—99 percent—of Americans from the tax hike Democrats want to slap them with within 2 weeks. The House bill will protect 99 percent of America's taxpayers from the tax hike that is coming in 2 weeks.

As I have said endlessly, we don't want to see taxes go up on anybody or anything. The problem isn't that government taxes too little, it is that it spends too much. The problem isn't that government taxes too little, it is that it spends too much.

But the President is determined to leap off the cliff. Well, we are not going to let him take the middle class with him. We are going to do everything we can to protect the American people from this scheme.

There is no reason in the world that Democrats actually shouldn't join us. I have literally a book of quotes from Democrats saying they want to protect the middle class.

It was the theme of the recently completed campaign. Well, here is your

chance. We are at the end of the line. We have one chance to put your money where your mouth is and that is by voting on the bill the House sends over later today.

It will be, obviously, up to the majority leader to act. Will the majority leader act to protect the American taxpayers? Will he sit on his hands and do absolutely nothing? Will the Senate just sit back and watch the tax rates go up or will the Senate act? Enough is enough. Let's get this done. Let's show the American people we are working on their behalf. It is time to act to prevent this tax increase on 99 percent of America's taxpayers.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Reid amendment No. 3395, in the nature of a substitute.

Reid amendment No. 3396 (to amendment No. 3395), to change the enactment.

Reid amendment No. 3397 (to amendment No. 3396), of a perfecting nature.

Reid amendment No. 3398 (to the language proposed to be stricken by amendment No. 3395), to change the enactment date.

Reid amendment No. 3399 (to amendment No. 3398), of a perfecting nature.

Reid motion to commit the bill to the Committee on Appropriations, with instructions, Reid amendment No. 3400, to change the enactment date.

Reid amendment No. 3401 (to (the instructions) amendment No. 3400), of a perfecting nature.

Reid amendment No. 3402 (to amendment No. 3401), of a perfecting nature.

Mr. BARRASSO. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TRIBUTES TO DEPARTING SENATORS

BEN NELSON

Mr. HARKIN. Mr. President, with the retirement of Senator BEN NELSON at

the close of the 112th Congress, the Senate will lose one of its most respected members, and a distinguished career in formal public service will come to an end. I use that adjective "formal," because it's hard to imagine BEN NELSON not finding new avenues for public service as a private citizen in the years ahead.

Senator NELSON and I come from neighboring States in the rural, upper Midwest, and we have much in common. But we differ in at least one respect: I come from the small town of Cumming, IA, population 351; BEN comes from the big city, McCook, NE, population 8,000.

Senator NELSON is often described as one of the most conservative Democrats in the Senate, frequently voting with the minority party. I prefer to describe him simply as the most independent Democrat in the Senate, a progressive at heart who—like so many from our part of the country—is also deeply imbued with respect for traditional values and fiscal prudence.

As we all know, Senator NELSON prides himself on reaching across the aisle to get things done. He is a pragmatist, not a partisan. He has never allowed ideology or party to stand in his way of doing what he believes is right for Nebraska and the United States of America.

As my colleague on the Committee on Agriculture, Nutrition, and Forestry, Senator NELSON has been a passionate advocate for family farms and rural America, and he has been a leading advocate for increasing the use of clean, renewable biofuels in order to decrease our Nation's dependence on foreign energy sources.

As a member of both the Committee on Armed Services and the Committee on Veterans Affairs, no one has been a stronger supporter of both active duty and retired servicemembers.

BEN NELSON has been a successful CEO of an insurance company, a popular two-term governor of Nebraska, and, for the last 12 years, an accomplished and effective United States Senator. He has been a wonderful hunting colleague of mine on more than one occasion.

Our friendship, of course, will continue. And I wish BEN and Diane the very best in the years ahead.

JIM WEBB

Mr. President, in these final days of the 112th Congress, the Senate is bidding farewell to a very special member, the junior Senator from Virginia, Senator JIM WEBB.

He came to this body with unique and extraordinary credentials: a graduate of the Naval Academy and first in his class of 243 at the Marine Corps officer school at Quantico, a much-decorated combat veteran of the Vietnam War, and Secretary of the Navy during the Reagan administration.

I would point out one more of his sterling credentials. I guess I can say

this now, because he is retiring, and a political opponent will not use it against him: JIM WEBB is an intellectual with a passion for ideas and knowledge. For goodness sake, he writes books, excellent books, the kind that win glowing reviews in the New York Times, and get turned into documentaries on the Smithsonian Channel.

Senator WEBB has put this past experience to superb use here in the Senate as an active member of the Committee on Armed Services, the Committee on Veterans Affairs, and the Committee on Foreign Affairs.

To his great credit, before coming to the Senate, he was an outspoken critic of the invasion of Iraq, warning that it would be a unilateral war with no exit strategy. After the invasion, he was equally outspoken in challenging the Bush administration's conduct of that war.

At the same time, as a member of the Committee on Veterans Affairs, he worked hard to pass legislation to provide enhanced education benefits for veterans, a 21st century GI Bill, for those who have served in the military since the attacks of 9/11.

I admire JIM WEBB as a friend and colleague. I have the greatest respect for his life-long commitment to protecting America's national security, and fighting for economic and social justice here at home. There is no question in my mind that JIM will find other avenues for public service in the years ahead. I certainly wish JIM and Hong Le all the best in the years ahead.

JOE LIEBERMAN

Mr. President, with the close of the 112th Congress, our friend and colleague Senator JOE LIEBERMAN is retiring after nearly a quarter century of dedicated service in this body to the people of Connecticut and the United States.

As we all know, Senator LIEBERMAN is a fiercely independent Senator who prides himself on speaking his conscience and reaching across party lines in order to get things done. He is a pragmatist, not a partisan. Yet he has never allowed his ideology or his party or what is popular to stand in the way of doing what he believes is right for Connecticut and the United States of America.

In the years since Senator LIEBERMAN left the Democratic Party to become an independent, he has sometimes disagreed with his colleagues on this side of the aisle, but he has never been disagreeable. To the contrary, he has been unfailingly decent, gracious, and reasoned. He has been unfailingly a gentleman and a friend, a person with a great sense of humor and always has a smile. It is these sterling personal qualities that are a big reason he will be greatly missed by Senators on both sides of the aisle.

During his four terms in this body, Senator LIEBERMAN has earned a reputation as one of the Senate's most influential and knowledgeable voices on interests of national security. In the wake of the attacks of 9/11, he was the lead sponsor of the bill to establish the Department of Homeland Security. As chairman of Homeland Security and Governmental Affairs, Senator LIEBERMAN has been a vigilant leader in safeguarding America.

Throughout his distinguished tenure in this body—and before that as a Connecticut State senator and attorney general—JOE LIEBERMAN has been a proud and principled progressive with a passion for social and economic justice for all Americans.

To cite just one example: Senator LIEBERMAN deserves enormous credit for introducing and successfully championing legislation to repeal the military's discriminatory don't ask, don't tell policy, which banned patriotic gay and lesbian Americans from serving openly in our Armed Forces.

As we all know, JOE LIEBERMAN is a person of deep faith, a faith that inspires him to public service and informs his progressive vision for America. Last January, when he announced his decision to retire, he said:

I go forward with a tremendous sense of gratitude for the opportunities I have had to make a difference.

With Senator LIEBERMAN's retirement in the days ahead, a truly distinguished career in formal public service will come to an end. I use the adjective formal because it is hard to imagine that JOE LIEBERMAN will not be finding new avenues for public service as a private citizen.

Senator LIEBERMAN's career in this body will end, but our friendship will continue. I know that his smile and his gracious unfailingly gentlemanly ways will also continue. I wish JOE and Haddassah much happiness in the years ahead.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Nebraska. First, I want to thank my colleague and neighbor Senator HARKIN for his timely remarks, and particularly for noting that we have been hunting partners. As a matter of fact, that has been in the news today. Not only has Senator HARKIN noted our exploits together, but in this morning's Washington Post the senior Senator from New York noted that I have taken him pheasant hunting in Nebraska as well. I am going to be known not only for my hair but perhaps for hunting as well, so I appreciate that.

Mr. HARKIN. Would the Senator yield?

Mr. NELSON of Nebraska. Of course. Mr. HARKIN. The Senator has been a great friend. I enjoyed hunting with my friend before, and I read that in the paper before about Senator SCHUMER going out.

Here is a real test for my friend from Nebraska: Aren't I a better shot than CHUCK SCHUMER?

Mr. NELSON of Nebraska. He noted that he learned to shoot at camp and that he was a marksman, so that is probably a dispute I should not get in the middle of.

Mr. HARKIN. No, the Senator doesn't want to get in the middle of that.

Mr. NELSON of Nebraska. I thank the Senator very much for his kind remarks.

It is, obviously, a difficult time to speak about leaving the Senate, and I did that earlier. I leave with a great deal of melancholy and with a lot of friends and a lot of hope for the future of our country.

DAN INOUE

I rise today to express my support for passage of a 5-year farm bill and call on the House to act on this critical piece of legislation before Congress adjourns this year.

However, first I would like to briefly note how sorry I am at this moment—as I know we all are—about the passing of our good friend, Senator Dan Inouye. I would like to briefly reiterate the sentiments expressed by a number of my colleagues.

Senator Inouye was a man of courage and wisdom. He represented his State and country proudly. He will be sincerely missed.

As everyone knows, today Senator Inouye lies in state just a few steps away from this Chamber. It is an honor the very few—only 31—have ever received. I feel privileged to have had the opportunity to serve with the Senator. I thank him for his friendship and guidance and offer the most sincere condolences to his family.

THE FARM BILL

I appreciate the opportunity to make those remarks, and I would now like to turn to the farm bill, which is a critical piece of legislation in the Senate. We produced a bipartisan bill that cuts spending by \$23 billion. Agriculture represents 2 percent of the Nation's budget, and \$23 billion represents 2 percent of the spending cuts proposed in the deficit legislation Congress worked on last year but could not pass because of extreme partisanship.

As we work in these final days to reach a deal on how best to reduce spending in government and set a trajectory for the future, I am disappointed that the House was unable, or perhaps unwilling, to follow the example the Senate has given. By moving forward in passing a farm bill, we would save money, create a market-

oriented safety net, eliminate direct farm subsidy payments, streamline, simplify, and consolidate programs. It would also create jobs our economy needs to grow.

I am disappointed this is not moving forward. The House's inaction is causing a continuing uncertainty for our Nation's producers as they begin to plan for the next planting year. It also affects our financial institutions which provide lending for our farmers, ranchers, and small-town rural businesses that benefit from the commerce provided by a strong agricultural economy.

Unfortunately, this comes at a time when farms throughout the entire State of Nebraska and across the country are also dealing with the worst drought conditions since the 1930s. The Senate farm bill addresses this crisis through the elimination of subsidies, replacing them with the Agriculture Risk Coverage, or what is known as the ARC, Program. It is a program that provides producers with a market-oriented, straightforward choice to determine how best to manage their operations risks. The safety net is then bolstered by expanded access to profit shares, which serves as the focal point of risk management and will ensure that farmers are not wiped out by severe weather or economic conditions.

The Senate farm bill also reauthorizes the 2008 farm bill permanent disaster relief programs and makes them retroactive to cover producers harmed by the 2012 drought. This includes the Livestock Forage Disaster Program, which provides compensation for the eligible livestock producers who have suffered in critical places such as Nebraska which has been hard hit by the drought and wildfires this summer, not to mention the continuing drought at this time.

I could go on regarding all the major reforms and improvements that the Senate farm bill makes to conservation, rural development, renewable fuels, in addition to the reforms of the commodities and livestock programs. However, without the House acting on any farm bill legislation—let alone the Senate bill which is a solid reform-minded bill, which strikes the right balance between the need to cut spending while maintaining a strong safety net—it will all be for naught. It is disappointing that jobs and our Nation's stable supply of food, feed, fuel, and fiber continues to be put at risk because of inactions spurred on by partisan gamesmanship.

As we seek to find commonsense solutions to the fiscal and legislative challenges before us in Congress, I urge the House to now act on the 5-year farm bill. It will help us achieve savings, bring needed reforms to commodity programs, and provide our Nation's farmers, ranchers, and rural communities the certainty they need

to continue to be the world leader in agricultural production.

I yield the floor and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### FAREWELL TO THE SENATE

Mr. DEMINT. Mr. President, I would like to give my farewell address. We spent a lot of time in my office writing out a long speech. However, once I read it, I realized it is more emotional than I thought, and we set that speech aside. Last night I made a lot of notes of what I wanted to say, and then I realized this morning that I was just trying to get the last word on a lot of the politics we have been discussing, so I set that aside and decided to speak from my heart.

Certainly, this is much more emotional than I thought, and as I look around this room, the realization that I am standing on the Senate floor speaking for the last time is a lot to digest. It makes me very appreciative of the privilege we have all been given by the American people, and particularly those who have come before us and who have given their lives for us to have the opportunity to settle our differences in a civil and democratic way. This is a great opportunity and privilege to share a few thoughts before I go on to the next phase of my life.

First, I have to give a particular thanks to my wife Debbie, who, for the last 15 years, has spent many days and nights alone as I have tried to change things in Washington. She has often reminded and questioned me how I thought I could change the world when I could not even mow the grass. But she has been a supporter and certainly so important as I left my children, who were still in school when I began serving in the House, keeping them on the right track. I particularly wanted to thank them.

All of those who serve here know that when we sign up for public life, we also sign our families up for public life. In a lot of ways it makes their lives much more difficult. So I want to thank my children, my wife Debbie, and my family for putting up with this and being so supportive of me.

I also have to thank the people of South Carolina who have entrusted me with this job in the Senate for the last 8 years, and in the House 6 years before that. All of us who serve our States know that as we travel around and meet people and tour businesses and speak to groups, it creates a deep love

and appreciation for everyone back home.

I look at what we are making in South Carolina in these small businesses. When we drive by we don't know anything is even there, and then we go and find that they are making things and shipping them all over the world. It makes me very proud of what we are doing in South Carolina, and I know everyone here feels the same way about their States.

I am very appreciative that the people of South Carolina have given me this opportunity. I am very grateful to my colleagues whom I have often scrapped with on a lot of issues. I appreciate their patience. I think I can leave claiming to have good friends who are Democrats and Republicans.

I am particularly grateful for a lot of the new Senators. Some are sitting here today. I have had the opportunity to work with the folks in their States around the country. Their respective States have elected some new people to the Senate who are bringing the right ideas and some new voices to those principles that we know have made our country successful. So I feel as I leave the Senate, it is better than I found it, and that our focus now, despite the difficult challenges, is on America and how we turn America around.

I also want to spend some time thanking my staff. I have to say my greatest inspirations have come from the staff who I have had the opportunity to serve with in the House and in the Senate. As all of my colleagues know who are serving here in the Senate, this country is being run by people in their twenties and thirties who get us so busy they have to follow us to meetings to tell us where we are going and what we will be talking about. But it is incredible to see that these young people, particularly those whom I have served with, have such a passion for our country and freedom and they are willing to put it all on the line to make a difference here. They feel a lot like my family, and I am certainly going to miss them, but it is encouraging to watch them moving to other office, taking their ideas and that courage to other places on the Hill.

I want to add my thanks to all the Hill staff, the folks sitting in the front here and those who have worked with us. I know sometimes we have pushed the envelope a little bit on things we were trying to get done, and I have seen a lot of very intelligent, active, and engaged staff all across the Hill, both Democrat and Republican, and I am very thankful for what they do.

About 15 years ago, I started campaigning for the House. I had never run for public office. At that time, I believed—and I think it still holds true today—that there were normal people such as myself and then there were politicians. I was a businessman. I had a small business for about 15 years. I

had four children. I was active in my church and in the community. I had begun to see that well-motivated, well-intended government policies were making it harder for us to do the things at the community level we know actually worked. That is what I have always been about here. It really was not about politics. I had no strong political affiliation before I decided to run for office, but I saw ideas from the time I was a young person. Ideas that worked.

I actually saw this statement the other day which I wish to read because it reflects what I think a lot of us know works in our country. This is one thing I will try to read today:

I do not choose to be a common man. It is my right to be uncommon. If I can seek opportunity, not security, I want to take the calculated risk to dream and to build, to fail and to succeed. I refuse to barter incentive for dole. I prefer the challenges of life to guaranteed security, the thrill of fulfillment to the state of calm utopia. I will not trade freedom for beneficence, nor my dignity for a handout. I will never cower before any master, save my God. It is my heritage to stand erect, proud, and unafraid, to think and act for myself, enjoy the benefit of my creations, to face the whole world boldly and say, "I am a free American."

I saw this on a plaque called "The American Creed." In South Carolina, at least, we have adopted this as what we call "The Republican Creed." But it is really not a Republican idea or a political idea, it is an American idea. The ideas in this statement are ideas we all know work, and ideas we would hope for our children and everyone around us. We know there are people all around us who are having difficulty, but this idea of helping them to become independent, self-sufficient, and responsible creates the dignity and fulfillment in their life that we know we want for all Americans. This is not for a small few. This is an American idea, and it is an idea I know has worked in my life, and I have seen it work all around me.

That is what I wish to talk about for a second today; not political ideas but ideas where we can look back through history and all around us today and point to them and say, That is working. I think if we did that more here in the political sphere, we might find a lot more consensus.

As we look around the country today, we can see a lot of things that are working. Sometimes we couch them in our political rhetoric, but I can guarantee my colleagues they are not being done for political reasons at the State level; they are being done because they work and they have to get things to work at the State level.

We saw last week the State of Michigan adopted a new law that gave workers the freedom not to join a union. They didn't do it because it was politically expedient or because they thought it was a good idea. Actually, it

probably will get a lot of the politicians in hot water in Michigan. But what they did is looked at 23 other States that had adopted the same idea and saw they were attracting businesses and creating jobs, and these States, without raising taxes, had more revenue to build schools and roads and hospitals. It is just an idea that worked. It is not a political idea to give people the freedom not to join a union; it is an American idea and it is an idea that works.

We can look around the country today—and, again, we make these things political and give them labels that are good or bad, depending on I guess which party one belongs to—and see that a number of States have been very innovative and creative with what they are doing with education. We see what they have done in Florida, creating more choices, and in Louisiana particularly, forced by Hurricane Katrina to start a new system, in effect. They see more choices and opportunities for parents to choose are helping low-income, at-risk kids, minority kids. We can see it working. It is not political. It is an American idea to give parents more choices to put their children in an environment where they can succeed. It is an idea that works.

We can look around the country at States that try to create a more business-friendly environment not because they are for businesses or for any political reason, or they are for special interests, but because they know the only way to get jobs and prosperity and create opportunity is to create an environment where businesses can thrive. We make it political here and we ask our constituents to make choices between employers and employees, but States such as Texas have created a business-friendly environment with lower taxes and less regulation. They have passed some laws that reduce the risk of frivolous lawsuits. What they have seen is businesses moving to their State. They have seen jobs and opportunity created not for the top 2 percent but expanding a middle class, creating more opportunities and more tax revenues to do the things at the State government level that we all want for everyone who lives there. This is not for a few; this is for 100 percent.

We see specials now on TV comparing California and Texas, businesses moving out and delegations from California going to Texas to try to figure out why businesses are moving and families are moving there. It is not political at all. We make it political and we talk about it in political terms, but creating an environment where businesses can thrive is an American idea and it is an idea that is working. We see it all over the country, where some States are going down one road, with higher taxes, bigger government, and more spending, and they are losing to States such as Texas, and I hope more and

more like South Carolina. They are moving to where they can thrive. This benefits every American.

We look at energy development and we talk about that at the national level of how it can create prosperity for our country if we open it up. We don't have to guess at whether it works. We can look at North Dakota, we can look at Pennsylvania—States that have gone around the Federal rules and figured out how to develop their own energy and are creating jobs and tax revenue for their governments. They are able to lower their taxes and use the revenue to improve everything about their States. Here we make it political and partisan, whether our country can develop more energy, but at the State level it is about what works. All we have to do is look at what works.

This is not rocket science. I came to Washington as a novice in politics, believing in the power of ideas, seeing how ideas could revolutionize different industries, can create new products and services, meeting the needs of customers everywhere. That is what I hoped we could do here in Washington. Maybe naively, I went to work in the House, often working with the Heritage Foundation, to create a better product here in Washington. I saw Social Security—and not too many people look below the surface—but we knew it was going broke. We knew people were paying for this Social Security retirement benefit, but we were spending it all. I thought, What an opportunity it would be for future generations—for my children—if we actually saved what people were putting into Social Security for their retirement, and we didn't have to do too much math to see that even for middle-class workers, Americans could be millionaires when they retired if we even kept half of what was put into Social Security for them. It seemed like a good idea to create wealth and independence for individuals in retirement, but we made it a political idea and somehow convinced Americans it was riskier to save their Social Security contribution than it was to spend it.

I am leaving the Senate to work on ideas I know work. I have seen them work all over our country. We can look all over our country and showcase these ideas that are working. I know there is power in ideas. However, I have learned one thing about the political environment: Unless there is power behind the ideas, they will not emerge here in the Congress. There is too much pressure from the outside to maintain the status quo. No matter how much we show it is working, it won't be adopted here unless we are able to win the argument with the American people.

I spent most of my life in research and advertising and marketing and strategic planning. What I hope I can do from this point is to take these ideas and policies I know work—and

the Heritage Foundation for 40 years has been creating the research and analyses that show these policies work—and what I hope I can do is to help connect those ideas with real people, real faces, and to show these people that these ideas are not theory, they are not political policies, but they are ideas that are working right in their State or the State right next to them. If we can win the arguments, if we can win the hearts and the minds of the American people with these ideas, I know we can engage them and enlist them to convince all of my colleagues here to set the politics aside, the parties aside, and to adopt those ideas that work. My hope is to make conservative ideas so pervasive, so persuasive across the country that politicians of all parties have to embrace those ideas to be elected.

I am not leaving to be an advocate for the Republican Party. I hope we can create more common ground between the political parties by showing everyone that ideas that work for their constituents and our constituents are right in front of our faces if we are willing to set aside the pressure groups, the special interests, and just focus on what is working.

Over the next few years, we are going to see more and more States doing the right things, becoming more prosperous, creating a better environment for people to live and work. We are going to see some States that will continue to raise taxes, to create more regulations, and make it harder to start businesses and be profitable in those States. They will continue to lose businesses and people. Many of those States will come to Washington and ask us to help them out from their bad decisions.

I hope at that point we can show, by pointing at these States and their right ideas, that we know the solutions at the State level and we also know we can change how we think at the Federal level and make our country work a lot better.

I leave with a lot of respect for my colleagues. I know my Democratic colleagues believe with conviction their ideas, and I know my Republican colleagues do too. But I hope we can look at the facts. I hope we can look at the real world. I hope we can look at what is working and set aside the politics and realize what makes the country great and strong is when we move dollars and decisions out of Washington back to people and communities and States, it works not for 2 percent but for 100 percent of Americans.

I feel our customers in the Senate, at the Heritage Foundation or wherever we go are 100 percent of Americans for whom these ideas can work to build a better future and a stronger America. I am not leaving the fight. I hope to raise my game in my next phase, and I hope I can work more closely with all

of you, as well as Governors and State legislators, to take these ideas and to convince Americans, as well as their legislators, their Senators, and their Congressmen, that we have the solutions all around us if we have the courage to adopt them.

I thank you for this opportunity to serve. Certainly, I will miss my relationships. But I hope we will have the opportunity to continue to work together for what is the greatest country in the world, in what I believe is a generation that could be the greatest and most prosperous generation of all if we just look to the ideas that work.

Thank you, Madam President. I thank my colleagues.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTES TO DEPARTING SENATORS

JOE LIEBERMAN

Mr. MCCAIN. Madam President, one of the most overused quotes about this town is Harry Truman's observation years ago that if you want a friend in Washington, go out and get a dog. I have spent a good many years here now. I suppose there is a little truth in that advice. Some Washington friendships are a little like temporary alliances between nations that for a brief period of time have mutual interests or enemies. But not all friendships here are like that, not all of them.

Today I say a formal fond farewell to a departing colleague whose friendship has been and will always be one of the greatest treasures of my life. My friend Senator JOE LIEBERMAN is retiring from the Senate after 24 years of service. Of course, he is not leaving, nor will he ever leave, the affections of those of us who have come to value him so highly as a statesman and as a friend, but we will not see him around the place as much.

His office will not be near ours. We will not hear him speak from this floor or in committee hearings. We will not have the daily benefit of his counsel and his example. We will miss his contributions to the Senate. We will miss his good humor, his wisdom, and sincerity, especially in those moments when we find ourselves again wrapped around the axle of partisanship and politics has taken primacy over the Nation's interests, when tempers are frayed and we are consumed with putting each other at a disadvantage. That

is when we will miss him the most, on those occasions when JOE's thoughtfulness and patriotism stirred him to remind us again, as he did earlier this week, that the public trust and not our party's fortunes is our most important responsibility.

JOE's presence, his wit and courtesy and kindness have improved the conviviality of our institution. But more than that, he has set an example that I think our constituents surely wish more of us would emulate. It is his conscience and devotion to America, not his party affiliation, that has inspired his work.

He has been a very accomplished legislator and a recognized leader on national security issues. He is a nationally prominent politician, majority leader in his State senate, the attorney general of the State of Connecticut, elected to the Senate of the United States four times, a vice presidential nominee in the year 2000, a candidate for President, and I should probably add nearly a nominee for vice president again.

That he managed to achieve such prominence while being the least partisan politician I know is a credit to his character and to the exemplary quality of his public service and to the public's too often frustrated desire for leaders who seek office to do something, not just to be someone.

He has been a tireless advocate for the rights of the oppressed, the misfortunate, the disenfranchised, and tireless too in his concern for the security of the United States, for the strength of our alliances, the excellence of our Armed Forces, and the global progress of our values. He came here to do justice, to love mercy, and to walk humbly with his God.

It is hard to find anyone here who does not like and admire JOE. He is impossible to dislike, even if one only knows him a little. Most of his detractors seem to be people who do not know him and who tend to view people very strictly through the perspectives of their ideology and partisan identity. The only thing to resent about JOE LIEBERMAN is that he is so damn considerate of everyone that you can find yourself feeling a little ashamed when he catches you raising your voice to someone or behaving in other ways that fall short of his unfailing graciousness.

He is not an easy example to emulate. I have fallen short of his standard more often than I care to concede. But I know, as I suspect most of us know, that our constituents deserve and our country needs more public officials who keep their priorities in the right order, as JOE always has, and who offer their respect for their colleagues without expecting anything in return but our respect.

We spent a lot of time together, JOE and I. We have traveled many thou-

sands of miles together. We have attended scores of international conferences together, met with dozens of world leaders, with human rights activists, and the occasional autocrat. We have visited war zones, shared the extraordinary experience with equal parts gratitude and awe of talking with and hearing from the Americans who risk everything so the rest of us may be secure in our freedom.

I have been able to study JOE at close quarters. He has never failed to impress me as a dedicated public servant, a loyal friend, a considerate gentleman, a kind soul, and very good company. I have also been privileged to witness the sincerity of his faith. I have awoken in the middle of the night on a long plane ride to find JOE in his prayer shawl, talking to the God he tries very hard to serve faithfully every day. I have witnessed the lengths he goes to always keep the Sabbath, and occasionally I have even filled in as his Shabbos goy. I have enjoyed every minute of our travels together. He is a quality human being, and time spent in his company is never wasted.

I have worked with JOE on many issues and opposed him on more than a few. But I have always been just as impressed by him when we disagree as I am when we agree. He is always the same: good natured, gracious, and intent on doing his best by the people who sent him and the country he loves.

He is leaving the Senate, and I am going to miss him a lot. But I doubt any of the many friends he has made here will let him stray far from our attention. We will still rely on his wise counsel and warm friendship. I know I will. I hope we are not done traveling together. I hope to see him in other conferences and meetings abroad. I want to go back on the road and learn from him and just pretend he has not left the place that brought us together. He is as fine a friend as I have ever had and irreplaceable in my life and I cannot let him go.

Thank you, JOE, for all you have done for me; for your many kindnesses, your counsel, your company, and for teaching me how to be a better human being. I will see you again soon.

I yield the floor

The PRESIDING OFFICER. The Senator from Wyoming.

#### THE FISCAL CLIFF

Mr. BARRASSO. Madam President, for the past several weeks I have come to the floor to talk about the fiscal cliff and the threat it poses to our economy and to our Nation. As the deadline nears, the fiscal cliff has caused a lot of concern and a lot of uncertainty around the country. It appears that too many people in Washington are not serious about real solutions to get us back on solid economic ground. The White House and Democrats in the Senate are still not focused on spending cuts. They continue ignor-

ing the real drivers of Washington's debt.

We know what they are. They are out-of-control entitlement programs: Social Security, Medicare, and Medicaid. Until we find a way to save and strengthen these programs, no amount of tax revenue will be able to match the increases in entitlement spending. According to the latest numbers from the Congressional Budget Office, the problem is actually getting worse.

In its monthly budget review for December, the Congressional Budget Office said the budget deficit for just the first 2 months of this fiscal year was already \$292 billion. When we take a look at that and compare this pace, we will record our fifth straight year of a trillion-dollar deficit.

In just October and November alone, which are the first 2 months of this fiscal year, we are already \$300 billion in the red. Total outlays for those 2 months were \$638 billion. That is an increase of almost 4 percent over the same period 1 year ago. This increase in spending is much faster than the growth we are seeing in our economy. Defense spending is actually down about 2 percent from the first 2 months of last year. That may be the lone bright spot in the CBO's number. The problem is entitlement spending is growing even faster than the rest of government.

Social Security spending is up 6.8 percent. Medicare is up 8.1 percent. Medicaid is up over 9 percent compared to last year. Those are huge increases in just 1 year and they point straight to the problem we face. Those three programs by themselves account for 43 percent of all Washington spending for the first 2 months of this fiscal year.

Some Democrats say we cannot take steps to save and to protect these important programs for future generations. They say we cannot even discuss fixing this out-of-control spending as part of the fiscal cliff negotiations. That is unrealistic, and it is unsustainable. Without reform, we are facing the kinds of increases we see on this chart but getting worse next month and the month after that and then again beyond.

Without reform, it will keep getting worse until we drive our economy into the ground just trying to pay for these programs. There is a potential solution, and one potential solution or at least something that would help would be to adjust how we calculate entitlement benefits for inflation. As it stands now, the Bureau of Labor Statistics calculates two different versions of what is called the Consumer Price Index.

Both of these assume that a consumer buys a certain basket of goods and then they track the total cost of that basket. A family buys a certain amount of gasoline, so much milk, so many muffins to have for breakfast and



so on. The first measure is called the CPI-U, and it is what we consider the headline measure. It is what we read in the papers. It looks like what all urban consumers spend on that market basket of goods. That is why they call it the CPI-U—U is for “urban.” It is a number we use to index the tax brackets for inflation. That is how we decide what those brackets will be.

The second way they measure the CPI is called the CPI-W. That includes urban wage earners. The W is for “wage earners,” not all consumers. It also includes clerical workers and a few other professions. So it excludes anyone who is unemployed, retired, self-employed, and many other occupations. This is what the government uses for the cost-of-living adjustment to Federal benefits such as Social Security.

So we have one that they use to calculate the CPI for tax purposes and the tax brackets and the other, different, is what they use for Social Security benefits. It is very complicated. Both these systems have several problems. They both overestimate inflation. First, they assume consumers purchase the exact same basket of goods regardless of what happens to prices. So if the price of something such as muffins goes up, the CPI does not account for some consumers who will switch to toast or having something else for breakfast.

All American families understand that people change their behavior when prices change. Our understanding of inflation should take that into account. Another problem is that these versions of CPI cannot easily deal with the introduction of new products into the market. So how does something like the iPod affect consumer spending? How do we account for that, when the iPod was not in the market basket of goods before.

At what point do we start including cell phone bills or Internet access into a family's monthly expenses? It is not happening now. So we have these two different ways to measure inflation. They both have multiple flaws. As I have said, the flaws tend to overestimate the inflation people actually experience when they go to the store and they pay their bills each month.

We can see how this could be a problem over time. When the government increases what it pays based on an exaggerated inflation adjustment, the impact continues to accelerate. If we give someone an extra dollar to make up for inflation but their expenses only went up 75 cents, pretty soon all those quarters add up. It is bad fiscal policy and we actually cannot afford it anymore.

The cost-of-living adjustment should track, as closely as possible, to the actual cost of living. To address those flaws, what the Bureau of Labor Statistics has done is actually come up with a new and an improved measure for inflation.

It is called chained CPI, and it accounts for those changes in consumer choices and for new products and new technology.

If we use this version of CPI to adjust Federal benefits and tax brackets, CBO estimates that we would actually reduce the deficit by \$200 billion over the next 10 years—over \$200 billion in the next 10 years. That is the benefit of not overcompensating for inflation. The savings would be small at first, but over time they would grow, until 10 years from now we would have saved more than \$200 billion. The savings get even bigger beyond the 10 years shown here in the chart, and that is because of the impact of compounding.

Now, with budget deficits of \$1 trillion and more this year, last year, the year before, 5 years in a row, this one change to the inflation index—well, it won't wipe out the deficit on its own, but it is a start, and it is something we can do now that will pay big dividends down the road.

Of course, this isn't the only option. There are other ways to slow the increase in Social Security and make sure it is still around to take care of seniors in the future. We need to do something. Setting the cost-of-living adjustment using chained CPI is worth considering.

Now, even some Democrats have been open to this idea. According to Bob Woodward's book “The Price of Politics,” the White House was willing to look at changing the CPI as part of the so-called grand bargain last year. The Simpson-Bowles Commission included it as one of their solutions. The President himself reportedly had a version of chained CPI in his latest offer on the fiscal cliff. That is progress. It shows that some Democrats are open to serious ideas and real solutions. Because we need to do something to relieve the burden of Washington's crushing debt, this is something to consider.

More revenue is going to have to be part of the solution, and Republicans have said so. Substantial cuts in spending must be part of the answer as well. Washington does not have a revenue problem, it has a spending problem. That problem is centered on entitlement programs that are growing far too quickly. Switching to the chained CPI is a reasonable first step that we could take now to start to rein in Washington's out-of-control spending, allowing us to save and protect Social Security and Medicare for generations to come.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FARM BILL

Mr. CASEY. Madam President, I rise today to talk about the farm bill,

which is typically a 5-year bill, and we hope we can achieve that once again. We know the Senate passed a farm bill a number of months ago—actually, in June—but the House has yet to bring the bill to the floor of the U.S. House of Representatives. There is really no excuse for that. It doesn't make any sense, first and foremost, because of the impact this bill has on our economy, our farm families, the agricultural sector of our economy, and what it also means to make sure folks have enough to eat. This includes the antihunger and nutrition strategies in the farm bill as well. But, unfortunately, the House has not passed it.

I think the leadership in the House should consider why we need the farm bill to pass, and they should also consider what happened here in the Senate. We had a very bipartisan process, lots of amendments, and plenty of debate, but not some of the harsh debate we have seen in the context of other issues, and it worked very well. Not everyone got everything they wanted, and folks were willing to work together and compromise. We got a bipartisan vote in the Senate, and that is hard to achieve even on something as important as a farm bill.

I wish to commend the work that was done at that time by our chairwoman, Senator STABENOW of the State of Michigan. She led the fight, working with Senator ROBERTS. They worked together not just on the substance, but they worked together in a manner that allowed it to be bipartisan.

In my work representing the people of Pennsylvania, I have made it a priority to keep Pennsylvania's agricultural industry and our rural economy strong to support families in Pennsylvania. Agriculture is our State's largest industry. Pennsylvania's farm gate value, which is another way of describing cash receipts to growers, in the last number that we have, which is a 2010 number, was \$5.7 billion.

A lot of people who probably haven't spent much time in Pennsylvania think of it as a State of big cities and small towns, but they may miss the substantial agricultural economy we have. Agribusiness in our State is a \$46.4 billion industry, with 17.5 percent of Pennsylvanians employed in the so-called food and fiber system.

One of the questions we have to ask is, What does this all mean? Well, I think it certainly means at least that we need a 5-year farm bill, not a short-term farm bill. We do too much of that around here on other areas of public policy. We should do what we have always done in the Senate, long before I got here—pass 5-year bills with regard to the farm bill. It does create economic opportunities in rural areas, and it sustains the consumers and businesses that rely upon our rural economy.

The Senate-passed farm bill would reduce the deficit by approximately \$23

billion through the elimination of some subsidies, the consolidation of programs, and by producing greater efficiencies in the delivery mechanisms in programs.

We are having a big debate about the end of the year and the fiscal challenges we have. When you have those debates, you have to come to the table with deficit reducers, ways to reduce deficit and debt. Passage of the farm bill would be in furtherance of that goal—a \$23 billion reduction in the deficit. A short-term extension wouldn't provide the same reforms, nor would a short-term extension provide the cost savings.

When we consider what farmers and farm families have to do every day—I mean, they have to milk cows, and our dairy farmers do it so well and do it every day; they have to just do their job. Sometimes they wonder about Congress when they know we have a job to do and it doesn't get executed. We should follow their example and do our job. The House can lead on this because it is in their court, so to speak, right now, by reauthorizing the farm bill in a responsible way that helps contribute to deficit reduction.

I mentioned dairy farmers in terms of our agricultural economy in Pennsylvania. Dairy is the largest sector of that, so dairy is the largest sector of the biggest part of the Pennsylvania economy, which is agriculture. The industry generates more than \$1.5 billion in cash receipts and represents about 42 percent of our total agricultural receipts.

Dairy farmers deserve the best program possible. The Senate bill contains many improvements that I support, but right now dairy farmers don't have any program to manage their risks in a time of low prices. By the first of January, the Department of Agriculture will be obligated to implement for dairy products what we call permanent law. What this means is that prices farmers receive can almost double, but it also means higher costs to the government and consumers, as well as longer term risks of lower consumer demand and increased imports.

So we need to make sure we take steps now to prevent some of the consequences of inaction, some of the consequences of the House not moving a 5-year farm bill through their process in the House.

There are so many other important items. I will just rattle off a few of them in the context of having a 5-year farm bill, not something less.

In the Senate-passed bill, we worked to address the unique concerns of specialty crop farmers, organic farmers, and new farmers—so-called beginning farmers. We did so in a bipartisan way.

Second, I am committed—and I know a lot of folks in this Chamber are committed—to rural communities. Those in my State of Pennsylvania are too

numerous to count, the number of communities that are considered rural. Part of that effort that I have to undertake—and all of us should—is to support rural development programs that provide access to capital for rural businesses to provide economic opportunities and create jobs.

We have people take the floor here all the time and talk about small businesses or businesses in general and that Congress isn't responsive enough to businesses. Often, that is true. I would hope they would walk across and give the same speech to their friends in the House that one of the best ways to help rural businesses is to pass the 5-year farm bill right away.

We know farmers are the original stewards of the land and continue to lead the charge in protecting our natural resources. I believe the voluntary conservation programs in the farm bill provide important tools to help farmers comply with Federal and State regulations while keeping farmers in business. Conservation programs are an extremely important resource for many Pennsylvania farmers. We have a great conservation tradition in our State. This bill would enhance and build upon that great record of conservation in Pennsylvania and across the country.

We also wanted to focus on helping those who don't have enough to eat and making sure we are doing everything possible to enhance or improve nutrition by the many strategies in the farm bill that involve nutrition. There is no better opportunity to strengthen nutrition policy in the nutrition programs than through a well-crafted 5-year farm bill.

The people of Pennsylvania and folks across the country deserve certainty, and a 5-year farm bill would help us move in that direction. If the House leadership is serious about a prosperous future for the country, the House must pass the 5-year farm bill right now. I urge the House leadership to appreciate the significance of having a 5-year bill for farmers, for consumers, and for families. If the Senate, as it has done, can pass a bipartisan farm bill the way we did, I have no doubt—no doubt whatever—that the House can do the same.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

REMEMBERING DANIEL K. INOUE

Mr. BLUNT. Madam President, I wish to talk about the disaster supplemental today, but before I do that, I would like to spend a minute talking about the Senator from Hawaii, Mr. Inouye. We were at the service this morning in the Rotunda of the Capitol, where only 31 Americans in the history of the country have been honored by that opportunity for Americans to think about them as they lie in the center of the Capitol on the catafalque that was used by Abraham Lincoln and

others. I was able to place the wreath in the Capitol when Rosa Parks was in that same place.

I want to say how honored I was to get to serve in the Senate with Mr. Inouye. He not only was a hero in so many ways but I think connected all of us to the "greatest generation," as Tom Brokaw titled that generation, and there was no better example of that quiet, purposeful, heroic dedication to service than the Senator from Hawaii, the President pro tem, the chairman of the Appropriations Committee, but most of all just a great American.

Last year when school was out, my youngest son Charlie was here for lunch. In the Senate Dining Room, he saw Mr. Inouye, and he had seen Ken Burns' World War II documentary in which the Senator was being recognized. He said: "I saw him in the documentary on World War II." I asked Senator Inouye to come over to speak to Charlie and his friends, and he did. They were so thrilled to meet him.

Then, when that was over and the Senator walked away, Charlie then told a story from the documentary, which he had only seen once, and it had been about a month before, and he was 7. But he said that during the war, he captured a German soldier, and the German soldier reached in his pocket, and he thought he was going for a weapon, so he knocked him down, and as he fell down, the German soldier's hand—a bunch of pictures fell out. And at that time, young Daniel Inouye picked up the pictures, and they were of the man's family. And Charlie repeated—he said that he saw the pictures, and he said: "He is a man just like me." The greatness of that moment, his courageous actions later in the war, his leadership have often brought to mind—particularly as I sat in the Appropriations Committee and would look down the table and see him sitting there in the middle of the table—the thought that when that man leaves, there won't be anyone quite like him to take his place.

I would say, Madam President, to you and to my colleagues how honored I was to serve with him and how proud I am of the great and dedicated service he gave to the country. I hope we can all learn from his example.

Madam President, let me spend a few minutes talking about the current disaster supplemental.

I believe when disasters exceed the ability of communities and States to deal with them, the Federal Government should help. That has been something we have done for sometime now. I think there are some problems in the system and the way we respond. Unfortunately, in Missouri, we have had too many opportunities in recent years to have experience with disasters and responses. On occasion, they have been disasters we could deal with. And actually, I have told people where I live:

No, this is a disaster that really is a bad thing—the tornado hit, it didn't stay for long—but we can deal with this ourselves. I said that last year at an event we had in Branson, MO.

But when we had this devastating tornado in Joplin, MO, following two different floods in the same time period, I said: No, we can't deal with this on our own. We need others to come in and help us, as we will help them when they have a big problem. And that is what this supplemental should be doing.

In my view, the \$60 billion supplemental is not the best way to deal with this at this time. I would rather see us deal with this when we know more about the money we need to spend. We have a March 27 deadline when the continuing resolution runs out. One of the questions I would have is: How much money do we need between now and then? There are others who might say, and I could possibly be persuaded, well, let's at least go until the end of the fiscal year. How much money do we need between now and September 30? But this goes beyond that.

When we had the Katrina disaster a few years ago we did at least three supplementals for Katrina. Eventually, we may spend more than \$60.4 billion. But my view would be there are probably better ways to approach this than appropriating that money right now as opposed to appropriating it later when we know what it is for.

This bill should not be viewed, either, as an opportunity for Members of Congress to fundamentally alter the disaster funding programs. There is a legislative process to do that. It shouldn't be the disaster funding bill that we use to change the law. We should have that debate at another time, and I hope we will.

In the past, and under the Stafford Act, which is the disaster funding act, we have limited what we can do beyond just replacing what the disaster took away, and we have added a little to it. There is an argument one could make: Well, if the disaster destroys this, and there is a way to put it back within reason that makes it harder to destroy, we should do that. In fact, there was a cap. I think it was 7½ percent was the most we could spend for preventing future things from happening, mitigation. This spends about four times that much, and it changes the law permanently to allow it to spend four times that much. That is not the way this should be done. And my guess is, before we are done, it will not be the way it is done.

For too long I think we have not looked at how we spend money on disasters. We have not only worked in recent times within the Budget Control Act, we had, as I said, disasters in Missouri in 2011 where we had two major floods and we had an E5 tornado that devastated the sizable community of Joplin.

I was in Joplin last week at one of the temporary middle schools. The high school was destroyed, the vocational school was destroyed, the parochial school was destroyed, and I think six elementary schools. I don't mean they were damaged, I mean they were destroyed. To replace those we were able to figure out how to work within the Budget Control Act. We even put some disaster funding in the regular appropriations bills as it became obvious what was going to be necessary beyond what we immediately knew as a country was necessary. And I think we could do that here.

I was so concerned about what happened in 2011 I asked the General Accounting Office to evaluate several things: the disaster declaration process, the standards that FEMA uses to make a declaration, FEMA's management of its disaster relief fund, and the overall costs that were associated with disasters at the State, local, and Federal level.

Madam President, I ask unanimous consent to have printed in the RECORD the GAO report as part of this discussion.

Mr. President, I ask unanimous consent to have printed in the RECORD the Conclusions and Recommendations for Executive Action of the GAO Report "Federal Disaster Assistance." (GAO-12-838)

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### CONCLUSIONS

Disaster declarations have increased over recent decades, and FEMA has obligated over \$80 billion in federal assistance for disasters declared during fiscal years 2004 through 2041, highlighting the importance of FEMA's assessment of jurisdictions' capabilities to respond and recover without federal assistance. The PA per capita indicator is artificially low because it does not reflect the rise in per capita personal income since 1986 or 13 years of inflation from 1986, when the indicator was set at \$1.00 and adopted for use, to 1999. By primarily relying on an artificially low indicator, FEMA's recommendations to the President are based on damage estimates and do not comprehensively assess a jurisdiction's capability to respond to and recover from a disaster on its own. For example, on the basis of FEMA's actual and estimated disaster assistance obligations, more than one-third of the 539 major disasters declared during fiscal years 2004 through 2011 are expected to have total DRF obligations of less than \$10 million, and more than 60 percent are expected to have total obligations of less than \$25 million. Therefore, many of these declarations were for relatively small disasters. At a minimum, adjusting the existing PA per capita indicator fully for changes in per capita income or inflation could ensure that the per capita indicator more accurately reflects changes in U.S. economic conditions since 1986, when the indicator was adopted. Making the appropriate inflation adjustment to the indicator would raise it from \$1.35 to \$2.07. A change of this size in 1 year could present challenges for jurisdictions, which could find that disasters with PA damage estimates

that would now qualify for PA would no longer qualify. Thus, phasing in the adjustment over several years could provide jurisdictions time to take actions, such as increasing any rainy day funds, to adjust to the effects of higher qualifying indicators.

A more comprehensive approach to determine a jurisdiction's capabilities to respond to a disaster would be to replace or supplement the current indicator with more complete data on a jurisdiction's fiscal resources, such as TTR, and would be informed by data on a jurisdiction's response and recovery assets and capabilities. Because FEMA's current approach of comparing the amount of disaster damage with the PA per capita indicator does not accurately reflect whether a jurisdiction has the capabilities to respond to and recover from a disaster without federal assistance, developing a methodology that provides a more comprehensive assessment of jurisdictions' response and recovery capabilities, including a jurisdiction's fiscal capacity, could provide FEMA with data that are more specific to the jurisdiction requesting assistance. For example, developing preparedness metrics in response to the Post-Katrina Act and Presidential Policy Directive-8 could provide FEMA with readily available information on jurisdictions' response and recovery capabilities. Without an accurate assessment of jurisdictions' capabilities to respond to and recover from a disaster, FEMA runs the risk of recommending to the President that federal disaster assistance be awarded without considering a jurisdiction's response and recovery capabilities or its fiscal capacity. As we recommended in 2001, we continue to believe that FEMA should develop more objective and specific criteria to assess the capabilities of jurisdictions to respond to a disaster. Given the legislative and policy changes over the past decade, we believe that including fiscal and non-fiscal capabilities, including available preparedness metrics in its assessment, would allow FEMA to make more informed recommendations to the President when determining a jurisdiction's capacity to respond without federal assistance.

Making informed recommendations to the President about whether cost share adjustments should be granted is important for FEMA and the requesting jurisdictions because every cost share adjustment has financial implications for both entities. A specific set of criteria or factors to use when considering requests for 100 percent cost share adjustments would provide FEMA a decision-making framework and enable more consistent and objectively based recommendations to the President. Also, when FEMA recommends that a cost share adjustment be approved and the President approves it, the federal government assumes the financial burden of paying 15 percent or 25 percent more in PA, which could total millions of dollars. Tracking the additional costs to the federal government because of cost share adjustments would allow FEMA to better understand the financial implications of its recommendations to the President.

FEMA's average administrative costs as a percentage of total DRF disaster assistance obligations have risen for disasters of all sizes. The agency recognized that delivering assistance in an efficient manner is important and published guidance to be used throughout the agency to help rein in administrative costs. However, FEMA has not implemented the goals and does not track performance against them. Over time, reducing administrative costs could save billions of dollars—dollars that could be used to fund

temporary housing, infrastructure repairs, and other disaster assistance. Therefore, incentivizing good management over administrative costs by adopting administrative cost percentage goals and measuring performance against these goals would help provide FEMA with additional assurance that it is doing its utmost to deliver disaster assistance in an efficient manner.

#### RECOMMENDATIONS FOR EXECUTIVE ACTION

To increase the efficiency and effectiveness of the process for disaster declarations, we recommend that the FEMA Administrator take the following four actions:

1. Develop and implement a methodology that provides a more comprehensive assessment of a jurisdiction's capability to respond to and recover from a disaster without federal assistance. This should include one or more measures of a jurisdiction's fiscal capacity, such as TTR, and consideration of the jurisdiction's response and recovery capabilities. If FEMA continues to use the PA per capita indicator to assist in identifying a jurisdiction's capabilities to respond to and recover from a disaster, it should adjust the indicator to accurately reflect the annual changes in the U.S. economy since 1986, when the current indicator was first adopted for use. In addition, implementing the adjustment by raising the indicator in steps over several years would give jurisdictions more time to plan for and adjust to the change.

2. Develop and implement specific criteria or factors to use when evaluating requests for cost share adjustments that would result in the federal government paying up to 100 percent of disaster declaration costs.

3. Annually track and monitor the additional costs borne by the federal government for the cost share adjustments.

4. Implement goals for administrative cost percentages and monitor performance to achieve these goals.

#### AGENCY COMMENTS AND OUR EVALUATION

We provided a draft of this report to DHS for comment. We received written comments from DHS on the draft report, which are summarized below and reproduced in full in appendix V. DHS concurred with three recommendations and partially concurred with the fourth recommendation.

Regarding the first recommendation, that FEMA develop and implement a methodology that provides a more comprehensive assessment of a jurisdiction's capability to respond to and recover from a disaster without federal assistance, DHS concurred. DHS stated that a review of the criteria used to determine a state's response, recovery, and fiscal capabilities is warranted and that such a review would include the need to update the per capita indicator as well as a review of alternative metrics. DHS stated that any changes would need to be made through the notice and comment rulemaking process and that, if changes are made to the per capita indicator, FEMA's Office of Response and Recovery will review the feasibility of phasing them in over time. However, the extent to which the planned actions will fully address the intent of this recommendation will not be known until the agency completes its review and implements a methodology that provides a more comprehensive assessment of a jurisdiction's capability to respond and, if the per capita indicator continues to be used, adjusts the per capita indicator to accurately reflect annual changes in the U.S. economy since 1986. We will continue to monitor DHS's efforts.

Mr. BLUNT. In the response portion of the report we will file, the GAO said

a third of the disasters over the last 8 years cost the Federal Government less than \$10 billion. They also said the level of loss necessary to declare a disaster hasn't changed in a couple of decades.

My concern was—and the report leveled it out—that when we do have a big disaster, such as Sandy, we have almost always spent all the money because it was pretty easy to have a Governor ask for a disaster and the President to declare it and then the money is gone.

FEMA primarily relied on the per-capita damage indicator as the criteria rather than whether the local community had the resources to deal with this on its own. There was no specific criteria at FEMA to decide at what point we paid various percentages up to 100 percent coming from the Federal Government. The FEMA administrative costs from 1989 to 2011 had doubled. It had increased from 9 percent of every disaster to an average of 18 percent of every disaster. So GAO recommended we do several things: that FEMA develop a methodology to more accurately assess what a jurisdiction was able to do; that we develop criteria to know when the Federal Government should accept all of the obligation—100 percent of the adjusted cost—and that we implement new goals to track why these costs of administering disasters were going up so dramatically.

Hopefully, we can do that, and we can look at the law at the right time in the right way. I know my colleague Senator COATS has led the way to propose an alternative to the \$60 billion supplemental bill. His alternative of about \$24 billion would provide the money necessary to be spent by good calculations between now and the end of March. This could be the right step for us to take now. I suspect, as we deal with the House of Representatives, it ultimately will be closer to the step we take. I just think we shouldn't use this bill as a time to change the law so we can spend money in ways the law currently doesn't allow. We shouldn't use this bill to speculate on what costs will be when we will know what those are. At the same time, I understand and appreciate this is a disaster where we should step in. We absolutely should step in and help people and the communities devastated by this disaster get back on their feet. We should do that, and I am going to do everything I can to see we do that. I just hope we do it in the best possible way instead of using this as an opportunity to do things that don't have anything to do with Sandy but may have some other goals that should be achieved in a more appropriate way.

With that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANIEL INOUE

Mr. WARNER. Madam President, I rise to speak about a subject which I know I and the Presiding Officer and a number of our colleagues have spent an enormous amount of time on; that is, the challenges of our fiscal circumstances. Before I start, I wish to join with so many of my other colleagues who have come to the floor in the last few days to celebrate the legacy of our departed colleague Senator Inouye. I didn't know him as long as many of our colleagues did, but in the 4 years I have served in this body, he was truly someone who was always a gentleman and represented the best of what I think the Senate is all about.

#### THE FISCAL CLIFF

I wish to, as I mentioned, spend this time to speak about the need in our country to have a balanced deal on the debt and deficit and to avoid the fiscal cliff. We have witnessed these conversations going back and forth between the President and the Speaker, hoping—I think speaking for many—they would reach some deal. I am very disappointed by the recent actions of the Speaker and his so-called Plan B—a plan that would do nothing to make a significant dent in our fiscal challenges. I think many of us on our side, and I imagine many on the Republican side, realize it is not an approach that will get us where we need to go.

There have been many of us in this body who have been working on this issue for a number of years. I think the American public is probably growing fairly tired of hearing about the fiscal cliff and why this has all come about and why all of a sudden we are only now focusing on this issue.

The fact is our Nation has been on an unsustainable fiscal path for some time. We are currently \$16 trillion in debt. Every day we do nothing, we add \$3 billion to that total—debt that will at some point have to be paid by our children and, because it has gotten larger, by our grandchildren. The reality is this is debt we are going to have to deal with, those of us who serve in this body now, and we have got to start paying for it.

The remarkable thing as we look at this debt is there is nothing about it that is self-correcting. Time alone will not solve this problem. What I hear from around Virginia, and I am sure the Presiding Officer hears around Missouri, is: How did we get to be in such a dramatic, difficult position in the last 12 years, when 12 years ago our country was looking at surpluses? I think as a former business guy, looking

at what our Nation has done—and mechanically both parties have been responsible for this—it is not too hard to understand why we are in such a deep hole.

Over the last 12 years, we have done a series of things that have put us in an unsustainable position. On the revenue side, we cut taxes by \$4.5 trillion over 10 years, the largest tax cuts in American history. If we had simply cut taxes \$4.5 trillion over 10 years and done nothing else on the spending side, we might have been able to sustain that. But at the very time we took this dramatic decrease in our revenues, we did five things on the spending side—again, things that for the most part were bipartisanship supported—that would ultimately make our financial situation unsustainable.

First, in the aftermath of 9/11, we doubled our defense spending. Second, also in the aftermath of the challenges we faced in a very dangerous world after 9/11, we created a whole new category of government spending called homeland security; again, much of it necessary. Third, we did something that in American history was unprecedented. Our Nation went to war not once but twice without asking Americans for any level of sacrifice beyond our military and their families, and the cost of those wars didn't even go through the normal appropriations process; they simply went on the credit card.

The fourth thing we did was we recognized in our country that our parents and grandparents were having increasing burdens with the high cost of prescription drugs, so we created a brand new entitlement program, bipartisanship supported, called Medicare Part D; but, again, we didn't pay a dime for it. On top of all that—and this is one of the biggest challenges we have and this is actually a blessing—we are all living a lot longer than anyone would have anticipated. The guy who originally set 65 as a retirement age was Bismarck, when he was Premier of Germany in the 1870s, and he set it there because average life expectancy was mid-fifties. In this country, we are blessed to live to an average age of 80. A healthy woman in America has a life expectancy of 100. That is a blessing, but it means the math that goes into our entitlement programs no longer makes sense.

What does this fiscal cliff mean? It means the gap between our revenues and our spending is clearly unsustainable. We need to find a solution before our unsustainable debt swallows our economy.

Some folks argue we don't need a solution now; we have time and space, and we should stimulate the economy with more deficit spending. I think an appropriate measure of additional stimulus activity makes some sense, so I do support investing in our infra-

structure, in research and development, and workforce investments. As a former business guy, those are characteristics any strong business would invest in and any strong country should invest in if we are going to continue to grow. But that alone is not enough, and our problems, which only continue to accrue and grow over the long term, must be dealt with. The U.S. Government, similar to any large enterprise, takes time to turn. The sooner we start that turn the better. As this crisis evolves and as we get into the final days before Christmas, we need a real deal now—one that addresses these problems in the long run and starts by phasing in improvements that will start to address our problems on the spending side, revenue side, and, yes, entitlement side, over the course of the next 10, 15, and 20 years.

Some people look to Europe and say austerity there is not working, and I agree. An austerity program that is too quick can only make our problems worse. But I also see parts of Europe that have said by simply kicking the can down the road they can ignore their problems, and the only thing worse than austerity is the bond markets forcing a crisis upon the economy—forcing a crisis that would require a spike in interest rates and make this divide between spending and revenues even more unsustainable. So if we wait 3 years, 5 years, 10 years, 12 years from now, we will be unable to safely deal with these problems. That is why we need a balanced and responsible deal now.

After the election, many of my colleagues, particularly those on the Republican side, have somewhat publicly acknowledged that we need new revenue and it has to be a part of the solution. Candidly, I believe that even some of the numbers the President has put forward dealing with revenue goals are too modest in terms of what is needed to be put back into the revenue stream—not to grow the size of government, but to simply pay our bills. It is critically important this new revenue is quantifiable, scorable, and maintains the progressive nature of our Tax Code.

I, as do many on my side, appreciate those on the Republican side for their willingness to accept this reality. At the same time, we must acknowledge that every serious, bipartisan group that has looked at the issue of our fiscal circumstances understands that if we are going to put our fiscal house in order, in addition to achieving additional revenue, we are going to have to find additional places to cut government spending and take on the question of entitlement reform.

I understand many of our entitlement programs are a critical lifeline for our seniors and those who are the most vulnerable among us, but we need to ensure these programs are able to continue not just for the current bene-

ficiaries but for our kids and grandkids alike. We must realize entitlement reform has to be part of any long-term response to our fiscal challenges.

Members come to the floor all the time and throw out lots of facts about the challenges around entitlements. I wish to cite just two which show that while, for example, Medicare and Social Security have been remarkably successful and must be preserved, the current math around both of these programs doesn't work. In Medicare, for example, an average couple, over their lifetime, would pay in about \$113,000 in payroll taxes. As they hit retirement and go on Medicare, they would receive back \$380,000 in benefits over their lifetime. Obviously, this gap can't be maintained.

How were we able to do it for so long?

Well, for a long time in our country there were a lot more folks paying in than there were folks paying out. When I was a child, there were 16 people working for every one individual on Medicare or Social Security. Today that ratio has gone down to three folks working for every one retiree. In about 10 to 12 years, that ratio will go down to two people working for every one person on Medicare or Social Security.

Think: again, paying in an average of \$113,000 in payroll taxes; taking out \$380,000 in health care expenses. Folks, the math just does not work. So we must have a real, balanced, and responsible approach to deal not only with this fiscal cliff but to make sure the promise of Medicare, the promise of Social Security, is maintained.

But this is where we run into problems, and I fear we may not get to the solution we need. Knowing that we need both new revenue, that we have to find places to cut spending, and reform our entitlement programs to bring them back into sustainability, we have to have a solution that looks at both sides of our balance sheet, and Members of both parties must come together to support it.

It is remarkable that in this body there are still Members who believe there is going to be a Republican-only solution to this problem. We sometimes see those activities coming out of the House. But, just as there is not going to be a Republican-only solution, there is not going to be a Democratic-only solution as well. And one of the most remarkable things I have found in my 4 years of service in this Senate—and I think again about the Presiding Officer, who has taken on so many challenges—for those of us who have tried time and again to work across the aisle, there is very little reinforcement effort in this town for Members to do the right thing. In fact, in many cases, opposite forces dominate.

On both sides—both the left and the right—a number of stakeholders use scare tactics to preserve their own portion of the status quo. They dress up

and use misinformation to scare the American people and run ads against politicians who would dare to break with their orthodoxy, in order to drive Americans apart.

In the last week or 10 days, we have started to take a look at some of the ads that have started to run in all of the Hill press and periodicals. Every day I get groups that come in—as I am sure the Presiding Officer does—and they all say: Senator, thanks for trying to work on this fiscal cliff problem. Thanks for trying to work in a bipartisan way. Try to get it done, just don't touch mine.

Let me give you a little bit of a sampling:

One ad we have seen recently has to do with the mortgage interest deduction. It is terribly important. Anybody who says tax reform has to take place, says it is going to generate more revenues; unfortunately, however, mortgage interest is one of the biggest tax expenditures in our Tax Code.

I like this one—Congress: Let's fight fraud first.

Well, who has not heard and said that the solution to all of our problems is if we can get rid of the waste and fraud? That may be part of the solution set, but that is not going to solve \$16 trillion in debt.

Next we hear: Who cares if Medicare and Medicaid are cut?

Well, this is from the hospitals. I know what great job hospitals across Virginia, across Missouri, and across America do. But if we wall off these, where are we going to find the additional resources?

Next we see this: Graduate medical education.

It is very important, something I have fought for as Governor, something I want to preserve. In this debate, as we look to try to expand health care in America, we have to train more doctors to make sure those who have been uninsured can receive the health care they need. But, again, one more program: Do not touch mine.

We could go all day with additional posters.

But here again: Let's make sure airlines do not pay any more; let's make sure we avoid sequester; let's make sure we do not touch charitable donations; let's make sure defense is not touched.

Well, everyone wants to solve the problem. Everyone says: Atta-boy. But they then turn around to say: Atta-boy, but do not touch mine. That is not how the real world works. That is not what the Founders set up when they created this unique experiment in democracy.

One of the most remarkable things about the American government was they set up an institution that was slightly dysfunctional on purpose—an independent House, an independent Senate, an independent Presidency.

The only way things got done was if all groups worked together.

For the past 2 months, there has been—not just the past 2 months, but for many, many months—there has been lots of talk about the forces of division and reflexive ideology. I think we all are tired of those groups that go around and ask politicians: Sign this pledge, not a dime of new revenue. It is one I find one of the most repulsive.

And we have seen, and I believe, that additional revenues are needed. Let me assure you, frankly, if there is any deal, they will be part of the deal. And while we are not there yet, the President and the Speaker have come to an agreement that additional revenue must be part of the deal.

But that is not the end of the story. If we—those of us on the Democratic side—say we have an extra trillion dollars of revenue, that we can then walk away from this problem now and say we were victorious, well, if we do that, all we are doing is simply kicking the can. The truth is—and this is from economists from left to right—if we do not have a deal that is at least a minimum of \$4 trillion in deficit reduction over the next 10 years—and that is at the low end—then we will not start to drive our debt-to-GDP ratio back into a sustainable position. The only way we are going to get there is, yes, counting the cuts we have already made, yes, looking for additional revenue, but also finding additional spending cuts and entitlement reform.

The President gets this, and he knows we cannot kick the can down the road. What I think has been remarkable is, as the President has laid out his plan and his vision, he has acknowledged that he has been willing to be open to hard choices, including reforms to our entitlement programs. One of which he has said he would be open to, with the appropriate protections, the so-called chained CPI. But once this was even mentioned, some groups, progressive groups that I have been proud to have the support of, have said that any change—any change—to Social Security or Medicare or anything that is as sinister as chained CPI cannot be a part of any deal. For these groups, they say any single dollar of what they consider to be a benefit cut in these entitlement programs is unacceptable, even if it helps ensure the sustainability of Social Security or Medicare.

This is not a path to a successful deal. This is not the path, the kind of compromise and balance that will make sure we actually do preserve Medicare and Social Security for the long term.

I have to say, it is surprising to me, when I hear some in my own party who come down and rightfully call out those on the other side who deny the science around climate change, that those very same folks sometimes then

deny the math around entitlement reform.

I wish to take a moment to talk about this so-called chained CPI. Chained CPI, as certified by our official scorekeeper, the Congressional Budget Office, is an alternative measure of inflation that takes into account how people change the mix of products and services they buy or substitute as prices change.

What does that mean in English? It means in the old days, the way we used to measure how much inflation was taking place was if the price of bananas went up, well, you would not buy bananas. This says, in a more realistic estimation, if the price of bananas goes up, well, you might, instead of buying bananas, buy apples.

What does that affect? It means the chained CPI “. . . provides an unbiased estimate of changes in the cost of living from one month to the next.” Is it a perfect formula? Absolutely not. But there is no perfect formula to measure inflation.

What is remarkable about this debate—and this is just one small piece of any kind of comprehensive reform—is that experts on the left and right agree that this new measurement formula is more accurate and more appropriate. And it does mean that the rate of inflation will be measured as slightly less. It actually says that it will cut the rate of increase by roughly three-tenths of one percent.

I have heard Members come out here and say this will account for changes and dramatic cuts of 10, 15, 20 percent. This is cuts of three-tenths of one percent.

Who supports this so-called chained CPI? It must be only those forces on the right. And, yes, groups such as the Heritage Foundation and the American Enterprise Institute have come together and said this is a more accurate measure. What has not been emphasized is that groups that have bona fides on the Democratic side that are unquestioned—the Center for American Progress, the Center on Budget and Policy Priorities, the Washington Post editorial board, the President's fiscal commission, the Bipartisan Policy Center—have all said this ought to be one of the tools we use as we look at trying to make sure Medicare, Social Security, and other entitlement programs are reformed and made sustainable.

Now why do economists support chained CPI? Because it honors the commitment to maintain the purchasing power of spending and revenue policies. It provides savings across the budget, not just in entitlement programs but across other areas. It also raises revenues, and it contributes meaningfully to the long-term fiscal sustainability of the programs we want to protect. Because across the government we have indexed things to inflation. The Tax Code, the entitlement



programs, all are indexed. They rise and decrease based upon inflation.

So again, this tool, while not perfect, all these groups have said needs to be part of any reform. This is not a new idea—I know, perhaps, it is on this floor—but this is an idea that has been discussed, debated, and endorsed by these groups from left to right for over the last 10 years. It does, as I mentioned, both increase revenues and lower spending. Because, again, it is a more accurate measure of policy adjustments that Congress has already decided to make.

There are some who say: Well, what will this do to Social Security? That is an important part of this conversation. I for one believe Social Security needs to be reformed, and I believe Social Security reform ought to take a separate path from debt and deficit reform. I understand for many seniors, Social Security is a lifeline and it is without question the greatest social program in the history of our country. We as legislators need to protect that program.

But what we do not hear from those who come out and advocate for Social Security is the recognition that Social Security is on a path toward insolvency. If we do nothing about this wonderful program, under current law it will basically run out of money, which will mean a 25-percent across-the-board cut in benefits as early as 2033. And that number—as we continue to grow older, the actuaries keep coming up each year and making it earlier and earlier.

Now 2033 sounds like a long time away. What it means is, for some of our folks who work here, if you are 46 years old today, that would mean at age 67 you would see your benefits cut by more than a quarter—again, unless we act. This is not a self-correcting problem.

There are other things we need to do around Social Security, such as raising the cap on the amount of income that is taxed. But those who say we should put off questions about Social Security or Medicare to some other day refuse to also recognize the reality that none of this self-corrects, and the sooner we start down the path of reform, the sooner we can make sure the promise of these programs will last.

But, again, instead of worrying about the potential of a 25-percent cut in Social Security benefits for folks who today are 46 years old, they talk about the fact that, yes, there may be some slight cutback in immediate benefits—not, though, 20 percent, not 3 percent, not 1 percent, but a decrease of three-tenths of 1 percent in the amount of increase each year.

There are ways that if we use this tool, to make it more fair and balanced. Because we must make sure that we protect the most vulnerable in our society.

I was part of a group the Presiding Officer, I believe, supported, the so-

called Gang of 6, which built on the President's Commission on Fiscal Responsibility, that said if we are going to do something like chained CPI, we also need to make sure we ensure protections for the most vulnerable. Which basically included things such as raising the minimum benefit for that bottom 20 percent of folks on Social Security; for making sure, as we add our aging population, that those individuals who outlive their pensions—the fastest growing group of Americans are folks above the age of 85—that they would receive an additional bump up as well.

We must also recognize, if we are looking at something like chained CPI, that we have special obligations to protect our veterans and the least fortunate among us. So any use of this tool ought to have special rules and include exclusions for veterans and SSI beneficiaries.

As I mentioned before, I personally believe raising the cap on the payroll tax is another part of the tools that we ought to use. But too many of the groups that are attacking this or any other effort to look at a balanced approach of, yes, additional revenue; yes, additional cuts; and, yes, reforms to our entitlements, do not mention that there are ways to mitigate some of these challenges.

It is also important to mention, with these ideas, at least from my position, every dime of impact that chained CPI would have on Social Security, those savings would have to remain in Social Security to make the program more solvent.

But this discussion about chained CPI is just the current flashpoint. The bigger issue is how we are going to get to that question of what I believe is, at minimum, a \$4 trillion deal. Any budget deal between the Speaker and President, I believe, will probably contain enough things that everyone will look at it and find a lot to dislike. If not, they probably have not done their job. To single out any one thing and to be absolutely opposed to a deal, regardless of the other parts of the package, to me, would be the height of irresponsibility.

Again, I know there are others who say this whole debate about the fiscal cliff is imaginary and simply created by politicians. Well, I have to acknowledge, as somebody who spent 20 years in business and a number of years now in elective office, I do not know for sure what the effect would be if we go over the cliff and see taxes go up on all Americans, to see these across-the-board cuts take place.

But I do know this: If the chance is only 5 or 10 or 15 percent that going over the cliff would throw this economy back into a deep recession, there would be nothing that would rob more Americans, and hurt our most vulnerable citizens more, than having their

house go back underwater because of a rise in interest rates, or the potential that a job disappears because an employer decides to end up—no longer to play, or unemployment benefits not get extended because we chose to punt rather than to deal with this issue.

Again, if we go over a cliff, and if the chances are only 10 percent that it throws us back into a deep recession, unlike in the past, unlike the fiscal crisis in 2008, we do not have extraordinary measures of stimulus or the Fed being able to dramatically lower interest rates.

So I believe we do need this balanced, responsible—at least a \$4 trillion deal; a deal, again, that I believe counts the cuts we have already made, that adds additional real revenue.

Again, as I mentioned earlier, I think the President has started too low in terms of the amount of revenue we need. We took \$4½ trillion out of the revenue stream over the last 10 years. I think to say that putting back at least one-third or 40 percent of that would be much more appropriate than what is being discussed right now.

It does mean that all of us need to make some hard choices about spending, and make sure the entitlement programs which have been so successful are sustained.

In closing, let me make a few final comments. I believe any final deal must ask those of us who have done well—and I have been blessed in this country to do very well—to pay their fair share. Beyond that, we have to look at a tax reform package that will actually make our Tax Code simpler, fairer, and generate more revenue than even what has been suggested in the current conversation.

It means, though, recognizing that we cannot solve this problem with budget cuts alone, it means Medicare and other entitlement reform must be serious and part of the conversation; that we honor our commitment not only to those beneficiaries who receive these important benefits now, but to make sure that 20-year-old, 40-year-old, and 50-year-old is going to have those benefits as well.

No matter what we do, we cannot only cut and tax our way out of this problem. It must include a growth agenda. Finally, as I know the Presiding Officer has made points time and again, it must contain real protections for the most vulnerable amongst us.

The President and Speaker are still working. I am hopeful they will get a deal. We, as Americans, and as legislators, owe them the space to make a deal, the opportunity to combine things people on each side might not like, in isolation, with policies that address these greater concerns. But now is not the time to be against things without knowing the critical details about how and where they will work.



It is not time to confuse the true facts or the actual math involved, regardless of which side to which you belong. I have spent the last 2½ years in this body trying to work with folks on both sides to get us to a deal. I believe there is nothing that will do more to generate job growth and economic activity than making sure we have a real deal that does not kick the can and actually passes muster.

I have to acknowledge at times I, like I know many of my colleagues, grow very frustrated with the back and forth. Clearly, what is going on in the House right now is not a serious effort to address this problem.

I see the new chair of the Appropriations Committee here. I will wrap up. I want to commend the Senator from Maryland, my good friend, for her new position. I believe she will lead us back to a path where we have regular order to make sure we appropriately look at how we spend the resources we receive. But we must no longer punt on this issue.

At moments of greatest frustration—and there are many for me as I know there are for many Americans, as they get tired of hearing about the back-and-forth and the Kabuki dance going on right now. It is in moments of greatest frustration, that I always fall back on that wonderful Winston Churchill quote:

You can always count on the Americans to do the right thing, after they have tried everything else.

Well, it seems to me, in this debate we have tried everything else. We have accused back and forth. We have been unwilling to recognize the reality for the need for revenues or the recognition that we have to make sure our entitlement programs are sustainable. I hope and pray as we move closer to this Christmas season that our leaders, and then all of us from both sides, can come together and make sure that we address this issue; which I believe that until we address it, we will not be able to address the host of issues which confront our country.

I yield the floor.

Ms. MIKULSKI. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER (Mr. SANDERS.) The pending business is H.R. 1.

Ms. MIKULSKI. Mr. President, I rise and ask unanimous consent to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPROPRIATIONS COMMITTEE CHAIRMANSHIP

Ms. MIKULSKI. Mr. President, I just wanted to come to the floor—I know other Senators are speaking—to say to the rest of my colleagues and to many people who have expressed interest, the Democratic caucus has just confirmed me to be the full chair of the U.S. Senate Appropriations Committee.

I take the floor today to announce that with great humility. I am filling the footsteps of Senator Danny Inouye, who was indeed a giant among men, a war hero, and an advocate for social justice, national security, and a compassionate government.

I want to just say to my colleagues, as I assume this chairmanship, I look forward to working with each and every Member of the Senate, both within my own caucus and across the aisle, to have a committee that functions on a bipartisan basis.

The Appropriations Committee is a constitutionally mandated committee. The Appropriations Committee is governed by the Constitution of the United States, by the laws of the land, and by the rules of the Senate. Under the Constitution, the Founding Fathers said every year there should be a review of the annual Federal expenditures. That is what our committee will do. We will bring forward legislation that will show what are the expenditures of the United States Government, what we propose to be ratified by the full Senate.

We will do it, first of all, on a bipartisan basis. One of the first calls I received when I knew this honor would come to be chair was to reach across the aisle to Senator RICHARD SHELBY of Alabama, my good friend and colleague who is now the ranking member on the Appropriations Committee, to reach out to him, as I did in a phone call. And I say publicly today that when we look at how we are going to spend the money and how we are going to meet our national security needs—but our compelling human needs in this country, and public investment in our children, in our future, and how to promote our economy—we need to do it on a bipartisan basis. I want to thank Senator SHELBY because he assured me of his cooperation to do so.

Our committee will function in a way that is open, transparent, and we wish to follow the regular order. What we want to do in following the regular order is to ask our colleagues to join with us so that we move the urgent supplemental which so many American people are depending on us to pass, this legislation to meet the needs of individual assistance to restore homes, lives and livelihoods.

It is going to be a new day in the Appropriations Committee, but we are going to follow old-school values of the men who went before us: Dan Inouye, Ted Stevens, men who fought in World War II to defend America. They stood on this Senate floor to defend the Constitution. They spoke for their States. That is what we are going to do. I want everyone to know, we also will want to ensure that our spending reflects our values to protect our country, to protect vulnerable populations, and to also prepare America for the future.

I will have more to say about all of this at a later time. I just wanted to

say, I take this not as an honor but as a great responsibility. I am so appreciative of the caucus that confirmed me. I am very appreciative of the way Members of the other side of the aisle also reached out.

If we take the time to listen to each other, to respect each other and listen to the needs of the people, we can work to get more bang out of the buck, get more value for the dollar. We can have a strong economy, a safer country. We can be frugal without being heartless.

At the same time, we can assure the taxpayers we have heard them. They want us to do a better job with our spending, but at the same time they want to see it in an open process. I just wanted to come to the floor to say that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

JON KYL

Mr. MCCONNELL. I rise to pay tribute to a dear friend and an extraordinary public servant, Senator JON KYL. For the past 18 years, it has been my honor to serve alongside JON in the Senate, and it has been my great privilege to get to know him personally and to work with him as closely as I have.

JON has built a well-earned reputation as one of the great policy minds of our time. He has an encyclopedic knowledge of domestic and a keen interest in foreign policy, and we all know he is one of the hardest working Members of Congress.

He has been a leader on his own State's interests, and he has emerged as one of the strongest leaders in our entire party on the issues of nuclear strategy and arms control. JON has explained to an entire generation of Republicans President Reagan's enduring philosophy of peace on strength and then applied it.

JON has been a zealous proponent of a strong missile defense, and more than any other Senator he helped ensure that the United States had a working nuclear arsenal after the Cold War had ended because, in his view, a strong America that can deter a threat is always the best avenue to peace.

Over the past decade, JON has applied that same standard to the war on terror, and no one, no one has worked harder to explain the threat of Islamist terrorism or helped equip our Nation with the tools we need to confront and defeat it than JON KYL.

Not enough thought has been given to the role of nuclear weapons in American foreign policy and how strategy will evolve as our conventional military is drawn down due to a diminishing investment and how nuclear

weapons will be employed to support the articulated strategic pivot to the Asian Pacific theater. The Senate and the country will be well served by JON's thoughts on these challenges over the coming years. Fortunately, he has thought ahead by encouraging others to step into the void after he leaves.

Throughout his time in Washington, JON has been guided, as he explained in eloquent detail yesterday, by a profound belief in and commitment to the expansion of freedom and the three primary areas where that commitment plays out in the public square: growth-oriented economics, the social policies that make limited government possible, and any policy that emphasizes a strong and sovereign America. These three pillars have been JON's guidepost, and we have all benefited tremendously over the years as a party and as a nation from his faithful application and patient explanation of the enduring importance of all three.

In short, JON is whip smart, and he is a passionate believer and defender of American exceptionalism. But besides all this, he is also a fantastic individual, with a peerless reputation on both sides of the aisle as a man of principle and integrity. I have personally benefited from JON's policy mind and advice countless times, and, JON, I want to say how grateful I am for your steady hand and wise counsel over the years.

I always knew I could throw JON into the middle of any fight, confident our team would own the field. He wasn't just prepared, he was eager to take on the most thankless tasks, and he never ever let me down.

One suspects the seeds of JON's wisdom and equanimity were planted in his upbringing in the Midwest. As a young boy growing up in Nebraska and Iowa, he learned the value of hard work. His dad led the local chamber of commerce and worked as a high school principal and superintendent. Later on, he joined JON's uncle in the clothing business—and eventually he served six terms in Congress.

It was a stable, happy, middle-class childhood centered on work, family, and service. It laid a solid foundation for JON's later successes. "It was very important to Dad," JON once said, "that we recognize that even though we weren't rich, we still had an obligation to get involved and give back to the country."

After graduating from high school, JON enrolled at the University of Arizona, where he was very much the bundle of energy that anybody who has ever walked more than 10 feet with him is familiar with. Incidentally, I am told that you don't want to go on a hike with JON unless you are a trained Olympian. He hikes up Camelback Mountain almost every weekend he is home, and there are two routes; one is

somewhat challenging and the other one is akin to a Stairmaster. JON takes the Stairmaster because it is faster. He climbs up without stopping, and then as soon as he gets to the top, he comes right back down. Most people stop to eat an apple or look at the vista—not JON. He powers right back to the bottom. There is too much work to be done.

During his college years, JON got involved in debate, politics, and a number of service organizations, graduating with honors in 1964. It was also during his college years that JON fell in love with Arizona, its red sunny vistas, big skies and warm inviting people. It is there that he fell in love with Caryll Collins, whom he met at church one Sunday and who has been his constant companion and his anchor ever since.

I know JON would agree that without Caryll's support, patience, and understanding he would never have been able to accomplish all he has over the years. JON and Caryll have been married nearly 50 years. They have raised two great kids, Kristine and John. They have seven grandchildren. They have been blessed.

After college, JON went on to earn a law degree from the University of Arizona College of Law, where he was editor of the Law Review. He must have had some great teachers because it is hard to imagine anyone who loves the study and the application of the law as deeply as JON KYL.

JON practiced at a firm in Phoenix for 20 years when he decided to follow his father's footsteps instead and take a turn toward public service. As one long-time friend described it:

[Jon] sat down with . . . Caryll, who is really his partner, and decided it was time. . . . He could have been a rich man. But he decided this was more important.

JON ran for Congress in Arizona's Fourth District and won handily, serving eight terms before winning his Senate seat in 1994.

One way to illustrate how hard JON has worked over the years is to look at the coverage he got then versus the coverage he gets now. When he first ran for office, one unfriendly paper called him an enigma. But by 2006, that same paper would describe him as a "national, political figure . . . and one of the five most powerful Senators in Washington . . . a man who most everyone says is a hardworking, keenly intelligent, humble, civilized gentleman who seems always to be doing what he believes is best for America." Most of us couldn't get that out of our own press secretaries, let alone the hometown paper.

But it says everything we need to know about JON KYL. His work ethic is legendary. For 15 years, JON labored mostly behind the scenes on one of the most complicated and sensitive issues in Arizona politics, settling American Indian claims to Colorado and Gila

River water and resolving an intergovernmental dispute about how much money Arizona should pay for the Central Arizona Project, completed in 1993.

These were longstanding, thorny, legal, and political issues in Arizona. Some thought a settlement was impossible. They didn't know JON well enough. By 2004, he had succeeded in passing the Arizona Water Settlement Act, simultaneously resolving the outstanding Indian lawsuits and resolving the issue of Arizona's reimbursement rate to the Federal Government.

According to one political commentator, "It was the most far-reaching Indian water settlement in history," and it "wouldn't have happened without the hard work and keen legal mind of JON KYL."

As JON himself put it:

It was one of the hardest things I've ever done, but I was in a position to be the catalyst. There wasn't anybody else who could do that water deal. And it had to be done.

JON's work on water settlements carries a lesson for all of us. Similar to any true leader, he saw the need to do something, not just for the folks who elected him but for the generations of Arizonans to come. He thought ahead, and now the people of Arizona can go about their daily lives without having to worry about water at all for generations to come. It will be a huge part of his legacy—and it went more or less unnoticed by most folks in Washington. That is why JON truly embodies the old maxim, popularized by President Reagan, who had it placed on his desk, that there is no limit to what a man can do or where he can go if he doesn't mind who gets the credit. He almost seems to relish the thankless task. A lot of people don't know this, but JON actually volunteered to serve on the supercommittee.

At press conferences, JON has even been known to lean up against a wall so others get noticed instead of him, which, as we all know, is pretty unthinkable to most of the folks around here.

JON's intelligence and personal humility are just two of the reasons he has been so good at persuading people to his view. He persuaded his colleagues to oppose President Clinton's Comprehensive Nuclear Test Ban Treaty. He has used his immense powers of persuasion literally countless times as minority whip, and he has done all this without ever offending anybody.

He is that rare politician who manages to always stand on principle without ever damaging a relationship. I mean it when I say that to the degree I have had any success at all in my role, it has been only because JON KYL has been my partner, counselor, and friend.

JON always tells folks he is serious because the issues he deals with are serious, and I can't tell you how grateful I am that we have had him for as long

as we did and how much I will miss having JON KYL around when the gavel falls on the 112th Congress.

One last point. People who know JON well know he is a huge NASCAR fan. He knows the drivers. He knows the lingo. He goes to two big races every year in Phoenix and nothing, I mean nothing, can keep him from going.

Why do I mention this? As a young lawyer, JON used to volunteer to be the lookout guy on the hill around the track. This is a guy who keeps a lookout for oil on the track. His view was it might not be the most glamorous work but that it was essential to maintain the safety and the integrity of the race to have someone up there on the lookout. I can't think of a better way to sum up his service in Washington.

JON has been that serious, behind-the-scenes legislator who always did what needed to be done. He was happy to do the work while others took the credit, and he was happy to explain any issue to anyone and to provide not only the intellectual explanation for the right policy but the elbow grease to get it enacted into law. What mattered to JON was the good of the country.

He has been a model public servant. And, JON, I can't tell you how grateful we all are that you were. Thank you for everything, my friend. I truly hate to see you go.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will just say thank you to my leader. There is a lot that is enjoyable, some not so enjoyable, about serving here in the Senate. But my time as whip in particular has been one of the most enjoyable things I have done, both because it is in behalf of our colleagues here, helping to get things done, but also because I have been able to work alongside a great leader in Republican leader MITCH MCCONNELL. I will treasure that always, and I am deeply grateful for the comments he made today.

Thank you.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, before Senator KYL leaves the floor, I would like to join the Republican leader in congratulating him on his public service. He and I came to the Congress the same year, after the 1986 elections—we are part of the 100th Congress—and we became friends. I couldn't agree more with the Republican leader and his example of following your convictions with the highest degree of integrity in the work you have done. I had a chance to serve with you on the Judiciary Committee, and I can tell you that you added greatly to the respect for that committee and our respect for the process and for the rule of law and for civil liberty issues. And most recently, with the work you did on the Magnitsky bill, the Republican leader is absolutely right—you did not seek

the headlines on that legislation, but it could not have been done without your direction and your help.

I just want to thank you for what you have done to advance the reputation of the Senate and public service, standing by your convictions, yet doing so in a way that we could work together, respecting everyone's right to be heard and our right to work together. You are indeed a model Senator, and it has been an honor to serve with you in the Senate.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would respond by saying thank you very, very much. I would just add one other thing. In this Senate family, although we may be of different parties, we make good friendships, and it should not go unnoticed that our spouses also make good friendships. This is a case where my wife and Senator CARDIN's wife are very good friends, which necessarily draws us closer together, and for that we should both be grateful as well.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Senator KYL is absolutely right. I get my best information from Myrna as to what is going on in the Senate. So I appreciate his comments.

#### HUNGARY

Mr. CARDIN. Mr. President, as the Senate chair of the Helsinki Commission, I have a longstanding interest in Central Europe. For many years the Helsinki Commission was one of the loudest and clearest voices to speak on behalf of those oppressed by communism and to call for democracy, human rights, and freedom from Soviet oppression. It has been a great triumph and joy to see the peoples of this region free from dictatorship.

Over the past two decades I have been profoundly heartened as newly freed countries of Central Europe have joined the United States and NATO and have become our partners in advocating for human rights and democracy around the globe. Leadership on those issues may be especially important now as some countries in the Middle East undertake transition, the outcome of which is far from certain. Even in Europe, in the western Balkans, there is a crying need for exemplary leadership, not backsliding.

Americans know from our own history that maintaining democracy and promoting human rights are never jobs that are finished. As my friend and former colleague Tom Lantos said, "The veneer of civilization is paper thin. We are its guardians, and we can never rest."

For some time I have been concerned about the trajectory of developments in Hungary, where the scope and nature of systemic changes introduced after April 2010 have been the focus of considerable international attention.

At the end of November, Hungary was back in the headlines when Marton Gyongyosi, a member of the notorious extremist party Jobbik and also vice chairman of the Parliament's Foreign Affairs Committee, suggested that Hungarian Jews are a threat to Hungary's national security and those in government and Parliament should be registered. The ink was barely dry on letters protesting those comments when another Hungarian member of Parliament, Balazs Lenhardt, participated in a public demonstration last week where he burned an Israeli flag.

The fact is that these are only the latest extremist scandals to erupt in Budapest over the course of this year. In April, for example, just before Passover, a Jobbik MP gave a speech in Parliament weaving together subtle anti-Roma propaganda with overt anti-Semitism blood libel. After that, Jobbik was in the news when it was reported that one of its members in Parliament had requested and received certification from a DNA testing company that his or her blood was free of Jewish or Romani ancestry.

At issue in the face of these anti-Semitic and racist phenomena is the sufficiency of the Hungarian Government's response and its role in ensuring respect for human rights and the rule of law. And the government's response has been, to say the least, wanting.

First, it has been a hallmark of this government to focus on blood identity through the extension of Hungarian citizenship on a purely ethnic basis. The same Hungarian officials have played fast and loose with questions relating to its wartime responsibilities, prompting the U.S. Holocaust Memorial Museum to issue a public statement of concern regarding the rehabilitation of fascist ideologues and political leaders from World War II.

I am perhaps most alarmed by the government's failure to stand against the organized threats from Jobbik. For example, in late August a mob estimated at 1,000 people terrorized a Roma neighborhood in Devecser, taunting the Romani families to come out and face the crowd. There were reportedly three members of Parliament from the Jobbik party participating in that mob, and some people were filmed throwing bricks or stones at the Romani homes. The failure to investigate, let alone condemn such acts of intimidation, makes Prime Minister Orban's recent pledge to protect "his compatriots" ring hollow.

Of course, all this takes place in the context of fundamental questions about democracy itself in Hungary.

What are we to make of democracy in Hungary when more than 360 religious organizations are stripped of their registration overnight and when all faiths

must now depend on the politicized decisionmaking of the Parliament to receive the rights that come with registration?

What are we to make of the fact that even after the European Commission and Hungary's own Constitutional Court have ruled against the mass dismissal of judges in Hungary's court-packing scheme, there is still no remedy for any of the dismissed judges?

What is the status of media freedom in Hungary, let alone the fight against anti-Semitism, if a journalist who writes about anti-Semitism faces possible sanction before the courts for doing so?

What are we to make of Hungary's new election framework, which includes many troubling provisions, including a prohibition on campaign ads on commercial radio and TV, onerous new voter registration provisions, and limits on local election committees, which oversee elections?

I find it hard to imagine that Jews, Roma, and other minorities will be safe if freedom of the media and religion, the rule of law, the independence of the Judiciary, and the checks and balances essential for democracy are not also safeguarded. With that in mind, I will continue to follow the overall trends in Hungary and the implications for the region as a whole.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The Remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

#### ESTABLISHING THE DATE FOR THE COUNTING OF ELECTORAL VOTES

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.J. Res. 122, received from the House and at the desk.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 122) establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DURBIN. I ask unanimous consent the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 122) was ordered to a third reading, was read the third time, and passed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT Continued

The PRESIDING OFFICER. The Senator from Alabama.

##### REMEMBERING DANIEL K. INOUE

Mr. SHELBY. Mr. President, earlier today a lot of us, Members of the Senate, joined the family and friends of our great colleague who passed away earlier in the week, as they brought his body into the U.S. Capitol. I rise here this afternoon to extend some of the tributes that we have made to the memory and to the life of Senator Inouye.

For the past 26 years I was privileged to serve alongside Senator Inouye in this Chamber. I came to know him as a wise counselor, a skilled legislator, a formidable negotiator, and a trusted friend. His unassailable reputation as an American hero, however, had been forged long before any of us here ever met him.

Senator Inouye did not demand respect. He commanded it. The reasons for this are many. In 1941, he witnessed firsthand the horror at Pearl Harbor. As a Red Cross volunteer, he cared for his fellow citizens injured in the attack. Not long thereafter, he joined the 442nd Regimental Combat Team. He was determined to serve his country despite the fact that he, like all Japanese-Americans, had been deemed an "enemy alien" when the U.S. declared war on Japan.

As a young military officer in 1945, Daniel Inouye led his unit in a successful attack against a Nazi fortification in northern Italy. The valor, courage, selflessness, and determination he displayed during the battle are the stuff of legend, and would later earn him the Medal of Honor. During this attack he sustained serious permanent injuries that served as constant reminders of his sacrifice for our country.

Senator Daniel Inouye began his political career as a member of Hawaii's Territorial House of Representatives in 1954. Almost immediately, his colleagues tapped him as the majority leader of that body. His tremendous leadership ability was already apparent. He then ascended to the Territorial Senate in 1958, and became Hawaii's first U.S. Congressman upon the granting of statehood in 1959. Only 3 years later, Daniel Inouye became a U.S. Senator. He was elected to a staggering 9 consecutive terms, continuing to serve until his passing. It is a testament to his effectiveness as a Senator and his devotion to his State that no challenger ever mounted a serious threat for his seat.

Through his hard work in the U.S. Senate, Senator Inouye helped to en-

sure that Hawaii's economy and people prospered. As a member, and later chairman, of the Appropriations Committee, Senator Inouye skillfully secured myriad infrastructure, natural resource, cultural, job training, and agriculture projects for his State. As a member of the Appropriations Committee I learned valuable lessons by observing Senator Inouye over the years. He understood the art of the deal, always operating out of mutual respect toward shared interests. And I can not recall a time when he did not deliver for the people of Hawaii. While he never lost focus on the interests of his State, he also maintained eternal vigilance on matters of national security. As a war hero, his attention to veteran affairs and military needs was unsurpassed.

In addition, Senator Inouye served as the first chairman of the Select Committee on Intelligence. As a former Chairman of this committee, I was honored to carry forward the rigorous oversight example he set. By the time his career ended, Senator Inouye had become the second longest serving senator in U.S. history.

His list of accomplishments and honors is seemingly unending. In fact, it is among the most impressive compiled by any who ever set foot in this Chamber.

Senator Inouye never talked about any of this. He was not brash or boastful or domineering. Rather, he carried himself with quiet reserve and firm resolve.

Senator Inouye's life story speaks for itself and demonstrates a faith in and devotion to our country second to none. He was one of the most decent and inspiring people I have ever known. I am proud to have served with this great man and to have called him a friend. I offer my deepest condolences to his wife and family during this difficult time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. I ask unanimous consent I may speak on the Senate floor as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SENATE RULES CHANGES

Mr. MORAN. Mr. President, the Senate, of which I am a new Member, was at one time called the world's greatest deliberative body. Its rules have remained largely unchanged since the origin of the Senate. This Chamber's distinguishing attribute has undoubtedly been its right of unlimited debate and

its greatest protections are the rules put in place to defend that right of debate.

I am worried about the talk now of destroying any Senator's ability to filibuster, to delay consideration of a bill, because it is a fundamental right of all Senators to express their opposition to legislation even when that Senator stands alone—when you are the only one who opposes that legislation. This is an important right, protecting a Senator's right to object and a Senator's right to represent his or her own constituency.

Something tells me the desire to curb this unlimited debate of the Senate doesn't really come from a failure of the Senate's rules but, rather, a desire by some to see that an agenda can be pushed through by ignoring that minority right, by overriding the objections of an individual Senator on behalf of his or her constituents.

The rules of the Senate should not be targeted for change until we look at what the problems are in the way we conduct our business currently. For so long—again, I have only been here 2 years, but for the 2 years I have been here, it seems to me that often the majority has obstructed the ideal of unlimited debate and put undue stress on the rules of our Chamber. The practice of the majority party has prevented me and my colleagues from contributing to the legislative process in several ways. Rather than encourage debate and compromise by welcoming amendments, often, as we say here, "the tree has been filled," or, in the way we would say it in Kansas, we fill up the opportunity for amendments with certain amendments that then preclude other amendments being considered, that being the amendments of the rest of us.

In addition to that, the majority leader has filed cloture more than 100 times on the very day the measure was first raised on the Senate floor, which basically ends debate on that day.

We get compromise whenever everyone, the majority and minority, have the opportunity to present their points of view. Then we sit down and try to figure out the difference, how we can make things work among ourselves. We have seen rule XIV used to bypass committee work nearly 70 times in the last 6 years.

I am honored to serve on a long list of committees in the Senate and I attend many committee meetings and we hold hearings. We listen to our constituents, we listen to the experts, and we try to reach a conclusion as to what is best in a piece of legislation. When that process is bypassed, we lose that opportunity to gain from that insight.

In so many instances the committee process is bypassed. I am a member of the Senate Appropriations Committee, with the example of our inability to have appropriations bills and no budg-

et. I am a member of the Banking Committee on which we have lots of hearings but very few markups. I think it undermines the ability for each of us to do our jobs on behalf of America.

I think we have been forced away from what is most valuable here—discussions. Not that any of us gets our own way. That is not the nature of this place. It is not the nature of America. But we each have our own voice, and by being able to express ourselves we have the opportunity to flesh out the best ideas and ultimately to require people to come together and reach an agreement—that word that sometimes is not said often enough—compromise.

I recognize this as a Member of the Senate representing the State of Kansas. I consider my State often in the minority. We are very rural. The issues we care about are different than those of places in the rest of the country. I represent a small population and many of my colleagues represent large urban areas with large populations. In the absence of rules protecting me as a Senator representing a minority, I think my ability to represent that minority is diminished. I recognize that I do not always have the right answer to every question. I have great respect for everyone's opinion. I was never ordained by God to have all the answers to every problem, but I think we find answers by having respect and listening to others, and to sort out what we think is the best of our ideas and the best of other ideas to see that good things happen on behalf of America.

We need to make certain that Republicans and Democrats have the opportunity to defend their opinions and then come together. We need to make certain the legislative process works in the committee and we need to make certain that we are not precluded from standing here, day after day, in opposition to legislation that we believe is bad for America. It is the Senate that has the opportunity to keep bad things from happening.

Again, I worry that as a result of the lack of function of the Senate over the last years that we are going to make dramatic changes in the rules that change the nature of this body, who we are and what we can accomplish, what our purpose is.

We need to work together, no doubt about it, but the idea of changing the rules, in my view, diminishes the need to do so. Our constituents expect us to represent them and their best interests and that means that we have the right—the necessity—of participating in the legislative process. I owe that to Kansas. I owe them nothing less. Without the right to use the filibuster to stop consideration of a bill until all ideas, all issues are heard, we risk the loss of that dissenting voice for a minority—no matter what party may be in power.

Previous Members of the Senate have understood the importance of pro-

tecting the minority's rights and have spoken out in defense of unlimited debate as it exists in the Senate today. I worry that the Senate is becoming a different place. As I studied history, there was always the voice of the institution, the Senator who had been here for a long time. There was the collective wisdom that, yes, we are in the minority now—or we are in the majority now—but that someday it will be the reverse, and we want the rules to apply no matter what the position. It seems to me that in the past, Members of the Senate would speak out—whether a Democrat or Republican—for the institution of the Senate and what it means to the American people and the Constitution of the United States.

The late Senator Byrd once said this about the design of the Senate:

The Senate was intended to be a forum for open and free debate and for the protection of political minorities. As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

When then-Senator JOE BIDEN was a part of this Chamber, he once said in defense of the filibuster:

At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation.

In 2005, when Republicans controlled the Senate and President Obama was a Senator, he said:

If the majority chooses to end the filibuster—if they choose to change the rules and put an end to democratic debate—then fighting and bitterness and the gridlock will only get worse.

I think this statement applies today. I am tired of the fighting, bitterness, and gridlock. The American people do not want to see even more partisan bickering in Washington, DC. They want us to work together and solve our Nation's problems. They want us to get things done.

Preserving the rules of the Senate is not a partisan issue, but it is about protecting the nature of the Senate and the rights of the minority. Without the ability to compromise or debate on the floor of the Senate, I fear the greatest deliberative body will be drastically changed for the worse.

The original design of the Senate enables each Senator to be equal to one another no matter the party label, and each has the right to protect using the filibuster. If we choose to silence the Senators in the minority now for the sake of political expediency and lower the number of votes needed for a bill to pass without dissent, then we risk changing the very nature of the Senate.

I see this as a former Member of the House of Representatives. I am accustomed—after 14 years—to having these words spoken: I yield to the gentleman from Kansas 60 seconds.

The Senate is different from the House. We are entitled to more than 60

seconds of being able to speak in support or in opposition to issues before the Senate. If that filibuster were to be destroyed, and if the last protection of the rights of the minority were to be disregarded, then the Senate would become substantially no different from the House. It would be marked by limited debate where the majority runs against the basic nature of the Senate rules based largely upon population.

When the Republicans were in control of the Senate in 2005, Senator REED, our majority leader, said:

The threat to change the Senate rules is a raw abuse of power and will destroy the very checks and balances our Founding Fathers put in place to prevent absolute power by any one branch of government.

It is my belief that the Senate still exists today in the form that the Framers intended and that we must put a stop to this raw abuse of power. The Senate represents the embodiment of freedom of speech, and we should encourage the full exercise of our hard-won freedoms and unlimited debate. This tradition stands as a testament to the sacrifices of generations of early Americans and Americans throughout the history of our country. This freedom is one that will certainly be fought for in this Congress and the next.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSON of Wisconsin. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTES TO DEPARTING SENATORS

##### HERB KOHL

Mr. JOHNSON of Wisconsin. Madam President, I rise to pay tribute to a man who has been generous with his time, his treasure, and his heart, to his friends, his family, the State of Wisconsin, and to America, Senator HERB KOHL.

America and Wisconsin have always been defined by immigrants arriving in this country seeking freedom, opportunity, and a better life for themselves and their families. Such was the case for Senator KOHL's father Max, an immigrant from Poland, and his mother Mary, an immigrant from Russia. Their family's story was just one among the many millions of stories of fulfillment of the American dream.

Max and Mary's son Herb attended Washington High School in the Sherman Park neighborhood of Milwaukee. He graduated from the University of Wisconsin Madison in 1956 and went on to earn an MBA from Harvard Business School in 1958.

Senator KOHL's service to his country started at a young age. He enlisted in the U.S. Army Reserve after receiving his MBA and served in the military for 6 years. After his military service, he began contributing to our Nation not in government but in the private sector. During the 1970s, he managed his family's well-known retail businesses. The stores built by the Kohl family remain the legacy that all Wisconsin respects and appreciates.

When Wisconsin's NBA team, the Milwaukee Bucks, was considering moving out of the State for financial reasons, Citizen Kohl stepped in and purchased the franchise. He prevented the team from leaving and preserved professional basketball as an integral part of Wisconsin's strong sports tradition. Suffice it to say, Citizen Kohl had established himself as a very successful member of this Nation's business community. But he didn't hoard his financial success; he shared it and he shared it generously.

Senator KOHL's philanthropy was widespread, but he particularly seemed to enjoy directing his generosity to helping Wisconsin students and educators. In 1990, he established the HERB KOHL Educational Foundation Achievement Award Program. This program provides a total of \$400,000 to hundreds of students, teachers, and schools throughout the State of Wisconsin each and every year. In 1995, Senator KOHL continued his generosity to education and sports in our State by donating \$25 million to the University of Wisconsin Madison for a new sports arena. The Kohl Center, as it is now known, is the home for the school's basketball and hockey teams.

Senator KOHL was first elected in 1988 and even though his duties required him to spend time in Washington, his heart has always been with the people of Wisconsin. For the past 24 years, he has maintained a strong passion for Wisconsin's children, seniors, farmers, and manufacturers.

As a man whose life has been distinguished by generosity, it is worth noting that his final speech on the floor of the Senate was not a long list of his many accomplishments; instead, it was a short heartfelt speech of gratitude to those who made him the generous man he is today, those he served with, and those he represented in the Senate for four consecutive terms. Now it is our turn to thank Senator KOHL for the honorable 24 years he has served his State and this Nation.

During his first election, the slogan of Senator KOHL's campaign was "Nobody's Senator but Yours." There can be no doubt in anyone's mind that he has lived up to that promise each and every day.

On behalf of all the citizens of Wisconsin, I wish to thank Senator HERB KOHL for his generous spirit and his many years of service to Wisconsin and America.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DANIEL AKAKA, JEFF BINGAMAN, SCOTT BROWN, KENT CONRAD, JIM DEMINT, KAY BAILEY HUTCHISON, HERB KOHL, JON KYL, JOSEPH LIEBERMAN, RICHARD LUGAR, BEN NELSON, OLYMPIA SNOWE, AND JIM WEBB

Mr. REED. Madam President, at this time, I wish to take a few minutes to salute my colleagues who are retiring at the end of this year with the conclusion of the 112th Congress: DANIEL AKAKA of Hawaii, JEFF BINGAMAN of New Mexico, SCOTT BROWN of Massachusetts, KENT CONRAD of North Dakota, JIM DEMINT of South Carolina, KAY BAILEY HUTCHISON of Texas, HERB KOHL of Wisconsin, JON KYL of Arizona, JOSEPH LIEBERMAN of Connecticut, RICHARD LUGAR of Indiana, BEN NELSON of Nebraska, OLYMPIA SNOWE of Maine, and JIM WEBB of Virginia. They have all worked ceaselessly to give their constituents the best representation and give the country the benefit of their views, their wisdom, and their experience. They are men and women who are committed to the Nation, and they have every day in different ways contributed to this Senate and to our great country.

I wish to thank them personally for their service, and, in so many cases, their personal kindness to me; for listening to my points and for, together, hopefully, serving this Senate and this Nation in a more positive and progressive way.

In particular, let me say a few words about some of the Members with whom I have had the privilege to work more closely.

Senator DANIEL AKAKA, like his colleague, the late and revered Senator Daniel Inouye, proudly served our Nation during World War II. I am stepping into the huge shoes of DANNY AKAKA as the cochair of the Army Caucus. From one soldier to another, I salute him.

He has also been an extraordinarily forceful advocate not just for active-duty personnel but for veterans and, of course, for the men and women of his beloved Hawaii.

JEFF BINGAMAN has distinguished himself through his work on the Energy and Natural Resources Committee to improve our Nation's energy policy, particularly improving our energy efficiency. He has the vision and knowledge which he has displayed so many times to deal with the difficult issues that face us with respect to the appropriate use of energy.

He has also focused on some of the greatest challenges facing our educational system, including preventing

dropouts and promoting the use of education technology.

SCOTT BROWN has drawn from his over 30 years of experience in the National Guard to advocate for our servicemembers. I am particularly pleased we were able to work together to create the new Office of Service Member Affairs at the Consumer Financial Protection Bureau.

I have had the honor of serving with KAY BAILEY HUTCHISON on the West Point Board of Visitors, and I am also grateful that she joined with me on a bill to improve care for children who survive cancer.

JOE LIEBERMAN and I have worked many hours to protect the submarine industrial base that is crucial not only to our strategic posture but also to our local economies. He has done it with great vision and great energy, and I thank him for that.

RICHARD LUGAR is one of the most decent and thoughtful individuals ever to serve in this body. We will miss his wisdom and his voice, particularly on nuclear nonproliferation and arms control. I am also pleased to have joined him on so many other issues, and he leaves an extraordinary mark on this institution.

I have also had the privilege to work closely with another Member of this body, my colleague and friend, OLYMPIA SNOWE of Maine. Her willingness to reach across the partisan divide to advance legislation to benefit the Nation and the Senate and her State of Maine is, in my view, legendary. I was pleased to work with her when it came to supporting our fishermen and lobstermen, who are critical to our local economies. She and I have worked closely together on a host of other issues, including supporting strong investments in LIHEAP and our Nation's libraries.

JIM WEBB, a decorated combat veteran, is someone whose love for this Nation was manifested very early, as he led marines in combat in Vietnam. His extraordinary courage is only matched by his quiet demeanor and his calm sense of confidence that project outward in every different capacity.

Of course, he has taken it upon himself to make sure we do not forget our veterans. He was the architect of the post-9/11 GI bill and, in doing so, he has enriched the lives of so many who were willing to risk their lives for this Nation. I, again, salute him for all he has done.

KENT CONRAD is an extraordinary budget chairman. No one knows more about the intricacies of the budget and no one brings to that very difficult debate more of an innate sense of fairness and decency than KENT CONRAD.

I could go on with all of my colleagues, just thanking them for their friendship, for their camaraderie, and for their commitment to the Nation and the Senate. As they depart, they have left an extraordinary legacy. Now

it is our responsibility to carry on in so many different ways, and I hope we measure up to what they have done. If we do, then we can go forward confidently.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

JOE LIEBERMAN

Ms. AYOTTE. Madam President, I wish to say a few words about my friend JOE LIEBERMAN, the gentleman from Connecticut.

Shortly after I arrived in the Senate, Senator LIEBERMAN was assigned to serve as my mentor—someone from the other side of the aisle who would be a source of wisdom and guidance as I made my way in my first term in the Senate.

I considered myself extremely fortunate that he agreed to mentor me. We are both from New England. We both had the privilege of serving our State as attorney general and have a deep respect for the rule of law. And we are both deeply concerned about issues impacting the security of our country.

Over the last 2 years, I have been able to work with Senator LIEBERMAN more closely, and I have personally seen his character, his courage, and his conviction. Both in tone and in substance, Senator LIEBERMAN has been one of the most respected and effective statesmen in the history of this institution—someone who transcended politics to stand up for what he believed in and what he believed was right on behalf of our country.

Senator LIEBERMAN understands that neither party has a monopoly on good ideas and that the American people expect Members of both parties to work together to get things done on behalf of our country.

Senator LIEBERMAN understands that our children will not ask us whether we were Democrats or Republicans and how good we were at that, at being a member of a party; they will ask us whether we were willing to make the tough decisions necessary to ensure that they continue to enjoy prosperity and freedom in the greatest country on Earth.

What I admire about my friend JOE LIEBERMAN is that he is someone who always puts country first above all else. For Senator LIEBERMAN, this has been especially true in the area of national security and homeland security.

As our Nation has encountered difficult economic headwinds at home—over \$16 trillion in debt—there have been Members of both parties who have argued for excessive cuts to our military and that we disengage from the rest of the world. Yet, in the great traditions of Presidents Truman, Kennedy, and Reagan, Senator LIEBERMAN has made the compelling case that the United States best promotes its values and protects its citizens when we remain engaged around the world, main-

taining our military strength, having the best military in the world.

Having had the chance to work with Senator LIEBERMAN on the Senate Armed Services Committee, his commitment to our men and women in uniform has been inspiring. He has shown a deep commitment to make sure they have the best equipment they need and that we remain the strongest military in the world; and that when our soldiers come home, they receive the support they need. He has been such an amazing advocate for the military and their families.

I also appreciate that like Winston Churchill, Senator LIEBERMAN understands the value of alliances between democracies and has spoken with moral clarity regarding the enemies of freedom. He has not hesitated to call terrorism an evil by its name and to speak out for dissidents and freedom fighters around the world.

I will never forget a trip I had the privilege of taking with him to Asia, where we had the opportunity to meet individuals who were imprisoned. And they spoke with tears in their eyes of the work Senator LIEBERMAN and Senator MCCAIN and others had done to speak up on their behalf.

Senator LIEBERMAN has spoken for those who have been oppressed around the world time and time again, and he has left his legacy on this institution in making sure that America stands for our values and for people around the world who are struggling for basic human rights and freedom.

In this Chamber, he will also, of course, be remembered for the incredibly important work he did as a strong and resolute member of the Senate Armed Services Committee but also as the chairman of the Homeland Security and Governmental Affairs Committee. He helped to lead the Federal Government's response to September 11, to those horrible attacks on our country, and every American is safer because of the work JOE LIEBERMAN did as chairman of that committee, and the work he did on the Senate Armed Services Committee in this body—and the work I know he will continue to do when he leaves the Senate.

My friend JOE LIEBERMAN represents the very best of public service. He has stood firm for freedom, international engagement, and American military strength. He will be remembered among Members of this body not only for his accomplishments but for the way he has conducted himself. Always a gentleman, he has conducted himself with great decency, civility, and humility.

At a time when our country faces great challenges, his quiet and effective leadership and commitment to working across party lines will be sorely missed in this body. He will certainly continue to serve as a model for all of us who remain serving in the



Senate, and I know in future endeavors I will certainly seek him out to seek his advice and counsel, as we face great challenges not only here at home but also in terms of our military and the role America plays in the world.

We all admire his leadership here, and it has been a true privilege for me to have had him mentor me the last 2 years. I have learned so much from him. And, again, I think he serves as a model public servant of what it means to be committed to doing the right thing for your country.

Thank you, Madam President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

#### REMEMBERING DANIEL K. INOUE

Ms. CANTWELL. Mr. President, I rise to salute my colleague, Senator Dan Inouye, and remember him for his great service to our country. Like so many of my colleagues, I come down to the Senate floor with a great deal of sadness but also admiration for the incredible life that Danny Inouye led.

He certainly was a giant among Senators, and for the work he did—everything from investigating Watergate to fighting for Native Hawaiian rights, to everything he did in the United States every day—he will be remembered as a man who fought for justice. When I think about Danny Inouye and the mentoring he has done for me and my colleague Senator MURRAY and for the State of Washington, I can tell you he will be sorely missed.

We know something about long-term Senators in the State of Washington. Certainly, Danny Inouye and Scoop and Maggie were all friends. He was also a friend to Washington State. He forged a great relationship with Scoop and Maggie. That started when Scoop Jackson actually championed statehood for Hawaii starting as early as the late 1940s. He played a key role in supporting it and passing it into the Hawaii Statehood Act. That is something Danny Inouye was so appreciative of. They forged a great relationship.

Senator Inouye and Senator Maggie were great friends and mentors. I had the opportunity many years ago to hear both of them at Senator Magnuson's house in Seattle reminisce about their days together. Some of those stories I could share on the floor; some I could not. But they were long-time friends.

The one story that is written about in Warren Magnuson's biography by Shelby Scates is a story about how, when Mount St. Helens blew up, Sen-

ator Magnuson went to Senator Inouye and said: We need about \$1 billion to help for the cleanup of Mount St. Helens.

You can imagine in 1980 what a tremendous amount of money that would be. Senator Inouye said: Senator Magnuson, we have volcanoes blowing up all the time in Hawaii, and we never get a dime.

Magnuson responded: Just wait, it will be your turn soon.

So these are two incredible individuals who forged a relationship and, along with Jackson, were some of the big giants of our day in the Senate. We in the State of Washington certainly benefited greatly from Senator Inouye's incredible help and support. I know he traveled to our State many times at my request and participated in many different events. Probably one of the most important things he did for us in the State of Washington was the Puyallup land claim settlement and how Senator Inouye led the fight as the chairman of the Indian Affairs Committee to make sure the right thing was done.

Together with Congressman NORM DICKS, we had a very difficult situation. The Puyallup Tribe, the Port and the City of Tacoma, and others all had a difficult dispute going on. The end result was the second largest Native American land claim settlement in U.S. history. The deal led to tremendous economic growth for the tribe, for the port, and for the surrounding communities.

Senator Inouye, as I said, was the chairman of the Select Committee on Indian Affairs in 1980 when the Puyallup Tribe successfully sued to assert its claim for land around its reservation. This land included the Port of Tacoma, many parts of downtown Tacoma, and the towns of Fife and Puyallup. Because of his strong commitment to Native American rights, the Puyallup Tribe trusted Senator Inouye to serve as an intermediary between the parties involved in the negotiation to try to resolve this dispute. He made around a dozen trips to Washington State at key moments of this negotiation.

If you can imagine, a Senator who has to represent his State, be a leader on the Appropriations Committee, and who would spend so much time on one particular dispute.

During one tense session at a Tacoma hotel, Senator Inouye described his role as "messenger boy," running between tribal negotiators on the second floor and non-Indian negotiators on the fifth floor. By his own estimate, he shuttled between those two floors 21 times. His tireless commitment and work helped keep the negotiations moving along. Finally, in 1988, a deal was struck and the settlement was passed into law in 1989.

The tribe relinquished claims to land it originally held. In exchange, they re-

ceived \$162 million that included 200 acres of disputed land. Of this total, \$77 million were Federal funds, which Senator Inouye and Congressman DICKS worked to obtain.

When Senator Inouye was asked about the Federal Government's contribution toward the settlement, he replied: "I got my training from Magnuson."

For the Puyallup Tribe, the results have been dramatic. Today the tribe is one of the largest employers in Pierce County, and it is moving forward with its port development partnership. The Puyallups have become a prominent leader for other tribes in important areas such as protecting natural resources, providing law enforcement, and improving health care.

As for the Port of Tacoma, the results have been impressive as well. With the settlement, the port was able to tear down the Blair Bridge and open the waterways to the world's largest container ships. Removing the uncertainty of land ownership and relocating Highway 509 also unlocked land in the upper Blair Waterway for development, and a lot of new development occurred.

According to the port, these improvements provided 43,000 jobs in Pierce County. The volume of cargo at the port has nearly doubled, growing from 782,000 containers in 1988 to nearly 1.5 million containers in 2011. Now the Port of Tacoma handles more containers than its friendly rival to the north, the Port of Seattle, so it is something they very much take with great pride.

Senator Inouye has stood with Washingtonians on an issue that was so important to us and has led to so much growth and economic development, and only his leadership provided the necessary oversight to navigate this thorny issue. He also has helped us on many other issues, protecting salmon and our other fisheries, fighting for Native Americans and supporting strong defense and veterans' issues.

He certainly will be remembered in the Northwest as a true friend. Our Nation's veterans had no greater friend than Senator Inouye. But when it came time to pass national legislation recognizing the Japanese-American veterans' contributions to our country during World War II, he let others take the lead, knowing he, himself, would also be an honorary recipient of this award.

During a ceremony in November of 2001, with the other Nisei veterans at his side, Senator Inouye accepted the Congressional Gold Medal on behalf of the 100th Infantry Battalion, the 442nd Regimental Combat Team, and the Military Intelligence Service.

In his remarks, Senator Inouye said, "Seventy years ago, we were enemy aliens, but today, this great Nation honors us in this special ceremony." I can tell you because there were many

Nisei veterans from the Pacific Northwest who traveled to our Nation's Capital to participate in that event. Their families were so honored to be there with their parents and to honor them in this great ceremony. It would not have happened if it had not been for Senator Inouye's incredible leadership.

He also successfully fought to honor the veterans who served in the Commonwealth Army of the Philippines on the side of the United States during World War II. Because of a law passed in 1946, their service was not recognized. They were denied access to health care and given only half the disability and death compensation of U.S. veterans.

Senator Inouye changed that. Over the years, he secured nearly \$200 million in compensation for Filipino veterans, and he fought to grant Filipino veterans the same access as U.S. veterans to VA hospitals.

Senator Inouye's strong sense of honor and justice drove him to fight for the recognition of these veterans' service. He was fond of saying "justice is a matter of continuing education."

For that reason, he also made sure injustices endured by U.S. citizens and permanent residents of Japanese ancestry during World War II will never be forgotten. He led passage of the Civil Liberties Act of 1988, which acknowledged their forced internment and provided compensation for those surviving detainees. Senator Inouye also understood that recognizing and honoring the service of these veterans meant helping them prosper as they were entering civilian life.

I was proud to work with Senator Inouye and my colleague Senator MURRAY on the VOW to Hire Heroes Act of 2011. Because of the act, businesses that hire qualified veterans can get tax credits up to \$9,600. Back in April of this year, Senator Inouye and I visited a company in Seattle, VECA, which hires primarily veterans, and I can tell you they were so happy to meet him. They were so excited to see one of our Nation's true heroes and to honor him by talking about the service they were trying to give back to our country.

From the battlefields of World War II to the Halls of Congress, Senator Inouye brought grace, charm, and an unbelievable sense of duty to our country. He truly was a giant of a statesman, not just in Hawaii but in the State of Washington.

A few years ago, Senator Inouye was visiting some underprivileged children in Hawaii to see the digital media center he helped support. One of the students he met said, "I feel like I met one of the most important people in the world."

I couldn't agree more. Senator Inouye's legacy and impact cannot be overstated. He was an old-school Senator who was always courteous, respectful to his colleagues no matter

what the circumstances, and he will not be forgotten.

I join our Nation in praying for his wife Irene, his son Ken, and daughter-in-law Jessica, his stepdaughter Jennifer, and his granddaughter Maggie. I hope they understand how much we appreciate them sharing him with us and all he did.

His service to our country will not be forgotten, and it certainly will be impossible to match.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, it is with great sadness that I come here today to talk about my friend: Senator Danny Inouye. Danny was a friend of mine since I came to the Senate 20 years ago. He had a unique ability to connect with people, to befriend them. I know. He always helped me. He was smart, able and someone that over 20 years I grew to love.

He was a war hero who fought bravely in World War II, even at a time when many in this country actively discriminated against Japanese-Americans.

And he served in this body for 50 years—the second longest serving Senator of all time.

Danny and I worked closely together on the Appropriations Committee for many years. I often sought his counsel, and he was always an advocate for me.

I want to say something personally to his beloved wife Irene: You were married to a truly wonderful man and an American hero. Death of a loved one is hard. I know. I have been through it. But, Irene, the love does remain. I know you were so proud to be his wife, to help him share his dreams through these years.

I want you to know that you have many friends here, who now want to help you through this most difficult part of life.

Danny, you will be greatly missed.

Thank you for your service, thank you for your friendship.

Mr. JOHNSON of South Dakota. Mr. President, it was with great sadness on Monday that we learned of the passing of a member of our Senate family, Senator Daniel Inouye. My deepest sympathy goes out to his wife, Irene, his son, Kenny, and to all of his family. I also extend my sympathy to the great people of Hawaii, who have lost one of their champions.

Over the past few days, I have heard my colleagues pay tribute to this wonderful man. They have used words such as statesman, public servant, hero, patriot, leader, mentor, and champion. Each of these tributes is without a doubt deserved. I echo all of these accolades, but above all I was honored to call Senator Inouye "friend."

Senator Inouye and I served on two committees together, with him serving as my Chairman on both of those committees: Indian Affairs and Appropriations. The lessons I learned from him will forever be with me. His commit-

ment to American Indians, Alaska Natives, and Native Hawaiians was unparalleled. In our home States, we both have large populations of Native people and his leadership on these issues has taught me that our work is never done when it comes to bettering the lives of our first people. I had the opportunity to work with him on a number of important issues impacting South Dakota Natives over the years, and I very much appreciated his visit to South Dakota in 2002 to conduct a hearing in Rapid City on Native issues.

A man of quiet reflection, Danny was a giant among men. A Medal of Honor recipient for his efforts in World War II and recipient of two Purple Hearts, he was a true American hero. His acts of valor during the war are nothing short of legendary. His care for veterans rivals that of any past or present Member of this body.

To put Senator Inouye's service into perspective, eight Members of this Chamber had not even been born when Danny was sworn into his first term as the third Senator from the State of Hawaii. Not many Senators in the history of this Chamber have done more for their home States than what Senator Inouye did for his beloved Hawaii. His legacy is spread far and wide throughout the Hawaiian Islands.

Senator Inouye will be greatly missed in this Chamber. His mark on this body and on his home State of Hawaii shall be felt for generations to come. Aloha, my friend.

Ms. KLOBUCHER. Mr. President, I rise today to speak in remembrance of an incredible statesman and American hero, Senator Daniel Inouye of Hawaii. Senator Inouye passed away Monday evening, and to say that his leadership will be missed would be a tremendous understatement—not only of his influence as a policymaker but of his iconic status as a pillar of the Senate.

In terms of political longevity, he follows only Robert Byrd as the second longest serving Member in Senate history. This is significant because second place never came naturally for Senator Inouye. He was, after all, the face of so many "firsts" for our country and for his State. In 1959, he became the first ever Asian American to serve in the United States Congress, elected during Hawaii's first ever federal election cycle, representing the State as part of its first ever congressional delegation.

He almost added another impressive "first" to his résumé, when Minnesota's own Hubert Humphrey put Dan at the top of his short list for running mates in the 1968 presidential election.

But perhaps the greatest legacy Senator Inouye will leave behind is his record of standing up for our men and women in uniform. As Chairman of the Appropriations Committee and the Defense Appropriations Subcommittee, he revolutionized the way our country

serves those who have served for us—not just on the battlefield, but also here at home in the form of stronger benefits for veterans and better support for military families.

Senator Inouye knew a thing or two about service. He enlisted in the Army after the attack on Pearl Harbor and fought for our country on the front lines during World War II. He did it despite our government's decision to place his own people, Japanese Americans, in internment camps because he believed that he and his family owed the United States an "un-repayable debt." I would argue that he paid back that debt and much, much more.

To this day, the unit of all Japanese-American soldiers that he served with is the most decorated in history for its size and length of commitment. Senator Inouye himself earned a Bronze Star, a Distinguished Service Cross and, eventually, the Congressional Medal of Honor.

The story of how he earned it—and how he lost his right arm—is the stuff of legend. A grenade exploded near his right elbow during a firefight in Italy, shredding his arm and severing his hand just as he was preparing to throw a grenade of his own. Afraid the weapon might detonate in his nearly severed right first, Senator Inouye used his left hand to pry it out and throw it towards enemy lines. He was, and is, a true America hero.

From his decorated military career to his long-time service for Hawaii, Senator Inouye was a dedicated public servant. Humble to the end, Senator Inouye was and always will be known as a true gentleman in the Senate. Aloha, Senator Inouye.

Ms. COLLINS. Mr. President. With his family at his side, the last word spoken by Senator Daniel Inouye in this life was "aloha." To the people of Hawaii, it is a word with a meaning far beyond simply "hello" or "goodbye." It is a word of profound significance, one that describes a spirit of service to others, of compassion, and reverence.

It is the best possible epitaph for my cherished friend and colleague.

Dan Inouye lived that spirit every day of a long and remarkable life. When Pearl Harbor was attacked on December 7, 1941, he was there, serving as a medical volunteer in the most horrific and dangerous circumstances. When the ban on Japanese Americans serving in the U.S. military was lifted in 1943, he immediately enlisted. In the closing days of World War II, when his platoon came under intense enemy fire, Second Lieutenant Inouye led the attack, despite grievous wounds.

That extraordinary heroism earned Dan Inouye the Medal of Honor but cost him his right arm and his dream of becoming a surgeon. In the true "Aloha Spirit," he found another way to serve, first as a member of the Hawaii Territorial Legislature, and then,

when statehood was achieved in 1959, as Hawaii's first Member of Congress.

In 1962, Dan was elected to the Senate, beginning a half century of contributions, accomplishments, and leadership on behalf of this institution and our Nation. He was the first Japanese American elected to the Congress and a stalwart champion of civil rights for all. He was a decorated hero who fought for the rights and benefits of all veterans. From his daily work in the Senate to his exceptional service on the Watergate and Iran-Contra committees, Dan approached every task with the determination to do what was best for our country.

I was privileged to serve with Dan on the Appropriations Committee and honored to join him in the Gang of 14 to preserve the tradition of open debate in the Senate. No matter how difficult the issue, he always conducted himself with dignity and civility.

In this time of sorrow, I offer my deep condolences to the Inouye family. I hope they will find comfort in knowing that this great patriot and public servant leave a legacy that will inspire Americans for generations to come. And to Senator Daniel Inouye I say, aloha pumehana, my friend. Farewell with my deepest regards and affection.

Mr. ENZI. Mr. President, I appreciate having this opportunity to join my colleagues in expressing not only my great sadness on the passing of Senator Inouye but my great appreciation of his lifetime of service to his beloved Hawaii and to our Nation. Danny Inouye lived a full and active life, and his great gifts enabled him to make a difference that will continue to be felt for a long time to come.

I had the honor of introducing Danny Inouye during one of our Prayer Breakfasts earlier this year. Even though I thought I knew him pretty well, as I read the interviews and personal reflections he had shared on his life, I realized more than before the importance of the role he had played over the years as he worked so very hard to make Hawaii all that it is today.

Danny learned at an early age all about the importance of observing the great values that served to help direct his life—love of country, love of family, service to all those who needed his help, and, equally important, service to God. Over the years those great principles helped to make him a leader in every sense of the word as people looked to him for his leadership in difficult times of both war and peace.

Over the years, he was often asked about his experience during World War II and the impact it had on him. Danny would begin his reflections when he was a young man, still in high school and pursuing his dream of a career in medicine. As so often happens in our lives, his life was changed forever in a moment that began one morning as he was getting ready for church. He heard

a report on his radio that Pearl Harbor was being attacked. Without hesitation, Danny headed over to the base to see what he could do to help those who had been injured. Danny had learned a great deal about first aid, and his skills were put to good use to help those who had been injured that day.

That was just the first part of Danny's story and his experience with the war effort of those years. In the days to come it would present him with one of the toughest challenges that anyone could have ever faced as he played an important role in the effort to protect our Nation and restore peace to the world.

As he would continue with his story, Danny's war experiences told a powerful and compelling story about what so many of our Nation's veterans have experienced in battle. That is why Danny will always be known as one of our great war heroes. Even with that standard, however, there was something special about him and the courage and bravery he showed on the battlefield. His efforts were so extraordinary they were recognized with a Medal of Honor, one of our Nation's highest awards. They place him on the roster of our most distinguished heroes, and they remind us all of the great sacrifices that he and so many of our veterans have made over the years to keep our Nation strong and free. Thanks to Danny and those with whom he served, we were able to emerge from that world war victorious and bring peace and freedom to those nations that had been overrun by an evil alliance led by a ruthless dictator in Germany.

That was just the start of Danny's life, but it had taken a heavy toll from him that would change it forever. With the loss of his arm, it was no longer possible for him to complete his dream of being a surgeon. Those who knew him and his great caring heart urged him to find another field in medicine to pursue. He decided to follow another path, and as we are told in the Bible, God had a hand in helping to direct his steps.

As soon as he could, Danny attended George Washington University, my alma mater, and earned his law degree. He then became a part of the effort that would lead Hawaii to statehood. Danny knew the result would bring great changes to his home State and increase the opportunities available to the people who lived there. Thanks in part to Danny, those efforts to achieve statehood were successful, and they resulted in the addition of Hawaii to the roster of our States—and placed another star on the American flag he loved so dearly.

Danny knew that statehood would not be the end, it would be just the beginning of the next great chapter in the history of Hawaii. Danny wanted to be a part of that effort, too, so he was

encouraged to run to serve as Hawaii's first Representative in the House. He was successful, and his election to the Congress gave him an opportunity to take on another leadership role—crafting the future of his beloved home State. Once again, it brought out the best in him, as he dedicated himself to making Hawaii a better place for all those who called that special place their home.

It wasn't long before Danny then ran for and won his election to the U.S. Senate. It began a Senate career that was to enable him to make a difference in more ways than we will ever know. As he served here, he did more than observe history or participate in it—he helped to write it day by day, chapter by chapter.

Danny's career has been so active, so full, and so productive, it would be impossible to list all his achievements that make up his legacy of service both here in the Senate and back home in Hawaii. One thing will always stand out in my mind, however—Danny's great loyalty to all those with whom he served. In every sense Danny was a gentleman and a gentle man. He had a quiet and understated way of doing his work day by day. He was man of great kindness, and he shared that kindness with everyone he knew or worked with. His service as a Member of the Senate provided us with a great example of how we should all approach our duties and our work together, putting our country, our God, our family, and our home States first.

That is why Senators on both sides of the aisle have come to respect and appreciate him and his character so very much. I will long remember the great friendship and close working relationship he had with Ted Stevens. They shared such a strong bond that they often referred to each other as brothers. He had strong and supportive friendships with other Senators, too, and that is why we will all miss him so very much in the days and months to come.

I know I will never forget that Prayer Breakfast and all Danny had to share with us that day. He had a great and powerful faith in God and the special relationship they had built up over the years. It helped strengthen him on the battlefield. It helped to guide his efforts when he was called to serve the people of Hawaii. It gave him a source of inner strength that firmed his resolve as he worked to serve the people of our Nation.

By any and all standards, Danny Inouye lived a life we would all be proud of. He packed more into each day than some people experience in a lifetime. Although we had him with us for so many years, it still feels like he was taken from us all too soon.

Now we come together to say goodbye to our colleague—confident in the knowledge that he has made a dif-

ference in Hawaii and in Washington that will continue to have an impact for many years to come. It is often said but always bears repeating that one person can make a difference in the world that will equal their determination to do so. Danny is the proof of that, and his memory will continue to inspire all those who knew him or will read about him and his great love for the United States of America.

As a grandfather, I will also long remember that day just a few years ago when Danny became a grandfather, too—for the first time. It was a day he had long anticipated and looked forward to. It reminded me of how much it means to all grandfathers to hold the next generation of their family in their arms and to be reminded of the great circle of life and all that it means as the memories of the past give way to our hopes for the future. Now that grandchild will proudly carry the legacy Danny Inouye leaves behind to all those who knew and loved him. It is more than a record of great achievements, it is a challenge he leaves to all those who will follow him to dare to try to do even greater things than Danny Inouye has done.

God bless and be with you, Danny. Thanks for your service, but most especially thanks for your friendship. Our faith reminds us that we will be parted for only a short time and the day will come when we will see you again. Until that time, you will be greatly missed and you will never be forgotten. Diana and I will keep your family in our prayers. May God bless and be with them all.

#### TRIBUTES TO DEPARTING SENATORS KENT CONRAD

Mr. LEVIN. Mr. President, there are many people in this town who say they are worried about the deficit. But all too often, those claiming the mantle of "deficit hawk" are pretty dovish about making the hard decisions required to reduce the budget deficit and bring down the national debt. Some use the deficit to argue for damaging important programs that provide for the safety and well-being of Americans. Others, in a brazen bit of obfuscation now decades-old, make the disproven claim that the budget-busting tax cuts they prefer would actually reduce the deficit.

In this maze of distortion and debunked arguments, KENT CONRAD is like a clean prairie breeze. He cares deeply about the fiscal health of our Nation, and for more than two decades, he has been dismantling faulty arguments and fuzzy budget math with facts and figures and with charts, yes, charts. In naming Senator CONRAD one of the 10 best Senators in 2006.

Time magazine reported that the support staff here in the Senate had become so overwhelmed by Senator CONRAD's chart requests that they gave up and gave him his own printing equip-

ment. KENT CONRAD doesn't just know the facts. He wants you to know them too—and in bright colors.

Behind the flash charts are deep substantive knowledge and a rigorous approach that eschews wishful thinking. Senator CONRAD knows that the way out of our deficit problem, the path that avoids the fiscal cliff, means looking at our entire budget picture, both the spending that goes out and the revenue that comes in. He laid out the facts recently here on the Senate floor, saying:

The public understands we face both a spending and a revenue problem. Spending is near a 60-year high, as this chart shows. The red line is the spending line; the green line is the revenue line. But for those who say it is just a spending problem, I don't think the facts bear that out, because the revenue is near a 60-year low. I think most logical people would say we have to work both sides of this equation.

This logical approach makes Senator CONRAD a strong ally. I have been proud to join with him on efforts to end some of the many distortions and loopholes that increase the deficit and make our Tax Code less fair to working families. Earlier this year, he and I introduced the CUT Loopholes Act, which would reduce the deficit by \$155 billion over 10 years through elimination of several offshore tax loopholes, and through elimination of the stock-option loophole, which forces American taxpayers to subsidize the large stock-option packages regularly awarded to corporate executives. In March, we were joined by Senator WHITEHOUSE in advocating for inclusion of a portion of the CUT Loopholes Act in the Senate's surface transportation bill, and our amendment was adopted by the Senate. It did not become law, but the Senate's action represented real progress in the fight against tax loopholes.

Senator CONRAD and I have worked together on another important issue—the effort by many multinational corporations to secure a "repatriation" tax break for some of the billions of dollars they hold offshore. That was tried once, in 2004, and as Senator CONRAD accurately notes, that repatriation holiday was "a complete and utter failure at job generation."

He also has been a forceful advocate for the need to address the tax rates on capital gains and dividend income. The low rates on these forms of income is a driver of our budget deficits and of rising income inequality. As Senator CONRAD said in a recent interview about the need to address tax rates:

It's very clear to me. You do have to have rate increases, especially on capital gains and dividends it's needed and fair.

Not just needed, he said—fair. And that is what I think we should keep in mind about Senator CONRAD's work to address the deficit in an honest and forthright way. Yes, he knows the facts and figures, knows them as well as

anyone. But knowing the numbers is not enough. Budget math is not an academic exercise. We are not here to represent numbers on spreadsheets. We represent people—actual human beings, with dreams and ambitions and hope. And always, KENT CONRAD has marshaled the facts and figures in support of real people. He knows the toll that out-of-control deficits can have on generations to come. He recognizes the need to address rapidly rising entitlement spending—but also the need to preserve important programs that have made so much of a difference in the lives of Americans, especially the most vulnerable.

He and his wonderful wife Lucy have been dear friends to my wife Barbara and me. The four of us have hosted dinners together to deepen our understanding of both the pressing issues of the day and of transcendent issues such as the origins of matter and the universe.

Senator CONRAD is leaving the Senate, but the need for his kind of rigorous approach and concern for the impact of our policies is not going away. I hope we can learn from and follow his example as we move forward to confront our Nation's challenges.

BEN NELSON

Mr. President, there are few issues we deal with on the Armed Services Committee in which the stakes are so high or the policy questions so complex as in dealing with our Nation's strategic forces and capabilities. The fear-some power of our strategic weapons, the urgency of avoiding mistakes, the difficult strategic calculations they require, the advanced technologies involved, all of these combine to make strategic forces complicated and of paramount importance.

It has also been the signature issue for Senator BEN NELSON during his service on the Armed Services Committee. Chairman of the Strategic Forces Subcommittee since 2009, Senator NELSON has long been one of the Senate's most thoughtful voices on issues related to our nuclear arsenal, space programs, missile defense and other strategic issues. As he prepares to leave the Senate, we are losing an outstanding contributor to our nation's strategic thinking and decision-making.

Certainly the presence of Offut Air Force Base and U.S. Strategic Command in Senator NELSON's home State give him first-hand evidence of the importance of these issues. And appropriately, he brings a common-sense Nebraska viewpoint to our consideration of them.

Senator NELSON's efforts were important to the Senate's 2010 approval of the New START treaty, a significant step forward in our nuclear arms reduction efforts. He made it clear in that debate that he is a firm believer in the need to ensure that the Department of

Energy's nuclear weapons laboratories are modernized and able to support the existing nuclear stockpile so that we do not have to return to nuclear testing.

His common-sense approach has been especially noticeable in issues involving management of the nuclear weapons laboratories as they balance the science behind stockpile stewardship and meeting day-to-day problems with the deployed nuclear forces.

As Chairman of the Strategic Forces Subcommittee, he has helped ensure strong oversight of and support for the development, testing and deployment of effective ballistic missile defenses, including the Phased Adaptive Approach to missile defense in Europe that is already providing protection for our forward deployed forces, our allies and partners against Iran's current and emerging ballistic missiles.

He has been an advocate for improving our deployed and planned homeland ballistic missile defense capabilities, including efforts to understand and correct the problem that led to a flight test failure of the Ground-based Mid-course Defense system in December of 2010. In this regard, he has supported rigorous and operationally realistic testing of our missile defense systems.

Of course, strategic issues are not Senator NELSON's only concern. On the Armed Services Committee, before he chaired Strategic Forces, he was chairman of the Personnel Subcommittee, demonstrating a keen understanding of the issues and a deep concern for the men and women of our military and their families. He has been a tireless advocate for the National Guard and for Nebraska's farm families, and a fighter for working families across America, advocating for a reasonable minimum wage and for important workplace protections. And he has been among our most passionate voices for an end to the partisan gridlock that has marked Washington, and the Senate, for far too long.

None of these issues are simple. All of them are vitally important. Senator NELSON's thoughtful, careful contributions have without question made our Nation safer, made our military forces more effective, our use of precious taxpayer dollars more effective. He has earned the respect and affection of the people of Nebraska, and he will be sorely missed on the Armed Services Committee and in the Senate. Barb and I wish all the best for Ben and Diane as they continue their efforts to serve their State and our Nation.

JIM WEBB

Mr. President, JIM WEBB has served our Nation in ways that few Americans can match. He is a decorated combat veteran of the Vietnam War, where he was awarded the Navy Cross, the Silver Star, two Bronze Star Medals, and two Purple Hearts. His experiences in Vietnam helped him shape a series of nov-

els for which he has received justified critical praise and which helped readers understand the experience of war and those who fight it. He served as the first Assistant Secretary of Defense for Reserve Affairs, and later as Secretary of the Navy. He won enormous praise for his television coverage of the Marine mission to Beirut in the 1980s, and later for "Born Fighting," a history of Scots-Irish immigrants to America.

For the last 6 years, he has been serving his Nation in the capacity we in the Senate have seen firsthand, as United States Senator from Virginia. It has been my privilege to serve with him on the Armed Services Committee, and as chairman, I have benefitted greatly from his intelligence, his experience, and his dedication to the men and women who wear the uniform of our military. Let me reflect on a few of the ways in which I have seen up close Senator WEBB's dedication to service.

Senator WEBB is rightly recognized for his work on national security, but that has not been his only concern in the Senate. He has been a welcome voice here on issues of economic fairness. Soon after his election to the Senate, he wrote in the Wall Street Journal of an urgent need to address growing economic inequality. He wrote:

[T]he current economic divisions in society are harmful to our future. It should be the first order of business for the new Congress to begin addressing these divisions, and to work to bring true fairness back to economic life.]

And he has acted on those words, fighting for a tax system that is more equitable to working families; for trade policies that recognize not just the benefits, but the costs, of free trade; and for education policies that give all Americans, including those already in the workforce, the skills and opportunities to prosper.

An issue on which I have been able to work closely with Senator WEBB is the posture of U.S. military forces in the Asia-Pacific region and, in particular, the plan to realign Marine forces in the Pacific. I traveled with him to Okinawa and Guam, and even the island of Tinian, and saw firsthand his extraordinary knowledge and understanding of the issues. I have benefitted greatly, as I know Senator MCCAIN has, from his insights on this complex and difficult issue, which involves pressing strategic issues, enormous budget pressures, and the concerns of our close ally Japan. Senator WEBB's hard work on this issue has helped resolve the impasse that was blocking progress on the plan to move some of the marines off of Okinawa and move us closer to an achievable, affordable plan for Marine realignment that will benefit the people of Japan and the United States while better serving our national strategic and security interests in this important region.

But what is perhaps most notable about Senator WEBB's service in the Senate is the way that he has joined three of his concerns—America's national security, the need for greater economic fairness, and his affection for the men and women of our military.

This is perhaps best expressed by the post-9/11 GI bill, legislation he introduced on his first day in office, and whose passage he pursued with great determination. When signed into law in 2008, the post-9/11 GI bill provided the largest expansion of educational benefits for veterans since World War II. Just as the original GI bill honored the service of World War II veterans and helped pave the way for millions of servicemembers to earn college degrees, so, too, has Senator WEBB's legislation honored the generation that has served in Iraq and Afghanistan and elsewhere. The impact of this legislation, in improving the lives of our veterans and in its benefits for our Nation as a whole, will be large and long lasting.

Senator WEBB has been a tireless advocate for the men and women of our military, and in particular for our junior enlisted troops. As chairman of the Subcommittee on Personnel, he has fought for adequate pay and benefits, and against the unscrupulous who would seek to profit by taking advantage of these young men and women. Senator WEBB speaks eloquently of the great strains of more than a decade of high operational tempo on these men and women and their families, and of the "moral contract" between our Nation and the troops who defend us. He speaks as the descendant of veterans, as a veteran himself, and as the father, father-in-law and brother of veterans. The Senate, and the Nation, have been better off the last 6 years having that voice in the Senate. I have been grateful for his counsel, and I am sorry we soon will no longer have the benefit of his service on the Armed Services Committee or in the Senate. But even though we will miss him, I have no doubt JIM WEBB's service to our Nation will long continue, and I wish him every success.

JON KYL

Mr. President, if success in the United States Senate depended only upon working alongside those with whom we agree, this would be a pretty uncomplicated and uninteresting place. We are a large and complex Nation, made up of people with varying interests, preferences and beliefs. This is where the representatives of a diverse Nation come to try to resolve those differences into coherent national policy. And success in this body depends on the efforts of Senators of differing beliefs and backgrounds who labor to discover common ground.

This is on my mind as I consider the career of Senator JON KYL, who is leaving the Senate at the end of his third

term representing the people of Arizona. We have differed many times here in the Senate. And we also have sought common ground. These efforts are totally consistent.

In the wake of the 2001 terror attacks, our Nation's response took many forms. Our military, intelligence and security agencies were obviously essential to that response, but importantly, we did not neglect a less obvious need: the need to cut off terrorist financing. Senator KYL played an important role in this. He was a co-sponsor with me of legislation to give financial regulators important new authorities to act against terror financing.

We found common ground on the need to speak out in strong and clear opposition to the repressive regime in Iran. Last year, he and I were part of a bipartisan group that offered a resolution calling for an end to the violent repression Iran's government has carried out against its own people, urging international action to support the people of Iran, and reaffirming America's commitment to universal freedoms.

I was proud to work with Senator KYL on these and other important issues before the Senate. I respect and deeply appreciate his commitment to protecting our Nation and to the universal standards of human rights that are such an important part of America's legacy. I wish Senator KYL and his family every success and happiness as he returns to Arizona.

DANIEL K. AKAKA

Ms. COLLINS. Mr. President in his farewell message to the people of Hawaii, Senator DANIEL AKAKA wrote that his dream was always to work in a job in which he could help people. In his 36 years in Congress—14 in the House of Representatives and 22 here in the Senate—DANNY AKAKA has done that job exceedingly well.

He has done it with statesmanship and perseverance. As just one example, just a few weeks ago, President Obama signed into law landmark legislation to better protect Federal employees who come forward to disclose government waste, fraud, abuse, and other wrongdoing. The Akaka-Collins Whistleblower Protection Enhancement Act would not have passed without DANNY's determination to help both our dedicated Federal workers and the citizens they serve.

Serving with DANNY on the Homeland Security and Governmental Affairs Committee, I appreciate the priority he always placed on making the Federal Government more efficient and transparent, and on advancing policies to attract, recruit, and retain the skilled workforce needed to meet today's challenges. From safeguarding our Nation against terrorist attacks to supporting the first responders in our communities, DANNY has been a great ally and a true leader.

It also has been an honor to work with DANNY on the Armed Services Committee. As a World War II veteran, he brought to the committee a deep and personal understanding of the sacrifices made by our men and women in uniform, and by their families. He is a champion of efforts to ensure that our Active National Guard and Reserve personnel have the equipment and training to remain the best fighting force in the world, and he is dedicated to providing our veterans with the services they earned and deserve.

DANNY AKAKA has been described as the "Aloha Senator." To most of us, that multi-purpose word can mean anything from "hello" to "goodbye." To the Hawaiian people, it is a word of deep spirituality and profound meaning.

The late Reverend Abraham Akaka, DANNY's oldest brother and one of Hawaii's most beloved clergymen, defined the "Aloha Spirit" this way: "God first, others second, yourself last." As a patriot and statesman, Senator DANIEL AKAKA embodies that spirit through his desire to promote the true good of others and to help people. Aloha pumehana, Senator AKAKA, farewell with my deepest regards and affection. Thank you for your friendship and for your service to our country.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I would like to speak on an amendment to the pending bill—an amendment I will not be able to offer because I understand the majority filled the amendment tree so that we cannot make amendments pending at this time. So I would like to take some time, though, to inform Members about the importance of my amendment and why it ought to be included.

I think it is simply about smart government. It is about ensuring that taxpayers' dollars are spent wisely, while at the same time guaranteeing Federal law enforcement agencies that face challenges following Hurricane Sandy have the resources they need to get the job done.

On December 7, the White House Office of Management and Budget transmitted a legislative proposal to Congress seeking supplemental appropriations for disaster mitigation relating to Hurricane Sandy. By all accounts, this action was a normal response to a Federal disaster and one that nearly all Members have supported for various disasters that have occurred in our home States. However, this request was unusual in several respects. For example, a large portion of the funds included in the President's request are unrelated, or at least extremely remote to the damage caused by the storm. This includes funding for fisheries in Alaska, funding for increased Amtrak capacity, and funding to be spent years into the future. Further, the funding



request sent up by the President does not include any recommendation whatsoever for offsetting the spending. So, long story short, this request means more deficit spending.

There is one part of the request that causes me particular concern—and the purpose of my amendment—because it relates to my work as the ranking member of the Committee on Judiciary. In the President's request, there are specific line items for repairing and replacing Federal vehicles damaged by Hurricane Sandy. Specifically, the Justice Department requested \$4 million for the Federal Bureau of Investigation, \$1 million for the Drug Enforcement Administration, \$230,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives, and \$20,000 for vehicles for the Department of Justice inspector general. Among other things, these funds are largely to repair and replace Federal vehicles damaged by water from the storm.

The Department of Homeland Security requested \$300,000 for the Secret Service, \$855,000 for Immigration and Customs Enforcement. Again, this funding is largely for repairing or replacing damaged motor vehicles. The President requested this funding in an effort to replace these damaged vehicles. He cited operational use of these vehicles by law enforcement agencies as the reason they need to be replaced.

Now, I understand that vehicles are a very important part of the work that these Federal law enforcement agencies undertake and are critical to ongoing operations in the field. However, I am concerned about simply providing funding for replacement vehicles in the field because the way the government operates, this funding will not reach the agencies immediately. Even when it does, it will take time for replacement vehicles to be located, purchased, and prepared for use. But given that this is an emergency spending bill, we can assume that these agencies need vehicles for immediate operational use.

As such, my amendment seeks to place these vehicles into the hands of the agents in the field as fast as possible. Instead of simply providing funding, my amendment requires that, within 7 days, the Department of Justice and the Department of Homeland Security identify and relocate vehicles based at the Washington, DC, headquarters of the Department of Justice and the Department of Homeland Security that are used for nonoperational purposes. The vehicles identified will then be used to replace those damaged by Hurricane Sandy that are used by the FBI, DEA, ATF, ICE, and the Secret Service.

The amendment limits the funding provided for these vehicle purchases until a report is produced to Congress identifying the vehicle relocations. I think it is a very good government amendment and one that actually

achieves the goal of replacing operational vehicles used by Federal law enforcement actually faster than in the underlying bill.

Since we are told this funding is absolutely necessary for these agencies—so necessary as to warrant emergency funding that is not offset with spending reductions—this amendment actually improves the bill by getting vehicles to law enforcement immediately.

The agencies who will likely oppose this will argue that this is unnecessary and that we should just write a check for the new cars. That is a ridiculous position to take, and we see the damage on television so you know there is a purpose for the underlying bill. But if this is an emergency for these vehicles, these agencies can spare some of the vehicles they have sitting around at their headquarters for nonoperational purposes.

These vehicles are given to employees in offices such as legislative affairs, budget, facility managers, and chief information officers and chief financial officers who may get cars to drive to and from work. Many may even sit unused for periods of time. Those are not operational needs.

Just last year, there was an article in the Wall Street Journal titled "Free Ride Ends for Marshals," which addressed how 100 headquarters employees of the U.S. Marshals Service returned government-owned vehicles to the motor pool instead of using them to commute to and from work. The article described how in recent years the proliferation of take-home vehicles for headquarters employees had exploded.

While the article focused on reducing take-home cars at the Marshals Service, it is clear that the same argument can be made for reducing take-home cars at other agencies. In the case of this supplemental, if this is actually an emergency worthy of millions of taxpayer dollars, these agencies can inconvenience nonoperational personnel at headquarters to get these vehicles out to the fields and end the fringe benefits. In fact, according to inventory numbers provided to the Appropriations Committee, the Justice Department has 3,225 vehicles at the Washington, DC, headquarters of their agency alone. Surely, the Justice Department can find a handful of vehicles out of these 3,225 vehicles that could be sent to the field to replace the damaged vehicles—and get it done a heck of a lot faster than appropriating this money and going through a process that would not get them out there for a longer time.

On top of that, my amendment would allow the funds to replace these nonoperational vehicles after they are relocated. So my amendment would at most create a very small inconvenience for these nonoperational staff for a short time. This amendment makes sense by modifying a request that,

quite honestly, doesn't make a lot of sense. If this is an emergency, as we are told, the agencies should have no problem doing what my amendment asks.

We owe it to the American taxpayers to spend their tax dollars wisely. This amendment doesn't go as far as we could, which would be to strike the provision outright. Instead, it gives the administration the benefit of the doubt that this is a true emergency and that these cars are needed. However, it forces the agencies to make a decision to temporarily inconvenience a few employees in Washington, DC, while ensuring the operational law enforcement elements in the field have the equipment they need.

So I urge my colleagues to support a commonsense, good-government amendment, and I hope it can be considered somewhere along the line before we pass this final legislation. If I could say just a few words on the issue as a whole, I would like to take that opportunity.

There is no doubt in my mind that every dollar that Sandy victims and local communities and infrastructure are entitled to, if it comes under existing law, they ought to have. Our country is always having disasters. That is a foregone conclusion. Throughout any year, there are always disasters to appropriate money for. Then, on a specific disaster, these problems go on for years after the money is appropriated—and it is years before some of the money is spent. All I have to do is look at Cedar Rapids, IA, and how they are fighting with FEMA after a 2008 flood to get some money as an example.

So let's just understand in this body, so that there is no mistake, that New York and surrounding areas will get their money because the principle of FEMA money—and probably other disaster money as well—is simply this: At the beginning of a year, you have some money in FEMA. You never know what the disasters are going to be throughout the next 12 months, but when a disaster is declared there is money there to flow. When that disaster money runs out, as far as I know it has always been replaced—whether there is an earthquake in California or a hurricane in the Gulf of Mexico, or tornadoes like we have in the Midwest, and Sandy as the most recent example.

As far as I know, there has never been any dispute under the laws at that time—and those laws don't change very often—that they do get the money out to the people who need it. Then when that fund goes dry, it is replenished by Congress.

Unless somebody is seeking money in some way other than disasters that have been taken care of in this particular instance—and I don't know that they are, other than what has been pointed out that ought to be done through the appropriations process and



not really an emergency. But for the emergency, I don't hear anybody wanting money for Sandy any different than any other emergency.

I hope nobody is saying that Sandy ought to be treated differently than an earthquake in California or a hurricane in the South or tornadoes in the Midwest or wherever they might happen. I haven't surmised that is what they are trying to do. But if they are, they shouldn't say that Sandy ought to be treated differently than another disaster because generally a disaster is a disaster—whether it is an earthquake, hurricane, tornado, or Sandy.

So the money is going to be there, and it will be there on time. You don't know 1 month after a disaster exactly how much money is needed. In fact, they asked for \$80 billion from the Governors of those States. The President sent up \$64 billion. Some people of expertise on this in our caucus have said there are certain things that aren't authorized, so that shouldn't be expended.

Then I point out about some vehicles that can't be purchased right now to do the good they are supposed to do.

We ought to be comforted that there is an attitude in this Senate, over decades, that the Federal Government is an insurer of last resort for disasters, whatever kind of disaster you have, at least disasters as described by existing law. New York will get its money and it doesn't necessarily have to be the \$64 million; it is just to make sure there is money there for what is needed tomorrow and the next day and the next day. But we are not going to have a final figure on this for a long time. So we ought to move with some money to make sure it is there for what can be spent right now.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO JANICE SHELTON

Mr. REID. Mr. President, I rise today to honor a woman by the name of Janice Shelton for her friendship and 32 years of dedication as an employee of this body, the Senate. Twenty-five of those years Janice worked as my executive assistant. She has demonstrated sincere dedication to me, my office, my family, and this body, the Senate. It is an understatement to say she will be sorely missed. She will be. She has always been kind and thoughtful to me, to my wife Landra, all my children, and to everyone with whom she comes in contact. If there is a problem, everyone knows: Go to Janice. No one has had my ear over the past 25 years like Janice Shelton has.

She has spent her professional career creating order where there could easily be chaos. Over the course of her productive career with the Army, the White House, and the Senate, each benefited from her unique expertise, professionalism, and hard work.

She began her professional life at the Department of the Army as secretary to the Chief of the Personnel and Training Division Headquarters. Her gift of completing tasks quickly and with ease, all while maintaining a positive outlook, served her well when she moved on to a position of trust at the White House. It is not merely her professionalism but the equally valued personal qualities she has brought to the job: graciousness, unflagging energy, and a willingness to take on any task, large or small, that made her so treasured to everyone who came in contact with her.

From the White House she transited to the Senate with Senator Hawkins and Senator MIKULSKI and, as I said, for the last 25 years has been a source of calm and order in my office, despite the often long hours and the endless to-do lists that come with working with me. I say with certainty that had it not been for Janice, my office would not have functioned nearly as smoothly as it has over the years.

She is also a woman of tremendous faith and her life revolves around her family. She has been married to Robert Lee Shelton for 58 years. They have two daughters, Robin LeCroy and Laurie Nelson. She has eight grandchildren and one great-grandson. I know four of her grandchildren. I got up every Sunday to see what happened in Shelton's college football game. Shelton was big. He was an offensive lineman—played at the college level. He must have weighed 300 pounds of muscle.

I followed Shelton's little brother—little brother?—6 foot 3 or 4, a big, strapping, left-handed pitcher; also a college baseball player. And then I had two of her granddaughters who worked for us as pages, Rebecca and Holly.

She spends long hours at her desk. I do not go home early but I could call and she would be there at 9, 10 clock at night, and that is no exaggeration. But when she is not at that desk, Janice was usually in Georgia or North Carolina with her children or grandchildren.

She has probably been a little bit political, but I think she has gotten a little more political working for me. She has made sure each of her grandchildren understands the importance of their political voice. During the recent election she called those eligible to vote to make sure they had voted. I did not press very hard, but she may have urged them how they should vote.

While Janice's professional accomplishments deserve great recognition, it is really Janice herself who will be missed so dearly. She has served not

only as a deeply trusted and committed assistant to me, but as a mentor to many who have worked with her. I know I am not the only one who will note her absence. She has been so wonderful to my family. During times of crisis, my boys know: Call Janice. They can always get through to me through Janice. She has given them advice. She has counseled them. My wife Landra is a dear friend of Janice and conversely the case, Janice is her good friend. She has helped Landra in so many different ways—social events that Landra has committed to take care of here, because of what I do, and other reasons.

During Landra's very bad accident Janice was always there. She was the one who walked to my desk and said to me: Landra has been hurt pretty bad. You have to stop doing what you are doing—and we were trying to do a health care bill. During Landra's battle with breast cancer she has helped her in so many different ways. I am so indebted to Janice for how she has treated my family in addition to how she has treated me and everyone who comes in contact with her.

At our Christmas party last night, we gave Janice a little present. I told everyone there that she and I had shed all the tears that we were going to. I guess it was not true.

She combined an unflinching honesty with a generous and kind nature. One always trusts she has one's best interests at heart. Her charm causes even the hardest cases, many times, to crack a smile. And her quick wit often brings a grin or a smile, sometimes a laugh. These traits, more so even than her skill and dedication, have made her successful.

I will miss her both as an employee and as a person. Today is her last day—just a few more hours to work here.

On the back of my desk I have a picture of my mentor, Michael Callahan. In fact, I have two pictures on my credenza right behind my desk. He was my mentor and my best friend. He taught me something that I have always remembered: You can buy a resume, you can buy good looks, education, experience, but the one thing you cannot buy is loyalty. There is no one who has ever been more loyal to me than Janice Shelton.

I congratulate her on her service to the Senate and wish her the best in her retirement, along with her dear friend Bobby, who is also my friend and always will be.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DANIEL K. INOUE

Mr. COONS. Mr. President, this has been a hard week in the Senate as we have said goodbye. As we have just seen in the remarks of the majority leader, retirements are very difficult. Parting with the company of honored and treasured colleagues in the Senate is as hard as it is anywhere in the world, but we have had some particularly difficult moments earlier today. We assembled in the Rotunda of this great building of the Capitol to celebrate the life of one of our greatest colleagues, Senator Dan Inouye of Hawaii. His desk sits draped in black, and his chair has a lei that was flown in from his home State of Hawaii.

This week we have all felt and known the change in the Chamber. The Senate has lost a giant and America has lost a hero. Danny Inouye was truly a great man, and I feel blessed in my 2 years here to have had the opportunity to sit with him over a private lunch, to joke with him occasionally in the anteroom, and to learn something of his spirit and his personality. He had such a big heart and a wonderfully gracious spirit.

Most of the Senators I have had the honor to come to know in these 2 years I only knew from a great distance as a local elected official or as someone in the business community at home in Delaware. When I asked Senator Inouye to lunch, I was intimidated. As a Congressional Medal of Honor winner, as a giant in the Senate, as the chairman of the Appropriations Committee, and the President pro tempore of this Senate, frankly, I trembled to sit with him at a lunch and was delighted to discover a person who was so approachable, so warm, so human, so hard working, so loyal, so spirited, and so passionate. In the minutes ahead, I would like to share, if I can, a few insights about a dozen other Senators who are retiring from this body and a few among them whom I have had the joy of getting to know in the last 2 years.

We don't often see the level of humanity in the Senate that we have seen this week, but it is important to know that the people who work in this building can be better than the passing politics that sometimes dominates, and Senator Danny Inouye knew that. His enduring friendship with Senator Ted Stevens, a Republican from Alaska, was legendary. He believed passionately that it was important for us to work together and to get past party affiliation and the picayune matters and get together to do right for our country.

Of the many speeches I heard in this Chamber and the remarks we heard earlier today in the Capitol Rotunda, one thing leaps out at me about Danny Inouye: Even when he was declared an

enemy alien—as were all of his ancestry at the outset of one of the greatest conflicts this world has known—Senator Inouye volunteered for service in Europe. He was a member of our most decorated military unit, the 442nd Combat Battalion. He engaged in the fields of Europe and the hill country of Italy in a moment of such personal sacrifice and remarkable bravery as to humble any who hear its details.

In his service over decades after that moment, he proved what he showed forth on that battlefield: that Danny Inouye believed in America even before America believed in him. Even in a moment of such immense injustice, which was bitterly unreal to thousands of people across this country of Japanese ancestry, this man's great heart, aloha spirit, and embrace of the American dream led us forward. He pulled us into the greatness that was meant for this country.

The star of Senator Inouye may have dimmed in this Chamber that is surrounded in its boarder by stars, but as I share the honor as the Presiding Officer over this Chamber, I will—in the days and months and years ahead—look to our flag and remember this Senator. He represented the 50th State, the State of Hawaii, from its very first moment of joining the stars on our flag in statehood. He has shown ever more brightly in his decades of service here, and that example of service pulls us forward into an ever brighter commitment to human dignity, decency, and the respect for all in this country that his lifelong service challenged us to believe in.

There are so many other Senators I want to speak about today, but let me turn to a few, if I might, and give some insight for the folks who only see Members of this Chamber on cable TV shows or in the give-and-take of election season or who only know them as the cutout and caricatures that the public thinks of as Senators. If there is a common thread between them, it is that they share that loyalty, work ethic, and humility that so characterized Senator Inouye in his decades here.

DICK LUGAR

I had the honor to serve with Senator DICK LUGAR of Indiana on the Foreign Relations Committee. He subscribes to the same philosophy. Over the 35 years he served in the Senate, he applied the practical perspective that experience as the mayor of Indianapolis gave him. He worked to make the world a safer place for all of us.

Along with nine of our colleagues, Senator LUGAR will retire from this Chamber this month after a remarkable career. He knew the stakes were too high to let partisan politics and personality prevent progress. He partnered with Senator JOHN KERRY, Senator Sam Nunn, and then-Senator JOE BIDEN of Delaware on the Foreign

Relations Committee. Because of their work together, there are thousands fewer nuclear weapons in our world. Serving with DICK LUGAR these last 2 years has been a tremendous honor.

JIM WEBB

Serving with Senator JIM WEBB of Virginia has also been an honor. He, too, is also a member of the Foreign Relations Committee. As a retiring colleague, he knows there are things in this world and in our lives more important than our politics. He was a decorated marine, a celebrated author, a former Secretary of the Navy, and now a respected Senator. His tireless work has helped to make the world safer, our veterans stronger, and our criminal justice system more fair. I will truly miss his company.

KENT CONRAD

There are a few more retiring Senators I would like to share some more detailed stories about today, and I will start with the chairman from the Budget Committee, Senator CONRAD. Senator KENT CONRAD of North Dakota is a Senator I met many years ago. But if I am going to talk about him, I believe I have to have a chart. I really cannot speak to KENT CONRAD's service and record in the Senate without a chart.

For decades Senator CONRAD tackled the challenge of educating the men and women of the Senate and the people of this country about the very real fiscal and budgetary challenges facing our country. As we can see, especially after the debut of Microsoft Excel, and then after he was named Budget Committee chair, the steady increase and usage of floor charts by Senator CONRAD has paved a path which few of us can hope to find.

Senator CONRAD is a budget wonk after my own heart. He is a numbers guy. He is not afraid to get into the weeds and to project in a clear and legible format the minutia and magnifying details of the complex Federal budget. I am not sure I have met anyone in the Senate so passionately serious about the numbers and getting them right as my friend, Senator CONRAD.

The first time I met him was more than 15 years ago. He had come to Wilmington for an event that then-Senator BIDEN hosted at the Delaware art museum. There were 200 folks in a big auditorium. I will never forget Senator BIDEN introducing Senator CONRAD as the most thoughtful and detailed budget leader in Washington.

Senator CONRAD stood up and fired up the overhead projector, the lights dimmed, and he launched into a lengthy discourse on the minutia of the Federal budget and deficit. After 30 minutes and more than 40 slides later, the lights came back up, and I think there were maybe 20 of us left in the auditorium. Everyone else wandered outside for the cocktails.

I was enthralled by his presentation, the clarity of his thinking, and his dedication to get things right for the American people. Today I am on the Budget Committee, and I have enjoyed serving with Senator CONRAD as my chairman. It was, for this budget nerd, a dream come true to have the chance to show up on time and know that this Budget Committee chairman was the other member of the committee who always showed up on time. It gave us a moment to reflect on the challenges we faced and the very real solutions he has offered over these many years of service.

Senator CONRAD has earned the deserved respect of his colleagues the old-fashioned way: through hard work, attention to detail, and thoughtful leadership. He has been trying and working hard for many years to get us to make the tough choices in the Senate that we need to make to deal with our national debt. He has not given up, and I don't intend to either. I am grateful for his friendship and service.

JEFF BINGAMAN

Another full committee chairman with whom I have had the honor to serve these past 2 years is Senator BINGAMAN of New Mexico, chairman of the Energy Committee. He is one of the kindest, smartest, gentlest people I have ever met. He has been a pleasure to work with on the Energy and Natural Resource Committee.

I remember we were both speaking at a conference on advanced energy research last year out at National Harbor. Thousands of scientists, investors, and entrepreneurs were there. I pulled up in front of the massive convention hall, and right out in front was a Prius with New Mexico plates. Sure enough, Chairman JEFF BINGAMAN jumped out of the driver's seat with no staff.

Here was the chairman of the Energy Committee and a Senator for nearly 30 years driving himself to a major policy speech in his Prius. He practiced what he preached as he prepared to deliver an important speech in a moment that showed his humility.

As unassuming a man as Senator BINGAMAN is, when he speaks, you listen. He is living proof that the value of one's words can and should exceed their volume. On that day at National Harbor, Senator BINGAMAN delivered a message similar to one he had given a decade earlier in a report entitled "Rising Above the Gathering Storm." Senator BINGAMAN saw that this country was falling behind in the race for innovation and investment in research and education. These are things that lay the foundation for long-term competitiveness. This vision and concern haunted him, so he teamed up with our great colleague from Tennessee, LAMAR ALEXANDER, and challenged the National Academy of Sciences to study this trend and offer recommendations. From that challenge, we got the Semi-

nole study, "Rising Above the Gathering Storm."

It asked what it would take for America to continue to lead in innovation. That led to the America COMPETES Act and the creation of ARPA-E, the Advanced Research Projects Agency for Energy. The very conference at which we had been speaking was the ARPA-E annual conference. Both of these important accomplishments played vital roles in our future competitiveness. They are focused on nurturing innovation and creating a political system where political, scientific, and economic forces work together and not against each other.

That is JEFF BINGAMAN. That is his sweeping, long-range vision, and one we should all heed. His commitment to thoughtful and forward-looking service on our Nation's long-term competitiveness will be sorely missed. But even more, I know many of us will miss his reserved, dignified passion.

HERB KOHL

I had a similar experience with Senator HERB KOHL, my colleague on the Judiciary Committee. I remember in my first few months there that Senator KOHL spoke so rarely that when I first heard him speak at an event on the manufacturing extension partnership—one of his passions, and mine—I was struck by the power and reach of his voice. It is because he uses it so sparingly, but his example speaks even louder. He never sought the spotlight here but worked tirelessly to make a difference fighting for the little guy on antitrust issues in the Judiciary Committee.

He believes, as do I, if an American entrepreneur has a great idea, we should help protect that idea by preventing trade secret theft and other intellectual property threats. We also share a deep commitment to the idea that higher education should be more accessible and affordable to every student who wants to pursue it. I am honored to have the opportunity to take up from Senator KOHL's work on these and other important issues.

Outside this Chamber Senator KOHL has just as strong a voice and broad an impact with his philanthropy, but we would never hear him speak about it; that is just not his style. He has earned my abiding respect with his unassuming grace and his determined leadership.

JOE LIEBERMAN

Those who adhere to the Jewish faith around the world are inspired by the ancient concept of "tikkun olam"—"to heal the world"—to challenge each of us who seek to serve each other and our communities. Like Senator KOHL, my dear friend Senator JOE LIEBERMAN has certainly risen to that challenge. He is a man deeply committed to his faith, which has significantly influenced his career and his drive to serve, and it is something I share with Senator LIEBERMAN.

On my very first congressional delegation, my first trip as a Senator just a few months after being sworn in, I visited Pakistan, Afghanistan, Jordan, and Israel. Senator LIEBERMAN was on a different codel, and our paths crossed and we got to share a shabbat dinner at the David Citadel Hotel in Jerusalem one night. As he was crossing the room for us to sit, I realized he could be elected mayor of Jerusalem.

As we sat and broke bread and shared, it was a great comfort for me. Earlier that day I had gotten word that Delaware had lost one of our great leaders, Muriel Gilman, a personal friend and a remarkable leader and a person of kindness and spirit. She was a pioneer for women in my State and personified this spirit of tikkun olam. So over dinner that night in Jerusalem, Senator LIEBERMAN and I talked about Muriel, about what I had seen in Jordan and in Israel, Afghanistan and Pakistan, and my experience on my first trip as a Senator. It was a remarkable moment. Senator LIEBERMAN was engaging and warm, interesting and passionate as we wove between talk about policy and faith, and he reflected with me on the point of his own life when his religion became his faith, when he really took ownership of the religion of his birth and how that faith and its lessons have shaped his public service. For me as a young Senator, it was a formative moment.

His passion for the stability of the world and the security of the United States and our vital ally, Israel, and his dedicated work for the clarity of the air we breathe and his tireless advocacy for the equality of all Americans regardless of whom they love have been an inspiration. His desire to work together and find responsible compromise has been motivating.

I am deeply grateful to JOE LIEBERMAN for his service, his counsel, his friendship, and his lesson that no matter what faith tradition we are from, we can use our service in this Chamber as an opportunity to repair our world.

So here we are, 5 days before my family celebrates Christmas and 12 days before the new year and the beginning of the so-called fiscal cliff. Our politics have paralyzed this Chamber and this town. But what the example of all of these remarkable Senators has shown us, what it has taught me is that we can still be better than our politics.

The humanity of this place, too often shoved aside by the politics of the moment, shows us that we can do better. One by one, these Senators, in delivering their farewell addresses to this Chamber, stood at their desks and each in turn urged us to find a way to return to the days when Senators knew each other and worked together. What will it take to get us to that point again—a horrific tragedy in an elementary school, a dangerous economic cliff, some devastating attack, a cyber assault on America?

Our retiring colleagues are each telling us, each in turn, that it is not too late to restore the humanity of this Chamber and make a positive difference in the lives of all we serve. Will we heed their call? I hope and pray we will because we can do better. We must do better. And in the spirit of each of these departing colleagues, I will do my level best. I hope we all can commit to doing the same.

Thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator have Louisiana.

#### TOO BIG TO FAIL

Mr. VITTER. Mr. President, as we continue to face enormous economic challenges and uncertainty, I rise to join with others in continuing to express concern about too-big-to-fail—a policy we saw clearly in large measure coming out of the 2008 crisis and a policy many of us think continues to this day and puts the American taxpayer and the American economy at great risk.

This isn't a Republican concern or a Democratic concern; it is not just a conservative concern or a liberal concern. A lot of us on both sides of the aisle have this concern. A good example is a Democratic colleague I have been working closely with on these ideas—Senator SHERROD BROWN of Ohio. We both serve on the Banking Committee. We disagree on a lot of issues outside and within the Banking Committee's jurisdiction, but we agree on some things too, including real concern about too-big-to-fail institutions and the continuation of the implicit policy of too-big-to-fail. That is why he and I have come together on a number of fronts related thereto, including legislation we can pass this week before we end this Congress that would simply authorize a study. It is an important GAO study about too-big-to-fail and those institutions.

The idea is very simple. We would ask the GAO—a clearly nonpartisan, clearly expert entity with a lot of smarts, with a lot of ability to do valid, unbiased research—to study whether there is an implicit policy of too-big-to-fail with regard to our largest financial institutions and, if so, what benefits that implicit taxpayer guarantee gives those institutions.

Specifically, it would look at bank holding companies with \$500 billion or more of consolidated assets, and it would look specifically at three things, among others: first, the favorable pricing of the debt of those institutions resulting from the perception that those institutions would again be bailed out during times of financial stress as they were during 2008; second, any favorable funding or economic treatment they received from increased credit ratings directly resulting from perceived government support; and third, the favorable economic benefit of the 2008 bailouts and existing safety nets of the

Federal Reserve and FDIC. I think these questions are very legitimate, and having an unbiased, academic look at that would be very helpful in terms of our continuing work on these issues.

We talk about this and debate this all the time. Wouldn't it be useful to have an unbiased, apolitical, expert source look at these questions: Do these big institutions with \$500 billion or more in consolidated assets—are they considered too-big-to-fail by the market, and does that perception give them advantages, such as favorable pricing of debt, such as favorable funding or economic treatment from their increased credit ratings, et cetera?

There is a lot at stake. It would be very helpful to have factual, unbiased answers to these questions.

First of all, there is a whole question of too-big-to-fail continuing to exist, and I believe it does. This would put nonpartisan eyes on the question and give us a good sense of, do we have more work to do if, in fact, we want to get rid of too-big-to-fail, which we, virtually to a person in this Chamber, profess we want to get rid of. Secondly, to the extent too-big-to-fail continues as a policy and/or a perception, is it giving advantages to these institutions, market advantages, market distortions—which, by the way, if they are the winners, there also by definition have to be losers, which are the smaller institutions that are at a competitive disadvantage because of these market distortions, because of these advantages that too-big-to-fail gives these mega-institutions.

So I hope this is pretty much a no-brainer. It is a study. It doesn't mandate any actions, and it asks valid questions to which getting unbiased answers would be very helpful in our continuing work. That is why Senator SHERROD BROWN and I have come together in a bipartisan way to ask these questions. We have developed legislation mandating this GAO study, and we are trying to get what we consider to be very noncontroversial legislation passed before the end of the year.

As it stands now, we have cleared this legislation on the Republican side. Every Republican Member is perfectly willing to let this pass by unanimous consent. That process has just begun on the Democratic side. I urge all of my colleagues to follow the lead of SHERROD BROWN to allow us to ask and get unbiased answers to these very legitimate questions. I urge everyone on that side to clear it themselves, to join us on our side in clearing it so we can pass it through the Senate and get this passed in the House, hopefully on the consent calendar, which we are already working on. That clearing process will take a little bit of time, but I look forward to coming back and having it cleared by UC. I will probably ask for a live UC at some appropriate point tonight or tomorrow when everyone has

clearly had a chance to look at the study legislation.

I look forward to our coming together, I think in a very sound way, asking these legitimate questions, asking a nonpolitical expert entity to give us valid answers to these questions so we can move forward with the proper policymaking.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING OUR ARMED FORCES

Mrs. HAGAN. Mr. President, just a few months ago I spoke on the Senate floor about the men and women of our Armed Forces who are deployed overseas. Particularly, I spoke about remembering the men and women who give selflessly of themselves, who died for the good of our Nation; these souls who live lives illuminated by purpose and who travel long roads paved with sacrifice. They are the important 1 percent, the tiny fraction who go wherever in the world our country asks them to go, who honorably shoulder the burden of fear and sacrifice for the rest of us because they love this country and believe in defending it.

Today, as we prepare to celebrate the holiday season with our family and loved ones, I once again wish to ask each and every one of my colleagues to remember these men and women, these great souls whose belief in this country is so great they willingly and without qualification put life and limb on the line so that 99 percent of us don't have to spend our days and nights wondering if our loved ones are safe.

Remember that we are still a nation at war, that there are over 170,000 members of our Armed Forces deployed, many of them in harm's way, and many of them are from my home State of North Carolina. This year these deployed servicemembers will not be celebrating with those near and dear to them because they will be on watch protecting the very freedoms and the way of life we hold so dear. Our service men and women don't ask for anything from us, but please think of them, remember them, thank them, and please keep them in your prayers.

Remember the sacrifices endured by so many of our military families who are at home now without their dad, mom, brother, sister, husband, or wife. And most importantly at this time of year and always, remember that there are many servicemembers who will

never come home. While many families miss their loved ones now, especially during the holiday season, some will endure that loss for the rest of their lives. These husbands and wives, moms and dads, brothers and sisters, sons and daughters did not bargain for the pain of waking up each and every day without their partner, a child, a friend, or the person who used to tuck them into bed each night. They did not ask to spend the rest of their lives missing someone so important to them. Remember them as you do your holiday shopping, go to parties, exchange gifts, and otherwise get caught up in the spirit of the season.

SGT JUSTIN C. MARQUEZ

Remember the family of SGT Justin C. Marquez, U.S. Army, from Aberdeen, NC. Justin died this past October 6 from small arms fire wounds he received while on foot patrol in Wardak Province, Afghanistan, just 1 month after he arrived in theater. Justin was 25 years old.

I spoke with Justin's mom Terry. She told me that as a boy, Justin questioned authority—a lot. But she said it was always because he was standing up for what he thought was right, defending someone else against an injustice or prejudice.

Justin was a good son. He believed in helping others, standing up for others. She told me that as a boy, Justin was a kid other parents trusted and a big brother to many—a neighborhood guardian, if you will. His house was the weekend hangout. Younger kids would come over. When his mom questioned when the younger kids should go home, her son told her: Mom, don't worry. They are happy being here. Not everyone has the fairytale life like our family does.

Justin's family was a little surprised when he announced that he wanted to join the Army at 18. They wanted him to finish school, to continue growing up, but Justin had other plans. He wanted to go out in the world and make a difference for others, and the Army was how he was going to do this. He was eager to do his part—to stand for our country, our government, our people, and our way of life. He understood how precious our freedoms are and how fortunate he was to be an American.

Justin's life was cut short, tragically so, but his dad, mom, and twin brother got to see him grow from a boy to a man. He made their lives full and challenged them to be better people. According to Terry, his mom, as Justin grew up in the Army, he was like a fine wine: he just kept getting better with age.

Justin understood that the freedoms we enjoy as citizens of our great Nation are precious and valuable. He believed in protecting others. He believed in making the world a better place. He believed in standing so that others might not have to.

Interestingly, Justin's mom brought Justin and his twin brother Drew to Washington, DC, when they were in middle school. They sat in the gallery in this very Chamber. I think it is fitting that we remember and honor him here.

SGT Justin C. Marquez was a dedicated soldier. He had found his purpose. He believed in what he was doing. We must remember how fortunate we are to have countrymen like him—people committed to fighting for the freedoms we so often take for granted.

Mrs. Marquez shared with me that she does not worry about Justin anymore. He is taken care of and is safe now. But because of him, she now worries for all the other soldiers. We all need to keep these men and women in mind too and support them and stand with them and their families.

CORPORAL DANIEL L. LINNABARY

We also need to remember the family of Cpl Daniel L. Linnabary, U.S. Marine Corps, from Hubert, NC. Daniel died on August 6 at the age of 23 while conducting combat operations in Helmand Province, Afghanistan.

Dan always wanted to be a marine. He made his decision at the early age of 4 and wanted to be a marine until the day he died. He was the third generation of his family to serve in the Marine Corps, and for 46 years there has been at least one Linnabary in the Marine Corps. No wonder he knew he wanted to be a marine at such a young age.

Dan loved the Corps, but more than that he loved his wife of just a year, Chelsea, and baby daughter Rosalie. I spoke with Dan's wife Chelsea, and she impressed upon me that Dan was much more than a marine. She needed me to know that he was first and foremost a good husband and a good father, just a really great guy who loved his wife and loved being a dad.

Dan's baby girl Rosalie just turned 7 months old this past weekend. Dan got to spend only 7 weeks with her before deploying—3 of those weeks an extra blessing because baby Rosalie was in such a hurry to meet her dad that she arrived 3 weeks early. From the minute Dan first held his tiny daughter, he and everyone else knew that he was made to be a dad, that he would always love and do whatever was necessary to care for his family. Now Rosalie will grow up with only photos of her dad, but she will always have a connection to him through those who served with him.

The men of 2nd Tank Battalion have told Dan's wife that they look forward to meeting baby Rosalie when they get back from their deployment early next year. That is just what these men and women do. They look out for one another and the families who are left behind. Yes, they are servicemembers, but first and foremost they are human beings putting others before themselves. We need to follow their lead.

Another thing Chelsea shared with me is that Dan loved her enough to be honest with her always. He did not sugarcoat things. He prepared her as much as anyone could for any eventuality. But how much can you really prepare someone to live the rest of their life without their soulmate? To raise their daughter without her dad? To explain to her that dad gave his life to protect others—especially when too many of us are not even aware of these sacrifices?

Dan was a marine. He was doing what he believed in. His wife knew that it was a dangerous job and that the worst could happen because Dan told her. She just never thought it would be on this, his first deployment, or in this war. He died fighting for our freedoms and lived by a code that most of us will never understand but for which we must be thankful.

As you spend time with your loved ones this season, remember Cpl Dan Linnabary and thank him.

This is a time of year about belief. Different cultures and different faiths have different beliefs. And this is what makes our country the greatest Nation on Earth. Be it faith, politics, or other things, we are all free to believe what we choose. And we must remember that there are special men and women in this world, oftentimes strangers to us, who are willing to give their lives for our right to believe in what we choose. But one thing we should all agree upon is that we must—we must—stand behind and beside the men and women who are willing to pay a debt they do not owe so that other Americans do not have to.

Our servicemembers are from our small towns, our big cities, and our rural areas. They are our neighbors, they are our fellow Americans, and they are my fellow North Carolinians. Justin C. Marquez, Daniel Linnabary—just a couple of the heroes who lived among us. We must remember them and honor them now and always.

So at this time of the year, I wish to extend my warmest wishes of the holiday season to our servicemembers, both those serving now and those who have gone before us, and to the families and friends who cannot be with their loved ones.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ROGER BARTA

Mr. MORAN. Mr. President, there are certainly so many serious issues that

we face in this country, and so many tragedies have occurred. I was on the floor earlier this week paying tribute to the lost lives in Connecticut and the two police officers killed in the line of duty in Topeka, KS, this week and the death of our colleague—certainly serious issues that we face—and now awaiting the House to pass legislation in regard to the fiscal cliff.

This is perhaps a lighter subject. I want to pay tribute to something that is such a great tradition in our State of Kansas and really across the country. Football is something that is important to communities across my State. On Friday nights, in the fall of each year, thousands of Americans gather at their local high school football fields to cheer on their favorite teams. This tradition has stood strong for decades on the Kansas prairie, but it is especially true in a little town not too far from my hometown, in the town of Smith Center.

There are few if any high school football fans in our State who are unaware of Smith Center's reputation. Coach Roger Barta and his Redmen football team have won more than 320 games and 8 State championships—5 of them in a row. They are even known here in Washington, DC.

A few years ago, when they were on their 79-game winning streak, people would come to me and ask me if I had ever heard of Smith Center, KS. And I would say: Certainly. Yes. What is the story? And they had read on the sports page that Smith Center had scored 74 points on another team in the first quarter. It turned out to be my hometown of Plainville. Mr. President, 74 points in the first quarter—this is an amazing team.

Under the leadership of Coach Barta, the Redmen football team has set State and national records. That 79-game winning streak is a remarkable achievement, and it caught the attention of the New York Times. In fact, a New York Times sportswriter, Joe Drape, moved his family from New York City to Smith Center, KS, and lived there for an entire school year to chronicle the team's achievements and to write about the community. He tells their story in his best-selling book called "Our Boys: A Perfect Season on the Plains with the Smith Center Redmen."

There are many reasons for this team's success that would, in fact, bring a New York Times reporter to this small town, but I think the community of Smith Center would agree with me that perhaps the greatest reason behind their success is their head coach—Coach Roger Barta. The coach's 323 victories place him among the top 5 coaches on the alltime Kansas football coaching wins list, and in 2007 he was named the Gatorade National Coach of the Year. But this season, after 35 years of coaching, Coach Barta an-

nounced he is ready to hang up his whistle and retire.

I have had the opportunity to participate in several pregame coin flips with Coach Barta and his team over a number of seasons, including their 2009 State title game. Each time, I watched a very talented and sportsmanlike football team and a very spirited set of fans from Smith Center and across the region. Yet all the success this team has enjoyed on the field is not what makes them so remarkable. The truly exceptional work being done on the plains of Kansas is the development of character in the boys of the Smith Center football team. It is the respect the athletes learn to have for their teammates and opponents on the field. It is the integrity the boys are expected to have both on and off the field. And it is the hard-working spirit they take with them when they graduate.

As a member of the Redmen football team, the athletes are not expected to just excel on the field but in the classroom and the community as well. From school plays to school concerts, the Redmen do more than simply play football. And Coach Barta serves more than just to coach football—he serves as a role model and mentor for young men and the community.

I remember a story in the book that says when one of the team members violates a team rule—young fourth grade students in Smith Center, KS, have a player card, and that football team member who violates a rule has to go to the fourth grade member and explain his error in violation of the team rule and apologize to the fourth grader.

Coach Barta's wife had this to say about her husband's commitment to the Redmen:

Roger likes everything about football, but what he loves most are the practices, the camaraderie, and watching the boys learn a little more. He lets them know how much he wants them to succeed.

In the book about the Redmen, the writer Joe Drape extols the virtues we in America hold so dear. Humility, sacrifice, and unwavering commitment are all characteristics that are exemplified by the Redmen and their fans.

But perhaps Coach Barta's greatest legacy as he leaves the coaching field in Smith Center is within the Smith Center city limits: former Redmen who left town for college or work but eventually returned home.

Broch Hutchison, one of the Coach Barta's former players, is now an assistant coach, and he had this to say about working alongside Coach Barta:

We've all had opportunities, but this is where we've learned to love one another and work hard and build a community. If we can have an impact on a kid's life like Coach Barta, we want to do it in our hometown.

This attitude exemplifies the teaching, coaching, and parenting philosophy of rural America. Our populations

are dwindling and our communities are aging, but our commitment to raising responsible children and preparing them to be successful in life is something that will never leave us. I am thankful that Coach Barta and his staff understand this, and I am proud to come from a part of the country that remains committed to that way of life.

Coach Barta summed it up best when he said this about his coaching philosophy:

What we do real well around here is raise kids. . . . None of this is really about football. What we're doing is sending kids into life who know that every day means something.

Congratulations to Coach Barta for his outstanding achievements over the last three decades. But most importantly, thank you, coach, for your investment in the lives of young men of Smith Center. Their lives are forever changed because of you.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. AKAKA. Mr. President, I rise as my friend, my colleague, my brother, Danny Inouye lies in state in the Capitol Rotunda just a few yards from where I stand now. In life, he received our Nation's highest military honor, the Medal of Honor. Today he is receiving a tribute reserved for just a handful of American heroes such as Abraham Lincoln.

I come to the floor to speak about an important piece of legislation I developed and worked with Dan Inouye on for over 12 years. Today, in Senator Dan Inouye's honor, for all the people of Hawaii, I am asking the Senate to pass the Hawaiian Government Reorganization Act.

Dan and I developed our bill to create a process that could address the many issues that continue to persist as a result of the legal overthrow of the Kingdom of Hawaii in 1893.

As you know, Dan Inouye was a champion for Hawaii and worked every day of his honorable life to solve problems and help our island State.

Dan also served on the Indian Affairs Committee for over 30 years and chaired it twice. He was an unwavering advocate for the United States' government-to-government relationships with native nations. He constantly reminded



our colleagues in the Senate about our Nation's trust responsibilities and our treaty obligations to America's first peoples. Dan believed that through self-determination and self-governance, these communities could thrive and contribute to the greatness of the United States.

When asked how long the United States would have a trust responsibility to native communities, he would quote the treaties between the United States and native nations, which promised care and support as long as the Sun rises in the east and sets in the west.

Dan Inouye's sheer determination to improve the lives of this country's indigenous peoples and make good on the promises America made to them led him to introduce more than 100 pieces of legislation on behalf of American Indians, Alaska Natives, and Native Hawaiians.

Senator Dan Inouye secured passage of the Native Hawaiian Health Care Improvement Act, the Native Hawaiian Education Act, the Hawaiian Home Lands Recovery Act, and the Native Hawaiian Homeownership Opportunity Act.

He was instrumental in helping me to enact the apology resolution to the Native Hawaiian people for the suppression of their right of self-determination. It was enacted on the 100th anniversary of the overthrow of the Kingdom of Hawaii.

In 1999, Dan and I worked together to develop the Native Hawaiian Government Reorganization Act to give parity to Native Hawaiians. For over 12 years now, we worked together to pass the bill to ensure that Native Hawaiians have the same rights as other native peoples, and an opportunity to engage in the same government-to-government relationship the United States has already granted to over 560 native nations throughout this country, across the continental United States, and in Alaska, but not yet in Hawaii.

Over the years, people have mischaracterized the intent and effect of our bill, so let me be plain. For me, as I know it was for Dan, this bill is about simple justice, fairness in Federal policy, and being a Nation that acknowledges that while we cannot undo history, we can right past wrongs and move forward. To us, this bill represented what is "pono" in Hawaii, what is just and right.

Our bill is supported by President Barack Obama and the U.S. Departments of Justice and Interior. It has the strong support of Hawaii's Governor, the State legislature, and a large majority of the people of Hawaii. Our bill has the endorsement of the American Bar Association, the National Congress of American Indians, the Alaska Federation of Natives, and groups throughout the Native Hawaiian community.

As a Senator and senior statesman, Senator Dan Inouye advocated that Congress do its job and legislate where native communities were concerned. Dan Inouye believed that a promise made should be a promise kept.

In the days since my dear friend Dan's passing, there has been a tremendous outpouring of love from Hawaii and every other State in the Union. Native American communities across the country are mourning the loss and paying tribute to their great champion. Dan Inouye's absence will be felt in this Chamber and the Nation for many years to come. May his legacy live on for generations of Native Americans and inspire all Americans to always strive toward justice and reconciliation.

I urge my colleagues to pass the Native Hawaiian Government Reorganization Act in the memory of Senator Daniel K. Inouye and his desire to provide parity to the Native Hawaiian people he loved so much.

To Dan, I say: Aloha 'oe and a hui hou, my brother.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIVE AMERICAN AFFAIRS

Ms. MURKOWSKI. Mr. President, I was watching my friend and colleague Senator AKAKA as he was delivering his comments earlier about Senator Inouye and the legislation that both he and our dear friend and former colleague have worked so hard on over the years, and I wanted to come to the floor this evening and tell my friend that I am deeply appreciative of the words he has delivered as the chairman of the Senate Committee on Indian Affairs. I would certainly hope the Senate would respect the thinking the Senator has outlined as it relates to the Native Hawaiian Government Reorganization Act.

As the Senator knows well, I have long been a supporter of that act. It is indeed an honor to have worked with him on it, as well as our dear friend and late colleague, Senator Inouye.

This legislation has been going on for some 12 years now, and I think it is fair to say that it truly has been a bipartisan effort, not only here in Washington, DC, but in Hawaii as well.

For several years, when Governor Lingle was Governor of Hawaii, she was back here helping on the Republican side of the aisle.

I firmly believe this cause of Native Hawaiians is just. The native people of Hawaii are similarly situated to the native people of Alaska. Both are ab-

original peoples from former territories. Yet the fact is that the two peoples are not treated the same for purposes of Federal Indian law. The native people of Alaska are recognized as among the first peoples of the United States. Their tribes appear on the Interior Department's list of federally recognized Indian tribes, and they have access to important Federal Indian programs that truly have improved the quality of life for Alaska natives.

The native people of Hawaii, however, are not federally recognized among the first peoples of the United States. For more than a decade now, efforts to provide Federal recognition have been filibustered, and I would suggest unjustly so.

Senator Inouye and Senator AKAKA have worked valiantly to create programs for Native Hawaiians that parallel those available to American Indians and Alaska Natives, but this is not enough. Justice demands that the native people of Hawaii earn the Federal recognition that is rightfully theirs.

The time to provide parity and justice for Hawaii's native people is now. The Native Hawaiian Government Reorganization Act, which has passed out of the Senate Committee on Indian Affairs, I think is a responsible bill. It is a constitutional vehicle to accomplish this objective.

We began our mourning paying tribute to our friend and former colleague Senator Inouye. As we think about Hawaii and its peoples, and as we remember the contributions of Senator Inouye, and as we recognize Senator AKAKA as he departs from this body after years and years of honorable service, I would hope that within this body we would not forget the efforts they have worked on so valiantly.

I will commit to my friend, Senator AKAKA, that the cause the Senator has taken up, that he has worked on so hard with Senator Inouye, will not die until justice for the native people of Hawaii is achieved. I thank the Senator for his leadership.

Mr. President, I was going to yield the floor, but I would like to take a moment to provide my remarks regarding Senator AKAKA and his contribution here, if I may.

#### DANIEL K. AKAKA

Mr. President, I rise to speak on behalf of my friend, my colleague, Senator DANIEL AKAKA, who is set to retire after 22 years of dedicated service in the Senate. He has been a personal friend to me, he has been a personal friend to my family, and to my parents. He and his wife Millie, a wonderful, beautiful woman, have been leaders on behalf of the people of Hawaii and have long been friends and partners to the people of Alaska.

Senator AKAKA has served our Nation and the great State of Hawaii honorably for nearly 70 years. That is an incredible contribution. His service



began in 1943, immediately following his graduation from the Kamehameha School for Boys in Honolulu. The Japanese attack on Pearl Harbor had taken place a year earlier, only 5 miles from his dormitory steps. In the hours immediately following that attack, Senator AKAKA, who was a 17-year-old ROTC cadet, helped his classmates search for paratroopers in the fields above his school grounds. Like so many others of his generation, Senator AKAKA answered the call of duty, joined the U.S. Army, first with the Corps of Engineers as a mechanic and a welder, and later as a noncommissioned officer.

In 1952, Senator AKAKA used the GI bill to earn his degree in education from the University of Hawaii and began his lifelong dedication to our Nation's students, first as a teacher, then as a principal at a high school in Honolulu, and later with the Department of Health, Education and Welfare.

Senator AKAKA was first elected to the U.S. House of Representatives in 1976 and then went on to win six more elections. It was clearly evident to the people of Hawaii within that second congressional district they valued his passion and his dedication for the office. In 1990, after the death of Senator Spark Matsunaga, Senator AKAKA was appointed and then subsequently elected to the seat in the Senate that he has held for 22 years now.

Senator AKAKA's fortitude and his determination have not waned in these 70 years. As the first Native Hawaiian ever to serve in the Senate, and the only indigenous person currently serving in the Senate, he is a proven champion for American Indians, Alaska Natives, and Native Hawaiians. It was just in October of this year that Senator AKAKA came to Alaska and was honored by the Alaska Federation of Natives with the Denali Award. This award is presented to an individual who is not an Alaska Native for their contributions to the growth and development of the Alaska Native community's culture, economy, and health. Senator AKAKA has done that repeatedly over the years.

The efforts he has worked on, whether it was bigger initiatives or whether to ensure the people in King Cove had access to an airport so their lives weren't threatened in a medical emergency and they could get out, Senator AKAKA has stepped up to ensure the people of Alaska are cared for.

It has truly been a pleasure to work with Senator AKAKA over these past 10 years on the Senate Indian Affairs Committee. The chairmanship he has administered has been admired and appreciated by all of us who are on that committee.

Senator AKAKA's leadership, wisdom, and grasp of issues has helped us work together toward many visions and goals that we shared. The Save Native

Women Act—a bill to help protect native women and children across our 565 federally recognized tribes—was largely incorporated into the Senate version of the 2012 Violence Against Women Act. We need to make sure that legislation passes. And again, as we think about the statistics that so many of our native peoples face, we need to make certain we are making appropriate gains and strides to help address them, and Chairman AKAKA has worked with us on that. We fought to ensure the preservation of native languages not only in our communities but within our classrooms.

As I mentioned, I have long supported the concept that Senator Inouye and Senator AKAKA have championed with regard to Federal recognition of Native Hawaiians.

But Senator AKAKA is also special to two other constituencies—our Federal employees and our veterans. He is one of this body's leading experts on some of the more arcane laws that apply to Federal civil service. Alaska's Federal employees clearly appreciate his leadership on the Non-Foreign AREA Act, which made them eligible for locality pay that counts toward retirement. This is an issue in my State that took some time to negotiate and to move through, but the Federal employees in Alaska—as they are seeing the benefits of that locality pay—owe thanks and gratitude to the work of Senator AKAKA. And of course he knows well the laws that govern the U.S. Postal Service probably as well as anyone in this body.

During Senator AKAKA's tenure as chairman of the Senate Veterans' Affairs Committee, this body has made great progress in ensuring that the VA had a budget commensurate with its needs. His contributions to ensuring that post-9/11 veterans had access to critically needed health and education resources will endure.

As neighbors in the Pacific, Alaska and Hawaii have always shared a very special bond, not only because of our geography and our time differences. Every time I endure a 12-hour flight across the country to go home—and home is four time zones away—I am reminded that it takes Senator AKAKA a couple hours more and one time zone more to get home. But it is not only our geography that binds us; we have many other similarities: our indigenous peoples, the relative youth of our States, our unique landscapes, and for years our delegations have worked together across the aisle for the good of our people.

Senator AKAKA's bipartisan approach, his willingness to work toward success, will be missed by myself and so many of our colleagues. And, of course, I don't think Senator AKAKA would call it bipartisanship. He would call it aloha. We work in the aloha spirit.

With that, I wish to tell my friend and my colleague, mahalo. From the bottom of my heart, mahalo. I am going to miss you, Senator AKAKA. I am going to miss your wife Millie and your entire extended family. But as you return home to your beloved Hawaii, know that you have left an impression on so many.

With that, Mr. Chairman, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RULES CHANGES

Mr. MERKLEY. Mr. President, I rise to talk about the challenge of this Chamber being a Chamber that can deliberate and decide issues, the big issues facing America.

I don't think it will come as a surprise to anyone that the Senate, once famed as the world's greatest deliberative body, has become paralyzed. At the heart of that paralysis is a change in the use of the filibuster. "Filibuster" is a term I believe comes from the Dutch, and it refers to piracy. In this context, it is about someone taking over this Chamber—taking over the normal process by which we debate issues and decide issues by majority vote.

In the past, when everyone understood the very heart of what we do is to make decisions by majority vote, the filibuster—the takeover of this Chamber, the objection to a simple majority vote—was very rare. People did this only once or twice in a career for some issue of profound personal values or of extreme concern to an issue in their State, and it was most often small factions who would do this.

In 1916, there was a debate—a debate that went on about whether to put weaponry on our commercial shipping. This was pre-World War I. In the course of that debate, there was a small faction who said: We are going to interrupt and we are going to object to the simple majority because we strongly oppose the United States putting any defenses on its merchant vessels, even though those vessels were being sunk by the Germans as they went over to Europe.

This was enormously frustrating to President Woodrow Wilson, and it was enormously frustrating to the Members of this Chamber who said: We must complete debate and make a decision and only a small number want to block us from making that decision.

The following year, in 1917, they adopted a rule that we could close debate if we had two-thirds of this Chamber voting to close debate. That is

called cloture. Cloture continued to be an instrument that in situations where there was an individual or a small group who stretched the limits of the courtesy of full debate, then the Chamber as a whole could say: Enough is enough. We need to bring this debate to an end and make a decision.

Over time, things have changed. This objection to a simple majority—which makes it impossible for the Chamber to end debate—has grown from its occasional use to a routine instrument of legislative destruction. It is used on virtually every debatable motion.

A single bill can have as many as seven or so steps where you have a debatable motion. In that situation, then an objection to a simple majority can be done multiple times. Each one of those objections wastes a week of the Senate's time on this floor, which means the Senate not only cannot decide the issue at hand, it runs out of the time to debate and deliberate on the other issues that we should be doing on the floor.

As I will show in a chart later, we can measure this in part by the action on appropriations bills. We have an expectation of—it used to be 13 appropriations bills; now it is 12. In the last 2 years we have done exactly 1, 1 out of 24—totally unacceptable in terms of this Chamber fulfilling its responsibility just in that one area of appropriations, decisions about how to spend moneys in different parts of the government.

I know when people hear the word “filibuster” they do not think of simply a silent objection. Yet that is what is in the rules, a silent objection to a simple majority. They think of someone taking the floor and making their case on an issue of deep principle or deep concern to their State. They might be thinking a little bit about a picture that looks a little like this.

This is that famous scene from “Mr. Smith Goes to Washington.” Jimmy Stewart is on the floor. He talks through the night, making his case. He is fighting for fairness and justice in the face of corruption. That is what people think of when they think of a filibuster.

But the way it works today, it is a simple objection. We ask for a unanimous consent request, meaning do all 100 Senators agree to go to final vote, and someone says: I object. That is all that is required. That is all it ever meant. But in the past, that objection to the heart of democracy, to the simple majority, meant you felt honor bound to come to the floor of the Senate and make your case while you stood in the way of the decisionmaking of this august Chamber. But that sense of honor-bound responsibility to make your case before your colleagues, make your case before the American people, has disappeared. Indeed, instead of the filibuster being something done by an

individual or a small group, it is now used as an instrument of party warfare.

The minority party, be it the Democrats or be it the Republicans, say: You know, we can slow down the majority by eating up their time. We can do it by filing an objection on every debatable motion, and we will simply eat up the calendar and prevent them from getting their work done. Then we will say how incompetent they are, that they can't get their work done—after we have caused them to be unable to do it.

I thought I would go through the enormous expansion of this tool of legislative destruction in many different categories in the years since 1970. Before we do that, by the way, every now and then someone says: You know, the Senate was designed as a supermajority body. Indeed, that could not be further from the truth. There are specific cases where our forefathers said a supermajority makes sense; for example, in the case of overriding a Presidential veto, in the case of approving a treaty, in the case of having a constitutional amendment. But they viewed that these legislative Chambers, like every legislative chamber in the world, would make decisions by simple majority.

In fact, they addressed this in the Federalist Papers. Here we have Alexander Hamilton and his commentary on supermajority decisionmaking that was fierce. He said—and this is just a small part of his diatribe about how destructive it would be to have this Chamber tied up in a supermajority. He referred to it as driving “tedious delays; continual negotiation and intrigue; contemptible compromises of the public good.”

We have seen some of those tedious delays, we have seen some of those contemptible compromises, and certainly he was looking into a crystal ball and accurately summarizing the situation.

He was not alone. Here we have compatriot James Madison, also in the Federalist Papers. He noted “the fundamental principle of free government would be reversed.”

By “fundamental principle,” he is talking about the fact that when you make a decision by simple majority, you make the decision that most people think is the right direction in which to go. But when you make a decision by supermajority, and a minority can block it, you are making the decision the smaller number thinks is the right decision. In that sense, you have a series of worst decisions rather than a series of best decisions. So the wisdom of the group tapping into the expertise of colleagues who came from many directions, many walks of life, is not realized.

Let's take a look at what has happened in this use of the objection to a simple majority, otherwise known as a filibuster. Here we are evaluating it in

terms of the cloture motions that are filed. These are motions that are designed to drive a vote on whether to close debate. It is one way of measuring the number of filibusters. How about nominations? We can see that basically the first filibusters on nominations were in about 1970. I was about 14 years old. I was starting high school. That is when this started to be done. We can see that as time passed, we have an enormous increase in the number of filibusters on nominations. Over here, in 2012–24. It is a situation where these are only cloture motions. So many other nominations were blocked because of threatened filibusters.

We have this vast number of positions in the executive branch, this vast number of judge positions that are unfilled. The advice and consent clause in the Constitution that gives this Chamber, the Senate, the chance to weigh in has been turned, through the expanded use of the filibuster, into a tool that damages the other branches of government. It prevents the President from having his team that he would like to have, and that blocks us from getting the judges onto the courts so we can have the sort of speedy criminal justice system we envision and promise.

That was just nominations. Let's take a look at some other areas. The motion to proceed is the very first step for a bill. It is just a motion to get the bill on the floor to debate. That was virtually never filibustered. We have one time down here in 1932, until we are in the 1960s, and then early 1970s. It takes off. We see this massive expansion that makes no sense unless you are just trying to paralyze the system because these filibusters are not in any way construed to enhance debate.

These are to prevent debate, prevent us from getting to a bill to debate it, prevent an agenda from ever being considered by this body. Here we have over 30, and over 20—in recent years just a huge number of efforts to prevent these bills from ever coming to the floor to be debated. How can we weigh in and address the big issues facing our Nation if we cannot get the bill on the floor to begin with? Again, in recent times, and enormous change in strategy used by the minority to prevent debate.

Here we have amendments. The first time, about 1962, the filibuster was used on an amendment because people envisioned the filibuster as something to be used at the end of the process on a bill when all the different pieces have been put in place, and you say: Is their a core principle compromise after I have fought and won or fought and lost? But then folks got the clever idea: We can do this on any debatable motion, including an amendment. So the number of filibusters on amendments also grew enormously from the early 1970s forward.

Final passage? This is where we see the traditional role of the filibuster,

one or two or three a year over these many years from the 1920s on through the 1960s. Stop the chart right here in the middle. That is what the filibuster was, very occasional battles over core principles. Then we have 1970 and look what happened. We had this explosion of 25—that was 1974. What happened as a result?

In 1975 there was a big battle on this floor about changing the rules because this abuse was preventing the Senate from doing its business. So in 1975 we have this enormous battle. There are three votes in which a simple majority says, yes; we can change the rules by simple majority, and we intend to do so. The majority leader who opposed this finally said: OK, I get the message. A simple majority is prepared to change the rules if we do not address the paralysis of the Senate, and they changed the rules.

The compromise was to change it from 67 required to close debate down to 60, from two-thirds down to three-fifths. You can see the number of filibusters then dropped off, and they were resolved more easily.

But what do we have? Again, this enormous explosion until 2012, 35 filibusters. We are deeply afflicted. This is why we are having this conversation over how to save the Senate from itself, from this instrument of the objection to a simple majority that is being used to thwart the ability of the people's elected leaders from addressing the issues our Nation faces.

After a bill has gone through passage, it goes over to the House or the House bill comes to the Senate. When both Chambers have passed the same bill in different forms, then you need to get it to negotiation. That is done through a conference committee. It used to be nobody filibustered a conference committee. Here we have in 1972 the first filibuster on a conference committee.

Why would you object to getting the three motions done that are required to get a bill into negotiation with the House? That doesn't facilitate debate in any conceivable way. But it was an instrument to eat up the time of this Chamber so they could not address other issues. It is like walking knee deep in molasses. You just cannot get very far very quickly.

Then we see this huge explosion in using this filibuster, the objection to a simple majority, in the latter part of this last decade. The result has been this: We have basically given up on conference committees. It is too hard to get to conference. So we have informal negotiation, or we have kind of a process called "pinging," where we change the House bill after we pass our own version, we change it, send it back over, they change it, send it back over to us—not a very effective way to negotiate a compromise that can pass in the same form. And until and unless it

passes both Chambers in the same form, it cannot get to the President. So this was a huge change as well.

Then we have, after conference committee, reports coming back from conference. Now you have the same version; it normally has not changed very much. Again, we see this explosion—once, basically, in about 1945, and then about 1970 an explosion, and then we see the dropoff in part because we just started giving up on conference committees.

In each one of these debatable motions we have a problem, a problem that has grown enormously from 1970 forward, the last 40 years. This is something I have witnessed within my own lifetime. I came here in 1976 as an intern for Senator Hatfield. I was assigned to the Tax Reform Act of 1976. In those days there was no camera on this floor and there was no e-mail, so essentially the only way the Senator had to monitor a bill was that he or she would meet with a staff member outside these doors where the elevators are.

I would sit up in the staff gallery and monitor the debate on the Tax Reform Act, and I would rush down with each vote, meet Senator Hatfield coming out of the elevators, and brief him on the details of the amendment. There were sometimes a couple of layers of motions, and I would proceed to say: Here is what the folks are thinking about back home; here is what folks back home are thinking about this issue.

He would come back to vote, and I would rush back upstairs and see how he voted, how everyone else voted, how it came out.

I would rush back and start making notes on the next debate. Well, this Chamber deliberated on amendment after amendment. When one amendment was done, then a series of folks near the Chamber would raise their hand and call on the Presiding Officer. Whoever the Presiding Officer called on—and according to the rules, the Presiding Officer is supposed to call on the first person he or she hears—and that person would present the next amendment and then the debate would begin. They would debate for an hour, hour and a half, and then they would vote.

These amendments were germane and relevant to the issue. They had to do with different aspects of the Tax Code: Was it Employee Stock Ownership Plan, ESOPs. That was something Senator Hatfield cared a great deal about. Was it the change in a provision regarding teachers' home offices? It seemed that was something every teacher in Oregon was writing us about. We debated these issues, we decided these issues, and it was a simple majority. That is the way the Senate deliberated and decided on issues over our history until the last 40 years when

this massive expansion of the use of the objection to the simple majority has paralyzed this body.

I thought it was interesting to see this cartoon. It says: I will tell you all the reasons we shouldn't reform the filibuster. I assume it is depicting a Senator on the floor of the Senate. And it says, No. 1, it will restrict my ability to frivolously stymie everything. And then the Senator says, No. 2—well, the Senator thinks about it, grimaces, frowns, and cannot think of any other reason that we should not reform the filibuster other than the ability to frivolously stymie everything. Finally the Senator says: How long do I have to keep talking? A little farther down here it says: You can read recipes for paralysis.

Well, that is what we have in the Senate right now. Due to the extraordinary abuse of the filibuster, we have a recipe for paralysis.

It is time to do something about that. The first thing we should do is eliminate the filibuster on the motion to proceed. That was the first step in the process I showed in the earlier chart. It doesn't make sense to debate whether to debate. We should be able to vote on whether the bill comes to the floor. Let's have a couple of hours to debate that. Then we have a simple majority vote. Either we decide we are taking up that bill or nomination or we are not taking up that bill or nomination, and we go on to the next order of business. We should not waste a week of Senate time trying to decide whether we are going to have a debate on a bill or nomination.

Those listening may wonder why there is a week of wasted time. Well, it works like this: First of all, we have the motion and then we have debate that takes place and we think we will wrap it up, but we don't. Then we think we have a motion to close debate, but to do that there has to be a petition signed by 16 Senators. So on day three we get the petition. Then the petition has to ripen, which means it has to sit over on intervening days. So we start the debate on Monday, sign the petition on Tuesday, and now we cannot vote on whether to close debate until Thursday. Then if we are able to vote and get 60 votes, we have to have 30 hours of postcloture debate. Now the week is gone. The 30 hours wipes out Friday.

If that is done multiple times on a bill, it means multiple weeks are wiped out with nothing productive. There is no productive conversation on this floor, no point and counterpoint, no insights with people's life experience, no questions asked or questions answered. Nothing productive gets accomplished.

If we want to sum up all of the filibusters on all of these different motions, here is one way to compare it. Lyndon Johnson was the majority leader for 6 years. During those 6 years,

he had to file one petition. Technically it is called a motion, but actually 16 people have to sign a petition. He had one motion to end debate in 6 years.

Now we have HARRY REID who has been the majority leader for 6 years. As this poster says, “387 and counting.” I think the number today is 391. There have been 391 1-week delays in 6 years. How many weeks are there in 6 years? Well, that would be about 312 weeks. Is that right? Yes, 312. So that is 312 weeks, and as it says here, “387 and counting”—390 weeks wasted.

No wonder we don't get things done, such as our nominations for the executive branch or the judiciary, our appropriations bills, our authorizing bills, or the policy changes that are going to make a big impact on the challenges we face in America. As we can see here it is 1 versus 387. This is now a couple of days old, so it is 391 and counting. We cannot allow this to continue. We have a responsibility to the people who elected us to be a seasoned, deliberative body.

Some say: Well, this is what the Senate is all about. There is a story recited by historians that says that is apocryphal. It is a story about President Washington and Thomas Jefferson. They are having a discussion. Washington says the Senate is meant to be the cooling saucer. Just as we poured our hot tea out of our cup and into our saucer to let it cool so we can drink it, the Senate is meant to be a cooling saucer. Well, perhaps the Senate was meant to be a cooling saucer, but it was not meant to be a deep freeze. The cooling saucer concept is that the Senate is a little more detached from the immediate fashion of the moment. It is a little more detached because we are elected for 6-year terms, not 2-year terms. It is a little more detached because we are staggered so some have been here 2 years, some 4 years, and some 6 years. After their first term, then they will be here many years thereafter. It is supposed to have a little more distance on the immediate trends because in the beginning we were indirectly elected by State legislators. Of course, we changed that. We changed that in the early 1900s because of the abuses that occurred and went to directly electing Senators.

The idea was longer terms, a little bit more deliberation, a smaller body of folks in the Senate, two per State. That was so we could deliberate thoughtfully, not so we could not deliberate. There is a big difference. This is unacceptable. If this majority leader were a Republican and the Democrats were doing this, it would be unacceptable. It is unacceptable for either minority party to devise and execute a strategy that prevents this body from doing its work.

The thing that is diabolical about the filibuster is that in the procedural

sense it is invisible. So we have this unanimous consent request—this courtesy—is everyone ready? Should we vote? When the Senate was a small Senate, and prior to 1970, virtually the answer was always yes, except for those rare moments on issues of deep values. But now it is done as a minority party strategy to obstruct, and it is done on virtually every motion. And because it is an objection to a vote, it has never required people to talk on the floor. Of course, we all believed someone would talk on the floor because that is the way it was done. If someone violated the majority principle, that person had the courage and principle to come to this floor and explain that to colleagues and the American people. That is no longer true. Now there is no courage. It is in hiding.

I will give an example. We had a bill on the floor in 2010. It was called the DISCLOSE Act. The DISCLOSE Act said that for every donation, the public should know where it comes from. If it comes from ranchers, people should know about it; if it comes from Oklahoma, people should know about it; if it comes from the tobacco industry, people should know it. The people have a right to understand who is financing the ads they are seeing or who is financing the literature they are seeing. That is part of a transparent and accountable democracy.

We had 59 folks on the floor of the Senate say: Yes, we have debated enough, let's close debate, and we could not get the 60th vote. Not because there was more to be said, but no one among those who were voting for additional debate would want to be seen debating. They didn't want to be seen defending secrecy. They didn't want to be seen defending the creation of vast pools of cash that flowed freely between super PACs and dumped into campaigns at the last second with nobody knowing where it came from. They didn't want anyone to know where vast pools of money were going under deliberately misleading names. Maybe it was a group that wanted to keep some polluting factory open, but they called themselves the Blue River Coalition or the Blue Skies Coalition because the money could not be traced. No one wanted to come here and debate that, but they voted for a debate. That is the silent secret filibuster that has wiped out accountability to colleagues and accountability to the American public. We need to end that.

Right now the minority leader has come down and said several times he doesn't like this idea. He doesn't like it at all. He has called those of us who promoted transparency and accountability sophomoric. Well, I didn't think that was particularly a polite thing to say, but let's say we have a difference of opinion. I am out here advocating for this Chamber to be able to do its responsibility before the American pub-

lic. I am out here advocating that if someone votes for more debate, they have to have the courage of their convictions to make their case before their colleagues and come to the floor. If they don't have the courage, then we go ahead with the simple majority vote. It is that straightforward.

There are some folks who say: We can already have a talking filibuster under current rules. We don't need to change the rules. I found this interesting because the fact is that all of the writing about the theory and historical efforts—I will say one thing, and that is that over any length of time it is impossible for the majority to keep a filibustering minority talking. Why is that? It is because it takes the majority of 51 Senators to create a quorum and force 1 filibustering Senator on the floor. That has been a myth that some of my colleagues have been perpetrating. I thought I would go over it a little bit more. There was a recent book by two very well-steeped scholars. Richard Arenberg was one of those scholars. Richard Arenberg was an aide to Senator CARL LEVIN as well as to Senator Tsongas and majority leader George Mitchell, so he has had a long career of experience here on the floor of the Senate. The other scholar is Robert Dove. Who is Robert Dove? He was a Parliamentarian in this Chamber. He spent his time working here from 1966 until 2001. In the chapter of their book entitled “Bring in the Cots,” they explained how this works. Here are a couple of passages between pages 146 and 152 that I thought summed it up:

Those who call for forcing the filibusterers to talk either ignore or are unaware of the fact that for a sizable organized minority, and certainly for a minority of forty-one senators or more, lengthy sessions are a little more than exercises in scheduling.

The filibusterers are able to take turns holding the floor, and since they can demand the presence of a quorum at virtually any moment, it is the majority that carries the heavier burden because they need to keep fifty-one senators nearby. If the filibusterers call for a quorum and it is not produced, under the rules the Senate must adjourn.

So they lay out the theory, and they go on for several pages doing this. They also quote some other experts. One of those they quote is Franklin Burdette. He was a scholar who wrote “Filibustering in the Senate.” It is referred to as the classic text on the filibuster. Franklin Burdette said this:

Any experienced maneuverer in the Senate knows that a determined group of filibusterers, before they are themselves exhausted, can usually manage to wear out the patience and endurance of the majority.

Dove and Arenberg go on to quote commentator Elizabeth Drew and she says this:

Many people now insist that those who use filibusters should actually be made to stand up and talk through the night, but there's a reason that doesn't happen anymore. In the 1970s, Majority Leader Mike Mansfield realized that the real punishment was not to the small band of all-night speakers, but to the majority party, which had to keep a quorum on hand, sleeping on the famous cots near the Senate floor, lest the person conducting the filibuster suddenly make a motion to adjourn the Senate, thus defeating the purpose of keeping them talking.

Then Elizabeth Drew quotes Historian Ritchie who says:

The all night filibuster wore down the majority much faster than it did the minority, and majority leaders haven't used the tactic since.

But then Dove and Arenberg go on to cite the historical record, go through the different filibusters that have been on this floor, and one of the examples they cite is majority leader Lyndon Johnson's 1960 effort to defeat a civil rights filibuster:

Senator Johnson's effort did not work. . . . Civil rights supporter Senator William Proxmire, Democrat from Wisconsin, described the scene.

Now we are quoting Proxmire. He said:

We slept on cots in the old Supreme Court chamber and came out to answer quorum calls. It was an absolutely exhausting experience. The southerners who were doing the talking were in great shape, because they would talk for two hours and leave the floor for a couple of days.

Then Arenberg and Dove proceed to take a look at other cases, including majority leader Robert Byrd's 1988 effort to break a filibuster against campaign finance reform:

Senator Alan Simpson frustrated this effort for much of the time, simply by repeatedly requesting quorum calls. . . . The bottom line is the bill never passed. The minority that was blocking the bill was able to sustain their filibuster through a record eight cloture votes. In the end, Majority Leader Byrd had to back down.

In most theory and practice, we can't sustain a process of having those who are filibustering actually debate what they voted to debate. So what many of us are proposing is that we change the rule and say that if a Senator votes to debate, then that takes a minimum of 41 saying, yes, we want more debate, and of those 41, at least 1 has to be on the floor talking. This is only fair to the American people. They turn on C-SPAN and they see quorum calls. They see silence, and they wonder why the Senate isn't working on that jobs bill they had on the floor a few days before. They don't know it is still on the floor, but the silent secret filibuster is being used to prevent the Senate from proceeding and nobody is even willing to talk because they don't want to be seen in public defending their position. That needs to end. This process in which Senators do not have the courage to come down and make their case before the American people has to end be-

cause only if folks make their case on the floor can the public weigh in, can colleagues weigh in and say: Yes; you are a hero. Thank you for your filibuster because you are defending some core principle I too share or you are defending some key interest for my State that I too care about or they can weigh in and say: You know what. You are a bum. You aren't making any points. You haven't described any position. You are simply paralyzing the Senate or, worse yet, I disagree with you. You are defending big, vast pools of secret funds used to corrupt the American political system. Why would you do that? Why don't you, my Senator, join the next cloture vote to close debate and get on with solving this problem of vast pools of secret funds or some other key issue.

The Presiding Officer and I have been here just 4 years. Had I not been here as a young man and seen this Chamber as one that deliberates and decides, I wouldn't feel so passionately because I wouldn't understand what we had lost. What we have lost is something that started with a constitutional vision of the design of this Senate, including the courtesy of hearing everyone out before making decisions, and what we lost in losing the deliberative, decisionmaking body was everything—everything in terms of this body upholding its responsibility to address the big problems facing America.

When we come into session on January 3, we are going to have a debate over rules. There are some who say let's get rid of the debate on the motion to proceed, the filibuster on the motion to proceed. We know what happens then. We get a double down in the paralysis at the later stage at which a bill goes through. At a minimum, we must change this dynamic of the secret silent filibuster and say if a Senator votes for more debate, a Senator must make their case on this floor.

I encourage citizens around this country—citizens who have watched this Chamber decline and be broken and fail to address the issues we should address—to weigh in with their Senators and their home States and let all the Senators know it is irresponsible and unacceptable for us to continue the current procedures in which we are so paralyzed and incapable of fulfilling the work that needs to be done.

Thank you. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR NOS. 834, 835, AND 877

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to executive session to consider the following nominations: Calendar Nos. 834, 835, and 877; that there be 30 minutes for debate equally divided in the usual form; that following the use or yielding back of time, the Senate proceed to vote without intervening action or debate on Calendar Nos. 834, 835, and 877, in that order; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4310

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of the conference report to accompany H.R. 4310, the Department of Defense Authorization Act for Fiscal Year 2013; and that there be up to 1 hour of debate equally divided between the two leaders or their designees prior to a vote on adoption of the conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRITICAL JOB PROGRAMS

Mrs. GILLIBRAND. Mr. President, I would like to engage my colleague, the Senator from Iowa, in a colloquy.

I would first like to take this opportunity to commend Senator HARKIN, Senators Inouye and COCHRAN and the rest of the Members of the Senate Appropriations Committee for crafting a responsible, commonsense and critical supplemental appropriations bill to allow New York, New Jersey, Connecticut, and other impacted areas recover from the devastation left by Superstorm Sandy.

I would like to highlight an important aspect of the recovery effort, and that is addressing the employment and workforce crisis following the storm that has exacerbated the already chronically high unemployment rates in many of the impacted areas in New York and beyond.

The human, infrastructure, and economic devastation that Superstorm Sandy inflicted upon New York has been crippling and only comparable most recently to the tragedy of the September 11 terrorist attacks. While it will be months before the economic impact of Sandy can be fully assessed, particularly as it relates to the dislocation of workers, initial figures clearly

indicate a long economic recovery for businesses and employees, particularly given that the most densely populated region of the United States was at the center of the storm. In fact, the U.S. Bureau of Labor Statistics reports that four of the five counties with the highest number of labor force participants per square mile were among those hardest hit by Sandy. In addition, all 26 of the counties designated as major disaster areas are among the top 10 percent of U.S. counties in terms of labor force density, highlighting the sheer number of workers impacted by Sandy.

Preliminary estimates are that Sandy destroyed 265,000 businesses in New York State and 189,000 businesses in New Jersey, the two hardest hit States. To put these figures in perspective, it is estimated that 18,700 businesses were impacted by the devastation of Hurricane Katrina in 2005. The estimated 265,000 New York businesses impacted employed approximately 3.8 million workers with over \$264 billion in annual wages. It is also worth noting that preliminary estimates point to the fact that 90 percent of the impacted firms are small businesses. Worth noting is also the surge in applications for jobless benefits increasing by 78,000 to 439,000 in the week of November 10, the highest since April 2011, mostly because a large number of applications were filed in States damaged by the storm. Given these staggering numbers, we can only assume that the recovery efforts of our impacted businesses and displaced workers will be long and difficult, demanding investment in government programs that can effectively help get businesses back on their feet and put people back to work.

While all levels of government have been very responsive in addressing the immediate emergency needs, it is essential to understand the lessons of previous catastrophic events when designing and implementing appropriate, long-term strategies for the impacted region's recovery. In particular, business closures and layoffs resulting from the storm's devastation could prolong the economic distress Sandy has caused without a dynamic, immediate, and comprehensive workforce initiative to head off these impacts.

It is well recognized that small- and medium-sized business are the backbone of our economy, employing half of private sector workers and accounting for the creation of two out of three new jobs in the United States. Immediate support and stabilization is critical to full recovery of small businesses, which, as noted, make up about 90 percent of the 265,000 estimated New York firms impacted by Sandy. Business continuation, including keeping the doors open while loans, insurance payments and other incentives are realized, is essential. One Federal investment worthy of consideration is tem-

porary employment support, which will help maintain both business operations and help prevent the loss of jobs through the recovery, reducing the need for unemployment and other Federal benefits.

In addition to Federal investment in workforce retention programs, rapid response in identifying and servicing impacted businesses and unemployed workers is required. As recovery efforts move forward, Federal, State, and local authorities should look for ways to invest in and partner with the extensive networks of community-based organizations, economic development groups, as well as organized labor and affiliated management to deliver workforce development services, including outreach for job opportunities, job training, and placement for in-demand occupations and other related reemployment activities.

For example, the Consortium for Worker Education, CWE, a nonprofit agency specializing in workforce preparation, industry specific training, and employment services has partnered in the past with all levels of government and other community based organizations to deliver job placement services and temporary employment support programs to ensure worker retention in the aftermath of disasters. Their efforts alone have helped train and put back to work thousands of people during similar workforce crisis situations as New York finds itself in now following Sandy.

By investing in innovative programs like CWE's, workforce recovery efforts will more effectively take into account the unique needs of each impacted area and deliver tailored services to impacted businesses and displaced workers alike.

Mr. HARKIN. Mr. President, let me commend the Senator from New York for highlighting the critical employment and workforce needs in the areas impacted by Superstorm Sandy. Now more than ever, Congress must give our States and localities that have been hard hit by Sandy the tools and resources that help dislocated workers return to their jobs or, if necessary, find new, good-paying employment. The supplemental appropriations for disaster assistance bill's funding for dislocated workers is just one step in the recovery process, but an important one to help workers get back on their feet.

As New York, New Jersey, and the other impacted areas move forward with their recovery, I will continue to work with Senator GILLIBRAND so that the short- and long-term needs of impacted workers are addressed.

Ms. COLLINS. Mr. President, I rise today to engage my colleague, Senator TESTER, in a colloquy regarding language he authored in this bill that would amend the Robert T. Stafford Disaster Relief and Emergency Assist-

ance Act. This language would authorize chief executives of federally recognized tribes to submit a request for a major disaster or emergency declaration directly to the President of the United States.

The principal effect of this language would be to eliminate the current requirement that tribal chief executives submit such requests to the Governor of the State in which the tribal reservation is located; tribal chief executives would be permitted to submit such requests to the President without first obtaining the Governor's approval.

The tribes of Maine—the Penobscot, the Passamaquoddy, the Houlton Band of Maliseet Indians, and the Aroostook Band of Micmacs—have a jurisdictional relationships with the State of Maine which is unique among the 50 States. Although, based on my analysis, this language would not in any way affect the relationship between the State of Maine and the tribes of Maine, to make this clear, I would like to pose some questions to the Senator regarding the intent of the language.

The jurisdictional relationship between the tribes of Maine and the State of Maine is set forth in the Maine Indian Claims Settlement Act and the Maine Implementing Act, the latter having been enacted by the Maine State Legislature and ratified and approved by Congress when it enacted the Maine Indian Claims Settlement Act.

If the language the Senator authored was to be enacted into law, would this in any way change the relationship of the State of Maine and the tribes of Maine?

Mr. TESTER. No. I understand that the Maine Indian Claims Settlement Act not only recognized the uniqueness and significance of that jurisdictional arrangement but specifically provided that, following the enactment of the Settlement Act, no future congressional legislation would in any way alter or affect that arrangement unless Congress specifically so provided. This requirement is set forth in Title 25, Section 1735, of the United States Code.

Ms. COLLINS. Did the Senator take Section 1735 into account in his drafting of this legislation?

Mr. TESTER. Yes. I understood that, given the requirement that Section 1735 imposed on Congress, this provision would not and should not apply within or to the State of Maine unless Congress specifically so provided. Knowing that Section 1735 operated to that effect, I did not include specific language making this legislation inapplicable to Maine, as such language was unnecessary. Our Senate colleagues should understand that this legislation in no way supersedes Section 1735.

Ms. COLLINS. Did my colleague also consider the unique foundation for the Maine Indian Claims Settlement Act



and the Maine Implementing Act, as well as the subsequent acts for the Houlton Band and the Aroostook Band?

Mr. TESTER. Yes, I understood that the Maine Indian Claims Settlement Act and the Maine Implementing Act constitute statutory settlement documents. Therefore, our colleagues should understand that the current legislation respects the intent of the parties to Maine's historic and complex settlement and does not in any way disturb the settlement agreement or the statutory construct on which that settlement rests.

The intent of this legislation is to improve communication, response times, and recovery of disasters in Indian Country while better respecting tribal sovereignty. I understand that tribes in Maine have a unique relationship with the State of Maine and nothing in this Act should be interpreted to change or degrade that relationship.

This legislation, if enacted into law, would in no way change the relationship between the State of Maine and the tribes of Maine. That means that, even after the enactment of this legislation, if any of the tribes of Maine wished to obtain a declaration from the President that a major disaster existed, they would have to bring their request to the Governor of Maine, who would have to consider the request in accordance with existing standards and procedures but who would retain the discretion to deny that request.

Ms. COLLINS. I appreciate the time and attention of my colleague from Montana, Senator TESTER, regarding the intent of this language, as well as the care that he took in crafting this legislation.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO SHERIFF MEARL JUSTUS

Mr. DURBIN. Mr. President, my home county of St. Clair, IL, lost a dedicated public servant this week. Mearl Justus—aptly named “justice”—passed away Tuesday at the age of 81.

He had retired only 1 week earlier after serving eight terms as St. Clair County sheriff.

Mearl Justus was a legend. He was funny, he was innovative, and he was a creative thinker who was always looking for new and better ways to run his department. Above all, he was deeply dedicated to the people he served in the county.

An editorial in the Belleville News-Democrat described him as “a 6 feet 2 inch teddy bear with a sailor's vocabulary and a hero's heart. He was gruff. He was endearing. He was a champion, rescuing us from the bad guys for 60 years.” What an epitaph.

He got off to a rocky start in life. He was 19 months old when his dad died, and he was raised by his grandparents. He was a high school dropout in 1953 when the mayor of Cahokia, IL, suggested he join the local police force. That is how the aptly named Mr. Justus began his nearly 60-year-long career in law enforcement.

He started as a part-time officer in the Cahokia Police Department. He earned his GED and went on to earn an associate's degree at Southwestern Illinois College in Belleville and then earned a bachelor's degree in criminal justice. He advanced quickly up the ranks and served as Cahokia's police chief for 22 years. He ran for sheriff of St. Clair County in 1983 and won—his first run for elective office. He would be reelected seven times, never losing an election, and nobody came close.

Sheriff Justus loved his job and loved having fun. One of the most legendary tales of his years as sheriff was when he sent notices to several hundred fugitives from justice telling them they had won a free pair of sneakers from the fictional Nabbir Shoestore. When the scofflaws turned up to claim their sneakers, the sheriff's department locked them up. The department made over 50 arrests that day and 1 the next despite the fact that the prior day's arrests had been widely reported in the news.

He closed up shop with a sign that read: “Closed. Catch ya next time.” He once explained to a reporter, “In this business, to keep from going off the deep end, you need that humor.”

Mearl Justus didn't drink or smoke and rarely carried a gun because he said it was bulky and “it tears my clothes up.”

He sold advertising space on patrol cars and put public service announcements on their fenders. He provided jail inmates with a garden to grow vegetables. The prisoners grew their produce and gave any extra to local nursing homes.

Sheriff Justus was so dedicated to his work that he and his wife Audrey lived for years in a three-bedroom apartment above the county jail. He said he figured that is where he was needed. At first, the couple found the routine cell

checks a little disturbing, but they grew fond of their living arrangement and even raised a granddaughter in their apartment.

Over the course of his six decades of public service, Mearl Justus established several programs for local schools, including Stranger Danger awareness training. He also introduced the D.A.R.E. Program in the St. Clair schools long before others had it.

Sheriff Justus's success and dedication were widely admired by his peers, who elected him president of the Illinois Sheriffs' Association. He was also chairman of the board of his region's Major Case Squad.

In recent years Sheriff Justus led efforts to combat crime and vandalism on MetroLink trains, the county's light rail transit system, making the system safer for those who depend on it. That is where I came to know him. You see, this MetroLink is a light rail train service that has been one of the most popular things that has happened in that region. I grew up in that region. I used to kid my friends from St. Louis that I grew up in a suburb known as East St. Louis, and they all laughed because nobody considers Illinois to be part of St. Louis.

Well, it turned out that station in East St. Louis for MetroLink was a critical part of the political agreement that led to the creation of this important light rail system. But we had a problem. East St. Louis has been notoriously dangerous for years, and there was a question: How in the world could we expect anybody to wait at the train station with all the dangerous street crime in East St. Louis?

Mearl Justus stepped up. His St. Clair County Sheriff's Department provided the protection that was needed to establish that MetroLink station in my hometown of East St. Louis and to give people the peace of mind that if they wanted to board or leave a train or park their car there, there would always be reliable law enforcement. Mearl Justus showed the way for many of us when we couldn't think of how to resolve this quandary. That is the kind of problemsolver he was.

Mearl Justus had an amazing sense of humor. For many years, his own Web site featured the sheriff wearing a sombrero and a boast that any local event featuring Mearl Justus as the master of ceremonies would draw twice as many people.

He cared deeply about the people. He hosted “Slumber in the Slammer” fundraisers for a women's crisis center, allowing people to sleep in the jail in exchange for a donation to the local crisis center. He once arranged cataract surgery for a woman whose savings had been stolen.

He said he looked forward to coming to work every day and wanted people to think of him as an honest, people-oriented public official. He is going to



be remembered for that and so much more. Mearl Justus made St. Clair County not just a safer place but a better place. I am honored to have known him. He was a fun person to be around, but you knew that when it came to his job, he took it very, very seriously.

My wife Loretta and I send our condolences to his wife Audrey, his daughters Kay and Debra; and his three granddaughters and three great-grandchildren.

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RETIREMENT OF ILLINOIS STATE  
SENATOR JEFFREY M.  
SCHOENBERG

Mr. DURBIN. Mr. President, I rise today to honor my friend, Illinois State Senator Jeff Schoenberg, on his more than two decades of service in the Illinois General Assembly.

Jeff was elected to the Illinois House in 1990 at the age of 30. He served six terms there before being elected to the Illinois Senate in 2003, where he rose through the ranks, serving as assistant majority leader, chairman on the Commission on Government Forecasting and Accountability, and vice chairman of the Appropriations Committee. More importantly, Jeff Schoenberg has been a dedicated public servant to his constituents in Evanston and to the people of Illinois for 22 years.

During his time in the Illinois General Assembly, Jeff sponsored a bill that would provide better access to quality health care and give consumers the opportunity to make better choices for their health. He also secured more than \$5 billion in Federal funds for safety net hospitals such as Mount Sinai, Mercy, and Holy Cross.

Jeff Schoenberg supported the Illinois Safe Choice Zones Act, which helped pave the way for Illinois' pioneering work in stem cell research, and insisted on greater accountability and oversight at the Illinois State Toll Highway Authority.

A father of two himself, Jeff was critical to the passage of a measure allowing schools to keep and administer epinephrine for anaphylactic shock following the death of a 13-year-old girl from Chicago who had an allergic reaction to peanut oil while at school.

Jeff also understood foreign policy issues, including support for legislation to divest State pension funds from foreign countries doing business with Iran and drawing attention to the genocide in Cambodia. Jeff visited Cambodia last month as part of a delegation representing the U.S. Holocaust Memorial Museum.

Incoming State Senator Daniel Biss will have large shoes to fill given how well Jeff has served the Illinois Senate's Ninth District. Since the outset of his political career, Jeff has been inspired by the likes of Congressman and Federal Judge Abner Mikva and U.S. Senator PAUL SIMON, for whom he and I both worked.

Jeff's dedication to service now takes on a new focus in improving the lives of children and families through an expanded role advising the J.B. and M.K. Pritzker Family Foundation on its philanthropic endeavors. His approach to this work is made clear by something he said just last year:

My position in the Senate is only one point of entry into public service.

As Jeff moves into his new role, I can only say to him: Thanks for being my friend and my ally in so many good causes. While you may be retiring from the Illinois State Senate, your constituents and I know that you will never retire from working for the public good.

Thanks to Jeff Schoenberg and his family for all they have given to our State.

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MAYOR JOHN REDNOUR

Mr. DURBIN. Mr. President, I wish to take a moment to wish Mayor John Rednour of Du Quoin, IL, a happy 78th birthday and to thank him as he prepares to retire after so many great years of public service to his town and Illinois.

John Rednour, known to most people as simply Rednour, has served as mayor of Du Quoin since 1989. Public service was his third career. He started work as an ironworker, a member of the United Ironworkers. He worked on projects in St. Louis and in Chicago and served as site superintendent during construction of the U.S. Federal penitentiary in Marion.

In 1970 John moved to Du Quoin with his wife Wanda and three kids. In the early 1980s John began his second career when he and some local shareholders took control of the Du Quoin State Bank, converting it into a community bank that served downstate Illinois. Today the bank stands as one of the strongest in our State, and John remains the bank's chairman.

But it was John Rednour's work as mayor of Du Quoin that really distinguished his public service. In his 23 years as mayor, he focused on balancing the city's budget and investing in its infrastructure. His legacy to Du Quoin includes construction of the Poplar Street overpass—a major thoroughfare for travel on Highway 51 through southern Illinois—improved water service and the development of an industrial park. He managed to do all of this with a balanced budget, creating new opportunities for his community even in tough times.

He is a member of the five-person Illinois State Police Merit Board and a proud Democrat, I might add, but he knows there are some things that need to be done on a bipartisan basis. He has made it his habit to meet with the Du Quoin city council members and offered to take advice from each and every one of them. He told them to al-

ways vote for what is good for Du Quoin.

Loretta and I consider ourselves lucky to count John and Wanda Rednour among our friends. We have many happy memories of State fair parties at the Rednour home during our trips to the Du Quoin State Fair. Loretta and I have been regular visitors to Rednour's home and have warm memories of staying overnight after the fair party and having Wanda greet us at breakfast with her so-called Texas pancakes—and they could fit in the State of Texas.

As a labor leader, businessman, mayor, husband, and father, John Rednour has contributed enormously to Du Quoin, downstate Illinois, and to our entire State and Nation. While his day-to-day presence in city hall is going to be missed, residents of Du Quoin can take comfort in knowing that John Rednour's leadership is still in their community, with a strong foundation and a bright future.

In addition to three children, John and Wanda are blessed with five grandchildren and five great-grandchildren, who I am sure are going to be glad to have more time with John and Wanda now.

I thank John for his many years of distinguished public service. Loretta and I wish him and his family all the best in retirement. We look forward to many more stories and more pancakes in the years to come.

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THE S.S. "BADGER"

Mr. DURBIN. Mr. President, Chicagoans were asked in a recent poll to identify the one asset in the city of Chicago that meant the most to them. The overwhelming vote was for Lake Michigan—not surprising.

Lake Michigan is the primary source of drinking water for more than 10 million people—not just in my State of Illinois but in Wisconsin, Indiana, and Michigan. It supports a multibillion-dollar fishing industry that is important to local economies. And it is beautiful. It is a recreational asset for swimming, kayaking, boating, or just taking a walk along the beach. It is a gorgeous lake.

I always look forward to getting up to Chicago. We have a condo that overlooks Lake Michigan that I consider to be a great place to sit and just look at this beautiful lake and what happens on it, whether I am drinking a cup of coffee in the morning with my wife or a glass of wine in the evening.

But, unfortunately, the health of our great Lake Michigan is threatened every summer when a coal-burning ferry boat dumps tons of coal ash into the lake every day, all summer long.

Meet the S.S. *Badger*. Many people have fond memories of this boat, the S.S. *Badger*, steaming from its homeport of Ludington, MI, to Manitowac,

WI, every summer. But they need to be reminded of one thing: The S.S. *Badger* is the last coal-fired ferry in the United States, and there is a reason it is the last one.

Every year, based on the estimates given to us by the company, this boat dumps 600-plus tons of coal ash into Lake Michigan—600-plus tons every year since 1953. That is their record. What does that do to Lake Michigan? In the 59 years the S.S. *Badger* has been in operation, it has discharged a conservative estimate of 35,400 tons of coal ash into Lake Michigan. That is enough to coat the entire floor of Lake Michigan with a layer of ash 2½ inches thick.

A recent article in the Chicago Tribune did a comparison of the amount of coal ash discharged from the *Badger* to the dry cargo residue discharged by all other vessels operating on Lake Michigan. Here is what they found:

Fifty U.S. ships and 70 Canadian ships on Lake Michigan are responsible for a combined total of 89 tons of solid waste dumped every year. That is 120 ships, 89 tons in a year. The *Badger* by itself is responsible for almost 6 times more waste than these 120 vessel combined, even when using the most conservative estimate of what the *Badger* dumps overboard during the course of a summer.

Yesterday the EPA vessel general permit that has enabled the coal-fired car ferry S.S. *Badger* to discharge coal ash into Lake Michigan expired. The owner of the *Badger* insists that the coal ash is basically just sand. We know better.

Scientists are concerned about coal ash because it contains such things as arsenic, lead, and mercury. Once in the lake, these chemicals enter the food chain through the water we drink and the fish we eat, and then they accumulate in our bodies and are associated with cancer and reproductive and neurological damage. We know how dangerous mercury contamination in fish is to human health.

Well, it is time for the S.S. *Badger* to stop adding to the problem and either clean up its operation or close it down. If the *Badger*'s owners had only recently realized that dumping coal ash was a problem, it might be OK to cut them some slack. But the *Badger*'s owners have a long history of avoiding the steps needed to clean up their act.

Most other vessels of the Great Lakes converted from coal to diesel fuel before the *Badger* made its first voyage. In 2008, when conversion to a new fuel was way overdue, the Bush administration granted the ferry a waiver to continue dumping coal ash through 2012. That was 5 years too many of toxic dumping by this boat, but to make matters worse, the *Badger*'s owners still have not made any reasonable efforts to stop dumping coal ash in the lake.

Now they are attempting to persuade the EPA to give them just 5 more years to take a look at this problem. After I came out in opposition to this 5-year extension, the *Badger*'s owner asked to meet me in my office. I, of course, agreed. He said he was applying for an EPA permit to continue dumping coal ash while he looks for ways to convert the *Badger* to run on liquefied natural gas. He wanted to make the *Badger*, he said, the greenest vessel on the Great Lakes. What a great idea, I thought. But it turns out it isn't even close to being realistic.

Today there are few suppliers of liquefied natural gas in the area. There are no shipyards in the United States that are qualified to convert passenger vessels to run on liquefied natural gas. And it would take close to \$50 million just to develop the infrastructure on the land needed to transport fuel to the dock for the *Badger*.

One day, all the boats on Great Lakes might be powered by natural gas, but that isn't a realistic plan right now or within the next few years. It is just another delaying tactic from the owners of the S.S. *Badger*. These owners were given a deadline to convert the ship's fuel or dispose of the ash in a responsible way 5 years ago. The *Badger* has blatantly avoided complying with these EPA regulations.

There has been an effort in the House of Representatives to provide a special exemption for this filthy boat on Lake Michigan forever. They want them declared some sort of a national historic monument or something and say that it shouldn't be governed by environmental regulations.

These are Congressmen whose districts are on Lake Michigan. I have to ask them, what do you think about the lake and its future, when this boat is responsible for six times the solid waste of all the other ships that use Lake Michigan in commerce on an annual basis? Six times. That to me is a horrible thing to continue.

They have had plenty of time to clean up their act and they failed. Now we have to get serious. I am hoping the EPA decides very quickly that it is time to end the coal-fired ferry tradition of the S.S. *Badger*. This is a vessel that generates and dumps 5 tons of coal ash laced with mercury, lead, and arsenic into Lake Michigan every single day. This great lake cannot take any more toxic dumping, no matter how historic or quaint the source may be.

Mr. HARKIN. Mr. President, I ask unanimous consent that, pursuant to Public Law 112-144, the Food and Drug Administration Safety and Innovation Act, the following letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### MDUFA PERFORMANCE GOALS AND PROCEDURES

The performance goals and procedures agreed to by the Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER) of the United States Food and Drug Administration ("FDA" or "the Agency") for the medical device user fee program in the Medical Device User Fee Amendments of 2012, are summarized below.

FDA and the industry are committed to protecting and promoting public health by providing timely access to safe and effective medical devices. Nothing in this letter precludes the Agency from protecting the public health by exercising its authority to provide a reasonable assurance of the safety and effectiveness of medical devices. Both FDA and the industry are committed to the spirit and intent of the goals described in this letter.

#### I. PROCESS IMPROVEMENTS

##### A. Pre-Submissions

FDA will institute a structured process for managing Pre-Submissions. Pre-Submissions subject to this process are defined in Section VIII, Definitions and Explanations of Terms. The Agency will continue to improve the Pre-Submission process as resources permit, but not to the detriment of meeting the quantitative review timelines and statutory obligations. FDA will issue a draft guidance document and final guidance document on Pre-Submissions.

Upon receipt of a Pre-Submission that requests feedback through a meeting or teleconference, FDA intends to schedule the meeting or teleconference to occur within a timely manner. In the Pre-Submission, the applicant will provide at least three suggested dates and times when the applicant is available to meet.

It is FDA's intent that within 14 calendar days of receipt of a request for a meeting or teleconference, FDA will determine if the request meets the definition of a Pre-Submission, and will inform the applicant if it does not meet the definition. FDA will also determine if the request necessitates more than one meeting or teleconference. A determination that the request does not meet the definition of a Pre-Submission will require the concurrence of the branch chief and the reason for this determination will be provided to the applicant. If the request meets the definition of a Pre-Submission, FDA and the applicant will set a mutually agreeable time and date for the meeting.

At least 3 business days prior to the meeting, FDA will provide initial feedback to the applicant by email, which will include: written responses to the applicant's questions; FDA's suggestions for additional topics for the meeting or teleconference, if applicable; or, a combination of both. If all of the applicant's questions are addressed through written responses, to the applicant's satisfaction, FDA and the applicant can agree that a meeting or teleconference is no longer necessary and the written responses provided by email will be considered the final written feedback to the Pre-Submission.

Meetings and teleconferences related to Pre-Submission will generally be limited to 1 hour. A longer meeting or teleconference time can be scheduled by mutual agreement by the applicant and FDA.

Applicants will be responsible for developing draft minutes for a Pre-Submission

meeting or teleconference, and provide the draft minutes via email to FDA within 15 calendar days of the meeting. The minutes will summarize the meeting discussions and include agreements and any action items. FDA will provide any edits to the draft minutes to the applicant via email within a timely manner. These minutes will become final 15 calendar days after the applicant receives FDA's edits, unless the applicant indicates that there is a disagreement with how a significant issue or action item has been documented. In this case, within a timely manner, the applicant and FDA will conduct a teleconference to discuss that issue with FDA. At the conclusion of that teleconference, within a timely manner FDA will finalize the minutes either to reflect the resolution of the issue or note that this issue remains a point of disagreement.

FDA intends that feedback the Agency provides in a Pre-Submission will not change, provided that the information submitted in a future investigational device exemption (IDE) or marketing application is consistent with that provided in the Pre-Submission and that the data in the future submission do not raise any important new issues materially affecting safety or effectiveness. Modifications to FDA's feedback will be limited to situations in which FDA concludes that the feedback does not adequately address important new issues materially relevant to a determination of safety or effectiveness. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs.

#### *B. Submission Acceptance Criteria*

To facilitate a more efficient and timely review process, FDA will implement revised submission acceptance criteria. The Agency will publish guidance outlining electronic copy of submissions (e-Copy) and objective criteria for revised "refuse to accept/refuse to file" checklists. FDA will publish draft and final guidance prior to implementation.

#### *C. Interactive Review*

The Agency will continue to incorporate an interactive review process to provide for, and encourage, informal communication between FDA and applicants to facilitate timely completion of the review process based on accurate and complete information. Interactive review entails responsibilities for both FDA and applicants. As described in the guidance document, *Interactive Review for Medical Device Submissions: 510(k)s, Original [Premarket Approvals] PMAs, PMA Supplements, Original BLAs, and BLA Supplements*, both FDA and industry believe that an interactive review process for these types of premarket medical device submissions should help facilitate timely completion of the review based on accurate and complete information. Interactive review is intended to facilitate the efficient and timely review and evaluation by FDA of premarket submissions. The interactive review process contemplates increased informal interaction between FDA and applicants, including the exchange of scientific and regulatory information.

#### *D. Guidance Document Development*

FDA will apply user fee revenues to supplement the improvement of the process of developing, reviewing, tracking, issuing, and updating guidance documents. The Agency will continue to develop guidance documents and improve the Guidance Development process as resources permit, but not to the detriment of meeting the quantitative review timelines and statutory obligations.

FDA will update its website in a timely manner to reflect the following:

1. The Agency's review of previously published device guidance documents, including the deletion of guidance documents that no longer represent the Agency's interpretation of, or policy on, a regulatory issue, and notation of guidance documents that are under review by the Agency;

2. A list of prioritized device guidance documents (an "A-list") that the Agency intends to publish within 12 months of the date this list is published each fiscal year; and

3. A list of device guidance documents (a "B-list") that the Agency intends to publish, as the Agency's guidance-development resources permit each fiscal year.

The Agency will establish a process allowing stakeholders an opportunity to:

1. Provide meaningful comments and/or propose draft language for proposed guidance topics in the "A" and "B" lists.

2. Provide suggestions for new or different guidance documents; and

3. Comment on the relative priority of topics for guidance.

#### *E. Third Party Review*

The Agency will continue to support the third party review program and agrees to work with interested parties to strengthen and improve the current program while also establishing new procedures to improve transparency. The Agency will continue to improve the third party review program as resources permit, but not to the detriment of meeting the quantitative review timelines and statutory obligations.

#### *F. Patient Safety and Risk Tolerance*

FDA will fully implement final guidance on the factors to consider when making benefit-risk determinations in medical device premarket review. This guidance will focus on factors to consider in the premarket review process, including patient tolerance for risk, magnitude of the benefit, and the availability of other treatments or diagnostic tests.

Over the period of MDUFA III, FDA will meet with patient groups to better understand and characterize the patient perspective on disease severity or unmet medical need.

In addition, FDA will increase its utilization of FDA's Patient Representatives as Special Government Employee consultants to CDRH to provide patients' views early in the medical product development process and ensure those perspectives are considered in regulatory discussions. Applicable procedures governing conflicts of interest and confidentiality of proprietary information will be utilized for these consultations.

#### *G. Low Risk Medical Device Exemptions*

By the end of FY 2013, FDA will propose additional low risk medical devices to exempt from premarket notification. Within two years of such proposal, FDA intends to issue a final rule exempting additional low risk medical devices from premarket notification.

#### *H. Emerging Diagnostics*

FDA will work with industry to develop a transitional In Vitro Diagnostics (IVD) approach for the regulation of emerging diagnostics.

## II. REVIEW PERFORMANCE GOALS—FISCAL YEARS 2013 THROUGH 2017 AS APPLIED TO RECEIPT COHORTS

The overall objective of the review performance goals stated herein is to assure more timely access to safe and effective medical devices.

#### *A. Original Premarket Approval (PMA), Panel-Track Supplements, and Premarket Report Applications*

The performance goals in this section apply to all Original Premarket Approval, Panel-Track Supplements, and Premarket Report Applications, including those that are accepted for priority review (previously referred to as expedited).

FDA will communicate with the applicant regarding whether the application has been accepted for filing review within 15 calendar days of receipt of the application. This communication consists of a fax, email, or other written communication that (a) identifies the reviewer assigned to the submission, and (b) acknowledges acceptance/rejection of the submission based upon the review of the submission against objective acceptance criteria outlined in a published guidance document.

If the application is not accepted for filing review, FDA will notify the applicant of those items necessary for the application to be considered accepted for filing review.

For those applications that are accepted for filing review, FDA will communicate the filing status within 45 calendar days of receipt of the application.

For those applications that are not filed, FDA will communicate to the applicant the specific reasons for rejection and the information necessary for filing.

If the application is filed, FDA will communicate with the applicant through a Substantive Interaction within 90 calendar days of the filing date of the application for: 65% of submissions received in FY 2013; 75% of submissions received in FY 2014; 85% of submissions received in FY 2015; and 95% of submissions received in FY 2016 through FY 2017.

When FDA issues a major deficiency letter, that letter will be based upon a complete review of the application and will include all deficiencies. Any subsequent deficiencies will be limited to issues raised by the information provided by the applicant in its response, unless FDA concludes that the initial deficiencies identified do not adequately address important new issues materially relevant to a determination of safety or effectiveness. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs. Issues related to post-approval studies, if applicable, and revisions to draft labeling will typically be addressed through interactive review once major deficiencies have been adequately addressed.

For submissions that do not require Advisory Committee input, FDA will issue a MDUFA decision within 180 FDA Days for: 70% of submissions received in FY 2013; 80% of submissions received in FY 2014 and FY 2015; and 90% of submissions received in FY 2016 and FY 2017.

For submissions that require Advisory Committee input, FDA will issue a MDUFA decision within 320 FDA Days for: 50% of submissions received in FY 2013; 70% of submissions received in FY 2014; 80% of submissions received in FY 2015 and FY 2016; and 90% of submissions received in FY 2017.

If in any one fiscal year, the number of submissions that require Advisory Committee input is less than 10, then it is acceptable to combine such submissions with the submissions for the following year(s) in order to form a cohort of 10 or more submissions, upon which the combined years' submissions will be subject to the performance goal for the fiscal year in question. If the number of submissions that require Advisory Committee input is less than 10 for FY 2017, it is

acceptable to combine such submissions with the submissions in the prior year in order to form a cohort of 10 or more submissions; in such cases, FDA will be held to the FY 2017 performance goal for the combined years' submissions.

To facilitate an efficient review prior to the Substantive Interaction, and to incentivize submission of a complete application, submission of an unsolicited major amendment prior to the Substantive Interaction extends the FDA Day review clock by the number of FDA Days that have elapsed. Submission of an unsolicited major amendment after the Substantive Interaction extends the FDA Day goal by the number of FDA Days equal to 75% of the difference between the filing date and the date of receipt of the amendment.

For all PMA submissions that do not reach a MDUFA decision by 20 days after the applicable FDA Day goal, FDA will provide written feedback to the applicant to be discussed in a meeting or teleconference, including all outstanding issues with the application preventing FDA from reaching a decision. The information provided will reflect appropriate management input and approval, and will include action items for FDA and/or the applicant, as appropriate, with an estimated date of completion for each party to complete their respective tasks. Issues should be resolved through interactive review. If all of the outstanding issues are adequately presented through written correspondence, FDA and the applicant can agree that a meeting or teleconference is not necessary.

In addition, information about submissions that miss the FDA Day goal will be provided as part of FDA's Performance Reports, as described in Section VI.

#### *B. 180-Day PMA Supplements*

FDA will communicate with the applicant through a Substantive Interaction within 90 calendar days of receipt of the submission for: 65% of submissions received in FY 2013; 75% of submissions received in FY 2014; 85% of submissions received in FY 2015; and 95% of submissions received in FY 2016 through FY 2017.

FDA will issue a MDUFA decision within 180 FDA Days for: 85% of submissions received in FY 2013; 90% of submissions received in FY 2014 and FY 2015; and 95% of submissions received in FY 2016 through FY 2017.

#### *C. Real-Time PMA Supplements*

FDA will issue a MDUFA decision within 90 FDA Days for: 90% of submissions received in FY 2013 and FY 2014; and 95% of submissions received in FY 2015 through FY 2017.

#### *D. 510(k) Submissions*

FDA will communicate with the applicant regarding whether the submission has been accepted for review within 15 calendar days of receipt of the submission. For those submissions that are not accepted for review, FDA will notify the applicant of those items necessary for the submission to be considered accepted.

This communication includes a fax, email, or other written communication that a) identifies the reviewer assigned to the submission, and b) acknowledges acceptance/rejection of the submission based upon the review of the submission against objective acceptance criteria outlined in a published guidance document. This communication represents a preliminary review of the submission and is not indicative of deficiencies that may be identified later in the review cycle.

FDA will communicate with the applicant through a Substantive Interaction within 60

calendar days of receipt of the submission for: 65% of submissions received in FY 2013; 75% of submissions received in FY 2014; 85% of submissions received in FY 2015; and 95% of submissions received in FY 2016 through FY 2017.

Deficiencies identified in a Substantive Interaction, such as a telephone/email hold or Additional Information Letter, will be based upon a complete review of the submission and will include all deficiencies. Any subsequent deficiencies will be limited to issues raised by the information provided by the applicant in its response, unless FDA concludes that the initial deficiencies identified do not adequately address important new issues materially relevant to a determination of substantial equivalence. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs.

For submissions received in FY 2013, FDA will issue a MDUFA decision for 91% of 510(k) submissions within 90 FDA Days.

For submissions received in FY 2014, FDA will issue a MDUFA decision for 93% of 510(k) submissions within 90 FDA Days.

For submissions received in FY 2015 through FY 2017, FDA will issue a MDUFA decision for 95% of 510(k) submissions within 90 FDA Days.

For all 510(k) submissions that do not reach a MDUFA decision within 100 FDA Days, FDA will provide written feedback to the applicant to be discussed in a meeting or teleconference, including all outstanding issues with the application preventing FDA from reaching a decision. The information provided will reflect appropriate management input and approval, and will include action items for FDA and/or the applicant, as appropriate, with an estimated date of completion for each party to complete their respective tasks. Issues should be resolved through interactive review. If all of the outstanding issues are adequately presented through written correspondence, FDA and the applicant can agree that a meeting or teleconference is not necessary.

In addition, information about submissions that miss the FDA Day goal will be provided as part of FDA's Performance Reports, as described in Section VI.

#### *E. Clinical Laboratory Improvement Amendments (CLIA) Waiver by Application*

FDA will engage in a Substantive Interaction with the applicant within 90 days for 95% of the applications.

During the pre-submission process, if the applicant informs FDA that it plans to submit a dual submission (510(k) and CLIA Waiver application), FDA will issue a decision for 90% of such applications within 210 FDA days.

For "CLIA Waiver by application" submissions FDA will issue a MDUFA decision for 95% of the applications that do not require Advisory Committee input within 180 FDA days.

For "CLIA Waiver by application" submissions FDA will issue a MDUFA decision for 95% of the applications that require Advisory Committee input within 330 FDA days.

To provide greater transparency, FDA will issue guidance regarding review and management expectations throughout the entire submission process.

#### *F. Original Biologics Licensing Applications (BLAs)*

FDA will review and act on standard original BLA submissions within 10 months of receipt for 90% of submissions.

FDA will review and act on priority original BLA submissions within 6 months of receipt for 90% of submissions.

#### *G. BLA Efficacy Supplements*

FDA will review and act on standard BLA efficacy supplement submissions within 10 months of receipt for 90% of submissions.

FDA will review and act on priority BLA efficacy supplement submissions within 6 months of receipt for 90% of submissions.

#### *H. Original BLA and BLA Efficacy Supplement Resubmissions*

FDA will review and act on Class 1 original BLA and BLA efficacy supplement resubmissions within 2 months of receipt for 90% of submissions.

FDA will review and act on Class 2 original BLA and BLA efficacy supplement resubmissions within 6 months of receipt for 90% of submissions.

#### *I. BLA Manufacturing Supplements Requiring Prior Approval*

FDA will review and act on BLA manufacturing supplements requiring prior approval within 4 months of receipt for 90% of submissions.

### III. SHARED OUTCOME GOALS

The program and initiatives outlined in this document are predicated on significant interaction between the Agency and applicants. FDA and representatives of the medical device industry agree that the process improvements outlined in this letter, when implemented by all parties as intended, should reduce the average Total Time to Decision for PMA applications and 510(k) submissions, provided that the total funding of the device review program adheres to the assumptions underlying this agreement. FDA and applicants share the responsibility for achieving this objective of reducing the average Total Time to Decision, while maintaining standards for safety and effectiveness. Success of this program will require the cooperation and dedicated efforts of FDA and applicants to reduce their respective portions of the total time to decision.

FDA will be reporting total time performance quarterly as described in Section VI. FDA and industry will participate in the independent assessment of progress toward this outcome, as described in Section V above. As appropriate, key findings and recommendations from this assessment will be implemented by FDA.

#### *A. PMA*

Beginning in Fiscal Year 2013, FDA will report on an annual basis the average Total Time to Decision as defined in Section VIII.G for the three most recent closed receipt cohorts. For submissions received beginning in Fiscal Year 2013, the average Total Time to Decision goal for FDA and industry is 395 calendar days. For submissions received beginning in Fiscal Year 2015, the average Total Time to Decision goal for FDA and industry is 390 calendar days. For submissions received beginning in Fiscal Year 2017, the average Total Time to Decision goal for FDA and industry is 385 calendar days.

#### *B. 510(k)*

Beginning in Fiscal Year 2013, FDA will report on an annual basis the average Total Time to Decision as defined in Section VIII.G for the most recent closed receipt cohort. For submissions received beginning in Fiscal Year 2013, the average Total Time to Decision goal for FDA and industry is 135 calendar days. For submissions received beginning in FY 2015, the average Total Time to Decision goal for FDA and industry is 130 calendar days. For submissions received beginning in FY 2017, the average Total Time to Decision goal for FDA and industry is 124 calendar days.

## IV. INFRASTRUCTURE

A. *Scientific and Regulatory Review Capacity*

The Agency will apply user fee revenues to reduce the ratio of review staff to front line supervisors in the Pre-Market review program and to enhance and supplement scientific review capacity by hiring device application reviewers and leveraging external experts needed to assist with the review of device applications.

The Agency will seek to obtain streamlined hiring authority for all MDUFA-related positions prior to and during the MDUFA III period.

During MDUFA III, FDA will also work with industry to benchmark best practices for retaining employees (both financial and non-financial).

B. *Training*

Prior to the commencement of MDUFA III, CDRH will implement its Reviewer Certification Program. FDA commits to holding a minimum of two medical device Vendor Days each year.

CDRH will apply user fee revenues to supplement the following training programs:

- 1) Management training for Branch Chiefs and Division Directors.
- 2) MDUFA III Training Program for all staff.
- 3) Reviewer Certification Program for new CDRH reviewers. FDA will publish the curriculum of this program and other course offerings. FDA will consider comments from stakeholders when making updates to courses and determining course offerings.
- 4) Specialized training to provide continuous learning for all staff.

C. *Tracking System*

FDA will continue efforts to improve its IT systems with a future expectation of facilitating availability of real-time status information for submissions.

## V. INDEPENDENT ASSESSMENT OF REVIEW PROCESS MANAGEMENT

FDA and the device industry will participate in a comprehensive assessment of the process for the review of device applications. The assessment will include consultation with both FDA and industry. The assessment shall be conducted in two phases under contract to FDA by a private, independent consulting firm capable of performing the technical analysis, management assessment, and program evaluation tasks required to address the assessment scope described below. For Phase 1, FDA will award the contract no later than the end of the second quarter of FY13. Findings on high-priority recommendations (i.e., those likely to have a significant impact on review times) will be published within six months of award; final comprehensive findings and recommendations will be published within 1 year of contract award. FDA will publish an implementation plan within 6 months of receipt of each set of recommendations. For Phase 2 of the independent assessment, the contractor will evaluate the implementation of recommendations and publish a written assessment no later than February 1, 2016.

The assessment will address FDA's premarket review process using an assessment framework that draws from appropriate quality system standards, including, but not limited to, management responsibility, document controls and records management, and corrective and preventive action.

The scope of the assessment will include, but not be limited to, the following areas:

1. Identification of process improvements and best practices for conducting predict-

able, efficient, and consistent premarket reviews that meet regulatory review standards.

2. Analysis of elements of the review process (including the Pre-Submission process, IDE, 510(k) and PMA reviews) that consume or save time to facilitate a more efficient process. This includes analysis of root causes for inefficiencies that may affect review performance and total time to decision. This will also include recommended actions to correct any failures to meet MDUFA goals. Analysis of the review process will include the impact of combination products, companion diagnostics products, and laboratory developed tests on the review process.

3. Assessment of FDA methods and controls for collecting and reporting information on premarket review process resource use and performance.

4. Assessment of effectiveness of FDA's Reviewer Training Program implementation.

5. Recommendations for ongoing periodic assessments and any additional, more detailed or focused assessments.

FDA will incorporate findings and recommendations, as appropriate, into its management of the premarket review program. FDA will analyze the recommendations for improvement opportunities identified in the assessment, develop and implement a corrective action plan, and assure its effectiveness. FDA also will incorporate the results of the assessment into a Good Review Management Practices (GRMP) guidance document. FDA's implementation of the GRMP guidance will include initial and ongoing training of FDA staff, and periodic audits of compliance with the guidance.

## VI. PERFORMANCE REPORTS

The Agency will report its progress toward meeting the goals described in this letter, as follows. If, throughout the course of MDUFA III, the Agency and Industry agree that a different format or different metrics would be more useful, the reporting will be modified accordingly as per the agreement of both FDA and Industry.

1. Quarterly reporting at the CDRH Division level/CBER Center level (in recognition of the significantly smaller number of submissions reviewed at CBER):

- 1.1. For 510(k) submissions, reporting will include:

- i. Average and quintiles of the number of calendar days to Substantive Interaction
- ii. Average, and quintiles of the number of FDA Days, Industry Days, and Total Days to a MDUFA decision
- iii. Average number of review cycles.
- iv. Rate of submissions not accepted for review

- 1.2. For PMA submissions, reporting will include:

- i. Average and quintiles of the number of calendar days to Substantive Interaction for Original PMA, Panel-Track PMA Supplement, and Premarket Report Submissions
- ii. Average and quintiles of the of FDA Days, Industry Days, and Total Days to a MDUFA decision
- iii. Rate of applications not accepted for filing review, and rate of applications not filed

- 1.3. For Pre-Submissions, reporting will include:

- i. Number of all qualified Pre-Submissions received
- ii. Average and quintiles of the number of calendar days from submission to meeting or teleconference (if necessary)
- iii. Number of Pre-Submissions that require a meeting

- 1.4. For IDE applications, reporting will include:

- i. Number of original IDEs received
- ii. Average number of amendments prior to approval or conditional approval of the IDE (this information will be provided beginning no later than the quarter that starts 10/1/2013)

2. CDRH will report quarterly, and CBER will report annually, the following data at the Center level:

- 2.1. Rate of NSE decisions for 510(k) submissions

- 2.2. Rate of withdrawals for 510(k) and PMA submissions

- 2.3. Rate of Not Approvable decisions for PMA submissions

- 2.4. Key product areas or other issues that FDA identifies as noteworthy because of a potential effect on performance, including significant rates of Additional Information requests

- 2.5. Specific topic or product area as it relates to performance goals, agreed upon at the previous meeting

- 2.6. Number of submissions that missed the goals and the total number of elapsed calendar days broken down into FDA days and industry days

- 2.7. Newly released draft and final guidance documents, and status of other priority guidance documents

- 2.8. Agency level summary of fee collections

- 2.9. Independent assessment implementation plan status

- 2.10. Results of independent assessment and subsequent periodic audits and progress toward implementation of the recommendations and any corrective action

- 2.11. Number of discretionary fee waivers or reductions granted by type of submission

3. In addition, the Agency will provide the following information on an annual basis:

- 3.1. Qualitative and quantitative update on how funding is being used for the device review process, including the percentage of review time devoted to direct review of applications

- 3.2. How funding is being used to enhance scientific review capacity

- 3.3. The number of Premarket Report Submissions received

- 3.4. Summary information on training courses available to CDRH and CBER employees, including new reviewers, regarding device review and the percentage of applicable staff that have successfully completed each such course. CDRH will provide information concerning any revisions to the new reviewer training program curriculum.

- 3.5. Performance on the shared outcome goal for average Total Time to decision

- 3.6. For 510(k) submissions, reporting will include:

- i. Number of submissions reviewed by a Third Party

- ii. Number of Special Submissions

- iii. Number of Traditional Submissions

- iv. Average and number of days to Accept/Refuse to Accept

- v. Number of Abbreviated Submissions

- 3.7. For PMA submissions, reporting will include the number of the following types of PMA submissions received:

- i. Original PMAs

- ii. Priority PMAs

- iii. Premarket Reports

- iv. Panel-Track PMA Supplement

- v. PMA Modules

- vi. 180-Day PMA Supplements

- vii. Real-Time PMA Supplements

- 3.8. For De Novo Classification Petitions, reporting will include:

- i. Number of submissions received

- ii. Average number of calendar days to a MDUFA decision

3.9. For CLIA waiver applications, reporting will include:

- i. Number of CLIA waiver applications received
- ii. Average and quintiles of the number of calendar days to Substantive Interaction
- iii. Average and quintiles of the number of FDA Days, Industry Days, and Total Days to a MDUFA decision and a discussion of any trends in the data

#### VII. DISCRETIONARY WAIVER

The Agency will seek authority to grant discretionary fee waivers or reductions in the interest of public health. Notwithstanding any fee waivers or reductions granted by the Agency under this discretionary authority, FDA remains committed to meeting the goals described in this letter. Any submission subject to a fee waiver or reduction under this discretionary authority shall not be subject to the goals specified in this letter and shall be reviewed by the Agency as resources permit. This discretionary authority will expire at the end of MDUFA III.

#### VIII. DEFINITIONS AND EXPLANATIONS OF TERMS

##### A. Applicant

Applicant means a person who makes any of the following submissions to FDA: an application for premarket approval under section 515; a premarket notification under section 510(k); an application for investigational device exemption under section 520(g); a Pre-Submission; a CLIA waiver application.

##### B. Electronic Copy (e-Copy)

An electronic copy is an exact duplicate of a paper submission, created and submitted on a CD, DVD, or in another electronic media format that FDA has agreed to accept, accompanied by a copy of the signed cover letter and the complete original paper submission. An electronic copy is not considered to be an electronic submission.

##### C. FDA Days

FDA Days are those calendar days when a submission is considered to be under review at the Agency for submissions that have been accepted (510(k)) or filed (PMA). FDA Days begin on the date of receipt of the submission or of the amendment to the submission that enables the submission to be accepted (510(k)) or filed (PMA).

##### D. MDUFA Decisions

**Original PMAs:** Decisions for Original PMAs are Approval, Approvable, Approvable Pending GMP Inspection, Not Approvable, Withdrawal, and Denial.

**180-Day PMA Supplements:** Decisions for 180-Day PMA Supplements include Approval, Approvable, and Not Approvable.

**Real-Time PMA Supplements:** Decisions for Real-Time PMA supplements include Approval, Approvable, and Not Approvable.

**510(k)s:** Decisions for 510(k)s are substantially equivalent (SE) or not substantially equivalent (NSE).

Submissions placed on Application Integrity Program Hold will be removed from the MDUFA cohort.

##### E. Pre-Submission

A Pre-Submission includes a formal written request from an applicant for feedback from FDA which is provided in the form of a formal written response or, if the manufacturer chooses, a meeting or teleconference in which the feedback is documented in meeting minutes. A Pre-Submission meeting is a meeting or teleconference in which FDA provides its substantive feedback on the Pre-Submission.

A Pre-Submission provides the opportunity for an applicant to obtain FDA feedback prior to intended submission of an investigational device exemption or marketing application. The request must include specific questions regarding review issues relevant to a planned IDE or marketing application (e.g., questions regarding pre-clinical and clinical testing protocols or data requirements). A Pre-Submission is appropriate when FDA's feedback on specific questions is necessary to guide product development and/or application preparation.

The following forms of FDA feedback to applicants are not considered Pre-Submissions. However, if the requested feedback meets the criteria for a Pre-Submission, outlined above, FDA will contact the sponsor, and with the concurrence of the sponsor, may convert the request to a Pre-Submission.

General information requests initiated through the Division of Small Manufacturers, International and Consumer Assistance (DSMICA)

General questions regarding FDA policy or procedures

Meetings or teleconferences that are intended to be informational only, including, but not limited to, those intended to educate the review team on new device(s) with significant differences in technology from currently available devices, or to update FDA about ongoing or future product development, without a request for FDA feedback on specific questions related to a planned submission

Requests for clarification on technical guidance documents, especially where contact is recommended by FDA in the guidance document. However, the following requests will generally need to be submitted as a Pre-Submission in order to ensure appropriate input from multiple reviewers and management: recommendations for device types not specifically addressed in the guidance document; recommendations for nonclinical or clinical studies not addressed in the guidance document; requests to use an alternative means to address recommendations specified in a guidance document.

Phone calls or email messages to reviewers that can be readily answered based on a reviewer's experience and knowledge and do not require the involvement of a broader number of FDA staff beyond the routine involvement of the reviewer's supervisor and more experienced mentors.

Interactions requested by either the applicant or FDA during the review of a marketing application (i.e., following submission of a marketing application, but prior to reaching an FDA Decision).

##### F. Substantive Interaction

Substantive Interaction is an email, letter, teleconference, video conference, fax, or other form of communication such as a request for Additional Information or Major Deficiency letters by FDA notifying the applicant of substantive deficiencies identified in initial submission review, or a communication stating that FDA has not identified any deficiencies in the initial submission review and any further minor deficiencies will be communicated through interactive review. An approval or clearance letter issued prior to the Substantive Interaction goal date will qualify as a Substantive Interaction.

If substantive issues warranting issuance of an Additional Information or Major Deficiency letter are not identified, interactive review should be used to resolve any minor issues and facilitate an FDA decision. In ad-

dition, interactive review will be used, where, in FDA's estimation, it leads to a more efficient review process during the initial review cycle (i.e., prior to a Substantive Interaction) to resolve minor issues such as revisions to administrative items (e.g., 510(k) Summary/Statement, Indications for Use statement, environmental impact assessment, financial disclosure statements); a more detailed device description; omitted engineering drawings; revisions to labeling; or clarification regarding nonclinical or clinical study methods or data.

Minor issues may still be included in an Additional Information or Major Deficiency letter where related to the resolution of the substantive issues (e.g., modification of the proposed Indications for Use may lead to revisions in labeling and administrative items), or if they were still unresolved following interactive review attempts. Both interactive review and Substantive Interactions will occur on the review clock except upon the issuance of an Additional Information or Major Deficiency Letter which stops the review clock.

##### G. Total Time to Decision

Total Time to Decision is the number of calendar days from the date of receipt of an accepted or filed submission to a MDUFA decision.

The average Total Time to Decision for 510(k) submissions is calculated as the trimmed mean of Total Times to Decision for 510(k) submissions within a closed cohort, excluding the highest 2% and the lowest 2% of values. A cohort is closed when 99% of the accepted submissions have reached a decision.

The average Total Time to Decision for PMA applications is calculated as the three-year rolling average of the annual Total Times to Decision for applications (for example, for FY2015, the average Total Time to Decision for PMA applications would be the average of FY2013 through FY2015) within a closed cohort, excluding the highest 5% and the lowest 5% of values. A cohort is closed when 95% of the applications have reached a decision.

##### H. BLA-related Definitions

Review and act on—the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

Class 1 resubmitted applications—applications resubmitted after a complete response letter that includes the following items only (or combinations of these items):

- (a) Final printed labeling
- (b) Draft labeling
- (c) Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)
- (d) Stability updates to support provisional or final dating periods
- (e) Commitments to perform Phase 4 studies, including proposals for such studies
- (f) Assay validation data
- (g) Final release testing on the last 1–2 lots used to support approval
- (h) A minor reanalysis of data previously submitted to the application (determined by the Agency as fitting the Class 1 category)
- (i) Other minor clarifying information (determined by the Agency as fitting the Class 1 category)



(j) Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry

Class 2 resubmitted applications—resubmissions that include any other items, including any item that would require presentation to an advisory committee

#### PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FOR FISCAL YEARS 2013 THROUGH 2017

The performance goals and procedures of the FDA Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), as agreed to under the fifth authorization of the prescription drug user fee program, are summarized below.

Unless otherwise stated, goals apply to cohorts of each fiscal year (FY).

#### I. REVIEW PERFORMANCE GOALS

##### A. NDA/BLA Submissions and Resubmissions<sup>1</sup>

Note: <sup>1</sup>Refer to Section II.A.4 for a description of the review program for NME NDAs and original BLAs.

1. Review and act on 90 percent of standard NME NDA and original BLA submissions within 10 months of the 60 day filing date.

2. Review and act on 90 percent of priority NME NDA and original BLA submissions within 6 months of the 60 day filing date.

3. Review and act on 90 percent of standard non-NME original NDA submissions within 10 months of receipt.

4. Review and act on 90 percent of priority non-NME original NDA submissions within 6 months of receipt.

5. Review and act on 90 percent of Class 1 resubmitted original applications within 2 months of receipt.

6. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.

##### B. Original Efficacy Supplements

1. Review and act on 90 percent of standard efficacy supplements within 10 months of receipt.

2. Review and act on 90 percent of priority efficacy supplement within 6 months of receipt.

##### C. Resubmitted Efficacy Supplements

1. Review and act on 90 percent of Class 1 resubmitted efficacy supplements within 2 months of receipt.

2. Review and act on 90 percent of Class 2 resubmitted efficacy supplements within 6 months of receipt.

##### D. Original Manufacturing Supplements

1. Review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt, and review and act on 90 percent of all other manufacturing supplements within 6 months of receipt.

E. These review goals are summarized in the following tables:

#### ORIGINAL AND RESUBMITTED APPLICATIONS AND SUPPLEMENTS

Submission cohort	Standard	Priority
NME NDAs and original BLAs .....	90% in 10 months of the 60 day filing date.	90% in 6 months of the 60 day filing date
Non NME NDAs .....	90% in 10 months of the receipt date.	90% in 6 months of the receipt date

#### ORIGINAL AND RESUBMITTED APPLICATIONS AND SUPPLEMENTS—Continued

Submission cohort	Standard	Priority
Class 1 Resubmissions .....	90% in 2 months of the receipt date.	90% in 2 months of the receipt date
Class 2 Resubmissions .....	90% in 6 months of the receipt date.	90% in 6 months of the receipt date
Original Efficacy Supplements .....	90% in 10 months of the receipt date.	90% in 6 months of the receipt date
Class 1 Resubmitted Efficacy Supplements .....	90% in 2 months of the receipt date.	90% in 2 months of the receipt date
Class 2 Resubmitted Efficacy Supplements .....	90% in 6 months of the receipt date.	90% in 6 months of the receipt date
	Prior approval	All other
Manufacturing Supplements .....	90% in 4 months of the receipt date.	90% in 6 months of the receipt date

#### II. NEW MOLECULAR ENTITY NDA AND ORIGINAL BLA PERFORMANCE GOALS

##### A. Program for Enhanced Review Transparency and Communication for NME NDAs and Original BLAs

To promote greater transparency and improve communication between the FDA review team and the applicant, FDA will establish a review model (hereafter referred to as “the Program”) that will apply to all New Molecular Entity New Drug Applications (NME NDAs) and original Biologics License Applications (BLAs), including applications that are resubmitted following a Refuse-to-File action, received from October 1, 2012, through September 30, 2017.<sup>2</sup> The goal of the Program is to improve the efficiency and effectiveness of the first cycle review process and decrease the number of review cycles necessary for approval, ensuring that patients have timely access to safe, effective, and high quality new drugs and biologics. The Program shall be evaluated by an independent contractor with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs. The parameters of the Program are as follows:

Note: <sup>2</sup>The decision as to whether the application is included or excluded from the Program is distinct from FDA’s determination as to whether the drug product contains a “new chemical entity,” as defined under 21 CFR 314.108(a). Determinations regarding new chemical entity exclusivity are made at the time of approval of an application.

1. Pre-submission meeting: The applicant is strongly encouraged to discuss the planned content of the application with the appropriate FDA review division at a pre-NDA/BLA meeting

a) The pre-NDA/BLA meeting should be held sufficiently in advance of the planned submission of the application to allow for meaningful response to FDA feedback and should generally occur not less than 2 months prior to the planned submission of the application.

b) At the pre-NDA/BLA meeting, the FDA and the applicant will agree on the content of a complete application for the proposed

indication(s), including preliminary discussions on the need for risk evaluation and mitigation strategies (REMS) or other risk management actions. This meeting will be attended by the FDA review team including appropriate senior FDA staff. The agreement and discussions will be summarized at the conclusion of the meeting and reflected in the FDA meeting minutes.

c) At the meeting, the FDA and the applicant may also reach agreement on submission of a limited number of application components not later than 30 calendar days after the submission of the original application. These submissions must be of a type that would not be expected to materially impact the ability of the review team to begin its review. Any such agreement that is reached on delayed submission of application components will be summarized at the conclusion of the meeting and reflected in the FDA meeting minutes.

(1) Examples of application components that may be appropriate for delayed submission include updated stability data (e.g., 15-month data to update 12-month data submitted with the original submission) or the final audited report of a preclinical study (e.g., carcinogenicity) where the final draft report is submitted with the original application.

d) Major components of the application (e.g., the complete study report of a Phase 3 clinical trial or the full study report of required long-term safety data) are expected to be submitted with the original application and are not subject to agreement for late submission.

2. Original application submission: Applications are expected to be complete, as agreed between the FDA review team and the applicant at the pre-NDA/BLA meeting, at the time of original submission of the application. If the applicant does not have a pre-NDA/BLA meeting with FDA, and no agreement exists between FDA and the applicant on the contents of a complete application or delayed submission of certain components of the application, the applicant’s submission is expected to be complete at the time of original submission.

a) All applications are expected to include a comprehensive and readily located list of all clinical sites and manufacturing facilities included or referenced in the application.

b) Any components of the application that FDA agreed at the pre-submission meeting could be submitted after the original application are expected to be received not later than 30 calendar days after receipt of the original application.

c) Incomplete applications, including applications with components that are not received within 30 calendar days after receipt of the original submission, will be subject to a Refuse-to-File decision.

(1) Applications that are subject to a Refuse-to-File action, and are subsequently filed over protest, will not be subject to the procedures of the Program, but will instead be subject to the 6 and 10 month review performance goals for priority and standard applications, respectively, as described in Section I.

d) Since applications are expected to be complete at the time of submission, unsolicited amendments are expected to be rare and not to contain major new information or analyses.

(1) Review of unsolicited amendments, including those submitted in response to an FDA communication of deficiencies, will be handled in accordance with the guidance “Good Review Management Principles and



Practices (GRMPs) for PDUFA Products.” This guidance includes the underlying principle that FDA will consider the most efficient path toward completion of a comprehensive review that addresses application deficiencies and leads toward a first cycle approval when possible.

3. Day 74 Letter: FDA will follow existing procedures and performance goals (see Section III) regarding identification and communication of filing review issues in the “Day 74 letter.” For applications subject to the Program, the timeline for this communication will be within 74 calendar days from the date of FDA receipt of the original submission. The planned review timeline included in the Day 74 letter for applications in the Program will include the planned date for the internal mid-cycle review meeting. The letter will also include preliminary plans on whether to hold an Advisory Committee (AC) meeting to discuss the application.

4. Review performance goals: For NME NDA and original BLA submissions that are filed by FDA under the Program, the PDUFA review clock will begin at the conclusion of the 60 calendar day filing review period that begins on the date of FDA receipt of the original submission. The review performance goals for these applications are as follows:

a) Review and act on 90 percent of standard NME NDA and original BLA submissions within 10 months of the 60 day filing date.

b) Review and act on 90 percent of priority NME NDA and original BLA submissions within 6 months of the 60 day filing date.

5. Mid-Cycle communication: The FDA Regulatory Project Manager (RPM), and other appropriate members of the FDA review team (e.g., Cross Discipline Team Leader (CDTL)), will call the applicant, generally within 2 weeks following the Agency’s internal mid-cycle review meeting, to provide the applicant with an update on the status of the review of their application. Scheduling of the internal mid-cycle review meeting will be handled in accordance with the GRMP guidance. The RPM will coordinate the specific date and time of the telephone call with the applicant

a) The update should include any significant issues identified by the review team to date, any information requests, information regarding major safety concerns and preliminary review team thinking regarding risk management, proposed date(s) for the late-cycle meeting, updates regarding plans for the AC meeting (if an AC meeting is anticipated), and other projected milestones dates for the remainder of the review cycle.

6. Discipline Review (DR) Letters: The FDA review team will follow existing guidance on issuance of DR Letters.

a) Since the application is expected to be complete at time of submission, FDA intends to complete primary and secondary discipline reviews of the application and issue DR letters in advance of the planned late-cycle meeting. In cases where a DR letter is not issued in advance of the planned late-cycle meeting, substantive issues identified to date from that discipline will be communicated in the brief memorandum described in 7(b)(1).

7. Late-Cycle meeting: For all applications included in the review Program, a meeting will be held between the FDA review team and the applicant to discuss the status of the review of the application late in the review cycle.

a) FDA representatives at the late-cycle meeting are expected to include the signatory authority for the application, review

team members from appropriate disciplines, and appropriate team leaders and/or supervisors from disciplines for which substantive issues have been identified in the review to date.

b) For applications that will be discussed at an Advisory Committee (AC) meeting, the late-cycle meeting will occur not less than 12 calendar days before the date of the AC meeting. FDA intends to convene AC meetings no later than 3 months (standard review) or no later than 2 months (priority review) prior to the PDUFA goal date.

(1) The Agency briefing package for the late-cycle meeting will consist of the Agency’s background package for the AC meeting, which will be sent to the applicant not less than 20 calendar days before the AC meeting, any discipline review letters issued to date, current assessment of the need for REMS or other risk management actions, and a brief memorandum from the review team outlining substantive application issues including potential questions and/or points for discussion for the AC meeting. FDA intends to provide final questions for the AC to the sponsor and the AC 2 calendar days in advance of the AC meeting.

c) For applications that will not be discussed at an AC meeting, the late-cycle meeting will generally occur not later than 3 months (standard review) or two months (priority review) prior to the PDUFA goal date.

(1) The Agency background package for the late-cycle meeting, which will be sent to the applicant not less than 12 calendar days before the meeting, will consist of any discipline review letters issued to date, current assessment of the need for REMS or other risk management actions, and a brief memorandum from the review team outlining substantive application issues.

d) Potential topics for discussion at the late-cycle meeting include major deficiencies identified to date; issues to be discussed at the AC meeting (if planned); current assessment of the need for REMS or other risk management actions; information requests from the review team to the applicant; and additional data or analyses the applicant may wish to submit.

(1) With regard to submission of additional data or analyses, the FDA review team and the applicant will discuss whether such data will be reviewed by the Agency in the current review cycle and, if so, whether the submission will be considered a major amendment and trigger an extension of the PDUFA goal date.

8. Inspections: FDA’s goal is to complete all GCP, GLP, and GMP inspections for applications in the Program within 6 months of the date of original receipt for priority applications and within 10 months of the date of original receipt for standard applications. This will allow 2 months at the end of the review cycle to attempt to address any deficiencies identified by the inspections.

9. Quality System: As part of a quality system approach to managing review in the Program, FDA will implement a tracking system that will document review team performance of the key milestones for each of the applications reviewed under the Program.

a) These milestones include: conduct of pre-NDA/BLA meeting and agreement on content of complete application; submission of any components of the application within 30 calendar days of original application submission (as per pre-NDA/BLA meeting agreement); issuance of the 74-day letter; completion of mid-cycle communication with spon-

sor; completion of primary and secondary reviews; DR letters issued; exchange of late cycle meeting package; and conduct of late-cycle meeting.

b) The process tracking information will support review management, and inform the subsequent analysis to be conducted by an independent third party (see below). The performance information generated by the tracking system will also be summarized and reported in the PDUFA annual performance report.

#### B. Assessment of the Program

The Program described in Section IIA shall be evaluated by an independent contractor with expertise in assessing the quality and efficiency of biopharmaceutical development and regulatory review programs. The statement of work for this effort will be published for public comment prior to beginning the assessment. The assessments will occur continuously throughout the course of the Program. Metrics for the assessments will include adherence by the applicant and FDA to the current GRMP guidance, submission of a complete application at the time of original submission, number of unsolicited amendments submitted by the applicant, timing and adequacy of Day 74 letters, mid-cycle communications, provision of late-cycle meeting memorandum outlining potential issues and questions for AC meeting consideration and discipline review letters; specific milestones of the Program as described in Section IIA; time to approval; percentage of applications approved on the first review cycle; and the percentage of application reviews extended due to major amendments. Following issuance of an FDA regulatory action at the completion of the first review cycle, the independent contractor will assess the completeness and thoroughness of the submitted application, Day 74 letter, mid-cycle communication, discipline review letters and late-cycle meeting. This assessment will include interviews of the sponsor and members of the review team, as appropriate.

1. Interim Assessment: An interim assessment of the Program will be published by March 31, 2015, for public comment. By June 30, 2015, FDA will hold a public meeting during which public stakeholders may present their views on the success of the Program to date including: improving the efficiency and effectiveness of the first cycle review process; decreasing the number of review cycles ultimately necessary for new drugs and biologics that are approved; and helping to ensure that patients have timely access to safe, effective, and high quality new drugs and biologics. During the public meeting, FDA will discuss the findings of the interim assessment, including anonymized aggregated feedback from sponsors and FDA review teams resulting from independent contractor interviews. FDA will also address any issues identified to date including actions proposed to improve likelihood of success for the program.

2. Final Assessment: A final assessment of the Program will be published by December 31, 2016, for public comment. FDA will hold a public meeting by no later than March 30, 2017, during which public stakeholders may present their views on the success of the Program, including improving the efficiency and effectiveness of the first cycle review process and decreasing the number of review cycles ultimately necessary for new drugs and biologics that are approved. During the public meeting, FDA will discuss the findings of the final assessment, including anonymized aggregated feedback from sponsors and FDA review teams resulting from independent

contractor interviews and discuss any issues identified and plans for addressing these issues.

### III. FIRST CYCLE REVIEW PERFORMANCE

#### A. Notification of Issues Identified during the Filing Review

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will report substantive review issues identified during the initial filing review to the applicant by letter, teleconference, facsimile, secure e-mail, or other expedient means.

2. The timeline for such communication will be within 74 calendar days from the date of FDA receipt of the original submission.

3. If no substantive review issues were identified during the filing review, FDA will so notify the applicant.

4. FDA's filing review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

5. FDA will notify the applicant of substantive review issues prior to the goal date for 90% of applications.

#### B. Notification of Planned Review Timelines

1. Performance Goal: For original NDA/BLA applications and efficacy supplements, FDA will inform the applicant of the planned timeline for review of the application. The information conveyed will include a target date for communication of feedback from the review division to the applicant regarding proposed labeling, postmarketing requirements, and postmarketing commitments the Agency will be requesting.

2. The planned review timeline will be included with the notification of issues identified during the filing review, within 74 calendar days from the date of FDA receipt of the original submission.

3. The planned review timelines will be consistent with the Guidance for Review Staff and Industry: Good Review Management Principles and Practices for PDUFA Products (GRMPs), taking into consideration the specific circumstances surrounding the individual application.

4. The planned review timeline will be based on the application as submitted.

5. FDA will inform the applicant of the planned review timeline for 90% of all applications and efficacy supplements.

6. In the event FDA determines that significant deficiencies in the application preclude discussion of labeling, postmarketing requirements, or postmarketing commitments by the target date identified in the planned review timeline (e.g., failure to demonstrate efficacy, significant safety concern(s), need for a new study(ies) or extensive re-analyses of existing data before approval), FDA will communicate this determination to the applicant in accordance with GRMPs and no later than the target date. In such cases the planned review timeline will be considered to have been met. Communication of FDA's determination may occur by letter, teleconference, facsimile, secure e-mail, or other expedient means.

7. To help expedite the development of drug and biologic products, communication of the deficiencies identified in the application will generally occur through issuance of a DR letter(s) in advance of the planned target date for initiation of discussions regarding labeling, postmarketing requirements, and postmarketing commitments the Agency may request.

8. If the applicant submits a major amendment(s) (refer to Section XVI.B for additional information on major amendments)

and the review division chooses to review such amendment(s) during that review cycle, the planned review timeline initially communicated will generally no longer be applicable. Consistent with the underlying principles articulated in the GRMP guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

If the review division determines that the major amendment will result in an extension of the PDUFA review clock, the review division will communicate to the applicant at the time of the clock extension a new planned review timeline, including a new review timeline for communication of feedback on proposed labeling, postmarketing requirements, and any postmarketing commitments the Agency may request.

In the rare case where the review division determines that the major amendment will not result in an extension of the PDUFA review clock, the review division may choose to retain the previously communicated planned review timeline or may communicate a new planned review timeline to the applicant.

The division will notify the applicant promptly of its decision regarding review of the major amendment(s) and whether the planned review timeline is still applicable.

For original NME NDA and original BLA applications, the new planned review timeline will include a new planned date for the internal mid-cycle review meeting if appropriate depending on when during the course of review the major amendment(s) is accepted for review.

#### C. Report on Review Timeline Performance

1. FDA will report its performance in meeting the goals for inclusion of a planned review timeline with the notification of issues identified during the filing review in the annual PDUFA performance report.

2. FDA will report its performance in meeting the planned review timeline for communication of labeling comments, postmarketing requirements, and postmarketing commitment requests in the annual PDUFA performance report. The report will include the percentage of applications for which the planned target dates for communication of labeling comments, postmarketing requirements, and postmarketing commitment requests were met. The report will also note how often the planned review timeline was met based on communication of labeling comments, postmarketing requirements, and postmarketing commitment requests by the target date, and how often such communication did not occur due to FDA's determination that significant deficiencies in the application precluded communication of labeling comments, postmarketing requirements, and postmarketing commitment requests at the time initially projected. Communication of labeling comments, postmarketing requirements, and postmarketing commitment requests, or communication of FDA's determination that significant deficiencies preclude initiation of such discussions that occurs within 7 calendar days of the target date stated in the planned review timeline will be considered to have met the target date. FDA will also report the number of times that the review timelines were inapplicable due to the Agency's decision to review an unsolicited major amendment or a solicited major amendment that did not result in an extension of the review clock (unless the review division chose to retain the pre-

viously communicated planned review timeline).

### IV. REVIEW OF PROPRIETARY NAMES TO REDUCE MEDICATION ERRORS

To enhance patient safety, FDA will utilize user fees to implement various measures to reduce medication errors related to look-alike and sound-alike proprietary names and such factors as unclear label abbreviations, acronyms, dose designations, and error prone label and packaging design.

#### A. Review Performance Goals—Drug/Biological Product Proprietary Names

1. Proprietary names submitted during IND phase (as early as end-of-phase 2)

a) Review 90% of proprietary name submissions filed within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

b) If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

c) If the proprietary name is found to be unacceptable, the above review performance goals also would apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

d) A complete submission is required to begin the review clock.

2. Proprietary names submitted with NDA/BLA

a) Review 90% of NDA/BLA proprietary name submissions filed within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

b) A supplemental review will be done meeting the above review performance goals if the proprietary name has been submitted previously (IND phase after end-of-phase 2) and has received tentative acceptance.

c) If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

d) If the proprietary name is found to be unacceptable, the above review performance goals apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

e) A complete submission is required to begin the review clock.

### V. MAJOR DISPUTE RESOLUTION

A. Procedure: For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the signatory authority level (including a request for reconsideration by the signatory authority after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal: 90% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal.

#### C. Conditions:

1. Sponsors should first try to resolve the procedural or scientific issue at the signatory authority level. If it cannot be resolved at that level, it should be appealed to the next higher organizational level (with a copy to the signatory authority) and then, if necessary, to the next higher organizational level.

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or

written and should ordinarily be to either grant or deny the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the "response" should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

7. N.B. If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting to allow conformance with advisory committee administrative procedures.

#### VI. CLINICAL HOLDS

A. Procedure: The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response.

#### VII. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure: Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the Agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end of Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.

4. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

5. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

B. Performance goal: 90% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

C. Reporting: The Agency will track and report the number of original special protocol assessments and resubmissions per original special protocol assessment.

#### VIII. MEETING MANAGEMENT GOALS

##### A. Responses to Meeting Requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request from industry for a formal Type A meeting, or within 21 calendar days of the Agency's receipt of a request from industry for a formal Type B or Type C meeting (i.e., a scheduled face-to-face, teleconference, videoconference, or written response), CDER and CDER should notify the requester in writing (letter or fax) of the date, time, and place for the meeting, as well as expected Center participants. In the case of pre-IND and Type C meeting requests, the sponsor may request a written response to its questions rather than a face-to-face meeting, videoconference or teleconference. In some cases, while the sponsor may request a face-to-face pre-IND or Type C meeting, the Agency may determine that a written response to the sponsor's questions would be the most appropriate means for responding to the meeting request. When it is determined that the meeting request can be appropriately addressed through a written response to questions, FDA shall notify the requester of the date it intends to send the response.

2. Performance Goal: FDA will provide this notification within 14 days for 90% of Type A meeting requests and within 21 days for 90% of Type B and Type C meeting requests.

##### B. Scheduling Meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested. If the requested date for any of these types of meetings is greater than 30, 60, or 75 calendar days (as appropriate) from the date the request is received by the Agency, the meeting date should be within 14 calendar days of the requested date.

a) Type A Meetings should occur within 30 calendar days of the Agency receipt of the meeting request.

b) Type B Meetings should occur within 60 calendar days of the Agency receipt of the

meeting request. In the case of a written response for a pre-IND meeting, the response should be transmitted by FDA within 60 calendar days of the Agency receipt of the meeting request.

c) Type C Meetings should occur within 75 calendar days of the Agency receipt of the meeting request. In the case of a written response, the response should be transmitted by FDA within 75 calendar days of the Agency receipt of the meeting request.

2. Performance goal: 90% of meetings are held within the timeframe, and 90% of written responses are sent within the timeframe.

##### C. Meeting Minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail. Meeting minutes are not required if the Agency transmits a written response for pre-IND or Type C meetings.

2. Performance goal: 90% of minutes are issued within 30 calendar days of date of meeting.

##### D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) should be submitted to the review division; and

2. The letter should provide:

a) A brief statement of the purpose of the meeting, and in the case of pre-IND and Type C meetings, the sponsor's proposal for either a face-to-face meeting or a written response from the Agency;

b) A listing of the specific objectives/outcomes the requester expects from the meeting;

c) A proposed agenda, including estimated times needed for each agenda item;

d) A listing of planned external attendees;

e) A listing of requested participants/disciplines representative(s) from the Center; and

f) The approximate time that supporting documentation (i.e., the "backgrounder") for the meeting will be sent to the Center (i.e., "x" weeks prior to the meeting), but should be received by the Center at the time of the meeting request for Type A meetings and at least 1 month in advance of the scheduled meeting for Type B and Type C meetings (including those for which a written response will be provided).

3. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for a "Type B" meeting will be honored except in the most unusual circumstances.

4. In general, meetings regarding REMS or postmarketing requirements that occur outside the context of the review of a marketing application shall be classified as Type B meetings.

5. In general, a post-action meeting requested by the sponsor within three months after an FDA regulatory action other than an approval (i.e., issuance of a complete response letter) shall be classified as a Type A meeting.

6. FDA shall publish revised draft guidance on formal meetings between FDA and sponsors no later than the end of FY 2013.

Sponsors are encouraged to consult available FDA guidance to obtain further information on recommended meeting procedures.

#### IX. ENHANCING REGULATORY SCIENCE AND EXPEDITING DRUG DEVELOPMENT

To enhance communications between FDA and sponsors during drug development and to

meet the challenges of emerging science in the areas of clinical trial endpoint assessment tools, biomarkers and pharmacogenomics, meta-analysis, and development of drugs for rare diseases, FDA will conduct the following activities:

*A. Promoting Innovation Through Enhanced Communication Between FDA and Sponsors During Drug Development*

1. FDA's philosophy is that timely interactive communication with sponsors during drug development is a core Agency activity to help achieve the Agency's mission to facilitate the conduct of efficient and effective drug development programs, which can enhance public health by making new safe and effective drugs available to the American public in a timely manner.

2. By the end of FY 2013, FDA will develop a dedicated drug development communication and training staff within the Office of New Drugs in CDER and augment the manufacturers assistance staff in CBER, focused on enhancing communication between FDA and sponsors during drug development.

3. Within CDER, the drug development communication and training staff will include (1) a dedicated liaison staff to facilitate general and, in some cases, specific interactions with sponsors and (2) a training staff for CDER staff training and for communication of best practices to the sponsor community.

4. The liaison staff will be composed of individuals who are experienced and knowledgeable about the drug review process (and in some cases may be on detail from the review divisions), interact regularly with the staff in review divisions, and are skilled in facilitating communications between applicants and FDA staff.

5. The liaison staff will conduct a range of tasks associated with enhancing communication between the review team and sponsors including identification and dissemination of best practices for enhanced communication, and development of training programs for review staff. In addition, they will work in collaboration with sponsor stakeholders to develop training for sponsors and receive feedback on FDA's programs regarding best practices for communication during drug development (e.g., participation in workshops and other meetings to communicate CDER's policy and practice to the sponsor community and to receive feedback on recommended improvements).

6. The liaison staff will serve as a point of contact for sponsors who have general questions about drug development or who need clarification on which review division to contact with their questions. The staff will also serve as a secondary point of communication within CDER for sponsors who are encountering problems in communication with the review team for their IND (e.g., in instances when they have not received a response from the review team to a simple or clarifying question or referral to the formal meeting process within 30 days of the sponsor's initial request). In such cases the liaison staff will assist in evaluating the issues and working with the review team and the sponsor to facilitate resolution of the problem.

7. By the end of FY 2014, the OND drug development and communication staff will provide training to all CDER staff involved in review of INDs. The training will include:

a) CDER's philosophy that timely interactive communication with sponsors during drug development is a core activity to help achieve our mission to facilitate the conduct of efficient and effective drug development

programs, which can enhance public health by making new safe and effective drugs available to the American public in a timely manner.

b) Best practices for triage of sponsor requests for advice from the review team and timely communication of responses to simple and clarifying questions or referral of more complex questions to the formal meeting process.

c) Best practices for communication between the review team and the sponsor including establishing clear expectations and agreement on appropriate mechanisms (e.g., when teleconferencing or secure email may be the most appropriate means of communication) and frequency of such communications.

d) The role of the OND liaison staff in facilitating overall enhanced drug development communication between CDER and the drug development sponsor community and the staff's role in facilitating resolution of individual communication requests that have not been handled successfully in a timely manner by the review team, which is the primary interface with the sponsor regarding the drug under development.

8. By the end of the second quarter of FY 2015, FDA will publish draft guidance for review staff and industry describing best practices for communication between FDA and IND sponsors during drug development. The guidance will describe FDA's philosophy regarding timely interactive communication with sponsors as a core activity, the scope of appropriate interactions between the review team and the sponsor, outline the types of advice that are appropriate for sponsors to seek from FDA in pursuing their drug development program, describe the general expectations for the timing of FDA response to sponsor inquiries of simple and clarifying questions or referral of more complex questions to the formal meeting process, and describe best practices and communication methods (including the value of person-to-person scientific dialogue) to facilitate interactions between the FDA review team and the sponsor during drug development. FDA will publish final guidance within 18 months of the close of the comment period for the draft guidance.

*B. Advancing the Science of Meta-Analysis Methodologies*

1. Develop a dedicated review team with appropriate expertise to evaluate different scientific methods and to explore the practical application of scientific approaches and best practices, including methodological limitations, for the conduct of meta-analyses in the context of FDA's regulatory review process.

2. By the end of FY 2013, hold a public meeting engaging stakeholders in discussing current and emerging scientific approaches and methods for the conduct of meta-analyses, and to facilitate stakeholder feedback and input regarding the use of meta-analyses in the FDA's regulatory review process.

3. Considering feedback and input received through the public meeting, publish a draft guidance document for comment describing FDA's intended approach to the use of meta-analyses in the FDA's regulatory review process by the end of FY 2015. This guidance will promote a better understanding and more consistency among Agency, industry, and other stakeholders regarding meta-analyses and their role in regulatory decision-making.

4. Complete the final guidance describing FDA's intended approach to the use of meta-analyses in the FDA's regulatory review

process (or revised draft guidance, if appropriate) within 1.5 years of the close of the public comment period.

*C. Advancing the Use of Biomarkers and Pharmacogenomics*

1. Develop staff capacity to review submissions that contain complex issues involving pharmacogenomics and biomarkers. This additional staff capacity will be integrated into the clinical review divisions and the clinical pharmacology and statistical review disciplines to ensure greater understanding of biomarker use in application review and efficient incorporation of qualified biomarkers in the review process.

2. Provide training for FDA staff on approaches to conducting a pharmacogenomics review of a new product application. This training will focus on the following: facilitation of a greater understanding of the challenges that arise when using pharmacogenomic markers and other biomarkers in a development program (including programs involving companion diagnostics), development of approaches to address these challenges, and promotion of consistency in regulatory review through an understanding of best practices in assessment of applications that use biomarkers in the drug development program.

3. By the end of FY 2013, hold a public meeting to discuss the current status of biomarkers and pharmacogenomics and potential strategies to facilitate scientific exchanges in regulatory and non-regulatory contexts.

*D. Advancing Development of Patient-Reported Outcomes (PROs) and Other Endpoint Assessment Tools*

1. Develop clinical and statistical staff capacity to more efficiently and effectively respond to submissions that involve PROs and other outcomes assessment tools. These staff will advance the development of these tools by providing IND and qualification consultations and through promoting best practices for review and qualification of outcomes assessment tools. The additional capacity includes staff who will focus on review and qualification of endpoint assessment tools, including IND consultations with sponsors, as well as staff who will be integrated into the review divisions to facilitate evaluation of these tools and improve familiarity and understanding of assessment tools among review staff. These activities will allow for greater understanding of challenges that arise during development of outcomes assessment tools, potential strategies to overcome these challenges, and greater consistency in FDA's approach to review, qualification, and usage of these tools as part of the drug development process.

2. By the end of FY 2014, hold a public meeting to discuss FDA's qualification standards for drug development tools, new measurement theory, and implications for multi-national trials.

*E. Advancing Development of Drugs for Rare Diseases*

1. By the end of FY 2013, FDA will complete a staffing and implementation plan for the CDER Rare Disease Program within the Office of New Drugs and a CBER Rare Disease liaison within the Office of Center Director.

2. FDA will increase by five the staff of the CDER Rare Disease Program and establish and fill the CBER Rare Disease liaison position.

3. On an ongoing basis, the staff in the Rare Disease Programs of the two Centers will develop and disseminate guidance and

policy related to advancing and facilitating the development of drugs and biologics for rare diseases, including improving understanding among FDA reviewers of approaches to studying such drugs; considering non-traditional clinical development programs, study design, endpoints, and statistical analysis; recognizing particular challenges with post-market studies; and encouraging flexibility and scientific judgment, as appropriate, on the part of reviewers when evaluating investigational studies and marketing applications for drugs for rare diseases. Rare Disease Program staff will also engage in increased outreach to industry regarding development of such drugs and to patient representatives and organizations.

4. By mid-FY 2014, FDA, through the Rare Disease Program, will conduct a public meeting to discuss complex issues in clinical trials for studying drugs for rare diseases, including such questions as endpoint selection, use of surrogate endpoints/Accelerated Approval, and clinical significance of primary endpoints; reasonable safety exposures; assessment of dose selection; and development of patient-reported outcome instruments. Participants in the discussion will include FDA staff, academic and clinical experts, and industry experts. A summary from the meeting will be made available publicly through the FDA website.

5. By the end of FY 2015, FDA will develop and implement staff training related to development, review, and approval of drugs for rare diseases. The training will be provided to all CDER and CBER review staff, and will be part of the reviewer training core curriculum. Among the key purposes of this training are to familiarize review staff with the challenges associated with rare disease applications and strategies to address these challenges; to promote best practices for review and regulation of rare disease applications; and to encourage flexibility and scientific judgment among reviewers in the review and regulation of rare disease applications. The training will also emphasize the role of the Rare Disease Program staff as members of the review team to help ensure consistency of scientific and regulatory approaches across applications and review teams.

6. By the end of FY 2016, FDA, through the Rare Disease Program, will develop an evaluation tool to evaluate the success of the activities of the Rare Disease Program, including the reviewer training. Among potential measures of success are the development of a system to track rare disease applications from IND submission through the post-marketing period, increased number of reviewers receiving rare disease-specific training, increased number of activities contributing to regulatory and biomedical science for rare disease drug development, and meeting of PDUFA goals for rare disease applications.

#### X. ENHANCING BENEFIT-RISK ASSESSMENT IN REGULATORY DECISIONMAKING

A. FDA will develop a five-year plan to further develop and implement a structured benefit/risk assessment in the new drug approval process. FDA will publish its draft plan for public comment by the end of the first quarter of FY 2013. FDA will begin execution of the plan to implement the benefit-risk framework across review divisions in the pre-and post-market human drug review process by the end of the fourth quarter of FY 2013, and the Agency will update the plan as needed and post all updates on the FDA website.

The plan will include:

1. A description of FDA's intended approach to build on the Agency's current ef-

forts to integrate a structured benefit/risk framework throughout the lifecycle of human drug development.

2. A plan to conduct two public workshops on benefit-risk considerations from the regulator's perspective that will begin by the first quarter of FY 2014. The first workshop will be primarily informational by focusing discussion on the various frameworks and methods available and their application to regulatory decision-making. The second workshop will focus on the results and lessons learned in implementing frameworks at regulatory agencies in the pre- and post-market drug review process.

3. An evaluation plan to ascertain the impact of the benefit-risk framework in the human drug review process. The evaluation will consider the utility of the framework in facilitating decision-making and review team discussions across disciplines, risk management plan decision-making, training of new review staff, and communicating regulatory decisions. In particular, the evaluation will consider the degree to which the framework supports or facilitates balanced consideration of benefits and risks, a more consistent and systematic approach to discussion and decision-making, and communication of benefits and risks.

B. As appropriate, FDA will revise the CDER Clinical Review Template, Office and Division Director Summary Memo Templates, and corresponding Manuals of Policies and Procedures (MaPP) [and equivalent documents in CBER] to incorporate a structured benefit/risk assessment into the human drug review process on a timeframe outlined in the five-year plan described in (A).

C. Over the period of PDUFA V, FDA will initiate a public process to nominate a set of disease areas that could benefit from a more systematic and expansive approach to obtaining the patient perspective on disease severity or unmet medical need. FDA will convene 4 meetings per year (CDER will host 17 meetings and CBER will host 3 meetings throughout PDUFA V) with each meeting focused on a different disease area. These meetings will include participation of FDA review divisions, the relevant patient advocacy community, and other interested stakeholders. After each meeting, FDA will publish the meeting proceedings and a summary analysis of the input received by FDA that is relevant to FDA's consideration of disease severity and unmet medical need. This knowledge will be used to more fully develop an understanding of the disease severity and an assessment of the current state of the treatment armamentarium which are both critical components of FDA's current benefit-risk framework in regulatory decision-making and communication. After the first two meetings, FDA will develop a proposal for how FDA will incorporate these perspectives into the Agency's decision-making.

In addition, FDA will increase its utilization of FDA's Patient Representatives as Special Government Employee consultants to CDER and CBER to provide patients' views early in the medical product development process and ensure those perspectives are considered in regulatory discussions.

D. FDA will train review and management staff on the revised templates and MaPPs described in (B) and fully integrate structured benefit/risk assessment into the regulatory review process by a date specified in the five-year plan.

#### XI. ENHANCEMENT AND MODERNIZATION OF THE FDA DRUG SAFETY SYSTEM

FDA will continue to use user fees to enhance and modernize the current U.S. drug

safety system, including adoption of new scientific approaches, improving the utility of existing tools for the detection, evaluation, prevention, and mitigation of adverse events, and enhancing communication and coordination between post-market and pre-market review staff. Enhancements to the drug safety system will improve public health by increasing patient protection while continuing to enable access to needed medical products. User fees will provide support for 1) enhancing risk evaluation and mitigation strategies (REMS) by measuring their effectiveness and evaluating with stakeholder input appropriate ways to better integrate them into the existing and evolving healthcare system, and 2) continued development and implementation of the Sentinel System.

#### A. Measure the Effectiveness of REMS and Standardize and Better Integrate REMS into the Healthcare System

FDA will use user fee funds to continue to develop techniques to standardize REMS and with stakeholder input seek to integrate them into the existing and evolving (e.g., increasingly electronic) healthcare system.

1. By the end of FY 2013, FDA will develop and issue guidance on how to apply the statutory criteria to determine whether a REMS is necessary to ensure that the benefits of a drug outweigh the risks.

2. By the end of FY 2013, FDA will hold one or more public meetings to include the pharmaceutical industry, other government healthcare providers, patient groups, and partners from other sectors of the healthcare delivery system to explore strategies to standardize REMS, where appropriate, with the goal of reducing the burden of implementing REMS on practitioners, patients, and others in various healthcare settings. To move towards increased integration of REMS into the healthcare delivery system, FDA will issue a report of its findings by the first quarter of FY 2014 that will identify at least one priority project in each of the following areas including a workplan for project completion: pharmacy systems, prescriber education, providing benefit/risk information to patients, and practice settings.

3. By the end of FY 2013, FDA will initiate one or more public workshops on methodologies for assessing whether REMS are mitigating the risks they purport to mitigate and for assessing the effectiveness and impact of REMS, including methods for assessing the effect on patient access, individual practitioners, and the overall burden on the healthcare delivery system. FDA will issue guidance by the end of FY 2014 on methodologies for assessing REMS. This guidance should specifically address methodologies for determining whether a specific REMS with elements to assure safe use (ETASU) is: (i) commensurate with the specific serious risk listed in the labeling of the drug and (ii) considering the observed risk, not unduly burdensome on patient access to the drug.

#### B. Sentinel as a Tool for Evaluating Drug Safety Issues That May Require Regulatory Action

FDA will use user fee funds to conduct a series of activities to determine the feasibility of using Sentinel to evaluate drug safety issues that may require regulatory action, e.g., labeling changes, PMRs, or PMCs. The activities will be selected and designed to focus on issues that affect classes of drugs or multiple products.

1. By the end of FY 2013, FDA will hold or support public meetings engaging stakeholders to discuss current and emerging Sentinel projects and facilitate stakeholder

feedback and input regarding Sentinel projects that would be appropriate to meet the goals stated above.

2. Informed by the feedback and input received through the public meeting, in FY 2013 through FY 2017, FDA will fund 4-6 activities, which will include multiple product or class-specific studies or methodology development. These activities will be specifically designed to further evaluate safety signals that, in previous cases, have served as the basis for regulatory action(s) or designed more broadly to help determine the utility and validity of the Sentinel System to evaluate other types of signals in population-based databases. The following are examples of potential activities:

a) Expanding the active surveillance mechanisms begun for the H1N1 pandemic to substitute for the information gathered in large ad hoc, manufacturer-conducted studies

b) Evaluating risk for class-wide adverse events (e.g., cardiovascular events, suicidality)

3. By the end of FY 2015, FDA will conduct (or fund by contract) an interim assessment to evaluate the strengths, limitations and the appropriate use of Sentinel for informing regulatory actions (e.g., labeling changes, PMRs and PMCs) to manage safety issues.

4. By the end of FY 2017, FDA will conduct (or fund by contract) an assessment to evaluate the strengths, limitations, and the appropriate use of Sentinel for informing regulatory actions (e.g., labeling changes, PMRs and PMCs) to manage safety issues.

#### C. Conduct and support activities designed to modernize the process of pharmacovigilance

1. Continued use of expanded database resources: A critical part of the transformation of the drug safety program is maximizing the usefulness of tools used for adverse event signal detection and risk assessment. Use of data other than passive spontaneous reports, including population-based epidemiological data and other types of observational data resources will continue to enhance FDA's capability to conduct targeted post-marketing surveillance, evaluate class effects of drugs, and potentially conduct signal detection using data resources other than reports from the Adverse Event Reporting System (AERS). FDA will continue training and development of existing staff on the use of these resources, and develop the information technology infrastructure needed to support access and analysis of data from these resources.

#### D. Information Systems and Infrastructure

FDA will continue the Agency's efforts on the following standards-based information systems to support how FDA obtains and analyzes post-market drug safety data and manages emerging drug safety information:

1. Enhanced adverse event reporting system and surveillance tools;
2. IT infrastructure to support access and analyses of externally-linked databases; and
3. Workflow tracking system.

#### XII. IMPROVING THE EFFICIENCY OF HUMAN DRUG REVIEW THROUGH REQUIRED ELECTRONIC SUBMISSIONS AND STANDARDIZATION OF ELECTRONIC DRUG APPLICATION DATA

A. To enhance the quality and efficiency of FDA's review of NDAs, BLAs, and INDs, FDA shall consult with stakeholders, including pharmaceutical manufacturers and other research sponsors, to issue draft guidance on the standards and format of electronic submission of applications by December 31, 2012.

B. FDA will issue final guidance no later than 12 months from the close of the public comment period on the draft guidance. Such

final guidance and any subsequent revisions to the final guidance shall be binding on sponsors, applicants, and manufacturers no earlier than twenty-four months after issuance of the final guidance.

C. Requirements for electronic submission shall be phased in according to the following schedule:

1. Twenty-four (24) months after publication of the final guidance: All new original NDA and BLA submissions, all new NDA and BLA efficacy supplements and amendments, all new NDA and BLA labeling supplements and amendments, all new manufacturing supplements and amendments, and all other new NDA submissions.

2. Thirty-six (36) months after publication of the final guidance: All original commercial INDs and amendments, except for submissions described in section 561 of the Federal Food, Drug, and Cosmetic Act.

D. Because of the significant investments required to change regulatory submission and review software, initial FDA guidance shall specify the format of electronic submission of applications using eCTD version 3.2.2 unless, after notice and an opportunity for stakeholder comment, FDA determines that another version will provide for more efficient and effective applicant submission or FDA review. In general, when FDA revises final guidance requiring submission using a new version of electronic standards or formats, FDA shall also accept submissions using the previous version for no less than twenty-four (24) months.

E. Clinical Terminology Standards: Using a public process that allows for stakeholder input, FDA shall develop standardized clinical data terminology through open standards development organizations (i.e., the Clinical Data Interchange Standards Consortium (CDISC)) with the goal of completing clinical data terminology and detailed implementation guides by FY 2017.

1. FDA shall develop a project plan for distinct therapeutic indications, prioritizing clinical terminology standards development within and across review divisions. FDA shall publish a proposed project plan for stakeholder review and comment by June 30, 2013. FDA shall update and publish its project plan annually.

F. Development of terminology standards for data other than clinical data: To address FDA-identified nonclinical data standards needs, FDA will request public input on the use of relevant already-existing data standards and the involvement of existing standards development organizations to develop new standards or refine existing standards. FDA will obtain this input via publication of a Federal Register notice that specifies a 60-day comment period.

G. FDA shall periodically publish final guidance specifying the completed data standards, formats, and terminologies that sponsors must use to submit data in applications. In the case of standards for study data, new data standards and terminology shall be applicable prospectively and only required for studies that begin 12 months after issuance of FDA's final guidance on the applicable data standards and terminology.

#### XIII. PROGRESS REPORTING FOR PDUFA V AND CONTINUING PDUFA IV INITIATIVES

On an annual basis, FDA will report on its website the progress in each of the PDUFA V initiatives described in Sections IX, X, XI, and XII. The annual reports will include: (a) descriptions of the hiring and placement of new staff and use of PDUFA resources to support the new initiatives in Sections IX, X, XI.A, XI.B, and XII, and (b) progress re-

ports on achieving metrics described in each of the sections. Each report will be posted on the FDA website no later than 120 days after the end of the fiscal year. The staff resources will support the new initiatives described in Sections IX, X, XI.A, XI.B and XII and the related work associated with these initiatives to ensure their success.

#### XIV. INFORMATION TECHNOLOGY GOALS

##### A. Objective

FDA is committed to achieve the long-term goal of improving the exchange, review, and management of human drug and biologic applications throughout the product life cycle through strategic investments in automated, standards-based information technology (IT).

##### B. Communications and Technical Interactions

1. FDA will periodically update and publish to the FDA website a five-year plan for business process improvement enabled by IT investments.

a) The plan will frame the strategy for prioritizing IT-enabled business process change, enumerate the business process improvements expected from each IT investment, and convey a consistent series of milestones for each initiative to track pace and progress.

b) FDA will conduct an annual assessment of progress against the plan and publish on the FDA website a summary of the assessment within 3 months after the close of each fiscal year.

c) FDA will publish updates to the plan as FDA deems appropriate. FDA will publish on the FDA web site draft revisions to the plan; solicit comments from the public on those draft revisions; and consider the public comments before completing and publishing updates to the plan.

2. The FDA and industry stakeholders will meet on a quarterly basis to discuss prospective implementation of the plan, progress toward the long term goal, potential impacts that future activities may have on FDA or stakeholders, and potential revisions to the plan.

##### C. Metrics and Measures

On an annual basis, FDA will measure and report progress toward achievement of the objectives defined in Section XIV.A. Measures will include but are not limited to:

1. The number and percentage of IND, NDA, and BLA submissions received in valid electronic format in compliance with FDA standards, categorized by types of submissions. Increasing the number and percentage of IND, NDA, and BLA submissions received in valid electronic format is a goal that is supported by the FDA and industry stakeholders. Achievement of this goal requires the cooperation of regulated industry. To support the assessment of this goal, the following information will be tracked and reported:

a) Total number of submissions categorized by type of submission

b) Total number of submissions in valid electronic format in compliance with FDA standards

c) Total number of submissions received through the secure electronic single point of entry versus other methods

d) Total number of submissions received substantially on paper or non-standardized electronic format

e) Total number of standards-based electronic submissions that fail to comply with FDA electronic submission standards, along with a distribution of these submission failures across categories of failure or problem type



2. Number and significance of IT technical specifications or e-submission guidance implemented requiring industry to change submission content that are not forecasted accurately in the five year plan or those whose content has not been available to industry at least twelve months prior to required implementation.

3. Spending on Center IT systems and IT systems that are common across the organizational divisions participating in the process for the review of human drug applications. This includes systems development versus maintenance spending; infrastructure support; a report of total PDUFA fee-funded spending versus appropriations-funded spending; FDA enterprise versus PDUFA-program specific support.

#### XV. IMPROVING FDA PERFORMANCE MANAGEMENT

##### A. The studies conducted under this initiative are intended to foster:

1. Development of programs to improve access to internal and external expertise
2. Reviewer development programs, particularly as they relate to drug review processes
3. Advancing science and use of information management tools
4. Improving both inter- and intra-Center consistency, efficiency, and effectiveness
5. Improved reporting of management objectives
6. Increased accountability for use of user fee revenues
7. Focused investments on improvements in the process of drug review
8. Improved communication between the FDA and industry

##### B. Studies will include:

1. Assessment by an independent contractor of the Program for NME NDAs and original BLAs as described in Section IIB.
2. Assessment of the impact of the benefit-risk framework in the human drug review process as described in Section X.A.3.
3. Development of a tool to evaluate the success of the activities of the Rare Disease Program as described in Section IX.D.6.
4. Assessment of the impact of electronic submissions and data standards on the efficiency and other performance attributes of the human drug review process beginning in FY 2015.
5. Assessments by an independent accounting firm of the review activity adjustment methodology, as described in section 736(c)(2), by the end of the second quarter of FY 2013 and by the end of the fourth quarter of FY 2015 with recommendations for changes, if warranted.

#### XVI. DEFINITIONS AND EXPLANATION OF TERMS

A. The term “review and act on” means the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. Goal Date Extensions for Major Amendments

1. A major amendment to an original application, efficacy supplement, or resubmission of any of these applications, submitted at any time during the review cycle, may extend the goal date by three months.

2. A major amendment may include, for example, a major new clinical safety/efficacy study report; major re-analysis of previously submitted study(ies); submission of a REMS with ETASU not included in the original application; or significant amendment to a pre-

viously submitted REMS with ETASU. Generally, changes to REMS that do not include ETASU and minor changes to REMS with ETASU will not be considered major amendments.

3. A major amendment to a manufacturing supplement submitted at any time during the review cycle may extend the goal date by two months.

4. Only one extension can be given per review cycle.

5. Consistent with the underlying principles articulated in the GRMP guidance, FDA’s decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

1. Final printed labeling
2. Draft labeling
3. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)
4. Stability updates to support provisional or final dating periods
5. Commitments to perform Phase 4 studies, including proposals for such studies
6. Assay validation data
7. Final release testing on the last 1–2 lots used to support approval
8. A minor reanalysis of data previously submitted to the application
9. Other minor clarifying information (determined by the Agency as fitting the Class 1 category)
10. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry

E. Class 2 resubmissions are resubmissions that include any other items, including any items that would require presentation to an advisory committee.

F. A Type A meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (a “critical path” meeting) or to address an important safety issue.

G. A Type B Meeting is a 1) pre-IND, 2) end of Phase 1 (for Subpart E or Subpart H or similar products) or end of Phase 2/pre-Phase 3, or 3) a pre-NDA/BLA meeting. Each requestor should usually only request 1 each of these Type B meetings for each potential application (NDA/BLA) (or combination of closely related products, i.e., same active ingredient but different dosage forms being developed concurrently).

H. A Type C meeting is any other type of meeting.

I. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

J. IT-specific definitions (refer also to Section XIV)

1. “Program” refers to the organizational resources, procedures, and activities as-

signed to conduct “the process for the review of human drug applications,” as defined in the Prescription Drug User Fee Act.

2. “Standards-based” means compliant with published specifications that address terminology or information exchange between the FDA and regulated parties or external stakeholders, as adopted by the FDA or other agencies of the federal government, and often based on the publications of national or international Standards Development Organizations.

3. “FDA Standards” means technical specifications that have been adopted and published by the FDA through the appropriate governance process. FDA standards may apply to terminology, information exchange, engineering or technology specifications, or other technical matters related to information systems. FDA standards often are based on the publications of other federal agencies, or the publications of national or international Standards Development Organizations.

4. “Product life cycle” means the sequential stages of human drug development, regulatory review and approval, post-market surveillance and risk management, and where applicable, withdrawal of an approved drug from the market. In the context of the process for the review of human drug applications, the product life cycle begins with the earliest regulatory submissions in the Investigational New Drug (IND) phase, continues through the New Drug Application (NDA) or Biological Licensing Application (BLA) review phase, and includes post-market surveillance and risk management activities as covered under the process for the review of human drug applications.

#### GENERIC DRUG USER FEE ACT PROGRAM PERFORMANCE GOALS AND PROCEDURES

The performance efficiencies, metric goals and procedures to which FDA will agree upon commencement of a generic drug user fee act (GDUFA) program (“the program”), as jointly proposed by FDA and industry, are summarized below.

#### OVERALL PURPOSE OF THE GENERIC DRUG USER FEE PROGRAM

To help FDA ensure that participants in the U.S. generic drug system comply with U.S. quality standards, and to increase the likelihood that American consumers get timely access to low cost, high quality generic drugs, FDA and industry have jointly agreed to a comprehensive user fee program, to be supplemental to traditional appropriated funding, that is focused on three key aims:

Safety—Ensure that industry participants, foreign or domestic, who participate in the U.S. generic drug system are held to consistent high quality standards and are inspected biennially, using a risk-based approach, with foreign and domestic parity.

Access—Expedite the availability of low cost, high quality generic drugs by bringing greater predictability to the review times for abbreviated new drug applications, amendments and supplements, increasing predictability and timeliness in the review process.

Transparency—Enhance FDA’s ability to protect Americans in the complex global supply environment by requiring the identification of facilities involved in the manufacture of generic drugs and associated active pharmaceutical ingredients, and improving FDA’s communications and feedback with industry in order to expedite product access.

Recognizing the critical role generic drugs play in providing more affordable, therapeutically equivalent medicine, the Generic



Drug User Fee program is designed to keep individual fee amounts as low as possible to supplement appropriated funding to ensure that consumers continue to receive the significant benefits offered by generic drugs which provided more than \$824 billion in savings to the nation's health care system in the last decade alone. The additional resources called for under the agreement, an inflation adjusted \$299 million annually for each of the five years of the program, will provide FDA with the ability to perform critical program functions that could not otherwise occur. This program is not expected to add significantly to the cost of generic drugs: given that a reported 3.99 billion retail prescriptions per year were dispensed in the United States in 2010, and assuming that 78% of these prescriptions were filled by generic drugs, it equates to less than a dime per prescription for the average cost of a prescription filled by a generic drug in the United States. Moreover, with the adoption of user fees and the associated savings in development time, the overall expense of bringing a product to market may decline and result in reduced costs.

In addition to the public health benefits outlined above, the program described in this letter is expected to provide significant value to small companies and first time entrants in the generic market who will benefit significantly from the certainty associated with performance review metrics that offer the potential to dramatically reduce the time needed to commercialize a generic drug when compared to pre-GDUFA review times.

In addition, the variety of funding sources for the program will assure that participants in the generic drug industry, whether finished dosage form (FDF) manufacturers or Active Pharmaceutical Ingredient (API) manufacturers appropriately share the financial expense and benefits of the program. Given that the total amount of annual user fee funding is expected to be derived from a broad funding source, including an estimated 2000 FDF and API facilities supporting Abbreviated New Drug Applications (ANDAs), as well as approximately 750 ANDAs, 750 prior approval supplements (PASs) and 350 Type II Active Pharmaceutical Drug Master Files (DMFs) annually, user fees are expected to provide a measurable return on investment related to predictability of inspection, and review timelines. The program's goals of ensuring FDA has necessary resources to conduct needed inspections as part of the complete review framework and achieve parity of Good Manufacturing Practice (GMP) inspections for foreign and domestic facilities by the 5th year of the user fee program will also provide significant value to industry participants given that outstanding inspections can result in delays of ANDA approvals.

Taken collectively, the user fee program and associated performance metrics and fees are expected to provide measurable public health benefits and are not expected to competitively disadvantage any company or business sector regardless of size or location.

#### END NOTES

1. Source: IMS Health Report—GPHA. Savings achieved through the use of generic pharmaceuticals: 2000–2009, July 2010.

2. Source: "The Use of Medicines in the United States: Review of 2010", Report by the IMS Institute for Healthcare Informatics, slide 8, available at [http://www.imshealth.com/deployedfiles/imshealth/GlobalContent/IMS%20Institute/Static%20File/IIH11\\_UseOfMe\\_d\\_report.pdf](http://www.imshealth.com/deployedfiles/imshealth/GlobalContent/IMS%20Institute/Static%20File/IIH11_UseOfMe_d_report.pdf).

3. Ibid., slide 22.

#### 1. OVERVIEW

##### OVERALL PROGRAM SCOPE, ASSUMPTIONS, AND ASPIRATIONS

The goals to which FDA is committing for generic drugs are premised on the following assumptions:

I. Funding for the program from user fees will be at agreed-upon levels of approximately \$299 million annually adjusted for inflation and will supplement appropriated funding from Congress as described further below.

II. It is estimated that FDA will receive the funding through approximately 750 abbreviated new drug applications (ANDAs) per year submitted electronically, approximately 750 prior approval supplements (PASs) approximately 350 newly referenced drug master files (DMFs) per year and through approximately 2000 facilities associated with ANDAs. While the total revenue collected can be defined in advance and is constant as the resourcing level must be constant, the individual fee will be determined each year based on the variability of the fee source.

III. Over the five year course of the program, there will be no significant changes in the generic drug facility inventory, either in terms of general number of facilities, or the foreign and domestic facility split.

IV. FDA will have streamlined hiring authority for all GDUFA-related positions prior to or concurrent with the implementation date of the program.

V. FDA expects the program will be implemented starting on the first day of Fiscal Year 2013, October 1, 2012 and continue for five years, with the joint expectation that the program will be continued at the end of five years under terms to be negotiated before the end of FY 2017.

VI. Industry and FDA will populate and maintain databases as necessary for facilities, fee assessments, efficiency and other enhancements as described further below and as needed to support the Generic Drug User Fee Act. Because certain databases to implement this program will need to be built, and existing systems need to be expanded or modified, industry will submit necessary information in electronic format to FDA using appropriate standards to be specified by the agency or as specified in statute.

VII. FDA will aspire to the extent possible to maintain levels of productivity at least similar to pre-GDUFA levels, while hiring and training incremental staff necessary to achieve the program performance goals, building necessary systems and implementing outlined program changes in years 1 and 2 of the program (see goals for years 3–5 metrics).

VIII. FDA will utilize a complete review standard (as defined below), will aspire to hold first cycle deficiency teleconferences with industry to discuss complete response questions at a level at least similar to pre-GDUFA levels in years 1 and 2 of the program (see goals for years 3–5 metrics) and will utilize an approach similar to the NDA review process whereby FDA uses telephone information requests to address easily correctable deficiencies during the review process before and after issuance of complete response letters.

IX. FDA will aspire to complete reviews for applications with only minor administrative amendments pending prior to the expiration date of the controlling patent or applicable exclusivity date regardless of the amendment(s) goal date.

X. FDA will work towards achieving performance goals to reach parity of GMP in-

spections of foreign and domestic establishments, will prioritize inspections using a risk-based approach, and will prioritize inspections of establishments associated with ANDAs that are otherwise approvable or eligible for tentative approval except for an outstanding inspection, as well as establishments associated with ANDAs that have not been inspected previously. In appropriate circumstances FDA can rely on a routine surveillance inspection in lieu of an application-specific inspection. Generally, among other considerations, FDA relies on a previous inspection of a finished product site occurring within 2 years of the current good manufacturing practice (CGMP) evaluation for a pending application, 3 years for an active pharmaceutical ingredient (API) site or a control testing laboratory, and 4 years for a packaging-only site. There are exceptions to this general practice, which are usually related to the nature of the drug being processed or the complexity of the associated processing operations. FDA intends to continue the practice of using a risk-based assessment in determining the length of time since the last inspection, guided by a 2-year cycle for finished dosage product sites and a 3-year cycle for API sites and consideration of the type of finished product or API in the application. Practically, this means that in making decisions about pending applications for which FDA does not have current inspection information within the time period indicated, FDA may use previous FDA inspection information and/or use inspection information from another regulatory authority as appropriate.

XI. FDA will strive to review and act on all ANDAs that are submitted on the first day that any valid Paragraph IV application for the drug in question is submitted within 30 months of submission to avoid causing first applicants to inadvertently forfeit 180-day exclusivity eligibility under 21 U.S.C. §355(j)(5)(D)(i)(IV).

XII. Because the agreed generic drug user fee program is intended to be additive to budget appropriations, agreed upon legislative language will require that annual program appropriations from Congress must be equal to or exceed the FDA appropriation for FY 2009.

XIII. In order to generate the agreed upon levels of user fee funding to achieve the enclosed performance goals, metrics and efficiencies, legislative language will require that approximately 70% of GDUFA fees shall be derived from facility fees (for facilities producing or pending review to produce active pharmaceutical ingredients or finished dosage forms for a generic drug application), approximately 30% of GDUFA fees shall be derived from application fees (DMF Fees and ANDA and PAS (Prior Approval Supplement) Fees). As discussed and agreed by the various industry business segments, overall fees will be divided 80 percent to 20 percent between the finished dosage form (FDF) and API and manufacturers, respectively in industry. In the first year of the program, \$50 million of the total GDUFA user fee funding shall be generated by a one time backlog fee for ANDAs pending (except for ANDAs that are pending but have received tentative approval) on October 1, 2012.

XIV. For appeals of decisions concerning procedural or scientific matter involving review of pending ANDAs, ANDA amendments and ANDA supplements FDA will aspire that the response to appeals of decisions will occur within 30 calendar days of OGD receipt of the written appeal when possible, though no reportable performance goals are required.

Note: If these assumptions differ significantly from actuality, FDA may not be able to achieve the goals and efficiency enhancements outlined in this goals letter, despite the supplemental funding provided by the program.

#### SUMMARY OF MAJOR PROGRAM GOALS INCLUDING FIVE YEAR GOALS

Major Program (including 5 year) goals can be summarized as follows:

Note that FDA agrees to additional 5 year goals, as set forth later in this goals letter, such as goals on amendments, controlled correspondence, and prior approval supplements, as well as goals for years prior to year 5 of the program. The goals summarized in this section are a subset of the complete year 5 goals, and are intended simply to illustrate the scope of the program.

**Application metrics**—For Abbreviated New Drug Applications (ANDAs) in the year 5 cohort, FDA will review and act on 90 percent of complete electronic ANDAs within 10 months after the date of submission. Certain amended applications may have differing metrics as discussed below.

**Backlog metrics**—FDA will review and act on 90 percent of all ANDAs, ANDA amendments and ANDA prior approval supplements regardless of current review status (whether electronic, paper, or hybrid) pending on October 1, 2012 by the end of FY 2017.

**CGMP Inspection metrics**—FDA will conduct risk-adjusted biennial CGMP surveillance inspections of generic API and generic finished dosage form (FDF) manufacturers, with the goal of achieving parity of inspection frequency between foreign and domestic firms in FY 2017.

**Efficiency Enhancements**—FDA will implement various efficiency enhancements discussed below on October 1, 2012 or upon enactment of the program, whichever is later.

**Regulatory Science**—FDA will continue, and for some topics begin undertaking various regulatory science initiatives discussed below on October 1, 2012 or upon enactment of the program, whichever is later, focusing first on the initiatives discussed below and with additional initiatives to be identified with input from an industry working group. Details follow.

## 2. EFFICIENCY ENHANCEMENTS TO BE UNDERTAKEN ON OCTOBER 1, 2012, OR UPON ENACTMENT OF THE PROGRAM, WHICHEVER IS LATER

### A. ANDA REVIEW EFFICIENCY ENHANCEMENTS

Starting on October 1, 2012 or upon enactment of the program, whichever is later, FDA will issue complete response letters, rather than discipline specific letters, for all ANDAs, including those pending on October 1, 2012.

Complete response letters will reflect full division-level review of deficiencies from all relevant review disciplines, including inspections, and address other matters relating to the ANDA and associated DMFs as well as consults with other agency components (these will be subsumed into the application metrics).

FDA reviewers will make every reasonable effort to communicate promptly to applicants easily correctable deficiencies found in the ANDA and will utilize an approach similar to the NDA review process whereby FDA uses telephone information requests to address easily correctable deficiencies during the review process before and after issuance of complete response letters.

When requested by the ANDA sponsor within 10 business days of FDA issuing a first cycle complete response letter, as provided

by the sponsor in a written request that outlines specific written questions the applicant would like to discuss (limited to the content of the letter), FDA will schedule a 30 minute teleconference to clarify issues and answer questions. Priority for such teleconferences will be given to expedited and first major amendment applications. Although FDA will begin to develop procedures and tracking systems for such teleconferences coincident with the start of the program, there will be no teleconference goals for the first two years of the program although FDA will aspire to conduct such teleconferences as requested when reportable performance goals are not otherwise required. In the first two years, FY 2013 and FY 2014, FDA would aspire to hold teleconferences with industry to address complete response questions at a level similar to pre-GDUFAs levels. Subsequently, the goals for number of reportable teleconferences (although FDA may conduct more such teleconferences) will be:

Closing out the teleconference request for 200 meetings in FY 2015;

Closing out the teleconference request for 250 meetings in FY 2016;

Closing out the teleconference request for 300 meetings in FY 2017.

FDA will develop enhanced refusal to receive standards for ANDAs and other related submissions by the end of year 1 of the program and will publish such standards in advance of implementation.

For ANDAs in the year 1 and 2 cohorts, FDA will expedite review of Paragraph IV applications that are submitted on the first day that any valid Paragraph IV application for the drug in question is submitted. Expedited review will be implemented consistent with existing procedure for expediting applications as set forth in CDER's MAPP 5240.3, and will also include those applications that become eligible for approval during the review period as a result of no blocking exclusivities, patent(s) and/or applicable stays based on appropriate documentation submitted.

Review metric goals (described below) only apply to submissions made electronically, following the eCTD format in effect at the date of submission.

Backlog review metric goals (described below) apply to all ANDA applications, amendments, and supplements regardless of current review status in the queue as of October 1, 2012, regardless of whether they were submitted in paper, electronic, or hybrid format.

### B. DRUG MASTER FILE (DMF) REVIEW EFFICIENCY ENHANCEMENTS

After the program's implementation date, upon payment of the DMF fee by DMF holders anticipating reference by a generic drug manufacturer, FDA will conduct a completeness assessment of Type II API DMFs. Following a satisfactory completeness assessment, FDA will deem the DMF available for reference, placing the DMF number in a publicly available list of Type II API DMFs available for reference.

Review metric goals (described below) will only apply to Type II API DMFs submitted after the program's implementation date, if they are submitted electronically. Electronic DMFs will follow the eCTD format in effect at date of submission.

FDA will issue a letter detailing all identified deficiencies, rather than discipline specific letters, for all DMFs including those under review at the time of enactment of the implementing legislation.

The DMF deficiency letters will reflect full division-level deficiency review of defi-

ciencies from all relevant review disciplines, including inspections, and address other matters relating to the DMF review such as consults with other agency components (these will be subsumed into the DMF metrics).

FDA reviewers will make every reasonable effort to communicate promptly to applicants easily correctable deficiencies found in the DMF and will continue to utilize an approach similar to the NDA review process whereby FDA uses telephone information requests to address easily correctable deficiencies during the review process before and after issuance of complete response letters.

When requested by a DMF holder within 10 business days of FDA issuing a first cycle DMF deficiency letter, as provided by the DMF holder in a written request that outlines specific written questions the DMF holder would like to discuss (limited to the content of the letter), FDA will schedule a 30 minute teleconference with a limit of one teleconference per DMF holder per month, with the total number of teleconferences not to exceed the number of teleconferences for ANDAs, a teleconference to clarify issues and answer questions. Priority for such teleconferences will be given to DMFs referenced in expedited and first major deficiency applications. Although FDA will begin to develop procedures and tracking systems for such teleconferences coincident with the start of the program, there will be no teleconference goals for the first two years of the program although FDA will aspire to conduct such teleconferences as requested when reportable performance goals are not otherwise required. In the first two years, FY 2013 and FY 2014, FDA would aspire to hold teleconferences with industry to address DMF deficiency questions at a level similar to pre-GDUFAs levels (although FDA may conduct more such teleconferences).

Once a DMF has undergone a complete review and the ANDA referencing same is either approved or tentatively approved—at such time there being no further outstanding deficiencies to the DMF—FDA will issue the DMF holder a letter to indicate that the DMF does not have any further open matters as part of the review associated with the referencing ANDA.

### C. INSPECTION EFFICIENCY ENHANCEMENTS

To maximize the number of applications that can be reviewed within the metric goals and to assist in securing the pharmaceutical supply chain, FDA will employ a risk-adjusted biennial CGMP surveillance inspection model for inspection of generic API and FDF manufacturers, with the goal of achieving parity of inspection frequency between foreign and domestic establishments in FY 2017 and will prioritize inspections of establishments associated with ANDAs that are otherwise approvable or eligible for tentative approval except for an outstanding inspection, as well as establishments that have not been inspected previously.

FDA will make inspection classification results and date of the last facility inspection available to the public and industry on FDA's website on timely basis.

During the five years of the program, FDA will undertake a study of foreign government regulator inspections (CGMP and bioequivalence), report findings publicly, and develop a program to utilize foreign inspection classifications when and where appropriate.

### D. OTHER EFFICIENCY ENHANCEMENTS

FDA will develop new and/or enhance existing facility databases (API and FDF manufacturing and clinical/ bioequivalence site)

to be populated by industry. These databases will, at a minimum, contain information for generics-related firms, including addresses and Data Universal Numbering System (DUNS) numbers, and will link facilities to DMFs and ANDAs and will contain other information as necessary.

FDA will develop a current chemistry manufacturing and controls (CMC) records database to aid in the efficiency of review and inspection.

FDA will develop and issue electronic data submission standards.

Because certain databases to implement this program will need to be built, and existing systems need to be expanded or modified, industry will submit necessary information in electronic format to FDA using appropriate standards to be specified by the agency or as specified in statute.

### 3. REGULATORY SCIENCE INITIATIVES

#### A. WORKING GROUP

FDA will convene a working group and consider suggestions from industry and other stakeholders to develop an annual list of regulatory science initiatives for review by CDER Director.

#### B. FY 2013 PLAN

The FY 2013 plan is appended.

### 4. METRIC GOALS/MEASUREMENTS

#### A. HUMAN RESOURCES METRICS

FDA will hire and train at least 25 percent of incremental staff in FY 2013, 50 percent in FY 2014 and will strive to complete GDUFA-funded human resources hiring goals in FY 2015 as necessary to achieve the program's performance metrics and goals.

#### B. ANDA, ANDA AMENDMENT, AND ANDA PRIOR APPROVAL SUPPLEMENT REVIEW METRICS AND DMF REVIEWS AS SUBSUMED IN EACH

ANDAs will be categorized according to cohort year.

Once an ANDA is in a given year's cohort, dates of submission of a subsequent amendment will not change the cohort year. Regardless of the year in which an amendment is submitted, any additional time periods to be added to the base review period will be calculated using the time periods corresponding to the original cohort year.

Original (complete) ANDA Review (Certain amended applications may have differing metrics as discussed below.)

FDA will review and act on 60 percent of original ANDA submissions within 15 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of original ANDA submissions within 15 months from the date of submission for the year 4 cohort.

FDA will review and act on 90 percent of original ANDA submissions within 10 months from the date of submission for the year 5 cohort.

For ANDAs in the year 1 and 2 cohorts, FDA will expedite review of Paragraph IV applications that are submitted on the first day that any valid Paragraph IV application for the drug in question is submitted.

#### Amendment Review

All amendment metric goals are incremental, and the time periods specified are calculated from the date of submission. They will be added to the original review goal, but in no case shall they shorten the original goal date. (In other words, an amendment with a 6 month metric which was submitted 4 months prior to original goal date would add 2 months to the review clock).

An amendment pre Complete Response Letter adjusts the goal date for the original application.

Subsequent amendments pre Complete Response Letter also adjust the goal date for the application and are additive.

An amendment post Complete Response Letter sets a new goal date for the application.

Subsequent amendments post Complete Response Letter also adjust the goal date for the application and are additive.

Delaying amendments or amendments containing information that FDA would otherwise ask for as a result of post ANDA submission reference listed drug changes do not add to the count of amendments.

If any amendment contains multiple elements, the longest goal date shall apply.

Amendments shall be grouped as Tier 1, Tier 2 or Tier 3. FDA agrees that unsolicited amendments that are submitted to a pending ANDA that are neither Tier 1, Tier 2 or Tier 3 amendments, but rather are routine or administrative in nature and do not require scientific review (e.g., requests for final ANDA approval, patent amendments, general correspondence, and USP monograph updates), will not lengthen or impact the original review goal date.

Tier 1 amendments include:

All solicited first major and the first five minor amendments.

All unsolicited amendments indicated by sponsor and agreed by FDA to be a result of either delaying actions as determined by FDA's Office of Generic Drugs taking into account the facts and information supplied by the ANDA applicant or that otherwise would eventually be solicited.

Tier 2 amendments include:

All unsolicited amendments not arising from delaying actions as determined by FDA's Office of Generic Drugs taking into account the facts and information supplied by the ANDA applicant excepting those amendments which only remove information for review.

Tier 3 amendments include:

Any solicited major amendment subsequent to the first major amendment.

Any solicited minor amendment subsequent to the fifth minor amendment.

Tier 1 amendment goals:

First major amendment

FDA will review and act on 60 percent of first major amendment submissions within 10 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of first major amendment submissions within 10 months from the date of submission for the year 4 cohort.

FDA will review and act on 90 percent of first major amendment submissions within 10 months from the date of submission for the year 5 cohort.

Minor amendments (first—third)

FDA will review and act on 60 percent of first through third minor amendment submissions within 3 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of first through third minor amendment submissions within 3 months from the date of submission for year 4 cohort.

FDA will review and act on 90 percent of first through third minor amendment submissions within 3 months from the date of submission for the year 5 cohort.

Minor amendments (fourth—fifth)

FDA will review and act on 60 percent of fourth through fifth minor amendment submissions within 6 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of fourth through fifth minor amendment sub-

missions within 6 months from the date of submission for year 4 cohort.

FDA will review and act on 90 percent of fourth through fifth minor amendment submissions within 6 months from the date of submission for the year 5 cohort.

Except that if any Tier 1 amendment requires an inspection, the goal shall be 10 months.

Tier 2 amendment goals:

FDA will review and act on 60 percent of amendment submissions within 12 months from the date of submission for the year 3 cohort.

FDA will review and act on 75 percent of amendment submissions within 12 months from the date of submission for year 4 cohort.

FDA will review and act on 90 percent of amendment submissions within 12 months from the date of submission for the year 5 cohort.

Tier 3 amendment goals:

There will be no GDUFA metrics for tier 3 amendments.

Review of Complete Prior Approval Supplements (PASs) (Certain amended PASs may have differing metrics as discussed above in the Amendment Review section).

FDA will review and act on 60 percent of PASs not requiring inspection within 6 months from the date of submission for receipts in FY 2015; FDA will review and act on 60 percent of PASs requiring inspection within 10 months from the date of submission for receipts in FY 2015.

FDA will review and act on 75 percent of PASs not requiring inspection within 6 months from the date of submission for receipts in FY 2016; FDA will review and act on 75 percent of PASs requiring inspection within 10 months from the date of submission for receipts in FY 2016.

FDA will review and act on 90 percent of PASs not requiring inspection within 6 months from the date of submission for receipts in FY 2017; FDA will review and act on 90 percent of PASs requiring inspection within 10 months from the date of submission for receipts in FY 2017.

#### C. CONTROLLED CORRESPONDENCE METRICS

##### Controlled Correspondence

FDA will respond to 70 percent of controlled correspondence in 4 months from date of submission in FY 2015.

FDA will respond to 70 percent of controlled correspondence in 2 months from date of submission in FY 2016.

FDA will respond 90 percent of controlled correspondence in 2 months from date of submission in FY 2017.

If the controlled correspondence requires input from the clinical division, one additional month will be added to the goals outlined above.

In the case of controlled correspondence which raises an issue or question that is the same as or related to the issue or question that is the subject of one or more pending citizen petitions, or petitions for stay or reconsideration, the above goals will apply from the date FDA issues responses to the pending petitions.

#### D. CGMP INSPECTION METRICS

FDA will conduct risk-adjusted biennial CGMP surveillance inspections of generic API and generic finished dosage form (FDF) manufacturers, with the goal of achieving parity of inspection frequency between foreign and domestic firms in FY 2017.

#### E. BACKLOG METRICS

FDA will review and act on 90 percent of all ANDAs, ANDA amendments, and ANDA

prior approval supplements regardless of current review status (whether electronic, paper, or hybrid) pending on October 1, 2012 by the end of FY 2017.

#### DEFINITIONS

For the purposes of this goals letter:

*Act on an application*—means FDA will either issue a complete response letter, an approval letter, a tentative approval letter for an ANDA, or a refusal to receive action.

*Active pharmaceutical ingredient*—means (A) a substance, or a mixture when the substance is unstable or cannot be transported on its own, intended to be used as a component of a drug and intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the human body; or (B) a substance intended for final crystallization, purification, or salt formation, or any combination of those activities, to become the final active pharmaceutical ingredient as defined in paragraph (A).

*Backlog*—refers to the queue of pending ANDAs, ANDA amendments and ANDA supplements pending as of October 1, 2012.

*Delaying amendments*—refers to amendments to an ANDA from the ANDA sponsor to address actions by a third party that would cause delay or impede application review or approval timing and that were not or may not have been initially recognized by FDA as necessary when the application was first submitted. FDA's Office of Generic Drugs shall have broad discretion to determine what constitutes a delaying event caused by actions generally outside of the applicants control taking into account facts and information supplied by the ANDA sponsor.

*Closing out a request for a first cycle review teleconference*—means: 1) holding the teleconference; or 2) responding to questions in the sponsor's teleconference request in writing in lieu of holding the teleconference.

*Cohort*—The program is structured based on 5 cohorts of submission dates (original ANDAs, PASs and DMFs), corresponding to the five fiscal years to be covered by the program. The year 1 cohort refers to the dates of submissions made electronically in FY 2013 (October 1, 2012 to September 30, 2013). The year 2 cohort refers to the dates of submissions made electronically in FY 2014 (October 1, 2013 to September 30, 2014). The year 3 cohort refers to the dates of submissions made electronically in FY 2015 (October 1, 2014 to September 30, 2015). The year 4 cohort refers to submissions made electronically in FY 2016 (October 1, 2015 to September 30, 2016). The year 5 cohort refers to submissions made electronically in FY 2017 (October 1, 2016 to September 30, 2017).

*Complete response letter*—refers to a written communication to an applicant or DMF holder from FDA usually describing all of the deficiencies that the agency has identified in an abbreviated application (including pending amendments) or a DMF that must be satisfactorily addressed before the ANDA can be approved. Complete response letters will reflect a complete review and will require a complete response from industry to restart the clock. Refer to 21 CFR 314.110 and <http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/LawsActsandRules/ucm084138.htm> for additional details. When a citizen petition may impact the approvability of the ANDA, FDA will strive to address, where possible, valid issues raised in a relevant citizen petition in the complete response letter. If a citizen petition raises an issue that would delay only part of a com-

plete response, a response that addresses all other issues will be considered a complete response.

*Complete review*—refers to a full division-level review from all relevant review disciplines, including inspections, and includes other matters relating to the ANDA and associated DMFs as well as consults with other agency components.

*Controlled correspondence*—FDA's Office of Generic Drugs provides assistance to pharmaceutical firms and related industry regarding a variety of questions posed as "controlled documents." See <http://www.fda.gov/AboutFDA/CentersOffices/CDER/ucm120610.htm>. Controlled correspondence does not include citizen petitions, petitions for reconsideration or requests for stay.

*DMF or Type II Active Pharmaceutical Ingredient Drug Master File*—means a submission of information to the Secretary by a person that intends to authorize the Food and Drug Administration to reference the information to support approval of a generic drug submission without the submitter having to disclose the information to the generic drug submission applicant.

*Electronic*—refers to submissions in an all electronic eCTD format in effect at the date of submission.

*Expedited review of application*—While generally, review of original ANDAs, ANDA amendments and ANDA supplements are reviewed in the order received, (first-in, first-reviewed), certain applications may be identified at the date of submission for expedited review, as described in CDER's MAPP 5240.3. (See <http://www.fda.gov/downloads/AboutFDA/CentersOffices/CDER/ManualofPoliciesProcedures/ucm079787.pdf>)

which includes expedited review of the original submission and amendment(s) associated with the expedited review qualifying application. Products to respond to current and anticipated public health emergencies, products under special review programs, such as the President's Emergency Plan for AIDS Relief (PEPFAR), products for which a nationwide shortage has been identified, and first generic products for which there are no blocking patents or exclusivities on the reference listed drug currently may qualify for expedited review. For ANDAs in the year 1 and 2 cohorts, FDA will expedite review of Paragraph IV applications that are submitted on the first day that any valid Paragraph IV application for the drug in question is submitted.

*Facility*—means business or other entity under one management either direct or indirect and at one geographic location or address engaged in manufacturing or processing an active pharmaceutical ingredient or a finished dosage form, but does not include a business or other entity whose only manufacturing or processing activities are one or more of the following: repackaging, relabeling, or testing. For purposes of this definition, separate buildings within close proximity are considered to be at one geographic location or address if the activities in them are closely related to the same business enterprise, under the supervision of the same local management, and are capable of being inspected by the Food and Drug Administration during a single inspection.

*Finished Dosage Form*—means (A) a drug product in the form in which it will be administered to a patient, such as a tablet, capsule, solution, or topical application; (B) a drug product in a form in which reconstitution is necessary prior to administration to a patient, such as oral suspensions or lyophilized powders; or (C) any combination

of an active pharmaceutical ingredient, as defined in paragraph (m)(2), with another component of a drug product for purposes of production of such a drug product.

*First major deficiency application*—means an ANDA which has been issued its first complete response letter classified as having major deficiency(ies).

*Generic Drug Program*—refers to all agency activities related to the determination of approvability of an ANDA.

*Major and minor amendments*—All references to "major" and "minor" amendments in this goals letter are intended to refer to the distinctions that FDA described in its Guidance for Industry: Major, Minor, Telephone Amendments to Abbreviated New Drug Applications. See <http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm072888.pdf>

*Parity*—in reference to inspections, as between foreign and domestic facilities, means inspection at an equal frequency plus or minus 20 percent with comparable depth and rigor of inspection.

*Refuse to receive*—means refusal to file an application. See 21 CFR 314.101 and <http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM080561.pdf#1993>

*Solicited amendment*—an amendment submitted in response to a Complete Response letter.

*Submission date*—is the date an ANDA, ANDA amendment, ANDA supplement, or Type II active pharmaceutical drug master file arrives in the appropriate electronic portal of the FDA.

*Prior Approval Supplements*—A prior approval supplement is a submission to allow a company to make a change in a product that already has an approved ANDA. CDER must approve all important ANDA changes (in packaging or ingredients, for instance) to ensure the conditions originally set for the product are still met. (Source: <http://www.fda.gov/Drugs/InformationOnDrugs/ucm079436.htm#S>)

*Unsolicited amendment*—an amendment with information not requested by the FDA except for those unsolicited amendments considered routine or administrative in nature and that do not require scientific review (e.g., requests for final ANDA approval, patent amendments, general correspondence, and USP monograph updates).

#### FY 2013 REGULATORY SCIENCE PLAN

Topic 1: Bioequivalence of local acting orally inhaled drug products

Impact: Continue to develop new and improved PD endpoints and study designs or establishment of alternative approaches to ensure equivalent local delivery of orally inhaled drug product to the lung would lead to more efficient development of generic products in a sector that lacks any generic competition

Topic 2: Bioequivalence of local acting topical dermatological drug products

Impact: Continue developing new bioequivalence methods in order to reduce the need for relatively insensitive clinical endpoint bioequivalence studies. Development of in vitro release tests or other product characterization to ensure consistent drug release or product performance

Topic 3: Bioequivalence of local acting gastro-intestinal drug products

Impact: Developing new bioequivalence methods for direct measurement of drug concentrations in the GI tract and establishing better correlations between pharmacokinetic measurements and GI concentration would

allow more efficient demonstration of bioequivalence than by clinical endpoint studies.

Topic 4: Quality by design of generic drug products

Impact: Continue developing science-based recommendations for product development, raw material, APIs and process controls, and life-cycle management of complex dosage forms (e.g. orally inhaled drug products and modified-release dosage forms)

Topic 5: Modeling and simulation

Impact: Modeling and simulation (including in-vitro and in-vivo correlations) is essential to efficient implementation of quality by design and can help to identify and eliminate unneeded in-vitro and/or in-vivo studies. Models (PK/PD, exposure-response, clinical use simulation) support generic drug evaluation policies especially for NTI drugs and complex products.

Topic 6: Pharmacokinetic studies and evaluation of anti-epileptic drugs

Impact: Improving public confidence in bioequivalent generic epilepsy drugs.

Topic 7: Excipient effects on permeability and absorption of BCS Class 3 Drugs

Impact: Extension of biowaivers to BCS Class 3 Drugs and eliminating the need for unnecessary in vivo bioequivalence studies

Topic 8: Product- and patient-related factors affecting switchability of drug-device combination products (e.g., orally inhaled and nasal drug products and injection drug products)

Impact: Establishing a systematic, science- and risk-based approach to ensure device switchability, and improving the patient's compliance and acceptability of generic devices

Topic 9: Postmarketing surveillance of generic drug usage patterns and adverse events.

Impact: Improved data collection about usage patterns (which strengths are used in which populations, extent of switchability, back switches to RLD products, medication errors) will be fed back into regulatory policy development including those for excipients and impurities. Baseline data collection on adverse event reports on switching to an authorized generic would improve the ability to investigate reports.

Topic 10: Evaluation of drug product physical attributes on patient acceptability

Impact: Laboratory and human studies on physical attributes such as tablet size,

shape, coating, odor perception (residual solvents), score configuration, taste masking or color on the ability of patient to use (for example swallow) or perceive quality (for example smell) will allow OGD to provide better guidance to applicants on how these physical attributes should be controlled and compared to the RLD.

Topic 11: Postmarketing assessment of generic drugs and their brand-name counterparts

Impact: Stronger public confidence in generic drugs because of pro-active responses to product concerns. An integrated response to product concerns involving laboratory investigations and post-marketing data collection.

Topic 12: Physicochemical characterization of complex drug substances

Impact: Developing analytical methods for demonstrating pharmaceutical equivalence for complex drug substances (non-small molecules) characterized by natural source origin, polydisperse mixture, and/or supramolecular structure, and therefore expanding the boundary of the generic drug program for these complex drug products

Topic 13: Develop a risk-based understanding of potential adverse impacts to drug product quality resulting from changes in API manufacturing and controls.

Impact: The ability to predict the potential impacts of manufacturing changes on product quality will allow manufacturers to target assessments and controls on high-risk areas for regulators to focus their reviews on these areas too.

#### FY 2014 REGULATORY SCIENCE PRELIMINARY TOPICS FOR CONSIDERATION

In addition to those topics to be identified by the Working Group described in section 3.A of this letter, topics will include recommendations for draft guidances to clarify FDA recommendations with regard to complex product development and to help limit deficiencies in applications.

#### BIOSIMILAR BIOLOGICAL PRODUCT AUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FOR FISCAL YEARS 2013 THROUGH 2017

FDA proposes the following goals contingent on the allocation of resources for each of the fiscal years 2013-2017 of at least the inflation-adjusted value of \$20 million in non-user fee funds, plus collections of biosimilar user fees, to support the process for the review of biosimilar biological applications.

#### ORIGINAL AND RESUBMITTED APPLICATIONS AND SUPPLEMENTS

Submission cohort	Performance goal				
	2013	2014	2015	2016	2017
Original Biosimilar Biological Product Application Submissions ...	70% in 10 months of the receipt date.	70% in 10 months of the receipt date.	80% in 10 months of the receipt date.	85% in 10 months of the receipt date.	90% in 10 months of the receipt date
Resubmitted Original Biosimilar Biological Product Applications	70% in 6 months of the receipt date.	70% in 6 months of the receipt date.	80% in 6 months of the receipt date.	85% in 6 months of the receipt date.	90% in 6 months of the receipt date
Original Supplements with Clinical Data .....	90% in 10 months of the receipt date				
Resubmitted Supplements with Clinical Data .....	90% in 6 months of the receipt date				
Manufacturing Supplements .....	90% in 6 months of the receipt date				

#### II. FIRST CYCLE REVIEW PERFORMANCE

##### A. Notification of Issues Identified during the Filing Review

1. Performance Goal: For original biosimilar biological product applications and supplements with clinical data, FDA will report substantive review issues identified during the initial filing review to the applicant by letter, teleconference, facsimile, secure e-mail, or other expedient means.

2. The timeline for such communication will be within 74 calendar days from the date of FDA receipt of the original submission.

3. If no substantive review issues were identified during the filing review, FDA will so notify the applicant.

4. FDA's filing review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

5. FDA will notify the applicant of substantive review issues prior to the goal date for 90% of applications.

##### B. Notification of Planned Review Timelines

1. Performance Goal: For original biosimilar biological product applications and supplements with clinical data, FDA will inform the applicant of the planned timeline

#### I. REVIEW PERFORMANCE GOALS

##### A. Biosimilar Biological Product Application Submissions and Resubmissions

###### FY 2013

1. Review and act on 70 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 70 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

###### FY 2014

1. Review and act on 70 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 70 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

###### FY 2015

1. Review and act on 80 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 80 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

###### FY 2016

1. Review and act on 85 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 85 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

###### FY 2017

1. Review and act on 90 percent of original biosimilar biological product application submissions within 10 months of receipt.

2. Review and act on 90 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

##### B. Supplements with Clinical Data

1. Review and act on 90 percent of original supplements with clinical data within 10 months of receipt.

2. Review and act on 90 percent of resubmitted supplements with clinical data within 6 months of receipt.

##### C. Original Manufacturing Supplements

1. Review and act on 90 percent of manufacturing supplements within 6 months of receipt.

##### D. Goals Summary Tables

for review of the application. The information conveyed will include a target date for communication of feedback from the review division to the applicant regarding proposed labeling, postmarketing requirements, and postmarketing commitments the Agency will be requesting.

2. The planned review timeline will be included with the notification of issues identified during the filing review, within 74 calendar days from the date of FDA receipt of the original submission.

3. The planned review timelines will be consistent with the Guidance for Review Staff and Industry: Good Review Management Principles and Practices for PDUFA Products (GRMPs), taking into consideration the specific circumstances surrounding

the individual biosimilar biological product application.

4. The planned review timeline will be based on the application as submitted.

5. FDA will inform the applicant of the planned review timeline for 90% of all applications and supplements with clinical data.

6. In the event FDA determines that significant deficiencies in the application preclude discussion of labeling, postmarketing requirements, or postmarketing commitments by the target date identified in the planned review timeline (e.g., failure to demonstrate a biosimilar biological product is highly similar to the reference product, significant safety concern(s), need for a new study(ies) or extensive re-analyses of existing data before approval), FDA will communicate this determination to the applicant in accordance with GRMPs and no later than the target date. In such cases the planned review timeline will be considered to have been met. Communication of FDA's determination may occur by letter, teleconference, facsimile, secure e-mail, or other expedient means.

7. To help expedite the development of biosimilar biological products, communication of the deficiencies identified in the application will generally occur through issuance of a discipline review (DR) letter(s) in advance of the planned target date for initiation of discussions regarding labeling, postmarketing requirements, and postmarketing commitments the Agency may request.

8. If the applicant submits a major amendment(s) (refer to Section VIII.B for additional information on major amendments) and the review division chooses to review such amendment(s) during that review cycle, the planned review timeline initially communicated (under Section II.B.1 and 2) will generally no longer be applicable. Consistent with the underlying principles articulated in the GRMP guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

If the review division determines that the major amendment will result in an extension of the biosimilar biological product review clock, the review division will communicate to the applicant at the time of the clock extension a new planned review timeline, including a new review timeline for communication of feedback on proposed labeling, postmarketing requirements, and any postmarketing commitments the Agency may request.

In the rare case where the review division determines that the major amendment will not result in an extension of the biosimilar biological product review clock, the review division may choose to retain the previously communicated planned review timeline or may communicate a new planned review timeline to the applicant.

The division will notify the applicant promptly of its decision regarding review of the major amendment(s) and whether the planned review timeline is still applicable.

### III. REVIEW OF PROPRIETARY NAMES TO REDUCE MEDICATION ERRORS

To enhance patient safety, FDA will utilize user fees to implement various measures to reduce medication errors related to look-alike and sound-alike proprietary names and such factors as unclear label abbreviations, acronyms, dose designations, and error prone label and packaging design.

### A. Review Performance Goals—Biosimilar Biological Product Proprietary Names

1. Proprietary names submitted during the biosimilar biological product development (BPD) phase

a) Review 90% of proprietary name submissions filed within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

b) If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

c) If the proprietary name is found to be unacceptable, the above review performance goals also would apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

d) A complete submission is required to begin the review clock.

2. Proprietary names submitted with biosimilar biological product application

a) Review 90% of biosimilar biological product application proprietary name submissions filed within 90 days of receipt. Notify sponsor of tentative acceptance/non-acceptance.

b) A supplemental review will be done meeting the above review performance goals if the proprietary name has been submitted previously (during the BPD phase) and has received tentative acceptance.

c) If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

d) If the proprietary name is found to be unacceptable, the above review performance goals apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

e) A complete submission is required to begin the review clock.

### IV. MAJOR DISPUTE RESOLUTION

A. Procedure: For procedural or scientific matters involving the review of biosimilar biological product applications and supplements (as defined in BsUFA) that cannot be resolved at the signatory authority level (including a request for reconsideration by the signatory authority after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

B. Performance goal: 90% of such answers are provided within 30 calendar days of the Center's receipt of the written appeal.

C. Conditions:

1. Sponsors should first try to resolve the procedural or scientific issue at the signatory authority level. If it cannot be resolved at that level, it should be appealed to the next higher organizational level (with a copy to the signatory authority) and then, if necessary, to the next higher organizational level.

2. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either grant or deny the appeal.

3. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

4. In some cases, further data or further input from others might be needed to reach

a decision on the appeal. In these cases, the "response" should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

5. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

6. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

7. Note: If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting to allow conformance with advisory committee administrative procedures.

### V. CLINICAL HOLDS

A. Procedure: The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

B. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response.

### VI. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

A. Procedure: Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the Agency will evaluate certain protocols and related issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

1. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., are the clinical endpoints adequate to assess whether there are clinically meaningful differences between the proposed biosimilar biological product and the reference product).

2. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

3. Protocols that qualify for this program include any necessary clinical study or studies to prove biosimilarity and/or interchangeability (e.g., protocols for comparative clinical trials that will form the primary basis for demonstrating that there are no clinically meaningful differences between the proposed biosimilar biological product and the reference product, and protocols for clinical trials intended to support a demonstration of interchangeability). For such protocols to qualify for this comprehensive protocol assessment, the sponsor must have had a BPD Type 2 or 3 Meeting, as defined in section VIII (F and G), below, with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.

4. If a protocol is reviewed under the process outlined above, and agreement with the



Agency is reached on design, execution, and analyses, and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

#### B. Performance goal:

For FY 2013, 70% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

For FY 2014, 70% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

For FY 2015, 80% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

For FY 2016, 85% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

For FY 2017, 90% of special protocols assessments and agreement requests completed and returned to sponsor within timeframes.

C. Reporting: The Agency will track and report the number of original special protocol assessments and resubmissions per original special protocol assessment.

### VII. MEETING MANAGEMENT GOALS

#### A. Responses to Meeting Requests

1. Procedure: Within 14 calendar days of the Agency's receipt of a request and meeting package from industry for a BPD Type 1 Meeting, or within 21 calendar days of the Agency's receipt of a request and meeting package from industry for a Biosimilar Initial Advisory Meeting or a BPD Type 2, 3, or 4 Meeting, as defined in section VIII(D-H), below, CBER and CDER should notify the requester in writing of the date, time, place, and format (i.e., a scheduled face-to-face, teleconference, or videoconference) for the meeting, as well as expected Center participants.

2. Performance Goal: FDA will provide this notification within 14 days for 90 percent of BPD Type 1 Meeting requests and within 21 days for 90 percent of Biosimilar Initial Advisory Meeting and BPD Type 2, 3 and 4 Meeting requests.

#### B. Scheduling Meetings

1. Procedure: The meeting date should reflect the next available date on which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested.

a) Biosimilar Initial Advisory Meeting should occur within 90 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

b) BPD Type 1 Meetings should occur within 30 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

c) BPD Type 2 Meetings should occur within 75 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

d) BPD Type 3 Meetings should occur within 120 calendar days of the Agency receipt of the sponsor-submitted meeting request and meeting package.

e) BPD Type 4 Meetings should occur within 60 calendar days of the Agency receipt of

the sponsor-submitted meeting request and meeting package.

#### 2. Performance goal:

For FY 2013, 70% of Biosimilar Initial Advisory Meetings and BPD Type 1-4 Meetings are held within the timeframe.

For FY 2014, 70% of Biosimilar Initial Advisory Meetings and BPD Type 1-4 Meetings are held within the timeframe.

For FY 2015, 80% of Biosimilar Initial Advisory Meetings and BPD Type 1-4 Meetings are held within the timeframe.

For FY 2016, 85% of Biosimilar Initial Advisory Meetings and BPD Type 1-4 Meetings are held within the timeframe.

For FY 2017, 90% of Biosimilar Initial Advisory Meetings and BPD Type 1-4 Meetings are held within the timeframe.

#### C. Meeting Minutes

1. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail.

2. Performance Goal: FDA will provide meeting minutes within 30 days of the date of the meeting for 90 percent of Biosimilar Initial Advisory Meetings and BPD Type 1-4 Meetings.

#### D. Conditions

For a meeting to qualify for these performance goals:

1. A written request (letter or fax) and supporting documentation (i.e., the meeting package) should be submitted to the appropriate review division or office. The request should provide:

a) A brief statement of the purpose of the meeting, the sponsor's proposal for the type of meeting, and the sponsor's proposal for a face-to-face meeting or a teleconference;

b) A listing of the specific objectives/outcomes the requester expects from the meeting;

c) A proposed agenda, including estimated times needed for each agenda item;

d) A list of questions, grouped by discipline. For each question there should be a brief explanation of the context and purpose of the question.

e) A listing of planned external attendees; and

f) A listing of requested participants/disciplines representative(s) from the Center.

g) Suggested dates and times (e.g., morning or afternoon) for the meeting that are within or beyond the appropriate time frame of the meeting type being requested.

2. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for BPD Type 2, 3 and 4 Meetings will be honored except in the most unusual circumstances.

The Center may determine that a different type of meeting is more appropriate and it may grant a meeting of a different type than requested, which may require the payment of a biosimilar biological product development fee as described in section 744B of the Federal Food, Drug, and Cosmetic Act before the meeting will be provided. If a biosimilar biological product development fee is required under section 744B, and the sponsor does not pay the fee within the time frame required under section 744B, the meeting will be cancelled. If the sponsor pays the biosimilar biological product development fee after the meeting has been cancelled due to non-payment, the time frame described in section

VII.A.1 will be calculated from the date on which FDA received the payment, not the date on which the sponsor originally submitted the meeting request.

Sponsors are encouraged to consult FDA to obtain further information on recommended meeting procedures.

3. FDA will develop and publish for comment draft guidance on Biosimilar Initial Advisory Meetings and BPD Type 1-4 Meetings by end of second quarter of FY 2014.

### VIII. DEFINITIONS AND EXPLANATION OF TERMS

A. The term "review and act on" means the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. Goal Date Extensions for Major Amendments

1. A major amendment to an original application, supplement with clinical data, or resubmission of any of these applications, submitted at any time during the review cycle, may extend the goal date by three months.

2. A major amendment may include, for example, a major new clinical safety/efficacy study report; major re-analysis of previously submitted study(ies); submission of a risk evaluation and mitigation strategy (REMS) with elements to assure safe use (ETASU) not included in the original application; or significant amendment to a previously submitted REMS with ETASU. Generally, changes to REMS that do not include ETASU and minor changes to REMS with ETASU will not be considered major amendments.

3. A major amendment to a manufacturing supplement submitted at any time during the review cycle may extend the goal date by two months.

4. Only one extension can be given per review cycle.

5. Consistent with the underlying principles articulated in the GRMP guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

C. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

D. A Biosimilar Initial Advisory Meeting is an initial assessment limited to a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product, and, if so, general advice on the expected content of the development program. Such term does not include any meeting that involves substantive review of summary data or full study reports.

E. A BPD Type 1 Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (e.g. meeting to discuss clinical holds, dispute resolution meeting), a special protocol assessment meeting, or a meeting to address an important safety issue.

F. A BPD Type 2 Meeting is a meeting to discuss a specific issue (e.g., proposed study design or endpoints) or questions where FDA will provide targeted advice regarding an ongoing biosimilar biological product development program. Such term includes substantive review of summary data, but does not include review of full study reports.

G. A BPD Type 3 Meeting is an in depth data review and advice meeting regarding an



ongoing biosimilar biological product development program. Such term includes substantive review of full study reports, FDA advice regarding the similarity between the proposed biosimilar biological product and the reference product, and FDA advice regarding additional studies, including design and analysis.

H. A BPD Type 4 Meeting is a meeting to discuss the format and content of a biosimilar biological product application or supplement submitted under 351(k) of the PHS Act.

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, I have been saying for weeks and months that we are overdue to pass into law the Leahy-Crapo Violence Against Women Reauthorization Act, which the Senate approved in April with 68 bipartisan votes. I am disappointed that the House still has not picked up this bipartisan effort and that we are not getting the job done this year. I want everyone to know that I will be back next year, and we will get it done.

Just yesterday we were reminded again why this legislation is so important. In Colorado, a man just released from jail on domestic violence charges shot his way into a house, murdering his ex-girlfriend, and her sister, and her sister's husband, before killing himself. We have seen enough horrific violence. It is past time to act.

The Leahy-Crapo bill would support the use of techniques proven to help identify high-risk cases and prevent domestic violence homicides. It will help us go further to prevent domestic and sexual violence and to provide services and support to all victims.

For several weeks, I have been advocating a compromise on a key provision aimed at addressing the epidemic of domestic violence against native women. I want to compliment my partner on this bill, Senator CRAPO, who has been working hard to try to bridge the divide and address concerns with the provision in our bill that gives limited jurisdiction to tribal courts to make sure that no perpetrators of domestic violence are immune from prosecution. Senator CRAPO has pushed hard and has indicated a willingness to compromise significantly, as have I. Sadly, others have continued to draw lines which would ultimately deny assistance to some of the most vulnerable victims. That is unacceptable.

I appreciate that there have at last been some renewed discussions about this bill in the House of Representatives but that is not enough. The only way to reauthorize VAWA this year is for the House to take up and pass the Senate-passed bill. If the House Republican leadership refuses to do that in the final days of this Congress, it is a shame.

I remain steadfast in my resolve to get this done and pass a good VAWA

bill that protects all victims. I know Senator CRAPO shares my resolve. I know every woman in the Senate and many other Senators and House members share our resolve. I know President Obama and Vice President BIDEN share our resolve.

We will be back next year. We will introduce a good bill, and we will pass it through the Senate. We will continue our discussions, and we will work tirelessly to have a good bill enacted into law. This is not the end of our efforts to renew and improve VAWA to more effectively help all victims of domestic and sexual violence.

We know that the epidemic of violence against native women is appalling, with a recent study finding that almost three in five native women have been assaulted by their spouses or intimate partners. We know that immigrant women are particularly vulnerable, with their immigration status another weapon that abusers can use to keep power and prevent reporting. We know that some victims cannot access needed services because of their sexual orientation or gender identity. We know that women and girls on college campuses are too much at risk, and more must be done to protect them. The list goes on.

We have shown a willingness to compromise but we must make progress on all of these issues. We must make things better, and never make things worse, for the most vulnerable of victims.

The community of advocates and service providers who work every day with victims of these terrible crimes is inspiring. It was their advice on the real needs of real victims that shaped this legislation, and they have fought with us every day to get this bill enacted. I want them to know how much I value the work they do and that I will not abandon their cause. We will continue working together, and we will reauthorize VAWA.

We have seen enough violence. If we cannot get the Leahy-Crapo bill over the finish line this year, we will come back next year, and we will get it done. I look forward to other Senators joining us as we continue this vital effort.

#### INVEST TAXPAYER DOLLARS IN WHAT WORKS

Ms. LANDRIEU. Mr. President, as Congress continues its work addressing our Nation's looming fiscal crisis, we must also remember that we have a responsibility to our taxpayers to improve outcomes for young people and their families by driving Federal funds more efficiently toward evidence-based, results-oriented solutions.

In August, I shared promising news from my home State, where evidence-based Federal programs, including the Social Innovation Fund, the Investing in Innovation Fund, and the High Qual-

ity Charter Schools Replication and Expansion Program, are improving education and other important outcomes for thousands of young people throughout Louisiana.

Bipartisan support for investing in what works has been growing for decades.

Under the George W. Bush administration, the Office of Management and Budget put a priority on improving the performance of Federal programs and encouraged more rigorous evaluations to assess their effectiveness.

In 2010, the Simpson-Bowles Commission Report, the "National Commission on Fiscal Responsibility and Reform," specifically recommended urging all Federal agency heads to "identify ways to shift from inefficient, unproductive spending to productive, results-based investment."

And in May of this year, the Office of Management and Budget, OMB, instructed all Federal departments and agencies to demonstrate the use of evidence throughout their fiscal year 2014 budget submissions.

At a time when America is facing enormous social and economic shifts, budget constraints at all levels of government, significant demographic changes, and an increasingly globally competitive, changing workforce, our Federal Government must continue to drive public resources toward evidence-based, results-driven solutions that work.

I believe the following principles can serve as the foundation of an "invest in what works" agenda: develop and use a common evidence framework to inform program design and management; use evidence, data and information about performance to inform policy and drive continuous improvement in Federal programs and grantee interventions; promote innovation and flexibility and focus on outcomes rather than simply on compliance; increasingly target investments in interventions with the strongest evidence of effectiveness, as well as support the development and rigorous evaluation of promising, innovative interventions; and, seek opportunities to promote and invest in systems and communities that are collaborating to achieve significant community-wide impact or change at scale.

I would encourage the administration to incorporate these principles in its fiscal year 2014 budget request, and to consider reserving 1 percent of Federal program funds for independent, third-party evaluations. These recommendations, which are consistent with the 2010 Simpson-Bowles report and the 2012 OMB memo on evidence and evaluation, would provide Members of Congress with reliable information to gauge program effectiveness and drive continuous improvement.

In pursuing this approach, we should remain steadfastly focused on equity and serving children and families in

greatest need. Done right, an “invest in what works” framework can advance an equity agenda. Competitive grants can augment and help maximize the impact of important formula funding. When designing such policies, we must prioritize grantees serving children and families most in need and leverage lessons learned to improve the impact of larger scale programs. Moreover, the Federal Government should make technical assistance a priority to potentially high-impact grantees—including rural grantees—that have less expertise in preparing Federal grant applications.

I am fully committed to working with my colleagues on both sides of the aisle to help improve outcomes for young people and their families through the development and implementation of an agenda that invests in what works.

#### NEWTOWN, CONNECTICUT TRAGEDY

Ms. KLOBUCHAR. Mr. President, I rise today with a heavy heart to express my deepest sympathy to the families of the 28 people who were murdered last week at Sandy Hook Elementary. These last few days have been immensely painful as our nation has mourned the loss of life and desperately searched for answers that might somehow explain such a senseless act of violence.

Like all Americans, my thoughts and prayers have been and continue to be with the students, teachers, and families. But my heart especially goes out to those mothers and fathers who lost their children. As a mother, I cannot even begin to fathom the depth of their anguish.

The murder of a child is the most heinous of crimes. But the mass murder of 20 children trapped in an elementary school is an act of unspeakable evil. There are simply no words to describe the shock, horror, and grief. There is nothing we can say to undo the horrific events of that day or to numb the wounds of the families who are grieving. The best we can hope for is that our words and prayers might somehow bring them comfort and to show them they are not alone in their sorrow.

At moments like these, the weight of despair falls heavy upon us. But we cannot forget that, even amidst the horror and sadness, there have been remarkable acts of decency. And for that, we have hope.

I think of the brave law enforcement officers and first responders who answered the call to serve and protect that day, just as they do every day. I think of the incredible outpouring of support we have seen from people across the country, most of whom have never met the victims or their families but have come forward anyway with

checks, with flowers, with stuffed animals, and messages of sympathy. And of course, I think of those heroic teachers who risked, and in some cases gave their lives to save their students.

We will always remember the names and faces of people like Dawn Hochsprung and Mary Sherlach, the principal and school psychologist who died trying to disarm and dissuade the gunman. They didn't think twice. They did what they knew was right.

And we will always remember 27-year-old Victoria Soto, the teacher who hid her students in closets and cabinets before bravely approaching the gunman and pointing him in the other direction. She had her whole life ahead of her, but she laid it down to save those kids.

These are the stories that keep us going. They remind us that, even in the wake of senseless violence, no individual act of evil can match the overwhelming goodness of our people. We are a resilient and fundamentally decent country, and my hope is that in the coming weeks and months we will find a way to come together to ease the pain of the families and to make some sense out of this tragedy.

#### TRIBUTE TO MICHAEL ALEXANDER

Mr. LIEBERMAN. Mr. President, I rise today to honor the nearly quarter of a century of public service of my friend and the staff director of the Homeland Security and Governmental Affairs Committee, Michael L. Alexander.

Mike will be leaving his position when this Congress adjourns. And he will leave quite a legacy.

Thomas Jefferson once asked the question: “What duty does a citizen owe to the government that secures the society in which he lives?” Answering his own question, Jefferson said: “A nation that rests on the will of the people must also depend on individuals to support its institutions if it is to flourish. Persons qualified for public service should feel an obligation to make that contribution.”

Mike answered that call in a way that would have made Jefferson proud.

Mike joined what was then the Governmental Affairs Committee as a staff member for the minority side in April 2001 and was a leader in negotiating and drafting the legislation that created the Department of Homeland Security and later the Intelligence Reform and Terrorism Prevention Act.

In recognition of his hard work and proven leadership abilities, I promoted Mike to the position of staff director in May 2006. Under his direction, the committee, through legislation and investigation, took on some of the great challenges of our time.

After Hurricane Katrina ravaged the Gulf Coast in August 2005, claiming

more than 1,800 lives, the committee launched a major investigation into how American government at all levels failed so dramatically to safeguard its citizens from a predicted storm. Over the course of the investigation, the committee held 22 hearings, interviewed 345 witnesses, and reviewed over 800,000 documents. The, “Hurricane Katrina: A Nation Still Unprepared,” was the most comprehensive evaluation of the Katrina catastrophe.

In 2007, the committee began a series of 14 hearings examining the root causes of violent domestic radicalization, the tactics and measures used by U.S. law enforcement at every level to prevent and deter homegrown terrorism, the role of the Internet in self radicalization, and the threat of homegrown terrorism to military personnel.

In May 2008, the committee issued a bipartisan staff report detailing the results of its investigation entitled, “Violent Islamist Extremism, The Internet, and the Homegrown Terrorist Threat.” The report concluded that: “No longer is the threat just from abroad, as was the case with the attacks of September 11, 2001; the threat is now increasingly from within, from homegrown terrorists who are inspired by violent Islamist ideology to plan and execute attacks where they live. One of the primary drivers of this new threat is the use of the Internet to enlist individuals or groups of individuals to join the cause without ever affiliating with a terrorist organization.”

Following the murders at Fort Hood on Nov. 5, 2009, when Maj. Nidal Hasan—a psychiatrist trained by the U.S. Army at taxpayer expense entered the Soldier Readiness Processing Center with two loaded pistols and opened fire, killing 13 and wounding 32, the committee launched a 14-month investigation into what happened and why.

The report that followed the investigation—“A Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack”—detailed flawed practices and communications, both within and between the FBI and Department of Defense, that allowed Hasan to remain in the military—and even be promoted—despite many warning signs that he was becoming dangerous.

Besides the investigations, here are just a few of the successful pieces of legislation that were passed out of the committee and enacted into law on Mike's watch: The “Post-Katrina Emergency Management Reform Act of 2006,” which remade and strengthened the Federal Emergency Management Agency after the failures in responding to Hurricane Katrina; the “Honest Leadership and Open Government Act of 2007,” which made sweeping ethics and lobbying reforms; the “Implementing the Recommendations of the

9/11 Commission Act of 2007," which strengthened the Nation's security against terrorism by providing first responders with the resources they need to protect their communities from disaster, promoting interoperable emergency communications, requiring screening of cargo placed on passenger aircraft, securing mass transit, rail and buses; and improving the security of maritime cargo; "The Inspector General Reform Act," passed in 2008, which sought to improve government accountability by guaranteeing that qualified individuals are appointed as IGs and that IGs remain independent; "The Presidential Appointment Efficiency and Streamlining Act of 2011" that addresses the increasingly slow and burdensome appointments process by, among other things, removing about 170 non-policymaking positions from the list of Presidential appointments requiring Senate confirmation, thereby allowing the Senate to focus on the most important positions; and the Stop Trading on Congressional Knowledge, STOCK Act, that ensures that Members of Congress are subject to the same insider information prohibitions as other Americans.

It is quite a record of accomplishment. And he did it all with a wonderful sense of humor, patience and civility.

Mr. President, I want to return to Thomas Jefferson for a moment, because he had another thought on public service that sums up one of Mike's greatest assets—spotting talent in young people and convincing them to use those talents in public service.

Jefferson once wrote to a friend: "It will remain . . . to those now coming on the stage of public affairs to perfect what has been so well begun by those going off it."

Mike may be leaving the Senate, but he leaves behind a cadre of talented and diverse individuals he recruited to join the committee and then gave increased responsibilities as their talents began to flower.

Many of these people who started out as interns or junior support staffers, have moved up the committee ranks, working on important legislation and investigations, while others have gone on to other Congressional or executive branch offices thanks to the skills Mike helped them develop.

Prior to joining the committee, Mike served as an Executive Assistant to former Agriculture Secretary Mike Espy and had also been Espy's Legislative Director when Espy was a Congressman.

One of the joys of my Senate career was the chance to work with talented and dedicated public servants like Michael Alexander and I want to thank him for all his hard work and wish him the best of luck in whatever his next endeavor may be.

## ADDITIONAL STATEMENTS

### MARYLAND LEGAL SERVICES CORPORATION

• Mr. CARDIN. Mr. President, I want to congratulate Maryland Legal Services Corporation on their 30th anniversary. Established in 1982 by the Maryland General Assembly, Maryland Legal Services Corporation raises and distributes funds to nonprofit organizations that provide civil legal assistance to low-income persons.

As chairman of Maryland Legal Services Corporation from 1988-1995, I know firsthand the extraordinary service they provide to Marylanders. Maryland Legal Services Corporation's grants have enabled 35 Maryland-area nonprofits to assist individuals in matters such as eviction, foreclosure, domestic violence, child custody, veteran's benefits, and health care. To date, Maryland Legal Services Corporation has awarded more than \$164 million in grants, assisting Marylanders in 2 million different legal matters.

In recent years Maryland Legal Services Corporation's mission has become even more critical, as more and more people have turned to our nonprofit community for civil legal services. Studies have shown that poor households will on average face from 1 to 3 legal problems a year, and Maryland is fortunate that Maryland Legal Services Corporation has worked tirelessly to ensure that our nonprofit civil legal service providers can assist its clients.

In the Western part of our State, a couple who were 2 months behind on their mortgage and close to foreclosure was provided a volunteer attorney from Allegany Law Foundation who helped them save their home.

In Harford County, Legal Aid successfully advocated for a woman who was being sued by her credit card company after she had paid thousands of dollars to a debt settlement company believing that the company would pay off her credit card debt. Legal Aid helped her cancel her contract, get a refund and have the lawsuit dismissed.

A man on the Eastern Shore contacted his local Maryland Legal Aid Bureau with concerns about black mold that was growing in his rental unit. The landlord refused to remedy the mold situation, so Legal Aid staff investigated the situation and helped the man escrow his rent.

Had these Marylanders not had access to civil legal assistance, what would have happened? I submit that inevitably justice suffers. Judges are put in the position of trying to provide some assistance and advice—while remaining impartial—to one or two unrepresented parties before them. Social service agencies absorb additional costs from those that are unfairly denied health care or social services benefits. Neighborhoods and communities

are damaged due to unjust evictions. Families are torn apart, and domestic violence and abuse continues unabated. Public health and law enforcement costs rise. The rule of law is undermined, and Americans come to believe that justice is only for the rich, not the poor.

According to one study, each Legal Aid attorney serves over 6,800 people, while there is one private attorney for every 525 people in the nation. This is not "Equal Justice Under Law", as promised by the etching at the entrance to the United States Supreme Court. I am committed to help close the justice gap by giving the Federal Legal Services Corporation the resources it needs from Congress. This must include increasing its authorized level of funding and removing harmful funding restrictions regarding class action lawsuits and attorneys fees.

Maryland Legal Services Corporation's successes over the last 30 years are impressive, and while we celebrate all they have been able to do, we also recommit ourselves to ensuring that all people have access to quality legal representation, regardless of income.●

### UNIVERSITY OF TEXAS WOMEN'S VOLLEYBALL CHAMPIONS

• Mrs. HUTCHISON. Mr. President, it is with great pride that I pay tribute to my alma mater, the University of Texas at Austin, and, in particular, the Texas Longhorns Volleyball team, the 2012 National Collegiate Athletic Association Division I Women's Volleyball Champion.

On Saturday, December 15, 2012, the Texas Longhorns won their third national championship for women's volleyball, and first NCAA Volleyball title since 1988. After reaching their fourth NCAA Final Four in five seasons, the Longhorns outlasted the Michigan Wolverines in five sets in the semifinal to advance to Saturday's championship match. The Longhorns then proceeded to post a .438 hitting percentage in the final—breaking an NCAA record—and swept the Oregon Ducks in three sets to earn the 2012 title.

Longhorn outside hitter Bailey Webster led the way with 14 kills and a .500 hitting percentage in the championship match. After recording 96 kills and a .458 hitting percentage during the NCAA postseason, Webster was voted as the Most Outstanding Player of the 2012 NCAA Division I Women's Volleyball Tournament. She was joined on the All-Tournament team by three Longhorn teammates: Hannah Allison, Haley Eckerman, and Sha'dare McNeal.

This was the first national championship for Jerritt Elliott, the coach of the Longhorns since 2001. Coach Elliott also guided the Longhorns to their fifth Big 12 Conference championship in six seasons and was named the 2012

American Volleyball Coaches Association AVCA Division I National Coach of the Year.

The Longhorns finished the season with a 29-4 record, and were 15-1 in conference action to claim their second straight conference title. Four Longhorn student athletes earned All-America honors. Bailey Webster and Big 12 Player of the Year Haley Eckerman were selected to the first team, and Sha'Dare McNeal and Khat Bell received honorable mention recognition.

Winning the national championship is an achievement which will long be cherished by each of these Longhorns: senior Sha'Dare McNeal; juniors Hannah Allison, Megan Futch, Sarah Palmer, and Bailey Webster; sophomores Khat Bell, Haley Eckerman, and Madelyn Hutson; freshmen Kat Brooks, Nicole Dalton, Sara Hattis, Molly McCage, and Amy Neal; coaches Jerrett Elliott, Salima Rockwell, Erik Sullivan, and special assistant Nathan Mendoza; women's athletics director Christine Plonsky; and University of Texas at Austin president Bill Powers.

One of my favorite scenes in all of Texas is found on the original Forty Acres of my alma mater. There rising 307 feet at the center of campus is the University of Texas Tower. The tower is a beacon for all Longhorns day and night, when it is flooded with light and set aglow against the nighttime sky. It is a particularly spectacular sight when Longhorn student athletes win a national championship, and the tower is bathed in burnt orange with a number "1" displayed on all sides to mark the achievement.

With the 2012 Women's Volleyball National Championship, the U.T. Tower has now been illuminated to celebrate 50 athletic national championships. Congratulations to the National Champion Texas Longhorns Women's Volleyball team, and Hook 'em Horns! • Mr. CORNYN. Mr. President, I congratulate the University of Texas women's volleyball team for their national championship victory over the University of Oregon. The Lady Longhorns swept the Ducks 3-0 to secure their first NCAA title since 1988.

It was a fitting capstone for a remarkable season, in which the Longhorns finished 29-4 and rallied from a 2-1 deficit against Michigan in the national semifinals. Their championship game against Oregon drew the second-largest crowd in tournament history.

I salute 12 veteran Head Coach Jerrett Elliot for coaching the Longhorn volleyball squad to its third national title. I also salute Associate Head Coach Salima Rockwell, Assistant Coach Erik Sullivan, and Special Assistant Nathan Mendoza, all of whom mentored these young women and helped them reach their full potential. And, of course, I salute the players themselves, such as junior outside

hitter Bailey Webster, who was named Tournament MVP; All Tournament team members Haley Eckerman, Hannah Allison, and Sha'Dare McNeal; and all the rest of the Longhorns: Ashley Bannister, Khat Bell, Kat Brooks, Nicole Dalton, Megan Futch, Sara Hattis, Madelyn Hutson, Molly McCage, Amy Neal, and Sarah Palmer.

It is my honor to join with the entire University of Texas family, as well as Longhorn fans across our great State, to celebrate their achievement. In its long and proud athletic history, the University of Texas has now won 50 national titles overall.

The Longhorn volleyball team has learned what it takes to become national champions, and the experience that each of these athletes has gained will prove invaluable in their future endeavors. •

#### TRIBUTE TO VICTORIA ARLEN

• Mrs. SHAHEEN. Mr. President, today I wish to recognize and honor the success of Victoria Arlen of Exeter, NH. This summer, Victoria represented the United States in a number of swimming events at the 2012 Paralympic Games in London.

Victoria Arlen is an 18-year-old young woman who 7 years ago was diagnosed with transverse myelitis, a neurological disorder that causes inflammation of a section of the spinal cord. Victoria's resulting paralysis from the waist down has not damaged her determination or her competitive spirit, and her achievements this year have been truly remarkable.

Victoria was a very active child prior to her diagnosis, and was involved in dancing, swimming, playing field hockey, lacrosse, and soccer. For more than 2 years, Victoria lived in a coma and only began swimming competitively again at the age of 16, and it came as no surprise to Victoria's family when the honors student earned a place on the U.S. Paralympic Team. In London, she competed in the 100-meter, 50-meter, 400-meter and 4x100-meter relay freestyle events and the 100-meter breaststroke event. Victoria set a world record and won a gold medal in the 100-meter freestyle, in her final competition, and earned silver medals in three of her other races.

Victoria's determination in the face of adversity and ability to accomplish her goals demonstrate her strength of spirit and her quality of character. Citizens of New Hampshire are incredibly proud of her achievements; she is a role model and an inspiration. I am confident that her success at the 2012 Paralympic Games is one great accomplishment in what is certain to be a lifetime of impressive feats.

Since 1960, the Paralympic Games have provided athletes who have certain physical disabilities the chance to compete in a broad range of sports and

athletic events on the international level, providing them with an opportunity similar to that of their able-bodied counterparts. Victoria's inspiring performance throughout the 2012 Paralympic Games should serve as a reminder of the hard work and dedication required to succeed.

I applaud and congratulate Victoria for her devotion and determination. I also commend her family, including her parents, Jacqueline and Larry, and her three brothers, Cameron, LJ, and William, for their role in her success. I know that her victories give her family, her friends, the Exeter community, and the State of New Hampshire great pride.

I wish to recognize Victoria Arlen for her accomplishments and her victory in the 2012 Paralympic Games in London, and I commend her dedication, maturity, and hard work. She is truly an inspiring young woman. •

#### TRIBUTE TO AMANDA RENTERIA

• Ms. STABENOW. Mr. President, today I wish to pay tribute to a truly remarkable member of my staff who is leaving the Senate.

Amanda Renteria came to my office as a Legislative Assistant in 2006, and has been an integral member of my staff for the last 7 years, including serving as my legislative director and then my chief of staff for the last 4½ years.

A proud graduate of Stanford University and Harvard Business School, Amanda brought a wide range of experience with her to the Senate.

After graduating from Harvard, she worked in the private sector for a while before going back to California and working as a high school teacher and coach. She then worked for the city of San Jose before coming to Washington.

And I am so glad she did. She has been my right hand through some very challenging times.

When I asked her to become my chief of staff in 2008, she agreed and promised to stay through the 2012 election. But neither of us knew what we would face between then and now.

Amanda was with me through the Wall Street collapse and our work to reform our financial system, and her business background was an invaluable resource to me during that difficult time.

In the fall of 2008, the American auto industry nearly collapsed, and as I fought to save our automakers and the more than 1 million workers who depend on it, Amanda was right there by my side, working to make sure we kept manufacturing things in this country.

She was there as we worked with partners in the State and here in Washington to make sure the people of Michigan had a fair shot at turning things around and getting back on their feet.

During the debate on health care reform, she was a critical part of my effort to make sure we kept health care affordable, that we protected coverage for mental health care, that we closed the donut hole for seniors, and she worked with her counterparts in other offices and with industry leaders to get the best possible policies to help every family get the health insurance they need.

And in the middle of all of that, she found time to have her first son, Diego, and prove how important it was that women have access to maternity care, something I was very proud to fight for in the health care law.

And when I became Chairwoman of the Senate Agriculture Committee, she led the effort to put together an amazing team of policy experts that accomplished a legislative achievement that is rare these days—a bipartisan deficit reduction bill that passed the Senate with strong support from both parties.

And as we worked so hard all year long to pass a Farm Bill, she and her husband Pat found time to have their second son, T.J., who we were so happy to welcome this fall.

I know the people of Michigan—and this country—join me in thanking her for everything she has done during her time in public service. She may not have been born in Michigan, but after all she's done for the people back home, she's earned herself a "Pure Michigan" reputation of hard work and dedication.

Amanda will be missed in the Senate, but I am honored to have had her serve as my chief of staff.●

#### NOTIFICATION OF THE PRESIDENT'S INTENT TO TERMINATE THE DESIGNATION OF THE FEDERATION OF SAINT KITTS AND NEVIS AS A BENEFICIARY DEVELOPING COUNTRY UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

*To the Congress of the United States:*

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to terminate the designation of the Federation of Saint Kitts and Nevis (St. Kitts and Nevis) as a beneficiary developing country under the Generalized System of Preferences (GSP) program. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that if the President determines that a beneficiary developing country has become a "high-income" country, as defined by the official statistics of the International

Bank for Reconstruction and Development (i.e., the World Bank), then the President shall terminate the designation of such country as a beneficiary developing country for purposes of the GSP, effective on January 1 of the second year following the year in which such determination is made.

Pursuant to section 502(e) of the 1974 Act, I have determined that it is appropriate to terminate the designation of St. Kitts and Nevis as a beneficiary developing country under the GSP program because it has become a high-income country as defined by the World Bank. Accordingly, St. Kitts and Nevis' eligibility for trade benefits under the GSP program will end on January 1, 2014.

BARACK OBAMA.

THE WHITE HOUSE, December 20, 2012.

#### MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act", to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse".

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1845. An act to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

H.R. 4062. An act to designate the facility of the United States Postal Service located at 1444 Main Street in Ramona, California, as the "Nelson 'Mac' MacWilliams Post Office Building".

H.R. 6016. An act to amend title 5, United States Code, to provide for investigative leave requirements with respect to Senior Executive Service employees, and for other purposes.

H.R. 6166. An act to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the "James M. Carter and Judith N. Keep United States Courthouse".

H.R. 6633. An act to designate the United States courthouse located at 101 East Pecan Street in Sherman, Texas, as the "Paul Brown United States Courthouse".

#### ENROLLED BILLS SIGNED

At 3:39 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act", to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

S. 2367. An act to strike the word "lunatic" from Federal law, and for other purposes.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse".

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 5:34 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agreed to the following resolution:

H. Res. 839. Resolution relative to the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, the Speaker appoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014: Mr. Larry Wortzel of Williamsburg, Virginia.

At 7:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for the purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6016. An act to amend title 5, United States Code, to provide for investigative

leave requirements with respect to Senior Executive Service employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 20, 2012, she had presented to the President of the United States the following enrolled bills:

S. 285. An act for the relief of Sopuruchi Chukwueke.

S. 2170. An act to amend the provisions of title 5, United States Code, which are commonly referred to as the "Hatch Act", to scale back the provision forbidding certain State and local employees from seeking elective office, clarify the application of certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain provisions to the District of Columbia, and modify the penalties which may be imposed for certain violations under subchapter III of chapter 73 of that title.

S. 2367. An act to strike the word "lunatic" from Federal law, and for other purposes.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse".

S. 3564. An act to extend the Public Interest Declassification Act of 2000 until 2014 and for other purposes.

S. 3642. An act clarify the scope of the Economic Espionage Act of 1996.

S. 3687. An act to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8623. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spirotetramat; Pesticide Tolerance for Emergency Exemption" (FRL No. 9373-2) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8624. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Difenzquat; Data Call-in Order for Pesticide Tolerances" (FRL No. 9372-9) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8625. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinclorac; Pesticide Tolerances" (FRL No. 9372-4) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8626. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerances, Technical Correction" (FRL No. 9367-6) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8627. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Pesticide Tolerances" (FRL No. 9369-5) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8628. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Department of Veterans Affairs (VA) Construction, Minor Projects appropriation (Department of Treasury account symbol 36X0111); to the Committee on Appropriations.

EC-8629. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13405 of June 16, 2006, with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-8630. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC-8631. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HUD Acquisition Regulations (HUDAR)" (RIN2501-AD56) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8632. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Federal Housing Administration (FHA) Section 232 Healthcare Mortgage Insurance Program: Partial Payment of Claims" (RIN2502-AJ04) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8633. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to Authorization Validated End-User Provisions: Requirement for Notice of Export, Reexport or Transfer (In-Country) and Clarification Regarding Termination of Conditions on VEU Authorizations" (RIN0694-AF19) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8634. A communication from the Deputy Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of Dates for Certain Requirements of Rule 19b-4(n) (1) and

Rule 19b-4(o) (2) and Amendment of Form 19b-4" (RIN3235-AK87) received during adjournment of the Senate in the Office of the President of the Senate on December 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8635. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Solid Waste Rail Transfer Facilities" (RIN2140-AA92) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8636. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 32, 51, and 69 of the Commission's Rules" (DA 12-1552) received during adjournment of the Senate in the Office of the President of the Senate on December 14, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8637. A communication from the General Attorney, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Requirements for Child-Resistant Packaging: Products Containing Imidazolines Equivalent to 0.08 Milligrams or More" (CPSC Docket No. CPSC-2012-0005) received in the Office of the President of the Senate on December 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8638. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Department of Energy Acquisition Regulation, Government Property" (RIN1991-AB86) received in the Office of the President of the Senate on December 17, 2012; to the Committee on Energy and Natural Resources.

EC-8639. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District" (FRL No. 9730-4) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8640. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Delaware County (Muncie), Indiana Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets" (FRL No. 9762-9) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8641. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards; Correction" (FRL No. 9762-6) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.



EC-8642. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Motor Vehicle Inspection and Maintenance Program - Deletion of Final Enhanced Inspection and Maintenance Emission Outpoint Standards" (FRL No. 9676-3) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8643. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources" (FRL No. 9725-9) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Environment and Public Works.

EC-8644. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Assessing the Feasibility of Extending the Hospital Acquired Conditions (HAC) IPPS Payment Policy to Non-IPPS Settings"; to the Committee on Finance.

EC-8645. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certain Exceptions to Disclosure Requirements under Treas. Reg. 1.6011-4(b)(5)" (Rev. Proc. 2013-11) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Finance.

EC-8646. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Deduction for Qualified Film and Television Production Costs" ((RIN1545-BJ23) (TD 9603)) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Finance.

EC-8647. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Rev. Proc. 2012-78) received in the Office of the President of the Senate on December 11, 2012; to the Committee on Finance.

EC-8648. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Cumulative List of Changes in Plan Qualification Requirements" (Notice 2012-76) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Finance.

EC-8649. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Voluntary Classification Settlement Program" (Announcement 2012-45) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Finance.

EC-8650. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Voluntary Classi-

fication Settlement Program - Temporary Eligibility Expansion" (Rev. Proc. 2012-46) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Finance.

EC-8651. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Taxable Medical Devices" (TD 9604) received in the Office of the President of the Senate on December 13, 2012; to the Committee on Finance.

EC-8652. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update to Announcement 2012-25 - Extension of Time" (Announcement 2012-50) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Finance.

EC-8653. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "FICA Taxes on Wages Paid to Residents of the Philippines for Services Performed in the Commonwealth of the Northern Mariana Islands" (Rev. Proc. 2012-43) received in the Office of the President of the Senate on December 18, 2012; to the Committee on Finance.

EC-8654. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-8655. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to extending and amending the Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Archaeological Objects and Material from the Pre-Columbian Cultures of Guatemala; to the Committee on Foreign Relations.

EC-8656. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of a Danger Pay Allowance for Tunisia; to the Committee on Foreign Relations.

EC-8657. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period August 1, 2012 through September 30, 2012; to the Committee on Foreign Relations.

EC-8658. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a report relative to section 38(f)(1) of the Arms Export Control Act (Transmittal No. DDTC F10-001); to the Committee on Foreign Relations.

EC-8659. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-151); to the Committee on Foreign Relations.

EC-8660. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Con-

trol Act (Transmittal No. DDTC 12-160); to the Committee on Foreign Relations.

EC-8661. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-147); to the Committee on Foreign Relations.

EC-8662. A joint communication from the Presiding Governor and the Director (International Broadcasting Bureau), Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2012; to the Committee on Foreign Relations.

EC-8663. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Mound Plant in Miamisburg, OH, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-8664. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the United Nuclear Corporation in Hematite, Missouri, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-8665. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at Nuclear Metals, Inc. (or subsequent owner) in West Concord, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-8666. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at Oak Ridge National Laboratory (X-10) in Oak Ridge, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-8667. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Los Alamos National Laboratory in Los Alamos, New Mexico, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-8668. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Weldon Spring Plant in Weldon Spring, Missouri, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-8669. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers who were employed at the Mound Plant in Miamisburg, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-8670. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on December 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8671. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Administration on Aging Report to Congress for Fiscal



Year 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-8672. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Targeted Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Methamphetamine or Other Substance Abuse: Second Annual Report to Congress"; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany H.R. 2471, a bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet (Rept. No. 112-258).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 3523. A bill to amend title 17, United States Code, to extend protection to fashion design, and for other purposes (Rept. No. 112-259).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CARPER:

S. 3699. A bill to amend title XVIII of the Social Security Act to include information on the coverage of intensive behavioral therapy for obesity in the Medicare and You Handbook, to provide written notification to beneficiaries and providers regarding new Medicare coverage of intensive behavioral therapy for obesity, and to provide for the coordination of programs to prevent and treat obesity, and for other purposes; to the Committee on Finance.

By Mrs. MCCASKILL:

S. 3700. A bill to amend the Internal Revenue Code of 1986 to protect employees in the building and construction industry who are participants in multiemployer plans, and for other purposes; to the Committee on Finance.

By Mr. HELLER (for himself and Mr. REID):

S. 3701. A bill to designate the Woyoka Wilderness and provide for certain land conveyances in Lyon County, Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. JOHNSON of South Dakota, Mr. WHITEHOUSE, and Mr. FRANKEN):

S. 3702. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

By Mr. WYDEN:

S. 3703. A bill to improve the ability of consumers to control their digital data usage, promote Internet use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3704. A bill to clarify the authorized uses of funds in the Crime Victims Fund; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 626. A resolution designating April 24, 2014, as "Jan Karski Day"; to the Committee on the Judiciary.

By Mr. REID:

S. Res. 627. A resolution designating the Chairman of the Senate Committee on Appropriations; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1244

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. RES. 618

At the request of Mr. WICKER, his name was added as a cosponsor of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3703. A bill to improve the ability of consumers to control their digital data usage, promote Internet use, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I rise today to introduce legislation which promotes innovation and the expansion of the digital economy.

Every day, each and every American grows increasingly reliant on the Internet. We use it at work, at home, at school, and on the go. The Internet has changed the way we communicate, the way we share and speak, and it is transforming our economy.

As the Internet becomes increasingly important to American consumers, businesses and innovators, Internet Service Providers, or ISPs, are increasingly imposing caps on the amount of data that consumers may move over the Net. Unfortunately, because of a lack of competition in Internet broadband services, the imposition of data caps raises a public policy concern. Data caps are appropriate if they are carefully constructed to manage network congestion but as the New York Times has editorialized, they "should not just be a way for Internet providers to extract monopoly rents." The imposition of data caps also risks undermining online competition and innovation as the market for digital goods and services expands.

In order to empower consumers to better manage their data usage and promote online innovation, I am sponsoring the Data Cap Integrity Act. This bill will give consumers the tools they need to manage their own data usage, institute industry-wide data measurement accuracy standards for ISPs, and impose disciplines to ensure that ISPs' data caps are truly designed to manage network congestion.

The Data Measurement Integrity Act requires the Federal Communications Commission, or FCC, to establish standards for how ISPs measure data and make certain that data caps are designed to manage network congestion rather than monetize data in ways that undermine online innovation. Furthermore, this bill ensures that consumers are provided tools to manage their data consumption and that ISPs cannot for purposes of measuring data, discriminate against any content.

Internet use is central to our lives and to our economy. Future innovation will undoubtedly require consumers to use more and more data, data caps should not impede this innovation and the jobs it creates.

I look forward to working with my colleagues and stakeholders to discuss this legislation, consider improvements to it, and work toward its adoption into law.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S. 3704. A bill to clarify the authorized uses of funds in the Crime Victims Fund; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise to introduce a bill to clarify the use of funds in the Crime Victims Fund. I am pleased to be joined by Senator FEINSTEIN.

Federal law makes money from the Crime Victims Fund available to the

Department of Justice “for the United States Attorneys Offices and the Federal Bureau of Investigation to improve services for the benefit of crime victims in the Federal criminal justice system, and for a Victim Notification System.” 42 U.S.C. 10601(d)(3).

This money is used, among other purposes, to fund positions for Victim Advocates in the United States Attorneys’ Offices throughout the Federal jurisdiction. These Advocates are crucial to the system.

We must make sure that DOJ uses Victim Advocates for services “for the benefit of crime victims.”

Advocates should not be providing travel services. Advocates should not be forced to wear two hats: fact witness management and victim services. Often these hats conflict with one another at the expense of victims.

According to a letter from John W. Gillis, the former Director of the Office for Victims of Crime, U.S. Department of Justice, “Travel services required of Advocates have included approving fact witness travel, making or authorizing travel arrangements or cancellations, changes to travel and lodging arrangements for witnesses, reconciling errors, handling with hotels, and seeking approval for government employee witnesses. This runs counter to the law and is a matter of serious concern.”

Here is a sample of U.S. Attorney websites, which shows that Advocates make witness travel arrangements.

#### FLORIDA

Services provided to crime victims and witnesses by the U.S. Attorney’s Office include: notice of case events; information concerning their rights; information about case proceedings and the criminal justice system in general; referrals to medical and/or social service providers; assistance with travel arrangements; and logistical information concerning transportation, parking, child care, etc.

<http://www.justice.gov/usao/fln/programs/VW/vwa.html>

#### VERMONT

The U.S. Attorney’s Office Victim and Witness Assistance Program can assist eligible Federal crime victims and witnesses with the following:

Provide logistical information and assistance to witnesses with respect to directions, transportation, parking, witness fees and travel reimbursement; assistance with airline and lodging arrangements is provided for out-of-state witnesses;

[http://www.justice.gov/usao/vt/victim\\_witness/vw\\_uaservices.html](http://www.justice.gov/usao/vt/victim_witness/vw_uaservices.html)

#### NORTHERN DISTRICT OF ALABAMA

If you have been subpoenaed to testify on behalf of the federal government and you are not a federal government employee, you are entitled to certain fees for coming to court. These are the types of fees that federal fact witnesses are entitled to:

\$40.00 for each day that you have to be available to testify, plus travel days.

Reimbursement for round-trip mileage to and from the courthouse at the current government mileage reimbursement rate if you drove your privately-owned vehicle.

Reimbursement for parking, taxis, and excess baggage fees. All of these claims must

be supported by receipts. If you choose to mail your receipts to the USAO at a later time, please advise the USAO staff member assisting you that you will do so in order for us to include these amounts in your reimbursement.

A daily meal allowance based on the current government meal allowance rate if you are away from home overnight. You are not required to provide receipts for your meals.

To receive these entitlements, you are required to complete a form referred to as an OBD-3, Fact Witness Voucher. Our Victim-Witness staff will assist you in completing the form. If you have not completed your form prior to being dismissed from court, please contact them at the numbers set out earlier.

If you are away from home overnight, we will make travel, air, train, or bus fare, and lodging arrangements for you. If you need to make changes in these arrangements, we must make the changes for you.

<http://www.justice.gov/usao/aln/federalwitness.html>

#### WESTERN DISTRICT OF TENNESSEE

As a victim or witness, you may have questions about transportation, the location of the courthouse, food service, or where to go and what time to appear. You should feel free to ask either the case agent, the Assistant United States Attorney, or the Victim-Witness Coordinator about them. If you are an out-of-town witness, you must contact the Victim-Witness Coordinator to make all your travel arrangements, the federal government is very specific on when it can and cannot reimburse witnesses.

<http://www.justice.gov/usao/tnw/brochures/vw handbook.html>

#### NEW HAMPSHIRE

Fact Witness: “a person whose testimony consists of the recitation of facts or events.” The Victim Witness Specialist provides information and education about the judicial process and assists witnesses who are subpoenaed to testify in a federal court proceeding with travel arrangements and other needs and may come up relating to their appearance in court. The Victim Witness Specialist often accompanies the witness to the courtroom to ensure the witness’s safety and to address any concerns the witness may have while waiting to testify.

<http://www.justice.gov/usao/nh/aboutus/divisions/vicwitdiv.html>

The interests of victims of serious federal crimes, including crimes of violence, such as rape, child molestation, and horrific homicides, whose needs are immediate and complex, should not be subordinated to the demands of administrative duties unrelated to Congress’ purposes for the Crime Victims Fund.

Fact Witness travel responsibilities directly hinder victim services by prolonging crisis response or intervention techniques to help traumatized and grieving victims, delaying coordination with other social service agencies to help victims of violence, decreasing time for Advocates to meet with victims to assess their immediate safety needs and address them, and delaying or denying time to develop rapport and help victims understand their rights and the criminal justice process.

Victims often find the system overwhelming and it is critical for the Advocates to be able to meet with them to explain their rights and speak per-

sonally to them to develop trust. Advocates must have time to address specific victim centered issues.

Many problems arise if Advocates do not have such time: delaying or denying time to implement effective strategies for reducing on-going trauma and stress; delaying or denying time to improve support systems and help victims overcome the community pressures they may experience due to aiding the prosecution; delaying or denying time to seek resources to meet the needs of victims; delaying or denying time to assist victims with impact statements; delaying or denying time to help victims collect restitution information and associated receipts; delaying or denying time to effect safety assessment and planning which can change with time; interrupting court accompaniment, leaving victims to deal with a process that is intimidating and confusing, often forcing victims, including child victims, to face the defendant alone without the emotional support, guidance, and advocacy to which they are entitled; preventing the Advocate’s ability to assess the victim’s on-going safety needs, which can change with time; preventing timely follow up and forcing delay finding additional resources or referrals to meet the needs of the victims; and preventing proper trial preparation and court room orientation. Trial preparation is a vulnerable time for victims who often feel exposed, scared, and vulnerable. It can trigger a variety of emotions and reactions as they prepare to testify about the specific events related to the crime.

There are other harmful effects of the travel work. Advocates are unable to regularly participate in victim-centered meetings with state, local, and federal agencies. This limits the Advocates’ ability to learn about new resources, work together in adapting new strategies to help victims, share in information that is necessary to assist victims in the process, develop best practices, planning to reduce stress and trauma, learning about specific victim issues and current research to address some of the issues, provide community outreach, and develop training tools to educate the community to increase awareness on victim rights issues.

It is the intent of Congress by this amendment to make it clear that the funds authorized for victims services under section 42 U.S.C. 10601(d)(3) be clearly limited to those purposes including the work of victim advocates, victim advocate supervisors, and their direct support staff so that none of the money available is used for purposes that do not benefit crime victims.

Mr. President, I ask unanimous consent that a letter of support and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 14, 2012.

Senator DIANNE FEINSTEIN,  
Hart Senate Office Building, Washington, DC.  
Senator JON KYL,  
Hart Senate Office Building, Washington, DC.

DEAR SENATORS FEINSTEIN AND KYL, I served as the Director, Office for Victims of Crime, U. S. Department of Justice from September, 2001 to January, 2009. During that period it was our ongoing struggle with EOUSA to restrict spending VOCA funds to victims of crime and not to use funds for witnesses who were not victims of crime.

Travel services required of Advocates have included approving fact witness travel, making or authorizing travel arrangements or cancellations, making changes to travel and lodging arrangements for witnesses, reconciling errors, handling issues with hotels, and seeking approval for government employee witnesses. This runs counter to the law and is a matter of serious concern.

Respectfully,

JOHN W. GILLIS,  
Former Director, Office for  
Victims of Crime,  
U.S. Department of Justice.

S. 3704

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CRIME VICTIMS FUND.

Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C.10601(d)(3)) is amended by—

(1) inserting “(A)” before “Of the sums”;

and

(2) by adding at the end the following:  
“(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in subparagraph (A).”

Mrs. FEINSTEIN. Mr. President, I rise today to join my friend and colleague, Senator KYL, in introducing legislation that will ensure that monies in the Crime Victims Fund are used for their intended purpose, to help victims of crime.

Senator KYL and I have long worked together to improve the treatment of victims in our criminal justice system. In 2004, we passed the Crime Victims' Rights Act. Because of that legislation, for the first time, victims were given the right to be heard in what is really their own case, and to participate in the proceedings against the accused.

The legislation we are introducing today will strengthen another area of federal law that has a profound impact on the ability of victims to navigate the criminal justice system. In 1984, Congress established the Crime Victims Fund to provide support for victim compensation and assistance programs. This past year, \$37 million from the Crime Victims Fund was used to support over 300 victim-witness coordinators and specialists within the Department of Justice's 93 U.S. Attorney's Offices and the FBI's 56 field offices. These personnel advise victims of their rights, update victims on the status of criminal proceedings against the accused, and otherwise assist victims with understanding the operation of the judicial system.

However, it was recently brought to the attention of Senator KYL and myself that these victim-witness coordinators and specialists are being asked to perform duties unrelated to the provision of services for victims. The diversion of funds from victim services prompted the National Organization for Victim Assistance to send a letter this past June, which I am submitting for the record, calling on Congress to clarify the purposes for which monies in the Crime Victims Fund may be used. Senator KYL's and my legislation would do just that. It will make clear that resources available under the Crime Victims Fund may be used only to support services for victims.

A person who is a victim of a crime may have never stepped foot inside a courtroom or had any other interaction with our legal system prior to the commission of the crime. Yet, so much is at stake for that victim when the accused is prosecuted. Congress established the Crime Victims Fund to ensure that victims are able to fully participate in their case. We must make certain that 100 percent of these funds are used to support victims during their time of great need.

The legislation Senator KYL and I are introducing today has already passed out of the Judiciary Committee as part of the Justice For All Reauthorization Act of 2011. While that broader legislation has unfortunately stalled, it is my hope that the Senate and House can quickly pass this one specific, uncontroversial piece, to ensure that victims of crime have all the support that they need and deserve.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 626—DESIGNATING APRIL 24, 2014, AS “JAN KARSKI DAY”

Mr. LUGAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 626

Whereas Jan Karski was born on April 24, 1914, in Lodz, Poland;

Whereas Jan Karski escaped the Soviet massacre in the Katyn forest in 1940;

Whereas Jan Karski became a key emissary in the Polish underground resistance against Nazi occupation;

Whereas Jan Karski chose to risk his own life by staying in Poland after escaping a prisoner of war camp and enduring Gestapo torture in order to provide critical intelligence to the Allied war effort and alert Allied governments about the Holocaust;

Whereas Jan Karski provided eyewitness testimony during the war about the horrors in occupied Poland to British Foreign Minister Anthony Eden and United States President Franklin Roosevelt;

Whereas Jan Karski enrolled in Georgetown University after World War II and earned a doctor of philosophy in 1952;

Whereas Jan Karski became a United States citizen and taught at Georgetown

University for 40 years, dedicating the rest of his life to ensuring that the full extent of the Nazi atrocities are never forgotten; and

Whereas Jan Karski was awarded the Presidential Medal of Freedom posthumously on May 29, 2012, 1 of the highest civilian honors in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 24, 2014, as “Jan Karski Day”;

(2) recognizes the life and legacy of Dr. Jan Karski and expresses its gratitude for his efforts in informing the free world of the atrocities committed by Nazi and totalitarian forces in Poland during World War II;

(3) applauds the awarding of the Presidential Medal of Freedom to Jan Karski for his efforts during World War II and in reaffirming the importance of the United States-Polish bilateral relationship; and

(4) requests that the Secretary transmit an enrolled copy of this resolution to the family of Jan Karski and to the Ambassador of Poland to the United States.

##### SENATE RESOLUTION 627—DESIGNATING THE CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 627

*Resolved*, That the following Senator is designated as chairman of the following committee:

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski, of Maryland.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3408. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3409. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3410. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3411. Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3412. Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. WYDEN, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3413. Mr. CARPER (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3414. Mr. CARPER (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3415. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3416. Ms. LANDRIEU submitted an amendment intended to be proposed by her

to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3417. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3418. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3419. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3420. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3421. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3422. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3421 submitted by Mrs. FEINSTEIN (for herself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3423. Mr. DURBIN (for Ms. MURKOWSKI) proposed an amendment to the bill H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

SA 3424. Mr. DURBIN (for Mr. BEGICH) proposed an amendment to the bill S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3408.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 12 through 14.

**SA 3409.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ BUDGET OFFSET AND ELIMINATING THE EMERGENCY DESIGNATION.

##### (a) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to \$60,407,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II – United States Agency for International Development, title III – Bilateral economic assistance, and title IV – International security assistance as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and

Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMITATION.—Of the accounts and programs included in paragraph (1), the rescissions amounts shall not reduce the combined aggregate budget authority of those accounts and programs below \$5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in that section shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs included as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(b) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to including subsection (a)(2), the allocation of rescissions from the accounts or programs as specified in subsection (a)(1), shall be determined by the Director of the Office of Management and Budget.

(c) REGULAR NOT EMERGENCY SPENDING.—Notwithstanding any other provision of this Act, none of the funding provided by this Act shall be considered to be emergency spending for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 3410.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ BUDGET OFFSET.

##### (a) IN GENERAL.—

(1) FINDING.—Congress finds that the Congressional Budget Office estimates that—

(A) this Act, the Disaster Relief Appropriations Act, 2013, will spend only 15 percent of the budget authority provided in this Act in fiscal year 2013; and

(B) total outlays flowing from this Act will equal \$8,974,000,000 for fiscal year 2013.

(2) BUDGET AUTHORITY LIMIT.—The total amount provided to chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this Act shall be provided based on the Congressional Budget Office's cost estimate findings, such that—

(A) total budget authority for the Act shall not exceed \$8,974,000,000;

(B) total budget authority provided for Chapter 1 shall not exceed \$81,000,000;

(C) total budget authority provided for Chapter 2 shall not exceed \$192,000,000;

(D) total budget authority provided for Chapter 3 shall not exceed \$42,000,000;

(E) total budget authority provided for Chapter 4 shall not exceed \$673,000,000;

(F) total budget authority provided for Chapter 5 shall not exceed \$437,000,000;

(G) total budget authority provided for Chapter 6 shall not exceed \$6,681,000,000;

(H) total budget authority provided for Chapter 7 shall not exceed \$147,000,000;

(I) total budget authority provided for Chapter 8 shall not exceed \$85,000,000;

(J) total budget authority provided for Chapter 9 shall not exceed \$23,000,000; and

(K) total budget authority provided for Chapter 10 shall not exceed \$613,000,000.

(3) APPLICATION OF BUDGET AUTHORITY REDUCTION.—Of the total amount reduced in this Act as subject to paragraph (2), the allocation of such reductions among the accounts and programs shall be determined by the Director of Office of Management and Budget.

##### (b) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to \$8,974,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II – United States Agency for International Development, title III – Bilateral economic assistance, and title IV – International security assistance accounts and programs as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMIT.—Of the accounts and programs included in paragraph (1), the rescission amounts shall not reduce the combined aggregate budget authority of those accounts and programs below \$5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in those paragraphs shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(c) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to subsection (b), including paragraph (2) the allocation of such rescissions among the accounts or programs as specified in subsection (b)(1), shall be determined by the Director of the Office of Management and Budget.

(d) REGULAR NOT EMERGENCY SPENDING.—Notwithstanding any other provision of this Act, none of the funding provided by this Act shall be considered to be emergency spending for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Balanced Budget and Emergency Deficit Control Act of 1985.

**SA 3411.** Mr. COONS (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 13, after “1985” insert “: Provided further, That the Secretary may carry out projects that will restore or enhance National Wildlife Refuges using amounts made available under this heading in areas for which a major disaster declaration for Hurricane Sandy has been made pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), which projects may be carried out in cooperation with the Secretary of the Army, acting through the Chief of Engineers”.

**SA 3412.** Mr. BINGAMAN (for himself, Mr. AKAKA, Mr. WYDEN, and Mr.

WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_ . APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOON BOPHA.**

(a) IN GENERAL.—The agreement entitled “The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review” signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the “Agreement”) is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of State, in coordination with the Secretary of the Interior, enters into an implementing arrangement with the Republic of Palau that makes the adjustments to dates and amounts as set forth in Senate Amendment 3331.

(b) AMENDMENT.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

(c) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as are specified to carry out sections 1, 2(a), 4(a), and 5 of the Agreement for each of fiscal years 2014 through 2024.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

**SA 3413.** Mr. CARPER (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, line 9, after “funds:” insert “Provided further, That for these projects, the Secretary shall work with the Administrator of the National Oceanic and Atmospheric Administration, the Director of the National Park Service, and the Director of the United States Fish and Wildlife Service to encourage the beneficial use of sediment to enhance ecosystem restoration and storm protection, including through modifications of existing regional sediment management plans: *Provided further, That for these projects, the Secretary shall incorporate all values accruing to the established business lines of the Corps of Engineers (navigation, flood protection, environmental enhancement) in the benefits calculation.*”.

**SA 3414.** Mr. CARPER (for himself and Mr. COONS) submitted an amend-

ment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 19, line 22, after “projects” insert “, with such modifications as the Secretary determines to be necessary to meet the goal of providing sustainable reduction to flooding and storm damage risks”.

**SA 3415.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, strike lines 8 through 23 and insert the following:

“(1) IN GENERAL.—If the President declares a major disaster or emergency for an area within the jurisdiction of a State, tribal, or local government, the President may reimburse the State, tribal, or local government for costs relating to—

“(A) basic pay and benefits for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, if—

“(i) the work is not typically performed by the employees; and

“(ii) the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals; or

“(B) overtime and hazardous duty compensation for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section.

“(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall ensure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(3) NO EFFECT ON MUTUAL AID PACTS.—Nothing in this subsection shall effect the ability of the President to reimburse labor force expenses provided pursuant to an authorized mutual aid pact.”.

**SA 3416.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 53, line 10, strike “and” and all that follows through line 12 and insert the following:

(iii) for which the applicant has a non-Federal share; and

(iv) for which the applicant has received a decision on a first appeal.

**SA 3417.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of De-

fense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 1 and insert the following:

(m) HOUSES OF WORSHIP.—For purposes of providing assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to a major disaster declared by the President under section 401 of such Act (42 U.S.C. 5170) relating to Hurricane Sandy, the term “private nonprofit facility” shall include a house of worship.

(n) APPLICABILITY.—Unless otherwise specified,

**SA 3418.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 1 and insert the following:

(m) HOUSES OF WORSHIP.—Section 102(10)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(10)(B)) is amended by inserting “houses of worship and” before “any private nonprofit facility”.

(n) APPLICABILITY.—Unless otherwise specified,

**SA 3419.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 14, strike “2012:” and insert “2012 and related to a fishery disaster that was requested during calendar year 2012 and declared by the Secretary after the date of the enactment of this Act:”.

**SA 3420.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

**SEC. 1106. MEDICARE DIRECT PAYMENT TO PHARMACIES FOR CERTAIN COMPOUNDED DRUGS THAT ARE PREPARED BY THE PHARMACIES FOR A SPECIFIC BENEFICIARY FOR USE THROUGH AN IMPLANTED INFUSION PUMP.**

(a) IN GENERAL.—The first sentence of section 1842(b)(6) of the Social Security Act (42 U.S.C. 1395u(b)(6)) is amended—

(1) by striking “and” before “(H)”; and

(2) by inserting before the period at the end the following: “, and (I) in the case of covered compounded drugs that are prepared by a pharmacy for a specific individual, are dispensed, directly or indirectly, to the individual, are necessary for the effective use of,

or therapeutic benefit from, an implanted infusion pump (regardless who refills the pump), and are billed directly by the pharmacy, payment shall be made to the pharmacy”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to drugs dispensed on or after the date of the enactment of this Act.

**SA 3421.** Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Viz: On Page 16, strike lines 17 through 20, and insert in lieu thereof:

“Provided further, That these funds may be used to construct any project that is currently under study by the Corps for reducing flooding and storm damage risks along the Atlantic coast within the North Atlantic or the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct impacts and significant monetary damages from Hurricanes Isaac or Sandy if the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible: *Provided*”.

**SA 3422.** Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed to amendment SA 3421 submitted by Mrs. FEINSTEIN (for herself and Mrs. BOXER) and intended to be proposed to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On Page 1 line 2, strike “risks” and all that follows through “impacts” on line 4, and insert in lieu thereof:

risks in areas along the Atlantic coast within the North Atlantic or the Gulf Coast within the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct surge inundation impacts

**SA 3423.** Mr. DURBIN (for Ms. MURKOWSKI) proposed an amendment to the bill H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. CONVEYANCE OF PROPERTY.**

(a) **IN GENERAL.**—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (in this Act referred to as the “Secretary”) shall convey to the Maniilaq Association located in Kotzebue, Alaska, all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary’s conveyance of title by warranty deed under this section

shall, on its effective date, supersede and render of no future effect on any Quitclaim Deed to the properties described in section 2 executed by the Secretary and the Maniilaq Association.

(b) **CONDITIONS.**—The conveyance required by this section shall be made by warranty deed without consideration and without imposing any obligation, term, or condition on the Maniilaq Association, or reversionary interest of the United States, other than that required by this Act or section 512(c)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa-11(c)(2)(B)).

#### **SEC. 2. PROPERTY DESCRIBED.**

The property, including all land and appurtenances, to be conveyed pursuant to section 1 is as follows:

(1) **KOTZEBUE HOSPITAL AND LAND.**—Re-Plat of Friends Mission Reserve, Subdivision No. 2, U.S. Survey 2082, Lot 1, Block 12, Kotzebue, Alaska, containing 8.10 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on August 18, 2009.

(2) **KOTZEBUE QUARTERS AKA KIC SITE.**—Re-plat of Friends Mission Reserve, U.S. Survey 2082, Lot 1A, Block 13, Kotzebue, Alaska, containing 5.229 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

(3) **KOTZEBUE QUARTERS AKA NANA SITE.**—Lot 1B, Block 26, Tract A, Townsite of Kotzebue, U.S. Survey No. 2863 A, Kotzebue, Alaska, containing 1.29 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

#### **SEC. 3. ENVIRONMENTAL LIABILITY.**

(a) **IN GENERAL.**—Notwithstanding any other provision of Federal law, the Maniilaq Association shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law, on any property described in section 2 on or before the date on which all of the properties described in section 2 were conveyed by quitclaim deed.

(b) **EASEMENT.**—The Secretary shall be accorded any easement or access to the property conveyed as may be reasonably necessary to satisfy any retained obligations and liability of the Secretary.

(c) **NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.**—The Secretary shall comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

**SA 3424.** Mr. DURBIN (for Mr. BEGICH) proposed an amendment to the bill S. 2388, to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes; as follows:

On page 50, line 20, strike “by section 5” and insert “by section 4(a)”.

On page 55, lines 1 and 2, strike “, by and with the advice and consent of the Senate”.

On page 56, strike lines 9 through 19.

On page 58, line 15, strike “alone”.

On page 58, line 19, strike “alone”.

On page 59, line 4, strike “alone”.

On page 61, line 22, strike “such Act” and insert “the National Oceanic and Atmos-

pheric Administration Commissioned Officer Corps Act of 2002”.

On page 85, strike lines 1 through 12.

#### **AUTHORITY FOR COMMITTEES TO MEET**

##### **COMMITTEE ON FINANCE**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 20, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON FINANCE**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 20, 2012, at 2:30 p.m., in room SD-215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON FOREIGN RELATIONS**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 20, 2012, at 9 a.m., to hold a hearing entitled, “Benghazi: The Attacks and the Lessons Learned.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **COMMITTEE ON THE JUDICIARY**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on December 20, 2012, in SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### **SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT**

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Housing, Transportation, and Community Development be authorized to meet during the session of the Senate on December 20, 2012, at 11 a.m., to conduct a hearing entitled “Recovering From Superstorm Sandy: Rebuilding Our Infrastructure.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **PRIVILEGES OF THE FLOOR**

Mr. CARDIN. Mr. President, I ask unanimous consent that Janet Jacqueline Emanuel, a fellow in Senator MARK UDALL’s office, be granted the privilege of the floor for the remainder of the Senate’s session of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### **MANILAQ ASSOCIATION CONVEYANCE ACT**

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate



proceed to the immediate consideration of Calendar No. 566, H.R. 443.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I further ask that the Murkowski substitute amendment at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be considered made and laid on the table, with no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3423) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. CONVEYANCE OF PROPERTY.

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (in this Act referred to as the “Secretary”) shall convey to the Maniilaq Association located in Kotzebue, Alaska, all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary’s conveyance of title by warranty deed under this section shall, on its effective date, supersede and render of no future effect on any Quitclaim Deed to the properties described in section 2 executed by the Secretary and the Maniilaq Association.

(b) CONDITIONS.—The conveyance required by this section shall be made by warranty deed without consideration and without imposing any obligation, term, or condition on the Maniilaq Association, or reversionary interest of the United States, other than that required by this Act or section 512(c)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa-11(c)(2)(B)).

#### SEC. 2. PROPERTY DESCRIBED.

The property, including all land and appurtenances, to be conveyed pursuant to section 1 is as follows:

(1) KOTZEBUE HOSPITAL AND LAND.—Re-Plat of Friends Mission Reserve, Subdivision No. 2, U.S. Survey 2082, Lot 1, Block 12, Kotzebue, Alaska, containing 8.10 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on August 18, 2009.

(2) KOTZEBUE QUARTERS AKA KIC SITE.—Re-plat of Friends Mission Reserve, U.S. Survey 2082, Lot 1A, Block 13, Kotzebue, Alaska, containing 5.229 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

(3) KOTZEBUE QUARTERS AKA NANA SITE.—Lot 1B, Block 26, Tract A, Townsite of Kotzebue, U.S. Survey No. 2863 A, Kotzebue, Alaska, containing 1.29 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.

#### SEC. 3. ENVIRONMENTAL LIABILITY.

(a) IN GENERAL.—Notwithstanding any other provision of Federal law, the Maniilaq

Association shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law, on any property described in section 2 on or before the date on which all of the properties described in section 2 were conveyed by quitclaim deed.

(b) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed as may be reasonably necessary to satisfy any retained obligations and liability of the Secretary.

(c) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—The Secretary shall comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 443), as amended, was read the third time and passed.

#### IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT OF 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4053, which was just received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4053) to intensify efforts to identify, prevent, and recover payment error, waste, fraud and abuse within Federal spending.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, with no intervening action or debate and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4053) was ordered to a third reading, was read the third time, and passed.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION COMMISSIONED OFFICER CORPS AMENDMENTS ACT OF 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 551, S. 2388.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2388) to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which

had been reported from the committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Oceanic and Atmospheric Administration Commissioned Officer Corps Amendments Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Strength and distribution in grade.
- Sec. 3. Exclusion of officers recalled from retired status and positions of importance and responsibility from number of authorized commissioned officers.
- Sec. 4. Obligated service requirement.
- Sec. 5. Training and physical fitness.
- Sec. 6. Appointments.
- Sec. 7. Personnel boards.
- Sec. 8. Temporary appointments.
- Sec. 9. Officer candidates.
- Sec. 10. Involuntary retirement or separation.
- Sec. 11. Separation pay.
- Sec. 12. Applicability of certain provisions of title 10, United States Code.
- Sec. 13. Education loan repayment program.
- Sec. 14. Interest payment program.
- Sec. 15. Student pre-commissioning education assistance program.
- Sec. 16. Limitation on educational assistance.
- Sec. 17. Applicability of certain provisions of title 37, United States Code.
- Sec. 18. Application of certain provisions of competitive service law.
- Sec. 19. Eligibility of all members of uniformed services for Legion of Merit award.
- Sec. 20. Application of Employment and Reemployment Rights of Members of the Uniformed Services to members of commissioned officer corps.
- Sec. 21. Protected communications for commissioned officer corps and prohibition of retaliatory personnel actions.
- Sec. 22. Criminal penalties for wearing uniform without authority.
- Sec. 23. Report on status of officers in commissioned officer corps of National Oceanic and Atmospheric Administration and Public Health Service during Government shutdowns.
- Sec. 24. Technical correction.
- Sec. 25. Report.
- Sec. 26. Effective date.

#### SEC. 2. STRENGTH AND DISTRIBUTION IN GRADE.

Section 214 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3004) is amended to read as follows:

#### “SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.

“(a) GRADES.—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

- “(1) Vice admiral.
- “(2) Rear admiral.
- “(3) Rear admiral (lower half).
- “(4) Captain.
- “(5) Commander.
- “(6) Lieutenant commander.
- “(7) Lieutenant.
- “(8) Lieutenant (junior grade).
- “(9) Ensign.

“(b) PROPORTION.—

“(1) IN GENERAL.—The officers on the lineal list shall be distributed in grade in the following percentages:



“(A) 8 in the grade of captain.

“(B) 14 in the grade of commander.

“(C) 19 in the grade of lieutenant commander.

“(2) GRADES BELOW LIEUTENANT COMMANDER.—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

“(c) ANNUAL COMPUTATION OF NUMBER IN GRADE.—

“(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

“(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

“(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is  $\frac{1}{2}$ , the next higher whole number shall be taken.

“(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

“(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

“(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.”.

**SEC. 3. EXCLUSION OF OFFICERS RECALLED FROM RETIRED STATUS AND POSITIONS OF IMPORTANCE AND RESPONSIBILITY FROM NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.**

Section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking “Effective” and inserting the following:

“(a) IN GENERAL.—Effective”; and

(2) by adding at the end the following new subsection:

“(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

“(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

“(2) may not count against such number.”.

**SEC. 4. OBLIGATED SERVICE REQUIREMENT.**

(a) IN GENERAL.—Subtitle A of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

**“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

“(a) IN GENERAL.—

“(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

“(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (1) in return for such appointments, training, pro-

motions, separations, and retirements as the Secretary considers appropriate.

“(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

“(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer’s own misconduct or grossly negligent conduct.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

**SEC. 5. TRAINING AND PHYSICAL FITNESS.**

(a) IN GENERAL.—Subtitle A of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.), as amended by section 5, is further amended by adding at the end the following:

**“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

“(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

“(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

“(2) Providing officers and officer candidates with books and school supplies.

“(3) Acquiring such equipment as may be necessary for training and instructional purposes.

“(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness in preparation for functioning as a service in the Navy during times of war, including by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Navy.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to

authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 4(b), is further amended by inserting after the item relating to section 216, as added by such section 4(b), the following:

“Sec. 217. Training and physical fitness.”.

**SEC. 6. APPOINTMENTS.**

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021) is amended to read as follows:

**“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.**

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

“(i) the qualification, experience, and length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

“(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

“(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(3) MILITARY SERVICE ACADEMIES OF THE UNITED STATES DEFINED.—In this subsection, the term ‘military service academies of the United States’ means the following:

“(A) The United States Military Academy, West Point, New York.

“(B) The United States Naval Academy, Annapolis, Maryland.

“(C) The United States Air Force Academy, Colorado Springs, Colorado.

“(D) The United States Coast Guard Academy, New London, Connecticut.

“(E) The United States Merchant Marine Academy, Kings Point, New York.

“(b) REAPPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

“(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President, by and with the advice and consent of the Senate.

“(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given to an individual until the individual’s mental, moral,

physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) **PRECEDENCE OF APPOINTEES.**—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

“(e) **INTER-SERVICE TRANSFERS.**—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.”.

(2) **CLERICAL AMENDMENT.**—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”.

(b) **APPOINTMENTS TO PERMANENT GRADES.**—Section 226 of such Act (33 U.S.C. 3026) is amended by striking “Appointments” and all that follows and inserting the following:

“(a) **HIGHER GRADES.**—Original appointments under section 221 in and promotions to the grades of lieutenant commander and above shall be made by the President, by and with the advice and consent of the Senate.

“(b) **LOWER GRADES.**—Original appointments under section 221 in and promotions to the grades of ensign through lieutenant shall be made by the President alone.”.

#### **SEC. 7. PERSONNEL BOARDS.**

Section 222 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3022) is amended to read as follows:

##### **“SEC. 222. PERSONNEL BOARDS.**

“(a) **CONVENING.**—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

“(b) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

“(2) **RETIRED OFFICERS.**—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

“(3) **NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.**—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

“(c) **DUTIES.**—Each personnel board shall—

“(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) **ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.**—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President consider appropriate.”.

#### **SEC. 8. TEMPORARY APPOINTMENTS.**

Section 229 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3029) is amended to read as follows:

##### **“SEC. 229. TEMPORARY APPOINTMENTS.**

“(a) **APPOINTMENTS BY PRESIDENT.**—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President alone.

“(b) **TERMINATION.**—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President alone.

“(c) **ORDER OF PRECEDENCE.**—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

“(d) **ANY ONE GRADE.**—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President alone. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.”.

#### **SEC. 9. OFFICER CANDIDATES.**

(a) **IN GENERAL.**—Subtitle B of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

##### **“SEC. 234. OFFICER CANDIDATES.**

“(a) **DETERMINATION OF NUMBER.**—The Secretary shall determine the number of appointments of officer candidates.

“(b) **APPOINTMENT.**—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

“(c) **DISMISSAL.**—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(d) **AGREEMENT.**—

“(1) **IN GENERAL.**—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

“(2) **ELEMENTS.**—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

“(B) That upon graduation from the such program, the officer candidate—

“(i) will accept an appointment, if tendered, as an officer; and

“(ii) will serve on active duty for at least 4 years immediately after such appointment.

“(e) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

“(2) procedures for determining whether such a breach has occurred.

“(f) **REPAYMENT.**—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).”.

(b) **CLERICAL AMENDMENT.**—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

(c) **OFFICER CANDIDATE DEFINED.**—Section 212 of such Act (33 U.S.C. 3002) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) **OFFICER CANDIDATE.**—The term ‘officer candidate’ means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).”.

(d) **PAY FOR OFFICER CANDIDATES.**—Section 203 of title 37, United States Code, is amended by adding at the end the following:

“(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E-5 with less than 2 years service.

“(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.”.

#### **SEC. 10. INVOLUNTARY RETIREMENT OR SEPARATION.**

Section 241 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3041) is amended by adding at the end the following:

“(d) **DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.**—

“(1) **IN GENERAL.**—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

“(2) **CONSENT REQUIRED.**—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

“(3) **LIMITATION.**—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”.

#### **SEC. 11. SEPARATION PAY.**

Section 242 of the National Oceanic and Atmospheric Administration Commissioned Officer

Corps Act of 2002 (33 U.S.C. 3042) is amended by adding at the end the following:

“(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

“(1) expresses a desire not to be selected for promotion; or

“(2) requests removal from the list of selectees.”.

**SEC. 12. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE.**

Section 261(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

“(4) Section 771, relating to unauthorized wearing of uniforms.

“(5) Section 774, relating to wearing religious apparel while in uniform.

“(6) Section 982, relating to service on State and local juries.

“(7) Section 1031, relating to administration of oaths.”;

(5) by inserting after paragraph (10), as redesignated, the following:

“(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.”; and

(6) by inserting after paragraph (17), as redesignated, the following:

“(18) Subchapter I of chapter 88, relating to Military Family Programs.

“(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

**SEC. 13. EDUCATION LOAN REPAYMENT PROGRAM.**

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

**“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

“(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

“(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

“(1) satisfy 1 of the requirements specified in subsection (c);

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

“(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic requirements must be satisfied for purposes of deter-

mining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

“(d) LOAN REPAYMENTS.—

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

“(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

“(e) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

“(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

“(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

“(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

“(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

“(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

“(1) standards for qualified loans and authorized payees; and

“(2) other terms and conditions for the making of loan repayments.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”.

**SEC. 14. INTEREST PAYMENT PROGRAM.**

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by section 13, is further amended by adding at the end the following:

**“SEC. 268. INTEREST PAYMENT PROGRAM.**

“(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue

on 1 or more student loans of an eligible officer, in accordance with this section.

“(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

“(1) is serving on active duty;

“(2) has not completed more than 3 years of service on active duty;

“(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

“(4) is not in default on any such loan.

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans:

“(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

“(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

“(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

“(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

“(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

“(f) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

“(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

“(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(l), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(l), and 1087dd(j)); and

“(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

“(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term ‘special allowance’ means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087-1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code.”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(2) Sections 455(l) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(l) and 1087dd(j)) are each amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code.”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively” after “Armed Forces”.

(c) **CLERICAL AMENDMENT.**—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 13(b), is further amended by inserting after the item relating to section 267, as added by such section 13(b), the following:

“Sec. 268. Interest payment program.”.

**SEC. 15. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.**

(a) **IN GENERAL.**—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by sections 13 and 14, is further amended by adding at the end the following:

**“SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.**

“(a) **AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.**—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in not more than 5 academic years; or

“(2) a postbaccalaureate degree.

“(b) **ELIGIBLE PERSONS.**—

“(1) **IN GENERAL.**—A person is eligible to obtain financial assistance under subsection (a) if the person—

“(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

“(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

“(C) enters into a written agreement with the Secretary described in paragraph (2).

“(2) **AGREEMENT.**—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

“(A) to accept an appointment as an officer, if tendered; and

“(B) upon completion of the person’s educational program, agrees to serve on active duty, immediately after appointment, for—

“(i) up to 3 years if the person received less than 3 years of assistance; and

“(ii) up to 5 years if the person received at least 3 years of assistance.

“(c) **QUALIFYING EXPENSES.**—Expenses for which financial assistance may be provided under subsection (a) are the following:

“(1) Tuition and fees charged by the educational institution involved.

“(2) The cost of books.

“(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(4) Such other expenses as the Secretary considers appropriate.

“(d) **LIMITATION ON AMOUNT.**—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

“(e) **DURATION OF ASSISTANCE.**—Financial assistance may be provided to a person under sub-

section (a) for not more than 5 consecutive academic years.

“(f) **SUBSISTENCE ALLOWANCE.**—

“(1) **IN GENERAL.**—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

“(2) **DETERMINATION OF AMOUNT.**—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

“(g) **INITIAL CLOTHING ALLOWANCE.**—

“(1) **TRAINING.**—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person’s initial clothing and equipment issue.

“(2) **APPOINTMENT.**—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

“(h) **TERMINATION OF FINANCIAL ASSISTANCE.**—

“(1) **IN GENERAL.**—The Secretary shall terminate the assistance provided to a person under this section if—

“(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

“(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

“(C) the person fails to fulfill any term or condition of the agreement.

“(2) **REIMBURSEMENT.**—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

“(3) **WAIVER.**—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

“(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

“(B) is—

“(i) not physically qualified for appointment; and

“(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person’s own misconduct or grossly negligent conduct.

“(4) **OBLIGATION AS DEBT TO UNITED STATES.**—An obligation to reimburse the Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

“(5) **DISCHARGE IN BANKRUPTCY.**—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

“(i) **REGULATIONS.**—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections in section 1 of the Act entitled “An Act to

authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 14(c), is further amended by inserting after the item relating to section 268, as added by such section 14(c), the following:

“Sec. 269. Student pre-commissioning education assistance program.”.

**SEC. 16. LIMITATION ON EDUCATIONAL ASSISTANCE.**

(a) **IN GENERAL.**—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 13(a)), section 268 of such Act (as added by section 14(a)), and section 269 of such Act (as added by section 15(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 9(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) **OFFICER CANDIDATE DEFINED.**—In this section, the term “officer candidate” has the meaning given the term in section 212 of such Act (as added by section 9(c)).

**SEC. 17. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.**

(a) **IN GENERAL.**—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by sections 13 through 15, is further amended by adding at the end the following:

**“SEC. 270. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.**

“(a) **PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.**—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

“(1) Section 324, relating to accession bonuses for new officers in critical skills.

“(2) Section 403(f)(3), relating to prescribing regulations defining the terms ‘field duty’ and ‘sea duty’.

“(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

“(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(5) Section 428, relating to allowances for recruiting expenses.

“(6) Section 435, relating to allowances for funeral honors duty.

“(b) **REFERENCES.**—The authority vested by title 37, United States Code, in the ‘military departments’, ‘the Secretary concerned’, or ‘the Secretary of Defense’ with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration when the commissioned officer corps is not operating as a service in the Navy, by the Secretary of Commerce or the Secretary’s designee.”.

(b) **CLERICAL AMENDMENT.**—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 15(b), is

further amended by inserting after the item relating to section 269, as added by such section 15(b), the following:

"Sec. 270. Applicability of certain provisions of title 37, United States Code."

**SEC. 18. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.**

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting "and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service" after "separated from the armed forces";

(2) in paragraph (2), by striking "or veteran" and inserting "veteran, or member"; and

(3) in paragraph (4), by inserting "and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service" after "separated from the armed forces".

**SEC. 19. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED SERVICES FOR LEGION OF MERIT AWARD.**

Section 1121 of title 10, United States Code, is amended by striking "armed forces" and inserting "uniformed services".

**SEC. 20. APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES TO MEMBERS OF COMMISSIONED OFFICER CORPS.**

Section 4303(16) of title 38, United States Code, is amended by inserting "the commissioned officer corps of the National Oceanic and Atmospheric Administration," after "Public Health Service,".

**SEC. 21. PROTECTED COMMUNICATIONS FOR COMMISSIONED OFFICER CORPS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.**

(a) *IN GENERAL.*—Subsection (a) of section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)), as amended by section 12, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

"(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions."

(b) *CONFORMING AMENDMENT.*—Subsection (b) of such section is amended by adding at the end the following: "For purposes of paragraph (8) of subsection (a), the term 'Inspector General' in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce."

**SEC. 22. CRIMINAL PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.**

Section 702 of title 18, United States Code, is amended by striking "Service or any" and inserting "Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any".

**SEC. 23. REPORT ON STATUS OF OFFICERS IN COMMISSIONED OFFICER CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND PUBLIC HEALTH SERVICE DURING GOVERNMENT SHUTDOWNS.**

Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report that details whether officers of the commissioned officer corps of the National Oceanic and Atmospheric Administration and the Public Health Service are treated as performing an essential level of

activity to protect life and property during any period of a lapse in appropriations.

**SEC. 24. TECHNICAL CORRECTION.**

Section 101(21)(C) of title 38, United States Code, is amended by inserting "in the commissioned officer corps" before "of the National".

**SEC. 25. REPORT.**

(a) *IN GENERAL.*—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report evaluating the current status and projected needs of the commissioned officer corps of the National Oceanic and Atmospheric Administration to operate sufficiently through fiscal year 2017.

(b) *CONTENTS.*—The report required by subsection (a) shall include the following:

(1) The average annual attrition rate of officers in the commissioned officer corps of the National Oceanic and Atmospheric Administration.

(2) An estimate of the number of annual recruits that would reasonably be required to operate the commissioned officer corps sufficiently through fiscal year 2017.

(3) The projected impact of this Act on annual recruitment numbers through fiscal year 2017.

(4) Identification of areas of duplication or unnecessary redundancy in current activities of the commissioned officer corps that could otherwise be streamlined or eliminated to save costs.

(5) Such other matters as the Secretary considers appropriate regarding the provisions of this Act and the amendments made by this Act.

**SEC. 26. EFFECTIVE DATE.**

Notwithstanding any other provision of this Act, sections 2 through 22 shall take effect on the date that is 90 days after the date on which the Secretary of Commerce submits to Congress the report required by section 25(a).

Mr. DURBIN. Mr. President, I further ask unanimous consent that the committee-reported substitute amendment be considered; the Begich amendment, which is at the desk, be agreed to; the committee-reported substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid on the table with no intervening action or debate; and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3424) was agreed to, as follows:

On page 50, line 20, strike "by section 5" and insert "by section 4(a)".

On page 55, lines 1 and 2, strike "by and with the advice and consent of the Senate".

On page 56, strike lines 9 through 19.

On page 58, line 15, strike "alone".

On page 58, line 19, strike "alone".

On page 59, line 4, strike "alone".

On page 61, line 22, strike "such Act" and insert "the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002".

On page 85, strike lines 1 through 12.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2388) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *SHORT TITLE.*—This Act may be cited as the "National Oceanic and Atmospheric Ad-

ministration Commissioned Officer Corps Amendments Act of 2012".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Strength and distribution in grade.

Sec. 3. Exclusion of officers recalled from retired status and positions of importance and responsibility from number of authorized commissioned officers.

Sec. 4. Obligated service requirement.

Sec. 5. Training and physical fitness.

Sec. 6. Appointments.

Sec. 7. Personnel boards.

Sec. 8. Temporary appointments.

Sec. 9. Officer candidates.

Sec. 10. Involuntary retirement or separation.

Sec. 11. Separation pay.

Sec. 12. Applicability of certain provisions of title 10, United States Code.

Sec. 13. Education loan repayment program.

Sec. 14. Interest payment program.

Sec. 15. Student pre-commissioning education assistance program.

Sec. 16. Limitation on educational assistance.

Sec. 17. Applicability of certain provisions of title 37, United States Code.

Sec. 18. Application of certain provisions of competitive service law.

Sec. 19. Eligibility of all members of uniformed services for Legion of Merit award.

Sec. 20. Application of Employment and Reemployment Rights of Members of the Uniformed Services to members of commissioned officer corps.

Sec. 21. Protected communications for commissioned officer corps and prohibition of retaliatory personnel actions.

Sec. 22. Criminal penalties for wearing uniform without authority.

Sec. 23. Technical correction.

Sec. 24. Report.

Sec. 25. Effective date.

**SEC. 2. STRENGTH AND DISTRIBUTION IN GRADE.**

Section 214 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3004) is amended to read as follows:

**"SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

"(a) *GRADES.*—The commissioned grades in the commissioned officer corps of the Administration are the following, in relative rank with officers of the Navy:

"(1) Vice admiral.

"(2) Rear admiral.

"(3) Rear admiral (lower half).

"(4) Captain.

"(5) Commander.

"(6) Lieutenant commander.

"(7) Lieutenant.

"(8) Lieutenant (junior grade).

"(9) Ensign.

"(b) *PROPORTION.*—

"(1) *IN GENERAL.*—The officers on the lineal list shall be distributed in grade in the following percentages:

"(A) 8 in the grade of captain.

"(B) 14 in the grade of commander.

"(C) 19 in the grade of lieutenant commander.

"(2) *GRADES BELOW LIEUTENANT COMMANDER.*—The Secretary shall prescribe, with respect to the distribution on the lineal list in grade, the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

"(c) *ANNUAL COMPUTATION OF NUMBER IN GRADE.*—

“(1) IN GENERAL.—Not less frequently than once each year, the Secretary shall make a computation to determine the number of officers on the lineal list authorized to be serving in each grade.

“(2) METHOD OF COMPUTATION.—The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made.

“(3) FRACTIONS.—If a final fraction occurs in computing the authorized number of officers in a grade, the nearest whole number shall be taken. If the fraction is  $\frac{1}{2}$ , the next higher whole number shall be taken.

“(d) TEMPORARY INCREASE IN NUMBERS.—The total number of officers authorized by law to be on the lineal list during a fiscal year may be temporarily exceeded if the average number on that list during that fiscal year does not exceed the authorized number.

“(e) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228(a) and officers recalled from retired status shall not be counted when computing authorized strengths under subsection (c) and shall not count against those strengths.

“(f) PRESERVATION OF GRADE AND PAY.—No officer may be reduced in grade or pay or separated from the commissioned officer corps of the Administration as the result of a computation made to determine the authorized number of officers in the various grades.”.

**SEC. 3. EXCLUSION OF OFFICERS RECALLED FROM RETIRED STATUS AND POSITIONS OF IMPORTANCE AND RESPONSIBILITY FROM NUMBER OF AUTHORIZED COMMISSIONED OFFICERS.**

Section 215 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3005) is amended—

(1) in the matter before paragraph (1), by striking “Effective” and inserting the following:

“(a) IN GENERAL.—Effective”; and

(2) by adding at the end the following new subsection:

“(b) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—Officers serving in positions designated under section 228 and officers recalled from retired status—

“(1) may not be counted in determining the total number of authorized officers on the lineal list under this section; and

“(2) may not count against such number.”.

**SEC. 4. OBLIGATED SERVICE REQUIREMENT.**

(a) IN GENERAL.—Subtitle A of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amended by adding at the end the following:

**“SEC. 216. OBLIGATED SERVICE REQUIREMENT.**

“(a) IN GENERAL.—

“(1) RULEMAKING.—The Secretary shall prescribe the obligated service requirements for appointments, training, promotions, separations, continuations, and retirement of officers not otherwise covered by law.

“(2) WRITTEN AGREEMENTS.—The Secretary and officers shall enter into written agreements that describe the officers’ obligated service requirements prescribed under paragraph (1) in return for such appointments, training, promotions, separations, and retirements as the Secretary considers appropriate.

“(b) REPAYMENT FOR FAILURE TO SATISFY REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may require an officer who fails to meet the service

requirements prescribed under subsection (a)(1) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the training provided to that officer by the Secretary as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve.

“(2) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the Secretary under paragraph (1) shall be considered for all purposes as a debt owed to the United States.

“(3) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a)(2) does not discharge the individual signing the agreement from a debt arising under such agreement.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary may waive the service obligation of an officer who—

“(1) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that officer; or

“(2) is—

“(A) not physically qualified for appointment; and

“(B) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the officer’s own misconduct or grossly negligent conduct.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107-372) is amended by inserting after the item relating to section 215 the following:

“Sec. 216. Obligated service requirement.”.

**SEC. 5. TRAINING AND PHYSICAL FITNESS.**

(a) IN GENERAL.—Subtitle A of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3001 et seq.), as amended by section 4(a), is further amended by adding at the end the following:

**“SEC. 217. TRAINING AND PHYSICAL FITNESS.**

“(a) TRAINING.—The Secretary may take such measures as may be necessary to ensure that officers are prepared to carry out their duties in the commissioned officer corps of the Administration and proficient in the skills necessary to carry out such duties. Such measures may include the following:

“(1) Carrying out training programs and correspondence courses, including establishing and operating a basic officer training program to provide initial indoctrination and maritime vocational training for officer candidates as well as refresher training, mid-career training, aviation training, and such other training as the Secretary considers necessary for officer development and proficiency.

“(2) Providing officers and officer candidates with books and school supplies.

“(3) Acquiring such equipment as may be necessary for training and instructional purposes.

“(b) PHYSICAL FITNESS.—The Secretary shall ensure that officers maintain a high physical state of readiness in preparation for functioning as a service in the Navy during times of war, including by establishing standards of physical fitness for officers that are substantially equivalent to those prescribed for officers in the Navy.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service

Improvement Act of 1998, and for other purposes” (Public Law 107-372), as amended by section 4(b), is further amended by inserting after the item relating to section 216, as added by such section 4(b), the following:

“Sec. 217. Training and physical fitness.”.

**SEC. 6. APPOINTMENTS.**

(a) ORIGINAL APPOINTMENTS.—

(1) IN GENERAL.—Section 221 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021) is amended to read as follows:

**“SEC. 221. ORIGINAL APPOINTMENTS AND REAPPOINTMENTS.**

“(a) ORIGINAL APPOINTMENTS.—

“(1) GRADES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an original appointment of an officer may be made in such grades as may be appropriate for—

“(i) the qualification, experience, and length of service of the appointee; and

“(ii) the commissioned officer corps of the Administration.

“(B) APPOINTMENT OF OFFICER CANDIDATES.—

“(i) LIMITATION ON GRADE.—An original appointment of an officer candidate, upon graduation from the basic officer training program of the commissioned officer corps of the Administration, may not be made in any other grade than ensign.

“(ii) RANK.—Officer candidates receiving appointments as ensigns upon graduation from basic officer training program shall take rank according to their proficiency as shown by the order of their merit at date of graduation.

“(2) SOURCE OF APPOINTMENTS.—An original appointment may be made from among the following:

“(A) Graduates of the basic officer training program of the commissioned officer corps of the Administration.

“(B) Graduates of the military service academies of the United States who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(C) Licensed officers of the United States merchant marine who have served 2 or more years aboard a vessel of the United States in the capacity of a licensed officer, who otherwise meet the academic standards for enrollment in the training program described in subparagraph (A).

“(3) MILITARY SERVICE ACADEMIES OF THE UNITED STATES DEFINED.—In this subsection, the term ‘military service academies of the United States’ means the following:

“(A) The United States Military Academy, West Point, New York.

“(B) The United States Naval Academy, Annapolis, Maryland.

“(C) The United States Air Force Academy, Colorado Springs, Colorado.

“(D) The United States Coast Guard Academy, New London, Connecticut.

“(E) The United States Merchant Marine Academy, Kings Point, New York.

“(b) REAPPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), an individual who previously served in the commissioned officer corps of the Administration may be appointed by the Secretary to the grade the individual held prior to separation.

“(2) REAPPOINTMENTS TO HIGHER GRADES.—An appointment under paragraph (1) to a position of importance and responsibility designated under section 228 may only be made by the President.

“(c) QUALIFICATIONS.—An appointment under subsection (a) or (b) may not be given



to an individual until the individual's mental, moral, physical, and professional fitness to perform the duties of an officer has been established under such regulations as the Secretary shall prescribe.

“(d) PRECEDENCE OF APPOINTEES.—Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

“(e) INTER-SERVICE TRANSFERS.—For inter-service transfers (as described in the Department of Defense Directive 1300.4 (dated December 27, 2006)) the Secretary shall—

“(1) coordinate with the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating to promote and streamline inter-service transfers;

“(2) give preference to such inter-service transfers for recruitment purposes as determined appropriate by the Secretary; and

“(3) reappoint such inter-service transfers to the equivalent grade in the commissioned officer corps.”.

(2) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by striking the item relating to section 221 and inserting the following:

“Sec. 221. Original appointments and reappointments.”.

#### SEC. 7. PERSONNEL BOARDS.

Section 222 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3022) is amended to read as follows:

##### “SEC. 222. PERSONNEL BOARDS.

“(a) CONVENING.—Not less frequently than once each year and at such other times as the Secretary determines necessary, the Secretary shall convene a personnel board.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—A board convened under subsection (a) shall consist of 5 or more officers who are serving in or above the permanent grade of the officers under consideration by the board.

“(2) RETIRED OFFICERS.—Officers on the retired list may be recalled to serve on such personnel boards as the Secretary considers necessary.

“(3) NO MEMBERSHIP ON 2 SUCCESSIVE BOARDS.—No officer may be a member of 2 successive personnel boards convened to consider officers of the same grade for promotion or separation.

“(c) DUTIES.—Each personnel board shall—

“(1) recommend to the Secretary such changes as may be necessary to correct any erroneous position on the lineal list that was caused by administrative error; and

“(2) make selections and recommendations to the Secretary and the President for the appointment, promotion, involuntary separation, continuation, and involuntary retirement of officers in the commissioned officer corps of the Administration as prescribed in this title.

“(d) ACTION ON RECOMMENDATIONS NOT ACCEPTABLE.—If any recommendation by a board convened under subsection (a) is not accepted by the Secretary or the President, the board shall make such further recommendations as the Secretary or the President consider appropriate.”.

#### SEC. 8. TEMPORARY APPOINTMENTS.

Section 229 of the National Oceanic and Atmospheric Administration Commissioned Of-

ficer Corps Act of 2002 (33 U.S.C. 3029) is amended to read as follows:

##### “SEC. 229. TEMPORARY APPOINTMENTS.

“(a) APPOINTMENTS BY PRESIDENT.—Temporary appointments in the grade of ensign, lieutenant junior grade, or lieutenant may be made by the President.

“(b) TERMINATION.—A temporary appointment to a position under subsection (a) shall terminate upon approval of a permanent appointment for such position made by the President.

“(c) ORDER OF PRECEDENCE.—Appointees under subsection (a) shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. The order of precedence of appointees who are appointed on the same date shall be determined by the Secretary.

“(d) ANY ONE GRADE.—When determined by the Secretary to be in the best interest of the commissioned officer corps, officers in any permanent grade may be temporarily promoted one grade by the President. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.”.

##### SEC. 9. OFFICER CANDIDATES.

(a) IN GENERAL.—Subtitle B of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3021 et seq.) is amended by adding at the end the following:

##### “SEC. 234. OFFICER CANDIDATES.

“(a) DETERMINATION OF NUMBER.—The Secretary shall determine the number of appointments of officer candidates.

“(b) APPOINTMENT.—Appointment of officer candidates shall be made under regulations which the Secretary shall prescribe, including regulations with respect to determining age limits, methods of selection of officer candidates, term of service as an officer candidate before graduation from the program, and all other matters affecting such appointment.

“(c) DISMISSAL.—The Secretary may dismiss from the basic officer training program of the Administration any officer candidate who, during the officer candidate's term as an officer candidate, the Secretary considers unsatisfactory in either academics or conduct, or not adapted for a career in the commissioned officer corps of the Administration. Officer candidates shall be subject to rules governing discipline prescribed by the Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(d) AGREEMENT.—

“(1) IN GENERAL.—Each officer candidate shall sign an agreement with the Secretary in accordance with section 216(a)(2) regarding the officer candidate's term of service in the commissioned officer corps of the Administration.

“(2) ELEMENTS.—An agreement signed by an officer candidate under paragraph (1) shall provide that the officer candidate agrees to the following:

“(A) That the officer candidate will complete the course of instruction at the basic officer training program of the Administration.

“(B) That upon graduation from the such program, the officer candidate—

“(i) will accept an appointment, if tendered, as an officer; and

“(ii) will serve on active duty for at least 4 years immediately after such appointment.

“(e) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. Such regulations shall include—

“(1) standards for determining what constitutes a breach of an agreement signed under such subsection (d)(1); and

“(2) procedures for determining whether such a breach has occurred.

“(f) REPAYMENT.—An officer candidate or former officer candidate who does not fulfill the terms of the obligation to serve as specified under section (d) shall be subject to the repayment provisions of section 216(b).”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 233 the following:

“Sec. 234. Officer candidates.”.

(c) OFFICER CANDIDATE DEFINED.—Section 212 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3002) is amended—

(1) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) OFFICER CANDIDATE.—The term ‘officer candidate’ means an individual who is enrolled in the basic officer training program of the Administration and is under consideration for appointment as an officer under section 221(a)(2)(A).”.

(d) PAY FOR OFFICER CANDIDATES.—Section 203 of title 37, United States Code, is amended by adding at the end the following:

“(f)(1) An officer candidate enrolled in the basic officer training program of the commissioned officer corps of the National Oceanic and Atmospheric Administration is entitled, while participating in such program, to monthly officer candidate pay at monthly rate equal to the basic pay of an enlisted member in the pay grade E-5 with less than 2 years service.

“(2) An individual who graduates from such program shall receive credit for the time spent participating in such program as if such time were time served while on active duty as a commissioned officer. If the individual does not graduate from such program, such time shall not be considered creditable for active duty or pay.”.

##### SEC. 10. INVOLUNTARY RETIREMENT OR SEPARATION.

Section 241 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3041) is amended by adding at the end the following:

“(d) DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.—

“(1) IN GENERAL.—If the Secretary determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer's well being before the date on which the officer would otherwise be required to retire or be separated under this section, the Secretary may defer the retirement or separation of the officer.

“(2) CONSENT REQUIRED.—A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer shall be retired or separated as scheduled.

“(3) LIMITATION.—A deferral of retirement or separation under this subsection may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.”.

##### SEC. 11. SEPARATION PAY.

Section 242 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3042) is amended by adding at the end the following:



“(d) EXCEPTION.—An officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay under this section if the officer—

“(1) expresses a desire not to be selected for promotion; or

“(2) requests removal from the list of selectees.”.

**SEC. 12. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 10, UNITED STATES CODE.**

Section 261(a) of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)) is amended—

(1) by redesignating paragraphs (13) through (16) as paragraphs (20) through (23), respectively;

(2) by redesignating paragraphs (7) through (12) as paragraphs (12) through (17), respectively;

(3) by redesignating paragraphs (4) through (6) as paragraphs (8) through (10), respectively;

(4) by inserting after paragraph (3) the following:

“(4) Section 771, relating to unauthorized wearing of uniforms.

“(5) Section 774, relating to wearing religious apparel while in uniform.

“(6) Section 982, relating to service on State and local juries.

“(7) Section 1031, relating to administration of oaths.”;

(5) by inserting after paragraph (10), as redesignated, the following:

“(11) Chapter 58, relating to the Benefits and Services for members being separated or recently separated.”; and

(6) by inserting after paragraph (17), as redesignated, the following:

“(18) Subchapter I of chapter 88, relating to Military Family Programs.

“(19) Section 2005, relating to advanced education assistance, active duty agreements, and reimbursement requirements.”.

**SEC. 13. EDUCATION LOAN REPAYMENT PROGRAM.**

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amended by adding at the end the following:

**“SEC. 267. EDUCATION LOAN REPAYMENT PROGRAM.**

“(a) AUTHORITY TO REPAY EDUCATION LOANS.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty who have skills required by the commissioned officer corps, the Secretary may repay, in the case of a person described in subsection (b), a loan that—

“(1) was used by the person to finance education; and

“(2) was obtained from a governmental entity, private financial institution, educational institution, or other authorized entity.

“(b) ELIGIBLE PERSONS.—To be eligible to obtain a loan repayment under this section, a person must—

“(1) satisfy 1 of the requirements specified in subsection (c);

“(2) be fully qualified for, or hold, an appointment as a commissioned officer in the commissioned officer corps of the Administration; and

“(3) sign a written agreement to serve on active duty, or, if on active duty, to remain on active duty for a period in addition to any other incurred active duty obligation.

“(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—One of the following academic re-

quirements must be satisfied for purposes of determining the eligibility of an individual for a loan repayment under this section:

“(1) The person is fully qualified in a profession that the Secretary has determined to be necessary to meet identified skill shortages in the commissioned officer corps.

“(2) The person is enrolled as a full-time student in the final year of a course of study at an accredited educational institution (as determined by the Secretary of Education) leading to a degree in a profession that will meet identified skill shortages in the commissioned officer corps.

“(d) LOAN REPAYMENTS.—

“(1) IN GENERAL.—Subject to the limits established under paragraph (2), a loan repayment under this section may consist of the payment of the principal, interest, and related expenses of a loan obtained by a person described in subsection (b).

“(2) LIMITATION ON AMOUNT.—For each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(3), the Secretary may pay not more than the amount specified in section 2173(e)(2) of title 10, United States Code.

“(e) ACTIVE DUTY SERVICE OBLIGATION.—

“(1) IN GENERAL.—A person entering into an agreement described in subsection (b)(3) incurs an active duty service obligation.

“(2) LENGTH OF OBLIGATION DETERMINED UNDER REGULATIONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the length of the obligation under paragraph (1) shall be determined under regulations prescribed by the Secretary.

“(B) MINIMUM OBLIGATION.—The regulations prescribed under subparagraph (A) may not provide for a period of obligation of less than 1 year for each maximum annual amount, or portion thereof, paid on behalf of the person for qualified loans.

“(3) PERSONS ON ACTIVE DUTY BEFORE ENTERING INTO AGREEMENT.—The active duty service obligation of persons on active duty before entering into the agreement shall be served after the conclusion of any other obligation incurred under the agreement.

“(f) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—

“(1) ALTERNATIVE OBLIGATIONS.—An officer who is relieved of the officer's active duty obligation under this section before the completion of that obligation may be given any alternative obligation, at the discretion of the Secretary.

“(2) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (b)(3), or the alternative obligation imposed under paragraph (1), shall be subject to the repayment provisions under section 216.

“(g) RULEMAKING.—The Secretary shall prescribe regulations to carry out this section, including—

“(1) standards for qualified loans and authorized payees; and

“(2) other terms and conditions for the making of loan repayments.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372) is amended by inserting after the item relating to section 266 the following:

“Sec. 267. Education loan repayment program.”.

**SEC. 14. INTEREST PAYMENT PROGRAM.**

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Ad-

ministration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by section 13, is further amended by adding at the end the following:

**“SEC. 268. INTEREST PAYMENT PROGRAM.**

“(a) AUTHORITY.—The Secretary may pay the interest and any special allowances that accrue on 1 or more student loans of an eligible officer, in accordance with this section.

“(b) ELIGIBLE OFFICERS.—An officer is eligible for the benefit described in subsection (a) while the officer—

“(1) is serving on active duty;

“(2) has not completed more than 3 years of service on active duty;

“(3) is the debtor on 1 or more unpaid loans described in subsection (c); and

“(4) is not in default on any such loan.

“(c) STUDENT LOANS.—The authority to make payments under subsection (a) may be exercised with respect to the following loans: “(1) A loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.).

“(2) A loan made under part D of such title (20 U.S.C. 1087a et seq.).

“(3) A loan made under part E of such title (20 U.S.C. 1087aa et seq.).

“(d) MAXIMUM BENEFIT.—Interest and any special allowance may be paid on behalf of an officer under this section for any of the 36 consecutive months during which the officer is eligible under subsection (b).

“(e) FUNDS FOR PAYMENTS.—The Secretary may use amounts appropriated for the pay and allowances of personnel of the commissioned officer corps of the Administration for payments under this section.

“(f) COORDINATION WITH SECRETARY OF EDUCATION.—

“(1) IN GENERAL.—The Secretary shall consult with the Secretary of Education regarding the administration of this section.

“(2) TRANSFER OF FUNDS.—The Secretary shall transfer to the Secretary of Education the funds necessary—

“(A) to pay interest and special allowances on student loans under this section (in accordance with sections 428(o), 455(1), and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1078(o), 1087e(1), and 1087d(j)); and

“(B) to reimburse the Secretary of Education for any reasonable administrative costs incurred by the Secretary in coordinating the program under this section with the administration of the student loan programs under parts B, D, and E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.).

“(g) SPECIAL ALLOWANCE DEFINED.—In this section, the term ‘special allowance’ means a special allowance that is payable under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1).”.

(b) CONFORMING AMENDMENTS.—

(1) Section 428(o) of the Higher Education Act of 1965 (20 U.S.C. 1078(o)) is amended—

(A) by striking the subsection heading and inserting “ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS”; and

(B) in paragraph (1)—

(i) by inserting “or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002” after “Code,”; and

(ii) by inserting “or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively,” after “Armed Forces”.

(2) Sections 455(1) and 464(j) of the Higher Education Act of 1965 (20 U.S.C. 1087e(1) and 1087d(j)) are each amended—

(A) by striking the subsection heading and inserting "ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS"; and

(B) in paragraph (1)—

(i) by inserting "or section 264 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002" after "Code,"; and

(ii) by inserting "or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively" after "Armed Forces".

(c) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled "An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes" (Public Law 107-372), as amended by section 13(b), is further amended by inserting after the item relating to section 267, as added by such section 13(b), the following:

"Sec. 268. Interest payment program."

**SEC. 15. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by sections 13 and 14, is further amended by adding at the end the following:

**"SEC. 269. STUDENT PRE-COMMISSIONING EDUCATION ASSISTANCE PROGRAM.**

"(a) AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.—For the purpose of maintaining adequate numbers of officers of the commissioned officer corps of the Administration on active duty, the Secretary may provide financial assistance to a person described in subsection (b) for expenses of the person while the person is pursuing on a full-time basis at an accredited educational institution (as determined by the Secretary of Education) a program of education approved by the Secretary that leads to—

"(1) a baccalaureate degree in not more than 5 academic years; or

"(2) a postbaccalaureate degree.

"(b) ELIGIBLE PERSONS.—

"(1) IN GENERAL.—A person is eligible to obtain financial assistance under subsection (a) if the person—

"(A) is enrolled on a full-time basis in a program of education referred to in subsection (a) at any educational institution described in such subsection;

"(B) meets all of the requirements for acceptance into the commissioned officer corps of the Administration except for the completion of a baccalaureate degree; and

"(C) enters into a written agreement with the Secretary described in paragraph (2).

"(2) AGREEMENT.—A written agreement referred to in paragraph (1)(C) is an agreement between the person and the Secretary in which the person agrees—

"(A) to accept an appointment as an officer, if tendered; and

"(B) upon completion of the person's educational program, agrees to serve on active duty, immediately after appointment, for—

"(i) up to 3 years if the person received less than 3 years of assistance; and

"(ii) up to 5 years if the person received at least 3 years of assistance.

"(c) QUALIFYING EXPENSES.—Expenses for which financial assistance may be provided under subsection (a) are the following:

"(1) Tuition and fees charged by the educational institution involved.

"(2) The cost of books.

"(3) In the case of a program of education leading to a baccalaureate degree, laboratory expenses.

"(4) Such other expenses as the Secretary considers appropriate.

"(d) LIMITATION ON AMOUNT.—The Secretary shall prescribe the amount of financial assistance provided to a person under subsection (a), which may not exceed the amount specified in section 2173(e)(2) of title 10, United States Code, for each year of obligated service that a person agrees to serve in an agreement described in subsection (b)(2).

"(e) DURATION OF ASSISTANCE.—Financial assistance may be provided to a person under subsection (a) for not more than 5 consecutive academic years.

"(f) SUBSISTENCE ALLOWANCE.—

"(1) IN GENERAL.—A person who receives financial assistance under subsection (a) shall be entitled to a monthly subsistence allowance at a rate prescribed under paragraph (2) for the duration of the period for which the person receives such financial assistance.

"(2) DETERMINATION OF AMOUNT.—The Secretary shall prescribe monthly rates for subsistence allowance provided under paragraph (1), which shall be equal to the amount specified in section 2144(a) of title 10, United States Code.

"(g) INITIAL CLOTHING ALLOWANCE.—

"(1) TRAINING.—The Secretary may prescribe a sum which shall be credited to each person who receives financial assistance under subsection (a) to cover the cost of the person's initial clothing and equipment issue.

"(2) APPOINTMENT.—Upon completion of the program of education for which a person receives financial assistance under subsection (a) and acceptance of appointment in the commissioned officer corps of the Administration, the person may be issued a subsequent clothing allowance equivalent to that normally provided to a newly appointed officer.

"(h) TERMINATION OF FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall terminate the assistance provided to a person under this section if—

"(A) the Secretary accepts a request by the person to be released from an agreement described in subsection (b)(2);

"(B) the misconduct of the person results in a failure to complete the period of active duty required under the agreement; or

"(C) the person fails to fulfill any term or condition of the agreement.

"(2) REIMBURSEMENT.—The Secretary may require a person who receives assistance described in subsection (c), (f), or (g) under an agreement entered into under subsection (b)(1)(C) to reimburse the Secretary in an amount that bears the same ratio to the total costs of the assistance provided to that person as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve under the agreement.

"(3) WAIVER.—The Secretary may waive the service obligation of a person through an agreement entered into under subsection (b)(1)(C) if the person—

"(A) becomes unqualified to serve on active duty in the commissioned officer corps of the Administration because of a circumstance not within the control of that person; or

"(B) is—

"(i) not physically qualified for appointment; and

"(ii) determined to be unqualified for service in the commissioned officer corps of the Administration because of a physical or medical condition that was not the result of the person's own misconduct or grossly negligent conduct.

"(4) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to reimburse the

Secretary imposed under paragraph (2) is, for all purposes, a debt owed to the United States.

"(5) DISCHARGE IN BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a written agreement entered into under subsection (b)(1)(C) does not discharge the person signing the agreement from a debt arising under such agreement or under paragraph (2).

"(i) REGULATIONS.—The Secretary may promulgate such regulations and orders as the Secretary considers appropriate to carry out this section."

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled "An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes" (Public Law 107-372), as amended by section 14(c), is further amended by inserting after the item relating to section 268, as added by such section 14(c), the following:

"Sec. 269. Student pre-commissioning education assistance program."

**SEC. 16. LIMITATION ON EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Each fiscal year, beginning with fiscal year 2013, the Secretary of Commerce shall ensure that the total amount expended by the Secretary under section 267 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (as added by section 13(a)), section 268 of such Act (as added by section 14(a)), and section 269 of such Act (as added by section 15(a)) does not exceed the amount by which—

(1) the total amount the Secretary would pay in that fiscal year to officer candidates under section 203(f)(1) of title 37, United States Code (as added by section 9(d)), if such section entitled officers candidates to pay at monthly rates equal to the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service; exceeds

(2) the total amount the Secretary actually pays in that fiscal year to officer candidates under section 203(f)(1) of such title (as so added).

(b) OFFICER CANDIDATE DEFINED.—In this section, the term "officer candidate" has the meaning given the term in section 212 of such Act (as added by section 9(c)).

**SEC. 17. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.**

(a) IN GENERAL.—Subtitle E of title II of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071 et seq.), as amended by sections 13 through 15, is further amended by adding at the end the following:

**"SEC. 270. APPLICABILITY OF CERTAIN PROVISIONS OF TITLE 37, UNITED STATES CODE.**

"(a) PROVISIONS MADE APPLICABLE TO COMMISSIONED OFFICER CORPS.—The provisions of law applicable to the Armed Forces under the following provisions of title 37, United States Code, shall apply to the commissioned officer corps of the Administration:

"(1) Section 324, relating to accession bonuses for new officers in critical skills.

"(2) Section 403(f)(3), relating to prescribing regulations defining the terms 'field duty' and 'sea duty'.

"(3) Section 403(l), relating to temporary continuation of housing allowance for dependents of members dying on active duty.

"(4) Section 414(a)(2), relating to personal money allowance while serving as Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

“(5) Section 428, relating to allowances for recruiting expenses.

“(6) Section 435, relating to allowances for funeral honors duty.

“(b) REFERENCES.—The authority vested by title 37, United States Code, in the ‘military departments’, ‘the Secretary concerned’, or ‘the Secretary of Defense’ with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the Administration when the commissioned officer corps is not operating as a service in the Navy, by the Secretary of Commerce or the Secretary’s designee.”.

(b) CLERICAL AMENDMENT.—The table of sections in section 1 of the Act entitled “An Act to authorize the Hydrographic Service Improvement Act of 1998, and for other purposes” (Public Law 107–372), as amended by section 15(b), is further amended by inserting after the item relating to section 269, as added by such section 15(b), the following:

“Sec. 270. Applicability of certain provisions of title 37, United States Code.”.

#### SEC. 18. APPLICATION OF CERTAIN PROVISIONS OF COMPETITIVE SERVICE LAW.

Section 3304(f) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”;

(2) in paragraph (2), by striking “or veteran” and inserting “, veteran, or member”;

(3) in paragraph (4), by inserting “and members of the commissioned officer corps of the National Oceanic and Atmospheric Administration (or its predecessor organization the Coast and Geodetic Survey) separated from such uniformed service” after “separated from the armed forces”.

#### SEC. 19. ELIGIBILITY OF ALL MEMBERS OF UNIFORMED SERVICES FOR LEGION OF MERIT AWARD.

Section 1121 of title 10, United States Code, is amended by striking “armed forces” and inserting “uniformed services”.

#### SEC. 20. APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES TO MEMBERS OF COMMISSIONED OFFICER CORPS.

Section 4303(16) of title 38, United States Code, is amended by inserting “the commissioned officer corps of the National Oceanic and Atmospheric Administration,” after “Public Health Service.”.

#### SEC. 21. PROTECTED COMMUNICATIONS FOR COMMISSIONED OFFICER CORPS AND PROHIBITION OF RETALIATORY PERSONNEL ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 261 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 (33 U.S.C. 3071(a)), as amended by section 12, is further amended—

(1) by redesignating paragraphs (8) through (23) as paragraphs (9) through (24), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) Section 1034, relating to protected communications and prohibition of retaliatory personnel actions.”.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by adding at the end the following: “For purposes of paragraph (8) of subsection (a), the term ‘Inspec-

tor General’ in section 1034 of such title 10 shall mean the Inspector General of the Department of Commerce.”.

#### SEC. 22. CRIMINAL PENALTIES FOR WEARING UNIFORM WITHOUT AUTHORITY.

Section 702 of title 18, United States Code, is amended by striking “Service or any” and inserting “Service, the commissioned officer corps of the National Oceanic and Atmospheric Administration, or any”.

#### SEC. 23. TECHNICAL CORRECTION.

Section 101(21)(C) of title 38, United States Code, is amended by inserting “in the commissioned officer corps” before “of the National”.

#### SEC. 24. REPORT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report evaluating the current status and projected needs of the commissioned officer corps of the National Oceanic and Atmospheric Administration to operate sufficiently through fiscal year 2017.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) The average annual attrition rate of officers in the commissioned officer corps of the National Oceanic and Atmospheric Administration.

(2) An estimate of the number of annual recruits that would reasonably be required to operate the commissioned officer corps sufficiently through fiscal year 2017.

(3) The projected impact of this Act on annual recruitment numbers through fiscal year 2017.

(4) Identification of areas of duplication or unnecessary redundancy in current activities of the commissioned officer corps that could otherwise be streamlined or eliminated to save costs.

(5) Such other matters as the Secretary considers appropriate regarding the provisions of this Act and the amendments made by this Act.

#### SEC. 25. EFFECTIVE DATE.

Notwithstanding any other provision of this Act, sections 2 through 22 shall take effect on the date that is 90 days after the date on which the Secretary of Commerce submits to Congress the report required by section 25(a).

#### ELIMINATING THE “ADULT ENTERTAINMENT” SECTION OF THE CLASSIFIED ADVERTISING WEB SITE BACKPAGE.COM

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 439 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 439) expressing the sense of the Senate that Village Voice Media Holdings, LLC should eliminate the “adult entertainment” section of the classified advertising website Backpage.com.

There being no objection, the Senate proceeded to consider the resolution.

• Mr. KIRK. Mr. President, we often hear and read about stories of young boys and girls in foreign countries forced into sexual slavery. Helpless

children as young as 11 and 12 years old are threatened, abused, raped, and sold for sex. But we rarely hear about the child sex trafficking that happens here at home in Chicago, New York, Atlanta, Miami, and most major metropolitan cities in the United States. Experts estimate that each year as many as 300,000 children are at risk of commercial sexual exploitation in the U.S. An alarming 40 percent of incidents investigated by federally funded task forces on human trafficking between 2008 and 2010 involved the sexual exploitation of a child, according to a Bureau of Justice Statistics report.

The numbers are rising, in part because it has become frighteningly simple to order a child prostitute on the Internet. One merely needs to look at the classified ads on Backpage.com, the leading Web site for prostitution advertising in the United States according to the Advanced Interactive Media, AIM, Group. The website’s “adult entertainment” section generates more than 80 percent of total prostitution advertising revenue on the web. This section includes services such as “escorts” and “body rubs,” a thinly veiled code for prostitution. Just a few clicks on this site easily enables “johns” to purchase children for sex. Law enforcement believes that the existence of Backpage encourages the recruitment of victims for sexual exploitation because it allows traffickers to operate out of sight from police patrols.

Backpage.com is owned and operated by Village Voice Media Holdings, the former parent company of the alternative weekly Village Voice publications. The company, which makes an estimated \$26 million per year from these ads, claims it polices the ads on its site, but the statistics and devastating reports say otherwise. According to the National Association of Attorneys General, 23 States have cumulatively filed more than 50 charges against suspects trafficking minors on Backpage.com.

In August 2011, nine members of the Vice Lords and other south and west side of Chicago gangs were charged with operating a major sex trafficking ring. Some of the girls forced into sexual slavery were as young as 12 years old. Victims suffered immense abuse, including beatings, branding, tattooing, death threats, being locked in car trunk, and forced to sleep outside even in cold Chicago winters. The gang members used Backpage.com to facilitate their operation.

In August 2012, Marques Williams was arrested and charged with a Federal sex trafficking complaint for trafficking a 15-year-old girl in Rochester, NY. Advertising the young girls services on Backpage.com, Williams forced her to take up to 15 customers a day.

In December 2012, Fernando Gonzales was sentenced to 20 years in prison for

child sex trafficking. Fernando raped and impregnated a 16-year-old girl, then forced her into prostitution and advertised her services on Backpage.com. When the victim tried to escape, Fernando threatened to kill her and her child and then carved his initial into her arm.

Unfortunately, there are too many stories like these. As news reports of pimps and traffickers using Backpage.com to advertise sexual services by minors continue to increase, we cannot leave our children defenseless. The profit-first mentality at Village Voice Media, which prioritizes the rights of pimps, not children, must end.

Fifty-one attorneys general, 36 clergymen, dozens of anti-trafficking organizations, columnists and editorial boards across the country, and 240,000 individuals through change.org have called on Village Voice Media to shut down the "adult entertainment" section on Backpage.com. Even John Bufalo Mailer, son of Village Voice's co-founder, publicly urged Backpage.com to eliminate the section.

Over the past year, I joined with several of my colleagues in a bipartisan fashion to work to prevent children from being exploited and trafficked on Backpage.com. In March 2012, 18 Senators joined me in a letter to the Chairman and CEO of Village Voice Media Holdings, demanding the elimination of the adult entertainment section on the classified advertising Web site. I then led an effort to bring to the attention of those advertising on Village Voice publications the kinds of activities supported by the company. As a result, eight companies and organizations responded to our letter announcing the end of their advertising relationship with the publications. This had a clear effect, as a number of then-executives at Village Voice Media Holdings spun off the weekly publications as a new company in an apparent effort to circumvent the public relations disaster Backpage.com rightly caused Village Voice Media. But children continue to be bought and sold on Backpage.com.

Senator BLUMENTHAL and I introduced S. Res. 439 as part of this effort to curb online child sexual exploitation. The legislation calls on Village Voice Media Holdings to eliminate the "adult entertainment" section of Backpage.com. By passing S. Res. 439, the U.S. Senate will present a united front in the fight against online child sex trafficking. We will be making it clear that the American public strongly condemns the facilitation and perpetuation of human trafficking by website operators. I want to especially thank Senators BLUMENTHAL, RUBIO, and CORNYN for their great partnership and leadership on this effort, hope the rest of our colleagues will join us and pass S. Res. 439.●

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 439) was agreed to.

The preamble was agreed to.  
The resolution, with its preamble, reads as follows:

#### S. RES. 439

Whereas, according to the Department of Justice, there was a 59 percent increase in identified victims of human trafficking worldwide between 2009 and 2010;

Whereas, according to the Department of Health and Human Services, human trafficking is the fastest-growing criminal enterprise in the world;

Whereas experts estimate that up to 300,000 children are at risk of sexual exploitation each year in the United States;

Whereas experts estimate that the average female victim of sex trafficking is forced into prostitution for the first time between the ages of 12 and 14, and the average male victim of sex trafficking is forced into prostitution for the first time between the ages of 11 and 13;

Whereas the Bureau of Justice Statistics found that 40 percent of incidents investigated by federally funded task forces on human trafficking between 2008 and 2010 involved prostitution of a child or the sexual exploitation of a child;

Whereas, according to the classified advertising consultant Advanced Interactive Media Group (referred to in this preamble as "AIM Group"), Backpage.com is the leading United States website for prostitution advertising;

Whereas Backpage.com is owned by Village Voice Media Holdings, LLC (referred to in this preamble as "Village Voice Media");

Whereas the National Association of Attorneys General tracked more than 50 cases in which charges were filed against persons who were trafficking or attempting to traffic minors on Backpage.com;

Whereas Myrelle and Tyrelle Locket—  
(1) in February 2011 were each sentenced to 4 years in prison on charges of trafficking of persons for forced labor or services for operating an Illinois sex trafficking ring that included minors; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Arthur James Chappell—

(1) in March 2011 was sentenced to 28 years in prison on charges of sex trafficking of a minor for running a prostitution ring with at least 1 juvenile victim in Minnesota; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Brandon Quincy Thompson—

(1) in April 2011 was sentenced to life imprisonment on charges of sex trafficking a child by force for running a South Dakota prostitution ring that involved multiple underage girls; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Clint Eugene Wilson—

(1) in May 2011 was sentenced to 20 years in prison on charges of sex trafficking of a minor by force, fraud, or coercion for forcing a 16-year-old Dallas girl into prostitution, threatening to assault her, and forcing her to get a tattoo that branded her as his property; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Demetrius Darnell Homer—

(1) in August 2011 was sentenced to 20 years in prison on charges of sex trafficking of a minor for violently forcing a 14-year-old Atlanta girl into prostitution, controlling her through beatings, threatening her with a knife, shocking her with a taser in front of another underage girl whom he had placed in prostitution, and forcing her to engage in prostitution while she was pregnant with his child; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Leighton Martin Curtis—

(1) in February 2012 was sentenced to 30 years in prison on charges of sex trafficking of a minor and production of child pornography for pimping a 15-year-old girl throughout Florida, Georgia, and North Carolina to approximately 20 to 35 customers each week for more than a year; and

(2) used Backpage.com to facilitate the prostitution;

Whereas Ronnie Leon Tramble—

(1) in March 2012 was sentenced to 15 years in prison on charges of sex trafficking through force, fraud, and coercion for forcing more than 5 young women and minors into prostitution over a period of at least 5 years throughout the State of Washington, during which time period he constantly subjected the victims to brutal physical and emotional abuse; and

(2) used Backpage.com to facilitate the prostitution;

Whereas, according to AIM Group, 80 percent of online prostitution advertising revenue for the month of February 2012 was attributed to Backpage.com;

Whereas, according to AIM Group, the number of Backpage.com advertisements for "escorts" and "body rubs", a thinly veiled code for prostitution, increased by nearly 5 percent between February 2011 and February 2012;

Whereas, according to AIM Group, Backpage.com earned an estimated \$26,000,000 from prostitution advertisements between February 2011 and February 2012;

Whereas Backpage.com vice president Carl Ferrer acknowledged to the National Association of Attorneys General that the company identifies more than 400 "adult entertainment" posts that may involve minors each month;

Whereas the actual number of "adult entertainment" posts on Backpage.com each month that involve minors may be far greater than 400;

Whereas, according to the National Association of Attorneys General, Missouri investigators found that the review procedures of Backpage.com are ineffective in policing illegal activity;

Whereas, in September 2010, Craigslist.com removed the "adult services" section of its website following calls for removal from law enforcement and advocacy organizations;

Whereas, by September 16, 2011, 51 attorneys general of States and territories of the United States had called on Backpage.com to shut down the "adult entertainment" section of its website;

Whereas, on September 16, 2011, the Tri-City Herald of the State of Washington published an editorial entitled "Attorneys general target sexual exploitation of kids", writing, "... we'd also encourage the owners of Backpage.com to give the attorneys general what they are asking for";

Whereas, on October 25, 2011, 36 clergy members from across the United States published an open letter to Village Voice Media

in the New York Times, calling on the company to shut down the "adult entertainment" section of Backpage.com;

Whereas, on December 2, 2011, 55 anti-trafficking organizations called on Village Voice Media to shut down the "adult entertainment" section of Backpage.com;

Whereas, on December 29, 2011, the Seattle Times published an editorial entitled "Murders strengthen case against Backpage.com", writing, "Backpage.com cannot continue to dismiss the women and children exploited through the website, nor the 3 women in Detroit who are dead possibly because they were trafficked on the site. Revenue from the exploitation and physical harm of women and minors is despicable. Village Voice Media, which owns Backpage.com, must shut this site down. Until then, all the pressure that can be brought to bear must continue.";

Whereas, on March 18, 2012, Nicholas Kristof of the New York Times wrote in an opinion piece entitled "Where Pimps Peddle Their Goods" that "[t]here are no simple solutions to end sex trafficking, but it would help to have public pressure on Village Voice Media to stop carrying prostitution advertising.";

Whereas, on March 29, 2012, Change.org delivered a petition signed by more than 240,000 individuals to Village Voice Media, calling on the company to shut down the "adult entertainment" section of Backpage.com;

Whereas, on January 12, 2012, John Buffalo Mailer, son of Village Voice co-founder Norman Mailer, joined the Change.org petition to shut down the "adult entertainment" section of Backpage.com, stating, "For the sake of the Village Voice brand and for the sake of the legacy of a great publication, take down the adult section of Backpage.com, before the Village Voice must answer for yet another child who is abused and exploited because you did not do enough to prevent it.";

Whereas, on March 30, 2012, a private equity firm owned by Goldman Sachs Group, Inc. completed a deal to sell its 16 percent ownership stake in Village Voice Media back to management;

Whereas, in *M.A. ex rel. P.K. v. Village Voice Media Holdings, LLC* (809 F. Supp. 2d 1041 (E.D. Mo. 2011)), the United States District Court for the Eastern District of Missouri held that section 230 of the Communications Act of 1934 (47 U.S.C. 230) (as added by section 509 of the Communications Decency Act of 1996 (Public Law 104-104; 110 Stat. 137)) protects Backpage.com from civil liability for the "horrific victimization" the teenage plaintiff suffered at the hands of the criminal who posted on the website to perpetrate her vicious crimes; and

Whereas the Communications Decency Act of 1996 (Public Law 104-104; 110 Stat. 56) and the amendments made by that Act do not preclude a service provider from voluntarily removing a portion of a website known to facilitate the sexual exploitation of minors in order to protect children in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the efforts of law enforcement agencies to provide training to law enforcement agents on how to identify victims of sex trafficking, investigate cases of sex trafficking, prosecute sex trafficking offenses, and rescue victims of sex trafficking;

(2) supports services for trafficking victims provided by the Federal Government, State and local governments, and non-profit and faith-based organizations, including medical, legal, mental health, housing, and other social services; and

(3) calls on Village Voice Media Holdings, LLC to act as a responsible global citizen

and immediately eliminate the "adult entertainment" section of the classified advertising website Backpage.com to terminate the website's rampant facilitation of online sex trafficking.

#### 2012 HEISMAN MEMORIAL TROPHY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 617 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 617) congratulating the recipient of the 2012 Heisman Memorial Trophy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 617) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 617

Whereas, for the 78th time, the Heisman Memorial Trophy has been awarded to the most outstanding collegiate football player in the United States;

Whereas Johnny Manziel overcame intense competition and defied expectations during Texas A&M University's first year in the Southeastern Conference;

Whereas Manziel led the 2012 Texas A&M Aggie football team to a regular season record of 10 wins and 2 losses;

Whereas Manziel was awarded the Davey O'Brien National Quarterback Award as the top quarterback in the National Collegiate Athletic Association;

Whereas Manziel became the first freshman, and only the fifth player ever, in National Collegiate Athletic Association Football Bowl Subdivision history to achieve 3,000 passing yards and 1,000 rushing yards in a season;

Whereas Manziel became the first player in the Football Bowl Subdivision to pass for 300 yards and rush for 100 yards in the same game 3 times in his career;

Whereas Manziel holds the freshman record for quarterback rushing yards (1,114) and total yards in a season (4,600);

Whereas Manziel was assisted by the leadership of Southeastern Conference Co-Coach of the Year Kevin Sumlin, the exceptional protection of the offensive line anchored by Outland Trophy winner Luke Joeckel, and Texas A&M's 12th Man;

Whereas Manziel became the second Heisman Trophy winner at Texas A&M, preceded by John David Crow in 1957;

Whereas Manziel started the development of his athletic capabilities before attending Texas A&M in the cities of Tyler, Texas, and Kerrville, Texas;

Whereas 2012 marks the eighth time a player at a university in Texas has won the Heisman Trophy and back-to-back years of keeping the award in Texas;

Whereas the hullabaloo of Manziel becoming the first freshman to win the Heisman Trophy is another testament to the strength and skill of Texas football; and

Whereas Manziel has combined incredible talent with hard work and a good heart: Now, therefore, be it

*Resolved*, That the Senate congratulates the recipient of the 2012 Heisman Memorial Trophy.

#### DESIGNATING THE CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 627 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 627) designating the Chairman of the Senate Committee on Appropriations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 627) was agreed to, as follows:

#### S. RES. 627

*Resolved*, That the following Senator is designated as chairman of the following committee:

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski, of Maryland.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### OBTAINING A CONSUMER'S INFORMED, WRITTEN CONSENT ON AN ONGOING BASIS THROUGH THE INTERNET

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of H.R. 6671 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6671) to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, we are enacting legislation to update the Video Privacy Protection Act, VPPA, in order to permit the ongoing sharing of video viewing information via the Internet. This bill contains important digital privacy provisions that I authored in the Senate to ensure consumer control over video viewing information.

During my more than three decades in the Senate, I have worked to protect the privacy rights of American consumers. In doing so, I have joined with Democrats and Republicans alike to help guarantee the right to privacy for every citizen. Last month, the Judiciary Committee favorably reported legislation that included these video privacy updates with strong bipartisan support. I commend Senator FRANKEN for his exceptional work on this measure as the chairman of the Judiciary Committee's Subcommittee on Technology, Privacy and the Law. He held the hearings and helped the committee to develop the proposal contained in this bill.

I congratulate Representative GOODLATTE for his work on this bill. He began the effort in the House to update the VPPA and has worked with me to reach this final product. I look forward to working with him to update another critical digital privacy law, the Electronic Communications Privacy Act, ECPA, in the new year. The Senate Judiciary Committee reported a good proposal to ensure a warrant requirement for e-mails and we should move forward quickly to enact it.

The bill we enact today takes several important steps to accommodate new technologies, like video streaming and social networking, while also helping to protect digital privacy rights in cyberspace. First, the bill updates the Video Privacy Protection Act to keep pace with how most Americans view and share videos today—on the Internet. This bill will allow American consumers, if they wish, to share their movie and television watching experiences through social media, while also ensuring that the important privacy protections in this law are not diminished.

Second, to protect the privacy of American consumers, the bill retains key privacy protections already in the VPPA which require that consumers “opt-in” to the sharing of their video viewing information. The bill similarly retains the requirement in current law that consumers provide informed written consent to share video viewing information. Moreover, to ensure that consumers have control over their own video viewing data, the bill provides

that consumers may “opt-in” to the information sharing on an ongoing basis for a period of up to 2 years at a time. Consumers may “opt-out” of the information sharing at any time.

Lastly, the bill requires that the opportunity for a consumer to withdraw consent to the disclosure of video viewing information must be presented in a clear and conspicuous manner. This provision requires a video tape service provider to provide one of two opportunities for the consumer to withdraw consent: on a case-by-case—i.e., per title—basis, or to withdraw consent for ongoing disclosures. The bill does not, however, specify where on a Web site, or in what form, the opportunity to withdraw consent should be provided.

Like many Americans, I am concerned about the growing and unwelcome government intrusions into our private lives in cyber space. Last month, the Judiciary Committee overwhelmingly passed my legislative proposal to update the Electronic Communications Privacy Act, ECPA, to require a search warrant in order for the government to obtain our e-mail and other electronic communications stored with third-party service providers. When we worked to enact ECPA in 1986, no one could have imagined the way the Internet and mobile technologies would transform how we communicate and exchange information today. But, after three decades, this critical privacy law has been outpaced by the explosion of new technologies and the expansion of the government's surveillance powers.

My Electronic Communications Privacy Act updates would revive and enhance the privacy protections afforded to Americans' e-mails and other electronic communications by establishing a warrant requirement for all e-mail content when stored with a third-party service provider or “in the cloud.” There are limited exceptions to this requirement under current law. I have worked to make certain that these updates carefully balance privacy interests, the needs of law enforcement, and the interest of our thriving American tech sector.

When the Congress enacted the Electronic Communications Privacy Act in 1986, we did so with strong, bipartisan support. Today, we continue that long and proud tradition of coming together across Chamber and party affiliation by enacting this update to the VPPA. My legislative reforms to the Electronic Communications Privacy Act are likewise deserving of such broad and bipartisan support. I urge us to join together in the Congress to enact

these important privacy updates without delay.

Mr. DURBIN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6671) was ordered to a third reading, was read the third time, and passed.

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#### ORDERS FOR FRIDAY, DECEMBER 21, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Friday, December 21, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate begin consideration of the conference report to accompany H.R. 4310, the National Defense Authorization Act under the previous order; and that following disposition of the conference report, the Senate then proceed to vote on the motion to invoke cloture on the substitute amendment to H.R. 1; further, that the mandatory quorum with respect to rule XXII be waived; further, the filing deadline for second-degree amendments to H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill, be 1:30 p.m. on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. DURBIN. There will be a rollcall vote at approximately 2 p.m. tomorrow on the adoption of the Defense authorization conference report. Additional votes are expected and we hope to reach agreement on the supplemental and FISA tomorrow.

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#### ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:24 p.m., adjourned until Friday, December 21, 2012, at 1 p.m.



## SENATE—Friday, December 21, 2012

The Senate met at 1 p.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, You only are immortal, so today we offer our thanksgiving. Thank You for life and for opportunities to make our Nation stronger. Thank You for the peace You give, even in the midst of storms. Use our Senators today, filling them with strength and purpose. May they labor to encourage the right and correct the wrong. When they meet with reversal and failure, may they not become weary but continue to work to fulfill Your will.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELTON WHITEHOUSE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 21, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

### SCHEDULE

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, following leader remarks, the Senate will begin consideration of the conference report to accompany H.R. 4310, the National Defense Authorization Act. The filing deadline for second-degree amendments to the emergency supplemental bill is 1:30 p.m. today.

At approximately 2 p.m., there will be a rollcall vote on adoption of the national defense conference report. We will work on an agreement for amendments in order to complete action on the supplemental as well as an agreement on FISA.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### THE FISCAL CLIFF

Mr. REID. Mr. President, last night the House of Representatives proved what we have known for quite a while: Speaker BOEHNER's plan to raise taxes on 25 million middle-class taxpayers while handing out \$50,000 bonuses to millionaires and billionaires was dead on arrival. We said that yesterday. We knew the so-called Plan B was no plan at all. It couldn't pass the Senate. It turns out it couldn't pass the House either. It is too bad Speaker BOEHNER wasted 1 week on this futile political stunt, and that is all we can call it.

But at least now House Republicans have gotten the message loudly and clearly that any comprehensive solution to the looming fiscal cliff will need to be a bipartisan solution. No comprehensive agreement can pass either Chamber without both Democratic and Republican votes, which means any solution will have to ask the most fortunate among us to pay a little more to reduce the deficit and ensure partisanship doesn't take the Nation to the brink of default.

Nothing that has passed the House of Representatives fits that test—nothing. A few days ago President Obama and Speaker BOEHNER appeared poised to strike a grand bargain, but we have heard that before. Instead of making hard choices of compromise, as President Obama has been willing to do, the Speaker retreated to his corner and resorted to political stunts, but that stunt fell flat.

It is time for the Speaker and all Republicans to return to the negotiating table. We have never left. It is time for Republicans to work with us to find the middle ground. That is the only hope of averting the devastating impacts of the fiscal cliff. The fiscal cliff needs to be avoided.

In the meantime, the Speaker should bring the middle-class tax cut passed by the Senate 5 months ago to the floor of the House for a vote. We know it will pass. All he has to do is let Democrats

vote with some Republicans and it will pass. The clock is ticking until the Nation goes over the fiscal cliff and taxes go up for every family in America. But there is still time for the Speaker to hit the brakes and avoid that cliff. We don't need the "Thelma and Louise" projection over that cliff.

The Senate-passed bill would protect 98 percent of families and 97 percent of small businesses from crippling tax hikes while President Obama and the Speaker work toward a compromise agreement. That agreement should be comprehensive. If Republicans truly want to ensure American families' taxes don't go up on January 1, they should simply pass the Senate bill. The only reason Speaker BOEHNER hasn't brought our bill to the floor sooner is he knows it will pass. He worked for a day or two seeing if he could bring that up so it wouldn't pass. That didn't work either.

Americans are not fooled by the Speaker's phony procedural excuses for failing to bring this solution to a vote. They are tired of excuses. They expect action.

Let me be very plain. There is nothing preventing the Speaker from taking up our bill and giving middle-class families certainty. I say to my friend, the Speaker: This isn't a game. It isn't about scoring political points or putting wins on the board. There will be very serious consequences for millions of families if Congress fails to compromise, and there will be very serious consequences for our country if Congress fails to compromise.

It is time for the Speaker to return to the negotiating table ready to compromise, and it is time for the House—especially House Republicans—to remember what is at stake.

I repeat, the \$250,000 program would pass overwhelmingly in the House. It is up to the Speaker to let that vote occur.

The ACTING PRESIDENT pro tempore. The Republican leader.

### THE DAY AFTER

Mr. MCCONNELL. Mr. President, most people, of course, are focused on what happened last night over in the House. I would like to focus on the press conference that congressional Democrats held just a few hours earlier.

Here were the leaders of the Democratic Party in the Senate—other than the President, these are the folks with the greatest responsibility for protecting the American people from a massive tax hike coming in January—



and what did they do? They stood in front of the cameras and laughed. They laughed. They giggled at a bunch of bad jokes and told the American people they didn't plan to do anything this week—nothing, absolutely nothing.

Democrats in the House vowed they wouldn't vote for this bill, the majority leader vowed he would ignore it if it made it out of the House and landed in the Senate, and the President vowed he would veto it if it made it out of the Senate.

So Democrats spent literally all day yesterday defeating a bill that would make current tax rates permanent for more than 99 percent of Americans, and they laughed about it. Ten days to go until the fiscal cliff, and they laughed about it.

I don't know if anybody has looked at a calendar lately, but we are about out of time here, folks. This isn't funny. People's livelihoods are at stake. The U.S. economy is at stake. Millions upon millions of families are counting on us to do something.

Look, it is the President's job—it is his job to find a solution that can pass the Congress. He is the only one who can do it. This isn't JOHN BOEHNER's problem to solve. He has done his part. He has bent over backward.

Mr. President: How about rallying your party around a solution. How about getting Democrats to support something.

I have said it many times before: We simply cannot solve the problems we face unless and until the President of the United States either finds the will or develops the ability—the ability—to lead. This is a moment that calls for Presidential leadership. That is the way out of this. It is that simple.

Does anybody wonder why we keep going from crisis to crisis around here? Does anybody notice a pattern? This doesn't have to be a crisis. This was an opportunity, but once again the President ignored it. He went out and held rallies and gave partisan speeches even after he had already been reelected.

As I said yesterday, I think it is obvious at this point the President wants to go off the cliff. But I know most of the American people don't want that. Today, I am going to make an offer. With 10 days to go, we have an obligation to act on something—something that can pass the House and the Senate. If the President won't propose it, if Senate Democrats won't propose it, I will.

Earlier this year, the House passed a bill that extends current rates on everyone for 1 year, with instructions for expedited comprehensive tax reform by next year. We could bring up this House-passed bill.

If the majority leader has a plan that can get 60 votes in the Senate, break through the disarray in his own caucus and build bipartisan support, offer that as an amendment and then let's vote.

Let's vote on amendments from all sides, and then let's go to conference with the House of Representatives. They have already passed a bill—one I support—to prevent a tax hike on all Americans and reform the Tax Code. Why don't we take it up here? Let's get this done.

It is called legislating. That is what we used to do in Congress. Democrats may be popping champagne corks today about bringing down Plan B, but all their efforts to do so yesterday will not protect a single taxpayer from a massive tax hike in just a few weeks. The American people are waiting. Surely, we can do better than this. Let's do it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, if this weren't such a serious situation we face ourselves, it would be laughable.

Can anyone imagine saying we should defeat a bill we have already defeated? We voted on the proposal at the same time we voted to pass that protecting middle-class Americans. That passed the Senate—one to give the richest of the rich a continuation of the tax breaks they get. As I indicated, the proposal they had for about another \$50,000 for each of them was defeated here. It was defeated in the Senate.

So my friend—and he is my friend—the Republican leader is struggling to find a way to blame Democrats, and it is a struggle, trying to blame us for the failure of the House to pass the Speaker's bill. The House is led by the Republicans. Their narrowed margin will be better for the country after the first of the year, but right now he controls the House by a wide margin.

I have served in the House. The Speaker is all powerful in the House. To blame us for the travesty that took place over there is pretty incredible. As I tried to say in my remarks, couldn't we at least protect the middle class?

My friend complains the President hasn't done enough. He put forward a proposal that has received criticism from Democrats because he was too generous with Speaker BOEHNER. But the President believes, as he said several times, both sides might have to make hard choices.

The President released a balanced \$2.4 trillion program. That is pretty good. It would alleviate the fiscal cliff, it would allow the SGR to continue so doctors get paid and patients have a doctor to go to. It extended unemployment benefits for people who are desperate.

It is true that there is a crisis here, but it is because the House Republicans refuse to pass the Senate-passed tax bill. It is because the Republicans in the House are fighting among themselves.

The Republican leader seeks to pass the House-passed bill, but we have al-

ready turned that bill down. The real answer lies in the Speaker, who controls the House of Representatives, talking to the President and working things out.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. All I was suggesting to my friend the majority leader is that you have the tax bill that originated in the House. It came over to the Senate. If our friends in the majority don't like that version of it, they could call it up, amend it, and see if there is a majority in the Senate for something.

It seems to me that the time for finger-pointing is about over. The American people are not particularly interested in what originated here or there or who is doing what; they are interested in getting a result. I was trying to be helpful in suggesting that you have a tax bill that came over from the House. You have a majority here. You could take it up, offer amendments, and see if there is something that could achieve a majority of the Senate rather than just complaining because the House did not pass something yesterday. That is not going to solve the problem. Somehow, some way, we need to find a way forward, and I hope we can in the coming week.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I hope we can too, but this is really quite remarkable. I am told that Members from this body went and talked to the Republican caucus yesterday saying: Send us your plan B, and the Democrats will take care of it and send you back something you will like better.

We can all see what has happened in the press. I like JOHN BOEHNER, but gee whiz, I mean, this is a pretty big political battering he is taking. What he should do is allow a vote in the House of Representatives on a bipartisan bill. It will pass. Democrats will vote for it. Some Republicans will vote for it. That is what we are supposed to do. But he is trying to pass everything with that majority he has that cannot agree on anything among themselves. Bring in the Democrats. That is what the country was set up for. Our Founding Fathers set it up that way. But he wants some other method where everything is done by the slim majority they have.

This is absolutely incredible. We believe the Speaker should be concerned. I am confident he is, but maybe he is more concerned, as some have said, about his election to be returned as Speaker. He should be more concerned about what is going to happen to the country. If he showed leadership and walked out there and said: This is the right thing for the country, we are all going to vote on this, Democrats will vote for it and enough Republicans will vote for it to pass something that will take us away from that fiscal cliff. But

this brinkmanship and this silliness that is going on over there you would not do in an eighth grade government election.

Mr. MCCONNELL. Mr. President, I add that the time for finger-pointing is gradually running out. The American people know we have a President, they know we have a Senate, and they know we have a House. They are anxiously awaiting whether we are going to solve this problem before the end of the year.

Mr. REID. Would the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the conference report to accompany H.R. 4310, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the RECORD of December 18, 2012.)

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be up to 1 hour of debate equally divided and controlled between the two leaders or their designees prior to a vote on adoption of the conference report.

The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the Senate Armed Services Committee, I am pleased to bring to the Senate, along with Senator MCCAIN, the conference report on H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. This conference report, which was signed by all 26 Senate conferees, all the members of the Senate Armed Services Committee, contains many provisions that are of critical importance to our troops. This will be the 51st consecutive year in which a national defense authorization act will be enacted into law.

I thank my dear friend Senator MCCAIN, our ranking minority member, for all that he did to bring us to this

conclusion and for the years of great leadership on our committee. I have been lucky to have Senator MCCAIN as a partner. I know both of us are grateful to the chairman and the ranking member of the House Armed Services Committee, BUCK MCKEON and ADAM SMITH, for their hard work on reconciling the many differences between the House and Senate bill and for helping to produce a solid bill to support the men and women of our Armed Forces.

The conference report contains many important provisions that will improve the quality of life for our men and women in uniform. It will provide needed support and assistance to our troops who are deployed. It will make the investments we need to meet the challenges of the 21st century.

First and foremost, the bill authorizes a 1.7-percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request.

The conference report contains strong additional sanctions on Iran. The Iran sanctions provisions will designate certain persons in Iran's energy, port, shipping, and shipbuilding sectors as entities of proliferation concern, subjecting many more transactions with such entities to sanctions. It will impose sanctions on persons selling or supplying or diverting to Iran a defined list of materials relevant to the aforementioned sectors, to certain Iranian specially designated nationals and blocked persons, or to be used in connection with certain Iranian military programs.

It is going to impose sanctions on any insurance or reinsurance provider or underwriter that knowingly provides underwriting service, insurance, or reinsurance for activities for which sanctions have been imposed to any person in the energy, shipping, or shipbuilding sector in Iran.

It will designate the Islamic Republic of Iran Broadcasting and its president as human rights abusers for their broadcasting of forced confessions and show trials, blocking their assets and preventing other entities from doing business with them and banning any travel to the United States.

The administration requested three modifications. In particular, one was additional time to implement the provision following enactment; the second was additional time between waiver renewals; and third was a modification of the exceptions clause from nondesignated Iranian "financial institutions" in the Senate-passed version to a broader term that would have incorporated nondesignated Iranian "persons." That conference report provides two of the three modifications—the additional time requested. It does not make a change in terms of the exceptions clause.

The conference report contains a few provisions addressing detainee issues.

These provisions extend existing limitations on the transfer or release of Gitmo detainees for another year. We did not adopt the permanent limitations in the House bill. We also provided new flexibility for dealing with detainees who cooperate with U.S. intelligence and law enforcement authorities pursuant to pretrial agreements.

The report establishes new congressional notification requirements for military detainees held on naval vessels and for third-country nationals who are released from military detention in Afghanistan, but the report does not place any conditions or limitations on such transfers.

The conference report does not include the Senate language regarding military detention inside the United States. The House conferees would simply not accept this provision. Instead, we included a provision that says and states the following:

Nothing in the Authorization for Use of Military Force, (Public Law 107-40; 50 U.S.C. 1541 note) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or such rights in the absence of such laws.

The provision in the fiscal year 2012 act, which is referred to in the language I just read—it is already law—that section in the 2012 act is section 1021. That section said the following:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested inside the United States. The language in this conference report reflects my view that Congress did not restrict or deny anyone's Constitutional rights in either the 2001 Authorization for Use of Military Force or the Fiscal Year 2012 National Defense Authorization Act. The Statement of Managers accompanying this conference report points out that "constitutional rights may not be restricted or denied by statute."

On the Alternative Fuel provision, the conference report does not include a provision of the House-passed bill that would have prohibited fiscal year 2013 funding for the production or purchase of alternative fuel if the cost of producing or purchasing the alternative fuel exceeds the cost of traditional fossil fuel.

The conference report does contain a provision that limits DOD's fiscal year 2013 Defense Production Act—DPA—funding for the construction of a biofuel refinery until—that is the key word—the DOD receives the promised contributions from the Departments of

Energy and Agriculture for the same purpose. We do not limit Phase I of the DPA project, nor does the conference report limit the use of FY12 funds for biofuel refinery construction.

On “cyber,” the conference report requires the Secretary of Defense to create a process requiring defense contractors that use or possess classified or sensitive DOD information to report successful cyber penetrations of their networks or information systems. Additionally, if the Department is concerned about a particular event and feels the need to determine what DOD information may have been lost from such penetration, the provision would authorize DOD to conduct its own forensic analysis, upon request, and subject to limitations.

I know the Presiding Officer has a special interest in this area of cyber security. This provision in the Defense authorization bill represents a major breakthrough in the Nation’s need to protect cyber—our information systems and cyber security.

There are a lot of other sensitive areas where we are threatened with cyber attacks, such as financial, police, transportation sectors, which obviously we could not touch; they are not within our jurisdiction. They need similar action.

The conference report provides that the Secretary of Defense will evaluate, by the end of 2013, at least three possible future missile defense interceptor deployment locations in the United States—at least two of which would be on the East Coast—and then to prepare an environmental impact statement for the locations evaluated. It would also require the Director of the Missile Defense Agency to prepare a contingency plan for deployment of an additional interceptor site in case the President decides to proceed with such a deployment. However, it does not mandate or authorize deployment of any missile defense site, and does not require the Defense Department to submit a deployment plan to Congress.

For Afghanistan, the conference report includes a sense of Congress in support of the President’s plan for the transition of lead responsibility for security to the Afghan security forces in 2013 and the drawdown of most U.S. forces by no later than the end of 2014. Specifically, the sense of Congress provides in part that the President should seek to “. . . take all possible steps to end such operations at the earliest possible date consistent with a safe and orderly draw down of United States troops in Afghanistan.”

The conference report also calls for an independent assessment of the size and structure requirements of the Afghan National Security Forces necessary for those forces to be able to ensure that their country will not again serve as a safe-haven for terrorists that threaten Afghanistan, the region, and the world.

On TRICARE, the conference report establishes modestly increased cost-sharing rates under the TRICARE pharmacy benefits program for fiscal year 2013 in statute, and in fiscal years 2014 through 2022, limits any annual increases in pharmacy copayments to increases in retiree cost of living adjustments. The Administration’s proposal would have tripled beneficiary copayment rates over the next 10 years.

The conference report also requires the Secretary of Defense to conduct a 5-year pilot program to refill prescription maintenance medications for TRICARE for Life beneficiaries through TRICARE’s national mail-order pharmacy program, resulting in savings to the government of \$1.1 billion over the next decade.

Regarding Air Force force structure, the conferees adopted language establishing a commission, which would consist of eight members, four appointed by the President and four appointed by leadership of the Committees on Armed Services of the Senate and the House of Representatives. The Commission would be required to report to the Congress by February 1, 2014, in time to inform congressional action on the fiscal year 2015 budget request, on an Air Force force structure that would, among other things, meet the current and anticipated requirement of the combatant commanders while achieving an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each.

The conference report would provide that during fiscal year 2013, the Air Force would be required to maintain the alternative force structure proposed by the Air Force on November 2, 2012, after Congress clearly indicated it would reject the original plan. We modified the November plan to add an additional 32 fixed-wing, intra-theater airlift aircraft (C-27s and/or C-130s) beyond the number proposed by the Secretary. This addition will help us provide sufficient aircraft to meet the Army’s fixed-wing, direct support/time sensitive airlift mission requirements.

Once again, I want to thank Senator McCain. As I said before, I have been honored, pleased, and lucky to have Senator McCain as my partner in leading the Armed Services Committee. I know how indebted we both are to our staffs as well as to all of the members who work so well together on a bipartisan basis.

Our majority and minority staffs were led by Rick DeBobs and Ann Sauer. They have done amazing work on this bill. They did a month’s worth of work in weeks. They did a week’s worth of work in days, and they did a day’s worth of work in hours.

Mr. President, I ask unanimous consent that a full list of the majority and minority staff, who gave so much of

themselves and their families, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Richard D. DeBobs, Staff Director; Ann E. Sauer, Minority Staff Director; Adam J. Barker, Professional Staff Member; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; Christian D. Brose, Professional Staff Member; Joseph M. Bryan, Professional Staff Member; Pablo E. Carrillo, Minority General Counsel; Jonathan D. Clark, Counsel; Christine E. Cowart, Chief Clerk; Lauren M. Davis, Minority Staff Assistant; Jonathan S. Epstein, Counsel; Gabriella E. Fahrner, Counsel; Richard W. Fieldhouse, Professional Staff Member; Lauren M. Gillis, Staff Assistant; Creighton Greene, Professional Staff Member; Ozge Guzelsu, Counsel; Gary J. Howard, Systems Administrator; Paul C. Hutton IV, Professional Staff Member; Jennifer R. Knowles, Staff Assistant; Michael J. Kuiken, Professional Staff Member; Kathleen A. Kulenkampff, Staff Assistant; Mary J. Kyle, Legislative Clerk; Gerald J. Leeling, Counsel.

Daniel A. Lerner, Professional Staff Member; Peter K. Levine, General Counsel; Gregory R. Lilly, Executive Assistant for the Minority; Elizabeth C. Lopez, Research Assistant; Jason W. Maroney, Counsel; Thomas K. McConnell, Professional Staff Member; Mariah K. McNamara, Staff Assistant; William G. P. Monahan, Counsel; Lucian L. Niemeyer, Professional Staff Member; Michael J. Noblet, Professional Staff Member; Bryan D. Parker, Minority Investigative Counsel; Cindy Pearson, Assistant Chief Clerk and Security Manager; Roy F. Phillips, Professional Staff Member; John L. Principato, Staff Assistant; John H. Quirk V, Professional Staff Member; Robie I. Samanta Roy, Professional Staff Member; Brian F. Sebold, Staff Assistant; Russell L. Shaffer, Counsel; Travis E. Smith, Special Assistant; William K. Sutey, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Mary Louise Wagner, Professional Staff Member; Barry C. Walker, Security Officer; Bradley S. Watson, Staff Assistant.

Mr. LEVIN. I would note that the committee’s chief clerk Chris Cowert will be retiring at the end of this year after completing more than 41 years on the committee staff. She has been a driving force behind the staff support of the annual Defense Authorization Act, and she will be sorely missed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I note the presence of the Senator from Kentucky on the floor. I understand he seeks recognition for 10 minutes, and I ask that he be recognized at this time.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise in opposition to this bill because I believe it contains language that would allow American citizens to be detained without trial. The other side has argued that is not true, that they will be eligible for their constitutional rights if they get into an article III court or a constitutional court. But here is the rub: They have to be eligible. Who decides whether someone is eligible for

the court? It is an arbitrary decision, and this is what this debate has been over. Don't let the wool be pulled over your eyes that everyone has protection and they will get a trial by jury if accused of a crime.

We had protection in this bill. We passed an amendment that specifically said: If you are an American citizen or here legally in the country, you will get a trial by jury. It was explicitly stated and it has been removed in the conference committee. It has been removed because they want the ability to hold American citizens without trial in our country. This is so fundamentally wrong and goes against everything we stand for as a country that it cannot go unnoticed and should be pointed out.

Proponents of indefinite detention without trial say that an accusation alone is sufficient, that these crimes are so heinous that trials are unnecessary. They will show us pictures of foreigners in foreign dress from foreign lands and say that is what this debate is about. It is untrue. This debate is about American citizens accused of crimes in the United States.

Make no mistake that the faces of terrorism include awful people who should be punished to the full extent of the law. The same portrait of evil could be drawn of domestic terrorists, domestic terror, and domestic violence. One could parade pictures of Charles Manson, Timothy McVeigh—the Oklahoma bomber—Jeffrey Dahmer, and people would cry out that they don't deserve a trial either. Most Americans understand at some level that when someone is accused of a crime in our country, they get a trial by a jury of their peers. No matter how heinous the crime is or how awful they are, we give them a trial. This bill takes away that right and says if someone thinks a person is dangerous, we will hold that person without a trial. It is an abomination. It should not stand. Most Americans understand that if someone is accused of a crime, it does not make them guilty of a crime. They will still get their day in court.

Some here may not care when they determine that they are going to detain Ahmed or Yousef or Ibrahim. Many innocent Americans are named Ahmed or Yousef or Ibrahim. Many Americans are named Saul or David or Isaac. Is our memory so short that we don't understand the danger of allowing detention without trial? Is our memory so short that we don't understand the havoc that bias and bigotry can do when unrestrained by the law? Trial by jury is our last defense against tyranny and our last defense against oppression. We have locked up Arabs, Jews, and the Japanese.

Do we not want to retain our right to trial by jury? Do we want to allow the whims of government to come forward and lock up whom they please without being tried? In our not-too-distant past

Americans named Ozaki, Ichiro, or Yuki were indefinitely detained by the tens of thousands without trial or accusation. Will America only begin to regret our loss of trial by jury when the people have names such as Smith and Jones? Mark my words: This is about people named Smith and Jones or people named David, Saul, Isaac, Ahmed, Yousef, or Ibrahim. This is about all Americans and whether they will have due process and the protections of the law.

We are told these people are so evil and so dangerous that we cannot allow trials. Trial by jury is who we are. Trial by jury is that shining beacon on a hill that people around the world wish to emulate. It is why people came here. It is why we are exceptional as a people. It is not the color of our skin; it is our ideas, it is the right to trial by jury that is looked to as a beacon of hope for people around the world, and we are willing to discard it out of fear. It is a shame to scrap the very rights that make us exceptional as a people.

Proponents of indefinite detention will argue that we are a good people and we will never unjustly detain people. I don't dispute their intentions or impute bad motives to them, but what I will say is remember what Madison said. Madison said if a government were comprised of angels, we would not need the chains of the Constitution. We would not need to bind our representatives and restrain them from doing bad things to good people. If all men in government were angels, we would not need the rules. All men in the government are not angels now and never will be. There is always the danger that some day someone will be elected who will take the rights away from the Japanese, Jews, or Arabs. It happened once. We are told by these people who believe in indefinite detention that the battle is everywhere. If the battle is everywhere, our liberties are nowhere. If the battle is without end, when will they return our liberties? When will our rights be restored if the battle has no end and the battlefield is limitless and the war is endless? When will our rights be restored? It is not a temporary or limited suspension of our right to trial by jury but an unlimited, unbounded relinquishment of the right to trial by jury without length or duration.

We are told that limiting the right to trial by jury is justified under the law of war. Am I the only one uncomfortable applying the law of war to American citizens accused of crimes in the United States? Is the law of war a euphemism for martial law? What is the law of war except for something to go around the Constitution? It is an extraordinary circumstance that might happen in a battlefield somewhere else but should not happen in the United States. Every American accused of a crime, no matter how heinous, should

get their day in court and a trial by a jury of their peers. These are not idle questions.

I believe the defense of the Bill of Rights trumps the concerns for speedy passage even of a bill which I generally support. Sixty-seven Senators voted just a few weeks ago to include a provision in this bill that says we have a right to a trial by jury. It was plucked out in secret in conference despite the wishes of two-thirds of the Senators in this body—Republican and Democrat—who were concerned about protecting the right to a jury trial.

Many Senators say: Well, we tried and we lost. They outmaneuvered us; they were sneakier than we were. I disagree that we give up. I think the time is now. I think we make a statement. The fight is today. The subject is too dear. If a majority today were to stand and say: The right to trial by jury is important enough to delay the Defense authorization bill for 2 weeks, I think it would be an important message to send.

So today I stand and urge a "no" vote on what I consider to be a travesty of justice.

Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Senator from Kentucky is flat out wrong. There is no such language in the bill which denies the right to trial by jury. I think those are the same kinds of charges against last year's bill. We are trying to keep up with the false charges that the Senator makes, so we put language in this year's bill which says nothing in last year's bill does or could be implied to do any such thing as the Senator from Kentucky is charging. We have language in this year's bill and nothing from last year's bill. That was the same charge he made against last year's bill, shall be construed to deny the availability of the writ of habeas corpus or deny any constitutional rights in a court ordained or established under article III of the Constitution to any person inside the United States.

Then he makes a totally outlandish charge that they were outmaneuvered and they were sneakier than we were. Where does that come from? What is the basis for that kind of a charge against Senator McCain and me? We have put language in this bill which makes it absolutely clear that nothing we have adopted here in this Senate does anything like what the Senator from Kentucky said—denying the people the right to jury trial.

I totally reject his argument. He does not quote any language in this bill that does what he says this bill does. The Senator from Kentucky actually started his statement by saying this bill has language which will deny a trial by jury. What language and what page? It makes the allegation and sort of lets it sit there. Well, it is flat out wrong.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I want to congratulate the authors and managers of the bill in the House with coming up with a very good bill for our military which will have pay raises and trying to increase our defenses.

I don't mind saying that I think we are at war. I know the Presiding Officer believes that. How long does the war last? I don't know. I cannot tell anyone. Am I supposed to know that? Can we not fight it unless we know the date it ends? America, is it part of the battlefield? Tell me. Where do you think they want to hit us the most? What do you think al-Qaida would like to do more than anything else? They would like to come here and destroy the building I am speaking in. The only reason they cannot get here yet is because we are fighting them over there.

We are gathering good intelligence. We are taking the war home to them. Our intelligence agencies, our FBI, our military, our CIA are all over the world tracking these crazy people so they cannot get here. So to suggest that I cannot tell when the war ends, therefore we have to turn it into a crime, is dangerous and absurd.

Did they know when Germany, Berlin, or Tokyo was going to fall? What happened to the German saboteurs who landed in Long Island during World War II? They were captured by the FBI and turned over to the military. What happened to the American citizens who were helping the German saboteurs? They were held as enemy combatants.

To my good friend from Kentucky, I don't doubt his passion or sincerity; I doubt his judgment on these issues.

The Supreme Court has spoken three different times. Less than 6 or 7 years ago an American citizen was caught helping the Taliban in Afghanistan and they said we could hold one of our own as an enemy combatant until the hostilities cease, and that is a hard time to figure out.

Let's get this right. If an American citizen helping the Taliban in Afghanistan kills our soldiers, can be captured and held as an enemy combatant according to the Supreme Court, what kind of world would we live in if the al-Qaida collaborator American citizen attacked us here, trying to kill us in our own homeland, to say: That doesn't count. The American citizen is no longer at war because we are in America; we have to read them their rights and give them a lawyer and we can't hold them for military intelligence-gathering purposes.

My good friend doesn't understand that in fighting a war, the goal is to win the war; it is to defeat the enemy. In fighting a crime, the goal is designed to hold somebody accountable for an illegal wrong. I have been a mili-

tary lawyer for 30 years. He may not understand the law of war, but I do and the Supreme Court does. The Supreme Court has said in World War II and in this war, if an American citizen collaborates with the enemy, they will be given due process under the law of war. A Federal judge will hear the claim: I am wrongly held. I am not part of al-Qaida or the Taliban. That is the only time one could be held as an enemy combatant. In helping al-Qaida or the Taliban, one has to be involved in a plot or an act. If a Federal judge agrees with the government that, yes, in fact, there is evidence to suggest an American citizen is helping the Taliban or al-Qaida, I think most Americans would say it is reasonable to hold that person to find out what they know about this attack and future attacks.

Can my colleagues imagine what would happen in this country if three people were running up the Capitol steps to blow up the Capitol and one of them survived who was an American citizen and we couldn't hold them and question them by asking: Where did you train? Is there any other attack planned? What do you know? Whom did you work with? That we would have to say, within hours or a day or two, here is your lawyer and you have a right to remain silent? Can we imagine what would have happened in World War II if the American citizens who helped the Nazis—if we turned that into a common crime.

The difference between me and the Senator from Kentucky is that I believe with all my heart and soul that the al-Qaida, Taliban groups are at war with us and are trying to come to our homeland. I know they are trying to find American citizens who would help them, and they will. There has never been a war in America where somebody within the American citizen community did not collaborate with the enemy. That is happening today. When that day comes and we capture that person, I want as an option the ability to hold them as an enemy combatant, as we did in other wars. They will get their day in court, but they will not be read their rights or given a lawyer on the spot because that would stop intelligence gathering.

To the managers of this bill, to the men and women of the House who sent it over here, thank God they chose a balance between due process and common sense.

All I will say is that the way we found bin Laden was not through torture. I am offended by that, as are Senator MCCAIN and Senator LEVIN. The way we tracked down bin Laden is we had people held at Gitmo for years under the law of war. We don't try them or let them go. When we capture somebody on the battlefield, we don't hold a trial; we hold the prisoner to try to gather intelligence and keep them off the battlefield. Through that proc-

ess, over years, the Bush administration and the Obama administration put together the puzzle about bin Laden. It wasn't because of waterboarding; it was because this country had available to it the law of war detention that allows us to hold people and get to know them over time and make sure they could not go back to the fight and good questioning and good interrogation techniques led to finding bin Laden. What the Senator from Kentucky is saying is it would not be available to us as a nation if an American citizen were involved in attacking us on the homeland. What an absurd result, that if an American citizen joined al-Qaida to kill everybody in this room, for some unknown reason, we would turn that into a crime rather than an act of war.

If a person collaborates with al-Qaida or the Taliban, two things can happen to them: They can get killed or they can get captured. Most likely they will get a trial one day and nobody is restricting their trial rights. What Senator LEVIN said is true. There is nothing in here restricting the right of trial. What is in here is giving us the option to hold someone as an enemy combatant so we don't have to Mirandize them and turn an act of war into a crime.

I am afraid it will not be long before this is tested in reality. The enemy is afoot. They are trying to penetrate our homeland. They are seeking aid and comfort from Americans within our own country who are going to side with the enemy, unfortunately. When that day comes, I wish to make sure we have the ability in this war, as in every other war, to hold them and to gather intelligence—not to torture them but to make sure we are safe as a nation. Due process, yes. Under the law of war, it must be so. If we turn this war into a crime, we are going to regret it. If my colleagues don't believe we are at war, then I cannot disagree more. I cannot tell my colleagues when the war ends, but I will tell them how it ends. This is how it is going to end: We are going to win and they are going to lose because we can't afford to lose.

Between now and when that day comes, we are going to take the fight to them. If we find an American citizen helping the enemy overseas—this President ordered the killing by drone of al-Awlaki, an American citizen overseas—I believe it was Yemen—and the President said: I have ample evidence he is now assisting al-Qaida overseas to attack American targets and I am going to take him out. Well done, Mr. President. Well done, Mr. President.

If most of us agree we can kill an American citizen helping al-Qaida kill us overseas, we can't capture an American citizen helping al-Qaida here at home and hold him for questioning under the law of war, what an absurd result.

I not only am going to vote for this bill, I am going to celebrate the fact we have done nothing to stop the right to trial. As Senator LEVIN said, there is not one thing in this bill that restricts a person's right to a trial. What we do have in this bill is the recognition we are at war and we retain as an option that has not been used—there is no American citizen in detention—but there may be a need for that one day and we retain that right under this bill.

Mr. MCCAIN. Will the Senator yield for a question, briefly?

Mr. GRAHAM. Sure.

Mr. MCCAIN. Under the scenario as envisioned by the argument made by the Senator from Kentucky that if an American citizen is overseas, as al-Awlaki was in Yemen, and we took a drone and killed him, which was a decision made by the President of the United States—

Mr. GRAHAM. Good decision, Mr. President.

Mr. MCCAIN. But if al-Awlaki had been in the United States of America, a citizen engaged in the same activities that justified him being killed, then Mr. al-Awlaki would have been entitled to his Miranda rights, a trial by jury, habeas corpus, all that as if he were treated as an American citizen. I don't think many people would quite understand that distinction of geography.

Mr. GRAHAM. It makes no sense, I say to the Senator. He would be entitled to a habeas hearing if he were caught in the United States, but he would be held under the law of war because the allegation is not that he was committing a crime but that he was collaborating with the enemy.

So, yes, we could have a scenario, according to the view of the Senator from Kentucky, that we could kill somebody—an American citizen overseas helping the enemy kill our troops—but if they joined with al-Qaida here at home, all of a sudden we have to give them a lawyer and read them their rights and we can't hold them under the law of war detention to find out what they know about an impending attack. That makes absolutely no sense. The Supreme Court has rejected that kind of thinking.

I hope that day never comes, but I can tell my colleagues this: I don't know when the war is over, he is right about that, but I know this: As long as I am in the Senate, we are going to fight it and we are going to fight it as a war, not a crime.

Mr. MCCAIN. If the Senator will yield further, there is every indication in the Middle East and around the world that we see that al-Qaida is on the way back, far from being defeated.

I just wish to make an additional comment to my friend, Senator LEVIN, the chairman, whom I have had the honor of bringing these bills to the floor with and working together with

for 25 years. I was tempted to leave it unresponded to, but a statement the Senator from Kentucky made: They were sneakier than we were—I have to say to the chairman, I don't think the chairman has ever conducted our committee and our deliberations and our work on the floor and in conference in any way as being sneaky. I categorically reject that kind of comment, and I don't think it is worthy of the performance the Senator from Michigan has provided to this committee.

Mr. LEVIN. I very much thank my dear friend from Arizona.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Presiding Officer. The only one thing I will add to this subject before we vote—the Senator from Arkansas seeks to speak and we will run out of time soon—is that a provision which is in our bill, which both the ranking member and myself voted for, which was stricken, one of the arguments against it was made by the ACLU. Our friend from Kentucky talks about something in this bill which denies the right to jury trial and the proof he gives for that is something that is not in the bill, which is—it violates logic, to begin with, but putting that aside—one of the arguments against keeping it in the bill was made by the American Civil Liberties Union and surely they believe people's rights to trial and jury trial should not be denied.

So the allegations made by the Senator from Kentucky are wrong. There is absolutely no substantiation for them, including the one which was just referred to by Senator MCCAIN. But the statement he makes that there is language in this bill—here is the bill. Where is the Senator from Kentucky? What page of the bill is he referring to that contains the language he says denies people the right to trial? It is simply not there.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I will try to keep my remarks to about 5 minutes, although I would first like to thank Senators LEVIN and MCCAIN for their leadership on this legislation. They truly set the tone, and they have been good role models for the entire Senate on how legislation should be conducted. So I wish to thank both of them. I think many of my colleagues feel the very same way; that we appreciate how they have handled the national defense authorization bill. It has been a massive undertaking and sometimes, as we know, we have a lot of gridlock around here, but because of the way they have handled it, they have been able to get this bill to this point.

I am not going to object to this bill at all. At one point I thought about it because I am so upset—in fact, my staff

has even said livid, and I have been livid—about how one item has been handled by the Air Force; that is, as we all know, about 10 months ago the Air Force came out with a proposed force restructure and that included taking an A-10 unit away from the Arkansas National Guard that is based in Fort Smith, AR.

Understandably, when something such as that happens, we have questions. So, 10 months ago, I started asking: Why are you doing this? Give me your analysis. Tell me how much money you are going to save. Are you aware you have Fort Chaffee right off the end of the runway—and I will talk about this in just a minute. Are you aware that this just went through BRAC, that they had F-16s there and now they have A-10s, and the BRAC commission has gone through this process and they said this is the best place; we can have A-10s right here in Fort Smith, AR.

So we basically got stonewalled. They wouldn't tell us any of their analysis. They wouldn't tell us how much it is costing or saving. They basically stonewalled not just my office but the whole Congress, as far as I know. I have talked to people all over this place on the Senate side and the House side. They never got any numbers. Finally, just in the last few weeks, in talking to members of the Air Force who have stars on their shoulders, they have told me there was no business analysis. There was no base-by-base analysis. Basically, what this boils down to is we need to make some cuts and more or less your number came up, and they go back to the one flying mission per State. We can talk about that more if we want to.

But the problem is we are in a budget environment where we are having downward pressure on military spending, and we know that. We are going to have to make military cuts not just this year but in the outyears. There is no doubt about it. The U.S. Air Force should always count the cost. They should always make a determination on how much these things cost and how much they save. They did not do that here.

They should also know we are going to have a smaller force in the future. So as we wean out some units—and it is going to happen; it is going to be painful; people are not going to like it—you should keep the best units you have, the strongest units you have. And the 188th at Fort Smith, AR, is the best unit in the system. I say that objectively because there are numbers to back that up. It is the cheapest to operate. Even though it went through the transition from F-16s to A-10s just a few years ago, they have already deployed twice. They have deployed twice. One reason they got extended in a deployment was because another A-10 unit was not ready.



What this does is it puts those pilots—those men and women in uniform, who just got back from Afghanistan—who get off the plane, they are being hugged by their spouses and their children and their communities, and basically the Air Force is giving them a pink slip.

The ultimate slap in the face happened this week when the National Guard Bureau had the audacity to contact the 188th Flying Wing at Fort Smith and say: Hey, by the way, could you deploy one more time? There is another unit that is not ready. Can you deploy one more time? It is astonishing that the Air Force would do this.

We had a commission in there. The commission did not survive. I have talked about that with several of my colleagues who were on the conference. Even though this wing has had more nautical miles of military training than any other unit in the Air National Guard, even though it is closer in proximity to its flying range, its bombing range than any other unit—it is the best setup in all of North America to have the 188th where it is located at Fort Smith and at Fort Chaffee, which is basically the Army National Guard's national training center right there—they love to train with A-10s; we are talking about close air support vehicles here—I do not think the Air Force took that into consideration for 1 minute. I think they made an arbitrary decision here. I do not think it is in our national interests. I do not think it is in the interests of our national security. I am putting people on notice that this fight is not over. I understand about the down pressure. I get all that stuff. But this fight is not over. I am not going to object to this bill today. I am going to vote for its adoption.

Again, I want to thank the chairman and the ranking member for their great leadership.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Arkansas for his enormous contributions to the deliberations and work of our committee. I understand the frustration he feels, and we have promised, as Senator LEVIN and I have promised a number of Members on both sides of the Capitol, we will have extensive hearings on this whole issue of Guard-Air Force relationships and force structure for the 21st century. We appreciate his commitment to his outstanding members of the Guard.

Mr. President, I rise to support the fiscal year 2013 National Defense Authorization Act conference report. This will be the 51st consecutive year the Congress will pass legislation authorizing the budget of the Department of Defense and supporting our men and women in uniform.

I thank the members of the Armed Services Committee for their hard work, especially my colleague and friend, Senator CARL LEVIN. CARL and I have worked together for many years on this committee, the last 6 as chairman and ranking member. In that time, CARL has demonstrated a thoughtful approach to defense oversight and legislating. His genial disposition—which I believe complements my own temperament well—marks resolute support for a strong national defense and a tenacious will ensure that defense dollars are wisely spent. CARL, you are a trusted partner and a patriot.

This conference report is the product of 10 months of legislative effort, including 53 hearings on the full range of national security priorities. After marking up the President's defense budget request in May, the committee unanimously reported a bill to the Senate on June 4. Six months to the day later, the full Senate passed the bill 98 to 0. In a hopeful sign of the return of regular order to the Chamber, we passed the bill after 33 hours of debate and an open process that resulted in 397 amendments filed, of which 143 were included in the Senate-passed bill.

Our use of an open amendment process on the Senate floor demonstrated that when it comes to addressing national defense, the Senate can still work together in a bipartisan manner. However, before we engage in too much self-congratulation, we should ask ourselves why we are concluding the most important annual authorization bill 3 months after the fiscal year began, and why we have yet to enact a single appropriations bill for any Department or agency of government. The Congress has been caught in so many political impasses of late that we have effectively abrogated our responsibility to provide for the timely authorization and appropriation of Federal programs. The result is increased cost, decreased efficiency, and our willful enabling of dysfunction in government. We can and must do better.

The Defense authorization conference report before the Senate provides for the continued readiness of our Armed Forces and the well-being of servicemembers and their families. It authorizes pay and benefits, research and development, weapons procurement, and military construction projects, and contains provisions designed to improve acquisition and contracting. It also provides the resources, training, equipment, and authorities necessary for our military to continue supporting the Afghanistan National Security Forces as they assume increased responsibility throughout Afghanistan.

This conference report also contains tough sanctions aimed at curbing Iran's pursuit of a nuclear weapon. Iran continues its reckless ways in pursuit of a nuclear weapon. Just recently, the IAEA confirmed that Iran is expected

to double the number of centrifuges at its underground enrichment site to 1,400. One provision in this report, originally sponsored by Senators KIRK and MENENDEZ, designates Iran's energy, shipping, and ship-building sectors as entities of proliferation concern, subjecting many transactions with these entities to sanction. It would impose sanctions on persons supplying to Iran certain listed materials relevant to these sectors, to certain Iranian Specially Designated Nationals and Blocked Persons, or to be used in connection with certain Iranian military programs. Finally, it would designate the Iranian state broadcasting company as a human rights abuser for airing forced confessions and show trials; preventing other entities from doing business with it; and banning any travel to the United States.

This conference report also contains a provision that authorizes an increase of up to 1,000 marines for the Marine Corps Embassy Security Group. The tragic events in Benghazi on September 11 demonstrate that the security environment facing our diplomatic corps is as dangerous as ever. This provision will provide for the end-strength and resources necessary to support an increase in Marine Corps security at locations identified by the Secretary of State to be at risk of terrorist attack. Such an increase was also recommended by the Accountability Review Board—the independent panel convened by Secretary Clinton to investigate the events surrounding the Benghazi attack.

The murder of innocents continues in Syria, with over 40,000 people murdered by the Assad regime. This conference report contains a provision that requires the Chairman of the Joint Chiefs of Staff to submit a comprehensive report identifying the limited military activities that could deny or degrade the ability of the Assad regime to use air power against civilians and opposition groups. This provision explicitly notes that it neither authorizes the use of military force nor serves as a declaration of war against Syria.

In the area of military personnel, the conference report provides a 1.7-percent pay raise for servicemembers, and over 30 types of incentives aimed at strengthening enlistment and retention programs. It reinforces Department of Defense programs to prevent sexual assault and will improve the care and management of wounded warriors and those transitioning to civilian life after military service.

The report also recognizes that, in an era of fiscal austerity, the Department of Defense must reduce costs wherever possible, including force structure by, for example, approving nearly all of the fiscal year 2013 increment of the President's proposed reduction of 123,900 military personnel over the next 5 years. But it also requires a similar



reduction in civilian and contractor personnel over that same time period.

In addition, the report acknowledges a revised plan by the Air Force to reduce its force structure and retire or divest military aircraft in order to respond to defense budget cuts proposed by the administration. While my State of Arizona fared better than many States, the Air Force's plan includes a cost-saving proposal to convert the manning of an A-10 Warthog training squadron based at Davis-Monthan Air Force Base in Tucson from the active component to the Reserve, resulting in a decrease of approximately 130 personnel assigned to the base. I support the need for the military services to find ways to reduce costs and realize that we all will have to bear the burden of the impact of reduced defense spending.

Despite modest improvements in recent defense acquisitions, the Department has much work to do to improve its ability to identify and reduce waste. This conference report contains a number of provisions intended to improve oversight on defense contracting, including helping to detect and prevent human trafficking in government contracting. There are also provisions that would help ensure that the Department becomes fully auditable by 2017, as required under law, while improving procurement of the business systems it needs to become auditable. Other provisions help reform how the Federal Government conducts procurement during contingency operations and help ensure that certain whistleblowers who identify waste, fraud, and abuse are protected. The conference report also increases transparency into shipbuilding programs, including Ford Class aircraft carriers and Littoral Combat Ships.

Another important provision in this report addresses cybersecurity, by requiring consultation with Congress if a decision is made to establish U.S. Cyber Command as a unified command and that defense contractors notify the Department of Defense of any network intrusions.

Still another provision in the report requires that, following a decision by the President to reduce U.S. forces in Afghanistan, the Chairman of the Joint Chiefs of Staff submit to Congress his assessment of the risk of that force reduction to our mission and security interests.

This report also requires the Secretary of Defense to submit to Congress a report on the investment plan and resources needed to carry out the U.S. strategy in Asia. I remain uncertain that the Department's plan for the realignment of U.S. military forces in the Asia Pacific Region is adequately supported by budgets and resources in future years. The Center for Strategic and International Studies released a report in August 2012 that raised con-

cerns about whether the plans and strategy proposed by the Department earlier this year are adequately supported by budgets and resources in future years.

Another provision helps protect the Navy's rich tradition of vessel naming. The name the Navy selects for a vessel should not be tarnished in any way by controversy. Unfortunately, controversy has surrounded some of the Navy's recent vessel-naming choices. This bill, therefore, sets forth appropriate and necessary standards, grounded in historical practice, to guide the Secretary of the Navy's decisions on future vessel naming, and requires that the Secretary seek the approval of the congressional defense committees before announcing or assigning a vessel's name.

A particularly important provision gives priority to the Forest Service and Coast Guard to acquire surplus Air Force aircraft, allowing the Forest Service to strengthen its fire suppression capability.

This conference report also directs the Secretary of Defense to designate assignment of military officers as instructors on the faculty of West Point, the Naval Academy or the Air Force Academy as the equivalent of a joint duty assignment to satisfy joint duty requirements.

Finally, this report extends for another year important prohibitions and restrictions on the transfer and release of military detainees from Guantanamo, and the construction or modification of facilities in the U.S. to house them. It also establishes congressional notification requirements for military detainees held on naval vessels and for the release of third-country nationals held in military detention in Afghanistan. In addition, it clearly affirms that nothing in last year's defense authorization bill or the 2001 Authorization for Use of Military Force restricts or denies a person's existing habeas corpus rights or any other constitutional right.

As we look forward to Christmas, I remind my fellow Members to remember the beneficiaries of this legislation—the men and women of our Armed Forces, who serve our Nation bravely and selflessly. Passing this conference report is the very least we can do for so many who are willing to give all they have to defend our Nation.

I urge my colleagues to vote in favor of the conference report of the Fiscal Year 2013 National Defense Authorization Act.

Finally, I would like to thank the "small but mighty" Senate Armed Services Committee Republican staff, who have worked tirelessly and effectively in support of me and our members. These loyal staff members, many of whom have served on the committee staff for many years, deserve our sin-

cere appreciation for their dedication to national security. They are Adam Barker, Pablo Carrillo, Chris Brose, Lauren Davis, Church Hutton, Daniel Lerner, Greg Lilly, Elizabeth Lopez, Lucian Niemeyer, Bryan Parker, Ann Elise Sauer, and Diana Tabler.

Mr. President, again, with great reluctance, I thank our staff who have done such a wonderful job. They really have done great. As I say, I am very reluctant to admit it, but we could not have gotten here without their hard work on both sides of the aisle.

#### ALTERNATIVE FUELS

Mrs. MURRAY. Mr. President, I ask to be recognized for the purposes of a colloquy.

Mrs. MURRAY. Senator LEVIN and Senator HAGAN are here today to talk about the National Defense Authorization Act, which authorizes funds for our troops. This is an important piece of legislation and I have always supported making sure that our military has the equipment, resources and effective policies it needs to perform its missions.

Mr. President, during floor consideration of the defense authorization bill, the Senate took two important votes regarding alternative fuels, signifying that we stood with our military leaders. We eliminated two provisions that would have severely limited the Department of Defense's ability to invest in alternative fuels.

Both votes were bipartisan, and my friend and colleague Senator HAGAN sponsored one of those amendments. I commend Senator HAGAN's leadership and her hard work on this issue.

Mrs. HAGAN. I thank Senator MURRAY. I was proud to stand with my colleagues on both sides of the aisle to support efforts across the federal government that will help provide our military with the strategic advantages it needs to remain atop the world's powers.

A critical component to achieving this goal is to ensure that the Department of Defense is not solely dependent on one fuel source.

Mr. President, the Department of Defense is committed to addressing this critical national security risk, and is taking a joint approach to do so. In August 2011, the Secretaries of the Departments of Agriculture, Energy, and Navy signed a memorandum of understanding to invest \$170 million each to spur the production of advanced aviation and marine biofuels under the Defense Production Act.

This joint MOU also requires substantial investment from the private sector, with at least a 1-to-1 match.

Our senior military leaders understand that programs such as this MOU are critical to national security. In July, the Secretary of the Navy, the Chief of Naval Operations, and the Marine Corps Commandant expressed their concern to Chairman LEVIN:

"The demand for fuel in theater means we depend on vulnerable supply lines, the protection of which puts lives at risk. Our potential adversaries both on land and at sea understand this critical vulnerability and seek to exploit it."

Given the importance of this MOU to our national security, I was disappointed when an amendment was adopted by one vote during the Senate Armed Services Committee mark-up that would prevent the Navy from participating further in the MOU. When the bill was considered on the Senate floor, I, along with a group of my colleagues, offered an amendment to strike this provision.

Mr. President, I was pleased when my amendment passed in a bipartisan manner with 54 votes. I believe it sent an important message to conferees.

However, I was very disappointed to see that although the conference report does not prohibit further involvement in the MOU by DOD, it does restrict the Department's participation in construction of alternative fuel refineries until the other agencies contribute matching funds.

However, I have been assured by Chairman LEVIN that the conference committee intends for this restriction to only apply to fiscal year 2013 funds. It would not constrain fiscal year 2012 funds in any way. I ask Chairman LEVIN, is that correct?

Mr. LEVIN. Yes, that is correct. The language does not apply to fiscal year 2012 funds. We should all expect the agencies involved to adhere to the framework set forth in last year's memorandum of understanding.

Mrs. HAGAN. I thank Chairman LEVIN. I appreciate his continued support on this issue. Ensuring that our military leaders have the flexibility they need to invest in alternative fuels is important to our national security. I look forward to continuing to work with the Chairman on this important issue.

Mr. DURBIN. Mr. President, I appreciate the hard work of the chairman, Senator LEVIN, and the ranking member, Senator MCCAIN, on the fiscal year 2013 National Defense Authorization Act conference agreement this whole year.

They have crafted reasonable, responsible compromises in many areas of defense policy. I appreciate that the conferees were able to begin rebalancing our force even as we continue to wind down our presence in Afghanistan.

The men and women in uniform, as well as their families, appreciate that even in this tough fiscal environment the bill would authorize a 1.7 percent across-the-board pay raise.

I also want to acknowledge that Conferees retained my amendment implementing visa bans and asset freezes against those supporting the M23 rebels in Congo.

But there are also several deeply troubling provisions that I must point

out. The first issue goes to fundamental questions about basic constitutional protections. Last year I voted against the Defense Authorization bill because the bill included several troubling provisions relating to the treatment and custody of detainees. These provisions make it harder for the government to fight terrorism and are inconsistent with America's commitment to our Constitution and fundamental human rights.

This legislation—for the first time in American history—requires the military to take custody of detainees in the United States.

FBI Director Robert Mueller strongly objected to this military custody requirement. In a letter to the Senate last year, Director Mueller said the bill would, quote, "inhibit our ability to convince covered arrestees to cooperate immediately, and provide critical intelligence."

Director Mueller concluded that this provision "introduces a substantial element of uncertainty as to what procedures are to be followed in the course of a terrorism investigation in the United States."

Last year's bill also included a provision that could be interpreted to authorize the indefinite detention—without charge or trial—of American citizens in the United States.

And the bill included restrictions that would make it virtually impossible to close the Guantanamo Bay detention center, which our most senior defense and intelligence officials have told us is a recruitment tool for Al Qaeda.

I was hopeful that this year the Defense Authorization bill would undo some of the damage done by last year's bill. Unfortunately, that is not the case.

I am troubled that the conference report does not include the Feinstein-Paul amendment, which passed the Senate by a strong bipartisan vote of 67-29.

This amendment would have prohibited the indefinite detention of American citizens and lawful permanent residents apprehended in the U.S. unless this detention is expressly authorized by Congress.

This amendment would have made it clear that last year's Defense Authorization bill—as well as the authorization to use military force that Congress passed after the 9/11 terrorist attacks—did not authorize indefinite detention of Americans in the United States.

This is a commonsense amendment that is consistent with our Constitution and fundamental human rights. Indeed, the Fifth Amendment of the Constitution provides simply that "no person shall be deprived of life, liberty, or property without due process of law."

But the conference report struck the Feinstein-Paul amendment. Instead,

the conference report includes a provision stating that the use of force authorization and last year's Defense Authorization bill should not be construed to deny the right to challenge their detention in court—the legal term is habeas corpus—to individuals detained in the U.S. who would otherwise have this right.

This provision is essentially meaningless. The Supreme Court has already held that anyone in the custody of our government has the right to habeas corpus.

This provision would not prohibit long-term detention of American citizens without trial. Without the Feinstein-Paul amendment, it remains unclear whether indefinite detention is permitted.

I also continue to oppose provisions in the conference report that limit the administration's ability to close the Guantanamo Bay detention facility.

Like last year's Defense Authorization bill, this legislation provides that no detainee held at Guantanamo Bay can be transferred to the United States, even for the purpose of holding him for the rest of his life in a federal super-maximum security facility.

And like last year's bill, this legislation provides that the government may not construct or modify any facility in the United States for the purpose of holding a Guantanamo Bay detainee.

The Obama administration has threatened to veto the conference report because of these provisions. Here is what the administration says: "Since these restrictions have been on the books, they have limited the Executive's ability to manage military operations in an ongoing armed conflict, harmed the country's diplomatic relations with allies and counterterrorism partners, and provided no benefit whatsoever to our national security."

I agree. I continue to believe that closing Guantanamo is an important national security priority for our Nation.

And I am joined by many national security and military leaders, who say that closing Guantanamo will make us safer. Among them: General Colin Powell, the former Chairman of the Joint Chiefs of Staff and Secretary of State; Former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice; Former Defense Secretary Robert Gates; Admiral Mike Mullen, former Chairman of the Joint Chiefs of Staff; and dozens of other retired admirals and generals.

Retired Admiral Don Guter was the Navy Judge Advocate General at the Pentagon on 9/11. Listen to what he said just a few weeks ago: "I want justice. But Guantanamo has not provided that justice and has not made us safer. . . . Guantanamo remains a recruiting tool for terrorists and will remain so until that prison is shuttered."

I also received a letter from dozens of human rights and religious organizations pointing out that many people

around the world view Guantanamo as a symbol of America's retreat from our traditional role as a human-rights champion.

These detainee provisions are not just bad human rights and national security policy. They are completely unnecessary. Look at the track record. Since 9/11, our counterterrorism professionals have prevented another terrorist attack in the United States.

And more than 400 terrorists have successfully been prosecuted and convicted in federal court and are now being safely held in federal prisons. A few of the terrorists who have been convicted in federal court and are serving long prison sentences: Umar Faruk Abdulmutallab, the Underwear Bomber; Ramzi Yousef, the mastermind of the 1993 WTC bombing; Omar Abdel Rahman, the so-called Blind Sheikh; 20th hijacker Zacarias Moussaoui; and Richard Reid, the Shoe Bomber.

Unfortunately, the provisions in this conference report limit the flexibility of the administration to respond to terrorism in the most effective way. And they do so in a way that calls into question our commitment to our Constitution and human rights.

I am also concerned with the message this conference report sends to the millions of Americans who feel strongly that our gun laws need to be reformed after the mass murder in Newtown, CT.

Over the last few years, Congress has considered and passed a steady stream of legislation that has weakened the gun laws on the books.

For example, Congress passed a law to end the Reagan-era ban on loaded guns in National Parks; passed a law to require Amtrak to allow guns to be transported on their trains even though Amtrak determined after 9/11 that this was too risky; and passed a number of appropriations riders that made it harder for law enforcement agencies to enforce gun laws. I opposed these efforts, but they became law.

Things need to be different now. The growing toll of daily shootings in communities across the nation and the murder of twenty children at Sandy Hook Elementary School have caused Americans to say enough with the constant efforts to roll back gun laws.

It's time for a new conversation on how to best protect America's children from gun violence. That conversation is now underway with the Vice President's task force.

Unfortunately, this conference report contains a provision that yet again weakens gun laws currently on the books. It grants Federal concealed carry privileges to thousands of individuals even though the laws of my State and other States may not permit these individuals to carry concealed weapons.

While this provision was added before the Newtown tragedy, and while there may be legitimate reasons behind it, I

am troubled that this is the first gun-related legislation that Congress will pass after the Newtown shooting.

I would much prefer that Congress's first response to Newtown be a more balanced approach that reflects the recommendations of the Vice President's task force. Congress should not continue voting to weaken gun laws while the Vice President's task force is doing its work.

There is another issue in this conference agreement that is very troubling, and that concerns the Navy's energy requirements for the future. The Department of Defense is an enormous consumer of energy, especially fuel for the Navy's global fleet. Every time the price of a barrel of oil increases by \$1, the Navy's total fuel costs increase by \$31 million.

For our men and women in uniform, energy policy is about security and budgets. That's why Secretary of the Navy Ray Mabus is focused on shifting Navy's energy consumption to fifty percent renewable fuels by 2020.

But the Defense Department's goal is compromised with this conference report.

We voted here in the Senate, on an amendment I was proud to co-sponsor, to ensure that the military has all the tools it needs to invest in technologies that will reduce fuel costs and enhance strategic capabilities.

I was glad to see that the conference committee preserved the Navy's full ability to buy biofuels in the future. But then the conferees adopted provisions that undermine that goal.

One provision will effectively end a joint project between the Department of Defense, the Department of Energy, and the Department of Agriculture to build a refinery for biofuels.

It is unfortunate that this language was included in the conference report because this provision was not originally included in the House- or Senate-passed versions of the bill.

In fact, Senator HAGAN sponsored an amendment, which I co-sponsored, that specifically removed a similar provision from the bill. Senator HAGAN's amendment was adopted on the Senate floor by a vote of 54 to 41.

And as the House-passed defense bill also supported the joint project, it was surprising to see that the conference committee added a new provision to severely limit the biofuels partnership.

This new provision is in direct opposition to the bills supported by a majority of Members in both chambers and I am disappointed to see that the conference committee went against the wishes of the Senate and included it.

Finally, I must also mention the bill's impact on my home state of Illinois on a particular issue. I appreciate Chairman LEVIN and Ranking Member MCCAIN working with the Illinois and Iowa delegation on a bipartisan basis to require an Army plan to sustain

Rock Island Arsenal, and all the other aspects of our nation's organic industrial base. Prior Army planning had not included long-term workload plans to sustain the arsenals. I look forward to working with the Committee and the Army as this is implemented next year.

This development notwithstanding, I am concerned about a provision in the bill retained in conference that could require arbitrary cuts to the civilian workforce not supported by the Department's strategy. I co-sponsored Senator CARDIN's amendment to repeal this provision, which unfortunately did not pass on the Senate floor. The House version contained no similar provision and conferees kept much of the original language. I will continue to work with the Defense Department and the Committee to ensure that the flexibility in this provision is used to ensure strategy-driven planning for the civilian workforce.

As I stated up front, the conference report makes a number of critical, responsible decisions that provide our men and women in uniform with the resources and policy authorities they need to provide for our common defense.

Nonetheless, its fundamental weaknesses in detainee policy and other areas mean that I am regretfully unable to support passage of the conference report.

Mr. LEAHY. On November 28, 2012, the Senate overwhelmingly passed my legislation, the Dale Long Public Safety Officers Benefits Improvement Act of 2012 as an amendment to the bill the Senate will likely pass today, the National Defense Authorization Act for Fiscal Year 2013.

At that time, by a margin of 85 to 11, the Senate sent a strong message of support to the men and women across America who serve their fellow citizens as public safety officers. The Senate made clear that this important policy, in place since 1976, is worthy of our continued attention and our efforts to make it better for those it is intended to benefit. I thank the 85 Senators who voted in favor of my amendment on November 28, and for standing with first responders across the United States.

As the Senate gives its consideration to final approval of the National Defense Authorization Act, I want to take a few moments to discuss what my amendment contains, and the intent behind the various provisions within it. Before I do, however, in light of the terrible tragedy in Newtown, CT that occurred on December 14, let me take a moment to recognize the first responders of Newtown and all who answered the call on that terrible day. In the midst of such incredible sadness, let us recognize the men and women who answered that call, who put the well-being of schoolchildren, teachers, and

staff ahead of their own safety and entered that school to face the unknown and do whatever they could to help. And let us recognize those who stood bravely to render medical aid and give comfort to others amidst unspeakable violence and sorrow.

In recent days, a quote by the late children's educator and minister Fred Rogers has been shared widely among Americans searching for some light within the darkness of what occurred in Newtown. In the quotation, he recalls how in the face of something frightening, his mother used to tell him, "Look for the helpers. You will always find people who are helping". He said then that he was comforted "by realizing that there are still so many helpers—so many caring people in the world." His words exemplify our nation's first responders. I know that this tragedy affects them just as deeply as it affects all of us and in some ways that are difficult for us to fully understand. But the dedication and bravery of these men and women is something that I want to acknowledge and commend. It is their determination and the actions of first responders across the country every day that serve as the foundation and inspiration for the Federal policy we strengthen for them today.

The centerpiece of my amendment to the National Defense Authorization Act is a measure to fill a gap in the Public Safety Officers Benefits, PSOB, law, which was exposed following the tragic death of a decorated emergency medical technician who served the community of Bennington, VT. Dale Long was killed in the line of duty in a traffic accident while responding to an emergency call. When his surviving family members looked in to filing a claim with the PSOB office at the Justice Department, they learned that a technicality made it impossible for the PSOB office to review Dale Long's claim.

Under the PSOB law, in order for an emergency medical technician serving the public to be covered, he or she must be part of a public agency, as defined in the law. In Vermont, and elsewhere in the United States, particularly in rural areas, there are ambulance companies that do not have a formalized relationship with a state or municipal government, and therefore are not considered a public agency under the law. This technicality meant that Dale Long, and others like him across the country who serve their communities as part of a private, non-profit rescue company, subject to the same risks and stresses, did not have the security of coverage under the PSOB program. Dale Long's tragedy exposed this gap, and I introduced legislation to fix it.

Mr. Long worked for the Bennington Rescue Squad, a private, non-profit entity serving Bennington, VT. The

Bennington Rescue Squad has been serving the people of Bennington, VT since 1963, and provides paramedic 911 services to that community. It is an integral part of the public safety infrastructure of Bennington, Vermont. Similarly situated men and women who serve others as a part of private, non-profit rescue squads should be placed in the same position that all other EMTs, firefighters, and police officers are relative to the PSOB program. Today, after nearly three years of work in Congress, and through the tireless advocacy of so many in the public safety community like the American Ambulance Association, the Fraternal Order of Police, the International Association of Firefighters, and many others, I expect that this measure will be enacted. This is their law.

The other provisions in this legislation were developed around the provision I drafted to support Dale Long's survivors and all who may find themselves in similar circumstances. In cooperation with House Judiciary Chairman LAMAR SMITH, I assembled a host of other measures to make the PSOB program more equitable, and more efficient for the families of our fallen first responders and those first responders who have been permanently disabled in the line of duty.

Before describing those measures, and the intent behind them, it is important to consider the overarching intent behind the original enactment of the PSOB law. In 1976, Congress enacted the Public Safety Officers Benefits Act in order to accomplish several policy goals. First, Congress sought to provide uniformity to a disparate system for first responder benefits across the country and to ensure that irrespective of the benefits provided in a state, all first responders, regardless of where they lived, would benefit from meaningful assistance. In doing so, Congress also intended to ensure that the Federal PSOB benefit was to be provided in addition to any other death or disability benefits that may be provided by a state. This policy was affirmed by the Supreme Court in the 1986 case of *Rose v. Arkansas State Police*. There, in affirming Congress' intent to protect the Federal benefit from reduction by the provision of a state benefit, the Court identified that Congress wished to address the inadequacy of death benefits paid to first responders in some states.

At the time of the original law's enactment, Congress also believed and intended that a uniform Federal benefit, irrespective of and immune from reduction by any state benefit, would encourage recruitment and retention of qualified public safety officers. The United States Court of Federal Claims, in upholding the award of a PSOB benefit that had been wrongly denied, wrote in *Demutiis v. United States*:

"Recognizing the extraordinary risks incurred by officers in serving the public, Congress provided for these death benefits not only as a matter of equity, but also to promote the recruitment and retention of safety officers as part of the national fight against crime." This incentive, central to congressional policy, is only meaningful and effective when the process for providing these benefits is efficient and free from unnecessary delay or dispute.

Congress sought with the law to recognize the very real risks that public safety officers face on a daily basis—whether fighting a fire, apprehending a criminal, or providing lifesaving medical assistance during an emergency situation.

The House Judiciary Committee, in its report at the time of PSOB's original enactment, noted that there was a moral component to this program as well. Then, the House Judiciary Committee characterized the original Act as Congress' "recognition of society's moral obligation to compensate the families of those individuals who daily risk their lives to preserve peace and to protect our lives and property." I agreed then, and I believe now as strongly as ever that supporting our first responders is the right thing to do.

The passage of this amendment to the National Defense Authorization Act for Fiscal Year 2013 will add efficiencies to claims processing and expand benefits available under the program, and will further and reaffirm Congress' original intent.

This legislation, which the House of Representatives has approved, and which the Senate now considers, makes several important changes to the broader PSOB law, including the Hometown Heroes law, which I was proud to author in 2003. I will take a moment now to discuss those provisions.

The hometown heroes law makes first responders who have died as the result of a heart attack or stroke in the line of duty, or within a discrete time period following the period while the first responder was on duty, eligible for a death or disability benefit under the PSOB law. The amendment we consider strengthens this law. It does so by adding to the list of qualifying health incidents "vascular rupture," thus broadening coverage under the hometown heroes law. Under current law, in order to be eligible for a benefit, an officer must have suffered a heart attack or stroke. There are, unfortunately, cases on hold within the PSOB office that are not being processed due to the presence of a vascular rupture, which is nevertheless a health event consistent with the type of stressful activity associated with the work that first responders do every day.

The hometown heroes statute recognizes those situations where an officer

engages in “nonroutine, stressful or strenuous physical” activity. This definition and its implementing regulations have been the source of concern for many in the first responder community. “Nonroutine, stressful or strenuous” activity is defined in the law to exclude “actions of a clerical, administrative, or nonmanual nature.” Thus the law contains a very limited universe of activities that are expressly excluded from the hometown heroes definition or what type of activity is covered. As author of the hometown heroes law, it was my intent to make sure that those first responders, who suffer a catastrophic health event while on duty or shortly following a period of duty, were covered. No one should doubt the stresses encountered every day by our first responders. If we know one thing about the work that our first responders do, it is that it is unpredictable and is very difficult to characterize as routine. Congress intended that the language delineating the type of activity that would give rise to hometown heroes claim be construed broadly and the addition of “vascular rupture” to the list of qualifying health events underscores that intent.

In 2007, the Senate Judiciary Committee held a hearing to examine the Department of Justice implementation of the hometown heroes law. This hearing followed many calls from the first responder community to provide oversight on its implementation. I believe this hearing helped to move the needed regulations along, and served to remind relevant officials that this undertaking and policy was important to the legislative branch. It served to reaffirm that at bottom Congress was seeking with this law to benefit first responders and that ambiguities should be resolved in favor of the claimant consistent with the overarching congressional policy.

Congress did not intend for lawyers at the Department of Justice to argue with claimants over the meaning of “nonroutine, stressful or strenuous physical” activity. Anyone who has served as a public safety officer knows that there is nothing “routine” about the work. From responding to an emergency scene to render assistance, performing a traffic stop that can go very wrong in an instant, maintaining custody of inmates, or engaging in a training or fitness exercise, “nonroutine, stressful or strenuous physical” activities are expressed clearly in the statute, and Congress understood, and intended, that the vast majority of line-of-duty work in which first responders engage is “nonroutine, stressful or strenuous physical” activity. As the statute makes abundantly clear, with its limited exceptions, activities that would be considered routine, and not stressful or strenuous physical activity, consist generally of clerical or ad-

ministrative activities. Indeed, given the Hometown Heroes statutory presumption, which directs PSOB fact finders to presume that a heart attack, stroke, or vascular rupture is an injury sustained in the line of duty for purposes of a PSOB benefit, Congress made the judgment and intends for such claims to be weighted heavily in favor of providing the benefit.

Under the law, the presumption in favor of the benefit may only be overcome when PSOB fact finders are presented with evidence that factors other than duty-related activities led to a stroke, heart attack, or vascular rupture. The legislation we consider today refines the existing statutory standard to emphasize that the “mere presence” of cardiovascular risk factors in a fallen first responder is not enough to overcome this presumption. That is, simply because a public safety officer who suffers a heart attack, stroke, or vascular rupture may have had present risk factors or other indicators of the presence of cardiovascular disease, that is not enough to overcome the strong presumption in favor of eligibility. Nothing in this legislation or the refinement to the Hometown Heroes law should be construed as a departure from this presumption. Indeed, the intent of this provision is to clarify that the burden to overcome the presumption is a heavy one. As Congress recognized in 2003 with the enactment of the hometown heroes law and its statutory presumption, serving as a first responder presents physical and psychological challenges unlike any other occupation in civil society.

In order to expedite claims processing for first responders and to reduce administrative costs within the PSOB office, the legislation we consider contains a measure to include a “medical or claims examiner” within the definition of hearing examiner. If enacted, this measure, one resource for the fact finder, is to be used carefully and limited to those instances where the fact finder determines that a “medical [or claims] examiner” within a medical specialty or subspecialty may provide in-person examinations or record reviews to gain greater insight regarding a claim. In turn, that examiner will submit a report to the fact finder for consideration. Nothing in this measure, or the House Report’s analysis of the companion bill H.R. 4018, should be construed to remove the discretion of the fact finder. The fact finder must weigh the totality of the evidence, including reports of independent treating physicians whose experience and expertise regarding an officer’s medical history and current condition are invaluable for a greater understanding of the case.

The legislation further amends the PSOB statute to clarify and restate existing practice and procedure that PSOB payments shall be made “only

upon determination by the Bureau that the facts legally warrant payments.” Without question the Bureau has the duty to responsibly administer the PSOB program according to the law and regulations. Concurrent with this duty is the Bureau’s responsibility to survivors: the Bureau must use its best and appropriate efforts to ensure that, where the facts warrant payment, claimants shall receive the benefit.

This means nothing more than that it is the PSOB office, the Bureau of Justice Assistance, as the entity responsible for administering PSOB claims, which is charged to make determinations on claims. This does not approve or compel PSOB fact finders to abdicate to legal counsel their responsibilities to decide claims. The claims process itself in most instances should be sufficient for PSOB fact finders to make the determination required, on the facts presented, under the law. This provision is not an invitation in any way, absent evidence of fraud, to subject claims to unnecessary, protracted legal or medical review. Nor should this provision be construed to alter the well-established standard of review applicable to the claims process, that where the facts of a case “more likely than not” warrant payment of a claim, the benefit should be approved. This is a crucial aspect of the administration of the PSOB benefit. And I would take a moment to respectfully disagree with language contained in the House Judiciary Committee’s report on the legislation we pass today. Language in the House Report to accompany H.R. 4018, which appears to require the Department of Justice “to objectively test or verify each material factual assertion made and obtain relevant information beyond what claimants may provide” in order to discharge its legal duty, is inconsistent with the intent of the PSOB law. I would note my strong disagreement with this language, which fails to appreciate Congress’ original intent in enacting this law and should therefore be rejected.

When Congress enacted this law in 1976, it did not intend then, and does not today, that this benefit program be an adversarial proceeding for the families of fallen public safety officers or those public safety officers who have suffered a career-ending disability in the line of duty. While the PSOB program has been amended many times over the years to expand coverage to survivors and the public safety community, in too many ways the program has become administratively more complex and cumbersome for families to receive the benefits due them. The hearing record for the Senate Judiciary Committee’s examination of this program on October 4, 2007 is replete with testimony concerning the frustrations and unnecessary challenges too many surviving families have faced. Should it be enacted, the legislation we consider today and this statement reaffirm

the original purpose of the PSOB law which, in its simplicity and true to Congress' intent, clearly directed that in any case in which the Bureau of Justice Assistance determines that a public safety officer has died of a personal injury in the line of duty, the Bureau shall pay a benefit.

Federal officials, who administer the PSOB program, like all Federal officials involved with providing financial assistance, are under both an ethical and a legal duty to administer PSOB benefits in a manner consistent with the controlling law and regulations. Nothing in this legislation subjects Federal or contract employees determining PSOB claims to any greater liability or penalties than are currently applicable to other government employees. As Chairman of the Senate Judiciary Committee, with oversight responsibilities over the Department of Justice, I have confidence that the men and women of the Justice Department who administer PSOB claims execute their responsibilities with the highest level of integrity, and will continue to do so in the future with the discretion that the law provides. Justice Department officials should be confident that the good work that they do relative to this program, even where the process of review may question their judgment or conclusions, is subject to a law that gives them the freedom to exercise their discretion fairly and impartially. The operative standard for claims evaluation under the PSOB law is one of "more likely than not", and this standard by its terms allows ample room for PSOB fact finders to exercise broad discretion. Indeed, it is worth recognizing that the courts have reversed the denial of PSOB benefits on at least eight occasions. I am aware of no instance, however, where the approval of a PSOB benefit was overturned or determined to have been in error.

Let me conclude with a few general points about this important program. Congress enacted this law in 1976 because it recognized then, as we do now, that the welfare of America's public safety officers, and their families, is worthy of our support. Congress has acted over the last 36 years on several occasions to expand the law. The PSOB program was designed with that overarching principle in mind, and the Department of Justice, in administering the program, must make every effort to ensure that the families of fallen officers and those disabled are provided with the benefit to which they are entitled under the law in an efficient manner.

As the Department of Justice moves forward to implement the improvements that Congress considers today, I look forward to working with officials within the Department's Office of Justice Programs as they carry out their work. And I look forward to seeing these measures put into practice swift-

ly and with the best interests in mind of the men and women across the country who serve all of us every day.

#### AIR FORCE STRUCTURE

Mr. CASEY. Mr. President, I rise to discuss the National Defense Authorization bill and how it will impact the structure of the Air Force moving forward.

Of particular concern to me and my constituents is the Pittsburgh Air Reserve Station, home of the 911th Airlift Wing located outside Pittsburgh. In its FY13 request, the Air Force proposed the retirement of the installation's C-130 fleet and, by connection, the closure of 911th. I have worked closely with the Pennsylvania delegation to fight against this proposed closure and I would in particular like to thank Senator TOOMEY and Congressmen MURPHY, DOYLE and CRITZ for all of their work on this critical issue.

We all fought so hard against this proposed closure because we believe that the Air Force proposal did not reflect a thorough analysis of the merits of the 911th Airlift Wing, nor its associated cost savings. In its FY13 Force Structure proposal, the Air Force did not provide any analysis on how the closure of the 911th would impact the local community. The lack of transparency associated with the Air Force's initial proposal and infrastructure changes around the country is extremely troubling. This is why I supported the freeze and the establishment of the National Commission on the Structure of the Air Force as mandated by the FY13 NDAA reported out of the Senate Armed Services Committee.

The 911th is a very efficient and cost effective unit installation that is truly part of the proudly patriotic community in the Pittsburgh area. Its aircraft maintenance program has resulted in an increase of aircraft availability days while saving the Pentagon more than \$42 million over the last five years. Additionally, the Pentagon pays only \$20,000 to lease more than 100 acres for the Wing, which is a small sum when compared to the parallel costs at other bases and installations. Finally and perhaps most importantly, an incredibly skilled and experienced workforce is employed at the 911th installation, a significant and irreplaceable resource for the Air Force. It would be a terrible waste of taxpayer dollars if this installation were to close at this critical time.

I am disappointed in the conferees for removing language that we voted on here in the Senate which would have frozen any infrastructure changes within the Air Force in FY13. I think that this decision was misguided and wrong.

But I understand that the bill also requires the Air Force to maintain an additional combination of 32 C-130s and

C-27s. I strongly believe that the 911th is a prime candidate for a new mission that is commensurate with the decades long experience of its workforce and support from the community. On its merits and in the interests of the taxpayer, a sustainable mission should be instituted at the 911th. I think we are in a very strong position to make that case and I look forward to working closely with the Air Force to protect this critical installation.

It is in our National interests that our best citizens are able to continue serving their country. In Pittsburgh, some of these citizens have served our country proudly for generations. We should do all we can to support this tradition of service because it makes economic sense and is in our best national security interests.

Mrs. FEINSTEIN. Mr. President, I rise to address the conference report for the National Defense Authorization Act for Fiscal Year 2013 which we will vote on later today.

I will vote yes on this bill as I did on last year's bill even though nothing in it effectively addresses indefinite military detention, which 67 Members of this body are now on record opposing.

My colleagues will recall that I introduced, with a large bipartisan group of cosponsors, an amendment that provided that U.S. citizens and lawful permanent residents who are apprehended on U.S. soil cannot be detained indefinitely, without charge or trial. The Senate passed this amendment by an overwhelming bipartisan vote, 67 to 29. I am saddened and disappointed that this detention amendment was dropped in conference. I don't understand why we could not ensure that, at the very least, American citizens and green card holders cannot be held indefinitely without charge or trial. As I have said over the past few days, to me this is a no-brainer and is a real missed opportunity.

The main reason I support this bill is because it authorizes \$640.7 billion for fiscal year 2013 for the Department of Defense.

This funding ensures our troops deployed around the world—especially those in Afghanistan—have the equipment, resources, and training they need to defend this Nation. For example, the Defense bill fully funds the President's budget request of \$5.7 billion to build the capacity of the Afghan National Security Forces so those forces can take over for U.S. forces and take the security lead throughout Afghanistan by 2014.

The Defense authorization bill will also provide the resources necessary to support our defense strategies and allow our military to modernize equipment worn out after 11 years of war in the difficult battlefield environments of Afghanistan and Iraq.

Such resources include investments in our Global Hawk unmanned aircraft,

which provide critical intelligence, surveillance and reconnaissance information. These aircraft have also provided crucial support for disaster response efforts, including for rescue workers in the wake of the earthquake, tsunami, and nuclear disaster in Japan.

To increase diplomatic security around the world and so that we learn from the mistakes that took the lives of four Americans in Benghazi, this bill requires the Secretary of Defense to develop a plan to increase—by up to 1,000—the number of marines in the Marine Corps security guard program to be able to deploy them to troubled facilities to protect our personnel abroad.

As I mentioned, the Senate overwhelmingly passed, on a 67 to 29 vote, the amendment to ban the indefinite detention of U.S. persons—citizens and green card holders—without charge or trial.

The amendment would have updated the Non-Detention Act of 1971, which clearly states:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

The amendment would have built on the Non-Detention Act of 1971 so that it applies to not just U.S. citizens but also to green card holders. It would have provided that no military authorization allows indefinite detention of U.S. citizens and green card holders apprehended inside the United States.

The detention amendment stated:

An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States unless an Act of Congress expressly authorizes such detention.

Unfortunately, as soon as the amendment passed, the language was misrepresented by critics on the left as well as proponents of indefinite military detention on the right, particularly after a handful of Senators who previously opposed this effort switched their vote at the last minute.

Make no mistake, the amendment is not a Trojan horse designed to surreptitiously authorize indefinite detention in the United States. The text of the amendment is clear, and the legal experts I consulted on the amendment agree.

For example, Stephen Vladeck of American University, a law professor who has litigated military detention issues in the Supreme Court and an expert on national security law, testified this year before the Senate Judiciary Committee on S. 2003, the Due Process Guarantee Act, which is almost identical to the detention amendment to the Defense authorization bill. Professor Vladeck reviewed the statements of support for the amendment by Senators CARL LEVIN and LINDSEY GRA-

HAM—both of whom advocated indefinite military detention powers in the past.

Professor Vladeck wrote:

The Graham/Levin colloquy sought to cast [the Feinstein] language as doing exactly the opposite of what it says, i.e., as confirming that U.S. citizens can be detained even within the territorial United States pursuant to the logic of the Supreme Court's opinion in *Hamdi v. Rumsfeld*.

Professor Vladeck concluded that Senators LEVIN and GRAHAM were “exactly wrong” because “the plain text of the bill is simply irreconcilable with that understanding.”

In another article, Vladeck and Georgetown Law Professor Marty Lederman, another expert on military detention and national security, wrote:

If it were to be enacted, the amendment would ensure that a future president could not construe the September 18, 2001 Authorization for Use of Force (AUMF), the FY2012 NDAA, or any comparable statute to authorize the military detention of citizens and LPRs [lawful permanent residents] apprehended within the United States.

I agree with these law professors—with whom I worked, in fact, on the drafting of my bill and amendment. It is true the courts have previously reached ambiguous and conflicting decisions regarding whether U.S. persons apprehended on American soil may be subject to indefinite detention under the laws of war. However, far from adding to this ambiguity, I am confident this amendment would bring much-needed clarification to this area of the law.

The Feinstein detention amendment would have updated the Non-Detention Act of 1971 which Congress passed to repudiate the shameful Japanese-American internment experience during World War II. That 1971 landmark legislation, which liberal critics of the detention amendment have made no effort to overturn, protected only U.S. citizens from detention. In contrast, the amendment broadens protections from indefinite detention, protecting both green card holders, called “lawful permanent residents”, as well as citizens.

At a time when civil liberties are under attack, we should not let the perfect be the enemy of the good. As Professors Lederman and Vladeck note, “The new Feinstein amendment . . . does protect the vast majority of persons in the United States from non-criminal detention without express statutory authorization. . . .”

As I said during the floor debate on the amendment, I would support extending the protections in the amendment to all persons in the United States, whether lawfully or unlawfully present, but so far we have lacked sufficient support in the Senate to do this. Most Republican cosponsors of the bill said they would not support the legislation if it went that far.

Other critics misrepresent the language of the amendment by charging

that it could be read to imply there is an authorization to indefinitely detain illegal immigrants and legal visitors in the United States. In doing this, they ignore the language in paragraph 3 that explicitly prevents such an interpretation. Paragraph 3 of the amendment clarifies that the text to be added to the Non-Detention Act of 1971 “shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.” Again, don’t take my word for it. Professors Lederman and Vladeck say that the amendment “would do nothing of the sort.”

The bottom line: Indefinite military detention is incompatible with our values, and this amendment would have been a major step forward to make sure we never return to the dark chapter of American history when we detained Japanese-American citizens out of fear during World War II.

Mr. President, some have pointed to section 1029 of the conference report and said that it accomplishes what the Feinstein amendment would have done. That is not true.

The amendment offered by Congressman GOHMERT regarding habeas corpus, which is now section 1029 of the underlying conference report, does nothing except restate that constitutional rights to file a habeas claim can’t be denied.

Consider the exact text of this section, which reads:

SEC. 1029. RIGHTS UNAFFECTED.

Nothing in the Authorization for Use of Military Force or the National Defense Authorization Act for Fiscal Year 2012 shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws.

This provision doesn’t do anything to add to the rights of individuals inside the United States, such as citizens, because the writ of habeas corpus is a constitutional right to appear before a judge to challenge the legality of an individual’s incarceration.

During the colonial period, habeas corpus was understood as a writ available to a prisoner, ordering his jailer to appear with the prisoner before a court of general jurisdiction and to justify the confinement.

In the Constitution, after enumerating the powers of Congress, the drafters inserted language guaranteeing the right to habeas when they stated, “The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.”

So habeas is a constitutional right that already applies to all individuals found in the United States, and habeas



rights even extend to noncitizen detainees held in Guantanamo, who have never even set foot in the United States.

This was the issue before the Supreme Court in the case of *Rasul v. Bush*, 2004 where, in a 6-to-3 opinion written by Justice John Paul Stevens, the Court found that noncitizen detainees at Guantanamo had habeas corpus rights. Justice Stevens also wrote that the right to habeas corpus is not dependent on citizenship status. The detainees were therefore free to bring a habeas claim challenging their detention as unconstitutional.

Because the Constitution already grants this right explicitly—legislation purporting to grant this right is ineffective and simply empty words, meant to make lawmakers feel good but not actually adding anything to the rights of the American people.

The question is not whether Americans still have constitutional rights to habeas. Of course that right and others that are guaranteed by the Constitution remain in place. Rather, the question is, Should the military be allowed to indefinitely detain U.S. citizens in the first place? Should we allow the military to patrol our streets and pick up citizens? I believe the answer to that question—both here in the Senate and across the Nation—is a resounding no.

So I will continue to work to correct the flaws of the Fiscal Year 2012 National Defense Authorization Act, and I look forward to the continued support of the 67 of my colleagues who voted for the Feinstein amendment this year.

I am confident that eventually we will build the support for this amendment that we need on the House side too. Therefore, it is only a matter of time before we prevail. The Feinstein detention amendment is what the American people want, and it would guarantee the fundamental liberty that they deserve.

Mr. JOHNSON of South Dakota. Mr. President, last August Congress enacted, with broad bipartisan support, the Iran Threat Reduction and Syria Human Rights Act of 2012, a comprehensive sanctions bill I coauthored. That legislation, blending various measures introduced by my colleagues with new ideas developed by the Banking Committee, imposed a range of tough new sanctions on the Government of Iran and those who do business with it. This was done to tighten further the squeeze on Iran's major revenue sources, and force its leaders finally to come clean on Iran's illicit nuclear program. The third major piece of Iran sanctions legislation to be enacted in the last 2 years, it followed the Banking Committee's Comprehensive Iran Sanctions and Divestment Act in July of 2010, and the sanctions imposed on Iran's oil purchases 1 year ago. Those combined sanctions have had a

powerful effect on Iran's economy, reducing its oil revenues by up to \$5 billion per month, and causing the value of its currency to plummet.

The Defense Authorization conference report being considered today includes a set of additional measures aimed at Iran which broaden and deepen U.S. sanctions against its shipping, energy, shipbuilding and military sectors, and those who deal with entities in these sectors. They also require new sanctions against those supplying Iran certain strategic materials, and expand the sanctions net to those who provide Iran certain financial or insurance services.

All of these new sanctions, and those provided for in our legislation in August which will come online soon, will be implemented at a sensitive time, as the U.S. and our P5+1 allies prepare for what President Obama has described as a renewed push to develop a negotiated solution to this problem. The prospect of a nuclear-armed Iran is the most pressing foreign policy challenge we face, and we must continue to do all we can—politically, economically, and diplomatically—to avoid that result. In the coming months, it will become clear whether Iran will be willing finally to change course, and agree to the terms of the international community to bring an end to its illicit nuclear program, allow for intrusive international inspections of its nuclear sites and activities, and stop its continued support for terrorism and abuses of human rights. Given Iran's track record, there is considerable reason to be skeptical. But the President continues to press to resolve these issues diplomatically if possible, and if that can be done it is obviously preferable to any military alternative. Isolated diplomatically, economically, and otherwise, Iran must understand that the patience of the international community is fast running out. Iran's leaders can end the repression against their people, come clean on their nuclear program, suspend enrichment, and stop supporting terrorists around the globe, or they can continue to face sustained multilateral economic and diplomatic pressure and deepen their international isolation.

Let me say a final word about the process. The new measures contained in this bill were offered as a Senate floor amendment, and did not come through the Banking Committee. My view has always been that any innovative legislative ideas that may help force Iran to engage in successful negotiations are worthy of serious consideration. Even so, in negotiating these provisions in a hurried conference committee process, procedural objections raised by House Ways and Means Committee majority staff because of the way the new provisions were offered prompted them to insist on inserting certain exceptions related to import

restrictions on certain goods. While I regret that these exceptions were added by the conferees, and think they may need to be addressed in future legislation, they cannot be allowed to weaken or undermine implementation of these sanctions or of the broader sanctions regime already in place. Our staff worked hard, on a bipartisan basis, to ensure that the final version preserves all of the President's very powerful sanctions tools provided for under the International Emergency Economic Powers Act, and does not undermine that authority in any way. I am concerned that as we forward on sanctions an approach which is inattentive to these existing authorities might actually unintentionally undermine them.

As we all recognize, economic sanctions are not an end—they are a means to an end—to apply enough pressure to secure agreement from Iran's leaders to fully, completely and verifiably abandon their illicit nuclear activities. The Banking Committee will continue to assertively oversee the President's implementation of the comprehensive sanctions regime, and do all we can to provide all the tools he needs to resolve these issues with Iran.

Mr. MCCAIN. Mr. President, I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank Senator PRYOR for his tremendous contribution to this bill and to this body. The fight he is waging here is the correct fight. This was not done well by the Air Force, to put it mildly. We froze it. They amended it. We have some problems with the amendment, but we had to reach a compromise with the House, which favored their modified bill, and there are some rough edges to it.

The Senator from Arkansas has very eloquently pointed out one of those rough edges. We put in this place in this bill a commission to try to avoid these kinds of problems in the future. That does not help this year. I wish it could. But, nonetheless, it is because of the efforts of the Senator from Arkansas and others, who pointed out the defects in the process this year, that we have been able to, hopefully, avoid a repetition of this in the future. I thank him for the many contributions he has made to this bill. His fight for his home State is passionate and effective, and I commend him for it.

Mr. President, I yield back our time, if we have any remaining.

The PRESIDING OFFICER. All time is yielded back.

The question is on the adoption of the conference report.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Massachusetts (Mr. BROWN), the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 14, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—81

Akaka	Gillibrand	Murkowski
Alexander	Graham	Murray
Ayotte	Hagan	Nelson (NE)
Baucus	Hatch	Nelson (FL)
Begich	Heller	Portman
Bennet	Hoeven	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inhofe	Reid
Blunt	Isakson	Roberts
Boozman	Johanns	Rockefeller
Boxer	Johnson (SD)	Rubio
Brown (OH)	Johnson (WI)	Schumer
Burr	Kerry	Sessions
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Shelby
Carper	Kyl	Snowe
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Coats	Levin	Thune
Coburn	Lieberman	Toomey
Cochran	Lugar	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCain	Vitter
Coons	McCaskill	Warner
Corker	McConnell	Webb
Cornyn	Menendez	Whitehouse
Feinstein	Mikulski	Wicker

NAYS—14

Barrasso	Grassley	Paul
Crapo	Harkin	Risch
Durbin	Leahy	Sanders
Enzi	Lee	Wyden
Franken	Merkley	

NOT VOTING—4

Brown (MA)	Kirk
DeMint	Moran

The conference report was agreed to.

Mr. HARKIN. Mr. President, as a Senator, I have no greater responsibility than to work to ensure our Nation's security. Our Armed Forces must have the tools they need to keep our country safe. That is why I support the vast majority of the provisions in the National Defense Authorization Act and why I supported the bill that passed the Senate. I particularly note provisions that increase pay and benefits for our servicemembers and retirees, ensure a drawdown of our troops in Afghanistan, allow female servicemembers access to basic health services if they are victims of sexual assault, and limit the annual increases in TRICARE prescription drug premiums. All of these provisions I support and believe are important.

I oppose this bill because I do not believe it adequately reflects our principles. I believe we can do a better job of protecting our national security without compromising important values than what is contained in this legislation.

This Nation has long been a beacon of liberty and a champion of rights throughout the world. Yet since 9/11, in the name of security, we have repeatedly betrayed our highest values. The past administration believed it could eavesdrop on Americans without a warrant or court order. It utilized interrogation techniques long considered immoral, ineffective, and illegal, regardless of laws and treaties. And, it intentionally sought to put detainees beyond the rule of law. Thankfully, the current administration has ended the worst abuses of these practices, despite the efforts of some of my colleagues to stymie these efforts.

However, I am deeply concerned that the conference report continues us on a dangerous path of sacrificing long-held principles.

To begin, this bill fails to make clear that under no circumstance can an American citizen be detained indefinitely without trial. When the bill was considered in the Senate, I was proud to join 66 of my colleagues in supporting an amendment, authored by Senator FEINSTEIN, which sought to clarify that the law does not authorize the President to indefinitely detain an American seized in the United States and indefinitely detain them without charges and without due process. I am heartened that President Obama has made clear he will not attempt to exercise such power, but I am greatly disappointed that the conference report omitted this language.

Moreover, the bill would make it much more difficult to close the detention center at Guantanamo Bay. There simply is no compelling reason to keep the facility open and not to bring these detainees to maximum security facilities within the United States. The detention center has been, and continues to be, a stain on our Nation's honor. I agree with former Secretary of State Colin Powell who said "we have shaken the belief that the world had in America's justice system by keeping [the detention center at Guantanamo Bay] open. We don't need it and it's causing us far more damage than any good we get for it."

In the immediate aftermath of 9/11, the Bush administration declared a broad and open-ended "war on terror." I have always considered this a flawed description of the challenge that confronted us after the 9/11 attacks. After all, "terror" is an endlessly broad and vague term. And a "war on terror" is a war that can never end, because terrorism and terrorists will always be with us. Because of the never-ending nature of this so-called "war on terror," it offers a rationale for restricting civil liberties indefinitely. This is not healthy for our democracy or for our ability to inspire other countries to abide by democratic principles.

We will not overcome terrorism with secret prisons, with torture, with de-

grading treatment, with individuals denied basic rights. Rather, we shall overcome it by staying true to our highest values and by insisting on legal safeguards that are the very basis of our system of government and freedom.

Mr. LEAHY. Mr. President, today, the Senate voted, by voice vote, to approve the conference report to accompany H.R. 4310, the National Defense Authorization Act (NDAA) for Fiscal Year 2013. As it always does, the NDAA included a number of important provisions, including critical authorizations for our troops in uniform, for essential defense programs to promote and protect our national security both at home and abroad, and for important programs that keep ours the greatest military in the world.

The conference report approved today also includes two important provisions which I was proud to support. The Dale Long Public Safety Officers Benefits Improvements Act will fill a gap in existing law and extend the Federal Public Safety Officers/Benefits program to paramedics and emergency medical technicians who work or volunteer for nonprofit ambulance services, and their families, when they are disabled or killed in the line of duty. And important measures relating to Department of Defense law enforcement officers are also included.

While I am pleased this conference report includes important elements such as these, I remain deeply concerned about several troubling provisions that remain in the law relating to the indefinite detention of individuals without charge or trial and the conference report drops the Senate amendment we adopted to protect against abuses. The indefinite detention and mandatory detention provisions that were enacted in last year's defense authorization bill undermine our Nation's fundamental principles of due process and civil liberties, and I have worked to eliminate or fix these flawed provisions.

Earlier this month, during debate on the Senate bill, we took a positive step toward fixing these flawed provisions by adopting an amendment offered by Senator FEINSTEIN that I supported to clarify that our government cannot detain indefinitely any citizen or legal permanent resident apprehended in the United States. More than two-thirds of the Senate voted in favor of this amendment, and I viewed this as a constructive part of our efforts to undo some of the damage from last year's NDAA. During the Senate debate on the detention provisions this year, I stated again my belief that the vital protections of our Constitution extend to all persons here in the United States, regardless of citizenship or immigration status. Nonetheless, I voted for this amendment to affirm that indefinite detention has no place in our justice system.

Inexplicably, however, the Feinstein amendment was stripped from the final bill during conference negotiations between the House and Senate. Despite such broad Senate support for the Feinstein amendment, the conference report no longer expressly reaffirms that U.S. citizens and legal permanent residents in America cannot be detained indefinitely without charge or trial. Instead, we are left with the status quo of restrictions and prohibitions on the transfer of detainees that leaves us no closer to closing the detention facility at Guantanamo once and for all.

I have repeatedly said that I am fundamentally opposed to indefinite detention without charge or trial. I fought against the Bush administration policies that led to the current situation, with indefinite detention as the de facto policy. I opposed President Obama's executive order in March 2011 that contemplated indefinite detention, and I helped lead the efforts against the detention-related provisions in last year's NDAA. A policy of indefinite detention has no place in the justice system of any democracy—let alone the greatest democracy in the world.

The American justice system is the envy of the world, and a regime of indefinite detention diminishes the credibility of this great Nation around the globe, particularly when we criticize other governments for engaging in such conduct, and as new governments in the midst of establishing legal systems look to us as a model of justice. Indefinite detention contradicts the most basic principles of law that I have pledged to uphold since my years as a prosecutor and in our senatorial oath to defend the Constitution. That is why I have opposed and will continue to oppose indefinite detention.

In addition to failing to rectify the indefinite detention provisions from last year's NDAA in the conference report, I also continue to be deeply disturbed by the mandatory military detention provisions that were included in last year's NDAA through Section 1022. In the fight against al Qaeda and other terrorist threats, we should give our intelligence, military, and law enforcement professionals all the tools they need. These limitations abandon our full arsenal of powers. I remain concerned that the mandatory military detention requirements are overly broad and threaten core constitutional principles. Once sacrificed, our treasured constitutional protections are not easily restored. After all, the policy directive of this President can be undone by a future administration.

I find the detention provisions enacted through last year's NDAA and the failure to fix them this year deeply troublesome. I am also concerned about the extension of overly burdensome restrictions and conditions on the transfer of detainees from Guanta-

namo, even those who have already been found to have had no connection to terrorism. These provisions do not represent Vermont values, they do not represent American values, and they have no place in this world. As a result of the failure of the conferees to seriously address these fundamental wrongdoings and support the principles of our Constitution, I am unable to support final passage of this year's NDAA. Moving forward, as I did last year, I hope to foster a broader discussion about these issues and work to make concrete changes to protect American values and champion the rule of law. We need a bipartisan effort to guarantee that the United States remains the model for the rule of law to the world.

There is one additional provision that has been excluded from this conference report that is of concern to me and a number of Senators and Congressmen. Both the House and Senate approved in their defense authorization bills language to freeze Air National Guard and Air Force Reserve manpower and force structure in the wake of the Air Force's announced intention to disproportionately target the National Guard as it prepared for Budget Control Act cuts. I joined Senator GRAHAM, Representative HUNTER and Representative WALZ in leading a letter to the conferees signed by 87 members of Congress in support of continuing the freeze and preserving the National Commission on the Structure of the Air Force which was included in the Senate-passed Defense Authorization Act.

I was surprised to see that the conferees rewrote these provisions, instead adopting in this conference report an Air Force proposal that had been neither reviewed nor debated by either chamber. While the final conference report does preserve the National Commission on the Structure of the Air Force, I believe it does not go far enough to protect the fundamental needs and strength of our Air National Guard.

I will continue to work with others here in Congress who believe, as I do, that the Guard represents much of what is best about our country's military.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 1

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

Mr. REID. Mr. President, I have a unanimous consent agreement. If everyone would be patient, we have two votes.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with Senator MCCONNELL, the Senate proceed to the cloture vote with respect to the substitute amendment to

H.R. 1; that if cloture is not invoked, the majority leader be recognized; that if cloture is invoked, Senator TOOMEY or designee be recognized for the purpose of raising a budget point of order against the pending substitute amendment; that if the point of order is raised, Senator LEAHY or designee be recognized to move to waive the budget point of order; that there be 10 minutes of debate prior to a vote in relation to the motion to waive; that no other budget points of order be in order to the substitute or the underlying bill; that notwithstanding rule XXII, the following amendments be in order: Cardin No. 3393; Grassley No. 3348; Feinstein No. 3421, as modified; Harkin No. 3426; Landrieu No. 3415; Leahy No. 3403; McCain No. 3384, as modified; Bingaman No. 3344; Coburn No. 3368; Coburn No. 3369; Coburn No. 3370, as modified, with two divisions; Coburn No. 3371; Coburn No. 3382; Coburn No. 3383; Tester No. 3350; Paul No. 3376; Paul No. 3410; McCain No. 3355; Merkley No. 3367, as modified; Lee No. 3373, as modified; and Coats No. 3391; that no amendments be in order to any of these amendments prior to votes in relation to the amendments; that the amendments be subject to a 60-affirmative-vote threshold; that there be 30 minutes of debate equally divided in the usual form on each of the amendments, with the exception of the following: 20 minutes equally divided on each of the Coburn amendments or divisions and the Lee amendment; and 40 minutes equally divided on each of the Paul amendments; and 1 hour equally divided on the Coats amendment; that upon the use or yielding back of time, the Senate proceed to votes in relation to the amendments in the order listed; that there will be 2 minutes of debate equally divided between the votes; that all after the first vote be 10-minute votes; further, that upon disposition of the pending amendments listed, the Senate proceed to vote in relation to the pending substitute amendment, as amended, if amended; that upon disposition of the substitute, the cloture motion on the underlying bill be withdrawn, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 1, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the majority leader indicated that when we have the point of order, I or my designee be recognized. I ask that the distinguished senior Senator from Maryland, the chair of the Appropriations Committee, be the designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 3395 to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call will be waived.

The question is, Is it the sense of the Senate that debate on substitute amendment No. 3395, offered by the Senator from Nevada, Mr. REID, to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the government for the fiscal year ending September 30, 2011, and for other purposes, shall be brought to a close?

Mr. REID. Mr. President, I ask unanimous consent that this vote and the next vote be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Massachusetts (Mr. BROWN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 91, nays 1, as follows:

[Rollcall Vote No. 230 Leg.]

## YEAS—91

Akaka	Boozman	Collins
Alexander	Boxer	Conrad
Ayotte	Brown (OH)	Coons
Barrasso	Cantwell	Corker
Baucus	Cardin	Cornyn
Begich	Carper	Crapo
Bennet	Casey	Durbin
Bingaman	Chambliss	Enzi
Blumenthal	Coats	Feinstein
Blunt	Cochran	Franken

Gillibrand	Lieberman	Rubio
Graham	Lugar	Sanders
Grassley	Manchin	Schumer
Hagan	McCain	Sessions
Harkin	McCaskill	Shaheen
Hatch	McConnell	Shelby
Heller	Menendez	Snowe
Hoeven	Merkley	Stabenow
Hutchison	Mikulski	Tester
Isakson	Murkowski	Thune
Johanns	Murray	Toomey
Johnson (SD)	Nelson (NE)	Udall (CO)
Johnson (WI)	Nelson (FL)	Udall (NM)
Kerry	Paul	Vitter
Klobuchar	Portman	Warner
Kohl	Pryor	Webb
Landrieu	Reed	Whitehouse
Lautenberg	Reid	Wicker
Leahy	Risch	Wyden
Lee	Roberts	
Levin	Rockefeller	

## NAYS—1

Kyl

## NOT VOTING—7

Brown (MA)	DeMint	Moran
Burr	Inhofe	
Coburn	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 91, and the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have a lot more work to do. This will be the last vote of the day, the one coming up.

DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

## Pending:

Reid amendment No. 3395, in the nature of a substitute.

Reid amendment No. 3396 (to amendment No. 3395), to change the enactment date.

Reid amendment No. 3397 (to amendment No. 3396), of a perfecting nature.

Reid amendment No. 3398 (to the language proposed to be stricken by amendment No. 3395), to change the enactment date.

Reid amendment No. 3399 (to amendment No. 3398), of a perfecting nature.

Reid motion to commit the bill to the Committee on Appropriations, with instructions, Reid amendment No. 3400, to change the enactment date.

Reid amendment No. 3401 (to (the instructions) amendment No. 3400), of a perfecting nature.

Reid amendment No. 3402 (to amendment No. 3401), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I rise to raise a point of order against a very small segment of this bill, and I wish to yield myself some time to discuss that at this time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, pursuant to section 904 of the Congress-

sional Budget Act of 1974, I move to waive the critical sections of that act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

Under the previous order, there will be 10 minutes of debate equally divided prior to a vote on the motion to waive.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I understand the Senator from Pennsylvania wishes to speak. I just need to essentially object to his point of order. I do this because although I know he is indeed well intentioned—Mr. President, the Senate is not in order. This is an important precedent that could be set, and I would like Members not to talk.

The PRESIDING OFFICER. If Members would please take their conversations out of the Chamber if they wish to talk. If not, could they be quiet.

Ms. MIKULSKI. I want them to more than be quiet. We are talking about a precedent in the Senate, so I would like, please, if Senators could take their conversations either in the back or off the floor.

The PRESIDING OFFICER. Yes. OK. If Senators could be quiet and listen, and if you must talk, could you do it off the floor.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, the reason I am so insistent is, No. 1, the decorum of the Senate; and No. 2, this is a dangerous precedent. If this point of order is sustained, it will mean \$3.4 billion of urgent disaster relief in this supplemental has to be offset in future appropriations bills. This will mean real consequences this year.

Now, in a \$1 trillion budget and the way we talk about money \$3.4 billion might not seem like a lot, but it does mean a lot in disaster assistance, and it does mean a lot to the Appropriations Committee. This is a \$3.4 billion unspecified cut that will go to domestic programs for fiscal year 2013.

I wish to remind my colleagues we are in a 6-month CR now, so this means right in the middle of a CR, until March, we have to take out an additional \$3.4 billion. This will have a terrible impact on domestic programs, and it is a dangerous precedent. We have never offset disaster assistance, and I urge the adoption of my position.

I yield to the Senator from New York whose community is suffering, and he has done an able job in helping to manage this bill.

Mr. SCHUMER. Mr. President, first, I wish to thank my colleague from Pennsylvania. He didn't try to knock out the whole thing and we appreciate that. Having said that, I urge any of my colleagues in disaster areas to think very carefully before they vote for this. This will be the first time ever when a disaster is declared that we have offset money for it. That will

mean that disaster money will be much less readily available in the future. The precedent is an awful one. It is something that goes against 100 years of Democrats, Republicans—north, east, south, and west—voting to, when one area has trouble, send the money, without spending months and months and months fighting about whether to cut this or cut that or raise these taxes or do this or that to offset.

I would say we had this fight when Irene came about, and 19 of our colleagues came to the wisdom that it was a bad idea to offset it, and we didn't.

So I urge and plead with my colleagues, on this quick notice to reverse 100 years of decisionmaking and start invoking offsets for disaster, which this is—it is mitigation. We have always done mitigation. It means that instead of rebuilding in the floodplain, we build in a different place nearby. It means instead of putting all of these machines that are flooded in the basement, we put them on the third floor. It means if there is a beach that is not protected, we build a berm. That is mitigation. It is all related to protecting from a disaster and not making the same mistake of building in a floodplain or not protecting in a sub-way or whatever.

We have always done it. We have never offset mitigation, and it has been in every disaster relief. So I plead with my colleagues to think twice.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I have a different plea for my colleagues; that is, to sustain this budget point of order, acknowledging that it does not cut one dime of spending from this supplemental. If my budget point of order is sustained, every single dime, if it were eventually passed—every dime that is allocated for future mitigation would, in fact, be spent for future mitigation.

The question before us is, when we are running trillion-dollar deficits, must we add another \$60 billion on top of that deficit?

So what I have done is I have looked at this bill, and there are many parts that are not directly in aid of any of the victims of Sandy.

Look, my State was hit by that storm, not nearly as bad as New York and New Jersey and Connecticut and some others. But there are real victims of this storm, there are genuine needs, and we need to fund those needs. I am in favor of making sure we do fund the needs that we have. But we have a category of spending that is going for construction for years to come to mitigate against dangers of future storms in future years and future decades. That might be very wise, that might be very appropriate spending, but it is not an emergency.

This is not sandbags around someone's house who is in danger of a

storm. That kind of infrastructure spending is the kind of spending we do routinely, but we plan for it and we budget it. If it is, indeed, the priority that many people—probably, including myself—believe it is, then it ought to be weighed in competition with the other pressing needs, and we ought to plan for it and budget for it. That is all I am asking.

So this budget point of order does not cut one dime of spending from this bill. It simply says the \$3.4 billion that is identified for the construction of future mitigation projects would count toward the discretionary spending caps we have in place. Unfortunately, our deficit would grow if all else stays the same, but at least not by that \$3.4 billion. That part would eventually have to be offset with some modest restraint on discretionary spending at some point.

But I would stress that there is not a dime that will be cut from this bill by virtue of this point of order, and it would establish that going forward, hopefully, when we are doing long-term construction projects for future mitigation, we would consider them in the context of the infrastructure spending that they are.

So for that reason, Mr. President, pursuant to section 314(e)(1) of the Congressional Budget Act of 1974, I raise a point of order against the emergency designation in the appropriation for the Army Corps of Engineers, "Construction," contained in title 4 of the substitute amendment. And I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of that act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Massachusetts (Mr. BROWN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 34, as follows:

[Rollcall Vote No. 231 Leg.]

#### YEAS—57

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Johnson (SD)	Reid
Bingaman	Kerry	Rockefeller
Blumenthal	Klobuchar	Sanders
Blunt	Kohl	Schumer
Boxer	Landrieu	Shaheen
Brown (OH)	Lautenberg	Shelby
Cantwell	Leahy	Snowe
Cardin	Levin	Stabenow
Carper	Lieberman	Tester
Casey	Manchin	Udall (CO)
Cochran	McCaskill	Udall (NM)
Conrad	Menendez	Vitter
Coons	Merkley	Warner
Durbin	Mikulski	Webb
Feinstein	Murray	Whitehouse
Franken	Nelson (NE)	Wyden

#### NAYS—34

Alexander	Grassley	Murkowski
Ayotte	Hatch	Paul
Barrasso	Heller	Portman
Boozman	Hoeven	Risch
Chambliss	Hutchinson	Roberts
Coats	Isakson	Rubio
Collins	Johanns	Sessions
Corker	Johnson (WI)	Thune
Cornyn	Kyl	Toomey
Crapo	Lugar	Wicker
Enzi	McCain	
Graham	McConnell	

#### NOT VOTING—8

Brown (MA)	DeMint	Lee
Burr	Inhofe	Moran
Coburn	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 34. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained. The emergency designation is removed.

#### VOTE EXPLANATION

● Mr. BROWN of Massachusetts. On Thursday, December 20, 2012, my father, Claude Bruce Brown, passed away. Growing up, my relationship with my Dad was a complicated one. As we both matured, our relationship, respect and love for each other also matured. He was a good man with a big heart. Our family—my wife Gail, and my daughters Ayla and Arianna—are thankful to his wife, Peggy, her family and for their unwavering love for him during his difficult final days. I will miss my father's guidance and his sense of humor.

As a result of my father's passing, I am departing Washington so that we can be together and mourn together as a family. Unfortunately, that means that on Friday, December 21, 2012, I am not present in Senate for three rollcall votes. In my nearly 3 years of service in the Senate, I have only missed one vote, and I want to be clear about how I would have voted on the measures that are before the Senate today.

I strongly support the Conference Report to accompany H.R. 4310, the Department of Defense Authorization bill, and I would have voted aye in favor of its passage. Providing the necessary resources to our men and women in uniform is critical, and as a member of the Senate Armed Services Committee, I

applaud the authors of this legislation for their work on this measure. It contains many provisions that I believe are important to both the Commonwealth of Massachusetts and the security of our Nation.

Additionally, I would have supported the motion to invoke cloture on the Reid substitute amendment No. 3395 to H.R. 1, the vehicle for the Hurricane Sandy emergency supplemental appropriations bill. Hurricane Sandy had a major impact on the Commonwealth of Massachusetts and had a terrible toll on New York and New Jersey especially.

Finally, on the motion to waive the Budget Act point of order on a small portion of that disaster response bill that did not pertain to responding to the impacts of Hurricane Sandy, I would have voted no. I believe that funding for infrastructure improvements to mitigate the impacts of future storms is critical, but should be fully offset in the future. This is consistent with all of the new spending efforts that are considered under the bipartisan budget controls currently in place.●

The PRESIDING OFFICER.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know the hour is late and there are Members who want to go home. We have been through an emotional roller coaster here in the Senate, as has the Nation. One week ago we saw this terrible, horrific shooting in Connecticut. While the Nation mourned what happened there, we mourn here in the Senate because of the passing of Senator Inouye. Yet the work of Senator Inouye went on through the urgent supplemental.

I would like to thank the Senator from New York for helping with the management of this bill, as well as the Senator from Vermont and Senator LANDRIEU, the chair of the Homeland Security Subcommittee, who have all done good work.

DAN INOUE

We Senators know we are only as good as our staff. As the Inouye era goes through its transition, I would like to thank the Inouye staff first of all for everything they have done on this bill. I thank the Inouye staff for all they did in staffing for truly one of the great icons in the Senate. Now, do not think the Inouye staff is going to go away under BARBARA MIKULSKI. I want to publicly thank them on behalf of all of the Senate that they held their own emotions in control so we could move forward with the Senate business. That is what professional staff is. They are the highest and the best of the best. I think the Senate owes them a debt of gratitude. I will lean on them to be back here on Thursday to move this bill in regular order.

I want to just end today's proceedings by saying God bless Senator

Inouye and all that he meant to America, and God bless the staff, who has helped him be one of the greatest Senators in American history.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Would the Senator yield?

Ms. MIKULSKI. Yes.

Mrs. HUTCHISON. Mr. President, I want to say that we all will miss Senator Inouye. He was one of the most loved people who have ever served in this Senate. But I also want to say that we have passed on now and will take the bill in its entirety later. But because of the leadership of Senator MIKULSKI and many others working together, we now have a start on the supplemental appropriation.

We have worked in the Senate together to accommodate the concerns of many on our side about that bill. We have now had a say. I think there will be overwhelming support now for going forward. I think that is due to the ability of Senator MIKULSKI to step to the plate and become the first woman chairman of the Appropriations Committee in the history of the Senate.

She has already shown the leadership that will continue in her tenure as chairman. I have worked with her as the ranking member of the subcommittee this last year on appropriations. She has been chair, and I have been the ranking member. I will say that every time we have had a disagreement, it has been worked out, and we have passed our bills, our legislation. That is what is going to happen next year as she becomes the chairman of Appropriations. I think it is a good day for the Senate.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, first, I would like to congratulate Senator MIKULSKI on a fine first day on the floor as chair of Appropriations. We are all excited about it on both sides of the aisle and expect great things of that committee next year. Perhaps there will be a change—we will get appropriations bills done, get them on the floor, and move them under her leadership.

I also want to thank Senator LANDRIEU, who is not here, who really helped out as well, as well as Senator MURRAY and Senator FEINSTEIN. I thank them very much.

I also thank the staff, which really is professional. In England, they are a civil service. It is the highest calling, it is professional, and it works hard no

matter who is in charge. They do a great job. You are our English civil service, which is a very high compliment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair will announce that following the invoking of cloture on Senate amendment No. 3395, the motion to commit fell, being inconsistent with cloture.

The Senator from Alabama.

TRIBUTE TO NAVY COMMANDER JEFFREY A. BENNETT II

Mr. SESSIONS. Mr. President, I rise today to honor Navy CDR Jeffrey A. Bennett II. Commander Bennett served as a military fellow in my office since December of last year. He brought to public service the same passion and honor he brought to military service.

Commander Bennett is a 1992 US Naval Academy graduate who was nominated for the academy by the chairman of the Armed Services Committee, CARL LEVIN, several years ago.

He came to my office after a tour serving as captain of the USS *Stockdale*, an *Arleigh Burke* class guided missile destroyer. I know he was an excellent captain, indeed, I have personally observed Commander Bennett's abilities. I am very impressed. He has a good strategic grasp of America's challenges, while also mastering the details necessary to fully grasp military budget and financial issues, among other matters that we deal with.

His command of defense authorization and appropriations legislation from both the House of Representatives and the Senate has been exceptional. He consistently puts in late nights and long weekends studying the details of legislation affecting programs that are vital to our national defense and the State of Alabama.

More importantly, Jeff possesses excellent judgment. I have valued his judgment and insight on global issues as well as the more rigorous and detailed issues that come up in the Senate. I can say without hesitation, he has fulfilled the high reputation that the Navy Fellowship Program has earned in every way. He has been a tremendous resource to my office. He is a man of integrity, who puts his country first. He is committed to serving America in whatever role he is given. All the while, he carries out his duties with exceptional grace, collegiality, and positive spirit. I am exceedingly impressed with Jeff, both as a person, an officer, and a staff member.

His time in my office has gone too quickly. We will miss the force of his fine mind, his hard work, and his positive approach to all challenges. The Navy most surely has an unusually talented and valuable officer in Commander Bennett.

Commander Bennett has served my office with honor and distinction, truly personifying the qualities of a U.S. naval officer.

I would be remiss if I did not thank his wonderful wife Heather and his children Grace and Jay. As is the case with all our military families, we know that Commander Bennett's service is one supported and shared by the whole family. He is, indeed, a great family man.

I look forward to following his bright career and continuing service to God and country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 5949

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding cloture having been invoked, at a time to be determined by the majority leader, after consultation with the Republican leader, the Senate proceed to the consideration of Calendar No. 510, H.R. 5949; that the only first-degree amendments in order to the bill be the following: LEAHY, MERKLEY, PAUL, WYDEN; that there be 30 minutes of debate equally divided between the proponents and opponents on each amendment; that there be up to 5 hours of debate on the bill equally divided between the proponents and opponents; that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendments in the order listed; that there be no amendments in order to any of the amendments prior to the votes; that upon disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that the request be modified—I reluctantly do this—to set a 60-affirmative-vote threshold on each of the amendments and passage of the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon.

INTELLIGENCE AUTHORIZATION

Mr. WYDEN. Mr. President, both sides are working to pass the intelligence authorization bill for 2013.

I voted against this legislation when it was marked up in committee. I objected to it here on the floor last month. But I am able to support it at this time.

The bill has a number of valuable provisions in it, and I thank Chairwoman FEINSTEIN and Vice Chairman CHAMBLISS for making the changes in the bill to address my concerns.

The changes Senators FEINSTEIN and CHAMBLISS have made would remove a number of provisions that were intended to reduce unauthorized disclosures of classified information, of course, known as leaks.

I objected to these provisions because, in my view, they would have harmed first amendment rights, led to less informed public debate about national security issues, and undermined the due process rights of intelligence agency employees, without actually enhancing national security.

I am going to take a few minutes to explain my views on this so that those who are not on the Intelligence Committee and who have not heard this issue addressed before will understand what the debate was about and what I believe has been accomplished.

I certainly agree with Senators that unauthorized disclosure of national security information, known as leaks, is a serious problem. Unauthorized disclosure of sensitive information can jeopardize legitimate military and intelligence operations, and even put lives at risk. So I do believe it is appropriate for Congress to look for ways to help the executive branch protect information that intelligence agencies want to keep secret, as long as Congress is careful not to do more harm than good.

Personally, I have spent more than 4 years working on the legislation to increase the criminal penalty for those who are convicted of deliberately exposing covert agents, and I was pleased that, with the help of Senators on both sides of the aisle, that legislation was finally signed into law in 2010. So I am all for the Congress recognizing that leaks are a serious problem and for doing things to show the men and women of the U.S. intelligence community that the seriousness of this issue is recognized in this body.

It is important for Congress to remember, however, that not everything that is done in the name of stopping leaks is necessarily wise policy. In particular, I think Congress ought to be extremely skeptical of any antileak legislation that threatens to encroach on the freedom of the press or that reduces access to information that the public has a right to know.

A number of Senators may be aware that my father was a journalist who reported on national security issues. Among other books, he wrote what has been called the definitive account of the Bay of Pigs invasion, as well as an authoritative account of how the United States came to build and use the first atomic bomb. Accounts such as these are vital to the public's understanding of national security issues. Without transparent and informed pub-

lic debate on foreign policy and national security topics, American voters are ill-equipped to elect the policymakers who make important decisions in these areas.

Congress too would be much less effective in its oversight if Members did not have access to informed press accounts on foreign policy and national security topics. And while many Members of Congress do not like to admit it, Members often rely on the press to inform them about problems that congressional overseers have not discovered on their own. I have been on the Senate Intelligence Committee for 12 years now, and I can recall numerous specific instances where I found out about serious government wrongdoing—such as the NSA's warrantless wiretapping program or the CIA's coercive interrogation program—only as a result of disclosures by the press.

With all of this in mind, I was particularly concerned about sections 505 and 506 of this bill because both of them would have limited the flow of unclassified information to the press and to the public. Section 505, as passed by the Intelligence Committee, would have prohibited any government employee with a top secret, compartmented security clearance from “entering into any contract or other binding agreement” with “the media” to provide “analysis or commentary” concerning intelligence activities for a full year after that employee left the government.

That provision would clearly have led to less-informed public debate on national security issues. News organizations often rely on former government officials to help explain complex stories or events, and I think it entirely appropriate for former officials to help educate the public in this fashion.

I am also concerned that prohibiting individuals from providing commentary could be an unconstitutional encroachment on free speech. For example, if a retired CIA Director wishes to publish an op-ed commenting on a public policy debate, I see no reason to ban that person from doing so even if they have been retired less than a year. This provision also would have said that retired officials who comment in the media would not be able to serve on advisory boards for the intelligence community, which I believe would have deprived the community of valuable knowledge and advice.

Section 506 would also have led to a less informed debate on national security issues by prohibiting nearly all intelligence agency employees from providing briefings to the press, unless those employees gave their names and provided the briefings on the record.

It seems to me that authorized unclassified background briefings from intelligence agency analysts and experts are a useful way to help inform the press and the public about a wide



variety of issues, and there will often be good reasons to withhold the full names of the experts giving those briefings. I have seen no evidence that making it harder for the intelligence agencies to provide these briefings will benefit national security in any way. So I see no reason to limit the flow of information in this manner.

The third provision I thought was troubling was section 511, which would have required the Director of National Intelligence to establish an administrative process under which he or she and the heads of the various intelligence agencies would have had the authority to take away pension rights from an intelligence agency employee or a former employee. That could be done if the DNI or the agency head determined that the employee knowingly violated his or her nondisclosure agreement and disclosed classified information.

I have been concerned that the Director of National Intelligence himself said this provision would not be a significant deterrence to leaks, and that it would neither help protect national sensitive security information nor make it easier to identify and publish actual leakers.

Beyond these concerns about the provision's effectiveness, I have also been concerned that giving intelligence agency heads broad new authority to take away the pensions of individuals who have not been formerly convicted of any wrongdoing could pose serious problems for the due process rights of intelligence professionals, particularly when the agency heads themselves have not told Congress how they would interpret and implement the authority.

As many of my colleagues will guess, I was especially concerned about the rights of whistleblowers who report waste, fraud, and abuse to the Congress or the inspector general. I have outlined these due process concerns in more detail in the committee report that accompanies this bill.

I would just note for a moment that I was particularly concerned that section 511 would have created a special avenue of punishment that only applied to accused leakers who worked for an intelligence agency at some point in their career. There are literally thousands of employees at the Department of Defense, State, and Justice, as well as the White House, who have access to sensitive national security information. I do not see a clear justification for singling out intelligence community employees when there is no apparent evidence these employees are responsible for a disproportionate number of leaks.

For what it is worth, Robert Litt, the general counsel for the Director of National Intelligence told the American Bar Association last month that in his view these proposals, "really would not have any deterrent impact or punitive

impact on leaks, and might in fact have an adverse impact on the free flow of information to the American people."

In summary, I am grateful to the chair of the Intelligence Committee, Senator FEINSTEIN, and vice chairman, Senator CHAMBLISS, for responding to the concerns that I have outlined by removing nearly all of the antileak provisions from this legislation. The provision that remains would require the executive branch to notify the Congress when they classify information to disclose it to the press.

I believe this provision will lead to more informed public debate by making it clear to Members of Congress whether particular press reports are based on authorized but unattributed disclosures that we can respond to as we see fit, and unauthorized leaks that would not be responsible for us to confirm or deny. So I believe that particular provision is useful, and I commend the chair and vice chairman for including it.

In summary, I think we all understand that in these important intelligence debates—and I remember when the Presiding Officer was on the committee and doing good work—we always understood that it came down to striking a balance. There is something of a constitutional teeter-totter where on one side we have protecting collective security, and on the other said we have the public's right to know and the individual liberties of the American people.

As written, as reported by the committee, I believe that legislation would have seriously put out of balance the constitutional "teeter." I think it would have harmed legitimate first amendment rights. I think it would have done damage to the public's right to know. I believe it would have discouraged the ability to ensure that we had a thorough and adequate discussion of issues that are so important for the American people, as the American people look to the Congress of the United States, and particularly this body, to strike the appropriate balance, the right balance, between protecting our country at a time when there are serious threats and, on the other hand, protecting our individual liberties and protecting the public's right to know.

With the changes the Chair, Senator FEINSTEIN, and the vice chair have accepted, I believe this legislation now strikes the right balance. With both sides working on an agreement to improve the intelligence authorization bill for 2013 by unanimous consent, it is my hope that legislation will be approved by unanimous consent shortly.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Alabama.

THE FISCAL CLIFF

Mr. SESSIONS. Mr. President, President Obama made a statement within

the last hour or so. He called on Congress to act to avoid the fiscal cliff.

We know last night the House was unable to bring forward a bill that would deal with the fiscal cliff. Previously, they passed a bill that would have solved that problem and put us on the right path, but they did not pass another bill last night.

The Senate has not acted. There has been a lot of criticism of the House, that the House failed to pass legislation last night. However, the Senate has passed no legislation.

The President made a little speech this afternoon, and I take it as a serious statement. But previously he made a speech on his budget plan. It sounded good. It had a lot of things in it that sounded good. I believe Congressman RYAN, the budget chairman in the House, sent it to the Congressional Budget Office and asked that they score it. A score means they analyze how much taxes are going to be raised—exactly how much—how much spending is going to be increased or reduced, and then they lay out an analysis, called a score, of what that proposal actually will do. That is how we are supposed to consider budgets here.

So they sent the President's previous speech over to the Congressional Budget Office. The Congressional Budget Office said: You cannot score a speech. Sorry. Well, you cannot score a speech.

We are about to come back in next week. Maybe they will try to finish Thursday, maybe go into Friday. But we do not need to have a serious matter involving more than \$1 trillion of the U.S. taxpayer's money dropped on the Senate next Thursday without us being able to read it and analyze it and having it scored. We can't be expected to rubberstamp it like the old Soviet Politburo, the Duma, where leaders would put out the word to the members they would all vote just like that, 445 to 5 or something like that. And they called themselves a democracy.

We do not need that in the Senate. We, each Senator, represent individual Americans, millions of them. They expect us to know what we are voting on. Secret meetings and secret talks between just the Speaker and the President is not a good process. I do not know what is going on in these talks. I am the ranking member of the Budget Committee. I am just one Member of Congress who has a role in this process. Many others have a lot bigger role than I have, but none of us know what is going on in these secret meetings. But each Senator has an equal vote. Each Senator has an equal responsibility to represent their constituents.

So I am uneasy about this process. So I will just say this: Nobody should criticize the House of Representatives for not producing legislation last night until they have passed their own proposal. The Senate has had just as much time as the House to lay out a plan.

Months ago the House laid out a 10-year budget plan that would put America on a sound financial course.

Everybody can have different views on it, but it is a comprehensive plan that would start reducing our deficits and put us on a good long-term course. It has been complimented by people on both sides of the aisle. Meanwhile, the Senate has produced nothing. We have gone 3 years without a budget. We have not had a serious and broad debate about the financial challenges of America. Senator CONRAD had a number of very important hearings with witnesses 2 years ago in the Budget Committee. We talked about the issues. No bill was brought forth in committee that was actually marked up. That was a decision made by the Democratic leadership. They decided not to bring forth a budget. It was calculated. They never brought one forward despite the fact the law requires one. The United States Code requires a budget be brought up by April 1. They decided not to do so and would take the criticism from people like me. They took their lumps and never brought a budget forward.

Now for 3 years, they never produced a concurrent budget, but they have had great fun attacking Congressman RYAN in the House, who passed a budget, a comprehensive, historic budget that would change the debt course of America—never having produced anything. But we have had a number of speeches, a lot of speeches, a lot of outlines, a lot of proposals and schemes and plans, difficult to score, and never finally reaching fruition so that they could actually be considered by this body.

So I guess what I would conclude with is to say I am glad the President discussed the budget problem in a little speech this afternoon. He has an entire Treasury Department. He has a Director at the Office of Management and Budget overseeing hundreds of budget experts. They have more than enough capability to produce detailed financial plans and make these plans public. He could make his detailed plan public today. Presumably, he would not have made a speech today if someone in the OMB or the White House or the Treasury Department had not approved the outline of his plan. At the very least, that outline ought to be placed in print for everyone to see.

Senator REID should bring it up on the floor. It should be sent to the Congressional Budget Office to be scored. It should be analyzed. They should do that long before the Senate meets next Thursday. It should have been done a month ago.

I do find it odd—think about this—that the President has not laid out a plan since the election over a month ago. He won the election. He said certain things he wants to see in a plan, higher taxes and more spending. Indeed, he had some spending cuts. He

said: My plan cuts spending. But he has failed to note and acknowledge that the plan, as reportedly laid out by Secretary of Treasury Geithner in closed meetings, had far more spending increases than spending cuts. So the President's proposal as laid out by Secretary Geithner, on net, increases spending. It increases spending, it does not reduce spending.

It has some reductions of spending in it, but spending increases overwhelm the spending reductions. So it is not right, is it, for the President of the United States to say: I have a plan to cut spending. He has been meeting in secret with BOEHNER, so we have to base this on reports, but this is what it appears to do.

I believe Senator REID would serve the President well if he called him up and said: Let's get that fiscal cliff proposal over here and have your team meet with my staff, and we will publish it on Saturday. Congress can begin to look at it, and maybe we can beat this January 1 deadline and not go over the cliff. That would be my suggestion as to how we should proceed, and every Senator should have as much time as possible to study it. It should be made available to the House because they would ultimately also be called on to vote on it. Everyone should see it as soon as possible. That is the way government should be run.

I have written an op-ed, printed in the Wall Street Journal and elsewhere, that says America would really be better off had we used the legitimate committee process of the Senate to address this problem. The President can advocate for his views, the Republicans can advocate for their views, and the Democratic Senators can advocate for their views. We would actually have votes, and some of them would be tough votes, but we can begin to see where we stand, where the votes are.

If somebody wants to raise taxes and it gets voted down and somebody wants to cut taxes and it gets voted down—those votes happen over a period of time, and the numbers are all out there for everyone to see. At that point, it is much easier to tell your constituents: I have truly fought for the things I believe.

Now, I think it is best for America that we reach a compromise. That would be better than this process by which the whole Senate sits while the Speaker of the House and the President of the United States meet to develop a plan that we are presumably expected to, like the old Communist Duma, ratify at the eleventh hour without time to actually study it, with no real input. That is how this government, this Senate, was meant to work.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WYDEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

AMENDMENTS NOS. 3396 AND 3398 WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent that the following amendments be withdrawn: Nos. 3396 and 3398.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE "DAIRY CLIFF"

Mr. LEAHY. Mr. President, I have spent time on the Senate floor this week talking about the emergency supplemental appropriations bill to address Hurricane Sandy. But today I remind the Congress of another impending disaster. Unlike Sandy, but exactly like the fiscal cliff crisis, this is a man-made disaster that can and must be averted by December 31. Unfortunately, this calamity has been artificially created and forced upon us by forces of stalemate and obstruction in the House of Representatives. This disaster involves the Farm Bill and what happens on the first of January if the House continues to hold the Senate-passed Farm Bill hostage.

The American people have heard again and again about the fiscal cliff. Today, once again, I am talking about the "dairy cliff" that awaits us if the House continues to block action on the Farm Bill. A full six months have passed since the Senate approved a strong Farm Bill with bipartisan support. We came together in the Senate and passed a 5-year Farm Bill that contains some of the most significant reforms in agricultural policy in a generation, while providing \$23 billion in real deficit reduction.

After we passed the Senate Farm Bill, the House Agriculture Committee held a markup of their bill in July and passed a bipartisan bill out of Committee. Regrettably, that is where their work ended. The leadership in the House has refused to even bring their bill to the floor for debate, something that has not happened in the past 50 years.

Inaction by the House caused the Farm Bill to expire on September 30, terminating authorizations for a long list of important programs that benefit farmers, rural communities, consumers, and the 16 million Americans whose jobs depend on agriculture. Chairwoman STABENOW was on the floor earlier this week to point out the fact that it has been 80 days since the

Farm Bill expired. That is 80 days that our farm families and small businesses have been waiting and holding their breath. This is artificially generating untold uncertainty that is costing farmers, consumers and our entire economy in very real and highly unpredictable ways. This not only is unprecedented, it is legislative malpractice. It threatens great harm to the Nation and the American people. And it is wrong. Yet the Nation, including Vermont dairy farmers, incredibly enough are now on the verge of plunging over the dairy cliff.

By failing to even consider a Farm Bill, the House leadership has driven us straight to the edge of this dairy cliff and now is refusing to turn the wheel or put a foot on the brake. This is a pointless and dangerous game of chicken, dragging all Americans along for the ride.

On January 1—a mere 11 days from now—the final shoe will drop when the U.S. Department of Agriculture will be required to implement what is known as “permanent law” for our Nation’s dairy industry. The Secretary of Agriculture and his staff have been—quite literally—dusting off old paper files and mimeographed notes from the 1940s and 50s to review the Agricultural Act of 1949. Without a new Farm Bill, on January 1 the Nation will be forced to revert to the parity pricing that was part of that long-ago law that was passed a few short years after the end of World War II.

The House’s inaction on its own version of the Farm Bill, and its obstruction of the Senate bill—a Senate bill that saves taxpayers \$23 billion—will force the Secretary of Agriculture to implement a law from the middle of the last century. This archaic law will force the Federal Government to spend billions of dollars to buy and store dairy products to help raise the price of fluid milk for dairy farmers. The Secretary will have to keep spending until he is able to raise the price of fluid milk by 60 or 70 percent. This is pointless and wasteful Federal spending. And it is even worse than that. Taking those products off the market will drive up consumer prices—prices that struggling families must pay, from coast to coast, just to put food on the table—as early as next month. And that’s not the end of this needless waste. The Department of Agriculture will have to pay still more taxpayers’ dollars to store all of these dairy products.

So rather than pass the Senate Farm Bill that saves \$23 billion, the House is choosing to put the Secretary of Agriculture on a path to having to spend billions of dollars on dairy products, paying to store those products, and driving the price of milk through the ceiling for consumers. This is not even to mention the effects this could have on world prices and the harm it will

cause for the vulnerable millions worldwide who rely on dairy products for their basic nutrition. That, in summary, is what the dairy cliff is all about.

Every 5 years for the last 60 years, Congress has passed a Farm Bill. Never before has the Farm Bill expired like this. And now on January 1 we will implement market-distorting dairy policy so old that 49 current members of the Senate—including the Chairwoman of the Senate Agriculture Committee—were not even born when it was signed into law by then-President Harry Truman.

Market chaos will erupt if we do not divert from this disastrous, reckless, needless, man-made path. Chaos, from the fact that farmers will be pressed to increase production at this inflated price, and chaos as we see an influx of imported dairy products as processors in other countries would divert products to the U.S. It is a rollercoaster of milk prices that, in the end, will benefit no one and hurt everyone. It is the kind of rollercoaster of dairy prices that the reforms we included in the Farm Bill are designed to address. As milk floods the market, the USDA will have to buy even more milk to keep up. Economists at the USDA say that implementation of permanent law for dairy would cost at least \$12 billion to \$15 billion per year. That does not include the cost of storing these dairy products. The USDA may not have enough storage space, and once USDA fills every warehouse at its storage facility in Kansas City, it will have to bring the rest to Washington and fill every closet at the Department of Agriculture’s sprawling South Building with cheddar cheese and powdered milk.

The effects of these purchases will reverberate throughout the economy, and time is running out. The cascade of damage will be felt by our farmers, our food processors, our grocery stores, and by American consumers and taxpayers. It will also be felt by the 16 million Americans with jobs in agriculture. All at a time when they can least afford it.

Farmers in Vermont are very concerned that we are headed over this dairy cliff, and inaction on the Farm Bill has left the Nation’s dairy farmers with no safety net, since the Milk Income Loss Contract Program expired on September 30.

The House of Representatives is not giving our farmers, and especially our dairy farmers, a fair deal. We have been sent here to do a job, and it is not asking too much that Congress pass a five year Farm Bill, and on time. We heard Senator STABENOW speaking earlier this week about the agricultural disaster programs that have expired, in a year when we have experienced record droughts, terrible freezes, and then historic damage to farms as Hurricane Sandy stormed through the Garden State.

Also at stake are eight important energy programs that have expired and programs to support America’s organic farmers, specialty crop producers and beginning farmers. Close to my heart as well are the vital international food assistance programs that serve as a core component of U.S. efforts to fight global hunger. These have expired as well.

In all, there are 37 programs that have expired, for absolutely no reason. Inaction on the Farm Bill by the House of Representatives is the perfect example of gridlock in Washington that so frustrates the American people. It threatens our economy. It threatens farmers. It harms the most vulnerable among us. And it is entirely pointless and avoidable.

For all their talk of cutting Federal spending and reducing the cost of entitlements, House leaders and the obstructive caucus to which they are catering, by blocking the Farm Bill are poised—by themselves—to increase the Federal deficit by at least \$12 billion to \$15 billion in 2013 alone. Let me say that again: these obstructionists in the House are threatening to drive up the deficit by \$12 billion to \$15 billion. While stalling and delaying work on the Farm Bill, saying they want further, draconian cuts in food assistance for the families across this land who are struggling the most, House leaders are about to drive us over this dairy cliff and exponentially increase government spending, hit consumers hard, and destroy the fragile economic gains we have made. This is not what the American people and our farmers deserve. Let’s do what is right and pass the Senate Farm Bill into law—without further delay and without the political posturing.

#### TRIBUTE TO MARGE VAN HOOVE

Mr. REID. Mr. President, I rise to recognize with great appreciation one of my longest-serving and loyal staffers, Marge Van Hooze. It is hard to imagine that this day would come, but she has earned a restful retirement from public service.

In January 1987, I had just been elected to serve my first term in the U.S. Senate, when Marge asked to work with me. Even before this meeting, she had been involved in my prior campaigns. Marge’s 25 years of service in my Las Vegas office unlocks many wonderful memories.

Marge has always been the first to arrive and last to leave. She never missed a deadline and was always ready with her quick wit. One night, I phoned the office and asked her why she was there so late. She responded, “Because you are calling me so late.” Her unyielding dedication to give each task her best is exemplary.

Ms. Van Hoove was the matriarch of my Las Vegas office. She trained staffers and made sure the office ran properly. As the manager of the front desk and scheduling, she saw the process evolve from a pen and paper operation to the modern electronic process that exists today. She also made sure the office maintained the highest level of integrity and ethical standards. She would joke, "I'm not going to the Federal prison in Lompoc for anybody."

Despite Marge's many responsibilities, she never forgot a single assignment. No matter what task was assigned to her, she would see it through to its successful completion. Marge never had a sick day until her recent health battles. And even during that difficult time, she worked from home and always staying abreast of all office business.

Marge has a wonderful, engaging sense of humor and accompanied with a memorable laugh. She would pick out quirks among staff and with good nature poke fun at them. She also knew every member of my security detail by name and would charm them during their State visits. To her, everyone was, "Jose" or "Lucille." She would always say, "Ok, Jose" or "Here's the deal, Lucille."

Marge was not only a leader in my office, but a woman of great faith and strength at home. She was born in Santa Fe, NM, but grew up in the San Francisco area, which explains her adoration for the San Francisco Giants and 49ers. She was married to her husband John Van Hoove for 33 years, and they raised two sons John Jr. and Steve. Marge is a proud grandmother of three grandchildren.

Marge's departure into retirement leaves behind a void, but I know that she has instilled many of her strong values and tireless work ethic into the staff she trained. Marge's country western music and cowgirl boots will be out of sight, but she will not be out of the minds of those she worked with. Landra and I will miss our forever friend, Marge, and extend to her our heartfelt love.

#### REMEMBERING DANIEL K. INOUE

Mr. SCHUMER. Mr. President, I rise today to say goodbye to my friend, Senator Daniel K. Inouye. This week in the Senate, we lost a colleague, a mentor, and a compass, and what is more our country lost one of the greatest heroes of the "Greatest Generation."

We are a Nation that still holds its heroes dear, and that is why it is so hard to say goodbye to Danny.

I can think of no place more fitting to say one last "Aloha" than at the very center of this Nation's Capitol Building as Danny rested under the Dome yesterday, which is the symbol of freedom to the entire world and the very freedom he gave so much of himself to protect.

And protect it he did. Danny stood up and fought the racial stereotypes that

would have kept Japanese Americans from joining their friends and brothers in World War II. His service in France and Italy, including his heroic battle in Tuscany which earned him our highest military honor, helped fight the spread of evil and hate and religious persecution. In Congress, Danny kept a constant vigil in the service of the people of Hawaii, making sure our 50th State was as well represented as any of the original 13.

As we have gathered to honor him over the past 2 days here in Washington and will continue to gather over this weekend in Hawaii, to thank him, and to say a final farewell, we will be a Congress united. Not conservatives or liberals, Democrats or Republicans, 99 percent or 1 percent. We stand together just as Danny saw us all: as Americans.

Danny was a friend. Quick with a word of advice or encouragement, loyal to his friends and colleagues on both sides of the aisle, in Danny's passing we lost a man who could bridge any divide. We lost a man who led in his platoon, in his caucus, and in his beloved home State of Hawaii.

Danny will be missed by this body and by his friends on both sides of the aisle. But it is my hope his spirit will remain with us, and help ensure that the next generation of heroes has the same freedoms he held so dear. We will never stop fighting to protect them, Danny. Mahalo and Aloha.

#### TRIBUTES TO DEPARTING SENATORS

JOE LIEBERMAN

Mr. LEVIN. Mr. President, in a few days, the Senate will no longer benefit from the service of a member who has left an indelible mark on national security policy and on the Senate. Senator JOE LIEBERMAN has been my colleague and friend for more than two decades. We have shared triumphs and challenges, agreed and disagreed with one another, and each of us has served as a member of a committee the other chaired.

One challenge we have shared is the need to strengthen our nation's manufacturing sector, the economic backbone of our two states and indeed of the nation. Senator LIEBERMAN has served as chairman of the Senate Manufacturing Caucus, which has benefited greatly from his energy and leadership. He has been a dedicated supporter of the Manufacturing Extension Partnership, which helps U.S. manufacturers strengthen and grow in the face of international competition. In this work, Senator LIEBERMAN has been an ally of Michigan working families.

Of course, Senator LIEBERMAN and I have worked together on the Armed Services Committee, where he has been an active, thoughtful, principled and energetic member and subcommittee chairman. Senator LIEBERMAN joined

the committee in 1993, and from the start, he made an impact. He was the author of what came to be known as the Lieberman Amendment to the National Defense Authorization Act for Fiscal Year 1997, directing the Department of Defense to conduct a Quadrennial Defense Review. This review has become an integral part of our nation's defense planning, encouraging the Pentagon, Congress and all who contribute to defense strategy to confront tough questions about strategy, capabilities and resources.

Over several years as chairman or ranking member of the Airland Subcommittee, Senator LIEBERMAN has played an influential role in oversight of important modernization programs. His constant attention and leadership has helped the Army push through the challenges of acquiring and fielding the truly networked tactical force our nation needs, and of modernizing its helicopter force. He has provided close oversight of aircraft programs such as the F/A-18E and F, F-22, F-35 Joint Strike Fighter and the new KC-46 aerial refueling tanker.

Of course, the committee has grappled with a number of difficult policy questions over the last two decades, from the need to repeal "don't ask, don't tell" to the conduct of the wars in Afghanistan and Iraq. Senator LIEBERMAN was the original sponsor of the legislation that repealed "don't ask, don't tell" and he played an important role in shepherding this legislation through the Armed Services Committee and the Senate. Whether one agrees or disagrees with Senator LIEBERMAN on these issues, it's impossible to doubt his thoughtfulness and his dedication to finding the right solutions for our nation.

Senator LIEBERMAN is my chairman on the Homeland Security and Government Affairs Committee. I'm privileged to chair that committee's Permanent Subcommittee on Investigations, where a small but incredibly talented and dedicated staff has made immense contributions to consumer protections, government oversight and our defenses against financial wrongdoing. I am deeply grateful for Senator LIEBERMAN's support for our subcommittee's work.

We also have worked closely on the committee's efforts to protect Americans from potentially catastrophic releases from chemical facilities. I was a co-sponsor on legislation he authored with Senator COLLINS to address that threat, and I am thankful for his leadership in putting in place these vital protective standards. Senator LIEBERMAN's work has also included badly needed reform of the Federal Emergency Management Agency in the wake of the Hurricane Katrina disaster; improving our cybersecurity protections; and improving our defenses against disease pandemics.

The Homeland Security and Governmental Affairs Committee is also where Senator LIEBERMAN has accomplished what is likely his most lasting work: reform of our homeland security and intelligence communities in the wake of the 2001 terrorist attacks.

Reforms of this scope by necessity have many authors, but certainly Senator LIEBERMAN's role was at the forefront. His leadership was instrumental in passage of legislation creating the Department of Homeland Security, and in achieving vital reforms to the structure and practices of our intelligence agencies in the wake of the 9-11 attacks. These were sweeping, once-in-a-generation reforms, and Senator LIEBERMAN was tireless in his advocacy for them.

In these and so many other ways, Senator LIEBERMAN leaves an important and lasting legacy as he prepares to leave the Senate. He is a trustworthy confidant and I shall miss him. Barbara and I wish JOE and Hadassah every happiness as they embark on their next adventure together.

OLYMPIA SNOWE

Mr. President, it is an unfortunate reality that the number of people in Washington working for bipartisan solutions is significantly smaller than the number of people claiming to do so or proclaiming the need to do so. Nearly everyone seeks the "bipartisan" label; fewer wear it comfortably or practice bipartisanship regularly.

That is one reason I am sad to see OLYMPIA SNOWE leave the Senate. Over three terms, Senator SNOWE has represented the people of Maine with intelligence and, yes, moderation. Here's how *Time* magazine put it in 2006, in naming Senator SNOWE one of the nation's 10 best senators: "Because of her centrist views and eagerness to get beyond partisan point scoring, Maine Republican OLYMPIA SNOWE is in the center of every policy debate in Washington." And I've been lucky to observe her work in those debates.

Start with her work on the Senate Small Business and Entrepreneurship Committee, where she has served both as chairman and ranking member. As a member of the committee, I have appreciated her dedicated advocacy for small business. She has worked hard to support SBA's Microloan program and programs for women owned businesses. She has helped improve SBA's trade and export finance programs; elevated the SBAs Office of International Trade and add export finance specialists to the SBA's trade and counseling programs; and established the State Export Promotion Grant Program, designed to increase the number of small businesses that export goods and services.

Senator SNOWE also has been an enthusiastic supporter of our nation's manufacturers. As a former co-chair of the Senate Task Force on Manufac-

turing, she has worked to strengthen programs such as the Manufacturing Extension Partnership, which helps American manufacturers research and develop new technologies, increase efficiency, improve supply chains and out-innovate our overseas competitors. American workers from Maine to Michigan and beyond are better off for her support of this vital sector of the American economy.

Beyond manufacturing, our states are linked in another way: the historical lighthouses that dot our shores. I was pleased that Senator SNOWE joined me in offering the National Lighthouse Stewardship Act, which would help local governments or nonprofit groups preserve these prized structures for the appreciation of generations to follow.

I was also fortunate to serve with her on the Armed Service Committee, where she served as Chair of the Seapower Subcommittee. She was a strong advocate for the men and women of the Navy and Marine Corps, and worked diligently to ensure that the Department of the Navy had the people and hardware the Navy needs to defend our nation's interests.

On these and other issues, Senator SNOWE has worked across party lines for the good of her constituents and our nation. But I can think of no issue that better demonstrates her ability to reach beyond partisan interest than one of the most controversial issues of our time together here: the Iraq war.

I worked with Senator SNOWE and a bipartisan group of senators who believed the status quo in Iraq was no longer acceptable and who worked together to chart a new course.

We joined together to advance our collective view that the primary purpose of United States strategy in Iraq should be to pressure the Iraqi political leadership to make the compromises necessary to end the violence in Iraq while accelerating the training of Iraqi troops to take responsibility for their own security.

We made clear that the open-ended commitment of U.S. forces to Iraq was over, thereby undermining the al Qaeda narrative that we were there as occupiers and signaling to the people and Government of Iraq that the time for political reconciliation had come.

As Senator SNOWE rightly pointed out at the time, "The Iraq government needs to understand that our commitment is not infinite. Americans are losing patience with the failure of the leadership in Baghdad to end the sectarian violence and move toward national reconciliation." She continued, "It is imperative that Congress understands the importance of placing the future of Iraq's independence in the hands of those who should want it most—the Iraqi people and their government."

As members of the Senate Select Committee on Intelligence, Senator

SNOWE and I also worked as part of the Committee's effort to investigate the misuse of pre-war Iraq intelligence by policymakers.

Senator SNOWE's support for the investigation and its findings, in the face of strong criticism from some in her own party, was important to bring transparency to the decision to go to war in Iraq and will help to ensure the American public is not similarly misled in the future.

Senator SNOWE recently took another principled stand, in what will likely be her last vote as a member of the Intelligence Committee, when she was the only Republican member to vote to adopt the Committee's report on the CIA's Detention and Interrogation Program. That report definitively shows that torture is not effective in eliciting intelligence and will hopefully significantly influence how our nation deals with the detention and interrogation of those we capture in the future.

OLYMPIA SNOWE's service has been of enormous benefit to the people of her state. She is rightly respected in this chamber, and around this country, as a leader who has not just talked a good game when it comes to bipartisanship, but has followed words with action, often at the cost of no little political discomfort for her. To the very end of her tenure here, she has fought, as she put it just last week on this, "to return this institution to its highest calling of governing through consensus."

I want to thank her for the many ways in which she has supported programs important to Michigan, and for the thoughtful approach she has brought to the many challenges we have faced together. As she returns to Maine, I wish OLYMPIA and Jock every success in whatever endeavors may come. And I hope we can take to heart Senator SNOWE's wise words as we seek to answer the challenges before us.

SCOTT BROWN

Mr. President, I want to give my thanks to Senator SCOTT BROWN, who leaves the Senate at the end of this session. I have not had the privilege of working with Senator BROWN for as long as I have worked with many of the other Senators who are concluding their service here. But I am grateful for his work as a member of the Armed Services Committee, and for his support for some of the important reforms that helped put a cop back on the beat on Wall Street.

SCOTT's road to the Senate was not easy. Like all too many American children, he was the victim of abuse by those who were obligated to care for him. Senator BROWN overcame great odds to become a United States Senator—odds that had little to do with politics. He is an example of our power to achieve despite great challenges, and we can all learn from that example.

Senator BROWN was one of a handful of members who crossed party lines to

support the Dodd-Frank Act, which provided vital reforms of the financial sector in order to help prevent a repeat of the financial crisis that crippled our economy. He and I disagreed on several important provisions of the act, and we disagree in many ways on how it can best be implemented. But his vote was very important to its passage.

As a servicemember for more than three decades, including a deployment to Afghanistan, Senator BROWN has brought a valuable perspective to the Armed Services Committee. He has spoken eloquently of the need to honor our Nation's solemn obligation to our troops, our veterans and our families. He has advocated for the National Guard and supported significant policy changes that are important for our servicemembers, such as supporting victims of rape or incest and repeal of "don't ask, don't tell." I thank him for his contributions to the committee's important work in fulfilling its obligation to servicemembers and their families.

DANIEL AKAKA

Mr. President, now that the 112th Congress will soon be coming to a close, the Senate will be able to take a moment to acknowledge and express our appreciation to those members who will be retiring when the gavel brings an end to the current session. One member who has had a great impact on so many of us on a personal basis is DANIEL AKAKA.

DANNY, as I have come to know him, has been one of the strongest and most loyal parts of our Senate Prayer Breakfast. That regular gathering that many of us attend gives us an opportunity to come together to share our faith and discuss the difference it has made in our daily lives.

No one has played a more important role in those weekly meetings than DANNY. His faith has brought him through some very difficult situations in his life and it has also helped him to pursue policies and programs that have made a difference in more lives than we will ever know.

When DANNY was in the House he was the song leader. His understanding of the importance of music helped him to better express his faith. He led our singing of our hymns by providing us with the history of each song as he explained the meaning of the words that were used to bring its message to life. His faith also showed itself with his work on a sailing ship that helped to bring missionaries around the Pacific to share their faith with those who might otherwise have never heard such stories.

DANNY is a veteran of World War II. His experience during the war gave him an understanding of the sacrifices our veterans made during their service and the importance of ensuring that we as a nation take good care of them and address their medical needs.

That is why one of DANNY's great accomplishments here in the Senate has been his efforts on behalf of his fellow veterans. Whenever an important bill was taken up and passed, DANNY immediately got to work, trying to determine the impact each bill would have on our veterans and how any negative impacts could be addressed and reversed. Just as we owe our veterans a great debt of gratitude for their service, veterans everywhere have a special place in their hearts for everything DANNY has done over the years to protect and preserve the benefits they have earned with their service.

In addition to his great faith and his concern for our Nation's veterans, DANNY also brought to the Senate his love of Hawaii and its great culture and history. It was a gift he shared with us over the years that increased our awareness of Hawaii's past and the great traditions of his home State.

Through the years DANNY has made a reputation for himself here in the Senate as a careful, thoughtful legislator who works quietly but effectively. The good work he has done on a number of issues has had an impact that will continue to be felt for many years to come.

Thank you, DANNY, for your service both here in the Senate and in our armed forces. You can be very proud of all you have achieved. You have represented your State very well. Thank you most of all for your friendship and for sharing your faith and the impact it has had on your life. You will be missed and not just by those of us in the Senate who have enjoyed having a chance to come to know you. You have been a great friend to our Nation's veterans, too, and they will always remember your commitment to them.

SCOTT BROWN

Mr. President, now that the 112th Congress is coming to a close, the Senate will have an opportunity to acknowledge the efforts of those Senators who will be returning home at the end of this session of the Senate. One Senator I know I will miss in the days to come is Senator SCOTT BROWN.

Looking back it is hard to believe that SCOTT has only been a member of the Senate for about 3 years. He has had an impact on our day to day deliberations over those years that far outweighs the time he has been a Member of the Senate. That speaks volumes about his ability to make the best use of his resources so that he could have an impact on those issues that concern the people of his home state.

When SCOTT was elected to the Senate he became the first Republican Senator from Massachusetts to have made it here in more than 30 years. For me, that is proof of the kind of candidate SCOTT was and the effectiveness of the campaign he ran.

His success in what was a very difficult race proved that SCOTT is a nat-

ural politician. He has a remarkable ability to grasp the core of the issues before the Senate and determine their possible impact on the people back home. He understands the people back home and he knows how they think and how they feel about the issues before the Senate. Equally important, SCOTT is able to explain those issues in simple, easily understood statements that stick in the minds of the people who hear him. He has a way with words that helps to win people over.

When SCOTT came to the Senate people were not sure what to expect. Was he going to tend to follow one Party or the other exclusively? No. SCOTT took up each issue individually, measuring them all with the yardstick of his principles and his determination to be an effective representative of the people of Massachusetts who sent him to Washington. It was not going to be easy, but SCOTT proved himself to be well up to the task.

As soon as he arrived, SCOTT found himself in the thick of a number of legislative battles. He took on each issue carefully and thoughtfully which thoroughly confused all those who thought they had SCOTT all figured out. SCOTT proved to be an independent individual who was determined to do everything he could to make a difference in Massachusetts and in Washington. He soon proved he was able to do all of that and so much more.

For 3 years, SCOTT has been an important addition to the day to day life of the Senate. I have no doubt we have not heard that last from him. He only needs to take a moment to see what he is interested in taking on in the next chapter of his life. He has a wealth of talent and ability and more importantly, he genuinely cares about the future of our Nation and all of the people who make up his home State and our Nation. There is a lot of opportunity out there for SCOTT and I know he will take full advantage of it.

Thanks, SCOTT, for your service. Thanks for working so hard to get here, and once you did, thank you for never doubting in your ability to make a difference. You have helped to make changes both here and back home in more ways than you will ever know. Thank you, too, for your friendship. For 3 years you have been a strong and powerful advocate for the future of Massachusetts and you can be very proud of all you have achieved during your time in the Senate.

JON KYL

Mr. President, it is a tradition in the Senate to take a moment at the end of the session to express our appreciation for the service of those Senators who will be retiring at the end of the year. This year it seems that we have quite a few retiring Senators who will be greatly missed because of the important role they have played in our leadership on both sides of the aisle. Such

a Senator is JON KYL. I know we will miss him, his willingness to work with all of his colleagues, and his understanding of the issues and the need for us to come together to address them.

JON KYL may very well be one of the smartest individuals I have ever met. More importantly, he is not just highly intelligent, he also has an abundance of wisdom. That means he not only knows what is right—he does it! Putting knowledge into action is always the toughest part of the equation.

Here in the Senate, JON has taken on a combination of assignments that most members would have found impossible. JON not only served as our Party “Whip”, but he also helped to direct our efforts with his great understanding of the many details that form such an important part of every issue we take up in the Senate.

JON has been such a great asset for our party because his focus is on the details of every issue that comes before the Senate. That is why, more often than not, when a complex matter is up for our consideration, many of us want to know what JON thinks and what his recommendation would be. His insights have always been an important part of many of his colleagues’ consideration of what each of us should do to further the interests of the people of our home States.

One thing everyone who has spent some time with JON knows about him is his great love for NASCAR. In fact it is more than just an appreciation—I don’t think there are many who understand it with the depth that he does. He not only knows the stats, but he has a great feel for how each race played out, the strategy that was employed and the significance of the results. The way he describes “how the game is played,” the rules, and the key players in every race is enough to get anyone interested in attending the next event. NASCAR ought to make him their ambassador. He would increase interest in it right away. He had done a lot to make me a fan, too!

Politically, JON is a staunch conservative. In fact, I am sure if you look up “staunch conservative” in a reference book it will refer you to their article about JON. JON’s great talent makes him the perfect example of what a conservative is, and his knowledge serves to highlight the positions and issues that are important to all conservatives.

Something else that we have all come to know and appreciate about JON is the strength of his faith and his belief in the importance of the family. One of his first considerations when we took up any legislation was how will this affect our Nation’s families? It was that important to him. I can not imagine a better starting point for our discussions and deliberations.

Thank you, JON, for your willingness to serve. You have made a difference in

more ways than you will ever know. In the months to come, I will miss seeing you around the Capitol building. I will also miss having the benefit of your advice and counsel—though I intend to keep your number handy. What I will miss the most, however, is your friendship. Keep in touch with us. We will always appreciate hearing from you.

JIM DEMINT

Mr. President, one of our traditions here in the Senate is to take a moment as the current session of Congress draws to a close to acknowledge and express our appreciation for the service of all those members who will be leaving when the gavel brings to a close the 112th session of Congress. I know we will miss them all—especially those like JIM DEMINT who have played such an important role in the work we do every day in committee and on the floor.

I know I wasn’t the only one who was surprised to learn that JIM DEMINT was leaving the Senate to become the president of the Heritage Foundation. It is a great opportunity for him, and I know he will make the most of it in the years to come. We will miss him, though, because in a short time he had become an important voice in the Senate for the issues that meant a great deal to him.

Looking back, I have no doubt that JIM learned at an early age that the law is a great teacher and by coming to Washington to help draft our laws he could help to teach people all across the Nation what it means to be a citizen. He could also help to ensure that our government responds more fully and substantively to the needs of the people of our Nation. I think that is what most interests him about the Heritage Foundation—the knowledge that it will be another opportunity and provide him with a different platform from which he can continue to have an impact on those issues that mean so very much to him.

Over the years I have come to know JIM as he has taken his place as one of a very few who have been known as the conscience of the Senate. He is an individual of strong principles and core values and he brings his sense of direction to the work of the Senate every day.

As I have watched him in action, I have seen his ability to bring our attention both carefully and forcefully to the flaws in the legislative matters we had taken up for deliberations. In everything we did, JIM would take a close look at the wording of each clause and every proposed amendment and make it clear to us the reasons why he believed something needed to be changed. Then as we began our debate, he would then present his points with greater clarity and substance as he made clear his strong opposition to or support for the issue that was before us.

His views on how the Senate functions and how we could make it more

effective and more efficient are clearly presented and strongly espoused in his books. I have no doubt that JIM’s books could change the Senate if we could get every one of our colleagues to read them, consider them and then put some of his ideas into practice.

Thank you, JIM, for your willingness to serve and for all you have helped us to accomplish during your time in the Senate. You have presented us with some strong, bold ideas about our future as a nation and I have no doubt they will continue to have an impact on the Senate for a long time to come. Thanks for sharing them with us.

The new adventure you will now begin with the Heritage Foundation sounds like a challenge you will fully enjoy. I know we will continue to hear from you in your new post and we are looking forward to it. You have an important viewpoint to bring to our deliberations and it would be missed if you didn’t continue to make your thoughts and concerns known. We will be watching and listening for your comments and suggestions in the days to come. Good luck and keep in touch!

HERB KOHL

Mr. President, now that the 112th Congress is coming to a close, we have an opportunity to acknowledge and express our appreciation for the service of our fellow Senators who will be retiring at the end of the year. HERB KOHL, one of those who will be returning home when the gavel brings to a close the current session of Congress, will be missed, for he has been very active and involved in the day-to-day work of the Senate for many years.

My first contact with HERB came about when I found out that he had a ranch in Wyoming. I shouldn’t have been surprised. As I have had a chance to come to know him, it seemed pretty clear that he had a lot of Wyoming in him. He is a gentleman and a gentle man in every sense of those words. He says what he means and he means what he says. For him, those words aren’t clichés, they are an indication of the way he lives his life.

I know I am not the only one who thought that about HERB. That is why he has a well-earned reputation for being a calm, thoughtful legislator. He has a knack for taking on a problem, giving it his full attention, and then working with members on both sides of the aisle to develop a workable solution to solve it. That is why he has been so successful on a number of issues.

HERB’s ability to patiently pursue an agenda, and then focus on a solution that would receive the support necessary to pass, has been a hallmark of his service. Never one to seek out public attention for his efforts, he has been rewarded with something far more important: the knowledge that he has done a good job. His commitment to the future of his home State and our



Nation has made it possible for him to have an impact on several issues of great importance to people from every corner of the United States.

HERB has been such a successful legislator in part because of his small business background. He understands better than most the important role our businesses play in our local, State and national economies. He is a man of vision who put his great talents into action when he helped to take the family business to the next level. His success in that effort helped to put him on a path that made it possible for him to do some things that a lot of us only dream about.

One of those great dreams he was able to make come true was his ownership of a professional sports team, the Milwaukee Bucks. There had been some speculation that the team might be bought and moved out of Milwaukee. HERB made sure that wouldn't happen. He bought the team and kept them in Milwaukee, and the people of Wisconsin appreciated his efforts to keep the home team—at home.

None of that would have been possible if not for HERB's ability to organize his time so that he could make the best use of that precious commodity. That has been one of his greatest assets in the Senate, too. Back home, his constituents know that he is a thoughtful person who is interested in them and is always on the watch for those things he can do as their Senator to make their day-to-day lives better.

His constituents have greatly appreciated his work in Washington on their behalf, and that is why they returned him time after time so he could keep doing such a good job of representing them. HERB has compiled an important record that he should be proud of because it reflects his commitment to the future of his home State and our Nation.

BEN NELSON

Mr. President, at the end of each session of Congress, as is our tradition, we take a moment to express our appreciation and acknowledge the many contributions each retiring Senator has made to the day-to-day work of the Senate. We will miss them when the gavel brings to a close the 112th Congress—especially Senators like BEN NELSON who have made an important difference during their service.

Since he is from Nebraska, BEN is a neighbor to my home State of Wyoming and he understands more than most the inherent problems and challenges faced by rural America. The people of Wyoming, Nebraska and the West have taken on a rugged way of life and it shows itself in their independence, their unique spirit and their great love of their community and their country.

BEN's upbringing and his ties to his State of Nebraska gave him an important understanding of the issues that

surround our rural way of life. He took an active role in the Senate's work on agriculture and energy issues because he understands how great a concern they are back home.

BEN learned at an early age that he could make a difference if he worked hard and dedicated himself to the people of his State. It was a plan of action he put into everything he has ever done in life.

It helped him to make a successful run for governor, after which he decided to run for the Senate. He knew it wouldn't be easy, and it wasn't, but when the votes were counted he had won an important Senate seat and was headed here to represent his beloved home State.

Soon after he began his Senate career he cast a vote to lower everyone's taxes. That took courage. In the years since then, he has shown that he has a lot of that important quality in abundance.

Since we are neighbors and share an appreciation and understanding of rural America and our unique way of life, it shouldn't come as a surprise that we have a great deal in common. We both love our great outdoors and there are places in Nebraska that are almost as beautiful as Wyoming.

We both love to hunt, and BEN has had some very interesting opportunities to pursue his hobby all over the world. My hunting has all taken place in Wyoming. Because of our love of hunting and my great affection for fishing, BEN and I co-chaired the Sportsmen's Caucus. We have also worked together on a number of issues related to the great outdoors. They are matters that mean a lot to us and to our constituents back home.

Thanks, BEN, for your service and for your determination to make the position of your constituents known here in Washington. You have made a difference in many ways and you can be very proud of your legacy of service. Thanks, too, for your friendship. I have enjoyed coming to know you. Whatever you have planned for the future, I hope you continue to enjoy the great adventure of your life.

JIM WEBB

Mr. President, as we have all learned, it doesn't always take a lifetime of service to make a difference, especially here in the Senate. JIM WEBB is one of those unique individuals who had an impact here although he only served for one term before deciding to retire. I know I will miss him and his great support for our Nation's military and his heartfelt concern for our Nation's veterans.

As I have had the opportunity to come to know JIM a little better, it is clear that he is a man of strong convictions. As we say in the West, he is someone who means what he says and says what he means. He walks his talk.

When he first arrived in Washington he made it clear he wasn't going to be

someone who could be taken for granted, especially when it came to those things in which he strongly believed. He put his home State of Virginia first and he was going to work hard to ensure that the concerns of the people back home were heard—and heard clearly—whenever an issue was taken up that was going to have an impact on them.

A Vietnam veteran himself, he had a great interest in national security issues. His determination to make a difference in that area became very clear right from the start. Serving on the Veterans' Affairs Committee he worked very hard to ensure that our veterans were able to access the benefits they had earned with their service.

JIM is a good writer and he has several books to his credit. They have received a great deal of notice and one of his stories has been made into a movie.

I know I join with many of my colleagues in wishing him all the best as he returns to Virginia. I don't know what his next great adventure will be, but I do know his skills and talents will provide him with a number of opportunities to choose from in which he can continue to play an active part in his State.

Thank you, JIM, for your willingness to serve—not only here in the Senate but in our Nation's military. The recognition you earned with your efforts will continue to inspire others. Because of you our Nation's veterans have had a champion in committee and a warrior on the Senate floor who did everything you possibly could to ensure our veterans would never have to settle for anything less than the best. They have earned that and so much more with their service, their many sacrifices on our behalf and their unsurpassed love for our country.

JEFF BINGAMAN

Mr. President, at the close of each session of Congress, the Senate has traditionally taken a moment to express our appreciation for the service those who are retiring have provided to the people of their home State and our Nation. It gives us an opportunity to acknowledge the contributions that every Senator makes to the day to day operations of the Congress and the work they have been a part of as we have worked together to craft the laws that govern the Nation.

Over the years I have learned a great deal about how the Senate works and how to be an effective representative for the people of my home State from one of the best, JEFF BINGAMAN. He has compiled quite a record that he can be very proud of, and he has done it quietly, almost behind the scenes as he has shown himself to be "a workhorse and not a showhorse."

For those of us from the West, that is quite a compliment. In a nutshell, it means that someone is a lot more concerned with getting results than in getting the credit. It proves the old saying

that you can get just about anything done if you don't care who gets the credit for it.

When I first arrived in the Senate, I had always believed in the importance of getting acquainted with how things work by taking a close look at how the people who were getting the results I was equally committed to achieving were doing it. Using that as my standard, one Senator who caught my attention quickly was JEFF BINGAMAN.

JEFF is a fellow Westerner and he knows and understands the issues that are so important to the people back home. As I watched him in action, I could quickly see why he was a success story here. He had a reputation for his ability to work with both sides of the aisle to get the results the people of his home State had sent him here to achieve. He had an understanding of the ramifications of the legislation we were working on that was second to none. Taken together, all of that had helped to make him an important ally in any legislative battle that needed to be won.

As I got to know him, I looked to him for his leadership on the issues that were on the minds of the people back home in Wyoming. He was taking the lead on a number of them as he worked to increase the awareness of our colleagues about matters like open spaces, water and the future of our energy industry.

Over the years, JEFF has been a mentor to me. I have learned a great deal from him from our work together on Western issues and from our service on the task groups we both worked on. JEFF has an ability to summarize a difficult issue simply so that it can be understood on a number of levels by those of us who come from backgrounds that are quite different from JEFF's and all our Western colleagues. He was then able to propose commonsense solutions that not only made sense to our fellow Senators, but were also able to obtain the support they needed to be considered and passed by the Senate.

That would have never been possible if not for one of JEFF's great gifts—his ability to find common ground in the midst of some sharp disagreements. He knows how to take the views of all concerned into account and then develop a plan of action taking a variety of viewpoints into consideration. Somehow he had a knack for finding a way to make it all work.

None of that should have surprised us. After all, JEFF has one credential on his resume that not everyone has: the persistence and determination to acquire. JEFF was active in Boy Scouts at a young age and with a lot of hard work and determined effort, he was able to reach the rank of Eagle.

Some people might be surprised that I mention JEFF's Eagle, a great achievement that he was able to attain so many years ago. I have found that

the Eagle speaks volumes about the strength of someone's character as they grew up. It proves that they were focused on more important things—like setting goals and then planning a course of action to reach them—one by one. There is no more valuable skill to have in the pursuit of a career and the development of a life than that.

During his service in the Senate, JEFF has compiled a record of which he can be very proud—as proud as the people of New Mexico are proud of him. That is why they kept sending him back to the Senate. It is also why his record of service will continue to receive the notice it deserves as the issues he has worked so hard on will have an impact on the West and the Nation for many years to come.

I don't know what JEFF's plans are for the future, but I feel certain we haven't heard the last from him. I hope he will continue to keep in touch with all of our Western delegations. I am certain we could all use a little New Mexico wisdom from time to time on the issues that come before us that are of such great concern to the West and rural communities all across the country.

Thank you, JEFF, for your service to New Mexico and to the United States. We appreciate your willingness to come to Washington to ensure the concerns of your State were heard and that they received the attention they deserve. Thanks most of all for your friendship over the years. I have learned a great deal from you and about you and I know the lessons I have learned from you about the Senate and our Committee structure will continue to make me a more effective advocate for Wyoming and the West. Whatever the next chapter of your life holds in store, I know you will give it your best—just as you have done with every other great adventure in your life.

KAY BAILEY HUTCHISON

Mr. President, now that the campaigns are over, the elections have been held, and the Senate is winding down its current session, I appreciate having this opportunity to express my great appreciation to those Senators who have had a great impact on me and our work together in the Senate. Such an individual is KAY BAILEY HUTCHISON, who has had a remarkable career as the Senator from the great State of Texas.

Senator HUTCHISON and I go back quite a way—in fact, we go back to the days before I was elected to the Senate. That was when I had just beat the odds and managed to receive the nomination of my party to the Senate. A great part of the reason for my success had to do with the support I received from my family and the enthusiasm we put into everything we did that year. It really had an impact throughout the State during the primary season. Now that

the primary was over, however, the real battle was about to begin.

I knew, as soon as I was nominated, that I had a problem. I was running against a very strong candidate, a woman with a wealth of experience in politics who had already waged and won a statewide race. I had no doubts that we could still win, but I wasn't kidding myself that it would be easy, either.

Fortunately, I had a secret weapon—KAY BAILEY HUTCHISON. She agreed to come to Wyoming and campaign with me. That was a tremendous blessing because she had a natural feel for politics and she more than made up for my lack of experience in running a statewide campaign. She gave me a lot of good advice and we took it all. Then we set out on the campaign trail and that is where she really proved to be an asset.

Each stop we made Senator HUTCHISON showed that she was a natural politician. People responded to her and the way she spoke during our events. She made it clear that she was a hard worker who said what she meant and meant what she said. Her Texas style played well in Wyoming and it really made a difference for me.

Then, when I came to Washington to begin my work in the Senate, I watched her take on some pretty difficult issues. She had a talent for seeing the best solutions to those complicated problems and that helped her to make a difference in her home State and here in Washington.

What most impressed me was her ability to see a problem as it was developing and then formulate a strategy to deal with it before it became any more difficult. She was very focused on the needs of her home State and what she could do here in the Senate to make sure that the issues of most concern to the people of Texas were addressed.

Back home, Senator HUTCHISON has always been concerned about our young people and what she could do to ensure they realize they can be anything they want to be if they are willing to work hard to succeed. That is why the young women of Texas look up to her and see her as a model of what they can also hope to someday achieve. That led her to publish a collection of stories about successful women. Senator HUTCHISON knows that a good biography is more than a source of inspiration, it is a very specific "how to" manual that young women all across the country can look to for inspiration, guidance and direction on how they can hope to achieve the same kind of success in their own lives.

Senator HUTCHISON has a remarkable family and I know that she is very proud of them. Not too long ago, she and her husband decided to adopt a child. They wound up adopting not one, but two children who are blessed to have two such special parents. It's just

another example of the way Senator HUTCHISON has been reaching out to help those who need her in so many ways over the years.

Senator HUTCHISON has blazed a trail in so many ways during her career in public service. She was the first woman ever elected to the Senate from Texas, and during her service she has helped young women all across her home State of Texas to realize that there are no limits to their future. They can be anything they want to be if they are willing to do whatever it takes to succeed, just as Senator HUTCHISON has done. She is not just a role model, she is an example of what is possible for everyone to achieve.

KENT CONRAD

Mr. ENZI. Mr. President, as the work of the Senate for the current session of Congress begins to wind down, it is good to take a moment to acknowledge and express our appreciation to our friends and colleagues who will be retiring when the final gavel brings to a close the 112th Session of Congress. One friend I know I will miss in the months to come is KENT CONRAD.

KENT is a hard worker, a Senator who is fully focused on the needs of his home State and the work that needs to be done to address the issues of concern to his constituents. He is a Senator who will always be known as a serious and thoughtful legislator who has a good sense of how today's problems will affect tomorrow's bottom line if we don't act now to bring our economic policies under control.

Throughout his career, KENT has never been one to look for the most popular way of doing things. He was more concerned with finding the most productive way of doing things. He knows that what looks like a good idea in the short term doesn't always lead to producing the kind of long term results we must have if we are to strengthen our economy and put the Nation back to work. He has a great sense of what needs to be done now to ensure our children and grandchildren will have the same advantages that we had. That means never putting off until tomorrow what we ought to be doing today to ensure those issues are addressed. In fact, when KENT announced his decision to retire he made mention of that fact and how his time would be better spent working instead of campaigning.

KENT has been a part of the Senate for four terms—and I am on my third. Over the years I have enjoyed having a chance to come to know him and his wife. They are a very special couple and they are equally committed to each other and to the future of our Nation. Their shared determination to make this a better country for all of us has helped to make them a team that has left their mark on the Nation's capital.

I have had a chance to travel with them both and Diana and I have en-

joyed the time we spent together. KENT has a tremendous sense of humor and he has a very interesting outlook on the world. He knows more about the legislation we take up on the Senate Floor than almost anyone else and his understanding of how our bills are written and the impact they will have on our future and our children's future make him someone you would want to be on your side when the battles begin to rage in Committee or on the Floor.

KENT is pretty easy to work with and I have enjoyed the opportunities we have had to tackle some pretty difficult issues together. That sense of humor of his has helped him out on a number of occasions when the going got tough. I know, because I have seen him in action as we worked together on several bills. I also co-chaired a Caucus with him.

As the Chairman of the Budget Committee, KENT has really revealed his leadership abilities. The Budget Committee provided him with a platform that made it possible for him to speak out on issues that were of great interest and concern to him. He has been a very effective Chairman and he has left a legacy of hard work and positive results that will provide all those who follow him with a good road map to follow that has already proven to be effective.

The main thing I think I will always remember about KENT, however, is the way he prepares for his presentations. I don't think there has ever been, nor will there ever be a Senator who is always so well prepared.

KENT and I both appreciate the power of a well designed chart or graph. If you really want me to understand how the policy or program you are offering will affect my home State of Wyoming and the Nation as a whole, show me the data in pictures not words. KENT makes a regular habit of doing that, and he does it better than just about anyone else.

I know that we will be hearing more from KENT in the months to come. I don't think he views his retirement as an opportunity to stop working. I think he sees it as a chance to take on something new, some great and challenging new adventure in his life. I don't know what he has planned, but I am looking forward to seeing him take it on day by day.

KENT has been a friend to so many of us over the years and I know he will be missed. We appreciate his service, we thank him for the way he handled the gavel in his Committee, but most of all we thank him for his friendship, for his love of the Senate and his determination to make the country a better place for us all—both current and future generations. KENT has been an effective Senator for his home State and in so many ways he has succeeded in helping to make North Dakota and our Nation a better place to live.

RICHARD LUGAR

Mr. ENZI. Mr. President, at the end of each Congress the Senate has a custom of taking a moment to express our appreciation to those members who will be returning home when the gavel brings the current session to a close. This tradition provides us with an opportunity to acknowledge each Senator's efforts and take note of the difference they have made both back home and here in Washington, DC.

One Senator I know I will miss in the months to come is Senator RICHARD LUGAR. He has had a great influence on my service here in the Senate. During his six terms of service in the Senate, I know I'm not the only one who learned a great deal from him about how to be the kind of legislator that gets results.

I was fortunate to have had someone like Senator LUGAR reach out to serve as a mentor to me. When I first arrived, my experience in the Wyoming State Legislature had taught me to enter the legislative battles slowly, taking the time to learn from the seasoned veterans how to be an effective advocate for my home State and the people back home. Senator LUGAR proved to be a good choice for me to observe as I tried to pick up on his way of doing things on the floor and in his Committee.

I soon learned that Senator LUGAR had a style all his own. His demeanor of being quiet and calm in his dealings with other members and the thoughtful presentations he made on the Senate floor made it clear that he always had a strategy in mind as we took up those issues that meant a great deal to him.

I shouldn't have been surprised he had such a good understanding of the right way to do things here. It's an indication of one of his great achievements—he's a fellow Eagle Scout. That great training he received in his younger days never left him. His years in the Boy Scouts prepared him for the challenges he had taken on over the years and it taught him the importance of teamwork—bipartisan teamwork—in taking on the issues that were of such great concern to the people of his State. His experience with the Scouts taught him a great deal about life and the importance of holding on to the principles and values that helped to make him a leader back home and here in the Senate.

Another aspect of our lives that we have in common is our service as mayor. There are few jobs quite as difficult as that and I have a great deal of respect for anyone who takes on that challenge.

I served as mayor of Gillette, Wyoming during a difficult time in its history. Senator LUGAR served as mayor of Indianapolis. He brought quite a few good proposals with him and that helped to make it possible for him to do some pretty remarkable things. One

accomplishment that stands out was his consolidation of the city and the surrounding county. That helped to make the government work better for the people of the area. His proposals received a great deal of attention and that got his administration noticed. It soon led him to bring his unique brand of leadership to the National League of Cities, where he served as its president.

After such a string of successes, it was only natural that he then bring his vision for the future of our Nation to the United States Senate. For six terms he has been a strong voice for the people of his home State on a long list of issues that were of great concern to them. He has been a leader in both the areas of foreign affairs and agriculture. He has been a great friend of rural America as he has worked to ensure that the programs and policies that work so well in urban areas also benefit rural States and communities like those in his home State and mine. He has compiled a legacy during his service in the Senate that should make him very proud.

Now Senator LUGAR will be returning to his beloved home State. Those are his roots and it represents the kind of experiences that helped to form him over the years. It was a life that made him what he is today—strong, independent and committed to doing what is right.

Now that this chapter of Senator LUGAR's life has come to a close, another will soon begin. That is just as it should be for we will miss his leadership on a long list of issues. I hope we continue to hear from him with his thoughtful ideas on the direction we need to follow to turn our economy around.

I know I join with our colleagues in thanking Senator LUGAR for his service, for the leadership he has provided on more issues than I could ever list in this short reflection on his many years in the Senate, and most of all, for his friendship. That was a great gift that meant a great deal to us all.

OLYMPIA SNOWE

Mr. ENZI. Mr. President, it has long been a Senate tradition to take a moment as the current session of Congress draws to a close to express our appreciation and acknowledge the many contributions each retiring Senator has made to our legislative deliberations both on the Floor and in committee. We will miss them when the gavel brings to a close the 112th Congress—especially senators like OLYMPIA SNOWE who have made an important difference during their service.

With OLYMPIA's retirement Maine has lost a very powerful and effective legislator and our Nation's small business community has lost the support of a great champion. Throughout her service in the Senate OLYMPIA has shown her great understanding of our economy and her commitment to keep-

ing our small businesses strong and vibrant. She knows that our small businesses are truly the backbone of our economies—on the local, State and national level and everything we can do to keep them going strong will have the greatest impact on our efforts to keep our American dream alive and available to the people of our great Nation.

OLYMPIA has very strong roots in Maine and she has an in depth understanding of the priorities of the people of her home State and what they expect her to work on here in Washington. That is why she has a well deserved reputation for being a thoughtful and careful legislator, one who looks closely at all the details of a bill before making her decision, based on its merits.

I don't think I've ever met a Senator who was a more avid reader than OLYMPIA. Whenever the Senate takes up an issue, she is always looking for more materials to read that will help her develop creative and innovative solutions to our Nation's problems.

Then, when the matter comes up for our review in Committee or on the floor, she has at the ready several articles that will drive home and anchor the point she is making. No one is better at researching an issue than OLYMPIA and then, when the matter is up for debate, making it clear what she believes to be the best way to tackle the problem. No matter the topic, it's always a plus to have her on your side.

In the years to come, I will always remember OLYMPIA's dedication and firm resolve to get things done. As we worked together on several issues, it was clear she had a wealth of knowledge about how each provision of a bill would play out. She brought some very good ideas to the process and her input helped to make each bill better.

OLYMPIA had always been known as a powerful and effective speaker. Someone with the ability to not only present her position with clarity and precision, but who could also persuade others to her point of view with her common sense approach to problem solving. Those skills and so many more helped her to make a difference throughout her home State of Maine during her career in public service. In the end, that is why she was so successful in the politics of her home State. The people of Maine know OLYMPIA and they appreciate her efforts on their behalf. Over the years OLYMPIA has compiled a record of success of which she can truly be proud.

I know I join with the people of Maine in telling OLYMPIA how much we appreciate her willingness to serve. She could have followed so many different career paths, but she was determined to make Maine a better place for our children and our grandchildren. Thanks, too, for her friendship and her support on the issues on which we

worked together. OLYMPIA is an individual of great strength and firm convictions and will be missed in the months to come.

I don't know what the Senator has planned for the next great adventure in her life, but whatever it is I am certain we haven't heard the last from her. We will always be pleased to hear her thoughts about the issues we have before us here in the Senate.

#### REMEMBERING WARREN B. RUDMAN

Ms. SNOWE. Mr. President, I rise today in remembrance of an extraordinary man, an exceptional public servant, and a dear friend, Senator Warren B. Rudman. As the U.S. Senate, the people of New Hampshire, and the entire Nation mourn his loss, I wish to add my voice to the chorus of tributes that continue to reverberate from every corner of the country in commemoration of a man whose contributions to our Nation and our world are as numerous as they are invaluable. I also want to express my heartfelt condolences to his wife Margaret his daughters, Laura and Debra, and his entire family at this most difficult of times.

With a Senate that is profoundly dysfunctional and in an era when bipartisanship and compromise are both seemingly lost arts, we recall with tremendous admiration the intelligence and exemplary judgment of a distinguished and iconic legislator whose paramount purpose was to rise above and beyond the din of partisanship to effectively serve the citizens of New Hampshire and the people of our great Nation.

The child of immigrants, Warren grew up in his beloved Granite State. And from an early age, he was instilled with New England's hallmark sense of independence and frugality and its spirit of grit and tenacity qualities which he first brought to bear during his heroic service as combat platoon leader and company commander in the Korean war, rightfully earning him the Bronze Star.

Returning from the horrors of war, Warren emerged with a renewed commitment to duty and service, this time in the public sphere, where he applied himself to delivering justice for the people of New Hampshire as their attorney general. His colleagues would later recall that he was one of the finest public servants to ever grace that office and that all who followed aspired to the example he established.

Mr. President, I stand here today to declare, like so many of my colleagues have, that those sentiments ring true for Warren's service in the U.S. Senate as well. Indeed, he was an exemplary and consummate public servant, thoroughly understanding that the very essence of good governance was problem-solving and that as an elected official

he was entrusted with a responsibility to work across the aisle to accomplish the business of the Nation.

In fact, all one has to do is look to his signature piece of legislation, the Gramm-Rudman-Hollings Balanced Budget Act, to witness that fact. This bipartisan piece of legislation brought under control the Nation's ballooning deficits and directly contributed to the economic prosperity and growth that is so fondly associated with the 1990s. In that light, we can look to Warren with grateful eyes because in bringing to bear his credibility, his intellect, and his experience, he pursued a course that was not necessarily expedient but that was ultimately right. A longtime fiscal visionary, he was a leader whose voice we should heed today.

But that spirit of integrity, decency, and honor was a mainstay of Warren's character, and those principles were ingrained into the unwavering set of beliefs which remained with him throughout his lifetime. They guided him during the Keating 5 investigation, informed him during the Iran-Contra deliberations, and inspired him in seeing through the Supreme Court nomination of his good friend from New Hampshire and exceptional jurist, Supreme Court Justice David Souter. Indeed, they were the ever-present and indispensable tenets that both firmly grounded him in his Granite State roots while also spurring him to the legislative heights that became the capstones of his landmark tenure in public service.

That is why I will forever admire Warren's passionate, unvarnished, and classic straightforward approach, which helped build consensus throughout his time in the U.S. Senate and which served the country so well. While I missed serving with him in the Senate by 1 year, I had the privilege of working with him on bicameral basis as a Member of the U.S. House of Representatives, and during that time and through those experiences, my husband Jock and I were fortunate enough to become friends with Warren. In fact, he had a tremendous affection for Maine, owning a home on beautiful Bailey Island and while we know his heart forever belongs to New Hampshire, we are still proud to consider him an honorary Mainer.

Undoubtedly, though, Warren was a man ahead of his time. From championing the watershed legislation which reduced our deficit, to helping found the bipartisan Concord Coalition, which offers serious solutions for our Nation's significant fiscal challenges, Warren's is a legacy that Jock and I are proud to carry forward by serving on the board of advisors at University of New Hampshire's Warren B. Rudman Center for Justice, Leadership, and Public Policy. And as students across the country continue to learn about Senator Rudman, we take great pride

in knowing that history will remember him as a statesman of the highest caliber who served America and his beloved New Hampshire with unsurpassed distinction.

#### PROTECT OUR KIDS ACT OF 2012

Mr. KERRY. Mr. President, each year more than 6 million children in the United States are reported as victims of child abuse and neglect. Tragically, more than 1,500 of those children lose their lives most under the age of four. Many of these deaths are preventable and we must fight for those who are too young to defend and speak for themselves.

The United States currently does not have a comprehensive strategy to address child abuse fatalities, or a national standard for classification and reporting of those deaths. This leaves many child abuse fatalities to be underreported, which becomes an additional hindrance in addressing the root causes.

I am pleased to work with Senate Finance Committee Chairman BAUCUS, Senator COLLINS, and a number of advocacy and child welfare experts to introduce the Protect Our Kids Act of 2012. This legislation will establish the Commission to Eliminate Child Abuse and Neglect Fatalities.

The commission will be comprised of a variety of professionals with diverse experience and perspectives. They will be charged with developing a national strategy for reducing child abuse and neglect fatalities, and provide comprehensive recommendations for all levels of government. It will analyze the effectiveness of existing programs designed to prevent or identify maltreatment deaths and learn more about what works and what doesn't. Child abuse fatalities are a national crisis that requires a collective solution. Once the commission completes their work any relevant agency will report to Congress regarding their response to the commission recommendations.

The loss of just one child to abuse is one child too many. I appreciate the work of a number of organizations that have been integral to the development of the legislation and have endorsed it, including the National Coalition to End Child Abuse Deaths, whose members include the National Association of Social Workers, NASW; the National Center for the Review and Prevention of Child Deaths, NCRPCD, National Children's Alliance, NCA; Every Child Matters Education Fund, ECMEF; and the National District Attorney's Association (NDAA).

I look forward to our continued progress in developing a more effective approach to improving child welfare. I thank Chairman BAUCUS and Senator COLLINS for their leadership on this important issue and I ask all of my colleagues to support this important bipartisan legislation.

#### COAST GUARD AND MARITIME TRANSPORTATION ACT

Mr. VITTER. Mr. President, I rise in support of H.R. 2838, Coast Guard and Maritime Transportation Act of 2012, which we sent to the President late last week. This important bill provides authorization for all of the programs and missions of the United States Coast Guard, along with provisions important to the maritime industry.

One important provision in the bill addresses the tonnage situation of the vessel *Aqueos Acadian*. The system of tonnage measurement, though arcane and complicated, is vital to the operation and economics of any vessel. In the case of the *Aqueos Acadian*, its original configuration in 1973 was certified in Coast Guard documentation to be 274 gross registered tons, GRT, which is the official domestic tonnage measurement. Later, the vessel had an addition of a closed-in shelter deck, which increased its domestic tonnage, as well as its international tonnage, which is measured differently than domestic tonnage under the International Tonnage Convention, ITC, rules. Later still, the modifications that increased the tonnage measurements were removed, and the vessel's official documents were issued by the Coast Guard and ABS to reflect that its GRT had been reduced to 275, almost exactly the original tonnage.

Vessels with greater than 300 GRT have safety and manning requirements much more complicated than vessels at or below 300 GRT. At the time of the certification of the down-sizing modifications, the ITC tonnage was not reduced because the Coast Guard's ability to reduce international tonnage administratively is either extremely arcane or non-existent—even if the vessel's tonnage has in fact been reduced.

When *Aqueos Corporation* in Louisiana purchased the vessel, its official documents reflected that the GRT had been reduced to below 300 GRT. Relying on those Coast Guard and ABS issued documents, the company sought Coast Guard administrative help to reduce the international tonnage commensurate with the GRT. The Coast Guard bill includes language that allows the company to keep operating the vessel under its current documentation and allows time to complete the tonnage-reducing modifications that were not done by the previous owners of the vessel but that the Coast Guard has said must be done. Unfortunately, the ITC tonnage reduction remains incomplete. The provision does not restore the vessel's ITC tonnage to that of the GRT. This second step would afford to the vessel the same result that other vessels in the *Aqueos Acadian's* class have, through a previous legislative grandfather provision, that allows those vessels' GRT and ITC tonnage to be the same. This second step would not give the vessel a competitive advantage relative to other

vessels in the Acadian's class; rather, without it the company is at a competitive disadvantage with those other vessels. As time goes by, the vessel is losing out on potentially millions of dollars of domestic and international work.

It is not yet clear whether such an administrative solution can be achieved. I understand the concern addressed by the ITC about vessels having substantially changed size, and I agree that a larger vessel should be regulated at a larger tonnage. Unfortunately, the way that the ITC addresses this situation is to forever assign a vessel a higher tonnage even if tonnage has been actually reduced. This vessel should be recognized to its lower tonnage and should not be forced into a regime that does not recognize its circumstance. I believe we should seek additional legislative language that would correct the international tonnage problem, but in the interim I look forward to continuing to work with the Coast Guard and encourage the agency to develop an administrative solution to this situation.

#### PASSAGE OF THE RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL ACT

Mr. RISCH. Mr. President, I rise today to recognize Congress for passing an important piece of legislation—the Sergei Magnitsky Rule of Law and Accountability Act incorporated into the Russia and Moldova Jackson-Vanik Repeal Act of 2012. As a member of the Foreign Relations Committee, I must note it is one of the most important pieces of foreign policy legislation dealing with human rights we have taken up in recent years. In particular, I want to commend my colleague, Senator CARDIN, for his work on the Magnitsky Act. Bringing Russia into the World Trade Organization, WTO, is a good thing. The WTO is a rules-based organization that will create a level playing field for U.S. companies that want to export their products to Russia.

As committed as we are to strengthening trade links between the United States and Russia, we must be even more dedicated to promoting the rule of law and protecting the brave Russian individuals and organizations fighting for democracy and human rights. This is why the Magnitsky Act is so important. In the year following Mr. Putin's return to the Presidency, he has built on his repressive record by instituting laws that crack down on freedom of expression, assembly, and association. A new law makes it easier for the state to accuse a person of treason and members of a female rock band have been jailed for criticizing Mr. Putin. These measures are designed to strike back at a rapidly increasing segment of Russian society demanding an

end to corruption, oppression, and calling for genuine democratic governance, human rights, and the rule of law.

The Sergei Magnitsky Rule of Law and Accountability Act is named after a man who witnessed the deep-seated rot that is a major part of Russia's governance today and decided to expose it to the public. For those who might be unfamiliar with the case, Mr. Magnitsky was an accountant with Hermitage Capitol Management, which had publicly disclosed several instances of alleged Russian Government and corporate corruption related to state-run industries. The company's founder, Bill Browder, was expelled from Russia by government bureaucrats who viewed him as a threat. In 2007, Russian authorities raided Hermitage's offices and subsequently accused the firm of tax evasion and owing hundreds of millions of dollars in back taxes. Mr. Magnitsky investigated these charges and discovered that it was the police who had provided seized tax records to Russian criminal elements who then falsified documents and received a \$230 million rebate from the Russian treasury—the largest in Russian history.

What is shocking is that when Mr. Magnitsky went to the Russian Government with the evidence he uncovered in 2008, he was the one arrested and jailed. He was held 11 months without trial, became sick, and was denied medical treatment and visits by his family. Mr. Magnitsky was held in horrible conditions. According to his diary, Russian authorities reputedly pressured him to recant his accusations and instead accuse Hermitage of financial crimes. On November 16, 2009, Mr. Magnitsky died in Russian custody. According to the head of the Moscow Helsinki Group, Ludmila Alekseeva, Magnitsky had died from beatings and torture carried out by several officers of Russia's Ministry of Interior. Some people also point to the deliberate denial of medical care for his illnesses as a contributing factor to his death. In standing up for truth, justice, and the rule of law, Mr. Magnitsky gave the Russian people his life. To date, not one senior government official has been held responsible for his death. Instead, in a gesture of mockery, last February the Russian police resubmitted a criminal case against Mr. Magnitsky, making him the first Russian citizen to be tried after his death.

The Magnitsky Act takes a measured and targeted approach to identifying and dealing with those who are responsible for egregious human rights and antidemocratic activities throughout Russia. This bill allows the Secretary of State to identify and compile a list of people responsible for the death of Magnitsky, engaged in its coverup, or having financially benefited from his death. The bill offers significant sanc-

tions on those identified by the State Department. They are to be denied visas to the United States, have any assets in U.S. jurisdiction frozen, and prevented from using the U.S. banking system.

For the record, as a cosponsor of this bill, I want to be absolutely crystal clear on one particular point. While the death of Mr. Magnitsky is tragic, this bill is not reserved just for those complicit in his death. This legislation not only applies to those involved in the death of Mr. Magnitsky, but it also applies to those involved in, as the bill states, "extrajudicial killings, torture, or other gross violations of human rights committed against individuals seeking to expose illegal activity carried out by officials of the Government of the Russian Federation; or to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly and the rights to a fair trial and democratic elections, anywhere in the world." Further, anyone assisting those involved in the abuses described in the legislation can, and should, be targeted.

During Senate debate my colleagues, Senator MCCAIN and Senator WICKER, spoke eloquently about the ability to hold human rights abusers accountable and in particular cited the cases of Mikhail Khodorkovsky and Planton Lebedev—other recognized political prisoners. To quote my friend from Arizona discussing the situation in Russia today:

This culture of impunity in Russia has been growing worse and worse over many years. It has been deepened by the increased surveillance and harassment of members of opposition and civil society groups . . . by the continued violent attacks on brave journalists who dare to publish the truth about official corruption and other state crimes in Russia today . . . and of course, by the continued detention of numerous political prisoners, not least Mikhail Khodorkovsky and his associate Planton Lebedev, who remain locked away but not forgotten.

The cases of Mr. Khodorkovsky and Mr. Lebedev, both jailed because of Mr. Putin's sanctioned theft and destruction of the oil company, Yukos Oil, headed by Mr. Khodorkovsky, falls squarely within the parameters of this legislation.

Mr. Khodorkovsky, a businessman, was falsely accused of tax evasion and jailed in 2003 after engaging in politics and forcing a discussion of corruption in Russia. His close friend and business partner, Planton Lebedev, was also jailed as part of the theft of Yukos Oil. Both are widely considered political prisoners—in 2011 Amnesty International declared them political prisoners—and there have been numerous House and Senate resolutions that have highlighted Mr. Khodorkovsky's and Mr. Lebedev's cases.

But they are not the only ones. Mr. Khodorkovsky and Mr. Lebedev remain



jailed but at least are still alive. One of the most horrific stories in the entire Yukos affair is the case of Vasily Alexanyan. While the Kremlin's dismantling of Yukos was well underway after Mr. Khodorkovsky's arrest in 2003, Mr. Alexanyan, a Harvard Law School graduate and former Yukos general counsel, stepped up in March 2006 to assume the position of executive vice president of Yukos. At the time the company was being forced through a state-orchestrated bankruptcy process. Alexanyan's attempts to protect the company's rights in this process ran up against the hostility of government authorities. Mr. Alexanyan was jailed on April 6, 2006. He was held in horrible conditions during his pretrial detention in a freezing cell and subjected to torture. The authorities knew he had HIV and a compromised immune system. They attempted to make him give testimony against Mr. Khodorkovsky and Mr. Lebedev and others at Yukos in exchange for better treatment and medicine. He refused. The European Court of Human Rights repeatedly issued interim measures to the Russian authorities requesting medical care be provided to Alexanyan. The authorities did not comply, leaving Alexanyan without antiretroviral treatment for almost 2 years. Because of this state-sponsored torture, he died when he was just 39 years old.

More than 50 criminal cases against Yukos executives, employees, and others associated with Khodorkovsky or Yukos have been filed by Russian authorities. The strategy of Russian investigators has involved investigating or prosecuting business partners, juniors, or even bystanders to obtain statements or court rulings that would produce "evidence" and establish the "facts" they needed for their trumped up charges against Mr. Khodorkovsky and others connected with Yukos.

There is no question the continuing incarceration of Mr. Khodorkovsky and Mr. Lebedev is a human rights abuse. The European Court for Human Rights ruled that violations of Mr. Khodorkovsky's fundamental human rights did occur in connection with his arrest and detention between 2003 and 2005—including degrading prison conditions, inhuman and degrading conditions in the courtroom throughout his first trial, detention unjustified by compelling reasons outweighing the presumption of liberty, and unfair hearings reviewing his detention. The court has raised similar concerns with Mr. Lebedev.

Other cases are also clear cut, such as Anna Politkovskaya, the renowned journalist and Kremlin critic, who was shot dead while entering her apartment building on October 7, 2006. Ms. Politkovskaya rose to prominence for her in-depth coverage of the war in Chechnya, exposing incidents of state-sponsored torture, mass executions,

kidnappings, and war crimes. Four individuals initially accused of killing Ms. Politkovskaya were found not guilty, and no light has been shed on the true architect of her murder. Her case would be captured by this legislation if those responsible can be identified.

Let's not forget that we are demanding Russia abide by the international agreements that it has ratified and live up to the expectations of the organizations it has joined. The Russian Federation is a member of the United Nations, the Organization for Security and Co-operation in Europe, and the Council of Europe. It is also a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the UN Convention against Corruption, and the European Convention on Human Rights.

This legislation is narrowly targeted to hold accountable specific persons for the most heinous of crimes and represents a core U.S. foreign policy value. It is also consistent with targeted sanctions the United States has imposed on other countries with major human rights concerns.

This also strengthens the President's National Security Strategy announced last May, PSD-10, by "closing gaps" in our legal system so our country does not inadvertently become a haven for human rights violators. He enumerated grounds for denying admission to the United States, and this legislation complements his initiative by providing a statutory, legal guidelines for the administration.

This bill enjoys enormous bipartisan and bicameral support with a 365 to 43 vote in the House of Representatives and 92 votes in the Senate. In short, there is consensus for this bill and an understanding of the types of cases that fall within the Magnitsky Act's parameters. In Russia, the Magnitsky Act will serve as a deterrent to those engaged in oppression and provide a shield to millions of Russian activists determined to secure greater human rights and establish the rule of law. This bill gives hope to Russian civil society and to echo my friend from Arizona's eloquent comment to Mr. Khodorkovsky and Mr. Lebedev that "they are not forgotten." Those in Russia who are oppressed, intimidated, or suffering because they are seeking democracy, truth and justice should know they are not forgotten and your spirit and determination inspire us.

The fact that certain Russian Government officials have lashed out against this law speaks to the powerful tool it can be in support of democracy and human rights in Russia. It is not enough to pass this law—the United States must now publically hold those accountable for persecuting Mr. Khodorkovsky, Mr. Lebedev, and so

many others in Russia. I look forward to working with my colleagues and the administration to do so.

#### IMPROPER PAYMENTS ELIMINATION AND RECOVERY IMPROVEMENT ACT

Mr. CARPER. Mr. President, this week, the Senate passed the Improper Payments Elimination and Recovery Improvement Act of 2012, The IPERA Improvement Act or H.R. 4053. Earlier this month, the House passed the same legislation, which builds on the Improper Payments Elimination and Recovery Act of 2010 (IPERA) by taking additional steps to identify and prevent improper payments by Federal agencies. I look forward to seeing the President sign into law this important, bipartisan legislation.

The Improper Payments Elimination and Recovery Improvement Act of 2012 goes beyond IPERA's goals for curbing agencies' improper payments with three main concepts, including provisions that: expand requirements and strengthen estimates for agencies' improper payments; mandate the establishment of a government-wide "Do Not Pay" program; and prevent payments to deceased individuals. As my colleagues know, improper payments are payments made in error, such as payments made to the wrong person or in the wrong amount. These kinds of preventable mistake unfortunately result in billions of lost taxpayer dollars every year.

Although we have made great strides in curbing improper payments in the past year, we still have a ways to go to improve transparency and make agencies and agency leadership more accountable for better protecting the taxpayer dollars we entrust to them. At a time of record deficits, we need to be getting the most out of every dollar and cannot afford to waste more than a hundred billion annually. I will continue to work with my colleagues in Congress and the Administration to see that these measures are enacted, and properly and efficiently implemented.

The bipartisan legislation requires several important steps to curb Federal Government waste and fraud.

First, the bill requires agencies to strengthen the estimation of improper payments. The legislation requires improved and more consistent reporting of improper payment estimates by Federal agencies, based on recommendations from the Department of Defense inspector general and the Government Accountability Office. The legislation, for example, would prevent agencies from relying only on voluntary disclosure of improper payments by contractors, as well as require agencies to produce documentation to prove a payment was correct.

Second, the bill mandates the establishment of a government wide "Do



Not Pay” program. Too often, Federal agencies make improper payments to individuals that could easily be identified as ineligible if payments were more routinely screened against Federal databases. Unfortunately, Federal agencies are not doing this basic eligibility screening before payments are made. Through the initiative, before an agency could award a contract or grant, the agency would have to cross check against the “Do Not Pay” database, which will include a central comprehensive database of individuals, contractors, and others who may be ineligible to receive Federal funds, such as companies that are no longer allowed to do work with the Federal Government because of a fraud conviction or similar reason.

The administration is currently establishing a “Do Not Pay” program based on the White House executive memorandum, Memorandum on Enhancing Payment Accuracy Through a “Do Not Pay List.” However, there was no statutory mandate to proceed. The legislation establishes the “Do Not Pay” program in law throughout the Federal Government under a specific timetable.

Third, the legislation targets death fraud and improper payments to deceased individuals. Improper payments include those made to individuals who are deceased, and should therefore no longer be eligible under program rules, yet still receive payments. For example, the Office of Personnel Management Inspector General reported that \$601 million in improper payments were made to Federal retirees found to have already died. However, such payments to dead people were not unique to this one program. Improving the collection and use by Federal agencies of data on deceased beneficiaries will help curb hundreds of millions, if not billions of dollars, in improper payments. The IPERA Improvement Act requires that the Office of Management and Budget, in consultation with other agencies and stakeholders, determine a plan for curbing improper payments to deceased individuals.

Finally, the legislation requires that the Office of Management and Budget report to Congress on the current efforts by agencies to recover improper payments, including a listing of agencies that employ outside contractors for recovery efforts, and their current levels and targets for recoveries. This reporting can easily be done as part of the annual report on improper payments currently conducted by the OMB.

I believe passage of the Improper Payments Elimination and Recovery Improvement Act of 2012 represents an important step toward curbing waste and fraud within the Federal Government. I look forward to working with the administration and Federal agencies to implement the legislation’s pro-

visions. I also look forward to working with my congressional colleagues on additional steps during the next legislative session.

#### CONGRATULATING OLIVIA CULPO, MISS UNIVERSE

Mr. WHITEHOUSE. Mr. President, I am pleased to offer my sincere congratulations to Olivia Culpo, a native of Cranston, RI, on being crowned Miss Universe. After being crowned Miss Rhode Island USA in her first ever pageant competition last year, Olivia’s rise to Miss Universe has been nothing short of meteoric. In quick succession she became the first Rhode Islander to ever win the Miss USA competition, and is now the first Miss USA to win the Miss Universe pageant in over a decade. She has made the people of our State very proud.

The Miss Universe title is an acknowledgement of Olivia’s exceptional intelligence, talent, and compassion. She was recognized by the National Honor Society for her academic excellence at Rhode Island’s St. Mary’s Academy Bay View. She currently attends Boston University in neighboring Massachusetts, where she has made the dean’s list every semester.

In addition to excelling in her studies, Olivia is a talented and dedicated musician. From a young age, her love for music was cultivated by her proud parents, Peter and Susan Culpo, themselves musicians. She took cello lessons from second grade on, and has since performed with the Rhode Island Philharmonic Youth Orchestra, Rhode Island Philharmonic Chamber Ensemble, Bay View Orchestra, and Rhode Island All State Orchestra. This self-described cellist nerd has also had the honor of performing at Boston Symphony Hall and at Carnegie Hall in New York City, and she completed a tour of England in 2010.

Olivia has already demonstrated a strong drive to make a difference in her community and her country. Earlier this year, I had the opportunity to meet with Olivia here in my Washington office, where she advocated passionately for Federal support of ovarian cancer research. I share her deep concern about the terrible effects of cancer. She is a valuable ally in the search for a cure.

Olivia has given the Ocean State something to be proud of. I am grateful to Olivia Culpo for the example she sets for our children and for being a stellar and faithful representative of the State of Rhode Island on the world stage. I wish her all the best.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO ANN MILLNER

• Mr. LEE. Mr. President, Nelson Mandela said, “Education is the most

powerful weapon which you can use to change the world.” In Utah, Weber State University President Ann Millner has lead the charge to increase, improve and enhance higher education opportunities for anyone who has sought them. After 10 years of distinguished service she is stepping down from her post and I rise to honor her today.

Before being selected president of the university, Ann served Weber in a variety of capacities including vice president for university relations, associate dean of continuing education, assistant vice president for community partnerships and director of outreach education in the school of allied health services. President Millner brought with her a well-rounded resume of leadership in education gained at several different universities. She served as education coordinator of the medical technology program at Vanderbilt University, instructional developer in medical technology at Thomas Jefferson University, a lecturer at the school of health professions, Southwest Texas State University, and associate director of continuing education at the Edmonda campus of Gwynedd-Mercy College. Ann has given her career to the pursuit of improving educational opportunities around the country and that motivation has been central to her administration at Weber.

In 2002, Ann was selected as president of the university from a pool of 55 possible candidates. Regent George Mantes said, “In selecting a president of Weber State University we looked for someone who could lead a university that serves over 17,000 students and who would also be seen as a community leader for Northern Utah. We had terrific people to choose from and feel confident that in selecting Dr. Millner we have found the right person to fill both of these important roles.” Mr. Mantes and the selection committee’s confidence in President Millner has paid off. Under her leadership Weber State University opened a new campus in Davis and enrollment increased from 17,000 to 25,000. The university has added a number of new programs, certificates, baccalaureate and graduate degrees including seven masters degree programs and countless online course work which all serve to both enhance and expand the educational opportunities offered to students. Weber has gained particular acclaim for its growing engineering Computer and Electronics Engineering Technology department, which focuses on training students in the innovations and technologies of the future. In 2010 President Millner announced the “Dream Weber Program,” one of the many scholarship and outreach programs her administration developed to make higher education a possibility for those who would otherwise not have the opportunity.

The new and upgraded facilities on Weber's campus stand as a powerful symbol of the legacy President Millner leaves behind. In addition to an entire new campus in Weber, President Millner oversaw the construction of the Hurst Center for Lifelong Learning, a two-story facility dedicated to helping provide students with opportunities to continue education. She also oversaw the opening of Wildcat Village, a residential housing facility that serves over 500 students with a fun, low-cost housing experience. She also oversaw the construction and opening of Elizabeth Hall, a state-of-the-art classroom building which features multimedia capabilities, writing and tutoring centers and enough classroom space to offer more classes than any other building on campus. These three buildings exemplify some of President Millner's major accomplishments during her presidency: to increase focus on education as a lifelong pursuit, to increase educational opportunities and to enhance educational experiences with cutting-edge technologies and facilities.

President Millner brought with her a vision of the collaborative relationship the university would have with the surrounding northern Utah community. In 2008, Weber State received the Carnegie Foundation's Classification for Community Engagement, an award recognizing the collaboration "between educational institutions and local, state, regional, national and local communities for the mutually beneficial exchange of knowledge and resources." Under her leadership, Weber State University also has taken part in the Utah Science, Technology and Research (USTAR) Initiative, which brings local businesses and industries together with educational institutions to "help commercialize high potential inventions, enhance the climate for innovation and entrepreneurship and stimulate the creation of local enterprises." The initiative provides students with the opportunity to gain first-hand business experience and has had a tremendous positive impact on the regional economy.

In the statement announcing her resignation, Ann quoted William James: "The best use of life is to invest it in something that will outlast it." She followed by saying "the work you are doing at this university will long outlast our time here. Our students, their families, and generations to come—all will be changed by what you are doing and what the university will continue to do in the future!" While Ann may have been addressing her remarks to the students, they are certainly just as applicable to her own efforts. Ann's tremendous vision and leadership has catapulted Weber State University to national recognition and a growing reputation for educational excellence. Sharon and I thank her for her service and for the charge she has led to in-

crease the quality and reach of education within the great State of Utah.●

#### TRIBUTE TO GORDON LEDERMAN

● Mr. LIEBERMAN. Mr. President, included in the Department of Defense Authorization Act is bipartisan, bicameral legislation I co-sponsored titled "The Interagency Personnel Rotation Act," which seeks to improve the efficiency and effectiveness of the Federal Government's national and homeland security operations by encouraging the temporary rotation of certain homeland and national security employees among the different agencies that have homeland security missions.

Like the Goldwater-Nichols Act, which established the principle of interagency rotation within our armed forces, this amendment will have the effect of building trust and better communications among these different agencies, thus enhancing their collective efforts to safeguard our nation from the terrorist threat.

Much of the credit for crafting this bipartisan legislation goes to Gordon Lederman, formerly Associate Staff Director and Chief Counsel for National Security and Investigations on the Senate Homeland Security and Governmental Affairs Committee.

Gordon left my Committee staff earlier this year due to illness. However, this legislation will add to his record of enhancing the security of our country, and especially of breaking down the barriers to greater cooperation and collaboration between agencies that must work together to keep our country safe.

Thomas Jefferson once asked the question: "What duty does a citizen owe to the government that secures the society in which he lives?" Answering his own question, Jefferson said: "A nation that rests on the will of the people must also depend on individuals to support its institutions if it is to flourish. Persons qualified for public service should feel an obligation to make that contribution."

Gordon has selflessly answered Jefferson's centuries old call and has had a distinguished career in public service dedicated to the security of our Nation.

Here are just a few highlights of Gordon's career.

In 2003, Gordon joined the 9/11 Commission staff and was responsible for assessing the Intelligence Community's senior-level management structure. His work included developing potential recommendations for intelligence reform modeled on the Goldwater-Nichols Act as well as examining Congressional oversight.

After the 9/11 Commission released its report in July 2004, Gordon moved to the Senate Homeland Security and Governmental Affairs Committee as a special bipartisan staff member. He

served as the lead drafter and negotiator of the Intelligence Reform and Terrorism Prevention Act of 2004, which enacted the Commission's recommendations to create the Director of National Intelligence and National Counterterrorism Center.

Gordon also worked on the Committee's investigation into the flawed response to Hurricane Katrina at all levels of government.

In February 2006, Gordon joined the U.S. National Counterterrorism Center to assist the Executive Branch in implementing the legislation he helped author. His work included the Center's organizational strategy and internal allocation of roles and responsibilities.

Gordon later returned to the Committee and was the lead investigator of the Committee's inquiry into the murders at Fort Hood on Nov. 5, 2009, when Maj. Nidal Hasan—a psychiatrist trained by the U.S. Army at taxpayer expense—entered the Soldier Readiness Processing Center with two loaded pistols and opened fire, killing 13 and wounding 32.

Following a 14-month investigation, the Committee released its report—"A Ticking Time Bomb: Counterterrorism Lessons from the U.S. Government's Failure to Prevent the Fort Hood Attack," of which Gordon was the lead writer.

The report detailed flawed practices and communications, both within and between the FBI and Department of Defense, which allowed Hasan to remain in the military—and even be promoted—despite many warning signs that he was becoming dangerous. The report also contained a series of recommendations that, had they been in place, probably would have led to Hasan's dismissal from the Army and prodded the FBI, which was aware of Hasan's suspicious actions, into a more aggressive investigation of his growing violent Islamist radicalization.

My time in the Senate is drawing to a close. I have already given my farewell address. However, I just wanted to take these few minutes to thank Gordon Lederman for the Interagency Personnel Rotation Act into law, and for his career long dedication to making our homeland more secure.●

#### TRIBUTE TO KATHLEEN TURNER

● Mrs. FEINSTEIN. Mr. President, this month marks the retirement of Ms. Kathleen Turner after nearly 32 years in government service, specifically working in various capacities in the intelligence community. I commend her for her service to the Nation and wish her the very best in her retirement.

Ms. Turner has had a varied and distinguished career, having worked in different positions and capacities within the intelligence community. For most of that time, Kathleen worked

where efforts and successes are not always rewarded publicly. I am glad we can do so here today.

I have known Kathleen mostly in her capacity as the director of the Office of Legislative Affairs for the Office of the Director of National Intelligence, a position she assumed in the summer of 2006. For the last 6 years, Ms. Turner has had the sometimes unenviable job of representing the intelligence community on Capitol Hill and representing Capitol Hill to the intelligence community.

Ms. Turner is the daughter of Robert and Beverly Turner, a television repair shop owner and homemaker respectively, and was born and raised in the small suburban town of Pacific Palisades, in my State of California.

Kathleen is the fifth of seven children and she went to UCLA and majored in political science and then came to the East Coast. I am willing to forgive her for this lapse in judgment. Kathleen received a master's degree in international relations from the Johns Hopkins School of Advanced International Studies. When she completed her master's, she went right into the Defense Intelligence Agency.

Ms. Turner started her professional career with DIA as an analyst of Soviet strategic forces. She served as the Intelligence Liaison Officer to the Strategic Defense Initiative Office, and later served as the Senior Analyst for Russia and Eurasia, managing all military intelligence analysis on these regions. During the 1990s, Ms. Turner progressively served as DIA's Director of Human Resources, the Director of Administration, and the manager of the DIA and General Defense Intelligence Program and budget office. Starting in 2002, Ms. Turner served as DIA's Director of Congressional and Public Affairs.

In short, in her 24 years at DIA, Kathleen did and saw every aspect of intelligence work in one of the few intelligence agencies to perform every kind of intelligence operation.

That, combined with her outgoing personality and ability to juggle many tasks at once, made her a natural choice to join the Legislative Affairs Office for the first Director of National Intelligence, John Negroponte, in October 2005 as that office was standing up. She quickly became the DNI's Director of Legislative Affairs in July 2006. As Director, she was responsible for the Office of the DNI's interactions with the Congress, and informing the Office of the DNI seniors of Congressional interests and perspectives on intelligence matters. In addition, Ms. Turner provided policy guidance to all 16 intelligence community legislative affairs offices.

I got to know Kathleen in the job when I became chairman of the Intelligence Committee in January 2009, through numerous meetings with DNI Dennis Blair and then DNI Jim Clap-

per. She always had suggestions for ways to work through problems, and could translate issues and perspectives between intelligence-speak and congressional-speak. Kathleen could also work a room—she knew every Member on the committee and all of our staff, and knew what questions needed answers or what policies were being proposed.

I must say, it is a good thing for Kathleen that she has retired from legislative affairs, as the delay in reauthorizing FISA legislation now, only 10 days from its expiration at the end of the year, would have been keeping her up around the clock and adding one more time when Congress' special way of doing things caused stress and aggravation to all involved.

On a more personal note, Kathleen's most direct contribution to me was her idea, which she then brought to fruition, to bring together a group of senior women in the intelligence community and me for a dinner on November 7, 2011 at the Hay Adams Hotel. It was a hit. Since then, the group has gotten together three more times, twice at my house and once more at a restaurant, and we have really gotten to know each other and build a relationship beyond our meetings across the meeting or witness table.

Throughout her career and travels around the world, I know Kathleen has had the loving support of her husband, Bob Sparks, who is the son of a naval officer. Bob was educated at the Virginia Military Institute and then at the University of Virginia for law school. He currently practices law in Northern Virginia. With her retirement, Kathleen and Bob look forward to spending more time together and on the water.

I am pleased to be able to thank Kathleen Turner for her service and wish her all the very best in all her future endeavors.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 925. An act to designate Mt. Andrea Lawrence.

S.J. Res. 49. Joint resolution providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1509. An act to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards.

H.R. 3197. An act to name the Department of Veterans Affairs medical center in Spokane, Washington, as the "Mann-Grandstaff Department of Veterans Affairs Medical Center".

H.R. 3378. An act to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the "Elizabeth L. Kinnunen Post Office Building".

H.R. 3869. An act to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the "Sidney 'Sid' Sanders McMath Post Office Building".

H.R. 4389. An act to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the "Cecil E. Bolt Post Office".

H.R. 6260. An act to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office".

H.R. 6379. An act to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the "Representative Curtis B. Inabinett, Sr. Post Office".

H.R. 6443. An act to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the "William 'Bill' Kling VA Clinic".

H.R. 6587. An act to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the "Postal Inspector Terry Asbury Post Office Building".

H.R. 6684. An act to provide for spending reduction.

#### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 2:29 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following bills and joint resolution:

H.R. 3477. An act to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building.

H.R. 3870. An act to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office".

H.R. 3912. An act to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the "Brigadier General Nathaniel Woodhull Post Office Building".

H.R. 5738. An act to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the "Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex".

H.R. 5837. An act to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building".

H.R. 5954. An act to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building".

H.J. Res. 122. Joint resolution establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. LEAHY)

At 3:10 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 146. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1509. An act to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards; to the Committee on Finance.

H.R. 3197. An act to name the Department of Veterans Affairs medical center in Spokane, Washington, as the "Mann-Grandstaff Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

H.R. 6443. An act to designate the facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, as the "William 'Bill' Kling VA Clinic"; to the Committee on Veterans' Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8673. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-63, Introduction" (FAC 2005-63) received in the Office of the President of the Senate on December 10, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8674. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board's Performance and Accountability Report for Fiscal Year 2012, including the Office of Inspector General's Auditor's

Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8675. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Inspector General and a Management Report for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8676. A communication from the Presiding Governor of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8677. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012 and the Management Response for the period ending September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8678. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2012 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8679. A communication from the Chairman, Occupational Safety and Health Review Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8680. A communication from the Acting Director of the Peace Corps, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8681. A communication from the Chair of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8682. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General for the Department of Education for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8683. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8684. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's Annual Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8685. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on

Homeland Security and Governmental Affairs.

EC-8686. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3353-EM in the State of Connecticut having exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC-8687. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Office of the Inspector General's Semiannual Report for the period of April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8688. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8689. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012 and the Compendium of Unimplemented Recommendations as of September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8690. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8691. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-64) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8692. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-64, Introduction" (FAC 2005-64) received in the Office of the President of the Senate on December 19, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8693. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Non-displacement of Qualified Workers Under Service Contracts" ((RIN9000-AM21) (FAC 2005-64)) received in the Office of the President of the Senate on December 19, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8694. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Live Swine, Swine Semen, Pork, and Pork Products; Estonia, Hungary, Slovakia, and Slovenia" ((RIN0579-AD20) (Docket No. APHIS-2008-043)) received in the Office

of the President of the Senate on December 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8695. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyraflufen-ethyl; Extension of Time-Limited Pesticide Tolerances" (FRL No. 9373-5) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8696. A communication from the Acting Principal Deputy (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the feasibility and advisability of terminating the military technician as a distinct personnel management category of the Department of Defense; to the Committee on Armed Services.

EC-8697. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Small Entity Compliance Guide" (FAC 2005-63) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8698. A communication from the Senior Procurement Executive/Deputy Chief Acquisition Officer, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Iran Threat Reduction" ((RIN9000-AM44) (FAC 2005-63)) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8699. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department of Transportation's Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8700. A communication from the Acting Principal Deputy Assistant Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Harry M. Wyatt III, Air National Guard of the United States, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-8701. A communication from the Acting Principal Deputy Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the annual Equipment Transparency Report (ETR); to the Committee on Armed Services.

EC-8702. A communication from the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the Office of the Comptroller's Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-8703. A communication from the Assistant to the Board, Legal Division, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (Docket No. R-1454) received on December 21, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8704. A communication from the Associate Director, Office of Foreign Assets Con-

trol, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Transactions and Sanctions Regulations" (31 CFR Part 560) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8705. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on December 19, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8706. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Residential Water Heaters, Direct Heating Equipment, and Pool Heaters (Standby Mode and Off Mode)" (RIN1904-AB95) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Energy and Natural Resources.

EC-8707. A communication from the Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran"; to the Committee on Energy and Natural Resources.

EC-8708. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Kentucky Portion of the Huntington-Ashland, WV-KY-OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment" (FRL No. 9763-9) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC-8709. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; South Carolina; Redesignation of the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Moderate Nonattainment Area to Attainment" (FRL No. 9763-8) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC-8710. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Modifications to the Transmix Provisions Under the Diesel Sulfur Program" (FRL No. 9763-7) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC-8711. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air

Quality Implementation Plans; Idaho; Update to Materials Incorporated by Reference" (FRL No. 9726-4) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC-8712. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the West Virginia Portion of the Huntington-Ashland, WV-KY-OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan" (FRL No. 9764-4) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Environment and Public Works.

EC-8713. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines—Military Disability Retirement Benefits" (UIL No. 104.04-00, 122.01-00) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Finance.

EC-8714. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—January 2013" (Rev. Rul. 2013-1) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Finance.

EC-8715. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Closing of the Port of Whitetail, MT" (RIN1651-AA93) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8716. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule to Increase the Commercial Annual Catch Limit for South Atlantic Yellowtail Snapper" (RIN0648-BC59) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8717. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 35" (RIN0648-BB97) received in the Office of the President of the Senate on December 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8718. A communication from the Attorney-Advisor, Office of the General Counsel, Department of Transportation, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Budget and Programs and Chief Financial Officer, received in the Office of the President of the Senate on December 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8719. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of

proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-139); to the Committee on Foreign Relations.

EC-8720. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-173); to the Committee on Foreign Relations.

EC-8721. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-169); to the Committee on Foreign Relations.

EC-8722. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the annual report of the National Advisory Council on International Monetary and Financial Policies; to the Committee on Foreign Relations.

EC-8723. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0184—2012-0203); to the Committee on Foreign Relations.

EC-8724. A communication from the Director of the Regulations, Legislation, and Interpretation Division, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Nondisplacement of Qualified Workers Under Service Contracts; Effective Date" (RIN1215-AB69; RIN1235-AA02) received in the Office of the President of the Senate on December 21, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8725. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2011"; to the Committee on Health, Education, Labor, and Pensions.

EC-8726. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's annual report on the performance evaluation of FDA-approved mammography quality standards accreditation bodies; to the Committee on Health, Education, Labor, and Pensions.

EC-8727. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Small Brewers Bond Reduction" (RIN1513-AB94) received in the Office of the President of the Senate on December 20, 2012; to the Committee on the Judiciary.

EC-8728. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Micro Entity Status for Pay Patient Fees" (RIN0651-AC78) received in the Office of the President of the Senate on December 20, 2012; to the Committee on the Judiciary.

EC-8729. A communication from the Chair of the Board of Directors, Office of Compliance, transmitting, pursuant to law, a report relative to recommendations for improvements to the Congressional Accountability Act; to the Committee on Rules and Administration.

## PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM-137 A resolution adopted by the Legislature of Rockland County, New York, memorializing Israel's right to exist and to take such actions as may be necessary to defend itself against outside attacks; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 911, a bill to establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications (Rept. No. 112-260).

Report to accompany S. 1449, a bill to authorize the appropriation of funds for highway safety programs and for other purposes (Rept. No. 112-261).

By Mr. AKAKA, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1262. A bill to improve Indian education, and for other purposes (Rept. No. 112-262).

By Mr. AKAKA, from the Committee on Indian Affairs, with amendments:

S. 1684. A bill to amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes (Rept. No. 112-263).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Lori J. Robinson, to be Lieutenant General.

Air Force nomination of Maj. Gen. Gregory A. Biscone, to be Lieutenant General.

Air Force nomination of Col. Lisa A. Naftzger-Kang, to be Brigadier General.

Air Force nominations beginning with Brigadier General William B. Binger and ending with Brigadier General Sheila Zuehlke, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Air Force nominations beginning with Brigadier General Paul L. Ayers and ending with Brigadier General Brian G. Neal, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Air Force nominations beginning with Colonel Stephanie A. Gass and ending with Colonel Curtis L. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Air Force nomination of Lt. Gen. Stanley E. Clarke III, to be Lieutenant General.

Army nomination of Col. Jody J. Daniels, to be Brigadier General.

Army nomination of Maj. Gen. Bernard S. Champoux, to be Lieutenant General.

Army nomination of Col. Michael L. Scholes, to be Brigadier General.

Army nominations beginning with Colonel Christopher S. Ballard and ending with Colo-

nel Robert P. Walters, Jr., which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Navy nomination of Rear Adm. (lh) Randolph L. Mahr, to be Rear Admiral.

Marine Corps nomination of Lt. Gen. Steven A. Hummer, to be Lieutenant General.

Marine Corps nomination of Lt. Gen. Richard T. Tryon, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Matthew W. Allinson and ending with Jeffrey D. Young, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Air Force nominations beginning with Johan K. Ahn and ending with Jeffrey S. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Air Force nominations beginning with Laura A. Brodhag and ending with John D. Klein, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with William R. Baez and ending with Bryce G. Whisler, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Jake R. Atwood and ending with Michael R. Zachar, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Kristen J. Beals and ending with Jianzhong J. Zhang, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Tansel Acar and ending with Brandon H. Williams, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Samuel E. Aikele and ending with Scott M. Zelasko, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Air Force nominations beginning with Homayoun R. Ahmadian and ending with Joe X. Zhang, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Army nomination of Robert W. Handy, to be Colonel.

Army nomination of James T. Seidule, to be Colonel.

Army nominations beginning with Mark A. Nozaki and ending with Matthew D. Ramsey, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Christopher J. Cummings and ending with Randolph O. Petgrave, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Anthony C. Adolph and ending with Sean M.



Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Ronald L. Baker and ending with Michael T. Wright, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Terry L. Anderson and ending with G001094, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nominations beginning with Jose L. Aguilar and ending with D005615, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Army nomination of Michael D. Shortt, to be Major.

Army nomination of Delnora L. Erickson, to be Major.

Army nomination of Ronald D. Lain, to be Lieutenant Colonel.

Army nomination of Matthew J. Burinskas, to be Colonel.

Army nomination of Ronald G. Cook, to be Colonel.

Army nomination of David A. Cortese, to be Lieutenant Colonel.

Army nomination of Charles J. Romero, to be Major.

Army nominations beginning with Michael D. Do and ending with Gregory S. Seese, which nominations were received by the Senate and appeared in the Congressional Record on December 5, 2012.

Army nominations beginning with Deepti S. Chitnis and ending with Gia K. Yi, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with Karin R. Bilyard and ending with Bethany S. Zarndt, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with James E. Andrews II and ending with D010617, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with Jacob W. Aaronson and ending with David W. Wolken, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with Silas C. Abrenica and ending with Kevin M. Zeeb, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nominations beginning with Lovie L. Abraham and ending with Vickie L. Wolcott, which nominations were received by the Senate and appeared in the Congressional Record on December 10, 2012.

Army nomination of Alfred C. Anderson, to be Major.

Army nomination of Deanna R. Beech, to be Major.

Army nominations beginning with Shirell L. Byard and ending with Soo B. Kim, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Army nominations beginning with Donald E. Layne and ending with Joseph F. Sucher, which nominations were received by the Senate and appeared in the Congressional Record on December 17, 2012.

Navy nominations beginning with David Sammett and ending with Timothy R. Durkin, which nominations were received by

the Senate and appeared in the Congressional Record on November 27, 2012.

Navy nominations beginning with Timothy R. Anderson and ending with George B. Watkins, which nominations were received by the Senate and appeared in the Congressional Record on November 27, 2012.

Navy nomination of John T. Volpe, to be Commander.

Navy nomination of Tamara M. Sorensen, to be Lieutenant Commander.

Navy nomination of Joseph N. Kenan, to be Lieutenant Commander.

By Mr. BAUCUS for the Committee on Finance.

\*Albert G. Lauber, of the District of Columbia, to be a Judge of the United States Tax Court for the term of fifteen years.

\*Ronald Lee Buch, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. KERRY, Ms. COLLINS, Mr. CARDIN, Mrs. SHAHEEN, Ms. SNOWE, and Mr. CONRAD):

S. 3705. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Finance.

By Mr. SCHUMER (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mrs. MCCASKILL, Mr. BLUMENTHAL, Mr. CASEY, Mrs. FEINSTEIN, and Mrs. GILLIBRAND):

S. 3706. A bill to amend chapter 301 of title 49, United States Code, to prohibit the rental of motor vehicles that contain a defect related to motor vehicle safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER:

S. 3707. A bill to authorize utilities to obtain national criminal history background checks of certain employees in sensitive positions; to the Committee on the Judiciary.

By Mr. KYL:

S. 3708. A bill to encourage reporting of child abuse; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mr. BROWN of Ohio):

S. 3709. A bill to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes; considered and passed.

By Mr. PAUL:

S.J. Res. 51. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Internal Revenue Service of the Department of the Treasury relating to taxable medical devices; to the Committee on Finance.

#### ADDITIONAL COSPONSORS

S. 32

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 32, a bill to prohibit the transfer or possession of large capacity ammunition feeding devices, and for other purposes.

S. 35

At the request of Mr. LAUTENBERG, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 35, a bill to establish background check procedures for gun shows.

S. 818

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 818, a bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1468

At the request of Mrs. SHAHEEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 3077

At the request of Mr. PORTMAN, the names of the Senator from Florida (Mr. RUBIO) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 3077, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 3338

At the request of Mr. ENZI, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

AMENDMENT NO. 3350

At the request of Mr. TESTER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 3350 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and



agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself, Mr. KERRY, Ms. COLLINS, Mr. CARDIN, Mrs. SHAHEEN, Ms. SNOWE, and Mr. CONRAD):

S. 3705. A bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect; to the Committee on Finance.

Mr. BAUCUS. Mr. President, Nelson Mandela, the former president of South Africa, once said "Safety and security don't just happen; they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear."

Today, I echo that call to protect our most vulnerable citizens as I join Senators KERRY, COLLINS, CARDIN, SHAHEEN, SNOWE, and CONRAD to introduce the Protect Our Kids Act.

This important legislation establishes a special task force dedicated to reducing child abuse and neglect in America. Comprised of our Nation's top child welfare administrators and researchers, law enforcement officers, and other dedicated experts, this task force would study and evaluate federal, state, and private child welfare systems and develop a comprehensive national strategy to prevent and reduce these tragic acts of violence.

Since 2002, more than 15,000 children have died due to abuse and neglect. This number is based on state-reported Child Protection Services data. But advocates predict the true number is far greater.

We don't have clear facts because currently, there is no national standard for collecting data on these young victims. Many state child protection agencies do not share vital data and statistics with other agencies, officials, or law enforcement.

Clearly, more must be done to better protect our Nation's children. More must be done to protect them from the fear and terror of abuse, especially when the threat to their safety often comes from those that should cherish them the most.

We need to bring this issue out of the shadows. It starts by learning more about the tragic deaths of these children, so that we can prevent the senseless murders from happening again. That is what this task force will do. They will study the issue and develop a national strategy and recommendations for improvements throughout the child welfare system.

According to Child Protection Services data, in Montana we reported zero fatalities from child abuse and neglect last year. While that of course sounds

like good news, the story is more complicated. We have heard of at least three child deaths related to abuse or neglect. Some abuse is going unreported. And there are clear gaps in data between the agencies and in the reporting. So I am urging my state to elevate the standards of protective services even higher.

Child Protection Services needs to coordinate with other agencies. They need to share data so we can have a clear picture of the full scope of the problem. Everyone needs to work together to make sure that all Montana kids are safe.

Our Nation must tackle this issue head on. We must embrace our responsibility to protect our children. We need to provide them with safe, nurturing environments and the support they need to thrive and succeed in our society.

We need to make sure that kids have access to physical and mental health services, so they can grow into happy, productive adults. We need to help children with mental illnesses by reducing the stigma surrounding mental health services and ensuring that these young people know there is a strong support network backing them up.

We should look at programs like home visits, which currently provide professional assistance, right at home, for more than 50,000 families across our Nation, and see how they can be improved to do an even better job supporting vulnerable families.

We are blessed to live in the richest, most powerful country in the world. We have to use every resource at our disposal to strengthen our laws to ensure that all children are given a chance to succeed in life.

This bipartisan legislation we are introducing today is a step in the right direction to protect our kids.

I commend my colleagues Senators KERRY and COLLINS for their years of tireless work, fighting for the rights of our children. The House of Representatives has already acted on this legislation. Let us now join together and create a life free of violence and fear for our most vulnerable citizens.

Let us pass the Protect Our Kids Act.

By Mr. KYL:

S. 3708. A bill to encourage reporting of child abuse; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3708

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Abuse For Every Child Act of 2012" or the "SAFE Child Act".

#### SEC. 2. ADDITIONAL SPECIAL ASSESSMENT.

(a) IN GENERAL.—Chapter 20 of title 18, United States Code, is amended by inserting after section 3013 the following:

##### "§ 3014. Additional special assessment

"(a) In addition to the assessment imposed under section 3013, the court shall assess on any person other than an individual convicted of an offense against the United States an amount equal to 3 times the amount that would be assessed on a person under section 3013 for the same offense.

"(b) There is established in the Treasury a fund, to be known as the 'Surcharge Fund' (referred to in this section as the 'Fund'), to be administered by the Secretary of Health and Human Services.

"(c) Notwithstanding section 3302 of title 31, or any other law regarding the crediting of money received for the Government, there shall be deposited in the Fund an amount equal to the amount of the assessments collected under this section, which shall remain available until expended.

"(d) From amounts in the Fund, and without further appropriation, the Secretary of Health and Human Services shall, for fiscal year 2013, and every 3 fiscal years thereafter, award a competitive grant with a grant period of 3 years and in the amount of \$1,000,000 for each year to a private nonprofit organization that has a successful multi-year record of operating a national child abuse hotline, which shall be used—

"(1) to operate such a hotline, which shall—

"(A) operate 24 hours a day, 7 days a week, with individuals answering calls;

"(B) be staffed by individuals that are trained to handle crisis counseling and child abuse and neglect inquiries, including individuals with a background or advanced degrees in counseling, mental health, social work, or other related fields;

"(C) have the ability to provide assistance to callers in multiple languages;

"(D) have chat or text message capability to increase access and participation for children and youth who may not be as likely to call on a telephone; and

"(E) provide—

"(i) assistance in reporting incidences of child abuse and neglect;

"(ii) crisis counseling;

"(iii) referrals to relevant resources in the caller's community; and

"(iv) education and resources on the signs and symptoms of abuse, risk factors, parenting concerns, and adult survivor issues; and

"(2) to encourage reporting of child abuse and conduct public education on child abuse.

"(e)(1) Effective on the day after the date on which an award is made under subsection (d), or, for a fiscal year in which no award is made under subsection (d), effective on September 30 of that fiscal year, all unobligated balances in the Fund shall be transferred to the Crime Victims Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

"(2) Amounts transferred under paragraph (1)—

"(A) shall be available for any authorized purpose of the Crime Victims Fund; and

"(B) shall remain available until expended.

"(f) The amount assessed under subsection (a) shall be collected in the manner that fines are collected in criminal cases.

"(g) The obligation to pay an assessment imposed on or after the date of enactment of the SAFE Child Act shall not cease until the assessment is paid in full."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 20 of

title 18, United States Code, is amended by inserting after the item relating to section 3013 the following:

“3014. Additional special assessment.”.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3425. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3426. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3427. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. McCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3428. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. McCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3429. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. McCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3430. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3431. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3432. Mr. REID (for Mr. VITTER (for himself, Mr. WARNER, Mr. NELSON of Florida, and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 4212, to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

SA 3433. Mr. REID (for Mrs. McCASKILL (for herself and Mr. BLUNT)) proposed an amendment to the bill H.R. 6364, to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

SA 3434. Mr. REID (for Mr. VITTER (for himself and Mr. BROWN of Ohio)) proposed an amendment to the bill S. 3709, to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3425.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, lines 18 and 19, strike “LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS” and insert “LIMITED RESOURCE FARMERS, BEGINNING FARMERS, AND SOCIALLY DISADVANTAGED FARMERS”.

**SA 3426.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3395 proposed by Mr. REID to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, strike lines 9 through 13 and insert the following: “*Provided further*, That obligations incurred for the purposes provided herein prior to the enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used to make grants for renovating, repairing, or rebuilding non-Fed-”.

**SA 3427.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. McCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND FINDINGS AND PURPOSES

SEC. 111. (a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from \$50,000,000 to \$87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as “HLB” or “citrus greening disease”) and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than \$3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately \$13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this title are to authorize the establishment of a trust to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this title restricts the use of any funds for scientific research and technical activities in the United States.

#### CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

SEC. 112. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the “Citrus Disease Research and Development Trust Fund” (in this section referred to as the “Trust Fund”), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall—

(A) transfer to the Trust Fund from amounts appropriated to the Secretary under this title an amount the Secretary determines to be necessary for the purposes described in subsection (c)(2); and

(B) reduce on a pro rata basis amounts appropriated for other programs under this title by the amount transferred to the Trust Fund under subparagraph (A).

(2) **LIMITATION.**—The amount transferred to the Trust Fund under paragraph (1)(A) may not exceed \$30,000,000.

(C) **AVAILABILITY OF AMOUNTS IN TRUST FUND.**—

(1) **AMOUNTS AVAILABLE UNTIL EXPENDED.**—Amounts in the Trust Fund shall remain available until expended without further appropriation.

(2) **AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.**—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

(A) for expenditures relating to citrus disease research and development under section 113, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that section.

(d) **INVESTMENT OF TRUST FUND.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(2) **INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(e) **REPORTS TO CONGRESS.**—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

(3) an assessment of the amounts available in the Trust Fund for future expenditures.

(f) **SUNSET PROVISION.**—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

#### CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD

**SEC. 113. (a) PURPOSE.**—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 112 or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) **DEFINITIONS.**—In this section:

(1) **BOARD.**—The term “Board” means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) **CITRUS.**—

(A) **IN GENERAL.**—The term “citrus” means edible fruit of the family Rutaceae, commonly called “citrus”.

(B) **INCLUSION.**—The term “citrus” includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) **DEPARTMENT.**—The term “Department” means the Department of Agriculture.

(4) **PERSON.**—The term “person” means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) **PRODUCER.**—The term “producer” means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) **PROGRAM.**—The term “program” means the citrus research and development program authorized under this section.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(8) **TRUST FUND.**—The term “Trust Fund” means the Citrus Disease Research and Development Trust Fund established under section 112.

(c) **IMPLEMENTATION.**—

(1) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) **CITRUS ADVISORY BOARD.**—

(A) **ESTABLISHMENT AND MEMBERSHIP.**—

(i) **ESTABLISHMENT.**—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) **MEMBERSHIP.**—The members of the Board shall be appointed by the Secretary.

(iii) **STATUS.**—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) **DISTRIBUTION OF APPOINTMENTS.**—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) **CONSULTATION.**—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) **BOARD VACANCIES.**—

(i) **IN GENERAL.**—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) **REQUIREMENTS.**—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) **TERMS.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) **INITIAL APPOINTMENTS.**—In making initial appointments to the Board, the Sec-

retary shall appoint  $\frac{1}{3}$  of the members to terms of 1, 3, and 5 years, respectively.

(F) **DISQUALIFICATION FROM BOARD SERVICE.**—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) **COMPENSATION.**—

(i) **IN GENERAL.**—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) **TRAVEL EXPENSES.**—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) **POWERS.**—

(A) **GIFTS.**—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) **POSTAL SERVICES.**—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) **VOLUNTEER SERVICES.**—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) **TECHNICAL AND LOGISTICAL SUPPORT.**—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(i) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) **OTHER DEPARTMENTS AND AGENCIES.**—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) **GENERAL RESPONSIBILITIES OF THE BOARD.**—

(A) **IN GENERAL.**—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to \$2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

**SA 3428.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND FINDINGS AND PURPOSES

SEC. 111. (a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from \$50,000,000 to \$87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as “HLB” or “citrus greening disease”) and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than \$3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately \$13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date

of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this title are to authorize the establishment of a trust to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this title restricts the use of any funds for scientific research and technical activities in the United States.

#### CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

SEC. 112. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the “Citrus Disease Research and Development Trust Fund” (in this section referred to as the “Trust Fund”), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

(b) TRANSFER OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall transfer to the Trust Fund, from the funds of the Commodity Credit Corporation that the Secretary would have otherwise used to carry out the amendments made by sections 101 and 102, an amount the Secretary determines to be necessary for the purposes described in subsection (c)(2).

(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1) may not exceed \$30,000,000.

(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

(A) for expenditures relating to citrus disease research and development under section 113, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that section.

(d) INVESTMENT OF TRUST FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

(3) an assessment of the amounts available in the Trust Fund for future expenditures.

(f) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD

SEC. 113. (a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 112 or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term “citrus” means edible fruit of the family Rutaceae, commonly called “citrus”.

(B) INCLUSION.—The term “citrus” includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(4) PERSON.—The term “person” means any individual, group of individuals, firm, part-

nership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term “producer” means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term “program” means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(8) TRUST FUND.—The term “Trust Fund” means the Citrus Disease Research and Development Trust Fund established under section 112.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint  $\frac{1}{3}$  of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) TECHNICAL AND LOGISTICAL SUPPORT.—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) OTHER DEPARTMENTS AND AGENCIES.—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) GENERAL RESPONSIBILITIES OF THE BOARD.—

(A) IN GENERAL.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other

institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to

\$2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

**SA 3429.** Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 3404 submitted by Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. UDALL of New Mexico) and intended to be proposed to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### Subtitle B

#### Citrus Disease Research and Development Trust Fund

#### SHORT TITLE

SEC. 111. This subtitle may be cited as the “Citrus Disease Research and Development Trust Fund Act of 2012”.

#### FINDINGS AND PURPOSES

SEC. 112. (a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from \$50,000,000 to \$87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as “HLB” or “citrus greening disease”) and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than \$3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately \$13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments

have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to authorize the establishment of a trust funded by certain tariff revenues to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States; and

(2) to require the President to notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before entering into any trade agreement that would decrease the amount of duties collected on imports of citrus products to less than the amount necessary to provide the grants authorized by section 1001(d) of the Trade Act of 1974, as added by section 113(a) of this Act.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this subtitle restricts the use of any funds for scientific research and technical activities in the United States.

#### CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

SEC. 113. (a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2102 et seq.) is amended by adding at the end the following:

#### “TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

#### “SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

“(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ‘Citrus Disease Research and Development Trust Fund’ (in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

#### “(b) TRANSFER OF AMOUNTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary to be equivalent to amounts received in the general fund that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States.

“(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of—

“(A) an amount equal to ⅓ of the amount attributable to the duties received on articles described in paragraph (1); or



“(B) \$30,000,000.

“(C) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

“(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

“(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

“(A) for expenditures relating to citrus disease research and development under section 114 of the Citrus Disease Research and Development Trust Fund Act of 2012, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

“(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

“(d) INVESTMENT OF TRUST FUND.—

“(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

“(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

“(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

“(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

“(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

“(3) an assessment of the amounts available in the Trust Fund for future expenditures.

“(f) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury may remit to the general fund of the Treasury such amounts as the Secretary of Agriculture reports to be in excess of the amounts necessary to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.

“(g) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of the Citrus Disease Research and Development Trust Fund Act of 2012 and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

**“SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.**

“The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the

President determines that entering into the trade agreement could result—

“(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States; and

“(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.”

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

**“TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND**

**“Sec. 1001. Citrus Disease Research and Development Trust Fund.**

**“Sec. 1002. Reports required before entering into certain trade agreements.”**

**CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD**

SEC. 114. (a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 113(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term “citrus” means edible fruit of the family Rutaceae, commonly called “citrus”.

(B) INCLUSION.—The term “citrus” includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(4) PERSON.—The term “person” means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term “producer” means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term “program” means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(8) TRUST FUND.—The term “Trust Fund” means the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 113(a) of this Act.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint ⅓ of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

(A) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(B) POSTAL SERVICES.—The Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.



(D) **TECHNICAL AND LOGISTICAL SUPPORT.**—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(i) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) **OTHER DEPARTMENTS AND AGENCIES.**—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) **GENERAL RESPONSIBILITIES OF THE BOARD.**—

(A) **IN GENERAL.**—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) **CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.**—

(A) **IN GENERAL.**—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) **AFFIRMATIVE SUPPORT REQUIRED.**—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) **SECRETARIAL APPROVAL.**—

(i) **IN GENERAL.**—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) **CONSIDERATIONS.**—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as Huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) **REPORT TO CONGRESS.**—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) **CONTRACTS AND AGREEMENTS.**—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) **ADMINISTRATIVE COSTS.**—Each fiscal year, the Secretary may transfer up to \$2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) **TERMINATION OF BOARD.**—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

**TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES**

SEC. 115. Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than \$1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in

paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

#### EXTENSION OF CUSTOMS USER FEES

SEC. 116. Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

“(C)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 23, 2021, and ending on November 6, 2021.

“(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 30, 2021, and ending on November 13, 2021.”.

**SA 3430.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 1 and insert the following:

(m) **HOUSES OF WORSHIP.**—For purposes of providing assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) relating to a major disaster declared by the President under section 401 of such Act (42 U.S.C. 5170) relating to Hurricane Sandy, the term “private nonprofit facility” shall include a house of worship.

(n) **APPLICABILITY.**—Unless otherwise specified,

**SA 3431.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 1 and insert the following:

(m) **HOUSES OF WORSHIP.**—Section 102(10)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(10)(B)) is amended by inserting “houses of worship and” before “any private nonprofit facility”.

(n) **APPLICABILITY.**—Unless otherwise specified,

**SA 3432.** Mr. REID (for Mr. VITTER (for himself, Mr. WARNER, Mr. NELSON of Florida, and Ms. LANDRIEU)) proposed an amendment to the bill H.R. 4212, to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Drywall Safety Act of 2012”.

#### SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of Commerce should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported problematic drywall to the United States, facilitate a meeting between the companies and representatives of the United States Government on remedying homeowners that have problematic drywall in their homes; and

(2) the Secretary of Commerce should insist that the Government of the People's Republic of China direct the companies that manufactured and exported problematic drywall to submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with problematic drywall.

### SEC. 3. DRYWALL LABELING REQUIREMENT.

(a) LABELING REQUIREMENT.—Beginning 180 days after the date of the enactment of this Act, the gypsum board labeling provisions of standard ASTM C1264-11 of ASTM International, as in effect on the day before the date of the enactment of this Act, shall be treated as a rule promulgated by the Consumer Product Safety Commission under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)).

(b) REVISION OF STANDARD.—If the gypsum board labeling provisions of the standard referred to in subsection (a) are revised on or after the date of the enactment of this Act, ASTM International shall notify the Commission of such revision no later than 60 days after final approval of the revision by ASTM International. The revised provisions shall be treated as a rule promulgated by the Commission under section 14(c) of such Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the revised provisions do not adequately identify gypsum board by manufacturer and month and year of manufacture, in which case the Commission shall continue to enforce the prior version.

### SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.

(a) RULE ON SULFUR CONTENT IN DRYWALL REQUIRED.—Except as provided in subsection (c), not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule pertaining to drywall manufactured or imported for use in the United States that limits sulfur content to a level not associated with elevated rates of corrosion in the home.

(b) RULE MAKING; CONSUMER PRODUCT SAFETY STANDARD.—A rule under subsection (a)—

(1) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(2) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(c) EXCEPTION.—

(1) VOLUNTARY STANDARD.—Subsection (a) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States limits sulfur content to a level not associated with elevated rates of corrosion in the home;

(B) such voluntary standard is or will be in effect not later than two years after the date of enactment of this Act; and

(C) such voluntary standard is developed by Subcommittee C11.01 on Specifications and Test Methods for Gypsum Products of ASTM International.

(2) FEDERAL REGISTER.—Any determination made under paragraph (1) shall be published in the Federal Register.

(d) TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.—If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date that is the later of—

(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

(e) REVISION OF VOLUNTARY STANDARD.—If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

(f) FUTURE RULEMAKING.—The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

### SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED.

Not later than 120 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall revise its guidance entitled "Remediation Guidance for Homes with Corrosion from Problem Drywall" to specify that problematic drywall removed from homes pursuant to the guidance should not be reused or used as a component in production of new drywall.

**SA 3433.** Mr. REID (for Mrs. McCASKILL (for herself and Mr. BLUNT)) proposed an amendment to the bill H.R. 6364, to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "World War I Centennial Commission Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Establishment of World War I Centennial Commission.
- Sec. 5. Duties of Centennial Commission.
- Sec. 6. Powers of Centennial Commission.
- Sec. 7. Centennial Commission personnel matters.
- Sec. 8. Termination of Centennial Commission.
- Sec. 9. Prohibition on obligation of Federal funds.

### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) From 2014 through 2018, the United States and nations around the world will mark the centennial of World War I, including the entry of the United States into the war in April 1917.

(2) America's support of Great Britain, France, Belgium, and its other allies in World War I marked the first time in United States history that American soldiers went abroad in defense of liberty against foreign aggression, and it marked the true beginning of the "American century".

(3) Although World War I was at the time called "the war to end all wars", in fact the United States would commit its troops to the defense of foreign lands 3 more times in the 20th century.

(4) More than 4,000,000 men and women from the United States served in uniform during World War I, among them 2 future presidents, Harry S. Truman and Dwight D. Eisenhower. Two million individuals from the United States served overseas during World War I, including 200,000 naval personnel who served on the seas. The United States suffered 375,000 casualties during World War I, including 116,516 deaths.

(5) The events of 1914 through 1918 shaped the world, the United States, and the lives of millions of people.

(6) The centennial of World War I offers an opportunity for people in the United States to learn about and commemorate the sacrifices of their predecessors.

(7) Commemorative programs, activities, and sites allow people in the United States to learn about the history of World War I, the United States involvement in that war, and the war's effects on the remainder of the 20th century, and to commemorate and honor the participation of the United States and its citizens in the war effort.

### SEC. 3. DEFINITIONS.

In this Act—

(1) AMERICA'S NATIONAL WORLD WAR I MUSEUM.—The term "America's National World War I Museum" means the Liberty Memorial Museum in Kansas City, Missouri, as recognized by Congress in section 1031(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2045).

(2) CENTENNIAL COMMISSION.—The term "Centennial Commission" means the World War I Centennial Commission established by section 4(a).

(3) VETERANS SERVICE ORGANIZATION.—The term "veterans service organization" means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 4. ESTABLISHMENT OF WORLD WAR I CENTENNIAL COMMISSION.**

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “World War I Centennial Commission”.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Centennial Commission shall be composed of 12 members as follows:

(A) Two members who shall be appointed by the Speaker of the House of Representatives.

(B) One member who shall be appointed by the minority leader of the House of Representatives.

(C) Two members who shall be appointed by the majority leader of the Senate.

(D) One member who shall be appointed by the minority leader of the Senate.

(E) Three members who shall be appointed by the President from among persons who are broadly representative of the people of the United States (including members of the Armed Forces, veterans, and representatives of veterans service organizations).

(F) One member who shall be appointed by the executive director of the Veterans of Foreign Wars of the United States.

(G) One member who shall be appointed by the executive director of the American Legion.

(H) One member who shall be appointed by the president of the Liberty Memorial Association.

(2) **TIME FOR APPOINTMENT.**—The members of the Centennial Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(3) **PERIOD OF APPOINTMENT.**—Each member shall be appointed for the life of the Centennial Commission.

(4) **VACANCIES.**—A vacancy in the Centennial Commission shall be filled in the manner in which the original appointment was made.

(c) **MEETINGS.**—

(1) **INITIAL MEETING.**—

(A) **IN GENERAL.**—Not later than 30 days after the date on which all members of the Centennial Commission have been appointed, the Centennial Commission shall hold its first meeting.

(B) **LOCATION.**—The location for the meeting held under subparagraph (A) shall be the America’s National World War I Museum.

(2) **SUBSEQUENT MEETINGS.**—

(A) **IN GENERAL.**—The Centennial Commission shall meet at the call of the Chair.

(B) **FREQUENCY.**—The Chair shall call a meeting of the members of the Centennial Commission not less frequently than once each year.

(C) **LOCATION.**—Not less frequently than once each year, the Centennial Commission shall meet at the America’s National World War I Museum.

(3) **QUORUM.**—Seven members of the Centennial Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) **CHAIR AND VICE CHAIR.**—The Centennial Commission shall select a Chair and Vice Chair from among its members.

**SEC. 5. DUTIES OF CENTENNIAL COMMISSION.**

(a) **IN GENERAL.**—The duties of the Centennial Commission are as follows:

(1) To plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I.

(2) To encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I.

(3) To facilitate and coordinate activities throughout the United States relating to the centennial of World War I.

(4) To serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I.

(5) To develop recommendations for Congress and the President for commemorating the centennial of World War I.

(b) **REPORTS.**—

(1) **PERIODIC REPORT.**—Not later than the last day of the 6-month period beginning on the date of the enactment of this Act, and not later than the last day of each 3-month period thereafter, the Centennial Commission shall submit to Congress and the President a report on the activities and plans of the Centennial Commission.

(2) **RECOMMENDATIONS.**—Not later than 2 years after the date of the enactment of this Act, the Centennial Commission shall submit to Congress and the President a report containing specific recommendations for commemorating the centennial of World War I and coordinating related activities.

**SEC. 6. POWERS OF CENTENNIAL COMMISSION.**

(a) **HEARINGS.**—The Centennial Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Centennial Commission considers appropriate to carry out its duties under this Act.

(b) **POWERS OF MEMBER AND AGENTS.**—If authorized by the Centennial Commission, any member or agent of the Centennial Commission may take any action which the Centennial Commission is authorized to take under this Act.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—The Centennial Commission shall secure directly from any Federal department or agency such information as the Centennial Commission considers necessary to carry out the provisions of this Act. Upon the request of the Chair of the Centennial Commission, the head of such department or agency shall furnish such information to the Centennial Commission.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Centennial Commission, the Administrator of the General Services Administration shall provide to the Centennial Commission, on a reimbursable basis, the administrative support services necessary for the Centennial Commission to carry out its responsibilities under this Act.

(e) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Centennial Commission is authorized—

(A) to procure supplies, services, and property; and

(B) to make or enter into contracts, leases, or other legal agreements.

(2) **LIMITATION.**—The Centennial Commission may not enter into any contract, lease, or other legal agreement that extends beyond the date of the termination of the Centennial Commission under section 8(a).

(f) **POSTAL SERVICES.**—The Centennial Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) **GIFTS, BEQUESTS, AND DEVICES.**—The Centennial Commission shall accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of covering the costs incurred by the Centennial Commission to carry out its duties under this Act.

**SEC. 7. CENTENNIAL COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—Members of the Centennial Commission shall serve without compensation for such service.

(b) **TRAVEL EXPENSES.**—Each member of the Centennial Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions of title 5, United States Code.

(c) **STAFF.**—

(1) **IN GENERAL.**—The Chair of the Centennial Commission shall, in consultation with the members of the Centennial Commission, appoint an executive director and such other additional personnel as may be necessary to enable the Centennial Commission to perform its duties.

(2) **COMPENSATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Chair of the Centennial Commission may fix the compensation of the executive director and any other personnel appointed under paragraph (1).

(B) **LIMITATION.**—The Chair of the Centennial Commission may not fix the compensation of the executive director or other personnel appointed under paragraph (1) at a rate that exceeds the rate of payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(C) **WORK LOCATION.**—If the city government for Kansas City, Missouri, and the Liberty Memorial Association make space available in the building in which the America’s National World War I Museum is located, the executive director of the Centennial Commission and other personnel appointed under paragraph (1) shall work in such building to the extent practical.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the Centennial Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any employee of that department or agency to the Centennial Commission to assist it in carrying out its duties under this Act.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chair of the Centennial Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) **SOURCE OF FUNDS.**—Gifts, bequests, and devises of services or property, both real and personal, received by the Centennial Commission under section 6(g) shall be the only source of funds to cover the costs incurred by the Centennial Commission under this section.

**SEC. 8. TERMINATION OF CENTENNIAL COMMISSION.**

(a) **IN GENERAL.**—The Centennial Commission shall terminate on the earlier of—

(1) the date that is 30 days after the date the completion of the activities under this Act honoring the centennial observation of World War I; or

(2) July 28, 2019.

(b) **APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Centennial Commission under this Act.

(2) **EXCEPTION.**—Section 14(a)(2) of such Act shall not apply to the Centennial Commission.

**SEC. 9. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.**

No Federal funds may be obligated to carry out this Act.

**SA 3434.** Mr. REID (for Mr. VITTER (for himself and Mr. BROWN of Ohio))

proposed an amendment to the bill S. 3709, to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes.

Strike all after the enacting clause and insert the following:

**SECTION 1. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF TRANSACTIONS BETWEEN LARGE FINANCIAL COMPANIES AND THE FEDERAL GOVERNMENT.**

(a) **DEFINITIONS.**—For purposes of this Act—

(1) the term “covered institution” means any bank holding company having more than \$500,000,000,000 in consolidated assets; and

(2) the term “economic benefit” means the difference between actual loans terms offered, debt or equity prices, or asset values and a reasonable estimate of what such terms, prices, or values might have been, as determined by examining actual values of comparable transaction in the private markets or by estimating the values of comparable transactions priced to properly reflect associated risk.

(b) **GAO STUDY.**—The Comptroller General of the United States (in this section referred to as the “Comptroller”) shall conduct a study of covered institutions, such as—

(1) the favorable pricing of the debt of such institutions, relative to their risk profile resulting from the perception that such institutions will receive Government support in the event of any financial stress;

(2) any favorable funding or economic treatment resulting from an increase in the credit rating for covered institutions, as a result of express, implied, or perceived Government support;

(3) any economic benefit to covered institutions resulting from the ownership of, or affiliation with, an insured depository institution;

(4) any economic benefit resulting from the status of covered institutions as a bank holding company, including access to Federal deposit insurance and the discount window of the Board of Governors of the Federal Reserve System before the date of enactment of this Act;

(5) any economic benefit received through extraordinary Government actions taken, such as—

(A) actions by the Department of the Treasury—

(i) under the Emergency Economic Stabilization Act, such as—

(I) asset purchases by the United States Government;

(II) capital injections from the United States Government; or

(III) housing programs; or

(ii) by the purchase of the mortgage backed securities of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (in this Act referred to as “government-sponsored enterprises”), in order to lower interest rates, and the value of such securities in the absence of such purchases;

(B) actions by the Board of Governors of the Federal Reserve System prior to the date of enactment of this Act, such as—

(i) providing loans to financial institutions through the Term Auction Facility; and

(ii) assistance through programs under section 13(3) of the Federal Reserve Act prior to the date of enactment of this Act, such as—

(I) lending through the Commercial Paper Funding Facility;

(II) securities lending to primary dealers through the Primary Dealer Credit Facility and the Term Securities Lending Facility;

(III) lending to institutions through the Term Asset-Backed Securities Loan Facility; or

(IV) purchasing assets through the Maiden Lane facility; and

(C) actions by the Federal Deposit Insurance Corporation, such as—

(i) guaranteeing debt or deposits through the Temporary Liquidity Guarantee Program; or

(ii) pricing of assessments related to any such guarantees; and

(6) any extraordinary assistance provided to American Insurance Group, but ultimately received by one of the covered institutions; and

(7) any Government actions that resulted in the payment or nonpayment of credit default swap contracts entered into by a covered institution.

**SEC. 2. REPORT TO CONGRESS.**

Not later than 1 year after the date of enactment of this Act, the Comptroller shall submit a report to Congress detailing the findings of the Comptroller in the study conducted under this Act. Such report shall be made electronically available to the public, except that any proprietary, sensitive, or confidential information shall be redacted in any release to the public.

**SEC. 3. RULE OF CONSTRUCTION.**

Nothing in this Act may be construed to provide authority inconsistent with, or to otherwise affect, section 714 of title 31 United States Code.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FINANCE**

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate following a vote on the Senate Floor on December 21, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mr. MCCAIN. Mr. President, I ask unanimous consent that LTCs Todd Ladwig and Victor Glover, Navy fellows in my office, be allowed floor privileges for the duration of the debate on the conference report of H.R. 4310, the National Defense Authorization Act for fiscal year 2013.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that CDR Jeff Bennett be allowed permission to occupy the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**UNANIMOUS CONSENT AGREEMENT—FISA AMENDMENTS**

Mr. REID. Mr. President, I ask unanimous consent that with respect to the

consideration of the FISA bill, the text for each of the amendments in order under the previous agreement is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

**EXECUTIVE SESSION**

**EXECUTIVE CALENDAR**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 834, 835, 877; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

**THE JUDICIARY**

Matthew W. Brann, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Malachy Edward Mannion, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Jon S. Tigar, of California, to be United States District Judge for the Northern District of California.

**NOMINATION DISCHARGED**

Mr. REID. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of following nomination: PN 2024; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

**THE JUDICIARY**

William S. Greenberg, of New Jersey, to be a Judge of the United States Court of Appeals for Veterans Claims for the term of fifteen years, vice a new position created by Public Law 100-389, approved October 10, 2008.

Mr. LEAHY. Mr. President, over the last four years, Senate Republicans have chosen to depart dramatically from Senate traditions in their efforts to delay and obstruct President Obama's judicial nominations.

For example, until 2009, Senators deferred to the President and to home

State Senators on district court nominees. During the 8 years that George W. Bush served as President, only 5 of his district court nominees received any opposition on the floor. In just 4 years, Senate Republicans have voted against 39 of President Obama's district court nominees, and the Majority Leader has been forced to file cloture on 20 of them.

Federal district court judges are the trial court judges who hear cases from litigants across the country and preside over Federal criminal trials, applying the law to facts and helping settle legal disputes. They handle the vast majority of the caseload of the Federal courts and are critical to making sure our Federal courts remain available to provide a fair hearing for all Americans. Nominations to fill these critical positions, whether made by a Democratic or Republican President, have always been considered with deference to the home State Senators who know the nominees and their States best, and have been confirmed quickly with that support. Never before in the 37 years I have been in the Senate have I seen anything like what has happened in the last 4 years. Never before in the Senate's history have we seen district court nominees blocked for months and opposed for no good reason. Many are needlessly stalled and then confirmed virtually unanimously with no explanation for the obstruction. Senate Republicans have politicized even these traditionally non-partisan positions. This is harmful to our Federal courts and the American people.

Until 2009, Senators who filibustered circuit court nominees generally had reasons to do so, and were willing to explain those reasons. When Senate Democrats filibustered President Bush's controversial circuit court nominees, it was over substantive concerns about the nominees' records and Republicans' disregard for the rights of Democratic Senators. When we opposed Janice Rogers Brown, it was because of her long record on the California Supreme Court of deciding cases based on extreme views, and having argued that Social Security was unconstitutional. When we opposed Priscilla Owen, it was because her rulings on the Texas Supreme Court were so extreme that they drew the condemnation of even the conservative judges on that court.

On the other hand, Senate Republicans have filibustered and delayed nearly all of President Obama's circuit court nominees even when those nominees have the support of their Republican home State Senators. Take the examples of Judge Robert Bacharach and William Kayatta, two consensus circuit nominees who have the support of their Republican home State Senators. Both these nominees received the ABA Standing Committee on the Federal Judiciary's highest possible rating, that of unanimously "Well

Qualified." They have strong bipartisan support, and unimpeachable credentials, and there is no reason why they should not have been confirmed months ago. Republicans continue to stall them without final confirmation votes approximately 8 months after they were considered and approved by the Senate Judiciary Committee.

The irony and dangerous new development is that neither of these nominees faces any real Republican opposition. Senator COBURN, one of Judge Bacharach's home State Senators, has said: "[Judge Bacharach] has no opposition in the Senate. . . . There's no reason why he shouldn't be confirmed." Still, Senate Republicans refuse to allow for a vote on his nomination. The same also applies to Richard Taranto, who was reported more than eight months ago to a vacancy on the Federal Circuit by voice vote and faces no Republican opposition. This also applies to William Kayatta of Maine, who was reported nearly eight months ago and has the support of his two home State Republican Senators.

It makes no sense for Senate Republicans to continue filibustering these nominations, but it fits with their track record over the last 4 years. Senate Republicans used to insist that the filibustering of judicial nominations was unconstitutional. The Constitution has not changed but as soon as President Obama was elected they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely-respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and was supported by Senator DICK LUGAR, the longest-serving Republican in the Senate. They delayed his confirmation for 7 months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering 10 of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for 7 months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit and Judge James Wynn, Jr. of North Carolina to the Fourth Circuit for 6 months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of South Carolina to the Fourth Circuit, Judge Stephanie Thacker of West Virginia to the Fourth Circuit, and Judge Jacqueline Nguyen of California to the Ninth Circuit for 5 months. They delayed confirmation of Judge Adalberto Jordan of Florida to the Eleventh Circuit, Judge Beverly Martin of Georgia to the Eleventh Circuit, Judge Mary Murguia of Arizona to the Ninth Cir-

cuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, and Judge Chris Droney of Connecticut to the Second Circuit for 4 months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, and Judge Kathleen O'Malley of Ohio to the Federal Circuit for 3 months.

The nonpartisan Congressional Research Service has reported that the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's. This is the result of Republican obstruction.

This unprecedented and meritless obstruction means that when the Senate adjourns, Senate Republicans will have blocked more than 40 of President Obama's circuit and district nominees from being confirmed.

This obstruction is also why a damagingly high level of judicial vacancies has persisted for over 3½ years. While such tactics are bad for the Senate, they are also bad for our Nation's overburdened courts. Persistent vacancies force fewer judges to take on growing caseloads, and make it harder for Americans to have access to justice. While they have delayed and obstructed, the number of judicial vacancies has been historically high and it has become more difficult for our courts to provide speedy, quality justice for the American people. In fact, five of the judicial nominees pending on the Senate calendar on whom Republicans refuse to allow a vote would fill judicial emergency vacancies.

For almost 4 years now, ever since President Barack Obama took office, we have heard the same spurious arguments from Senate Republicans for why they refuse to help our Federal courts function. Senate Republicans claim that we have not confirmed more judges because President Obama has not made a sufficient number of nominations. It is Senate Republicans themselves, and their unwillingness to work with a President who has reached out to them to submit recommendations and to work with him that has delayed many nominations.

Unlike his predecessor, President Obama has worked hard to solicit recommendations from home State Senators, including those from the other party. This President has consistently

selected qualified, mainstream nominees. For the judicial vacancies in States with two Republican Senators, just 21 percent have a nominee. Four such vacancies exist in Texas—including three judicial emergency vacancies. This has prompted a retired Federal judge in Hawaii to move to Texas to help the overburdened judges with their caseload. I urge Senate Republicans to do a better job providing consensus recommendations and fulfilling their own constitutional responsibility to “advise” the President on nominations and work with President Obama to fill these vacancies.

At the end of each calendar year, Senate Republicans now deliberately refuse to vote on several judicial nominees who could and should be confirmed in order to consume additional time the following year confirming these nominees. At the end of 2009, they left 10 nominations on the Executive Calendar without a vote. Two of those nominations were returned to the President, and it subsequently took 9 months for the Senate to take action on the other 8. This resulted in the lowest 1-year confirmation total in at least 35 years. For the last 2 years, Senate Republicans left 19 nominations on the Senate Executive Calendar at the end of each year. It then took nearly half the following year for the Senate to confirm these nominees. This year they are insisting on leaving 11 judicial nominees without action and another 4 have had hearings but Senate Republicans refused to expedite their consideration.

Senate Republicans claim that their delays and obstruction should be excused because, despite their opposition, the Senate confirmed the President's two Supreme Court Justices. Senate Republicans ignore the fact that during President Bush's first 4 years 205 circuit and district court nominees had been confirmed, and that judicial vacancies were reduced to as low as 28. During his second term, vacancies were reduced to 34. Vacancies have stood at nearly or above for most of President Obama's first four years and will not dip below 60. Vacancies remain more than twice what they were at the end of President Bush's first term. The 173 judges that we have been able to confirm fall more than 30 short of the total for President Bush's first term. Moreover, when the Senate confirmed two Justices during President Clinton's first term and President George H.W. Bush's term, the Senate also confirmed 200 and 192 circuit and district nominees, respectively. Their obstruction of needed confirmations cannot be justified on account of the two Supreme Court vacancies.

Until 2009, when a judicial nominee had been reported by the Judiciary Committee with bipartisan support, they were generally confirmed quickly. Until 2009, we observed regular order

and usually confirmed four to six nominees per week, and we cleared the Senate Executive Calendar before long recesses. Until 2009, if a nominee was filibustered, it was almost always because of a substantive issue with the nominee's record. We know what has happened since 2009. The average district nomination is stalled 4.3 times as long as it took to confirm them during the Bush administration, and the average circuit court nomination is stalled on average 7.3 times as long as it took to confirm them during the Bush administration. Nor has any other President's judicial nominees had to wait an average of over 100 days for a Senate vote after being reported by the Judiciary Committee.

No one is happier than I that a dozen district court nominees will be confirmed during this lame duck session but that is hardly something justifying Republican chest beating. What it starkly demonstrates is that they have been stalling consensus nominees for months without cause. All of these nominees could and should have been confirmed before the August recess and should have been at work administering justice for the American people. In most other years, like in 2008, judicial nominees, especially those who are qualified, consensus nominees with bipartisan support and the support of their home State Senators, are confirmed before the election recess. They are not stalled and not dragged over into a lame duck session after the election. This is not success, unless you believe that perpetuating vacancies and forcing hardworking Americans to wait even longer to have their day in court is something of which to be proud.

Senate Republicans have also forced the Majority Leader to file cloture on 30 nominees, which is already more than 50 percent more nominees than had cloture filed during President Bush's 8 years in office. Almost all of these 30 nominations were non-controversial and were ultimately confirmed overwhelmingly. Barely 80 percent of President Obama's judicial nominees have been confirmed, compared to almost 90 percent of President George W. Bush's first term nominees.

While this is not even close to a full account of the precedents broken in the last 4 years, the record is clear: Senate Republicans have engaged in an unprecedented effort to obstruct President Obama's judicial nominations. Pretending it has not taken place is an insult to the American people. The American people know better. Chief Justice Roberts, in his year-end Report on the Federal Judiciary in 2010 pointed to the “[P]ersistent problem [that] has developed in the process of filling judicial vacancies. . . . This has created acute difficulties for some judicial districts. Sitting judges in those districts have been burdened with extraordinary caseloads. . . . There remains,

however, an urgent need for the political branches to find a long-term solution to this recurring problem.” Despite bipartisan calls to address the judicial vacancy crisis, Senate Republicans continued their obstruction of judicial confirmations.

Today, the Senate is finally being allowed to vote on 3 but only 3 of the 14 judicial nominees pending on the Senate Executive Calendar.

Judge Malachy Mannion is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Middle District of Pennsylvania, where he currently serves as the Chief U.S. Magistrate Judge. He has been a Magistrate Judge in that District for over 10 years, where he has presided over 104 cases that have gone to verdict or judgment. Prior to his appointment as a U.S. Magistrate Judge, Judge Mannion served as Federal prosecutor for over 10 years, where he rose to become the Chief of the Office's Organized Crime Enforcement Task Force. The ABA Standing Committee on the Federal Judiciary unanimously gave him its highest possible rating of “Well Qualified.” His nomination has the bipartisan support of his home State Senators. He was approved by the Judiciary Committee 5 months ago by voice vote.

Matthew Brann is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Middle District of Pennsylvania. He has been in private practice for over 2 decades, where he specializes in complex corporate and commercial transactions, real estate, probate, and estate planning. He has tried 20 cases to verdict, judgment, or final decision. He has the support of his home State Senators, and he was voted out of the Judiciary Committee by voice vote 5 months ago.

Judge Jon Tigar is nominated to fill a judicial emergency vacancy in the U.S. District Court for the Northern District of California. Judge Tigar is currently a Superior Court Judge for Alameda County, where he has presided over 175 cases that have gone to verdict or judgment. He previously spent 10 years as a litigator in private practice at two prominent law firms in San Francisco. He earned his law degree from the University of California at Berkeley. After law school, he clerked for the Honorable Robert S. Vance in the U.S. Court of Appeals for the Eleventh Circuit. The ABA Standing Committee on the Federal Judiciary unanimously gave him its highest possible rating of “Well Qualified.” His nomination has the support of his home State Senators, and he was approved by the Judiciary Committee more than four months ago by voice vote.

After today's vote, there will still be 11 judicial nominees on the Senate Executive Calendar, 6 of whom were voted out of the Judiciary Committee before the August recess. There is no reason



why we cannot confirm all of them today. I have also been urging Republicans to expedite consideration of the 4 judicial nominees who participated in hearings last Wednesday. That would lead to 11 more confirmations before the Senate adjourns to help address the judicial vacancies that currently exist in our Federal courts.

If we adjourn today without confirming these additional nominees, we will leave those 11 vacancies and 5 emergency vacancies open for even longer, and there will be at least 80 vacancies when President Obama begins his second term. Recall that during President Bush's entire second term, the 4 years from January, 2005 through January, 2009, vacancies never exceeded 60. So far during President Obama's first 4 years in office and as far into the future as we can see there have never been less than 60 vacancies, and for much of that time many, many more. This is a prescription for overburdened courts and a Federal justice system that does not serve the interests of the American people.

I commend President Obama for nominating such a diverse group of qualified judges. In his first 4 years, President Obama has appointed as many women judges as President Bush did during his entire 8 years in office. In just 4 years, President Obama has also nominated more African Americans, more Asian Americans, and more openly gay Americans than his predecessor did in 8 years. Americans can be proud of President Obama's efforts to increase diversity in the Federal judiciary and to ensure that it better reflects all Americans.

I hope that next year, and in the next 4 years, Senate Republicans will end their misguided and harmful obstruction and work with us in a bipartisan manner to do what is right for the country. President Obama has nominated qualified, mainstream lawyers, and the Senate should consider them in regular order, without unnecessary delays. That is what we had done for as long as I have served in the Senate, whether the nominations came from a Democratic or a Republican president. We should work together to restore and uphold the best traditions of the Senate.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to Legislative Session.

#### DESIGNATING THE CITY OF SALEM, MASSACHUSETTS, AS THE BIRTHPLACE OF THE NATIONAL GUARD OF THE UNITED STATES

Mr. REID. Mr. President, I ask unanimous consent the Armed Services Committee be discharged from further consideration of H.R. 1339 and we now proceed to this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1339) to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask the bill be read a third time, passed, the motion to reconsider be considered made and laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1339) was ordered to a third reading, was read the third time, and passed.

#### DRYWALL SAFETY ACT OF 2012

Mr. REID. Mr. President, I now ask unanimous consent the Committee on Commerce be discharged from further consideration of H.R. 4212, and we now proceed to this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4212) to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Vitter substitute amendment which is at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be considered made and laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3432) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Drywall Safety Act of 2012".

#### SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Secretary of Commerce should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported problematic drywall to the United States, facilitate a meeting between the companies and representatives of the United States Government on remedying homeowners that have problematic drywall in their homes; and

(2) the Secretary of Commerce should insist that the Government of the People's Republic of China direct the companies that manufactured and exported problematic drywall to submit to jurisdiction in United States Federal Courts and comply with any

decisions issued by the Courts for homeowners with problematic drywall.

#### SEC. 3. DRYWALL LABELING REQUIREMENT.

(a) LABELING REQUIREMENT.—Beginning 180 days after the date of the enactment of this Act, the gypsum board labeling provisions of standard ASTM C1264-11 of ASTM International, as in effect on the day before the date of the enactment of this Act, shall be treated as a rule promulgated by the Consumer Product Safety Commission under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)).

(b) REVISION OF STANDARD.—If the gypsum board labeling provisions of the standard referred to in subsection (a) are revised on or after the date of the enactment of this Act, ASTM International shall notify the Commission of such revision no later than 60 days after final approval of the revision by ASTM International. The revised provisions shall be treated as a rule promulgated by the Commission under section 14(c) of such Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the revised provisions do not adequately identify gypsum board by manufacturer and month and year of manufacture, in which case the Commission shall continue to enforce the prior version.

#### SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.

(a) RULE ON SULFUR CONTENT IN DRYWALL REQUIRED.—Except as provided in subsection (c), not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule pertaining to drywall manufactured or imported for use in the United States that limits sulfur content to a level not associated with elevated rates of corrosion in the home.

(b) RULE MAKING; CONSUMER PRODUCT SAFETY STANDARD.—A rule under subsection (a)—

(1) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(2) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(c) EXCEPTION.—

(1) VOLUNTARY STANDARD.—Subsection (a) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States limits sulfur content to a level not associated with elevated rates of corrosion in the home;

(B) such voluntary standard is or will be in effect not later than two years after the date of enactment of this Act; and

(C) such voluntary standard is developed by Subcommittee C11.01 on Specifications and Test Methods for Gypsum Products of ASTM International.

(2) FEDERAL REGISTER.—Any determination made under paragraph (1) shall be published in the Federal Register.

(d) TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.—If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date that is the later of—



(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

(e) **REVISION OF VOLUNTARY STANDARD.**—If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

(f) **FUTURE RULEMAKING.**—The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

#### **SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED.**

Not later than 120 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall revise its guidance entitled "Remediation Guidance for Homes with Corrosion from Problem Drywall" to specify that problematic drywall removed from homes pursuant to the guidance should not be reused or used as a component in production of new drywall.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4212), as amended, was read the third time, and passed.

#### **REQUIRING MOTOR VEHICLE INSURANCE COST REPORTING**

Mr. REID. Mr. President, I now ask unanimous consent the Committee of Commerce be discharged from further consideration of H.R. 5859.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5859) to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I further ask unanimous consent the bill be read a third time, passed, the motion to reconsider be considered made and laid on the table, with no intervening action or debate,

and any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5859) was ordered to a third reading, was read the third time, and passed.

#### **FRANK BUCKLES WORLD WAR I MEMORIAL ACT**

Mr. REID. I now ask we proceed to H.R. 6364.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6364) to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask that the McCaskill-Blunt amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be made and laid on the table with no intervening action or debate, and any statement be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3433), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 6364), as amended, was read the third time and passed.

#### **GOVERNMENT ACCOUNTABILITY OFFICE EXAMINATION OF CERTAIN TRANSACTIONS**

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 3709, which was reported earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3709) to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Vitter-Brown of Ohio amendment, which is at the desk, be agreed to, and the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and all statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3434) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### **SECTION 1. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF TRANSACTIONS BETWEEN LARGE FINANCIAL COMPANIES AND THE FEDERAL GOVERNMENT.**

(a) **DEFINITIONS.**—For purposes of this Act—

(1) the term "covered institution" means any bank holding company having more than \$500,000,000,000 in consolidated assets; and

(2) the term "economic benefit" means the difference between actual loans terms offered, debt or equity prices, or asset values and a reasonable estimate of what such terms, prices, or values might have been, as determined by examining actual values of comparable transaction in the private markets or by estimating the values of comparable transactions priced to properly reflect associated risk.

(b) **GAO STUDY.**—The Comptroller General of the United States (in this section referred to as the "Comptroller") shall conduct a study of covered institutions, such as—

(1) the favorable pricing of the debt of such institutions, relative to their risk profile resulting from the perception that such institutions will receive Government support in the event of any financial stress;

(2) any favorable funding or economic treatment resulting from an increase in the credit rating for covered institutions, as a result of express, implied, or perceived Government support;

(3) any economic benefit to covered institutions resulting from the ownership of, or affiliation with, an insured depository institution;

(4) any economic benefit resulting from the status of covered institutions as a bank holding company, including access to Federal deposit insurance and the discount window of the Board of Governors of the Federal Reserve System before the date of enactment of this Act;

(5) any economic benefit received through extraordinary Government actions taken, such as—

(A) actions by the Department of the Treasury—

(i) under the Emergency Economic Stabilization Act, such as—

(I) asset purchases by the United States Government;

(II) capital injections from the United States Government; or

(III) housing programs; or

(ii) by the purchase of the mortgage backed securities of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (in this Act referred to as "government-sponsored enterprises"), in order to lower interest rates, and the value of such securities in the absence of such purchases;

(B) actions by the Board of Governors of the Federal Reserve System prior to the date of enactment of this Act, such as—

(i) providing loans to financial institutions through the Term Auction Facility; and

(ii) assistance through programs under section 13(3) of the Federal Reserve Act prior to the date of enactment of this Act, such as—

(I) lending through the Commercial Paper Funding Facility;

(II) securities lending to primary dealers through the Primary Dealer Credit Facility and the Term Securities Lending Facility;

(III) lending to institutions through the Term Asset-Backed Securities Loan Facility; or

(IV) purchasing assets through the Maiden Lane facility; and

(C) actions by the Federal Deposit Insurance Corporation, such as—

(i) guaranteeing debt or deposits through the Temporary Liquidity Guarantee Program; or

(ii) pricing of assessments related to any such guarantees; and

(6) any extraordinary assistance provided to American Insurance Group, but ultimately received by one of the covered institutions; and

(7) any Government actions that resulted in the payment or nonpayment of credit default swap contracts entered into by a covered institution.

## SEC. 2. REPORT TO CONGRESS.

Not later than 1 year after the date of enactment of this Act, the Comptroller shall submit a report to Congress detailing the findings of the Comptroller in the study conducted under this Act. Such report shall be made electronically available to the public, except that any proprietary, sensitive, or confidential information shall be redacted in any release to the public.

## SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act may be construed to provide authority inconsistent with, or to otherwise affect, section 714 of title 31 United States Code.

The bill (S. 3709), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

## TO DESIGNATE HIZBALLAH AS A TERRORIST ORGANIZATION

Mr. REID. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S. Res. 613, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 613) urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a voice vote on the adoption of the resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 613) was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 613

Whereas the Department of State has designated Hizballah as a foreign terrorist organization since October 1997;

Whereas the United States Government designated Hizballah a specially designated terrorist organization in January 1995 and a “Specially Designated Global Terrorist” pursuant to Executive Order 13224 (66 Fed. Reg. 49079) in October 2001;

Whereas Hizballah was established in 1982 through the direct sponsorship and support of Iran’s Islamic Revolutionary Guards Corps (IRGC) Quds Force and continues to receive training, weapons, and explosives, as well as political, diplomatic, monetary, and organizational aid, from Iran;

Whereas Hizballah has been implicated in multiple acts of terrorism over the past 30 years, including the bombings in Lebanon in 1983 of the United States Embassy, the United States Marine barracks, and the French Army barracks, the airline hijackings and the kidnapping of European, American, and other Western hostages in the 1980s and 1990s, and support of the Khobar Towers attack in Saudi Arabia that killed 19 Americans in 1996;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, “Since at least 2004, Hizballah has provided training to select Iraqi Shia militants, including on the construction and use of improvised explosive devices (IEDs) that can penetrate heavily-armored vehicles.”;

Whereas, in 2007, a senior Hizballah operative, Ali Mussa Daquq, was captured in Iraq with detailed documents that discussed tactics to attack Iraqi and coalition forces, and has been directly implicated in a terrorist attack that resulted in the murder of 5 members of the United States Armed Forces;

Whereas Hizballah has been implicated in the terrorist attacks in Buenos Aires, Argentina, on the Israeli Embassy in 1992 and the Argentine Israelite Mutual Association in 1994;

Whereas Hizballah has been implicated in acts of terrorism and extrajudicial violence in Lebanon, including the assassination of political opponents;

Whereas, in June 2011, the Special Tribunal for Lebanon, an international tribunal for the prosecution of those responsible for the February 14, 2005, assassination of former Lebanese Prime Minister Rafiq Hariri, issued arrest warrants against 4 senior Hizballah members, including its top military commander, Mustafa Badr al-Din, identified as the primary suspect in the assassination;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, Hizballah is “the likely perpetrator” of 2 bomb attacks that wounded United Nations Interim Force in Lebanon (UNIFIL) peacekeepers in Lebanon during 2011;

Whereas, according to the October 18, 2012, report of the Secretary-General of the United Nations to the United Nations Security Council on the implementation of Security Council Resolution 1559 (2004) (in this preamble referred to as the “October 18 Report”), “The maintenance by Hizballah of sizeable sophisticated military capabilities outside the control of the Government of Lebanon . . . creates an atmosphere of intimidation in the country[.] . . . puts Leb-

anon in violation of its obligations under Resolution 1559 (2004)[.] and constitutes a threat to regional peace and stability.”;

Whereas John Brennan, Assistant to the President for Homeland Security and Counterterrorism, stated on October 26, 2012, that Hizballah’s “social and political activities must not obscure [its] true nature or prevent us from seeing it for what it is—an international terrorist organization actively supported by Iran’s Islamic Revolutionary Guards Corps – Quds Force”;

Whereas David Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence, stated on August 10, 2012, “Before al Qaeda’s attack on the U.S. on September 11, 2001, Hizballah was responsible for killing more Americans in terrorist attacks than any other terrorist group.”;

Whereas, according to a September 13, 2012, Department of the Treasury press release, “The last year has witnessed Hizballah’s most aggressive terrorist plotting outside the Middle East since the 1990s.”;

Whereas, since 2011, Hizballah has been implicated in thwarted terrorist plots in Azerbaijan, Cyprus, Thailand, and elsewhere;

Whereas, on July 18, 2012, a suicide bomber attacked a bus in Burgas, Bulgaria, murdering 5 Israeli tourists and the Bulgarian bus driver in a terrorist attack that, according to Mr. Brennan, “bore the hallmarks of a Hizballah attack”;

Whereas Israeli prime minister Benjamin Netanyahu has stated of the Burgas terrorist attack, “We have unquestionable, fully substantiated evidence that this was done by Hizballah backed by Iran.”;

Whereas Bulgaria is a member of the European Union and a member of the North Atlantic Treaty Organization (NATO);

Whereas, according to the October 18 Report, “There have been credible reports suggesting involvement by Hizballah and other Lebanese political forces in support of the parties in the conflict in Syria. . . . Such militant activities by Hizballah in Syria contradict and undermine the disassociation policy of the Government of Lebanon, of which Hizballah is a coalition member.”;

Whereas, on October 26, 2012, Mr. Brennan stated, “We have seen Hizballah training militants in Yemen and Syria, where it continues to provide material support to the regime of Bashar al Assad, in part to preserve its weapon supply lines.”;

Whereas, on August 10, 2012, the Department of the Treasury designated Hizballah pursuant to Executive Order 13582 (76 Fed. Reg. 52209), which targets those responsible for human rights abuses in Syria, for providing support to the Government of Syria;

Whereas, according to the Department of the Treasury, since early 2011, Hizballah “has provided training, advice and extensive logistical support to the Government of Syria’s increasingly ruthless effort to fight against the opposition” and has “directly trained Syrian government personnel inside Syria and has facilitated the training of Syrian forces by Iran’s terrorism arm, the Islamic Revolutionary Guards Corps – Quds Force”;

Whereas, on September 13, 2012, the Department of the Treasury designated the Secretary-General of Hizballah, Hasan Nasrallah, for overseeing “Hizballah’s efforts to help the Syrian regime’s violent crackdown on the Syrian civilian population”;

Whereas, on October 26, 2012, Mr. Brennan stated, “Even in Europe, many countries . . . have not yet designated Hizballah as a terrorist organization. Nor has the European Union. Let me be clear: failure to designate

Hizballah as a terrorist organization makes it harder to defend our countries and protect our citizens. As a result, for example, countries that have arrested Hizballah suspects for plotting in Europe have been unable to prosecute them on terrorism charges.”; and

Whereas, on October 26, 2012, Mr. Brennan called on the European Union to designate Hizballah as a terrorist organization, saying, “European nations are our most sophisticated and important counterterrorism partners, and together we must make it clear that we will not tolerate Hizballah’s criminal and terrorist activities.”: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the governments of Europe and the European Union to designate Hizballah as a terrorist organization so that Hizballah cannot use the territories of the European Union for fundraising, recruitment, financing, logistical support, training, and propaganda;

(2) urges the governments of Europe and the European Union to impose sanctions on Hizballah for providing material support to Bashar al Assad’s ongoing campaign of violent repression against the people of Syria;

(3) expresses support for the Government of Bulgaria as it conducts an investigation into the July 18, 2012, terrorist attack in Burgas, and expresses hope that the investigation can be successfully concluded and that the perpetrators can be identified as quickly as possible;

(4) urges the President to provide all necessary diplomatic, intelligence, and law enforcement support to the Government of Bulgaria to investigate the July 18, 2012, terrorist attack in Burgas;

(5) reaffirms support for the Government of Bulgaria by the United States as a member of the North Atlantic Treaty Organization (NATO), and urges the United States, NATO, and the European Union to work with the Government of Bulgaria to safeguard its territory and citizens from the threat of terrorism; and

(6) urges the President to make available to European allies and the European public information about Hizballah’s terrorist activities and material support to Bashar al Assad’s campaign of violence in Syria.

#### IN-HOME MEDICARE COVERAGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 1845, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1845) an act to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a

third time and passed, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1845) was ordered to a third reading, was read the third time, and passed.

#### APPOINTMENTS AUTHORITY

Mr. REID. I now ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SIGNING AUTHORITY

Mr. REID. I ask unanimous consent that from Friday, December 21 through Thursday, December 27, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS THROUGH THURSDAY, DECEMBER 27, 2012

Mr. REID. First of all, I appreciate the Presiding Officer filling in on an emergency basis to preside. It is not often we get one of the senior Members of the Senate to preside and I am grateful. It makes it so much easier on everyone else.

I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 noon on Monday, December 24, 2012, for a pro forma session only, with no business conducted, and that following the pro forma session, the Senate adjourn until 10 a.m. on Thursday, December 27, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate begin consideration of H.R. 5949, the FISA bill, and Senator WYDEN be recognized; further, that the previous order be amended so that there be up to 7 hours of debate on the

bill—that is the FISA bill—and all other provisions to the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, we have been able to work things out, I hope, to everyone’s satisfaction. We are going to have a rollcall vote early in the day on Thursday. It will be at 5:30 p.m. on Thursday. It will be in relation to the FISA bill or the supplemental appropriations bill.

#### ADJOURNMENT UNTIL MONDAY, DECEMBER 24, 2012

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Monday, December 24, 2012, at 12 noon.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FEDERAL LABOR RELATIONS AUTHORITY

ERNEST W. DUBESTER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 29, 2017. (REAPPOINTMENT)

CAROL WALLER POPE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM OF FIVE YEARS EXPIRING JULY 1, 2014. (REAPPOINTMENT)

#### DISCHARGED NOMINATION

The Senate Committee on Veterans’ Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

WILLIAM S. GREENBERG, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

#### CONFIRMATIONS

EXECUTIVE NOMINATIONS CONFIRMED BY THE SENATE FRIDAY, DECEMBER 21, 2012:

##### THE JUDICIARY

MATTHEW W. BRANN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

MALACHY EDWARD MANNION, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA.

JON S. TIGAR, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA.

WILLIAM S. GREENBERG, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS.

## HOUSE OF REPRESENTATIVES—Friday, December 21, 2012

The House met at 2 p.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

As this Chamber lies silent and Members disperse to celebrate the holy days with their families, we ask Your blessing upon them and upon us all.

Massive pressures hang over them and our Nation. During these days of quiet, send an abundance of Your gifts of wisdom, knowledge, understanding and good will that the concerns of America's citizens might be assuaged by good policy and solutions that will guarantee a secure future.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, under nation under God, indivisible, with liberty and justice for all.

### PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

The SPEAKER laid before the House the following privileged concurrent resolution:

H. CON. RES. 146

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, December 21, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Thursday, December 27, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on the legislative day of Friday, December 21, 2012, or Saturday, December 22, 2012, on a motion offered*

pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Thursday, December 27, 2012, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, December 21, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 21, 2012 at 1:37 p.m.:

That the Senate passed with an amendment H.R. 443.

That the Senate passed without amendment H.R. 4053.

That the Senate passed without amendment H.R. 6671.

That the Senate passed 2388.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### CONDITIONAL ADJOURNMENT TO MONDAY, DECEMBER 24, 2012

The SPEAKER. Without objection, when the House adjourns today, it shall adjourn to meet at noon on Monday, December 24, 2012, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 146, in which case the House shall stand adjourned pursuant to that concurrent resolution.

There was no objection.

### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills and a

joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3477. An act to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building.

H.R. 3870. An act to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office".

H.R. 3912. An act to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the "Brigadier General Nathaniel Woodhull Post Office Building".

H.R. 5738. An act to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the "Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex".

H.R. 5837. An act to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building".

H.R. 5954. An act to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building".

H.J. Res. 122. Joint resolution establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

### ADJOURNMENT

The SPEAKER. Without objection, the House stands adjourned pursuant to the previous order.

There was no objection.

Thereupon (at 2 o'clock and 5 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until noon, Monday, December 24, 2012, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 146.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8896. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraflufen-ethyl; Entensian of Time-Limited Pesticide Tolerances [EPA-HQ-OPP-2012-0750; FRL-9373-5] received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8897. A letter from the Attorney-Advisor, Division of Legislation and Regulations, Department of Transportation, transmitting

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Department's final rule — Retrospective Review Under E.O. 13563: Seamen's Claims; Admiralty Claims [Docket No.: MARAD 2012-0005] (RIN: 2133-AB79) received December 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8898. A letter from the Associate General Counsel for Legislation & Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Federal Housing Administration (FAH) Section 232 Healthcare Mortgage Insurance Program: Partial Payment of Claims [Docket No.: FR-5537-F-02] (RIN: 2502-AJ04) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8899. A letter from the General Attorney, Consumer Product Safety Commission, transmitting the Commission's final rule — Requirements for Child-Resistant Packaging: Products Containing Imidazolines Equivalent to 0.08 Milligrams or More [CPSC Docket No.: CPSC-2012-0005] received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8900. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the West Virginia Portion of the Huntington-Ashland, WV-KY-OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment and Approval of the Associate Maintenance Plan [EPA-R03-OAR-2012-0174; FRL-9764-4] received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8901. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; Idaho; Update to Materials Incorporated By Reference [EPA-R10-OAR-2011-0685; FRL-9726-4] received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8902. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to the Transmix Provisions Under the Diesel Sulfur Program [EPA-HQ-OAR-2012-0223; FRL-9763-7] received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8903. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Kentucky; Redesignation of the Kentucky Portion of the Huntington-Ashland, WV-KY-OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R04-OAR-2012-0751; FRL-9763-9] received December 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8904. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plan and Designation of Areas for Air Quality Planning Purposes; South Carolina; Redesignation of the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Moderate Nonattainment Area to Attainment [EPA-

R04-OAR-2012-0327; FRL-9763-8] received December 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8905. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting a report entitled "Revised Enforcement Guidance Regarding the Treatment of Tenants Under the CERCLA BFPF Provision"; to the Committee on Energy and Commerce.

8906. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic: Reef Fish Fishery of the Gulf of Mexico; Gray Triggerfish Management Measures [Docket No.: 120417412-2412-01] (RIN: 0648-BB90) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8907. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Groundfish Fisheries of the Exclusive Economic Zone Off Alaska and Pacific Halibut Fisheries; Observer Program [Docket No.: 110831549-2587-02] (RIN: 0648-BB42) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8908. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; Recreational Quota Harvested [Docket No.: 111220786-1781-01] (RIN: 0648-XC303) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8909. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Reopening of the 2012 Commercial Sector for South Atlantic Red Snapper, Gag, and South Atlantic Shallow-Water Grouper [Docket No.: 120709225-2365-01 and 0907271173-0626-03] (RIN: 0648-XC332) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8910. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 1A [Docket No.: 0907301205-0289-02] (RIN: 0648-AC156) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8911. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Lewistown, MT [Docket No.: FAA-2012-0538; Airspace Docket No. 12-ANM-8] received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8912. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Bozeman, MT [Docket No.: FAA-2012-0519; Airspace Docket No. 12-ANM-16] received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8913. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Chenega Bay, AK [Docket No.: FAA-2011-1429; Airspace Docket No. 11-AAL-22] received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8914. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Augusta, GA [Docket No.: FAA-2011-1334; Airspace Docket No. 11-ASO-43] received December 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8915. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Hurricane Sandy Relief [Announcement 2012-44] received December 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. Summary on the Activities of the Committee on Transportation and Infrastructure for the 112th Congress (Rept. 112-718). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 5806. A bill to amend the Homeland Security Act of 2002 to require the Administrator of the Federal Emergency Management Agency to provide guidance and coordination for outreach to people with disabilities during emergencies, and for other purposes; with an amendment (Rept. 112-719, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 3850. A bill to amend the Small Business Act with respect to goals for procurement contracts awarded to small business concerns, and for other purposes; with an amendment (Rept. 112-720, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 3851. A bill to amend the Small Business Act with respect to Offices of Small and Disadvantaged Business Utilization, and for other purposes; with an amendment (Rept. 112-721, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 3980. A bill to amend the Small Business Act with respect to procurement center representatives and acquisition planning, and for other purposes; with an amendment (Rept. 112-722). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 3985. A bill to amend the Small Business Act with respect to mentor-protégé programs, and for other purposes; with amendments (Rept. 112-723). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 3987. A bill to amend the Small Business Act with respect to small business concern size standards, and for other purposes; with amendments (Rept. 112-

724). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 4081. A bill to amend the Small Business Act to contract bundling, and for other purposes; with an amendment (Rept. 112-725). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 4118. A bill to amend the Small Business Act to provide for increased small business participation in multiple award contracts, and for other purposes (Rept. 112-726, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 4121. A bill to provide for a program to provide Federal contracts to early stage small businesses, and for other purposes; with an amendment (Rept. 112-727). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 4206. A bill to amend the Small Business Act to provide for increased penalties for contracting fraud, and for other purposes; with amendments (Rept. 112-728, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Energy and Commerce, Science, Space, and Technology, and Transportation and Infrastructure discharged from further consideration. H.R. 3116 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 3850 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 3851 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 4118 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged

from further consideration. H.R. 4206 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committee on Homeland Security discharged from further consideration. H.R. 5806 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

#### TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 940. Referral to the Committee on Ways and Means extended for a period ending not later than December 31, 2012.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HOLT:

H.R. 6703. A bill to enable States to implement integrated statewide education longitudinal data systems; to the Committee on Education and the Workforce.

By Mr. ISRAEL:

H.R. 6704. A bill to reauthorize the ban on undetectable firearms; to the Committee on the Judiciary.

By Mr. LANGEVIN (for himself and Mr. WELCH):

H.R. 6705. A bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery periods for energy efficient commercial buildings, and for other purposes; to the Committee on Ways and Means.

By Mr. BOEHNER:

H. Con. Res. 146. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

#### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

322. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 181 supporting an amendment to the PPACA; to the Committee on Energy and Commerce.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HOLT:

H.R. 6703.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States

By Mr. ISRAEL:

H.R. 6704.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. LANGEVIN:

H.R. 6705.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1810: Mr. ALTMIRE and Mr. MEEKS.

H.R. 2479: Mr. HIMES.

H.R. 6441: Mr. LATOURETTE.

H.R. 6636: Mr. SERRANO, Ms. VELÁZQUEZ, Mr. NADLER, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Mrs. MALONEY, Ms. HAYWORTH, Mr. REED, Mr. MEEKS, Ms. CLARKE of New York, Mr. ACKERMAN, Mr. RANGEL, Mr. ISRAEL, and Ms. BUERKLE.

H.R. 6690: Mrs. MILLER of Michigan and Mr. LATTA.

H. Res. 734: Mr. ELLISON.

#### DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. BRALEY on House Resolution 739: Bobby L. Rush.

Petition 6 by Mr. WALZ on the bill (H.R. 15): Carolyn McCarthy.

## EXTENSIONS FOR REMARKS

## OPERATION AMERICAN HEROES

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. POE of Texas. Mr. Speaker, it's a privilege to speak today about Operation American Heroes, an organization founded in 2009 by Vietnam War Veteran and Houston businessman, John Carlross. Mr. Carlross recognized gaps in government support programs and has been working endless hours to create Operation American Heroes.

Mr. Carlross knows American heroes consist of more than just our warriors fighting overseas. Police officers, firefighters, border patrol agents, and first responders are just a few of the occupations fighting the front lines at home. They all sacrifice to make sure Americans are safe. As Mr. Carlross likes to say, we can give a little for those who have given much and have suffered difficulties and deserve our support overcoming obstacles they may be facing due to their service.

Operation American Heroes provides immediate and long term funding for non-profit organizations dedicated to improving the lives of those who have sacrificed so much to ensure we are safe. Their unpaid Board of Directors works with local businesses to raise these funds. They are proud to cover expenses so one hundred percent of all funds raised go towards immediately helping heroes, or to the foundations endowment which will support many future generations of heroes.

Every year American Heroes are honored during the week of September 11th by Operation American Heroes. Individuals can show their support in a unique way by becoming a "21 Gun Saluter" and business owners are encouraged to donate a small percentage of their sales for the week. Mr. Carlross said, "These brave men and women are the reason that we have the freedom to start, grow and prosper our businesses. It is only right that every business gives a small portion of their success in thanks."

This organization proves, yet again that, in Texas, patriotism is alive and well. Texans honor not only our fallen heroes, but those who have survived.

And that's just the way it is.

## LORRAINE AND ELLIOTT PALAIS

## HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. ENGEL. Mr. Speaker, December 28, 2012 will mark 60 years of marriage for Lorraine (Lipsky) and Elliott Palais. They met at New York University Heights in 1950 and lived

in the Bronx after their wedding. Elliott served in the United States Army from 1954–1956. Lorraine was able to accompany him at his assignments, including Salzburg, Austria, and Fort Monmouth, N.J. where she worked in the Adjutant General's Office. They moved to Yonkers in November 1961.

The Palais' are very involved in civic, educational, religious, professional, political, veterans and community activities. Both served as President of Lincoln Park Taxpayers Association where they are now Regents, and as Chairman of the Yonkers Branch of the American Red Cross. Lorraine is President of the Yonkers Police Second Precinct Community Council, serves as Treasurer of an Oil Cooperative and is on the Westchester County Parks, Recreation and Conservation Board.

Elliott is an administrator at Fordham University where he directs the Title VI Programs. He is a former Yonkers City Councilmember and is a member of three veterans Posts (two of which he served as Commander) and Secretary of the Yonkers Central Committee of Veterans Organizations.

Both were awarded the Americanism Award by the Central Committee of Veterans Organizations. They are both members of the Kiwanis Club of East Yonkers. Elliott is an Honorary Kentucky Colonel for his service as a consultant to Western Kentucky University.

They have four children, eight grandchildren and five great grandchildren. They attribute their marriage longevity to love, patience, understanding, caring and adversity in sickness and in health.

I am proud to be able to congratulate them for all of their good works for their community and their neighbors. And, like all who believe in love, I especially want to congratulate them on the 60th anniversary of their marriage. They are a shining example to all of us.

EXCHANGE OF LETTERS BETWEEN  
CONGRESSMAN WOLF AND THE  
ADMINISTRATION REGARDING  
THE AFGHANISTAN/PAKISTAN  
STUDY GROUP (APSG)

## HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. WOLF. Mr. Speaker, news reports from Afghanistan continue to show that U.S. policy is not working. For fiscal year 2012, the House provided the secretary of defense \$1 million to establish the Afghanistan/Pakistan Study Group (APSG). Modeled after the successful Iraq Study Group (ISG), the APSG would be a bipartisan panel bringing together the best and brightest minds to provide solutions on how to assure a successful outcome in this troubled region. I have written President Obama and Secretary of Defense Leon Pa-

netta over a dozen times asking that the APSG be established, so the American people will know that every effort is being made to address a faltering U.S. policy at a critical juncture. I submit for the RECORD the first part of a series of letters from August 4, 2010 through September 15, 2011 on this important topic. How can President Obama and Secretary Panetta, who served on the ISG, continue to claim that putting "fresh eyes" on U.S. strategy in Afghanistan and Pakistan is a bad idea? Additional correspondence with the administration between October 3, 2011 and December 13, 2012 will follow tomorrow.

Hon. BARACK H. OBAMA,

*The President, The White House, Washington, DC.*

DEAR MR. PRESIDENT: On September 14, 2001, following the catastrophic and deliberate terrorist attack on our country, I voted to go to war in Afghanistan. I stand by that decision and have the utmost confidence in General Petraeus's proven leadership. I also remain unequivocally committed to the success of our mission there and to the more than 100,000 American troops sacrificing toward that end. In fact, it is this commitment which has led me to write to you. While I have been a consistent supporter of the war effort in both Afghanistan and Iraq, I believe that with this support comes a responsibility. This was true during a Republican administration in the midst of the wars, and it remains true today.

In 2005, I returned from my third trip to Iraq where I saw firsthand the deteriorating security situation. I was deeply concerned that Congress was failing to exercise the necessary oversight of the war effort. Against this backdrop I authored the legislation that created the Iraq Study Group (ISG). The ISG was a 10-member bipartisan group of well-respected, nationally known figures who were brought together with the help of four reputable organizations—the U.S. Institute for Peace, the Center for the Study of the Presidency, the Center for Strategic and International Studies, and the Baker Institute for Public Policy at Rice University—and charged with undertaking a comprehensive review of U.S. efforts there. This panel was intended to serve as "fresh eyes on the target"—the target being success in Iraq.

While reticent at first to their credit President Bush, State Secretary Rice and Defense Secretary Rumsfeld came to support the ISG, ably led by bipartisan co-chairs, former Secretary of State James Baker and former Congressman Lee Hamilton. Two members of your national security team, Secretary of Defense Robert Gates and CIA Director Leon Panetta, saw the merit of the ISG and, in fact, served on the panel. Vice President Biden, too, then serving in the Senate, was supportive and saw it as a means to unite the Congress at a critical time. A number of the ISG's recommendations and ideas were adopted. Retired General Jack Keane, senior military adviser to the ISG, was a lead proponent of "the surge," and the ISG referenced the possibility on page 73. Aside from the specific policy recommendations of the panel, the ISG helped force a moment of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



truth in our national conversation about the war effort.

I believe our nation is again facing such a moment in the Afghanistan war effort, and that a similar model is needed. In recent days I have spoken with a number of knowledgeable individuals including former senior diplomats, public policy experts and retired and active military. Many believe our Afghanistan policy is adrift, and all agreed that there is an urgent need for what I call an Afghanistan-Pakistan Study Group (APSG). We must examine our efforts in the region holistically, given Pakistan's strategic significance to our efforts in Afghanistan and the Taliban's presence in that country as well, especially in the border areas.

This likely will not come as a surprise to you as commander in chief. You are well acquainted with the sobering statistics of the past several weeks—notably that July surpassed June as the deadliest month for U.S. troops. There is a palpable shift in the nation's mood and in the halls of Congress. A July 2010 CBS news poll found that 62 percent of Americans say the war is going badly in Afghanistan, up from 49 percent in May. Further, last week, 102 Democrats voted against the war spending bill, which is 70 more than last year, and they were joined by 12 Members of my own party. Senator Lindsay Graham, speaking last Sunday on CNN's "State of the Union," candidly expressed concern about an "unholy alliance" emerging of anti-war Democrats and Republicans.

I have heard it said that Vietnam was not lost in Saigon; rather, it was lost in Washington. While the Vietnam and Afghanistan parallels are imperfect at best, the shadow of history looms large. Eroding political will has consequences—and in the case of Afghanistan, the stakes could not be higher. A year ago, speaking before the Veterans of Foreign War National Convention, you rightly said, "Those who attacked America on 9/11 are plotting to do so again. If left unchecked, the Taliban insurgency will mean an even larger safe haven from which al Qaeda would plot to kill more Americans. So this is not only a war worth fighting . . . this is fundamental to the defense of our people." Indeed it is fundamental. We must soberly consider the implications of failure in Afghanistan. Those that we know for certain are chilling—namely an emboldened al-Qaeda, a reconstituted Taliban with an open staging ground for future worldwide attacks, and a destabilized, nuclear-armed Pakistan.

Given these realities and wavering public and political support, I urge you to act immediately, through executive order, to convene an Afghanistan-Pakistan Study Group modeled after the Iraq Study Group. The participation of nationally known and respected individuals is of paramount importance. Among the names that surfaced in my discussions with others, all of whom more than meet the criteria described above, are ISG co-chairs Baker and Hamilton; former Senators Chuck Robb, Bob Kerrey and Sam Nunn; former Congressman Duncan Hunter, former U.S. ambassador Ryan Crocker; former Secretary of Defense James Schlesinger, and General Keane. These harms are simply suggestions among a cadre of capable men and women, as evidenced by the makeup of the ISG, who would be more than up to the task.

I firmly believe that an Afghanistan-Pakistan Study Group could reinvigorate national confidence in how America can be successful and move toward a shared mission in Afghanistan. This is a crucial task. On the Sunday morning news shows this past week-

end, it was unsettling to hear conflicting statements from within the leadership of the administration that revealed a lack of clarity about the end game in Afghanistan. How much more so is this true for the rest of the country? An APSG is necessary for precisely that reason. We are nine years into our nation's longest running war and the American people and their elected representatives do not have a clear sense of what we are aiming to achieve, why it is necessary and how far we are from attaining that goal. Further, an APSG could strengthen many of our NATO allies in Afghanistan who are also facing dwindling public support, as evidenced by the recent Dutch troop withdrawal, and would give them a tangible vision to which to commit.

Just as was true at the time of the Iraq Study Group, I believe that Americans of all political viewpoints, liberals and conservatives alike, and varied opinions on the war will embrace this "fresh eyes" approach. Like the previous administration's support of the Iraq Study Group, which involved taking the group's members to Iraq and providing high-level access to policy and decision makers, I urge you to embrace an Afghanistan-Pakistan Study Group. It is always in our national interest to openly assess the challenges before us and to chart a clear course to success.

As you know, the full Congress comes back in session in mid-September—days after Americans around the country will once again pause and remember that horrific morning nine years ago when passenger airlines became weapons, when the skyline of one of America's greatest cities was forever changed, when a symbol of America's military might was left with a gaping hole. The experts with whom I have spoken in recent days believe that time is of the essence in moving forward with a study panel, and waiting for Congress to reconvene is too long to wait. As such, I am hopeful you will use an executive order and the power of the bully pulpit to convene this group in short order, and explain to the American people why it is both necessary and timely. Should you choose not to take this path, respectfully, I intend to offer an amendment by whatever vehicle necessary to mandate the group's creation at the earliest possible opportunity.

The ISG's report opened with a letter from the co-chairs that read, "There is no magic formula to solve the problems of Iraq. However, there are actions that can be taken to improve the situation and protect American interests." The same can be said of Afghanistan.

I understand that you are a great admirer of Abraham Lincoln. He, too, governed during a time of war, albeit a war that pitted brother against brother, and father against son. In the midst of that epic struggle, he relied on a cabinet with strong, often times opposing viewpoints. Historians assert this served to develop his thinking on complex matters. Similarly, while total agreement may not emerge from a study group for Afghanistan and Pakistan, I believe that vigorous, thoughtful and principled debate and discussion among some of our nation's greatest minds on these matters will only serve the national interest. The biblical admonition that iron sharpens iron rings true.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

P.S. We as a nation must be successful in Afghanistan. We owe this to our men and women in the military serving in harm's way and to the American people.

Hon. LEON PANETTA,  
Secretary of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY PANETTA: I write today concerning the U.S. mission in Afghanistan and Pakistan. My amendment, which gives the secretary of Defense the authority to establish an Afghanistan/Pakistan (Af/Pak) Study Group, was included in the House-passed FY 2012 Defense Appropriations bill. I pressed for the amendment because I believe fresh eyes are needed now to examine the situation on the ground and the overall U.S. mission.

I envision the Af/Pak Study Group being modeled after the Iraq Study Group (ISG). Both you and your predecessor Bob Gates served on the ISG and know better than most the benefits it provided after three years of fighting in Iraq. Now that the U.S. is in its 10th year in Afghanistan, I believe a similar effort is necessary.

Before he was appointed as ambassador to Afghanistan, Ryan Crocker supported creating an Af/Pak Study Group, along with Ambassador Ronald Neumann and Jim Dobbins from the RAND Corporation. American men and women are fighting and dying in Afghanistan. If we are asking them to put their lives on the line daily, I believe we have an obligation to provide an independent evaluation of the U.S. mission. We owe our military forces nothing less.

I do not have the answers. But as you know, there is a movement building in Congress in favor of pulling troops out of Afghanistan. An amendment offered by Rep. Jim McGovern earlier this year to the National Defense Authorization Act to accelerate U.S. departure from Afghanistan was narrowly defeated 204-215. If six members had changed their vote, the amendment would have passed. I have talked to several members who voted against the McGovern amendment who are seriously concerned about the war in Afghanistan and could change their vote if the situation on the ground does not improve rapidly.

I also believe it is critical that Afghanistan be examined in tandem with the facts on the ground in Pakistan. It is clear that in order to be successful in Afghanistan, we must have a clear understanding of how Pakistan is influencing U.S. operations. Just look at the recent news from the region. Hamid Karzai's half-brother was murdered and his funeral bombed, Karzai advisor Jan Mohammed Kahn was murdered, and militants attacked and laid siege to the Intercontinental Hotel in Kabul. The enclosed article printed recently in the Washington Post states, ". . . optimism and energy vanished long ago, gradually replaced by cynicism and fear. The trappings of democracy remained in place . . . but the politics of ethnic dog fights, tribal feuds and personal patronage continued to prevail."

The men and women serving in Afghanistan deserve to have fresh eyes look at this region as soon as possible. With House passage of the Af/Pak amendment, I ask that you use your authority as secretary and move quickly to create this study group. I have discussed my amendment with John Hamre at the Center for Strategic and International Studies (CSIS) and he has offered to coordinate the group with professionals with a wide range of expertise.

I would appreciate the opportunity to meet with you to discuss this important initiative and look forward to working with you to ensure we are successful in Afghanistan and Pakistan.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

Hon. LEON PANETTA,  
Secretary of Defense,  
The Pentagon, Washington, DC.

DEAR SECRETARY PANETTA: I want to follow up on my previous letter regarding Afghanistan policy and bring to your attention a book I am reading, *The Wars in Afghanistan*, discussed in the enclosed Washington Post book review. Its author, Ambassador Peter Tomsen, is a veteran of the Foreign Service and has an impressive background in the South Asia region. If you have not read his book, I highly recommend it to you. The Post review concludes: "This long overdue work . . . is the most authoritative account yet of Afghanistan's wars over the last 30 years and should be essential reading for those wishing to forge a way forward without repeating the mistakes of the past."

After three years of the Iraq war, the formation of the Iraq Study Group garnered the support of Secretary Rumsfeld, Secretary Rice, and Joint Chiefs General Pace. Our military men and women have been putting their lives on the line in Afghanistan every day for 10 years, seven years longer than when the decision was made to create the ISG to provide the independent assessment needed for U.S. policy in Iraq. I believe we owe it to our brave soldiers to focus now with fresh eyes on the target in Afghanistan.

I have spoken with Ambassador Tomsen about a framework for moving forward in Afghanistan, and he would be happy to meet with you and your team to discuss his breadth of experience there. I urge you to take him up on his offer.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

Hon. LEON PANETTA,  
Secretary of Defense,  
The Pentagon, Washington, DC.

DEAR SECRETARY PANETTA: I want to draw your attention to the enclosed letter I received from retired Marine Corps General Charles Krulak regarding an Afghanistan/Pakistan (Af/Pak) Study Group.

General Krulak makes an important point that we cannot be successful in Afghanistan if we do not address the ongoing tensions and frequent hostilities between Pakistan and India. I again ask you to take the language in the FY 2012 Defense Appropriations bill and use your authority to create the Af/Pak Study Group. Every day we delay is another missed opportunity to successfully address U.S. policy in South Asia.

Thank you for your time and I look forward to meeting with you in the near future to discuss this important issue.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

Hon. LEON PANETTA,  
Secretary of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY LEON PANETTA: I know you care deeply about the men and women in uniform fighting in Afghanistan. That's why I am disappointed that no one from your staff has contacted former Ambassador Peter Tomsen, an expert on Afghanistan, to meet with him, as I requested in my letter to you of August 1 (enclosed).

Ambassador Tomsen's new book, *The Wars of Afghanistan*, is receiving positive reviews, including the enclosed review in the recent edition of *Foreign Affairs*. The review praises the book as providing an in depth description of the social structure of Afghanistan and the mistakes repeated by numerous foreign countries that have tried to help establish military and political cohesion in the country. The review states, "Whether one agrees with Tomsen, however, there is no denying that his descriptions of Afghanistan's society and politics are a valuable foundation for any discussion of how the country should be governed . . . Given Tomsen's track record, Americans should give a respectful hearing to his call for a thorough policy reformulation—something beyond tweaks to troop numbers and counterinsurgency tactics."

I believe this book should be required reading for you and your team at the Pentagon. Ambassador Tomsen is ready and willing to lend his expertise to this important effort and I again ask that you or your staff meet with him.

Leon, I renew my call that you use your discretion as secretary and create the Af/Pak Study Group. We owe it to the men and women serving and the families and spouses at home to ensure we have the correct strategy. After 10 years of fighting, it is time to have a fresh set of eyes examine U.S. strategy. Far from a sign of weakness, creating an independent Af/Pak study group would show the Nation that we are doing everything possible to achieve our goals in this region.

I would welcome the chance to speak with you on this matter.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

Hon. LEON PANETTA,  
Secretary of Defense, U.S. Department of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY PANETTA: It was good to be with you at the Pentagon on Sunday to honor the lives lost there 10 years ago in the 9/11 attacks. I want to congratulate you on a moving ceremony that showed reverence to the Pentagon employees and the passengers of American Flight 77 that perished on that awful morning. I appreciated your comments and those of Admiral Mullen. Several of my constituents died at the Pentagon and the first U.S. service member killed in Afghanistan was my constituent. I thank you and all those who have served in public office and in uniform in the 10 years we have waged war against global terrorism.

As I waited for the program to begin on Sunday, I saw you and former Defense Secretary Rumsfeld and was struck by a vivid memory from 2005 of the events surrounding the Iraq war. We were three years into the war, the security situation in Iraq was deteriorating, and our soldiers were dying every day. As a member of Congress who voted to send our troops to fight, I believed I had the added responsibility to make sure the administration was receiving the best advice possible on our Iraq strategy.

So I proposed creating the Iraq Study Group (ISG) made up of experts outside government to bring what I called "fresh eyes" on the target. Secretary Rumsfeld, General Pace, Secretary Rice, and NSC Chairman Hadley all came to see the value in the ISG. By your participation, I think it is fair to say you also saw its benefit, and I greatly appreciated your outstanding service on the bipartisan panel. You and the other Demo-

cratic members who gave your time during a Republican administration exemplified the true meaning of service to your country.

We are now into the 10th year of fighting in Afghanistan and the challenges we face there continue. In 2001, I was the first member of Congress, along with Rep. Joe Pitts, to visit Afghanistan after the U.S. invasion, against the wishes of the Defense Department. We saw firsthand the devastation that the Taliban had visited on Kabul as well as the remnants of the U.S. Embassy that was abandoned in 1979. I have also traveled to Pakistan and seen the difficulties that country faces combating the Afghan Taliban and other terror groups. Despite the current conditions, all my experience in this region tells me that success is possible if we formulate the right strategy to deal with both Afghanistan and Pakistan.

As with the ISG, I believe fresh eyes are needed now to examine U.S. policy in Afghanistan and Pakistan. The security situation continues to erode as evidenced by coordinated insurgent attacks on heavily fortified U.S. and NATO compounds just this week. The Taliban still finds safe haven in the tribal wilderness of Pakistan and the ISI actively funds terrorist groups.

Given these and other concerns on the ground in Afghanistan, I continue to be puzzled why you, the Joint Chiefs of Staff and Secretary Clinton are not supporting the Af/Pak Study Group idea in the same manner that Secretary Rumsfeld and other Bush administration officials supported the ISG. Having the experience of serving on the ISG and now serving as Secretary of Defense with a Democratic president (who I acknowledge inherited the war in Afghanistan), you are in a unique position to make this group a reality. The authorization and funding for the Af/Pak Study Group in the House-passed Defense Appropriations bill gives you the authority to create this group today.

I have to tell you that I continue to be disappointed that your staff has yet to contact former Ambassador Peter Tomsen to discuss his book, *The Wars of Afghanistan*. His book provides insightful information on the tribal structure of both Afghanistan and Pakistan and the political allegiances that underlie all actions in the region. I believe his knowledge and experience in this region would be invaluable in formatting future policy in South Asia. I respectfully ask again: please take advantage of his work and meet with him as soon as possible.

Leon, I don't have the answers on Afghanistan. Perhaps current U.S. strategy is the best way forward. But we owe it to the men and women in uniform who have served and continue to serve there—some paying the ultimate sacrifice—to know definitively. I continue to believe that fresh eyes from outside government focused on assessing the situation is the prudent action to take. I ask that you take the advice of those who support an Af/Pak Study Group, including Jim Dobbins, General Charles Krulak, Ryan Crocker, who I spoke with prior to his appointment as ambassador to Afghanistan, and other prominent Americans with experience in this region.

I believe it would be a sign of strength to appoint a study group and let the American people know that the administration is willing to examine all possible policies to achieve a successful outcome in this troubled region.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

LAMONT MEAUX—HARD CORE  
TEXAN

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. POE of Texas. Mr. Speaker, service to God and country are the most honorable accomplishments and contributions that a person can make in life. Those who choose the path are the few, the bold, the brave, and the courageous. Today I am proud to honor decorated soldier, successful business owner, and devoted family man Lamont Meaux for his work on behalf of his country and his community.

Lamont Edward Meaux has known the cost of service to one's country since the day he was born. On September 2, 1945, his father Clifton Meaux, who was serving his country in the United States Navy at the end of the Second World War, received a telegraph with 6 simple words that would change his life forever: "Son born, Mom and baby ok." This sense of purpose and sacrifice would go on to define Lamont's life.

As a young child, Lamont's family moved from Beaumont, TX, to the Winnie-Stowell area of South East Texas. Farming is the main economic activity in the area, and Lamont would learn at an early age that he possessed quite the green thumb. Before the age of 10, he was growing and selling tomatoes for 17 cents a pound. He is still happy to share his secrets with anyone who will listen. Lamont would also spend time working in the abundant oil fields across Southeast Texas before graduating from East Chambers High School in Winnie, Texas.

His success growing tomatoes made Lamont a natural fit for Texas A&M University. He was a member of the Corps of Cadets Company C-2, whose motto "Our family is our strength" is very appropriate. As a proud Aggie, Lamont would drive his "Old Blue" car to as many football games as possible, both home and away. He would earn his BS in Industrial Distribution in 1968 and a week later married JoRella White.

Upon graduation, the United States was entrenched in the Vietnam War. Knowing that he would be called to duty, Lamont did all he could to protect his family while he was gone. He worked for a few months at an engineering firm in Dallas and even sold his Texas A&M Senior Boots. Senior Boots are the most prized possession of any Aggie. In May of 1968, as a member of the United States Army, he left for Fort Benning in Georgia for Officer's Infantry School. The next year he took off to Panama to train at the Jungle Operations Training Center to prepare him for conditions unlike anything he could see in Southeast Texas. His grandsons love to hear how he was taught worms and bugs and jungle survival.

Lamont was then ready for deployment as 1st Lieutenant of the United States Army's 199th Light Infantry Brigade. While he was being transported to his assignment in Vietnam, Lamont was asked if he knew the average life span of an Infantry Lieutenant in "The Country." He was shocked to hear "27 sec-

onds" but continued on, determined to serve his country to the best of his ability. Lt. Meaux fought in the hot steamy jungles of Vietnam against America's enemy. He doesn't talk much about what he saw. He does remind those at home that a lot of good men served with him. Some returned. Some returned with wounds of war. Some did not return. According to a man who served under him, Lamont "was a good soldier's officer who cared and felt for his men, but still served his country as an officer and a gentleman." He was known as a leader who would do anything to protect his men.

When Lt. Meaux returned to America he, like most Vietnam veterans, was treated badly by Americans who did not serve America. In February of 1970, Lamont would be discharged from the United States Army with numerous honors. He was awarded a National Defense Service Medal, Vietnam Service Medal, Bronze Star Medal, Second Oak Leaf Cluster, and two Over Seas Bars. When asked why he did not put in for the Purple Heart, Lamont responded that there were others he sent out in the jungle that came back with more serious injuries. One souvenir he was proud to bring home was a telegram with the same 6 words that his father brought back: "Son born, Mom and baby ok." They would have 3 sons before the marriage ended in 1994. Those sons were Edward, Terrell, and David. Lamont would remain a member of the Army Reserves through 1974.

The heroic service Lamont made during his time in the Vietnam War lined him up for a promotion to Captain, but his heart belonged to his family back in Southeast Texas. He returned home and took up what was natural to him—farming. For the next 25 years, he would farm rice, wheat, soy beans, and milo, at one time up to 3,000 acres. Mr. Speaker, I probably represent more rice farmers than any other member in Texas. Let me tell you, rice farming is hard intense working of the land.

Lamont Meaux's ingenuity was not confined to the battlefield or the farm. In 1976, Lamont saw the need for some corrugated metal drainage pipes on the farm. Thinking big, he ordered a train load, used what he needed and sold the rest to the other farmers in the area. This is the beginning of Seabreeze Culvert, Inc. Lamont would eventually start designing his own drainage control structures, turning Seabreeze from a simple agricultural dealer to a respected creative solution provider for industrial, environmental, commercial, and municipal areas. He would go on to create Seabreeze Chemical, Inc., to provide cheaper products for the local farmers as well as raising chickens as Seabreeze Farm.

Lamont is a vital part of the community as well. He is a member of the Winnie Chamber of Commerce, Society of Professional Engineers, Texas Farm Bureau, and Corps of Cadets Association at Texas A&M. Meaux is Master Chairman for the Beaumont A&M Club, board member of the East Chambers Agricultural Historical Society, and committee member of the Regional Advisory Council of the General Land Office. Lamont is a past member of the American Rice Growers Association, American Soybean Association, and American Rice Growers Exchange.

A lifelong interest in politics paid off for Lamont in a much unexpected way. In 1997,

Hazel, a staffer working on Kay Bailey Hutchison's U.S. Senate campaign, heard about a former Aggie much like herself that was very politically minded. They met at a Beaumont A&M Club meeting in 1997 and hit it off instantly. They bonded over the Aggies, and whiskey, and politics, and the rest, as they say, is Texas history. Hazel gave Lamont the birthday present of a lifetime when they married on September 2, 1999.

Lamont Meaux has dedicated his life to serving his country and his community, and they are both better places because of him. Lamont Meaux is as Texan as they come. He is vocal, opinionated, and a hard core patriot that never forgets honor, duty, country. I am honored and privileged to call Lamont Meaux a close friend. Thank you Lamont Meaux for serving our nation and the great State of Texas.

And that's just the way it is.

CONGRATULATING JEFF DOUGLASS, WINNER OF THE GOVERNOR'S 2012 INNOVATORS UNDER 40 AWARD

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Jeff Douglass, winner of the Governor's Innovators Under 40 Award. Mr. Douglass is the founder and CEO of Cybis Communications, a creative technology and communications company based in Orlando, Florida.

Mr. Douglass, a graduate of the University of Central Florida, founded Cybis Communications in 1995. Recruiting new clients solely by word of mouth, Mr. Douglass has emphasized a personal approach to each project and today serves as not only the CEO but also as Cybis Communication's Executive Producer, focusing on creative and live event productions. By 2006, Cybis was producing events for such prestigious customers as the White House and the Office of the President.

The Governor's Innovators Under 40 Award is one of Governor Rick Scott's 2012 Innovators in Business Awards, which are designed to recognize outstanding contributions toward growing and diversifying Florida's economy. The Innovators Under 40 Award is presented to Florida residents under the age of 40 who own or lead a Florida company with annual revenue of \$1 million or more, and who have created at least 10 jobs since January 2011.

Through Mr. Douglass's direction, Cybis has expanded and recently relocated to a design and production studio in downtown Orlando. Mr. Douglass is to be congratulated for the hard work and dedication he has demonstrated and for the contributions to Florida's economy that this award signifies. He is deserving of this recognition. May his work inspire others to follow in his footsteps.

## HONORING KATRINA ANN KELLEY

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. ELLISON. Mr. Speaker, I rise today in honor of Katrina Ann Kelley, a dedicated public servant whose service to the House of Representatives and the National School Boards Association spanned 28 years.

Katrina Ann Kelley was born on September 29, 1960, to William and Joan Kelley, in Galesburg, Illinois where she was raised along with six beloved siblings. She graduated Galesburg Sr. High School in 1978 as member of the National Honor Society before heading to Marycrest College in Davenport, Iowa, for a Bachelor of Arts in social work.

Katrina joined the staff of Congressman Lane Evans in 1984 as a District Caseworker in his Illinois office; then made the move to Washington, DC to become a Legislative Assistant. Later, Katrina served as a Legislative Assistant and a Legislative Director for Representative Charles A. Hayes of Chicago. Katrina loved her years "on the Hill" where she made many lifelong friends and brought her compassion for constituent service to every position. Katrina had immense respect for Congressman Evans and the late Representative Hayes and considered each of them personal mentors and lifelong friends.

Katrina took her comprehensive legislative knowledge and understanding of urban issues to the National School Boards Association, NSBA, where she served as the Director of Urban School District Advocacy, and later as the Director of the Council of Urban Boards of Education, CUBE, until her departure in 2012. Katrina helped to shape the CUBE program as a critical component of the National School Boards Association, touching over one hundred urban districts and millions of children in the United States and the Virgin Islands. Katrina's work helped urban school leaders find solutions to challenges at the local level and to improve their policy-making effectiveness, leading to improved outcomes for children. Katrina deeply believed in increasing the opportunities for all students, particularly low income and minority students.

Katrina passed away with her sisters at her side on October 9, 2012. I stand here today to honor Katrina Ann Kelley for her legacy of service to the citizens and students of the United States.

TO PROVIDE FOR THE CONTINUED  
LEASE OR EVENTUAL CONVEY-  
ANCE OF CERTAIN FEDERAL  
LAND WITHIN THE BOUNDARIES  
OF FORT WAINWRIGHT MILI-  
TARY RESERVATION IN FAIR-  
BANKS, ALASKA

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce legislation to continue the

conversation on how to preserve and protect an important neighborhood in Fairbanks, Alaska from eventual destruction.

In 1987, the Army entered into a Section 801 build-to-lease housing contract for 400-home community on seventy-six acres of land. These homes, consisting of three, four, and five bedroom units, a maintenance and leasing facility, associated roads and parking areas, landscaping, eighteen playgrounds, and a central heating system including 39 boiler houses, are an important source of housing for military families and the local area. This group of homes is more than just housing or a neighborhood, it is a community.

The housing lease for this Section 801 contract expired in 2007 and the ground lease is scheduled to expire on June 26, 2018. Without an extension of the ground lease, the 400 houses must be removed from their current location no later than 180 days following the expiration of the lease. The most likely outcome of this situation is a complete demolition of these properties.

Currently, these 400 houses are nearly 100% occupied (99% in August of 2012) which is an unbiased testament to the value of these houses. Additionally, the four and five bedroom units are a valuable but very limited resource for the large number of military families with multiple children stationed in the area. In fact, seeing the value of these homes to both the military community and the local tax base, several community leaders and interests have written to me over the past couple of years to express their support for extending the ground-lease under these homes.

While I understand that this is a sensitive issue, it simply does not make sense for 400 high-use and high-value homes to be torn down. There must be a better solution. This bill may not be that solution, but it is a critical step in the direction to finding one.

TRIBUTE TO REVEREND  
ALEXANDER I. DUNLAP

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to the late-Reverend Alexander I. Dunlap. Born December 4, 1930 to Rev. I.D. Dunlap, an A.M.E. minister, and Elmira McCoy Dunlap, a teacher in the public schools of North Carolina, Rev. Dunlap was the child of parents who loved the Lord and who loved education; each of them was an integral part of the man he was to become.

A.I., as he was affectionately known, lost his father at the early age of 10, yet he was proud to tell everyone that he was raised by a phenomenal woman who helped instill in him a sense of dignity and respect for himself and who told him that "You may be as black as coal but you are just as good as any child God has ever made."

A.I. attended North Carolina A&T University where he received a Bachelor of Science degree. He joined the U.S. Army and served during the Korean War for four years and was honorably discharged. He continued to pursue

his love of God and education by attending Gammon Theological Seminary in Atlanta where he received his Masters of Divinity degree. He also later took courses in Pastoral Counseling at Emory and Duke Universities.

While still a young man in college, A.I. began his civil rights activities organizing sit-ins to protest the college Administration's policies. His love of community and commitment to the equal rights of every man, woman, and child continued to grow from the start of his career with the AME Church. As an Itinerant Elder, Rev. Dunlap travelled to many communities in Georgia, Virginia, North Carolina, and finally to Illinois. Wherever he went, he made an impact. A.I. strove to ensure that everyone he encountered knew Jesus and were treated with the dignity and respect they deserved in all facets of their lives.

During Rev. Dunlap's tenure as an A.M.E. minister, he participated and held positions some examples of his contributions: Special Consultant to the North Carolina Fund, which evaluated community action programs for the state of North Carolina; Faculty member and Vice President of Kittrell College in North Carolina; Chairman, Carolina Ford Fellowship; Chairman, Board of Directors for United Community Action; Director of Direct Action, Chicago's Southern Christian Leadership Conference; Chairman, Chicago Action Committee; Member, Board of Directors, Urban Training Center for Christian Mission; Chairman, 4th Episcopal Mass News Media, A.M.E. Church; Special Consultant to the late Bishop Frederick Jordan, Ecumenical Relations, National A.M.E. Church; Vice President, Danville, VA Ministerial Alliance; member of the Des Plaines Ministerial Alliance; Professor of Urban Programs for the Meadville Theological Seminary, affiliated with the University of Chicago; Director of Social Action, A.M.E. Ministerial Alliance of Chicago.

Although Rev. Dunlap was very involved as a minister, he also found time to become involved in civic and political organizations. Some of these organizations and affiliations included Rev. Dunlap's Charter Membership in the Prince Edward County Christian Association, an organization that placed black pupils in schools after they had been closed to avert integration in Prince Edward county Virginia; Charter Membership in the Danville Christian Progressive Association, an organization that broke down racial segregation in education and employment; Charter membership in the Halifax County Voters Movement that registered 100,000 new voters in eastern North Carolina; Charter membership in the Coalition for United Community Action that helped break down discrimination in the Chicago Construction industry; the First Executive Director and founding member of Black Contractors United; President of the Dr. Martin Luther King Coalition in Chicago; Member of the Chicago Urban League; Chairman of the 2nd Congressional District of North Carolina; Chairman of the Board of Directors of the North Carolina voter Education Project.

While A.I. was busy bringing people to Jesus and helping to create a better world for all, he also had a family. A blind date in Atlanta led him to the love of his life and wife of 44 wonderful years, Margaret Della Princess Esther Lee Dunlap, who predeceased him on

October 29, 2004. To that union four children were born: Michele Arnita, Alexander, Jr., Michael Andre and “baby” Barbara Andrea. He was a devoted husband and a generous and caring father. He would often state how people were amazed with all that he did that he had time to have one child, much less four. A.I. loved music and played the trumpet for many years, loved sports (especially basketball), was an avid reader, and an exceptionally skilled poker player.

Through his efforts, A.I. helped open doors to African Americans in construction, education, housing and employment. He was responsible for helping to write some of the first Affirmative Action Programs for companies like Sears Roebuck and Co., Dearborn Park, CNA Financial, and Montgomery Ward to name a few. He sued the City of Chicago for the right to March in Marquette Park, one of the most segregated neighborhoods in Chicago in the 70s. For the city’s failure to provide adequate protections for their peaceful demonstration, A.I. sued the City of Chicago and won his case in *Dunlap v. City of Chicago* (435 F.Supp. 1295 (1977)).

These are just a few examples of the long-lasting impacts that Rev. Dunlap made towards the greater objective of creating a more loving and just society.

While the family of Shepherd A.I. Dunlap will miss him, we do not mourn his death. We are so grateful to God Almighty that he allowed him to be with us for 82 years. He leaves the following persons happy about his life—his children: Michele (Donald) Haughton; Alexander, Jr. (Darlene); Michael (Ophelia); Barbara; grandchildren: Nikhitut, Anjelica, Isaiah, Jillian, Chelsea, great-granddaughter Camia; a host of cousins, nieces, nephews, and a myriad of friends.

#### CONGRATULATING MAX BROWNE

##### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. REICHERT. Mr. Speaker, I rise today to congratulate an exceptional young man, Max Browne, who was recently named the 2012–2013 Gatorade National Football Player of the Year.

Max Browne grew up in the district I represent, Washington’s 8th. At 6 feet 5 inches and 218 pounds, he became Skyline High School’s star quarterback this year, leading the Spartans to a 14–0 record and a Class 4A state championship this fall. Browne passed for 4,526 yards, 49 touchdowns and just five interceptions.

Max Browne is not only an exceptional athlete; he is an extraordinary human being. While a star quarterback at Skyline High School in Sammamish, Washington, he maintained a 3.50 GPA, was a three-time Skyline High Student of the Month Citizenship Award recipient and volunteered on behalf of Issaquah Parks and Recreation, the Sammamish/Issaquah Young Life ministry and as an intern with G2 Physical Therapy. He has also worked with Generation Joy and raised funds to benefit cancer research.

This is the second Gatorade State Player of the Year award for Max Browne, who broke the state record for career passing yards and completions this year, surpassing Detroit Lions quarterback and Gatorade Washington Player of the Year Kellen Moore. His second award was presented by Seattle Seahawks rookie Russell Wilson, an added bonus to the wonderful honor.

I am incredibly proud of this young man. The Gatorade Player of the Year program recognizes outstanding athletic excellence, academic achievement and exemplary character demonstrated on and off the field. It is an honor to represent him as a constituent, and I know that he will set an example for his teammates for years to come.

#### HONORING THE LIFE OF LEONILA VEGA

##### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, on November 19, 2012, the movement to improve direct care jobs lost a fearless and spirited leader when Leonila Vega passed away after battling cancer for fourteen months. As an advocate for direct care workers—the more than four million workers who assist elders and people living with disabilities—Leonila fought to improve wages, access to benefits, and respect for the profession. Born in rural Mexico, Leonila came to the United States as a teenager eager for the opportunity to pursue an education. She taught herself to speak and read English, worked her way through college, and went on to earn a law degree. As a disability rights attorney in Wisconsin, Ms. Vega developed a reputation as a ferocious advocate for the elderly and people living with disabilities. Her cases exposed her to the plight of direct care workers—many of whom are immigrant women—and she saw firsthand the challenges they faced, working long hours for little pay and no benefits, entrusted with the lives of their clients while suffering an alarming lack of respect. Her desire to improve life for these caregivers led her to become the Executive Director of Direct Care Alliance. At Direct Care Alliance, Ms. Vega worked to eliminate the exploitation of direct care workers and its harmful effects on care quality by empowering numerous direct care workers to see the valuable role they play in society. As she said, it was her American dream to help others realize their potential. I admire Ms. Vega’s work on behalf of direct care workers, immigrants and people of color, and am saddened that we have lost such a vivacious and dynamic leader.

Among the issues that Ms. Vega championed was the extension of the Fair Labor Standards Act to cover home care workers. Sadly, this essential workforce is excluded from these basic protections. Such poor working conditions hinder recruitment and retention which, in turn, negatively affect the quality of care that millions of Americans receive. Troubled by this injustice, Ms. Vega ensured that

the issue remained at the center of Direct Care Alliance’s agenda. I was inspired by her passion to improve direct care jobs and introduced the Direct Care Workforce Empowerment Act in 2010 and reintroduced a similar bill—the Direct Care Job Quality Improvement Act in 2011. One year ago, President Obama announced the Department of Labor’s proposed rule to extend minimum wage and overtime protections to home care workers. Sadly, Ms. Vega did not live to see the rule finalized, but we will continue to fight to make things right for direct care workers, just as she would have done. The values that Ms. Vega fought to advance—respect and dignity for all people—are ones that everyone, regardless of political affiliation, shares and we must work together to move those efforts forward.

#### PERSONAL EXPLANATION

##### HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. WELCH. Mr. Speaker, had I been present for rollcall vote Nos. 627 and 628, I would have voted “aye.”

#### TRIBUTE TO GEORGE RESCH

##### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. PAUL. Mr. Speaker, I rise to honor H. George Resch, who passed away last week. George was a lifelong champion of liberty, sound money, and peace who played a key role in the development of the modern liberty movement. I was privileged to know George as a business associate and a friend.

George was one of the liberty movement’s leading experts on the dangers of government control of education. One of his most significant contributions to libertarian scholarship was an essay titled “Human Variations and Individuality,” published in the 1974 anthology *The Twelve Year Sentence*. In this essay, George convincingly challenged the popular idea that government must control education in order to ensure “equality of opportunity.” As George made clear, because all people differ in their abilities and interests, the only way the state can ensure “equal opportunities” is to prevent any student from excelling.

As important as George’s scholarship on educational freedom was, his main contribution to the liberty movement was his work supporting libertarian scholars—especially younger scholars, who often lacked opportunities available to their peers who were willing to promote statist academic orthodoxy.

George began supporting promising libertarian scholars in the 1950s, when he met Professor F.A. “Baldy” Harper at Robert LeFevre’s Freedom School. Harper immediately recognized George’s qualities of mind and strong character, and eventually recruited George to work with the William Volker Fund. At the time, the Volker Fund was one of the

few organizations dedicated to the development and promotion of libertarian ideas.

At the Volker Fund, George worked with many leading libertarians thinkers of the day to identify books and authors worthy of promotion and support. One of the people George worked with was Murray Rothbard, Ludwig von Mises' heir and the founder of the modern libertarian movement. George and Murray's friendship began when they discussed monopolies. George had heard that Rothbard was developing a theory of antitrust more "radical" than Mises', and wanted to learn more. The conversation resulted in a friendship that lasted until Murray passed away in 1995.

In 1961, George helped Professor Harper create the Institute for Humane Studies (IHS). IHS's goal was to expand the Volker Fund's mission of promoting libertarian scholarship by identifying and supporting young people with the potential to become leading libertarian scholars. George played a major role in helping to sustain and grow IHS in its early years. In fact, it is not an exaggeration to say that Baldy Harper never would have gotten IHS off the ground without George's help. The thousands of young people who have been introduced to the ideas of liberty through IHS's programs, as well as those who received academic and career support from IHS, all owe a debt of gratitude to George Resch.

In 1965, George helped his friends Murray Rothbard and Leonard Liggio publish *Left and Right*, a journal dedicated to preserving the "Old Right's" limited government and anti-imperialist ideals. As the title suggests, *Left and Right* also sought to create an alliance with the anti-imperialist and anti-corporatist elements found on the left. *Left and Right* was published until 1968. However, its influence is still felt today. The seeds that Rothbard, Liggio, and Resch planted are at last bearing fruit as a new left-right coalition has embraced the ideas *Left and Right* championed. This coalition of libertarians, liberals, and constitutional conservatives is working together to oppose militarism, protect civil liberties, end corporate welfare, and reduce the power of the Federal Reserve.

George also had a successful private-sector career working with Burt Blumert at Camino Coins. Burt and George truly were kindred souls, both tireless promoters and supporters of the ideas of liberty. Burt and George made Camino one of the country's top coin businesses.

George also worked with Burt at the Center for Libertarian Studies. The Center published the *Journal of Libertarian Studies* (among many other projects), the first academic journal devoted to the ideas of liberty. George also helped Burt and Lew Rockwell establish and develop *Lewrockwell.com*, the world's most-visited libertarian web site.

When I left Congress in 1984, Burt and George assisted me in establishing Ron Paul Coins. I worked with Burt and George until I returned to Congress in 1996 and had to end my involvement in the company. Getting to know George was one of the most enjoyable aspects of working in the coin business. You could not ask for a better business partner or friend than George. He never treated anyone with anything less than complete respect. He

had a wonderful understated sense of humor, and like our mutual friends Murray Rothbard and Burt Blumert, a Menckenesque appreciation of the absurdities of modern American politics. George also never lost his ability to spot potential young leaders or counsel, assist, and spend time talking to young people interested in advancing liberty. My Legislative Director, for example, benefited from George's advice and friendship.

Mr. Speaker, George Resch's many friends in the liberty movement are deeply saddened by his passing. We are also grateful for all he did to build the liberty movement, and for the example he set for all of us who continue his work of advancing freedom.

#### TRIBUTE TO JOHN DELEÓN

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing the life of a soldier, an inspiring community leader and a dear friend of mine who is no longer with us, Mr. John de León.

John was born in San Antonio, Texas on May 6, 1944. He began his career with the United States Army before going on to serve a long career with the Federal Government. Throughout his career, John was dedicated to community development, civil rights and human rights. As a result of his exceptional work, dedication and professionalism, he received several awards and special recognitions from community organizations and the Federal Government.

Once he retired from the Federal Government, Mr. de León went on to serve with the City of Houston, became Chairman of the Harris County Tejano Democrats, and later as Chairman of the U.S. Democrats Abroad in Mexico. Mr. de León not only spent his life as a dedicated public servant, but as a loving husband to his dear wife Irene, father, grandfather and dear friend to many. Please join me in recognizing his career of distinguished service and contribution to our great country.

#### DON'T LET FOREIGN AID FALL OFF THE FISCAL CLIFF

#### HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. BERMAN. Mr. Speaker, as negotiations to avoid the "fiscal cliff" enter the final stages, it is important that we keep in mind the potentially devastating consequences of across-the-board cuts. This is true not only for domestic programs, but also for foreign assistance, which represents less than one percent of the Federal budget and is one of the most cost-effective ways of protecting our interests across the globe. Today, more than ever, our health, security, and prosperity depend on a world in which basic human needs are met, fundamental rights and freedoms are re-

spected, conflicts are resolved peacefully, and the world's resources are used wisely.

In this regard, I commend to my colleagues an excellent op-ed by Sharon Waxman, vice-president of the International Rescue Committee. Her article in *The Hill*, "Don't Let Foreign Aid Fall Off the Fiscal Cliff," outlines the importance of foreign aid in saving lives and easing suffering for millions around the world.

[From *The Hill*, Nov. 30, 2012]

#### DON'T LET FOREIGN AID FALL OFF THE FISCAL CLIFF

(By Sharon Waxman)

With the presidential election behind us, attention has turned to the impending "fiscal cliff". By New Year's Day, the Obama Administration and Congress must identify \$1.2 trillion in savings between spending cuts, revenue increases and entitlement reform. Otherwise, most federal programs will be cut by a staggering 8.2 percent.

On the chopping block is foreign assistance, which provides lifesaving aid to millions of vulnerable people, including Syrian refugees fleeing horrific violence and seeking safety and help in neighboring countries. The consequences of having the budget axe fall on foreign aid at this time could be dire.

The Syrian conflict is in its 20th month and displacement into Turkey, Jordan, Lebanon and Iraq has more than tripled during the last three. By year's end, it's estimated that 700,000 Syrian refugees will be spread out across the region, overwhelming the communities hosting them and fueling a humanitarian crisis.

Last week, I visited a hospital wing in Amman, Jordan, filled with Syrian refugees. There, I met a father from Homs who had been out buying bread when his neighborhood came under siege. Now he is paralyzed from the chest down from shrapnel wounds. His wife and eight-year-old son keep vigil at his hospital bed, day and night. Their alternatives are few. They either move to a refugee camp, a grim prospect as winter approaches, or become part of a massive, underserved and desperate urban refugee population.

Meanwhile, other large-scale humanitarian emergencies have worsened or unfolded in the past year.

An estimated 18 million people are food insecure in Africa's Sahel region because of chronic poverty and crushing drought, and four million children are malnourished. In Mali, conflict in the north, which has caused the displacement of some 400,000 people, has exacerbated its food crisis. Violence in Blue Nile and Southern Kordofan states of Sudan has forced 175,000 refugees to flee to South Sudan and an additional 65,000 to Ethiopia.

Violence continues to spiral in eastern provinces of the Democratic Republic of Congo, where fighting repeatedly uproots communities, disrupts food production and shuts down health services. And whenever conflict escalates there, so does violence targeting women. Meanwhile, in Afghanistan, a humanitarian crisis has worsened, with unrest and natural disasters uprooting more than half a million people.

All told, more than 44 million people are currently displaced by conflict around the world—the highest number in 15 years.

My organization, the International Rescue Committee, is on the ground in these and other conflict and disaster zones, responding to pressing humanitarian needs. We see firsthand how foreign assistance is saving lives and easing the suffering of countless people.

The need for the United States to respond to global humanitarian emergencies is increasing exponentially at the very time that across-the-board cuts may go into effect.

While we appreciate the daunting budget decisions ahead, foreign aid represents less than one percent of all federal spending, and non-war foreign assistance has already been cut by 15 percent over the last two years. An additional 8.2 percent reduction in foreign aid will undoubtedly cut the very programs that enable the United States to respond to human suffering and foster economic growth and stability. It will put millions of lives at risk and set the U.S. back years in its effort to lift people out of poverty and reduce dependency. Such cuts would be shortsighted and would not solve America's fiscal woes.

America's continued leadership in foreign policy and foreign assistance is critical, but it cannot happen on a shoe-string budget. The U.S. government must have the right tools at its disposal to conduct effective diplomacy, encourage development and provide humanitarian assistance to effect positive change in areas where it's desperately needed.

In the weeks ahead, we hope the Administration and Congress will reach an agreement that moves America off this precarious fiscal cliff while preserving America's leadership in foreign assistance and its commitment and ability to protect the world's most vulnerable.

#### PERSONAL EXPLANATION

### HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. LUJÁN. Mr. Speaker, due to a family matter requiring my presence in New Mexico, I was not able to be present for a number of votes on the House floor this week.

Had I been present for rollcall vote No. 627, on motion to suspend the rules and pass H.R. 4606, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes, as amended, I would have voted "aye."

Had I been present for rollcall vote No. 628, on motion to suspend the rules and pass S. 3193, the Barona Band of Mission Indians Land Transfer Clarification Act of 2012, I would have voted "aye."

Had I been present for rollcall vote No. 629, on motion to suspend the rules and pass H.R. 6504, the Small Business Investment Company Modernization Act of 2012, I would have voted "aye."

Had I been present for rollcall vote No. 630, on motion to suspend the rules and agree to the Senate Amendment on H.R. 3783, an act to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes, I would have voted "aye."

Had I been present for rollcall vote No. 631, on motion to suspend the rules and pass H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code, as amended, I would have voted "aye."

Had I been present for rollcall vote No. 632, on motion to suspend the rules and pass S. 3642, the Theft of Trade Secrets Clarification Act, I would have voted "aye."

Had I been present for rollcall vote No. 633, on motion to suspend the rules and pass H.R.

6672, to reauthorize certain programs under the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to public health security and all-hazards preparedness and response and for other purposes, I would have voted "aye."

Had I been present for rollcall vote No. 634, on motion to suspend the rules and pass H.R. 1845, the Medicare IVIG Access Act, I would have voted "aye."

Had I been present for rollcall vote No. 635, on motion to suspend the rules and agree to H. Res. 668, to refer H.R. 5862, a bill making congressional reference to the United States Court of Federal Claims pursuant to sections 1492 and 2509 of title 28, United States Code, the Indian trust-related claims of the Quapaw Tribe of Oklahoma as well as its individual members, as amended, I would have voted "aye."

Had I been present for rollcall vote No. 636, on the motion to suspend the rules and pass H.R. 6655, the Protect Our Kids Act, I would have voted "aye."

Had I been present for rollcall vote No. 637, on the motion to suspend the rules and pass S. 3564, the Public Interest Declassification Board Reauthorization Act, I would have voted "aye."

Had I been present for rollcall vote No. 638, on the motion to suspend the rules and pass H.R. 6016, the Government Employee Accountability Act, as amended, I would have voted "aye."

#### RECOGNIZING COLONEL MICHAEL J. MEESE

### HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. GIBSON. Mr. Speaker, I rise today to recognize the accomplishments of Colonel Michael J. Meese, Professor and Head of the Department of Social Sciences at West Point. Colonel Meese is retiring January 18, 2013 after over 31 years of long and distinguished service.

As Head of the Social Sciences Department at West Point, Colonel Meese teaches economics and national security courses and leads the 70 military and civilian faculty members who teach political science, economics, and terrorism-related courses. He also leads the Combating Terrorism Center, the Office of Economics and Manpower Analysis, and the Conflict and Human Security Studies Program whose personnel both teach cadets and conduct nationally significant research in terrorism, Army personnel policy, and cultural studies. He serves as the Co-Chair of the Strategic Planning Working Group, developing the 2013–2019 Strategic Plan, which is critical to the long term future of the Academy. Previously he chaired the Academic Excellence Subcommittee of the NCAA Accreditation, which was instrumental to continued intercollegiate athletic participation. He chaired the Superintendent's Planning Team that examined the military program and developed the most significant recent changes to the military program at West Point: The consolidation of mili-

tary science courses, the creation of the MX400 Officership course, and the creation of Cadet Leader Development Training (CLDT).

Colonel Meese graduated from the United States Military Academy on 27 May 1981 and was commissioned as a Second Lieutenant in the Field Artillery. After being an honor graduate of the Field Artillery Officer Basic Course at Fort Sill, he reported to his first duty assignment with the 1st Battalion, 79th Field Artillery (later designated 6th Battalion, 8th Field Artillery) at Fort Ord, California. He served as a company Fire Support Team Chief, Battery Executive Officer (during which time his Battery received the Gilmore Award as the best firing—battery in the 7th Infantry Division), Battalion S–1/Adjutant, and Battalion Fire Direction Officer. During this period he assisted with the conversion of the artillery to the Infantry Division (Light) configuration and participated in training deployments to Japan, Panama, Minnesota, Idaho, and other locations in California. In 1985, he attended the Field Artillery Officer Advanced Course, where he was the distinguished graduate, and then was assigned to 2nd Battalion, 6th Field Artillery (later designated 4th Battalion, 82nd Field Artillery) in Hanau, Germany from 1985–1988. He served as the Battalion Assistant Operations Officer, interim Battalion S–3, and firing Battery Commander of a 155mm M109A1 SP howitzer battery with a contingency mission in support of the 3rd Armored Division's General Defense Plan in Germany's Fulda Gap. In this position, he was designated as the MacArthur Leadership Award Nominee for V Corps and was selected for early promotion to major.

Colonel Meese attended the Woodrow Wilson School of Public and International Affairs at Princeton University from 1988–90, earning an M.P.A., an M.A. and completing all requirements for his Ph.D., except the dissertation, which he would later complete coincident with other duties. He was assigned to the United States Military Academy as an instructor and assistant professor in the Department of Social Sciences from 1990–1993, where he taught the advanced economic principles course, microeconomics, macroeconomics, and economics of national security. He was an honor graduate of the Command and General Staff College at Fort Leavenworth, Kansas, and in 1994–1996 he was assigned to the 1st Cavalry Division at Fort Hood, Texas. He became the Operations Officer of 3rd Battalion, 82nd Field Artillery, coordinating the battalion's operations on a no-notice deployment to fight wildfires in Montana and on an NTC rotation. He later served as the Deputy G3 of the 1st Cavalry Division, including commanding the Division Assault Command Post during its deployment to Korea as part of Exercise Foal Eagle in 1996.

The Academic Board selected Colonel Meese as an Academy Professor in the Department of Social Sciences, and he returned to become the Director of Economics in 1996. In 2001, he was selected to become a Professor, U.S. Military Academy, was confirmed by the Senate in 2002, and became Deputy Head of the Department of Social Sciences. Since June 2005, he has served as the Professor and Head of the Department of Social Sciences, U.S. Military Academy.

During over 19 years serving at West Point, Colonel Meese has personally supervised the



execution of one of the leading political science and economics programs in the Nation, ensuring that cadets achieve the highest standards, are enthusiastic about their education, and eagerly anticipate their service in the Army. This includes continually ensuring that the Social Sciences curriculum reflects the changing economic, political, and cultural environment that graduates will face and incorporates the latest teaching in terrorism, national security, and post-conflict studies to better prepare cadets. As a result, every USMA graduate has a core understanding of Social Sciences and over 200 cadets every year studied political science or economics in depth. This study has significantly prepared graduates to anticipate and respond effectively to the uncertainties of a changing technological, social, political, and economic world that they face as commissioned leaders of character in the United States Army. He has exemplified teaching by teaching a minimum of two sections every semester at West Point.

Colonel Meese has inspirationally led the professional development of Social Sciences faculty, supported the research needs of the Army, and advanced the fields of economics, political science, and national security policy. As a result of his leadership, Social Sciences faculty have been routinely included in the ongoing analysis of economics and national security policy issues, both as individuals and through the Combating Terrorism Center (CTC), the Office of Economic and Manpower Analysis (OEMA), and the Center for Human Security Studies (CHSS). He robustly supported scholarship by senior military and civilian faculty who have routinely presented or published papers at least once annually and nearly every military faculty presented or published at least once during their USMA tour. He personally exemplifies scholarship, resulting in over two dozen invited presentations, including testimony to a U.S. congressional committee; twenty book chapters, conference papers, major conference reports, or journal articles; and two full length books: *American National Security* and the *Armed Forces Guide to Personal Financial Planning*.

At West Point, Colonel Meese has been a critical leader of strategic thought among his faculty, throughout the Academy, and within the Army. This includes his leadership of conferences on topics including: "Toward an Army Officer Corps Strategy," "Bridging the Cultural Divide: NGO-Military Relations in Complex Environments," "The Professional Military Ethic in an Era of Persistent Conflict," "Public Diplomacy: Messages, Process, Outcomes," and "The Army Profession." As a result of these efforts and his ongoing encouragement of dynamic faculty members conducting leading-edge research, the Social Sciences Department has become one of the leading repositories of innovative thought within the Army. In 2006, the Department was recognized for its contributions with the presentation of the Army Superior Unit Award. During 2003–2004, Colonel Meese was the USMA Fellow at the National War College, where he graduated from the National War College while exemplifying teaching excellence on their faculty.

Beyond West Point, Colonel Meese has been called on numerous times to address some of the most challenging strategic polit-

ical-military problems facing the Nation and the Army. He deployed for a full year from 2010–2011 as the Assistant Chief of Staff for the International Security Assistance Force in Afghanistan, where he was instrumental in integrating the 1,500-person ISAF staff working for General Petraeus to supervise a comprehensive civil-military counterinsurgency campaign. In December 2009–January 2010, he deployed to Afghanistan leading a flag officer/ambassadorial interagency team to improve U.S. detention policy and establish Combined Joint Task Force 435. In January–March 2009, he deployed to assist General Odierno and Ambassador Crocker as they developed the "Responsible Withdrawal of Forces from Iraq" plan for the Obama Administration. He had previously deployed to Iraq from June–September 2007, assisting General Petraeus' assessment and testimony; from January–March 2007, to develop "the surge" campaign plan; from June–August 2003 in Mosul, Iraq to help establish governance and stability immediately after the beginning of Operation Iraqi Freedom; and from January to July 2002 to Bosnia as the Executive Officer to the Assistant Chief of Staff for Operations for the NATO Stabilization Force. In sum, he has deployed to combat zones for over 31 months since 2001 in support of ongoing military operations.

In addition to combat deployments, Colonel Meese has assisted the Army's strategic decision making in many other areas. He served as the Executive Director of the Secretary of the Army's Transition Team in 2005; was the co-director of the Department of Defense Panel on Commercialization and Globalization (the Dawkins Panel) in 1999; served as a member of the Defense Science Board Improved Explosive Device Task Force (2007–2009); and was a member of the 2001 Army Science Board Team developing the redesign of the Army Headquarters staff. He participated in the assessment, training, and education of the South African National Defense Force (SANDF) in 1998 to fundamentally transform the SANDF after their post-apartheid transition of government. He has participated as a presenter, organizer, or author in nine different NATO or Partnership for Peace conferences that have supported effective partnerships with NATO and non-NATO partners.

Colonel Meese's distinguished career reflects the vision, demonstrated leadership, and extraordinary service of a proven leader. His service, unwavering dedication to duty, and the life-long impact he has had on the careers of faculty members and graduates of West Point have contributed immeasurably to the status of the United States Military Academy and to the achievements of Army officers. In fact, I was one of those officers who had the privilege to serve with and learn from COL Mike Meese, and I am at once humbled and honored at this moment to congratulate him on a career of exceptional service to the Army and the Nation. I wish him, Ramona, and their family all the best as they transition to civilian life and continue to serve in other ways.

## PERSONAL EXPLANATION

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Ms. ESHOO. Mr. Speaker, I was not present during the rollcall vote No. 623, on December 12, 2012. I would have voted "no."

## HONORING THE 25TH ANNIVERSARY OF THE CHABAD CENTER OF NORTHWEST NEW JERSEY

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Chabad Center of Northwest New Jersey, Rockaway Township, Morris County, New Jersey as they celebrate their 25th anniversary this year.

Founded in 1988 by a small group of volunteers, Chabad Center of Northwest New Jersey has grown into a regional network of social, religious and charitable programs. The Center is built around the acceptance of every individual on his or her own level, regardless of background, affiliation, age or financial status. By blending traditional values with modern day techniques, the Center has been able to touch many lives through Morris, Sussex and Warren Counties.

At the core of the Chabad Center of Northwest New Jersey is their educational program, offered through the Chabad Educational Center. Their mission is based on the driving principle that the Jewish education system should focus on character development, spiritual consciousness and selfless devotion to the betterment of humanity.

The Center opened in 2008 to provide innovative educational services and cultural enrichment for all ages. Making up the Chabad Educational Center are the state-of-the-art Early Learning Center, Hebrew School, Hebrew High, Adult Education Institute and the first Community Mikvah established in Northwest New Jersey. Each of these allows the Chabad Center of Northwest New Jersey to bring valuable educational and cultural opportunities to all members of their community.

The Chabad Center of Northwest New Jersey also offers Men's and Women's clubs, giving members of their community the opportunity to socialize and perform acts of philanthropy throughout Northwest New Jersey.

Through their educational, philanthropic and community outreach programs, the Center has established itself as a pillar of our local community.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Chabad Center of Northwest New Jersey as they celebrate their 25th anniversary.

CECIL SCAIFE VISIONARY AWARD  
AWARDED TO AMY GRANT

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mrs. BLACKBURN. Mr. Speaker, musical genius is commonplace in Middle Tennessee. We see it on the Billboard Top 40, and we hear it in our local gathering spots. We are a community of notable note-makers, and yet there are those who stand a bit taller among the rest of our blessings. I rise today to honor Amy Grant as she receives the Cecil Scaife Visionary Award and is recognized for her contribution to Tennessee's legendary sound.

Amy Grant's music is more than a simple part of our lives. From her light-hearted hits to the notes and scores that wove their way from our darkest moments, Grant's pen continually casts light into our collective soul. Bluegrass, gospel, Christian, and pop all claim a bit of Grant's heritage as she continues to weave all four together into one signature blend. Her music is a part of our Christmas, our Easter, and our seasons in between.

I ask my colleagues to join with me and celebrate Amy Grant not simply for her legendary sound and steadfast commitment to the music industry, but for her graciousness in paving the way for other singers, songwriters, and bare-footed musicians to come along with her. It is fitting, then, that she be awarded the Cecil Scaife Visionary Award, and I appreciate her faithfulness to Nashville. I also appreciate the hard work and support of those who established and continue the Cecil Scaife Business Scholarship. Your devotion to those who pioneer the way for future music legends helps to strengthen our community and the sounds of our home.

DEDICATION OF THE RYAN  
WINSLOW VETERANS CENTER

**HON. SPENCER BACHUS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. BACHUS. Mr. Speaker, it is my privilege to announce to this House that the Clay Veterans Center in Center Point in the Sixth District of Alabama has been rededicated as the Ryan Winslow Veterans Center.

The renaming honors the patriotic service of Marine Lance Corporal Ryan George Winslow, who lost his life in Iraq defending our freedoms, and also recognizes his parents, George and Marynell Winslow, who instilled in their son high character and a desire to serve others.

Ryan Winslow, who attended Hoover High School and Jefferson State Community College and belonged to Shades Crest Baptist Church, enlisted in the U.S. Marine Corps in January 2005. Deployed to Iraq with the 2nd Tank Battalion, 2nd Marine Division, II Marine Expeditionary Force, Lance Corporal Winslow performed his duties with great dedication, distinction, and drive despite his young age. Tragically, Ryan suffered fatal injuries during

combat operations in Al Anbar Province on April 15, 2006. He died at the age of 19. Ryan's memory is held in high honor, respect, and love by his family, friends, and the many individuals that he touched during a too-short life.

Turning personal loss into a passionate resolve to help others, the Winslows have become great advocates for all soldiers and veterans in Alabama. Marynell Winslow played a lead role in founding Gold Star Families of Alabama to recognize service members who have given their lives in defense of our country and provide comfort to their families. Gold Star Families has recently undertaken a project to build a memorial at the American Village to Alabamians who have given their lives in service to our country since 9/11.

The Veterans Center in Center Point is a special place. Opened in December 2010 by Three Hots and a Cot, a truly inspiring non-profit organization, the center offers safe shelter to homeless military veterans and helps with their transition back to an independent lifestyle. With a staff that includes formerly homeless veterans, the center goes beyond offering housing and meals and provides services such as life skills training, job searches, transportation to VA hospitals for medical appointments, and companionship and stability. It is a model example of the responsibility and duty that we have as a society to assist the veterans who have sacrificed for us.

The tremendous amount of good that has been done and that will be done in the Veterans Center will now serve as a lasting tribute and thank you to Ryan Winslow and his family, and indeed to every serviceman and servicewoman who has given the ultimate sacrifice to defend our great Nation. The name of Ryan Winslow will be proudly born by this sanctuary of hope and recovery.

It is altogether fitting and proper that the U.S. House of Representatives take time to recognize and memorialize this most important occasion.

IN RECOGNITION OF SERGEANT  
SOUTRA

**HON. JAMES P. McGOVERN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. McGOVERN. Mr. Speaker, I rise today to recognize the extraordinary achievements of Marine Sergeant William Soutra, Jr. in Afghanistan. Sergeant Soutra recently received the Navy Cross, the second highest honor given for valor in combat.

Sergeant Soutra is a resident of Worcester and a 2004 graduate of Worcester Vocational High School, where he played lacrosse, football, and hockey. Sergeant Soutra attended Becker College before joining the Marines in 2005.

Over a two day attack beginning on July 10, 2010, Sergeant Soutra's element leader was mortally wounded by an improvised explosive device. With his unit disoriented, Soutra, alongside his military dog Posha, immediately took charge. Sergeant Soutra, without an interpreter, physically re-positioned each Afghan

commando to fire in an accurate manner before repeatedly running through enemy gunfire to lead his 10-man commando unit across 1,100 meters of open terrain, all while "relentlessly" firing his rifle. Additionally, Sergeant Soutra helped carry casualties out of the line of fire while orienting air support from jets and helicopters.

Simply, his actions went beyond the call of duty, saving the lives of Marines, Sailors, and Afghan commandos.

Too often, heroic actions of our military's elite special operations forces, like Sergeant Soutra, go unrecognized. It is simply the nature of their job to take on the most dangerous tasks, with no hope for glory or public acknowledgement.

Sgt. Soutra put his own life on the line without a second thought, not because he expected credit, but because it was the right thing to do to protect his men.

Mr. Speaker, our nation is lucky to have men like Sergeant Soutra serving us. I know that all of my colleagues, constituents, and fellow residents of Worcester will join me in offering our humble gratitude for his actions, and sincere congratulations on his recognition.

HONORING DWIGHT E. RADCLIFF

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. AUSTRIA. Mr. Speaker, I rise today to recognize Sheriff Dwight E. Radcliff on the celebration of his retirement and for his outstanding years of service to Pickaway County and the State of Ohio.

It is an honor to congratulate Sheriff Radcliff on this momentous occasion as the longest-serving sheriff in the United States of America. Serving as the Pickaway County Sheriff since 1965, Sheriff Radcliff has been committed to the citizens of Pickaway County by protecting life and property, preventing and solving crime and responding to all requests for assistance.

Following in his father's footsteps, Dwight became the second Radcliff to become the Sheriff of Pickaway County and the family name has held the office for 78 of the last 82 years. Over the past several decades, Radcliff has had both trying and memorable moments—from living in the county jail with his family to apprehending the rarest of criminals. Because of his great dedication and reputation for law enforcement, Pickaway County is often referred to as "Putaway Pickaway" by local and statewide residents.

On November 6, 2012 his son Robert was elected sheriff and will become the third generation of Radcliff's to hold this office. Dwight is married to Betty his wife of 59 years and is the father of three and grandfather to eight grandchildren, and great-grandfather to two great-grandchildren.

Thus, I join the citizens of the 7th Congressional District in congratulating and honoring Sheriff Dwight E. Radcliff for his many years of dedication and exemplary service to Pickaway County and the state of Ohio, and to extend best wishes to him and his family for much success in the future.

THE MORTGAGE ORIGINATOR  
CLARIFICATION ACT

**HON. STEPHEN LEE FINCHER**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. FINCHER. Mr. Speaker, I rise today to introduce the Mortgage Originator Clarification Act to clarify the definition of the term mortgage originator in the Dodd-Frank Wall Street Reform and Consumer Protection Act.

I support responsible lending policies and consumer protections throughout the home buying process to provide the best products and transparency for consumers. However, the Dodd-Frank Act was hastily put together and crammed through Congress. Unintended consequences of regulations prescribed in the Dodd-Frank Act, if implemented without specific consideration of manufactured housing, could eliminate housing finance options for families seeking to purchase affordable manufactured homes.

Multiple definitions and standards for mortgage origination, such as those in Section 1401 of Dodd-Frank and the Secure and Fair Enforcement for Mortgage Licensing (SAFE) Act, are confusing to the manufactured housing industry, consumers interested in buying manufactured homes, and regulators. In addition, the definition outlined in the Dodd-Frank Act may create unintended regulatory and compliance risks. The current definition of mortgage originator is based on traditional mortgage market roles and does not consider the unique lending model of the manufactured housing market.

I'm introducing the Mortgage Originator Clarification Act to provide clarity in the residential mortgage market with a clear and consistent standard recognizing the unique activities of the manufactured home sales process. This bill will further clarify the definition of mortgage originator so that manufactured homes will remain an available housing option for Americans across the nation.

RECOGNIZING THE HONORABLE  
ROSCOE BARTLETT AND THE  
HONORABLE DON MANZULLO  
FOR THEIR YEARS OF PUBLIC  
SERVICE

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. MICA. Mr. Speaker, I rise to pay tribute to two of my Republican colleagues who were elected in 1992. It has been my honor to serve with both ROSCOE BARTLETT and DON MANZULLO for the past two decades. I am pleased today, to recognize their outstanding service to our nation. ROSCOE BARTLETT has represented Maryland's 6th District and DON MANZULLO Illinois's 16th District.

These two classmates have distinguished records of service. ROSCOE earned his PHD in physiology from The University of Maryland and spent 20 years as a scientist and engineer for the military and NASA. He has 20

patents, 19 of which are held by the U.S. Government for his inventions of life support equipment used by military pilots, astronauts, search and rescue personnel, and firefighters. He has served on the Armed Services Committee since his first year in Congress and he became chairman of the panel's Air and Land Forces Subcommittee for this 112th Congress.

DON has served as Chairman of the Small Business Committee and long championed the cause of America's chief economic generator, our nation's small businesses. He also chaired the Foreign Affairs Subcommittee on Asia and the Pacific for this 112th Congress. Before being elected, DON was an attorney and the owner of his own small law firm.

During our service together history should record that upon assuming the majority in Congress in 1995, these two individuals helped bring about remarkable achievements for our country. They helped craft plans that balanced our federal budget from 1997 to 2002 and reformed welfare. They aided our nation in the aftermath of September 11, 2001.

Not only have we been fortunate to have their leadership in Congress they have both, in their family life, set examples for the American People. By their side ROSCOE's wife Ellen and DON's wife Freda have always aided their husband's efforts and supported their Congressional Districts. ROSCOE has ten children, 18 grandchildren, and two great grandchildren. DON's children are Neil, Noel, and Katie.

As these two friends and most accomplished members of Congress depart, I know that my colleagues wish them well and God Speed.

IN MEMORIAL OF CONGRESSMAN  
DAVID O'BRIEN MARTIN OF NEW  
YORK

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. WOLF. Mr. Speaker, my colleague from Kentucky, Mr. ROGERS, and I share the sad news of the passing of our colleague, David O'Brien Martin, originally of Canton, New York, who died with his wife Dana by his side on November 20 at his home in Hedgesville, West Virginia, at the age of 68.

Representative Martin is survived by his children, Victoria (Duskas), Kelly (Bridges) and Julia (Bassett); two grandchildren, Jacqueline Victoria and William O'Brien; a stepson Michael McGee, a stepdaughter Kimberly Travis and, shared with his wife, eleven grandchildren and a great-granddaughter. He is also survived by several nieces and nephews.

Congressman Martin, who was a commissioned officer in the Marine Corps and served in Vietnam, will be interred at Arlington National Cemetery on January 4, 2013.

We had the honor of being elected to Congress with Dave in 1980 as part of the Reagan wave. He served on the Permanent Select Committee on Intelligence and on the Armed Services Committee, where he was the senior Republican on the Military Installations Subcommittee and vice chair of the Morale, Welfare and Recreational Panel.

Dave O'B. Martin will be remembered for his indelible footprint on the North Country, where his efforts led to the revitalization of Fort Drum and the reactivation of the Army's storied light infantry division, the 10th Mountain Division. It has been reported that his efforts led to an influx of over \$1.3 billion to the local economy to construct the post.

We also submit for the RECORD an article by The Watertown Daily Times further noting his service to the North Country and the nation.

Dave O'B. Martin served with us for six terms before electing to retire.

Dave enjoyed history, particularly related to the Civil War. He will be remembered for his friendly demeanor and storytelling ability.

We offer our heartfelt thoughts and prayers to Dana and his family.

[From the Watertown Daily Times,  
Nov. 23, 2012]

MARTIN, FORMER NORTH COUNTRY  
CONGRESSMAN, DIES AT 68

(By Roger Dupuis)

David O'Brien Martin's roots in the north country ran deep. His legacy may run deeper still.

The former Republican congressman, who represented the north country from 1981 to 1993, died Tuesday night at his home in Hedgesville, W.Va. He was remembered by friends and colleagues for his commitment to serving the region, perhaps best exemplified by his efforts to bring the 10th Mountain Division to Fort Drum in the 1980s.

"For those of us in the north country, his work truly changed our lives," said Secretary of the Army John M. McHugh—who, like Mr. Martin, formerly represented the region in Congress.

Mr. Martin, 68, was with his family and under hospice care when he died, said Steven M. Cary of O'Leary Funeral Service in Canton. The cause of death was not disclosed.

Services are scheduled for next week in West Virginia, followed by calling hours Dec. 3 at O'Leary, 5821 Route 11, Mr. Cary said. Mass will be said Dec. 4 at St. Mary's-Catholic Church, 66 Court St., Canton. Burial plans were not finalized as of Thursday evening, he said.

Mr. Martin served in Vietnam, and was a commissioned officer in the U.S. Marine Corps. A graduate of the University of Notre Dame, he resumed his studies upon returning to civilian life. He earned a law degree from Albany Law School in 1973, the same year he was elected to the St. Lawrence County Board of Legislators.

Following three years in county government, Mr. Martin rose quickly, serving in the state Assembly from 1977 until the end of 1980, the year he was elected to the first of six terms in the U.S. House of Representatives.

It was just four years later, at the Watertown American Legion post, that Mr. Martin broke the news that the storied light infantry division would be reactivated in Northern New York.

"His incredible effort to revitalize Fort Drum and bring the 10th Mountain Division to our doorstep brought renewed sense of vitality and purpose to the region," Mr. McHugh said Wednesday.

More than \$1.3 billion was spent on construction on the post from 1985 to 1993, during Mr. Martin's tenure in Washington, according to a 2006 Times article.

"He probably did more for the north country than anyone has," said former Republican state Sen. H. Douglas Barclay, Pulaski.

"It's a sad day for the north country. He was a great guy, a great friend and a wonderful public servant, both in the Assembly and in Congress."

While in Congress, Mr. Martin was a member of the Committee on Armed Services for 10 years, serving as senior Republican member of the Military Installations Subcommittee and vice chairman of the Morale, Welfare and Recreational Panel, overseeing military commissaries, exchanges and related activities. He also served on the House Permanent Select Committee on Intelligence.

While Mr. Martin's commitment to the nation and the region loom large, so do the contributions he and his family made to St. Lawrence County. His father, Edson A. Martin, donated the land for SUNY Canton in the early 1960s. The younger Mr. Martin's longtime advocacy was honored by the college in 2006 with an honorary doctorate of laws.

"Congressman Martin was a wonderful supporter of SUNY Canton and the north country," Interim SUNY Canton President Carli C. Schiffner said Wednesday. "He assisted the college in many ways throughout his career, and he dedicated much of his life to furthering the development of Fort Drum, our schools and our communities."

There was life after Congress for Mr. Martin. After deciding not to run in 1992, Mr. Martin became a professor at the Naval War College in Newport, R.I., and later an executive with soft-drink trade groups. He founded a government affairs, consulting and marketing firm in 2000.

It was in that role that then-SUNY Canton president Joseph L. Kennedy observed Mr. Martin's clout and camaraderie first hand during a visit to Washington.

"He was just known by everybody. He could walk us through security without waiting in line," said Mr. Kennedy, who stepped down this fall after 19 years in the post. "I admired his spunk."

SUNY Potsdam also had cause to mourn the former congressman, and to celebrate his accomplishments. Mr. Martin's papers are held in the college archives, "so that all can remember and learn from his life's work," SUNY Potsdam President John F. Schwaller said.

Times staff writer Brian Kelly contributed to this report.

HONORING MICHAEL T. SUMIDA

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2012

Mr. AUSTRIA. Mr. Speaker, I rise today to congratulate and honor Michael T. Sumida, recent recipient of the Congressional Gold Medal.

It is an honor to join the people of Ohio's Seventh Congressional District in recognizing Mr. Michael Sumida, whose patriotic work as a Japanese interpreter provided our military with invaluable intelligence and helped bring an end to World War II. As a Japanese American living in Hawaii, Mr. Sumida courageously volunteered his talents to assist the United States military in defeating the Japanese. In the face of racism, Mr. Sumida excelled in acquiring critical enemy intelligence by questioning Japanese prisoners. During his interro-

gations, Mr. Sumida uncovered the location of enemy troops as well as their plans for attack. The work accomplished by American interpreters was such a valuable asset to military intelligence during World War II that President Truman credited them with ending the war two years prior to the expected end date.

Mr. Sumida currently resides in my hometown of Beavercreek, OH with his wife, Patricia Sumida. It is with great pride along with Ohio's Seventh Congressional district that I honor Michael T. Sumida for his service to our nation.

#### BUCK RAMBO INDUCTED INTO THE SOUTHERN GOSPEL MUSIC ASSOCIATION'S HALL OF FAME

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2012

Mrs. BLACKBURN. Mr. Speaker, music is in the very fiber of our being, and we are proud to continually showcase the sounds that call Tennessee "home." I rise today to honor one of Tennessee's great sounds as he is inducted into the Southern Gospel Music Association's Hall of Fame.

Buck Rambo started a Gospel singing group in 1960 and quickly set the world ablaze with great harmonies. It would become The Singing Rambos and the group would release over 70 projects, making them a household name in America, Central America, the Bahamas, and Europe. Adding to their bright career, Buck led the group to television where they were central to the early beginnings of many faith-based stations. The Singing Rambos entertained troops at Strategic Air Command Bases, in Vietnam, and in several European military posts. Having hung up his travel hat, Buck now leads a life of service to his faith, his family, and his community.

The very rhythm of our culture, Gospel music lifts and carries us through our darkest moments to our brightest days. The sounds of The Singing Rambos are deeper than the notes on a page: they are hummed into our souls. I ask my colleagues to join with me in congratulating Buck Rambo on his induction to the Southern Gospel Music Association's Hall of Fame.

#### SPEECH ON DETERIORATING SITUATION IN THE MIDDLE EAST PARTICULARLY FOR RELIGIOUS MINORITIES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2012

Mr. WOLF. Mr. Speaker, I rise today to share a speech I recently gave on the deteriorating situation in the Middle East particularly for religious minorities. Increasing violence, targeted attacks and heightened discrimination against Christians and other religious minorities in Iraq and Egypt, combined with longstanding abuses in Afghanistan and Pakistan,

are among the many reasons why I introduced H.R. 440, bipartisan legislation that would require the State Department to appoint a special envoy to advocate for religious minorities.

More than a year has passed since the House of Representatives overwhelmingly passed this legislation yet, today, both this bill and its Senate companion, S. 1245 are both languishing in the Senate. This is deeply disappointing. Even more disappointing is the fact that the State Department has urged Senator JIM WEBB to oppose this bipartisan legislation and put a hold on it in the Senate.

Time is running out—both in terms of the legislative calendar for this year and in terms of the survival of these communities. Will a special envoy guarantee these communities' protection in the lands they have inhabited for centuries? No one can predict for sure. But I am certain that to do nothing is not an option—lest on the State Department's and Congress' watch we witness a Middle East empty of faith communities, foremost among them the beleaguered Christian community.

Here is the text of my recent speech:

Just one year ago my good friend, the late Chuck Colson was given [the Edwin Meese Award for Religious Liberty] award for his tireless efforts to promote religious liberty and human dignity. His prophetic voice is sorely missed during these trying times for our country. For these are indeed trying times—times that demand men and women of faith to steel themselves for the challenges ahead. Are we prepared to do so?

I take inspiration from the German Lutheran pastor Dietrich Bonhoeffer who, faced with the tyranny and horror of Nazism gave his very life. And the British parliamentarian William Wilberforce, who labored for decades, against seemingly insurmountable odds, to abolish the slave trade in England—ultimately inspiring abolitionist efforts in America. These are just some of the giants on whose shoulders we stand.

Ecclesiastes 4:1 says, "I saw the tears of the oppressed, and they have no comfort; power was on the side of the oppressor." Oppression has marked the church since its birth. Consider the chilling words of Roman historian Tacitus regarding the early church:

"Besides being put to death they were made to serve as objects of amusement; they were clad in the hides of beasts and torn to death by dogs; others were crucified, others set on fire to serve to illuminate the night when daylight failed— . . ."

Are such trials reserved for the history books? Hardly. Every day, around the world, men and women of faith are imprisoned, beaten, detained, tortured and even killed. And yet such stories receive scant attention in the mainstream media—and perhaps more strikingly, are rarely spoken of from our pulpits. The book of Hebrews enjoins us to "Remember those in prison as if you were their fellow prisoners, and those who are mistreated as if you yourselves were suffering." Do we suffer with our brethren? Have we in the West ceased to be salt and light? Has our comfort led to complacency? Consider that on our watch a historic exodus of Christians from the Middle East is underway—an exodus fueled by persecution.

A phrase not often heard outside the majority Muslim world is "First the Saturday people, then the Sunday people." The "Saturday people" are of course the Jews. Their once vibrant communities in countries throughout the region are now decimated. In

1948 there were roughly 150,000 Jews in Iraq—today less than 10 remain. In Egypt, there were once as many as 80,000 Jews and now less than 100 remain.

It appears a similar fate could befall the ancient Christian community in these same lands. Iraq's Christian population has fallen from as many as 1.4 million in 2003 to between 500,000 and 700,000. Churches have been targeted, believers kidnapped for ransom, families threatened with violence if they stay. This reality is all the more sobering considering Iraq's significance in Christendom. With the exception of Israel, the Bible contains more references to the cities, regions and nations of ancient Iraq than any other country. The patriarch Abraham came from a city in Iraq called Ur. Isaac's bride, Rebekah, came from northwest Iraq. Jacob spent 20 years in Iraq and his sons (the 12 tribes of Israel) were born in northwest Iraq. A remarkable spiritual revival as told in the book of Jonah occurred in Nineveh. The events of the book of Esther took place in Iraq as did the account of Daniel in the Lion's Den. Furthermore, many of Iraq's Christians still speak Aramaic, the language of Jesus.

In Egypt with the ascent of the Muslim Brotherhood, Coptic Christians, numbering roughly 8-10 million, are leaving in droves. And the Middle East is far from being the exception. Persecution is on the rise. The International Day of Prayer for the Persecuted Church was earlier this month. Given the picture I just painted, one would think the church in the West would be galvanized. But how many churches marked this occasion with even a passing mention? If the faith community isn't engaged are we surprised when our government leaders turn a blind eye to matters of religious freedom?

Consider the following: Bipartisan legislation to create a Special Envoy position at the State Department charged with advocating on behalf of religious minorities in the Middle East and South Central Asia overwhelmingly passed the House a year and a half ago. But it has remained stalled in the Senate as a result of State Department opposition and the refusal of Senate Foreign Relations Committee Chairman John Kerry, rumored to be in the running for Secretary of State or Defense, to even hold a hearing on the legislation.

Day in, day out I have the privilege of meeting individuals who boldly follow Jesus despite unbelievably hostile circumstances. Shabbaz Bhatti, Pakistan's Federal Minister for Minority Affairs, and the only Christian Member of the cabinet and an outspoken critic of his country's blasphemy laws, was one such man. On March 2, 2011 he was murdered, his car riddled with bullets, leaving his mother's house for work. In a video filmed shortly before his assassination, Bhatti appears to sense that the path he has chosen will come with a price.

When asked about the threats against his life, he said, without malice or fear, "I believe in Jesus Christ who has given his own life for us. I know what is the meaning of [the] cross. And I am following the cross. And I am ready to die for a cause." And so he did.

The book of Proverbs tells us to "Speak up for those who cannot speak for themselves. . . ." Bhatti can no longer speak. The Chinese bishop under house arrest cannot speak. The North Korean enslaved in the gulag cannot speak. The Iraqi nun fearing for her life cannot speak.

Will we be their voice? Martin Luther King famously said, "In the end, we will remem-

ber not the words of our enemies, but the silence of our friends." Are we not their friends?

America's Founding Fathers grounded our own experiment in self-governance in the notion that liberty comes from God and that all human life is sacred. As part of this equation, religious freedom was the "first freedom." The ideas set forth in Philadelphia on that hot summer day were simultaneously ancient and revolutionary—they are grounded in historic Judeo-Christian teachings.

Nearly 25 years ago these very ideas were a source of inspiration to the democracy marchers in Tiananmen Square. Ronald Reagan famously spoke of our founding documents as a covenant we made with the world—a promise that transcended time and place. I fear that covenant is in jeopardy.

America's influence is waning. Our once "shining city" appears dim. And we have lost our voice on behalf of the oppressed. And yet, dissidents still seek refuge in our embassies, the persecuted seek safe haven on our shores. To them the promise of American exceptionalism is no mere philosophical debate; it is the difference between life and death. They cling to the promise even as our own leaders have abandoned it. And so, seeking to preserve that covenant that Reagan envisioned, it falls to men and women of faith to carry the torch—to pray, to advocate, to act.

#### HONORING THE LIFE AND SERVICE OF MR. PAT NEFF GRONER

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2012

Mr. MILLER of Florida. Mr. Speaker, Mr. Groner's roots trace back to Marshall, Texas, where he was the youngest of five siblings. He attended the College of Marshall and graduated from Baylor University. He then joined the United States Marine Corps, and while stationed in Vermont, he met his wife Louise, or as Mr. Groner proclaimed "the prettiest girl in Vermont". Shortly after their marriage, Mr. Groner served with honor and distinction as a pilot in the South Pacific Theatre during World War II. Upon his return, Mr. Groner joined the Vermont Air National Guard and interned at a Vermont hospital. As a boy, Mr. Groner's father instilled in him the belief that health care is a profession closely connected with faith, and in addition to his passion for flying, his care for others and faith in God never faded.

When Baptist Hospital in Pensacola, Florida was in need of leadership, Pat Groner answered the call, and, along with his wife and their daughter Jodee, moved to Florida. As CEO of Baptist Healthcare, Mr. Groner implemented numerous programs that are now standard operating procedure in hospitals across the country. Baptist Hospital had the first post-operative recovery room in Florida and was one of the first hospitals in the nation to have an intensive coronary care unit, an outpatient surgical care unit, and Life Flight. During his time at Baptist, Mr. Groner also envisioned a place where seniors could enjoy the advantages of a resort lifestyle coupled with quality amenities, services, and health care and the perfect location. Despite working full-time as CEO, Mr. Groner was dedicated to

bringing this vision to fruition, and under his leadership, the Pensacola retirement community, Azalea Trace, opened in 1980. Today, it remains a first-class and well-respected adult retirement community.

In addition to his leadership in the American Hospital Association, the Southeastern Hospital Conference, and the American College of Healthcare Executives, Mr. Groner was co-founder and president of the Hospital Research and Development Institute, co-founder of the Voluntary Hospitals of America, Vice-President and Treasurer of Multi-Hospital Insurance Group, and long-time board member for Blue Cross-Blue Shield of Florida. Outside of his contributions to the health care profession, Mr. Groner had an unwavering commitment to serve his community through the March of Dimes, YMCA, Community Mental Health Center, Pensacola Rotary Club, Action 76 Taskforce on Higher Education, Fiesta of Five Flags, and various United Fund organizations. Mr. Groner also had a special interest in education and the State university system, where he served as a member of the Florida Board of Regents.

Mr. Groner's contributions to healthcare and the Northwest Florida community are exemplified by the copious honors and awards bestowed on him. Among his many honors, Mr. Groner was inducted into the Health Care Hall of Fame by the American College of Health Care Executives. He was also awarded the Kiwanis Man of the Year Award, Pensacola Junior Chamber of Commerce Good Government Award, Pensacola Chamber of Commerce Pioneer Award, Freedom Foundation George Washington Medal, and Liberty Bell Award.

There is no question that in his 33 year career as CEO and his many years serving our community, Mr. Groner has made an everlasting impact on Northwest Florida and on the health care profession. To some, Mr. Groner will be remembered as courageous pilot who answered the call of duty during one of our nation's most trying times or as pilot of the Piper Twin Commanche, Poppa Golf that he flew with his son and frequent co-pilot, Chip; to others, he will be remembered for his contributions to the health care industry; and to his family, he will be remembered as a man devoted to his faith and a loving husband, father, grandfather, and great-grandfather.

Northwest Florida mourns the loss of a great man, and Mr. Groner's contributions and service to the community and this great nation will not be forgotten. Mr. Speaker, on behalf of the United States Congress, I am privileged to honor the exemplary life of Mr. Pat Neff Groner. My wife Vicki and I offer our prayers to Louise, Jodee, Chip, and their entire family. He will be truly missed by all.

#### PERSONAL EXPLANATION

#### HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 20, 2012

Mr. BARBER. Mr. Speaker, due to my attending a congressional vigil for the victims of the shooting at Sandy Hook Elementary, I

missed one recorded vote on Monday, December 17. I would like the RECORD to indicate at this point how I would have voted had I been present for this vote.

On rollcall No. 627, H.R. 4606, I would have voted "yea" to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Glacier National Park in Montana.

#### HONORING ROBIN J. COPELAND

#### HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize Robin J. Copeland, who passed away on October 30, 2011 at the young age of 46.

Robin had roots in West Texas and had a distinguished career in international diplomacy, non-proliferation, and scientific engagement. Her work with the United States Department of Energy, Department of State, the Civilian Research Development Foundation, and liaisons with U.S. Embassies worldwide was carried out under difficult and demanding conditions. Her responsibilities required skills in political science, technical science, and engineering and she was fluent in seven languages.

She was an expert in non-proliferation and contributed in significant ways to the reduction of nuclear weapons in Russia and Libya. In addition to her work on non-proliferation, she also implemented a program that trained Russian doctors with U.S. doctors in Africa to treat and care for those with HIV/AIDS.

Texas Tech University has established the Robin J. Copeland Scholarship to be awarded to undergraduates, graduate, or law students who enroll in the following academic programs of study: 1. Political Science or international law in a supporting area of science or engineering; 2. Science and engineering with auxiliary emphasis in political science or international law or; 3. Programs that demonstrate compelling evidence for application to science and international diplomacy.

Robin was a talented and unique young lady who served her nation well. She was a success in life, because she made a gift of her life.

#### IN HONOR OF DR. HECTOR HENRY

#### HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. KISSELL. Mr. Speaker, I rise today to honor a true, dedicated leader in my state and in my community, Dr. Hector Henry of Concord, NC. Dr. Henry has served our nation as a Colonel in the United States military, and has served as a member of the Concord City Council for more than 20 years.

Dr. Henry proudly served our nation for decades, and came out of retirement following the attacks of September 11, 2001. He was deployed for combat in both Afghanistan and

Iraq, most recently completing a 2009 deployment to Afghanistan. While deployed, Dr. Henry made every effort to videoconference in to City Council meetings, so he would not miss a minute of discussion in his hometown. Dr. Henry has served in the United States military in every conflict since the Vietnam War, a truly remarkable feat.

Still a councilman, Dr. Henry continues his service to the people of the W.G. (Bill) Hefner V.A. Medical Clinic in Salisbury, North Carolina, named in honor of our former colleague of this very chamber, Rep. Bill Hefner. Dr. Henry works as a surgeon, treating many of the veterans that call our district home, and continuing his lifelong service of helping his fellow soldier, and his community.

I'm proud to call Hector a friend and a role model. I sincerely thank Dr. Henry for his tireless devotion to making the city of Concord, and our nation, a better place.

Mr. Speaker, it is with great admiration and respect that I rise today to speak of the lifetime of public service that Dr. Hector Henry has led in our great state. I urge my colleagues to join me in commending Dr. Henry for his service, sacrifice, and ongoing commitment to this great nation.

#### RECOGNIZING THE SERVICE OF MARY M. JOHNSON UPON HER RETIREMENT FROM SERVICE AS SANTA ROSA COUNTY, FLORIDA CLERK OF CIRCUIT COURT

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Mary M. Johnson on the occasion of her retirement from service as Santa Rosa County, Florida Clerk of Circuit Court.

Mrs. Johnson is a native Northwest Floridian who studied at Harold School and Milton High School in Santa Rosa County, Florida. In 1960, while still a student at Milton High, Mrs. Johnson was hired to work in the Clerk of Court office. After graduating from high school in 1961, Mrs. Johnson joined the clerk's office full time. While working there, Mrs. Johnson married her husband, Tom, and together they raised their daughter, Lorinda.

Thanks to Mrs. Johnson's acumen and work ethic, she rose through the ranks and quickly became an integral part of the Santa Rosa County Clerk of Court office. Mrs. Johnson served in various capacities for three separate clerks of court, before being elected as Clerk herself in 1994.

Technology had changed many things at the clerk's office by the time Mrs. Johnson decided to run; however, Mrs. Johnson's vast knowledge of procedure and her ability to lead and manage a large staff of 125 individuals was unquestioned. The Clerk of Courts plays a vital role in county government, and it takes a truly committed and capable individual to lead the department and ensure that everything runs smoothly. For 18 years as Clerk of Circuit Court, and 52 total years in the clerk's office, Mrs. Johnson displayed the hard work,

dedication and commitment to public service necessary to ensure that the Clerk of Court continued to serve the people of Santa Rosa County. All of Santa Rosa County thanks her for her tremendous service to her community. During her retirement, Mrs. Johnson hopes to spend as much time as possible with her two lovely grandchildren and to spend more time volunteering at her local church.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Mary M. Johnson for her outstanding public service to Santa Rosa County. Mrs. Johnson is a truly committed public servant and has played an integral role in Northwest Florida's community for more than 50 years. My wife Vicki and I wish her all the best in her retirement.

#### HONORING THE LIFE OF JACK BRESCH

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Mr. STARK. Mr. Speaker, I am writing to honor the life of John "Jack" Edward Bresch, a long time health advocate who worked with us in Congress to improve our health care system—especially focusing on access to care for lower income children and families. Jack passed away on September 1, 2012 surrounded by family, under the care of hospice, after a brief and courageous battle with pancreatic cancer.

I first got to know Jack through his work as a lead lobbyist for the Catholic Health Association. He served as a key component of CHA's government affairs team from 1983 to 2000. A highlight of his time at CHA was to work closely with then First Lady Hillary Rodham Clinton and her White House team to develop and promote a plan for reforming the nation's health care system. He then went on to work for the American Dental Education Association until the time of his death.

In both of these positions, Jack was a tireless advocate for improving our health care system so that everyone has access to affordable, quality health care. With the dental schools, he was especially focused on improving access to dental care for low-income children. This is a serious problem in our country that was spotlighted by the wrongful death of twelve-year old Demonte Driver of Maryland. Demonte was on Medicaid and died after complaining of a toothache when his mother could not find a dentist who would accept Medicaid to treat him. While they tried to find a dentist, his infection spread to his brain and he tragically died. Jack didn't want any more Demonte Drivers and he worked relentlessly for improvements in Medicaid to prevent this from happening again. He first helped make some incremental improvements to the law, but was most pleased when the Affordable Care Act became the law of the land—and was upheld by the Supreme Court.

Looking forward, affordable, quality health care will finally be a reality for all American families. And, thanks in no small part to Jack's efforts, pediatric dental care is an essential health benefit that must be covered by qualified health plans.



Jack and I shared a fundamental commitment to social justice, though I must admit that the roots of our commitment developed differently. Jack began his adult life as a Catholic priest and went on to serve as a Navy Chaplain during the Vietnam War. He left the priesthood many years ago, but he never wavered from his steadfast belief in social justice. He carried that forward in his career, his life, and his relationships.

Jack was a common figure to see barge into your office, join a meeting, or run into in the hall. He always had a big smile on his face. If I had to use one word to describe Jack, it would be gregarious. He seemed larger than life and was so full of positive energy.

Jack leaves behind a loving family that includes his wife, JoAnn; his children, Mary Elizabeth, James Richard, and Jeffrey John; and 10 grandchildren who all knew how much their grandfather loved them. He also leaves behind many colleagues and friends who are grateful to his commitment to our nation's health and who will miss him dearly.

Jack's final honor will be buried with full military honors at Arlington National Cemetery on January 24, 2013.

#### TRIBUTE TO TOBY L. FOOTER

##### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Ms. BROWN of Florida. Mr. Speaker, I rise today in remembrance of Toby L. Footer (Meckler) who at the age of 70, passed away on Friday, Dec. 14, 2012 after a lengthy illness. She is survived by her husband Ron Footer, son Lee Footer and daughter-in-law Brenda Footer, daughter Alyson Footer, Brother Bill Meckler and sister-in-law Jeanne Van Atta, sister-in-law Sandi Brecher, granddaughter Naomi Footer and many other family and friends. Born in Cleveland, Ohio on May 2, 1942 to Lou and Naomi Meckler, Toby graduated from Ohio State University and worked as a teacher, a dietician and later as a copy editor and writer at the Dayton Jewish Chronicle. She wrote a semi-regular column, "Footnotes," that gave humorous accounts of family life and raising kids in the 1980s. For 12 years, she traveled with Ron to help with his business as a sales representative, a period of time both consider the happiest of their lives. Toby was a fantastic cook and a talented writer and craftswoman. She loved to laugh and her greatest joy was her family, to whom she devoted her life.

In lieu of flowers, contributions can be made in Toby's memory to the Cutaneous Lymphoma Foundation (PO Box 374, Birmingham, MI 48012 or [www.clfoundation.org](http://www.clfoundation.org)) or Foundation Fighting Blindness (P.O. Box 17279 Baltimore, MD 21297-0495 or [www.blindness.org](http://www.blindness.org)). The family wishes to thank M.D. Anderson, The Ohio State James Cancer Hospital and Gem City Home Care for their kindness and assistance.

We are all saddened by the loss of her presence in this life, but joyful that she is no longer in pain and suffering. My thoughts and prayers go to her family in this time of grief.

#### PERSONAL EXPLANATION

##### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 20, 2012*

Ms. SPEIER. Mr. Speaker, I mistakenly voted "no" on the Motion to Recommit on H.R. 6684, the Spending Reduction Act of 2012. I support the Motion to Recommit, which would require that, within 30 days of the enactment of the bill, the Secretary of Health and Human Services publish on the Internet information regarding raised beneficiary costs and provider cuts to Medicare, Medicaid, and the Children's Health Insurance Program (CHIP) for each Congressional district in the United States. The Motion would also prohibit the major integrated oil companies from claiming certain tax benefits: the domestic production activities deduction, "Last-in, First-out" accounting, and the intangible drilling and development cost deduction.

RECOGNIZING THE HONORABLE THOMAS T. REMINGTON UPON HIS RETIREMENT FROM SERVICE AS OKALOOSA COUNTY, FLORIDA CIRCUIT JUDGE

##### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. MILLER of Florida. Mr. Speaker, I am honored to congratulate Judge Thomas T. Remington upon his retirement after sixteen years as Okaloosa County Circuit Judge.

Judge Remington's career in public service began in 1966 with his commissioning as a second lieutenant in the United States Army. In 1967, he served in Vietnam as an infantry platoon leader with A Company, 2nd Battalion, 503rd Infantry Regiment (Airborne), 173rd Airborne Brigade. His military badges and decorations include the Combat Infantry Badge, the Silver Star, two Bronze Stars with Combat Distinguishing Devices, and two Purple Hearts.

After his honorable discharge from the Army, Judge Remington served as Assistant Public Defender for the First Judicial Circuit of Florida. In 1971, after being admitted to practice in all State and Federal Courts, he served as Assistant Public Defender for the First Judicial Circuit of Florida. His success in that role earned him the position of Assistant State Attorney for the First Judicial Circuit of Florida. In 1973, he became a partner in the law firm Smith, Grimsley & Remington, P.A. in Fort Walton Beach, Florida. In 1976, he was appointed Acting State Attorney to conduct a special grand jury investigation.

From 1977 to 1992, Judge Remington belonged to the Association of Trial Lawyers of America and the Academy of Florida Trial Lawyers. From 1980 to 1984, he served on the First Judicial Circuit Trial Court Nominating Commission, and from 1988 to 1990, he served as Chairman of the First Judicial Circuit Grievance Committee. Judge Remington's career as a judge began in 1993, when he be-

came a Walton County Circuit Judge in DeFuniak Springs, Florida. In 1996 Judge Remington was elected Circuit Judge for Okaloosa County and has held that position since then, even serving as Chairman of the Okaloosa County Judicial Task Force in 1997.

Without question, Judge Remington's positive contributions to Northwest Florida and to our nation have been immense, and his mark on the judicial landscape will remain for years to come.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to congratulate Judge Thomas T. Remington on his retirement and thank him for his service. My wife Vicki joins me in wishing Judge Remington; his wife, Dinah Smith; their children, Scott A. Remington, Mary Remington Williams, and Sara (Betsy) E. Hart; as well as their nine grandchildren, all the best.

#### CORRESPONDENCE REGARDING AFGHANISTAN/PAKISTAN STUDY GROUPS

##### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. WOLF. Mr. Speaker, yesterday I submitted for the RECORD extensive correspondence I have had with the Obama Administration regarding the importance of creating the bipartisan Afghanistan/Pakistan Study Group (APSG). Today I submit for the RECORD the remaining correspondence I have had from October 3, 2011 to December 13, 2012. The very fact that President Obama and Secretary Panetta will not create the APSG is a disgrace.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, October 3, 2011.*

Hon. LEON PANETTA,  
Secretary of Defense,  
*Washington, DC.*

DEAR SECRETARY PANETTA, I am disappointed that your staff was unable to meet with Ambassador Peter Tomsen to discuss his book on Afghanistan and Pakistan. While I understand that both you and Mr. Tomsen have busy schedules, I fear you and your staff may be missing pertinent information and insight that could help devise a successful strategy in South Asia.

You only need to read the headlines to see the erosion in our relationship with the Pakistani military and intelligence services. Recent comments from retiring chairman of the Joint Chiefs Admiral Mullen have described how the Pakistani military and Inter Service Intelligence agency actively cooperate with two of the most deadly terror networks sowing the seeds of destruction and chaos in Afghanistan. Ambassador Tomsen's book, *The Wars of Afghanistan* provides detailed information on the tribal structures and the realities of Pakistani involvement with terrorist groups. I sincerely hope that you and your staff will read his book.

I have also enclosed a column Mr. Tomsen wrote for the most recent edition of *World Policy Journal*. I hope you and your staff will find the piece informative.

The situation in Afghanistan and Pakistan grows more dire nearly every day. I again ask that you use your authority to create



the Af/Pak Study Group. We owe nothing less to the men and women making the ultimate sacrifice to ensure that we have a long-term strategy for success in the region.

Best wishes.

Sincerely,

FRANK R. WOLF,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 17, 2012.

Hon. LEON PANETTA,  
*Secretary of Defense, Washington DC.*

DEAR SECRETARY PANETTA, As I am sure you are aware, the Consolidated Appropriations Act of 2012 contains language providing your office with \$1 million to assemble the Afghanistan/Pakistan (Af/Pak) Study Group. I request that you do so immediately.

The Los Angeles Times reported last week (article enclosed) that the most recent National Intelligence Estimate (NIE) paints a very bleak picture of the war in Afghanistan and the future of U.S. operations in that region. It reflects concerns that I have expressed in numerous letters to you over time, especially the importance of understanding Afghan tribal and political structures and the Pakistani military and intelligence services actively cooperating with two of the most deadly terror networks in the region.

Given this stark assessment from our own intelligence community, the need to create the Af/Pak Study Group is clear. The Af/Pak Study Group's analysis and recommendations could bring needed clarity to current and future U.S. military and diplomatic operations. You supported the Iraq Study Group and lent your considerable expertise to that effort, so I am perplexed as to why you do not similarly support the Af/Pak Study Group.

Your November 3, 2011, letter to me stated that coalition troops are making progress against the Taliban and other militants and that progress is being made on our relationship with the Pakistani government and military. I have enormous respect for the men and women serving our country in South Asia and acknowledge that our troops are performing their mission with bravery and resolve; however, the NIE appears to contradict your assessment.

Also enclosed is an article by the Hudson Institute's Nina Shea discussing how Hussain Haqqani, the former Pakistani Ambassador to the United States is facing possible charges of treason for his alleged involvement in "Memogate." Shea asserts, "There is every reason to believe that the real reason Haqqani is being targeted is that he is a prominent moderate Muslim, one of the few remaining in Pakistan's government." Shea goes on to point out that Haggani was personal friends with two men, Punjab governor Salman Taseer and Pakistan's Federal Minister of Minority Affairs Shabbaz Bhatti, whose lives were cut tragically short last year as a result of their outspoken critique of Pakistan's draconian blasphemy laws.

Increasingly we see a trend in Pakistan of moderating voices being marginalized and altogether silenced. While I appreciate that you are "working hard with Pakistan to improve the level of cooperation" so that terrorist and militant groups no longer find safe haven in the country—I am afraid the complexity of the evolving situation in Pakistan necessitates more.

The NIE's assessment could lead to support for the war in Afghanistan eroding among

the American people and I feel the same sentiment will soon permeate the halls of Congress. If the president has simply decided that U.S. involvement will end in 2014 and that no further U.S. strategy is needed, he should clearly state that this is his policy and be forthcoming with the American people. If President Obama has not made a final determination on U.S. strategy going forward, I ask again, what harm can come from a group of independent experts using their experience to offer solutions for long-term success?

Following 9/11, I have supported U.S. military actions in the War on Terror. I want to see our soldiers, diplomats and Foreign Service personnel return home with their heads held high, knowing they all played a crucial role in establishing stability in South Asia where countries no longer pose a threat to our national security. I firmly believe that you can help ensure this happens by using the money made available to you to create the Af/Pak Study Group. Establishing this panel quickly will show the American people that the Obama Administration is willing to consider all possible options to achieve success in this volatile region.

I urge you to take these steps immediately before support for our mission in Afghanistan further erodes.

Best wishes.

Sincerely,

FRANK R. WOLF,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, February 10, 2012.

Hon. LEON PANETTA,  
*Secretary of Defense, Washington DC.*

DEAR SECRETARY PANETTA: I am sure you are aware of the enclosed article by Army Lt. Col. Daniel Davis that recently appeared in the Armed Forces Journal regarding the status of our mission in Afghanistan and the capabilities of Afghan National Army (ANA) forces. I am deeply troubled by the conclusions reached in Col. Davis' assessment and believe that it further underscores the importance of immediately creating the Afghanistan/Pakistan Study Group.

Col. Davis' piece tracks closely with the latest National Intelligence Estimate's assessment of current and future conditions in the region which I referenced in my January 17 letter to you (enclosed). These two assessments, coupled with the February 4 United Nations report showing that Afghan civilian casualties are increasing and the 2011 Red Team study by NATO on fratricide by ANA forces on coalition troops, lend credibility to the growing belief that U.S. strategy in South Asia is not going well.

In the interest of the soldiers, sailors, airmen and Marines serving—and in many cases dying—in Afghanistan, I implore you to immediately establish the Afghanistan/Pakistan Study Group. As I have referenced in previous letters to you, Congress has provided the funding for this panel and under the law, you can select its members.

While reasonable people can disagree on specific policy options, I find it difficult to understand why the Obama Administration would not embrace a panel of five Democrats and five Republicans (modeled on the Iraq Study Group on which you and former Secretary Gates served), who love their country more than their party, putting their expertise to work and offering constructive recommendations to achieve our mission.

We owe it to the men and women serving in uniform—and the families supporting

them—to have the best possible long-term strategy for success.

Best wishes.

Sincerely,

FRANK R. WOLF,  
*Member of Congress.*

P.S. I know you care deeply about our service members serving overseas and that you and your team are doing what you think is best for our country. But I believe any objective observer would agree we need fresh eyes on the target.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, August 17, 2012.

Hon. LEON PANETTA,  
*Secretary of Defense, Washington, DC.*

DEAR SECRETARY PANETTA, I received the enclosed letter from General Martin Dempsey on your behalf. I find it difficult to understand how General Dempsey can write that, "... we have made steady progress in developing Afghan security forces and do not support diverting resources to establish the APSG [Afghanistan Pakistan Study Group]" when twice this week we have seen Afghan forces murder U.S. troops. On August 14, the enclosed Washington Post article detailed the tragic news that three U.S. Marines were gunned down by an Afghan police officer after sharing a meal with him. Just this morning, The Washington Post reported that two more troops were murdered in Farah Province. News reports indicate that 37 U.S. troops have been murdered by Afghan security forces in 2012 alone. With all due respect, how can you state that Afghan security forces are making "steady progress" when they continue to gun down our forces?

Given these continuing incidents, I am perplexed at how you can continue to hold the belief that spending \$1 million to study our strategy in South Asia is "diverting resources." The funding for the APSG was included in Public Law 112-74, yet the Obama Administration has not exercised the authority made available in this law to establish the panel. As I have reminded the public numerous times, you served on the Iraq Study Group, which was successful. I do not know if the APSG would achieve similar results, but I simply cannot understand your reasons for opposing its creation if success is possible.

One of the Marines killed in these recent attacks, Gunnery Sergeant Ryan Jeschke, lived in my congressional district before enlisting in the Marines. His death, along with the other Marines and countless other service members murdered by Afghan forces, highlights the failure of the Obama Administration's strategy to ensure the safety of our own troops, not to mention the safety of the Afghan population. I am saddened that another American Marine has given his life for a war that the administration is trying its best to ignore. I cannot remember the last time President Obama spoke publicly about his strategy for protecting the Afghan population from the Taliban and insurgents, or responded to murders like that of Sergeant Jeschke, or provided his definition of long-term success or our ability to achieve it.

Leon, our nation is at war and this administration has not made it a priority. Our fighting forces deserve to know that their sacrifices are understood and honored. Sergeant Jeschke was on his sixth tour of duty overseas, a reality faced by many troops and their families. Until this administration places the appropriate emphasis on the war

in Afghanistan and educates Americans about our goals, Marines like Sergeant Jeschke, his fellow Marines and other U.S. troops will continue to die silently, with only a mention in *The Washington Post* and a folded flag from the commanding officer for a grief-stricken family.

Best wishes.

Sincerely,

FRANK R. WOLF,  
*Member of Congress.*

P.S. Leon, just yesterday, seven more of our troops were killed when their helicopter crashed in Kandahar Province. It is sad that you will not use the funds available to you for the APSG.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 7, 2012.*

Hon. BARACK H. OBAMA,  
*The President, The White House, Washington DC.*

DEAR MR. PRESIDENT: Two weekends ago, many Americans celebrated Memorial Day with a visit to the beach, the pool or possibly a neighborhood cookout. But for some this annual holiday was far more than simply a long weekend. Rather it was somber remembrance marked by a profound sense of loss for the son or daughter that never came home or the parent that never met their child.

Our nation has been at war for 11 years now—the longest in our history. As such, these grim realities hit close to home for many families, not to mention the less obvious but still devastating impact of prolonged separations, life-altering injuries, divorce, post traumatic stress syndrome and even suicide.

These challenges are set against the backdrop of precipitously declining public support for the war effort, an increasingly bleak picture on the ground in Afghanistan and pervasive national confusion about our overall aims and if they are attainable.

For these and countless other reasons, I began pressing your administration in August 2010 to convene a bipartisan, independent Afghanistan-Pakistan Study Group (APSG), modeled after the Iraq Study Group (ISO), to serve as “fresh eyes” on the target and conduct a comprehensive analysis of U.S. strategy in the region. This group would have been charged with putting forward policy options for your consideration, and perhaps just as significantly, would have fostered a national conversation about the war effort: Why are we there? What are we aiming to accomplish? At what cost? What are the consequences of failure?

Before proposing this idea I spoke with a number of knowledgeable individuals, including former senior diplomats, public policy experts and retired and active military. At that time, many believed our policy was adrift and all agreed that an outside group was needed. Ryan Crocker was among those dignitaries who embraced the idea, prior to taking on his current post as U.S. ambassador to Afghanistan.

I believed then, and continue to believe, that a group of the caliber of the ISO would have served this nation well on a matter of utmost national security and interest. Despite repeated correspondence and even legislative action (the FY 2012 Defense Appropriations bill included language directing the Secretary of Defense to convene an Af-Pak Study Group and provided the necessary funding to ensure the group's viability) your administration has repeatedly failed to act. I have been particularly puzzled by your in-

transigence given that prominent members of your administration served with distinction on the ISO, including Defense Secretary Leon Panetta.

Further, in a 2006 interview, you signaled, as a U.S. senator, support for the ISG and its recommendations. When asked by CBS News reporter Harry Smith whether, if you were president, you would take seriously the group's recommendations, you answered, rather emphatically, “I would take these recommendations very seriously.” And yet, now you are president, and such a group could have easily been formed, with bipartisan support, and could have offered recommendations outside of the scope of what your own advisors were putting forward, which may have profoundly altered our strategy and ultimately our course in Afghanistan. And still you failed to act.

In light of your recent announcement at the NATO summit in Chicago that “the Afghan war as we understand it is over,” it is abundantly clear that your administration is immovable and has no intention of pursuing the Af-Pak Study Group, as Congress directed. That said, I remain deeply troubled by what appears to be a pattern of politicization of national security matters of the highest magnitude.

On May 29 the New York Times reported that David Axelrod, your political advisor and chief campaign strategist, repeatedly attended high-level national security meetings related to terrorist drone strikes when he worked at the White House. The article noted “David Axelrod . . . began showing up at the ‘Terror Tuesday’ meetings, his unspeaking presence a visible reminder of what everyone understood: a successful attack would overwhelm the president's other aspirations and achievements.”

This revelation is in keeping with the reporting of Bob Woodward in Obama's *Wars*. Woodward indicated that discussions of the war strategy were infused with political calculations. Woodward also wrote of an administration that “wrestled with the most basic questions about the war . . . What is the mission? What are we trying to do? What will work?”

These are questions that demand answers and could have been taken up by an Af-Pak Study Group. But I venture that such a group would not have factored politics into their calculus. Was that a consideration in your decision to disregard congressional intent as it relates to the Af-Pak Study Group?

Our men and women in uniform have fought bravely and served with distinction in Afghanistan and will continue to do so until they are called home. Any shortcomings in our strategy or overall vision for success are not their burden to bear. As too often happens, they have found themselves at the mercy of the latest political winds blowing through Washington. And I have been deeply disappointed that, as president, you appear to have allowed these political winds to drive the war strategy.

It is not at all certain what will unfold when U.S. troops exit or significantly decrease in number—there are varied sobering scenarios, including the Taliban once again seizing the reins of power; a destabilized and nuclear armed Pakistan; Afghanistan as a haven for international terrorists. Only history will tell. But I believe one thing is clear: your administration missed a golden opportunity when, for two years, it failed to convene an Afghanistan-Pakistan Study Group to provide an independent, outside analysis of the most pressing national security matter of your presidency.

Best wishes,  
Sincerely,

FRANK R. WOLF,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 13, 2012.*

Hon. BARACK H. OBAMA,  
*The President, The White House, Washington DC.*

DEAR MR. PRESIDENT: This week, the New York Times reported on the bleak state of affairs in Afghanistan. Citing a Pentagon report, the article stated, “The assessment found that the Taliban remain resilient, that widespread corruption continues to weaken the central Afghan government and that Pakistan persists in providing critical support to the insurgency. Insider attacks by Afghan security forces on their NATO coalition partners, while still small, are up significantly: there have been 37 so far in 2012, compared with 2 in 2007.” Given this disturbingly dreary assessment, I remain deeply disappointed that you have refused to use the money provided by Congress to appoint the Afghanistan/Pakistan Study Group (APSG) to review United States strategy.

The report's stark assessment of Afghan capabilities is all the more discouraging, given the recent comments of Afghan President Hamid Karzai. As you may know, in a recent interview, President Karzai blamed the insecurity in Afghanistan on the United States and our NATO countries, saying, “Part of the insecurity is coming to us from the structures that NATO and America created in Afghanistan.” It is appalling that President Karzai would make such statements, given the enormous sacrifice made over the last 11 years by coalition forces.

With your policy faltering and the Afghan president blaming us for all the ills in his country, it perplexes me that you refuse to use appropriated dollars to establish the APSG. More than 2,000 service members have been killed since fighting commenced in 2001. Many service members have served four or more tours in multiple theaters, yet you refuse to use money authorized by Congress to convene a panel that could offer solutions that could decrease the number of U.S. casualties. In fact, both your current and former Defense secretaries served as members of the Iraq Study Group, so they both know the success it achieved and that similar results could be produced by the APSG.

In addition to the strategic failure of your policy, the most recent report from the Special Inspector General for Afghanistan Reconstruction (SIGAR) documented numerous incidents of U.S. aid money being wasted through graft, corruption and mismanagement. In just one example, the SIGAR report notes that an Army sergeant pleaded guilty to approving fake documents that allowed \$1.5 million worth of fuel to be stolen. While I am sure your administration takes the SIGAR reports seriously and is trying to address the problems raised, at the same time you are actively ignoring policy resources that could provide valuable insight and possible solutions to these and other problems.

I find all the arguments your administration officials have used to oppose the creation of the APSG to be woefully insufficient. In his November 5 letter to me, General Martin Dempsey claims that using the \$1 million authorized for the APSG would be an unwise diversion of resources. Yet in May, the media reported that more than \$800,000

had been spent to fly your secretary of defense to his home in California many weekends, a figure that now likely exceeds \$1 million. I do not know if this was an arrangement you made specifically with Secretary Panetta before he accepted the job, but the money spent flying him to and from California could have more than paid for the APSG.

The wasted money cited by the SIGAR report, as well as the money spent flying Secretary Panetta back to the comfort of his home in California, would provide more than enough resources to establish the APSG. Do you believe that flying Secretary Panetta home every weekend—a luxury certainly not provided to a service member on their fifth tour of duty—is a better use of taxpayer money than getting the best minds in our country to provide “fresh eyes” on U.S. policy in this troubled region? As public officials, we have a solemn duty to protect those we order into combat. For the sake of our forces in theater and the safety of our nation, I once again implore you to use the money available to create the APSG.

As I have stated many times, I do not have the answers on how to assure a successful outcome in Afghanistan and Pakistan. However, I firmly believe that the APSG could provide insight into the problems plaguing the region and ways that we can better protect national security for decades to come.

Best wishes.

Sincerely,

FRANK R. WOLF,  
Member of Congress.

RECOGNIZING THE HONORABLE JACK R. HEFLIN UPON HIS RETIREMENT FROM SERVICE AS CIRCUIT JUDGE IN OKALOOSA COUNTY, FLORIDA

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. MILLER of Florida. Mr. Speaker, I am honored to congratulate Judge Jack R. Heflin upon his retirement after 24 years as Circuit Judge in Okaloosa County, Florida.

In his first years after his graduation from Indiana University, Judge Heflin worked as a purchasing agent for Bell Telephone Labs and Western Electric Company. His career in public service began in 1967 with his commissioning as a second lieutenant in the United States Air Force. He served in uniform until receiving an honorable discharge at the rank of captain in 1971. Subsequent to his service in the Air Force, he attended law school at the University of Florida, earning his Juris Doctor in 1973.

Judge Heflin entered private practice upon being admitted to the Florida Bar in 1973 and specialized in the areas of commercial law, family law, bankruptcy law, and general practice. He has maintained a focus on domestic violence since 1973. In 1988, Judge Heflin was appointed to serve as Circuit Judge for Pensacola and has served in his current role as Okaloosa County Circuit Judge since 1991.

Without question, Judge Heflin's positive contributions to northwest Florida and our nation have been immense, and his mark on the judicial landscape will remain for years to

come. Northwest Florida is a better, safer place because of his service.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to congratulate Judge Jack R. Heflin on his retirement and thank him for his service. My wife Vicki joins me in wishing Judge Heflin; his wife, Linda; and their daughters, Heather, Hillary, and Harmony, all the best.

RECOGNIZING ERNIE LEE MAGAHA FOR HIS SERVICE AS THE CLERK OF THE CIRCUIT COURT AND COMPTROLLER FOR ESCAMBIA COUNTY, FLORIDA

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. MILLER of Florida. Mr. Speaker. I rise today to recognize Ernie Lee Magaha for his service as the Clerk of the Circuit Court and Comptroller for Escambia County, Florida. For more than fifty-five years, Mr. Magaha has served the people of Escambia County with constant professionalism and an unwavering commitment to service.

Mr. Magaha is a native northwest Floridian and a graduate of Century High School. After graduating from Century, Mr. Magaha enlisted in the Army and served our nation with honor and distinction in the South Pacific during World War II. In 1947, Mr. Magaha was honorably discharged from the Army, and he enrolled at Auburn University, where he graduated with a degree in Economics in 1950.

After graduating from Auburn, Mr. Magaha returned to northwest Florida, where he married his wife, Lucile, and together they raised their two sons Ernie Lee, Jr. and James. In 1951, Mr. Magaha was hired as the Florida State Auditor in Escambia County. He worked in this position in the State Comptroller's Office until 1956, when he decided to run for elected office. Mr. Magaha's commitment to public service was evident to the voters of Escambia County, and in 1957 he took office as the Clerk of the Court.

When Mr. Magaha was elected as the Clerk of Court, there were only three employees. Escambia County and the Clerk's office have grown immensely in Mr. Magaha's fifty-five years in office. Today, the Clerk's office serves a population of nearly 300,000 citizens. Thanks to Mr. Magaha's constant leadership, the Clerk's office has maintained an excellent service record and is an integral part of the northwest Florida community.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Ernie Lee Magaha for his years of outstanding leadership and service to Escambia County. My wife Vicki and I wish Mr. Magaha and his family all the best.

## PERSONAL EXPLANATION

**HON. E. SCOTT RIGELL**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. RIGELL. Mr. Speaker, on rollcall No. 646 for H.R. 3197, I mistakenly voted “no” when I intended to vote “yes.”

## PERSONAL EXPLANATION

**HON. TIM GRIFFIN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. GRIFFIN of Arkansas. Mr. Speaker, I was ill with the flu and missed seven votes: on Tuesday, December 11, 2012, rollcall vote No. 620; on Wednesday, December 12, 2012, rollcall vote No. 621, rollcall vote No. 622, and rollcall vote No. 623; and, on Thursday, December 13, 2012, I missed rollcall vote No. 624, rollcall vote No. 625, and rollcall vote No. 626.

If I had been present, I would have voted “nay” on rollcall vote No. 620 (Approval of the Journal). I also would have voted “aye” for each of the following: rollcall vote No. 621 (H. Res. 827 Previous Question), rollcall vote No. 622 (H. Res. 827), rollcall vote No. 623 (H.R. 6190), rollcall vote No. 624 (H.R. 4310, On Motion to Instruct Conferees), rollcall vote No. 625 (H.R. 4310, On Motion to Ito Permit Closed Conference Meetings), and rollcall No. 626 (H.R. 4053).

RECOGNIZING THE SERVICE OF ANNE BODENSTEIN UPON HER RETIREMENT FROM THE SANTA ROSA COUNTY, FLORIDA OFFICE OF SUPERVISOR OF ELECTIONS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. MILLER of Florida. Mr. Speaker. I rise today to recognize the retirement of Anne Bodenstein after an extensive career of service to the citizens of Santa Rosa County, Florida.

Ms. Bodenstein's career with the Office of Supervisor of Elections began in 1992, when she volunteered and dedicated her time as a poll worker and as Polling Place Coordinator. Her involvement with the electoral process continued and she was selected to serve as Inspector, and later as Clerk in her local precinct.

Her commitment and strong work ethic were recognized by many, including Governor Jeb Bush, who appointed her as the Santa Rosa County Supervisor of Elections to fill the remainder of her predecessor's term. Her abilities were also recognized by the Santa Rosa County electorate, who eventually elected her to the Office of Supervisor of Elections, a role which she has held since January 2005.

While serving as Supervisor of Elections, Ms. Bodenstein led a permanent staff of six

and orchestrated upwards to 500 Election Day employees. She also oversaw the implementation of four separate voting machine upgrades during her tenure.

Ms. Bodenstein is truly an exemplary public servant with numerous commendable accolades, including 1996 Santa Rosa County Employee of the Year. The Northwest Florida community is grateful for the integral role she has played in our electoral process.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize Anne Bodenstein for her exceptional public service to Santa Rosa County. My wife Vicki and I wish her all the best in her retirement.

**A VOTE FOR SPEAKER BOEHNER'S  
PLAN B IS A VOTE FOR TAX IN-  
CREASES**

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. McDERMOTT. Mr. Speaker, last night we hoped to have proof that Republicans can raise taxes. Speaker BOEHNER's Plan B not only raised taxes on millionaires, but on working families too. Yet, Grover Norquist, tax lobbyist and self-appointed Emperor of Taxes, proclaimed that Plan B does not violate his "no tax increases pledge." Sorry Grover, it does, and conservative groups know it.

Heritage Action, Club for Growth, Citizens United, Tea Party Express and others all agree that this bill raises taxes, and oppose it for exactly that reason.

We were hopeful that Speaker BOEHNER decided to send a message to Grover Norquist that his tax pledge days are over—every Republican that would have voted for the plan would break the pledge by voting to raise taxes. Norquist's pledge was ridiculous to begin with. Presidents Reagan and Bush both said they wouldn't raise taxes, but did because it was the responsible thing to do.

Unfortunately, last night the Republican caucus failed to stand up to their misguided ideology on tax increases. At the last minute, Speaker BOEHNER pulled the bill because it didn't have the votes. Rather than take a difficult vote, the Speaker showed us, yet again, that the House Republicans cannot deal with the problems of this country.

**HONORING THE 100TH ANNIVER-  
SARY OF INOVA LOUDOUN HOS-  
PITAL**

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. WOLF. Mr. Speaker, I rise today to recognize Inova Loudoun Hospital, which celebrates 100 years of serving Loudoun County this year.

Inova Loudoun Hospital first opened as "Leesburg Hospital" on June 5, 1912 in a

rented house on Market Street by Mr. P. Howell Lightfoot, Dr. William C. Orr, Dr. John A. Gibson and Mr. Horace Littlejohn. In 1997, due to the growing population in Loudoun County, "Loudoun Hospital" expanded and moved to the Lansdowne location where it currently exists today. The hospital again grew to meet Loudoun County's emergency care needs with the opening of the Cornwall Emergency Department in 2003.

Today, Inova Loudoun Hospital is a 183-bed "advanced acute-care hospital" on two campuses, which offers a variety of specialties and employs over 1,500 people. In 2011 the hospital provided care for 12,010 inpatients, 66,953 emergency room visits, 2,637 births and a wide range of outpatient and ambulatory services to our community. In the summer of 2011, Inova Loudoun announced that it is once again expanding to better serve the Loudoun community with a redevelopment project to upgrade patient convenience, technology and building design.

I have had the privilege of working with Inova Loudoun and its excellent staff many times over the years. It is a wonderful organization and I have long been impressed by the hospital's commitment to serving our community and making health care more accessible for Loudoun residents.

I congratulate Inova Loudoun Hospital on reaching this remarkable milestone.

**RECOGNIZING HELEN GUETTLE  
McENTYRE UPON HER RETIRE-  
MENT FROM SERVICE AS WASH-  
INGTON COUNTY, FLORIDA TAX  
COLLECTOR**

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Helen Guettler McEntyre upon her retirement after forty-two years of dedicated service to the citizens of Washington County, Florida as Tax Collector. Mrs. McEntyre is a Florida native who was born in Fort Pierce. As one of sixteen children in a large, loving family, she was taught the value of hard work and honesty in all she did. The strong foundation of principles she gained as a child contributed to the way she operated as Tax Collector—with integrity and dignity.

Mrs. McEntyre began her lifetime career in public service on October 1, 1970. Throughout her forty-two year career in the Tax Collector's Office, she worked tirelessly to ensure efficiency and success for Washington County. Her final accomplishment before retiring was implementing driver's license services from the Collector's office, which further reflects her willingness to improve services for the citizens of Washington County. Mrs. McEntyre is truly an exemplary public servant, and Northwest Florida is grateful for the integral role she has played in our community.

Mr. Speaker, on behalf of the United States Congress, I am honored to recognize Helen

Guettler McEntyre for her exceptional public service to Washington County. My wife Vicki and I wish her all the best in her retirement.

**VOTE EXPLANATION ON THE CON-  
FERENCE REPORT ON H.R. 4310  
FISCAL YEAR 2013 NATIONAL DE-  
FENSE AUTHORIZATION ACT**

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, December 21, 2012*

Mr. HOLT. Mr. Speaker, on December 20, 2012, I inadvertently cast a "yes" vote for this bill. I intended to vote "no."

There is no question that this legislation contains some important provisions that will benefit our troops and their families, including a small (1.7%) pay raise, special pay and bonuses (such as special retention pay for aviators, nurses, etc.), additional funding for family housing and support services, and other helpful measures. I was pleased that the final bill included a provision I authored that creates a permanent National Language Service Corps within the Defense Department.

The NLSC currently exists as a pilot program that has recruited more than 1,800 members. To date, Corps members have worked with the Department of the Navy, the National Security Agency, the Centers for Disease Control and Prevention, and other federal agencies. For instance, the NLSC provided translation and interpretation support services to the U.S. Army Pacific for counter-insurgency training in Thailand. Far too few Americans can speak or understand foreign languages, and as a result, we are hampered in participating in global commerce and in defending our national security. The permanent establishment of the National Language Service Corps is a meaningful step toward helping our government meet its foreign language needs.

Unfortunately, this bill fails to address some key issues of concern to my constituents.

For example, the bill continues funding for an exo-atmospheric kill vehicle—a provocative and destabilizing system that will waste millions more on our failed national missile defense effort. The bill perpetuates a bloated nuclear weapons complex that does not enhance our security and in fact compromises our non-proliferation efforts. Worse, the bill continues to fund our combat operations in Afghanistan, instead of restricting the use of those funds to withdrawal-related operations only. There is simply no reason—military or political—for us to continue the war in Afghanistan. In the broadest sense, this bill continues the acquisition programs and policies that have been in place for decades. This bill does nothing to fundamentally reshape and downsize our armed forces. It continues Cold War weapons acquisition programs that have no place in a 21st century where the threats are vastly more diffuse and dispersed. For all these reasons, I cannot support this bill.

**SENATE—Monday, December 24, 2012**

The Senate met at 12:12 and 58 seconds p.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, December 24, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

PATRICK J. LEAHY,  
*President pro tempore.*

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL THURSDAY,  
DECEMBER 27, 2012, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Thursday, December 27, 2012, at 10 a.m.

Thereupon, the Senate, at 12:13 and 31 seconds p.m., adjourned until Thursday, December 27, 2012, at 10 a.m.

# HOUSE OF REPRESENTATIVES—Monday, December 24, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 24, 2012.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of light, we give You thanks for giving us another day.

As this Chamber lies silent, we pray for joy, hope and love within the homes of the Members of the people's House.

Send us Your spirit so that there might be peace on Earth and good will among all men and women.

May all that is done this day be for Your greater honor and glory.  
Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 21, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 21, 2012 at 4:04 p.m.:

That the Senate agree to the Conference Report accompanying the bill H.R. 4310.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## ADJOURNMENT TO THURSDAY, DECEMBER 27, 2012

The SPEAKER pro tempore. Without objection, when the House adjourns today, it shall adjourn to meet at 2 p.m. on Thursday, December 27, 2012.

There was no objection.

## PERMISSION FOR COMMITTEES TO FILE FINAL REPORT

The SPEAKER pro tempore. Without objection, committees may have until the end of the second session to file the final report pursuant to clause 1(d) of rule XI, and the chair of a committee in consultation with its ranking minority member, before filing such report, may update the report to reflect committee or House action taken after the report was ordered reported or made available to the members of the committee pursuant to subparagraph (d)(3), provided that the chair promptly notifies members of the committee.

There was no objection.

## COMMUNICATION FROM DISTRICT LIAISON, THE HONORABLE DAVID PRICE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from David Russell, District Liaison, the Honorable David Price, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 17, 2012.

Hon. JOHN A. BOEHNER,  
*Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to rule VIII of the Rules of the House of Representatives that I have been served with a subpoena, issued by District Court of the State of North Carolina,

Wake County for documents and testimony in a civil case to which I am not a party.

After consultation with the Office of General Counsel, I will determine whether compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DAVID RUSSELL,  
*District Liaison.*

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Thursday, December 27, 2012.

There was no objection.

Thereupon (at 12 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until Thursday, December 27, 2012, at 2 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8916. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Acquisition Regulation; Department of Energy Acquisition Regulation, Government Property (RIN: 1991-AB86) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8917. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — FICA Taxes on Wages Paid to Residents of the Philippines for Services Performed in the Commonwealth of the Northern Mariana Islands [Announcement 2012-43] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8918. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Update to Announcement 2012-25 — Extension of Time for Businesses to Comply with Rev. Rul. 2012-18 Regarding the Proper Treatment of Service Charges [Announcement 2012-50] Regarding the Proper Treatment of Service Charges [Announcement 2012-50] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2256: Mr. COHEN, Ms. SCHWARTZ, Mr. PETERS, Ms. LINDA T. SÁNCHEZ of California, and Mr. NEAL.

**EXTENSIONS OF REMARKS****SENATE COMMITTEE MEETINGS**

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this infor-

mation, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, December 24, 2012 may be found in the Daily Digest of today's RECORD.

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● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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## HOUSE OF REPRESENTATIVES—Thursday, December 27, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 27, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of all creation, we give You thanks for giving us another day.

As this Chamber lies silent still, we pray for hope as many Americans experience anxiety about their future.

Send a spirit of wisdom and good judgment upon the leaders of Congress that they might forge a solution to assuage the concerns of their fellow citizens.

Send us Your spirit so that there might be peace on Earth and good will among all men and women.

May all that is done this day be for Your greater honor and glory.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### UNFINISHED BUSINESS

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, we are in pro forma session. Pro forma session is a session without substance or solutions.

We have much to do, Mr. Speaker. Millions of Americans returned to work yesterday. Millions more have returned to work today after taking off time for their holidays.

Mr. Speaker, we have, as you well know, a long list of expiring items this House must complete before the end of the year or it will have adverse consequences to our people.

First I want to say, Mr. Speaker, that you are one who has been working very hard to assure that we reached solutions, and I want to thank you for that. Some of us are here in this Chamber today, but, very frankly, all of us ought to be here in this Chamber today, all the Republicans and all the Democrats, working so that our people have confidence that although our challenges are tough, that we are at least here trying to reach a consensus on solutions to those challenges.

Mr. Speaker, as you well know, on January 1, middle class taxes will rise. Indeed, taxes on all Americans will rise. Mr. Speaker, you are also aware that we have legislation that has passed the Senate overwhelmingly on a bipartisan, 68-31, vote to address the issue of violence against women. Postal reform legislation passed the Senate in a bipartisan fashion. We have a farm bill, Mr. Speaker, that has passed through the Senate in a bipartisan fashion and passed out of the committee in this House in a bipartisan fashion. We are facing sequestration on January 2 that every Member of this House believes is an irrational alternative. We have many of our fellow citizens battered by Sandy, one of the largest storms to hit the Northeast ever. The Senate is now considering a foreign intelligence surveillance act, a piece of legislation to keep our country safe and secure. We have doctors who are worrying about whether they're going to be reimbursed for their medical expenses that they deliver to senior citizens. We have an alternative minimum tax that will expire on December 31, resulting in a tax increase to many of our citizens. We have tax extenders that have not been extended. We have a jobs bill that the President has asked for that has not been considered, much less passed.

Mr. Speaker, we ought to be here, working, addressing these challenges. Everywhere, Mr. Speaker, that you and I go, I know that we hear, "What are

you doing on the fiscal cliff?" Or "I hope you're working hard on the fiscal cliff."

Mr. Speaker, lamentably, I must tell them, we're not working. We're not here. We're not addressing the challenges that I have just mentioned.

Mr. Speaker, I would hope that the Speaker of the House would call us back immediately to address these challenges. We have 4 days left to go before the end of this year, before all of those items that I spoke about expire. The sequester happens the 2nd day of January.

We ought to be here working, Mr. Speaker. We're not. This is a pro forma session. As I said at the beginning, a pro forma session is a session without substance and without solutions.

I would urge the Speaker of this House to call us back in session to do what America expects us to do: address the challenges, find solutions, come to agreement, make compromises, make democracy in America work and give confidence to our people and to our economy.

I hope, Mr. Speaker, that the Speaker will do that and will do it today.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 27, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule I of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 27, 2012, at 11:19 a.m.:

That the Senate passed without amendment H.R. 1339.

That the Senate passed with an amendment H.R. 4212.

That the Senate passed without amendment H.R. 5859.

That the Senate passed with an amendment H.R. 6364.

That the Senate passed S. 3709.

That the Senate passed without amendment H.R. 1845.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

### ADJOURNMENT TO MONDAY, DECEMBER 31, 2012

The SPEAKER pro tempore. Without objection, when the House adjourns

today, it shall adjourn to meet at 2 p.m. on Monday, December 31, 2012.

There was no objection.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3709. An act to require a Government Accountability Office examination of transactions between large financial institutions and the Federal Government, and for other purposes; to the Committee on Financial Services.

#### BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 21, 2012, she presented to the President of the United States, for his approval, the following bills and joint resolution:

H.J. Res. 122. Establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012.

H.R. 5837. To designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building".

H.R. 5954. To designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building".

H.R. 5738. To designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the "Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex".

H.R. 3912. To designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the "Brigadier General Nathaniel Woodhull Post Office Building".

H.R. 3870. To designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office".

H.R. 3477. To designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building.

#### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Monday, December 31, 2012.

There was no objection.

Thereupon (at 2 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until Monday, December 31, 2012, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8919. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances, Technical Correction [EPA-HQ-OPP-2012-0029; FRL-9367-6] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8920. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Difenoquat; Data Call-in Order for Pesticide Tolerances [EPA-HQ-OPP-2012-0441; FRL-9372-9] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8921. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0772; FRL-9369-5] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8922. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Quinclorac; Pesticide Tolerances [EPA-HQ-OPP-2012-0010; FRL-9372-4] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8923. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirotetramat; Pesticide Tolerance for Emergency Exemption [EPA-HQ-OPP-2012-0900; FRL-9373-2] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8924. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Motor Vehicle Inspection and Maintenance Program — Deletion of Final Enhanced Inspection and Maintenance Emission Outpoint Standards [EPA-R08-OAR-2011-1004; FRL-9676-3] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8925. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas and Permits for Major Stationary Sources Locating in Non-attainment Areas or the Ozone Transport Region [EPA-R03-OAR-2011-0926; FRL-9763-4] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8926. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New York, New Jersey, and Connecticut; Determination of Attainment of the 2006 Fine Particle Standard [Docket No.: EPA-R02-OAR-2012-0504; FRL-9763-6] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8927. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Infrastructure SIP Requirements for the 2006 PM<sub>2.5</sub> NAAQS; Revisions to FIPs To

Reduce Interstate Transport of PM<sub>2.5</sub> and Ozone; Correction [EPA-R05-OAR-2009-0805; EPA-HQ-OAR-2009-0491; FRL-9763-3] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8928. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Delaware County (Muncie), Indiana Ozone Maintenance Plan Revision to Approved Motor Vehicle Emissions Budgets [EPA-R05-OAR-2012-0537; FRL-9762-9] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8929. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; South Carolina 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards; Correction [EPA-R04-OAR-2012-0238; FRL-9762-6] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8930. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emissions Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [EPA-HQ-OAR-2008-0334; FRL-9725-9] (RIN: 2060-AQ89) received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8931. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [EPA-R09-OAR-2012-0274; FRL-9730-4] received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8932. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rule on Certain Chemical Substances; Withdrawal of Significant New Use Rules [EPA-HQ-OPPT-2012-0740; FRL-9373-8] (RIN: 2070-AB27) received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8933. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2012-0842; FRL-9372-8] (RIN: 2070-AB27) received December 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8934. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period August 1 through September 30, 2012 pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 as amended, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Foreign Affairs.

8935. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective September 14, 2012, the danger pay allowance for Tunisia was established based on civil insurrection, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

8936. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-69, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8937. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8938. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

8939. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Foreign Affairs.

8940. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and the semiannual management report for the period ending September 30, 2012; to the Committee on Oversight and Government Reform.

8941. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Fiscal Year 2012 Agency Financial Report; to the Committee on Oversight and Government Reform.

8942. A letter from the Attorney-Advisor, Office of General Counsel, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8943. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's Fiscal Year 2012 Annual Financial Report; to the Committee on Oversight and Government Reform.

8944. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General and the Management Response for the period April 1, 2012 through September 30, 2012; to the Committee on Oversight and Government Reform.

8945. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at the Mound Plant in Miamisburg, Ohio, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8946. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a comprehensive restoration plan; (H. Doc. No. 112-154); to the Committee on Transportation and Infrastructure and ordered to be printed.

8947. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of Understanding Between the United States and the Government of the Republic of Guatemala Concerning the Imposition of Import Restrictions on Archaeological Objects and Mate-

rials from the Pre-Columbian Cultures of Guatemala, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

8948. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Assessing the Feasibility of Extending the Hospital Acquired Conditions (HAC) IPPS Payment Policy to Non-IPPS Settings"; jointly to the Committees on Energy and Commerce and Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAVES of Missouri: Committee on Small Business. Report on the Activity of the Committee on Small Business, 112th Congress (Rept. 112-729). Referred to the Committee of the Whole House on the state of the Union.

Mr. KING of New York: Committee on Homeland Security. Report on Activities of the Committee on Homeland Security for the 112th Congress (Rept. 112-730). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 3893. A bill to amend the Small Business Act with respect to subcontracting and insourcing, and for other purposes; with an amendment (Rept. 112-731, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 4203. A bill to amend the Small Business Act with respect to the procurement program for women-owned small business concerns, and for other purposes (Rept. 112-732). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Oversight and Government Reform discharged from further consideration. H.R. 3893 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JONES:

H.R. 6706. A bill to amend the Fair Debt Collection Practices Act to preclude law firms and licensed attorneys from the definition of a debt collector when taking certain actions; to the Committee on Financial Services.

By Ms. RICHARDSON:

H.R. 6707. A bill to amend the Child Care and Development Block Grant Act of 1990 to authorize a national toll-free hotline and website, to develop and disseminate child care consumer education information for parents and to help parents access child care in their community, and for other purposes; to the Committee on Education and the Workforce.

By Ms. RICHARDSON:

H.R. 6708. A bill to authorize certain appropriations under the Native American Pro-

grams Act of 1974; to the Committee on Education and the Workforce.

By Ms. RICHARDSON:

H.R. 6709. A bill to reauthorize the course material pilot grant program under the Higher Education Opportunity Act, and for other purposes; to the Committee on Education and the Workforce.

By Ms. RICHARDSON:

H.R. 6710. A bill to include geriatrics and gerontology in the definition of "primary health services" under the National Health Service Corps program; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 6711. A bill to direct the Secretary of Homeland Security to make certain considerations when assigning chemical facilities to risk-based tiers pursuant to the Chemical Facility Anti-Terrorism Standards; and for the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 6712. A bill to require the disclosure to parents of information regarding mental illness treatment for their children under the age of 26; to the Committee on Energy and Commerce.

By Ms. RICHARDSON:

H.R. 6713. A bill to amend the Security and Accountability For Every Port Act of 2006 to require a feasibility study on meeting the 100 percent requirement to scan containers destined for the United States in order to extend the deadline for such scanning, and for other purposes; to the Committee on Homeland Security.

By Ms. RICHARDSON:

H.R. 6714. A bill to establish a grant program for automated external defibrillators in schools; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 6715. A bill to authorize the Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency, to make grants to State and local governments to assist in preparing for and responding to mass casualty incidents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### MEMORIALS

Under clause 3 of rule XII,

323. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Puerto Rico, relative to Concurrent Resolution No. 67 requesting the President and the Congress to respond diligently and effectively and to act on the demand of the people of Puerto Rico to admit the territory to the Union as a State; which was referred to the Committee on Natural Resources.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. JONES:

H.R. 6706.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution, which gives Congress the power “to regulate Commerce with foreign Nations, and among the several states”.

By Ms. RICHARDSON:

H.R. 6707.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6708.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6709.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6710.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6711.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6712.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6713.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6714.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6715.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

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#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 749: Mr. THOMPSON of California.

H.R. 1116: Mr. HANNA and Mr. BASS of New Hampshire.

H.R. 4077: Mr. GARDNER.

H.R. 6669: Mr. MCGOVERN and Ms. WATERS.

**SENATE—Thursday, December 27, 2012**

The Senate met at 10 a.m. and was called to order by the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, before Whom the lives of all are exposed and the desires of all known, be at work in our lives. Wipe away selfish interests so that we may perfectly love and truly serve You. Lord, give our lawmakers courage as they face today's challenges, providing them with the necessary skill to perform their duties and accomplish Your purposes. Give them the wisdom to refuse to sow to the wind, thereby risking reaping the whirlwind. May they find joy in both serving and loving You. We pray in Your holy Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 27, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELTON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**THE FISCAL CLIFF**

Mr. REID. Mr. President, New Years Eve is fast approaching and for decades

and decades the American people have watched the ball drop in Times Square. It is the countdown to midnight, the start of a new year.

This year the American people are waiting for the ball to drop, but it is not going to be a good drop because Americans' taxes are moving in the wrong direction. Come the first of this year, Americans will have less income than they have today if we go over the cliff—and it looks as if that is where we are headed. The House of Representatives as we speak, with 4 days left after today to the 1st of the year, is not here, with the Speaker having told them he will give them 48 hours' notice. I can't imagine their consciences. They are out wherever they are around the country and we are here, trying to get something done.

They are not in Washington, DC. The House of Representatives is not here. They could not even get the Republican leadership together yesterday. They had to do it with a teleconference.

If we go over the cliff, we will be left with the knowledge it could have been prevented with a single vote in the Republican-controlled House of Representatives. Prior to this session starting today, the Presiding Officer and I had a conversation about how things have changed around here. I served in the House of Representatives. There are 435 Members of the House. What goes on in this country should not be decided by the majority, it should be decided by the whole House of Representatives. Everyone, including the Speaker of the House of Representatives, knows that if they had brought up the Senate-passed bill that would give relief to everyone making less than \$250,000 a year, it would pass overwhelmingly. Every Democrat would vote for it and Republicans would vote for it. But the Speaker, he says: No; we cannot do that. It has to be a majority of the majority. So we have done nothing.

He even tried to bring up the bill last week to show they could defeat it. They could not do that even. They could not defeat the bill that passed in the Senate.

I don't think the American people understand the House of Representatives is not operating as a House of Representatives. It is being operated with a dictatorship of the Speaker not allowing the vast majority of the House of Representatives to get what they want. If the \$250,000 threshold would be brought up, it would pass overwhelmingly, I repeat.

On any given day for the last 5 or 6 months, since July 25, Speaker BOEH-

NER could have brought the Senate-passed middle-class tax cut legislation to a vote in the House and it would have passed. But he has made the decision he is not letting us have a vote on that because if he let it be voted upon, it would pass. I have said it is not too late for the Speaker to take up the Senate-passed bill, but even that time is winding down. Today is Thursday. He is going to give 48 hours' notice to the House before they come back. So 48 hours from today is Saturday. With just that one vote, middle-class families would have the security that taxes would not go up by at least \$2,200 on New Year's Day. That is the average. Some would go up more, some less, of course.

Speaker BOEHNER should call Members back to Washington today. He should not have let them go, in fact. They are not here. JOHN BOEHNER seems to care more about keeping his speakership than about keeping the Nation on a firm financial footing. It is obvious what is going on around here. He is waiting until January 3 to get re-elected as Speaker before he gets serious with negotiations because he has so many people over there who will not follow what he wants. That is obvious from the debacle that took place last week, and it was a debacle.

He made an offer to the President. The President came back—they are just a little bit apart—and he walked away from that and went to Plan B. All that did is whack people who need help the most—poor people. He could not even pass that. Remember, he is not letting the House of Representatives vote. He is letting the Republicans vote. It was so bad, and he was in such difficult shape there he would not even let a vote take place with his Republicans because he knew he would lose. For months, he has allowed House Republicans to hold middle-class taxpayers hostage to protect the richest 2 percent, and the funny thing about that is the 2 percent do not want to be protected. The majority of people in our great country are willing to pay more. The only people who disagree with that are Republicans who work in this building.

The Speaker just has a few days left to change his mind, but I have to be very honest; I don't know, timewise, how it can happen now. Everyone knows we cannot bring up anything here unless we do it by unanimous consent because the rules have been so worked the last few years that we cannot do anything without 60 votes. There are 53 of us. After the first of the year, there will be 55 of us.

I hope the Speaker and the Republican leader in the Senate would come to us and say here is what we think will work. Let's find out what that could be because the Speaker cannot pass, it seems, much of anything over there. On the Sunday shows they had Republican Senators and they were asked on the FOX network—pretty conservative, and that is probably a gross understatement—would you filibuster the President's bill? They refused to answer. We don't make that decision. We can't answer that. A filibuster is over all our heads.

That is why we have to look seriously next year at changing the rules around here. The bill that has passed the Senate protects 98 percent of families and 97 percent of small businesses. They passed a bill in the House, that we defeated, that extends the tax cuts for everybody. That was voted down over here. The President said he would veto it. So this happy talk—the Republican House leadership said yesterday: Let them take our bill. That bill was brought up and it was defeated.

I repeat, the American people do not agree with the Republicans in the House and Republicans over here. The way to avoid the fiscal cliff has been right in the face of the Republican leaders, both MCCONNELL and BOEHNER, for days and days, going into weeks and months, and it is the only option that is a viable escape route and that is the Senate-passed bill. It would not be hard to pass. I have talked about that at some length. Every Democrat in the House would vote for it, a handful of Republicans would vote for it, and that is all that would be needed. But Grover Norquist is standing in the way of this—not the rich people but Grover Norquist, the man who says what the Republicans can do. I say to the Speaker: Take the escape hatch we have left you. Put the economic fate of the Nation ahead of your own fate as Speaker of the House. Millions of middle-class families are nervously watching and waiting and counting down the moment until their taxes go up. Nothing can move forward in regard to our budget crisis unless Speaker BOEHNER and Leader MCCONNELL are willing to participate in coming up with a bipartisan plan.

Speaker BOEHNER is unwilling to negotiate, we have not heard a word from Leader MCCONNELL, and nothing is happening. Democrats cannot put forward a plan of their own. Without the participation of Leader MCCONNELL and Speaker BOEHNER, nothing can happen on the fiscal cliff and so far they are radio silent.

We are going to work in the next couple of days to get the most important legislation done on FISA. There should be a good debate. We have people who are interested in changing what we have on the floor. There have been a series of amendments on trying to

change FISA—the espionage legislation that guides this country. It should be a good debate.

We have to finish the supplemental appropriations bill that is so important for the people in the Northeast. We have a lot to do. There could be as many as 28 votes in the next few days. We are in Washington working while the Members of the House of Representatives are out watching movies, watching their kids play soccer and basketball and doing all kinds of things. They should be here. They should be here urging the Speaker: Let's bring up the \$250,000 bill. Let's not have middle-class Americans and small businesses get hurt.

What is the business?

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to consideration of H.R. 5949, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5949) to extend the FISA Amendments Act of 2008 for five years.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oregon, Mr. WYDEN, is recognized.

Mr. WYDEN. Mr. President, I thank Leader REID for the honor of being able to open this morning's debate. I also wish to particularly identify with a point the leader made. There is an old saying that most of life is just showing up. I think what the American people want—I heard this at checkout lines in our local stores, for example, this week—they want everybody back in Washington and going to work on this issue, just as the leader suggested.

I think Senators know I am a charter member of what I guess you could call the optimist caucus in the Senate. As improbable as some of these talking heads say on TV that it is, I still think we ought to be here, just as the leader said, working on this issue because of the consequences.

Mr. REID. Mr. President, will my friend yield for a question?

Mr. WYDEN. I would be happy to yield to the majority leader.

Mr. REID. The distinguished Senator from Oregon and I served together in the House of Representatives. Does the Senator remember the days when the House voted not as a majority but as a body to come up with how legislation should be given to the American people? Does my friend remember that?

Mr. WYDEN. I do. The leader is being logical, and Heaven forbid that some-

times logic break out on some of these matters. I remember when we started out—and I joked that I had a full head of hair and rugged good looks—the majority leader and I used to work with people on both sides of the aisle. We would try to show up early, go home late, and, as the leader said, focus on getting some results. I thank the leader for his point and again for the honor of being able to start this discussion.

As I indicated, what I heard at home is that we are supposed to be here and try to find some common ground. I know the talking heads on TV say this is impossible and it cannot be done. First of all, as the majority leader said, this has been done in the past. When there are big issues and big challenges, historically the Congress will come together and deal with it.

I am particularly concerned about some of the effects going over the cliff will have on vulnerable senior citizens. As the Presiding Officer knows, that is my background. We have often talked about health care and seniors. My background was serving as codirector of the Oregon Gray Panthers. If the reimbursement system for Medicare, in effect, goes over this cliff, that is going to reduce access to health care for senior citizens across the country, and I don't believe there are Democrats and Republicans who want that to happen.

As the majority leader indicated, finding some common ground on this issue and backing our country away from the fiscal cliff is hugely important and crucial to the well-being of our country. I just wanted to start with those remarks.

Also crucial to our country is the legislation before the Senate right now. Its name is a real mouthful.

Mr. President, I think you will recall this legislation from your days serving on the Senate Select Committee on Intelligence. The name of this is the Foreign Intelligence Surveillance Act Amendments Act. It also expires in a few days. Our job is to find a way to strike the best possible balance between protecting our country from threats from overseas and safeguarding the individual liberties of the law-abiding Americans we have cherished in this country for literally hundreds of years. This task of balancing security and liberty was one of the most important tasks defined by the Founding Fathers years and years ago, and it is no less important for the Congress today.

As I indicated earlier, the majority leader, Leader REID, has accorded me the honor of beginning this debate. I will open with a very short explanation of what the FISA Amendments Act is all about. Of course, this is an extension of the law that was passed in 2008. It is a major surveillance law, and it is the successor to the warrantless wiretapping program that operated under the Bush administration, which gave the government new authorities to collect the communications of foreigners

outside the United States. The bill before the Senate today would extend this law for another 5 years.

There is going to be a discussion of various issues, but all of them go to what I call the constitutional teeter-totter, which is basically balancing security, protecting our country at a dangerous time, and the individual liberties that are so important to all of us. I expect there will be amendments to strengthen protections for the privacy of law-abiding Americans.

I want to say to my colleagues and those who are listening that this is likely to be the only floor debate the Senate has on this law encompassing literally a 9-year period—from 2008 to 2017. So if we are talking about surveillance authority that essentially looks to a 9-year period, we ought to have an important discussion about it, and that is why I am grateful to the majority leader for making today's discussion possible.

I have served on the Senate Intelligence Committee for 12 years now, and I can tell every Member of this body that those who work in the intelligence community are hard-working and patriotic men and women. They give up an awful lot of evenings, weekends, and vacations to try to protect the well-being and security of our country. For example, we hear a lot about a well-publicized event, such as their enormously valuable role in apprehending bin Laden. What we don't hear about is the incredible work they do day in and day out. They work hard to gather intelligence, and I commend them for it as we begin this discussion.

The job of those who work in the intelligence community is to follow whatever laws Congress lays down as those hard-working men and women collect intelligence. Our job here in the Congress is to make sure the laws we pass are in line with the vision of the Founding Fathers, which was to protect national security as well as the rights of individual Americans.

We all remember the wonderful comment by Ben Franklin. I will paraphrase it, but essentially Ben Franklin said: If you give up your liberty to have security, you really don't deserve either. We owe it to the hard-working men and women in the intelligence community to work closely with them. We need to find the balance Ben Franklin was talking about, and we can help them by conducting robust oversight over the work that is being done there so members of the public can have confidence in the men and women of the intelligence community. This will give the public the confidence to know that as we protect our security at a dangerous time, we are also protecting the individual liberties of our people.

The story with respect to this debate really begins in early America when the colonists were famously subjected to a lot of taxes by the British Govern-

ment. The American colonists thought this was unfair because they were not represented in the British Parliament. They argued that if they were not allowed to vote for their own government, then they should not have to pay taxes.

We all remember the renowned rallying cry of the colonists. It was "no taxation without representation." Early revolutionaries engaged in protests against these taxes all over the country. Of course, the most famous of these protests was the Boston Tea Party in which colonists threw shiploads of tea into the Boston Harbor in protest of the tax on tea.

As we recall from our history books, there were a lot of taxes on items such as tea, sugar, paint, and paper. Because so many colonists believed these taxes were unjust, there was a lot of smuggling going on in the American Colonies. People would import things, such as sugar, and simply avoid paying the tax on them.

We all remember that the King of England didn't like this very much. He wanted the colonists to pay taxes whether they were allowed to vote or not. So the English authority began issuing what were essentially general warrants. They were called writs of assistance, and they authorized government officials to enter into any house or building they wanted in order to search for smuggled goods. These officials were not limited to only searching in certain houses, and they were not required to show any evidence that the place they were searching had any smuggled goods in it. Basically, government officials were allowed to say they were looking for smuggled goods and then would search any house they were interested in to see if the house had some of those smuggled goods.

An English authority's goal is to find smuggled goods. Letting constables and customs officers search any house or building is a pretty effective way to go out and find something. If they keep searching enough houses, eventually they will find some smuggled goods in one of them and seize those goods and arrest whoever lives in that house for smuggling. Of course, the problem is that if government officials can search any house they want, they are going to search through the houses of a lot of people who have not broken any laws.

Mr. President, it is almost as if you decided you were going to search everybody in your State of Rhode Island. You could go in and turn them all upside down, shake them, and see if anything fell out. Obviously, you would find some people who had some things in their possession that they should not have, but that is not the way we do it in America. In America, there has to be probable cause in order to do something like that.

The American colonists had a huge problem with the idea that everybody's

house was going to be checked for smuggled goods on the prospect that maybe somebody somewhere had engaged in smuggling. The colonists said it is not OK to go around invading people's privacy unless there is some specific evidence that they have done something wrong. That is how people in Rhode Island and Oregon feel today. One cannot just go out and check everybody in sight on the prospect that maybe there is someone who has done something wrong.

Back in the colonists' time, the law said that these writs of assistance were good until the King died. So when King George II died and the authorities had to get new writs, many colonists tried to challenge them in court.

In Boston, James Otis denounced this mass invasion of privacy by reminding the court that—and we remember this wonderful comment—a man's house is his castle. Mr. Otis described the writs of assistance as the power that places the liberty of every man in the hands of every petty officer. Unfortunately, the court ruled that these general orders permitting mass searches without individual suspicion were legal, and English authorities continued to use them. The fact that English officials went around invading people's privacy without any specific evidence against them was one of the fundamental complaints the American colonists had against the British Government. So naturally our Founding Fathers, with the wisdom they showed on so many matters, made it clear they wanted to address this particular complaint when they wrote the Bill of Rights.

The Bill of Rights ensures that strong protections of individual freedom would be included within our Constitution itself, and the Founding Fathers included strong protections for personal privacy in the fourth amendment. The fourth amendment states:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be searched.

This was a direct rejection of the authority the British had claimed to have when they ruled the American Colonies.

The Founding Fathers said our government does not have the right to search any house that government officials want to search even if it helps them to do their job. Government officials may only search someone's house if they have evidence that someone is breaking the law and they show the evidence to a judge to get an individual warrant.

For more than 200 years, this fundamental principle has protected Americans' privacy while still allowing our government to enforce the law and to protect public safety.



As time passed and we entered the 20th century, advances in technology—a whole host of technologies—gave government officials the power to invade individual privacy in a whole host of new ways—new ways the Founding Fathers never dreamed of—and all through those days, the Congress and the courts struggled to keep up.

Time and time again Congress and the courts were most successful when they returned to the fundamental principles of the fourth amendment. It is striking. If we look at a lot of the debates we are having today about the Internet—and the Presiding Officer has a great interest in this; we have talked often about it—certainly the Founding Fathers could never have envisioned tweeting and Twitter and the Internet and all of these extraordinary technologies. But what we have seen as technology has continued to bring us this treasure trove of information with all of these spectacular opportunities the Founding Fathers never envisioned is that time and time again the Congress and the courts were most successful when they returned to the fundamental principles of the fourth amendment.

For example, in 1928 the Supreme Court considered a famous case about whether the fourth amendment made it illegal for the government to listen to an individual's phone conversations without a warrant. Once again, dating almost to the precedent about the colonists and smuggling, the 1928 case was about smuggling—specifically, bootlegging. The government argued then that as long as it did the wiretapping remotely without entering an individual's house, the fourth amendment would not apply.

Now, Justice Louis Brandeis wrote what has come to be seen in history as an extraordinary dissent, a brilliant dissent, and he argued that this was all wrong; that the fourth amendment was about preventing the government from invading Americans' privacy regardless of how the government did it.

I am just going to spend a couple of minutes making sure people see how brilliant and farsighted Justice Brandeis was in how his principles—the principles he talked about in 1928—are as valid now as they were then.

Justice Brandeis said:

When the Fourth and Fifth Amendments were adopted . . . force and violence were then the only means known to man by which a Government could directly effect self-incrimination. . . . Subtler and more far-reaching means of invading privacy have [in effect] now become available to the Government. Discovery and invention have made it possible for the Government . . . to obtain disclosure in court of what is whispered in the closet.

Justice Brandeis goes on to say:

In the application of a Constitution, our contemplation cannot be only of what has been but of what may be. The progress of science in furnishing the Government with

means of espionage is not likely to stop with wiretapping. Ways may someday be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. "That places the liberty of every man in the hands of every petty officer" was said by James Otis of much less intrusions than these.

Justice Brandeis goes on to say:

The principles—

The principles, literally—

[behind the Fourth Amendment] affect the very essence of constitutional liberty and security. They . . . apply to all invasions on the part of the Government and its employees of the sanctities of a man's home and the privacies of life. It is not the breaking of his doors, and the rummaging of his drawers that constitutes the essence of the offense; but it is the invasion of his indefeasible right of personal security, personal liberty and private property, where the right has never been forfeited by his conviction of some public offense.

Justice Brandeis closes this remarkable dissent saying:

. . . The evil incident to invasion of the privacy of the telephone is far greater than that involved with tampering with the mails. . . . As a means of espionage, writs of assistance and general warrants are but puny instruments of tyranny and oppression when compared with wiretapping.

The protection guaranteed by the amendments Justice Brandeis was referring to—the fourth and fifth amendments—is broad in scope.

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings, and of his intellect. They knew that only a part of the pain, pleasure and satisfaction of life are to be found in material things. They sought to protect Americans and their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government, the right to be let alone—the most comprehensive of rights, and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government on the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment.

Because I have outlined Justice Brandeis's dissent on several issues, I want to make sure those last two sentences are clear.

Justice Brandeis said that the right of the people to be left alone by their government is "the most comprehensive of rights"—the most comprehensive of rights, said Justice Brandeis—and, he said, "the right most valued by civilized men." And the Justice said that intrusions on individual privacy, "whatever the means employed, must be deemed a violation of the Fourth Amendment."

The reason I have outlined Justice Brandeis's views on this issue is that Justice Brandeis's views didn't prevail in 1928. Back in 1928 they thought they were dealing with high-tech surveillance. But suffice it to say that his views were eventually adopted by the

full Supreme Court. That is why I believe it is so important that as we look to today's debate—really an opportunity to update the way in which that careful balance, the constitutional teeter-totter: security, well-being of all of us on this side and individual liberties on this side—it is so important to recognize what Justice Brandeis said about the value of getting it right when it comes to liberty, when it comes to individual freedom.

One of the reasons there are amendments being offered by Senators to this legislation at a time when we are dealing with these crucial issues about the fiscal cliff, the question of the budget, taxes, and, as I mentioned, senior citizens being able to see a doctor—those are crucial issues, but this legislation, the FISA Amendments Act, is also a crucial piece of legislation, and that is why Senators will be offering amendments in order to strike the best possible balance between security and liberty.

When the Foreign Intelligence Surveillance Act, which is often known as FISA—Senators and those listening will hear that discussion almost interchangeably; the abbreviated name is FISA—when it was written in 1978, Congress applied Justice Brandeis's principles to intelligence gathering. The Congress, when they wrote the original FISA legislation in 1978, really said that Justice Brandeis got it right with respect to how we ought to gather intelligence. So the original FISA statute stated that if the government wants to collect an American's communications for intelligence purposes, the government must go to a court, show evidence that the American is a terrorist or a spy, and get an individual warrant. This upheld the same principle the Founding Fathers fought for in the revolution, it is the same principle enshrined in the Bill of Rights, and it said that government officials are not allowed to invade Americans' privacy unless they have specific evidence and an individual warrant.

After 9/11, the Bush administration decided it would seek additional surveillance authorities beyond what was in the original Foreign Intelligence Surveillance Act statute. To our great regret, instead of asking the Congress to change the law, the Bush administration developed a warrantless wiretapping program—let me repeat that, a warrantless wiretapping program—that operated in secret for a number of years. When this became public—as I have said on this floor before, these matters always do become public at some point—when it became clear that the Bush administration had developed this warrantless wiretapping program, there was a huge uproar across the land. I remember how angry many of my constituents were when they learned about the warrantless wiretapping program, and I and a lot of

other Senators were very angry as well.

As has the Presiding Officer, I have been on the Intelligence Committee, and I have been a member for 12 years, but the first time I heard about the warrantless wiretapping program—the first time I heard about it—was when I read about it in the newspapers. It was in the New York Times before I, as a member of the Senate Select Committee on Intelligence, knew about it.

There was a very heated debate. Congress passed the FISA Amendments Act of 2008, and that was to replace the warrantless wiretapping program with new authorities for the government to collect the phone calls and e-mails of those believed to be foreigners outside the United States.

The centerpiece of the FISA Amendments Act is a provision that is now section 702 of the FISA statute. Section 702 is the provision that gave the government new authorities to collect the communications of people who are believed to be foreigners outside the United States. This was different than the original FISA statute. Unlike the traditional FISA authorities and unlike law enforcement wiretapping authorities, section 702 of the FISA Amendments Act does not involve obtaining individual warrants. Instead, it allows the government to get what is called a programmatic warrant. It lasts for an entire year and authorizes the government to collect a potentially large number of phone calls and e-mails, with no requirement that the senders or recipients be connected to terrorism, espionage—the threats we are concerned about.

If that sounds familiar, it certainly should. General warrants that allowed government officials to decide whose privacy to invade were the exact sort of abuse that the American colonists protested over and led the Founding Fathers to adopt the fourth amendment in the first place. For this reason, section 702 of the FISA law contains language that is specifically intended to limit the government's ability to use these new authorities to spy on Americans.

Let me emphasize that because that is crucial to this discussion and the amendments that will be offered. It is never OK—never OK—for government officials to use a general warrant to deliberately invade the privacy of a law-abiding American. It was not OK for constables and Customs officials to do it in colonial days, and it is not OK for the National Security Agency to do it today. So if the government is going to use general warrants to collect people's phone calls and e-mails, it is extremely important to ensure that this authority is only used against foreigners overseas and not against law-abiding Americans.

Despite what the Acting President pro tempore and the Senate may have

heard, this law does not actually prohibit the government from collecting Americans' phone calls and e-mails without a warrant. The FISA Amendments Act states—and I wish to quote because there have been a lot of inaccuracies and misrepresentations on this—the FISA Amendments Act states that acquisitions made under section 702 may not “intentionally target” a specific American and may not “intentionally acquire” communications that are “known at the time of acquisition” to be wholly domestic.

But the problem with that is, it still leaves a lot of room for circumstances under which Americans' phone calls and e-mails—including purely domestic phone calls and e-mails—could be swept up and reviewed without a warrant. This can happen if the government did not know someone is American or if the government made a technical error or if the American was talking to a foreigner, even if that conversation was entirely legitimate.

I am not talking about some hypothetical situation. The FISA Court, in response to a concern I and others have had, has already ruled at least once that collection carried out by the government under the FISA Amendments Act violated the fourth amendment to the Constitution. Senate rules regarding classified information prevent me from discussing the details of that ruling or how many Americans were affected, over what period of time, but this fact alone clearly demonstrates the impact of this law on Americans' privacy has been real and it is not hypothetical.

When the Congress passed the FISA Amendments Act 4 years ago, it included an expiration date. The point of the expiration date was to ensure that Congress could review these authorities closely and the Congress could decide whether protections for Americans' privacy are adequate or whether they need to be modified.

Again, go back to what I have described as the constitutional teeter-totter—our job: balance the need of the government to collect information, particularly with respect to what can be threats coming from overseas, with the right of individual Americans to be left alone. It is that balance we are discussing. If the Congress finds it is unbalanced, the Congress has a responsibility to step up and figure out how to make the appropriate changes in the law to ensure that both security and privacy are being protected simultaneously.

Unfortunately, the Congress and the public—the American people—do not currently have enough information to adequately evaluate the impact of the law we are debating on Americans' privacy. There are a host of important issues about the law's impact that intelligence officials have simply refused to answer publicly.

I am going to now spend a few minutes outlining the big questions I believe Americans deserve answers to. Certainly, the Congress has to have answers to these questions in order to do our job—our job of doing robust oversight over this law and over intelligence, which, as I said a bit ago, is exactly what the hard-working men and women in the intelligence community need and deserve in order to do their job in a way that will generate confidence among the American people.

First, if we want to know what kind of impact this law has had on Americans' privacy, we probably want to know roughly how many phone calls and e-mails that are to and from Americans have been swept up by the government under this authority. Senator MARK UDALL, our distinguished colleague from Colorado and a great addition to the Intelligence Committee—he and I began the task of trying to ferret out this information some time ago. Over a year and a half ago, Senator MARK UDALL and I asked the Director of National Intelligence how many Americans have had their communications collected under this law; in effect, swept up by the government under these authorities.

The response was it is “not reasonably possible to identify the number of people located in the United States whose communications may have been reviewed under the authority of the” FISA Amendments Act. That is how the government responded to Senator UDALL and me.

If you are a person who does not like the idea of government officials secretly reviewing your phone calls and e-mails, you probably do not find that answer particularly reassuring. But suffice it to say, the situation got worse from there.

In July of this year, I and a tripartisan group of 12 other Senators, including Senator MARK UDALL, our colleague from Utah, Senator MIKE LEE, Senator DURBIN—I am pleased to be joined by Senator MERKLEY, who has been vital in this coalition, this tripartisan coalition to get the best possible balance between security and liberty—he was a signer of the letter; Senator PAUL of Kentucky, who has also been an outspoken advocate of striking a better balance between privacy and liberty was a signer; Senator COONS, Senator BEGICH, Senator BINGAMAN, Senator TESTER, Senator SANDERS, Senator TOM UDALL, Senator CANTWELL—all of us joined in writing another letter to the Director of National Intelligence asking additional questions about the impact of this law on Americans' privacy.

We asked the Director if he could give us even a rough estimate—just a rough estimate—in other words, there has been discussion both in the press and in the intelligence community: This group of Senators is asking for

something impossible. This group of Senators is asking for an exact count of how many Americans are being swept up under this FISA authority, their calls and e-mails reviewed. I wish to emphasize we just said, as a tripartisan group of Senators: We would just like a rough estimate—use any approach they want in terms of giving us an assessment of how many Americans' communications have been swept up in this way. Is it hundreds? Is it hundreds of thousands? Is it millions?

The tripartisan group of Senators basically was just asking for a report, the kind of information that is a prerequisite to doing good oversight. Frankly, I think when we talk about oversight and we cannot even get a rough estimate of how many law-abiding Americans have had their communications swept up under this law, if they do not have that kind of information, oversight—the idea of robust oversight—it ought to be called toothless oversight if they do not have that kind of information.

The Director declined to publicly answer this question. So our tripartisan group and others continued. We asked the Director if anyone else has already done such an estimate. We did not ask about doing anything new. The intelligence community said: Oh, my goodness. It will be so hard to give even a rough estimate. So we said: OK. Just tell us if anyone else has already done such an estimate. The Director declined to publicly answer this question as well.

Right at the heart of this discussion is, if we are serious about doing oversight, the Congress ought to be able to get a straightforward answer to the question: Have any estimates been done already as to whether law-abiding Americans have had their communications swept up under the FISA authority?

Second, if we want to understand this law's impact on Americans' privacy, we probably want to know whether any wholly domestic communications have been collected under the FISA authorities. When we are talking about wholly domestic communications, we are talking about one person in the United States talking to another person who is also in the United States. This law contains a number of safeguards that many people thought would prevent the warrantless collection of wholly domestic U.S. communications, and I think the Congress ought to know whether these safeguards are working.

So our tripartisan group of Senators dug into this issue as well, and we asked the Director back in July if he knew whether any wholly domestic U.S. communications had been collected under the FISA Amendments Act. So here we are talking about wholly domestic communications from one American, for example, in Rhode

Island, to another American in the home State of Senator MERKLEY and myself. I am disappointed to say the Director declined to answer this question as well.

Let's contemplate that for a moment. A tripartisan group of Senators—Democrats, Republicans, Independents—asked if the government knew whether any wholly domestic communications had been collected under the FISA law, and the head of the intelligence community declined to publicly provide a simple yes or no response to that question.

That means the FISA Amendments Act involves the government going to a secret court on a yearly basis and getting programmatic warrants to collect people's phone calls and e-mails, with no requirement that these communications actually belong to people involved with terrorism or espionage. This authority is not supposed to be used against Americans, but, in fact, intelligence officials say they do not even know how many American communications they are actually collecting. The fact is, once the government has this pile of communications, which contains an unknown but potentially very large number of Americans' phone calls and e-mails, there are surprisingly few rules about what can be done with it.

For example, there is nothing in the law that prevents government officials from going to that pile of communications and deliberately searching for the phone calls or e-mails of a specific American, even if they do not have any actual evidence that the American is involved in some kind of wrongdoing, some kind of nefarious activity.

Again, if it sounds familiar, it ought to be because that is how I began this discussion, talking about these sorts of general warrants that so upset the colonists. General warrants allowing government officials to deliberately intrude on the privacy of individual Americans at their discretion was, as I have outlined this morning, the abuse that led America's Founding Fathers to rise up against the British. They are exactly what the fourth amendment was written to prevent.

If government officials wanted to search an American's house or read their e-mails or listen to their phone calls, they are supposed to show evidence to a judge and get an individual warrant. But this loophole in the law allowed government officials to make an end run around traditional warrant requirements and conduct backdoor searches for American's communications.

Now, let me be clear. If the government has clear evidence that an American is engaged in terrorism, espionage—serious crimes—I think the government ought to be able to read that person's e-mails and listen to that person's phone calls. I believe and have

long felt that is an essential part of protecting public safety. But government officials ought to be required to get a warrant. As the Presiding Officer knows, there are even emergency provisions—and I support these strongly as well—that allow for an emergency authorization before you get the warrant, in order to protect the well-being of the American people.

So what we want to know at this point, if you are trying to decide whether the constitutional teeter-totter is being properly balanced or is out of whack, you want to know whether the government has ever taken advantage of this backdoor search loophole and conducted a warrantless search for the phone calls or e-mails of specific Americans. So when the tripartisan group wrote to the Director of National Intelligence, we asked him to state whether the intelligence community has ever deliberately conducted a warrantless search of this nature. The Director declined to respond to this as well—declined to respond to a tripartisan group of Senators simply asking: Has the intelligence community ever deliberately conducted a warrantless search of this nature?

If anybody is kind of keeping score on this, you will notice that the Director refused to publicly answer any of the questions that were asked in our letter. So if you are looking for reassurance that the law is being carried out in a way that respects the privacy of law-abiding American citizens, you will not find it in his response.

I should note that the Director did provide additional responses in a highly classified attachment to his letter. This attachment was so highly classified that I think of the 13 Senators who signed the letter of the tripartisan group, 11 of those 13 Senators do not even have staff who have the requisite security clearance to read it. So naturally that makes it hard for those Senators, let alone the public, to gain a better understanding of the privacy impact of the law.

Several Senators sent the Director a followup letter last month again urging him to provide public answers to what we felt were straightforward questions—really sort of a minimum set of responses that the Congress needs to do oversight. The Director refused that as well.

Intelligence officials do not deny the facts I have outlined this morning. They still insist they are already protecting innocent Americans' privacy. There is a lot of discussion about how this program is overseen by the secret FISA Court, how the court is charged with ensuring that all of the collections carried out under this program are constitutional.

To respond to those arguments, I would note that under the FISA Amendments Act, the government does not have to get the permission of the

FISA Court to read particular e-mails or listen to particular phone calls. The law simply requires the court to review the government's collection and handling procedures on an annual basis. There is no requirement in the law for the court to approve the collection and review of individual communications even if government officials set out to deliberately read the e-mails of an American citizen.

Even when the court reviews the government's collection and handling procedures, it is important to note that the FISA Court's ruling are made entirely in secret. It may seem hard to believe, but the court's rulings that interpret major surveillance law and even the U.S. Constitution in significant ways—these are important judgments—the public has absolutely no idea what the court is actually saying. What that means is that our country is in effect developing a secret body of law so that most Americans have no way of finding out how their laws and their Constitution are being interpreted. That is a big problem. Americans do not expect to know the details of how government agencies collect information, but Americans do expect those agencies to operate within the boundaries of publicly understood law. Americans need and have a right to know how those laws and the Constitution are interpreted so they can ratify the decisions that elected officials make on their behalf. To put it another way, I think we understand that Americans know that intelligence agencies sometimes have to conduct secret operations, but the American people do not expect these agencies to rely on secret law.

I think we understand that the work of the intelligence community is so extraordinarily important. I see the distinguished chair of the committee here. Every member of our committee—every member—feels that it is absolutely critical to protect the sources and methods by which the work of the intelligence community is being done. But we do not expect the public to, in effect, just accept secret law.

When you go to your laptop and you look up a law, it is public. It is public. But what I have described is a growing pattern of secret law that makes it harder for the American people to make judgments about the decisions that are being made by those in the intelligence community. I think that can undermine the confidence the public has in the important work being done by the intelligence community.

If you think back to colonial times, when the British Government was issuing writs of assistance and general warrants, the colonists were at least able to challenge those warrants in open court. So when the courts upheld those writs of assistance, ordinary people could read about the decisions, and

people such as James Otis and John Adams could publicly debate whether the law was adequately protecting the privacy of law-abiding individuals. But if the FISA Court were to uphold something like that today, in the age of digital communications and electronic surveillance, it could conceivably pass entirely unnoticed by the public, even by those people whose privacy was being invaded.

Since 2008 other Senators and I have urged the Department of Justice and the intelligence community to establish a regular process for reviewing, redacting, and releasing the opinions of the FISA Court that contain significant interpretation of the law so that members of the public have the opportunity to understand what their government thinks their law and their Constitution actually mean. I am not talking about a need to release every single routine decision made by the court. Obviously, most of the cases that come before the court contain sensitive information about intelligence sources and methods that are appropriate to keep secret.

I do not take a backseat to any Member of this body in terms of protecting the sources and methods of those in the intelligence community doing their important work, but the law itself should never be secret. What Federal courts think the law and the fourth amendment to the Constitution actually mean should never be a secret from the American people, the way it is today.

I am going to wrap up. I see Senator MERKLEY and Senator FEINSTEIN here. I have a couple of additional points.

I was encouraged in 2009 when the Obama administration wrote to Senator ROCKEFELLER and myself to inform us that they would be setting up a process for redacting and releasing those FISA Court opinions that contained significant interpretations of law. Unfortunately, over 3 years later, this process has produced literally zero results. Not a single redacted opinion or summary of FISA Court rulings has been released. I cannot even tell if the administration still intends to fulfill this promise. I often get the feeling they are hoping people will go away and forget that the promise was made in the first place.

I should note, in fairness, that while the administration has so far failed to fulfill this promise, the intelligence community has sometimes been willing to declassify specific information about the FISA Court's rulings in response to requests from myself and other Senators. For example, in response to a request I made this past summer, the intelligence community acknowledged that on at least one occasion—this was an acknowledgement from the intelligence community. The intelligence community acknowledged that at least on one occasion, the FISA

Court had ruled that collection carried out by the government under the FISA Amendments Act violated the fourth amendment to the Constitution. I think that is an important point to remember when you hear people saying the law is adequately protecting Americans' privacy.

I would also note that on this point, partially declassified internal reviews of the FISA amendments collection act have noted that certain types of compliance issues continue to occur—continue to occur.

I have two last points. Beyond the fact that the programmatic warrants authorized by the FISA Amendments Act are approved by a secret court, the other thing that intelligence officials cite is that there are "minimization" procedures to deal with the issues that those of us who are concerned about privacy rights have raised. This is an odd term, but it simply refers to rules for dealing with information about Americans.

Intelligence officials will tell you that these are pretty much taking care of everything, and if there are not enough privacy protections in the law itself, minimization procedures provide all of the privacy protections any reasonable person could ever want or need. These minimization procedures are classified, so most people are never going to know what they say. As someone who has access to the minimization procedures, I will make it clear that I think they are certainly better than nothing, but there is no way, colleagues, these minimization procedures ought to be a substitute for having strong privacy protections written into the law.

I will close with the reason I feel so strongly about this, which is that senior intelligence officials have sometimes described these handling procedures in misleading ways and make protections for Americans' privacy sound stronger than they actually are. I was particularly disappointed when the Director of NSA did this recently at a large technology conference.

In response to a question about the National Security Agency's surveillance of Americans, General Alexander referenced the FISA Amendments Act and talked in particular about the minimization procedures that applied to the collection of U.S. communications. Understand that this was at a big, open technology conference. General Alexander said that when the NSA sweeps up communications from a "good guy," which I think we all assume is a law-abiding American, the NSA has "requirements from the FISA court and the Attorney General to minimize that, which means nobody else can see it unless there is a crime that is being committed." Now, anybody who hears that phrase says: That is pretty good. I imagine that is what people in that technology meeting and

the conference call wanted to hear. The only problem is that it is not true. It is not true at all. The privacy protections provided by these minimization procedures are simply not as strong as General Alexander made them out to be.

In October, a few months after General Alexander made the comments, Senator UDALL and I wrote him a letter asking him to please correct the record. The first paragraphs of the letter were:

Dear General Alexander:

You spoke recently at a technology convention in Nevada, at which you were asked a question about NSA collection of information about American citizens. In your response, you focused in particular on section 702 of the FISA Amendments Act of 2008, which the Senate will debate later this year. In describing the NSA's collection of communications under the FISA Amendments Act, you discussed rules for handling the communications of U.S. persons.

General Alexander said:

We may, incidentally, in targeting a bad guy hit on somebody [sic] from a good guy, because there's a discussion there. We have requirements from the FISA Court and the Attorney General to minimize that, which means nobody else can see it unless there's a crime that's been committed.

Senator UDALL and I wrote:

We believe that this statement incorrectly characterized the minimization requirements that apply to the NSA's FISA Amendments Act collection, and portrayed privacy protections for Americans' communications as being stronger than they actually are. We urge you to correct this statement, so that Congress and the public can have a debate over the renewal of this law that is informed by at least some accurate information about the impact it has had on Americans' privacy.

General Alexander wrote us back a few weeks later and said that, of course, that is not exactly how minimization procedures work and, of course, the privacy protections aren't as strong as that.

If anyone would like to read his letter, I put it up on my Web site. I don't know why General Alexander described the minimization procedures the way he did. It is possible he misspoke. It is possible he was mistaken. But I certainly would be more sympathetic to these arguments that all these privacy protections are being taken care of if it hadn't taken Senator UDALL and I making a push to get the NSA to correct the record with respect to these minimization procedures. Frankly, I am not sure, if there hadn't been a big push by Senators who had questions about what was said at that technology conference, I am not sure the NSA would have ever corrected what they originally said about minimization.

So minimization procedures are not a bad idea, but the suggestion that we don't need privacy protections written into the law because of them is a bad idea.

Finally, at that conference, General Alexander stated: "The story that we [the NSA] have millions or hundreds of

millions of dossiers on people is absolutely false."

I have been on the Senate Intelligence Committee for 12 years, and I don't know what the term "dossier" means in that context.

So in October, Senator UDALL, a member of the committee, and I asked the Director to clarify that statement. We asked:

Does the NSA collect any type of data at all on 'millions or hundreds of millions of Americans'?

I think that is a pretty straightforward question. If we are asking whether the NSA is doing a good job protecting Americans' privacy, it is one of the most basic questions of all. If General Alexander saw fit, and he was the one who said they don't keep millions of dossiers, General Alexander could have answered our question about whether they were keeping these dossiers with a simple yes or no.

Instead, the Director of the NSA replied that while he appreciated our desire to have responses to the questions on the public record, he would not provide a public answer.

Again, the Director of the NSA said: "The story that we [the NSA] have millions or hundreds of millions of dossiers on people is absolutely false."

So two members of the committee asked: "Does the NSA collect any type of data at all on 'millions or hundreds of millions of Americans,'" and the Director refused to respond.

At this point, I close by way of saying I believe the FISA Amendments Act has enabled the government to collect useful intelligence information, and my goal is to reform the legislation. The two specific things I want to do are, first, require the intelligence community to provide more information about the impact of the FISA Amendments Act on Americans' privacy and, second, to make improvements to privacy protections so we can readily see where they are most needed.

So there will be several amendments that will be offered. The amendment I will be offering is sponsored by 15 Members of the Senate. It simply says the Director of the National Intelligence Agency should submit a report to the Congress on the privacy impact of the FISA Amendments Act.

This amendment would require the report to state whether any estimate has been done, how many U.S. communications have been collected under the authority, and to provide any estimates that exist. I wish to emphasize this amendment would not require any entity to actually conduct such an estimate. The Director would be required only to provide any estimates that have already been done and, if no estimates exist, the Director could say so.

Additionally, the amendment would require the report to state whether any wholly domestic communications have

been collected under the FISA Amendments Act and whether any government agencies have ever conducted any warrantless, backdoor searches. These are straightforward questions, and they are obviously relevant to understanding the scope of the law's impact on privacy.

The report would address General Alexander's confusing statements by requiring the intelligence community to simply state whether the NSA has collected any personally identifiable data on more than 1 million Americans. The Congress and the country deserve an answer to this question as well.

The amendment does not force the declassification of any information. The amendment gives the President full discretion to redact as much information from the public version of the report as he deems appropriate, as long as he tells the Congress why.

To repeat, the amendment doesn't require the intelligence community to conduct a new estimate, and the President would have full discretion to decide whether any information should be made public.

I offer this amendment because I believe every Member of Congress ought to have the answers to these questions. If your constituents are similar to mine and Senator MERKLEY's, they expect us to give government agencies the authority to protect our country and to gather intelligence on important topics, but they also expect us to conduct vigorous oversight on what those agencies are doing.

It is, I guess, a temptation to say: I don't know what is going on, so I will let somebody else look at the privacy issues and go from there. I don't think that is good oversight.

To me, at a minimum, if we don't pass a requirement that we get a rough accounting of whether there has even been an estimate done with respect to how many law-abiding Americans have been swept up under these FISA authorities, my view is that oversight becomes toothless, and that is not what our obligation over these issues is all about.

There will be other important amendments as well. Senator MERKLEY has one that I think is particularly important because it goes to this question of secret laws. Senator LEAHY seeks to promote additional accountability as well with his important amendment. My colleague Senator PAUL will be offering an amendment, an important amendment as well, with respect to reasonable searches and seizures under the fourth amendment.

We obviously have crucial work to do with respect to the fiscal cliff issue in the next few days. We talked earlier when the majority leader was here about the impact of the budget and taxes, senior citizens not being able to see doctors. It is crucial work, and I continue to be part of that optimists

caucus in the Senate, believing we can still find some common ground in these last few days on the fiscal cliff and avoid going over the fiscal cliff.

That is crucial work, but striking the right balance between protecting our country and protecting our individual liberties is also important work. For that reason, I wanted to walk through the history of the FISA Amendments Act this morning, describe why it was so important, particularly for us to get even an accounting.

Remember, this doesn't disrupt any operations in the intelligence community. This is just an accounting of how many law-abiding Americans had their communications swept up under this law. That work is crucial too.

For that reason, I hope that on a bipartisan basis, the amendments will be viewed favorably by the Senate when we begin voting. Thank you for your indulgence for being part of this discussion, presiding in the chair, and with special thanks to the distinguished majority leader who gave me the opportunity to open this discussion about FISA this morning.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to make an opening statement, as the committee chair, on the bill that is before the Senate.

This bill is a simple bill. This is a House bill that extends, reauthorizes the FISA Amendments Act. FISA is the Foreign Intelligence Surveillance Act. The House bill reauthorizes the FISA Amendments Act for 5 years, until December 31, 2017. That is all it does.

Without Senate action, these authorities to collect intelligence expire in 4 days. That is the reason it is the House bill before us, and that is the reason I urge this body to vote no on all amendments and send this reauthorization to the President where it will be signed. If it goes past the 31st, the program will be interrupted.

This is important. Reauthorization of the FISA Amendments Act has the support of the Director of National Security, Jim Clapper; the Attorney General, Eric Holder; and other national security officials who have made clear the importance of this legislation.

Following my remarks, I would like to enter letters into the RECORD from the Attorney General and the Director of National Intelligence, saying this reauthorization is the highest legislative priority of the Intelligence Community.

Let me explain what the expiring provisions of the FISA Amendments Act do. I assume that is agreeable with the President that these letters go into the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Let me describe what these provisions do and why they are necessary to reauthorize.

What will expire on December 31 is title VII of FISA, which is called the FAA, the FISA Amendments Act. This authorizes the executive branch of the government to go to the FISA Court, which is a special court—and most people don't know this—of 11 Federal District Court judges appointed by the Supreme Court who review government requests for surveillance activities and obtain annual approval for a program to conduct surveillance on non-U.S. persons, in other words, surveillance on individuals who are not U.S. citizens or lawful permanent residents and who are located outside the United States.

Under current law, the Attorney General and the Director of National Intelligence may submit an application to the FISA Court. I call this a program warrant. It identifies the category of foreign persons against whom the government seeks to conduct surveillance. This application is accompanied by targeting and minimization procedures that establish how the government will determine that someone targeted for surveillance is located outside the United States; and, secondly, how it is going to minimize the acquisition and retention of any information concerning U.S. persons who are accidentally caught up in this.

If the FISA Court finds the procedures to be consistent with both law and the fourth amendment, they enter an order authorizing this kind of surveillance for 1 year—and the judges on the FISA Court have found both—and they have authorized the program to continue.

The process that follows allows the intelligence community to collect the communications of international terrorists and other non-U.S. persons who are located outside the country by, for example, acquiring electronic communications such as phone calls and e-mails sent to or from a phone number or an e-mail address known to be used by the person under surveillance.

Without this authority, the intelligence community would need to return to the process of going to the FISA Court in every individual case involving collection directed at a non-U.S. person and to prove in each case there is probable cause to believe the individual is part of or working for a foreign power or a terrorist group.

Now, here is the question: Can the government use section 702 of FISA to target a U.S. person? The answer to that is no. The law specifically prohibits the use of section 702 authorities to direct collection against—that means target—U.S. persons. So no one should think the targets are U.S. persons.

This prohibition is codified in section 702(b), which states that surveillance

authorities may not be used—and let me quote the law—"to intentionally target any person known at the time of acquisition to be located in the United States or to intentionally target a United States person reasonably believed to be located outside the United States."

Now, if the government wants to engage in electronic surveillance targeting a U.S. person for foreign intelligence purposes, it must go back to the FISA Court and it must get a specific order from that court. In an emergency, the surveillance can commence before the court order is issued, but the government still must have probable cause to believe the U.S. person is an agent of a foreign power.

Let me take a few moments to address the principal concerns some of my colleagues have expressed about this legislation, which is the effect this one provision—Section 702—may have on the privacy and civil liberties of U.S. persons. And let me say that 13 members of the Intelligence Committee who have voted in favor of the extension of the FISA Amendments Act—and against previous amendments from Senator WYDEN—do not believe privacy is being eliminated under the law this bill would reauthorize.

As I have discussed, section 702 establishes a framework for the government to acquire foreign intelligence by conducting electronic surveillance on non-U.S. persons who are reasonably believed to be located outside of the United States under a program that is annually approved by the court. The privacy concerns stem from the potential for intelligence collection directed at non-U.S. persons located abroad to result in the incidental collection of or concerning communications of U.S. persons. I understand these concerns, and I would like to explain why I believe the existing provisions are adequate to address them.

First, this section is narrowly tailored to ensure that it may only be used to target non-U.S. persons located abroad. It includes specific prohibitions on targeting U.S. persons or persons inside the United States and prohibitions on engaging in so-called reverse-targeting, which means targeting a non-U.S. person abroad when the real purpose is to obtain their communications with a person inside the United States. That is prohibited.

Anytime the intelligence community is seeking to collect the communications of an American, it has to demonstrate that it has probable cause and get an individual FISA Court order.

Second, Congress recognized at the time this amendments act was enacted that it is simply not possible to collect intelligence on the communications of a person of interest without also collecting information about the people with whom and about whom that person communicates, including, in some



cases, non-targeted U.S. persons. The concern was addressed when the FAA was originally drafted. Specifically, in order to protect the privacy and civil liberty of U.S. persons, Congress mandated that for collection conducted under 702, the Attorney General adopt and the FISA Court review and approve procedures that minimize the acquisition, retention, and dissemination of nonpublic information concerning unconsenting U.S. persons.

Third, numerous reports and assessments from the executive branch that I will describe in a moment provide the committee with extensive visibility into how these minimization procedures work and enable both the Intelligence and the Judiciary Committees to see how these procedures are effective in protecting the privacy and civil liberties of U.S. persons.

Oversight by the legislative, judicial, and executive branch of the government over the past 4 years has been very thorough. There are procedures and requirements in place under current law that provide protection for the privacy and civil liberties of U.S. persons. Those entrusted with the responsibility to collect the oversight, the committees of jurisdiction, the FISA Court, and the executive branch agencies together remain vigilant and continue to review the operations of these agencies.

Let me give a quick summary of the 702 reporting requirements under current law.

They include a semiannual assessment by the Attorney General and the DNI. Every 6 months the AG and the DNI are required to assess compliance with the targeting and minimization procedures and the acquisition guidelines adopted under Section 702. They are both further required to submit each assessment to the FISA Court and the congressional Intelligence and Judiciary Committees.

The inspector general of the Department of Justice and the inspector general of each element of the intelligence community are also authorized review compliance with Section 702. The IGs are required to provide copies of such reviews to the Attorney General, to the Director of National Intelligence, and the congressional Intelligence and Judiciary Committees. So we have the AG reviewing, we have the IGs reviewing, and then we have separate reviews by the agency heads.

The head of each element of the intelligence community must conduct an annual review which includes the following:

First, an accounting of the number of disseminated intelligence reports containing a reference to the U.S. person's identity. As a matter of fact, Members can go into a classified room at the offices of the Senate Intelligence Committee and review these reports. Any Member has access to that review.

Second, an accounting of the number of U.S. person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting. Members can review that.

Third, the number of targets who were later determined to be located in the United States and, to the extent possible, whether communications of such targets were reviewed. Members can go in the Intelligence Committee offices and review that.

Fourth, a description of any procedures developed by the head of such element of the intelligence community and approved by the Director of National Intelligence to assess the extent to which acquisitions under 702 acquire communications of U.S. persons, and the results of any such assessment.

So you see, the reporting requirements go on and on.

Then there is a semiannual report. Every 6 months, the AG is required to fully inform the congressional Intelligence and Judiciary Committees concerning the implementation of Title VII of FISA, and there is a whole list of things that must be reviewed and recounted. Then there is a semiannual Attorney General review on FISA. There is also the provision for documents from the FISA Court relating to significant construction or interpretation of FISA.

Mr. President, I ask unanimous consent to have printed in the RECORD this list.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SUMMARY OF SECTION 702 REPORTING REQUIREMENTS

Background: The surveillance authorities added to the Foreign Intelligence Surveillance Act ("FISA") by FISA Amendments Act ("FAA") enable the government to conduct intelligence collection targeting persons located outside the United States. The FAA provision that receives the most attention is known as "Section 702," which authorizes the government to engage in certain forms of intelligence collection targeting non-U.S. persons located overseas for foreign intelligence purposes with the assistance of U.S.-based electronic communication service providers. This Section 702 collection is approved by the FISA Court on a programmatic basis, without the need for individualized court orders. Instead, the Director of National Intelligence (DNI) and Attorney General (AG) submit annual certifications to the Court for review and approval, which identify categories of non-U.S. person targets located overseas.

Reporting Requirements Relating to Section 702: FISA imposes a series reporting requirements on the AG, DNI, and agencies within the Intelligence Community (IC) that utilize Section 702 authorities. These include, with respect to section 702:

Semiannual AG/DNI Assessments of Section 702. Every six months, the AG and DNI are required to assess compliance with the targeting and minimization procedures and the acquisition guidelines adopted under Section 702. The AG and DNI are further re-

quired to submit each assessment to the FISA Court and the congressional intelligence and judiciary committees. Section 702(1)(1) [50 U.S.C. 1881a(1)(1)].

IG Assessments of Section 702. The Inspector General of the Department of Justice and the Inspector General of each element of the intelligence community "authorized to acquire foreign intelligence information under [Section 702]" (e.g., the NSA IG) are "authorized" to review compliance with the Section 702 targeting and minimization procedures and the acquisition guidelines. Section 702(1)(2)(A) [50 U.S.C. 1881a(1)(2)(A)] (emphasis added).

In addition, the IGs are required to review "the number of disseminated intelligence reports containing a reference to a United States-person identity and the number of United States-person identities subsequently disseminated by the element concerned in response to requests for identities that were not referred to by name or title in the original reporting" and "the number of targets that were later determined to be located in the United States and, to the extent possible, whether communications of such targets were reviewed." Section 702(1)(2)(B), (C) [50 U.S.C. 1881a(1)(2)(B), (C)].

Finally, the IGs are required to provide copies of such reviews to the AG, DNI, and the congressional intelligence and judiciary committees. Section 702(1)(2)(D) [50 U.S.C. 1881a(1)(2)(D)].

Annual Reviews by Agency Heads of Section 702. The head of each element of the intelligence community "conducting an acquisition authorized under [Section 702]" (e.g., the Director of NSA) are required to conduct annual reviews to "determine whether there is reason to believe that foreign intelligence information has been or will be obtained from the acquisition." Among other things, the annual review must include:

(1) "an accounting of the number of disseminated intelligence reports containing a reference to a United States-person identity;"

(2) "an accounting of the number of United States-person identities subsequently disseminated by that element in response to requests for identities that were not referred to by name or title in the original reporting;"

(3) "the number of targets that were later determined to be located in the United States and, to the extent possible, whether communications of such targets were reviewed;" and

(4) "a description of any procedures developed by the head of such element of the intelligence community and approved by the Director of National Intelligence to assess . . . the extent to which the acquisitions authorized under [Section 702] acquire the communications of United States persons, and the results of any such assessment."

The head of each element of the intelligence community that conducts an annual review is also required to use the review to "evaluate the adequacy of the minimization procedures utilized by such element."

Finally, the head of each element of the intelligence community that conducts an annual review is required to provide a copy of each review to the FISA Court, AG, DNI, and the congressional intelligence and judiciary committees. Section 702(1)(3) [50 U.S.C. 1881a(1)(3)].

Semiannual AG Report on Title VII. Every 6 months, the AG is required to "fully inform" the congressional intelligence and judiciary committees "concerning the implementation" of Title VII. This reporting requirement is in addition to the semiannual assessment performed under Section 702 and



encompasses Section 703 and 704 of Title VII, as well as Section 702. Among other things, each report is required to include:

(1) certifications submitted in accordance with Section 702;

(2) justification for any exercise of the emergency authority contained in Section 702;

(3) directives issued under Section 702;

(4) "a description of the judicial review during the reporting period . . . including a copy of an order or pleading in connection with such review that contains a significant legal interpretation of the provisions of [Section 702];"

(5) actions taken to challenge or enforce a directive under Section 702;

(6) compliance reviews of acquisitions authorized under Section 702;

(7) a description of any incidents of non-compliance with directives, procedures, or guidelines issued under Section 702; and

(8) the total number of applications made for orders under Sections 703 and 704, as well as the total number of such orders granted, modified; and denied; and the number of AG-authorized emergency acquisitions under these sections. Section 707 [50 U.S.C. 1881f].

Semiannual AG Report on FISA. Every 6 months, the AG is required to submit a report to the congressional intelligence and judiciary committees concerning the implementation of FISA. This reporting requirement comes in addition to both the Section 702 semiannual assessment and the Title VII semiannual report and encompasses all the provisions of the Act. In addition to requirements that pertain to Titles I-V of FISA, the report must include a "summary of significant legal interpretations" involving matters before the FISA Court and copies of all decisions, orders, or opinions of the FISA Court that include "significant construction or interpretation" of any provision of FISA, including Section 702. Section 601(a) [50 U.S.C. 1871(a)].

Provision of Documents Relating to Significant Construction or Interpretation of FISA. Within 45 days of any decision, order, or opinion issued by the FISA Court that "includes significant construction or interpretation of any provision of [FISA]" (including Section 702), the AG is required to submit to the congressional intelligence and judiciary committees "a copy of the decision, order, or opinion" and any "pleadings, applications, or memoranda of law associated with such decision, order, or opinion." Section 601(c) [50 U.S.C. 1871(c)].

Mrs. FEINSTEIN. So, Mr. President, it is not a question of this oversight not being done. I must respectfully disagree with the Senator from Oregon on that point. There is clearly rigorous oversight, and we have done hearing after hearing, we have looked at report after report, and any Member of this body who so wishes can go and review this material in the offices of the Intelligence Committee.

Now, let me talk about a protection that does exist for privacy, but will expire if this bill is not passed. That is section 704. Under this section, the intelligence community is required to get a specific judicial order before conducting surveillance on a U.S. person located outside the United States.

Before this provision was enacted in 2008 as the product of Senators who were concerned—and they were lis-

tened to, and this was enacted—the intelligence community could conduct intelligence collection on U.S. persons outside the country with only the approval of the Attorney General but without a requirement of independent judicial review. Section 704 provides that judicial review by the special Foreign Intelligence Surveillance Court. This will only be preserved if title VII of this act is reauthorized. If it isn't, the privacy provision goes down with it.

Now, let me talk a bit more about the oversight that we have done. If you listen to some, there has been little oversight, but that is not the case. We have held numerous hearings with Directors of National Intelligence Dennis Blair and Jim Clapper; with the head of the NSA, General Alexander; and with Bob Mueller at the FBI. We have had Eric Holder appear before the committee to discuss this, and we have heard from intelligence community professionals involved in carrying out surveillance operations, the lawyers who review these operations, and, importantly, the inspectors general who carry out oversight of the program and have written reports and letters to the Congress with the results of that report.

The intelligence committee's review of these FAA surveillance authorities has included the receipt and examination of dozens of reports concerning the implementation of these authorities over the past 4 years, which the executive branch is required to provide by law. We have received and scrutinized all the classified opinions of the court that interpret the law in a significant way.

Finally, our staff has held countless briefings with officials from the NSA, the DOJ, the Office of the DNI, and the FISA Court itself, including the FBI. Collectively, these assessments, reports, and other information obtained by the Intelligence Committee demonstrate that the government implements the FAA surveillance authorities in a responsible manner, with relatively few incidents of noncompliance.

Let me say this. Where such incidents of noncompliance have arisen, they have been inadvertent. They have not been intentional. They have been the result of human error or technical defect, and they have been promptly reported and remedied. That is important. Through 4 years of oversight, from all these reports, from all the meetings, from all the hearings, we have not identified a single case in which a government official engaged in a willful effort to circumvent or violate the law.

Keep in mind the oversight performed by Congress—that is, both Houses—and the FISA court comes in addition to the extensive internal oversight of the implementation that is

performed by the Department of Justice, the Director of National Intelligence, and multiple IGs.

There is a view by some that this country no longer needs to fear attack. I don't share that view, and I have asked the intelligence committee staff to compile arrests that have been made in the last 4 years in America on terrorist plots that have been stopped. There are 100 arrests that have been made between 2009 and 2012. There have been 16 individuals arrested just this year alone. Let me quickly review some of these plots. Some of these arrests may come about as a result of this program. Again, if Members want to see the specific cases where FISA Amendments Act authorities were used, they can go and look at the classified background of these cases.

First, in November, 1 month ago, two arrests for conspiracy to provide material support to terrorists and use a weapon of mass destruction. That was Raees Alam Qazi and Sheheryar Alam Qazi. They were arrested by the FBI in Fort Lauderdale, FL. The next case is another conspiracy to provide material support. Arrested were Ralph Deleon, Miguel Alejandro Santana Vidriales and Arifeen David Gojali. These three men were planning to travel to Afghanistan to attend terrorist training and commit violent jihad; third, was a plot to bomb the New York Federal Reserve Bank; fourth, a plot to bomb a downtown Chicago bar; fifth, a conspiracy to provide material support to the Islamic Jihad Union; sixth, a plot to carry out a suicide bomb attack against the U.S. Capitol in February of 2012; seventh, a plot to bomb locations in Tampa, FL; eighth, a plot to bomb New York City targets and troops returning from combat overseas; ninth, a plot to assassinate the Saudi Ambassador to the United States; and it goes on and on and on.

So I believe the FISA Amendments Act is important and these cases show the program has worked. As the years go on, I believe good intelligence is the most important way to prevent these attacks.

Information gained through programs such as this one—and through other sources as well—is able to be used to prevent future attacks. So, in the past 4 years, there have been 100 arrests to prevent something from happening in the United States, some of these plots have been thwarted because of this program. I think it is a vital program. We are doing our level best to conduct good oversight and keep abreast of the details of the program and to see that these reports come in. I have tried to satisfy Senator WYDEN but apparently have been unable to do so.

I am hopeful the Senate Intelligence Committee's 13-to-2 vote to reauthorize this important legislation will be considered by all Members.

I ask unanimous consent to have printed in the RECORD the Statement of Administrative Policy on the House bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY  
H.R. 5949—FISA AMENDMENTS ACT  
REAUTHORIZATION ACT OF 2012

(Rep. Smith, R-TX, and 5 cosponsors, Sept. 10, 2012)

The Administration strongly supports H.R. 5949. The bill would reauthorize Title VII of the Foreign Intelligence Surveillance Act (FISA), which expires at the end of this year. Title VII of FISA allows the Intelligence Community to collect vital foreign intelligence information about international terrorists and other important targets overseas, while providing protection for the civil liberties and privacy of Americans. Intelligence collection under Title VII has produced and continues to produce significant information that is vital to defend the Nation against international terrorism and other threats. The Administration looks forward to working with the Congress to ensure the continued availability of this critical intelligence capability.

Mrs. FEINSTEIN. It states that the administration strongly supports H.R. 5949, and it goes on to say what the bill would do. It says it is vital and it produced and continues to produce significant information that is vital to defend the Nation against international terrorism and other threats.

I am very hopeful this bill will pass without amendment and thereupon can go directly to the President for signature.

I yield the floor.

EXHIBIT 1

INSPECTOR GENERAL OF THE  
INTELLIGENCE COMMUNITY,  
Washington, DC, June 15, 2012.

Hon. RON WYDEN,  
*Senate Select Committee on Intelligence, U.S. Senate, Washington, DC.*

Hon. MARK UDALL,  
*Senate Select Committee on Intelligence, U.S. Senate, Washington, DC.*

DEAR SENATOR WYDEN AND SENATOR UDALL: Thank you for your 4 May 2012 letter requesting that my office and the National Security Agency (NSA) Inspector General (IG) determine the feasibility of estimating “how many people inside the United States have had their communications collected or reviewed under the authorities granted by section 702” of the FISA Amendment Act (FAA). On 21 May 2012, I informed you that the NSA Inspector General, George Ellard, would be taking the lead on the requested feasibility assessment, as his office could provide an expedited response to this important inquiry.

The NSA IG provided a classified response on 6 June 2012. I defer to his conclusion that obtaining such an estimate was beyond the capacity of his office and dedicating sufficient additional resources would likely impede the NSA’s mission. He further stated that his office and NSA leadership agreed that an IG review of the sort suggested would itself violate the privacy of U.S. persons.

As I stated in my confirmation hearing and as we have specifically discussed, I firmly be-

lieve that oversight of intelligence collection is a proper function of an Inspector General. I will continue to work with you and the Committee to identify ways that we can enhance our ability to conduct effective oversight. If you have any questions concerning this response, please contact me.

Sincerely,

I. CHARLES MCCULLOUGH, III,  
*Inspector General of the Intelligence Community.*

DIRECTOR OF NATIONAL INTELLIGENCE,  
Washington, DC.

Hon. RON WYDEN,  
*U.S. Senate.*

Hon. MIKE LEE  
*U.S. Senate.*

Hon. RAND PAUL,  
*U.S. Senate.*

Hon. MARK BEGICH,  
*U.S. Senate.*

Hon. JON TESTER,  
*U.S. Senate.*

Hon. TOM UDALL,  
*U.S. Senate.*

Hon. MARIA CANTWELL,  
*U.S. Senate.*

Hon. MARK UDALL,  
*U.S. Senate.*

Hon. JEFF MERKLEY,  
*U.S. Senate.*

Hon. CHRIS COONS,  
*U.S. Senate.*

Hon. JEFF BINGAMAN,  
*U.S. Senate.*

Hon. BERNARD SANDERS,  
*U.S. Senate.*

Hon. DICK DURBIN,  
*U.S. Senate.*

DEAR SENATORS: (U) Thank you for your July 26, 2012 letter on the FISA Amendments Act (FAA). As you noted, reauthorization of FAA is an extremely high priority for the Administration. The FAA authorities have proved to be an invaluable asset in our effort to detect and prevent threats to our nation and our allies.

The members of the Intelligence Community and I appreciate the need for Congress to be fully informed about this statute as it considers reauthorization. We have repeatedly reported to the Intelligence and Judiciary committees of both the House and Senate how we have implemented the statute, the operational value it has afforded, and the extensive measures we take to ensure that the Government’s use of these authorities comports with the Constitution and the laws of the United States. Our record of transparency with the Congress includes many formal briefings and hearings, numerous written notifications and reports, and countless hours that our legal, operational, and compliance experts have spent in detailed discussions, briefings, and demonstrations with committee staff and counsel. In addition, we have provided classified and unclassified white papers, available to any Member of Congress, detailing how the law is implemented, the robust oversight involved, and the nature and value of the resulting collection.

(U) This extensive history of interaction with Congress has included discussions, within the past several months, of the issues raised in your letter of July 26. We have met at length with committee staff and counsel to discuss the legal and operational parameters associated with use of FAA 702. With the benefit of this information, the committees have reported FAA reauthorization legislation. We urge that it be brought to the floor of the Senate and House, and enacted

without amendment as proposed by the Administration at the earliest possible date.

This degree of transparency with Congress has been possible because these hearings, briefings, reports, and discussion have generally been classified. The issues you have raised cannot be accurately and thoroughly addressed in an unclassified setting without revealing intelligence sources and methods, which would defeat the very purpose for which the laws were enacted. It remains vitally important to avoid public disclosure of sources and methods with respect to section 702 in order to protect the efficacy of this important provision for collecting foreign intelligence information.

(U) The ability to discuss these issues in a classified setting allows us to be completely transparent with Congress on behalf of the American people. We are committed to continuing that transparency. Although a meaningful and accurate unclassified response to the important questions you have asked is not possible, I am enclosing a classified response that addresses your questions in detail.

(U) That said, there is a point in your letter I would like to address directly. I strongly take exception to the suggestion that there is a “loophole” in the current law concerning access to communications collected under section 702 of the FAA. While our collection methods are classified, the basic standards for that collection are a matter of public law:

Section 702 only permits targeting of non-U.S. persons reasonably believed to be located outside of the United States. It does not permit targeting of U.S. persons anywhere in the world, or of any person inside the United States.

Section 702 prohibits so-called “reverse targeting”—targeting a person located outside the United States as a pretext when the real goal is to target a person inside the United States.

Section 702 prohibits the intentional acquisition of any communication when all communicants are known at the time of acquisition to be within the United States.

(U) In enacting these standards for collection, Congress understood that some communications of U.S. persons would be incidentally acquired, and the statute therefore specifies minimization procedures that restrict that acquisition, retention, and dissemination of any information about U.S. persons. The Foreign Intelligence Surveillance Court is required by statute to ensure that those procedures are both reasonably designed to ensure compliance with the above limitations and consistent with the Fourth Amendment. In addition, components of the Executive Branch, including both my office and the Department of Justice, regularly assess compliance with the targeting and minimization procedures. Finally, the Intelligence Committees have been fully briefed on both the law and how the government collects and uses information under section 702. In short, there is no loophole in the law.

(U) As the legislation comes up for floor consideration, we would welcome the opportunity to meet with any Senator or appropriately cleared staff member to address these issues in a classified setting. I have asked Kathleen Turner, Director of my Office of Legislative Affairs, to contact your offices to try to schedule a briefing.

(U) I appreciate your taking the time to share your views with me, and I look forward to working with you to ensure that Congress has a full understanding of these and any

other concerns you may have as the Senate considers legislation to reauthorize the FAA this fall.

Sincerely,

JAMES R. CLAPPER.

Enclosure.  
UNCLASSIFIED upon removal of Enclosure.

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, AND UNITED STATES DEPARTMENT OF JUSTICE  
Washington, DC, February 8, 2012.

Hon. JOHN BOEHNER,  
*Speaker, House of Representatives, Washington, DC.*

Hon. HARRY REID,  
*Majority Leader, U.S. Senate, Washington, DC.*

Hon. NANCY PELOSI,  
*Democratic Leader, House of Representatives, Washington, DC.*

Hon. MITCH MCCONNELL,  
*Republican Leader, U.S. Senate, Washington, DC.*

DEAR SPEAKER BOEHNER AND LEADERS REID, PELOSI, AND MCCONNELL: we are writing to urge that the Congress reauthorize Title VII of the Foreign Intelligence Surveillance Act (FISA) enacted by the FISA Amendments Act of 2008 (FAA), which is set to expire at the end of this year. Title VII of FISA allows the Intelligence Community to collect vital information about international terrorists and other important targets overseas. Reauthorizing this authority is the top legislative priority of the Intelligence Community.

One provision, section 702, authorizes surveillance directed at non-U.S. persons located overseas who are of foreign intelligence importance. At the same time, it provides a comprehensive regime of oversight by all three branches of Government to protect the privacy and civil liberties of U.S. persons. Under section 702, the Attorney General and the Director of National Intelligence may authorize annually, with the approval of the Foreign Intelligence Surveillance Court (FISC), intelligence collection targeting categories of non-U.S. persons abroad, without the need for a court order for each individual target. Within this framework, no acquisition may intentionally target a U.S. person, here or abroad, or any other person known to be in the United States. The law requires special procedures designed to ensure that all such acquisitions target only non-U.S. persons outside the United States, and to protect the privacy of U.S. persons whose nonpublic information may be incidentally acquired. The Department of Justice and the Office of the Director of National Intelligence conduct extensive oversight reviews of section 702 activities at least once every sixty days, and Title VII requires us to report to the Congress on implementation and compliance twice a year.

A separate provision of Title VII requires that surveillance directed at U.S. persons overseas be approved by the FISC in each individual case, based on a finding that there is probable cause to believe that the target is a foreign power or an agent, officer, or employee of a foreign power. Before the enactment of the FAA, the Attorney General could authorize such collection without court approval. This provision thus increases the protection given to U.S. persons.

The attached background paper provides additional unclassified information on the structure, operation and oversight of Title VII of FISA.

Intelligence collection under Title VII has produced and continues to produce signifi-

cant intelligence that is vital to protect the nation against international terrorism and other threats. We welcome the opportunity to provide additional information to members concerning these authorities in a classified setting. We are always considering whether there are changes that could be made to improve the law in a manner consistent with the privacy and civil liberties interests of Americans. Our first priority, however, is reauthorization of these authorities in their current form. We look forward to working with you to ensure the speedy enactment of legislation reauthorizing Title VII, without amendment, to avoid any interruption in our use of these authorities to protect the American people.

Sincerely,

JAMES R. CLAPPER,  
*Director of National Intelligence.*

ERIC H. HOLDER, JR.,  
*Attorney General.*

BACKGROUND PAPER ON TITLE VII OF FISA  
PREPARED BY THE DEPARTMENT OF JUSTICE  
AND THE OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE (ODNI)

This paper describes the provisions of Title VII of the Foreign Intelligence Surveillance Act (FISA) that were added by the FISA Amendments Act of 2008 (FAA). Title VII has proven to be an extremely valuable authority in protecting our nation from terrorism and other national security threats. Title VII is set to expire at the end of this year, and its reauthorization is the top legislative priority of the Intelligence Community.

The FAA added a new section 702 to FISA, permitting the Foreign Intelligence Surveillance Court (FISC) to approve surveillance of terrorist suspects and other foreign intelligence targets who are non-U.S. persons outside the United States, without the need for individualized court orders. Section 702 includes a series of protections and oversight measures to safeguard the privacy and civil liberties interests of U.S. persons. FISA continues to include its original electronic surveillance provisions, meaning that, in most cases, an individualized court order, based on probable cause that the target is a foreign power or an agent of a foreign power, is still required to conduct electronic surveillance of targets inside the United States. Indeed, other provisions of Title VII extend these protections to U.S. persons overseas. The extensive oversight measures used to implement these authorities demonstrate that the Government has used this capability in the manner contemplated by Congress, taking great care to protect privacy and civil liberties interests.

This paper begins by describing how section 702 works, its importance to the Intelligence Community, and its extensive oversight provisions. Next, it turns briefly to the other changes made to FISA by the FAA, including section 704, which requires an order from the FISC before the Government may engage in surveillance targeted at U.S. persons overseas. Third, this paper describes the reporting to Congress that the Executive Branch has done under Title VII of FISA. Finally, this paper explains why the Administration believes it is essential that Congress reauthorize Title VII.

1. SECTION 702 PROVIDES VALUABLE FOREIGN INTELLIGENCE INFORMATION ABOUT TERRORISTS AND OTHER TARGETS OVERSEAS, WHILE PROTECTING THE PRIVACY AND CIVIL LIBERTIES OF AMERICANS

Section 702 permits the FISC to approve surveillance of terrorist suspects and other

targets who are non-U.S. persons outside the United States, without the need for individualized court orders. The FISC may approve surveillance of these kinds of targets when the Government needs the assistance of an electronic communications service provider.

Before the enactment of the FAA and its predecessor legislation, in order to conduct the kind of surveillance authorized by section 702, FISA was interpreted to require that the Government show on an individualized basis, with respect to all non-U.S. person targets located overseas, that there was probable cause to believe that the target was a foreign power or an agent of a foreign power, and to obtain an order from the FISC approving the surveillance on this basis. In effect, the Intelligence Community treated non-U.S. persons located overseas like persons in the United States, even though foreigners outside the United States generally are not entitled to the protections of the Fourth Amendment. Although FISA's original procedures are proper for electronic surveillance of persons inside this country, such a process for surveillance of terrorist suspects overseas can slow, or even prevent, the Government's acquisition of vital information, without enhancing the privacy interests of Americans. Since its enactment in 2008, section 702 has significantly increased the Government's ability to act quickly.

Under section 702, instead of issuing individual court orders, the FISC approves annual certifications submitted by the Attorney General and the DNI that identify categories of foreign intelligence targets. The provision contains a number of important protections for U.S. persons and others in the United States. First, the Attorney General and the DNI must certify that a significant purpose of the acquisition is to obtain foreign intelligence information. Second, an acquisition may not intentionally target a U.S. person. Third, it may not intentionally target any person known at the time of acquisition to be in the United States. Fourth, it may not target someone outside the United States for the purpose of targeting a particular, known person in this country. Fifth, section 702 prohibits the intentional acquisition of "any communication as to which the sender and all intended recipients are known at the time of the acquisition" to be in the United States. Finally, it requires that any acquisition be consistent with the Fourth Amendment.

To implement these provisions, section 702 requires targeting procedures, minimization procedures, and acquisition guidelines. The targeting procedures are designed to ensure that an acquisition only targets persons outside the United States, and that it complies with the restriction on acquiring wholly domestic communications. The minimization procedures protect the identities of U.S. persons, and any nonpublic information concerning them that may be incidentally acquired. The acquisition guidelines seek to ensure compliance with all of the limitations of section 702 described above, and to ensure that the Government files an application with the FISC when required by FISA.

The FISC reviews the targeting and minimization procedures for compliance with the requirements of both the statute and the Fourth Amendment. Although the FISC does not approve the acquisition guidelines, it receives them, as do the appropriate congressional committees. By approving the certifications submitted by the Attorney General and the DNI as well as by approving the targeting and minimization procedures, the FISC plays a major role in ensuring that acquisitions under section 702 are conducted in a lawful and appropriate manner.

Section 702 is vital in keeping the nation safe. It provides information about the plans and identities of terrorists, allowing us to glimpse inside terrorist organizations and obtain information about how those groups function and receive support. In addition, it lets us collect information about the intentions and capabilities of weapons proliferators and other foreign adversaries who threaten the United States. Failure to reauthorize section 702 would result in a loss of significant intelligence and impede the ability of the Intelligence Community to respond quickly to new threats and intelligence opportunities. Although this unclassified paper cannot discuss more specifically the nature of the information acquired under section 702 or its significance, the Intelligence Community is prepared to provide Members of Congress with detailed classified briefings as appropriate.

The Executive Branch is committed to ensuring that its use of section 702 is consistent with the law, the FISC's orders, and the privacy and civil liberties interests of U.S. persons. The Intelligence Community, the Department of Justice, and the FISC all oversee the use of section 702. In addition, congressional committees conduct essential oversight, which is discussed in section 3 below.

Oversight of activities conducted under section 702 begins with components in the intelligence agencies themselves, including their Inspectors General. The targeting procedures, described above, seek to ensure that an acquisition targets only persons outside the United States and that it complies with section 702's restriction on acquiring wholly domestic communications. For example, the targeting procedures for the National Security Agency (NSA) require training of agency analysts, and audits of the databases they use. NSA's Signals Intelligence Directorate also conducts other oversight activities, including spot checks of targeting decisions. With the strong support of Congress, NSA has established a compliance office, which is responsible for developing, implementing, and monitoring a comprehensive mission compliance program.

Agencies using section 702 authority must report promptly to the Department of Justice and ODNI incidents of noncompliance with the targeting or minimization procedures or the acquisition guidelines. Attorneys in the National Security Division (NSD) of the Department routinely review the agencies' targeting decisions. At least once every 60 days, NSD and ODNI conduct oversight of the agencies' activities under section 702. These reviews are normally conducted on-site by a joint team from NSD and ODNI. The team evaluates and, where appropriate, investigates each potential incident of noncompliance, and conducts a detailed review of agencies' targeting and minimization decisions.

Using the reviews by Department of Justice and ODNI personnel, the Attorney General and the DNI conduct a semi-annual assessment, as required by section 702, of compliance with the targeting and minimization procedures and the acquisition guidelines. The assessments have found that agencies have "continued to implement the procedures and follow the guidelines in a manner that reflects a focused and concerted effort by agency personnel to comply with the requirements of Section 702." The reviews have not found "any intentional attempt to circumvent or violate" legal requirements. Rather, agency personnel "are appropriately focused on directing their efforts at non-

United States persons reasonably believed to be located outside the United States."

Section 702 thus enables the Government to collect information effectively and efficiently about foreign targets overseas and in a manner that protects the privacy and civil liberties of Americans. Through rigorous oversight, the Government is able to evaluate whether changes are needed to the procedures or guidelines, and what other steps may be appropriate to safeguard the privacy of personal information. In addition, the Department of Justice provides the joint assessments and other reports to the FISC. The FISC has been actively involved in the review of section 702 collection. Together, all of these mechanisms ensure thorough and continuous oversight of section 702 activities.

#### 2. OTHER IMPORTANT PROVISIONS OF TITLE VII OF FISA ALSO SHOULD BE REAUTHORIZED

In contrast to section 702, which focuses on foreign targets, section 704 provides heightened protection for collection activities conducted overseas and directed against U.S. persons located outside the United States. Section 704 requires an order from the FISC in circumstances in which the target has "a reasonable expectation of privacy and a warrant would be required if the acquisition were conducted inside the United States for law enforcement purposes." It also requires a showing of probable cause that the targeted U.S. person is "a foreign power, an agent of a foreign power, or an officer or employee of a foreign power." Previously, these activities were outside the scope of FISA and governed exclusively by section 2.5 of Executive Order 12333. By requiring the approval of the FISC, section 704 enhanced the civil liberties of U.S. persons.

The FAA also added several other provisions to FISA. Section 703 complements section 704 and permits the FISC to authorize an application targeting a U.S. person outside the United States to acquire foreign intelligence information, if the acquisition constitutes electronic surveillance or the acquisition of stored electronic communications or data, and is conducted in the United States. Because the target is a U.S. person, section 703 requires an individualized court order and a showing of probable cause that the target is a foreign power, an agent of a foreign power, or an officer or employee of a foreign power. Other sections of Title VII allow the Government to obtain various authorities simultaneously, govern the use of information in litigation, and provide for congressional oversight. Section 708 clarifies that nothing in Title VII is intended to limit the Government's ability to obtain authorizations under other parts of FISA.

#### 3. CONGRESS HAS BEEN KEPT FULLY INFORMED, AND CONDUCTS VIGOROUS OVERSIGHT, OF TITLE VII'S IMPLEMENTATION

FISA imposes substantial reporting requirements on the Government to ensure effective congressional oversight of these authorities. Twice a year, the Attorney General must "fully inform, in a manner consistent with national security," the Intelligence and Judiciary Committees about the implementation of Title VII. With respect to section 702, this semi-annual report must include copies of certifications and significant FISC pleadings and orders. It also must describe any compliance incidents, any use of emergency authorities, and the FISC's review of the Government's pleadings. With respect to sections 703 and 704, the report must include the number of applications made, and the number granted, modified, or denied by the FISC.

Section 702 requires the Government to provide to the Intelligence and Judiciary Committees its assessment of compliance with the targeting and minimization procedures and the acquisition guidelines. In addition, Title VI of FISA requires a summary of significant legal interpretations of FISA in matters before the FISC or the Foreign Intelligence Surveillance Court of Review. The requirement extends to interpretations presented in applications or pleadings filed with either court by the Department of Justice. In addition to the summary, the Department must provide copies of judicial decisions that include significant interpretations of FISA within 45 days.

The Government has complied with the substantial reporting requirements imposed by FISA to ensure effective congressional oversight of these authorities. The Government has informed the Intelligence and Judiciary Committees of acquisitions authorized under section 702; reported, in detail, on the results of the reviews and on compliance incidents and remedial efforts; made all written reports on these reviews available to the Committees; and provided summaries of significant interpretations of FISA, as well as copies of relevant judicial opinions and pleadings.

#### 4. IT IS ESSENTIAL THAT TITLE VII OF FISA BE REAUTHORIZED WELL IN ADVANCE OF ITS EXPIRATION

The Administration strongly supports the reauthorization of Title VII of FISA. It was enacted after many months of bipartisan effort and extensive debate. Since its enactment, Executive Branch officials have provided extensive information to Congress on the Government's use of Title VII, including reports, testimony, and numerous briefings for Members and their staffs. This extensive record demonstrates the proven value of these authorities, and the commitment of the Government to their lawful and responsible use.

Reauthorization will ensure continued certainty with the rules used by Government employees and our private partners. The Intelligence Community has invested significant human and financial resources to enable its personnel and technological systems to acquire and review vital data quickly and lawfully. Our adversaries, of course, seek to hide the most important information from us. It is at best inefficient and at worst unworkable for agencies to develop new technologies and procedures and train employees, only to have a statutory framework subject to wholesale revision. This is particularly true at a time of limited resources. It is essential that these authorities remain in place without interruption—and without the threat of interruption—so that those who have been entrusted with their use can continue to protect our nation from its enemies.

Mr. GRASSLEY. Mr. President, the reauthorization of the Foreign Intelligence Surveillance Act Amendments Act, also known as the FISA Amendments Act, is a crucial authority for the U.S. Intelligence Community. Unless we act to pass this legislation, the law will expire in just a few days from now. It must be reauthorized immediately for a 5-year period.

I am familiar with the FISA Amendments Act, FAA, through my role as ranking member of the Judiciary Committee, which along with the Select Committee on Intelligence, has jurisdiction over this legislation and oversight of the intelligence operations

conducted by the Department of Justice and Federal Bureau of Investigation. During the last year, my staff and I have engaged in extensive consultation with the intelligence community and the Department of Justice to understand how the FAA has been used. The committee held a closed hearing with witness testimony and questions from Senators as well.

We debated this legislation in committee where I opposed the version produced by the Judiciary Committee which is now the basis of the Leahy amendment. I opposed it because I have learned a great deal both about the value of the intelligence collected under the FAA and about the lengths that the intelligence community goes to protect the rights of U.S. citizens when collecting that intelligence. Given the congressional oversight of this legislation, coupled with the built-in protections and oversight from the executive branch, the value of the intelligence gathered by this important legislation warrants reauthorization without the changes made by the Leahy amendment.

The most important portion of the FAA is Section 702. It authorizes, with approval of the Foreign Intelligence Surveillance Court, FISC, an 11-member panel of Article III judges appointed by the Supreme Court, electronic surveillance of non-U.S. persons located overseas, but without the need for individualized orders for every target of the surveillance, as is required for surveillance of anyone inside the United States. The law specifically prohibits targeting U.S. persons, acquiring wholly domestic communications, or targeting someone outside the U.S. with the intent to collect information on a target inside the U.S. known as "reverse-targeting".

It is possible that the communications of some U.S. citizens may be captured during the conduct of authorized surveillance. But that is only incidentally. The only way that a U.S. person's communication would be picked up would be if that person were in communication with a non-U.S. person overseas who had been targeted under the FAA.

Some people think that a U.S. person has a constitutional right not to have his communications with a foreign target eavesdropped by the U.S. government without a warrant. But that's not how the fourth amendment works. It protects the rights of the person who is being targeted, not anyone in contact with him. For example, if the government legally taps the phone of a mafia godfather in the United States, it can listen to his conversation with anyone who calls him. It doesn't need a court-issued warrant for the person calling, only for the godfather himself. He is the one who has a reasonable expectation of privacy in his telephone.

In the same way, when the government legally intercepts the commu-

nications of a terrorist living overseas, it can listen to his conversation with anyone who contacts him, even if the other party is in the United States. What matters is whether the government has the legal authority to intercept the communications of the terrorist in the first place. That's what the FAA provides. It is important to point out that no warrant is required because the target is not a U.S. citizen and is located overseas. So, the fourth amendment doesn't apply to him.

Instead, under Section 702, the FISC approves annual certifications from the attorney general and director of National Intelligence about collection of information on categories of foreign intelligence targets, what procedures the intelligence community will use to accomplish this surveillance, how they will target subjects for surveillance, and how the IC will use the information. The government must also demonstrate to the court that it has special procedures to weed out intentional collection of communications of anyone located inside the United States and to minimize the use of any incidentally collected information.

In addition, there is significant oversight of the program to protect U.S. citizens' rights. The law requires that the Attorney General and director of National Intelligence conduct semi-annual assessments of the surveillance activities. Furthermore, it authorizes the inspector general of the Department of Justice to review the program at any time. Both houses of Congress are provided the semi-annual reports and IG audits, as well as significant decisions of the FISC. These are on file with the Senate security office and any Senator and appropriately cleared staff can review them.

This process works. Our oversight of the implementation of the statute has found no evidence that it has been intentionally misused in order to eavesdrop on Americans. Senator FEINSTEIN, chair of the Senate Select Committee on Intelligence, and even Senator LEAHY, chairman of the Judiciary Committee, have stated that no such misconduct has been discovered.

For these reasons, we should reauthorize the statute without any changes, as the House has done. The only adjustment to the existing statute in the House bill is replacing the expiration date of December 31, 2012 with December 31, 2017, a 5-year period. That is also what the administration supports and what the intelligence committee passed this summer. A 5-year period would allow the intelligence community to continue utilizing these valuable tools against potential terrorists or other intelligence targets without interruption or delay. It will provide the intelligence community with much needed certainty and stability in a program that works to save American lives.

The combination of the statutory limitations on collection, targeting and minimization procedures, and acquisition guidelines, court review of those procedures and guidelines, and compliance oversight by the administration and Congress, ensure that the rights of U.S. persons are sufficiently protected when their communications are incidentally collected in the course of targeting non-U.S. persons located abroad.

I urge my colleagues to support the House passed version of the FAA reauthorization so we can ensure that there is no interruption in one of our most vital national security tools.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 3435

Mr. MERKLEY. Mr. President, I call up my amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. MERKLEY] proposes an amendment numbered 3435.

Mr. MERKLEY. Mr. President, I ask unanimous consent that further reading be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court that includes significant legal interpretation of section 501 or 702 of the Foreign Intelligence Surveillance Act of 1978 unless such disclosure is not in the national security interest of the United States)

At the appropriate place, insert the following:

**SEC. . DISCLOSURE OF DECISIONS, ORDERS, AND OPINIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.**

(a) FINDINGS.—Congress finds the following:

(1) Secret law is inconsistent with democratic governance. In order for the rule of law to prevail, the requirements of the law must be publicly discoverable.

(2) The United States Court of Appeals for the Seventh Circuit stated in 1998 that the "idea of secret laws is repugnant".

(3) The open publication of laws and directives is a defining characteristic of government of the United States. The first Congress of the United States mandated that every "law, order, resolution, and vote [shall] be published in at least three of the public newspapers printed within the United States".

(4) The practice of withholding decisions of the Foreign Intelligence Surveillance Court is at odds with the United States tradition of open publication of law.

(5) The Foreign Intelligence Surveillance Court acknowledges that such Court has issued legally significant interpretations of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that are not accessible to the public.

(6) The exercise of surveillance authorities under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as interpreted by secret court opinions, potentially

implicates the communications of United States persons who are necessarily unaware of such surveillance.

(7) Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861), as amended by section 215 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 287), authorizes the Federal Bureau of Investigation to require the production of “any tangible things” and the extent of such authority, as interpreted by secret court opinions, has been concealed from the knowledge and awareness of the people of the United States.

(8) In 2010, the Department of Justice and the Office of the Director of National Intelligence established a process to review and declassify opinions of the Foreign Intelligence Surveillance Court, but more than two years later no declassifications have been made.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of section 501 or section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 and 1881a) should be declassified in a manner consistent with the protection of national security, intelligence sources and methods, and other properly classified and sensitive information.

(c) REQUIREMENT FOR DISCLOSURES.—

(1) SECTION 501.—

(A) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

“(i) DISCLOSURE OF DECISIONS.—

“(1) DECISION DEFINED.—In this subsection, the term ‘decision’ means any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of this section.

“(2) REQUIREMENT FOR DISCLOSURE.—Subject to paragraphs (3) and (4), the Attorney General shall declassify and make available to the public—

“(A) each decision that is required to be submitted to committees of Congress under section 601(c), not later than 45 days after such opinion is issued; and

“(B) each decision issued prior to the date of the enactment of the \_\_\_\_\_ Act that was required to be submitted to committees of Congress under section 601(c), not later than 180 days after such date of enactment.

“(3) UNCLASSIFIED SUMMARIES.—Notwithstanding paragraph (2) and subject to paragraph (4), if the Attorney General makes a determination that a decision may not be declassified and made available in a manner that protects the national security of the United States, including methods or sources related to national security, the Attorney General shall release an unclassified summary of such decision.

“(4) UNCLASSIFIED REPORT.—Notwithstanding paragraphs (2) and (3), if the Attorney General makes a determination that any decision may not be declassified under paragraph (2) and an unclassified summary of such decision may not be made available under paragraph (3), the Attorney General shall make available to the public an unclassified report on the status of the internal deliberations and process regarding the declassification by personnel of Executive branch of such decisions. Such report shall include—

“(A) an estimate of the number of decisions that will be declassified at the end of such deliberations; and

“(B) an estimate of the number of decisions that, through a determination by the Attorney General, shall remain classified to protect the national security of the United States.”.

(2) SECTION 702.—Section 702(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(1)) is amended by adding at the end the following:

“(4) DISCLOSURE OF DECISIONS.—

“(A) DECISION DEFINED.—In this paragraph, the term ‘decision’ means any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of this section.

“(B) REQUIREMENT FOR DISCLOSURE.—Subject to subparagraphs (C) and (D), the Attorney General shall declassify and make available to the public—

“(i) each decision that is required to be submitted to committees of Congress under section 601(c), not later than 45 days after such opinion is issued; and

“(ii) each decision issued prior to the date of the enactment of the \_\_\_\_\_ Act that was required to be submitted to committees of Congress under section 601(c), not later than 180 days after such date of enactment.

“(C) UNCLASSIFIED SUMMARIES.—Notwithstanding subparagraph (B) and subject to subparagraph (D), if the Attorney General makes a determination that a decision may not be declassified and made available in a manner that protects the national security of the United States, including methods or sources related to national security, the Attorney General shall release an unclassified summary of such decision.

“(D) UNCLASSIFIED REPORT.—Notwithstanding subparagraphs (B) and (C), if the Attorney General makes a determination that any decision may not be declassified under subparagraph (B) and an unclassified summary of such decision may not be made available under subparagraph (C), the Attorney General shall make available to the public an unclassified report on the status of the internal deliberations and process regarding the declassification by personnel of Executive branch of such decisions. Such report shall include—

“(i) an estimate of the number of decisions that will be declassified at the end of such deliberations; and

“(ii) an estimate of the number of decisions that, through a determination by the Attorney General, shall remain classified to protect the national security of the United States.”.

Mr. MERKLEY. Mr. President, I rise this morning to talk about the Foreign Intelligence Surveillance Act and the concerns I and many of my colleagues have.

Earlier this morning, Senator WYDEN, the senior Senator from Oregon, was discussing at length the importance of the fourth amendment, the importance of Americans knowing the boundaries and the rules under which our government collects intelligence and to know their rights to privacy are protected.

Under this Foreign Intelligence Surveillance Act, there are a variety of ways in which that assurance is compromised, and Senator WYDEN did a very good job of laying those out. I wish to emphasize that same message; that our country was founded on the

principles of privacy and liberty, of protection from an overreaching central government.

During the founding, we set out and said we are going to be a new kind of nation; one that will not permit an overbearing, intrusive government spying on citizens or meddling in their private affairs. This belief was enshrined in our fourth amendment:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

I think that is an extraordinarily complete description saying that the government is bound—bound—by having to demonstrate before a court probable cause a case that is put forward and backed up by oath or affirmation, a case that is put forward with great detail about the places to be searched and the persons or things to be seized.

So the concept is laid out very clearly about what constitutes unreasonable searches and seizures. It is certainly not that the government can’t collect information, just they have to show probable cause of a crime in order to create that boundary that says the information we have in our daily lives. I don’t know how much broader it can be than houses, papers, and effects. It pretty much covers the entire parameter.

One of the problems we have is that sometimes lawyers start looking for loopholes, and we can address those loopholes if they are discussed in a public setting, if we can get our hands around them. But if they are loopholes created in secrecy, then indeed it is very hard to have a debate on the floor of the Senate about whether those loopholes or interpretations are right or whether we should change the law in order to address them.

Of course, our laws have had to be updated and changed over time to adapt to new technology and changing threats, and one of those developments was the creation of the Foreign Intelligence Surveillance Act in the 1970s.

In 1972, the Supreme Court held the fourth amendment does not permit warrantless surveillance for intelligence investigations within our country. One may wonder how this even took a Supreme Court decision since the fourth amendment is so absolutely clear on this point.

In 1978, Congress enacted FISA—Foreign Intelligence Surveillance Act—to regulate government surveillance within our country that is conducted for foreign intelligence purposes. Under FISA, the government had to obtain an order from a special court called the FISA Court in order to spy on Americans. This is certainly an appropriate boundary to implement. The order required the government to obtain a warrant and show probable cause. These



are the same basic, commonsense protections we have had in place for other types of searches. This development required individualized and particular orders from the FISA Court to collect communications.

But now let's fast forward to 2001. President Bush decided in secret to authorize the National Security Agency to start a new program of warrantless surveillance inside the United States. This is in complete contravention of the fourth amendment and in complete contravention of the law at that time. As I am sure many of my colleagues will certainly recall, this was revealed to the American people 4 years later when it was reported in the *New York Times* in 2005. In response, after years of back and forth contentious debate, Congress passed the FISA Amendments Act—the bill we are considering on this floor today. We are considering a reauthorization. This law gave the government new surveillance authority but also included a sunset provision to ensure that Congress examines where the law is working and the way it was intended.

The debate we are having right now on this floor is that reexamination. I will note that I think it is unfortunate that we are doing this at the last second. We have known that this intelligence law is going to expire for years. It was laid out for a multiyear span. Certainly, it is irresponsible for this Chamber to be debating this bill under a falsely created pressure that it needs to be done without any amendments in order to match the bill from the House. That is a way of suppressing debate on critical issues here in America.

If you care about the fourth amendment, if you care about privacy, you should be arguing that we should either create a very short-term extension in order to have this debate fully or that we should have had this debate months ago so it could have been done in a full and responsible manner, with no pressure to vote against amendments in order to falsely address the issue of partnering with the House bill.

This law included that sunset provision. Now here we are looking at the extension. It is a single-day debate, crowded here into the holidays when few Americans will be paying attention. But I think it is important, nonetheless, for those of us who are concerned about the boundaries of privacy and believe the law could be strengthened to make our case here in hopes that at some point we will be able to have the real consideration these issues merit.

In my opinion, there are serious reforms that need to be made before we consider renewing this law. This law is supposed to be about giving our government the tools it needs to collect the communications of foreigners, outside of our country. If it is possible that our intelligence agencies are using

the law to collect and use the communications of Americans without a warrant, that is a problem. Of course, we cannot reach conclusions about that in this forum because this is an unclassified discussion.

My colleagues Senator WYDEN and Senator UDALL, who serve on Intelligence, have discussed the loophole in the current law that allows the potential of backdoor searches. This could allow the government to effectively use warrantless searches for law-abiding Americans. Senator WYDEN has an amendment that relates to closing that loophole.

Congress never intended the intelligence community to have a huge database to sift through without first getting a regular probable cause warrant, but because we do not have the details of exactly how this proceeds and we cannot debate in a public forum those details, then we are stuck with wrestling with the fact that we need to have the sorts of protections and efforts to close loopholes that Senator WYDEN has put forward.

What we do know is that this past summer, the Director of National Intelligence said in a public forum that on at least one occasion the FISA Court has ruled that a data collection carried out by the government did violate the fourth amendment. We also know that the FISA Court has ruled that the Federal Government has circumvented the spirit of the law as well as the letter of the law. But too much else of what we should know about this law remains secret. In fact, we have extremely few details about how the courts have interpreted the statutes that have been declassified and released to the public. This goes to the issue of secret law my colleague from Oregon was discussing earlier. If you have a phrase in the law and it has been interpreted by a secret court and the interpretation is secret, then you really do not know what the law means.

The FISA Court is a judicial body established by Congress to consider requests for surveillance made under the FISA Amendments Act, but, almost without exception, its decisions, including significant legal interpretations of the statute, remain highly classified. They remain secret.

I am going to put up this chart just to emphasize that this is a big deal. Here in America, if the law makes a reference to what the boundary is, we should understand how the court interprets that boundary so it can be debated. If the court reaches an interpretation with which Congress is uncomfortable, we should be able to change that, but of course we cannot change it, not knowing what the interpretation is because the interpretation is secret. So we are certainly constrained from having the type of debate that our Nation was founded on—an open discussion of issues.

These are issues that can be addressed without in any way compromising the national security of the United States. Understanding how certain words are interpreted tells us where the line is drawn. But that line, wherever it is drawn, is, in fact, relevant to whether the intent of Congress is being fulfilled and whether the protection of citizens under the fourth amendment is indeed standing strong.

An open and democratic society such as ours should not be governed by secret laws, and judicial interpretations are as much a part of the law as the words that make up our statute. The opinions of the FISA Court are controlling. They do matter. When a law is kept secret, public debate, legislative intent, and finding the right balance between security and privacy all suffer.

In 2010, due to concerns that were raised by a number of Senators about the problem of classified FISA Court opinions, the Department of Justice and the Office of the Director of National Intelligence said they would establish a process to declassify opinions of the FISA Court that contained important rulings of law. In 2011, prior to her confirmation hearing, Lisa Monaco, who is our Assistant Attorney General for National Security, expressed support for declassifying FISA opinions that include "significant instructions or interpretations of FISA."

So here we have the situation where the Department of Justice and the Office of the Director of National Intelligence said they would establish a process of declassifying opinions. They understood that Americans in a democracy deserve to know what the words are being interpreted to mean. We have the Assistant Attorney General for National Security during her hearings express that she supports significant instructions or interpretations being made available to the public. But here we are 2 years later since the 2010 expressions and a year from the confirmation hearings for Lisa, and nothing has been declassified—nothing.

The amendment I am offering today sets out a three-step process for sending the message it is important Americans know the interpretations of these laws. It does so in a fashion that is carefully crafted to make sure there is no conflict with national security.

First you call upon the Attorney General to declassify the FISA report in court of review opinions that include significant legal interpretations. If the Attorney General makes a decision, however, that it cannot be declassified—those decisions—in a way that does not jeopardize national security, then the amendment requires the administration to declassify summaries of their opinions.

So at the first point, you have the official written court opinions. But possibly woven into those court opinions are a variety of contexts about ways



and manner of gathering intelligence that pose national security problems. This amendment says: OK, if that is the case, we certainly do not want to disclose sensitive information about ways and means of collecting intelligence, so declassify summaries. That way, we can understand the legal interpretation without adjoining information that might represent a national security problem.

This amendment goes further. If the Attorney General decides that not even a summary can be declassified without compromising national security, then the amendment requires the administration to report to Congress regarding the status of its process for declassifying these opinions—a process the administration has already said it is undertaking. It just says: Tell us where you are.

It is probably very clear from my discussion that I would prefer that the opinions, the actual court opinions, be declassified and that perhaps, if they are sensitive, the national security information would be redacted. That is the normal process in which documents are declassified—you black out or remove sections that are sensitive. But the amendment I am presenting goes further on the side of protecting national security, saying: You don't have to just redact court opinions, you can do a summary that addresses significant legal implications without addressing the ways and means that might be embedded in a further court decision. Furthermore, Mr. Attorney General, if you make a decision that not even that is possible, then update us on the process.

But the key point is that it requires the Attorney General to make a decision, a clear decision over the national security balance and provide what can be done within the context, within the framework of not compromising our national security.

This is so straightforward that anyone bringing the argument to this floor that we should not do it because it compromises national security really has no case to make—absolutely no case to make.

The ACTING PRESIDENT pro tempore. The time of the Senator, under the order, has expired.

Mr. MERKLEY. My understanding is that 30 minutes was allocated?

The ACTING PRESIDENT pro tempore. Thirty minutes equally divided.

Mr. WYDEN. Mr. President, parliamentary inquiry: Can I yield to Senator MERKLEY time from general debate in order to let him complete his remarks?

The ACTING PRESIDENT pro tempore. With the unanimous consent of the Senate.

Mr. WYDEN. I ask unanimous consent.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Well, wait a minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mrs. FEINSTEIN. I object, if it is time on our side that will be used.

Mr. MERKLEY. Mr. President, if there is no one else waiting to speak, I ask unanimous consent to speak as in morning business and will yield when someone is ready, prepared to speak to the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, let me do something I do sometimes—correct myself. If the Senator is offering to use the time on his side, that is fine with me. As long as it is not using the time for the bill on our side.

Mr. WYDEN. Mr. President, I think this is acceptable, yes.

Mrs. FEINSTEIN. I thank the Senator.

Mr. MERKLEY. Mr. President, I thank my colleagues for setting out the parameters. I am going to wrap this up in fairly short order.

I again wish to emphasize that if any of my colleagues would like to come down and argue that this in any way compromises national security, I will be happy to have that debate because this has been laid out very clearly so the Attorney General has complete control over any possible compromise of information related to national security. Indeed, although I think it is important for this body to continue to express that the spirit of what we do in this Nation should be about citizens to the maximum extent possible having full and clear understanding of how the letter of the law is being interpreted.

Let me show an example of a passage. Here is a passage about what information can be collected: “. . . reasonable grounds to believe that the tangible things sought are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2),” and so on.

Let me stress these words: “relevant to an authorized investigation.”

There are ongoing investigations, multitude investigations about the conduct of individuals and groups around this planet, and one could make the argument that any information in the world helps frame an understanding of what these foreign groups are doing. So certainly there has been some FISA Court decision about what “relevant to an authorized investigation” means or what “tangible things” means. Is this a gateway that is thrown wide open to any level of spying on Americans or is it not? Is it tightly constrained in understanding what this balance of the fourth amendment is? We do not know the answer to that. We should be able to know.

If we believe that an administration and the secret court have gone in a di-

rection incompatible with our understanding of what we were seeking to defend, then that would enable us to have that debate here about whether we tighten the language of the law in accordance with such an interpretation. Again, is this an open gateway to any information anywhere in the world, anytime, on anyone or is it a very narrow gate? We do not know. American citizens should have the ability to know, and certainly a Senator working to protect the fourth amendment should know that as well. We have always struck a balance in this country between an overbearing government and the important pathway to obtaining information relevant to our national security.

The amendment I am laying forth strikes that balance appropriately. It urges the process to continue by providing an understanding of what the secret court interpretations are, which is very important to democracy. It provides the appropriate balance with national security, gives clear decision-making authority to the Attorney General of this process, and in that sense it gives the best possible path that honors national security concerns while demanding transparency and accountability for this issue of privacy and protection of the fourth amendment.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. For purpose of general debate, how much time remains on our side and how much time remains under the control of the distinguished chair of the committee?

The ACTING PRESIDENT pro tempore. The opponents have 140 minutes remaining; the proponents have 183 minutes remaining.

Mr. WYDEN. I thank the Chair. I will speak out of our time in order to respond to a couple points. I also wish to commend my colleague Senator MERKLEY from Oregon for his excellent statement. He has been doing yeoman's work in terms of trying to promote accountability and transparency on this issue and the work he has done in the Senate. I am going to correct a couple of misconceptions about what has been said and also talk on behalf of the good work Senator MERKLEY is doing.

With respect to this amendment I will be offering, I believe the Senate cannot say we passed the smell test with respect to doing vigorous oversight if we don't have some sense of how many Americans in our country who are communicating with each other are being swept up under this legislation. For purposes of the FISA Amendments Act, I think we ought to know, generally, how many Americans are being swept up under the legislation. Oversight essentially would be toothless without this kind of information.

I wish to correct one misconception with respect to where we are on the

language in the reporting amendment. The distinguished chair of the committee urged Senators to visit the offices of the Senate Select Committee on Intelligence to see the documents the chair has stated relate to intelligence officials who say it is impossible for them to estimate the number of law-abiding Americans who have had their communications swept up under the legislation. However, the fact is that when colleagues read the amendment I will be offering, they will see I am not requiring anyone to take on a new task of preparing an estimate of how many law-abiding Americans have been swept up in it. This is simply a request to the intelligence community, which states that if any estimate has already been done, that estimate ought to be provided.

When the distinguished chair of the committee says Senators should go over to the committee's offices and look at the documents which state that the intelligence community cannot do a new estimate, I want Senators to know the language of my amendment does not ask for a new estimate. In no way does it ask for a new estimate. It simply says: If an estimate has been done, that estimate ought to be furnished. If no estimate has been done, the answer to that is simply no. We will be very clear about it, and the matter will have been clarified. If no estimate has been done, then fine; the answer is no.

As I indicated earlier, the amendment also requires the intelligence community to state whether any wholly domestic communications have been collected. That again can be answered with a yes or no. Finally, it requires a response as to whether the National Security Agency has collected personal information on millions of Americans, and that too is a very straightforward answer.

I think when we talk about this kind of information, we ought to come back to the fact that no sources and methods in the intelligence community would be compromised. In no way would the operations or the important work of the intelligence community be interrupted. What it would simply do is provide us with what I think are the basics that this Senate needs to be able to say it is doing real oversight over a very broad area of surveillance law.

I hope Senators will ask themselves as we look at this: Do we in the Senate know whether anyone has ever estimated how many U.S. phone calls and e-mails have been warrantless collected under the statute? Does the Senate know whether any wholly domestic phone calls or e-mails have been collected under this statute? Does the Senate know whether the government has ever conducted any warrantless, backdoor searches for Americans' communication? If not, this is the Senate's chance to answer that question.

When our constituents come forward and ask us whether the government is protecting our privacy rights as we protect our security, the question is: How does the Senator look their constituents in the eye and tell them they don't know and are not in a position to get information that is essential to pass the smell test when it comes to this body doing basic oversight over what is certainly a broad and, for many Americans, rather controversial surveillance law.

I assume—because we have already heard some characterizations of my amendment, which are simply and factually incorrect—that we will have other responses to the reporting amendment in terms of objections. I have already stated my first concern: The intelligence community stating that they cannot estimate how many Americans' communications are collected under key section 702 of FISA. Again, my response is that when Senators look at the text of the amendment, it does not require anybody to do an estimate. It simply says that if estimates do exist, they ought to be provided to the Congress. When it comes to our oversight responsibilities, I do not think that request is excessive or unreasonable.

Second, I think we will hear the House and Senate Intelligence Committees already do oversight of FISA. Every Member of the Congress has to vote on whether to renew the FISA Amendments Act. Frankly, I think every Member of this body ought to be able to get a basic understanding of how the law actually works, and that is not available today.

Next, we will hear that the intelligence community has already provided the Congress with lots of information about the FISA Amendments Act. As the Presiding Officer knows from his service on the committee, much of that information is in highly classified documents that are difficult for most Members to review. The reality is most Members literally have no staff who have the requisite security clearance in order to read them.

The amendment I am talking about with respect to basic information on the number of Americans who have had their communications swept up under FISA—whether Americans with respect to wholly domestic communications have been swept up under this law—in my view that information ought to be available to this body in documents Members can actually access. Frankly, it ought to be available in a single document which Members can access.

In connection with the discussion about these issues, we will also hear the answers to these questions should not be made public. The amendment I am going to be offering with respect to getting a rough set of estimates as to how many Americans are being swept up under these authorities—and wheth-

er an estimate actually even exists—gives the President full authority to redact whatever information he wishes from the public version of the report. Under the amendment I am pursuing, the executive branch would have full discretion to decide whether it is appropriate to make any of this information public.

As we ensure more transparency and more accountability with respect to this information and access to it, no sources or methods which have to be protected—including important work the intelligence committee is doing—will be compromised in any way. The last word on this subject is the call of the President of the United States, who has the full discretion to decide whether it is appropriate to make any of this information public.

Finally, we are undoubtedly going to hear that the law is about to expire and amendments will slow it down. First of all, I think many of us would rather have had this debate earlier in this session of the Senate, and had there been more dialog on many of these issues, that would have been possible. We are where we are, and I think all of us understand that. We understand this is a huge challenge. The fiscal cliff is vital in terms of our work this week, but I continue to believe the other body is perfectly capable of passing this legislation before the end of the year.

The amendments that are being offered all go to the issue of transparency and accountability. Not one of those amendments would jeopardize the ongoing issues and operations which relate to the sources and methods of the intelligence community. The Congress can make amendments to improve oversight and still keep this law from expiring.

With respect to the reporting amendment, I hope the argument made by the distinguished chair of the committee that the intelligence community has said they cannot estimate how many Americans' communications have been collected under section 702—that Senators go to the offices of the Intelligence Committee. When colleagues look at the text of the amendment, the amendment does something different than the issue which has been raised by the distinguished chair of the committee. The amendment does not require anyone to do an estimate. It simply says that if an estimate already exists, that estimate ought to be provided to the Congress.

Let me also make some brief remarks on this issue of secret law that touches on the point raised by my colleague from Oregon Senator MERKLEY, who I think has given a very good presentation on the floor and has a very good amendment. When the laws are interpreted in secret, the results frequently fail to stand up to public scrutiny. We have talked about this on the

floor and in the committee and it isn't that surprising when we think about it. The law-making process in our country is often cumbersome, it is often frustrating, and it is often contentious. But over the long run I think we know this process is the envy of the world because it gives us a chance to have a real debate, generate support of most Americans because then people see, when they have had a chance to be a part of a discussion, that they are empowered in our system of government. On the other hand, when laws are secretly interpreted behind closed doors by a small number of government officials without public scrutiny or debate, we are much more likely to end up with interpretations of the law that go well beyond the boundaries of what the public accepts or supports. So let's be clear that when we are talking about public scrutiny and having debates, that is what allows the American people to see that those of us who are honored to serve them are following their will.

Sometimes it is entirely legitimate for government agencies to keep certain information secret. In a democratic society, of course, citizens rightly expect their government will not arbitrarily keep information from them, and throughout our history our people have guarded their right to know. But I think we also know our constituents acknowledge certain limited exceptions exist in this principle of openness. For example, most Americans acknowledge that tax collectors need to have access to some financial information, but the government does not have the right to share this information openly. So we strike the appropriate balance on a whole host of these issues on a regular basis.

Another limited exception exists for the protection of national security. The U.S. Government has the inherent responsibility to protect its citizens from threats, and it can do this most effectively if it is sometimes allowed to operate in secrecy. I don't expect our generals to publicly discuss the details of every troop movement in Afghanistan any more than Americans expected George Washington to publish his strategy for the Battle of Yorktown. By the same token, American citizens recognize their government may sometimes rely on secret intelligence collection methods in order to ensure national security, ensure public safety, and they recognize these methods often are more effective when the details—what are the operations and methods as we characterize them under intelligence principles—remain secret. But while Americans recognize government agencies will sometimes rely on secret sources and methods to collect intelligence information, Americans expect these agencies will at all times operate within the boundaries of publicly understood law.

I have had the honor to serve on the Intelligence Committee now for over a decade. I don't take a backseat to anyone when it comes to the importance of protecting genuine, sensitive details about the work being done in the intelligence community, particularly their sources and methods. However, the law itself should never be secret. The law itself should never be secret because voters have a right to know what the law says and what their government thinks the text of the law means so they can make a judgment about whether the law has been appropriately written, and they can then ratify or reject the decisions elected officials make on their behalf.

When it comes to most government functions, the public can directly observe the functions of government and the typical citizen can decide for himself or herself whether they support or agree with the things their government is doing. American citizens can visit our national forests—we take particular pride in them in our part of the country—and decide for themselves whether the forests are being appropriately managed. When our citizens drive on the interstate, they can decide for themselves whether those highways have been properly laid out and adequately maintained. If they see an individual is being punished, they can make judgments for themselves whether that sentence is too harsh or too lenient, but they generally can't decide for themselves whether intelligence agencies are operating within the law. That is why, as the U.S. intelligence community evolved over the past several decades, the Congress has set up a number of watchdog and oversight mechanisms to ensure intelligence agencies follow the law rather than violate it. That is why both the House and the Senate have Select Intelligence Committees. It is also why the Congress created the Foreign Intelligence Surveillance Court, and it is why the Congress created a number of statutory inspectors general to act as independent watchdogs inside the intelligence agencies themselves. All these oversight entities—one of which I am proud to serve on, the Senate Select Committee on Intelligence—all of them were created, at least in part, to ensure intelligence agencies carry out all their activities within the boundaries of publicly understood law.

But I come back to my reason for bringing up this issue this afternoon. The law itself always ought to be public and government officials must not be allowed to fall into the trap of secretly reinterpreting the law in a way that creates a gap between what the public thinks the law says and what the government is secretly claiming the law says. Any time that is being done, it first violates the public trust, and, second, I have long felt that allowing this kind of gap—a gap between the

government's secret interpretation of the law and what the public thinks the law is—undermines the confidence our people are going to have in government. Also, by the way, it is pretty shortsighted because history shows the secret interpretations of the law are not likely to stay secret forever, and when the public eventually finds out government agencies are rewriting these surveillance laws in secret, the result is invariably a backlash and an erosion of confidence in these important government intelligence agencies and the important work, as I noted this morning, our intelligence officials are doing.

So this is a big problem. Our intelligence and national security agencies are staffed by exceptionally hard-working and talented men and women, and the work they do is extraordinarily important. If the public loses confidence in these agencies, it doesn't just undercut morale, it makes it harder for these agencies to do their jobs. If we ask the head of any intelligence agency, particularly an agency that is involved in domestic surveillance in any way, he or she will tell us that public trust is a vital commodity and voluntary cooperation from law-abiding Americans is critical to the effectiveness of their agencies. If members of the public lose confidence in these government agencies because they think government officials are rewriting surveillance laws in secret, those agencies are going to be less effective. I don't want to see that happen. On my watch, I don't want to be a part of anything that makes our intelligence agencies less effective.

Officials at these government agencies do not get up in the morning to do their work with malicious intent. They work very hard to protect intelligence sources and methods for good reasons. Sometimes what happens is people lose sight of the difference between protecting sources and methods, which ought to be kept secret, and the law itself, which should not be kept secret. Sometimes they even go so far as to argue that keeping the interpretation of the law secret is actually necessary because it prevents our Nation's adversaries from figuring out what our intelligence agencies are allowed to do. My own view is this is "Alice in Wonderland" logic, but if the U.S. Government were to actually adopt it, then all our surveillance laws would be kept secret because that would, I guess one could argue, be even more useful. When Congress passed the Foreign Intelligence Surveillance Act in 1978, it would have been useful to keep the law secret from the KGB so Soviet agents wouldn't know whether the FBI was allowed to track them down. But American laws and the American Constitution shouldn't be public only when government officials think it is convenient. They ought to be public all the time.

Americans ought to be able to find out what their government thinks those laws mean, and I think it is possible to do that while still ensuring that sensitive information—information about sources and methods and the operations of the intelligence community—is appropriately kept secret.

My own view is the executive branch in the United States has so far failed to live up to their promises of greater transparency in this area, greater commitment to ensuring the public sees how our laws are being interpreted. As long as there is a gap between the way the government interprets these laws and what the public sees when people are sitting at home and looking it up on their laptops, I am going to do everything I can to reduce that gap and to ensure our citizens, consistent with our national security, have additional information with respect to how our laws are interpreted. We can do that while at the same time protecting the critical work being done by officials in the intelligence community.

With that, I am happy to yield to the distinguished chairwoman.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wish to take a moment to clarify this question of secret law. This code book I am holding is the law. It is not secret. This is all of the code provisions which guarantees the legality of what the intelligence community does. There is a whole section on congressional oversight. There is a whole section on additional procedures regarding persons inside the United States and persons outside the United States. This, in fact, is the law. We can change the law, and Senator WYDEN had something to do with adding section 704. He did, in fact, change the law to put additional privacy protections in and those privacy protections are up for reauthorization in this bill before us.

I wish to address, if I could, what Senator MERKLEY said in his comments. I listened carefully. What he is saying is opinions of the Foreign Intelligence Surveillance Court should, in some way, shape or form, be made public, just as opinions of the Supreme Court or any court are made available to the public. To a great extent, I find myself in agreement with that. They should be. Why can't they be? Because the law and the particular factual circumstances are mixed together in the opinion, so the particular facts and circumstances are possibly classified. Hopefully the opinion can either be written in a certain way for public release or the Attorney General can be required to prepare a summary of what that opinion said for release to the public.

There is one part of Senator MERKLEY's amendment which I think we can work together on regarding the FISA Court opinions, and that is on

page 5, lines 3 to 11, where the amendment says:

... if the Attorney General makes a determination that a decision may not be declassified and made available in a manner that protects the national security of the United States, including methods or sources related to national security, the Attorney General shall release an unclassified summary of such decision.

I have talked to Senator MERKLEY about this, and I have offered my help in working to establish this. The problem is, we have 4 days, and this particular part of the law expires, the FISA Amendments Act. I have offered to Senator MERKLEY to write a letter requesting declassification of more FISA Court opinions. If the letter does not work, we will do another intelligence authorization bill next year, and we can discuss what can be added to that bill on this issue.

I am concerned that what is happening is the term "secret law" is being confused with what the Foreign Intelligence Surveillance Court issues in the form of classified opinions based on classified intelligence programs. As I have made clear, the law is public and when possible, the opinions of the Foreign Intelligence Surveillance Court should be made available to the public in declassified form. It can be done, and I think it should be done more often.

If the opinion cannot be made public, hopefully a summary of the opinion can. And I have agreed with Senator MERKLEY to work together on this issue.

I ask unanimous consent that all quorum calls during debate on the FISA bill be equally divided between the proponents and opponents.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon.

Mr. WYDEN. Mr. President, just to respond to the points made by the distinguished chair of the committee—and, by the way, I think the chair's reference to being willing in the next intelligence authorization bill to work with those of us—and Senator MERKLEY has made good points this afternoon to try to include language in the next intelligence authorization bill to deal with secret law—I think that would be very constructive. I appreciate the chair making that suggestion.

Colleagues may know that under the leadership of the chair of the committee and the distinguished Senator from Georgia, the vice chair of the committee, Mr. CHAMBLISS, we were able, late last week, to work out the disagreements with respect to the intelligence authorization bill this year. I wish to thank the chair for those efforts. I think we have a good bill. I think all of us are against leaks. That is what was at issue. I think we have now dealt with the issue in a fashion so as to protect the first amendment and

the public's right to know, and I appreciate the chair working with this Senator on it.

I think we have a good intelligence authorization bill now for this year. I think the chair's suggestion that we look at dealing with this issue of secret law—in addition, I hope, to adopting the Merkley amendment—that we deal with it in the next intelligence authorization bill is constructive. I do want to respond to one point on the merits with respect to comments made by the distinguished chair on this issue.

The distinguished chair of the committee essentially said the law is public because the text of the statute is public. That is true. That is not in dispute. It is true that the text of the law is public. But the secret interpretations of that law and the fourth amendment from the FISA Court are not public. The administration pledged 3 years ago to do something about that. They pledged it in writing in various kinds of communications, and that still has not been done. That is why this is an important issue with respect to transparency and accountability.

The distinguished chair of the committee is absolutely correct that the law is public. The text of the law is public. Nobody disputes that. But the secret interpretations of the law and the fourth amendment—the interpretations of the FISA Court are not public, and we have received pledges now for years that this would change.

I remember—perhaps before the distinguished chair of the committee was in the Chamber—talking about how Senator ROCKEFELLER and I got a letter indicating that this was going to be changed and that we were very hopeful we were going to again get more information with respect to legal interpretations, matters that ought to be public that do not threaten sources and methods and operations. We still have not gotten that. That is the reason why Senator MERKLEY's work is so important.

I see my friend and colleague. I say to Senator MERKLEY, the distinguished chair of the committee has made the point—I think while the Senator had to be out of the Chamber—that the law is public because the text of it is public. But what the Senator has so eloquently described as being our concern is that the opinions of the FISA Court—their opinions and views about the fourth amendment—are what has been secret, and the administration has said for years now they would do something about it.

So the Senator's amendment seeks to give this the strongest possible push. I think that is why the Senator's amendment is so important. The Senator is obviously making a lot of headway because the distinguished chair of the committee has also said this issue of secret law is something that can be addressed as well in the intelligence authorization bill.

If we can adopt the Senator's amendment and then move on to the intelligence authorization bill, that will be a very constructive way to proceed, very much in the public interest. The Senator is obviously making headway.

Mr. MERKLEY. Mr. President, if I could interject for a moment.

Mr. WYDEN. Yes, of course.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. MERKLEY. I thank my colleague from Oregon for spearheading this whole conversation about privacy and national security and how the two are not at war with each other. We are simply looking for appropriate warrant processes, an assurance to the public that the boundaries of privacy are being respected. Certainly, a piece of that is the secret law. I appreciate the comments of the chair of the Intelligence Committee on this issue. I do feel that in a democracy, understanding how a statute is interpreted is essential to the conduct of our responsibility in forging laws and ensuring that the constitutional vision is protected.

Mr. WYDEN. I thank my colleague. He is making an important point. I have sat next to Senator FEINSTEIN in the Intelligence Committee now for 12 years, and I think all of us—and we have had chairs on both sides of the aisle—understand how important the work of the intelligence community is. This is what prevents so many threats to our country from actually becoming realities—tragic realities.

What my friend and colleague from Oregon has hammered home this afternoon is that if a law is secret and there is a big gap between the secret interpretation of a law and what the public thinks the law means—my friend and I represent people who, for example, could be using their laptop at home in Coos Bay. If they look up a law and they see what the public interpretation is and they later find out that the public interpretation is real different than what the government secretly says it is, when people learn that, they are going to be very unhappy.

I see my colleague would like some additional time to address this issue. I am happy to yield to him.

Mr. MERKLEY. I thank Senator WYDEN.

The Senator mentioned an Oregonian sitting in Coos Bay working on his or her laptop and calling the Senator's office and saying: Hey, the law says the government can collect tangible material related to an investigation. Does that mean they can collect all of my Web conversations—knowing that the Web circuits travel around the world multiple times and at some point they travel through a foreign space. They ask this question in all sincerity because they care about the fourth amendment and their privacy.

How much ability do we have to give them a definitive answer on that?

Mr. WYDEN. Absent the information we are seeking to get under the amendment I am going to offer, I do not think it is possible for a Senator to respond to the question.

The issue for an individual Senator would be: Do you know whether anyone has ever estimated how many U.S. phone calls and e-mails have been warrantlessly collected under the statute? Do you know whether any wholly domestic phone calls and e-mails have been collected under this statute, which I believe is the exact question my colleague from Oregon has asked.

I do not believe a Member of the Senate can answer that question. Being unable to answer that question means that oversight, which is so often trumpeted on both sides of the aisle, is toothless when it comes to the specifics.

I hope that responds to my colleague's question.

Mr. MERKLEY. Absolutely. I think about other questions our constituents might ask. They might ask if our spy agencies are collecting vast data from around the world and they become interested in an American citizen, can they search all that data without getting a warrant—a warrant that is very specific to probable cause and an affirmation.

Again, I suspect the answer we could give to the citizen would be that we cannot give a very precise evaluation of that, not knowing how the concept of information related to an investigation has been interpreted and laid out.

Mr. WYDEN. My colleague is asking a particularly important question because the Director of the National Security Agency, General Alexander, recently spoke at a large technology conference, and he said that with respect to communications from a good guy, which we obviously interpret as a law-abiding American, and someone overseas, the NSA has "requirements from the FISA Court and the Attorney General to minimize that"—to find procedures to protect the individual, the law-abiding American's rights, essentially meaning, in the words of General Alexander, "nobody else can see it unless there's a crime that's been committed."

If people hear that answer to my colleague's question—which, frankly, General Alexander responded to directly—they pretty much say that is what they were hoping to hear; that nobody is going to get access to their communications unless a crime has been committed.

The only problem, I would say to my friend, is Senator UDALL and I have found out that is not true. It is simply not true. The privacy protections provided by this minimization approach are not as strong as General Alexander made them out to be. Senator UDALL and I wrote to General Alexander, and he said—and I put this up on my Web

site so all Americans can see the response—the general said: That is not really how the minimization procedures work—these minimization procedures that have been described in such a glowing way—and that the privacy protections are not as strong as we have been led to believe. He may have misspoken and may have just been mistaken, but I am not sure the record would be correct even now had not Senator UDALL and I tried to make an effort to follow it up.

I can tell the Senator that at this very large technology conference—this was not something that was classified—at a very large technology conference recently in Nevada, what the head of the National Security Agency said was taking place with respect to protecting people, in response to my colleague's questions: Were their e-mails and phone calls protected, the general said to a big group: They are, unless a crime has been committed. The real answer is that is not correct.

Mr. MERKLEY. I thank my colleague from Oregon for being so deeply invested in the details of this over many years, utilizing a fierce advocacy in support of the fourth amendment and privacy to bring to these debates. I also thank the chair of the Intelligence Committee for her comments earlier today about secret laws and her own concerns about that and her willingness to help to work to have the administration provide the type of information that clarifies how these secret opinions interpret statutes. My thanks go to the Senator from California, Mrs. FEINSTEIN.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Oregon.

Mr. WYDEN. I thank my friend. Just one last point with respect to this technology conference where so many people walked away and thought their privacy was being protected by strong legal protections. General Alexander made additional confusing remarks that were in response to that same question with respect to the protections of law-abiding people.

General Alexander said, "... the story that we [the NSA] have millions or hundreds of millions of dossiers on people is absolutely false."

Now, I have indicated this morning as well, having served on the Intelligence Committee for a long time, I do not have the faintest idea of what anybody is talking about with respect to a dossier. So Senator UDALL and I followed that up as well. We asked the Director to clarify that statement. We asked, "Does the NSA collect any type of data at all on millions or hundreds of millions of Americans?" So that, too, is a pretty straightforward question.

The question Senators have been asking about this are not very complicated. If you are asking whether the National Security Agency is addressing

these privacy issues, I think it is one of the most basic questions you can ask. Does the National Security Agency collect any type of data at all on millions or hundreds of millions of Americans? If the Agency saw fit, they could simply answer that with a yes or no. Instead, the Director of the Agency replied that while he appreciated our desire to have responses to those questions on the public record, there would not be a public response forthcoming.

So to go over the exchange again, the Director of National Security Agency states that "... the story that we have millions or hundreds of millions of dossiers on people is absolutely false." Senator UDALL and I then asked: Does the NSA collect any type of data at all on millions or hundreds of millions of Americans? The Agency is unwilling to answer the question.

So that is what this debate is all about, is reforming the FISA Amendments Act and, in particular, getting enough information so that it is possible for the Senate to say to our constituents: We are doing oversight over this program.

I think right now, based on what we have outlined over the last 3 or more hours, it is clear that on so many of the central questions—the gap, for example, between the secret interpretation of the law and the public interpretation of the law, our inability to find out whether Americans in their wholly domestic communications have had their rights violated, how many law-abiding Americans have had their e-mails and phone calls swept up under FISA authorities, responses to these questions that stem from public remarks made by intelligence officials at public conferences—the inability to get answers to these questions means that this Senate cannot conduct the vigorous oversight that is our charge.

I expect we will have colleagues coming in. With the weather, it is a special challenge to get here from our part of the country.

I have a parliamentary inquiry. The distinguished chair of the committee already, I believe, got unanimous consent that the time in quorum calls be allocated to both sides. That was my understanding. Is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Madam President, I ask unanimous consent to speak in general debate as to H.R. 5949 and that my time in so speaking be charged against Senator WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Madam President, in this dangerous world, we have an obligation to give our intelligence community the tools and the resources they need to keep us safe. But we also have a fundamental obligation—just as great, I believe—to protect the civil liberties of law-abiding American citizens. A right to private communications free from the prying eyes and ears of the government should be the rule, not the exception, for American citizens on American soil whom law enforcement has no reason to suspect of wrongdoing. Yet the legislation that we debate on this Senate floor today, the FISA Amendments Act, or the Foreign Intelligence Surveillance Act Amendments Act, would reauthorize surveillance authority that most Americans, most of the Delawareans whom I represent, would be shocked to learn the government has in the first place.

Under section 702, FISA permits the government to wiretap communications in the United States without a warrant if it reasonably believes the target of the wiretap to be outside of the country and has a significant purpose of acquiring foreign intelligence information.

Of course, communications are by definition between two or more people, so even if one participant is outside our country, the person they are talking to may be here in the United States and they may well be an American citizen.

Under this legislation, the government is permitted to collect and store their communications but without clear legal limits on what can be done with this information. They can keep it for an indefinite period of time. They can search within these communications and use them in civilian criminal investigations. Perhaps most concerning of all to me, they can search information obtained under this act for the communications of a specific individual U.S. citizen without judicial oversight and for any reason. If these are all true and this is the case, then I am gravely concerned.

What is at issue today is the scope of the government's power to conduct surveillance without getting a warrant. The warrant requirement is enshrined in our legal system from the very founding of our Nation because we believe in judicial checks and balances. If the government suspects wrongdoing by a U.S. citizen, it must convince a judge to approve a warrant. Warrants are issued each and every day in courts across the United States for investigation of potential offenses across the whole spectrum of criminal activity, including crimes affecting national security. In contrast, surveillance under this act is not required to meet this standard, leaving American citizens vulnerable to potentially very real violations of their privacy.

The balance between privacy and security is an essential test for any government, but it is a vital test for our government and for this country.

This law, in my view, does not contain some essential checks that are supposed to protect our privacy.

This law in its current form does contain some checks that I want to review that are supposed to protect our privacy. It requires that the government surveillance program must be reasonably designed to target foreigners abroad and not intentionally acquire wholly domestic communications. The law requires that a wiretap be turned off when the government knows it is listening in on a conversation between two U.S. individuals, and it forbids the government from targeting a foreigner as a pretext for obtaining the communications of a U.S. national. All three of these are important privacy protections currently in the law.

The problem is that we here in the Senate—and so the citizens we represent—don't know how well any of these safeguards actually work. We don't know how courts construe the law's requirements that surveillance be, as I mentioned, reasonably designed not to obtain any purely domestic information. The law doesn't forbid purely domestic information from being collected.

We know that at least one FISA Court has ruled that a surveillance program violated the law. Why? Those who know can't say, and average Americans can't know. We can suspect that U.S. communications occasionally do get swept up in this kind of surveillance, but the intelligence community has not—in fact, they say they cannot offer us any reasonable estimate of the number or frequency with which this has happened.

The government also won't state publicly whether any wholly domestic communications have been obtained under this authority, and the government won't state publicly whether it has ever searched this surveillance, this body of communications, for the communications of a specific American without a warrant.

For me, this lack of information, this lack of understanding, this lack of detail about exactly how the protections in this act have worked is of, as I said, grave concern. Too often, this body finds itself in the position of having to give rushed consideration to the extension of expiring surveillance authorities.

The intelligence communities tell us these surveillance tools are indispensable to the fight against terrorism and foreign spies, just as they did during the PATRIOT Act reauthorization debate last year. Also as in the case of the PATRIOT reauthorization, the expiration of these authorities, we were told, would throw ongoing surveillance operations into a legal limbo, that it

could cause investigations to collapse or harm our ability to track terrorists and prevent crimes. All of these are profound and legitimate concerns. It is precisely because this legislation is so important that it is all the more deserving of the Senate's careful, timely, and deliberate attention.

This kind of serious consideration requires more declassified information on the public record than we have available now. That is why I am supporting the amendments reported by the Judiciary Committee, on which I serve, which would help to shine a light on exactly how this surveillance authority is used. It would direct the intelligence community inspector general to issue a public report explaining whether and how the FISA Amendments Act respects the privacy interests of Americans.

This amendment would also give us another chance to amend this FAA after we receive this report by adjusting the sunset not to 2017 but to 2015. The new expiration date would align the sunset of the FISA Amendments Act with those in the PATRIOT Act, allowing for more comprehensive review of both surveillance authorizations.

Concerns about privacy rights of law-abiding American citizens, as well as the striking lack of current public information, are also why I support the amendment of Senator MERKLEY to direct the administration to establish a framework for declassifying FISA Court opinions about the FAA. Secure sources and methods vital to the success of our intelligence community must be protected. I agree with that, and this amendment would do that. But the default position here ought to be that the legal analysis about the government's use of warrantless surveillance in this country is public rather than hidden from view.

I also strongly support the amendment of Senator WYDEN to force the intelligence community to provide Congress and the public, as appropriate, with specifics on just how much domestic communication has been captured under the FAA and what the intelligence community does with that information. This amendment simply asks for the most basic information about the practical consequences of the use of the powerful surveillance authorities in this act. To what extent are these authorities being used to discover the content of private conversations by U.S. citizens? What is the order of magnitude? We don't know.

This amendment is simply common sense. The Delawareans for whom I work and the Nation for whom we work expect that the government cannot listen in on their phone calls or read their e-mails unless a judge has signed a warrant. If there is a reason why this requirement is not consistent with national security, then I say let the intel-

ligence community make that case and allow us to debate that and consider it in public. It is simply not acceptable for the intelligence community to ask us to surrender our civil liberties and then refuse to tell us with any specificity why we must do so, the context, and the scale of the exercise of this surveillance authority. In my view, America's first principles demand better.

I thank Senator WYDEN for his leadership on this issue, and I thank Majority Leader REID for ensuring that we have the opportunity to debate and consider these amendments and the very important issues they reflect here today.

I urge all of my colleagues to consider carefully and then support these amendments to the FAA. We cannot let the impending deadline distract us from the important opportunity to conduct oversight and implement responsible reforms. To simply be rushed to passage when we have known the deadline was approaching for years strikes me as an abrogation of our fundamental oversight responsibility. This Chamber deserves a full and informed debate about our intelligence-gathering procedures and their potentially very real impact on Americans' privacy rights, and we need it sooner rather than later. These amendments would allow us to have that conversation and to work together on a path that strikes the essential balance between privacy and security for the citizens of these United States.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PAUL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PAUL. Madam President, I rise today in support of the Fourth Amendment Protection Act. The fourth amendment guarantees the right of the people to be secure in their persons, their houses, their papers, and their effects against unreasonable searches and seizures.

John Adams considered the fight against general warrants—or what they called in those days writs of assistance—to be when “the child Independence was born.” Our independence and the fourth amendment go hand in hand. They emerge together. To discount or to dilute the fourth amendment would be to deny really what constitutes our very Republic.

But somehow, along the way, we have become lazy and haphazard in our vigilance. We have allowed Congress and the courts to diminish our fourth amendment protections, particularly when we give our papers to a third

party—once information is given to an Internet provider or to a bank. Once we allowed our papers to be held by third parties, such as telephone companies or Internet providers, the courts determined we no longer had a legally recognized expectation of privacy.

There have been some dissents over time. Justice Marshall dissented in the California Bankers Association v. Schulz case, and he wrote these words:

The fact that one has disclosed private papers to a bank for a limited purpose within the context of a confidential customer-bank relationship does not mean that one has waived all right to the privacy of the papers.

But privacy and the fourth amendment have steadily lost ground over the past century. From the California Bankers Association case, to *Smith v. Maryland*, to *U.S. v. Miller*, the majority has ruled that records, once they are held by a third party, don't deserve the same fourth amendment protections.

Ironically, though, digital records seem to get less protection than paper records. As the National Association of Defense Attorneys has pointed out, “since the 1870s, a warrant has been required to read mail, and since the Supreme Court's decision in *Katz v. the United States*, a warrant has generally been required to wiretap telephone conversations. However, under current law, e-mail, text messages, and other communication content do not receive this same level of protection.” Why is a phone call deserving of more protection than our e-mail or texts?

In *U.S. v. Jones*, the recent Supreme Court case that says the government can't put a GPS tracking device on a car without a warrant, Justice Sotomayor said this:

I for one doubt that people would accept without complaint the warrantless disclosure to the government of a list of every Web site they have visited in the last week, or month, or year. . . . I would not assume that all information voluntarily disclosed to some member of the public for a limited purpose is, for that reason alone, disintegrated to the Fourth Amendment protection.

Justices Marshall and Brennan, dissenting in *Smith v. Maryland*, emphasized the danger of giving up fourth amendment protections. They wrote:

The prospect of government monitoring will undoubtedly prove disturbing even to those with nothing illicit to hide. Many individuals, including members of unpopular political organizations or journalists with confidential sources, may legitimately wish to avoid disclosure of their personal contacts.

In *Miller* and in *Smith*, the Supreme Court held that the fourth amendment did not protect records held by third parties. Sotomayor wrote in the *Jones* case that it may be time to reconsider these cases, reconsider how they were decided; that their approach is, in her words, “ill-suited to the digital age, in which people reveal a great deal of information about themselves to third parties in the course of carrying out mundane tasks.”



Today, this amendment that I will present, the Fourth Amendment Protection Act, does precisely that. This amendment would restore the fourth amendment protection to third-party records. This amendment would simply apply the fourth amendment to modern means of communications. E-mailing and text messaging would be given the same protections we currently give to telephone conversations.

Some may ask, well, why go to such great lengths to protect records? Isn't the government just interested in the records of bad people?

To answer this question, one must imagine their Visa statement and what information is on that Visa statement. From our Visa statement, the government may be able to ascertain what magazines we read; whether we drink and how much; whether we gamble and how much; whether we are a conservative, a liberal, a libertarian; whom we contribute to; what our preferred political party is; whether we attend a church, a synagogue, or a mosque; whether we are seeing a psychiatrist; and what type of medications we take. By poring over a Visa statement, the government can pry into every aspect of one's personal life. Do we really want to allow our government unfettered access to sift through millions of records without first obtaining a judicial warrant?

If we have people who are accused of committing a crime, we go before a judge and get a warrant. It is not that hard. I am not saying the government wouldn't be allowed to look through records. I am saying that the mass of ordinary, innocent citizens should not have their records rifled through by a government that does not first have to ask a judge for a warrant before they look at personal records.

We have examples in the past of abuses by our own country. During the civil rights era, the government snooped on activists. During the Vietnam era, the government snooped on antiwar protesters. In a digital age, where computers can process billions of bits of information, do we want the government to have unfettered access to every detail of our lives? From a Visa statement, the government can determine what diseases one may or may not have; whether one is impotent, manic, depressed; whether someone is a gun owner and whether he or she buys ammunition; whether one is an animal rights activist, an environmental activist; what books we order, what blogs we read, and what stores or Internet sites we look at. Do we really want our government to have free and unlimited access to everything we do on our computers?

The fourth amendment was written in a different time and a different age, but its necessity and its truth are timeless. The right to privacy and, for that matter, the right to private prop-

erty are not explicitly mentioned in the Constitution, but the ninth amendment says that the rights not stated are not to be disparaged or denied.

James Otis—arguably the father of the fourth amendment—put it best when he said:

One of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle.

Today's castle may be an apartment, and who knows where the information is coming from. It may be paper in one's apartment or it may be bits of data stored who knows where, but the concept that government should be restrained from invading a sphere of privacy is a timeless concept.

Over the past few decades, our right to privacy has been eroded. The Fourth Amendment Protection Act would go a long way toward restoring this cherished and necessary right. I hope my colleagues will consider supporting, defending, and enhancing the fourth amendment, bringing it into a modern age where modern electronic and computer information and communications are once again protected by the fourth amendment.

Madam President, I reserve the remainder of my time.

Mrs. FEINSTEIN. Madam President, is the Senator going to call up his amendment?

AMENDMENT NO. 3436

Mr. PAUL. Madam President, I ask unanimous consent to call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL], for himself and Mr. LEE, proposes an amendment numbered 3436.

Mr. PAUL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure adequate protection of the rights under the Fourth Amendment to the Constitution of the United States)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FOURTH AMENDMENT PRESERVATION AND PROTECTION ACT OF 2012.**

(a) **SHORT TITLE.**—This section may be cited as the "Fourth Amendment Preservation and Protection Act of 2012".

(b) **FINDINGS.**—Congress finds that the right under the Fourth Amendment to the Constitution of the United States of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures is violated when the Federal Government or a State or local government acquires information voluntarily relinquished by a person to another party for a limited business purpose without the express informed consent of the person to the specific request by the Federal Government or a State or local government or a warrant,

upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

"(c) **DEFINITION.**—In this section, the term "system of records" means any group of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular associated with the individual.

(d) **PROHIBITION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Federal Government and a State or local government is prohibited from obtaining or seeking to obtain information relating to an individual or group of individuals held by a third-party in a system of records, and no such information shall be admissible in a criminal prosecution in a court of law.

(2) **EXCEPTION.**—The Federal Government or a State or local government may obtain, and a court may admit, information relating to an individual held by a third-party in a system of records if—

(A) the individual whose name or identification information the Federal Government or State or local government is using to access the information provides express and informed consent to the search; or

(B) the Federal Government or State or local government obtains a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I rise in opposition to this amendment. This amendment is extraordinarily broad. It is much broader than FISA, and in the course of my remarks, I would hope to address how broad it is. It essentially bars Federal, State, and local governments from obtaining any information relating to an individual that is held by a third party unless the government first obtains either a warrant or consent from the individual. This is also not germane to FISA. It has not been reviewed by the Judiciary Committee, which would have jurisdiction over this matter. For that reason alone, I would vote against it. Also, it impedes the timely reauthorization of the FISA Amendments Act.

I also oppose the substance of the amendment. The amendment is titled the "Fourth Amendment Preservation and Protection Act." In reality, it seeks to reverse over 30 years of Supreme Court precedent interpreting the fourth amendment.

In 1967 the Supreme Court established its reasonable expectation of privacy test under the fourth amendment, in the case of *Katz v. United States*. Nine years later, in a case known as *U.S. v. Miller*, the Supreme Court held:

[T]he Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities.

So already you have a Supreme Court case saying that the fourth amendment does not prohibit the use of this kind of information by the government.

The Miller case involved the government obtaining account records from a bank. But in 1979, just 3 years after Miller, the Supreme Court took up the issue of third-party collection in a case involving the installation and use of pen registers, which are electronic devices that enable law enforcement to collect telephone numbers dialed from a particular phone line without listening to the content of those calls. The 1973 case is known as *Smith v. Maryland*, and in it the Court held:

[W]e doubt that people in general entertain any actual expectation of privacy in the numbers they dial. All telephone users realize that they must “convey” phone numbers to the telephone company, since it is through telephone company switching equipment that their calls are completed. All subscribers realize, moreover, that the phone company has facilities for making permanent records of the numbers they dial, for they see a list of their long-distance (toll) calls on their monthly bills. . . . Telephone users . . . typically know that they must convey numerical information to the phone company; that the phone company has facilities for recording this information; and that the phone company does in fact record this information for a variety of legitimate business purposes. Although subjective expectations cannot be scientifically gauged, it is too much to believe that telephone subscribers, under these circumstances, harbor any general expectation that the numbers they dial will remain secret. . . . This Court consistently has held that a person has no legitimate expectation of privacy in information he voluntarily turns over to third parties.

More recently, in the Court’s 2012 decision in *U.S. v. Jones*, some Justices have questioned whether the time has come to revisit Miller and Smith in some form. Now, perhaps they are right, but this amendment isn’t the form they had in mind. And this isn’t the time to do so.

This amendment is so broad that the police could not use cell phone data to find a missing or kidnapped child without a warrant or the consent of the missing child—impossible to get. Similarly, they could not ask the phone company to provide the home address of a terrorist, drug dealer, or other criminal without consent or warrant. They could not ask a bank if such criminals had recently deposited large sums of money. In fact, as written, this amendment would prohibit law enforcement from looking up the name, address, and phone number of a criminal suspect, witness, or any other person online unless they obtained a warrant or the consent of the criminal suspect. As you can see, the amendment is too broad.

As I have already stated, the FAA authorities expire in 4 days. If those authorities are allowed to lapse, our intelligence agencies will be deprived of a critical tool that enables those agencies to acquire vital information about international terrorists and other important targets overseas, plus what they may be plotting in the United

States. It is imperative that we pass a clean reauthorization of these authorities without amendments that will hamper passage in the House.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

#### AMENDMENT NO. 3437

Mr. LEAHY. Madam President, I ask unanimous consent to set aside the pending amendments and call up my amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] for himself, Mr. DURBIN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. AKAKA, and Mr. COONS, proposes an amendment numbered 3437.

Mr. LEAHY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “FAA Sunset Extension Act of 2012”.

#### SEC. 2. EXTENSION OF FISA AMENDMENTS ACT OF 2008 SUNSET.

(a) EXTENSION.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110-261; 50 U.S.C. 1881 note) is amended by striking “December 31, 2012” and inserting “June 1, 2015”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 403(b)(2) of such Act (Public Law 110-261; 122 Stat. 2474) is amended by striking “December 31, 2012” and inserting “June 1, 2015”.

(c) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110-261; 50 U.S.C. 1801 note) is amended in the heading by striking “DECEMBER 31, 2012” and inserting “JUNE 1, 2015”.

#### SEC. 3. INSPECTOR GENERAL REVIEWS.

(a) AGENCY ASSESSMENTS.—Section 702(l)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “authorized to acquire foreign intelligence information under subsection (a)” and inserting “with targeting or minimization procedures approved under this section”;

(2) in subparagraph (C), by inserting “United States persons or” after “later determined to be”; and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking “such review” and inserting “review conducted under this paragraph”;

(B) in clause (ii), by striking “and” at the end;

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii), the following:

“(iii) the Inspector General of the Intelligence Community; and”.

(b) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—Section 702(l) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—

“(A) IN GENERAL.—The Inspector General of the Intelligence Community is authorized to review the acquisition, use, and dissemination of information acquired under subsection (a) in order to review compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f), and in order to conduct the review required under subparagraph (B).

“(B) MANDATORY REVIEW.—The Inspector General of the Intelligence Community shall review the procedures and guidelines developed by the intelligence community to implement this section, with respect to the protection of the privacy rights of United States persons, including—

“(i) an evaluation of the limitations outlined in subsection (b), the procedures approved in accordance with subsections (d) and (e), and the guidelines adopted in accordance with subsection (f), with respect to the protection of the privacy rights of United States persons; and

“(ii) an evaluation of the circumstances under which the contents of communications acquired under subsection (a) may be searched in order to review the communications of particular United States persons.

“(C) CONSIDERATION OF OTHER REVIEWS AND ASSESSMENTS.—In conducting a review under subparagraph (B), the Inspector General of the Intelligence Community should take into consideration, to the extent relevant and appropriate, any reviews or assessments that have been completed or are being undertaken under this section.

“(D) REPORT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit a report regarding the reviews conducted under this paragraph to—

“(i) the Attorney General;

“(ii) the Director of National Intelligence; and

“(iii) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

“(I) the congressional intelligence committees; and

“(II) the Committees on the Judiciary of the House of Representatives and the Senate.

“(E) PUBLIC REPORTING OF FINDINGS AND CONCLUSIONS.—In a manner consistent with the protection of the national security of the United States, and in unclassified form, the Inspector General of the Intelligence Community shall make publicly available a summary of the findings and conclusions of the review conducted under subparagraph (B).”.

#### SEC. 4. ANNUAL REVIEWS.

Section 702(l)(4)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(l)(4)(A)), as redesignated by section 3(b)(1), is amended—

(1) in the matter preceding clause (i)—

(A) in the first sentence—

(i) by striking “conducting an acquisition authorized under subsection (a)” and inserting “with targeting or minimization procedures approved under this section”; and

(ii) by striking “the acquisition” and inserting “acquisitions under subsection (a)”; and

(B) in the second sentence, by striking "The annual review" and inserting "As applicable, the annual review"; and

(2) in clause (iii), by inserting "United States persons or" after "later determined to be".

Mr. LEAHY. Madam President, when Congress passed the FISA Amendments Act of 2008, it granted the Government sweeping new electronic surveillance powers which, if abused or misused, could impinge on the privacy rights of Americans. Congress enacted these controversial authorities with the understanding that it would re-examine these provisions within four years, and determine whether to allow these authorities to continue.

While there is no question that the surveillance powers established in the FISA Amendments Act have proven to be extraordinarily important for our national security, it is equally clear to me that those broad powers must continue to come with rigorous oversight and strong privacy protections.

That is why the Senate should adopt the Senate substitute amendment that would allow the Government to continue using these authorities, but for a period of time that ensures strong and independent oversight. This amendment was considered and reported favorably by the Senate Judiciary Committee last July. I urge Senators to support this reasonable and common-sense measure. I call on all Senators who talk about accountability and oversight to join with us to adopt this better approach to ensuring our security and our privacy.

Many of us will remember that the FISA Amendments Act was originally passed to clean up what one Bush administration lawyer called the "legal mess" of the warrantless wiretapping program, which undermined the privacy rights and civil liberties of countless Americans. More than that, the warrantless wiretapping program undermined the public's trust in our Government, and in the intelligence community's ability to police itself.

During the debate on the FISA Amendments Act in 2007 and 2008, I worked with others on the Judiciary Committee to ensure that important oversight, accountability, and privacy protections were put into place, including express prohibitions on the warrantless wiretapping of U.S. persons or any individual located here in the United States, as well as a prohibition against the practice of so-called "reverse targeting."

I am convinced that the oversight and accountability provisions that we included in the original legislation have helped to prevent the abuse of these surveillance tools. Based on my review of information provided by the Government, and after a series of classified briefings, I have not seen evidence that the law has been abused, or that the communications of U.S. persons are being intentionally targeted.

But let's be absolutely clear, my conclusion is based on the information I have seen to date, and current compliance does not guarantee future compliance. We must not relax our oversight efforts, and I believe that there is more that can be done to protect against future abuse and misuse.

In June, after the Senate Intelligence Committee originated the Senate bill to reauthorize and extend FISA, Senator GRASSLEY and I asked for a sequential referral, just as I did in 2008, to allow the Judiciary Committee to consider and improve this important legislation. The bill that was approved by the Intelligence Committee provided for a general and unfettered extension of the expiring provisions until June 2017.

I hoped that the Senate Judiciary Committee would improve on that, and we did. I worked with Senator FEINSTEIN, Chair of the Senate Intelligence Committee, to craft a compromise to shorten the sunset to 2015 and to add some accountability and oversight provisions. I appreciated the Senator from California's commitment to helping to improve this sensitive and important legislation and her strong words of support for the Senate Judiciary Committee bill. The Senate Judiciary Committee adopted the substitute and reported the Senate bill to the Senate promptly last July. That is the bill that I am offering, the Senate bill. There is no reason for us to merely rubberstamp the House bill. We have a better bill with better provisions and more accountability and oversight. I am pleased that Senators DURBIN, FRANKEN, SHAHEEN, AKAKA, and COONS have joined me as cosponsors of this amendment.

The Senate bill that the Judiciary Committee adopted, and that I am offering to improve on the House bill that has been brought before us, provides for a shorter sunset of the expiring surveillance authorities. The House bill's sunset is longer than that adopted by the Senate Select Committee on Intelligence and unnecessarily extended. The Senate bill I offer provides for extending FISA authorities, but would sunset them in June 2015. This will allow the existing programs to continue but ensures that we revisit them in a timely fashion as more information becomes available. It would also align with the June 2015 sunset of certain provisions of the USA PATRIOT Act, thereby enabling Congress to evaluate all of the expiring surveillance provisions of FISA together. This is an approach that Chairman FEINSTEIN and I both supported during the PATRIOT Act reauthorization debate in 2011, along with many members of the Judiciary and Intelligence Committees. This is the position the intelligence community and the administration supported then and as recently as last year. It is the right position and

the right sunset, and that is why the Senate bill should include it and will if my amendment is adopted.

As we have seen through our experience with the USA PATRIOT Act, sunsets are important oversight tools. Sunsets force Congress to re-examine carefully the surveillance powers that have been authorized. If we know we have to actually look at it because it is going to run out, what happens is amazing—Senators in both parties actually look at it. More importantly, sunsets force the administration to provide full and accurate information to justify to Congress the reauthorization of significant authorities. Any administration is going to be willing to kick the ball down the road if they don't have to do it; if they have a sunset, they do. The last thing we want is for the NSA and the FBI to take for granted that they will have these powers, especially when the misuse or abuse of these powers could significantly impact the constitutional liberties of Americans. Likewise, we must never take for granted our constitutional liberties, and we should not shy away from our duty as Senators to protect against any such misuse or abuse.

I acknowledge and appreciate those in the intelligence community who work very hard to ensure compliance with our laws and Constitution. But it is also important to note that there has never been a comprehensive review of these authorities by an independent Inspector General that would provide a complete perspective on how these authorities are being used, and whether they are being used properly.

The DOJ Inspector General recently completed a review of the FBI's implementation of the FISA Amendments Act, but this was limited in scope—not only because it was just limited to the FBI, and not any other part of the intelligence community, but also because it was limited in scope to the period ending in early 2010. Notably, this was the first report ever issued by the DOJ Inspector General regarding the FBI's use of Section 702 authorities, and it was issued in September 2012—after the Senate Intelligence and Judiciary Committees reported their bills, and after the House voted to pass its clean extension.

Even more troubling is the fact that we still have not received a report from the NSA Inspector General that fully assesses the NSA's compliance with its targeting and minimization procedures, or the limitations we put in place to protect the privacy of Americans. I am told that a preliminary report on the adequacy of the management controls at the NSA is being finalized—but it is just that: a preliminary report, and not an actual, final, comprehensive, or definitive assessment of whether NSA analysts are complying with the procedures and

rules that they have put into place. Indeed, the NSA Inspector General's office has acknowledged that there is more work to be done, and that this review—once completed—will just be a first step. Moreover, as with the DOJ Inspector General's report, this review is limited just to a single agency, and does not incorporate any review or assessment of any information-sharing that might be taking place.

To address the limitations faced by the IGs for individual agencies, our Senate bill as embodied in my substitute amendment adds some commonsense improvements to the oversight provisions in the FISA Amendments Act, including a comprehensive independent review by the Inspector General of the Intelligence Community. The Office of the Inspector General of the Intelligence Community was established in 2010 and has the unique ability to provide a comprehensive assessment of the surveillance activities across the intelligence community, rather than just a limited view of a single agency. An independent review by the Inspector General for the Intelligence Community could answer some remaining questions about the implementation of the FISA Amendments Act, particularly with respect to the protection of the privacy rights of U.S. persons. I also believe that an unclassified summary of such an audit should be made public in order to provide increased accountability directly to the American people.

These are reasonable improvements to the law that I urge all Senators to support. We often hear Senators speak about the need for vigorous and independent oversight of the Executive Branch, the need to support independent inspectors general who are not beholden to a particular agency, and the need for Congress to conduct its own independent reviews as a check on the power of the Executive. So I ask those same Senators this question: When Congress has authorized the use of expansive and powerful surveillance tools that have the potential to impact so significantly the constitutional rights of law-abiding Americans, isn't this exactly the type of situation that calls for that sort of vigorous and independent oversight? Put simply, someone needs to be watching the watchers—and watching them like a hawk. I call upon all Senators, on both sides of the aisle, who talk about accountability and oversight to join with us to adopt this better approach to ensuring our security and our privacy by adopting the Senate bill as embodied in the substitute amendment.

No one can argue that shortening the sunset or adding oversight provisions somehow hampers the Government's ability to fight terrorism or somehow harms national security. That is not true. All Senators should know that neither the 2015 sunset date nor the

added oversight provisions have any operational impact on the work of the intelligence community. No one—I repeat, no one from the administration has ever said to me that these provisions cause any operational problems for the intelligence community, and to suggest otherwise now is simply not accurate.

In fact, when the Senate Select Committee on Intelligence reported its bill last year that bill had exactly the same sunset date of June 2015 that is in the substitute amendment. I was encouraged that Senator FEINSTEIN supported this 2015 sunset date when the Judiciary Committee approved this substitute amendment, and noted then that this substitute amendment does not cause any operational problems for the intelligence community.

So where does that leave us? It leaves us with a simple choice. We can enable the intelligence community to continue using these authorities until 2015, while adding commonsense improvements that will help us to conduct vigorous oversight. Or the Senate can abdicate its responsibilities and rubberstamp the House bill that extends these powerful authorities for another five years, without a single improvement in oversight or accountability—even though we may not have all the information we need to make an informed determination.

As an American, and as a Vermonter, the choice is simple for me. We have an obligation to ensure that these expansive surveillance authorities are accompanied by safeguards. We can fulfill our duty to protect the privacy and civil liberties of the American public, while continuing to provide the intelligence community with tools to help keep America safe. That is what the Senate bill as embodied in the substitute amendment accomplishes. I urge Senators to choose this balanced, commonsense approach, and to support adopt the Senate substitute to the over-expansive House bill.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, in listening to the distinguished chairman of the Judiciary Committee and also reading the amendment, I want to make clear that there are parts of this amendment to which I would agree. However, the House bill is now before us, which would extend the sunset of the FISA Amendments Act 5 years versus 2½ years in the Leahy Amendment. So, before us is the 5-year authorization period which the House has already passed. We have 4 days before the FISA Amendments Act essentially end. I cannot support that shorter time but I support the 5-year extension.

The part of the amendment of the chairman of the Judiciary Committee that I do agree with is the expanded mission of the inspector general of the Intelligence Community. Since the

chairman is now becoming the President in rapid promotion, I will be happy to address my remarks to him.

(The PRESIDENT pro tempore assumed the Chair.)

Mr. President, Mr. Chairman, I want you to know we have spent large amounts of time on the particular issue of Section 702 reporting. For example, the law requires semiannual Attorney General and DNI assessments of section 702. Every 6 months they assess compliance with the targeting and minimization procedures. The law also requires the inspector general of Justice and the IG of every element of the intelligence community authorized to acquire foreign intelligence information to review compliance within Section 702. In addition, the IGs are required to review the number of disseminated intelligence reports containing a reference to a U.S. person identity and the number of U.S. person identities subsequently disseminated. The law also already requires annual reviews by agency heads of Section 702. It also requires a semiannual Attorney General report on Title VII every 6 months to fully inform the congressional Intelligence and Judiciary Committees. And there is another semiannual report on FISA required for the Attorney General to submit a report to the committees. Finally, there are requirements for the provision of documents relating to significant construction or interpretation of FISA by the FISA Court.

So it is clear that there are many reporting requirements on FISA and specifically section 702. I would also add that the Intelligence Committee has had hearings with the DNI, with Attorney General Holder, with Director of FBI Mueller on how Section 702 is carried out. I will also tell you the Intelligence Committee staff spends countless hours going over the reports in meetings with representatives of the departments. However, I would say to Chairman LEAHY that what I would like to do is look at your amendment and see how it compares to what is currently being done and possibly add some parts of your amendment to our authorization bill next year.

I would urge that we have your staff and the Intelligence Committee staff work together to see what we can do. The real reason to oppose all of this at this time is that these authorities expire in 4 days. I remember the vote in the Judiciary Committee on this amendment very well. Had the bill come to the floor over the summer, after it passed out of Committee, then we might have had time to convince the House to consider these changes to current law. But here we are where we have a 5-year House bill in front of us and only 4 days to extend the sunset. As I am opposing all amendments, I would respectfully and, not quite sorrowfully but almost, have to oppose

your amendment with the caveat I added, Mr. Chairman.

In deference to you and your chairmanship of the Judiciary Committee, the Intelligence Committee staff will work closely with yours to see if there is anything that needs to be added to a future intelligence authorization bill.

I thank you for that and I yield the floor.

The PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, first, I strongly support your amendment, given how little most Members of Congress know about the actual impact of the law. The shorter extension period as envisioned by the distinguished chairman of the Judiciary Committee makes a lot of sense. I also think it makes sense to have the intelligence community inspector general conduct an audit on how FISA Amendment Act authority has been used.

Once again, we have had this discussion about how much everybody already knows about how the FISA Amendments Act affects the operations of this program on law-abiding Americans. I would have to respectfully disagree. I asked Senators, as we touched on this in the course of the afternoon, whether they know if anyone has ever estimated how many U.S. phone calls and e-mails have been warrantlessly collected under this statute?

Senator UDALL and I have asked this very simple question: Has there been an estimate—not whether there is going to be new work, whether they are going to be difficult assignments. We have asked whether there has ever been an estimate of how many U.S. phone calls have been warrantlessly collected under the statute. We were told in writing we were not going to be able to get that information.

I think Senators ought to also ask themselves whether they know if any domestic phone calls and e-mails, what are wholly domestic communications, have been conducted under this statute. I think they will also find they do not know the answer to this question. I think Senators also would want to know whether the Government has ever conducted any warrantless backdoor searches for Americans' communications.

So when we have the argument that has now been advanced several times in the course of the day that we already know so much, we do not need all these amendments, it is just going to delay passage of the legislation, I urge people—go to my Web site, in particular—to look at what we have learned from the intelligence community, which is the response to request after request, particularly requests of a tripartisan group of Senators asking yes or no questions: Has there been an estimate? For example, how many law abiding Americans have had their communications swept up into these FISA au-

thorities? Our inability to get that answer makes it clear that when one talks about robust oversight under this legislation, the reality is that there is enormous lack of specifics with respect to how this legislation actually works.

I would only say in response to the amendment offered by the Presiding Officer, Senator LEAHY, the chairman of the Judiciary Committee, I think his amendment is very appropriate. Given how little is known, to me it is one of the fundamental pillars of good oversight that we do not grant open-ended kind of authorizations when we lack so much fundamental information about how this program works, particularly how it would affect law-abiding Americans.

With that, I yield back.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### LETTER OF RESIGNATION

Mr. REID. Mr. President, I have in my hands a letter from Brian Schatz, the Lieutenant Governor of the State of Hawaii, and that letter is a resignation letter.

I ask unanimous consent the resignation letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 26, 2012.

Re Resignation as Lieutenant Governor.

Hon. NEIL ABERCROMBIE,  
Governor, State of Hawai'i, State Capitol,  
Honolulu, Hawaii.

DEAR GOVERNOR ABERCROMBIE: Thank you for the confidence you have placed in me today by appointing me to represent Hawai'i in the United States Senate by filling the vacancy in the Senate caused by the death of Senator Inouye.

Because of the critical issues facing our nation, I will need to go to Washington, D.C. immediately to assume the duties of the office of United States Senator. In order to ensure that the duties and responsibilities of the Lieutenant Governor are performed for the State of Hawai'i with as little interruption as possible, I hereby tender my resignation as Lieutenant Governor, effective immediately.

Very truly yours,

BRIAN SCHATZ.

#### CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a certificate of appointment to fill the vacancy created by the death of the late Senator Daniel K. Inouye of Hawaii.

The certificate, the Chair is advised, is in a form suggested by the Senate. If there is no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

There being no objection, the certificate was ordered to be printed in the RECORD, as follows:

EXECUTIVE CHAMBERS

Honolulu

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Hawai'i, I, Neil Abercrombie, the governor of said State, do hereby appoint Brian Schatz a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Daniel K. Inouye, is filled by election as provided by law.

Witness: His excellency our governor Neil Abercrombie, and our seal hereto affixed at the Hawai'i State Capitol this 26th day of December, in the year of our Lord 2012.

By the governor:

NEIL ABERCROMBIE,  
Governor.

BRIAN SCHATZ,  
Lieutenant Governor.

[State Seal Affixed]

#### ADMINISTRATION OF THE OATH OF OFFICE

The VICE PRESIDENT. If the Senator-Designee will now present himself at the desk, the Chair will administer the oath of office.

The Senator-Designee, escorted by Mr. AKAKA and Mr. REID, advanced to the desk of the Vice President, the oath prescribed by law was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising)

The PRESIDENT pro tempore. The majority leader.

#### WELCOMING SENATOR BRIAN SCHATZ

Mr. REID. Mr. President, on behalf of the entire Senate, I welcome Senator BRIAN SCHATZ to the Senate. I congratulate him on his appointment to fill the seat of the late Senator Dan Inouye who, as we all know, was an institution in and of himself.

Senator SCHATZ is now one of the youngest Senators in this body. Nevertheless, he has a long history of serving the State of Hawaii. Prior to entering politics, Senator SCHATZ served for 8 years as the CEO of Helping Hands Hawaii, one of Hawaii's largest nonprofit social services organizations. He also served four terms in the Hawaii House of Representatives and served until just a few minutes ago as the Lieutenant Governor of the State of Hawaii.

Having been a Lieutenant Governor he has experience as a legislator, and

then as one of the presiding officers of the entire Senate, speaks for itself in helping to prepare for the job he has here. I expect he will build upon the foundation laid by Senator Inouye in the Senate. While no one can fill the shoes of our friend Senator Inouye, BRIAN SCHATZ is a young man with a future full of promise and opportunity.

I ask unanimous consent that the Senator from Hawaii, Mr. AKAKA, now be recognized.

The PRESIDENT pro tempore. The senior Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise to welcome Hawaii's new Senator, BRIAN SCHATZ. BRIAN is a leader for Hawaii's present and for our future and I welcome him with much aloha pumehana, which means warm love.

I also welcome and congratulate Senator SCHATZ's wife Linda; their children, Tyler and Mia; his twin brother, and Senator SCHATZ's proud parents, Dr. Irwin and Mrs. Barbara Schatz.

Senator SCHATZ arrives in Washington during a sad time as we continue to mourn the loss of our champion, Senator Dan Inouye. Dan Inouye will always be a legend in Hawaii. He will never be replaced.

At Dan Inouye's memorial service in Honolulu this past weekend, I was reminded of how many people he touched in Hawaii and across the country. We must honor his legacy by working together for the people of Hawaii.

I thank BRIAN for volunteering for this incredible responsibility. He only learned of his appointment yesterday and did not have any time to spare, so he hopped on Air Force One and flew straight to Washington to be sworn in today.

We need him here now because we are facing a major challenge, one that regrettably has been created by Congress in our own inability to thus far compromise. The looming spending cuts and tax increases known as the fiscal cliff must be fixed within the next 5 days.

Mahalo—thank you—BRIAN, for accepting this challenge.

I am here to help Senator SCHATZ in any way I can. While there are other talented leaders in Hawaii who stepped forward and who would also have been excellent appointees, I know my colleagues will join me in supporting Senator BRIAN SCHATZ for the good of Hawaii.

Throughout my 36-year career in Congress, the Hawaii delegation has always been unified. We have always put Hawaii first before our individual ambition. We must continue that. Hawaii comes first.

I have followed BRIAN SCHATZ's career for many years. He was an active member of the Hawaii State House of Representatives for 8 years before becoming the CEO of Helping Hands Hawaii, a nonprofit organization that pro-

vides human services in the islands. As Lieutenant Governor, he has been a big part of our community. He has been an outspoken supporter of our troops and veterans and defender of our environment.

Senator SCHATZ will be a strong progressive voice for Hawaii in the Senate. He will advance freedom and equality. He will be a strong voice on climate change, expanding clean renewable energy, and protecting our precious natural resources. He will defend our Native Hawaiians and all our Nation's first people—those Americans who exercised sovereignty on lands that later became part of the United States. He will uphold the values and priorities of our unique State.

I say to my friend, the new junior Senator from Hawaii, never forget that he is here with the solemn responsibility to do everything he can to represent the people of Hawaii, to make sure their needs are addressed in every policy discussion, and to speak up and seek justice for those who cannot help themselves.

God bless you, Senator SCHATZ. God bless Hawaii. God bless the United States of America.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, before my friend from Hawaii leaves the floor, we have all come and given speeches—a lot of us, at least—about Senator AKAKA, but we have not had a lot of people on the floor when we have done that.

The presentation just now is typical for DAN AKAKA: never a word about himself, always about somebody else. If the new Senator has Senator AKAKA's qualities—the kindest, gentlest person I have ever served in this body with—it is something for which he should strive. The shoes he has to fill, we all know—AKAKA and Inouye—are significant to fill, but he can do that.

For you, Senator AKAKA—with these people on the floor—we are going to miss you so much. You are a wonderful human being and have been a great Senator.

Mr. AKAKA. I yield the floor, Mr. President.

Mr. REID. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUNT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012—Continued

##### COMMENDING THE PRESIDENT PRO TEMPORE

Mr. BLUNT. Mr. President, also on two things that do not relate to my

comments about the Foreign Intelligence Surveillance Act—I would like to say it is a great honor for me to be able to speak on the floor for the first time with the President pro tempore presiding over the Senate. I know he is going to lead this body well and he has served with great dignity. It is an honor to be here with him on this day, even if it is December 27, 2012, and even though we are, of course, all continuing to think about the former President pro tempore and the services for him that were just completed.

##### TRIBUTES TO DEPARTING SENATORS

##### DANNY AKAKA

I would also like to say I was here when the new Member from Hawaii was sworn in and listened to Mr. AKAKA's comments. I have great respect for him and the quiet dignity he brings to everything he does—from weekly demonstrations of his personal faith, which I share with him, to his name being mentioned first in all these quorum calls that have gone on now for, I assume, all the time he has been in the Senate, going back to 1981.

But we will miss him, as we will miss his colleague from Hawaii, and we welcome his new colleague today. I get to welcome you personally, Mr. President, with heartfelt appreciation, as the new President pro tempore of the Senate.

Following that, I wish to speak on the importance of extending the Foreign Intelligence Surveillance Act, the Amendments Act, I think it is called.

While I was serving in the House in 2008, the Foreign Intelligence Surveillance Act had lapsed, and we were not doing the things we should be doing. I was able there to work with my good friend STENY HOYER, who was the majority whip at the time. I was the minority whip at the time. We had held the reverse of those jobs in the previous Congress. I liked my role as majority whip better. But Mr. HOYER and I were able to work together, particularly with my predecessor from Missouri, Senator Bond, and Senator ROCKEFELLER—Senator Bond was the vice chairman of the Intelligence Committee; Senator ROCKEFELLER was the chairman—as we tried to negotiate how we would extend the FISA Amendments Act.

My colleagues here today—many of them remember the challenge we faced in getting that bill done. Many of them, including the current chairman of the Senate Intelligence Committee, know the importance we placed on the work that is done every day under the Foreign Intelligence Surveillance Act.

At the time in 2008, we had a very concrete set of examples of what would happen without FISA because, frankly, we were effectively without it. For periods of time in 2007 and 2008, the National Security Agency was unable to fully perform its mission in monitoring many of the activities of known terrorists who were overseas and particularly



found it impossible to focus in on new targets—and, again, those are known terrorists not in this country.

It was wrong that Congress allowed the act to lapse, and it would be dangerously wrong if we let it happen again on December 31 of this year.

Five years ago, I sat through many disturbing intelligence briefings. I remember the sense of urgency expressed by the then-Director of National Intelligence Mike McConnell; the then-CIA Director Michael Hayden; and the then-Attorney General Michael Mukasey, as they discussed the consequences we would have to deal with if we continued not to move forward and put this act back in place.

The agreement we reached balanced the concerns of those who feared the National Security Agency had overreached with the ongoing authority the intelligence community needed to protect the country. That agreement is before us again to be reauthorized for another 5 years.

The FISA Amendments Act protects individuals in the United States from so-called reverse targeting. It is one of the concerns people had 5 years ago. This would be a process which, in theory, could be used to monitor the communications of American citizens under the guise of spying on terrorists.

It also continues to ensure that any communication originating in the United States caught in the FISA process is minimized. What does that mean? It means it is handled in a way that American communications cannot be examined unless they have further justification.

Meanwhile, the bill updated the antiquated way we monitor terrorist communications, ensuring that our intelligence professionals no longer have to spend countless hours trying to figure out whether an overseas terrorist's communications are traveling over fiber optic wires or through a satellite.

I am concerned the amendments we are looking at here not only disrupt the delicate balance we struck in 2008 but also they may mean that this act does not get extended. The House has voted on a straight extension. The only thing standing between the continuation of that 2008 hard-fought and I think properly balanced agreement is a Senate vote on what the House has passed. I will be voting against the amendments. I think some of these amendments are well intended and, in fact, if they were not part of this bill, studies and other things that are being proposed might very well be worth doing but not worth doing in a way that would allow FISA to expire in just a few short days.

I am pleased to have been able to serve on both the Senate and the House Select Committees on Intelligence and have witnessed firsthand the important role that FISA plays in protecting our country.

I am thankful for the intelligence professionals who serve our country, both in the United States and overseas. I hope, as they observe this debate we are having about FISA, they see a Congress that supports them, supports their families, and supports their important work.

Unless the world changes—and, hopefully, it will change—we should never allow our ability to track terrorists overseas to go dark again. That is why it is critically important we pass this bill in the next few hours, why we extend FISA for another 5 years, and give our intelligence professionals the tools they need to protect our country and, frankly, give the Congress, the President, and, most importantly, the American people the obligation to look at this authority again in 5 years and see if we still need it.

Today, we need to extend the Foreign Intelligence Surveillance Act. I hope we do that.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Colorado, Mr. UDALL of Colorado. Madam President, I would be happy to defer to the vice chairman.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise today in support of H.R. 5949, the FISA Amendments Act Reauthorization Act of 2012. Before I speak on it as vice chairman of the Intelligence Committee, I wanted to say that this bill, along with many other products that have come out of the Intelligence Committee, has been put together in a strong bipartisan way under the leadership of our chairman Senator FEINSTEIN, who has been a great advocate for the national security of the United States and a great advocate for our men and women in the intelligence community. I would be remiss if I did not say as we conclude this year, which is the second of the 2 years I have been vice chair, what a privilege and pleasure it has been to work with her. I thank her for her leadership and all of the issues we have worked on together.

This bill, which passed the House with broad bipartisan support, provides a clean extension of the FISA Amendments Act until December 31, 2017. Earlier this year, with strong bipartisan support, the Senate Intelligence Committee also reported the bill with a clean extension, although it had a slightly earlier sunset of June 1, 2017. So we have two bills—one from each Chamber—that recognize that the FAA must be reauthorized for the next 5 years. Both bills also confirm that there should be no substantive changes to the FAA itself. But time is running short before these vital authorities expire, as they expire on December 31. So it makes the most sense for the Senate to simply pass the House bill and send it to the President for his immediate

signature so that we have no gap in collection on those who seek to do us harm, as they are out there every day seeking to do that.

As we debate the merits of passing a clean extension of the FAA, I think it is important to remember why the FAA is so necessary. The terrorist attacks by al-Qaida on September 11, 2001, highlighted a significant shortfall in our ability to collect foreign intelligence information against certain overseas targets. Our intelligence community took operational measures to address that shortfall but eventually realized that additional FISA authorities were needed to fully address the problem.

More than 5 years ago, after an adverse ruling from the Foreign Intelligence Surveillance Act Court, the Director of National Intelligence requested that Congress act immediately to stem the sudden and significant reduction in the intelligence community's capability to collect foreign intelligence information on overseas targets. So Congress responded—first with the Protect America Act of 2007 and then with the FISA Amendments Act of 2008. By providing a statutory framework for acquiring foreign intelligence information from overseas targets, the FAA has enabled the intelligence community to identify and neutralize terror networks before they harm us either at home or abroad.

While I cannot get into specific examples, I can say definitively that these authorities work extremely well. I encourage all of my colleagues to go to the Intelligence Committee's spaces and review the classified materials provided by the intelligence community. These materials give the classified examples that clearly demonstrate the FAA's success.

Let me briefly highlight what some of those authorities do. Under section 702, the government may target persons reasonably believed to be outside the United States for the purpose of acquiring foreign intelligence information. However, there are a number of important limitations on this authority that are designed to ensure that this section 702 collection cannot be used to intentionally target a U.S. person under what we call reverse-targeting within the community. These acquisitions are authorized jointly through a certification by the Attorney General and the Director of National Intelligence and are approved by the FISA Court.

The plain language and legislative history of section 702 makes clear that Congress understood there would be incidental collection of one-end domestic and U.S. person communications. There has to be. If we impose an upfront ban on the collection of such communications, we could never do the acquisition in the first place because it is often impossible to determine in advance whether an unknown target



overseas is, in fact, a U.S. person. So we need the broad “any person” authority at the outset to ensure that the acquisition can occur in the first instance. Moreover, Congress also understood that this incidental collection would likely provide the crucial lead information necessary to thwart terrorists like the 9/11 hijackers who trained and launched their attacks from within the United States. But because of legitimate concerns about the privacy of U.S. persons, Congress also placed specific safeguards on section 702 collection, including review and approval by the FISA Court of the AG-DNI certification and targeting and minimization procedures, a requirement that all acquisitions be consistent with the fourth amendment, and explicit prohibitions against certain conduct, such as intentionally targeting a U.S. person.

Because there are instances, however, in which we may need to target U.S. persons overseas who have betrayed their country as terrorists or spies, the FAA does include specific ways to do this. Similar to the authorities in title I of FISA, sections 703 and 704 allow the FISA Court to authorize collection against certain U.S. persons overseas. Before the FAA, this type of collection was authorized by the Attorney General and not by a court. The FAA enhanced the protections for U.S. persons by requiring individual FISA Court orders based on probable cause that the U.S. person is a foreign person, agent of a foreign power, or an officer or employee of a foreign power. As I understand it, most of the objections to the FAA relate to section 702 and what we call incidental collection.

I recommend again that my colleagues review the unclassified FAA background paper that was sent by the AG and by the DNI to Congress last February. That document was earlier made a part of the RECORD at my request. This paper describes the FAA authorities in some detail, and it highlights the layers of oversight by all three branches of government. These multiple oversight mechanisms are there primarily to protect U.S. persons.

I can tell you firsthand from my work on the Intelligence Committee on both the House and the Senate side that it is vigorous oversight. Every aspect of the FAA gets looked at closely by the executive branch, from the dedicated personnel responsible for operating the system, up through the managerial chain of command to the relevant inspectors general and all of the lawyers at the National Security Division at the Department of Justice and at the agencies responsible for FAA implementation. Twice a year, Congress gets reports on its implementation on top of what we learn from hearings, oversight visits, briefings, and notifications, as well as other reports that are

given to Congress. The judicial branch, the FISA Court, plays its own key role by reviewing the certifications and the targeting and minimization procedures and ensuring that all of those comply with the law.

I cannot say that the implementation of the FAA has been perfect. Certainly there have been a few mistakes along the way over the past several years. Sometimes technology does not always work the way it is supposed to, and sometimes there is a disconnect between the way a collection device actually works and the way it has been described by the lawyers. But I can tell you that on those few occasions where something has not been quite right with how these authorities have been used, the oversight mechanisms put in place by the FAA have worked exactly as intended by Congress. When a problem arises, the Justice Department knows about it, the FISA Court knows about it, and Congress knows about it. The collection related to the problem stops until the problem gets fixed.

In my experience, the FAA is one of the most tightly overseen activities within the intelligence community. I know some people believe more oversight is needed, but I do not think there is justification for that. I am concerned that if we add more IG reviews, for example, we run the risk of taking scarce resources away from actual analysis and operations. That is not the right course, especially when we know the existing oversight mechanisms are working so well. These FAA authorities are simply too important to lose.

We have a bill before us that has passed the House and can be sent straight from this body to the White House for signature by the President. The President has said he will sign the House bill as soon as he receives it from this body. I urge my colleagues to join me in voting for a clean extension of the FISA Amendments Act until December 31, 2017.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak for up to 30 minutes and that be under the time allotted to Senator WYDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I rise, as many have today, to talk about the Foreign Intelligence Surveillance Act. Before I get to the substance of my remarks, I wish to acknowledge the great leadership and work that both the chairwoman and the vice chairman provide for the committee. We would not be here today without their focus and their commitment to maintaining the best intelligence community, I believe, in the world. I also want to thank my col-

league Senator WYDEN and the others who have spoken today on the floor about the authorities under the FISA Amendments Act.

I would suggest that most Americans likely do not recognize the name of the bill, but I am certain they have heard about what this bill addresses; that is, government surveillance of communications. This is an issue that is critical to get right because if it is done wrong, it can strike at the core of our constitutional freedoms. So I wanted to thank our Senate leadership today for providing us time to discuss what is a very important issue. I might suggest that the topic at hand is important enough to require multiple days of debate, but given the gravity and the number of other issues we must confront before the end of the year, I am grateful for this debate and the discussion we are having for most of this day.

Some observers may even question why we are taking even this limited amount of time to debate a bill we here in the Senate expect to pass easily. The truth is that even though many Senators are likely to vote for this bill, it is incomplete and it needs reforms. In fact, part of the reason this debate is so important is because I believe Congress and the public do not have an adequate understanding of the effect this law has had and could have on the privacy of law-abiding American citizens.

This is an important subject. It is an important question. That is why a number of us have taken to the floor today to spend some time highlighting the issues at hand in the hopes our colleagues will join us in striking the right balance, one that preserves foundational values and constitutional liberties while still allowing us to effectively and forcefully prosecute our war on terror.

I was a Member of the House in 2008 when the FISA Amendments Act passed Congress and was signed into law. I voted for it then, along with most of my Democratic colleagues in the House.

In March 2008 many of us in the House viewed the FISA Amendments Act—or the FAA, in shorthand—as an improvement over the status quo. Why was that so? It was because it put a legal framework around President Bush’s warrantless wiretapping program and it updated the Foreign Intelligence Surveillance Act—or FISA, as it is known in shorthand—to respond to changes in technology and to hold that administration accountable.

As I noted 4 years ago during that debate, the bill also included important provisions that for the first time required intelligence agencies to seek a judge’s permission before monitoring the communications of Americans overseas. That meant the Federal Government could no longer monitor the e-mail or phone calls of Americans overseas without a warrant.

In my remarks, I am going to talk on a number of occasions about warrants and the check they provide on government overreach. That was an important part of that debate in 2008. Back in that year, back in 2008, it was Senator WYDEN, who is here on the floor today, who was instrumental in including that particular provision in the final FISA Amendments Act legislation. From the perspective of a House Member at that time, I was pleased, glad, and appreciated that we had Senator WYDEN's leadership right here in the Senate.

I now have the great privilege to serve on the Senate Intelligence Committee with Senator WYDEN. I have to admit that from the position I now have, I am viewing the FISA Amendments Act through a different lens. As a member of that committee, I learned a great deal more about our post-9/11 surveillance laws and how they have been implemented. In the course of my 2 years on the committee, I have determined that there are reforms that need to be made to the FISA Amendments Act before we renew it into law.

As we prepare to renew the FISA Amendments Act for the first time since 2008, it is important that we take this opportunity to address several flaws that have become apparent to me and a number of our colleagues. Fortunately, the sunset provision in the original bill effectively provides us with that opportunity so that today we can ensure that the statute still tracks with our foreign intelligence requirements and the interests of the American people. In addition, to remain an effective law, the sunset provision helps ensure that the FISA Amendments Act's authorities keep up with today's state of technology.

Let me be clear that I strongly believe that for our national security, the Federal Government needs ways in which to monitor communications to ensure that we remain a step ahead of our enemies and terrorists. I also strongly believe we need to balance the civil liberties embodied in our Constitution with our ongoing fight against terrorists.

We need only look to recent history to understand why Congress needs to keep a tight rein on these surveillance efforts. It was in the months after 9/11, just shortly after 9/11 that President Bush first authorized what we now refer to as the secret warrantless wiretapping program. Many legitimate concerns were raised about that program, and Congress wisely went back and put some limits on it in that 2008 law. But we have an opportunity to discuss today whether those limits went far enough and whether the circumstances that prompted the creation of the program in 2001 and its passage into law in 2008 still justify its existence today.

I am a member of both the Armed Services and Intelligence Committees,

and I will be the first to say that terrorism remains a serious threat to the United States, and we must be as diligent as ever in protecting our fellow American citizens. I can also say with confidence that the FISA Amendments Act has been beneficial to the protection of our national security.

In the Senate Intelligence Committee, I receive regular briefings on our efforts to combat terrorism abroad and here at home in the United States, including the benefits and accomplishments of the FISA Amendments Act. I think the threats—I should say I not only think, I know the threats we still face today do justify the extension of these authorities. I don't question the value of the foreign intelligence the FAA provides. But my question to my colleagues and the administration is whether a 5-year straight extension of these authorities, without any changes, is the best way forward. In my view, it is not.

I recognize that even after Osama bin Laden's death, we still face numerous threats. Make no mistake about it, terrorism is a serious threat to our homeland and to American lives, and terrorism has also forced us to have a conversation about our civil liberties and the balance between our privacy and the need to confront threats to our Nation. I strongly believe our commitment to protect the American people should not force us to abandon the foundational principles that make us a beacon for the rest of the world. This is a false choice. We must, as the Federal Government and the protectors of our Constitution, protect the constitutional liberties of the American people and live up to the standard of transparency our democracy demands.

As I mentioned, I am the only Senator on our side of the aisle who serves on both the Intelligence Committee and the Armed Services Committee, and I believe I have a unique perspective when evaluating the critical balance between protecting our national security and the rights of American citizens. It is the responsibility of Congress to find that balance between the will of the many and the rights of the few, the security of the country and the freedom of its citizens. In times of war and crisis, finding this balance—and it is a delicate balance—can be even more challenging, and there are unfortunate times in our Nation's history when we have lost sight of our principles and what the United States represents as a nation.

I understand that the law requires the intelligence community to conduct oversight of FAA implementation, that the Foreign Intelligence Surveillance Court reviews the legality of the procedures, and that the congressional Intelligence Committees conduct our oversight of FISA programs. But nearly all of this oversight is conducted in secret. I know my constituents trust me to

conduct this oversight, but I believe the people too have a role in keeping a watchful eye on the government.

As Senators ROCKEFELLER and WYDEN wrote in a letter to the Bush administration officials in 2008, "secrecy comes with a cost" which can—and I want to quote these two valued and wise Senators—"make it challenging for Members of Congress and the public to determine whether the law adequately protects both national security and the privacy rights of law-abiding Americans."

With that general overview, I wish to talk about some of the specifics in this particular bill we are considering today. I would like to get to the core of my concerns.

As my colleagues know, section 702 of the FISA Amendments Act established a legal framework for the government to acquire foreign intelligence by targeting non-U.S. persons who are reasonably believed to be located outside the United States under a program approved by FISA and the FISA Court, I should add. Because section 702 does not involve obtaining individual warrants, it contains language specifically intended to limit the government's ability to use these new authorities to deliberately spy on American citizens.

Earlier this year Senator WYDEN and I opposed the bill reported out of the Senate Intelligence Committee extending the expiration date of the FISA Amendments Act of 2008 from December 2012 to June 2017. We opposed this long-term extension because we believe Congress does not have an adequate understanding of the effect this law has had on the privacy of law-abiding citizens. In our view, it is important for Members of Congress and the public to have a better understanding of the foreign intelligence surveillance conducted under the FAA so that Congress can consider whether the law should be modified rather than simply extended without changes.

This has been a longstanding quest for a number of us. In fact, while I have been outspoken on this issue, the effort to better understand the FAA's implementation precedes my time on the Senate Intelligence Committee. Senator WYDEN and others have been pressing the intelligence agencies for years to provide more information to Congress and the public about the effect of this law on Americans' privacy.

I think Senator WYDEN and the others would agree with me that to his credit, the Director of National Intelligence in July 2012 agreed to declassify some facts about how the secret FISA Court has ruled on this law. So what did we learn from that declassification? Well, specifically, it is now public information that on at least one occasion, the FISA Court has ruled that some collection carried out by the government under the FISA Amendments Act violated the fourth amendment.

The court has also ruled that the government has circumvented the spirit of the law.

So much about this law's impact remains secret. What do I mean by that? Well, for example, Senator WYDEN, I, and others have been trying to get a rough estimate of how many Americans have had their phone calls or e-mails collected and reviewed under these authorities. The Office of the Director of National Intelligence told us in July 2011 that "it is not reasonably possible to identify the number of people located in the United States whose communications may have been reviewed" under the FISA Amendments Act.

We are prepared to accept that it might be difficult to come up with an exact count of this number, but it is hard for us to believe that the Director of National Intelligence and the whole of the intelligence community cannot come up with at least a ballpark estimate. This is disconcerting. Our concern about numbers is this: If no one has even estimated how many Americans have had their communications collected under the FISA Amendments Act, then it is possible that this number could be quite large.

So how did we respond? Well, during a markup in our committee, we offered an amendment that would have directed the inspectors general of the intelligence community and the Department of Justice to produce a rough estimate of how many Americans have had their communications collected under section 702. Our amendment did not pass, but we will continue our efforts to obtain this information because the American people deserve to know.

There are those who are satisfied with the law's current privacy protections, and they point out that classified minimization procedures guide how government officials handle information on Americans' communications. But I don't believe those procedures are a substitute for strong privacy protections incorporated into the law itself. Do we really want accountability for those protections to be secret? Do we really want to be dependent upon the good will of future administrations to keep faith with the so-called minimization procedures?

That is why I believe the FISA Amendments Act extension should include clear rules prohibiting the government from searching through the incidental or accidental collection of these communications unless the government has obtained a warrant or emergency authorization permitting surveillance of that American. Our founding principles demand no less.

Senator WYDEN and I offered an amendment during the committee's markup of this bill that would have clarified the law to prohibit such searches. Our amendment included ex-

ceptions for searches that involve a warrant or an emergency authorization, as well as for searches on phone calls or e-mails of the people who are believed to be in danger or who consent to the search, each of which is important.

Our amendment to close this backdoor search loophole did not pass in committee, but we remain concerned—I would say very concerned—that this loophole could allow the government to effectively conduct warrantless searches for Americans' communications. Especially since we do not know how many Americans may have had their phone calls and e-mails collected under this law, we believe it is particularly important to have strong rules in place to protect the privacy of our fellow Americans.

As the majority report noted when the Senate bill passed out of the committee: "Congress recognized at the time the FISA Amendments Act was enacted that it is simply not possible to collect intelligence on the communications of a party of interest without also collecting information about the people with whom, and about whom, that party communicates, including in some cases nontargeted U.S. persons."

Therefore, I understand that in scooping up large amounts of data, it may be impossible not to accidentally catch some Americans' communications along the way—seems logical. The language of the law—the collection of foreign intelligence of U.S. persons reasonably believed to be located outside the United States—anticipates that incidental or accidental collection of Americans' e-mails or phone calls would, in fact, occur. But under the FISA Amendments Act, as it is written, there is nothing to prohibit the intelligence community from searching through a pile of communications, which may have incidentally or accidentally been collected without a warrant, to deliberately search for the phone calls or e-mails of specific Americans.

Again, I understand—and I think I can speak for Senators WYDEN and others of us who have this concern—this could happen by accident. But I don't think the government should be doing this on purpose without getting a warrant or an emergency authorization regarding the American they are looking for.

I have noted that Senator WYDEN and I call this the backdoor searches loophole. Understandably, the Intelligence Committee doesn't much like that term, arguing there is no loophole. But I think we are going to have to agree to disagree on the terminology. I don't believe, though, that Congress intended to authorize the searches when they voted for the FISA Amendments Act in 2008. I know I certainly didn't.

The intelligence agencies have not denied that section 702 gives the NSA

the authority to conduct these searches, and it is a matter of public record the intelligence community has sought to preserve this authority. If it is not classified that intelligence agencies have this authority and it is not classified they would like to keep it, we think it is reasonable to tell the public whether and how it has ever been used. Yet when Senator WYDEN and I and 11 other Senators asked whether intelligence agencies have already done this, we were told the answer was classified.

My concern is that this section 702 loophole could be used to circumvent traditional warrant protections and search for the communications of a potentially large number of American citizens. The Senate Intelligence Committee majority report argues there may be circumstances in which there is a legitimate foreign intelligence need to conduct queries on data already in its possession, including data from accidentally or incidentally collected communications of Americans. I would argue, if there is evidence that an American is a terrorist or spy or involved in a serious crime, the government should be permitted to search for the communications of that American by getting a warrant or an emergency authorization.

In that spirit, Senator WYDEN and I have offered this backdoor searches loophole amendment once again to this bill, and we intend to continue to bring attention to this issue until our colleagues grasp what could be at stake should this loophole not be closed. We have also filed a second amendment which seeks to instill some transparency to surveillance conducted under FISA Amendments Act authorities.

What is included in this amendment? It requires the Director of National Intelligence to provide information to Congress that we have requested before but that we have not yet received, including a determination of whether any government entity has produced an estimate of the number of U.S. communications collected under the FISA Amendments Act; an estimate of such number, if any exists; an assessment of whether any wholly domestic U.S. communications have been collected under the FISA Amendments Act; a determination of whether any intelligence agency has ever attempted to search through communications collected under the FISA Amendments Act to find the phone calls or e-mails of a specific American without obtaining a warrant or emergency authorization to do so; and finally, a determination of whether the NSA has collected any type of personally identifiable information on more than 1 million Americans.

The amendment states the report produced by the Director of National Intelligence shall be made available to

the public, but it gives the President the authority to make any redactions he believes are necessary to protect national security.

Colleagues, I am going to conclude by restating my belief that the American people need a better understanding of how the FISA Amendments Act, section 702, in particular, has affected the privacy of our fellow Americans. I also believe we need new protections against potential warrantless searches for Americans' communications. I believe without such reforms Congress should not simply extend the law for 5 years.

We need to strike a better balance between giving our national security and law enforcement officials the tools necessary to keep us safe but not damage the very constitution we have sworn to support and defend. National security and civil liberties can coexist. We do not need to choose between them.

In Federalist 51, James Madison stated—and I would like to quote that great American:

In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

The bill that is before us could come closer to that standard if we improve it through some of the amendments being offered by my colleagues and me, but it does not live up to that standard now. The American people deserve their privacy, they deserve to know how the intelligence community interprets and implements this law, and, frankly, they deserve better than the protections put before us today.

I urge my colleagues to consider the gravity of the issues at hand and seriously consider and contemplate the effect of another 5 years of unchanged FAA authorities.

I appreciate the attention of the Chair and the patience of my colleagues on this important matter. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Madam President, I note the Wyden amendment has not yet been called up. Someone may wish to do so.

First of all, though vice chairman CHAMBLISS isn't here, he said some very nice things, and I just want him to know that one of the best experiences of my Senate career has been the ability to work in a bipartisan way in the Intelligence Committee, to put things together between both sides,

and to have staffs working together on both sides. Sometimes that isn't possible, but most of the time it is, and I think it is the way the Intelligence Committee was supposed to function. The fact that it does function that way, I think, is real testimony to Vice Chairman CHAMBLISS and the work we have done together.

I find this particular amendment very frustrating because I have tried to be as helpful as I could over many years in getting information released in a classified form for Members of the committee. In fact, we have been very successful in that regard. There are approximately eight big reports a year now that present information in a classified function. There are two reports from the Attorney General and the DNI assessing compliance with the targeting and minimization procedures and the acquisition guidelines of section 702. There are also reports required on the implementation of title VII. That report includes actions taken to challenge or enforce a directive under section 702, and a description of any incident of noncompliance. There are annual reviews by each agency responsible for implementing these sections, regular reviews by the IG of the Department of Justice and the IG of each agency. It goes on and on and on. Yet there is no satisfaction from some Senators.

I believe that the Senators who support this amendment are trying to maximize the public release of this information, but I would encourage Senators to remember that this is a classified program. The information is available, but it is available in classified form.

The proponents of these amendments leave out the fact that each year the program is approved by the FISA Court. This is a court of 11 judges appointed by the Chief of the Supreme Court, all of whom are Federal district court judges.

The administration has decided the program should remain classified, and so we do our level best to provide the information on a classified basis and information is declassified when it can be. But the Wyden amendment goes a step too far. It could remove the classification from most of this program and create a way to make more information public that could well jeopardize the future of the program.

I think vice chairman CHAMBLISS would agree with me. One of the things we have seen is that this program is valuable, and the ability to collect intelligence and use that intelligence wisely and, with oversight from appropriate agencies, this program saves lives in this country. I know there are people trying to attack this country all the time. I know in the last 4 years there have been 100 terrorism-related arrests. Therefore, the classified information, which is available—but avail-

able in a secure room for Members to read—is important. I would urge, as vice chairman CHAMBLISS has urged, that Members go and read this information.

I would like to quote from the letter sent to Speaker BOEHNER, Leader REID, and Minority Leaders PELOSI and MCCONNELL from the Director of National Intelligence on this provision, section 702, which authorizes surveillance directed at non-U.S. persons located overseas who are of foreign intelligence importance. The letter says all of the process—and it is pages and pages—is carried out in a classified form but to inform the Members who are the ones to provide the oversight. I mean, we are the public check on the Executive Branch. We are not of the intelligence community. We are the public, and it is our oversight, it is our due diligence to go in and read the classified material.

So this amendment is an effort to make more of that information public, and I think it is a mistake at this particular time because I think it will create a risk to the program. I think it will make us less secure, not more secure.

There are parts of the collection apparatus which are classified, and at this stage they are classified for good reason. So I have a fundamental opposition to this amendment. But of more immediate concern, we have 4 days to get this bill signed by the President or this section ceases to function—4 days.

This is the House bill that is before us. It reauthorizes the program to 2017, and we have been through this before. We can make changes. I have tried to work with Senator WYDEN, to the greatest extent possible, by delving into these issues at hearings of the Intelligence Committee and by supporting his requests for information. I have offered to Senator MERKLEY today to work with him to consider whether his proposal should be part of our intelligence authorization bill next year. I don't know what else to do because I know where this goes, and where it goes is that there may be an intent by some to undercut the program. I don't want to see it destroyed. I want to see us do our job of oversight, which means reading and studying the classified material and, if something isn't there, getting it in a classified manner.

This is a very difficult issue that requires a great deal of study. And consider the threats that are out there. If it weren't for the FBI, Najibullah Zazi would have blown up the New York subway and it was because of intelligence received that the FBI was able to follow him and eventually arrest him and other co-conspirators.

If I thought this country was out of danger, it might be different. But I believe we are still at risk, and I believe there are people who will kill Americans if they have the opportunity to do

so. One of our jobs here in Congress is to see that the intelligence apparatus within the American Government functions in a way so that intelligence is streamlined, that it gets to the right place, that it stops terrorist plots before they can be carried out.

So, I say this in good conscience to Senator WYDEN. My great fear is that all of this information gets declassified and put out in public and then something that reveals sources and methods is disclosed, perhaps even inadvertently. Then, before we know it, the program is destroyed. I don't want to see this program destroyed.

The PRESIDING OFFICER. The Senator from Oregon.

Mrs. FEINSTEIN. I believe his time is up.

Mr. WYDEN. Madam President, I believe I control additional time. How much time does our side have remaining?

The PRESIDING OFFICER. There is 39 minutes of general debate time remaining to the Senator from Oregon.

Mr. WYDEN. Madam President, I am going to be very brief in terms of responding to Senator FEINSTEIN, the distinguished chair.

First of all, there is no question the chair of the committee is correct that this is a dangerous time. That is specifically why, at page 6 of my amendment on the report, I include a redaction provision.

If the President believes that public disclosure of information in the report required by the subsection could cause significant harm to national security, the President may redact such information from the report made available to the public.

The bottom line: If the President believes any information that is made public would jeopardize our country at a dangerous time, the President is given full discretion with respect to redaction.

Point No. 2. The chair of the committee is absolutely right; this is an important time for national security. It is also an important time for American liberties. We know the people of this country want to strike a balance between protecting our security and protecting our liberties. So under the reporting amendment all we require is, first, an estimate, just the question of an estimate and whether it has been done by any entity with respect to collecting this information—no new work, just a response to the question of whether an estimate has been done.

Second, we request information on whether any wholly domestic communications have been collected under section 702, and then we ask whether there have been any backdoor searches under the legislation. Finally, we want a response with respect to what the Director of National Security meant when he said: "The story that we have millions or hundreds of millions of dossiers on people is absolutely false."

That is what we are talking about. I think, without that information, oversight in the intelligence field will essentially be toothless. This interrupts no operations in the intelligence field. It does not jeopardize sources and methods. It is, in my view, the fundamentals of doing real oversight.

I thank my colleague from Kentucky for giving me this time, and I close by saying: No disagreement with the distinguished chair in the fact that there are real threats to this country's well-being and security, and that is why the President is given complete discretion in order to redact any information that would be made public.

I yield the floor, and I thank the Senator from Kentucky for the time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we are going to have two or three votes at 5:30. A number of the Senators who have amendments dealing with the supplemental have agreed to come at that time as soon as the votes are over and start debating those amendments tonight. We would like to get as much of that debate out of the way tonight as possible so we can start voting at a reasonably early time tomorrow.

The debate today on FISA has been stimulating, has been very thorough and good. As I understand it, there are three FISA amendments we are going to vote on tonight. That will still leave Senator WYDEN's amendment, and we will worry about taking care of that tomorrow sometime.

I ask unanimous consent that at 5:30 any remaining debate time on the pending amendments—Leahy, Merkley, and Paul—be yielded back and the Senate proceed to vote in relation to the pending amendments in the order provided in the previous agreement; that there be 2 minutes, equally divided, prior to each vote and that all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object. Might I ask tomorrow when the intelligence votes will take place?

Mr. REID. We don't have the intelligence to do that right now.

Mrs. FEINSTEIN. It is too classified.

Mr. REID. We have two very important measures to finish. I appreciate the collegiality of the Senators on this most important piece of legislation dealing with the espionage on our country part, and we should be able to work it out tomorrow. But we have 21 amendments we have to dispose of dealing with the supplemental. Some of those will be agreed to and would not need votes, but we have a lot of debate time on that in addition to votes. If we just did the votes alone, it would be 8 hours of voting.

We hope to be able to narrow that down, as soon as we have something

more definite, so the Senator and Senator WYDEN and others can complete the time, and set up a time that is appropriate for Senator WYDEN's amendment.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I appreciate the comments of the leader. I think the chairman and I—and I assume those who have amendments that will be remaining, I guess one amendment remaining and then final passage. If we could complete debate tonight, we would be prepared, at the pleasure of the leader, to go ahead and finalize the FISA amendments.

Mr. REID. It would be very important to do that. I don't want to press the Senator from Oregon. He has been very good and flew all night from his newborn to get here from Oregon, and he was here at 10 a.m. I don't want to press him anymore.

I say, through the Chair, to my friend from Oregon, how does he feel about finishing the debate tonight?

Mr. WYDEN. I wish to thank the distinguished leader who has been so helpful in ensuring that we have a real debate.

With my colleagues' indulgence, my understanding from the leader is we would have 15 minutes on each side at some point in the morning. If we could proceed with what I thought was the direction we were going, I would very much appreciate it. But it should be limited to 15 minutes on each side, pro and con, at some point in the session tomorrow.

Mr. CHAMBLISS. Madam President, through the Chair, if I could ask the Senator from Oregon, is the Senator talking 15 minutes on his amendment and 15 minutes on passage? Fifteen minutes on each, on your amendment and vote on it and go to final passage?

Mr. WYDEN. It is fine. Through the Chair, 15 minutes with respect to our side reporting the amendment, 15 minutes on the other side, it will be voted on, and then we go to final passage.

Mr. REID. I would suggest this. When we come in, in the morning, why don't we have this the first order of business. We would have the half hour evenly divided, vote on the Wyden amendment, and then final passage. That way we could devote the rest of the day and tonight to the supplemental.

I ask unanimous consent that be the case in addition to what I just did here.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

The Republican leader.

Mr. McCONNELL. Madam President, I am going to proceed in my leader time.

The PRESIDING OFFICER. The Senator has that right.

THE FISCAL CLIFF

Mr. McCONNELL. Madam President, you will excuse me if I am a little frustrated at the situation in which we find ourselves.

Last night, President Obama called myself and the Speaker—and maybe others—from Hawaii and asked if there was something we could do to avoid the fiscal cliff.

I say I am a little frustrated because we have been asking the President and the Democrats to work with us on a bipartisan agreement for months—literally, for months—on a plan that would simplify the Tax Code, shrink the deficit, protect the taxpayers, and grow the economy, but Democrats consistently rejected those offers.

The President chose instead to spend his time on the campaign trail. This was even after he got reelected, and congressional Democrats have sat on their hands. Republicans have bent over backward. We stepped way out of our comfort zone. We wanted an agreement, but we had no takers. The phone never rang.

So now here we are, 5 days from New Year's Day, and we might finally start talking. Democrats have had an entire year to put forward a balanced, bipartisan proposal. If they had something to fit the bill, I am sure the majority leader would have been able to deliver the votes the President would have needed to pass it in the Senate and we wouldn't be in this mess. But here we are, once again, at the end of the year, staring at a crisis we should have dealt with literally months ago.

Make no mistake. The only reason Democrats have been trying to deflect attention onto me and my colleagues over the past few weeks is that they don't have a plan of their own that could get bipartisan support.

The so-called Senate bill the majority leader keeps referring to passed with only Democratic votes, and despite his repeated calls for the House to pass it, he knows as well as I do that he himself is the reason it can't happen. The paperwork never left the Senate, so there is nothing for the House to vote on.

As I pointed out before we took that vote back on July 25, the Democratic bill is, "a revenue measure that didn't originate in the House, so it has got no chance whatsoever of becoming law." The only reason we ever allowed that vote on that proposal, as I said at that time, was we knew it didn't pass constitutional muster. If Democrats were truly serious, they would proceed to a revenue bill that originated in the House—as the Constitution requires and as I called on them to do again last week.

To repeat, the so-called Senate bill is nothing more than a glorified sense of the Senate resolution. So let's put that convenient talking point aside from here on out.

Last night, I told the President we would be happy to look at whatever he proposes, but the truth is we are coming up against a hard deadline. As I said, this is a conversation we should

have had months ago. Republicans are not about to write a blank check for anything Senate Democrats put forward just because we find ourselves at the edge of the cliff. That would not be fair to the American people.

That having been said, we will see what the President has to propose. Members on both sides of the aisle will review it and then we will decide how best to proceed. Hopefully, there is still time for an agreement of some kind that saves the taxpayers from a wholly preventable economic crisis.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The majority leader.

Mr. REID. Mr. President, I am not sure my distinguished Republican counterpart has followed what has taken place in the House of Representatives. In the House, as reported by the press and we all know it, one of the plans—it did not have a name, it was not Plan B, I don't know what plan it was because they had a number over there—but this plan was to show the American people that the \$250,000 ceiling on raising taxes would not pass in the House. Why did they not have that vote? Because it would have passed. They wanted to kill it. The Speaker wanted to show everybody it would not pass the House, but he could not bring it up for a vote because it would have passed. A myriad of Republicans think it is a fair thing to do and of course every Democrat would vote for that.

The Republican leader finds himself frustrated that the President has called on him to help address the fiscal cliff. He is upset because "the phone never rang." He complains that I have not delivered the votes to pass a resolution of the fiscal cliff, but he is in error. We all know that in July of this year we passed, in the Senate, relief for middle-class Americans. That passed the Senate.

We know Republicans have buried themselves in procedural roadblocks on everything we have tried to do around here. Now they are saying we cannot do the \$250,000 because it will be blue-slipped. How do the American people react to that? There was a bill introduced by the ranking member of the Ways and Means Committee in the House, SANDY LEVIN, that called for this legislation. The Speaker was going to bring it up to kill it, but he could not kill it. Then we moved to Plan B, the debacle of all debacles. It is the mother of all debacles. That was brought up in an effort to send us something. He could not even pass it among the Republicans it was so absurd—"he" meaning the Speaker.

It is very clear now that the Speaker's No. 1 goal is to get elected Speaker on January 3. The House is not even here. He has told them he will give them 2 days to get back here—48 hours; not 2 days, 48 hours.

They do not even have enough of the leadership here to meet to talk about

it. They have done it with conference calls. People are spread all over this country because the Speaker basically is waiting for January 3. The President campaigned on raising taxes on people making more than \$250,000 a year. The Bush-era tax cuts expire at the end of this year. Obama was elected with a surplus of 3 million votes. He won the election. He campaigned on this issue.

Again, the Speaker cannot take yes for an answer. The President has presented him something that would prevent us from going over the cliff. It was in response to something the Speaker gave to the President himself. But again, I guess, with the dysfunctional Republican caucus in the House, even the Speaker cannot tell what they are going to do because he backed off even his own proposal. The House, we hear this so often, is controlled by the Republicans. We acknowledge that. I would be most happy to move forward on something Senator MCCONNELL said they would not filibuster over here, that he would support and that BOEHNER would support, if it were reasonable. But right now we have not heard anything. I don't know—it is none of my business, I guess, although I am very curious—if the Republican leader over here and the Speaker are even talking.

What is going on here? You cannot legislate with yourself. We have nobody to work with, to compromise. That is what legislation is all about, the ability to compromise. The Republicans in the House have left town. The negotiations between the President and the Speaker have fallen apart, as they have for the last 3½ years. We have tried mightily to get something done.

I will go over the little drill, to remind everyone how unreasonable the Republicans have been. Senator CONRAD and Judd Gregg came up with a proposal to pattern what they wanted to do after the Base Closing Commission. The Commission would be appointed, they would report back to us, no filibusters, no amendments, yes or no, as we did with the base closings. We did a great job there. We closed bases over two different cycles, saving the country hundreds of billions of dollars. We brought that up here—I brought it up. We had plenty of votes to do it, except the Republican cosponsors walked away and wouldn't vote for it. That is where Bowles-Simpson came from.

Again, people talked about why don't we do Bowles-Simpson? One problem: The Republicans appointed there would not vote for it, generally speaking.

Then we went through the months and months of talks between the President and BOEHNER. Both times BOEHNER could not deliver because they refused, because of Grover Norquist, to allow any tax revenues whatsoever. We had meetings with Vice President BIDEN and CANTOR. CANTOR walked out of those meetings. He is the majority

leader in the House. We had the Gang of 6, we had the Gang of 8, we had the supercommittee. They were doing good things dealing with entitlements and revenues. One week before they were to report by virtue of statute I get a letter signed by virtually every Republican: Too bad about the supercommittee, we are not going to do anything with revenues.

This is not a capsule of a couple days. This has been going on for years. They cannot cross over the threshold that has been built by Grover Norquist. People who are rich, who make a lot of money, they are not opposing raising the taxes on them. The only people in America who do not think taxes should be raised on the rich are the Republicans who work in this building. Anytime the Speaker and the Republican leader come to the President and say we have a deal for you, the President's door is always open and mine is too.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I would only add the majority leader has given you his view of the last 2 years. I have certainly given you my take on it. The American people have spoken, and they basically voted for the status quo. The President got reelected, the Senate is still in Democratic hands and the House is still in Republican hands and the American people have spoken. They obviously expect us to come together and to produce a result.

As I indicated, the President called me and probably called others last night. My impression is he would like to see if we can move forward. We do not have very many days left. I have indicated I am willing to enter into a discussion and see what the President may have in mind. I know the majority leader would certainly be interested in what the President has in mind. It appears to me the action, if there is any, is now on the Senate side. We will just have to see whether we are able, on a bipartisan basis, to move forward.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are going to have to decide, my friend says, how we are going to move forward on a bipartisan basis. Even on the Sunday shows we have just completed, with FOX network, Chris Wallace pushed one of the Republican leaders very hard: Would you filibuster something the Democrats brought to the floor? He refused to answer the question. He would not say, and he kept being pressed.

We are in the same situation we have been in for a long time here. We cannot negotiate with ourselves because that is all we are doing. Unless we get a signoff from the Republicans in the House and the Republican leader, we cannot get anything done. For them to talk about a bipartisan arrangement, we have done that. The President has

given them one, given them two, given them three, and we cannot get past Grover Norquist. We tried hard, but when there is no revenue as part of the package, it makes it very hard. JOHN BOEHNER could not even pass a tax proposal that he suggested over there where he would keep the taxes the same for everybody except people making over \$1 million a year. No. Grover and the boys said, no, can't do that. He didn't even bring it up for a vote.

I am here. I am happy to listen to anything the Speaker and the Republican leader have. They have a way of getting to the President. They don't need my help. I am happy to work with them any way I can, but the way things have been going it is not a good escape hatch we have. They are out of town now for 2 days, 48 hours. That is where we are.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I think all of us understand the gravity of the challenge we face. This so-called fiscal cliff has been subject to parody and comedy routines, but it is very serious. If Congress fails to act, enacting a measure to be signed by the President, the taxes will go up on every single income-tax-paying American—every one of them; not just the wealthy but everyone. What it means, frankly, is whether one lives in Connecticut, such as the Presiding Officer, or Illinois, such as myself, every family is going to see several things happen automatically. Taxes will go up, the payroll tax cut that has helped this economy is going to disappear, unemployment benefits are going to disappear for millions of Americans who are searching for work, and many other changes will take place, none of which will be favorable in terms of an economic recovery.

I think we ought to stop and reflect for a moment on lessons learned. Here is what I have learned. If we are going to solve this problem, we need to do two things. We need to be prepared on both sides of the table to give. That is a hard thing for many people to acknowledge, but we do; we have to be willing to give on both sides of the table. I remember Senator REID receiving a letter after the supercommittee was hard at work coming up with a bipartisan proposal. It was signed by virtually every Senator on the other side of the aisle and it said: Do not include a penny of revenue.

That was the end of the supercommittee. There was no place to go at that point. They have to be willing to give on revenue, and we have to be willing to give on our side, particularly in the area of entitlements. That is painful. I am one of those who believes, frankly—I have said it over and over—Social Security should be taken from the table and put aside for a separate commission, a separate debate. I do not believe it adds a penny to the deficit,

and it should not be a victim of deficit reduction when it has nothing to do with the current deficit.

Second, I understand the importance of Medicaid to those who are young, single moms, the disabled, the elderly, those suffering from mental illness. Medicaid is critically important, and we cannot let that be devastated, particularly in a struggling economy when so many people are out of work or working at jobs without health insurance.

Third, Medicare. In 12 years Medicare will go bankrupt. It will be insolvent. We have to sit down and honestly deal with entitlement reform that saves the programs; doesn't lose them to the Paul Ryan budget approach but saves the programs in a fiscally responsible way.

That is the first thing we should agree on. Both sides have to come together and be prepared to give.

The second thing is it takes both sides. What Speaker BOEHNER proved to us last week is if they try to do so-called Plan B in the Republican caucus: No hope. But if they take a measure to the floor of the House and invite Democratic and Republican support for it, they can pass it. I believe they can, as we can in the Senate.

That is what needs to be done. We need to have some grassroots efforts in the House and the Senate, of Senators from both sides of the aisle who are prepared to work on a bipartisan basis to solve this problem.

To say we should have done this long ago is to overlook the obvious. Until November 6, we didn't know who the President would be for this new administration, and now we do. It would have been a much different debate with a different outcome if the American voters had not chosen President Obama to be reelected. So we had to wait until November 6, honestly, before we could seriously take on the important and difficult issues involved in this debate, but that time has passed.

The President has stepped forward and has made a proposal. He has made concessions on his proposal and he continues to be here. He flew back from a family vacation that I know is as important to him as it is to all our families over the holidays to be here in Washington and to be part of the conversation and dialog.

I hope Speaker BOEHNER will bring back the House of Representatives. We cannot do this alone. We must do this with their leadership and their cooperation. The point which has been made by Senator REID over and over is that this is an issue and a challenge which we can successfully resolve and we must before we go over the cliff.

Mr. President, the pending business is amendments to the FISA reauthorization bill. I rise to speak about that legislation, which the Senate will vote on in a little over an hour.



As chairman of the Constitution Subcommittee on the Senate Judiciary Committee, I have some concerns about this law known as the FISA Amendments Act. It does not have adequate checks and balances to protect the constitutional rights of innocent American citizens. Although this legislation is supposed to target foreign intelligence, it gives our government broad authority to spy on Americans in the United States without adequate oversight by the courts or by Congress.

It is worth taking a moment to review the history that led to the enactment of the FISA Amendments Act. After 9/11, President George W. Bush asked Congress to pass the PATRIOT Act. Many of us were concerned that the legislation might go too far, but it was a time of national crisis and we wanted to make sure the President had the authority to fight terrorism. We did not know then that shortly after we passed the PATRIOT Act, the Bush administration began spying on American citizens in the United States without the judicial approval otherwise required by law and without authorization from Congress.

Years later, the Judiciary Committee on which I serve heard dramatic testimony from former Deputy Attorney General Jim Comey about the efforts of Andrew Card and White House counsel Alberto Gonzales to pressure Attorney General John Ashcroft into reauthorizing this surveillance of American citizens while Ashcroft was in the hospital.

After the New York Times revealed the existence of the warrantless surveillance program, the Bush administration demanded that Congress pass legislation authorizing the program. This led to enactment of the FISA Amendments Act in 2008. In short, this legislation was born in original sin.

Congress added some oversight requirements and civil liberties protections to the Bush administration's warrantless surveillance program, but they did not go far enough. That is why I opposed the original FISA Amendments Act, along with the majority of Democratic Senators. I supported an earlier version offered by Senator LEAHY, chairman of our Judiciary Committee, which would have authorized broad surveillance powers but included civil liberties protections.

In 2008, the Bush administration accused opponents of this legislation of not understanding the threat of terrorism. Vice President Cheney went so far as to say: "The lessons of September 11th have become dimmer and dimmer in some people's minds."

I am sorry some supporters of this reauthorization legislation have repeated this claim of the Bush administration by suggesting that those of us who want to protect the privacy of innocent Americans believe the threat of terrorism has receded. That is not the

case. The American people will never forget the lessons of 9/11, and I personally will not. We need to make sure our government has the authority it needs to detect and monitor terrorist communications, but we also need to ensure that we protect the constitutional rights of American citizens.

Earlier this year, I received a classified briefing on the FISA Amendments Act, and I am as concerned now as I was 4 years ago that the legislation does not include sufficient checks to protect the constitutional rights of innocent Americans.

The FISA Amendments Act is supposed to focus on foreign intelligence, but the reality is that this legislation permits targeting an innocent American in the United States as long as an additional purpose of the surveillance is targeting a person outside the United States. This is known as reversed targeting of American citizens.

The 2008 Judiciary Committee bill, which I supported, would have prevented reverse targeting by prohibiting warrantless surveillance if a significant purpose of the surveillance is targeting a person in the United States. We have a Constitution and a due process procedure spelled out when it comes to surveillance of American citizens. The FISA Amendments Act has found a way around it, and I think that is a fatal flaw.

The FISA Amendments Act permits the government to collect every single phone call and e-mail to and from the United States. This is known as bulk collection. The 2008 Judiciary Committee bill would have prohibited bulk collection of communications between innocent American citizens and their friends and families outside the United States.

The FISA Amendments Act also permits the government to search all the information it collects during this bulk collection. The government can even search for the phone calls or e-mails of innocent American citizens, and these searches can be conducted without a court order. This kind of backdoor warrantless surveillance of U.S. citizens should not be allowed. Both parties ought to stand for our Constitution.

Earlier in this year in the Judiciary Committee's markup of FISA Amendments Act reauthorization, Senator MIKE LEE and I offered a bipartisan amendment to prohibit backdoor warrantless surveillance of Americans. Unfortunately, our amendment did not pass, so Americans will still be at risk for this kind of surveillance if the FISA Amendments Act is reauthorized.

I am pleased the Senate will consider a number of amendments that will at least add some transparency and oversight to the FISA Amendments Act so Congress and the American people will know about how the government is using this authority.

I wish to thank majority leader Senator REID for ensuring that the Senate will have the opportunity to debate and vote on these amendments.

I am cosponsor of the Judiciary Committee chairman PAT LEAHY's amendment which was reported by the committee. This amendment would shorten the reauthorization of the FISA Amendments Act from 5 years to 3 years and strengthen the authority of the inspector general.

I am also cosponsor of an important bipartisan amendment offered by Senator RON WYDEN, who is on the floor. Senator WYDEN, together with Senator MARK UDALL, Senator LEE, and myself, has joined an amendment which would require the director of National Intelligence to provide a report to Congress that includes, among other things, information on whether any intelligence agency has ever attempted to search the communications collected under this legislation to find the phone calls or e-mails of a specific American without a warrant. Isn't this the kind of information Congress and the American people should have?

Senator WYDEN is a senior member of the Intelligence Committee. He is offering this amendment because he has been frustrated in his attempts to obtain basic information about the use of surveillance powers by our government authorized by the FISA Amendments Act.

Earlier this year, Senator WYDEN and Senator MARK UDALL asked the Office of the Director of National Intelligence a fundamental question: How many Americans have been subjected to surveillance under the FISA Amendments Act? The Office of the Director of National Intelligence claimed it is not possible to answer that question. At a minimum, before the Senate acts to extend the FISA Amendments Act, Senators should be given any information the intelligence community has about whether innocent Americans have had their private e-mails and phone conversations swept up by FISA Amendments Act collection.

I am pleased to be a cosponsor of the bipartisan amendment that has been offered by Senators JEFF MERKLEY and MIKE LEE. The Foreign Intelligence Surveillance Act is interpreted by a secret court known as the Foreign Intelligence Surveillance Court. The Merkley-Lee amendment would require that significant legal interpretations of FISA by this secret court be declassified. The concept of secret law is anathema to a democracy. The American people have a right to know how the laws passed by their elected representatives are being interpreted and implemented.

I wish to thank Senators MERKLEY and LEE for taking up this cause. Back in 2003, I worked on a provision in the 9/11 intelligence reform bill that would have required the declassification of

significant legal interpretations by the FISA Court. Unfortunately, that provision was removed from the final bill at the insistence of the Bush administration.

Former Senator Russ Feingold, my predecessor as chairman of the Constitution Subcommittee, was also an outspoken advocate of declassifying FISA Court opinions, and back in 2008 he held a hearing on the problem of secret law. This is an important issue, and I hope the Senate will approve the Merkley amendment.

I am not aware of any substantive objections to the Leahy, Wyden, and Merkley amendments. The only concern I have heard is that if the Senate approves one of these amendments, this bill will have to go back to the House for final approval. There are still 4 days before the end of the year, when the FISA Amendments Act expires, which is plenty of time for the House to vote on the bill the Senate passes.

Even with these amendments, I am concerned this reauthorization of the FISA Amendments Act does not include the checks and balances needed to preserve our basic freedoms and liberties. I believe we can be both safe and free. We can give the government the authority it needs to protect us from terrorism but place reasonable limits on government power to protect our constitutional rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise in opposition to the legislation we are going to be voting on today. I want to refer to the Leahy amendment just referred to by the Senator from Illinois.

Senator LEAHY's amendment will act as a complete substitute to the bill that is on the floor and, if passed, it will require a conference with the House of Representatives. It is December 27, and the House is not coming back until December 30. There simply is not time, even if the amendment was substantive enough that it ought to be considered for passage, to get that conferenced with the House and get this bill on the desk of President by December 31, which is when these provisions expire.

The first change the Leahy amendment makes is to reduce the extension sunset from December 31, 2017, back to December 1, 2015. That date coincides with the expiration of certain other FISA provisions; namely, the roving wiretap authority, the business records court orders, and the lone wolf.

It may seem like it ought to make sense that we have all of these expiring at that time but, frankly—having been involved in the intelligence community for the last 12 years—it actually works in reverse from that and it would have a negative influence on the community itself.

If we match the FAA sunset with the PATRIOT Act and IRPTA sunsets, it provides no real benefit to congressional oversight and could actually increase the risk that all these authorities will expire at the same time. If they all expired at the same time, the community would certainly be at a real disadvantage from an operational standpoint.

The Leahy amendment also makes a number of modifications to the executive branch oversight provisions that simply, I believe, are not necessary. For example, the amendment would require the inspector general of the Intelligence Community, ICIG, to conduct a mandatory review of U.S. person privacy rights in the context of the FISA Amendments Act implementation. If we truly believe this sort of review by the ICIG is necessary, we don't need a statutory provision. We can simply get a letter from the Intelligence Committee directing that be done, and it will be done. So trying to think we need a statutory provision on that type of issue—if there is any contemplation that it exists—is simply not necessary.

I am also concerned the Leahy substitute incorrectly elevates the ICIG to the same level as the Attorney General and the Director of National Intelligence by adding the ICIG as a recipient of FISA Amendments Act reviews that are conducted by the DOJ IG and other intelligence community element inspectors general. That doesn't make a lot of sense because the attorney general and the DNI are the only ones responsible for jointly authorizing the collection of foreign intelligence information under the FAA. They are the ones who need to review compliance assessments conducted by the relevant IGs, including those conducted by the ICIG.

If there is concern about whether the ICIG can even conduct these type of reviews, then I think the FAA is clear on that point. Since the ODNI is authorized to acquire or receive foreign intelligence information, the ICIG can conduct these reviews to the same extent as any other inspector general of an element of the intelligence community. He doesn't need redundant statutory authorization.

It is important to understand that the word "acquire" as used here doesn't mean acquisition in the actual physical collection of foreign intelligence information. Rather, "acquiring" here simply means to come into possession or control of, often by unspecified means. We know this because in the annual review provision in the very next paragraph sought to be amended, the FAA uses the more precise conducting and acquisition terminology which clearly indicates that it affects only those elements that are actually collecting foreign intelligence information.

This same annual review provision would also be modified by section 4 of

Senator LEAHY's amendment. His changes would expand the agency heads responsible for conducting these annual reviews to any agency with targeting or minimization procedures as opposed to the current law, which applies to only those agencies that are actually responsible for conducting an acquisition; that is, the physical collection of foreign intelligence information.

Right now, any IC element that receives downstream FISA collection must comply with FISA's retention, dissemination, and use limitations. They don't have any kind of blanket authority to use this information. But the elements required in the annual reviews are geared more toward the actual collectors of the foreign intelligence information than they are toward downstream IC elements that are already required to comply with FISA's retention, dissemination, and use limitations.

The Intelligence Committee has been conducting oversight on this collection program long before it was ever codified in the FISA Amendments Act. We worked closely with the Judiciary Committee to carefully monitor the implementation of the FAA authorities by the executive branch. In the end, I am fully satisfied the FAA is working exactly as intended and in a manner that protects our rights as Americans. As I have just explained, I do not believe Senator LEAHY's proposed changes are necessary, nor do I believe they improve upon the current practice.

I wish to just quickly address what the Senator from Illinois said about the collection on U.S. persons. If one is collecting on someone who is in Pakistan and they call somebody in the United States, he may be a U.S. citizen or he may be a non-U.S. citizen, and if we are collecting on him under a proper court order, there can be at times collection on somebody inside the United States. But the FISA Amendments Act has a provision for dealing with that so that we have what we call minimization provisions in place that immediately do not allow the use of any information collected on a U.S. citizen in an unlawful manner.

The FISA Court is very tough, they are very strict, and they don't just grant an authority to allow our intelligence community to gather information on foreign suspects or foreign entities or somebody who is working for a foreign power in any kind of household manner. They are very strict in their requirements of what must be shown in order to be able to collect. So in the rare times there is a U.S. citizen on the other end of the line, the minimization provisions kick in, and they work. They work very well. The Leahy substitute simply will not allow the community to do the job we need to get done.

Secondly, I wish to address the Merkley amendment. Again, I oppose this amendment. When Congress created the FISA Court back in 1978, it was understood that this court would have to operate behind closed doors given the sensitivity of the national security matters the court considers. Each time FISA has been amended, whether it is section 501 dealing with business records or 702 relating to targeting foreign terrorists overseas, Congress has maintained the same high level of protection for the court's decisions. The Merkley amendment would make those decisions public.

Section 601 of FISA already requires the Attorney General to provide copies of all decisions, orders, or opinions of the Foreign Intelligence Surveillance Court or Foreign Intelligence Surveillance Court of Review that include significant construction or interpretations of the provisions of the entire act. So there are some reporting requirements right now in place.

The Merkley amendment would further require the Attorney General to declassify and make available to the public any of those decisions that relate to section 501 business record court orders or section 702 overseas targeting provisions.

I believe the American people understand there are certain matters that simply do not need to be made public, particularly when it comes to dealing with bad guys around the world, men who get up every morning and think about ways they can harm and kill Americans. Our folks in the intelligence community are doing a darn good job of gathering information on those types of individuals. Those are not the types of FISA Court orders, given by the court to gather that information that ought to be made public.

In matters concerning the FISA Court, the congressional Intelligence and Judiciary Committees serve as the eyes and ears of the American people. Through this oversight, which includes being given all significant decisions, orders, and opinions of the court, we can ensure that the laws are being applied and implemented as Congress intended.

If a significant FISA Court decision raises concerns, the Intelligence and Judiciary Committees will ask questions—and we have done that from time to time. We hold hearings, we get briefings, we receive notifications and semiannual reports—all designed to give Congress good insight into the real-life applications and interpretations of the FISA Act. This amendment does nothing to advance that oversight, but it could cause real operational problems. If we put in the public domain declassified opinions or unclassified summaries of the most significant court orders, we would give our enemies a roadmap into our collection priorities and capabilities.

I know one of the responses is going to be that the specific intelligence sources and methods could be redacted, but that only solves part of the problem. These guys we are dealing with, these bad guys around the world are smart guys. They are not idiots. When they look at a declassified piece of intelligence information that has redacted portions, they are able to piece the puzzle back together again and figure out exactly who those sources are and what their methods are, which is going to put our intelligence gatherers in jeopardy from a national security standpoint.

There is already substantial oversight of sections 501 and 702 by the FISA Court, the Department of Justice, the intelligence community, and the Congress. I can't think of any two provisions in FISA that have received more attention and more scrutiny than sections 501 and 702. Yet, as a result of this vigorous oversight, we also know these sections are two of the most carefully implemented by all of our investigative authorities.

This amendment sets a dangerous precedent and would undermine some of our most sensitive investigations and investigative techniques. Passing it would also impede our chances of getting a clean FAA extension to the President, as I mentioned earlier in my comments.

Lastly, I wish to quickly mention the Paul amendment. Again, I am going to oppose this amendment because it is inconsistent with the Constitution and it contradicts decades of established Supreme Court precedent and Federal law. Contrary to what this amendment says, there is no fourth amendment violation when the government gets information from a third party about a person who has voluntarily given that information to the third party. The Paul amendment would limit the ability of our intelligence community and our prosecutors to take information that a bad guy has given to a third party, and we get that information from a third party, from that information being used in a prosecution against that bad guy.

In the *U.S. v. Miller* 1976 Supreme Court case, the Court stated that it "has repeatedly held that the Fourth Amendment does not prohibit the obtaining of information revealed to a third party and conveyed by him to Government authorities, even if the information is revealed on the assumption that it will be used only for a limited purpose and the confidence placed in the third party will not be betrayed." Clearly, that is language directly contrary to the Paul amendment. The Paul amendment says the government would always have to either have consent or a search warrant to get information held by the third party in a system of records.

This amendment would have a significant impact not just on criminal

cases, from drugs to violent crime to child offenses, but on national security matters. Often, the information obtained from a system of records as described in this amendment is what we call building-block information. It is the basic information the law enforcement and intelligence communities use to build an investigation long before there may be probable cause. This type of information can be used not just to build cases but to rule out people as suspects—in short, ensuring they won't be subjected to more intrusive and investigative measures such as search warrants. Yet this amendment elevates building-block information in the hands of a third party to the equivalent of privately held information in which there is reasonable expectation of privacy. Even though a person voluntarily hands over information to a third party, this amendment says we should put the genie back in the bottle and now create a reasonable expectation of privacy.

What is more, if the government gets information from a third party without consent or a search warrant, this amendment says it can never be used in a criminal prosecution. The message here to banks, hotels, shipping companies, fertilizer stores, you name it: Don't bother being Good Samaritans and give law enforcement tips about suspicious activities. We will just take our chances and hope we get enough probable cause in time to stop whatever crime or terrorist act may be planned.

Simply stated, this amendment is contrary to case law and contrary to constitutional provisions.

I urge all of my colleagues to vote against the Paul amendment, the Merkley amendment, as well as the Leahy amendment when we begin voting at 5:30.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, will my colleague from Georgia yield for a question?

Mr. CHAMBLISS. Sure. I would be happy to.

Mr. MERKLEY. I thank the Chair, and I thank my colleague.

My colleague did address issues regarding the Merkley-Lee amendment, which has three stages in it designed to be sensitive to national security. It says that if the Attorney General determines that an opinion is not dangerous to national security, it asks them to release it to the public. It says that if the Attorney General finds that it is sensitive to national security, to release only a summary so written as to protect national security. Then it goes even further to say that if, in the Attorney General's opinion, that is not possible, then please just give us a report on the process the executive branch has already said they are doing, which is to go through a systematic

process of determining what they feel should be released independent of any advice we in the Senate might have.

So in these three stages, national security is given full consideration at each step. What it means is that in a situation where we have language such as “the government can collect information relevant to an investigation,” and the public wonders, well, is that investigation any investigation in the world, is it—what does “relevant” mean? What does “tangible information” mean? There are decisions that may confirm that the plain language operates in a fashion that protects the fourth amendment or those interpretations of FISA may, in fact, stand the statute on its head and open a door that was meant to be, by what we did when we passed it here, open just a slit, to be turned into a wide-open gate.

So with those provisions to carefully protect national security, as the Senator so rightly pointed out is necessary, can I perhaps win the Senator's support?

Mr. CHAMBLISS. Well, here is my problem with that provision, and it is twofold. First of all, there is the proverbial elephant's nose under the tent theory, that this is the beginning of opening other things down the road. I think that in this world in which we operate, this cloak-and-dagger world of the intelligence community—and we don't often like to think about the fact that it is necessary in modern times, but it is more necessary today than ever before because of the enemy we face—I think there is a real danger in beginning to open any of those opinions.

The second part of it is kind of tied to that as well. As I said earlier, these folks we are dealing with are very smart individuals. These bad guys carry laptops, they communicate with encrypted messages that we have to try to pick up on with the right kinds of authorizations that the FISA Court gives us and do our best to figure out what they are doing in advance of them taking any action. And while we may not think about a provision in an opinion coming out of the FISA Court being a tipoff to bad guys about what we are doing or, more significantly, what they are doing that is alerting us, you better believe those guys are going to be examining every one of these opinions that we make public, and they are going to be reviewing those opinions, and they are going to, at some point in time, pick up on some small piece of information that is going to give them a shortcut next time they plan an attack against America or Americans.

So I think for us to say that it is the personal opinion of the Attorney General that, well, maybe this does not involve national security, but maybe it does, and we ought to go through those other steps that the Senator alluded

to—those bad guys are going to be looking at every single one of those, and at some point in time it is going to come back to haunt us.

Mr. MERKLEY. I thank my colleague for sharing his insights. And certainly national security is extremely important. I obviously reach a different conclusion.

I encourage my colleagues to support the amendment that Senator LEE and I have put forward because it appropriately balances national security concerns against issues of privacy and the fourth amendment. It says simply that where national security is not affected, the public should be able to see these interpretations of what the statutes we write in this Chamber mean so the public can weigh in on whether they feel comfortable with where the secret court has taken us and so we can weigh in, so we can have a debate on this floor not about our best guess about what possible implications might occur from some secret court opinion, but we can actually share a situation where national security is not affected. Well, here is how related to investigations it has been interpreted: Oh my goodness. What was intended to be a door open 1 inch is a door flung open like a barn gate, and the fourth amendment is in serious trouble. That should be debated here.

Certainly, the amendment Senator LEE and I have put forward is very sensitive to the concerns my colleague has presented. I do appreciate his viewpoints. But, Mr. President, through you I ask my colleagues to weigh in on the side that the American people have a right to know what the plain language of the statute actually means after being interpreted by a court.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Mr. President, no one disputes the vital importance of our national security. Indeed, in *Federalist No. 41*, James Madison noted that “[s]ecurity against foreign danger is one of the primitive objects of civil society,” and he emphasized that such security “is an avowed and essential object of the American Union.” Government officials have a solemn duty, particularly in the age of global terrorism, to help ensure that the American people are safe and secure.

Yet at the same time, the government also exists to do a lot more than just promote security. Its most fundamental purpose is to protect our natural and inalienable liberties. Safeguarding individual rights and liberties

is the bedrock of American Government. In the words of our Nation's founding document, the Declaration of Independence, it is “to secure these rights [that] Governments are instituted among Men.”

In our quest for ever-greater security, we must be mindful not to sacrifice the very rights and liberties that make our safety valuable. As Benjamin Franklin put it, “Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety.”

I worry that in seeking to achieve temporary safety, some of the authorities we have given the government under FISA may compromise essential rights and liberties. In particular, I am concerned about the government's ability, without a warrant, to search through FISA materials for communications involving individual American citizens. I worry that this authority is inconsistent with and diminishes the essential constitutional right each of us has “to be secure . . . against unreasonable searches and seizures.”

We do not know the precise number of communications involving American citizens that the government collects, stores, and analyzes under section 702 of FISA. Whether this number is large or small, I believe we must enforce meaningful protections for circumstances when the government searches through its database of captured communications looking for information on individual American citizens; otherwise, by means of these so-called backdoor searches, the government may conduct significant warrantless surveillance of American persons. I believe this current practice is inconsistent with core fourth amendment privacy protections and needs to be reformed.

During consideration of FISA in the Judiciary Committee, Senator DURBIN and I offered a bipartisan amendment to address this very problem. The language of our amendment is identical to that offered by Senators WYDEN and UDALL during consideration of FISA by the Select Committee on Intelligence. The amendment clarifies that section 702 does not permit the government to search its database of FISA materials to identify communications of a particular U.S. person.

In effect, it would require the government to obtain a warrant before performing such queries involving an American person's communications. The amendment is limited in scope. It excludes from the warrant requirement instances where the government has obtained an emergency authorization, circumstances when the life or physical safety of the American person targeted by the search is in danger and the search is for the purpose of assisting that same person, and in instances where the person has consented to the search.

Moreover, the warrant requirement would apply only to deliberate searches for American communications and would not prevent the government from reviewing, analyzing, or disseminating any American communications collected under FISA and discovered through other types of analysis.

FISA rightly requires that the government obtain a warrant anytime it seeks to conduct direct surveillance on a U.S. person. Indirect surveillance of U.S. persons by means of backdoor searches should be no different. No one disputes that the government may have a legitimate need to search its FISA database for information about a U.S. person, but there is no legitimate reason why the government ought not first obtain a warrant, while articulating and justifying the need for its intrusion on the privacy of U.S. persons. Our constitutional values demand nothing less.

Unfortunately, we will not be voting on such an amendment later today, so our reauthorization of FISA will include a grant of authority for the government to perform backdoor searches, seeking information on individual American citizens without a warrant. I believe such searches are inconsistent with fundamental fourth amendment principles. For this reason, I cannot support the FISA reauthorization, and I urge my colleagues to oppose the bill in its current form.

I would like next to speak about a few amendments I think would make some improvements to this legislation, nonetheless. I would like to first speak on the Merkley-Lee amendment, which would require declassification of significant FISA Court opinions.

The FISA Court is authorized to oversee requests for surveillance both inside and outside of the United States. Given the sensitive nature of these requests, it is necessarily a secret court, a court whose rulings, orders, and other deliberations are and remain classified. Yet, although much of the court's work must properly be kept confidential, it must not operate without meaningful oversight.

Beyond the straightforward application of the law to specific and sometimes highly classified circumstances, FISA Court rulings may include substantive interpretations of governing legal authorities. As is true in every court called on to construe statutory text, FISA Court interpretations and applications are influential in determining the contours of the government's surveillance authorities. Unlike specific sources of information or particular methods of surveillance collection, which are properly classified in many instances, I believe the FISA Court's substantive legal interpretation of statutory authorities should be made public.

A hallmark of the rule of law which is a bedrock principle upon which our

Nation is founded is that the requirements of law must be made publicly available—available for review, available for the scrutiny of the average American.

The Merkley-Lee amendment establishes a cautious and reasonable process for declassification consistent with the rule of law. Its procedures are limited in three key respects:

First, the pathway for declassification applies only to the most important decisions that include significant instruction or interpretation of the law.

Second, declassification must proceed in a manner consistent with the protection of national security, intelligence sources and methods, and other properly classified and sensitive information.

Third, the process contemplates instances where the Attorney General determines declassification is not possible in a manner that protects national security. In such cases, the process requires only an unclassified summary opinion or a report on the opinion that happened to remain classified.

This modest and bipartisan amendment will help ensure that we are governed by the rule of law, that government activities are made by applying legal standards known to the public, and that we remain, in John Adams' famous formulation, "a government of laws and not of men."

I would like next to speak on the Wyden amendment to require a report on the privacy impact of FISA surveillance. The FISA Amendments Act of 2008 gave the government broad authority to surveil phone calls and e-mails of people reasonably believed to be foreigners outside the United States. Despite the intent that this authority be directed at noncitizens who are located abroad at the moment the surveillance is collected, officials have acknowledged that communications by Americans may be swept up in the government collection of those same materials.

I believe it is critical for both Congress and the public to have access to information about the impact of these FISA authorities on the privacy of individual Americans. Only with such knowledge can we reasonably assess whether existing privacy protections are sufficient or whether reforms might be needed. Yet senior intelligence officials have declined to provide in a public forum the necessary information to such discussion and such analysis.

In particular, it is essential that we learn the extent to which Americans' communications are collected under FISA, whether this includes any wholly domestic communications, and whether government officials subsequently searched through those communications and conducted warrantless searches of phone calls and

e-mails related to specific American persons. This modest compromise in this modest, commonsense amendment requires the Director of National Intelligence to provide this information and report back to Congress regarding the privacy impact of the FISA Amendments Act. Given the sensitive nature of this information, our amendment provides for necessary redactions to protect core national security interests that would be important to our country and help keep us safe.

Providing Congress with answers to these critical questions should be a relatively uncontroversial exercise. It should be a no-brainer. Only with such information can we do our job of ensuring a proper balance between intelligence efforts on the one hand and the protection of fundamental individual rights and liberties on the other hand.

Finally, I would like to speak on the Paul amendment, the Fourth Amendment Preservation and Protection Act. The fourth amendment protects the right of the people to be secure in their persons, papers, and effects against unreasonable searches and seizures. At its core the Constitution protects our right to be free from unwarranted government intrusion in our affairs absent probable cause, which the government must set forth with specificity to a court in an application for a warrant.

It is undisputed that absent exigent circumstances, consent, or a warrant, the government may not intrude upon a person's home and search through his papers and personal effects. But we no longer keep our most sensitive information solely in the form of physical papers, physical documents, and other tangible things. The explosion of data sharing and data storage has made our economy more responsive and more efficient, but it also creates the potential for government abuse.

Congress has a fundamental responsibility to protect the individual liberties of Americans by ensuring that the Constitution's core fourth amendment protections are not eroded by the operation of changed circumstances, by new techniques that are made possible and in some cases made necessary by new technology. But Congress has failed to do this.

Some court rulings have likewise fallen short of protecting the full scope, the full spirit of the fourth amendment as it applies to our world of complex data sharing. Courts have attempted in good faith to determine whether individuals have a reasonable expectation of privacy in different kinds of information that they might share with third parties, sometimes online, but the results of many of these rulings are a varied and unpredictable legal landscape in which many do not know and cannot figure out whether they can rely on the fourth amendment to protect sensitive information they routinely share with others for a limited business purpose.

Congress needs to act to preserve the fourth amendment's protections as they apply to everyday uses, including routine use of the Internet, use of credit cards, libraries, and banks. Absent such protections, individuals may in time grow wary of sharing information with third parties.

I am cognizant that this area of the law is complex. It is full of changes. It is full of instances in which we have to undertake a very delicate balancing act. Nevertheless, much work remains to be done to ensure that the fourth amendment protections are here and that they are real and that they benefit Americans and they do so in a way that does not interfere with legitimate law enforcement and national security activities. We must not shy away from the task simply because it is hard. It is daunting, but it is possible and it is necessary. Congress must act to preserve Americans' constitutional right to be secure in their persons, their papers, and effects against unreasonable searches and seizures.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Montana.

Mr. TESTER. I would like to talk about the FISA Amendments Act. I thank Senator WYDEN for his leadership on this issue and for offering an amendment to this act that I have cosponsored and will speak on in just a minute.

On our vote tomorrow, I will say that I will reluctantly plan to oppose the vote on the FISA Amendments Act when we get to final passage. There are many reasons for that. I am not naive. I do understand there are people out there who want to do harm to our Nation. I very much appreciate the folks in the intelligence community who do difficult behind-the-scenes work to keep us all safe. But at the same time, I believe our civil liberties and our right to privacy need to be protected. I do not believe they are sufficiently protected under the current law. So simply extending current law for 5 more years is irresponsible, and it is not a reflection of our values.

There are a few ways this bill falls short. I am especially concerned about the practice of reverse-targeting. The deputy majority leader talked about it about an hour ago.

The intelligence community does not need a warrant to conduct surveillance on someone located overseas. I think we can all agree there is no problem there. The problem comes when the intelligence community conducts surveillance on someone overseas where the real purpose is to gain information about someone right here in America. That can happen without a warrant, and we should not let that happen without a warrant.

Our national security is not threatened if we require this information to be tagged and sequestered and subject to judicial review. It would merely en-

sure that the information intercepted overseas in the form of communications to or from an American citizen would have to be overseen by the courts. Current law is supposed to prohibit this practice, but there really is no way to enforce the prohibition. That leaves the door open for abuse. That is simply unacceptable.

Unfortunately, neither Senator WYDEN nor I are able to offer our amendments that would address this hole in our privacy rights.

We can do better. We can also do better when it comes to transparency. The simplest amendment the Senate can approve today is the one I am proud to cosponsor. It is the Wyden amendment to require the Director of National Intelligence to report to Congress on the impact of FISA amendments on the privacy of American citizens. It is a commonsense amendment.

The report could be classified but would no longer allow the intelligence community to ignore requests for information from Congress. Why in the world do we not require the intelligence community to be accountable to us for its actions? It is our responsibility in Congress to hold the entire executive branch accountable. If we do not ask these questions, we are simply not doing our job. That is true whether it is President Obama, President Bush, or some other President.

I hope we can adopt the Wyden amendment to improve the reporting requirements of FISA. I urge my colleagues to support this commonsense amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1, for the purpose of calling up and debating the Coats amendment; that following the remarks of Senator COATS Senator ALEXANDER be recognized; the Senate resume consideration of the FISA bill, H.R. 5949; and that all provisions of the previous orders remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Resumed

The PRESIDING OFFICER. The Senate will proceed to the consideration of H.R. 1, which the clerk will now report by title.

The legislative clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Reid amendment No. 3395, in the nature of a substitute.

AMENDMENT NO. 3391 TO AMENDMENT NO. 3395

(Purpose: In the nature of a substitute.)

Mr. COATS. Mr. President, I call up amendment No. 3391.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 3391.

(The amendment is printed in the RECORD of December 17, 2012, under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I am cognizant of the fact that we will have a series of votes beginning in just 15 minutes, and so even though the unanimous consent request on this amendment is for 30 minutes equally divided, I am going to try to judiciously use this time between myself and Senator ALEXANDER to explain why we are offering this amendment, and hopefully our colleagues will be persuaded to support us when we vote on this probably tomorrow.

We are all, of course, sensitive to the pain and damage inflicted by Mother Nature in the Northeast. In fact, some of the Northeast is getting some more of that pain with a storm up there today.

No State or region in our country should be left to fend for itself after a storm as devastating as Hurricane Sandy. It is important to understand that many things have overwhelmed the ability of the States and local communities to deal with some of the effects of this, and that is why the Sandy emergency supplemental is before us attached to H.R. 1 and why we will be voting on that, I assume, tomorrow.

There are two versions before us; one is the Senate Democrats' emergency supplemental proposal. That totals \$60.4 billion. It includes nearly \$13 billion in mitigation funding. That goes for the next storm, not this storm. There is \$3.46 billion for Army Corps of Engineers, \$500 million of which is projects from previous disasters; \$3 billion to repair or replace Federal assets that do not fall into the category of emergency need. There is \$56 million for tsunami cleanup on the west coast, which, of course, does not relate to Sandy. There is a lot of new authorizing language for reform of disaster relief programs, which I would support through the regular process. But without having gone through the authorizing committee, I don't think that is a good idea.

Our proposed alternative provides \$23.8 billion in funding for the next 3 months. We are not saying this is the be-all and end-all of what Congress will ultimately fund to meet the needs of those who have been impacted by Sandy. We are simply saying that before rushing to a number, which has not been fully scrubbed, fully looked at, plans haven't been fully developed yet—and that is understandable—we think it most important we provide

emergency funding for those in immediate need over the next 3 months.

We have carefully worked with FEMA Director Fugate and we have worked with Secretary Donovan at HUD. We have worked through the Appropriations Committee to identify those specific needs that get to the emergency situations under which this bill is titled. It provides funding for States to allow them to begin to rebuild but also leaves us time to review what additional funds might be needed.

So rather than throwing out a big number and simply saying let us see what comes in under that number, let us look at the most immediate needs that have to be funded now and provide a sufficient amount of funds in order to do that. In fact, the amount we are providing would extend, in terms of outlays, far beyond March 27, but we want those mayors and we want those Governors to be able to begin the planning process of looking how they would go forward. We also want, in respect to our careful need, to carefully look at how we extend taxpayer dollars.

We want to allow this 3-month period of time for which the relevant committees in the Senate and the House of Representatives can look at these plans, can document the request, can examine the priorities that might be needed and then put a sensible plan in place that hopefully will be an efficient and effective use of taxpayer dollars. Therefore, we have struck from the Democratic proposal all moneys that would go to mitigation funding, not saying mitigation funding isn't necessary but simply saying it doesn't meet the emergency need this first 3-month proposal addresses. This will give States time to begin to rebuild but also allow us time to review what additional funds are needed for that rebuilding.

We don't allow authorizing language because we don't believe in authorizing something on an emergency appropriations bill that ought to go through the authorizing committee. We focus specifically on Sandy-related needs. There are a number of other needs, as I have just addressed, that are perhaps legitimate, that ought to come through the regular process.

With that, let me turn to my colleague from Tennessee who has been working with me. I would say our Appropriations Committee, our Republican staff, has gone through this very carefully and tried to identify how we can get money for the essential needs to those people, to those communities that need them now. We want to be responsible in terms of spending taxpayer dollars by having a period of time in which we can look at the plans for the future and see what additional funds might be needed.

With that, I yield for the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I am here to join the Senator from Indiana, and I think I can presumptively speak for everybody in this body. We want to help the people in New York, New Jersey, and other Northeastern States that were hurt by Sandy. We have had some pretty tough disasters in Tennessee as well. We had a 1,000-year flood 2 years ago—not a 100-year flood but a 1,000-year flood. We knew the Federal Government wasn't going to make us whole. We had billions of dollars of damage, 52 counties hurt, but we knew the Federal Government could help and it did help and it helped swiftly and that is what we want to do in this case.

With all the talk about the money we are about to appropriate, I think it is important to remind those who live in New York, New Jersey, and Connecticut what is already being done with money we have already appropriated. For example, there are 4,402 FEMA personnel working in those States. There are 514,343 citizens of those States who have already filed individual assistance applications. This is when your home is gone and you need money for rent or you need money to rebuild. Those applications are in.

Already \$1.13 billion has been paid. There are 24 disaster recovery centers in New York, 24 in New Jersey and 1 in Connecticut. \$150 million in disaster loans have already been approved by the Small Business Administration, and more than 360,000 applications have been sent out.

The important fact to know is that help for victims of Hurricane Sandy doesn't depend on what we are about to do tonight. We already have money in the bank. We already have FEMA people on the ground. There is already help available. In my experience in our Tennessee disasters, that help comes in a matter of days, in most cases.

So what are we about to do? As Senator COATS said—and I wish to congratulate him for making a very sensible approach toward this—what we are about to say is this is \$24 billion more for the accounts that are already helping people in the areas hurt by Sandy.

For example, there is over \$5 billion for the Disaster Relief Fund. That is just to make sure there is enough money to fund those half million requests that are already in. There is \$9.7 billion for flood insurance. If you have flood insurance, the Federal Government will be able to pay your claim. There is \$3.4 billion to repair roads and bridges. There is \$2 billion for community development block grants. We found in Tennessee that is especially flexible money, which is very helpful. That is \$2 billion between now and March. There is also \$500 million for the Small Business Administration.

So what is not included in the proposal we are offering. It doesn't include

items that are not related to Hurricane Sandy. This is supposed to be about Hurricane Sandy. It doesn't make changes to the Stafford Act. What that means is we don't go in, in this emergency appropriations bill for the next 3 months, and make wholesale changes in the law, make things permanent that are temporary, and streamline regulations. They all may be good things to do, but we have a process for making legislative changes.

We don't include \$13 billion for unspecified future projects. They may be good projects, but if they are, we have a process to consider those projects. The distinguished Senator from California and I are the ranking members of one of the subcommittees that does some of that. We expect to do that next year. So we are filling the accounts that are already being used to help many people.

Finally, if I may say something about process—which I think would be more interesting to the Senators than to the people of New York and New Jersey—but it is important to know this bill came to the floor in record time. No one objected to its coming to the floor.

It was virtually unanimous, before we even started voting on amendments, that we agreed to invoke cloture and to have a final vote of 51 votes so the bill in some form will pass. In return for that, those of us on the minority side, so far as I know, got the amendments we wanted.

I simply want to say to my colleagues that it is still far from a perfect process in our effort to continue to improve the way the Senate works. The bill should have gone to committee to begin with. It did not. It could have been amended there. When it came to the floor on Monday, and we said come right on, no one objected to that, we should have started voting. We could have voted for 3 days on this bill: Tuesday, Wednesday, Thursday, instead of running around trying to see who had amendments. Let us just put them up and vote on them. Then we should have had the cloture vote which, as I said, was done with, I think, only one dissenting objection.

So the process has been better but not as good as it should be for the Senate. But Senator COATS' substitute is the right proposal. It is 24 billion more dollars now for the accounts that are already being used to help victims of Sandy.

The last thing I would say is this. When there is an emergency, Congress has always acted. We don't always do everything in the first week or second or third week because we already have money in the bank for those needs. But in Katrina, for example, there were nine different supplemental appropriations bills over time. The next wave of appropriations requests can come to us, and we will go to work on them in



a few weeks. We can get to work in the committee right away, for example, and Senator FEINSTEIN and I could work on it a few weeks after that. Then the majority leader will bring the bills to the floor—which he did not last year—and we can vote on them and have the second round of funding.

So I thank the Senator from Indiana, Mr. COATS, for his hard work on this. We want the people of New York and New Jersey to know we want to help them, we are helping them, and will continue to be interested in the things that need to be done. It will not make them whole, but it will help them get on their feet, just as we have in Tennessee and just as we have in other States across the country after large disasters.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, may I inquire as to how much time is still available before the call up of the vote on the FISA legislation?

The PRESIDING OFFICER. The Senator from Indiana has approximately 2 minutes remaining.

Mr. COATS. Mr. President, I would like to use those 2 minutes, if I could, to sum up.

I thank the Senator from Tennessee for his support throughout this whole process. He has been instrumental in helping us work through this to find what we believe is a reasonable way to move forward and provide that immediate emergency help that is so badly needed up in the Northeast.

Let me just give one example of how we came to these numbers. We do provide, through the Transportation, Housing and Urban Development appropriations, \$32 million for repairs of Amtrak's infrastructure, dewatering of tunnels, electrical systems, overhead wires. These are immediate needs, and we want to provide funding for them.

There is funding for highway emergency relief directly related to Sandy. We fund for that. We fund for public transportation infrastructure, immediate needs between now and March. Again, we are not saying there might not be need for more funding after this, but we will at least have had the opportunity to vet that and look to ensure that the money is correctly spent. What we didn't do under that appropriations was \$30 million of damages that come under the FAA existing budget, the funding for highway projects not related to Sandy that are in the Democratic bill and mitigation projects unrelated to Sandy.

Again, we are not against mitigation, but we are saying let us focus on Sandy. Let us get the emergency help to those who need it now. Let us get it there in an ample amount of time and money for them. Then let us take up, through the regular process and we carefully examine how we spend the taxpayers' money, providing those

needed funds for the real emergency but not using this as a bill to lard up with all kinds of excessive spending that isn't needed for this particular emergency.

With that, I yield back the remainder of my time.

#### FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 5949.

AMENDMENT NO. 3437

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3437 offered by the Senator from Vermont.

The Senator from Vermont.

Mr. LEAHY. Mr. President, this is a matter I care a great deal about. I am concerned that we are rushing to rubberstamp a House bill that is going to extend the surveillance authorities of the FISA Amendments Act for another 5 years. My amendment would allow the authorities to continue, but it would give a lot better and more timely oversight.

We passed this—and it was not on a last-minute thing—out of the Senate Judiciary Committee in July. We acted quickly so that we would not be acting in this last-minute manner.

This has no operational impact on the intelligence community, but it does ensure the strongest of oversight. I hope Senators will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to oppose this amendment and to indicate that the administration opposes the amendment as well.

We have just 4 days to reauthorize this critical intelligence tool before it expires. That is the reason for having the House bill before us today. The House bill is a clean bill. It extends the program to 2017, when it would sunset and would need another reauthorization. I believe we must pass the House bill now. I believe 2017 is the appropriate date.

I am very worried that if we do anything else, if we pass any one of these amendments, we will jeopardize the continuation of what is a vital intelligence tool. So regretfully, I oppose the Leahy amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the Leahy amendment.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 52, as follows:

[Rollcall Vote No. 232 Leg.]

#### YEAS—38

Akaka	Franken	Reed
Baucus	Johnson (SD)	Reid
Begich	Klobuchar	Schatz
Bennet	Kohl	Schumer
Bingaman	Leahy	Shaheen
Blumenthal	Lee	Stabenow
Cantwell	Levin	Tester
Cardin	Manchin	Udall (CO)
Carper	Menendez	Udall (NM)
Casey	Merkley	Webb
Conrad	Murray	Whitehouse
Coons	Nelson (NE)	Wyden
Durbin	Paul	

#### NAYS—52

Alexander	Grassley	Moran
Ayotte	Hagan	Nelson (FL)
Barrasso	Hatch	Portman
Blunt	Heller	Pryor
Boozman	Hoeben	Risch
Brown (MA)	Hutchinson	Roberts
Burr	Isakson	Rockefeller
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kerry	Shelby
Cochran	Kyl	Snowe
Collins	Landrieu	Thune
Corker	Lieberman	Toomey
Cornyn	Lugar	Vitter
Crapo	McCain	Warner
Enzi	McCaskill	Wicker
Feinstein	McConnell	
Graham	Mikulski	

#### NOT VOTING—10

Boxer	Harkin	Murkowski
Brown (OH)	Inhofe	Sanders
DeMint	Kirk	
Gillibrand	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3435

Under the previous order, there will be 2 minutes of debate equally divided prior to the vote in relation to amendment No. 3435, offered by the Senator from Oregon, Mr. MERKLEY.

Mr. REID. Mr. President, we are going to have two more votes tonight. They will both be 10 minutes in duration in addition to the debate time that has already been established. Then we are going to move in a very direct way to complete as much of the

debate time as possible on the amendments on the supplemental. It is extremely important that we get this debate completed tonight so we can start voting in the morning. We have already set up that we will have some votes in the morning. We are going to come in probably about 9:30 and start voting. We have a lot to do.

It would really be good if people who have amendments on the supplemental use their debate time tonight. We are going to have no more votes tonight, but tomorrow there will be a limited amount of debate time. Senator MIKULSKI will be here tonight, Senator SCHUMER will be here tonight, and Senator MENENDEZ will be here tonight to help move this, in addition, of course, to the managers of the bill on the other side. We hope people will work hard to get debate out of the way tonight so we can vote tomorrow. We have a lot of votes tomorrow. I am led to believe there are a number of amendments the managers of this bill will pass either by voice or some other quick fashion.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, following up Leader REID's comments, to my colleagues on both sides of the aisle, if you have these amendments, Senator SCHUMER and I would like to know. We will stay here to offer and debate them, as you were accorded under the unanimous consent agreement. If you come up and tell Senator SCHUMER and me now, we can get an order and sequence and tell you when we will call you up. Instead of everybody standing around, we would actually get a regular order and you would know when your amendments are coming up and what order you are coming up so that you could plan your evening. Please see Senator SCHUMER and me, and we will work with you to accomplish this.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, is it time to speak to amendment No. 3435?

The PRESIDING OFFICER. Yes.

Mr. MERKLEY. Mr. President, I rise in support of the Merkley-Lee amendment. I thank him for being lead co-sponsor.

I say to my colleagues, this is all about supporting the fourth amendment and opposing secret law. As we all know, in this Nation law consists of both the plain language and the court interpretations of what the plain language means. In the case of the FISA rulings, the public never finds out the second half and therefore doesn't really know when information will be collected, if you will, that is relevant to an investigation. No one ever knows what that means. The public should be able to know and should be able to weigh in.

This amendment is constructed so it protects national security. It says this

will only happen in cases when it is compatible with national security to release the FISA findings, and, second, you can do summaries instead, and if summaries are still causing a national security problem, a schedule is sufficient as to how the administration is reviewing these. It balances national security while it fights for the fourth amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the vice chairman of the committee opposes this amendment, as does the administration. We have only 4 days to authorize this intelligence tool before it expires. Sending this legislation to the President without amendment is the only sure way to do it.

The Director of National Intelligence is engaged in an ongoing process to declassify significant FISA Court opinions where it is possible to do so. I have agreed to work with Senator MERKLEY to get summaries of FISA Court decisions that can be made public.

In sum, the intelligence community strives to be as transparent as possible with the public, but legislation that would force its hand and potentially risk the exposure of classified information is both unnecessary and unwise.

I urge my colleagues to oppose this amendment.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Merkley amendment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 54, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—37

Akaka	Conrad	Levin
Baucus	Coons	Manchin
Begich	Durbin	Menendez
Bennet	Franken	Merkley
Bingaman	Gillibrand	Murray
Blumenthal	Heller	Nelson (NE)
Cantwell	Klobuchar	Paul
Cardin	Leahy	Pryor
Carper	Lee	Reed

Reid	Stabenow	Webb
Schatz	Tester	Wyden
Schumer	Udall (CO)	
Shaheen	Udall (NM)	

NAYS—54

Alexander	Graham	McConnell
Ayotte	Grassley	Mikulski
Barrasso	Hagan	Moran
Blunt	Hatch	Nelson (FL)
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Risch
Burr	Isakson	Roberts
Casey	Johanns	Rockefeller
Chambliss	Johnson (SD)	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kerry	Shelby
Cochran	Kohl	Snowe
Collins	Kyl	Thune
Corker	Landrieu	Toomey
Cornyn	Lieberman	Vitter
Crapo	Lugar	Warner
Enzi	McCain	Whitehouse
Feinstein	McCaskill	Wicker

NOT VOTING—9

Boxer	Harkin	Lautenberg
Brown (OH)	Inhofe	Murkowski
DeMint	Kirk	Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3436

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote in relation to amendment No. 3436 offered by the Senator from Kentucky, Mr. PAUL.

Mr. PAUL. Mr. President, I rise today to support the Fourth Amendment Protection Act. The fourth amendment guarantees that people should be secure in their persons, houses, and papers against unreasonable searches and seizures. Somewhere along the way we became lazy and haphazard in our vigilance. We allowed Congress and the courts to diminish our fourth amendment protections, particularly when papers were held by third parties.

I think most Americans would be shocked to know that the fourth amendment does not protect their records if they are banking, Internet, or Visa records. A warrant is required to read their snail mail and to tap their phone, but no warrant is required to look at their e-mail, text, or Internet searches; they can be read without a warrant. Why is a phone call more deserving of privacy protection than an e-mail?

This amendment would restore the fourth amendment protections to third-party records, and I recommend a "yes" vote.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I oppose this amendment, as does the vice chairman and the administration. This amendment is not germane to FISA. It has not been reviewed by the Judiciary Committee, which would have jurisdiction over this matter. It seeks to reverse 30 years of Supreme Court precedence of interpreting the fourth amendment. According to the

administration talking points received this afternoon: The amendment would severely limit the effectiveness of law enforcement authorities at all levels of government and will effectively repeal the FISA Amendments Act.

I urge a "no" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 12, nays 79, as follows:

[Rollcall Vote No. 234 Leg.]

#### YEAS—12

Baucus	Lee	Tester
Begich	Merkley	Udall (NM)
Cantwell	Paul	Webb
Heller	Stabenow	Wyden

#### NAYS—79

Akaka	Franken	Moran
Alexander	Gillibrand	Murray
Ayotte	Graham	Nelson (NE)
Barrasso	Grassley	Nelson (FL)
Bennet	Hagan	Portman
Bingaman	Hatch	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Isakson	Risch
Brown (MA)	Johanns	Roberts
Burr	Johnson (SD)	Rockefeller
Cardin	Johnson (WI)	Rubio
Carper	Kerry	Schatz
Casey	Klobuchar	Schumer
Chambliss	Kohl	Sessions
Coats	Kyl	Shaheen
Coburn	Landrieu	Shelby
Cochran	Leahy	Snowe
Collins	Levin	Thune
Conrad	Lieberman	Toomey
Coons	Lugar	Udall (CO)
Corker	Manchin	Vitter
Cornyn	McCain	Warner
Crapo	McCaskill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Menendez	
Feinstein	Mikulski	

#### NOT VOTING—9

Boxer	Harkin	Lautenberg
Brown (OH)	Inhofe	Murkowski
DeMint	Kirk	Sanders

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Maryland.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT—Continued

Ms. MIKULSKI. I ask unanimous consent that the Senate now resume consideration of H.R. 1, the legislative vehicle for the Hurricane Sandy supplemental.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The bill has been reported.

Ms. MIKULSKI. Mr. President, I would like to give a sense of the order of amendments so Senators may plan their time.

We are now back on the supplemental bill, and we have great cooperation in getting the pending amendments and debate done this evening so we could actually start voting tomorrow morning.

So that Senators can have an understanding of how we will start our work this evening, I want to lay out a bit of the schedule. This is not a unanimous consent request. It is kind of an outline.

Our intention is to have the following amendments called up after I yield the floor: Senator CARDIN to be recognized to call up his amendment No. 3393; Senator TESTER to be recognized for up to 2 minutes to call up his amendment No. 3350; Senator LANDRIEU to be recognized for up to 2 minutes to call up her amendment No. 3415; Senator COBURN to be recognized for up to 30 minutes to call up his six amendments: Nos. 3368; 3369; 3370, as modified; 3371; 3382; and 3383; following that, Senator MERKLEY to be recognized for up to 5 minutes to call up his amendment No. 3367; and then I have a few I will call up on behalf of other Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### AMENDMENT NO. 3393 TO AMENDMENT NO. 3395

Mr. CARDIN. Mr. President, I call up the Cardin amendment that was made in order, amendment No. 3393.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself and Ms. LANDRIEU, proposes an amendment numbered 3393 to amendment No. 3395.

The amendment is as follows:

(Purpose: To strike section 501)

Strike section 501.

Mr. CARDIN. Mr. President, this amendment is totally noncontroversial. In the bill, they increase the surety bond limits for small businesses from \$2 million to \$5 million. It was an amendment I worked with Senator LANDRIEU on in the Small Business Committee. It was included in the Recovery Act. It expired. It has been very successful. It has generated a lot more contracts than anticipated. Making the limit permanent has no cost.

This amendment would strike the provision from this bill since it has al-

ready been included in the National Defense Authorization Act, which has passed this body at \$6.5 million, made permanent. So there is no need to include this provision in the supplemental appropriations bill.

I know of no controversy on this amendment. We do not need any debate time. I am hopeful we will clear this for a voice vote tomorrow.

I wish to thank Senator LANDRIEU for her work and Senator SNOWE on the Small Business Committee and thank Senator MIKULSKI for her work.

The Small Business Administration's surety bond program provides a guarantee on surety bonds, which are issued by contractors to assure customers that contract work will be completed.

The surety bond program gives small businesses critical support to secure work, which will be especially important during recovery and rebuilding efforts after Superstorm Sandy.

The underlying bill contains a provision, requested by the administration, which would increase the maximum surety bond guaranteed by SBA from \$2 million to \$5 million.

The Defense authorization conference agreement contains a provision that would raise the maximum to \$6.5 million.

The amendment strikes the provision in the supplemental related to SBA surety bonds in order to avoid conflicting with the House and Senate's conference agreement in the Defense authorization bill.

This amendment is a simple but important technical fix supported by Chairwoman LANDRIEU and Ranking Member SNOWE of the Small Business Committee.

I urge my colleagues to support this amendment.

Mr. TESTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Ms. MIKULSKI. Mr. President, wait. Before the Senator from Montana speaks, why don't we voice vote the amendment now.

Mr. CARDIN. Fine. I know of no further requests for time and I am prepared for a vote.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

Ms. MIKULSKI. Would the Chair withhold?

There seems to be—Mr. President, if we could have order, I think it would be helpful for us.

The PRESIDING OFFICER. The Senate will come to order.

Ms. MIKULSKI. The Senator from Maryland may proceed.

Mr. CARDIN. I have no further debate. I am prepared to let it go on a voice vote.

The PRESIDING OFFICER. Is there any further debate on the amendment?

Mr. COBURN. Inquiry of the Chair, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. It was my understanding we were going to have ordered votes tomorrow rather than this evening, and I would ask, through the Chair, the chairwoman of the committee if my understanding is correct.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Replying to the Senator from Oklahoma, for those amendments we know we have cleared on both sides of the aisle that we can do by voice votes or by consent, we are going to get those done this evening.

Does the Senator have an objection to that?

Mr. COBURN. I would on this particular—I think we ought to have a recorded vote on this. That would be my request.

Ms. MIKULSKI. Senator CARDIN's amendment No. 3393 will be voted on tomorrow.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3350 TO AMENDMENT NO. 3395

Mr. TESTER. Mr. President, I call up amendment No. 3350.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. BAUCUS, and Mr. JOHNSON of South Dakota, proposes an amendment numbered 3350 to amendment No. 3395.

The amendment is as follows:

(Purpose: To provide additional funds for wildland fire management)

On page 76, between lines 4 and 5, insert the following:

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", \$653,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); *Provided further*, That, not later than December 31, 2013, the Comptroller General of the United States shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report on new models or alterations in the model that may be used to better project future wildfire suppression costs.

Mr. TESTER. Mr. President, Senator UDALL of Colorado and I are offering this amendment to provide the Forest Service with sufficient resources to meet the demands of wildfire fighting this fiscal year.

Our amendment to the Sandy supplemental would close the gap between the budget request and the actual expected need for wildfire management this year. Over the last 15 years, the cost of wildfire suppression has increased fivefold, but the Forest Service's budget certainly has not. The reason we have had wildfire suppression increasing by fivefold is because the

frequency and severity of fires have both increased.

The Forest Service, instead, has had to borrow money set aside for nonfire purposes, cutting into important programs such as timber production and watershed restoration. Borrowing against other accounts is occasionally unavoidable, but it is generally bad policy. We have a chance to avoid this situation by adopting my amendment No. 3350.

The West experienced its worst fire season in decades this past year. Over 1 million acres burned in Montana and over 9 million acres burned across the country. Three States had major emergency disaster declarations due to fire. We cannot afford to get caught unprepared this coming summer. Nearly one-fifth of the West remains in extreme or exceptional drought, and over 60 percent of the High Plains remains in extreme or exceptional drought. Let's be prepared. Let's be responsible. I would urge a "yes" vote on this amendment tomorrow.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise in support of amendment No. 3350 proposed by Senator TESTER. These funds are needed because the agency predicts it will spend more to fight these fires in fiscal year 2013, causing severe hardship on the agency.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3415 TO AMENDMENT NO. 3395

Ms. LANDRIEU. Mr. President, I rise to discuss amendment No. 3415. It is my understanding there is no opposition to this amendment. We may be able to voice vote it tonight. But let me take 1 minute to explain it.

This is a technical correction to an underlying provision that is already in the bill we will be voting for.

In the current law, there is a perverse incentive for local governments, when they are recovering, to hire outside contractors as opposed to maybe working with the workers who are already on the payroll—firefighters and police officers. It was not intended to be that way. But because FEMA only reimburses for contractors and not for the local police or firefighters under certain circumstances, we believe and FEMA believes it is actually spending more money.

So the essence of this amendment is to save money, being neutral in the law, so the local officials can make the best decisions whether they want to hire either contractors, if it makes sense, or their own people, if it makes sense, so the recovery can go more efficiently and, hopefully, save money.

FEMA supports it. The firefighters support it. It is technical in nature, which is why I asked the chairwoman tonight if we could voice vote it. I do not think there is any opposition.

Ms. MIKULSKI. I say to the Senator, we have been advised that we will not be voice voting amendments tonight.

But I want to just comment that we support the Landrieu amendment No. 3415, which clarifies the intent of section 609(e) of the pending amendment to provide FEMA reimbursements for the first responders. This amendment clarifies the intent that first responders can be reimbursed for wages during a disaster response. But it does not change the conditions of reimbursement that already aid an effective disaster response.

We do want to reinforce that both the International Association of Fire Fighters and the International Association of Fire Chiefs support this amendment.

At such time a vote is taken, I will urge a "yes" vote.

Ms. LANDRIEU. Mr. President, I would like to call up the amendment, if I could. The staff reminds me I did not do that.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 3415 to amendment No. 3395.

The amendment is as follows:

(Purpose: To clarify the provision relating to emergency protective measures)

On page 51, strike lines 8 through 23 and insert the following:

"(1) IN GENERAL.—If the President declares a major disaster or emergency for an area within the jurisdiction of a State, tribal, or local government, the President may reimburse the State, tribal, or local government for costs relating to—

"(A) basic pay and benefits for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, if—

"(i) the work is not typically performed by the employees; and

"(ii) the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals; or

"(B) overtime and hazardous duty compensation for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section.

"(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall ensure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

"(3) NO EFFECT ON MUTUAL AID PACTS.—Nothing in this subsection shall effect the ability of the President to reimburse labor force expenses provided pursuant to an authorized mutual aid pact."

Ms. LANDRIEU. Mr. President, I ask unanimous consent that two letters—one from the International Association of Fire Chiefs and one from the International Association of Fire Fighters—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF  
FIRE CHIEFS,  
Fairfax, Va., December 27, 2012.

Hon. MARY LANDRIEU,  
Chairman, Subcommittee on Homeland Security,  
U.S. Senate Committee on Appropriations,  
Dirksen Senate Office Building, Wash-  
ington, DC.

DEAR CHAIRMAN LANDRIEU: On behalf of the nearly 12,000 members of the International Association of Fire Chiefs, I would like to express our support for S.A. 3415, an amendment to the supplemental appropriations bill for the relief of communities affected by Hurricane Sandy (H.R. 1). This amendment is technical in nature, but serves an important purpose.

The national emergency response system is based on mutual aid agreements in which neighboring fire departments help a community that requires assistance in its response to a disaster. These mutual aid agreements can be local-to-local, intra-state, or inter-state. Many of these agreements include provisions to ensure that the aiding jurisdictions will be reimbursed for their emergency response activities. Because many localities are facing shrinking emergency response budgets, it is important that they be reimbursed soon after they provide assistance through a mutual aid agreement.

This amendment makes it clear that the reimbursement provisions in H.R. 1 will not affect these mutual aid agreements. The amendment also will ensure that local jurisdictions receive some assistance for the extraordinary measures that they take to provide aid to their citizens during a disaster. In many cases, the local taxpayers cannot afford these costs on their own.

Thank you for offering this amendment that will help many jurisdictions around the nation provide an effective response to disasters in their communities. On behalf of the leadership of America's fire and emergency services, I urge the Senate to adopt this amendment.

Sincerely,

CHIEF HANK C. CLEMMENSEN,  
President and Chairman of the Board.

INTERNATIONAL ASSOCIATION OF  
FIRE FIGHTERS,  
Washington, DC., December 27, 2012.

Hon. MARY LANDRIEU,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LANDRIEU: On behalf of the nation's nearly 300,000 professional fire fighters and emergency medical personnel, I am writing to express our support for your amendment to the Disaster Relief Supplemental Appropriation which is scheduled for consideration by the full Senate.

Super Storm Sandy jeopardized the safety of thousands of Americans and required an extraordinary response from emergency workers throughout the region. The costs associated with this response cannot and should not be borne solely by the taxpayers of the affected jurisdictions.

Senate Amendment #3415 would ensure that municipalities are eligible to seek reimbursement for costs associated with emergency response operations directly related to Super Storm Sandy. The amendment also builds in protections that prevent federal tax dollars from being used for costs that would have normally been incurred by state and local jurisdictions. This careful balance serves the best interests of both communities impacted by the storm and American taxpayers.

We greatly appreciate your diligent efforts to address this important issue, and look for-

ward to working with you to see S. Admt. 3415 become law.

Sincerely,

BARRY KASINITZ,  
Director of Governmental Affairs.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask, through the Chair, if the chairwoman of the Appropriations Committee would like for me to begin calling up amendments.

Ms. MIKULSKI. Yes. I wish to thank the Senator from Oklahoma for being willing to debate these amendments this evening. I know he has a pressing engagement, and he may proceed in whatever order he so chooses.

Mr. COBURN. I thank the chairwoman.

Mr. President, a little perspective before I offer these amendments.

We have before us a \$60 billion-plus bill. There is no question there is great need in response to the devastation that occurred from Sandy. But what the American people need to know as this bill goes through the Senate is this bill is not going to be paid for. There is no amendment that has been approved that will allow offsets for this bill.

So as we clear this bill through the Senate—the \$60-some billion we are going to clear—we are actually going to borrow that money. That is indisputable. I have spent the last 8 years outlining the waste, the duplication, and the fraud in the Federal Government. Those amendments were not made in order that would offset and actually pay for this by eliminating programs of the Federal Government that do not actually do anything to actually better the lives of Americans.

I am very appreciative of the opportunity to offer these amendments. I would also note we could have done these last week had we had an open and moving amendment process. We would not be here today working on Sandy. We would have finished it last week, but we chose not to do that.

AMENDMENT NO. 3369 TO AMENDMENT NO. 3395

Mr. President, I ask that amendment No. 3369 be called up.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3369 to amendment No. 3395.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the amount that triggers the requirement to notify Congress of the recipients of certain grants and to require publication of the notice)

Strike section 1003 and insert the following:

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations and posts the notification on the public website of that agency not less than 3 full business days before either Department (or a modal administration of either Department) announces the selection of any project, State or locality to receive a grant award totaling \$500,000 or more.

Mr. COBURN. Mr. President, this is a fairly straightforward amendment, and this is not to be construed as an amendment against the appropriators but, rather, an amendment for transparency.

What the underlying bill states is that 3 days before any grants are made under this process that the Appropriations Committee will be notified—not the whole Congress, not the American people but the Appropriations Committee. The reason for that is so the Members of the Appropriations Committee can then put out the information to the constituencies who are going to benefit from the grants that come through this.

Actually, the American people need to know the grants that are going to be granted through this process, the money that is going to be spent. So all this amendment does is change it to where the American people get notified of the grants that are going to be placed as a result of this bill.

This is about good government. This is about transparency. This is about letting all the Americans, who are actually going to pay for these grants, know what is going on, when it is going on, and how it is going on, who is going to get the money, and how much money they are going to get.

It is straightforward, very simple. It just says let everybody know—not a select group of Senators or House Members but everybody in this country who is footing the bill ought to know where this money is going to be spent. They ought to know it at the same time anybody else knows. It is just a transparency amendment so we all know where the money is spent, and we know it at the same time.

AMENDMENT NO. 3371 TO AMENDMENT NO. 3395

Mr. President, I ask unanimous consent that amendment be set aside and call up amendment No. 3371.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] for himself and Mr. MCCAIN, proposes an amendment numbered 3371 to amendment No. 3395.

The amendment is as follows:

(Purpose: To ensure that Federal disaster assistance is available for the most severe disasters, and for other purposes)

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the "Administrator") shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

(b) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures to assess the capacities of States to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term "State" means—

(1) a State;  
(2) the District of Columbia;  
(3) the Commonwealth of Puerto Rico;  
(4) any other territory or possession of the United States; and

(5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

Mr. COBURN. This is another good government amendment.

One of the things that has happened since FEMA was set up is that what has occurred has created a disparity between the States. Let me outline, in the last 6 years the State with the most disasters—most of you would not realize—is Oklahoma. We have had 25 certified disasters in my State.

Now, how did that happen? It has happened because the per capita damage calculation has not been updated through inflation on a regular basis. So what is the effect of that? The effect of that is a State such as New York or California or Texas can have exactly the same disaster as Oklahoma, but it will not be declared a disaster because Oklahoma has less than 4 million people but we have X amount of dollars, but because we have such a smaller population, we qualify for a disaster declaration, whereas if the same thing happened in any of those three larger populated States, they would not qualify.

So this is actually an amendment that will not be beneficial to my State but is beneficial to us as American citizens to create equality in how we describe and how we grant disaster declarations.

So all I am doing is saying that between now and 2016, FEMA has to update. It will not have any application to what we are doing today, but it is a good-government amendment so that we will actually have a uniform process throughout the country so that disaster declarations are appropriately granted to States that appropriately need the Federal Government's help.

Remember, our definition on this is when we have overwhelmed local resources. That is the key. Then we use a per capita damage assessment to grant the declaration of emergency. So what I am trying to do is to create some clarity and also equality among the States so that everybody is treated equally. Right now, they are not. Quite frankly, my State is much advantaged, to the detriment of the larger States, because of our lower population, with the same amount of damage.

I would ask for concurrence on that amendment.

AMENDMENT NO. 3382 TO AMENDMENT NO. 3395

Mr. President, I ask unanimous consent that amendment 3382 be called up.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3382 to amendment No. 3395.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require merit-based and competitive awards of disaster recovery contracts)

After section 1105, insert the following:

SEC. 1106. (a) PROHIBITION ON USE OF FUNDS FOR FUTURE DISASTER RECOVERY CONTRACTS NOT COMPETITIVELY AWARDED.—Amounts appropriated or otherwise made available by this Act may not be obligated or expended for any contract awarded after the date of the enactment of this Act in support of disaster recovery if such contract was awarded using other than competitive procedures as otherwise required by chapter 33 of title 41, United States Code, section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) CURRENT NO-BID CONTRACTS.—

(1) REVIEW OF CONTRACTS.—Not later than 60 days after the date of the enactment of this Act, Federal agencies shall conduct a review of all contracts to support disaster recovery that were awarded before the date of the enactment of this Act using other than competitive procedures in order to determine the following:

(A) Whether opportunities exist to achieve cost savings under such contracts.

(B) Whether the requirements being met by such contracts can be met using a new or existing contract awarded through competitive procedures.

(2) COMPETITIVE AWARD OF CONTRACTS.—If a Federal agency determines pursuant to the review under paragraph (1) that either subparagraph of that paragraph applies to a contract awarded using other than competitive procedures, the agency shall take appropriate actions with respect to the contract, whether to achieve cost savings under the contract, to use a new or existing contract awarded through competitive procedures to meet applicable requirements, or otherwise to discontinue the use of the contract.

Mr. COBURN. This is an amendment some people do not like, I will grant

you that. But I have some specific examples that are going on in New Jersey right now on why this amendment is needed. We have multiple contracts that were available that could have been utilized in New Jersey for debris removal. The company that got the contract actually is going to charge in excess of 20 percent more to the Federal Government for doing the same thing another competitive bid would have done. So we are going to spend at least 20 percent more on the contract for debris removal in New Jersey than we need to. That is because competitive bidding was not a requirement of Federal funds.

Here is some history. During Katrina, we know that \$11 billion of U.S. taxpayer money was either defrauded or wasted. Let me say that again—\$11 billion. Let me give the prime example of that. The Corps of Engineers was paid \$62 per cubic yard to manage debris removal in Katrina. Through five layers of contracting, the people who actually did the debris removal in Katrina were paid \$9 a cubic yard. So we paid six times what it actually cost to get the debris removal done because we did not have competitive bidding and we had multiple layers coming from the Corps of Engineers to national contractors, to regional contractors, to local contractors, to the actual guy with a backhoe and with a scoop and a dump truck. So we paid five to six times what it should have cost to actually get the debris removal taken care of. The same thing is going on in New Jersey right now. Right now.

So requiring competitive bidding—can there be exceptions to it? Yes. Are there times when you cannot do that? Yes. But as a general rule, especially since we are borrowing this money, we ought to be the best stewards of it that we can be. All this says is that we ought to require competitive bidding on these types of contracts to make sure we get value.

Why did New Jersey choose the more expensive contractor? Because the Federal Government is paying for it. This was a contract that was set that had been executed once in Connecticut. Because the Federal Government is paying for it, there is less decisionmaking about prudence and efficiency and effectiveness because there is not State money paying for it.

So what has happened is what was easiest, what was well-connected, what was well-heeled got the contract, and the one that would have cost considerably less did not get the contract. I would be happy to demonstrate for any of my colleagues showing them the difference between these two contracts on debris removal in New Jersey. So the same thing that happened in Katrina we are not learning from.

I agree that the debris needs to be picked up. We need to do it expeditiously. We had great opportunity to



do that with both contractors, except we are going to pay a lot more because we chose to go a way that greased the sleds for those who were well connected.

AMENDMENT NO. 3383 TO AMENDMENT NO. 3395

Mr. COBURN. Mr. President, I ask unanimous consent that that amendment be set aside and amendment No. 3383 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3383 to Amendment No. 3395.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike a provision relating to certain studies of the Corps of Engineers)

On page 16, strike lines 17 through 20 and insert "Provided".

Mr. COBURN. This amendment attacks one of the features of this bill that I think steals from the authorizing committees the authority they need to have on authorizing projects. Let me quote the language in the bill:

Provided further that any project that is under study by the Corps of Engineers for reducing flooding and storm damage risks in the future and that the Corps studies demonstrate will cost effectively reduce those risks is hereby authorized.

With one sentence, we have just taken away the total capability of the authorizing committee to hold the Corps accountable. All I am saying is that we at least ought to have authorizers say whether this is a priority. It does not mean they need to stop it, but they ought to at least be informed, and the authorization of that ought to go through a committee.

In this bill, 64 percent of the money is not going to even be started to be spent until 2 years from now, so there is plenty of time for us to create the authorization process rather than to deem the Corps of Engineers their own order and desire in terms of projects they wish to do. It is about good government. It is about good input. It is about good oversight. Allowing the Corps just to deem something authorized without the input of the appropriate committee of this Senate I think is inherently wrong and potentially very wasteful.

AMENDMENT NO. 3368 TO AMENDMENT NO. 3395

Mr. COBURN. Mr. President, I ask unanimous consent that that amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I ask unanimous consent that Amendment No. 3368 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an Amendment numbered 3368 to Amendment No. 3395.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify cost-sharing requirements for certain Corps of Engineers activities)

In title IV, under the heading "CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)" under the heading "CORPS OF ENGINEERS-CIVIL" under the heading "DEPARTMENT OF THE ARMY" under the heading "DEPARTMENT OF DEFENSE-CIVIL" strike "Provided further, That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs;" and insert "Provided further, That the Secretary shall determine the Federal and non-Federal cost share for implementing any project using these funds in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213):".

Mr. COBURN. Mr. President, the Sandy supplemental bill provides the U.S. Army Corps of Engineers \$3.5 billion in funding for new construction projects. Of that, \$3 million from this account is directed toward future mitigation projects, future flood risks for areas associated with large-scale flood and storm events, and areas along the Atlantic coast within the boundaries of the North Atlantic Division of the Corps that were affected by Hurricane Sandy.

The legislation also increases the Federal cost share for these projects that are funded with this appropriation. It changes it from 65 percent to 90 percent. The purpose of this amendment is to bring that back to 65 percent. It is not about being a miser. It is not about wanting to save money. It is about prudence. It is about sound judgment. It is about common sense.

What do we know from the 1988 Stafford Act? Here is what we know. What we know is that when we changed the cost share to an appropriate level so that we did not get things done on the Federal Government's, the taxpayers' dime without significant participation of local input, what the studies show is that during that 1-year period, the Federal Government saved \$3 billion because projects did not get funded that were not priorities because of the 65 percent Federal contribution and the 35-percent cost share. So what this does is reintroduce the 65-percent Federal payment and the 35-percent cost share to do that. Again, most of these projects are not going to start until 2015. So priorities are important.

So we are borrowing \$60 billion—and this is just the first bill, I am told, and I am sure we are going to have to spend more, but shouldn't we be more pru-

dent with how we spend dollars that are going to be borrowed against our children's future? All this says is revert it back to what has been done.

The second point I would make is that this is the first time in recent history where we have said—the people of Louisiana had a 65-percent cost share to the Federal Government, the people of Texas, the people of Mississippi, the people of Alabama, and all of a sudden, we are now going to say: No, that does not apply to the people in the Northeast. So it is unfair to the other areas that had major catastrophes that now all of a sudden, in time of extremis in terms of our debt and deficit, we are going to all of a sudden change that. Why are we changing that, especially since most of this money is not going to be spent—is not even going to be initialized—for at least 2 years?

AMENDMENT NO. 3370, AS MODIFIED, TO AMENDMENT NO. 3395

Mr. COBURN. I ask unanimous consent that that amendment be set aside and amendment No. 3370 be called up.

The PRESIDING OFFICER (Mr. CASEY.) Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 3370, as modified, to amendment No. 3395.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

**SEC. 1106. PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS.**

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term "seriously delinquent tax debt" means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term "seriously delinquent tax debt" does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, none of the amounts appropriated by or otherwise made available under this Act may be used to make payments to an individual or entity who has a seriously delinquent tax debt during the pendency of such seriously delinquent tax debt.

**SEC. 1107. PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS.**

None of the amounts appropriated by or otherwise made available under this Act may



be used for any person who is not alive when the amounts are made available. This does not apply to funeral costs.

**SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.**

None of the funds appropriated or made available in this Act may be used for any commercial fishery that is located more than 50 miles outside of the boundaries of a major disaster area, as declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), for Hurricane Sandy.

Mr. COBURN. Per the further request of Senator SCHUMER, I put a division in this amendment so we would have two votes on it, separating out the fisheries. Because he felt that was important, I was glad to accommodate his needs.

Mr. SCHUMER. Would the Senator yield?

Mr. COBURN. I would be happy to yield.

Mr. SCHUMER. I thank the Senator. The Senator was gracious. There are two separate issues here, one of which I think most of us on this side would accept. The other we could not. To lump them together would have tied two issues together that were not fair. The Senator from Oklahoma was extremely gracious. He said right away: We will divide them. He did not have to do that. I very much appreciate that.

Mr. COBURN. I am happy to do that. Let me tell you what crux of this amendment is. When we have disasters, we have real, legitimate needs. We have families who are hurting. We have businesses that are belly-up. We have homes that are destroyed. We have lives that are never going to be put back together no matter how much money we spend.

But there are people in our country who do not play by the rules. This amendment is specifically designed to not grant any of this \$60 billion to true tax cheats. That does not mean something that is under discussion or under litigation; that is the ones who have already been deemed tax cheats. And the second thing is to not pay money to people who are deceased already.

What did we learn from Katrina? We learned that nearly \$1 billion of Katrina money went to people who owed billions of dollars to the Federal Government. These were not disputable facts, these were real facts. We also learned that we spent significantly over \$100 million giving grants and money to people who were deceased. So all we are saying is, on this bill, let's learn from our mistakes and let's not do the same thing.

So this puts a prohibition on money going to people who have a legitimate, adjudicated claim by the IRS that they are not paying taxes that are due to the Federal Government; that they, in fact, will not participate because they did not participate.

The second thing is if, in fact, you really don't exist any more in life, you

really shouldn't be collecting money off our kids to pay for something that isn't a real need.

The final point of it is to really focus this on the Sandy supplemental, and that is the division on which we will have a separate vote, is for funding fisheries. I have no problem with funding fisheries. I have a big problem with borrowing from my kids to fund those very fisheries.

It is about priorities. We refuse to make priorities, and now that we have a bill that we don't have to cut spending anywhere from—we are going to borrow it all—we decide that we are going to add everything into it we can. I am not saying there is not a need in Alaska or on the west coast for this. What I am saying is there is a need for us to start making choices. The choice has to be not whether we will pay for it, it is what is a lower priority than funding the fishery? We tend to want to not want to make those choices. I am saying, in this amendment, that we ought to have to.

We will see what the will of the Senate is. I probably already know the answer to it. But the fact is that all we are doing is stealing from our kids. All of you know I can document over \$200 billion a year in duplication, fraud, and waste in the Federal Government. We are not offering any of that to eliminate to be able to pay for this.

So if we are going to do the \$150 million for fisheries, ought we not to cut spending somewhere else to pay for it? That is the whole point of this.

I would ask unanimous consent that amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I believe I am through, Mr. Chairman, and I would make the following point—

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Again, I wish to thank the Senator from Oklahoma for offering all those amendments.

I would like to comment on Coburn 3370, division 1 on the tax cheats. I certainly want to compliment him on that amendment. Every single Senator wants to prevent tax cheaters from receiving any funding in this bill. I am for all of those prohibitions on tax cheats. I carry a similar provision in my usual customary Commerce-Justice bill.

The Senator from Oklahoma also was very tentative about modifying it, but he still covers the tax cheats, and also dead people can't get Federal funds. The Senator modified it to cover funeral expenses. But we are also being told that this—by the Finance Committee—that this amendment is not a blue slip issue.

I support the Senator's amendment, and if it is agreeable with the Senator from Oklahoma, on this side, we would like to take his amendment tonight.

Mr. COBURN. I am happy to have you take it. I have no objection.

Ms. MIKULSKI. Now on the fisheries part, we don't take the fisheries part.

Mr. COBURN. I understand that.

Ms. MIKULSKI. I oppose the division 2, the fisheries amendment. I understand the Senator's intention, but his point is that he tries to say that fishery disaster funding should be for communities affected primarily by Stafford Act requirements. The Stafford Act covers FEMA-certified disasters. So in order to get help from FEMA, which is governed by the Stafford Act, it has to be certified by the President.

Fisheries are different because fisheries are covered under an agency called NOAA, the National Oceanic and Atmospheric Agency. It is under the Department of Commerce. So if you think you have a fisheries disaster, you take that to the Secretary of Commerce, who has an explicit criteria in order to qualify. You just can't say: Well, I don't have the fish I used to. Oh, my lobster pots are a little rusty. No. You have to have real criteria that you have been hit. Therefore, you cannot get fisheries assistance unless a fishery disaster has been declared by the Secretary of Commerce.

Fishery disasters are necessary and urgent. Coastal fisheries, our coastal communities—our fisheries are part of their identity, and they are certainly part of our economy. They certainly are in my State. And those are the disasters that are covered here. So I hope the amendment of the Senator from Oklahoma is defeated.

His other amendments, I could comment upon, but I didn't know if the gentlelady from Louisiana, who chairs the Subcommittee on Homeland Security, of which FEMA is a member—I presume she would want to comment on the Senator's amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to just say a word broadly in response to Senator COBURN's statement and his offering of several amendments to substantially in some cases and in other cases not so substantially change this bill.

I thank the Senator from Michigan for yielding just a minute, and I know the Senator from New York wants to respond as well.

Generally, I would like to say that I know the Senator from Oklahoma is very sincere. Literally no one in this Chamber has worked harder to try to get more reform and eliminate duplication. But I just wish to say one thing in response. When we have emergencies in this country, like when we go to war, no one comes to the floor to debate how we are going to offset \$1.4 trillion worth of expense for two wars, Iraq and Afghanistan. When we came to the floor a couple of years ago to vote for tax cuts, many of us claimed and said

at the time there would not be enough money to cover them, we had to borrow money to do that. The other side sat quietly and didn't say a word. Why is it that when Americans—when a building is blown up in Oklahoma or when the levees break in Louisiana or when the worst storm in 50 years comes, we have to debate an offset?

Now, this bill is not going to be offset; it is going to pass, I hope. And I understand Senator COBURN's comments, but I want to say that when Americans are hurting, people can recover if we give them the adequate response early enough in the disaster.

Secondly, and then I am going to sit down, the thresholds, the debris, and the contracting—there are some legitimate concerns, but there are reforms in the underlying bill that will help to do better contracting, better debris removal, and more efficient cleanup and recovery after a disaster.

So I ask the Senator, please, I understand we have a big budget issue, but this is not the time to debate the cost of this bill. What it is time to debate is what should be in it and what shouldn't, and I think the Senator from New York has more specifics about some of the recommendations.

But I thank the chairlady from Maryland for organizing this effort tonight, and I will submit more for the record in the morning.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I have a lot I want to say in reference to my good friend from Oklahoma, but I know my colleagues from Oregon and Michigan have a time commitment, so I am just going to ask unanimous consent that they be allowed to offer their amendment and then I, using our time on this amendment.

Mr. COBURN. I would object to that at this point in time. I would have liked to have had 5 minutes. I have to be somewhere at 7:30. I came down here, but I wanted to make some points before I leave. I was trying to sum up.

Mr. SCHUMER. Then I will go after the Senator from Oklahoma as well.

Mr. COBURN. That is fine.

Ms. MIKULSKI. Did I inadvertently interrupt you?

Mr. COBURN. That is fine. I have to leave, but I want to make some points.

Mr. SCHUMER. Let me ask unanimous consent that first, for 5 minutes, the Senators from Michigan and Oregon introduce their amendment, then the Senator from Oklahoma sums up, and then that I be given time to rebut their amendments.

Mr. MENENDEZ. Reserving the right to object—I am not going to object, but I would like to amend the request so that I would be recognized after him.

Mr. SCHUMER. No problem.

Mr. MENENDEZ. After the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3367, AS FURTHER MODIFIED, TO  
AMENDMENT NO. 3395

Mr. MERKLEY. Mr. President, I call up amendment No. 3367 and ask that it be further modified with the changes at the desk.

Mr. President, I ask that Senator BLUNT be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment, as further modified.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself, Mrs. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, Mr. WYDEN, Mr. FRANKEN, Mr. JOHNSON of South Dakota, Mr. UDALL, and Mr. BLUNT, proposes an amendment numbered 3367, as further modified to amendment No. 3395, as further modified.

The amendment is as follows:

At the end of title I, add the following:

**GENERAL PROVISIONS—THIS CHAPTER**  
**SEC. 101. SUPPLEMENTAL AGRICULTURAL DIS-**  
**ASTER ASSISTANCE PROGRAMS.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCER ON A FARM.—

(A) IN GENERAL.—The term “eligible producer on a farm” means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

(i) a citizen of the United States;

(ii) a resident alien;

(iii) a partnership of citizens of the United States; or

(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

(2) FARM.—

(A) IN GENERAL.—The term “farm” means, in relation to an eligible producer on a farm, the total of all crop acreage in all counties that is planted or intended to be planted for harvest, for sale, or on-farm livestock feeding (including native grassland intended for haying) by the eligible producer.

(B) AQUACULTURE.—In the case of aquaculture, the term “farm” means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

(C) HONEY.—In the case of honey, the term “farm” means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop for sale by the eligible producer.

(3) FARM-RAISED FISH.—The term “farm-raised fish” means any aquatic species that is propagated and reared in a controlled environment.

(4) LIVESTOCK.—The term “livestock” includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine;

(F) horses; and

(G) other livestock, as determined by the Secretary.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) PAYMENTS.—For fiscal year 2012, the Secretary shall use such sums as are nec-

essary of the funds of the Commodity Credit Corporation to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality, as determined by the Secretary, due to—

(A) attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves; or

(B) adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 65 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(3) SPECIAL RULE FOR PAYMENTS MADE DUE TO DISEASE.—The Secretary shall ensure that payments made to an eligible producer under paragraph (1) are not made for the same livestock losses for which compensation is provided pursuant to section 10407(d) of the Animal Health Protection Act (7 U.S.C. 8306(d)).

(c) LIVESTOCK FORAGE DISASTER PROGRAM.—

(1) ESTABLISHMENT.—There is established a livestock forage disaster program to provide 1 source for livestock forage disaster assistance for weather-related forage losses, as determined by the Secretary, by combining—

(A) the livestock forage assistance functions of—

(i) the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(ii) the emergency assistance for livestock, honey bees, and farm-raised fish program under section 531(e) of the Federal Crop Insurance Act (7 U.S.C. 1531(e)) (as in existence on the day before the date of enactment of this Act); and

(B) the livestock forage disaster program under section 531(d) of the Federal Crop Insurance Act (7 U.S.C. 1531(d)) (as in existence on the day before the date of enactment of this Act).

(2) DEFINITIONS.—In this subsection:

(A) COVERED LIVESTOCK.—

(i) IN GENERAL.—Except as provided in clause (ii), the term “covered livestock” means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of an eligible forage loss, as determined by the Secretary, the eligible livestock producer—

(I) owned;

(II) leased;

(III) purchased;

(IV) entered into a contract to purchase;

(V) was a contract grower; or

(VI) sold or otherwise disposed of due to an eligible forage loss during—

(aa) the current production year; or

(bb) subject to paragraph (4)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

(ii) EXCLUSION.—The term “covered livestock” does not include livestock that were or would have been in a feedlot, on the beginning date of the eligible forage loss, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

(B) DROUGHT MONITOR.—The term “drought monitor” means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

(C) **ELIGIBLE FORAGE LOSS.**—The term “eligible forage loss” means 1 or more forage losses that occur due to weather-related conditions, including drought, flood, blizzard, hail, excessive moisture, hurricane, and fire, occurring during the normal grazing period, as determined by the Secretary, if the forage—

(i) is grown on land that is native or improved pastureland with permanent vegetative cover; or

(ii) is a crop planted specifically for the purpose of providing grazing for covered livestock of an eligible livestock producer.

(D) **ELIGIBLE LIVESTOCK PRODUCER.**—

(i) **IN GENERAL.**—The term “eligible livestock producer” means an eligible producer on a farm that—

(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the covered livestock;

(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by an eligible forage loss;

(III) certifies the eligible forage loss; and

(IV) meets all other eligibility requirements established under this subsection.

(ii) **EXCLUSION.**—The term “eligible livestock producer” does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

(E) **NORMAL CARRYING CAPACITY.**—The term “normal carrying capacity”, with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (4)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of an eligible forage loss that diminishes the production of the grazing land or pastureland.

(F) **NORMAL GRAZING PERIOD.**—The term “normal grazing period”, with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (4)(D)(i).

(3) **PROGRAM.**—For fiscal year 2012, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide compensation under paragraphs (4) through (6), as determined by the Secretary for eligible forage losses affecting covered livestock of eligible livestock producers.

(4) **ASSISTANCE FOR ELIGIBLE FORAGE LOSSES DUE TO DROUGHT CONDITIONS.**—

(A) **ELIGIBLE FORAGE LOSSES.**—

(i) **IN GENERAL.**—An eligible livestock producer of covered livestock may receive assistance under this paragraph for eligible forage losses that occur due to drought on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) **EXCLUSIONS.**—An eligible livestock producer may not receive assistance under this paragraph for eligible forage losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), unless the land is grassland eligible for the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title

XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

(B) **MONTHLY PAYMENT RATE.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the payment rate for assistance for 1 month under this paragraph shall, in the case of drought, be equal to 60 percent of the lesser of—

(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

(ii) **PARTIAL COMPENSATION.**—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

(C) **MONTHLY FEED COST.**—

(i) **IN GENERAL.**—The monthly feed cost shall equal the product obtained by multiplying—

(I) 30 days;

(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

(ii) **FEED GRAIN EQUIVALENT.**—For purposes of clause (i)(II), the feed grain equivalent shall equal—

(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

(iii) **CORN PRICE PER POUND.**—For purposes of clause (i)(III), the corn price per pound shall equal the quotient obtained by dividing—

(I) the higher of—

(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

(II) 56.

(D) **NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.**—

(i) **FSA COUNTY COMMITTEE DETERMINATIONS.**—

(I) **IN GENERAL.**—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable Farm Service Agency committee.

(II) **CHANGES.**—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

(ii) **DROUGHT INTENSITY.**—

(I) **D2.**—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary,

shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

(II) **D3.**—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

(aa) in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B);

(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 4 monthly payments using the monthly payment rate determined under subparagraph (B); or

(cc) if the county is rated as having a D4 (exceptional drought) intensity in any area of the county for at least 4 weeks during the normal grazing period, in an amount equal to 5 monthly payments using the monthly rate determined under subparagraph (B).

(iii) **ANNUAL PAYMENT BASED ON DROUGHT CONDITIONS DETERMINED BY MEANS OTHER THAN THE U.S. DROUGHT MONITOR.**—

(I) **IN GENERAL.**—An eligible livestock producer that owns grazing land or pastureland that is physically located in a county that has experienced on average, over the preceding calendar year, precipitation levels that are 50 percent or more below normal levels, according to sufficient documentation as determined by the Secretary, may be eligible, subject to a determination by the Secretary, to receive assistance under this paragraph in an amount equal to not more than 1 monthly payment using the monthly payment rate under subparagraph (B).

(II) **NO DUPLICATE PAYMENT.**—A producer may not receive a payment under both clause (ii) and this clause.

(5) **ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.**—

(A) **IN GENERAL.**—An eligible livestock producer may receive assistance under this paragraph only if—

(i) the eligible forage losses occur on rangeland that is managed by a Federal agency; and

(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

(B) **PAYMENT RATE.**—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (4)(C).

(C) **PAYMENT DURATION.**—

(i) **IN GENERAL.**—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

(II) ending on the last day of the Federal lease of the eligible livestock producer.

(ii) **LIMITATION.**—An eligible livestock producer may only receive assistance under this

paragraph for losses that occur on not more than 180 days per year.

(6) ASSISTANCE FOR ELIGIBLE FORAGE LOSSES DUE TO OTHER THAN DROUGHT OR FIRE.—

(A) ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—Subject to subparagraph (B), an eligible livestock producer of covered livestock may receive assistance under this paragraph for eligible forage losses that occur due to weather-related conditions other than drought or fire on land that—

(I) is native or improved pastureland with permanent vegetative cover; or

(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this paragraph for eligible forage losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), unless the land is grassland eligible for the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.).

(B) PAYMENTS FOR ELIGIBLE FORAGE LOSSES.—

(i) IN GENERAL.—The Secretary shall provide assistance under this paragraph to an eligible livestock producer for eligible forage losses that occur due to weather-related conditions other than—

(I) drought under paragraph (4); and

(II) fire on public managed land under paragraph (5).

(ii) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for assistance under this paragraph that are consistent with the terms and conditions for assistance under this subsection.

(7) NO DUPLICATIVE PAYMENTS.—An eligible livestock producer may elect to receive assistance for eligible forage losses under either paragraph (4), (5), or (6), if applicable, but may not receive assistance under more than 1 of those paragraphs for the same loss, as determined by the Secretary.

(8) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this subsection shall be final and conclusive.

(d) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

(1) IN GENERAL.—For fiscal year 2012, the Secretary shall use not more than \$5,000,000 of the funds of the Commodity Credit Corporation to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b) or (c).

(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

(e) TREE ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ORCHARDIST.—The term “eligible orchardist” means a person that produces annual crops from trees for commercial purposes.

(B) NATURAL DISASTER.—The term “natural disaster” means plant disease, insect infestation, drought, fire, freeze, flood, earthquake,

lightning, or other occurrence, as determined by the Secretary.

(C) NURSERY TREE GROWER.—The term “nursery tree grower” means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

(D) TREE.—The term “tree” includes a tree, bush, and vine.

(2) ELIGIBILITY.—

(A) LOSS.—Subject to subparagraph (B), for fiscal year 2012, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance—

(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

(A)(i) reimbursement of 65 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

(4) LIMITATIONS ON ASSISTANCE.—

(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms “legal entity” and “person” have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed \$100,000 for any crop year, or an equivalent value in tree seedlings.

(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

(f) PAYMENT LIMITATIONS.—

(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms “legal entity” and “person” have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments re-

ceived under subsection (e)) may not exceed \$100,000 for any crop year.

(3) DIRECT ATTRIBUTION.—Subsections (d) and (e) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

(g) EMERGENCY DESIGNATION.—This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

## SEC. 102. NONINSURED CROP ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—

“(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a non-insured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

“(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

“(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

“(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the ‘Agency’).”; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking “and” after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

“(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and”; and

(ii) in subparagraph (B)—

(I) by inserting “(except ferns)” after “floricultural”; and

(II) by inserting “(except ferns)” after “ornamental nursery”; and

(III) by striking “(including ornamental fish)” and inserting “(including ornamental fish, but excluding tropical fish)”; and

(2) in subsection (d), by striking “The Secretary” and inserting “Subject to subsection (1), the Secretary”; and

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking “\$250” and inserting “\$260”; and

(B) in subparagraph (B)—

(i) by striking “\$750” and inserting “\$780”; and

(ii) by striking “\$1,875” and inserting “\$1,950”; and

(4) by adding at the end the following:

“(1) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

“(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

“(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

“(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

“(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

“(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

“(I) harvested;

“(II) planted but not harvested; or

“(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

“(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

“(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

“(A) the service fee required by subsection (k); and

“(B) a premium for the applicable crop year that is equal to—

“(i) the product obtained by multiplying—

“(I) the number of acres devoted to the eligible crop;

“(II) the yield, as determined by the Secretary under subsection (e);

“(III) the coverage level elected by the producer;

“(IV) the average market price, as determined by the Secretary; and

“(ii) 5.25-percent premium fee.

“(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

“(4) ADDITIONAL AVAILABILITY.—

“(A) IN GENERAL.—As soon as practicable after October 1, 2013, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

“(i) to a 2012 annual fruit crop grown on a bush or tree; and

“(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

“(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).”.

(b) TERMINATION DATE.—

(1) IN GENERAL.—Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) ADMINISTRATION.—Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) EMERGENCY DESIGNATION.—This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. MERKLEY. Mr. President, I would like to thank very much Senator BLUNT and Senator STABENOW, who have worked so hard to bring together a common vision in how we can address the terrible disasters of drought and wildfires that ravaged many parts of the country this last summer.

Now, we are no longer in the summer, so we are months late but better now than to wait a single additional day.

With that, I yield to Senator STABENOW from Michigan and thank her so much for working so hard and well on this.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I first wish to thank Senator MERKLEY, who has been tireless in bringing forward the issues of farmers and ranchers in Oregon. And to my colleagues who are here on the floor from New York and New Jersey, I had the opportunity to be in New Jersey with Senator MENENDEZ and to see firsthand, also with Senator LANDRIEU and Senator TESTER. It is very, very clear that this is a horrific situation and deserves our attention and support.

What we are doing with this amendment, as modified—and I want to thank Senator BLUNT for working with us and cosponsoring the amendment—is to basically take what we have done and already passed in the farm bill and putting it into this very important disaster assistance bill.

In the spring, we experienced late freezes that wiped out many fruit crops in a number of States, including Michigan, New York, and Pennsylvania. In my home State, we had a 98-percent loss of cherry crops, and they don't have access to any crop insurance. We are talking about those who don't have that option to be able to help mitigate their losses.

In the summer, we saw the worst drought since 1956. It left crops withering in the field. All across our country, over 80 percent of the contiguous United States experienced drought conditions. Eleven States still have exceptional drought conditions, and there are 17 States with severe drought conditions.

I can't imagine having a disaster assistance bill come through this Senate without including help for our farmers and ranchers who have been hit so very hard this year.

I urge my colleagues to support our amendment and thank my colleague very much for allowing us to offer it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I am sorry that the Senator from Louisiana has left the

floor because if she would have checked my voting records, I have not voted for extending the Bush tax cuts because they weren't paid for. I said that on the floor. I have not voted to fund the wars in Iraq and Afghanistan because they weren't paid for.

So when we hear blanket statements that the other side—“the other side” does not tow the line, as would be expected by the Senator from Louisiana, I have to object. The fact is, I have been very consistent on those issues.

I don't think you give a tax cut without cutting spending in the Federal Government. That is what the debate is all about.

The reason we are here tonight—and we have a \$60 billion bill that is not going to be paid for except by our grandkids, with interest, which is going to become \$120 billion by the time it is ever paid back—is because we don't have the courage to actually go through and make hard choices about what works and what doesn't, what is a priority and what is not.

Now, I don't have any illusions about my amendments passing. I am very thankful that a couple of them have been accepted. But the real problem that America sees at the end of this year is a problem with us, that we think we can continue to do business the way we have always done it. You know what. We can't.

We are going to pass this bill, and it is going to die because the House isn't going to take it up this year, and we are going to have to come back and do it again. Hopefully, we are going to do it in the best way that helps the most people in New York and New Jersey and everybody else who was involved there.

Right now, the FEMA money is flowing, and we need to increase the money. I am all for that. We need to make sure the flood insurance money goes out right away. But we better get hold of ourselves as a Senate and as a nation. We can say we have always done it this way. We can say we can spend \$60 billion and not pay for it. We can add all sorts of things. We have a crop insurance program for apples, but we are not going to cover it. We are going to go—even the people who weren't covered are going to get covered even though they didn't participate. Under this bill, they are going to get covered. So what we are going to do is actually undermine the crop insurance program for apples.

But the point is that we are doing the same thing that got us into the trouble we are in. We are at \$16.4 trillion in debt. When you include all the debt the country has in terms of municipalities and States, that is how you compare apples to apples with everybody else. We are at 120 percent debt to GDP ratio. It is killing our economy right now. Multiple studies show that it is probably hurting our GDP by 1.5 percent. That is 1.5 million jobs every

year, and we are sitting here talking about we are in a different time, that we don't have \$16 trillion worth of debt, that we are not going to have trillion-dollar deficits as far as the eye can see. We are totally disconnected from reality.

So I am not going to win. I understand that. I understand there is a need, and I want to supply that need, but how we do it is important for the future of this country. It is also important for our kids.

So we can rationalize and say that we have always done it this way, that this is the way the rules work, but there is going to be a very big price to pay, and when that price comes, those who are sitting in opposition to my amendments are going to see the consequences of that opposition played out in the worst possible way.

The debt bomb in this country is going to explode, and we are going to be held accountable for it whether we are still here or not. Our lineage, our reputation, our history as Senators in this Congress is going to come back to us that we weren't up to the task of making the hard decisions that would actually save this country, that would fix the problems and put us on track to grow again and be the America we can be.

I thank the Presiding Officer for the time and the chairwoman for her consideration. I thank Senator SCHUMER for his consideration on the amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank my colleague and very much appreciate my colleague from Oklahoma. He has left, but we do have a friendship. I do believe he is a person of integrity. His views about government and politics are quite different from mine. He has put his money where his mouth is in a number of places when he has not asked to pay for things that many on the other side did, et cetera. So I thank him.

I don't agree with almost anything—well, I agree with maybe one or two of his amendments. And Senator MIKULSKI summed up the amendment on fisheries very well, so I will talk about some of the other amendments and why we object to them. It will take a few minutes, but I think it is important to set the record straight.

Let me take them in numerical order—first, amendment No. 3368, to strike enhanced cost share for the Army Corps. Well, Mr. President, in past supplementals we established an important precedent for local cost share on Army Corps projects that this amendment will strike. We have crucial projects with the Army Corps. As my colleague from New York, Senator GILLIBRAND, knows, and Senators MENENDEZ and LAUTENBERG from New

Jersey, we are naked in heavily populated areas after the storm. This storm was huge. But you would have to be foolish to think there won't be another one, and we need the Army Corps. They are brilliant in the way they are able to protect our coasts. So this needs to be done.

If the local cost share were to go to 35 percent—we don't have just one big State government, we have lots of little localities. Take Long Beach, a city of 35,000. It was wiped out—gone, basically. If they were to have to come up with 35 percent of the project, it would be hopeless.

Now, Katrina got 100 percent. We are not even asking for that. But the 90 percent that has traditionally been given to Army Corps projects when the damage is so large that it is realized the locality cannot pay for it alone makes eminent sense. The village of Lindenhurst, the village of Massapequa, the villages on Fire Island all do not have the wherewithal.

If we were to pass the amendment of the Senator from Oklahoma, we would get no Army Corps relief. Then when storms much smaller than Sandy come along, we would be wiped out again. So it doesn't make sense. The Long Beach Storm Damage Reduction Project, for instance, has a local cost share of \$35 million. That is more than a quarter of the entire city's annual budget. If they had to pay this share, it wouldn't get built. The same thing for the little village of Asharoken, which was terribly damaged.

Again, in the past, when there has been large damage, the Army Corps has paid 90 percent, localities 10 percent. To change those rules now for New York, after New York taxpayers and New Jersey taxpayers paid hundreds of millions of dollars toward projects on the Mississippi or the Missouri River or down in the gulf at a 90-10 percent ratio, would be totally unfair.

This amendment would be a crippling amendment, and I strongly urge its rejection.

On fisheries, again, my colleague from Maryland, our wonderful new chair—off to a great start, and I might say, Madam Chair, this being your first bill, you are going like gangbusters, but we didn't expect anything less—has laid out the arguments for those fisheries. The only thing I would say about them is, hey, that is a disaster too. As she said, this is not just a case of needing new lobster pots, this is a disaster, and traditionally we have funded disaster relief in supplemental bills, and it doesn't have to be just one area.

So I thank my colleagues, particularly those from Maine and from Alaska, who put such good work into this, and I also again thank Senator COBURN for separating out the tax cheat provisions. Nobody behind in their taxes should get Federal aid. That is a provision I can accept and I think most of us on this side will accept.

Amendment No. 3371 is the Coburn amendment on the per capita damage thresholds. The amendment would require FEMA to actually change the indicator by which FEMA determines the locality's eligibility for FEMA public assistance. It would make it much harder for States and local governments in the future to get Federal aid after a disaster. It sounds benign, but this is a choke hold on FEMA for many localities and particularly for larger States, such as those we represent.

As my colleagues know, the current per capita damage thresholds are pegged to the Consumer Price Index, and CPI measures the average change over time in the prices paid by urban consumers for a specific market of basket goods.

For New York, the per capita threshold that has to be reached for a county to be declared a major disaster area is \$1.37. The amendment of my colleague would peg the per capita threshold starting at the timeline of 1986. There would have to be such enormous damage in so many localities to get money, and in effect it would double the per damage threshold needed to be declared a disaster area.

In every State, we have watched as disasters occurred and kept our fingers crossed to see if the Federal Government would declare that area a disaster. It is based on a formula. The formula is not easy to reach. I have had countless counties disappointed, asking me: Why didn't we meet the threshold? But to now make the threshold almost doubly hard to meet wouldn't work.

I say to my good friend from Oklahoma—and I know this may not change his view on the amendment because, as I said, he is a person of integrity—for the six major disaster declarations declared in Oklahoma over the last 2 years, the damage per person would have had to be double its current level. I imagine those in Oklahoma who were impacted by severe winter storms, tornadoes, and floods wouldn't be happy to hear it is harder now—if this amendment were to pass—to repair roads, remove debris, and support emergency response efforts.

So I would say to every one of my colleagues in every State, if you want to pull back on Federal disaster assistance by changing to an arcane formula when there is substantive damage, support this amendment. I hope we will reject it.

The next amendment is No. 3382, and I urge my colleagues to vote no on this. This would place a lot more bureaucratic redtape between disaster victims and the Federal assistance they deserve.

Our good friend from Louisiana coached Senator MENENDEZ, Senator GILLIBRAND, Senator LAUTENBERG, and myself about what went wrong with Katrina, and one of those things was



that the contracting procedure had become so arcane and so rigid and so difficult that contracts either never happened or they took much too long to do. Now, should we expect every contract to be competitively bid? What about emergency contracts? Do we want to have a 6-month bidding process when the damage needs correction in 90 days—picking up debris, building back a beach that might face a storm in 30 days? Second, we in New York have our own competitive bidding requirements. Those can suffice. Why have double sets of them? And sometimes the States and localities have to waive them when there are true emergencies.

So sometimes our colleagues are placing us in a catch-22. They say: You don't spend disaster relief fast enough; you stretch it out over such long periods of time. Then they impose requirements that make sure we don't spend the money fast enough. It doesn't make sense.

If the amendment by Senator COBURN passes, it will guarantee disaster aid could be delayed for months and years, and the consequences of that—the economic cost, the danger to our coastlines, our localities, our small businesses, and the human cost—would be a terrible, terrible way to go. I believe this is a Trojan horse that will cripple efforts to bring quick, efficient, and honest disaster aid to our localities, and I urge its defeat.

Amendment No. 3383. This strikes ACOE studies and authorization. Now, again, we don't want the rules changed on us. Sometimes we have improved the rules to make sure we learn from the mistakes of past disasters, but to just change the rules from past supplementals makes no sense.

As many of us here know, the project of getting coastal protection built by the Army Corps can be mired in red-tape and delays. Every one of us has experience there. What is taking you so long, Army Corps? The provision being struck by amendment No. 3383 is designed to accelerate critical protection projects and get rid of the redtape.

I know my colleague from Oklahoma believes in less bureaucracy and more efficiency. Well, if this passed, we would be giving the people of Staten Island or Massapequa more bureaucracy. For a decade, for instance, the Corps had delayed a protection project for the South Shore of Long Island due to lack of funding and authorizations from Congress. They decided and they said it made sense, but they didn't get it done. Had these seawalls been built, it is almost certain lives would have been saved and millions of dollars in property damage avoided.

So in this bill, such as with Katrina, we are accelerating the ability to do that. We are accelerating it in Long Beach. In 2005 Long Beach rejected a project I helped to push to build dunes to protect that flat, low-lying area

with low-lying homes from storms. The Army Corps has done the study. The Army Corps has said: Here is what is right; let's move forward. Under the amendment of my friend, we could not, even though all the preliminary work has been done.

So I urge a "no" vote on this amendment.

OK, I think I have addressed the major amendments to which I object. As I said, I don't object to every one of my colleagues' amendments, but I object to the major ones, and I hope we can have a bipartisan amendment.

Mr. President, for 100 years, when disaster has struck, we have been one America. We have said: We know any locality, even large localities such as New York, New Jersey, and Maryland, won't be able to handle that sort of disaster relief on its own. And in wisdom, we have said: We are one united people. And the people of the other regions, the other States, will come to the aid of this area that has been crippled. We can't change the rules now.

Those of us from New York and New Jersey say: Aha. Some of my constituents and I am sure some of the constituents of Senator MENENDEZ are saying: Aha—now that it is New York and New Jersey, they are changing the rules. Not fair. We have been there. We have been there for our colleagues whenever they have had disasters, and praise God, we haven't had that many until recently, but we need you.

You will need us. Given all the changes in the world, there will be disasters that strike everywhere else. We want to be with you, and we don't want to see the process so encumbered and so weighted down that relief cannot come. The sum total of these amendments would be to do that.

I strongly urge my colleagues, hopefully in a bipartisan vote, to reject them.

I yield the floor to my colleague from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. First, I wish to thank the distinguished chairwoman of the Appropriations Committee for the work she and her staff have put together. It is remarkable considering the timeframe they were in. Of course, the late Senator Inouye, with his staff as well as the chairwoman has inherited, did an exceptional amount of work along with Senator LANDRIEU. Certainly the people of the Northeast thank you very much.

I think Senator SCHUMER has done a good job overall of talking about our concerns about these amendments, but I want to give a little greater depth and certainly a New Jersey perspective to them.

I do not question the motives of our distinguished colleague from Oklahoma. He has been consistent in that. I don't question his consistency. Even

though I haven't checked the record, I will take his word that even on tax cuts and war spending he has been consistent. But I do question the consequences of some of his amendments—consequences to the people of the Northeast, consequences to the people of New Jersey, consequences in the future as it relates to other disasters.

At one point, he talked about courage in a fiscal sense. Let me tell you, courage is what people in New Jersey are looking at each and every day when they find their businesses closed and are trying to sum up the courage to open again. Courage is those who have lost their homes and are trying to reopen their homes, which they could not even do for the holidays. They were certainly not home for Christmas. Courage is looking at that every day and trying to figure how you move forward. Courage is many of the small municipalities, many that lost their police and fire departments and are working with others to create public safety as they rebuild the very essence of their departments. That is courage, real courage in the face of incredible challenge.

Two of the amendments dealing with the Army Corps go straight to that courage. I came to the floor over the last 2 weeks several times and showed a host of visuals to our colleagues to understand that we are at the lowest level of protection. It is akin to an individual whose immune system is virtually gone. I said then, all we need is a nor'easter to come through and we will see the consequences of having no defenses.

Unfortunately, yesterday we suffered a nor'easter. It wasn't the worst of what we could have received, but for several parts of New Jersey it was certainly bad news because those communities that are defenseless as a result of not having Army Corps-engineered beaches caught the worst of it again. In Sea Bright and Mantoloking and a host of other communities along the Jersey shore, they caught the worst of it again and all the fears and all the nightmares of what they went through under Sandy were relived once again.

When you talk about changing the rules on the Army Corps' participation in terms of what he wants as a 90-10 split, No. 1, that changes the rules. Just to make sure I was right about this, I asked Senator LANDRIEU of Louisiana: Wait a minute. In Katrina, wasn't there a 90-10 split? She said, Yes; and in some cases up to 100.

The people of the Northeast, the people of New Jersey and New York, deserve no less in their disaster. There are a whole host of communities even with a 90-10 split that are going to find it incredibly difficult—when 20 or 25 percent of their ratable base is gone—to fund the 10 percent that we are asking them. We believe they should have skin in the game. But even at that 10



percent, they are going to have enormous difficulties funding that 10 percent to get the lifesaving, property-saving, fiscally responsible solution in having Army Corps-engineered beaches.

So 90-10 is still a challenge to a whole host of communities. Go to the proposition that our colleague from Oklahoma has, and we basically nullify their ability to protect their citizens. I always thought the No. 1 priority of any government—Federal, State or local—was to protect their citizens. Certainly, the Senate should be protecting its citizens, whether it is abroad or at home. In this respect, we cannot protect our citizens along the New Jersey coastline if, in fact, we cannot have these engineered beaches and if, in fact, we cannot afford to have those engineered beaches.

So talk about being fiscally responsible. Instead, we will pay billions in repetitive-loss damages, and we will lose lives as we lost in New Jersey. I want to save lives and I want to save property and I want to save the Federal Government from paying repetitive losses. That is why that amendment is certainly not one we can accept by any stretch of the imagination. It is unfair to the people of the Northeast because it changes the rules of the game, and it is unfair in terms of our obligation to the public safety. I, for one, do not want to be casting a vote that ultimately leaves my fellow New Jerseyans or fellow Americans at risk when I could have saved their lives. I am certainly not going to do that, and I hope this Chamber is not going to do that.

Secondly, with reference to the other Army Corps of Engineers amendment, which would suggest that those projects that are already well underway to being determined and that, in fact, are cost-effective and can save lives and save property and save ratables and save repetitive losses cannot be approved, would be, in essence, to guarantee that at the lowest rate of our defenses we will just suffer an entire winter of incredible misery, no, we cannot have that amendment pass.

Thirdly, with reference to the question of acquisition, the Governor of New Jersey made that decision. I can't speak for him, but my understanding is he made that decision from FEMA-approved contracts. If FEMA needs a better process to go ahead and negotiate and/or bid in advance of a generic contract, so be it. But a delayed recovery is a failed recovery. I want my colleagues to remember that 10 days after Hurricane Katrina, this Chamber passed two separate bills amounting to \$60 billion. It has been nearly 2 months since we had Superstorm Sandy and nothing has passed. Who among us would be content with the counsels of patience and delay if, in fact, we were shivering in the cold; if, in fact, our

families had no home; if, in fact, they had been displaced from their schools; if, in fact, their businesses that they worked a lifetime and took out debt and now are closed may never open, who among us would be happy with the counsels of patience and delay? So we cannot have a set of circumstances that creates a series of delays.

I am all for the good governing amendments of saying to those who are in debt to the Nation that they, in fact, cannot receive any benefits or those who are deceased. Of course, they should not receive any benefits. But the rest of this is about creating delay after delay that is in the midst of a biting winter. We just had the first nor'easter yesterday. We cannot ultimately accept those types of changes that put us in a process in which, in fact, we will not be able to successfully move the elements of being able to recover.

This constant reference that a great part of the money—the overwhelming part of the money will not be spent, I think I heard 2015, is simply not the case. Whether it be Army Corps of Engineers projects that have already been approved and authorized but not funded that are critical to our defenses, those are ready to go. They just need money. The flexibility we have sought in this bill, working with an incredible insight from what happened in Hurricane Katrina and what worked and did not work, that flexibility will allow money to flow to business people are at the crucial point of trying to decide: Can I open? Because I need to know what the government is going to do for me, as part of my equation as to whether I open this business. Because low-interest loans from the SBA, even a long-term proposition, is still more debt. Many of these businesspeople that I have met up and down New Jersey have told me: Senator, I took out money to start this business. I took a debt to start this business. I took out further debt through the great recession. More debt doesn't necessarily mean I will succeed, but a grant, as we authorize through CDBG block grants, can very well make the difference between me reopening and not and hiring back people and being able to have and be part of that ratable base and paying toward the greater good of the State and the Nation. That is what is at stake as well. That money is going to flow if we do this the right way as this bill envisions. So this suggestion that it is going to take years down the road is simply not true.

Secondly, I think we lose sight that while, yes, this is about New Jersey and New York and Connecticut, it is about a region—a region that employs 10 percent of the Nation's workforce and accounts for 11 percent of the entire Nation's GDP. That is 12.7 million workers and \$1.4 trillion in productivity. If we want to see that region

continue to contribute to the gross domestic product growth of this country, to continue to contribute to the employment, to continue to contribute to the Federal coffers, we need to help it to be able to help themselves, not to turn our back on them. That is what is at stake.

Finally, I would just say there is a whole host of other disasters, and the committee has been very focused on saying nothing goes into this bill that isn't disaster related, one disaster or another. Because there has been no other disaster funding that there has been a vehicle for, whether it be wildfires or crop disasters—I personally welcome that, because as I have said many times, this is the United States of America. There is a reason we call it the United States of America. It is so we are all in this together. So I welcome the fact that we can help other fellow Americans through this vehicle, whether it be about wildfires or crop disasters or estuaries and fisheries that were hurt in other parts of the country at different times. So be it. Because that is what being the United States of America is all about.

But we need to pass this bill tomorrow. We need to reject these amendments—particularly the ones that I and Senator SCHUMER have talked about—because they will fail us in our recovery. It will undermine our ability to protect our people.

Finally, I would just simply say we need to pass it so the House can consider this bill as its vehicle when they come back on Sunday. This bill has been out there for weeks. The President's proposal has been out there for over 1 month. Everybody knows what has been asked. Everybody knows what is involved. Everybody has seen that the Senate already voted for cloture; therefore, there is going to be a bill here at the end of the day. There is no reason why the House cannot seek to pass this and respond to our fellow citizens in the Northeast. That is what being the United States of America is all about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I seek recognition to rebut the Coburn amendment and also to offer two amendments. But before I do, I just wish to thank my colleagues, particularly those who have amendments. I wish to thank them for their cooperation and being willing to offer them and speak tonight, on both sides of the aisle.

I would also note the Senator from New York and the Senator from Connecticut also wish to speak. Senators whose States have been very hard hit should have the opportunity to speak, and I am going to take my rebuttal of the Coburn amendments and just abbreviate them.

With the exception of being willing to accept the amendment where you cannot get emergency assistance if you are a tax cheater or if you passed away, with the exception of a funeral benefit, I object to the Coburn amendments. My objections have been so well articulated by the Senator from New York, Mr. SCHUMER, and by the Senator from New Jersey, Mr. MENENDEZ.

Mr. President, I rise in opposition to the Coburn amendment No. 3369. This amendment makes no sense. It would require the Departments of Transportation and Housing and Urban Development to make public any grant announcement three days before either department announces the grant. In other words, do something three days before you are going to do it.

I understand the Senator's intent, which is to eliminate the ability of Members to have a brief advance notice of pending grant announcements. However, in trying to weaken Congress' legitimate oversight role, the amendment overreaches. More importantly, I don't agree with this effort to cede Congress' role in these notifications. Therefore, I ask my colleagues to vote against this amendment.

Mr. President, not everything in the Senator's amendment No. 3371 is objectionable. Unfortunately, it is loaded down with at least two provisions that make it impossible to support related to FEMA efforts to aid disaster victims and help communities rebuild.

First, returning funds appropriated in this bill that have not been obligated and spent within two years to the Treasury is unreasonable. FEMA will of course obligate the funds provided in this bill in less than two years. However, spending the funds to complete the rebuilding of schools, hospitals, police stations, surge barriers, floodgates, and levees will take longer. Communities will need time to do the proper planning, competently bid for projects, fulfill State action plans, do site selection and development, complete audits and then request for the federal government to reimburse the eligible costs in the right amount. To do this responsibly and within the bounds of proper oversight, it will take more than two years to reimburse the eligible expenditures.

On the one hand, the Senator wants FEMA to spend the money faster while on the other hand he imposes more restrictive and time consuming Federal standards for competition.

The second objectionable provision in this amendment is to cap FEMA's recovery assistance to States at 75 percent of the costs of damages. This ties the hands of the Nation to support the needs of the victims of the most severe disasters.

The Stafford Act currently requires that FEMA provide assistance at 75 percent of the cost of the recovery. However, in cases where damages have

proven to be extremely severe FEMA can increase its share to 90 percent. The adjustment to 90 percent is based on an objective formula that considers per capita damage, which must reach over \$131 per person. The threshold is difficult for states to reach unless they experience a severe event.

I oppose this amendment.

AMENDMENT NO. 3382

This amendment would require merit-based and competitive awards of disaster recovery contracts. This amendment would prohibit the use of any disaster funds for contracts not competitively awarded pursuant to the Federal Acquisition Regulation FAR. This would appear unnecessary, because the FAR already limits non-competitive contracts to one year, in general.

The amendment would also require a review of disaster recovery contracts that were awarded prior to enactment of the Supplemental that weren't competitively bid. For any contracts not competitively bid, agencies would be required to achieve cost savings or to award a new competitive contract, and discontinue the original contract.

The requirement for retroactive review of contracts that were awarded before the date of enactment for which other than competitive procedures were used for the purpose of determining if additional cost savings can be achieved or whether a new contract should be pursued would pose a significant burdensome and disruptive task.

The amendment would require hiring up additional contracting staff to handle the "looking back review" and potential "re-competition" envisioned in order for the current staff to contract for the supplies and services needed to respond to and recover from Hurricane Sandy. Since there is a limited number of contracting officers available to Federal agencies, complying with this provision, should it be enacted, has the very real potential to limit DHS's ability to meet ongoing mission requirements.

Furthermore, no date or parameters are established for conducting and completing these reviews, so agencies would not know how far back to review. One could assume the amendment means only those currently operating contracts, but it does not specify.

For those agencies in the midst of recovery efforts for Hurricane Sandy, is the intent that they stop ongoing efforts (to include obligating those additional funds that are coming) to undertake such a review? How can the workforce still supporting the disaster be handling the ongoing efforts to support the disaster and at the same time be reviewing what they did in November?

Complying with this mandate, should it be enacted, has the very real potential to adversely impact the Government's ability to meet their ongoing disaster recovery missions.

This amendment requires agencies to terminate contracts if cost savings can be realized. The burden of the analysis alone would be daunting especially since no threshold is specified. This amendment would require agencies to review even purchase card orders. Terminating contracts for convenience is not inexpensive—there significant administrative costs, and it is labor-intensive.

This amendment would be onerous and costly and will hinder the recovery and repair effort. Therefore, Mr. President, I recommend that this amendment be opposed.

AMENDMENT NO. 3383

Mr. President, I rise in opposition to amendment No. 3383. The proviso that my friend proposes to strike authorizes projects for the Corps to construct that would reduce the impacts from flooding and provide storm damage reduction. I agree with my friend that the provision that he proposed to strike could be read as overly broad and authorized projects for construction that were not intended nor could they be constructed with the amount of funding that was provided.

Senators FEINSTEIN and BOXER have addressed the shortcoming of that provision by striking it with an earlier amendment—No. 3421 and replacing it with new text. This new text no longer authorizes an undefined set of projects. Rather, it directs funding to be utilized to construct projects in areas that suffered direct inundation impacts from Hurricanes Sandy and Isaac. This provides a defined scope for the work that the Corps can construct with the funds provided.

The provision requires that the projects to be undertaken must be cost effective, technically feasible and environmentally acceptable. I think my friend would agree that should be the goal of all of the Corps projects that we fund. Voting for this amendment would undo the defined requirements and scope for these projects that we previously voted for.

I urge my colleagues to vote against this amendment.

AMENDMENT NO. 3370

Mr. President, I oppose Division 2 of amendment No. 3370. Division 2 of this amendment tries to steer fishery disaster funding for communities only affected by Hurricane Sandy by citing Stafford Act requirements and limiting funding for area within ½ mile from shore.

But the Stafford Act oversees disasters on land. The Act has absolutely no bearing on fishery disasters, fishery disasters are declared by the Secretary of Commerce according to Federal Fishery and Commerce laws at the request of the State Governors.

Fishery disaster needs are necessary, urgent, unanticipated and these coastal fisheries are not bound by some arbitrary ½ mile boundary.

Under this amendment all federally declared fishery disasters would miss out on much needed financial assistance, even those communities affect by Hurricane Sandy. Fishery disaster funding is not just about fixing damaged boats and waterfronts. It is about rebuilding smarter fisheries so that businesses and coastal communities stand a better shot of avoiding future disasters. I strongly urge my colleagues to oppose this amendment.

Mr. President, in the interest of time, I think we all agree why the very intent to save money by adding delay and bureaucracy will cost money and will cost time, in terms of getting people back on their feet, both in their home and in their livelihood. Remember what we seek: helping people get their life back and helping them get their livelihood back. I think that has been very well articulated.

I would now also like to take the opportunity to call up and dispose of two amendments.

#### AMENDMENT NO. 3403

I call up, on behalf of Senator LEAHY, amendment No. 3403.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. LEAHY, proposes an amendment numbered 3403.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide authority to transfer previously appropriated funds to increase security at United States embassies and other overseas posts)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. INCREASED EMBASSY SECURITY.

Funds appropriated under the heading "Administration of Foreign Affairs" under Title VIII of Division I of Public Law 112-74 and as carried forward under Public Law 112-175, may be transferred to, and merged with, any such other funds appropriated under such title and heading: *Provided*, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

Ms. MIKULSKI. Mr. President, this amendment simply provides authority to the State Department to transfer up to approximately \$1 billion in Overseas Contingency Operations funds appropriated in Fiscal Year 2012 for operations in Iraq, which are no longer needed in Iraq due to reduced operations there, and to use these funds for increased security at U.S. embassies and other overseas posts identified in the Department's security review after the Benghazi attack.

Making additional funds available for these purposes is one of the recommendations of the Accountability Review Board chaired by Ambassador Pickering and Admiral Mullen.

The amendment permits the transfer of funds between the Diplomatic and Consular Programs and Embassy Security Construction and Maintenance accounts, which would otherwise be precluded due to percentage limitations on such transfers.

According to CBO the amendment has no outlay scoring impact.

We all want to do what we can to prevent another tragedy like what occurred in Benghazi. The State Department has done a review, and these funds will be used to expedite construction of Marine security guard posts at overseas posts, and to build secure embassies in Beirut, Lebanon and Harare, Zimbabwe.

There is nothing controversial about this amendment. These are existing funds. There is no new appropriation. The amendment has no scoring impact. It is simply a matter of allowing unobligated, prior year funds to be used for a different purpose of higher priority—protecting our diplomats stationed in dangerous places around the world.

That amendment will be voted on tomorrow.

#### AMENDMENT NO. 3426 TO AMENDMENT NO. 3395

Ms. MIKULSKI. Mr. President, I have an amendment on behalf of Senator HARKIN. I call up amendment No. 3426.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI], for Mr. HARKIN, proposes an amendment numbered 3426.

Ms. MIKULSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical correction)

On page 81, strike lines 9 through 13 and insert the following: "*Provided further*, That obligations incurred for the purposes provided herein prior to the enactment of this Act may be charged to this appropriation: *Provided further*, That funds appropriated in this paragraph may be used to make grants for renovating, repairing, or rebuilding non-Fed-".

Ms. MIKULSKI. Mr. President, this amendment makes two very technical corrections that are necessary for proper implementing of funding for the Department of Health and Human Services in the supplemental. First, it deletes the term "response activities for hurricane Sandy" and replaces it with "the purposes provided herein." That is a small verbal change but "response activities" has a limited meaning. This change does clarify that funds may also be used to cover additional recovery and related costs connected to Hurricane Sandy. Second, it adds the phrase "to make grants" to clarify that the Department of HHS has specific grant-making authority for renovating, repairing, and rebuilding non-Federal facilities involved in NIH re-

search. For example, an academic center of excellence, well known for its work, particularly in cancer research, will have the opportunity to rebuild.

I recommend support of this amendment. Senator SHELBY has signed off on it. I believe it is not controversial. CBO says it does not score at all, and I understand the minority staff on the Labor-HHS Appropriations Committee has also signed off on those changes.

Mr. President, that amendment, too, will be voted on tomorrow if not accepted. Tonight we are just not accepting amendments and we are not voice voting them.

I also want to note we have two Members on the floor whose States were hard hit. One is the Senator from New York about whom Senator SCHUMER has spoken. I know Senator GILLIBRAND wishes to speak. The order we will follow is Senator GILLIBRAND will speak for such time as she may consume to be followed by the Senator from Connecticut and such time as he may consume in speaking on behalf of the bill.

Before the Senator speaks, though, a word to the Senator from Connecticut. Connecticut has been hit twice—first by the hurricane and then by what happened at Sandy Hook Elementary. For those of us who join with you, we just want the people of Connecticut to know they are not alone. As the Senator from New Jersey who spoke earlier said, you know we are the United States of America. Where there was a disaster in one State, we all have to respond as if it were a disaster in all States. The attack on one child in Connecticut—we have to protect all children, in Connecticut and in every single State in this Union. I hope, as we find those solutions, we do act as a union, the United States of America.

Once again, our sympathy and condolences, and I yield the floor to these very able Senators.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I thank the chairwoman for her leadership on this essential bill. I can't thank her enough for her tenacity and determination to meet the needs of so many affected families in our State.

I also thank Senator LANDRIEU for her leadership to help craft this bill in a way that has transparency and accountability and to learn from the mistakes of the past with Hurricane Katrina. She has worked overtime to make this bill a reality and I thank her.

Of course, I thank my colleague Senator SCHUMER for his extraordinary leadership and Senators MENENDEZ and LAUTENBERG on behalf of their State. It makes a huge difference. But I do want to start where Senator MIKULSKI left off and give recognition to Senator BLUMENTHAL.

During the holidays, we often reflect on our blessings. We think about what

is going well in our lives. We are very thankful for what has been given to us, whether it is the health of our children, being in a safe, warm home, whether it is having a good job, whether it is having a business that is profitable—whatever those blessings are, that is what the holidays are about, being grateful for them.

This holiday will be a very difficult time for so many families in New York and New Jersey and Connecticut. There were many loved ones lost during Hurricane Sandy. There were many children lost in Connecticut. When a loved one is no longer around the dining room table, when there are gifts that were bought that were not able to be given, it is a very sad time for our country.

What I am urging my colleagues to remember is what that loss feels like in their own States. We have seen so many tragedies this last year. We have seen so many disasters over the last several years. As Senator MIKULSKI has said and Senator SCHUMER has said: This country always stands together in these times of disaster and grave need. When it was Hurricane Katrina, we stood by that State, that region; immediately, within 10 days, we delivered \$60 billion of aid and relief to the families in need. We did the same thing for Florida. Hurricane Andrew left devastation in its wake. We did the same thing when tornadoes hit Joplin, MO, and Tuscaloosa, AL. We stand by families in times of need. It is the job of the Federal Government to keep our families and communities safe. It is what we do. It is that gratitude we have when others come to our side in that moment of great need that draws this body together.

What I am urging most is that we all do count our blessings during these holidays, we do look to what we have and know there are many families who are going without—without a warm home, without that loved one who has been lost. We know from this disaster children were taken, grandparents were taken, husbands and wives were lost. So the least we can do is help a community rebuild from that devastation.

It starts with homes. We saw so much loss in our State. We worked out that we needed about \$17 billion to rebuild the homes in New York and we asked for a community development block grant to cover that. Our colleagues on the other side of the aisle will have a substitute bill, a substitute bill that will cut funding drastically. It is akin to, if you have 5-alarm fire, you are just sending one firetruck because that is all you want to pay for today.

They have cut that money for housing from \$17 billion to \$2 billion, so what you are saying to the families in New York, New Jersey, and Connecticut in the region: We are just not going to rebuild your house.

FEMA right now provides individual assistance up to \$31,000 for each home-

owner. You cannot rebuild a home for \$31,000—particularly not in New York. If you did not have insurance that covered or your insurance claims didn't pay out or your insurance companies said, sorry, it was a flood, you are not covered, what are you supposed to do? You are homeless. You have nowhere to go with your family.

That is what we have to address in this bill. We have to provide the resources for these families to rebuild. The businesses are suffering. I can tell you, I saw many businesses where the structures were in rubble, but every business owner I talked to said to me: I am a New Yorker. I am going to rebuild. I am going to rebuild better. I was born here. I am going to stay here.

That determination and that gratitude for what they have and what they will have is what is going to make the difference.

I thank you, Mr. President, for giving us a chance to advocate on behalf of our families. We do need the help of everyone in this Chamber to do the right thing, to stand by others in their gravest time of need. That is what we have always done and that is what we must do now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I wish to begin by thanking my colleague from Maryland, Senator MIKULSKI, for her kind and generous words about the recent tragedies we suffered in Connecticut and her sense of compassion and kindness. I also thank her for her vision, courage, and leadership on the legislation that is before us.

I want to associate myself with the very eloquent and powerful remarks made by both Senators from New York and the Senator from New Jersey today.

I strongly oppose the amendments that would constrict and delay aid that is as vital to Connecticut as it is to the other States of the region that were hammered and pummeled by Superstorm Sandy on the night it hit our area. The scope and scale of destruction made it one of the largest natural disasters to affect our Nation. It left millions of people without homes or electricity, and it cost tens of billions of dollars in damages to governments, businesses, and residents. The sweep and depth of destruction in human impact and financial effect was simply staggering. Our response should match its historic magnitude. We must think big, act big, and go forward with a vision to meet the needs of the people in America.

As has been said, we are the United States of America. We meet catastrophe with the resources and commitment that is necessary to make sure people are treated fairly. Delay or reduction in resources is unfair. In effect, delay is denial, just like justice de-

layed is justice denied. It would be unjust to delay the resources by the kinds of amendments and proposals that have been offered and in effect reduce the amount of resources that can be available.

The estimates about the disaster can occupy much time on this floor, and I am going to be brief in describing what I think is necessary because I have spoken previously before committees of this body. Suffice it to say that right away we need to redouble our efforts to reduce the personal costs and property damage from this storm and also to prevent that kind of damage in future storms. We can invest now or pay later. We will pay much more later if we fail to invest now.

The path toward enlightened protection and preparation must include infrastructure improvements for Stamford's floodgate, the efforts on the Housatonic River to stop flooding, and electricity security measures such as the establishment of microgrids and increased availability of generators for senior citizen housing. These are examples of what can be done if we invest wisely now, and that is part of what this supplemental can do.

It is vitally necessary that we are prepared because these kinds of disasters are, in fact, becoming the new normal. This storm is the fourth major disaster for the State of Connecticut in the past 19 months, and it is the fourth major disaster declaration for our State in that time. There was record snowfall in January of 2011, and later in 2011 Tropical Storm Irene hit our State, as well as a highly unusual October snowstorm. Now we have Superstorm Sandy. These kinds of natural disasters demand the kind of response that the Senate can do if it approves this measure without these amendments that restrict and delay these efforts.

We are building our infrastructure to 100-year storm levels, but unfortunately 100-year storms are happening just about every year. We have to be prepared for the new normal by hardening critical infrastructure and taking time and spending money to construct an infrastructure assessment that will allow States and municipalities to know what infrastructure is at risk and what needs to be done to mitigate that risk. Failing to meet the immediate needs of these areas is not only unkind, it is unwise.

As the Senator from New York just remarked, sending one firetruck to a 5-alarm fire is not only unkind, it is unwise. Rebuilding a house for a family that had three bedrooms and restricting it to one bedroom or no bedrooms is unkind and unwise because it will fail to provide housing for that family.

I urge this body to provide the funding that Connecticut, New York, and New Jersey need to mitigate flooding and other damage from this storm and

from future storms and make sure these States receive the kind of aid that is necessary so we can not only repair and rebuild but also prepare and prevent this kind of catastrophe in the future.

Again, I thank all of my colleagues who have been so instrumental in reaching this point. I urge my colleagues to come together in the spirit that the United States has always done when it has faced these kinds of catastrophes. We have always done the right thing even in the face of fiscal austerity for regions and areas of our country that have been hard hit through no fault of their own and that need this kind of immediate relief.

Mr. UDALL of Colorado. Mr. President, I rise to speak in favor of two critical issues for my state—much-needed Emergency Watershed Protection Funds in the Supplemental Appropriation for Disaster Assistance and a Udall-Tester amendment that would add \$653 million for U.S. Forest Service firefighting and wildfire prevention.

Let me begin by making one point absolutely clear: this is an emergency. Some have questioned the need for this funding and have asked why we wouldn't limit dollars just to Hurricane Sandy areas. The short answer is that it is the smart thing to do, the right thing to do and the fair thing to do. I know these fires may seem like just another story on CNN for some folks, but they have had devastating impacts in my state and throughout the west. Wildfires destroy communities and their devastation persists for decades.

The country faced the third worst wildfire season in the nation's history last year, with more than 9.2 million acres burned—including the Waldo Canyon and High Park fires, the two most destructive fires in Colorado history. Next year is projected to be much worse, yet the U.S. Forest Service will enter the 2013 fire season with a projected budget shortfall for preparing for and fighting these fires. They will also have only eight large air tankers compared to 44 in 2000—which puts them at a serious disadvantage in being able to attack these blazes. The Udall-Tester amendment would address this critical issue and provide \$653 million to close the budget gap between what the Forest Service has and what they absolutely need. This is nothing to sneeze at, but for perspective this amounts to only one percent of the emergency funds that would be sent to support Hurricane Sandy recovery.

These funds will enable pre-positioning of ground crews, hot shots, and air support in places where wildfire risk is very high. This is a smart investment because early attack is critical to stop fires from becoming megafires that devastate communities, take lives and property, and threaten water supplies. It also helps ensure that the

Forest Service doesn't have to rob other accounts such as timber, watershed, and wildlife programs. Raiding other Forest Service funds is robbing Peter to pay Paul: These other funds help eliminate dead wood and other fuels in our national forests, thus reducing future fire risks.

And the risks wildfires pose persist long after the final embers are extinguished. That is why we also are seeking to fully fund the Emergency Watershed Protection Program. Communities across this country—including many impacted by Hurricane Sandy—are at risk of catastrophic flooding and contaminated drinking water. This investment of \$125 million in the bill before us is critical to help ensure that these communities do not face further debilitating and life-threatening impacts from these recent disasters.

In my state, the Emergency Watershed Protection Program is essential to protecting and restoring critical watersheds that are damaged by wildfires. This is especially true of the most devastating wildfires in Colorado's history last summer—which, if left unaddressed, could cause serious flooding, landslide and other risks that threaten the lives of residents in my state.

The High Park and Waldo Canyon fires tragically took lives, burned more than 100,000 acres, and led to catastrophic loss of property, including well over 300 homes in Colorado's second-largest city. But the initial impact could pale in comparison to the long-term impacts.

Without rehabilitation and restoration, the watersheds that provide municipal and agricultural water supplies are at risk from landslides, flooding and erosion, which could result in serious infrastructure damage, water supply disruptions and even loss of life. Stabilizing and protecting these communities' watersheds is not only the right thing to do, it is also fiscally responsible.

If we do not quickly address these watersheds, taxpayers could face hundreds of millions of dollars in costs from what otherwise would have been a minor storm.

We need to fix what is wrong, and give these communities the peace of mind they deserve.

And I want to remind my colleagues that Congress has historically provided Emergency Watershed Protection (or EWP) assistance for earlier disasters before moving on to confront the needs created by subsequent events. As of December 10, 2012, an estimated \$47 million is needed to mitigate damaged watersheds in the aftermath of other presidentially-declared Stafford-Act disaster areas in Arizona, Colorado, Louisiana, Florida, Minnesota, Mississippi, New York, Utah, and Wisconsin. This is in addition to the \$40 million needed for communities af-

ected by Hurricane Sandy. We cannot leave these communities behind to suffer the effects of less recent disasters—whether they faced disaster from wildfire, hurricane or flood.

Mr. President, Coloradans unfortunately have already experienced some of these effects. For example, the usually crystal-clear Poudre River has been flowing black due to ash and runoff from the fire. This forced the downstream city of Fort Collins to shut off their water intake for over 100 days. Further downstream, the city of Greeley shut off their water intakes for 36 days and are still only able to take a small fraction of their normal intake.

This photo shows a water main that supplies 75 percent of the backup drinking water supply for the City of Colorado Springs—our second largest city. This pipe used to be buried 8 feet deep but is now exposed due to runoff from the fire area.

How much more of an emergency do we need, when our most basic resource—drinking water supplies for three of Colorado's largest cities and its families and businesses—is threatened?

I'll give you one more example. The flood potential in the burned areas is now 20 times higher than before the fire, which means that areas are experiencing 100-year floods from the same amount of rainfall that would have caused a 5-year flood before the wildfires.

Look at this photo. This is Highway 14, which is the major east-west artery through northern Colorado. This mudslide is one of many that occurred during one very minor rainstorm after the High Park fire. These mudslides on our major roads put people, property, and commerce at risk. Already, families in the Colorado Springs vicinity have received at least four flash-flood warnings since the Waldo Canyon fire. The need for stabilizing this ground and restoring the burned areas on both federal and private land is critical to public safety, public health and the prevention of another disaster.

I stand to support the recovery of the communities devastated by Hurricane Sandy. But, I want to ensure that my colleagues here understand the gravity of the situation we're facing in Colorado and other states that are also confronting disaster needs. If we do not act right away, communities across this nation will see unnecessary flood risks, contaminated water supplies, and even tragic deaths caused by our inaction.

So when someone asks whether EWP is necessary or critical, the answer emphatically is yes! For many of our communities in Colorado, this is their #1 priority in Congress and I'm not going to let their critical needs go unmet. I ask each of my colleagues to support this important funding in the bill before us today.

I thank you for your attention and request that my statement appear in the appropriate place in the RECORD.

Mr. REED. Mr. President, I rise in support of the Emergency Supplemental Appropriations bill for Hurricane Sandy. This is a critically important bill for the States that were affected by this storm—not only New York and New Jersey, which saw almost unimaginable devastation and loss of life, but States like my home State of Rhode Island, which experienced significant damage.

There has been a long tradition in the Senate in working together to respond to major disasters in our States. The Appropriations Committee has been an important venue for the kind of bipartisan cooperation that has made these efforts possible. In large part that has been the result of the efforts of members like our late-Chairman Dan Inouye who created, by his example, an environment of comity and respect. That has been the unique ethos of our committee. Under the leadership of our new chairwoman, Senator MIKULSKI, it will continue.

As chairman of the Subcommittee on the Interior, Environment, and Related Agencies, I also want to take a moment to talk about the \$1.45 billion included in the bill for environmental recovery and restoration needs.

We must fund recovery efforts and rebuild public facilities that were damaged. But we also need to look ahead to projects that will allow our communities and our public lands to withstand future storms and natural disasters. I am pleased that the Interior section of this bill addresses both needs.

The bill contains \$435 million in essential funding to rebuild national parks, wildlife refuges, national forests, and other public facilities damaged by Hurricane Sandy.

I particularly want to call attention to the \$348 million included to fund immediate construction needs at more than 25 Park Service units that were damaged during the storm. These funds will help the Park Service take necessary steps to reopen a number of heavily visited units to the public—including the Statue of Liberty and Ellis Island, which suffered extensive damage during the storm.

We need to get this work started now so that we can get these parks reopened. And because the need is so great—the amount requested by the President is nearly five times the annual line-item construction budget—it's imperative that we give the service the funds in this supplemental as soon as possible.

I also want to note that the bill also provides \$78 million for immediate reconstruction and recovery needs for the more than 30 wildlife refuges that also sustained tremendous damage during the storm.

These funds will be used for emergency stabilization needs, to replace or

reconstruct facilities, roads, and trails, and to fund improvements needed to lessen anticipated damage from future storms.

The bill also provides \$810 million for the EPA State Revolving Fund programs, including \$700 million for clean water needs and \$110 million for drinking water needs, for States that faced the greatest impact from Hurricane Sandy. These funds will complement funds from other Federal agencies and provide targeted funding to upgrade water infrastructure to protect against future flooding, storm damage, and other natural disasters.

Already, there is a huge estimated need for these funds. In fact, EPA estimates that there are approximately 700 drinking water and wastewater facilities in States affected by Sandy that need to make infrastructure upgrades that will make them less susceptible to flooding and extreme weather events.

This is exactly the kind of work that needs to be undertaken so that we can get ahead of the curve and prepare for the next storm or natural disaster. I understand that there are some who believe that some of these investments do not constitute an emergency, but as those who lived in the path of storms from Andrew to Katrina to Sandy can attest, there is no time to waste or wait. I hope that this chamber can move swiftly to pass this supplemental appropriations bill.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I ask unanimous consent that on Friday, December 1, when the Senate resumes consideration of H.R. 1, the legislative vehicle for the Sandy supplemental, the Senate proceed to vote in relation to the amendments to the bill under the previous order; that all remaining time under the previous order with respect to the amendments be yielded back; that there be 2 minutes equally divided prior to each vote, with the exception of the following: 4 minutes equally divided prior to each of the votes in relation to the Coburn amendments; 10 minutes equally divided prior to the votes in relation to each of the Paul amendments; 8 minutes equally divided prior to the vote in relation to the McCain amendment No. 3355; and 10 minutes equally divided prior to the vote in relation to the Lee amendment; and that all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I said December 1—wishful thinking. The order should say Friday, December 28.

The PRESIDING OFFICER. Without objection, it is so ordered.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTES TO DEPARTING SENATORS

DANIEL AKAKA

Mr. LEAHY. Mr. President, the great State of Hawaii has been represented in the United States Senate by two of the longest serving Senators, and they happen to have shared the name Daniel. This year, Senator AKAKA—with more than 3 decades of service in Congress—now the Senior Senator from Hawaii will return to his native State and enjoy retirement.

Senator AKAKA has represented the people of Hawaii in a variety of ways. Most recently, as Chairman of the Committee on Indian Affairs, he has worked tirelessly to support vital programs that provided education, healthcare, housing and other basic services for tribes across the country. Having attended college on the GI bill, he has been an advocate for improving education for all students. He also has been a strong supporter of veterans and a proponent of protections for whistleblowers seeking to expose waste, fraud and abuse in government.

On a personal note, I have always appreciated Senator AKAKA's strong support for the National Guard, and in particular the Hawaii Guard. His military roots go back to his own distinguished service in World War II. But he was one of the earliest and most senior adopters of the Guard empowerment legislation when I teamed with Senator Bond, Senator GRAHAM, and so many others to enact. Senator AKAKA stood with the men and women of the National Guard in demanding representation among the Nation's most senior military advisory body. This stand was not an easy one to take. He was, in fact, the most senior Democrat on the Senate Armed Services Committee to co-sponsor the Leahy-Graham bill, and his support sent a powerful statement



that some of our most knowledgeable Senators with the specific responsibility of overseeing our armed services recognized that it was time to give the Guard a stronger voice. Among his many other achievements, Senator AKAKA will be remembered for his strong support of and friendship with the Guard.

Senator AKAKA has brought a calm and insightful presence to his work and the people of Hawaii are fortunate to have had such a great representative in both the House and the Senate. I wish Senator AKAKA and his family the best in his retirement from Congress.

KENT CONRAD

Mr. President, for more than 2 decades, Senator KENT CONRAD has represented the people of North Dakota in the United States Senate.

I have had the privilege to serve with several hundred senators since I came to the Senate nearly 38 years ago. The list is short for those who are extraordinary both for their talents, and for their personal friendship. KENT CONRAD is on that list. In fact, he defines it in many ways. Senator CONRAD has reached across the aisle and demonstrated what bipartisanship truly means.

Rooted in his days as a tax commissioner in North Dakota, Senator CONRAD has been a leading voice in Congress in difficult and complex budget debates. His floor charts are legendary, explaining complicated fiscal matters in terms many others can understand. As Chairman of the Budget Committee, and as a senior member of the Finance Committee, he has been a key player in the fiscal debates that have dominated the discourse in Washington as the country has recovered from the Great Recession. He has led bipartisan efforts to reduce the deficit, and helped create the 2007 taskforce with Republican Senator Judd Gregg to address long-term fiscal challenges. Senator CONRAD has also been dedicated to advancing American interests abroad. I have been fortunate to travel with Senator CONRAD and his wife overseas, most recently to the Eurozone, where he again brought his expertise in economic, budgetary and fiscal policies to the table as we discussed the potential U.S. impacts of the European Union's financial crisis.

He has always put North Dakota first, but Senator CONRAD has never neglected the needs of other parts of the country. He is a champion of the farm bill, and understands the details and nuances of agriculture commodity programs perhaps better than any other member of the Senate Agriculture Committee. Whether fighting for North Dakota's farmers, or fighting for the Nation's fiscal health, he has been a great partner. I was particularly moved by his support for Vermont in the wake of Tropical Storm Irene.

Senator CONRAD has been one of the most important voices in the United

States Senate for the past 25 years. He is one of the giants of the Chamber today. We will miss his expertise, but we know our friendships will continue. Both Marcelle and I wish our friends KENT and his wife, Lucy, the best.

JOE LIEBERMAN

Mr. President, a Senator of 24 years, Senator JOE LIEBERMAN this year retires from this Chamber. He has represented the people of Connecticut for years, first as a State Senator, and then as the State's Attorney General.

Senator LIEBERMAN has been a constant voice in national security matters. I worked with him in the aftermath of the terrorist attacks of September 11, 2001, to establish the Department of Homeland Security, and since then, he has served as the top Democrat on the Homeland Security and Government Affairs Committee. He has worked to strengthen the Federal Emergency Management Agency in the aftermath of disasters, including Hurricanes Katrina and Rita.

I worked with Senator LIEBERMAN in 2002 on the E-Government Act, a key privacy law that required the government to improve access to information on the Internet. A chief architect of that bill, it has become an important transparency law and a valuable tool in protecting individual privacy protections.

Senator LIEBERMAN has been a dedicated proponent of examining the impacts of climate change. He has worked to find a compromise to move the Senate forward on meaningful climate change and cap-and-trade legislation. And, despite Connecticut's small dairy industry, Senator LIEBERMAN has been a true partner in advancing the needs of dairy farmers in Vermont and across the country.

Senator LIEBERMAN has earned the respect of both Democrats and Republicans. Like so many other retiring Senators, he has urged the Senate to pursue avenues of bipartisanship. The bipartisan legacy he leaves is one example we can all follow moving forward. I wish him and his wife, Hadasah, the best in his retirement.

JEFF BINGAMAN

Mr. President, born in Texas and raised in New Mexico, Senator JEFF BINGAMAN for nearly 30 years has represented the State he has been proud to call home. Lawyer, advocate, environmental stalwart these are just a few of the terms that can be used to describe Senator BINGAMAN.

A longtime public servant, Senator BINGAMAN has served his Nation in the Army Reserves, in his State as an Attorney General, and, since 1983, has served the people of New Mexico in the United States Senate. Along the way, he has earned a reputation for being fair and bipartisan no small feat in today's polarized Congress.

Senator BINGAMAN has been a fierce advocate for the environment, and has

worked hard to expand conservation and end tax breaks for big oil companies. I was proud to work with him on legislation to increase the production of biofuels and to modernize the Federal Government's approach to protecting the environment. As chairman of the Senate's Energy and Natural Resources Committee, he has worked tirelessly to advance energy independence, an issue so important to many, including those in New Mexico.

A supporter of a comprehensive approach to reforming our immigration system, Senator BINGAMAN has supported a responsible and thoughtful approach to protecting our Nation's borders. Like me, he opposed ill-advised legislation which was regrettably enacted in 2006 to build electronic and other forms of surveillance along every land and maritime border. A Senator of a southern State, Senator BINGAMAN opposed the effort to construct a costly fence along our southern border.

Senator BINGAMAN has been a force here in Washington, but he has never lost sight of the needs of the constituents at home that he represents. He has worked to secure Federal funds for critical needs in New Mexico, and for education development and transportation improvements.

JEFF's moderate temperament has led to many successes both in the halls of Congress, and in his home State. I wish him and his wife Anne all the best in retirement.

HERB KOHL

Mr. President, the people of Wisconsin have elected and reelected Senator HERB KOHL to represent them in the United States Senate four times. Since coming to the Senate in 1989, I have been honored to serve with him on the Senate Judiciary Committee, where his commitment to matters involving antitrust, juvenile justice, and technology has afforded us many opportunities to work together. We have partnered in other important areas, too from our states' shared interest in a vibrant and supported dairy industry, to important housing assistance.

Everyone likes Senator KOHL. He is a consensus builder, and is always seeking a bipartisan solution. That approach led to a bipartisan investigation in the Judiciary Committee over Ruby Ridge. It led to enactment of the Juvenile Justice and Delinquency Prevention Reauthorization Act, and economic espionage bills.

Senator KOHL has been a constant champion for the nation's dairy farmers from those in Wisconsin to those in Vermont. His Superb Milk House at the Wisconsin State Fair is a hit every year. A tradition he began in 1990, it still sells glasses of milk for just 25 cents. I was delighted to hear he intends to keep the Milk House running even after he leaves the Senate. Wisconsin and Vermont dairy farmers have



not always agreed on how best to support the industry, but Senator KOHL's commitment has never wavered.

As chairman of the Special Committee on Aging, Senator KOHL has kept the needs of some of the most vulnerable around us the elderly front and center during his time in the Senate. His support for the Housing Assistance Council, which helps improve housing conditions for the rural poor with an emphasis on the poorest of the poor has been steadfast, and I was pleased to work with him to ensure that in an age without earmarks, this important council was qualified to compete for Federal financial support. He has been a longtime partner in rural housing issues a partnership I will miss.

Senator KOHL has worked tirelessly for the people of Wisconsin both as a Senator and as a philanthropist. Since 1990, he has provided annual grants totaling \$400,000 to Wisconsin students, teachers, and schools through the Herb Kohl Educational Foundation Achievement Award Program.

When Senator KOHL announced his retirement, he stated that he never believed it was his Senate seat, but that it belonged to the people of Wisconsin, and that is just who HERB KOHL is. Even in retirement, I have no doubt he will remain dedicated to the people of Wisconsin. Serving with him for more than two decades has been an honor and a privilege. The Senate will miss him.

JIM WEBB

Mr. President, although he has served just one term in the U.S. Senate, retiring Senator JIM WEBB is no stranger to public service. A highly decorated combat veteran of Vietnam, JIM WEBB's prior public service as an Assistant Secretary of Defense and a former Secretary of the Navy uniquely suited him as a fierce defender of our troops serving overseas, and when they come back home.

Senator WEBB has been a positive force on a number of issues, and particularly through his roles on the Foreign Relations Committee, the Armed Services Committee, and the Veterans' Affairs Committee. His commitment to our Nations' veterans and to supporting and strengthening our military has been a cornerstone of his Senate career.

I worked with Senator WEBB on a number of issues in the last 6 years, especially on prison reform and the criminal justice commission. His initiative is something the Senate and our judicial system, should follow and set as a guide.

Senator WEBB brought a unique perspective to the Senate based on his years of dedicated public service. He has been a powerful advocate for military and veterans' issues and criminal justice reform, all while promoting Virginia's best interests. I wish him and his family the very best in the future.

BEN NELSON

Mr. President, as a Senator from a rural State, supporting our Nation's farmers is something close to my heart. Senator BEN NELSON shares that commitment, and has been a long-time champion of legislation to protect American agriculture and our Nation's farms in a rough economy. Senator NELSON's work for rural communities has benefited his home State of Nebraska, but his support of agriculture has helped Vermonters, too. These are among the legislative issues on which Senator NELSON has had an impact since he came to the Senate in 2001.

As a member of the Committee on Agriculture, Nutrition and Forestry, Senator NELSON has been an active participant as we have tried to move the 2012 Farm Bill through Congress. One of the most pressing pieces of legislation before us today, he has fought tirelessly for Nebraska's interests in that bill, as well as the interests of the Nation's agricultural industry as a whole.

While he has worked on a number of legislative matters in the last decade, I particularly appreciated Senator NELSON's support for my effort to give the National Guard a seat at the table of the Joint Chiefs of Staff as a former Governor. He understood that this multi-year effort was done to recognize that the men and women of the National Guard serve our country with unmatched loyalty and that they and their families make sacrifices every day. He recognized that they are indeed deserving of full representation at the highest levels of the Pentagon. In 2010, Senator BEN NELSON was awarded the Harry S. Truman Award for his commendable work with the Guard. Since the National Guard has taken on an increased role in overseas conflicts, Senators like BEN NELSON have stepped up to give them the recognition and support they deserve.

I commend BEN's loyalty to Nebraska and to economic sustainability across the country. His dedication to sustainable energy is rare in our modern political climate. Rather than folding to the issues that divide us and ignoring the future of our farms and environment, Senator NELSON has taken a strong stance on controversial and difficult issues and has managed to open the minds of many of his colleagues with time, bringing people together around the possibility of creating positive change. Through it all, he has kept the needs of his State in mind, even as he has worked to create a brighter future for the entire country.

Senator NELSON is an honest man, a level-headed public servant, and a friend to many. True to his roots, he has built a legacy in the Senate that will last after he has moved on from the halls of the Capitol. I wish him the best in his retirement from Congress.

JON KYL

Mr. President, there are many times when those of us in the Senate disagree. It is when we can find ways to work together, across party lines, to advance meaningful legislation that we can really make a difference. One of the things I have always appreciated about Senator JON KYL is his commitment to his word. This year will mark his last in the U.S. Senate. I have welcomed his partnership on many issues, from cyber legislation to matters protecting crime victims. He was a key ally in our efforts to make the first meaningful reforms to the Nation's patent system in nearly 60 years. And we have worked together on issues relating to National security and border security.

Fewer Senators are more hard working than JON KYL. He is a constant presence in the Judiciary Committee, where he has served as the top Republican on the Crime and Terrorism Subcommittee. He is active in the Finance Committee. And of course, he holds a key position within his caucus, serving as the Republican Whip.

I have, of course, most closely worked with Senator KYL in his nearly 2 decades of service on the Judiciary Committee. There, he has championed a number of important issues, from crime victims' rights to antiterrorism legislation. We have been close partners on intellectual property legislation, from patent reform to copyright and trademark protections. And, even in the most contentious of national security issues, we have worked to find common ground on such issues as the PATRIOT Act.

On Capitol Hill, Senator KYL is known throughout the Senate for his dedication and work ethic. He is a great ally and a formidable adversary; in Congress, there is often no higher praise. He is a good personal friend and, I wish him and his family all the best as he takes on his next challenge.

RICHARD LUGAR

Mr. President, I have served with hundreds of Senators in my nearly 38 years representing Vermont in Washington. Few embody the statesmanship that you find in Senator RICHARD LUGAR. For more than 36 years, Senator LUGAR has represented the State of Indiana in the United States Senate—the longest-serving Republican Senator here today. It has been an honor, a privilege and a joy to work with him to advance so many important legislative issues.

Senator LUGAR exemplifies the ideal of bipartisanship that is too often lacking today in Washington. Although we come from different political views, Senator LUGAR and I worked shoulder-to-shoulder to reach across the aisle to find compromise and common ground on two Farm Bills—the Leahy-Lugar bill, and the Lugar-Leahy bill. That

collaborative effort, which led to reforms at the Department of Agriculture resulting in the savings of billions of dollars, is an example of how well the Senate can function when bipartisanship is the order of business. Whether he chaired the Agriculture Committee, or I did, we always found a way to work together.

Perhaps Senator LUGAR is most well-known for yet another bipartisan effort, the 1991 Nunn-Lugar Cooperative Threat Reduction. Nunn-Lugar was enacted to protect Americans from the threat of nuclear weapons in the former Soviet Union. Ever since it became law, Senator LUGAR has continued his efforts to reduce the threat of nuclear annihilation. In 2007, after a trip to Russia, Azerbaijan, and Ukraine, Senator LUGAR and then-Senator Barack Obama crafted the Lugar-Obama Proliferation and Threat Reduction Initiative to decrease the number of hidden traditional weapons around the world. Senator LUGAR's ability to build strong relationships with party opposites such as President Obama resulted in legislation that benefits citizens of Indiana, but also the entire Nation.

As a leading member and former Chairman of the Senate Foreign Relations Committee, Senator LUGAR has championed human rights around the world. Most recently he advocated aggressively for ratification of the bipartisan Convention on the Rights of Persons with Disabilities. A recognized leader in international affairs, Senator LUGAR has supported causes eradicating hunger, to combatting terrorism wherever it occurs. He has promoted sound, reasonable immigration reforms to encourage the best and brightest to come to America. And he has warned of the catastrophic risks of climate change.

Earlier this year, Senator LUGAR and I reached a pair of milestones together. I was honored to cast my 14,000th vote in the United States Senate. I was delighted that Senator LUGAR, on the same vote, reached the 13,000 marker. Ours has been a partnership of more than three decades, and to share this milestone with Senator LUGAR was a memory I will cherish.

A couple of years ago, DICK and I found ourselves sitting down together in the Senate Judiciary Committee hearing room, speaking with a reporter about the importance of bipartisanship in Congress. We both recalled with fondness our earliest days in the Senate, sitting on the farthest ends of the dais, and struggling to hear what the most senior members of the panel were saying. We suspected—no doubt correctly—that this was not happening by accident. From those days sitting together was born a friendship that has spanned three decades. In his farewell in this Chamber, Senator LUGAR cautioned that many in Congress “have

not lived up to the expectations of our constituents to make excellence in governance our top priority.” Every day in this Chamber, DICK LUGAR made excellence his top priority. He is a pillar of the Senate, a mentor to many, and a role model to those to come. And I will miss my friend.

OLYMPIA SNOWE

Mr. President, in today's U.S. Senate, moderates are few. At the end of this Congress, we will lose another: Senator OLYMPIA SNOWE, who has served the State of Maine in the U.S. Senate for nearly 2 decades. She has spent nearly her entire adult life in public service, and the people of Maine have revered her dedication to her home State and to civic engagement.

Just the 23rd woman to serve in the United States Senate, Senator SNOWE has risen through the ranks in her tenure in this body, most recently serving as the top Republican on the Small Business and Entrepreneurship Committee. There she has focused on promoting women in small business. She was instrumental in establishing Women's Business Centers through the Small Business Administration, a network of nearly 100 centers designed to level the playing field for women looking to start a small business. Most recently, she has worked to advance legislation to establish a task force specifically devoted to women entrepreneurs.

Senator SNOWE has been a great friend to the environment as well. She has worked closely with me to protect our national forests and environment. She has partnered with me to strengthen the Forest Legacy Program—important to both Vermont and Maine—as well as the Land and Water Conservation Fund. She has been a stalwart advocate for the Community Development Block Grant program, and for years, she and I teamed together to protect this important community development program. Senator SNOWE has been a strong supporter of the Low Income Home Energy Assistance Program, LIHEAP. The shared challenges of our States—rural, New England States have given us many reasons to work together, and our partnership in these issues is one that I will miss.

Notably, Senator SNOWE, at a time when so many simply tow the party line, never feared voting her conscience over her political affiliation. Her support for the American Recovery and Reinvestment Act, which spurred development amid the worst economic crisis since the Great Depression, was instrumental in funneling necessary resources to the States. She supported advancing comprehensive health care reform legislation to the Senate floor, so the Senate as a whole could debate the issue. And she has stood up for women in important health care choices.

When Senator SNOWE announced earlier this year that she intended to re-

tire, she lamented the partisan shift she has seen in Congress. During her long career in public service, Senator SNOWE put her State and the Nation first. It's a lesson we can all follow. I wish OLYMPIA the best in her retirement and I will truly miss serving with her. Her farewell speech to the Senate should be required reading in every High School and college—civics and government classes.

KAY BAILEY HUTCHISON

Mr. President, when the 112th Congress adjourns, Senator KAY BAILEY HUTCHISON will retire, having been the 22nd woman to serve in the United States Senate. With nearly 20 years of service to this Chamber, Senator HUTCHISON has been a pioneer in her home State of Texas. The first woman elected to the U.S. Senate from that State, her record of public service began long before she came to Washington.

Senator HUTCHISON's dedication to her constituents, and to the advancement of the Nation, has been easy to see. When she helped to establish the Academy of Medicine, Engineering, and Science of Texas, TAMEST in 2004, she put a spotlight on the importance of encouraging advancements in science and of supporting research and development. She has understood that protecting our Nation's ability to innovate is as vital to our economic security as anything else.

I am proud to have worked with Senator HUTCHISON on a variety of pieces of legislation over the years, having served with her on several subcommittees of the Senate Appropriations Committee. Among our greatest achievements, I believe was our partnership on federal AMBER Alert legislation, which won unanimous support in the Senate and which was enacted in 2003. The AMBER Alert Act was a signature achievement, and an example of what can be done when partisanship is cast aside, and we work together.

Senator HUTCHISON has worked tirelessly to advocate for her State and for the good of the Nation. I wish her and her family all the best.

SCOTT BROWN

Mr. President, Senator SCOTT BROWN came to the Senate in an untraditional manner: winning a special election to fill the seat left by one of the giants of the Senate, Ted Kennedy. While his tenure has been just 3 years, I have appreciated Senator BROWN's willingness to work across the aisle on two very important issues: reauthorizing the Violence Against Women Act, and working to end human trafficking.

It happens that I have authored legislation to address these two very issues, and so it has been through the Violence Against Women Reauthorization Act and the Trafficking Victims Protection Reauthorization Act that I have seen Senator BROWN take a dedicated approach to protecting victims of violence. He is a cosponsor of both these

bills, a strong supporter of the goals behind them, and a vocal proponent of their enactment.

Senator BROWN has also been a friend of National Guard. Himself a Guardsman for over 30 years, he was one 68 cosponsors of my Guard Empowerment Act, to give the head of the National Guard a seat with the Joint Chiefs of Staff, where decisions are made every day about our Nation's military, including the National Guard and Reserve. As a Guardsman himself, he understands the strains placed on families here at home when the Guard, like any unit of the military, is deployed, as has happened so many times in the last decade. I appreciated Senator BROWN's support on this important law.

Senator BROWN has charted his own path in his short time here in the Senate, and I expect the ventures he undertook while serving here will continue. I wish him and his family the best.

#### THANKING LUTHERAN CHURCH CHARITIES

Mr. DURBIN. Mr. President, this past week we have all watched, grief-stricken, the terrible school shooting in Newtown, CT, and the heart-breaking funerals of those beautiful little children. There are no words to adequately express our sorrow for those touched by this tragedy. But there is an organization that is helping to bring comfort and healing to Newtown in a way that requires no words.

One day after the massacre at Sandy Hook Elementary School, a group of golden retrievers from the Chicago area made a cross-country journey to provide solace to the Newtown community. The Lutheran Church Charities sent five of their "comfort dogs" to help console grieving family members and others touched by the Sandy Hook Elementary School shooting. Accompanying these special dogs are handlers who are trained to speak or pray with mourners or simply to sit quietly with them.

In all, nine comfort dogs from Lutheran Church Charities have helped to comfort Newtown residents. Some of these remarkable dogs attended President Obama's speech at an interfaith gathering at Newtown High School, another comforted mourners at Newtown's Christ the King Lutheran Church, the location of funerals for two of the slain children. The dogs even made an appearance on CNN with host Don Lemon.

This is how Tim Hetzner, president of Lutheran Church Charities, explained the dogs' healing powers: "Dogs are nonjudgmental," he says, "They are loving. They are accepting of anyone. It creates the atmosphere for people to share."

That is exactly what they have done in Newtown.

A woman visiting a Newtown memorial told one reporter: "It's a very solemn time. With the dogs here, it seems like it's a little ray of sunshine."

A child from Newtown said simply that the dogs "help you get over how sad it is."

Sadly, the comfort dog program began after another gun tragedy. In 2008, after a gunman killed five students at Northern Illinois University, a group of dog caretakers associated with Lutheran Church Charities visited the NIU campus in hopes of offering a healing distraction to students. The trip was so successful that a few weeks later students petitioned university leaders to bring the comfort dogs back.

The initiative has since grown from a handful of dogs in the Chicago area to 60 dogs in 6 states. Comfort dogs have traveled across the Nation to console people in the aftermath of major tragedies such as Hurricane Sandy and the tornado that hit Joplin, MO.

When the K-9 comfort dogs are not responding to a tragedy, they visit people in hospitals, nursing homes, and parks. Each dog has a Facebook page, Twitter account, and email so those who meet the dogs can keep in touch.

The unconditional love of comfort dogs has helped countless children and adults to cope with tragedy and begin to heal from their suffering. On behalf of a heartbroken but grateful Nation, I want to express my heartfelt thanks to all of the comfort dogs of Lutheran Church Charities especially Abbi, Barnabas, Chewie, Chloe, Hannah, Luther, Prince, Ruthie, and Shami—and to their handlers.

I yield the floor.

#### TRIBUTE TO CHRIS COWART

Mr. LEVIN. Mr. President, I rise to pay tribute to a staff member of the Senate Armed Services Committee who will be retiring at the end of this session of Congress. Her name is Christine Cowart, and for the past 6 years, she has served as the Chief Clerk of the Committee. She had previously served a term of 8 years as Chief Clerk under Senator Sam Nunn, and prior to that 2 years under Senator Barry Goldwater and 4 years under Senator John Tower.

I know that 14 years sounds like a lot of time to most people, but that barely scratches the surface of Chris' service to the Senate. In fact, Chris holds a special place in the record books. In an organization like the Senate, known for some long-serving members, Chris would fall within the top ten list of longevity for senators, and no member currently serving has been here in the Senate longer than Chris.

The mere fact that she will be completing almost 41 years of service to the Senate is truly a remarkable accomplishment, especially in today's world where changing jobs has become the norm. And if that were all of her

record, that would be amazing. But that is only part of the story. Chris made invaluable contributions to getting each of 41 of the 51 total National Defense Authorization Acts we have done annually since 1961. As Chief Clerk, it was her duty to shepherd the Armed Services Committee's annual set of hearings, meetings, and briefings that lead up to the DOD Authorization Act each year. Her duties also included showing the ropes to new senators and new staffers alike.

Chris took to heart the ideals of service she dedicated almost all of her adult life to service to her country and to the Senate. I remember Chris recounting how her father had escorted her here to the Russell Senate Office Building for her first interview with the Committee in the summer of 1972, shortly after she graduated from college. She said she didn't have any difficulty in deciding what to do after her father told her, "Take the job."

Chris' father was a career Navy man, having flown maritime patrol aircraft for the Navy during World War II and thereafter. He instilled in Chris the value of patriotism and service to country that she so exemplifies in her life.

During her service to the Committee, she served as mentor, confidant and advisor to the staff as they experienced weddings, divorces, births and deaths.

Chris has been a rock for the Committee, and I know I speak for all of the members and staff when I say, "Chris, thank you for your service to the Armed Services Committee, to the Senate and to the country. You have set a standard of dedication and professionalism for all of us, and we will miss you!"

#### BALANCED BUDGET

Mr. SESSIONS. Mr. President, I rise today to discuss our Nation's need to adopt a balanced budget amendment and to bring the Senate's attention to the Alabama Legislature's recent call for Congress to send such an amendment to the States for ratification. This is a thoughtful and well-reasoned resolution. Many other States have made similar resolutions. Our Nation is on the precipice of the most predictable fiscal disaster in our history and Congress has failed to act to remove the danger. U.S. gross Federal debt is now over \$16.3 trillion; U.S. debt per person is over \$53,000, higher than that of Greece; and for the fourth straight year, our Nation's deficit will exceed \$1 trillion. The Federal Government cannot continue spending more than it takes in, and the people of Alabama clearly know that.

The American people understand the necessity of living within one's means and balancing budgets. We see that as American families across the Nation are working to pay off their debt. In

fact, American families have improved their balance sheets by reducing their outstanding credit card debt by 17 percent since 2008, over \$150 billion. The people expect no less of their State governments. Forty-three of the 50 States, including my home State of Alabama, have balanced budget requirements.

Unfortunately, as States and families across the Nation cut spending and balance budgets, the Federal Government continues to spend more and has increased its debt by more than \$4 trillion since 2008. This spending course will at some point wreck our economy, just as it has wrecked that of Greece, Spain, and Italy. Now, more than ever, it is crucial that Congress adopt a balanced budget amendment and send it to the States for ratification. The surging debt crisis we face is so significant that we must have a balanced budget constitutional amendment. It has come close to passing before. When Senators and Congressmen have no alternative but to live within their means, like so many of our States, they will figure out a way to do it. But if Congress is not required by the Constitution to budget responsibly, then history has shown that Congress will not act responsibly.

The people of Alabama understand these issues and the importance of balancing the budget. That is why the Alabama State Legislature has passed a resolution urging Congress to send a balanced budget amendment to the States for ratification. The people of Alabama are well aware of the dangers we face. Introduced by Senator Arthur Orr of Decatur, AL, with several of his colleagues in the legislature, this resolution acknowledges that "the budget deficits of the United States of America are unsustainable and constitute substantial threat to the United States government." The resolution calls for Congress to pass a balanced budget amendment, and if the Congress fails to do so, then for Congress to call a constitutional convention to propose such an amendment. I applaud Senator Orr and his colleagues, Senators Scofield, Sanford, Holtzclaw, Williams, McGill, and Beason, for bringing attention to this issue and introducing this resolution. We will only see more grassroots movements like this to pass a balanced budget amendment if Washington continues to fail to meet the challenges of our time.

It is not just my constituents in Alabama who are upset. Recent polling has shown that this Congress has one of the lowest approval ratings in history. The American people are becoming disillusioned and losing faith in their elected government as we fail to address the crises of our day. Indeed, we are not even working openly to deal with this great challenge. It is sad that Congress cannot even perform its basic business, as seen in the failure of the Senate to

pass one regular appropriations bill this year or a budget in nearly 4 years.

The Senate is supposed to be the world's great deliberative body. Unfortunately, the leader of this body and his majority party will not even propose a budget to the American people. When I came to the Senate in 1997, I voted for a balanced budget amendment that fell one vote short of the 67 it required for adoption. How much better off would we have been today, how much less debt would we have placed on our children and grandchildren had that amendment been passed? Last year, Republicans put forward a plan to cut, cap, and balance our Nation's budget which would have solved all our fiscal problems. But the Democrat majority would not let it pass.

I applaud the members of the Alabama legislature for adopting and Governor Robert Bentley for signing this resolution. House Speaker Mike Hubbard and Senate Pro Tempore Del Marsh and their members have spoken clearly. This resolution exhibits leadership and wisdom not found here in Washington, DC. It is time we listen to the States and to our constituents and adopt a balanced budget amendment to the United States Constitution.

Mr. President, I ask unanimous consent to have printed in the RECORD this resolution adopted by the Alabama Legislature and signed by Governor Robert Bentley urging the United States Congress to submit a balanced budget amendment to the States or to call a convention to propose such an amendment to the United States Constitution.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Whereas, the reluctance of the federal government to incur debt and other obligations was established early in American history, with deficits occurring only in relation to extraordinary circumstances such as war; yet for much of the 20th century and into the 21st, the United States has operated on a budget deficit, including the 2010 budget year, which surpassed an astounding \$1,300,000,000,000, an annual deficit that exceeded the entire gross state product of many of the states; and

Whereas, an exception to this pattern was at the turn of the 21st century; in FY 2001, America enjoyed a \$128 billion budget surplus; and

Whereas, since FY 2001, America has been burdened with 10 consecutive years of deficits, to-wit:

FY 2002: \$158 billion deficit  
FY 2003: \$377 billion deficit  
FY 2004: \$413 billion deficit  
FY 2005: \$318 billion deficit  
FY 2006: \$248 billion deficit  
FY 2007: \$161 billion deficit  
FY 2008: \$459 billion deficit  
FY 2009: \$1.4 trillion deficit  
FY 2010: \$1.3 trillion deficit  
FY 2011: \$1.5 trillion deficit (estimated); and

Whereas, as of January 2011, America's accumulated national debt exceeded \$12 trillion now estimated at over \$13 trillion; and

Whereas, the Congressional Budget Office projects that, if current trends continue under the White House's proposed budget, each of the next 10 years has a projected deficit exceeding \$600 billion and

Whereas, the budget deficits of the United States of America are unsustainable and constitute a substantial threat to the solvency of the federal government as evidenced by the comments of Standard and Poor's on April 18, 2011, regarding the longer term credit outlook for the United States; and

Whereas, Congress has been unwilling or unable to address the persistent problem of overspending and has recently increased the statutory limit on the public debt and enacted a variety of legislation that will ultimately cause the federal government to incur additional debt; and

Whereas, the National Commission on Fiscal Responsibility and Reform in its report *The Moment of Truth* includes recommendations to reduce the Federal deficit that have not been considered by the United States Congress; and

Whereas, the consequences of current spending policies are far-reaching; United States indebtedness to governments of foreign nations continues to rise; costly federal programs that are essentially unfunded or underfunded; mandates to states threaten the ability of state and local governments to continue to balance their budgets; moreover, future generations of Americans inevitably face increased taxation and a weakened economy as a direct result of the bloated debt; and

Whereas, many states have previously requested that Congress propose a constitutional amendment requiring a balanced budget, but Congress has proven to be unresponsive; anticipating situations in which Congress at times could fail to act, the drafters of the United States Constitution had the foresight to adopt the language in Article V that establishes that on application of the Legislatures of two-thirds of the several states, Congress shall call a convention for proposing amendments; and

Whereas, in prior years the Alabama Legislature has called on Congress to pass a Balanced Budget Constitutional Amendment, many other states have done the same, all to no avail; and

Whereas, a balanced budget amendment would require the government not to spend more than it receives in revenue and compel lawmakers to carefully consider choices about spending and taxes; by encouraging spending control and discouraging deficit spending, a balanced budget amendment will help put the nation on the path to lasting prosperity; Now therefore, be it

*Resolved by the Legislature of Alabama, both Houses thereof concurring*, That the Legislature of the State of Alabama hereby respectfully urges the Congress of the United States to propose and submit to the states for ratification a federal balanced budget amendment to the United States Constitution; and be it further

*Resolved*, That, in the event that Congress does not submit a balanced budget amendment to the states for ratification on or before December 31, 2011, the Alabama Legislature hereby makes application to the United States Congress to call a convention under Article V of the United States Constitution for the specific and exclusive purpose of proposing an amendment to that Constitution requiring that, in the absence of a national emergency (as determined by the positive vote of such members of each house of Congress as the amendment shall require), the

total of all federal appropriations made by Congress for any fiscal year not exceed the total of all federal revenue for that fiscal year; and be it further

*Resolved*, That, unless rescinded by a succeeding Legislature, this application by the Alabama Legislature constitutes a continuing application in accordance with Article V of the United States Constitution until at least two-thirds of the Legislatures of the several states have made application for a convention to provide for a balanced budget; and be it further

*Resolved*, That, in the event that Congress does not submit a balanced budget amendment to the states for ratification on or before December 31, 2011, the Alabama Legislature hereby requests that the legislatures of each of the several states that compose the United States apply to Congress requesting Congress to call a convention to propose such an amendment to the United States Constitution; and be it further

*Resolved*, That this application is rescinded in the event that a convention to propose amendments to the United States Constitution includes purposes other than providing for a balanced federal budget; and be it further

*Resolved*, That the copies of this resolution be provided to the following officials:

1. The President of the United States.
  2. The Speaker of the United States House of Representatives.
  3. The President of the United States Senate.
  4. All members of the Alabama Delegation to Congress with the request that this resolution be officially entered in the Congressional Record as an application to the Congress of the United States of America for a convention to propose an amendment to provide for a federal balanced budget in the event that Congress does not submit such an amendment to the states for ratification on or before December 31, 2011; and be it further
- Resolved*, That copies of this resolution be provided to the Secretaries of State and to the presiding officers of the Legislatures of the other states.

#### ADDITIONAL STATEMENTS

##### IN MEMORY OF LOST LIVES

Mr. LIEBERMAN. Mr. President, I rise in honor of the innocent lives that were lost in Newtown, CT, on December 14, when a madman murdered 26 students, teachers, and administrators, as well as his own mother. The terrible act of violence that occurred that day has left the whole Nation wounded and shaken. In the wake of this tragedy, Mr. Albert Caswell penned the following poem:

##### WE NOW SO WEEP

IN MEMORY OF ALL THE LOST LIVES AND THE TRAGEDY AT SANDY HOOK ELEMENTARY SCHOOL  
(By Albert Carey Caswell)

We Now So Weep  
We . . .  
We now so weep . . .  
All in our hearts so very deep!  
All in this pain to so repeat!  
Forever now so to keep!  
We now so weep!  
And from all of this heartache!  
What must we now so take!  
And what sense from all of this,

must we now so make?  
All so very deep,  
deep down inside all of our souls to so create  
. . .

That there is a battle!  
And there is a fight!  
That which but so rages on this very night!  
Of Good Vs. Evil . . .  
Of wrong or so right!  
And that hate is hard,  
as it makes me weep!  
It makes me cry!

When, I so see those tears in your parent's eyes!  
And that our moments together upon this earth,

are such so very short ones there so first!  
So hold your families close,  
and always remember what but means the most!

All in your hearts so very deep!  
As all across this nation,  
we now so weep . . .

As the tears run down our faces so deep!  
At this evil our souls so tries to defeat!  
All in these our darkest hours of heartbreak,  
which now so beat . . .

As it's for them we now so weep!  
And for all of those love ones,  
who so lost their most precious daughters and sons . . .

Thy Kingdom Come,  
for heaven but lies for each of them!  
Their parent's most precious children so to keep!

And for all of those educators,  
who were so slain so all in such grief!  
Knowing full well,  
all of the pain that their loved ones must now so keep!

The kind of pain,  
that which only Heaven can bring such relief!

For a child!  
Is but the very hope of the world!  
So very innocent and so very precious,  
oh such beautiful little boys and so girls . . .  
With their sweet little smiles unto us as so unfurled . . .

As all around them such happiness so swirls  
. . .  
Touching all of our hearts,  
as was their part,  
these most precious boys and so girls!  
With their little voices and so little curls  
. . .

And who could so cast out such vile evil upon as so hurled?  
Because, a child is but The Brightest of All Lights!

The Brightest of all Bright!  
So listen on the wind,  
and you will hear this my friend . . .  
our Lord crying for all of them!  
To take a child's life,  
but stands at the very top of evil's darkest of all heights!

With all of their futures so up ahead,  
so very shiny and bright!  
As it's for all of them,  
we now so weep!

And for all of those dedicated teachers,  
whose very being was to so nurture our true heart's delights!

Who so heroically towards evil so ran,  
"lock the doors, look the doors",  
as she so cried out all in her most courageous fight!

As all of their children are but so now motherless now!

As a young teacher who so hid her children,  
to so escape past a door,  
as the evil came in she so fooled and so lured  
. . .

sacrificing herself . . .  
All so they could escape,  
why now up in heaven she's so adored!  
Our children,  
are but our most precious of all gifts from above!

For these are our greatest gifts to our world,  
of our true loves!  
Such sheer delights!  
As no more joyful Christmas mornings,  
will they so see so in sight . . .  
Or Hanukkah's,  
so surrounded by their families with such smiles so very bright!

Not to grow up to be so very tall!  
Not to have children at all . . .  
Oh but the sad shame of it all!  
No Weddings, No Birthdays, No Proms, or Graduations for one and all!

As a parent's greatest of all nightmares,  
has now come to call!  
To bury our children,  
with tears in eyes to their knees they now fall!

As out across this nation,  
we so try to so make sense of it all . . .  
But, the answer is so very clear,  
as it's as old as time is so here!  
It's The Struggle!  
It's The Fight!  
As out across this great nation . . .  
I bid to you to so hold your families close  
. . .

On this very night!  
And remember our love and time together,  
but means the most!  
And that this battle is not over,  
so wrap your hearts all in this clover,  
of all of those teachers love and courage so showed!

All in that selfless sacrifice!  
Because, the darkness is no match . . .  
for the light in our hearts that which evil ignites!

Goodness!  
Evil!  
Darkness!  
Light!  
Those brave hearts who evil must fight!  
Who bring their light!  
As against the darkest of all evils,  
as onward we fight!

Rise!  
Rise Up To Heaven My Child,  
with but tears in your eyes!  
As our Lord's Littlest of Angels now so fill the skies!  
And do not so worry because in our Lord's arms you now lie!

Mommy!  
Daddy!  
I'm already in Heaven so don't you so cry!  
Up here, there are candy canes to so taste,  
and Christmas trains to so ride!  
And there are puppies up in heaven,  
and the most beautiful of all butterflies . . .  
And because you won't ever turn seven it now makes me so cry!

And when their comes a gentle rain,  
your tear drops shall wash down upon your parents to so ease their pain . . .  
Until, one day up in Heaven you shall all so meet again . . .

And you won't have to cry anymore!  
Mothers, Fathers, Sisters, Brothers, Grand Parents and all the others . . .

Somehow!  
Someway!  
Find the strength on this day!  
All in what their short live's so had to say!  
And so try!  
To so carry them all in your hearts out on your way!

As you so wipe all of those tears from your eyes . . .

And from out of all of this heartache you must so realize,  
that your children and your loved ones are  
Angels now up in Heaven on high!  
And isn't that but where we all so wish to  
wake, so you and I?  
Goodness!  
Evil!  
Darkness!  
Light!  
Those brave hearts who evil must fight!  
Together in enjoined,  
as we battle on into the darkest of all nights!  
And now we so weep!  
Amen!

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 847. A bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes (Rept. No. 112-264).

By Mr. AKAKA, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1763. A bill to decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes (Rept. No. 112-265).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2251. A bill to designate the United States courthouse located at 709 West 9th Street, Juneau, Alaska, as the Robert Boochever United States Courthouse.

S. 2326. A bill to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL:

S. 3710. A bill to amend the Carl D. Perkins Career and Technical Education Act of 2006 to establish a career and technical innovation fund; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself and Mr. FRANKEN):

S. 3711. A bill to provide secondary school students with the opportunity to participate in a high-quality internship program as part of a broader districtwide work-based learning program; to the Committee on Health, Education, Labor, and Pensions.

### ADDITIONAL COSPONSORS

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a co-

sponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3077

At the request of Mr. PORTMAN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Maine (Ms. COLLINS), the Senator from Georgia (Mr. ISAKSON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 3077, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 3659

At the request of Mr. CONRAD, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3659, a bill to repeal certain changes to contracts with Medicare Quality Improvement Organizations, and for other purposes.

### AMENDMENT NO. 3367

At the request of Mr. MERKLEY, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of amendment No. 3367 proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 3435. Mr. MERKLEY (for himself, Mr. LEE, Mr. COONS, Mr. WYDEN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. TESTER, and Mr. DURBIN) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years.

SA 3436. Mr. PAUL (for himself and Mr. LEE) proposed an amendment to the bill H.R. 5949, *supra*.

SA 3437. Mr. LEAHY (for himself, Mr. DURBIN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. AKAKA, and Mr. COONS) proposed an amendment to the bill H.R. 5949, *supra*.

SA 3438. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5949, *supra*; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 3435.** Mr. MERKLEY (for himself, Mr. LEE, Mr. COONS, Mr. WYDEN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. TESTER, and Mr. DURBIN) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; as follows:

At the appropriate place, insert the following:

### SEC. — DISCLOSURE OF DECISIONS, ORDERS, AND OPINIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) FINDINGS.—Congress finds the following:

(1) Secret law is inconsistent with democratic governance. In order for the rule of law to prevail, the requirements of the law must be publicly discoverable.

(2) The United States Court of Appeals for the Seventh Circuit stated in 1998 that the "idea of secret laws is repugnant".

(3) The open publication of laws and directives is a defining characteristic of government of the United States. The first Congress of the United States mandated that every "law, order, resolution, and vote [shall] be published in at least three of the public newspapers printed within the United States".

(4) The practice of withholding decisions of the Foreign Intelligence Surveillance Court is at odds with the United States tradition of open publication of law.

(5) The Foreign Intelligence Surveillance Court acknowledges that such Court has issued legally significant interpretations of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that are not accessible to the public.

(6) The exercise of surveillance authorities under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), as interpreted by secret court opinions, potentially implicates the communications of United States persons who are necessarily unaware of such surveillance.

(7) Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861), as amended by section 215 of the USA PATRIOT Act (Public Law 107-56; 115 Stat. 287), authorizes the Federal Bureau of Investigation to require the production of "any tangible things" and the extent of such authority, as interpreted by secret court opinions, has been concealed from the knowledge and awareness of the people of the United States.

(8) In 2010, the Department of Justice and the Office of the Director of National Intelligence established a process to review and declassify opinions of the Foreign Intelligence Surveillance Court, but more than two years later no declassifications have been made.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of section 501 or section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 and 1881a) should be declassified in a manner consistent with the protection of national security, intelligence sources and methods, and other properly classified and sensitive information.

(c) REQUIREMENT FOR DISCLOSURES.—

(1) SECTION 501.—

(A) IN GENERAL.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

"(i) DISCLOSURE OF DECISIONS.—

"(1) DECISION DEFINED.—In this subsection, the term 'decision' means any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of this section.

“(2) REQUIREMENT FOR DISCLOSURE.—Subject to paragraphs (3) and (4), the Attorney General shall declassify and make available to the public—

“(A) each decision that is required to be submitted to committees of Congress under section 601(c), not later than 45 days after such opinion is issued; and

“(B) each decision issued prior to the date of the enactment of the \_\_\_\_\_ Act that was required to be submitted to committees of Congress under section 601(c), not later than 180 days after such date of enactment.

“(3) UNCLASSIFIED SUMMARIES.—Notwithstanding paragraph (2) and subject to paragraph (4), if the Attorney General makes a determination that a decision may not be declassified and made available in a manner that protects the national security of the United States, including methods or sources related to national security, the Attorney General shall release an unclassified summary of such decision.

“(4) UNCLASSIFIED REPORT.—Notwithstanding paragraphs (2) and (3), if the Attorney General makes a determination that any decision may not be declassified under paragraph (2) and an unclassified summary of such decision may not be made available under paragraph (3), the Attorney General shall make available to the public an unclassified report on the status of the internal deliberations and process regarding the declassification by personnel of Executive branch of such decisions. Such report shall include—

“(A) an estimate of the number of decisions that will be declassified at the end of such deliberations; and

“(B) an estimate of the number of decisions that, through a determination by the Attorney General, shall remain classified to protect the national security of the United States.”.

(2) SECTION 702.—Section 702(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(1)) is amended by adding at the end the following:

“(4) DISCLOSURE OF DECISIONS.—

“(A) DECISION DEFINED.—In this paragraph, the term ‘decision’ means any decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes significant construction or interpretation of this section.

“(B) REQUIREMENT FOR DISCLOSURE.—Subject to subparagraphs (C) and (D), the Attorney General shall declassify and make available to the public—

“(i) each decision that is required to be submitted to committees of Congress under section 601(c), not later than 45 days after such opinion is issued; and

“(ii) each decision issued prior to the date of the enactment of the \_\_\_\_\_ Act that was required to be submitted to committees of Congress under section 601(c), not later than 180 days after such date of enactment.

“(C) UNCLASSIFIED SUMMARIES.—Notwithstanding subparagraph (B) and subject to subparagraph (D), if the Attorney General makes a determination that a decision may not be declassified and made available in a manner that protects the national security of the United States, including methods or sources related to national security, the Attorney General shall release an unclassified summary of such decision.

“(D) UNCLASSIFIED REPORT.—Notwithstanding subparagraphs (B) and (C), if the Attorney General makes a determination that any decision may not be declassified under subparagraph (B) and an unclassified summary of such decision may not be made

available under subparagraph (C), the Attorney General shall make available to the public an unclassified report on the status of the internal deliberations and process regarding the declassification by personnel of Executive branch of such decisions. Such report shall include—

“(i) an estimate of the number of decisions that will be declassified at the end of such deliberations; and

“(ii) an estimate of the number of decisions that, through a determination by the Attorney General, shall remain classified to protect the national security of the United States.”.

**SA 3436.** Mr. PAUL (for himself and Mr. LEE) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . FOURTH AMENDMENT PRESERVATION AND PROTECTION ACT OF 2012.**

(a) SHORT TITLE.—This section may be cited as the “Fourth Amendment Preservation and Protection Act of 2012”.

(b) FINDINGS.—Congress finds that the right under the Fourth Amendment to the Constitution of the United States of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures is violated when the Federal Government or a State or local government acquires information voluntarily relinquished by a person to another party for a limited business purpose without the express informed consent of the person to the specific request by the Federal Government or a State or local government or a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(c) DEFINITION.—In this section, the term “system of records” means any group of records from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular associated with the individual.

(d) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal Government and a State or local government is prohibited from obtaining or seeking to obtain information relating to an individual or group of individuals held by a third-party in a system of records, and no such information shall be admissible in a criminal prosecution in a court of law.

(2) EXCEPTION.—The Federal Government or a State or local government may obtain, and a court may admit, information relating to an individual held by a third-party in a system of records if—

(A) the individual whose name or identification information the Federal Government or State or local government is using to access the information provides express and informed consent to the search; or

(B) the Federal Government or State or local government obtains a warrant, upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**SA 3437.** Mr. LEAHY (for himself, Mr. DURBIN, Mr. FRANKEN, Mrs. SHAHEEN, Mr. AKAKA, and Mr. COONS) proposed an amendment to the bill H.R. 5949, to ex-

tend the FISA Amendments Act of 2008 for five years; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “FAA Sunsets Extension Act of 2012”.

**SEC. 2. EXTENSION OF FISA AMENDMENTS ACT OF 2008 SUNSET.**

(a) EXTENSION.—Section 403(b)(1) of the FISA Amendments Act of 2008 (Public Law 110-261; 50 U.S.C. 1881 note) is amended by striking “December 31, 2012” and inserting “June 1, 2015”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 403(b)(2) of such Act (Public Law 110-261; 122 Stat. 2474) is amended by striking “December 31, 2012” and inserting “June 1, 2015”.

(c) ORDERS IN EFFECT.—Section 404(b)(1) of such Act (Public Law 110-261; 50 U.S.C. 1801 note) is amended in the heading by striking “DECEMBER 31, 2012” and inserting “JUNE 1, 2015”.

**SEC. 3. INSPECTOR GENERAL REVIEWS.**

(a) AGENCY ASSESSMENTS.—Section 702(1)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(1)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking “authorized to acquire foreign intelligence information under subsection (a)” and inserting “with targeting or minimization procedures approved under this section”; and

(2) in subparagraph (C), by inserting “United States persons or” after “later determined to be”; and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by striking “such review” and inserting “review conducted under this paragraph”; and

(B) in clause (ii), by striking “and” at the end;

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii), the following:

“(iii) the Inspector General of the Intelligence Community; and”.

(b) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—Section 702(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(1)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REVIEW.—

“(A) IN GENERAL.—The Inspector General of the Intelligence Community is authorized to review the acquisition, use, and dissemination of information acquired under subsection (a) in order to review compliance with the targeting and minimization procedures adopted in accordance with subsections (d) and (e) and the guidelines adopted in accordance with subsection (f), and in order to conduct the review required under subparagraph (B).

“(B) MANDATORY REVIEW.—The Inspector General of the Intelligence Community shall review the procedures and guidelines developed by the intelligence community to implement this section, with respect to the protection of the privacy rights of United States persons, including—

“(i) an evaluation of the limitations outlined in subsection (b), the procedures approved in accordance with subsections (d) and (e), and the guidelines adopted in accordance with subsection (f), with respect to the protection of the privacy rights of United States persons; and



“(ii) an evaluation of the circumstances under which the contents of communications acquired under subsection (a) may be searched in order to review the communications of particular United States persons.

“(C) CONSIDERATION OF OTHER REVIEWS AND ASSESSMENTS.—In conducting a review under subparagraph (B), the Inspector General of the Intelligence Community should take into consideration, to the extent relevant and appropriate, any reviews or assessments that have been completed or are being undertaken under this section.

“(D) REPORT.—Not later than December 31, 2014, the Inspector General of the Intelligence Community shall submit a report regarding the reviews conducted under this paragraph to—

“(i) the Attorney General;

“(ii) the Director of National Intelligence; and

“(iii) consistent with the Rules of the House of Representatives, the Standing Rules of the Senate, and Senate Resolution 400 of the 94th Congress or any successor Senate resolution—

“(I) the congressional intelligence committees; and

“(II) the Committees on the Judiciary of the House of Representatives and the Senate.

“(E) PUBLIC REPORTING OF FINDINGS AND CONCLUSIONS.—In a manner consistent with the protection of the national security of the United States, and in unclassified form, the Inspector General of the Intelligence Community shall make publicly available a summary of the findings and conclusions of the review conducted under subparagraph (B).”.

#### SEC. 4. ANNUAL REVIEWS.

Section 702(1)(4)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(1)(4)(A)), as redesignated by section 3(b)(1), is amended—

(1) in the matter preceding clause (i)—

(A) in the first sentence—

(i) by striking “conducting an acquisition authorized under subsection (a)” and inserting “with targeting or minimization procedures approved under this section”; and

(ii) by striking “the acquisition” and inserting “acquisitions under subsection (a)”; and

(B) in the second sentence, by striking “The annual review” and inserting “As applicable, the annual review”; and

(2) in clause (iii), by inserting “United States persons or” after “later determined to be”.

**SA 3438.** Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; which was ordered to lie on the table.

At the appropriate place, insert the following:

#### SEC. —. CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS.

Section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) is amended—

(1) in subsection (b), by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting such subparagraphs, as so redesignated, an additional two ems from the left margin;

(2) by striking “An acquisition” and inserting the following:

“(1) IN GENERAL.—An acquisition”; and

(3) by adding at the end the following:

“(2) CLARIFICATION ON PROHIBITION ON SEARCHING OF COLLECTIONS OF COMMUNICATIONS OF UNITED STATES PERSONS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), no officer or employee of the United States may conduct a search of a collection of communications acquired under this section in an effort to find communications of a particular United States person (other than a corporation).

“(B) CONCURRENT AUTHORIZATION AND EXCEPTION FOR EMERGENCY SITUATIONS.—Subparagraph (A) does not apply to a search for communications related to a particular United States person if—

“(i) such United States person is the subject of an order or emergency authorization authorizing electronic surveillance or physical search under section 105, 304, 703, 704, or 705, or title 18, United States Code, for the effective period of that order;

“(ii) the entity carrying out the search has a reasonable belief that the life or safety of such United States person is threatened and the information is sought for the purpose of assisting that person; or

“(iii) such United States person has consented to the search.”.

#### MEASURES CONSIDERED EN BLOC

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from the following postal naming bills en bloc: H.R. 2338 and H.R. 3892; that the Senate proceed to their consideration and the consideration of the following bills, en bloc, which were received from the House and are at the desk: H.R., 3869, H.R. 4389, H.R. 6260, H.R. 6379, and H.R. 6587.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. SCHUMER. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2338) to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the “Harry T. and Harriette Moore Post Office,” the bill (H.R. 3892) to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the “Lance Corporal Victor A. Dew Post Office,” the bill (H.R. 3869) to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sidney ‘Sid’ Sanders McMath Post Office Building,” the bill (H.R. 4389) to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the “Cecil E. Bolt Post Office,” the bill

(H.R. 6260) to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the “Lieutenant Kenneth M. Ballard Memorial Post Office,” the bill (H.R. 6379) to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the “Representative Curtis B. Inabinett, Sr. Post Office,” and the bill (H.R. 6587) to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the “Postal Inspector Terry Asbury Post Office Building,” were ordered to a third reading, were read the third time, and passed.

#### KAY BAILEY HUTCHISON SPOUSAL IRA

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 3667 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3667) to rename section 219(c) of the Internal Revenue Code of 1986 as the KAY BAILEY HUTCHISON Spousal IRA.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3667) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3667

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. KAY BAILEY HUTCHISON SPOUSAL IRA.

The heading of subsection (c) of section 219 of the Internal Revenue Code of 1986 is amended by striking “SPECIAL RULES FOR CERTAIN MARRIED INDIVIDUALS” AND INSERTING “KAY BAILEY HUTCHISON SPOUSAL IRA”.

#### ORDERS FOR FRIDAY, DECEMBER 28, 2012

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Friday, December 28, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume

consideration of H.R. 5949, the FISA bill, under the previous order; and that following the disposition of H.R. 5949, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill, under the previous order; and further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SCHUMER. Mr. President, the first vote tomorrow will be at approximately 9:45 a.m. There will be several rollcall votes beginning at that time in order to complete action on the FISA bill and on the supplemental bill. Additional rollcall votes in relation to executive nominations are possible as well.

ADJOURNMENT UNTIL 9 A.M.  
TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:47 p.m., adjourned until Friday, December 28, 2012, at 9 a.m.

## EXTENSIONS OF REMARKS

### SUPPORT FOR H.R. 1509, MEDICARE IDENTITY THEFT PREVENTION ACT OF 2011

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 27, 2012*

Mr. LEVIN. Mr. Speaker, I support H.R. 1509, the Medicare Identity Theft Prevention Act. There has been longstanding bipartisan support—led by Ways and Means Members LLOYD DOGGETT and SAM JOHNSON—for removing Social Security numbers from Medicare beneficiary cards. A similar bill passed the House all the way back in 2008, but the Senate failed to act. No progress has been made on this issue in the intervening years.

That said, I must express concern about violating regular order in bringing this bill to the floor today. There are technical edits that we believe are important to make before it is signed into law. Unfortunately, because it didn't move through the committee process, such changes are impossible under the suspension of the rules.

Removing Social Security numbers is one step to protecting beneficiaries from identity theft. The Social Security number is especially valuable to identity thieves as it serves as the key to authenticating an individual's identity in order to open accounts or obtain other benefits in the victim's name. Identity theft can be particularly devastating to seniors because their incomes are so modest.

We have held hearings on these issues and our Members have voted for these protections numerous times. No one can question our commitment here. But I would urge that we work to make sure that the Centers for Medicare and Medicaid Services and the Social Security Administration are provided appropriate funds for such a large undertaking as it has been the cost and complexity which has held up this issue for so long.

The Social Security number is printed on the Medicare card beneficiaries carry in their wallets. It is used for communication between the beneficiary and Medicare, providers billing Medicare, enrollment transactions with Medicare Advantage plans and Medicare prescription drug plans, and communications within and between Medicare's 50 internal information systems and between Medicare and the Social Security Administration.

This is not as simple as printing new cards as some would lead us to believe. It requires revising numerous computer systems as well as significant beneficiary and provider education. And, there are serious risks to beneficiaries' access to care and out-of-pocket costs if mistakes are made.

The cost will likely be in the hundreds of millions. Yet, the Medicare agency and Social Security Administration have been underfunded by Republicans for years. They are

working with minimal administrative budgets. This bill improves on the 2008 legislation passed with bipartisan support because it provides funding. But we must make sure that the funding is sufficient and that both the Medicare agency and Social Security Administration equitably access these funds.

### TRIBUTE TO THE BAKERSFIELD COLLEGE RENEGADE FOOTBALL TEAM

**HON. KEVIN MCCARTHY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 27, 2012*

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor the Bakersfield College Renegades, who captured the 2012 California Community College Athletic Association (CCCCAA) State Championship in football on December 8, 2012.

Winning this championship was truly a team effort on both the offensive and defensive side of the ball. But this thrilling victory was the product of months of skill, hard work, and unequivocal determination to win from every player, coach, and support staff—from summer practices, to winning the first game of the season against Santa Ana College, to defeating City College of San Francisco in the championship game, 35–14. Overcoming obstacles early in the season, this team practiced consistency and perseverance throughout the rest of the season to cap off an amazing 11–2 record, winning games by an average margin of over three touchdowns.

This championship is also a milestone for Bakersfield College, winning its first CCAA state championship in football and paving the road for future victories. From the first game of the season at Memorial Stadium, our community has been 100% behind this football team, packing the stadium with roaring crowds, especially the championship game at home.

Above all, what makes this achievement so special has been the players' appreciation for each other as they fought hard for victories this season, never losing sight of their ultimate goal—the CCAA state championship. Players often said they never lost faith and kept pushing each other to ensure win after win. Embodying the team concept, when running back Jalen Sykes, the team MVP, received his trophy after the title game, he handed it to another teammate saying, "This is for the offensive line."

I commend Renegade head coach Jeff Chudy and his coaching staff for their leadership and ability to mold this winning team. Coach Chudy brought all the players together so each one not only knew his individual responsibilities, but also knew of the importance of how the sum of each player's individual role cohesively formed a unit to successfully exe-

cute play after play, to win the day and ultimately the season.

As a former student at Bakersfield College, I join our community in congratulating the coaches and players for their achievement. The 2012 Renegade coaching staff includes: Head Coach Jeff Chudy, Defensive Coordinator/LB's Reggie Bolton, and Offensive Coordinator/QB's Carl Dean. The 2012 CCAA State Championship Renegade football team includes: Mercy Maston, Brian Burrell, Curtis McGregor, Franklin Simmons IV, Grant Campbell, Brock Martin, Robert Burns, Chris Hannible, Juan Carbajal, Kelyon Hollis, Aaron Kolb, Austin Tijeriana, Shannon James, Alfonso Jackson, Jr., Cody Jones, Daniel Cherry, Cole Murry, Chaz Adams, Hamid Camara, Sterling Fuggett, Tyler Schleicher, Joey Stuart, Donny Siewell, Walter Hunt, Brock Baize, Kwame Johnson, Jalen Sykes, Ryan Salinas, Salim Cleghorne, Mason Often, Keith Fingers, Daviyoun Golden, Osvaldo Sombo, Jim Leathers, Bruce Volaski, Zack Puente, Curtis Fainter, Brandon Tillman, John Oglesby, Beau-Riley Pearson, Kevin Boyer, Jorge Villarreal, Alex Cortez, Dominic Rutherford, Brodie Scott, John Christie, Josh Ringer, Braylen Lejander, Jordan Alvarez, Justin Verrell, Christian Barrios, Kenneth Dunston, Donovan Rutherford, Brandon Sarabia, Arturo Patino, Joseph Jaurez, Julio Regla, Ricardo Figueroa, Justin Wallace, Christian Soto, Hilberto Flores, Sebastian Prince, Leonel Del Toro, Ever Mondragon, Tyler Fries, Darryle Baker, Tim Martinez, John Palacios, Mike Dunn, Ron Douglas, Stewart Bandy, Hernan Rocha, Thomas Hearn, Tanner Melson, Dandy Hannible, Clinton Carter, Onosai Sotoa, Jacob Miller, and Randy Armstrong. On behalf of our proud community, Go Gades!

### HONORING ALLEN SHORT

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, December 27, 2012*

Mr. DENHAM. Mr. Speaker, I rise today with my colleague, Mr. COSTA, to acknowledge and honor Allen Short, General Manager of the Modesto Irrigation District, who is retiring on December 31, 2012 after 22 years of service to the agency that provides water and power to thousands of farms, homes and businesses in the San Joaquin Valley of California.

During the past two decades, Mr. Short also has been a leader among the Central Valley's other publically owned water and power agencies, spearheading efforts to develop agreements to meet environmental goals for the San Joaquin River system and the Bay-Delta estuary while protecting and enhancing the Valley's economically critical water and power resources.

Modesto Irrigation District and the neighboring Turlock Irrigation District hold some of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the oldest water rights in California. The two Districts jointly own Don Pedro Dam and Reservoir on the Tuolumne River. MID provides irrigation water for 59,000 acres of farm land, electricity for more than 113,000 retail accounts, and treated drinking water to the City of Modesto.

Prior to becoming General Manager in 1993, Mr. Short joined MID as its first Chief of Domestic Water Operations in 1990 and was named Chief—Water Resources and Rights Officer in 1992. That position included overseeing Irrigation Operations, Water Rights and Domestic Water Operations. He was responsible for overseeing the construction and operation of the new domestic water facility that MID completed in late 1994.

He had previously held positions as water division manager for the City of San Luis Obispo from 1985 to 1990 and as water treatment operator and treated water supervisor for Stockton East Water District from 1978 to 1985.

As General Manager of MID, Mr. Short has been actively involved in water policy matters at the local, state and federal levels. In the late 1990s, he was instrumental in the development of the Vernalis Adaptive Management Plan (VAMP), a 12-year program intended to protect San Joaquin River fall-run salmon; to gather information on the effect of San Joaquin river flows on delta environmental conditions and water supply operations, and; to provide flows from the Tuolumne River and other San Joaquin Tributaries to meet California's 1995 Water Quality Control Plan. Mr. Short played a major role in the development of the San Joaquin River Agreement to provide a framework for implementation of VAMP, which began in 2000, and he led non-federal implementation of the program as Coordinator of the San Joaquin River Tributaries Group Authority, an organization representing local water agencies on the Stanislaus, Tuolumne, Merced and San Joaquin Rivers.

In 2006 and 2008, Mr. Short worked closely with Senator Dianne Feinstein and Members of the San Joaquin Valley Delegation in the House to draft provisions for the San Joaquin River Restoration Settlement Act to protect the water supplies and operations of "Third-Party" agencies like MID during implementation of the San Joaquin River Restoration Settlement. He has continued to advocate for the interests of local public water agencies in the San Joaquin River Basin as a leading member of the San Joaquin River Tributaries Association.

Mr. Short also has been a leading voice on policy matters for public owned electric utilities in the Central Valley and throughout California. He is the former President of the California Public Utilities Association (CMUA), an 80-year-old organization that represents consumer-owned utilities before the California Legislature and regulatory bodies. While serving on the CMUA Board of Directors as its President, Mr. Short led a reorganization of CMUA to improve its effectiveness in representing the interests of public power agencies. He continues to serve on the CMUA Board of Governors.

Mr. Short also currently serves as Chairman of the Transmission Agency of Northern California (TANC), a joint powers authority composed of 15 public power agencies. TANC is

the Project Manager and largest participant in the California-Oregon Transmission Project, a 340-mile-long transmission line that brings power to California from the Pacific Northwest to improve the reliability of California's electric grid. Mr. Short joined TANC in 2003 as MID's Commissioner and was elected Chairman in 2008.

In addition, Mr. Short is the President of M-S-R Public Power Agency, an entity organized in 1980 by MID, Silicon Valley Power and the City of Redding Electric Utility to acquire electric generation and resources for its member agencies. In June, 2012, Mr. Short was invited by the House Committee on Energy and Commerce to testify on behalf of M-S-R and the Southern California Public Power Authority at a hearing about implementation of Federal Clean Air Act regulations.

After his retirement from MID, Mr. Short will serve as Executive Director of the San Joaquin Tributaries Authority, an organization formed in 2012 to represent local water agencies on the Stanislaus, Tuolumne and Merced Rivers.

Mr. Speaker, please join Mr. COSTA and me in honoring Modesto Irrigation District's General Manager Allen Short on his retirement and thank him for his exemplary leadership and service to the District.

#### MY FINAL SPEECH IN CONGRESS

### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 27, 2012

Mr. MANZULLO. Mr. Speaker, it's difficult for me to come to the floor today after 20 years in Congress and say "goodbye" to my constituents and fellow colleagues.

When I was 10 years old, I decided I wanted to be a Member of the United States House of Representatives. I want to thank everybody for making possible my boyhood dream. After I graduated from law school, I immediately settled in a town of 3,500 people, Oregon, Illinois, the county seat of Ogle County. I raised beef cattle on a small farm, and at age 38 met Freda, the woman who changed my life dramatically.

In 1990, I ran for Congress and lost in the primary. I decided I would not run again, until Freda encouraged me to fulfill that boyhood dream. In 1992, I won the March primary and the November election against incredible odds. How this unknown country lawyer, with no political experience and who lives outside a town of 42 people, could get elected to Congress is a testament to what we call the "American Dream."

During the Freshmen retreat in Baltimore, Kay Cole James, who later became President George W. Bush's Director of the Office of Personnel Management, warned us that if we ever took for granted the magnificence of the great monuments in Washington—the U.S. Capitol, the Lincoln, Jefferson, and Washington monuments—then it was time to leave. Every time I've seen those monuments—now thousands of times after 20 years—I've thought of Kay's wise counsel. And I've never grown tired of seeing them and what they stand for.

Swearing-in day, the first week of January of 1993, was overwhelming. I saw my name on the voting board and saw mom and Freda in the gallery. Our three kids were on the floor of the House with me. As the time came for us to raise our right hands to be sworn in, my life paraded in front of me within a few seconds: the little 10-year-old boy dreaming of this very moment, the virtually unbeatable odds to get elected, the unspeakable honor of becoming a Member of the House of Representatives, the lives given on battlefields to preserve this country's government, the people who had served from the time of the First Congress under the Constitution.

On swearing-in day, our family made a special trip to view the Emancipation Proclamation at the National Archives, where it was on display only for a few days. We had to get permission to get in before regular hours. Just the five of us stood in front of that document, and my heart pounded. I was from his State. He gave his life to protect the God-given freedom of others.

(The newspaper article written about that experience with the Emancipation Proclamation caught the eye of Loretta Carter Haynes, whose family members generations ago were slaves in Washington, D.C. For years she had been trying to get the National Park Service to ring the bells in the Old Post Office in downtown Washington to commemorate the District of Columbia emancipation act of April 16, 1862, which predated the more famous proclamation by Lincoln six months later. Our office intervened, and today those bells ring faithfully every April 16).

As the Speaker started the ceremony and asked us to raise our right hands and repeat the Oath, my eyes were flooded and my voice cracked as I tried to repeat the words of office, but was unable to voice them because of the awesomeness of the occasion. The kids looked at me then and at the next nine swearing-ins, when the same thing happened every time. This, perhaps, was one of those monuments of which Kay Cole James had spoken.

Committee Assignments are very important in Congress, but I chose two committees that many Members shy away from: Small Business, because I had been raised in small business my entire life and could relate to the people running small businesses, and Foreign Affairs, where I had developed an interest in international relations, especially Asia, when I studied at American University in Washington between 1964 and 1967. Four years later, I was also appointed to what is now known as the Financial Services Committee.

It's hard to imagine the significance of my choosing Small Business and Foreign Affairs committees, especially since few Members ever ask for them as their first choice. I eventually became the Chairman of the Small Business Committee in 2001, where I expanded the services of the Small Business Administration while cutting unneeded personnel by 25 percent and its budget by nearly \$300 million dollars over the course of my six-year term. Because of my interest in Asia and service on Foreign Affairs, the Speaker appointed me as the first Chairman of the US-China Inter-parliamentary Exchange.

There was an Exchange meeting in Beijing between me and President Jiang Zemin in

2003. As we were discussing various issues, I asked myself and prayed how I ended up with this great honor of representing the House of Representatives.

People have asked what I consider to be the most memorable events of my career. Was it interacting with presidents? Meeting a certain foreign leader? No: it has been the opportunity to mentor students and many of my young staff. In November of this year, I received a note from a constituent who also attends the same church as I do in Leaf River. He had helped in our 2012 primary. He wrote to me thanking me for a conversation I had with him in November of 1999 while he attended an annual Youth Conference I hosted. In his letter to me, he stated: "I shared with you some of the struggles I was experiencing as a new Christian in a hostile high school environment. Your words of encouragement touched me deeply, and you wrote me a note in my little book that I have kept for almost 13 years. I scanned this note today and wanted to send it to you as a way of saying thank you for being a mentor to me, both when I was just a kid in high school and now as an adult who is interested in a career in public service. Your model for serving the people of the United States as an extension of your service to God is something worthy of great respect and admiration."

He then attached a copy of the note I had written him: "November 19, 1999. Adam, continue to believe that people who really care need to stay involved, even when circumstances dictate the opposite. Be of good cheer. God Bless. Donald Manzullo, United States Congress."

I've always believed that God has a purpose and a plan for every life. After the 2012 primary, Freda and I received a letter from a lady who attends our church in Leaf River: "I know God has a plan for your lives so I'm not going to say I'm sorry about the outcome of the election—'cause I'm not. It's just time to put your fishing boat and nets away, and 'Follow Him.'"

Where He leads, I don't know.

In closing, my mind goes back to my dear, fellow Illinois congressman, Abraham Lincoln, who, in his Gettysburg address, stated: "The world will little note, nor long remember what we say here, but we can never forget what they did here. It is for us the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced."

Years from now no one may remember the many times I spoke on this House floor or the causes I championed. People might look at my portrait hanging in the Small Business Committee hearing room and wonder, "Who is he?" But the answer is simple. We all have a part in Lincoln's unfinished work. I am just one man, whose deep love for this country caused him to leave his private sector job and enter into a life of public service. For that great honor, I will always be grateful to the citizens of the 16th Congressional District of Illinois who allowed me to serve on their behalf. I encourage all Members to truly remember whom they represent: not a political party; not organizations but people.

#### TRIBUTE TO MARY JESSIE GONZALEZ ROQUE

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 27, 2012

Mr. GONZALEZ. Mr. Speaker, I rise today to recognize the life of a very special woman, Mary Jessie Gonzalez Roque, known by her friends as "Susie." She was an inspiring community leader, a trusted staff member, and a dear friend who is sadly no longer with us.

As all Representatives know, good staff makes a Member, and they are essential to the operations and effectiveness of Congress. Susie was a valued employee of mine who retired after thirty-three years of dedicated service to the 20th District of Texas.

Susie's parents immigrated to the United States from Mexico before she was born so that they might have a piece of the American dream. They raised Susie, their first born, and her four siblings in San Antonio. Susie exhibited her value of education throughout her elementary, high school, and college careers. She parlayed this love of education and her skill at helping others into a job as a teacher at Burbank High School in San Antonio during the 1970–1971 academic year.

In 1971, Susie obtained a summer job in the District Office of my father, the late U.S. Congressman Henry B. Gonzalez. She was hired full-time to handle casework for the 20th District of Texas and her summer job turned into a thirty-three-year career. Susie expressed pride in working for my father, a notable figure in Texas and U.S. politics. He was celebrated in San Antonio as being a man who gave a voice to those who could not speak for themselves. Susie was vital to my father's efforts in this endeavor because she worked in close contact with people who could not navigate through the often convoluted systems of federal bureaucracies by themselves.

I was blessed to be elected to represent the 20th District of Texas in 1998. Like my father before me, I recognize the value of providing good constituent services to those whom I represent. Therefore, I hired Susie to continue in her casework position so that she could continue to provide important services for constituents. Her many accomplishments led me to promote her to be my District Office Director.

Additionally, Susie was a leader in our community and an incredible advocate for Mexican-American women. She was one of the founding members of the Mexican American Business and Professional Women's Club of San Antonio. Throughout her life she fought to help Mexican-American women achieve equity in the workplace and the community.

In the five and one-half years that Susie worked for me, she proved herself invaluable to me, my staff, and the constituents of the 20th District of Texas. I am sincerely proud to count myself among those who have had the opportunity to know and work with Susie. She was part of the Gonzalez family. She was there not only for the ups and downs of political life, but she also shared in our family's joys and sorrows through the years. Her enduring dedication to serving the 20th Congress-

sional District will continue to set the standard for service to our community. Susie enriched all of our lives and that is why we mourn her today and will greatly miss her tomorrow.

#### COMMENDATION OF JEANNINE CAMPAU PALMS

#### HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 27, 2012

Mr. CLARKE of Michigan. Mr. Speaker, today I honor the contributions of Jeannine Campau Palms.

Ms. Palms has dedicated her life to preserving a safe and clean environment for future generations and working towards justice for all people. Among her many accomplishments, the creation of the Buhr Park Children's Wet Meadow is particularly noteworthy. The Buhr Park Children's Wet Meadow is a group of wet meadow ecosystems in Buhr Park, Ann Arbor, Michigan. The meadows preserve habitat for local plants and wildlife, filter stormwater runoff, and serve as an educational site for both children and adults.

The Buhr Park Children's Wet Meadow is one example of Ms. Palms' life's work. A life committed to creating sustainable communities, promoting social justice, and preserving our nation's natural resources.

#### H.R. 1845, THE MEDICARE IVIG ACCESS ACT

#### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 27, 2012

Mr. LEVIN. Madam Speaker, I support this bipartisan legislation, H.R. 1845, but I must express concern about once again violating regular order in bringing this bill to the floor today. Neither the IVIG Access Act nor the Strengthening Medicare and Repaying Taxpayers (SMART) Act went through the committee process, thus depriving Members of the opportunity to discuss these policies in an open forum.

One consequence of this lack of dialogue is that this bill does not provide any funding to the Centers for Medicare and Medicaid Services to implement the new Medicare Secondary Payer rules, something that could have been corrected in committee were Members able to do so. This is yet another example of placing additional burden on an already woefully underfunded administrative agency.

#### HONORING ROBERT NEES

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 27, 2012

Mr. DENHAM. Mr. Speaker, I rise today with my colleague, Mr. COSTA, to acknowledge and honor Robert Nees, Turlock Irrigation District's

Assistant General Manager for Water Resources, who is retiring on December 31, 2012; and to thank him for his dedicated 33-years service to the District.

Established in 1887, the Turlock Irrigation District, TID, was the first publicly owned irrigation district in the state. In 1893, TID built La Grange Dam on the Tuolumne River in partnership with Modesto Irrigation District, MID, to divert water into their canal systems. In addition, TID operates Don Pedro Dam, Reservoir and Power House, facilities that it owns jointly with MID. Today, TID provides irrigation water to more than 5,800 growers on 150,000 acres of farmland and serves electricity to 100,000 accounts.

Mr. Nees joined TID in 1979 as the District's Public Information Officer and developed TID's first legislative and public affairs program. In 1993, Mr. Nees became TID's Water Resources and Public Affairs Administrator, taking on responsibility for all of TID's water-related issues, and in 1995 he was named as TID's Assistant General Manager of Water Resources and Regulatory Affairs. Mr. Nees' current title is Assistant General Manager of Water Resources and his responsibilities include overseeing TID irrigation operations and working with local, state and federal agencies on issues affecting the District's water supply and hydroelectric operations.

In 1995, Mr. Nees helped negotiate a settlement agreement with the Federal Energy Regulatory Commission, FERC, MID, the City and County of San Francisco, CCSF, conservation groups and state and federal agencies. The

agreement included minimum stream flow schedules at La Grange Dam to benefit fish; a program to monitor Chinook salmon populations and habitat in the Tuolumne River; and programs and activities to enhance habitat in the Tuolumne River downstream of Don Pedro Dam.

The following year, Mr. Nees developed and implemented a communications plan for TID and participated in the development of the 1996 Fourth Agreement with the City and County of San Francisco that apportioned costs among CCSF, MID and TID arising from the Districts' responsibilities as FERC licensees for the Don Pedro Project hydroelectric facilities.

In 1998, Mr. Nees represented TID on the San Joaquin River Group Authority during development of the Vernalis Adaptive Management Plan, VAMP, and the San Joaquin River Agreement, which together established and implemented an alternative means of meeting the San Joaquin River flow objectives contained in the State Water Control Board's 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Initiated in 2000, the 12-year VAMP program also included protective measures for fall-run salmon and studies of how different San Joaquin River flow levels affect delta resources and water supply conditions.

Mr. Nees led TID's voluntary effort to develop a groundwater management plan that included mitigation of overdraft conditions, as well as conservation, recharge, and conjunctive-use activities. When state law made the

program mandatory in 2011, Mr. Nees oversaw TID's effort to comply with the requirements for agriculture water use efficiency and improved water measurement and conservation.

Mr. Nees also has been TID's lead on a variety of other complex water supply, operations and environmental compliance matters for the District. These include overseeing development of TID's municipal water treatment system, including the 2000–2002 installation of an infiltration gallery in the river to serve both as a future diversion point for a treatment facility for domestic water, and provide more river flow in the critical portion of the Tuolumne River below La Grange Dam for fish habitat.

Since 2009, Mr. Nees has worked on the relicensing by FERC of the Don Pedro Project. The current hydroelectric license expires in April 2016. Bob assembled a relicensing team consisting of TID, MID and outside consultants, and Bob has lead the team through all the key steps in the relicensing process, which is now nearing its conclusion.

Those of us who work on California water issues will miss Mr. Nees' expertise and his calm and steady hand.

Mr. Speaker, please join Mr. COSTA and me in honoring Turlock Irrigation District's Assistant General Manager for Water Resources, Robert Nees on his retirement and thank him for his exemplary leadership and service to the District.

## SENATE—Friday, December 28, 2012

The Senate met at 9 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O mighty God before whom the generations rise and pass away, watch over America and use our Senators to keep it strong and good. Imprint upon their hearts such reverence for You that they will be ashamed and afraid to offend You. Remind them that their thoughts, words, and deeds are under divine scrutiny. Bless the many others who work faithfully on Capitol Hill and whose labors bring dignity and efficiency to the legislative process.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, December 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. DURBIN. Mr. President, following leader remarks, the Senate will begin consideration of H.R. 5949, the FISA reauthorization bill. At approxi-

mately 9:45 a.m. this morning, there will be several, up to 25, rollcall votes in order to complete action on the FISA bill and on the supplemental appropriations bill. The Senate will recess from 12:30 p.m. to 2:15 p.m. to allow for caucus meetings.

Additional votes in relation to executive nominations are possible today.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012

The ACTING PRESIDENT pro tempore. The Senate will proceed to the consideration of H.R. 5949, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5949) to extend the FISA Amendments Act of 2008 for five years.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

AMENDMENT NO. 3439

Mr. WYDEN. I ask unanimous consent to call up my amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. COONS, and Mr. BAUCUS proposes an amendment numbered 3439.

Mr. WYDEN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on the impact of the FISA Amendments Act of 2008 on the privacy of the people of the United States)

At the end, add the following:

### SEC. 5. REPORT ON THE IMPACT OF THE FISA AMENDMENTS ACT OF 2008 ON THE PRIVACY OF THE PEOPLE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) The central provision of the FISA Amendments of 2008 (Public Law 110-261; 122 Stat. 2436) enacted section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) which provides the government authority to collect the communications of persons reasonably believed to be citizens of foreign countries who are located outside the United States.

(2) Such section 702 contained restrictions regarding the acquisition of the communications of United States persons which were intended to protect the privacy of United States persons and prevent intelligence agencies from using the authority in such section to deliberately read or listen to the communications of specific United States persons without obtaining a warrant or emergency authorization to do so.

(3) Estimating the total number of communications to or from the United States collected under the authority in such section 702 would provide an indication of the degree to which collection carried out under such section has impacted the privacy of United States persons.

(4) Estimating the number of wholly domestic communications collected under the authority in such section 702 would provide a particularly significant indication of the degree to which collection carried out under this authority has impacted the privacy of United States persons.

(5) While Congress did not intend to provide authority in such section 702 for elements of the intelligence community to deliberately review the communications of specific United States persons without obtaining individual warrants or emergency authorizations to do so, such section 702 does not include a specific prohibition against this action, and the people of the United States have a right to know whether elements of the intelligence community have deliberately searched through communications collected under such section 702 to find the communications of specific United States persons.

(6) Despite requests from numerous Senators, the Director of National Intelligence has declined to state publicly whether—

(A) any entity has made an estimate of the number of United States communications that have been collected under such section 702;

(B) any wholly domestic communications have been collected under such section 702; or

(C) any element of the intelligence community has attempted to search through communications collected under such section 702 in a deliberate effort to review the communications of a specific United States person without obtaining a warrant or emergency authorization permitting such a search.

(7) In public remarks in July 2012, the Director of the National Security Agency stated that “the story that we have millions or hundreds of millions of dossiers on people is absolutely false”.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the impact of the amendments made by the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2436) and other surveillance authorities on the privacy of United States persons.

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) A determination of whether any government entity has produced any estimate regarding—

(i) the total number of communications that—



(I) originated from or were directed to a location in the United States; and

(II) have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a); or

(ii) the total number of wholly domestic communications that have been collected under such authority.

(B) If any estimate described in subparagraph (A) was produced, such estimate.

(C) An assessment of whether any wholly domestic communications have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a).

(D) A determination of whether any element of the intelligence community has ever attempted to search through communications collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in a deliberate effort to find the communications of a specific United States person, without obtaining a warrant or emergency authorization to do so.

(E) A determination of whether the National Security Agency has collected any type of personally identifiable data pertaining to more than 1,000,000 United States persons.

(c) FORM OF REPORT.—

(1) PUBLIC AVAILABILITY OF REPORT.—The report required by subsection (b) shall be made available to the public not later than 15 days after the date such report is submitted to Congress.

(2) REDACTIONS.—If the President believes that public disclosure of information in the report required by subsection (b) could cause significant harm to national security, the President may redact such information from the report made available to the public.

(3) SUBMISSION TO CONGRESS.—If the President redacts information under paragraph (2), not later than 30 days after the date the report required by subsection (b) is made available to the public under paragraph (1), the President shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a statement explaining the specific harm to national security that the disclosure of such information could cause.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes of debate, equally divided, prior to the vote on the Wyden amendment.

Mr. WYDEN. Mr. President, given the events of yesterday, this is the last opportunity for the next 5 years for the Congress to exercise a modest measure of real oversight over this intelligence surveillance law. Here is why. Colleagues, it is not real oversight when the Congress cannot get a yes or no answer to the question of whether an estimate currently exists as to whether law-abiding Americans have had their phone calls and e-mails swept up under the FISA law. That is the case today.

Colleagues, it is not real oversight when the Congress cannot get a yes or no answer to the question of whether wholly domestic communications between law-abiding Americans in this country have been warrantlessly intercepted under the law. That is the case today.

Colleagues, it is not real oversight when National Security Agency leader-

ship states in a public forum that the Agency does not keep dossiers on millions of Americans and yet they will not give the Congress a yes or no answer as to whether the Agency collects any sort of data on millions of Americans. That is not the case today.

What this amendment does is it gives us the opportunity to do real oversight—real oversight—by getting yes or no answers to questions that have been asked repeatedly by members of the Intelligence Committee. The amendment, in order to ensure that national security is protected at an important time in our country's history, gives the President of the United States unfettered discretion to redact any information he believes is necessary in order to protect the country's national security. The amendment does not require any agency to do new work. We have heard cited repeatedly it would be impossible to do an estimate on projections that have been discussed in the past. So we have changed course and we have said all we are seeking is a yes or no answer to the question of whether an estimate has actually been done.

This is an important time for American security. It will always be an important time for American security. It is also an important time for American liberty, and this amendment ensures we can strike the appropriate balance between protecting our country's well-being and also protecting the individual liberties we all cherish.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the amendment. This amendment would require the Director of National Intelligence to issue a public report within 90 days, assessing the impact of the FISA Amendments Act and its surveillance authorities on the privacy of U.S. persons.

That sounds benign, but it is not. The goal of this amendment is to make information public about a very effective intelligence collection program that is currently classified. All of the information has already been made available to the Senate Intelligence and Judiciary Committees. It is available to all Members. All they have to do is read it. It is hundreds of pages of material.

Senator WYDEN has raised a number of issues that all concern the potential for surveillance conducted pursuant to authorities to result in what is called "incidental collection." Section 702 authorizes the executive branch to go to the FISA Court—that is a Federal court, Federal district judges appointed by the Chief Justice of the Supreme Court—and obtain annual approval for the certifications of the Attorney General and the DNI that identify categories of foreign targets. These are what I call a program warrant, to conduct surveillance on non-U.S. per-

sons; in other words, individuals who are not U.S. citizens or lawful permanent residents who are located outside the United States.

It is possible there can be some incidental collection of communications of or concerning those who are U.S. persons. This potential for incidental collection does not mean the intelligence community is intentionally conducting surveillance on U.S. persons. In fact, doing so would be a violation of the law.

Here is the key point to understand about incidental collection. Although the government may, under the right circumstances, be authorized to retain the communication between—as an example—known terrorists and a presumptive U.S. person or persons, including the phone number he relayed to the terrorist, the government cannot place the U.S. number on surveillance and start collecting the calls to and from the U.S. number without first obtaining an individual court order or a warrant. To do so would be to target a U.S. person, which I will explain is reverse targeting.

Let me answer another common question: Can the government use section 702 to target a U.S. person? This is important. The answer is no. The law specifically prevents the use of section 702 to direct collection against U.S. persons. This prohibition is codified in 702(b), which states that the section may not be used to "intentionally target any person known at the time of acquisition to be located in the United States" or to "intentionally target a United States person reasonably believed to be located inside the United States."

Another frequent question: Is there a loophole or backdoor that allows the government to use 702 to target U.S. persons by searching incidental collection? Answer: No. The Department of Justice, the DNI's offices, the FBI, and NSA have all advised that limiting the ability of intelligence analysts to review and analyze information already in the government's possession under section 702 would make these agencies less able to respond quickly during a developing terrorist plot.

In sum, review of the information already collected enables the government to protect against a terrorist attack on this Nation.

Regarding the level of oversight conducted on these authorities, as of October 7, 2011, the congressional Intelligence and Judiciary Committees received over 500 pages of information from the Department of Justice that specifically relate to matters covered by the Wyden amendment. The Senate Intelligence Committee held a closed hearing in October 2011 on these issues. The senior Senator from Oregon attended. These were the issues specifically discussed. In December of 2011, the congressional Intelligence and Judiciary Committees received in excess

of another 100 pages of material relating to these issues.

We held another closed hearing on February 9, 2012, which the Senator from Oregon attended, where these issues were discussed. The inspectors general for the intelligence community and NSA have both provided classified and unclassified responses to letters written by the Senator from Oregon and the Senator from Colorado, explaining why it is not feasible to estimate the number of people inside the United States who have had their communications collected or reviewed under the authorities granted by section 702. Finally, the DNI sent a letter in August on this issue.

Here is the point. If we want to talk about oversight, all of the information exists, and it is up to Intelligence Committee of the Senate to do its oversight and Members have to go in and read the material.

I believe very strongly that what this amendment aims to do is make public a program that should not be made public at this time. I urge my colleagues to oppose this amendment.

Finally, I request that a letter from General Alexander, head of the National Security Agency—which essentially explains remarks he made—be printed in the RECORD. I would also like to have the letter to the general from the Senator from Oregon printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE,  
NATIONAL SECURITY AGENCY,

*Fort George G. Meade, MD, Nov. 13, 2012.*

Hon. Ron Wyden,  
*U.S. Senate, Dirksen Senate Office Building,  
Washington, DC.*

DEAR SENATOR WYDEN: Thank you for your letter dated 10 October 2012 concerning issues related to the National Security Agency's (NSA's) handling of U.S. person communications. As you know, NSA takes great care to protect the civil liberties and privacy interests of U.S. persons in the conduct of its mission.

Your letter requested clarity and further information with respect to my extemporaneous response to a question posed by a member of the audience following my formal presentation on cybersecurity delivered on 27 July 2012, at DEFCON 20. At the conference, a member of the audience asked me: "Does NSA really keep a file on everyone [in the United States] and, if so, can I see mine?" I responded: "Absolutely not. And anybody who would tell you that we're keeping files or dossiers on the American people know[s] that's not true and let me tell you why. First, under our Agency we have a responsibility. Our job is foreign intelligence." I then gave a short explanation of how we execute our foreign intelligence mission and the oversight provided by all three branches of government, including Congress, before reiterating that "the story that we have millions or hundreds of millions of dossiers on people is absolutely false." I referred to the fact that Section 702 of the Foreign Intelligence Surveillance Act, as amended by the FISA Amendments Act of 2008 (FAA 702),

permits the targeting only of communications of non-U.S. persons reasonably believed to be located outside of the United States. Finally, I highlighted the role served by minimization procedures to provide additional protection to incidentally collected communications of U.S. persons.

First, with respect to the reference to minimization procedures, my response should be understood in the context in which it was made. I noted at the outset that NSA has a foreign intelligence mission, and my subsequent reference focused on the type of circumstance in which U.S. person information may be disseminated when this foreign intelligence requirement is not met (e.g., when there is evidence of a crime). As you are aware, the statutory requirements for minimization procedures are a matter of public record:

Section 101(h)(1) of FISA requires that minimization procedures must be "reasonably designed . . . to minimize the acquisition and retention and prohibit the dissemination, of nonpublicly available information concerning unconsenting U.S. persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information."

Section 101(h)(2) of FISA requires that "nonpublicly available information which is not foreign intelligence information shall not be disseminated in a manner that identifies any U.S. person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance."

Section 101(h)(3) of FISA permits both retention and dissemination where there is "evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes."

Section 101(h)(4) of FISA permits disclosure, dissemination, or use for any purpose or retention for 72 hours, or longer if a determination is made by the Attorney General, "if the information indicates a threat of death or serious bodily harm to any person."

Second, my response did not refer to or address whether it is possible to identify the number of U.S. person communications that may be lawfully but incidentally intercepted pursuant to foreign intelligence collection directed against non-U.S. persons located outside the United States as authorized under FAA 702.

In your letter, you asked for unclassified answers to several questions that you feel are important to allow the public to better understand my remarks delivered at the conference. While I appreciate your desire to have responses to these questions on the public record, they directly relate to operational activities and complete answers would necessarily include classified information essential to our ability to collect foreign intelligence. Indeed, as you are aware, these very questions were recently addressed in a classified letter to you from the Director of National Intelligence dated 24 August 2012.

Finally, as you are also aware, senior officials from the Administration, including the Office of the Director of National Intelligence, the Justice Department, and NSA, have testified and briefed before the relevant Congressional committees on multiple occasions over the past year. We have also conducted numerous sessions with committee staff and counsel, as well as correspondence and discussions with individual Senators and Representatives. As a result of the many briefings, hearings, and other interactions

between the Intelligence Committees and the Administration, there exists a comprehensive Congressional record relating to all of NSA's foreign intelligence activities (including information relevant to the questions you pose).

Again, thank you for your ongoing interest in these issues. Regardless of differences that may exist on policy issues, I cannot overstate the importance or value of ongoing Congressional interest and oversight of NSA's operations, acting on behalf of the American people. If you have further questions, please contact me personally or have your staff contact my Associate Director for Legislative Affairs, Ethan L. Bauman, at (301) 688-7246.

KEITH B. ALEXANDER,  
*General, U.S. Army Director, NSA.*

U.S. SENATE,  
*Washington, DC, October 10, 2012.*

General KEITH ALEXANDER,  
*Director, National Security Agency,  
Fort Meade, MD.*

DEAR GENERAL ALEXANDER: You spoke recently at a technology convention in Nevada, at which you were asked a question about NSA collection of information about American citizens. In your response, you focused in particular on section 702 or the FISA Amendments Act of 2008, which the Senate will debate later this year. In describing the NSA's collection of communications under the FISA Amendments Act, you discussed rules for handling the communications of US persons. Specifically, you said:

We may, incidentally, in targeting a bad guy hit on somebody from a good guy, because there's a discussion there. We have requirements from the FISA Court and the Attorney General to minimize that, which means nobody else can see it unless there's a crime that's been committed.

We believe that this statement incorrectly characterized the minimization requirements that apply to the NSA's FISA Amendments Act collection, and portrayed privacy protections for Americans' communications as being stronger than they actually are. We urge you to correct this statement, so that Congress and the public can have a debate over the renewal of this law that is informed by at least some accurate information about the impact it has had on Americans' privacy.

You also stated, in response to the same question, that "... the story that we have millions or hundreds of millions of dossiers on people is absolutely false". We are not entirely clear what the term "dossier" means in this context, so we would appreciate it if you would clarify this remark. Specifically, we ask that you please answer the following questions:

The intelligence community has stated repeatedly that it is not possible to provide even a rough estimate of how many American communications have been collected under the FISA Amendments Act, and has even declined to estimate the scale of this collection. Are you certain that the number of American communications collected is not "millions or hundreds of millions"? If so, then clearly you must have some ability to estimate the scale of this number, or at least some range in which you believe it falls. If this is the case, how large could this number possibly be? How small could it possibly be?

Does the NSA collect any type of data at all on "millions or hundreds of millions of Americans"?

Since you made your remarks in an unclassified forum, we would appreciate an unclassified response to these questions, so that

your remarks can be properly understood by Congress and the public, and not interpreted in a misleading way. Additionally, since the Senate will debate this issue during the November/December 2012 session, please provide your response by November 13.

If you have any questions concerning this request, please have your staff contact John Dickas of Senator Wyden's staff, or Jennifer Barrett of Senator Udall's staff. We appreciate your attention to this matter and look forward to your prompt response.

Sincerely,

RON WYDEN.  
MARK UDALL.

Mrs. FEINSTEIN. I thank the Chair and yield the floor to the vice chairman for the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I oppose Senator WYDEN's amendment also because it imposes an unreasonably burdensome reporting requirement on the DNI and is inconsistent with the purpose of FISA, which is to obtain foreign intelligence information. This amendment would require the diversion of scarce intelligence personnel and resources away from the identification of foreign intelligence information but, rather, to assess whether any wholly domestic communications have been inadvertently collected under FAA authorities. This is an unnecessary and pointless exercise. The collection system was designed to comply with FISA's clear prohibition against the intentional collection of wholly domestic communications.

I will read how specific this is in the law. This is directly out of section 702, which the amendment seeks to attack. There are limitations against collection of information under the following guise:

An acquisition authorized under subsection (a)—

Which is to collect information from those located outside the United States. We:

may not intentionally target any person known at the time of acquisition to be located in the United States; may not intentionally target a person reasonably believed to be located outside the United States if the purpose of such acquisition is to target a particular, known person reasonably believed to be in the United States; may not intentionally target a United States person reasonably believed to be located outside the United States.

It goes further into detail and is very specific about the fact that there is no authorization to target U.S. persons.

As the chairman said, it is our duty, as members of the Intelligence Committee, to do the oversight required to make sure these laws are complied with, and we do that. We do it in a very deliberate and direct way by not only having the individuals responsible for the collection of this information made available to the committee, but it goes all the way to the top. The individuals who collect it, as well as the leaders of the intelligence community, come in

once a year—and they will come more often than that if there is a problem we need to address—and we review this information.

The Senator from Oregon, the distinguished Presiding Officer, members of the Intelligence Committee, know the type of oversight that is available to us. So if there is any question about what is done and whether section 702 is not being complied with, we have the opportunity to ask the questions.

The amendment by the distinguished Senator from Oregon actually goes further than what he said was a simple yes-or-no question and requires that the intelligence community go into great detail on any estimate or any finding where a U.S. person may have been involved. Is that the type of information we need for our intelligence community to spend their time on versus trying to find bad guys around the world? I think the answer is pretty simple.

As we said yesterday, if there is a problem and the problem is addressed by the intelligence community and the Intelligence Committees on both the House and Senate side, it is not abused. If there is a problem, we fix it. There are minimization procedures that are in place which address this issue that are used when necessary. If we do our job, there is absolutely no reason for this amendment—and we do our job.

The chairman is very diligent in making sure the annual reviews are set at specific times of the year. Every member of the committee has an obligation to be at the hearings to ask the tough and right questions. As far as I know, every member of the committee has done that. We have provided the right kind of oversight.

I encourage my colleagues to vote against this because it is simply an unnecessary amendment, and it is the last amendment we have to consider. As we said over and over yesterday, we have to get this bill on the desk of the President by December 31, which is 3 days away.

It is important we conclude this morning, that the bill be sent to the President's desk so we can sign it, and we can continue to provide the right kind of supervised collection against foreign individuals to make sure America and Americans are protected.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I rise in support of the Wyden amendment. Before I share my thoughts, I wanted to express my respect and admiration for the chairwoman and vice chairman of the Senate Intelligence Committee. They are professional, easy to work with, and have the security of our people front and center at all times.

As a member of the Senate Intelligence Committee, I have learned a

great deal with respect to our post-9/11 surveillance laws and how they have been implemented. In the course of my 2 years on the committee, I have determined there are reforms which need to be made to the FISA Amendments Act before we renew this important law.

Earlier this year, Senator WYDEN and I opposed the bill reported out of the Senate Intelligence Committee extending the expiration date of the FISA Amendments Act because we believe Congress does not have an adequate understanding of the effect this law has had on the privacy of law-abiding American citizens. In our view it is important for Members of Congress and the public to have a better understanding of the foreign intelligence surveillance conducted under the FAA so Congress can consider whether the law should be modified rather than simply extended without changes.

That is the simple purpose of the amendment Senator WYDEN, other colleagues, and I have filed—to make more information available to Members of Congress and the public so they have a better understanding of the law and its imitation.

This amendment requires the Director of National Intelligence to provide information to Congress about the effects of the FISA Amendments Act on the privacy of America, which is something we all hold dear. It would require information on whether an estimation has been conducted of how many U.S. communications have been collected under the FISA Amendments Act and, if so, how many, whether any wholly domestic communications have been collected and whether officials have gone through these communications to conduct warrantless searches for the phone calls and e-mails of specific Americans.

It would not require the intelligence community to conduct any new estimates of Americans whose communications may have been collected under the statute and would give the President full discretion to redact information from the public version of the report.

I will conclude by restating my belief that the American people need a better understanding of how the FISA Amendments Act, section 702, in particular, has affected the privacy of Americans. I also believe we need new protections against potential warrantless searches for Americans' communications. I believe that without such reforms, Congress should not simply extend the law for 5 years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. I thank my colleague from Colorado. He has been a wonderful partner in this effort to strike a balance between security and liberty. I look forward to working with him in the days ahead.

Mr. President, how much time remains on each side?

The ACTING PRESIDENT pro tempore. Proponents have 8 minutes and the opponents have 2 minutes.

Mr. WYDEN. Mr. President, I say this with the greatest respect to the distinguished chair of the committee—with whom I have worked cooperatively on so many issues—that when she said this amendment seeks to publish names, I would just like to say that is simply and factually incorrect. In no way, shape or form does this amendment seek to publish names, and I wish to tell colleagues that if anyone in connection with this program were to seek to publish names, I would vigorously oppose that effort. I simply just want to make sure the RECORD reflects that.

We have heard by the opponents of this amendment that the intelligence community has already provided the Congress with lots of information about the FISA Amendments Act. However, the reality is a lot more complicated than that. Much of that information is in highly classified documents that are difficult for most Members to review, and the reality is most Members literally have no staff who are cleared to read the documents which have been cited.

So the fact is most Members of Congress don't have staff to help them deal with these complicated issues so they are—in many particulars—in the dark about the program, and certainly the 300 million-plus Americans who expect us to strike that balance between security and liberty are also in the dark.

I have already noted that the amendment gives the executive branch unfettered authority to make redactions, and I just want to make sure every Senator hears the exact language because I think this is as broad a redaction proposal as I have seen in my service on the committee. The redaction proposal states: If the President believes that public disclosure of the report required by this section could cause significant harm to national security, the President may redact such information from the report made available to the public.

I hope colleagues who have asked about whether this would endanger our country and have heard on the floor of the Senate that somehow this amendment would seek to name names—particularly at a dangerous time—will see, No. 1, that is not the case; and No. 2, that the President, as outlined on page 6, has full and unfettered discretion to redact the report as he sees fit.

I also want to respond to this point that there would be no time for this to be considered by the other body if we add this modest measure of oversight. As I understand from the news reporting this morning, the other body will be meeting on Sunday, so they will be here this weekend. The other body is perfectly capable of passing an amend-

ed bill, getting it to the President by the end of the month. The distinguished vice chair and I both served in the other body. We know that when they are here—particularly on something that just involves a report—it would be very easy for the other body to pass this and send it to the President. In fact, the House passed the extension a few months ago with over 300 votes. So passing it Sunday when the other body is in session seems to not exactly be a difficult and arduous task.

What it comes down to is what we define robust congressional oversight in a program such as this to be. Again, I respectfully say that without basic information as to whether an estimate even exists—in response to colleagues—this is not talking about anybody going out and doing a lot of work. This is a question of either responding affirmatively or negatively to the question Senator UDALL and I have been asking for several years: Does an estimate exist as to whether or not law-abiding Americans have had their communications swept up under this law?

There is a reason to be concerned about this because Senator UDALL and I worked very hard to get at least a little bit of information on this, and we have been able to declassify that there has been a fourth amendment violation in the past.

I believe that without the information Senator UDALL and I have sought that is behind this amendment—those who say there ought to be robust congressional oversight of this program ought to reflect on the fact that without this information which is so essential to do our work, oversight is not robust, it is toothless—it is toothless—if we cannot get an answer to the question as to whether an estimate exists for how many Americans have had their communications swept up.

So I close with this: This is, as the distinguished chair of the committee said earlier, a critically important time for American security. Those of us who serve on the committee—and the distinguished Presiding Officer is part of these briefings—go into the room, and the doors are locked, and we certainly get significant information about the threats and the well-being of this country. So it is an important time for American security. It is also an important time for American liberty.

To paraphrase Ben Franklin, as I did yesterday, those who give up their liberty in order to have security really don't deserve either. The two are not mutually exclusive. We can do both. That is what the constitutional teeter-totter has always been about—security and well-being of our country on the one hand and protecting our liberties on the other.

What Senator UDALL and I contend this morning is that without access to information about critical questions

such as whether an estimate even exists as to how many law-abiding Americans have had their communications swept up under FISA, we can't answer the question as to whether the constitutional teeter-totter is in balance. So I hope my colleagues will vote for this amendment given the events of yesterday.

I say to my colleagues that this will be the last opportunity—the last opportunity for 5 years—to exercise some modest measure of real oversight over this program. I hope my colleagues on a bipartisan basis will support this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, we have how many minutes?

The ACTING PRESIDENT pro tempore. There is 2½ minutes remaining.

Mrs. FEINSTEIN. I will use 1 minute.

The fact is, we do an intelligence authorization bill every year. If there is a need to change the law, we can change it there, so this isn't the last opportunity to effect any change on the FISA Amendments Act for 5 years. I believe that it is the last opportunity to see that this program continues on without interruption.

I would also point out that one of the areas in which the administration has really made an effort is to bring leaders of the Intelligence Community—whether it is the DNI or representatives from the Department of Justice—to the Hill and explain to individual Members how this program works.

With respect to the classified material, any Member has access to it; any Member can go up and read this material. The staff of the Intelligence Committee, which helps us conduct this oversight, can read this material. The Members of the Intelligence Committee can read this material. As chairman, if someone finds an irregularity, I am happy to look at it, to have a hearing on it. But to adopt this amendment that would change this program at this time has my very strong opposition. I urge a “no” vote.

I yield to the vice chairman.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I would echo what the chairman said—that the very well trained, dedicated staff of the Intelligence Committee is available to assist any Member in reviewing the classified information that is the subject of section 702. That is why they are there. The Senator from Oregon is right. Every Member of Congress doesn't have that highly trained, top-secret staff member, and there are reasons for that. There are reasons why the Intelligence Committee members do have those types of staffers. Those staffers are available at any time for discussion of this issue or, for that matter, any other issue relative to national security that is within the purview of the Intelligence Committee.

So I again say that this amendment is simply totally unnecessary because there are specific and direct prohibitions in the law as well as in court decisions that do not allow our respective intelligence community agencies to listen in or review e-mails or whatever on U.S. citizens unless it is under some sort of court order where probable cause must be shown.

We need to make sure we are equipping our intelligence community agents with every single tool necessary to combat terrorists around the world. This section is critical to doing that. I urge a vote against the amendment.

Mrs. FEINSTEIN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is on agreeing to amendment No. 3439 offered by the Senator from Oregon, Mr. WYDEN.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 235 Leg.]

#### YEAS—43

Akaka	Gillibrand	Paul
Baucus	Grassley	Reed
Begich	Harkin	Reid
Bennet	Heller	Sanders
Bingaman	Klobuchar	Schatz
Blumenthal	Landrieu	Shaheen
Brown (OH)	Leahy	Stabenow
Cantwell	Lee	Tester
Cardin	Levin	Toomey
Carper	Manchin	Udall (CO)
Casey	Menendez	Udall (NM)
Conrad	Merkley	Webb
Coons	Murkowski	Wyden
Durbin	Murray	
Franken	Nelson (NE)	

#### NAYS—52

Alexander	Feinstein	McCain
Ayotte	Graham	McConnell
Barrasso	Hagan	Mikulski
Blunt	Hatch	Moran
Boozman	Hoeben	Nelson (FL)
Brown (MA)	Hutchison	Portman
Burr	Inhofe	Pryor
Chambliss	Isakson	Risch
Coats	Johanns	Roberts
Coburn	Johnson (SD)	Rockefeller
Cochran	Johnson (WI)	Rubio
Collins	Kerry	Schumer
Corker	Kohl	Sessions
Cornyn	Kyl	Shelby
Crapo	Lieberman	
Enzi	Lugar	

Snowe	Vitter	Whitehouse
Thune	Warner	Wicker

#### NOT VOTING—5

Boxer	Kirk	McCaskill
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The bill (H.R. 5949) was ordered to a third reading and was read the third time.

Mr. UDALL of New Mexico. Madam President, I rise today to express my longstanding concerns about the FISA Amendments Act of 2008. We are being asked to extend the sunset provisions in the Act until 2017. Without adoption of the amendments to include additional privacy protections and oversight requirements, I cannot support an extension.

We all appreciate the dedicated work of the intelligence community. They have a big job in keeping us safe. But we also have to protect the constitutional rights of American citizens. That goes to the heart of who we are. Of what our country stands for. These aims are not contradictory. We can do both. And we must do both.

The FISA Amendments Act of 2008 gave broad powers to the intelligence community. Too broad, for some of us. I was one of the minority votes in the House against FISA. It allows a very wide net to search phone calls and emails of foreigners outside of the United States.

We knew then, and we know now, that net would also scoop up the private communications of American citizens. The challenge was clear. Go after the bad guys. But do not violate the privacy of the American people. So the Act contained specific limitations.

Now, 4 years later, we are asking a basic question. Have those limitations worked? And the answer is—we really do not know.

This uncertainty is not for lack of trying. We have tried to get answers. Numerous times. But the information is still lacking. Intelligence officials have said they are unable to tell us how many U.S. communications have been collected under FISA authority. Not an actual number. Not an exact number. Not even an estimate.

Plain and simple—we need more information. How else can we evaluate this policy? The American public has a right to know. And needs to know. How many Americans are affected by FISA? Are existing privacy protections working? Are they too weak? Do they need to be strengthened? These are vital questions. They need to be answered. And so far they have not been.

That is why the amendments that have been offered are so important. These amendments are intended to strengthen privacy protections of American citizens and to improve congressional oversight. These amend-

ments will improve FISA. And they deserve bipartisan support.

I want to emphasize my support for Senator WYDEN's amendment that we will vote on this morning. The amendment would require the Director of National Intelligence to report to Congress on the impact of FISA. And provide specific information. In particular, how many U.S. communications have been collected under the Act? Have there been deliberate attempts to search the phone calls or emails of individual Americans? Without obtaining a warrant or emergency authorization?

The Director's report would be available to the public. And the President could withhold public disclosure of any information necessary to national security. This amendment will not compromise national security. But it will help protect the rights of American citizens.

As Senator WYDEN stated on the floor yesterday, several of us sent letters to Director Clapper requesting this information, but have not received an adequate response. The Wyden amendment would ensure that Congress has the information we need to make an informed decision about whether to extend future sunset provisions.

The war on terrorism that began after the 9/11 attacks has continued for over 10 years. During that time, Congress has passed laws, including the PATRIOT Act and FISA Amendments Act, which gave sweeping new authorities to law enforcement and the intelligence community.

I know we must protect the Nation from future attacks. But there must also be a balance—we cannot give up our constitutional protections in the name of security. I voted against the PATRIOT Act and FISA Amendments Act because I believed they were not balanced—they unduly infringed on the guaranteed rights of our citizens.

As I said, we all value the work of our intelligence community. Their efforts are vital to our Nation's security. But, I believe these amendments are crucial. We can protect our citizens without trampling their constitutional rights.

Unfortunately, none of the amendments we voted on yesterday were adopted. But the main argument I heard against them was not on the substance of the amendments. It was that we do not have time to amend the bill and send it back to the House. The Chair and Vice-chair argued that we must pass the House bill without amendment and get it to the President before the provisions expire.

This is not how the "world's greatest deliberative body" should function. It is one more example of why we need to reform our rules so that we are not constantly mired in procedural gridlock. Rather than an 11th hour passage of the House bill, we should have had a

real opportunity to debate and amend the Senate bill that came out of committee over 5 months ago.

The PRESIDING OFFICER. The question is on passage of the bill.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 23, as follows:

[Rollcall Vote No. 236 Leg.]

#### YEAS—73

Alexander	Grassley	Nelson (NE)
Ayotte	Hagan	Nelson (FL)
Barrasso	Hatch	Portman
Bennet	Heller	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Brown (MA)	Isakson	Roberts
Burr	Johanns	Rockefeller
Cardin	Johnson (SD)	Rubio
Carper	Johnson (WI)	Schumer
Casey	Kerry	Sessions
Chambliss	Klobuchar	Shaheen
Coats	Kohl	Shelby
Coburn	Kyl	Snowe
Cochran	Landrieu	Stabenow
Collins	Levin	Thune
Conrad	Lieberman	Toomey
Corker	Lugar	Vitter
Cornyn	Manchin	Warner
Crapo	McCain	Webb
Enzi	McCaskey	Whitehouse
Feinstein	McConnell	Wicker
Gillibrand	Mikulski	
Graham	Moran	

#### NAYS—23

Akaka	Franken	Paul
Baucus	Harkin	Sanders
Begich	Leahy	Schatz
Bingaman	Lee	Tester
Brown (OH)	Menendez	Udall (CO)
Cantwell	Merkley	Udall (NM)
Coons	Murkowski	Wyden
Durbin	Murray	

#### NOT VOTING—4

Boxer	Kirk
DeMint	Lautenberg

The PRESIDING OFFICER. Under the previous order requiring 60 votes for passage of the bill, the bill (H.R. 5949) is passed.

Mrs. FEINSTEIN. Madam President, I thank my colleagues for their coming to the floor over the past 2 days for a good debate on the reauthorization of the FISA Amendments Act, which the Senate approved today by a vote of 73–23.

As I described a number of times during this debate, this electronic surveillance tool is among the most important intelligence collection measures we have for identifying and thwarting

terrorist plots, as well as stopping proliferation of weapons of mass destruction, cyber attacks against the United States, and for intelligence collection to advise policy decisions. Authorizing the statute for another 5 years will put the Nation's intelligence community on strong ground.

I also would like to reiterate the offer I made during the debate to make sure that any Senator interested in getting additional, classified information on the FISA Amendments Act can get that information. In particular, I look forward to working with Senator MERKLEY to see that significant decisions of the FISA Court—or summaries of those decisions—are reviewed and made public in a way that does not compromise classified information. I also will work with Senator LEAHY, the chairman of the Judiciary Committee, to seek any additional reviews by the relevant inspectors general to complement the oversight that is already done every year on FISA programs. I will continue to work with Senators WYDEN and UDALL on the committee to help pursue their oversight requests and interests.

Lastly, but very importantly for me, I would like to thank the staff who have worked over the past four years to conduct oversight of the FISA Amendments Act and who worked to get this legislation approved. Their work includes countless hours of meetings with officials from the Office of the Director of National Intelligence, the Department of Justice, the National Security Agency, and the Federal Bureau of Investigation, and even more time reading and analyzing reports, answers, and communications from those departments and agencies.

On the staff of the Senate Select Committee on Intelligence, I would like to note first and foremost the dedicated efforts and counsel of Christine Healey, the committee's general counsel, and Eric Losick, counsel on the majority side who have been my main advisors on this legislation. I also appreciate their Republican counterparts, Jack Livingston and Kathleen Rice, with whom we have worked closely and collaboratively in this effort.

My appreciation as well goes to Mike Buchwald, my designee on the committee, for his tireless staff work; to Mike Davidson, who was the committee's general counsel during part of this past 4 year period and who set the structure of the committee's ongoing oversight; and to David Grannis, the committee's staff director.

Finally, I deeply appreciate the efforts of the majority leader's people and the floor staff—Tommy Ross, Serena Hoy, Gary Myrick, Tim Mitchell, and Tricia Engle—who got this bill to the floor before the expiration of the FISA Amendments Act and who helped guide it through to passage.

Thanks to the Senate's vote today, this critical intelligence tool will con-

tinue to be available to the Nation's intelligence community. The Senate's oversight of it will continue as well, as I intend to continue the committee's careful review of the program for the next 5 years.

Mr. REED. Madam President, major terrorist threats still exist, and it is critical that we do all we can to protect Americans, not only in terms of national security, but also in terms of civil liberties. In voting today to extend the FISA Amendments Act, FAA, for 5 years, I made a difficult judgment as there are still major outstanding concerns. In trying to address these concerns, I supported three amendments that would have made important improvements.

The first was Senator LEAHY's amendment, which sought to align the FAA sunset with the Patriot Act sunset so that both of these national security laws could be evaluated together prior to their expiration. Additionally, this amendment required a comprehensive review of FAA surveillance by the Inspector General of the intelligence community to address privacy concerns that have been raised.

I also supported Senator MERKLEY's amendment, which would have increased transparency by requiring the Attorney General, in a manner consistent with the protection of national security, to make publicly available Foreign Intelligence Surveillance Court decisions that include a significant construction or interpretation of the law.

Finally, I voted in favor of Senator WYDEN's amendment, which would have required the Director of National Intelligence to submit a report to Congress and the public on the impact of FAA on the privacy of American citizens, while preserving the President's ability to make necessary redactions.

I am disappointed that these amendments, which all call for greater accountability and transparency, were unsuccessful.

In 2008, I largely objected to the FAA because I had serious concerns about granting retroactive immunity to telecommunications companies for actions they may or may not have taken in response to administration requests that may or may not have been legal. Because these immunity provisions are not subject to a sunset, they are not at issue with today's vote.

I ultimately decided to vote in favor of extending FAA for 5 years because, as I noted earlier, major threats still exist. However, I did so reluctantly. We should have considered an FAA extension months ago without the threat of FAA expiration in mere days. Protecting Americans means that we must balance ensuring our national security with preserving our civil liberties, and I will continue to work with my colleagues to ensure that this balance is struck.



DEPARTMENT OF DEFENSE  
APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will now report by title.

The assistant bill clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Reid amendment No. 3395, in the nature of a substitute.

Coats/Alexander amendment No. 3391 (to amendment No. 3395), in the nature of a substitute.

Cardin/Landrieu amendment No. 3393 (to amendment No. 3395), of a perfecting nature.

Tester amendment No. 3350 (to amendment No. 3395), to provide additional funds for wild land fire management.

Landrieu amendment No. 3415 (to amendment No. 3395), to clarify the provision relating to emergency protective measures.

Coburn amendment No. 3369 (to amendment No. 3395), to reduce the amount that triggers the requirement to notify Congress of the recipients of certain grants and to require publication of the notice.

Coburn/McCain amendment No. 3371 (to amendment No. 3395), to ensure that Federal disaster assistance is available for the most severe disasters.

Coburn amendment No. 3382 (to amendment No. 3395), to require merit-based and competitive awards of disaster recovery contracts.

Coburn amendment No. 3383 (to amendment No. 3395), to strike a provision relating to certain studies of the Corps of Engineers.

Coburn/McCain amendment No. 3368 (to amendment No. 3395), to clarify cost-sharing requirements for certain Corps of Engineers activities.

Division I of Coburn/McCain modified amendment No. 3370 (to amendment No. 3395), to ensure funding for victims of Hurricane Sandy is not spent on tax cheats, deceased individuals, or fisheries outside of the affected area.

Division II of Coburn/McCain modified amendment No. 3370 (to amendment No. 3395), to ensure funding for victims of Hurricane Sandy is not spent on tax cheats, deceased individuals, or fisheries outside of the affected area.

Merkley further modified amendment No. 3367 (to amendment No. 3395), to extend certain supplemental agricultural disaster assistance programs.

Mikulski (for Leahy) amendment No. 3403 (to amendment No. 3395), to provide authority to transfer previously appropriated funds to increase security at U.S. Embassies and other overseas posts.

Mikulski (for Harkin) amendment No. 3426 (to amendment No. 3395), of a perfecting nature.

AMENDMENT NO. 3393

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3393, offered by the Senator from Maryland, Mr. CARDIN.

The Senator from Maryland.

AMENDMENTS NOS. 3348 AND 3421, AS MODIFIED,  
EN BLOC

Ms. MIKULSKI. Madam President, it is my understanding that we will be

able to adopt a number of amendments by voice vote. In order to do that, I will call up a few more amendments now en bloc before a voice vote on the amendments.

I ask unanimous consent to call up the following amendments en bloc: Grassley No. 3348 and Feinstein No. 3421, as amended.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report the amendments by number.

The assistant bill clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes amendments numbered 3348 and 3421, as modified, en bloc.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

(Purpose: To shift vehicles used for non-operational purposes by the Department of Justice and Department of Homeland Security in the District of Columbia to replace vehicles of those agencies damaged by Hurricane Sandy)

At the appropriate place, insert the following:

SEC. \_\_\_\_ VEHICLES USE IN THE WAKE OF HURRICANE SANDY.

(a) REPORT.—Not later than 7 days after the date of enactment of this Act, the Department of Justice and Department of Homeland Security shall identify and relocate any vehicles currently based at the Washington, D.C., headquarters of such agencies used for non-operational purposes to replace vehicles of those agencies damaged by Hurricane Sandy. The Department of Justice and Department of Homeland Security shall provide copies of a report summarizing the actions taken to carry out this subsection to the House and Senate Committees on Appropriations and Judiciary.

(b) FUNDING LIMITATION.—No funds provided by this Act shall be used to purchase, repair, or replace any Department of Justice or Department of Homeland Security vehicle until after the report required by subsection (a) has been provided to Congress.

AMENDMENT NO. 3421, AS MODIFIED

On Page 16, strike lines 17 through 20, and insert in lieu thereof:

“Provided further, That these funds may be used to construct any project that is currently under study by the Corps for reducing flooding and storm damage risks in areas along the Atlantic coast within the North Atlantic or the Gulf Coast within the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct surge inundation impacts and significant monetary damages from Hurricanes Isaac or Sandy if the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible: *Provided*”.

AMENDMENTS NOS. 3393, 3348, 3421, AS MODIFIED, 3426, 3415, 3403, 3369, AND DIVISION I OF 3370 EN BLOC

Ms. MIKULSKI. Madam President, I ask unanimous consent that we proceed to vote on the following amendments en bloc: Cardin No. 3393; Grassley No. 3348; Feinstein No. 3421, as

modified; Harkin No. 3426; Landrieu No. 3415; Leahy No. 3403; Coburn No. 3369; and division I of Coburn No. 3370.

Mr. COCHRAN. Madam President, these amendments have been cleared by the managers on this side. I know of no objections to their adoption.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments will be considered en bloc.

Mr. GRASSLEY. Madam President, amendment No. 3348 is about smart government. It is about ensuring that taxpayer dollars are spent wisely, while at the same time guaranteeing that Federal law enforcement agencies that face challenges following Hurricane Sandy have the resources they need to get the job done.

Instead of simply providing funding, my amendment requires that within 7 days, the Department of Justice and Department of Homeland Security identify and relocate vehicles based at the Washington, D.C. headquarters of DOJ and DHS that are used for non-operational purposes.

The vehicles identified will then be used to replace those damaged by Hurricane Sandy that are used by the FBI, DEA, ATF, ICE, and Secret Service.

This is a good government amendment and one that actually achieves the goal of replacing operational vehicles used by Federal law enforcement faster than the underlying bill.

If this is an emergency, as we have been told, these agencies can spare some of the hundreds of vehicles they have sitting at their headquarters that they currently have for non-operational purposes.

I urge my colleagues to support my commonsense, good government amendment.

If there is no further debate, the question is on agreeing to the amendments en bloc.

The amendments were agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, it is my understanding the Senator from Arizona, Mr. MCCAIN, no longer wishes to offer amendment No. 3384. Senator BINGAMAN of New Mexico is in line to offer the next amendment in order under the agreement, and I see he is here now to call up his amendment.

Now we will proceed to debating amendments where there was more extensive time asked. But I ask Members not to leave the Chamber. These are 4 minutes of debate, 10 minutes of debate. If we all stick together, for a change, we can all move this bill in a way we can be proud of.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3344

Mr. BINGAMAN. Madam President, I thank the managers of the bill, the chairman of the Appropriations Committee, and I call up amendment No. 3344.



The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. WEBB, and Mr. WYDEN, proposes an amendment numbered 3344.

Mr. BINGAMAN. Madam President, I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the approval of an agreement between the United States and the Republic of Palau in response to Super Typhoon Bopha)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . APPROVAL OF THE 2010 U.S.-PALAU AGREEMENT IN RESPONSE TO SUPER TYPHOON BOPHA.**

(a) IN GENERAL.—The agreement entitled “The Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review” signed on September 3, 2010 (including the appendices to the agreement) (referred to in this section as the “Agreement”) is approved (other than Article 7 to the extent it extends Article X of the Federal Programs and Services Agreement) and may only enter into force after the Secretary of State, in coordination with the Secretary of the Interior, enters into an implementing arrangement with the Republic of Palau that makes the adjustments to dates and amounts as set forth in Senate Amendment 3331.

(b) AMENDMENT.—Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) is amended by striking “2009” and inserting “2024”.

(c) FUNDING.—

(1) IN GENERAL.—There are appropriated to the Secretary of the Interior such sums as are specified to carry out sections 1, 2(a), 4(a), and 5 of the Agreement for each of fiscal years 2014 through 2024.

(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.

(3) EMERGENCY DESIGNATION.—Amounts appropriated under paragraph (1) are designated by Congress as being for an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3344 offered by the Senator from New Mexico, Mr. BINGAMAN.

Mr. BINGAMAN. Madam President, as Hurricane Sandy was bearing down on our own east coast, causing tremendous damage, a supertyphoon named Bopha was also striking the small Asian Pacific nation of Palau. The U.S. Embassy in Palau issued a declaration on December 5.

In response to this emergency, Palau has asked that the assistance agreement signed by the United States in 2010 be approved so the funds already agreed to can become available for disaster recovery.

Palau is a strategic ally of ours in the western Pacific near Guam, the Philippines, and Indonesia. Last year, our own Defense Department wrote:

Failure to follow through on our commitments to Palau, as reflected in the proposed (Agreement), would jeopardize our defense posture in the Western Pacific.

It is important the United States demonstrate its reliability as a strategic partner in the Pacific by approving the 2010 agreement with Palau and meeting our commitments.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BINGAMAN. Madam President, I am happy to see the matter dealt with, with a voice vote.

Ms. MIKULSKI. I urge the amendment be adopted by voice vote.

Ms. LANDRIEU. Seconded.

Mr. COCHRAN. Madam President, I object.

Mr. SESSIONS. Madam President, I object to the voice vote and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SESSIONS. Madam President, I ask for time to speak on this point.

The PRESIDING OFFICER. There is 30 seconds remaining in opposition.

Mr. SESSIONS. Madam President, this is the result of a compact that, to my knowledge, has not been brought before the Foreign Relations Committee. It commits us to direct spending permanently for entitlement-type spending that I do believe needs more careful review.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment. The yeas and nays were previously ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 237 Leg.]

**YEAS—52**

Akaka	Brown (OH)	Coons
Baucus	Cantwell	Durbin
Begich	Cardin	Feinstein
Bennet	Carper	Franken
Bingaman	Casey	Gillibrand
Blumenthal	Conrad	Harkin

Heller  
Johanns  
Johnson (SD)  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Leahy  
Levin  
Lieberman  
McCain  
McCaskill

Menendez  
Merkley  
Mikulski  
Murkowski  
Murray  
Nelson (NE)  
Nelson (FL)  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders

Schatz  
Schumer  
Shaheen  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Webb  
Whitehouse  
Wyden

**NAYS—43**

Alexander	Enzi	Moran
Ayotte	Graham	Paul
Barrasso	Grassley	Portman
Blunt	Hagan	Risch
Boozman	Hatch	Roberts
Brown (MA)	Hoeven	Rubio
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coats	Isakson	Snowe
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Collins	Lee	Vitter
Corker	Lugar	Wicker
Cornyn	Manchin	
Crapo	McConnell	

**NOT VOTING—5**

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Under the previous order, there will be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 3368.

The Senator from Maryland.

Ms. MIKULSKI. Madam President, the Senator from Oklahoma, Mr. COBURN, has asked that he have a chance to get his own paperwork together because he has extensive remarks. I am going to ask unanimous consent that the Coburn amendments be temporarily laid aside until he is able to return to the floor, and we will move to TESTER and then return to COBURN. I believe the minority concurs, before I make my request?

Mr. COCHRAN. Madam President, we have no objection to the request of the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Madam President, I ask unanimous consent that Coburn amendments Nos. 3368, 3370, 3371, and 3382 be temporarily laid aside and that the Senate proceed to Tester amendment No. 3350.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I thank the Chair.

**AMENDMENT NO. 3350**

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided.

The Senator from Montana.

Mr. TESTER. Madam President, this amendment, No. 3350, is to provide additional funds for wild land fire management. The summer of 2012 was a bad fire year, the third worst on record—9.2 million acres were burned. The drought has continued to persist. Projections for 2013 as a fire season will be even worse. The Forest Service budget—

when there are bad fire years, they have to rob from other accounts. That was the case this year, with a shortfall of \$653 million. This amendment closes that gap and gives the Forest Service the resources for the upcoming fire season, which is due to be a bad one.

The amendment also requires the GAO to recommend alternative new models to better reflect the costs associated with wild land fires because they have been underfunded so much in the past. This will establish a better model and reduce the need for supplemental funding in this account in the future.

Here is the scoop, folks: The damage done by fires, particularly in the West, was extensive and is an emergency. The Forest Service can continue to rob money from other accounts to fight these fires which ends up in poor forest management and even bigger fires.

I encourage everyone's concurrence in this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate Senator TESTER's energy on this issue and desire to move forward with it. We do have a process for this kind of funding to occur. He would add \$653 million in prospective wildlife mitigation spending and declare that as an emergency. This spending is better if handled through the regular appropriations process. It is actually moving forward faster. He is trying to make sure this money is set aside. This is not the time to do it, but I appreciate his interest.

I raise a budget point of order pursuant to section 314(e)(1) of the Congressional Budget Act. I raise a point of order against the emergency designation provisions contained in amendment No. 3350 to amendment No. 3395, the substitute amendment to H.R. 1, the vehicle for the Supplemental Appropriations Act.

I appreciate the Senator's efforts but do not believe this is the appropriate process at this time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending measure.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COONS). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Carolina (Mr. DEMINT).

The PRESIDING OFFICER (Mr. MANCHIN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 238 Leg.]

#### YEAS—51

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Heller	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schatz
Cardin	Leahy	Schumer
Casey	Levin	Shaheen
Collins	Lieberman	Stabenow
Conrad	Manchin	Tester
Coons	McCaskill	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Webb
Franken	Mikulski	Whitehouse
Gillibrand	Murray	Wyden

#### NAYS—44

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Brown (MA)	Hutchison	Roberts
Burr	Inhofe	Rubio
Carper	Isakson	Sessions
Chambliss	Johanns	Shelby
Coats	Johnson (WI)	Snowe
Coburn	Kyl	Thune
Cochran	Lee	Toomey
Corker	Lugar	Vitter
Cornyn	McCain	Wicker
Crapo	McConnell	

#### NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the emergency designation is removed.

The Senator from Montana.

#### AMENDMENT NO. 3350 WITHDRAWN

Mr. TESTER. Mr. President, it is unfortunate that we couldn't sustain this budget point of order because it truly is an emergency situation, particularly in the West. We have seen the number of fires we have had. Without the emergency designation, it does some bad things to our budget next year.

With that, I ask unanimous consent to withdraw this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment No. 3350 is withdrawn.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 1 minute on the Tester amendment withdrawal.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I thank the Senator from Montana for withdrawing his amendment.

We are mindful of the issue of fires facing western Senators. We look forward to working with Senator TESTER and other colleagues affected to really deal with this problem in a sensible way that meets the needs of local communities and our serious budgetary constraints.

Mr. President, I also urge a return to regular order and ask that we move our amendments as expeditiously as we can and stick to 15-minute votes so we can get as much done as we can before we adjourn for lunch and visits to the White House. I wish to thank the minority for their excellent cooperation in doing what we have done already.

#### AMENDMENT NO. 3368

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 3368, offered by the Senator from Oklahoma.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, the Sandy supplemental appropriations bill provides \$3.5 billion in funding for new construction projects through the Corps of Engineers. Part of that \$3 billion is toward reducing future flood risk—not repairing present but reducing future.

I talked to CRS this morning after listening to my colleague from New York. Over the last 25 years, the average participation rate was 35 percent—65 percent. No exceptions for future mitigation risks were made during Katrina. It was not 100 percent. It was not 90 percent.

All this does is restore it back to what we have had traditionally. We know projects that shouldn't get funded won't get funded when we have this kind of ratio.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New York.

Mr. SCHUMER. Mr. President, this amendment, if passed, would not allow the Sandy States or future States to protect themselves against future disasters. Now, my colleague draws a very clear line between present rebuilding and protection for the future. If a dune is wiped out in Long Beach and they think it ought to be rebuilt at 7 feet rather than at 5 feet because 5 feet wouldn't be good enough, we come to the irrational conclusion that we will pay for the 5 feet and not the 7 feet. It makes no sense.

Most of the cost of rebuilding is to restore, but if there is an extra amount needed to prevent damage from a future hurricane and it is the same type of project, fine.

We have a couple of piers that actually protected the houses in the Rockaways, but they didn't build enough of them—not piers, jetties. Now, under my colleague's proposal, we

could rebuild those jetties because some of them were destroyed, but we couldn't build new ones to protect the other land there except at this 65-percent level.

I can tell my colleagues that most of New York and New Jersey are dotted with little localities, and the cost of these projects is so expensive, if we say 35 percent, they won't get built, period. We will have no protection, and we will be back here sure enough when another storm occurs.

Furthermore, it is not true—Katrina Army Corps projects were funded at 100 percent. They did not call them. We didn't draw this new line between mitigation or rebuilding to protect and building for the old. They were lumped together. But the overwhelming majority of Army Corps projects for Katrina, as both of my colleagues from Louisiana can tell us, were 100 percent.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oklahoma.

Mr. COBURN. It doesn't mean they won't get rebuilt; it means that portion of the increase will be a contribution rate of 35 percent. We are going to do a complete restoration of what was there. The differential is and what we know from history, when this was put in, is it keeps projects that don't benefit from being built. The claim of the Senator from New York that they won't get built is just untrue. Everything is going to be restored, but new mitigation projects should have a cost share so we don't do frivolous mitigation projects.

So I would insist on the yeas and nays on this amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 239 Leg.]

#### YEAS—44

Alexander	Burr	Corker
Ayotte	Chambliss	Cornyn
Barrasso	Coats	Crapo
Blunt	Coburn	Enzi
Boozman	Cochran	Graham
Brown (MA)	Collins	Grassley

Hatch	Lee	Roberts
Heller	Lugar	Rubio
Hoeben	McCain	Sessions
Hutchison	McConnell	Shelby
Inhofe	Moran	Snowe
Isakson	Murkowski	Thune
Johanns	Paul	Toomey
Johnson (WI)	Portman	Wicker
Kyl	Risch	

#### NAYS—51

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Brown (OH)	Landrieu	Schatz
Cantwell	Leahy	Schumer
Cardin	Levin	Shaheen
Carper	Lieberman	Stabenow
Casey	Manchin	Tester
Conrad	McCaskill	Udall (CO)
Coons	Menendez	Udall (NM)
Durbin	Merkley	Vitter
Feinstein	Mikulski	Webb
Franken	Murray	Whitehouse
Gillibrand	Nelson (NE)	Wyden

#### NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

#### AMENDMENT NO. 3370

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate, equally divided, prior to a vote in relation to amendment No. 3370, division II, offered by the Senator from Oklahoma.

Mr. COBURN. Mr. President, I have no doubt there was significant damage in the past of fisheries both on the west coast, Alaska, and on the east coast. But a large portion of this money in this bill is not for fisheries but for research. This should not be, in fact, in an emergency supplemental bill.

So all this amendment does is say that fisheries reparations inside 50 miles of Sandy qualifies for this money, outside of 50 miles does not. The regular process of going through the appropriations process, making appropriate judgments about priorities is what we need to be doing, just like the point of order that was made on fire-fighting.

I would suggest we eliminate this portion of it or at least limit it to Sandy and not other areas. With that, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first, I would like to bring something to the attention of the Senator from Oklahoma. First, the Senator got a decimal point wrong. I feel amused correcting the Senator from Oklahoma on numbers. But if we read his amendment, it is .50, which makes it half a mile rather than 50 miles. So that is 49.5 off. But before the Senator asks consent to correct that, whether it is half a mile or 50 miles, I oppose the Senator's amendment because this amendment tries to steer fisheries disaster funding for

communities only affected by citing the Stafford Act.

Limiting it to half a mile or 50 miles, fish swim big distances, as do crabs, as do lobsters, and particularly those big king crabs. Under the Senator's amendment, by talking about the Stafford Act, it actually has no bearing on fisheries.

Fisheries disasters are declared by the Secretary of Commerce according to the Federal fisheries and commerce laws at the request of Governors. Fisheries disasters are unanticipated. Under this amendment, all federally declared disaster areas would miss out on much needed financial help. I urge a "no" vote on the Coburn amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. For the information of all Senators, we are going to have two votes before we break for our caucuses—the Republicans have a caucus, we have one. So we have two votes before lunch. Then at 2 o'clock we will have another vote. If the meetings run over a little bit, that will give people 15 minutes to get here to vote.

Then Senator MCCONNELL and I are both going to be indisposed from 3 o'clock to 4 o'clock. So we will have a little brief time there. Then we will finish the bill, we hope, after that.

The order says we are coming back at 2:15. I ask unanimous consent that it be modified so we come back at 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. If I might discuss with the leader and get the consent of the minority, the Senator from Oklahoma has a series of amendments. I wonder if we could debate the next amendment now, which is the Feinstein amendment, and then have two stacked votes or if the Senator just wants to follow regular order.

Mr. COBURN. I have no objection.

Ms. MIKULSKI. I ask unanimous consent that the vote on Coburn No. 3372 be laid aside, that the Senator be allowed to speak on amendment No. 3371, and then following that, we dispose of the Senator's amendment and we have two votes at the same time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. So the Senator from Oklahoma is going to debate the second amendment and then we will have two stacked votes.

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes of debate on amendment No. 3371.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, before we go to the second amendment—I ask unanimous consent—I am looking at my transcription of this amendment. It says 50 miles. So if, in fact, what is at the desk does not say 50 miles, I ask unanimous consent to amend the amendment so it would read 50 miles.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. I object.

Mr. COBURN. All right. Amendment No. 3371.

Ms. MIKULSKI. Mr. President, I just want to say to the Senator from Oklahoma, there does seem to be a dispute in the printing. But whatever it is, we are going to get it straight. We are going to work with the Senator and function with maximum courtesy here. If we could know whether we are talking about half a mile or 50 miles—

Mr. President, I ask the clerk to clarify, is it half a mile or 50 miles?

The PRESIDING OFFICER. The Chair advises it is 50 miles.

Ms. MIKULSKI. To the Senator from Oklahoma, I apologize. I am sorry for the delay. We will move forward to further debate on the second amendment.

Ms. COLLINS. Mr. President, fishing is more than just a profession in New England. Fishing is a culture and a way of life. In recent years, Maine's fishermen and fishing communities have been struggling to survive among Federal regulations that have limited fishing opportunities.

On September 13, 2012, the acting Secretary of Commerce declared a Federal fisheries disaster for Maine, Rhode Island, Massachusetts, New Hampshire, New York, and Connecticut because of the significant projected reductions in the total allowable catch for critical groundfish stocks.

The expected and considerable catch limit reductions have been triggered by recently updated stock assessments that show that several key groundfish populations are significantly below the levels necessary to meet the rebuilding deadlines that are mandated by Federal law.

The projected reductions, which may be as high as 73 percent, will come despite strict adherence to new and rigorous management practices by fishermen.

There are approximately 45 Maine-based vessels actively fishing with Federal groundfish permits. Last year, more than 5 million pounds of groundfish, with a dockside value approaching \$5.8 million, were landed in Maine.

Given the magnitude of the projected cuts, the effect on these Maine vessels and vessels of all sizes and gear types throughout the region will be profound. It will add to the already considerable economic burdens that fishing communities are facing. Federal assistance is necessary to support these fishermen and the fishing related businesses in our coastal communities.

The requested funding will be used to provide both immediate economic relief to the region's struggling groundfish industry, and to make targeted investments that will allow the fleet to survive and become more sustainable in the years ahead.

These funds could also be productively used to fully cover the costs of at-sea monitoring and to address long

term overcapacity in the fishing industry. This is critical to rebuilding fish stocks and preserving a thriving fishing industry well into the future.

Slow recovery and declining fish stocks will continue to have a negative impact on commercial fishing, harming local communities and economies. Federal disaster assistance is vital to the long term success and short term survival of fishing communities throughout the region.

It is important to note that the funding provided in the bill is to respond to fishery disasters declared by the acting Commerce Secretary in 2012 under the authority provided by the Magnuson-Stevens Fisheries Conservation and Management Act and the Interjurisdictional Fisheries Act. This is authorized funding in response to declared disasters.

#### AMENDMENT NO. 3371

Mr. COBURN. Mr. President, amendment No. 3371 is a good government house cleaning for FEMA. FEMA determines disasters based on a declaration process that is based on a per capita income—or per capita damage indicator. It has not been revised to account for the effects of inflation. Because we have not revised it, the smaller States actually get more benefit from FEMA than the larger States.

Oklahoma has had 25 disaster declarations in the last 6 years, more than any other State. So what I am actually proposing will not help my State; it will actually hurt my State. But it is improper for us to continue to use an outmoded number when, in fact, a small State has the same amount of damage as a large State, but the per capita indicator would say it does not meet the requirements.

All I am requesting is that FEMA, over the next 4 years, update this. It does not have any application until 2016. It gives them time to update it. Then, through good government, we have a better reflection of when we declare a disaster and when we do not as far as the per capita indicator would tell us.

I yield back.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in opposition to this amendment. But I wish to say the Senator from Oklahoma raises a very good point. But this comes under the jurisdiction of the committee that he is actually the ranking member on, with the new chairman, Senator TOM CARPER, to be done in an authorizing action, not on this particular bill.

It does need some updating. But the other point that needs to be looked at—I think the Senator from Oklahoma will agree with me because the Federal Government cannot do everything—is what role the States should play in helping counties, particularly rural counties such as what happened

in Joplin, MO, such as what has happened in Oklahoma, such as what has happened in Tennessee. What should States do to help these more rural counties that get hurt?

I agree with the Senator in the need for an update. This is not the time to do it, however. I urge a “no” vote on his amendment and turn it over to the authorizing committee, of which he is a member, to provide for appropriate oversight in that venue.

Mr. COBURN. I ask unanimous consent to recapture 15 seconds of my time.

The PRESIDING OFFICER. The Senator has 40 seconds remaining.

Mr. COBURN. Mr. President, this bill is full of authorizations—I mean, literally, full of authorizations. This is something I have studied and looked at. I have been looking at FEMA for 8 years. We should not wait to do this. Let's do it now. It is common sense. It does not harm anybody. It actually makes us better at what we are trying to do with Federal emergency management.

Ms. LANDRIEU. The Senator is correct that this bill is full of reforms that he and I and others have worked on. But every one of these reforms has been agreed to on both sides of the aisle; this has not. The Senator could continue to work with us and find a way forward.

I would urge a “no” vote on this now. I promise we will give him its full attention and get this taken care of but at a later date.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 3370, division II.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 60, as follows:

[Rollcall Vote No. 240 Leg.]

#### YEAS—35

Alexander	Cornyn	Johnson (WI)
Ayotte	Crapo	Kyl
Barrasso	Enzi	Lee
Blunt	Grassley	Lugar
Boozman	Heller	McCain
Burr	Hoeven	McCaskill
Carper	Hutchison	McConnell
Chambliss	Inhofe	Paul
Coburn	Isakson	Portman
Corker	Johanns	

Risch  
RobertsRubio  
SessionsThune  
ToomeyFeinstein  
FrankenManchin  
McConnellRockefeller  
Sanders

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. MANCHIN).

## NAYS—60

Akaka  
Baucus  
Begich  
Bennet  
Bingaman  
Blumenthal  
Brown (MA)  
Brown (OH)  
Cantwell  
Cardin  
Casey  
Coats  
Cochran  
Collins  
Conrad  
Coons  
Durbin  
Feinstein  
Franken  
GillibrandGraham  
Hagan  
Harkin  
Hatch  
Johnson (SD)  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Leahy  
Levin  
Lieberman  
Manchin  
Menendez  
Merkley  
Mikulski  
Moran  
Murkowski  
Murray  
Nelson (NE)Nelson (FL)  
Pryor  
Reed  
Reid  
Rockefeller  
Sanders  
Schatz  
Schumer  
Shaheen  
Shelby  
Snowe  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Vitter  
Webb  
Whitehouse  
Wicker  
WydenGillibrand  
Harkin  
Hatch  
Heller  
Hoeven  
Johnson (SD)  
Kerry  
Landrieu  
Leahy  
Levin  
LiebermanMcConnell  
Menendez  
Merkley  
Mikulski  
Moran  
Murkowski  
Nelson (NE)  
Nelson (FL)  
Pryor  
Reed  
Reid  
RobertsSchatz  
Schumer  
Shaheen  
Snowe  
Stabenow  
Tester  
Udall (CO)  
Udall (NM)  
Whitehouse  
Wyden

## NOT VOTING—5

Boxer  
DeMintKirk  
Lautenberg

Warner

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2 p.m., we debate the next two Coburn amendments in order and that upon the use or yielding back of time on those amendments, the Senate proceed to vote in relation to the Coburn amendments, with all provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, simply what this means is this—and I am really asking for Senators to pay attention because they are very keenly interested in the schedule. I thank the distinguished Senator from Mississippi, Mr. COCHRAN, for working on the expeditious disposition of our amendments.

Senators should be aware that after 2 p.m., they should be in the Chamber to vote on these amendments. These are 10-minute votes, and we do not intend to hold the votes beyond the time. The leadership on both sides of the aisle will be going to the White House to discuss the really critical, crucial matters before the Nation. They must go to the White House, but they will want to exercise their vote. So let's cooperate with the leadership.

At 2 o'clock, Senator COBURN will make his debate. We will have an orderly, crisp rebuttal. Then we will go right to those votes, and then the leadership will be able to leave for the White House. Remember, we have to have that first vote done in a timely way so that both Senator REID and Senator MCCONNELL can leave to have the designated meeting with President Obama.

Mr. COCHRAN. Mr. President, let me join with the Senator from Maryland in commending all Senators for the expeditious way we have been able to move this bill but in particular the chairwoman herself, who has provided strong leadership, capable leadership, and fairness, a sense of fairness for all Senators. I thank her for the honor of serving with her on this committee.

## NOT VOTING—5

Boxer  
DeMintKirk  
Lautenberg

Warner

The PRESIDING OFFICER. Under the previous order requiring 60 votes on adoption of this amendment, the amendment is rejected.

## VOTE ON AMENDMENT NO. 3382

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Coburn and McCain amendment No. 3371.

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 55, as follows:

## [Rollcall Vote No. 241 Leg.]

## YEAS—40

Alexander  
Barrasso  
Blunt  
Boozman  
Burr  
Carper  
Chambliss  
Coats  
Coburn  
Cochran  
Coons  
Corker  
Cornyn  
CrapoEnzi  
Graham  
Grassley  
Hutchison  
Inhofe  
Isakson  
Johanns  
Johnson (WI)  
Klobuchar  
Kohl  
Kyl  
Lee  
Lugar  
McCainMcCaskill  
Paul  
Portman  
Risch  
Rubio  
Sessions  
Shelby  
Thune  
Toomey  
Vitter  
Webb  
Wicker

## NAYS—55

Akaka  
Ayotte  
Baucus  
Begich  
BennetBingaman  
Blumenthal  
Brown (MA)  
Brown (OH)  
CantwellCardin  
Casey  
Collins  
Conrad  
Durbin

homes will not be built, and it would leave shorelines unprotected and naked.

Generally, I have been a supporter of competitive bidding, but as the Scripture says: There is a time and a place for everything. When we are dealing with many aspects of an emergency, that should not happen.

My colleague on the other side, for whom I have great respect, is a true gentleman. He does what he believes and says what he believes. He votes against interests that might affect his own State when he does it. In this case, he has not made any exceptions, and that makes no sense. This will hurt people and hurt them badly. In many instances, this will end up costing us more.

Many competitively bid contracts—we have all been through this—end up in court and take years. Years during an emergency? I don't believe we should start that as a new precedent. I would be happy to work with my colleague and refine the competitive bidding law to where it could be used appropriately, but this is a broad brush.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is no reason to take additional time. The fact is right now with FEMA, they have prebid contracts. In New Jersey, they didn't take the lowest competitive bid contract on the debris removal. We are going to spend about 20 percent, 25 percent more because the Federal Government is paying for it.

The vast majority of the money in this bill is not going to be contracted out initially. As a matter of fact, only \$9 billion is going to go out right way and that is in terms of flood insurance. The rest of it is coming from the FEMA funds and the DRF funds. None of those are competitive bid contracts, and it will not have any impact on housing, home flood insurance or any of those other areas. Doing it right and getting value for our money is important, especially now that we face the difficult fiscal times that are in front of us.

I urge a "yes" vote and yield back the remainder of my time.

I ask for the yeas and nays.

Mr. President, I ask unanimous consent to move to the next amendment.

Ms. MIKULSKI. Mr. President, let's go with the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered on amendment No. 3382.

AMENDMENT NO. 3383

Mr. COBURN. Mr. President, I understand that amendment No. 3383 is now in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. COBURN. Mr. President, I ask unanimous consent to speak for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. There is a lot of work in this bill for the Corps of Engineers, and they are going to have a lot of work to do in the remediation and mitigation that is associated with Hurricane Sandy. However, in this bill is a provision which says that whatever the Corps decides to approve, they give a blanket authorization. This means if, in fact, the Corps doesn't do what is in the best interests for New Jersey or New York, they get to make the decision. The appropriators and authorizing committee don't get to decide; the Corps makes the decision.

The one organization that has a problem with priorities in this country today is the Corps of Engineers. For us to blanket whatever they say as a priority versus having government, committee, and appropriator oversight by giving this blanket waiver is to take away our powers to correct them. All this does is say it is not automatically authorized and we will have plenty of time. All these are mitigation projects. They should all be authorized and approved by the committee of jurisdiction as they go forward. Rather than a blanket approval, all they have to do is come to Congress and say: Give us approval.

We are setting a terrible precedent. What this says is, in the future, we are going to let the Corps decide what is important rather than the Governors, the State legislators or the Congress.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I oppose Coburn amendment No. 3383 striking the provisions in the underlying bill.

We did a voice vote this morning on Feinstein amendment No. 4421 that fixes the problem. I understand the concerns the Senator has.

I yield time to the Senator from California to explain how she fixed the amendment and why we should defeat the Coburn amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, one of the things I have learned from the Energy and Water Subcommittee, which is the committee that handles appropriations for the Army Corps of Engineers, is how difficult it is to get projects started, funded, and constructed. I am one—particularly in view of storms, earthquakes, floods, and damages—who believes we also need to do the mitigation, because if it happens once, there is a heavy likelihood it could happen again. So I rise in opposition to this amendment.

The provision the Senator from Oklahoma proposes would essentially take a Corps project that has been authorized and a study is being done. Once the

study has concluded and it is cost-effective, the Corps proceeds to construction. With respect to mitigation, what this amendment does is—as I understand it—remove that authorization.

I can understand how the language before was overly broad. What Senator BOXER and I did in an earlier amendment was narrow that language, and we have addressed the shortcoming of the provision by striking it with an earlier amendment. We took amendment No. 3421 and replaced it with new text. This new text no longer authorizes an undefined set of projects; rather, it directs funding to be utilized to construct projects in areas that suffered direct inundation impact from Hurricanes Sandy and Isaac. It provides a defined scope for the work the Corps can construct with the funds provided. It requires the projects to be undertaken must be cost-effective, technically feasible, and environmentally acceptable.

I hope my friend would agree that should be the goal of all Corps projects we fund. Voting for his amendment, as I understand it, would undo the defined requirements and scope for the projects we previously voted for.

I urge my colleagues to vote against the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3383 WITHDRAWN

Mr. COBURN. Mr. President, I think the Senator from California has a great solution to the problem. I was not aware of that being accepted.

I ask unanimous consent to withdraw my amendment.

Mrs. FEINSTEIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 3382

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3382.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from South Carolina (Mr. DEMINT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 47, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—48

Alexander	Bennet	Chambliss
Ayotte	Boozman	Coats
Barrasso	Brown (MA)	Coburn
Baucus	Burr	Corker

Cornyn	Klobuchar	Risch
Crapo	Kohl	Roberts
Enzi	Kyl	Sessions
Graham	Lee	Shelby
Grassley	Lugar	Snowe
Hatch	Manchin	Tester
Heller	McCain	Thune
Hutchison	McCaskill	Toomey
Inhofe	McConnell	Udall (CO)
Isakson	Moran	Vitter
Johanns	Paul	Webb
Johnson (WI)	Portman	Wicker

## NAYS—47

Akaka	Franken	Nelson (NE)
Begich	Gillibrand	Nelson (FL)
Bingaman	Hagan	Pryor
Blumenthal	Harkin	Reed
Blunt	Hoeven	Reid
Brown (OH)	Johnson (SD)	Rockefeller
Cantwell	Kerry	Rubio
Cardin	Landrieu	Sanders
Carper	Leahy	Schatz
Casey	Levin	Schumer
Cochran	Lieberman	Shaheen
Collins	Menendez	Stabenow
Conrad	Merkley	Udall (NM)
Coons	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	

## NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, this will give Senators an idea about the order for the next hour or so. I ask unanimous consent that the debate time on the Rand Paul, John McCain, and Lee amendments occur between now and 3:30 p.m.; that at 4 p.m., the Senate resume votes in relation to the amendments as listed in the previous order; that there be 2 minutes equally divided prior to each vote; and all other provisions of the previous order remain in effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, with this agreement, we will be ready to resume our stacked series of votes on this bill at 4 p.m. I just want to alert my colleagues, with the concurrence on the other side of the aisle, there will only be 2 minutes equally divided prior to each vote, so Senators need to remain in and around the Chamber so we can complete action on this legislation.

If we can keep the amendments to the time agreement that is usual and customary, we will be able to conclude—our time this evening could be spent because the votes go on too long—so if we can follow regular order, the way we have been doing, I think we will be able to move all our amendments.

I want to thank Senators PAUL, MCCAIN, and LEE, who are ready to offer their amendments now.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we wish to thank the distinguished man-

ager of the bill for her courtesies and for her skill in managing this bill, and her sensitivity to the need for improvements in sustaining the disaster assistance capabilities of our great country.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENTS NOS. 3376 AND 3410 EN BLOC TO  
AMENDMENT NO. 3395

Mr. PAUL. Mr. President, I ask unanimous consent to call up amendments Nos. 3376 and 3410 en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes amendments numbered 3376 and 3410 en bloc to amendment No. 3395.

The amendments en bloc are as follows:

AMENDMENT NO. 3376

(Purpose: To provide for the nonapplication of the Davis-Bacon Act in the case of projects funded under this Act)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the "Davis-Bacon Act") with respect to any project or program funded, in whole or in part, under this Act (or amendment).

AMENDMENT NO. 3410

(Purpose: To offset the cost of the bill and to put the spending on budget as regular spending and not emergency)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . BUDGET OFFSET.

(a) IN GENERAL.—

(1) FINDING.—Congress finds that the Congressional Budget Office estimates that—

(A) this Act, the Disaster Relief Appropriations Act, 2013, will spend only 15 percent of the budget authority provided in this Act in fiscal year 2013; and

(B) total outlays flowing from this Act will equal \$8,974,000,000 for fiscal year 2013.

(2) BUDGET AUTHORITY LIMIT.—The total amount provided to chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this Act shall be provided based on the Congressional Budget Office's cost estimate findings, such that—

(A) total budget authority for the Act shall not exceed \$8,974,000,000;

(B) total budget authority provided for Chapter 1 shall not exceed \$81,000,000;

(C) total budget authority provided for Chapter 2 shall not exceed \$192,000,000;

(D) total budget authority provided for Chapter 3 shall not exceed \$42,000,000;

(E) total budget authority provided for Chapter 4 shall not exceed \$673,000,000;

(F) total budget authority provided for Chapter 5 shall not exceed \$437,000,000;

(G) total budget authority provided for Chapter 6 shall not exceed \$6,681,000,000;

(H) total budget authority provided for Chapter 7 shall not exceed \$147,000,000;

(I) total budget authority provided for Chapter 8 shall not exceed \$85,000,000;

(J) total budget authority provided for Chapter 9 shall not exceed \$23,000,000; and

(K) total budget authority provided for Chapter 10 shall not exceed \$613,000,000.

(3) APPLICATION OF BUDGET AUTHORITY REDUCTION.—Of the total amount reduced in this Act as subject to paragraph (2), the allocation of such reductions among the accounts and programs shall be determined by the Director of Office of Management and Budget.

(b) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to \$8,974,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II – United States Agency for International Development, title III – Bilateral economic assistance, and title IV – International security assistance accounts and programs as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMIT.—Of the accounts and programs included in paragraph (1), the rescission amounts shall not reduce the combined aggregate budget authority of those accounts and programs below \$5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in those paragraphs shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(c) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to subsection (b), including paragraph (2) the allocation of such rescissions among the accounts or programs as specified in subsection (b)(1), shall be determined by the Director of the Office of Management and Budget.

(d) REGULAR NOT EMERGENCY SPENDING.—Notwithstanding any other provision of this Act, none of the funding provided by this Act shall be considered to be emergency spending for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act and the Balanced Budget and Emergency Deficit Control Act of 1985.

Mr. PAUL. Mr. President, when Hurricane Sandy struck the Northeast, hundreds of thousands, if not millions, of people were without power. We all saw the video footage. We saw the terrible trauma, and people are still trying to dig out from underneath the debris of Hurricane Sandy.

During that period of time, hundreds of workers drove up from the South wanting to help. These workers were nonunionized, and they were turned away. This was a sad day for our country that nonunion workers were not allowed to participate in the cleanup and were asked to join a union before they would be accepted as workers.

I think it is a mistake to politicize things such as this, particularly in a time of an emergency. So what I have asked for and what my amendment would do is allow an exemption to Davis-Bacon.

Davis-Bacon is a Federal law that requires that we not have competitive bidding on Federal projects. What happens is on Federal projects the wages



are fixed at a union scale wage and there is not a competitive bidding for wages.

So what I have asked is that we suspend that and say, in order to get better use of the money, in order to advance the money by billions of dollars and do more with the money—and this is an enormous amount of money, running into the billions of dollars—in order to get better use of our money, to suspend Davis-Bacon, and we would basically be allowing competitive bidding on wages.

This has been done before. President Nixon and both President Bushes did this. During Katrina, we suspended Davis-Bacon because it was an emergency. We wanted to make the best use of our Nation's dollars.

This amendment would suspend Davis-Bacon for this emergency. It is estimated it might save as much as 22 percent of the cost.

We are talking about billions of dollars. Mr. President, \$60 billion is being requested for this cleanup. Where is the money going to come from? You have heard we have an enormous debt—\$16 trillion—in our country. We have over \$1 trillion in debt this year. We print up the money, but that simply steals from your savings and steals from your current currency. We can tax you or borrow more. But we owe \$16 trillion already.

What I am asking is why don't we try to make good use of the money that is going toward this disaster, allow money to go further? That is simply by allowing competitive bidding on wages.

Currently, there is no competitive bidding on wages. My amendment would allow for this. I urge my colleagues to stand with taxpayers—to stand with taxpayers against special interests, against political and partisan purposes—and for the sake of an emergency to say: We are going to be frugal with the dollars spent. We are not going to be extravagant. We are not going to reward certain special interests that are very involved in the political process.

We are going to say we are going to use the money wisely, we are going to allow competitive bidding on wages. So I urge my colleagues to support this temporary and specific suspension of Davis-Bacon for emergency funds.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I guess we have 5 minutes?

The PRESIDING OFFICER. Yes.

Mr. HARKIN. Mr. President, I rise in strong opposition to the amendment offered by my friend from Kentucky. As we work to rebuild these communities in the east coast from Superstorm Sandy, we need policies in place that make these communities stronger. Davis-Bacon is a critical part of that effort because it ensures that

the people who are doing the work to rebuild our roads, schools, and bridges in these cities and towns are paid a fair wage. Again, the Davis-Bacon Act ensures that workers on taxpayer-funded projects are paid locally prevailing wages—locally prevailing wages. These protections ensure that the substantial influx of Federal dollars for reconstruction work after a disaster will help prevent a race to the bottom for workers and not contribute to the problem.

After a disaster such as this, people are disrupted, and people are out of work. So we have a lot of fly-by-night operators who flock to these areas and abuse the workers. For example, we saw this after Hurricane Katrina. According to a 2006 study, 47 percent of workers in New Orleans reported not receiving all of the pay they were entitled to under law. The same report indicated that 55 percent of workers did not receive overtime pay for working more than 40 hours a week.

Now, again, my friend from Kentucky says this could save up to 22 percent of the money we are going to put out in Federal taxpayer dollars to help recovery efforts. Well, how can that possibly be? Labor costs are typically only 25 to 30 percent of the total cost of public works projects. So there's no way we could save 22% by repealing Davis-Bacon, we'd have to pay people next to nothing. That just doesn't make sense.

So, again, Davis-Bacon has been in law a long time to help prevent the kinds of abuses we saw after Katrina from happening again because it ensures that workers will be paid locally prevailing wages—not necessarily union-type wages but locally prevailing wages. It helps ensure that responsible contractors—responsible contractors, contractors who abide by wage and hour and safety and health laws—will win the bids to perform federally funded work. We do not want this race to the bottom where you get some fly-by-night operator who does shoddy work. Oh, but it is cheap. When we buy into that philosophy we might save money now, but we lose a lot of money later on.

We keep hearing from our friends on the other side that this is going to save money. That is just not true. Numerous studies confirm that prevailing wage laws—Davis-Bacon—do not raise construction costs and actually lower the taxpayer bill on these projects. A study of nine States found that prevailing wages led to costs of building construction that were on average \$6 dollars to \$35 per square foot less than without prevailing wages. Similarly, a 2004 study analyzing Federal highway wage data found that better wages led to an average savings of \$30,000 to \$34,000 per mile of highway construction. Better wages also led to higher productivity. Higher wage States re-

quire 32 to 35 percent fewer labor hours to complete the same work than lower wage States. Why is that? Because, as one contractor I know in Iowa says, he always hires people to do work under Davis-Bacon because he knows he gets quality work, he gets high productivity, the work is done right the first time and it does not have to be done over. So these are the responsible contractors we want to do this kind of work because in the long run, it saves us all a lot of money and we get better work done.

I might also add parenthetically that Davis-Bacon—Senator Davis and Representative Bacon, the authors of this law, were both Republicans. They wanted to ensure that large Federal contractors would not drive down the price of labor, so they passed a law saying that workers on Federal Government projects should earn at least the typical local wages. That is what it is—typical local wages. That is all the Davis-Bacon Act does. It is not a giveaway to unions or the workers they represent; it is just a commonsense policy that helps workers and communities recover and makes sure taxpayers get the best bang for their buck.

The workers affected by Hurricane Sandy are not just rebuilding businesses, houses, schools, and roads, they are rebuilding entire communities and neighborhoods. The foundation for communities is good jobs with fair wages. The Davis-Bacon Act is a critical part in helping communities across the east coast recover.

I urge my colleagues to oppose the Paul amendment.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise in support of amendment No. 3410, which would take the spending for Sandy relief and spend only 1 year at a time and would offset that spending with spending cuts. Now, you ask, why would we want to do that? Well, if you have been watching Congress in recent years, you might understand that we are not very good with money up here. Each year we are spending \$1 trillion that we do not have. To me, there is absolutely no objective evidence that we are very good with money up here, so you do not want to give Congress 3 years' worth of spending authority on Hurricane Sandy. Why don't we do it 1 year at a time and make sure there is correct oversight and make sure the money is not being wasted, make sure the money is not being abused.

I will give a couple of examples of what is in the current bill. We have money for Alaskan fisheries in the Hurricane Sandy bill. They tried earlier today to stuff money in here for a country by the name of Palau in the western part of the Pacific. Now, I thought this was about emergency relief for Hurricane Sandy, which hit the northeast coast. What does that have

to do with sending money to the far reaches of the Earth, including sending money to work on Alaskan fisheries? If you want to give money to Alaskan fisheries, have a bill on the floor about Alaskan fisheries, but do not pretend that we are going to stuff it in some emergency bill for the Northeast.

So what I have asked is, let's just spend what you are going to spend next year. CBO says there is going to be \$9 billion spent next year. That is what I allocate. I take the \$9 billion from places where we are wasting it. I think we are wasting it by sending it overseas. I am not particularly happy about sending money to countries that are burning our flag and chanting "death to America." I think it is an outrage.

The President has said: Well, we need to quit doing nation building overseas and start doing it at home. But where are the actions that support his words? I agree completely—we need to quit doing nation building overseas when we are running a trillion-dollar deficit here, but we can't just say we are going to continue to print the money or borrow the money or simply raise taxes. There is not enough for all of this spending. What you need to do so is say: Some of the spending is wasteful, and we should not do it.

I personally think we should not be sending billions of dollars to dictators who oppress their people, who burn our flag, who will not protect our embassies. I think it is an absolute mistake. You can go through a list of 30 or 40 years of foreign aid and see dictators who have personally profited and stolen our money. We have bridges and roads crumbling in our country. We have infrastructure that was damaged by Hurricane Sandy. They simply want to print more money and borrow it.

People will stand and say: Oh, we have never offset emergency funding. Well, maybe that is why we have a \$16 trillion deficit—because no one wants to cut any spending around here. If you want to help those affected by Hurricane Sandy, do it, but do it by taking the money from someplace where we are wasting it.

What my bill says is that we will spend next year's \$9 billion, which is what they have asked for for the next year, and we will offset it by taking \$9 billion out of the foreign aid fund.

Now, usually when we bring this up here, someone will trot out and say: Oh, but this will affect Israel. This has nothing to do with Israel, will not affect any money given to Israel. There will be money left in the foreign aid fund. It has always been my purpose that we start by taking the money from countries that hate us, countries that are burning our flag. I have not seen anyone in Israel burning the American flag, but I have seen it happening in about 10 other countries that receive money, that actually receive more than Israel. So what I would say

is let's not trot out canards about Israel; let's make it about what it is. The Mubarak family in Egypt got \$60 billion. The country got \$60 billion while the Mubarak family themselves stole probably half of it. They are one of the richest families in the world. The kids are some of the richest people in the world because they stole your money. This has happened repeatedly. It has happened throughout the African Continent. It has happened around the world, that your money is sent overseas. Just in Iraq and Afghanistan during the wars, we built \$6 billion worth of roads. Meanwhile, we have problems here. I have two bridges in my State that I do not have the money to repair because we are too busy repairing some other country's roads.

There are people in this body—the majority of them here—who think: Oh, let's keep spending this money. And the majority of the American people do not think it is a good idea. I hope they will wake up and call their Senators and their Congressmen and say: This is absurd. It must end.

So this is a very simple amendment. Spend 1 year on the emergency fund, \$9 billion, and offset it by cutting foreign aid overseas. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would like to respond and to inform my colleagues about what would happen if this amendment were adopted by the body. No. 1, the foreign aid budget is less than 1 percent of the total Federal budget. It is about \$52 billion to \$53 billion. It has been reduced. A lot of things Senator PAUL said about money being wasted were very much true in the past.

President Bush looked at foreign assistance in a different way to come up with the Millennium Challenge Corporation. We are now trying to make sure our dollars go to make us safer, to help people who are truly in need, and to make sure we have a presence in the world for which I think there would be no substitute. It cuts 67 percent of the foreign aid budget in three titles: USAID—those of you who have been to Afghanistan and other places, USAID projects are designed to make sure that once the military is withdrawn from that area, that we can hold.

Those of you who are tired of war, like all of us, I just want to go back to "Charlie Wilson's War." The last scene in the movie was Mr. Wilson wanted \$1 million to build some schoolhouses in Afghanistan, and the reply was: Man, I have got broken schools in my State and my district. And that is true in South Carolina, that is true in Kentucky, and it is true in West Virginia. But we had no soldiers in Afghanistan and no aid to Afghanistan during the Taliban reign. That model did not work.

If you think you can withdraw from the world and if you think America has no leadership role, then this is a good amendment. If you think the best thing America can do is invest in aid programs that help us as a Nation to be safer, then I would vote no for this amendment.

President Bush—one of his great legacies is that he invested in AIDS and malaria programs in Africa that saved a whole generation of African children. The Chinese are all over Africa trying to buy up the continent, and radical Islam is moving forward. What a time for America to tell the African people: No longer will we help you—because if this amendment is passed, it will devastate the account we have in Africa. We have almost no troops. The only thing we have to combat radical Islam and Chinese influence is our aid programs that will create a lot of jobs here in America.

Jordan—there are 250,000 Syrian refugees flooding into Jordan. The refugee account is being overwhelmed. If you care at all about the King of Jordan and stability in Jordan, for God's sake, vote against this amendment because it will devastate the money we set aside to deal with the refugee problem from the war in Syria.

As to Israel, the third title that is affected is the counternarcotics military assistance program, foreign military financing. We have contacted the Department of State and the Department of Defense. They told us: If you cut this account by 67 percent, it is going to put pressure on defense accounts. They are already under the threat of sequestration. It will affect the ability of our Nation to help Israel with the F-35 aircraft, armored vehicles, and protective systems for other vehicles.

If you think, as I do, that the world is a very dangerous place and it is better for America to lead than to come home and play like the world is not a dangerous place, vote against this amendment. It is \$9 billion. It is 67 percent of the three accounts I have just described. Ask yourself, as a Member of the Senate, is now the time to tell the King of Jordan and the people of Jordan: We cannot help you with refugees overflowing into your country.

Because if the King goes, what happens next? Is now the time to send to the people of Israel a signal that we are going to reduce military assistance to their struggling nation, surrounded by a lot of adversaries? Is now the time to tell the people of Africa: America will be leaving; enjoy the Chinese presence.

Every time America tries to play the game that what happens in other places doesn't affect us, we pay a heavy price.

This meant 9/11 was the result of a place called Afghanistan falling into the hands of the most vicious people on the planet, and we sat on the sidelines.

It wasn't long before the Taliban invited bin Laden in as their honored guest, and the rest is history.

There are at least six countries I can name in Africa today that, if we abandon Africa, are going to become the next places that attack us. I can tell you right now that if we abandon the King of Jordan, he will fall. You will wake up one day, and you will say, was that \$9 billion worth all of what I have just described?

I wish we could come home. I wish we never had to send a dollar outside the State of South Carolina. But I promise you this: If we stop leading this world and we stop having a presence where others show up, we will pay a heavy price.

This amendment guts to their core three essential accounts that are very important to our national security and to who we are as Americans.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRAHAM. Don't create one disaster in trying to solve another. Please vote no.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, is there any time remaining in opposition to the Paul amendment?

The PRESIDING OFFICER. No time remains for debate on the Paul amendment.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. I would like to thank the Senator from South Carolina for his remarks. He summarizes what we on both sides of the aisle would say about this compelling national security interest.

I also wish to bring to my colleagues' attention—the Senator from Kentucky reduces the bill from \$60 billion to \$9 billion. Not only is it a disaster for our foreign aid, but it is a disaster for America. Remember, disaster assistance is aid to American people. So cutting out \$51 billion and then poking in the eye of treasured allies that you are reducing by \$50 billion—that is aid to America.

Hey, I am for aid to America, and that is why spending and working with treasured allies, their security, and also stamping out things such as malaria and blindness are the things for which we are well known.

Mr. President, I yield the floor.

Mr. President, what is the regular order here?

The PRESIDING OFFICER (Mr. CARDIN). The regular order is the Paul amendment on the debate time, amendment No. 3410.

Ms. MIKULSKI. Is there any time remaining for the Paul amendment?

The PRESIDING OFFICER. No time remains for debate on the Paul amendment.

Ms. MIKULSKI. So we have concluded Paul amendment No. 3410.

Mr. President, what is the parliamentary situation in time on Paul amendment No. 3376, Davis-Bacon?

The PRESIDING OFFICER. All time has expired on that amendment.

Ms. MIKULSKI. Mr. President, with all time having expired, I believe the order requires that these amendments then be set aside to be part of a set of stacked votes at 4 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Ms. MIKULSKI. Don't we now proceed to the McCain amendment under the consent agreement, for debate? It was to be Senator MCCAIN or Senator LEE?

The PRESIDING OFFICER. Either Senator MCCAIN or Senator LEE may be recognized.

Ms. MIKULSKI. Mr. President, I note the prompt appearance of Senator LEE. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

#### AMENDMENT NO. 3373, AS MODIFIED

Mr. LEE. Mr. President, I ask unanimous consent that we call up amendment No. 3373, as modified.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows.

The Senator from UTAH [Mr. LEE] proposes an amendment numbered 3373, as modified.

Mr. LEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

After section 1105, insert the following:

#### SEC. \_\_\_\_ SPECIAL RULES FOR USE OF RETIREMENT FUNDS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.

##### (a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(H) DISTRIBUTIONS FROM RETIREMENT PLANS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.—Any qualified disaster recovery distribution.”

(2) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—Section 72(t) of such Code is amended by adding at the end the following new paragraph:

“(11) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—For purposes of paragraph (2)(H)—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘qualified disaster recovery distribution’ means, with respect to any federally declared disaster, any distribution from an eligible retirement plan made on or after the applicable disaster date and before the date that is 1 year after such date, to an individual whose principal place of abode on the applicable disaster date, is located in the disaster area and who has sustained an economic loss by reason of such federally declared disaster.

“(B) AGGREGATE DOLLAR LIMITATION.—

“(i) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified disaster recovery distributions for any taxable year shall not exceed the excess (if any) of—

“(I) \$100,000, over

“(II) the sum of aggregate amounts treated as qualified disaster recovery distributions received by such individual for all prior taxable years, the aggregate amounts treated as qualified hurricane distributions under section 1400Q(a), and the aggregate amounts treated as qualified Disaster Recovery Assistance distributions under section 701(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

“(ii) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to clause (i)) be a qualified disaster recovery distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified disaster recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds \$100,000.

“(iii) CONTROLLED GROUP.—For purposes of clause (ii), the term ‘controlled group’ means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

“(iv) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2012, each of the \$100,000 amounts under clauses (i) and (ii) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the next highest multiple of \$10,000.

“(C) AMOUNT DISTRIBUTED MAY BE REPAYED.—

“(i) IN GENERAL.—Any individual who receives a qualified disaster recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

“(ii) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(iii) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to

clause (i) with respect to a qualified disaster recovery distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified disaster recovery distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

“(D) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

“(i) IN GENERAL.—In the case of any qualified disaster recovery distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

“(ii) SPECIAL RULE.—For purposes of clause (i), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

“(E) OTHER DEFINITIONS.—

“(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

“(ii) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.

“(iii) ELIGIBLE RETIREMENT PLAN.—The term ‘eligible retirement plan’ shall have the meaning given such term by section 402(c)(8)(B).

“(F) SPECIAL RULES.—

“(i) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified disaster recovery distributions shall not be treated as eligible rollover distributions.

“(ii) QUALIFIED DISASTER RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes of this title, a qualified disaster recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disaster declared after December 31, 2011.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) INDIVIDUAL RETIREMENT PLANS.—Paragraph (8) of section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(F) RECONTRIBUTIONS.—

“(i) GENERAL RULE.—

“(I) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

“(II) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of paragraph (11)(C) shall apply for purposes of this subsection.

“(ii) QUALIFIED DISTRIBUTION.—For purposes of this subparagraph, the term ‘qualified distribution’ means, with respect to any federally declared disaster, any distribution—

“(I) which is a qualified first-time home-buyer distribution,

“(II) received on or after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date, and

“(III) which was to be used to purchase or construct a principal residence in the disaster area, but which was not so purchased or constructed on account of the federally declared disaster.

“(iii) APPLICABLE PERIOD.—For purposes of this subparagraph, the term ‘applicable period’ means the period beginning on the applicable disaster date and ending on the date which is 1 year after the applicable disaster date.

“(iv) OTHER DEFINITIONS.—For purposes of this subparagraph—

“(I) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

“(II) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.”.

(2) QUALIFIED PLANS.—Subsection (c) of section 402 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(12) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

“(A) GENERAL RULE.—

“(i) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in paragraph (8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under subsection (c) or section 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

“(ii) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of section 72(t)(11)(C) shall apply for purposes of this subsection.

“(B) QUALIFIED DISTRIBUTION.—For purposes of this paragraph, the term ‘qualified distribution’ means, with respect to any federally declared disaster, any distribution—

“(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), or 403(b)(11)(B),

“(ii) received—

“(I) on or after the date which is 6 months before the applicable disaster date, and

“(II) before the date which is the day after the applicable disaster date, and

“(iii) which was to be used to purchase or construct a principal residence in the disaster area, but which was not so purchased or constructed on account of the federally declared disaster.

“(C) APPLICABLE PERIOD.—For purposes of this paragraph, the term ‘applicable period’ means the period beginning on the applicable disaster date and ending on the date which is 1 year after the applicable disaster date.

“(D) OTHER DEFINITIONS.—For purposes of this paragraph—

“(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

“(ii) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with

respect to any federally declared disaster, the date on which such federally declared disaster occurs.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disaster declared after December 31, 2011.

(c) LOANS FROM QUALIFIED PLANS.—

(1) IN GENERAL.—Subsection (p) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—

“(A) IN GENERAL.—In the case of any loan from a qualified employer plan to a qualified individual made during the applicable period—

“(i) clause (i) of paragraph (2)(A) shall be applied by substituting ‘\$100,000’ for ‘\$50,000’, and

“(ii) clause (ii) of such paragraph shall be applied by substituting ‘the present value of the nonforfeitable accrued benefit of the employee under the plan’ for ‘one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan’.

“(B) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the applicable disaster date from a qualified employer plan—

“(i) if the due date pursuant to subparagraph (B) or (C) of paragraph (2) for any repayment with respect to such loan occurs during the period beginning on the applicable disaster date and ending on the date which is 1 year after such date, such due date shall be delayed for 1 year,

“(ii) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under clause (i) and any interest accruing during such delay, and

“(iii) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of paragraph (2), the period described in clause (i) shall be disregarded.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2012, the \$100,000 amounts under subparagraph (A)(i) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the next highest multiple of \$10,000.

“(D) DEFINITIONS.—For purposes of this paragraph—

“(i) QUALIFIED INDIVIDUAL.—The term ‘qualified individual’ means, with respect to any federally declared disaster, an individual whose principal place of abode on the applicable disaster date is located in the disaster area and who has sustained an economic loss by reason of such federally declared disaster.

“(ii) APPLICABLE PERIOD.—The applicable period is the period beginning on the applicable disaster date and ending on the date that is 1 year after such date.

“(iii) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms ‘federally declared disaster’ and ‘disaster area’ have the meanings given such terms under section 165(h)(3)(C).

“(iv) APPLICABLE DISASTER DATE.—The term ‘applicable disaster date’ means, with respect to any federally declared disaster,

the date on which such federally declared disaster occurs.”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to loans made with respect to disaster declared after December 31, 2011.

(d) **PROVISIONS RELATING TO PLAN AMENDMENTS.**—

(1) **IN GENERAL.**—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) **AMENDMENTS TO WHICH SUBSECTION APPLIES.**—

(A) **IN GENERAL.**—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of, or amendment made by, this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of, or amendment made by, this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2014, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) **CONDITIONS.**—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that the provisions of, and amendments made by, this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by the provisions of, or amendments made by, this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

**SEC. \_\_\_\_ . NONAPPLICATION OF DAVIS-BACON.**

The wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the “Davis-Bacon Act”) shall not apply with respect to any project or program carried out in whole or in part with Federal funds in any Federally declared disaster area. This section shall apply to any project or program contract entered into during the 1-year period beginning on the date of disaster declaration involved.

**SEC. \_\_\_\_ . MANDATORY POSTPONEMENT OF DEADLINES BY REASON OF DISASTERS OR TERRORISTIC OR MILITARY ACTIONS.**

(a) **IN GENERAL.**—Section 7508A of the Internal Revenue Code of 1986 is amended by striking “may specify a period of up to 1 year” each place it appears in subsections (a) and (B) and inserting “shall specify a period of 1 year”.

(b) **CONFORMING AMENDMENTS.**—

(1) The heading for section 7508A of such Code is amended by striking “**AUTHORITY TO POSTPONE**” and inserting “**POSTPONEMENT OF**”.

(2) The item relating to section 7508A in the table of sections for chapter 77 of such Code is amended by striking “Authority to postpone” and inserting “Postponement of”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to disasters

and terroristic or military actions occurring on or after the date of the enactment of this Act.

**SEC. \_\_\_\_ . TEMPORARY SUSPENSION OF BOUTIQUE FUEL REQUIREMENT AND ETHANOL MANDATE.**

(a) **BOUTIQUE FUEL REQUIREMENT.**—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(2) by adding at the end the following:

“(vii) **SUSPENSION.**—The Administrator shall suspend a control or prohibition respecting the use of a fuel or fuel additive required or regulated by the Administrator pursuant to this subsection for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.”.

(b) **ETHANOL MANDATE.**—Section 211(o)(7) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding at the end the following:

“(G) **SUSPENSION.**—The Administrator shall suspend the requirements of paragraph (2) for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.”.

**SEC. \_\_\_\_ . OTHER RELIEF.**

Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141) is amended by inserting “at its own discretion or” before “if so requested”.

**SEC. \_\_\_\_ . WAIVER OF CERTAIN REQUIREMENTS FOR VESSELS IN DISASTER AREAS.**

Notwithstanding section 501 of title 46, United States Code, during the 14-day period beginning on the date of the enactment of this Act, the provisions of sections 55102 and 55103 of title 46, United States Code, shall not apply to a vessel that is delivering merchandise or transporting passengers to a port—

(1) in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.); or

(2) designated by the Secretary of Homeland Security as a port of significant importance to an area referred to in paragraph (1).

The **PRESIDING OFFICER.** The Senator from Utah is recognized.

Mr. LEE. Mr. President, it is important that we begin the long overdue process of reforming the way the Federal Government responds to catastrophic disasters.

Too often Federal disaster relief has been reactive, bureaucratic, arbitrary, and billions of dollars are spent. Sometimes that happens with little or no accountability. Resources go unused, goals are not met, and redtape delays recovery. In the end, it seems Washington focuses sometimes solely on the price tag rather than on the people we are trying to help.

The current model assumes that politicians and bureaucrats in Washington are best suited to decide where, when, and how best to allocate resources during an emergency, but common sense

and decades of experience tell us otherwise. It is the people on the ground—local officials and emergency responders, of course, but also individuals, families, and voluntary organizations—who are best equipped to help communities respond and recover from disasters.

As I looked into these issues, it became clear to me that even as the Federal Government has distributed billions for recovery with the right hand, regulations and bureaucracy have choked the recovery process with the left hand. Our recovery policy needs to be both more flexible and more consistent. Flood victims on the east coast deal with the same issues as flood victims in the gulf. Yet they are often faced with different rules and requirements. Federal policy should be clarified so that local officials and private citizens understand the process before a disaster occurs rather than having to deal with it and figure it out after the fact.

My amendment would create permanent, substantive regulatory reforms to assist victims of all disasters. It would create no new Federal program or taxpayer burden. It would instead remove redtape and provide temporary but immediate regulatory relief for disaster victims and relief volunteers. It would make it easier for a family to access savings to begin immediate recovery. It would temporarily waive certain regulatory burdens for people providing essential services after a disaster. It would expedite shipping to ensure we can get critical materials to areas affected by a disaster. Most importantly, my amendment would make these reforms automatic so that communities could begin rebuilding immediately and without having to wait for Washington, DC, to act. These are important and I believe overdue reforms, and they represent a good first step toward improving our approach to disaster relief.

I am pleased with the positive response this proposal has received so far, although I understand that some of my colleagues have concerns that a few of these substantive changes merit additional discussion and consideration.

I believe these reforms ought to be permanent fixtures of Federal emergency response policy, and ideally they should be part of a more comprehensive package to overhaul how we respond to Federal disasters.

I have spoken with my good friend Senator HATCH, the ranking member of the Finance Committee—the committee in which many of these reforms will and should properly be debated. He has expressed an interest in working with me on these reforms in the new Congress.

I look forward to and encourage all of my colleagues to join me in a serious and meaningful dialog about these critical issues.

AMENDMENT NO. 3373, AS MODIFIED, WITHDRAWN

Mr. President, with that understanding, I withdraw my amendment because I am confident that a broader discussion will be good for the country and will result in reforms that will eliminate waste, facilitate quicker recovery, and deliver assistance to Americans most severely affected by disasters.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment of the Senator from Utah is withdrawn.

The Senator from Montana.

Mr. BAUCUS. I appreciate the Senator withdrawing his amendment. Had he not, I would have had to oppose it. It basically waives the Davis-Bacon requirements instruction for the Sandy rehabilitation projects. It is a bad idea, and we shouldn't have been on that road.

Second, it changes the Code with respect to giving rules and also with respect to penalties with respect to withdrawals from IRAs. I don't think that is a good idea.

More importantly, the fancy term is, it makes this bill blue-slipped; that is, because it is a revenue provision the Senator is offering and it did not originate in the other body, the other body would say: I am sorry, under the Constitution, revenue bills have to begin in the other body—in the House. This didn't begin over there. It began here, this provision, and so they would not even take up the bill.

For that reason, I am glad the Senator withdrew his amendment, because it would cause unnecessary problems for people who deserve a lot of help in the wake of Hurricane Sandy. I thank the Senator.

Mr. President, might I inquire of the Chair or the chairman of the Appropriations Committee, who is managing this bill, whether I might speak on a subject? Now, I don't want to speak out of turn, but I was going to make a brief statement with respect to the fiscal cliff and urging a resolution, showing with the chart I have here that we are not that far apart, but I don't want to get in the way here. Given the managers' preference in how they manage the bill, I defer to the managers because it is their bill.

Ms. MIKULSKI. If the Senator will withhold, the next amendment under our agreement was Senator MCCAIN. He will be here in 5 minutes, so the Senator may proceed.

Mr. BAUCUS. I will speak within that period of time. Thank you very much, and I thank both Senators.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, President Kennedy once said:

There are risks and costs to action, but they are far less than the long-range risks of comfortable inaction.

Here we are on December 28, just 3 days from what some have termed the

"fiscal cliff"—trillions of dollars in automatic tax increases, across-the-board spending cuts, including cuts in Medicare payments, unemployment benefits, and more.

I rise today to call on the Congress and the President to take immediate action to resolve the year-end fiscal challenges. We can do it. We are very close together. The proposals are not that far apart.

I make this call on behalf of the people I work for in Montana. My bosses have given me clear marching orders, three simple words: Get it done. I believe their neighbors all across the country agree. It is about time we listened.

In all the hype and the rhetoric here on Capitol Hill, many have lost sight of our fundamental duty to serve the American people. It is time to put politics aside and remember what is at stake for working families, farmers, and small business owners across our country.

If Congress fails to act by the New Year's deadline, nearly every American will be hit with a tax hike, including 400,000 Montana families. That is approximately \$2,000 out of the pockets of America's working families. About 125 million American workers will see smaller paychecks as a result of higher payroll taxes.

More than 2 million Americans will lose the Federal unemployment insurance that helps keep a roof over their heads while they look for work.

About 98,000 Montana parents will see a tax hike of \$1,000 if they lose the child tax credit, and thousands more will be hit by the loss of the earned-income and American opportunity tax credits.

As many as 28 million Americans and 52,000 working Montanans will be forced to pay the alternative minimum tax.

Across-the-board mandatory spending cuts mean thousands of Federal employees will lose the jobs that put food on the tables for their families. Agencies in charge of keeping America safe, such as the FBI, Border Patrol, Department of Defense, and others, will be short-staffed.

Families may lose farms and ranches that have been passed down for generations because of the estate tax hike. These aren't wealthy aristocrats. They are honest, hard-working people who get dirt under their nails every day to put food on their tables. All they want in return is to pass the land they work on, on to their kids and on to their grandkids. These are not just numbers on a page. These are people. We work for them. They are our employers.

Montana families sit down together at their kitchen tables every month and make tough choices to make ends meet. They deserve a Congress that could do the same.

Unfortunately, the list of last-minute legislation doesn't stop with the fiscal

cliff. Our rural economies will take a big hit if the House fails to pass a farm bill. Make no mistake, the farm bill is a jobs bill. Agriculture supports 60 million jobs nationwide. In Montana, one in five jobs is tied to agriculture, and the Senate farm bill supports those jobs while also cutting spending by \$23 billion. This bill is part of a responsible solution.

There is absolutely no excuse for inaction. I call on the House to bring the Senate farm bill up for a vote immediately. Our farmers and ranchers break their backs to put food on their tables every day. At least they deserve an honest, fair, up-or-down vote on their jobs bill.

Failure to reach agreement on these critical year-end issues will certainly cause market volatility and shock the greater economy. Experts predict that failure to reach agreement on the fiscal cliff will cause the economy to contract in the year 2013 by one-half percent, likely causing unemployment to climb to 9.1 percent, pushing our Nation back into recession.

But it doesn't have to be this way. It is only because of stubbornness and stagnation on both sides of the aisle that we find ourselves facing this great challenge at the eleventh hour. The blame game has shifted into full gear, but there will be no winners if both sides continue to play this game of chicken.

The United States is at a critical juncture. We can come together and show the world America is still the leader of a global economy or we can let obstructionism turn this country into a second-rate superpower.

Just last week, I was doing some last-minute holiday shopping for my family. While in one store, I asked the sales clerk how business was going. We got to talking, and she told me how numbers were dramatically down this year. She said people were worried. With so much uncertainty about the future and the fragile economy, she said it was hard to convince people to spend their hard-earned money on gifts.

That word, "uncertainty" is one I have heard quite often lately. Whether it is industrial leaders on Wall Street, small business owners on Main Street or farmers and ranchers on country roads, they are worried about the future. They understand confidence matters in our economy.

It is time to act right now, today. We have a chance to earn back the confidence of the people we work for and show the world America is still the safest bet in the world.

To give families and businesses certainty to start down a sustainable fiscal path, Congress and the President must agree on a balanced plan. They must ramp up over time and cut spending, while at the same time asking a little more from those who can afford



it. The math will not work any other way. The clock is ticking. It is time to stop campaigning and start listening. It is time to make the tough choices the American people sent us to make.

The President is meeting with congressional leaders at this very moment. My message to them is simple: We can do this. We can get this done, and we must. It is our responsibility.

Here is a comparison of the latest grand bargain proposals made by the President and Speaker BOEHNER. As you can see, we are not that far apart. There is not a lot of difference. There are compromises that can be made on both sides. We are not far from an agreement on a balanced plan—a plan that will bridge the fiscal cliff.

A balanced plan will encourage businesses to invest, enabling investors to return to the markets with confidence. Most important, a balanced plan will put Americans back to work in a growing economy.

I understand time is short, New Year's Eve fast approaching. But I believe in life we have only two choices: try or do nothing. To ask the question is to answer it: Of course we try. If we try, we have another question to ask ourselves: Do we try our best? Of course, to ask that question is to answer it as well: We try our best.

I choose to try, I choose to try my best, and I ask you to join me in that effort.

Our first choice is a grand bargain that puts this issue to bed once and for all. That is unlikely, to be honest, this late in the game. But it is still my first choice, and we should still try.

At the very least, we owe the American people a plan that addresses the immediate challenges and gives Congress additional time to reach a bigger deal. It will show we can work together across party lines, and it will set the tone for the tougher discussion we need to have to enact a long-term and comprehensive deficit solution.

The American people are calling on us to act. They are calling for compromise, for common sense. It is time to put progress ahead of politics.

As President Kennedy warned, we cannot be lulled into comfortable inaction. We need to face this challenge head on and use it as an opportunity to put our economy back on track. So let's get to work.

I thank the managers of the bill for giving me this time, and I yield the floor.

Ms. MIKULSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING DAN INOUE

Mr. ROCKEFELLER. Mr. President, I wish to talk for just a couple minutes about Senator Inouye. I know I am late in the process, and that is partly why I am doing it—because I wanted to be late in the process.

I had been in the Senate 1 day back in 1985, and Dan Inouye came to visit me in my office. He was up here; I was down here. He introduced himself. We talked about our States. He had all kinds of seniority and amazing qualities, I was nothing and he came to see me. I am sorry, but you don't forget things such as that. It says something about him, which went through his life. That is just the way he was.

From there, a long friendship began. While I believe he looked at me as a friend, I looked to him as so much more than that. He was in a total sense a mentor with sort of a Confucian touch. He was of Japanese heritage and I had an interest in Japan and he had a way of imparting judgments and wisdom which were in the Eastern method, very subtle. He was not always that way, but he could be, and he was with me.

I learned from him how this Chamber works and how to get things done. I watched the way he did them—not with a heavy fist or sharp words but with thoughtfulness and hard work, a commanding presence, that voice—that voice—and genuine relationships, including across the aisle. He believed in action. He believed in getting things done through hard work and through determination. He had very much of an agenda.

Dan, of course, was one of our Nation's ultimate war heroes—not only because of his service and sacrifice but also somebody who stood for his country, even when his country did not immediately stand for him.

Dan's courage and iron will were evident as he fought on the battlefield, taking bullet after bullet, yet continuing to get back up. A tough soldier. He fought for the people of Hawaii every single day that he lived in public service.

His love of his State and every Hawaiian was so abundantly clear through his massive list of accomplishments—an overwhelming list of accomplishments. Since Hawaii became a State, Dan had been working for it as the first Congressman ever elected by the State and only the third Senator. His efforts are clear in his State's roads, bridges, airports, schools, military bases, health care, oceans, and almost every aspect of American life that reached to the Islands. He played a truly momentous role in making Hawaii what it is today.

Dan and I worked together on the Commerce Committee for 27 years. I always felt very close to him. I remember sitting with him quietly, maybe sharing a joke when I was lucky

enough to be sitting beside him but most often just listening. He was thinking, waiting for a discussion to ripen. He never once spoke just for the sake of it. Yet when he did speak, watch out.

I watched him a number of times, which I could well recite, when he took an argument that the Commerce Committee had let ripen, and then, through the force of his argument, his quiet demeanor, and that powerful face and his calmness, turned the argument 180 degrees from a yes to a no or from a no to a yes, people simply following the power of his logic and strength.

Dan didn't want us to be in awe of him, but many of us were anyway. His integrity and his authenticity were momentous. He approached policy and public service with a pure heart.

As chairman of the Appropriations Committee—to be succeeded by the wonderful Senator from Maryland—and the Defense Appropriations Subcommittee, he was respected by everybody on both sides of the aisle. He was a task master. He could be tough. He ran a tight and highly disciplined ship but was unfailingly courteous and generous.

I have no doubt that one of the most difficult decisions he ever had to make was to implement the ongoing ban on congressional earmarks. Dan Inouye believed in congressional earmarks, as does the current speaker. He was adamant in his support and the constitutional right of Members to direct investments to their States, but he recognized that his bills had no chance of being enacted into law in the current political climate.

He fought back against Draconian funding cuts in the Ryan budget and, in a very partisan environment, moved all 12 of his bills for the 2012 fiscal year. He wasn't inactive. He was always on his game. Just in this lame-duck session, he turned a disaster relief request from the President into a finished bill to help so many States and families impacted by Hurricane Sandy. These are large accomplishments.

His family was so deeply important to him. It has been wonderful for my wife Sharon and me to see the utter joy that Dan's wife Irene brought to him in these recent years, the happiness she gave him, the twinkle in his eye and the privilege of just getting to know her, a remarkable and strong woman. Our hearts obviously are with Irene and Dan's son Ken now.

Dan's is an awesome legacy and always will be, a legacy of character, of honor, and of service. So I say: Dan, thank you for what you have shared with each of us and for the life of service you gave to this country and your State that you loved so very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from West Virginia for his



deeply moving and heartfelt sentiments concerning our dear and departed comrade, Senator Inouye, a unique man. Never will the Senate of the United States of America see his like again.

I thank the Senator from West Virginia for his very important and moving tribute.

AMENDMENT NO. 3355

Mr. President, I ask unanimous consent to call up pending amendment No. 3355.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. COBURN, proposes an amendment numbered 3355.

The amendment is as follows:

(Purpose: To strike funding for the emergency forest restoration program)

Beginning on page 2, strike line 16 and all that follows through page 3, line 2.

The PRESIDING OFFICER. Under the previous order, there will be 8 minutes of debate equally divided on amendment No. 3355 offered by the Senator from Arizona. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the manager of the bill for her patience during this difficult time of many amendments and other priorities. I thank her for her patience and her courtesy as well as our Republican manager, the Senator from Mississippi.

This amendment is very minor in nature when we look at a \$60 billion piece of legislation. But I think it has a certain amount of symbolism associated with it, which is why I bring it up, symbolism we all want to respond to an emergency and a tragedy such as befell the people of the Northeast as a result of this terrible hurricane and ongoing tragedies that continue. Our hearts go out to them. It is clearly an obligation of the Congress and President to do whatever is necessary to provide what comfort and relief we can to them. It is one of the obligations of government we all recognize.

But also, over the years, I have seen the tendency as one of these things happens, as they do from time to time, tragically, that we have a tendency to put money in things we otherwise would not get so easily or funds for programs that have nothing to do with addressing the tragedy or just an excess of funds in an act of generosity on the part of the Congress of the United States. That might be OK—might be OK under certain circumstances, but we have a \$16 trillion debt. To appropriate more money without adequate justification for doing so is something that, sooner or later, we will have to stop.

I guess it was Margaret Thatcher who once said the problem with socialism is that sooner or later you run out

of other people's money. My friends and colleagues, sooner or later we are going to run out of other people's money because they are going to stop lending it to us because we have a \$16 trillion debt. Even though this is a relatively minor item, I think it is kind of symbolic of what we do around here. It is concerning the \$58 million we are going to spend for the Department of Agriculture Forest Restoration Program for planting trees on private property.

Let me make that clear. We are going to spend \$58 million for planting trees on private property. This amendment would strike that provision. This tree planting program called the Forest Restoration Program is actually a farm bill subsidy that was created in 2008. It is run by a relatively unknown government office called the Farm Service Agency, whatever that is, which was primarily responsible for managing crop insurance in rural counties. Under the program, "nonindustrial private forest landowners" can apply for up to \$500,000 for a range of forest restoration activities, including tree planting.

Why is that the role of the Federal Government? Why is it the role of the Federal Government to pay for trees to be planted on private property, much less funded in a bill to repair the damage done by a hurricane.

There is nothing in the supplemental that limits the funding to just Hurricane Sandy. Under this bill, the \$58 million can be used anywhere. According to the U.S. Forest Service, approximately 45 percent of all forest land in the United States qualifies as "non-industrial private forestland." These lands are owned by approximately 11 million landowners, many of whom have holdings of fewer than 50 acres on average.

We know this program has cash. It received \$11 million from Congress in 2010. It received an additional \$28 million in the 2011 Omnibus Appropriations Act, more than doubling the program.

The Senate is proposing to double this subsidy again to \$58 million. We know from the U.S. Department of Agriculture records the majority of funding has been used in past years for wind damaged trees in Mississippi, Georgia, and Tennessee. There remains an unobligated \$15 million in the program's account.

I say to my colleagues, \$58 million here, \$58 million there, sooner or later it runs into real money. In fact, it runs into a \$16 trillion debt. I come from a State, I say, Mr. President, where we love trees. We have not enough of them. In some parts of our State we have a lot of them. In some parts of our State it is kind of bleak—but beautiful. But I am not asking for any money for private owners in my State to plant trees. I think they can do that themselves.

Again, it is only \$58 million. Maybe I am taking up the time of the Senate when we are talking about \$60 billion, but it is an example, an outstanding example, of the kind of excess that does not have the priority to spend another \$58 million of the taxpayers' money.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first, I thank the Senator from Arizona for coming to the floor and debating this amendment because it means we can move our bill in an expeditious way. I wish we could be solving the issues around the fiscal cliff with such civility, watchful rigor, and a commitment to the taxpayer.

Having said that, however, I rise to oppose the Senator's amendment. The Emergency Forest Restoration Program was established after Hurricanes Katrina and Rita. It does help owners of private forest land carry out emergency measures to restore land damaged by a natural disaster. This is not just trees falling. It has recently been used to provide assistance to tornado damaged land across the Southeast: Alabama, Georgia, Mississippi, North Carolina, Tennessee, and Arkansas. As the Senator from Maryland, the Presiding Officer, knows, when a hurricane hits, people, homes, and landscape are uprooted.

The program provides a 75-percent cost share for the work. The landowner has to provide the other 25 percent. In order to participate in this program, there must be an onsite inspection to determine the type and extent of damage caused by the disaster, and it must show that the damage, if untreated, would endanger our natural resources or materially affect the future use of land around it.

If the physical inspection determines this land qualifies for the program, funding can be provided to remove damaged timber, clean up the damaged trees, and take those activities to prevent future forest fires that can certainly spread beyond the private forest. In the long run, some of these issues, if not controlled, could cause much greater damage and cost much more money.

Funding for this program was included in the administration request for the supplemental, but it is limited only to Sandy. We are not doing this as a new program that will occur in every disaster. Just as we did for Katrina and for Rita, the bill was done for that. This would be limited only to those geographic areas affected by Hurricane Sandy.

Historically, when disaster supplementals are considered, funding to eliminate the full EFRP backlog was included. This practice has been historically supported by both sides of the aisle. We hope it is continued in

this bill. I respectfully urge all Senators to oppose this amendment.

Mr. President, we are moving very well on this bill, and we expect to have votes on these amendments when our colleagues return from the White House beginning shortly, around 4 o'clock. We note there is another Senator who wishes to speak, but I, both in terms of the chair of the full committee as well as the Senator from Maryland, along with my colleague presiding, do want to speak about this supplemental.

As we are drawing to a close with very few amendments left, I hope my colleagues will pass this supplemental appropriations and view it urgently. In Maryland, we were hit in Hurricane Sandy. We were hit in two ways. No. 1, a hurricane on the Eastern Shore and up and down the Chesapeake Bay, over 2,500 miles of shoreline, the Maryland part of the bay, the big bay, the inlets, the coves, the peninsulas—all of which were vulnerable during Hurricane Sandy. Parts of our lower shore were absolutely devastated.

While we were fighting the ravages of the hurricane and the wind and the rain, up in western Maryland it took the turn that it was a blizzard, a blizzard in western Maryland. Mr. President, you received the same calls I did, county commissioners saying the roads were blocked, 90 percent of the power was down. The National Guard had to be called out because only they had the muscle vehicles to clear the roads so the emergency power could get in. State Troopers were rescuing people on snowmobiles and down in the lower shore they were going in, in swift boats, to pull out the elderly and other vulnerable populations. It was just awful.

As the storm moved up and down the coast, community after community—small like ours, large like New York City—was pounded and pounded by this devastating hurricane. All of America watched. We all held our breath. We all feared the worst and we saw the worst. At the same time, we saw the indomitable spirit of the American people hanging on to their home, praying for their livelihood.

While all that was going on, the President visited the Governors on both sides of the aisle to say you have the United States of America behind you. The United States of America being behind you, whether you are Governor O'Malley or Governor Christie or Governor Cuomo or the other Governors, means we need to pass this bill. We want to pass it because we know that lives were devastated and livelihoods were ruined.

In Maryland, we faced these unique challenges: hurricane, blizzards, urban and rural communities affected. In our own lower shore, Somerset County was hit.

That has one of the highest unemployment rates in the State, close to 10

percent; 18 percent of the residents live below a line of \$35,000 a year. What I said then and what I say now: They were rich in community spirit, but they don't always have a lot of cash. Why? Because their jobs are in agriculture, seafood—industries that were hard hit by the decline in species, drought, and high fuel prices.

Families live in the same house for one, two, and three generations. An appraiser might come by and wonder what the value is of that house. If a family inherited the house from their mom, dad, or grandpa—some families go back to the days of the Underground Railroad—that house means something to that family. How do we restore them? How do we get the mold out? How do we get them back and functioning? Well, that is what this bill is all about.

You and I fought tooth and nail to get our State the assistance it needed—not only our State but the other States as well—because we are the United States of America. We hit some bureaucratic roadblocks along the way, but thanks to the President and Mr. Fugate, the Administrator for FEMA—and, wow, didn't he do a good job—and the creativity of Shaun Donovan at HUD, we all felt we were in it together. I thank them for their work.

What does that mean? Just in Somerset County alone, 619 people have applied for individual assistance. They were eligible for about \$1 million. When we are talking about all of this money, \$1 million might not mean a lot in the Federal budget, but it sure meant a lot in the Somerset County family budget.

I am proud of what I did in working with you to help do this, and I am really proud of what our colleagues have done with their work on this legislation. We have outstanding subcommittee chairs, and I will talk about this in the wrap-up. They did a great job under President Obama's leadership, and the executive branch functioned in a prime-time way. Now it is up to us to function in a prime-time way and to move this bill.

The supplemental package provides well-tailored resources. Yes, there was \$11.5 billion for the FEMA Disaster Relief Fund and \$17 billion in community development block grants for the restoration of infrastructure and housing, lives and livelihoods, and so the Corps of Engineers can repair and rebuild projects along the shorelines. These are the kinds of things this money will be used for. It is not to be spent on bureaucracy but on the restoration and recovery. It will actually put people to work rebuilding their communities.

Now, we might want to talk about how we don't want to spend money on foreign aid, but I sure want to spend money on American aid. I want to rebuild America, and I want to talk about things such as an infrastructure

bank another time. Right now, we have an opportunity to come to the aid of fellow Americans, who in many instances are quite desperate, to restore those communities and do the kind of infrastructure we need in order to rebuild physical infrastructure and, I might add, emotional infrastructure.

I strongly support this legislation that I bring before the Senate today. I ask that my colleagues join me in moving it forward. At the end of the day, if we pass this bill, it will be a better day for all of those who were so hard hit by Hurricane Sandy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

THE FISCAL CLIFF

Mr. MORAN. Mr. President, I would like to thank the Senator from Maryland for allowing me the opportunity to speak during this discussion of the supplemental appropriations bill. Also, it is my first opportunity to publicly congratulate the Senator from Maryland on her achievement of becoming the chairman of the committee I am a member of, and I look forward to working with her on an ongoing basis over the next 2 years as we work our way through appropriations bills. I look forward to seeing that we do right and well and that we appropriately take care of the taxpayers' dollars.

While the supplemental is important—and I am anxious that we move forward and vote on the amendments and its final passage—I would like to take this moment to speak, here on December 28, on the reason we are back in Washington, DC—the so-called looming fiscal cliff. It is unusual for the Senate to be in session at this point in time, just a few days after Christmas and a few days before the New Year. I believe it has not been since 1970 that the Senate has cast votes during this period of time.

Our country faces a significant financial challenge, and I hope the House, the Senate, and the President are up to the task. I want to reach an agreement. I want to avoid finding out the consequences of no agreement. We have heard the predictions of the Congressional Budget Office that suggest that the U.S. economy will be driven back into a recession should we go over the cliff. There is a projection of increasing unemployment rates, a reduction in real GDP, and the amount of debt held by the public will increase. I do not want our economy, the American people, the taxpayers, the business men and women of our country to suffer the risks of inaction by Congress and the President.

But while meetings are ongoing now at the White House—and I hope there is some semblance of progress that we learn about shortly—it does seem to me that we are at this final hour with a lack of any significant progress to deal with the fiscal cliff issue. We need

leadership. We need the President's leadership. We need leadership by Republicans and Democrats, and we need the House and Senate.

While I say I want an agreement, I am also willing to appreciate the fact that I will not get everything I might want in an agreement. The consequences of our failure seem to me to be so significant that we ought to find common ground.

Now, I understand we might reach an agreement that deals with a portion of the so-called fiscal cliff. I want to point out that we are only really talking these days about the tax consequences of the fiscal cliff. I don't know exactly how the phrase "fiscal cliff" came into existence. I don't know where those words came from. I don't know exactly what they mean. I think they probably mean different things to different people.

It seems to me the fiscal cliff we face is based upon sequestration. This plan that was put in place by the Budget Control Act would reduce spending by \$1.2 trillion in both defense and non-defense as well as the debt ceiling, which our Treasury Secretary says needs to be addressed. The peak will be reached, the balance necessary to be raised, on December 31. We might want to include the doc fix, which is the Medicare set of payments we make on a short-term basis to keep physicians seeing Medicare patients. Certainly, the deficit and debt our country faces are a part of that fiscal cliff.

It seems to me that we are only dealing with the issue of taxes. I want to avoid taxes being raised on any American. I may not have that opportunity, but we ought to do everything we can to make certain the Tax Code is unchanged in regard to those who are currently paying taxes. For more than 10 years, we have had a tax code that treated taxpayers a certain way, and in my view, any tax increase is damaging to the economy. Having said that, that I might not get everything I want, there are consequences of not dealing with this issue that may be beneficial even though a tax increase on anyone would be detrimental. So there is this opportunity to give-and-take to make certain that if there is a tax increase on anyone, there is a corresponding benefit that overcomes the damage to the economy in regard to this issue.

We need to understand that while we are talking about taxes, we are talking about a tax increase that will affect everyday Kansans and everyday Americans. The research I have seen indicates that a teacher in my State making \$43,000 a year, in the absence of us dealing with this issue, his or her taxes would go up \$3,000 a year, which is about \$250 a month. That does not include the end of the temporary payroll tax holiday, the new ObamaCare tax increases, or the alternative minimum tax, which affects taxpayers at income levels of more than \$33,750.

So I am hoping we can deal with the tax issue, but I don't want us to forget there are other significant issues our country faces. Almost none of the conversation coming from the White House or the discussions over the last few days, weeks, and months have dealt with the deficit, which is so compelling.

As I drove down the roads from one side of the State to the other for Christmas, with one side of our family in western Kansas and the other side of our family in eastern Kansas, I was thinking less about Christmas at that moment and more about what to do if we have a short-term so-called kick-the-can-down-the-road—a 60-day or 30-day extension.

It seems that we owe Americans something much greater than just delaying the consequences of our inaction to date. We desperately need to deal with the big issues. We have no choice but to move forward with just the small items that are before us today, but we especially need to deal with the deficit and debt problems our country faces. We cannot afford to kick the can down the road.

I read a letter from a constituent of mine who wrote to me back during the debt ceiling debate. I think what she said is still important for us today. This is a letter from Gina Reynolds from Shawnee, KS. She says that she believes America is the greatest country on Earth. She says:

I believe we have the greatest country on Earth, but our inability to compromise and stop acting like spoiled children saddens me. The Founding Fathers were able to compromise and write a document that has stood the test of time for 235 years. Can we not now do the same? Please do the right thing for the American people, the ones . . . hurt by this self-produced impasse.

I want the impasse to come to an end. I want us to reach an agreement. I want us to deal with the Tax Code that changes on January 1. But I do not want us to avoid the opportunity to deal with the most significant problem and challenge our country faces—the fiscal challenge of our deficit and debt.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to talk about the looming financial crisis that all of us here are trying to solve. We are here because we know that in 4 days something that will affect every American family in not a very good way is going to happen. We are talking among ourselves, and we are trying to see what could be given on each side of the debate and where we are together. In many areas, we are already together.

The President has said he is for AMT relief, and most certainly we are as well. There are other areas where we are in agreement, such as relief from the marriage penalty and the child tax

credit, which have helped so many American families. Yet we seem to dwell on where we are apart and not start with where we are together.

As we speak, our leaders are meeting at the White House. Our majority and minority leader in the Senate and the Speaker and the minority leader in the House are meeting with the President. It will be remembered about the President's term and it will be remembered by Members of Congress if we don't do something that is a compromise. At this point, it has to be bipartisan. There is no question that something has to pass the House and the Senate with votes from the minority party of each chamber.

We have to go to the drawing board, and I hope there is a plan laid out at the White House with the leaders from which we can start that real negotiation. Now, many would say: Really? Should we start now, 2 or 3 or 4 days out?

Well, no. We should have started about 6 months or a year ago, no doubt about it, but we are where we are. So what can be done in a significant way that will ease the concerns of the American people right now? No one wants to see tax increases on every American. No one wants to see America's defense budget decimated, which is what will happen automatically with no action on January 2 with sequestration. No one wants to see unemployment tick up, and no one wants to see another recession when we have barely started on a very slow road to recovery from the last one.

The consequences are enormous. For instance, the child tax credit is \$1,000 per child and refundable today. On January 1 of next year, it will be \$500 per child and not refundable. The adoption tax credit, which has helped many American families ease the cost of adoption while giving a home to children who wouldn't have one otherwise today, is a \$12,650 deduction. As of January 1, it would be \$6,000 and not applicable to any child except one with special needs. Even though that is a wonderful thing, why not continue the full amount for every child who is adopted.

The marriage penalty relief will be significantly reduced if we don't do something by January 1.

This is something that hasn't been talked about very much: If an employer provides education assistance, up to \$5,250 of the cost of this assistance may be excluded from their tax payment. That provision expires, so that is a huge disincentive for employers to help their employees further their education, which is in everyone's best interests. Today student loan interest deductions are \$2,500 per year. That is an interest deduction to pay back a student loan, where someone has had the initiative to get their higher education and borrowed to do it. In 2013, this deduction will only be available for 5 years of interest payments.

The alternative minimum tax, which was meant to hit millionaires when it was enacted years ago, hit an income of \$48,000 for an individual and almost \$75,000 for a couple in 2011. Because it expired at the end of last year, for tax year 2012, the AMT has gone to \$33,000 for an individual and \$45,000 for a married couple. A married couple making \$45,000 with two children, maybe in college, should they pay an alternative minimum tax? This doesn't make sense to anyone in our country, and it is time we came together to face reality. The reality is we are on the brink of letting a bad thing happen because we are so divided on the edges and we can't come to terms.

There are areas I have talked to my Democratic colleagues about where I know we are together. Fixing the AMT is one. Another one is the estate tax. Today, over 80 percent of the value of a ranch or a farm is a nonliquid, land-based or equipment-based asset. That means if someone dies and they have to pay an estate tax over \$1 million, which is what it will be January 1, often heirs have to sell at pennies on the dollar because they can't sell land or equipment for the value that is put on it for an estate. So we are going to throw family-owned farms into a liquidation, which cuts jobs of the people who are working there and also affects the businesses and rural communities they support in Texas and in many other states. None of us want that. I talked to my Democratic colleagues and they don't want that either. Today the exemption is \$5.1 million—much more reasonable when we are talking about an asset that is virtually not sellable on the open market. We want to fix that so families can pass their businesses and farms and ranches to their heirs and keep the people who are working there in jobs.

We know we need to boost our economy at the same time we need to take hold of the spending of government. That is something we have talked about for a long time because we know the debt is \$16.3 trillion and we know the deficits, which are more than \$1 trillion every year, are going to make that higher. It is unsustainable. So we have to address the revenue and we have to address the spending.

Ms. MIKULSKI. Mr. President, if the Senator from Texas will yield for a moment, I don't want the gavel to come down during her presentation.

We were scheduled to resume votes at 4 o'clock. I wish to ask unanimous consent for the Senator from Texas to finish her statement and then Senator LEAHY be recognized to make a few remarks. We know the leadership is on their way back from the White House. So I ask unanimous consent that votes resume at 4:15 after the Senator from Texas completes her remarks and after the Senator from Vermont speaks for a few minutes to debate the Rand Paul amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the Appropriations Committee as well as the ranking member because as soon as our leaders get back from the White House I certainly want us to be able to go forward and vote.

To finish my remarks, we must take hold of our financial situation. There is no doubt we are spending too much, we are borrowing too much, and I believe we are taxing too much. It is time for us to hold the line on taxes so they do not go up for the people who would hire people. At the same time, we know we must cut responsibly. We must set our priorities and put a ceiling on spending in this country.

I understand that is going to take more time than the next 4 days, but I implore my colleagues to not let the jolt happen on December 31 at midnight that would hurt our economy, possibly put more people out of work, and jeopardize their family incomes which, in many cases, are barely able to make ends meet today. Let's come together where I know from talking to my Democratic colleagues we could come together. If we can do the things that are necessary to bring us together to avoid this cliff, we need to do everything in our power to do it.

I thank the Chair, and I certainly wish to yield the floor to the Senator from Vermont. I just hope that before December 31 at midnight, if we have to be here to do it, we will come to an agreement that will ease the tensions in the marketplace and in the American family and workplace so we can go forward and give the new Congress the time to look at all these issues and come to the terms of a government that has a Democratic majority in the Senate, a Republican majority in the House, and a President in the White House whom I hope will bring everyone together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

#### AMENDMENT NO. 3410

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Texas. As I said earlier on the floor this week, I will miss working with her. We have worked together on a number of things.

I know my distinguished colleague, Senator LINDSEY GRAHAM, has already spoken on the amendment of the junior Senator from Kentucky which would offset a portion of the cost of the supplemental by rescinding unobligated funds from the fiscal year 2013 continuing resolution for the Department of State and foreign aid programs and operations of the U.S. Agency for International Development. I agree with him in opposing it.

The fiscal year 2013 CR provides \$13.4 billion for these national security programs. Of course, we are only 90 days

into the fiscal year and \$10.4 billion is not yet obligated. No matter how good an amendment such as this might sound, we need to talk about the reality. These days we seem to have two types of arguments, those that go to symbols and those that go to substance. Let me speak about the substance of what this amendment would do to all of our foreign assistance programs.

It would effectively bring to a halt U.S. foreign aid programs around the world. It would shut down the U.S. Agency for International Development. The distinguished Presiding Officer and his family have experienced how important these programs are throughout the world.

Let me tell my colleagues some of the things this amendment would do. It would force early termination of contracts that are based on the fiscal year 2013 budget request such as military aid for Israel and Egypt, potentially resulting in significant early termination and legal costs to U.S. taxpayers. It also tells these countries not to rely on us: We will make agreements with you, we will give you contracts, but we may change our mind 2 months into the fiscal year. Is this how the greatest, most powerful Nation on Earth should act? Come on.

The amendment would reduce the amount available for these programs during the continuing resolution by 67 percent. The amendment sets a floor of \$5 billion for these programs for all of fiscal year 2013; that would be a cut of 81 percent. It is not clear how or when additional funds would be provided. In fact, the lack of clarity would wreak havoc on operations and programs that have bipartisan support. That is why Senator GRAHAM and I both spoke in unison on this. Republicans and Democrats across the political spectrum support these programs.

It might make a good press release back home to say we are going to cut all this money from our foreign aid programs, particularly when no mention is made that these programs are a mere 1 percent of the entire Federal budget, but these programs represent a large percentage of the face of America throughout the world. This amendment represents a myopic misunderstanding of the world we live in, where our economy and our security are intricately linked with those of other countries. Frankly, a lot of countries wish we would do something such as this so they could step in with influence that would be counter to the interests of the United States.

Now is not the time to abruptly end our lifesaving global health programs, including the PEPFAR initiative of the George W. Bush administration, which I and many Democrats and Republicans supported, and which also protects the health and safety of Americans living here and traveling and studying and working overseas.

I would ask: Are we actually going to end anticrime programs in Mexico and Colombia or military and economic aid for Israel, Egypt, and Jordan? If anyone wants to eliminate all those programs, then vote for this amendment. But if colleagues want to keep anticrime programs in Mexico and Colombia and keep military and economic aid for Israel, Egypt, and Jordan, then vote against this amendment.

This amendment would curtail relief aid for refugees and victims of natural disasters, from earthquakes to famines. How many times have we seen a tsunami or an earthquake and the world says: At least the United States of America is there. How about if we said: Sorry, we may be the wealthiest, most powerful nation on Earth, but we can't help you.

How about the Peace Corps? Of course, this amendment would shut it down. The Millennium Challenge Corporation? It would shut that down. The list goes on and on.

I mention these things because they have all had strong bipartisan support—Republican and Democratic support, both in Congress and in Republican and Democratic administrations.

Let's not waste our time like this. It is a classic example of recklessly robbing Peter to pay Paul. We need Americans to help the victims of Hurricane Sandy rebuild their lives. But we cannot do it by eliminating programs that are critical to our economy and especially programs critical to our national security.

This amendment also includes a new provision that would prevent all funds within this act from being considered emergency spending.

Can any one of us stand on this floor with a straight face and say the devastating effects of the largest Atlantic hurricane in history is not an emergency?

The PRESIDING OFFICER. If the Senator would suspend, the time for the vote has now arrived.

Mr. LEAHY. Mr. President, I would ask consent for 2 more minutes.

Ms. MIKULSKI. I am right here.

Mr. LEAHY. Mr. President, I ask the manager of the bill, are you ready to vote? I will take 30 seconds.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senator be allowed to finish his statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, when they say it is not an emergency, look at what happened with this hurricane. We lost 120 American lives. We lost 340,000 homes. We lost 200,000 businesses due to the effects of Sandy. If that is not an emergency, then I have not seen an emergency in all my years in the Senate.

There are 12 States with disaster or emergency declarations in place due to

Sandy's wrath. It produced an emergency disaster for our Nation. It should be considered as such through the appropriations process, and I applaud the Chair of the Appropriations Committee for moving this.

I yield the floor.

Ms. MIKULSKI. Regular order.

AMENDMENT NO. 3376

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3376 offered by the Senator from Kentucky, Mr. PAUL.

Who yields time?

If no one yields time, time will be charged equally to both sides.

Ms. MIKULSKI. Mr. President, on our side, we yield all time back and are ready to proceed to a vote.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

Ms. MIKULSKI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 52, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—42

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	McCain	Wicker

NAYS—52

Akaka	Coons	Leahy
Baucus	Durbin	Levin
Begich	Feinstein	Lieberman
Bennet	Franken	Manchin
Bingaman	Gillibrand	McCaskill
Blumenthal	Hagan	Menendez
Brown (MA)	Harkin	Merkley
Brown (OH)	Johanns	Mikulski
Cantwell	Johnson (SD)	Murkowski
Cardin	Kerry	Murray
Carper	Klobuchar	Nelson (NE)
Casey	Kohl	Nelson (FL)
Conrad	Landrieu	Pryor

Reed	Shaheen	Webb
Rockefeller	Stabenow	Whitehouse
Sanders	Tester	Wyden
Schatz	Udall (CO)	
Schumer	Udall (NM)	

NOT VOTING—6

Boxer	Kirk	Reid
DeMint	Lautenberg	Warner

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 3410

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 3410 offered by the Senator from Kentucky, Mr. PAUL.

Ms. LANDRIEU. Mr. President, I understand there is no more time necessary on this amendment, and we call for the vote.

The PRESIDING OFFICER. Is all time yielded back?

The question is on agreeing to the amendment.

Ms. LANDRIEU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 3, nays 91, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—3

Heller	Lee	Paul
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NAYS—91

Akaka	Corker	Landrieu
Alexander	Cornyn	Leahy
Ayotte	Crapo	Levin
Barrasso	Durbin	Lieberman
Baucus	Enzi	Lugar
Bennet	Feinstein	Manchin
Bingaman	Franken	McCain
Blumenthal	Gillibrand	McCaskill
Blunt	Graham	McConnell
Boozman	Grassley	Menendez
Brown (MA)	Hagan	Merkley
Brown (OH)	Harkin	Mikulski
Burr	Hatch	Moran
Cantwell	Hoeven	Murkowski
Cardin	Hutchison	Murray
Carper	Inhofe	Nelson (NE)
Casey	Isakson	Nelson (FL)
Chambliss	Johanns	Portman
Coats	Johnson (SD)	Pryor
Coburn	Johnson (WI)	Reed
Cochran	Kerry	Reid
	Klobuchar	Risch
	Kohl	Roberts
Conrad	Kyl	Rockefeller
Coons		

Rubio	Snowe	Vitter
Sanders	Stabenow	Webb
Schatz	Tester	Whitehouse
Schumer	Thune	Wicker
Sessions	Toomey	Wyden
Shaheen	Udall (CO)	
Shelby	Udall (NM)	

## NOT VOTING—6

Begich	DeMint	Lautenberg
Boxer	Kirk	Warner

The PRESIDING OFFICER (Mr. UDALL of New Mexico).

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Mr. REID. Mr. President, I am told by the manager of this bill, Senator MIKULSKI, that she thinks they can complete work on this legislation, the supplemental, in the next couple hours. I hope that is the case. Maybe they can even do it more quickly.

Here is what the plan is. I talked to the Republican leader about this generally, not specifically. Everyone knows we have been to the White House. We have had a constructive meeting. We certainly hope something positive will come from that. The Republican leader and I and our staffs are working to see what we can come up with. It should not take a long time to do that.

I think it would be to everyone's interest if we were not in session tomorrow. It is my plan to come in at 1 o'clock. We have an hour on a previous agreement that we have on Galante. There is an hour of debate on that. We would have a vote.

Ms. MIKULSKI. What day?

Mr. REID. Sunday. We have another vote that has been set up, Baer. That is a simple majority.

Mr. MCCONNELL. Mr. Leader, you are talking about Sunday, right?

Mr. REID. Yes. We will have those votes, start the votes after 2, and then for us we will have another caucus following that. Hopefully, by that time, we will have made a determination, Senator MCCONNELL and I, whether we can do something on the floor in addition to what I have just talked about. But I do think we need that time to have everybody kind of step back a little bit.

If we come up with something, it is not that easy. We are dealing with big numbers and some of the stuff we do is somewhat complicated. But I think it was a very positive meeting. There was not a lot of hilarity in the meeting. Everyone knows how important it is. It was a very serious meeting, and it took an extended period of time, as you all know, waiting for us.

I would like to have the Republican leader speak.

Mr. MCCONNELL. I share the view of the majority leader. We had a good meeting down at the White House. We are engaged in discussions, the majority leader and myself and the White House, in the hopes that we can come forward as early as Sunday and have a

recommendation that I can make to my conference and the majority leader can make to his conference. So we will be working hard to try to see if we can get there in the next 24 hours.

I am hopeful and optimistic.

Mr. REID. I am going to do everything I can and I am confident Senator MCCONNELL will do the same. But for everybody, whatever we come up with is going to be imperfect. Some people are not going to like it, some people will like it less, but that is where we are. I am confident we have an obligation to do the best we can. That was made very clear in the White House. We are going to do the best we can for the caucuses we have and the country that is waiting for us to make a decision.

## AMENDMENT NO. 3355

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3355, offered by the Senator from Arizona, Mr. MCCAIN.

Ms. MIKULSKI. Mr. President, a point of clarification for our colleagues, if Members could understand: We are going to vote on the McCain amendment now and then we have four more amendments.

Mr. President, I stand corrected. So Senators can plan their time—I know it is of the essence—we have, upon the disposition of the McCain amendment, two other amendments—Merkley in agriculture and Coats on the Republican alternative.

Then we have the Reid substitute, which we believe will be a voice vote. Then we will go to final passage.

So we have two amendments. We will have four votes, one of which we think is a voice. So everybody knows—don't go off. Don't go off. Also, when we have the votes, if we can stick to the 10 minutes, it will enable us to complete the disposition of the bill.

I yield the floor and recommend we follow the regular order on the amendment of Senator MCCAIN.

The PRESIDING OFFICER. Does anyone seek debate on the McCain amendment?

Ms. MIKULSKI. I will yield back the time.

The PRESIDING OFFICER. If not, all time is yielded back. The question is on agreeing to the amendment.

Ms. MIKULSKI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 245 Leg.]

## YEAS—46

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Murkowski
Blunt	Heller	Paul
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Roberts
Carper	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Thune
Collins	Lee	Toomey
Corker	Lugar	Vitter
Cornyn	Manchin	Wicker
Crapo	McCain	
Enzi	McCaskill	

## NAYS—49

Akaka	Hagan	Reid
Baucus	Harkin	Reid
Begich	Johnson (SD)	Rockefeller
Bennet	Kerry	Sanders
Bingaman	Klobuchar	Schatz
Blumenthal	Kohl	Schumer
Brown (OH)	Landrieu	Shaheen
Cantwell	Leahy	Snowe
Cardin	Levin	Stabenow
Casey	Lieberman	Tester
Cochran	Menendez	Udall (CO)
Conrad	Merkley	Udall (NM)
Coons	Mikulski	Webb
Durbin	Murray	Whitehouse
Feinstein	Nelson (NE)	Wyden
Franken	Nelson (FL)	
Gillibrand	Pryor	

## NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

## AMENDMENT NO. 3367, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3367, as further modified, offered by the Senator from Oregon, Mr. MERKLEY.

Mr. MERKLEY. Mr. President, I am delighted to partner with Senator BLUNT and Senator STABENOW on this important amendment which addresses the disasters that occurred this last summer in terms of a century's worth of the worst fires and the worst drought. This is a true emergency in which our response has been delayed because programs are tied up in the farm bill.

I ask that my colleagues address this real emergency.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I respect my colleague's desire to get this matter done, but the language he is advocating is already in the Farm bill. We need to get the Farm bill passed, and I think we will soon. It is paid for

and is within the budget limits, which was done by the Agriculture Committee.

This amendment defines "disaster" so broadly that it would include almost anything that results in a livestock death, and the taxpayers would be better served if we opposed this budget-breaking amendment. It is not an emergency since legislation is already in place that would take care of this issue. There are also other problems with this amendment.

Mr. President, pursuant to section 314(e)(1) of the Congressional Budget Act of 1974, I raise a point of order against the emergency designation provisions contained in amendment No. 3367 to amendment No. 3395, the substitute amendment to H.R. 1, the vehicle for the Supplemental Appropriations Act.

I ask for the yeas and nays.

The PRESIDING OFFICER. The Chair is determining which section the point of order lies against.

The Senator from Alabama.

Mr. SESSIONS. To further extend my point of order, I ask that the budget point of order lie against both emergency designation provisions that are contained in amendment No. 3367 to amendment No. 3395.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, this is a budget point of order against this being an emergency. If a person is a farmer or a rancher and their property or the property they rent from the BLM—

The PRESIDING OFFICER. The Senator from Oregon is advised the point of order is not debatable.

Mr. MERKLEY. I ask unanimous consent to complete 30 seconds of remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. If a person is a farmer or a rancher, saying this is not an emergency is cold comfort. Saying this will be addressed in the farm bill is cold comfort. When a person's land is burned up, when they have the worst drought in a century, it is an emergency, and getting help 6 or 8 months after it happens is unacceptable.

We have a responsibility, having not gotten the farm bill done, to do these emergency provisions today. Please vote for the following waiver:

Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BLUMENTHAL). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 40, as follows:

[Rollcall Vote No. 246 Leg.]

#### YEAS—55

Akaka	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Hoeben	Reed
Bennet	Johnson (SD)	Reid
Bingaman	Kerry	Rockefeller
Blumenthal	Klobuchar	Sanders
Blunt	Kohl	Schatz
Brown (MA)	Landrieu	Schumer
Brown (OH)	Leahy	Shaheen
Cantwell	Levin	Snowe
Cardin	Lieberman	Stabenow
Carper	Manchin	Tester
Casey	McCaskey	Udall (CO)
Conrad	Menendez	Udall (NM)
Cooms	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Moran	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

#### NAYS—40

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Boozman	Heller	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Collins	Kyl	Toomey
Corker	Lee	Vitter
Cornyn	Lugar	Wicker
Crapo	McCain	
Enzi	McConnell	

#### NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. On this vote, the yeas are 55, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the emergency designations are removed.

The Senator from Oregon.

AMENDMENT NO. 3367, AS FURTHER MODIFIED, WITHDRAWN

Mr. MERKLEY. Mr. President, given that the emergency designations in this amendment have been stricken, I ask unanimous consent to withdraw my amendment No. 3367.

The PRESIDING OFFICER. Without objection, the amendment, as further modified, is withdrawn.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask for 1 minute to be able to respond to what the Senator from Oregon just did.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. I just want to say to the Senator from Oregon, and all the

other Senators who face agricultural disasters, we on the Appropriations Committee would like to work with the Senator. This is compelling human need—your disaster, my fisheries disaster. We have to have a way of working together. We want to acknowledge the validity of the Senator's concern.

The Senate has spoken on a budget point of order. But we do want to work with the Senator and work with our authorizers so we do not have our agricultural interests hanging out there.

So I thank the Senator for his efforts. The Senate has spoken on this amendment. Let's see what we can do together.

Mr. President, I yield the floor and ask for the regular order.

#### AMENDMENT NO. 3391

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 3391, offered by the Senator from Indiana, Mr. COATS.

The Senator from Indiana.

Mr. COATS. Mr. President, I do not believe there is anyone in this Chamber who does not understand the devastating impact of Sandy on the Northeast and the pain and the suffering that has come from that.

I do not think there is anyone in this Chamber who does not understand this is an emergency supplemental appropriation that is needed now to address this pain and suffering and help rebuild and help provide the relief necessary to these people and businesses and others in the Northeast.

We want to do that. But the bill before us presented by the Democrats—the bill offered by the other side throws out \$60-plus billion to address not just immediate needs but also future needs for future storms and even unrelated issues not related to Sandy.

The Coats alternative, which I hope to gain support for, documents what is needed, takes that documentation, provided by FEMA, SBA, all the agencies involved, and more than generously compensates for what is needed between now and the end of March.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to say I appreciate the true concern my colleague from Indiana and those who have put this amendment together have shown. He is not just giving us the back of his hand or saying: You do not need it or wait 3 months or whatever.

Unfortunately, though, it would just stop dead in its tracks the recovery efforts so desperately needed. You cannot plan a recovery on a 3-month basis. The bottom line is, if you want to build a tunnel, you cannot say: I will build one-fifth of the tunnel now, and we will see if there is more money later. If you need to build a berm of 6 feet, you cannot say: We will build it 2 feet and then



see if we can build another 4 feet later. You just cannot do that.

Because of the way we all know FEMA and these other agencies work, you have to spend the money first and then they reimburse you. If they are not sure there is going to be money at the end of the road—no more after March 31; maybe Congress will, maybe Congress will not—you are going to get a lot of homeowners, small businesses, and governments not going ahead with the desperate repairs that we in New York need and the whole national economy—since we are about 10 percent of the national economy—needs.

I strongly urge the amendment—good intentioned, though, as it is—be defeated.

Mr. COATS. Mr. President, could I have 15 seconds just to respond to my colleague?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. Let me just say that we simply are allowing 3 months for the Congress of the United States—representatives of taxpayers' dollars—to assess, document, and justify additional expenditures that go beyond emergency needs. That is what this is all about.

Mr. COCHRAN. Mr. President, I commend the Senator from Indiana, Mr. COATS, for the work he has done on this bill. He has proposed changes to the bill to balance our help for the victims of Hurricane Sandy with our duty to be responsive to the public trust.

His effort would provide aid now that is clearly needed now and consider separately the longer term proposals in the substitute. I think his intent was to propose a bill that could be enacted into law quickly so that disaster recovery would not be delayed. I thank him for his contributions to this debate.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3391.

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 247 Leg.]

#### YEAS—41

Alexander	Graham	McConnell
Ayotte	Grassley	Moran
Barrasso	Hatch	Murkowski
Blunt	Heller	Portman
Boozman	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
Enzi	McCain	

#### NAYS—54

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Paul
Begich	Harkin	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Brown (MA)	Kohl	Sanders
Brown (OH)	Landrieu	Schatz
Cantwell	Leahy	Schumer
Cardin	Levin	Shaheen
Carper	Lieberman	Snowe
Casey	Manchin	Stabenow
Collins	McCaskill	Tester
Conrad	Menendez	Udall (CO)
Coons	Merkley	Udall (NM)
Durbin	Mikulski	Webb
Feinstein	Murray	Whitehouse
Franken	Nelson (NE)	Wyden

#### NOT VOTING—5

Boxer	Kirk	Warner
DeMint	Lautenberg	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

Ms. MIKULSKI. Mr. President, I understand we will now be going to the Reid substitute; is that correct?

The PRESIDING OFFICER. That is correct.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Senator FRANK LAUTENBERG be added as a co-sponsor to the Reid substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3395

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the substitute amendment No. 3395.

Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, our side yields back all time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. COCHRAN. Mr. President, we yield back all time on this side.

Ms. MIKULSKI. Mr. President, I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute, as amended.

The amendment (No. 3395), as amended, was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. The substitute amendment has been amended, and now, as I understand the order, we will move to final passage.

The PRESIDING OFFICER. Under the previous order, the motion to invoke cloture on H.R. 1 is withdrawn.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

#### DEPARTMENT OF INTERIOR

Mr. CARPER. Mr. President, I rise for the purpose of entering into a colloquy with Senator REED, the Chairman of the Subcommittee on Interior, Environment, and Related Agencies, regarding funding for the Department of the Interior included in the disaster assistance supplemental.

Mr. President, my home State of Delaware was unfortunately impacted by Hurricane Sandy, which struck on October 28 and 29 of this year. The damage caused by Hurricane Sandy was widespread in Delaware. Among the areas impacted was Prime Hook National Wildlife Refuge in Sussex County.

Prime Hook National Wildlife Refuge, established in the 1960s, is an important part of the Eastern migratory flyway and one of the only places in the world where horseshoe crabs come to spawn. It offers world class outdoor recreation and is a key piece of Delaware's tourism industry.

The refuge suffered severe damage during Hurricane Sandy. Breaches in the beach and dune system separating the refuge's marsh units from the Delaware Bay resulted in an ongoing inundation of the refuge by salt water. This has led to the loss of thousands of acres of critical habitat, as well as damage to refuge property and facilities. It severely impacted the health of the freshwater marsh system in the refuge, and the decline of the marsh has in turn led to continuous flooding of nearby farmland and communities, damaging the private property of thousands of people.

I am grateful that the Appropriations Committee had the wisdom to include \$150,000,000 for the Office of the Secretary of at the Department of the Interior to fund recovery and restoration activities related to Hurricane Sandy and other natural disasters. I would like to ask if the intent of this funding is to support recovery and restoration projects similar to those that will be required in my State to respond to the impacts of Hurricane Sandy?

Mr. REED. The Senator is correct. Coming from a State that received a major disaster declaration due to the damage it sustained in Hurricane Sandy, including damage to the Rhode Island National Wildlife Refuge Complex, I recognize the importance of providing funding for projects in States impacted by the storm. The funds provided in this bill will be used in support of additional recovery activities directly related to the hurricane or to

fund longer-term restoration activities for areas directly affected by Hurricane Sandy. The bill provides flexibility so that the Department can transfer the funds to any of its programs to fund the highest priority needs in these specific disaster areas. I expect these funds to be of great assistance to states like ours which were affected by this devastating storm.

Mr. CARPER. I thank the Senator.

Mr. MCCAIN. Mr. President, as we debate the Hurricane Sandy Supplemental bill this week, it is critical that we ensure taxpayer dollars go to help those impacted by this devastating storm and not toward spending projects that are wasteful or not a priority at this time. This bill, unfortunately, goes way beyond emergency aid and funds projects that have little or nothing to do with meeting the immediate needs of individuals misplaced by Hurricane Sandy. At a time when we face ongoing trillion-dollar deficits, and a \$16.3 trillion debt, we cannot justify this type of spending.

While some of the projects included in this bill may hold merit on their own, they should go through the normal budget and appropriations process, where Congress has time to vet the need for such spending requests.

To highlight this point, the Congressional Budget Office—CBO—examined both the Senate bill and the administration's request and found that that 64 percent of the funds appropriated under the Sandy Supplemental will not be spent until fiscal years 2015–2022 and after, therefore, raising concerns about the rush to spend \$60.4 billion without any attempt to pay for it.

Just two weeks ago, FEMA Director Fugate told the House Transportation and Infrastructure Committee that the Disaster Relief Fund currently has enough money and will not need additional funding until the spring 2013. CBO's assessment, combined with the statement of Director Fugate clearly shows us that we need to pass a Sandy Supplemental bill that only includes prioritized disaster aid funding.

As I have examined this bill over this week, I have found numerous examples of questionable spending including billions to replace 'Federal assets' damaged by the storm, including automobiles owned by the Federal Government. The Federal Government currently owns or leases over 660,000 vehicles—surely we can find replacements within our current inventory.

Shouldn't we focus on providing relief directly to those still trying to rebuild their lives before replacing a bureaucrat's car?

The new substitute also includes language expanding levee construction to include West North Central States, such as North Dakota. It also includes \$2 million to repair damage to the roofs of museums in Washington, D.C., while many in Hurricane Sandy's path still

have no permanent roof over their own heads, \$150 million for fisheries as far away from the storm's path as Mississippi and Alaska, \$125 million for the Department of Agriculture's Emergency Watershed Protection program, which helps restore watersheds damaged by wildfires and droughts for areas including Colorado, \$15 million for NASA facilities, though NASA itself has called its damage from the hurricane 'minimal.' On the day after the storm hit, NASA's Wallops Island put out a statement stating that "an initial assessment team surveyed roads and facilities at NASA's Wallops Flight Facility today reporting a number of downed trees but otherwise minimal impact in the wake of Hurricane Sandy." To me, this raises a red flag that this NASA funding may not be an immediate emergency.

There is \$58 million for the USDA "Forest Restoration Program" for planting trees on private property. This program is actually a Farm Bill subsidy program that's run by a relatively unknown agency called the "Farm Service Administration," which is primarily responsible for managing crop insurance. Under this program, private landowners with about 50 acres of land can apply for up to \$500,000 in free grants for tree planting activities. Not only is this a non-emergency need, there's nothing in the supplemental that limits the funding to Hurricane Sandy areas. Under this bill, this \$58 million can be used just about anywhere.

There is \$336 million for taxpayer-supported AMTRAK without a detailed plan for how the money will be spent. While some of the funding will go for repairs, money will also go to increasing passenger capacity to New York and future mitigation efforts. In a two page letter from AMTRAK that gives a broad description of how the \$336 million will be spent, almost all of it falls under funding for improvements and future capital projects. This includes \$191 million for AMTRAK to start design and construction of new Hudson River Tunnels, as part of the Gateway Program. According to AMTRAK, the Gateway Program, which was started in 2011 and is projected to cost over \$13 billion, is "a comprehensive program of infrastructure improvements to increase track, tunnel, bridge, and station capacity serving New York City that will improve current assets and allow the eventual doubling of passenger trains into Manhattan." I am not here to debate the merits or the need for new tunnels, but this is clearly a capital improvement project—unrelated to Hurricane Sandy. AMTRAK is up and running so it is not apparent why this funding is deemed "emergency" spending and included in this spending package. Keep in mind, AMTRAK receives roughly \$1 billion in annual funding. Future mitigation

projects should be debated in next year's budget process.

There is \$5.3 billion for the Army Corps of Engineers—more than the Army Corps' annual budget—with little clarity on how the money will be spent. Included in the Senate bill is \$50 million in funding for more studies, which will most definitely lead to additional Army Corp projects and a new Task Force established by Executive Order. More projects are not something the Army Corps can handle. They are currently experiencing a backlog of construction and maintenance projects of approximately \$70 billion. Furthermore, a 2010 report released by the Government Accountability Office noted that carryover funds have increased "due to the large amount of supplemental funding the Corps has received in recent years." Clearly, supplemental spending on the Army Corps has not paid off. There is \$10 million to improve weather forecasting capabilities and infrastructure. The bill also includes roughly \$13 billion for future disaster mitigation activities and studies, without identifying a single way to pay for it. While I understand that mitigation is important to save money when future natural disasters occur, there is no justification to include these projects in this "emergency" spending bill. By waiting to fund these projects until next year during the normal budget and appropriations process, we will have a better understanding of the path forward and reduce the possibility of waste, fraud and abuse.

As a nation, we are confronted with trillion dollar deficits, out of control spending in Washington and the imminent approach of an economically, devastating fiscal cliff. We do need to come to the aid of those who lost everything in Hurricane Sandy and are struggling to get their lives back together. Congress, however, cannot continue down this road of irresponsible spending. We must pass a true disaster spending bill that only spends money on disaster recovery and response, not pet projects.

Mr. PRYOR. Mr. President, Hurricane Sandy had a devastating effect on the electric and transportation infrastructure in the Northeast and Mid-Atlantic states. When Hurricane Sandy struck the east coast, it flooded electrical substations and knocked down trees onto power lines, shutting off power for 8.2 million customers, and causing billions of dollars in damage.

The storm sent floodwater gushing into New York's five boroughs, flooding tunnels and the subway system and making the equipment inoperable. In many hard-hit areas wireless networks suffered widespread outages primarily due to lack of power.

We have seen this scenario play out before. Just this past summer, a derecho thunderstorm knocked out power for more than 1 million residents near Washington for several days.

Do such storms have to result in such widespread outages and does the restoration of a power grid have to take so long? Several experts have said that America's power infrastructure could be more resilient—even when tested by a once-in-a-century storm.

The intent of section 52005 of the supplemental Appropriations bill is to encourage recipients of these disaster assistance funds to rebuild the electrical infrastructure so that it is more resilient to future storms. We can achieve a more resilient electric grid by maximizing the utilization of technologies that can mitigate future power outages and by ensuring the continued operation of facilities critical to first responders, communications, health care, transportation, financial systems, homeland security, emergency food and shelter, government offices, as well as other vital services such as hospitals and wastewater treatment systems.

Rebuilding these essential infrastructure systems with technology that is equipped to deal with extreme weather will better enable the electric grid to withstand potential damage and continue to deliver these vital services and maintain electric power to facilities critical to public health, safety and welfare.

There are numerous proven technologies that are ready to be deployed to enhance our electric infrastructure resiliency including smart grid technologies to isolate problems and repair them remotely, such as smart meters, high-tech sensors, grid monitoring and control systems, and remote reconfiguration and redundancy systems; microgrids, energy storage, distributed and back-up generation to power critical facilities and operations; wiring, cabling, submersible and other distribution components and enclosures to prevent outages; and electronically controlled re-closers and similar technologies for power restoration.

When we look at the damage caused by Hurricane Sandy, and the suffering by millions of people who could not get electricity or communicate by phone or the internet, it makes smart sense to rebuild the electric grid so that it is more resilient and better able to withstand whatever nature may next throw at it.

Mr. LEVIN. Mr. President, I will vote in support of the legislation before us because we have a responsibility to help our fellow Americans who have lost homes and businesses through no fault of their own. Natural disasters are something we can attempt to prepare for, but the destructive force of nature can overwhelm us, even when efforts are made in advance of devastating storms, floods, droughts, or other disasters. Further, the bill provides permanent reforms to the Stafford Act that will help to eliminate bureaucratic roadblocks that have caused problems for local communities in re-

building after a disaster and in mitigating risks from future disasters.

Hurricane Sandy was one of those disasters that overwhelmed us with its damage. Over 125 people lost their lives, thousands of people were displaced, millions lost power, and fuel deliveries were disrupted. Tens of thousands of homes and businesses were destroyed, and public infrastructure was devastated. The storm is estimated to have caused such damage that it is projected to be the second or third most costly disaster in U.S. history. We need to provide the assistance to those impacted by Hurricane Sandy.

Other natural disasters have also pummeled the U.S. this year, including the wildfires in the West and Hurricane Isaac in the Gulf Coast region. The bill includes some funding for these other natural disasters, which I support. While Hurricane Sandy was most devastating, we also should be responsive to these other disasters.

One of these disasters had impacts on my great State of Michigan. This year, the Midwest experienced extreme weather including one of the worst droughts in history, causing tremendous damage to crops. Michigan also experienced unusually warm weather in March that resulted in an early bloom for many fruit crops, including tart cherries. These crops were then heavily damaged by a series of freezes during April and May. The drought, coupled with a warm winter, has resulted in near-historic low water levels in the Great Lakes, which is also a natural disaster. The Army Corps of Engineers reports that Lakes Michigan and Huron are more than two feet below their long-term average. Lake Superior is more than one foot below its long-term average. These low water levels threaten harbors with closure, hamper boaters from getting to safe harbor, and require vessels to light-load, causing shippers to lose millions of dollars of freight shipments and hampering our economic competitiveness. The bill includes \$821 million in funding for dredging needs related to natural disasters. I entered into a colloquy with the bill manager to ensure that Great Lakes projects would be eligible for this funding. I am pleased Senator LEAHY assured me that in fact Great Lakes harbors and channels impeded as a result of drought and low water levels would be eligible for this funding. When the Army Corps makes determinations as to how to allocate funds, I hope the Corps will prioritize funding for Great Lakes projects which are estimated to require \$35 million to address the low water levels.

With respect to crop damage, the bill includes an amendment sponsored by Senator MERKLEY that reauthorizes several expired disaster assistance programs to assist ranchers and farmers, including an extension of the non-insured crop assistance disaster pro-

gram. This program will provide critical assistance to farm producers, including Michigan tart cherry growers who are currently ineligible to purchase crop insurance for their crops.

I hope this bill will soon be passed by the House and be signed by the President. The people impacted by Hurricane Sandy and other disasters should not be kept waiting for their Nation to provide assistance. I hope we will be able to provide the funds for those in need.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, as we now move to final passage on this bill, I believe Senator COCHRAN and I, on a bipartisan basis, could wrap up our statements.

Mr. President, we are now moving to final passage, and I know this bill will provide immediate relief to our constituents. I urge the adoption of the bill.

I thank Senator COCHRAN, the ranking member on this bill, for his courtesy.

I want to say to my colleagues that Senator Inouye would have been really proud of the way we acted today. We acted with civility, and we acted with crispness and promptness. We did the people's business. He would really be proud of us, and I am proud of all of you. I thank my subcommittees' chairs—Senators LANDRIEU, MURRAY, LEAHY, FEINSTEIN, and HARKIN—for the great work they did and Senators SCHUMER, LAUTENBERG, GILLIBRAND, and MENENDEZ for the way they helped with the heavy lifting. To the able staff of the Appropriations Committee, Mr. Charlie Houy and the subcommittee clerks, again a heartfelt thanks. But the real thanks would be passage of the bill and making sure we are meeting the compelling human needs of our fellow citizens.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I commend the distinguished Senator from Maryland for her outstanding service here today to the Senate.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Ms. MIKULSKI. I ask for the yeas and yeas.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), and the Senator from Idaho (Mr. RISCH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 32, as follows:

[Rollcall Vote No. 248 Leg.]

**YEAS—62**

Akaka	Harkin	Nelson (FL)
Baucus	Heller	Pryor
Begich	Hoeben	Reed
Bennet	Hutchison	Reid
Bingaman	Johnson (SD)	Rockefeller
Blumenthal	Kerry	Sanders
Brown (MA)	Klobuchar	Schatz
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Leahy	Shelby
Carper	Levin	Snowe
Casey	Lieberman	Stabenow
Cochran	Lugar	Tester
Collins	Manchin	Udall (CO)
Conrad	McCaskey	Udall (NM)
Coons	Menendez	Vitter
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wicker
Gillibrand	Murray	Wyden
Hagan	Nelson (NE)	

**NAYS—32**

Alexander	Crapo	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Inhofe	Roberts
Chambliss	Isakson	Rubio
Coats	Johanns	Sessions
Coburn	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	

**NOT VOTING—6**

Boxer	Kirk	Risch
DeMint	Lautenberg	Warner

The bill (H.R. 1), as amended, was passed, as follows:

Strike all after the enacting clause, and insert in lieu thereof:

*That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2013, and for other purposes, namely:*

**SUPPLEMENTAL APPROPRIATIONS FOR DISASTER ASSISTANCE**

**TITLE I**

**DEPARTMENT OF AGRICULTURE  
AGRICULTURAL PROGRAMS**

**FARM SERVICE AGENCY**

**EMERGENCY CONSERVATION PROGRAM**

For necessary expenses for the “Emergency Conservation Program”, \$25,090,000, to remain available until expended, of which \$15,000,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**EMERGENCY FOREST RESTORATION PROGRAM**

For necessary expenses for the “Emergency Forest Restoration Program”, \$58,855,000, to remain available until expended, of which \$49,010,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to

section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**CONSERVATION PROGRAMS**

**NATURAL RESOURCES CONSERVATION SERVICE  
EMERGENCY WATERSHED PROTECTION PROGRAM**

For necessary expenses for the “Emergency Watershed Protection Program”, \$125,055,000, to remain available until expended, of which \$77,085,000 is for expenses resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.): Provided, That unobligated balances for the “Emergency Watershed Protection Program” provided in Public Law 108–199, Public Law 109–234, and Public Law 110–28 shall be available for the purposes of such program for disasters, and shall remain available until expended: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**DOMESTIC FOOD PROGRAMS**

**FOOD AND NUTRITION SERVICE**

**COMMODITY ASSISTANCE PROGRAM**

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), \$15,000,000, to remain available through September 30, 2014: Provided, That notwithstanding any other provisions of the Emergency Food Assistance Act of 1983 (the “Act”), the Secretary may allocate additional foods and funds for administrative expenses from resources specifically appropriated, transferred, or reprogrammed to restore to states resources used to assist families and individuals displaced by Hurricane Sandy among the states without regard to sections 204 and 214 of the Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177), as amended.

**TITLE II**

**DEPARTMENT OF COMMERCE**

**NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION**

**OPERATIONS, RESEARCH, AND FACILITIES**

For an additional amount for “Operations, Research, and Facilities”, \$373,000,000 to remain available until September 30, 2014, as follows—

(1) \$6,200,000 to repair and replace ocean observing and coastal monitoring assets damaged by Hurricane Sandy;

(2) \$10,000,000 to repair and improve weather forecasting capabilities and infrastructure;

(3) \$150,000,000 to evaluate, stabilize and restore coastal ecosystems affected by Hurricane Sandy;

(4) \$56,800,000 for mapping, charting, damage assessment, and marine debris coordination and remediation; and

(5) \$150,000,000, for necessary expenses related to fishery disasters as declared by the Secretary of Commerce in calendar year 2012:

Provided, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**PROCUREMENT, ACQUISITION AND CONSTRUCTION**

For an additional amount for “Procurement, Acquisition and Construction”, \$109,000,000, to

remain available until September 30, 2015, as follows—

(1) \$47,000,000 for the Coastal and Estuarine Land Conservation Program to support State and local restoration in areas affected by Hurricane Sandy;

(2) \$9,000,000 to repair National Oceanic and Atmospheric Administration (NOAA) facilities damaged by Hurricane Sandy;

(3) \$44,500,000 for repairs and upgrades to NOAA hurricane reconnaissance aircraft; and

(4) \$8,500,000 for improvements to weather forecasting equipment and supercomputer infrastructure:

Provided, That NOAA shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**DEPARTMENT OF JUSTICE**

**GENERAL ADMINISTRATION**

**OFFICE OF INSPECTOR GENERAL**

For an additional amount for “General Administration, Office of Inspector General” for necessary expenses related to the consequences of Hurricane Sandy, \$20,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**FEDERAL BUREAU OF INVESTIGATION**

**SALARIES AND EXPENSES**

For an additional amount for “Federal Bureau of Investigation, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$4,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**DRUG ENFORCEMENT ADMINISTRATION**

**SALARIES AND EXPENSES**

For an additional amount for “Drug Enforcement Administration, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES**

**SALARIES AND EXPENSES**

For an additional amount for “Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$230,000, to remain available until September 30, 2013: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**FEDERAL PRISON SYSTEM**

**BUILDINGS AND FACILITIES**

For an additional amount for “Federal Prison System, Buildings and Facilities” for necessary expenses related to the consequences of Hurricane Sandy, \$10,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an

emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### SCIENCE

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Construction and Environmental Compliance and Restoration” for repair at National Aeronautics and Space Administration facilities damaged by Hurricane Sandy, \$15,000,000, to remain available until September 30, 2018: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RELATED AGENCIES

##### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Legal Services Corporation, Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricane Sandy, \$1,000,000, to remain available until September 30, 2013: Provided, That the amount made available under this heading shall be used only to provide the mobile resources, technology, and disaster coordinators necessary to provide storm-related services to the Legal Services Corporation client population and only in the areas significantly affected by Hurricane Sandy: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That none of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2012 and 2013, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading.

#### TITLE III

##### DEPARTMENT OF DEFENSE

##### DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$5,370,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$40,015,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$8,500,000, to remain

available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$3,165,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Air National Guard”, \$5,775,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### PROCUREMENT

##### PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$1,310,000, to remain available until September 30, 2015, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### REVOLVING AND MANAGEMENT FUNDS

##### DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, \$24,200,000, to remain available until September 30, 2013, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE IV

##### DEPARTMENT OF DEFENSE—CIVIL

##### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

##### INVESTIGATIONS

For an additional amount for “Investigations” to expedite studies of flood and storm damage reduction related natural disasters, \$50,000,000 at full Federal expense, to remain available until expended: Provided, That using \$34,500,000 of the funds provided herein, the Secretary shall expedite and complete ongoing flood and storm damage reduction studies in areas that were impacted by Hurricanes Sandy and Isaac in the North Atlantic and Mississippi Valley Divisions of the U.S. Army Corps of Engineers: Provided further, That using up to \$15,000,000 of the funds provided herein, the Secretary shall support an interagency planning process in conjunction with State, local and Tribal officials to develop plans to address the flood risks of vulnerable coastal populations, including innovative approaches to promote the long-term sustainability of the coastal ecosystems and communities to reduce the economic costs and risks associated with large-scale flood and storm events: Provided further, That using \$500,000 of the funds provided herein, the Secretary shall conduct an evaluation of the per-

formance of existing projects constructed by the U.S. Army Corps of Engineers and impacted by Hurricane Sandy for the purposes of determining their effectiveness and making recommendations for improvements thereto: Provided further, That as a part of the study, the Secretary shall identify institutional and other barriers to providing comprehensive protection to affected coastal areas and shall provide this report to the Committees on Appropriations of the House of Representatives and the Senate within 120 days of enactment of this Act: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### CONSTRUCTION

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Construction” to rehabilitate, repair and construct U.S. Army Corps of Engineers projects related to the consequences of natural disasters, \$3,461,000,000, to remain available until expended: Provided, That \$2,902,000,000 of the funds provided under this heading shall be used to reduce future flood risk in ways that will support the long-term sustainability of the coastal ecosystem and communities and reduce the economic costs and risks associated with large-scale flood and storm events that occurred in 2012 along the Gulf Coast and Atlantic Coast within the boundaries of the North Atlantic and Mississippi Valley Divisions of the Corps that were affected by Hurricanes Sandy and Isaac: Provided further, That efforts using these funds shall incorporate current science and engineering standards in constructing previously authorized Corps projects designed to reduce flood and storm damage risks and modifying existing Corps projects that do not meet these standards, with such modifications as the Secretary determines are necessary to incorporate these standards or to meet the goal of providing sustainable reduction to flooding and storm damage risks: Provided further, That these funds may be used to construct any project that is currently under study by the Corps for reducing flooding and storm damage risks in areas along the Atlantic coast within the North Atlantic or the Gulf Coast within the Mississippi Valley Divisions of the U.S. Army Corps of Engineers that suffered direct surge inundation impacts and significant monetary damages from Hurricanes Isaac or Sandy if the study demonstrates that the project will cost-effectively reduce those risks and is environmentally acceptable and technically feasible: Provided further, That local interests shall provide all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for projects using these funds at no cost to the Government: Provided further, That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs: Provided further, That the non-Federal cash contribution for projects using these funds shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: Provided further, That for these projects, the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to these funds: Provided further, That the Secretary may transfer up to \$499,000,000 of the funds provided under this heading to other U.S. Army Corps of Engineers

Accounts to address damages from previous natural disasters following normal policies and cost sharing: Provided further, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified at least 15 days in advance of any such transfer: Provided further, That up to \$51,000,000 of the funds provided under this heading shall be used to expedite continuing authorities projects along the coastal areas in States impacted by Hurricane Sandy within the boundaries of the North Atlantic Division: Provided further, That \$9,000,000 of the funds provided under this heading shall be used for repairs to projects that were under construction and damaged by the impacts of Hurricane Sandy: Provided further, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the Assistant Secretary of the Army for Civil Works shall submit to the Committees on Appropriations of the House of Representatives and the Senate a monthly report detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of the enactment of this Act.

#### OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance”, \$821,000,000, to remain available until expended to dredge Federal navigation channels and repair damage to Corps projects nationwide related to natural disasters: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for “Flood Control and Coastal Emergencies”, \$1,008,000,000, to remain available until expended to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs and other activities in response to flood, hurricanes or other natural disasters as authorized by law: Provided, That \$430,000,000 of the funds provided herein shall be utilized by the Corps to restore projects impacted by Hurricane Sandy in the North Atlantic Division of the U.S. Army Corps of Engineers to design profiles of the authorized projects: Provided further, That the provisions of section 902 of the Water Resources Development Act of 1986 shall not apply to funds provided under this heading: Provided further, That the amounts in this paragraph are designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### EXPENSES

For an additional amount for “Expenses” for increased efforts to oversee emergency response

and recovery activities related to natural disasters, \$10,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

#### TITLE V

##### INDEPENDENT AGENCIES

##### GENERAL SERVICES ADMINISTRATION

##### REAL PROPERTY ACTIVITIES

##### FEDERAL BUILDINGS FUND

For an additional amount to be deposited in the “Federal Buildings Fund”, \$7,000,000, to remain available until expended, notwithstanding 40 U.S.C. 3307, for necessary expenses related to the consequences of Hurricane Sandy, including repair and alteration of buildings under the custody and control of the Administrator of General Services, and real property management and related activities not otherwise provided for: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### SMALL BUSINESS ADMINISTRATION

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$40,000,000, to remain available until September 30, 2014, of which \$20,000,000 is for grants to or cooperative agreements with organizations to provide technical assistance related to disaster recovery, response, and long-term resiliency to small businesses that are recovering from Hurricane Sandy; and of which \$20,000,000 is for grants or cooperative agreements for public-private partnerships to provide long-term economic development assistance to industries and/or regions affected by Hurricane Sandy through economic development initiatives, including innovation clusters, industry accelerators, supply-chain support, commercialization, and workforce development: Provided, That the Small Business Administration (SBA) shall expedite the delivery of assistance in disaster-affected areas by awarding grants or cooperative agreements for technical assistance only to current recipients of SBA grants or cooperative agreements using a streamlined application process that relies, to the maximum extent practicable, upon previously submitted documentation: Provided further, That the Administrator of the Small Business Administration shall waive the matching requirements under section 21(a)(4)(A) and 29(c) of the Small Business Act for any grant made using funds made available under this heading: Provided further, That in designing appropriate economic development initiatives and identifying those regions and industries most affected by Hurricane Sandy, the SBA shall work with other Federal agencies, State and local economic development entities, institutions of higher learning, and private sector partners: Provided further, That grants or cooperative agreements for public-private partnerships may be awarded to public or private nonprofit organizations, or any combination thereof: Provided further, That no later than 30 days after the date of enactment of this Act, or no less than 7 days prior to obligation of funds, whichever occurs earlier, the SBA shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided

under this heading: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General” for necessary expenses related to the consequences of Hurricane Sandy and other disasters, \$5,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### DISASTER LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Disaster Loans Program Account” for the cost of direct loans authorized by section 7(b) of the Small Business Act, for necessary expenses related to Hurricane Sandy and other disasters, \$500,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That in addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act in response to Hurricane Sandy and other disasters, \$260,000,000, to remain available until expended, of which \$250,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; and of which \$10,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### GENERAL PROVISIONS—THIS TITLE

SEC. 501. Section 7(d)(6) of the Small Business Act (15 U.S.C. 636(d)(6)) is amended by inserting after “which are made under paragraph (1) of subsection (b)” the following: “: Provided further, That the Administrator, in obtaining the best available collateral for a loan of not more than \$200,000 under paragraph (1) or (2) of subsection (b) relating to damage to or destruction of the property of, or economic injury to, a small business concern, shall not require the owner of the small business concern to use the primary residence of the owner as collateral if the Administrator determines that the owner has other assets with a value equal to or greater than the amount of the loan that could be used as collateral for the loan: Provided further, That nothing in the preceding proviso may be construed to reduce the amount of collateral required by the Administrator in connection with a loan described in the preceding proviso or to modify the standards used to evaluate the quality (rather than the type) of such collateral”.

##### TITLE VI

##### DEPARTMENT OF HOMELAND SECURITY

##### U.S. CUSTOMS AND BORDER PROTECTION

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$1,667,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the



House of Representatives no later than 90 days after the date of enactment of this Act.

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT  
SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$855,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

**COAST GUARD**

**ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS  
(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for “Acquisition, Construction, and Improvements” for necessary expenses related to the consequences of Hurricane Sandy, \$274,233,000, to remain available until September 30, 2017: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That notwithstanding the transfer limitation contained in section 503 of division D of Public Law 112–74, such funding may be transferred to other Coast Guard appropriations after notification as required in accordance with such section: Provided further, That a description all facilities and property to be reconstructed and restored, with associated costs and time lines, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

**UNITED STATES SECRET SERVICE  
SALARIES AND EXPENSES**

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricane Sandy, \$300,000: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That a description of all property to be replaced, with associated costs, shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives no later than 90 days after the date of enactment of this Act.

**FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER RELIEF FUND  
(INCLUDING TRANSFER OF FUNDS)**

For an additional amount for the “Disaster Relief Fund” in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$11,487,735,000, to remain available until expended: Provided, That of the total amount provided, \$5,379,000,000 shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That the amount in the previous proviso is designated by the Congress as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That of the total amount provided, \$6,108,735,000 is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 which shall be for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et

seq.): Provided further, That of the total amount provided, \$3,000,000 shall be transferred to the Department of Homeland Security “Office of Inspector General” for audits and investigations related to disasters.

**DISASTER ASSISTANCE DIRECT LOAN PROGRAM  
ACCOUNT**

For an additional amount for the cost of direct loans, \$300,000,000, to remain available until expended, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), of which up to \$4,000,000 is for administrative expenses to carry out the direct loan program: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$400,000,000: Provided further, That these amounts are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**SCIENCE AND TECHNOLOGY**

**RESEARCH, DEVELOPMENT, ACQUISITION, AND  
OPERATIONS**

For an additional amount for “Research, Development, Acquisition, and Operations” for necessary expenses related to the consequences of Hurricane Sandy, \$3,249,000, to remain available until September 30, 2017: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**DOMESTIC NUCLEAR DETECTION OFFICE  
SYSTEMS ACQUISITION**

For an additional amount for “Systems Acquisition” for necessary expenses related to the consequences of Hurricane Sandy for replacing or repairing U.S. Customs and Border Protection equipment, \$3,869,000, to remain available until September 30, 2015: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**GENERAL PROVISIONS—THIS TITLE**

SEC. 601. (a) Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “\$20,725,000,000” and inserting “\$30,425,000,000”.

(b) The amount provided by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be considered to have taken effect on December 12, 2012.

SEC. 602. The Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local governments may give greater weight to the factors considered under section 206.48(b)(3) of title 44, Code of Federal Regulations, to accurately measure the acute needs of a population following a disaster in order to expedite a declaration of Individual Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 603. For determinations regarding compliance with codes and standards under the Federal Emergency Management Agency Public Assistance program (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency, for major disasters declared on or after August 27, 2011, shall consider eligible the costs

required to comply with a State’s Stream Alteration General Permit process, including any design standards required to be met as a condition of permit issuance.

SEC. 604. Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency may recommend to the President an increase in the Federal cost share of the eligible cost of permanent work under section 406 and of emergency work under section 403 and section 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) for damages resulting from Hurricane Sandy without delay.

SEC. 605. In administering the funds made available to address any major disaster declared during the period beginning on August 27, 2011 and ending on December 5, 2012, the Administrator of the Federal Emergency Management Agency shall establish a pilot program for the relocation of State facilities under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), under which the Administrator may waive, or specify alternative requirements for, any regulation the Administrator administers to provide assistance, consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the permanent relocation of State facilities, including administrative office buildings, medical facilities, laboratories, and related operating infrastructure (including heat, sewage, mechanical, electrical, and plumbing), that were significantly damaged as a result of the major disaster, are subject to flood risk, and are otherwise eligible for repair, restoration, reconstruction, or replacement under section 406 of that Act, if the Administrator determines that such relocation is practicable, and will be cost effective or more appropriate than repairing, restoring, reconstructing, or replacing the facility in its pre-disaster location, and if such relocation will effectively mitigate the flood risk to the facility.

**LEVEES**

SEC. 606. (a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “covered hazard mitigation land” means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in a West North Central State; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open



floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices and would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the Federal Government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

SEC. 607. The Administrator of the Federal Emergency Management Agency shall cancel the liquidated balances of all remaining uncanceled or partially canceled loans disbursed under the Community Disaster Loan Act of 2005 (Public Law 109-88) and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234), as amended by section 4502 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28) to the extent that revenues of the local government during the period following the major disaster are insufficient to meet the budget of the local government, including additional disaster-related expenses of a municipal character. In calculating a community's revenues while determining cancellation, the Administrator shall exclude revenues for special districts and any other revenues that are required by law to be disbursed to other units of local government or used for specific purposes more limited than the scope allowed by the General Fund. In calculating a community's expenses, the Administrator shall include disaster-related capital expenses for which the community has not been reimbursed by Federal or insurance proceeds, debt service expenses, and accrued but unpaid uncompensated absences (vacation and sick pay). In calculating the operating deficit of the local government, the Administrator shall also consider all interfund transfers. When considering the period following the disaster, the Administrator may consider a period of 3, 5, or 7 full fiscal years after the disaster, beginning

on the date of the declaration, in determining eligibility for cancellation. The criteria for cancellation do not apply to those loans already cancelled in full. Applicants shall submit supplemental documentation in support of their applications for cancellation on or before April 30, 2014, and the Administrator shall issue determinations and resolve any appeals on or before April 30, 2015. Loans not cancelled in full shall be repaid not later than September 30, 2035. The Administrator may use funds provided under Public Law 109-88 to reimburse those communities that have repaid all or a portion of loans, including interest, provided as Special Community Disaster Loans under Public Law 109-88 or Public Law 109-234, as amended by section 4502 of Public Law 110-28. Further, the Administrator may use funds provided under Public Law 109-88 for necessary expenses to carry out this provision: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 608. The Inspector General shall review the applications for public assistance provided through the Disaster Relief Fund with a project cost that exceeds \$10,000,000 and the resulting decisions issued by the Federal Emergency Management Agency for category A debris removal for DR-1786 upon receipt of a request from an applicant made no earlier than 90 days after filing an appeal with the Federal Emergency Management Agency without regard to whether the Administrator of the Federal Emergency Management Agency has issued a final agency determination on the application for assistance: Provided, That not later than 180 days after the date of such request, the Inspector General shall determine whether the Federal Emergency Management Agency correctly applied its rules and regulations to determine eligibility of the applicant's claim: Provided further, That if the Inspector General finds that the Federal Emergency Management Agency determinations related to eligibility and cost involved a misapplication of its rules and regulations, the applicant may submit the dispute to the arbitration process established under the authority granted under section 601 of Public Law 111-5 not later than 15 days after the date of issuance of the Inspector General's finding in the previous proviso: Provided further, That if the Inspector General finds that the Federal Emergency Management Agency provided unauthorized funding, that the Federal Emergency Management Agency shall take corrective action.

DISASTER RECOVERY

SEC. 609. (a) SHORT TITLE.—This section may be cited as the "Disaster Recovery Act of 2012".

(b) HAZARD MITIGATION.—

(1) IN GENERAL.—Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

"(d) EXPEDITED PROCEDURES.—

"(1) IN GENERAL.—For the purpose of providing assistance under this section, the President shall ensure that—

"(A) adequate resources are devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act and historic preservation reviews under the National Historic Preservation Act are completed on an expeditious basis; and

"(B) the shortest existing applicable process under the National Environmental Policy Act and the National Historic Preservation Act shall be utilized.

"(2) AUTHORITY FOR OTHER EXPEDITED PROCEDURES.—The President may utilize expedited procedures in addition to those required under paragraph (1) for the purpose of providing assistance under this section, such as those under

the Prototype Programmatic Agreement of the Federal Emergency Management Agency, for the consideration of multiple structures as a group and for an analysis of the cost-effectiveness and fulfillment of cost-share requirements for proposed hazard mitigation measures.

"(e) ADVANCE ASSISTANCE.—The President may provide not more than 25 percent of the amount of the estimated cost of hazard mitigation measures to a State grantee eligible for a grant under this section before eligible costs are incurred."

(2) ESTABLISHMENT OF CRITERIA RELATING TO ADMINISTRATION OF HAZARD MITIGATION ASSISTANCE BY STATES.—Section 404(c)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(c)(2)) is amended by inserting "Until such time as the Administrator promulgates regulations to implement this paragraph, the Administrator may waive notice and comment rulemaking if the Administrator determines doing so is necessary to expeditiously implement this section and may carry out the alternative procedures under this section as a pilot program" after "applications submitted under paragraph (1)."

(3) APPLICABILITY.—The authority under the amendments made by this subsection shall apply for—

(A) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(B) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

(c) PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended—

(1) by redesignating section 425 (42 U.S.C. 5189e) relating to essential service providers, as added by section 607 of the SAFE Port Act (Public Law 109-347; 120 Stat. 1941) as section 427; and

(2) by adding at the end the following:

"SEC. 428. PUBLIC ASSISTANCE PROGRAM ALTERNATIVE PROCEDURES.

"(a) IN GENERAL.—The Administrator of the Federal Emergency Management Agency may approve projects under the alternative procedures adopted under this section for—

"(1) any major disaster or emergency declared on or after the date of enactment of this section; and

"(2) any project relating to a major disaster or emergency declared before the date of enactment of this section for which construction has not begun on the date of enactment of this section.

"(b) ADOPTION.—The Administrator, in coordination with States, tribal, and local governments, and owners or operators of private nonprofit facilities, may adopt alternative procedures to administer assistance provided under sections 403(a)(3)(A), 406, 407, and 502(a)(5).

"(c) GOALS.—Any procedures adopted under subsection (b) shall further the goals of—

"(1) reducing the costs to the Federal Government of providing such assistance;

"(2) increasing flexibility in the administration of such assistance;

"(3) expediting the provision of such assistance to States, tribal, and local governments and to owners or operators of private nonprofit facilities; and

"(4) providing financial incentives and disincentives for the State, tribal, or local government, or owner or operator of a private nonprofit facility for the timely and cost-effective completion of projects with such assistance.

"(d) VOLUNTARY PARTICIPATION.—Participation in alternative procedures adopted under

this section shall be at the election of a State, tribal, or local government, or owner or operator of a private nonprofit facility consistent with procedures determined by the Administrator.

“(e) REQUIREMENTS FOR PROCEDURES.—The alternative procedures adopted under subsection (b) shall include—

“(1) for repair, restoration, and replacement of damaged facilities under section 406—

“(A) making grants on the basis of fixed estimates, if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible for any actual costs that exceed the estimate;

“(B) providing an option for a State, tribal, or local government, or owner or operator of a private nonprofit facility to elect to receive an in-lieu contribution, without reduction, on the basis of estimates of—

“(i) the cost of repair, restoration, reconstruction, or replacement of a public facility owned or controlled by the State, tribal, or local government or the owner or operator of a private nonprofit facility; and

“(ii) management expenses;

“(C) consolidating, to the extent determined appropriate by the Administrator, the facilities of a State, tribal, or local government, or owner or operator of a private nonprofit facility as a single project based upon the estimates adopted under the procedures;

“(D) if the actual costs of a project completed under the procedures are less than the estimated costs thereof, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for purposes of—

“(i) cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster; and

“(ii) other activities to improve future Public Assistance operations or planning;

“(E) in determining eligible cost under section 406, the Administrator shall make available, at an applicant's request and where the Federal Emergency Management Agency or the certified cost estimate prepared by the applicant's professionally licensed engineers has estimated an eligible Federal share for a project of not less than \$5,000,000, an independent expert panel to validate the estimated eligible cost consistent with applicable regulations and policies implementing this section;

“(F) in determining eligible cost under section 406, the Administrator shall, at the applicant's request, consider properly conducted and certified cost estimates prepared by professionally licensed engineers (mutually agreed upon by the Administrator and the applicant), to the extent that such estimates comply with applicable regulation, policy, and guidance; and

“(2) for debris removal under sections 403(a)(3)(A), 407, and 502(a)(5)—

“(A) making grants on the basis of fixed estimates to provide financial incentives and disincentives for the timely or cost effective completion if the State, tribal, or local government, or owner or operator of the private nonprofit facility agrees to be responsible to pay for any actual costs that exceed the estimate;

“(B) using a sliding scale for the Federal share for removal of debris and wreckage based on the time it takes to complete debris and wreckage removal;

“(C) allowing use of program income from recycled debris without offset to the grant amount;

“(D) reimbursing base and overtime wages for employees and extra hires of a State, tribal, or local government, or owner or operator of a private nonprofit facility performing or administering debris and wreckage removal;

“(E) providing incentives to State, tribal, and local governments to have a debris management plan approved by the Federal Emergency Man-

agement Agency and have pre-qualified one or more debris and wreckage removal contractors before the date of declaration of the major disaster; and

“(F) if the actual costs of projects under subparagraph (A) are less than the estimated costs of the project, the Administrator may permit a grantee or subgrantee to use all or part of the excess funds for—

“(i) debris management planning;

“(ii) acquisition of debris management equipment for current or future use; and

“(iii) other activities to improve future debris removal operations, as determined by the Administrator.

“(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may waive notice and comment rulemaking, if the Administrator determines the waiver is necessary to expeditiously implement this section, and may carry out the alternative procedures under this section as a pilot program.

“(g) REIMBURSEMENT.—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”

(d) SIMPLIFIED PROCEDURES.—Section 422 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189) is amended—

(1) by striking “If the Federal estimate” and inserting the following:

“(a) IN GENERAL.—If the Federal estimate”;

(2) by inserting “or, if the Administrator has established a threshold under subsection (b), the amount established under subsection (b)” after “\$35,000” the first place it appears;

(3) by inserting “or, if applicable, the amount established under subsection (b),” after “\$35,000 amount”; and

(4) by adding at the end the following:

“(b) THRESHOLD.—

“(1) REPORT.—Not later than 1 year after the date of enactment of the Disaster Recovery Act of 2012, the President, acting through the Administrator of the Federal Emergency Management Agency (in this section referred to as the ‘Administrator’), shall—

“(A) complete an analysis to determine whether an increase in the threshold for eligibility under subsection (a) is appropriate, which shall include consideration of cost-effectiveness, speed of recovery, capacity of grantees, past performance, and accountability measures; and

“(B) submit to the appropriate committees of the Congress (as defined in section 602 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701)) a report regarding the analysis conducted under subparagraph (A).

“(2) AMOUNT.—After the Administrator submits the report required under paragraph (1), the President shall direct the Administrator to—

“(A) immediately establish a threshold for eligibility under this section in an appropriate amount, without regard to chapter 5 of title 5, United States Code; and

“(B) adjust the threshold annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor.

“(3) REVIEW.—Not later than 3 years after the date on which the Administrator establishes a threshold under paragraph (2), and every 3 years thereafter, the President, acting through the Administrator, shall review the threshold for eligibility under this section.”

(e) ESSENTIAL ASSISTANCE.—Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b) is amended by adding at the end the following:

“(d) SALARIES AND BENEFITS.—

“(1) IN GENERAL.—If the President declares a major disaster or emergency for an area within the jurisdiction of a State, tribal, or local government, the President may reimburse the State, tribal, or local government for costs relating to—

“(A) basic pay and benefits for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section, if—

“(i) the work is not typically performed by the employees; and

“(ii) the type of work may otherwise be carried out by contract or agreement with private organizations, firms, or individuals; or

“(B) overtime and hazardous duty compensation for permanent employees of the State, tribal, or local government conducting emergency protective measures under this section.

“(2) OVERTIME.—The guidelines for reimbursement for costs under paragraph (1) shall ensure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(3) NO EFFECT ON MUTUAL AID PACTS.—Nothing in this subsection shall effect the ability of the President to reimburse labor force expenses provided pursuant to an authorized mutual aid pact.”

(f) UNIFIED FEDERAL REVIEW.—Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by subsection (c), is amended by adding at the end the following:

“SEC. 429. UNIFIED FEDERAL REVIEW.

“(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Disaster Recovery Act of 2012, and in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, the President shall establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.

“(b) CONTENTS.—The review process established under this section shall include mechanisms to expeditiously address delays that may occur during the recovery from a major disaster, and shall be updated as appropriate, consistent with applicable law.”

(g) DISPUTE RESOLUTION PILOT PROGRAM.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(B) the term “eligible assistance” means assistance—

(i) under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173);

(ii) for which the legitimate amount in dispute is not less than \$1,000,000, which the Administrator shall adjust annually to reflect changes in the Consumer Price Index for all Urban Consumers published by the Department of Labor; and

(iii) for which the applicant has a non-Federal share.

(2) PROCEDURES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in order to facilitate an efficient recovery from major disasters, the Administrator shall establish procedures under which an applicant may request the use of alternative dispute resolution, including arbitration by an independent review panel, to resolve disputes relating to eligible assistance.

(B) BINDING EFFECT.—A decision by an independent review panel under this subsection shall be binding upon the parties to the dispute.

(C) **CONSIDERATIONS.**—The procedures established under this subsection shall—

(i) allow a party of a dispute relating to eligible assistance to request an independent review panel for the review;

(ii) require a party requesting an independent review panel as described in clause (i) to agree to forego rights to any further appeal of the dispute relating to any eligible assistance;

(iii) require that the sponsor of an independent review panel for any alternative dispute resolution under this subsection shall be—

(I) an individual or entity unaffiliated with the dispute (which may include a Federal agency, an administrative law judge, or a reemployed annuitant who was an employee of the Federal Government) selected by the Administrator; and

(II) responsible for identifying and maintaining an adequate number of independent experts qualified to review and resolve disputes under this subsection;

(iv) require an independent review panel to—

(I) resolve any remaining disputed issue in accordance with all applicable laws, regulations, and Federal Emergency Management Agency interpretations of those laws through its published policies and guidance;

(II) consider only evidence contained in the administrative record, as it existed at the time at which the Federal Emergency Management Agency made its initial decision;

(III) only set aside a decision of the Federal Emergency Management Agency found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; and

(IV) in the case of a finding of material fact adverse to the claimant made on first appeal, only set aside or reverse such finding if the finding is clearly erroneous;

(v) require an independent review panel to expeditiously issue a written decision for any alternative dispute resolution under this subsection; and

(vi) direct that if an independent review panel for any alternative dispute resolution under this subsection determines that the basis upon which a party submits a request for alternative dispute resolution is frivolous, the independent review panel shall direct the party to pay the reasonable costs of the Federal Emergency Management Agency relating to the review by the independent review panel.

(D) **FUNDS RECEIVED.**—Any funds received by the Federal Emergency Management Agency under the authority under this subsection shall be deposited to the credit of the appropriation or appropriations available for the eligible assistance in dispute on the date on which the funds are received.

(3) **SUNSET.**—A request for review by an independent review panel under this subsection may not be made after December 31, 2015.

(4) **REPORT.**—

(A) **IN GENERAL.**—Not later than 270 days after the termination of authority under this subsection pursuant to paragraph (3), the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report analyzing the effectiveness of the program under this subsection.

(B) **CONTENTS.**—The report submitted under subparagraph (A) shall include—

(i) a determination of the availability of data required to complete the report;

(ii) an assessment of the effectiveness of the program under this subsection, including an assessment of whether the program expedited or delayed the disaster recovery process;

(iii) an assessment of whether the program increased or decreased costs to administer section

403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(iv) an assessment of the procedures and safeguards that the independent review panels established to ensure objectivity and accuracy, and the extent to which they followed those procedures and safeguards;

(v) a recommendation as to whether any aspect of the program under this subsection should be made a permanent authority; and

(vi) recommendations for any modifications to the authority or the administration of the authority under this subsection in order to improve the disaster recovery process.

(h) **INDIVIDUAL ASSISTANCE FACTORS.**—In order to provide more objective criteria for evaluating the need for assistance to individuals and to speed a declaration of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in cooperation with representatives of State, tribal, and local emergency management agencies, shall review, update, and revise through rulemaking the factors considered under section 206.48 of title 44, Code of Federal Regulations (including section 206.48(b)(2) of such title relating to trauma and the specific conditions or losses that contribute to trauma), to measure the severity, magnitude, and impact of a disaster.

(i) **CHILD CARE.**—Section 408(e)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(e)(1)) is amended—

(1) in the paragraph heading, by inserting “CHILD CARE,” after “DENTAL,”; and

(2) by inserting “child care,” after “dental,”.

(j) **TEMPORARY HOUSING.**—Section 408(c)(1)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)(1)(B)) is amended—

(1) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively;

(2) by inserting after clause (i) the following:

“(ii) **LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.**—

“(I) **IN GENERAL.**—The President, to the extent it would be a cost effective alternative to other temporary housing options, may—

“(aa) enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

“(bb) make repairs or improvement to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

“(II) **IMPROVEMENTS OR REPAIRS.**—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement; and may not exceed the value of the lease agreement.

“(III) **PERIOD OF ASSISTANCE.**—The President may not provide direct assistance under this clause with respect to a major disaster after the end of the 18-month period beginning on the date of declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.”; and

(3) in clause (iv), as so redesignated, by striking “clause (ii)” and inserting “clause (iii)”.

(k) **TRIBAL REQUESTS FOR A MAJOR DISASTER OR EMERGENCY DECLARATION UNDER THE STAFFORD ACT.**—

(1) **MAJOR DISASTER REQUESTS.**—Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) is amended—

(A) by striking “All requests for a declaration” and inserting “(a) **IN GENERAL.**—All requests for a declaration”; and

(B) by adding at the end the following:

“(b) **INDIAN TRIBAL GOVERNMENT REQUESTS.**—

“(1) **IN GENERAL.**—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that a major disaster exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for a major disaster declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) **SAVINGS PROVISION.**—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.

“(c) **COST SHARE ADJUSTMENTS FOR INDIAN TRIBAL GOVERNMENTS.**—

“(1) **IN GENERAL.**—In providing assistance to an Indian tribal government under this Act, the President may waive or adjust any payment of a non-Federal contribution with respect to the assistance if—

“(A) the President has the authority to waive or adjust the payment under another provision of this Act; and

“(B) the President determines that the waiver or adjustment is necessary and appropriate.

“(2) **CRITERIA FOR MAKING DETERMINATIONS.**—The President shall establish criteria for making determinations under paragraph (1)(B).”.

(2) **EMERGENCY REQUESTS.**—Section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) is amended by adding at the end the following:

“(c) **INDIAN TRIBAL GOVERNMENT REQUESTS.**—

“(1) **IN GENERAL.**—The Chief Executive of an affected Indian tribal government may submit a request for a declaration by the President that an emergency exists consistent with the requirements of subsection (a).

“(2) **REFERENCES.**—In implementing assistance authorized by the President under this Act in response to a request of the Chief Executive of an affected Indian tribal government for an emergency declaration, any reference in this Act, except sections 310 and 326, to a State or the Governor of a State is deemed to refer to an affected Indian tribal government or the Chief Executive of an affected Indian tribal government, as appropriate.

“(3) **SAVINGS PROVISION.**—Nothing in this subsection shall prohibit an Indian tribal government from receiving assistance under this Act through a declaration made by the President at the request of a State under subsection (a) if the President does not make a declaration under this subsection for the same incident.”.

(3) **DEFINITIONS.**—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(A) in paragraph (7)(B) by striking “; and” and inserting “, that is not an Indian tribal government as defined in paragraph (6); and”; and

(B) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(C) by inserting after paragraph (5) the following:

“(6) **INDIAN TRIBAL GOVERNMENT.**—The term ‘Indian tribal government’ means the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to

exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.); and

(D) by adding at the end the following:

“(12) **CHIEF EXECUTIVE.**—The term ‘Chief Executive’ means the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government.”.

(4) **REFERENCES.**—Title I of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding after section 102 the following:

**“SEC. 103. REFERENCES.**

“Except as otherwise specifically provided, any reference in this Act to ‘State and local’, ‘State or local’, ‘State, and local’, ‘State, or local’, or ‘State, local’ (including the plural form of such terms) with respect to governments or officials and any reference to a ‘local government’ in sections 406(d)(3) and 417 shall be deemed to refer also to Indian tribal governments and officials, as appropriate.”.

(5) **REGULATIONS.**—

(A) **ISSUANCE.**—The President shall issue regulations to carry out the amendments made by this subsection.

(B) **FACTORS.**—In issuing regulations under this paragraph, the President shall consider the unique conditions that affect the general welfare of Indian tribal governments.

(1) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Chair of the Hurricane Sandy Rebuilding Task Force established by the President, in consultation with the Administrator of the Federal Emergency Management Agency, the Secretary of the Treasury, and others whom the Chair determines to be appropriate, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes a discussion of—

(1) the impacts of Hurricane Sandy on local government budgets in States where a major disaster has been declared, including revenues from taxes, fees, and other sources, and expenses related to operations, debt obligations, and unreimbursed disaster-related costs;

(2) the availability of loans from private sources to address such impacts, including information on interest rates, repayment terms, securitization requirements, and the ability of affected local governments to qualify for such loans;

(3) the availability of Federal resources to address the budgetary impacts of Hurricane Sandy upon local governments;

(4) the ability of the Community Disaster Loan program authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) to effectively and expeditiously address budgetary impacts of Hurricane Sandy and other disasters upon local governments, including—

(A) an assessment of the current statutory limits on loan amounts;

(B) the regulations, policies, and procedures governing program mobilization to communities in need and expeditious processing of loan applications;

(C) information on interest rates, repayment terms, securitization requirements, and ability of affected local governments to qualify for such loans;

(D) criteria governing the cancellation of such loans, including appropriate classification of available revenues and eligible expenses, and the consistency of program rules with customary local government budgetary practices and State or local laws that affect the specific budgetary practices of local governments affected by Hurricane Sandy and other disasters;

(E) repayment terms and timeframes on loans that do not qualify for cancellation;

(F) options for Congressional consideration related to legislative modifications of this program, and any other applicable provisions of Federal law, in order to address the budgetary impacts of Hurricane Sandy and other disasters upon local governments; and

(G) recommendations on steps the Federal Emergency Management Agency may take in order to improve program administration, effectiveness, communications, and speed; and

(5) potential consequences of Federal action or inaction to address the budgetary impacts of Hurricane Sandy upon local governments.

(m) **APPLICABILITY.**—Unless otherwise specified, this section and the amendments made by this section shall apply for—

(1) any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) on or after the date of enactment of this Act; and

(2) a major disaster or emergency declared before the date of enactment of this Act for which the period for processing requests for assistance has not ended on the date of enactment of this Act.

## TITLE VII

### DEPARTMENT OF THE INTERIOR

#### FISH AND WILDLIFE SERVICE

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$78,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### NATIONAL PARK SERVICE

##### HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$50,000,000, to remain available until September 30, 2015, including costs to states necessary to complete compliance activities required by section 106 of the National Historic Preservation Act and costs needed to administer the program: Provided, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses incurred to prepare for, respond to, and recover from Hurricane Sandy, \$348,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

##### OIL SPILL RESEARCH

For an additional amount for “Oil Spill Research” for necessary expenses related to the consequences of Hurricane Sandy, \$3,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as

being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### DEPARTMENTAL OPERATIONS

##### OFFICE OF THE SECRETARY

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Departmental Operations” and any Department of the Interior component bureau or office for necessary expenses related to the consequences of Hurricane Sandy and for other activities related to storms and natural disasters, \$150,000,000, to remain available until expended: Provided, That funds appropriated herein shall be used to restore and rebuild parks, refuges, and other public assets; increase the resiliency and capacity of coastal habitat and infrastructure to withstand future storms and reduce the amount of damage caused by such storms; protect natural and cultural values; and assist State, tribal and local governments: Provided further, That the Secretary may transfer these funds to any other account in the Department and may expend such funds by direct expenditure, grants, or cooperative agreements, including grants to or cooperative agreements with States, Tribes, and municipalities, to carry out the purposes provided herein: Provided further, That the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed spending plan for the amounts provided herein within 60 days of enactment of this Act: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### ENVIRONMENTAL PROTECTION AGENCY

##### ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for “Environmental Programs and Management” for necessary expenses related to the consequences of Hurricane Sandy, \$725,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for “Hazardous Substance Superfund” for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### LEAKING UNDERGROUND STORAGE TANK FUND

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricane Sandy, \$5,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### STATE AND TRIBAL ASSISTANCE GRANTS

For an additional amount for “State and Tribal Assistance Grants”, \$810,000,000, to remain available until expended, of which \$700,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under Title VI of the Federal Water Pollution Control Act, and of which \$110,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: Provided, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States that

have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for Hurricane Sandy: Provided further, That no eligible state shall receive less than two percent of such funds: Provided further, That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: Provided further, That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: Provided further, That the funds appropriated herein shall only be used for eligible projects whose purpose is to reduce flood damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or a natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: Provided further, That notwithstanding the definition of treatment works in section 212 of the Federal Water Pollution Control Act, and subject to the purposes described herein, the funds appropriated herein shall be available for the purchase of land and easements necessary for the siting of eligible treatment works projects: Provided further, That the Administrator may retain up to \$1,000,000 of the funds appropriated herein for management and oversight of the requirements of this section: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RELATED AGENCIES

##### DEPARTMENT OF AGRICULTURE

###### FOREST SERVICE

###### CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance" for necessary expenses related to the consequences of Hurricane Sandy, \$4,400,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OTHER RELATED AGENCY

###### SMITHSONIAN INSTITUTION

###### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Sandy, \$2,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE VIII

##### DEPARTMENT OF LABOR

###### EMPLOYMENT AND TRAINING ADMINISTRATION

###### TRAINING AND EMPLOYMENT SERVICES

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Training and Employment Services", \$50,000,000, for the displaced workers assistance national reserve for necessary expenses resulting from Hurricane Sandy, which shall be available from the date of

enactment of this Act through September 30, 2013: Provided, That the Secretary of Labor may transfer up to \$3,500,000 of such funds to any other Department of Labor account for other Hurricane Sandy reconstruction and recovery needs, including worker protection activities: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

###### ADMINISTRATION FOR CHILDREN AND FAMILIES SOCIAL SERVICES BLOCK GRANT

For an additional amount for "Social Services Block Grant", \$500,000,000, for necessary expenses resulting from Hurricane Sandy in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, notwithstanding section 2003 and paragraphs (1) and (4) of section 2005(a) of the Social Security Act: Provided, That, notwithstanding section 2002 of the Social Security Act, the distribution of such amount shall be limited to States directly affected by these events: Provided further, That section 2002(c) of the Social Security Act shall be applied to funds appropriated in this paragraph by substituting succeeding 2 fiscal years for succeeding fiscal year: Provided further, That funds appropriated in this paragraph are in addition to the entitlement grants authorized by section 2002(a)(1) of the Social Security Act and shall not be available for such entitlement grants: Provided further, That in addition to other uses permitted by title XX of the Social Security Act, funds appropriated in this paragraph may be used for health services (including mental health services), and for costs of renovating, repairing, or rebuilding health care facilities (including mental health facilities), child care facilities, or other social services facilities: Provided further, That notwithstanding paragraphs (2) and (8) of section 2005(a) of the Social Security Act, a State may use up to 10 percent of its allotment of funds appropriated in this paragraph to supplement any other funds available for the following costs, subject to guidelines established by the Secretary, for health care providers (as defined by the Secretary): (a) payments to compensate employees of health care providers for wages lost as a direct result of Hurricane Sandy, and (b) payments to support the viability of health care providers with facilities that were substantially damaged as a direct result of Hurricane Sandy: Provided further, That funds appropriated in this paragraph are also available for costs incurred up to 3 days prior to Hurricane Sandy's October 29, 2012, landfall, subject to Federal review of documentation of the cost of services provided: Provided further, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or insurance: Provided further, That, with respect to the Federal interest in real property acquired or on which construction or major renovation of facilities (as such terms are defined in 45 CFR 1309.3) is undertaken with these funds, procedures equivalent to those specified in Subpart C of 45 CFR Part 1309 shall apply: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

###### CHILDREN AND FAMILY SERVICES PROGRAMS

For an additional amount for "Children and Families Services Programs", \$100,000,000, for making payments under the Head Start Act in States for which the President declared a major

disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of Hurricane Sandy: Provided, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) or the matching requirements of section 640(b) of the Head Start Act: Provided further, That funds appropriated in this paragraph shall be available through September 30, 2014 for activities to assist affected Head Start agencies, including technical assistance, costs of Head Start services (including supportive services for children and families, and provision of mental health services for children affected by Hurricane Sandy), and costs of renovating, repairing, or rebuilding those Head Start facilities damaged as a result of Hurricane Sandy: Provided further, That none of the funds appropriated in this paragraph shall be included in the calculation of the "base grant" in subsequent fiscal years, as such term is used in section 640(a)(7)(A) of the Head Start Act: Provided further, That none of the funds appropriated in this paragraph shall be available for costs that are reimbursed by the Federal Emergency Management Agency or by insurance: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### OFFICE OF THE SECRETARY

###### PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" for disaster response and recovery, and other expenses related to Hurricane Sandy, and for other disaster-response activities, \$200,000,000, to remain available until expended: Provided, That these funds may be transferred by the Secretary to accounts within the Department of Health and Human Services, and shall be available only for the purposes provided in this paragraph: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act: Provided further, That obligations incurred for the purposes provided herein prior to the enactment of this Act may be charged to this appropriation: Provided further, That funds appropriated in this paragraph may be used to make grants for renovating, repairing, or rebuilding non-Federal research facilities damaged as a result of Hurricane Sandy: Provided further, That funds appropriated under this paragraph shall not be available for costs that are eligible for reimbursement by the Federal Emergency Management Agency or are covered by insurance: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### RELATED AGENCY

##### SOCIAL SECURITY ADMINISTRATION

###### LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount for "Limitation on Administrative Expenses", \$2,000,000, for necessary expenses resulting from Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IX  
DEPARTMENT OF DEFENSE  
MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY NATIONAL  
GUARD

For an additional amount for “Military Construction, Army National Guard”, \$24,200,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF VETERANS AFFAIRS  
VETERANS HEALTH ADMINISTRATION  
MEDICAL SERVICES

For an additional amount for “Medical Services”, \$21,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MEDICAL FACILITIES

For an additional amount for “Medical Facilities”, \$6,000,000, to remain available until September 30, 2014, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for “National Cemetery Administration”, \$1,100,000, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL ADMINISTRATION  
INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for “Information Technology Systems”, \$500,000, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for “Construction, Major Projects”, \$207,000,000 to remain available until expended, for renovations and repairs to the Department of Veterans Affairs Medical Center in Manhattan, New York, as a consequence of damage caused by Hurricane Sandy: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE X

DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
FACILITIES AND EQUIPMENT  
(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for “Facilities and equipment”, \$30,000,000, to be derived from the

Airport and Airway Trust Fund and to remain available until expended, for necessary expenses related to the consequences of Hurricane Sandy: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION  
FEDERAL-AID HIGHWAYS  
EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$921,000,000, to remain available until expended: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL RAILROAD ADMINISTRATION  
GRANTS TO THE NATIONAL RAILROAD PASSENGER  
CORPORATION

For an additional amount for the Secretary to make grants to the National Railroad Passenger Corporation for costs and losses incurred as a result of Hurricane Sandy and to advance capital projects that address Northeast Corridor infrastructure recovery, mitigation and resiliency in the affected areas, \$336,000,000, to remain available until expended: Provided, That the Administrator of the Federal Railroad Administration may retain up to one-half of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL TRANSIT ADMINISTRATION  
PUBLIC TRANSPORTATION EMERGENCY RELIEF  
PROGRAM

For the Public Transportation Emergency Relief Program as authorized under section 5324 of title 49, United States Code, \$10,783,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: Provided, That, of the funds provided under this heading, the Secretary may transfer up to \$5,383,000,000 to the appropriate agencies to fund programs authorized under titles 23 and 49, United States Code, in order to carry out mitigation projects related to reducing risk of damage from future disasters in areas impacted by Hurricane Sandy: Provided further, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified at least 15 days in advance of any such transfer: Provided further, That notwithstanding any other provision of law, the Federal share for all projects funded under this heading for repairs, reconstruction or mitigation of transportation infrastructure in areas impacted by Hurricane Sandy shall be 90 percent: Provided further, That up to three-quarters of 1 percent of the funds retained for public transportation emergency relief shall be available for the purposes of administrative expenses and ongoing program management oversight as authorized under 49 U.S.C. 5334 and 5338(i)(2) and shall be in addition to any other appropriations for such purposes: Provided further, That, of the funds made available under this heading, \$6,000,000 shall be transferred to the Office of Inspector General to support the oversight of activities funded under this heading: Provided further, That such amounts are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT  
COMMUNITY PLANNING AND DEVELOPMENT  
COMMUNITY DEVELOPMENT FUND

For an additional amount for the “Community Development Fund” for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), due to Hurricane Sandy, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), \$17,000,000,000, to remain available until expended, of which at least \$2,000,000,000 shall be used for mitigation projects to reduce future risk and vulnerabilities: Provided, That the Secretary shall establish a minimum allocation for each eligible State declared a major disaster due to Hurricane Sandy: Provided further, That of the amount provided under this heading, \$500,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: Provided further, That funds shall be awarded directly to the State or unit of general local government as a grantee at the discretion of the Secretary: Provided further, That the Secretary shall allocate to grantees not less than 33 percent of the funds provided under this heading within 60 days after the enactment of this Act based on the best available data: Provided further, That prior to the obligation of funds, a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas: Provided further, That the Secretary shall by notice specify the criteria for approval of such plans within 45 days of enactment of this Act: Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That the final paragraph under the heading Community Development Block Grants in title II of Public Law 105-276 (42 U.S.C. 5305 note) shall not apply to funds provided under this heading: Provided further, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to 42 U.S.C. 5306: Provided further, That a grantee may use up to 5 percent of its allocation for administrative costs: Provided further, That the Secretary shall require that grantees have established procedures to ensure timely expenditure of funds and prevent any duplication of benefits as defined by 42 U.S.C. 5155 and prevent fraud and abuse of funds: Provided further, That the Secretary shall provide grantees with technical assistance on contracting and procurement processes and shall require grantees, in contracting or procuring for management and administration of these funds, to incorporate performance requirements and penalties into any such contracts or agreements and to maintain information with respect to performance on the use of any funds for management and administrative purposes: Provided further, That in administering the funds under this heading, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these



funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), pursuant to a determination by the Secretary that good cause exists for the waiver or alternative requirement and that such action is not inconsistent with the overall purposes of title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): Provided further, That notwithstanding the previous proviso, recipients of funds provided under this heading that use such funds to match or supplement Federal assistance provided under sections 402, 403, 406, 407, or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit: Provided further, That, notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or the project is categorically excluded from further review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Provided further, That a waiver granted by the Secretary may not reduce the percentage of funds which must be used for activities that benefit persons of low and moderate income to less than 50 percent, unless the Secretary specifically finds that there is a compelling need to further reduce or eliminate the percentage requirement: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That funds provided under this heading to for-profit enterprises may only assist such enterprises that meet the definition of small business as defined by the Small Business Administration under 13 CFR part 121: Provided further, That notwithstanding the previous proviso, funds may be provided to a for-profit enterprise, that does not meet such definition of small business, but which provides a public benefit, is publicly regulated, and is otherwise eligible for assistance under 42 U.S.C. 5301 et seq., and the implementing regulations at 24 CFR Part 570.201(i): Provided further, That of the funds made available under this heading, up to \$10,000,000 may be transferred to "Program Office Salaries and Expenses, Community Planning and Development" for technical assistance and administrative costs (including information technology costs), related solely to administering funds available under this heading or funds made available under prior appropriations to the "Community Development Fund" for disaster relief, long-term recovery, or emergency expenses: Provided further, That, of the funds made available under this heading, \$10,000,000 shall be transferred to "Office of Inspector General": Provided further, That the amounts provided under this heading are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 1001. For fiscal year 2013, upon request by a public housing agency and supported by documentation as required by the Secretary of Housing and Urban Development that demonstrates that the need for the adjustment is due to the disaster, the Secretary may make

temporary adjustments to the Section 8 housing choice voucher annual renewal funding allocations and administrative fee eligibility determinations for public housing agencies in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), to avoid significant adverse funding impacts that would otherwise result from the disaster.

SEC. 1002. The Departments of Transportation and Housing and Urban Development shall submit to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of the enactment of this Act a plan for implementing the provisions in this title, and updates to such plan on a biannual basis thereafter.

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations and posts the notification on the public website of that agency not less than 3 full business days before either Department (or a modal administration of either Department) announces the selection of any project, State or locality to receive a grant award totaling \$500,000 or more.

#### TITLE XI

##### GENERAL PROVISIONS—THIS ACT

SEC. 1101. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. Each amount designated in this Act by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1103. (a) Not later than March 31, 2013, in accordance with criteria to be established by the Office of Management and Budget (OMB), Federal agencies shall submit to OMB and to the Committee on Appropriations of the House of Representatives and of the Senate internal control plans for funds provided by this Act.

(b) All programs and activities receiving funds under this Act shall be deemed to be "susceptible to significant improper payments" for purposes of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) (IPIA), notwithstanding section 2(a) of IPIA.

(c) In accordance with guidance to be issued by the Director of OMB, agencies shall identify those grants for which the funds provided by this Act should be expended by the grantees within the 24-month period following the agency's obligation of funds for the grant. In the case of such grants, the agency shall include a term in the grant that:

(1) requires the grantee to return to the agency any funds not expended within the 24-month period; and

(2) provides that the head of the agency may, after consultation with the Director of OMB, subsequently issue a waiver of this requirement based on a determination by the head of the agency that exceptional circumstances exist that justify an extension of the period in which the funds must be expended.

SEC. 1104. (a) In carrying out activities funded by this Act, Federal agencies, in partnership with States, local communities and tribes, shall inform plans for response, recovery, and rebuilding to reduce vulnerabilities from and build long-term resiliency to future extreme weather events, sea level rise, and coastal flooding. In carrying out activities funded by this title that involve repairing, rebuilding, or restoring infra-

structure and restoring land, project sponsors shall consider, where appropriate, the increased risks and vulnerabilities associated with future extreme weather events, sea level rise and coastal flooding.

(b) Funds made available in this Act shall be available to develop, in partnership with State, local and tribal officials, regional projections and assessments of future risks and vulnerabilities to extreme weather events, sea level rise and coastal flooding that may be used for the planning referred to in subsection (a), and to encourage coordination and facilitate long-term community resiliency.

SEC. 1105. Recipients of Federal funds dedicated to reconstruction efforts under this Act shall, to the greatest extent practicable, ensure that such reconstruction efforts maximize the utilization of technologies designed to mitigate future power outages, continue delivery of vital services and maintain the flow of power to facilities critical to public health, safety and welfare. The Secretary of Housing and Urban Development as chair of the Hurricane Sandy Rebuilding Task Force shall issue appropriate guidelines to implement this requirement.

#### VEHICLES USE IN THE WAKE OF HURRICANE SANDY

SEC. 1106. (a) REPORT.—Not later than 7 days after the date of enactment of this Act, the Department of Justice and Department of Homeland Security shall identify and relocate any vehicles currently based at the Washington, D.C., headquarters of such agencies used for non-operational purposes to replace vehicles of those agencies damaged by Hurricane Sandy. The Department of Justice and Department of Homeland Security shall provide copies of a report summarizing the actions taken to carry out this subsection to the House and Senate Committees on Appropriations and Judiciary.

(b) FUNDING LIMITATION.—No funds provided by this Act shall be used to purchase, repair, or replace any Department of Justice or Department of Homeland security vehicle until after the report required by subsection (a) has been provided to Congress.

#### INCREASED EMBASSY SECURITY

SEC. 1107. Funds appropriated under the heading "Administration of Foreign Affairs" under Title VIII of Division I of Public Law 112-74 and as carried forward under Public Law 112-175, may be transferred to, and merged with, any such other funds appropriated under such title and heading: Provided, That such transfers shall be subject to the regular notification procedures of the Committees on Appropriations.

#### PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS

SEC. 1108. (a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term "seriously delinquent tax debt" means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term "seriously delinquent tax debt" does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, none of the amounts appropriated by or otherwise made available under this Act may be used to make payments to an individual or entity who has a seriously delinquent tax debt during the pendency of such seriously delinquent tax debt.



PROHIBITION ON EMERGENCY SPENDING FOR  
DECEASED INDIVIDUALS

SEC. 1109. None of the amounts appropriated by or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available. This does not apply to funeral costs.

This Act may be cited as the "Disaster Relief Appropriations Act, 2013".

Amend the title so as to read: "An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes."

AMENDMENT NO. 3440

Mr. REID. Mr. President, I ask unanimous consent that an amendment to the title of H.R. 1, the text of which is at the desk, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3440) was agreed to, as follows:

Amend the title to read:

"An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes."

CHANGE OF VOTE

Mr. PRYOR. Mr. President, on roll-call vote 248 I voted no. It was my intention to vote aye. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. REID. Mr. President, first of all, I congratulate the people who worked so hard on this bill. We appreciate the new chair of the Appropriations Committee and the good work she did; the work done by the New York delegation, led by Senator SCHUMER; and the work done by the New Jersey delegation. This is extremely fine legislation. I really appreciate all their hard work, and the cooperation we got from the Republicans was wonderful.

The people in New England suffered a tremendous blow caused by nature. As has happened during the entire history of this country when that sort of devastation has occurred, Congress stepped in to do something to help the beleaguered people. In this case, it is New York, New Jersey, and some other States, but they were the ones hit the hardest. Even now, hundreds of thousands of people are without homes, so I hope the House takes this up very quickly.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now move to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. MERKLEY. Mr. President, I wish to make a few comments on what has transpired today on the floor of the Senate.

First, some enormously important work has been done in regard to addressing the disaster caused by Hurricane Sandy. I know that in a number of States unprecedented devastation has occurred, and we should respond extremely quickly—more quickly than we have. I hope the House will immediately take up this package. Certainly, disaster relief delayed is disaster relief denied. So I hope the House will indeed move extremely quickly to address the devastation throughout the Northeast.

I also wanted to note that tonight 55 Senators stood and said: As we assist the victims of Hurricane Sandy, we should also assist the victims of unprecedented drought and fires that devastated much of our country this last summer.

How is it, we might wonder, that we had devastating fires in July and August and into September and devastating drought and we still haven't approved the disaster assistance? I must say it is 100 percent unacceptable.

If you lost your ranch in a fire, if you lost your fencing, if you lost your corn, if you lost your livestock, and a program that would have helped that has always been in place for disaster assistance wasn't reauthorized, then you have been stranded since June or July or August. Perhaps in that interim you have lost your farm, perhaps you have lost your ranch, perhaps you have mortgaged everything to hold on. Yet here is the Senate saying: Hey, it is OK that we are not helping you now because, you know what. We are going to help you in the farm bill.

Where is the farm bill? It is not on the President's desk. It is not en route to the President's desk. It has not even been brought up on the floor of the House. A bipartisan group of Senators in this body approved the farm bill and had the disaster relief for our ranchers and farmers in it and sent it over to the House, and it has never been discussed. That is completely unacceptable. It is a moral failure to leave those struck by disaster stranded.

Tonight 55 Senators agreed that it is unacceptable. We should help right now. But you know what. Under the budget point of order that was put forward, you needed 60 votes. We needed 60 votes tonight to help our ranchers and farmers. We only had 55.

Here is the interesting point. This budget point of order is supposed to be about saving money, but this body already approved all of those disaster relief programs in the farm bill, and when that farm bill is done, we are assured tonight that these provisions will be maintained, that we will assist our ranchers and farmers. Thus, we will not save a dime. There is not a dime saved because the same program will eventually be approved. But the relief will be coming so late to the victims of the drought and the victims of the fire who lost their livestock and their forage and their fences.

Tonight, what happened for those 40 who voted against helping our ranchers and farmers is they did not save a penny, but they did enormous damage to citizens across this country, ranchers and farmers who were counting on us.

I rise to say that I deeply regret the Senate's decision tonight. I deeply regret the 40 votes against our ranchers and farmers. I deeply regret that 40 said: Even though it will not save a dime, we are going to hold them hostage to the farm bill, to its eventual passage someday. Holding people hostage who have been victims of disaster is morally unacceptable.

Again, I thank the 55 tonight who voted on the bipartisan amendment. My partner on the Republican side of the aisle, Senator BLUNT, should be profoundly complimented for stepping in to help carry this charge. I was pleased to be his partner. I was pleased to be a partner with Senator STABENOW, chair of the Agriculture Committee, who worked closely with us to arrange for this Senate amendment to be possible tonight, to be able to have this vote. I thank her, and I thank Senator BLUNT. I thank the other Senate cosponsors, and I thank everyone who voted tonight to say that disaster relief should no longer be delayed for the victims of the fires and droughts of the summer of 2012.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

REMEMBERING DANIEL K. INOUE

Ms. SNOWE. Mr. President, I rise today with a heavy heart to bid "Aloha" to an extraordinary colleague and a dear friend, Senator Daniel K. Inouye.

I want to first and foremost offer my most sincere condolences to Dan's exceptional wife, Irene, who has been a pillar of unending strength and courage, as well Ken and Jennifer, both of

whom he spoke of with boundless love, and of course, his entire family, as our hearts go out to them during this most difficult time.

On an occasion of such a large and historic loss, finding the appropriate words to capture the immense depth and breadth of this moment, as well as the magnitude of its meaning, represents the most daunting of challenges. As Dan was the most senior member of this esteemed Chamber, and the second longest serving Senator in its history, every Senator here never known this institution without him—and so it is difficult to comprehend that these hallowed halls will never again witness his presence or hear his deliberative, compassionate, and measured approach.

Like all my colleagues, I profoundly admired Dan for his devotion to this country and the steadfast, irrepressible determination that he exhibited day in and day out, as he sought to better our Nation not only for his constituents in his beloved home State of Hawaii, but for all who called America home. But that is who Dan was, and throughout his remarkable life, he placed the highest of premiums on service above self.

He did on the shores of Honolulu when, having heard the clarion call of sirens ringing out across the island as Japanese planes attacked American naval forces at Pearl Harbor, he rushed toward the battle to volunteer as a Red Cross medic. He did on the battlefields in Italy during the Second World War, when having taken sniper fire and enduring a gruesome explosion that would later claim his right arm, he refused to evacuate, pressing forward to neutralize enemy positions so that he could lead his men to safe ground—an act of heroism and valor which later rightfully earned him the Distinguished Service Cross and the Medal of Honor.

Those acts of valor, which spoke to Dan's intrinsic and abiding concern for others, distinguished him throughout his life. In fact, it motivated him at every turn in Congress, where he cared not about scoring political points, but about doing what was right. In times rife with partisanship, he proved the rare exception, bringing to bear his principled voice of reason, as well as his enormous credibility, his gravitas, and his vast experience to rise above the rancorous din that all too often envelops us here in Washington.

Indeed, Dan legislated with uncommon civility and candor, ability and efficacy, as well as the most seriousness of purpose and irrepressible good humor. It is no wonder, then, why the people of Hawaii, since achieving statehood in 1959, have repeatedly and overwhelmingly returned Dan to Congress for over half a century, entrusting him not only to be their voice and their vote, but their champion.

And that is precisely what he was—a legislative stalwart and tireless advo-

cate for his beloved home State, fighting fiercely on behalf of his fellow Hawaiians. Whether strengthening vital infrastructure, increasing job training and employment opportunities across the islands, or supporting veterans, he united a workhorse-like legislative craftsmanship with his legendary statesmanship to not only deliver on behalf of Hawaii, but ensure that his State, despite its geographical location, was on the vanguard of modernism.

In fact, I can still well-recall traveling to Afghanistan, Pakistan, and Uzbekistan with Senator Inouye and Senator Ted Stevens—who shared a remarkable friendship themselves—as part of a five-member Senate delegation in February of 2002, just 4 months after the horrific terrorist attacks of September 11, 2001. One of the first American delegations to travel to Afghanistan after the tragedy, we consulted with NATO leaders to discuss international support for anti-terrorism efforts worldwide and met with President Pervez Musharraf of Pakistan and Chairman Hamid Karzai of Afghanistan to signal America's commitment to defeating terrorism. And Dan was instrumental in these formative post-9/11 efforts in combating the combat the scourge of terrorism.

And so as we reflect upon his unequalled career, we as a people and as a Nation can find solace in knowing that he has left to us an incredible legacy of service that will not only resonate for generations to come, but that will inspire all of those who are fortunate to follow in his footsteps, just as it has inspired all of us who have had the privilege of serving with him.

Perhaps most importantly, though, he was indisputably what our forefathers quite likely had in mind when they envisioned a United States Senator, and his beloved Aloha State—and indeed our Nation—could not have asked for a more eloquent and powerful champion fighting on their behalf. I will most certainly always remember the sincerity and warmth of our conversations and forever treasure our friendship.

As I conclude, today, I remember a powerful statement of Senator Inouye's, which speaks to his unparalleled humility and integrity. Having recently been asked how he hoped history would remember him, he replied, "I represented the people of Hawaii and this nation honestly and to the best of my ability. I think I did okay."

Mr. President, I believe, as do my colleagues, that history will recall Senator Inouye as one of our most distinguished and iconic legislators, and just as he joins the pantheon of exemplary leaders who have shaped our Nation for the better, his memory will, too, forever live on in the collective heart of an eternally grateful Nation. Indeed, the Senate, the State of Ha-

waii, and the Nation, are immeasurably enhanced by his service.

#### TRIBUTES TO DEPARTING SENATORS

Mr. CARDIN. Mr. President, I would like to pay tribute to the Senators who will not be returning when the 113th Congress commences next month. I have already spoken about Senator KYL and about Senator Inouye, one of the truly great Americans and giants of this institution. At the time of his death, Senator Inouye was just a few weeks short of celebrating 50 years of Senate service. Only Senator Byrd served in this institution longer.

Turnover is a natural occurrence, but it's important to acknowledge that the Senators who are departing have served in the Senate for a combined total of 237 years, or nearly 20 years per Senator, on average. Add Senator Inouye, and the total is close to 300 years. That service represents an enormous amount of expertise on issues ranging from national defense and foreign affairs to the Federal budget to energy policy. The departing Senators will also take with them vast institutional knowledge and bipartisan friendships and working relationships that will leave a void we will need to fill.

#### DANIEL AKAKA

Mr. President, DANIEL AKAKA was born on September 11, 1924 just 4 days after Senator Inouye and, like Senator Inouye, he overcame the prejudice and hostility directed at Asian Americans following the attack on Pearl Harbor to serve with distinction in the U.S. Army during World War II. Senator AKAKA was a civilian worker in the U.S. Army Corps of Engineers from 1943 to 1945. Then, he was on Active Duty in the Army from 1945 to 1947.

After Senator AKAKA finished his military service, he devoted his career to education, first as a teacher and then as a principal and later as an official in the State of Hawaii Department of Education. He was first elected to the House of Representatives in 1976 and then appointed to the Senate in 1990 upon the death of former Senator Spark Matsunaga. He won an election that November with nearly 54 percent of the vote, and was re-elected to the Senate in 1994, 2000, and 2006, twice receiving over 70 percent of the popular vote and never dropping below 61 percent.

Senator AKAKA is America's first Senator of Native Hawaiian ancestry, and the only Chinese-American Member of the Senate. He chairs the Indian Affairs Committee and, like Senator Inouye, he has been a stalwart supporter of Native Americans, Native Alaskans, Pacific Islanders, Asian Americans, and Native Hawaiians. One of his highest priorities has been to secure passage of the Native Hawaiian Government Reorganization Act, S.

675. That bill was just placed on the legislative calendar and hotlined, we need to get it across the finish line in the waning days of the 112th Congress. It's the right thing to do.

I have been privileged to work with Senator AKAKA on efforts to protect the Federal workforce. Federal employees have no greater champion than Senator AKAKA, who has chaired the Homeland Security & Governmental Affairs Subcommittee on Oversight of Government Management. Senator AKAKA is committed to making the Federal government an employer of choice capable of attracting and retaining the best and the brightest. In 2009, he introduced the Telework Enhancement Act, which became law in 2010 and expands telework opportunities at executive agencies. Senator AKAKA has also fought to create a culture of transparency and fairness in the Federal Government, authoring the Whistleblower Protection Enhancement Act, which I was proud to cosponsor. President Obama signed that bill into law last month. And Senator AKAKA has been a civil rights champion, partnering with Senators LIEBERMAN, COLLINS, me, and others to support domestic partner benefits.

I also appreciate Senator AKAKA's determined advocacy for financial literacy and consumer protections. His Credit Card Minimum Payment Warning Act was included in the 2009 Credit CARD Act. Now, thanks to Senator AKAKA, credit card bills must include a disclosure box to show consumers how long it will take to repay their entire balance if they only make minimum monthly payments. The so-called "Akaka Box" also lets consumers know how much it will cost to pay off their outstanding balance within 36 months, which is a typical length of a debt management plan. Senator AKAKA was also an author of portions of the Dodd-Frank Act addressing financial literacy (establishing the Office of Financial Education within the Consumer Financial Protection Bureau) and investor protections.

Throughout Senator AKAKA's long and distinguished career in Congress, he has also been an ardent environmentalist. As a former chairman of the Subcommittee on National Parks, legislation he authored has created, expanded, or otherwise improved each of Hawaii's national parks. His Hawaii Tropical Forest Recovery Act established the Hawaii Experimental Tropical Forest in order to promote the recovery of tropical forests in Hawaii and undertake needed research to better protect tropical forests around the world.

A hallmark of Senator AKAKA, like Senator Inouye, is his soft-spoken and courteous manner. The Senators from Hawaii have always treated the rest of us with respect and graciousness. They have reached across the aisle to foster

bipartisan cooperation. And they have exhibited a rare and calming serenity when partisan tempers have boiled over. I will miss the warm and gentle and friendly personalities of Senators AKAKA and Inouye, their wise counsel, and their service here in the United States Senate on behalf of Hawaiians and all Americans.

JEFF BINGAMAN

Mr. President, JEFF BINGAMAN is another Senator whose quiet demeanor belies his tremendous skill and effectiveness as a legislator. Senator BINGAMAN and I were born 2 days apart October 3 and October 5, 1943, respectively. Both of Senator BINGAMAN's parents were teachers, which may help explain his interest and involvement in educational policy. He graduated from a public school in a small town in New Mexico and then went to Harvard for his bachelor of arts degree and Stanford for his law degree. From 1968 to 1974, he served in the U.S. Army Reserve and in 1978, he was elected attorney general of New Mexico. Senator BINGAMAN was first elected to the Senate in 1982 and then won reelection four times, only once dipping below receiving at least 61 percent of the popular vote.

Senator BINGAMAN has worked on everything from drop-out prevention in schools with low student achievement and graduation rates to phasing out the waiting period for disabled individuals to become eligible for Medicare benefits and to eliminate it for people with life-threatening conditions to the establishment of ARPA-E the Advanced Research Projects Agency at the Department of Energy.

Earlier this month, the Energy Information Administration, EIA, reported that with improved efficiency of energy use and a shift away from the most carbon-intensive fuels, U.S. energy-related carbon dioxide, CO<sub>2</sub>, emissions are likely to remain more than 5 percent below their 2005 level through 2040. Emissions from motor gasoline will decline as a result of the adoption of fuel economy standards, biofuel mandates, and shifts in consumer behavior. Emissions from coal used in the generation of electricity will decline as power generation shifts from coal to lower-carbon fuels, including natural gas and renewables. These are all significant accomplishments, made possible largely by Senator BINGAMAN's steady hand at the helm of the Energy and Natural Resources Committee, where he has helped to shape and pass all of the major energy bills for over the past decade.

In 2009, Senator BINGAMAN shepherded the Omnibus Public Land Management Act to passage. That legislation added wilderness protection to over 2 million acres, designated 1,100 miles of wild and scenic rivers, and added more than 2,800 miles to the national trail system. I believe it was the

biggest wilderness bill Congress has ever enacted after the original Wilderness Act of 1964 and the Alaska National Interest Lands Conservation Act of 1980. The epitaph on the stone plaque where the great English architect Sir Christopher Wren is buried reads, "If you seek his monument, look around you." The same could be said for Senator BINGAMAN with regard to the preservation of our natural world.

Two weeks ago, Senator BINGAMAN gave his farewell speech to the Senate and I would like to quote from the beginning of that speech. He remarked,

In 1981, in his first inaugural address, President Reagan said, "Government is not the solution to our problem; government is the problem."

I came to the Senate two years later in 1983 with the firm belief that in most cases his statement was wrong.

I believed then and I believe now that the Federal Government can be a constructive force for good; in protecting and maintaining the civil liberties of all Americans, in maintaining and strengthening our economy, in protecting our environment and in helping Americans live productive and fulfilling lives.

I agree wholeheartedly with Senator BINGAMAN and am grateful that for the past 30 years in public service, he has lived by those words and beliefs.

SCOTT BROWN

Mr. President, Senator BROWN shook the political establishment when he won a special election in 2010 to replace the late Senator Ted Kennedy. Senator BROWN was the first Republican to win a Senate race in Massachusetts since Senator Edward Brooke won reelection in 1972. Senator BROWN previously served in the Massachusetts State House of Representatives from 1998 to 2004 and then in the State Senate from 2004–2010.

Senator BROWN has been here just a short time, but he has been in the "thick of things", given his willingness to reach across the aisle. According to Congressional Quarterly, he has the second-most bipartisan voting record in the Senate, and helped the majority pass the Stop Trading on Congressional Knowledge, STOCK, Act, which he co-authored; the Dodd-Frank Wall Street Reform and Consumer Protection Act, which was passed with exactly 60 votes; the repeal of the Department of Defense's "Don't Ask, Don't Tell" policy; the Hiring Incentives to Restore Employment, HIRE, Act, and the New START Treaty. In the wake of the horrific shootings at the Sandy Hook Elementary School in Newtown, Connecticut, Senator BROWN was one of the first Republicans to express his support for reinstating the assault weapons ban. On a more parochial note, I would note that 9 months ago he started serving as an active member of the Maryland National Guard, and we are grateful for his service.

KENT CONRAD

Mr. President, few, if any, other Senators have devoted as much time and

energy as Senator KENT CONRAD has to trying to balance the Federal budget. There are few more important—or difficult—tasks. The Senate will miss his steady hand as chairman of the Budget Committee and his expertise on budgetary and fiscal matters as a former tax commissioner for the State of North Dakota.

As Senator CONRAD likes to note, he was 16 years old when he sat in the visitors gallery to this Chamber, listened to former Senator Hubert Humphrey speak on the Civil Rights Act, and decided that he wanted to be a United States Senator. Not only did he make that decision, he committed himself to running for a Senate seat in 1986 or 1988. After Senator CONRAD received degrees from Stanford University and George Washington University, he worked as an assistant to our former colleague, Byron Dorgan, who was the North Dakota Tax Commissioner from 1969 to 1980. He succeeded Senator Dorgan as tax commissioner but beat him to the Senate, defeating Republican incumbent Mark Andrews, who had represented North Dakota as a Representative or Senator since 1963. Senator CONRAD won that election in 1986. As he remarked in his farewell speech, “That is the power of a plan.”

Senator CONRAD pledged that he would not seek re-election in 1992 if the Federal budget deficit had not declined by the end of his term. He honored that pledge. But North Dakotans, to their credit, encouraged him to run in a special election that year to fill the remainder of Senator Quentin Burdick’s term. Senator Burdick, the State’s senior Senator at the time, had died in September 1992. Byron Dorgan was elected to replace Senator CONRAD, and Senator CONRAD was elected to replace Senator Burdick. He was re-elected three times, with 58 percent, 61 percent, and nearly 69 percent of the vote, respectively. This is an extraordinary political accomplishment in a largely Republican State and a testament to Senator CONRAD and the discernment of North Dakota voters.

Agriculture is the single biggest component of the North Dakota economy. Senator CONRAD has successfully fought to make sure farm programs benefit North Dakota’s farmers and ranchers, from winning formula fights on drought legislation in his first term to leading the charge for disaster assistance in the late 1990s and playing a leading role in writing the 2002 and 2008 farm bills. North Dakota receives far more farm program benefits, on a per capita basis, than any other State, and they have helped produce prosperity in farm country. Senator CONRAD has also brought hundreds of millions of dollars to North Dakota to develop water supply and flood protection projects. Key victories include passage of the Dakota Water Resources Act to bring Federal legislation in line with North Dakota’s

contemporary water needs, ensuring Federal help to protect Fargo against record spring flooding, and securing over \$1 billion to rebuild Grand Forks and build new flood controls following the 1997 flood, an additional \$1 billion to respond to the ongoing, devastating flooding in the Devils Lake basin, and a final \$1 billion to respond to the record breaking 2011 flooding in Minot.

While Senator CONRAD has been a leader on farm and energy policies, he has been the leader on budget policies as chairman of the Budget Committee and a senior member of the Finance Committee. Six years ago, he teamed with former Republican Senator Judd Gregg of New Hampshire to propose a bipartisan commission to tackle the debt. That idea ultimately prompted President Barack Obama to create the National Commission on Fiscal Responsibility and Reform, also known as the Bowles-Simpson (or Simpson-Bowles) Commission after its co-chairs, former Republican Senator Alan Simpson of Wyoming and former White House Chief of Staff Erskine Bowles, in 2010. Senator CONRAD was appointed to the Commission and has subsequently served in the bipartisan “Gang of Six” and “Gang of Eight” groups of Senators attempting to find a budget compromise that would forestall the tax increases and automatic spending cuts scheduled to commence on January 1, 2013.

Senator CONRAD has been indefatigable in his pursuit of sound budgetary and fiscal policies. He has brought a soberness to the subject, along with his trademark patience and extraordinary ability to discuss complex budget issues and large numbers in a way that is accessible to everyone accompanied, of course, by his myriad charts! Senator CONRAD has always promoted a balanced approach to addressing our budget deficits that includes higher revenues, spending cuts, and appropriate entitlement reform. The Bowles-Simpson Commission’s report, which he helped draft, should serve as a blueprint for Congressional action.

No matter how arduous the budget negotiations become, Senator CONRAD is eternally optimistic. As he noted in his farewell speech,

I think we all know our country needs a plan now, and we know plans have worked before. I was here in 1993 when we had just come off the largest deficit in the history of the United States. The country was in the doldrums. The economy was just plugging along, not doing very well, we had a weak recovery from a deep recession, and we passed a plan to get the country back on track. We did it the old-fashioned way. We made tough decisions, some that were unpopular, but it was the right thing to do and it worked. We balanced the budget. We had the longest period of uninterrupted economic growth in the Nation’s history. Twenty-three million jobs were created, and we were actually paying down the debt of the United States at the end of the Clinton administration.

I share Senator CONRAD’s fervent hope that his farewell speech won’t be

his final Senate speech; he indicated that he will take to the floor again if we reach agreements in the next few days on the 2012 farm bill and the so-called fiscal cliff negotiations. If we do find a way forward, Senator CONRAD will have played a key role in both instances. It has been my honor to serve on the Budget Committee under Senator CONRAD’s leadership.

KAY BAILEY HUTCHISON

Mr. President, Senator KAY BAILEY HUTCHISON has been shattering glass ceilings her entire life in a career that has spanned law, banking, TV news reporting, owning a small business, and politics. She was one of five women in her University of Texas Law School class. She was the first Republican woman elected to the Texas House of Representatives. In 1990, she became state treasurer—the first Texas Republican woman elected to statewide office. Her 1993 special election victory to succeed Senator Lloyd Bentsen made her the first—and only—woman to represent Texas in the Senate. She was re-elected in 1994, 2000, and 2006, receiving over 60 percent of the popular vote in each instance. In 2001, she was named one of the 30 most powerful women in America by *Ladies Home Journal*.

Senator HUTCHISON was the Senate architect of our military forces’ transformation from Cold War-based forward basing, with extensive overseas infrastructure, to a strategically balanced approach that emphasizes rapidly deployable military forces based at large, modern, centrally located U.S. military installations. As chair of the Military Construction Appropriations Subcommittee, she has played a crucial role in developing larger, soldier- and family-friendly U.S. installations and improving the quality of life and the quality of health care for our servicemen and women and their families. As ranking member of the Senate Commerce Committee, Senator HUTCHISON authored major legislation in 2005 and 2010 to create a balanced, bipartisan blueprint for America’s post-Shuttle space program. She also protected \$100 billion science and research investment in the International Space Station by paving way for commercial crews. Senator HUTCHISON is one of Senate’s leading advocates for bolstering the Nation’s science and technology education and competitiveness. In 2007, she co-sponsored the America COMPETES Act, which included her legislation to allow college students majoring in science, technology, engineering or mathematics—STEM—to be concurrently certified as elementary and secondary school teachers.

Senator HUTCHISON has been a strong voice for women’s economic empowerment and family-supporting tax policies. She joined with my colleague, Senator MIKULSKI, in sponsoring the

Homemaker IRA legislation, which was enacted in 1997 and allows affected spouses to make equal, \$2,000, fully deductible contributions to individual retirement accounts, IRAs. She also successfully advocated for elimination of the marriage tax penalty. In 1975, while she was serving in the Texas House of Representatives, she sponsored pioneering legislation to protect rape victims by redefining consent and shielding them from invasive personal questions that implied “blaming the victim.” The Texas law became the national model for state laws to protect rape victims. In 2003, here in the Senate, she won passage of bill that created the national Amber Alert; more than 550 abducted children have since been reunited with their parents.

Senator HUTCHISON is also an accomplished author. In 2000, she and other woman Senators co-authored *Nine and Counting: The Women of the Senate*. In 2004, she wrote *American Heroines: The Spirited Women Who Shaped Our Country*, which was followed in 2007 by the bestselling book, *Leading Ladies: American Trailblazers*. I’m not sure, but I believe she is the only sitting U.S. Senator to have appeared on an episode of *Walker, Texas Ranger* with Chuck Norris!

Senator HUTCHISON has a solid conservative voting record and outlook. She is thoughtful, accessible, and collaborative. These qualities and her hard work have made her an outstanding Senator. We will miss her.

HERB KOHL

Mr. President, Senator HERB KOHL embodies the American dream. His parents were Jewish immigrants from Poland and Russia who started a chain of grocery and department stores. Senator KOHL earned a Bachelor of Arts degree from the University of Wisconsin in 1956 and a Master of Business Administration, MBA, degree from Harvard Business School in 1958. Between 1958 and 1964, Senator KOHL was a member of the United States Army Reserve. Senator KOHL had a highly successful business career before he was elected to the Senate in 1988 with 52 percent of the vote. In each successive re-election effort, his share of the popular vote rose, all the way up to more than 67 percent in 2006.

I have served with Senator KOHL on the Judiciary Committee and have seen firsthand his commitment to ensuring the fairness of our legal system.

Senator KOHL introduced legislation to create a tax credit for employer-provided child care after Congress passed the welfare reform bill in 1996, to help families move from welfare to work. The credit was codified in section 45F of the Internal Revenue Code as part of the package of tax cuts passed in 2001. Section 45F offers a tax credit for 25 percent of what it costs a business to build and maintain an on-site child care facility and 10 percent of their ex-

penses for child care resource and referral services. It is capped at \$150,000 a year per company to target the benefit to small businesses.

Throughout his career, Senator KOHL has championed the National Institute of Standards & Technology’s Manufacturing Extension Partnership Program, MEP, a public-private partnership that provides technical support to small and medium manufacturers. Since MEP arrived in Wisconsin in 1998, its two centers have created or retained over 13,000 high quality manufacturing jobs with almost \$2 billion in economic impact throughout the State. In 2007 and 2010, Senator KOHL introduced bipartisan legislation to authorize appropriations for MEP and, in both instances, those bills became public law: the former as part of the America COMPETES Act of 2007; the latter as part of the American COMPETES Reauthorization of 2010. For over a decade, and despite budgetary pressures, MEP has received the resources it needs to continue to help small manufacturers in Wisconsin and across the nation, prompting the American Small Manufacturers Coalition to name Senator KOHL a “champion for small manufacturers.”

Senator KOHL’s quiet but effective contributions to our Nation aren’t limited to his service here in the Senate. He is a committed philanthropist, too. For instance, he donated \$25 million to the University of Wisconsin at Madison for the construction of its new sports arena. It was the largest single donation in University’s history. In 1990, he established the Herb Kohl Educational Foundation Achievement Award Program, which provides annual grants totaling \$100,000 to 100 graduating seniors, 100 teachers, and 100 schools throughout Wisconsin. And he is much beloved in his hometown for purchasing the Milwaukee Bucks basketball team in 1985 to prevent the team from being moved to another city.

JOE LIEBERMAN

Mr. President, few Senators have struck as independent a path in recent years as Senator JOE LIEBERMAN. He was the first prominent Democrat to chastise then-President Bill Clinton for his affair with Monica Lewinsky but did not support removing the President from office. He was the Democratic Party’s nominee to be Vice President in 2000—the first Jewish candidate on a national party ticket in American history. Senator LIEBERMAN has confounded people because he has been willing to follow his conscience and to place principle over party loyalty.

Senator LIEBERMAN is a proud son of Connecticut. His parents ran a liquor store in Stamford; both his paternal and maternal grandparents were immigrants from Poland and Austria, respectively. He graduated from Yale University—the first member of his family to graduate from college—and

then received his law degree from Yale Law School. In 1970, when Senator LIEBERMAN was just 28, he was elected to the Connecticut State Senate as a “reform Democrat.” He served in the State senate for 10 years, including six as majority leader. In 1982, he won the first of two terms as Connecticut’s Attorney General, and was immensely popular for championing environmental and consumer protection.

Senator LIEBERMAN pulled off perhaps the biggest upset of the 1988 election cycle when he defeated incumbent Republican Senator Lowell Weicker in a close race, winning by just 10,000 votes. But 6 years later, when Democrats lost control of both houses of Congress, Senator LIEBERMAN won reelection with over 67 percent of the vote. In 2000, while he simultaneously ran for Vice President, he received over 63 percent of the vote for the Senate seat he held.

Here in the Senate, Senator LIEBERMAN has been a strong advocate of recruiting, training, and equipping a 21st century fighting force and using it to defend America’s security, values, and interests. Senator LIEBERMAN was one of five Democrats to co-sponsor S.J. Res. 2, which authorized the use of force in the first Gulf War in 1991. He partnered with Senator MCCAIN to push for U.S. intervention in the Balkans in the 1990s, and he was a proponent of former President George W. Bush’s “surge” strategy in Iraq.

Following the terrorist attacks on September 11, 2001, Senator LIEBERMAN led the charge to establish the 9/11 Commission, whose mission was to prepare a full and complete account of the circumstances surrounding the attacks. Then, in response to the Commission’s recommendations, Senator LIEBERMAN worked with Senator SUSAN COLLINS to implement the largest reorganization of the intelligence community in over half a century. As Chairman of the Government Affairs Committee, Senator LIEBERMAN led Congressional efforts to establish the Department of Homeland Security, which integrated all or part of 22 different Federal departments and agencies. He has since continued to oversee the Department’s work in his position as ranking member of the Committee between 2003 and 2006 and as Chairman again since 2007.

Senator LIEBERMAN is a committed environmentalist. He played a key role in drafting and passing the 1990 Clean Air Act Amendments, which established the sulfur dioxide “cap and trade” program to combat acid rain, one of the most successful programs in history. He has introduced every major climate change bill in the Senate, and every bill that has been brought to the floor for a vote. In 1994, Senator LIEBERMAN worked with then-representative Nancy Johnson, a Republican, to secure Wild and Scenic River status for

the Upper Farmington River, the first in the State of Connecticut. He has led several successful filibusters against legislation that would have opened the Arctic National Wildlife Refuge, ANWR, to oil and gas exploration; he also has introduced legislation every two years to protect ANWR permanently.

In 1994, Senator LIEBERMAN introduced the Video Game Ratings Act, held hearings on violence in video games, and played an important role in establishing a rating system and restricting sales of mature games to minors. In the wake of the terrible tragedy at the Sandy Hook Elementary School in Newtown, CT, he has called for the creation of a national commission to study gun violence in a comprehensive way. In 1998, Senator LIEBERMAN introduced and helped pass the Charter School Expansion Act, which expanded the number of high-quality charter schools available to children across the United States. Three years later, he was a lead sponsor of the No Child Left Behind legislation, NCLB. Because of his involvement, he was invited to join the NCLB conference committee despite not serving on the committee of jurisdiction. In 2007, Senator LIEBERMAN was a lead sponsor of the National Innovation Act and the National Innovation Education Act. These were underlying pieces of the final American COMPETES Act, intended to spur innovation and ensure that our workforce has the education and skills necessary to compete in a global economy. In 2010, Senator LIEBERMAN led the successful fight to repeal the Department of Defense's "Don't Ask, Don't Tell" policy. He also has introduced legislation to provide domestic partnership benefits to federal employees, and was an original cosponsor of the Employment Non-Discrimination Act.

Senator LIEBERMAN is a highly accomplished Senator because he has put pragmatism above ideology and because he has been willing to forge bipartisan alliances and compromises. He is a deeply religious man whose motto might well be the prophet Isaiah's plaintive cry, "Come now, and let us reason together" (Isaiah 1:18). The Senate will miss his devotion to public service, cheerfulness, and optimism.

RICHARD LUGAR

Mr. President, Senator RICHARD LUGAR isn't just one of our leading Senators; he's one of the Nation's greatest statesmen over the past quarter-century. We have been fortunate indeed to have Senator LUGAR at the helm of the Foreign Relations Committee, either as chairman or ranking member, for so many years. He is quite literally a gentleman and a scholar. After graduating first in his class from high school and from Denison University, he attended Pembroke College at Oxford as a Rhodes Scholar, where he

earned a second bachelor's degree and a master's degree in 1956. He served in the U.S. Navy from 1956 to 1960, earning the rank of Lieutenant, Junior Grade. While he was in the Navy, he was an intelligence briefer for Admiral Arleigh Burke.

To this day, Senator LUGAR shows his fifth generation Hoosier roots, managing the family's 600-acre corn, soybean, and tree farm. When he was just 35, he was elected Mayor of Indianapolis and served two highly successful terms and was elected President of the National League of Cities in 1971. Senator LUGAR defeated incumbent Senator Vance Hartke in 1976 with 60 percent of the vote in a year when the Democratic candidate for president, Jimmy Carter, won the election. He was re-elected five times. On three of those occasions, he received well over 60 percent of the vote. In 2006, he received over 87 percent of the vote while Democrats were recapturing control of Congress for the first time in 12 years.

Before Senator LUGAR chaired the Foreign Relations Committee, he chaired the Agriculture Committee, during which time he authored the 1996 Farm bill. He established a biofuels research program to help increase U.S. utilization of ethanol and combustion fuels, and led initiatives to streamline the U.S. Department of Agriculture, reform the Food Stamp Program, and preserve the Federal school lunch program. Over the course of his career, he has been deeply involved in food security issues, both domestically and around the globe.

Senator LUGAR generally holds conservative economic views, but he supports President Obama's DREAM Act and certain restrictions on gun ownership. He was the first Republican Senator to announce his support for President Obama's first Supreme Court nominee, U.S. Circuit Court of Appeals Judge Sonia Sotomayor. He also voted in favor of President Obama's second Supreme Court nominee, Solicitor General Elena Kagan. I was proud and privileged to work with Senator LUGAR on an extractive industries transparency provision that we are able to include in the Dodd-Frank Wall Street Reform & Consumer Protection Act. And I have learned so much from Senator LUGAR serving on the Foreign Relations Committee.

In a long career of dazzling accomplishments, Senator LUGAR has made his greatest mark with respect to foreign affairs. In 2006, Time magazine rated him as one of America's 10 Best Senators in an article entitled "The Wise Man". According to the article, Senator LUGAR's "thinking has often proved to be ahead of the curve." He pushed for democratic governments in the Philippines and South Africa and the development of alternative fuels to reduce our reliance on foreign supplies of oil in the 1980s. He has been influen-

tial in gaining Senate ratification of treaties to reduce the world's use, production, and stockpiling of nuclear, chemical, and biological weapons. In 1991, he collaborated with then-Senator Sam Nunn, a Democrat from Georgia and chairman of the Armed Service Committee, to eliminate latent weapons of mass destruction in the former Soviet Union. To date, the Nunn-Lugar Cooperative Threat Reduction Program has deactivated more than 7,500 nuclear warheads. Three months after the September 11, 2001 terrorist attacks on the United States, Senator LUGAR enunciated the "Lugar Doctrine", which commits the United States to use "all of its military, diplomatic and economic power—without question—to ensure that life threatening weapons of mass destruction everywhere are accounted, contained and destroyed" and which "asserts that the U.S. should encourage democratic institutions and decrease dependence on foreign energy sources." Few, if any, people have done more than Senator LUGAR over the past 36 years to ensure security, promote freedom and peace, and reduce the threat of war.

In 2008, Senator LUGAR received the Paul H. Douglas Ethics in Government Award, which is awarded by the University of Illinois Institute of Government and Public Affairs. He gave a profound speech on the nature of bipartisanship when he received that award. I think the speech perfectly exemplifies Senator LUGAR and his approach to governance, and I would exhort everyone to read it and take it to heart. This is part of what he said:

Too often bipartisanship is misrepresented as the byproduct of moderate political views or the willingness to strike deals. We should be clear that bipartisanship is not centrism, and it is more than just compromise. It is a way of approaching one's duties as a public servant that requires self-reflection, discipline of study, and faith in the good will of others.

I believe this type of independent self reflection and discipline of thought is at the core of any politician's attempt to be truly bipartisan. In today's political environment, politicians are bombarded by demands from our respective parties and loyalist groups to adopt certain orthodox positions. To some extent this is a necessary element of a two-party system. But when positions are adopted purely on the basis of partisan advantage or strategic opposition to the other party, our system begins to break down. Some members may genuinely agree with their party 50 percent of the time, others may genuinely agree with their party 99 percent of the time. The question is whether a politician arrives at those conclusions through honest reflection and careful study of the issue or whether they arrive there because they have adopted an "us-versus-them" mentality. Increasingly at all levels of American politics, capable leaders are succumbing to the temptation to put politics first. . .

Particularly destructive is the misperception in some quarters that governing with one vote more than 50 percent is just as good or better than governing with 60 or 70 percent support. Under this theory, the



compromises necessary to achieve greater consensus among the American people and Congress merely dilutes the strength of one's partisan accomplishments.

The problem with this thinking is that whatever is won today through division is usually lost tomorrow. The relationships that are destroyed and the ill will that is created make subsequent achievements that much more difficult. If the minority is not a participant, it begins to see its job as frustrating the majority, rather than as trying to advance its ideas or contributing to good legislation. A 51 percent mentality deepens cynicism, sharpens political vendettas, and depletes the national reserve of good will that is critical to our survival in hard times. Leaders should not content themselves with 51 percent if they can expand a working majority through outreach, judicious rhetoric, bipartisan alliances, and thoughtful argumentation. National unity is not simply a civic nicety; it counts in real policy terms. . . .

Senator LUGAR concluded his speech by remarking that former Senator Paul Douglas' life "provides us with an extraordinary example of what can be achieved through thoughtful dedication to public service." The same can be said for Senator LUGAR.

BEN NELSON

Mr. President, Senator BEN NELSON is a native Nebraskan who earned his B.A., M.A., and J.D. degrees from the University of Nebraska at Lincoln. He embarked on a highly successful career in the insurance industry, working for Central National Insurance Group of Omaha. In 1975, he became Nebraska's State insurance director before going back to work for Central National Insurance first as an executive vice president, and then as president.

With regard to politics, Senator NELSON decided to start at the top. In 1990, in his first run for office, he was elected as Governor of Nebraska. In 1994, he was re-elected with 74 percent of the vote. During his tenure, he cut spending relative to the previous administration by 64 percent, promoted legislation to cut crime through the Safe Streets Act & Juvenile Crime Bill, advocated for low-income families through the Kids Connection health care system, enacted welfare reforms, and cut taxes for over 400,000 middle income Nebraska families. He was forced to step down because of term limits, but then he successfully ran for the Senate seat vacated by Senator Bob Kerrey. While that race was close, he was re-elected in 2006 with just under 64 percent of the vote.

Senator NELSON is a moderate to conservative Democrat, which is fitting given the conservative tilt of Nebraska voters. For the past 12 years, he has frequently reached out to Republicans to try to get things done. For instance, he was a member of the so-called "Gang of 14" that helped to resolve the judicial nominations controversy in 2005. He has worked hard to protect and promote the State's agricultural interests, becoming a champion of ethanol

and farm-based alternative energy sources. He is a member of the Armed Services Committee and has been at the center of shaping our Nation's defense policies, securing a new headquarters for STRATCOM, and a new Veterans Administration hospital for Nebraska's veterans.

Senator NELSON has always been true to his beliefs and true to his word, and it has been a pleasure to work with him. His desire to seek bipartisan compromise is a noble one. He likes to quote Henry Ford, who said, "Coming together is a beginning. Keeping together is progress. Working together is success". Senator NELSON has always heeded those words; we would be well-served to do likewise in his absence.

OLYMPIA SNOWE

Mr. President, few people have faced the personal adversity Senator OLYMPIA SNOWE has overcome on her way to becoming the youngest Republican woman ever elected to the United States House of Representatives; the first woman to have served in both houses of a state legislature and both houses of the U.S. Congress, and the first Greek-American congresswoman. Senator SNOWE, a first-generation American, was orphaned at a young age and then her uncle, who was raising her with his family, died a few years later. Her first husband was killed in a car accident when she was just 26 and, later, her 20-year-old stepson died from a heart ailment. And yet, Senator SNOWE didn't just persevere. She ran for her late husband's seat in the Maine House of Representatives at the age of 26 and won. She was re-elected to the State House in 1974 and, in 1976, won election to the Maine Senate. She was elected to the U.S. House of Representatives in 1978, and represented Maine's 2nd Congressional District from 1979 to 1995.

Senator SNOWE successfully ran for the seat vacated by former Senate Majority Leader George Mitchell in 1994, winning 60 percent of the vote. She was re-elected in 2000 and 2006, winning 69 percent and 74 percent of the vote, respectively. In nearly 40 years of holding elective office, Senator SNOWE has never lost an election.

During her time in office, Senator SNOWE has been a quintessential Yankee Republican, putting her constituents and the Nation ahead of political party. While she served in the House, she was a member of the moderate wing of the Republican Party known as Gypsy Moths, working with southern Democrats known as Boll Weevils to forge bipartisan budgets. Here in the Senate, she was a member of the Gang of 14. Prior to that, during the Senate's 1999 impeachment trial of then-President Bill Clinton, she worked with her Maine colleague, Senator SUSAN COLLINS, to find a middle ground approach, drafting a motion that would have allowed the Senate to vote separately on

the charges and the remedy a "finding of fact" resolution. When the motion failed, Senator SNOWE and Senator COLLINS demonstrated the courage of their convictions by voting to acquit the President on the grounds that his actions didn't warrant his removal from office.

During consideration of the 2001 tax cuts, Senator SNOWE worked with former Senator Blanche Lincoln, a Democrat from Arkansas, to increase the amount of the child tax credit and make it refundable, so that low income families who don't earn enough to pay federal taxes could still benefit from the credit, ensuring that it would assist an additional 13 million more children and lift 500,000 of those children out of poverty. But 2 years later, she joined Senators Lincoln Chafee and JOHN MCCAIN as the only Republicans to oppose the 2003 tax cuts. Pragmatism, not fealty to a rigid political ideology, has been her guiding principle.

Senator SNOWE was one of eight Republican Senators to vote to repeal the "Don't Ask, Don't Tell" policy. Although she represents a largely rural, pro-hunting State, she has supported sensible gun control measures. She teamed with our former colleague, Senator Ted Kennedy, to co-author the landmark Genetic Nondiscrimination Act, which prevents insurance companies and employers from denying or dropping coverage based on genetic tests. I have been proud to work with Senator SNOWE on a number of small business initiatives, including our legislation to increase the cap on surety bonds.

Senator SNOWE has stated repeatedly that she inherited a legacy of bipartisanship and independence from former Maine Senator Margaret Chase Smith, who delivered her seminal "Declaration of Conscience" speech against the bullying tactics, smear campaigns, and intimidation of former Senator Joe McCarthy. As Senator SNOWE remarked in her "farewell" speech the other day, Senator Smith's stand demonstrated truly uncommon courage and principled independence. Senator SNOWE has been a worthy heir and guardian of Senator Smith's legacy. We will miss her common sense, her pragmatic approach to governing, and her ability to promote bipartisan consensus.

JIM WEBB

Mr. President, Senator JAMES WEBB is a highly decorated combat veteran of the Vietnam War, the first Naval Academy graduate to serve as a civilian Secretary of the Navy, lawyer, and accomplished author. Senator WEBB grew up in a military family and noted in his 2004 book, *Born Fighting: How the Scots-Irish Shaped America*, that his ancestors fought in every major American war. Senator WEBB's father, a career officer in the U.S. Air Force, flew B-17s and B-29s during World War II,



and dropped cargo during the Berlin Airlift. After Senator WEBB graduated from Annapolis, he was commissioned as a second lieutenant in the U.S. Marine Corps. As a first lieutenant during the Vietnam War he served as a platoon commander with Delta Company, 1st Battalion 5th Marines. He earned a Navy Cross, the second highest decoration in the Navy and Marine Corps for heroism in Vietnam. He also earned the Silver Star, two Bronze Stars and two Purple Hearts. Senator WEBB's son Jimmy has continued the Webb family's long, proud record of military service to our Nation as a rifleman and Marine Corps Sergeant, served a tour of duty in Iraq with Weapons Company, 1st Battalion 6th Marines.

Senator WEBB has served just one term but he has made it a productive one, passing the 21st Century GI Bill to provide the same educational benefits to post-9/11 veterans that the World War II "Greatest Generation" received. He introduced the bill his first day in office, and saw it enacted into law. More than 800,000 veterans have since received educational benefits through the program. What a wonderful legacy for Senator WEBB to have.

Senator WEBB also dedicated his time in office to refocusing and rebalancing our relationships in East Asia. He has long argued that getting mired in Iraq and Afghanistan was a strategic mistake, and that our long-term interests lie with Asia. As chair of the Senate Foreign Relations East Asia Subcommittee, he visited nearly every country in the region, focusing particularly on the countries of mainland southeast Asia and our treaty allies. His 2009 trip to Burma was the first by a U.S. leader in 10 years; the visit is widely credited as the beginning of efforts to change our relationship with that country. Senator WEBB remains the only U.S. leader to have met with Than Shwe, the former junta leader, and he also met with Aung San Suu Kyi while she was under house arrest. Senator WEBB has also worked continuously to resolve the basing issues with our main ally in the region, Japan, and to help pass a trade agreement with South Korea.

A hallmark of Senator WEBB's lifelong service to our Nation is his willingness to tackle the tough, unglamorous issues. Here in the Senate, he led an effort to reform our criminal justice system, introducing legislation to establish a commission of experts to review the entire spectrum of the American criminal justice system from drug laws to sentencing, prison conditions, recidivism, and judicial reform.

Mr. President, these men and women who will be leaving the Senate soon have made extraordinary sacrifices to serve our Nation. We are fortunate that they have chosen to spend significant parts of their lives in public serv-

ice. All Americans owe them a debt of gratitude. Those of us who will be in the Senate next month when the 113th Congress convenes can best honor the legacy of our departing colleagues by reaching across the aisle as they have done so many times to forge bipartisan consensus and solutions to our Nation's most vexing problems. The men and women who will be leaving the Senate at the end of this Congress understand that compromise isn't a dirty word; it is the genius at the heart of our political system. We will miss them.

JOSEPH LIEBERMAN

Mr. ENZI. Mr. President, at the end of each session of Congress, the Senate takes a moment to acknowledge and express our appreciation for the service of those retiring Members who will not be a part of the next Congress when we reconvene in January. We offer each of them our thanks for a job well done. JOE LIEBERMAN is such an individual, and he has brought so much to our work in the Senate over the years. We will miss him.

Ever since he arrived here in the Senate JOE has always seen our deliberations as not so much a matter of party so much as it has been about each issue taken individually. That is why we see him as such a thoughtful legislator. He examines every matter that comes before the Senate, taking stock of how it will impact his home State of Connecticut and the future of our Nation, and then he makes a decision on the best course of action for the Congress to take. His ability to sort through each issue focused more on policy than politics has helped him to work with Senators on both sides of the aisle—and bring something important to each discussion. That is why the people of Connecticut kept hiring him back on for another term. Simply put, they saw him in action in the Senate and visited with him when he would return to Connecticut and they liked what they saw.

I got to know JOE as we worked together during a trip to South Korea. The Kyoto Conference had concluded and South Korea was in the midst of a series of problems. The outlook was troublesome and action needed to be taken on a priority basis. The problems were magnified by the election that was going on and the monetary crisis that was being played out in the midst of all of that political campaigning and posturing.

In an effort to be of assistance, the International Monetary Fund had stepped in and was willing to provide the support that was needed in exchange for South Korea's willingness to take certain steps that they believed were essential if any additional elements of the crisis were to be avoided.

The International Monetary Fund asked us to meet with the candidates who were running in South Korea and make them aware of the importance of the current problem and the need to

work with the International Monetary Fund toward the solution that had been proposed. It was not going to be enough for them to privately state that they were open to the idea. We needed them to go public with their support for the proposal so that all the candidates would be on the record as being on board with the plan. That would help to strengthen and stabilize the economy and put South Korea on a track toward a long term solution to their financial problems.

We were so "effective" with our assignment that, after meeting with us, each of the candidates took to the airwaves the next day to make it clear that if they were elected they would rewrite the whole deal.

As soon as they made it clear they were not interested in the proposal that had been made, the value of their currency began to sink like a rock. It hit the maximum loss for three days. That was enough to teach each candidate that they had no alternative but to move in the direction the International Monetary Fund had recommended.

As soon as that realization became clear, each of the candidates went back on the airwaves and said that they would comply with the International Monetary Fund's recommendations and pursue the policies that would place the nation on firmer ground. When there is only one viable alternative it makes taking a position on an issue like this a lot easier.

I learned a great deal about JOE on that trip—and from him, too. It was in every sense time well spent both for me and JOE—and for the government of South Korea as well. That experience has been with me ever since and I have never forgotten it.

JOE is completing his fourth term and through it all he has been a good representative of the people of Connecticut. He has been a part of many difficult and complex issues during those four terms. Each day, strengthened by his faith and guided by his strong sense of values and principles, he has taken on each challenge that has come before us and done some very important work for the Nation.

Thanks, JOE, for your willingness to serve. You have compiled a record during your years of service on the State and national level of which you can be very proud. As I thank you for your service, I also want to thank you for your friendship. I have enjoyed having the chance to come to know you and I hope you will continue to keep in touch with us in the months to come.

#### ENVIRONMENTAL EPA MERIT AWARDS

Mr. BLUMENTHAL. Mr. President, I rise today to honor the 11 individuals and organizations from Connecticut

that have been awarded 2012 Environmental Merit Awards by the Environmental Protection Agency, EPA. Every year, the EPA recognizes stand-out efforts in different regions of the country, including Connecticut's New England Region. Although not official EPA initiatives, these accomplishments are integral to national environmental stewardship and conservation efforts.

This year, a 2012 Lifetime Achievement Environmental Merit Award was given to Alan Buzzetti, for his career-long efforts fighting against lead poisoning, and Northeast Recycling Council, Inc., for its innovative recycling campaign. Mr. Buzzetti has been instrumental in the creation of a statewide program to eliminate lead poisoning. He also founded the Connecticut Department of Public Health's Childhood Lead Poisoning Prevention and Control Program, making Connecticut a clear choice for the regional headquarters of the New England Lead Coordinating Committee. For the past 25 years, the Northeast Recycling Council has worked with Connecticut and 9 other member States to support and promote recycling and sustainability models at both the State and local level and for both public and private efforts.

The EPA also awarded Individual Environmental Merit Awards to three trailblazing activists, who care deeply about our environmental future. Dr. Anthony Leiserowitz is currently a professor at the Yale School of Forestry and Environmental Studies where he founded and directs the Yale Center for Environmental Communication. Through these and additional platforms like the Yale Forum on Climate Change and the Media, Dr. Leiserowitz works with journalists and broadcast media to make climate change data relevant to the public.

Kevin Taylor of Waterbury and Betsey Wingfield of Hartford have also received Individual Environmental Merit Awards from the EPA. Mr. Taylor, the Senior Project Manager of Waterbury Development Corporation, has led the redevelopment of more than 20 brownfields into valuable, beloved community properties. Ms. Wingfield—outside of her position at the Connecticut Department of Energy and Environmental Protection—has led a community group to successfully lobby for stream flow standards and regulations in Connecticut. These measures ensure protections for decades and future generations.

To recognize innovative partnerships that cross sectors, the EPA awarded three Environmental, Community, Academia and Nonprofit Environmental Merit Awards. This year's Connecticut winners are Goodwin College, the Long Island Sound Study's Citizens Advisory Committee, and the University of Connecticut's Nonpoint Education for Municipal Officials Pro-

gram's New England Rain Garden Training Team. These three organizations are models of environmental stewardship—linking economic development, equal opportunity, and community participation with responsible conservation. Since 2005, Goodwin College's campus along the Connecticut River in East Hartford has inspired environmental participation from a diverse group of residents. It offers a college degree in environmental studies and has developed Connecticut River Academy, a magnet high school. These two academic institutions have become a hub for local businesses and have created countless jobs.

Similarly, the Long Island Sound Study and New England Rain Garden Training Team have been successful in bringing diverse people together to protect the environment. Curt Johnson and Nancy Seligson, co-chairs of the Long Island Sound Study's Citizens Advisory Committee, have led a large group of citizens, concerned about the future of the cherished Long Island Sound, in developing what the EPA has aptly called a "community blueprint" or "citizens' action plan." The New England Rain Garden Training Team has similarly been on the ground, working with all levels of government and community groups to build rain gardens in New England. By raising awareness of the importance of rain gardens in reducing pollution from stormwater runoff, members of the Rutgers University Cooperative Extension Water Resources program and University of Connecticut's Nonpoint Education for Municipal Officials Program have collaborated on easily translatable training programs for residents and neighborhoods, including underserved communities.

To highlight the important work of State and local governments in environmental regulation, the EPA awarded a 2012 Governmental Environmental Merit Award to Connecticut's Department of Public Health's Drinking Water Section, charged with regulating and administering Connecticut's water system. These hardworking public employees are heroes in times of crisis. In the aftermath of Tropical Storm Irene in 2011, this team offered assistance to nearly 770,000 constituents who had lost power and issued boil water guidance for 16,000 residents.

Lastly, Ethan Allen Operations, Inc., headquartered in Danbury, CT, and the Greenwich Hospital were awarded in the Business, Industry, Trade, or Professional category in recognition of their industry leadership. Ethan Allen has been on the forefront of reducing air pollutant emissions, eco-friendly chemicals, and reduction in waste output. Greenwich Hospital has used innovative, healing rain gardens to promote health as well as manage the area's stormwater runoff, and has assisted other New England area hospitals in

instituting this type of sustainable landscaping for their communities.

Congratulations to these remarkable Connecticut ecological vanguards—environmentalists, scientists, and local leaders who have collaborated with others to confront important global issues with tenacity, creativity, and courage. As we have seen, especially recently in the wake of Hurricane Sandy, our Nation's environmentalists are true altruists. I invite my Senate colleagues to applaud these commendable Connecticut companies and individuals, and thank them for their dedication to preserving our landscapes, seascapes, and climate for future generations.

#### REMEMBERING THE VICTIMS OF SANDY HOOK ELEMENTARY

Mr. BLUMENTHAL. Mr. President, although the Newtown community is very much still in mourning, I stand here today to remember 20 innocent children and 6 remarkable adults. I am hopeful that the memories of loved ones can provide some solace in the face of senseless violence. And I hope that as we continue to share stories, our national community will bind together and hearts can begin to heal.

When President Obama addressed the Nation, he spoke of Sandy Hook Elementary School as a compassionate community: parents holding their children's hands on their way to school, teachers meeting them at the door, principals keeping watch.

I have seen, firsthand, tragedy hit this tight-knit community. Last Friday morning, I went to the Sandy Hook firehouse. I went as a public official, but what I saw was through the eyes of a parent. There were moments of unspeakable grief for parents emerging from the firehouse who realized their children were not coming home. I will live always with these sights and sounds of that day.

I have also seen this remarkable community come together in solidarity. The firefighters and first responders are mostly volunteers. Neighbors are like family members. I have the utmost confidence that this beautiful town will heal through deep-rooted relationships and collective strength.

We must remember that these children were dearly loved by parents and teachers who would give everything for them. And these adult victims modeled selfless love for their students. In this spirit of love, community, and compassion, we remember the 26 fallen today.

Twelve little girls passed away on Friday, and we honor them for bringing bursts of light and laughter and love into the lives of all who knew them:

Charlotte Bacon was an outgoing and persistent red head, a member of a Girl Scout troop led by her mother.

Olivia Engel was a great big sister to her younger brother and family dog

and was looking forward to playing an angel in her church's upcoming pageant.

Catherine Hubbard had a passion for animals and greeted each day with a smile.

Jessica Rekos loved horseback riding and learning about orcas.

Josephine Gay had just turned 7 and found joy in riding her bike around the neighborhood.

Madeleine Hsu had just turned 6 in July and was remembered for wearing bright, floral dresses.

Ana Marquez-Greene loved to sing and would leave love notes under her parents' pillow.

Emilie Parker was a mentor to her younger siblings, teaching them how to dance and laugh, and was eager to try new things.

Caroline Previdi was a spunky young gymnast who loved to draw and dance.

Grace McDonnell liked wearing bows in her hair and dreamed of living at the beach and becoming a painter.

Avielle Richman took up archery when she was inspired by a female hero in the Disney movie, *Brave*, and is remembered for her joyful giggles.

Allison Wyatt was an eager, energetic first-grader, who was helpful to her peers and loving to family and friends.

Eight little boys passed away on Friday and will be remembered for their joy of life and boundless energy:

Daniel Barden would ride on his father's shoulders on the way to the school bus every morning and was missing his two front teeth.

Dylan Hockley liked to play tag at the bus stop with his neighbors and dress up like *Shrek* or *Superman*.

Jesse Lewis would accompany his dad to work at building sites which he happily explored and was learning how to ride a horse.

James Mattioli had just learned how to ride a bike and was discovering that he liked math.

Jack Pinto was a Giants fan and part of a youth wrestling team.

Noah Pozner was best friends with his twin sister Arielle, and older sister Sophia, and liked figuring out how things worked.

Chase Kowalski loved riding his bike outdoors and playing with his five siblings.

Benjamin Wheeler studied piano with his mother and threw leaves in the air with his friends and his brother Nate.

These children were raised with dance and music, with laughter and hope. The parents of victim Grace McDonnell have kept their house ablaze with Christmas lights, even in the wake of the shooting, perhaps in tribute to their daughter, who they called "the love and light of our family." Krista and Rich Rekos called their daughter Jessica, their "rock."

You can feel the energy of these children in the stories that are being told.

Although their lives were cut short, they contributed to the world around them by learning, growing, and loving.

Six beloved Sandy Hook faculty members—selfless heroes of the Newtown community—were also taken last Friday. They dedicated themselves to the children around them.

Dawn Hochsprung, the 47-year-old principal of Sandy Hook Elementary School, instinctually lunged in front of the shooter and she was killed in the line of duty. For the students of Sandy Hook, she was the "Reading Fairy," inspiring what she hoped would be a lifelong appreciation for books. Before coming to Sandy Hook, she worked as a principal in the towns of Bethlehem and Woodbury. She was dedicated to education and to family, crediting her own mother for the care she expressed towards others.

Anne Marie Murphy, 52 years old, worked at Sandy Hook Elementary School as a special education assistant and raised four children of her own. She has been remembered as a positive spirit and source of good energy. She was generous and loving, and died shielding the innocent from harm. In a public statement, the family of Dylan Hockley expressed their gratitude to Ms. Murphy and comfort that their son died in the arms of his beloved teacher.

Mary Sherlach, 56 years old, had served Sandy Hook as their school psychologist since 1994 and was a year away from retiring. She earned her undergraduate degree at SUNY Cortland and master's degree at Southern Connecticut State University. Last Friday, she showed her true spirit of selflessness when she and Principal Hochsprung ran towards the shooter to stop him. Her adult daughters live in New Jersey and Washington, DC.

According to her loved ones, at age 30 Lauren Rousseau had landed her dream job as a substitute teacher at Sandy Hook—something she had longed to do since age 6. She found a home in this community and gave her life caring for its children. A graduate of the University of Connecticut, she cheered on the women's basketball team and enjoyed going to Broadway shows.

Rachel D'Avino was an intern at Sandy Hook—a 29-year-old who was in the process of learning how to help children with special needs. She was studying at the University of Saint Joseph for an advanced degree in applied behavior analysis and provided one-on-one instruction to various students. Her boyfriend was planning on asking for her hand in marriage on Christmas Eve.

Victoria Soto loved going to work each day as a first grade teacher at Sandy Hook Elementary and was, in turn, beloved by her students. She was raised in a family of public servants and graduated from Eastern Connecticut State University. She was attending night school at Southern Con-

necticut State for a master's degree. When the gunman shot his way into her classroom, she protected the children under her care without hesitation. Her story and those of her colleagues, who put their lives on the line, will be remembered around the Nation.

During this holiday season, we pray that the Newtown community can find peace and solace. This tragedy reminds us of both the fragility and preciousness of life, and the healing grace of love.

#### RECOGNIZING THE HUDSON RIVER SCHOOL OF PAINTING

Mr. BLUMENTHAL. Mr. President, in 2010, Senators GILLIBRAND and SCHUMER passed a resolution honoring the Hudson River School painters for their contributions to the United States. Today, I join my colleagues in paying tribute to this significant, historic artistic movement and recognize its ties to Connecticut.

The Hudson River School of Painting originated in the Hudson River Valley in the 1820s and consists of landscapes featuring highly detailed and realistic scenes of American wilderness. Painters attributed to this style include Thomas Cole, Asher Durand, Jasper Cropsey, Sanford Robinson Gifford, George Inness, Worthington Whittredge, Albert Bierstadt, and Thomas Morgan.

Two of the most influential painters of the Hudson River School have Connecticut roots: John Kensett and John Frederic Church. Born in Cheshire, Kensett worked in New Haven as an engraver and traveled throughout New England, painting scenes of his cherished homeland. At his home on Contentment Island near Darien, he painted some of his most notable works. Church was born in Hartford and became famous for his landscapes of exotic locales of South America, Western Europe, and the Middle East.

The Long Island Sound—a treasure of Connecticut and the East Coast—was a common subject lovingly portrayed by Hudson River School painters, in particular by Kensett, who would frequent the Sound to or from his studio in Darien. Famously, Kensett's "Twilight in the Cedars at Darien," portrays a serene sun setting over a dense swath of forest in Connecticut.

The Hudson River School has not only inspired painters for generations, but led to the development of the National Park Service under President Theodore Roosevelt. In Connecticut and throughout the Nation, this influential style has inspired environmental conservation efforts historically and to the present day.

These beautiful, idyllic landscapes, untouched by man, inspire us to protect our land, air, and water; future generations must not look at these paintings as ancient artifact. Connecticut is closely tied to the Hudson

River School, and we must continue to preserve its legacy now and in the future by learning more about the School and its painters. I encourage my colleagues and their constituents to engage in this worthwhile pursuit.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8730. A communication from the Acting Principal Deputy Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the National Guard Youth Challenge Program 2012 annual report; to the Committee on Armed Services.

EC-8731. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Relocation of Regulations" (RIN2590-AA56) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8732. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-8733. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-8734. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-8735. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to blocking property of the Government of the Russian Federation relating to the disposition of highly enriched uranium extracted from nuclear weapons that was declared in Executive Order 13617 of June 25, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8736. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Ohio Portion of the Huntington-Ashland 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment" (FRL No. 9764-9) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8737. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Imple-

mentation Plans; State of Colorado; Regional Haze State Implementation Plan" (FRL No. 9734-8) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8738. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule" (FRL No. 9684-8) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8739. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rule on Certain Chemical Substances; Removal of Significant New Use Rules" (FRL No. 9369-8) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8740. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Utah; Determination of Clean Data for the 1987 PM10 Standard for the Ogden Area" (FRL No. 9765-6) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8741. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Alaska: Eagle River PM10 Nonattainment Area Limited Maintenance Plan and Redesignation Request" (FRL No. 9764-7) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8742. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determination of Attainment of the 2006 24-hour Fine Particulate Matter Standard for the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area" (FRL No. 9765-9) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8743. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Health and Safety Data Reporting; Addition of Certain Chemicals; Withdrawal of Final Rule" (FRL No. 9375-3) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Environment and Public Works.

EC-8744. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-157); to the Committee on Foreign Relations.

EC-8745. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursu-

ant to law, the report of a rule entitled "Opening of Boquillas Border Crossing and Update to the Class B Port of Entry Description" (RIN1651-AA90) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Finance.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. NELSON of Nebraska:

S. 3712. A bill to authorize the minting of a coin in honor of the Centennial of Boys Town, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SHELBY:

S. 3713. A bill to make technical corrections to the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

#### ADDITIONAL COSPONSORS

S. 3077

At the request of Mr. PORTMAN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 3077, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 3460

At the request of Mr. COONS, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3460, a bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes.

S. 3673

At the request of Mr. CORKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3673, a bill to provide a comprehensive deficit reduction plan, and for other purposes.

S. RES. 618

At the request of Mr. LEVIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

AMENDMENT NO. 3395

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 3395 proposed to H.R. 1, an act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY:

S. 3713. A bill to make technical corrections to the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SHELBY. Mr. President, I rise today to discuss legislation that I introduced to make technical corrections to the Dodd-Frank Act.

Two and a half years ago, Congress rushed to pass the 2,300 page Dodd-Frank Act and, like any large and complex piece of legislation, it contains numerous technical errors.

For example, section 742(b) of Dodd-Frank amends the Gramm-Leach-Bliley Act by citing to section 206(e) of that act when, in fact, Gramm-Leach-Bliley does not have a section 206(e).

Another example is that Dodd-Frank abolished the Office of Thrift Supervision, but failed to take out references to the OTS in at least 20 statutes.

These are the types of errors that should be corrected.

While I strongly opposed Dodd-Frank and do not believe that it should have become law, I nevertheless believe that we should at least attempt to clean up the errors found throughout the legislation.

Accordingly, the legislation I have introduced focuses purely on technical corrections of non-substantive inaccuracies and omissions in the final Dodd-Frank bill.

The bill I introduced could have been many pages longer, but I sought to keep it to only those changes that were purely technical.

There are many other technical changes that could be made that also involve policy judgments.

I decided not to include those changes in my bill because I wanted to introduce a bill that could garner broad bipartisan support and serve as a starting point for forging additional compromises on other problems with Dodd-Frank.

If Congress is ever going to be bipartisan, this is the bill. We should at a bare minimum be able to agree that a law with numerous technical errors should be fixed at least to the extent of those technical issues.

While the issues addressed in this bill are technical in nature, they also take into account the realities with the ongoing implementation of Dodd-Frank.

For example, this legislation extends for one year the deadline for completing and issuing the regulations, studies and reports required by Dodd-Frank that have not been met by the date specified.

This provision does not aim to delay or undermine the rulemaking process in any way.

On the contrary, it is meant to address the flawed rulemaking process stipulated by Dodd-Frank, which directs financial regulators to complete an unprecedented number of rulemakings in very short time frames.

Presently, our financial regulators are in violation of the law because they have not completed scores of rulemakings by the times prescribed by Dodd-Frank. This is not how the world's leading democracy should function.

Congress's laws should be followed, especially by the agencies it has created. Congress should either hold regulators accountable for not making statutory deadlines or should grant regulators more time so that they are not in violation of the law.

In this case, extending deadlines is the appropriate and reasonable approach.

While I offer this bill to technically improve Dodd-Frank, my views about the substantive provisions of Dodd-Frank have not changed.

I continue to believe that it is a flawed and poorly conceived piece of legislation. It expanded the scope and power of ineffective bureaucracies, created vast new bureaucracies with little accountability, and seriously undermined the competitiveness of the American economy.

Moreover, Dodd-Frank did all that without accomplishing what it set out to do—make our financial system safer.

Instead, Dodd-Frank preserved and codified preferential treatment for large financial institutions.

It solidified the close relationships between regulators and big banks by maintaining their pre-existing prudential regulators.

Dodd-Frank also protected the big banks from bankruptcy by creating a new resolution mechanism to ensure that large financial institutions do not fail.

In addition not one regulator was held accountable in the wake of the crisis. To add insult to injury, the very same regulators that missed the warning signs were then closely consulted on how to draft Dodd-Frank.

Accordingly, many provisions in Dodd-Frank should be reexamined and replaced with language which would actually address the serious problems in our financial regulatory system.

This bill, however, does not address any of my substantive concerns with Dodd-Frank. In fact, I made a conscious effort to avoid any substantive recommendations, and to focus exclusively on technical corrections.

My hope is that this bill will form the foundation for a more comprehensive debate on Dodd-Frank in the next Congress. Therefore, I intend to reintroduce this bill when we return in January.

By working together to revise Dodd-Frank, I believe Congress can not only make our financial system safer, but also foster economic growth and job creation.

One would think that we could reach a bipartisan consensus on that.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3439. Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. COONS, and Mr. BAUCUS) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years.

SA 3440. Mr. REID (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 1, making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.

SA 3441. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 3454, to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 3442. Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.

SA 3443. Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, *supra*.

SA 3444. Mr. REID (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

## TEXT OF AMENDMENTS

**SA 3439.** Mr. WYDEN (for himself, Mr. UDALL of Colorado, Mr. LEE, Mr. DURBIN, Mr. MERKLEY, Mr. UDALL of New Mexico, Mr. BEGICH, Mr. FRANKEN, Mr. WEBB, Mrs. SHAHEEN, Mr. TESTER, Mr. BINGAMAN, Mr. LAUTENBERG, Mr. COONS, and Mr. BAUCUS) proposed an amendment to the bill H.R. 5949, to extend the FISA Amendments Act of 2008 for five years; as follows:

At the end, add the following:

### SEC. 5. REPORT ON THE IMPACT OF THE FISA AMENDMENTS ACT OF 2008 ON THE PRIVACY OF THE PEOPLE OF THE UNITED STATES.

(a) FINDINGS.—Congress makes the following findings:

(1) The central provision of the FISA Amendments of 2008 (Public Law 110-261; 122 Stat. 2436) enacted section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) which provides the government authority to collect the communications of persons reasonably believed to be citizens of foreign countries who are located outside the United States.

(2) Such section 702 contained restrictions regarding the acquisition of the communications of United States persons which were intended to protect the privacy of United States persons and prevent intelligence agencies from using the authority in such section to deliberately read or listen to the communications of specific United States persons without obtaining a warrant or emergency authorization to do so.

(3) Estimating the total number of communications to or from the United States collected under the authority in such section 702 would provide an indication of the degree to which collection carried out under such section has impacted the privacy of United States persons.

(4) Estimating the number of wholly domestic communications collected under the authority in such section 702 would provide a particularly significant indication of the degree to which collection carried out under this authority has impacted the privacy of United States persons.

(5) While Congress did not intend to provide authority in such section 702 for elements of the intelligence community to deliberately review the communications of specific United States persons without obtaining individual warrants or emergency authorizations to do so, such section 702 does not include a specific prohibition against this action, and the people of the United States have a right to know whether elements of the intelligence community have deliberately searched through communications collected under such section 702 to find the communications of specific United States persons.

(6) Despite requests from numerous Senators, the Director of National Intelligence has declined to state publicly whether—

(A) any entity has made an estimate of the number of United States communications that have been collected under such section 702;

(B) any wholly domestic communications have been collected under such section 702; or

(C) any element of the intelligence community has attempted to search through communications collected under such section 702 in a deliberate effort to review the communications of a specific United States person without obtaining a warrant or emergency authorization permitting such a search.

(7) In public remarks in July 2012, the Director of the National Security Agency stated that “the story that we have millions or hundreds of millions of dossiers on people is absolutely false”.

(b) REPORT.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the impact of the amendments made by the FISA Amendments Act of 2008 (Public Law 110–261; 122 Stat. 2436) and other surveillance authorities on the privacy of United States persons.

(2) CONTENT.—The report required by paragraph (1) shall include the following:

(A) A determination of whether any government entity has produced any estimate regarding—

(i) the total number of communications that—

(I) originated from or were directed to a location in the United States; and

(II) have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a); or

(ii) the total number of wholly domestic communications that have been collected under such authority.

(B) If any estimate described in subparagraph (A) was produced, such estimate.

(C) An assessment of whether any wholly domestic communications have been collected under the authority of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a).

(D) A determination of whether any element of the intelligence community has ever

attempted to search through communications collected under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) in a deliberate effort to find the communications of a specific United States person, without obtaining a warrant or emergency authorization to do so.

(E) A determination of whether the National Security Agency has collected any type of personally identifiable data pertaining to more than 1,000,000 United States persons.

(c) FORM OF REPORT.—

(1) PUBLIC AVAILABILITY OF REPORT.—The report required by subsection (b) shall be made available to the public not later than 15 days after the date such report is submitted to Congress.

(2) REDACTIONS.—If the President believes that public disclosure of information in the report required by subsection (b) could cause significant harm to national security, the President may redact such information from the report made available to the public.

(3) SUBMISSION TO CONGRESS.—If the President redacts information under paragraph (2), not later than 30 days after the date the report required by subsection (b) is made available to the public under paragraph (1), the President shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a statement explaining the specific harm to national security that the disclosure of such information could cause.

**SA 3440.** Mr. REID (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 1, making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes; as follows:

Amend the title to read:

“An Act making appropriations for disaster relief for the fiscal year ending September 30, 2013, and for other purposes.”

**SA 3441.** Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 3454, to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2013”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

**TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS**

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

**TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

Sec. 301. Restriction on conduct of intelligence activities.

Sec. 302. Increase in employee compensation and benefits authorized by law.

Sec. 303. Non-reimbursable details.

Sec. 304. Automated insider threat detection program.

Sec. 305. Software licensing.

Sec. 306. Strategy for security clearance reciprocity.

Sec. 307. Improper Payments Elimination and Recovery Act of 2010 compliance.

Sec. 308. Subcontractor notification process.

Sec. 309. Modification of reporting schedule.

Sec. 310. Repeal of certain reporting requirements.

**TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY**

Sec. 401. Working capital fund amendments.

**TITLE V—OTHER MATTERS**

Sec. 501. Homeland Security Intelligence Program.

Sec. 502. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 503. Protecting the information technology supply chain of the United States.

Sec. 504. Notification regarding the authorized public disclosure of national intelligence.

Sec. 505. Technical amendments related to the Office of the Director of National Intelligence.

Sec. 506. Technical amendment for definition of intelligence agency.

Sec. 507. Budgetary effects.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2013 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.



(16) The Department of Homeland Security.

**SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2013, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill S. 3454 of the One Hundred Twelfth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY TO COMMITTEES OF CONGRESS.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c);

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

**SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of positions for fiscal year 2013 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a).

**SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2013 the sum of

\$540,721,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2014.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 835 positions as of September 30, 2013. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2013 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2014.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2013, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2013 the sum of \$514,000,000.

**TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

**SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

**SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

**SEC. 303. NON-REIMBURSABLE DETAILS.**

Section 113A of the National Security Act of 1947 (50 U.S.C. 404h-1) is amended—

(1) by striking “two years.” and inserting “three years.”; and

(2) by adding at the end “A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the receiving element of the intelligence community.”

**SEC. 304. AUTOMATED INSIDER THREAT DETECTION PROGRAM.**

Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112-18; 50 U.S.C. 403-1 note) is amended—

(1) in subsection (a), by striking “October 1, 2012,” and inserting “October 1, 2013.”; and

(2) in subsection (b), by striking “October 1, 2013,” and inserting “October 1, 2014.”

**SEC. 305. SOFTWARE LICENSING.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, each chief information officer for an element of the intelligence community, in consultation with the Chief Information Officer of the Intelligence Community, shall—

(1) conduct an inventory of software licenses held by such element, including utilized and unutilized licenses; and

(2) report the results of such inventory to the Chief Information Officer of the Intelligence Community.

(b) REPORTING TO CONGRESS.—The Chief Information Officer of the Intelligence Community shall—

(1) not later than 180 days after the date of the enactment of this Act, provide to the congressional intelligence committees a copy of each report received by the Chief Information Officer under subsection (a)(2), along with any comments the Chief Information Officer wishes to provide; and

(2) transmit any portion of a report submitted under paragraph (1) involving a component of a department of the United States Government to the committees of the Senate and of the House of Representatives with jurisdiction over such department simultaneously with submission of such report to the congressional intelligence committees.

**SEC. 306. STRATEGY FOR SECURITY CLEARANCE RECIPROCITY.**

(a) STRATEGY.—The President shall develop a strategy and a schedule for carrying out the requirements of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(d)). Such strategy and schedule shall include—

(1) a process for accomplishing the reciprocity required under such section for a security clearance issued by a department or agency of the Federal Government, including reciprocity for security clearances that are issued to both persons who are and who are not employees of the Federal Government; and

(2) a description of the specific circumstances under which a department or agency of the Federal Government may not recognize a security clearance issued by another department or agency of the Federal Government.

(b) CONGRESSIONAL NOTIFICATION.—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of the strategy and schedule developed under subsection (a).

**SEC. 307. IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2010 COMPLIANCE.**

(a) PLAN FOR COMPLIANCE.—

(1) IN GENERAL.—The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall each develop a corrective action plan, with major milestones, that delineates how the Office of the Director of National Intelligence and each such Agency will achieve compliance, not later than September 30, 2013, with the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111-204; 124 Stat. 2224), and the amendments made by that Act.

(2) SUBMISSION TO CONGRESS.—Not later than 45 days after the date of the enactment of this Act—

(A) each Director referred to in paragraph (1) shall submit to the congressional intelligence committees the corrective action plan required by such paragraph; and



(B) the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the corrective action plan required by paragraph (1) with respect to the applicable Agency.

**(b) REVIEW BY INSPECTORS GENERAL.—**

(1) IN GENERAL.—Not later than 45 days after the completion of a corrective action plan required by subsection (a)(1), the Inspector General of each Agency required to develop such a plan, and in the case of the Director of National Intelligence, the Inspector General of the Intelligence Community, shall provide to the congressional intelligence committees an assessment of such plan that includes—

(A) the assessment of the Inspector General of whether such Agency or Office is or is not likely to reach compliance with the requirements of the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111-204; 124 Stat. 2224), and the amendments made by that Act, by September 30, 2013; and

(B) the basis of the Inspector General for such assessment.

(2) ADDITIONAL SUBMISSION OF REVIEWS OF CERTAIN INSPECTORS GENERAL.—Not later than 45 days after the completion of a corrective action plan required by subsection (a)(1), the Inspector General of the Defense Intelligence Agency, the Inspector General of the National Geospatial-Intelligence Agency, and the Inspector General of the National Security Agency shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the assessment of the applicable plan provided to the congressional intelligence committees under paragraph (1).

**SEC. 308. SUBCONTRACTOR NOTIFICATION PROCEEDINGS.**

Not later than October 1, 2013, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the method by which contractors at any tier under a contract entered into with an element of the intelligence community are granted security clearances and notified of classified contracting opportunities within the Federal Government and recommendations for the improvement of such method. Such report shall include—

(1) an assessment of the current method by which contractors at any tier under a contract entered into with an element of the intelligence community are notified of classified contracting opportunities;

(2) an assessment of any problems that may reduce the overall effectiveness of the ability of the intelligence community to identify appropriate contractors at any tier under such a contract;

(3) an assessment of the role the existing security clearance process has in enhancing or hindering the ability of the intelligence community to notify such contractors of contracting opportunities;

(4) an assessment of the role the current security clearance process has in enhancing or hindering the ability of contractors at any tier under a contract entered into with an element of the intelligence community to execute classified contracts;

(5) a description of the method used by the Director of National Intelligence for assessing the effectiveness of the notification process of the intelligence community to produce a talented pool of subcontractors;

(6) a description of appropriate goals, schedules, milestones, or metrics used to measure the effectiveness of such notification process; and

(7) recommendations for improving such notification process.

**SEC. 309. MODIFICATION OF REPORTING SCHEDULE.**

(a) INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 103H(k)(1)(A) of the National Security Act of 1947 (50 U.S.C. 403-3h(k)(1)(A)) is amended—

(1) by striking “January 31 and July 31” and inserting “October 31 and April 30”; and

(2) by striking “December 31 (of the preceding year) and June 30,” and inserting “September 30 and March 31.”

(b) INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.—

(1) IN GENERAL.—Section 17(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(1)) is amended—

(A) by striking “January 31 and July 31” and inserting “October 31 and April 30”; and

(B) by striking “December 31 (of the preceding year) and June 30,” and inserting “September 30 and March 31.”

(C) by striking “Not later than the dates each year provided for the transmittal of such reports in section 507 of the National Security Act of 1947,” and inserting “Not later than 30 days after the date of the receipt of such reports.”

(2) CONFORMING AMENDMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively.

**SEC. 310. REPEAL OF CERTAIN REPORTING REQUIREMENTS.**

(a) REPEAL OF REPORTING REQUIREMENTS.—

(1) ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.—Section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) is repealed.

(2) SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND NUCLEAR MILITARY FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(A) by striking subsections (a) and (d); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(3) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS BUDGET INFORMATION.—Section 506D of the National Security Act of 1947 (50 U.S.C. 415a-6) is amended by striking subsection (e).

(4) MEASURES TO PROTECT THE IDENTITIES OF COVERT AGENTS.—Title VI of the National Security Act of 1947 (50 U.S.C. 421 et seq.) is amended—

(A) by striking section 603; and

(B) by redesignating sections 604, 605, and 606 as sections 603, 604, and 605, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking subparagraphs (A), (C), and (D);

(II) by redesignating subparagraphs (B), (E), (F), (G), (H), and (I) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively; and

(III) in subparagraph (D), as so redesignated, by striking “section 114(c).” and inserting “section 114(a).”; and

(ii) by amending paragraph (2) to read as follows:

“(2) The date for the submittal to the congressional intelligence committees of the annual report on the threat of attack on the United States from weapons of mass destruction required by section 114(b) shall be the date each year provided in subsection (c)(1)(B).”;

(B) in subsection (c)(1)(B), by striking “each” and inserting “the”; and

(C) in subsection (d)(1)(B), by striking “an” and inserting “the”.

(2) TABLE OF CONTENTS OF THE NATIONAL SECURITY ACT OF 1947.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the items relating to sections 603, 604, 605, and 606 and inserting the following new items:

“Sec. 603. Extraterritorial jurisdiction.

“Sec. 604. Providing information to Congress.

“Sec. 605. Definitions.”.

**TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY**

**SEC. 401. WORKING CAPITAL FUND AMENDMENTS.**

Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended as follows:

(1) In subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking “program.” and inserting “program; and”; and

(iii) by adding at the end the following:

“(D) authorize such providers to make known their services to the entities specified in section (a) through Government communication channels.”; and

(B) by adding at the end the following:

“(3) The authority in paragraph (1)(D) does not include the authority to distribute gifts or promotional items.”; and

(2) in subsection (c)—

(A) in paragraph (2)(E), by striking “from the sale or exchange of equipment or property of a central service provider” and inserting “from the sale or exchange of equipment, recyclable materials, or property of a central service provider.”; and

(B) in paragraph (3)(B), by striking “subsection (f)(2)” and inserting “subsections (b)(1)(D) and (f)(2).”

**TITLE V—OTHER MATTERS**

**SEC. 501. HOMELAND SECURITY INTELLIGENCE PROGRAM.**

There is established within the Department of Homeland Security a Homeland Security Intelligence Program. The Homeland Security Intelligence Program constitutes the intelligence activities of the Office of Intelligence and Analysis of the Department that serve predominantly departmental missions.

**SEC. 502. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.**

Section 1007(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note) is amended by striking “Not later than one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010,” and inserting “Not later than March 31, 2013.”

**SEC. 503. PROTECTING THE INFORMATION TECHNOLOGY SUPPLY CHAIN OF THE UNITED STATES.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the

Director of National Intelligence shall submit to the congressional intelligence committees a report that—

(1) identifies foreign suppliers of information technology (including equipment, software, and services) that are linked directly or indirectly to a foreign government, including—

(A) by ties to the military forces of a foreign government;

(B) by ties to the intelligence services of a foreign government; or

(C) by being the beneficiaries of significant low interest or no interest loans, loan forgiveness, or other support by a foreign government; and

(2) assesses the vulnerability to malicious activity, including cyber crime or espionage, of the telecommunications networks of the United States due to the presence of technology produced by suppliers identified under paragraph (1).

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) TELECOMMUNICATIONS NETWORKS OF THE UNITED STATES DEFINED.—In this section, the term “telecommunications networks of the United States” includes—

- (1) telephone systems;
- (2) Internet systems;
- (3) fiber optic lines, including cable landings;
- (4) computer networks; and
- (5) smart grid technology under development by the Department of Energy.

#### SEC. 504. NOTIFICATION REGARDING THE AUTHORIZED PUBLIC DISCLOSURE OF NATIONAL INTELLIGENCE.

(a) NOTIFICATION.—In the event of an authorized disclosure of national intelligence or intelligence related to national security to the persons or entities described in subsection (b), the government official responsible for authorizing the disclosure shall submit to the congressional intelligence committees on a timely basis a notification of the disclosure if—

- (1) at the time of the disclosure—
  - (A) such intelligence is classified; or
  - (B) is declassified for the purpose of the disclosure; and
- (2) the disclosure will be made by an officer, employee, or contractor of the Executive branch.

(b) PERSONS OR ENTITIES DESCRIBED.—The persons or entities described in this subsection are as follows:

- (1) Media personnel.
- (2) Any person or entity, if the disclosure described in subsection (a) is made with the intent or knowledge that such information will be made publicly available.

(c) CONTENT.—Each notification required under subsection (a) shall—

- (1) provide the specific title and authority of the individual authorizing the disclosure;
- (2) if applicable, provide the specific title and authority of the individual who authorized the declassification of the intelligence disclosed; and
- (3) describe the intelligence disclosed, including the classification of the intelligence prior to its disclosure or declassification and the rationale for making the disclosure.

(d) EXCEPTION.—The notification requirement in this section does not apply to a disclosure made—

- (1) pursuant to any statutory requirement, including to section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”);
- (2) in connection with a civil, criminal, or administrative proceeding;

(3) as a result of a declassification review process under Executive Order 13526 (50 U.S.C. 435 note) or any successor order; or

(4) to any officer, employee, or contractor of the Federal government or member of an advisory committee to an element of the intelligence community who possesses an active security clearance and a need to know the specific national intelligence or intelligence related to national security, as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)).

(e) SUNSET.—The notification requirement of this section shall cease to be effective for any disclosure described in subsection (a) that occurs on or after the date that is one year after the date of the enactment of this Act.

#### SEC. 505. TECHNICAL AMENDMENTS RELATED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) PERSONNEL PRACTICES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

“(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or”.

(b) SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting “the Office of the Director of National Intelligence,” after “the Central Intelligence Agency.”.

#### SEC. 506. TECHNICAL AMENDMENT FOR DEFINITION OF INTELLIGENCE AGENCY.

Section 606(5) of the National Security Act of 1947 (50 U.S.C. 426) is amended to read as follows:

“(5) The term ‘intelligence agency’ means the elements of the intelligence community, as that term is defined in section 3(4).”.

#### SEC. 507. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SA 3442.** Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “North Korean Child Welfare Act of 2012”.

#### SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

- (1) hundreds of thousands of North Korean children suffer from malnutrition in North

Korea, and North Korean children or children of one North Korean parent who are living outside of North Korea may face statelessness in neighboring countries; and

(2) the Secretary of State should advocate for the best interests of these children, including, when possible, facilitating immediate protection for those living outside North Korea through family reunification or, if appropriate and eligible in individual cases, domestic or international adoption.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HAGUE COUNTRY.—The term “Hague country” means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has entered into force and is fully implemented.

(3) NON-HAGUE COUNTRY.—The term “non-Hague country” means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has not entered into force.

#### SEC. 4. BRIEFINGS ON THE WELFARE OF NORTH KOREAN CHILDREN.

(a) IN GENERAL.—The Secretary of State shall designate a representative to regularly brief the appropriate congressional committees in an unclassified setting on United States Government efforts to advocate for the best interests of North Korean children and children of one North Korean parent, including efforts to address, when appropriate, the adoption of such children living outside North Korea without parental care.

(b) CONTENTS.—The Secretary’s designee shall be prepared to address in each briefing the following topics:

- (1) The analysis of the Department of State of the challenges facing North Korean children residing outside North Korea and challenges facing children of one North Korean parent in other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(2) Department of State efforts to advocate for the best interest of North Korean children residing outside North Korea or children of one North Korean parent living in other countries who are fleeing persecution or are living as de jure or de facto stateless persons, including, when possible, efforts to address the immediate care and family reunification of these children, and, in individual cases where appropriate, the adoption of eligible North Korean children living outside North Korea and children of one North Korean parent living outside North Korea.

(3) Department of State efforts to develop a comprehensive strategy to address challenges that United States citizens would encounter in attempting to adopt, via intercountry adoption, North Korean-origin children residing in other countries or children of one North Korean parent residing outside North Korea who are fleeing persecution or are living as de jure or de facto stateless persons, including efforts to overcome the complexities involved in determining jurisdiction for best interest determinations and adoption processing, if appropriate, of those who habitually reside in a Hague country or a non-Hague country.

(4) Department of State diplomatic efforts to encourage countries in which North Korean children or children of one North Korean parent are fleeing persecution or reside

as de jure or de facto stateless persons to resolve issues of statelessness of North Koreans residing in that country.

(5) Department of State efforts to work with the Government of the Republic of Korea to establish pilot programs that identify, provide for the immediate care of, and assist in the family reunification of North Korean children and children of one North Korean parent living within South Korea and other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

**SA 3443.** Mr. REID (for Mr. BURR) proposed an amendment to the bill H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children; as follows:

Amend the title so as to read: "To express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children."

**SA 3444.** Mr. REID (for Mr. LEAHY (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code; as follows.

Strike all after the enacting clause and insert the following:

#### SECTION 1. TECHNICAL CORRECTIONS.

(a) **ADVICE OF COUNSEL.**—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) **TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.**—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)(i), by striking "of such title" the second place it appears; and

(2) in subsection (d)(2), by striking "subsection" and inserting "section".

(c) **JOINDER OF PARTIES.**—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking "or counterclaim defendants only if" and inserting "only if".

(d) **DEAD ZONES.**—

(1) **INTER PARTES REVIEW.**—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) **REISSUE.**—Section 311(c)(1) of title 35, United States Code, is amended by striking "or issuance of a reissue of a patent".

(e) **CORRECT INVENTOR.**—

(1) **IN GENERAL.**—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking "correct inventors" and inserting "correct inventor".

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall be effective as if

included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) **INVENTOR'S OATH OR DECLARATION.**—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

"(f) **TIME FOR FILING.**—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid."; and

(2) in subsection (g)(1), by striking "who claims" and inserting "that claims".

(g) **TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.**—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112-29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) **PATENT TERM ADJUSTMENTS.**—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking "on which an international application fulfilled the requirements of section 371 of this title" and inserting "of commencement of the national stage under section 371 in an international application"; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking "the application in the United States" and inserting "the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application";

(2) in paragraph (3)(B)(i), by striking "with the written notice of allowance of the application under section 151" and inserting "no later than the date of issuance of the patent"; and

(3) in paragraph (4)(A)—

(A) by striking "a determination made by the Director under paragraph (3) shall have remedy" and inserting "the Director's decision on the applicant's request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy"; and

(B) by striking "the grant of the patent" and inserting "the date of the Director's decision on the applicant's request for reconsideration".

(i) **IMPROPER APPLICANT.**—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) **FINANCIAL MANAGEMENT CLARIFICATIONS.**—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "sections 41, 42, and 376," and inserting "this title"; and

(B) by striking "a share of the administrative costs of the Office relating to patents" and inserting "a proportionate share of the administrative costs of the Office"; and

(2) in subparagraph (B), by striking "a share of the administrative costs of the Office relating to trademarks" and inserting "a proportionate share of the administrative costs of the Office".

(k) **DERIVATION PROCEEDINGS.**—

(1) **IN GENERAL.**—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

"(a) **INSTITUTION OF PROCEEDING.**—

"(1) **IN GENERAL.**—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner's application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

"(2) **TIME FOR FILING.**—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

"(3) **EARLIER APPLICATION.**—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

"(4) **NO APPEAL.**—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable."

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) **REVIEW OF INTERFERENCE DECISIONS.**—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(1) **PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.**—

(1) **IN GENERAL.**—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking "Members of" and all that follows through "such appointments." and inserting the following: "In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor's term."

(B) by striking paragraph (2) and inserting the following:

"(2) **CHAIR.**—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members

appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.”; and

(C) by striking paragraph (3).

(2) TRANSITION.—

(A) IN GENERAL.—The Secretary of Commerce shall, in the Secretary’s discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) DEEMED TERMINATION OF TERMS.—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member’s term would terminate if this Act had not been enacted.

(m) CLERICAL AMENDMENT.—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting “of this title” after “For purposes”.

(n) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to proceedings commenced on or after such date of enactment.

#### UNANIMOUS CONSENT AGREEMENT—H.R. 8

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, with the concurrence of the Republican leader, the Senate proceed to the consideration of Calendar No. 502, H.R. 8.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that following leader remarks on Sunday, December 30, the Senate proceed to executive session to consider Calendar No. 518 under the previous order; further, that after the use or yielding back of the time, we proceed to consideration of Calendar No. 909 and proceed to vote on Calendar No. 909 and Calendar No. 518; that there be 2 minutes for debate equally divided in the usual form prior to each vote; that the motions to reconsider be considered made and laid on the table; that there being no intervening action or debate and no further motions be in order to the nomination; that any statements related to the nominations be printed in the RECORD, President Obama be immediately notified of the Senate’s action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 475, S. 3454.

The PRESIDING OFFICER. The clerk will report the bill by title.

A bill (S. 3454) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. FEINSTEIN. Mr. President, among the unfinished business before the Senate is the consideration of the Intelligence Authorization Act for Fiscal Year 2013. I am asking today for unanimous consent to approve this legislation with a managers’ amendment worked out both with vice chairman CHAMBLISS and the chairman and ranking member of the House Permanent Select Committee on Intelligence, in consultation with the Armed Services and Appropriations Committees.

The Senate Select Committee on Intelligence reported its Fiscal Year 2013 bill, S. 3454, with its accompanying report, S. Rpt. 112–192, on July 30, 2012 by a vote of 14–1. The bill and report have been publicly available since it was reported. The classified annex reported from the Committee was also available for all Senators to review in the Committee’s office.

S. 3454 as reported from our Committee was not without controversy, especially with regard to provisions in the bill that were meant to address the wholly unacceptable and large-scale disclosures of classified information to the media.

Since the bill was reported out, the Committee has received thoughtful comments from our colleagues, media organizations, and from organizations that advocate for greater governmental transparency. As a result of these comments, and technical suggestions received from the Executive Branch, we have decided to remove ten of the twelve sections in the title of the original bill that addressed unauthorized disclosures of classified information so that we might ensure enactment this year of the important other provisions of the bill.

Unfortunately, I am certain that damaging leaks of classified information will continue, and so the Committee will need to continue to look for acceptable ways to address this problem.

Let me briefly describe the managers’ amendment and where we have

made modifications in what was reported from the Committee.

As always, the intelligence authorization bill has two pieces: the legislative text, which is unclassified, and a classified annex that contains the Committee’s authorization of intelligence spending.

The bill contains a number of legislative provisions requested by the Administration to give the intelligence community the authorities and flexibilities it needs to continue protecting the American people and providing policymakers information for foreign policy and security decisions, as well as for the effective and appropriate functioning of our intelligence apparatus.

Among other things, this bill includes:

Repeal of four recurring reporting requirements burdensome to Intelligence Community agencies when the information in such reports is duplicative, or is provided to the Congress through other means. We regularly hear from intelligence officials that they spend so much time writing reports that it interferes with collection, analysis, and management of intelligence activities.

Modification of personnel authorities to facilitate more “joint duty” assignments within the Intelligence Community that will create shared knowledge across different elements of the IC.

These provisions, and several others that are mainly technical in nature, were requested by the director of National Intelligence and incorporated into the bill.

Other sections were initiated by the Committee to assist Congressional oversight efforts. These include, for example, a requirement for corrective action plans to be developed to address the issue of improper payments made by intelligence agencies. We also require notification to the congressional intelligence committees under certain circumstances with respect to certain disclosures of national intelligence information.

As this managers’ amendment represents the combined efforts of the Senate and House, we have also included three provisions from the House-passed bill which were not in the Committee’s original bill. These address security clearance reciprocity, subcontractor business opportunities in the Intelligence Community, and a report on supply chain vulnerabilities.

I am attaching at the end of this statement a section-by-section analysis that describes each of the sections of this managers’ amendment.

It is my hope that the provisions in this bill will continue to aid the Intelligence Community as it conducts its missions, ensure better stewardship of taxpayer dollars, and support the thousands of civilians and military employees who work throughout the Intelligence Community.

As I mentioned, this managers' amendment also includes modifications to the classified annex and the Schedule of Authorizations, modified to represent the consensus of both congressional intelligence committees. I am unable to describe in detail the Committee's classified schedule and annex, but it is available to all Senators for their review in the Committee's spaces. The Committee has sought to ensure that funding is authorized to continue and enhance important intelligence collection and analysis programs, covert actions, and counterintelligence. At the same time, we have cut funding for programs that were functioning poorly or at expenditure rates below expectations, and to shift funding from lower priorities to higher ones.

As always, the Committee has held numerous hearings and briefings on the President's spending request. As was announced in late October, intelligence spending decreased slightly in Fiscal Year 2012, and that trend will continue in Fiscal Year 2013. Our annex contains an overall funding level that is very close to the President's request, and we have attempted to find places to reduce spending that will not sacrifice any important work of the intelligence agencies.

I believe we have addressed all of the concerns that have been brought to our attention by our colleagues and the public. I thus urge passage of this managers' amendment and enactment of this important legislation before the end of the session.

I ask unanimous consent that the section by section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SECTION-BY-SECTION ANALYSIS AND EXPLANATION

The following is a section-by-section analysis and explanation of the Intelligence Authorization Act for Fiscal Year 2013.

#### TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

##### Section 101. Authorization of appropriations

Section 101 lists the United States Government departments, agencies, and other elements for which the Act authorizes appropriations for intelligence and intelligence-related activities for Fiscal Year 2013.

##### Section 102. Classified Schedule of Authorizations

Section 102 provides that the details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and the applicable personnel levels by program for Fiscal Year 2013 are contained in the classified Schedule of Authorizations and that the classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President.

##### Section 103. Personnel ceiling adjustments

Section 103 is intended to provide additional flexibility to the Director of National Intelligence (DNI) in managing the civilian

personnel of the Intelligence Community. Section 103(a) provides that the DNI may authorize employment of civilian personnel in Fiscal Year 2013 in excess of the number of authorized positions by an amount not exceeding 3 percent of the total limit applicable to each Intelligence Community element under Section 102. The DNI may do so only if necessary to the performance of important intelligence functions.

Section 103(b) requires the DNI to establish guidelines that would ensure a uniform and accurate method of counting certain personnel. The DNI has issued such a policy. Subsection (b) confirms in statute the obligation of the DNI to establish these guidelines.

The DNI must report the decision to allow an Intelligence Community element to exceed the personnel ceiling in advance to the congressional intelligence committees.

##### Section 104. Intelligence Community Management Account

Section 104 authorizes appropriations for the Intelligence Community Management Account (ICMA) of the DNI and sets the authorized personnel levels for the elements within the ICMA for Fiscal Year 2013.

Subsection (a) authorizes appropriations of \$540,721,000 for Fiscal Year 2013 for the activities of the ICMA. Subsection (b) authorizes 835 positions for elements within the ICMA for Fiscal Year 2013 and provides that personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence (ODNI) or detailed from other elements of the United States Government.

Subsection (c) authorizes additional appropriations and personnel for the classified Community Management Account as specified in the classified Schedule of Authorizations and permits the funding for advanced research and development to remain available through September 30, 2014.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

##### Section 201. Authorization of appropriations

Section 201 authorizes appropriations in the amount of \$514,000,000 for Fiscal Year 2013 for the Central Intelligence Agency (CIA) Retirement and Disability Fund.

#### TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

##### Section 301. Restriction on conduct of intelligence activities

Section 301 provides that the authorization of appropriations by the Act shall not be deemed to constitute authority for the conduct of any intelligence activity that is not otherwise authorized by the Constitution or laws of the United States.

##### Section 302. Increase in employee compensation and benefits authorized by law

Section 302 provides that funds authorized to be appropriated by this Act for salary, pay, retirement, and other benefits for federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law.

##### Section 303. Non-reimbursable details

Section 303 amends Section 113A of the National Security Act of 1947 (50 U.S.C. 404h-1) to increase the length of time an officer or employee of the federal government can be detailed to the staff of an element of the Intelligence Community funded through the National Intelligence Program (NIP) from two years to three. In addition, Section 303 clarifies that a non-reimbursable detail

made under Section 113A shall not be considered an augmentation of the appropriations of the receiving element of the Intelligence Community.

The DNI requested that an extension of the length of service from two years to three years be made for members of the Armed Forces detailed to an element of Intelligence Community. This request was intended to align Section 113A with requirements for joint duty assignments among the military. Section 664(a) of Title 10 provides that joint duty assignments for military officers, other than general and flag officers, shall be no less than three years. Section 303 provides the flexibility of a three-year length of service to civilian employees as well as military officers.

##### Section 304. Automated insider threat detection program

Section 304 extends by one year the milestones for establishment of an automated insider threat detection program under Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112-18). The administration had requested a two-year extension of the milestone for "initial operating capability" and a three-year extension of the milestone for "full operating capability." The one-year extensions are intended to ensure that the Intelligence Community moves more rapidly toward establishment of this program.

##### Section 305. Software licensing

Section 305 requires the chief information officer for an element of the Intelligence Community to conduct an inventory of software licenses held by such element, including those utilized and unutilized, by the element. This inventory is to be conducted in consultation with the Chief Information Officer of the Intelligence Community (CIO) and completed within 120 days of enactment. Not later than 180 days after enactment, the CIO shall provide the congressional intelligence committees with a copy of the reports along with any comments the CIO wishes to provide. The CIO shall transmit any portion of a report involving a component of a department of the U.S. government to the congressional committees with jurisdiction over such department simultaneously with submission of such report to the congressional intelligence committees.

##### Section 306. Strategy for security clearance reciprocity

Section 306 requires the President to develop a strategy and process for carrying out the requirements of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004, which concerns reciprocity of security clearance access determinations across agencies.

##### Section 307. Improper Payments Elimination and Recovery Act of 2010 compliance

Section 307 requires the DNI and the directors of the CIA, the Defense Intelligence Agency (DIA), the National Geospatial-Intelligence Agency (NGA), and the National Security Agency (NSA) each to develop a corrective action plan, with major milestones, that delineates how such agencies will achieve compliance with the Improper Payments Elimination and Recovery Act of 2010, not later than September 30, 2013. Section 307(b) requires the relevant inspectors general to review the corrective action plan and assess whether it is likely to lead to compliance. Each assessment is to be provided to the congressional intelligence committees. The corrective action plans and inspector general assessments involving the DIA, NGA,

and NSA shall also be submitted to the armed services committees of the Senate and House of Representatives.

*Section 308. Subcontractor notification process*

Section 308 requires the DNI to submit a report to the congressional intelligence committees assessing the method by which contractors at any tier under a contract entered into with an element of the Intelligence Community are granted security clearances and notified of classified contracting opportunities within the Federal Government and recommendations for the improvement of such method.

*Section 309. Modification of reporting schedule*

Section 309 changes the dates by which the inspectors general of the Intelligence Community and the CIA are required to prepare and submit semiannual reports on the activities of their offices from a calendar year basis to a fiscal year basis. This change will align these reporting requirements with the reporting requirements of other inspectors general in the Intelligence Community and facilitate joint audits, inspections and investigations.

*Section 310. Repeal of certain reporting requirements*

Congress frequently requests information from the Intelligence Community in the form of reports, the contents of which are specifically defined by statute. The reports prepared pursuant to these statutory requirements provide Congress with an invaluable source of information about specific matters of concern.

Congressional reporting requirements, and particularly recurring reporting requirements, can place a significant burden on the resources of the Intelligence Community. In some cases, annual reports can be replaced with briefings or notifications that provide the Congress with more timely information and offer the Intelligence Community a direct line of communication to respond to congressional concerns.

In response to a request from the DNI, Section 310 eliminates four reports that were burdensome to the Intelligence Community when the information in the reports could be obtained through other means or was no longer considered relevant to current concerns.

TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY

*Section 401. Working capital fund amendments*

Section 401 amends Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) to provide authority for the service providers under the CIA Central Services Program to use resources to make their services known to their authorized customer base through government communication channels, but clarifies this authority shall not be used to distribute gifts or promotional items. In addition, Section 401 authorizes service providers to deposit receipts from the sale of their recyclable materials into the CIA working capital fund.

TITLE V—OTHER MATTERS

*Section 501. Homeland Security Intelligence Program*

Section 501 establishes the Homeland Security Intelligence Program (HSIP) within the Department of Homeland Security for activities of the Office of Intelligence and Analysis (OIA) that serve predominantly a departmental mission. The OIA is currently funded through the NIP.

*Section 502. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community*

Section 502 extends the date by which the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community is required to submit a report on its findings from “not later than one year after the date on which all members of the Commission are appointed pursuant to Section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010” to not later than March 31, 2013, which is effectively one year after the Commission was able to begin its review. The extension was requested by the co-chairs of the Commission.

*Section 503. Protecting the information technology supply chain of the United States*

Section 503 requires the DNI to submit to the congressional intelligence committees a report that identifies foreign suppliers of information technology that are linked directly or indirectly to a foreign government and assesses the vulnerability to malicious activity of the telecommunications networks of the United States due to the presence of technology produced by such foreign suppliers.

*Section 504. Notification regarding the authorized public disclosure of national intelligence*

Section 504 requires government officials responsible for making certain authorized disclosures of national intelligence or intelligence related to national security to notify the congressional intelligence committees on a timely basis with respect to such disclosures. On a timely basis in this instance does not mean at the exact same time but should be sufficiently timely to keep the committees fully and currently informed.

This provision is intended to ensure that the intelligence committees are made aware of authorized disclosures of national intelligence or intelligence related to national security that are made to media personnel or likely to appear in the press, so that, among other things, these authorized disclosures may be distinguished from unauthorized “leaks.”

Section 504(c) provides that the notification requirement does not apply to a disclosure made pursuant to statutory requirements, in connection with civil, criminal or administrative proceedings, as a result of a declassification review process under Executive Order 13526, or to cleared government representatives with a need to know.

Section 504(e) provides a one-year sunset for the notification requirement in this section.

*Section 505. Technical amendments related to the Office of the Director of National Intelligence*

Sections 2302 and 3132 of Title 5 of the United States Code exclude from the definition of “agency” under those chapters certain specifically listed agencies such as the CIA. In addition, Sections 2302 and 3132 exclude from the definition of “agency” those executive agencies that the President determines have as their principal function “the conduct of foreign intelligence or counterintelligence activities.” Section 505 amends the definition of agency in Sections 2302 and 3132 to expressly identify the ODNI as an agency excluded from the definition of “agency” under those chapters.

*Section 506. Technical amendment for definition of intelligence agency*

Title VI of the National Security Act of 1947 imposes criminal penalties for the dis-

closure of the identity of covert agents of an intelligence agency. The current definition of an “intelligence agency” does not include the counterintelligence elements of the Department of Defense or the intelligence and counterintelligence components of other elements of the Intelligence Community despite the fact that these components may be conducting counterintelligence operations jointly with the Federal Bureau of Investigation or under their own independent authority. Section 506 thus amends Section 606(5) of the National Security Act of 1947 (50 U.S.C. 426) to revise the definition of “intelligence agency” to include all elements of the Intelligence Community, as found in Section 3(4) of the National Security Act.

*Section 507. Budgetary effects*

Section 507 provides that the budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the CONGRESSIONAL RECORD by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

FISA

Mr. CHAMBLISS. Mr. President, earlier today, we were successful in passing H.R. 5949, the FISA Amendments Act Reauthorization Act of 2012, with strong bipartisan support. I am pleased that we are now in a position to pass the Intelligence Authorization Act for Fiscal Year 2013, again with strong bipartisan support. These two bills are the result of Chairman FEINSTEIN's exceptional bipartisan leadership of the Select Committee on Intelligence. It has been my privilege and honor to work with her these past two years during my tenure as Vice Chairman of the Committee.

This bill looks a little different than the version we passed out of Committee back in July, by a vote of 14-1. The final product is the result of our extensive efforts to successfully address the concerns raised by the Executive branch, the House of Representatives, and, of course, our own membership.

It is a good bill. It contains a number of provisions requested by the administration that will provide the intelligence community with certain authorities necessary to perform its vital mission for our country. Most important, it authorizes the funds appropriated for the intelligence and intelligence-related activities of our government. This congressional budgetary oversight is crucial to our national security. I am also pleased that the bill contains a provision which will require government officials, who are responsible for authorizing the disclosure of national intelligence or intelligence related to national security to the media or the general public, to notify the congressional intelligence committees on a timely basis with respect to such disclosures.



It is my hope that the House of Representatives will take this bill up quickly, pass it, and then send it on to the President for signature.

Mr. REID. Mr. President, I ask unanimous consent that a Feinstein-Chambliss substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and the Senate proceed to vote on passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3441) in the nature of a substitute was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Is there any further debate?

If not, the bill having been read the third time, the question is, Shall it pass?

The bill, (S. 3454), as amended, was passed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ASSISTING STATELESS CHILDREN FROM NORTH KOREA

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 1464 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 1464) to develop a strategy for assisting stateless children from North Korea, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I further ask unanimous consent that the Burr substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read a third time and passed; that the title amendment, which is at the desk, be agreed to; that the motions to reconsider be considered made and laid upon the table and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3442) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korean Child Welfare Act of 2012".

#### SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) hundreds of thousands of North Korean children suffer from malnutrition in North Korea, and North Korean children or children of one North Korean parent who are living outside of North Korea may face statelessness in neighboring countries; and

(2) the Secretary of State should advocate for the best interests of these children, including, when possible, facilitating immediate protection for those living outside North Korea through family reunification or, if appropriate and eligible in individual cases, domestic or international adoption.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HAGUE COUNTRY.—The term "Hague country" means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has entered into force and is fully implemented.

(3) NON-HAGUE COUNTRY.—The term "non-Hague country" means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has not entered into force.

#### SEC. 4. BRIEFINGS ON THE WELFARE OF NORTH KOREAN CHILDREN.

(a) IN GENERAL.—The Secretary of State shall designate a representative to regularly brief the appropriate congressional committees in an unclassified setting on United States Government efforts to advocate for the best interests of North Korean children and children of one North Korean parent, including efforts to address, when appropriate, the adoption of such children living outside North Korea without parental care.

(b) CONTENTS.—The Secretary's designee shall be prepared to address in each briefing the following topics:

(1) The analysis of the Department of State of the challenges facing North Korean children residing outside North Korea and challenges facing children of one North Korean parent in other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(2) Department of State efforts to advocate for the best interest of North Korean children residing outside North Korea or children of one North Korean parent living in other countries who are fleeing persecution or are living as de jure or de facto stateless persons, including, when possible, efforts to address the immediate care and family reunification of these children, and, in individual cases where appropriate, the adoption of eligible North Korean children living outside North Korea and children of one North Korean parent living outside North Korea.

(3) Department of State efforts to develop a comprehensive strategy to address challenges that United States citizens would encounter in attempting to adopt, via intercountry adoption, North Korean-origin children residing in other countries or children of one North Korean parent residing outside North Korea who are fleeing persecution or are living as de jure or de facto stateless persons, including efforts to overcome the complexities involved in determining jurisdiction for best interest determinations and adoption processing, if appropriate, of those who habitually reside in a Hague country or a non-Hague country.

(4) Department of State diplomatic efforts to encourage countries in which North Korean children or children of one North Korean parent are fleeing persecution or reside as de jure or de facto stateless persons to resolve issues of statelessness of North Koreans residing in that country.

(5) Department of State efforts to work with the Government of the Republic of Korea to establish pilot programs that identify, provide for the immediate care of, and assist in the family reunification of North Korean children and children of one North Korean parent living within South Korea and other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 1464), as amended, was passed.

The amendment (No. 3443) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "To express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children."

#### AUTHORIZING THE ATTORNEY GENERAL TO AWARD GRANTS FOR STATES TO IMPLEMENT DNA ARRESTEE COLLECTION PROCESSES

Mr. REID. Mr. President, I ask unanimous consent to proceed to H.R. 6014.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6014) to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6014) was ordered to a third reading, was read the third time, and passed.

#### FORMER PRESIDENTS PROTECTION ACT OF 2012

Mr. REID. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6620 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:



A bill (H.R. 6620) to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Today the Senate is enacting provisions sent to us by Representative CONYERS, Chairman SMITH and others to repeal a shortsighted limitation passed in 1994 to limit Secret Service protection of former Presidents. The House bill reverses the 10-year limitation enacted during a time when partisans were angry at the American people's election of President Clinton. They contended they were saving taxpayers money with this change in protection, but I doubt their legislation had any such effect. Now that the limitation might limit Secret Service protection for George W. Bush, they are ready to reverse course. We live in a world of real threats and dangerous people intent on wrongdoing. I support this effort to protect former President Bush and other Presidents going forward.

I think we should take a more thorough look at this outdated statute and expressly extend protection for the minor children of former Presidents, as well. In today's world, I do not believe ending such protection at age 15 is prudent. I have raised the issue with the authors of this legislation, with the Secret Service and with the current administration. They are hesitant to improve upon the current bill. I think we are making a mistake by not taking this opportunity to extend protection to children in our first families until they reach 21 years of age. I will not hold up the beneficial change that will be made by the House bill in order to demand a more thorough overhaul of the statute at this time. I suspect Congress will need to reassess this matter because we have not done all we should now.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6620) was ordered to a third reading, was read the third time, and passed.

#### CORRECTING AND IMPROVING THE LEAHY-SMITH AMERICA INVENTS ACT

Mr. REID. Mr. President, I now ask unanimous consent to proceed to H.R. 6621.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Earlier this Congress, the Senate and the House of Representatives came together to pass the Leahy-Smith America Invents Act, the most comprehensive change to our Nation's patent laws in 60 years. It was the result of more than 6 years of bipartisan, bicameral work by many, including my counterpart on the House Judiciary Committee, Chairman LAMAR SMITH. Now 15 months since President Obama signed our bill into law, its reforms are already starting to take effect, benefiting inventors and businesses around the country.

I am pleased the Senate has taken action to pass Chairman SMITH's technical corrections legislation, H.R. 6621. The legislation makes a small number of changes to clarify and improve the law and to help streamline its implementation. The bill corrects several minor drafting errors and clarifies provisions concerning the inventor's oath, notice of patent term adjustments, derivation proceedings, and the terms of the Patent Public Advisory Committee. It also addresses an inadvertent "dead zone" by clarifying the remedies available to those wishing to challenge patent applications.

The changes are straightforward and noncontroversial. They should help reduce confusion and ease implementation of the law. I appreciate Chairman SMITH's efforts to draft this legislation and to move it through the House of Representatives so the Patent and Trademark Office, PTO, and participants in the patent system can benefit from its effects.

Regrettably, the legislation passed today does not include one technical correction that would improve the law by restoring Congress's intent for the post-grant estoppel provision of the America Invents Act. Chairman SMITH recently described certain language contained in that provision as an "inadvertent scrivener's error." As written, it unintentionally creates a higher threshold of estoppel than was in the legislation that passed the Senate 95-5, or that was intended by the House, according to Chairman SMITH's statement. I hope we will soon address this issue so that the law accurately reflects Congress's intent.

We must also continue to focus on the troubling problem of several hundred "pre-GATT" patent applications that have now been pending before the Patent Office for over 18 years. The original version of this legislation in the House addressed that problem by providing a 1-year window for the pending applications to be processed. Unfortunately, that language was removed before final passage in the House and

replaced with a provision requiring the Patent Office to prepare a report. The amended bill the Senate has passed today strikes the report, but I will work closely with the PTO to identify the cause of the delays and ensure that the PTO has the tools it needs to address any abuses by those who may be trying to game the system and use the patent laws to impede, rather than encourage innovation.

There is still more work to be done to address the problems that confront our patent system. The assertion of patents is still too often used by patent trolls to extract payment even where there is not infringement of a valid patent, and the "tech patent wars" among the large mobile phone companies show the perils to competition that can come when companies do not reach business-to-business resolutions of their patent disputes. But the important reforms made by the Leahy-Smith America Invents Act go a long way toward improving the patent system. This legislation will help streamline those reforms, helping inventors, businesses, and the countless American workers employed in industries that produce and rely on intellectual property.

Mr. REID. Mr. President, I ask unanimous consent that the Leahy-Grassley substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; a motion to reconsider be considered made and laid upon the table, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3444) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. TECHNICAL CORRECTIONS.

(a) ADVICE OF COUNSEL.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)(i), by striking "of such title" the second place it appears; and

(2) in subsection (d)(2), by striking "subsection" and inserting "section".

(c) JOINDER OF PARTIES.—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking "or counterclaim defendants only if" and inserting "only if".

(d) DEAD ZONES.—

(1) INTER PARTES REVIEW.—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) REISSUE.—Section 311(c)(1) of title 35, United States Code, is amended by striking "or issuance of a reissue of a patent".

(e) CORRECT INVENTOR.—

(1) IN GENERAL.—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking “correct inventors” and inserting “correct inventor”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) INVENTOR’S OATH OR DECLARATION.—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

“(f) TIME FOR FILING.—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.”; and

(2) in subsection (g)(1), by striking “who claims” and inserting “that claims”.

(g) TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112-29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) PATENT TERM ADJUSTMENTS.—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking “on which an international application fulfilled the requirements of section 371 of this title” and inserting “of commencement of the national stage under section 371 in an international application”; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking “the application in the United States” and inserting “the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application”;

(2) in paragraph (3)(B)(i), by striking “with the written notice of allowance of the application under section 151” and inserting “no later than the date of issuance of the patent”; and

(3) in paragraph (4)(A)—

(A) by striking “a determination made by the Director under paragraph (3) shall have remedy” and inserting “the Director’s decision on the applicant’s request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy”; and

(B) by striking “the grant of the patent” and inserting “the date of the Director’s decision on the applicant’s request for reconsideration”.

(i) IMPROPER APPLICANT.—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) FINANCIAL MANAGEMENT CLARIFICATIONS.—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “sections 41, 42, and 376,” and inserting “this title.”; and

(B) by striking “a share of the administrative costs of the Office relating to patents” and inserting “a proportionate share of the administrative costs of the Office”; and

(2) in subparagraph (B), by striking “a share of the administrative costs of the Office relating to trademarks” and inserting

“a proportionate share of the administrative costs of the Office”.

(k) DERIVATION PROCEEDINGS.—

(1) IN GENERAL.—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

“(a) INSTITUTION OF PROCEEDING.—

“(1) IN GENERAL.—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner’s application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

“(2) TIME FOR FILING.—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

“(3) EARLIER APPLICATION.—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

“(4) NO APPEAL.—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) REVIEW OF INTERFERENCE DECISIONS.—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(l) PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking “Members of” and all that follows through “such appointments.” and inserting the following: “In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a va-

cancy shall be appointed to serve for the remainder of the predecessor’s term.”;

(B) by striking paragraph (2) and inserting the following:

“(2) CHAIR.—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.”; and

(C) by striking paragraph (3).

(2) TRANSITION.—

(A) IN GENERAL.—The Secretary of Commerce shall, in the Secretary’s discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) DEEMED TERMINATION OF TERMS.—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member’s term would terminate if this Act had not been enacted.

(m) CLERICAL AMENDMENT.—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting “of this title” after “For purposes”.

(n) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to proceedings commenced on or after such date of enactment.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 6621), as amended, was read the third time and passed.

## ORDERS FOR SUNDAY, DECEMBER 30, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Sunday, December 30, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to executive session under the previous order; and that following disposition of the Galante nomination, the Senate recess for 1 hour to allow for caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes at approximately 2 p.m. on Sunday.

## ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order, following the remarks of Senator SCHUMER, for not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

## SUPPLEMENTAL APPROPRIATIONS

Mr. SCHUMER. Mr. President, passing this bill was a very fine accomplishment. Of course, we Senators get up and stand and are very proud of it, as we should be. But without our staffs, we could not get any of this done.

So I would just like to take a few minutes to thank my staff, many of whom were personally impacted by Superstorm Sandy, who worked tirelessly to ensure that New York's needs were adequately addressed as my State continues to react and recover from Superstorm Sandy and her aftermath. Because of their hard work and tireless efforts, I know New York's needs have been addressed in the Sandy supplemental legislation that passed through the Senate earlier this evening.

My great LD Heather McHugh coordinated this effort, making sure that every type of aid was considered and included in this package. She has great knowledge of both the Senate and the House, and it was invaluable in getting this done.

My deputy chief of staff, Erin Sager Vaughan, who is so selfless and wonderful in making sure that every "t" is crossed and every "i" is dotted—I thank her as well.

Her team: Gerry Petrella did an amazing job. He is a Long Islander. He felt the impact of this storm personally, and he was there every step of the way making sure we did not leave out anything. Megan Richardson, Meghan Taira, Jonah Crane, Grant Kerr, Sean Byrne, Hana Greenberg, Veronica Duron were all exceptional on our legislative staff in bringing their expertise to help New York.

I wish to thank my press team: Brian Fallon, Max Young, Meredith Kelly, Lindsay Kryzak, Marissa Kaufman, Chris Scribner, who did a great job.

While this legislation is a tremendous accomplishment for my staff in Washington, DC, I would also like to thank members of my regional offices who not only lived through and experienced Sandy but made themselves available 24 hours a day, 7 days a week, to see that the needs of the people of New York would be recognized and addressed, who extended their arms to those who were in trouble.

Martin Brennan heads my New York operation. He had a torn Achilles and hobbled around in a cast, but he led our staff, as he always does, as a team and exquisitely.

Our casework team, they are seasoned. Suzie Orlove—whom I went to second grade with and has been working for me for over 30 years—Sydney Renwick, Joyce Chang, Julietta Lopez, Jackie Benavides, Karine Vorperian have spent months helping New Yorkers cut through the redtape and get the aid they need.

Nick Martin did an amazing job of connecting resources to needs across New York City and Long Island. Cody Peluso and Deanna Robertson helped make sure New York's northern suburbs were not forgotten.

Touring the damaged communities was a heart-wrenching task. Lane Bodian, who travels with me, was with me every step of the way. Our logistics team of Megan Murphy Vlasto, Jenna Jones, and Alex Victor helped make sure we got where we needed to be in those very difficult days after the storm and ever since.

Additionally, two members of my team were hit hard by the storm. They lost their houses or their houses were badly flooded. I wish to thank them because they ignored their personal situations, particularly in the days after the storm, to help New Yorkers. For that, I will always be grateful to Kyle Strober, who runs our Long Island office, and to Michelle Basic, his assistant, whose family's home was flooded badly on Staten Island.

Finally, the leader of our team is a guy named Mike Lynch, who has molded us into a great operation. He did not put his name in here, characteristically, but he deserves a huge amount of thanks.

Of course, my colleagues Senators GILLIBRAND, LAUTENBERG, MENENDEZ, and their teams were essential. We worked as sort of a seamless web, and I look forward to working with them on the implementation of this package.

I wish to thank Senator Inouye. When he was ill, he continued to meet with Senators GILLIBRAND, MENENDEZ, LAUTENBERG, and myself. We knew how much he cared. I know he is looking down, as I think Senator MIKULSKI said, and he is smiling at the good work we did in a bipartisan way to get this bill passed.

Of course, I wish to thank Senator MIKULSKI. This was the first bill she managed. Let it be a metaphor for all her bills: Senator GILLIBRAND and I have just labeled her "the engineer." She led that train down the track speedily, without flaw, but carefully and was a great leader.

Senator LANDRIEU, the chair of the Homeland Security Subcommittee, was incredible in giving us advice and help, and even in those darkest days was there for us. The other subcommittee leaders—Senator LEAHY, Senator FEINSTEIN, Senator MURRAY—all made sure this package became a reality. Their staffs—Charlie Houy, Lilah Helms, Gabby Batkin, Chuck Keiffer, and Alex Keenan—were great.

Of course, my good friend, truly one of the closest friends I have and a great leader of this place, who understood the need and went out of his way for us, Senator REID, was invaluable. It would not have happened without him or his amazing floor staff, led by Gary Myrick and Tim Mitchell, who gave us tremendous advice and help. So I also thank them.

Finally, I thank my Republican colleagues across the aisle for putting aside partisanship. We had real differences. But this bill was debated and conducted in the right way. We allowed a lot of amendments. They were not blocked. There were no cheap shots. It was great.

I also wish to thank Gary's colleague, Dave Schiappa, for his advice and help as well.

With that, I wish everybody a nice Saturday and see you all on Sunday.

Mr. President, I ask unanimous consent to amend the order to allow a statement by Senator PRYOR.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I have a couple things to say. First, I know the Senator from New York just left, Mr. SCHUMER. I want the people of New York to know, all the citizens of that State, how hard he worked to get this legislation passed. The entire delegation of New York and New Jersey were outstanding.

But Senator SCHUMER, when the storm was still raging, was on the phone calling Senators and Congressmen and calling the White House to get help for his State and the region. He deserves a lot of credit for getting us here. But truthfully, the delegations of those States pulled together and showed a lot of leadership. We appreciate that.

Also, we were so pleased Senator MIKULSKI was able to take the lead on this bill. It was a lot of fun for all of us to see her in action in her first real bill that she handled on the floor as chairman of the Appropriations Committee. I yield the floor.

ADJOURNMENT UNTIL SUNDAY,  
DECEMBER 30, 2012, AT 1 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 1 p.m. on Sunday, December 30, 2012.

Thereupon, the Senate, at 7:50 p.m., adjourned until Sunday, December 30, 2012, at 1 p.m.

**SENATE—Sunday, December 30, 2012**

The Senate met at 1 p.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Mighty God, have mercy upon us because of Your unfailing love. Because of Your great compassion let us feel Your presence today on Capitol Hill. As we gather with so much work left undone, guide our lawmakers with Your wisdom. Lord, show them the right thing to do and give them the courage to do it. Be their shelter in the midst of the storm, regardless of how high the waters rise. When they feel exhausted, remind them of the great sufficiency of Your grace. Look with favor on our Nation and save us from self-inflicted wounds.

We pray in Your strong Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable MICHAEL F. BENNET led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 30, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mr. BENNET thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, there will be an hour of debate on the Galante

nomination. At 2 p.m. there will be two rollcall votes on confirmation of the nominations of William Baer to be an Assistant Attorney General and Carol Galante to be an Assistant Secretary for HUD.

Following those votes, there will be a recess allowing for caucus meetings. The majority's meeting will begin at 3 o'clock today.

Would the Chair announce the business of the day.

**RESERVATION OF LEADER TIME**

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**EXECUTIVE SESSION****NOMINATION OF CAROL J. GALANTE TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT****NOMINATION OF WILLIAM JOSEPH BAER TO BE AN ASSISTANT ATTORNEY GENERAL**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The assistant legislative clerk read the nominations of Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development, and William Joseph Baer, of Maryland, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 60 minutes of debate equally divided in the usual form on the Galante nomination.

The Senator from California.

**THE FISCAL CLIFF**

Mrs. BOXER. Mr. President, as we stand here—or sit here—and watch what is happening, we know there are negotiations going on to avert at least part of the fiscal cliff. I want to say—I have said this privately, but I want to do it publicly—I hope our leaders can find a way out of this.

I watched the President speak today and I thought, as usual, he was very fair in what he said. What he basically said is it is the middle class that grows this economy. It is the middle class that needs to be lifted up. It is the middle class that cannot afford tax hikes. Those at the very top can do just a little bit more.

It is a very simple point. I hope, given that everyone says they are for the middle class—I know my colleagues on the other side of the aisle say that every day, that they agree with that—that finding this compromise will not be elusive but will come to pass.

I have been here for a while. My understanding is we have not met between Christmas and New Year's Day since 1962. So it does take a crisis of major proportions to make that happen. I think we are in a crisis right now, but it is a self-made one. It is a self-imposed one. It is similar to the crisis we had on the debt ceiling—self-imposed. It is not some, God forbid, exterior attack on our country which we could not prevent. It is not some, God forbid, plague or a terrible virus that is running across the land. To me it is something that is not that complicated.

As the President said, we have a series of tax cuts that are expiring. If we let them expire, it means there will be a huge tax increase, mostly hitting the middle class and the working poor. The upper incomes, the people in that category, have done so well that even they say they would have to talk to their accountant before they even knew there was any impact on their tax bill. So we can come together.

The President favored a limit which would be \$250,000, meaning that everyone who earns up to that would get a tax break. Everybody's income up to \$250,000 gets a tax break, everybody, 100 percent of the people. But those who are fortunate to have higher incomes would go back to the tax rates that prevailed when Bill Clinton was President.

Why the other side is horrified by that is perplexing to me. I look back at the Clinton era. I was here. That is a long time ago. I came to the Senate with Senator FEINSTEIN when Bill Clinton was President, and he faced similar issues in that we had a deficit that was getting out of control, a debt that was getting out of control. We needed to have growth. So he put forward a budget plan that invested in our people, invested in the infrastructure, invested in education, and at the same time said we can find cuts in other areas and we can raise taxes on those who are doing very well.

What happened with that fair and balanced approach? What happened was the greatest prosperity in modern history—23 million jobs, no more deficits, we got to a balanced budget. I remember saying to my husband: My goodness, what is going to happen? There

will not be any more U.S. Government bonds because we are going to be out of the debt situation. We saw it on the horizon.

When George W. Bush became President, he decided to go back, backward on rates across-the-board, from the wealthiest to the middle to the poor, and he put two wars on a credit card and we are where we are.

To add to this history, we all know we are coming out of the worst recession since the Great Depression. It has been difficult. It was led by, unfortunately, some unscrupulous people on Wall Street who created a nightmare in the housing market. I remember saying to Treasury Secretary Paulson: Can you please explain the role of derivatives here and what happened and how we got into this crisis? He put his head in his hands and he said: Not now. I will talk to you later.

That is not very encouraging when the Secretary of the Treasury puts his head in his hands and says I can't explain it now.

We are coming out of this difficult time, and guess what. We are doing much better. We had an election. It was pretty clear. People want to see us reach a balance.

As I stand here, I know there are negotiations going on in the rooms surrounding us. I wish for the best, I hope for the best, and I ask for the best. There is a word called "compromise." It doesn't mean you compromise your principles, but it means that you can compromise because that is what the American people want us to do. Yes; they do.

I wish to give an example. Say you were out hiking. Mr. President, in your State there are a lot of hikers. If you saw someone on a cliff, trapped, caught on a rope and you knew the only way to save the person was first to cut the rope—you are standing with someone else and you say: Cut the rope at the top. He says: Cut the rope at the bottom, and you stand there arguing; meanwhile, the man is struggling on this cliff: Get me down. Wouldn't it be smart to cut the rope in the middle and save the guy? You can argue later, should I have cut the rope at the top or the bottom—no, cut it in the middle, save the man.

That is a pretty simplistic example of where we are. But I have the privilege of knowing we can get it done when we work together. I was so proud to bring to this Senate a highway bill, a transportation bill. Millions of jobs were at stake. Our States were worried they would stop getting their highway funds. We would have had to stop road projects in the middle. We would not have had State funding for transit. But you know what happened. Senator INHOFE and I sat in a room. You could not find two more divergent people in their thinking, he a conservative Republican and I a progressive Democrat.

We sat in a room and he said I want this, this, and this. I said I want that, that, and that. Then we said let's make a deal. Let's meet in the middle. We did it—much to everyone's surprise—and that bill passed the Senate.

When it got to the House, it got stuck. So Senator INHOFE and I and Senator REID went over to meet with JOHN BOEHNER and Chairman MICA and we all agreed we would get it done. Neither side got everything they wanted. Anyone who takes that position, in my opinion, is not putting country first. I don't care whether they are Republican, Democrat or anything else.

We are not, each of us, going to get everything we want, Lord knows. There is a lot I could do if I had a wand and could make it happen. But everybody has a different view of exactly how to go forward. I think we are being tested.

I know it is tough going. I know if we do not get a deal, it does not stop there; we will keep on working. But there is no reason on this beautiful, God's green Earth why we cannot get a deal. If everyone is sincere and saying they want the middle class to be protected, we can get a deal. President Obama says \$250,000 is the line. Maybe I think \$350,000 is the line; maybe someone else, \$500,000; maybe someone else, \$150,000. We can meet somewhere and cut that rope somewhere in the middle and save this country from the uncertainty that plagues us right now.

In the olden days—when I say "olden," it is a long time ago—I was a stockbroker. I was an economics major and a stockbroker on Wall Street. The thing Wall Street and investors cannot take is uncertainty. If they know taxes are going up, they will refigure things. If they know taxes are going down, they will refigure things. If they know taxes are staying the same, they will figure it out. But right now they are frozen because they do not know. Families are also, in many ways, frozen. They do not know whether they have to budget so they will have \$2,000 less next year. They do not know whether it will be \$4,000. They don't know if it is ever going to change. The uncertainty is the fault of leaders who cannot get together. I think it is critical that we get a deal, and I hope it is in the next couple of hours.

I believe it was a reporter who asked me: What is the difference if it is done now or 5 days from now?

I said the difference is this uncertainty, this pall, and an unneeded escalating crisis.

Then someone might say: Well, we don't have to do it now. We will do it on January 4. Well, we don't have to do it on January 4; we will get it done on the 10th.

We need to get it done. America wants us to get it done.

The President has shown that he is willing to be flexible. He has come out

with some ideas that I have to swallow—very hard—to accept. I know personally how strongly he feels that \$250,000 should be where we draw the line when we allow tax breaks, but he was willing to offer \$400,000. He was willing to look at changing some of our programs. It is very tough for him to do that, but he is willing to do that even though he ran on his program and won by millions of votes on his program.

So if the President can be flexible and say: OK, I will step back from everything I really want to do and move in the direction of the Republicans, then the Republicans need to move in our direction. I think we are going to be judged by whether we are going to be stuck in the mud because we just don't have the courage to change or whether we step forward at this moment. I think it should be this moment.

If we cannot get it done, I certainly hope we will have an up-or-down vote on the President's plan, which I feel was very fair. The President offered a plan. Do I like everything about it? Absolutely not. But he showed he is willing to take those steps. I would hate to think our colleagues would filibuster that and demand a 60-vote threshold as we go over this cliff.

The American people are hanging from the cliff, and we can let them down very gently today and solve this problem. If all we do is stand and stay in our corners, I am very fearful the message is that we don't know how to meet each other halfway, and that is not a good thing. Voters are going to turn on those people who stand in their corners and don't move. That is not the role of legislators.

I will close with this. We have a different form of government than they have in Europe. This is not a parliamentary system. In a parliamentary system, one government rules everything, one party rules everything. They have the Prime Minister, the equivalent of the Speaker, and the leader all in one party, and then they don't compromise. They put their agenda there and get their program through. If there is a lack of confidence, the people can change parties. The next party then comes in and does what it wants. That is not what we do here.

Sometimes I wish it were the form of government we had because at least there would be some action and we would know what to expect. We would not have this uncertainty because each party has its dreams, its hopes, its plans, and they would have a chance to get those policies through. We don't have that here. We have to meet each other halfway because the House is run by the Republicans, and it will be next year. The Senate is run by the Democrats, but it is not a supermajority. We have to deal with our colleagues. The President is a Democrat. We have to

work together. That is the name of the game.

If I can work with JIM INHOFE on the highway bill and DEBBIE STABENOW can work with PAT ROBERTS on the farm bill—and there are other examples I could give. For instance, Senator FEINSTEIN worked with her Republican counterpart. I could give many examples on the Appropriations Committee. We know we can do this. We just have to take a deep breath and put our egos aside for this country's sake and make those compromises that allow us to still stand tall. I am only 5 feet, so that's hard, but you get the point.

We can do this, and we should do it now. If we don't do it now, we should vote on the President's plan because the people of this country deserve better than to be left hanging on a cliff. They don't deserve that. It is not right.

Thank you very much.

I yield the floor, and I note the absence of a quorum. I ask that the time be equally divided between the two sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. President, I ask that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. Happy New Year, Mr. President.

Mr. President, I rise to speak about the nominee for Commissioner of FHA, Carol Galante. I opposed her nomination earlier in the year because of some concerns about what the FHA may or may not do; however, I had no concern whatsoever about her qualifications or ability. She is coming up in the second vote today, and I want to put on the record my wholehearted support for the Senate reaching the 60 votes necessary to confirm her appointment, and I want to explain why.

There are some people in the Chamber who justifiably have concerns about the FHA, its liability on insurance and the fact that it is bearing so much of the burden on housing finance. But that is not the FHA's fault, that is the fault of Dodd-Frank. The restrictions on lenders would have forced FHA to be the lender of last resort—or most resort—for most American people. That is something we in the Senate have the ability to fix, but we should not punish a talented, experienced, well-qualified, and highly recognized individual who knows housing, both multi and single family, from being Commissioner of the FHA.

So I rise to say to any Member that if they have a problem with the FHA, don't take it out on Ms. Galante. Look

at what happened after the passage of Dodd-Frank and the fact that the FHA had to take on the burden because there was no other alternative in housing finance. What we need to do, rather than defeating good nominees for office, is give those nominees the kinds of underpinnings where the laws allow capital to flow to the mortgage market through various and numerous entities so the whole burden doesn't have to be borne by the FHA and the U.S. Government.

I rise with pleasure to say I will vote in favor of Carol Galante as Commissioner of the FHA.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to speak behind the distinguished Senator from Georgia. He has more experience in the housing market than any Senator in the Senate and always speaks with eloquence and balance. I would like to second what he said.

I spent a lot of time with the nominee, Carol Galante. She is technically very proficient. Over the past 2 weeks she has put in place reforms that are very strong. It is just a start. I know a lot more needs to happen at FHA, but she has put in place some very significant reforms.

I know we have been losing billions of dollars at FHA—and I think seniors have been taking advantage of it—on something called a full-draw fixed-rate reverse mortgage. The advertisements for that have been on TV. The FHA has been losing its shirt over that program. She ended that program—or will end it by the end of January—on her own, along with doing some other things relative to debt-to-income. That is one example of why I think she is technically very proficient.

I know there are Members of this body today who may work against her because they are very dissatisfied with what has been happening at FHA. Candidly, much of that is due to us. We need to pass some legislation to deal with FHA, and we have been resistant to do that. I know JOHNNY ISAKSON, DAVID VITTER, and others in our body have been pushing for us to address that. I know the Presiding Officer serves on the Banking Committee with me, and we know reforms need to take place.

Here is what I would say. The main reason FHA is in the problem it is in is due to loans that were made back in 2006, 2007, 2008, and the beginning of 2009. What is happening is that the losses from those loans are just now kicking in. There is no question that FHA has some issues relative to their economic value, but there have been five increases in rates at FHA recently to try to get it back to where it needs to be.

So what I would say to my friends on this side of the aisle is that if we think

the FHA can get better by not having a Commissioner, I find that to be kind of strange. She has been the Acting Commissioner since David Stevens left. It seems to me we would be much better having somebody in that position who is actually accountable and able to bring permanent staff with her. They know the issues that are going to need to be dealt with at FHA.

Again, I think I have spent about as much time with her as anybody in this body. I know Senator ISAKSON has done the same. I find her to be very technically proficient. Over the last few weeks I have seen her do some bold things relative to the debt-to-income ratio with some of the FHA participants. We need to do something about the loan amounts at FHA. They are at 729 now. At some point, they probably need to drop down once we get the rest of the market working in the fashion it should be.

I wholeheartedly support her in this position. There is a lot of work that needs to take place at the FHA. I think she is somebody who has the ability to carry that out. The biggest issue with FHA right now is this body and the folks down the hallway. We need to pass legislation to deal with overall housing finance. I know Senator ISAKSON from Georgia is going to be very involved with that. I hope to be involved, and my guess is the Presiding Officer is going to be involved as well.

My sense is that we need to have someone who is running the FHA to help it to work better. I hope my colleagues on this side of the aisle—hopefully many of them—will join in giving her strong support today and work closely with her to help the FHA to be the kind of place it ought to be. I agree with the Senator from Georgia in that it should not have the market share it has today, but a big part of that has to do with our inaction in this body and our inability to thus far deal with GSE.

I hope many Members will join in supporting Carol Galante.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Thirteen minutes for the majority.

Mrs. BOXER. Will the Presiding Officer let me know when I have talked for 4 minutes.

The ACTING PRESIDENT pro tempore. The chair will let the Senator know.

Mrs. BOXER. Mr. President, I wish to thank Senator CORKER for his remarks and join in with his support for Carol Galante. She has a long and distinguished career of building and promoting affordable housing, and she is very well qualified.

She began her career as a housing coordinator for the city of Santa Barbara, rising to become the city's housing and redevelopment manager. I want



to point out that Santa Barbara is a magnificent part of my State. I have a beautiful State. At the time, they didn't have much in the way of moderate-income housing, and that was part of the very important work she did.

She moved on to Eden Housing, a nonprofit affordable-housing developer, where she developed over 400 homes as a project manager. She eventually took over as executive director.

She later joined BRIDGE Housing as vice president, and in 1996 she took the helm of that organization as its president and chief executive. BRIDGE is the largest nonprofit developer of affordable-income and mixed-use developments in California. While she was there, Carol oversaw the creation of 13,000 affordable homes for more than 35,000 Californians and programs that helped one-fourth of their residents advance to home ownership because she knew that was the goal. Home ownership, even after all we have been through, is the dream, and she understands that.

So in 2009, President Obama appointed Carol as HUD's Deputy Assistant Secretary for multifamily housing programs where she oversaw a \$50 billion portfolio of affordable and market rate multifamily properties through FHA's multifamily insurance program. At a time when support for housing was desperately needed, she took a smaller staff and grew annual lending from \$2.5 billion to over \$10 billion.

Carol has served for a year now as Acting Commissioner for FHA where she has worked to weed out bad lenders, ensuring greater stability of the reverse mortgage program, and increasing counseling resources for borrowers. As we look over what happened in the housing sector, we know people bought homes who shouldn't have bought homes, lenders took advantage of them, and everybody was in the mix in terms of why things went so sour.

Carol's accomplishments have been recognized through numerous honors, including inductions into the Hall of Fame for Bay Area business leaders in California. She has been recognized by California Home Building and the California Housing Consortium. So she gets support from everybody—from the builders, from the homeowners, from the renters.

Carol has the strong support of a broad coalition of housing advocates and lenders. I ask unanimous consent to have printed in the RECORD a letter from the Mortgage Bankers Association and a letter from what looks to be two or three dozen other housing organizations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 26, 2012.

Hon. HARRY REID,  
*Majority Leader, U.S. Senate,*  
*The Capitol, Washington, DC.*  
Hon. MITCH MCCONNELL,  
*Minority Leader, U.S. Senate,*  
*The Capitol, Washington, DC.*

DEAR LEADERS REID AND MCCONNELL: The members of the Mortgage Bankers Association, the National Association of Home Builders, and the National Association of Realtors wish to offer our continued support of the nomination of Carol Galante to be Assistant Secretary for Housing and Federal Housing Administration (FHA) Commissioner at the U.S. Department of Housing and Urban Development (HUD).

FHA continues to play a critical role as the overall housing market struggles toward recovery. FHA is especially vital to homebuyers who may need a little "extra help" securing safe, decent, and affordable housing, focusing more on the needs of first-time, minority, and low- and moderate-income borrowers than any other national program. At present, approximately 77 percent of FHA-insured home purchase loans are made to first-time homebuyers, and 31 percent of these first-time homebuyers are minorities.

FHA has also played an important role in the financing of multifamily rental housing, which has enabled the construction and rehabilitation of needed affordable rental units, as private market sources of capital have not been available. Since FY2008, FHA's commitments in multifamily loans grew from \$2 billion to \$13 billion in FY2011. Because of its essential role in the current housing marketplace, FHA must have a seasoned leader to direct its mission at this crucial time in all geographic areas of the country.

Carol Galante will bring tremendous expertise and a deep commitment to strengthening FHA's program areas to the post of Commissioner. Her decades of work in affordable housing development and more recently, managing FHA's multifamily programs, give her a unique perspective on the issues facing our nation's housing and mortgage markets. This experience and practical understanding will serve her well in this new position.

Our organizations are eager to continue working with Ms. Galante in this capacity when she is confirmed, and we are pleased that the Senate reached an agreement to consider her nomination next week. We hope that the full Senate will approve her nomination when it comes to a vote. Thank you in advance for your consideration of these views.

Sincerely,

MORTGAGE BANKERS  
ASSOCIATION.  
NATIONAL ASSOCIATION OF  
HOME BUILDERS.  
NATIONAL ASSOCIATION OF  
REALTORS.

NOVEMBER 16, 2011.

Hon. TIM JOHNSON,  
*Chairman, Committee on Banking, Housing &*  
*Urban Affairs, U.S. Senate, Dirksen Build-*  
*ing, Washington, DC.*

Hon. RICHARD SHELBY,  
*Ranking Member, Committee on Banking, Hous-*  
*ing & Urban Affairs, U.S. Senate, Dirksen*  
*Building, Washington, DC.*

DEAR CHAIRMAN JOHNSON AND RANKING MEMBER SHELBY: The undersigned organizations strongly endorse the nomination of Carol J. Galante as Assistant Secretary for Housing/Federal Housing Commissioner. We

believe her tenure as Acting Commissioner, Deputy Assistant Secretary for Multifamily Housing and her 31-year long private sector real estate experience has prepared her well to be the Assistant Secretary. We urge you to approve her nomination.

As Acting Commissioner, Ms. Galante already has had several impressive achievements. She spearheaded a major overhaul of the HUD Housing Counseling Program, including establishing the new Office of Housing Counseling. The changes to HUD's Housing Counseling Program will improve effectiveness, better target resources to maximize efficiency and ensure that HUD grant funds achieve maximum impact in the communities where they are invested.

She also prioritized a global review of the Home Equity Conversion Mortgage (HECM or reverse mortgage) program, including issuing guidance to the industry on the use of borrower financial assessments and analysis of other potential changes to ensure the long-term stability of this important program.

As the nation contends with the foreclosure crisis, Ms. Galante has ensured that taxpayers are protected from waste, fraud and abuse by holding lenders accountable for non-compliance with the Federal Housing Administration's (FHA) requirements. This included the November 1, 2011 suspension of Allied Home Mortgage Corporation and its President; the withdrawal of 11 lenders from FHA's program and the imposition of more than \$1.5 million in civil money penalties on non-compliant lenders.

Lastly, she oversaw the publication of two significant Mortgagee Letters that outline changes to FHA's requirements for lenders, making FHA programs work more effectively for FHA's lender partners.

Prior to becoming Acting Commissioner, she led the Multifamily Housing Division of FHA, with 1600 employees and 53 field offices. Ms. Galante was responsible for a \$50 billion portfolio of affordable and market rate multifamily properties through the FHA Multifamily Insurance Program, as well as the administration of the \$9 billion Project Based Rental Assistance Program and the 202/811 grant programs for elderly and disabled housing.

And before she began her federal service, she was President and Chief Executive of BRIDGE Housing, California's largest nonprofit housing development corporation, and its affiliate companies. This included overseeing a Property Management company, an economic development corporation, senior services and land development. BRIDGE is widely known as a leading practitioner using the best private sector business practices and entrepreneurial ideas to build affordable homes and apartments in a wide variety of communities.

As the nation's housing market remains fragile, we need Ms. Galante's demonstrated experience at FHA to provide leadership on and practical solutions to America's housing challenges. We urge you to approve Ms. Galante to take on this challenge.

Sincerely,

Affordable Housing Tax Credit Coalition; Center for American Progress Action Fund; Center for Responsible Lending; Consortium for Citizens With Disabilities Housing Task Force; Corporation for Enterprise Development; Corporation for Supportive Housing; Council of Large Public Housing Authorities; Council of State Community Development Agencies; Enterprise Community Partners, Inc.; Habitat for Humanity; Housing Assistance Council; Housing Partnership Network;



LeadingAge; Local Initiatives Support Corporation; Low Income Investment Fund; McCormack Baron Salazar; Mortgage Bankers Association.

National Affordable Housing Management Association; National Alliance on Mental Illness; National Alliance to End Homelessness; National Association of Affordable Housing Lenders; National Association of Housing & Redevelopment Officials; National Association of Local Housing Finance Agencies; National Community Reinvestment Coalition; National Community Stabilization Trust; National Housing & Rehabilitation Association; National Housing Conference; National Housing Trust; National Leased Housing Association; National Low Income Housing Coalition; Self-Help; Stewards of Affordable Housing for the Future; The Community Builders; Volunteers of America.

Mrs. BOXER. Mr. President, I wish to read from a letter the majority and minority leaders received from the Mortgage Bankers Association, the National Association of Homebuilders, and the National Association of Realtors. These are the businesspeople, and this is what they said about her:

Carol Galante will bring tremendous expertise and a deep commitment to strengthening FHA's programs . . . Her decades of work in affordable housing development and more recently, managing FHA's multifamily programs, give her a unique perspective on the issues facing our nation's housing and mortgage markets.

So here we have a person who understands the business side, and she understands the renters and the owners.

The ACTING PRESIDENT pro tempore. The Senator has used 4 minutes.

Mrs. BOXER. I ask for an additional 30 seconds, please.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. So we have someone who understands the business side, the renter side, and the home ownership side.

I am very proud this woman is a Californian. I know there are lots of issues within FHA, and we all have to work on them, and we have heard that from Senator CORKER. But, my goodness, we want someone who can work with us. She is the perfect person.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

In a short while the Senate will vote on two nominees for service in the executive branch of our government. I rise today to speak in support of one of those two, which is William Baer, who has been nominated to serve as Assistant Attorney General managing the Antitrust Division of the U.S. Department of Justice.

I happen to have come to know Bill Baer personally because he practices law in a firm with a very good friend and neighbor of mine here in Washington, and in that regard I can certainly testify to the fact that he is an honorable, interesting, enjoyable person. But that alone doesn't qualify him

to hold this high office. He has extraordinary experience. I would say he is very widely acknowledged as one of the best antitrust lawyers in our country. I would say this nomination is really a merit selection nomination. I will get to that in a minute.

Bill Baer graduated from Lawrence University and the School of Law at Stanford University. He has served with distinction throughout his career, earning accolades such as recognition as the Washington, DC, Antitrust Lawyer of the Year by Best Lawyers, as well as one of the decade's most influential lawyers by the National Law Journal.

He is currently head of the Antitrust Practice Group of a very distinguished firm based in Washington, Arnold & Porter, and there he draws on his 35 years of experience in civil and criminal investigation to manage that firm's work in the areas of antitrust litigation, international cartel investigations, and merger and acquisition reviews.

In an earlier chapter in his life, Bill Baer served over several periods at the Federal Trade Commission, rising from a trial attorney during his first term there in 1975 to serve as assistant to the chairman, then assistant general counsel, and between 1995 and 1999 as Director of the Bureau of Competition.

Here is the point I think really speaks to the fact that Bill Baer's nomination to head the Antitrust Division is nonpartisan and based on his extraordinary capabilities. His nomination has received a letter of support signed by 12 prior Assistant Attorneys General for the Antitrust Division of the Department of Justice who served between 1972 and 2011, and these include people who have led the Antitrust Division from President Nixon through Presidents of both political parties, to President Obama. His nomination has also received a letter of support signed by each chair of the Section of Antitrust Law of the American Bar Association—those who have served as chair of that section between 1977 and 2011. So 29 of the most distinguished practitioners of antitrust law from all around the country, all different political persuasions, have written in support of this nomination.

I just wanted to take this opportunity to say it is an honor to not just thank the President for this nomination but to thank Bill Baer for being willing to leave a quite successful law practice to return to the service of our country in an area that is critically important to our free market economy in which he happens to be one of our Nation's foremost experts.

So I hope my colleagues will support the nomination of Bill Baer when it comes to a vote very soon this afternoon.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I wish to take a few minutes this afternoon to explain why I will be opposing the nomination of Carol Galante and why I encourage my colleagues on both sides of the aisle to do the same.

This nomination is not one of the many "go along to get along" nominations we do so often in the Senate; this is a nomination that will have a direct effect on our constituents' pocketbooks and it demands, I believe, our serious attention today.

Carol Galante has been the Acting Assistant Secretary and Federal Housing Commissioner at the Department of Housing and Urban Development since July 2011. Therefore, this nomination vote, in a sense, will serve as a referendum of sorts on the current management of the Federal Housing Administration.

Ms. Galante, in her role as Acting FHA Commissioner, has failed to take serious actions to shore up the solvency and prevent a taxpayer bailout of the Federal Housing Administration that we know as FHA.

The latest actuarial report shows that FHA has a negative economic value, and a taxpayer bailout is most likely. Despite these warnings, FHA waited until April 2012 to raise additional premiums, and Secretary Donovan, the Secretary of HUD, has testified to the Senate Banking Committee that it will wait until next year to increase premiums by a meager 10 basis points despite having statutory authority to do more to protect the taxpayers.

Ms. Galante has denied the true severity of the problems at the FHA. In a New York Times piece last year, Ms. Galante said: "[there] is no evidence or widespread prediction that home prices are going to decline to the kind of levels" that would require a bailout.

Really? Yet although some prices have risen slightly, the FHA's financial position continues to deteriorate. Several experts now conclude that a taxpayer bailout is simply a matter of time.

The 2012 actuarial report and the disastrous state of FHA's finances led the Washington Post editorial board to conclude:

Right now the critics are starting to look pretty prescient. . . . Affordable possession of one's own home is the American dream. Government support for excessive borrowing has turned into a national nightmare.

The FHA's capital reserve is still well below the level determined by Congress to be the bare minimum to cover FHA's future losses. Even though FHA narrowly avoided a bailout this year, dangers remain in the years ahead due to its over \$1 trillion exposure to risky loans and precarious economic conditions.

Most of the FHA's recent actions have only concealed these dangers. For

example, instead of adequately raising insurance premiums over the life of the loan, FHA has increased upfront premiums to simply cover losses in the short term. Also, upfront premiums can be rolled into the mortgage principal balance, thereby decreasing equity for borrowers who, in most cases, have little equity to begin with. Increasing the upfront premiums could make FHA loans even riskier for both the borrower and the taxpayer who stands behind the mortgages.

I believe it is time to face the reality that the Federal Housing Administration is dangerously undercapitalized, and because of the lack of serious reform FHA teeters on the brink of a bailout, as I have said.

Andrew Kaplan, a New York University economics professor said:

They [the FHA] are doing very badly . . . there's no two ways about it. Over the next five years, there won't be enough of an economic recovery to fix FHA's finances. Not a chance.

A study by a Wharton professor estimates that an FHA bailout could cost between \$50 billion and \$100 billion and warned that only a "quick and substantial economic and housing market recovery" can avoid "substantial losses for the American taxpayer."

Data from the actuarial report shows that the serious delinquency rate for all FHA loans is 9.6 percent. The delinquency rates for loans originated in 2006, 2007, and 2008 are between 20 and 30 percent. Approximately 739,000 loans are seriously delinquent, an increase of over 100,000 loans from last year. If the borrowers of these delinquent loans all default on their mortgages, it would result in \$57 billion in claims to the FHA. We hope that would not happen.

The FHA's latest quarterly report shows capital resources of \$32 billion. It also states that cash flow from operations, which largely consists of premium revenues, covered only 80 percent of net claims last quarter.

The latest actuarial report in 2012 confirms that FHA's finances are dramatically worse than last year.

FHA's capital ratio has gone negative for the first time since 1991, and economic value is in excess of negative \$16 billion. Last year the report projected a \$9.4 billion value, representing a decline of \$24.9 billion.

FHA's delinquencies continue to rise and continued high loan limits keep FHA's role in the market very broad. The projected loss on outstanding business is at an all-time \$39 billion.

FHA is leveraged at 422:1—422:1—and has a sparse \$2.55 billion equity cushion on its over \$1 trillion portfolio. Think about it. FHA has underestimated its loan losses every year for the past 3 years.

In addition, since the Treasury Department already has so-called permanent and indefinite authority to provide funding for the FHA, a bailout of

the FHA could occur without, as the Presiding Officer knows, any congressional vote. This is not a vote today to determine whether we support the President. This is also not a vote to determine whether we can vote in a bipartisan manner. I think this is a vote to determine whether we support the American taxpayer.

I believe Ms. Galante has demonstrated her inability to identify the multitude of problems at the FHA, and I believe it is incumbent upon us, on behalf of the American people—the taxpayers—to reject this nomination and demand real reforms at FHA and a nominee who represents and appreciates the urgency of this situation and a willingness to address it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. Mr. President, very briefly—I know the Senator from Ohio wants to make some comments—I very much enjoy working with the Senator from Alabama. He has been outstanding on the Banking Committee, and I agree with almost every criticism he has made regarding the FHA. As a matter of fact, we have stood together trying to cause the housing industry to work much better than it is for not just those trying to purchase homes but, obviously, the American taxpayers to whom he just alluded.

But I wish to also point out something that was just said. One of the main reasons the FHA is in the problem it is in is the loans that were made in 2006, 2007, and 2008—long before this nominee was there. I agree this nominee needs to be more aggressive in making changes, and I agree that, even more so, this Congress needs to be more aggressive in making changes.

I ask unanimous consent that a letter from the nominee to myself regarding reforms that are being implemented between now and January 1 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT,  
Washington, DC, December, 18, 2012.

Senator BOB CORKER,  
Dirksen Senate Office Building,  
Washington, DC.

DEAR SENATOR CORKER: Thank you for commitment to the health and stability of the Federal Housing Administration (FHA), as expressed most recently at the December 6, 2012 Senate Banking Committee and through your proposed amendment designed to strengthen and protect FHA's Mutual Mortgage Insurance Fund. Secretary Donovan and I share your concerns and I am committed to continuing to take aggressive action to rebuild the reserves of the Mutual Mortgage Insurance Fund, which have been so negatively impacted by the legacy loans insured by FHA—particularly those from the 2007–2009 vintages.

As you know, the actions we have taken to date, including those recently announced in

our Annual Report to Congress, are designed to increase recoveries from this legacy book, price risk appropriately on new loans, and begin to shrink FHA's presence in the market. You and I agree, however, that more can and should be done to correct fundamental structural problems in FHA's reverse mortgage program (the Home Equity Conversion Mortgage, or HECM, program), and to refine FHA's risk profile so that both FHA and borrowers are better able to weather the difficulties of any future downturn in the housing market and economy. We are also committed to measures that facilitate the return of private capital to the market. I appreciate your strong advocacy to ensure that FHA takes the actions needed to restore its financial health. I would like to address each of the four critical policies you raised and the immediate actions FHA is taking to address them:

1. Minimum Credit Score for New FHA Loans: FHA is finalizing a formal policy directive (Mortgagee Letter) that will require borrowers with credit scores below 620 to have a maximum total debt-to-income (DTI) ratio no greater than 43 percent in order for their loan applications to be approved through FHA's TOTAL Scorecard, a system used by lenders to score the quality of an FHA loan application. If a borrower's DTI exceeds 43 percent, lenders will be required to manually underwrite the loan, and to document compensating factors that qualify the borrower for FHA-insured financing, such as a larger down payment or a higher level of reserves. Our preliminary data indicate that this requirement would reduce claim rates by approximately 20 percent for borrowers with credit scores of 620 or below. I believe this policy change will significantly strengthen the extent to which FHA is protected from unwarranted risk and borrowers are offered loans that are sustainable for them.

2. Moratorium on the Full-draw HECM Reverse Mortgage: Through the HECM program, seniors have access to a number of different product options. However, in recent years, several structural problems have developed that have altered the usage of FHA's HECM products, changing the risks associated with the program. While declining home prices and greater longevity of seniors have yielded greater projected losses, another major contributor has been the lack of a secondary market for these loans. There are many explanations for the evolution of these complexities, but the end result has been an increase in risk to both FHA and borrowers that must be rectified immediately. As discussed in our Annual Report to Congress, FHA is preparing a policy directive that would result in the immediate cessation of the use of the Standard Fixed Rate HECM product. This product currently represents a large majority of the loans insured through the HECM program, with the Variable Rate Standard product and the HECM Saver products (Fixed Rate and Variable) representing the balance. The amount that can be drawn under the Saver product is substantially less than under the Standard program, and the upfront fees to the borrower are all but eliminated for Saver loans. Eliminating the use of the Fixed Rate Standard program is an immediate stop gap measure, and FHA will also commence rulemaking to make several other important changes, including establishing formal guidelines for conducting financial assessments of borrowers and the creation of set-asides for payment of taxes and insurance.

3. Scale Back of FHA Market Share: In June 2012, FHA began administratively pricing mortgage insurance premiums for large

loans (loans above \$625,500) at a level 25 basis points higher than those with lower loan limits (150 bps compared to 125 bps). FHA, as mandated by Congress, is currently the only federal entity able to insure loans between \$625,500 and \$729,000. FHA is committed to taking steps to redirect this business to the private market where it has typically been served. With the premium increase we announced in November, these large loans will now be priced at the current statutory maximum for annual mortgage insurance premiums (155 bps). Further, FHA will implement a policy change that lowers the maximum loan-to-value ratio on loans above \$625,500 to 95% from 96.5%, or in other words, raising the down payment from 3.5% to 5% for these loans. The combination of a higher down payment and higher mortgage insurance premiums for these loans will continue our efforts to drive this business to the private market.

4. Access to FHA Loans After a Foreclosure: Borrowers are able to access FHA-insured financing three years after they have experienced a foreclosure only if they have reestablished good credit and qualify for an FHA loan in accordance with the fully documented underwriting requirements for any FHA-insured mortgage origination. FHA is concerned that a few lenders are inappropriately advertising and soliciting borrowers with the false pretense that they can somehow “automatically” qualify after three years. First and foremost, FHA will step up its enforcement for FHA-approved lenders with regard to such advertising and remind them of their duty to fully underwrite loan applications in accordance with FHA guidelines. In addition, the credit score/DTI policy outlined above will be applicable to borrowers seeking to obtain FHA-insured financing following a foreclosure. Furthermore, FHA is committed to performing additional data analysis to determine if the original cause of a borrower's foreclosure was due to a one-time economic event, such as the loss of employment that has since been regained, and whether that results in any different or better performance than other reasons for foreclosure. This effort may inform future policies in this area. Finally, as discussed in our Annual Report to Congress, FHA is also committed to structuring a new housing counseling initiative that would apply to a number of borrower classifications, including borrowers with previous foreclosures.

Senator, I deeply appreciate the advocacy, focus, and concern you bring to ensuring that the Mutual Mortgage Insurance Fund is restored to financial health as rapidly as possible. I share your sense of urgency about these matters, and I commit to you that I will move on these additional actions by January 31, 2013, and I have confirmed that the Administration will support these new policies. You have my word on this and I expect to be held accountable to perform.

Sincerely,

CAROL J. GALANTE,

*Acting Assistant Secretary for Housing—  
Federal Housing Commissioner.*

Mr. CORKER. Again, I wish to thank the Senator from Alabama for his comments regarding FHA. I agree; a lot has to change. I just think we are much better having a Director there to try to make those changes happen than not.

With that, I yield the floor and see the Senator from Ohio in the Chamber.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I thank the Senator from Tennessee, who is a valued member of the Banking Committee. I thank him for his comments in support of Ms. Galante's nomination, and I appreciate some of the criticisms Senator SHELBY offered. I wish to answer a couple of those but then move directly to Ms. Galante and concur in the support for Ms. Galante from Senator CORKER.

Two years ago, Senator BEGICH and I introduced an FHA reform bill which, unfortunately, because of people on the other side, has been blocked, for whatever reasons.

Two weeks ago, we tried to pass the FHA Emergency Fiscal Solvency Act—a commonsense reform measure that came out of the House of Representatives, sponsored by a Republican from Illinois, Congressman BIGGERT. She is the chair of the relevant House Financial Services Subcommittee. It passed the House on a suspension, 402 to 7—an unusual demonstration of bipartisanship in the House of Representatives.

Passing that bill would not have prevented action next Congress. Yet some of my colleagues again stand in the way of these taxpayer protections.

Let me turn to Ms. Galante and the reasons I am supporting her nomination.

As an Ohioan, I am inclined to support an Ohio Wesleyan graduate who is married to an Akron native. Obviously, more important than that, she has shown deep interest in the challenges facing the housing market in northeast Ohio, a place that has been devastated by a hollowing out of our manufacturing base and preyed upon by unscrupulous subprime lenders—for a period of more than a decade, I might add.

She has met with the Cuyahoga County Land Bank, the Cleveland Housing Network, city officials to hear about all the great work people are doing in northeast Ohio to rebuild the city's housing market. Some of the most innovative ideas in the country have come out of Cleveland and the land bank and the housing network.

After I sat down with her and shared stories of big banks that were allowing FHA properties in Cincinnati to fall into decay, FHA updated its servicing rules to hold these banks accountable.

FHA has selected Cleveland, Akron, and Canton for its next round of note sales. This program allows for the sale of distressed and delinquent FHA mortgages to parties that will rehabilitate the loans in order to help stabilize these neighborhoods.

Because of her many years of experience in housing and real estate and her commitment to addressing the crucial issues facing today's hardest hit cities—big cities and smaller cities alike—and what has happened to these housing markets, I urge a “yes” vote on the Galante nomination.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSON of South Dakota. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHNSON of South Dakota. Mr. President, I rise in support of the nomination of Ms. Carol J. Galante to be HUD Assistant Secretary for Housing and Federal Housing Commissioner.

Carol Galante currently serves in the position for which she has been nominated. Prior to her designation as the Acting FHA Commissioner, Ms. Galante served as the Deputy Assistant Secretary for Multifamily Housing Programs, overseeing HUD's FHA multifamily portfolio as well as 1.6 million units of assisted housing.

The FHA is playing an important countercyclical role in the housing market, providing credit as private sources of capital have withdrawn. Much has been done by the administration and Congress to strengthen FHA's underwriting and fiscal position in recent years. However, as we have seen in a recent report on the financial status of the FHA, the legacy of loans insured in prior years still pose a threat to the fund that must be managed. It is important that the FHA have a confirmed management team in place to continue oversight of these legacy loans. Ms. Galante is a highly qualified nominee, and I urge my colleagues to confirm her without delay.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN.) Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. MCCONNELL. Mr. President, my office submitted our latest offer to the majority leader last night at 7:10 p.m. and offered to work through the night to find common ground. The majority leader's staff informed us they would be getting back to us this morning at 10 a.m., despite the obvious time crunch we all have. It is now 2 p.m. We have yet to receive a response to our good-faith offer. I am concerned about the lack of urgency here. I think we all know we are running out of time. There is far too much at stake for political gamesmanship. We need to protect the American families and businesses from this looming tax hike.

Everyone agrees action is necessary. In order to get things moving, I have

just spoken with the majority leader. I also placed a call to the Vice President to see if he could help jump-start the negotiations on his side. The Vice President and I have worked together on solutions before and I believe we can again.

I want my colleagues to know that we will keep everyone updated. The consequences of this are too high for the American people to be engaged in a political messaging campaign. I am interested in getting a result. I was here all day yesterday. As I indicated, we submitted our latest proposal at 7 p.m. last night. I am willing to work with whoever can help.

There is no single issue that remains an impossible sticking point. The sticking point appears to be a willingness, an interest, or, frankly, the courage to close the deal. I want everyone to know I am willing to get this done, but I need a dance partner.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have been negotiating now for 36 hours or thereabouts. We did have conversations last night that ended late in the evening between the staffs. This morning we have been trying to come up with some counteroffer to my friend's proposal. We have been unable to do that.

I have had a number of conversations with the President. At this stage, we are not able to make a counteroffer. The Republican leader has told me that—he just said here that he is working with the Vice President. I wish them well. In the meantime, I will continue to try to come up with something, but at this stage, I do not have a counteroffer to make. Perhaps as the day wears on, I will be able to.

I will say that I think the Republican leader has shown absolute good faith. It is just that we are apart on some pretty big issues.

Mr. GRASSLEY. Mr. President, today, the Senate turns to the nomination of William Joseph Baer, of Maryland, to be an Assistant Attorney General. If confirmed he will head the Antitrust Division of the Department of Justice. In considering the confirmation of the President's nominees, I give the President great deference. I believe he should have great latitude in selecting his advisors and officers. But that does not mean that I will not make an independent determination of the nominee's qualifications and fitness for the job. I am not here to merely rubberstamp the President's desires. Factors that I consider relevant include respect for the Constitution, fidelity to the law, intellectual ability, personal integrity, and professional competence. In reviewing Mr. Baer's entire record, I was disappointed to find he does not meet this test. Therefore I will vote no on his confirmation.

Mrs. FEINSTEIN. Mr. President, I come to the floor to express my sup-

port for Carol Galante, who is from my home State of California, in her nomination for Commissioner of the Federal Housing Administration and Assistant Secretary for Housing.

The FHA Commissioner is directly responsible for oversight of the FHA insurance portfolio, which includes single family, multifamily housing and insured health care facilities. Carol Galante has been serving in an acting capacity since last year, but it is critical that she be confirmed by the Senate today.

While Acting FHA Commissioner, Carol Galante has made improvements to the long term health and position of the FHA. It is important that we confirm her to this position because continuing in an acting capacity adds to overall uncertainty in the market regarding the role of the FHA.

In the wake of the collapse of the housing bubble, the FHA has played a vital role in providing access to credit for worthy homebuyers looking to purchase a home. As the private mortgage insurance market pulled back, the FHA has stepped in to make sure that credit-worthy borrowers have the ability to get a mortgage.

Carol Galante has taken steps as the Acting Commissioner to help FHA better manage risk, bolster the Mutual Mortgage Insurance Fund and streamline programs to better enable FHA to fulfill its mission of contributing to the creation and growth of stable, sustainable, inclusive communities.

This includes placing a moratorium on the troubled full drawdown reverse mortgage program, increasing underwriting standards for riskier borrowers, and increasing down payment requirements and insurance premiums for higher balance mortgages.

I believe that these steps will help enhance the future solvency of the FHA while allowing the agency to fulfill its mission of providing low-income and first time homebuyers with access to affordable mortgage credit.

Carol Galante had decades of work experience in affordable housing development before she went to HUD to manage FHA's multifamily programs; this gives her a unique perspective on the issues facing our Nation's housing and mortgage markets.

In addition to her early work in the private sector in real estate development, ownership, and management, she worked for a number of California cities as a city planner and in community economic development.

These roles led to her eventual position for 25 years as president and chief executive of BRIDGE Housing Corporation, the largest nonprofit developer of affordable, mixed-income and mixed-use developments in California. While at BRIDGE, she helped create partnerships between government, private industry and nonprofits.

This blend of public and private experience has been extremely valuable for

the Federal Housing Administration as it deals with both the private loan and mortgage industry.

Given her demonstrated and unique experience in the housing market, I strongly urge the confirmation of Carol J. Galante as Federal Housing Administration Commissioner and Assistant Secretary for Housing.

VOTE ON THE NOMINATION OF WILLIAM BAER

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate prior to a vote on the Baer nomination.

Who yields time?

Mr. REID. We yield back all time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William Joseph Baer, of Maryland, to be an Assistant Attorney General?

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. CHAMBLISS), the Senator from South Carolina (Mr. DEMINT), the Senator from Nebraska (Mr. JOHANNES), the Senator from Illinois (Mr. KIRK), the Senator from Ohio (Mr. PORTMAN), and the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 26, as follows:

[Rollcall Vote No. 249 Ex.]

#### YEAS—64

Akaka	Graham	Nelson (FL)
Ayotte	Hagan	Paul
Baucus	Harkin	Pryor
Begich	Heller	Reed
Bennet	Johnson (SD)	Reid
Bingaman	Johnson (WI)	Rockefeller
Blumenthal	Klobuchar	Sanders
Boxer	Kohl	Schatz
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lee	Shaheen
Cantwell	Levin	Snowe
Cardin	Lieberman	Stabenow
Carper	Lugar	Tester
Casey	Manchin	Toomey
Collins	McCaskill	Udall (CO)
Conrad	Menendez	Udall (NM)
Coons	Merkley	Warner
Corker	Mikulski	Webb
Durbin	Moran	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

#### NAYS—26

Barrasso	Coburn	Grassley
Blunt	Cochran	Hatch
Boozman	Cornyn	Hoeven
Burr	Crapo	Hutchison
Coats	Enzi	Inhofe

Isakson  
Kyl  
McCain  
McConnell

Risch  
Roberts  
Sessions  
Shelby

Thune  
Vitter  
Wicker

## NOT VOTING—10

Alexander  
Chambliss  
DeMint  
Johanns

Kerry  
Kirk  
Lautenberg  
Leahy

Portman  
Rubio

The nomination was confirmed.

Mr. LEAHY. Mr. President, I am glad that the Senate voted to confirm the nomination of Bill Baer to serve as Assistant Attorney General in the Antitrust Division of the Department of Justice. His nomination has been pending for 10 months, and more than three months have passed since the Judiciary Committee favorably reported his nomination with bipartisan support. The Antitrust Division has continued its important work with three acting heads who have worked diligently to fulfill the mission of the office. But those solutions are only temporary, and it is essential that the Senate undertook its constitutional responsibility to advise and consent on a permanent division head with responsibility for enforcing our Nation's antitrust laws.

Mr. Baer is an outstanding candidate to fulfill this role. He has spent over 35 years working in the field of antitrust and consumer protection law. He served as Director of the Bureau of Competition at the Federal Trade Commission in the 1990s, and now chairs the Antitrust Group at the law firm of Arnold & Porter. His nomination has received bipartisan support from leading practitioners of antitrust law, including 12 former heads of the Antitrust Division representing every presidential administration since 1972. His nomination has also received bipartisan support from 29 former chairs of the American Bar Association's Section on Antitrust Law, who praise his "demonstrated ability as an antitrust lawyer and his outstanding record of public service."

Bill Baer is a leading voice on antitrust matters. He advised the Antitrust Modernization Commission, and frequently contributes to workshops at the Department of Justice and FTC. He was named one of "The Decade's Most Influential Lawyers" by The National Law Journal in 2010, and the "Leading Lawyer for Antitrust" in 2011. Chambers, Who's Who, and the Legal 500 have all recognized him as one of our country's leading practitioners in antitrust law.

When the 12 former heads of the Antitrust Division wrote to the Senate Judiciary Committee in support of Mr. Baer's nomination earlier this year, they wrote: "Mr. Baer's tenure as Director of the [FTC] Bureau of Competition was marked by principled, effective enforcement of the antitrust laws and . . . procedures that balanced the needs of the Commission with the legitimate concerns of both businesses

and consumers. We are confident that he will continue the strong, rational, and nonpartisan antitrust enforcement tradition of the United States Department of Justice."

After months and months of needless delays, Bill Baer can at last begin that important work to help protect the American people.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we had a brief colloquy, the Republican leader and I, before the vote. Now that everyone is on the floor, I will elaborate a little bit. We have one more vote today. Then we are both going to have our respective caucuses. We hope there will be an announcement after that. We will have to wait and see.

Over the last 24 hours, we have been working with Senator MCCONNELL's staff and Senator MCCONNELL to craft legislation to shield middle-class families from huge tax increases that could pass both Chambers on a bipartisan basis. But I wish to be clear. There are still serious differences between the two sides. I am only going to talk about one. We have made a lot of progress. I said earlier today, I appreciate very much Senator MCCONNELL's good-faith efforts, and I am confident he feels the same way about me.

The one thing I do want to mention is that we are not going to have any Social Security cuts. At this stage, that just doesn't seem appropriate. We are open to discussion about entitlement reforms, but we are going to have to take it in a different direction. The present status will not work. We are willing to make difficult concessions as part of a balanced comprehensive agreement, but we will not agree to cut Social Security benefits as part of a small or short-term agreement, especially if that agreement gives more handouts to the rich.

With 36 hours left until the country goes over the Cliff, I remain hopeful but realistic about the prospects of reaching a bipartisan agreement. At some point in the negotiating process it becomes obvious, when the other side is intentionally demanding concessions they know the other side is not willing to make, we are not there.

I hope we are going to be able to go further. Right now, with the status of the negotiations, we are not where we could come forward and say we have this for you. As I indicated, and just to make another statement in that regard, at some point in the negotiating process it appears there are things that stop us from moving forward. I hope we are not there, but we are getting real close, and that is why I still hold out hope we can get something done. I am not overly optimistic, but I am cautiously optimistic we can get something done.

I hope I have made it clear we have one vote. That is all we have. I hope

later in the evening there will be another vote or two, but right now we don't have that. We have one scheduled vote, and that is taking place right now. But everybody should hang loose because something may break and we will be able to get something done.

VOTE ON NOMINATION OF CAROL J. GALANTE

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote on the nomination.

Who yields time?

Mr. REID. I yield back the remaining time.

The PRESIDING OFFICER. All time is yielded back. The question is, Will the Senate advise and consent to the nomination of Carol J. Galante, of California, to be an Assistant Secretary of Housing and Urban Development?

Mr. VITTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KERRY), and the Senator from New Jersey (Mr. LAUTENBERG), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Illinois (Mr. KIRK), the Senator from Ohio (Mr. PORTMAN), the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 24, as follows:

[Rollcall Vote No. 250 Ex.]

## YEAS—69

Akaka	Feinstein	Mikulski
Ayotte	Franken	Murkowski
Baucus	Gillibrand	Murray
Begich	Graham	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boxer	Isakson	Rockefeller
Brown (MA)	Johnson (SD)	Sanders
Brown (OH)	Johnson (WI)	Schatz
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Coats	Lieberman	Thune
Coburn	Lugar	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCain	Warner
Coons	McCaskill	Webb
Corker	Menendez	Whitehouse
Durbin	Merkley	Wyden

## NAYS—24

Barrasso	Enzi	Johanns
Boozman	Grassley	Kyl
Cochran	Hatch	Lee
Cornyn	Heller	McConnell
Crapo	Inhofe	Moran

Paul  
Risch  
Roberts

Rubio  
Sessions  
Shelby

Toomey  
Vitter  
Wicker

#### NOT VOTING—7

Alexander  
Chambliss  
DeMint

Kerry  
Kirk  
Lautenberg

Portman

The PRESIDING OFFICER. The 60-vote threshold having been achieved, the nomination is confirmed.

Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the votes on the nomination of Carol J. Galante to be Assistant Secretary at the Department of Housing and Urban Development and William Baer to be Assistant Attorney General at the Department of Justice. If I were able to attend today's session, I would have supported the nominations of Carol J. Galante and William Baer.●

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### RECESS

Mr. REID. Mr. President, I ask unanimous consent the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 3:05 p.m., recessed subject to the call of the chair and reassembled when called to order by the Presiding Officer (Mr. BROWN of Ohio.)

#### MORNING BUSINESS

Mr. REID. Mr. President, I was gratified to hear the Republicans taking their demand for Social Security cuts off the table. The truth is that they should never have been on the table to begin with.

There is still a significant difference between the two sides but negotiations continue. There is still time left to reach an agreement, and we intend to continue negotiations.

I ask unanimous consent that the Senate now proceed to a period of morning business for debate only, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, we are going to come in at 11 a.m. tomorrow morning. We will have further announcements, perhaps, at 11 o'clock in the morning. I certainly hope so.

The PRESIDING OFFICER. The senior Senator from Connecticut is recognized.

#### REPORT ON THE TERRORIST ATTACK AT BENGHAZI

Mr. LIEBERMAN. Mr. President, I guess the good news is that I am rising today not to speak about the fiscal cliff. What I am speaking about is not good news because it deals with the tragic event that occurred in Benghazi, Libya, on September 11, when terrorists took the lives of our Ambassador, Chris Stevens, and three other brave Americans who were serving us there.

I rise today, along with the ranking member of the Homeland Security and Governmental Affairs Committee, Senator COLLINS, to submit for the RECORD the report she and I have been working on with our staffs and other members of the committee following those events in Libya. We call this report "Flashing Red: A Special Report On The Terrorist Attack At Benghazi." "Flashing red" is a term that was used in a conversation with us by an official of the State Department, and it could not have been more correct. All the evidence was flashing red that we had put American personnel in Benghazi in an increasingly dangerous situation, with violent Islamic extremists gathering there, with events having occurred, attacks on our mission there—two others prior that year. Yet we did not give them the security they needed to protect them, and we did not make the decision that I believe we should have made, since we did not provide them with the security, that we should have closed our mission there. As a result, people really suffered.

We recognize that the congressionally mandated Accountability Review Board at the Department of State has issued a report on the events in Benghazi. I think it was an excellent report. There are other committees of Congress continuing with their own investigations. Each of these will and should make a valuable contribution to our understanding of what happened at Benghazi so that we can take steps to make sure nothing like it ever happens again.

Under the rules of the Senate, the Committee on Homeland Security and Governmental Affairs has a unique mandate to investigate the effectiveness and efficiency of governmental agencies, especially when matters that span multiple agencies are involved.

Our report is intended to inform the Senate and the American people about events immediately before, during, and after the attack at Benghazi. In order to contribute most to the public debate, we have chosen to include only unclassified information in this report. We are hopeful that the report can and will make an important contribution to the ongoing discussions about how to better protect our diplomatic personnel abroad.

Our report contains 10 findings and 11 recommendations that we believe can help us better protect our diplomats

and others who serve our country, often in very dangerous places. I ask unanimous consent that the full text of the report be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See exhibit 1.)

Mr. LIEBERMAN. Mr. President, this is probably the last opportunity I will have to do this, to thank the ranking member again for the extraordinary partnership we have had for more than a decade now on the Homeland Security and Governmental Affairs Committee. It is really meaningful to me that we have this last opportunity to do something together, across party lines, that we believe and hope will be in our national interest.

#### EXHIBIT 1

#### FLASHING RED: A SPECIAL REPORT ON THE TERRORIST ATTACK AT BENGHAZI

(By Joseph I. Lieberman, Chairman and Susan M. Collins, Ranking Member)

UNITED STATES SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

December 30, 2012

While our country spent September 11, 2012, remembering the terrorist attacks that took place 11 years earlier, brave Americans posted at U.S. government facilities in Benghazi, Libya, were fighting for their lives against a terrorist assault. When the fight ended, U.S. Ambassador to Libya John C. (Chris) Stevens and three other Americans were dead and U.S. facilities in Benghazi were left in ruin. We must remember the sacrifice that these selfless public servants made to support the struggle for freedom in Libya and to improve our own national security. While we mourn their deaths, it is also crucial that we learn from how they died. By examining the circumstances of the attack in Benghazi on September 11th, we hope to gain a better understanding of what went wrong and what we must do now to ensure better protection for American diplomatic personnel who must sometimes operate in dangerous places abroad.

We are cognizant that the Congressionally-mandated Accountability Review Board (ARB) of the Department of State has now issued its important and constructive report and that other Congressional committees are investigating the Benghazi attack as well. Each makes significant contributions to our collective understanding of what transpired and what we must do going forward.

The Committee on Homeland Security and Governmental Affairs (HSGAC), pursuant to its authority under Rule XXV(k) of the Standing Rules of the Senate, Section 101 of S. Res 445 (108th Congress) and Section 12(e) of S. Res 81 (112th Congress), has a unique mandate to investigate the effectiveness and efficiency of governmental agencies, especially when matters that span multiple government agencies are involved. Over the years, HSGAC has spent much time and dedicated considerable resources to understanding the challenges inherent in national security interagency relationships, and it is through this lens that we have examined and drawn lessons from the attack in Benghazi.

Since the 112th Congress is drawing to a close, this investigation has necessarily been conducted with a sense of urgency and with focused objectives. Our findings and recommendations are based on investigative work that the Committee has conducted since shortly after the attack of September



11, 2012, including meetings of members and staff with senior and mid-level government officials; reviews of thousands of pages of documents provided by the Department of State, Department of Defense, and the Intelligence Community (IC); written responses to questions posed by the Committee to these agencies; and reading of publicly-available documents.

In the report that follows we provide a brief factual overview of the attacks in Benghazi and then discuss our findings and recommendations.

#### BRIEF OVERVIEW OF THE BENGHAZI ATTACKS

The attacks in Benghazi occurred at two different locations: a Department of State "Temporary Mission Facility" and an Annex facility ("Annex") approximately a mile away used by another agency of the United States Government. On September 11th, Ambassador Stevens was in Benghazi, accompanied by two Diplomatic Security (DS) agents who had traveled there with him. Also present were three other DS agents and a Foreign Service Officer, Sean Smith, who were posted at the Temporary Mission Facility ("facility" or "compound"). There were also three members of the February 17 Brigade, a Libyan militia deputized by the Libyan government but not under its direct control, and four unarmed local contract guards protecting the compound.

During the day on September 11th, the Ambassador held several meetings on the compound and retired to his room at approximately 9:00 p.m. local time. About 40 minutes later, several agents and guards heard loud shouting, noises coming from the gate, as well as gunfire, and an explosion. A closed-circuit television monitor at the facility's Tactical Operations Center ("TOC") showed a large number of armed people flowing unimpeded through the main gate. One of the DS agents in the compound's TOC triggered an audible alarm, and immediately alerted the U.S. Embassy in Tripoli and DS headquarters in Washington. These notifications were quickly transmitted from the Department of State to the Department of Defense. DS headquarters maintained open phone lines with the DS personnel throughout the attack. That same DS agent also called the Annex to request assistance from security personnel there, who immediately began to prepare to aid the U.S. personnel at the diplomatic facility.

When the attack commenced, four DS agents and Foreign Service Officer Smith were in or just outside the same building where the Ambassador was spending that night. A fifth DS agent was in the TOC when the terrorist attack began. Ambassador Stevens, Smith, and one DS agent sought shelter in the building's safe haven, a fortified area designed to keep intruders out, while the other three agents went to retrieve additional weapons and tactical gear such as body armor, helmets, and ammunition. After retrieving their gear, at least two of the DS agents sought to return to the building where the Ambassador was. On the way back, however, the DS agents encountered attackers. The lone DS agent with the Ambassador reported via radio that he was secure within the safe haven, allowing the two agents who had left in search of weapons to seek refuge in the same building where they had armed themselves. The third DS agent who had gone to the TOC to retrieve his gear, stayed there with the DS agent who had been manning the TOC since the beginning of the attack.

The attackers started to set several of the compound's structures on fire, using diesel

fuel found on site, and groups of attackers tried to enter several buildings on the compound. The attackers did not succeed in entering the TOC, but did succeed in entering the building where Ambassador Stevens was staying and the building where the two DS agents were seeking refuge. No safe havens were breached during the initial assault. The attackers spread the diesel fuel throughout the building where the Ambassador was hiding, and ignited it, causing the building to fill with smoke.

When the smoke became so thick that breathing was difficult, the DS agent attempted to lead the Ambassador and Smith to escape through a nearby window. The agent opened the window to make sure it was safe to leave, and stepped out but then realized he had become separated from the Ambassador and Smith. The agent radioed the TOC, requesting assistance and returned numerous times to the building to look for the Ambassador and Smith. When the other agents arrived, they also took turns entering and searching the building. Though they were able to find and remove Smith's body, they were unable to find Ambassador Stevens.

After being notified about the attack, Annex personnel had attempted to contact the February 17 Brigade, other militias, and the Libyan government to ask for assistance. After gathering necessary weapons and gear, at approximately 10:04 p.m., six security personnel and a translator left the Annex en route to the facility. Prior to reaching the facility, they again attempted to contact and enlist assistance from the February 17 Brigade, other militias, and the Libyan government. By 10:25 p.m., the security personnel from the Annex had entered the compound and engaged in a 15-minute firefight with the armed invaders. The team reached the Ambassador's building at 10:40 p.m. but was unable to find him due to the intense fire and smoke.

At 11:15 p.m., the Annex security personnel sent the DS agents (who were all suffering from smoke inhalation from their continuous search for Ambassador Stevens and Smith) to the Annex, and followed there later, both groups taking fire while en route. By this time, an unmanned, unarmed surveillance aircraft began circling over the Benghazi compound, having been diverted by the Department of Defense from its previous surveillance assignment over another location. Soon after the Americans returned to the Annex, just before midnight, they were attacked by rocket-propelled grenade (RPG) and small arms fire. The sporadic attacks stopped at approximately 1:01 a.m.

U.S. government security personnel who were based in Tripoli had deployed to Benghazi by chartered aircraft after receiving word of the attack, arriving at the Benghazi airport at 1:15 a.m. They were held at the airport for at least three hours while they negotiated with Libyan authorities about logistics. The exact cause of this hours-long delay, and its relationship to the rescue effort, remains unclear and merits further inquiry. Was it simply the result of a difficult Libyan bureaucracy and a chaotic environment or was it part of a plot to keep American help from reaching the Americans under siege in Benghazi?

The team from Tripoli finally cleared the airport and arrived at the Annex at approximately 5:04 a.m., about ten minutes before a new assault by the terrorist began, involving mortar rounds fired at the Annex. The attack concluded at approximately 5:26 a.m., leaving Annex security team members Ty-

rone Woods and Glen Doherty dead and two others wounded. The decision was then made to leave the Annex. Libyan forces, not militia, arrived around 6:00 a.m. with 50 vehicles and escorted the Americans to the airport. Two planes carrying all remaining U.S. personnel then left Benghazi. The first flight departed between 7:00 a.m. and 7:40 a.m. (agency timelines vary on this point) and the second at 10:00 a.m.

American government officials outside of Benghazi learned of the attack shortly after it started at 3:40 p.m. EST (9:40 p.m. Benghazi time). DS agents, in addition to notifying personnel at the Annex, immediately alerted officials at the U.S. Embassy in Tripoli and the Department of State Headquarters in Washington, D.C. As noted earlier, the U.S. Africa Command (AFRICOM) at the Department of Defense (DOD) directed an unarmed surveillance aircraft to the skies over the Benghazi compound at 3:59 p.m. EST. It arrived there at 5:10 p.m. EST (11:10 p.m. Benghazi time). At 4:32 p.m., the National Military Command Center in the Pentagon alerted the Office of the Secretary of Defense and the Joint Staff, and the information was shared with Secretary of Defense Leon Panetta and Chairman of the Joint Chiefs of Staff, General Martin Dempsey. Secretary Panetta and General Dempsey were at the White House for a previously scheduled meeting at 5:00 p.m. and so were able to brief the President on the developments in Benghazi as they were occurring.

From 6:00 to 8:00 p.m. EST, Secretary Panetta met with senior DOD officials to discuss the Benghazi attack and other violence in the region in reaction to the anti-Muslim video. The Secretary directed three actions: 1) that one Fleet Antiterrorism Security Team (FAST) platoon stationed in Rota, Spain, deploy to Benghazi and that a second FAST platoon in Rota prepare to deploy to Tripoli; 2) that U.S. European Command's In-extremis Force, which happened to be training in central Europe, deploy to a staging base in southern Europe; and 3) that a special operations force based in the United States deploy to a staging base in southern Europe. The National Command Center transmitted formal authorization for these actions at 8:39 p.m. A FAST platoon arrived in Tripoli the evening (local time) of September 12th, and the other forces arrived that evening at a staging base in Italy, long after the terrorist attack on the U.S. facilities in Benghazi had ended and four Americans had been killed.

#### KEY FINDINGS AND RECOMMENDATIONS

Finding 1. In the months leading up to the attack on the Temporary Mission Facility in Benghazi, there was a large amount of evidence gathered by the U.S. Intelligence Community (IC) and from open sources that Benghazi was increasingly dangerous and unstable, and that a significant attack against American personnel there was becoming much more likely. While this intelligence was effectively shared within the Intelligence Community (IC) and with key officials at the Department of State, it did not lead to a commensurate increase in security at Benghazi nor to a decision to close the American mission there, either of which would have been more than justified by the intelligence presented.

Security decisions concerning U.S. facilities and personnel overseas are informed by several different types of information, including classified threat reporting from the IC; cables and spot reports from U.S. diplomatic posts, which describe local incidents and threats; and publicly available information. Prior to the attack, the IC and the Department of State were aware of the overall



threat landscape in Libya and the challenges facing the new Libyan government in addressing those threats. This understanding evolved over time, consistent with broader changes in the nature of the threat, and also based on reported incidents and attacks in Benghazi and other parts of Libya in 2012.

The Committee has reviewed dozens of classified intelligence reports on the evolution of threats in Libya which were issued between February 2011 and September 11, 2012. We are precluded in this report from discussing the information in detail, but overall, these intelligence reports (as the ARB similarly noted) provide a clear and vivid picture of a rapidly deteriorating threat environment in eastern Libya—one that we believe should have been sufficient to inform policy-makers of the growing danger to U.S. facilities and personnel in that part of the country and the urgency of them doing something about it. This information was effectively shared by the IC with key officials at the Department of State. For example, both the Deputy Assistant Secretary of State for International Programs in the Bureau of Diplomatic Security, Charlene Lamb, who was responsible for the security at more than 275 diplomatic facilities, and former Regional Security Officer (RSO) for Libya Eric Nordstrom, who was the principal security adviser to the U.S. Ambassador in Libya from September 21, 2011 to July 26, 2012, told the Committee that they had full access to all threat information from the IC about eastern Libya during the months before the attack of September 11, 2012. Yet the Department failed to take adequate action to protect its personnel there.

This classified intelligence reporting was complemented by open-source reporting on attacks and other incidents targeting western interests in Libya during the months prior to the September 11, 2012 attack. The RSO in Libya compiled a list of 234 security incidents in Libya between June 2011 and July 2012, 50 of which took place in Benghazi. The document describes an array of incidents, including large-scale militia clashes, protests involving several hundred people, and the temporary detention of non-governmental organization (NGO) workers and of U.S. diplomatic personnel in Benghazi. Under Secretary for Management Patrick Kennedy noted in a briefing for the Committee, that Libya and Benghazi were “flashing red” around the time of the attack.

The incident reporting shows that western facilities and personnel became an increasing focus of threats in the spring of 2012. For example, on April 2, 2012 in Benghazi, a British diplomatic vehicle was attacked by a mob of demonstrators. Four days later, on April 6th, a crude improvised explosive device (IED) was thrown over the wall of the U.S. facility in Benghazi, causing minimal damage. A spot report on the day of the event stated that shortly after the event two individuals were questioned. The suspects included one current and one former guard employed by Blue Mountain Group, the company which supplied the unarmed Libyan contract guards responsible for screening visitors to the U.S. compound—underscoring the potential risk of an insider threat in Benghazi. Four days after that, on April 10th, also in Benghazi, a crude IED was thrown at the convoy of the United Nations Special Envoy to Libya.

Other publicly reported incidents occurred during this time frame, but there are four that we believe are particularly noteworthy. Taken as a whole, they demonstrated the capability and intent of Benghazi-based

Islamist extremist groups to conduct a significant attack against U.S. or other western interests in Libya:

On May 22, 2012, the International Committee for the Red Cross/Red Crescent (ICRC) building in Benghazi was hit by two RPG rounds, causing damage to the building but no casualties. Several days later, the Brigades of the Imprisoned Sheikh Omar Abdel Rahman claimed responsibility for this attack, accusing the ICRC of proselytizing in Libya.

On June 6, 2012, the U.S. Temporary Mission Facility in Benghazi was targeted by an IED attack that blew a hole in the perimeter wall. Credit for this attack was also claimed by the Brigades of the Imprisoned Sheikh Omar Abdel Rahman, which said it carried out the attack in response to the reported drone strike on al Qaeda leader Abu Yahya al-Libi in Northern Waziristan.

On June 11, 2012, an attack was carried out in Benghazi on the convoy of the British Ambassador to Libya. Attackers fired an RPG on the convoy, followed by small arms fire. Two British bodyguards were injured in the attack. This attack was characterized afterwards in an incident report by the Department of State's Bureau of Diplomatic Security as a “complex, coordinated attack.”

On June 18, 2012, the Tunisian consulate in Benghazi was stormed by individuals affiliated with Ansar al-Sharia Libya (AAS), allegedly because of “attacks by Tunisian artists against Islam.”

Overall, the threat to western interests in eastern Libya and in Benghazi specifically was high even prior to the attack of September 11, 2012. Reviewing these incidents, an unclassified open source report by a contractor to AFRICOM noted in July 2012 that: “Nonetheless, Benghazi has seen a notable increase in violence in recent months, particularly against international targets. These events point to strong anti-Western sentiments among certain segments of the population, the willingness of Salafi-jihadi groups in the city to openly engage in violence against foreign targets, and their capacity to carry out these attacks.”

Taking classified reporting on the increasing dangers in eastern Libya together with the open source incidents should have provided a clear picture of the dangers for American personnel in Benghazi unless their security were greatly improved.

Finding 2. Notwithstanding the increasingly dangerous environment in eastern Libya in 2011 and 2012, the U.S. government did not have specific intelligence of an imminent attack on the U.S. mission in Benghazi. The lack of such actionable intelligence may reflect a failure in the IC to focus sufficiently on terrorist groups that have weak or no operational ties to core al Qaeda and its main affiliates.

While the IC had developed and adequately shared general threat information on terrorist groups and Islamist extremist militias in eastern Libya prior to the attack, it did not have specific warning that this attack was to take place on September 11, 2012. Intelligence capabilities that provide early, specific warnings have played a critical role in preventing terrorist attacks against U.S. facilities overseas and in the homeland in the last decade. There were no such warnings available for Benghazi before the attack of September 11, 2012. Why?

First, there may not have been significant or elaborate advance planning for the attack. In a hearing before our Committee on September 19, 2012, National Counterterrorism Center (NCTC) Director Matthew

Olsen described the attack as “opportunistic” and stated that the IC had no indication of “significant advanced planning or coordination for this attack.”

However, the activities of local terrorist and Islamist extremist groups in Libya may have received insufficient attention from the IC prior to the attack, partially because some of the groups possessed ambiguous operational ties to core al Qaeda and its primary affiliates. For example, public statements by Libyan officials and many news reports have indicated that Ansar al-Sharia Libya (AAS) was one of the key groups involved in carrying out this attack on the U.S. facility in Benghazi. The group took credit on its own Facebook page for the attack before later deleting the post. U.S. officials viewed AAS prior to the attack as a “local extremist group with an eye on gaining political ground in Libya.” AAS has not been designated as a foreign terrorist organization by the U.S. government, and apparently the IC was “not focused” on this group to the same extent as core al Qaeda and its operational affiliates.

This finding has broader implications for U.S. counterterrorism activities in the Middle East and North Africa. With Osama bin Laden dead and core al Qaeda weakened, a new collection of violent Islamist extremist organizations and cells have emerged in the last two to three years. These groups are not all operationally linked to core al Qaeda or in some cases have only weak ties to al Qaeda. This trend is particularly notable in countries such as Libya, Egypt, Tunisia, and Syria that are going through political transition or military conflict as a result of the political upheavals referred to as the “Arab Spring.”

While such groups do not always have strong operational ties to al Qaeda, they adhere to a similar violent Islamist extremist ideology. As an unclassified August 2012 report by the Library of Congress noted, AAS in Libya shares common symbols (the black flag) and ideology with al Qaeda. This Committee has spent several years focusing on the role that this ideology plays in motivating homegrown violent Islamist extremists, most of whom have no direct ties to al Qaeda. A similar phenomenon, though potentially much more dangerous, is at work with respect to many of these nascent terrorist groups, and is leading many of them to shift their focus from local grievances to foreign attacks against U.S. and other western facilities overseas.

Recommendation: U.S. intelligence agencies must broaden and deepen their focus in Libya, and beyond, on nascent violent Islamist extremist groups in the region that lack strong operational ties to core al Qaeda or its main affiliate groups. One benefit of doing so would be improved tactical warning capabilities, the kind of which were not present at Benghazi, but might have been even for an “opportunistic” attack.

Finding 3. The absence of specific intelligence about an imminent attack should not have prevented the Department of State from taking more effective steps to protect its personnel and facilities in Benghazi.

This finding reflects earlier conclusions of the 1985 Advisory Panel on Overseas Security (“Inman Report”) and the 1999 Accountability Review Board report on the attacks on the U.S. embassies in Kenya and Tanzania, which both warned the Department of State against becoming too reliant on tactical intelligence to determine the level of potential terrorist threats. The Inman report points out that “it would be foolhardy to

make security decisions on the basis of an expectation of advance warning of peril.”

Deputy Assistant Secretary Charlene Lamb stated that the level and kind of attack at Benghazi was something they had never seen before anywhere in the world. However, given clear warnings that threats were increasing in the Benghazi area, the Department of State should not have waited for a specific incident to happen or expected the delivery of tactical intelligence of a specific, imminent threat before taking additional steps to protect its diplomats or, if that was not possible, to close the Benghazi facility.

Recommendation: In providing security for its personnel around the world, the Department of State must fully consider the types of attacks that could take place given the strategic threat environment, even in the absence of imminent warning intelligence.

Finding 4. Prior to the terrorist attacks in Libya on September 11, 2012, it was widely understood that the Libyan government was incapable of performing its duty to protect U.S. diplomatic facilities and personnel, as required by longstanding international agreements, but the Department of State failed to take adequate steps to fill the resulting security gap, or to invest in upgrading the Libyan security forces.

A host country's responsibility to protect and safeguard a foreign nation's diplomatic personnel and facilities in its country has been codified in several international treaties, including the 1963 Vienna Convention on Consular Relations, which states that “[t]he receiving State is under a special duty to take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.” The Treaty also states that “[t]he receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom or dignity.”

A host country's protection of an American embassy or other diplomatic facilities is one of the most important elements of security at that facility, but it is not the only one. A facility's own security, such as its U.S. Marine Corps Security Guards, DS agents, and in some cases, private security guards under contract, is also critical to its overall security posture. States whose governments do not exercise full control over their sovereign territory, or that have a limited security capability, cannot be counted on to safeguard U.S. diplomatic personnel and facilities. This is usually true, of course, in the aftermath of a revolution or civil war—as was the case in Libya—where the provision of protective services by the host nations is unpredictable at best. In those instances, the Department of State must improve one or more of the other three protectors of mission security within its control: Marine Corps Security Guards, Diplomatic Security agents, or private security contractors.

In February 2011, the revolution began to end Colonel Muammar al-Qadhafi's autocratic rule of Libya. Between February and October of 2011, Libya was consumed with intense fighting between anti-government groups and Qadhafi's regime. On October 20, 2011, opposition forces conquered the last Qadhafi stronghold in Sirte and killed Qadhafi. Qadhafi's death ended the revolt but left open the question of who would govern Libya and how.

Just days after Qadhafi's death, Libyans turned to the interim Transitional National Council (TNC), established in the spring of

2011, to improve security and begin the process of reconstituting national institutions. However, the TNC faced numerous challenges and “struggled to calm the incendiary regional and factional disputes or exert control even over its own militias.” Since no cohesive opposition group emerged from the civil war, the TNC had to contend with various armed factions that “remained a law unto themselves.”

On July 7, 2012, Libyan voters participated in the first national election since 1965 and elected 200 members to the General National Congress. The election of the General National Congress represented a significant political achievement, but the formation of a new government was still under negotiation when the attacks in Benghazi occurred three months later in September. Civil order had not yet been restored. According to one expert review, “[a]ttacks on international targets, a series of aggressive attacks by armed Salafists on religious buildings around the country, and an assassination campaign against senior security officers have fueled widespread criticism of interim leaders since early 2012.”

Given the unstable political and security situation, particularly in eastern Libya, the Libyan government was unable to provide security protection to foreign diplomatic facilities in a manner consistent with international law. That is why the Department of State relied in part on a local militia, the February 17 Brigade, to provide protection for the Benghazi facility, as well as unarmed Libyan guards under contract with a private security firm. Throughout 2012, Department of State officials questioned the February 17 Brigade's competence and expressed concerns about its abilities. U.S. Department of State personnel were also concerned about the involvement of members of the February 17 Brigade in the extrajudicial detention of U.S. diplomatic personnel in at least one incident in Benghazi. Eric Nordstrom, told the Committee that while the February 17 Brigade did provide some protection and would likely respond to an attack, they clearly needed additional training. Only limited training ever occurred.

Some U.S. personnel also questioned the Brigade's loyalty to the Libyan government and their capacity or desire to safeguard American interests. In June 2012, an RSO in Benghazi wrote, “Unfortunately, given the current threat to the diplomatic mission, the militia members not currently on the [four-man team stationed at the facility] have expressed concern with showing active open support for the Americans in Benghazi.” Notably, the contract between the State Department and the February 17 Brigade had expired by the time of the attack. In a hand-off email to his replacement on August 29, 2012, the principal U.S. diplomatic officer in Benghazi wrote that the contract with the militia “lapsed several weeks ago” but that they were still operating under its terms. He said that “[t]his is a delicate issue, as we are relying on a militia in lieu of the central authorities and [Feb 17 Brigade] has been implicated in several of the recent detentions. We also have the usual concerns re their ultimate loyalties. But they are competent, and give us an added measure of security. For the time being, I don't think we have a viable alternative.” In early September, a member of the February 17 Brigade told another RSO in Benghazi that it could no longer support U.S. personnel movements. The RSO also asked specifically if the militia could provide additional support for the Ambassador's pending visit and was told no.

The ability of the Libyan government to provide surge forces to rescue or evacuate personnel from the Benghazi facility was also extremely limited. The Department of State recognized this limitation. As early as February 1, 2012, RSO Nordstrom stated in a memo to his superiors that the political situation in post-revolution Libya “was fragile” and that “[m]any basic state institutions, including emergency services and tourist facilities are not yet fully operational.”

Nordstrom noted that “various factions and militias continue to vie for power in the absence of a stable political and security environment, often resulting in violence.”

This view of the Libyan government's inadequate security capabilities persisted through the attack on September 11, 2012. Communications from U.S. personnel in Libya continued to repeat the same conclusions stated by Nordstrom earlier in February. For instance, an early August cable from the Tripoli Embassy to the Department of State in Washington, states that even though the TNC had established a Supreme Security Council (SSC) to stabilize the security situation in Benghazi, its own commander had said that the SSC had “not coalesced into an effective, stable security force.” Further, the cable warned that the “absence of a significant deterrence, has contributed to a security vacuum that is being exploited by independent actors.” Similarly, an August 20, 2012 security update reported that other diplomats believed the SSC was “fading away,” unwilling to take on “anyone with powerful patrons from powerful tribes.” That same month, DS personnel reviewing tripwires for an ordered departure of the post—that is, political, security, and intelligence benchmarks which would prompt diplomatic officials to close a facility or modify its operations—stated that “[m]ission opinion is that Libyan security forces are indifferent to the safety needs of the U.S. mission.” On September 11, 2012, the day of the attack, the “Weekly Report” prepared by Department of State officers on the security situation in Benghazi described the frustrations of an SSC commander that the police and security forces were “too weak to keep the country secure.”

Prior to Ambassador Stevens' visit to Benghazi in September 2012, the U.S. mission in Benghazi had made a request to the Libyan Ministry of Foreign Affairs for additional security in Benghazi to support the visit. At a minimum, these requests included appeals for a 24/7 police presence consisting of a vehicle and personnel at each of the compound's three gates. The only Libyan government response appears to have been an SSC police vehicle parked in front of the front gate (which, as the ARB noted, sped away as the attack began).

Though a few members of the February 17 Brigade and the Libya Shield militia assisted the Americans on the night of the attack, the security that these militias and the local police provided to U.S. personnel was woefully inadequate to the dangerous security environment in Benghazi.

The unarmed local contract guards also provided no meaningful resistance to the attackers. The Department of State's Inspector General had previously found that concerns about local security guards were not limited to Libya. A February 2012 Department of State Inspector General (IG) report found that more than two-thirds of 86 diplomatic posts around the world surveyed reported problems with their local guard contractors. Of those posts that reported problems with their contractors, 37 percent said

there was an insufficient number of local guards and 40 percent said there was insufficient training. The IG found that overseas diplomatic posts, particularly those in high-threat situations beyond Iraq, Afghanistan, and Pakistan urgently needed best-value contracting, which takes into account the past performance of contractors.

**Recommendation:** When it becomes clear that a host nation cannot adequately perform its functions under the Vienna Convention, the Department of State must provide additional security measures of its own, urgently attempt to upgrade the host nation security forces, or decide to close a U.S. Diplomatic facility and remove U.S. personnel until appropriate steps can be taken to provide adequate security. American personnel who serve us abroad must often work in high risk environments, but when they do, we must provide them with adequate security. That clearly was not the case in Benghazi on September 11, 2012.

**Recommendation:** The Department must conduct a review of its local guard programs and particularly the use of local guard contractors at high-risk posts who do not meet appropriate standards necessary for the protection of our personnel or facilities.

**Finding 5.** The Benghazi facility's temporary status had a detrimental effect on security decisions, and that fact was clearly known by DS personnel in Benghazi and to their superiors who nevertheless left the American personnel in Benghazi in this very dangerous situation. The Department of State did not take adequate measures to mitigate the facility's significant vulnerabilities in this high-threat environment.

The Department of State opened the temporary mission in Benghazi in 2011 after the revolution against the Qadhafi government began because eastern Libya was the headquarters of the opposition to Qadhafi, and the embassy in Tripoli had been closed due to security concerns. The temporary mission was first located in a hotel and then moved, based on security concerns, to the compound referred to as the Temporary Mission Facility. After the U.S. Embassy was reopened in Tripoli when Qadhafi was overthrown, the Department of State initially planned to close the Benghazi facility in late 2011. However, in December 2011, the Department decided to extend its presence in Benghazi until December 2012. In the memo approving this decision, the Department stated that the facility would be a "smaller operation" but noted its importance to eastern Libyans and the assistance it could provide to the embassy in Tripoli.

The temporary status of the Benghazi facility contributed to its vulnerability. For example, DS agents stationed in Benghazi were always on temporary duty assignments, remaining there for relatively short periods, often no longer than a month. As Nordstrom noted, having temporary duty agents made "developing security procedures, policies, and relationships more difficult." The temporary status also made it difficult to procure funds for security upgrades. A briefing paper prepared for a meeting of Assistant Secretary of State for Diplomatic Security Eric Boswell and then-Ambassador to Libya Gene Cretz noted, "Due to the ambiguity surrounding the duration of the U.S. Mission in Benghazi, RSO Benghazi has encountered funding issues for projects that are commonplace at most U.S. missions." The Committee received conflicting evidence with regard to whether the temporary Benghazi facility was on the Security Environment

Threat List—a semiannual document that aids DS management in the allocation of overseas security resources and programs. In any event, it is hard to imagine there were more than a few Department of State missions anywhere in the world that were in a more dangerous environment than Benghazi.

In the December 2011 memo approving the Temporary Mission Facility in Benghazi, the Department of State noted the need for corrective security measures for the facility. According to RSO Nordstrom, the Department of State never consulted with him about the security requirements of the facility before the December 2011 action memo was sent to Under Secretary Kennedy for approval. The memo approved by Kennedy indicated that the Department of State would "rapidly implement a series of corrective security measures as part of the consolidation of the State footprint." However, the memo lacked details as to the security standards to be followed and the resources required to implement the security measures. The absence of dedicated resources contributed to the constraints under which those in Washington and Benghazi would operate throughout 2012.

During 2012, however, the Department did make a variety of field expedient security enhancements, including:

- The installation of concrete jersey barriers;

- The installation of four vehicle barriers for access control and anti-ram protection;

- Increased compound lighting;

- The installation of barbed wire on top of the existing perimeter wall to raise height and on top of the interior chain link fence to create secondary barrier;

- The installation of platforms for property and street surveillance;

- The construction of four guard booths;

- The installation of steel grillwork on windows;

- The installation of emergency releases on select windows grills for fire/emergency exit;

- The replacement of several wooden doors with steel doors with appropriate locking hardware;

- Sandbag emplacements for internal defense purposes; and

- Hardening villas with safe rooms with a steel door.

But these physical security upgrades were insufficient to deter or repel the dozens of armed attackers that swarmed the compound, unimpeded, on September 11, 2012. As discussed in more detail below, the facility lacked the type of pedestrian barriers that could have slowed the attackers, even though the Department of State Inspector General and an earlier Accountability Review Board had each recommended the installation of such barriers at diplomatic posts in high-risk places like Benghazi.

Because the Benghazi facility was temporary, no security standards applied to it. While existing security standards require meaningful physical barriers to slow pedestrian access for permanent U.S. diplomatic facilities, there were few meaningful physical barriers at the Benghazi facility that would slow pedestrian access other than the closed gate. Once the gate was opened, there were no other physical impediments at that access point to keep anyone out of the facility's grounds or slow their assault.

Having additional physical barriers to reinforce the gate might have delayed the breach of the compound, giving those inside more time to prepare for the attack. For example, some permanent diplomatic facilities have a compound access control (CAC) point, a "mantrap," or both. Both of these types of

barriers act as gates or enclosures that are used to limit the movement of pedestrians entering a diplomatic facility. While a CAC is primarily installed in conjunction with a pedestrian entrance, a mantrap is typically installed in conjunction with a vehicle gate or barrier. According to Deputy Assistant Secretary Charlene Lamb, a CAC was not in place at Benghazi due to time and money constraints. She estimated a CAC there would have cost hundreds of thousands of dollars. No mantrap was in place either, though the reason for that is less clear. Unfortunately, we will never know if the additional investment in either a CAC or mantrap would have provided the time needed to save the lives of Ambassador Chris Stevens and Foreign Service Officer Sean Smith because of the fires set by the terrorists.

The absence of mantraps has been identified as a security vulnerability at least twice in the last ten years by the Department of State. According to a 2009 Department of State Inspector General Report, the 2004 Accountability Review Board regarding the attack on the U.S. consulate in Jeddah, Saudi Arabia recommended the installation of pedestrian barriers at U.S. diplomatic facilities overseas. During that attack, terrorists exited their vehicle and quickly breached the perimeter after being stopped by the entrance's anti-vehicle barrier. The attackers killed six and wounded several others.

Five years later, the Department of State Inspector General found that the absence of approved security standards or recent directives from the Bureau of Diplomatic Security regarding the installation of mantraps resulted in a fewer number of mantraps at overseas posts than required worldwide. At the time, 25 percent of critical threat posts that responded to the IG's survey did not have or request a mantrap and 39 percent of posts rated as a high threat post that responded to the survey also had no mantraps, plans for a mantrap, or were unable to accommodate mantraps. The numbers were worse for low and medium threat posts. According to the Department of State IG report, the average cost of installing mantraps at a U.S. diplomatic post (including related infrastructure) is approximately \$55,000.

In determining the amount of additional security to provide to the Benghazi facility, the Department of State did not conduct a joint analysis or confer with other agencies, such as DOD or members of the IC. For U.S. diplomatic facilities at greatest risk, such as Benghazi, more interagency analysis of security needs must be done to identify gaps in security and take the steps to address them. Since the attack in Benghazi, the Department of State and the Department of Defense have jointly begun this important work, focusing initially on the highest threat facilities around the globe, but that should have happened before the attack.

Resourcing for security is a joint responsibility of the Executive Branch and the Legislative Branch. The Department of State's decisions regarding security at the Benghazi facility were made in the context of its budget and security requirements for diplomatic facilities around the world. Overall, the Department of State's base requests for security funding have increased by 38 percent since Fiscal Year (FY) 2007, and base budget appropriations have increased by 27 percent in the same time period. Other security funding provided beyond that in supplemental appropriations bills has been nearly entirely for diplomatic facilities in just three countries—Iraq, Afghanistan, and Pakistan. Less has gone elsewhere and very little is available to the temporary facilities such as the one in Benghazi.

Importantly, funding requests for baseline diplomatic security programs have not been fully funded in any year since FY 2010. These accounts fund local guards, security technology, DS agents, and maintenance, construction and security upgrades for facilities. The Administration requested almost \$2.4 billion for the Worldwide Security Protection (WSP) and Embassy Security, Construction and Maintenance (ESCM) accounts in fiscal year 2011 (the Department of State's two largest diplomatic security accounts), but the House of Representatives recommended a funding level that was \$127.5 million less than the President's Budget request. The Senate restored \$38 million of the funding in the final enacted appropriations bill for that year. In fiscal year 2012, the gap was larger: Congress enacted appropriations for diplomatic security that were \$275 million less than was requested.

At the same time, Congress has generally been responsive in providing supplemental and Overseas Contingency Operations (OCO) funds to the Department of State—more than \$1.7 billion since 2007—in response to emergent, security-driven funding requests, although primarily for facilities in Iraq, Afghanistan and Pakistan. However, there was no supplemental or OCO request made by the President for additional diplomatic security enhancements in FY2010 or FY2011. Neither the Department of State nor Congress made a point of providing additional funds in a supplemental request for Libya, or more specifically, Benghazi.

Congress' inability to appropriate funds in a timely manner has also had consequences for the implementation of security upgrades. RSO Nordstrom stated that Continuing Resolutions had two detrimental effects on efforts to improve security in Benghazi. First, the Department of State would only allow funds to be expended at a rate of 80 percent of the previous year's appropriations level, so as not to risk a violation of the Anti-Deficiency Act. Second, in the absence of a supplemental appropriations or reprogramming request, security funds for Benghazi had to be taken "out of hide" from funding levels for Libya because Benghazi was not included in previous budget requests.

**Recommendation:** The Department of State should establish a mandatory process to determine what security standards are applicable to temporary facilities to ensure that they are adequately protected.

**Recommendation:** In the future, more interagency joint assessments or analyses of security needs must be done for U.S. diplomatic facilities at greatest risk. A joint assessment could not only improve our government's ability to identify security gaps, it would make all agencies more aware of assets available to meet security challenges and those available to respond to a crisis.

**Recommendation:** The Administration and Congress must work together to provide sufficient, steady, and timely funding resources to secure diplomatic facilities and personnel worldwide.

Finding 6. The Department of State did not adequately support security requests from its own security personnel in Benghazi.

Throughout 2012, the number of DS agents temporarily deployed to Benghazi fluctuated, decreasing to as low as one agent for a six week period in March and April 2012 due to visa problems. At the time of the attack, there were three DS agents who were stationed in Benghazi and two more who accompanied the Ambassador there from Tripoli. RSO Nordstrom said that security personnel in Tripoli were sometimes used to augment Benghazi security when necessary.

As conditions changed in late spring and early summer, officers in Tripoli and in Washington had good situational awareness of the growing threats in Libya and especially in Benghazi. However, the Department of State did not provide enough security to address the increased threats and did not adequately support field requests for additional security. For example, in March 2012 the Tripoli Embassy had requested five full-time security positions for Benghazi. However, a day after sending this request, Nordstrom was told that Washington had capped the number of agents in Benghazi at three, even though the request for five agents was consistent with the December 2011 action memo approved by Under Secretary Kennedy to extend the duration of the Benghazi facility. In addressing the March request for five DS agents, Deputy Assistant Secretary Lamb questioned RSO Nordstrom about the fact that two of those five requested positions would be used for non-personnel security related duties—one for driving and one to secure a computer. Deputy Assistant Secretary Lamb asked that local employees be hired for these positions since they were arguably not related to security. Later, two local nationals were hired to fulfill these duties. In July Embassy officials in Tripoli requested a *minimum* of three DS agents for Benghazi.

Nordstrom also testified that he would have preferred to extend a DOD support team, which DOD provided to the Department of State on a non-reimbursable basis, that was scheduled to depart in August 2012. The 16-person Site Security Team (SST) was stationed in Tripoli, but on occasion some of its members also helped with security in Benghazi. The team's deployment had previously been extended twice. Nordstrom said he thought that requesting an extension would have "too much political cost," and he was not told to do so. In July 2012, Nordstrom had sent a request, via cable approved by Ambassador Stevens, for a minimum of 13 temporary U.S. security personnel—which he said could be either DS employees or SST personnel, or a combination of both—to support needs in Tripoli. Nordstrom said he never received a response to that request. Though the Department of State never formally asked DOD to extend the SST team, at the time of the attack several members of the SST were still in Tripoli for other purposes, and two participated in the rescue effort the night of the attack.

In the Department's late 2011 plan describing a transition to "locally staffed operations," one of the reasons given for that transition was that "DS does not have sufficient resources to sustain the current level of the security assets in Libya." Lamb commented on this issue in her interview with the Committee, stating that it was hard to sustain large numbers of DS agents on short-term tours because there is not a floating pool of agents so that to fill a gap in Libya she needed to create a gap elsewhere.

Finding 7. Despite the inability of the Libyan government to fulfill its duties to secure the facility, the increasingly dangerous threat assessments, and a particularly vulnerable facility, the Department of State officials did not conclude the facility in Benghazi should be closed or temporarily shut down. That was a grievous mistake.

The Department of State kept the Benghazi facility open despite the inability of the Libyan government to fulfill its duties to secure the facility and the increasingly dangerous threat environment that American intelligence described. Though diplo-

matic security officials in Libya repeatedly considered and discussed the adequacy of security at the Benghazi facility, we found no evidence that any official ever recommended closing the facility even though the facility's vulnerability remained high, particularly in relation to the limited number and quality of the security personnel on site including the militia, the contracted guards, and DS agents on short-term assignments.

In the months leading up to the September 11, 2012 attack, U.S. personnel sitting on the Benghazi Emergency Action Committee (EAC)—the interagency entity responsible for assessing the security of the facility—met several times to discuss the growing threats in eastern Libya, and whether additional actions to protect U.S. personnel ought to be taken. As late as August 15, 2012, an EAC was convened and resolved to update the "tripwires" for the facility. The updates were to include a new category, "suspension of operations," under which diplomatic personnel remain present at a post but limit activity off U.S. grounds. Notes from that meeting show that joint security exercises were carried out with Annex security personnel that same month, and that conditional manpower requests and the revised set of tripwires were sent to the Embassy in Tripoli for review. A Department of State document shared between officials in Tripoli show various "tripwires" in Benghazi were, in fact, set off weeks before September 11, 2012. Following a bomb attack on a Libyan Army colonel in August, the principal U.S. diplomatic officer in Benghazi wrote that "[g]iven our small size, there is really no distinction between authorized and ordered departure from Benghazi: if we lose one more person, we will be ineffective . . . we are already at a skeleton crew."

Still, no additional security was provided to the facility in Benghazi and there was no ordered evacuation. RSO Nordstrom said the inability of the host nation to provide security is a significant tripwire. Yet neither he nor, to his knowledge anyone else at the Department of State, recommended the Benghazi post be closed.

Despite the Department of State's initial determination that the facility in Benghazi would be a temporary one, as time progressed, some Department of State officials believed U.S. diplomats needed to remain there longer than they initially expected. Just weeks before his death and even after there had been attacks against the facility and other western targets in Benghazi, Ambassador Stevens continued to make the case that the Department of State needed a long term presence in Benghazi.

A number of other western governments also continued to maintain a presence in Benghazi throughout the summer and fall of 2012. Under Secretary Kennedy noted that diplomats for Italy, France, Turkey and the United Nations remained in Benghazi during that time period.

One option American officials did consider was co-locating the American government facilities in Benghazi. By December 27, 2011, officials had "come to the conclusion that co-location is the best and most economical option for" a continued presence in Benghazi. They also recognized that there were administrative hurdles to this—such as finding a suitable location large enough for the presence of all personnel. The ARB report on the 1998 Nairobi and Dar es Salaam attacks recommended that, "When building new chanceries abroad, all U.S. government agencies, with rare exceptions, should be located in the same compound." The Department of State should also examine whether

similar standards should be adopted for the co-location of temporary facilities.

Finding 8. The Department of Defense and the Department of State had not jointly assessed the availability of U.S. assets to support the Temporary Mission Facility in Benghazi in the event of a crisis and although DOD attempted to quickly mobilize its resources, it did not have assets or personnel close enough to reach Benghazi in a timely fashion.

The Department of Defense (DOD) has a longstanding cooperative relationship with the Department of State, providing support for evacuation and security of diplomatic facilities. For Libya, responsibility for DOD support for diplomatic missions primarily rested with AFRICOM and its Combatant Commander, General Carter F. Ham, headquartered in Stuttgart, Germany. AFRICOM is one of DOD's six geographic combatant commands and is responsible for all DOD operations, exercises, and security cooperation on the African continent (with the exception of Egypt), its island nations, and surrounding waters. The command is also responsible to the Secretary of Defense for military relations with 54 African nations, the African Union, and African regional security organizations. It was established in February 2007 and became a standalone command in October 2008. The reason for establishing AFRICOM grew out of concerns about DOD's division of responsibility for Africa among three geographic commands—European Command (EUCOM), Central Command (CENTCOM), and Pacific Command (PACOM)—and worries that security in Africa was receiving less attention than it required based on the increasing presence of Islamist extremists and terrorists there.

Since its creation, AFRICOM has been involved in a number of operations in Africa, with a focus on training African forces and engaging in counterterrorism activities in the Horn of Africa. Unlike many of the other geographical combatant commands, AFRICOM was developed to maintain a light footprint. It maintains a single base on the entire continent, in Djibouti. In the spring of 2011, AFRICOM directed U.S. support to the NATO military operations in Libya, and in October 2011, it established a joint task force to command and control post-conflict U.S. operations related to Libya. Since DOD assumes responsibility for evacuation of diplomatic personnel, U.S. citizens, and designated host nation and third country nationals in crises, AFRICOM was responsible for working with Department of State officials in Libya to develop and coordinate Noncombatant Evacuation Operations (NEO) plans for the diplomatic facilities within the region. But the Department of State did not know how long it would take DOD to evacuate personnel at the Benghazi facility in the case of a crisis, naturally making it more difficult for the Department of State to ensure it had adequate security at the facility.

In addition, General Ham did not have complete visibility of the extent and number of government personnel in Benghazi in the event that a NEO was required. If sufficient time had been available for such an evacuation, we are concerned that this limitation could have impeded AFRICOM's ability to respond and fulfill its mission responsibility.

AFRICOM's lack of operational assets near Benghazi hindered its capacity to evacuate U.S. personnel during the attacks. The Djibouti base was several thousand miles away. There was no Marine expeditionary

unit, carrier group or a smaller group of U.S. ships closely located in the Mediterranean Sea that could have provided aerial or ground support or helped evacuate personnel from Benghazi. AFRICOM also lacked a dedicated Commander's In-extremis Force (CIF)—a specially trained force capable of performing no-notice missions. As a result, General Ham was forced to call on the European Command's CIF whose location in Eastern Europe prevented it from getting to Benghazi before the four Americans were killed and all other U.S. personnel were evacuated. We note that AFRICOM later received an independent CIF in October, 2012. DOD and AFRICOM tried to provide effective support on September 11th, but given the nature of the attack in Benghazi and the distance of their assets from Benghazi, they were tragically unable to do so.

Recommendation: DOD and the Department of State must jointly perform comprehensive crisis defense and evacuation planning for personnel at U.S. diplomatic facilities worldwide, particularly in high risk environments to determine whether DOD can provide timely support and evacuation capabilities, and assist the Department of State in deciding whether to keep facilities open.

Recommendation: Because Africa has increasingly become a haven for terrorist groups in places like Libya and Mali, DOD should provide more assets and personnel within range on land and sea to protect and defend both Americans and our allies on the African continent.

Finding 9. Although the September 11, 2012 attack in Benghazi was recognized as a terrorist attack by the Intelligence Community and personnel at the Department of State from the beginning, Administration officials were inconsistent in stating publicly that the deaths in Benghazi were the result of a terrorist attack.

One of the key lessons of this Committee's six-year focus on the threat of violent Islamist extremism is that, in order to understand and counter the threat we face, we must clearly identify that threat. During the Committee's investigation into the Fort Hood massacre, for example, we found systemic problems with the way the military addressed violent Islamist extremism in its policies and procedures (treating this specific threat within the broader context of "workplace violence"). Similarly, while we welcomed the Administration's release last year of a national strategy and implementation plan for countering radicalization domestically, we expressed our disappointment in the Administration's continued refusal to identify violent Islamist extremism as our enemy. The enemy is not a vague catchall of violent extremism, but a specific violent Islamist extremism. It is unfair to the vast majority of law-abiding Muslims not to distinguish between their peaceful religion and a twisted corruption of that religion used to justify violence.

There are related lessons to be learned from the Administration's public comments about Benghazi, which we believe contributed to the confusion in the public discourse after the attack about exactly what happened.

The NCTC and U.S. law define terrorism as the "premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents." Senior officials from the IC, the Department of State, and the FBI who participated in briefings and interviews with the Committee said they believed the attack on the mission facility in Benghazi to be a ter-

rorist attack immediately or almost immediately after it occurred. The ODN's spokesman also has publicly said, "The intelligence community assessed from the very beginning that what happened in Benghazi was a terrorist attack."

In short, regardless of questions about whether there had been a demonstration or protest outside the Temporary Mission Facility in advance of the attack, the extent to which the attacks were preplanned, or the role of an anti-Islamic video which had sparked protests at the U.S. embassy in Cairo and elsewhere earlier on September 11th, there was never any doubt among key officials, including officials in the IC and the Department of State, that the attack in Benghazi was an act of terrorism.

For example, two emails from the State Department Diplomatic Security Operations Center on the day of the attack, September 11, and the day after, September 12, 2012, characterized the attack as an "initial terrorism incident" and as a "terrorist event." Agencies and offices responsible for terrorism, including the National Counterterrorism Center (NCTC), the CIA's Office of Terrorism Analysis, and the FBI's Counterterrorism Division, were immediately involved with gathering information about the attack. Indeed, how could there have been any doubt in anyone's mind that, when a large number of armed men break into a U.S. diplomatic facility, set fire to its buildings, and fire mortars at Americans, that it is by definition a terrorist attack?

However, the IC's assessment was not reflected consistently in the public statements made by Administration officials, several of whom cited the ongoing investigation, in the week following the attack:

On September 12th, Secretary of State Hillary Clinton attributed the attack to "heavily armed militants" who assaulted the compound . . . Her suspicion was that the people involved in this "were looking to target Americans from the start." She also noted that we "continue to apply pressure on Al Qaeda and other elements that are affiliated . . ."

Also that September 12th President Obama, referring to the anti-Islamic video, said "we reject all efforts to denigrate the religious beliefs of others. But there is absolutely no justification to this type of senseless violence . . ." He went on to add, "Of course, yesterday was already a painful day for our nation as we marked the solemn memory of the 9/11 attacks," and that "No acts of terror will ever shake the resolve of this great nation, alter that character, or eclipse the light of the values that we stand for."

However, that same day, the President had the following exchanges with Steve Kroft in a taping for the CBS news program *60 Minutes*:

Mr. Kroft: Do you believe that this was a terrorist attack?

The President: Well, it's too early to know exactly how this came about, what group was involved, but obviously it was an attack on Americans and we are going to be working with the Libyan government to make sure that we bring these folks to justice one way or the other . . .

Mr. Kroft: That doesn't sound like your normal demonstration.

The President: As I said, we're still investigating exactly what happened, I don't want to jump the gun on this. But—you're right that this is not a situation that was—exactly the same as what happened in Egypt. And—my suspicion is—is that there are folks involved in this who were looking to target

Americans from the start. So we're gonna—make sure that our first priority is to get our folks out safe, make sure that our embassies are secured around the world. And then we are gonna go after—those folks who carried this out . . .

This is also obviously a reminder that for all the progress that we've made in fighting terrorism, that we're living in a volatile world. And, you know, our troops, but also our diplomats and our intelligence officers they're putting their lives on the line every single day in some very dangerous circumstances . . .

But I think we also have to understand that, we have to remain vigilant. And that even as we—continue to apply pressure on Al Qaeda and—other elements that are affiliated—that in big chunks of the world, in Northern Africa and the Middle East, you've got—a lot of dangerous characters. And we've got to make sure that we're continuing to apply pressure on them . . .

Two days later, during a September 14, 2012, White House press briefing, Press Secretary Jay Carney was asked to respond to senators' characterizations of the incident as a terrorist attack following a briefing by Secretary Panetta and others:

[Unidentified Reporter]: Jay, one last question—while we were sitting here—Secretary Panetta and the Vice Chair of the Joint Chiefs briefed the Senate Armed Services Committee. And the senators came out and said their indication was that this, or the attack on Benghazi was a terrorist attack organized and carried out by terrorists, that it was premeditated, a calculated act of terror. Levin said—Senator Levin—I think it was a planned, premeditated attack. The kind of equipment that they had used was evidence it was a planned, premeditated attack. Is there anything more you can—now that the administration is briefing senators on this, is there anything more you can tell us?

Mr. Carney: Well, I think we wait to hear from administration officials. Again, it's actively under investigation, both the Benghazi attack and incidents elsewhere. And my point was that we don't have and did not have concrete evidence to suggest that this was not in reaction to the film. But we're obviously investigating the matter, and I'll certainly—I'm sure both the Department of Defense and the White House and other places will have more to say about that as more information becomes available.

Then, on September 16th, during one of several similar appearances on the Sunday news programs, Ambassador Susan Rice had the following exchange with David Gregory of *NBC's Meet the Press*:

Gregory: Can you say definitively that the attacks on—on our consulate in Libya that killed Ambassador Stevens and others there security personnel, that was spontaneous, was it a planned attack? Was there a terrorist element to it?

Ms. Rice: Well, let us—let me tell you the—the best information we have at present. First of all, there's an FBI investigation which is ongoing. And we look to that investigation to give us the definitive word as to what transpired. But putting together the best information that we have available to us today our current assessment is that what happened in Benghazi was in fact initially a spontaneous reaction to what had just transpired hours before in Cairo, almost a copycat of—of the demonstrations against our facility in Cairo, which were prompted, of course, by the video. What we think then transpired in Benghazi is that opportunistic extremist elements came to the

consulate as this was unfolding. They came with heavy weapons which unfortunately are readily available in post revolutionary Libya. And it escalated into a much more violent episode. Obviously, that's—that's our best judgment now. We'll await the results of the investigation . . .

On September 18th, President Obama said on the Late Show with David Letterman that “extremists and terrorists used this (referring again to the anti-Islamist video) as an excuse to attack a variety of our embassies, including the consulate in Libya.”

A definitive response to the question of whether Benghazi was a terrorist attack was given by NCTC Director Matthew Olsen during a hearing before this Committee on September 19, 2012. Olsen was asked by the Chairman whether he “would say that Ambassador Stevens and the three other Americans died as a result of a terrorist attack.” Director Olsen responded that, “[c]ertainly, on that particular question, I would say yes. They were killed in the course of a terrorist attack” on our diplomatic mission in Benghazi.

After Olsen's September 19th appearance before the Committee, other Administration officials stated with more certainty that Benghazi was a terrorist attack. For example:

On September 19th, referring to Matthew Olsen's statements that Benghazi was a terrorist attack, Victoria Nuland stated “We stand by comments made by our intelligence community who has first responsibility for evaluating the intelligence and what they believe we are seeing.”

On September 20th, Jay Carney said, “It is, I think, self-evident that what happened in Benghazi was a terrorist attack. Our embassy was attacked violently, and the result was four deaths of American officials. So again, that's self evident . . .”

On September 21st, Secretary Clinton said, “What happened in Benghazi was a terrorist attack, and we will not rest until we have tracked down and brought to justice the terrorist who murdered four Americans.”

On September 24th, however, when one of the co-hosts of the television program *The View* asked the President to clarify what she perceived to be discrepancies in the public record regarding the Administration's position about whether Benghazi attack was an act of terrorism, the President's answer was not as definitive:

Joy Behar: It was reported that people just went crazy and wild because of this anti-Muslim movie, or anti-Muhammad, I guess, movie. But then I heard Hillary Clinton say that it was an act of terrorism. Is it? What do you say?

The President: Well, we're still doing an investigation. There's no doubt that the kind of weapons that were used, the ongoing assault, that it wasn't just a mob action. Now, we don't have all the information yet, so we're still gathering it. But what's clear is that around the world, there's still a lot of threats out there. And that's why we have to maintain the strongest military in the world. That's why we can't let down our guard when it comes to the intelligence work that we do, and staying on top of not just al Qaeda—the traditional al Qaeda in Pakistan and Afghanistan—but all these various fringe groups that have started to develop . . .

Director Olsen's statement on September 19, 2012 before this Committee was also significant because he mentioned ties to al Qaeda. He said:

At this point, what I would say is that a number of different elements appear to have

been involved in the attack, including individuals connected to militant groups that are prevalent in eastern Libya, particularly in the Benghazi area. As well, we are looking at indications that individuals involved in the attack may have had connections to al Qaeda or al Qaeda's affiliates, in particular al Qaeda in Islamic Maghreb.

Olsen's acknowledgement was important because, in talking points that were prepared the previous week by the IC for Congress, a line saying “we know” that individuals associated with al Qaeda or its affiliates participated in the attacks had been changed to say: “There are *indications* that *extremists* participated,” dropping the reference to al Qaeda and its affiliates altogether. Members of the IC differed over whether or not this information should remain classified. It is nevertheless noteworthy that the analyst who drafted the original talking points—a veteran career analyst in the intelligence community believed it was appropriate to include a reference to al Qaeda in the unclassified talking points. The senior analyst concluded that the information could be made public because of the claims of responsibility made by Ansar al-Sharia, which has been publicly linked to al Qaeda.

In addition to the change deleting al Qaeda, a reference to “attacks” in Benghazi was changed to “demonstrations.” Director of National Intelligence (DNI) James Clapper and representatives from the CIA, the State Department, NCTC and the FBI told this Committee that the changes characterizing the attacks as “demonstrations” and removing references to al-Qaeda or its affiliates were made within the CIA and the IC, while the change from “we know” to “indications” was made in response to an FBI request. They also testified that no changes were made for political reasons, that there was no attempt to mislead the American people about what happened in Benghazi, and that the only change made by the White House was to change a reference of “consulate” to “mission.”

To provide a full account of the changes made to the talking points, by whom they were made and why, DNI Clapper offered to provide the Committee with a detailed timeline regarding the development of the talking points. At the time of writing this report, despite repeated requests, the Committee had yet to receive this timeline. According to a senior IC official, the timeline has not been delivered as promised because the Administration has spent weeks debating internally whether or not it should turn over information considered “deliberative” to the Congress. The September 28, 2012 public statement from the ODNI confirmed the IC's judgment “that some of those involved were linked to groups affiliated with, or sympathetic to al Qaeda.”

We anticipate that the ongoing investigation into these attacks by the FBI will provide important new details about exactly which violent Islamist extremists carried out the attack, the extent to which it was planned, and their precise motivations. But as everyone now acknowledges, there is no doubt that Benghazi was indeed a deliberate and organized terrorist attack on our nation. If the fact that Benghazi was indeed a terrorist attack had been made clear from the outset by all Administration and Executive Branch spokespeople, there would have been much less confusion and division in the public response to what happened there on September 11, 2012.

Much of the public discussion about the Benghazi attack has focused on whether a

protest took place in Benghazi prior to the attack. While the IC worked feverishly in the days after the attack to identify the perpetrators of the attack, they did not place a high priority on determining with certainty whether a protest had in fact occurred. The IC's preliminary conclusion was that there had been a protest outside of the mission prior to the attack, making this assessment based on open source news reports and on other information available to intelligence agencies. The IC later revised its assessment and the Accountability Review Board has since "concluded that no protest took place before the Special Mission and Annex attacks."

The unnecessary confusion in public statements about what happened that night with regards to an alleged protest should have ended much earlier than it did. Key evidence suggesting the absence of a protest was not widely shared as early as it could have been, creating or contributing to confusion over whether this was a peaceful protest that evolved into something more violent or a terrorist attack by an opportunistic enemy looking for the most advantageous moments to strike.

As early as September 15th, the Annex team that had been in Benghazi during the attack reported there had been no protest. This information was apparently not shared broadly, and to the extent that it was shared, it apparently did not outweigh the evidence described above that there was a protest. The next day, the President of Libya's General National Congress, Mohamed Yousef el-Magariaf, also stated on the CBS News show *Face the Nation* that the attack was planned and involved Al Qaeda elements.

On September 15th and 16th, officials from the FBI conducted face-to-face interviews in Germany of the U.S. personnel who had been on the compound in Benghazi during the attack. The U.S. personnel who were interviewed saw no indications that there had been a protest prior to the attack. Information from those interviews was shared on a secure video teleconference on the afternoon of the 16th with FBI and other IC officials in Washington; it is unclear whether the question of whether a protest took place was discussed during this video conference.

Information from those interviews was written into FBI FD-302 interrogation reports and sent back to the FBI headquarters. Nearly a week later, on or around September 22nd, key information from those interrogation reports was disseminated by the FBI in Intelligence Information Reports (IIRs) to other agencies within the IC. By that date, however, the IC had already received conclusive proof via other means that there had been no protest prior to the attack, in the form of video evidence from the facility's CCTV cameras.

We also found documentation that one DS agent apparently concluded there had been no protest as early as September 18th. On that date, a State Department DS agent who had seen national press reporting about the attacks asked an agent at the DS Command Center in an email, "Was there any rioting in Benghazi reported prior to the attack?" The reply from the Command Center agent: "Zip, nothing, nada."

**Recommendation:** When terrorists attack our country, either at home or abroad, Administration officials should speak clearly and consistently about what has happened. While specific details and a full accounting cannot be provided until the government has completed its investigation, the fact that a

terrorist attack occurred must be communicated with clarity.

**Finding 10.** As discussed earlier, the talking points about the September 11th attack in Benghazi which were issued by the Intelligence Community on September 14th in response to a request by the House Permanent Select Committee on Intelligence, were the subject of much of the confusion and division in the discussion of the attack. That confusion and division were intensified by the fact that the talking points were issued before the IC had a high degree of confidence about what happened in Benghazi and in the midst of a national political campaign.

**Recommendation:** While the Intelligence Community's primary mission is to inform the appropriate officials of the executive and legislative branches of our government about events that affect our security, it is not the responsibility of the IC to draft talking points for public consumption—especially in the heat of a political campaign—and we therefore recommend that the IC decline to do so in the future.

#### CONCLUSION

The deaths of Ambassador Stevens and three other Americans at the hands of terrorists is a tragic reminder that the fight our country is engaged in with Islamist extremists and terrorists is not over. U.S. and Western diplomats, and other personnel operating in the Middle East and other countries where these terrorists use violence to further their extremist agenda and thwart democratic reforms are increasingly at risk.

We hope this report will help contribute to the ongoing discussion that our nation must have about how best to protect the brave men and women who serve our country abroad and how to win this war that will continue for years to come. We owe it to our public servants abroad to protect them as they work to protect us. The government of the U.S. failed tragically to fulfill that responsibility in Benghazi on September 11, 2012. We hope the findings and recommendations we have made in this Special Report will help ensure that such a failure never happens again.

#### ENDNOTES

1. The details of this narrative are based on briefings to the Committee in November 2012, as well as publicly available documents describing the narrative provided by the Department of State and the Department of Defense.

2. Charlene Lamb and Eric Nordstrom, interviews with Committee staff, December 2012.

3. U.S. Embassy Tripoli, Libya, Regional Security Office, "Security Incidents since June 2011."

4. Committee Member briefing, November 14, 2012.

5. REDACTED, e-mail message to DS-IP-NEA, April 6, 2012.

6. U.S. Embassy Tripoli, Libya, Regional Security Office, "Security Incidents since June 2011."

7. Ibid.

8. Ibid.

9. REDACTED, e-mail message to DS-IP-NEA; DSCC E TIA/PII; DSCC E TIA/ITA; DSCC C DS Seniors, "Benghazi—SR—Attack on British Ambassador Motorcade—06112012," June 11, 2012.

10. Hadeel Al-Shalchi, "Gunmen attack Tunisian consulate in Benghazi," *Reuters*, June 18, 2012. <http://www.reuters.com/article/2012/06/18/us-libya-gunmen-tunisia-idUSBRE85H1V620120618>; Michel Cousins, "Tunisian Consulate in Benghazi attacked,"

*Libya Herald*, June 18, 2012. <http://www.libyaherald.com/2012/06/18/tunisian-consulate-in-benghazi-attacked/>

11. Navanti Group, *Security Conditions in Benghazi*, Libya, July 12, 2012.

12. However, as discussed later in this report, reliance solely on early warning intelligence is insufficient for making security improvement decisions.

13. *Homeland Threats and Agency Responses: Hearing before the Homeland Security and Governmental Affairs Committee, United States Senate, 112th Cong., September 19, 2012.* (Statement of Matthew Olsen, Director, NCTC).

14. Eli Lake, "Ansar al Sharia's Role in Benghazi Attacks still a Mystery," *The Daily Beast*, November 5, 2012. <http://www.thedailybeast.com/articles/2012/11/05/ansar-al-sharia-s-role-in-benghazi-attacks-still-a-mystery.html>

15. Ibid.

16. For a general discussion of this phenomenon: Robert F. Worth, "Al Qaeda-Inspired Groups, Minus Goal of Striking U.S.," *The New York Times*, October 27, 2012. <http://www.nytimes.com/2012/10/28/world/middleeast/al-qaeda-inspired-groups-minus-goal-of-striking-us.html>

17. Federal Research Division, Library of Congress, *Al-Qaeda in Libya: A Profile*, August 2012. See, e.g., the discussion of two local Libyan Islamist-oriented militias—Ansar al-Sharia and al-A'hrar Libya—which are described as broadcasting "typical al-Qaeda-type propaganda on the Internet." (33), <http://freebeacon.com/wp-content/uploads/2012/10/LOC-AQ-Libya.pdf>

18. As discussed further, *infra*, the State Department and the IC must also think beyond "warning" intelligence of specific attacks when making security decisions. This is one of the key lessons of the Accountability Review Board (ARB) Reports on the 1998 terrorist attacks on the U.S. embassies in Kenya and Tanzania.

19. *Inman Report, Report of the Secretary of State's Advisory Panel on Overseas Security*, (June 1985). <http://www.fas.org/irp/threat/inman/>.

20. Charlene Lamb, interview with Committee staff, December 6, 2012.

21. See *Finzer v. Barry*, 798 F.2d 1450, 1455 (D.C. Cir. 1986) (Bork, J.), (*citing* 2 C. Hyde, *International Law* 1249 (1945)) ("The principle that host states have a special responsibility to ensure that foreign embassies and the personnel inside them are free from threats of violence and intimidation is 'solidly entrenched in the Law of Nations.'")

22. Vienna Convention on Consular Relations, (Adopted April 24, 1963, entered into force, March 19, 1967) Art. 31; see also The 1961 Vienna Convention on Diplomatic Relations, Art. 22 (Adopted April 18, 1961, entered into force, April 29, 1964).

23. Vienna Convention on Consular Relations, (Adopted April 24, 1963, entered into force, March 19, 1967) Art. 40.

24. Christopher M. Blanchard, Congressional Research Service, *Libya: Transition and U.S. Policy*, October 18, 2012 (16).

25. Adam Nossiter and Kareem Fahim, "Revolution Won, Top Libyan Official Promises Elections and a More Pious State," *New York Times*, October 24, 2011, A10.

26. Ibid.

27. Blanchard (17).

28. Blanchard (6).

29. See, for example, REDACTED, e-mail message to REDACTED, January 4, 2012; or REDACTED, e-mail message to REDACTED, April 1, 2012.

30. "Security Incidents since June 2011," U.S. Embassy Tripoli, Libya, Regional Security Office and REDACTED, email to DS-IP-



NEA, "Benghazi RSO Spot Report," March 15, 2012.

31. Eric Nordstrom, interview with Committee staff, December 7, 2012. The State Department did provide some training to members of the Brigade.

32. See, for example, REDACTED, e-mail message to REDACTED, January 4, 2012; or REDACTED, e-mail message to REDACTED, April 1, 2012. See also, REDACTED, email to REDACTED, June 17, 2012.

33. REDACTED, e-mail message to REDACTED, June 17, 2012.

34. REDACTED, e-mail message to REDACTED, "Benghazi Hand-off Notes," August 29, 2012.

35. REDACTED, e-mail message to Charlene Lamb, "Ambassador's protective detail in Benghazi," September 20, 2012.

36. *The Security Failures of Benghazi: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012.* (Eric Allan Nordstrom, Regional Security Officer, Tripoli, Libya from 9/21/11–7/26/12).

37. RSO Eric Nordstrom, Memorandum to DS/DSS/TIA/OSAC, "OSAC Crime and Safety Report," February 1, 2012.

38. Ibid.

39. REDACTED, e-mail message to REDACTED, "The Guns of August: security in eastern Libya," August 8, 2012.

40. Ibid.

41. REDACTED, e-mail message to REDACTED, "Benghazi Weekly Report, Special Eid al-Fitr Edition," August 20, 2012.

42. Under an ordered departure, all U.S. diplomatic personnel and their families are instructed by the Chief of Mission to leave the post.

43. *Benghazi Assessment of Tripwires Breached as of August 13, 2012.*

44. REDACTED, e-mail message to REDACTED, "Benghazi Weekly Report," September 11, 2012, (1).

45. REDACTED, e-mail message to Charlene Lamb, "Ambassador's protective detail in Benghazi," September 20, 2012.

46. State Department, Office of Inspector General, *Review of Best-Value Contracting for the Department of State Local Guard Program and the Utility of Expanding the Policy Beyond High-Threat Posts in Iraq, Afghanistan, and Pakistan*, February, 2012 (9).

47. Ibid. (5).

48. Alex Tiersky and Susan Epstein, Congressional Research Service, *Securing U.S. Diplomatic Facilities and Personnel Abroad: Background and Policy Issues*, November 26, 2012, (3).

49. REDACTED, e-mail message to DS-IP-NEA and REDACTED, September 13, 2012.

50. NEA—Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011, (2).

51. *The Security Failures of Benghazi: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012.* (Eric Allan Nordstrom, Regional Security Officer, Tripoli, Libya from 9/21/11–7/26/12).

52. Diplomatic Security Issues Only Briefing paper for March 6, 2012 meeting of Assistant Secretary Boswell and Ambassador Cretz.

53. Eric Nordstrom, interview with Committee staff, December 7, 2012.

54. Ibid.

55. NEA—Jeffrey Feltman, Action Memo to Under Secretary Kennedy, December 27, 2011, (2).

56. REDACTED, e-mail message to DS-IP-NEA and REDACTED, September 13, 2012.

57. Charlene Lamb and Eric Nordstrom, interviews with Committee staff, December 2012.

58. Charlene Lamb, interview with Committee staff, December 6, 2012.

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60. Attack on U.S. Consulate General in Jeddah, James C. Oberwetter, U.S. Ambassador to Saudi Arabia, On-the-Record Briefing, Jeddah, Saudi Arabia, December 7, 2004 <http://2001-2009.state.gov/p/nea/rls/rm/39516.htm>

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68. REDACTED, e-mail message to REDACTED, October 1, 2012.

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71. Charlene Lamb, interview with Committee staff, December 6, 2012.

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73. *The Security Failures of Benghazi: Hearing before the Committee on Oversight and Government Reform, U.S. Congress, 112th Cong., October 10, 2012.* (Eric Allan Nordstrom, Regional Security Officer from September 21–July 26, 2012).

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106. President Obama, interview by Joy Behar, *The View*, September 24, 2012. <http://www.youtube.com/watch?v=Hdn1iX1a528>

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108. Committee member briefing, November 29, 2012.

109. Committee member briefing, November 29, 2012.

110. Sources: Office of the DNI cut "al Qaeda" reference from Benghazi talking points, and CIA, FBI signed off, CBS News, November 20, 2010

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113. Accountability Review Board, Department of State, December 19, 2012, 4.

114. Acting Director Michael Morell, briefing Senator Collins, November 28, 2012.

115. Committee member briefing, November 29, 2012.

116. *Ibid.*

117. REDACTED, e-mail message on September 18, 2012.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am pleased to join the chairman of the Homeland Security Committee, Senator JOE LIEBERMAN, in submitting for the CONGRESSIONAL RECORD our investigative report on the terrorist attack against the U.S. mission in Benghazi, Libya, that claimed the lives of four Americans who were serving our country. This report is indeed the last initiative the chairman and I will produce together. It is the final work product of

10 years of cooperation and collaboration and was authored in the same bipartisan spirit as our investigations into the attack at Fort Hood and into the Government's response to Hurricane Katrina, among many others.

I will so miss working with Chairman LIEBERMAN. He is an extraordinary Senator who has contributed so much during his years in the Senate and as a leader of our committee. Sadly, our last official act together was prompted by the terrorist attack in Benghazi on September 11 of this year that took the lives of our Ambassador and three other brave Americans. Our findings and recommendations are based on the extensive investigative work the committee has conducted since shortly after the attack of September 11, 2012, including meetings with senior and midlevel government officials; reviews of literally thousands of pages of documents, both classified and unclassified, provided by the Department of State, the Department of Defense, and the intelligence community; a review of written responses to questions posed by our committee to numerous agencies; our consultations with security experts and former officials; and our review of publicly available documents.

Our investigation found that the terrorists essentially walked right into the Benghazi compound, unimpeded, and set it ablaze due to extremely poor security in a threat environment that was indeed "flashing red," in the words of a high-ranking State Department official.

As we all recognize, the ultimate responsibility for this atrocity lies with the terrorists who attacked our diplomats. Nevertheless, there are several lessons we must learn from this tragedy if we are to make our diplomats safer in the future. It is in that spirit that we are putting our unclassified report into the RECORD so that we can share it with our colleagues and with the American people. We will have more to say about our specific findings and recommendations when we release the report tomorrow.

In the months leading up to the attack, it was well known in Washington that Benghazi was increasingly dangerous and at risk for a significant attack.

Our mission facility in Benghazi was itself the target of two prior attacks involving improvised explosive devices, including an April attack in which one current and one former contract guard at the facility were suspects, and a June attack that blew a hole in the perimeter wall.

There were also multiple attacks on other western targets, including a June attack in which a rocket propelled grenade was fired at the convoy of the British ambassador to Libya, injuring two British bodyguards. Yet, the State Department failed to take adequate steps to reduce the facility's vulner-

ability to a terrorist attack of this kind.

While the Department and the Intelligence Community lacked specific intelligence about this attack, the State Department should not have waited for—or expected—specific warnings before increasing its security in Benghazi, a city awash with weapons and violent extremists.

Our report also underscores the need for the Intelligence Community to enhance its focus on violent Islamist extremist groups in the region to improve the likelihood of obtaining such intelligence.

The lesson about over-dependence on such intelligence, however, is not new. The independent Accountability Review Board reports following the 1998 attacks on our embassies in Africa found that "both the intelligence and policy communities relied excessively on tactical intelligence to determine the level of potential terrorist threats to posts worldwide," yet prior security reviews and "previous experience indicate[d] that terrorist attacks are often not preceded by warning intelligence." The State Department must finally take this lesson to heart.

The State Department failed to implement adequate security measures to account for the fact that there was no reasonable expectation that the host government—Libya—would protect our diplomats. There was an overreliance on the rule of international law when Benghazi was operating under the rule of militias outside the effective control of the central Libyan government.

The unreliability and conflicting loyalties of the Libyan militia and the unarmed Blue Mountain guards hired to protect the facility are deeply troubling, especially since this problem was recognized long before the attack. Despite evidence that they were not dependable, American personnel were forced to rely upon them far too much. For example, in August, State Department personnel in Benghazi stated that "[m]ission opinion is that Libyan security forces are indifferent to the safety needs of the U.S. mission." This proved all too true.

When a host nation cannot adequately protect our diplomats, the State Department must provide additional security measures of its own, urgently press the host government to upgrade its security forces, or remove U.S. personnel until appropriate steps can be taken to provide adequate security. It is telling that the British government removed its personnel from Benghazi after the attack on its ambassador.

Too often, the State Department failed to sufficiently respond to—or even ignored—repeated requests from those on the ground in Benghazi for security resources, especially for more personnel.

Ironically, the challenges facing the security personnel in Benghazi were

well summarized in a March 2012 write-up from the top U.S. security officer in Benghazi as he sought to recognize his security agents with a meritorious honor award. The official justified the award based upon the fact that, "Agent ingenuity took over where funding and Department restrictions left off."

The temporary and junior security personnel in Benghazi pleaded for more help from Washington and Tripoli, but they were forced to make do on their own.

The Department must also reassess its local guard programs, particularly the use at high-risk posts of local guard contractors who do not meet standards necessary for the protection of our personnel or facilities.

I have previously noted the parallels and repeated mistakes identified in the report on the 1998 bombings of our embassies in Kenya and Tanzania, and we include several of these in our report. One of the recurring lessons is that the President and Congress must work together to ensure that we appropriately fund security for the State Department.

We have seen finger pointing about the lack of resources for embassy security, but the budget is a shared responsibility. The inadequate security in Benghazi was a product of both budgets approved by Congress and of the desire of the administration for a light footprint.

Overall, appropriations for the Department of State's security have increased by 27 percent since 2007 and Congress has generally been responsive in providing supplemental and Overseas Contingency Operations—OCO—funds to the Department of State. But, there was no supplemental or OCO request made by the President for additional embassy security enhancements in the last three years.

The administration must reevaluate its budget priorities, and since the Benghazi attack, Secretary Clinton is undertaking such a review. She has asked to reprogram \$1.4 billion of the FY13 budget request to jump start this effort.

The lack of resources is just one of a number of factors we identified in our report that contributed to a perfect storm on the night of September 11.

Our report also calls for the State Department to work more closely with the Department of Defense and the intelligence community to improve the security of our diplomats in high-threat areas when our national interests require their presence. When a host nation cannot protect our personnel, the Department of State must work more effectively with the Department of Defense to assign and deploy military assets, such as Marine Security Guards, and plan for contingencies in the event of an attack.

One of our findings is that, while the Defense Department attempted to mo-

bilize its resources quickly, it had neither the personnel nor other assets close enough to reach Benghazi in a timely fashion. Indeed, as we learned, the Combatant Commander of U.S. Africa Command did not have complete visibility regarding the number of U.S. government personnel in Benghazi who would require evacuation in the event of an attack.

Our diplomats are increasingly being called on to serve in dangerous posts, in countries where emerging democracies lack the ability to protect U.S. personnel and where terrorists and extremist factions harbor antipathy toward the West. The U.S. cannot afford to retreat entirely from dangerous places where our country's interests are at stake, nor is it possible or smart to transform every diplomatic post into a fortress.

The absence of reasonable time-tested security measures is, however, unacceptable in such high-risk countries. When a host nation cannot adequately protect our diplomats or if the State Department and other U.S. agencies cannot work together to provide appropriate security, we cannot ignore the option of temporarily removing U.S. personnel until appropriate steps can be taken to provide adequate security.

Finally, our report concludes that the attack in Benghazi was recognized as a terrorist attack by the intelligence community from the beginning.

Nonetheless, administration officials were inconsistent in stating publicly that the deaths in Benghazi were the result of a terrorist attack. If the fact that Benghazi was indeed a terrorist attack had been made clear from the outset by the administration, there would have been much less confusion about what happened in Benghazi that terrible night. The attack clearly was not a peaceful protest in response to a hateful anti-Muslim video that evolved into a violent incident. It was a terrorist attack by an opportunistic enemy.

This, too, is not a new lesson. One of the key lessons of this Committee's 6-year focus on the threat of violent Islamist extremism is that, in order to understand and counter the threat we face, we must clearly identify that threat. We have repeatedly expressed our disappointment in the administration's reluctance to identify violent Islamist extremism as our enemy—while making the sharp distinction between the peaceful religion of Islam and a twisted corruption of that religion used to justify violence. The administration's inconsistent statements about whether this was a terrorist attack are symptomatic of this recurring problem. We hope this lesson will finally be heeded.

Ultimately, it is with the goal of enabling continued U.S. engagement around the world to support our own national interests that we offer our

findings and recommendations regarding the terrorist attacks in Benghazi, Libya, on September 11, 2012. The men and women who serve our country in dangerous posts deserve no less.

Mr. President, I thank the chairman for his extraordinary work on this very important project.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. MANCHIN. Mr. President, first, I thank both of my colleagues for their diligent work. They committed themselves to this work, and I appreciate it. They keep us all informed.

(The remarks of Mr. MANCHIN pertaining to the introduction of (S. 3714) are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### INCREASING AMERICAN JOBS THROUGH GREATER EXPORTS TO AFRICA

Mr. DURBIN. Mr. President, I rise with the intention of asking consent for the immediate consideration of passage of S. 2215, the Increasing American Jobs Through Greater Exports to Africa Act that I have introduced in the Senate with Senators BOOZMAN, COONS, CARDIN, and LANDRIEU. It is being sponsored and led in the House of Representatives by Congressman CHRIS SMITH and Congresswoman KAREN BASS.

It is a straightforward and bipartisan bill that tackles a very serious problem by specifically making sure that American companies have the ability to compete in the growing African market. Economists have called this the next frontier, and it is hungry for American goods and services. It is also a market that others are competing for too often at the expense of American businesses, American employees, American products, and American values.

China, in particular, has an aggressive strategy to help its companies invest in Africa, leaving a troubling footprint across the continent of its economic, labor, environmental, and governance values and standards. The loss to American workers and American influence on the continent is enormous and inexcusable. That is why we introduced this bill to make sure a senior administration official brings desperately needed coordination and leadership to the U.S. export strategies in Africa. It also makes sure the various agencies, such as the Department of Commerce, the Export-Import Bank, the Department of State, and others are fully engaged in helping foster U.S. investment in Africa.

For months we have been working with various committees of the House and Senate on this effort. I want to notably thank JOHN KERRY of Massachusetts and Senator DICK LUGAR of Indiana for seeing its unanimous support

through the Foreign Relations Subcommittee was secure—as well as the Banking and Financing Committees for their help in allowing us to go forward.

The bill cleared the hotline on the Democratic side some time ago, and we worked with a number of our Republican colleagues to address many legitimate concerns. So imagine my disappointment at this closing hour when I learned that there is a new Republican hold blocking this bill at the very last minute.

Mr. President, you have been to Africa. You know what we are facing. This is a continent which is emerging in the 21st century in a way that we never imagined. It is surprising to some to learn that when they try to project forward where the economic growth in the world will occur in the next 10 or 20 years, 60 percent of that growth will be in Africa. Many people still view it in a stereotypical context of some backward continent of people with limited resources and limited ability. Nothing could be further from the truth.

Africa is going to emerge in the 21st century. The question is, Will the United States be there as a trading partner sharing not only our goods and services but our values? We ought to take heed to the fact that the Chinese are there, and their role is growing. If we step back and allow the Chinese to master this continent at our expense, we will pay for it for generations. They will literally have ensconced themselves in this economy in so many different ways.

Currently, they are making what they call concessional loans, which means discount loans. If they want to build a stadium in Addis Ababa, Ethiopia, go see the Chinese. If they need to borrow \$100,000 or \$100 million, whatever it happens to be, they will give it to them. They just need to pay them back 70 percent of what they borrowed—only 70 percent. How could the Ethiopians say no?

Then the Chinese say: On one condition; the contractor is going to be from China and at least half of the employees will be Chinese employees, as will the engineering firm, the agricultural firm, and all of the different agencies of the private sector that come in to build this stadium. Then when it is finished, they don't leave. They stick around to bid on the next project. They become an integral part of the economy of that nation at the expense of the United States.

What should we do about it? Nothing? After hearing this story in Ethiopia, I came back and gathered the American agencies that promote exports to Africa. It turned out there were a half dozen of them. They were glad to see one another. They don't get together that often. I asked them what they were doing. They said they each have concerns, and they are doing a little of this and a little of that but no coordination.

How many speeches have we heard about the waste of government and taxpayer dollars because of the fumbling and uncoordinated effort by our government. That is why I introduced this bill to avoid that.

The purpose of this bill is to dramatically increase exports to Africa, to use existing resources at existing agencies to achieve it, and to make sure that at the end of the day we create more jobs in America and more businesses successfully exporting goods and services to that great continent. At the end of the day, the Africans will have quality products, goods, and services, and there will be more jobs in the United States. What is wrong with that equation? Obviously, there is at least one Senator who thinks it is a bad idea, and he has put a hold on this bill after I spent months working to clear it through all of the committees in the hopes that we could have this bipartisan bill.

This is a bill that is supported and sponsored by Republican subcommittee chairman CHRIS SMITH over in the House of Representatives. This is supposed to be what we are about—to come up with a bipartisan effort, an effort that will create jobs in America, coordinate existing agencies, and open new markets for America's goods and services that will benefit every State in the Union. That is what I set out to do.

I am so close to getting it done. One Senator is going to object. It is unfortunate after all of the work we put into this that they would stop this bill. I hope the Senator will reconsider his position. I have an official request that I am going to make at this point.

I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 536, S. 2215; that the committee-reported substitute amendment be withdrawn; the Durbin substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, reserving the right to object, I wish to make just a couple observations and explain why I am going to object.

First, for the record to be clear, it is my understanding this measure—and there is no question the Senator from Illinois has put a great deal of work into this. All his motives are absolutely commendable and legitimate. The measure itself, I believe, has not gone through a markup in the Banking Committee. There are many Members who have serious concerns about this particular bill for which the unanimous consent request is being made.

More broadly, about the Ex-Im Bank—in fact, I would argue this bill

and this unanimous consent request puts a light on one of the concerns many of us have with the Ex-Im Bank in the first place. Let's remember what the Ex-Im Bank is. This is a taxpayer subsidy for large corporations to export products. I am a big fan of trade. I am a big fan of exports. I am not a fan of taxpayers having to subsidize the activity, and some of us, myself very much included, believe it ought to be a very high priority of this and any other administration to work for the mutual end of these taxpayer-subsidized export vehicles all around the world. They exist in other places as well, and that is the excuse that is usually given for why we have to also subsidize our corporations on their exports. I don't think that is a very good argument. I would certainly prefer to see a broad curtailment and eventually the end of this process; whereby, Europeans and Asians and Americans all engage in this flawed policy of subsidizing their respective corporations' export efforts.

Here is what happens with this bill, and this is exactly the kind of thing that happens when the government sets up a political venture to engage in economic activity. It gets politicized. Someone comes along with perfectly good motives and good intentions and decides there is some category of activity that is more important than other categories of activity. In this case, it is a geographical prioritization that the Senator from Illinois wishes to make by requiring a certain amount of business be transacted in Africa. I suspect there are people in this body and in other places who would make similarly persuasive arguments that there are places in Asia that ought to get this special treatment which the Senator from Illinois is recommending, and there are other people who would suggest maybe it shouldn't be a geographically based preference, but it ought to be a product line-based preference or it ought to be driven by the number of American workers who are involved in whatever it is that is being exported.

I can imagine all kinds of export criteria by which political forces could decide that the Ex-Im Bank ought to have special treatment in special categories, all of which simply distorts the normal market activities that would actually optimize exports, economic growth, and job creation.

So despite all the good intentions and the hard work done by the Senator from Illinois, I think this specific policy would be a mistake. More broadly, I think we are not yet on the right path of curtailing the taxpayer obligation for these export subsidies.

For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to clarify a few things. The Parliamentarian referred the bill to the Senate

Foreign Relations Committee. It was reported favorably by that committee. It was referred to the Senate Banking Committee, but I made a point with Senator BOOZMAN, our colleague on the Republican side, of taking this bill to the Banking Committee, which clearly shows this is not an attempt to go around this committee. I have the greatest respect for the Members of the Banking Committee on both sides and we have done our best to work with them.

Secondly, this argument that we have to get out of the business of having government support for business activity is a naive argument. Let me give just a couple numbers to reflect on, when it comes to the future of our chances of American businesses working successfully to export to Africa.

Right now, the Export-Import Bank of the United States has supplied the support of about \$1 trillion in 2011 for all exports to Africa. Some of these are guarantees on loans. Some of them allow for lower interest rates because the guarantees do exist. But let me tell my colleagues what is happening with the Chinese at the same time. While we are putting in \$1 trillion in Africa, the Chinese are putting in \$12 trillion. Who is going to win that competition? When it is all over, who will win that competition? By a margin of 12 to 1 the Chinese will win it. Many of those who say they support business and new jobs for America basically want to abandon the field and walk away from it. They want to let the Chinese take it away: We are going to play free market, that is all; no government involvement. We are just going to have a flatout arms' length transaction with these countries—and we will end up with fewer jobs in America, fewer exports to Africa, fewer businesses working on that continent.

Some people say: Why did you pick Africa? Of all the places, we could have picked Asia or all these different places. When we take a look at the indicators, the African Continent is undergoing a period of rapid growth and middle-class development that most Americans aren't even aware of. In the year 2000, 6.7 percent of the population of Africa had access to the Internet. Talk about the Dark Ages: 6.7 percent, in 2000. By 2009, it had grown from 6.7 percent to 27.1 percent of the population with access to the Internet. Seventy-eight percent of Africa's rural population now has access to clean water. Our images of a backward continent are just plain wrong. Our opportunities are unlimited but not if we ignore the reality. The Chinese are going to outthink us and outwork us and we are going to lose and we will ultimately say: We are pure of heart. We are not going to have our government in this. The Chinese may want to do it. We will just give up the jobs that could have come to America. We will give up

the opportunity for businesses to export to Africa from the United States. What a terrible outcome that is. It truly is shortsighted. It argues for a good economic theory but one that doesn't reflect the reality of the world we live in today.

After all these months of hard work by a bipartisan group of Senators and Congressmen, we come down to one objection. That is how the Senate works. I know it and I respect it. Each Senator has a right to make an objection. I wish to applaud my colleague from Pennsylvania for coming to the floor and saying it in his own words. Many times this is done in secrecy without any disclosure of who is behind a hold or an objection, and I salute the Senator from Pennsylvania for his honesty in coming to the floor, even though we obviously disagree on this important issue.

#### THE FISCAL CLIFF

Mr. DURBIN. Mr. President, it is hard to imagine we are a little over 24 hours away from going over the so-called fiscal cliff, which occurs at midnight on December 31—tomorrow. This cliff is self-imposed. It is a penalty we voted for if we fail to deal with the deficit our Nation faces. Unfortunately, as of this moment, we have not reached an agreement to avoid it. I haven't given up hope. Conversations and negotiations continue all through this day and I am sure into tomorrow, and I hope by the end of tomorrow night we can celebrate the end of this year and the beginning of a new year with good news for the American people.

This is exactly the wrong time for us to go over this cliff. We are in the midst of an economic recovery. We are seeing new job creation. Businesses are seeing new growth. We are seeing the kind of economic indicators we have been waiting for, for years. Going over the cliff is going to bring uncertainty to our markets and, with that uncertainty, a pullback in consumer confidence and a reduction, I am afraid, in business activity and in the creation of new jobs.

There are sensible ways to avoid it. The President has suggested one. In addition to spending cuts, we need to increase revenue to reduce our deficit. The President said let's have the tax rates which applied during the Clinton administration—a time of great economic expansion—apply to those making over \$250,000 a year. That is only 2 percent of the population, but it generates hundreds of billions of dollars in savings over a 10-year period of time. There has been resistance from the other side of the aisle, and we are in active negotiation with the Republicans now as to what we can do to raise revenue to reduce our deficit.

We are also talking about some other elements that trouble me. One of them

is the estate tax. The estate tax is a tax paid by very few Americans. Less than 1 percent of those who die each year pay anything to the Federal Government on their estates because most people don't have an estate large enough to qualify for estate tax liability.

There was a long debate for many years on this issue, and Frank Luntz and some of the Republican advisers masterfully came up with this term the "death tax" and they created this impression among a lot of people that this tax—the estate tax or death tax—would be imposed on virtually everyone. In fact, when I went to O'Hare Airport once to check in curbside, where people can do that, one of the United Airlines attendants took my baggage, saw the name tag on it, and said: Senator, please do something and protect me from the death tax. I wanted to stop and tell this hard-working gentleman he would have to win the lottery to pay the death tax, as he called it. It is reserved for a small number of people in this country who have done very well in life and end up paying a tax ultimately on the increase in value of many of the assets they bought during the course of their life.

Having said that, it has become part of our deficit negotiation. I am troubled by the notion we are somehow going to give a tax break to some 6,000 very fortunate Americans and incur a new expense for our Federal Government of some \$130 billion or \$140 billion in the process. What are we thinking? At a time when we have to try to bring together the resources to reduce our deficit, why would we want to give a new bonus break for the wealthiest people in this country when it comes to the estate tax? That, to me, would be a step backward. I hope we aren't forced into any agreement that includes it, although I stand here knowing full well if there is an ultimate compromise, there will be parts of it I find disgusting and reprehensible which I may have to swallow in the name of finding a compromise that will avoid this fiscal cliff. That is the nature of a political compromise. I hope that one isn't included, but it may be.

In addition, we have to do things that are important for this economy and one of the most important is to make sure we extend unemployment benefits for the long-term unemployed. If we don't act and act quickly, 2 million Americans will lose their unemployment benefits tomorrow—2 million. These people are literally struggling to get by and keep their families together while they look for a job. We should make sure this stimulus—the money for unemployed families—continues, so while they are trying to find a job or, in fact, going through new education and training, they have a helping hand. That is who we are as Americans and we ought to include it in any package that avoids this fiscal cliff.

Beyond that, there is much work that needs to be done beyond the fiscal cliff. This negotiation does not go deeply into deficit reduction, and I think we need to. I was a member of the Simpson-Bowles Commission. I salute my colleague KENT CONRAD of North Dakota, who is retiring in just a few days, for his amazing leadership in bringing us to this moment in this national debate, but we still have much work to do, and I am sorry KENT will not be here to be personally part of it. I have viewed him as an almost irreplaceable resource in this debate. He knows more about our Federal budget and the deficit challenge we face than any Member of Congress, period. All the rest of us have learned so much from him, and we are certainly going to miss him.

We need to continue this effort he started to reduce the deficit. We need to look seriously at our entitlement programs so at the end of the day we meet our obligation to future generations. Social Security is solvent for 20 years. We should make it solvent for 75, and we can do it; if we face it today, we can do it. I think we ought to have a separate commission taking a look at this challenge, reporting back to Congress and entertaining alternatives and substitutes on the floor that are certified to meet the same goal. That is important.

We also know in 12 years Medicare will not have the resources it needs to meet its obligations. Forty or 50 million Americans depend on it, literally, for their life-and-death issues when it comes to health care. We need to work on that immediately to deal with reducing the cost of Medicare while still protecting the integrity and promise of that amazing program that has served us so well for almost 50 years.

We have a challenge ahead of us. First, let's work together on a bipartisan basis to try to avoid this fiscal cliff; if we cannot, let's work as quickly as we can to get back on our feet, on a bipartisan basis, and come up with an agreement that moves our economy forward. Finally, let's deal with deficit reduction and long-term entitlement reform. That is part of our obligation.

I spoke to our Senate Democratic caucus a little earlier today about the terrible problems we face in Illinois, with one of the lowest credit ratings in the Nation, primarily because our pension systems are underfunded. For more than four decades, Republican and Democratic Governors have ignored the challenge, as have many leaders in our general assembly. And now the responsibility falls on this generation of leaders to try to deal with a vexing situation where it would take literally one-third of our State budget to meet the unfunded liabilities of our pension systems.

We cannot let that happen at the Federal level. Whether it is Social Se-

curity or Medicare, we need to make the thoughtful choices, the thoughtful advances in these programs today that protect them for generations to come.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Texas.

#### THE FISCAL CLIFF

Mrs. HUTCHISON. Mr. President, we are here just hours before a looming deadline that is going to affect just about every American in some way, and I do believe both sides of the aisle and both sides of the Rotunda want to come to a conclusion that will keep us from having what looks like a complete meltdown of governing in Washington.

Someone asked the question in one of our conferences: When was the last time Congress was in session and voting between Christmas and New Year's? The answer was, since 1970 there has not been such a session. And it has actually happened only four times in the history of our country, and two of those times were dealing with World War II.

So I think the enormity of the issue is very clear, and that is why we are here. I think we should have done this 6 months ago, a year ago. I think all of us agree we should not be here at this last hour still trying to negotiate a point at which so many Americans are going to be more heavily taxed.

I was pleased to see that the distinguished deputy leader on the Democratic side talked about the three areas we have to address, and deficit reduction is most certainly one of them because we are facing a ceiling of a \$16.4 trillion debt that is getting ready to be exceeded. So, yes, deficit reduction and entitlement reform are two areas we must address.

This country cannot continue to have Social Security and Medicare spiraling toward insolvency. We cannot do it. But it is going to take a bipartisan approach. It is not rocket science to see that we have a Democratic Senate, a Republican House, and a Democratic President, and that is going to be the same starting January 3 of next year for at least 2 more years. So we know what we are dealing with, and I think it affects us right now in the fiscal cliff negotiations because we are not going to do anything unless it is bipartisan. We will not be able to pass anything in the House that does not have significant Republican votes in the Senate, and the Democrats in the Senate are not going to be able to support something that will not require some votes of Democrats in the House.

So we are together—maybe it is like a dysfunctional family, but we do have to work together because without bipartisanship, nothing is going anywhere. Therefore, I think you have to go back to negotiations 101, which is

that someone in a negotiation has to win some and lose some. The other party in a negotiation has to win some and lose some. The President is not going to get everything he wants. The Republicans in the House and Senate are not going to get everything we want, nor are the Democrats in the House and Senate.

So we have areas where we can come together, and I have seen it. All of us were talking in the last couple of hours about how we have talked to our counterparts on the other side of the aisle about what could bring us together, and there are very clear areas where we can come to an agreement.

We are not going to be able to negotiate all parts of what we must do to get our financial house in order. We are not going to be able to do tax reform in a comprehensive way, we are not going to be able to do the fixing of and reforming of our entitlement programs, and we are not going to be able to set all of the spending cuts we are going to have to do going forward right here in the next 36 hours. We cannot do it. That has to be done on a basis of determining after many hearings what our priorities are and what the ceiling on spending should be. We must set a ceiling. Is it 18 or 20 percent of gross domestic product? Is it some amount that goes down each year? That is the question that has to be decided after a lot of discussion next year.

But what we can do is avoid a fiscal calamity by not having the sequestration take place on January 2 at midnight—but make that for a very short term. It cannot be 2 years of a moratorium on sequestration because then we would not get to where we need to be in determining the priorities that will lower the rate of spending in this country. Our problem in this country is a spending problem, and with a \$16.4 trillion debt, more spending is not going to be the answer.

So let's look at a very short-term avoidance of sequestration because we do not want to disrupt our military when they have boots on the ground in harm's way. We would not do that. We would not do it on either side of the aisle. So we need to talk about some short-term sequestration avoidance but not a long-term one because there are things we can cut in the military budget that will not affect the equipment and the pay and the living conditions of our military. We can cut other things. So we have to be able to come to terms with not having sequestration but making it very short term.

I think it is clear the President has wanted to increase taxes on what he considers the wealthy. I disagree with the President on what is wealthy, and I hope we can come to terms. Even the President has said a \$400,000 threshold is something he could accept. Many on the other side of the aisle have said \$500,000 or \$600,000—\$400,000 or \$500,000



or \$600,000 is something they could work with. And if we do some other things, I believe we could come to a consensus—not something that we like because I do not think we ought to raise taxes on anyone, and I have certainly voted that way, but there is some area where we can have a fix that will keep us from having to go over this cliff and hurt so many people in this country.

I think it is so important that we look at the big-ticket items in a comprehensive way, knowing that we are going to have to do that next year. But there are things we can do right now. I do not know 1 person out of 100 here who wants the AMT to take effect and cause people who make \$33,750 to have to pay more taxes. I think we should do away with the AMT completely, but certainly it should not kick in at \$33,750. We need to fix it, and I think everybody here agrees we need to fix it.

The distinguished deputy leader was talking about the death tax. Now, he does not think we should fix the death tax. I certainly do. If we go to a \$1 million exemption and a 55-percent tax, I think that is going to hurt family-owned businesses, it is going to hurt farms and ranches, and it is going to hurt the people who work for those family-owned businesses. Why is that? It is because the value of farms and ranches, which is land, does not have a revenue stream that allows you to pay the tax. So what do you have to do? You have to sell an asset, but you cannot get the full valuation that is put on it. You cannot do it. I have owned a manufacturing company, and I can tell you, you cannot sell the equipment for the value that is put on that piece of equipment. So what happens to a family-owned business? They end up having to sell at pennies on the dollar to pay the tax, and people are put out of work. Is that really what we want?

The exemptions we have now are \$5.1 million and a 35-percent rate. It would go to \$1 million—in 36 or 48 hours—\$1 million and a 55-percent rate. And remember, the death tax is a tax that has already been paid again and again and again. It is a tax on the value of the equipment or the land that has already been taxed with a property tax or a sales tax on the equipment.

So there is a reason to have some accommodation in the death tax so that we will not face more unemployed people who worked for a family-owned business or farm, and if it is not the No. 1 issue of the Farm Bureau of this country, it certainly is in the top two or three because they know—they know—what it is like to have to sell land at a value that is not realistic and pay a tax. And a 55-percent tax is pretty confiscatory.

So I do hope we can come together on a bipartisan basis because if we do not come together on a bipartisan basis, nothing will get done, because we have

the House that is looking to the Senate, which is supposed to be the adult in the room, and they are looking at us to see how the votes turn out, and we need a large majority on both sides of the aisle to send to the House something that has a firm stamp of approval of this body.

We need the President to be a player here as well. I am encouraged that he is now talking to our leaders and hopefully being constructive. And certainly our Vice President, who served in this body for so long, does understand the importance of the one-on-one talks, and he is talking to, I know, our leader and most certainly the Democratic leader as well.

So the hour is getting late, both figuratively and literally. We do not have much time to settle an issue that will affect the economy of this country.

Last but not least, I am sure the President does not want to have a calamity like this happen on his watch. And I do not want, on my watch, as one who is leaving the Senate this year, for this to be the last thing that happens on my watch. I do not think anyone here is going to benefit from a calamity happening in this country's economy—even for a few days—because it just looks as though we cannot govern.

It is time to realize that on a bipartisan basis we can do some things that will not be universally liked. It will not be liked by everyone in this room because we are not going to get everything we think is right. But we can move our country forward. We can help everyone in this country, every taxpayer.

But we are not going to raise taxes to spend more. We should be saying, OK, if there is going to be a threshold that pays more taxes, we should know it is going to bring down the deficit. That is a very important point that we hope will be determined at the end of this road in 36 to 48 hours.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFENSE APPROPRIATIONS

Mr. SCHUMER. Mr. President, I am pleased that on Friday, December 28, the Senate passed H.R. 1. I would like to outline some of the goals that I and many of my colleagues from New York have for this legislation. As you know, the Senate Appropriations Committee under the leadership of the late Chairman Inouye and now Chairman MIKULSKI, has put together a very robust and flexible bill that will help many vic-

tims of our damaged States, from housing to small business to transportation. The depth of the devastation to New York was significant—some estimate nearly \$100 billion in damage.

When I saw whole neighborhoods in my State washed away, it was clear that significant Federal disaster funding was necessary. Although it has been 2 months since Hurricane Sandy ravaged New York, I am pleased the Senate has passed H.R. 1, with more than \$60 billion in Federal funding to aid homeowners, small businesses, hospitals, and New York's critical public infrastructure.

I spent hours with New Yorkers after the storm, and I thank my Senate colleagues for hearing their pleas and ensuring that the Federal Government has stepped up to help them in this terrible time.

I hope that our colleagues in the other body will swiftly pass H.R. 1. New Yorkers have already been waiting too long.

I would like to describe how H.R. 1 will provide Federal relief to the victims of Hurricane Sandy.

Shortly after the storm subsided, some claimed that the FEMA disaster relief fund had enough funds and that a supplemental appropriation could wait. I could not disagree more and fought hard to ensure that the bill we have today was brought to the Senate floor. H.R. 1 includes \$11.5 billion for the disaster relief fund to support disaster response and recovery needs of our local governments and first responders.

H.R. 1 includes \$17 billion for the community development block grant for victims of Hurricane Sandy who have lost their homes or businesses. FEMA will provide repair funding of \$31,900, but for many of the 300,000 New York homeowners with significant damage, the CDBG funds are essential to cover their uninsured losses. These funds can also be used for the critical mitigation projects, such as flood proofing so that these same homeowners will be safe when the next storm comes.

H.R. 1 provides \$5.4 billion in Federal funds to the Army Corps to fortify our New York coastline. From Staten Island to Montauk, the coast of New York is vulnerable to future storms. The following projects were never fully constructed due to a lack of funding and will now be eligible: South Shore of Staten Island; city of Long Beach; Rockaway beach; Coney Island; Fire Island to Montauk Point; Gilgo and Robert Moses beaches; and Asharoken Village.

As was said throughout debate on H.R. 1, disaster funding is also about prevention. It is essential that the Army Corps conduct a comprehensive flood protection study of the New York Harbor region. I hope they will get to work immediately once the bill becomes law.



H.R. 1 will also build a bridge back to profitability for our small businesses. Thousands of small business owners were inundated by Hurricane Sandy endured total destruction or interruption of commerce for days and weeks. Like we have in other storms, the community development block grant funding provided in H.R. 1 should be used for a small business relief program to boost the region's ailing posthurricane economy. I will be watching to make sure that New York small businesses who need assistance receive it.

H.R. 1 will allow for the hardening of New York's Electric Grid. I believe it is critical that drastic rate increases are prevented. The Long Island Power Authority and Con Edison need help elevating substations, installing smart grid sensors, and building stormproof poles. The duration of power outages in New York was one of the worst catastrophes of Hurricane Sandy, and we hope that these funds will mean New Yorkers never have to experience that again.

H.R. 1 also will protect and improve the gasoline infrastructure in New York Harbor. Hurricane Sandy's wrath destroyed unprotected gas terminals and pipelines in New York harbor and gas shortages brought whole communities to their knees. Federal mitigation funding should and must be used to protect our gasoline infrastructure from the next storm by providing backup power and booster systems for facilities like the Buckeye pipeline.

H.R. 1 includes \$10.8 billion for public transportation. New York has one of the largest public transit systems in the country and suffered over \$5 billion in damage from the storm. Experts have said that much of this damage could be prevented in the future with new mitigation techniques H.R. 1 provides to ensure that our transit systems build subway seals, erect flood gates in tunnels, and establish advanced drainage systems.

H.R. 1 also includes \$200 million for the Department of Health and Human Services. I hope that at least \$150 million will be provided to the National Institutes of Health for repair and recovery of New York University's medical research program. The Smilow Research Center is one of NYU's three animal research facilities, and because of Hurricane Sandy, an untold amount of medical discovery and hard work has been lost. According to NYU, an estimated 10 million gallons of water poured into the ground and the basement of the institution, bending 3-inch steel doors in half, washing away walls as well as sandbags, and destroying everything in its wake.

Because of a power outage, the animal labs went dark where the best and brightest researchers search for cures and treatments. The center held specimens critical to NYU scientists' research in heart disease, cancer, and

neurodegeneration. Dr. Francis Collins, the head of the NIH, said this: "The damage is truly appalling. The infrastructure has been essentially obliterated." I appreciate how much assistance the NIH has already provided to NYU's researchers, and I will continue to ensure that NYU can be rebuilt.

H.R. 1 also includes Federal funds through FEMA and through the HHS social services block grant to help New York's hospitals. Hurricane Sandy caused 36 health care facilities to be closed completely, including 4 hospitals, 17 nursing homes, and 4 health clinics. It is essential that FEMA and New York State do everything they can to help our health care facilities get back on their feet.

In the blink of an eye, the Atlantic Ocean turned from our greatest natural resource into a nightmarish monster, but with the Senate passage of H.R. 1, New York is on its way to recovery.

#### TRIBUTES TO DEPARTING SENATORS

RICHARD LUGAR

Ms. MURKOWSKI. Mr. President, I rise today to speak on behalf of my friend and colleague Senator DICK LUGAR, who is retiring from the Senate at the end of this year.

Senator LUGAR has been a good friend to me in the decade we have served together. As the Chamber's most senior Republican he has been a mentor to me, and when I first came to the Senate he was also my Chairman on the Senate Foreign Relations Committee. I have been proud to work with him on a number of foreign policy issues, including those affecting the United States as an Arctic nation like the Law of the Sea Treaty.

We have also worked together on energy issues. Senator LUGAR's Practical Energy Plan is a thoughtful bill to strengthen our energy security. On this bill, as on all other issues throughout his Senate career, Senator LUGAR worked to develop practical solutions to the challenges we face regarding energy.

Senator LUGAR is the longest serving Member of Congress from his home State of Indiana. He graduated first in his class from Shortridge High School in Indianapolis and after attending college, he began his service to our country as an intelligence briefer in the U.S. Navy. He later served as mayor of Indianapolis, on the U.S. Advisory Commission on Intergovernmental Relations, and as President of the National League of Cities before beginning his 36 year Senate career.

He has clearly served the people of Indiana well. Just last month, the Indianapolis Monthly Magazine published "By the Numbers: Richard Lugar's Legacy," which listed many of Senator LUGAR's accomplishments. The article noted that Indianapolis gained 57,000

jobs during Senator LUGAR's tenure as mayor and 7,500 nuclear warheads were deactivated as a result of the Nunn-Lugar program. According to the article, Senator LUGAR has cast more than 13,000 votes in the Senate and worked with 7 different Presidents. He has been recognized for his service with the Guardian of Small Business award, the Spirit of Enterprise award, the Watchdog of the Treasury award, and more than 45 honorary degrees from colleges and universities in 15 States and the District of Columbia. The American Political Science Association got it right when they named him an Outstanding Legislator, and he won his last general election with 87 percent of the vote.

I will miss Senator LUGAR's friendship, commonsense approach to getting things done, and commitment to the people of Indiana and the people of the United States. I will miss his always congenial personality and his gracious and respectful manner towards others. I will close by noting what I think may be the biggest accomplishment noted by Indianapolis Monthly Magazine, his 56-year marriage to his wife Char. I wish them the best in the coming years.

KAY BAILEY HUTCHISON

Mr. President, I rise today to honor my colleague and friend from the State of Texas, Senator KAY BAILEY HUTCHISON, as she prepares to retire from the Senate after almost 20 years serving her beloved State. I have been honored to serve with Senator HUTCHISON and will truly miss her presence and the guidance she has shared over the last 10 years.

Senator HUTCHISON is a Texan through and through. She is the descendant of Texas pioneers, which might account for the fighting spirit she has displayed here in the Senate. She is a trail blazer, and in finding her own path broke barriers and overcame the challenges she faced early in her career. She was one of only 13 women in a class of nearly 400 who graduated from the University of Texas Law School in 1967. After graduating, she faced a harsh reality of the time as no law firm in Houston would hire a woman; however she did not let this break her spirits. In 1972 she became the first Republican woman elected to the Texas State House, where she learned the value of bipartisanship, working across the aisle to address the inequities and stigma that rape victims faced in the legal system—and carried legislation which would become a model for states across the country. This is one of the many reasons I have come to respect and admire the senior Senator from Texas—her ability to bring people together to benefit those we serve.

After being elected Texas state treasurer in 1990, she again made history in 1993 by becoming the first, and only,

woman to be elected to the Senate from Texas. Here in the Senate, she has been a champion for our military forces, serving on the Intelligence and Armed Services Committees, and as chairman and ranking member of the Military Construction and Veterans Affairs Appropriations Subcommittee. In those roles she has worked to ensure our servicemembers and their families have the support they need. She has also made major contributions through her work to expand science and education, consistently advocating for needed improvements so that our students stay competitive. Her commitment to education has led her to play a role in creating a program at the National Science Foundation which will expand training for math and science teachers of tomorrow, and she was a driving force in establishing the Academy of Medicine, Engineering and Science of Texas.

In addition to her legislative accomplishments, Senator HUTCHISON is to be recognized for her efforts to keep the Senate schedule workable for families. KAY's children are now 11 years old and many of us have watched as they have grown. One of my favorite pictures is of Senator HUTCHISON, the only woman in a sea of men, holding the hands of Bailey and Houston as toddlers. Whether it was late nights or flights to catch, KAY reminded the leaders that we have an obligation to our families as well.

Throughout her career Senator HUTCHISON has tackled challenges with grace, resilience, and perseverance. As a tireless advocate for her State, we can learn a lot from Senator HUTCHISON's example of what a public servant should be, and she certainly leaves an impressive legacy here in the Senate. In her book, *American Heroines*, which chronicles some of the first American women trailblazers, she wrote that she believes America is the best place on earth to be a woman that—the opportunities are endless. These opportunities are due to Senator HUTCHISON and women like her, women whose independence and integrity have set an example for those who will follow in their footsteps. I thank Senator HUTCHISON for her leadership and her friendship, and wish her the best.

OLYMPIA SNOWE

Mr. President, I rise to recognize my colleague and friend, Senator OLYMPIA SNOWE, as she plans to retire from the U.S. Senate. Her nearly four-decade career in Congress has been one of distinction and unwavering public service to Maine and the United States.

Senator SNOWE's achievements are numerous. In 1978, she became the youngest Republican and first Greek-American woman to be elected to the U.S. House of Representatives. In 1994, when she was first elected to the U.S. Senate, she became the fourth woman to serve in both Houses of Congress. She also has the distinction of being

the first Republican woman to secure a full-term seat on the Senate Finance Committee. In total, she has won more Federal elections in Maine than any other person since World War II—a testament to how loved she is by her constituency.

Senator SNOWE has worked extensively on a number of issues, including budget and fiscal responsibility, veterans, education, national security, welfare reform, oceans and fisheries issues, and campaign finance reform. It has been my pleasure to work with Senator SNOWE on the Senate Oceans Caucus, where together we have stressed the importance of ocean policy and the crucial role our oceans play in all aspects of life in our respective States and across America.

I also appreciate Senator SNOWE's leadership on the Small Business Committee, where she has been a strong advocate for small businesses in Maine and across the country.

I know that I speak for all the female Senators in the U.S. Senate when I say it is sad to see such a well-respected female colleague retire. Senator SNOWE deserves the highest accolades for her service to this Nation. This is a woman who has done remarkably well by the American people, by her constituents in Maine, and by her colleagues in the U.S. Senate.

I personally admire her efforts to work—always—in a bipartisan manner. Her moderation and willingness to listen to all sides of an issue are examples for us all. I am encouraged that she intends to continue her efforts to advance good public policy by working to help elect those who are unafraid to stand in the middle and work to build consensus.

On behalf of the U.S. Senate, I thank Senator SNOWE for her dedication to her country, and I congratulate her on her retirement. I also want to recognize her husband Jack, who has also been an amazing public servant.

SCOTT BROWN

Mr. President, I rise to recognize Senator SCOTT BROWN's service to the Senate. While we have only had the opportunity to work together for 2 years, I have truly appreciated Senator BROWN's insight, leadership, and friendship.

Senator BROWN moved to Massachusetts as a young boy. He graduated from Wakefield High School, then joined the Massachusetts National Guard when he was 19. After attending Northwestern University and graduating from Tufts University and Boston College Law School, Senator BROWN began serving the people of Massachusetts in 1992, first as a real estate assessor and then as a selectman in Wrentham. In 1998, he was elected to the Massachusetts House of Representatives, and after three terms he was elected to the Massachusetts State Senate. In each of his State Senate re-

election bids, he ran unopposed. As a State legislator, he advocated for children's and victims' rights as well as veterans affairs and worked to promote good government initiatives.

Senator BROWN came to the United States Senate in 2010. He quickly found his voice on the Armed Services and Veterans Affairs Committees thanks to more than 30 years of service in the National Guard. I was proud to join more than 30 of my colleagues in cosponsoring his Stolen Valor Act, which would make it a crime to knowingly misrepresent military service if a person wanted to profit from his or her lie.

Senator BROWN also worked on good government initiatives in the Senate, leading bipartisan efforts to repeal a provision of law requiring Federal, State, and local governments to withhold 3 percent of payments due to contractors. I was proud to cosponsor his bill to avoid making infrastructure improvements more costly and business more challenging for healthcare professionals who accept Medicare payments.

I have also been proud to work with Senator BROWN on another common-sense initiative in this Congress, the Prompt Notification of Short Sales Act. Our bill would improve the housing market by requiring banks to provide a written response to an short sale offer within 75 days of a request from a homeowner. There are neighborhoods across the country full of empty homes and underwater owners who have legitimate offers, but unresponsive banks, and I commit to Senator BROWN that I will continue to work on this issue in the coming year.

Clearly Senator BROWN has served the people of Massachusetts and the people of the United States well, and he will be missed. I wish the best to him, his wife Gail, and their daughters Ayla and Arianna.

JEFF BINGAMAN

Mr. President, today I rise to recognize one of our most distinguished Senators as he prepares to retire from this body after five terms. Senator JEFF BINGAMAN has earned the reputation of being a strong and effective leader during his time in the Senate. He has achieved what all of us try to achieve as advocates of our States—getting results in Washington while staying closely connected to our constituents who sent us here to represent them. I have admired his intelligence, courage, pragmatism, and willingness to solve problems with bipartisan solutions.

Senator BINGAMAN and I have worked together on many issues and projects, and I have never questioned his steadfast commitment to do what he believes is right for New Mexico and this country. During his 30 years in the Senate he has worked tirelessly on a number of committees, including the Armed Services Committee, the Finance Committee, the Health, Education, Labor, and Pensions Committee, and the Committee on Energy

and Natural Resources, which he currently chairs.

While most of my work with JEFF has been on energy issues, working with Senator BINGAMAN on the Senate HELP Committee was also a great pleasure. He has been an excellent partner, for example, on issues that are important to our American Indian, Native Hawaiian, and Alaska Native constituents, who often live in communities that face multiple challenges. There have been many times in the HELP Committee when it has been necessary for me to explain why a proposed solution won't work in Alaska. As I begin to explain about the Federal trust responsibility, or tribal sovereignty, the lack of health care and basic infrastructure, or how difficult it is to get and keep teachers, nurses, and others in those communities, there have been times when I have seen my colleagues think—here we go again, the "It is different in Alaska" speech. But whether we have been discussing education, health care, job creation, or any one of the innumerable challenges Americans face when they live in Indian Country, JEFF BINGAMAN gets it. He and I have been able to speak with our colleagues on both sides of the aisle with one voice about what will work, what will not work, and why. We can explain the complexities of the Federal trust responsibility and tribal sovereignty as a bipartisan team because whether our constituents live on a reservation in New Mexico or a remote village in Alaska or in one of our larger cities, the challenges they face are often the same, and what will work in other places in America often won't work in our Native communities. That partnership has been so important in making sure that the good work we are trying to do for all Americans works for America's first peoples in every State.

In addition to our work on HELP, our strongest collaboration has been while working together in our leadership roles on the Energy and Natural Resources Committee. Senator BINGAMAN has been tireless in ensuring that our Nation has the energy resources it needs to meet our growing demands well into the 21st century. He was a leader in the development of the Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007, both major blueprints for the expansion of all forms of renewable energy, especially biomass, geothermal, and marine hydrokinetic power. I am happy to have had the chance to work closely with Senator BINGAMAN in those efforts. In 2008 and 2009 we also worked to pass a package of major public land legislation that will be a legacy for the Senator for decades to come.

When Senator BINGAMAN announced he was retiring from the Senate, I took note that he vowed to finish out the remainder of Congress with substantive

achievements. Since then, he has affirmed this promise and has again driven productive discussions on several issues that will last beyond his time here, such as his efforts to move forward our Nation's program on spent nuclear fuel. The legislation that he introduced is indicative of months of thoughtful and productive discussions aimed to address the back-end of the nuclear fuel cycle. I congratulate him on constantly moving the conversation forward and putting a marker out there toward reaching an equitable goal.

Senator BINGAMAN should be very proud of his nearly four decades of public service as New Mexico's attorney general and U.S. Senator. From fighting for our energy future to standing with the people of New Mexico through difficult economic times, Senator BINGAMAN has been a trusted leader for the people of his State. He has been a champion for his constituents, a powerful voice for Native American concerns, and a leader on science research and energy tax policy.

He has been unfailingly and personally considerate to me, and I extend my gratitude for his service and thank him for his gracious aid on issues of concern to me and my home State. I wish him and his family good health and best wishes in the future and great happiness in whatever he and Anne now decide to do. The Senate has been a better place due to his civilized manner, his wit, and his intelligent solutions for the Nation's problems. We will miss Senator BINGAMAN's presence here in the Senate.

HERB KOHL

Mr. President, I come to the floor to recognize Senator KOHL as he prepares to retire after 24 years in the U.S. Senate.

Senator KOHL was born and raised in Wisconsin, the State he tirelessly represents to this day. He attended public school in Milwaukee and at the University of Wisconsin-Madison before obtaining his MBA from Harvard University in 1958. His business ventures proved incredibly successful and he was acting President of Kohl's grocery and department stores for nearly a decade. In 1988, he took his business and education experience to the U.S. Senate.

I have had the pleasure of serving with Senator KOHL on the Appropriations Committee for the past 4 years. His bipartisan cooperation is outstanding and together we have worked on numerous hearings and bills. He has been an asset on the committee and we will miss his dedication, intuition, and eagerness to work with others to find solutions.

As a mother of two and former PTA member, I also appreciate Senator KOHL's zeal in advocating children's issues. He authored legislation to expand the school breakfast program, strengthened child nutrition programs,

and has worked to meet the growing demand for child care. His work on the Appropriations Committee ensured the continuation of important programs such as the Boys and Girls Club and the Families and Schools Together Program. This hard work did not go unrecognized. In 2010, Senator KOHL received the Best of Congress Award from Working Mother Magazine and Corporate Voices for Working Families. I will always admire Senator KOHL for his hard work on behalf of families and children across the U.S.

Senator KOHL's charitable endeavors will also remain an important part of his legacy. In 1990, he established the Herb Kohl Educational Foundation Achievement Award Program. This program provides annual grants to 200 graduating high school seniors, 100 Wisconsin teachers, and 100 schools in his home State.

I cannot thank Senator KOHL enough for his service over the past few decades. I am honored to have worked by his side and wish him the best.

#### MESSAGE FROM THE HOUSE

##### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 2:39 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 925. An act to designate Mt. Andrea Lawrence.

H.R. 1339. An act to designate the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

H.R. 1845. An act to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

H.R. 2338. An act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the "Harry T. and Harriette Moore Post Office".

H.R. 3869. An act to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the "Sidney 'Sid' Sanders McMath Post Office Building".

H.R. 3892. An act to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the "Lance Corporal Victor A. Dew Post Office".

H.R. 4053. An act to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

H.R. 4310. An act to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 4389. An act to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the "Cecil E. Bolt Post Office".

H.R. 5859. An act to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting.

H.R. 5949. An act to extend FISA Amendments Act of 2008 for five years.

H.R. 6260. An act to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office".

H.R. 6379. An act to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the "Representative Curtis B. Inabinett, Sr. Post Office".

H.R. 6587. An act to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the "Postal Inspector Terry Asbury Post Office Building".

H.R. 6671. An act to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

S.J. Res. 49. Joint resolution providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bills, except [S. 925, H.R. 1339, H.R. 1845, H.R. 2338, H.R. 3869, H.R. 3892, H.R. 4053, H.R. 4389, H.R. 5859, H.R. 6260, H.R. 6379, H.R. 6587, H.R. 6671, and S.J. Res. 49] were subsequently signed by the President pro tempore (Mr. LEAHY).

The enrolled bills and joint resolution [S. 925, H.R. 1339, H.R. 1845, H.R. 2338, H.R. 3869, H.R. 3892, H.R. 4053, H.R. 4389, H.R. 5859, H.R. 6260, H.R. 6379, H.R. 6587, H.R. 6671, and S.J. Res. 49] were subsequently signed by the President pro tempore (Mr. LEAHY).

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 459. To require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MANCHIN:

S. 3714. A bill to alleviate the fiscal cliff, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 3715. A bill to extend the limited anti-trust exemption contained in the Pandemic and All-Hazards Preparedness Act; considered and passed.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MANCHIN:

S. 3714. A bill to alleviate the fiscal cliff, and for other purposes; to the Committee on Finance.

Mr. MANCHIN. Mr. President, I rise today frustrated, embarrassed, and angry. It is absolutely inexcusable that all of us find ourselves in this place at this time standing on the floor of the Senate in front of the American people, hours before we plunge off the fiscal cliff, with no plan and no apparent hope, but here we are, and we have to do something.

If we are as determined to go over the cliff as we seem, we have to do something to soften the landing because at the bottom of the fiscal cliff are immediate and massive tax increases, deep and indiscriminate spending cuts, and the risk of another recession. So, as we come down on the final hours, we have two choices—to do nothing and cause an unbelievable amount of hardship for our fellow Americans or to do something to reduce the suffering inflicted on our citizens by an inflexible political system.

I choose to do something. Today I am introducing the CALM Act, which stands for the Cliff Alleviation at the Last Minute Act. The CALM Act will do three important things: It will soften the financial blow of the fiscal cliff, it will calm our financial markets, and it gives us the certainty of a plan now but allows us, if we ever find the courage, to pursue the fiscal grand bargain that has eluded us so far. Make no mistake, the financial markets are watching us, and they are getting more nervous by the hour. We need to reassure them that we are capable of making big financial decisions.

This bill, the CALM Act, is not something I am excited about or proud to offer. This is not a great plan, but it is merely a better plan than going over the cliff. It should never have come to this. We have known for more than a year that this day was coming. For more than a year, I have asked Congress for a big fix to our Nation's fiscal challenges. I pushed strongly for the Simpson-Bowles framework for deficit reduction. Yet here we are, no closer to a sensible decision on how to bring our \$1.1 trillion budget deficit and our \$16.1 trillion public debt under control.

Guess what. Time is up. No more games. No more excuses. No more kicking the can down the road. We have to act, and we have to act in a way that puts our fiscal house in order, reassures the financial markets, and puts the people ahead of politics. We have to deal with these tax increases and spending cuts in a humane and tolerable way. The CALM Act does all of that. Just look at what happens to people in need if we go over the cliff and just do nothing. On New Year's Day the lowest income tax rate will jump from 10 percent back to the Clinton-era rate of 15 percent. That is a pretty big financial bite for people in West Virginia, and I know in Ohio, too, sir. These are people who are struggling right now.

Instead of an overnight tax hike of 5 percent, the CALM Act smoothes the transition by phasing in increases over 3 years. So instead of a 5-percent increase, the 10-percent bracket would only go to 11.6 percent the first year. The CALM Act does the same with the other tax rates, phasing them in over 3 years under the same proportions.

The CALM Act also puts the Senate on record in support of comprehensive overhaul of our tax system. We can still work toward a big fix like the Simpson-Bowles framework. If we can do that next year, we could stop the full increase from ever occurring.

Another important feature of the CALM Act is the way it treats sequestration. Again, if we go over the cliff and do nothing, nearly every government program will be hit with the same percentage cut, and that includes social services, education, research, and infrastructure. Those are all the things we need to grow our fragile economy.

The CALM Act gives the Office of Management and Budget discretion and flexibility to recommend what programs, agencies, and accounts to cut. If OMB fails to do the job, then the sequestration across-the-board cuts kick back in. Of course, the final word rests with Congress. OMB's decision can be overridden by a joint resolution.

Every provision of the CALM Act is familiar to the Senate. In fact, at one time or another nearly every feature of this plan has been offered by both Republicans and Democrats, including President Obama and Speaker BOEHNER. All I have done is pull them together to offer them as a compassionate alternative to what happens if we go over the fiscal cliff.

It is true that from the very beginning I have favored a comprehensive solution to put our fiscal house in order, which was something along the lines of the Bowles-Simpson plan. We don't have that luxury right now. Perhaps the CALM Act will not only soften the blow of the fiscal cliff, but it will also give us a sense of urgency about a grand bargain to repair our financial house.

I am not so naive as to believe everybody is going to check their politics at the door, even at this late hour, but this is not a time for politicking, bickering, or partisan games. To allow the country to plunge over the fiscal cliff without any alternative plans to soften the landing is completely unacceptable. I cannot think of anything more irresponsible than to play games with the lives of Americans in such a callous way and let this great country go over the fiscal cliff. This would jeopardize the financial standing of our country and alarm our financial markets in ways that could trigger another recession.

Something has gone terribly wrong when the biggest threat to the American economy is the American Congress. I repeat: Something has gone terribly wrong when the biggest threat to our American economy is our American Congress.

It does not have to be that way. I am putting something on the table that is fair and balanced. It includes a slow phase-in of the tax increases that are going to happen inevitably if we go over the cliff. It includes a slow phase-in of all the tax increases, it includes targeted spending decreases, and it moves us closer to tax reforms. Everybody helps, and we do it in a way that keeps our country strong and prosperous.

This is one of those moments that the Senate was intended to live up to and provide leadership, find common ground, level with the American people, and be honest with each other. With our debt continuing to soar and too many Americans still looking for jobs, these are times that demand the very best of the Senate.

Everywhere in West Virginia—and, in fact, all over this country—families are making tough choices about how to make ends meet. It is time for Washington to do the same.

Here in the Senate it seems to me that we are always fighting about something. Well, that might not change anytime soon, but more often than not, I believe we can rise to the common ground of great national purpose. I believe with all of my heart that this is one of those times.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3445. Mr. DURBIN (for Mr. CORNYN (for himself, Mr. GRASSLEY, and Mr. LEAHY)) proposed an amendment to the bill S. 3250, to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

SA 3446. Mr. DURBIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 114, to expand the boundary of the San Antonio Missions National Historical Park.

SA 3447. Mr. DURBIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 114, supra.

#### TEXT OF AMENDMENTS

**SA 3445.** Mr. DURBIN (for Mr. CORNYN (for himself, Mr. GRASSLEY, and Mr. LEAHY)) proposed an amendment to the bill S. 3250, to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Sexual Assault Forensic Evidence Reporting Act of 2012” or the “SAFER Act of 2012”.

#### SEC. 2. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(6) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

“(7) To ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes, including sexual assault and other violent crimes against persons, is carried out in an appropriate and timely manner and in accordance with the protocols and practices developed under subsection (o)(1).”;

(2) in subsection (c), by adding at the end the following new paragraph:

“(4) ALLOCATION OF GRANT AWARDS FOR AUDITS.—For each of fiscal years 2014 through 2017, not less than 5 percent, but not more than 7 percent, of the grant amounts distributed under paragraph (1) shall, if sufficient applications to justify such amounts are received by the Attorney General, be awarded for purposes described in subsection (a)(6), provided that none of the funds required to be distributed under this paragraph shall decrease or otherwise limit the availability of funds required to be awarded to States or units of local government under paragraph (3).”; and

(3) by adding at the end the following new subsections:

“(n) USE OF FUNDS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.—

“(1) ELIGIBILITY.—The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(6) only if the State or unit of local government—

“(A) submits a plan for performing the audit of samples described in such subsection; and

“(B) includes in such plan a good-faith estimate of the number of such samples.

“(2) GRANT CONDITIONS.—A State or unit of local government receiving a grant for the purpose described in subsection (a)(6)—

“(A) may not enter into any contract or agreement with any non-governmental vendor laboratory to conduct an audit described in subsection (a)(6); and

“(B) shall—

“(i) not later than 1 year after receiving the grant, complete the audit referred to in paragraph (1)(A) in accordance with the plan submitted under such paragraph;

“(ii) not later than 60 days after receiving possession of a sample of sexual assault evidence that was not in the possession of the State or unit of local government at the time of the initiation of an audit under paragraph (1)(A), subject to paragraph (4)(F), include in any required reports under clause (v), the information listed under paragraph (4)(B);

“(iii) for each sample of sexual assault evidence that is identified as awaiting testing as part of the audit referred to in paragraph (1)(A)—

“(I) assign a unique numeric or alphanumeric identifier to each sample of sexual assault evidence that is in the possession of the State or unit of local government and is awaiting testing; and

“(II) identify the date or dates after which the State or unit of local government would be barred by any applicable statutes of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates;

“(iv) provide that—

“(I) the chief law enforcement officer of the State or unit of local government, respectively, is the individual responsible for the compliance of the State or unit of local government, respectively, with the reporting requirements described in clause (v); or

“(II) the designee of such officer may fulfill the responsibility described in subclause (I) so long as such designee is an employee of the State or unit of local government, respectively, and is not an employee of any governmental laboratory or non-governmental vendor laboratory; and

“(v) comply with all grantee reporting requirements described in paragraph (4).

“(3) EXTENSION OF INITIAL DEADLINE.—The Attorney General may grant an extension of the deadline under paragraph (2)(B)(i) to a State or unit of local government that demonstrates that more time is required for compliance with such paragraph.

“(4) SEXUAL ASSAULT FORENSIC EVIDENCE REPORTS.—

“(A) IN GENERAL.—For not less than 12 months after the completion of an initial count of sexual assault evidence that is awaiting testing during an audit referred to in paragraph (1)(A), a State or unit of local government that receives a grant award under subsection (a)(6) shall, not less than every 60 days, submit a report to the Department of Justice, on a form prescribed by the Attorney General, which shall contain the information required under subparagraph (B).

“(B) CONTENTS OF REPORTS.—A report under this paragraph shall contain the following information:

“(i) The name of the State or unit of local government filing the report.

“(ii) The period of dates covered by the report.

“(iii) The cumulative total number of samples of sexual assault evidence that, at the end of the reporting period—

“(I) are in the possession of the State or unit of local government at the reporting period;

“(II) are awaiting testing; and

“(III) the State or unit of local government has determined should undergo DNA or other appropriate forensic analyses.

“(iv) The cumulative total number of samples of sexual assault evidence in the possession of the State or unit of local government that, at the end of the reporting period, the State or unit of local government has determined should not undergo DNA or other appropriate forensic analyses, provided that the reporting form shall allow for the State or unit of local government, at its sole discretion, to explain the reasoning for this determination in some or all cases.

“(v) The cumulative total number of samples of sexual assault evidence in a total under clause (iii) that have been submitted to a laboratory for DNA or other appropriate forensic analyses.

“(vi) The cumulative total number of samples of sexual assault evidence identified by an audit referred to in paragraph (1)(A) or under paragraph (2)(B)(ii) for which DNA or other appropriate forensic analysis has been completed at the end of the reporting period.

“(vii) The total number of samples of sexual assault evidence identified by the State or unit of local government under paragraph (2)(B)(ii), since the previous reporting period.

“(viii) The cumulative total number of samples of sexual assault evidence described under clause (iii) for which the State or unit of local government will be barred within 12 months by any applicable statute of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates.

“(C) PUBLICATION OF REPORTS.—Not later than 7 days after the submission of a report under this paragraph by a State or unit of local government, the Attorney General shall, subject to subparagraph (D), publish and disseminate a facsimile of the full contents of such report on an appropriate internet website.

“(D) PERSONALLY IDENTIFIABLE INFORMATION.—The Attorney General shall ensure that any information published and disseminated as part of a report under this paragraph, which reports information under this subsection, does not include personally identifiable information or details about a sexual assault that might lead to the identification of the individuals involved.

“(E) OPTIONAL REPORTING.—The Attorney General shall—

“(i) at the discretion of a State or unit of local government required to file a report under subparagraph (A), allow such State or unit of local government, at their sole discretion, to submit such reports on a more frequent basis; and

“(ii) make available to all States and units of local government the reporting form created pursuant to subparagraph (A), whether or not they are required to submit such reports, and allow such States or units of local government, at their sole discretion, to submit such reports for publication.

“(F) SAMPLES EXEMPT FROM REPORTING REQUIREMENT.—The reporting requirements described in paragraph (2) shall not apply to a sample of sexual assault evidence that—

“(i) is not considered criminal evidence (such as a sample collected anonymously from a victim who is unwilling to make a criminal complaint); or

“(ii) relates to a sexual assault for which the prosecution of each perpetrator is barred by a statute of limitations.

“(5) DEFINITIONS.—In this subsection:

“(A) AWAITING TESTING.—The term ‘awaiting testing’ means, with respect to a sample of sexual assault evidence, that—

“(i) the sample has been collected and is in the possession of a State or unit of local government;

“(ii) DNA and other appropriate forensic analyses have not been performed on such sample; and

“(iii) the sample is related to a criminal case or investigation in which final disposition has not yet been reached.

“(B) FINAL DISPOSITION.—The term ‘final disposition’ means, with respect to a criminal case or investigation to which a sample of sexual assault evidence relates—

“(i) the conviction or acquittal of all suspected perpetrators of the crime involved;

“(ii) a determination by the State or unit of local government in possession of the sample that the case is unfounded; or

“(iii) a declaration by the victim of the crime involved that the act constituting the basis of the crime was not committed.

“(C) POSSESSION.—

“(i) IN GENERAL.—The term ‘possession’, used with respect to possession of a sample of sexual assault evidence by a State or unit of local government, includes possession by an individual who is acting as an agent of the State or unit of local government for the collection of the sample.

“(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to create or

amend any Federal rights or privileges for non-governmental vendor laboratories described in regulations promulgated under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131).

“(o) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS.—

“(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the SAFER Act of 2012, the Director, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

“(A) how to determine—

“(i) which evidence is to be collected by law enforcement personnel and forwarded for testing;

“(ii) the preferred order in which evidence from the same case is to be tested; and

“(iii) what information to take into account when establishing the order in which evidence from different cases is to be tested;

“(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

“(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed;

“(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested; and

“(E) standards for conducting the audit of the backlog for DNA case work in sexual assault cases required under subsection (n).

“(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

“(3) DEFINITIONS.—In this subsection, the terms ‘awaiting testing’ and ‘possession’ have the meanings given those terms in subsection (n).”

### SEC. 3. REPORTS TO CONGRESS.

Not later than 90 days after the end of each fiscal year for which a grant is made for the purpose described in section 2(a)(6) of the DNA Analysis Backlog Elimination Act of 2000, as amended by section 2, the Attorney General shall submit to Congress a report that—

(1) lists the States and units of local government that have been awarded such grants and the amount of the grant received by each such State or unit of local government;

(2) states the number of extensions granted by the Attorney General under section 2(n)(3) of the DNA Analysis Backlog Elimination Act of 2000, as added by section 2; and

(3) summarizes the processing status of the samples of sexual assault evidence identified in Sexual Assault Forensic Evidence Reports established under section 2(o)(4) of the DNA Analysis Backlog Act of 2000, including the number of samples that have not been tested.

### SEC. 4. REDUCING THE RAPE KIT BACKLOG.

Section 2(c)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(c)(3)) is amended—

(a) in subparagraph (B), by striking “2014” and inserting “2018”; and

(b) by adding at the end the following:

“(3) For each of fiscal years 2014 through 2018, not less than 75 percent of the total grant amounts shall be awarded for a combination of purposes under paragraphs (1), (2), and (3) of subsection (a).”

### SEC. 5. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2013, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this section, the term “unresolved audit finding” means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall



disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) **ADMINISTRATIVE EXPENSES.**—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) **CONFERENCE EXPENDITURES.**—

(A) **LIMITATION.**—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) **WRITTEN APPROVAL.**—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) **REPORT.**—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) **PROHIBITION ON LOBBYING ACTIVITY.**—

(A) **IN GENERAL.**—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, state, local, or tribal government regarding the award of grant funding.

(B) **PENALTY.**—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

## SEC. 6. SUNSET.

Effective on December 31, 2018, subsections (a)(6) and (n) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(6) and (n)) are repealed.

**SA 3446.** Mr. DURBIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 114, to expand the boundary of the San Antonio Missions National Historical Park; as follows:

In lieu of the matter proposed to be inserted, insert the following:

## SECTION 1. SHORT TITLE.

This Act may be cited as the “San Antonio Missions National Historical Park Boundary Expansion Act of 2012”.

## SEC. 2. BOUNDARY EXPANSION.

Section 201 of Public Law 95–629 (16 U.S.C. 410ee) is amended—

(1) by striking “SEC. 201. (a) In order” and inserting the following:

“SEC. 201. **SAN ANTONIO MISSIONS HISTORICAL PARK.**

“(a) **ESTABLISHMENT.**—

“(1) **IN GENERAL.**—In order”; and

(2) in subsection (a)—

(A) in the second sentence, by striking “The park shall also” and inserting the following:

“(2) **ADDITIONAL LAND.**—The park shall also”; and

(B) in the third sentence, by striking “After advising the” and inserting the following:

“(4) **REVISIONS.**—After advising the”; and

(C) by inserting after paragraph (2) (as designated by subparagraph (A)) the following:

“(3) **BOUNDARY MODIFICATION.**—

“(A) **IN GENERAL.**—The boundary of the park is modified to include approximately 137 acres, as depicted on the map entitled ‘San Antonio Missions National Historical Park Proposed Boundary Addition’, numbered 472/113,006A, and dated June 2012.

“(B) **AVAILABILITY OF MAP.**—The map described in subparagraph (A) shall be on file and available for inspection in the appropriate offices of the National Park Service.

“(C) **ACQUISITION OF LAND.**—The Secretary of the Interior may acquire the land or any interest in the land described in subparagraph (A) by donation or exchange.”.

**SA 3447.** Mr. DURBIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 114, to expand the boundary of the San Antonio Missions National Historical Park.

Amend the title so as to read as follows: “To expand the boundary of the San Antonio Missions National Historical Park.”.

## AMENDING THE DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 3250, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3250) to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

ON PASSAGE OF S. 3250, THE SAFER ACT

Mr. LEAHY. Mr. President, I am glad that the Senate today will pass the SAFER Act with important amendments I requested to ensure that law enforcement gets the support and funding it needs to make real progress in processing rape kits.

The Debbie Smith DNA Backlog Reduction Program, which was a key part

of the bipartisan Justice for All Act that passed in 2004, has been instrumental in reducing the number of untested rape kits in crime laboratories around the country. However, large numbers of additional untested kits have come to light in police departments, many of which never make their way to crime labs at all. It is unacceptable to let victims of these terrible crimes live in fear while evidence languishes in storage and criminals remain on our streets.

I have made fixing this significant problem a priority. I included important new provisions addressing backlogs of rape kits in law enforcement offices in my Justice for All Reauthorization Act, which the Judiciary Committee reported with bipartisan support earlier this year. My bill would provide law enforcement with access to funding to actually reduce their backlogs, along with best practices, training, and technical assistance they have requested to help them do so.

Senator CORNYN and others have attempted to address this same problem through the SAFER Act. The audit provisions included in the SAFER Act can help shed light on the problem, but I believe it is crucial that funding and assistance actually reach law enforcement agencies to help them address their backlogs and get kits tested. That is why it is so important that the provisions from the Justice for All Reauthorization Act doing just that were incorporated into the SAFER Act. I thank Senator CORNYN for working with me and agreeing to this amendment to ensure that this legislation will result in more kits being processed. I also thank Senator GRASSLEY for helping to facilitate this agreement and for adding important accountability measures.

I want to thank Debbie Smith, the courageous survivor after whom the grant program we modify today is named, and her husband Rob, for their continuing tireless work to ensure that others need not experience the ordeal Debbie went through. Their efforts have made a real difference to countless victims all over the country.

The Justice for All Reauthorization Act includes many other significant measures to make the criminal justice system work better for all Americans. I am disappointed that it will not pass this year. I appreciate Senator GRASSLEY's support for the bill when it was reported from committee, and I look forward to working with him and with Senator CORNYN and others to pass the full bill next year.

I am glad we take an important step to help achieve justice for victims of rape and sexual assault. I hope we will go still further and beyond next year.

Mr. DURBIN. I ask unanimous consent that the Cornyn substitute at the desk be agreed to, the bill, as amended, be read a third time and passed, the



motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3445) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments".)

The bill (S. 3250), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### EXTENSION OF LIMITED ANTITRUST EXEMPTION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3715 introduced earlier today by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3715) to extend the limited antitrust exemption contained in the Pandemic and All-Hazards Preparedness Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I further ask unanimous consent that the bill be read three times and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3715) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3715

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION OF LIMITED ANTITRUST EXEMPTION.

Section 405(b) of the Pandemic and All-Hazards Preparedness Act (42 U.S.C. 247d-6a note) is amended by striking "6-year" and inserting "7-year".

#### THE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 2015 and S. 3563, and the Senate proceed to their consideration, along with the following bills en bloc: H.R. 3263, H.R. 3641, and H.R. 4073, which were received from the House and are at the desk; Calendar No. 268, S. 264; Calendar No. 284, S. 1047; Calendar No. 288, S. 1421; Calendar No. 289, S. 1478; Calendar No. 272, S. 499; Calendar No. 266, S. 140; and Calendar No. 265, S. 114.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent that where applicable, the committee-reported amendments be con-

sidered; that any amendments to those amendments, which are at the desk, be agreed to; that the committee-reported amendments, as amended, if amended, be agreed to; the bills, as amended, if amended, be read a third time and passed en bloc; that a title amendment for S. 114 be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to any of the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bills en bloc.

#### POWELL SHOOTING RANGE LAND CONVEYANCE ACT

The bill (S. 2015) to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2015

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Powell Shooting Range Land Conveyance Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) DISTRICT.—The term "District" means the Powell Recreation District in the State of Wyoming.

(2) MAP.—The term "map" means the map entitled "Powell, Wyoming Land Conveyance Act" and dated May 12, 2011.

#### SEC. 3. CONVEYANCE OF LAND TO THE POWELL RECREATION DISTRICT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights, the Secretary shall convey to the District, without consideration, all right, title, and interest of the United States in and to the land described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 322 acres of land managed by the Bureau of Land Management, Wind River District, Wyoming, as generally depicted on the map as "Powell Gun Club".

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize the legal description of the parcel to be conveyed under this section.

(2) MINOR ERRORS.—The Secretary may correct any minor error in—

- (A) the map; or
- (B) the legal description.

(3) AVAILABILITY.—The map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LAND.—The land conveyed under this section shall be used only—

- (1) as a shooting range; or
- (2) for any other public purpose consistent with uses allowed under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(e) ADMINISTRATIVE COSTS.—The Secretary shall require the District to pay all survey

costs and other administrative costs necessary for the preparation and completion of any patents for, and transfers of title to, the land described in subsection (b).

(f) REVERSION.—If the land conveyed under this section ceases to be used for a public purpose in accordance with subsection (d), the land shall, at the discretion of the Secretary, revert to the United States.

(g) CONDITIONS.—As a condition of the conveyance under subsection (a), the District shall agree in writing—

(1) to pay any administrative costs associated with the conveyance including the costs of any environmental, wildlife, cultural, or historical resources studies; and

(2) to release and indemnify the United States from any claims or liabilities that may arise from uses carried out on the land described in subsection (b) on or before the date of enactment of this Act by the United States or any person.

#### ENERGY POLICY ACT OF 2005

The bill (S. 3563) to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3563

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PILOT PROJECT OFFICES OF FEDERAL PERMIT STREAMLINING PILOT PROJECT.

Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by striking subsection (d) and inserting the following:

"(d) PILOT PROJECT OFFICES.—The following Bureau of Land Management Offices shall serve as the Pilot Project offices:

- "(1) Rawlins Field Office, Wyoming.
- "(2) Buffalo Field Office, Wyoming.
- "(3) Montana/Dakotas State Office, Montana.
- "(4) Farmington Field Office, New Mexico.
- "(5) Carlsbad Field Office, New Mexico.
- "(6) Grand Junction/Glenwood Springs Field Office, Colorado.
- "(7) Vernal Field Office, Utah."

#### AUTHORIZING STORAGE AND CONVEYANCE OF NONPROJECT WATER AT NORMAN PROJECT IN OKLAHOMA

The bill (H.R. 3263) to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes, was ordered to a third reading, was read the third time, and passed.

#### ESTABLISHING PINNACLES NATIONAL PARK

The bill (H.R. 3641) to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes, was ordered to a third reading, read the third time, and passed.

# AUTHORIZING QUITCLAIM, DISCLAIMER, AND RELINQUISHMENT OF RIGHT OF WAY IN EL PASO COUNTY, COLORADO

The bill (H.R. 4073) to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875, was ordered to a third reading, was read the third time, and passed.

## NATCHEZ TRACE PARKWAY LAND CONVEYANCE ACT

The bill (S. 264) to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment; as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. 264

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Natchez Trace Parkway Land Conveyance Act of 2011”.

### SEC. 2. DEFINITIONS.

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Natchez Trace Parkway, Proposed Boundary Change”, numbered 604/105392, and dated November 2010.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Mississippi.

### [SEC. 3. LAND CONVEYANCE; BOUNDARY ADJUSTMENT.

(a) **CONVEYANCE AUTHORITY.**—Notwithstanding any other provision of law, the Secretary shall, not later than 60 days after the date of enactment of this Act, convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to 2 parcels of land in the city of Natchez, Mississippi, described in subsection (b).

(b) **LAND SUBJECT TO CONVEYANCE.**—The parcels of land referred to in subsection (a) consist of a total of approximately 67 acres of land that are generally depicted as “Proposed Conveyance” on the map.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **BOUNDARY ADJUSTMENTS.**—

(1) **EXCLUSION OF CONVEYED LAND.**—On completion of the conveyance to the State of the land described in subsection (b), the Secretary shall adjust the boundary of the Natchez Trace Parkway to exclude the conveyed land.

(2) **INCLUSION OF ADDITIONAL LAND.**—Effective on the date of enactment of this Act,

the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that are generally depicted as “Proposed Addition” on the map.]

### SEC. 3. LAND CONVEYANCE.

(a) **CONVEYANCE AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(2) **COMPATIBLE USE.**—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 and which is commonly known as the “bean field property” shall reserve an easement to the United States restricting the use of the parcel to only those uses which are compatible with the Natchez Trace Parkway.

(b) **DESCRIPTION OF LAND.**—The parcels of land referred to in subsection (a) are the 2 parcels totaling approximately 67 acres generally depicted as “Proposed Conveyance” on the map.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

### SEC. 4. BOUNDARY ADJUSTMENTS.

(a) **EXCLUSION OF CONVEYED LAND.**—On completion of the conveyance to the State of the land described in section 3(b), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(b) **INCLUSION OF ADDITIONAL LAND.**—

(1) **IN GENERAL.**—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as “Proposed Addition” on the map.

(2) **ADMINISTRATION.**—The land added under paragraph (1) shall be administered by the Secretary as part of the Natchez Trace Parkway.

The committee amendment was agreed to.

The bill (S. 264) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 264

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Natchez Trace Parkway Land Conveyance Act of 2011”.

### SEC. 2. DEFINITIONS.

In this Act:

(1) **MAP.**—The term “map” means the map entitled “Natchez Trace Parkway, Proposed Boundary Change”, numbered 604/105392, and dated November 2010.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Mississippi.

### SEC. 3. LAND CONVEYANCE.

(a) **CONVEYANCE AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (b).

(2) **COMPATIBLE USE.**—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 and which is commonly known as the “bean field property” shall reserve an easement to the United States restricting the use of the parcel to only those uses which are compatible with the Natchez Trace Parkway.

(b) **DESCRIPTION OF LAND.**—The parcels of land referred to in subsection (a) are the 2

parcels totaling approximately 67 acres generally depicted as “Proposed Conveyance” on the map.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

### SEC. 4. BOUNDARY ADJUSTMENTS.

(a) **EXCLUSION OF CONVEYED LAND.**—On completion of the conveyance to the State of the land described in section 3(b), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(b) **INCLUSION OF ADDITIONAL LAND.**—

(1) **IN GENERAL.**—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as “Proposed Addition” on the map.

(2) **ADMINISTRATION.**—The land added under paragraph (1) shall be administered by the Secretary as part of the Natchez Trace Parkway.

## LEADVILLE MINE DRAINAGE TUNNEL ACT OF 2011

The bill (S. 1047) to amend the Reclamation Projects Authorization and Adjustment of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1047

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Leadville Mine Drainage Tunnel Act of 2011”.

### SEC. 2. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

Section 703 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4656) is amended to read as follows:

#### “SEC. 703. TUNNEL MAINTENANCE; OPERATION AND MAINTENANCE.

“(a) **LEADVILLE MINE DRAINAGE TUNNEL.**—The Secretary shall take any action necessary to maintain the structural integrity of the Leadville Mine Drainage Tunnel—

“(1) to maintain public safety; and

“(2) to prevent an uncontrolled release of water from the tunnel portal.

“(b) **WATER TREATMENT PLANT.**—

“(1) **IN GENERAL.**—Subject to section 705, the Secretary shall be responsible for the operation and maintenance of the water treatment plant authorized under section 701, including any sludge disposal authorized under this title.

“(2) **AUTHORITY TO OFFER TO ENTER INTO CONTRACTS.**—In carrying out paragraph (1), the Secretary may offer to enter into 1 or more contracts with any appropriate individual or entity for the conduct of any service required under paragraph (1).”.

### SEC. 3. REIMBURSEMENT.

Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4656) is amended—

(1) by striking “The treatment plant” and inserting the following:

“(a) IN GENERAL.—Except as provided in subsection (b), the treatment plant”;

(2) by striking “Drainage Tunnel” and inserting “Drainage Tunnel (which includes any surface water diverted into the Leadville Mine Drainage Tunnel and water collected by the dewatering relief well installed in June 2008)”;

(3) by adding at the end the following:

“(b) EXCEPTION.—The Secretary may—

“(1) enter into an agreement with any other entity or government agency to provide funding for an increase in any operation, maintenance, replacement, capital improvement, or expansion cost that is necessary to improve or expand the treatment plant; and

“(2) upon entering into an agreement under paragraph (1), make any necessary capital improvement to or expansion of the treatment plant.”.

#### SEC. 4. USE OF LEADVILLE MINE DRAINAGE TUNNEL AND TREATMENT PLANT.

Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4657) is amended—

(1) by striking “(a) The Secretary” and inserting the following:

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—The Secretary”;

(2) by striking “Neither” and inserting the following:

“(2) LIABILITY.—Neither”;

(3) by striking “The Secretary shall have” and inserting the following:

“(3) FACILITIES COVERED UNDER OTHER LAWS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall have”;

(4) by inserting after “Recovery Act.” the following:

“(B) EXCEPTION.—If the Administrator of the Environmental Protection Agency proposes to amend or issue a new Record of Decision for operable unit 6 of the California Gulch National Priorities List Site, the Administrator shall consult with the Secretary with respect to each feature of the proposed new or amended Record of Decision that may require any alteration to, or otherwise affect the operation and maintenance of—

“(i) the Leadville Mine Drainage Tunnel; or

“(ii) the water treatment plant authorized under section 701.

“(4) AUTHORITY OF SECRETARY.—The Secretary may implement any improvement to the Leadville Mine Drainage Tunnel or improvement to or expansion of the water treatment plant authorized under section 701 as a result of a new or amended Record of Decision for operable unit 6 of the California Gulch National Priorities List Site only upon entering into an agreement with the Administrator of the Environmental Protection Agency or any other entity or government agency to provide funding for the improvement or expansion.”; and

(5) by striking “For the purpose of” and inserting the following:

“(5) DEFINITION OF UPPER ARKANSAS RIVER BASIN.—In”.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 708(f) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4657) is amended by striking “sections 707 and 708” and inserting “this section and sections 703, 705, and 707”.

#### SEC. 6. CONFORMING AMENDMENT.

The table of contents of title VII of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106

Stat. 4601) is amended by striking the item relating to section 703 and inserting the following:

“Sec. 703. Tunnel maintenance; operation and maintenance.”.

#### PEACE CORPS COMMEMORATIVE FOUNDATION IN DC ACT

The bill (S. 1421) to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1421

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. MEMORIAL TO COMMEMORATE AMERICA'S COMMITMENT TO INTERNATIONAL SERVICE AND GLOBAL PROSPERITY.

(a) AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK.—The Peace Corps Commemorative Foundation may establish a commemorative work on Federal land in the District of Columbia and its environs to commemorate the mission of the Peace Corps and the ideals on which the Peace Corps was founded.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS ACT.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”).

(c) USE OF FEDERAL FUNDS PROHIBITED.—

(1) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment of the commemorative work under this section.

(2) RESPONSIBILITY OF PEACE CORPS.—The Peace Corps Commemorative Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the commemorative work under this section.

(d) DEPOSIT OF EXCESS FUNDS.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), or on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work, the Peace Corps Commemorative Foundation shall transmit the amount of the balance to the Secretary of the Interior for deposit in the account provided for in section 8906(b)(3) of title 40, United States Code.

#### SEC. 2. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### MINUTEMAN MISSILE NATIONAL HISTORIC SITE BOUNDARY MODIFICATION ACT

The bill (S. 1478) to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1478

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Minuteman Missile National Historic Site Boundary Modification Act”.

#### SEC. 2. BOUNDARY MODIFICATION.

Section 3(a) of the Minuteman Missile National Historic Site Establishment Act of 1999 (16 U.S.C. 461 note; Public Law 106-115) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) VISITOR FACILITY AND ADMINISTRATIVE SITE.—

“(A) IN GENERAL.—In addition to the components described in paragraph (2), the historic site shall include a visitor facility and administrative site located on the parcel of land described in subparagraph (B).

“(B) DESCRIPTION OF LAND.—The land referred to in subparagraph (A) consists of—

“(i) approximately 25 acres of land within the Buffalo Gap National Grassland, located north of exit 131 on Interstate 90 in Jackson County, South Dakota, as generally depicted on the map entitled ‘Minuteman Missile National Historic Site Boundary Modification’, numbered 406/80,011A, and dated January 14, 2011; and

“(ii) approximately 3.65 acres of land located at the Delta 1 Launch Control Facility for the construction and use of a parking lot and for other administrative uses.

“(C) AVAILABILITY OF MAP.—The map described in subparagraph (B) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service.

“(D) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land described in subparagraph (B) is transferred from the Secretary of Agriculture to the Secretary, to be administered as part of the historic site.

“(E) BOUNDARY ADJUSTMENT.—The boundaries of the Buffalo Gap National Grassland are modified to exclude the land transferred under subparagraph (D).”.

#### BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

The bill (S. 499) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 499

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Bonneville Unit Clean Hydropower Facilitation Act”.

**SEC. 2. DIAMOND FORK SYSTEM DEFINED.**

For the purposes of this Act, the term “Diamond Fork System” means the facilities described in chapter 4 of the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit.

**SEC. 3. COST ALLOCATIONS.**

Notwithstanding any other provision of law, in order to facilitate hydropower development on the Diamond Fork System, the amount of reimbursable costs allocated to project power in Chapter 6 of the Power Appendix in the October 2004 Supplement to the 1988 Bonneville Unit Definite Plan Report, with regard to power development within the Diamond Fork System, shall be considered final costs as well as costs in excess of the total maximum repayment obligation as defined in section 211 of the Central Utah Project Completion Act of 1992 (Public Law 102-575), and shall be subject to the same terms and conditions.

**SEC. 4. NO PURCHASE OR MARKET OBLIGATION; NO COSTS ASSIGNED TO POWER.**

Nothing in this Act shall obligate the Western Area Power Administration to purchase or market any of the power produced by the Diamond Fork power plant and none of the costs associated with development of transmission facilities to transmit power from the Diamond Fork power plant shall be assigned to power for the purpose of Colorado River Storage Project ratemaking.

**SEC. 5. PROHIBITION ON TAX-EXEMPT FINANCING.**

No facility for the generation or transmission of hydroelectric power on the Diamond Fork System may be financed or refinanced, in whole or in part, with proceeds of any obligation—

(1) the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986, or

(2) with respect to which credit is allowable under subpart I or J of part IV of subchapter A of chapter 1 of such Code.

**SEC. 6. REPORTING REQUIREMENT.**

If, 24 months after the date of the enactment of this Act, hydropower production on the Diamond Fork System has not commenced, the Secretary of the Interior shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate stating this fact, the reasons such production has not yet commenced, and a detailed timeline for future hydropower production.

**SEC. 7. PAYGO.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

**SEC. 8. LIMITATION ON THE USE OF FUNDS.**

The authority under the provisions of section 301 of the Hoover Power Plant Act of 1984 (Public Law 98-381; 42 U.S.C. 16421a) shall not be used to fund any study or construction of transmission facilities developed as a result of this Act.

## SLEEPING BEAR DUNES NATIONAL LAKESHORE CONSERVATION AND RECREATION ACT

The bill (S. 140) to designate as wilderness certain land and inland water

within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 140

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Sleeping Bear Dunes National Lakeshore Conservation and Recreation Act”.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **MAP.**—The term “map” means the map consisting of 6 sheets entitled “Sleeping Bear Dunes National Lakeshore Proposed Wilderness Boundary”, numbered 634/80,083B, and dated November 2010.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 3. SLEEPING BEAR DUNES WILDERNESS.**

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land and inland water within the Sleeping Bear Dunes National Lakeshore comprising approximately 32,557 acres along the mainland shore of Lake Michigan and on certain nearby islands in Benzie and Leelanau Counties, Michigan, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the “Sleeping Bear Dunes Wilderness”.

(b) **MAP.**—

(1) **AVAILABILITY.**—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) **CORRECTIONS.**—The Secretary may correct any clerical or typographical errors in the map.

(3) **LEGAL DESCRIPTION.**—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare a legal description of the wilderness boundary and submit a copy of the map and legal description to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(c) **ROAD SETBACKS.**—The wilderness boundary shall be—

(1) 100 feet from the centerline of adjacent county roads; and

(2) 300 feet from the centerline of adjacent State highways.

**SEC. 4. ADMINISTRATION.**

(a) **IN GENERAL.**—Subject to valid existing rights, the wilderness area designated by section 3(a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) **MAINTENANCE OF ROADS OUTSIDE WILDERNESS BOUNDARY.**—Nothing in this Act prevents the maintenance and improvement of roads that are located outside the boundary of the wilderness area designated by section 3(a).

(c) **FISH AND WILDLIFE.**—Nothing in this Act affects the jurisdiction of the State of Michigan with respect to the management of fish and wildlife, including hunting and fishing within the national lakeshore in accord-

ance with section 5 of Public Law 91-479 (16 U.S.C. 460x-4).

(d) **SAVINGS PROVISIONS.**—Nothing in this Act modifies, alters, or affects—

(1) any treaty rights; or

(2) any valid private property rights in existence on the day before the date of enactment of this Act.

## SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK BOUNDARY EXPANSION ACT OF 2011

The Senate proceeded to consider the bill (S. 114) to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “San Antonio Missions National Historical Park Boundary Expansion Act of 2011”.*

**SEC. 2. PARK BOUNDARY STUDY.**

*Section 201 of Public Law 95-629 (16 U.S.C. 410ee) is amended—*

*(1) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (e), (f), (g), and (h), respectively;*

*(2) by inserting after subsection (a) the following:*

*“(b) STUDY.—*

*“(1) IN GENERAL.—The Secretary shall conduct a study of land in Bexar and Wilson Counties, Texas, to identify land that would be suitable for inclusion in the park.*

*“(2) REQUIREMENTS.—In conducting the study under paragraph (1), the Secretary shall examine the natural, cultural, recreational, and scenic values and characteristics of the land.*

*“(3) REPORT.—Not later than 3 years after the date on which funds are made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the study.”;*

*(3) by inserting after subsection (c) (as redesignated by paragraph (1)) the following:*

*“(d) INTERPRETIVE SERVICES.—The Secretary may assign park employees to provide interpretive services, including visitor information and education, at facilities outside the boundary of the park.”; and*

*(4) in paragraph (1)(D) of subsection (g) (as redesignated by paragraph (1)), by striking “subsection (b)(2)” and inserting “subsection (c)(2)”.*

**SEC. 3. BOUNDARY EXPANSION.**

*Section 201 of Public Law 95-629 (16 U.S.C. 410ee) is amended—*

*(1) by striking “SEC. 201. (A) In order” and insert the following:*

*“SEC. 201. SAN ANTONIO MISSIONS HISTORICAL PARK.*

*“(a) ESTABLISHMENT.—*

*“(1) IN GENERAL.—In order”; and*

*(2) in subsection (a)—*

*(A) in the second sentence, by striking “The park shall also” and inserting the following:*

*“(2) ADDITIONAL LAND.—The park shall also”;*

*(B) in the third sentence, by striking “After advising the” and inserting the following:*

“(4) REVISIONS.—After advising the”; and  
(C) by inserting after paragraph (2) (as designated by subparagraph (A)) the following:

“(3) BOUNDARY MODIFICATION.—

“(A) IN GENERAL.—The boundary of the park is modified to include approximately 151 acres, as depicted on the map entitled ‘San Antonio Missions National Historical Park Proposed Boundary Addition’, numbered 472-68, 027, and dated November 2009.

“(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for inspection in the appropriate offices of the National Park Service.

“(C) ACQUISITION OF LAND.—The Secretary of the Interior may acquire the land or any interest in the land described in in subparagraph (A) by purchase from willing sellers, donation, or exchange.”.

The amendment in the nature of a substitute (No. 3446) was agreed to, as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “San Antonio Missions National Historical Park Boundary Expansion Act of 2012”.

#### SEC. 2. BOUNDARY EXPANSION.

Section 201 of Public Law 95-629 (16 U.S.C. 410ee) is amended—

(1) by striking “SEC. 201. (a) In order” and inserting the following:

“SEC. 201. SAN ANTONIO MISSIONS HISTORICAL PARK.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—In order”; and

(2) in subsection (a)—

(A) in the second sentence, by striking “The park shall also” and inserting the following:

“(2) ADDITIONAL LAND.—The park shall also”; and

(B) in the third sentence, by striking “After advising the” and inserting the following:

“(4) REVISIONS.—After advising the”; and  
(C) by inserting after paragraph (2) (as designated by subparagraph (A)) the following:

“(3) BOUNDARY MODIFICATION.—

“(A) IN GENERAL.—The boundary of the park is modified to include approximately 137 acres, as depicted on the map entitled ‘San Antonio Missions National Historical Park Proposed Boundary Addition’, numbered 472/113,006A, and dated June 2012.

“(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for inspection in the appropriate offices of the National Park Service.

“(C) ACQUISITION OF LAND.—The Secretary of the Interior may acquire the land or any interest in the land described in subparagraph (A) by donation or exchange.”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 114) was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 3447) to amend the title was agreed to, as follows:

Amend the title so as to read as follows: “To expand the boundary of the San Antonio Missions National Historical Park.”.

#### WHITE CLAY CREEK WILD AND SCENIC RIVER EXPANSION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed

to the consideration of Calendar No. 283, S. 970.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 970) to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I do not believe there is any further debate on this bill.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 970) was passed, as follows:

S. 970

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “White Clay Creek Wild and Scenic River Expansion Act of 2011”.

#### SEC. 2. DESIGNATION OF SEGMENTS OF WHITE CLAY CREEK, AS SCENIC AND RECREATIONAL RIVERS.

Section 3(a)(163) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(163)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking “190 miles” and inserting “199 miles”; and

(B) by striking “the recommended designation and classification maps (dated June 2000)” and inserting “the map entitled ‘White Clay Creek Wild and Scenic River Designated Area Map’ and dated July 2008, the map entitled ‘White Clay Creek Wild and Scenic River Classification Map’ and dated July 2008, and the map entitled ‘White Clay Creek National Wild and Scenic River Proposed Additional Designated Segments-July 2008’”; and

(2) by striking subparagraph (B) and inserting the following:

“(B) 22.4 miles of the east branch beginning at the southern boundary line of the Borough of Avondale, including Walnut Run, Broad Run, and Egypt Run, outside the boundaries of the White Clay Creek Preserve, as a recreational river.”; and

(3) by striking subparagraph (H) and inserting the following:

“(H) 14.3 miles of the main stem, including Lamborn Run, that flow through the boundaries of the White Clay Creek Preserve, Pennsylvania and Delaware, and White Clay Creek State Park, Delaware beginning at the confluence of the east and middle branches in London Britain Township, Pennsylvania, downstream to the northern boundary line of the City of Newark, Delaware, as a scenic river.”.

#### SEC. 3. ADMINISTRATION OF WHITE CLAY CREEK.

Sections 4 through 8 of Public Law 106-357 (16 U.S.C. 1274 note; 114 Stat. 1393), shall be applicable to the additional segments of the White Clay Creek designated by the amendments made by section 2.

Mr. DURBIN. I ask unanimous consent the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURE READ THE FIRST TIME—H.R. 459

Mr. DURBIN. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 459) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

Mr. DURBIN. I now ask for a second reading and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

#### AUTHORITY TO PRINT

Mr. DURBIN. Mr. President, I ask unanimous consent that when tributes to Danny Inouye, late Senator from Hawaii, be printed as a Senate document, and that Members have until 12 p.m. on Tuesday, January 8, 2013, to submit said tributes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR MONDAY, DECEMBER 31, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until 11 a.m. Monday, December 31, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 12 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS UNTIL 11 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it recess under the previous order.

There being no objection, the Senate, at 7:26 p.m., recessed until Monday, December 31, 2012, at 11 a.m.

## CONFIRMATIONS

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT

## DEPARTMENT OF JUSTICE

Executive nominations confirmed by  
the Senate Sunday, December 30, 2012:

CAROL J. GALANTE, OF CALIFORNIA, TO BE AN ASSIST-  
ANT SECRETARY OF HOUSING AND URBAN DEVELOP-  
MENT.

WILLIAM JOSEPH BAER, OF MARYLAND, TO BE AN AS-  
SISTANT ATTORNEY GENERAL.

## HOUSE OF REPRESENTATIVES—*Sunday, December 30, 2012*

Pursuant to section 2 of House Resolution 479, 112th Congress, the House met at 2 p.m. and was called to order by the Speaker.

### NOTICE OF RECONVENING

The SPEAKER laid before the House the text of the formal notification sent to Members on Thursday, December 27, 2012, of the reconvening of the House.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 27, 2012.

DEAR COLLEAGUE: Pursuant to section 2 of House Resolution 479, and after consultation with the Minority Leader of the House, I have determined that the public interest requires that the House reconvene at 2:00 PM on Sunday, December 30, 2012. Further announcements will be provided by the Majority Leader's office.

Thank you for your attention to this urgent matter.

Sincerely,

JOHN A. BOEHNER.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

The year, and the 112th Congress near completion, yet the work to be done remains. Bless the Members who regather in these waning days with wisdom, magnanimity, and a shared desire to serve our Nation at a pivotal time for us all.

Bless the efforts of all who have labored during these days to forge solutions to considerable problems facing our Nation.

In the end, may we continue to trust that You would not abandon those who put their trust in You.

May all that is done this day be for Your greater honor and glory. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### PULSE OF TEXAS—MIKE: "CANNOT HAVE COOKIES WITHOUT THE MILK"

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, "Can't have cookies without the milk. Tax reform and spending cuts, not one without the other." That was a comment on my Facebook page from Mike in Texas.

The American people get it. Why doesn't the government? Because Washington is addicted to spending somebody else's money. The House has already passed two bills that would avert the fiscal cliff, but as usual, the Senate is missing in action.

In August, we passed a bipartisan bill, an extension of current tax rates for all Americans through the end of 2013. Then, the week before Christmas, the House again passed legislation to avoid defense sequestration by cutting spending. But as usual, both bills lie in the graveyard of the Senate, where good bills go to die.

Mr. Speaker, it's time for the Senate and Senator REID to man up, consider these bills, and get serious about the root of the problem: spending. We got here by spending too much, not taxing too little.

And that's just the way it is.

### AS IT WAS FOR THE ANASAZI, SO COULD IT BE FOR AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The Anasazi were Native Americans whose culture dated back 2,000 years. They were the cliff dwellers who built into the sheer walls of canyons extraordinary places to live. Yet, in 1300 A.D., these cliff dwellers, these great architects of culture and civilization, mysteriously disappeared.

The people of this great Nation, the United States of America, are dwelling on real cliffs of fiscal insecurity: the cliffs of joblessness and low wages; the cliffs of mortgage foreclosure, homelessness; the cliffs of retirement insecurity; the cliffs of small business failure and investor uncertainty; the cliffs of violence at home and war abroad.

At a time when the government should be demonstrating its capacity to meet the practical aspirations of the American people for jobs, education, health care, and retirement security, the government instead would have America dwell at the edge of a fiscal cliff in a manufactured crisis to manufacture consent for a deal that would otherwise be unacceptable.

Leaders of both parties would do well to remember that the original cliff dwellers, as great as they were, disappeared.

### DEFICIT CRISIS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, our country is facing a crisis. I'm not talking about the made-for-TV crisis that's going on right now over the fiscal cliff. I'm talking about the deficit.

The national debt now stands at \$16 trillion. At the end of this President's next term it will be close to \$22 trillion. Both parties bear the blame for this. Both branches of the legislative branch bear the responsibility, multiple administrations. And just as everyone was involved in the creation of this problem, we need all hands on deck for a solution. But unfortunately, it doesn't seem to be so.

Mr. Speaker, growth is critical. The last quarter of this year likely will see growth at 1.2 to 1.3 percent. That's not going to cut it. As long as we continue to push a tax policy that punishes success rather than provides for a pro-growth strategy, we will never grow our way out of this problem.

And then on the spending side, when are we going to have the open congressional hearings where we focus on the waste, the favoritism, the duplication that occurs in our Federal agencies? It's far past time for us to focus on those areas and allow the public in and allow the public to see how their money is being spent.

Failure to act on the deficit will likely rend the very fabric of our Republic. I, for one, do not want to see that happen.

### FISCAL CLIFF

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Recent reports have said this Congress is the most unproductive in modern times. Those studies



compare the number of rollcall votes and bills passed to previous sessions. But the most important comparison is whether each Congress rose to the challenges they faced and were able to do big things on behalf of their constituents and the country. By that measure, there truly is no comparison.

Whether or not you supported the actions of previous Congresses, there can be no doubt that those congressional leaders took bold and decisive action to address crises both imminent and still to come. Unfortunately, the same cannot be said—yet—for this Congress, which has to this point failed to address a fiscal cliff that could easily be avoided before the clock strikes midnight tomorrow.

Mr. Speaker, there is still time to change the way history will judge the action—or inaction—of this Congress. With crisis comes opportunity. We still have time to finish the job, so let's not squander this opportunity to remove this Congress from the ranks of the most infamous in history.

#### A TRIBUTE TO A GREAT AMERICAN, MIKE COATS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I rise today wearing my space shuttle tie to honor my hero, my friend, Mike Coats. Tomorrow, Mike is retiring as Director of the Johnson Space Center of Houston.

Mike and I have a few things in common. We both are naval aviators who love Coach Bill Krueger and Clear Lake High School basketball. But Mike has done things I only dream of. He logged over 463 hours in space on three space shuttle missions. Most importantly, he fought to keep the Johnson Space Center the home of U.S. dominance in human spaceflight despite the retirement of the space shuttle and the cancellation of the Constellation program. When I grow up, I want to be Mike Coats.

Bravo Zulu, Mike. May you, Diane, your daughter, your son, and those two beautiful granddaughters, those twins, always have fair winds and following seas.

□ 1410

#### WE NEED A SHARED CONCERN FOR AMERICA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Thank you for these words. I share a desire to serve the Nation in this pivotal time.

Mr. Speaker, I think it is enormously important that, as Starbucks said, we "come together." And we can do so. We can do it in a rationality that takes a

simple analysis. A simple analysis says that if I like a bag of potato chips, that's a luxury item, I can run in and get it. I don't have to think about it. Its cost is manageable. If I want to go in and get a high-end Cadillac, I'll think about it for a couple of days.

That should be the thought process for this fiscal cliff. Pass the \$250,000 that will give 99 percent of Americans a tax break. Protect those who are unemployed who have worked and provide for their unemployment insurance. Protect those with the AMT—30 million taxpayers will fall over the cliff if we don't fix that, 222,000 Texans. And then if we have to deal with looking at how we address the question of reforming those benefits of Americans who work like Medicare and Social Security, we can do so. But I join the AARP, I join senior citizens: Leave Social Security alone. The changed CPI will not work, and that is not a time to deal with it in these waning hours.

We, Republicans, created this quagmire with the sequestration. We need to go and be able to address the immediacy. Get your bag of potato chips, cut the taxes for 99 percent of the American people and protect the unemployed.

We can do this. We don't have to go over the fiscal cliff. A shared concern for America, that's what we need today.

#### MIDDLE CLASS TAX CUTS

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Mr. Speaker, this Republican-controlled House has less than 36 hours to pass an extension of middle class tax cuts. Count me in as a "yes" vote right now to protect 98 percent of taxpayers from a tax increase. There should be bipartisan support to protect middle class families from higher taxes as our economy recovers.

So I sincerely hope that this Republican House is not so broken, so dysfunctional, and so out of touch with the real lives of Americans that the majority simply refuses to stand with Democrats to immediately pass an extension of the middle class tax cuts.

Yes, the top negotiations on other fiscal cliff issues must continue, but, Mr. Speaker, do not deny this Congress the opportunity to vote on a clean bill protecting middle class Americans. Let's start the new year by passing a commonsense, bipartisan extension of the middle class tax cuts and show America that Congress still works.

#### INFRASTRUCTURE SPENDING

(Mr. CURSON of Michigan asked and was given permission to address the House for 1 minute.)

Mr. CURSON of Michigan. Mr. Speaker, more than 12 million Americans are

still searching for work. The fiscal cliff and deficit reduction are important for our Nation's economic health in the long term, but we need to remember in the short term, we need job creation to get the economy moving again. We can do that by investing in our Nation's infrastructure.

By investing in our infrastructure, we put people to work and create revenue immediately. More people working lessens the strain on unemployment and family assistance programs and generates more employed persons paying taxes. Putting people back to work is a deficit-reduction plan.

The U.S. Department of Transportation estimates that \$1 billion in highway investments can create nearly 28,000 well-paying construction jobs. Because infrastructure investment is not only a huge boost to the economy, it's critically needed. Historically, the issue has had bipartisan support because it's so critically important. If you need to get to the other side of a bridge, it doesn't matter if you're a Republican or a Democrat, you need to get to the other side.

Now is the time for America to invest in maintaining and upgrading our infrastructure. Let's put America back to work.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. HARRIS) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 28, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 28, 2012 at 10:45 a.m.:

That the Senate passed without amendment H.R. 5949.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 28, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 28, 2012 at 9:50 a.m.:

That the Senate passed without amendment H.R. 2338.

That the Senate passed without amendment H.R. 3892.

That the Senate passed without amendment H.R. 3869.

That the Senate passed without amendment H.R. 4389.

That the Senate passed without amendment H.R. 6260.

That the Senate passed without amendment H.R. 6379.

That the Senate passed without amendment H.R. 6587.

That the Senate passed S. 3667.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,

Washington, DC, December 30, 2012.

Hon. JOHN A. BOEHNER,

The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 30, 2012 at 1:00 p.m.

That the Senate passed S. 3454.

That the Senate passed with amendments H.R. 1.

That the Senate passed with amendments H.R. 1464.

That the Senate passed without amendment H.R. 6014.

That the Senate passed without amendment H.R. 6620.

That the Senate passed with amendment H.R. 6621.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess.

□ 1630

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 4 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas

and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### IMPROVING TRANSPARENCY OF EDUCATION OPPORTUNITIES FOR VETERANS ACT OF 2012

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4057) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. COMPREHENSIVE POLICY ON PROVIDING EDUCATION INFORMATION TO VETERANS.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

#### “§3698. Comprehensive policy on providing education information to veterans

“(a) COMPREHENSIVE POLICY REQUIRED.—The Secretary shall develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning.

“(b) SCOPE.—In developing the policy required by subsection (a), the Secretary shall include each of the following elements:

“(1) Effective and efficient methods to inform individuals of the educational and vocational counseling provided under section 3697A of this title.

“(2) A centralized mechanism for tracking and publishing feedback from students and State approving agencies regarding the quality of instruction, recruiting practices, and post-graduation employment placement of institutions of higher learning that—

“(A) allows institutions of higher learning to verify feedback and address issues regarding feedback before the feedback is published;

“(B) protects the privacy of students, including by not publishing the names of students; and

“(C) publishes only feedback that conforms with criteria for relevancy that the Secretary shall determine.

“(3) The merit of and the manner in which a State approving agency shares with an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b) information regarding the State approving agency's evaluation of an institution of higher learning.

“(4) Description of the information provided to individuals participating in the Transition Assistance Program under section 1144 of title 10 relating to institutions of higher learning.

“(5) Effective and efficient methods to provide veterans and members of the Armed Forces with information regarding postsecondary education

and training opportunities available to the veteran or member.

“(c) POSTSECONDARY EDUCATION INFORMATION.—(1) The Secretary shall ensure that the information provided pursuant to subsection (b)(5) includes—

“(A) an explanation of the different types of accreditation available to educational institutions and programs of education;

“(B) a description of Federal student aid programs; and

“(C) for each institution of higher learning, for the most recent academic year for which information is available—

“(i) whether the institution is public, private nonprofit, or proprietary-for-profit;

“(ii) the name of the national or regional accrediting agency that accredits the institution, including the contact information used by the agency to receive complaints from students;

“(iii) information on the State approving agency, including the contact information used by the agency to receive complaints from students;

“(iv) whether the institution participates in any programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

“(v) the tuition and fees;

“(vi) the median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) held by individuals upon completion of programs of education at the institution of higher learning (as determined from information collected by the Secretary of Education);

“(vii) the cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the institution;

“(viii) the total enrollment, graduation rate, and retention rate, as determined from information collected by the Integrated Postsecondary Education Data System of the Secretary of Education;

“(ix) whether the institution provides students with technical support, academic support, and other support services, including career counseling and job placement; and

“(x) the information regarding the institution's policies related to transfer of credit from other institutions, as required under section 485(h)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(h)(1)) and provided to the Secretary of Education under section 132(i)(1)(V)(iv) of such Act (20 U.S.C. 1015a(i)(1)(V)(iv)).

“(2) To the extent practicable, the Secretary shall provide the information described in paragraph (1) by including hyperlinks on the Internet website of the Department to other Internet websites that contain such information, including the Internet website of the Department of Education, in a form that is comprehensive and easily understood by veterans, members of the Armed Forces, and other individuals.

“(3)(A) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information that has been reported, or information that is similar to information that has been reported, by an institution of higher learning to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section, the Secretary of Veterans Affairs shall obtain the information the Secretary of Veterans Affairs requires from the Secretary or head with the information rather than the institution of higher learning.

“(B) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information from an institution of higher learning that has not been reported to another Federal agency, the Secretary shall, to the degree practicable, obtain such information through the Secretary of Education.

“(d) **CONSISTENCY WITH EXISTING EDUCATION POLICY.**—In carrying out this section, the Secretary shall ensure that—

“(1) the comprehensive policy is consistent with any requirements and initiatives resulting from Executive Order No. 13607; and

“(2) the efforts of the Secretary to implement the comprehensive policy do not duplicate the efforts being taken by any Federal agencies.

“(e) **COMMUNICATION WITH INSTITUTIONS OF HIGHER LEARNING.**—To the extent practicable, if the Secretary considers it necessary to communicate with an institution of higher learning to carry out the comprehensive policy required by subsection (a), the Secretary shall carry out such communication through the use of a communication system of the Department of Education.

“(f) **DEFINITIONS.**—In this section:

“(1) The term ‘institution of higher learning’ has the meaning given that term in section 3452(f) of this title.

“(2) The term ‘postsecondary education and training opportunities’ means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3697A the following new item:

“3698. Comprehensive policy on providing education information to veterans.”.

(b) **SURVEY.**—In developing the policy required by section 3698(a) of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs shall conduct a market survey to determine the availability of the following:

(1) A commercially available off-the-shelf online tool that allows a veteran or member of the Armed Forces to assess whether the veteran or member is academically ready to engage in postsecondary education and training opportunities and whether the veteran or member would need any remedial preparation before beginning such opportunities.

(2) A commercially available off-the-shelf online tool that provides a veteran or member of the Armed Forces with a list of providers of postsecondary education and training opportunities based on criteria selected by the veteran or member.

(c) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report that includes—

(1) a description of the policy developed by the Secretary under section 3698(a) of title 38, United States Code, as added by subsection (a);

(2) a plan of the Secretary to implement such policy; and

(3) the results of the survey conducted under subsection (b), including whether the Secretary plans to implement the tools described in such subsection.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(B) the Committee on Veterans’ Affairs and the Committee on Education and the Workforce of the House of Representatives.

(2) **COMMERCIALLY AVAILABLE OFF-THE-SHELF.**—The term “commercially available off-the-shelf” has the meaning given that term in section 104 of title 41, United States Code.

(3) **POSTSECONDARY EDUCATION AND TRAINING OPPORTUNITIES.**—The term “postsecondary edu-

cation and training opportunities” means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.

## **SEC. 2. PROHIBITION ON CERTAIN USES OF INDUCEMENTS BY EDUCATIONAL INSTITUTIONS.**

Section 3696 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary shall not approve under this chapter any course offered by an educational institution if the educational institution provides any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

“(2) To the degree practicable, the Secretary shall carry out paragraph (1) in a manner that is consistent with the Secretary of Education’s enforcement of section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).”.

## **SEC. 3. DEDICATED POINTS OF CONTACT FOR SCHOOL CERTIFYING OFFICIALS.**

Section 3684 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) Not later than 90 days after the date of the enactment of this subsection, the Secretary shall ensure that the Department provides personnel of educational institutions who are charged with submitting reports or certifications to the Secretary under this section with assistance in preparing and submitting such reports or certifications.”.

## **SEC. 4. LIMITATION ON AWARDS AND BONUSES TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.**

For fiscal year 2013, the Secretary of Veterans Affairs may not pay more than \$395,000,000 in awards or bonuses under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

### **GENERAL LEAVE**

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and add any extraneous material that they may have on the Senate amendment to H.R. 4057.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the Senate amendment before us, H.R. 4057, is another bipartisan and bicameral product of the work of the House and the Senate Committees on Veterans’ Affairs to improve the effectiveness of GI Bill benefits for our veterans.

I want to express my appreciation to the Subcommittee on Economic Opportunity Chairman MARLIN STUTZMAN,

Ranking Member BRUCE BRALEY, and our new committee ranking member, MIKE MICHAUD, for working with us to bring this amended bill to the House floor today. I also want to thank the chairman and ranking member of the Senate Committee on Veterans’ Affairs, Senators MURRAY and BURR, for their support of this legislation as well.

The Senate amendment responds to concerns about how to ensure that veterans make the best use of their hard-earned GI Bill benefits. Now, I think that by adding some very reasonable transparency requirements to information provided by schools we have met those concerns really without overburdening our colleges and universities with needless government regulations.

The bill, as amended, has four major sections. The first one reflects our vice chairman of the full committee Mr. BILIRAKIS’ original legislation, slightly modified, which would improve the ability of GI Bill users to choose the school that best meets their own educational needs. These provisions will help this generation of veterans make informed choices about how to use those educational benefits.

I appreciate the bipartisanship manner in which our colleagues on both sides of the aisle have worked to reach an accord on the final provisions of this section. I also want to thank the veteran service organizations for their assistance, especially the Veterans of Foreign Wars, for they have been so supportive of this particular section. I also want to thank the higher education associations for their support as well.

Now, section 2 contains additional provisions from the original bill that will prohibit schools from paying or offering any type of inducement to employees or students for recruiting veterans. It would also require the Secretary of Veterans Affairs to carry out enforcement of this provision in a manner that is consistent with the Higher Education Act.

Section 3 would require VA to provide a point of contact dedicated to assisting schools with questions about VA education policy and processes.

The fourth section would limit the total amount of bonuses or awards paid to VA employees to \$395 million total in fiscal year 2013, which fully pays for the provisions in the Senate amendment.

Finally, if properly implemented by VA, and if the multitude of Federal, State, and local agencies charged with overseeing the education industry properly enforce existing laws and regulations, there should be little need for further legislation in this area.

Regardless, the House Committee on Veterans’ Affairs will continue to aggressively monitor the implementation of this legislation and the performance of the entire education industry to ensure that these provisions achieve the desired results.

I encourage all the Members of this body to support the bill, and I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself as much time as I may consume.

First of all, I would like to thank the chairman of the Veterans' Affairs Committee and the staff of both the majority and the minority for their work in putting these two bills together before us today.

I rise today in support of this bill, H.R. 4057, a bill requiring the Department of Veterans Affairs to develop a policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

Mr. Speaker, our brave men and women of this country put their lives in harm's way to ensure that our freedom is protected. Their actions are without reservation or consideration to what may become of their lives. We must honor their service by ensuring that they have the opportunity to pursue the American Dream when they come home. This includes making it affordable for them to buy a home, protecting their employment while they are deployed, and allowing them to pursue a postsecondary education.

Our servicemembers are trained for the worst when they are deployed, ready to fight in combat, and, if necessary, make the ultimate sacrifice. But when they return home, the battle to transition to civilian life can be difficult and frustrating. With the passage of the post-9/11 GI Bill, which provided generous education benefits, many veterans and their dependents took this opportunity to pursue a higher education and a better life.

However, it is not enough to provide a benefit if the veterans do not have the proper information on the educational opportunities available to them. They need the right tools at the right time to help them determine which school is the best one for them. That is why I support strongly H.R. 4057.

This bill will provide our veterans with the necessary information to make an intelligent and informed decision when deciding to pursue a postsecondary education or vocational training opportunity.

Education is a key factor for a successful professional life, particularly for servicemembers that may have some difficulty translating their military skill to civilian employment. This bill requires a collective effort from agencies, institutions of higher learning, and Congress to help veterans succeed. Furthermore, this bill can help ensure a better, well-trained workforce for a more competitive America.

I ask my colleagues to join me in support of H.R. 4057, and I respectfully reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I'm now happy to yield as much time as he might consume to the vice chairman of the full committee, Tarpon Springs' favorite son, the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Speaker, I rise today in strong support of H.R. 4057, the Improving Transparency of Education Opportunities for Veterans Act, as amended by the Senate. I'm truly proud of my colleagues in both the House and the Senate for putting aside partisan differences and coming together to move this bill through both Chambers in the best interests of our true American heroes, our veterans.

As more and more servicemembers are leaving Active Duty and use their post-9/11 GI benefits, there is an increased need for information to help them choose institutions of higher learning which maximize their benefits and best meet their future career demands.

My bill, as amended, requires the Secretary of Veterans Affairs to create a comprehensive policy, which includes informing veterans about their eligibility for educational counseling, creating a centralized complaint database on schools, requiring State-approving agencies to better communicate with accrediting agencies, establishing how information will be presented in the transition assistance program, and identifying commercially off-the-shelf available software to assist students in choosing a school and evaluating their readiness to attend postsecondary institutions.

I want to express my sincere appreciation to my good friend, Chairman JEFF MILLER, a fellow Floridian, and also the ranking member, Bob Filner, of course, Mr. MICHAUD, along with Senators MURRAY and BURR, for moving this legislation through both Chambers. I would like to thank also Representative BRALEY, the veterans service organizations, and higher education associations for providing feedback on ways to improve this bill and their continued support going forward.

Mr. Speaker, I urge passage of H.R. 4057.

□ 1640

Mr. MICHAUD. At this time, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank Mr. MICHAUD very much. I thank him for his leadership on this legislation. And I thank the chairman of the Veterans' Affairs Committee and the author of the bill, along with Mr. MICHAUD and Mr. BILIRAKIS, for their leadership.

Texas competes with many States for the number of returning soldiers from Iraq and Afghanistan and certainly is known for the presence of veterans from almost every single war. We are a State of military personnel and mili-

tary bases, and Houston is known as well for the large numbers of veterans residing there.

I happen to represent the veterans cemetery and interact with veterans on a regular basis. We have Ellington Field, which we hope will some day hold one of the major commands. So we see veterans every day, and we have the opportunity to interact. And we know their dreams and aspirations and those of their family members.

I rise to support H.R. 4057 with the Senate amendment to particularly emphasize some very important points. I want veterans to be treated fairly. I want them to be able to build on the training and the amount of talent that they've built on in the United States military. This legislation protects them and acts to help them utilize the post-Iraq and Afghanistan GI Bill, one of the most unique initiatives in the Nation and one that we supported in a bipartisan way.

This legislation will allow the VA to conduct a market survey of online tools that allow veterans to assess their academic preparedness, to pursue postsecondary education training opportunities, and provide these veterans with a list of institutions that match the criteria. That is our Achilles' heel. Veterans come back, they see a lot of advertisements, they are attracted to a number of institutions; but they may not work for them. This kind of tracking and guidance will say, We really appreciate you; we want you to use these resources in the best way possible. In addition, the VA will then be required or will be able to secure information from other Departments, like the Department of Education, to know about these institutions and guide our veterans in the best way possible.

I see veterans, as I said, all the time. I see homeless veterans. I see veterans seeking services. I see veterans, as many of us do, in our offices. They want information. They want to be respected. They want to be able to contribute in today's society, to help their families, and to use those skills where they were serving their Nation in the best way possible.

I believe the gift that we've given them in education should be a guided gift to give them the kind of pathway, if you will, that will make sure that these resources are used in the best way possible. So I support this legislation.

I would finally say that I additionally support the bill coming up about dignified burial and other veterans benefits just to specifically say because of my district having the veterans cemetery, because of the many issues we have dealt with in the particular cemetery in Houston, this is great news to know that no veteran will be undermined in their burial, no veteran will be in an undignified burial because of this legislation.

I thank my colleagues for moving forward on recognizing that our veterans have sacrificed for us. We need now to respect that and sacrifice for them.

With that, I ask my colleagues to support the legislation.

Mr. MILLER of Florida. Mr. Speaker, I would like to inquire as to whether my friend has any more speakers. If not, I reserve the balance of time, as we have no more speakers.

Mr. MICHAUD. I have no further speakers, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I once again encourage all Members to support the Senate amendment to H.R. 4057, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4057.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MICHAUD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## DIGNIFIED BURIAL AND OTHER VETERANS' BENEFITS IMPROVEMENT ACT OF 2012

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3202) to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3202

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Scoring of budgetary effects.

#### TITLE I—CEMETERY MATTERS

Sec. 101. Furnishing caskets and urns for deceased veterans with no known next of kin.

Sec. 102. Veterans freedom of conscience protection.

Sec. 103. Improved communication between Department of Veterans Affairs and medical examiners and funeral directors.

Sec. 104. Identification and burial of unclaimed or abandoned human remains.

Sec. 105. Exclusion of persons convicted of committing certain sex offenses from interment or memorialization in national cemeteries, Arlington National Cemetery, and certain State veterans’ cemeteries and from receiving certain funeral honors.

Sec. 106. Restoration, operation, and maintenance of Clark Veterans Cemetery by American Battle Monuments Commission.

Sec. 107. Report on compliance of Department of Veterans Affairs with industry standards for caskets and urns.

#### TITLE II—HEALTH CARE

Sec. 201. Establishment of open burn pit registry.

Sec. 202. Transportation of beneficiaries to and from facilities of Department of Veterans Affairs.

Sec. 203. Extension of reduced pension for certain veterans covered by medicaid plans for services furnished by nursing facilities.

Sec. 204. Extension of report requirement for Special Committee on Post-Traumatic-Stress Disorder.

#### TITLE III—OTHER MATTERS

Sec. 301. Off-base transition training for veterans and their spouses.

Sec. 302. Requirement that judges on United States Court of Appeals for Veterans Claims reside within 50 miles of District of Columbia.

Sec. 303. Designation of Trinka Davis Veterans Village.

Sec. 304. Designation of William “Bill” Kling Department of Veterans Affairs Outpatient Clinic.

Sec. 305. Designation of Mann-Grandstaff Department of Veterans Affairs Medical Center.

Sec. 306. Designation of David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic.

### SEC. 2. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### TITLE I—CEMETERY MATTERS

### SEC. 101. FURNISHING CASKETS AND URNS FOR DECEASED VETERANS WITH NO KNOWN NEXT OF KIN.

(a) IN GENERAL.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following new subsection (f):

“(f) The Secretary may furnish a casket or urn, of such quality as the Secretary considers appropriate for a dignified burial, for burial in a national cemetery of a deceased veteran in any case in which the Secretary—

“(1) is unable to identify the veteran’s next of kin, if any; and

“(2) determines that sufficient resources for the furnishing of a casket or urn for the burial of the veteran in a national cemetery are not otherwise available.”; and

(3) in subsection (h), as redesignated by paragraph (1), by adding at the end the following new paragraph:

“(4) A casket or urn may not be furnished under subsection (f) for burial of a person described in section 2411(b) of this title.”.

(b) EFFECTIVE DATE.—Subsections (f) and (h)(4) of section 2306 of title 38, United States Code, as added by subsection (a), shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is one year after the date of the enactment of this Act.

### SEC. 102. VETERANS FREEDOM OF CONSCIENCE PROTECTION.

(a) IN GENERAL.—Section 2404 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall ensure that—

“(A) the expressed wishes of the next of kin or other agent of the deceased veteran are respected and given appropriate deference when evaluating whether the proposed interment or funeral, memorial service, or ceremony affects the safety and security of the national cemetery and visitors to the cemetery;

“(B) to the extent possible, all appropriate public areas of the cemetery, including committal shelters, chapels, and benches, may be used by the family of the deceased veteran for contemplation, prayer, mourning, or reflection; and

“(C) during such interment or funeral, memorial service, or ceremony, the family of the deceased veteran may display any religious or other symbols chosen by the family.

“(2) Subject to regulations prescribed by the Secretary under paragraph (4), including such regulations ensuring the security of a national cemetery, the Secretary shall, to the maximum extent practicable, provide to any military or volunteer veterans honor guard, including such guards belonging to a veterans service organization or other non-governmental group that provides services to veterans, access to public areas of a national cemetery if such access is requested by the next of kin or other agent of a deceased veteran whose interment or funeral, memorial service, or ceremony is being held in such cemetery.

“(3) With respect to the interment or funeral, memorial service, or ceremony of a deceased veteran at a national cemetery, the Secretary shall notify the next of kin or other agent of the deceased veteran of funeral honors available to the deceased veteran, including such honors provided by any military or volunteer veterans honor guard described in paragraph (2).

“(4) The Secretary shall prescribe regulations to carry out this subsection.”.

(b) INTERIM IMPLEMENTATION.—The Secretary may carry out paragraphs (1) through (3) of section 2404(h) of such title, as added by subsection (a), before the Secretary prescribes regulations pursuant to paragraph (4) of such section, as so added.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the implementation of section 2404(h) of such title, as added by subsection (a). Such report shall include a certification of whether the Secretary is in compliance with all of the provisions of such section.

**SEC. 103. IMPROVED COMMUNICATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND MEDICAL EXAMINERS AND FUNERAL DIRECTORS.**

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors**

“(a) REQUIRED INFORMATION.—With respect to each deceased veteran described in subsection (b) who is transported to a national cemetery for burial, the Secretary shall ensure that the local medical examiner, funeral director, county service group, or other entity responsible for the body of the deceased veteran before such transportation submits to the Secretary the following information:

“(1) Whether the deceased veteran was cremated.

“(2) The steps taken to ensure that the deceased veteran has no next of kin.

“(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is a deceased veteran—

“(1) with respect to whom the Secretary determines that there is no next of kin or other person claiming the body of the deceased veteran; and

“(2) who does not have sufficient resources for the furnishing of a casket or urn for the burial of the deceased veteran in a national cemetery, as determined by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2413 the following new item:

“2414. Communication between Department of Veterans Affairs and medical examiners and funeral directors.”.

(c) EFFECTIVE DATE.—Section 2414 of title 38, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to deaths occurring on or after the date that is 180 days after the date of the enactment of this Act.

**SEC. 104. IDENTIFICATION AND BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.**

(a) IDENTIFICATION OF UNCLAIMED OR ABANDONED HUMAN REMAINS.—The Secretary of Veterans Affairs shall cooperate with veterans service organizations to assist entities in possession of unclaimed or abandoned human remains in determining if any such remains are the remains of veterans or other individuals eligible for burial in a national cemetery under the jurisdiction of the Secretary.

(b) BURIAL OF UNCLAIMED OR ABANDONED HUMAN REMAINS.—

(1) FUNERAL EXPENSES.—Section 2302(a)(2) of title 38, United States Code, is amended by striking “who was a veteran of any war or was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, whose body is held by a State (or a political subdivision of a State), and”.

(2) TRANSPORTATION COSTS.—Section 2308 of such title is amended—

(A) by striking “Where a veteran” and all that follows through “compensation, the” and inserting “(a) IN GENERAL.—The”;

(B) in subsection (a), as designated by subparagraph (A), by inserting “described in subsection (b)” after “of the deceased veteran”; and

(C) by adding at the end the following new subsection:

“(b) DECEASED VETERAN DESCRIBED.—A deceased veteran described in this subsection is any of the following veterans:

“(1) A veteran who dies as the result of a service-connected disability.

“(2) A veteran who dies while in receipt of disability compensation (or who but for the receipt of retirement pay or pension under this title, would have been entitled to compensation).

“(3) A veteran whom the Secretary determines is eligible for funeral expenses under section 2302 of this title by virtue of the Secretary determining that the veteran has no next of kin or other person claiming the body of such veteran pursuant to subsection (a)(2)(A) of such section.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to burials and funerals occurring on or after the date that is one year after the date of the enactment of this Act.

**SEC. 105. EXCLUSION OF PERSONS CONVICTED OF COMMITTING CERTAIN SEX OFFENSES FROM INTERMENT OR MEMORIALIZATION IN NATIONAL CEMETERIES, ARLINGTON NATIONAL CEMETERY, AND CERTAIN STATE VETERANS' CEMETERIES AND FROM RECEIVING CERTAIN FUNERAL HONORS.**

(a) PROHIBITION AGAINST.—Section 2411(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) A person—

“(A) who has been convicted of a Federal or State crime causing the person to be a tier III sex offender for purposes of the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);

“(B) who, for such crime, is sentenced to a minimum of life imprisonment; and

“(C) whose conviction is final (other than a person whose sentence was commuted by the President or Governor of a State, as the case may be).”.

(b) CONFORMING AMENDMENTS.—Section 2411(a)(2) of such title is amended—

(1) by striking “or (b)(2)” each place it appears and inserting “, (b)(2), or (b)(4)”; and

(2) by striking “capital” each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interments and memorializations that occur on or after the date of the enactment of this Act.

**SEC. 106. RESTORATION, OPERATION, AND MAINTENANCE OF CLARK VETERANS CEMETERY BY AMERICAN BATTLE MONUMENTS COMMISSION.**

(a) IN GENERAL.—After an agreement is made between the Government of the Republic of the Philippines and the United States Government, Clark Veterans Cemetery in the Republic of the Philippines shall be treated, for purposes of section 2104 of title 38, United States Code, as a cemetery for which it was decided under such section that the cemetery will become a permanent cemetery and the American Battle Monuments Commission shall restore, operate, and maintain Clark Veterans Cemetery (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Republic of the Philippines.

(b) LIMITATION ON FUTURE BURIALS.—Burials at the cemetery described in subsection (a) after the date of the agreement described in such subsection shall be limited to eligible veterans, as determined by the Commis-

sion, whose burial does not incur any cost to the Commission.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission—

(1) \$5,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the cemetery described in subsection (a); and

(2) amounts necessary to operate and maintain the cemetery described in subsection (a).

**SEC. 107. REPORT ON COMPLIANCE OF DEPARTMENT OF VETERANS AFFAIRS WITH INDUSTRY STANDARDS FOR CASKETS AND URNS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the compliance of the Department of Veterans Affairs with industry standards for caskets and urns.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of industry standards for caskets and urns.

(2) An assessment of compliance with such standards at national cemeteries administered by the Department with respect to caskets and urns used for the interment of those eligible for burial at such cemeteries.

**TITLE II—HEALTH CARE**

**SEC. 201. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.**

(a) ESTABLISHMENT OF REGISTRY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic airborne chemicals and fumes caused by open burn pits;

(B) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits;

(C) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(D) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits.

(2) COORDINATION.—The Secretary of Veterans Affairs shall coordinate with the Secretary of Defense in carrying out paragraph (1).

(b) REPORT TO CONGRESS.—

(1) REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare reports as follows:

(A) Not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(i) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic airborne chemicals and fumes caused by open burn pits.

(ii) Recommendations to improve the collection and maintenance of such information.



(iii) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(B) Not later than five years after completing the initial report described in subparagraph (A), a follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what degree the content of the registry established under subsection (a) is current and scientifically up-to-date.

(2) SUBMITTAL TO CONGRESS.—

(A) INITIAL REPORT.—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the initial report prepared under paragraph (1)(A).

(B) FOLLOW-UP REPORT.—Not later than five years after submitting the report under subparagraph (A), the Secretary of Veterans Affairs shall submit to Congress the follow-up report prepared under paragraph (1)(B).

(C) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term “open burn pit” means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

#### SEC. 202. TRANSPORTATION OF BENEFICIARIES TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

##### “§ 111A. Transportation of individuals to and from Department facilities

“(a) TRANSPORTATION BY SECRETARY.—(1) The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.

“(2) The authority granted by paragraph (1) shall expire on the date that is one year after the date of the enactment of this section.”

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting “TRANSPORTATION BY THIRD-PARTIES.—” before “The Secretary”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

“111A. Transportation of individuals to and from Department facilities.”

#### SEC. 203. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “September 30, 2016” and inserting “November 30, 2016”.

#### SEC. 204. EXTENSION OF REPORT REQUIREMENT FOR SPECIAL COMMITTEE ON POST-TRAUMATIC-STRESS DISORDER.

Section 110(e)(2) of the Veterans’ Health Care Act of 1984 (Public Law 98-528; 38 U.S.C. 1712A note) is amended by striking “through 2012” and inserting “through 2016”.

### TITLE III—OTHER MATTERS

#### SEC. 301. OFF-BASE TRANSITION TRAINING FOR VETERANS AND THEIR SPOUSES.

(a) PROVISION OF OFF-BASE TRANSITION TRAINING.—During the two-year period beginning on the date of the enactment of this Act, the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations.

(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

(c) LOCATIONS.—

(1) NUMBER OF STATES.—The Secretary shall carry out the training under subsection (a) in not less than three and not more than five States selected by the Secretary for purposes of this section.

(2) SELECTION OF STATES WITH HIGH UNEMPLOYMENT.—Of the States selected by the Secretary under paragraph (1), at least two shall be States with high rates of unemployment among veterans.

(3) NUMBER OF LOCATIONS IN EACH STATE.—The Secretary shall provide training under subsection (a) to eligible individuals at a sufficient number of locations within each State selected under this subsection to meet the needs of eligible individuals in such State.

(4) SELECTION OF LOCATIONS.—The Secretary shall select locations for the provision of training under subsection (a) to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

(d) INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

(e) ANNUAL REPORT.—Not later than March 1 of any year during which the Secretary provides training under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

(f) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the one-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility and advisability of carrying out off-base transition training at locations nationwide.

#### SEC. 302. REQUIREMENT THAT JUDGES ON UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS RESIDE WITHIN 50 MILES OF DISTRICT OF COLUMBIA.

(a) RESIDENCY REQUIREMENT.—

(1) IN GENERAL.—Section 7255 is amended to read as follows:

##### “§ 7255. Offices, duty stations, and residences

“(a) PRINCIPAL OFFICE.—The principal office of the Court of Appeals for Veterans Claims shall be in the Washington, D.C., metropolitan area, but the Court may sit at any place within the United States.

“(b) OFFICIAL DUTY STATIONS.—(1) Except as provided in paragraph (2), the official duty station of each judge while in active service shall be the principal office of the Court of Appeals for Veterans Claims.

“(2) The place where a recall-eligible retired judge maintains the actual abode in which such judge customarily lives shall be considered the recall-eligible retired judge’s official duty station.

“(c) RESIDENCES.—(1) Except as provided in paragraph (2), after appointment and while in active service, each judge of the Court of Appeals for Veterans Claims shall reside within 50 miles of the Washington, D.C., metropolitan area.

“(2) Paragraph (1) shall not apply to recall-eligible retired judges of the Court of Appeals for Veterans Claims.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by striking the item relating to section 7255 and inserting the following new item:

“7255. Offices, duty stations, and residences.”

(b) REMOVAL.—Section 7253(f)(1) is amended by striking “or engaging in the practice of law” and inserting “engaging in the practice of law, or violating section 7255(c) of this title”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (c) of section 7255, as added by subsection (a), and the amendment made by subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLICABILITY.—The amendment made by subsection (b) shall apply with respect to judges confirmed on or after January 1, 2012.

#### SEC. 303. DESIGNATION OF TRINKA DAVIS VETERANS VILLAGE.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, shall after the date of the enactment of this Act be known and designated as the “Trinka Davis Veterans Village”.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Trinka Davis Veterans Village”.

#### SEC. 304. DESIGNATION OF WILLIAM “BILL” KLING DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 9800 West Commercial Boulevard in Sunrise, Florida, shall after the date of the enactment of this Act be known and designated as the “William ‘Bill’ Kling Department of Veterans Affairs Outpatient Clinic”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “William ‘Bill’ Kling Department of Veterans Affairs Outpatient Clinic”.

#### SEC. 305. DESIGNATION OF MANN-GRANDSTAFF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs medical center in Spokane,



Washington, shall after the date of the enactment of this Act be known and designated as the "Mann-Grandstaff Department of Veterans Affairs Medical Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs medical center referred to in subsection (a) shall be deemed to be a reference to the "Mann-Grandstaff Department of Veterans Affairs Medical Center".

**SEC. 306. DESIGNATION OF DAVID F. WINDER DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC.**

(a) DESIGNATION.—The Department of Veterans Affairs community based outpatient clinic located in Mansfield, Ohio, shall after the date of the enactment of this Act be known and designated as the "David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs community based outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the "David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Maine (Mr. MICHAUD) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

**GENERAL LEAVE**

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add any extraneous material that they may have on S. 3202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I yield myself such time as I may consume.

S. 3202 is another bipartisan and bicameral product of the House and the Senate Committees on Veterans' Affairs. It's going to improve the lives of veterans and their families.

I want to again thank my colleague, the ranking member, Mr. MICHAUD, and all the members of the committee and the subcommittees for their advocacy of the provisions of this bill. I also want to thank from the other side of the Capitol complex Senator MURRAY and Senator BURR for their work on improving these provisions. It's great working with Members who show that, when it comes to veterans issues, both sides can really come together and agree on issues for the common good.

The first title of this bill pertains to cemetery matters, as one of my colleagues has already said. In June of this year, an indigent veteran with no next of kin was buried in a cardboard box in my home State of Florida. I, like many of my colleagues, was shocked and appalled to hear of this

news. As a result, several sections of this legislation directly address that specific issue, and it will ensure that all eligible veterans, regardless of their personal or financial situation, will receive a dignified burial at a VA national cemetery. This would include providing VA with the authority to provide a casket, urn, or other acceptable burial container when a veteran has no known next of kin and the VA is unable to provide one.

This legislation would also provide for more efficient communication between VA and local medical examiners and other agencies to ensure that eligible veterans with no next of kin will be properly laid to rest in a national cemetery. It would also require the VA report to Congress on its compliance with industry standards for appropriate burial containers.

Another section of title I, authored by Mr. CULBERSON of Texas, would direct VA to ensure that any memorial service respects the wishes of a deceased veteran's family to include the use of religious symbols or volunteer honor guards. Given the numerous difficulties many families face when dealing with the death of a loved one, ensuring that their wishes can be honored with a VA memorial service is the least we can do to honor the memory of that veteran.

The bill would also protect the honor of those buried in America's national cemeteries by prohibiting anyone convicted of a tier III sex offense and sentenced to life in prison from being laid to rest there. Because VA national cemeteries are such sacred grounds, it is important that we preserve the honor of those buried there by excluding those convicted of the most heinous of crimes.

This legislation would provide a pathway toward the establishment of the Clark Veterans Cemetery, located in the Philippines, as a permanent cemetery restored, operated, and maintained by the American Battle Monuments Commission.

□ 1650

As the American Battle Monuments Commission currently operates and maintains other overseas veterans cemeteries, it is the most appropriate entity to accomplish the important task of honoring our fallen veterans who have been laid to rest at Clark.

Title II of this legislation contains provisions that will enhance our ability to provide for the health care needs of our veterans. It includes a measure which would direct VA, in coordination with the Department of Defense, to establish and maintain an open burn pit registry for veterans of Iraq and Afghanistan who may have been exposed to toxic chemicals and fumes caused by open burn pits during deployment.

Many of our servicemembers and veterans have returned home from combat

in Iraq and Afghanistan with serious questions and grave concerns about the possible long-term health effects of burn pit exposure. It is my hope that by establishing this registry we can provide them the answers and assurances they seek and develop better ways to care for them and future generations of America's warriors.

Under this title, VA would also be authorized to provide transportation services to and from VA facilities for veterans with health care appointments and in connection with vocational rehabilitation or counseling. Veterans who live in rural communities, who are elderly, who are visually impaired, or who are immobile due to disease and disability often face significant challenges in traveling to access services that VA can provide. It is our intent that VA will use this authority to complement, and not replace, existing programs such as the valuable Disabled American Veterans Transportation Network; and as such, this authority is being provided for 1 year.

Title III of the bill would require the Department of Labor to conduct a 2-year pilot program offering Transition Assistance Program training at off-base facilities in three to five States with high rates of unemployment among veterans. With the permission of the Department of Defense, National Guard and Reserve, facilities could be used. Veterans and spouses would be eligible for the program, which would be designed to train those veterans who did not participate in the Active Duty Transition Assistance Program or who just need to refresh their job-hunting skills.

Additionally, this title would require that judges of the United States Court of Appeals for Veterans Claims reside within 50 miles of the Washington, D.C., metropolitan area during their service. Such a requirement would put the veterans court in line with other Federal courts located in the District, which already have a residency requirement in place.

Finally, this legislation includes four measures to name VA medical facilities in Georgia, Florida, Washington, and Ohio after prominent veterans or civilians who have performed outstanding services to veterans in the communities in which the VA facility is located.

I want to encourage all Members to support the bill as amended.

I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

The bill before us today, the Dignified Burial and Other Veterans' Benefits Improvement Act of 2012, S. 3202, is a minibus collection of veterans measures that primarily focus on ensuring

that our veterans receive proper burials that reflect and honor their service. The bill also establishes and expands several health care and transition assistance benefits, and it names four VA health facilities after Americans with distinguished honor.

I appreciate the hard work of all of our colleagues in the House and in the Senate and of our staffs on the measures that were included in this bill. We all share the same goal—helping our veterans and their families receive the benefits that they have earned and deserve. This bill advances that goal, and I support its passage.

Title I of this bill will allow the Secretary of the VA to provide a casket or urn to those veterans who die without a known next of kin, without identification or without financial means, thereby ensuring that these veterans are laid to rest with the utmost dignity.

Mr. Speaker, there is also an allocation of \$5 million in this title to attempt to address the longstanding maintenance, operation, and ownership issues at Clark Veterans Cemetery in the Philippines. Along with soldiers and civilians of other nationalities, over 2,200 American veterans are buried at Clark. This provision will honor their sacrifices by setting up the process for Clark to become a permanent cemetery administered by the American Battle Monuments Commission. Clark continues to accept burials, including those from the Iraq war; and to ensure a smooth transition, it is critical that an agreement is reached between the two governments before it can become a permanent cemetery. I am confident that the ABMC will bring this cemetery up to its impeccable standards and that Congress will provide it the resources to do so.

Title II of the bill contains a vital provision requiring the Department of Veterans Affairs, with help from the Department of Defense, to establish a burn pit registry. This registry would be for our men and women who may have been exposed to toxic airborne chemicals and fumes caused by open burn pits. Every time we send our men and women into combat, we need to do all that we can to properly assess their risks of exposure to toxins. It has been decades, and we still do not fully understand the risks associated with one's exposure to agent orange, an exposure causing many veterans to suffer without compensation. We should learn from this history, and this bill puts us on track to avoid repeating it again.

Title II would also enhance VA transportation services to help more veterans access VA health care, and it contains a very timely measure that would extend the reporting requirement for posttraumatic stress disorder through 2016. The rate of PTSD remains high in the veteran population, and we must continue to keep this

issue at the top of our radar as well as before Congress and the public so that we can continue to provide the funding that's needed.

Finally, Mr. Speaker, title III of this bill contains an important section that would direct the Department of Labor to provide the Transition Assistance Program, TAP, at locations other than at military installations. This 2-year pilot program will benefit our service-members and their spouses by providing additional opportunity to attend TAP and to learn about their earned benefits. Too many returning service-members are unable to take advantage of TAP. This is especially true for members of the National Guard and Reserve who often return from war to find that they lack the support military communities provide them. The TAP program is critical to a service-member's successful transition back into civilian life, and I am glad to see it expanded.

Again, I want to thank the members and Chairman MILLER for their leadership on this bill, and I urge all of my colleagues to support its passage.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, might I inquire of the time remaining.

The SPEAKER pro tempore. The gentleman from Florida has 14½ minutes remaining.

Mr. MILLER of Florida. Mr. Speaker, I yield such time as he may consume to the vice chairman of the full committee, the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in strong support of S. 3202, the Dignified Burial of Veterans Act.

I appreciate my colleagues' diligence in moving this language through the Senate, and I am grateful for the work they have done on behalf of our veterans. I would also like to thank my good friend and fellow Floridian, Chairman JEFF MILLER, and Ranking Member Bob Filner for the work they have done this Congress to improve the quality of services for our veterans—our true American heroes.

This truly bipartisan piece of legislation incorporates language similar to H.R. 6073, which is legislation that I introduced in the House after learning that Private Lawrence Davis, Jr., a World War II veteran, had been buried in a cardboard box in a veterans cemetery not far from my district. This legislation ensures that veterans with no next of kin and insufficient funds for proper and dignified burials will receive assistance from the Department of Veterans Affairs.

Our Nation's heroes deserve to be buried in the same way they served our great Nation—with dignity, honor, and respect. Private Davis deserved better. While we cannot go back and rewrite what has already happened, we can en-

sure that it doesn't happen again. This legislation is the right thing to do; and in the final hours of this Congress, I am very pleased that this Chamber is taking action on this important piece of legislation. Again, I urge the passage of S. 3202.

□ 1700

Mr. MICHAUD. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, once again I encourage all Members to support this legislation.

I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of S. 3202, the Dignified Burial of Veterans Act and particularly section 303 of this bill, which designates the Department of Veterans Affairs facility in Carrollton, Georgia as the "Trinka Davis Veterans Village."

Katherine "Trinka" Davis was a businesswoman from Carroll County who founded the Trinka Davis Foundation in 2004 after realizing the struggles many service men and women faced upon return from Iraq and Afghanistan. Though not a veteran herself, through her generosity, Ms. Davis performed an outstanding service for the veterans of Northwest Georgia.

Mr. Speaker, Trinka made note of the reports of difficulties that many returning veterans and their respective families were facing: loss of limbs, traumatic brain injuries, PTSD, unemployment, and loss of their homes.

Although she is no longer with us, her memory lives on. Trinka left almost her entire estate—over \$18 million—to the Foundation, which has used it to construct a first class health facility to aid our wounded warriors in their recovery and treatment.

Mr. Speaker, with a war in Afghanistan, a recent one in Iraq, and unrest around the globe, the United States has more than 196,000 active duty service men and women that put their lives on the line—night and day—to protect our families and our freedoms. These men and women accepted the call of duty, leaving behind their loved ones and life as they know it to protect the lives of others.

When our soldiers return from battle, sometimes they do not get the support and assistance that they deserve. Simply put, we owe them more. Just as they have answered the call to serve our country, we must answer the call to serve them. This is what Trinka Davis did.

Thanks to Trinka's generosity and the tireless dedication of her foundation, the new clinic was donated to the Department of Veterans Affairs in August. The doors were opened for veterans to receive outpatient treatment on September 24, and in the coming months the clinic will also include a 42 bed community living center.

While providing a variety of services including primary care, physical therapy, and outpatient mental health services, the facility will serve 3,000 veterans and will allow them to receive treatment closer to home.

Mr. Speaker, I believe that like our veterans, Ms. Davis is a hero. She recognized the

needs of our veterans and worked tirelessly to meet them. The Trink Davis Foundation ensured that Ms. Davis's commitment to the veterans and their families in the Carrollton community and beyond would be preserved through construction of the health facility.

I ask my colleagues to join me in recognizing Trink's selfless actions and those who have bravely served our Nation by supporting S. 3202.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, S. 3202.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MILLER of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### CLOTHE A HOMELESS HERO ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6328) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 2, line 20, after "clothing to" insert "the local airport authority or other local authorities for donation to charity, including".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentlewoman from New York (Ms. HOCHUL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include any extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as vice chairman of the Veterans' Affairs Committee and a sen-

ior member of the Committee on Homeland Security, I rise in favor of H.R. 6328, the Clothe a Homeless Hero Act, which passed the House by voice vote last month and was approved by the Senate with an amendment.

According to estimates from the Department of Housing and Urban Development, in 2011 approximately 14 percent of all homeless adults were veterans, and with more than 67,000 veterans homeless on any given night. I know that you agree we must do all that we can to ensure that the veterans who have so courageously served our country are not forgotten and are receiving the care and services they deserve. VA Secretary Eric Shinseki has set a laudable goal of ending veterans' homelessness by 2015 and has established partnerships with other Federal agencies, such as HUD, to accomplish it.

The bill before us today will forge another important partnership in our efforts to serve homeless veterans, one with the Transportation Security Administration.

Each day as Americans travel through screening checkpoints, Mr. Speaker, operated by TSA at our Nation's airports, many articles of clothing are left behind. In fact, TSA reports that they collect between 500 and 1,000 garments per day. H.R. 6328 directs the TSA administrator to make every reasonable effort to donate this unclaimed clothing to local organizations that serve homeless or needy veterans.

I commend the House sponsor, Ms. HOCHUL, the gentlelady from New York, for this fine piece of legislation. I once again urge Members to support this legislation and in turn support homeless veterans.

I reserve the balance of my time.

Ms. HOCHUL. Mr. Speaker, I rise in support of the Senate amendment to H.R. 6328, Clothe a Homeless Hero Act, and I yield myself such time as I may consume.

Yesterday my hometown paper, The Buffalo News, ran an editorial that says, "Homeless vets need our help: The reward for serving our country shouldn't be a life on the streets."

Mr. Speaker, I couldn't agree more.

We are here today to aid and honor America's veterans, especially those who've fallen on hard times, are most in need, and all too forgotten.

As the American people rush through lines at airports with their shoes, gloves, hats, scarves, and coats, it's easy to forget that so many Americans go without these basic comforts during the cold winter months. I know this personally. I just flew in from Buffalo, New York, where we have about a foot and a half of snow on the ground, and it calls to mind the sense that there are a lot of people in need, particularly our veterans. As we rush through airports, it's easy to leave behind these

kinds of garments. That's what happened to me when I left a scarf at the Buffalo airport while coming to Washington.

As you've heard, TSA has reported that as many as 1,000 articles of clothing, like mine, are left behind at airport checkpoints every day. This adds up to thousands of pounds of abandoned, unclaimed clothing. At the same time, tens of thousands of veterans are homeless on any given night.

This is unconscionable, Mr. Speaker. Veteran homelessness is nothing less than a national tragedy. We must fully embrace the President's call to end veteran homelessness by 2015. We must work to end homelessness for all Americans—especially those heroes who risked their lives for our freedom. But until we end veteran homelessness, we must do everything we can to aid these American heroes.

I am sure you'll agree there is no better purpose for unclaimed warm clothing than to help America's homeless veterans. That's why I was so proud to introduce the Clothe a Homeless Hero Act, and to work with my colleagues in the Homeland Security Committee and Senator GILLIBRAND and Senator TOOMEY to improve and advance this bipartisan legislation.

This simple bill directs unclaimed clothing left at checkpoints like this to go to charitable organizations for distribution to homeless veterans and others in need.

Mr. Speaker, this is probably my last speech on the floor of Congress. I can't think of a worthier cause to champion than to make sure that our homeless veterans get the clothing they need and deserve. This measure is a simple, commonsense example of an opportunity for all of us, Democrats and Republicans alike, to work together and find common ground. Clearly we need much more of that, particularly on a day like this. I know every one of us is proud of the work our men and women in uniform do every day, and we're proud of the veterans who come home. We need to ask ourselves: are they proud of us?

Let us make this bill be a template for the bipartisanship that our veterans, indeed our country, deserves from the people they send to Washington to represent them.

I thank Chairman BILIRAKIS and my colleagues on the Homeland Security Committee for supporting this legislation.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further speakers. Does the gentlelady have further speakers?

Ms. HOCHUL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON LEE), the ranking member of the Subcommittee on Transportation Security and Infrastructure Protection of the Committee on Homeland Security.

Ms. JACKSON LEE of Texas. Mr. Speaker, I want to thank the gentlelady from New York, and I want to first of all say this will not be the last we hear of your voice, and what a stupendous voice you have. Thank you so much for making this time on the floor a time that pays tribute to veterans but also recognizes the outstanding service that you've given to this Nation, to the Committee on Homeland Security and your other committees, but more importantly the passion that you've shown as a true American. I hope that we heed the voice that you just lifted up that we owe to veterans not only this great legislation, but also the ability to come together and work on their behalf and on behalf of all Americans.

□ 1710

Thank you again for allowing me to comment on this bill as the ranking member on the Homeland Security Transportation Committee.

I thank Mr. BILIRAKIS. We have worked together on a number of legislative initiatives, and I thank him as well for his service, along with the retiring chairman, Chairman KING, and our Democratic ranking member, Mr. THOMPSON, for their leadership. It gives me great comfort to be able to come on the floor today and say thank you.

Even though no one wants to see a homeless hero, a homeless veteran, I spent, over the holidays, time visiting a number of our centers where homeless veterans are, and I can tell you that they are the most giving and charitable persons.

Many of us will be able to recount on Thanksgiving Day, or during the holiday, being able to give or to share or to be able to distribute food or to serve veterans who, unfortunately, not of their own doing, have fallen upon hard times, do not have a place to live, and are coming to the various food pantries and food kitchens. It was one of great pleasure to me, not for their condition, but to be able to humbly just provide them with a warm meal. This is a commonsense legislative initiative that says to homeless heroes, every day we're thinking of you.

As the ranking member on the Transportation Security Committee, I can assure you that Transportation Security officers are grateful to Ms. HOCHUL and to the Senate amendment for giving them this chance to further their service to the Nation.

There are many things that are left behind, and many times in the airport you hear that PA system saying, Come back, come back to the security checkpoint; you've left your iPad, your coat, your shoes. What else could you have left? Many times, unfortunately, those individuals are already on the airplane, and so we try our best, but we leave behind quality items that could be used for our veterans.

The Senate amendment expands this to other charities as well. But as the ranking member, I want to commend to our TSA officers and our officers that are supervisors across the Nation's airports, and to our airports, yes, you have the opportunity to give to veterans, charitable institutions and others, but I encourage you, because of the extensive number of homeless veterans, that you give these items so that we can have, not only resources, but clothing for homeless veterans of whom we hope that we will provide a pathway to be able to get out of the status of homelessness, but also while they're doing so, to provide them with this quality clothing.

So again, I rise to support H.R. 6328, as amended by the Senate, to thank the author of this legislation, Ms. HOCHUL, the gentlelady from New York; again, remind her that she will not have a silent voice, and this is a very grand and wonderful way to end at least your legislative service, your bill-writing service on this floor of the House and in this Congress where you are serving the Nation's veterans. We are forever grateful, and I ask my colleagues to support this legislation.

Ms. HOCHUL. Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, what I'd like to do is I'll reserve the balance of my time, and then I'll close once the gentlelady does.

Ms. HOCHUL. Mr. Speaker, again I simply want to thank on the Senate side Senator GILLIBRAND, Senator TOOMEY, and, of course, here my colleagues on the Homeland Security Committee led by PETER KING and our Ranking Member THOMPSON, and certainly Chairman BILIRAKIS and my dear friend Ranking Member JACKSON LEE for all their support for this commonsense legislation to assist America's homeless veterans.

With that, I urge the adoption of the Senate amendment to H.R. 6328 so this measure can be sent to the President for his signature.

I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I urge Members to support this commonsense piece of legislation and that the President promptly sign it into law.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6328.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BILIRAKIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### DRYWALL SAFETY ACT OF 2012

Mr. TERRY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4212) to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Drywall Safety Act of 2012".*

#### SEC. 2. SENSE OF CONGRESS.

*It is the sense of Congress that—*

(1) the Secretary of Commerce should insist that the Government of the People's Republic of China, which has ownership interests in the companies that manufactured and exported problematic drywall to the United States, facilitate a meeting between the companies and representatives of the United States Government on remedying homeowners that have problematic drywall in their homes; and

(2) the Secretary of Commerce should insist that the Government of the People's Republic of China direct the companies that manufactured and exported problematic drywall to submit to jurisdiction in United States Federal Courts and comply with any decisions issued by the Courts for homeowners with problematic drywall.

#### SEC. 3. DRYWALL LABELING REQUIREMENT.

(a) LABELING REQUIREMENT.—Beginning 180 days after the date of the enactment of this Act, the gypsum board labeling provisions of standard ASTM C1264–11 of ASTM International, as in effect on the day before the date of the enactment of this Act, shall be treated as a rule promulgated by the Consumer Product Safety Commission under section 14(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)).

(b) REVISION OF STANDARD.—If the gypsum board labeling provisions of the standard referred to in subsection (a) are revised on or after the date of the enactment of this Act, ASTM International shall notify the Commission of such revision no later than 60 days after final approval of the revision by ASTM International. The revised provisions shall be treated as a rule promulgated by the Commission under section 14(c) of such Act (15 U.S.C. 2063(c)), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the revised provisions do not adequately identify gypsum board by manufacturer and month and year of manufacture, in which case the Commission shall continue to enforce the prior version.

#### SEC. 4. SULFUR CONTENT IN DRYWALL STANDARD.

(a) RULE ON SULFUR CONTENT IN DRYWALL REQUIRED.—Except as provided in subsection (c), not later than 2 years after the date of the enactment of this Act, the Consumer Product Safety Commission shall promulgate a final rule pertaining to drywall manufactured or imported for use in the United States that limits sulfur

content to a level not associated with elevated rates of corrosion in the home.

(b) **RULE MAKING; CONSUMER PRODUCT SAFETY STANDARD.**—A rule under subsection (a)—

(1) shall be promulgated in accordance with section 553 of title 5, United States Code; and

(2) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(c) **EXCEPTION.**—

(1) **VOLUNTARY STANDARD.**—Subsection (a) shall not apply if the Commission determines that—

(A) a voluntary standard pertaining to drywall manufactured or imported for use in the United States limits sulfur content to a level not associated with elevated rates of corrosion in the home;

(B) such voluntary standard is or will be in effect not later than two years after the date of enactment of this Act; and

(C) such voluntary standard is developed by Subcommittee C11.01 on Specifications and Test Methods for Gypsum Products of ASTM International.

(2) **FEDERAL REGISTER.**—Any determination made under paragraph (1) shall be published in the Federal Register.

(d) **TREATMENT OF VOLUNTARY STANDARD FOR PURPOSES OF ENFORCEMENT.**—If the Commission determines that a voluntary standard meets the conditions in subsection (c)(1), the sulfur content limit in such voluntary standard shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058) beginning on the date that is the later of—

(1) 180 days after publication of the Commission's determination under subsection (c); or

(2) the effective date contained in the voluntary standard.

(e) **REVISION OF VOLUNTARY STANDARD.**—If the sulfur content limit of a voluntary standard that met the conditions of subsection (c)(1) is subsequently revised, the organization responsible for the standard shall notify the Commission no later than 60 days after final approval of the revision. The sulfur content limit of the revised voluntary standard shall become enforceable as a Commission rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), in lieu of the prior version, effective 180 days after the Commission is notified of the revision (or such later date as the Commission considers appropriate), unless within 90 days after receiving that notice the Commission determines that the sulfur content limit of the revised voluntary standard does not meet the requirements of subsection (c)(1)(A), in which case the Commission shall continue to enforce the prior version.

(f) **FUTURE RULEMAKING.**—The Commission, at any time subsequent to publication of the consumer product safety rule required by subsection (a) or a determination under subsection (c), may initiate a rulemaking in accordance with section 553 of title 5, United States Code, to modify the sulfur content limit or to include any provision relating only to the composition or characteristics of drywall that the Commission determines is reasonably necessary to protect public health or safety. Any rule promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

#### **SEC. 5. REVISION OF REMEDIATION GUIDANCE FOR DRYWALL DISPOSAL REQUIRED.**

Not later than 120 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall revise its guidance entitled "Remediation Guidance for Homes with Corrosion from Problem Drywall" to specify that problematic drywall removed from homes pursuant to the guidance should not be reused

or used as a component in production of new drywall.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentlewoman from New York (Ms. HOCHUL) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

#### **GENERAL LEAVE**

Mr. TERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 4212.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4212, an important bipartisan bill to help fight the problem of defective Chinese drywall which hit many families as a second plague when their home was destroyed by a hurricane or other disaster and then rebuilt using contaminated drywall from China.

The House bill, which passed by voice vote last summer, attacks the problem in three ways:

First, it directs the Secretary of Commerce to engage Chinese leaders and push for the manufacturers of the contaminated drywall to step up and take responsibility for the damages caused by their shoddy product;

Second, the bill requires all drywall manufacturers in the future to label their product with their name and the date of manufacture. The lack of such basic identifying information was a major problem for the homeowners who were stuck with contaminated Chinese drywall but could not determine which manufacturer produced it;

Third, and finally, the House bill requires the Consumer Product Safety Commission to restrict elemental sulfur in drywall unless industry voluntarily adopts an acceptable limit first. Compliance with such a limit would be easy to check at the ports or elsewhere using simple handheld devices.

Mr. Speaker, the Senate amendment before us today preserves all of these key aspects of the House bill, making only a few minor changes. Notably, the Senate amendment provides that the CPSC may only enforce a voluntary sulfur limit if it is adopted by a specified standard-setting body. This responds to a concern that the voluntary sulfur limit be a true consensus standard; that is, the product of an open process that allows for participation of industry and consumers alike.

Mr. Speaker, the Senate amendment does not undercut the House-passed version of the bill, nor does it add any unnecessary government regulation. Therefore, I strongly urge the adoption of H.R. 4212.

I reserve the balance of my time.

Ms. HOCHUL. Mr. Speaker, I yield myself such time as I may consume.

I rise to speak about the amended version of H.R. 4212, the Drywall Safety Act of 2012 returned to this Chamber by the Senate.

The House approved its own version of H.R. 4212 this past September by a voice vote. That version was the result of bipartisan negotiations that involved the sponsors of this bill, Mr. RIGELL of Virginia and Mr. DEUTCH of Florida, along with the leadership from both sides of the aisle of the Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade.

I believe the House produced a good bill that met Mr. RIGELL's and Mr. DEUTCH's goal of getting the U.S. Government to take action regarding a problematic drywall situation.

The Senate version we are considering today retains significant portions of the House language, so I intend to vote in favor of what the Senate has sent back to us. Just like the previously approved House version, this Senate version requires that all new drywall be marked with a permanent label that can be used to identify who manufactured a particular sheet of drywall and when it was manufactured.

A major problem many homeowners experienced was that they didn't know who made the drywall in their homes or when it was made. The labeling requirement should make it easier to pin down exactly who is responsible for producing any given sheet of drywall.

In addition, just like the previously approved House version, the Senate version requires all drywall used in the United States to be subject to a sulfur content limit. After extensive investigation by the CPSC, sulfur was the element found to be associated with the awful odor and metal corrosion homeowners were experiencing.

The Senate version specifies the American Society for Testing and Metals, or ASTM, international standard for gypsum board labeling as the labeling standard that must be complied with. The House version did not pick a particular voluntary standard.

□ 1720

Instead, CPSC would have specified the industry-generated voluntary standard to be complied with or, failing that, write its own rule on the matter. The Senate version also specifically grants responsibility for the standard on sulfur content to an ASTM committee. Both of these changes are made because one trade association believed that, under the House version, the CPSC could rely on a voluntary standard that was not developed through a process with safeguards for due process, the airing of diverse views, and consensus decisionmaking. There's not one instance that anyone can point to

where the CPSC has relied on a voluntary industry standard that was not produced through a process that involved due process, the airing of diverse views, and consensus decision-making.

In addition to referencing the ASTM voluntary standard-setting body twice, the Senate tweaked the future rule-making section. The House granted CPSC authority to “reduce” the sulfur content limit or set limits regarding the composition or characteristics of drywall that are reasonably necessary to protect public health or safety. We granted this authority in case later down the road it becomes apparent that there are other problems associated with drywall that we have not yet identified. The Senate’s version replaces the word “reduce” with “modify,” so the CPSC has the authority to modify the sulfur content limit. The word “modify” encompasses reducing the limit, so we are willing to live with this change.

I continue to support this bill despite these changes, because the time to act has long past. As far back as late 2008, consumers have complained about homes that smelled like rotten eggs, health concerns that included irritated and itchy eyes and skin, breathing problems, asthma attacks, persistent coughs, bloody and running noses, and recurring headaches. Complaints also included reports of blackened and corroded metal components in the home. The CPSC received nearly 4,000 such complaints from residents in 43 States who believed these conditions related to the presence of Chinese drywall in their homes. Most of these complaints were concentrated in the South, where there was a construction boom in 2006 and 2007 due to hurricanes in 2004 and 2005.

To help bring some relief to these homeowners and to reduce the chance of something like this ever happening again, this legislation does a few other things in addition to the labeling and sulfur content requirements:

It asks the Secretary of Commerce to engage the Chinese Government to prod those companies that exported problematic drywall to the United States—some of which are partly owned by the Chinese Government—to meet with U.S. officials about providing some sort of remedy to homeowners affected by this defective product;

The bill also asks the Secretary of Commerce to engage the Chinese Government to try to get the government to direct these companies to submit to the jurisdiction of our courts and comply with judgments that have been entered against them;

It also calls on the CPSC to revise guidance it published on the removal of problematic drywall from homes to specify that this drywall should not be reused or put back into the drywall

production stream. Once this drywall is removed from one home, we need to make sure it does not end up in another.

Despite issues with why H.R. 4212 is back here on the House floor, the Democratic leadership of the Energy and Commerce Committee and its Subcommittee on Commerce, Manufacturing, and Trade, and I along with them, support this bill and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. At this time I yield 3 minutes to the gentleman from Virginia (Mr. RIGELL), who’s the lead Republican sponsor. His dogged leadership on this is why it’s back on the House floor again.

Mr. RIGELL. I thank Chairman TERRY very much for yielding and my friend and colleague, the gentlelady from New York, for your support of this good bill.

Mr. Speaker, I rise in strong support of the Drywall Safety Act of 2012, as amended. I urge my colleagues to vote “yes” on really what is much-needed and commonsense legislation that’s going to come before the House tonight.

For nearly 4 years, families across the country have suffered from the harmful effects of defective Chinese-manufactured drywall. They’re friends and neighbors, and they’re families, Mr. Speaker, who worked hard and saved and really set out for that classic American Dream to own their own home or to finish their retirement years in a home, and yet that dream turned into a literal nightmare when their home was filled with a mysterious and foul rotten egg type of odor. I’ve been in these homes. It completely makes the home uninhabitable. It takes all the copper wiring in the home and basically turns it into black soot. They have to replace the compressors on the air conditioners. And even worse is that their health deteriorates.

They turn first to the builders. The builders are not covered by their insurance. Some were able to help out the homeowners and renovate the home on their own, but many are not able to do that, and some builders have gone out of business. They turned then to the manufacturer of the contaminated drywall in China, but really have no recourse there. It’s a profoundly sad situation where Americans, through no fault of their own, are experiencing bankruptcy and terrible financial problems.

But tonight we have an opportunity to do what’s right and to stand with our friends and neighbors and pass this legislation. It will hold China responsible in no uncertain terms for failing to require their manufacturers to rightly compensate Americans who have been damaged and victimized by those contaminated products.

We express the undivided sense of Congress, Republicans and Democrats working together, that we’re going to make sure that China is held accountable for what they’ve done here. It requires labeling on all the drywall products to make sure that we can find out who’s responsible for the manufacturer of each and every piece of drywall that’s manufactured; it will limit the amount of sulfur in the drywall, which was the cause of all of this; and, as has been pointed out by my colleague from New York, it’s a voluntary standard as opposed to just more massive government intervention. I think that’s the right path to go.

So I thank my friends and colleagues from both sides of the aisle for making this possible. The underlying legislation passed the House unanimously in September. The amendment that has been made, I think, is very modest. I especially want to thank my friend and colleague from Florida, Mr. DEUTCH, for working with me as cochair of the Chinese Drywall Caucus. I thank the chairman for yielding and for your support on this piece of legislation.

Ms. HOCHUL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TERRY. Mr. Speaker, in closing, let me make one very important point. Republicans and Democrats alike are united on this important health and safety issue. I urge all Members to pass this amendment today and get the needed consumer protections in place.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4212.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. HOCHUL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### UNINTERRUPTED SCHOLARS ACT (USA)

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3472) to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3472

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*



**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Uninterrupted Scholars Act (USA)”.

**SEC. 2. FAMILY EDUCATIONAL RIGHTS AND PRIVACY.**

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) (commonly known as the “Family Educational Rights and Privacy Act of 1974”) is amended—

(1) in paragraph (1)—

(A) in subparagraph (J)(ii), by striking “and” after the semicolon at the end;

(B) in subparagraph (K)(ii), by striking the period at the end and inserting “; and”; and

(C) by inserting after subparagraph (K), the following:

“(L) an agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student’s case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student’s education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student’s education records.”; and

(2) in paragraph (2)(B), by inserting “, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note)) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required” after “educational institution or agency”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

**GENERAL LEAVE**

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 3472.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of S. 3472, the Uninterrupted Scholars Act. The bill amends the Family Educational Rights and Privacy Act of 1974, better known as FERPA, to give child welfare agency caseworkers access to the educational records of foster children. This is an important bill that will help improve the quality of education for children in foster care.

□ 1730

In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act, which tasked child welfare agencies with ensuring that children in foster care are enrolled in school. In carrying out this important mission, agencies are required to consider educational stability when identifying foster care placements and coordinate with local school districts to ensure that young people stay in their current school when placed in foster care or are immediately enrolled in a new school if that is in their best interest.

Over the last 4 years, student privacy law has made it difficult to properly implement the educational stability provisions of the Fostering Connections law. For example, child welfare agents are unable to access student education records in a timely manner, if at all, to properly monitor student progress and coursework, or to get students enrolled in the proper courses if a transfer of schools is necessary.

The Uninterrupted Scholars Act will correct these challenges. By allowing direct—and limited—access to the education records of foster kids, caseworkers can follow the students’ education in a timely manner and help ensure greater success in school.

The Committee on Education and the Workforce—and this Congress—understands the importance of maintaining strong student privacy protections and supports the provisions included in FERPA. It is our responsibility to ensure a student’s personal information, such as academic progress, placement or disciplinary records, is not shared with anyone other than officials directly involved in the student’s education.

For children in foster care, child welfare agents have a responsibility to look out for the education of their students and have a direct need to have access to these important records. The bill before us today narrowly grants caseworkers access to these important records.

Mr. Speaker, S. 3472 is a narrow, but critical, step in helping children in foster care receive a better education. I urge my colleagues to support this bill and reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bipartisan legislation to help foster children succeed in school.

The Uninterrupted Scholars Act will make a real and immediate difference in the lives of foster children across this country.

I want to thank Congresswoman BASS and Senator LANDRIEU for their support of this legislation, the Senate for sending this legislation back to the House, Chairman ROE for managing this on the floor, and Chairman KLINE

for agreeing to have this legislation come to the House today.

In thanking Congresswoman BASS, I want to recognize her not only as the author of this legislation, but for her leadership both here in Washington and in the State legislature in our State of California when she served there on behalf of these young people to make sure that they would have a better opportunity at success.

Foster children are some of the most at-risk students. As a group, they miss more school than their peers, are more likely to drop out, and take longer to finish when they do graduate. Throughout their young lives, they may change care placements multiple times. Each placement means adjusting to a new family and often a new community, new friends, and a new school.

Each move can put their educational success in jeopardy. That’s because the caseworkers who advocate for them as they move from one school to another often do so without critical information. Though current law rightly requires foster care caseworkers to include children’s education records in their case plans, another Federal law limits the ability of caseworkers to access those records in a timely manner.

Without access to a foster child’s school records, caseworkers are limited in their ability to advocate for the child’s educational needs, especially as they move from one school to another or from one family to another. Without these records, caseworkers don’t have the necessary information to make important and informed decisions about placement, wraparound services, and credit transfers among schools. That means that those vulnerable children do not get the services that they need. This red tape creates unnecessary hurdles for educational successes for many foster children. And if there’s one thing foster children don’t need in life, it’s additional hurdles to jump. They have plenty of hurdles confronting them every day as they try to succeed within the system.

This legislation before us today makes narrow changes to FERPA to allow foster care caseworkers to do a better job on behalf of these young people. I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. ROE of Tennessee. I have no speakers at this time. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. With that, I yield 5 minutes to Congresswoman BASS of California, one of the authors of this legislation, and again thank her for her advocacy on behalf of foster children and foster families.

Ms. BASS of California. Mr. Speaker, I rise today in strong support of S. 3472, the Uninterrupted Scholars Act, a bill that will help foster children achieve educational success.



First, I want to thank Chairman KLINE and Ranking Member MILLER for their support of this bill and their ongoing dedication to improving outcomes for foster youth throughout the Nation. I would also like to extend my sincere appreciation and respect to Senator LANDRIEU. I am proud to work alongside the Senator, who is a tireless advocate for foster youth and families both domestic and worldwide.

Throughout 2012, the Congressional Caucus on Foster Youth has traveled the country and visited five States on a nationwide listening tour. We heard from youth, families, and community leaders about the best practices and challenges facing the child welfare system.

In Miami, Florida, at the invitation of Congress Members ALCEE HASTINGS and FREDERICA WILSON, we learned about a commonsense, no-cost legislative fix that would have a significant and positive impact on hundreds of thousands of foster children across the country.

After we returned to Washington, I joined my fellow cochairs of the congressional caucus—Representatives MARINO, McDERMOTT, BACHMANN, and a number of other members of the caucus—to introduce the bipartisan Uninterrupted Scholars Act. This bill will address the concerns raised in Florida by providing youth with the support they need to avoid problems like inappropriate course placement and lost credits upon changing schools. Specifically, it will simply allow caseworkers to access transcripts for foster youth while maintaining important privacy protections.

Children in foster care are among the most educationally at-risk of all student populations. Because of the abuse and neglect foster youth have experienced in their young lives, they often face physical and emotional challenges that interfere with their learning and negatively impact their educational outcomes. For example, the average child in foster care goes to three to five high schools.

Existing Federal law requires that child welfare agencies include educational records in their case plan and work with school districts to improve the educational experiences and outcomes for children in foster care. However, the Family Educational Rights and Privacy Act, or FERPA, unintentionally creates a harmful barrier that prevents child welfare caseworkers from being able to quickly access school records necessary to help meet the educational needs of students in foster care. This can lead to significant delays that contribute to inappropriate class placements, enrollment delays, repeated classes, delayed graduation, and even dropouts.

The story of young Jasmine is an example of stories we heard during the listening tour. When Jasmine was

placed in foster care on an emergency basis, her mother's whereabouts were unknown and the child welfare agency caseworker was unable to obtain consent from any parent. Without timely access to the child's education records, the caseworker could not evaluate whether it would be in Jasmine's best interest to remain in the same school. Jasmine moved to a new school, which had different graduation requirements. She received no credits for her coursework from the prior school and had to repeat some of the same classes. She fell a full year behind and eventually dropped out of the school.

In my district, the Los Angeles Department of Children and Family Services is currently responsible for the placement and care of over 15,000 foster youth. The sheer size of this youth population—larger than most States—as well as the 82 different school districts within L.A. County, make it particularly challenging to proactively address student needs without direct access to educational records.

Another example from the listening tour when we were in L.A. is Vanessa, a fifth grader who has a similar story. She was transferred from L.A. Unified to another school district over 50 miles away while relocating to a new foster home. Her records did not follow. Therefore, she was placed in a fourth grade classroom, a full grade level below her actual skill level and age. She consistently cried at meetings with teachers. She eventually advocated for herself and her classes were transferred, but in the meantime she missed 2 months of fifth grade. The Uninterrupted Scholars Act would help avoid situations faced by young Jasmine and Vanessa by allowing child welfare caseworkers, who have the legal responsibility for a foster child's care and welfare, timely access to their educational records.

□ 1740

At the same time, this bill protects and preserves the educational privacy rights of students and parents that we all want to safeguard. In the words of Mary Cagle, the director of Legal Services at the Florida Department of Children and Families, this bill "fixes an existing conflict in Federal law. It's so simple, so easy, so clear."

The Uninterrupted Scholars Act is endorsed by dozens of nationwide organizations, including the National Foster Parent Association, the National School Boards Association, the Child Welfare League of America, and many others. Today I stand with my bipartisan, bicameral colleagues in the Congressional Caucus on Foster Youth to ask for your support, as well.

We have a responsibility to foster youth, children whom we have removed from their parents' care, youth whom we promised to keep safe and help to succeed. The Uninterrupted Scholars Act will help us keep this promise.

Mr. GEORGE MILLER of California. I yield 4 minutes to the gentleman from Washington, Congressman McDERMOTT, a strong supporter of this legislation and an advocate on behalf of foster children.

Mr. McDERMOTT. Mr. Speaker, I urge my colleagues to endorse the amendments to S. 3472. But in talking about this, I want to talk about the process by which we got here. Nothing ever goes as fast in the House of Representatives as we want it to. And I want to commend my colleague, the ranking member on the Education committee, GEORGE MILLER, for his historic leadership on child welfare issues. He got here in the '70s, and there was nobody looking after kids. Nobody. There was no focus anywhere in the Congress. So he took it on. He had hearings and hearings and hearings and hearings. And that brought about the bill that passed in 1980. It was called the Adoption Assistance and Child Welfare Act of 1980.

Now when I got here as a child psychiatrist, I looked around and saw there was some stuff to do, and I wrote the Fostering Connections Act, which I authored and passed in the 2008 Congress with strong bipartisan support with the intent of improving the lives of kids in foster care. We continued to look for a way to make this system really function. And through the 1980 act, the law gave the power to shift resources from temporary out-of-home care toward either providing services to a child or his or her family or finding other permanent adoptive homes.

One of the key provisions of the Fostering Connections Act was to better provide for educational stability. What we found was that kids constantly were moved, their records were lost, and there were long delays. And the single thing that gives them a real chance to make it in society, that is, an education, was being denied by the bureaucracy that sort of thought, well, this is just, we'll get the records there when we get the records there.

So it's fitting that the ranking member on the Education and Workforce Committee is here to help guide this current legislation making it easier for foster kids to succeed academically through the House today.

Why is education important? Well, if you go to the same school, you know the people, you find a teacher, you find a teacher who might be interested in you when a parent wasn't interested in you, or you had no one else in the world that was interested in you, but you found a teacher, and that's what the educational system has done to hundreds and hundreds and hundreds of foster kids.

Now, we thought, well, we'll just write into Fostering Connections a change in Federal policy which would make sure that youth maintain some kind of continuity within their school

when they're forced to move from home to home.

It says that a State welfare agency must coordinate with educational agencies to ensure that a child remains in the school in which he or she is enrolled at the time of placement. If remaining in the child's school of origin is not in his or her best interest, that State must ensure the child is immediately enrolled in a new school without waiting weeks or months for paperwork.

Now, with Fostering Connections, it seems like a simple thing to say that kids ought to continue in the same school. As with any law we pass, there is always this implementation period. As a result, it has taken us several years to figure out the problems and the barriers to successfully implementing this particular provision. Many teachers and school administrators are still unaware of these provisions. Many schools lack any coordinator or coordinating entity to facilitate cross-agency collaboration to serve the best interests of the child.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 1 minute.

Mr. McDERMOTT. In addition, we have evidence that the Family Education Rights and Privacy Act currently hinders child welfare agencies in their efforts to meet the educational needs of kids in their care. Child welfare agencies have difficulty in obtaining the school records of foster kids. Students miss school for long periods of time waiting for school records to be transferred.

We know that education is a predictor for future adult success. Yet too many children and foster youth are unable to get this start because of the barriers in our system. This piece of legislation is an attempt to break down those barriers and make it work more smoothly.

The passage of the Uninterrupted Scholars Act will help ensure that needed coordination and help to ensure foster care youth succeed academically. This bill will have enormous positive impact for thousands of children in the foster care system. I encourage my colleagues to support it.

Mr. GEORGE MILLER of California. I want to thank the gentleman from Washington for his leadership.

I would like to yield 4 minutes to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I want to thank the gentleman from California both for his longstanding leadership and the history of his emphasis on how important our children are.

As a founder and chair of the Congressional Children's Caucus, I'm delighted to have joined with my colleague, Congresswoman BASS, and various coauthors of the Foster Care Caucus

on the bipartisan legislation that the Uninterrupted Scholars Act is, and the bicameral legislation, and to also add appreciation to Chairman KLINE of Minnesota and to Senator LANDRIEU for her leadership and partnership. I know of her great interest on the issues of both domestic adoption and international adoption.

Certainly, unfortunately, the system of foster care has many times, when it has not been intended to, been, if you will, a place of hopelessness. This legislation wants to provide a lifeline to foster care children, particularly as they approach adolescence and high school and going on to college, so that they can be taken out of the abyss of hopelessness.

I've had the opportunity, of course, to be able to meet with foster care children both in my district and here when they've lobbied on the Hill, and their stories are both of passion and commitment to having a future, a commitment to serving the Nation, a commitment to making a difference. Why shouldn't they have the opportunity to make a difference? Why can't they be considered just like those who have different lifestyles, if you will, in terms of a family situation?

So this legislation says that they should have, as well, that kind of orderliness. And if their orderliness comes through a social worker or a caseworker who will have access to their records to be able to plan for them the best format, whether it is to remain in a school, to transfer to a school, when they cannot access that natural parent or any other relative that would stand in for that child. There's nothing more, if you will, desperate and disappointing than to be able to find a child that has no hope, no one to turn to, and really wants to do, wants to accomplish, wants to graduate from high school.

So I believe that the Uninterrupted Scholars Act is a very important provision that reflects the laws that have been passed dealing with privacy as it relates to records of children in post-secondary school and the protection of those school records. This, in particular, allows, let me say, an exception to release the student's education records to a caseworker, State or local child welfare representative, or tribal organization that has a right to access that student's case plans. Again, that helps those students be able to have a lifeline.

□ 1750

Just a week or so ago, there was an article in The New York Times on three young people from Galveston, Texas. They were not necessarily foster care children, but it is indicative of what happens to children of less means. Part of their lack of success was their inability to access the Internet, to get timely notices that they were supposed

to apply for a scholarship, to have their parents know that they were supposed to modify their income sheet.

If you can imagine, we just went through Hurricane Ike, and this one child's parents had received aid through Hurricane Ike. Well, they were told that they didn't meet the scholarship standards because they made too much money, and they didn't modify it to say that it wasn't money that we made; it was aid because we were victims of Hurricane Ike.

This is similar to what happens to foster care children, and I am very delighted that we have legislation that is common sense and that we can attribute to the Foster Care Caucus, which we work closely with as a Congressional Children's Caucus.

I want to thank Mr. MILLER and Mr. KLINE for their dedication and commitment to the Nation's children. They are, in fact, a precious resource, and the Uninterrupted Scholars Act is one element of saying that they are important to us.

Let me again thank Congresswoman BASS and Senator LANDRIEU for their leadership, as well.

Mr. ROE of Tennessee. I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

The care and concern for foster children has been a bit of a relay race for myself back in the late seventies and eighties, to Senator Russell Long, to former Congressman Tom Downey, former Majority Leader Tom DeLay, to Senator LANDRIEU, now KAREN BASS from my State of California, and Congressman McDERMOTT before her.

We've tried to make sure that these young people, with a lot of chaos in their life, far beyond any of their own doing, have a chance to succeed. Clearly, the best chance to succeed is to see that they get a good education and an opportunity to participate in American society and in America's economy. This act, the Uninterrupted Scholars Act, goes a long way toward helping their advocates make sure that they get the best shot at the best education.

So I want to thank all the supporters of this legislation, Congressman ROE and Congressman KLINE, for their support and their willingness to bring it to the floor of the House so we can send it to the President of the United States.

Just before I conclude my remarks, Mr. Speaker, I want to take a moment to recognize a cherished member of my staff who will be leaving the committee at the beginning of January.

Ruth Friedman began her career with me as a fellow in my personal office more than a decade ago. Because of her hard work and dedication and unparalleled expertise, she rose to become my education policy director on the committee.

Ruth holds a Ph.D. in clinical psychology and is one of the foremost experts in early childhood policy. I can

tell you that the children of this country benefited every day from her work on the Education Committee.

Ruth has spent her career fighting for the most vulnerable children on issues like child welfare, juvenile justice, early learning, child care, child abuse prevention and treatment. She has worked on countless pieces of legislation successfully, including today's bill, and was instrumental in passing the 2007 Head Start Reauthorization Act.

I want to thank Ruth for her extraordinary service to me, to the committee, to the Nation, and to the Nation's children. Her advice and counsel have been invaluable, and she will be sorely missed, but we know that she has great accomplishments ahead of her.

Ruth, I want to wish you, Pete, and Dylan all of the best. Thank you so much for all of your service to our committee on both sides of the aisle, and certainly to this Nation's children.

With that, Mr. Speaker, I ask my colleagues to support this legislation, thank Congressman ROE for managing this bill on the floor, and I yield back the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself the balance of my time.

I wish to conclude by saying, Ruth, congratulations, and thank you for all the hard work that you have done for both sides of the aisle and for the work you've done for the children of this Nation.

I also want to thank Senator LANDRIEU and Congresswoman BASS, who is my next-door neighbor in the Cannon Office Building, and Ranking Member MILLER for the work you've done for many decades for the children of this country, and Chairman KLINE.

I will conclude by just saying I'm proud to sponsor the Uninterrupted Scholars Act, and I urge my colleagues a "yes" vote.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill, S. 3472.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign and Economic Espionage Penalty Enhancement Act of 2012".

### SEC. 2. PROTECTING U.S. BUSINESSES FROM FOREIGN ESPIONAGE.

(a) *FOR OFFENSES COMMITTED BY INDIVIDUALS.*—Section 1831(a) of title 18, United States Code, is amended, in the matter after paragraph (5), by striking "not more than \$500,000" and inserting "not more than \$5,000,000".

(b) *FOR OFFENSES COMMITTED BY ORGANIZATIONS.*—Section 1831(b) of such title is amended by striking "not more than \$10,000,000" and inserting "not more than the greater of \$10,000,000 or 3 times the value of the stolen trade secret to the organization, including expenses for research and design and other costs of reproducing the trade secret that the organization has thereby avoided".

### SEC. 3. REVIEW BY THE UNITED STATES SENTENCING COMMISSION.

(a) *IN GENERAL.*—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of offenses relating to the transmission or attempted transmission of a stolen trade secret outside of the United States or economic espionage, in order to reflect the intent of Congress that penalties for such offenses under the Federal sentencing guidelines and policy statements appropriately, reflect the seriousness of these offenses, account for the potential and actual harm caused by these offenses, and provide adequate deterrence against such offenses.

(b) *REQUIREMENTS.*—In carrying out this section, the United States Sentencing Commission shall—

(1) consider the extent to which the Federal sentencing guidelines and policy statements appropriately account for the simple misappropriation of a trade secret, including the sufficiency of the existing enhancement for these offenses to address the seriousness of this conduct;

(2) consider whether additional enhancements in the Federal sentencing guidelines and policy statements are appropriate to account for—

(A) the transmission or attempted transmission of a stolen trade secret outside of the United States; and

(B) the transmission or attempted transmission of a stolen trade secret outside of the United States that is committed or attempted to be committed for the benefit of a foreign government, foreign instrumentality, or foreign agent;

(3) ensure the Federal sentencing guidelines and policy statements reflect the seriousness of these offenses and the need to deter such conduct;

(4) ensure reasonable consistency with other relevant directives, Federal sentencing guidelines and policy statements, and related Federal statutes;

(5) make any necessary conforming changes to the Federal sentencing guidelines and policy statements; and

(6) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) *CONSULTATION.*—In carrying out the review required under this section, the Commission shall consult with individuals or groups representing law enforcement, owners of trade secrets, victims of economic espionage offenses, the United States Department of Justice, the United States Department of Homeland Security, the United States Department of State and the Office of the United States Trade Representative.

(d) *REVIEW.*—Not later than 180 days after the date of enactment of this Act, the Commission shall complete its consideration and review under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the matter currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself as much time as I may consume.

First of all, I want to thank Judiciary Committee Chairman-elect BOB GOODLATTE, Ranking Member JOHN CONYERS, and IP Subcommittee Ranking Member MEL WATT for their work on this bill.

Mr. Speaker, the Foreign and Economic Espionage Penalty Enhancement Act of 2012 deters and pushes criminals who target U.S. economic and security interests on behalf of foreign interests.

In a dynamic and globally connected information economy, the protection of intangible assets is vital, not only to the success of individual enterprises, but also to the future of entire industries.

In recent years, cybercriminals have shifted from the theft of personal information such as credit cards and Social Security numbers to the theft of corporate intellectual capital.

Our intelligence community has warned us that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies. In the U.S., the Economic Espionage Act serves as a primary tool the Federal Government uses to protect secret, valuable commercial information from theft.

Our intelligence community declares that there is a "significant and growing threat to our Nation's prosperity

and security” posed by criminals both inside and outside our borders who commit espionage. Congress should also recognize and confront this increasing threat by adjusting our penalties so that we can enhance deterrents and provide appropriate punishments for those criminals who knowingly target our companies for espionage.

I urge my colleagues to support H.R. 6029 as it was amended by the Senate. The original bill was developed in a bipartisan manner and was unanimously reported by both the Judiciary Committee and this House. This is a commonsense and much-needed measure that deserves our full support.

Mr. Speaker, I reserve the balance of my time.

I want to thank Judiciary Committee Chairman-Elect BOB GOODLATTE, Ranking Member JOHN CONYERS and IP Subcommittee Ranking Member MEL WATT for their work on this bill. It has been a privilege to serve with them during my tenure as Chairman and Ranking Member of the Judiciary Committee.

I look forward to continuing to explore areas where we can work together in the 113th Congress.

Mr. Speaker, the Foreign and Economic Espionage Penalty Enhancement Act of 2012 deters and punishes criminals who target U.S. economic and security interests on behalf of foreign interests.

In a dynamic and globally-connected information economy, the protection of intangible assets is vital not only to the success of individual enterprises but also to the future of entire industries.

A global study released last year by McAfee, the world's largest security technology company, and Science Applications International Corporation, concluded that corporate trade secrets and other sensitive intellectual capital are the newest “currency” of cybercriminals.

In recent years, cybercriminals have shifted from the theft of personal information such as credit cards and social security numbers to the theft of corporate intellectual capital.

Our intelligence community has warned us that foreign interests place a high priority on acquiring sensitive U.S. economic information and technologies.

We know that some individuals intentionally and persistently seek out U.S. information and trade secrets. The most recent report from the Office of the National Counterintelligence Executive specifically cited Chinese as “the world's most active and persistent perpetrators of economic espionage.”

The report also described Russia's intelligence services as responsible for “conducting a range of activities to collect economic information and technology from US targets.”

In the U.S., the Economic Espionage Act (EEA) serves as the primary tool the federal government uses to protect secret, valuable commercial information from theft.

On December 18, the House passed S. 3642, an important bill that clarifies the scope of protectable trade secrets.

Since enacting the EEA in 1996, Congress has not adjusted its penalties to take into ac-

count the increasing importance of intellectual property to the economic and national security of the U.S.

H.R. 6029, which the House unanimously passed this summer, increases the maximum penalties for an individual convicted of committing espionage on behalf of a foreign entity.

The bill the House passed increases the maximum penalty from 15 to 20 years imprisonment and increases the maximum fine from \$500,000 to \$5 million.

Several Senators wanted to give further consideration to the proposed statutory maximum increase from 15 to 20 years imprisonment.

The Senate amended H.R. 6029 by deleting this single provision. They then passed it unanimously on December 19, so that we may act again and send this bill directly to the desk of the President.

I thank Senators LEE and PAUL along with Senators LEAHY, KOHL and GRASSLEY for helping to resolve concerns and advancing this measure.

Our Intelligence community declares that there is a “significant and growing threat to [our] nation's prosperity and security” posed by criminals—both inside and outside our borders—who commit espionage.

Congress should also recognize and confront this increasing threat by adjusting our penalties so that we may enhance deterrence and provide appropriate punishments for those criminals who knowingly target our companies for espionage.

I urge my colleagues to support H.R. 6029 as it was amended by the Senate. The original bill was developed in a bipartisan manner and was unanimously reported by both the Judiciary Committee and this House. This is a commonsense and much-needed measure that deserves our full support.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Senate amendment to H.R. 6029, the Foreign and Economic Espionage Penalty Enhancement Act of 2012. The House passed this legislation by voice vote in August, and the Senate recently passed a bill with amendment by unanimous consent.

Mr. Speaker, H.R. 6029 will increase the maximum fines that may be imposed for engaging in the Federal offense of economic espionage. The crime of economic espionage consists of knowingly misappropriating trade secrets with the intent or knowledge that the offense will benefit a foreign government.

As reported by the U.S. intellectual property enforcement coordinator, economic espionage is a serious threat to American businesses by foreign governments.

□ 1800

Economic espionage represents a significant cost to victim companies and threatens the economic security of the United States. This crime inflicts costs on companies, such as the loss of unique intellectual property, the loss

of expenditures related to research and development, and the loss of future revenues and profits. Many companies are unaware when their sensitive data is pilfered, and those that find out are often reluctant to report the losses, fearing potential damage to their reputations with investors, customers, and employees.

The pace of the foreign collection of economic information and industrial espionage activities against major United States corporations is accelerating. For example, in fiscal year 2011, the Justice Department and the FBI saw an increase of 29 percent in economic espionage and trade secret theft investigations compared to those in fiscal year 2010.

Details related to recent Federal investigations and prosecutions suggest that economic espionage and trade secret theft on behalf of companies located in China is an emerging trend. For example, at least 34 companies were reportedly victimized by a set of attacks originating in China in 2010. In the attacks, computer viruses were spread via emails to corporate employees, allowing the attackers to have access to emails and sensitive documents.

Foreign hackers constantly target U.S. companies in such ways in order to get every piece of competitive intelligence information they can. We simply cannot allow this to continue to happen. In response to this growing threat, in her 2011 annual report, the U.S. Intellectual Property Coordinator called upon Congress to increase the penalties for economic espionage, and this bill is consistent with that recommendation.

I would like to commend Members on both sides of the aisle for their work on this bill, particularly the gentleman from Texas, the chair of the committee, Mr. SMITH; the ranking member, the gentleman from Michigan (Mr. CONYERS); the incoming chair of the Judiciary Committee, my colleague from Virginia (Mr. GOODLATTE); and the gentleman from North Carolina (Mr. WATT), who all worked very diligently on this bill. I also want to recognize the leadership of Senator LEAHY.

I urge my colleagues to support the Senate amendment to H.R. 6029, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6029.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

# CORRECTING AND IMPROVING THE LEAHY-SMITH AMERICA INVENTS ACT

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

## SECTION 1. TECHNICAL CORRECTIONS.

(a) **ADVICE OF COUNSEL.**—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) **TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.**—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)(i), by striking “of such title” the second place it appears; and

(2) in subsection (d)(2), by striking “subsection” and inserting “section”.

(c) **JOINDER OF PARTIES.**—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking “or counterclaim defendants only if” and inserting “only if”.

(d) **DEAD ZONES.**—

(1) **INTER PARTES REVIEW.**—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) **REISSUE.**—Section 311(c)(1) of title 35, United States Code, is amended by striking “or issuance of a reissue of a patent”.

(e) **CORRECT INVENTOR.**—

(1) **IN GENERAL.**—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking “correct inventors” and inserting “correct inventor”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) **INVENTOR'S OATH OR DECLARATION.**—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

“(f) **TIME FOR FILING.**—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.”; and

(2) in subsection (g)(1), by striking “who claims” and inserting “that claims”.

(g) **TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.**—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) **PATENT TERM ADJUSTMENTS.**—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking “on which an international application fulfilled the requirements of section 371 of this title” and inserting “of commencement of the national stage under section 371 in an international application”; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking “the application in the United States” and inserting “the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application”;

(2) in paragraph (3)(B)(i), by striking “with the written notice of allowance of the application under section 151” and inserting “no later than the date of issuance of the patent”; and

(3) in paragraph (4)(A)—

(A) by striking “a determination made by the Director under paragraph (3) shall have remedy” and inserting “the Director’s decision on the applicant’s request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy”; and

(B) by striking “the grant of the patent” and inserting “the date of the Director’s decision on the applicant’s request for reconsideration”.

(i) **IMPROPER APPLICANT.**—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) **FINANCIAL MANAGEMENT CLARIFICATIONS.**—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking “sections 41, 42, and 376,” and inserting “this title”; and

(B) by striking “a share of the administrative costs of the Office relating to patents” and inserting “a proportionate share of the administrative costs of the Office”; and

(2) in subparagraph (B), by striking “a share of the administrative costs of the Office relating to trademarks” and inserting “a proportionate share of the administrative costs of the Office”.

(k) **DERIVATION PROCEEDINGS.**—

(1) **IN GENERAL.**—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

“(a) **INSTITUTION OF PROCEEDING.**—

“(1) **IN GENERAL.**—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner’s application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

“(2) **TIME FOR FILING.**—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier applica-

tion when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

“(3) **EARLIER APPLICATION.**—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

“(4) **NO APPEAL.**—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) **REVIEW OF INTERFERENCE DECISIONS.**—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(l) **PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.**—

(1) **IN GENERAL.**—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking “Members of” and all that follows through “such appointments.” and inserting the following: “In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor’s term.”;

(B) by striking paragraph (2) and inserting the following:

“(2) **CHAIR.**—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.”; and

(C) by striking paragraph (3).

(2) **TRANSITION.**—

(A) **IN GENERAL.**—The Secretary of Commerce shall, in the Secretary’s discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) **DEEMED TERMINATION OF TERMS.**—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after

the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member's term would terminate if this Act had not been enacted.

(m) **CLERICAL AMENDMENT.**—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting “of this title” after “For purposes”.

(n) **EFFECTIVE DATE.**—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to proceedings commenced on or after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the matter currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Leahy-Smith America Invents Act, or AIA, was signed into law on September 16, 2011. It was the first major patent reform bill in over 60 years and the most substantial reform of U.S. patent law since the 1836 Patent Act. The Leahy-Smith AIA reestablishes the United States patent system as the global standard.

Over the past year, the Patent Office has worked diligently to implement the provisions of the Leahy-Smith AIA in order to ensure that the bill realizes its full potential to promote innovation and create jobs. The bill that we consider today includes several technical corrections and improvements that ensure that the implementation of the bill can proceed efficiently and effectively. The bill is supported by all sectors of our economy from all across the United States, including manufacturers, universities, technology, pharmaceutical and biotech companies, and innovators.

As the provisions of the Leahy-Smith AIA continue to take effect, our Nation's innovation infrastructure becomes much stronger, unleashing the full potential of American innovators and job creators, so I urge my colleagues to support this bill.

I reserve the balance of my time.

The Leahy-Smith America Invents Act, or “AIA,” was signed into law on September 16, 2011. It was the first major patent reform bill in over 60 years and the most substantial reform of U.S. patent law since the 1836 Patent Act. The Leahy-Smith AIA re-establishes the United States patent system as a global standard.

Over the past year the Patent Office has worked diligently to implement the provisions of the Leahy-Smith AIA to ensure that the bill realizes its full potential to promote innovation and create jobs.

The bill that we consider today includes several technical corrections and improvements that ensure that the implementation of the bill can proceed efficiently and effectively.

The bill is supported by all sectors of our economy from all across the United States, including manufacturers, universities, technology, pharmaceutical and biotech companies and innovators.

I have also received letters in support from: the Coalition for 21st Century Patent Reform, which represents manufacturers, pharmaceutical, technology, defense companies and universities; the Innovation Alliance, which represents high tech companies and licensors; and the BSA: The Software Alliance, which represents a range of high technology and software companies.

The Leahy-Smith AIA fundamentally changes our nation's innovation infrastructure. With any such substantive and wide-ranging legislation, unforeseen issues may arise as implementation occurs.

H.R. 6621 corrects many of these issues. This package consists of several technical corrections to the AIA that are essential to the effective implementation of the Act.

Other technical corrections and improvements may arise in the future; for example, the issue surrounding the correction of the Post-Grant Review estoppel provision in the Leahy-Smith AIA.

This was the result of an inadvertent “scrivener's error,” an error that was made by legislative counsel. That technical error has resulted in an estoppel provision with a higher threshold than was intended by either house of Congress.

Additionally, we must remain watchful as we examine ways to deal with the abusive and frivolous litigation that American innovators face from patent assertion entities or patent trolls.

The modified bill passed by the Senate takes out the report on pre-GATT patents. Even though the report is no longer mandated, it is within PTO's existing authority to conduct such a study, and I would call on them to do so.

As the provisions of the Leahy-Smith AIA continue to take effect, our nation's innovation infrastructure becomes much stronger, unleashing the full potential of American innovators and job creators.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Senate amendment to H.R. 6621 because the measure improves the America Invents Act—the most significant reform to the Patent Act since 1952—that was signed into law by President Obama last year. Earlier this month, the House passed H.R. 6621 by a vote of 308–89. The Senate subsequently passed the legislation with an amendment by unanimous consent. Now that the America Invents Act is law, our focus should be on how it can be improved,

which is why I support H.R. 6621, because it accomplishes that very goal in several respects.

To begin with, H.R. 6621 clarifies and improves the provisions to help implement the America Invents Act. The bill clarifies provisions dealing with patent term adjustments, derivation proceedings, inventor's oath, and the terms of the Patent Public Advisory Committee.

The Senate amendment to this bill makes one change to the House-passed bill by removing the provision requiring the Patent Office to prepare a report on pre-GATT patent applications that have now been pending before the Patent Office for over 18 years. Although this provision has been removed, we must continue to study ways to improve the patent system and make sure that there are not delays to receiving patent protection.

The bill clarifies the act's advice of counsel section as it applies to civil actions commenced on or after the date of this legislation's enactment. This is important because the original bill created a new section 298 of title XXXV that prevents the use of evidence of an accused infringer's failure to obtain advice of counsel, or his failure to waive privilege and introduce such opinion, to prove either willfulness or intent to induce infringement. The provision, however, failed to specify when the new authority would go into effect, and it would be unfair to apply the new rule retroactively to pending cases which anticipate using such evidence.

In addition, H.R. 6621 makes a series of other technical clarifications to the act. In some, the bill makes necessary constructive technical corrections to the America Invents Act and avoids including any substantive revisions to the act.

It is my hope that the Judiciary Committee will continue its oversight of the act into the next Congress and consider ways in which it can be further improved. I urge my colleagues to support the bill.

I yield back the balance of my time. Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I submit the following.

#### SECTION-BY-SECTION SUMMARY

(a) Advice of Counsel. The AIA's section 17 created a new §298 of title 35 that bars the use of evidence of an accused infringer's failure to obtain advice of counsel, or his failure to waive privilege and introduce such opinion, to prove either willfulness or intent to induce infringement. Section 17, however, neglected to specify when this new authority became effective. As a result, §298 is subject to the default effective date at section 35 of the AIA, and applies only to patents issued one year or later after enactment of the AIA. This subsection makes §298 applicable to all civil actions commenced after the enactment of this Act.

(b) Transitional Program for CBMs. This subsection corrects two scrivener's errors in section 18 of the AIA. These changes have no substantive effect.



(c) Joinder of Parties. This subsection corrects a scrivener's error in the new §299 of title 35. This change has no substantive effect.

(d) Dead Zones. This subsection fixes two provisions that inadvertently make it impossible to seek either post-grant or inter partes review of a patent during certain time periods. Section 311(c) of title 35 bars anyone from seeking inter partes review of a patent during the first nine months after the patent issues, or until a post-grant review of a patent is completed if such review is instituted. Section 311(c) was intended to preclude challengers from using IPR during the period when they can instead use PGR. The problem with the provision is that, during Senate floor consideration of the AIA in March 2011, another provision was added to the bill via the managers' amendment that allows only first-to-file patents to be challenged in PGR. This provision, at section 6(f)(2)(A) of the AIA, was intended to allow USPTO a longer period to prepare to conduct PGR proceedings, and to exclude patents that raise discovery-intensive invention-date and loss-of-right-to-patent issues from PGR. However, §311(c) takes effect and applies to all petitions for IPR that are filed on or after September 16, 2012. Yet for several years thereafter, almost all patents that are issued will still be first-to-invent patents. And under §311(c) of title 35, these patents cannot be challenged in IPR during the first 9 months after their issuance, while under section 6(f)(2) of the AIA, these patents cannot be challenged in PGR. Paragraph (1) eliminates this nine month "dead zone" by making §311(c) inapplicable to patents that are first-to-invent patents and are thus ineligible for PGR.

Paragraph (2) addresses another dead zone that is unique to reissue patents. Under §311(c) of title 35, IPR cannot be sought during the nine months after a patent is reissued. This limit was imposed in order to force challengers to bring a PGR challenge (rather than IPR) against what is, in effect, a new patent. However, §325(f) of title 35 then bars a challenge to any claim in a reissue patent that is "identical" to or "narrower" than the claims in the original patent. As a result, such "identical" or "narrower" claims could not be reviewed in either a PGR or an IPR during the nine months after a reissue. Paragraph (2) eliminates this dead zone by repealing section 311(c)(1)'s limit on filing a petition for inter partes review after a patent has been reissued.

(e) Correct Inventor. This subsection amends the authorization of settlement in derivation proceedings to refer to "correct inventor" in the singular, out of recognition of the fact that it is the entire inventive entity that must be named in the settlement agreement. This change has no substantive effect.

(f) Required Oath. Paragraph (1) liberalizes the time allowed for an applicant to file the required oath or alternative statement, allowing him to file as late as payment of the issue fee (rather than requiring filing prior to allowance). Paragraph (2) corrects §115(g)(1) by using "that claims" rather than "who claims," since the antecedent for these words is "application" rather than "inventor." Paragraph (2)'s change has no substantive effect. (USPTO requests.)

(g) Travel Expenses and Payment of Administrative Judges. Section 21 of the AIA, which makes minor changes to the law regarding the compensation of USPTO employees for travel and the payment of APJs, was

not given its own effective date. This subsection makes these provisions effective upon enactment of the AIA.

(h) Patent Term Adjustments. This subsection clarifies and improves certain requirements for seeking patent-term adjustments. These changes allow USPTO to provide notice of its PTA determination at the same time as the grant of a patent, and effectively require an applicant who wishes to pursue a civil action under paragraph (4)(A) of §154(b) to exhaust remedies provided under paragraph 3(B)(ii). These changes are minor, and only apply prospectively to PTAs that are determined and to §154(b)(4)(A) actions that are commenced after the enactment of this Act. (USPTO request.)

The Committee is aware that the district court for the Eastern District of Virginia, on November 1 of this year, issued a decision in the case of *Exelixis v. Kappos* that appears to have adopted a highly problematic interpretation of the patent term adjustment allowed by §154(b)(1)(B). For reasons that remain unclear, the court concluded that continuations and other events described in the "not including" clauses of that subparagraph should not be excluded from the subparagraph's calculation of patent term adjustment, but instead must be read only to toll the three-year clock that determines when patent term adjustment begins to accrue under subparagraph (B). The district court's interpretation of subparagraph (B) thus would allow patent term adjustment to accrue for any continued examination sought after the three-year clock has run. Such a result, of course, would allow applicants to postpone their patent's expiration date through dilatory prosecution, the very submarine-patenting tactic that Congress sought to preclude in 1994 when it adopted a 20-year patent term that runs from an application's effective filing date.

Despite the absurd and undesirable results that would appear to flow from the district court's interpretation, the Committee declines to address this matter at this time. This case was brought to the Committee's attention only very recently, precluding the thorough consideration and consultation that is appropriate before legislation is enacted. Moreover, Congress is not in the business of immediately amending the United States Code in response to every nonfinal legal error made by a trial court. The Committee, of course, reserves the right to address this matter in the future. In the meantime, the fact that the present bill does not amend §154(b) to address the *Exelixis* decision should not be construed as congressional acquiescence in or agreement with the reasoning of that decision.

(i) Improper Applicant. This subsection repeals an unnecessary limitation on who may file an international application designating the United States. (USPTO request.)

(j) Financial Management Clarifications. This subsection makes several technical changes to §42 of title 35, concerning USPTO funding. These changes: (1) ensure that the rule requiring that patent fees be spent for patent purposes also applies to RCE fees; and (2) ensure that all USPTO administrative costs will be covered by either patent fees or trademark fees. (USPTO request.)

(k) Derivation Proceedings. Currently, the third sentence of §135(a) will allow a derivation proceeding to be sought only within the year after the victim's claim that has been the target of derivation has published. It is possible, however, that a deriver could file first, but delay claiming the derived material until more than a year has elapsed after

the victim's claims have published, in other words, until after the current deadline has lapsed. The changes made by this subsection preclude such a scenario by requiring the proceeding to be sought during the year after the publication of the deriver's claim to the invention. These changes also add a definition of "earlier application" to §135(a), correct inconsistencies in the AIA's version of §135(a), and authorize the PTAB to conduct, and the courts to hear appeals of, interferences commenced after the effective date of the AIA's amendments to §135(a). (USPTO request.)

(l) Terms of Public Advisory Committee Members. This subsection makes the terms of PPAC and TPAC members run for 3 years from a fixed date (rather than from the date that they are appointed), and requires Chairmen and Vice Chairmen to be designated from among existing members. (Current law designates only a Chairman and gives him a 3-year term.) These changes will produce better coordination of members' terms, will allow experienced Chairmen to be appointed without requiring such individuals to serve two 3-year terms, and will provide for automatic replacement of a Chairman who does not complete his term of service. (AIPLA request.)

(m) Report on pre-GATT Applications. The URAA amendments took effect on June 8, 1995 but were made inapplicable to applications filed before that effective date. Unfortunately, a small number of applicants may have engaged in clearly dilatory behavior and continue to maintain pending applications with effective-filing dates that precede the URAA effective date.

It is highly unlikely that the 103d Congress ever conceived that its amendments to §154(a) would remain inapplicable to applications still pending in this Congress. The issuance of any such patent at this late date would be grossly prejudicial to the public. Many of these applications claim invention dates in the 1980s, and some even claim priority dates in the 1970s. To remove such technology from the public domain in 2012 would work a clear injustice on the public, and would bear no relation to the patent system's purpose of promoting the progress of science and the useful arts.

An earlier version of this Act included a provision that would have required these applicants to complete prosecution of these applications promptly after the enactment of the Act. To avoid controversy that might delay the enactment of this Act, the present Act substitutes the earlier proposal with a requirement that USPTO issue a report that will provide Congress and the public with relevant information about these applications. The Committee expects that the report will contribute to an understanding of whether these applications present special circumstances that require further legislative, executive, or judicial action in order to ensure transparency and protect the public's interests.

(n) Micro Entity Definition. This subsection corrects a scrivener's error in the AIA's definition of the "micro entities" that are entitled to a fee reduction. This change has no substantive effect.

(o) Default Effective Date. This subsection provides that the amendments made by this Act apply to proceedings commenced on or after the enactment of the Act, except where the provisions of the Act include their own effective date or modify an existing law's effective date.

OTHER ISSUES FOR FUTURE CONSIDERATION

Post-Grant Review Could-Have-Raised Estoppel. The version of post-grant review that



was enacted by the Leahy-Smith America Invents Act bars a petitioner who completes such a review from challenging any of the claims of the patent that were reviewed in the proceeding on any ground that the petitioner "could have raised" in the post-grant review. Although this broad estoppel first appeared in the bill that was reported by the House Judiciary Committee in June 2011, no amendment adopted by the committee authorized such a change. The change appears to have been made by staff charged with making technical corrections to the bill, who apparently assumed that the omission of could-have-raised estoppel in §325(e)(2) was an oversight.

The application of a civil-litigation could-have-raised estoppel to PGR would cripple that proceeding if it is not corrected. All validity issues can be raised in PGR, and must be raised during the first nine months of the patent's life and without the benefit of discovery. Thus if could-have-raised estoppel were applied to PGR, a PGR challenger would effectively have to waive the possibility of raising any validity defense against the patent if he is later sued for infringement—and all without an opportunity to adequately investigate enablement and other discovery-intensive issues. In order to ensure that the post-grant review system that USPTO has recently implemented does not simply become a white elephant, it is important that this scrivener's error be corrected in the future. And, lest anyone suggest that the correction of this error is properly regarded as controversial, allow me to note that this correction would simply conform the PGR estoppel provisions to those of the bill that passed the Senate on March 8, 2011, by a vote of 95–5.

Mr. COBLE. Mr. Speaker, the Leahy-Smith America Invents Act, or "AIA," which was signed into law on September 16, 2011, is the most substantial reform of U.S. patent law since the 1836 Patent Act. The AIA re-establishes the United States patent system as the global standard. The bill that we discuss today, H.R. 6621, makes necessary technical corrections to the AIA to ensure that the bill realizes its full potential to promote innovation and create jobs.

The AIA represented the culmination of nearly a decade of work by Members, key staff, and officials from both the Bush and Obama Administrations. The bill helps to bring our patent system into the 21st century and sets our nation's innovation infrastructure on the right path for decades to come.

At the center of our successful efforts to enact the AIA and this technical corrections measure over the last decade has been Blaine Merritt, the Chief Counsel of the Committee on the Judiciary's Subcommittee on Intellectual Property, Competition and the Internet.

Blaine has been a constant and tireless public servant, who has served the American people with quiet distinction and professionalism for nearly three decades. On the occasion of his retirement from the U.S. House of Representatives, I want to note a few of his many contributions to our work and to the betterment of the American people. A native of Greensboro, North Carolina, Blaine's congressional career began in 1985 in our office where he began his public service as a Legislative Assistant. In 1988, he was promoted to Legislative Director, a position he served in until he was called to serve on the profes-

sional staff of the Committee on the Judiciary in 1997.

Once on the Committee, Blaine was appointed Chief Counsel to the subcommittee with oversight over our intellectual property laws and courts related issues in 2000. In that capacity, Blaine served three successive Republican Chairmen—Representatives Henry Hyde, JIM SENSENBRENNER and LAMAR SMITH.

During his service on the Judiciary Committee, Blaine established himself and became recognized as one of our nation's foremost authorities on the law of patents, copyrights and trademarks as well as an expert on all matters that relate to the Federal judiciary and congressional procedure.

Blaine's contributions to landmark legislation are innumerable. Counted among the bills he helped to steer to enactment are the American Inventor's Protection Act (AIPA), the Digital Millennium Copyright Act (DMCA) and the aforementioned Leahy-Smith AIA of 2011.

Mr. Speaker, I've been blessed to represent the good citizens of the Sixth District of North Carolina, from where Blaine hails, since 1985. Throughout my tenure, I and countless other Members of the "People's House" have benefited from his sound counsel, seasoned judgment and quiet leadership.

As Blaine embarks upon the next phase of his career, I hope he takes a little time to relax and watch his beloved "Blue Devils" basketball team that is undefeated and ranked number one in the Nation. I thank my friend for his invaluable service and wish him "Fair Winds and Following Seas" always.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6621.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### INTERCOUNTRY ADOPTION UNIVERSAL ACCREDITATION ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3331) to provide for universal intercountry adoption accreditation standards, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3331

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Inter-country Adoption Universal Accreditation Act of 2012".

#### SEC. 2. UNIVERSAL ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—The provisions of title II and section 404 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14901 et seq.), and related implementing regulations, shall apply to any person offering or providing adoption services in connection with a child described in section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)), to the same extent as they apply to the offering or provision of adoption services in connection with a Convention adoption. The Secretary of State, the Secretary of Homeland Security, the Attorney General (with respect to section 404(b) of the Intercountry Adoption Act of 2000 (42 U.S.C. 14944)), and the accrediting entities shall have the duties, responsibilities, and authorities under title II and title IV of the Intercountry Adoption Act of 2000 and related implementing regulations with respect to a person offering or providing such adoption services, irrespective of whether such services are offered or provided in connection with a Convention adoption.

(b) EFFECTIVE DATE.—The provisions of this section shall take effect 18 months after the date of the enactment of this Act.

(c) TRANSITION RULE.—This Act shall not apply to a person offering or providing adoption services as described in subsection (a) in the case of a prospective adoption in which—

(1) an application for advance processing of an orphan petition or petition to classify an orphan as an immediate relative for a child is filed before the date that is 180 days after the date of the enactment of this Act; or

(2) the prospective adoptive parents of a child have initiated the adoption process with the filing of an appropriate application in a foreign country sufficient such that the Secretary of State is satisfied before the date that is 180 days after the date of the enactment of this Act.

#### SEC. 3. AVAILABILITY OF COLLECTED FEES FOR ACCREDITING ENTITIES.

(a) Section 403 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14943) is amended by striking subsection (c).

(b) REPORT REQUIREMENT.—Section 202(b) of the Intercountry Adoption act of 2000 (42 U.S.C. 14922(b)) is amended by adding at the end the following:

"(5) REPORT ON USE OF FEDERAL FUNDING.—Not later than 90 days after an accrediting entity receives Federal funding authorized by section 403, the entity shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

"(A) the amount of such funding the entity received; and

"(B) how such funding was, or will be, used by the entity."

#### SEC. 4. DEFINITIONS.

In this Act, the terms "accrediting entity", "adoption service", "Convention adoption", and "person" have the meanings given those terms in section 3 of the Intercountry Adoption Act of 2000 (42 U.S.C. 14902).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to

include extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 3331, the Inter-country Adoption Universal Accreditation Act of 2012. This bipartisan bill, which recently received unanimous consideration in the Senate, is the Senate-side companion to H.R. 6027, which is the bipartisan House bill introduced by my good friend from New Jersey (Mr. SIREs).

This bill requires that all inter-country adoption providers in the U.S. meet the same accreditation standards regardless of whether the adoption is from a Hague Convention signatory country.

□ 1810

Mr. Speaker, before I close, I would like to direct attention to yet another outrage perpetrated by Russian strongman Vladimir Putin, one that he has knowingly directed at innocent Russian children awaiting adoption. His action was a shameful response to legislation overwhelmingly adopted by the Congress that targets Russian officials engaged in human rights abuses, specifically those regarding Sergei Magnitsky.

Magnitsky was a Russian lawyer killed in prison after having uncovered massive government corruption, including senior officials in Putin's regime. Instead of prosecuting those criminals, Putin has instead cruelly chosen to target Russian orphans by banning adoptions by Americans.

Tens of thousands of Russian children have been adopted by families in this country, who have given these innocents the love and protection they otherwise likely would have never known. Now, countless numbers may be condemned to tragic lives, knowingly sacrificed by Vladimir Putin in a sickening effort to show the world just how tough he is. Is there any additional proof needed of the despicable nature of this man and his regime?

I call upon President Obama to tell Putin that the U.S. cannot and will not engage in a business-as-usual relationship with a regime so utterly devoid of humanity, a regime that deliberately tears apart the lives of its own children by depriving them the love of those Americans who wish only to give these innocents a family and a better future. Let those in the administration who turn their eyes from this outrage explain to these orphans why they must be sacrificed for the sake of good relations with the Putin regime.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in support of S. 3331, the Inter-country

Adoption Universal Accreditation Act of 2012, and I yield myself such time as I may consume.

I would like to thank Senator KERRY and my colleague from New Jersey, a member of the Foreign Affairs Committee, Mr. SIREs, for their hard work on this legislation.

This bill ensures American families adopting children will be protected from unethical and fraudulent practices by international adoption agencies. For years, conflicting country-by-country standards have plagued the international adoption process, causing harm to adoptive children and families.

The bill would expand accreditation standards to cover all international adoptions. Presently, those standards apply only to adoptions from countries that are parties to the Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption, known as the Hague Convention.

Accreditation standards help prevent the sale of children, thwart fraudulent financial practices, and ensure transparency in fees and the adoption process. They also encourage agencies to employ staff with professional qualifications and training.

This is a commonsense bill that should have been enacted long ago. Less than half of all families adopting internationally are protected by the Hague Adoption Convention process, and we want to make sure that we protect all families that open their homes and hearts to children in need of loving families. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, we have no further requests for time, and we are ready to yield back once the gentleman from California yields back.

Mr. BERMAN. Mr. Speaker, I don't see the one individual who asked to join me in speaking on this, so I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 3331.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

## FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3159) to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3159

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Aid Transparency and Accountability Act of 2012".

### SEC. 2. GUIDELINES FOR UNITED STATES FOREIGN DEVELOPMENT ASSISTANCE.

(a) PURPOSE.—The purpose of this section is to evaluate the performance of United States foreign development assistance and its contribution to policy, strategies, projects, program goals, and priorities undertaken by the United States, to foster and promote innovative programs to improve the effectiveness of United States foreign development assistance, and to coordinate the monitoring and evaluation processes of Federal departments and agencies that administer United States foreign development assistance.

(b) ESTABLISHMENT OF GUIDELINES.—Not later than 18 months after the date of the enactment of this Act, the President shall establish guidelines regarding the establishment of measurable goals, performance metrics, and monitoring and evaluation plans that can be applied with reasonable consistency to United States foreign development assistance. Such guidelines should be established according to best practices of monitoring and evaluation studies and analyses.

#### (c) OBJECTIVES OF GUIDELINES.—

(1) IN GENERAL.—The guidelines established under this section shall provide direction to Federal departments and agencies that administer United States foreign development assistance on how to develop the complete range of activities relating to the monitoring of resources, the evaluation of projects, the evaluation of program impacts, and analysis that is necessary for the identification of findings, generalizations that can be derived from those findings, and their applicability to proposed project and program design.

(2) OBJECTIVES.—Specifically, the guidelines shall provide direction on how to achieve the following objectives for monitoring and evaluation of programs:

(A) Building measurable goals, performance metrics and monitoring and evaluation into program design at the outset, including the provision of sufficient program resources to conduct monitoring and evaluation.

(B) Disseminating guidelines for the development and implementation of monitoring and evaluation programs to all personnel, especially in the field, who are responsible for the design, implementation, and management of United States foreign development assistance programs.

(C) Contributing to the collection and dissemination of knowledge and lessons learned

to United States development professionals, implementing partners, the international aid community, and aid recipient governments, and as a repository of knowledge on lessons learned.

(D) Distributing evaluation reports internally.

(E) Establishing annual monitoring and evaluation agendas and objectives.

(F) Applying rigorous monitoring and evaluation methodologies, including choosing from among a wide variety of qualitative and quantitative methods common in the field of social scientific inquiry.

(G) Partnering with the academic community, implementing partners, and national and international institutions that have expertise in monitoring and evaluation and analysis when such partnerships will provide needed expertise or will significantly improve the evaluation and analysis.

(H) Developing and implementing a training plan for appropriate aid personnel on the proper conduct of monitoring and evaluation programs.

(d) IMPLEMENTATION OF GUIDELINES.—Beginning not later than one year after the date on which the President establishes the guidelines under this section, the head of each Federal department or agency that administers United States foreign development assistance shall administer the United States foreign development assistance in accordance with the guidelines.

(e) PRESIDENTIAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall submit to Congress a report that contains a detailed description of the guidelines that have been developed on measurable goals, performance metrics, and monitoring and evaluation plans for United States foreign development assistance established under this section. The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

(f) COMPTROLLER GENERAL REPORTS.—The Comptroller General of the United States shall—

(1) not later than one year after the date of the enactment of this Act, submit to the appropriate congressional committees a report that contains an analysis of the actions that the major Federal departments and agencies that administer United States foreign development assistance have taken to ensure that United States foreign development assistance program evaluation is planned, conducted, and utilized effectively; and

(2) not later than two years after the date of the enactment of this Act, submit to the appropriate congressional committees a report that contains an analysis of—

(A) the guidelines established pursuant to subsection (b); and

(B) the implementation of the guidelines by the major Federal departments and agencies that administer United States foreign development assistance.

(g) EVALUATION DEFINED.—In this section, the term “evaluation” means, with respect to a United States foreign development assistance program, the systematic collection and analysis of information about the characteristics and outcomes of the program and projects under the program as a basis for judgments, to improve effectiveness, and to inform decisions about current and future programming.

### SEC. 3. INTERNET WEBSITE TO MAKE PUBLICLY AVAILABLE COMPREHENSIVE, TIMELY, COMPARABLE, AND ACCESSIBLE INFORMATION ON UNITED STATES FOREIGN DEVELOPMENT ASSISTANCE PROGRAMS.

(a) ESTABLISHMENT; PUBLICATION AND UPDATES.—Not later than 30 days after the date of the enactment of this Act, the President shall direct the Secretary of State to establish and maintain an Internet website to make publicly available in unclassified form comprehensive, timely, comparable, and accessible information on United States foreign development assistance. The head of each Federal department or agency that administers United States foreign development assistance shall, not later than 3 years after the date of the enactment of this Act, publish and on a quarterly basis update on the Internet website such information with respect to the United States foreign development assistance programs of such Federal department or agency.

(b) MATTERS TO BE INCLUDED.—

(1) IN GENERAL.—Such information shall be published on a detailed program-by-program basis and country-by-country basis.

(2) TYPES OF INFORMATION.—To ensure transparency, accountability, and effectiveness of United States foreign development assistance, such information should include country assistance strategies, annual budget documents, congressional budget justifications, obligations, expenditures, and reports and evaluations, including those developed pursuant to the guidelines established by section 2, for United States foreign development assistance programs and projects under such programs. Each type of information described in this paragraph shall be published or updated on the Internet website not later than 90 days after the date of issuance of the information.

(3) REPORT IN LIEU OF INCLUSION.—If—

(A) the head of a Federal department or agency makes a determination that the inclusion of a required item of information on the Internet website would jeopardize the health or security of an implementing partner or program beneficiary, or

(B) the Secretary of State makes a determination that the inclusion of a required item of information on the Internet website would be detrimental to the national interests of the United States,

then the head of such Federal department or agency or the Secretary of State, as the case may be, shall provide briefings to Congress on the item of information or submit to Congress the item of information in a written report in lieu of it being included on the Internet website, along with the reasons for it not being included on the Internet website. Any such item of information may be submitted to Congress in classified form.

(c) SCOPE OF INFORMATION.—

(1) IN GENERAL.—The Internet website shall contain the information described in subsection (b) as follows:

(A) For fiscal year 2013, the information relating to such fiscal year and each of the immediately preceding 2 fiscal years.

(B) For fiscal year 2014, the information relating to such fiscal year and each of the immediately preceding 3 fiscal years.

(C) For fiscal year 2015, the information relating to such fiscal year and each of the immediately preceding 4 fiscal years.

(D) For fiscal year 2016 and each fiscal year thereafter, the information relating to such fiscal year and each of the immediately preceding 5 fiscal years.

(2) OLDER INFORMATION.—For fiscal year 2017 and each fiscal year thereafter, the

Internet website shall also contain a link to a searchable database available to the public containing information described in subsection (b) relating to fiscal years prior to the immediately preceding 5 fiscal years but subsequent to fiscal year 2010.

### SEC. 4. CONGRESSIONAL BRIEFINGS IF REQUIREMENTS OF SECTION 3 ARE NOT MET.

If the information described in section 3(b) with respect to a United States foreign development assistance program is not provided as required under section 3, then the head of the relevant Federal department or agency shall provide briefings to the appropriate congressional committees, along with a detailed explanation of why the requirements for publication on the Internet have not been met and when they will be met, with respect to each month for which such information is not published on the Internet.

### SEC. 5. OFFSET.

Of the amounts authorized to be appropriated for United States foreign development assistance programs of a Federal department or agency that administers such programs for a fiscal year, up to 5 percent of such amounts are authorized to be appropriated to carry out this Act with respect to such programs for such fiscal year.

### SEC. 6. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) UNITED STATES FOREIGN DEVELOPMENT ASSISTANCE.—The term “United States foreign development assistance” means assistance primarily for purposes of foreign development and economic support, including but not limited to assistance authorized under—

(A) part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than—

(i) title IV of chapter 2 of such part (relating to the Overseas Private Investment Corporation);

(ii) chapter 3 of such part (relating to International Organizations and Programs); and

(iii) chapter 8 of such part (relating to International Narcotics Control);

(B) chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to Economic Support Fund) for long-term development; and

(C) the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3159 introduced by my good friend from Texas, Judge POE.

This bill stands for the simple proposition that consistent evaluation and transparency will improve the effectiveness of U.S. development assistance around the world. H.R. 3159 will require the President to establish guidelines for measurable goals, monitoring, and evaluation plans that can be applied with reasonable consistency to all overseas development assistance.

I urge my colleagues to support H.R. 3159, and I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 3159, as amended, and I yield myself such time as I may consume.

Let me start first by thanking my distinguished colleague from Texas (Mr. POE) for his leadership on this legislation. He and his staff have worked tirelessly to address a range of technical issues so that this bill could be considered under suspension.

H.R. 3159 is an important first step in bringing greater rationality and oversight to the foreign aid process. It contains two fundamental reforms to make our programs more efficient, more effective, and better at serving our national interests.

The first is to strengthen monitoring and evaluation so that we can be sure our aid is performing as intended. Right now we make most of our aid decisions in the dark. We set budgets year after year without having any idea necessarily what the outcomes might be. This bill requires the President to establish a consistent set of guidelines so that all Federal agencies carrying out development assistance will set measurable goals, establish indicators, monitor results, and evaluate impact. We can make much better decisions about how and where to invest our scarce resources once we know which types of programs are the most cost-effective and produce the best results.

The second reform is to increase aid transparency so that everyone can see where we're spending the money and why. There are all too many misperceptions about the size of the foreign aid budget and exactly what it does. This bill will address that.

It also requires the President to establish and maintain an Internet Web site that makes comprehensive and timely information accessible to the public.

Similar reforms are included in comprehensive foreign aid reform legislation recently introduced by the current ranking member of our committee, Mr. BERMAN, and myself. They were also included in the State Department authorization bills passed by the full

House under the leadership of our outgoing chairwoman, ILEANA ROS-LEHTINEN of Florida, in 2009, and reported by the Foreign Affairs Committee in 2011. Both times, these provisions were adopted with strong bipartisan support.

The administration also recognizes the need for these types of changes. They've created the Foreign Assistance Dashboard, a Web site that provides accessible and easy-to-understand data about our aid programs. Both the Millennium Challenge Corporation and USAID have put into place their own rigorous evaluation policies.

This bill will ensure that all Federal agencies carrying out development programs will adhere to the same high standards, and at a time when there are so many issues that divide our parties and our Nation, I think this is one that we can come together on. Again, I urge my colleagues to support this legislation.

I reserve the balance of my time.

[From The Hill, Dec. 12, 2012]

OVERHAUL OF U.S. FOREIGN AID IS OVERDUE  
(By Reps. Howard L. Berman (D-Calif.) and Gerald E. Connolly (D-Va.))

At a time when competing government priorities face the chopping block, advocates of effective foreign aid have a responsibility to make the case that aid directly serves our country's long-term national-security and economic interests, and in a cost-effective way.

A key goal of foreign aid is to make the right investments that reinforce America's priorities. Unfortunately, the current foreign aid process and the underlying statute are encrusted with legislative barnacles built up over half a century that are messy, conflicting and outdated, and that actually hinder our ability to deliver foreign aid effectively and efficiently.

It is time for a complete overhaul. The 21st century requires a foreign aid program that recognizes today's priorities and streamlines the process in the post-Cold War era. For instance, do we still need language in current law, passed in 1961, that requires the president to assure Congress that foreign aid recipients are not "controlled by the international Communist conspiracy"?

The many task forces and policy committees that have examined U.S. foreign aid have cited the myriad goals, objectives and priorities contained in the Foreign Assistance Act of 1961. The Center for Global Development, for example, identified more than 33 major objectives, 75 priorities and 247 directives relating to foreign aid in the act. And all of this for a minuscule piece of the federal budget. Little wonder, then, that we lack any central focus to our effort and even less of an ability to measure its effectiveness.

The Global Partnerships Act of 2012 (H.R. 6644) replaces this byzantine labyrinth of priorities by identifying eight concise goals for development assistance. The legislation simplifies the bureaucracy administering foreign aid by restoring the U.S. Agency for International Development's policy and budget functions and clarifies the roles and relationships of key officials involved in its delivery.

In addition, the Global Partnerships Act tackles problems like the lack of trans-

parency, accountability and oversight in the system. It requires the maintenance of an online database of information, easily accessible by the public, with complete information about all forms of U.S. foreign assistance, including an unclassified database on security assistance. This online database would provide detailed information on overhead and administrative costs for overseas projects, ensuring that U.S. taxpayers get the most out of their investment.

Opponents of foreign aid say that aid programs amount to little more than handouts. But the purpose of foreign assistance, as President Obama has insisted, must be to create the conditions where it's no longer needed. To do this, our programs should aim to build indigenous capacity in various sectors, with the ultimate goals of country ownership and self-reliance. The Global Partnerships Act emphasizes the importance of country ownership by transforming the donor-recipient relationship to one of partners working toward mutually agreed-upon and beneficial goals.

Many believe that foreign assistance is a luxury we can no longer afford in an era of tight budgets and fiscal challenges. They perpetuate the misconception that foreign aid encompasses a massive portion of the federal budget. In reality, this assistance amounts to only about 1 percent of federal spending.

Moreover, foreign aid is a critical component of our national-security strategy, which includes three key pillars: defense, diplomacy and development. National-security experts and military leaders frequently extol the importance of foreign aid, recognizing, as former Defense Secretary Robert Gates once said, that "economic development is a lot cheaper than sending soldiers."

It is critical that the United States modernize its foreign aid policies and maintain its foreign aid investments. It is also critical that we establish metrics to gauge the efficacy of those investments. There are other countries ready and willing to fill the vacuum that we will leave behind.

Foreign assistance is a critical tool in the diplomatic toolkit. A great power must have the tools to act—beyond simply intervening militarily. A streamlined, effective foreign aid template can enhance U.S. values and influence in a dangerous world and help avoid the enormous costs in blood and treasure that inevitably result from military intervention.

While admittedly some of our foreign aid investments have been ineffectively deployed in the field over the years, it is beyond dispute that foreign assistance has dramatically lowered infant mortality rates, raised hundreds of millions of people from poverty, extended longevity, created employment and fostered democratic institutions in every corner of the world. Its return is well worth the investment.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas, Judge POE, an esteemed member of our Foreign Affairs Committee and the author of this bill.

Mr. POE of Texas. I thank the gentlewoman and appreciate her yielding me this time. I want to thank Chairwoman ROS-LEHTINEN, Ranking Member BERMAN, and House leadership for getting this bill to the House floor, and also Mr. CONNOLLY from Virginia for his support of this legislation.

□ 1820

Mr. Speaker, H.R. 3159, the Foreign Aid Transparency and Accountability Act, is a simple, bipartisan bill. We have, in fact, equal numbers of Republicans and Democrats as cosponsors of this legislation.

Last year, the House Foreign Affairs Committee passed this bill unanimously as an amendment to the state authorization bill. This bill does two things: it increases monitoring and evaluation of our foreign aid programs, and it also increases transparency of foreign aid.

Our foreign aid can do some good to other countries, but there are also problems with American foreign aid. Unfortunately, we do not keep track of what we're spending, and we don't ask for real results.

Since the passage of the Foreign Assistance Act of 1961, foreign aid programs have spread across 12 departments, 25 agencies, and almost 60 Federal offices. There are so many Federal Government programs that they often don't know what each other is doing, and many Federal Government programs don't even keep track of what they're doing.

According to an independent study commissioned by USAID in 2009, agencies don't assess the impact their aid is having on foreign countries:

Do we know if our money actually helps people?

Is our money helping people become more self-sufficient or more reliant on U.S. dollars?

And does American aid leave people better off?

We don't know the answers to these questions. This bill addresses this problem by requiring the President to set up tough monitoring and evaluation guidelines for development programs.

These guidelines will be used for monitoring and evaluation of every foreign aid development program from agriculture to AIDS to democracy promotion. Monitoring will allow us to cut programs that simply do not work.

We also need transparency. Americans don't know what we spend our aid on, and so that is why many Americans are frustrated when the word or phrase "foreign aid" is mentioned. We need to be honest with American taxpayers.

Until November of 2011, the United States ranked 22nd out of 31 countries when it came to transparency in foreign aid programs. That's according to the Brookings Institute and the Center for Global Development.

We should have nothing to hide when it comes to foreign aid. Let's tell the American taxpayers what they're getting for their buck. This bill requires more information about foreign aid to be posted online so Americans can know what we are doing.

We can't continue down the path of the same-old same-old regarding foreign aid. We need to restore trust with

the American people. Lack of transparency and accountability invites corruption, waste, and incompetence.

The losers are those who the programs aim to help and also Americans who pay for foreign aid. Regardless of whether a Member believes we need more foreign aid, less foreign aid, or no foreign aid at all, we should all agree that accountability and transparency are an absolute must.

Mr. CONNOLLY of Virginia. I have no other speakers. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 3159, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONNOLLY of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### DEPARTMENT OF STATE REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2318) to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2318

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of State Rewards Program Update and Technical Corrections Act of 2012".

#### SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of State's existing rewards programs permit the payment of reward for information leading to the arrest or conviction of—

(A) individuals who have committed, or attempted or conspired to commit, certain acts of international terrorism;

(B) individuals who have committed, or attempted or conspired to commit, certain narcotics-related offenses; and

(C) individuals who have been indicted by certain international criminal tribunals.

(2) The Department of State considers the rewards program to be "one of the most val-

uable assets the U.S. Government has in the fight against international terrorism". Since the program's inception in 1984, the United States Government has rewarded over 60 people who provided actionable information that, according to the Department of State, prevented international terrorist attacks or helped convict individuals involved in terrorist attacks.

(3) The program has been credited with providing information in several high-profile cases, including the arrest of Ramzi Yousef, who was convicted in the 1993 bombing of the World Trade Center, the deaths of Uday and Qusay Hussein, who United States military forces located and killed in Iraq after receiving information about their locations, and the arrests or deaths of several members of the Abu Sayyaf group, believed to be responsible for the kidnappings and deaths of United States citizens and Filipinos in the Philippines.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the rewards program of the Department of State should be expanded in order to—

(1) address the growing threat to important United States interests from transnational criminal activity, such as intellectual property rights piracy, money laundering, trafficking in persons, arms trafficking, and cybercrime; and

(2) target other individuals indicted by international, hybrid, or mixed tribunals for genocide, war crimes, or crimes against humanity.

#### SEC. 3. ENHANCED REWARDS AUTHORITY.

Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting "serious violations of international humanitarian law, transnational organized crime," after "international narcotics trafficking,";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Attorney General" and inserting "heads of other relevant departments or agencies";

(B) in paragraphs (4) and (5), by striking "paragraph (1), (2), or (3)" both places it appears and inserting "paragraph (1), (2), (3), (8), or (9)";

(C) in paragraph (6)—

(i) by inserting "or transnational organized crime group" after "terrorist organization"; and

(ii) by striking "or" at the end;

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking "including the use by the organization of illicit narcotics production or international narcotics trafficking" and inserting "or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking";

(ii) in subparagraph (A), by inserting "or transnational organized crime" after "international terrorism"; and

(iii) in subparagraph (B)—

(I) by inserting "or transnational organized crime group" after "terrorist organization"; and

(II) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

"(8) the arrest or conviction in any country of any individual for participating in, primarily outside the United States, transnational organized crime;

“(9) the arrest or conviction in any country of any individual conspiring to participate in or attempting to participate in transnational organized crime; or

“(10) the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.”;

(3) in subsection (g), by adding at the end the following new paragraph:

“(3) **ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.**—Not less than 15 days before publicly announcing that a reward may be offered for a particular foreign national accused of war crimes, crimes against humanity, or genocide, the Secretary of State shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary, setting forth the reasons why the arrest or conviction of such foreign national is in the national interests of the United States.”; and

(4) in subsection (k)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraphs:

“(5) **TRANSNATIONAL ORGANIZED CRIME.**—The term ‘transnational organized crime’ means—

“(A) racketeering activity (as such term is defined in section 1961 of title 18, United States Code) that involves at least one jurisdiction outside the United States; or

“(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and that is intended to obtain, directly or indirectly, a financial or other material benefit.

“(6) **TRANSNATIONAL ORGANIZED CRIME GROUP.**—The term ‘transnational organized crime group’ means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.”.

#### SEC. 4. TECHNICAL CORRECTION.

Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking “The Secretary shall authorize a reward of \$50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.”.

#### SEC. 5. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall be construed as authorizing the use of activity precluded under the American Servicemembers' Protection Act of 2002 (title II of Public Law 107-206; 22 U.S.C. 7421 et seq.).

#### SEC. 6. FUNDING.

The Secretary of State shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Services account of the Department of State to pay rewards authorized pursuant to this Act and to carry out other activities related to such rewards authorized under section 36 of the State Department Basic Authorities Act (22 U.S.C. 2708).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 2318, the Department of State Rewards Program Update and Technical Corrections Act of 2012. This bipartisan bill is Senator KERRY's Senate companion to H.R. 4077, the House bill introduced 2 months prior by my good friend from California (Mr. ROYCE).

Since the 1980s, the State Department has had authority to offer rewards leading to the arrests and convictions for international narcotics trafficking, acts of terrorism, and war crimes. These reward programs have proven to be effective tools for disrupting and dismantling terrorist cells and drug cartels around the world, enjoying both high-profile and quiet successes in locating many dangerous individuals, including Ramzi Yousef, one of the perpetrators of the 1993 World Trade Center attack, Saddam Hussein's sons, and narcotrafficking commanders of the FARC in Colombia.

This bill is a critical tool in our ongoing efforts to locate Joseph Kony, the murderous head of the predatory Lord's Resistance Army, LRA, in Central Africa. This bill is a responsible, bipartisan bill that will significantly enhance our ability to fight transnational organized crime and grave human rights abuses. I urge unanimous support.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 2318. I want to join my chairman in commending the author of this legislation, Senator KERRY, and my friend and colleague, ED ROYCE, the incoming chairman of the House Foreign Affairs Committee, who authored the House version of this bill and fought long and hard for it.

The chairman has described the legislation and the existing law. The bill makes two key changes in existing law. They're small, but they're very important modifications to the rewards program.

It would authorize payments for the arrest or conviction of those engaged in transnational criminal activity, including intellectual property, piracy, money laundering, trafficking in persons and arms trafficking.

Transnational organized crime poses a growing threat to U.S. economic and national security interests. According to U.N. estimates, these criminal en-

terprises generate hundreds of billions of dollars in illicit revenues every year. Expanding the rewards program to cover this activity is manifestly in our interest.

Second, this legislation would expand the universe of individuals targeted for their involvement in gross violations of international humanitarian law, including genocide, war crimes, and crimes against humanity. Specifically, this bill would cover all individuals indicted by international tribunals for violations of international humanitarian law, not just those indicted by the existing tribunals for Rwanda, Sierra Leone, and the former Yugoslavia. The change is strongly supported by the Departments of Defense and State.

Mr. Speaker, I urge my colleagues to support this important legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade, and the author of the original House-side version of this bill.

Mr. ROYCE. I thank the gentlelady.

And I do think it's important, as we move forward here, to expand the State Department's rewards program. We have found a technique that works; and if we can deploy this in order to bring Joseph Kony to the bar of justice for the mass killings that he's committed with the Lord's Resistance Army, or if we can use it to bring to the bar of justice some of the international crime figures that would be turned in under this bill, then it could be very, very beneficial.

The bill has already passed the House. It was included as a provision in the State Department authorization bill that the House Foreign Affairs Committee moved earlier this year. I think it's regrettable that the Senate chose not to act on the House's comprehensive State Department authorization bill; but with today's action, this bill can now go to the President's desk for signature where it promises to have an immediate impact.

The House companion bill that I introduced, H.R. 4077, has enjoyed very strong bipartisan support, and I want to thank Chairman ILEANA ROS-LEHTINEN. I want to thank Ranking Member HOWARD BERMAN and others for the support they've given to this measure.

As has been explained, this rewards program, to date, has had some very, very successful cases here; but it's been targeted mostly on those involved in drug trafficking, occasionally on terrorists.

Earlier this year, our subcommittee held a hearing where the State Department testified that one captured target, one narcoterrorist told DEA agents that he could no longer trust



anyone in his organization after a reward was offered on his head.

□ 1830

He said, I felt like a hunted man.

And so he was turned in. Well, that was the plan—to make him feel like a hunted man, to make him feel like he could not trust anyone in his organization.

This bill would expand this program to additionally target those transnational organized criminals, those wanted for the most serious human rights abuses. Today, unfortunately, those involved in that line of work are diversifying. They're looking to sell anything to anybody. It could be arms. It could be intellectual property. It's even people. The overlap between the networks employed by criminals and employed by terrorists is growing. So this legislation helps us keep pace. And, very importantly, the legislation also allows the rewards program to target those wanted for genocide, to target those wanted for war crimes, for crimes against humanity—again, the world's worst human rights abusers.

The target of the new war crimes authority would be killers like Joseph Kony and the top commanders of the Lord's Resistance Army. This group has terrorized across Central Africa for over two decades with unspeakable crimes committed against children such as amputations committed against children, taking child soldiers, taking sex slaves. In accordance with U.S. policy, a small team of U.S. troops are currently in the field helping local forces hunt this killer. Our U.S. troops believe that a rewards program aimed at Kony could help generate intelligence and bolster their efforts. They are asking for this. They think this can make a difference on the ground. Let's answer their call and send this bill to the President for his signature.

I thank my colleagues for their support.

Mr. BERMAN. I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. I also have no further requests for time, and I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise as a cosponsor of the State Department Rewards Program Update Act to thank my House colleagues Representatives BERMAN and ROS-LEHTINEN for their collaboration on the bill and also to thank Senator KERRY for introducing and managing the Senate companion.

This measure expands on the authority of the State Department to issue rewards for information that leads to the arrest and conviction of people accused of the commission of armed terrorist attacks, drug trafficking, cybercrimes, animal poaching and transnational organized crimes. I added my name as a cosponsor to the bill because I hoped it would contribute to existing international efforts to capture Joseph Kony, the guerrilla leader of the Lord's Resistance Army

who has abducted, tortured, abused and forced thousands of children into a life of brutal violence and sexual slavery. Though one of Kony's top lieutenants has been captured, Kony remains on the run.

With the passage of this measure, more resources will be made available to help bring him to justice. I encourage my colleagues to join me in support of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 2318.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### STATE AND PROVINCE EMERGENCY MANAGEMENT ASSISTANCE MEMORANDUM OF UNDERSTANDING

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (S.J. Res. 44) granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

##### S.J. RES. 44

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the State and Province Emergency Management Assistance Memorandum of Understanding entered into between States of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin, and the Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan. The compact is substantially as follows:

##### "ARTICLE I—PURPOSE AND AUTHORITIES

"The State and Province Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact', is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'participating jurisdictions'. For the purposes of this compact, the term 'jurisdictions' may include any or all of the States of Illinois, Indiana, Ohio, Michigan, Minnesota, Montana, North Dakota, Pennsylvania, New York, and Wisconsin, and the Canadian Provinces of Alberta, Manitoba, Ontario, and Saskatchewan, and such other States and provinces as may hereafter be-

come a party to this compact. The term 'States' means the several States, the Commonwealth of Puerto Rico, the District of Columbia, and all territorial possessions of the United States. The term 'Province' means the 10 political units of government within Canada.

"The purpose of this compact is to provide for the possibility of mutual assistance among the participating jurisdictions in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

"This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including civil emergency preparedness exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by participating jurisdictions or subdivisions of participating jurisdictions during emergencies, with such actions occurring outside emergency periods.

##### "ARTICLE II—GENERAL IMPLEMENTATION

"Each participating jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a participating jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each participating jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

"On behalf of the participating jurisdictions in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the participating jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

##### "ARTICLE III—PARTICIPATING JURISDICTION RESPONSIBILITIES

"(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each participating jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the participating jurisdictions, to the extent practical, may—

"(1) share and review individual jurisdiction hazards analyses that are available and determine all those potential emergencies the participating jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster or emergency aspects of resource shortages;

"(2) share emergency operations plans, procedures, and protocols established by each of the participating jurisdictions before entering into this compact;

"(3) share policies and procedures for resource mobilization, tracking, demobilization, and reimbursement;

"(4) consider joint planning, training, and exercises;

"(5) assist with alerts, notifications, and warnings for communities adjacent to or



crossing participating jurisdiction boundaries;

“(6) consider procedures to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment, or other resources into or across boundaries, or to a designated staging area when it is agreed that such movement or staging will facilitate civil emergency operations by the affected or participating jurisdictions; and

“(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that impeded the implementation of responsibilities described in this section.

“(b) REQUEST ASSISTANCE.—The authorized representative of a participating jurisdiction may request assistance of another participating jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

“(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

“(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

“(3) The specific place and time for staging of the assisting participating jurisdictions's response and a point of contact at the location.

“(c) CONSULTATION AMONG PARTICIPATING JURISDICTION OFFICIALS.—There shall be periodic consultation among the authorized representatives who have assigned emergency management responsibilities.

#### “ARTICLE IV—LIMITATION

“It is recognized that any participating jurisdiction that agrees to render mutual aid or conduct exercises and training for mutual aid will respond as soon as possible. It is also recognized that the participating jurisdiction rendering aid may withhold or recall resources to provide reasonable protection for itself, at its discretion. To the extent authorized by law, each participating jurisdiction will afford to the personnel of the emergency contingent of any other participating jurisdiction while operating within its jurisdiction limits under the terms and conditions of this agreement and under the operational control of an officer of the requesting participating jurisdiction the same treatment as is afforded similar or like human resources of the participating jurisdiction in which they are performing emergency services. Staff comprising the emergency contingent continue under the command and control of their regular leaders but the organizational units come under the operational control of the emergency services authorities of the participating jurisdiction receiving assistance. These conditions may be activated, as needed, by the participating jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving participating jurisdictions, whichever is

longer. The receiving participating jurisdiction is responsible for informing the assisting participating jurisdiction when services will no longer be required.

#### “ARTICLE V—LICENSES AND PERMITS

“Whenever a person holds a license, certificate, or other permit issued by any participating jurisdiction evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving participating jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

#### “ARTICLE VI—LIABILITY

“Any person or entity of a participating jurisdiction rendering aid in another jurisdiction pursuant to this compact is considered an agent of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact is not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

#### “ARTICLE VII—SUPPLEMENTARY AGREEMENTS

“Because it is probable that the pattern and detail of the compact for mutual aid among 2 or more participating jurisdictions may differ from that among the participating jurisdictions that are party to this compact, this compact contains elements of a broad base common to all participating jurisdictions, and nothing in this compact precludes any participating jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among participating jurisdictions.

“Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

#### “ARTICLE VIII—WORKERS' COMPENSATION AND DEATH BENEFITS

“Each participating jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency contingent of that participating jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

#### “ARTICLE IX—REIMBURSEMENT

“Any participating jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the participating jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding participating jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiv-

ing participating jurisdiction without charge or cost. Any 2 or more participating jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

#### “ARTICLE X—IMPLEMENTATION

“(a) This compact is effective upon its execution or adoption by any 1 State and 1 province, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

“(b) Additional jurisdictions may participate in this compact upon execution or adoption thereof.

“(c) Any participating jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other participating jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

“(d) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the participating jurisdictions.

#### “ARTICLE XI—SEVERABILITY

“This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

#### “ARTICLE XII—CONSISTENCY OF LANGUAGE

“The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.”

#### SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

#### SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTNEN) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTNEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material in the RECORD on this joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support today of S.J. Res. 44, "Granting the Consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding", a bill introduced by Senator KOHL of Wisconsin.

This bill is non-controversial and passed the Senate in September under unanimous consent with the full support of the National Emergency Management Association.

According to the Congressional Budget Office, this legislation would not affect direct spending or revenues and would impose no costs on state, local, or tribal governments.

S.J. Res. 44 gives our northern states the ability to enter into an agreement with Canadian provinces to facilitate cross border emergency management assistance through mutual aid.

The purpose of this legislation is to provide mutual assistance among entities that have entered into these agreements for the management of any emergency or disaster when requested.

This bill will allow states to coordinate relief efforts with their Canadian counterparts in order to better respond to any disaster that may impact both jurisdictions.

Mr. Speaker, my Congressional district is very familiar with the financial and emotional impact that a natural disaster can cause to our communities.

We must ensure that we leverage all of our resources to better prepare, coordinate, and respond to any such disasters when they arise.

I strongly support the passage of this legislation and look forward to the President signing it into law.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I also rise in support of S.J. Res. 44, and I yield myself such time as I may consume.

This resolution provides the consent of Congress for a Memorandum of Understanding reached among a number U.S. states and Canadian provinces to provide for mutual assistance in managing an emergency or disaster.

This MOU, which includes states in the upper Midwest and the provinces of central Canada, is very similar to existing cross-border agreements in the Northeast and Pacific Northwest.

These agreements provide for the sharing of personnel, equipment and other resources in an emergency or disaster, whether natural or man-made.

In the past, they have provided a framework for U.S. crews to help their Canadian counterparts clear roads after blizzards and to deploy search and rescue teams.

Mr. Speaker, as all of us know, disasters do not respect political boundaries, and it is in our interest to allow our states to coordinate emergency preparedness efforts with our close friends and allies to the north.

I urge my colleagues to support this resolution, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the joint resolution, S.J. Res. 44.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3159, de novo;

H.R. 4057, de novo;

S. 3202, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### FOREIGN AID TRANSPARENCY AND ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3159) to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 41, as follows:

[Roll No. 649]

YEAS—390

Ackerman  
Adams

Aderholt  
Akin

Alexander  
Altmire

Amash  
Amodei  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Baldwin  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Benishek  
Berg  
Berkley  
Berman  
Biggert  
Bilbray  
Billakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Bonner  
Boren  
Boswell  
Boustany  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chu  
Ciilline  
Clarke (MI)  
Clarke (NY)  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeLauro  
DelBene  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold

Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Fortenberry  
Fox  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Garamendi  
Gardner  
Garrett  
Gibbs  
Gibson  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzer  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Jordan  
Kaptur  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Kucinich

Labrador  
Lamborn  
Lance  
Langevin  
Lankford  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (GA)  
LoBiondo  
Loebuck  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lunnen, Daniel  
E.  
Lynch  
Maloney  
Manzullo  
Marchant  
Marino  
Markay  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascrell  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed

Rehberg	Schmidt	Tipton
Reichert	Schrader	Tonko
Renacci	Schwartz	Towns
Ribble	Schweikert	Tsongas
Richardson	Scott (SC)	Turner (NY)
Richmond	Scott (VA)	Turner (OH)
Rigell	Scott, Austin	Upton
Rivera	Scott, David	Van Hollen
Roby	Sensenbrenner	Velázquez
Roe (TN)	Serrano	Walberg
Rogers (AL)	Sessions	Walden
Rogers (KY)	Sewell	Walsh (IL)
Rogers (MI)	Sherman	Walz (MN)
Rokita	Shimkus	Wasserman
Rooney	Shuster	Schultz
Ros-Lehtinen	Simpson	Waters
Roskam	Sires	Watt
Ross (AR)	Slaughter	Waxman
Ross (FL)	Smith (NE)	Webster
Rothman (NJ)	Smith (NJ)	West
Royce	Smith (TX)	Westmoreland
Runyan	Southerland	Whitfield
Ruppersberger	Speier	Wilson (FL)
Rush	Stearns	Wilson (SC)
Ryan (OH)	Stivers	Wittman
Ryan (WI)	Stutzman	Wolf
Sánchez, Linda	Sullivan	Womack
T.	Sutton	Woodall
Sanchez, Loretta	Terry	Yarmuth
Sarbanes	Thompson (CA)	Yoder
Scalise	Thompson (MS)	Young (AK)
Schakowsky	Thompson (PA)	Young (FL)
Schiff	Tiberi	Young (IN)
Schilling	Tierney	

## NOT VOTING—41

Bass (NH)	Graves (MO)	Paul
Becerra	Gutierrez	Pence
Bono Mack	Johnson (IL)	Reyes
Burton (IN)	Johnson, Sam	Rohrabacher
Chandler	Jones	Roybal-Allard
Clay	Keating	Schock
Cleaver	Kissell	Shuler
Costello	Landry	Smith (WA)
Crowley	Larson (CT)	Stark
DeGette	Lewis (CA)	Thornberry
Forbes	Lipinski	Visclosky
Gallegly	Mack	Welch
Gerlach	Nadler	Woolsey
Gingrey (GA)	Pastor (AZ)	

□ 1854

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to direct the President to establish guidelines for United States foreign development assistance, and for other purposes."

A motion to reconsider was laid on the table.

Stated for:

Mr. LARSON of Connecticut. Mr. Speaker, on rollcall No. 649, had I been present, I would have voted "yea."

#### IMPROVING TRANSPARENCY OF EDUCATION OPPORTUNITIES FOR VETERANS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 4057) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendment.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. REED. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 392, nays 3, not voting 36, as follows:

[Roll No. 650]

YEAS—392

Ackerman	Coble	Gowdy
Adams	Coffman (CO)	Granger
Aderholt	Cohen	Graves (GA)
Akin	Cole	Green, Al
Alexander	Conaway	Green, Gene
Altmire	Connolly (VA)	Griffin (AR)
Amodei	Conyers	Griffith (VA)
Andrews	Cooper	Grijalva
Austria	Costa	Grimm
Baca	Courtney	Guinta
Bachmann	Cravaack	Guthrie
Bachus	Crawford	Hahn
Baldwin	Crenshaw	Hall
Barber	Critz	Hanabusa
Barletta	Crowley	Hanna
Barrow	Cuellar	Harper
Bartlett	Cuberson	Harris
Barton (TX)	Cummings	Hartzler
Bass (CA)	Curson (MI)	Hastings (FL)
Becerra	Davis (CA)	Hastings (WA)
Benishkek	Davis (IL)	Hayworth
Berg	DeFazio	Heck
Berkley	DeLauro	Heinrich
Berman	DelBene	Hensarling
Biggert	Denham	Henger
Bilbray	Dent	Herrera Beutler
Bilirakis	DesJarlais	Higgins
Bishop (GA)	Deutch	Himes
Bishop (NY)	Diaz-Balart	Hinchey
Bishop (UT)	Dicks	Hinojosa
Black	Dingell	Hirono
Blackburn	Doggett	Hochul
Blumenauer	Dold	Holden
Bonamici	Donnelly (IN)	Holt
Bonner	Doyle	Honda
Boren	Dreier	Hoyer
Boswell	Duffy	Huelskamp
Boustany	Duncan (SC)	Huizenga (MI)
Brady (PA)	Duncan (TN)	Hultgren
Brady (TX)	Edwards	Hunter
Braley (IA)	Ellison	Hurt
Broun (GA)	Ellmers	Israel
Brown (FL)	Emerson	Issa
Buchanan	Engel	Jackson Lee
Bucshon	Eshoo	(TX)
Buerkle	Farenthold	Jenkins
Burgess	Farr	Johnson (GA)
Butterfield	Fattah	Johnson (OH)
Calvert	Fincher	Johnson, E. B.
Camp	Fitzpatrick	Jordan
Campbell	Flake	Kaptur
Canseco	Fleischmann	Keating
Cantor	Fleming	Kelly
Capito	Flores	Kildee
Capps	Forbes	Kind
Capuano	Fortenberry	King (IA)
Carnahan	Fox	King (NY)
Carney	Frank (MA)	Kingston
Carson (IN)	Franks (AZ)	Kinzinger (IL)
Carter	Frelinghuysen	Kline
Cassidy	Fudge	Kucinich
Castor (FL)	Gardner	Labrador
Chabot	Garrett	Lamborn
Chaffetz	Gibbs	Lance
Chu	Gibson	Langevin
Ciilline	Gingrey (GA)	Lankford
Clarke (MI)	Gohmert	Larsen (WA)
Clarke (NY)	Gonzalez	Larson (CT)
Clay	Goodlatte	Latham
Clyburn	Gosar	LaTourette

Latta	Pallone	Scott (VA)
Lee (CA)	Pascrell	Scott, Austin
Levin	Paulsen	Scott, David
Lewis (GA)	Payne	Sensenbrenner
LoBiondo	Pearce	Serrano
Loeb sack	Pelosi	Sessions
Lofgren, Zoe	Perlmuter	Sewell
Long	Peters	Sherman
Lowey	Peterson	Shimkus
Lucas	Petri	Shuster
Luetkemeyer	Pingree (ME)	Simpson
Lujan	Pitts	Sires
Lungren, Daniel	Platts	Slaughter
E.	Poe (TX)	Smith (NE)
Lynch	Polis	Smith (NJ)
Maloney	Pompeo	Smith (TX)
Manzullo	Posey	Southerland
Marchant	Price (GA)	Speier
Marino	Price (NC)	Stearns
Markey	Quayle	Stivers
Massie	Quigley	Stutzman
Matheson	Rahall	Sullivan
Matsui	Rangel	Sutton
McCarthy (CA)	Reed	Terry
McCarthy (NY)	Rehberg	Thompson (CA)
McCaul	Reichert	Thompson (MS)
McClintock	Renacci	Thompson (PA)
McCollum	Ribble	Tiberi
McDermott	Richardson	Tierney
McGovern	Richmond	Tipton
McHenry	Rigell	Tonko
McIntyre	Rivera	Towns
McKeon	Roby	Tsongas
McKinley	Roe (TN)	Turner (NY)
McMorris	Rogers (AL)	Turner (OH)
Rodgers	Rogers (KY)	Upton
McNerney	Rogers (MI)	Van Hollen
Meehan	Rokita	Walberg
Meeks	Rooney	Walden
Mica	Ros-Lehtinen	Walsh (IL)
Michaud	Roskam	Walsh (MN)
Miller (FL)	Ross (AR)	Walz (MN)
Miller (MI)	Ross (FL)	Wasserman
Miller (NC)	Rothman (NJ)	Schultz
Miller, Gary	Royce	Waters
Miller, George	Runyan	Watt
Moore	Ruppersberger	Waxman
Moran	Rush	Webster
Mulvaney	Ryan (OH)	West
Murphy (CT)	Ryan (WI)	Westmoreland
Murphy (PA)	Sánchez, Linda	Whitfield
Myrick	T.	Wilson (FL)
Napolitano	Sanchez, Loretta	Wilson (SC)
Neal	Sarbanes	Wittman
Neugebauer	Scalise	Wolf
Noem	Schakowsky	Womack
Nugent	Schiff	Woodall
Nunes	Schilling	Yarmuth
Nunnelee	Schmidt	Yoder
Olson	Schrader	Young (AK)
Olver	Schwartz	Young (FL)
Owens	Schweikert	Young (IN)
Palazzo	Scott (SC)	

NAYS—3

Amash	Brooks	Lummis
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NOT VOTING—36

Bass (NH)	Johnson (IL)	Reyes
Bono Mack	Johnson, Sam	Rohrabacher
Burton (IN)	Jones	Roybal-Allard
Chandler	Kissell	Schock
Cleaver	Landry	Shuler
Costello	Lewis (CA)	Smith (WA)
DeGette	Lipinski	Stark
Gallegly	Mack	Thornberry
Garamendi	Nadler	Velázquez
Gerlach	Pastor (AZ)	Visclosky
Graves (MO)	Paul	Welch
Gutierrez	Pence	Woolsey

□ 1901

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# ANNOUNCEMENT REGARDING CLASSIFIED SCHEDULE OF AUTHORIZATIONS AND CLASSIFIED ANNEX ACCOMPANYING INTELLIGENCE AUTHORIZATION BILL FOR FY 2013

(Mr. ROGERS of Michigan asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Michigan. Mr. Speaker, in light of anticipated House consideration of S. 3454, the Intelligence Authorization Act for FY 2013, tomorrow, I wish to announce to all Members of the House that the Classified Schedule of Authorizations and the Classified Annex accompanying S. 3454 will be available for review by Members at the offices of the Permanent Select Committee on Intelligence in room HVC-304 of the Capitol Visitor Center beginning tomorrow morning at 8:30 a.m.

I recommend that all Members wishing to review the Classified Annex contact the committee's director of security to arrange a time for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified materials.

I urge interested Members to review these materials in order to better understand the committee's recommendations. The Classified Annex to S. 3454 contains the committee's recommendations on the intelligence budget for fiscal year 2013 and related classified information that cannot be disclosed publicly.

It is important that Members keep in mind the requirements of clause 13 of House rule XXIII, which only permits access to classified information by those Members of the House who have signed the oath and met the requirements provided for in the rule.

## DIGNIFIED BURIAL AND OTHER VETERANS' BENEFITS IMPROVEMENT ACT OF 2012

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 3202) to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. REED. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 38, as follows:

[Roll No. 651]

YEAS—393

Adams	Crowley	Hinchey
Aderholt	Cuellar	Hinojosa
Akin	Culberson	Hirono
Alexander	Cummings	Hochul
Altmire	Curson (MI)	Holden
Amash	Davis (CA)	Holt
Amodei	Davis (IL)	Honda
Andrews	DeFazio	Hoyer
Austria	DeLauro	Huelskamp
Baca	DelBene	Huizenga (MI)
Bachmann	Denham	Hultgren
Bachus	Dent	Hunter
Baldwin	DesJarlais	Hurt
Barber	Deutch	Israel
Barletta	Diaz-Balart	Issa
Barrow	Dicks	Jackson Lee
Bartlett	Dingell	(TX)
Barton (TX)	Doggett	Jenkins
Bass (CA)	Dold	Johnson (GA)
Becerra	Donnelly (IN)	Johnson (OH)
Benishek	Doyle	Johnson, E. B.
Berg	Dreier	Jordan
Berkley	Duffy	Kaptur
Berman	Duncan (SC)	Keating
Biggert	Duncan (TN)	Kelly
Bilbray	Edwards	Kildee
Bilirakis	Ellison	Kind
Bishop (GA)	Ellmers	King (IA)
Bishop (NY)	Emerson	King (NY)
Bishop (UT)	Engel	Kingston
Black	Eshoo	Kinzinger (IL)
Blackburn	Farenthold	Kline
Blumenauer	Farr	Kucinich
Bonamici	Fattah	Labrador
Bonner	Fincher	Lamborn
Boren	Fitzpatrick	Lance
Boswell	Flake	Langevin
Boustany	Fleischmann	Lankford
Brady (PA)	Fleming	Larsen (WA)
Brady (TX)	Flores	Larson (CT)
Braley (IA)	Forbes	Latham
Brooks	Fortenberry	LaTourette
Broun (GA)	Fox	Latta
Brown (FL)	Frank (MA)	Lee (CA)
Buchanan	Franks (AZ)	Levin
Bucshon	Frelinghuysen	Lewis (GA)
Buerkle	Fudge	LoBiondo
Burgess	Garamendi	Loeb
Butterfield	Gardner	Lofgren, Zoe
Calvert	Garrett	Long
Camp	Gibbs	Lowey
Campbell	Gibson	Lucas
Canseco	Gingrey (GA)	Luetkemeyer
Cantor	Gohmert	Lujan
Capito	Gonzalez	Lummis
Capps	Goodlatte	Lungren, Daniel
Capuano	Gosar	E.
Carnahan	Gowdy	Lynch
Carney	Granger	Maloney
Carson (IN)	Graves (GA)	Manzullo
Carter	Green, Al	Marchant
Cassidy	Green, Gene	Marino
Castor (FL)	Griffin (AR)	Markey
Chabot	Griffith (VA)	Massie
Chaffetz	Grijalva	Matheson
Chu	Grimm	Matsui
Cicilline	Guinta	McCarthy (CA)
Clarke (MI)	Guthrie	McCarthy (NY)
Clarke (NY)	Hahn	McCaul
Clay	Hall	McClintock
Clyburn	Hanabusa	McCollum
Coble	Hanna	McDermott
Coffman (CO)	Harper	McGovern
Cohen	Harris	McHenry
Cole	Hartzler	McIntyre
Conaway	Hastings (FL)	McKeon
Connolly (VA)	Hastings (WA)	McKinley
Conyers	Hayworth	McMorris
Cooper	Heck	Rodgers
Costa	Heinrich	McNerney
Courtney	Hensarling	Meehan
Cravaack	Herger	Meeks
Crawford	Herrera Beutler	Mica
Crenshaw	Higgins	Michaud
Critz	Himes	Miller (FL)

Miller (MI)	Ribble	Slaughter
Miller (NC)	Richardson	Smith (NE)
Miller, Gary	Richmond	Smith (NJ)
Miller, George	Rigell	Southerland
Moore	Rivera	Speier
Moran	Roby	Stivers
Mulvaney	Roe (TN)	Stutzman
Murphy (CT)	Rogers (AL)	Sullivan
Murphy (PA)	Rogers (KY)	Sutton
Myrick	Rogers (MI)	Terry
Napolitano	Rokita	Thompson (CA)
Neal	Rooney	Thompson (MS)
Neugebauer	Ros-Lehtinen	Thompson (PA)
Noem	Roskam	Tiberi
Nugent	Ross (AR)	Tierney
Nunes	Ross (FL)	Tipton
Nunnelee	Rothman (NJ)	Tonko
Olson	Royce	Towns
Olver	Runyan	Tsongas
Owens	Ruppersberger	Turner (NY)
Palazzo	Rush	Turner (OH)
Pallone	Ryan (OH)	Upton
Pascarell	Ryan (WI)	Van Hollen
Paulsen	Sanchez, Linda	Velázquez
Payne	T.	Walberg
Pearce	Sanchez, Loretta	Walden
Pelosi	Sarbanes	Walsh (IL)
Perlmutter	Scalise	Walz (MN)
Peters	Schakowsky	Wasserman
Peterson	Schiff	Schultz
Petri	Schilling	Waters
Pingree (ME)	Schmidt	Watt
Pitts	Schrader	Waxman
Platts	Schwartz	Webster
Poe (TX)	Schweikert	West
Polis	Scott (SC)	Westmoreland
Pompeo	Scott (VA)	Whitfield
Posey	Scott, Austin	Wilson (FL)
Price (GA)	Scott, David	Wittman
Price (NC)	Sensenbrenner	Wolf
Quayle	Serrano	Womack
Quigley	Sessions	Woodall
Rahall	Sewell	Yarmuth
Rangel	Sherman	Yoder
Reed	Shimkus	Young (AK)
Rehberg	Shuster	Young (FL)
Reichert	Simpson	Young (IN)
Renacci	Sires	

## NOT VOTING—38

Ackerman	Johnson, Sam	Roybal-Allard
Bass (NH)	Jones	Schock
Bono Mack	Kissell	Shuler
Burton (IN)	Landry	Smith (TX)
Chandler	Lewis (CA)	Smith (WA)
Cleaver	Lipinski	Stark
Costello	Mack	Stearns
DeGette	Nadler	Thornberry
Gallegly	Pastor (AZ)	Visclosky
Gerlach	Paul	Welch
Graves (MO)	Pence	Wilson (SC)
Gutierrez	Reyes	Woolsey
Johnson (IL)	Rohrabacher	

□ 1910

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HOURLY MEETING ON TOMORROW

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet tomorrow at 9 a.m. for morning-hour debate and 10 a.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## CONGRATULATIONS, ERIC DELL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I am grateful for the opportunity to recognize Eric Dell, chief of staff for the Second District of South Carolina. Eric has accepted to serve as senior vice president for the National Automatic Merchandising Association. This is a tremendous vote of confidence in his competence, dedication, and integrity.

There are no words to express the amount of appreciation I have had for Eric and for his service to South Carolina's Second Congressional District over the last 11 years. Throughout my years in public service, whether it be deciding to run for office, serving in the South Carolina Senate, or representing constituents in Congress, I can always count on Eric to offer his support to me, my family, or any constituent in need. He is devoted to serving the people of South Carolina.

It is with mixed feelings but with great happiness that I bid Eric farewell. He and his wife, Torry, will always be cherished by me and my wife, Roxanne, and our sons for their friendship. Godspeed.

Happy anniversary to my wife, Roxanne—the love of my life—whom I married 35 years ago this moment at Columbia's First Presbyterian Church in a ceremony conducted by the Reverend Dr. Hugh McClure.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 15 minutes p.m.), the House stood in recess.

□ 2020

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 8 o'clock and 20 minutes p.m.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112-734) on the resolution (H. Res. 843) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules,

which was referred to the House Calendar and ordered to be printed.

## RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 30, 2012.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER BOEHNER: I am writing to inform you that I have notified the Governor of South Carolina of my resignation from the U.S. House of Representatives effective January 2, 2013. A copy of that letter is attached. I do not intend to take the office of Representative for the First Congressional District of South Carolina in the 113th Congress.

It has truly been an honor to serve the First District of South Carolina, and I look forward to continuing that service in my new role as United States Senator. I have enjoyed working with you, Majority Leader Cantor, and all of our colleagues in the House, and wish you the best of luck in the future.

Sincerely,

TIM SCOTT,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 28, 2012.

Hon. NIKKI HALEY,  
Governor, State of South Carolina, Statehouse,  
Columbia, SC.

DEAR GOVERNOR HALEY: I am writing to resign my position as United States Representative from the First Congressional District of South Carolina, effective January 2, 2013. It has been a tremendous honor to represent the First District, and I look forward to continuing that service in my new role as the junior United States Senator for our great state.

I look forward to working with you, as well as Senator Graham and my friends in our state's U.S. House delegation, to build not only a better South Carolina, but a stronger America. Our nation finds itself at a crossroads, and through strong, principled leadership we can ensure a brighter future for our children and grandchildren.

I also want to thank the people of the First District, from Myrtle Beach to Hilton Head Island, for the opportunity to serve our great state in the U.S. House of Representatives. Together we have stood up for our principles, and worked hard every day to lower federal spending and create the right environment for job creation. While the challenges before us may look daunting, I am certain we will look back on them as a positive turning point for our nation.

Sincerely,

TIM SCOTT,  
Member of Congress.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for today and through January 2 on account of death in family.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3667. An act to rename section 219(c) of the Internal Revenue Code of 1986 as the Kay Bailey Hutchison Spousal IRA; to the Committee on Ways and Means.

## ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1339. An act to designate the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

H.R. 1845. An act to provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

H.R. 2338. An act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the "Harry T. and Harriette Moore Post Office".

H.R. 3869. An act to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the "Sidney 'Sid' Sanders McMath Post Office Building".

H.R. 3892. An act to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the "Lance Corporal Victor A. Dew Post Office".

H.R. 4053. An act to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending.

H.R. 4310. An act to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 4389. An act to designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the "Cecil E. Bolt Post Office".

H.R. 5859. An act to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting.

H.R. 5949. An act to extend the FISA Amendments Act of 2008 for five years.

H.R. 6260. An act to designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office".

H.R. 6379. An act to designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the "Representative Curtis B. Inabinett, Sr. Post Office".

H.R. 6587. An act to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the "Postal Inspector Terry Asbury Post Office Building".

H.R. 6671. An act to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

SENATE ENROLLED BILL AND  
JOINT RESOLUTION SIGNED

The Speaker announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 925. An act to designate Mt. Andrea Lawrence.

S.J. Res. 49. Providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

BILLS PRESENTED TO THE  
PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 30, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 5949. To extend the FISA Amendments Act of 2008 for five years.

H.R. 4310. To authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes.

ADJOURNMENT

Mr. SESSIONS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Monday, December 31, 2012, at 9 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the fourth quarter of 2012 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE CZECH REPUBLIC, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 8 AND NOV. 12, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Mike Turner .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Hon. David Scott .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Hon. Jeff Miller .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Hon. John Shimkus .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Hon. Jo Ann Emerson .....	11/9	11/12	Czech Republic .....		1,218.00		<sup>3</sup> 5,437.00				6,655.00
Hon. Mario Diaz-Balart .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Hon. Rob Bishop .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Hon. David Loebsack .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Riley Moore .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Janice Robinson .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Greg McCarthy .....	11/8	11/12	Czech Republic .....		1,624.00		( <sup>3</sup> )				1,624.00
Committee total .....											22,895.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

<sup>3</sup> Military air transportation.

HON. MICHAEL R. TURNER, Dec. 11, 2012.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8949. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — HUD Acquisition Regulations (HUDAR) [Docket No.: FR-5571-F-02] (RIN: 2501-AD56) received December 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8950. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 32, 51, and 69 of the Commission's Rules received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8951. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revisions to Authorization Validated End-User Provisions: Requirement for Notice of Export, Reexport or Transfer (In-Country) and Clarification Regarding Termination of Condition on VEU Authorization [Docket No.: 110331231-2686-01] (RIN: 0694-AF19) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8952. A letter from the Associate Director, Department of Treasury, transmitting the

Department's final rule — Iranian Transactions and Sanctions Regulations received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8953. A communication from the President of the United States, transmitting a letter regarding the deteriorating security situation in the Central African Republic and the potential threat to U.S. citizens, U.S. embassy personnel and several private U.S. citizens that were evacuated from Bangui, Central African Republic on December 27, 2012 and a stand-by response and evacuation force of approximately 50 U.S. military personnel; (H. Doc. No. 112-159); to the Committee on Foreign Affairs and ordered to be printed.

8954. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Nondisplacement of Qualified Workers Under Service Contracts [FAC 2005-64; FAR Case 2011-028; Docket 2011-028; Sequence 1] (RIN: 9000-AM21) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8955. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005; Introduction [Docket FAR: 2012-0080, Sequence 9] received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A);

to the Committee on Oversight and Government Reform.

8956. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-64; Small Entity Compliance Guide [Docket FAR: 2012-0081, Sequence 9] received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8957. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels using Jig Gear in the Central Regulatory Area of the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC344) received December 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8958. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to Implement Micro Entity Status for Paying Patent Fees [Docket No.: PTO-P-2011-0016] (RIN: 0651-AC78) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8959. A letter from the Chairman, Department of Transportation, transmitting the Administration's final rule — Solid Waste Rail Transfer Facilities [Docket No.: EP 684]

received December 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Submitted December 28, 2012]*

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. Semi-annual Report on the Activity of the Permanent Select Committee on Intelligence for the 112th Congress (Rept. 112-733). Referred to the Committee of the Whole House on the state of the Union.

*[Filed December 30, 2012]*

Mr. SESSIONS: Committee on Rules. House Resolution 843. A resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the committee on Rules (Rept. 112-734). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DICKS:

H.R. 6716. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate the sequestrations for fiscal year 2013; to the Committee on the Budget.

By Mr. CONYERS (for himself, Mr. COHEN, Mr. GRIJALVA, and Mr. ELLISON):

H.R. 6717. A bill to provide consumer protections for students; to the Committee on Education and the Workforce, and in addi-

tion to the Committees on Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 6718. A bill to reauthorize part C of the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

By Mr. THOMPSON of California:

H.R. 6719. A bill to promote and expand the application of telehealth under Medicare and other Federal health care programs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DICKS:

H.R. 6716.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: 'No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . .' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: 'The Congress

shall have the Power . . . to pay the Debts and provide for the common Defense and general welfare of the United States . . .' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability and to set forth terms and conditions governing their use.

By Mr. CONYERS:

H.R. 6717.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Ms. RICHARDSON:

H.R. 6718.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. THOMPSON of California:

H.R. 6719.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2721: Ms. DELAURO and Ms. ROYBAL-ALLARD.

H.R. 3993: Mr. SCHIFF.

H.R. 4378: Mr. CICILLINE and Ms. MATSUI.

H.R. 5975: Mr. RUSH.

H.R. 6600: Mr. TOWNS, Mr. GRIMM, Mr. NADLER, and Mr. RANGEL.

H. Res. 837: Mr. LEVIN, Mr. MORAN, Mr. BERMAN, Mr. LEWIS of Georgia, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. COSTELLO, Mrs. DAVIS of California, and Mr. OLVER.



## EXTENSIONS OF REMARKS

IN TRIBUTE TO LARRY AND  
RALPH CIMMARUSTI

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to my good friends, entrepreneurs, patriots, and philanthropists Larry and Ralph Cimmarusti.

With the backing and support of their parents, Los Angeles natives Pat and Ann Cimmarusti, brothers Larry and Ralph opened their first eatery 40 years ago. They were fresh out of junior college.

The first restaurant was actually an open-fronted Hollywood, California, vegetable market purchased for \$5,000 that was converted into an Italian deli. Frequented by the stars that lived in the Hollywood Hills, the deli thrived and provided their start into the restaurant world.

From this humble beginning, the Cimmarusti brothers launched Cimmarusti Holdings, LLC. Their first major success was to build one of the largest Burger King franchisees in the United States, with operations boasting annual sales near \$250 million.

Building on their success, the brothers branched out into casual dining to become one of the largest franchisees of Tony Roma's Restaurants in Southern California. Last but not least, the company purchased the Original Roadhouse Grill chain, another casual dining eatery.

The skills learned in building new restaurants provided a logical entry into real estate development. Cimmarusti Holdings owns approximately 15 properties in the western United States, including office buildings and retail strip centers, and has a construction company active in restaurant/retail center development.

Despite their size and success, Larry and Ralph still look at Cimmarusti Holdings as a mom and pop operation. They also believe in the importance of community and giving back.

Larry and Ralph were key contributors to the Ronald Reagan Presidential Library and the names Lawrence and Ralph Cimmarusti are engraved in one of the more prominent locations at the library. At its opening, the Cimmarusti brothers helped cater the event and served meals to the five U.S. presidents in attendance.

The brothers actively aid law enforcement and have donated approximately a half-million dollars to families of police officers killed in the line of duty. They also support the Los Angeles Police Memorial Foundation and the Gil Garcetti's Rescue Youth Program.

Education is another major cause where they have given their time and resources, including donating \$1 million to Glendale Community College for the construction of a new Science Center on campus.

Other noteworthy causes include the Glendale Memorial Hospital and Catholic parishes in the Southern California area.

Mr. Speaker, my wife, Janice, and I have enjoyed the friendship of the Cimmarusti family for many years, including Larry and Ralph's sister Loretta and her family. I had the pleasure of having Larry's son Patrick intern in my Washington, D.C., office while he attended law school. I know my colleagues join me in paying tribute to the Cimmarusti family for their entrepreneurship, their patriotism, and their philanthropy, and wish them continued great success.

GETTING A DEAL DONE ON FISCAL  
CLIFF

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to speak on the importance of getting a deal done on the fiscal cliff in few hours we have remaining. A potential Alternative Minimum Tax patch would protect 30 million taxpayers overall and 222,513 Texans from paying the AMT by raising the exemption amount.

Way back on January 20, 2001, when President George W. Bush took over from President Bill Clinton, the CBO estimated the total budget surplus for 2002–2011 would be \$5.6 trillion.

And the campaign to spend the surplus began in earnest, despite warnings. Leading up to the 2001 tax cuts, the Administration and the Republican Congress were well aware of the looming AMT problem. Negotiators took advantage of this situation in order to keep down the costs of the 2001 tax cuts.

In June of 2000, one Treasury economist studied the AMT and warned that AMT taxpayers were due to grow at a rate of 30 percent each year between 2000 and 2010. Nonetheless, President Bush proposed a \$1.6 trillion tax cut without an increase in the exemption level to protect taxpayers from the AMT.

Since 2001, Congress has had to extend an AMT "patch" almost annually so that the Bush tax cuts are not taken back by the AMT. The true cost of what was to be a \$1.6 trillion tax cut has been estimated to be \$2.2 trillion because of the AMT patches, exploding expiration dates, and debt-financing when the surplus disappeared. This budgetary sleight of hand is largely why we are here—literally at the eleventh hour—seeking to stop tax hikes on the middle class and avoid a brutal sequester.

This body should also not forget that we passed the Bush Tax Cuts under Reconciliation, which again is part of the background

story, and the reason they are set to expire again.

Mr. Speaker, we need to get a deal done on the fiscal cliff this evening.

TRIBUTE TO ALEXANDER J.  
BECKLES

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to honor Alexander J. Beckles, a great Bahamian-American and friend, who was on my staff for sixteen years and was my Legislative Director for eight years. Known to us as Alex, I have also heard my dear friend Chairman JOHN DINGELL call him "Little Shaft."

I first met Alex back in 1985 when he would come by my office on the 7th floor of the Longworth Building to visit the late Ms. Brenda E. Pillors, his friend and my former Chief of Staff of twenty-five years. Brenda was my first hire as a member of this institution back in January 1983.

One day back in 1986, Alex approached me saying, "Can I speak with you, Congressman TOWNS. I need your advice," and I told him to come on into my office. Alex explained that he was now working for my friend Congressman Gus Savage, but Congressman Clyde Holloway, R–Forest Hill, Louisiana, had offered him a job for his upcoming re-election campaign. After all, Alex had been the field coordinator for the Faye E. Williams, D–Alexandria, LA 8th Congressional District race two years earlier. During that period, Alex and Congressman Clyde Holloway had become friends, and the Congressman wanted Alex to work for him because of his relationship with the Black community in the 8th Congressional District of Louisiana. My response to Alex was, "If Clyde Holloway is willing to give you a better paying job, take it and don't look back." I'm happy to say, Alex took my advice and the rest is history.

Alex later worked on Congressman Holloway's Congressional staff from 1987 to 1992 as a Legislative Assistant and on a number of projects, such as a feasibility study for the Red River during and after large scale flooding in Central and Northwest Louisiana. Alex was most proud of his leadership in the Gulf States Counter-Narcotic Initiative, a unique multi-state counter-narcotics operation in Louisiana, Mississippi, and Alabama, funded by the Department of Defense.

Alex's first job on Capitol Hill was with Congressman Tom Delay, R–Houston, Texas, where Alex had attended Texas Southern University and resided for some 14 years before coming to Washington, DC. Alex also worked for the following members of Congress: Congressman George Brown, D–California, Congressman Mervyn M. Dymally, D–California,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and Congressman Gus Savage, D-Illinois, where he was able to work on a bill which set the national standard for minority set-asides within the Federal Government, particularly in the Department of Defense.

Alex later came to work for me in 1993, after Congressman Holloway lost to Congressman Richard Baker in the November election of 1992. He was an indispensable resource to the constituents of the 10th Congressional District of Brooklyn, New York from 1993 to 2008, as Legislative Assistant and later as my Legislative Director. Nobody had more zeal for the job, and more loyalty to the office and the constituents of the District.

An example of his service to the people of Brooklyn was demonstrated in 1994 when we received a phone call into the District office, just before President Bill Clinton was forced to send American troops to Haiti. The matter concerned a 7 year old Haitian-American girl that was living with her grandmother in Port-au-Prince, and the last commercial Air France flight had departed Haiti a few days earlier. The mother, who lived in Brooklyn, was frightened and deeply concerned for her daughter's safety. Her child, it seemed, was stranded in what was soon to be a war zone with no way out.

Alex spoke with the mother of the child and told her to give him a few days and she will have her baby home safe with her in Brooklyn. On that Thursday, my Chief of Staff, Brenda Pillors, informed me that I would need to be at Kennedy International Airport the next day to meet the mother of a 7 year old Haitian girl, who lives here in Brooklyn and had not seen her daughter in over a year. She further informed me that Alex had arranged to fly the child out of Haiti earlier that day on Mission Flights out of Fort Lauderdale. I do not know, nor did I ask, how Alex was able to get this child out of Haiti just before the war started. But he did it. This is an example of why the staff always called Alex "Mr. Fix-it" and joked that no one could ever figure it out but he was able to get it done.

Mr. Speaker, I wish to say thank you to Alexander J. Beckles for all his many years of service on my Congressional staff, to this institution, and to the American people.

U.S. REP. MIKE PENCE FAREWELL  
SPEECH

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. PENCE. Mr. Speaker, it's an honor to rise for what will be my last time speaking as a Member of the United States House of Representatives. The people of Indiana have given me a new assignment.

But I rise tonight to pay a debt of gratitude to all of those who gave me the privilege to serve in this place. As a boy, I dreamed of someday representing my hometown in our Nation's capital. Twelve years ago, the people of the Sixth Congressional District made that dream a reality. And so I begin tonight by simply saying 'thank you' to all of them for letting me live that dream in these past 12 years, to

come to this place again and again, and to be some small part of the story of this institution and America's story.

My only ambition in Congress was to look out for my family and to keep my word to the people who sent me here. To let my 'yes' be 'yes' and my 'no' be 'no.' And it is my hope that as people view the totality of my record and my life, they'll see that we've done just that.

There are those to thank tonight that made that possible, and that's what brings me to this task this evening. First, permit me to give thanks to God, whose grace and mercy has sustained us every day that we have served the people of Indiana in this place.

Next, and on this Earth most of all, I rise to honor and thank my beloved wife, Karen Pence, whose love, whose support, whose sacrifice, patience, and kindness, have made all that I have done in the service to the people of Indiana in this place, possible. Thanks for believing in me. I love you and I'll see you home. To our children: Michael, Charlotte, and Audrey. They were 6, 7, and 8 when I first arrived in this place and stood on this floor with my right hand raised, 12 years ago. They are now 18, 19, and 21. Thank you for your love. But thank you for the sacrifices that you have made so that we could live our dreams. Now go make your dreams come true. I know every one of you can.

To my colleagues with whom I've stood at this place, shoulder to shoulder, doing freedom's work, standing each and every day, cheerfully on behalf of the founding principles of this Nation: standing for a strong national defense; for limited government; for economic freedom; and for the moral foundations of this Nation. You know who you are. And we will take you from this place in our hearts always. You know there's a saying back home, when you see a turtle on a fence post, one thing you know for sure is that he didn't get there on his own.

So lastly what I want to do tonight, Mr. Speaker, is really to pay a debt of gratitude to the best congressional staff in American history. The men and women who have served our efforts in this city, and at home in Indiana for the past 12 years. I leave this body truly humbled when I look back at the caliber of the staff that we've been able to call to this mission, servant leaders all. They are men and women who approached each and every day with a servant leader's heart and made sacrifices over the years in order to serve the people of Indiana with integrity and energy. Names like Bill Smith and Lani Czarniecki; Jennifer Pavlik and Josh Pitcock; Matt Lloyd and Paul Teller; Marc Short and Sheila Cole; Russ Vought and Mary Vought; Ryan Fisher, LeAnne Holdman Gibbs and Chris Kiefer; Brian Neale and Ryan Jarmula, just to name a few. You know, I don't really have time tonight to name all of the men and women who served us in various capacities over these last 12 years. I submit each and every one of their names to the CONGRESSIONAL RECORD this night.

Some people look on in Washington, D.C., and they are rightly frustrated. Some people can come to this Nation's capital and lose their idealism. I'm not such a person. When I walk out of this Capitol for the last time, I will

leave here with my idealism intact. I will continue to believe as our Founders did, that we are one nation under God, rich with a purpose yet to be fulfilled. That no matter how dark the day may seem that we can be confident when we stand for freedom and we do freedom's work, because freedom is not just our story, it's His story. And when we stand for freedom, however imperfectly, we make His work on this Earth our own.

In the words of the poet I depart this place saying,

The woods are lovely, dark, and deep.  
But I have promises to keep,  
And miles to go before I sleep,  
And miles to go before I sleep.

I say to my colleagues and friends and neighbors in Indiana, my duties take me elsewhere, but wherever providence leads this Nation, let us ever remember that we have promises to keep for future generations of Americans in preserving, protecting, and defending the blessings of liberty for ourselves and our posterity. And I know we'll keep that promise because we're Americans.

Thank you for the honor of addressing you tonight. And to the people of the Sixth Congressional District: know that I'll always be grateful for the privilege that you have given me to serve in this place. And I will always cherish my days in the People's House.

May God bless the United States House of Representatives, and all who serve her now, and ever on this floor. And may God bless the United States of America.

MIKE PENCE STAFF ROSTER: 2001-2012

Acornley, Mark—Part-Time Admin Assistant: October 6, 2011-2012

Adams, Susan—Staff Assistant: October 6, 2003-February 29, 2004

Ahearn, Mark—Legislative Director: January 22, 2002-April 2, 2003

Alexander, Jerry—Constituent Services Representative & Director of Community Outreach: July 9, 2001-May 15, 2007

Arnold, Ron—Director of Administration & Deputy Chief of Staff: January 3, 2001-October 31, 2009

Atterholt, Kathleen—Caseworker: January 3, 2001-January 2, 2010

Bauer, Zachary—Staff Assistant & Legislative Correspondent: January 4, 2010-2012

Bennett, Kim—Deputy District Director: January 3, 2001-2012

Berry, Debra—District Representative: August 6, 2001-2012

Breeding, Mary—Paid Intern & Staff Assistant: April 1, 2001-January 18, 2002

Brinkman, Muffet—Staff Assistant: January 8, 2001-March 31, 2001

Brown, Skip—Communications Assistant: January 2, 2004-November 16, 2005

Brown, Will—Staff Assistant & Legislative Correspondent: January 3, 2009-January 2, 2011

Castor, Amy—Staff Assistant: May 16, 2004-March 12, 2006

Collins, Larry Ken—Communications Director: January 3, 2001-March 31, 2001

Craig, Lindsey—Legislative Assistant: January 2, 2009-April 2012

Crouch, Daniel—Legislative Assistant & Senior Legislative Assistant: January 16, 2007-August 7, 2009

Czarniecki, Cary (Lani)—District Director: January 3, 2001-2012

Dilly, Jonathan—Paid Intern: May 21, 2001-August 8, 2001

Evans, Ben—Constituent Services Representative: January 4, 2010-2012

Fisher, Ryan—Legislative Assistant & Legislative Director: January 3, 2001–January 2, 2007

Fortin, Kristin—Paid Intern: May 7, 2001–July 13, 2001

Gaskill, Kily Smith—Executive Assistant: January 13, 2009–2012

Gibbs, LeAnne Holdman—Staff Assistant, Legislative Assistant, Senior Legislative Assistant & Legislative Director: February 24, 2004–October 21, 2008

Hawkins, Nicole—Community Development Assistant: January 23, 2006–April 6, 2007  
Howe, Jeff—Field Representative: January 3, 2003–February 28, 2010

Hughes, Kaitlynn—Press Assistant, Press Secretary: January 2, 2011–2012

Jarmula, Ryan—Staff Assistant, Legislative Assistant and Senior Legislative Assistant: January 22, 2008–2012

Karchner, Derek—Staff Assistant & Press Assistant: January 22, 2002–March 6, 2003

Keller, Aaron—Paid Intern: June 12, 2001–July 31, 2001

Kennedy, Elizabeth—Staff Assistant: February 23, 2004–April 30, 2005

Kiefer, Chris—Legislative Assistant & Senior Legislative Assistant: January 3, 2001–April 30, 2005

Kincaid, Andrew—Legislative Assistant: January 3, 2001–December 31, 2001

Lahr, Matt—Press Assistant: February 1, 2006–January 2, 2007; Press Secretary: May 10, 2010–January 9, 2011

Lavoie, Matt—Staff Assistant: March 13, 2006–April 15, 2007

Likens, Darlene—Caseworker: January 3, 2001–May 31, 2002

Lloyd, Matthew—Communications Director: January 29, 2003–December 31, 2008; Communications Director for GOP Conference: January 1, 2009–December 31, 2010; Communications Director: January 1, 2011–2012

McCarthy, Greg—Staff Director of Foreign Affairs, Middle East and South Asia Subcommittee while Rep. Pence served as Ranking Member: January 1, 2007–January 2, 2009

Meeker, Autumn—Staff Assistant: June 1, 2010–2012

Milazzo, Nathaniel—Legislative Correspondent, Legislative Assistant & Legislative Director: April 25, 2005–January 2, 2011

Miller, Craig—Legislative Assistant: January 3, 2004–June 4, 2005

Miller, Molly Jarmu—Communications Assistant & Legislative Assistant: January 1, 2002–July 28, 2003

Miner, Ryan—Paid Intern: June 1, 2007–July 11, 2007

Myers, Janille—Executive Assistant: January 12, 2009–2012

Neale, Brian—Legislative Assistant & Legislative Director: June 17, 2009–2012

Pardieck, Karrie—Casework Director: January 3, 2001–2012

Pavlik, Jennifer Marsh—Executive Assistant & Staff Director: January 6, 2001–2012

Perdew, Abby—Administrative Assistant & Administrative Director: January 27, 2009–October 31, 2011

Phipps, Andrew—Director of Community Relations: January 3, 2001–October 31, 2001  
Piegrass, Stephen—Communications Director: April 23, 2001–August 15, 2002

Pitcock, Joshua—Legislative Assistant, Deputy Chief of Staff and General Counsel: May 11, 2005–Dec. 31, 2008; Deputy Chief of Staff and General Counsel for GOP Conference: January 1, 2009–June 30, 2011; Deputy Chief of Staff and General Counsel: January 1, 2011–July 31, 2012; Chief of Staff—August 1, 2012–2012

Radtke, Schrade (Trip)—Legislative Director: March 22, 2003–December 30, 2003

Reger, Ryan—Field Representative: January 3, 2001–December 31, 2007

Shettle, John—Part-Time Caseworker: January 3, 2001–2012

Siktberg, Alan—Staff Assistant/Field Representative: February 1, 2005–February 14, 2008

Slatter, Ian—Legislative Assistant & Communications Director: January 1, 2002–January 31, 2003

Smith, William A.—Chief of Staff: January 3, 2001–July 31, 2012; Senior Advisor: August 1, 2012–2012

Son, Daniel—Communications Assistant & Press Secretary: January 26, 2008–May 31, 2010

Sulc, Kevin—Constituent Services Representative: July 9, 2001–2012

Tronovitch, Ryan—Staff Assistant: April 27, 2007–December 31, 2007

Wilson, Mikah—Constituent Services Representative/Caseworker/Administrator: January 3, 2003–October 31, 2009

Wilson, Duncan—February 23, 2005–February 28, 2005

Wilson, William Patrick—Legislative Director: January 2, 2001–December 31, 2001

#### CHAIRMAN MIKE PENCE, REPUBLICAN STUDY COMMITTEE STAFF ROSTER: 2005–2006

Executive Director—Sheila Cole

Deputy Director—Paul Teller

Policy Director—Russ Vought

Senior Policy Analyst—Derek Baker

Policy Analyst—Joelle Cannon

Research Assistant—Marcus Kelley

Communications Director—Matt Lloyd

#### CHAIRMAN MIKE PENCE, HOUSE REPUBLICAN CONFERENCE STAFF ROSTER: 2009–2010

Name	Title	Tenure
Marc Short	Chief of Staff	Jan. 2009–Dec. 2010
Josh Pitcock	Deputy Chief of Staff	Jan. 2009–Feb. 2010
	Deputy Chief of Staff/General Counsel	Mar. 2010–Dec. 2010
Emily Seidel	Director of Operations/Assistant to the Chief of Staff	Jan. 2009–Dec. 2010
Katie Strand	Director of Member Services and Events	Jan. 2009–Dec. 2010
Melanie Looney	Coalitions Director/General Counsel	Jan. 2009–Feb. 2010
Russ Vought	Policy Director	Jan. 2009–Aug. 2010
Daris Meeks	Policy Advisor and Legislative Counsel	June 2009–Aug. 2010
	Policy Director	Aug. 2010–Dec. 2010
Adam Hepburn	Policy Advisor	Jan. 2009–Dec. 2010
Chris Jacobs	Policy Advisor	Jan. 2009–Jan. 2010
Andy Koenig	Policy Advisor	Jan. 2009–Dec. 2010
Jonathan Hilfer	Policy Advisor	July 2010–Dec. 2010
John Gray	Policy Advisor	Apr. 2010–Dec. 2010
Sarah Makin	Policy Advisor	Jan. 2009–Mar. 2010
	Policy Advisor/Coalitions Liaison	Mar. 2010–Dec. 2010
Brian McManus	Policy Advisor/Coalitions Liaison	Apr. 2010–Dec. 2010
Lisa Tanner	Policy Advisor	June 2009–Aug. 2009
Matt Lloyd	Communications Director	Jan. 2009–Dec. 2010
	Press Secretary	Feb. 2009–Dec. 2010
Mary Vought	Deputy Press Secretary and Director of Specialty Media	Feb. 2009–Dec. 2010
Andeliz Castillo		
Courtney Kolb	Media Coordinator	Jan. 2009–July 2010
	Deputy Press Secretary	July 2010–Dec. 2010
Rachel Semmel	Press Assistant	Jan. 2009–July 2010
	Radio/TV Book	July 2010–Dec. 2010
Brian Newell	Deputy Press Secretary/ Speechwriter	Jan. 2009–Mar. 2010
Doug Sachtleben	Deputy Press Secretary/ Speechwriter	Apr. 2010–Dec. 2010
Katie Hughes	Press Assistant	June 2010–Dec. 2010
Emily Pickett	Press Assistant	June 2010–Dec. 2010
Ben Howard	Staff Assistant	Feb. 2009–Dec. 2010
Scott Neale	Staff Assistant	Jan. 2009–May 2010
Ja'Ron Smith	Staff Assistant	Jan. 2009–Dec. 2010
Ryan Howell	Visual Media	Jan. 2009–Dec. 2010
Bryant Avondoglio	Visual Media	Jan. 2009–Dec. 2010
David Holley	Visual Media	Jan. 2009–Dec. 2010
Rebecca Propp	Visual Media	June 2009–Dec. 2010
Ericka Anderson	Visual Media (blogger)	Mar. 2009–Dec. 2010

#### CONGRESSIONAL RECOGNITION FOR GOLDEN EAGLE DISTRIBUTORS INC.

#### HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. BARBER. Mr. Speaker, I rise today to recognize Golden Eagle Distributors Inc., based in Tucson, Arizona, for its commitment to converting its delivery fleet from diesel to environmentally friendly compressed natural gas (CNG).

Golden Eagle recently was honored by Natural Gas Vehicles for America with its CNG Fleet & Station Program Award, presented at the Natural Gas Vehicle Conference and Summit in Schaumburg, Illinois.

All 27 of the heavy-duty trucks operated by Golden Eagle at its facilities in Tucson and Casa Grande, Arizona have been or soon will be converted to operate on compressed natural gas. The company also has a natural gas fueling station that is open to the public and is preparing to open a second public CNG fueling station. These efforts provide a strong incentive to members of the general public to operate a vehicle powered by compressed natural gas.

Natural gas vehicles are good for the American economy because they operate on a domestically produced fuel instead of relying on oil that frequently comes from overseas. The United States imports about half of the oil it uses, but 98 percent of the natural gas used in the United States is produced in North America.

In addition, exhaust emissions from natural gas powered vehicles are much lower than those from vehicles powered by gasoline or diesel. CNG vehicles produce 95 percent fewer particulates, 80 percent less nitrogen oxide and provide a reduction of 23 percent in greenhouse gas emissions compared with diesel engines.

Christopher Clements, CEO of Golden Eagle, made the commitment to switch from diesel to compressed natural gas to reduce the company's carbon footprint. The result is cleaner and healthier air in Southern Arizona.

Golden Eagle also was named Arizona's Greenest Workplace in 2010 by Mrs. Green's World, a website that promotes global sustainability. The company was recognized for its recycling and energy efficiency initiatives, employee carpooling and for its green transportation program.

I am proud to recognize Golden Eagle Distributors Inc. for its continued commitment to operating as a model of environmental stewardship.

#### IN HONOR OF MS. ALICE DAVIS

#### HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 30, 2012

Mr. KISSELL. Mr. Speaker, I rise today in honor of Ms. Alice Davis of Albemarle, NC, and her service to our community.

Ms. Alice has been at the forefront of the effort to increase voter registration in our district, and has worked tirelessly to do so. In addition to this, she is very involved in the community with her work with our veterans and the disabled.

Today, I ask all Members of Congress to join me in honoring Ms. Alice, a great American, and resident of North Carolina, the state which I am proud to represent.

IN RECOGNITION OF ASHLEY  
HONEYCUTT

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Ashley Honeycutt has served as Staff Assistant in Concord during her time in the office. Ashley has always been a very active member of the community, and even established a charity in honor of her mother, who recently passed away.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Ashley for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF ALEXANDER  
GINIS

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constitu-

ents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Alexander Ginis has served as both Legislative Correspondent and Legislative Assistant during his time with us. Alexander has made our office one of the best in the entire Congress for responding quickly to constituents. He has kept our average turnaround on constituent correspondence to less than 4 days. Alexander is a great writer and has a deep understanding of legislation, and how it impacts folks back home that is beyond his years.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Alexander for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF ALLISON  
AUMAN

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Allison Auman has served in many roles during her time in the office. I first met Allison at the Candor Peach Festival. She then interned in our Washington office before she was hired as Staff Assistant, and her current position as Director of Special Projects in our Concord office. She was in charge of many projects not least of which were Military Academy appointments, our Youth Council, and the 8th District Federal Contracting Symposium, which she did an excellent job of organizing.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Allison for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF ZACH  
PFISTER

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional

Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Zach Pfister, while not still with our office, continues to be a great supporter and advocate of North Carolina's 8th District. During his time in our office, Zach served as Legislative Correspondent, Legislative Assistant, and finally our Legislative Director. While serving as Legislative Director, Zach was in charge of managing and guiding the legislative agenda of the office. He exceeded all expectations.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Zach for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF THOMAS  
THACKER

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Thomas Thacker has been with me since before I took office. As Deputy Chief of Staff and District Director, his leadership and communication skills have served not only me, but the entire 8th District well. As a former newspaper editor, Thomas has taken the lead in helping guide our communications staff, and served as an invaluable counselor to me both on constituent matters and legislation. Thomas has an uncanny ability to see legislation through the eye of someone born and raised in North Carolina's 8th District, and he has served the office well as the voice of the people of the district.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Thomas for his

hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF TONY  
SPAULDING

**HON. LARRY KISSELL**

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Tony Spaulding is a Caseworker in the office, and has been a great liaison with Federal agencies and other organizations. Very impressively, Tony was named the NAACP Man of the Year in two consecutive years, due to his hard work on behalf of the organization. Having been raised in North Carolina's 8th District, he possesses the great ability of being able to relate to the issues of our district, allowing him to best serve the people.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Tony for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF SEAN DUGAN

**HON. LARRY KISSELL**

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Sean Dugan has served as my Legislative Assistant for the past year. During this time, Sean has handled a portfolio of issues including health and taxes. Sean is very passionate about his work, and with that comes a great level of enthusiasm. Hailing from the state of Nebraska, he understands the challenges of a rural district, and that was evident in his work.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Sean for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF PAUL IRVING

**HON. LARRY KISSELL**

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Paul Irving has served the people of our district as a Caseworker, and ultimately a Senior Caseworker. In his capacity within our office, Paul manages constituent casework pertaining to the Home Affordable Modification Program and the Home Affordable Refinance Program. He has helped more than 1,000 folks keep their homes. Paul is tenacious on behalf of the people of the 8th District of North Carolina.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Paul for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF LEANNE  
POWELL

**HON. LARRY KISSELL**

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I

could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Leanne Powell has been a part of my team since before I took office, and has served as my Chief of Staff for the duration of my Congressional tenure. Tasked with managing the personnel of my Washington and District Offices, Leanne has assembled an extraordinary staff. Under her leadership, that staff has worked tirelessly on behalf of the people of our district, and our great nation. Leanne is an incredible leader who has helped guide, encourage, and advise me during my time in office. Having lived in the district most of her life, and having worked for former Congressman Bill Hefner before joining our team, she brought an unparalleled knowledge of North Carolina and its 8th District to our Congressional office. Leanne represents the best in public service. Her commitment to the people of our district, to this office, and to me personally, is truly invaluable.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Leanne for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF KEVIN TANN

**HON. LARRY KISSELL**

OF NORTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Kevin Tann has served as our office's Defense Legislative Fellow for the past year. In this capacity, Kevin serves as a liaison to the United States military. In addition to this, Kevin is an active duty Army Major. It is an honor to have a service member as a part of my staff. Kevin was vital in so many facets of the office, including the organization of this year's 8th District Federal Contracting Symposium, which was a huge success.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Kevin for his hard work on behalf of North Carolina's 8th District, his service to the United States, and to wish

him continued success in his future endeavors.

IN RECOGNITION OF JOSHUA  
LOGELIN

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Joshua Logelin has filled many roles during his time in our office. Starting as an intern in the office, and being hired as a Press Assistant, Staff Assistant, and finally a Caseworker, Joshua has never been afraid of a challenge. Having been raised in North Carolina's 8th District, he possesses the great ability of being able to relate to the issues of our district, allowing him to best serve the people.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Joshua for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF JARROD HALL

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Jarrold Hall has served as my Director of Outreach during his time in the office. In this capacity, he has brought our office to the communities of the 8th District. Jarrod has made sure that our office knows what is going on in each corner of the district. He is an exceptional young man who has been invaluable to keeping lines of communication open, and our office always accessible.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Jarrod for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF GEORGIA  
LOZIER

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Georgia Lozier has served as Deputy District Director for Administration during her time in the office. She is tenacious, and has gone above and beyond to help get millions of dollars in retroactive benefits for our constituents. She is devoted to her job and has helped lead our team to serve the people of our area well.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Georgia for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF EMMA  
LAMBETH

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member

has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Emma Lambeth has served as Deputy District Director for Oversight and Compliance during her time in the office. She has been a liaison with Federal agencies and other organizations. Having been raised in North Carolina's 8th District, she possesses the ability of being able to relate to the issues of our district, allowing her to help my team serve the people of our area well.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Emma for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF ELENA  
DITRAGLIA

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Elena DiTraglia has been with me since before I took office. As our Director of Operations she was the person who made sure that all functions of the office, my schedule, and too many other things to list went smoothly. Elena, who is originally from Texas, has made the people of the 8th District of North Carolina her priority, and she has served them so well.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Elena for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF ELIZABETH  
BONNER

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Elizabeth Bonner has served as my Press Assistant during her time in our office. Hailing from the great state of North Carolina, Elizabeth has been an excellent addition to the team. Assisting in all mediums of communication with our district, she has been instrumental in communicating with our constituents.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Elizabeth for her hard work on behalf of North Carolina's 8th District, and the United States, and to wish her continued success in her future endeavors.

IN RECOGNITION OF CHRISTOPHER  
SCHULER

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Christopher Schuler has held many positions in our office, and provides invaluable counsel. As Communications Director he helped make sure our constituents were always informed, and that their concerns were

always put foremost. In addition to being an excellent writer, he is also very knowledgeable about legislation and has also served as Legislative Assistant, and with his help we have been able to lead the "Buy American" effort.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Christopher for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF DAVID DEESE

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

David Deese has served as my Outreach Assistant during his time in the office. In our office, David has brought help to those who may not be able to get to our office, through satellite office hours, community meetings, and chamber meetings. This has proved to be very useful for the folks of our district, and has helped to bring our office to the communities. His many years as a newspaper publisher and editor have made him an excellent liaison to the community.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking David for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF CHAZ  
OFFENBURG

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide excep-

tional constituent services to our district, and my team did just that. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District. Each District Staff member has shown great dedication to meeting the needs of each and every one of our constituents. They go above and beyond to ensure that each constituent is treated fairly and respectfully.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Chaz Offenburt has served as a Case-worker in our office for more than two and a half years. In that time, Chaz has helped the constituents of our district, and served as a liaison to Federal agencies. Chaz is the epitome of a team player, and was a great member of our office.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Chaz for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.

IN RECOGNITION OF CHRIS  
KELLEY

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Sunday, December 30, 2012*

Mr. KISSELL. Mr. Speaker, I rise today in honor of the members of my Congressional Staff who have served with me over the past four years. As a Member of Congress, my greatest responsibility was to provide exceptional constituent services to our district, and my team did just that. My Washington, D.C. office was also in charge of all aspects of the legislative process, quite a daunting task. I could not ask for a more talented and dedicated team, and I take great pride in the work that each staff member has done on behalf of North Carolina's 8th District.

My team has shown a strong sense of dedication to meeting the needs of our constituents. I greatly appreciate the support and friendship they have shown me during my years of service in Congress.

Chris Kelley has served as my Legislative Director for the past year. In his time with the office, Chris has helped to guide and implement the legislative agenda of the office. During his time in the office, Chris has covered issues including agriculture and environment. Chris cares deeply about the agriculture issues facing our nation. Having worked in the House for many years, Chris' commitment to the good of our nation is very evident.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Chris for his hard work on behalf of North Carolina's 8th District, and the United States, and to wish him continued success in his future endeavors.



## HOUSE OF REPRESENTATIVES—Monday, December 31, 2012

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. HARPER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 31, 2012.

I hereby appoint the Honorable GREGG HARPER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 9:50 a.m.

### THE FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, Congress is here on New Year's Eve with the people they love: themselves, the special interests, and the policies of the past.

The overhyped fiscal cliff may well be upon us, and we will find \$600 billion of deficit reduction with tax increases and spending cuts, and then there will be the howls that we are doing it too abruptly from some of the same people who demanded this system of expiring cuts and sequestration in the first place.

Make no mistake. There will be some real damage. We will be squeezing some people who deserve far better, and then we'll be scrambling to refine the budget reductions in a way that makes sense. And some time in the hours, days, and weeks ahead, we will get a semibalanced small agreement, very likely, struggling throughout the new Congress with budget bluster, especially in the House, moving from crisis to deadline to showdown.

It's ironic because it doesn't need to be this hard. We could use the pressure and revenue from expiring temporary tax cuts to enact tax reform to provide the money that a growing and aging American population needs, but do it in a simpler, fairer way. We could actually reduce entitlement spending on Medicare by accelerating the health care reform, which is what, in Oregon, we've committed to do in exchange for some flexibility and some upfront funding. We have in place a program going forward that, if done on a national level, would save over \$1 trillion over the next 10 years.

We shouldn't be fooling around with patching an outmoded, unfair farm bill. Let's reform it to support family farmers and ranchers, beginning farmers, especially those who grow food, not large agribusiness producing heavily subsidized commodities. We can save money, protect the environment, enhance wildlife, the experience for hunters and fishermen, and have a healthier America.

The military is the greatest source of money. We can start with 135,000 soldiers scattered in over 1,000 bases across the globe. We have a nuclear arsenal where we are spending several hundred billion dollars on weapons we can't use, we don't need and can't afford.

Mr. Speaker, the good news is that the public would support us in these steps. The good news is that, if we ever got the chance to consider them in a fair and open debate on the floor of the House, we would find bipartisan support for each of these real saving options. The good news is that, ultimately, we are going to take these steps, proving, once again, the wisdom of Winston Churchill when he observed that you could always count on the Americans to do the right thing after they have exhausted every other possibility.

### GOING OFF THE FISCAL CLIFF WITH POCKETS FULL OF SOMEONE ELSE'S MONEY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, "We don't have a trillion-dollar debt because we haven't taxed enough; we have a trillion-dollar debt because we spend too much." That was Ronald Reagan in 1982.

President Reagan went on to lead America out of a recession, but history

has a way of repeating itself. Somehow, Washington never gets the message, and here we are, 30 years later on the brink of another crisis on New Year's Eve, still addicted to spending money. Now we are over \$16 trillion in debt. President Reagan's words and principles remain true today, and they were true when he said them: the problem is spending money.

Mr. Speaker, the American people know this. Why doesn't the Federal Government and Congress understand it? Why? Because Washington is obsessed with spending someone else's money. It's the arrogance of power that Congress spends the people's money without regard to how this obsession affects those very people.

When American families are in debt, they sacrifice and they cut spending, whether that means taking one less family vacation or fewer presents under the Christmas tree. Homes across the fruited plain are feeling the pain of the economic squeeze in their wallets, and they adjust accordingly, because that's what happens when times are tough. American families don't have a limited credit card like Congress does.

The people are angry because they wonder why reckless Washington can't do the same. I hear that message every day from southeast Texans. These citizens are wiser than the tax-and-spendocrats here in Washington, D.C. Let me share a few of those straight-talking Texans' words with you.

Michael says this:

You can't have the cookies without the milk. Tax reform and spending cuts, not one without the other.

Hubert from Baytown, Texas, says this:

Our children and grandchildren will have to recover from reckless spending. Washington has a spending problem, not a taxing problem.

Jeff says:

You don't become fiscally responsible by continued increases in your credit card spending limit. Folks in Congress need to quit running from the hard choices and stop burying our children and grandchildren in debt.

David from Humble, Texas, said this:

This isn't really rocket science. Stop spending money we don't have, cut back on what we do spend, and stop sending money to our enemies.

Now there's a novel idea.

Paul from Beaumont said this:

We do not have a revenue problem; instead, we have a spending problem.

And it's been a spending problem for a long time.

Larry said:

If I'm out of cash, I stop spending. Perhaps Congress should do the same thing that I do in my house. When I don't have enough money, I quit spending. But Congress has its own printing press backed by the Chinese.

Ashley says:

Spending must be stopped. Just taking more from Americans will not fix this problem. Even if my direct taxes are not affected here, my employer's are. So what will that mean for me in the long run? I'm afraid I'm going to find out.

Yes, Ashley, you're going to find out here on New Year's Eve.

Jimmy from Crosby, Texas, says:

I'm fed up with them never agreeing to a budget and spending like there is no tomorrow. This out-of-control action has got to stop.

And, finally, Renee from Crosby, Texas, said:

Please demand that spending be cut; fraud, waste, and abuse in government spending be addressed before any new taxes be forced upon hardworking Americans.

Mr. Speaker, the American people, they actually do get it—at least those people who work and pay taxes. The backbone of America—the workers of America—say stop the spending obsession.

Mr. Speaker, the problem is spending. We got here by spending too much, not by taxing too little. We're going off the cliff with our pockets full of somebody else's money.

And that's just the way it is.

□ 0910

#### MIDNIGHT MAGIC

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. All but those in total denial—and there is a lot of that inside the D.C. Beltway—would admit that we need a combination of increased revenues, taxes—the gentleman before me disagrees—and spending cuts to restore fiscal stability. Especially with a still-weak economy, we don't need blanket tax increases that would hit the hardworking families of the middle class, and we don't need brain-dead, across-the-board spending cuts that mete out the same percentage cuts to wasteful and unneeded programs and high-functioning essential programs. We can do better, and the American people deserve better.

In that spirit, I offer the following ideas. Pick one of the numbers floating out there. Let's restore the Clinton-era tax rates on income over \$250,000, \$400,000, \$450,000. They are bargaining out there. Whatever. We are restoring the Clinton-era tax rates. We're not going back to Eisenhower. We're talking about Clinton-era tax rates for income above that level.

Restore the same Clinton-era tax rates on unearned income when there were a lot more productive invest-

ments out there, delay the across-the-board cuts for 30 days, give the new Congress a chance to make smarter, targeted cuts of equal value, and fix the Medicare reimbursement so that seniors aren't threatened in the middle of the month from not being able to get medical care, and extend unemployment. Come on, don't be cruel to people who can't find jobs and want to find them, although some on that side deny they're looking for work.

It's not the specifics really that I want to talk about here. It's the procedure. That's what will solve this because this is Washington. It's not about reality.

Now, here it is: the midnight magic plan. We begin debate at 10 p.m. For the first 2 hours, everybody can go to their usual corners. The Republicans could decry the increased taxes on job creators, on income over \$250,000 or \$400,000 or \$450,000. The Republicans could stay true to their pledge to Grover Norquist to never, ever raise taxes for any purpose, never. Democrats could say it's not enough; it doesn't restore tax fairness. We could have the usual debate for 2 hours. At midnight we stop, sing "Auld Lang Syne," come together a little bit, and then the midnight magic.

Now, the same bill is cutting taxes for 98 percent of the working people in the United States of America, the Democrats would have protected Social Security and Medicare, and both sides get a chance over 30 days to legislate—God forbid we should legislate around here—targeted cuts instead of the meat-axe approach to cutting spending. I think that's the best we can do for the American people. We transmogrify this bill with the magic of midnight from one that increases taxes on the job creators—income over \$250,000 or \$450,000—to one that actually gives tax cuts to 98 percent of America, something both sides can go home and brag about.

No cliff.

#### THE SGR NEEDS TO BE PATCHED NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. PRICE) for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, in the late 1990s, Congress came up with a new formula to determine how much to pay doctors for taking care of seniors in the Medicare program. It's called the "sustainable growth rate," or the SGR. And like so many Washington solutions, it doesn't work.

Before coming to Congress, I was a doctor. I took care of patients for over 20 years. I remember thinking at the time that the SGR program was put into place. Well, that won't work. It's a house of cards. It's destined to fail.

Mr. Speaker, here we are. America's seniors are on the verge of losing ac-

cess to health care. Let me repeat that, Mr. Speaker. America's seniors are on the verge of losing access to health care. How? If Congress and President Obama don't act by January 1, tomorrow, Medicare payments to physicians will be reduced, will be cut by nearly 27 percent. You see, Mr. Speaker, the fiscal cliff is more than just the tax increases that President Obama so dearly wants.

The effect of the SGR formula means that physicians who treat Medicare patients will be forced to limit the number of seniors that they see, fewer patients being seen, doctors forced not to see patients because of foolish Washington policy. This jeopardizes health care for millions of folks. The sustainable growth rate, the formula used by Medicare to determine physician reimbursement, needs to be repealed. It doesn't work for patients, and it doesn't work for doctors. It's destructive to the very principles that we hold dear about health care. It violates accessibility, it violates quality, and it limits choices. It harms real people.

There are positive solutions that we're working on so that we may responsibly reform this broken system. But while we work to put in place a system that actually does make sense, we must provide certainty for patients and their doctors for the new year.

Mr. Speaker, slashing payments to doctors is a terrible idea, and it must be stopped. The SGR needs to be patched now so that seniors may continue to see their doctors, and then we should move forward with real solutions that work for real people, not just for Washington bureaucrats.

The sad thing about our current dysfunction in this town is that people all across this country get harmed. It's not because of something that they did, but because of something that government did to them or forced them to do. It's time to let Americans be Americans, and in health care that means caring for each other and allowing patients and families and doctors to make medical decisions, not Washington.

#### IN RECOGNITION OF DEDICATED STAFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. ALTMIRE) for 5 minutes.

Mr. ALTMIRE. Mr. Speaker, on this last day of 2012, I want to take a moment to highlight the work of a number of hardworking Federal employees, people who serve with distinction, but often without the credit they deserve. All of us in the House have dedicated staff who, though unheralded, are committed to their country and the constituents they serve. Without them, we could never do our jobs, and I want to thank those who have worked for me over the past 6 years:

Susan and Ed Anfinson, Lin Banks, Mark Perkins, Noel Warren, and the great George Greenfield. They were all shared employees that we shared with other offices. Then we have our full-time employees: Ben Barasky, Olivia Benson, Evan Brennan, Mike Butler, Julie Cain, Richard Carbo, Jennifer Dale, Nick Demicheli, Michelle Dorothy, Serronn Emerson, Jim Ferruchie, Dori Friedberg, Jesse Haladay, Angela Hayden, Kathleen Janoski, Carolyn Kahler, Rachel Kaufman, Erik Komendant, Jennifer Kraus, Chris Lombardi, Cody Lundquist, Greg Malinak, Caitlin Mathis, Stephanie Bone, Tess Mullen, Beth Newman, Bennett Reed, Nathan Robinson, Emily Schmitt, Mariel Schwartz, Abby Silverman, Lee Slater, Shannon Smith, Christina Stacey, P.J. Tabit, Alexandra Taylor, Nikki Tesla, Randy Stapleford and John Galanski—the two best veteran constituent service reps you could ever want—Sharon Werner, Rachael Heisler, and Cara Toman.

Mr. Speaker, all of them were loyal to the district, and I read their names into the RECORD to thank them for their service and loyalty to me, but especially for their service to the district.

□ 0920

#### FISCAL CLIFF AND BUSH TAX CUT HISTORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS. Mr. Speaker, the Bush tax cuts' history illuminates why American families face huge tax increases on January 1. The Bush tax cuts had two purposes. First, stimulate the economy, create jobs, cut unemployment, and cut the deficit. Second, cut taxes to help American families take care of their own needs.

In just 3 years, thanks to the Bush tax cuts, unemployment dropped from a high of 6.3 percent in 2003 to a low of 4.4 percent in 2006; 7 million American jobs were created between 2003 and 2006.

Most importantly and paradoxically to those who do not understand economics, this robust economic growth cut America's deficit 60 percent—from \$413 billion in FY 2003–2004 to \$161 billion in FY 2006–2007. By every economic measure, the Bush tax cuts were a spectacular success.

The Bush tax cuts, part 1, became law in 2001. Republican Congressmen and Senators voted 258–2—99 percent—to cut taxes and protect family incomes. In contrast, Democrat Congressmen and Senators who now say they are for protecting family incomes voted 184–40—a whopping 81 percent—against American families and for higher taxes.

The Bush tax cuts, part 2, became law in 2003. Republican Congressmen

and Senators voted 272–3—that's 99 percent—to cut taxes and protect family incomes. In contrast, Democrat Congressmen and Senators who now say they are for protecting family incomes voted 245–9—an eye-popping 96 percent—against American families and for higher taxes. Unfortunately, Senate Democrats had enough votes to prevent the Bush tax cuts from being permanent. But for these Senate Democrats, America would not be facing a fiscal cliff today.

President Obama and a radically different Congress, controlled by House Speaker NANCY PELOSI and Senate Majority Leader HARRY REID, revisited the Bush tax cuts. In two separate votes in February 2009 and December 2010, Democrats could have increased taxes on the wealthy if they'd really believed what they now say.

Did they raise taxes on the wealthy? No. Why not?

Democrats could have permanently protected lower- and middle-income families from higher taxes if Democrats had really believed what they now say.

Did they? No. Why not?

Mr. Speaker, why would a Democrat Congress and White House say they want to tax the wealthy but not do it?

Why would a Democrat Congress and White House say they want permanent tax relief for lower- and middle-income taxpayers yet not give it?

The answer is simple: Washington Democrats voted twice against tax increases on the wealthy and twice voted against giving permanent tax relief to lower- and middle-income families so that they could run campaigns on base human emotions like greed, envy, and class warfare, and campaign against the very tax policies Democrats kept in place, thus deflecting attention from the Democrats' abysmal record on the economy—trillion-dollar deficits and a \$16 trillion national debt.

To their credit, in 2012, their strategy worked. Democrats won the White House and the Senate. Ultimately, however, American voters will learn from history and truth will prevail. Ultimately, the American people will look at their property taxes, income taxes, estate taxes, sales taxes, and every other tax that they are being forced to pay, and they will ask: Who taxes and undermines my ability to take care of my family?

History proves Democrats raise taxes whenever they believe they can get away with it. Conversely, history proves that Republicans protect as many American families as possible from Democrat tax increases.

Mr. Speaker, that is the fight the Republican House fights today. Republicans will fight today and Republicans will fight tomorrow to protect as many American families as possible from the tax increases Democrats passed when they controlled Congress and the White

House, and it is that difference, Mr. Speaker, that caused American voters to give Republicans in the 2010 and 2012 elections their largest number of House of Representative victories in more than six decades.

Fighting Democrat tax increases: now that's a mandate.

#### A TIME OF PERSONAL REFLECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. CARNAHAN) for 5 minutes.

Mr. CARNAHAN. On this last day of the year and on one of the last days of this 112th Congress, we are awaiting a fiscal deal that will strengthen the fiscal health of this country. I want to take a few moments to reflect on my service here in the House of Representatives and to personally thank many who helped me get here and to do the work of the people whom I represent and love in the State of Missouri.

First, Mr. Speaker, Debra Carnahan, my wife but also an accomplished attorney, a former State and Federal prosecutor. She's really been the rock of our family and has been with me through the great highs and tough lows of this job. So I want to thank her.

Also, our two great sons—Austin and Andrew—who have shared me with thousands of constituents for several years. They have grown into amazing young men, young men who I think will, in their own rights, make a difference as they work their way through their lives.

Mr. Speaker, I want to also thank some of my amazing staff who are too numerous to name—dozens over many years—but there are four in particular who worked with me through the entire 8 years that I served in this Congress: Jeremy Haldeman, who has staffed the Foreign Affairs Committee for me and the Oversight Subcommittee, and who has also been my chief of staff in the Washington office; Jim McHugh, who has been my district director and longtime friend and colleague in St. Louis; Suzanne Archer, who has been my deputy director; and Kathy Waltz from Sainte Genevieve, Missouri, a former mayor there but an invaluable part of our constituent outreach team. There are many other staff members, but I thank those in particular for their long and loyal service and for the difference they make in so many people's lives.

To the Missourians whom I've had the great honor to represent, I am gratified and humbled beyond belief to have been able to represent them in this U.S. House of Representatives for 8 years and to also have represented many in the State house of representatives for 4 years prior to that. In working with them and for them we've been able to get some great things done on big national issues but also on important local issues back home.

From ribbon cuttings and orange cones and construction signs all across the St. Louis region to investments in our infrastructure, which have created real jobs at home and have helped rebuild our region's roads, bridges, ports, locks, dams, levees, flood walls, airports, high-speed rail, light rail, and our bus systems, those have made a real difference in people's lives. It was the reason I got on the Transportation Committee in the first place. We had two of the most deadly roads in America in Jefferson County, Missouri, and we got special funding to help rebuild those roads—to not only help their economy but to save lives. Recently, our firefighters were able to obtain a Federal grant for special patrol boats—rescue boats on the Mississippi River, which will serve the region for years to come.

These kinds of investments are important, and I want to urge this new Congress that will be taking over in just a few days to pass a major transportation bill. It's one of the best investments we can make in this country in order to continue to grow this economy.

We've seen after growing out of this Great Recession over the last few years the Recovery Act passed, the auto industry saved, major Wall Street reforms passed, health care reform passed, and stem cell research measures adopted in unprecedented bipartisan ways. I'll never forget the mothers with their young children who were sitting in my office the day that the health care bill was approved. There was not a dry eye in the room because all of their kids had preexisting conditions. Because of the new health care law, that cannot be the case anymore. I was also proud to serve on our House Foreign Affairs Committee and to chair the international organization's committee, so I just want to urge this Congress to take on the needed reforms to make this Congress work better for the American people.

In closing, we recently greeted World War II veterans here at the monument built in their honor. They said that this Congress needed to take on the spirit they had in World War II—to put the country first and to put our differences aside—and that we could achieve great things.

□ 0930

#### FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, I want to first start off by thanking my friend from Missouri for his service and working with him on legislation in the past.

Just to pick up on what he said about our World War II heroes, we do need to put the country first. I think that cer-

tainly we're here on New Year's Eve and we're upon the fiscal cliff. What we do need to focus on is how do we find that common ground, because what we do know is I believe Democrats and Republicans alike want to put our country on a course to some fiscal discipline—we hope. Is there a course where we can find enough common ground to move it forward so that we don't have a downgrade, so that we don't spike unemployment, so that the markets don't go down.

Mr. Speaker, I'm a small business owner. I employ 100 people. For me, it's 100 families. I meet a budget and a payroll. What they're looking for when I talk to people back home, they're looking for some stability, they're looking for certainty, and what we're doing here is not providing any of those things. And yet I do believe that there is a spirit of comity that we want to find that common ground and move forward.

I'm sorry that we're here on New Year's Eve and that we haven't solved this problem long ago. I will say, Mr. Speaker, that the House did send a bill in August over to the United States Senate. Going back to my time as a small business owner, I can just tell you, if I'd given something to one of the people that I work with, marked it "urgent" and put it on their desk months ago and it sat for month after month after month, something would be wrong. Well, in essence, Mr. Speaker, that's exactly what we've done. We sent something over to the United States Senate months ago, marked it "urgent" because this is talking about the direction, the fiscal direction of our Nation, and yet nothing is coming back.

Unfortunately, Washington works on brinksmanship. We don't want brinksmanship; we want stability. The world is watching, and we need to focus on the common ground to move things forward. We want to make sure that we can keep tax rates low. We want to make sure that we can bring additional revenue into the Federal Government. I believe that's going to be through growth. That's going to be sparking the American spirit, that entrepreneurial spirit across our country to bring more dollars into the Federal Treasury, to get more people back to work.

The thing that's amazing, Mr. Speaker, is there's a lack of leadership, a lack of leadership here in Washington, D.C., that's palpable. We need to move forward.

During the budget season, those on the other side of the aisle, myself, some of my colleagues on my side of the aisle, put forth a budget, the first bipartisan budget in a generation, based upon the Simpson-Bowles plan, talking about the need to bring additional revenue in, talking about the need to put spending cuts out there be-

cause Washington has this sense of spending, Mr. Speaker. Republicans have overspent; Democrats have overspent. I'm not here to point the finger. What I am looking for is a solution to the problems we face. My hope is that we can get those done today. The American people demand it, the American people need it, and the world is looking to America for leadership.

Mr. Speaker, on a different note, I want to rise today to recognize an extraordinary lady, a great American, one who raised four children and instilled in them a love of family and country, taught those around her the idea that your integrity determines your identity. In fact, she gave me that plaque, and it hangs in my room today.

I want to say it again, Mr. Speaker, because I think it is so very, very important: Your integrity determines your identity.

She also instilled a fantastic work ethic in those around her. A teacher, first of special needs children, then in English as a high school English teacher for a number of years, she left the teaching profession to have a family and then became an entrepreneur. She went into the private sector, helped people get jobs, put food on the table for families, and helped those families get an education.

Mr. Speaker, this great American lady celebrates a birthday today. I'm sorry that I'm not with her, but I am in spirit. Happy birthday, Mom.

#### BELARUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it's good to come down for morning-hour, especially today, to hear my colleagues come down and thank staff and people who've been important in their lives, especially in their careers. JASON ALTMIRE, what a great job he did thanking his staff. My friend, RUSS CARNAHAN from across the Mississippi River, thanking family, wife, sons, and staff. For the work we do here, too frequently, many go unappreciated.

But, Mr. Speaker, I did break the code on why we're here so late today. I know a lot of people want to know. We can blame Jay Pierson for that. Jay is retiring today. This is his last day, and we wanted to make sure that we got the last ounce of flesh and blood from him. So if the American people want to know why we're here, it's Jay Pierson's fault.

Jay Pierson is Speaker BOEHNER's floor assistant. He obviously carries around a copy of Jefferson's Manual. He has been a servant of the House of Representatives for 34 years. He's a truly dedicated public servant. I thank him for his friendship and his support to this body and especially to me personally.

Mr. Speaker, I also wanted to take time out, as I do, to speak about democratic movements around the world, especially in the former captive nations of Eastern Europe, and remember those who are jailed just because they want political freedoms and liberties.

Two years ago after the brutal and bloody crackdown on peaceful demonstrations after the 2010 presidential elections, the human rights of ordinary Belarusian citizens continue to be violated by the Lukashenko government. One candidate who ran against Lukashenko during that election, Nikolai Statkevich, remains in jail. The other jailed candidate, Andrei Sannikov, was pardoned earlier this year and is in exile in Britain. Ales Byalyatski, the head of Viasna Human Rights Center, also remains imprisoned after being convicted to a 4½-year jail sentence for trumped-up charges of tax evasion. These are two of 12 political prisoners who today remain behind bars under deplorable prison conditions in Belarus.

The general human rights situation in Belarus has not improved since the events of 2010, despite international condemnation and sanctions on the regime. In its 2012 report, Freedom House ranked Belarus as “not free” in the categories of civil liberties and political rights, and Belarus ranked 193 out of 197 countries on Freedom House’s 2012 press freedom index. The Reporters Without Borders press freedom index ranks Belarus 168 out of 179 countries.

Laws have passed that regulate demonstrations and political information, stifling freedom of assembly. Independent journalists and political activists are under a constant threat of intimidation and arbitrary detention.

Belarus held parliamentary elections on September 23, 2012. Unsurprisingly, the elections failed to meet international standards and were widely condemned as not free or fair. While some democratic opposition parties boycotted the elections, the candidates who did attempt to run were denied registration by election authorities, intimidated, and given unfair access to media resources. No opposition figures were elected to the 110-seat legislature. Official turnout was reported as 74.3 percent, although observers claim the turnout was closer to 30 percent of eligible voters.

Belarus remains mired in its worst financial crisis since independence, which has put Lukashenko under increasing pressure. In the past month, he has reshuffled several top figures in his government and made some controversial economic decisions that have been met with criticism in the international community. This includes signing a presidential decree making it illegal for workers in Belarus’ wood processing industry to quit their jobs, and announcing that Belarus would begin shifting its export-

ing business from ports in the Baltic to Russian ports. This will only strain the relationship between Belarus and its democratic neighbors and increase Russia’s stronghold on key Belarusian markets.

□ 0940

Belarus already depends on Russia for nearly all its energy supplies. The United States and the European Union must remain united, impose economic sanctions, and have a single plan for action regarding the promotion of democratic process in Belarus.

So again, Mr. Speaker, I appreciate this time coming down, and I wish everybody a Happy New Year.

#### FAREWELL TO THE UNITED STATES HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. SCOTT) for 5 minutes.

Mr. SCOTT of South Carolina. Mr. Speaker, I rise today to say farewell to the House.

I first want to say thank you to the wonderful people of the South Carolina coast. From Myrtle Beach to my hometown of North Charleston to Hilton Head, your support over the last 3 years has truly humbled me and inspired me.

I also want to thank my friends, my colleagues, and the members of the South Carolina delegation: Mr. CLYBURN, Mr. WILSON, Mr. DUNCAN, Mr. GOWDY, and Mr. MULVANEY. We have a great group who truly understands we are here to represent the great State of South Carolina and the citizens of America, and I thank them all for their friendship.

Finally, I’d like to thank all of my colleagues here in the House. We may not always agree on things, but we are here for a reason: to try and make this Nation better.

As I prepare to move to the United States Senate, it is that belief that makes me incredibly optimistic about our future. The battles of today will, in the future, be seen as a positive turning point for our Nation, where we got our fiscal house back in order and revitalized the American Dream for our children and our grandchildren.

I look forward to continuing to serve the residents of South Carolina, some of the most passionate people in the Nation. And I will never forget my time here in the people’s House, where we worked every single day to build a brighter future for our Nation.

Thank you.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o’clock and 41 minutes a.m.), the House stood in recess.

□ 1000

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 10 a.m.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

On this last day of 2012, forget not Your people. There are many differences plaguing our Nation’s discourse. Please send wisdom upon the leaders serving in government and goodwill among all the principals in current negotiations.

We thank You for the service of so many who work every day in this building, whose labor provides the lubrication for the very public actions of the Members of this assembly. Though each deserves special mention, bless especially this day Jay Pierson, who works his last day of 34 years of faithful service on the floor of the House.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. HIGGINS) come forward and lead the House in the Pledge of Allegiance.

Mr. HIGGINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

#### BIG SPENDING LEADS TO FISCAL CLIFF

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, at midnight tonight, our Nation is scheduled to fall off the fiscal cliff, because the Augusta Chronicle editorial of December 2 is correct:

It's that stubborn adherence to big spending that's powering the momentum toward the fiscal cliff. And halting big spending is what's going to stop it.

Over the past year, House Republicans have passed effective bipartisan legislation to prevent the entire fiscal cliff. Unfortunately, these bills remain stalled in the Senate graveyard. This fact makes it very clear that House Republicans have addressed this issue, and Speaker JOHN BOEHNER is holding firm for fiscal responsibility.

With only a few hours to go, it's my hope the Senate will accept one of the House proposals and send legislation back to the House, which will attempt to tackle Washington's out-of-control spending, extend tax cuts for all Americans, and prevent the devastating defense budget cuts before it is too late and hundreds of thousands of jobs are destroyed.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Congratulations, Jay Pierson, for your years of service.

#### GOVERNMENT OF THE PEOPLE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The question settling over this Capitol as we face the fiscal cliff is: How can this be happening? It's hyperpartisanship meets Citizens United. America's politics are so saturated with money and so politically polarized that the system cannot function to meet its obligations to keep the government running. But make no mistake about it—government does work. It's working for Pentagon contractors, for arms manufacturers, for oil companies, for coal companies. It's working for those who want to hold down wages and suppress the rights of workers. It's working for drug companies whose sweetheart deal on prescription drugs blew a hole in the Medicare budget.

The apparent dysfunctionality of government masks the reality that the tax resources of government increasingly are going to the highest bidders in a \$4 billion national election. The debris at the bottom of the fiscal cliff will be the wrecked hopes of doctors and Medicare patients, unemployed workers who can't protect their families, and middle class taxpayers who just can't pay any more. Our Nation's pose at the fiscal cliff is proof of the necessity of a constitutional amendment, H.J. Res. 100, to rid this Nation of the corrupting influence of special interest money with public financing, which recreates a true government of the people.

#### FACTS THE AMERICAN PEOPLE DESERVE ABOUT THE FISCAL CLIFF

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, I want to give the American people seven facts about our fiscal crisis.

Fact number one: we have a \$16 trillion national debt that's expected to go up to over \$22 trillion before President Obama leaves office.

Fact number two: Washington's problem is not revenue. It's uncontrolled spending.

Fact number three: in less than 14 hours, automatic tax hikes will give Washington more money to spend.

Fact number four: the nonpartisan Congressional Budget Office says these automatic tax hikes threaten to put us back into another recession.

Fact number five: the House has done its job to avoid this crisis by passing a bipartisan bill to stop the tax hikes.

Fact number six: the Senate, with the President's approval, has refused to take up this bill.

Fact number seven: we've done our job in the House. It's time for the Senate to do their job before the clock strikes midnight.

#### REAL EFFECTS OF GOING OVER THE FISCAL CLIFF

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, at midnight tonight, the Budget Control Act of 2011 and sequestration will trigger spending cuts of \$1.2 trillion over 10 years, including \$109 billion in 2013. We'll have 8.2 percent, or \$54 billion, in domestic spending cuts funding to the National Cancer Institute that supports clinical trials for new cancer treatments. If you're a patient at Roswell Park Cancer Institute in Buffalo and you're diagnosed with late-stage cancer, you don't have the luxury of time that these cuts demand. That's what sequestration means to cancer patients in Buffalo and throughout the Nation.

We'll have 9.4 percent, or \$55 billion, cut in defense spending. What does it mean to my community of Buffalo and western New York? MOOG, a world leader in motion control technology with a thriving defense unit, a \$2.5 billion company that employs 8,400 people, takes a major hit. That's what sequestration means to the defense industry in Buffalo and throughout the Nation.

Madam Speaker, sequestration cannot be viewed in the abstractions of Washington and this institution. Its real consequences will be felt hard by real people in real communities throughout this Nation, including in Buffalo and western New York.

#### PASS A COMPREHENSIVE PLAN TO AVERT THE FISCAL CLIFF

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, the 112th Congress has been defined as the least productive Congress in recent memory. And now we run the risk of being the Congress whose action will cause real harm to our country's economic future. The American people have consistently said they want Republicans and Democrats to act like adults and work together on the challenges we face. And yet here we are again, facing a critical financial deadline with no agreement in place to avert the so-called fiscal cliff and to protect seniors, middle class families, and business owners while we reduce our debt. There's just too much at stake right now for this Congress to keep playing the games of brinksmanship and partisan politics.

Over the last 10 years, as I've met with Rhode Islanders from Woonsocket to Newport and everywhere in between, I've heard one clear message: now is the time for those of us who serve in this Chamber to get this hard work done on behalf of the men and women who sent us here. I encourage my colleagues on both sides of the aisle to spend less time assigning blame to each other and instead pass a comprehensive plan that averts the fiscal cliff, cuts our debt, and protects middle class families, seniors, and small business owners.

#### PUT DOWN THOSE GUNS

(Ms. WILSON of Florida asked and was given permission to address the House for 1 minute.)

Ms. WILSON of Florida. Today is New Year's Eve. While we debate going over the fiscal cliff at midnight, there are people somewhere in America planning to shoot their guns in celebration at midnight. Put down those guns. Millions of people have died or been injured due to this dangerous celebratory custom. Put down those guns.

If I were in my district of Miami today, I would be participating in a press conference that we started 10 years ago, calling an end to this deadly custom. As a result, celebratory gunfire has largely disappeared from our county. It is a result of repeated demands and media events over and over again. Now people get it. Remember, what goes up must come down. Bullets are no exception. Instead, hug your kids. Light a candle. Resolve to sell your gun in the next community gun buy-back initiative. Say a prayer for all of the precious children who have lost their lives to gun violence in our Nation, especially those babies we lost most recently in Connecticut.

Put down those guns. Don't even think about it. Because one bullet—

just one bullet—will kill the party. Please, America, put down those guns.

□ 1010

#### WORK TOGETHER FOR A HAPPY NEW YEAR

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. It will be very hard to wish the American people happy New Year unless this Congress reaches and passes an agreement that keeps taxes from going up on the 98 percent who have already had to sacrifice during the recession, that extends unemployment, enables doctors to continue to care for their Medicare beneficiaries, fixes the AMT, provides disaster recovery money to help our fellow Americans, and passes the farm bill.

Democrats agreed last year to \$1.5 trillion in cuts over the next 10 years, which are already in place. President Obama offered several concessions. Now Republicans need to give up at least an equal amount on the revenue side.

And right now—but definitely early in 2013—my constituents in the Virgin Islands need relief from the highest energy costs in the country and a fair Medicaid match so that everyone can have access to quality health care.

Whatever partisan differences we have and the Republicans have with our President, let's set them aside as this difficult year comes to a close and work together to give our constituents a happy New Year.

#### AVOIDING THE FISCAL CLIFF

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to implore the House GOP leadership to address the looming fiscal cliff. We have only a few hours left, and we owe it to the American people to find a solution, pass legislation, and send it to the President for his signature tonight.

There is too much at stake to let this critical situation devolve into the same politics as usual that we have seen throughout this Congress. The consequences of failure or inaction are dire. According to the Congressional Budget Office, going over the cliff would raise the unemployment rate from 7.9 to 9.1 percent in 2013. We would also see devastating cuts to programs that pay for education, food inspection, and air travel safety, nearing \$55 billion.

Madam Speaker, there is no more time, and the American people are depending on us for a solution to avoid this fiscal cliff.

#### SENATE NEEDS TO GET TO WORK

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Madam Speaker, here we are on New Year's Eve working to avoid this latest fiscal cliff. Of course, if you wonder why we're here, just look at the fact that we shouldn't have to be here.

Back on August 1, this House, with a bipartisan vote, passed a bill that would have avoided this fiscal cliff. It would have protected every American family from seeing a tax increase. The bill passed on August 1, and it's been sitting over in the Senate every day since then. But here we are on New Year's Eve, and the Senate is finally rolling up their sleeves and working to avoid this crisis.

Well, here we are at another crisis, and, unfortunately, as we look towards this New Year tomorrow, this is not the last time that we may be here. We passed a budget here in the House months ago. It's been more than 3 years since the Senate passed a budget, yet months from now we'll be hearing another cliff approaching of a government shutdown because the Senate hasn't passed a budget.

It's time for the Senate to start doing their work and stop creating these crises and forcing American families to wonder what's going to happen next and what's going to be the next crisis. We should not have any American family facing a tax increase. Let's get the American economy on track.

#### FISCAL CLIFF DEADLINE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, the American people are looking at Congress with disdain—and rightfully so. With the deadline on the fiscal cliff only hours away, we have failed to reach a reasonable compromise to move the economy forward and ward off painful tax hikes on the middle class.

The majority of Americans have sent us a clear message of what they want—a fair tax system, an economy that works for everyone, and a strong social safety net. These are classic American values, and throughout our history Members of both parties have made compromises in order to protect them. Those compromises reflect not just the will of the people but the way normal people do business.

Every day of their lives American workers solve problems and collaborate with their coworkers to meet objectives. They don't get to wait until after the deadline passes to get the job done; if they do, they lose their jobs. The American people can't just go home if they don't get their way. And yet that's exactly what House Republican

leadership did earlier this month. I hope it's not what they plan to do again this week.

Madam Speaker, if my colleagues don't wake up and respond to what the American people want, they will be the ones to ultimately lose their jobs—and rightfully so.

#### FISCAL CLIFF

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, when Chairman Bernanke first coined the phrase the "fiscal cliff," he was really describing the perfect storm. The fiscal cliff is not only sequestration, the impact of the Budget Control Act, but also includes and is not limited to the expiration of the Bush tax cuts, unemployment insurance, the SGR, the AMT patch, the debt limit, other tax provisions. Ergo the perfect storm—major issues that this Republican-controlled House will not address until the wealthy are protected.

We must address a sufficient number of these provisions to avert the perfect storm. To do so, we must look to the building of public confidence so that we can continue steady growth in the economy and jobs, the true way to avert the cliff. This is why we must do what is best for the middle and working class first: extend the Bush taxes for the middle class, extend unemployment insurance, SGR, the AMT patch, delay the sequestration—those items which we can all agree upon. We've got to get to work.

#### IMPENDING FISCAL CLIFF

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, well, here we are on the last day of calendar year 2012 with an impending fiscal cliff challenging all of us.

The women and men who serve in this great body assemble and express great differences, but those differences ought not divide us; they should build us with the best consensus.

We need a bold and balanced approach to this fiscal cliff. We need to make certain that the 33 consecutive months of private sector job growth are not disrupted. We need to make certain that the unemployment rate does not rise as the CBO, the Congressional Budget Office, suggests, to 9.1 percent. We need to avoid taxes growing by \$2,200 for an average family of four in 2013. That's what's impending here. It is important for us to go forward and take the initiative and avoid the consequences of that fiscal cliff.

I'm concerned because FEMA, as an example, would be cut by some \$878 million. Having witnessed the destruction in my district, we can ill-afford



that. Cuts to nutrition programs, cuts to Medicare. I implore our leadership in this House, bring a bold and balanced approach to solve our fiscal cliff crisis here today.

#### DROPPING THE BALL

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Madam Speaker, tonight in Times Square hundreds of thousands of people will be there at midnight to watch that ball drop, but here in Congress, we've also dropped the ball.

We're in the final days of the 112th Congress. No one expected us to be here on the House floor on New Year's Eve, but here we are racing towards that fiscal cliff—towards higher taxes on the middle class and slashed investment for the American people, including nutrition for mothers and infants, education for our children, and our infrastructure.

What part of the cliff sounds like a good plan? I know I'm not the only one who has spent time with families that it will hurt. I know I'm not the only one who has visited the businesses that are worried that our country could have another recession. We should not be playing this game of chicken.

There's too much at stake to have politics as usual. We have an opportunity to prevent the fiscal cliff, but in order to do so we must act as a unified Congress.

So I say to all my friends and colleagues, Democrats and Republicans, let's get this thing done. Tonight, when that ball drops, let's make sure that we haven't also dropped the ball.

□ 1020

#### PASS THE SENATE SUPPLEMENTAL

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, it has now been 9 weeks since Superstorm Sandy swept across the east coast. Twenty-four U.S. States were in some way affected by Sandy. The storm killed at least 131 people in eight States. Hundreds of thousands of homes and businesses were damaged or destroyed. The unprecedented disaster caused billions of dollars in loss and economic disruption.

Just 2 weeks after Hurricane Katrina hit the gulf coast, this Congress approved more than \$62 billion in Federal aid to help the devastated area get back on its feet. After Hurricanes Ike and Gustav hit in 2008, a supplemental appropriations bill passed this Congress overwhelmingly. All of these aid packages were approved by strong bipartisan majorities in both Chambers.

The needs were obvious and the speed imperative. We need to pass the Senate

supplemental. Nothing has changed. That is what we did for others. That's what we need to do to help this devastated area.

#### HELP FOR HOMEOWNERS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, my hope is that tonight we will do what is right for the Republic and pass a responsible measure dealing with spending and our debt. But there's another cliff tonight at midnight that should concern the millions of homeowners who have forgone their mortgage foreclosure reviews. They have a deadline of midnight tonight as reported by USA Today yesterday on the front page of the business section. It's important to millions of Americans who literally could receive up to \$100,000 in compensation because of mistakes that were made by servicers in the processing of those loans.

So, I would like to tell people who might have had foreclosures facing their families in 2009 and 2010, they can call 888-952-9105 or go to the Web site [IndependentForeclosureReview.com](http://IndependentForeclosureReview.com).

The Office of Comptroller of the Currency will help them review those mortgage foreclosures. Far too many Americans, millions, 4 million to be exact, have received these notices, but only a little over 300,000 have replied. Millions of people could have those mortgages reviewed and perhaps receive compensation and hang onto their houses.

Again, that phone number is 888-952-9105. Let's help the millions of Americans who have been harmed with their mortgages by irresponsible servicers.

#### FISCAL CLIFF

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, the start of a new year is supposed to be a joyous occasion. It is time to reflect on the past year, to take pride in our accomplishments and learn from our stumbles. There's a novel thought.

Similarly, the start of a new Congress offers us an opportunity to look forward with hope and aspiration for the opportunity to work together—again, a novel thought—to deliver on behalf of those who have put their trust in us.

Let's not pull the rug out from underneath both of those things before they've even had a chance to begin. The start of the new year and the new Congress do not have to be colored by the partisanship that's characterized the past year. There is a last-minute

absolution to be had if we can seize the spirit of the season and do that which we have done all too little of this past year: compromise, come together.

Let's ring in the new year with a fix, albeit a modest one, of the fiscal cliff and start off our new year and new Congress with a proper welcome for our constituents and our colleagues.

#### FISCAL CLIFF

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, many years ago our friends on the conservative side of the political aisle told us that if we cut taxes for the wealthiest among us, what would happen is that they would get more money which they would use to invest in plant and equipment, and then all the rest of us working class and middle class folks would benefit by rich people having more money because then they would hire us and we'd have a stronger economy. They put this plan into implementation in 2001 and into 2003, and what followed was the most anemic decade of job growth that we have seen in many, many, many decades. If you can contrast it with the 1990s when the tax rates were actually higher, we had a much more robust economy. In fact, when President Clinton handed President Bush the reins to the government, he handed him, also, a surplus.

The fact is the conservative experiment based on the ideas of a guy named Arthur Laffer and others has failed. They don't work. They're wrong for this country. It's time for us to have some balance and to pay the bills of this country, and that means taxes.

#### CONGRESS MUST WORK TOGETHER TO AVOID FALLING OFF THE FISCAL CLIFF

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, if we fail to act on the remaining day of the 112th Congress, this Congress will be remembered as one which ignored the will of the people. If we fail to act, a typical middle class family of four would see its taxes rise by \$2,200 starting in 2013. This means less money to buy groceries, gas and pay the bills.

According to the nonpartisan Congressional Budget Office, going over the cliff would raise the unemployment rate from 7.9 percent to 9.1 percent in 2013. Losing that many jobs would plunge our Nation back into a recession and put an economic recovery even further out of reach. We would be putting jobs on the altar for tax cuts for the wealthiest Americans who have already seen their tax rate plummet to historic lows.

It's time that we put an end to the era of trying to balance budgets on the

backs of the middle class, and it's time that we take steps to avoid setting our economic recovery up for failure. We all want a better resolution than simply jumping off the fiscal cliff.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. ROGERS of Michigan. Madam Speaker, I move to suspend the rules and pass the bill (S. 3454) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3454

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2013”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DIS- ABILITY SYSTEM

Sec. 201. Authorization of appropriations.

#### TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Restriction on conduct of intelligence activities.

Sec. 302. Increase in employee compensation and benefits authorized by law.

Sec. 303. Non-reimbursable details.

Sec. 304. Automated insider threat detection program.

Sec. 305. Software licensing.

Sec. 306. Strategy for security clearance reciprocity.

Sec. 307. Improper Payments Elimination and Recovery Act of 2010 compliance.

Sec. 308. Subcontractor notification process.

Sec. 309. Modification of reporting schedule.

Sec. 310. Repeal of certain reporting requirements.

#### TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY

Sec. 401. Working capital fund amendments.

#### TITLE V—OTHER MATTERS

Sec. 501. Homeland Security Intelligence Program.

Sec. 502. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 503. Protecting the information technology supply chain of the United States.

Sec. 504. Notification regarding the authorized public disclosure of national intelligence.

Sec. 505. Technical amendments related to the Office of the Director of National Intelligence.

Sec. 506. Technical amendment for definition of intelligence agency.

Sec. 507. Budgetary effects.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

#### TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

##### SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.—The amounts authorized to be appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2013, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the bill S. 3454 of the One Hundred Twelfth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY TO COMMITTEES OF CONGRESS.—The classified Schedule of Author-

izations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations, or of appropriate portions of the Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 415c);

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

##### SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR INCREASES.—The Director of National Intelligence may authorize the employment of civilian personnel in excess of the number of positions for fiscal year 2013 authorized by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such section for such element.

(b) TREATMENT OF CERTAIN PERSONNEL.—The Director of National Intelligence shall establish guidelines that govern, for each element of the intelligence community, the treatment under the personnel levels authorized under section 102(a), including any exemption from such personnel levels, of employment or assignment in—

(1) a student program, trainee program, or similar program;

(2) a reserve corps or as a reemployed annuitant; or

(3) details, joint duty, or long term, full-time training.

(c) NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to the initial exercise of an authority described in subsection (a).

##### SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2013 the sum of \$540,721,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2014.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 835 positions as of September 30, 2013. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are

authorized to be appropriated for the Community Management Account for fiscal year 2013 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2014.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2013, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

## **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2013 the sum of \$514,000,000.

## **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

### **SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

### **SEC. 302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

### **SEC. 303. NON-REIMBURSABLE DETAILS.**

Section 113A of the National Security Act of 1947 (50 U.S.C. 404h–1) is amended—

(1) by striking “two years.” and inserting “three years.”; and

(2) by adding at the end “A non-reimbursable detail made under this section shall not be considered an augmentation of the appropriations of the receiving element of the intelligence community.”.

### **SEC. 304. AUTOMATED INSIDER THREAT DETECTION PROGRAM.**

Section 402 of the Intelligence Authorization Act for Fiscal Year 2011 (Public Law 112–18; 50 U.S.C. 403–1 note) is amended—

(1) in subsection (a), by striking “October 1, 2012,” and inserting “October 1, 2013,”; and

(2) in subsection (b), by striking “October 1, 2013,” and inserting “October 1, 2014,”.

### **SEC. 305. SOFTWARE LICENSING.**

(a) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, each chief information officer for an element of the intelligence community, in consultation with the Chief Information Officer of the Intelligence Community, shall—

(1) conduct an inventory of software licenses held by such element, including utilized and unutilized licenses; and

(2) report the results of such inventory to the Chief Information Officer of the Intelligence Community.

(b) **REPORTING TO CONGRESS.**—The Chief Information Officer of the Intelligence Community shall—

(1) not later than 180 days after the date of the enactment of this Act, provide to the congressional intelligence committees a copy of each report received by the Chief In-

formation Officer under subsection (a)(2), along with any comments the Chief Information Officer wishes to provide; and

(2) transmit any portion of a report submitted under paragraph (1) involving a component of a department of the United States Government to the committees of the Senate and of the House of Representatives with jurisdiction over such department simultaneously with submission of such report to the congressional intelligence committees.

### **SEC. 306. STRATEGY FOR SECURITY CLEARANCE RECIPROCITY.**

(a) **STRATEGY.**—The President shall develop a strategy and a schedule for carrying out the requirements of section 3001(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(d)). Such strategy and schedule shall include—

(1) a process for accomplishing the reciprocity required under such section for a security clearance issued by a department or agency of the Federal Government, including reciprocity for security clearances that are issued to both persons who are and who are not employees of the Federal Government; and

(2) a description of the specific circumstances under which a department or agency of the Federal Government may not recognize a security clearance issued by another department or agency of the Federal Government.

(b) **CONGRESSIONAL NOTIFICATION.**—Not later than 180 days after the date of the enactment of this Act, the President shall inform Congress of the strategy and schedule developed under subsection (a).

### **SEC. 307. IMPROPER PAYMENTS ELIMINATION AND RECOVERY ACT OF 2010 COMPLIANCE.**

(a) **PLAN FOR COMPLIANCE.**—

(1) **IN GENERAL.**—The Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall each develop a corrective action plan, with major milestones, that delineates how the Office of the Director of National Intelligence and each such Agency will achieve compliance, not later than September 30, 2013, with the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224), and the amendments made by that Act.

(2) **SUBMISSION TO CONGRESS.**—Not later than 45 days after the date of the enactment of this Act—

(A) each Director referred to in paragraph (1) shall submit to the congressional intelligence committees the corrective action plan required by such paragraph; and

(B) the Director of the Defense Intelligence Agency, the Director of the National Geospatial-Intelligence Agency, and the Director of the National Security Agency shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the corrective action plan required by paragraph (1) with respect to the applicable Agency.

(b) **REVIEW BY INSPECTORS GENERAL.**—

(1) **IN GENERAL.**—Not later than 45 days after the completion of a corrective action plan required by subsection (a)(1), the Inspector General of each Agency required to develop such a plan, and in the case of the Director of National Intelligence, the Inspector General of the Intelligence Community, shall provide to the congressional intelligence committees an assessment of such plan that includes—

(A) the assessment of the Inspector General of whether such Agency or Office is or is not likely to reach compliance with the requirements of the Improper Payments Elimination and Recovery Act of 2010 (Public Law 111–204; 124 Stat. 2224), and the amendments made by that Act, by September 30, 2013; and

(B) the basis of the Inspector General for such assessment.

(2) **ADDITIONAL SUBMISSION OF REVIEWS OF CERTAIN INSPECTORS GENERAL.**—Not later than 45 days after the completion of a corrective action plan required by subsection (a)(1), the Inspector General of the Defense Intelligence Agency, the Inspector General of the National Geospatial-Intelligence Agency, and the Inspector General of the National Security Agency shall each submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the assessment of the applicable plan provided to the congressional intelligence committees under paragraph (1).

### **SEC. 308. SUBCONTRACTOR NOTIFICATION PROCESS.**

Not later than October 1, 2013, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing the method by which contractors at any tier under a contract entered into with an element of the intelligence community are granted security clearances and notified of classified contracting opportunities within the Federal Government and recommendations for the improvement of such method. Such report shall include—

(1) an assessment of the current method by which contractors at any tier under a contract entered into with an element of the intelligence community are notified of classified contracting opportunities;

(2) an assessment of any problems that may reduce the overall effectiveness of the ability of the intelligence community to identify appropriate contractors at any tier under such a contract;

(3) an assessment of the role the existing security clearance process has in enhancing or hindering the ability of the intelligence community to notify such contractors of contracting opportunities;

(4) an assessment of the role the current security clearance process has in enhancing or hindering the ability of contractors at any tier under a contract entered into with an element of the intelligence community to execute classified contracts;

(5) a description of the method used by the Director of National Intelligence for assessing the effectiveness of the notification process of the intelligence community to produce a talented pool of subcontractors;

(6) a description of appropriate goals, schedules, milestones, or metrics used to measure the effectiveness of such notification process; and

(7) recommendations for improving such notification process.

### **SEC. 309. MODIFICATION OF REPORTING SCHEDULE.**

(a) **INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.**—Section 103H(k)(1)(A) of the National Security Act of 1947 (50 U.S.C. 403–3h(k)(1)(A)) is amended—

(1) by striking “January 31 and July 31” and inserting “October 31 and April 30”; and

(2) by striking “December 31 (of the preceding year) and June 30,” and inserting “September 30 and March 31.”.

(b) **INSPECTOR GENERAL FOR THE CENTRAL INTELLIGENCE AGENCY.**—

(1) **IN GENERAL.**—Section 17(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(1)) is amended—

(A) by striking “January 31 and July 31” and inserting “October 31 and April 30”;

(B) by striking “December 31 (of the preceding year) and June 30,” and inserting “September 30 and March 31.”; and

(C) by striking “Not later than the dates each year provided for the transmittal of such reports in section 507 of the National Security Act of 1947,” and inserting “Not later than 30 days after the date of the receipt of such reports.”.

(2) CONFORMING AMENDMENTS.—Section 507(b) of the National Security Act of 1947 (50 U.S.C. 415b(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2), (3), and (4), as paragraphs (1), (2), and (3), respectively.

#### SEC. 310. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) REPEAL OF REPORTING REQUIREMENTS.—

(1) ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.—Section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) is repealed.

(2) SAFETY AND SECURITY OF RUSSIAN NUCLEAR FACILITIES AND NUCLEAR MILITARY FORCES.—Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(A) by striking subsections (a) and (d); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(3) INTELLIGENCE COMMUNITY BUSINESS SYSTEMS BUDGET INFORMATION.—Section 506D of the National Security Act of 1947 (50 U.S.C. 415a-6) is amended by striking subsection (e).

(4) MEASURES TO PROTECT THE IDENTITIES OF COVERT AGENTS.—Title VI of the National Security Act of 1947 (50 U.S.C. 421 et seq.) is amended—

(A) by striking section 603; and

(B) by redesignating sections 604, 605, and 606 as sections 603, 604, and 605, respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPORT SUBMISSION DATES.—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking subparagraphs (A), (C), and (D);

(II) by redesignating subparagraphs (B), (E), (F), (G), (H), and (I) as subparagraphs (A), (B), (C), (D), (E), and (F), respectively; and

(III) in subparagraph (D), as so redesignated, by striking “section 114(c).” and inserting “section 114(a).”; and

(ii) by amending paragraph (2) to read as follows:

“(2) The date for the submittal to the congressional intelligence committees of the annual report on the threat of attack on the United States from weapons of mass destruction required by section 114(b) shall be the date each year provided in subsection (c)(1)(B).”;

(B) in subsection (c)(1)(B), by striking “each” and inserting “the”; and

(C) in subsection (d)(1)(B), by striking “an” and inserting “the”.

(2) TABLE OF CONTENTS OF THE NATIONAL SECURITY ACT OF 1947.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the items relating to sections 603, 604, 605, and 606 and inserting the following new items:

“Sec. 603. Extraterritorial jurisdiction.

“Sec. 604. Providing information to Congress.

“Sec. 605. Definitions.”.

#### TITLE IV—MATTERS RELATING TO THE CENTRAL INTELLIGENCE AGENCY

##### SEC. 401. WORKING CAPITAL FUND AMENDMENTS.

Section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended as follows:

(1) In subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking “program.” and inserting “program; and”; and

(iii) by adding at the end the following:

“(D) authorize such providers to make known their services to the entities specified in section (a) through Government communication channels.”; and

(B) by adding at the end the following:

“(3) The authority in paragraph (1)(D) does not include the authority to distribute gifts or promotional items.”; and

(2) in subsection (c)—

(A) in paragraph (2)(E), by striking “from the sale or exchange of equipment or property of a central service provider” and inserting “from the sale or exchange of equipment, recyclable materials, or property of a central service provider.”; and

(B) in paragraph (3)(B), by striking “subsection (f)(2)” and inserting “subsections (b)(1)(D) and (f)(2)”.

#### TITLE V—OTHER MATTERS

##### SEC. 501. HOMELAND SECURITY INTELLIGENCE PROGRAM.

There is established within the Department of Homeland Security a Homeland Security Intelligence Program. The Homeland Security Intelligence Program constitutes the intelligence activities of the Office of Intelligence and Analysis of the Department that serve predominantly departmental missions.

##### SEC. 502. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

Section 1007(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 50 U.S.C. 401 note) is amended by striking “Not later than one year after the date on which all members of the Commission are appointed pursuant to section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010,” and inserting “Not later than March 31, 2013.”.

##### SEC. 503. PROTECTING THE INFORMATION TECHNOLOGY SUPPLY CHAIN OF THE UNITED STATES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report that—

(1) identifies foreign suppliers of information technology (including equipment, software, and services) that are linked directly or indirectly to a foreign government, including—

(A) by ties to the military forces of a foreign government;

(B) by ties to the intelligence services of a foreign government; or

(C) by being the beneficiaries of significant low interest or no interest loans, loan forgiveness, or other support by a foreign government; and

(2) assesses the vulnerability to malicious activity, including cyber crime or espionage, of the telecommunications networks of the United States due to the presence of technology produced by suppliers identified under paragraph (1).

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) TELECOMMUNICATIONS NETWORKS OF THE UNITED STATES DEFINED.—In this section, the term “telecommunications networks of the United States” includes—

(1) telephone systems;

(2) Internet systems;

(3) fiber optic lines, including cable landings;

(4) computer networks; and

(5) smart grid technology under development by the Department of Energy.

##### SEC. 504. NOTIFICATION REGARDING THE AUTHORIZED PUBLIC DISCLOSURE OF NATIONAL INTELLIGENCE.

(a) NOTIFICATION.—In the event of an authorized disclosure of national intelligence or intelligence related to national security to the persons or entities described in subsection (b), the government official responsible for authorizing the disclosure shall submit to the congressional intelligence committees on a timely basis a notification of the disclosure if—

(1) at the time of the disclosure—

(A) such intelligence is classified; or

(B) is declassified for the purpose of the disclosure; and

(2) the disclosure will be made by an officer, employee, or contractor of the Executive branch.

(b) PERSONS OR ENTITIES DESCRIBED.—The persons or entities described in this subsection are as follows:

(1) Media personnel.

(2) Any person or entity, if the disclosure described in subsection (a) is made with the intent or knowledge that such information will be made publicly available.

(c) CONTENT.—Each notification required under subsection (a) shall—

(1) provide the specific title and authority of the individual authorizing the disclosure;

(2) if applicable, provide the specific title and authority of the individual who authorized the declassification of the intelligence disclosed; and

(3) describe the intelligence disclosed, including the classification of the intelligence prior to its disclosure or declassification and the rationale for making the disclosure.

(d) EXCEPTION.—The notification requirement in this section does not apply to a disclosure made—

(1) pursuant to any statutory requirement, including to section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”);

(2) in connection with a civil, criminal, or administrative proceeding;

(3) as a result of a declassification review process under Executive Order 13526 (50 U.S.C. 435 note) or any successor order; or

(4) to any officer, employee, or contractor of the Federal government or member of an advisory committee to an element of the intelligence community who possesses an active security clearance and a need to know the specific national intelligence or intelligence related to national security, as defined in section 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)).

(e) SUNSET.—The notification requirements of this section shall cease to be effective for any disclosure described in subsection (a) that occurs on or after the date that is one year after the date of the enactment of this Act.

##### SEC. 505. TECHNICAL AMENDMENTS RELATED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) PERSONNEL PRACTICES.—Section 2302(a)(2)(C) of title 5, United States Code, is

amended by striking clause (ii) and inserting the following:

“(i)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or”.

(b) SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting “the Office of the Director of National Intelligence,” after “the Central Intelligence Agency.”.

**SEC. 506. TECHNICAL AMENDMENT FOR DEFINITION OF INTELLIGENCE AGENCY.**

Section 606(5) of the National Security Act of 1947 (50 U.S.C. 426) is amended to read as follows:

“(5) The term ‘intelligence agency’ means the elements of the intelligence community, as that term is defined in section 3(4).”.

**SEC. 507. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) and the gentleman from Maryland (Mr. RUPPERSBERGER) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

**GENERAL LEAVE**

Mr. ROGERS of Michigan. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill before us today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ROGERS of Michigan. Madam Speaker, I yield myself such time as I may consume, and I appreciate the opportunity to be here on New Year's Eve.

I first wish to make an announcement with respect to the availability of the classified annex to the bill under consideration for the Members of the House. This is to reinforce a previous announcement I made to Members last evening.

Madam Speaker, the classified Schedule of Authorizations and the classified annex accompanying the bill remain available for review by Members at the offices of the Permanent Select Committee on Intelligence in room HVC-304 of the Capitol Visitor Center. The committee office will be open during regular business hours for the convenience of any Member who

wishes to review this material prior to its consideration by the House.

I recommend that Members wishing to review the classified annex contact the committee's director of security to arrange a time and date for that viewing. This will assure the availability of committee staff to assist Members who desire assistance during their review of these classified documents.

Madam Speaker, I am pleased that the House is considering this intelligence authorization bill today, the last day of the year. If passed and enacted, this will be our third intelligence authorization bill since I assumed the chairmanship and my friend the gentleman from Maryland became the ranking member of the House Intelligence Committee.

In May, the House overwhelmingly passed, by a vote of 386-28, an intelligence authorization bill which is the same product as the bill that is before us today. I appreciate the ranking member's hard work on this year's bill and that of our colleagues in the Senate to achieve a bipartisan result between the two Chambers.

□ 1030

This is indeed a rare occurrence in this town these days, but this is truly a bipartisan, bicameral product that moves forward when it comes to protecting the United States and putting us in the best national security posture we could imagine.

The intelligence authorization bill is vital to ensuring that our intelligence agencies have the resources and authorities they need to do their important work. The intelligence community plays a critical role in the war on terrorism and securing the country from the many threats that we face.

The annual authorization bill, which funds U.S. intelligence activities spanning 17 agencies, is also a vital tool for congressional oversight of the intelligence community's classified activities. Effective and aggressive congressional oversight is essential to ensuring the continued success of our intelligence community, and therefore the safety of all citizens of the United States. The current challenging fiscal environment demands the accountability and financial oversight of our classified intelligence programs that can only come with an intelligence authorization bill.

The FY 2013 bill sustains our current intelligence capabilities and provides for the development of future capabilities, all while achieving significant savings and ensuring intelligence agencies are being good stewards of our taxpayers' money.

This year, the bill is significantly below last year's enacted budget but up modestly from the President's roughly \$72 billion budget request for fiscal year 2013. It is also in line with the House budget resolution, which pro-

vides for a modest increase of defense activities above the President's budget.

The bill's comprehensive classified annex provides detailed guidance on intelligence spending, including adjustments to costly but important programs. The bill funds requirements of the men and women of the intelligence community, both military and civilian, many of whom directly support the war zones and are engaged in other dangerous operations designed to keep Americans safe.

It provides oversight and authorization for vital intelligence activities, including the global counterwar on terrorism and efforts by the National Security Agency to defend us from advanced foreign state-sponsored cyberthreats. And I can't tell you enough, Madam Speaker, how in this Chamber we have acted to stand up in the face of a growing cyberthreat not only to government networks but to private networks as well. We have, in a bipartisan way, given the first step on how we stand up our defenses here in the United States to protect us from nation-states like China and Russia—and now Iran—who seek to do us harm using the Internet. We will again aggressively pursue next year, with the help of my ranking member, actions needed, I believe, to protect the United States against what is the largest threat we face that we are not prepared to handle, and that is the growing threat of cyberattack and cyberespionage.

Countering the proliferation of weapons of mass destruction is also a critical, important mission of our intelligence community, and we made sure the resources were available to that end, as well as for global monitoring of foreign militaries and advanced weapons systems and tests, and for research and development of new technology to maintain our intelligence agencies' technological edge.

And like the House-passed bill, this bill promotes operating efficiencies in a number of areas, particularly in information technology, the ground processing of satellite data, and the procurement and operation of intelligence, surveillance, and reconnaissance platforms. The bill holds personnel levels, one of the first and biggest cost drivers, generally at last year's levels. Even so, the bill adds a limited number of new personnel positions for select, high-priority positions, such as FBI surveillance officers to keep watch on terrorists, and personnel for certain other programs that will increase cooperation and training with our foreign partners in the critically important role for our intelligence agencies as we move to protect ourselves from threats all around the world.

The bill authorizes increased funding for intelligence collection programs, including increased counterintelligence to thwart foreign spies. It also increases funding for our intelligence

community's comparative advantage—cutting-edge research and development. This is an incredibly important investment for the United States. If we are going to continue to lead in the ability to detect before they can do harm to the United States, we have to make the investment in research and development of high-end technological advancement.

While I cannot get into the specifics of a lot of these programs, it's important to mention them as we are going through the process each year in conducting oversight of intelligence activities and making funding recommendations that will help the community meet its mission in the most effective, fiscally responsible way.

The bipartisan fiscal year 2013 intelligence authorization bill we are considering today preserves and advances national security and is also fiscally responsible. The secrecy that is a necessary part of this country's intelligence work requires that the congressional Intelligence Committees conduct strong and effective oversight on behalf of the American people and even our colleagues here in the House. That strong and effective oversight is impossible, however, without the advancement of these bills.

I want to thank all of the members of the committee for their bipartisan effort to find agreement on a bill that saves money and moves forward smartly on protecting the interests of national security for the United States. I want to thank both of the staffs for working together to produce this bill. This truly is a collaborative effort both from staff and Members in this Chamber and in the Senate, proving that you can work in a bipartisan way to accomplish the best interests of the United States and, in this case, particularly when it comes to national security.

One final note: I want to congratulate Mrs. MYRICK on her years of great service to the Intelligence Committee. She will be leaving us this year. This will be her last authorization bill that she will participate in. I am pleased to see that a provision she championed in May concerning the protection of the United States information technology supply chain is included in this bill. She has done great work in her time with the committee, and she certainly will be missed. She has been a true champion of the national security interests of this country. She is a great friend of mine, and I wish her well in her new endeavors.

I thank all who participated. I also want to take this opportunity to thank my chief counsel for celebrating his birthday today on the House floor with us on New Year's Eve day. I appreciate that very much.

With that, I reserve the balance of my time.

Mr. RUPPERSBERGER. Madam Speaker, I yield myself as much time as I may consume.

Before us today is the Intelligence Authorization Act for fiscal year 2013. It's a good, bipartisan bill that gives our intelligence professionals the resources, capabilities, and authorities they need to keep us safe. And I also want to acknowledge the leadership of Chairman ROGERS. His bipartisan leadership has helped us make the Intelligence Committee a committee that provides oversight to our intelligence agencies and gives them the resources that they need to protect our country. I also want to acknowledge the staff on both sides of the aisle who worked very closely to put this bill together.

When Chairman ROGERS and I took over leadership of the Intelligence Committee, we made a commitment to bipartisanship. We believe politics has no place in national security. The stakes are just too high. We also made a commitment to passing intelligence budgets that provide oversight to the intelligence community and give it important financial direction. Chairman ROGERS and I also work closely with Chairwoman DIANNE FEINSTEIN and vice chair SAXBY CHAMBLISS of the Senate Intelligence Committee, our counterparts in the Senate, so we can get things done.

If this bill becomes law, it will be the third budget bill in a row passed since we took over leadership in January, 2011—a big change from the previous 6 years when we only passed one budget bill. This was an open, bipartisan process where we reached agreement on issues that will make this country safer and intelligence processes more efficient.

We know we are facing tough economic times. This budget is slightly below the enacted levels of FY 2012. We made cuts where appropriate, eliminated redundancies, and pushed programs to come in on time and on budget.

People ask me what keeps me up at night. Besides spicy food, I say weapons of mass destruction and a catastrophic cyberattack that shuts down our banking system, water supply, power grids or worse.

This bill continues a substantial investment in cybersecurity that must be made to keep up with the cyberthreats of today and tomorrow. We also believe we must protect privacy and civil liberties when it comes to cybersecurity.

Another priority is space. The bill promotes the commercial space industry by enhancing the government use of commercial imagery and commercial communications services. It requires the government to use commercial imagery to the maximum extent practicable.

I believe competition is important to ensure we get high quality products while keeping costs down. It drives innovation and provides a much-needed insurance policy in case there are prob-

lems with other programs. And it does create jobs.

The bill expanded our counterterrorism efforts to continue the fight against al Qaeda and its affiliates around the world. The bill also makes counterintelligence the priority it is. It makes strategic additions across the intelligence community. This will pay for surveillance, better supply chain security, and the counterintelligence analysts we need.

The bill added resources to the intelligence community's global coverage initiatives to ensure the United States is capable and ready to address threats from any location around the world, especially in areas of strategic interest.

□ 1040

It authorizes the Department of Defense's new defense clandestine service to reorganize its human intelligence collection. It will be a part of the CIA's national clandestine service. The bill directed the Director of national intelligence to develop a centralized cloud for the entire intelligence community; advancing collaboration and further promoting efficiency; and it required the President to develop a strategy for security clearance, reciprocity, and a report on how to better protect our information technology across the global supply chain.

I urge my colleagues to support the Intelligence Authorization Act for FY 2012. When this bill was before the House in May, it passed by a bipartisan margin of 386–28. It's a good bipartisan bill that gives our intelligence professionals what they need to do their jobs and protect our Nation.

Madam Speaker, I reserve the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, I inquire if the minority side has a list of speakers.

Mr. RUPPERSBERGER. At this time, we have one speaker. We're waiting for more; but if they don't come, we'll move on.

Mr. ROGERS of Michigan. Then I will continue to reserve the balance of my time.

Mr. RUPPERSBERGER. Madam Speaker, I yield 2 minutes to the Congressman from Ohio, DENNIS KUCINICH.

Mr. KUCINICH. I thank my friend. And I want to thank both my friends, the chair and the ranking member, for the work that they do on intelligence. You make a commitment to this country, and I think the country is in good hands because of your work.

I want to raise a question—and we've had some of these conversations between ourselves. I'm very concerned about the shift that's occurred in our national security policy where the Central Intelligence Agency has increasingly played a very powerful paramilitary role with the execution of drone strikes. Numerous studies have indicated that there are many innocent



civilians being killed by drone strikes. There's a lack of accountability here. There have been studies that suggest, for example in Yemen, that drone strikes are stirring up anti-American sentiment to the point where al Qaeda is actually being empowered.

We really have to ask of the CIA, but even more than that, of our entire national security infrastructure, What's the game plan here? We see there have been changes in military policy where certain functions have been ceded to the CIA. We see changes in foreign policy where the State Department has let go of some of its functions. We know that the military has made an attempt with the Defense Intelligence Agency to try to become more actively involved as a separate organization. They were seeking 1,600 new spies.

We have this architecture of national security which is so powerful, but I'm not sure that it's actually that effective. I don't question the effectiveness of our chair or our ranking member, but I do question the effectiveness of what we're doing.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUPPERSBERGER. I yield an additional 1 minute to the gentleman from Ohio.

Mr. KUCINICH. I do question the effectiveness of this drone program, its adherence to international law or lack thereof, the intel gathering on targeted killings where we've seen reports of efforts of one group to target individuals and other groups as a way of trying to settle some scores between people so they put them up as a potential terrorist and they get marked on a list and executed. And as I mentioned earlier, the concern about civilian deaths.

I think that the Central Intelligence Agency functions best in gathering intelligence, and we ought to support them in that regard. I was very concerned and expressed this on the floor about what happened in Benghazi. If we'd paid more attention to the CIA, we probably would still have some of our officials there alive. But that's gone and it's over. We have to recognize that putting the CIA more and more into a paramilitary position is not in the best interest of this country, I don't believe.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

The gentleman and I have had these conversations, and I respect his position greatly and the work he does in Congress.

I have some disagreements, and I'll tell you why—and I hope that the gentleman will consider voting for this bill today. The amount of oversight that the ranking member and I have increased on programs that may have concerns on behalf of Americans, because we have the same concerns. There are tools that America engages in, including air strikes. Air strikes

have been something that we have used since we could figure out how to get something off the ground and throw something at the ground. They have been used as a tool. It's not a policy of the United States; it's a tool of the United States to make America safe.

The amount of oversight that happens—and I will tell you this: if there is any air strike conducted that involves an enemy combatant of the United States outside the theater of direct combat, it gets reviewed by this committee. I am talking about every single one. That's an important thing. There are very strict reviews put on all of this material. There are very strict guidelines about how these air strikes may or may not occur, because we have that same feeling. If people lose faith in the ability of our intelligence services to do their work, then they will be ineffective, and, therefore, we will be less safe.

Our argument has been we want that oversight, we want aggressive oversight, and we want thorough review. I can tell you—and I think you'd be proud—of the very work that we do on the committee to that end. We never really did covert-action reviews, except for sporadically. Now we do regularly, quarterly, and monthly covert-action reviews on this committee to make sure that we get it right, that they get it right.

Mr. KUCINICH. Will the gentleman yield?

Mr. ROGERS of Michigan. I would be honored to yield to the gentleman from Ohio.

Mr. KUCINICH. I have no question about the commitment of the chair and the ranking member to proper oversight, but what I do question is that the proliferation of the drone strikes puts such an extraordinary burden on our own oversight capacities. I'm wondering, looking retrospectively at the number of civilian casualties that have occurred, the oversight—there's a decoupling of the oversight capacity from the consequences of the strikes, and that's the point that I'm making here.

I would ask my friend going forward for the committee to be ever more vigilant on—if you're for these strikes and you are conducting the oversight, look at the consequences of civilian casualties to raise questions about the information that's being given you. That's the point that I'm making.

With that, I thank my friend for yielding.

Mr. ROGERS of Michigan. I appreciate that, and I reclaim my time.

I think this is very important. Again, I personally review and the committee reviews the material that comes to these committees.

There are many in the world who have political agendas about civilian casualties. I can tell you to rest assured that that is a point of review for any activity—I'm talking about any

activity—that our intelligence community may or may not engage in. I think that you would be shocked and stunned how wrong those public reports are about civilian casualties, and I say that with all seriousness and with the very thought that every one of these events is reviewed.

If there is an air strike used as a technique anywhere in the world to keep America safe, it is reviewed if it comes within the purview of the intelligence community, both military and civilian, on this committee. Those reports are wrong. They are not just wrong; they are wildly wrong. And I do believe people use those reports for their own political purposes outside of the country to try to put pressure on the United States.

□ 1050

Mr. KUCINICH. If I may, will the gentleman yield?

Mr. ROGERS of Michigan. I yield to the gentleman from Ohio.

Mr. KUCINICH. What I would like to do, Mr. Chairman, is to present to you and the ranking member reports that have been forwarded to me regarding these casualties. Maybe these are reports that you've seen, and maybe they aren't; but I certainly think that in the interest of acquitting our country's efforts that we make sure that every effort is made to avoid civilian casualties. So I will present those to you and the ranking member in the next few days, and I want to thank you for giving me this opportunity.

Mr. ROGERS of Michigan. In reclaiming my time, I just want to assure the gentleman that every one of these is reviewed, and rest assured that the public reports about civilian casualties are not just a little bit wrong; they are wildly wrong.

With that, I reserve the balance of my time.

Mr. RUPPERSBERGER. I yield myself such time as I may consume.

First, I do want to acknowledge the work that has been done by DENNIS KUCINICH as a Member of Congress. DENNIS and I don't always philosophically agree, but I respect that he has a good point of view. That's the whole process here in Congress—that we have different points of view, that we come together, that we debate, and that we can make decisions.

So, DENNIS, we are going to miss you. Good luck to you and your family in the future, and I'm glad that one of the last things you're going to do is come here and talk about our bill today.

In just acknowledging what the chairman said, there is an aggressive legal process that is undertaken as far as drones are concerned that goes to the highest levels of our government before strikes are taken. In everything that I have reviewed, if there are children or innocent victims there, the strike does not take place. So there is



a process. Unfortunately, there are some casualties—very minor. I would also agree with the chairman as far as this is concerned: in that what you read in the media is usually not what the facts are.

It is part of what we do. Why do we have the Intelligence Committee? We have it because there is classified information that if it got out would hurt the national security of our country. It's part of our role and our committee's role to take this classified information and work with the agencies to which we provide oversight so we will continue to work through that process.

Mr. KUCINICH, I'm glad that you did raise that as an issue, as we all should.

Madam Speaker, for the third time in 3 years, Chairman ROGERS and I have stood on the floor of the House encouraging our colleagues to support our intelligence budget bill. Today, we both rise in support of the Intelligence Authorization Act for Fiscal Year 2013. The bill gives our intelligence professionals the resources, capabilities, and authorities they need to protect America and American interests.

We crafted a bill that addresses our core needs, including space, cybersecurity, counterintelligence, and counterterrorism. We are also keeping an eye on the bottom line. The bill is slightly below last year's budget and holds personnel at last year's levels. In a very strong bipartisan way, the Intelligence Committee came together as Democrats and Republicans to do what is right for our country and for the intelligence community.

I thank the staff again for what it has done, and I thank the chairman for his leadership in helping to provide this bill in a very fair, bipartisan way.

I would also like to acknowledge two Democratic Members who will be leaving us at the end of this session—Congressman DAN BOREN of Oklahoma and Congressman BEN CHANDLER of Kentucky. Both Members will be greatly missed, and I appreciate their service on the Intelligence Committee.

Madam Speaker, I urge my colleagues to support the Intelligence Authorization Act for FY 2013, and I yield back the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, may I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Michigan has 5½ minutes remaining.

Mr. ROGERS of Michigan. I yield myself such time as I may consume.

Again, I want to thank my ranking member and both staffs on the Intelligence Committee for the long hours, hard work and thorough, detailed work on the budgets and on the classified annex of this report.

I think it should alleviate many of the good concerns of Mr. KUCINICH and others who are concerned about these activities. I think it's important to re-

iterate that we have the same concerns, which is why we are so thorough and why we have joined together in a bipartisan way to increase the level of congressional oversight and to increase our impact and influence on the policies of the intelligence community in order to make sure it conforms with what this body and what I think the United States of America wants and needs in its intelligence services.

We have now done, as I said before, regularly scheduled covert action, which, I think, should rest assured Americans that it is serious, thoughtful and thorough oversight. For counterintelligence activities, we now have regularly scheduled oversight. Every department is required to proffer its budget request, and we go over it line by line, dollar by dollar, policy by policy to make sure it conforms with the concerns of everyone in this body.

As I said before, these are very brave Americans who are serving in really tough neighborhoods all over the world—trying to collect information, trying to take actionable intelligence to a point that it protects us from harm here at home. They deserve our respect, our encouragement, our high-five and pat on the back when they come home. They want thorough oversight. You wouldn't believe it, but they do. They want to know that the work that they're doing would make America proud for them risking their lives and being away from their families and putting it all on the line to keep America safe.

That's why we agreed to do this in a bipartisan way and to be so thorough in its congressional oversight, because without that—without that confidence, without that faith of the American people that they're doing something on behalf of this great Nation—they will lose their ability to do what they do, and they will lose the courage and confidence that they need to do it in the right way. So that's what this bill reflects.

I understand your concerns. I look forward to our further conversations on this; and in further conversations, I'd like to have the opportunity, if we can arrange this, to give you some examples—a peek behind the curtain as to exactly what goes on in the processes of making sure that we keep the good people safe and that the bad guys are brought to justice. I think you'd be proud of that work. This bill reflects that.

Again, thanks to the ranking member and to the staffs and to the members on both sides of this committee. Thanks to Senator FEINSTEIN and to Senator SAXBY CHAMBLISS for their help in putting this bill together.

I hope we'll get a large show of support with a strong vote of bipartisan support for the men and women who are serving at our intelligence posts all around the world today. Let's send this

to the President so we can go about the business of keeping America safe and maybe even look at some other details that the Speaker may have interest in dealing with today.

With that, I yield back the balance of my time.

Mr. BLUMENAUER. Madam Speaker, today, I voted against the Fiscal Year 2013 Intelligence Authorization Act. Despite keeping funding levels flat and capping personnel levels to that of Fiscal Year 2012, this authorization is not significantly different than the earlier version I voted against in May.

It is another missed opportunity to make significant, smart reductions in our intelligence infrastructure, at a time when we're asking so many others to make significant budgetary sacrifices in the midst of austerity. This legislation continues to spend way too much money—\$72 to \$78 billion a year—with little transparency or efforts to reduce the sprawling intelligence community and protect privacy rights.

It's of paramount importance to keep our country safe, and that's exactly what our intelligence community has done, but we cannot afford to spend as much on intelligence as Russia does on its entire military budget or employ hundreds of thousands of people with secret clearance.

Mr. HOLT. Madam Speaker, I regret that this bill, like so many of its predecessors over the past several years, does nothing to address some the urgent need for real reform in our intelligence community.

I am particularly troubled by the failure of this bill to address the deepening militarization of the Central Intelligence Agency, a process that began long ago but that has accelerated dramatically in the post-9/11 era.

Throughout most of its history, the CIA has—at the direction of successive presidents—veered between two organizational paths. The first, and the proper one, is for the CIA to do what President Truman intended when he created it: to collect information about the world around us, synthesize and analyze that data, and provide it to the executive and the legislature for their information and action, as appropriate. The other path—the one that has caused the CIA and our Nation so much grief—is the path of militarized covert, and not-so-covert, action.

Today, it is manifested in a quasi-publicly acknowledged CIA assassination-by-drone campaign on which the Administration has refused to provide information, despite my own request and the request of many other House and Senate members for the information. In the previous decade, we saw what happened when lines of responsibility and accountability for secret programs were fuzzy or not observed. The result was a detainee and interrogation program that was a national embarrassment morally, and an albatross politically with our allies around the world. The not-so-covert “drone wars” are on a similar glide path, and this bill does nothing to provide a much-needed course correction for the policy.

This state of affairs is all the more regrettable because there are many dedicated professionals working in the CIA and elsewhere in our intelligence community who are forced to implement these questionable programs

and policies. Some would agree with me that the entire enterprise is out of control and would benefit from much more focused and effective Congressional oversight. If this bill contained whistleblower protections for intelligence community employees, some of those individuals might well step forward to report what they know, and what they believe needs to be changed. But this bill contains no such protections, ensuring that the chilling threat of job retaliation remains in place. We will not restore true accountability and oversight over the intelligence community until such reforms are enacted, and which are absent from this bill. Accordingly, I cannot support it.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, S. 3454.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROGERS of Michigan. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### NEIL A. ARMSTRONG FLIGHT RESEARCH CENTER AND HUGH L. DRYDEN AERONAUTICAL TEST RANGE DESIGNATION ACT

Mr. HALL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6612) to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6612

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. REDESIGNATION OF DRYDEN FLIGHT RESEARCH CENTER.

(a) REDESIGNATION.—The National Aeronautics and Space Administration (NASA) Hugh L. Dryden Flight Research Center in Edwards, California, is redesignated as the “NASA Neil A. Armstrong Flight Research Center”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the flight research center referred to in subsection (a) shall be deemed to be a reference to the “NASA Neil A. Armstrong Flight Research Center”.

#### SEC. 2. REDESIGNATION OF WESTERN AERONAUTICAL TEST RANGE.

(a) REDESIGNATION.—The National Aeronautics and Space Administration (NASA) Western Aeronautical Test Range in California is redesignated as the “NASA Hugh L. Dryden Aeronautical Test Range”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the test range referred to in subsection (a) shall be deemed to be a reference to the “NASA Hugh L. Dryden Aeronautical Test Range”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HALL) and the gentlewoman from Maryland (Ms. EDWARDS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

□ 1100

#### GENERAL LEAVE

Mr. HALL. Madam Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6612, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HALL. Madam Speaker, I yield myself such time as I may consume.

I want to begin by thanking, as I should, the Members for their bipartisan support of the legislation. H.R. 6612 would redesignate the National Aeronautics and Space Administration's Dryden Flight Research Center, which is co-located with the Edwards Air Force Base in the Antelope Valley of California, as the Neil A. Armstrong Flight Research Center. The bill would also rename the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range. This is very appropriate; they were very dear friends.

Neil Armstrong needs no introduction. Actually, this bill was introduced by his congressman, KEVIN MCCARTHY, the congressman where the redesignation will take place. The gentleman from California is the majority whip, but Neil Armstrong absolutely needs no introduction. He's an iconic American hero, and one of the most humble men I've ever met. He was quiet, thoughtful, and deliberate, choosing his words carefully, whether it was testifying before a congressional committee, giving a speech, or sharing a quiet moment with a friend. He did not exaggerate, and always, always gave recognition to the teams of engineers, technicians, and scientists at NASA and in industry when speaking about the success of the Apollo 11 mission. He refused to take personal credit for his accomplishments.

Naming the flight center after Neil is very appropriate. After graduating from college, Neil joined NASA's predecessor agency, the National Advisory Council on Aeronautics, and soon found himself at NACA's High Speed Flight Station located at Edwards, which in time would become the Dryden Flight Research Center. He spent 7 years there flying a variety of new design and high-performance aircraft, includ-

ing seven flights at the controls of the X-15.

Neil was a good friend, and is sorely missed by me and by all of the people he touched during his long and active life. He is survived by his wife, Carol; his two sons, Mark and Rick; a stepson and a stepdaughter; 10 grandchildren; and a brother and sister.

The bill also names the Western Aeronautical Test Range after Dr. Hugh L. Dryden. He held the position of director of the National Advisory Council on Aeronautics from 1947 until it was renamed NASA in 1958, and was deputy director of NASA until his death in 1965.

Dr. Dryden did pioneering research on airfoils near the speed of sound and the problems of airflow and turbulence. His work greatly contributed to the designs of wings for aircraft, including the P-51 Mustang and other World War II aircraft.

Before I close, I want to tell something that was rather interesting. President Clinton, I think it was on the 25th anniversary, invited Neil to speak, knowing that he probably wouldn't speak because he had indicated that he would not. But he left an empty chair for him on the stage. And as we got through the ceremony, Neil walked in. And the President, good natured, said, Well, I said you wouldn't speak, but here's the microphone.

Neil took the microphone and said, The parrot is the only bird that can fly and speak, and I can do the same.

Then he sat down, and it brought the house down.

I urge Members to support this bill, and I reserve the balance of my time.

Ms. EDWARDS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, all Americans can recite those famous words uttered by Neil Armstrong 43 years ago as he became the first human to walk on the Moon. Those words, as all Americans know were, “That's one small step for man, one giant leap for mankind.”

In an effort to recognize that great man, H.R. 6612 has been offered to redesignate the National Aeronautics and Space Administration's Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center. The bill would also rename the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

While I plan to support it, this is a bill that is a bit unfortunate since it honors one aerospace pioneer by stripping away the honor previously extended to another worthy pioneer. Both are worthy of recognition. Their accomplishments at NASA and for the Nation are without parallel.

Dr. Hugh Latimer Dryden was director of the National Advisory Committee for Aeronautics from 1947 until the creation of the National Aeronautics and Space Administration, and

was named deputy administrator of the new aerospace agency when it was created in response to the Sputnik crisis.

Dr. Dryden made numerous technical contributions to research in high-speed aerodynamics, fluid mechanics, and acoustics, and published more than 100 technical papers and articles in professional journals. NASA's Dryden Flight Research Center in Edwards, California, was named in honor of him on March 26, 1976. The center is NASA's premier site for aeronautical flight research.

Neil Armstrong joined NACA, the advisory committee, in 1955 following his service as a naval aviator. Over the next 17 years, he was an engineer, test pilot, astronaut, and administrator for the committee and its successor agency, NASA.

As a research pilot, he flew over 200 different models of aircraft, such as the storied X-15. He transferred to astronaut status in 1962, and was command pilot for the Gemini VIII mission when he performed the first successful docking of two vehicles in space. As spacecraft commander for Apollo 11, the first manned lunar landing mission, Neil Armstrong inspired millions around the world. He inspired me. And he passed away just this past August.

Madam Speaker, it's clear that Neil Armstrong never sought the honor of having a NASA center named after him while he was alive. And the truth is, his name is going to live long throughout history whether or not we ever name anything for him. I expect that today we will approve this legislation, and that's fine. But I hope that all the Members who vote to honor him today will remember his testimony before the House Science, Space, and Technology Committee. I know that our chairman, Mr. HALL, will remember that during that testimony he argued eloquently for the critical importance of giving NASA a sustainable future and a human exploration program that can once again inspire our children and humanity around the world.

It seems rather extraordinary that even as we're honoring our hero, Neil Armstrong, that we face a situation where NASA's budget would be decimated, gutting the very programs that Neil Armstrong felt so passionately about. And if the same Members who vote to honor him today will commit to working in the coming months and years for those exploration goals, to those heights to which he devoted the last years of his life, then we will have truly honored Neil Armstrong in an enduring and meaningful way.

And with that, I reserve the balance of my time.

Mr. HALL. Madam Speaker, I yield 5 minutes to the very capable majority whip, the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. Madam Speaker, to the committee,

thank you for your work, and especially to Chairman HALL for his tenure on the committee and his history-making here in Congress. I thank you.

Madam Speaker, I rise today in support of H.R. 6612 to honor two great pioneers in American aeronautics and space exploration, Dr. Hugh Dryden and astronaut Neil Armstrong.

Some of us here today can remember the pride every American felt in the summer of 1969 when we heard Neil Armstrong utter those famous words, "that's one small step for man, one giant leap for mankind," when he led the Apollo 11 mission and landed on the Moon.

Before this incredible trip, Armstrong served as a test pilot for 7 years at what is presently called the NASA Dryden Flight Research Center in Kern County, California, which I'm proud to represent.

Armstrong accumulated 2,400 hours of flying as a test pilot there, mainly in experimental jets. He was also part of the team in the early 1960s that researched how to land on the Moon using the Lunar Landing Research Vehicle.

After the success of Apollo 11, Armstrong became NASA's deputy associate administrator for aeronautics. Under Armstrong's leadership, the center had one of its most far-reaching technological breakthroughs in a concept called digital fly-by-wire, the precursor to computerized flight control systems used on nearly all military and civilian high-performance aircraft, including the space shuttles.

At NASA's Dryden 50th anniversary, Armstrong said in his speech: "My years here were wonderful years. Dryden was a most unusual place—its enormous curiosity, wonderful intensity, and its unbelievable willingness to attempt the impossible here."

H.R. 6612 would rename the center in his honor the Neil A. Armstrong Flight Research Center.

□ 1110

The bill would also honor Dr. Hugh Dryden's contributions to aerospace engineering, some that made Neil Armstrong's achievements possible.

Dr. Dryden was an early pioneer in aerodynamics and helped with many scientific breakthroughs, including the X-15 aircraft that launched some test pilots to careers as astronauts, including Neil Armstrong.

Dr. Dryden was chosen to be NASA's first deputy administrator in 1958, placing him in charge of the programs that allowed the Agency to send those three brave men to the Moon in 1969. Dr. Dryden passed away in 1965, just a few years before his work was fulfilled and Armstrong took that first small step.

H.R. 6612 will memorialize both men by redesignating the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the West-

ern Aeronautic Test Range as the Hugh L. Dryden Aeronautical Test Range.

Edwards Air Force Base, Naval Air Weapons Station China Lake, and the NASA Flight Research Center in east Kern County remain a hub of scientific discovery, aeronautical innovation, and space exploration. I look forward to many more groundbreaking achievements from the men and women inspired by the legacy of Neil Armstrong and Hugh Dryden.

Madam Speaker, I will insert the following letters of support for my bill into the RECORD. I urge my colleagues to join me in supporting this bill.

SPACEX,

Washington, DC, December 13, 2012.

Hon. KEVIN MCCARTHY,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN MCCARTHY: I am writing to express SpaceX's support for your recently introduced legislation, H.R. 6612, to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center.

Throughout his extraordinary life, Neil Armstrong served as an inspiration to the nation and to the world, as a leader, explorer, and educator. His historic voyage to the Moon in 1969 opened the cosmos and created a legacy of greatness that will be forever remembered by all those in the pursuit of discovery.

By renaming the Center, you are honoring Neil Armstrong's life of achievements every day with the groundbreaking science conducted there. SpaceX and our more than 2,200 employees applaud this important legislation and are proud to look to Commander Armstrong's outstanding character every day as we take our first steps into space.

Sincerely,

TIM HUGHES,  
Senior Vice President & General Counsel.

EAFB  
CIV-MIL SUPPORT GROUP,  
Lancaster, CA.

Hon. KEVIN MCCARTHY,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN MCCARTHY, The Edwards Air Force Base Civilian/Military Support Group wishes to convey to you its support of an initiative to change the designation of the "NASA Dryden Flight Research Center" at Edwards AFB, Ca. to the "Neil A. Armstrong Flight Research Center" and the designation of the "Western Aeronautical Test Range" as the "Hugh L. Dryden Aeronautical Test Range."

Founded over 24 years ago, our organization is the only non-profit group dedicated exclusively to supporting the men and women, both civilian and military, who serve at Edwards AFB. As such, we feel it is entirely fitting that the NASA Dryden Flight Research Center be re-named in honor of Neil A. Armstrong, a decorated naval aviator and flight test pioneer who faithfully served our nation in both civilian and military capacities. Additionally, Mr. Armstrong enjoyed close ties to both the flight test community at Edwards AFB and the local Antelope Valley civilian community. In fact, many of his former colleagues still reside here and speak fondly of Mr. Armstrong and his contributions to this nation.

We would like to also recognize that the contributions to this country made by Hugh

L. Dryden are many and of worthy distinction in their own right and we do not wish to detract from such a distinguished legacy. Therefore, out of respect for Mr. Dryden's living family members and in order to preserve his memory we feel it is entirely appropriate to re-name the Western Aeronautical Test Range in his honor.

Our nation is in dire need of programs that build on a solid base of science, mathematics and engineering in order to keep pace with our ever expanding technology. We feel the re-designation of these two assets will help to inspire future generations of aviators, scientists and engineers.

For the above reasons, the Edwards AFB Civilian/Military Support Group joins with our legislative offices and other community organizations in supporting the proposed name change to the Neil A. Armstrong Flight Research Center and Hugh L. Dryden Aeronautical Test Range.

Thank you for your efforts in pushing this initiative forward in Congress and we wish you great success.

Sincerely,

DANNY A. BAZZELL,  
President, Edwards AFB  
Civilian/Military Support Group.

MOJAVE AIR & SPACE PORT,  
Mojave, CA, November 27, 2012.

Hon. KEVIN MCCARTHY,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN MCCARTHY, Mojave Air & Space Port strongly supports a Resolution in favor of the proposed name change of the current NASA Dryden Flight Research Center to the Neil A. Armstrong Flight Research Center and Western Aeronautical Test Range to the Hugh L. Dryden Aeronautical Test Range.

It is most appropriate that Astronaut Neil A. Armstrong be honored and memorialized in this way with his noted lifelong accomplishments as the first human to walk on the moon and as a former test pilot who worked at the Dryden Flight Research Center for seven years (1955-1962) as well as emphasis on the contributions of the center to the agency's space exploration mission.

The Resolution recognizes the importance of this center in advancing technology and science through flight research and technology integration to revolutionizing aviation and pioneering aerospace technology as well as space exploration. We feel that this would be an extraordinary honor for Neil Armstrong by strongly encouraging and supporting the passage of this legislation to honor his memory as well as acknowledging the accomplishments of Hugh L. Dryden by renaming the aeronautical test range in his honor.

Sincerely,

STUART O. WITT,  
Chief Executive Officer.

SACRAMENTO, CA,  
November 28, 2012.

Hon. KEVIN MCCARTHY,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN MCCARTHY: Thank you for introducing legislation to recognize Neil Armstrong and Hugh Dryden's enormous contributions to our national space program and the aerospace community in the Antelope Valley.

Designating the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the West-

ern Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range honors both of these individuals appropriately and in a way that highlights the contributions they have made.

Aerospace is an ever changing, constantly advancing field. In the same way it was right to redesignate the former Lewis Research Center in Ohio to honor John Glenn's achievements and contributions, it is right to do so to honor Neil Armstrong and Hugh Dryden at the Edwards AFB facility.

On behalf of the nine million California residents, including the aerospace communities in the high desert areas of Kern, Los Angeles and San Bernardino counties, I fully support H.R. 6612 and encourage all our federal representatives to join and support your legislation. Thank you for your time and consideration.

Sincerely,

GEORGE RUNNER,  
Member, California State  
Board of Equalization.

GREATER ANTELOPE VALLEY  
ECONOMIC ALLIANCE,  
Lancaster, CA, December 5, 2012.

Hon. KEVIN MCCARTHY,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN MCCARTHY: On behalf of the Board of Directors of the Greater Antelope Valley Economic Alliance (GAVEA), I'm requesting your support of an initiative to designate the NASA Dryden Flight Research Center at Edwards, Calif., the NASA Neil A. Armstrong Flight Research Center and to designate NASA's Western Aeronautical Test Range the NASA Hugh L. Dryden Aeronautical Test Range.

GAVEA has been a supporter of the flight test missions at Edwards since our inception in 2000. In light of NASA's current mission to "extend the frontiers of space exploration, scientific discovery, and aeronautics research," we can think of no other person than Neil Armstrong whose name has the ability to inspire the next generation of researchers, scientists and space explorers.

In addition, Mr. Armstrong had strong ties to both the center and the local community and lived an extraordinary life of service not only to his country as a test pilot and astronaut, but also as an educator. Recognition of his contribution to the nation is long overdue. Many of his former colleagues from the center still reside in our community and can attest to his reputation for exemplary values as well as technical and operational excellence.

With due consideration, we acknowledge that Dr. Hugh Dryden also made a significant contribution to the NASA center at Edwards. However, few people today, especially young people, are able to make an immediate connection to his name. We believe it is important to preserve his legacy and that naming the Aeronautical Test Range after him would be a fitting tribute to his memory and to his living family members. It is a far more imperative mandate, however, to do what we can now to inspire math and science education through the center so that the important mission at NASA continues into the future. A fresh face on the facility at Edwards, in our opinion, will accomplish that objective.

The Board of Directors of GAVEA wholeheartedly join our local legislators in endorsing this name change that reflects the outstanding successes of the center for over 60 years. We thank you for your effort to ad-

vance this initiative in Congress in the weeks to come.

Sincerely,

DR. JACKIE FISHER,  
GAVEA, Chairman.

PALMDALE CHAMBER OF COMMERCE,  
Palmdale, CA, November 28, 2012.

On behalf of the Palmdale Chamber of Commerce, I want to share our support for the name change of NASA's Dryden Flight Research Center.

The Palmdale Chamber of Commerce has always been supportive of and, has been a beneficiary of, aerospace and space exploration brought about through the work of NASA. My personal dealings with NASA have led me to believe that they have done their due diligence in educating the population on who Hugh Dryden was however, many still do not know, nor will they ever know the impact of his work.

For this reason, the Palmdale Chamber of Commerce is supportive of a name change to NASA's Dryden Flight Research Center. A change in name to the Neil A. Armstrong Flight Research Center brings familiarity to NASA and in name alone will lend itself to increased interest in NASA's mission at the Flight Research Center.

Thank you for your consideration.

Sincerely,

JEFF MCSELFRESH,  
CEO, Palmdale Chamber of Commerce.

ANTELOPE VALLEY BOARD OF TRADE,  
Lancaster, CA, Nov. 27, 2012.

Hon. KEVIN MCCARTHY,  
Cannon House Office Building,  
Washington DC.

DEAR CONGRESSMAN MCCARTHY: The Antelope Valley Board of Trade wishes to express to you its support of an initiative to designate the NASA Dryden Flight Research Center at Edwards, Calif., the NASA Neil A. Armstrong Flight Research Center and to designate NASA's Western Aeronautical Test Range the NASA Hugh L. Dryden Aeronautical Test Range.

Our organization has been a supporter of the flight test missions at Edwards since the late 1950s. To that effect, we have seen numerous name changes of the NASA facility over the years, and we feel that the timing is right to move the center into a new era. In light of NASA's current mission to "extend the frontiers of space exploration, scientific discovery, and aeronautics research" we can think of no other person than Neil Armstrong whose name has the ability to inspire the next generation of researchers, scientists and space explorers.

In addition, Mr. Armstrong had strong ties both to the center and to the local community and lived an extraordinary life of service not only to his country as a test pilot and astronaut, but also as an educator. Recognition of his contribution to the nation is long overdue. Many of his former colleagues from the center still reside in our community and can attest to his reputation for exemplary values as well as technical and operational excellence.

With due consideration, we acknowledge that Dr. Hugh Dryden also made a significant contribution to the NASA center at Edwards. However, few people today, especially young people, are able to make an immediate connection to his name. We believe it is important to preserve his legacy and that naming the Aeronautical Test Range after him would be a fitting tribute to his memory and to his living family members. It is a far more imperative mandate, however,

to do what we can now to inspire math and science education through the center so that the important mission at NASA continues into the future. A fresh face on the facility at Edwards, in our opinion, will accomplish that objective.

We join our local legislators in endorsing this name change that reflects the outstanding successes of the center for over 60 years. We thank you for your efforts to advance this initiative in Congress in the weeks to come.

For over fifty-three years the mission of the Antelope Valley Board of Trade has been "to promote diverse business and industry, quality infrastructures, and a strong legislative voice for the benefit of our members and the greater Antelope Valley."

Sincerely,

VICKI MEDINA,  
Executive Director.

KERN COUNTY BOARD OF SUPERVISORS,  
Bakersfield, CA, December 4, 2012.

Hon. BARBARA BOXER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR BOXER: The Kern County Board of Supervisors supports legislation by Rep. Kevin McCarthy to redesignate the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

The legislation will accomplish three important goals: (1) to honor and memorialize Neil A. Armstrong, the first human to walk on the Moon and a former test pilot who worked at the Center for seven years (1955–1962), (2) to emphasize the contributions of that Center to the agency's space exploration mission, and (3) to continue to memorialize the extraordinary career of Hugh F. Dryden by renaming the aeronautical test range (approximately 12,000 square miles of special use airspace) in his honor.

Neil Armstrong's career in test flight began at Edwards Air Force Base. At the time he became an astronaut, Armstrong had logged 2,400 hours of flying time as a test pilot at Edwards, about 900 of the hours in jets. Armstrong was the only member of his class of astronauts who had flown in any rocket-powered aircraft, notably the X-15, which he piloted seven times at the Center.

While still a test pilot at the NASA Flight Test Center in the early 1960s, Armstrong was part of a team that conceptualized the Lunar Landing Research Vehicle (LLRV), a flight test article that proved critically important in learning what would be required to pilot a spacecraft to a lunar landing. The LLRV evolved into the Lunar Landing Training Vehicle in which Armstrong and all other commanders of Apollo lunar landing missions trained for their descents from lunar orbit to the surface of the Moon.

At the conclusion of Apollo 11, Armstrong left his astronaut duties and became NASA's Deputy Associate Administrator for Aeronautics. In this post he oversaw the aeronautical research programs being conducted at the Center and took a lead role in the Center's work on the new technology of digital fly-by-wire (DFBW), a concept for flying an airplane electronically. NASA considers DFBW technology to be one of the most far-reaching research technology breakthroughs that its Flight Research Center has made in its 60-year history. DFBW technology was the forerunner of the computerized flight control systems used on nearly all modern

high performance aircraft, on military and civilian transports, and on the space shuttles.

Given Commander Armstrong's extraordinary career and his close association with Edwards Air Force Base, our Board believes it is appropriate to redesignate the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center, and that it is equally appropriate to redesignate the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range. We respectfully request your strong support for this legislation.

Sincerely,

ZACK SCRIVNER,  
Chairman.

KERN COUNTY BOARD OF SUPERVISORS,  
Bakersfield, CA, December 4, 2012.

Hon. JIM COSTA,  
U.S. House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN COSTA: The Kern County Board of Supervisors supports legislation by Rep. Kevin McCarthy to redesignate the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

The legislation will accomplish three important goals: (1) to honor and memorialize Neil A. Armstrong, the first human to walk on the Moon and a former test pilot who worked at the Center for seven years (1955–1962), (2) to emphasize the contributions of that Center to the agency's space exploration mission, and (3) to continue to memorialize the extraordinary career of Hugh L. Dryden by renaming the aeronautical test range (approximately 12,000 square miles of special use airspace) in his honor.

Neil Armstrong's career in test flight began at Edwards Air Force Base. At the time he became an astronaut, Armstrong had logged 2,400 hours of flying time as a test pilot at Edwards, about 900 of the hours in jets. Armstrong was the only member of his class of astronauts who had flown in any rocket-powered aircraft, notably the X-15, which he piloted seven times at the Center.

While still a test pilot at the NASA Flight Test Center in the early 1960s, Armstrong was part of a team that conceptualized the Lunar Landing Research Vehicle (LLRV), a flight test article that proved critically important in learning what would be required to pilot a spacecraft to a lunar landing. The LLRV evolved into the Lunar Landing Training Vehicle in which Armstrong and all other commanders of Apollo lunar landing missions trained for their descents from lunar orbit to the surface of the Moon.

At the conclusion of Apollo 11, Armstrong left his astronaut duties and became NASA's Deputy Associate Administrator for Aeronautics. In this post he oversaw the aeronautical research programs being conducted at the Center and took a lead role in the Center's work on the new technology of digital fly-by-wire (DFBW), a concept for flying an airplane electronically. NASA considers DFBW technology to be one of the most far-reaching research technology breakthroughs that its Flight Research Center has made in its 60-year history. DFBW technology was the forerunner of the computerized flight control systems used on nearly all modern high performance aircraft, on military and civilian transports, and on the space shuttles.

Given Commander Armstrong's extraordinary career and his close association with Edwards Air Force Base, our Board believes it is appropriate to redesignate the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center, and that it is equally appropriate to redesignate the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range. We respectfully request your strong support for this legislation.

Sincerely,

ZACK SCRIVNER,  
Chairman.

KERN COUNTY BOARD OF SUPERVISORS,  
Bakersfield, CA, December 4, 2012.

Hon. DIANNE FEINSTEIN,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR FEINSTEIN: The Kern County Board of Supervisors supports legislation by Rep. Kevin McCarthy to redesignate the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

The legislation will accomplish three important goals: (1) to honor and memorialize Neil A. Armstrong, the first human to walk on the Moon and a former test pilot who worked at the Center for seven years (1955–1962), (2) to emphasize the contributions of that Center to the agency's space exploration mission, and (3) to continue to memorialize the extraordinary career of Hugh L. Dryden by renaming the aeronautical test range (approximately 12,000 square miles of special use airspace) in his honor.

Neil Armstrong's career in test flight began at Edwards Air Force Base. At the time he became an astronaut, Armstrong had logged 2,400 hours of flying time as a test pilot at Edwards, about 900 of the hours in jets. Armstrong was the only member of his class of astronauts who had flown in any rocket-powered aircraft, notably the X-15, which he piloted seven times at the Center.

While still a test pilot at the NASA Flight Test Center in the early 1960s, Armstrong was part of a team that conceptualized the Lunar Landing Research Vehicle (LLRV), a flight test article that proved critically important in learning what would be required to pilot a spacecraft to a lunar landing. The LLRV evolved into the Lunar Landing Training Vehicle in which Armstrong and all other commanders of Apollo lunar landing missions trained for their descents from lunar orbit to the surface of the Moon.

At the conclusion of Apollo 11, Armstrong, left his astronaut duties and became NASA's Deputy Associate Administrator for Aeronautics. In this post he oversaw the aeronautical research programs being conducted at the Center and took a lead role in the Center's work on the new technology of digital fly-by-wire (DFBW), a concept for flying an airplane electronically. NASA considers DFBW technology to be one of the most far-reaching research technology breakthroughs that its Flight Research Center has made in its 60-year history. DFBW technology was the forerunner of the computerized flight control systems used on nearly all modern high performance aircraft, on military and civilian transports, and on the space shuttles.

Given Commander Armstrong's extraordinary career and his close association with Edwards Air Force Base, our Board believes

it is appropriate to re-designate the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center, and that it is equally appropriate to re-designate the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range. We respectfully request your strong support for this legislation.

Sincerely,

JACK SCRIVNER,  
*Chairman.*

KERN COUNTY BOARD OF SUPERVISORS,  
*Bakersfield, CA, December 4, 2012.*

Hon. KEVIN MCCARTHY,  
*House of Representatives,*  
*Washington, DC.*

DEAR CONGRESSMAN MCCARTHY: The Kern County Board of Supervisors supports your legislation to redesignate the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

The legislation will honor and memorialize Neil A. Armstrong, the first human to walk on the Moon and a former test pilot who worked at the Center for seven years (1955–1962); emphasize the contributions of that Center to the agency's space exploration mission, and continue to memorialize the extraordinary career of Hugh L. Dryden by renaming the aeronautical test range (approximately 12,000 square miles of special use airspace) in his honor.

Neil Armstrong's career in test flight began at Edwards Air Force Base. At the time he became an astronaut, Armstrong had logged 2,400 hours of flying time as a test pilot at Edwards, about 900 of the hours in jets. Armstrong was the only member of his class of astronauts who had flown in any rocket-powered aircraft, notably the X-15, which he piloted seven times at the Center.

While still a test pilot at the NASA Flight Test Center in the early 1960s, Armstrong was part of a team that conceptualized the Lunar Landing Research Vehicle (LLRV), a flight test article that proved critically important in learning what would be required to pilot a spacecraft to a lunar landing. The LLRV evolved into the Lunar Landing Training Vehicle in which Armstrong and all other commanders of Apollo lunar landing missions trained for their descents from lunar orbit to the surface of the Moon.

At the conclusion of Apollo 11, Commander Armstrong left his astronaut duties and became NASA's Deputy Associate Administrator for Aeronautics. In this post he oversaw the aeronautical research programs being conducted at the Center and took a lead role in the Center's work on the new technology of digital fly-by-wire (DFBW), a concept for flying an airplane electronically. NASA considers DFBW technology to be one of the most far-reaching research technology breakthroughs that its Flight Research Center has made in its 60-year history. DFBW technology was the forerunner of the computerized flight control systems used on nearly all modern high performance aircraft, on military and civilian transports, and on the space shuttles.

Given Commander Armstrong's extraordinary career and his close association with Edwards Air Force Base, our Board believes it is appropriate to redesignate the National Aeronautics and Space Administration's (NASA) Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center, and that it is equally appropriate to re-

designate the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range. We therefore offer our strong support for your legislation.

Sincerely,

ZACK SCRIVNER,  
*Chairman.*

CITY OF PALMDALE,  
*Palmdale, CA, December 3, 2012.*

CONGRESSMAN KEVIN MCCARTHY,  
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR CONGRESSMAN MCCARTHY: The City of Palmdale is pleased to support your legislation proposal to re-designate NASA Dryden Flight Research Center in honor of Neil A. Armstrong.

The Antelope Valley, including Palmdale, is known for its rich aviation history and heritage, largely resulting from operations at Air Force Plant 42 and Edwards Air Force Base including NASA Dryden Flight Research Center. Our residents and local businesses are involved in making extensive contributions to our nation in the fields of space exploration, national defense, aeronautics and other scientific discovery.

With NASA's new vision for space exploration, there is a need to inspire the next generation of scientists and researchers to explore space. The proposed name change will accomplish two important goals: to honor Neil Armstrong, test pilot and Apollo 11 astronaut who was the first person to walk on the Moon and a former test pilot at the Center, as well as to emphasize the contributions of the Center to the Agency's space exploration mission.

Again, I applaud your efforts and thank you for introducing this legislation and your ongoing support of the Antelope Valley.

Sincerely,

JAMES C. LEDFORD, JR.,  
*Mayor.*

CITY OF CALIFORNIA CITY, CITY HALL,  
*California City, CA, November 28, 2012.*

Hon. KEVIN MCCARTHY,  
*Cannon House Office Building, House of Representatives, Washington, DC.*

DEAR CONGRESSMAN MCCARTHY: The City of California City wholeheartedly supports and endorses the proposed name change of the NASA Dryden Flight Research Center to the Neil A. Armstrong Flight Research Center in honor of Neil Armstrong's lifelong service to his country and the expansion of space exploration.

The rich history of NASA and its relationship with Mr. Armstrong which lead to his accomplishments throughout his career inspire the "Can Do" attitude that makes America the nation of leaders that others constantly strive to emulate.

We applaud your efforts to make this a realization so that future Americans will continue to recognize this pioneer's efforts whenever they come in contact with the NASA's Flight Research Center.

Sincerely,

WILLIAM T. WEIL, JR.,  
*City Manager.*

LANCASTER, CA,  
*November 29, 2012.*

Hon. KEVIN MCCARTHY,  
*Cannon House Office Building,*  
*Washington, DC.*

DEAR CONGRESSMAN MCCARTHY: The Antelope Valley Board of Trade wishes to express to you its support of an initiative to designate the NASA Dryden Flight Research Center at Edwards, California the NASA Neil

A. Armstrong Flight Research Center and to designate NASA's Western Aeronautical Test Range the NASA Hugh L. Dryden Aeronautical Test Range.

Our organization has been a long-time supporter of the flight test missions at Edwards. To that effect, we have seen numerous name changes of the NASA facility over the years, and we feel that the timing is right to move the center into a new era. In light of NASA's current mission to "extend the frontiers of space exploration, scientific discovery, and aeronautics research", we can think of no other person than Neil Armstrong whose name has the ability to inspire the next generation of researchers, scientists, and space explorers.

In addition, Mr. Armstrong had strong ties both to the center and to the local community and lived an extraordinary life of service not only to his country as a test pilot and astronaut, but also as an educator. Recognition of his contribution to the nation is long overdue. Many of his former colleagues from the center still reside in our community and can attest to his reputation for exemplary values as well as technical and operational excellence.

We join our local legislators in endorsing this name change that reflects the outstanding successes of the center for over 60 years. We thank you for your efforts to advance this initiative in Congress in the weeks to come.

Sincerely,

R. REX PARRIS,  
*Mayor.*

Ms. EDWARDS. Madam Speaker, I yield 2 minutes to my good friend, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Neil Armstrong's voyage to the Moon represented a personal heroic journey, and it was also expressive of a uniquely American capability and capacity to reach higher and higher, to expand our horizons, to seek newer worlds, and to do that with a sense of wonder and in peace. May we regain that capacity through recognizing him today.

Mr. HALL. Madam Speaker, I yield 3 minutes to the gentleman from Texas, Mr. LAMAR SMITH, who, on the 3rd day of January will be the chairman of Science, Space, and Technology for many, many years.

Mr. SMITH of Texas. Madam Speaker, I thank the gentleman from Texas, the chairman of the Science, Space, and Technology Committee for yielding me time.

Madam Speaker, first I want to thank the gentleman from California, Majority Whip KEVIN MCCARTHY, for honoring both Neil Armstrong and NASA Deputy Administrator Hugh Dryden with this bill.

Not many people know the relationship between these two men. Hugh Dryden was the visionary behind NASA's X-15 rocket plane and the *Apollo* program, and Neil Armstrong was the one who actually flew the spacecraft that Dryden envisioned.

The X-15 rocket plane set many speed and altitude records in the early 1960s. Hugh Dryden was the engineer and program manager for that spacecraft, which Neil Armstrong flew seven times.



While everyone knows that Neil Armstrong was the first person to set foot on the Moon, not many people know Hugh Dryden's role. The Soviets launched the first satellite, Sputnik, in 1957, and Cosmonaut Yuri Gagarin became the first man in space in April 1961.

President John F. Kennedy was looking for a way to demonstrate American ingenuity and technical superiority over the Soviet Union, so he convened the National Space Council and asked for their advice on the best way for America to respond to the Soviets' string of firsts in space exploration. Hugh Dryden was the person in that meeting who recommended to the President that the goal of putting a person on the Moon within 10 years was achievable and something the American people could rally behind. The rest is history. President Kennedy grabbed Hugh Dryden's idea and addressed a joint session of Congress the very next month.

The *Apollo* program was the brainchild of Hugh Dryden, and Neil Armstrong turned that dream into reality by making that "one small step for man, one giant leap for mankind" on another world almost 240,000 miles away. Hugh Dryden was not able to see his dream become reality, as he died in 1965, and, unfortunately, Neil Armstrong passed away last August.

It is important for us to honor both men's legacies by naming the flight research center after Neil Armstrong and the surrounding test range after Hugh Dryden. With this bill, we reaffirm that America is filled with dreamers like Hugh Dryden and doers like Neil Armstrong, who, working together, can shoot for the Moon.

Again, Madam Speaker, I want to thank Congressman MCCARTHY for honoring their legacy, which reminds us that America always needs to think about new frontiers.

Ms. EDWARDS. Madam Speaker, I'd like to inquire of Mr. HALL as to whether he has additional speakers; otherwise, I'm ready to close.

Mr. HALL. No, we do not have additional speakers.

Ms. EDWARDS. Madam Speaker, I yield myself such time as I may consume.

It seems so fitting that we're here today to recognize Neil Armstrong. And I want to thank Mr. HALL both for his leadership of our Science Committee and the opportunity that we've had to work together. He is a good friend. I look forward to working with our new chairman, Mr. SMITH, in the next Congress.

And it seems that we will have an opportunity to work on the things that Neil Armstrong believed in and felt so passionately about: about making sure that the United States remains at the top of the leader board when it comes to space exploration; making certain

that, as he expressed in our committee, NASA remains at the forefront of our technology development, of our research, of our capacity.

There are few of us who will get to see or to know what Neil Armstrong saw and knew. There are few of us, though we want to, who will be able to see the universe in the kind of way that Neil Armstrong did. But what we do know is that we have the ability here in this Congress and in future Congresses to actually preserve what it is that we do in space and how we use technology, and that we build on the great promise of Hugh Dryden and Neil Armstrong and our great capacity as a Nation for research and development and technology.

I know that our leaders will be committed to preserving the names of these great heroes in the work that we do in the future, for our children and for generations to come.

It also seems very fitting that in honoring Neil Armstrong—and I will just say personally, there are few opportunities here in the Congress where you feel like you really get to both touch the past and look to the future, and for me, that came in just being able to meet and to talk with Neil Armstrong when he came before our committee, Mr. Chairman.

And I will say, having watched all of those missions as a little girl sitting in front of a black-and-white television, in a classroom, seeing the promise and capacity of our universe and our scientific endeavors and creation, that Neil Armstrong was at the center of that. And so I am pleased that we're able to honor him today, but I hope that we can honor him and his legacy in the future with the work that we do to preserve the great work that's done at the National Aeronautics and Space Administration for all of our future generations.

To the chairman, I know that, to Chairman HALL, Neil Armstrong was a special friend of his as well and quite an inspiration, but an inspiration for generations. And so it gives me great pleasure to be able to present H.R. 6612 in renaming the Dryden Research Center as the Neil A. Armstrong Center, and I look forward to continuing to support the great work of the National Aeronautics and Space Administration.

With that, I yield back the balance of my time.

Mr. HALL. Madam Speaker, before I close, I'd just like to thank Jay Pierson, who plans to retire at the end of this year, for his many, many years of service to this House. He's been very helpful to me, to my staff, and to other staffs. He'll be sorely missed.

With that, Madam Speaker, I yield back the balance of my time.

Mr. CALVERT. Madam Speaker, I proudly stand with my good friend and fellow Californian, Majority Whip KEVIN MCCARTHY, in strong support of legislation we have both

championed, H.R. 6612, which will redesignate NASA's Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

One of the greatest benefits of public service in U.S. House of Representatives is the people that you meet from all walks of life.

I had the very high honor and privilege of meeting Mr. Armstrong on several occasions before he passed away on August 25, 2012.

Given his place as a revered global icon, Neil never sought the limelight and never lost his unassuming nature or the Midwestern values that his Ohio roots instilled in him.

Those of us who were old enough to witness first hand when he took his first step on the surface of the moon will never forget the great sense of pride in our country and inspiration in the ability of mankind.

There are few events in history that have had such a profound and positive impact, transcending generations across the globe.

H.R. 6612 is just one way we can pay tribute to this great American hero.

The bill will accomplish three important goals: (1) to honor Neil A. Armstrong, who served as an experimental research test pilot at the center from 1955 to 1962; (2) to emphasize the contributions of that center to NASA's current space exploration mission; and (3) to memorialize the extraordinary career of Dr. Hugh L. Dryden by naming the aeronautical test range, approximately 12,000 square miles of special use airspace in his honor.

I urge my House colleagues to support the passage of H.R. 6612.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HALL) that the House suspend the rules and pass the bill, H.R. 6612.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. EDWARDS. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1120

#### MANILAQ ASSOCIATION PROPERTY CONVEYANCE

Mr. YOUNG of Alaska. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Manillaq Association located in Kotzebue, Alaska.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:



Strike all after the enacting clause and insert the following:

**SECTION 1. CONVEYANCE OF PROPERTY.**

(a) *IN GENERAL.*—As soon as practicable after the date of the enactment of this Act, but not later than 180 days after such date, the Secretary of Health and Human Services (in this Act referred to as the “Secretary”) shall convey to the Maniilaq Association located in Kotzebue, Alaska, all right, title, and interest of the United States in and to the property described in section 2 for use in connection with health and social services programs. The Secretary’s conveyance of title by warranty deed under this section shall, on its effective date, supersede and render of no future effect on any Quitclaim Deed to the properties described in section 2 executed by the Secretary and the Maniilaq Association.

(b) *CONDITIONS.*—The conveyance required by this section shall be made by warranty deed without consideration and without imposing any obligation, term, or condition on the Maniilaq Association, or reversionary interest of the United States, other than that required by this Act or section 512(c)(2)(B) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa–11(c)(2)(B)).

**SEC. 2. PROPERTY DESCRIBED.**

The property, including all land and appurtenances, to be conveyed pursuant to section 1 is as follows:

(1) *KOTZEBUE HOSPITAL AND LAND.*—*Re-Plat of Friends Mission Reserve, Subdivision No. 2, U.S. Survey 2082, Lot 1, Block 12, Kotzebue, Alaska, containing 8.10 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on August 18, 2009.*

(2) *KOTZEBUE QUARTERS AKA KIC SITE.*—*Re-Plat of Friends Mission Reserve, U.S. Survey 2082, Lot 1A, Block 13, Kotzebue, Alaska, containing 5.229 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.*

(3) *KOTZEBUE QUARTERS AKA NANA SITE.*—*Lot 1B, Block 26, Tract A, Townsite of Kotzebue, U.S. Survey No. 2863 A, Kotzebue, Alaska, containing 1.29 acres recorded in the Kotzebue Recording District, Kotzebue, Alaska, on December 23, 1991.*

**SEC. 3. ENVIRONMENTAL LIABILITY.**

(a) *IN GENERAL.*—Notwithstanding any other provision of Federal law, the Maniilaq Association shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination, including any oil or petroleum products, or any hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law, on any property described in section 2 on or before the date on which all of the properties described in section 2 were conveyed by quitclaim deed.

(b) *EASEMENT.*—The Secretary shall be accorded any easement or access to the property conveyed as may be reasonably necessary to satisfy any retained obligations and liability of the Secretary.

(c) *NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.*—The Secretary shall comply with section 120(h)(3)(A) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

**GENERAL LEAVE**

Mr. YOUNG of Alaska. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

My bill, H.R. 443, directs the Indian Health Service to transfer 15 acres of Federal land in Alaska to the Maniilaq Association by warranty deed. The IHS has already conveyed these lands to the association by quitclaim deed; however, under Federal Indian health laws, transferring land by quitclaim deed could present some obstacles to the future use of the land by the association. The association is a nonprofit entity that runs Federal Indian health services for Native people in northwest Alaska. The land subject to this legislation is currently the site of a Native health facility and of proposed long-term care facilities and employee housing.

The administration testified in support of the land transfer, and we have heard no other objections to this bill which passed the House over a year ago by a 407–4 vote. The Senate amendment before us today makes four small technical changes to the bill, including changing verb tenses, clarifying the timing of the conveyance, and clarifying a definition. None are controversial and, some might say, even necessary.

I, again, thank Chairman UPTON of the Energy and Commerce Committee for allowing H.R. 443, a bill that we share jurisdiction over, to be considered on the floor today.

I urge the House to adopt the Senate amendment, and I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

Madam Speaker, we do not object to the Senate amendment to H.R. 443, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Madam Speaker, I have no other requests for time. I urge the passage of the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 443.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

**INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT OF 2012**

Mr. GOWDY. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

In lieu of matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Investigative Assistance for Violent Crimes Act of 2012”.

**SEC. 2. INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.**

(a) *ATTORNEY GENERAL.*—Title 28, United States Code, is amended—

(1) in section 530C(b)(1)(L)(i), by striking “\$2,000,000” and inserting “\$3,000,000”; and

(2) in section 530C(b)(1), by adding at the end the following—

“(M)(i) At the request of an appropriate law enforcement official of a State or political subdivision, the Attorney General may assist in the investigation of violent acts and shootings occurring in a place of public use and in the investigation of mass killings and attempted mass killings. Any assistance provided under this subparagraph shall be presumed to be within the scope of Federal office or employment.

“(ii) For purposes of this subparagraph—

“(I) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(II) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

(b) *SECRETARY OF HOMELAND SECURITY.*—Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended by adding at the end the following:

“(d) *INVESTIGATION OF CERTAIN VIOLENT ACTS, SHOOTINGS, AND MASS KILLINGS.*—

“(I) *IN GENERAL.*—At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

“(2) *DEFINITIONS.*—For purposes of this subsection—

“(A) the term ‘mass killings’ means 3 or more killings in a single incident; and

“(B) the term ‘place of public use’ has the meaning given that term under section 2332f(e)(6) of title 18, United States Code.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. GOWDY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina.

GENERAL LEAVE

Mr. GOWDY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the matter currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. GOWDY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, violent crimes, especially mass killings, are often unpredictable and impulsive. The venues are random. The jurisdictions where these crimes take place include the smallest of towns, the least likely places for crimes of this magnitude and this depravity.

When we were drafting this bill months ago, Madam Speaker, of course we had hoped against hope that it would not be needed—not so soon, at least. We hoped it would sit on the sidelines, available but unused. Sadly, this is not the culture we live in, Madam Speaker. We have recently witnessed another example of the depth to which the human condition can sink.

In times like these, when State and local resources are stretched, Federal law enforcement is ready, willing, and able to assist. Indeed, they do assist, but they do so without statutory coverage. The manner and method of the assistance, Madam Speaker, is vast and varied. Most local police departments do not have criminal profilers. They may not have quick access to a world-class forensic lab, grand jury subpoenas, or the experience that comes from handling similar investigations in the past.

Law enforcement, Madam Speaker, is a particularly close-knit community, with State, local, and Federal agents working together sharing resources and expertise, working under very difficult circumstances to prevent crimes or quickly investigate and apprehend afterwards those who commit such crimes.

Madam Speaker, I have seen in my own prior career in South Carolina the willingness of Federal law enforcement to assist in kidnappings, murders, arson, and robberies.

Tragically, our country has seen the need for Federal law enforcement to assist in places as disparate as movie theaters, college campuses, and even elementary schools.

Federal law enforcement agencies and officers do not currently have specific statutory authority to assist in

the investigations of mass killings, attempted mass killings, or other violent crimes that occur. Federal law enforcement officers frequently receive emergency requests for such assistance from State and local law enforcement agencies. And while this assistance is routinely provided, Madam Speaker, it is possible that Federal officers who provide such assistance could be found to be acting outside their scope of employment.

To correct this problem, H.R. 2076 specifically allows certain Federal agents to provide State and local law enforcement with the assistance requested when the violent act does not otherwise appear to violate Federal law. These Federal agents come from agencies such as the FBI, DEA, ATF, U.S. Marshal Service, Secret Service, and ICE. And while we hope and pray, Madam Speaker, and take affirmative steps to prevent such similar crimes in the future, this bill ensures that State and local police now can at least request the assistance of Federal law enforcement officers in similar situations, and do so fully covered by the law. This bill allows Federal law enforcement officers to provide an emergency response to critical situations where violent crimes have occurred or may remain in progress.

This bill is not an expansion, Madam Speaker, of Federal authority and does not expand the jurisdiction of any Federal law enforcement agency in any manner whatsoever. Any law enforcement assistance must be requested by a State or local authority and agreed to by the Federal authorities.

Last year, Madam Speaker, this bill passed the Judiciary Committee in the House with broad bipartisan support. Earlier this month, the Senate passed, by unanimous consent, this bill. This bill is supported by the FBI Agents Association and the Federal Law Enforcement Officers Association.

Madam Speaker, I urge my colleagues to concur in the Senate's amendment to this bill so that it may be sent to the President for his signature, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Senate amendment to H.R. 2076. The House originally passed this bill in September of 2001 by an overwhelming vote.

H.R. 2076 gives the Attorney General and the Secretary of Homeland Security the specific statutory authority to respond to requests from State and local law enforcement agencies for assistance in investigation of violent acts and shootings occurring in public places and in investigations of mass killings and attempted mass killings.

□ 1130

The House-passed version of the bill only applied to the FBI providing as-

sistance. The Senate amended the bill to include all DOJ and Department of Homeland Security law enforcement agencies. Therefore, under the version of the bill before the House today, the Department of Justice's agencies, such as the FBI, DEA, Marshal Service and ATF, would be able to provide assistance, as would the Department of Homeland Security's law enforcement agencies, such as Secret Service and Immigration and Customs Enforcement, if requested by local and State law enforcement agencies.

These Federal agencies do not currently have the specific statutory authority to assist in the investigations of mass killings or attempted mass killings occurring in venues such as schools, colleges, universities, non-Federal office buildings, malls and/or other public places.

In particular, while the FBI continues to receive requests for such assistance from State and local law enforcement, and the FBI often does assist in such circumstances, there is presently technically no Federal statute that directly provides jurisdiction to the FBI to respond to such requests. Legislation granting the proposed investigative authority would allow these Federal agencies to provide State and local law enforcement with the assistance, if requested, even when the violent act does not technically violate a Federal law.

Unfortunately, due to the tragic shooting and killing of 20 students and six teachers in Newtown, Connecticut, the consideration of this bill is timely. Of course, we should pass the bill today so that the President may sign it into law. But, Madam Speaker, while we must take steps to assist in the investigation of such incidents, it is even more critical that we prevent them from occurring in the first place. Proposals to do that include not only legislation involving gun safety, but also legislation such as the Youth Promise Act, which would provide funding for comprehensive juvenile justice initiatives, or additional funding for the Juvenile Accountability Block Grant, or the Campus Safety Act, which are all pending, as well as increased funding for mental health services and school counselors.

We simply must do all we can to protect our citizens, and these proposals must be enacted as soon as possible. But with respect to H.R. 2076, the bill before us today, I want to commend the gentleman from South Carolina (Mr. GOWDY) for his leadership on this bill and urge my colleagues to support the Senate amendment to H.R. 2076.

I yield back the balance of my time.

Mr. GOWDY. Madam Speaker, in conclusion, I just want to take this one final opportunity to thank Chairman SMITH for his leadership, not just on this particular bill, but his leadership throughout the 2-year tenure he was chairman of the Judiciary.

Mr. SCOTT of Virginia. Madam Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GOWDY. Madam Speaker, I reserve the balance of my time and the right to perhaps finish at the end.

Mr. SCOTT of Virginia. Thank you. And I apologize, I was not aware that I had additional speakers.

I yield such time as he may consume to the former chair of the Judiciary Committee, the ranking member, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Madam Speaker, I am very quick to thank the former chairman of the Subcommittee on Crime, BOBBY SCOTT of Virginia, and of course Mr. TREY GOWDY of South Carolina for his very great contribution to H.R. 2076, as amended, that the House originally passed in 2011 by a vote of 358-9.

H.R. 2076 gives the Attorney General and the Secretary of Homeland Security the specific statutory authority to respond to requests from State and local law enforcement agencies for assistance in the investigation of violent acts and shootings occurring in public places, and in the investigation of mass killings and attempted mass killings. It's very appropriate, of course, under the recent circumstances that the leaders on both sides of the aisle have mentioned. So this bill, unfortunately, due to the tragic shooting in Newtown, the consideration of this bill is appropriately timely.

Of course we should pass the bill today so that the President may sign it into law, but it is unfortunate that we're not also sending the President even more urgently needed legislation to protect us from gun violence. While we must take steps to assist in the investigation of such incidents, it is critical that we prevent them from occurring in the first place. We're simply not doing all we can do to protect our citizens, but we celebrate that we have come this far.

So I urge my colleagues to support the Senate amendment to H.R. 2076.

Mr. GOWDY. I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield such time as she may consume to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. First of all, I want to thank Mr. GOWDY very much for the attentiveness to this legislation and shepherding it so that it has come from the Senate and accepting the Senate amendment.

I am on Homeland Security, and I believe that the amendment that has been provided under this legislation originally, H.R. 2076, will expand your intent, and I believe that you believe it as well.

I think it is very important to emphasize that we now have extra investigatory skills and techniques and a collaborative effort between Homeland Security personnel and those in the Department of Justice to be utilized by the Homeland Security Secretary, and as well the Attorney General, helping to investigate violent acts or shootings that occur in venues such as schools, colleges, universities, non-Federal office buildings, and other places of public use. This includes mass killings that are three or more killings in a single incident.

We all recognize the tragedy of Newtown, but there are tragedies that have faced us over the last couple of years. The President indicated Newtown was the worst day of his administration, but compounded was the Aurora killings, the killings in the Sikh temple, and the acts of heinous murder that occurred in Houston, Texas, where a mother and her daughter were murdered on Christmas Eve. So there are times when the local authorities need immediate assistance.

Or the time when we had a child predator. Although this legislation may not define violent acts as such, I can tell you that the community felt violated when a number of children were preyed upon. Through the kindness and the understanding of the local FBI office in Houston and my persistence and the difficulty of coordinating with local authorities because of the sort of uncomfortableness of the involvement of the Federal Government, we overcame that and they participated, and shortly thereafter the predator was captured. Children are impacted, and that is why this legislation is enormously important.

I also want to take note of the fact that the gentleman from South Carolina is right that the FBI did not have statutory authority to assist in the investigation of mass killings or other violent crimes that are carried out in non-Federal public places such as schools and universities. We now have put forward this Federal law.

□ 1140

I think that is enormously important. Again, I congratulate the passage of this legislation, and I am particularly sensitive to the utilization of the SWAT team.

I will take a moment, just to deviate, to be able to thank the chairman of the committee and the ranking member and the ranking member on the Crime Subcommittee for their commitment and interest in children. Today, we were going to further proceed with our commitment to children, and that is in the Juvenile Accountability Block Grant. But my fight will continue in the next term, and I want to thank you, Mr. SMITH, for understanding that the practical aspect of what we were doing was to save children and to pre-

vent a youngster like this from not having a juvenile system that they could in fact have access to. It plays into some of what Mr. GOWDY is speaking about, but it plays into an earlier stage, and that is to ensure that there are court systems, there are mental health systems, there are a number of other systems that our juveniles can have access to that are intervention; that in fact we can take note of the fact that juveniles are bullied, that there's cyberbullying. But I believe it's important to stand to fight for another day.

So as we support the legislation of Mr. GOWDY, I want to be able to thank all of those who stood crying in a hearing in Houston, Texas, in the fall of 2010, fighting about whether or not this Federal Government would make a statement, a positive statement, about resources to help with bullying and the intervention of such, and to do it in a way that could be effectively utilized. I think we came up with that in H.R. 6019, in all the compromise that we came about, and frankly sometimes the English language is not perfect and people cannot understand what we are trying to do.

But to come back to this legislation, H.R. 2076 will be a good, fitting end for the Judiciary Committee, and in 2013 I look forward to working with my colleagues on the Juvenile Accountability Block Grant reauthorization so that critical issues such as youth violence, juvenile crime prevention, mental health screening and treatment, among others, that would help millions of children can be in place. If we can have a situation where we reauthorize what my original bill, H.R. 83, offered to do, I will be right there being enthusiastic. If we have to find a common place of compromise, I will be there as well, because that is what we are here to do, to work on behalf of the American people and the children that we represent.

It is important to note that we are doing something good in the Judiciary Committee. I hope that we will have the opportunity to work together more closely in 2013 and be able to do the good work that many of us have advocated and work with a number of groups and families who have been victims without the right kind of resources, which we were trying to implement.

With that, I want to submit into the RECORD a number of documents on my remarks that I have just made, and I ask my colleagues to support the legislation of Mr. GOWDY.

CONGRESS OF THE UNITED STATES,  
Washington, DC.  
Support H.R. 6019: The Juvenile Accountability Block Grant Reauthorization Act of 2012

DEAR COLLEAGUE: I invite you to join me in supporting legislation that seeks to provide grants through the Department of Justice to States for the creation and operation of programs that address critical issues such as

youth violence, juvenile crime prevention, and mental health screening and treatment, among others, which would help millions of children throughout our nation. H.R. 6019 reauthorizes the Juvenile Accountability Block Grants, JABG, and would allow a portion of those funds to also be used by States for a number of intervention programs.

H.R. 6019 authorizes the Attorney General to make grants to States and local governments to strengthen their juvenile justice systems and foster accountability within their juvenile populations. As previously stated, JABG funds support seventeen program purpose areas, allowing local governments to utilize funding for a variety of activities including hiring juvenile court judges, probation officers, and court-appointed defenders. Moreover, local governments will have access to funding for programs derived from evidence-based models and best practices that address, among other issues, those related to bullying and cyberbullying, including prevention and intervention.

I hope you will lend your support to this effort on behalf of our nation's children to create and support programs designed to address these critical issues and help create a better juvenile justice system in America. Together, we can do a great deal to ease and end the suffering of millions of children nationwide.

If you have any questions or need further information, please contact Janice Bashford at 202.225.3816, or Janice.Bashford@mail.house.gov.

Very Truly Yours,

SHEILA JACKSON LEE,  
Member of Congress.

CONGRESS OF THE UNITED STATES  
WASHINGTON, DC.

BRIEF HISTORY OF THE JUVENILE  
ACCOUNTABILITY BLOCK GRANT

Originally created in 1997, Congress created the Juvenile Accountability Incentive Block Grant (JABG) program and appropriated new federal funds through the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

In 2002 and 2005, the program was reauthorized and the program was eventually renamed the Juvenile Accountability Block Grant (JABG) Program. Its most recent reauthorization occurred in 2006, with \$350 million a year for FYs 2006 through 2009.

Now unauthorized, JABG still receives appropriations.

FY 2001 (\$250 million appropriated by Congress)

FY 2002 (\$250 million appropriated by Congress)

FY 2003 (\$190 million appropriated by Congress)

FY 2004 (\$60 million appropriated by Congress)

FY 2005 (\$55 million appropriated by Congress)

FY 2006 (\$50 million appropriated by Congress)

FY 2007 (\$49 million appropriated by Congress)

FY 2008 (\$52 million appropriated by Congress)

FY 2009 (\$55 million appropriated by Congress)

FY 2010 (\$55 million requested by President, \$55 million appropriated by Congress)

FY 2011 (\$40 million requested by President, \$46 million appropriated by Congress)

FY 2012 (ZERO requested by President, \$30 million appropriated by Congress)

FY 2013 (\$30 million requested by President)

H.R. 6019 would authorize the appropriation of \$40 million annually over the 2013–2017. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 6019 would cost \$121 million over the 2013–2017 period. PAYGO does not apply.

VOTE YES ON H.R. 6019

THE JUVENILE ACCOUNTABILITY BLOCK GRANT  
REAUTHORIZATION ACT OF 2012

Help Your Local Communities

17 JABG PROGRAM PURPOSE AREAS

1. Developing, implementing, and administering graduated sanctions for juvenile offenders.

2. Building, expanding, renovating, or operating temporary or permanent juvenile correction, detention, or community corrections facilities.

3. Hiring juvenile court judges, probation officers, and court-appointed defenders and special advocates, and funding pretrial services (including mental health screening and assessment) for juvenile offenders to promote the effective and expeditious administration of the juvenile justice system.

4. Hiring additional prosecutors so that more cases involving violent juvenile offenders can be prosecuted and case backlogs reduced.

5. Providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training to help prosecutors identify and expedite the prosecution of violent juvenile offenders.

6. Establishing and maintaining training programs for law enforcement and other court personnel with respect to preventing and controlling juvenile crime.

7. Establishing juvenile gun courts for the prosecution and adjudication of juvenile firearms offenders.

8. Establishing drug court programs for juvenile offenders that provide continuing judicial supervision over juvenile offenders with substance abuse problems and integrate administration of other sanctions and services for such offenders.

9. Establishing and maintaining a system of juvenile records designed to promote public safety.

10. Establishing and maintaining inter-agency information sharing programs that enable the juvenile and criminal justice systems, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts.

11. Establishing and maintaining accountability-based programs designed to reduce recidivism among juveniles who are referred by law enforcement personnel or agencies.

12. Establishing and maintaining programs to conduct risk and needs assessments that facilitate effective early intervention and the provision of comprehensive services, including mental health screening and treatment and substance abuse testing and treatment, to juvenile offenders.

13. Establishing and maintaining accountability-based programs that are designed to enhance school safety, which programs may include research-based bullying, cyberbullying, and gang prevention programs.

14. Establishing and maintaining restorative justice programs.

15. Establishing and maintaining programs to enable juvenile courts and juvenile probation officers to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism.

16. Hiring detention and corrections personnel, and establishing and maintaining training programs for such personnel, to improve facility practices and programming.

17. Establishing, improving, and coordinating pre-release and post-release systems and programs to facilitate the successful re-entry of juvenile offenders from state and local custody in the community.

Madam Speaker, I rise today in support of H.R. 2076, the Investigative Assistance for Violent Crimes Act of 2011. This legislation is an appropriate and necessary measure to keep our citizens safe.

Currently the Federal Bureau of Investigation, FBI, does not have statutory authority to assist in the investigation of mass killings or other violent crimes that are carried out in non-federal public places, such as schools and universities. As of now, when the FBI is asked by state and local law enforcement to assist with related investigations, they frequently comply with the request, despite the possibility that in doing so, the responding officers may be found to be acting outside of their jurisdiction.

The Investigative Assistance for Violent Crimes Act grants specific authority to the FBI to respond when asked for help by state and local law enforcement, without expanding the jurisdiction of the FBI. The bill allows the FBI to assist in the investigation of a violent crime or mass killing only when asked to do so.

The FBI has lent their resources to several high profile investigations in recent history. Last September, when an armed intruder entered the Discovery Communications Building in Rockville, Maryland, the FBI SWAT team assisted the Montgomery County Police Department, and FBI investigators processed the crime scene. In 2009, the American Civic Center in Binghamton, New York was the site of a mass killing when an armed subject killed 13 people. The FBI was asked to assist, and lent their Evidence Response Team, Victim Assistance program, and Behavioral Analysis unit. The FBI also assisted in the investigation to identify the student who opened fire at Virginia Technical Institute in 2007.

The FBI lent invaluable assistance to state and local law enforcement to these and many other cases. However, as the law currently stands, there is no specific statutory authority allowing them to do so. The Investigative Assistance for Violent Crimes Act specifically authorizes, by legal statute, that which the FBI is consistently asked and expected to do.

This bill is an important measure aimed at increasing the safety and security of the American people. When faced with a mass killing or other violent crime, our state and local law enforcement officials should have access to every necessary resource in order to mitigate the situation, identify the perpetrators, and bring them to justice. In Houston, Texas, where I represent the 18th Congressional District, the FBI reports that 22,491 violent crimes in 2010. I know that my constituents would appreciate knowing that their local law enforcement officials have access to the resources of the FBI, should they need them.

As a senior Member of both the Judiciary and Homeland Security committees, I have worked tirelessly to ensure the safety of the American people, and this legislation does just

that. I am pleased at the bipartisan manner in which this bill is being considered, and urge my colleagues to support H.R. 2076, the Investigative Assistance for Violent Crimes Act.

Mr. GOWDY. I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I have no further speakers. I would just like to again compliment the gentleman from South Carolina for his leadership on this. A lot of communities will benefit. I thank him for that work.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

Mr. GOWDY. Madam Speaker, in conclusion, and I'm sure on behalf of all my colleagues, I want to thank the women and men in law enforcement for their service, their sacrifice, their willingness to do jobs that either we cannot do or will not do.

I want to thank the gentleman from Texas (Mr. SMITH) for his leadership over the last 2 years, and I want to thank the gentleman from Virginia (Mr. SCOTT) for his collegiality and friendship.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2076.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### AMENDING THE ANIMAL WELFARE ACT

Mr. CRAWFORD. Madam Speaker, I move to suspend the rules and pass the bill (S. 3666) to amend the Animal Welfare Act to modify the definition of "exhibitor".

The Clerk read the title of the bill.

The text of the bill is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. ANIMAL WELFARE.

Section 2(h) of the Animal Welfare Act (7 U.S.C. 2132(h)) is amended by adding "an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner," after "stores,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ar-

kansas (Mr. CRAWFORD) and the gentleman from California (Mr. COSTA) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

##### GENERAL LEAVE

Mr. CRAWFORD. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. CRAWFORD. Madam Speaker, I rise in support of the bill, S. 3666, and yield myself such time as I may consume.

S. 3666 is a simple regulatory relief measure which has been proposed to modify the definition of the term "exhibitor" under the Federal Animal Welfare Act. It has passed the Senate by unanimous consent and, in the last hours of the 112th Congress, I urge that it likewise be passed by the House of Representatives.

The legislation would relieve private pet owners who might make a few dollars on the side with their pets but who do not derive a substantial portion of their income from such activities from the licensure requirements under the Federal Animal Welfare Act.

An example where this might be an issue is in hiring somebody to serve as an extra in a film. These are the people who appear in the background of film scenes and may work on the film set for a couple of hours at a time or a day or two at the most. If that person has their pet with them during the filming, the current interpretation of the Animal Welfare Act is that the extra would be designated an animal exhibitor under Federal law and must therefore be licensed, inspected, and comply with all the administrative and record-keeping requirements of the act. This was not what the law intended nor is the administration of such a requirement a necessary or useful allocation of scarce Federal resources.

The Federal Animal Welfare Act was intended to regulate businesses, not private citizens. There are many examples across the government of regulatory overreach. While I regret that we have not been able to address all of those in the 112th Congress, certainly this is one we can agree needs fixing and should be fixed.

I urge my colleagues to support the legislation and reserve the balance of my time.

Mr. COSTA. Madam Speaker, I yield myself as much time as I may consume.

I want to thank the gentleman from Arkansas for his efforts with our colleagues in the Senate to pass this measure, S. 3666.

As was stated, this is a measure that involves common sense, and it at-

tempts to relieve burdensome paperwork that frankly has no place under the current scheme in which movies are made in this country that require, without the relief of this measure, them to be included under the Federal Animal Welfare Act.

As was stated, movies and television shows often use animals as extras. We're used to seeing that. It's part of the way these movies are made. This bill amends the Animal Welfare Act to clarify that when pets are owned by individual citizens who are acting in that movie or in that television show that they should not be regulated by the U.S. Department of Agriculture when it comes to these animals being used as extras in films.

These animals should not be captured under the Animal Welfare Act regulations. The USDA, as we know, is spread pretty thin. It is using scarce resources to regulate personal pets, which now is required under the current law that this legislation will relieve that burden from. We think that the USDA should focus its resources on more cost-effective measures rather than regulating individual personal pets that are used in these movies or in these television shows as—the term of art is "animal actors"; animals that play a key movie or television role will not be affected by this legislation. They will continue to be regulated by the Animal Welfare Act. This is, as I said at the outset, a commonsense regulatory relief of burdensome paperwork. I would ask my colleagues to support this measure.

□ 1150

S. 3666 is, I think, a well-thought-out measure. I want to thank, again, the gentleman from Arkansas and the committee for their efforts on this measure and ask their support for the bill.

I yield back the balance of my time.

Mr. CRAWFORD. Madam Speaker, I thank the gentleman from California, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. CRAWFORD) that the House suspend the rules and pass the bill, S. 3666.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### WORLD WAR I CENTENNIAL COMMISSION ACT

Mr. CHAFFETZ. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6364) to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United

States Armed Forces in World War I, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “World War I Centennial Commission Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

Sec. 4. Establishment of World War I Centennial Commission.

Sec. 5. Duties of Centennial Commission.

Sec. 6. Powers of Centennial Commission.

Sec. 7. Centennial Commission personnel matters.

Sec. 8. Termination of Centennial Commission.

Sec. 9. Prohibition on obligation of Federal funds.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) From 2014 through 2018, the United States and nations around the world will mark the centennial of World War I, including the entry of the United States into the war in April 1917.

(2) America’s support of Great Britain, France, Belgium, and its other allies in World War I marked the first time in United States history that American soldiers went abroad in defense of liberty against foreign aggression, and it marked the true beginning of the “American century”.

(3) Although World War I was at the time called “the war to end all wars”, in fact the United States would commit its troops to the defense of foreign lands 3 more times in the 20th century.

(4) More than 4,000,000 men and women from the United States served in uniform during World War I, among them 2 future presidents, Harry S. Truman and Dwight D. Eisenhower. Two million individuals from the United States served overseas during World War I, including 200,000 naval personnel who served on the seas. The United States suffered 375,000 casualties during World War I, including 116,516 deaths.

(5) The events of 1914 through 1918 shaped the world, the United States, and the lives of millions of people.

(6) The centennial of World War I offers an opportunity for people in the United States to learn about and commemorate the sacrifices of their predecessors.

(7) Commemorative programs, activities, and sites allow people in the United States to learn about the history of World War I, the United States involvement in that war, and the war’s effects on the remainder of the 20th century, and to commemorate and honor the participation of the United States and its citizens in the war effort.

**SEC. 3. DEFINITIONS.**

In this Act—

(1) **AMERICA’S NATIONAL WORLD WAR I MUSEUM.**—The term “America’s National World War I Museum” means the Liberty Memorial Museum in Kansas City, Missouri, as recognized by Congress in section 1031(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2045).

(2) **CENTENNIAL COMMISSION.**—The term “Centennial Commission” means the World War I Centennial Commission established by section 4(a).

(3) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any

organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 4. ESTABLISHMENT OF WORLD WAR I CENTENNIAL COMMISSION.**

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “World War I Centennial Commission”.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—The Centennial Commission shall be composed of 12 members as follows:

(A) Two members who shall be appointed by the Speaker of the House of Representatives.

(B) One member who shall be appointed by the minority leader of the House of Representatives.

(C) Two members who shall be appointed by the majority leader of the Senate.

(D) One member who shall be appointed by the minority leader of the Senate.

(E) Three members who shall be appointed by the President from among persons who are broadly representative of the people of the United States (including members of the Armed Forces, veterans, and representatives of veterans service organizations).

(F) One member who shall be appointed by the executive director of the Veterans of Foreign Wars of the United States.

(G) One member who shall be appointed by the executive director of the American Legion.

(H) One member who shall be appointed by the president of the Liberty Memorial Association.

(2) **TIME FOR APPOINTMENT.**—The members of the Centennial Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(3) **PERIOD OF APPOINTMENT.**—Each member shall be appointed for the life of the Centennial Commission.

(4) **VACANCIES.**—A vacancy in the Centennial Commission shall be filled in the manner in which the original appointment was made.

(c) **MEETINGS.**—

(1) **INITIAL MEETING.**—

(A) **IN GENERAL.**—Not later than 30 days after the date on which all members of the Centennial Commission have been appointed, the Centennial Commission shall hold its first meeting.

(B) **LOCATION.**—The location for the meeting held under subparagraph (A) shall be the America’s National World War I Museum.

(2) **SUBSEQUENT MEETINGS.**—

(A) **IN GENERAL.**—The Centennial Commission shall meet at the call of the Chair.

(B) **FREQUENCY.**—The Chair shall call a meeting of the members of the Centennial Commission not less frequently than once each year.

(C) **LOCATION.**—Not less frequently than once each year, the Centennial Commission shall meet at the America’s National World War I Museum.

(3) **QUORUM.**—Seven members of the Centennial Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) **CHAIR AND VICE CHAIR.**—The Centennial Commission shall select a Chair and Vice Chair from among its members.

**SEC. 5. DUTIES OF CENTENNIAL COMMISSION.**

(a) **IN GENERAL.**—The duties of the Centennial Commission are as follows:

(1) To plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I.

(2) To encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I.

(3) To facilitate and coordinate activities throughout the United States relating to the centennial of World War I.

(4) To serve as a clearinghouse for the collection and dissemination of information about

events and plans for the centennial of World War I.

(5) To develop recommendations for Congress and the President for commemorating the centennial of World War I.

(b) **REPORTS.**—

(1) **PERIODIC REPORT.**—Not later than the last day of the 6-month period beginning on the date of the enactment of this Act, and not later than the last day of each 3-month period thereafter, the Centennial Commission shall submit to Congress and the President a report on the activities and plans of the Centennial Commission.

(2) **RECOMMENDATIONS.**—Not later than 2 years after the date of the enactment of this Act, the Centennial Commission shall submit to Congress and the President a report containing specific recommendations for commemorating the centennial of World War I and coordinating related activities.

**SEC. 6. POWERS OF CENTENNIAL COMMISSION.**

(a) **HEARINGS.**—The Centennial Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Centennial Commission considers appropriate to carry out its duties under this Act.

(b) **POWERS OF MEMBER AND AGENTS.**—If authorized by the Centennial Commission, any member or agent of the Centennial Commission may take any action which the Centennial Commission is authorized to take under this Act.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—The Centennial Commission shall secure directly from any Federal department or agency such information as the Centennial Commission considers necessary to carry out the provisions of this Act. Upon the request of the Chair of the Centennial Commission, the head of such department or agency shall furnish such information to the Centennial Commission.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Centennial Commission, the Administrator of the General Services Administration shall provide to the Centennial Commission, on a reimbursable basis, the administrative support services necessary for the Centennial Commission to carry out its responsibilities under this Act.

(e) **CONTRACT AUTHORITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Centennial Commission is authorized—

(A) to procure supplies, services, and property; and

(B) to make or enter into contracts, leases, or other legal agreements.

(2) **LIMITATION.**—The Centennial Commission may not enter into any contract, lease, or other legal agreement that extends beyond the date of the termination of the Centennial Commission under section 8(a).

(f) **POSTAL SERVICES.**—The Centennial Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(g) **GIFTS, BEQUESTS, AND DEVISES.**—The Centennial Commission shall accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of covering the costs incurred by the Centennial Commission to carry out its duties under this Act.

**SEC. 7. CENTENNIAL COMMISSION PERSONNEL MATTERS.**

(a) **COMPENSATION OF MEMBERS.**—Members of the Centennial Commission shall serve without compensation for such service.

(b) **TRAVEL EXPENSES.**—Each member of the Centennial Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with the applicable provisions of title 5, United States Code.



(c) STAFF.—

(1) IN GENERAL.—The Chair of the Centennial Commission shall, in consultation with the members of the Centennial Commission, appoint an executive director and such other additional personnel as may be necessary to enable the Centennial Commission to perform its duties.

(2) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chair of the Centennial Commission may fix the compensation of the executive director and any other personnel appointed under paragraph (1).

(B) LIMITATION.—The Chair of the Centennial Commission may not fix the compensation of the executive director or other personnel appointed under paragraph (1) at a rate that exceeds the rate of payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(C) WORK LOCATION.—If the city government for Kansas City, Missouri, and the Liberty Memorial Association make space available in the building in which the America's National World War I Museum is located, the executive director of the Centennial Commission and other personnel appointed under paragraph (1) shall work in such building to the extent practical.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Centennial Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any employee of that department or agency to the Centennial Commission to assist it in carrying out its duties under this Act.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Centennial Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) SOURCE OF FUNDS.—Gifts, bequests, and devises of services or property, both real and personal, received by the Centennial Commission under section 6(g) shall be the only source of funds to cover the costs incurred by the Centennial Commission under this section.

#### SEC. 8. TERMINATION OF CENTENNIAL COMMISSION.

(a) IN GENERAL.—The Centennial Commission shall terminate on the earlier of—

(1) the date that is 30 days after the date the completion of the activities under this Act honoring the centennial observation of World War I; or

(2) July 28, 2019.

(b) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Centennial Commission under this Act.

(2) EXCEPTION.—Section 14(a)(2) of such Act shall not apply to the Centennial Commission.

#### SEC. 9. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.

No Federal funds may be obligated to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

#### GENERAL LEAVE

Mr. CHAFFETZ. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Madam Speaker, at this time, I would like to yield such time as he may consume to the original sponsor of this bill, the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman from Utah for yielding and for his support on this legislation. I also thank the gentlewoman from the District of Columbia.

Madam Speaker, they said that World War I would be "the war to end all wars." But it wasn't. It was a world war and encompassed the entire globe and most of the countries in the world.

The war started in 1914, and the United States entered in April of 1917. The United States entered the war for three main reasons: one, the sinking of the British liner Lusitania and 128 Americans being killed in that submarine attack; and then seven U.S. Merchant Marine ships were sunk by German submarines when they had unconditional rights to sink any ship on the high seas, according to the German Government; and the third thing was when the Germans sent the Zimmerman telegram to Mexico.

Madam Speaker, a lot of Americans don't know what that was, but basically the Germans were telling the country of Mexico if they would enter the war on the side of Germany, the central powers, that they would help Mexico invade the United States and take the States of Texas, New Mexico and Arizona and give them to the country of Mexico. So the United States entered the war in April 1917.

H.R. 3159 would create a commission to commemorate the 100th anniversary of World War I. Over 116,000 Americans died in World War I. That's more than in Korea, Vietnam, and both Iraq wars and Afghanistan combined.

Madam Speaker, to my left is a photograph of American doughboys, as they were called because of the color of their uniform, going over out of a trench, "over the top" as it was called in World War I. They were primarily teenagers. Like in most of our wars, the teenagers go to fight those wars. And they are leaving the trench going into what is called "no man's land." And those Americans served, along with their allies in World War I.

Two U.S. Presidents served in World War I, Harry Truman and Dwight Eisenhower. And if World War II veterans were known as the Greatest Generation, then World War I veterans should be known as the Selfless Generation. After all, these World War I veterans—the ones that survived—were the fathers of the Greatest Generation.

America's last doughboy was Frank Buckles. He died on February 26, 2011. He was 110 years of age. I got to know Frank Buckles when he came to the

United States Capitol on some legislation that I will talk about momentarily. Frank Buckles in World War I was too young to join. Nobody would let him in. He went from recruiter to recruiter. He was 16—he might have been 15—but he lied about his age, and he finally convinced an Army recruiter to take him in. He joined the doughboys, and he went "Over There," that song that George Cohan wrote talking about the Americans that wouldn't "come back 'till it's over, over there."

He drove an ambulance in World War I helping rescue other doughboys that were wounded out here in no man's land and some that had died bringing them back behind the lines. After the Great War was over with, he was in the Philippines when World War II started. And, sure enough, he's captured by the Japanese. Frank Buckles was held in a prisoner-of-war camp by the Japanese for 3½ years, and he was finally released when rescued by Americans who liberated the Philippines.

After the war, he moved to West Virginia and he worked on the farm until he was 106 driving the tractor. Frank Buckles, the last surviving doughboy, lived half of our Nation's history. So, today, we have an opportunity to remember Frank Buckles, these doughboys, other doughboys, and all those great Americans who fought for America 100 years ago.

The bill establishes a commission to commemorate the centennial of World War I. The commission will plan programs and activities to commemorate the 100th anniversary of that Great War. Time is short. The centennial for the start of World War I is in 2014, and many of our allies have already started planning different events. It must be noted that no Federal funds will be spent for this commission—they have to raise their own money from private funds.

Madam Speaker, in the last century, there were four great wars where Americans participated, and we have built memorials on the Mall for all of them, except one. We built a memorial for the Vietnam veterans, the Korean veterans and the World War II veterans; but there is no memorial on the Mall for all of those doughboys that served in World War I. There is a D.C. memorial that recognizes and honors the D.C. soldiers and sailors that served in World War I, but there is no great memorial for all that served throughout the United States.

It is my hope and the intent of the original legislation that passed the House that there one day will be a national World War I memorial on the Mall.

And that's where I met Frank Buckles. He came to Washington, D.C., as the guest of many of our Senators. And it was his hope, and really it was one of his dying wishes, that we would build, that Congress would authorize the



building of a memorial on the Mall for all of those that served in the great World War I. The original bill that passed this House by unanimous vote had that memorial in the bill. It went to the Senate, and now we have only the commission.

So it is my intent to reauthorize, or reoffer, that bill in our next session of Congress, and I'd encourage the commission to consider this building of a memorial on the Mall in their commemoration. There would be no better way to commemorate these brave Americans than to honor them with a memorial on the Mall.

When one of our warriors dies, Madam Speaker, for our country, they become a casualty of war; but the worst casualty of war is to be forgotten. So I hope we would build that memorial on the Mall. But now let's pass this bill to commemorate them and honor them with this commission.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this important legislation. H.R. 6364 establishes a commission to ensure that there is suitable observation of the centennial of World War I. This bill is a fitting tribute to all servicemembers who valiantly fought in all theaters of World War I.

The commission the bill establishes leaves ample time for appropriate commemorative works, events, and a tribute before the 100th anniversary of the war in 2014.

I would like to thank my colleagues, but especially Representative TED POE, who has been singularly focused on this bill and who has worked with me and with others until this day, and I certainly pledge to work with him next year as he continues on this very laudable mission. I thank also my friend, EMANUEL CLEAVER of Missouri, ROB BISHOP of Utah, and RAÚL GRIJALVA of Arizona for working with me to preserve the District of Columbia World War I memorial in particular.

□ 1200

Earlier this year, in his search for a suitable memorial for World War I, Representative TED POE introduced H.R. 938, which would have nationalized the D.C. memorial by redesignating it as the District of Columbia and National World War I Memorial. He made clear, however, that he was not necessarily focused on the D.C. memorial, but that his goal was a World War I memorial here.

While I very much support commemorating all the servicemen and -women who fought in World War I, I had to oppose altering the integrity of the D.C. memorial. The D.C. memorial was built with the blood and treasure of D.C. residents only, including funds from schoolchildren. Of the more than 26,000 D.C. residents who served in

World War I, the 499 who died, more than the number from three States, have their names engraved on the memorial. Our memorial is deeply symbolic of the historic and continuing concerns of District residents, particularly our veterans who continue to serve without equal congressional representation, equal rights as citizens, and equal local government control.

In the spirit of cooperation among Members of both parties, the House-passed version of H.R. 6364 would have protected the D.C. War Memorial, and H.R. 6364 as amended by the Senate similarly will have no effect on the D.C. War Memorial. In fact, all of the provisions regarding memorials have been removed from the bill. Instead, it establishes a commission to observe World War I across the country as we approach the centennial of the start of the war. I believe that the reason that this has been done reflects nothing more than the fact that the commission's approach to two important commemorations has been the usual approach almost always to important commemorations, and World War I had enormous effects on those who fought, on the Nation and on the world.

More than 4 million men and women from the United States served in uniform during World War I. Among them, two future Presidents: Harry S Truman and Dwight D. Eisenhower. Two million men and women from the United States served overseas during World War I. The United States suffered 375,000 casualties during that war, including 116,516 deaths.

The national commission will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I throughout the United States. Importantly, not only here, but throughout the United States, people are anxious to learn more about the history of this war, to become involved in its commemoration, especially considering the effects of this war on the 20th century until today. We very much look forward to the commission's efforts to honor the participation and sacrifices of the United States and its citizens in the war effort.

And once again, I want to thank Representative POE for the extraordinary effort and energy he has put into this bill and the way he has worked cooperatively with all of us on both sides of the aisle.

Madam Speaker, I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I have no additional speakers, and I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CHAFFETZ. Madam Speaker, I would like to again thank Representa-

tive POE from the State of Texas for introducing this legislation and his tenacious pursuit of making this happen.

The bill is bipartisan in its approach. It creates a means for properly commemorating the centennial of the Great War in honoring those who gallantly fought. I would encourage my colleagues to vote in concurrence with the Senate amendment to H.R. 6364 and remind people that no taxpayer dollars will be used to carry out this act.

I encourage my colleagues to vote in favor of this, and I yield back the balance my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6364.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. NORTON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### CONDEMNING NORTH KOREAN MISSILE LAUNCH

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 145) calling for universal condemnation of the North Korean missile launch of December 12, 2012, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 145

Whereas United Nations Security Council Resolution 1695, unanimously adopted on July 15, 2006, following a series of North Korean missile firings on July 5, 2006, specifically condemned the Democratic People's Republic of Korea's (North Korea) recent test-firing of a series of missiles, and demanded that the North-East Asian country suspend all ballistic missile related activity and reinstate its moratorium on missile launches;

Whereas United Nations Security Council Resolution 1695 also required all Member States, in accordance with their national legal authorities and legislation and consistent with international law, to exercise vigilance and prevent missile and missile-related items, materials, goods, and technology being transferred to North Korea's missile or weapons of mass destruction (WMD) programmes, and to prevent the procurement of missiles or missile related-items, materials, goods, and technology from North Korea, and the transfer of any financial resources in relation to North Korea's missile or WMD programmes;

Whereas United Nations Security Council Resolution 1718, adopted on October 14, 2006, decided that North Korea shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching;

Whereas United Nations Security Council Resolution 1718 also imposed a ban on the sales of military equipment and luxury goods to North Korea as well as a ban on technology transfers;

Whereas United Nations Security Council Resolution 1718 further required Member States to prevent the travel of North Korean officials connected to the ballistic missile or nuclear programs, the inspection of cargo from North Korea to assure it was not missile, WMD, or nuclear-related, and the immediate freezing of funds, other financial assets, and economic resources that support these illicit North Korean activities;

Whereas United Nations Security Council Resolution 1874, adopted on June 12, 2009, called upon Member States to inspect, seize, and dispose of proscribed illicit North Korea items related to its missile, nuclear, and WMD programmes and to prevent the provision of financial services or the transfer to, through, or from their territory of any financial or other assets or resources that could contribute to North Korea's nuclear-related, ballistic missile-related, or other WMD-related programmes or activities, and by denying fuel or supplies to service the vessels carrying them;

Whereas, on December 12, 2012, in flagrant defiance of past United Nations Security Council resolutions, the international community, and its Six-Party partners, North Korea launched a three-stage, long-range missile, which overflew Japanese territory near Okinawa and dropped debris into the Yellow Sea, the East China Sea, and waters adjacent to the Philippines;

Whereas North Korea's latest provocative and defiant action represents a direct threat to the United States Armed Forces in the Asia/Pacific region and regional allies and friends, including Australia, Japan, the Philippines, the Republic of Korea, Singapore, and Taiwan and is a potential future threat to the United States and its people, including those residing in Guam, Hawaii, Alaska, and the west coast of the United States mainland; and

Whereas there has been extensive cooperation on missile development and military cooperation between the Governments of North Korea and Iran that dates back to the 1980s: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—*

(1) the North Korean missile launch of December 12, 2012, represents a flagrant violation of United Nations Security Council resolutions 825 (1993), 1540 (2004), 1695 (2006), 1718 (2006), and 1874 (2009), that North Korea continues to defy the United Nations, its Six-Party partners, and the international community, and that the Member States should immediately impose sanctions covered by these resolutions and censure North Korea;

(2) all current restrictions against the Government of North Korea, including sanctions that ban the importation into the United States of North Korean products and goods, should remain in effect until the Government of North Korea no longer engages in activities that threaten United States interests and global peace and stability;

(3) the Government of China should cooperate with the United States in pursuit of a

new round of United Nations Security Council sanctions, to pressure its North Korean partner, redouble its efforts to prevent Chinese companies from transferring military and dual-use technologies to North Korea, and to crack down on transshipments through China that relate to North Korean military, missile, and nuclear programs and proliferation activities; and

(4) North Korea should abandon and dismantle its provocative missile and nuclear weapons programs, cease its proliferation activities, and come into immediate compliance with all relevant international agreements and United Nations Security Council resolutions.

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

I rise to support this strongly bipartisan measure which condemns the latest provocation by North Korea. Pyongyang has once again flagrantly violated past United Nations Security Council resolutions and the assurances given to Six-Party partners.

I would also like to take this opportunity, Mr. Speaker, to sincerely congratulate President-elect Park for her victory in South Korea's hard-fought presidential election.

The Republic of Korea is one of our Nation's closest friends in Asia. Ours is a steadfast alliance forged in the crucible of war. Two decades ago, with all eyes on Europe, the United States prematurely celebrated victory over communism and an end to the Cold War. But in 1989, the same year the Berlin Wall fell, tanks rolled into Tiananmen Square, crushing, in a bloody massacre, the democracy movement of the Chinese people. So while communism fell in Europe, it was revitalized in the world's most populous nation and preserved in North Korea and in my native homeland of Cuba.

Pyongyang's recent missile launch awakens America to the fact that the shadow of communism still casts a long shadow over Asia. North Korea's expanding nuclear and missile proliferation threaten not only our allies in the Pacific, but potentially our own people as well. In Asia, the Cold War never ended, and the United States and South Korean forces stand guard together on this last frontier.

Attempts to engage Pyongyang over the past 4 years have been met with repeated provocations: the kidnapping of two American journalists, repeated missile launches, one more nuclear test, the sinking of a South Korean naval vessel with the loss of 46 lives, and the shelling of a South Korean island.

□ 1210

How much more should we endure before we say, Enough is enough?

Sweet-talking Pyongyang only seems to inspire further belligerence. Our extended hand is met not only with a clenched fist but a fist grasping a knife. Those who had hoped for openness and reform from this new generation of the Kim dynasty saw their dreams go up in smoke on a North Korean launch pad. The only answer appears to be a coordinated, firm, international strategy in which current sanctions are reinforced and strengthened. This, of course, requires the cooperation of Beijing, a U.N. Security Council permanent member who deceptively seems to tell one thing to Washington and yet another to Pyongyang.

Press articles hailed the fact that China, in anticipation of the recent launch, had begun inspecting cargo on North Korean ships in search of contraband. The question this raises is: Why has China not been inspecting North Korean ships since 2006, as was first called for in a U.N. resolution, which was reinforced by another resolution in the year 2009? If U.N. member states would only enforce the sanctions currently on the books, North Korea would be unable to ignore the international community and the civilized world.

The time for coordinated international action is now. The time, in fact, is long overdue.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 145, as amended, and I yield myself such time as I may consume.

I would like to thank the sponsor of this legislation, the chairman of the Foreign Affairs Committee, Ms. ROS-LEHTINEN, for her leadership on this issue and for her work in addressing the North Korean threat.

Earlier this month, North Korea carried out a missile launch using ballistic missile technology in direct defiance of the international community. This important resolution condemns North Korea's launch, and it calls on the North to live up to its commitments, to adhere to its international obligations and to deal peacefully with its neighbors.

North Korea's missile launch is a blatant violation of U.N. Security Council resolutions 1718 and 1874, and we urge the Security Council to take strong and concerted action to demonstrate

that Pyongyang's actions are completely unacceptable. In particular, we call on China and Russia to work constructively with other members of the Council to show that the international community is united in condemning North Korea's provocative behavior.

North Korea is only further isolating itself with its irresponsible action, and the development of ballistic missiles and nuclear weapons will never bring the real security and acceptance by the international community that the regime so desperately wants. Instead of pouring hundreds of millions of dollars into its so-called space program, nuclear programs, and massive military, North Korea should instead work to feed its own citizens and improve its dismal economy.

We must continue to remain vigilant in the face of North Korean provocations and fully committed to the security of our allies in the region, so I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I would like to yield such time as he may consume to the gentleman from California (Mr. ROYCE), the chairman of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade and the chairman-designate of the full committee in the next Congress. I thank him for his leadership on this and many of the issues that are facing our Foreign Affairs Committee.

Mr. ROYCE. Thank you very much, Chairman, for yielding.

I rise in support of this resolution, of which I am an original cosponsor.

I think Members are very rightly concerned now, as the same technology that's used to put a satellite into space is also used to launch a ballistic missile. This experiment by North Korea is definitely an advance for them. It is definitely a threat to the region. It is definitely a threat to the United States because what we're talking about here are three-stage ICBMs.

It is estimated that North Korea has spent \$3 billion since 1998 on that missile program, which is the amount of money that would have bought enough corn to feed that country over the last 3 years. I have been to North Korea, and I've seen the malnutrition. Instead of feeding its people, it continues to plow billions of dollars into its military. That's the type of despicable regime we're dealing with—where \$3 billion went into this project instead of feeding the population. This is why the House has passed legislation to prohibit the United States from giving food aid to North Korea. When we do so, money is fungible, and we have found in the past that that aid is both used to feed the military and it's sold on the exchange for hard currency.

U.S. policy towards North Korea—hoping that North Korea will give up its weapons for aid—has been a failure.

It has been a bipartisan failure, frankly, for decades, and it has gotten us now to this point. The hope that North Korea can be induced to abandon its ambitions for nuclear weapons and missiles distracts us, unfortunately. It distracts us from pursuing the very policies that might actually change the behavior of the regime and support its people.

In going forward, we need to move away from an unimaginative policy here to one with energy and creativity and focus. Let's tackle North Korea's illicit activities—its missile and drug proliferation, its counterfeiting of U.S. currency. This regime will do anything for money. As many North Koreans who have left will tell you, this is a gangster regime. Let's interfere with those shipments and disrupt the bank accounts that are used. Let's ramp up radio broadcasts into the country where there is evidence that the information wall is cracking. We see that with the defectors who are telling us about how much they oppose the regime now. Let's help the refugees who are literally dying to escape the prison north of the 38th parallel.

Severely weakening the regime is the only way to make the Korean peninsula secure. Until it was dropped in favor of a failed diplomacy program several years ago, the Treasury Department went after North Korea. If we can remember 2006, we went after North Korea's ill-gotten gains that were parked in a Macau bank. We put the brakes on North Korea's counterfeiting of U.S. currency. We cut the flow of currency to the regime. The head of state could not pay his generals. It created a crisis inside North Korea.

That policy was mistakenly dropped. I'd like to see it reapplied. Let's go back to where we are proactively defending U.S. interests instead of just condemning another North Korean provocation every few months. Let's do something that has been proven to work in terms of putting the pressure on North Korea.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 145, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1220

#### CONDEMNING IRAN FOR PERSECUTION OF BAHAI MINORITY

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 134) condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 134

Whereas, in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, 2008, and 2009, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas the Department of State 2011 International Religious Freedom Report stated that the Government of Iran "prohibits Baha'is from teaching and practicing their faith and subjects them to many forms of discrimination that followers of other religions do not face" and that "Baha'is are barred from all leadership positions in the government and military";

Whereas the Department of State 2011 International Religious Freedom Report stated, "Baha'is are banned from the social pension system. In addition, Baha'is are regularly denied compensation for injury or criminal victimization and the right to inherit property. Baha'i marriages and divorces are not officially recognized, although the government allows a civil attestation of marriage to serve as a marriage certificate.";

Whereas the Department of State July-December 2010 International Religious Freedom Report stated, "Since the 1979 Islamic Revolution, the government has killed more than 200 Baha'is and regularly raids and confiscates their property . . . Unknown assailants vandalized cemeteries and holy places, and school authorities denigrated and abused Baha'i students in primary and secondary schools in at least 10 cities.";

Whereas the Department of State July-December 2010 International Religious Freedom Report stated, "Public and private universities continued to deny admittance to or expel Baha'i students.";

Whereas on September 15, 2011, the United Nations Secretary-General issued a special report on human rights in Iran (A/66/361), stating, "Restrictions on the overall enjoyment of human rights by unrecognized religious minorities, particularly the Baha'i community, remain of serious concern.";

Whereas on September 23, 2011, the "United Nations Special Rapporteur on the situation of human rights in the Islamic Republic of Iran", issued a report (A/66/374), noting that "[a] number of individuals and organizations provided the Special Rapporteur with first-

hand testimonies, the preponderance of which presents a pattern of systemic violations of . . . fundamental human rights" in Iran, and expressed concern regarding reports of "human and civil rights violations" against minority groups, including "the Baha'i community, which, despite being the largest non-Muslim religious minority, does not enjoy recognition as such by the Government" and whose members "have historically suffered multifaceted discrimination";

Whereas on November 21, 2011, the Third Committee of the United Nations General Assembly adopted a draft resolution (A/C.3/66/L.56) noting "[i]ncreased persecution and human rights violations against unrecognized religious minorities, particularly members of the Baha'i Faith, including escalating attacks on Baha'is and their defenders, including in State-sponsored media, a significant increase in the number of Baha'is arrested and detained, including the targeted attack on the Baha'i educational institution, the reinstatement of twenty-year sentences against seven Baha'i leaders following deeply flawed legal proceedings, and renewed measures to deny Baha'is employment in the public and private sectors.";

Whereas on December 19, 2011, the United Nations General Assembly adopted a resolution (A/RES/66/175) calling upon the Government of Iran "[t]o eliminate discrimination against, and exclusion of . . . members of the Baha'i Faith, regarding access to higher education, and to eliminate the criminalization of efforts to provide higher education to Baha'i youth denied access to Iranian universities";

Whereas in March and May of 2008, intelligence officials of the Government of Iran in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the members of the ad hoc leadership group for the Baha'i community in Iran;

Whereas, in August 2010, the Revolutionary Court in Tehran sentenced the 7 Baha'i leaders to 20-year prison terms on charges of spying for Israel, insulting religious sanctities, and propaganda against the regime;

Whereas the lawyers for the 7 leaders were reportedly provided extremely limited access to the prisoners and their files;

Whereas these 7 Baha'i leaders were targeted solely on the basis of their religion;

Whereas beginning on May 22, 2011, officials of the Government of Iran in Tehran, Karaj, Isfahan, and Shiraz raided the homes of individuals associated with the Baha'i Institute for Higher Education, searching over 30 homes, seizing educational materials, and arresting approximately 16 individuals;

Whereas, in October 2011, Mr. Vahid Mahmoudi, Mr. Mahmoud Badavam, Ms. Noushin Khadem, Mr. Kamran Mortezaie, Mr. Farhad Sedghi, Mr. Riaz Sobhani, and Mr. Ramin Zibaie were each sentenced to 4 or 5-year prison terms for the crime of "membership in the deviant Baha'i sect, with the goal of taking action against the security of the country, in order to further the aims of the deviant sect and those of organizations outside the country," and, in January 2012, Mr. Mahmoudi was released on probation;

Whereas ordinary Iranian citizens who belong to the Baha'i Faith are disproportionately targeted, interrogated, and detained under the pretext of national security;

Whereas the efforts of the Government of Iran to collect information on individual Baha'is are reportedly ongoing as evidenced by

a letter, dated November 5, 2011 from the Director of the Department of Education in the county of Shahriar in the province of Tehran, instructing the directors of schools in his jurisdiction to "subtly and in a confidential manner" collect information on Baha'i students;

Whereas the Baha'i community continues to undergo intense economic and social pressure, including an ongoing campaign in the town of Semnan where the government reportedly has harassed and detained Baha'is and closed 17 Baha'i owned businesses in the last three years;

Whereas the Government of Iran is party to the International Covenants on Human Rights; and

Whereas the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) urges the President and the Secretary of State to impose sanctions on "the officials of the Government of Iran and other individuals who are responsible for continuing and severe violations of human rights and religious freedom in Iran": Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) condemns the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders, the six imprisoned educators, and all other prisoners held solely on account of their religion;

(3) calls on the President and Secretary of State, in cooperation with responsible nations, to immediately condemn the Government of Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion; and

(4) urges the President and Secretary of State to utilize measures, such as those available under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 and Executive Order 13553, to sanction officials of the Government of Iran and other individuals directly responsible for egregious human rights violations in Iran, including against the Baha'i community.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material into the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 134 introduced by my good friend and colleague from Illinois (Mr. DOLD).

House Resolution 134 condemns the Iranian regime's persecution of Iran's Baha'i minority. Baha'is are the larg-

est non-Muslim minority in Iran, numbering over 300,000 members in Iran alone. This resolution marks the 12th congressional action urging the Iranian regime to end its persecution of the Baha'i minority. And still, Baha'is do not have the freedom to practice their religion. In fact, restrictions on Baha'is extend far beyond their religious practices to further restrict their civil rights and human rights. Many members of the Baha'i faith living in Iran are even subject to harassment, to persecution by the regime, and others with extensive reports of confiscation of property, restrictions on travel, and raids on Baha'i homes and businesses. The Iranian Government continues to arrest and detain Baha'is based on their religious beliefs, with at least 60 cases logged last year alone.

The members of the national leadership of the Baha'i in Iran, arrested in 2008 and unfairly tried with minimal access to their defense attorneys, are now serving a 20-year sentence for crimes, crimes including insulting religious sanctities and propaganda against the regime. The government maintains possession of many Baha'i properties that were seized following the 1979 revolution, including holy places, cemeteries, and historical sites. Many of those properties have now been destroyed.

Baha'is are barred from leadership positions in the government and are only permitted to enroll in schools if they do not identify themselves to be Baha'i and are required to identify as members of another religion in order to register for their entrance examinations. Many Baha'is are denied admission to the universities, and even those who are admitted may face expulsion due to their faith.

The Baha'i Institute for Higher Education, established after Baha'is were barred from attending other universities, was declared illegal this year and six educators from that institute are currently imprisoned in Iran.

These are just a fraction of the injustices that the Baha'is face at the hands of the Iranian regime. The regime has sought to make life as a Baha'i in Iran simply unlivable. They seek to take away aspects of everyday life that you and I would consider fundamental, inalienable rights.

This resolution draws attention to their plight and calls on the Iranian regime to end its campaign of abuse against the Baha'is. It condemns the Iranian regime for the persecution of the Baha'is and calls on the regime to immediately release the Baha'is that it wrongfully holds in captivity, including the seven Baha'i leaders and the six Baha'i educators; and it calls for the President and the Secretary to publicly express the same sentiments.

Finally, the resolution urges the President and the Secretary of State to use measures already enacted into law

under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 to sanction Iranian officials responsible for human rights violations against Baha'is and others.

Mr. Speaker, I was a co-author of that legislation, and those measures are not here for show. They are there to punish those responsible for these egregious crimes and deter future human rights violations. It is therefore time for the administration to walk the walk and hold the Iranian regime officials—from the so-called “supreme leader” and Ahmadinejad on down—responsible for their violations of the human rights of the Baha'is and other Iranians.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Res. 134, as amended; and I yield myself such time as I may consume.

Mr. Speaker, before I get into the substance of the bill, I just want to say a couple of things as we're ending the 112th Congress. In the 113th Congress, I'm about to take over as ranking member on the House Foreign Affairs Committee. The man I'm replacing, who spoke before me, the gentleman from California (Mr. BERMAN), I just want him to know, which he already does, but I want to say it for the RECORD how much we're going to miss him and what a role model he really is for all of us on the committee, first as chair and then as ranking member. There isn't a person on either side of the aisle who doesn't respect him. There isn't a person who doesn't understand how important he's been to the Congress the many years he has served in Congress, and particularly on the Foreign Affairs Committee. His shoes are going to be very hard to fill. I'm going to try the best I can, but I want him to know, which he already does, but I want to say it for the RECORD that I'm going to miss him. I'm going to miss him as a friend, and I'm going to miss him as a colleague; and I think the Congress as a whole will miss him because he's one of the best, and I wish him only the very, very best as he moves on to a future endeavor.

Let me also say the gentlewoman from Florida, the current chair of the committee and former ranking member of the committee, she knows the affection I have for her both personally as a friend but also as a colleague, as chair of the committee for the past 2 years and as ranking member for the previous 4. She and I have worked together not only in these past 6 years but for all of the years we've been in Congress, and I think we've been in Congress for almost the exact same time. It's been a pleasure and an honor to work with her, and I continue to look forward to collaborating with her on all these issues of importance to

us—we agree on many, many, many things—in the 113th Congress. Madam Chair, I just want to tell you how much we appreciate you on both sides of the aisle.

So let me talk about the bill. I think it's important. I agree with everything the chairwoman said. While the international community is rightfully concerned about Iran's ties to international terrorism and its nuclear weapons program, we cannot forget those who struggle for religious freedom and democracy in Iran.

The Baha'i community has long been the target of religious persecution by the Iranian regime. Much of its informal leadership has been arrested, and many members of the community executed. The Baha'i are not permitted to practice their religion and culture. Their marriages are not recognized. Their dead cannot be buried according to Baha'i law, and their cemeteries are desecrated. In addition, the Baha'i are denied government jobs and business licenses. They are not permitted to enroll in public universities, and Baha'i schoolchildren are frequently harassed by classmates, teachers, and administrators. No human being deserves this type of treatment at the hands of their government.

The social teachings of the Baha'i faith, such as the equality of women and men and the principle of each individual's responsibility to navigate the truth, are impossible for the theocratic leaders of Iran to comprehend. But these are universal values—human values—and they must be protected.

Mr. Speaker, the United States and the international community must not ignore the systematic and violent attacks against the Iranian Baha'i community, and Tehran must be held accountable. By passing this resolution, we shine a light on the persecution of the Baha'i and hopefully move us one step closer to the day that true freedom reaches Iran.

I encourage all of my colleagues to support H. Res. 134, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend from New York for those kind words. Mr. ENGEL is a true mensch. That's a good thing.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DOLD), a member of the Financial Services Committee, the Tom Lantos Congressional Human Rights Committee, and the author of this measure, whom we will miss greatly.

Mr. DOLD. Mr. Speaker, I certainly want to thank the chairwoman for her leadership and for her friendship and her work on human rights abuses. I certainly want to thank the ranking member and my friend from New York as well.

Mr. Speaker, I've talked at length in this Chamber about the human rights

abuses taking place inside the country of Iran. In response to this Iranian regime's oppressive rule, we have worked to promote democracy and human rights through a variety of legislative tools, and we have championed measures like the Lautenberg amendment to offer a lifeline to those individuals who seek nothing more than the freedom they cannot find in their home country.

□ 1230

Today I'm proud to stand here with my colleagues and encourage others to support House Resolution 134, officially condemning the Government of Iran for its state-sponsored persecution of its Baha'i religious minority and for the continued violation of human rights. It's time for these continued violations of human rights to be fully exposed and to receive increased international attention.

The Baha'i population is Iran's largest non-Muslim religious minority. Over 300,000 Iranians consider themselves part of the Baha'i faith, yet since the Islamic revolution of Iran of 1979, members of the Baha'i faith in Iran have faced intense suppression solely because of their religious beliefs. Baha'is are unrecognized under the Iranian Constitution, and over 200 Baha'is have been killed in Iran since the revolution.

Additionally, Baha'is are wrongfully imprisoned and discriminated against throughout the country. Baha'is are barred from universities, banned from government employment, and excluded from the social pension system unless they deny their religious affiliation. Their marriages are not recognized; their property is confiscated; their holy places and cemeteries have been desecrated.

The situation has worsened considerably, Mr. Speaker, in the last year as the number of Baha'is in prison has roughly doubled, and there have been raids on the Baha'i Institution of Higher Education, an alternative education system that the Baha'i community developed to educate Baha'i youth who are excluded from the state's university system.

House Resolution 134 condemns the state-sponsored persecution performed by the Iranian Government and calls on it to release the seven imprisoned Baha'i leaders, six imprisoned educators, and all other prisoners held solely on account of their religious beliefs. Additionally, the resolution calls on the President and the Secretary of State to condemn the Iranian Government's continued violation of human rights. Finally, the resolution urges the President and the Secretary of State to utilize available measures to sanction officials of the Government of Iran and other individuals directly responsible for egregious human rights violations, including against the Baha'i community.

Mr. Speaker, in recognition of the importance of this issue, this resolution currently enjoys over 146 bipartisan cosponsors. On behalf of all those who are concerned about human rights abuses, and on behalf of the Baha'i community in the Tenth District of Illinois, which is home to the Baha'i Temple of North America—the beautiful temple in Wilmette is one of only seven, Mr. Speaker, throughout the world—I'd like to encourage my colleagues, my friends to vote in support of H. Res. 134's passage.

I thank you, and I thank, again, the chairwoman for her leadership.

Mr. ENGEL. I have no further speakers, so I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time. I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise as a cosponsor of H. Res. 134, a resolution condemning the Government of Iran for the state-sponsored persecution of its Baha'i minority and to thank Representatives DOLD, LIPINSKI and SHERMAN for their collaboration on this important measure.

Since the 1979 Islamic Revolution, the Government of Iran has continued to repress Baha'is and prevent them from participating in the government and the military, from joining the social pension system or attending public schools and universities unless they concealed their faith.

This resolution calls on the President and Secretary of State, in cooperation with the international community, to immediately condemn the Government of Iran's violation of the human rights of the Baha'i and urges the President and Secretary of State to utilize all available measures, including sanctions on officials of the Government of Iran and other individuals directly responsible for egregious human rights violations against the Baha'i community and other minorities.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 134, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ENGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### URGING EUROPEAN UNION TO DESIGNATE HIZBALLAH AS A TERRORIST ORGANIZATION

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 834) urging the

governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 834

Whereas the Department of State has designated Hizballah as a foreign terrorist organization since October 1997;

Whereas the United States Government designated Hizballah a specially designated terrorist organization in January 1995 and a "Specially Designated Global Terrorist" pursuant to Executive Order 13224 (66 Fed. Reg. 49079) in October 2001;

Whereas Hizballah was established in 1982 through the direct sponsorship and support of Iran's Islamic Revolutionary Guards Corps (IRGC) Qods Force and, as a primary terrorist proxy of Iran, continues to receive training, weapons, and explosives, as well as political, diplomatic, monetary, and organizational aid, from Iran;

Whereas Hizballah has been implicated in multiple acts of terrorism over the past 30 years, including the bombings in Lebanon in 1983 of the United States Embassy, the United States Marine barracks, and the French Army barracks, the airline hijackings and the kidnapping of European, American, and other Western hostages in the 1980s and 1990s, and support for the Khobar Towers attack in Saudi Arabia that killed 19 Americans in 1996;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, "Since at least 2004, Hizballah has provided training to select Iraqi Shia militants, including on the construction and use of improvised explosive devices (IEDs) that can penetrate heavily-armored vehicles.";

Whereas, in 2007, a senior Hizballah operative, Ali Mussa Daqduq, was captured in Iraq with detailed documents that discussed tactics to attack Iraqi and coalition forces, and has been directly implicated in a terrorist attack that resulted in the murder of 5 members of the United States Armed Forces;

Whereas Hizballah has been implicated in the terrorist attacks in Buenos Aires, Argentina, on the Israeli Embassy in 1992 and the Argentine Israelite Mutual Association in 1994;

Whereas Hizballah has been implicated in acts of terrorism and extrajudicial violence in Lebanon, including the assassination of political opponents;

Whereas, in June 2011, the Special Tribunal for Lebanon, an international tribunal for the prosecution of those responsible for the February 14, 2005, assassination of former Lebanese Prime Minister Rafiq Hariri, issued arrest warrants against 4 senior Hizballah members, including its top military commander, Mustafa Badr al-Din, identified as the primary suspect in the assassination;

Whereas, according to the 2011 Country Reports on Terrorism issued by the Department of State, Hizballah is "the likely perpetrator" of 2 bomb attacks that wounded United Nations Interim Force in Lebanon (UNIFIL) peacekeepers in Lebanon during 2011;

Whereas, according to the October 18, 2012, report of the Secretary-General of the

United Nations to the United Nations Security Council on the implementation of Security Council Resolution 1559 (2004) (in this preamble referred to as the "October 18 Report"), "The maintenance by Hizballah of sizeable sophisticated military capabilities outside the control of the Government of Lebanon . . . creates an atmosphere of intimidation in the country[.] . . . puts Lebanon in violation of its obligations under Resolution 1559 (2004)[.] and constitutes a threat to regional peace and stability.";

Whereas, on July 12, 2006, Hizballah engaged in an unprovoked attack on Israel that instigated the 2006 Israel-Hizballah War, in which Hizballah deliberately targeted Israeli civilians and utilized innocent Lebanese as human shields in violation of international norms;

Whereas, since the 2006 conflict, Iran and Syria have provided substantial assistance to Hizballah to rebuild its stockpile of tens of thousands of rockets, including sophisticated long-range weapons that can strike deep into Israeli territory;

Whereas John Brennan, Assistant to the President for Homeland Security and Counterterrorism, stated on October 26, 2012, that Hizballah's "social and political activities must not obscure [its] true nature or prevent us from seeing it for what it is—an international terrorist organization actively supported by Iran's Islamic Revolutionary Guards Corps—Quds Force";

Whereas David Cohen, Under Secretary of the Treasury for Terrorism and Financial Intelligence, stated on August 10, 2012, "Before al Qaeda's attack on the U.S. on September 11, 2001, Hizballah was responsible for killing more Americans in terrorist attacks than any other terrorist group";

Whereas, according to a September 13, 2012, Department of the Treasury press release, "The last year has witnessed Hizballah's most aggressive terrorist plotting outside the Middle East since the 1990s.";

Whereas, since 2011, Hizballah has been implicated in thwarted terrorist plots in Azerbaijan, Cyprus, Thailand, and elsewhere;

Whereas, on July 18, 2012, a suicide bomber attacked a bus in Burgas, Bulgaria, murdering 5 Israeli tourists and the Bulgarian bus driver in a terrorist attack that, according to Mr. Brennan, "bore the hallmarks of a Hizballah attack";

Whereas Israeli prime minister Benjamin Netanyahu has stated regarding the Burgas terrorist attack, "We have unquestionable, fully substantiated evidence that this was done by Hizballah backed by Iran.";

Whereas Bulgaria is a member of the European Union and of the North Atlantic Treaty Organization (NATO);

Whereas, according to the October 18 Report, "There have been credible reports suggesting involvement by Hizballah and other Lebanese political forces in support of the parties in the conflict in Syria. . . . Such militant activities by Hizballah in Syria contradict and undermine the disassociation policy of the Government of Lebanon, of which Hizballah is a coalition member.";

Whereas, on October 26, 2012, Mr. Brennan stated, "We have seen Hizballah training militants in Yemen and Syria, where it continues to provide material support to the regime of Bashar al Assad, in part to preserve its weapon supply lines.";

Whereas, on August 10, 2012, the Department of the Treasury designated Hizballah pursuant to Executive Order 13582 (76 Fed. Reg. 52209), which targets those responsible for human rights abuses in Syria, for providing support to the Government of Syria;



Whereas, according to the Department of the Treasury, since early 2011, Hizballah “has provided training, advice and extensive logistical support to the Government of Syria’s increasingly ruthless effort to fight against the opposition” and has “directly trained Syrian government personnel inside Syria and has facilitated the training of Syrian forces by Iran’s terrorism arm, the Islamic Revolutionary Guards Corps-Qods Force”;

Whereas, on September 13, 2012, the Department of the Treasury designated the Secretary-General of Hizballah, Hassan Nasrallah, for overseeing “Hizballah’s efforts to help the Syrian regime’s violent crackdown on the Syrian civilian population”;

Whereas, on October 26, 2012, Mr. Brennan stated, “Even in Europe, many countries . . . have not yet designated Hizballah as a terrorist organization. Nor has the European Union. Let me be clear: failure to designate Hizballah as a terrorist organization makes it harder to defend our countries and protect our citizens. As a result, for example, countries that have arrested Hizballah suspects for plotting in Europe have been unable to prosecute them on terrorism charges”; and

Whereas, on October 26, 2012, Mr. Brennan called on the European Union to designate Hizballah as a terrorist organization, saying, “European nations are our most sophisticated and important counterterrorism partners, and together we must make it clear that we will not tolerate Hizballah’s criminal and terrorist activities.”: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) urges the governments of Europe and the European Union to designate Hizballah as a terrorist organization so that Hizballah cannot use the territories of the European Union for fundraising, recruitment, financing, logistical support, training, and propaganda;

(2) urges the governments of Europe and the European Union to impose sanctions on Hizballah for providing material support to Bashar al Assad’s ongoing campaign of violent repression against the people of Syria;

(3) expresses support for the Government of Bulgaria as it conducts an investigation into the July 18, 2012, terrorist attack in Burgas, and expresses hope that the investigation can be successfully concluded and that the perpetrators can be identified as quickly as possible;

(4) urges the President to provide all necessary diplomatic, intelligence, and law enforcement support to the Government of Bulgaria to investigate the July 18, 2012, terrorist attack in Burgas;

(5) reaffirms support for the Government of Bulgaria by the United States as a member of the North Atlantic Treaty Organization (NATO), and urges the United States, NATO, and the European Union to work with the Government of Bulgaria to safeguard its territory and citizens from the threat of terrorism; and

(6) urges the President to make available to European allies and the European public information about Hizballah’s terrorist activities, efforts to subvert democracy within Lebanon, and provision of material support to Bashar al Assad’s campaign of violence in Syria.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 834, introduced by my good friend and colleague from Pennsylvania (Mr. KELLY).

The resolution before the House condemns the ongoing violence perpetrated by Hezbollah. It urges the European Union to classify Hezbollah as a designated terrorist organization.

Now, in March of 2005, the House voted on a similar resolution urging the European Union to add Hezbollah as a designated foreign terrorist organization; yet here we are again, Mr. Speaker, nearly 8 years later, calling for the EU to take this long overdue action.

As the purveyor of one of the most expansive extremist networks in the world, Hezbollah has engaged in nearly three decades of attacks against Americans, Europeans, Israeli civilians, in addition to plots and attacks on nearly every continent. Among the most egregious examples of Hezbollah attacks against innocent civilians abroad were its bombings of the Israeli Embassy in Buenos Aires in March 1992 and the Jewish Cultural Center in Buenos Aires in 1994.

Hezbollah has never missed an opportunity to target innocent civilians, especially innocent Israelis, as the 2006 conflict in southern Lebanon illustrated, while using innocent Lebanese as human shields. Hezbollah has even turned its weapons on Syrians and against other Lebanese, as the Special Tribunal for Lebanon has uncovered. And most recently, Mr. Speaker, Hezbollah attacked innocent Israeli and Bulgarian civilians in Burgas, Bulgaria.

Mr. Speaker, given Hezbollah’s long and grisly record, it is no surprise that many of our allies—from Canada, Great Britain, the Netherlands, Australia, New Zealand—have designated Hezbollah as a terrorist organization, because that is what it is.

In this respect, it defies comprehension that our allies in the European Union continue to purposely omit Hezbollah from their list of designated terrorist organizations. The logic of the European Union’s decisionmaking on this matter is, at best, baffling, particularly against the backdrop of our mutual efforts to address the threats of Hezbollah patrons Iran and Syria.

By simply designating Hezbollah as a terrorist organization and stating the obvious, the European Union could deprive Hezbollah of access to millions of dollars in European banks and other financial institutions, while making an enormous contribution to regional stability, saving hundreds of lives that would otherwise be Hezbollah’s future victims.

Again, I strongly support this Kelly resolution, and I urge all of my colleagues to do the same.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Res. 834 and yield myself as much time as I may consume.

This important resolution urges the nations of Europe and the European Union to designate Hezbollah as a terrorist organization and to impose sanctions on it. We know from our experience with Iran that sanctions and, in fact, all diplomacy are most effective when they are multilateral—the more multilateral, the better.

We are particularly strong in such matters when we and our friends and allies in the European Union stand shoulder to shoulder. That’s why Europe’s seemingly inexplicable refusal to classify Hezbollah as a terrorist group has been so disappointing over the years.

Hezbollah is a charter member of the Foreign Terrorist Organizations list in the United States. It’s crimes are legion, spread over many continents, and far too numerous to list here. They begin in the early 1980s with deadly bombings of the U.S. Embassy and the U.S. Marine and French Army barracks in Beirut, and they have continued up to the present day. I still remember Ronald Reagan, President Reagan talking about it after so many of our marines were murdered in Lebanon.

□ 1240

Let me mention just a few of the other lowlights: countless kidnappings of Americans and Europeans in the 1980s and 1990s; the Khobar Towers attack that killed 19 Americans in 1996; the 1992 bombing of the Israeli Embassy and the 1994 bombing of the Jewish community center in Buenos Aires, again, with multiple killings; the murders of Americans in Iraq and the training of other Iraqi militants; and countless assassinations in Lebanon, including, most likely, that of former prime minister Rafik Hariri in 2005. In 2006, Hezbollah’s unprovoked murder of three Israeli soldiers caused a war, during which Hezbollah rocketed civilian targets in Lebanon and used Lebanese civilian as human shields.

Over the past 2 years, it has staged attacks from Turkey to Thailand. Today, it has forces in Syria fighting on behalf of Assad and the murderous Assad regime and helping to train



Assad's thugs. In addition, this year Hezbollah twice has been directly implicated in terrorism on European Union territory—in Bulgaria, where a suicide bomber killed five Israeli tourists and a Bulgarian, and in Cyprus, where an apparent Hezbollah terrorist attack was thwarted.

The failure of most European nations to designate Hezbollah has been based on the flimsiest of reasons; namely, that Hezbollah provides social services to the Shiite community and participates in electoral politics in Lebanon. In fact, Hezbollah takes a very novel approach to electoral politics—using a militia to intimidate voters into voting for them. By the way, it's a lesson that Hamas has learned very, very well.

But Europe's failure to designate Hezbollah as a terrorist group is not merely a problem because it accords legitimacy to a terrorist organization. Rather, it has important operational consequences as well. The failure to designate makes it more difficult to prosecute cases against Hezbollah crimes committed in Europe. It allows Hezbollah to use EU territories to fund-raise, recruit new members, propagandize, and train. And thus, the freedom Hezbollah enjoys in Europe ultimately affects non-Europeans as well. The European Union obviously will make its own decisions on this matter, but it's hard to escape the conclusion that the EU's failure to designate Hezbollah undermines both Europe's security and ours as well.

The State Department's top counterterrorism official recently said that he's "cautiously optimistic—at last—about the prospects for an EU designation of the group." I hope his optimism is justified. Until it is borne out with an actual terrorist designation, however, it is important that we join the Senate in going on record as urging the European Union to make that designation, which would be so beneficial to the fight against terrorism worldwide and to our own national security.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KELLY), an esteemed member of our House Foreign Affairs Committee and the author of this bill.

Mr. KELLY. I thank the gentlelady for your guidance and your leadership the last couple of years. It was a joy serving with you in Foreign Affairs.

I rise today in support of House Resolution 834 and urge the EU and member states to designate Hezbollah as a terrorist organization. Hezbollah is called "the A Team" of international terrorist organizations by terrorism experts. Hezbollah was created by Iran's Islamic Revolutionary Guards Corps Quds Force in 1982, and is a primary

terrorist proxy of Iran. Hezbollah receives weapons, training, monies, and support from Iran and Syria.

Hezbollah has left its bloody fingerprints around the world in the last 30 years. Hezbollah has been implicated in numerous deadly terrorist attacks against Europeans, Americans, and Israelis:

In 1983, the bombing of the U.S. embassy in Beirut, which killed 63 people; the 1983 bombing of the U.S. and French barracks of the Multinational Force in Lebanon, killing 241 American servicemen and 58 French soldiers; the 1992 bombing of the Israeli embassy in Buenos Aires, killing 29 people; the 1994 bombing of the AMIA Jewish community center building in Buenos Aires, killing 85 people; the suicide bombing on July 18, 2012, that killed five Israeli tourists and a Bulgarian driver in the town of Burgas, Bulgaria, that had all the hallmarks of a Hezbollah attack.

Hezbollah has created violence and instability in Lebanon. In addition to terrorist attacks and political assassinations, it has launched thousands of rockets and missiles at Israel from within Lebanon. Hezbollah supports Bashar al-Assad's brutal, ongoing violence against the Syrian people.

It's long past time for the EU and its members to join the U.S. and other allies and list Hezbollah as a terrorism organization. I would ask the EU as a recipient of the 2012 Nobel Peace Prize to please wake up. The U.S. designated Hezbollah as a terrorist organization in the late 1990s. Canada and Australia, as well as the United Kingdom and the Netherlands, both EU members, also list Hezbollah as a terrorist organization.

Failure to recognize and designate Hezbollah allows it to continue evading law enforcement, intelligence, and security services, and it endangers the people of Europe. Hezbollah cannot claim to be a legitimate political party or provider of social services when it refuses to abandon its terrorist agenda. Both the United States and the EU must be united in our fight against Hezbollah.

This resolution, H. Res. 834, urges the EU and member states to designate Hezbollah as a terrorist organization and to prevent Hezbollah from using EU territories for fundraising, for recruitment, for training, for propaganda, and any other activities. It urges the EU and its members to impose sanctions on Hezbollah for supporting the Assad regime's brutal violence against the Syrian people. It affirms our support for the Bulgarian government in its investigation of the July 18, 2012, terrorist attack, and urges our President to support that investigation. It urges the President to provide information to our European allies regarding Hezbollah's terrorist activities, subversion of democracy in Lebanon, and support of Assad's vio-

lence in Syria. This Congress has and will do all it can to urge the EU to do the right thing and list Hezbollah as a terrorist organization.

In September, my good friend GUS BILIRAKIS from Florida, Mr. DEUTCH, Mr. ISRAEL, Mr. SIRES and I led a bipartisan group of 268 House Members to send a letter to the President and the 27 ministers of the European Commission urging the Commission to include Hezbollah on the EU terrorist list. I might mention Mr. DEUTCH and I had talked one day walking into our offices about how well our staffs have worked together to forge this letter, to put it together. And we do things in a lot of bipartisan ways. I think sometimes it gets lost in the wash of other things that are going on. I especially want to thank all those members of the staffs and also one of my staff members, Mr. Isaac Fong, for the tireless work he put in.

Earlier this month, the Senate unanimously passed Senate Resolution 613, which also urges the EU to declare Hezbollah a terrorist organization. H. Res. 834 has over 80 bipartisan cosponsors. I urge my colleagues to vote "yes" on H. Res. 834. It's time to recognize Hezbollah for what it is. If it waddles like a duck and quacks like a duck, it's a duck. This is a terrorist organization. It needs to be recognized and designated as one worldwide.

Mr. ENGEL. I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. First of all, I want to begin by thanking the chair and the ranking member for their commitment to security, to Israel and to the region. I want to thank Mr. KELLY for his commitment, similarly.

In my office, which I recently shut down because I'm not going to be in the next Congress, I had a pedestal on which rested a bomb fragment that I brought back from the village of Qana in south Lebanon. Qana is the place where Christ is said to have performed his first miracle. And Qana was also the place where a bomb dropped on an apartment building and killed about 50 women and children.

I brought a fragment of that bomb back and put it on a pedestal in the office. And within that pedestal I put the dog tags of three Israeli soldiers who were captured and kidnapped. I got the dog tags from their parents. I've had that in my office since 2006, when I first went to Lebanon to look at the effects of the war. And I have them together because they represent the parenthesis on a human tragedy.

□ 1250

But we're all concerned about Israel's security. I rose on the floor of this House when the war started to talk about putting immediately into effect a plan that would stop the war. I've been to south Lebanon and Israel on several occasions.

I want to add a word of caution here because what I'm concerned about, notwithstanding the best intentions of my friends who are taking a strong stand here, is the impact of this resolution on a United Nations force in Lebanon, UNIFIL. There are European troops there. Their mission is to enforce U.N. Security Resolution 1701 to end the hostilities between Hezbollah and Israel.

UNIFIL has been working with Hezbollah to stabilize south Lebanon. And there are reports from the ground that they have helped to achieve a good measure of stability in that regard, even reports that Hezbollah has worked to help curb the work of terrorist cells of extremist bent. UNIFIL has, in effect, worked with Hezbollah. Peacekeepers have worked with Hezbollah. They've developed a relationship for future dialogue.

Now, I'm concerned that this resolution could make it even more difficult to enforce UN Resolution 1701 and that, if it's passed, one of the things that this Congress has to consider is that the Lebanese army, itself, has to be strengthened.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ENGEL. I yield the gentleman 1 minute.

Mr. KUCINICH. We have to look at the implications of this. If you have European countries who are essentially part of the UNIFIL presence in south Lebanon in furtherance of a U.N. resolution to end hostilities between Hezbollah and Israel, to create safety for both the people of Israel and the people of Lebanon, we've got to be very careful here that we don't create a situation that is the opposite of what we are trying to achieve. If this resolution passes—and unfortunately, I'm not going to be able to support it. But if it passes, we have to do something to strengthen the Lebanese army, because if the Lebanese army isn't strong enough, then you have a situation where the very thing that we are opposing here could come to pass and with great force.

So I would just urge your consideration of that, and I thank you very much for giving me an opportunity to put this forward. Again, I thank my colleagues for their constant support of Israel.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

Mr. ENGEL. I yield 3 minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. Mr. Speaker, I rise today in support of House Resolution 834, which urges the European Union to take steps to swiftly designate Hezbollah as a terrorist organization.

Despite its history of violent civilian attacks, our European partners in fighting terrorism as a whole have yet to formally recognize Hezbollah as a foreign terrorist organization. Mr.

Speaker, the failure of the EU to gain consensus on this matter serves as a grave injustice to those who have been the victims of terror attacks masterminded and carried out by Hezbollah throughout the world.

From the suicide truck bombings of the U.S. Embassy in Beirut in April 1983 that killed 63, the U.S. Marine barracks bombing in October 1983 that killed 241 American military personnel, a separate attack on the French military compound that killed 58, as well as the hijacking of TWA 847 in 1995 and Hezbollah's role in the 1994 bombing of the Israel-Argentine Mutual Aid Association in Buenos Aires that killed 85, right up to the terrorist attack this summer at a Bulgarian airport that killed six, Hezbollah has shown its propensity to attack civilians and to attack them anywhere in the world. It's also shown its propensity to attack even within Lebanon, where the group is responsible for the 2005 assassination of Prime Minister Hariri.

Hezbollah and its state sponsor Iran continually spread anti-U.S. and anti-Israel rhetoric and excitement, with Hezbollah chief Hassan Nasrallah recently threatening to rain down rockets on Israel "from the Lebanese border to Jordan to the Red Sea, from Kiryat Shmona to Eilat," prompting harsh rebukes from several prominent members of Lebanon's Parliament.

By failing to label Hezbollah a terrorist organization, Hezbollah is free to continue its operations, including recruiting and fundraising in Europe.

Mr. Speaker, we deeply value our relationship with our European allies, including our joint commitment to combatting terror around the globe. We appreciate their partnership in enacting crushing sanctions designed to thwart Iran's nuclear ambitions, but we do not understand the failure of our friends to join together in stopping this organization's reign of terror. That's why we are here this morning speaking about House Resolution 834.

Mr. Speaker, in conclusion, I'd like to thank my friend, Congressman KELLY, as well as Chairman ROS-LEHTINEN and Ranking Member BERMAN for their leadership on this issue.

My friend, Mr. ENGEL, the incoming ranking member, I look forward to working with you, continuing to work on these vitally important issues.

I urge my colleagues, Mr. Speaker, to support this resolution.

Ms. ROS-LEHTINEN. I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of this legislation, and thank my good friend Mr. KELLY for authoring it.

Mr. Speaker, this resolution urges the governments of Europe and the European Union to designate Hezbollah a terrorist organization, so that it will not be able to raise funds and recruit operatives in Europe.

Since Hezbollah is one of the most active, dangerous, ruthless, and evil terrorist groups in the world, this should be the most obvious thing in the world for the European governments to do—the minimum action which they should be in a hurry to do on their own, without any urging from anybody.

One reason many European countries have not done so is the ongoing presence of anti-Semitism in Europe. It's a very sad story, but it's undeniably true that in many European countries large minorities or even majorities of the population hold attitudes that can only be described as anti-Semitic. Regarding this I'd like to recommend to my colleagues a March 2012 study of the Anti-Defamation League on "Attitudes Toward Jews in Ten European Countries." It is shocking but necessary reading—I will be happy to share it with any of my colleagues.

Further, in Europe anti-Semitic opinion doesn't hide its head furtively. Rather people who are not anti-Semitic accept various forms of anti-Semitic statement and attitudes into seemingly "mainstream" discussion, where it's allowed to influence government policy—that is, anti-Semitic public opinion limits what some governments are willing to say and do in fighting anti-Semitism.

So with this resolution we are also urging the European governments, and the European Union, to deal more pro-actively, much more pro-actively, with anti-Semitism in Europe. Denounce anti-Semitic actions and statements whenever they occur—this is a fundamental responsibility of every elected official. As elected officials, we always have a special responsibility to anyone in danger—and this resolution documents very well that Hezbollah is an extraordinarily dangerous terrorist group.

In closing, Mr. Speaker, I do want to recognize the many European parliamentarians who have worked hard in fighting anti-Semitism in Europe. I've worked with many of them over the years, particularly in the Parliamentary Assembly of the OSCE and in the Inter-parliamentary Coalition for Combating Anti-Semitism.

This resolution, with its careful documentation of the extraordinary danger posed by Hezbollah, will provide Europeans engaged in fighting anti-Semitism with a tool they can take to their governments and demand that they be much more pro-active against anti-Semitism. For it is anti-Semitism that creates the poisonous atmosphere in which Hezbollah operates.

I strongly urge my colleagues to support this excellent resolution.

Mr. VAN HOLLEN. Mr. Speaker, as a co-sponsor of H. Res. 834, I rise to thank Representatives KELLY and DEUTCH for bringing this important resolution to the floor today and to encourage my colleagues to join me in supporting the measure.

H. Res. 834 urges the governments of Europe and the European Union to designate Hezbollah as a terrorist organization. According to John Brennan, the deputy national security advisor, Europe's failure to designate

Hezbollah as a terrorist group makes it more difficult to defend the citizens of the European Union and the United States because Hezbollah is able to openly raise funds in some European countries and because EU countries are unable to prosecute Hezbollah members suspected of plotting terrorist attacks.

Hezbollah has been implicated in multiple acts of terrorism over the past 30 years, including the bombings in Lebanon in 1983 of the United States Embassy, the United States Marine barracks, and the French Army barracks, the airline hijackings and the kidnapping of European, American, and other Western hostages in the 1980s and 1990s. Before al Qaeda's attack on the U.S. on September 11, 2001, Hezbollah was responsible for killing more Americans in terrorist attacks than any other terrorist group. Today, Hezbollah is training militants in Yemen and Syria and continues to provide financial and material support to the regime of Bashar al Assad.

This resolution urges the governments of Europe and the European Union to forbid Hezbollah from using EU territory for the purpose of fundraising, recruitment, financing, training and propaganda and it will help protect European and American lives. I encourage my colleagues to support the bill.

Mr. KUCINICH. Mr. Speaker, I challenge the wisdom of House Resolution (H. Res. 834) which urges the governments of Europe and the European Union to designate Hezbollah a terrorist organization and imposes sanctions.

This resolution could have an effect opposite to that which was intended—to strengthen Israel. The UN Security Council Resolution 1701, which called for the end of hostilities between Hezbollah and Israel, is now being enforced by the United Nations Interim Force in Lebanon (UNIFIL) with the participation of European governments. There are reports that Hezbollah has been cooperating with UNIFIL in stabilizing south Lebanon and that the relationships developed are channels for peaceful dialogue in the future.

Asking Europe to designate Hezbollah a terrorist organization could be counter-productive, increase dangers and lessen the effectiveness of European troops in UNIFIL. There will be adverse consequences of the resolution on the situation in south Lebanon.

I have visited the region and have worked to end the conflict between Israel and Lebanon, even as it was starting. I offered a peace plan to try to end the war. I further visited Lebanon and Israel on after the war. I visited an apartment house in Qana, south Lebanon, which had been destroyed by a bomb which killed fifty women and children.

I brought the bomb fragment back from the site and kept it on display in my office, together with three dog tags of kidnapped Israeli soldiers to remind of the great human tragedy of the conflict, and the suffering on all sides.

The passage of this bill means that Congress must take up the responsibility of making sure that the Lebanese army is sufficiently equipped to protect the country.

At this very moment America is roaming the world strenuously involved in promoting the Art of Governing. In Afghanistan, Iraq, Libya, Serbia, Yemen, Pakistan, Somalia and all points north and south, east and west, it is our

State Department with its large plans, it is our Central Intelligence Agency with its drone strikes, our military by its active presence, our Defense Intelligence Agency, and our military contractors all of whom are the instructors involved in a show of unparalleled force to display not only American power but to make the case for American exceptionalism.

If the machinations concerning the so-called fiscal cliff mean anything, they illustrate the conceit that somehow we have a right to tell others how to govern their affairs, and use our military to enforce our worldview. What is our case for democracy and cooperation elsewhere, if we have such difficulty practicing it or demonstrating it here at home? Where, with our unemployment, mortgage foreclosures, school closings, pension fund collapses, neighborhood violence, oh where is our showcase of democracy?

For all of our foreign entanglements, our military occupations and preoccupations, our spy-in-the-sky-surveillance, death dealing from drones on high to those who we see as a threat, for all of this—we are not safer.

We may in fact be less safe. There is plenty of evidence to suggest that Al Qaeda has been strengthened by the US support for military action in Iraq, Afghanistan, Pakistan, Syria, Yemen and by extrajudicial killings through the use of drones which are exacting a high toll on innocent civilians.

John Quincy Adams once said America “goes not abroad in search of monsters to destroy”. How far have we journeyed from that wise aspiration of a Founding Father?

To paraphrase Shakespeare's Cassius in Julius Caesar: ‘We act as a Colossus bestride the narrow world . . . and petty men walk under (our) huge legs.’ It is an illusion.

Through our endless interventions, we have lost our way in the wide world, by trying to conquer it. We cannot conquer the world. We cannot rule the world. We cannot be the policeman of the world. We cannot afford it militarily, financially or spiritually. American control of the fate of others in faraway land is an expensive fantasy and can no longer be indulged.

We will spend trillions of dollars in pursuit of a war on terror, which has become like a war against apparitions which shift shapes, loyalties and directions, consumes lives and money and at the end we meet in the distorted mirror of our fears the prophecy of Walt Kelly's Pogo: “We have met the enemy and he is us.”

The cost of the wars is a threat to our freedom. The money spent for war inevitably comes from pressing domestic needs for job creation, infrastructure rebuilding, education, health care, retirement security. Since 9/11 we have let fear set our priorities and that fear has cost us mightily. It is worth recalling President Eisenhower's full warning about the undermining of freedom which comes from out of control military spending:

“Our toil, resources and livelihood are all involved; so is the very structure of our society. In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists, and will persist. We must never let the weight of this combination endanger our liberties or

democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals so that security and liberty may prosper together.”

The wars have been a disaster for innocent civilians. More than one million innocent Iraqis perished in a war based on lies, a war executed by an American president and vice president who flat out lied to the Congress, lied to the American people, lied to the media and escaped responsibility and accountability because we just moved on.

We will never recover from the tragedy which we wrought upon the people of Iraq, we will never recover from the sordid legacy of torture, rendition, indefinite detention, we will never recover from the effects of 9/11 unless America has a deep, searching period of Truth and Reconciliation, where the principle decision-makers are required to come before a public tribunal to tell the truth or to face the consequences of their perfidy. We need such a process not only to set straight the historical record, but to remove the dark stain upon the soul of this nation which an unjust war fixes firmly.

There must be a new role for America in the world, where we can work with the community of nations for comprehensive international law enforcement, to assure security abroad, and protection here at home with democratic governance through strengthening our community safety forces.

This is much to be preferred to the architecture of the national security state here at home which increasingly requires American citizens to give up their civil liberties to achieve a measure of security. Big Brother is hard at work in America, assembling huge databases of personal information, warrantless wiretaps, tracking phone calls, emails and internet searches, watching closely with new networks of cameras, new sophisticated drone technology, observing everything but the US Constitution.

Our right to freedom from unreasonable search and seizure has been annihilated through the legal acrobatics of high technology.

It was Benjamin Franklin who wrote “Those who give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.”

What is outermost in the conduct of our foreign affairs is a reflection of what is innermost in our domestic affairs. And what is innermost in ourselves becomes outermost in our families and our communities. This is the ironclad law of reciprocity in human affairs. It is not simply ‘do unto others as you would have them do unto you’, but as you do unto others, so you do unto yourself.

It may not be possible for the US to bring peace to anywhere except the U.S.

Peace inside the United States is possible. Peace in our communities, our neighborhoods, our homes is possible. Yet the omnipresence of violence in our society mirrors the violence which the United States visits on nations across the globe.

The fate of humanity is written not large in the sky, but in a cursive across the tablet of

our heart. How bold we stand for peace and love in our daily lives informs the strength of the impulse of our hearts to radiate outward to establish new conditions of our existence and in the lives of each person we touch.

The peace we claim for ourselves is the peace we can give to others. But it requires conscious thought in every moment. Peace necessarily involves a structured approach, within our lives, intersecting with the lives of others. An awareness of the consequences of our every action, how it affects us and how it affects others.

This is not a theoretical exercise. For the past 16 years, this Congress has been my human relations workshop in which I have tested ideas of conflict resolution, of standing for truth, of fiercely engaging in debate, of moving forthrightly into partisan debates, of negotiating around partisanship, of alignment with another person on matters of personal interest, of even building friendships from the broken pieces of partisan battles.

We are locked into a cultural matrix of thinking which produces violence and we are shocked when its heartbreaking effects emerge. It's "Us vs. them" thinking, the evocation of enemies, whoever they are.

On a global level, this type of thinking justifies war and brings the slaughter of innocents. Nationally it sows seeds for murder. Yet, war abroad and violence at home are not inevitable. We have it within our power to recreate America today. Are we not the land of the free, the home of the brave? Is there not something uniquely American which gives us the ability to transcend our woes and seek a more perfect union? Even at the darkest moment we Americans can stand bravely for our freedoms. Mindful of our inherent unity, we must break the "US vs. them" mindset and move beyond survival mode to security through cooperation.

Let us create an organized structured approach to become architects of a new culture of peace, in our homes, our schools, our workplaces.

This is what the "Dept. of Peace" (H.R. 808) is about. Let us establish that America's national security and peace at home includes jobs, housing, physical and mental health care, education, retirement security for all. We are, the land of the free, the home of the brave. Freedom and bravery, courage and democracy are our birthright, our inheritance, our destiny.

And let us not propagate to Europe and the European community the fears which have infected this country. The Scriptures bid us to make peace with our brothers and sisters. This is the higher calling for the United States. This should be our new *raison d'être* in the world and at home. God Bless America.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 834.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ENGEL. Mr. Speaker, I object to the vote on the ground that a quorum

is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

#### REQUESTING EGYPT RETURN NOOR AND RAMSAY BOWER TO THE UNITED STATES

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 193) calling on the new Government of Egypt to honor the rule of law and immediately return Noor and Ramsay Bower to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 193

Whereas Colin Bower's 2 young sons, Noor and Ramsay Bower, were illegally abducted from the United States by their mother in August 2009 and taken to Egypt;

Whereas Noor William Noble Bower, age 11, and Ramsay Maclean Bower, age 9, are citizens of the United States of America;

Whereas, on December 1, 2008, prior to the abduction of Noor and Ramsay, the Probate and Family Court of the Commonwealth of Massachusetts awarded sole legal custody of Noor and Ramsay to Colin Bower, and joint physical custody with Mirvat el Nady, which ruling stipulated Mirvat el Nady was not to remove Noor and Ramsay from the Commonwealth of Massachusetts;

Whereas, in August of 2009, following a violation of the Probate Court's ruling, the Massachusetts Trial Court granted sole physical custody of Noor and Ramsay to their father, Colin Bower;

Whereas Colin Bower has been granted only 4 visitations with his sons in the more than 3 years since the abduction;

Whereas the United States has expressed its commitment, through the Hague Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980, "to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence"; and

Whereas the United States and 69 other countries that are partners to the Hague Convention on the Civil Aspects of International Child Abduction have agreed, and encourage all other countries to concur, that the appropriate court for determining the best interests of children in custody matters is the court in the country of their habitual residence: Now, therefore, be it

*Resolved*, That the House of Representatives calls on government officials and competent courts in Egypt to assist in the safe and immediate return of Noor and Ramsay Bower to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

#### GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 3½ years ago, Colin Bower's two sons, Noor and Ramsay, were abducted from the United States by their mother in violation of the custody ruling given by the courts of the Commonwealth of Massachusetts. The boys' mother used forged passports to remove the boys from the United States and take them to her native land of Egypt, despite the fact that a court ruling stipulated that she was not to remove them from Massachusetts. Last I checked, Egypt was not in Red Sox country.

One of the objectives of the Hague Convention, Mr. Speaker, on the Civil Aspects of International Child Abduction—of which Egypt and the United States are members—is to ensure that custody rights and access under the law of one contracting state are respected in the others. That means helping to bring Noor and Ramsay home to their father.

The resolution is not calling for anything extraordinary. We are simply appealing to the Egyptian Government to uphold its responsibilities and return these two boys to their rightful home.

I would like to thank my colleague from Massachusetts (Mr. FRANK) for working so diligently to secure the safe and speedy return of these boys to their dad. This bipartisan measure deserves our unanimous support.

With that, Mr. Speaker, I reserve the balance of my time.

□ 1300

Mr. ENGEL. Mr. Speaker, I rise in strong support of H. Res. 193 and yield myself as much time as I may consume.

This resolution calls on the new Government of Egypt to immediately return two kidnapped American children to their father in the United States.

In August of 2009, Colin Bower of Wellesley, Massachusetts, received a terrifying phone call that his two children—Noor and Ramsay, ages 9 and 7 at the time—had been abducted to Egypt by his ex-wife, Mirvat el Nady. Mr. Bower was granted sole legal custody of the children after his divorce.

El Nady lost custody over the children because the Massachusetts courts found her to have a drug addiction which put the safety of the boys at risk. She utilized falsified Egyptian passports to smuggle the children out

of the country on an Egypt Air flight and is now wanted by Federal and local officials on charges of kidnapping.

The facts of this case are heart-breaking, and I want to thank my good friend and colleague, the gentleman from Massachusetts (Mr. FRANK), for working so hard on this resolution and trying to reunite Mr. Bower with his children.

The resolution before us asks for three simple things: first, that Egypt bring about the safe return of Noor and Ramsay Bower to their father, Colin Bower, in the United States; secondly, that Egypt immediately stop using its own security forces to aid and abet the continued unlawful retention of these two United States citizens; and, thirdly, and finally, it urges Egypt and all other nations to join and fully participate in The Hague Convention on the Civil Aspects of International Child Abduction and to establish procedures to promptly and equitably address the tragedy of child abductions.

During this holiday season, we are reminded that children are our most important and cherished resource, and it is a tragedy for everyone involved when they are taken away and denied access to one of their parents.

Egypt's Government must do better. What the Mubarak and now Morsi governments have done is actively work to make sure Mr. Bower is not part of his children's lives. This is unjust, illegal, tragic, and unacceptable; and sadly, Mr. Speaker, this is but one of 31 separate cases involving American children wrongfully removed from the United States to Egypt.

Mr. Speaker, I ask that all my colleagues join me in supporting this important resolution, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I now yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, my thanks go to the chair of the committee, the gentlewoman from Florida, the ranking member from California (Mr. BERMAN), and the new ranking member from New York (Mr. ENGEL) for giving us a chance to try to achieve not just justice but love, the love of a father for children for whom he grieves daily because they were illegally and abusively kidnapped.

As the gentlewoman from Florida pointed out, this kidnapping was in violation of a decision by the family court in Massachusetts giving full custody to the father. Members will not be surprised to learn that there have been very few complaints, that I've ever heard of, of there being a bias in favor of fathers in those courts. Some say there's a bias in favor of mothers. There is certainly a presumption, as I understand it, in favor of mothers. So for a court to say unequivocally that

the father gets sole control is a strong indication of the unfitness of the mother.

And so the case is very clear; but I want in my remarks, Mr. Speaker, to address the Government of Egypt. There's a new government in Egypt. There are points of friction between Egypt and the United States. We have a great interest in a good relationship. The foundation of peace in the Middle East began in 1979 with the Camp David Accords. America has consistently provided Egypt with more foreign assistance than all but a handful of nations. And in this current period when there are issues that could arise that could divide us, I urge the Egyptian Government not to put or keep in place a serious problem, not an irritant. It's more than an irritant when a loving father who has been given custody of his children because of the court's decision that the mother is unfit by virtue of a drug addiction, when he is denied the ability to have his paternal instincts honored, to be able to honor and protect his children. And I urge the Government of Egypt: do not minimize the extent to which this will be an obstacle.

I will not be here in a week, Mr. Speaker. I didn't think I'd be here this week. But I know that my successor in Congress, Mr. Kennedy, and my colleagues, the chair of the committee and the ranking member, will not forget this. The Government of Egypt will be seeking from this House support of measures, and there are a lot of reasons why we want to work together. I plead with them, do not allow what to us is a very serious issue—perhaps to some in Egypt it appears minor—but to have a father's children taken away from him and kidnapped with the implicit cooperation of the prior Egyptian Government is a grave problem. If the current Egyptian Government does not correct this situation, it will be an obstacle to the kind of cooperation that is in our mutual interest.

I hope we get a very large, indeed unanimous, vote for this resolution and the Egyptian Government understands that it is not just justice but its best interests that call for compliance.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself 1 minute to again reiterate the fact that I support this bill very strongly and also, since Mr. FRANK spoke before me, I want to, as I mentioned before with some of the other people, tell him how much I appreciate being his colleague through the years and how much not only I will miss him and the Congress will miss him but that the country will miss him. It's been wonderful to call him a colleague, even better for me to call him a friend, and I wish him the best in all future endeavors. Thank you very much, BARNEY.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I also will miss Mr. FRANK for his friendship and his great insight on many of the issues, and I thank him so much for caring deeply about constituents in his district, and we will continue to fight on their behalf.

With that, Mr. Speaker, I yield back the balance of our time.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H. Res. 193, calling on the new government of Egypt to honor the rule of law and immediately return American citizens Noor and Ramsey Bower to the United States. It is absolutely appalling and inexcusable that more than three years after a textbook abduction, the new government of Egypt has yet to right the terrible wrong that has been perpetrated upon Noor and Ramsey, as well as upon their father, Colin Bower.

Noor and Ramsey were abducted and hidden with the assistance of the previous Egyptian government August 2009. The boys' mother had lost custody of the children in the United States because of her drug use and psychological problems. Their father, Mr. Bower, was their primary caregiver.

For the last three years, Colin Bower has been doing everything in his power to find out if his sons are safe and to be reunited with them. In July of 2011, he testified before my subcommittee on Africa, Global Health, and Human Rights—and conveyed his frustration over the lack of priority abduction cases receive in U.S. foreign policy.

This sentiment is shared by the thousands of American parents whose American children have been abducted to foreign jurisdictions, often in violation of valid U.S. court orders. Every year, more than a thousand additional families are anguished by an abduction. We are losing our children and are not bringing them home.

At that same hearing, we heard from Michael Elias, an Iraqi veteran from New Jersey, who told this committee of his anguish after his ex-wife used her Japanese consulate connections to abduct Jade and Michael Jr., after the New Jersey court had ordered surrender of passports and joint custody.

His ex-wife flagrantly disregarded those valid court orders telling Michael Elias, "My country [Japan] will protect me." She was right. Both the U.S. embassy personnel and Mr. Elias have been unable to even see the American citizen children since 2008—much less return them to their home.

The U.S. talks about the problem with Japan, and talks, and talks—but Japan has yet to issue and enforce a court order to return a single American child.

In the case of Egypt, we have provided more than \$4 billion in aid and debt relief since the abduction of Noor and Ramsey in 2009—despite the fact that Egypt has continued to flagrantly violate valid U.S. court orders, prevent Mr. Bower from seeing his sons, and otherwise aid and abet a kidnapping.

The United States can and must do more to demand that our would-be allies respect the rule of law and return our abducted children. H. Res. 193 is a step in the right direction. Specifically, H. Res. 193 "urges Egypt and all

other nations—such as Japan—to join and fully participate in the Hague Convention on the Civil Aspects of International Child Abduction, and to establish procedures to promptly and equitably address the tragedy of child abductions, given the serious consequences to children of not expeditiously resolving these cases and of denying them access to a parent.”

H. Res. 193 also urges the House of Representatives to take other appropriate measures to ensure that Hague Convention partners return abducted children to the United States in compliance with the Hague Convention’s provisions—and to work aggressively for the return of children abducted from the United States to countries that are not Hague Convention Partners and for visitation rights for left-behind parents while return is negotiated, establishing memorandums of understanding where necessary for the expeditious return of children.

Mr. Speaker, it may soon be time for this body to consider additional steps if we do not see immediate cooperation from our would-be allies in the return of American children. H. Res. 193 is ample warning to Egypt, Japan, and other nations that American patience with abductions has run out. I strongly support the passage of H. Res. 193—and the passage of additional steps if the warning is not heeded.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 193, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: “Calling for the safe and immediate return of Noor and Ramsay Bower to the United States.”

A motion to reconsider was laid on the table.

#### NAVAL VESSEL TRANSFER ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6649) to provide for the transfer of naval vessels to certain foreign recipients, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6649

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Naval Vessel Transfer Act of 2012”.

#### SEC. 2. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) MEXICO.—To the Government of Mexico, the OLIVER HAZARD PERRY class guided missile frigates USS CURTS (FFG-38) and USS MCCLUSKY (FFG-41).

(2) THAILAND.—To the Government of Thailand, the OLIVER HAZARD PERRY class guided missile frigates USS RENTZ (FFG-46) and USS VANDEGRIFT (FFG-48).

(3) TURKEY.—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates USS HALYBURTON (FFG-40) and USS THACH (FFG-43).

(b) TRANSFER BY SALE.—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS TAYLOR (FFG-50), USS GARY (FFG-51), USS CARR (FFG-52), and USS ELROD (FFG-55) to the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) ALTERNATIVE TRANSFER AUTHORITY.—Notwithstanding the authority provided in subsections (a) and (b) to transfer specific vessels to specific countries, the President is authorized, subject to the same conditions that would apply for such country under this Act, to transfer any vessel named in this Act to any country named in this Act such that the total number of vessels transferred to such country does not exceed the total number of vessels authorized for transfer to such country by this Act.

(d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) or (c) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(e) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6649, the Naval Transfer Act of 2012, as amended.

According to the Secretary of the Navy, authority to transfer surplus vessels is an important element of the U.S. strategy for decommissioned ships. It enables our Navy to manage its inventory while strengthening ties with our key security partners and with allies by transferring ships that meet key operational requirements.

This legislation authorizes the transfer of 10 decommissioned Oliver Hazard Perry class guided missile frigates to Mexico, to Thailand, to Turkey and Taiwan. Six of the 10 vessels would be authorized for transfer on a grant basis as excess defense articles under section 516 of the Foreign Assistance Act.

Mexico, Thailand, and Turkey would each receive two frigates. With respect to Turkey, I remain greatly concerned with the deterioration in that country’s relations with, and policy toward, the democratic Jewish state and our ally, the State of Israel.

□ 1310

Since the 2010 flotilla incident—a crisis on the high seas that triggered a tailspin in Turkish-Israeli relations—we have witnessed a Turkey that is increasingly hostile toward Israel.

From its recall of its Ambassador to Israel, its attempts to marginalize Israel in other international fora, and its continued occupation of Cyprus to the embrace of the Muslim Brotherhood and its offshoots, current Turkish policy is unacceptable. I will continue to challenge those and take steps to ensure, for example, that Turkey is sanctioned for its activities regarding the Iranian regime.

But, Mr. Speaker, the proposed transfer that we’re talking about today is not validation of the current Turkish policy in the region. It is about our Nation’s long-term national security interests. That is what this bill is all about. Turkey is a NATO ally that we need to continue participating in joint anti-piracy operations, for which they would use these frigates. It has even commanded the Combined Joint Task Force 151, fighting piracy in the Gulf of Aden and along the Somali coast, protecting American citizens who are traveling in that volatile region.

Additionally, in light of the deteriorating security environment in Syria and Turkey’s critical role in that arena, the Department of Defense feels that it was necessary for our foreign policy priorities and security objectives that Turkey receive these transfers.

Finally, Mr. Speaker, in 2010, the last time that Congress authorized such naval transfers, we approved the grant transfer of three OSPREY class minehunter coastal ships to Greece, but no transfers to Turkey.



Lastly, these transfers are job creators here at home. Each frigate transferred will require \$40 to \$80 million of repair and refurbishment. This represents economic benefit to the United States through labor and services during the transfer process, as well as the potential for millions more in follow-on services, equipment, and training. According to estimates from U.S. sources, each frigate transfer creates or sustains approximately 100 shipyard jobs and 50 services jobs in the U.S. for approximately 6 months. Performing this ship transfer work in domestic shipyards that perform U.S. Navy overhauls and repairs lowers the cost of U.S. Navy maintenance by spreading costs over a wider base. The end result is an overall lower cost to our U.S. Navy and thus for the American taxpayer.

The alternative to foreign ship transfers for ships no longer required by the U.S. Navy is to place the decommissioned ships into cold storage or have them be sunk. Navy funding is required for both the storage and the sinking option.

Turning to the other four frigates, Mr. Speaker, these would be authorized for transfer to our close friends and ally, Taiwan. The transfer of these four frigates is not only a symbol of our enduring commitment to a secure and democratic Taiwan but will also provide the island with additional capabilities to conduct maritime security operations in the Taiwan Strait.

The legislation also requires that any expense incurred by the U.S. in connection with a transfer authorized by this bill shall be charged to the recipient.

Mr. Speaker, passage of this bill will help advance United States foreign policy interests and our broader national security requirements. Therefore, I urge adoption, and I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise in opposition to this bill, H.R. 6649, as amended, and yield myself as much time as I may consume.

Mr. Speaker, this bill authorizes the transfer of decommissioned frigates to four foreign countries. The governments of Turkey, Mexico, and Thailand would each receive by grant two Perry class frigates. That means for free. Taiwan would be authorized to purchase four of the same class of frigates, which they clearly need to protect their territorial waters.

I object to this bill primarily because of Turkey. While I recognize that Turkey is an important NATO ally, I regret that I have to oppose this bill in light of Turkey's problematic behavior and disturbing rhetoric regarding Israel and Cyprus over the past year and a half. For example, in May, with no apparent justification, Turkey sent combat aircraft to intercept an Israeli aircraft that was flying near Cyprus. This could have turned into a signifi-

cant confrontation between a U.S. NATO ally and the United States' closest ally in the Middle East. Fortunately, it did not.

In September 2011, Turkey announced that it would send warships to escort aid convoys to Gaza. It has not followed through with this threat, but nor has it rescinded it.

Prime Minister Erdogan and Foreign Minister Davutoglu have been famously competing to see who can issue the most vile denunciations of Israel, as we saw, once again, during the recent Gaza crisis. Indeed, their allegations of "ethnic cleansing" and "crimes against humanity," quotes from them, topped even the claims of Hamas for stridency and falsehood. Of course, the prime minister called Israel a "terrorist state." Is that the kind of rhetoric we should expect from a NATO ally?

Some people say this should continue because, after all, Turkey is an ally and we need to help them. Well, I look at it the other way. They're a NATO ally, so they have responsibility. And the way they're acting has been anything but responsible. This is not an inconsequential or trivial matter. As many public opinion surveys show, and as is widely acknowledged, Turkey wields enormous influence among Middle Easterners, with the sway to exacerbate or tamp down tensions as it sees fit. For too long, it has been exacerbating these tensions, particularly since the new government—well, it's not new anymore—a government for several years with an Islamist bent has been in.

Moreover, Turkey's longstanding recognition of Hamas has done nothing to moderate that group. It has merely lent legitimacy to a terrorist group and undermined the standing of the Palestinian Authority in Ramallah. Indeed, in the aftermath of the Gaza hostilities, Turkey's extreme rhetoric and one-sided approach to Israel's conflict with Hamas disqualified it from playing the useful mediating role which should be its natural vocation.

Turkey's unnecessarily harsh anti-Israel rhetoric over the last several years actually did cost the Turks the support of Congress to authorize the transfer of two decommissioned U.S. frigates in the last Congress. It should have that result again in this Congress, and it should be denied.

But Turkey's poisonous rhetoric and menacing behavior towards Israel is not the only reason to oppose this ship transfer, and perhaps not even the most potentially explosive. To cite the other important reason: Turkey has repeatedly threatened Cyprus and its energy explorations. One year ago, Turkey used its naval forces—and, by the way, the very naval forces this bill would enhance—in an effort to harass and intimidate Cyprus and workers employed by the Houston-based Noble En-

ergy company as they sought to explore for offshore natural gas in Cyprus' exclusive economic zone. Prime Minister Erdogan also threatened that Turkey would use force to stop these explorations. Probably because of U.S. opposition, it has not done so, but, again, Turkey has never rescinded the threat. Almost exactly 1 year ago, Turkey conducted a dangerous live-fire naval exercise in the vicinity of both the Cypriot and Israeli offshore natural gas explorations, which Cyprus and Israel are doing jointly.

The Turkish attitude is epitomized by Turkey's Minister for European Union Affairs, Egemen Bagis, who addressed the issue of Cypriot natural gas exploration last year. This was his warning, and I quote:

This is what we have a navy for. We have trained our marines for this. We have equipped the navy for this. All options are on the table. Anything can be done.

And I want to remind my colleagues that Turkey has continued to occupy the northern part of Cyprus since the 1970s. It's just unacceptable.

□ 1320

Mr. Speaker, I realize that Turkey is an important member of NATO. It accepted radar emplacements for NATO's missile defense initiative, and it is an important element of the solution to several regional problems—notably, Syria—but it has become a major problem for U.S. interests in terms of its relations with Israel and the inflammatory and distinctly unhelpful role it has assumed in the Palestinian issue, as well as its threats against Cyprus.

In the last several years, the once warm relationship between Israel and Turkey has unfortunately frozen over. We would truly like to see a thaw in that relationship, just as we would like to see Turkey respect the sovereign right of every country in the region, like Cyprus, to utilize their natural resources. Until then, I believe we should hold off on sending powerful warships to Turkey and encourage the government in Ankara to take a less belligerent approach to their neighbors.

Early in the next Congress, I would look forward to working with my colleagues on a new ship transfer bill that excludes Turkey, if we can defeat this bill, or appropriately conditions our ship transfer so that the government in Ankara gets the right message.

So I urge my colleagues to reject this bill, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to the gentleman from Florida, my colleague, Mr. BILIRAKIS, an esteemed member on our Committee of Foreign Affairs.

Mr. BILIRAKIS. Thank you, Madam Chairwoman. I appreciate it very much.

Mr. Speaker, I rise in opposition to H.R. 6649, the Naval Vessel Transfer



Act of 2012. As part of this legislation before us, the United States would transfer two Oliver Hazard Perry class guided missile frigates to the Government of Turkey.

I have serious concerns, and I oppose this military transfer, Mr. Speaker, because the Turkish navy, as recently as last year, held naval live-fire exercises in the eastern Mediterranean. These provocative exercises took place near the natural gas fields of Israel and the Republic of Cyprus and threatened to disrupt peaceful and productive economic activity. Instead, Mr. Speaker, it is my hope that, in the eastern Mediterranean, Congress will continue to work to foster the relationships between the United States, Greece, Israel, and Cyprus in order to promote and foster issues of mutual, economic, and diplomatic importance.

For those reasons, Mr. Speaker, I oppose the bill.

Mr. ENGEL. Mr. Speaker, may I inquire as to how much time I have left?

The SPEAKER pro tempore. The gentleman from New York has 13½ minutes remaining.

Mr. ENGEL. I yield 5 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for yielding.

Woodrow Wilson noted that Congress in committee is Congress at work. Congress ignoring the committee process is a Congress that doesn't work.

This bill has not been the subject of hearing and, more importantly, a markup in the Foreign Affairs Committee. And in the dead of night, provisions to transfer two frigates to Turkey, a controversial provision, was added to this otherwise innocuous bill.

There are arguments on both sides of the issue: Should we transfer the frigates to Turkey at no cost, a gift from the American taxpayer? Should we condition that transfer? Should we limit it to perhaps only one ship?

I'd like to have hearings. I'd like Congress to work its will. Instead, a bill is brought to the floor on a day we were not scheduled to be in session for a last-minute discussion and a last-minute vote.

In prior discussions in our committee dealing with providing frigates to Turkey, we've been told that Turkey lives in a dangerous neighborhood, that it shares a border with Iran. I would ask: Where on the Turkish-Iranian border will these frigates be deployed? The last time an oceangoing vessel has been seen in eastern Anatolia, it was Noah's Ark.

Now these frigates will be deployed in the Mediterranean, and we've seen what the Turkish navy does in the Mediterranean. In 1974, there was the invasion of Cyprus. More recently, there are the actions taken against Israel and in support of Hamas. In June of 2010, after a Gaza flotilla attempted

to aid the terrorist group Hamas with supplies, Turkey threatened to send armed naval escorts to back another aid convoy to Hamas. The Turkish Prime Minister, Erdogan, called for Israel to be punished for interfering with the previous effort to aid Hamas with the flotilla. In September 2011, after a U.N. report on the Gaza flotilla was released, Turkey threatened to send an armed naval presence to the eastern Mediterranean to confront Israel, and Prime Minister Erdogan said that Israel should expect more naval presence from Turkey in the area, and I quote:

"Turkish warships will be tasked with protecting the Turkish boats" bringing aid to Hamas in the Gaza Strip.

The gentleman from New York pointed out how the Turkish navy has interfered with both the Cypriot and Israeli efforts to exploit natural gas deposits on the seabed between those two countries. This is particularly outrageous when you realize that the Cypriot natural gas fields are off the shores of South Cyprus, an area where Turkey has not tried to assert its military presence. And they've gone further and even interfered with Israel exploiting its own natural gas fields off of its coast.

This is the action of the Turkish navy in the Mediterranean. Is this something that we should be furthering by two free frigates? I don't know. We haven't had hearings. We haven't had a markup. We haven't had a discussion on what limitations, what conditions, and what quantity of ships should be transferred.

I've come to this floor on over 100 occasions to vote on suspension bills renaming post offices. Most of those bills were subject to a markup in the appropriate committee. Shouldn't we give that same level of attention to the transfer of frigates to Turkey?

Send this bill back to committee. Let us have a real discussion. Let us follow the rules, not suspend the rules, when we're dealing with a matter of this importance to our foreign policy in the eastern Mediterranean.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I now yield 5 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Speaker, I want to thank the soon-to-be ranking member of the Foreign Affairs Committee, Congressman ENGEL, for yielding this time, and I want to thank him for his eloquent opposition to H.R. 6649.

This is not a noncontroversial bill. I know it's being brought here on suspension as though it is, and I'm sure in the past when we've had these transfers of vessels, excess defense materials and so forth, often that is a noncontroversial action to take. In this case, it's anything but noncontroversial, and I'm surprised, frankly, that

the majority would bring the bill to the floor in this form.

Turkey is the problem here. There are vessels that are being transferred to Turkey. These are vessels that apparently are obsolete from our standpoint, surplus material that can go to them. And, yes, Turkey is a NATO ally, but it's a problematic ally at best.

At critical moments over a period of many years, when the United States has looked to its ally Turkey for assistance for some critical support, Turkey has been absent. You've heard already, discussed at length here, the unlawful occupation of Cyprus. We're talking about 38 years of unlawful occupation of our ally Cyprus. The adventurism of Turkey in the eastern Mediterranean and its recent conduct towards Israel has been detailed here at length.

□ 1330

So what you have is, yes, an American ally but one that has created some real problems for us and is a destabilizing actor in the eastern Mediterranean.

You can only characterize Turkey's behavior in that region as gunboat diplomacy. When you look at its conduct towards Cyprus, towards Israel, its interference with American commercial interests that are trying to operate in the exclusive economic zone of these two nations that are critical to U.S. national security, Turkey has threatened to use force to stop Texas-based Noble Energy from drilling for oil and gas off the shores of Cyprus and Israel. Texas-based Noble Energy is an American company, and yet we are now going to transfer these vessels to Turkey for further adventurism on the high seas. You've heard this now detailed on both sides. At one point in the last year and a half, Turkey threatened to mobilize its air and naval assets to escort ships to Gaza.

As Congressman ENGEL says, we're about to enhance those naval assets, with high anxiety on my part and, I think, on the part of other Members that they'll be used in furtherance of this same kind of provocative behavior. If we are going to transfer these things, at the very least we ought to be putting some conditions on this transfer—that no offensive use of these vessels can be made and that they can't be used to traverse these exclusive economic zones that we've talked about. But this is going free of any conditions, and it's why I have severe reservations about it.

This could be an opportunity to step back and think about how we conduct our foreign policy. Every bill we pass here matters. It all makes a difference. This may be on suspension, and it may be getting rid of excess material, but it's a chance for us to send a powerful message in terms of the kind of foreign policy that the United States is going

to exercise. Frankly, I don't think that Turkey should be a beneficiary of this bill given its conduct over many years, but particularly over the last couple of years. It sends the wrong message. It rewards bad behavior. For that reason, I oppose it.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, in a snapshot, this is the background to this bill and the inclusion of Turkey. I'd like to explain this.

These are DOD requests for our U.S. national security interests. Turkey is a NATO ally that DOD needs to continue participating in joint anti-piracy operations for which they would use these frigates. In light of the deteriorating situation regarding Syria and Turkey's critical role, DOD insisted that it was timely to do this transfer. Now, just a few years ago, in 2010, Congress authorized the grant transfer of three Osprey class minehunter coastal ships to Greece—Osprey MHC-51, Blackhawk MHC-58, and Shrike MHC-62.

So today's bill, Mr. Speaker, maintains the Turkey-Greece balance. This lowers costs to our U.S. Navy, as they won't have to deal with decommissioned frigates. This bill creates U.S. jobs, as the mammoth portion of maintenance work is done here in the United States.

On the issue of granting to Thailand, to Mexico, to Turkey versus the selling of the ships to Taiwan, this is what our U.S. Navy says:

The determining factor on the grant or sale of extra defense articles is always what is in the best interest of the United States. Granting the hull does not make it free to the receiving nation. Among the types of extra defense articles that are granted to partner nations, ships are unique in that there is always a significant refurbishment cost paid by the receiving nation. The current legislation requires the refurbishment of the hulls here in the United States. This is approximately \$60 million per hull; though with Turkey our experience has been that they will spend even more. Because of the high cost of refurbishment, we always try to grant the hulls.

Both Armed Services Committee Chairman MCKEON and Intelligence Committee Chairman ROGERS support this bill with the inclusion of Turkey.

Mr. Speaker, when our military officials tell me that they need these specific transfers, including to Turkey, because it is in our Nation's security interests and it advances our priorities, I believe that all of us here should take note. I trust our U.S. military when it comes to the operational needs and joint military and anti-piracy activities. This is why Turkey was included—and not at the last minute under the cover of night.

No, quite the contrary. For almost 2 weeks, the text of this bill has been posted not just for our fellow col-

leagues to review but for all of the American people to review at their leisure. This bill is a standard bill that is done at the end of each Congress. Two years ago, as I stated, under a different majority, a similar annual transfer bill was considered at the end of the session.

So, in short, Mr. Speaker, this bill helps our ally Taiwan. It advances our U.S. national security interests, and it reduces costs to our Navy. It creates jobs for Americans right here at home, and I hope that our colleagues see it as such.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 6649, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3263. An act to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes.

H.R. 3641. An act to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

H.R. 4073. An act to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 114. An act to expand the boundary of the San Antonio Missions National Historical Park.

S. 140. An act to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes.

S. 264. An act to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes.

S. 499. An act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

S. 970. An act to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania,

as a component of the National Wild and Scenic Rivers System.

S. 1047. An act to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and the other purposes.

S. 1421. An act to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1478. An act to modify the boundary of the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

S. 2015. An act to require the Secretary of the Interior to convey certain Federal land to the Powell Recreation District in the State of Wyoming.

S. 3250. An act to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

S. 3563. An act to amend the Energy Policy Act of 2005 to modify the Pilot Project offices of the Federal Permit Streamlining Pilot Project.

S. 3715. An act to extend the limited anti-trust exemption contained in the Pandemic and All-Hazards Preparedness Act.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 37 minutes p.m.), the House stood in recess.

□ 1744

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 5 o'clock and 44 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 3454, de novo;

H.R. 6612, de novo;

the Senate amendment to H.R. 6364, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the

bill (S. 3454) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SCHWEIKERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 29, not voting 29, as follows:

[Roll No. 652]

YEAS—373

Adams	Chandler	Garamendi
Aderholt	Chu	Gardner
Akin	Cicilline	Garrett
Alexander	Clarke (MI)	Gerlach
Altmire	Clarke (NY)	Gibbs
Amodel	Clay	Gingrey (GA)
Andrews	Cleaver	Gohmert
Austria	Clyburn	Gonzalez
Baca	Coble	Goodlatte
Bachmann	Coffman (CO)	Gosar
Bachus	Cole	Gowdy
Baldwin	Conaway	Granger
Barber	Connolly (VA)	Graves (GA)
Barletta	Cooper	Graves (MO)
Barrow	Costa	Green, Al
Bartlett	Courtney	Green, Gene
Barton (TX)	Cravaack	Griffin (AR)
Bass (CA)	Crenshaw	Griffith (VA)
Becerra	Critz	Grimm
Benishek	Crowley	Guinta
Berg	Cuellar	Guthrie
Berkley	Culberson	Hall
Berman	Curson (MI)	Hanabusa
Biggart	Davis (CA)	Hanna
Billray	DeFazio	Harper
Bilirakis	DeLauro	Harris
Bishop (GA)	DelBene	Hartzler
Bishop (NY)	Denham	Hastings (FL)
Bishop (UT)	Dent	Hastings (WA)
Black	DesJarlais	Hayworth
Blackburn	Deutch	Heck
Bonamici	Diaz-Balart	Heinrich
Bonner	Dicks	Hensarling
Boren	Dingell	Herger
Boswell	Dold	Herrera Beutler
Boustany	Donnelly (IN)	Higgins
Brady (PA)	Doyle	Himes
Brady (TX)	Dreier	Hinchey
Braley (IA)	Duffy	Hirono
Brooks	Duncan (SC)	Hochul
Broun (GA)	Edwards	Holden
Brown (FL)	Ellmers	Hoyer
Buchanan	Emerson	Huelskamp
Bucshon	Engel	Huizenga (MI)
Buerkle	Eshoo	Hultgren
Burgess	Farenthold	Hunter
Butterfield	Farr	Hurt
Calvert	Fattah	Israel
Camp	Fincher	Issa
Campbell	Fitzpatrick	Jackson Lee
Canseco	Flake	(TX)
Cantor	Fleischmann	Jenkins
Capito	Fleming	Johnson (GA)
Capps	Flores	Johnson (OH)
Carnahan	Forbes	Johnson, E. B.
Carney	Fortenberry	Johnson, Sam
Carson (IN)	Fox	Jordan
Carter	Frank (MA)	Kaptur
Cassidy	Franks (AZ)	Keating
Chabot	Frelinghuysen	Kelly
Chaffetz	Fudge	Kildee

Kind	Neal	Schrader
King (IA)	Neugebauer	Schwartz
King (NY)	Noem	Schweikert
Kingston	Nugent	Scott (SC)
Kinzinger (IL)	Nunes	Scott (VA)
Kissell	Nunnelee	Scott, Austin
Kline	Olson	Scott, David
Labrador	Owens	Sensenbrenner
Lamborn	Palazzo	Serrano
Lance	Pallone	Sessions
Landry	Paulsen	Sewell
Langevin	Payne	Sherman
Lankford	Pearce	Shimkus
Larsen (WA)	Pence	Shuster
Larson (CT)	Perlmutter	Sires
Latham	Peters	Slaughter
LaTourette	Peterson	Smith (NE)
Latta	Petri	Smith (NJ)
Levin	Pitts	Smith (TX)
Lipinski	Platts	Smith (WA)
LoBiondo	Poe (TX)	Southerland
Loeb	Pompeo	Stearns
Long	Posey	Stivers
Lowe	Price (GA)	Stutzman
Lucas	Price (NC)	Sullivan
Luetkemeyer	Quayle	Sutton
Lujan	Quigley	Terry
Lummis	Rahall	Thompson (CA)
Lungren, Daniel	Rangel	Thompson (MS)
E.	Reed	Thompson (PA)
Lynch	Rehberg	Thornberry
Manzullo	Reichert	Tiberi
Marchant	Renacci	Tierney
Marino	Reyes	Tipton
Markey	Ribble	Tonko
Matheson	Richardson	Tsongas
Matsui	Richmond	Turner (NY)
McCarthy (CA)	Rigell	Turner (OH)
McCaul	Rivera	Upton
McClintock	Roby	Van Hollen
McCollum	Roe (TN)	Velázquez
McDermott	Rogers (AL)	Visclosky
McHenry	Rogers (KY)	Walberg
McIntyre	Rogers (MI)	Walden
McKeon	Rokita	Walsh (IL)
McKinley	Rooney	Walz (MN)
McMorris	Ros-Lehtinen	Wasserman
Rodgers	Roskam	Schultz
McNerney	Ross (AR)	Watt
Meehan	Rothman (NJ)	Webster
Meeks	Royce	Welch
Mica	Runyan	West
Michaud	Ruppersberger	Westmoreland
Miller (FL)	Rush	Whitfield
Miller (MI)	Ryan (OH)	Wilson (FL)
Miller (NC)	Ryan (WI)	Wilson (SC)
Miller, Gary	Sánchez, Linda	Wittman
Moore	T.	Wolf
Moran	Sanchez, Loretta	Womack
Mulvaney	Sarbanes	Woodall
Murphy (CT)	Scalise	Yarmuth
Murphy (PA)	Schakowsky	Yoder
Myrick	Schiff	Young (AK)
Nadler	Schilling	Young (FL)
Napolitano	Schock	Young (IN)

NAYS—29

Amash	Ellison	Lofgren, Zoe
Blumenauer	Gibson	Massie
Capuano	Grijalva	McGovern
Cohen	Gutierrez	Miller, George
Conyers	Hahn	Olver
Cummings	Holt	Pingree (ME)
Davis (IL)	Honda	Polis
DeGette	Jones	Speier
Doggett	Kucinich	Waters
Duncan (TN)	Lee (CA)	

NOT VOTING—29

Ackerman	Lewis (CA)	Ross (FL)
Bass (NH)	Lewis (GA)	Roybal-Allard
Bono Mack	Mack	Schmidt
Burton (IN)	Maloney	Shuler
Castor (FL)	McCarthy (NY)	Simpson
Costello	Pascarelli	Stark
Crawford	Pastor (AZ)	Towns
Galleghy	Paul	Waxman
Hinojosa	Pelosi	Woolsey
Johnson (IL)	Rohrabacher	

□ 1805

Messrs. CONYERS, COHEN, CUMMINGS, DOGGETT, GRIJALVA, and

Ms. SPEIER changed their vote from “yea” to “nay.”

Mr. SERRANO changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### NEIL A. ARMSTRONG FLIGHT RESEARCH CENTER AND HUGH L. DRYDEN AERONAUTICAL TEST RANGE DESIGNATION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6612) to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HALL) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 0, not voting 27, as follows:

[Roll No. 653]

YEAS—404

Adams	Boren	Clarke (NY)
Aderholt	Boswell	Clay
Akin	Boustany	Cleaver
Alexander	Brady (PA)	Clyburn
Altmire	Brady (TX)	Coble
Amash	Braley (IA)	Coffman (CO)
Amodel	Brooks	Cohen
Andrews	Broun (GA)	Cole
Austria	Brown (FL)	Conaway
Baca	Buchanan	Connolly (VA)
Bachmann	Bucshon	Conyers
Bachus	Buerkle	Cooper
Baldwin	Burgess	Costa
Barber	Butterfield	Courtney
Barletta	Calvert	Cravaack
Barrow	Camp	Crawford
Bartlett	Campbell	Crenshaw
Barton (TX)	Canseco	Critz
Becerra	Cantor	Crowley
Benishek	Capito	Cuellar
Berg	Capps	Culberson
Berkley	Capuano	Cummings
Berman	Carnahan	Curson (MI)
Biggart	Carney	Davis (CA)
Billray	Carson (IN)	Davis (IL)
Bilirakis	Carter	DeFazio
Bishop (GA)	Cassidy	DeGette
Bishop (NY)	Castor (FL)	DeLauro
Bishop (UT)	Chabot	DelBene
Black	Chaffetz	Denham
Blackburn	Chandler	Dent
Blumenauer	Chu	DesJarlais
Bonamici	Cicilline	Deutch
Bonner	Clarke (MI)	Diaz-Balart

Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foss  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Himes  
Hinchey  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan

Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Manzullo  
Marchant  
Marino  
Markey  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascarell  
Paulsen  
Payne  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri

Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schock  
Schrader  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuster  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman  
Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner (NY)  
Turner (OH)  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walsh (IL)  
Walz (MN)

Wasserman  
Schultz  
Waters  
Watt  
Webster  
Welch  
West  
  
Ackerman  
Bass (CA)  
Bass (NH)  
Bono Mack  
Burton (IN)  
Costello  
Galleghy  
Hinojosa  
Johnson (IL)

Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
  
Lewis (CA)  
Lewis (GA)  
Mack  
Maloney  
McCarthy (NY)  
Pastor (AZ)  
Paul  
Rohrabacher  
Ross (FL)

Woodall  
Yarmuth  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)  
  
Roybal-Allard  
Schmidt  
Shuler  
Simpson  
Stark  
Towns  
Walberg  
Waxman  
Woolsey

Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaever  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DelBene  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foss  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva

Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Kucinich  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Manzullo  
Marchant  
Marino  
Markey  
Matheson  
Matsui  
McCarthy (CA)  
McCaul  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre

McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascarell  
Paulsen  
Payne  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Richardson  
Richmond  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schiff  
Schilling  
Schrader  
Schwartz  
Scott (SC)  
Scott (VA)  
Scott, Austin

## NOT VOTING—27

□ 1812

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WORLD WAR I CENTENNIAL COMMISSION ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 6364) to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and concur in the Senate amendment.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOODLATTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 5, not voting 25, as follows:

[Roll No. 654]

YEAS—401

Adams  
Aderholt  
Akin  
Alexander  
Altmire  
Amodei  
Andrews  
Austria  
Baca  
Bachmann  
Bachus  
Baldwin  
Barber  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (CA)  
Becerra

Benishak  
Berg  
Berkley  
Berman  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Blumenauer  
Bonamici  
Bonner  
Boren  
Boswell  
Boustany  
Brady (PA)

Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Brown (FL)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Butterfield  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Capuano  
Carnahan

Carney  
Carson (IN)  
Carter  
Cassidy  
Castor (FL)  
Chabot  
Chaffetz  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaever  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DelBene  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foss  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva

Grimm  
Guinta  
Guthrie  
Gutierrez  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes  
Hinchey  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan

McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeks  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Myrick  
Nadler  
Napolitano  
Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Olver  
Owens  
Palazzo  
Pallone  
Pascarell  
Paulsen  
Payne  
Pearce  
Pelosi  
Pence  
Perlmutter  
Peters  
Peterson  
Petri

Scott, David	Terry	Wasserman
Sensenbrenner	Thompson (CA)	Schultz
Serrano	Thompson (MS)	Waters
Sessions	Thompson (PA)	Watt
Sewell	Thornberry	Webster
Sherman	Tiberi	Welch
Shimkus	Tierney	West
Shuster	Tipton	Westmoreland
Sires	Tonko	Whitfield
Slaughter	Tsongas	Wilson (FL)
Smith (NE)	Turner (NY)	Wilson (SC)
Smith (NJ)	Turner (OH)	Wittman
Smith (TX)	Upton	Wolf
Smith (WA)	Van Hollen	Womack
Southerland	Velázquez	Woodall
Speier	Visclosky	Yarmuth
Stearns	Walberg	Yoder
Stivers	Walden	Young (AK)
Stutzman	Walsh (IL)	Young (FL)
Sullivan	Walz (MN)	Young (IN)
Sutton		

## NAYS—5

Amash	Massie	Schweikert
Flores	Ribble	

## NOT VOTING—25

Ackerman	Lewis (GA)	Schmidt
Bass (NH)	Mack	Shuler
Bono Mack	Maloney	Simpson
Burton (IN)	McCarthy (NY)	Stark
Costello	Pastor (AZ)	Towns
Gallegly	Paul	Waxman
Hinojosa	Rohrabacher	Woolsey
Johnson (IL)	Ross (FL)	
Lewis (CA)	Roybal-Allard	

□ 1822

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ---

**Mr. WESTMORELAND.** Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

## ---

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 140. An act to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes; to the Committee on Natural Resources.

## ---

**Karen L. Haas**, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3263. An act to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes.

H.R. 3641. An act to establish Pinnacles National Park in the State of California as a

unit of the National Park System, and for other purposes.

H.R. 4057. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

H.R. 4073. An act to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875.

H.R. 6014. An act to authorize the Attorney General to award grants for States to implement DNA arrestee collections processes.

H.R. 6620. An act to amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

## ---

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 3202. An act to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

S. 3666. An act to amend the Animal Welfare Act to modify the definition of "exhibitor".

## ---

**Mr. DUFFY.** Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, January 1, 2013, at noon.

## ---

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8960. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Live Swine, Swine Semen, Pork, and Pork Products; Estonia, Hungary, Slovakia, and Slovenia [Docket No.: APHIS-2008-0043] (RIN: 0579-AD20) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8961. A letter from the Acting Principal Deputy, Department of Defense, transmitting the interim response to section 519 of the National Defense Authorization Act for 2012; to the Committee on Armed Services.

8962. A letter from the Under Secretary, Department of Defense, transmitting the fiscal year 2010 report entitled, "Operation and Financial Support of Military Museums"; to the Committee on Armed Services.

8963. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility (Chesterfield

County, VA, et. al) [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8259] received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8964. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the annual report of the National Advisory Council on International Monetary and Financial Policies for fiscal year 2011; to the Committee on Financial Services.

8965. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Community Reinvestment Act Regulations [Regulation BB; Docket No.: R-1454] received December 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8966. A letter from the Director, Division of Regulations, Legislation, and Interpretation, Department of Labor, transmitting the Department's final rule — Nondisplacement of Qualified Workers Under Service Contracts; Effective Date (RIN: 1215-AB69; 1235-AA02) received December 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8967. A letter from the Administrator, Department of Energy, transmitting A report on "The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran", pursuant to 22 U.S.C. 68513(a) Public Law 112-81, section 1245(d)(4); to the Committee on Energy and Commerce.

8968. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program for Consumer Products: Test Procedures for Residential Water Heaters, Direct Heating Equipment, and Pool Heaters (Standby Mode and Off Mode) [Docket No.: EERE-2009-BT-TP-0013] (RIN: 1904-AB95) received December 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8969. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report entitled, "Delays in Approvals of Applications Related to Citizen Petitions and Petitions for Stay of Agency Action for Fiscal Year 2011"; to the Committee on Energy and Commerce.

8970. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Performance Evaluation of Accreditation Bodies under the Mammography Quality Standards Act of 1992 as amended by the Mammography Quality Standards Reauthorization Acts of 1998 and 2004" covering January 1, 2011, through December 31, 2011; to the Committee on Energy and Commerce.

8971. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Control of Communicable Diseases: Foreign; Scope and Definitions [Docket No.: CDC-2012-0017] (RIN: 0920-AA12) received December 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8972. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Control of Communicable Diseases: Interstate; Scope and Definitions [Docket No.: CDC-2012-0016] (RIN: 0920-AA22) received December 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8973. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determination of Attainment of the 2006 24-hour Fine Particulate Matter Standard for the Philadelphia-Wilmington, PA-NJ-DE Nonattainment Area [EPA-R03-OAR-2012-0371; FRL-9765-9] received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8974. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Health and Safety Data Reporting; Addition of Certain Chemicals; Withdrawal of Final Rule [EPA-HQ-OPPT-2011-0363; FRL-9375-3] (RIN: 2070-AJ89) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8975. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Alaska: Eagle River PM 10 Nonattainment Area Limited Maintenance Plan and Redesignation Request [Docket #: EPA-R10-OAR-2010-0914; FRL-9764-7] received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8976. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Utah; Determination of Clean Data for the 1987 PM10 Standard for the Ogden Area [EPA-R08-OAR-2012-0446; FRL-9765-6] received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8977. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of the Ohio Portion of the Huntington-Ashland 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment [EPA-R05-OAR-2011-0468; FRL-9764-9] received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8978. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Colorado; Regional Haze State Implementation Plan [EPA-R08-OAR-2011-0770; FRL-9734-8] received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8979. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Revisions to the Total Coliform Rule [EPA-HQ-OW-2008-0878; FRL-9684-8] (RIN: 2040-AD94) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8980. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rule on Certain Chemical Substances; Removal of Significant New Use Rules [EPA-HQ-OPPT-2011-0941; FRL-9369-8] (RIN: 2070-AB27) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8981. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-02, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8982. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

8983. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of a possible unauthorized retransfer of technical data and unauthorized retransfer of hardware provided by the United States; to the Committee on Foreign Affairs.

8984. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-139, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8985. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-173, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8986. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-169, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8987. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

8988. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency blocking property of the Government of the Russian Federation relating to the disposing of the highly enriched uranium extracted from nuclear weapons that was declared in Executive Order 13617 of June 25, 2012; to the Committee on Foreign Affairs.

8989. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

8990. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Foreign Affairs.

8991. A letter from the Chairman, Securities and Exchange Commission, transmitting

the Semiannual Report of the Inspector General and a separate management report for the period April 1, 2012 through September 30, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

8992. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Closing of the Port of Whitetail, MT [Docket No.: USCBP-2011-0017] (RIN: 1651-AA93) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8993. A letter from the Secretary, Department Health and Human Services, transmitting Targeted Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Methamphetamine or Other Substance Abuse: Second Annual Report to Congress; to the Committee on Ways and Means.

8994. A letter from the Secretary, Department of Labor, transmitting the Department's nineteenth annual report prepared in accordance with section 207 of the Andean Trade Preference Act (ATPA); to the Committee on Ways and Means.

8995. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Partner's Distributive Share [TD 9607] (RIN: 1545-BJ37) received December 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8996. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Use of Controlled Corporations to Avoid the Application of Section 304 [TD 9606] (RIN: 1545-BI13) received December 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8997. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guideline — Military Disability Retirement Benefits [UIL: 104.04-00 & 122.01-00] received December 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8998. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — January 2013 (Rev. Rul. 2013-1) received December 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8999. A letter from the Chair, Board of Directors, Office of Compliance, transmitting a report entitled "Recommendations for Improvements to the Congressional Accountability Act"; jointly to the Committees on House Administration and Education and the Workforce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 752. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 112-735). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4194. A bill to amend the Alaska Native Claims Settlement Act to provide that Alexander Creek, Alaska, is and shall be recognized as an eligible Native village under that Act, and for other purposes (Rept. 112-736). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4019. A bill to increase employment and educational opportunities in, and improve the economic stability of, counties containing Federal forest land, while also reducing the cost of managing such land, by providing such counties a dependable source of revenue from such land, and for other purposes; with an amendment (Rept. 112-737 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. DANIEL E. LUNGREN of California: Committee on House Administration. Fourth Semiannual Report on the Activities of the Committee on House Administration (Rept. 112-738). Referred to the Committee of the Whole House on the state of the Union.

Mr. BONNER: Committee on Ethics. Summary of Activities of the Committee on Ethics for the 112th Congress (Rept. 112-739). Referred to the Committee of the Whole House on the state of the Union.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Ways and Means discharged from further consideration. H.R. 940 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 4019 referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FLORES:

H.R. 6720. A bill to provide that no pay adjustment for Members of Congress shall be made in fiscal year 2013 or 2014; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK (for himself, Mr. BUCSHON, Mr. HUIZENGA of Michigan, Ms. JENKINS, Mrs. HARTZLER, Mr. JONES, Mr. BURGESS, Mr. LANCE, Mr. REED, Mr. MARCHANT, Mr. PLATTS, Mr. WITTMAN, Mr. CARNEY, Mr. RIBBLE, Mr. FLORES, Mr. PAUL, Mr. GRIFFIN of Arkansas, Mr. BARLETTA,

Mr. LOEBSACK, Mrs. BLACK, Mr. GARDNER, Mr. JOHNSON of Ohio, Mr. AUSTRIA, Mr. MCKINLEY, Mr. LATTA, Mr. DENT, and Mr. GIBSON):

H.R. 6721. A bill to provide that no pay adjustment for Members of Congress shall be made in fiscal year 2013 or 2014; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN:

H.R. 6722. A bill to provide that no pay adjustment for Members of Congress shall be made in fiscal year 2013; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 6723. A bill to provide for Inspector General oversight for Federal entities not otherwise subject to such oversight, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KELLY:

H.R. 6724. A bill to reform United States export control restrictions relating to commercially-available automotive products and technologies, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MORAN:

H.R. 6725. A bill to provide for greater safety in the use of firearms; to the Committee on the Judiciary.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FLORES:

H.R. 6720.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6, Clause 1:

"The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States." and Clause 1 of Section 1 of Article I, which states "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Mr. FITZPATRICK:

H.R. 6721.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 6 of Article I of the Constitution, which states "The Senators

and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States." and Clause 1 of Section 1 of Article I, which states "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Mrs. BACHMANN:

H.R. 6722.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6, Clause 1 of the Constitution that states "The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States."

The 27th Amendment to the Constitution states "Now law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

By Mrs. EMERSON:

H.R. 6723.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof, as enumerated in Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. KELLY:

H.R. 6724.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution, which gives Congress the power to regulate commerce w/foreign nations, and among the several states, and with the Indian tribes.

By Mr. MORAN:

H.R. 6725.

Congress has the power to enact this legislation pursuant to the following:

This bill in enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 3 and Clause 18 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2221: Mr. ENGEL.

H.R. 3855: Mr. AMASH.

H.R. 4202: Mr. CAPUANO.

H.R. 4221: Mr. RANGEL.

H.R. 5741: Ms. WILSON of Florida.

H.R. 6446: Mr. GARDNER.

H.R. 6600: Mr. TURNER of New York.

H. Res. 823: Ms. ROYBAL-ALLARD.

H. Res. 834: Mr. VAN HOLLEN.



**SENATE—Monday, December 31, 2012**

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (PATRICK J. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, we praise Your Name. You are high over all the nations and Your glory is greater than the Heaven. Let Your spirit move our lawmakers to do Your will. Teach them valuable lessons from Your hardships and adversities, as they work to be worthy of the sacrifices of those who have already given so much for freedom. Lift them from the darkness of hopelessness so that they may take steps toward Your light. May Your presence and grace bring comfort as You inspire them to choose what is right and just. May they take the tide that leads to fortune rather than risk a national voyage bound in shackles and in miseries.

We pray in Your powerful Name.  
Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RESERVATION OF LEADER TIME**

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, we will be in a period of morning business with Senators permitted to speak up to 10 minutes each.

**THE FISCAL CLIFF**

Mr. REID. Mr. President, discussions continue on a plan to protect middle-class families from a tax increase tomorrow. There are a number of issues on which the two sides are still apart, but negotiations are continuing as I speak.

We are running out of time. Americans are still threatened with the tax

hike in just a few hours. I hope we can keep in mind—and I know we will—that our single most important goal is to protect the middle-class families. Whether or not we reach an agreement in the short time we have left, we will need cooperation on both sides to prevent taxes from going up tomorrow for every family in America.

I repeat, there are still some issues we need to resolve before we can bring legislation to the floor.

I yield the floor.

**MORNING BUSINESS**

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 12 noon for debate only, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand we are in a period of morning business.

The PRESIDENT pro tempore. The Senator is correct.

**THE FISCAL CLIFF**

Mr. HARKIN. Mr. President, I was disturbed to read in the Washington Post this morning that some agreements were being made, that Democrats have agreed to raise the level from \$250,000 to \$450,000 and we would keep the estate taxes at the \$5 million level at 35 percent.

All I can say is this is one Democrat who does not agree with that at all. What it looks like is all the taxes are going to be made permanent, but those items that the middle-class in America truly depend on are extended for 1 year—maybe 2 years at the most. I think that is grossly unfair.

We are going to lock in forever the idea that \$450,000 a year is middle class in America? Need I remind people that those making \$250,000 are the top 2 percent income earners in America? I know the President keeps saying he wants to protect tax cuts for the middle class, which is fine. I am all for that. If we go up to \$250,000, that is a pill we can swallow because that covers everyone except the top 2 percent. Those who make \$250,000 a year are not middle class. They are the top 2 percent of income earners in America.

What have we forgotten? Have we forgotten that the average income earners in America are making \$25,000, \$30,000, \$40,000, \$50,000, \$60,000 a year? That is the real middle class in America, and they are the ones who are getting hammered right now. They are

getting hammered with housing and rental costs, heating bills, kids going to school, and they have no retirement. Now there is talk about raising the retirement age on people who work hard every day. There are women who have been standing on their feet every day for 30 or 40 years. Are they going to raise the retirement age on them again?

If we are going to have some kind of deal, the deal must be one that truly does favor the real middle class. Those who are making \$30,000, \$40,000, \$50,000, \$60,000, \$70,000 a year are the real middle class in America. Quite frankly, as I see this develop—and as I have said before—no deal is better than a bad deal and this looks like a very bad deal the way this is shaping up. I wish to make it clear I am all in favor of compromise. I have been here a long time, and I have made a lot of compromises. I am willing to make more compromises, but this is one point in time where decisions which are made on this so-called deal will potentially lock in what kind of country and society we are going to be for the next 10 years. So we better be darned careful.

If no deal is reached, then on the tax side we go back to the taxes that were enacted under President Clinton. All the Democrats who were here then voted for the Clinton tax bill in 1993. We heard all kinds of talk from the other side of the aisle of how this was going to be disastrous, kill the economy, and it was going to be awful. Not one Republican supported it, but we passed it. President Clinton signed it into law, and guess what happened. The economy took off. Unemployment came down, the economy started going, and we were paying down the deficit. We had 3 or 4 straight years of surpluses. CBO said if we continued down that path, we would pay off the national debt by 2010.

Then George Bush came into office. They looked at all the surpluses out there and said: Guess what. We have to take some of that and give it back in tax cuts, and that is what they did. That is what will end tonight. Those Bush tax cuts will end, and we will go back to the tax system we had under Bill Clinton. What is so bad about that? It worked pretty darned well. The economy was going well, and we were paying down the deficit. Things were going well under Bill Clinton and that tax system and that is what we will go back to tomorrow. What is so bad about that?

What has happened in the last 10 years is a lot of people have gotten very rich in this country and now they

want to protect their wealth. That is what they want to do. They want to lock in this system on estate taxes and lower tax rates up to \$450,000, \$500,000, \$1 million or whatever they want and they want to lock that in. I think it is time for them to start paying their fair share, as they did under the Clinton tax provisions we had in place at that time.

To go back to the tax provisions we had under Bill Clinton does not frighten me one bit, but now we hear the same song and dance from the Republicans: Oh, if we do that, the sky is going to fall, the world will end tomorrow, and the markets will go all to heck. We heard that in 1993, and they were wrong. We are hearing it again today about what will happen if we go back to the Clinton-era tax provisions. They say the sky is going to fall, and they are wrong again. They are just wrong again.

I, for one, do not fear going back to a system of taxation that basically worked very well for our country. It was the Bush tax cuts that messed everything up for 10 years and allowed a few people to get very rich but kept the middle class from advancing at all.

Again, this idea that somehow a deal is going to be cooked up and all these tax advantages people had over the last 10 years and have now in estate taxes will be permanent does not sit well with this Senator. Yet when we are talking about unemployment insurance, investments in other parts of our economy, the sustainable growth rate for our hospitals, doctors, and Medicare, that is only good for 1 or 2 years. But the tax side that lets those most privileged in our society continue to not pay the share that I think they should be paying is not a good deal. That is not fair, that is not equitable, and that is not just.

I hope those who are negotiating continue to negotiate. If there is a deal that could be made which truly does focus on the middle class and gets our estate taxes back where they were before—at some reasonable level and not at the level they are right now—then maybe we could live with something such as that. But from what I read this morning, the direction they are headed is absolutely the wrong direction for our country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, we are all here and hopeful there will be a deal so we can avert going over the fiscal

cliff. I listened carefully to the remarks of my friend Senator HARKIN, which I would have to describe as fairly negative. I wish to project a bit more of a positive view.

We all know that no side, if there is a deal, is going to get 100 percent of what they want. We know that because one party doesn't control everything, so we are going to have to meet somewhere in the middle of where both parties stand. We also know if we don't act, 100 percent of the American people are going to start feeling an impact of higher taxes.

I honestly do not worry about the millionaires and the billionaires at all. I don't worry about the people who are fine, who don't even know or care that much about a tax hike that takes them back to the Clinton years when they did very well. I don't worry about those folks. I worry about the folks in the middle. There are always arguments about what that line is. Some say the middle class is at \$75,000, some say \$150,000, and some go even higher because their States, as is my State, are very high cost-of-living States. So we know if we are going to get a deal, we are going to have to meet somewhere in the middle. To me, if we fail, it will be a very sad moment in history.

I hear a lot of talk about the sequester. I don't know exactly how the President pro tempore voted, but I voted for a sequester if we couldn't find savings as part of a debt limit deal. I am not about to stand here and say we should throw it out. I don't like it; it will bite. But if we said we are going to make savings, and if we couldn't do it one way we would do it through the sequester, then I think we have to step to the plate and admit that is the policy we voted for.

I would much prefer to ease it, and I think there are ways to do that. One way is to bring the money home from the overseas spending account and use that money because we are getting out of Afghanistan, thank God, and the war in Iraq is over. So we could bring home that overseas war account money and use that to soften the sequester or even to stop it completely. My understanding is my Republican colleagues don't view that as real, but the Congressional Budget Office says it is real. So that is a way we can stop the sequester.

Other than that, I think we have to own up to the fact that in the debt ceiling made-up crisis—this is a made-up crisis and that was a made-up crisis—we said if there were not cuts coming forward, we could go to an automatic spending cut regime. We can't run away from things we did, it seems to me.

So I think there are the elements of putting something together. I know the Vice President is working hard with Senator MCCONNELL and Senator REID as an honest broker to bring us

together. I know Senator HARKIN is not very optimistic at this point based on what he is hearing. I believe, from what I am hearing, there may be something, maybe—there may not be; we don't know, we haven't seen it. It may be something that extends unemployment benefits, which is very important. It is critical. If we want to talk about the real cliff, it is for the people who are about to lose their unemployment compensation.

The economists tell us that is the best bang for the buck. When we give someone who is unemployed a dollar, he goes out, she goes out, they spend in the community, and it has a multiplier effect that actually spurs economic growth in the community because 70 percent of our economy is based on consumers. If they have nothing, then the communities have nothing, the local businesses have nothing, let alone they would suffer and some, perhaps, lose their houses and such. So we need to do that. That is critical.

If that is not in the deal, that deal is a real problem. So if that is in there, and we do the tax extenders even for a shorter period of time, and we stop raising taxes on 98 percent, 97 percent of the people, I don't think we should prejudge that at this point. The devil is always in the details. Something could come out that is just a nonstarter.

Senator REID went down to that microphone yesterday and said to the Republicans: We are not cutting Social Security benefits; that is not part of this package. Don't even put it on the table; stop. After the Republicans had their luncheon meeting, they came out and actually took it off the table. That was positive. Don't try to slip things in here that could hurt the people, that will balance the budget on the backs of those who can't do it. Don't bring up Social Security when we are doing a very short term deal to get us over this cliff.

So none of us, except for a couple of people, really know what is in this deal. We are hearing leaks about it, we are hearing rumors about it, but we don't know if we will have the deal. Personally, I hope we have something we can look at and decide whether it is something we can support and not prejudge it at this stage because we have to remember something: This is a compromise. We don't have a parliamentary system of government. One party doesn't run the show. It is shared responsibility. It is frustrating, and it is difficult.

I was able to bring a highway bill to the floor as the chairman of the Environmental and Public Works Committee, doing it with Senator INHOFE, and a person couldn't find two people more philosophically apart than we are. I have seen the President pro tempore do the same in his committee, working with the other side, and he brought out of his committee an incredible bill called the Violence

Against Women Act. He did it with the Republicans.

I watched Senator STABENOW and PAT ROBERTS come forward with a farm bill. I have watched Senator FEINSTEIN in intelligence, and I have watched Senator LEVIN and Senator MCCAIN. We can make it happen. It can happen. We have to make it happen.

I will close with this: I served in the House for 10 years. I served with incredible Members. One of them was Tip O'Neill, and he was the Speaker. Tip O'Neill had a certain magic about him. The magic was he understood how to get things done because he didn't consider himself Speaker of the Democrats; he considered himself Speaker of the House. He knew the magic number was 218. That was the number. He would come over to me and every Member when there was a tough vote, and he would say: Well, BARBARA, can you be with me on this one?

I would say: Gee, Mr. Speaker, I don't think so. It is not good for my district. I really don't think I can.

He would say to me: Well, you know what. If that is how you feel about it, I understand. If I need you, I will come back to you.

Then he would go do the same thing and pick up some Republicans on the other side, and he would get the magic 218 and it would be done.

Right now we have Speaker BOEHNER, whom I know and like personally, but it seems as though he doesn't want to talk to the Democrats. Nothing is going to get done for our country if we don't talk to each other. We don't have a parliamentary system. We have to work together.

So I wanted to add at least a cautiously optimistic note. I am hopeful we will get something done, and I think if we do, and if it is fair—fair enough—we should get our country off this cliff.

Thank you very much. I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I guess one of the advantages of being President pro tempore is I actually get to preside more than I had for a while and hear some of the speeches of my colleagues, which I appreciate. The Senate is a place I love, as I know the distinguished Presiding Officer does. It is, as I have often said, a place that should be considered the conscience of the Nation. There are only 100 of us representing over 300 million Americans. We should be able to stand and be their conscience.

I worry, though—as I hear the debate on this so-called fiscal cliff and I hear some on the other side say, well, we are not prepared to vote or we don't want to vote—because that means they want to vote maybe. None of us were elected on a promise to vote maybe.

If the other side wants to vote and give huge tax cuts to longtime millionaires, fine, then vote. Vote yes for that if they want. But don't say: We will not have any vote one way or the other; we will vote maybe.

We are supposed to be willing to take the consequences of how we vote. Vote yes or vote no. If a Member wants to vote for keeping taxes lower for the middle class, for those who have hourly wages, for those who work hard in our economy, then stand and vote yes, we want to give them a tax break. If a Member doesn't want to give them a tax break, then vote no. But what is happening, by refusing to vote at all, whether it is the Republicans in the House of Representatives or in the Senate, what they are doing with their "maybe" vote is they are going to dramatically increase taxes on the middle class. Then, in an effort to justify that, they say: We wanted to vote maybe because we wanted in the end run to protect millionaires.

Well, millionaires do all right. I know a lot of millionaires. They have told me, as the Senator from Iowa said earlier this morning, they could afford the taxes they paid during the Clinton era because during that era, they made more money than they had ever made. So they paid some of the higher taxes. So what. The amount of money they had at the end of the year was greater than it ever had been.

But we know what happened during that Clinton era. We balanced the budget—incidentally, not a single Republican voted for the plan. In fact, they gave speeches on the floor that the plan would bring about recession, even a depression. Instead, the economy grew faster than it ever had before. People had more money in their pockets than they ever had before. We balanced the budget, and we started paying down the national debt.

When the next administration came in, they gave everybody, including millionaires, a big tax cut. But worse than that, they began a war in Iraq that never should have begun, against Iraq, which had nothing to do with 9/11, even though we had the Vice President of the United States suggesting in his speeches it was connected with 9/11, claiming there were weapons of mass destruction, even though those who actually read the intelligence—as the former vice chairman of the Intelligence Committee, Senator GRAHAM of Florida, did, and I did—realized there were no weapons of mass destruction. But they voted for this war.

One of the bad mistakes they made—other than the tragic mistake of going to a war we had no reason to go to; one that cost us thousands of American lives and countless thousands of other lives and \$1 trillion—they did something we had never done before in the history of this country, they said: We will go to that war on a credit card. We will just borrow the money.

Vietnam was an unpopular war, but we had a surtax to pay for it. Korea was an unpopular war. We paid for it. World War II—we knew it was the survival of our Nation, and we paid for it. In Iraq, we have spent \$1 trillion and we will be spending for longer than any of us in this body will probably live, as we pay for the damage to so many of our brave men and women, and we borrowed the money. We took the surpluses built up over the Clinton era and wasted them.

We are doing the same thing in Afghanistan. This is a country where our reason for going in there was to get Osama bin Laden. When the decision was made to go into Iraq, it allowed Osama bin Laden to escape. We go into a nation-building war, which seems to have no end, again, on a credit card. Osama bin Laden has been dead now for some time. We ought to—use a phrase of a former Senator from Vermont—we ought to declare victory and get out. But, again, we are doing it on a credit card.

So what do we say? We have two wars we should not be in, and we say: But we have to pay for it. We ought to take some money away from senior citizens. We ought to take money away from education. We ought to take money away from medical research. We ought to take money away from rebuilding what needs to be done in our country to pay for two wars we put on our credit card.

Come on. As one Vermonter said to me: You spend all this money to build these roads and bridges in Iraq and Afghanistan and then they blow them up. Why don't you rebuild our roads and bridges in America? We Americans will take care of them.

So with all the talk of where we are, let's not forget the big elephant in the room; that is, two wars on a credit card—one going far longer than it had any reason to, the other one totally unnecessary in the first place—as much as a couple trillion dollars between the two of them. That was money that could have been spent in America for Americans to make America better. We have wasted it there. Now we say: How can we punish Americans—the average American. How can we punish them for the mistakes we made in going into two wars. We will punish them to pay for it.

Come on. Let's face up to reality.

I suspect I may have more to say on this in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, we are at the last hour, if you will, the last day

for sure, in dealing with what has become probably the biggest fiscal crisis our country has dealt with in some time. I have heard a number of my colleagues from the other side come down and talk about the importance of getting a solution. We all want to get a solution. We do not want to have a situation tomorrow where tax rates go up on everybody across this country who has an income tax liability. We obviously do not want to see our defense have to deal with what would be deep cuts in our national security budget. Those are two things that will happen tomorrow unless Congress can act to prevent that.

So count me among those who want to see a solution. I certainly hope the negotiations that are occurring right now can conclude in a way that will give us an outcome that prevents those tax rates from increasing on Americans across this country and also put in place some things that would actually deal with the real problem. The real problem is our country spends too much.

We are where we are because we have not done our work when we should have previously. Think about the fact that for 3 consecutive years—3 years in a row—in the Senate, we have not passed a budget. We spend \$3.5 trillion of American taxpayer money every single year, and for 3 consecutive years we have not had a budget. The majority leader and the chairman of the Budget Committee and others on the other side have said: We passed a budget control act in August of 2011 and that sort of serves as our budget.

Frankly, that is not the case. The law requires us to pass a budget. We have a budget act, enacted back in the 1970s, that requires the Congress, on an annual basis, to lay out a plan for how we are going to spend the American taxpayers' money. The reason we ended up with a budget control act back in August of 2011 is because we failed to pass a budget earlier in the year.

For 3 consecutive years in the Senate we have not passed a budget. That is not to say our colleagues on the other side of the Capitol—the House of Representatives—have not acted responsibly. You may disagree with how they did it, but at least they did it. They passed a budget. The Senate, of course, has not for now 3 consecutive years.

So we went through this entire year. Everybody knew this was coming. This is not a surprise. This is the most forecast and foretold disaster we have ever seen. As we approached December 31 and the deadline we are dealing with today, we knew that starting January 1 taxes were going to go up on all Americans, at least all Americans who have an income tax liability, and we knew these cuts that were put in place in the Budget Control Act in August of 2011 were going to occur.

There should not be any element of surprise. We have known about this for

a long time. Yet for month after month after month after month this year, nothing was done about it. I say nothing in the Senate; again, the House of Representatives, early this year—last summer—passed legislation that would extend the tax rates for everybody for 1 year. They passed legislation that would replace the across-the-board cuts that will start to take effect on January 2 with responsible spending reductions that actually do something to bend the curve of all these runaway programs, entitlement costs that are going to bankrupt this country in future years. They made some necessary reforms. Again, people may not agree with them. Obviously, there should be a process where in the Senate we have an opportunity to vote on a budget and make amendments. Perhaps we would do it a different way. I might have voted for something entirely different. But the point is, I did not have anything to vote for. Nobody over here did.

We have been here for a whole year, and now we have people coming up and saying: Gee, I hope, I truly wish these negotiations will get us to an outcome. It is December 31. January 1 is tomorrow. It will be 2013. Taxes will go up. Everybody agrees it will be a disaster for the economy. We cannot allow that to happen. It will ruin the economy.

Where were we? Where were we for the past month and the month before that and the month before that, dealing with what we knew was going to be this very set of circumstances we face today?

I find it very hard to sit and listen to people come up now and wring their hands and talk about: Gee whiz, I hope we can get something done in the last day—as we put two people together basically to resolve this.

There was a discussion—in fact, everybody says: Well, you know, the people who are getting together—it was the President and the Speaker at one time; it was Senator MCCONNELL and Senator REID at one time; now it is Senator MCCONNELL and Vice President BIDEN—but up until Friday, Senator MCCONNELL, the Republican leader, had not been consulted, had not been advised, had not been involved in any of this. So he gets the call at the last minute to try and come in and sort of rescue this, starts a negotiation that goes over the weekend, and then Saturday night makes a proposal to the Senate Democrats, and was told: We will react to your proposal by 10 o'clock Sunday morning. Ten o'clock Sunday morning passes, 11 o'clock, noon, 1 o'clock, 2 o'clock. He comes to the floor and says: We have not heard back. Then the majority leader comes up and says: Look, we do not have a counteroffer. We do not have a proposal.

So Senator MCCONNELL then gets on the phone with Vice President BIDEN, and that is now where those discus-

sions are occurring. They are occurring between Vice President BIDEN and Senator MCCONNELL.

But my point is this: There are two people in a room deciding incredibly consequential issues for this country, while 99 other Senators and 435 Members of the House of Representatives—elected by their constituencies to come to Washington and to represent them—are on the sidelines.

Why didn't we have a bill on the floor of the Senate we could actually debate? Why didn't we put something out here under regular order, open it, allow Senators to offer amendments, allow them to have amendments voted on? I might not have liked that outcome. Maybe I would not have. Maybe I could not have voted for the final product. But at least we would have had an opportunity to debate this, instead of waiting now until the eleventh hour, where two people are gathered in a private room, trying to negotiate something that has enormous consequences for this country and for our economy.

We are where we are because this process was grossly mismanaged up until this point. So now we are faced with a crisis. There is great drama. If we listen to all the TV stations—at least those that cover what is going on here—they are all talking about the fiscal cliff. Instead of a countdown to the new year, we have a countdown to when we hit the fiscal cliff.

What does that say? It is the most predictable financial crisis we have ever known about. We have known about it for months. We have known about it since the temporary tax provisions were put in place 2 years ago. Yet here we are in the eleventh hour on the final day trying to negotiate with two people in a room making decisions that will have a profound impact on the future of this country.

I have to say that as I think about those negotiations that are going on, most of what is being talked about is who will pay more in taxes. It is not a question of if, it is who is going to pay more in taxes. The ironic thing about it is that in those discussions—at least to my knowledge of them—there is very little being discussed, if anything, that deals with how this country is going to figure out a way to spend less, which is the problem.

OK, I mean, let's face it, Washington, DC, does not have a taxing problem, we have a spending problem. Now, Republicans have said and we are willing to consider, contemplate this idea of having more revenues in the equation. Granted, the President won an election and there is a majority of Democrats here in the Senate. That is their view. Obviously, we have a Republican House of Representatives that has a different point of view about how to solve this and is trying to do it by extending the rates for everybody so that nobody has their rates go up in the middle of a

weak economy. There is a big difference of opinion about how to resolve this.

But I would argue to my colleagues on both sides that if what comes out of these discussions is something that raises additional revenue, that raises taxes on people in this country, it will not do anything to solve the problem. In fact, if you give the President of the United States everything he wants in terms of tax increases, you will raise enough revenue next year to fund the Federal Government for less than a single week. So what do we do for the other 358 days of the year? A single week—that is what all of these tax increases would amount to in terms of additional revenue.

This is not a revenue problem. This is a spending problem that can only be solved by having the political courage to confront the challenges that face this country, not just in the near term but in the long term, and get us on a sustainable fiscal path. That means we have to confront runaway spending and programs that, if not reformed, are going to bankrupt this country and saddle our children and grandchildren with an unbelievable burden of debt and a lower standard, a lower quality of life than anything we or any previous generation—well, not any previous generation but certainly our generation has experienced.

That is where we are today. We are talking about how much taxes are going to go up. And those taxes are going to hit people who create jobs. If you use the \$250,000 level, there are about 1 million small businesses that will be impacted by these tax increases, and they employ 25 percent of the American workforce. So we have a lot of middle-class Americans whose jobs depend on the very small businesses that are going to see their taxes go up. This will impact middle-income, middle-class families in this country if taxes go up on small businesses.

If that level is raised to \$400,000, it will affect fewer, obviously. If it is raised to 500,000, it will affect even fewer small businesses. But the point simply is this: You are hitting literally hundreds of thousands of small businesses that create millions of jobs for middle-class Americans with new taxes they will be paying, and that can't do anything but hurt the very economy we all say we want to get back on its feet.

So we are talking about tax increases at a time we ought to be talking about spending. Why do I say that? Well, if we go back to 2007, before the recession, the revenues coming into the Federal Government were about \$2½ trillion give or take, round numbers, about \$2½ trillion. Well, this year revenues coming into the Federal Government are going to be back to about \$2½ trillion.

We went through a terrible recession. People call it the great recession. It

had a profound impact on the economy—obviously a lot less economic growth, and a recession leads to lower government revenues. So we had a period where government revenues dropped. Well, government revenues are now back to where they were in 2007.

Spending in 2007 was about \$2.7 trillion. Today it is more than \$3½ trillion. So spending has increased by almost \$1 trillion—almost \$1 trillion in the last 5 years, at a time when the revenues have stayed relatively flat. But the point simply is this: The reason we are running a trillion-dollar deficit this year and the year after that and the year after that is because the spending of the Federal Government has exploded in the last 5 years. So this is not a revenue problem. The revenues are essentially the same as they were 5 years ago.

Arguably, people would say that if we have a growing economy, we ought to get more revenue. And we would if we had a growing economy. The goal ought to be to get the economy growing again in a more robust fashion so that we are generating additional revenues coming into the Federal Government that would make these problems, the dimensions of those problems look smaller by comparison. That is why policies that hurt the economy, that slow economic growth—and everybody concludes that raising taxes in the middle of a weak economy is a bad idea if you are interested in generating more economic growth and creating jobs. That, to me, seems to be just intuitive. I think everybody would agree with that, but certainly it is a well-known, documented fact among economists that if you raise taxes, you are going to have lower economic growth, you are going to reduce the rate at which the economy grows and expands and therefore allows for job creation in this country.

The best thing we can go to is to get the economy growing and expanding again, and then all of these problems look much smaller by comparison. That means having policies in place that allow small businesses to do what they do best, and that is to create jobs, that provide incentives to invest and to hire people. When you operate in a period of economic uncertainty like we have today with these uncertain tax rates, where you have tax rates that are going to go up, regulatory burdens that continue to go up, you constantly make it more expensive and more difficult for small businesses to create jobs. Creating jobs and growing the economy ought to be our goal. That is so counterintuitive, to think that raising taxes would somehow accomplish that goal.

So as we sit here on the last day before these tax rates go up, as we try to scramble now at the last minute to find a resolution, I would simply say

and urge my colleagues that we not let this happen again, that we not be here next year or the year after waiting while two people sit in a room and try to cut a deal that most of us have not been privy to or consulted about.

The American people obviously are the ones who are ultimately impacted by that, but they have not had an opportunity to have a role in this, to observe what their elected leaders are doing to solve the big problems that face this country. We ought to be functioning the way the Senate used to function; that is, put bills on the floor, allow amendments to be offered and voted on, and then whatever that outcome is, ultimately the House of Representatives will pass their version of it, perhaps we will have a conference committee, and hopefully we can get something we can put on the President's desk. That is the way it used to work.

But now we are sitting here because we have twiddled our thumbs for month after month after month in the Senate and not passed a budget, not dealt with this issue in any substantial or meaningful way, and now we are sitting here on New Year's Eve—on New Year's Eve. The countdown on the television is not how many hours and minutes are left until we hit the new year, the countdown on the television is the number of hours and minutes that are left until the country goes over the fiscal cliff.

Think about what that says about this process, about the Senate—100 people elected to make big decisions to advance the interests of and put this country on a better path to a better future that is more secure, more safe, and more prosperous for our children and grandchildren. That is what should happen, but it should have happened months ago.

So I hope we get a result here today that addresses some of these issues—certainly, hopefully, something that will address the tax issue. But that does not solve the problem. If the President gets everything he wants in new taxes, it will fund the government for less than a week. This is not a revenue problem. Washington does not tax people too little, it spends too much. Until we recognize that and deal with what is driving Federal spending, we are going to continue to saddle future generations with more debt, with more liabilities, and with a lower standard of living and lower quality of life than we have experienced. That is not fair to them.

It is time for us to demonstrate the political courage that is necessary to take on the big issues and to have the votes. Let's have a budget. Let's put it on the floor. Let's vote on it. Let's do something around here that matters, that is meaningful to the future of this country, rather than wait until the last day and the last hour and allow two people to sit in a room and decide the

fate and the future of this great country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, some of you may have heard that there is something called the fiscal cliff approaching and that we must do something about it or we will go over that cliff. But if you want to fix and do something about going over a cliff, you have to know what is the fiscal cliff. Well, the fiscal cliff, apparently, is taxes going up. So it must be a bad thing if your taxes go up.

People have said: Well, it is kind of like having people drowning. And people are drowning. What does that mean? That is a bad thing. Taxes going up is a bad thing. So what are they telling us? Let's save 98 out of 100 of them. Well, that sounds pretty good. I am for saving as many as we can. But that sort of implies that our policy is that drowning is a good thing; that we are going to let 2 percent drown; that raising taxes is bad if it happens to everyone—it is a cliff—but it is OK if it only happens to one or two people, and maybe you do not know them, and maybe they are rich people and we don't care.

Does anybody work for rich people? Does anybody know somebody who works at a car lot selling expensive cars but that person only makes \$40,000 a year but he sells cars that are purchased by rich people? Does anybody remember the yacht tax? We were going to go get those rich people—had a special tax on yachts. Guess who lost their jobs. The working guy making \$50,000 and \$60,000 a year, because the rich people went to the Bahamas to buy their yachts. This is not about getting rich people. This is about what it will do to the economy, what it is going to do to the average middle-class person who works for a rich person.

But you have to understand what the fiscal cliff is. You have to understand that the President is telling you that it is a cliff and it is bad, and everybody on television thinks it is terrible to go over the cliff. What is the cliff? Taxes going up. But if it is bad for taxes to go up for a bunch of people, why it is good for taxes to go up on a small portion of people?

You say: Well they are rich. They can afford it.

Here is the problem. The rich pay most of the taxes in our country. The top 2 percent pay half of the taxes. What you are saying is that they are rich and they can afford it. But that is half of the Nation's income that will have increased taxes. You will take money from the productive sector, which is the private sector, and you will put it into the nonproductive sector, which is Washington.

So if you want ditches to be dug and then to be filled again, send more

money to Washington. But if you want jobs to be created, if you want the economy to thrive, you should want to leave that money in your community. It should not matter to you whose money it is or who has it, you want that money—in my case, we want that money in Kentucky. We do not want to send it to Washington because there is no objective evidence that the money is well spent up here. There is no objective evidence that we are good with money up here. We should not send more money up here. We should leave more money in the private sector.

Now, Milton Friedman recognized this when he said: Nobody spends someone else's money as wisely as you spend your own. That in a nutshell, that in one sentence explains to you why the private sector is more efficient than the public sector. The public sector—it is not our money. So those of us up here who will spend it—that is why they spend \$1 trillion more than they have each year. That is why they break their own budgetary rules. That is why there is no budget. That is why we live in an era of runaway spending. That is why your government is insolvent, your government is bankrupt.

Guess what. When you raise taxes on 2 percent of the people, there is a chance you will not get any more tax revenue because when you raise tax rates, you sometimes get less revenue. And the converse is true—sometimes you lower rates and you actually get more revenue. In the 1920s we lowered tax rates, and we got more revenue. Guess what. The rich paid a higher percentage of the revenue when we lowered rates.

We did it again in the 1960s under Kennedy. We did it again under Reagan. We grew at 7 percent one year under Reagan because we lowered rates and we unleashed an economic boom. That is what we want.

Do we want a government that is just envious, jealous, and wants to punish people or do we want a government that has sane and rational policies that will allow the economy to grow? That is what happened in the 1980s. We had 7 percent growth one year. We had millions of jobs created.

Mark my words. You will raise tax rates, and you will feel good because you went after and got those rich people because you said you were. You campaigned against rich people, you have enough envy whipped up in the country, you are going to get them, and you are going to stick it to those rich people. But guess what. You may not get any more revenue, you may not get any more economic growth, but you can say: I stuck it to the rich people.

That is what we are talking about. Some of you may say, well, we are going to do this, but maybe we will do something about spending at the same time. The one thing they are taking off

the table is spending restraint. There will be no spending restraint. In fact, whatever deal comes out of here will increase spending. That is part of the deal. We are going to raise taxes, and we are going to raise spending. Tell me what is good about that.

There is a cliff approaching. It is not the cliff we hear about on TV. The cliff is a debt cliff. There is a debt crisis in our country. We now have a debt that equals our GDP. Our debt equals our economy. We are borrowing—while we are today dithering over a deal that will do nothing—we will borrow \$4 billion today. We are borrowing \$50,000 every second. Each man, woman, and child in this country owes more per capita in debt than they do in Greece.

So, by all means, let's complete a deal today so we can go home. Let's complete a deal. Let's raise taxes. Let's stick it to those rich people. Let's not touch spending, and let's pretend as if we have done something. The deal will do absolutely nothing to save this country.

Two-thirds of our spending is entitlements. The President has taken entitlements off the table. We will not reform the entitlement programs. Why are the entitlement programs broken? Is it Republicans' fault or Democrats' fault? No, it is your great-grandparents' fault. They had too many kids. It has nothing to do with partisan politics. There were a whole bunch of babies born after the war, and then there have been less babies born with each generation. It is nobody's fault, but it is not working. We spend more on Social Security than comes in in taxes. That is a problem.

On Medicare, it is even worse. We spend \$3 for every dollar we collect in Medicare. Does anybody think that is going to work? It has been going on for a long time now and it is getting worse. We owe \$35 trillion to \$40 trillion on Medicare, and it is not getting any better.

So what do the retirement groups say? AARP says: Absolutely, don't touch it. Oh, that is great. That is part of the solution. Don't touch it.

What does the President say? Entitlements are off the table.

What does the majority leader say? We will not do anything about entitlements. Oh, well, great. This is going to be a real great solution. We are really going to do a lot—but we are going to stick it to rich people.

I hope nobody works for any of these rich people. I hope nobody sells any of this stuff to rich people.

So the thing is, look at what is going on up here, and when you ask for action, don't ask for any action. We have to figure out what the problem is before we can get to what we need to do.

People say, well, we have raised taxes; we just need more revenue. Spending, as measured as a percentage of the economy, 4 years ago we were

spending 20 percent of our GDP. We are now spending 25 percent of our GDP. When we say on our side that it is a spending problem, it absolutely is, it absolutely is, and it is out of control.

Guess what. Most of it is called mandatory spending. That means entitlements. We can't do anything about it. They are now taken off the table.

Now, about a year ago, you may remember there was this big debate, the Budget Control Act. There was a big debate over raising the debt ceiling, and they attached to it some slowdown in spending. Now, these were not cuts; the sequester is not a cut in spending. It is repeated all the time on TV that the sequester is a cut, but it is not a cut; it is a slowdown in the rate of growth. But it is at least going in the right direction.

So what is the one thing we hear now that is going to be part of this deal? We are going to get rid of the sequester. So the one even pretend, make-believe attempt to try to slow down spending, they are going to jettison it. They are going to kick the can down the road—but we are going to get those rich people. We are going to attack those rich people.

We have to wake up soon as a country. We are literally insolvent. Some say, well, we are a great and powerful country. Bad things could never happen to us. It can, and it has happened to great civilized countries. Do you know what they do. Great and civilized countries can destroy their currency. We have printed trillions upon trillions of dollars, and we are in danger of destroying the very value of our currency.

So instead of having a President who runs around saying he is going to stick it to rich people, what we really need are honest people to go around the country and say to people: If you are working class or you are retired, the government is stealing from you. The government is stealing your savings through big government. On the one hand, they offer you something. They offer you baubles. They offer you something for free: Here is a cell phone. Just take the cell phone and vote for me. It will be OK.

The problem is, it is not free. On the one hand, you get the free cell phone. On the other hand, you get \$4 gas. On the other hand, you get food costs rising.

Why do prices go up? Because we run a deficit giving you free stuff, and then we print money to pay for it, and that steals value from what you have. It is not that gas is more precious; gas is rising because the value of the dollar is shrinking. Food is rising because the value of the dollar is shrinking.

So big government isn't your friend, and deficits are not your friend. We hang in the balance up here and nobody is serious about it.

What is the one thing that has been taken off the table? Spending. We will

not cut any spending. So we are looking for a deal that will raise taxes, which everybody seems to equate with drowning—except we are only going to make a few people drown, and they are rich anyway. But I think drowning is a policy. Drowning, even if it is selective drowning, being in favor of selective drowning is not a good policy.

What I have said and what I tell people is let your representatives know. Let your Senators know that you would rather have some kind of serious fix to the problem rather than kicking the can down the road; that you would rather have them actually do something that would allow the economy to grow, would allow jobs to be created, and, as a consequence, government would bring in more revenue.

The only thing proven to ever bring in more revenue is economic growth. What is going on right now? We are growing at a little under 2 percent. When the President, 2 years ago, extended all the tax rates and chose not to raise tax rates, we were growing faster. He said we don't want to rock the economy, and he agreed to extend all tax breaks. But now I think he is hell bent on raising taxes.

Realize that what you are going to get is raising taxes, more money taken out of the private sector and given to the government, the inefficient sector. Don't count on that new money coming in going to make the debt smaller; count on it funding more programs.

You will notice, if you look carefully at whatever this fiscal cliff deal is, there will not be spending cuts, but there will be spending proposals. So we are going to try to tax rich people more and get more money. It may not work because often you raise rates and get less revenue. We are going to try that, but we take the money that we get from rich people, and we are going to immediately spend it on more foolhardy programs, which is what we have been doing up here. We are not going to fix the problem, we are going to perpetuate the problem.

What I would argue for is we should be doing the opposite. We, the Republican Party, the party of limited government and low taxation, should have no part in this. We should have no fingerprints on this, and we should in no way support anything that raises taxes because it is bad economic policy.

So I, for one, will not support any proposal that comes out that does not cut spending and raises taxes.

Mr. President, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. KERRY. Mr. President, I ask unanimous consent that the period for morning business for debate only be extended until 2 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. NELSON of Florida. Mr. President, the hour is nigh. Now Washington is awash in the rumor that there might be some progress being made. I hope so. If there was anything that was made clear to this Senator in the reelection in one of the biggest States in the Union, it was that the people want us to come together and to stop this bickering, the excessive ideological rigidity, and the excessive partisanship. That is a huge turnoff because ideological rigidity and excessive partisanship are impediments to getting people to come together with commonsense decisions for solutions.

Obviously, there is an easy way. Hopefully that is what is being tweaked at the moment in a final solution, with the President to speak in about 30 minutes. I hope so.

Mr. President, I am going to leave you with this thought. My colleagues know that a little over a quarter century ago, I had the privilege of seeing our home planet from the perspective of looking through the window of a spacecraft. It was the 24th flight of the space shuttle. It was early in the space shuttle program. It is indelibly etched in my mind's eye, as I looked back at Earth, what I saw. I did not see political divisions. I did not see religious divisions. I did not see ethnic divisions. What I saw is that we were all in this together, all a part of planet Earth. If we could remember that in our politics, we would all get along so much better. I hope that stays indelibly etched in my mind's eye and that we ultimately prevail in this momentous decision of avoiding the fiscal cliff.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.



The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, there is a lot of buzzing going on around the Capitol today. Here we are on New Year's Eve, and so many of us had hoped we would have an agreement that would be really a big agreement, a long-term agreement that we would have liked to have had finished maybe by September, certainly by October, but that was not to be. In fact, as we saw in the elections of this year, our country is divided and our House here is divided as well. So it has been hard to come to terms.

It has been said that democracy is the worst form of government, except for all the rest, because when we have opinions, when we have free speech, when we have elections that put a Democratic majority in the Senate and a Republican majority in the House, we know there is not going to be a clear and precise path. But in the end, it is the best because we have all expressed our opinions and everyone has been heard.

We have had countless meetings in the last few weeks trying to see where people could give and where they couldn't. I have said from the beginning that I am optimistic because I think our democracy will work in the end. From what I am hearing from the different leaders, we are close to an agreement. We are not there, but it is a starting point and certainly a point at which there is already some agreement.

It may not seem as though it should be so hard, but once we do have the framework of an agreement, there are a lot of decisions that have to be made. We have to talk among Senate Democrats and Republicans, and then we have to go to the House and talk to Republicans and Democrats. I think one thing that is clear is there has to be a substantial number of votes on both sides of the aisle and both sides of the Rotunda. We will not pass something with all Democratic votes or all Republican votes because it will not pass in the other House. So I think there is a lot of refining of what is a pretty good agreement in the making, but the refining has not yet been finished. I have abiding hope that we will get there.

#### TIME TO REFLECT

Since this may possibly be my last day as a U.S. Senator—at least my last time to vote. Up until January 2, I am a U.S. Senator, but actually being able to participate at this late date has given me some time to reflect. I so appreciate some of the major communications and opportunities I have had with the real people in my home State of Texas and beyond. I always think of the many times I have been able to meet with our troops in harm's way.

In the early years of my tenure in the Senate, our troops were in harm's way in Bosnia, where there were many

conflicts, and I got to visit with them and see what their concerns were and what was on their minds, and then into Iraq and then into Afghanistan. I have visited all of these places and had the chance to talk to our troops. What a person comes away with when they have that opportunity is the understanding that America is in good hands with our younger generation. They have such a great spirit.

I went to the Brooke Army Medical Center Hospital in San Antonio and visited with a young man who had lost both legs in an IED explosion. He had been able to get used to that situation for maybe 2 weeks. So it is reasonable to say he had had the shock of his life. So I went into his room, and there is his wife and his little daughter, who was about the same age as my daughter, sitting there with him.

He says to me: Senator, they won't let me go back, and that is where I want to be.

Then his darling wife pipes up and says: You know what, they took half of you and they are not getting the other half.

Now, if that isn't a story, for both of them to have such a spirit. I was so touched by that.

Just in the last month or so, I was back in San Antonio visiting the wonderful Center for the Intrepid they have for the wounded warriors and their families. It is a recreation center, and it is a place where they can go and cook food and have family meetings. They can play games, and they have extensive learning opportunities with computer rooms. It is a wonderful center they have put together, the people of San Antonio.

This was all spearheaded by a wounded warrior who had been cooped up in a room and wanted to have some ability to get outside the room with his family and have some experiences even though he was still going through treatment. He started raising money, and he raised it from the community and from many other wounded warriors, as well as military personnel, but a lot of the citizens of San Antonio and Texas stepped forward. So this is a wonderful place.

I met a wonderful young man who lost his arm and parts of two of his legs. He was a West Point graduate. He was sitting there, again with his beautiful wife, and I was visiting with him.

He said: I just want to be able to continue to contribute.

And I thought, oh my goodness, here is a West Point graduate who has so much to give and who wants to continue to give. So I came back and I wrote a letter to General Odierno, the Chief of Staff of the Army, and I told him about the young man who lost most of three limbs out of four and who wants to keep contributing. What about making him a military fellow, as we have in our offices, as the Presiding

Officer knows? We have military fellows who are Active-Duty military, and they help us. We can have one a year. They help us by providing the military perspective on the things we are doing. Of course, because I have served on the Defense Subcommittee and the Military Construction Subcommittee of Appropriations and the Veterans' Affairs Committee, I love to have those military fellows.

I was so pleased that within just a month or so, when the choices were made for military fellows, this young man was chosen by the Army with the support of General Odierno, whose own son also has lost an arm in combat.

So I think that is a wonderful thing and that on reflection is one of the highlights of my moments to remember.

I also remember some of the great things my staff has done. I have to say, my staff has been the can-do staff of all time. They never take no for an answer. So when we have challenges, individuals who need help—it may be a veterans' benefit; it may be a Social Security problem—they have always had the reputation as the staff who tries to do everything possible to come through.

I am very pleased the Senator who is going to take my place on January 3 is going to have my staff director for case work, Joyce Sibley—who has had such a great reputation—continue in that position. She knows the issues. She knows the people. She will be great. I applaud Senator-elect TED CRUZ for making that decision and for keeping most of the staff who have done this wonderful work.

But let me give a couple examples. First of all, we got a frantic call from a friend of mine about a doctor who was trapped on top of Mount Everest. He was a Dallas doctor, and he was trapped up there in a blizzard and not expected to live. They had a terrible loss of some of the people in their climbing group, and a friend called and said: Is there anything you can do?

My wonderful staff, one of whom is retired military and knows so many of the things that could be done, Dave Davis, and Carolyn Kobey, who handles this casework in my Dallas office. Carolyn actually got in touch with the Nepalese Armed Forces and as a result of Carolyn's efforts, they were able to get a helicopter up. Once you get past a certain level—13,000 feet—you have to have oxygen in a helicopter or, obviously, if you are climbing.

So it was something that was a real ask of the Nepalese Air Force and we were able to get them to take that risk and to go up and they were able to rescue Dr. Beck Weathers. He is alive and wrote a great book about that experience from his vantage point. But we were very pleased to be able to take part in something such as that.

I will tell you, maybe the all time great experience was in my Houston office, led by Jason Fuller. We got a call in the Dallas office, and so the Houston and Dallas offices together did this. We got a call in the Dallas office from a woman in Mississippi. She said: I didn't know who else to call, but I knew Senator HUTCHISON's name. My son is having an asthma attack in Houston, and I don't know how to get him the help he needs. He is in his apartment by himself.

My staff said: Please give us the information. We will call our Houston office, and we will see if we can get help, which they did. They called the Houston office. The Houston office called 9-1-1. They went out to the young man's apartment. He was, in fact, in a dire circumstance and would have died had he not gotten help right away. But they took him in. They gave him the help he needed, and that young man is alive today.

So these instances are some of the great memories I will have of having a wonderful staff who will go the extra mile and try to help the individuals in our State as well as on the big issues where we also try to make sure we do everything we can to get something that is very important to us, whether it is to America or to Texas or to Texans or to Americans.

These are some of the memories I will take with me as I leave this great body. As I said in my actual formal farewell speech, it is easy to be critical. I saw on television this morning that the esteem of Congress has fallen to 5 percent favorable. I am not surprised at that. As my colleague JOHN MCCAIN once said: Now we are down to blood relatives and paid staff. It is easy to criticize, and there are a lot of reasons to criticize. I will admit things have not been as productive and most certainly the acrimony does show sometimes.

But I am going to say, as I leave, after almost 20 years in this body, the people here are all dedicated. There is not one who is not a dedicated patriotic American. We disagree, sometimes violently disagree, on the way we should get to our goals. But our agreement is on the goal of keeping America the beacon of freedom to the world, to keeping our military strong, to doing right by all our people, whether it is a small businessperson who is creating jobs who is trying to go up the ladder of success or whether it is someone who is in trouble because they have had a huge setback in their lives. Everyone here wants America to continue to be the magnet for the world. We want to be the science and technology innovators who will continue to fuel our economy. It is just how we get there that causes the disagreement.

We have patriotic people who have been elected. I hope for the next 2 years we will put aside the partisan politics,

put aside the thoughts of future elections, and try to solve the big issues of our time, because there is a lot of intelligence in this body. There is a lot of ability to come together. I keep the abiding faith that our messy democracy will, in fact, prevail because I cannot think of going to anything else. As long as we can function and show the world we can govern, as we disagree, that will be the example that will forever make our country the best and, hopefully, be a model for others to not think you have to take to the streets, not think you need guns to have the government you want but to show that peaceful transition can be done and also that we can have a lot of discussion, a lot of disagreements, but we can do it civilly.

I leave this body knowing if we just remember the honor we have of growing up in the greatest Nation on Earth, we will recognize that it is our responsibility to give the same to our children and grandchildren. It is the least we can do.

Thank you. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. BROWN of Ohio. Madam President, I ask unanimous consent the period for morning business for debate only be extended until 3 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. CORKER. Madam President, I just listened to the President, and my heart is still pounding. I was very disappointed to hear what the President just had to say in front of a pep rally—something very unbecoming of where we are at this moment.

It is my understanding that most of the tax issues have been worked out—should have been worked out on the floor in regular order. I think most of

the Senate is very distressed that we are in a situation where the negotiations are taking place all of this time and it is not being done through regular order, but that is the way things are today in the Senate.

But I just heard the President say that in dealing with the sequester that was put in place to reduce spending—it was part of a \$2.1 trillion package to reduce spending so that we could raise the debt ceiling back in August of 2011. No one ever thought we would end up in this place where the sequester would be enacted, but it was done so that we would reduce spending.

I notice my friend from Arizona is here. He has been one of the best there is to focus on defense spending and how it should be done, and I know he would like to see things happen in a very different way in that regard.

But I just heard the President say that the way we are going to deal with this sequester is in a balanced way, through revenues and through reduced spending. I just want to go on record here on the Senate floor—I know there are negotiations that are taking place, but the sequester was to be dealt with and substituted with other spending reductions, not through revenues. I hope all those who are involved in bringing this together understand that even on the Democratic side, that was the understanding. Not only was it to be dealt with through spending reductions if these were considered to be ham-handed—and they are, and we should deal with them in a different way—but they were to be dealt with in the same time period. In other words, we weren't going to reduce \$100 billion of the sequester and pay for it over 10 years; it was to be done during the same amount of time.

So I know the President has fun heckling Congress. I think he lost probably numbers of votes with what he did. He didn't lose mine; I am not that way; I am going to look at the substance. But it is unfortunate that he doesn't spend as much time working on solving problems as he does on campaigns and pep rallies.

But I just want to say that I am very disappointed in what the President had to say, and I am one Senator. I just want to go on record that it is absolutely unacceptable to pay for the sequester with revenues.

Yesterday we had a meeting that broke down because all the money was being spent. The President campaigned for a year on raising taxes on the upper income. We have acquiesced to that. We know it is going to happen. But yesterday the deal was that all the money was going to be spent. There was going to be no deficit reduction. It is unbelievable—unbelievable that all of the money was going to be out the door as soon as it came in. As a matter of fact, before it came in, it was going to be spent.

I just want to say that I know the President enjoys heckling and having pep rallies to try to get Congress to act instead of sitting down and actually negotiating, but I hope that is what is going to happen, is we will end up following through on the reductions in spending that need to take place to replace the sequester.

I will also add just for what it is worth that the last time we extended unemployment insurance, we paid for it. The last time we did not cause the doc fix, the SGR, to go into place, we paid for it. And I hope that as this negotiation goes forward, we keep the same principles in place that we have had.

This country is over \$16 trillion in debt. The sequester was put in place because we couldn't reach an agreement on reductions, but we knew they had to take place. Mr. President, I hope we will continue to honor the fact that the sequester—the \$1.2 trillion that we don't like the way it is being implemented—will only be adjusted through other reductions. If that is not the case, count me out. I think most people in this body consider me to be a semireasonable person, but if that is not what we do, count me out.

This country has a spending problem and a revenue problem, I agree with that. I am willing to support revenues to deal with this problem, the overall problem. But what I will not agree to is using revenues to replace spending reductions that were part of the Budget Control Act; that, candidly, we need further reductions in place to totally get this country where it needs to be.

With that, I know we have other Senators on the floor. I don't know what their response is to what just happened at the White House.

Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President I ask unanimous consent that I be allowed to follow Senator MIKULSKI.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak as to what is going on here today as the new chair of the Senate full Committee on Appropriations. That means we are the committee that actually puts money in the Federal checkbook. I would like to talk about that because, you see, today here we are on New Year's Eve doing what we should have done right after Labor Day.

We are behind the clock, and actually we are behind the thinking of the American people. They want us to come together and have sensible fiscal policies that promote growth and at the same time balance it with a new sense of frugality. The fact that we have come to this point with this culture of delay in this institution I think is really unacceptable. But I don't

want to go into the culture of the institution, I want to go into actual discussions of something called sequester and spending.

The words of Washington are a foreign language. We use words that nobody understands, and we use numbers that nobody believes. I am telling you that with me, there is going to be a new day and a new way—plain talk, straight talk about what we are doing here.

So let's talk about the word "sequester." Sequester literally means that you are going to—sequester stands for an arcane government word that means you are going to have automatic, across-the-board government spending cuts. These are supposed to be triggered if we don't resolve the issues today and will happen on January 2.

What is being proposed is that we would cut \$110 billion in 2013—\$55 billion in defense and \$55 billion in non-defense. This means every single program—not programs that are dated, not programs that are bloated, not programs that might be for another era or only benefited a small group of people in a distant past, it means every single program. Yes, there will be certain exemptions to that in terms of Social Security benefits, veterans' benefits, and certain things related to the military.

Since we are already 3 months into the fiscal year, the impact of these cuts will even be worse. So when you hear that we are cutting deals on the sequester, we are actually talking about government spending.

Now let's talk about cuts. This is not the first time either party has talked about cuts, nor is it the first time either party has started to talk about a sense of frugality. One party, however, wants to also understand that we need to be able to meet the compelling needs that are in the mission of our government, and we have already given at the office.

So let's talk about, oh, this could be new spending, and I don't want this. The fact is that since 2010, not 2001—let's get our zeroes straight for a change—since 2010 we have already cut domestic spending by \$43 billion. We have already cut \$43 billion. That is nearly 10 percent of domestic spending in just 3 years. That \$43 billion was in nondefense programs.

Then there is talk about, oh, why don't we have a budget? On August 2, 2011, we passed something called the Budget Control Act. That was deemed to be the budget of the United States of America. In that Budget Control Act, they instructed those of us on the Appropriations Committee to cut discretionary spending \$1 trillion over the next 10 years. The Appropriations Committee will honor the instructions of the Budget Committee, as approved by the Congress of the United States. We are on the program. We are on the same page. We are on the same glide-

path. We don't have to have showdowns here.

So we have already cut actual dollars—an actual checkbook—of \$43 billion. That is a lot of money. Also, in the Budget Control Act, we are to cut \$1 trillion over the next 10 years. That would meet what was being discussed in Simpson-Bowles and so on, so we need to understand that.

Now let's go to this across-the-board cut. I see on the Senate floor the distinguished Senator from Arizona, a well-known advocate for our national security, well versed over the years in the compelling needs our military must have to protect the Nation. I am sure he will speak to those needs, and I will also.

But I also want to speak about another dynamic, which is the impact of \$55 billion across the board in discretionary spending. What I want to say is that if, in fact, we go ahead with this, we are going to cut defense, there is no doubt about it, \$55 billion, and it is going to be a meat ax. That is not the way to go, that is not the way to treat our military, and that is not the way to focus on our national security.

Secretary Panetta, along with the generals, General Dempsey, the head of the Joint Chiefs, has gone through his own budget. He has recommendations where, out of the \$66 billion of defense, how we could begin to have a prudent way where we could begin to have modest reductions in the DOD account without jeopardizing national security.

I serve on the Intelligence Committee. I served with the Senator from Arizona and other distinguished people. We are going to make sure we can do this in our own way, but sequestration could really affect a variety of things related to operations and maintenance.

Let me tell you what else there is. There are many other people who defend the United States of America, and I am proud of them all. These are things such as our Federal law enforcement. With our Federal law enforcement, if we go into this meat ax approach, over 7,500 positions—because it will come out of personnel—will be affected. This could affect as many as 3,000 Federal agents—3,000 Federal agents of the FBI, DEA, and ATF. They might not be laid off, but they are going to be furloughed. They are going to have short-term furloughs. This is going to have a direct impact on morale, a direct impact on mission, and it will have a direct impact on protecting the American people, whether it is from cyber threats, border control threats—all these things they do. The Federal Bureau of Investigation and the Drug Enforcement Agency are absolutely important.

Then the other area is in homeland security. We could reduce the mission hours at the Coast Guard by as much as 50 percent. Now, the Coast Guard is absolutely crucial when it comes to

drug interdiction and also protecting our borders from our waterways.

You know, a lot of people love the Weather Channel. I love the Weather Channel too. If you watch what they do in Alaska, down in Florida, wherever they are, they are doing search and rescue and making sure drug dealers aren't using our waterways and byways to bring drugs into the country and just standing sentry and protecting the United States of America.

Again, we could talk about the border control, but then there is this whole issue of the center for health and human services. Whatever you feel about ObamaCare, that doesn't affect what goes on at the Centers for Disease Control. Right now, the Centers for Disease Control and the FDA are trying to make sure we have food safety and drug safety and are watching out to make sure there are no big outbreaks that spread.

All of us were horrified at the meningitis outbreak. We had a situation with a medical technician who went State to State—he was kind of a technician by hire—who spread terrible meningitis by injecting dirty needles into people who needed steroid injections because of their back.

So we need the FDA. We need the Centers for Disease Control. They are out there working to protect our American people. Remember, they are the ones who discovered Legionnaires' disease.

Mr. President, how much time have I consumed?

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. I have a commitment to the gentleman from Arizona, and I will honor that commitment both in speaking here and in dealing with these issues.

Mr. President, the point I am making is this across-the-board meat axe approach has very serious consequences. Let's use prudence and delay them, I would hope, for at least 1 year or 2 years and not a matter of weeks. But I am saying, and I promise, we do have methods for getting our spending under serious discipline.

I yield the floor, and I look forward to working with my colleagues.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Maryland as always for her usual courtesy, and I think she had a very important message. I appreciate not only the words themselves but her eloquence and passion.

Mr. President, I ask unanimous consent that the Senator from South Carolina be included in a colloquy during my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I, as I believe all of us have, just finished watching the President's remarks at—

I guess it was the Executive Office Building. I am not sure yet, as I sort out my impressions of the President's remarks, whether to be angry or to be saddened.

I have been around this town for a number of years, and as is well known, I had more than an academic interest in the Presidency. I have watched a lot of Presidents, going back to President Reagan, from the standpoint of being a Member of Congress, and I have seen these other crises as we have gone through them—whether it was the potential shutdown of the government when Newt Gingrich was Speaker of the House, or the crisis of the debt limit expiring, and a number of others. It is sometimes, unfortunately, the way we do business here.

But I must say, at a time of crisis, on New Year's Eve, when at midnight, at least, certain actions will take place or have to be planned to take place, today we had the President of the United States having a cheerleading, ridiculing-of-Republicans exercise in speaking to the people of the United States of America. As I have watched other Presidents address crises, the way they were able to address them and resolve them—with Presidential leadership, and that is why we elect Presidents, to lead—was by calling the leaders of both parties to the White House to sit around the table and do the negotiations and the discussions.

Sometimes concessions have to be made; compromises have to be made. But what did the President of the United States just do? He kind of made funny—he made a couple of jokes, laughed about how people are going to be here for New Year's Eve, and then sent a message of confrontation to the Republicans. I believe he said: If they think they are going to do that, then they have another thought coming.

I guess I have to wonder—and I think the American people have to wonder—whether the President wants this issue resolved or is it to his short-term political benefit for us to go over the cliff. I can assure the President of the United States that historians judge Presidents by their achievements.

Now, we all read the polls. We, Republicans, know what is in the polls; that is, the majority of the American people—50-some percent—support and approve of this President. We also see the approval ratings of Congress—10, 11, 12, 9, 15 percent, whatever it is. I haven't seen one that high lately. But historians judge Presidents by what happens on their watch, and this President just made comments which clearly—clearly—will antagonize Members of the House. We are a bicameral government. His comments will clearly antagonize them, and once we get an agreement—and I appreciate that negotiations have been going on in the Senate between the majority leader and the Republican leader—whatever is

done and whatever is agreed to has to be ratified by the House of Representatives, men and women who were elected on promising their constituents they wouldn't raise taxes.

Now, whether they should have made that commitment or not, whether that was the right thing to do, the fact is that is what they said. So the President basically, in his talk to whatever group of people he was talking to—who were laughing and cheering and applauding as we are on the brink of this collapse, of the incredible problem this creates for men and women all over, all of our citizens—said to the Republicans on both sides of the aisle, but particularly the House of Representatives: Take it or leave it. That is not the way Presidents should lead. These are draconian effects.

Now, whether we should be at this cliff is a discussion for scholars in years to come, but we are where we are. Frantic discussions are going on. They went on into the middle of the night last night. So what is the President of the United States doing? In the middle of this, as, hopefully, they were reaching an agreement—and I understand there was only one major issue remaining—he comes out and calls people together and has a group standing behind him while he laughs and jokes and ridicules Republicans. Why? Why would the President of the United States want to do that?

I want to say a word about sequestration. Now, sequestration is about to kick in. The Pentagon and our Defense Department are like a giant oil tanker. We have to turn it around in a very difficult and slow manner because they have to make plans, and they have to have contingencies. They have to have procurement of weapons, and we have to do all the things that are necessary to make sure our men and women who are serving in the military are the best trained, the best equipped, and most professional in the world—and they are. But when we look at sequestration, the Secretary of Defense says it will decimate our ability to defend this Nation.

Shouldn't the President be concerned about that, about what his own Secretary of Defense is saying and what his own selection of Chairman of the Joint Chiefs of Staff is saying? Instead, he kind of jokes around and tells people they are going to be here for New Year's Eve. That is not the way to lead this Nation.

So I come to the floor and say to my colleagues, we need to get this done. We all know we need to get this done. If we go over the cliff, we are going to disappoint the people we are elected to represent, and we will disappoint them mightily, as we already have. But I also say it is the time for Presidential leadership. It is time to stop the cheerleading; it is time to stop the campaigning. The President won. We

all know that. He won fair and square. Isn't it now time to govern? Isn't the best way to govern to sit down with people from the other party and from both Houses and say this is an issue we must resolve for the good of the American people?

So I hope, again, the President will spend some time with the leaders of both parties in the Oval Office sitting down and ironing this out before the people of this country pay a very heavy price.

Now, my friend from South Carolina was around when we almost went over the cliff the last time, as we were about to shut down the government, and there were all kinds of consequences. But we pulled back from the brink, after almost going over it, and it was the most serious of all these that I have seen. I guess I would ask him, is it not true, in our experience, that Presidents, whether they be Republican or Democrat, no matter what party or affiliation, going back to the famous Ronald Reagan and Tip O'Neill relationship, where they sat down together and they saved Social Security for about 25 years—and it was tough medicine, but they did it together. The President of the United States basically dismissed Social Security and Medicare from his list of priorities.

As my friend from Tennessee pointed out, we have a \$16 trillion debt. For us to say we are not going to do anything about spending when we all know that spending is the biggest problem we have in this agreement—again, that is throwing kerosene on the fire that is on the other side of the Capitol, and that is my Republican colleagues on the other side of the aisle who have committed and pledged to their constituents that we will end this hemorrhaging that we call spending which has given us the greatest debt in the history of this country.

So I guess I would ask my colleague from South Carolina, who is usually very modest and reticent in explaining his views, particularly in various media outlets, what is his view on this situation.

Mr. GRAHAM. Well, I thank Senator McCain. My first view is it is better not to go over the cliff than to go over the cliff. But it is also important, as my colleague just said, to understand what we have accomplished.

Let's assume for a moment—let's hope this is a good assumption—that we are reaching an agreement by the end of the day that raises tax rates on people who make over \$400,000. I don't think that is a good idea because I think it hurts job creation. The better way to get revenue is to eliminate deductions and exemptions for businesses and wealthy individuals and take that money back into the treasury, lower tax rates to create jobs and pay down some debt. That is what Bowles-Simpson did.

Not one bipartisan group, I say to the Senator, that has tried to solve our debt problem and our spending problem and our revenue problem has suggested raising tax rates. Bowles-Simpson, a bipartisan group, actually lowered tax rates, and they did that by eliminating deductions and exemptions, and they put a lot of money on the debt. They had a 25-percent corporate rate, and the top personal rate was 30 percent. They took this \$1.2 trillion we give out every year in exemptions and deductions to the favored few and brought it back into the treasury. They paid down the debt and they lowered tax rates to help create jobs.

This President's approach is the opposite of Simpson-Bowles and the Gang of 6. We had six Senators, three Democrats and three Republicans. How did they try to solve our long-term problems? They reformed the Tax Code by eliminating virtually all deductions. They took that money back into the treasury, they paid down debt, and they lowered tax rates, just as Simpson-Bowles.

Now, this President has taken another path. He wants to raise tax rates to generate revenue. My concern is the higher the tax burdens in America, the less likely to create a job in America. There are better ways to generate revenues. But he has gotten his way and he is going to win.

Hats off to the President for having the courage of your convictions. You said during the campaign you were going to raise tax rates on everybody making above \$250,000. Well, you probably are not going to get that, but you are going to be somewhere around \$400,000.

The money to be generated, you say you want it to go on the deficit. Well, that is good. Yesterday, the proposal by our Democratic colleagues was to take that increased revenue from raising tax rates and spend \$600 billion on the government. That is why they don't have a deal.

I am willing to swallow my pride and vote for a tax rate increase—even though I don't think it is good policy—just to save the country from going into the abyss and destroying the military. I am willing to do that, and I will take some heat. But that is the way democracies are. You win some, you lose some.

What I am not going to do is raise tax rates on anybody and take that additional money to grow the government when we all know we need to get out of debt. That is what was going to happen yesterday.

By 2037, the amount of debt we have in the Nation will be twice the size of our economy. Every child born in America owes \$51,000 of debt on the day of their birth. When we look at Medicare, Social Security, and Medicaid, the three big spending programs, called entitlements, in about 25 years the cost

of those programs is going to consume all the revenue coming into the government, and there will be no money for the Defense Department.

So when the President said today that round 2 will be the debt ceiling, he is right. He won round 1. But we have done nothing, as Senator McCain indicated, to lower the deficit in any real way.

If we took every penny of the money we are generating from raising tax rates for people above \$400,000, that is 6 percent of the national deficit. That doesn't even begin to solve the problem.

So this is a hollow victory—a victory of revenue with no change in the Nation's march toward becoming like Greece, no real reduction in our deficit or our debt. The good news is that we are one big deal away from dominating the 21st century because America's problems are less than most other places. The bad news is that deal is elusive. It requires Presidential leadership, and I haven't seen much of it. If we stay on the course we are on today, we are going to lose the American dream because our grandchildren and your children cannot pay off the debt we are about to pass on to them.

So in about 2 months round 2 begins, and we will be asked to raise the debt ceiling. Trust me, I don't want to default on our obligations. But in August of 2011, we borrowed \$2.1 trillion because we ran out of money, and 42 cents of every dollar we spend is borrowed money. If we don't keep borrowing, we have to cut the government by 42 percent. Nobody suggests that is a good idea overnight.

But here is what I will not do. I will not continue borrowing money unless we address in the process what got us into debt to begin with. So when we have to raise the debt ceiling again, I want to make a simple request: Let's come up with a plan bipartisan in nature to save Social Security and Medicare from bankruptcy because they are going to run out of money and become insolvent in the next 20 years. Let's also create a spending reduction plan that will allow us not to become like Greece.

If you want to raise more revenue by capping deductions, count me in because we will need more revenue. But in 17 months, ladies and gentlemen, we spent \$2.1 trillion. We are burning through money like crazy. It took us 200 years to borrow the first \$2 trillion. We spent \$2.1 trillion of borrowed money in 17 months. That has to stop.

So to President Obama: Congratulations on your tax rate increase. You fought hard and you won. I hope I have the courage of my convictions not to raise the debt ceiling until you and others will work with me to find a plan to begin to get us out of debt. You mentioned Medicare today in your speech, and I am glad you did.

In 2024, it completely becomes insolvent. Think of how many people in this country need Medicare and will need it 20 years from now. If we don't do something, it is going to run out of money. The age of eligibility for Medicare recipients is 65. It hasn't changed one day since 1965 when it first started. We are all living longer. I propose we adjust the retirement age to 67 over a 10-year or 20-year period. That will save the program in many ways.

People at my income level shouldn't get any money from the government to help buy prescription drugs. I should pay the full cost because I can afford to. That is called means testing. This CPI thing you hear a lot about, that is how you evaluate benefits. That needs to be reevaluated based on real inflation. We are overestimating the cost and adding burdens to these programs.

That is kind of technical stuff, but here is what I am telling you. I am not going to vote to raise the debt ceiling until we do something to save Social Security and Medicare from bankruptcy, and I am not going to borrow a bunch more money that our grandkids are going to have to pay off without a plan to get out of debt. If that is too much to ask, so be it. But it is not too much to ask of you at home because if you spend a lot more money than you make, you go to jail. We call it good governance. That has to stop.

So round 2 is coming, and we are going to have one hell of a contest about the direction and the vision of this country.

The President we need 2 months from now is going to be the one who will come down here and talk with us and work with us and not have a press conference. Because, Mr. President, I want to make you a historic President. I want, on your 4-year watch, for us to change the course of the country. I want to save Medicare and Social Security from insolvency, and I will give you full credit as the Presidential leader if you will help us as a nation find a way to save these programs from bankruptcy. I want to turn around the spending problem we have and prevent us from becoming Greece. And if you will lead I will follow. Yes, I will raise more revenue in a responsible way. But without you, it is going to be hard for us to get there.

So the next time we meet, it is going to be a round of debt ceiling, and the image I want is not a bunch of people behind the President who are clapping for him, but Members of Congress—Republicans and Democrats—behind the President, clapping for the President because he signed a bill that will save all of us from a certain fate. And our fate is being sealed as I talk unless we make changes.

We cannot survive on the course we are taking today. The good news is, with some bipartisanship and Presidential leadership, we still have time

to turn around this country and actually dominate the 21st century. It is going to take some pain and it is going to take some sacrifice.

One final story. When I was 21 my mom died. When I was 22 my dad died, 15 months later. My family owned a liquor store, a restaurant, and a pool room. Everything I know about politics I learned in the pool room. My sister was 13. My uncle took over the businesses. He left the textile industry to run the businesses. We moved in with my aunt and uncle. They never made over \$25,000 or \$30,000 their entire life. And if it weren't for Social Security survivor's benefits for my sister, we would have had a hard time making it. She went to college on a Pell grant.

I am 57. I am not married. I don't have any kids. I am part of the problem. That is what is happening all over America. But when I was 22, we needed every penny we could get in Social Security benefits. Today, I could easily give up \$500 when I retire and not feel it at all, and I could pay more for Medicare—and I would, and I am going to ask people in my situation to do that. We just have to have the courage to ask. I think most Americans would say yes.

So Medicare and Social Security are not programs to me. I know what they do for real people, and if we do nothing, in 2032—which seems forever but it is not—Social Security becomes insolvent, and we have to cut benefits 25 percent for everybody, whether they can afford it or not or raise taxes by 38 percent, whether businesses can afford it or not. And the way you solve that is to reform the programs like Ronald Reagan and Tip O'Neill.

Mr. President, I am willing to play, along with my other Republican colleagues, the role of Tip O'Neill. You just need to play the role of Ronald Reagan.

So the next time we talk about fiscal problems in America, I want a news conference where the President is center stage, not surrounded by political activists but surrounded by Republicans and Democrats who can celebrate accomplishing something that we should all be proud of.

They tell me this is the least productive Congress in the history of the Nation. If it is not, I would hate to be in the one that was. We haven't done a whole lot up here.

I know Senator MCCAIN has been here a few years now. I ask the Senator, what is his opinion of where we are going as a nation and how we get along with each other?

Mr. MCCAIN. I would say to my friend, first of all, we have had some meetings of a bipartisan fashion to try and improve the process so that we can move legislation forward.

I believe the issue before us right now—at nearly 3 p.m., 9 hours from midnight and we still have not reached

an agreement—and the longer it takes for us to reach agreement, the less time we will have examining it and the less time we will have before voting on it. As the Senator from South Carolina said: We can't keep doing business like this. And we can't.

But on this particular issue, I want to express, as I began, my disappointment in the President in having a cheerleading rally when we should be sitting down together and resolving this issue. That is what I have seen other Presidents, Republican and Democrat, do.

I hope, now that the President has made his statement with his cheering section, that now he would sit down—as Presidents have and should—and work to hammer out this agreement and agreements in the future.

The Presidential campaign is over. He won. Congratulations. Now let's get down to the serious business of governing this country in a bipartisan fashion.

Mr. ISAKSON. Mr. President, would the Senator from Arizona yield?

Mr. MCCAIN. I yield to the Senator from Georgia.

Mr. ISAKSON. I rise for a moment to associate myself with the Senator from Tennessee, the Senator from Arizona, and the Senator from South Carolina. I want to tell a personal story somewhat like the Senator from South Carolina.

I made my living my entire life before I got here for 33 years selling houses, causing two people to come together and agree on price, agree on terms, sign and shake on a deal, and walk away from a closing table feeling like both of them won.

I have also been elected to every legislative body I could be elected to in my State, and I have served in legislatures for 34 years. I have negotiated deals and been on conference committees, and I never once found myself making a deal by intimidating or insulting the other side.

What the President did this afternoon set us back in civility and in leadership and in dealmaking, and I am a big enough guy to know I am not going to take it personally. If the desire was to offend me, the speech did. But if the desire was to deter me, it did not.

It is time we all found ways to come together as Americans and solve our problems, not just in the short run but in the long run; not fill our room with partisan supporters, but, instead, cause everybody to sit together around the table and find a way to make a deal.

This is the greatest country on the face of this Earth, and it will continue to be unless we forget what got us here. What got us here are the American people, not the American politicians. The American businessman, the American entrepreneur, the American worker, the American laborer, and the American leaders—people who, through their sweat, their blood, and their toil

built businesses, built factories, built companies, and made this great enterprise known as the United States of America work.

If we want to raise our revenue—sure, you can raise by percentage your revenue by raising your assessment, but if you lower your base your revenue goes down. What we need to do is empower our base by raising the prosperity of the American businessman, the American employee, and the American worker. As their prosperity rises, taxes will go up not because we are charging them more by rate, but because they are making more. The rate and what they pay goes up because they are more prosperous.

You will never raise the revenue you need by insulting the American people or taking away the incentives to work, make a living, maybe take a risk and be an entrepreneur. So while we had a speech today—the intention of which I don't know, but it probably protracted and delayed what we are trying to do here today, and that is find a way to come back and fight another day.

I agree with Senator GRAHAM. The big battle is yet to come, and it is over the debt ceiling. It is going to be a big battle, and I share every comment and every sentiment that Senator GRAHAM said because that is the one where we have to find a way to make a deal. The President is not going to make a deal by poking us in the eye and by charging one side against the other to try and have a win-win proposition. I never made a deal if it wasn't a win-win proposition. I always lost a deal when I made it a win-lose proposition.

I am at the table. I will continue to negotiate. I want to make this country work, but let's work together. Let's find common ground. In the eleventh hour and in the twelfth hour, let's do what is right for the American people.

I want to thank Senator GRAHAM, Senator CORKER, and Senator MCCAIN for their remarks. I associate myself with them, and I yield the floor.

Mr. MCCAIN. Mr. President, I yield the floor for the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senators from Arizona, South Carolina, and Georgia for the comments they have made. I already addressed the issue of the speech. I agree with the comments made by my colleagues here.

I want to address the substance of this. We get caught up in terminology around here and sometimes talk beyond each other. I don't know what most people are doing today, but the country almost came to a halt in August of 2011 as we negotiated some reductions in spending—\$2.1 trillion worth. Most people believed that was not enough. I know everybody in this body has been contacted by the Fix the

Deck folks and others who think we need to have a \$4.5 trillion to \$5 trillion deal, and I agree with that 100 percent. I thought that was what we were going to be doing.

As the Senator from South Carolina said, had we done that, we could focus on the tremendous potential this country has. We are not going to do that.

Let me go back to August 2011 when we agreed to reduce spending by \$2.1 trillion. We implemented some things and we put some things off to what we call the sequester, which is what I am talking about now. The sequester was supposed to kick in on January 1 if we didn't reach an agreement on other spending reductions. I had hoped we would come up with other spending reductions. I know my friend, the Presiding Officer, felt the same way. But we have not done that.

Here is the substance of what the President just said in his speech; that is, since we did not come up with an agreement on spending reductions, we are going to deal with the sequester that kicks in tomorrow—the \$1.2 trillion.

#### EXTENSION OF MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent that the period for morning business for debate be extended until 5 p.m., with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNET. I thank the Senator.

Mr. CORKER. Mr. President, I see the Senator from Kentucky. I think most people would rather listen to him than to me.

I yield the floor for the moment as he makes his comments.

Mr. MCCONNELL. Mr. President, are we in a quorum call?

The PRESIDING OFFICER. The Senate is not in a quorum call. The Senator from Tennessee has yielded the floor.

#### THE FISCAL CLIFF

Mr. MCCONNELL. Mr. President, yesterday—after days of inaction—I came to the floor and noted the obvious: we need to act but I need a dance partner. So I reached out to the Vice President in an effort to get things done. I am happy to report that the effort has been a successful one, and as the President just said in his television appearance, we are very close to an agreement.

We need to protect American families and job creators from this looming tax hike. Everyone agrees that action is necessary, and I can report that we have reached an agreement on all of the tax issues. We are very close.

As the President just said, the most important piece—the piece that has to

be done now—is preventing the tax hikes. The President said, “For now our most immediate priority is to stop taxes going up for middle-class families starting tomorrow.” I agree. He suggested that action on the sequester is something we can continue to work on in the coming months.

So I agree, let's pass the tax relief portion now. Let's take what has been agreed to and get moving. This was not easy to get to. The Vice President and I spoke at 12:45 this morning, 6:30 this morning, and multiple times again during this morning. This has clearly been a good-faith negotiation. We all want to protect taxpayers, and we could get it done right now.

So let me be clear: We will continue to work on finding smarter ways to cut spending, but let's not let that hold up protecting Americans from the tax hike that will take place in about 10 hours from now. We can do this; we must do this.

I want my colleagues to know that we will keep everybody updated as we continue to try to wrap this up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, it is appropriate that the Senator just said what I have said, and I thank him for his comments. This, again, leads me to what I see is the rub. In his comments a minute ago, the President alluded that the tax arrangements have all been agreed to and the things Americans most care about have been agreed to.

In a late request this morning, the President wanted to do away with the sequester—the \$1.2 trillion in cuts—by paying for them with revenues instead of trading out other cuts, which is unbelievable to me with the amount of debt we have in this Nation. The fact is we have agreed to additional revenue. Now, at the last minute, what has happened is the sequester is getting ready to kick in because we could not agree to other revenue cuts. By the way, it was not part of this deal but to supplant what we did back in August 2011.

We all know the sequester is going to kick in. For some reason people think it is being done the wrong way and should be done in a different way, which I actually agree and hope we will do. Instead of reducing that spending, the President wants to add revenues to that to keep that from happening.

Now, let me explain what that means. We have this tax increase that is getting ready to happen—by the way, I would support that—and instead of reducing the deficit like the President campaigned on, what he wants to do is use those revenues to supplant spending reductions we have already agreed to, so we are not reducing the deficit. We are using this revenue, which has been campaigned on for a year, not to reduce deficits but to keep



spending cuts that have already been agreed to from happening. I don't think there are many people on either side of the aisle who would think that is a very good idea.

Now, what the President is doing is holding this agreement on taxes for all Americans hostage to keep from doing the spending reductions we have already agreed to. I don't know if most Americans who listen to us quite understand what is happening.

I listened to the President yesterday speaking with David Gregory, "Meet the Press," and I know he talked about the \$1 trillion in spending reductions he has offered up, which by the way I applaud. The problem is I have never seen them. I don't think the Presiding Officer has ever seen them. As a matter of fact, there is not a soul in this body who has ever seen the spending reductions that the President has offered up because they don't exist.

I know there were broad contours that were talked about; I know that. The people in this body know that last week LAMAR ALEXANDER and I offered a bill on the floor to raise the debt ceiling by having \$1 trillion in entitlement reforms so we don't end up in a situation where the credit of our country is in jeopardy. Today people are paying one-third of the cost of Medicare. There will be 20 million more Americans on Medicare over the next 10 years, and we are paying for one-third of that. It is a time bomb.

We have offered reforms to cause Medicare to be here for future generations. We have done that in advance so the debt ceiling is raised in a way that does not jeopardize the country's credit. At the same time, we reformed these programs so they will be here for the future.

Yesterday the President said on television that he has offered \$1 trillion in cuts. I have never seen them. What I would say to the Presiding Officer is, if they exist it would be helpful if we could see those because that would help us with this debt ceiling debate. It may be that some of those are similar to the reforms and reductions that Senator ALEXANDER from Tennessee offered with me. That would be highly helpful. Once the pep rallies are over maybe the President could send a list of those reductions and reforms that he says he has offered that no one I know of has ever seen. I think it would be helpful to us in the debt ceiling debate.

As a matter of fact, my guess is we might agree with a lot of those. What we could do is maybe take the President's reductions that he says he has offered, which he has never offered, and we could use those to help raise the debt ceiling and alleviate some of the issues that my friend from South Carolina was mentioning a minute ago.

Mr. Presiding Officer, my friend, I will tell you that I am disappointed where we are today. I thought 2 years

after we began this process we would end up with something that would cause us to have this viewed from the rearview mirror. In other words, this would be behind us, and we would begin 2013 in a situation where the economy was ready to take off and people in this country would know that we dealt with our issues, and, candidly, people around the world would know it as well. We have not done that. We are talking about the kick-the-can-down-the-road deal. Everybody knows that.

Everybody in this body knows that by the time this agreement takes place we have done nothing to reduce a penny of debt in this country. People know that, and that is a shame.

The American people are watching us. We have turned ourselves into the laughing stock of the world because we cannot sit down and just solve these problems. Candidly, I don't know why we cannot do this on the Senate floor. It has been empty over the last week. I think we could have brought a bill to the floor to deal candidly with this. I think most people on both sides of the aisle think the same way. We have not done it. Surely, we should not let this happen again.

I want to close by saying that I am disappointed with what I think is about to happen on the sequester. It looks like we are going to use revenues to substitute for spending reductions that have already been agreed to. What that means to the American people is that the tax on the wealthy, which I support in the form that I have understood it to be, is not going to be used to reduce our deficit but to keep from putting in place the spending reductions we have already agreed to.

I don't know many Democrats or Republicans who would think that is a particularly good idea, especially with everything we went through and everything we put the world through in August 2011. Much of that will be dissipated and watered down today. Not only are we not making progress if that happens, we are actually going to be setting ourselves and our country back. I think this will make it even more difficult to overcome the debt ceiling that is coming up in 75 days.

I am obviously making this speech to, hopefully, help influence the outcome over the next couple of hours. I hope that what the President said over in the Executive Office Building is not what he means. I doubt there are many people in this body who agree with the comments made by the President, and I hope the negotiators will take that into account.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I have come to the floor to express my own sense of encouragement about the statements made this afternoon by President Obama and Senator MCCONNELL which indicate that the negotiations to avoid the so-called fiscal cliff are making progress. We are not there yet, but they are making progress. I am very encouraged by that.

I have heard over the last couple days a familiar phrase invoked many times, and it is that no deal is better than a bad deal. I suppose it is often true that no deal is better than a bad deal. But in the case of the fiscal cliff, no deal is the worst deal because the government will go over the fiscal cliff and will take almost every American with us.

Almost every family who pays taxes now will pay higher taxes. People's jobs will immediately be put in jeopardy, unemployment compensation will end for more than 2 million people. Our defenses will be decimated by cuts that will put us in a position of accepting unacceptable risks to our security. Title I programs of education for low-income children will be cut dramatically.

Most people, including our own Congressional Budget Office, say the combination of tax increases along with the decreased spending required under the Budget Control Act will push our economy back into recession in the new year.

So I do not agree that no deal is better than a bad deal. In this case, I repeat, no deal is the worst deal because it allows our country to go over the fiscal cliff and hurts almost every American family and our country and our economy as a whole. This should not be a surprise to us. It is not as if—if I can use the metaphor that Congress was going along in a bus on a ride through the country and suddenly came to the end of the road and there was a cliff. This should not be a surprise to us. We created this cliff ourselves a year and a half ago when we adopted the Budget Control Act. We created it for a very good reason: Because we knew we had proven ourselves incapable of making the compromises that were necessary to achieve the long-term bipartisan debt reduction program America desperately needs.

We are over \$16.4 trillion in debt. I am in my last days as a Senator. If you told me when I started that we would be \$16 trillion in debt, I would not have believed it. Frankly, if you had told me just a dozen years ago, at the end of the Clinton administration when we were in surplus, that we could possibly be \$16 trillion in debt, I would have thought you were not reality tested. But here we are.

Most everybody knows the way we are going to get out of this is with a combination of tough medicine—I would call it tough love. We are going to have to reduce spending. We cannot do it all from discretionary spending. The Budget Control Act we adopted last summer; that is, the summer of 2011, does it all from discretionary spending. What is discretionary spending? It is different from entitlement spending: Medicare, Medicaid, et cetera. It is what most people think of as the government. It is education programs. It is environmental protection. It is social service programs. It is defense. It is homeland security. It is law enforcement. That is about one-third of our budget. It is not the part of spending that is driving the debt and deficit. That is being driven by the growth in entitlements, which are rising for a good reason, which is that the American people are living longer; therefore, taking much more money out of programs such as Medicare than they put in and, I suppose, for reasons that are not so good, which is the cost of health care continues to go up.

We proved ourselves incapable of dealing with this crisis as part of the normal process of compromise. So we created the cliff, which was intentionally made so harmful that our assumption was that we would not allow ourselves to go over the cliff because it would be so hurtful. Again, that is why no deal in this case is not better than a bad deal. No deal is the worst deal because it means we go over the cliff.

Why is all this happening? For a lot of reasons. But one is that there are groups within both great political parties who are defending the status quo, who do not want the situation as it exists now, which has created the \$16½ trillion of debt, to change. But we cannot go on this way. Because if we do, we already are putting an enormous burden on generations of Americans to follow in paying off the debt we have incurred. But we are also coming to a point, if we do not do something soon, where the choices we are going to have to begin to pay off the debt are going to be hurtful to our great country, which is enormous tax increases, enormous spending cuts such as the one in the fiscal cliff proposal or, at worst, the monetizing of the debt, a drop in the value of the dollar, and all the harmful effects that will have on our economy and our country.

Here we are, December 31, not only the eve of a new year—which we hope and pray will be a great one for our country and everyone who lives in it—but a few hours away from letting our country go over the cliff. We can't let it happen, and that is why I am so encouraged that these bipartisan negotiations are looking like they will produce a bipartisan agreement, which hopefully will come before the Senate sometime this evening.

This is not, this will not be the comprehensive, bipartisan, long-term debt agreement we created the cliff to encourage. This will not be the bipartisan, long-term debt reduction agreement this country needs.

So much is beginning to turn right in our economy. Housing prices are doing better, unemployment is down. We see manufacturing picking up again. The big problem the American economy has is right here in Washington, our inability to get together across party lines to bring our country back into fiscal balance and to show the country and the world we have a political system that is capable of fixing our problems.

Earlier this year, Bob Carr, the Foreign Minister of Australia, one of our greatest allies in the world, said: "The United States is one budget deal away from restoring its global preeminence."

"The United States is one budget deal away from restoring its global preeminence." Perhaps because I am so proud of this country, I would say we are one budget deal away from restoring our global dominance for a considerable number of years.

Unfortunately, after—I hope and I pray we adopt the result of negotiations going on now and avoid the fiscal cliff—we will still be one grand bargain budget deal away from restoring our global preeminence. That work has to be done, but at least we will have avoided the cliff.

By a twist of fate, the occupant of the chair is my colleague and friend, the Senator from Connecticut. You have probably seen these numbers, but just to bring it home for one State, what will be the impact if we allow the country to go over the fiscal cliff in Connecticut: 1.4 million middle-class families will see their Federal income taxes increase, almost 1.5 million families.

If the middle-class tax cuts are allowed to expire on January 1, a median-income Connecticut family—now I know the median in Connecticut is higher than it is in most other States, but this number is true for any family making this amount of money. It makes an important point.

A family of four earning \$86,000 a year happens to be the median family income in Connecticut. But that family, which I think would be considered median just about everywhere, middle income just about everywhere, would see its Federal income taxes rise by \$2,200. That is a lot of money for a family of four paying a mortgage, paying for food, probably paying something for education for their children, maybe college—too much.

Another Connecticut number is 680,000 additional Connecticut taxpayers will be hit by the alternative minimum tax. It is amazing when we think about that. Those are going to be middle-class families who will be hit by

that. Also, 120,000 Connecticut taxpayers will no longer get a tuition tax credit to help pay for college because that too will expire if we don't do something about it. There are 340,000 Connecticut families raising children who will see an average tax increase of \$1,000 as they lose access to the child tax credit.

The earned-income tax credit, which was something adopted during the 1990s—which I was proud to be part of—is also set to expire on January 1. That is for—when I say lower working families, some might call them lower middle income, gives them a break that they need.

In the most recent year for which we have numbers, almost 43,000 Connecticut working families received important benefits from the earned-income tax credit, and they would lose it.

The national numbers are 2.1 million people long-term unemployed who will see their unemployment checks end. We are setting them adrift. In Connecticut, that means 33,600 Connecticut individuals will lose unemployment benefits under the Emergency Unemployment Compensation Program.

I met with a group of these folks recently, and I know a lot of these people are white-collar people. Some of them are in their middle years of life, and they lost their jobs in companies that were hit by the recession. They are having an impossible time finding new employment, and, believe me, they are working so hard to try to get it—33,600 of them would be set adrift without unemployment benefits if we go over the fiscal cliff.

One estimate by the National Economic Council is that there would be \$2.5 billion less in consumer spending in Connecticut, and that is basically because tax hikes will take a bite out of middle-class budgets and, frankly, some people will lose their jobs. I am afraid they will lose their jobs in many industries, including the defense industry, which remains a foundation, as the acting chair knows, of our State's economy. The NEC also estimates that we would have 1.1 percent slower growth in the Connecticut economy with the attendant harmful results of that.

I could go on and on. Title I would be forced to serve about 9,300 fewer Connecticut children. We would get \$5.6 million less in funding low-income home energy assistance payments to people in our State who heat with oil, and on and on and on.

This is all my way of coming back to the point I made at the beginning and why I am encouraged by the statements President Obama and Senator MCCONNELL made this afternoon that we are close to an agreement, close to a deal.

I don't agree, I say again, that no deal is better than a bad deal. In this case of the fiscal cliff, no deal is the

worst deal possible for the American people.

We passed the time when we are going to, before tonight, negotiate the comprehensive bipartisan debt reduction agreement our country desperately needs. The least we can do is protect the constituents who were good enough to send us here from the worst possible result, which is that we let the country go over the cliff. We have proved that to everybody, including people around the world who depend on American strength and watch us, that our political system has become absolutely dysfunctional.

So I hope the negotiations going on now end with an agreement, and I hope we will pass it with a bipartisan majority, a strong bipartisan majority in the Senate and the House. I certainly will support it from all I hear about it myself.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

#### TRIBUTES TO DEPARTING SENATORS

JOE LIEBERMAN

Mr. COATS. Mr. President I wish to thank my friend, my long-time friend whom I hate to see leave this body, Senator LIEBERMAN from Connecticut, for his remarks.

I didn't have the opportunity to speak after he gave his farewell remarks. I do wish to say, before I get into the reason I came down here—I am happy to see him here so I can say this—it has been a joy to serve with him over the years.

I am in my second life in the Senate, and during my first life we served together on the Armed Services Committee. We did a number of initiatives together on which I was proud to be associated with him, that I believe strengthened our national economy and our security team around the world. We worked on school vouchers for DC and a number of other initiatives affecting the future of our military and other issues that were of importance to us.

Most important, from my standpoint, we worked together to bring values that each of us cherish based on our faith. JOE is of the Jewish faith, and I am of the Christian faith. We discovered on a trip to Iraq, just after Desert Storm, that we, in talking to each other, shared our respective faiths and how it affected our lives, how it affected our families, and how it helped

us form decisions we make. Of course, coming from two different parties, we didn't find agreement on everything, but we found agreement on a number of things, particularly those things where we shared common values, where our faith shared common values and where individually we shared those values.

Under the direction of a rabbi from Chicago we cochaired the Center for Jewish and Christian Values, bringing together Jews and Christians to talk about what they had in common and what values we could work together on for the betterment of our country and for the betterment of our society. Too often we bring groups together of different persuasions to discuss, argue, and debate the differences. This was different because we brought these groups together, distinguished leaders from both sides, prominent leaders from both sides, to set aside those differences and work to find those values we had in common. It was a joy to participate in that with Senator LIEBERMAN and to cochair that.

We have remained friends. His contributions to our country, not just representing a State but representing America around the world, will long be remembered and will have great impact and effect. We are losing a real talent, and we are losing a real gentleman. We are losing someone who is an example of how he conducts himself and is an example for all of us as to how we ought to conduct ourselves, and we don't always do that.

But JOE LIEBERMAN has left a lasting impression on me—and I know a number of our colleagues on both sides of the aisle—and he will be sorely missed.

One thing I am happy about is that we will continue a lifelong friendship, and I am looking forward to many more opportunities for Senator LIEBERMAN to work on matters of interest but will enjoy a continued sharing of the commonalities of our Judeo-Christian faiths.

KENT CONRAD

Ms. KLOBUCHAR. Mr. President, today I wish to recognize my colleague KENT CONRAD for his many years of distinguished service and leadership on behalf of our country and the people of North Dakota. It has been such an honor for me to serve with KENT as my neighboring Senator these last 6 years.

I like to kid with KENT that it seems like North Dakota is always in the middle of some kind of drought or flood or other natural disaster. There's actually a joke I once told him about how you can spot a tourist from North Dakota in the middle of a beach in Florida. It's easy—they are the ones putting all the sand in sandbags.

But jokes aside, KENT has been truly tireless in his work to improve our current flood prevention measures and to ensure North Dakota has the tools it needs to prepare for and recover from natural disasters.

As anyone who has worked with him on the Agriculture Committee knows, he has also been an outstanding advocate for our Nation's farmers, ranchers, and rural communities. KENT has consistently led efforts to strengthen the sugar program, which is critical to sugar beet growers in States like North Dakota and Minnesota. He played a key role in crafting both the 2002 and 2008 Farm Bills, and he was a driving force in getting the 2012 Farm Bill drafted and passed out of the Senate on a strong bipartisan vote in June.

So there is no question that KENT's expertise on farm policy will be sorely missed. As Congressman COLLIN PETERSON likes to say, "There are only 11 people who truly understand how the complex farm payment programs work. And ten of them are in North Dakota." Well, with KENT retiring I guess there will only be nine.

Whether it's standing up for farmers or fighting floods or saving the Minot military base, KENT has touched and improved the lives of people in every corner of North Dakota. At the national level, he has been an outspoken leader on the issue of debt reduction and has consistently advocated for policies that benefit the middle class.

It would be impossible to do full justice to KENT's legacy in a single statement, so instead I will simply say this: North Dakota is better off because of KENT CONRAD's leadership, and so is our country. Senator, thank you for all of the friendship, wisdom and support you have shown me over the years. You will be missed, but I know that even in retirement you will continue to find ways to improve our great country and work for the people of North Dakota.

HERB KOHL

Mr. President, I wish to recognize my colleague HERB KOHL for his many years of distinguished service and leadership on behalf of our country and the people of Wisconsin.

It has been an incredible honor for me to serve with HERB as neighboring Senators these last 6 years. He is a statesman in the truest sense of the term, not to mention one of the most genuinely kind and steadfast public servants of our time. This is the reason he is so admired in the Senate, and it is how he came to be known as one of the most beloved and respected public figures in the State of Wisconsin.

Like HERB, my mom was born and raised in Milwaukee. I have many fond memories of visiting Wisconsin and can personally attest to how loved and respected HERB KOHL is throughout the State. People know him for the jobs he created as a businessman. They know him for the scholarship program created in his name. And of course, they know him for the way he "saved basketball" by keeping the Bucks in Milwaukee. But above all, people know HERB for his consistent record of putting Wisconsin first.

From strengthening Wisconsin's manufacturing sector and keeping jobs in the State to improving the MILC program and better supporting our dairy farmers, HERB has touched and improved the lives of people across Wisconsin and throughout the Midwest. At the national level, he has earned a reputation as a masterful policymaker with a quiet, commonsense approach to legislating that is the stuff of Senate legend. But don't be fooled by HERB's even keel.

When it comes to protecting consumers and standing up for the middle class, few people are as fiercely committed as HERB KOHL. As chair of the Antitrust Subcommittee, he has been a truly tireless champion for consumer rights and competition policy. I've seen this firsthand, while working with him on legislation to crack down on captive shipping in the rail industry and to restrict the so-called pay-to-delay deals that keep affordable prescription drugs off the market.

Senator KOHL, it would be impossible to do full justice to your legacy in a single statement. So instead I will simply say this: Wisconsin is better off because of your leadership, and so is our country. Thank you for all of the friendship, wisdom and support you have shown me over the years. You will be missed, but I know that even in retirement you will continue to find ways to improve our great country and work for the people of Wisconsin.

KAY BAILEY HUTCHISON

Mr. President, I wish to recognize my colleague KAY BAILEY HUTCHISON for her many years of distinguished service and leadership on behalf of our country and the great State of Texas.

Over the course of her 19 years in the Senate, KAY has earned a reputation for being one of Washington's hardest-working and most masterful policy makers. I've seen this firsthand, while working with her on a number of different issues over the years.

During the debate over Wall Street reform, KAY and I teamed up on legislation that helped keep the lights on at over 600 community banks in Minnesota and over 2,000 in the State of Texas. We also worked together to update and improve our Federal anti-stalking laws, making it easier for law enforcement to crack down on high-tech predators using devices like spyware and video surveillance. In both cases, I was impressed with KAY's ability to reach across the aisle and find commonsense solutions.

No matter what the issue, KAY has always stood up for the people of her State. She has been a strong and consistent voice for the people of Texas, but I also think it's important to recognize her role as a pioneer for women.

I will never forget a story KAY once told me, about how she was one of just seven women in her law school class and couldn't find a job at any of the

all-male Houston law firms when she graduated. So instead, she took a job covering the Texas State Legislature for a local TV station.

KAY clearly caught the political bug, because it was just a few years later that she ran for a seat in the Texas House of Representatives. When she won, she became the first Republican woman ever elected to that body. She shattered another glass ceiling in 1993, when she became the first woman to represent Texas in the Senate. It was a milestone for women everywhere from the Lone Star State to the North Star State.

When I was running for the Senate in Minnesota in 2006, only two women had run before me and both of them had lost. This came up during my campaign when reporters would ask me, "Can a woman win in Minnesota?" My response? Of course. A woman won in Texas.

So even before I knew KAY personally, I was inspired by her story and by everything she had accomplished. Senator, thank you for all of the friendship, wisdom and support you have shown me over the years. You will be missed, but I know that even in retirement you will continue to find ways to improve our great country and give back to the people of the State you love so much.

BEN NELSON

Mr. President, I wish to recognize my colleague BEN NELSON for his many years of distinguished service and leadership on behalf of our country and the people of Nebraska.

It has been an honor to serve with BEN over the past 6 years. He is a true statesman and a champion for the people of Nebraska. During his time in the Senate, BEN has earned a reputation as a pragmatist who values problem-solving over partisanship, and I have admired his sensible, commonsense approach to legislating.

BEN seemed to be destined for public service from an early age, winning his first election at the age of 17, and he is known for his consistent record of putting Nebraska first. No matter what the issue, BEN has always stood up for his State and he has improved the lives of people across Nebraska. At a national level he has been a strong voice for fiscal responsibility and shared sacrifice.

Having grown up in a small town in Nebraska, BEN has never forgotten his roots. While serving on the Senate Agriculture Committee with BEN I saw firsthand his deep appreciation and respect for the farmers, outdoorsmen, and rural communities that are vital not just to our economy but to our way of life in the Midwest.

He was instrumental in crafting both the 2008 and the 2012 Farm Bills and he has been a clear and consistent advocate for homegrown energy, leading the way on policies to help our country achieve energy independence.

He has also been a champion for our men and women in uniform, helping to ensure that members of the Armed Forces and our veterans receive the support they need and deserve.

Senator NELSON, it would be impossible to do full justice to your legacy in a single statement. So instead let me simply say this: The State of Nebraska is better because of your leadership, and so is our country. You will be missed in the Senate, but given everything you accomplished before you were elected—as Governor of Nebraska and as a successful businessman—I know in your retirement you will continue to find ways to improve our great country and work for the people of Nebraska.

OLYMPIA SNOWE

Mr. President, I wish to recognize my colleague OLYMPIA SNOWE for her many years of distinguished service and leadership on behalf of our country and the great State of Maine.

OLYMPIA has long been a friend and mentor to me. In fact, she was assigned to be my official Republican mentor in the Senate, and she has been a great one.

That was almost 6 years ago. So much has happened in that time, but throughout it all I have continued to be impressed with OLYMPIA's grace, composure and unfailing ability to find commonsense solutions. Time and again, she has reached across the aisle to put politics aside and get things done for the good of her State and the country.

In addition to being a voice for bipartisanship, OLYMPIA has earned a reputation as one of the Senate's most masterful policy makers. I've seen this firsthand, while working with her on a number of different issues over the years. OLYMPIA cosponsored my very first major bill in the Senate "Carbon Counter" legislation to reduce carbon emissions and combat global climate change.

I also had the pleasure of working with her to create an Airline "Passengers Bill of Rights," which was included in the 2011 FAA reauthorization bill and has led to a significant decrease in tarmac delays. And we joined forces again this year, on legislation aimed at addressing sexual assault in our military by improving the process for tracking and reviewing claims.

Working with OLYMPIA these last 6 years has been an incredible privilege for me. I've respected her as a policymaker, particularly for her work on national security and small business issues. I've admired her for her outspoken leadership and commonsense approach to legislating. And maybe most importantly, I've genuinely enjoyed her as a friend and a colleague—for her kindness, for her wisdom, and for her unfailing good nature.

OLYMPIA has been a truly outstanding voice for the State of Maine

and a great leader for the people of this country. To say that she will be missed would be a tremendous understatement, but I know she will continue to find ways to improve our great country and give back to the State she loves so much. Thank you, Senator SNOWE. I wish you the best.

JOE LIEBERMAN

Mr. President, I wish to recognize my colleague JOE LIEBERMAN for his many years of distinguished service and leadership on behalf of our country and the people of Connecticut.

JOE will always have a special place in my heart. As many of my colleagues know, he was actually one of my professors in college. He gave me one of my first introductions to the political process through a seminar he taught on the subject of the national political parties. Interestingly enough, Senator SHERROD BROWN also took that same class just a few years earlier. Even more interesting is the fact that everyone remembers what grade I got, but no one seems to recall what grade SHERROD got.

But I digress. Not many political science professors can say they've taught two concurrently serving U.S. Senators. JOE can, however, and I think that's an enormous tribute to his character and genuine zest for public policy. As one of his former students, I made a point of following his career over the years and always admired his political courage. But it never occurred to me that I might someday be serving alongside him in the Senate.

Working with JOE these last 6 years has been an incredible privilege for me. I've respected him as a policymaker, particularly for his work on national security and climate change. I've admired him for his outspoken leadership and commonsense approach to legislating. And maybe most importantly, I've genuinely enjoyed him as a friend and a colleague—for his kindness, for his wisdom, and for his famous sense of humor.

JOE LIEBERMAN has been a truly outstanding voice for the State of Connecticut and a great leader for the people of this country. To say that he will be missed would be a tremendous understatement, but I know he will continue to find ways to improve our great country and give back to the State he loves so much, even in retirement. Thank you, Senator LIEBERMAN. I wish you the best.

JIM WEBB

Mr. President, I wish to recognize my colleague JIM WEBB for his distinguished service and leadership on behalf of our country and the people of Virginia.

I will always have a special place in my heart for JIM WEBB, and that is because he and I were members of the same incoming class of Senators back in 2007. We ran for the Senate at the same time in 2006, and to this day I will

never forget how he wore his son's old combat boots on the campaign trail. Day in and day out, no matter where he went, no matter what the weather, JIM was walking tall in those boots.

Since his very first days in office, JIM has been a tireless champion for our men and women in uniform. On day one, he introduced a 21st Century GI Bill to deliver the most comprehensive educational benefits since World War II. It led to legislation that was eventually signed into law, and it has made it possible for tens of thousands of post-9/11 troops and veterans to afford a college education.

While JIM is best known for his leadership on defense and military issues, he has also earned a reputation for being a problem solver who takes a commonsense, bipartisan approach to legislating. Time and again, JIM has reached across the aisle to put politics aside and get things done for the good of the country. He has been a clear and consistent voice for energy independence and a stalwart advocate for policies that benefit the middle class. As a former prosecutor, I have greatly admired his work to improve our criminal justice system from top to bottom—not just by strengthening law enforcement, but by addressing systemic challenges of reentry and recidivism.

JIM, it would be impossible to do full justice to your legacy in a single statement. So instead allow me to end by saying this: The Commonwealth of Virginia is better because of your leadership, and so is our country.

You will be missed in the Senate, but given everything you accomplished before you were elected—as Secretary of the Navy, as an Emmy award-winning journalist, as the author of nine books—I'm confident you will find some way to occupy your time in retirement. I know you will continue to find ways to improve our great country and give back to the State you love so much. Thank you, Senator WEBB. I wish you the best.

SCOTT BROWN

Mr. LIEBERMAN. Mr. President, I rise to express my gratitude to SCOTT BROWN, with whom I have enjoyed the privilege of serving for the past 3 years. During that time, Senator BROWN and I served together on the Homeland Security and Government Services Committee, which I have chaired, as well as the Senate Armed Services Committee, where he and I have worked closely together as chairman and ranking member.

Senator BROWN's life story is a testament to our power to overcome any obstacle. His aptly titled memoir, "Against All Odds," describes how despite suffering through a childhood in which he had to steal in order to help feed his sister and in which he was the victim of abuse, he rose to attend college and law school, serve in the Army National Guard, and eventually be

elected to the U.S. Senate. Senator BROWN should be a role model to every young American who looks at themselves in the mirror and wonders whether they can overcome the obstacles in their path, because he has.

Senator BROWN has been an invaluable Member of the Senate and the committees on which he has served, lending a voice of reason in an ever more partisan time. As a member of the Senate Armed Services Committee, Senator BROWN played a critical role in the debate on whether to repeal the military's don't ask, don't tell policy, grilling witnesses at the committee's hearings on the issue throughout the year. Senator BROWN was forthright in his view that the law should not be changed until Congress fully understood any possible risks associated with acting on the issue, but after he had studied the report issued by the Defense Department's working group tasked with reviewing the issue, he lent his strong voice in support of repeal. For that, I am grateful, as are the tens of thousands of gay and lesbian servicemembers who no longer serve under the threat of separation because of who they are.

In the 112th Congress, Armed Services Committee's Subcommittee on Airland, he and I were responsible for overseeing the tactical aviation and land power programs of the Army, Navy, Air Force, and Marine Corps. It was a great pleasure working with SCOTT on these important matters, and I always benefitted from his experience as a guardsman when reviewing these programs.

As a member of the Homeland Security and Governmental Affairs Committee, Senator BROWN fought for and achieved passage of the Stop Trading on Congressional Knowledge Act, STOCK Act, a bill that forbids Members of Congress and their staffs from profiting in any way from the information they obtain as part of the job that is not public. It is a testament to his service in the Senate that one of SCOTT BROWN's most notable accomplishments was a bill to uphold the standards of the ethical behavior of Congress. It was an honor to work with Senator BROWN on this important effort.

As ranking member on the Federal Financial Management Subcommittee, SCOTT BROWN joined his chairman, TOM CARPER, along with full committee ranking member SUSAN COLLINS and me to introduce the bipartisan 21st Century Postal Service Act, which the full Senate endorsed on April 25, 2012. This bill reflected many hours of tough negotiations in which SCOTT played a key role, and set out a balanced plan to get the Postal Service's finances back in order.

Senator SCOTT BROWN has enriched the work of the Senate and the lives of his colleagues over the past 3 years. He

brought to the Senate not only his considerable talents but a great sense of humor, which was particularly helpful in the 3 tough years he was here. I wish him and his family all the best as he opens a new chapter of his own life and know that he will continue to serve our country in ways that really matter.

#### THE FISCAL CLIFF

Mr. COATS. Mr. President, I came to the floor before I heard the announcement that apparently we are closing in, thankfully, on something which I don't have all the details of as yet. So I can't simply say hooray, this is exactly what we ought to do. I think neither side is going to be able to say this is what we wanted to do.

But in recognition of the fact that we are careening now—hours are ticking—hours away from a devastating impact on Americans all across the country, every taxpayer—Senator LIEBERMAN announced the statistics relative to the impact on the average family in his State, and the same is true for Indiana and for all 50 States, to impose the massive tax increases which will occur on every taxpayer at midnight tonight, without addressing that, it is just simply unacceptable.

It is hard for a lot of us to swallow how little we did in addressing the larger fiscal issue in this country in order to get past this imposed deadline on something I did not vote for and did not support because I could see it coming to this end, and it was absolutely the wrong way to legislate and the wrong way to govern—pushing us toward this fiscal cliff, laying that dark cloud of uncertainty over every business in America, every household in America.

Everyone who had any interest in investing or was trying to plan for the future kept saying: I can't make a decision. I can't make plans. I don't know what you are going to do. Are we going over the cliff? Are my taxes going to rise? Are regulations going to increase? What is the future? And if the future remains uncertain, I can't plan ahead. If it is bad certainty, I can work around it. I might not like it, but I can make the adjustments necessary.

So, as a result, we have a stagnant economy as a result of all this.

I am hoping that when we learn the details of what we have finally arrived at, which we will be learning very shortly, I am hoping it is something we can swallow hard and accept, knowing—knowing—this fiscal cliff is nothing compared to the real fiscal cliff. The real fiscal cliff is the continued excessive borrowing and spending of over \$1 trillion a year that is driving this country into a serious fiscal situation for the future. And it is not just something our children and grandchildren are going to have to pay for years down the line. It is something we are all pay-

ing for now. It is something that is keeping people from getting back to work, keeping companies from expanding.

We have an obligation to our generation and all future generations to address what I believe every American who is paying any attention whatsoever understands—and certainly everyone in this body and in our corresponding House down the hall understands, whether they are a Republican, a Democrat, liberal, or conservative—is just simple math. It is not even algebra or calculus. It is third grade math. You cannot raise \$2.2 trillion a year and spend \$3.5 trillion or \$3.4 trillion. Literally, we have now added approaching \$6 trillion in just the last 4 years, and it is unsustainable. That is going to hurt everybody, and it is hurting our economy right now. That is the real cliff. That is the cliff we have to continue to address. That is the cliff we were hoping to address in the leverage of this situation, but we are coming up very, very short.

Mr. President, I didn't realize we were under a time limitation. Are we under a time limitation?

The PRESIDING OFFICER (Mr. MANCHIN). The Senator has 2 minutes remaining.

Mr. COATS. All right. I thank the Chair. I saw some angst on the face of the Chair, and I thought my time was up.

Let me just say this to my colleagues. Many of us who watched the President's press conference—no, it wasn't a press conference; the President's speech—felt we were seeing a rerun of something that took place during the campaign. We have all been watching a lot of football, and for Republicans to sit and listen and watch that, it reminded me of taunting those people on the other team. It stops you cold. It stands over you and taunts. It got so bad that now the NFL has made it a penalty and they throw the flag. It is not something we would expect out of the leader of this free Nation. It is not statesmanship. It is not leadership. It is in your face. It was dismissive, it was insulting, it was belittling, and in the end it was sad.

Now, the natural reaction is to get angry and push back and get revenge. But that is not where we are, and that is not where we need to be. We need to set this aside. It is like the coach tapping us on the shoulder pad and saying: What was done speaks for itself; don't stoop to that level. So we need to set that aside now and go forward in the interest of the future of this country, in the interest of America and the families and people we represent in our States, and look at this very carefully.

I think every one of us is going to say we haven't begun to address the spending, we haven't begun to address what we need to do, and so that has to be our charge in 2013—relentlessly.

And I would say, Mr. President, I think people on the other side of the aisle were probably embarrassed also by that speech. It was a campaign speech, and the campaigns are over. The President doesn't need to run for office anymore. It is time to lead. So let's all get together.

We have been working together—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COATS. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. I want to say this: To make laughter out of this, to ridicule it—it addresses all of us because I have been working with Senators across the aisle and they have been working with us. We all take this very, very seriously. This is not a joke. This is not something to make fun of. This is not something to politicize. This is something where we should rise above politics and do what is right for the future of America even though it is difficult. This is not doing what many of us would like to do, but we have been working together, Democrats and Republicans, and I can name dozens of Democrats who think this is a serious matter and who have been working hard for the last 2 years to try to address it, as frustrated as we are on this side.

So let's understand this is not a game. This is real. Let's work together to do what we can do and then continue to address the real issues as we go forward in 2013.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, let me first of all join my colleague from Indiana in expressing my concern about where we are on taxes and spending and my hope that we get somewhere and get somewhere quickly.

We have certainly brought this down to the last moment. For months, many people on this floor talked about the importance of certainty as it relates to our economy moving forward, of certainty as it relates to family farms and small businesses and whether they can stay in the next generation of that family. So I hope we can achieve those things in the next coming hours as we finish this day and whatever it takes to create that level of certainty at the highest possible levels. How it impacts American individuals and families will be important.

The kinds of things we are hearing about the agreement—that we might be able to go forward generally—sound as though, for most Americans, they will solve problems that have been out there now for decades. Temporary tax policies—even tax policies that last for a decade, particularly when they relate to things such as the inheritance tax or the death tax—create problems that

can be solved by just simply driving that place in the Tax Code and saying: This is what our policies are going to look like, and here is why they make sense for the American people. And hopefully we get there.

(The remarks of Mr. BLUNT and Ms. LANDRIEU are printed in today's RECORD under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Louisiana.

#### RECOGNIZING CHIEF JUSTICE CATHERINE KIMBALL

Ms. LANDRIEU. Mr. President, I rise today to recognize Louisiana Supreme Court Chief Justice Catherine D. Kimball, who is scheduled to retire in 2013. It was 1975 and the courtroom was packed in New Roads, LA. The people in the courtroom weren't there to hear the ruling on the salesman who allegedly scammed an elderly gentleman. They were there to see Catherine D. Kimball—the first female lawyer to argue a case in the New Roads courtroom. Catherine Kimball, affectionately known as "Kitty", later became the first female Chief Justice of the Louisiana Supreme Court. She will retire on February 1, 2013 and I rise today to offer remarks about this very accomplished woman.

Chief Justice Kimball brought a diverse legal background to the bench and exemplified leadership as a Justice on the Louisiana Supreme Court. While breaking the glass ceiling, she demonstrated a commitment to juvenile justice and legal scholarship. Chief Justice Kimball is truly a pioneer in the Louisiana legal community and a great legal scholar.

Catherine Kimball decided to attend law school during her freshman year of college. So in 1966, after earning her Bachelor of Arts at Louisiana State University, she enrolled at LSU law school. While attending law school, the future Louisiana Chief Justice met Clyde Kimball on a blind date. The two were married in January of 1967. By 1970, Chief Justice Kimball was graduating law school with two children and another on the way. After graduating from law school, she clerked for a Federal judge in Alexandria, LA before returning to Baton Rouge, LA to investigate construction fraud allegations in the Attorney General's office. In 1975, the family moved to New Roads where she opened her private practice in New Roads, LA.

Although Chief Justice Kimball enjoyed success early in her career, she also faced her share of adversity. At one point, she sat down with the president of the bank to discuss borrowing money for her law practice. The bank president informed her that her husband had to sign off on her loan. Chief Justice Kimball said, "Excuse me—are you not aware of the new law that just

passed? My husband does not have to sign a note for me to borrow for my law office." She was committed to succeed despite all obstacles.

As a result of her perseverance, Chief Justice Kimball became the first female judge in the 18th Judicial District in Louisiana in 1983. Members of the legal community quickly recognized her talent and potential and in short order, the legal community encouraged her to run for the Supreme Court. Chief Justice Kimball hesitated, saying she loved working as a district judge too much to leave that behind. Nevertheless, she became the first woman elected to the Louisiana Supreme Court in 1992.

Chief Justice Kimball demonstrated strong leadership skills soon after joining the court. In the aftermath of Hurricane Katrina, when then Louisiana Chief Justice Pascal Calogero was evacuated from his home in New Orleans and displaced in Dallas, he turned to Justice Kimball for support. Chief Justice Kimball served as the court's point person and worked with FEMA to get reimbursements and get the courts and lawyers back to work in New Orleans. That was the beginning of a long road ahead as Chief Justice Kimball dealt with Katrina issues for at least the next 5 years.

On January 1, 2009, she became the first female Chief Justice of the Louisiana Supreme Court. As Chief Justice, she strengthened her reputation as a brilliant and tireless advocate for justice. She became known for her work to preserve the judiciary as an equal and independent branch of government and collaborated with the legislature; Republicans and Democrats alike. Most of all, she made her mark by making strides in juvenile justice.

Chief Justice's dedication to juvenile justice developed from understanding the effects that courts can have on children. Through her work in juvenile justice, she earned the respect of members of the national and local judicial communities. Judith S. Kaye, a retired Chief Justice of New York, said of the Chief Justice, "She was outstanding in many ways, but for me most of all on the vexing issues concerning juvenile justice. The Chief Justice's ideas and initiatives drew my attention even before she became Chief Justice." Sue Bell Cobb, the Chief Justice of Alabama, also praised Chief Justice's work on juvenile justice. "Children," she said, "do not vote and do not have a voice in arenas in which public policy is made. In Louisiana, Chief Justice Kimball has been their voice."

In Louisiana, former Louisiana Chief Justice Pascal Calogero said, "Justice Kimball's contributions to the juvenile justice system, as well as the Judicial Leadership Institute, and other progressive judicial matters, were immeasurable. When she became Chief Justice, I knew that she would become

one of the most active and respected chief justices in the history of the court." I could not agree more. Chief Justice Kimball has made her mark in history for many reasons, but especially for her work in juvenile justice.

The Chief Justice's accomplishments are of equally important significance for women pursuing legal careers in Louisiana. My sister Madeleine became a State court judge in 2001. When I asked Madeleine what Chief Justice Kimball's career has meant to her, she said, "When Chief Justice Kimball took her seat among her six white male justices, it had a huge impact on me as a woman lawyer. The grace and dignity and excellence with which Chief Justice has held herself has shown us there are no limits to where we can go. It made such lofty goals not as scary to us anymore." Chief Justice Kimball always strives to reach her full potential and encourages others to do the same.

Among Chief Justice's endless list of accomplishments is her creation of the Judicial Leadership Institute in Louisiana. She recognized the important leadership role of a judge as both an employer and as a member of a community. She saw the value of judges of every level being in a room together and learning together. So she took the initiative to organize a training course which meets 7 days a year. This exemplifies so many of Chief Justice Kimball's great qualities—her devotion to the justice system and to the future of our state, her humility and her ability to be a strong leader while simultaneously being part of a team.

As the Chief Justice prepares to retire, I commend her for her years of service to our State and for her unwavering commitment to the Louisiana Constitution. Although she will step down at the end of January, the impact she made on the nearly 4.6 million citizens in our State will live on beyond her retirement, just as the people in that courtroom in New Roads, LA will never forget the day they saw Chief Justice Kimball make history.

#### RECOGNIZING BERNETTE JOHNSON

Ms. LANDRIEU. Mr. President, I rise today to recognize a trailblazer and role model: Louisiana Supreme Court Justice Bernette J. Johnson. On February 1, 2013, Justice Johnson will become Louisiana's first African-American Chief Justice and only the second female jurist in Louisiana history to hold that office. It is fitting that the first woman elected to the Civil District Court of New Orleans—a woman who has devoted so much of her life to working as an advocate for social justice, civil rights and community organizing—would achieve this historic milestone.

Justice Johnson's commitment to civil rights began in the 1960s, when she began working as a community organizer with the NAACP Legal Defense



& Educational Fund. She worked with community groups in Alabama, Mississippi, Georgia, North Carolina, South Carolina, Tennessee and Louisiana, disseminating information about recent school desegregation decisions and encouraging parents to take advantage of newly desegregated schools. Justice Johnson brings a unique perspective to the bench that is informed by principles of justice and equity.

An alumnus of Spelman College in Atlanta, Justice Johnson received her Juris Doctor Degree at the Law School at Louisiana State University, where her portrait now hangs in the Law Center's Hall of Fame. While in law school, she worked at the U.S. Department of Justice examining cases filed by the Department to implement the 1964 Civil Rights Act. These cases primarily concerned discrimination in public accommodations. Following law school, Justice Johnson became the managing attorney with the New Orleans Legal Assistance Corporation, where she provided legal services to over 3,000 clients in socio-economically deprived neighborhoods.

Justice Johnson worked in the Federal and State District Courts advancing the rights of the poor, the elderly, and the disenfranchised, and in the Juvenile Court advancing the rights of children. In 1981, she joined the City Attorney's staff, and later became a Deputy City Attorney for the City of New Orleans. There, she attained extensive trial experience in the Civil District Court and U.S. District Court defending police brutality claims and general tort claims filed against the City of New Orleans. Her experience fighting to protect the rights of the under privileged undoubtedly prepared her for service on the bench.

Justice Johnson began her judicial career in 1984 as the first woman elected to serve on the Civil District Court of New Orleans. There, she took the initiative to establish a system to refer custody, alimony, and child support issues to mediation conducted by certified social workers of the Children's Bureau and Family Services, prior to court appearances. She was elected to the Supreme Court in 1994 and re-elected in 2000. She serves on the Louisiana Supreme Court's Judicial Council, and has served on the Court's Legal Services Task Force, as well as the National Campaign on Best Practices in the area of Racial and Ethnic Fairness in the Courts.

This is a truly a moment to be remembered, not just for the people of Louisiana, but for Americans all across the country. From advocating with the NAACP, to helping implement the 1964 Civil Rights Act, to becoming Louisiana's first African-American Supreme Court Justice, as she has now, Bernette Johnson's life and career is a testament to the spirit of the civil rights

movement and the countless Americans who fought tirelessly to open the doors of equality. I congratulate Justice Bernette J. Johnson on a stellar legal and judicial career and thank her for her fighting spirit, commitment to equality, and deep respect for the dignity of all citizens. I have no doubt that she will continue to serve the people of Louisiana well.

#### RECOGNIZING LEAH CHASE

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in recognizing the 90th birthday of the "Queen of Creole Cuisine," Mrs. Leah Chase of New Orleans, LA.

Mrs. Chase was born in Madisonville, LA on January 6, 1923, and moved to New Orleans as a teenager to attend high school. It was in New Orleans that she developed her love for food and feeding others. Mrs. Chase married her husband, Edgar "Dooky" Chase Jr., in 1946, and they took over the family business—one of the best-known and most culturally significant restaurants in New Orleans, Dooky Chase's.

Mrs. Chase has cooked for jazz royalty, like Duke Ellington; for heads of state—among them Presidents George W. Bush and Barack Obama; and for the civil rights movement's greatest champions, like Justice Thurgood Marshall and Dr. Martin Luther King, Jr. And though she is well-known for having catered to America's history makers, perhaps her greatest achievement is having quietly created a community where people are taken care of, no matter their situation in life. Mrs. Chase always takes care of those in need. She makes it a point to know not only the names of her patrons, but also their stories. And that feeling of a closely knit community where people look out for each other is why New Orleanians have been dining with Mrs. Chase for three generations. They are family to her, just like her four children, sixteen grandchildren and 22 great-grandchildren.

Mrs. Chase has received too many awards to mention. Among them are the 1997 New Orleans Times-Picayune Loving Cup Award, which annually recognizes citizens who have worked unselfishly for the community without expectation of public acclaim or material reward; the National Conference of Christians and Jews Weiss Award, which is presented annually to four outstanding community leaders who have been influential in promoting the advancement of social understanding and care; and the National Council of Negro Women Outstanding Woman Award. In addition to earning numerous awards, Mrs. Chase serves on the boards of many non-profit organizations, including the Arts Council of New Orleans, the New Orleans Museum of Art, and the Urban League.

Mrs. Chase has been and continues to be an inspiration to all who know her.

It is with a heartfelt sincerity that I ask my colleagues to join me along with Mrs. Chase's family in recognizing the life and many accomplishments of this extraordinary woman.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### HONORING OUR ARMED FORCES

##### PENNSYLVANIA'S FALLEN HEROES

Mr. CASEY. Mr. President, as we confront a whole range of difficult issues at the end of this year and at the end of this Congress, we should also be reminded we have fighting men and women serving for us all over the world.

We think especially tonight of those serving in Afghanistan and those who served prior to that time in Iraq. At various times we have come to the floor and recited the names of those who were killed in action, and tonight I am joined by my colleague Senator TOOMEY to read the names of Pennsylvanians who gave, as Lincoln said, the last full measure of devotion to their country—those who have been killed in action in Afghanistan over the course of parts of 2011 and 2012.

I yield the floor for my colleague, Senator TOOMEY.

The PRESIDING OFFICER. The junior Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I thank my colleague, the senior Senator from Pennsylvania, for organizing this brief tribute that is so much deserved by the men and women we are acknowledging today.

I wish to begin by extending my deepest condolences to the families, friends, and loved ones of these Pennsylvania heroes whom we are going to acknowledge this evening. In the lives of our servicemembers led and the cause for which they died, these folks represent all that is great about America.

Many enlisted right after graduating from high school, and during those very tough and grueling days and weeks in basic training they had probably never heard of places such as Anbar Province in Iraq, the Tangi Valley of Afghanistan or the other areas in those nations where they fought and ended up dying for our country.

But these Pennsylvanians join a long line of soldiers, sailors, airmen, marines, and Coast Guard members who have given the supreme sacrifice to their country, a line that extends well back in the latter part of the 20th century and includes World War II, the Korean war, the Vietnam war, and of course the global war on terrorism.

It is no accident that Pennsylvania has suffered very heavily in this conflict, as it has in other conflicts throughout our Nation's history. I think it is because in towns across the Commonwealth of Pennsylvania, towns and cities such as Dallastown, Easton, Philadelphia, and Erie, there are certain values that are deeply rooted in

these communities: importance of family, importance of faith, importance of community, and the importance of public service, including very much the service to this Nation.

The conviction that freedom is worth defending is one of those convictions and the belief that a cause worth fighting for is not just someone else's responsibility. These are the values that have shaped these men and women, their families, their churches and houses of worship, and their communities.

These values were exemplified in the lives of our fallen men and women in service, and they will forever be honored by Pennsylvanians as the native sons and daughters of our great Commonwealth for their service to the country.

I will read the names of the men and women who have made the supreme sacrifice for courage in this conflict, and Senator CASEY will complete the list: PFC David Anthony Jefferson, U.S. Army, Philadelphia; SGT Louis Robert Fastuca, U.S. Army, West Chester; SPC Jesse David Reed, U.S. Army, Orefield; LCpl Abram Larue Howard, U.S. Marine Corps, Williamsport; SPC Dale Justin Kridlo, U.S. Army, Hughesstown; SPC Anthony Vargas, U.S. Army, Reading; SSG Sean Michael Flannery, U.S. Army, Wyomissing; GySgt Justin Edward Schmalstieg, U.S. Marine Corps, Pittsburgh; MSG Benjamin Franklin Bitner, U.S. Army, Greencastle; 1LT Demetrius Montaz Frison, U.S. Army, Lancaster; SSG Edward David Mills Jr., U.S. Army, Newcastle; Sgt Joseph Michael Garrison, U.S. Marine Corps, New Bethlehem; Ssgt Patrick Ryan Dolphin, U.S. Marine Corps, Moscow; Sgt Christopher Matthew Wrinkle, U.S. Marine Corps, Dallastown; PO1 Michael Joseph Strange, U.S. Navy, Philadelphia; TSgt Daniel Lee Zerbe, U.S. Air Force, York; SSG Eric Scott Holman, U.S. Army, Evans City; Lt. Col. Christopher Keith Raible, U.S. Marine Corps, North Huntingdon; CPO Nicolas David Checque, U.S. Navy, Monroeville; CDR Job W. Price, U.S. Navy, Pottstown; and finally, MAJ Wesley James Hinkley, U.S. Army, Cumberland City.

I yield the floor to the senior Senator.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. CASEY. I thank the Senator for reading the first half of our names, and I will continue with 20 more names: Sgt Derek Lee Shanfield, U.S. Marine Corps, Hastings, PA; SFC Robert James Fike, U.S. Army, Conneautville; SFC Bryan Alan Hoover, U.S. Army, West Elizabeth; Sgt Joseph Davis Caskey, U.S. Marine Corps, Pittsburgh; LCpl Joshua Thomas Twigg, U.S. Marine Corps, Indiana; CPL Joshua Alexander Harton, U.S. Army, Bethlehem; LCpl Ralph John Fabbri, U.S. Marine Corps, Gallitzin; SSG David Jee Weigle,

U.S. Army, Philadelphia; Cpl Eric Michael Torbet, Jr., U.S. Marine Corps, Lancaster; CPL Jarrod Lee King, U.S. Army, Erie; SGT Robert Curtis Sisson, Jr., U.S. Army, Aliquippa; PFC John Francis Kihm, U.S. Army, Philadelphia; 1SG Kenneth Brian Elwell, U.S. Army, Erie; SGT Edward William Koehler III, U.S. Army, Lebanon; SSG Brian Keith Mowery, U.S. Army, Halifax; SSG Kenneth Rowland Vangiesen, U.S. Army, Erie; SrA Bryan Richard Bell, U.S. Air Force, Erie; CPT Michael Cean Braden, U.S. Army, Lock Haven; PFC Cameron James Stambaugh, U.S. Army, Spring Grove; and finally, SSG Brandon Robert Pepper, U.S. Army, York, PA.

As I conclude the list of Pennsylvanians who were killed in action over approximately a 2-year time period in Afghanistan—and one of the names that was read was killed in Iraq—we remember and think of them, and obviously we are paying tribute to them on a night like tonight. At the same time, we are also thinking of their families as we pay tribute to them.

I am reminded of the great recording artist Bruce Springsteen. One of his songs was entitled "You're Missing," and the refrain over and over again is "you're missing." He was able to sing, but I won't. The song goes something like this: You're missing when I shut out the lights; you're missing when I close my eyes; you're missing when I see the sunrise.

For all those families out there who lost someone in Afghanistan, Iraq, or in other conflicts, we are thinking of them tonight because they are missing someone in the midst of this end-of-the-year and holiday season. We are remembering them tonight and paying tribute to those they loved and lost and also remembering them in our prayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### THE FISCAL CLIFF

Mr. CARDIN. Mr. President, it is indeed unique that on New Year's Eve we are in session. We still have some very important business we need to take care of for our Nation. We should not have put our country in this position. We should have acted well before December 31. We all understand that, but it is important that we get this work done in the remaining hours of this term of Congress.

On Thursday, the 113th Congress will take the oath of office and we will start a new Congress. Before that, we must get the work of this Congress finished. At a minimum, we need to deal with the impact of tax rates that would go up for every taxpayer in this country unless we take action before this Congress adjourns.

We need to protect middle-income families. We all talked about it. We

know that needs to be done. We need to protect Americans from the tax increases that will take effect for the overwhelming majority of Americans—those who are middle-income taxpayers. We need to do this first and foremost because it would create an incredible burden on working families to pay an extra \$2,000 to \$4,000 of taxes, and we also need to do it to help our economy. That type of money coming out of the economy through additional tax increases would have a very detrimental impact on our economy, which is coming out of a tough period.

We also need to deal with what we call sequestration. I was listening to the senior Senator from Maryland, chair of the Appropriations Committee, Senator MIKULSKI, talk about the effects of sequestration. She is right. Some people may not understand that term, but what it means is that there will be dramatic cuts in governmental agencies, which will not only affect the performance of those agencies but also the contracts they let to the private sector. It will affect not only our domestic budget but our military budget. She went through a lot of the different impacts it will have, from children who are in jeopardy of losing their support from Head Start, to our researchers being denied the resources they need in order to do work that is vital to our economy.

The bottom line is that if we allow the across-the-board cuts to take effect, it will hurt our economy and hurt the job growth in America. We cannot allow that to happen. I expect that we can get this done before this Congress adjourns on January 2.

We also need to deal with what we call the physician fix of Medicare. We can get that done in this Congress. If not, doctors who treat our seniors and our disabled population will find that there will be almost a 30-percent cut in their physician reimbursement. Many physicians would say they are not going to treat seniors any longer with that type of reduction. We understand that. We need to make sure we take care of protecting the reimbursement rates for physicians in the Medicare system. We need to get that done and can get it done before this Congress adjourns.

We need to extend unemployment insurance. There are millions of Americans who depend on unemployment insurance in a soft economic time. They cannot find jobs. Again, this is not only important for the individuals who would be cut off if we do not extend the benefits, it is also important for our economic recovery.

We also need to extend the farm bill. We have heard the consequences if we don't do that. I had hoped they could pass a bill—which this Chamber passed—over in the House. It is unlikely we can get that done in the next 2 days, so we need to make sure we at

least extend the current FARM policies in order to make sure we protect the security of our agricultural community and food prices here in America.

All of that we can get done. Hopefully we can get it done tonight but certainly before we adjourn on January 2. We need to complete that work in order to keep our economy moving and to protect the interests of the people in this Nation. Quite frankly, I don't think there is much disagreement in this Chamber as to the method to get that done.

I am disappointed that we are not dealing with a broader budget framework for our Nation. We should have done that well before now. We should do it for many reasons. For one thing, we need it. We have a deficit that is not controllable. We have to bring our deficit into better control. In order to do that, we need to reduce spending and we need the revenues in order to be able to give the right blueprint for America's future and growth.

We also need to get a broader package done because of predictability. The private sector needs to know what the rules are, and they need to know what the Tax Code and spending programs are going to look like. They need to have the confidence that we have our budget under better control. We should have gotten that done.

I have spoken several times on the floor about how we should have adopted the Simpson-Bowles framework. To me, that was a bipartisan, balanced approach for how we could have gotten out of our fiscal problems. We are not going to be able to get that done in the next 2 days before we adjourn on January 2, but we need to recognize that we need to do that.

I have heard a lot of my colleagues come to the floor to speak, and I have to clarify a couple of points. Simpson-Bowles was basically a \$4 trillion, 10-year deficit reduction package. It was booked up as the right approach. Many of us have been asking, how we can get \$4 trillion done? Well, it is interesting that with the Simpson-Bowles approach, approximately 60 percent was in spending reductions and about 40 percent was in revenue. That was a balanced way to bring down spending but also bring in the revenues we need in order to get our budget into better balance. That is the proper way to do it.

Since the recommendations of Simpson-Bowles, we have done \$1 trillion in deficit reduction in domestic discretionary spending. We have gotten that done. Those budget caps are real, and we are living within those budget caps. Sequestration—these across-the-board cuts—would get another \$1.2 trillion of spending cuts done. We should not do it through sequestration, but all of us recognize that we need to find ways to reduce spending further.

I have talked on the floor about how we can get that done, particularly in

the health care field. Yes, we have to reduce the cost of Medicare, but the way to do it is to reduce the cost of health care. We would have fewer readmissions to hospitals if we implemented the right delivery system protocols, and we would save money for our economy and Medicare. If we use preventive health care appropriately, people will enter our health care system in a less costly way, with more people insured and less use of emergency rooms. Once again, we save money.

Our committees need to come up with these solutions. It is not going to happen with two or three people getting together and coming up with a package. We need the Senate and its committees to work and come up with the right way to reduce the cost of these programs. I think we can do it basically by making the health care system more efficient, and that is much better than cutting benefits. I hope we can work together to get that done. We need to do that.

Yes, we need revenue. I heard some of my colleagues come here and say: Well, look at all the revenue we are going to get under this supposed agreement that has been talked about, which hopefully we will get as early as tonight. We already made a compromise. The rate at which no American will see any increase in taxes looks as if it will be higher than \$250,000. It has been reported it is going to be closer to \$400,000. OK. Well, now, what does that mean? That means we are going to get less revenue as a result of this agreement reached tonight. The numbers I have seen—and this may very well change based upon the agreement; hopefully, we are going to have an agreement—but somewhere around \$500 billion to \$600 billion. That is far short of the \$1.2 trillion or \$1.4 trillion we have been talking about—the whole—in order to reach that \$4 trillion number we all say is the minimum amount we need as per the Simpson-Bowles numbers. So we are going to need more revenue.

Here is the rub, here is the challenge: When we start looking to get more revenue, we are talking about now getting it through tax reform. We all understand we have to reform our Tax Code. It is difficult to do that when we have to produce revenue at the same time because people are looking at trying to do something about rates. Well, since we need the revenue for the deficit reduction package, it will be more difficult.

My point is this: I am disappointed we haven't gotten our work done well before tonight, but it is urgent that we work together, Democrats and Republicans, and get the minimum amount done the American people expect; that is, to make sure tax rates don't go up for middle-income families. We can get that done. We can get that done as

early as tonight. We should avoid the immediate sequestration order because that makes no sense—these across-the-board cuts—and figure out a way we can have a much more orderly process for reducing government spending.

We should make sure Medicare is not jeopardized by having a physician fix done in this compromise. We should make sure for the people who are getting unemployment insurance, to maintain their benefits. And we should extend the farm bill. That we can get done in the remaining hours of this legislative session.

I urge my colleagues to continue to work together. I am hopeful our leaders are negotiating a package that can be brought to the floor as early as tonight, certainly before we adjourn on January 2. If we do that, then I think we have completed as much of our business as we can, as well as setting up for the debate in the 113th Congress which will indeed be challenging. But I urge us to work together and put the interests of the American people first.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that morning business be extended until 7 p.m., with all other provisions remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from North Dakota.

Mr. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. HOEVEN. Madam President, I rise this evening to once again address the fiscal cliff. Clearly, the time to debate has come and gone. The simple fact is we need to act and we need to act now.

Earlier today, we heard from the President, and what I heard from the President is that he feels we have the

framework for an agreement on taxes. Also, the Senate minority leader has indicated, after his negotiations with the Vice President, that he believes we have the basic agreement on a tax proposal to avoid the fiscal cliff. So let's take that step. Let's address the tax piece. Let's get it done.

Granted, the tax proposal is not the big agreement that will fully address our debt and deficit—an agreement we hope to be able to put together, an agreement I support and one that includes tax reform, bipartisan entitlement reform, and finding savings in the Federal budget. Clearly, these items all need to be addressed, and they need to be addressed on the order of \$4 trillion to get our deficit and our debt under control.

That is the type of deal I favor, and it is the kind of deal we have to get to. But if we can't do it all at once, let's do it in pieces. As the old saying goes, even the longest journey begins with a single step. If the first step is this tax deal, let's get going. To break the logjam, let's start with this piece—a tax deal that will ensure taxes are not increased for middle-class Americans. That is something we can and we must do. It does involve compromise. For example, I believe we should extend the current tax rates for all taxpayers. Real revenue comes from economic growth, not higher taxes. By closing loopholes and limiting deductions, we can create a simpler, fairer Tax Code that will help our economy grow.

President Obama, however, has a different view, so we are forced to find common ground. In this case, that means extending the tax rates we can to help as many Americans as possible avoid higher taxes. We also need to fully address sequestration. Sequestration involves automatic spending cuts. Those spending cuts hit the military disproportionately, and I believe they need to be revised. But the pressure to do that kicks in after January 1, and I believe that pressure will serve as a catalyst for Congress to come up with and pass better alternatives.

Also, we must address the debt ceiling, and it must be addressed in a way that reduces spending. We have no choice. We are borrowing 40 cents of every \$1 we spend, and that is simply not sustainable. But, again, we have to break the current logjam, and if we can't get all these things done in one package, then let's get started with what we can do. Let's get this tax piece done for as many working taxpayers as possible and immediately move on to the next tax. Quite simply, that is what Americans want us to do.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Ms. STABENOW. Madam President, I ask unanimous consent that morning business be extended until 9 p.m., with all other provisions remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FARM BILL

Ms. STABENOW. Madam President, I am here tonight to talk about agriculture and the 16 million people all across our country who have jobs because of agriculture. What I am very concerned about is the way in which an extension is being talked about as part of the larger package this evening that goes against my wishes, the wishes of our committee, the chairman in the House—Chairman LUCAS and I—our four leaders, working together on an extension that works and extends all the programs for agriculture through the end of the fiscal year, giving us time to pass a farm bill. Again, I am very concerned about what I am hearing this evening.

Let me first go back and say how appreciative I am and proud of all of us in the Senate for having passed a farm bill last June. We all know what it did—more reforms than we have seen in decades, \$24 billion in deficit reduction. I understand the proposal now—the negotiations going on are attempting to find ways to pay for some provisions in the large package. We sit here with \$24 billion in deficit reduction in a farm bill that has reforms in it that support our farmers and ranchers across the country but reforms through consolidation, efficiencies, and cutting subsidies that we have agreed should not be paid, that the country cannot afford to pay to farmers who do not need them. We worked very hard on that. We passed that in June by a large bipartisan vote. We worked together in committee in a bipartisan way.

It is deeply concerning to me that instead of working in a bipartisan way, as we have done throughout this process—even though the House never took up the bill that was passed out of their committee in a bipartisan way, we here have worked in a bipartisan way until now, until this moment, at the eleventh hour, as we are dealing with very important issues—whether we are going to make sure middle-class families do not see tax increases starting tomorrow. And no one has fought harder to make sure the middle-class families of Michigan and across the country get those tax cuts than I have, and we

know we need to get things done, but we also need to make sure that in the end we are not putting agriculture farmers and ranchers at a disadvantage in the process.

So we on a bipartisan basis—in the House, in the Senate—worked together, knowing, when it became very clear that the House leadership, the Speaker, had no intention of taking up the farm bill in the House despite the fact that farmers need the certainty of a 5-year farm bill and disaster assistance—when that became clear, we turned to the next responsible approach, which was to work together on how we could keep in place farm programs, making sure we address what is now being called the dairy cliff in terms of milk prices that over time would go up—not immediately but over time—if nothing is done; disaster assistance; and keep in place the provisions of the farm bill that we passed that we agreed were important for rural communities, for energy security for our country, for jobs, for farmers and ranchers.

Now I understand that the Republican leader has insisted in his negotiations that only part of the farm bill be extended for the next 9 months—not all of it, not all of the pieces that affect rural America and farmers and ranchers, but only part of it. They call that a clean extension because of the way the funding and baseline work. I call that—well, I will not say what I would call it, frankly, except to say that this is bad news for American agriculture and certainly for the people whom I represent in Michigan.

Now, why do I say that? Well, first of all, in our extension, we make sure we keep our commitment on disaster assistance. We passed an important disaster assistance bill a few days ago here in the Senate. I supported that, but agriculture was not in it. The majority of the counties in this country suffering from severe drought, cherry growers in my State being wiped out, other fruit growers having problems—nothing for agriculture. Well, we in our extension make sure for this year and next that livestock and fruit growers have the disaster assistance we passed in the farm bill, and we pay for that.

We also make sure we continue to have an energy title in the farm bill. Now, when we look at getting off of foreign oil and creating real competition, advanced biofuels are doing that. We are now creating jobs across Michigan and America in something called biobased manufacturing, using agricultural products to offset petroleum and other chemicals and products, and we are creating jobs. We are doing that in part through support from the energy title of the farm bill.

The Republican leader's way of extending the farm bill would have zero—there would be no energy title, zero. That is absolutely unacceptable. We also would not see the full conservation title extended, key areas involving

protecting land and open spaces that I know Ducks Unlimited and Pheasants Forever and others who hunt and fish care deeply about in terms of protecting our open spaces.

Other areas that protect our land and our water would not be extended under this partial farm bill extension. We would not see critical research for organic or specialty crops that are so important that create almost half the cash receipts in agriculture in the country. We would not see that support continue.

There are multiple things that would not continue, not because we have gone through a process to eliminate them—in fact, 64 Senators in this body voted to continue them, and in some cases to increase funding in those areas while cutting back on the subsidies that we should not be spending money on. But here is what happened under this extension.

The subsidies we agreed to end continue. It is amazing, you know, how it happens that the folks who want the government subsidies find a way to try to keep them at all costs. Not in the light of day. They could not sustain a debate in the committee or a debate on the floor where we voted to eliminate direct payments. But somehow they are able to come back around at the end and keep that government money, even when prices are high, even when no one could look straight in the face of any taxpayer and say they ought to be getting that subsidy.

Yet under the Republican leader's partial extension of the farm bill, those subsidies we voted to eliminate would be fully continued. Now, in our version, agreed to by Chairman LUCAS and me, put on the calendar by Speaker BOEHNER, on the suspension calendar in the House by the Rules Committee in the House, agreed to on the calendar in the House, we would shave a portion of those subsidies to make sure we continued to fund all of the farm bill for the next 9 months until we can once again come together and write a farm bill.

But I have to say, as someone who has been operating in good faith in the committee and on the floor, to find this situation occurring that is not agreed to on a bipartisan basis, not put forward on a bipartisan basis, I find to be absolutely outrageous. It makes you wonder what is going on here. If in the end, the things we agreed to, the things we worked hard to develop into a farm bill that saves \$24 billion, at a time when we are—right now people are sitting in rooms trying to decide how to get deficit reduction. We passed something that saves \$24 billion in a fiscally responsible way, cutting programs. We cut 100 different programs and authorizations. We went through every single page of the farm bill, which is what we ought to be doing in every part of government to be responsible, to make the

tough choices, to set good priorities. We did that.

Now, at the last minute, none of that matters? They are trying to stick in an extension that only extends part of the farm program and keeps 100 percent of the direct subsidies going. That is amazing to me, I have to say. That is absolutely amazing to me. I want to hear someone justify that on the Senate floor.

We are going to hear all kinds of things. Well, the extension involves possibly a budget point of order. This whole bill coming to the floor is going to have multiple points of order that we are going to have to waive. This is not about procedure or budget points of order, it is about whether we mean it when we say we want to reform agriculture subsidies; whether we mean it when we say we care about rural America and farmers and ranchers who want to know that they can have the certainty of a 5-year farm bill and not just limp along.

I can see it coming, limping along, limping along, extension after extension, just like we seem to see happening everywhere here. I thought agriculture was the one area where we were not going to do that. I was so proud when we came together on a bipartisan basis and worked together. Regular order. The leaders, both sides, this is the right way to do things. It was regular order, 73 amendments. We went through it.

Mr. MERKLEY. Would the Senator from Michigan yield for a question?

Ms. STABENOW. I would be happy to.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I thank the leader of the Agriculture Committee, my colleague from Michigan, who has steered this Chamber through such a complex set of issues in trying to address the true agricultural needs of our Nation while spending the taxpayers' dollar efficiently, and, in fact, producing a huge amount of savings in the overall bill.

But I wanted to ask a couple of questions in regard to the points the Senator from Michigan is making. If I understood the Senator right, first, the disaster assistance for America's ranchers and farmers and orchardists that has been approved in the farm bill and sent to the Senate is not in the Republican leader's version that he wants to put through the floor of this Chamber?

Ms. STABENOW. Yes, I would say to my friend and strong advocate on these issues, it is not. Those disaster provisions are not in the extension he has arbitrarily on his own put forward.

Mr. MERKLEY. Just a couple of days ago, due to the efforts the Senator engaged in, and I engaged in and others joined us—Senator BLUNT was very instrumental—we had a debate about putting those emergency provisions

into the emergency bill for Hurricane Sandy. I heard the Republican leader of the Budget Committee stand up and say: Don't worry, farmers and ranchers of America, because we are going to get those provisions passed in the farm bill.

But from what I am hearing now, that promise is being broken tonight by the Republican leader?

Ms. STABENOW. If I might respond, yes, that is exactly what is happening. Without consultation with me or with the chairman in the House, we now have a partial extension of the farm bill. These are complex issues that involve a lot of pieces when you try to extend all 12 titles of the farm bill. They not only do not extend all of the titles, but they do not include critical disaster assistance, which, as the Senator knows, our farmers and ranchers have been waiting for across America.

Mr. MERKLEY. So if I can try to translate this for the farmers and ranchers in my State of Oregon and the orchardists and ranchers in the Senator's State, this Chamber committed itself to restoring the emergency disaster program either through the farm bill or through some other mechanism, but we have left them hanging since the fires and the drought of July and August. Since the cold weather problems that occurred a year ago, we have left them hanging without disaster assistance. Now, the promise made a couple of days ago that we get this done in the farm bill is being broken.

How can I possibly explain to my farmers and ranchers that when they had the worst fire in a century, larger than the State of Rhode Island, that burned their fences, burned their forage, burned their cattle, when others had some of the coldest weather that destroyed the crops, how can I explain to them that not only do some of our Republican colleagues, and apparently the Republican leader, consider that not to be a disaster, but the very argument made a couple of days ago to not put it in the Sandy bill is now being thrown aside?

Ms. STABENOW. I would say to my friend and colleague from Oregon, there is no way to explain this. None. There is absolutely no way to explain this other than agriculture is just not a priority. I mean, despite our best efforts and our working together to get something done, it certainly has not been a priority in the House with the Republican leadership. It has been on the committee. I have thoroughly enjoyed working with my counterpart in the House. We have worked together on a bipartisan basis. But we could not even get a bill taken up in the House.

I do appreciate the fact that when they did not act in the House, that they have agreed to do the extension that we put together. At least that is what they were willing to do. I honestly never thought the problem would

be here in the Senate because we had passed a farm bill. We passed a farm bill. We passed a farm bill with disaster assistance, with \$24 billion in deficit reduction, in a strong bipartisan way, with supportive words in terms of the process from the leaders.

I am so shocked to see that the problem now is here in the Senate with the Republican leader. There is just no excuse for this.

Mr. MERKLEY. The Senator from Michigan has worked over the past year to find a bipartisan strategy to reform elements of the farm bill that we were spending too much money on in certain places and to reform those overly generous subsidies, if you will, and make them kind of fit the circumstances. The Senator saved a lot of money in the process. Am I to understand that the Republican leader has taken those reforms, designed to wisely spend the taxpayers' money in the right places, and has thrown them out the window?

Ms. STABENOW. In this extension that he has proposed, the subsidies, called direct payments, that we have all agreed should not be given during high prices and good times to farmers, extend with absolutely no reductions. They are fully extended for the next 9 months, and who knows how much longer. I am sure the folks who want to have them are going to try to just keep blocking farm bills and doing extensions as long as they can in order to get the money—\$5 billion a year—\$5 billion a year that we have agreed in taxpayer money should not be spent.

Now, I also want to say, it is not that we do not need to support agriculture. I know my friend agrees with that. Whether it is disaster assistance, whether it is crop insurance, we need to give them risk management tools, conservation tools. We need to make sure we have strong crop insurance. We need to make sure that there is disaster assistance there. But in good times you should not be able to get a government check when prices are high, which is what some in agriculture have been doing and getting and it is wrong, and it is fully continued in what the Republican leader has proposed.

Mr. MERKLEY. I would say to my colleague, I have sat on this floor and listened to lectures of fiscal responsibility and the need to move things and work things in committee before they come to the floor. Now, the work that the Senator did was the best of those two qualities: Everything being done in committee, being in open conversation, dialogue, working on it, bringing it to the floor, having a debate on the floor in front of the American people, in front of our colleagues, complete openness and a complete sense of fiscal responsibility. So are those lectures that I have been hearing about fiscal responsibility and committee process,

are they just lectures but no real belief in them?

Ms. STABENOW. If I can say to my colleague, I certainly cannot indicate what the intent is of another colleague. But I will tell you that my mom always said: Actions speak louder than words. So I can tell you that the actions here, the actions that have been occurring, go in the opposite direction, both of supporting farmers and ranchers in a comprehensive way by fully extending the farm bill for the next 9 months and by allowing the complete, 100 percent extension of subsidies that we voted to eliminate.

I can tell you, that does not make any sense to me. It certainly goes against what I have heard over and over on the floor, and I also find it just amazing to me that when we—by passing the farm bill, if the farm bill were included in this agreement, we would have \$24 billion more in deficit reduction to be able to report to the American people.

They are saying no. I do not understand that.

Mr. MERKLEY. There is one more piece of this I want to clarify because I am not sure where the minority leader's version came out on this; that is, our organic farmers have gotten a very unfair deal, and that deal was that they were going to be charged extra for their insurance. In exchange they were supposed to get the organic price of a particular crop. We fixed that on the floor of the Senate. We addressed that. We said, no, the Department of Agriculture that was supposed to get the studies done to get the organic prices in place so that the upfront price had the back side as well, we gave them a confined number of years to get that done, to rectify that injustice. Is that now missing from the proposal from the Republican leader?

Ms. STABENOW. Yes. In fact, the organic provisions are not funded, are not extended. So, again, when we look at the future of agricultural choices for consumers, this is not extended.

Mr. MERKLEY. How can one possibly justify charging organic farmers more because they are going to get a higher insurance compensation, but then say they will not get a higher insurance compensation? We are going to take that away?

So it operates as a structural effort to basically take money away from the organic community and give it to the nonorganic community—I mean, complete unfairness in a competitive marketplace. How can one possibly justify stripping that from this extension?

Ms. STABENOW. I would just say to my friend from Oregon that it makes no sense. This is certainly not about fairness. It is not about an open process. I mean, when the Senator mentioned earlier that we had worked in a very open and transparent process, we did. Throughout the committee,

throughout the floor, even those who didn't support the farm bill indicated they supported the openness, the due process, the ability to provide amendments, to have them voted on up or down.

Now to take what was the consensus view of what things should look like and basically throw it out the window at the last minute makes me wonder what the motivation is here. What is really going on? All I can see is that in the end, what we have is a situation where the government subsidies we eliminated are extended 100 percent, and those who behind the scenes have been trying to continue to get the government money appear to have been successful, at least with the Republican leader.

Mr. MERKLEY. In closing my part of this colloquy, I want to thank the Senator for clarifying those three points—that the disaster relief is out, that the pork is in, and that the organic farmers are going to continue to get the short end of the stick. It seems to me that is three strikes and you are out. And I didn't even address many of the other points I heard the Senator raising.

The Senator's outrage about this is so deeply justified, and I am certain I will be standing with her as we try to make sure that the good work done in committee and on the floor of the Senate for fiscal responsibility, for fairness to farmers, for fairness to those who have suffered disasters, for fairness to those who are in the organic or the inorganic world or nonorganic world—that these mistakes, these three strikes-plus, do not carry forth through this Chamber.

I thank the Senator for her leadership.

Ms. STABENOW. Again, I thank the Senator from Oregon for his leadership on disaster assistance, on support for the organic agriculture community, and for others that benefit from his leadership, forestry and other areas. The Senator from Oregon has been a very, very strong leader, and I thank him for his words and for his actions in standing and fighting for the people we are supposed to be fighting for. I mean, the farmers and ranchers across the country, like every other American right now, are shaking their heads: What is going on?

I know there is a lot of work going on to come up with a larger agreement, but for those of us who care about many things but want to make sure agriculture is not lost in this, I am deeply concerned. This is the second largest industry in Michigan. It is the largest industry for many places in the country. Yet I don't see agriculture being the priority it needs to be either on disaster assistance or help for those who have been hit so hard by drought or by an early warmth and then a freeze in the orchards. Where is the

willingness to stand and support farmers and ranchers across the country?

Well, I used to be able to say and I have said up to this point: Well, the support was in the Senate, where we passed a bipartisan farm bill and we worked together very closely to do that. But tonight I find that rather than proceeding in a bipartisan way, which has been what we have done, rather than consulting with myself as chair in the Senate and Chairman LUCAS in the House, we see that a proposal which neither one of us has put forward or supported and which is adamantly opposed by many people is now being offered as the approach to extend part of the farm bill, picking and choosing arbitrarily what should be extended and not, not doing disaster assistance, and not being willing to shave off even 2.5 percent of these government subsidies in order to be able to fully fund an extension for the next 9 months—2.5 percent. Mr. President, 2.5 percent is directing us, is what we are talking about in order to be able to extend critical, important priorities for people across the country. This is for consumers, for farmers, for ranchers, for people in this Chamber. I can only assume, based on what I see, that this is the effort of the group that has been trying very hard to make sure that their subsidies continue and that they continue unabated 100 percent, and this is their opportunity.

When we are trying to do deficit reduction, which I find amazing this is in the context of a deficit reduction package—and I am still going to be looking to see where the deficit reduction is. But the deficit reduction package—it will not accept \$24 billion in savings in agriculture. Now, instead, it puts in place policies that will take us in the exact opposite direction. It is very, very unfortunate.

I have been spending the day expressing grave concerns. I will continue to do that. There is absolutely no reason this can't be fixed before the proposal comes to this body. It absolutely can be fixed. People of good will in agriculture have worked together every step of the way, certainly in this Chamber. We can continue to do that if there is a desire to do it. I hope there is because there is a tremendous amount at stake.

Let me say again that 16 million people across our country pay their bills because of income they receive through agriculture or the food industry. Small farmers and large farmers want the certainty of a 5-year farm bill, and they also want to know we are working together with their interests in mind. I hope we can still see that happen.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 8:15 p.m., recessed subject to the call of the Chair and reassembled at 1:22 a.m. when called to order by the President pro tempore.

The PRESIDENT pro tempore. The Senator from Nevada.

#### EXTENSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent that the period of morning business for debate only be extended until 1:35 a.m. today, with Senator HARKIN being the person who will be speaking. When he finishes his speech, I ask that I then be recognized.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Iowa.

#### THE FISCAL CLIFF

Mr. HARKIN. Mr. President, over the last few decades, the real middle-class families in America—and when I say “real middle class” I mean those who are making \$40,000, \$50,000, \$70,000, not \$400,000 a year—have seen their jobs become more insecure and their wages stagnate. In fact, their income adjusted for inflation is less now than it was in the late 1990s. Their savings and pensions have shrunk or disappeared.

The cost of education has soared at the same time as the wealthiest Americans and large corporations grow ever richer and pay less and less in taxes. For example, just take dividends. Prior to 2003, dividends were always taxed as ordinary income. Now they are taxed at a less rate than the capital gains rate. Income of hedge fund managers is taxed at a lower rate than middle-class families—the so-called carried interest rule.

The share of our Nation's wealth going to corporate profits has been rising as the share going to wages and salaries is declining. This has led bit by bit, Tax Code change by Tax Code change, pension cuts by pension cuts, job outsourcing by job outsourcing to an economy that is out of balance, that threatens the very fabric of our society. That is because the gap between the rich and the real middle class grows ever wider. That is because our

economy is driven from the middle out and not from the top down.

Our economy is driven by middle-class families with good jobs and money in their pockets to spend. So our first goal must be to put Americans back to work and to get our economy moving, to rebuild the real middle class now.

The average American across our land tonight—today—probably thinks what we are about here is just that, to solve our country's most pressing problem—creating new jobs, laying the foundation for future economic growth and, thus, reducing our deficits in the long term. But instead we are here tied in knots to avert a manufactured fiscal cliff which could have been avoided 6 months ago by the House passing S. 3412 to avert the tax hikes on 98 percent of Americans.

As I have said repeatedly, I will evaluate any such fiscal cliff legislation on how these proposed policies affect working families and the real middle class—again, the real middle class being those making \$30,000, \$50,000, \$60,000, \$70,000 a year. So I am disappointed to say, in my opinion, this legislation we are about to vote on falls short.

First, it does not address the No. 1 priority: creating good middle-class jobs now. Unemployment remains way too high. This bill should include direct assistance on job creation makers; for example, our infrastructure, education, and job retraining. How many jobs we see out there going wanting because people aren't trained for those jobs; yet we don't have enough money to put into job retraining. The legislation before us neglects our most pressing concern at the present time, and that is the lack of jobs and the lack of qualified people to fill those jobs.

Secondly, this proposal does not generate the revenue necessary for the country to meet its needs for everything from education to job training, infrastructure, and research and development. The idea that people earning \$300,000 to \$400,000 a year could not pay the taxes they paid in the 1990s when the economy was booming is just plain absurd. But that is what we are being told; that people who make \$300,000 or \$400,000 simply cannot pay the same taxes they would have been paying in the Clinton years.

Furthermore, these wealthiest Americans made a lot of money in the last decade. So what do we do? Now we are raising the estate tax exemption to \$5 million. It was \$1 million under the Clinton tax years. Now the few who are really wealthy, who made a lot of money, and who have accumulated this wealth, we now have raised the estate tax so they can pass it on without any of that gain ever being taxed because the heirs now get it with what they call a stepped-up basis. So none of that is taxed.



So what we see, then, are the few who are wealthy getting more and more wealthy. So wealth becomes even more concentrated under this system.

Now, some will say: What is the problem? You want to protect the middle class. They are in this bill. How can you object if some higher income individuals are protected as well? Well, I point out these are not unrelated matters. With government investments and government spending dropping, being squeezed every year by my conservative friends on the other side of the aisle, and with deficits remaining high, every dollar of sacrifice the wealthy forego is a sacrifice we will later be asking of real middle-class, modest-income Americans. Every dollar the top 2 percent of taxpayers do not pay under this deal, we will eventually ask folks of modest means to forego—to forego on Social Security or Medicare or Medicaid or Head Start benefits or other items that benefit the real middle class.

I believe it is gravely shortsighted to look at these issues in isolation from each other, especially since the Republicans have made crystal clear that they intend to seek mandatory spending cuts just 2 months from now using the debt limit as leverage.

No. 3. Why in this deal do we make the tax benefits for the rich permanent while the progressive tax benefits we put in place in 2009 to help people of modest means—why are those temporary? For example, the estate taxes that benefit the wealthiest are made permanent. The earned-income tax credit that affects the lower income, that is temporary. The income tax rates that are set now are going to be made permanent to benefit higher income individuals, but the child tax credit is made temporary. The AMT fix is made permanent, but the American opportunity tax credit for modest families to be able to afford to send their kids to college is made temporary.

In this deal we are about to vote on, logic is turned on its head. We provide permanent benefits to those who need it the least, and yet this deal sunsets the modest assistance to middle-class families—again, I repeat, middle class, real middle class; not \$400,000-a-year middle class, I mean the real middle class.

I think it is quite telling that earlier this last evening, Grover Norquist said he is for this bill, but our former Secretary of Labor Bob Reich is opposed.

So maybe now I guess we are all believers in trickle-down economics. Not I. I guess we now redefine the middle class as those making \$400,000 a year when, in fact, that represents the top 1 percent of income earners in America, not the middle class. So I guess that we now accept as normal practice in reaching bipartisan deals that the most vulnerable in our country, such as those who are out of work and who de-

pend on unemployment benefits, can be held hostage as a bargaining tool for more tax breaks for the richest among us.

I am not saying that everything in this deal is bad. There are some good parts. But I repeat, I am concerned about this constant drift, bit by bit, deal by deal, toward more deficits, less job creation, more unfairness, less economic justice—a society where the gap grows wider between the few who have much and the many who have too little.

Mr. President, for these reasons, I must in conscience vote no on this bill.

The PRESIDENT pro tempore. The majority leader.

#### JOB PROTECTION AND RECESSION PREVENTION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 8; that the substitute amendment, the text of which is at the desk, be agreed to; that there be 10 minutes of debate equally divided between the two leaders prior to a vote on passage of the bill, as amended; that there be no other amendments in order prior to the vote; that there be no points of order in order to the substitute amendment or the bill; finally, that the vote on passage be subject to a 60-vote affirmative vote threshold.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate proceeded to consider the bill.

Mr. REID. Mr. President, very quickly, we have worked really hard this week. We Senators had to be here and are happy to be here, but there are four individuals who didn't have to work this week, but they volunteered to do so. These four pages have kept this place operating by helping floor staff and us. They could be home with their families and friends enjoying the holiday. Instead, they are here.

We have 18-year-old Jarrod Nagurka, of Arlington. He gave up his winter break to be here; Twenty-two-year-old Priscilla Pelli of Washington, DC, is a staff assistant in my office. She has devoted her time here. Twenty-two-year-old Erin Shields of Takoma Park, MD, is an intern in my office. And 16-year-old Gwendilyn Liu of Kaneohe, HI, the only remaining current page, skipped her winter vacation to help here. I want the record to reflect our deep appreciation for them, and I wish them the very best in their future endeavors.

Mr. President, working through the night and throughout today, we have reached an agreement with Senator McConnell to avert tax increases on middle-class Americans.

I have said all along that our most important priority was to protect middle-class families. This legislation does that. Middle-class families will wake

up today to the assurance that their taxes won't go up \$2,200 each. They will have the certainty to plan how they will pay for groceries, rent, and car payments all during next year. The legislation also protects 2 million Americans who have lost their jobs during the great recession from losing their unemployment insurance.

I am disappointed that we weren't able to make the grand bargain that we tried to do for so long, but we tried. If we do nothing, the threat of a recession is very real. And passing this agreement does not mean the negotiations halt—far from it. We can all agree there is more work to be done. I thank everybody for their patience today—and they have had a lot of patience.

I also thank my friend the Republican leader, Senator McConnell, for his hard work to reach this bipartisan agreement. It has been difficult and very hard. As we have said before, Senator McConnell and I out here do a lot of talking to each other; we kind of go over everybody's head. But he and I know that when the talk is done out here, we work hard to try to help this country. So he is my friend, and I appreciate very, very much the work he has done.

For example, this bill cuts \$4 billion in fiscal year 2013 and \$8 billion in fiscal year 2014. These are real cuts that are in this bill.

I hope the new year will bring a new willingness on the part of the House Republicans to join Democrats in the difficult but rewarding work of governing. The Speaker has said all along that he was waiting for the Senate to act. The Senate soon will act. Now, I hope for America that the Speaker will allow the full House of Representatives to vote on this bipartisan legislation.

The PRESIDENT pro tempore. The Republican leader.

Mr. McConnell. Mr. President, I wish to thank my good friend the majority leader for his kind words and thank everyone for their patience and their counsel throughout this process.

I also thank the Vice President for recognizing the importance of preventing this tax hike on the American people and stepping up to play a crucial role in getting us there. It shouldn't have taken us this long to come to an agreement and this shouldn't be the model for how we do things around here, but I appreciate the Vice President's willingness to get this done for the country.

I know I can speak for my entire conference when I say we don't think taxes should be going up on anyone, but we all knew that if we did nothing, they would be going up on everyone today. We weren't going to let that happen. Each of us could spend the rest of the week discussing what a perfect solution would have looked like, but the end result would have been the largest tax increase in American history.

The President wanted tax increases, but thanks to this imperfect agreement, 99 percent of my constituents will not be hit by those hikes. So it took an imperfect solution to prevent our constituents from very real financial pain. But, in my view, it was worth the effort.

As I said, this shouldn't be the model for how we do things around here, but I think we can say we have done some good for the country. We have done some good for this country. We have taken care of the revenue side of this debate, and now it is time to get serious about reducing Washington's out-of-control spending. That is a debate the American people want. It is the debate we will have next, and it is the debate Republicans are ready for.

Mr. REED. Mr. President, I want to address the bill before us tonight. Despite the best efforts of Senate Democrats to strike a balanced and fair compromise—to avert tax hikes on Americans making less than a quarter of a million dollars, to avert the expiration of unemployment insurance, to avert the damaging automatic spending reductions—we instead have before us a package that is at best a half-measure. This is not how we should govern.

However, the bill before us is better than the alternative facing millions of Americans. If we do not act, taxes for the middle-class will rise tomorrow, support for unemployed workers will lapse, Rhode Islanders will be hurt, and our economic recovery could suffer another Republican induced economic setback.

Unless this bill is signed into law, starting January first, taxes rise on every American and hundreds of thousands middle-income Rhode Island families will see their taxes increase by an estimated \$2,200 in 2013. Rhode Islanders numbering 37,000 would lose a tuition tax credit to help them pay for college and 103,000 Rhode Island families raising children would see an average tax increase of \$1,000 because they would no longer qualify for the Child Tax Credit. The economy is tough enough for most Rhode Islanders, and they shouldn't be asked to absorb a hit like that due to the stubbornness of the other side of the aisle.

This bill will also continue unemployment insurance for 2.1 million Americans and almost 9,000 Rhode Islanders. Without a continuation of unemployment insurance, millions of Americans actively seeking work will suffer a debilitating economic blow. People will lose their homes and be unable to put food on the table, as they lose one of the few lifelines they and their families have as they look for work in a tough economy. Neighborhood businesses would have taken a hit as well. An estimated \$48 billion in economic activity will be sapped from our recovery and one of our most effective counter-cyclical economic policies would have been lost.

It is a sad truth, but the middle-class tax cuts and unemployment insurance were being held hostage by my Republican colleagues in order to secure even more generous tax cuts for the wealthy. So at least with the permanent extension of tax cuts for the middle-class and a one-year continuation of unemployment, that immediate threat is gone.

However, it is outrageous that this threat has been taken this far and that my Republican colleagues continue to demand a perpetuation of an unfair tax code that is tilted towards the wealthiest.

So I remain committed to reforming the tax system so it is fair for all Americans. I remain committed to ending egregious loopholes that result in absurd and unfair results, like a private equity partner paying a lower tax rate than a janitor.

I do want to stress that, despite Republican demands for big cuts in the social safety net, this bill protects Social Security, Medicare, and Medicaid beneficiaries. Such beneficiary cuts would have made this package even more unbalanced and unfair. Unfortunately, it appears that Republicans are already planning to hold the debt ceiling hostage in order to cut Social Security, Medicare, and Medicaid. Today they will insist on additional tax breaks for the wealthiest Americans, especially estate tax cuts, but then demand that we cut Social Security, Medicare, and Medicaid to cover these and other debts. I will work to prevent such callous efforts.

I am deeply disappointed by the package before us today. I believe the White House should have stood firm on reducing the deficit by nearly \$1 trillion and let income tax rates for those making over a quarter of a million dollars revert to Clinton-era levels. I am disappointed with Republican intransigence and the prospect of once again being on the brink of a manufactured economic catastrophe in order to secure tax preferences for millionaires and billionaires and attempting to pay for them by cutting Social Security or programs that benefit middle-income Americans.

In the coming weeks, I hope Republicans will drop their attempts to cut the deficit on the backs of the middle-class and seniors, and instead work with us to craft a fair and balanced compromise that strengthens, not endangers, our economic recovery.

Mr. President, I yield the floor.

THE PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the vote will start immediately, and people should get here as quickly as they can.

THE PRESIDENT pro tempore. Under the previous order, amendment No. 3448 is agreed to.

The text of the amendment is printed in today's RECORD under ("Text of Amendments.")

The PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT) and the Senator from Illinois (Mr. KIRK).

The PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 251 Leg.]

#### YEAS—89

Akaka	Franken	Murkowski
Alexander	Gillibrand	Murray
Ayotte	Graham	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Hatch	Portman
Begich	Heller	Pryor
Bingaman	Hoeben	Reed
Blumenthal	Hutchison	Reid
Blunt	Inhofe	Risch
Boozman	Isakson	Roberts
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson (SD)	Sanders
Brown (OH)	Johnson (WI)	Schatz
Burr	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Casey	Kyl	Snowe
Chambliss	Landrieu	Stabenow
Coats	Leahy	Tester
Coburn	Levin	Thune
Cochran	Lieberman	Toomey
Collins	Lugar	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCain	Vitter
Corker	McCaskey	Warner
Cornyn	McConnell	Webb
Crapo	Menendez	Whitehouse
Durbin	Merkley	Wicker
Enzi	Mikulski	Wyden
Feinstein	Moran	

#### NAYS—8

Bennet	Harkin	Rubio
Carper	Lee	Shelby
Grassley	Paul	

#### NOT VOTING—3

DeMint	Kirk	Lautenberg
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The PRESIDENT pro tempore. A 60-vote threshold having been achieved, the bill, as amended, is passed.

The PRESIDING OFFICER (Mr. MANCHIN). The majority leader.

Mr. REID. Mr. President, we don't expect any more votes today, no more votes today. We want to wait and see what the House does on Sandy, and I think whatever we do on Sandy will have to be done by unanimous consent anyway, so I wouldn't expect any votes

until we come back here and reconvene on January 3, the day after tomorrow. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I ask unanimous consent that the title amendment with respect to H.R. 8, which is at the desk, be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3450) was agreed to, as follows:

Amended the title as to read:  
An Act entitled the "American Taxpayer Relief Act of 2012".

#### MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING DAVE BRUBECK

Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring Dave Brubeck, the iconic jazz musician and composer who defined and popularized modern jazz during a pioneering career that spanned seven decades. Mr. Brubeck passed away on December 5, a day before his 92nd birthday, in Wilton, CT.

Dave Brubeck was born in Concord, California, on December 6, 1920. When he was 11, Dave's family moved to the town of Ione in the rolling Sierra foothills of Amador County, where his father, Pete, managed a cattle ranch, and his mother, Elizabeth, a classically-trained pianist, taught Dave and his two brothers how to play various musical instruments. Although his poor eyesight kept him from reading music, this determined young musician learned mostly by listening, and his abundant musical talents made him a popular feature at local events by the time he was a teenager.

At the College of the Pacific, Dave initially studied veterinary medicine before switching to music after one year. It was there that he met Iola Whitlock, a schoolmate who became his wife in 1942. Almost immediately upon graduation, he was drafted into the Army, where his standout performance as part of a travelling Red Cross show prompted a commanding officer to assign him to form a band to play for the troops in combat areas. He recruited black and white musicians to play together in his 18-piece band, the Wolfpack Band.

After the war, Dave returned home to study music on a GI bill scholarship at Mills College under the tutelage of French composer Darius Milhaud. During this period, he met the musicians who would later form the Dave Brubeck Quartet. With Mr. Brubeck at the helm, the quartet's unique and groundbreaking style earned wide acclaim and a legion of fans from across the country, and eventually from around the world. In 1954, in recognition of his fame and prodigious talents, he was featured on the cover of Time Magazine. In 1959, the quartet's recording of "Take Five" became the first jazz single to sell a million copies. Over the years, he would produce other iconic jazz hits such as "Time Out" and "It's a Raggy Waltz," record more than a hundred albums, and even write two ballets.

A man of strong convictions, Mr. Brubeck used his musical gifts and celebrity to stand up for principles and causes in which he believed. In 1958, at the invitation of the U.S. State Department, he led the quartet on a good will tour that introduced jazz music to countries and audiences behind the Iron Curtain and in the Middle East. That same year, he refused to tour in South Africa when promoters insisted that his band be all white.

Mr. Brubeck performed for eight presidents and composed the entrance music for Pope John Paul II's 1987 visit to Candlestick Park in San Francisco. He was named a Jazz Master by the National Endowment for the Arts and received a Kennedy Center Honor for his contribution to American culture. His alma mater, now known as the University of the Pacific, established the Brubeck Institute to further his lifelong work and goal to use the power of music to "transform lives as well as to enlighten and entertain."

On behalf of the people of his home state of California, I extend my deepest sympathies to Dave Brubeck's wife of 70 years, Iola; sons Darius, Chris, Dan and Matthew; daughter Catherine Yaghsizian; 10 grandchildren; and four great-grandchildren. Dave Brubeck was an American treasure, and he will be dearly missed.

#### ADDITIONAL STATEMENTS

##### CELEBRATING THE 75TH ANNIVERSARY OF THE HAWAIIAN ROOM

• Mr. AKAKA. Mr. President, I rise today to recognize and celebrate the 75th anniversary of the opening of a historic and famously popular Manhattan attraction—the Hawaiian Room at the Hotel Lexington in New York City. Throughout its 30 years of quality cultural performances, its authentic and captivating shows were widely praised for giving audiences not only an exotic, entertaining experience, but also a

raved off-Broadway production, not to be missed.

In the 1930s, the newly built Hotel Lexington at 48th and Lexington in New York City was an impressive hotel and with prestige and grandeur. At the cost of \$5 million to build in 1929, the iconic hotel became an instant favorite for global leaders, celebrities, business executives, and some of America's most famous sports icons including Joe DiMaggio, who famously lived in a penthouse suite during his whole career playing for the Yankees.

The manager was Charles Rochester, and in the late 1930s, he decided to open a Hawaiian-themed room in a large unused area of the hotel to try and attract new uppercrust business to his establishment to help with "the bottom line." At the time, Hawaiian and Polynesian cultures were growing in popularity and interest across the country. However, the creation of the Hawaiian Room was still a bold move not only because of the Great Depression, but also an increasingly complicated global scene as world conflicts were escalating in both Asia and Europe. Nevertheless, on June 23, 1937, the Hawaiian Room opened its doors for the first time.

The Hawaiian Room found success for an unprecedented 30 years straight in its presentation of Hawaiian culture and aloha, with the unique music and indigenous hula as its foundation. The room became a gathering place for many with Hawaii ties to share the knowledge and influence of the Hawaiian culture throughout the East Coast and the world. The venue became "the place to be" for celebrities in New York City, and it was the people who worked in the Hawaiian Room who made it such a success. Because of their talents, island ways, and authentic aloha many were able to enjoy a piece of Hawaii, even if they were on another "island" 5,000 miles away.

Recently, I was fortunate to meet with some of the gracious ladies who performed at the Hawaiian Room so many years ago. Their stories and spirit of aloha embody the qualities that made the Hawaiian Room so great for so many years.

I would like to commend TeMoana Makolo, Hula Preservation Society, and the dozens of Hawaiian Room members who worked in the room during its 1937–1966 run for their partnership and efforts in creating the Hawaiian Room Archive to perpetuate this great piece of Hawaii's history. The oldest living former Hawaiian Room member is Tutasi Wilson at 98 years old, who was a featured dancer at the Hawaiian Room in the 1940s and 1950s.

Living members include Leonani Akau, Pua Amoy, Leilehua Becker, Iwalani Carino, Martha Carrell, Loma Duke, Wailani Gomes, Mamo Gomez, Mealii Horio, Mona Joy, Leialoha Kaleikini, Leialoha Kane, Manu

Kanemura, Ed Kenney, Nona Kramer, Nani Krisel, TeMoana Makolo, Tautaise Manicas, Torea Ortiz, Olan Peltier, Vicky Racimo, Io Ramirez, Alii Noa Silva, Kauai Virgeniza, Tutasi Wilson, and Janet Yokooji. Each has personally contributed to development of the first Hawaiian Room Archive by contributing their stories and personal photos to this new educational resource.

Many other esteemed Hawaiian Room members have passed on, including Alfred Apaka, Aggie Auld, Keola Beamer, Mapuana Bishaw, Eddie Bush, Johnny Coco, Leilani DaSilva, Ehulani Enoka, Leila Guerrero, Ululani Holt, Meymo Holt, Keokeokalae Hughes, Clara Inter "Hilo Hattie," Andy Iona, Alvin Isaacs, Momi Kai, George Kainapau, Sonny Kalolo, David Kaonohi, Nani Kaonohi, Ray Kinney, Kui Lee, Sam & Betty Makia, Lani & Alfred McIntire, Pualani Mossman, Tootsie Notley, Lehua Paulson, Telana Peltier, Luana Poepoe, Dennie Regor, and Jennie Napua Woodd. All were legendary talents in their own right, and also contributed to making the Hawaiian Room the success it was.

Although the Hawaiian Room was in New York, it played an ever important role in the spread of Hawaiian culture across the continental United States, as well as the development of Hawaii's major industry—tourism. The nightly exposure of business executives, celebrities, and New York's working men and women to the Hawaiian songs, sceneries, and hula at Lexington Hotel was sure to have put dreams of a Hawaii vacation in the minds of more than a few over the years.●

#### GRANDMASTER HONG LIU

● Mr. AKAKA. Mr. President, as I reflect back on my 36 years of service in Congress and the Senate, I realize how fortunate I was to be mostly healthy. As we age, we pay more attention to our health. The challenge is how to maintain good health.

It was after I was struck in the shin by a stray golf ball on a Virginia course that I met a Chinese Grandmaster who introduced me to an ancient Chinese methodology for maintaining good health. This methodology was developed and tested over thousands of years—it was the ancient practice of natural healing using Qi Gong.

Grandmaster Hong Liu was born in Shanghai, China. His Mother was the director of medical care and hospitals in Shanghai. As a result of being raised in a health-oriented environment, he enrolled in the Military Medical College to become a doctor of Western medicine.

His home was always filled with visitors from the health industry, doctors, and even healers who practiced Traditional Chinese Medicine or TCM as it is popularly known today. Whenever the

Qi Gong masters visited his Mother, crowds of sick people would gather seeking treatment. He would watch intently as these people were treated by those masters.

Grandmaster Hong became interested in one of the healers who lived outside of Canton high up on a mountain in a cave, Master Kwan. During the time of the Cultural Revolution, Chairman Mao's wife banned all ancient medical traditions—healers escaped imprisonment by living in remote caves in high mountains outside the cities. This interest in ancient Traditional Chinese Medicine conflicted with his role as an army officer practicing in a military hospital. All doctors were scheduled for duty in the hospitals and were expected to perform routine duties. His days were scheduled with long hours of patient care leaving very little spare time. Medical doctors who did not perform their duties and who did not work diligently were reprimanded and sometimes demoted. For 8 years, he spent all of his spare time studying Qi Gong and traditional Chinese medicine under Master Kwan. This meant taking the train to Canton and then traveling many miles outside the City to a mountain called Golden Cock to get to Master Kwan's cave. Grandmaster Hong or Master Hong became an apprentice of Master Kwan and then became a Qi Gong Master in 1979. Grandmaster Hong came to the United States in 1990 and has practiced Traditional Chinese Medicine.

Getting back to that golfing incident, I did not worry much about the golf injury after icing it because it seemed to have healed. It was not until a week later when I flew back to Hawaii and was at my physician's office for a regular checkup that it was discovered the inside of the wound had not healed and was infected. My physician prescribed treatment for the infection, but a family friend asked if I would consider additional treatment in complement with my physician's medical care. This was my introduction to natural healing and to Grandmaster Hong Liu, we call him Master Hong, who is a Grandmaster of Natural Healing, which includes Feng Shui, herbs, exercise, martial arts and nutrition. This introduction was the start of a remarkable journey for me into the world of natural healing using proper breathing, movement through exercise, and nutrition to nourish and heal.

This natural healing method seemed too simple, but what I learned over time was that illness occurs when the natural flow or circulation of the energy canals or pathways in our body are blocked, but this can be remedied again with proper breathing, exercise, and eating nutritionally. Injuries to the body are remedied in the same manner with the addition of herbs. The Qi of Qi Gong is that natural energy that runs through those canals in our

body like blood flows through veins. That energy is what keeps us living, and if that Qi is circulating properly or flowing freely, then we are healthy. The simple "science" of Natural Healing is viewed as an approach to remove the blockages that occur when the energy does not flow freely and balance the internal organ energy. The ultimate goal in Traditional Chinese Medicine is balance—the body should be balanced naturally—seems simple.

Master Hong has not only been good to me—he is good to the people of Hawaii. He has held free seminars and events. His foundation holds free, weekly senior programs because he recognized the demographics of the aging population, its rapid growth globally, and the issues with affordable healthcare. He developed and offers a weekly self-healing program for seniors that includes exercises and nutritional information for them to get healthy and stay healthy. For the past 9 years, he's given immunity events to the community. People attend these events to get free patches to help boost their immunity systems. The immunity events are held on the hottest and the coldest days of the year because those are the most potent days for the effectiveness of those patches. The events originally started out as asthma events since Hawaii has had 30 years of volcanic activity which affected the respiratory systems of many Islanders. Those asthma events evolved into the bigger bottom line picture or the source of the problem which is the immunity system.

Master Hong is the founder of the Natural Healing Research Foundation in Hawaii. The foundation is his basis for advancing remedies for the major diseases affecting humanity by promoting the time honored natural healing practices of Eastern medicine in complement with Western medicine to attain that goal. The marvel of the remedies of natural healing is that it offers simple yet effective healing programs that work with conventional practices and have no side effects. The foundation reaches out to the community providing information and training in disease prevention and offering proactive solutions to maintain optimal health.

Master Hong was proclaimed a "Living Treasure" not only in his homeland of China but also in the State of Hawaii because of his research of various diseases, cancer, drug addictions, diabetes, obesity, and heart disease to name a few, and his devotion to teaching preventive health care. He has also authored "The Healing Art of Qi Gong" by Warner Books.

The basic simpleness of all of this knowledge is that this energy is all around us, but you need to work at keeping the movement of this energy moving or circulating in order to be healthy and balanced. I learned that

foods of a certain color were specific to different organs. Foods white in color, mushrooms, ginger, garlic are for the lungs and skin, while foods that are black in color, black beans, black sesame, seaweed, are for the kidneys.

There is so much that I have learned from Grandmaster Hong Liu, and there is more learning to be done when I get back to Hawaii. What I do know is that the Traditional Chinese Healing methods he used in complement with my regular physician improved my health.

I will continue to learn from this Grandmaster, and I continue to be grateful for my health and wellbeing. It has been about 8 years of learning and exercising and eating right for me, but in that time I have seen an industry boom in natural health care and products—what a coincidence. All of this makes me more aware of how fortunate and timely my meeting Grandmaster Hong Liu was to promote the balance and wellbeing in my life. Thank you, Grandmaster Hong for what you have done not only for me but for the people of Hawaii.●

#### CONCORDIA UNIVERSITY WOMEN'S VOLLEYBALL CHAMPIONS

● Ms. KLOBUCHAR. Mr. President, today I wish to recognize and congratulate the women's volleyball team of Concordia University in St. Paul, MN, for winning their sixth consecutive NCAA Division II championship. On December 8, 2012, the Golden Bears bounced back from a two-set deficit to defeat the University of Tampa and secure the national title.

The team has an incredible record of success, winning the national championship every year since 2007—a title streak that matches the NCAA record in all divisions. They have clinched 36 NCAA tournament matches in a row, and have won 44 out of 48 matches in 10 tournament appearances. Brady Starkey, who has coached the team for a decade, has led the team to victories in six out of seven tournament matches.

I would especially like to recognize the team's All-Americans—Ellie Duffy, Cassie Haag, Kayla Koenecke, and Amanda Konetchy, all four of whom were named to the all-tournament team. Ellie Duffy was also selected to the Academic All-American Division II Volleyball team.

The women of Concordia University's volleyball team are part of Minnesota's long tradition of excellence in college athletics and they make our State proud. I want to commend the team on their hard work and outstanding achievements this season and wish them success in many seasons to come.●

#### MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3202. An act to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3159. An act to direct the President to establish guidelines for United States foreign development assistance, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4057) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes, without amendment.

At 1:54 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3666. An act to amend the Animal Welfare Act to modify the definition of "exhibitor".

#### ENROLLED BILLS SIGNED

At 5:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3202. An act to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

S. 3666. An act to amend the Animal Welfare Act to modify the definition of "exhibitor".

H.R. 3263. An act to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes.

H.R. 3641. An act to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

H.R. 4057. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

H.R. 4073. An act to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875.

H.R. 6014. An act to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

H.R. 6620. An act to amend title 18, United States Code, to eliminate certain limitations

on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

#### ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 31, 2012, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 925. An act to designate Mt. Andrea Lawrence.

S.J. Res. 49. Joint resolution providing for the appointment of Barbara Barrett as a citizen regent of the Board of Regents of the Smithsonian Institution.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8746. A communication from the Deputy Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule Regarding Principal Trades with Certain Advisory Clients" (RIN3235-AL28) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8747. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Other Flatfish, Other Rockfish, Pacific Ocean Perch, Sculpin, and Squid in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC377) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8748. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; Reopening of the Commercial Harvest of Red Snapper and Gray Triggerfish in the South Atlantic" (RIN0648-XC367) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8749. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XC373) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8750. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic

Shellfish Poisoning (PSP)" (RIN0648-BB59) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8751. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Transferability of Black Sea Bass Pot Endorsements" (RIN0648-BC30) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8752. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Snowy Grouper" (RIN0648-XC380) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8753. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Blue Runner" (RIN0648-XC310) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8754. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Surfclam and Ocean Quahog Fisheries; 2013 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Minimum Atlantic Surfclam Size Limit" (RIN0648-XC353) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8755. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer" (RIN0648-XC340) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8756. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; White Hake Trimester Total Allowable Catch Area Closure for the Common Pool Fishery" (RIN0648-XC369) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8757. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing efforts for fiscal year 2012; to the Committee on Commerce, Science, and Transportation.

EC-8758. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the

Treasury, transmitting, pursuant to law, the report of a rule entitled "Use of Controlled Corporations to Avoid the Application of Section 304" (RIN1545-BI13) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Finance.

EC-8759. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payout Requirements for Type III Supporting Organizations That Are Not Functionally Integrated" (RIN1545-BG31) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Finance.

EC-8760. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partner's Distributive Share" (RIN1545-BJ37) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Finance.

EC-8761. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-167); to the Committee on Foreign Relations.

EC-8762. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-154); to the Committee on Foreign Relations.

EC-8763. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-168); to the Committee on Foreign Relations.

EC-8764. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-143); to the Committee on Foreign Relations.

EC-8765. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Control of Communicable Diseases: Foreign; Scope of Definitions (42 CFR Part 71)" (RIN0920-AA12) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8766. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Control of Communicable Diseases: Foreign; Scope of Definitions (42 CFR Part 70)" (RIN0920-AA22) received in the Office of the President of the Senate on December 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8767. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8768. A communication from the Principal Deputy Assistant Attorney General, Of-

fice of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the annual report from the Attorney General to Congress relative to the Uniformed and Overseas Citizens Absentee Voting Act; to the Committee on Rules and Administration.

EC-8769. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, the Board's Report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated December 24, 2012); to the Committee on Armed Services.

EC-8770. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Home Mortgage Disclosure (Regulation C): Adjustment to Asset-Size Exemption Threshold" (Docket No. CFPB-2012-0049) received in the Office of the President of the Senate on December 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8771. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on December 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8772. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Plug-in Electric Drive Motor Vehicle Credit; Update of Notice 2009-89" (Notice 2012-54) received in the Office of the President of the Senate on December 31, 2012; to the Committee on Finance.

EC-8773. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "National Coverage Determinations for Fiscal Year 2011"; to the Committee on Finance.

EC-8774. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department of Health and Human Services' report to Congress on activities of the Center for Medicare and Medicaid Innovation; to the Committee on Finance.

EC-8775. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Chemical Weapons Convention and the Australia Group; to the Committee on Foreign Relations.

EC-8776. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-035); to the Committee on Foreign Relations.

EC-8777. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-171); to the Committee on Foreign Relations.

EC-8778. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-064); to the Committee on Foreign Relations.



EC-8779. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Removal of Job Training Partnership Act Implementing Regulations" (RIN1205-AB68) received in the Office of the President of the Senate on December 31, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8780. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report on National HIV Testing Goals; to the Committee on Health, Education, Labor, and Pensions.

EC-8781. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Agency Financial Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. LANDRIEU (for herself, Mr. BLUNT, Mr. INHOFE, Mr. DURBIN, Mrs. MCCASKILL, Ms. CANTWELL, Mr. WARNER, Ms. KLOBUCHAR, Mr. GRASSLEY, Ms. MIKULSKI, Mr. LUGAR, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. Res. 628. A resolution expressing the deep disappointment of the Senate in the enactment by the Russian Government of a law ending inter-country adoptions of Russian children by United States citizens and urging the Russia Government to reconsider the law and prioritize the processing of inter-country adoptions involving parentless Russian children who were already matched with United States families before the enactment of the law; considered and agreed to.

By Mr. REID (for himself and Mr. PRYOR):

S. Res. 629. A resolution to authorize the production of records by the Committee on Armed Services; considered and agreed to.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 628—EXPRESSING THE DEEP DISAPPOINTMENT OF THE SENATE IN THE ENACTMENT BY THE RUSSIAN GOVERNMENT OF A LAW ENDING INTER-COUNTRY ADOPTIONS OF RUSSIAN CHILDREN BY UNITED STATES CITIZENS AND URGING THE RUSSIA GOVERNMENT TO RECONSIDER THE LAW AND PRIORITIZE THE PROCESSING OF INTER-COUNTRY ADOPTIONS INVOLVING PARENTLESS RUSSIAN CHILDREN WHO WERE ALREADY MATCHED WITH UNITED STATES FAMILIES BEFORE THE ENACTMENT OF THE LAW

Ms. LANDRIEU (for herself, Mr. BLUNT, Mr. INHOFE, Mr. DURBIN, Mrs. MCCASKILL, Ms. CANTWELL, Mr. WARNER, Ms. KLOBUCHAR, Mr. GRASSLEY, Ms. MIKULSKI, Mr. LUGAR, Mr. LAUTEN-

BERG, and Mr. MENENDEZ) submitted the following resolution; which was submitted and read:

S. RES. 628

Whereas United Nations Children's Fund (UNICEF) estimates that there are 740,000 children in Russia living without parental care;

Whereas the Ministry of Science and Education of Russia estimates that 110,000 children live in state institutions in Russia;

Whereas the number of adoptions by Russian families is modest, with only 7,400 domestic adoptions in 2011 compared with 3,400 adoptions of Russian children by families abroad;

Whereas on December 28, 2012, Russian Federation President Vladimir Putin signed into law legislation entitled "On Measures Concerning the Implementation of Government Policy on Orphaned Children and those without Parental Care", which includes language that permanently bans adoptions of Russian children by United States citizens;

Whereas a spokesman for President Putin, Dmitry Peskov, announced that the law is to take effect on January 1, 2013, thereby abrogating the bilateral agreement between Russia and the United States that entered into force on November 1, 2012, and requires both countries to provide one year notice of intent to terminate the agreement;

Whereas 46, and possibly more, inter-country adoptions of Russian children by United States families have already received a final adoption decree from the Russia judicial system, and hundreds of other United States families are in the process of adopting Russian children;

Whereas United Nations Children's Fund released a statement urging the Russia Government to ensure that "the current plight of the many Russian children in institutions receives priority attention" and that the Russia Government consider alternatives to institutionalization including "domestic adoption and inter-country adoption";

Whereas the United Nations, the Hague Conference on Private International Law, and other international organizations have recognized a child's right to a family as a basic human right worthy of protection;

Whereas the Christian Alliance for Orphans reports that United States families have opened their homes to more than 179,000 orphans from overseas in the last 20 years;

Whereas after China and Ethiopia, Russia is the third most popular country for United States citizens who adopt internationally;

Whereas adoption, both domestic and international, is an important child protection tool and an integral part of child welfare best practices around the world, along with prevention of abandonment and family reunification; and

Whereas more than 60,000 Russia-born children have found safe, permanent, and loving homes with United States families over the last two decades: Now, therefore, be it

*Resolved*, That the Senate—

(1) affirms that all children deserve a permanent, protective family;

(2) values the long tradition of the United States and Russia Governments working together to find permanent homes for unparented children;

(3) disapproves of the Russia law ending inter-country adoptions of Russian children by United States citizens because it primarily harms vulnerable and voiceless children; and

(4) strongly urges the Russia Government to reconsider the law on humanitarian grounds, in consideration of the well-being of

parentless Russian children awaiting a loving and permanent family, and prioritize the processing of inter-country adoptions of Russian children by United States citizens that were initiated before the enactment of the law.

Mr. BLUNT. Mr. President, I come to the floor today to join my colleague, Senator LANDRIEU from Louisiana, to talk about Russian adoptions and the decision by the Russian Duma and the President, President Putin, to sign a law that includes a provision that bans adoption of Russian children by American families. This ban is going into effect tomorrow—tomorrow. This is a ban which would go into effect tomorrow with four dozen American families in the process of bringing a child home from Russia.

My wife Abby and I adopted our son Charlie from Russia a number of years ago now. After visits to Russia and as we were leaving the courthouse the day the court procedures were accomplished, we were in the car with people who had helped us with that adoption who represented an organization here in the United States—in this case, the Gladney organization in Texas—and they got a call that four of their fellow organizations had just been decertified in Russia. They were decertified for some technical reason with their papers. All of the adoptions they had done were reviewed, and at least one error was found in one paper somewhere. Over the course of the next 12 months, as every single agency came up for review—and this was about 6 years ago now—every one of them had a problem that wound up with their being disqualified.

At the end of that year, there wasn't a single American organization that could be helpful to an American family with a Russian adoption because that was the policy the government decided at that time. They were going to somehow penalize American families who wanted to adopt Russian kids in ways that made that virtually impossible.

At that time, there were families who had met a child, who had bonded with that child, who had taken pictures home, who had talked to doctors in Russia and the United States, and who had done everything a family needed to do, and who had even gotten ready to go to court. I think at that point, if you had gone to court, you probably took your child home with you, but that is not the case right now. But they all were caught in a situation where in some cases it was 2 or 3 more years before that adoption was allowed to be completed, if it was ever allowed to be completed.

Now the Russian Government has decided once again to use Russian kids in orphanages as political pawns to help create some international dispute with the United States. This is not behavior that is worthy of the credit that, frankly, we just gave the Russians whenever we entered into a trade



agreement that said: We want to accept you further into the relationships we have.

By the way, I have talked to parents in the last few days who have adopted children from Russia. These are parents who, like every one of us in this room right now on the floor of the Senate, grew up at a time when the Soviet Union was seen as a great adversary. But suddenly the bonding that occurred between our two countries because of this opportunity for Russian kids to become American kids made a big difference in the way Americans looked at Russians and the way Russians looked at Americans. But this is a difference that somehow the Russian Government wants to do away with as they take offense because we—appropriately, I think—put in the Russian trade agreement penalties for people who were involved in the imprisonment and death of Russian attorney Sergei Magnitsky in 2009. We were pretty specific about the narrow group to which this applied. And they are very specific about the 110,000 kids in orphanages in Russia today who cannot be adopted by American families because they have decided to use these kids as a political tool. It is the wrong thing to do.

Russia and the United States have had a tradition now that goes back to the end of the Cold War of working together to find permanent homes for children without parents in our country. As recently as November 1 of last year, we signed a bilateral agreement to strengthen the procedural safeguards for this process so that families who got involved wouldn't get way down the line or get into the line at all and find out they were not going to let this happen.

We have one family in St. Louis who has adopted, they have gone to court, have been to Russia multiple times, and the court has said they are now the adoptive parents—the Russian court—of this child, but under the new requirement, they have to wait another 30 days before they can come back and take this child home. And now the Russian Government says they can never take this child home. That is totally unacceptable.

Last week Senator LANDRIEU and I, along with at least a dozen other Senators, sent a letter to President Putin urging him not to violate the agreement by signing the law. Mr. President, I ask unanimous consent to have printed in the RECORD the letter to his Excellency Vladimir Putin.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,  
Washington, DC, December 21, 2012.  
His Excellency VLADIMIR PUTIN,  
President of the Russian Federation, The Kremlin,  
Moscow, Russia.

DEAR MR. PRESIDENT: We respectfully ask you to veto the law "On Measures of Coercion on Persons, Involved in the Violation of

the Rights of Russian Citizens," which includes language that permanently bans adoptions of Russian children by American families. We are deeply saddened by the events in the Duma over the past few days which have led to the passage of this law, that would abrogate the bilateral agreement between our two countries that you signed earlier this year and which entered into force on November 1, 2012. We fear that this overly broad law would have dire consequences for Russian children.

If the law takes effect, thousands of Russian children living in institutions may lose an opportunity to become part of a family. As you know, our two countries have a long tradition of working together to find permanent homes for unparented children. At any given moment, based on the statistics of the past few years, there are at least 1,000 Russian children in the process of finding supportive and protective families in the United States. They and those who would follow them would become the real victims of a misplaced legislative effort. We share in your desire to ensure the wellbeing and safety of all adopted children and remain steadfast to the commitments we made in the bilateral agreement.

Nothing is more important to the future of our world than doing our best to give as many children the chance to grow up in a family as we possibly can.

We hope that your spirit of compassion for voiceless children will prevail so that this sad turn of events will not lead to harm to so many innocent children.

MARY L. LANDRIEU,  
JOHN BOOZMAN,  
MARIA CANTWELL,  
ROGER F. WICKER,  
JIM INHOFE,  
KAREN BASS,  
JOHN SARBANES,  
JOHN CORNYN,  
JOE LIEBERMAN,  
FRANK R. LAUTENBERG,  
ROY BLUNT,  
CHUCK GRASSLEY,  
DAVE CAMP,  
DANIEL LIPINSKI,  
AMY KLOBUCHAR,  
JEANNE SHAHEEN.

Mr. BLUNT. He signed the law anyway. Senator LANDRIEU and I are going to have a resolution that she is going to talk about, asking not only that this position be reversed but that immediately we do whatever is necessary to unite these families who have already bonded with children who are in orphanages in Russia.

I talked to a number of parents just yesterday. Bob and Sandy Davis of St. Louis have been very involved in the efforts for adoptive children from Russia and the Ukraine.

I talked to a young man this morning, Sergei Quincy, from Branson, who is 22, who was adopted by the Quincys in Branson when he was 14. At 14, he came to the United States, didn't speak any English, started the ninth grade, learned English, and at 22 he is now happily married with a couple of young children. He told me the moment of his adoption was the moment that made his dreams possible. He had a bad family situation, institutionalized with his brother and his sister in three different orphanages, and his

brother was adopted by the same family who didn't know about his sister.

I talked to Senator John Lamping of Missouri, who adopted a son who is now 14 who had never gone to school. He was adopted at 8 or 9 years old, and he had never been to school anywhere.

I would hope the Senate speaks strongly and that we work as effectively as we can with the Russian representatives in this country to help them right this wrong—the immediate and unbelievable wrong for almost 50 families who know the child they are about to bring into their family and emotionally and psychologically already have.

For all the kids in Russia, the country that is No. 3 in foreign adoptions for the United States—all those kids who are likely to spend their growing-up years in an orphanage and at 15 or 16 be put out of that orphanage with no support system there are families in the United States of America who want to make them part of their family.

I would like to close by saying I continue to appreciate the great leadership on all these adoption issues that Senator LANDRIEU has shown and look forward to working with her and others as we try to help right this tragic wrong.

I would be glad to yield to my good friend from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am proud to join my friend, the Senator from Missouri, on the floor to add voice to this travesty that has recently occurred.

The Senator from Missouri described the situation accurately; that a country that claims to be a powerful nation on the Earth has decided to take powerful action against the weakest, most vulnerable individuals on the Earth, and those are children without families.

It makes no sense whatsoever for the country of Russia to take the action they did because they are in a disagreement with us in America—and maybe others around the world—about human rights violations regarding adults.

The Russian Government, in front of the whole world, has taken their anger and frustration out on their own children—their own children who are orphans, their own children who are sick, their own children who, in some cases, are disabled. It makes no sense in the world.

I was trying to think, I say to the Senator from Missouri, of what would ever possess the United States of America or any country to take their anger and their frustrations out on children. That is what the Duma did.

They are hurting their own children, and we would like to urge them strongly in this resolution—which I am going to submit for its immediate consideration on my behalf and Senator BLUNT

and Senator INHOFE. We would like to ask the Russian Government to please reconsider—there might be other actions they could take to make it clear they are unhappy with some things we have done, but damning their children should not be one of them, causing children to not have an opportunity for a family or an education or health care or enough food—and to please be considerate of their needs.

The 50 or so families who are in the very end of the process, we also want to ask the government to understand that just as birth parents anticipate the birth of their child, adoptive parents anticipate the coming of that union to their family. Most important, many of these children are not infants. Some of them are, but some of them are older children who know they are about to be adopted, who understand that a mother or a father has already agreed to take them to the United States. It is going to crush their hopes and their dreams and their spirit.

We are hoping the Russian Government will reconsider.

This resolution, I hope, will be joined by our colleagues in a strong vote of support. I know that with the Senator from Missouri, he and I will continue to work in every way we can to see if we can find a better resolution.

But there are a couple other things I wish to say about this quickly. I want everyone to be clear that in the United States of America—and I am very proud of our country in this regard—we adopt over 100,000 children a year. We have 350 million people-plus, but we adopt 100,000 children. Most of those children are American children adopted by American parents, children who have lost their parents, children who have been abandoned by their parents, children who have been grossly abandoned or neglected by their parents and the courts have stepped in and terminated those rights and we immediately find relatives or people in the community to adopt because we believe, as Americans—and many people around the world—that children shouldn't raise themselves. Every child belongs in a family, in a permanent, loving, supportive, protective family, and it is our job as a government and our job as a faith-based community and our responsibility as a community to make sure there is no parentless child in the world.

So we work very hard, not just government to government but in the churches, in the faith-based communities, working with nonprofit organizations, to make the rules and regulations and systems strong to protect children and also to protect fragile families from disintegrating, reconnecting children with families, trying our very best to do that.

We want to work with Russia to strengthen their internal child protection system. We work on strengthening

ours every day. It is not perfect, but it is one of the best in the world. We still make terrible mistakes, but we do want to continue to work to improve our child welfare system. But adoption, both domestic and international—kinship adoption included—is a very important tool of child protection. We want to do a better job in the United States. We want to continue to keep avenues of adoption open for children from Russia, from China, from Romania, et cetera.

Some people may be wondering: Senator, you are so bold speaking about this. Are children from America adopted overseas? The answer is yes—not many, but under the international treaties of the rights of a child to a family, we need to be open to have American children—if they can't find an adoptive home here—to be able to go to other countries.

But the most important thing is to know that Americans step up every day to adopt American children, both infants, teenagers, and I have even known of adoptions of children who were 22 and 23 years of age. When are you ever too old to need a mother and a father?

But the action the Russian Duma has taken is a travesty, and it is incomprehensible that any government would take their anger out on another country against the children of their own country. We hope they will reconsider. We hope the people of Russia will rise and tell their government: Absolutely not. Take out your anger and frustration in another way, not on our own children, and allow these adoptions to be processed.

#### SENATE RESOLUTION 629—TO AUTHORIZE THE PRODUCTION OF RECORDS BY THE COMMITTEE ON ARMED SERVICES

Mr. REID (for himself and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

##### S. RES. 629

Whereas, the United States Air Force has initiated an independent review of the case of Major General John D. Lavelle, who has been nominated to be advanced posthumously on the retired list to the rank of general;

Whereas, the Committee has received a request from the Secretary of the Air Force that those conducting the independent review of Major General Lavelle's nomination be given access to the Committee's executive session documents relating to Major General Lavelle's 1972 nomination to the rank of lieutenant general on the retired list of the Air Force;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the

Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Committee on Armed Services, acting jointly, are authorized to provide, under appropriate security procedures, records from the Committee's executive sessions relating to Major General John D. Lavelle's 1972 nomination to those persons conducting the independent review of Major General Lavelle's case on behalf of the Air Force.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3448. Mr. REID (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 8, providing for comprehensive tax reform, and for other purposes.

SA 3449. Mr. PRYOR (for Mr. NELSON of Florida (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 6586, to extend the application of certain space launch liability provisions through 2014.

SA 3450. Mr. PRYOR (for Mr. REID) proposed an amendment to the bill H.R. 8, providing for comprehensive tax reform, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 3448.** Mr. REID (for himself and Mr. McCONNELL) proposed an amendment to the bill H.R. 8, providing for comprehensive tax reform, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the "American Taxpayer Relief Act of 2012".

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

##### TITLE I—GENERAL EXTENSIONS

###### SUBTITLE A—TAX RELIEF

Sec. 101. Permanent extension and modification of 2001 tax relief.

Sec. 102. Permanent extension and modification of 2003 tax relief.

Sec. 103. Extension of 2009 tax relief.

Sec. 104. Permanent alternative minimum tax relief.

##### TITLE II—INDIVIDUAL TAX EXTENDERS

Sec. 201. Extension of deduction for certain expenses of elementary and secondary school teachers.

Sec. 202. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.

Sec. 203. Extension of parity for exclusion from income for employer-provided mass transit and parking benefits.

Sec. 204. Extension of mortgage insurance premiums treated as qualified residence interest.

- Sec. 205. Extension of deduction of State and local general sales taxes.
- Sec. 206. Extension of special rule for contributions of capital gain real property made for conservation purposes.
- Sec. 207. Extension of above-the-line deduction for qualified tuition and related expenses.
- Sec. 208. Extension of tax-free distributions from individual retirement plans for charitable purposes.
- Sec. 209. Improve and make permanent the provision authorizing the Internal Revenue Service to disclose certain return and return information to certain prison officials.

#### TITLE III—BUSINESS TAX EXTENDERS

- Sec. 301. Extension and modification of research credit.
- Sec. 302. Extension of temporary minimum low-income tax credit rate for non-federally subsidized new buildings.
- Sec. 303. Extension of housing allowance exclusion for determining area median gross income for qualified residential rental project exempt facility bonds.
- Sec. 304. Extension of Indian employment tax credit.
- Sec. 305. Extension of new markets tax credit.
- Sec. 306. Extension of railroad track maintenance credit.
- Sec. 307. Extension of mine rescue team training credit.
- Sec. 308. Extension of employer wage credit for employees who are active duty members of the uniformed services.
- Sec. 309. Extension of work opportunity tax credit.
- Sec. 310. Extension of qualified zone academy bonds.
- Sec. 311. Extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
- Sec. 312. Extension of 7-year recovery period for motorsports entertainment complexes.
- Sec. 313. Extension of accelerated depreciation for business property on an Indian reservation.
- Sec. 314. Extension of enhanced charitable deduction for contributions of food inventory.
- Sec. 315. Extension of increased expensing limitations and treatment of certain real property as section 179 property.
- Sec. 316. Extension of election to expense mine safety equipment.
- Sec. 317. Extension of special expensing rules for certain film and television productions.
- Sec. 318. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
- Sec. 319. Extension of modification of tax treatment of certain payments to controlling exempt organizations.
- Sec. 320. Extension of treatment of certain dividends of regulated investment companies.
- Sec. 321. Extension of RIC qualified investment entity treatment under FIRPTA.
- Sec. 322. Extension of subpart F exception for active financing income.
- Sec. 323. Extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
- Sec. 324. Extension of temporary exclusion of 100 percent of gain on certain small business stock.
- Sec. 325. Extension of basis adjustment to stock of S corporations making charitable contributions of property.
- Sec. 326. Extension of reduction in S-corporation recognition period for built-in gains tax.
- Sec. 327. Extension of empowerment zone tax incentives.
- Sec. 328. Extension of tax-exempt financing for New York Liberty Zone.
- Sec. 329. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
- Sec. 330. Modification and extension of American Samoa economic development credit.
- Sec. 331. Extension and modification of bonus depreciation.

#### TITLE IV—ENERGY TAX EXTENDERS

- Sec. 401. Extension of credit for energy-efficient existing homes.
- Sec. 402. Extension of credit for alternative fuel vehicle refueling property.
- Sec. 403. Extension of credit for 2- or 3-wheeled plug-in electric vehicles.
- Sec. 404. Extension and modification of cellulosic biofuel producer credit.
- Sec. 405. Extension of incentives for biodiesel and renewable diesel.
- Sec. 406. Extension of production credit for Indian coal facilities placed in service before 2009.
- Sec. 407. Extension and modification of credits with respect to facilities producing energy from certain renewable resources.
- Sec. 408. Extension of credit for energy-efficient new homes.
- Sec. 409. Extension of credit for energy-efficient appliances.
- Sec. 410. Extension and modification of special allowance for cellulosic biofuel plant property.
- Sec. 411. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
- Sec. 412. Extension of alternative fuels excise tax credits.

#### TITLE V—UNEMPLOYMENT

- Sec. 501. Extension of emergency unemployment compensation program.
- Sec. 502. Temporary extension of extended benefit provisions.
- Sec. 503. Extension of funding for reemployment services and reemployment and eligibility assessment activities.
- Sec. 504. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

#### TITLE VI—MEDICARE AND OTHER HEALTH EXTENSIONS

##### Subtitle A—Medicare Extensions

- Sec. 601. Medicare physician payment update.
- Sec. 602. Work geographic adjustment.
- Sec. 603. Payment for outpatient therapy services.

- Sec. 604. Ambulance add-on payments.
- Sec. 605. Extension of Medicare inpatient hospital payment adjustment for low-volume hospitals.
- Sec. 606. Extension of the Medicare-dependent hospital (MDH) program.
- Sec. 607. Extension for specialized Medicare Advantage plans for special needs individuals.
- Sec. 608. Extension of Medicare reasonable cost contracts.
- Sec. 609. Performance improvement.
- Sec. 610. Extension of funding outreach and assistance for low-income programs.

##### Subtitle B—Other Health Extensions

- Sec. 621. Extension of the qualifying individual (QI) program.
- Sec. 622. Extension of Transitional Medical Assistance (TMA).
- Sec. 623. Extension of Medicaid and CHIP Express Lane option.
- Sec. 624. Extension of family-to-family health information centers.
- Sec. 625. Extension of Special Diabetes Program for Type I diabetes and for Indians.

##### Subtitle C—Other Health Provisions

- Sec. 631. IPPS documentation and coding adjustment for implementation of MS-DRGs.
- Sec. 632. Revisions to the Medicare ESRD bundled payment system to reflect findings in the GAO report.
- Sec. 633. Treatment of multiple service payment policies for therapy services.
- Sec. 634. Payment for certain radiology services furnished under the Medicare hospital outpatient department prospective payment system.
- Sec. 635. Adjustment of equipment utilization rate for advanced imaging services.
- Sec. 636. Medicare payment of competitive prices for diabetic supplies and elimination of overpayment for diabetic supplies.
- Sec. 637. Medicare payment adjustment for non-emergency ambulance transports for ESRD beneficiaries.
- Sec. 638. Removing obstacles to collection of overpayments.
- Sec. 639. Medicare advantage coding intensity adjustment.
- Sec. 640. Elimination of all funding for the Medicare Improvement Fund.
- Sec. 641. Rebasing of State DSH allotments.
- Sec. 642. Repeal of CLASS program.
- Sec. 643. Commission on Long-Term Care.
- Sec. 644. Consumer Operated and Oriented Plan program contingency fund.

#### TITLE VII—EXTENSION OF AGRICULTURAL PROGRAMS

- Sec. 701. 1-year extension of agricultural programs.
- Sec. 702. Supplemental agricultural disaster assistance.

#### TITLE IX—MISCELLANEOUS PROVISIONS

- Sec. 901. Strategic delivery systems.
- Sec. 902. No cost of living adjustment in pay of members of congress.

#### TITLE X—BUDGET PROVISIONS

##### Subtitle A—Modifications of Sequestration

- Sec. 1001. Treatment of sequester.
- Sec. 1002. Amounts in applicable retirement plans may be transferred to designated Roth accounts without distribution.

Subtitle B—Budgetary Effects  
Sec. 1011. Budgetary effects.

# **TITLE I—GENERAL EXTENSIONS**

## **Subtitle A—Tax Relief**

### **SEC. 101. PERMANENT EXTENSION AND MODIFICATION OF 2001 TAX RELIEF.**

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—The Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking title IX.

(2) CONFORMING AMENDMENT.—The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is amended by striking section 304.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable, plan, or limitation years beginning after December 31, 2012, and estates of decedents dying, gifts made, or generation skipping transfers after December 31, 2012.

(b) APPLICATION OF INCOME TAX TO CERTAIN HIGH-INCOME TAXPAYERS.—

(1) INCOME TAX RATES.—

(A) TREATMENT OF 25-, 28-, AND 33-PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) is amended to read as follows:

“(2) 25-, 28-, AND 33-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)),

“(B) by substituting ‘28%’ for ‘31%’ each place it appears, and

“(C) by substituting ‘33%’ for ‘36%’ each place it appears.”.

(B) 35-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) MODIFICATIONS TO INCOME TAX BRACKETS FOR HIGH-INCOME TAXPAYERS.—

“(A) 35-PERCENT RATE BRACKET.—In the case of taxable years beginning after December 31, 2012—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the highest rate bracket shall be 35 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable threshold, over

“Over \$500,000 but not over \$750,000 .....	\$155,800, plus 37 percent of the excess of such amount over \$500,000.
Over \$750,000 but not over \$1,000,000 .....	\$248,300, plus 39 percent of the excess of such amount over \$750,000.
Over \$1,000,000 .....	\$345,800, plus 40 percent of the excess of such amount over \$1,000,000.”.

(2) TECHNICAL CORRECTION.—Clause (i) of section 2010(c)(4)(B) is amended by striking “basic exclusion amount” and inserting “applicable exclusion amount”.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as otherwise provided by in this paragraph, the amendments made by this subsection shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2012.

(B) TECHNICAL CORRECTION.—The amendment made by paragraph (2) shall take effect as if included in the amendments made by section 303 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

### **SEC. 102. PERMANENT EXTENSION AND MODIFICATION OF 2003 TAX RELIEF.**

(a) PERMANENT EXTENSION.—The Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph

“(II) the dollar amount at which such bracket begins, and

“(ii) the 39.6 percent rate of tax under such subsections shall apply only to the taxpayer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$450,000 in the case of subsection (a),

“(ii) \$425,000 in the case of subsection (b),

“(iii) \$400,000 in the case of subsection (c), and

“(iv) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (C)) in the case of subsection (d).

“(C) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2013, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (B) shall be adjusted in the same manner as under paragraph (1)(C)(i), except that subsection (f)(3)(B) shall be applied by substituting ‘2012’ for ‘1992’.”.

(2) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(A) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(i) by striking subsection (b) and inserting the following:

“(b) APPLICABLE AMOUNT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘applicable amount’ means—

“(A) \$300,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

“(B) \$275,000 in the case of a head of household (as defined in section 2(b)),

“(C) \$250,000 in the case of an individual who is not married and who is not a surviving spouse or head of household, and

“(D) ½ the amount applicable under subparagraph (A) (after adjustment, if any, under paragraph (2)) in the case of a married individual filing a separate return.

For purposes of this paragraph, marital status shall be determined under section 7703.

“(2) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in calendar years after 2013, each of the dollar amounts under

subparagraphs (A), (B), and (C) of paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, except that section 1(f)(3)(B) shall be applied by substituting ‘2012’ for ‘1992’.

If any amount after adjustment under the preceding sentence is not a multiple of \$50, such amount shall be rounded to the next lowest multiple of \$50.”, and

(ii) by striking subsections (f) and (g).

(B) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(i) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(I) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable amount in effect under section 68(b)”.

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

(c) MODIFICATIONS OF ESTATE TAX.—

(1) MAXIMUM ESTATE TAX RATE EQUAL TO 40 PERCENT.—The table contained in subsection (c) of section 2001, as amended by section 302(a)(2) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended by striking “Over \$500,000” and all that follows and inserting the following:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus”.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 5351(f)(2) of title 46, United States Code.

(C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 39.6 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraph:

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking “5 percent (0 percent in the case of taxable years beginning after 2007)” and inserting “0 percent”.

(3) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2013.

**SEC. 103. EXTENSION OF 2009 TAX RELIEF.**

(a) 5-YEAR EXTENSION OF AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking “in 2009, 2010, 2011, or 2012” and inserting “after 2008 and before 2018”.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “in 2009, 2010, 2011, and 2012” each place it appears and inserting “after 2008 and before 2018”.

(b) 5-YEAR EXTENSION OF CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking “2009, 2010, 2011, AND 2012” in the heading and inserting “FOR CERTAIN YEARS”, and

(2) by striking “in 2009, 2010, 2011, or 2012” and inserting “after 2008 and before 2018”.

(c) 5-YEAR EXTENSION OF EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking “2009, 2010, 2011, AND 2012” in the heading and inserting “FOR CERTAIN YEARS”, and

(2) by striking “in 2009, 2010, 2011, or 2012” and inserting “after 2008 and before 2018”.

(d) PERMANENT EXTENSION OF RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Section 6409 is amended to read as follows:

**“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

“Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) RULE REGARDING DISREGARD OF REFUNDS.—The amendment made by subsection (d) shall apply to amounts received after December 31, 2012.

**SEC. 104. PERMANENT ALTERNATIVE MINIMUM TAX RELIEF.**

(a) 2012 EXEMPTION AMOUNTS MADE PERMANENT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(A) by striking “\$45,000” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750”,

(B) by striking “\$33,750” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600”, and

(C) by striking “paragraph (1)(A)” in subparagraph (C) and inserting “subparagraph (A)”.

(b) EXEMPTION AMOUNTS INDEXED FOR INFLATION.—

(1) IN GENERAL.—Subsection (d) of section 55 is amended by adding at the end the following new paragraph:

“(4) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2012, the amounts described in subparagraph (B) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) AMOUNTS DESCRIBED.—The amounts described in this subparagraph are—

“(i) each of the dollar amounts contained in subsection (b)(1)(A)(i),

“(ii) each of the dollar amounts contained in paragraph (1), and

“(iii) each of the dollar amounts in subparagraphs (A) and (B) of paragraph (3).

“(C) ROUNDING.—Any increase determined under subparagraph (A) shall be rounded to the nearest multiple of \$100.”.

(2) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 55(b)(1)(A) is amended by striking “by substituting” and all that follows through “appears.” and inserting “by substituting 50 percent of the dollar amount otherwise applicable under subclause (I) and subclause (II) thereof.”.

(B) Paragraph (3) of section 55(d) is amended—

(i) by striking “or (2)” in subparagraph (A),

(ii) by striking “and” at the end of subparagraph (B), and

(iii) by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) 50 percent of the dollar amount applicable under subparagraph (A) in the case of a taxpayer described in subparagraph (C) or (D) of paragraph (1), and

“(D) \$150,000 in the case of a taxpayer described in paragraph (2).”.

(c) ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE CREDITS.—

(1) IN GENERAL.—Subsection (a) of section 26 is amended to read as follows:

“(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

“(1) the taxpayer’s regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

“(2) the tax imposed by section 55(a) for the taxable year.”.

(2) CONFORMING AMENDMENTS.—

(A) ADOPTION CREDIT.—

(i) Section 23(b) is amended by striking paragraph (4).

(ii) Section 23(c) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(iii) Section 23(c) is amended by redesignating paragraph (3) as paragraph (2).

(B) CHILD TAX CREDIT.—

(i) Section 24(b) is amended by striking paragraph (3).

(ii) Section 24(d)(1) is amended—

(I) by striking “section 26(a)(2) or subsection (b)(3), as the case may be,” each place it appears in subparagraphs (A) and (B) and inserting “section 26(a)”, and

(II) by striking “section 26(a)(2) or subsection (b)(3), as the case may be” in the second last sentence and inserting “section 26(a)”.

(C) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) is amended to read as follows:

“(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term ‘applicable tax limit’ means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).”.

(D) HOPE AND LIFETIME LEARNING CREDITS.—Section 25A(i) is amended—

(i) by striking paragraph (5) and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively, and

(ii) by striking “section 26(a)(2) or paragraph (5), as the case may be” in paragraph (5), as redesignated by clause (i), and inserting “section 26(a)”.

(E) SAVERS’ CREDIT.—Section 25B is amended by striking subsection (g).

(F) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—Section 25D(c) is amended to read as follows:

“(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.”.

(G) CERTAIN PLUG-IN ELECTRIC VEHICLES.—Section 30(c)(2) is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(H) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(I) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(J) CROSS REFERENCES.—Section 55(c)(3) is amended by striking “26(a), 30C(d)(2),” and inserting “30C(d)(2)”.

(K) FOREIGN TAX CREDIT.—Section 904 is amended by striking subsection (i) and by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(L) FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.—Section 1400C(d) is amended to read as follows:

“(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

## TITLE II—INDIVIDUAL TAX EXTENDERS

### SEC. 201. EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2011” and inserting “2011, 2012, or 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

### SEC. 202. EXTENSION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (E) of section 108(a)(1) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to indebtedness discharged after December 31, 2012.

### SEC. 203. EXTENSION OF PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2011.

### SEC. 204. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.

(a) IN GENERAL.—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) TECHNICAL AMENDMENTS.—Clause (i) of section 163(h)(4)(E) is amended—

(1) by striking “Veterans Administration” and inserting “Department of Veterans Affairs”, and

(2) by striking “Rural Housing Administration” and inserting “Rural Housing Service”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2011.

### SEC. 205. EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

### SEC. 206. EXTENSION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contribu-

tions made in taxable years beginning after December 31, 2011.

### SEC. 207. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

### SEC. 208. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2011.

(2) SPECIAL RULES.—For purposes of subsections (a)(6), (b)(3), and (d)(8) of section 408 of the Internal Revenue Code of 1986, at the election of the taxpayer (at such time and in such manner as prescribed by the Secretary of the Treasury)—

(A) any qualified charitable distribution made after December 31, 2012, and before February 1, 2013, shall be deemed to have been made on December 31, 2012, and

(B) any portion of a distribution from an individual retirement account to the taxpayer after November 30, 2012, and before January 1, 2013, may be treated as a qualified charitable distribution to the extent that—

(i) such portion is transferred in cash after the distribution to an organization described in section 408(d)(8)(B)(i) before February 1, 2013, and

(ii) such portion is part of a distribution that would meet the requirements of section 408(d)(8) but for the fact that the distribution was not transferred directly to an organization described in section 408(d)(8)(B)(i).

### SEC. 209. IMPROVE AND MAKE PERMANENT THE PROVISION AUTHORIZING THE INTERNAL REVENUE SERVICE TO DISCLOSE CERTAIN RETURN AND RETURN INFORMATION TO CERTAIN PRISON OFFICIALS.

(a) IN GENERAL.—Paragraph (10) of section 6103(k) is amended to read as follows:

“(10) DISCLOSURE OF CERTAIN RETURNS AND RETURN INFORMATION TO CERTAIN PRISON OFFICIALS.—

“(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose to officers and employees of the Federal Bureau of Prisons and of any State agency charged with the responsibility for administration of prisons any returns or return information with respect to individuals incarcerated in Federal or State prison systems whom the Secretary has determined may have filed or facilitated the filing of a false or fraudulent return to the extent that the Secretary determines that such disclosure is necessary to permit effective Federal tax administration.

“(B) DISCLOSURE TO CONTRACTOR-RUN PRISONS.—Under such procedures as the Secretary may prescribe, the disclosures authorized by subparagraph (A) may be made to contractors responsible for the operation of a Federal or State prison on behalf of such Bureau or agency.

“(C) RESTRICTIONS ON USE OF DISCLOSED INFORMATION.—Any return or return information received under this paragraph shall be used only for the purposes of and to the extent necessary in taking administrative ac-

tion to prevent the filing of false and fraudulent returns, including administrative actions to address possible violations of administrative rules and regulations of the prison facility and in administrative and judicial proceedings arising from such administrative actions.

“(D) RESTRICTIONS ON REDISCLOSURE AND DISCLOSURE TO LEGAL REPRESENTATIVES.—Notwithstanding subsection (h)—

“(i) RESTRICTIONS ON REDISCLOSURE.—Except as provided in clause (ii), any officer, employee, or contractor of the Federal Bureau of Prisons or of any State agency charged with the responsibility for administration of prisons shall not disclose any information obtained under this paragraph to any person other than an officer or employee or contractor of such Bureau or agency personally and directly engaged in the administration of prison facilities on behalf of such Bureau or agency.

“(ii) DISCLOSURE TO LEGAL REPRESENTATIVES.—The returns and return information disclosed under this paragraph may be disclosed to the duly authorized legal representative of the Federal Bureau of Prisons, State agency, or contractor charged with the responsibility for administration of prisons, or of the incarcerated individual accused of filing the false or fraudulent return who is a party to an action or proceeding described in subparagraph (C), solely in preparation for, or for use in, such action or proceeding.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (3) of section 6103(a) is amended by inserting “subsection (k)(10),” after “subsection (e)(1)(D)(iii).”.

(2) Paragraph (4) of section 6103(p) is amended—

(A) by inserting “subsection (k)(10),” before “subsection (l)(10),” in the matter preceding subparagraph (A),

(B) in subparagraph (F)(i)—

(i) by inserting “(k)(10),” before “or (l)(6),” and

(ii) by inserting “subsection (k)(10) or” before “subsection (l)(10),” and

(C) by inserting “subsection (k)(10) or” before “subsection (l)(10),” both places it appears in the matter following subparagraph (F)(iii).

(3) Paragraph (2) of section 7213(a) is amended by inserting “(k)(10),” before “(l)(6).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

## TITLE III—BUSINESS TAX EXTENDERS

### SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) INCLUSION OF QUALIFIED RESEARCH EXPENSES AND GROSS RECEIPTS OF AN ACQUIRED PERSON.—

(1) PARTIAL INCLUSION OF PRE-ACQUISITION QUALIFIED RESEARCH EXPENSES AND GROSS RECEIPTS.—Subparagraph (A) of section 41(f)(3) is amended to read as follows:

“(A) ACQUISITIONS.—

“(i) IN GENERAL.—If a person acquires the major portion of either a trade or business or a separate unit of a trade or business (hereinafter in this paragraph referred to as the ‘acquired business’) of another person (hereinafter in this paragraph referred to as the



'predecessor'), then the amount of qualified research expenses paid or incurred by the acquiring person during the measurement period shall be increased by the amount determined under clause (ii), and the gross receipts of the acquiring person for such period shall be increased by the amount determined under clause (iii).

"(ii) AMOUNT DETERMINED WITH RESPECT TO QUALIFIED RESEARCH EXPENSES.—The amount determined under this clause is—

"(I) for purposes of applying this section for the taxable year in which such acquisition is made, the acquisition year amount, and

"(II) for purposes of applying this section for any taxable year after the taxable year in which such acquisition is made, the qualified research expenses paid or incurred by the predecessor with respect to the acquired business during the measurement period.

"(iii) AMOUNT DETERMINED WITH RESPECT TO GROSS RECEIPTS.—The amount determined under this clause is the amount which would be determined under clause (ii) if 'the gross receipts' were substituted for 'the qualified research expenses paid or incurred by' each place it appears in clauses (ii) and (iv).

"(iv) ACQUISITION YEAR AMOUNT.—For purposes of clause (ii), the acquisition year amount is the amount equal to the product of—

"(I) the qualified research expenses paid or incurred by the predecessor with respect to the acquired business during the measurement period, and

"(II) the number of days in the period beginning on the date of the acquisition and ending on the last day of the taxable year in which the acquisition is made, divided by the number of days in the acquiring person's taxable year.

"(v) SPECIAL RULES FOR COORDINATING TAXABLE YEARS.—In the case of an acquiring person and a predecessor whose taxable years do not begin on the same date—

"(I) each reference to a taxable year in clauses (ii) and (iv) shall refer to the appropriate taxable year of the acquiring person,

"(II) the qualified research expenses paid or incurred by the predecessor, and the gross receipts of the predecessor, during each taxable year of the predecessor any portion of which is part of the measurement period shall be allocated equally among the days of such taxable year,

"(III) the amount of such qualified research expenses taken into account under clauses (ii) and (iv) with respect to a taxable year of the acquiring person shall be equal to the total of the expenses attributable under subclause (II) to the days occurring during such taxable year, and

"(IV) the amount of such gross receipts taken into account under clause (iii) with respect to a taxable year of the acquiring person shall be equal to the total of the gross receipts attributable under subclause (II) to the days occurring during such taxable year.

"(vi) MEASUREMENT PERIOD.—For purposes of this subparagraph, the term 'measurement period' means, with respect to the taxable year of the acquiring person for which the credit is determined, any period of the acquiring person preceding such taxable year which is taken into account for purposes of determining the credit for such year."

(2) EXPENSES AND GROSS RECEIPTS OF A PREDECESSOR.—Subparagraph (B) of section 41(f)(3) is amended to read as follows:

"(B) DISPOSITIONS.—If the predecessor furnished to the acquiring person such information as is necessary for the application of subparagraph (A), then, for purposes of ap-

plying this section for any taxable year ending after such disposition, the amount of qualified research expenses paid or incurred by, and the gross receipts of, the predecessor during the measurement period (as defined in subparagraph (A)(vi), determined by substituting 'predecessor' for 'acquiring person' each place it appears) shall be reduced by—

"(i) in the case of the taxable year in which such disposition is made, an amount equal to the product of—

"(I) the qualified research expenses paid or incurred by, or gross receipts of, the predecessor with respect to the acquired business during the measurement period (as so defined and so determined), and

"(II) the number of days in the period beginning on the date of acquisition (as determined for purposes of subparagraph (A)(iv)(II)) and ending on the last day of the taxable year of the predecessor in which the disposition is made,

divided by the number of days in the taxable year of the predecessor, and

"(ii) in the case of any taxable year ending after the taxable year in which such disposition is made, the amount described in clause (i)(I)."

(c) AGGREGATION OF EXPENDITURES.—Paragraph (1) of section 41(f) is amended—

(1) by striking "shall be its proportionate shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit" in subparagraph (A)(ii) and inserting "shall be determined on a proportionate basis to its share of the aggregate of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, taken into account by such controlled group for purposes of this section", and

(2) by striking "shall be its proportionate shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit" in subparagraph (B)(ii) and inserting "shall be determined on a proportionate basis to its share of the aggregate of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, taken into account by all such persons under common control for purposes of this section".

(d) EFFECTIVE DATE.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after December 31, 2011.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2011.

#### SEC. 302. EXTENSION OF TEMPORARY MINIMUM LOW-INCOME TAX CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.

(a) IN GENERAL.—Subparagraph (A) of section 42(b)(2) is amended by striking "and before December 31, 2013" and inserting "with respect to housing credit dollar amount allocations made before January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 303. EXTENSION OF HOUSING ALLOWANCE EXCLUSION FOR DETERMINING AREA MEDIAN GROSS INCOME FOR QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) IN GENERAL.—Subsection (b) of section 3005 of the Housing Assistance Tax Act of 2008 is amended by striking "January 1, 2012" each place it appears and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if

included in the enactment of section 3005 of the Housing Assistance Tax Act of 2008.

#### SEC. 304. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking "December 31, 2011" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 305. EXTENSION OF NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) is amended by striking "2010 and 2011" and inserting "2010, 2011, 2012, and 2013".

(b) CARRYOVER OF UNUSED LIMITATION.—Paragraph (3) of section 45D(f) is amended by striking "2016" and inserting "2018".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2011.

#### SEC. 306. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking "January 1, 2012" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2011.

#### SEC. 307. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking "December 31, 2011" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 308. EXTENSION OF EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking "December 31, 2011" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2011.

#### SEC. 309. EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking "after" and all that follows and inserting "after December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2011.

#### SEC. 310. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by inserting ", 2012, and 2013" after "for 2011".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2011.

#### SEC. 311. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking "January 1, 2012" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2011.

#### SEC. 312. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking "December 31, 2011" and inserting "December 31, 2013".



(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. 313. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.**

(a) **IN GENERAL.**—Paragraph (8) of section 168(j) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. 314. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) **IN GENERAL.**—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made after December 31, 2011.

**SEC. 315. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.**

(a) **IN GENERAL.**—

(1) **DOLLAR LIMITATION.**—Section 179(b)(1) is amended—

(A) by striking “2010 or 2011,” in subparagraph (B) and inserting “2010, 2011, 2012, or 2013, and”,

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking “2012” and inserting “2013”.

(2) **REDUCTION IN LIMITATION.**—Section 179(b)(2) is amended—

(A) by striking “2010 or 2011,” in subparagraph (B) and inserting “2010, 2011, 2012, or 2013, and”,

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking “2012” and inserting “2013”.

(3) **CONFORMING AMENDMENT.**—Subsection (b) of section 179 is amended by striking paragraph (6).

(b) **COMPUTER SOFTWARE.**—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(c) **ELECTION.**—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(d) **SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.**—

(1) **IN GENERAL.**—Section 179(f)(1) is amended by striking “2010 or 2011” and inserting “2010, 2011, 2012, or 2013”.

(2) **CARRYOVER LIMITATION.**—

(A) **IN GENERAL.**—Section 179(f)(4) is amended by striking “2011” each place it appears and inserting “2013”.

(B) **CONFORMING AMENDMENT.**—Subparagraph (C) of section 179(f)(4) is amended—

(i) in the heading, by striking “2010” and inserting “2010, 2011 and 2012”, and

(ii) by adding at the end the following: “For the last taxable year beginning in 2013, the amount determined under subsection (b)(3)(A) for such taxable year shall be determined without regard to this paragraph.”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 316. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) **IN GENERAL.**—Subsection (g) of section 179E is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. 317. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.**

(a) **IN GENERAL.**—Subsection (f) of section 181 is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to productions commencing after December 31, 2011.

**SEC. 318. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) **IN GENERAL.**—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 6 taxable years” and inserting “first 8 taxable years”, and

(2) by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 319. EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) **IN GENERAL.**—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to payments received or accrued after December 31, 2011.

**SEC. 320. EXTENSION OF TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.**

(a) **IN GENERAL.**—Paragraphs (1)(C)(v) and (2)(C)(v) of section 871(k) are each amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 321. EXTENSION OF RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) **IN GENERAL.**—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendment made by subsection (a) shall take effect on January 1, 2012. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) **AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.**—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2011, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 322. EXTENSION OF SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.**

(a) **EXEMPT INSURANCE INCOME.**—Paragraph (10) of section 953(e) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2014”, and

(2) by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSINESSES.**—Paragraph (9) of

section 954(h) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 323. EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) **IN GENERAL.**—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

**SEC. 324. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.**

(a) **IN GENERAL.**—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2014”, and

(2) by striking “AND 2011” and inserting “, 2011, 2012, AND 2013” in the heading thereof.

(b) **TECHNICAL AMENDMENTS.**—

(1) **SPECIAL RULE FOR 2009 AND CERTAIN PERIOD IN 2010.**—Paragraph (3) of section 1202(a) is amended by adding at the end the following new flush sentence:

“In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.”.

(2) **100 PERCENT EXCLUSION.**—Paragraph (4) of section 1202(a) is amended by adding at the end the following new flush sentence:

“In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.”.

(c) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—The amendments made by subsection (a) shall apply to stock acquired after December 31, 2011.

(2) **SUBSECTION (b)(1).**—The amendment made by subsection (b)(1) shall take effect as if included in section 1241(a) of division B of the American Recovery and Reinvestment Act of 2009.

(3) **SUBSECTION (b)(2).**—The amendment made by subsection (b)(2) shall take effect as if included in section 2011(a) of the Creating Small Business Jobs Act of 2010.

**SEC. 325. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) **IN GENERAL.**—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

**SEC. 326. EXTENSION OF REDUCTION IN S-CORPORATION RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.**

(a) **IN GENERAL.**—Paragraph (7) of section 1374(d) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D), and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIAL RULE FOR 2012 AND 2013.—For purposes of determining the net recognized built-in gain for taxable years beginning in 2012 or 2013, subparagraphs (A) and (D) shall be applied by substituting ‘5-year’ for ‘10-year’.”, and

(3) by adding at the end the following new subparagraph:

“(E) INSTALLMENT SALES.—If an S corporation sells an asset and reports the income from the sale using the installment method under section 453, the treatment of all payments received shall be governed by the provisions of this paragraph applicable to the taxable year in which such sale was made.”.

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1374(d)(2) is amended by inserting “described in subparagraph (A)” after “, for any taxable year”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 327. EXTENSION OF EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Clause (i) of section 1391(d)(1)(A) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2016” and inserting “December 31, 2018”; and

(2) by striking “2016” in the heading and inserting “2018”.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2011.

#### SEC. 328. EXTENSION OF TAX-EXEMPT FINANCING FOR NEW YORK LIBERTY ZONE.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2011.

#### SEC. 329. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2011.

#### SEC. 330. MODIFICATION AND EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.

(a) MODIFICATION.—

(1) IN GENERAL.—Subsection (a) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking “if

such corporation” and all that follows and inserting “if—

“(1) in the case of a taxable year beginning before January 1, 2012, such corporation—

“(A) is an existing credit claimant with respect to American Samoa, and

“(B) elected the application of section 936 of the Internal Revenue Code of 1986 for its last taxable year beginning before January 1, 2006, and

“(2) in the case of a taxable year beginning after December 31, 2011, such corporation meets the requirements of subsection (e).”.

(2) REQUIREMENTS.—Section 119 of division A of such Act is amended by adding at the end the following new subsection:

“(e) QUALIFIED PRODUCTION ACTIVITIES INCOME REQUIREMENT.—A corporation meets the requirement of this subsection if such corporation has qualified production activities income, as defined in subsection (c) of section 199 of the Internal Revenue Code of 1986, determined by substituting ‘American Samoa’ for ‘the United States’ each place it appears in paragraphs (3), (4), and (6) of such subsection (c), for the taxable year.”.

(b) EXTENSION.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking “shall apply” and all that follows and inserting “shall apply—

“(1) in the case of a corporation that meets the requirements of subparagraphs (A) and (B) of subsection (a)(1), to the first 8 taxable years of such corporation which begin after December 31, 2006, and before January 1, 2014, and

“(2) in the case of a corporation that does not meet the requirements of subparagraphs (A) and (B) of subsection (a)(1), to the first 2 taxable years of such corporation which begin after December 31, 2011, and before January 1, 2014.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 331. EXTENSION AND MODIFICATION OF BONUS DEPRECIATION.

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking “January 1, 2014” in subparagraph (A)(iv) and inserting “January 1, 2015”; and

(2) by striking “January 1, 2013” each place it appears and inserting “January 1, 2014”.

(b) SPECIAL RULE FOR FEDERAL LONG-TERM CONTRACTS.—Clause (ii) of section 460(c)(6)(B) is amended by inserting “, or after December 31, 2012, and before January 1, 2014 (January 1, 2015, in the case of property described in section 168(k)(2)(B))” before the period.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking “2013” and inserting “2014”.

(2) ROUND 3 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

“(J) SPECIAL RULES FOR ROUND 3 EXTENSION PROPERTY.—

“(i) IN GENERAL.—In the case of round 3 extension property, this paragraph shall be applied without regard to—

“(I) the limitation described in subparagraph (B)(i) thereof, and

“(II) the business credit increase amount under subparagraph (E)(iii) thereof.

“(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March

31, 2008, a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, or a taxpayer who made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

“(I) the taxpayer may elect not to have this paragraph apply to round 3 extension property, but

“(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 3 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 3 extension property.

“(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, nor made the election under subparagraph (I)(iii) for any taxable year ending after December 31, 2010—

“(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2012, and each subsequent taxable year, and

“(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 3 extension property.

“(iv) ROUND 3 EXTENSION PROPERTY.—For purposes of this subparagraph, the term ‘round 3 extension property’ means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 331(a) of the American Taxpayer Relief Act of 2012 (and the application of such extension to this paragraph pursuant to the amendment made by section 331(c)(1) of such Act).”.

(d) NORMALIZATION RULES AMENDMENT.—Clause (ii) of section 168(i)(9)(A) is amended by inserting “(respecting all elections made by the taxpayer under this section)” after “such property”.

(e) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking “JANUARY 1, 2013” and inserting “JANUARY 1, 2014”.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking “PRE-JANUARY 1, 2013” and inserting “PRE-JANUARY 1, 2014”.

(3) Subparagraph (C) of section 168(n)(2) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(4) Subparagraph (D) of section 1400L(b)(2) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(5) Subparagraph (B) of section 1400N(d)(3) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2012, in taxable years ending after such date.

#### TITLE IV—ENERGY TAX EXTENDERS

##### SEC. 401. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.

(a) IN GENERAL.—Paragraph (2) of section 25C(g) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. 402. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) **IN GENERAL.**—Paragraph (2) of section 30C(g) is amended by striking “December 31, 2011.” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. 403. EXTENSION OF CREDIT FOR 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLES.**

(a) **IN GENERAL.**—Section 30D is amended by adding at the end the following new subsection:

“(g) **CREDIT ALLOWED FOR 2- AND 3-WHEELED PLUG-IN ELECTRIC VEHICLES.**—

“(1) **IN GENERAL.**—In the case of a qualified 2- or 3-wheeled plug-in electric vehicle—

“(A) there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the applicable amount with respect to each such qualified 2- or 3-wheeled plug-in electric vehicle placed in service by the taxpayer during the taxable year, and

“(B) the amount of the credit allowed under subparagraph (A) shall be treated as a credit allowed under subsection (a).

“(2) **APPLICABLE AMOUNT.**—For purposes of paragraph (1), the applicable amount is an amount equal to the lesser of—

“(A) 10 percent of the cost of the qualified 2- or 3-wheeled plug-in electric vehicle, or

“(B) \$2,500.

“(3) **QUALIFIED 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLE.**—The term ‘qualified 2- or 3-wheeled plug-in electric vehicle’ means any vehicle which—

“(A) has 2 or 3 wheels,

“(B) meets the requirements of subparagraphs (A), (B), (C), (E), and (F) of subsection (d)(1) (determined by substituting ‘2.5 kilowatt hours’ for ‘4 kilowatt hours’ in subparagraph (F)(i)),

“(C) is manufactured primarily for use on public streets, roads, and highways,

“(D) is capable of achieving a speed of 45 miles per hour or greater, and

“(E) is acquired after December 31, 2011, and before January 1, 2014.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **NO DOUBLE BENEFIT.**—Paragraph (2) of section 30D(f) is amended—

(A) by striking “new qualified plug-in electric drive motor vehicle” and inserting “vehicle for which a credit is allowable under subsection (a)”, and

(B) by striking “allowed under subsection (a)” and inserting “allowed under such subsection”.

(2) **AIR QUALITY AND SAFETY STANDARDS.**—Section 30D(f)(7) is amended by striking “motor vehicle” and inserting “vehicle”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to vehicles acquired after December 31, 2011.

**SEC. 404. EXTENSION AND MODIFICATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT.**

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Subparagraph (H) of section 40(b)(6) is amended to read as follows:

“(H) **APPLICATION OF PARAGRAPH.**—

“(i) **IN GENERAL.**—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2014.

“(ii) **NO CARRYOVER TO CERTAIN YEARS AFTER EXPIRATION.**—If this paragraph ceases to apply for any period by reason of clause

(i), rules similar to the rules of subsection (e)(2) shall apply.”.

(2) **CONFORMING AMENDMENT.**—Paragraph (2) of section 40(e) is amended by striking “or subsection (b)(6)(H)”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect as if included in section 15321(b) of the Heartland, Habitat, and Horticulture Act of 2008.

(b) **ALGAE TREATED AS A QUALIFIED FEEDSTOCK.**—

(1) **IN GENERAL.**—Subclause (I) of section 40(b)(6)(E)(i) is amended to read as follows:

“(I) is derived by, or from, qualified feedstocks, and”.

(2) **QUALIFIED FEEDSTOCK; SPECIAL RULES FOR ALGAE.**—Paragraph (6) of section 40(b) is amended by redesignating subparagraphs (F), (G), and (H), as amended by this Act, as subparagraphs (H), (I), and (J), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

“(F) **QUALIFIED FEEDSTOCK.**—For purposes of this paragraph, the term ‘qualified feedstock’ means—

“(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

“(ii) any cultivated algae, cyanobacteria, or lemna.

“(G) **SPECIAL RULES FOR ALGAE.**—In the case of fuel which is derived by, or from, feedstock described in subparagraph (F)(ii) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II) and the refined fuel is not excluded under subparagraph (E)(iii)—

“(i) such sale shall be treated as described in subparagraph (C)(i),

“(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) and as not being excluded under subparagraph (E)(iii) in the hands of such taxpayer, and

“(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) shall not be taken into account under subparagraph (C) with respect to the taxpayer or any other person.”.

(3) **CONFORMING AMENDMENTS.**—

(A) Section 40, as amended by paragraph (2), is amended—

(i) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”,

(ii) by striking “CELLULOSIC” in the headings of subsections (b)(6), (b)(6)(E), and (d)(3)(D) and inserting “SECOND GENERATION”, and

(iii) by striking “CELLULOSIC” in the headings of subsections (b)(6)(C), (b)(6)(D), (b)(6)(H), (d)(6), and (e)(3) and inserting “SECOND GENERATION”.

(B) Clause (ii) of section 40(b)(6)(E) is amended by striking “Such term shall not” and inserting “The term ‘second generation biofuel’ shall not”.

(C) Paragraph (1) of section 4101(a) is amended by striking “cellulosic biofuel” and inserting “second generation biofuel”.

(4) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to fuels sold or used after the date of the enactment of this Act.

**SEC. 405. EXTENSION OF INCENTIVES FOR BIO-DIESEL AND RENEWABLE DIESEL.**

(a) **CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.**—Subsection (g) of section 40A is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.**—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

**SEC. 406. EXTENSION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES PLACED IN SERVICE BEFORE 2009.**

(a) **IN GENERAL.**—Subparagraph (A) of section 45(e)(10) is amended by striking “7-year period” each place it appears and inserting “8-year period”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to coal produced after December 31, 2012.

**SEC. 407. EXTENSION AND MODIFICATION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.**

(a) **PRODUCTION TAX CREDIT.**—

(1) **EXTENSION FOR WIND FACILITIES.**—Paragraph (1) of section 45(d) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(2) **EXCLUSION OF PAPER WHICH IS COMMONLY RECYCLED FROM DEFINITION OF MUNICIPAL SOLID WASTE.**—Section 45(c)(6) is amended by inserting “, except that such term does not include paper which is commonly recycled and which has been segregated from other solid waste (as so defined)” after “(42 U.S.C. 6903)”.

(3) **MODIFICATION TO DEFINITION OF QUALIFIED FACILITY.**—

(A) **IN GENERAL.**—The following provisions of section 45(d), as amended by paragraph (1), are each amended by striking “before January 1, 2014” and inserting “the construction of which begins before January 1, 2014”:

- (i) Paragraph (1).
- (ii) Paragraph (2)(A)(i).
- (iii) Paragraph (3)(A)(i)(I).
- (iv) Paragraph (6).
- (v) Paragraph (7).
- (vi) Paragraph (9)(B).
- (vii) Paragraph (11)(B).

(B) **CERTAIN CLOSED-LOOP BIOMASS FACILITIES.**—Subparagraph (A) of section 45(d)(2) is amended by adding at the end the following new flush sentence:

“For purposes of clause (ii), a facility shall be treated as modified before January 1, 2014, if the construction of such modification begins before such date.”.

(C) **CERTAIN OPEN-LOOP BIOMASS FACILITIES.**—Clause (ii) of section 45(d)(3)(A) is amended by striking “is originally placed in service” and inserting “the construction of which begins”.

(D) **GEOTHERMAL FACILITIES.**—

(i) **IN GENERAL.**—Paragraph (4) of section 45(d) is amended by striking “and before January 1, 2014” and all that follows and inserting “and which—

“(A) in the case of a facility using solar energy, is placed in service before January 1, 2006, or

“(B) in the case of a facility using geothermal energy, the construction of which begins before January 1, 2014.

Such term shall not include any property described in section 48(a)(3) the basis of which is taken into account by the taxpayer for purposes of determining the energy credit under section 48.”.

(E) **INCREMENTAL HYDROPOWER PRODUCTION.**—Paragraph (9) of section 45(d) is amended—

(i) by redesignating subparagraphs (A) and (B), as amended by subparagraph (A), as

clauses (i) and (ii), respectively, and by moving such clauses (as so redesignated) 2 ems to the right,

(ii) by striking “In the case of a facility” and inserting the following:

“(A) IN GENERAL.—In the case of a facility”;

(iii) by redesignating subparagraph (C) as subparagraph (B), and

(iv) by adding at the end the following new subparagraph:

“(C) SPECIAL RULE.—For purposes of subparagraph (A)(i), an efficiency improvement or addition to capacity shall be treated as placed in service before January 1, 2014, if the construction of such improvement or addition begins before such date.”.

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Subparagraph (C) of section 48(a)(5) is amended to read as follows:

“(C) QUALIFIED INVESTMENT CREDIT FACILITY.—For purposes of this paragraph, the term ‘qualified investment credit facility’ means any facility—

“(i) which is a qualified facility (within the meaning of section 45) described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d),

“(ii) which is placed in service after 2008 and the construction of which begins before January 1, 2014, and

“(iii) with respect to which—

“(I) no credit has been allowed under section 45, and

“(II) the taxpayer makes an irrevocable election to have this paragraph apply.”.

(c) TECHNICAL CORRECTIONS.—

(1) Subparagraph (D) of section 48(a)(5) is amended—

(A) by striking “and” at the end of clause (i)(II),

(B) by striking the period at the end of clause (ii) and inserting a comma, and

(C) by adding at the end the following new clauses:

“(iii) which is constructed, reconstructed, erected, or acquired by the taxpayer, and

“(iv) the original use of which commences with the taxpayer.”.

(2) Paragraphs (1) and (2) of subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 are each amended by striking “placed in service” and inserting “originally placed in service by such person”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) MODIFICATION TO DEFINITION OF MUNICIPAL SOLID WASTE.—The amendments made by subsection (a)(2) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TECHNICAL CORRECTIONS.—The amendments made by subsection (c) shall apply as if included in the enactment of the provisions of the American Recovery and Reinvestment Act of 2009 to which they relate.

#### SEC. 408. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) ENERGY SAVINGS REQUIREMENTS.—Clause (i) of section 45L(c)(1)(A) is amended by striking “2003 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of this section” and inserting “2006 International Energy Conservation Code, as

such Code (including supplements) is in effect on January 1, 2006”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2011.

#### SEC. 409. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT APPLIANCES.

(a) IN GENERAL.—Section 45M(b) is amended by striking “2011” each place it appears other than in the provisions specified in subsection (b) and inserting “2011, 2012, or 2013”.

(b) PROVISIONS SPECIFIED.—The provisions of section 45M(b) specified in this subsection are subparagraph (C) of paragraph (1) and subparagraph (E) of paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2011.

#### SEC. 410. EXTENSION AND MODIFICATION OF SPECIAL ALLOWANCE FOR CELLULOSIC BIOFUEL PLANT PROPERTY.

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (D) of section 168(l)(2) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2012.

(b) ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT PROPERTY.—

(1) IN GENERAL.—Subparagraph (A) of section 168(l)(2) is amended by striking “solely to produce cellulosic biofuel” and inserting “solely to produce second generation biofuel (as defined in section 40(b)(6)(E))”.

(2) CONFORMING AMENDMENTS.—Subsection (l) of section 168, as amended by subsection (a), is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”,

(B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively,

(C) by striking “CELLULOSIC” in the heading of such subsection and inserting “SECOND GENERATION”, and

(D) by striking “CELLULOSIC” in the heading of paragraph (2) and inserting “SECOND GENERATION”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

#### SEC. 411. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2011.

#### SEC. 412. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.

(a) IN GENERAL.—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.—Paragraph (6) of section 6427(e) is amended—

(1) in subparagraph (C)—

(A) by striking “or alternative fuel mixture (as defined in subsection (d)(2) or (e)(3) of section 6426)” and inserting “(as defined in section 6426(d)(2))”, and

(B) by striking “December 31, 2011, and” and inserting “December 31, 2013”,

(2) in subparagraph (D)—

(A) by striking “or alternative fuel mixture”, and

(B) by striking the period at the end and inserting “, and”, and

(3) by adding at the end the following new subparagraph:

“(E) any alternative fuel mixture (as defined in section 6426(e)(2)) sold or used after December 31, 2011.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

### TITLE V—UNEMPLOYMENT

#### SEC. 501. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) EXTENSION.—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “January 2, 2013” and inserting “January 1, 2014”.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (H), by striking “and” at the end; and

(2) by inserting after subparagraph (I) the following:

“(J) the amendments made by section 501(a) of the American Taxpayer Relief Act of 2012;”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Benefits Extension Act of 2012 (Public Law 112-96)

#### SEC. 502. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note), is amended—

(1) by striking “December 31, 2012” each place it appears and inserting “December 31, 2013”; and

(2) in subsection (c), by striking “June 30, 2013” and inserting “June 30, 2014”.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304 note) is amended by striking “June 30, 2013” and inserting “June 30, 2014”.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2012” and inserting “December 31, 2013”; and

(2) in subsection (f)(2), by striking “December 31, 2012” and inserting “December 31, 2013”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Benefits Extension Act of 2012 (Public Law 112-96).

#### SEC. 503. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) IN GENERAL.—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “through fiscal year 2013” and inserting “through fiscal year 2014”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Benefits Extension Act of 2012 (Public Law 112-96).

**SEC. 504. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111-92), section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111-312), section 202 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78), and section 2124 of the Unemployment Benefits Extension Act of 2012 (Public Law 112-96), is amended—

(1) by striking “June 30, 2012” and inserting “June 30, 2013”; and

(2) by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) **FUNDING FOR ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$250,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

**TITLE VI—MEDICARE AND OTHER HEALTH EXTENSIONS**

**Subtitle A—Medicare Extensions**

**SEC. 601. MEDICARE PHYSICIAN PAYMENT UPDATE.**

(a) **IN GENERAL.**—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(14) **UPDATE FOR 2013.**—

“(A) **IN GENERAL.**—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), (12)(B), and (13)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2013, the update to the single conversion factor for such year shall be zero percent.

“(B) **NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2014 AND SUBSEQUENT YEARS.**—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2014 and subsequent years as if subparagraph (A) had never applied.”.

(b) **ADVANCEMENT OF CLINICAL DATA REGISTRIES TO IMPROVE THE QUALITY OF HEALTH CARE.**—

(1) **IN GENERAL.**—Section 1848(m)(3) of the Social Security Act (42 U.S.C. 1395w-4(m)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (F); and

(B) by inserting after subparagraph (C) the following new subparagraphs:

“(D) **SATISFACTORY REPORTING MEASURES THROUGH PARTICIPATION IN A QUALIFIED CLINICAL DATA REGISTRY.**—For 2014 and subsequent years, the Secretary shall treat an eligible professional as satisfactorily submit-

ting data on quality measures under subparagraph (A) if, in lieu of reporting measures under subsection (k)(2)(C), the eligible professional is satisfactorily participating, as determined by the Secretary, in a qualified clinical data registry (as described in subparagraph (E)) for the year.

“(E) **QUALIFIED CLINICAL DATA REGISTRY.**—

“(i) **IN GENERAL.**—The Secretary shall establish requirements for an entity to be considered a qualified clinical data registry. Such requirements shall include a requirement that the entity provide the Secretary with such information, at such times, and in such manner, as the Secretary determines necessary to carry out this subsection.

“(ii) **CONSIDERATIONS.**—In establishing the requirements under clause (i), the Secretary shall consider whether an entity—

“(I) has in place mechanisms for the transparency of data elements and specifications, risk models, and measures;

“(II) requires the submission of data from participants with respect to multiple payers;

“(III) provides timely performance reports to participants at the individual participant level; and

“(IV) supports quality improvement initiatives for participants.

“(iii) **MEASURES.**—With respect to measures used by a qualified clinical data registry—

“(I) sections 1890(b)(7) and 1890A(a) shall not apply; and

“(II) measures endorsed by the entity with a contract with the Secretary under section 1890(a) may be used.

“(iv) **CONSULTATION.**—In carrying out this subparagraph, the Secretary shall consult with interested parties.

“(v) **DETERMINATION.**—The Secretary shall establish a process to determine whether or not an entity meets the requirements established under clause (i). Such process may involve one or both of the following:

“(I) A determination by the Secretary.

“(II) A designation by the Secretary of one or more independent organizations to make such determination.”.

(2) **GAO STUDY AND REPORT ON INCORPORATING REGISTRY DATA INTO THE MEDICARE PROGRAM IN ORDER TO IMPROVE QUALITY AND EFFICIENCY.**—

(A) **STUDY.**—The Comptroller General of the United States shall conduct a study on the potential of clinical data registries to improve the quality and efficiency of care in the Medicare program, including through payment system incentives. Such study shall include an analysis of the role of health information technology in facilitating clinical data registries and the use of data from such registries among private health insurers as well as other entities the Comptroller General determines appropriate.

(B) **REPORT.**—Not later than November 15, 2013, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

**SEC. 602. WORK GEOGRAPHIC ADJUSTMENT.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2013” and inserting “before January 1, 2014”.

**SEC. 603. PAYMENT FOR OUTPATIENT THERAPY SERVICES.**

(a) **EXTENSION.**—Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(1) in paragraph (5)(A), in the first sentence, by striking “December 31, 2012” and inserting “December 31, 2013”; and

(2) in paragraph (6)—

(A) by striking “December 31, 2012” and inserting “December 31, 2013”; and

(B) by inserting “or 2013” after “during 2012”.

(b) **APPLICATION OF THERAPY CAP TO THERAPY FURNISHED AS PART OF OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.**—Section 1833(g)(6) of the Social Security Act (42 U.S.C. 1395l(g)(6)), as amended by subsection (a), is amended—

(1) by striking “In applying” and inserting “(A) In applying”; and

(2) by adding at the end the following new subparagraph:

“(B)(i) With respect to outpatient therapy services furnished beginning on or after January 1, 2013, and before January 1, 2014, for which payment is made under section 1834(g), the Secretary shall count toward the uniform dollar limitations described in paragraphs (1) and (3) and the threshold described in paragraph (5)(C) the amount that would be payable under this part if such services were paid under section 1834(k)(1)(B) instead of being paid under section 1834(g).

“(ii) Nothing in clause (i) shall be construed as changing the method of payment for outpatient therapy services under section 1834(g).”.

(c) **BENEFICIARY PROTECTIONS.**—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by adding at the end the following new subparagraph:

“(D) With respect to services furnished on or after January 1, 2013, where payment may not be made as a result of application of paragraphs (1) and (3), section 1879 shall apply in the same manner as such section applies to a denial that is made by reason of section 1862(a)(1).”.

(d) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

**SEC. 604. AMBULANCE ADD-ON PAYMENTS.**

(a) **GROUND AMBULANCE.**—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2013” and inserting “January 1, 2014”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2013” and inserting “January 1, 2014” each place it appears.

(b) **AIR AMBULANCE.**—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of the Patient Protection and Affordable Care Act (Public Law 111-148), section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), section 306(b) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78), and section 3007(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96), is amended by striking “December 31, 2012” and inserting “June 30, 2013”.

(c) **SUPER RURAL AMBULANCE.**—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended in the first sentence by striking “January 1, 2013” and inserting “January 1, 2014”.

(d) **STUDIES OF AMBULANCE COSTS.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall conduct a study of each of the following:

(A) A study that analyzes data on existing cost reports for ambulance services furnished by hospitals and critical access hospitals, including variation by characteristics of such providers of services.

(B) A study of the feasibility of obtaining cost data on a periodic basis from all ambulance providers of services and suppliers for potential use in examining the appropriateness of the Medicare add-on payments for ground ambulance services furnished under the fee schedule under section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) and in preparing for future reform of such payment system.

(2) COMPONENTS OF ONE OF THE STUDIES.—In conducting the study under paragraph (1)(B), the Secretary shall—

(A) consult with industry on the design of such cost collection efforts;

(B) explore use of cost surveys and cost reports to collect appropriate cost data and the periodicity of such cost data collection;

(C) examine the feasibility of development of a standard cost reporting tool for providers of services and suppliers of ground ambulance services; and

(D) examine the ability to furnish such cost data by various types of ambulance providers of services and suppliers, especially by rural and super-rural providers of services and suppliers.

(3) REPORTS.—

(A) EXISTING COST REPORTS.—Not later than October 1, 2013, the Secretary shall submit a report to Congress on the study conducted under paragraph (1)(A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(B) OBTAINING COST DATA.—Not later than July 1, 2014, the Secretary shall submit a report to Congress on the study conducted under paragraph (1)(B), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

#### SEC. 605. EXTENSION OF MEDICARE INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.

Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “2013” and inserting “2014”;

(2) in subparagraph (C)(i), by striking “and 2012” each place it appears and inserting “, 2012, and 2013”; and

(3) in subparagraph (D), by striking “and 2012” and inserting “, 2012, and 2013”.

#### SEC. 606. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) EXTENSION OF PAYMENT METHODOLOGY.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “October 1, 2012” and inserting “October 1, 2013”; and

(2) in clause (ii)(II), by striking “October 1, 2012” and inserting “October 1, 2013”.

(b) CONFORMING AMENDMENTS.—

(1) EXTENSION OF TARGET AMOUNT.—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “October 1, 2012” and inserting “October 1, 2013”; and

(B) in clause (iv), by striking “through fiscal year 2012” and inserting “through fiscal year 2013”.

(2) PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “through fiscal year 2012” and inserting “through fiscal year 2013”.

#### SEC. 607. EXTENSION FOR SPECIALIZED MEDICAL CARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS.

Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w-28(f)(1)) is amended by striking “2014” and inserting “2015”.

#### SEC. 608. EXTENSION OF MEDICARE REASONABLE COST CONTRACTS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking “January 1, 2013” and inserting “January 1, 2014”.

#### SEC. 609. PERFORMANCE IMPROVEMENT.

(a) EXTENSION OF FUNDING FOR CONTRACT WITH CONSENSUS-BASED ENTITY REGARDING PERFORMANCE MEASUREMENT.—

(1) IN GENERAL.—Section 1890(d) of the Social Security Act (42 U.S.C. 1395aaa(d)) is amended by striking “fiscal years 2009 through 2012” and inserting “fiscal years 2009 through 2013”.

(2) REVISION TO DUTIES.—Section 1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b)) is amended by striking paragraph (4).

(b) PROVIDING DATA FOR PERFORMANCE IMPROVEMENT IN A TIMELY MANNER.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall develop a strategy to provide data for performance improvement in a timely manner to applicable providers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including with respect to the provision of the following:

(A) Utilization data, including such data for items and services under parts A, B, and D of the Medicare program.

(B) Feedback on quality data submitted by the applicable provider under the Medicare program.

(2) CONSIDERATIONS.—In developing the strategy under paragraph (1), the Secretary shall consider—

(A) the type of applicable provider receiving the data;

(B) the frequency of providing the data so that it can be the most relevant in improving provider performance;

(C) risk adjustment methods;

(D) presentation of the data in a meaningful manner and easily understandable format;

(E) with respect to utilization data, the provision of data that the Secretary determines would be useful to improve the performance of the type of applicable provider involved; and

(F) administrative costs involved with providing data.

(3) SUBMISSION AND AVAILABILITY OF INITIAL STRATEGY.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall—

(A) submit to the relevant committees of Congress the strategy described in paragraph (1); and

(B) post such strategy on the website of the Centers for Medicare & Medicaid Services.

(4) STRATEGY UPDATE.—

(A) FEEDBACK FROM STAKEHOLDERS.—The Secretary shall seek feedback from stakeholders on the initial strategy submitted under paragraph (3).

(B) STRATEGY UPDATE.—The Secretary shall—

(i) update the strategy described in paragraph (1) based on the feedback submitted under subparagraph (A); and

(ii) not later than 18 months after the date of the enactment of this Act—

(I) submit such updated strategy to the relevant committees of Congress; and

(II) post such updated strategy on the website of the Centers for Medicare & Medicaid Services.

(5) GAO STUDY AND REPORT ON PRIVATE SECTOR INFORMATION SHARING ACTIVITIES.—

(A) STUDY.—The Comptroller General of the United States (in this paragraph referred to as the “Comptroller General”) shall conduct a study on information sharing activities. Such study shall include an analysis of—

(i) how private sector entities share timely data with hospitals, physicians, and other providers and what lessons can be learned from those activities;

(ii) how the Medicare program currently shares data with providers, including what data is provided and to which providers, and what divisions within the Centers for Medicare & Medicaid Services oversee those efforts;

(iii) what, if any, differences there are between the private sector and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in terms of sharing data; and

(iv) what, if any, barriers there are for the Centers for Medicare & Medicaid Services to sharing timely data with applicable providers and recommendations to eliminate or reduce such barriers.

(B) REPORT.—Not later than 8 months after the date of the enactment of this Act, the Comptroller General shall submit to the relevant committees of Congress a report containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(6) DEFINITIONS.—In this subsection:

(A) APPLICABLE PROVIDER.—The term “applicable provider” means the following:

(i) A critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395xx(mm)(1))).

(ii) A hospital (as defined in section 1861(e) of such Act (42 U.S.C. 1395x(e))).

(iii) A physician (as defined in section 1861(r) of such Act (42 U.S.C. 1395x(r))).

(iv) Any other provider the Secretary determines should receive the information described in subsection (a).

(B) PERFORMANCE IMPROVEMENT.—The term “performance improvement” means improvements in quality, reducing per capita costs, and other criteria the Secretary determines appropriate.

#### SEC. 610. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b-3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act Public Law 111-148), is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following new clause:

“(iii) for fiscal year 2013, of \$7,500,000.”.

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following new clause:



“(iii) for fiscal year 2013, of \$7,500,000.”.

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following new clause:

“(iii) for fiscal year 2013, of \$5,000,000.”.

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following new clause:

“(iii) for fiscal year 2013, of \$5,000,000.”.

#### Subtitle B—Other Health Extensions

#### SEC. 621. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “2012” and inserting “2013”.

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u-3(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (Q), by striking “and” after the semicolon;

(B) in subparagraph (R), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(S) for the period that begins on January 1, 2013, and ends on September 30, 2013, the total allocation amount is \$485,000,000; and

“(T) for the period that begins on October 1, 2013, and ends on December 31, 2013, the total allocation amount is \$300,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (R)” and inserting “(R), or (T)”.

#### SEC. 622. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r-6(f)) are each amended by striking “2012” and inserting “2013”.

#### SEC. 623. EXTENSION OF MEDICAID AND CHIP EXPRESS LANE OPTION.

Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)) is amended by striking “2013” and inserting “2014”.

#### SEC. 624. EXTENSION OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking “2012” and inserting “2013”.

#### SEC. 625. EXTENSION OF SPECIAL DIABETES PROGRAM FOR TYPE I DIABETES AND FOR INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-2(b)(2)(C)) is amended by striking “2013” and inserting “2014”.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)(C)) is amended by striking “2013” and inserting “2014”.

#### Subtitle C—Other Health Provisions

#### SEC. 631. IPPS DOCUMENTATION AND CODING ADJUSTMENT FOR IMPLEMENTATION OF MS-DRGS.

(a) RULE OF CONSTRUCTION AND CLARIFICATION.—

(1) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (b) shall be construed as changing the existing authority under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to make prospective documentation and coding adjustments to the standardized amounts under such section 1886(d) to correct for changes in the coding or classification of discharges that do not reflect real changes in case mix.

(2) CLARIFICATION.—Effective on the date of the enactment of this section, except as provided in section 7(b)(1)(B)(ii) of the TMA, Abstinence Education, and QI Programs Extension Act of 2007, as added by subsection (b)(2)(A)(ii)(IV) of this section, the Secretary of Health and Human Services shall not have authority to fully recoup past overpayments related to documentation and coding changes from fiscal years 2008 and 2009.

(b) ADJUSTMENT.—Section 7 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110-90; 121 Stat. 986) is amended—

(1) in the heading, by striking “limitation” and all that follows through “adjustment” and inserting “documentation and coding adjustments”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A)—

(I) by striking “or 2009” and inserting “, 2009, or 2010”; and

(II) by inserting “or otherwise applied for such year” after “applied under subsection (a)”; and

(ii) in subparagraph (B)—

(I) by inserting “(i)” after “(B)”; and

(II) by striking “or decrease”; and

(III) by striking the period at the end and inserting “; and”; and

(IV) by adding at the end the following:

“(ii) make an additional adjustment to the standardized amounts under such section 1886(d) based upon the Secretary’s estimates for discharges occurring only during fiscal years 2014, 2015, 2016, and 2017 to fully offset \$11,000,000,000 (which represents the amount of the increase in aggregate payments from fiscal years 2008 through 2013 for which an adjustment was not previously applied).”;

and

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting before the semicolon the following: “or affecting the Secretary’s authority under such paragraph to apply a prospective adjustment to offset aggregate additional payments related to documentation and coding improvements made with respect to discharges during fiscal year 2010”; and

(ii) in subparagraph (B), by striking “and 2012” and inserting “2012, 2014, 2015, 2016, and 2017”.

#### SEC. 632. REVISIONS TO THE MEDICARE ESRD BUNDLED PAYMENT SYSTEM TO REFLECT FINDINGS IN THE GAO REPORT.

(a) ADJUSTMENT TO ESRD BUNDLED PAYMENT RATE TO ACCOUNT FOR CHANGES IN THE UTILIZATION OF CERTAIN DRUGS AND BIOLOGICALS.—Section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)) is amended by adding at the end the following new subparagraph:

“(I) For services furnished on or after January 1, 2014, the Secretary shall, by comparing per patient utilization data from 2007

with such data from 2012, make reductions to the single payment that would otherwise apply under this paragraph for renal dialysis services to reflect the Secretary’s estimate of the change in the utilization of drugs and biologicals described in clauses (ii), (iii), and (iv) of subparagraph (B) (other than oral-only ESRD-related drugs, as such term is used in the final rule promulgated by the Secretary in the Federal Register on August 12, 2010 (75 Fed. Reg. 49030)). In making reductions under the preceding sentence, the Secretary shall take into account the most recently available data on average sales prices and changes in prices for drugs and biological reflected in the ESRD market basket percentage increase factor under subparagraph (F).”.

(b) TWO-YEAR DELAY OF IMPLEMENTATION OF ORAL-ONLY ESRD-RELATED DRUGS IN THE ESRD PROSPECTIVE PAYMENT SYSTEM; MONITORING.—

(1) DELAY.—The Secretary of Health and Human Services may not implement the policy under section 413.174(f)(6) of title 42, Code of Federal Regulations (relating to oral-only ESRD-related drugs in the ESRD prospective payment system), prior to January 1, 2016.

(2) MONITORING.—With respect to the implementation of oral-only ESRD-related drugs in the ESRD prospective payment system under subsection (b)(14) of section 1881 of the Social Security Act (42 U.S.C. 1395rr(b)(14)), the Secretary of Health and Human Services shall monitor the bone and mineral metabolism of individuals with end stage renal disease.

(c) ANALYSIS OF CASE MIX PAYMENT ADJUSTMENTS.—By not later than January 1, 2016, the Secretary of Health and Human Services shall—

(1) conduct an analysis of the case mix payment adjustments being used under section 1881(b)(14)(D)(i) of the Social Security Act (42 U.S.C. 1395rr(b)(14)(D)(i)); and

(2) make appropriate revisions to such case mix payment adjustments.

(d) UPDATED GAO REPORT.—Not later than December 31, 2015, the Comptroller General of the United States shall submit to Congress a report that updates the report submitted to Congress under section 10336 of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 974). The updated report shall include an analysis of how the Secretary of Health and Human Services has addressed points raised in the report submitted under such section 10336 with respect to the Secretary’s preparations to implement payment for oral-only ESRD-related drugs in the bundled prospective payment system under section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)).

#### SEC. 633. TREATMENT OF MULTIPLE SERVICE PAYMENT POLICIES FOR THERAPY SERVICES.

(a) SERVICES FURNISHED BY PHYSICIANS AND CERTAIN OTHER PROVIDERS.—Section 1848(b)(7) of the Social Security Act (42 U.S.C. 1395w-4(b)(7)) is amended—

(1) by striking “2011,” and inserting “2011, and before April 1, 2013,”; and

(2) by adding at the end the following new sentence: “In the case of such services furnished on or after April 1, 2013, and for which payment is made under such fee schedules, instead of the 25 percent multiple procedure payment reduction specified in such final rule, the reduction percentage shall be 50 percent.”.

(b) SERVICES FURNISHED BY OTHER PROVIDERS.—Section 1834(k) of the Social Security Act (42 U.S.C. 1395m(k)) is amended by adding at the end the following new paragraph:



“(7) ADJUSTMENT IN DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—In the case of therapy services furnished on or after April 1, 2013, and for which payment is made under this subsection pursuant to the applicable fee schedule amount (as defined in paragraph (3)), instead of the 25 percent multiple procedure payment reduction specified in the final rule published by the Secretary in the Federal Register on November 29, 2010, the reduction percentage shall be 50 percent.”.

**SEC. 634. PAYMENT FOR CERTAIN RADIOLOGY SERVICES FURNISHED UNDER THE MEDICARE HOSPITAL OUTPATIENT DEPARTMENT PROSPECTIVE PAYMENT SYSTEM.**

Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

“(D) SPECIAL PAYMENT RULE.—

“(i) IN GENERAL.—In the case of covered OPD services furnished on or after April 1, 2013, in a hospital described in clause (ii), if—

“(I) the payment rate that would otherwise apply under this subsection for stereotactic radiosurgery, complete course of treatment of cranial lesion(s) consisting of 1 session that is multi-source Cobalt 60 based (identified as of January 1, 2013, by HCPCS code 77371 (and any succeeding code) and reimbursed as of such date under APC 0127 (and any succeeding classification group)); exceeds

“(II) the payment rate that would otherwise apply under this subsection for linear accelerator based stereotactic radiosurgery, complete course of therapy in one session (identified as of January 1, 2013, by HCPCS code G0173 (and any succeeding code) and reimbursed as of such date under APC 0067 (and any succeeding classification group)), the payment rate for the service described in subclause (I) shall be reduced to an amount equal to the payment rate for the service described in subclause (II).

“(ii) HOSPITAL DESCRIBED.—A hospital described in this clause is a hospital that is not—

“(I) located in a rural area (as defined in section 1886(d)(2)(D));

“(II) classified as a rural referral center under section 1886(d)(5)(C); or

“(III) a sole community hospital (as defined in section 1886(d)(5)(D)(iii)).

“(iii) NOT BUDGET NEUTRAL.—In making any budget neutrality adjustments under this subsection for 2013 (with respect to covered OPD services furnished on or after April 1, 2013, and before January 1, 2014) or a subsequent year, the Secretary shall not take into account the reduced expenditures that result from the application of this subparagraph.”.

**SEC. 635. ADJUSTMENT OF EQUIPMENT UTILIZATION RATE FOR ADVANCED IMAGING SERVICES.**

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)(4)(C)—

(A) by striking “and subsequent years” and inserting “, 2012, and 2013”; and

(B) by adding at the end the following new sentence: “With respect to fee schedules established for 2014 and subsequent years, in such methodology, the Secretary shall use a 90 percent utilization rate.”; and

(2) in subsection (c)(2)(B)(v)(III), by striking “change in the utilization rate applicable to 2011, as described in” and inserting “changes in the utilization rate applicable to 2011 and 2014, as described in the first and second sentence, respectively, of”.

**SEC. 636. MEDICARE PAYMENT OF COMPETITIVE PRICES FOR DIABETIC SUPPLIES AND ELIMINATION OF OVERPAYMENT FOR DIABETIC SUPPLIES.**

(a) APPLICATION OF COMPETITIVE BIDDING PRICES FOR DIABETIC SUPPLIES.—Section 1834(a)(1) of the Social Security Act (42 U.S.C. 1395m(a)(1)) is amended—

(1) in subparagraph (F), in the matter preceding clause (i), by striking “subparagraph (G)” and inserting “subparagraphs (G) and (H)”; and

(2) by adding at the end the following new subparagraph:

“(H) DIABETIC SUPPLIES.—

“(i) IN GENERAL.—On or after the date described in clause (ii), the payment amount under this part for diabetic supplies, including testing strips, that are non-mail order items (as defined by the Secretary) shall be equal to the single payment amounts established under the national mail order competition for diabetic supplies under section 1847.

“(ii) DATE DESCRIBED.—The date described in this clause is the date of the implementation of the single payment amounts under the national mail order competition for diabetic supplies under section 1847.”.

(b) OVERPAYMENT ELIMINATION FOR DIABETIC SUPPLIES.—Section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)) is amended by adding at the end the following new paragraph:

“(22) SPECIAL PAYMENT RULE FOR DIABETIC SUPPLIES.—Notwithstanding the preceding provisions of this subsection, for purposes of determining the payment amount under this subsection for diabetic supplies furnished on or after the first day of the calendar quarter during 2013 that is at least 30 days after the date of the enactment of this paragraph and before the date described in paragraph (1)(H)(ii), the Secretary shall recalculate and apply the covered item update under paragraph (14) as if subparagraph (J)(i) of such paragraph was amended by striking ‘but only if furnished through mail order’.”.

**SEC. 637. MEDICARE PAYMENT ADJUSTMENT FOR NON-EMERGENCY AMBULANCE TRANSPORTS FOR ESRD BENEFICIARIES.**

Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

“(15) PAYMENT ADJUSTMENT FOR NON-EMERGENCY AMBULANCE TRANSPORTS FOR ESRD BENEFICIARIES.—The fee schedule amount otherwise applicable under the preceding provisions of this subsection shall be reduced by 10 percent for ambulance services furnished on or after October 1, 2013, consisting of non-emergency basic life support services involving transport of an individual with end-stage renal disease for renal dialysis services (as described in section 1881(b)(14)(B)) furnished other than on an emergency basis by a provider of services or a renal dialysis facility.”.

**SEC. 638. REMOVING OBSTACLES TO COLLECTION OF OVERPAYMENTS.**

(a) IN GENERAL.—The last sentence of subsections (b) and (c) of section 1870 of the Social Security Act (42 U.S.C. 1395gg) are each amended—

(1) by striking “third year” and inserting “fifth year”; and

(2) by striking “three-year” and inserting “five-year”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 639. MEDICARE ADVANTAGE CODING INTENSITY ADJUSTMENT.**

Section 1853(a)(1)(C)(ii)(III) of the Social Security Act (42 U.S.C. 1395w-23(a)(1)(C)(ii)(III)) is amended—

(1) by striking “1.3 percentage points” and inserting “1.5 percentage points”; and

(2) by striking “5.7 percent” and inserting “5.9 percent”.

**SEC. 640. ELIMINATION OF ALL FUNDING FOR THE MEDICARE IMPROVEMENT FUND.**

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking subparagraphs (A), (B), and (C) and inserting the following new subparagraphs:

“(A) fiscal year 2014, \$0; and

“(B) fiscal year 2015, \$0.”.

**SEC. 641. REBASING OF STATE DSH ALLOTMENTS.**

Section 1923(f)(8) of the Social Security Act (42 U.S.C. 1396r-4(f)(8)) is amended to read as follows:

“(8) SPECIAL RULES FOR CALCULATING DSH ALLOTMENTS FOR CERTAIN FISCAL YEARS.—

“(A) FISCAL YEAR 2021.—Only with respect to fiscal year 2021, the DSH allotment for a State, in lieu of the amount determined under paragraph (3) for the State for that year, shall be equal to the DSH allotment for the State as reduced under paragraph (7) for fiscal year 2020, increased, subject to subparagraphs (B) and (C) of paragraph (3), and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average), for fiscal year 2020.

“(B) FISCAL YEAR 2022.—Only with respect to fiscal year 2022, the DSH allotment for a State, in lieu of the amount determined under paragraph (3) for the State for that year, shall be equal to the DSH allotment for the State for fiscal year 2021, as determined under subparagraph (A), increased, subject to subparagraphs (B) and (C) of paragraph (3), and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average), for fiscal year 2021.

“(C) SUBSEQUENT FISCAL YEARS.—The DSH allotment for a State for fiscal years after fiscal year 2022 shall be calculated under paragraph (3) without regard to this paragraph and paragraph (7).”.

**SEC. 642. REPEAL OF CLASS PROGRAM.**

(a) REPEAL.—Title XXXII of the Public Health Service Act (42 U.S.C. 3001l et seq.; relating to the CLASS program) is repealed.

(b) CONFORMING CHANGES.—

(1) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119, 846-847) is repealed.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting “and” at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Paragraphs (2) and (3) of section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) are amended to read as such paragraphs were in effect on the day before the date of the enactment of section 8002(d) of the Patient Protection and Affordable Care Act (Public Law 111-148). Of the funds appropriated by paragraph (3) of such section 6021(d), as amended by the Patient Protection and Affordable Care Act, the unobligated balance is rescinded.

**SEC. 643. COMMISSION ON LONG-TERM CARE.**

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Long-Term Care (referred to in this section as the “Commission”).

## (b) DUTIES.—

(1) IN GENERAL.—The Commission shall develop a plan for the establishment, implementation, and financing of a comprehensive, coordinated, and high-quality system that ensures the availability of long-term services and supports for individuals in need of such services and supports, including elderly individuals, individuals with substantial cognitive or functional limitations, other individuals who require assistance to perform activities of daily living, and individuals desiring to plan for future long-term care needs.

(2) EXISTING HEALTH CARE PROGRAMS.—For purposes of developing the plan described in paragraph (1), the Commission shall provide recommendations for—

(A) addressing the interaction of a long-term services and support system with existing programs for long-term services and supports, including the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and private long-term care insurance;

(B) improvements to such health care programs that are necessary for ensuring the availability of long-term services and supports; and

(C) issues related to workers who provide long-term services and supports, including—

(i) whether the number of such workers is adequate to provide long-term services and supports to individuals with long-term care needs;

(ii) workforce development necessary to deliver high-quality services to such individuals;

(iii) development of entities that have the capacity to serve as employers and fiscal agents for workers who provide long-term services and supports in the homes of such individuals; and

(iv) addressing gaps in Federal and State infrastructure that prevent delivery of high-quality long term services and supports to such individuals.

(3) ADDITIONAL CONSIDERATIONS.—For purposes of developing the plan described in paragraph (1), the Commission shall take into account projected demographic changes and trends in the population of the United States, as well as the potential for development of new technologies, delivery systems, or other mechanisms to improve the availability and quality of long-term services and supports.

(4) CONSULTATION.—For purposes of developing the plan described in paragraph (1), the Commission shall consult with the Medicare Payment Advisory Commission, the Medicaid and CHIP Payment and Access Commission, the National Council on Disability, and relevant consumer groups.

## (c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, to be appointed not later than 30 days after the date of enactment of this Act, as follows:

(A) The President of the United States shall appoint 3 members.

(B) The majority leader of the Senate shall appoint 3 members.

(C) The minority leader of the Senate shall appoint 3 members.

(D) The Speaker of the House of Representatives shall appoint 3 members.

(E) The minority leader of the House of Representatives shall appoint 3 members.

(2) REPRESENTATION.—The membership of the Commission shall include individuals who—

(A) represent the interests of—

(i) consumers of long-term services and supports and related insurance products, as well as their representatives;

(ii) older adults;

(iii) individuals with cognitive or functional limitations;

(iv) family caregivers for individuals described in clause (i), (ii), or (iii);

(v) the health care workforce who directly provide long-term services and supports;

(vi) private long-term care insurance providers;

(vii) employers;

(viii) State insurance departments; and

(ix) State Medicaid agencies;

(B) have demonstrated experience in dealing with issues related to long-term services and supports, health care policy, and public and private insurance; and

(C) represent the health care interests and needs of a variety of geographic areas and demographic groups.

(3) CHAIRMAN AND VICE-CHAIRMAN.—The Commission shall elect a chairman and vice chairman from among its members.

(4) VACANCIES.—Any vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made and shall not affect the power of the remaining members to execute the duties of the Commission.

(5) QUORUM.—A quorum shall consist of 8 members of the Commission, except that 4 members may conduct a hearing under subsection (e)(1).

(6) MEETINGS.—The Commission shall meet at the call of its chairman or a majority of its members.

(7) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—

(A) IN GENERAL.—To enable the Commission to exercise its powers, functions, and duties, there are authorized to be disbursed by the Senate the actual and necessary expenses of the Commission approved by the chairman and vice chairman, subject to subparagraph (B) and the rules and regulations of the Senate.

(B) MEMBERS.—Members of the Commission are not entitled to receive compensation for service on the Commission. Members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(d) STAFF AND ETHICAL STANDARDS.—

(1) STAFF.—The chairman and vice chairman of the Commission may jointly appoint and fix the compensation of staff as they deem necessary, within the guidelines for employees of the Senate and following all applicable rules and employment requirements of the Senate.

(2) ETHICAL STANDARDS.—Members of the Commission who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the Commission and staff of the Commission shall comply with the ethics rules of the Senate.

(e) POWERS.—

(1) HEARINGS AND OTHER ACTIVITIES.—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

(2) STUDIES BY GENERAL ACCOUNTING OFFICE.—Upon the request of the Commission, the Comptroller General of the United States shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

(3) COST ESTIMATES BY CONGRESSIONAL BUDGET OFFICE.—Upon the request of the

Commission, the Director of the Congressional Budget Office shall provide to the Commission such cost estimates as the Commission determines to be necessary to carry out its duties.

(4) DETAIL OF FEDERAL EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(6) USE OF MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

(7) OBTAINING INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

(8) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) COMMISSION CONSIDERATION.—

(1) APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.—

(A) IN GENERAL.—Not later than 6 months after appointment of the members of the Commission (as described in subsection (c)(1)), the Commission shall vote on a comprehensive and detailed report based on the long-term care plan described in subsection (b)(1) that contains any recommendations or proposals for legislative or administrative action as the Commission deems appropriate, including proposed legislative language to carry out the recommendations or proposals (referred to in this section as the “Commission bill”).

(B) APPROVAL BY MAJORITY OF MEMBERS.—The Commission bill shall require the approval of a majority of the members of the Commission.

(2) TRANSMISSION OF COMMISSION BILL.—

(A) IN GENERAL.—If the Commission bill is approved by the Commission pursuant to paragraph (1), then not later than 10 days after such approval, the Commission shall submit the Commission bill to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority Leaders of each House on Congress.

(B) COMMISSION BILL TO BE MADE PUBLIC.—Upon the approval or disapproval of the Commission bill pursuant to paragraph (1), the Commission shall promptly make such proposal, and a record of the vote, available to the public.

(g) TERMINATION.—The Commission shall terminate 30 days after the vote described in subsection (f)(1).

(h) CONSIDERATION OF COMMISSION RECOMMENDATIONS.—If approved by the majority required by subsection (f)(1), the Commission bill that has been submitted pursuant to subsection (f)(2)(A) shall be introduced in the Senate (by request) on the next day on which

the Senate is in session by the majority leader of the Senate or by a Member of the Senate designated by the majority leader of the Senate and shall be introduced in the House of Representatives (by request) on the next legislative day by the majority leader of the House or by a member of the House designated by the majority leader of the House.

**SEC. 644. CONSUMER OPERATED AND ORIENTED PLAN PROGRAM CONTINGENCY FUND.**

(a) **ESTABLISHMENT.**—The Secretary of Health and Human Services shall establish a fund to be used to provide assistance and oversight to qualified nonprofit health insurance issuers that have been awarded loans or grants under section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 18042) prior to the date of enactment of this Act.

(b) **TRANSFER AND RESCISSION.**—

(1) **TRANSFER.**—From the unobligated balance of funds appropriated under section 1322(g) of the Patient Protection and Affordable Care Act (42 U.S.C. 18042(g)), 10 percent of such sums are hereby transferred to the fund established under subsection (a) to remain available until expended.

(2) **RESCISSION.**—Except as provided for in paragraph (1), amounts appropriated under section 1322(g) of the Patient Protection and Affordable Care Act (42 U.S.C. 18042(g)) that are unobligated as of the date of enactment of this Act are rescinded.

**TITLE VII—EXTENSION OF AGRICULTURAL PROGRAMS**

**SEC. 701. 1-YEAR EXTENSION OF AGRICULTURAL PROGRAMS.**

(a) **EXTENSION.**—Except as otherwise provided in this section and amendments made by this section and notwithstanding any other provision of law, the authorities provided by each provision of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1651) and each amendment made by that Act (and for mandatory programs at such funding levels), as in effect on September 30, 2012, shall continue, and the Secretary of Agriculture shall carry out the authorities, until the later of—

(1) September 30, 2013; or

(2) the date specified in the provision of that Act or amendment made by that Act.

(b) **COMMODITY PROGRAMS.**—

(1) **IN GENERAL.**—The terms and conditions applicable to a covered commodity or loan commodity (as those terms are defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)) or to peanuts, sugarcane, or sugar beets for the 2012 crop year pursuant to title I of that Act (7 U.S.C. 8702 et seq.) and each amendment made by that title shall be applicable to the 2013 crop year for that covered commodity, loan commodity, peanuts, sugarcane, or sugar beets.

(2) **MILK.**—

(A) **IN GENERAL.**—Notwithstanding subsection (a), the Secretary of Agriculture shall carry out the dairy product price support program under section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771) through December 31, 2013.

(B) **MILK INCOME LOSS CONTRACT PROGRAM.**—Section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) is amended by striking “2012” each place it appears in subsections (c)(3), (d)(1), (d)(2), (e)(2)(A), (g), and (h)(1) and inserting “2013”.

(3) **SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.**—The provisions of law specified in subsections (a) through (c) of section 1602 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8782) shall be suspended—

(A) for the 2013 crop or production year of a covered commodity (as that term is defined in section 1001 of that Act (7 U.S.C. 8702)), peanuts, sugarcane, and sugar, as appropriate; and

(B) in the case of milk, through December 31, 2013.

(c) **CONSERVATION PROGRAMS.**—

(1) **CONSERVATION RESERVE.**—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended in the second sentence by striking “and 2012” and inserting “2012, and 2013”.

(2) **VOLUNTARY PUBLIC ACCESS.**—Section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5) is amended by striking subsection (f) and inserting the following:

“(f) **FUNDING.**—

“(1) **FISCAL YEARS 2009 THROUGH 2012.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to the maximum extent practicable, \$50,000,000 for the period of fiscal years 2009 through 2012.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2013.”.

(d) **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**—

(1) **EMPLOYMENT AND TRAINING PROGRAM.**—Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended by inserting “, except that for fiscal year 2013, the amount shall be \$79,000,000” before the period at the end.

(2) **NUTRITION EDUCATION.**—Section 28(d)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(d)(1)) is amended—

(A) in subparagraph (A), by striking “and” after the semicolon at the end; and

(B) by striking subparagraph (B) and inserting the following:

“(B) for fiscal year 2012, \$388,000,000;

“(C) for fiscal year 2013, \$285,000,000;

“(D) for fiscal year 2014, \$401,000,000;

“(E) for fiscal year 2015, \$407,000,000; and

“(F) for fiscal year 2016 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect any increases for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

(e) **RESEARCH PROGRAMS.**—

(1) **ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.**—Section 1672B(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(f)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “MANDATORY FUNDING FOR FISCAL YEARS 2009 THROUGH 2012”;

(B) in the heading of paragraph (2), by striking “ADDITIONAL FUNDING” and inserting “DISCRETIONARY FUNDING FOR FISCAL YEARS 2009 THROUGH 2012”; and

(C) by adding at the end the following:

“(3) **FISCAL YEAR 2013.**—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2013.”.

(2) **SPECIALTY CROP RESEARCH INITIATIVE.**—Section 412(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(h)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “MANDATORY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012”;

(B) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2008 THROUGH 2012” after “APPROPRIATIONS”;

(C) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(D) by inserting after paragraph (2) the following:

“(3) **FISCAL YEAR 2013.**—There is authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2013.”.

(3) **BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.**—Section 7405(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(h)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “MANDATORY FUNDING FOR FISCAL YEARS 2009 THROUGH 2012”;

(B) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2008 THROUGH 2012” after “APPROPRIATIONS”; and

(C) by adding at the end the following:

“(3) **FISCAL YEAR 2013.**—There is authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2013.”.

(f) **ENERGY PROGRAMS.**—

(1) **BIOBASED MARKETS PROGRAM.**—Section 9002(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(h)) is amended in paragraph (2) by striking “2012” and inserting “2013”.

(2) **BIOREFINERY ASSISTANCE.**—Section 9003(h)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h)(2)) is amended by striking “2012” and inserting “2013”.

(3) **REPOWERING ASSISTANCE.**—Section 9004(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)(2)) is amended by striking “2012” and inserting “2013”.

(4) **BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.**—Section 9005(g)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105(g)(2)) is amended by striking “2012” and inserting “2013”.

(5) **BIODIESEL FUEL EDUCATION PROGRAM.**—Section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106) is amended by striking subsection (d) and inserting the following:

“(d) **FUNDING.**—

“(1) **FISCAL YEARS 2009 THROUGH 2012.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,000,000 for each of fiscal years 2008 through 2012.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 2013.”.

(6) **RURAL ENERGY FOR AMERICA PROGRAM.**—Section 9007(g)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)(3)) is amended by striking “2012” and inserting “2013”.

(7) **BIOMASS RESEARCH AND DEVELOPMENT.**—Section 9008(h)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)(2)) is amended by striking “2012” and inserting “2013”.

(8) **RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.**—Section 9009(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109(d)) is amended by striking “2012” and inserting “2013”.

(9) **FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.**—Section 9010(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110(b)) is amended in paragraphs (1)(A) and (2)(A) by striking “2012” each place it appears and inserting “2013”.

(10) **BIOMASS CROP ASSISTANCE PROGRAM.**—Section 9011(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111(f)) is amended—

(A) by striking “(f) **FUNDING.**—Of the funds” and inserting “(f) **FUNDING.**—

“(1) FISCAL YEARS 2008 THROUGH 2012.—Of the funds”; and

(B) by adding at the end the following:

“(2) FISCAL YEAR 2013.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2013.

“(B) MULTIYEAR CONTRACTS.—For each multiyear contract entered into by the Secretary during a fiscal year under this paragraph, the Secretary shall ensure that sufficient funds are obligated from the amounts appropriated for that fiscal year to fully cover all payments required by the contract for all years of the contract.”

(1) FOREST BIOMASS FOR ENERGY.—Section 9012(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8112(d)) is amended by striking “2012” and inserting “2013”.

(2) COMMUNITY WOOD ENERGY PROGRAM.—Section 9013(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(e)) is amended by striking “2012” and inserting “2013”.

(g) HORTICULTURE AND ORGANIC AGRICULTURE PROGRAMS.—

(1) FARMERS MARKET PROMOTION PROGRAM.—Section 6(e) of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005(e)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “FISCAL YEARS 2008 THROUGH 2012”;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

“(2) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2013.”;

(D) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “paragraph (1) or (2)”;

(E) in paragraph (5) (as so redesignated), by striking “paragraph (2)” and inserting “paragraph (3)”.

(2) NATIONAL CLEAN PLANT NETWORK.—Section 10202(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7761(e)) is amended—

(A) by striking “Of the funds” and inserting the following:

“(1) FISCAL YEARS 2009 THROUGH 2012.—Of the funds”; and

(B) by adding at the end the following:

“(2) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out the Program \$5,000,000 for fiscal year 2013.”

(3) NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.—Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(A) in subsection (a), by striking “Of funds of the Commodity Credit Corporation, the Secretary of Agriculture (acting through the Agricultural Marketing Service) shall use \$22,000,000 for fiscal year 2008, to remain available until expended, to” and inserting “The Secretary of Agriculture (acting through the Agricultural Marketing Service) shall”; and

(B) by adding at the end the following:

“(d) FUNDING.—

“(1) MANDATORY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section \$22,000,000 for the period of fiscal years 2008 through 2012.

“(2) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$22,000,000 for fiscal year 2013, to remain available until expended.”

(4) ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.—Section 7407(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c(d)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “MANDATORY FUNDING THROUGH FISCAL YEAR 2012”;

(B) in the heading of paragraph (2), by striking “ADDITIONAL FUNDING” and inserting “DISCRETIONARY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012”;

(C) by adding at the end the following:

“(3) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$5,000,000, to remain available until expended.”

(h) OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—Section 2501(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)) is amended—

(1) in the heading of subparagraph (A), by striking “IN GENERAL” and inserting “FISCAL YEARS 2009 THROUGH 2012”;

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(3) by inserting after subparagraph (A) the following:

“(B) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2013.”;

(4) in subparagraph (C) (as so redesignated), by striking “subparagraph (A)” and inserting “subparagraph (A) or (B)”;

(5) in subparagraph (D) (as so redesignated), by striking “subparagraph (A)” and inserting “subparagraph (A) or (B)”.

(i) EXCEPTIONS.—

(1) IN GENERAL.—Subsection (a) does not apply with respect to mandatory funding provided by programs authorized by provisions of law amended by subsections (d) through (h).

(2) CONSERVATION.—Subsection (a) does not apply with respect to the programs specified in paragraphs (3)(B), (4), (6), and (7) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)), relating to the conservation stewardship program, farmland protection program, environmental quality incentives program, and wildlife habitat incentives program, for which program authority was extended through fiscal year 2014 by section 716 of Public Law 112-55 (125 Stat. 582).

(3) TRADE.—Subsection (a) does not apply with respect to the following provisions of law:

(A) Section 3206 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1726c) relating to the use of Commodity Credit Corporation funds to support local and regional food aid procurement projects.

(B) Section 3107(1)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(1)(1)) relating to the use of Commodity Credit Corporation funds to carry out the McGovern-Dole International Food for Education and Child Nutrition Program.

(4) SURVEY OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.—Subsection (a) does not apply with respect to section 4307 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1893) relating to the use of Commodity Credit Corporation funds for a survey and report regarding foods purchased by school food authorities.

(5) RURAL DEVELOPMENT.—Subsection (a) does not apply with respect to the following provisions of law:

(A) Section 379E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s(d)(1)), relating to funding of the rural microentrepreneur assistance program.

(B) Section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1955) relating to funding of pending rural development loan and grant applications.

(C) Section 231(b)(7)(A) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(b)(7)(A)), relating to funding of value-added agricultural market development program grants.

(D) Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) relating to the use of Commodity Credit Corporation funds for the National Sheep Industry Improvement Center.

(6) MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.—Subsection (a) does not apply with respect to section 10404(d) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2112).

(7) SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.—Subsection (a) does not apply with respect to section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and title IX of the Trade Act of 1974 (19 U.S.C. 2497 et seq.) relating to the provision of supplemental agricultural disaster assistance.

(8) PIGFORD CLAIMS.—Subsection (a) does not apply with respect to section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209) relating to determination on the merits of Pigford claims.

(9) HEARTLAND, HABITAT, HARVEST, AND HORTICULTURE ACT OF 2008.—Subsection (a) does not apply with respect to title XV of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2246), and amendments made by that title, relating to the provision of supplemental agricultural disaster assistance under title IX of the Trade Act of 1974 (19 U.S.C. 2497 et seq.), certain revenue and tax provisions, and certain trade benefits and other matters.

(j) EFFECTIVE DATE.—Except as otherwise provided in this section, this section and the amendments made by this section take effect on the earlier of—

(1) the date of the enactment of this Act;

or

(2) September 30, 2012.

## SEC. 702. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (a)(5)—

(A) in the matter preceding clause (i), by striking the first “under”;

(B) by redesignating clauses (i) through (iii) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(2) in subsection (c)—

(A) in paragraph (1), by striking “use such sums as are necessary from the Trust Fund to”;

(B) by adding at the end the following:

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$80,000,000 for each of fiscal years 2012 and 2013.”;

(3) in subsection (d)—

(A) in paragraph (2), by striking “use such sums as are necessary from the Trust Fund to”;

(B) by adding at the end the following:

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$400,000,000 for each of fiscal years 2012 and 2013.”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “use up to \$50,000,000 per year from the Trust Fund to”;

(B) by adding at the end the following:

“(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2012 and 2013.”;

(5) in subsection (f)—

(A) in paragraph (2)(A), by striking “use such sums as are necessary from the Trust Fund to”; and

(B) by adding at the end the following:

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2012 and 2013.”; and

(6) in subsection (i), by inserting “or, in the case of subsections (c) through (f), September 30, 2013” after “2011.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2012.

## TITLE VIII—MISCELLANEOUS PROVISIONS

### SEC. 901. STRATEGIC DELIVERY SYSTEMS.

(a) IN GENERAL.—Paragraph 3 of section 495(c) of title 10, United States Code, as added by section 1035 of the National Defense Authorization Act for Fiscal Year 2013, is amended—

(1) by striking “that” before “the Russian Federation” and inserting “whether”; and

(2) by inserting “strategic” before “arms control obligations”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2013.

### SEC. 902. NO COST OF LIVING ADJUSTMENT IN PAY OF MEMBERS OF CONGRESS.

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2013.

## TITLE IX—BUDGET PROVISIONS

### Subtitle A—Modifications of Sequestration

#### SEC. 1001. TREATMENT OF SEQUESTER.

(a) ADJUSTMENT.—Section 251A(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (C), by striking “and” after the semicolon;

(2) in subparagraph (D), by striking the period and inserting “; and”; and

(3) by inserting at the end the following:

“(E) for fiscal year 2013, reducing the amount calculated under subparagraphs (A) through (D) by \$24,000,000,000.”.

(b) AFTER SESSION SEQUESTER.—Notwithstanding any other provision of law, the fiscal year 2013 spending reductions required by section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be evaluated and implemented on March 27, 2013.

(c) POSTPONEMENT OF BUDGET CONTROL ACT SEQUESTER FOR FISCAL YEAR 2013.—Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in paragraph (4), by striking “January 2, 2013” and inserting “March 1, 2013”; and

(2) in paragraph (7)(A), by striking “January 2, 2013” and inserting “March 1, 2013”.

(d) ADDITIONAL ADJUSTMENTS.—

(1) SECTION 251.—Paragraphs (2) and (3) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

“(2) for fiscal year 2013—

“(A) for the security category, as defined in section 250(c)(4)(B), \$684,000,000,000 in budget authority; and

“(B) for the nonsecurity category, as defined in section 250(c)(4)(A), \$359,000,000,000 in budget authority;

“(3) for fiscal year 2014—

“(A) for the security category, \$552,000,000,000 in budget authority; and

“(B) for the nonsecurity category, \$506,000,000,000 in budget authority.”.

(e) 2013 SEQUESTER.—On March 1, 2013, the President shall order a sequestration for fiscal year 2013 pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this section, pursuant to which, only for the purposes of the calculation in sections 251A(5)(A), 251A(6)(A), and 251A(7)(A), section 251(c)(2) shall be applied as if it read as follows:

“(2) For fiscal year 2013—

“(A) for the security category, \$544,000,000,000 in budget authority; and

“(B) for the nonsecurity category, \$499,000,000,000 in budget authority.”.

### SEC. 1002. AMOUNTS IN APPLICABLE RETIREMENT PLANS MAY BE TRANSFERRED TO DESIGNATED ROTH ACCOUNTS WITHOUT DISTRIBUTION.

(a) IN GENERAL.—Section 402A(c)(4) is amended by adding at the end the following:

“(E) SPECIAL RULE FOR CERTAIN TRANSFERS.—In the case of an applicable retirement plan which includes a qualified Roth contribution program—

“(i) the plan may allow an individual to elect to have the plan transfer any amount not otherwise distributable under the plan to a designated Roth account maintained for the benefit of the individual,

“(ii) such transfer shall be treated as a distribution to which this paragraph applies which was contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to such account, and

“(iii) the plan shall not be treated as violating the provisions of section 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), or 457(d)(1)(A), or of section 8433 of title 5, United States Code, solely by reason of such transfer.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to transfers after December 31, 2012, in taxable years ending after such date.

### Subtitle B—Budgetary Effects

#### SEC. 1011. BUDGETARY EFFECTS.

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

**SA 3449.** Mr. PRYOR (for Mr. NELSON of Florida (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 6586, to extend the application of certain space launch liability provisions through 2014; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Space Exploration Sustainability Act”.

#### SEC. 2. ASSURANCE OF CORE CAPABILITIES.

Section 203 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18313) is amended by adding at the end the following:

“(c) SENSE OF CONGRESS REGARDING HUMAN SPACE FLIGHT CAPABILITY ASSURANCE.—It is

the sense of Congress that the Administrator shall proceed with the utilization of the ISS, technology development, and follow-on transportation systems (including the Space Launch System, multi-purpose crew vehicle, and commercial crew and cargo transportation capabilities) under titles III and IV of this Act in a manner that ensures—

“(1) that these capabilities remain inherently complementary and interrelated;

“(2) a balance of the development, sustainment, and use of each of these capabilities, which are of critical importance to the viability and sustainability of the U.S. space program; and

“(3) that resources required to support the timely and sustainable development of these capabilities authorized in either title III or title IV of this Act are not derived from a reduction in resources for the capabilities authorized in the other title.”.

“(d) LIMITATION.—Nothing in subsection (c) shall apply to or affect any capability authorized by any other title of this Act.”

### SEC. 3. EXTENSION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS.

Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

### SEC. 4. EXEMPTION FROM INKSNA.

Section 7(1)(B) of the Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is amended—

(1) by striking “, or for the purchase of goods or services relating to human space flight, that are”; and

(2) by striking “prior to July 1, 2016” and inserting “prior to December 31, 2020”.

**SA 3450.** Mr. PRYOR (for Mr. REID) proposed an amendment to the bill H.R. 8, providing for comprehensive tax reform, and for other purposes; as follows:

Amended the title as to read:

An Act entitled the “American Taxpayer Relief Act of 2012”.

### EXTENDING THE APPLICATION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6586, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6586) to extend the application of certain space launch liability provisions through 2014.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Nelson-Hutchison substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3449) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Space Exploration Sustainability Act”.

#### SEC. 2. ASSURANCE OF CORE CAPABILITIES.

Section 203 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18313) is amended by adding at the end the following:

“(c) SENSE OF CONGRESS REGARDING HUMAN SPACE FLIGHT CAPABILITY ASSURANCE.—It is the sense of Congress that the Administrator shall proceed with the utilization of the ISS, technology development, and follow-on transportation systems (including the Space Launch System, multi-purpose crew vehicle, and commercial crew and cargo transportation capabilities) under titles III and IV of this Act in a manner that ensures—

“(1) that these capabilities remain inherently complementary and interrelated;

“(2) a balance of the development, sustainment, and use of each of these capabilities, which are of critical importance to the viability and sustainability of the U.S. space program; and

“(3) that resources required to support the timely and sustainable development of these capabilities authorized in either title III or title IV of this Act are not derived from a reduction in resources for the capabilities authorized in the other title.”.

“(d) LIMITATION.—Nothing in subsection (c) shall apply to or affect any capability authorized by any other title of this Act.”

#### SEC. 3. EXTENSION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS.

Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

#### SEC. 4. EXEMPTION FROM INKSNA.

Section 7(1)(B) of the Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is amended—

(1) by striking “, or for the purchase of goods or services relating to human space flight, that are”; and

(2) by striking “prior to July 1, 2016” and inserting “prior to December 31, 2020”.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 6586), as amended, was passed.

#### ENDANGERED FISH RECOVERY PROGRAMS EXTENSION ACT OF 2012

#### AUTHORIZING THE SECRETARY OF THE INTERIOR TO ISSUE RIGHT-OF-WAY PERMITS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 6060 and the Senate proceed to its consideration and consideration of Calendar No. 269, S. 302 en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title en bloc.

The assistant legislative clerk read as follows:

A bill (H.R. 6060) to amend Public Law 106-392 to maintain annual base funding for the

Upper Colorado and San Juan fish recovery programs through fiscal year 2019.

A bill (S. 302) to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in non-wilderness areas within the boundary of Denali National Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bills be read a third time and passed en bloc, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6060) was ordered to a third reading, was read the third time, and passed.

The bill (S. 302) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 302

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DENALI NATIONAL PARK AND PRESERVE NATURAL GAS PIPELINE.

(a) DEFINITIONS.—In this section:

(1) APPURTENANCE.—

(A) IN GENERAL.—The term “appurtenance” includes cathodic protection or test stations, valves, signage, and buried communication and electric cables relating to the operation of high-pressure natural gas transmission.

(B) EXCLUSIONS.—The term “appurtenance” does not include compressor stations.

(2) PARK.—The term “Park” means the Denali National Park and Preserve in the State of Alaska.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) PERMIT.—The Secretary may issue right-of-way permits for—

(1) a high-pressure natural gas transmission pipeline (including appurtenances) in nonwilderness areas within the boundary of Denali National Park within, along, or near the approximately 7-mile segment of the George Parks Highway that runs through the Park; and

(2) any distribution and transmission pipelines and appurtenances that the Secretary determines to be necessary to provide natural gas supply to the Park.

(c) TERMS AND CONDITIONS.—A permit authorized under subsection (b)—

(1) may be issued only—

(A) if the permit is consistent with the laws (including regulations) generally applicable to utility rights-of-way within units of the National Park System;

(B) in accordance with section 1106(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3166(a)); and

(C) if, following an appropriate analysis prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the route of the right-of-way is the route through the Park with the least adverse environmental effects for the Park; and

(2) shall be subject to such terms and conditions as the Secretary determines to be necessary.

#### ADOPTIONS OF RUSSIAN CHILDREN BY UNITED STATES CITIZENS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 628, submitted earlier today by Senators LANDRIEU and BLUNT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 628) expressing the deep disappointment of the Senate in the enactment by the Russia Government of a law ending inter-country adoptions of Russian children by United States citizens and urging the Russia Government to reconsider the law and prioritize the processing of inter-country adoptions involving parentless Russian children who were already matched with United States families before the enactment of the law.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask that the Senate proceed to a voice vote on adoption of the resolution.

The PRESIDING OFFICER. Is there further debate on the resolution?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 628) was agreed to.

Mr. PRYOR. Mr. President, I ask unanimous consent that the preamble be agreed to and the motions to reconsider be made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 628

Whereas United Nations Children's Fund (UNICEF) estimates that there are 740,000 children in Russia living without parental care;

Whereas the Ministry of Science and Education of Russia estimates that 110,000 children live in state institutions in Russia;

Whereas the number of adoptions by Russian families is modest, with only 7,400 domestic adoptions in 2011 compared with 3,400 adoptions of Russian children by families abroad;

Whereas on December 28, 2012, Russian Federation President Vladimir Putin signed into law legislation entitled “On Measures Concerning the Implementation of Government Policy on Orphaned Children and those without Parental Care”, which includes language that permanently bans adoptions of Russian children by United States citizens;

Whereas a spokesman for President Putin, Dmitry Peskov, announced that the law is to take effect on January 1, 2013, thereby abrogating the bilateral agreement between Russia and the United States that entered into force on November 1, 2012, and requires both countries to provide one year notice of intent to terminate the agreement;

Whereas 46, and possibly more, inter-country adoptions of Russian children by United States families have already received a final adoption decree from the Russia judicial system, and hundreds of other United States



families are in the process of adopting Russian children;

Whereas United Nations Children's Fund released a statement urging the Russia Government to ensure that "the current plight of the many Russian children in institutions receives priority attention" and that the Russia Government consider alternatives to institutionalization including "domestic adoption and inter-country adoption";

Whereas the United Nations, the Hague Conference on Private International Law, and other international organizations have recognized a child's right to a family as a basic human right worthy of protection;

Whereas the Christian Alliance for Orphans reports that United States families have opened their homes to more than 179,000 orphans from overseas in the last 20 years;

Whereas after China and Ethiopia, Russia is the third most popular country for United States citizens who adopt internationally;

Whereas adoption, both domestic and international, is an important child protection tool and an integral part of child welfare best practices around the world, along with prevention of abandonment and family reunification; and

Whereas more than 60,000 Russia-born children have found safe, permanent, and loving homes with United States families over the last two decades: Now, therefore, be it

*Resolved*, That the Senate—

(1) affirms that all children deserve a permanent, protective family;

(2) values the long tradition of the United States and Russia Governments working together to find permanent homes for unparented children;

(3) disapproves of the Russia law ending inter-country adoptions of Russian children by United States citizens because it primarily harms vulnerable and voiceless children; and

(4) strongly urges the Russia Government to reconsider the law on humanitarian grounds, in consideration of the well-being of parentless Russian children awaiting a loving and permanent family, and prioritize the processing of inter-country adoptions of Russian children by United States citizens that were initiated before the enactment of the law.

#### AUTHORIZING DOCUMENT PRODUCTION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 629, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 629) to authorize the production of records by the Committee on Armed Services.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, the Committee on Armed Services has received a request from the Secretary of the Air Force seeking access to records of the Committee relating to the Committee's consideration of the 1972 nomination of MG John D. Lavelle to retire at the rank of lieutenant general. That nomination was not confirmed. In 2010, the President nominated Major General Lavelle to be posthumously advanced on the retired list to the rank of general. After the Chairman of the Armed Services Committee requested further information regarding that nomination, the Air Force initiated an independent review of Major General Lavelle's case. That review is being led by the Honorable William H. Webster.

The Secretary of the Air Force requests that Judge Webster and those assisting him in the independent review be granted access to the Committee's executive session documents relating to the 1972 Lavelle nomination. The Chair and Ranking Minority Member of the Committee would like to be able to cooperate with this request by providing access to those conducting this independent review to the requested committee records.

This resolution would authorize the Chairman and Ranking Minority Member of the Committee on Armed Services, acting jointly, to provide records, under appropriate security procedures, from the Committee's 1972 consideration of the Lavelle nomination to those conducting the independent review of Major General Lavelle's case on behalf of the Air Force.

Mr. PRYOR. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 629) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 629

Whereas, the United States Air Force has initiated an independent review of the case of Major General John D. Lavelle, who has been nominated to be advanced posthumously on the retired list to the rank of general;

Whereas, the Committee has received a request from the Secretary of the Air Force that those conducting the independent review of Major General Lavelle's nomination be given access to the Committee's executive session documents relating to Major General Lavelle's 1972 nomination to the rank of lieutenant general on the retired list of the Air Force;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Chairman and Ranking Minority Member of the Committee on Armed Services, acting jointly, are authorized to provide, under appropriate security procedures, records from the Committee's executive sessions relating to Major General John D. Lavelle's 1972 nomination to those persons conducting the independent review of Major General Lavelle's case on behalf of the Air Force.

#### ORDERS FOR TUESDAY, JANUARY 1, 2013

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Tuesday, January 1, 2013; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks the Senate proceed to a period of morning business until 3:30 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 2:00 P.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 2:31 a.m., adjourned until Tuesday, January 1, 2013, at 2 p.m.



## EXTENSIONS OF REMARKS

### PERSONAL EXPLANATION

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. VISCLOSKY. Mr. Speaker, on December 30, 2012, I was absent from the House and missed rollcall votes 649, 650, and 651.

Had I been present for rollcall vote 649, on the motion to suspend the rules and pass, as amended, H.R. 3159, the Foreign Aid Transparency and Accountability Act, I would have voted "yes."

Had I been present for rollcall vote 650, on the motion to suspend the rules and concur in the Senate Amendment to H.R. 4057, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, I would have voted "yes."

Had I been present for rollcall vote 651, on the motion to suspend the rules and pass S. 3203, the Dignified Burial and Other Veterans' Benefits Improvement Act, I would have voted "yes."

### HONORING THE REPUBLIC OF CYPRUS

#### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor the Republic of Cyprus as it finishes out its first rotation of the European Union Presidency. For a small country like Cyprus, this is a significant event in their history and I want to recognize one of their Presidency's major accomplishments.

I would like to thank Cyprus for successfully overseeing the implementation of new European Union sanctions that were imposed on Iran to target their nuclear and ballistic missile program. Iran continues to be a threat to the United States, Europe, and our closest ally in the Middle East—the Jewish State of Israel. These sanctions will go a long way towards ensuring further stability in the Middle East and helping Israel to maintain its security. These are the toughest sanctions yet to be imposed by the EU and I believe they will work in concert with those imposed by the U.S. Congress. Again, I'd like to congratulate the Republic of Cyprus for its oversight of this implementation and overall for a successful first rotation as EU President.

### PERSONAL EXPLANATION

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. GERLACH. Mr. Speaker, on December 30, 2012, I unfortunately missed three recorded votes on the House floor. Had I been present, I would have voted AYE on Rollcall 649, AYE on Rollcall 650, and AYE on Rollcall 651.

### COMPETITIVENESS AND ADVANCED MANUFACTURING

#### HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. CLARKE of Michigan. Mr. Speaker, after decades of decline, American manufacturing is now on the rebound. The United States created nearly half a million manufacturing jobs between 2010 and 2012. This recovery is critical for cities like my hometown of Detroit and for America's economy as a whole, but sustaining it will require coordinated comprehensive action.

Thankfully, the nation can count on inspired and visionary leadership from both the public and private sectors to sustain the development of advanced manufacturing industries that create high-quality exports and well-paying jobs.

I commend President Obama's commitment to creating a million new manufacturing jobs by 2016 through new investments in technological research and development as well as sensible policies like the elimination of tax deductions for companies that outsource manufacturing overseas. I also commend important private sector voices who are leading the way to America's manufacturing renaissance.

Andrew Liveris, the head of Dow Chemical and author of *Make It in America: The Case for Re-Inventing the Economy* has argued persuasively for a new national economic strategy that rests on a range of innovative ideas. In particular, he calls for a more coherent and comprehensive approach to national energy policy and greater reliance on alternative energy sources. This is essential because the cost and volatility of traditional energy sources like imported oil are a major drag on the nation's industrial productivity. Mr. Liveris additionally calls for new investments in workers' skills in order to boost the nation's productivity and guarantee world-class living standards. An intellectual leader and prominent figure in American business, Mr. Liveris and his proposals should command respect and attention across the political spectrum.

The Council on Competitiveness—a non-profit non-partisan coalition composed of

CEOs, labor leaders, and university presidents—has likewise developed a vital and comprehensive proposal to spur American economic renewal. Their new report, "A Clarion Call for Competitiveness," is a roadmap for Congress and the Administration to boost manufacturing and create well-paying jobs in the decades ahead. Among other recommendations, the Council urges federal leaders to double investments in technological research, increase efforts to commercialize America's scientific discoveries, strengthen apprenticeship programs for advanced manufacturing, speed-up the development of manufacturing "clusters" built around leading research centers around the nation, and ensure the quality of America's roads, bridges, and digital connections by authorizing the Export-Import Bank to fund domestic infrastructure projects.

These ideas—which come from both Democrats and Republicans and both private and public sectors—are unique in today's civic debate for a simple reason: they offer hope. I call on Congress to implement these innovative proposals in the 113th Congress for the sake of our workers, our businesses, and our nation's long-term economic future.

### TRIBUTE TO RETIRED REAR ADMIRAL JAMES LLOYD ABBOT, JR.

#### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the devoted service and the remarkable life of an American patriot and a great Alabamian, retired Rear Admiral James Lloyd Abbot, Jr., who passed away on August 10, 2012, at the age of 94.

A distinguished World War II veteran, a much-decorated Naval officer and leader in American exploration of Antarctica, James Lloyd Abbot, Jr., was born in Mobile on June 26, 1918. He attended Murphy High School, Spring Hill College and the U.S. Naval Academy. He graduated and was commissioned Ensign on June 1, 1939.

In 1939, he first reported for duty aboard the aircraft carrier USS *Enterprise* (CV-6), later transferring to the destroyer USS *Gilmer* (DD-233). In 1943, he assumed command of Scouting Squadron 66 and was awarded the Air Medal for meritorious achievement in action against enemy Japanese forces in the vicinity of the Gilbert and Marshall Islands from November 1943 through January 1944.

In May 1961, he became Commanding Officer of the USS *Intrepid* (CVA-11), which, under his command, won the Air Force, Atlantic Fleet Battle Efficiency Pennant for the fiscal year 1962. Under his command, the USS *Intrepid* was the recovery ship for Astronaut Scott Carpenter after his 3-orbit flight in May 1962.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In February 1967, shortly before advancing in rank to Rear Admiral, he assumed command of the U.S. Naval Support Force, Antarctica; charged with the responsibility of insuring the success and safety of all United States operations on that continent. Under his command the first oceanographic study was conducted far into the ice-covered Weddell Sea. Furthermore, Palmer Station, which was successfully completed and opened by Rear Admiral Abbot on schedule in 1968, was the first permanent United States presence in the Antarctica Peninsula. The Abbot Ice Shelf in Antarctica was named in his honor.

His exemplary service, spanning nearly four decades, garnered him many medals commendations. In addition to the Legion of Merit with Gold Star, the Air Medal and the Navy Commendation Medal, Rear Admiral Abbot was awarded the American Defense Service Medal; American Campaign Medal; Asiatic-Pacific Campaign Medal; World War II Victory Medal; Navy Occupation Service Medal, Europe Clasp; the National Defense Service Medal with bronze star; and the Antarctica Service Medal.

After his retirement from the Navy in 1974, he returned to an active life in Mobile where he was a member of the USS Alabama Battleship Commission and Foundation and served on the Mobile Area Chamber of Commerce. In 2011, Rear Admiral Abbot was named Patriot of the Year by the Mobile Bay Area Veterans Day Commission. He was also the first inductee into the Murphy High School Hall of Fame.

On behalf of the people of Alabama, I wish to extend condolences to his sons, Retired U.S. Navy Captain J. Lloyd Abbot III, and retired U.S. Navy Admiral Steve Abbot, his five grandchildren, extended family and many friends. We will be forever indebted to his exemplary devotion to and service of our nation.

#### IN TRIBUTE TO MY STAFF

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to the men and women who work day after day, and often on nights and weekends, that I may best serve the people of California's 24th Congressional District.

During my 26 years in Congress, I have hired the best self-starters I could find who have a proven track record of caring for the people for whom they serve. As a result, I have one of the smallest staffs of any Member of Congress. As proof of their dedication and professionalism, I also have one of the lowest turnover rates of any Member of Congress.

My district director, Paula Sheil, started with me in 1972 in the private sector and has run my district office since I was first elected to Congress. In addition to running the day-to-day operations of my district office, Paula brings me back to earth and redirects my energies when I get off-kilter.

As my district chief of staff for 20 years, Brian Miller served as my surrogate in the district when I was in Washington, DC. He knows

everyone, everyone knows him, and he has been instrumental in my knowledge of the needs and concerns of the county, cities, districts, organizations and individuals throughout the district.

Tina Cobb has been handling my casework for 20 years. If a constituent has a problem and Tina can not solve it, it cannot be solved. She knows the ins and outs of our Federal agencies and can cut through red tape like no one else.

Myrna Vafee joined my district staff 6 years ago. In addition to doing case work, Myrna does all the chores necessary to keep an office running, from sorting mail to greeting constituents. Her smile immediately puts people at ease.

Thomas Widroe has been my deputy district director for 2 years, working from my Solvang office and acting as my eyes and ears in the North County.

Joel Kassiday has been my chief of staff in Washington, DC, for 11 years. Joel is the epitome of efficiency. I have learned to be very careful before I ask Joel to undertake a task because he has it done before you have a chance to change your mind.

Marianne Brant, my executive assistant, has been with me for 6 years. Marianne's primary responsibility is to maintain my schedule and to make sure I am where I am supposed to be. There probably is no tougher job in a congressional office and Marianne does it with poise, efficiency, and an ever-present smile.

Richard Mereu, my chief counsel and administrative assistant, has been a trusted advisor for 18 years. He has served as my staff director on the subcommittees I've chaired on both the Foreign Affairs and Judiciary committees, in addition to advising me on a wide range of legislative issues.

Tom Pfeifer joined my staff 14 years ago after 15 years as a journalist in my district. Tom's knowledge of the media, the people, the issues, and the politics of the district has made him a valuable resource in my D.C. office.

Cecilia Daly has been my legislative counsel for 6 years. Cecilia is a master researcher who takes great pleasure in tutoring our interns on that skill.

Kenneth Steinhardt first came to my office as an intern and came to work for me full time 7 years ago. Kenny is a bulldog on legislation. He builds coalitions on and off the Hill to move a bill and does not let up.

RJ Hauman is my newest staff member. As staff assistant, he is often the first person a constituent interacts with in my D.C. office.

Mr. Speaker, this is just my current staff. I have had many other great staffers over the years, but to try to name them all would take too long. Suffice it to say that I am grateful for their service as well. These are the best of the best, and I know my colleagues join me in thanking them for their service and in wishing them well in their new endeavors.

DAWSON, YOU ARE SO AWESOME, YOU ARE SO DAWSOME, AS CAN BE! IN HONOR OF DAWSON COX AND HIS COURAGE AND HIS BATTLE

### HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. FORTENBERRY. Mr. Speaker, I would like to recognize one of Lincoln, Nebraska's most courageous sons, and one of my constituents, Dawson Cox. I had the honor to take him and his sisters Stevie and Nessa on the floor of the House during our vote, and spend time with him and his family. Dawson's Make A Wish, was to come to Washington D.C. and visit the new Dr. King Jr. Memorial, and to stand on the very spot where the I Have A Dream speech was given. Dr. King is his hero. And Dr. King would be proud of Dawson too for his courage! Dawson toured the Capitol, and met many members of Congress and one of the House's true Icon's JOHN LEWIS. Congressman LEWIS, is the only surviving member left who spoke on that day. His new friend Bert, was so impressed with his courage and faith, and his spirit, that he penned this poem in his honor. Our prayers and our thoughts go out to Dawson and his family, during his most courageous battle.

DAWSON, YOU ARE SO AWESOME, YOU ARE SO DAWSOME, AS CAN BE!

Dawson!  
You are so Awesome!  
You are so Dawsome!  
As Can Be!  
You're Major "D"!  
For you are one of Nebraska's,  
most courageous of all sons so to be!  
Yea, you are a Husker!  
Who can so muster!  
The will and the courage,  
and the faith to so overcome!  
To Fight The Good Fight!  
As Thy Will Be Done!  
With all of your might!  
For inside of you, but shines such a light!  
For You are Major!  
You're Major "D", and yet your so young!  
And mini me, you so complete me!  
You see,  
because heroes come in all shapes and sizes,  
but it's all about what's within their hearts,  
that which so comprises . . .  
Of what they so can be!  
He's The Man!  
Even Washington has his initials DC,  
Dawson Cox understand!  
Because, In The Game of Life . . .  
Dawson, you are a winner so very bright!  
And if ever I had a son,  
I so wish that he could be like you this one!  
With that smile,  
that tells me all the while,  
that the heart of a champion so beats in this  
one!  
And when you walked on that House floor,  
they say the ratings on Cspan shot up so  
much more!  
That's because you are Major "D"!  
And you are so Awesome Mr. Dawson can't  
you see!  
For you are as brave as can be,  
as any Navy, Air Force, Army, or United  
States Marine!  
Because,  
you and your families just like them and  
theirs,

fight a war and the good fight continually!  
For you are all so much alike in so many ways!

And yet Dawson,  
you are just a little boy!  
Who out of such heartache can still find so much joy!

And yet,  
already so much you so understand!  
And what we could so learn from you,  
if we but so walked hand in hand!

If Dr. King,  
is a King Among Men!  
Then, you Dawson . . .  
are but a Prince Among Children!  
For he's for MLK Jr.,  
all the way

Heroes,  
our children should not so have to be,  
but sometimes this is what our Lord has chosen for us to teach!

To be inspired!  
To take and lift our hearts higher!  
To show us all that against all odds they never tire!

All in their profiles of courage don't you see?  
And to remind us to hold our families close!  
To so remember what so but means the most!

And to against all odds to always so believe!  
And, that is why . . .  
with tear in eye Dawson you so complete me!  
Dawson!

You Are So Awesome!  
You Are So Dawsome!  
So Dawsome As Can Be!

Because,  
it's with your heart you so run!  
On earth as it will be in Heaven,  
as Thy Will Be Done!

And that smile,  
and that wit,  
and that mind,  
so very creative and so quick I'll carry with me every day!

Because, you are my new best friend. . .  
Dawson, your Major "D" . . .  
And you are as Awesome as Awesome so can be!

# CONFERENCE REPORT ON H.R. 4310—THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

## HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Ms. McCOLLUM. Mr. Speaker, I am deeply disappointed that I must rise in opposition to the Conference Report on H.R. 4310, the FY13 National Defense Authorization Act. America's men and women in uniform deserve, and Congress must pass, legislation that provides them with the resources they need to preserve our national security. Unfortunately, this bill does not reflect the range of 21st-Century threats the United States must prepare for, nor does it reflect the urgent fiscal crisis this Congress must address. What this massive \$633 billion defense bill does reflect, however, are disastrously misplaced priorities.

On May 10th of this year, House Republicans passed the Sequester Replacement Reconciliation Act (H.R. 5652), which exempts the Pentagon from \$55 billion in automatic spending cuts agreed to in last year's Budget Control Act (P.L. 112–25). How did they pro-

pose to do it? By cutting over \$310 billion from domestic programs. These were cuts to nutrition assistance programs for low-income seniors, people with disabilities, and working families; cuts that will deny more than 200,000 low-income children their school lunches; cuts to the Meals on Wheels program critical to disabled seniors, and cuts to programs that protect vulnerable and abused children. These will have a real and severe impact on American families. Instead of asking the Pentagon to make tough choices and eliminate wasteful spending programs, House Republicans would rather balance the budget on the backs of our Nation's most vulnerable citizens.

Here is just one example of Pentagon spending that House Republicans are protecting by cutting programs for low-income children, seniors, and working families: in this fiscal year, the Department of Defense plans to spend \$389 million for its 150 military bands and more than 5,000 full-time, professional military musicians. This is a prime example of excessive military spending that we simply do not need, and can no longer afford. Earlier this year, the House passed my bipartisan amendment to this bill limiting the amount the military spends annually on military bands to no more than \$200 million—not an insignificant sum. I am very disappointed to see that this language was not included in the Conference Report. This smart cut would have continued to provided \$200 million for military bands in fiscal year 2013, ensuring that America would maintain its strong tradition of military bands, while saving taxpayers \$2 billion over the next decade.

Lastly, the Conference Report does virtually nothing to correct the civil liberties abuses passed in last year's defense authorization bill. House and Senate Conferees stripped a bipartisan amendment offered by Senators FEINSTEIN (D–CA) and Senator LEE (R–UT) which would have helped ensure that no one can be denied a fair trial and detained indefinitely when they are captured in the United States. I am appalled that this commonsense amendment to protect the most basic American civil liberties was not included in the legislation before us today.

Mr. Speaker, there are several positive provisions of this bill that I support, including the continuance of DOD clean energy programs, lifting restrictions on servicewomen's access to reproductive health care, and addressing military sexual assault. It also takes steps that would help eliminate hazing in the military and prevents any increase in new TRICARE fees. Unfortunately, the underlying legislation contains too much wasteful spending and does not correct the egregious human abuses that were part of the fiscal year 2012 bill.

One of our primary duties as Members of Congress is to provide the resources and policy guidance necessary to protect our Nation. We must make certain that every dollar in this bill contributes to our national defense. It is time for tough choices and smart cuts that save taxpayer dollars, even at the Pentagon. Wasteful and excessive Pentagon spending is no longer acceptable as low income families, seniors, and disabled Americans to go without the critical services.

I urge my colleagues oppose this legislation.

RICHARD ARMEY'S \$8,000,000  
GOLDEN PARACHUTE

## HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, given the role that former Majority Leader Richard Armeý has played in significantly increasing the role in militant conservatives in the Republican party, the article in the Washington Post on December 25 is important information that all Members should know.

[From The Washington Post, Dec. 25, 2012]

FREEDOM WORKS TEA PARTY GROUP NEARLY FALLS APART IN FIGHT BETWEEN OLD AND NEW GUARD

(By Amy Gardner)

The day after Labor Day, just as campaign season was entering its final frenzy, FreedomWorks, the Washington-based tea party organization, went into free fall.

Richard K. Armeý, the group's chairman and a former House majority leader, walked into the group's Capitol Hill offices with his wife, Susan, and an aide holstering a handgun at his waist. The aim was to seize control of the group and expel Armeý's enemies: The gun-wielding assistant escorted FreedomWorks' top two employees off the premises, while Armeý suspended several others who broke down in sobs at the news.

The coup lasted all of six days. By Sept. 10, Armeý was gone—with a promise of \$8 million—and the five ousted employees were back. The force behind their return was Richard J. Stephenson, a reclusive Illinois millionaire who has exerted increasing control over one of Washington's most influential conservative grass-roots organizations.

Stephenson, the founder of the for-profit Cancer Treatment Centers of America and a director on the Freedom Works board, agreed to commit \$400,000 per year over 20 years in exchange for Armeý's agreement to leave the group.

The episode illustrates the growing role of wealthy donors in swaying the direction of FreedomWorks and other political groups, which increasingly rely on unlimited contributions from corporations and financiers for their financial livelihood. Such gifts are often sent through corporate shells or non-profit groups that do not have to disclose their donors, making it impossible for the public to know who is funding them.

In the weeks before the election, more than \$12 million in donations was funneled through two Tennessee corporations to the FreedomWorks super PAC after negotiations with Stephenson over a pre-election gift of the same size, according to three current and former employees with knowledge of the arrangement. The origin of the money has not previously been reported.

These and other new details about the near-meltdown at FreedomWorks were gleaned from interviews with two dozen current and past associates, most of whom spoke on the condition of anonymity in order to talk freely.

The disarray comes as the conservative movement is struggling to find its way after the November elections, which brought a second term for President Obama and Democratic gains in the House and Senate. Armeý said in an interview that the near-meltdown at his former group has damaged the conservative cause.

"Freedom Works was the spark plug, the energy source, the catalyst for the movement through the 2010 elections," Armeý said, referring to the GOP midterm sweep. "Harm was done to the movement."

Stephenson, 73, declined a request for an interview. Matt Kibbe, the group's president, and Adam Brandon, its senior vice president, declined to discuss the issue.

"I don't comment on donors," Brandon said. "He's on our board, he's a board member like anyone else. That's it. I see him at board meetings."

Stephenson, a longtime but little-known player in conservative causes, is a resident of Barrington, Ill., a northwest suburb of Chicago known for its affluence and sprawling horse estates such as his Tudor Oaks Farm. He founded the Cancer Treatment Centers of America in 1988 following his mother's death from bladder cancer, according to the for-profit company's Web site and his public remarks. Stephenson also holds investments in a broad portfolio of other businesses, including finance and real estate companies.

Stephenson has a passion for libertarian politics stretching back to the 1960s, when he attended seminars featuring "Atlas Shrugged" author Ayn Rand and economist Murray Rothbard, according to those who know him at FreedomWorks. Like Armeý, Stephenson was an early supporter of Citizens for a Sound Economy, the conservative lobbying group founded by oil billionaires Charles and David Koch in 1984 that split into Freedom Works and Americans for Prosperity 20 years later. The Kochs, known for bankrolling a variety of conservative causes, kept control of AFP, while Stephenson and Armeý stayed with FreedomWorks.

FreedomWorks has been on a remarkable run in recent election cycles, growing its annual budget from \$7 million to \$40 million in just a few years and helping lead the tea party movement against Obama's agenda. The group was among several that rose up last week in opposition to a failed proposal from House Speaker John A. Boehner (R-Ohio) to raise federal taxes on millionaires.

The group played a crucial role in ushering a wave of tea party candidates into office in recent years, staging rallies, hawking books and videos, and organizing media appearances with conservative personalities such as Glenn Beck and Rush Limbaugh.

"I've enjoyed my association with FreedomWorks," said Sen. Mike Lee (R-Utah), who defeated incumbent Bob Bennett with help from the group. "Matt Kibbe and Dick Armeý endorsed me early in my candidacy for the U.S. Senate, and they were a big help to me."

Despite such testimonials, FreedomWorks has struggled with accusations that it is an "astro-turfer"—a national organization of big-money donors that swept in to lay claim to an independent movement.

According to public records, FreedomWorks received more than \$12 million before the election from two corporations based in Knoxville, Tenn.: Specialty Investments Group and Kingston Pike Development. The firms were established within a day of each other by William S. Rose III, a local bankruptcy lawyer.

Rose, who could not be reached for comment, has said publicly he would not answer questions about the donations. But according to three current and former FreedomWorks employees with knowledge of the donations, the money originated with Stephenson and his family, who arranged for the contributions from the Tennessee firms to the super PAC.

Brandon, FreedomWorks' executive vice president, told colleagues starting in August that Stephenson would be giving between \$10 million and \$12 million, these sources said. Brandon also met repeatedly with members of Stephenson's family who were involved in arranging the donations, the sources said.

Stephenson attended a FreedomWorks retreat in Jackson Hole, Wyo., in August at which a budget was being prepared in anticipation of a large influx of money, according to several employees who attended the retreat. At the retreat, Stephenson dictated some of the terms of how the money would be spent, the employees said.

"There is no doubt that Dick Stephenson arranged for that money to come to the super PAC," said one person who attended the retreat. "I can assure you that everyone around the office knew about it."

Among other things, Stephenson wanted a substantial sum spent in support of Rep. Joe Walsh (R-Ill.), a tea party favorite and Stephenson's local congressman, several who attended the retreat recalled. Walsh garnered national headlines during the campaign when he questioned whether his opponent, Tammy Duckworth, a former Blackhawk helicopter pilot who lost both legs in Iraq, was a "true hero." Despite internal misgivings about the value of the investment, FreedomWorks spent \$1.7 million on ads supporting Walsh; he lost the race.

Two watchdog groups last week asked the Federal Election Commission and the Justice Department to investigate the donations from the two Tennessee companies. The groups, Democracy 21 and the Campaign Legal Center, say the arrangement could violate federal laws that prohibit attempting to hide the true source of a political contribution by giving it under another name. (Brandon declined to comment on the complaints, but he said the group's books were in order.)

#### PARTNERSHIP UNRAVELS

For years, FreedomWorks was headed by an unlikely duo: Armeý, 72, the old-guard pilot who wears a black cowboy hat even when he's not on his Texas ranch, and Kibbe, 49, who sports mutton-chop sideburns and has a passion for the Grateful Dead.

But the most important relationship appears to be the bond between Kibbe and Stephenson, who bridged their age gap through shared libertarian views and Kibbe's battle with testicular cancer a decade ago, Armeý and others said. They said Kibbe, after being given a terminal diagnosis, was encouraged by Stephenson to get treatment at his cancer clinics; more than a decade later, they said, he is cancer-free.

Until this year, the partnership between Kibbe and Armeý worked well. Armeý's renown as a former House member drew media attention and crowds of conservative activists—most of them old enough to remember Armeý's role in the Republican revolution in Congress in 1994. And Kibbe's youthful intellectualism drew a new generation of libertarian soldiers into the FreedomWorks fold. In 2010, the two co-wrote a book, "Give Us Liberty: A Tea Party Manifesto," that became a New York Times bestseller and a successful marketing tool for FreedomWorks, which collected the book's proceeds and used it to attract donations.

The partnership came to a crashing end when Armeý marched into FreedomWorks's office Sept. 4 with his wife, Susan, executive assistant Jean Campbell and the unidentified man with the gun at his waist—who promptly escorted Kibbe and Brandon out of the building.

"This was two weeks after there had been a shooting at the Family Research Council,"

said one junior staff member who spoke on the condition of anonymity because he was not authorized to talk to the media. "So when a man with a gun who didn't identify himself to me or other people on staff, and a woman I'd never seen before said there was an announcement, my first gut was, 'Is Freedom Works in danger?' It was bizarre."

By nearly all accounts, including from those loyal to him, Armeý handled his attempted coup badly. Armeý says he was stepping in because of ethical breaches by Kibbe and Brandon, accusing them of improperly using FreedomWorks staff resources to produce a book—ironically, named "Hostile Takeover"—for which Kibbe claimed sole credit and was collecting royalties. The use of internal resources for Kibbe's benefit could jeopardize the group's nonprofit tax status; the group denies any impropriety.

"This is not only about this one incident," Armeý said. "But that one incident was a matter of grievous concern."

Armeý also accused Brandon, Kibbe and other staff members loyal to them of squeezing him out of media appearances and management decisions while using his name to market the group.

Armeý appeared out of touch and unsure of how FreedomWorks operated when he took over that Tuesday morning, according to interviews with more than a dozen employees on both sides who witnessed the takeover. Sitting in a glass-walled conference room visible to much of the staff, he placed three young female employees on administrative leave, then reversed himself when they burst into tears; his wife lamented aloud that maybe they had "jumped the gun."

In subsequent meetings, Susan Armeý passed her husband notes that several employees assumed contained suggestions on what to say. According to a recording of a staff conference call provided to The Washington Post, Armeý bewildered his audience by demanding more FreedomWorks support for Todd Akin, the Missouri Republican whose Senate campaign had already cratered after his comments about "legitimate rape."

"It was clear that under Armeý's leadership, the organization as we knew it was going to be driven into the ground," said one junior employee.

Enter Stephenson, who agreed to the multimillion-dollar financial incentive to push Armeý out and install Kibbe back at the helm.

The payments were necessary, several FreedomWorks leaders said, because Armeý was threatening to sue over Kibbe's book deal.

"It was very clear to him that I would not work with Matt," Armeý said, referring to Stephenson. "He felt that Matt knew the levers and understood it better than I did and was very urgent to reinstate that."

Brandon, back in the No. 2 spot as executive vice president, scoffed at the notion that the group is in trouble or that the dispute with Armeý was indicative of a larger problem for the tea party. He said FreedomWorks has 2.1 million members, nearly 4 million fans on Facebook and a budget that has grown sixfold in five years. He also pointed to the elections of Senate conservatives Ted Cruz in Texas and Jeff Flake in Arizona as evidence of the group's electoral success.

"We doubled our budget, and we doubled our membership," Brandon said, referring to the group's growth since 2011. "That's how we ended up the year."

(Alice R. Crites contributed to this report)

## MILLIONS FORGO FORECLOSURE REVIEWS

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Ms. KAPTUR. Mr. Speaker, this is the article I referred to in my one-minute speech this morning.

(From USA Today)

MILLIONS FORGO FORECLOSURE REVIEWS  
(HOMEOWNERS DON'T HAVE MUCH TIME TO ASK FOR ACCURACY CHECKS)

(By Julie Schmit)

Millions of homeowners who were in foreclosure in 2009 or 2010 could miss a chance to have their cases reviewed for errors—and possible compensation—if they don't act by Monday.

That's the deadline for eligible homeowners to request a free review required by a settlement last year between federal bank regulators and 14 mortgage servicers and their affiliates. The deadline has been extended three times due to poor response from homeowners.

More than 4 million notices were mailed a year ago informing homeowners of their right to a review, but only 356,000 had asked for one by Dec. 13, according to the Office of the Comptroller of the Currency.

Compensation could range from hundreds of dollars to more than \$100,000, the OCC has said. It is overseeing the settlement with the Federal Reserve.

Requests must be submitted at [independentforeclosurereview.com](http://independentforeclosurereview.com) or be postmarked no later than Monday, the OCC says. Answers to questions can be found on the website or by calling 888-952-9105.

"The (response) numbers are not terribly impressive," says Bruce Mirken of the Greenlining Institute, a consumer advocacy group.

Greenlining, like other consumer groups, says borrowers may still not be aware of the review opportunity.

Notification materials—including the 4 million letters—may have been ignored because they were written in legal jargon, were hard to read and looked too much like those used in foreclosure scams, says James Can, a senior policy fellow with the Opportunity Agenda, a non-partisan think tank. A Government Accountability Office report in June echoed those concerns.

The settlement followed a federal probe in which regulators found significant weaknesses in foreclosure processes, including improper foreclosure document preparation.

To meet regulators' deadlines, the GAO noted that servicers had just 60 days to develop outreach materials. That didn't leave time to test them with focus groups, one servicer representative told the GAO.

About 95% of the letters were successfully delivered, the OCC has said.

The reviews are intended to address a wide range of foreclosure errors, including excessive fees, wrongly denied loan modifications, misapplied payments or wrongful foreclosures. Borrower restitution will vary by case and financial harm, the OCC says. It's provided no cost estimate to servicers. No one has yet received restitution, OCC spokesman William Grassano says.

The requested reviews are in addition to 159,000 reviews being done, as part of the

same settlement, by consultants hired by the servicers, Grassano says.

The Monday deadline should be lifted and review requests should be allowed as needed, the community groups say, especially since more recent outreach efforts have been more consumer friendly.

The reviews are separate from a \$25 billion settlement, reached between five servicers and, state and federal officials, that's also meant to address past foreclosure abuses.

## IN TRIBUTE TO PUSHMATAHA COUNTY HISTORICAL SOCIETY

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to the Pushmataha County Historical Society in Antlers, Oklahoma, and in particular Myrtle Edmond and Madge Jentry.

As historical societies go, the Pushmataha County Historical Society is relatively new, having been founded in 1984. But the Society's staff and volunteers know their town, its history, its people, and their place firmly rooted in the heart of America.

My family hails from the Antlers, Oklahoma, area. When I was a young boy, I would travel by train, arriving and departing from the Frisco Depot, which now houses the Pushmataha County Historical Society. Myrtle Edmond and Madge Jentry were at the Society headquarters when my wife, Janice, and I stopped by on a recent trip and asked a few questions about my ancestors. Myrtle and Madge responded by enthusiastically researching everything they could find on the Gallegly and Williams family branches. Myrtle even wrote down, by hand, all their research in great detail and gave it to me.

In addition, Myrtle had previously served on the society's cemetery identification project and helped identify and inventory almost 12,000 burials and grave sites at approximately 119 locations. With that information, she was able to locate the gravesites of my grandparents and many other relatives.

The wealth of information Myrtle and Madge were able to provide on my family is even more impressive when one considers that the county courthouse burned during the Great Depression. Society volunteers have painstakingly rebuilt ancestral records from U.S. Census, newspapers, and other items in the historical record.

Mr. Speaker, Antlers, Oklahoma, is America. It has seen its share of hardship yet continues to bounce back. One of the most devastating tornadoes in the history of the state struck Antlers on April 12, 1945. Out of a population of 3,000, 55 were killed, including my uncle, Dennis Dixon Gallegly. One third of the city was demolished. The city has suffered devastating fires. Floods have washed away homes, but they can't wash away Antlers, or the spirit of its people.

Mr. Speaker, the pride Myrtle Edmond and Madge Jentry have in their community and in America was evidenced in their enthusiastic research of my family's roots. I know my colleagues join Janice and me in thanking them

and all the Pushmataha County Historical Society volunteers for preserving and celebrating their part of our nation's history through dedication, passion, and professionalism. They are preserving the heart of America.

## THE PARK SCHOOL CENTENNIAL

### HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Ms. HOCHUL. Mr. Speaker, it is my honor to congratulate The Park School of Buffalo on recently commemorating its Centennial. In 1912, a group of parents embarked on a truly remarkable journey by making a commitment to promote excellence in education with an emphasis on the personal development of their students.

Over the past 100 years, The Park School has carried out its mission of building a diverse and creative community that nurtures the joy and responsibility of active learning for all. From its founders, John Dewey and Mary Hammett Lewis, to the current administration, Park has truly left its mark on Snyder and the Western New York community.

I am confident that The Park School will continue its mission of educating our youth and strengthening our community as successfully over the next 100 years.

## IN HONOR OF COMMANDER HALSEY "BULL" KEATS

### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Commander Halsey "Bull" Keats upon his retirement from the United States Navy, where he served 20 years. CDR Keats completed four deployments throughout the world which have included ports in over 12 countries. During Enduring Freedom, he was the only Lieutenant Commander who stood in the ship's Captain during combat flight operations, and during Operation Iraqi Freedom he was selected to lead the first ever deployment of the Real-Time Sensor Data Link ground station to Camp Victory, Baghdad, Iraq providing the Commanding General tactical control over the Surveillance System Upgrade S-3 which boasted a streaming video capability.

CDR Keats was selected as the Naval Flight Officer of the Year in 1997. In 2004 he graduated from the Operational Planners Course with distinction at the Naval War College in Newport, Rhode Island. He has logged over 2,000 flight hours. For his exemplary service CDR Keats has received the Defense Meritorious Service Medal, Navy Meritorious Service Medal, Navy Commendation Medal, Navy and Marine Corps Achievement Medal, in addition to numerous unit commendations.

His final tour was Chief, Special Activity plans at U.S. Central Command Operations Directorate from July 2010 through his retirement on 1 April 2013.

Mr. Speaker, Commander Keats exemplifies all of the best qualities of a United States Naval Flight Officer. We have known each other for over thirty years. We worked together as young men back in Bucks County, Pennsylvania where his parents still do reside. Cmmdr. Keats is an outstanding husband and father and he has served his Nation with distinction.

I am honored to be able to stand here today and recognize him for his many years of service.

CENTENNIAL ANNIVERSARY OF  
THE CITY OF REDMOND

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. REICHERT. Mr. Speaker, as the two members who have the honor of representing this city today and in the future, I rise with my colleague Representative SUZAN DELBENE to honor the centennial anniversary of the City of Redmond, celebrated today, December 31, 2012.

First incorporated in 1912, eligible thanks to the birth of its 300th citizen, Redmond began as a small logging community. A century later, it has turned into a vibrant urban center of 55,000 that still maintains its strong sense of community and is proud of its small-town feel.

Over the last century, Redmond has evolved from logging town, to a small bedroom community east of the big city, to a bustling city in itself. Today, it's home to some of the most prominent high tech companies in the world. Redmond's tremendous growth has been fueled by the pioneering, entrepreneurial spirit of the town's first settlers and, in the century since, has attracted and inspired generations of Washingtonians to turn Redmond into a premier economic engine for the 21st century.

With all this growth and change, Redmond continues to maintain a deep sense of friendship and community. For example, Mr. Speaker, the Redmond Derby Days, a city celebration that grew out of a bicycle race among local paperboys after the depression, is going strong after 70 years. The Derby Days are bigger and better than ever and today, the signature event has the honor of being the nation's longest running bicycle race.

Over the last few years, we have both enjoyed participating in so many activities and events in beautiful Redmond and are honored to represent the great people of this city.

With the further expansion of mass transit, Redmond has an amazing opportunity to continue its growth and impact neighboring cities. Together with Seattle and environs, its influence contributes to form a region that is vibrant, attractive for business and a great place to live, work and raise a family. As Mayor Marchione, along with all of Redmond's dedicated City Council members, continue to build on Redmond's rich history, we look forward to watching and aiding with the city's success in years to come.

Mr. Speaker, Representative DELBENE and I again offer congratulations to the City of

Redmond for a wonderful, rich first century and together wish them the best as they move into their second century of prosperity.

HEALTH RELATED MATTERS FOR  
MY COLLEAGUES IN CONGRESS  
TO CONSIDER IN 2013

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. BURTON. Mr. Speaker, as we close the 112th Congress and I prepare to retire from Congress, I would like to leave a few comments regarding health related matters for my colleagues who will return to the 113th Congress. Throughout my decades in public service, I have strived to give consideration to those whose issues fall through the cracks of our government, and to those who become targets of government authorities for daring to deliver or seek alternative therapies.

Complementary and Alternative Therapies: While Chairman of the Committee on Oversight and Government Reform, I initiated a comprehensive evaluation of the role of complementary and alternative therapies in our health care system. During this time we heard from researchers, practitioners, and patients about the value that complementary and alternative therapies can play in our health system. These therapies include acupuncture, massage therapy, traditional healing systems from various cultures around the world such as Traditional East Asian Medicine, Kampo, Native American Medicine, Homeopathy and energy therapies such as QiGong and Reiki as well as the use stress management tools and nutrition and dietary supplements. These also include conventional therapies used for purposes not yet recognized as mainstream such as Chelation Therapy for cardiovascular benefit.

I hope my colleagues in 2013 will continue to protect access therapies and products so that Americans can continue to make their own choices in health care and retain their health freedom. I also believe a hard look at the management of resources provided to these issues is overdue. For instance, the first ever head to head research study looking at an alternative cancer treatment for pancreatic cancer as compared to the mainstream therapy was an absolute management disaster. Ten years, millions of dollars, and several federal investigations validating violations of patient protections by the academic conventional cancer therapy principal investigator has been swept under the rug by the National Institutes of Health's National Cancer Institute and the National Center for Complementary and Alternative Medicine. Too often, I hear that the studies that are funded, especially those on herbs are "designed to fail". After 20 years and more than a billion dollars, too little quality research on the therapies Americans are most interested has in has been conducted. When my colleague Senator TOM HARKIN gave the initial instruction to the National Institutes of Health to "investigate and validate" therapies being used around the world, we all envisioned an aggressive campaign to go into the

field and look at what is working an report this to the American people. Former Congressman Berkley Bedell championed this issue after being successfully treated with alternative therapies for Lyme disease and Prostate Cancer. Much good has been accomplished, but better work can and should be done.

In early 2013, the results of a national multi-site Chelation Therapy study will be published. I hope my colleagues will review this study and look to the history of how doctors who have provided this therapy have been attacked for daring to use a therapy approved decades ago by the Food and Drug Administration to treat heavy metal exposure in children "off label" for cardiovascular benefit. Medicine is increasingly recognizing that exposure to lead, mercury and other heavy metals have on the body including the cardiovascular system. Chelation Therapy may be improving cardiovascular health by removing heavy metals. This study was attacked by closed-minded individuals who oppose chelation therapy and all alternative therapies. Sadly, we have lost a decade in looking at the benefits of chelation therapy in children as the National Institutes of Health reneged on its promise to conduct a study at the Clinical Center on chelation therapy in the pediatric population. The American people deserve honest inquiry into chelation therapy for all its possible benefits.

Keep in mind, 1 in 6 women of childbearing age are carrying a higher than normal body burden of mercury, and mercury is the second most toxic substance on the planet. Mercury in all its forms can be harmful especially to babies in the womb and in the first years of life.

We first became aware of mercury in vaccines after the FDA was required by our body to conduct an inquiry on the amount of mercury in the products they regulated. A new inquiry is due in 2013 to determine the amount of mercury still in all FDA regulated products. Congress will once again need to require this of the FDA. I am disturbed that in 2013 we continue to have mercury in any form in medicines and in other products Americans routinely use without the knowledge they are exposing their families to mercury. It is a travesty that public health authorities have discounted the risk of mercury in vaccines and other products because it is a "trace amount". The whole body of evidence on mercury shows it can be harmful and is best avoided. Sadly the American Academy of Pediatrics and the public health officials at FDA and the rest of the Department of Health and Human Services should be leading the charge to get mercury out of all medicines, and they have instead continued to protect the industry and not our children. It has been left to families who have formed organizations such as the Coalition for SafeMinds to fight for children to be protected from exposure to mercury through medicine.

Autism and Vaccine Injury: The Committee did not set out to investigate the epidemic rise in autism rates; however, in late 1999 as we were looking at reports of injury within the military form the adulterated anthrax vaccine, we began hearing about children being injured from vaccines and developing autism. It was a crisis we could not ignore.

Just as Bob Wright, the founder of Autism Speaks, recently testified before the House Oversight and Government Reform Committee

that his daughter Katie reports that her son suffered a vaccine injury and developed autism, both of my own grandchildren suffered vaccine injuries and my grandson developed autism shortly after he was vaccinated with multiple vaccines, exposed to high levels of mercury and suffered adverse reactions. We heard from thousands of families whose experienced similar injuries. Almost 5,000 of these families sought relief through the Vaccine Injury Compensation Program (VICP) as is required by law. Congress and the American people are repeatedly told that vaccine injury does not cause autism. Of the 5,000 families only 1, a little girl named Hannah Poling, has received justice in this program because her parents, both health professionals were able to document a mitochondrial dysfunction that was exacerbated by exposure to mercury and vaccine injury. The government conceded her case, but it still took years of negotiations and legal battles for little Hannah to be compensated. This program is not working at Congress intended and I hope my colleagues in the 113th Congress will conduct a thorough review of the management of the VICP and direct through legislation improvements to the law so that all that are seriously injured may be compensated swiftly, fairly and without long litigious battles. Sadly the autism omnibus proceeding was fraught with injustices. There was only limited discovery, many actions by government lawyers that in any other court would lead to disbarment, and an appearance of bias by the Special Masters who seemed to work as partners to Justice to defend against vaccine injury rather than to sit as unbiased administrators and many other matters deserve a thorough oversight review by Congress to insure the program operates as it was designed.

While government officials who settled the Hannah Poling case reported her mitochondrial dysfunction is rare, others reported that it is very prevalent in the autism population. Maybe as many as 1 in 5 with autism may have this same mitochondrial dysfunction. These same government officials have failed to share what their database of vaccine cases show—that almost since the inception of the VICP, the government has quietly been settling cases of vaccine induced brain injury that resulted in autism. The Elizabeth Birt Law Advocacy Center (EBCALA) conducted a review of settled cases within the program for vaccine induced brain injury such as encephalitis and seizures, confirmed dozens of cases in which the government compensated the vaccine injured. The way that the government has shielded this is that it is not listed as the primary injury. However, the EBCALA investigators validated through families and records that autism resulted from vaccine injury. There needs to improved transparency within this program. Every case that is settled should be published online in such a way that the public is informed what injuries have been acknowledged and the management of the program improved so that all cases for like injuries are compensated quickly. At present each report of injury is handled in isolation, with no discovery, no ability to refer to other cases and evidence previously accepted in cases, the program is wasteful in the use of its resources and certainly not fair to the injured. If we want to preserve vaccine

policies in this country, it is essential to insure that the VICP works as Congress intended. I urge my colleagues to engage and stay engaged in investigating this program, talking to the lawyers and petitioners in the program, and improving it through legislation.

Autism: Autism in and of itself is a national emergency. We have gone in the time that I served in Congress from 1 in 10,000 to 1 in 88 children age 8 on the autism spectrum. This cannot simply be genetics—there is no such thing as a genetic epidemic. There are many issues that I urge my colleagues to address in 2013. The ERISA fix for insurance coverage of autism therapies such as Applied Behavioral Analysis is “low hanging fruit” for Congress. There is an urgent need to address adult and transition services for individuals with autism including those with higher functioning autism who, while often able to live independently as adults, are often under employed. We have a severe shortage of adequate housing for adults with autism who are no longer able to live with their parents. We have invested a billion dollars in autism research over the last decade, mostly on epidemiology and genetics. The autism community is frustrated that environmental factors are not given a greater share of the research dollars and that practically no funding has been provided to evaluate the dozens of therapies families who are able to pay out of pocket are using very successfully. Many of these are dietary related and alternative therapies and if there is ever to be insurance reimbursement, Medicaid coverage, or access through other government programs such as for military families, research to investigate for safety and benefit is needed. I hope my colleagues in 2013 will direct federal research resources to these much needed efforts in collaboration with the families and practitioners who have experience using them. The government cannot continue to sink significant resources simply into counting the children, without addressing the causes of the epidemic increase and focuses on prevention and treatments.

I am pleased that Chairman DARRELL ISSA committed during the November 29 autism hearing to stay engaged in looking at the federal response to autism. He is learning as I did while Chairman that the families and professionals involved in this community are desperate for Congress to do something to improve the Federal response, to hold accountable those who are subverting the truth about the causes of autism, and who have poorly managed the resources provided by taxpayers to get to the truth on autism and vaccine injury. I urge a review on how the Centers for Disease Control and Prevention (CDC) has managed the Vaccine Safety Database, how Poul Thorsen was able to steal more than \$1 million from the autism grant in the CDC—Denmark project, and why Diana Schendel of the CDC has continued publish studies as a co-author to Thorsen. Why does the CDC continue to promote his research after his federal indictment for 22 counts of wire fraud and money laundering? I am concerned that individuals at the CDC have participated in malicious acts of covering up the data showing a direct connection between exposure to mercury in vaccines in the first six months of life and an eleven-fold increase risk of autism. I

urge the 113th Congress to shine the light of day on their actions and seek justice.

Military and Veterans: I cannot leave Congress without giving mention to the men and women of our armed services, active duty, National Guard, Reserves and Veterans. We recently lost one our own in the Congress, Senator Daniel Inouye, a World War II veteran. All across the great nation, in veterans' hospitals, hospices and retirement homes, we are losing tens of thousands of World War II, the Korean Conflict, and Vietnam War veterans each month. Too many have no remaining family members to be with them and it is VA staff and volunteers who spend the last hours and days with them.

The signature injuries of the Global War on Terror of the last 12 years is Traumatic Brain Injury and Post Traumatic Stress Disorder. (TBI/PTSD) I like many Members of Congress have been informed of the benefits of hyperbaric oxygen therapy at 1.5 ATA for members of the military who have had concussive injury and developed TBI/PTSD. Professional athletes such as Washington Redskins quarterback Robert Griffin III who suffer a concussive injury are immediately provided access to all therapies that show benefit including hyperbaric oxygen therapy (HBOT). Sadly our troops not provided the same access. For a decade members of the military and veterans have been working to gain access to HBOT and other therapies and to have these therapies paid for through Tricare. Evidence show HBOT is both safe and effective, and unlike the anti-depressant, anti-psychotic and other drugs being handed out like candy by military doctors, do not have black box warnings for increased risk of suicide and suicidal thoughts. I urge my colleagues returning in 2013 as well as President Obama, the Secretaries of Defense and Veterans Affairs to work together to make HBOT at 1.5 ATA (the validated dose) and other therapies as outlined in the TBI Treatment Act we passed twice in the House available to those with TBI/PTSD. Those who stepped up and volunteered to serve our nation deserve nothing less.

Health Freedom and the Constitution: At the foundation of all of my time in public service is the Constitution. The prevailing theme of the right to life, liberty and the pursuit of happiness for all Americans are as important today as it was when I was first sworn in. As I leave Congress, I am grateful for the opportunity to serve the people of Indiana and the nation. I am grateful for all those who have worked with me over the years in my Congressional office and on Committee Staff. I am thankful to a God who has provided me strength and health to serve and pray that as we enter 2013 and I enter a new phase of my life, with a beautiful and intelligent wife and family whom I love, that new champions for health freedom will emerge.



IN HONOR OF MY FAMILY'S LOVE  
AND SUPPORT

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in honor of my family. As you and almost every Member of Congress knows, doing this job would be impossible without the love and support our families.

Twenty-seven years ago, my wife, Janice, agreed to support my first run for Congress. She agreed on three conditions: I would not put the family into debt. That I would never ask her to do public speaking. And, that she would never have to ask for campaign contributions.

Well before the primary was over, we were in debt. Janice was my surrogate speaker, and she was the best fundraiser anyone could have.

Because of her skills at public speaking and campaigning, we were quickly out of debt from my first run for Congress. For the next 26 years, she spearheaded my campaign and I never again had to borrow from the family. Janice stood by my side as I met with ambassadors, heads of state, and military families. She has been my rock.

Janice and my four children were young adults when I first entered Congress. They have married and given us 10 beautiful grandchildren. They have been my greatest champions.

Shawn Gallegly married Tea. They gave us two grandsons, Adrian and Lucas.

Shawn Payton married Angelique. They gave us a granddaughter, Savannah, and two grandsons, Tanner, and Landon.

Kevin Gallegly married Jennifer. They gave us three granddaughters, Emma, Bethie, and Sammie.

Shannon Payton Breslow married Scott. They gave us a grandson, Payton, and granddaughter, Presley.

Mr. Speaker, without the love and support of my family, I could not have served in this great institution for so long and represented my neighbors as effectively. I know my colleagues join me in thanking them for their love and support. I look forward to spending much more time with my wife, children, and grandchildren and in supporting them achieve their dreams.

HONORING THE LIFE OF DR.  
ROMAIN CLEROU

**HON. KEVIN MCCARTHY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor the life of Dr. Romain Clerou, a local doctor from my hometown of Bakersfield, California who passed away on November 20, 2012. Romain selflessly served our community for over 65 years through his medical practice and will be remembered as a good friend to many, and a fixture on the side-

lines at the local college and high school football games.

Born in Bakersfield to French immigrants, Romain attended Kern County Union High School, Bakersfield Junior College, the University of California at Berkeley, and Creighton Medical School in Nebraska before serving in the U.S. Navy's 41st Seabees during the Second World War.

In 1946, after the war had passed, Romain set up his medical practice in Bakersfield. Throughout the following decades, he would become well-regarded for his constant availability and the personal attention given to each of his patients. Dr. Clerou treated countless ailments, delivered thousands of babies, and befriended generations of families.

Additionally, Romain was the beloved team doctor for many athletes on Bakersfield football teams, a service for which he was known to never charge. Romain loved sports. He was a gymnast and football player and continued to play competitive rounds of golf up until late February of this year. Only a few months ago, Romain could be found at Bakersfield College taking in a football practice, sitting in a golf cart and smoking the cigars he was so well known for.

Mr. Speaker, it is this kind of dedication to community service that reflects the great characteristics of our nation's people. As someone who lived life to the fullest and spent most of that life serving the people of Bakersfield, Romain was not only a pillar of strength to his community, but also to his country. He is survived by Mrs. Mayie Maitia, along with her family, his six children, and five grandchildren. While I ask that my colleagues join me today in honoring the life of a great American, I have no doubt that Dr. Romain Clerou will be long remembered by the community he served so well.

HONORING BUCKS BEAUTIFUL

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the work being done in my home of Bucks County, Pennsylvania by the dedicated volunteers of Bucks Beautiful.

Founded in 1990 by Robert and Joyce Byers and Carol McCaughan with the goal of beautifying Bucks County, this community organization has dedicated itself to preserving and improving upon the existing natural beauty of my home in southeastern Pennsylvania.

Over the last 22 years, Bucks Beautiful has expanded its mission, offering beautification grant programs, partnering with a local college to offer academic scholarships, and offering scenic tours of Bucks County and other nearby locales.

Most recently, Bucks Beautiful has completed its "Bulbs For Bucks" Program, planting hundreds of thousands of daffodils at strategic locations across the county.

The inspiration of Chuck Gale, owner of Gale Nurseries and a Bucks Beautiful board member, this collaboration of local nursery owners and landscape architects will result in

an impressive visual display come spring along major Bucks County thoroughfares.

Chuck Gale and his team complete the first phase of this undertaking in fall of 2010, planting 30,000 Daffodil Bulbs were planted along the Rt. 611 Bypass.

Last fall, 300,000 Daffodil Bulbs were planted along the Delaware Canal at key locations from Bristol to Riegelsville, Bucks County.

Finally, this November marked the completion of Phase 3 with 170,000 daffodil bulbs being planted along the new Route 202 Parkway and Route 202 Bypass.

The completion of this project, which included the acquisition from Holland the only bulb-planting machine in the United States, has laid the foundation for an expanded tourism base for Bucks County. Bucks Beautiful hopes to begin an annual bulb festival adding to the list of fairs and festivals that bring countless tourists from around the country to our community each year.

The hard work and dedication of Chuck Gale, the Central Bucks County Chamber of Commerce and the volunteers of Bucks Beautiful has made this program an outstanding success, and I wish them the best of luck going forward.

ANTIBIOTIC TREATMENTS OVER  
THE PAST CENTURY

**HON. BRIAN P. BILBRAY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. BILBRAY. Mr. Speaker, I submit an essay by a San Diego innovator, Dr. Jeff Stein, President and CEO of Trius Therapeutics. Dr. Stein provides a fascinating account of the evolution in the discovery of antibiotic treatments over the past century.

Dr. Stein's story is a vivid example as to why the private sector and public sector must work together to innovate as a means to save lives. Dr. Stein's company is one of many across the United States working to prevent infections and improve Americans' quality of life.

ANTIBIOTICS REDUX: MEDICINES THAT CHANGE  
THE COURSE OF HISTORY

DATELINE: APRIL 1945. HILL 913, NORTHERN ITALY  
The 22-year old second lieutenant didn't know if it was the machine gun, mortar round or artillery shell blast that got him. Ordered to take out the machine gun nest hidden in a mountaintop farmhouse all he recalled was that he was dragging his platoon's wounded radio operator to safety when he felt a searing pain in his upper back, then nothing. The platoon medic took one look at the wounded lieutenant, injected him with the maximum survivable dose of morphine, indicating this by marking the letter "M" on his forehead in his blood, then, assuming he would not survive his wounds, left to treat other wounded platoon members. Although his initial wounds, which included a damaged spine, an obliterated kidney and a mangled right arm did not kill him outright, the lieutenant was shipped home with little expectation he'd survive. His parents were called to his hospital bedside three separate times for a death vigil.

APRIL 1945. RUTGERS UNIVERSITY

Four-thousand miles west of Hill 913, 25-year-old graduate student Albert Schatz,

having recently submitted his patent application for his discovery of the antibiotic Streptomycin, was trying to figure out how to make enough of it for human testing. Tests in guinea pigs showed that Streptomycin was safe and effective in the treatment of infections caused by gram-negative bacteria and *Mycobacterium tuberculosis*. What motivated Schatz was that in the first half of the century bacterial infections—pneumonia, tuberculosis and blood stream infections—were the top three causes of death in the U.S. Wounded servicemen from World War II were especially prone to infections from gram-negative bacteria and the only other widely available antibiotic at the time, penicillin, was largely ineffective against these pathogens. As a child Schatz had experienced close friends dying of tuberculosis and as a medical bacteriologist stationed in an Army hospital in Florida during the early years of World War II, Private Schatz sat helplessly by the bedside of dying soldiers whose infections did not respond to penicillin or the experimental antibiotics then available. He was passionate and highly committed. Schatz produced Streptomycin from the soil bacterium *Streptomyces griseus* growing in 1-liter fermentation flasks running 24-hours a day in his basement laboratory at Rutgers. By the end of 1945 he had produced what he believed to be enough to treat one patient.

MARCH 1946. PERCY JONES ARMY HOSPITAL,  
BATTLE CREEK, MICHIGAN

The attending doctors had virtually encased the lieutenant's body in ice in a desperate attempt to lower his body temperature. His weakened immune system made him susceptible to infection and he had developed a severe lung infection that subsequently spread to his blood with resultant high fever. Massive doses of penicillin were ineffective. He was dying. Word of his condition made its way to Rutgers and Albert Schatz who subsequently rushed the first experimental dose of Streptomycin to Percy Jones Hospital to treat the lieutenant. The effects were nothing short of miraculous. The lieutenant's fever broke within 24 hours and his lung infection cleared within a week. He would survive. Later that year Streptomycin would go on to become the world's first experimental medicine to be tested in a double blind, placebo controlled clinical trial—the gold standard in clinical research—where it was shown to be effective and safe for the treatment of TB.

The lieutenant's name? Bob Dole. Yes, that Bob Dole who would go on to become Senate Majority Leader and, in 1996, candidate for the Presidency of the United States.

TODAY

What is instructive about this true story of how an antibiotic altered the course of history is that we are presently on a retrograde course back to the early 20th century with respect to the treatment of bacterial infections. In the five-year period from 1983 to 1987 there were 16 new antibiotics approved, whereas from 2008 to 2012 there were only two. At the same time, there is an explosive emergence of multidrug resistant bacteria that are rendering existing antibiotics largely ineffective. Combat veterans returning from the Middle East have been diagnosed with drug resistant strains of the gram-negative pathogen *Acinetobacter baumannii* for which there are virtually no treatment options. The multidrug resistant NDM-1 strain of *Klebsiella pneumoniae*, which initially emerged from India, has spread globally. One in three people in the world are infected with

a dormant version of *Mycobacterium tuberculosis* and a growing number of these, reported in 60 countries, have emerged as the highly virulent XDR-TB strain which is resistant to both first- and second-line TB therapies and can only be treated with a multiyear regimen of toxic drugs. Indeed, today's situation would likely ignite the same sense of urgency in Albert Schatz that he felt in 1945.

Fortunately, we have passionate and committed contemporary versions of Albert Schatz working to develop new antibiotics. Because of the enormous capital requirements and complex regulatory pathway for antibiotics, however, these individuals are now largely found in small biotech companies where the truly innovative antibiotics are currently being developed. It is unclear which, if any, of these companies will succeed in delivering critically needed medicines to the market. As drug resistant bacterial pathogens continue to proliferate, regulatory headwinds and market dynamics have made antibiotic development extremely challenging. While it is encouraging that this disconnect is receiving growing recognition and action amongst regulatory authorities, these small antibiotics companies, such as Trius Therapeutics where I am CEO, wait to see whether these regulatory incentives, such as the GAIN Act recently passed by Congress, can be implemented in time to make the development of new antibiotics clinically feasible and financially tractable. It will certainly be a race in which the outcome could alter the course of history and yes, save lives.

#### PERSONAL EXPLANATION

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. PENCE. Mr. Speaker, I was unavoidably absent on December 30, 2012 and missed rollcall votes 649 through 651. Had I been present, I would have voted "aye" on rollcall votes 649, 650, and 651.

#### RECOGNIZING THE LIFE OF ELIZABETH COX

#### HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. LANCE. Mr. Speaker, I rise today to honor the life of Elizabeth Cox of Summit, New Jersey. Betty gave her life to public service in New Jersey and her contributions will long be remembered.

Betty was elected to the New Jersey General Assembly in 1972 to serve an unexpired term. Betty would continue four decades of public service as a founding member of the Women's Political Caucus, as a master poll worker for the Union County Board of Elections, as a staff member in the Department of Community Affairs and as an officer in the Summit, Union County and New Jersey Republican Committees.

Betty will be remembered as a dedicated public servant, a parliamentarian and a cham-

pion of women's issues. I was honored to call Betty a friend and colleague.

#### PAUL KRUGMAN AND THE ECONOMIC CASE FOR FAIRNESS

#### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 31, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, Paul Krugman has consistently and articulately defended programs that are essential for the quality of life for our most vulnerable residents, and exposed the flawed morality and impaired logic of those who seek to use the existence of a large national debt as an argument for exacerbating inequality in the United States. His column for Monday, December 31 is an excellent example of this, and I hope all Members will pay attention to its message.

#### BREWING UP CONFUSION

(By Paul Krugman)

Howard Schultz, the C.E.O. of Starbucks, has a reputation as a good guy, a man who supports worthy causes. And he presumably thought he would add to that reputation when he posted an open letter urging his employees to promote fiscal bipartisanship by writing "Come together" on coffee cups.

In reality, however, all he did was make himself part of the problem. And his letter was actually a very good illustration of the forces that created the current mess.

In the letter, Mr. Schultz warned that elected officials "have been unable to come together and compromise to solve the tremendously important, time-sensitive issue to fix the national debt," and suggested that readers further inform themselves at the Web site of the organization Fix the Debt. Let's parse that, shall we?

First of all, it's true that we face a time-sensitive issue in the form of the fiscal cliff: unless a deal is reached, we will soon experience a combination of tax increases and spending cuts that might push the nation back into recession. But that prospect doesn't reflect a failure to "fix the debt" by reducing the budget deficit—on the contrary, the danger is that we'll cut the deficit too fast.

How could someone as well connected as Mr. Schultz get such a basic point wrong? By talking to the wrong people—in particular, the people at Fix the Debt, who've been doing their best to muddle the issue. For example, in a new fund-raising letter Maya MacGuineas, the organization's public face, writes of the need to "make hard decisions when it comes to averting the 'fiscal cliff' and stabilizing our national debt"—even though the problem with the fiscal cliff is precisely that it stabilizes the debt too soon. Clearly, Ms. MacGuineas was trying to confuse readers on that point, and she apparently confused Mr. Schultz too.

More about Fix the Debt in a moment. Before I get there, however, let's move on to Mr. Schultz's misdiagnosis of the political problem we face.

Look, it's true that elected politicians have been unable to "come together and compromise." But saying that in generic form, and implying a symmetry between Republicans and Democrats, isn't just misleading, it's actively harmful.

The reality is that President Obama has made huge concessions. He has already cut

spending sharply, and has now offered additional big spending cuts, including a cut in Social Security benefits, while signaling his willingness to retain many of the Bush tax cuts, even for people with very high incomes. Taken as a whole, the president's proposals are arguably to the right of those made by Erskine Bowles and Alan Simpson, the co-chairmen of his deficit commission, in 2010.

In return, the Republicans have offered essentially nothing. Oh, they say they're willing to increase revenue by closing loopholes—but they've refused to specify a single loophole they're willing to close. So if there's a breakdown in negotiations, the blame rests entirely with one side of the political divide.

Given that reality, think about the effect when people like Mr. Schultz respond by blaming both sides equally. They may sound virtuously nonpartisan, but what they're actually doing is rewarding intransigence and extremism—which, in the current context, means siding with the G.O.P.

I'm willing to believe that Mr. Schultz doesn't know what he's doing. The same can't be said, however, about Fix the Debt.

You might not know it reading some credulous reporting, but Fix the Debt isn't some kind of new gathering of concerned citizens. On the contrary, it's just the latest addition to a group of deficit-scoold shops supported by billionaire Peter Peterson, a group ranging from think tanks like the Committee for a Responsible Federal Budget to the newspaper *The Fiscal Times*. The main difference seems to be that this gathering of the usual suspects is backed by an impressive amount of corporate cash.

Like all the Peterson-funded groups, Fix the Debt seems much more concerned with cutting Social Security and Medicare than with fighting deficits in general—and also not nearly as nonpartisan as it pretends to be. In its list of "core principles," it actually calls for lower tax rates—a very peculiar position for people supposedly horrified by the budget deficit. True, the group calls for revenue increases via unspecified base broadening, that is, closing loopholes. But that's unrealistic. And it's also, as you may have noticed, the Republican position.

What's happening now is that all the Peterson-funded groups are trying to exploit the fiscal cliff to push a benefit-cutting agenda that has nothing to do with the current crisis, using artfully deceptive language—as in that MacGuineas letter—to hide the bait and switch.

Mr. Schultz apparently fell for the con. But the rest of us shouldn't.

#### HONORING VERNE D. RIDER

#### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the service of a man I have had the distinct privilege of serving with during my time representing the people of Pennsylvania's 8th District, Verne D. Rider.

With the conclusion of this 112th Congress, Verne will be retiring for the fourth time, but I am sure it will not be his last.

Albert Einstein once claimed that "a life lived in service to others is worth living." If Mr. Einstein is correct, Verne Rider's continued life of service to his country is an example to each of us a life worth living.

When his country called him for the first time, Verne dedicated himself to decades of honorable service in the United States Air Force. During his proud military career, Verne flew missions over the fields of Southeast Asia during the Vietnam War and the deserts of the Middle East as part of operations Desert Storm and Desert Shield.

To this day, Verne always takes note of when he or one of his co-workers is dressed in their "Air Force Blue". A true patriot, Verne's service in the Air Force is just one example of his drive to serve others in any way he can.

Upon retiring from his time in the military, Verne recognized an opportunity to continue his service, this time in the name of his fellow veterans, including those who found themselves homeless and in need.

As a generation of military men and women reaches retirement age, some find themselves in need of assistance and guidance through a complex and often frustrating bureaucratic VA Benefits system.

When I began putting together my office staff for my first term in Congress I could think of no one better than Verne Rider to provide 8th District veterans with the help they needed. Whether that help comes in the form of a phone call to the VA, a letter to a federal agency, or often times just a shoulder to lean on, Verne is always ready and willing to do his best for his fellow veterans.

During those first two years, Verne became a staple of the veteran community in my home of Bucks County, and was known across the district as a true friend to veterans.

Between my terms in Congress, Verne insisted on continuing his service to his brothers in arms, and was able to fulfill a similar role for the late Senator Arlen Specter.

I was fortunate enough to have Verne return to office with me for the 112th Congress and everywhere I go, the veterans of my district remind me how lucky I am to have someone like Verne Rider on my staff.

While Verne's retirement from my office for the second time marks an immediate loss to our organization, I have no doubt that this will not be the last we see of Verne in service to our country.

I know this because I am able to share one of my proudest achievements as a member of Congress with Verne. Together, with the efforts of local leaders and allies in Washington, Verne and I were able to bring a national cemetery to Bucks County, providing our veterans with a final resting place on the historic grounds of Washington Crossing, Pennsylvania.

Verne's continued work with the Guardians of the Washington Crossing National Cemetery will keep him firmly fixed in his position as a community leader.

After a lifetime of service to his country and its veterans, Verne will continue to dedicate himself fully to the most important role of his life as a loving husband, proud father and new grandfather.

On behalf of myself, my staff, and the people of Pennsylvania's 8th Congressional District, I extend my sincerest gratitude to Verne D. Rider for his decades of service to his country and to our community.

We are all looking forward to seeing where your drive to serve others takes you next.

#### SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

#### HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 31, 2012*

Mr. QUIGLEY. Mr. Speaker, I rise today because in the coming week, most of us will sit down to a holiday meal with our families, friends, and loved ones.

And most of us will take this meal for granted.

But for 46 million Americans who rely on nutrition assistance, this holiday meal is not a guarantee.

The vast majority—more than 85 percent—of these 46 million Americans are living in households making less than \$22,000 for a family of four.

And of those 46 million, half are children, and three-quarters are households that include an elderly person, a disabled person, or children.

For these millions of families, food is not a certainty, and they struggle each day to make ends meet.

Sadly, due to the recession, an increasing number of Americans have lost their jobs and been forced to turn to the supplemental nutrition assistance program, or SNAP.

As the number of unemployed Americans increased 94 percent between 2007 and 2011, SNAP increased as well, rising 70 percent to meet demand.

At the food pantries in my district, pantry visits have increased between 8 and 30 percent from last year. While the economy is improving, the number of individuals in need of assistance is still elevated.

Rather than cutting food assistance right now, we should be bolstering it.

Unfortunately, some members of this body have targeted food assistance, arguing it should be cut to balance the budget and avert cuts to defense.

The Ryan budget proposed cutting SNAP by \$133 billion.

A cut of this magnitude would cut almost 10 million people off from food aid, or would result in a benefit cut of \$90 per month for a family of four.

For a family with a net monthly income of \$338—the average for most SNAP households—a \$90 cut would be devastating.

I agree with my colleagues on the other side of the aisle: We must reduce the deficit.

And that means raising revenues and implementing cuts.

But both revenue increases and cuts must be strategic, not simple.

The tax code should be simplified, tax expenditures should be scrutinized, and tax increases should be progressive.

Similarly, spending reductions should be based on a reexamination of what we need to remain competitive in a global economy.

For instance, we should continue to invest in education, job training, infrastructure, and yes food assistance to keep Americans successful and competitive.

We should cut outdated spending on defense expenditures, such as our out-sized nuclear stockpile and permanent troops in Europe.

We should also reform our entitlements, such as Medicare, by paying providers for outcomes and quality, combating waste and fraud, and demanding higher rebates from drug companies.

The truth is, food assistance comprises just two percent of the federal budget.

And contrary to the claims by the some that food assistance is unsustainable—SNAP is expected to drop from .52 percent of GDP in 2011 to just .3 percent as the economy recovers. This is hardly an unsustainable trend.

In fact, according to Moody's Analytics every \$1 dollar invested in SNAP yields \$1.72 in economic benefit.

As we speak, negotiators are sitting down to determine what a final deficit reduction package will look like.

I hope that as they debate the final deal, and look forward to spending the holidays indulging with their families, they remember the millions of families that aren't as lucky.

I hope they remember the millions of children, parents, elderly, and disabled Americans who rely on SNAP to avoid going hungry.

I recently had the privilege of volunteering at the Greater Chicago Food Depository, which provides food to over half a million Chicagoans every year.

I met some of the folks who rely on SNAP and I heard their stories.

And I can tell you, they are not takers.

They are our friends and neighbors who have fallen on hard times and need our help.

I won't soon forget them, and I hope those crafting the deficit reduction package won't either.

## SENATE—Tuesday, January 1, 2013

The Senate met at 2 p.m. and was called to order by the Honorable BARBARA BOXER, a Senator from the State of California.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, source of strength for stressed-out emotions and strained minds, we don't pray to inform You of things You don't know or to urge You from a reluctance to help us. Lord, we pray to obey Your command, to allow ourselves to action, to mitigate anxiety, to exercise faith, and to embrace Your promises.

Thank You for using our Senators in the early morning hours of this new year to accomplish Your purposes. May the sparks from their bipartisan cooperation ignite flames of unity that will illuminate the inevitable darkness to come. Lord, give our lawmakers the resiliency, resourcefulness, and resolve to accomplish Your will on Earth even as it is done in Heaven.

We pray in Your merciful Name.  
Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BARBARA BOXER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 1, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARBARA BOXER, a Senator from the State of California, to perform the duties of the Chair.

PATRICK J. LEAHY,  
President pro tempore.

Mrs. BOXER thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. It is so good to see the Presiding Officer presiding.

### SCHEDULE

Mr. REID. After leader remarks, the Senate will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each.

We are awaiting the House to do something on the cliff, we hope. We have Sandy to deal with, and we are waiting on that. We have a series of executive nominations that we need to clear today.

### MEASURE PLACED ON THE CALENDAR—H.R. 459

Mr. REID. Madam President, I am told H.R. 459 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 459) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

Mr. REID. Madam President, in order to place the bill on the calendar under the provisions of rule XIV, I object to any further proceedings.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Madam President, what is the business of the day?

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3:30 p.m., for debate only, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Madam President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. I ask to speak in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

### THE FISCAL CLIFF

Mr. DURBIN. Madam President, it was after 2 a.m. this morning when the Senate finally passed this historic measure which puts the fiscal cliff behind us, if—if—the House of Representatives follows through and passes it as well. I hope they take it up today or as quickly as possible and pass it with the same bipartisan spirit and vote we saw on the floor of the Senate last night. If I am not mistaken, the final vote was 89 to 8, which was a significant bipartisan vote.

It was a moment of high emotion in the Senate for several reasons. First, on a personal level, many of our colleagues were casting their final vote as Senators. Those who are leaving the Senate gathered in the well and we wished them the best. It was also a moment of high emotion because I cannot think of another vote in recent times the American people followed so closely. I couldn't sit down on an airplane or at a restaurant in Chicago without having somebody come up to me and say: What is going to happen? They were very concerned, as they should have been, because the so-called fiscal cliff is a threat to our economic recovery and one that, I believe, finally mobilized the majority necessary to pass this measure in the Senate on a bipartisan basis.

The President showed extraordinary leadership on this matter. I know he was personally invested in it. He thought about it long and hard. He left his family vacation, which he looks forward to, and even more so after the campaign, to come back to Washington and try to put together a solution to this fiscal crisis. He was successful in the Senate, and I hope he will be in the House as well.

The President also had the able efforts of his Vice President, JOE BIDEN, to help in this effort. Last night, Vice President BIDEN came back to his home, the Senate, where he served for 36 years, and spoke to the Senate Democrats about the importance of this vote. It was for almost an hour and a half on New Year's Eve, somewhat surreal, as we gathered—some away from their spouses for the first time in decades—for this important vote, and for an hour and a half we spoke and asked questions of the Vice President and expressed our feelings. We could sense during the course of that meeting

an emerging consensus among the Democratic Senators. In the end, all but three of the Democratic Senators voted in favor of this measure.

There are parts of the bill many of us disagree with even today, but we understand it is the nature of compromise that part of what we have to accept may not be popular, but we have to be willing to compromise to solve problems. When we look at the issues before us, I think we made some significant progress. The most significant progress was to protect 98 percent of American families from any tax increase. If the Senate measure is approved in the House, we will see 98 percent of American families spared a tax increase today.

The vast majority of working families, middle-income families, struggle. They live paycheck to paycheck. The Pew Institute did a survey within the last year or two asking working families a very basic question: If an emergency came up, could you find \$2,000, borrow or find \$2,000 to meet an emergency need? Two thousand dollars is not an extraordinary amount of money until we consider that a simple trip to the emergency room or urgent care clinic could result in a \$2,000 medical bill. They asked working families, and barely half of American families had access to \$2,000. That tells us how close to the edge so many families live.

Had we not acted on this measure early this morning, these middle-income families would have faced an increase in their taxes of more than \$2,000 a year. That is not only in Illinois and California but across the Nation. So we had to come together to protect those families.

That was the starting point for the President's position on this issue and the starting point for the Democrats. We passed, 6 months ago in this Chamber, a measure which would have protected these families. We sent it to the House. They never called it, and we had to renew our efforts last night, and successfully we were able to achieve that by the end of the evening.

We had to bargain, as usual, in the political atmosphere and had to raise the exemption from \$250,000 of family income to \$450,000 of family income. But, in so doing, we have protected working families from this tax increase which otherwise would have taken place. These families need the resources to not only meet the bills they face each month but to try to save a little bit for the future, for their families, and for some of their own dreams about a better life.

So that was the important first step in this package that was passed early this morning.

The other thing that was part of it was a 5-year extension—I wish it had been permanent—but a 5-year extension on the Recovery Act expansion of the earned-income tax credit. The

earned-income tax credit is a measure passed during the Reagan administration which said we would give working families a tax benefit for working: the earned-income tax credit. That is probably, as President Reagan described it, the best way to eliminate and reduce poverty in our Nation. So the Recovery Act expansion of the earned-income tax credit has been extended for 5 years.

The child tax credit, which does exactly what it says—it says to families with children: We will give you a tax credit to help you raise those children—that, too, was renewed for another 5 years at the enhanced Recovery Act level. And a provision in the law, which was added by Senator SCHUMER of New York years ago, which helps working families to pay for college education, that, too, was included in this measure.

So from a working family perspective, there were many good and important elements that were included in this measure.

We also considered a lot of other tax measures, some of which I liked and some I did not like. One of them in particular, the estate tax, is a tax that is widely misunderstood. This is a tax which applies to a very small fraction of a percentage of American families that when the breadwinner passes away have a valuable estate that can be subject to Federal taxation. It is a very small percentage. Some 3 percent might be affected by an estate tax. At the higher levels that we have discussed in our debate on this issue, less than 1 percent of estates end up paying any tax whatsoever to the Federal Government.

The Republicans insisted on a provision which Senator KYL of Arizona had been championing for years, which would raise the exemption for estates to over \$5 million, which means a \$5.1 million estate would not be subject to any taxation, and over that amount would be subject to a 40-percent tax responsibility.

I personally think it should have been a lower figure. We are dealing with the wealthiest people in America, again, and many of them make plans, estate planning, to avoid this tax throughout their lives, and it turns out that fewer than one-half of 1 percent of those who use this benefit are actually small businesses or farmers. Most of them are very wealthy people who have done well.

I can think of a friend of mine in central Illinois. Her father was a farmer and started with very modest means, bought some land, and over time the land has mushroomed in value to the point where his estate is worth multimillions of dollars. She will have an estate that is huge far beyond what she could imagine, and she would be subject to this tax. She is not a farmer. I do not think she has ever been on a tractor, unless she did as a child, and it

is an asset which would be subject to the estate tax.

So we have reached an agreement, albeit a reluctant agreement, to establish this estate tax exemption of \$5.1 million, subject to a tax beyond that of 40 percent.

There were many other provisions related to the Tax Code, some of them very esoteric, but that was an important starting point, protecting working families, protecting the deductions and credits they need the most, and making certain we have revenue coming in from this. We anticipate some \$600 billion in new revenue coming in to help reduce our deficit as a result of this.

We also have something in law which the Acting President pro tempore and I talked about for a moment: the alternative minimum tax. There was a time when they took a look at America and said: How can this possibly be that some of the wealthiest people pay no taxes? So we established something called an alternative minimum tax, which said: If under the regular Tax Code you escape all tax liability, you are going to be subject to the alternative minimum tax, where you will pay something.

Well, it was not a bad idea 30 or 40 years ago when the debate started. But because we did not index the income that was associated with it, over the years, this alternative minimum tax hit not only the wealthy, but it started hitting those in middle-income categories. So each year we had to kind of postpone the impact of this tax on middle-income families—let's say, families in the \$100,000 to \$200,000 range. This has been vexing us for decades.

Last night, in the Senate—or this morning, in the Senate—with the passage of this legislation, we have dealt with the problem once and for all. We have a permanent fix on the alternative minimum tax. It is something I am sure most American families are probably puzzled over, but it is an important element in getting this behind us which was critically important as well.

We also managed to extend the doc fix. What is that all about? Over 10 years ago, we said we are going to save some money in Medicare. We are just going to take a little percentage cut each year in how much we would pay doctors and hospitals who treat Medicare patients; therefore, we will reduce the cost of Medicare and be done with it.

Well, guess what. We had a great idea, but when it came to imposing the law, the doctors and hospitals pushed back and said: Wait a minute. We need this compensation for our care of Medicare patients. Therefore, we postponed it. Every year we postponed it, what we were supposed to save we had to come up with from other sources. The so-called doc fix, SGR, is another one like the alternative minimum tax, which

has haunted us as we have done these budgets year in and year out. We did not solve this problem permanently.

We solved it for 1 year. Otherwise, what would have happened is, starting today, doctors and hospitals would have seen a reduction of over 25 percent in their government reimbursement for treating patients. The net result would have been, in Springfield and Chicago, IL, and across the Nation—in Ohio and California—many doctors and hospitals would have said: We can no longer afford to treat these patients, and the people—the 50 million-plus Americans who depend on Medicare—would have had fewer choices for treatment. So we have resolved that issue. In the early morning hours, with this vote, for 1 year we have solved that problem.

Another thing we have done, which is critically important, is extend unemployment benefits for 1 year. Two million Americans—2 million—would have lost their unemployment benefits this morning as a result of this so-called fiscal cliff if we had not taken action.

I can tell you that it means an awful lot in my State of Illinois. As I mentioned, 2 million on a nationwide basis, but we also have 88,000 in my own State who face the same basic problem. These are people who have been out of work for a long time. Some of them are in school. Some are taking courses for retraining. All are trying to keep their family together, not lose their home while they are unemployed.

So the extension of these unemployment benefits was the President's second highest priority, after protecting middle-income Americans, and it was included in this package. It is an important element.

One last point. When you ask the Congressional Budget Office: If you had to spend one tax dollar to help the economy, where would you spend it, they will tell you over and over again, it is clear: Unemployment benefits. The \$1 you spend on unemployment benefits goes directly back into the economy. These people are not salting it away for a rainy day. They are not investing it. They are spending it on goods and services to get by—utility bills and rent and mortgage payments and food and clothing, the basics of life.

As they spend it back into the economy, it is respend. So each \$1 has kind of a multiplier effect behind it of \$1.60, ultimately, into the economy. So not only is it the humane and right thing to do for those who are out of work and struggling, but it is also a good thing for boosting economic growth. That is an important part.

One of the real disappointments last night—and I have to tell you, it really is sad that it has come to this—relates to the farm bill. We have a chairman of the Agriculture Committee in the Senate, Senator DEBBIE STABENOW of

Michigan. Past chairmen who are serving here all acknowledge, as we do, she has done such an extraordinary job. Her leadership in constructing a farm bill this year was masterful.

I have been around Congress for 30 years—the House and Senate. You can pick out the real legislators, and DEBBIE STABENOW is a real legislator. She sat down and crafted a farm bill.

Now, you may not think of Michigan as a farm State; it is. And she looked at this bill in terms of its entirety. In its entirety, the farm bill is about more than farmers and ranchers. It is also about nutrition and food programs and school lunch and food stamps. They are all included in this bill.

She tackled it with the ranking Republican member, PAT ROBERTS of Kansas, and came up with an amazing work product. She had over 63 votes in the Senate for this farm bill—bipartisan support for this farm bill.

Let me tell you what it did. We not only ended up with a bill that had the support of every major farm organization, which is no mean feat, it saved over \$23 billion in deficit reduction in 5 years. She went after some of the indefensible programs, such as the direct payment program to farmers, which they readily acknowledged needed to go away, took those programs aside and put the money to deficit reduction.

She went to the nutrition programs, which are critically important in a struggling economy, with families facing income inequality, and she protected those. Those are important to me, and I have worked with her, and I think we came up with an honest, balanced approach when it came to nutrition programs.

We passed the bill. We passed it months ago in the Senate, and we sent it to the House of Representatives. They not only could not pass their own farm bill—never did—but they would not even consider calling the bipartisan Senate bill. The farm organizations were begging them: Call it. We need a 5-year program on farming. They would not do it. They never did it.

So there was a lot of frustration over here that we did good work on a bill, the House could not put a bill on the floor, and would not take up our bill.

The thing that brought it together, incidentally, at the last minute—why it was included in this emergency package—it turns out that under the law, if we do not pass a new farm bill, we revert to the 1949 farm bill. Talk about going back in history and picking up a law which has little application to today's world, that is what happens. One particular issue jumped off the page: dairy support.

Now, last night I bid farewell to Senator HERB KOHL of Wisconsin. I am going to miss him more than most people can imagine because HERB KOHL spent the time and understood America's dairy program.

Madam President, I confess, I do not understand this program. Vaguely, yes; but if it was on the final, I would flunk. So I used to go, on dairy issues, to Senator KOHL. Wisconsin dairy farmers and Illinois dairy farmers always saw eye to eye.

I said: HERB, you are my dairy expert. You tell me. You are my adviser. Well, HERB is retiring. I will need a new adviser. But we found out that if we had not passed a new farm bill, and reverted to the 1949 dairy program, the price of milk would double to \$10 a gallon. That, to me, was unacceptable. It was unacceptable to the White House. As a result, we had to come through with an emergency measure to avoid that possibility.

We should have taken the bipartisan Senate farm bill. Senator STABENOW begged for us to do this, could not get that into the negotiation.

I will say one thing that really disappointed me last night. At the last minute, they had one aspect of the dairy program they needed to take care of. It costs \$60 million to \$100 million.

We needed to find a pay-for and, unfortunately, the other side of the aisle insisted that the pay-for for this dairy support come from the Federal Food Stamp Program. That is just—that is sad. We had so much waste in our agriculture programs that we identified in our farm bill. The fact that they would turn to the Federal Food Stamp Program, the SNAP program, to come up with this money, to me, is difficult to understand, explain or defend. I am saddened by that. I guarantee we will return to that.

What we did in the early morning hours is important for us. It isn't the end of the story. There is more we will face. In 60 days, if we don't take care, we are going to face another cliff of our own making because in 60 days three things come together.

The debt ceiling, what is the debt ceiling? America's mortgage. When we spend money for a war, for the Department of Agriculture, whatever it happens to be, ultimately, we borrow 40 cents for every \$1 we spend. So every President is forced to renew the mortgage, the debt ceiling of the United States.

I think of President Ronald Reagan. It was done over and over again many times without even a record vote. But now it has become a political hot potato, and in a matter of 60 days or so we will be facing another need to renew America's mortgage. In other words, this is the full faith and credit of the U.S. Government, and that is going to be contentious, a matter of debate.

At the same time, the continuing resolution, our temporary spending bill, expires. At the same time, the sequestration kicks in, which is automatic spending cuts. So we will have, in 60 days, if the House follows the Senate



lead on the fiscal cliff, another challenge. Let us hope we have learned a lesson from this one.

The American people are sick and tired of incompetence, political posturing, and failure of Congress to come together on a bipartisan basis to solve a problem and they want us to get the problem solved and get this Nation moving forward.

In the early morning hours in the Senate, we finally achieved it. It should have been done long ago, I understand, but we achieved it. Now I hope the House will do the same, follow the Senate example, and 60 days from now we can approach this problem in a sober, honest, mature way instead of a partisan fashion. That is what the American people expect.

I took a look, incidentally, at the specific impact of this morning's vote on my State of Illinois. For the record, over 5 million Illinois families will be spared a tax increase under the agreement we passed in the early morning hours. Many of them, almost all of them, the working families whom I described earlier, without an agreement, the average family in Illinois would have faced an increase in taxes of more than \$2,000.

Half a million families in my State will continue to receive college tuition tax credits, making it easier to send their kids to college. This could be as much as \$1,000 of assistance each year, which I am sure is a helping hand.

Also, 1.5 million Illinois families raising children will continue to benefit from the child tax credit, a yearly savings of about \$1,000, on average, for each of these Illinois families with kids. Working families in Illinois will continue to receive the earned-income tax credit. Over 230,000 Illinois families benefited from that tax credit last year.

More than 1 million Illinois taxpayers are protected from an increase in taxes under the alternative minimum tax, which I mentioned earlier. Thousands of Illinois children will continue to have access to school readiness programs such as Head Start. Low-income families will continue to benefit from low-income home energy programs, LIHEAP.

The deal, the agreement, protects funding for nutrition assistance for women, infants, and children and prenatal care, so we can have more healthy babies and healthy moms. The elderly, disabled, low-income families and veterans will continue to receive housing assistance. Over 88,000 Illinoisans will continue to receive the unemployment benefits I mentioned earlier, and Illinois businesses will benefit from more than \$8.5 billion in consumer spending by middle-class families, families spending more on goods and services at a time when we desperately need this in our economy.

Let me say one last word. I have been involved in this deficit discussion for a

long period of time. This is not a deficit-reduction measure, period. It does reduce it in some aspects, but the arcane scoring by the Congressional Budget Office will not give us any credit for reducing the deficit. We do have more revenue coming in toward deficit reduction, but some of the other measures I mentioned would be scored as expenditures.

Having said that, we still have a deficit issue. We still have a deficit problem.

What we tried to establish this morning in this vote is revenue has to be part of every solution on deficit reduction. The other side of the aisle reluctantly, after years of resisting, came to our side in the early morning hours. That is No. 1.

No. 2, we need to take an honest look at entitlements. Here are what the facts are. Social Security untouched, unamended, unchanged will make every promised payment for 20 years. We can't say that about any other Federal program, 20 years of payments, with cost-of-living adjustments every single year. But on the 21st year there will be a dropoff of 30 percent in terms of Social Security benefits. We have 20 years. We can wait. We can wait 5, 10 or 15 years to do something or we can do it soon, maybe even this year, 2013. That is what I would like to see.

I am preparing legislation to be introduced shortly, which will call for the creation of a commission with a very simple assignment, come up with a plan for 75-year solvency of Social Security. When they have it, and it has been certified to be a valid plan, report it to Congress to be considered, without debate—I shouldn't say without debate—without filibuster, without delay. When it comes to the floor, any Member who can offer a substitute amendment that achieves 75 years' solvency may also call their measure at the same time. Let us have a chance to have this debate and make sure we have solvency for Social Security that will affect not only all our lives but the lives of our children and beyond. That, to me, is the responsible thing to do.

Medicare is much tougher. Medicare goes broke in 12 years—12 years. Why? Because, lo and behold, today, 10,000 Americans reached the age of 65, and 10,000 reached that age yesterday and will tomorrow and for the next 10 or 15 years. The baby boomers have arrived.

We knew it was coming. But as they show up, their demands for services that they have paid for and invested in throughout their working lives are going to continue to grow. Those people who say: There is too much government spending; we have to stop the government spending, I want to ask them: So are you going to say to the millions of Americans who paid into Social Security for a lifetime, paid into Medicare for a lifetime, that we are going to walk away from our obligations? Of course not.

What we have to do on Medicare is find a way to meet this growing population with demands and the mushrooming costs of health care. We can do it. There are ways to save money, humane ways to save money and protect the integrity and the future of Social Security, Medicare, and Medicaid. I think the President's ObamaCare, as it has been characterized, or Affordable Care Act, is a step in that direction, but we need to do more when it comes to Medicare.

I see my friend and colleague from Ohio on the floor. I yield to him and thank him for his friendship and his leadership on these important issues.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. I thank the senior Senator from Illinois, the assistant majority leader.

I concur in the remarks Senator DURBIN just made, especially about the vote last night. The primary thing we did was we spared that \$2,000 tax increase for so many families in California, Illinois, Ohio, and across this country. I remember the Presiding Officer telling a group of us last night how many hundreds of thousands of Californians would have lost their unemployment insurance if we had not acted last night the way we did.

My fundamental criteria on voting on this issue and voting for this issue was we were able successfully to stop cuts in Social Security to pay for some of this plan or raising the retirement age for Medicare or not doing the unemployment insurance in the way we did. So all those were victories last night.

I also concur with Senator DURBIN that while adding 5 years to the earned-income tax credit, locking in one of the best poverty-fighting programs to be begun by Ronald Reagan, suggested, I believe, by Milton Friedman—supported by both parties for many years—we are not seeing that the way we used to with the earned-income tax credit. It rewards families that work, a family making \$30,000 a year. This is not a whole lot more than the minimum wage, \$3 or \$4 more, maybe, than the minimum wage but not a livable wage, and they get significant tax credits. This is sort of what Friedman called a negative income tax, and this works so well for encouraging work in this country.

We did that only for 5 years, while bringing the estate tax up to a \$5 million exemption, which I thought was far too generous because it is only paid by far fewer than 1 percent of the American people. That was made permanent while the earned-income tax credit was only made for 5 years.

The tax credit for college students, for families, was so important in this legislation too. Much of what we did was simply ask the wealthy to pay a

little bit more, to bring tax rates, as the Presiding Officer knows, back to the levels of the 1990s.

I think it is important to put this in a little historical perspective. In the 1990s, tax rates were a little bit higher for upper income people. We saw in those 8 years in the 1990s, from 1993 to 2000—the Presiding Officer's first year in the Senate, 1993, my first year in the House—we saw incredible economic growth. Wages went up for the average American, average Ohioan, average Californian, average American. We saw 21 million private sector net jobs created, and President Clinton left office with the largest budget surplus in American history.

We know what happened the next 8 years, where we saw very little economic growth, only about 1 million—being generous—only about 1 million private sector net jobs created in those 8 years.

In what hit my State particularly hard, we saw a real decline in manufacturing. From 2000 to 2010, we lost, in this country, net, 5 million manufacturing jobs—manufacturing jobs. Maybe people who dress like this around here don't think much about that. I know the Presiding Officer does because her State is the No. 1 manufacturing State in the country.

It is especially important in my State. We lost hundreds of thousands of manufacturing jobs. While we lost 5 million manufacturing jobs nationally, tens of thousands—I believe 60,000 is the number—of manufacturing plants closed in those 10 years.

But the good news is that since the auto rescue, we have seen what is beginning to be significant manufacturing job growth, some 500,000 new manufacturing jobs since 2010. Almost every month—not quite every month but almost every month—an increase in manufacturing jobs. We know what a manufacturing job does in a community. For workers earning \$20 or \$25 an hour, that worker is spending money in that community. That worker is buying things, buying a home, buying a car, putting people to work creating jobs at restaurants and creating jobs at the hardware store. Those workers are paying property taxes to hire teachers and paying the local city income tax to hire firefighters and police. So we know what manufacturing jobs do as we see that increase.

In fact, since the auto rescue, in my State, the unemployment rate went from 10.6 percent soon after the auto rescue sort of took effect, if you will, and now the unemployment rate is under 7 percent. It is not what it ought to be, but I think that is what last night's vote, ultimately, was a recognition of; that the people here with this 89-to-8 vote—89 votes yes, 8 votes no, with strong bipartisan support, which I hope we see this afternoon in the House—I think it was a recognition

that we don't grow the economy by tax cuts for the rich and trickle-down economics. We tried that in the last decade. It didn't work. We understand, historical evidence shows—and I think we recognized it last night—by focusing on the middle class, tax cuts for the middle class, investments in schools, and investments in infrastructure and unemployment insurance for people who have lost their job, keeping Social Security and Medicare strong, investing in college credits, and rewarding work through the earned-income tax credit, we grow the economy from the middle class out. That succeeded in the 1990s. There were 20 million-plus new manufacturing jobs. Trickle down didn't do so well the 10 years after.

Now we are coming back and recognizing, with this overwhelming vote last night, both parties are recognizing we grow the economy from the middle class out.

I think that is why last night was a huge victory, surely, politically for the President. But what it was a victory for, truly, was a victory for the middle class and a victory for those who want to join, aspire to the middle class, and a victory for this country, for our economy, for our economic growth and for our future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

#### RULES CHANGES

Mr. ENZI. Madam President, we are busy patting ourselves on the back for avoiding the fiscal cliff. I don't know how much congratulations we ought to have for that.

Yesterday, I was buying some groceries, and the guy at the checkout stand had no idea who I was and shouldn't have. He said: What is going on, on Capitol Hill? What are those people doing? We ought to fire everybody in Congress. They can't get their work done. We have to get our work done. They don't have to get their work done.

He made a good point. I am telling you, it is down to the level of grocery store checkout people—and I suspect different levels than that, different occupations than that. Americans, because they are kind of tuned in to the news media, which is kind of an information media or an entertainment media, built this fiscal cliff so it appeared to be Niagara Falls with money running over it. It is more of a gradual slope. But we have to stop the downward slope we are on. It is important we do that. And this is a body that can do that. Congress can do that.

We conduct a war of words around here—of this protecting the “rich”—and it sticks. You know, I don't know of anybody who is trying to protect the rich. The problem comes with the definition of “rich,” and that is a hard one

to explain. Any attempt that looks like that, and we go back to the sticky word of “rich,” whom nobody is trying to protect.

I used to be in business. I used to be one of those small businessmen, and I knew that at the end of the year, the business would show a profit. Now, unfortunately, we couldn't take the money out of the business if we were going to continue to grow the business, if we were going to bring on more people. It also meant we needed to have more product, and that meant we had to have more investment in the business. So the money we could have taken out that showed as “profit” actually went back into the business.

We kept saying: How can we have so little money when we make so much money?

Well, that is the position a lot of the small business men and women are in around this country. They are having to put all their money back into their businesses. And I understand when people say don't protect the rich—those making \$250,000 or \$400,000 or \$450,000, whatever the amount comes out to be—but the person working in that business, probably making \$30,000, \$40,000, \$50,000, or \$60,000, says: If all I am making is that amount and they are making \$250,000, we really ought to tax them. You know, it is a fairness issue. But when it gets down to the point of what they actually get to take out, what their take-home is, it is a lot different. They look really good on paper, they look rich on paper, but the money they get to take out is significantly less than that, and that is where the divide came in when trying to solve this problem. Now, could it have been solved? Yes, it could have been solved.

What we need to do around this institution is to start legislating and stop deal-making. We are a legislative body. You can't have 100 people involved in a deal, and consequently we don't. We have the group of 2, as in the case of this one, or a group of 4 or 6 or 9 or maybe as many as 12 getting together and putting together some kind of comprehensive package to put before this body, and those who aren't in the group are really kind of insulted by it. They do not make a big deal out of it because that has become the tradition, but that is not how it is supposed to work.

I have been there. I have gotten to legislate. It is one of the privileges of this country. The main person with whom I legislated was Senator Kennedy. Senator Kennedy was considered one of the most liberal people in the Senate, and I have always been considered one of the most conservative people in the Senate, but we were able to work together to get 38 bills out of committee and through this body, and the worst vote we ever got was 15 votes against. How did we do that? Well, we didn't try to solve the world's problems

all in one bill. We took an issue at a time, and we found the common ground. We found what we could agree on, and that was usually about 80 percent of the whole issue. That is pretty good.

We worked on issues that had been around here 10 or 12 or 15 years without passing, having come to the floor numerous times, and mainly what we did was we would sit down with the stakeholders, who were intensely interested in the bill, who had been lobbying on that bill for years and years, and we would say to them: This is what we can get. This is what we have to leave out.

It wasn't compromise. Compromise is when you give up half of what you believe in, I give up half of what I believe in, and we wind up with something that neither of us believes in. But common ground happens. There is common ground on every one of these issues, and that is what we have to find—the common ground.

So we would meet with these stakeholders, and they would say: No, you are leaving out the most important part of this whole bill. This is what we really want.

If it was Senator Kennedy's constituency, he would have to make the comment, and if it was mine, I would have to make the comment: How long have you been working on this?

They would say: We have been working on this for 10 years.

I would say: How much of it have you gotten?

Then they would say: Well, nothing.

I would say: Here is what we can get for you.

And I would outline it again, and I would say: Isn't that better than nothing?

The light would come on, and they would say: Oh, that would be good progress.

Then they would quit pushing against us, and they would get together with us.

It is amazing sometimes that the advocates for a bill are really sometimes the ones who are stopping the bill from happening, and it is over the issues—that 10 percent on each side, which amounts to 20 percent—that we are not going to get resolved. There are some basic values on both sides, and they are important to both sides and they are both right, but they are not common ground.

But this is where we have to go. We have to get to common ground again, and the way we do that is by legislating. We put out a bill that is 80 percent of the whole issue, not 100 percent of the whole issue because that is comprehensive. We need to put out the 80 percent both sides agree on and then allow amendments on it. That is something we haven't been doing around here for a long time.

First of all, a bill needs to go to committee. The committee is where the

people intensely interested in that particular bill preside and work and exert their efforts. That is where they want to concentrate.

When a bill comes to committee, you can have maybe 200 or 300 amendments in committee, and the chairman and the ranking member—that is the name we give to the person with the most seniority in the minority—can sit down together and sort through these amendments. Out of the 200, there are probably 100 that nobody in their right mind would really offer. Out of the remaining ones, you will find there are people on both sides who have very similar ideas on how to solve that problem, so you get those people to sit down together and take a look at all the amendments that are similar to that one and see if they can't come up with a single amendment that will solve that part of the problem. And you know what. They do. Now, it might not be 100 percent of what they want. It is probably, again, only 80 percent of what they want. But it is something on which they can all agree.

Here is the really magnificent part that helps a bill get through committee: They can all say: It was my idea. They can all go to the media and put out the release that says they solved this particular problem, and that helps a lot around here.

So committee work is extremely important, but when a bill comes out of committee, it is not perfect. When Senator Kennedy and I were working the bills, we not only recognized they weren't perfect, but we were able to talk to those Members whose problems we weren't able to solve by the time the amendment process came up in committee, and we promised to work with them until the bill got to the floor and not to take the bill to the floor until we had a solution to that problem or the right for them to offer an amendment. That helped a lot to get the bill out of committee.

Once a bill comes out of committee in a bipartisan way—meaning people from both sides of the aisle, Republicans and Democrats and Independents, support the bill—then there is a chance of bringing it to the floor and actually getting some time to debate. And the debate part is important. That is kind of where we bring America along. There is coverage during the committee process, but that is a little harder to follow. The debate here on the floor is where we bring America along on whatever ideas we have, and so the debate here is very important.

Over time, there has been this process where the leaders have invented some things that actually concentrate the power in the hands of the leaders rather than the body as a whole, and that is the filibuster process, and that filibuster process can be manufactured.

I have to tell a couple of stories. One bill I worked on around here had a so-

lution for health care. I called it small business health plans. The idea behind the bill was that small businesses could get together through their association or any way they wanted to, across State lines, even nationwide, to form a buying group big enough to take on the biggest of the insurance companies. Think about that—the power to take on the biggest of the insurance companies. Yes, there was some opposition to that—call it the insurance companies. But many of them worked with us and began to understand how they could participate in the process and then went along with it.

One of the biggest insurance companies in the Nation had some ads out of Massachusetts opposing the bill, and eventually that helped to keep the bill from ever happening. But the biggest thing that kept the bill from happening—Mr. President, I ask unanimous consent to speak for another 10 minutes or the right to allow the Senator from California to speak and then have it come back to me.

Mrs. BOXER. I am wondering if the Senator can finish in 5 minutes, and then I would speak, and then he can have more time.

Mr. ENZI. Yes, just a couple more minutes.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Wyoming.

Mr. ENZI. So on this small business health plan, when it came to the floor, I had the unfortunate experience of having Senator Frist setting a filibuster and filling the tree. "Filling the tree" means nobody can make another amendment to the bill. But here is the catch: After this came out of committee, we got the people together who had a problem with the bill, and we had one amendment that would have solved those problems. With the tree filled, that one amendment couldn't come up. That one amendment couldn't happen.

So what happened? We talked about the bill and how it lacked this particular part. I kept explaining how we had an amendment that would take care of that. Everybody in the Chamber knew that amendment was not going to happen, and consequently, on a process vote, it was killed with just over 40 votes. That is what happened with the filibuster. Had that amendment been possible, we would have had one of the things in place for health care—just one, but it would have solved a lot of things for a lot of businesses, and that is where a lot of people work in this country, and that is where jobs are.

So that is how we can do this job of legislating.

My second story would be—and this one is much shorter—about the year Senator HARKIN and I brought an FDA bill to the floor. When it got to the floor, we explained to the leader that there were going to be 14 amendments—8 of them would be brought up

and would fail, and the other 6 would be withdrawn. A week later we finally got to start on the amendments for that bill. There was worry that there would be some extraneous ones thrown in. We already had agreement, I guess you could say, from the most conservative and most liberal from each of our sides that they would not bring up the peripheral amendments, and they didn't. So a week later, when we finally got to start to vote—and we could have done that the same day, although we finished up in a day and a half—we had eight amendments that got defeated and six amendments that were withdrawn. So we wound up exactly where we knew we were going to be, and the bill passed here 96 to 1.

That is how the committee process can work, and that is how not having a filibuster can work, and that is what we need to get back to. We need to be legislating, not deal-making. And I will talk later about some of the deal-making, and we have seen that with the cliff process.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to say to Senator ENZI that I agree with so much of what he said. Our being here on New Year's Eve, some of us without our families, is nothing to be proud of, and having been able to do our work through the committee system, I think he made a very good point.

ENZI and Kennedy were quite a team; BAUCUS and GRASSLEY had their successes; LEVIN and MCCAIN recently had their success on the Defense bill, with lots of amendments; BOXER and INHOFE on the Transportation bill. I can tell you, you couldn't find two people more different, and yet Senator INHOFE and I were able to do that work and get that done and protect 2 to 3 million jobs. And also STABENOW and ROBERTS in the Agriculture Committee.

So my friend is absolutely right; we can do this in the right way and not have to be here in the middle of the night. I don't think that is anything to be proud of. However, I do believe what we did early this morning was right and very important. I think Senators DURBIN and BROWN laid it out as to why that vote was so critically important: It protected our families, it gave certainty to our businesses, and it keeps this economy moving forward. All this is true if the House passes this bill.

As Senator ENZI said so eloquently and in such a straightforward fashion, this is a deal. Each of us could write our own deal, and each of us would be so much happier with a deal that we personally could write. But that is not the way it is. We are not a parliamentary system where one party controls everything.

In a parliamentary system that we see in Europe, one party controls ev-

everything. They have a program. The other party opposition has a program. There may be other parties as well but two major parties. One of them gets elected, they put together a coalition, they have discipline, they have a program. They don't have to sit down with people they don't see eye to eye with. They just have to get together and pass the program. If the people don't like it, there is a vote of confidence and out they go and in comes the opposition. They have a channel. That is not the American system. Our system is much more difficult in so many ways. So many of us are so passionate on so many issues and believe so strongly, and yet we know we have to compromise, as Senator ENZI has said.

When I sat down with Senator INHOFE on the Transportation bill—and I will be doing it now with Senator VITTER on the WRDA bill—the water resources bill—I laid out the five things I cared most about, he laid out the five things he cared most about, and, to be honest, there were only a couple things that matched. So we started with those things, and then we met each other in the middle with the rest. Then the Senate had a chance to work its will.

When the bill got over to the House, it was stuck. It was trapped. We all went over there, all of us together on a bipartisan team, to speak to Speaker BOEHNER and Chairman MICA and say: OK, let's get it done. And we did. So it can get done.

#### THE FISCAL CLIFF

But we are where we are, where we are. This morning we had a choice, and, frankly, I was proud to see the overwhelming vote we had. It was amazing, 89 to 8. I don't know what motivated every colleague; I only know what motivated me to believe this was an important "aye" vote for me to cast.

I will never forget this recession that we are just coming out of now, the worst recession since the Great Depression. As Treasury Secretary Hank Paulson—who put his head in his hands and was overwhelmed with what he actually called the potential collapse of capitalism. That is what we faced.

We have short memories here because our lives are so filled with fast-moving events every day. Some of them are wonderful, some of them are awful, some of them lift up our hearts, some of them break our hearts. So we don't remember the things that happened a couple years ago.

When President Obama took over after a very lifeless economy, as my friend Senator BROWN said, where only 1 million jobs were being created—maybe not even that many—in the private sector over an 8-year period, and suddenly there was a collapse brought on by the greed of Wall Street and manipulation of securities dealing with housing—a crash, a nightmare, and we were losing 800,000 a month. Then the auto industry was on its knees.

Believe me, in the past I haven't been the biggest fan of the auto industry for California because I believed they weren't producing the cleanest cars they could, the most fuel economy cars they could. I believed they were missing out on an opportunity. But let me tell you, when I was faced with the issue of whether to let them go bankrupt or stand and give them a chance, I chose that chance. And I am proud that I did it, and I am proud of this Congress for doing it. I am proud of this President for leading the way. That was a critical vote. And this vote this morning, I believe, was a critical vote if we really wanted to keep this economy moving forward.

A lot of people say: How did President Obama ever win with that unemployment rate so high? All the historians were saying it was never going to happen because it has never happened. Well, I will tell you why I believe it happened. I believe people understood what we went through, what we suffered through, what he inherited, not to mention two wars on a credit card that he had to end. So I think people understood this. We don't give the people enough credit. They got it. They understood it. And I hope they realize this President has led us to this point, with the Vice President, with Senator MCCONNELL, with Senator REID, to move this economy forward.

Let me tell you very quickly why it is so important to my home State. A lot of my colleagues roll their eyes when I tell them we have 38 million people in California. My friend from Wyoming, how many people in Wyoming? There are 562,785, and we have 38 million people. All right?

I want to tell you what it means that we voted the way we did. It means 400,000 people this morning will lose their unemployment insurance unless the House acts. If the House acts as we did, they will not lose it.

What does this mean to people, 400,000 of them? As my friend, the Presiding Officer—who is so good on economics—knows, there is a multiplier effect. For every dollar we give in unemployment benefits, we get a bang for the buck \$1.42 in the community because the people on unemployment spend it because they are out of work.

They are about to lose this help. We need to help them, and in this package we did—2 million nationwide, 600,000 jobs at stake from the multiplier effect, and in my State 400,000 people. Almost as many people as reside in the State of Wyoming were about to lose their unemployment insurance. Imagine—almost that.

I ask for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. So when we talk about our vote this morning, it is not a wonky discussion. It is real people. Five million Californians are about to

get trapped into the AMT problem, the alternative minimum tax, which was set up for a very fair reason. I wasn't here at that time, but I remember reading about millionaires getting away with paying no taxes because we had no alternative minimum. They took advantage of the Tax Code, got their deductions, and paid nothing. We put it in place, but it is imperfect. We had to fix it to make sure it doesn't catch the middle class—5 million of my people.

So this is like a partridge in a pear tree in a way: 400,000 people would have lost their unemployment compensation; 5 million would be caught in the alternative minimum tax, which would have been an extra in taxes right there; and 15 million would have seen their tax rates go up on average of \$2,200.

This bill we voted for this morning had real consequences, and I know a lot of people are worried about the future and what is coming down in 30 days, 60 days, and 90 days—and I worry too. But I have been around here long enough to know it isn't going to get better if we put this off until then and we have twice as many issues on our plates to deal with.

So I believe what we did this morning—and my voice is going because it was a very difficult and emotional day for all of us, some being away from their families for the first time. I know my friend from Rhode Island and I talked about it. It wasn't easy, but we know what we are doing here is critical. We are not proud of the fact that it took us this long to get it done.

I agree with my friend from Wyoming. It is nothing to be proud of, but it is important what we did. We have certainty for businesses that depend upon consumerism. We have an economy that is driven by consumer activity, about 70 percent of it. Now the business community knows—if the House acts. I have to keep reminding myself it is not done. If the House acts, we will give certainty to our families, to our businesses, to our low-income people who depend upon refundable tax credits, to our energy community that relies on energy tax breaks to keep on moving and keep on producing.

So I don't want to see economic growth derailed. It was too hard and painful to sit through this very difficult economic recovery inch by inch, every day hoping we would push forward despite the odds. We had the economic crisis in New York that weighed on us as well.

Well, what we did this morning was important. So I want to close by saying this to my friends in the House, all of them—Democrats, Republican, liberals, and conservatives—this is not the perfect deal. We all know it. Each of us can find a piece of it that we really, really don't like. But on the whole it will give certainty to this economy.

In many cases, many of the provisions are permanent, such as the AMT.

It gives certainty, and certainty is critical. We will not go back. We will not take billions and billions of dollars out of this economy. We can't do that now.

I would say to my conservative friends over there: Now it is the first of the year. You are actually cutting taxes now because as of today they went up. So you could take credit for cutting taxes.

I just hope and pray that the House will do the right thing; that Democrats and Republicans will come together as Americans and put the country first. I believe they will do this. I pray they will do this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I want to join the Senator from California in the hope that the House will pass the bill that was sent over from the Senate last night. It was a tremendous amount of effort that was put into it by a number of people over a number of days and weeks, and I think it is the best answer that we could come up with at this point in time.

I particularly want to thank Leader MCCONNELL and Vice President BIDEN for working numerous hours; starting, again, yesterday morning at 6:45 and winding up with something late last night, more than 12 hours later, over the last two issues, as I understand it. And, yes, I am glad that AMT was fixed. I would remind everybody that AMT is the last effort we had to tax the rich, and it backfired to where it now taxes everybody or almost everybody. So it desperately needed a fix. Now we are talking about taxing the rich again, and I hope we can come up with some collective ways that will be certain for the people who are rich and that it will last over time instead of just for a few short years.

In my area of the world, the biggest thing in that bill was the estate tax. People who own land in Wyoming that they bought maybe at \$40 an acre now have land that is worth \$2,000 an acre or more, and they haven't figured out how to pay the taxes on these few acres they were able to scrape together over a period of time if the amount of the exemption went down to \$1 million, and that is where we were headed. At \$1 million, they would have to sell off part of the ranch or part of the farm in order to pay the taxes when somebody died. All the time that land is making a profit people are paying taxes on it. Then when they die, they would have to pay taxes on something they would like to keep and continue in operation.

So the estate tax piece of that was a very important part for a lot of America, and not just the ones where people are land rich and dollar poor.

Of course, I keep wondering what would have happened if a month ago a basic bill would have been put on the

floor—perhaps the President's proposal—and both sides had been able to do amendments to it, even multiple amendments on the same topic, like the Department of Defense bill. We did 119 amendments in a day and a half or 2 days. What if that had happened on this bill? Would we have been able to come up with a package that would, I suspect, be very similar to what we passed last night but done it with everybody participating, everybody understanding, the American public thinking that Congress is actually getting something done? That would be a huge relief. I think we could have done that with an open amendment process, limiting it probably to relevant amendments.

There are a lot of different things people would like to bring up because they don't know any other way they are going to get votes, but I keep reminding my colleagues that when you bring up one of those irrelevant amendments, it might make it into the bill, but it will be pulled out in conference committee. You still did not win anything. I guess you could make a big press release about how you got that into the bill to begin with, but it is not in the bill.

I want to talk today about the questions I hear from Americans who say: Why can't politicians in Washington get along? Why is there this gridlock?

Those are questions folks outside the beltway have been asking, but, like many questions, the answer is involved. For many, including President Obama and Senate Majority Leader REID, it is easy and strategic to oversimplify the answer. They have identified GOP Senators as the culprits and the filibuster as the instrument. But as one of those GOP Senators, let me give you my side of the story.

What I think people are missing and what some of the majority wants you to miss is why a filibuster happens. You do not hear this from the majority leader, but for the last few years many filibusters in the Senate have been designed and instigated by him; they have not been through the committee process.

Here is how it works. He has a bill that is popular with his party and whose title really sounds great. He knows many of those on our side, the minority, would actually agree with many parts of the bill, but we would want votes on the items that could potentially be politically embarrassing. In order to avoid these votes, he skips the committee of jurisdiction and brings the bill directly to the Senate floor. Then he uses an arcane Senate parliamentary procedure—he files for cloture and fills the amendment tree. That means he prevents amendments on the Senate floor, and often because he believes they might be embarrassing for Members on his side.

Our majority leader is no slouch; he picks bills with great titles that on the

surface anyone could support—anyone. Remember, most of these have not been to committee. Who could possibly be against students or veterans or seniors or women? The problem for the minority is that within these great-sounding bills is usually something that deep down, philosophically in our bones, many just cannot accept. An example would be tying a woman's health care to a mandatory public funding of abortions or adding gun control to an otherwise acceptable crime bill. These are poison pills that the majority knows the minority won't swallow. Best of all politically for the majority, the minority gets blamed for filibustering and the majority leadership looks like the hero fighting hard for the cause. That is how a filibuster can be initiated by the majority leader to make the minority look like obstructionists.

If the majority party brings up a bill containing a poison pill, even though the bill has a great title, they should not expect the other party to swallow the poison pill without using every delay tactic possible. In fact, they don't expect the minority to go along, and they use it to their full political advantage.

Those of us on this side in the minority have been seeing bill after bill that did not even go through committee, with great titles, containing poison pills, come to the floor directly. We were not assured even of a vote to try to take the pill out even though the majority had sufficient votes to ensure the poison pill would stay in. That is the meaning of majority—enough votes to always win. If you can always win, why stop the vote? So stopping the right to vote should and has resulted in a filibuster.

The big, dirty, not-so-secret secret is that a filibuster can be controlled by the majority leader. If the leader agrees to allow an open amendment process, permission to proceed would be a formality, and work could start immediately. That is what happened with the Department of Defense authorization we just finished. It was a fresh breeze through what the majority has turned into a stale Senate. We worked through more than 100 amendments in short order. But if no agreement to an open amendment process is agreed to before starting the bill, the minority has to believe their amendments will be blocked.

The majority can vote down any proposal it does not like and with a motion to table can do it quickly. Let me say that again. With a motion to table, they can do it quickly, they can actually limit debate. That is why the minority has been filibustering on motions to proceed and also why the majority leader wants to end that process. Delaying action on motions to proceed is our best chance to ensure an open amendment process. We can slow the

bill down to try to get that agreement. The majority still does not have to agree, and if they have 60 votes, they can move ahead. If they do not have 60 votes, it has to be at least a little bit bipartisan—just a little bit.

The real point gets lost in all this; that is, to be effective, Congress has 535 people looking at every proposal—lots of viewpoints, lots of experience. If all the decisions are going to be made by the majority leader, how does every American's elected leader get to represent his or her constituents? The people back home who put their faith in their Senators expect to be represented by their Senators, not a party or a majority leader who does not know them as their own Senators do.

The majority leader has used the filibuster count to effectively falsely claim obstruction by Republicans. Remember, you can manufacture a filibuster. Now he wants to weaken the filibuster further. That may happen the day after tomorrow. That is damaging America's faith in Congress. That is damaging what the Senator from California said was one of the basic principles of this body. There are already filibuster rules. If used, they would make those objecting spend time on the floor explaining themselves, actually talking. That already exists, and in a very limited way, each Senator has the right to 1 hour of debate during a filibuster—1 hour. They can have other people cede their hours to them, but it is still a very limited amount. At any point, if there is not somebody on the floor to take more of that hour, the Presiding Officer can end that part of the filibuster. So there are already ways to shorten the delay involved, but they are not being used.

Using current rules would be much better than breaking the rules for the first time in order to change the rules. We have never done that. It has been threatened once before. It did not happen. I hope it does not happen during the time I am in the Senate. Breaking the rules to change the rules is not the way of the Senate for the history of the Senate.

I know there are amendments on which the majority does not want to have a recorded vote. That would put his Members on record. But that is the price for being in the majority. I think our side would like to be in the majority and have to take those kinds of votes. They are putting us on record without the poison bill being obvious in the vote. All we are voting on is a bill title. That is the way the people of America looked at it, and it worked very well in the last election.

Going all out to avoid votes is silencing the voices of millions of Americans and tearing down the institution of the Senate and eliminating transparency. The media usually demands transparency. This hides transparency.

The proposal to weaken the filibuster would only hasten the Senate's decline.

It is like adding lemon to a recipe that is already too sour. We do not need a new recipe. We do not need to change the rule as the majority is proposing. We need to use the great system that has been in place for hundreds of years. Even now, we get glimpses of it working.

If the majority leader and those advocating for the weakening of the filibuster were in the minority, they would speak out against it. In fact, they did. In 2005, when he was in the minority, the GOP started talking about challenging the filibuster, and Senator REID warned of grave consequences. I want to quote Senator REID.

The time has come for those Senators of the majority to decide where they stand, whether they will abide by the rules of the Senate or break the rules for the first time in 217 years. . . . Will they support the checks and balances established by the Founding Fathers?

That is a quote from the majority leader. He asked if the majority would "silence the minority in the Senate and remove the last check we have in Washington against this abuse of power." That is a quote from leader HARRY REID. I hope he will follow his own advice and that that will not be a part of the problem right after we swear in the new Members this next week.

I hope the institution of the Senate will continue to be a Senate. I hope we will have more of a committee process where people can work out the things there are difficulties with and bring a more consolidated, more comprehensive, less compromising area between which neither of them believe that will get to the floor and then have an open amendment process on the floor, and I guarantee things will happen faster than they have been in the Senate. Holding up things a week or 2 weeks while we go through the whole filibuster process is a waste of our time. Amendments are not a waste of our time. I hope we get back to that system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I have the greatest respect for the Senator from Wyoming and considerable affection. Indeed, he is my ranking member on the HELP Committee, and he has been kind enough to offer his perspective on this question of the rules change. I will reciprocate by offering my perspective.

We were in the caucus the other day. Our leader reported that during the time Lyndon Johnson was the majority leader, which was a very active and disputatious time in the Senate, he faced one filibuster, and Leader REID reported that he had faced 391, I think was the number he used. So clearly the use of the filibuster as measured by the

number of cloture motions is completely out of control.

The Senator from Wyoming correctly points out that filling the tree is a challenge to the minority, but I believe, if I recall correctly—I was planning to speak on something else, and I don't have the numbers exactly accurate at hand—I believe the number of times the tree has been filled is something like 70. So there is a huge disparity between the number of times the majority leader has filled the tree and the number of times he has been forced to file cloture.

The reason is that very often there is not agreement on amendments. While on a major bill, an open amendment process is good, I believe, and we have seen examples of that recently on this floor—Senator MCCAIN and his work on the Armed Services bill, along with Senator LEVIN, is an example—there are also times when filibuster by amendment takes place and it becomes abusive.

I can remember sitting in the chair where the distinguished Senator from Ohio is now sitting and watching Senator Kennedy on the floor. He had a bill that would raise the minimum wage. We often get big, fat bills on the floor. This was a bill that I think was literally one page. It was the smallest, shortest bill because it was just changing a number, basically.

Hundreds of amendments—literally hundreds of amendments had been filed against it. When the majority leader is faced with that—many of them were completely nongermane and not relevant—when the majority leader is faced with a circumstance where hundreds of amendments are filed on a small bill like that, it is easy to see why you have to move forward by trying to limit the time because the whole rest of the session could have been devoted to that bill if you can't get control. If you can't get an agreement—and very often, agreement is withheld as to a fixed number of amendments—then you have no choice but to take your best shot with the bill by filling the tree.

Even if I am right that the number is 70, I contend that the number of what the minority might consider a malicious filling of the tree might be a number considerably smaller than 70. Many of them might be made necessary by the actions of the minority by offering hundreds of amendments and by refusing to enter into agreements to offer a reasonable number.

I think it is a problem, but I think on balance I stand by the view I have expressed before that there is an unprecedented level of obstruction in this body, and I say that with some humility because the distinguished Senator from Wyoming has been here a bit longer. I have been here only for 6 years. But that is what people who have been here for many, many years

confirm—that there has been really nothing like it.

#### EXTENSION OF MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the period for morning business for debate only be extended until 5 p.m., with Senators to speak up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask to speak for 15 minutes but probably not that long.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FISCAL CLIFF

Mr. WHITEHOUSE. Mr. President, I will speak off the topic of the day. Obviously, we are focused on the fiscal cliff. The measure is now over in the House, and the distinguished Senator from Wyoming and the senior Senator from California expressed their hope—and I would say confidence—that the House will act. Given the dysfunction of the House and its Republican leadership, I am perhaps a little bit more cautious than they are about this.

I remember that we did a very good bipartisan highway bill here. It passed with an enormous vote of 70-some, if I remember correctly, and went over to the House. They could not even pass a highway bill. They had no bill at all. They got so snarled up that finally they passed a bill that did nothing but to appoint conferees to argue about our bill. They could not bring a bill of their own into conference.

We worked very hard on a farm bill here. It was a bipartisan farm bill. Senator STABENOW was particularly energetic in that, as was her colleague from Kansas. Again, that was a bipartisan bill, which required a lot of hard work and had many compromises. We are in a terrible drought—which is something I will talk about more in a moment—and they cannot pass the farm bill over there.

The Speaker tried to respond to having withdrawn from his negotiations with the President on the fiscal cliff by coming up with a new so-called Plan B alternative. He could not even get that through his caucus. There is an unprecedented degree of extremism and dysfunction in the House Republican caucus, and I hope that does not disrupt the progress we have made on the fiscal cliff. We will have to wait and see. Today will tell.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. What I am here to talk about is not the topic of the day because the fiscal cliff is the topic

of the day. What I am here to address is never the topic of the day. It is the unmentionable issue; that is, climate change. It is so apparent now that changes in our climate and in our environment are occurring from pole to pole and from the height of our atmosphere to the depths of our oceans. The overwhelming majority of scientific research, indeed statistically the now virtually unanimous scientific view, indicates that all these observed changes in the Earth's atmosphere are the direct result of human activity—specifically the emission of carbon dioxide from our burning of fossil fuels.

If we continue with these destructive levels of carbon pollution, carbon change will not just alter our environment, it will alter our economy. Very often discussions in Washington steer away from things that have to do with environment and the health and enjoyment of human beings of the natural world and instead it comes down to money, as it so often does in this town.

Let's talk about climate change in the context of money. Markets and businesses across this country have developed to fit the prevailing environmental conditions in their different regions of the United States. These markets and these businesses are going to face real challenges when our climate changes those prevailing conditions. Whether it is higher sea levels, stronger storms, warmer winters or dryer summers, no State and no economy will be unaffected by climate change.

We are already seeing real-life examples of economic consequences of a rapidly changing environment. The Economic Research Service of the U.S. Department of Agriculture reported that 80 percent of American agricultural land is experiencing drought, making this the most expensive drought since the 1950s—more than half a century ago. Last month, Deutsche Bank Securities estimated that the drought will reduce 2012 economic growth in the United States by one-half to 1 percent.

Shipping on the Mississippi River has been reduced and may stop in areas where drought has left water levels too low for safe passage. The American Waterways Operators and the Waterways Council estimate that \$7 billion worth of commodities are supposed to ship on the Mississippi in December and January alone. An interruption of that would have a considerable economic effect. The U.S. Army Corps of Engineers has begun a \$10 million project to clear rocks from the waterway to prevent that shutdown. The other option is to release water from the Missouri River, but that would just draw down water supplies in upriver States that are already suffering from drought themselves, such as Montana, Nebraska, and North Dakota.

Water is also essential for power generation. According to the U.S. Geological Survey, powerplants account for



nearly half the daily water withdrawn in the United States. Drought and heat go hand in hand to push powerplants toward shutdown. A 2008 drought put several powerplants in the Southeast within days or weeks of shutting down. Texas, California, and the Midwest now face a similar challenge with drought stressing their power production.

In the Northeast, it is not low water but warm water that caused the shutdown of Unit 2 at the Millstone powerplant in Connecticut. The temperature of the water in Long Island Sound, from which the plant draws its cooling supply, climbed to over 75 degrees Fahrenheit this summer—too warm for cooling the Newark reactor. Of course, the cost to our economy of disruptions in our power supply is particularly high during warm weather, when energy use is at its height to run air-conditioners.

Scientists tell us the droughts and heat waves will get worse and water temperature will continue to increase. Agriculture, shipping, and power industries will be operated under new baseline environmental conditions.

Warmer oceans, ocean acidification, and extreme weather events create an obvious threat for our fishery industries and the marine trades they support. It is not just the fishermen who are affected but the people who repair their engines and nets, sell them equipment and gear, as well as the companies that buy and process their catch are affected.

In my home State of Rhode Island, average coastal water temperature has risen by 4 degrees over the past two decades, affecting our historic fish stocks and hurting local fishermen. It is not just in Rhode Island where the seas are changing. To use another example, rising ocean temperatures and acidity threaten corals, which, as well as being a cornerstone of ocean biodiversity—but never mind, this is supposed to be a speech about the money—the coral reefs are a mainstay of Florida's water and boating industry. People go there to snorkel, scuba dive, and see the corals. If the corals are not there, it is going to affect those industries.

The increasing acidification of ocean water driven by the rising carbon dioxide in the atmosphere lowers the ocean's saturation levels of calcium carbonate. That sounds boring. Who the heck cares about the ocean saturation levels of calcium carbonate? Calcium carbonate is the fundamental building block of the shells of aquatic species such as oysters, crabs, and lobsters. Fisheries we actually do care a lot about, even if we may not care about calcium carbonate. It is the basic building block of the plankton that comprise the very base of the food web. Ocean acidification caused 70- to 80-percent losses of oyster larvae at an ocean hatchery in Oregon from 2006 to

2008. Wild oyster stocks in Washington State also failed under the stress of that more acidic water. This is an industry worth about \$73 million annually along our Pacific coast, and it is faced with the threats from climate change.

The pteropod, which is also known as the sea butterfly, will be harmed by ocean acidification. The pteropod is a humble beast. It is a tiny aquatic snail. Nobody goes fishing for pteropods, so who the heck cares? Salmon care. Indeed, 47 percent of the diet of some Pacific salmon species is pteropods. The salmon fisheries which support coastal jobs and economies care an awful lot about the salmon.

Extreme weather events such as storm surges have become more frequent as our climate and oceans warm. Extreme storms such as that are particularly hard on shell fisheries. The National Oceanic and Atmospheric Administration reported that "because oysters require two or more years to grow to marketable size, full recovery from . . . hurricanes may take years, and some oyster habitats may be lost permanently." National Geographic noted that after Hurricane Katrina, 90 percent of Mississippi's oyster beds and 74 percent of Louisiana's oyster beds were destroyed. Just this fall, Hurricane Sandy disrupted shellfisheries all along the east coast.

Coastal economies, such as in my home State of Rhode Island, are threatened in other ways by sea-level rise and extreme storms. The Rhode Island economic development Council notes that tourism in Rhode Island is at the absolute center of our summer economy. People from all across the Nation come to Rhode Island in the summer to enjoy our beautiful beaches, our sparkling bay, sail, and participate in all the beachside activities. Damage to that economy would be very significant.

We are rebuilding from Hurricane Sandy so we will be ready when our beach visitors come this summer, but it is a reminder of how important that economy is to Rhode Island, and it is a reminder of how vulnerable it is to extreme weather.

Let's turn to the West, where by August of this year more than 6 million acres had burned in wildfires. A new analysis by NASA predicts that by the middle of the century we can expect to match the severity of 2012 fires every 3 to 5 years. It is going to become commonplace.

A recent study by the University of Oregon—and I see the Senator from Oregon on the floor—found that large wildfires caused long-term instability in local labor markets. Increased local spending fighting the fires is not enough to outweigh the economic loss caused by the disruption of businesses and damage to property from the fire.

In August, Reuters reported that wildfires were hurting tourism in West-

ern States. One small business owner in Salmon, ID, claimed she had nothing but cancellations as a result of the fires.

The New York Times has reported that the declining snowfall and unseasonably warm weather had been a drag on winter sports and recreational tourism last winter. The reported forecast is that before the end of the century, the number of economically viable ski locations in New Hampshire and Maine will be cut in half. Skiing in New York will be cut by three-quarters, and there will be no ski area in Connecticut or Massachusetts. That will have an economic effect.

Looking back West again, the Park City Foundation in Utah predicted an annual local temperature increase of 6.8 degrees Fahrenheit by 2075, which would cause a total loss of snowpack in the Park City resort area. The Park City Foundation report estimates this will result in thousands of lost jobs, tens of millions in lost earnings, and hundreds of millions in lost economic output to Utah. Ominously, in Colorado the ski season was pushed back at least a week this winter for lack of snow.

I am sure my colleagues on both sides of the political aisle, whether from coastal, agricultural or mountain States, feel the concern for their State's economy as I do for Rhode Island. To protect these economies, we will all have to act prudently, and that means waking up and addressing climate change head on in Congress. The majority of Americans of all political affiliations accepts the science behind climate change. Yet Congress refuses to act.

There is a consensus among scientists where around 98 percent—the other day I came with a circle graph which showed a tiny little wedge of fringe dispute on this question is barely visible in the sea of agreement. Yet Congress refuses to act. Even after hearing from our national security officials about the dangers and threats from climate change, Congress refuses to act.

That refusal to act will have an impact on the American economy. A Brookings report has found that well-designed climate legislation would increase investment, increase employment, and significantly increase America's gross domestic product, but here in Congress we are more likely to hear that any climate change legislation would hurt the economy and kill jobs. The opposite is true. We are missing opportunities to grow a clean economy that is manufacturing and export intensive and that creates the kinds of jobs that support a strong American middle class. We are failing to protect against carbon pollution that will harm our States' economies all across the country, and we are failing to take prudent steps to protect ourselves

against the coming changes from our carbon pollutants that have now become unavoidable. With the carbons up in the air, the changes are going to happen. We can't stop those. We need to prepare for them, and we are failing to take those prudent steps. Those of us on the east coast who weathered Sandy have gotten a preview of coming attractions as the oceans continue to warm and extreme storms become more common.

As I said before, here in Congress we are sleepwalking through history. We are lulled by the narcotic of corporate money from the polluters and from their allies, we are ignoring the scientific facts, and we are refusing to awaken to the many ringing alarms that nature is now sounding. I hope we can soon find a way to correct this grievous folly and omission.

I yield the floor.

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent the period for morning business for debate only be extended until 6 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. MERKLEY. Mr. President, I want to first address the bill we passed in the early hours this morning.

It is very unusual to be passing a bill in the early hours, certainly on the first day of the year. And this bill had a lot in it. This is the fiscal cliff bill. There are a number of reasons that I supported this bill, but there are a number of concerns I have as well. I thought it might be appropriate to just summarize why it was important this bill pass last night, but also why we should also be aware that the bill has

laid out a path that requires us to do substantial additional work in order to avoid having that path be one that leads us into a thicket.

First, we do not pass this bill if the House does not get it done. It is being considered by the House right now. Then there would be a very good probability, economists estimate, that the economy would turn down in the coming year by somewhere in the range of about 2 to 3 percent, and so we would go into a recession. That means living wage jobs for American families would disappear. That is an enormous amount of hardship, and this is a self-inflicted political wound. So it was important to pass that bill last night to avoid that.

The second is that one of the immediate impacts would have been the end of unemployment insurance for a huge number of families across this country. In Oregon, it would be about 30,000 families immediately terminated from unemployment insurance, and in the course of January it would be another 10,000 families. So if you can imagine a bill that would have directly impacted the ability of 40,000 Oregon families to pay their car payments, to pay their rent, to pay their heating bills in the middle of winter, that was the bill we were considering last night. It is a very big reason why it is important that it pass.

In addition, the bill we addressed last night adjusted the rates in terms of the compensation to doctors under Medicare, called the doc fix. If the doc fix did not get adopted, and we had roughly a 25-percent reduction in payments, then what we would see is that folks would have a very difficult time getting in the door of a doctor's office. We don't really have a Medicare plan if we can't get in the door of a doctor's office, and we don't really have medical care at all if we can't get in the door of a doctor's office. So it is important that we address that—again, affecting thousands of people in my home State of Oregon.

In addition, there was a lot of concern that this fiscal cliff bill would do some things that were entirely unacceptable in regard to compromising the benefits under Medicare and Social Security. There was a proposal to increase the age limit for Medicare from 65 to 67. I advocated fiercely that that would be unacceptable. I cannot tell you how many townhalls I have gone to and had folks approach me and say: You know, I am 62 years old. I have these three conditions I am wrestling with. I have no medical care, and I am just trying to stay alive until I hit 65 so I can get medical care.

That is a common situation in a country where many people do not have health insurance. To raise the age by an additional 2 years for those folks who have no medical care would be cruel at best, and for some it would be a death sentence. That was unacceptable.

Others proposed that instead of making the cost-of-living provision in Social Security match better what seniors buy, they proposed making it match less well what seniors buy, saving money by inaccurately estimating the impacts of cost-of-living increases. It is important to recognize that neither of these elements that would have attacked the benefits of Medicare and Social Security was in the bill last night. Those programs were not on the table.

Because we needed to avert a recession, because we needed to make sure we did not slash unemployment, cut people off at the knees overnight, block folks from being able to get in the door of their doctor's office, and because the bill did not do some of the things that would have been 100 percent unacceptable, it merited support last night in this Chamber. I say last night, but it was actually in the early hours of this morning, the first day of 2013.

I supported this bill, but I have grave concerns about certain elements. This bill essentially adopted 90 percent-plus of the Bush tax cuts. Unless we continue to wrestle with the fact that revenue is at a historic low in this country and the gap between revenue and spending is very high, we are laying out a path for structural deficits as far as the eye can see. That is not in the best interests of this country.

Folks who are well off got a very good deal last night—a very low tax on capital gains, a huge loophole in the estate tax, a very low tax on dividends, and only the very top tax bracket for the most wealthy among us was touched at all. It was not the \$250,000 level President Obama had said he was fighting for, it was \$400,000-plus. There are not many folks who are at that level, and only that top bracket was touched. If you are very well off in America, you got a very good deal last night, but America got a big problem, which is the potential for enduring deficits, structural deficits that undermine the soundness of our future finances.

In addition, the bill we considered last night created some additional fiscal cliffs in the very near future, within 2 months—in March. One is that it does not address the debt ceiling. The debt ceiling is not about what we spend, not about the decisions on what we spend, it is whether we are going to pay the bill after the spending has been authorized. It is like saying to yourself: When the credit card bill comes, I am just not going to pay it because I should not have spent so much money. That is what the debt ceiling problem is—not to pay the bills we have already incurred.

What happened the last time we had this controversy was our national credit rating was diminished. That means when you borrow money, you have to

pay more. So we shot ourselves in the foot to no purpose.

The time to make the decision over what you spend is when you are making the spending decision, not when the bill arrives later. You have already made that commitment. You are already in that boat. You have a responsibility to fulfill payment of the bills you have signed up for. But we will have that ahead of us in just 2 months.

In addition, the bill we had in the wee hours this morning pushes off the sequester for only 2 months. What is the sequester? The sequester is a series of mandatory payment cuts that fall on working people. There was a big budget deal a year ago that I voted against because what it said is that if the supercommittee does not come up with a good plan, we are going to balance the budget on the backs of working people. I voted against it. The bill last night did not do that because it pushed off the sequester, but it only pushed it off for 2 months. So if you are concerned about a nation in which the bonus breaks for the best off are untouched while cuts fall on working people, then you should be concerned about the battle that is just 2 months ahead.

In addition, there was a last-minute addition of a farm bill—not the Senate's farm bill, not a bill that was adopted in committee process, not a bill that was adopted on the floor of this Chamber, it was an individual leader's farm bill. The minority leader's farm bill was inserted last night.

Earlier, we had a speech by one of my colleagues, who was saying that it is so important that we do the hard work in committee and that we do the hard work on the floor with an open amendment process. That is what we did with the Senate farm bill. Senator STABENOW from Michigan, the chair of the committee, Ranking Member ROBERTS—they worked very hard to have an honest, open, public debate and votes on the individual elements. In the course of that, we adopted disaster aid for farmers and ranchers across America who were scorched by the worst fires in a century and one of the worst droughts in the last century. They should have been helped immediately upon those disasters, but they could not be helped because the farm bill had expired. Leaders said we will quickly reauthorize it. The Senate reauthorized it, we put those provisions in, we sent it over to the House, and the House never acted on it.

Then we tried to take those emergency provisions and put them into the Hurricane Sandy bill. If we are going to address the disaster for Hurricane Sandy, as we absolutely should and must, we should also address the disaster of the worst droughts and worst fires in the century.

An area in Oregon the size of Rhode Island burned this last summer. The

forage burned. The fences burned. Farms and ranches were devastated. In other parts of the country, it was drought that was devastating. The version of the farm bill stuffed in last night does not have those emergency provisions even though this Chamber put them in. This Chamber supported them. The committee supported them.

We also did something else on the floor: We said the historic imbalance between those who farm in a more traditional fashion and those who farm in an organic fashion is going to be righted. You know, under crop insurance there was a provision for organic farmers that said: We are going to charge you a lot more for your insurance, but in recognition for that, you are going to get the price of organic goods, which is higher, if you have a disaster that this covers. But the Department of Agriculture never got around to calculating the organic price, and therefore the farmers got short shrift, paying high premiums on the front end without the compensation we promised on the back end.

This Chamber fixed that, but last night the minority leader stuffed a farm bill into this package that stripped it out. So much for the conversation I have been hearing about good committee work and good floor work. I absolutely agree with the Senator who spoke earlier today about good committee work and good floor work, but that was not honored in the farm bill that was stuffed in last night.

I will tell you there is a lot more to this. Research on specialty crops has a big impact on my home State. We have a lot of specialty crops. The Willamette Valley grows virtually anything. It is one of the best farming places in the country. It is not pure wheat or pure rice or pure soy; you can grow a lot of specialty crops. But a lot of that research was stripped out. So we did not get the bill this Chamber decided upon.

The chair of Agriculture has come to this floor and expressed extreme duress and frustration. She is absolutely right. The Senate actually did a very good job of process. It does not often do such a good job of process. It went through committee, it went through a floor debate, it went through an amendment process, and all of that was ignored. So the next time we hear lectures about process, I would like it to be noted about what happened last night and how ranchers and farmers across this country were betrayed by the farm bill that was stuffed in at the last second.

We have a lot of work to do in this Chamber. The path we were starting on last night is one that addresses immediate emergencies, people being able to get in their doctors' doors, and folks being able to continue to have a coherent unemployment insurance policy while they are looking for work while

unemployment rates are still high. But we have a lot of work to do from here forward or we are going to end up in some places that make our path forward as a nation much more difficult.

I certainly am committed to continuing the effort to put this country on a sound financial footing and continuing to try to make the process here in the Senate work better. In that context, we have a debate that is going to begin in just 2 days about the process in the Senate.

In the course of my lifetime and in the lifetime of everyone here, the Senate has gone from a deliberating chamber, a decisionmaking chamber admired around the world, to perhaps one of the most dysfunctional legislative chambers to be found anywhere. There are still Members who like to think of the Senate with the words "the world's greatest deliberative body," but they are the only ones who might think that about the Senate because no one else paying attention considers the Senate to be a great deliberative body. It has become deeply paralyzed.

The root of this goes partially to the circumstances of the bitter partisanship that has dominated our politics, and that is unfortunate. But it also goes to the fact that as the social contract unraveled—and perhaps related to that partisanship—you have rules that worked well in the past that do not work well now. One of those is certainly the filibuster.

In the early Senate, you can imagine 26 Senators, 2 from each State, saying: We should have the courtesy of hearing each other out to make sure we make great decisions so we get everybody's opinion on the table. That is the courtesy of not ending debate until everyone has said what they want to say.

Over time, the Senate grew larger. It became a little more difficult, but the principle was honored because when the debate had wound down, someone asked unanimous consent to hold a vote, and generally they would get unanimous consent and the vote would be held. It was understood that this was a simple-majority body. If you were going to stand in the way of that final vote after everyone had their say, then, in fact, you were interrupting the process by which this Chamber makes decisions and helps take this country forward. Certainly the heart of it was the understanding that the pathway favored by the most is most of the time better than the pathway favored by the few. The majority vote is the heart of the democratic process. And we had challenges along the way. There were occasionally periods where folks gave long speeches and managed to stop a vote before this Senate went on recess, but in general it worked pretty well, in part because the individuals who might abuse the process realized the rules could be changed by a simple majority. If they abused it on one occasion, the

privilege of being able to express their full views for an extended period might be changed by the majority changing the rules. So it kept the process in check. There was an understanding that everyone got to be heard, everyone got to have their opinion considered, but if it was abused there could be a response to that.

Well, in 1917 it was abused. A small faction blocked the ability of the bill to go forward that would put armaments on U.S. commercial shipping, and those ships were being sunk by Germany. President Woodrow Wilson and Senate leaders were outraged. How could a small faction allow our ships to go unarmed in a situation where they are being sunk; that is unacceptable.

Well, that small faction had their reasons. They believed once they put armaments onto a ship, they were probably going to be firing shots. When they fired shots, they were involved in the war. They wanted to block the United States from getting involved in the war, but there was only a small group in the Senate who believed we should allow Germany to sink our ships with no response.

So the Senate came together and said: OK. We are going to respond to a small faction obstructing the will of this body of not allowing us to go forward. They had their say, we heard them out, and they have their opinions. We are going to allow two-thirds to shut down debate and get to a final vote. That was in 1930. It was the first such motion, and it was the cloture motion—as in closing debate. This continued to work pretty well. It worked well until about 1970. So for 50 years it worked pretty well.

Why did it work well? In part because there was a big overlap between Democrats and Republicans. If I were to chart out those who were the most liberal Republicans and the most conservative Democrats, there would be a lot of overlap in the middle. It was generally understood that this was a simple majority body and there should only be an objection to a simple majority vote when everyone had their say. If it was a principle that was of a deep and exceptional nature, such as a personal principle or an issue affecting a Senator's State, and because that Senator was objecting to the ordinary functioning of this body, that Senator felt a compulsion to stand and make the case before colleagues. In a sense it was because the Chamber had reporters on the upper level who followed Senators making their cases before American citizens.

Well, over time, the filibuster, which is an objection to a simple majority vote, evolved in two ways. Instead of it being a faction standing on principle, it started to be utilized as an instrument of the minority party to obstruct the ability of the majority party to put forth an agenda. Instead of it being a

small group and an important principle, it became a legislative tactic of the minority leadership. It is true for Democrats and Republicans. There is not one party who is more guilty of this, if you will. They both employed this tactic over time.

In addition to the increasing polarization of America, we started to get less overlap in the perspective of Democrats and Republicans. Twenty years ago we might have had 30 Senators in that span between the most conservative Democrat and the most liberal Republican, so normally they would have that overlap of 30 Senators so they could still get two-thirds of the Senate, and that served as a check on the use by the minority of the filibuster as a tactic of penalization.

As the Senators from World War II started to move out of this Chamber, and as those from the House who had adopted kind of a ruthless partisan strategy started to move into this Chamber, we saw that social cohesion break down, and we started to see more and more use of the filibuster.

I have some charts. The first chart probably sums it up pretty well. During the time that Lyndon Johnson was majority leader for 6 years, he faced one filibuster. During HARRY REID's 6 years—a week or so ago when I made this chart, the filibusters were 387. Now it is in the 390s. In 2 days I guess we will not have any filibusters, so we may not break 400. What a contrast between the amount that Lyndon Johnson had when he was majority leader and basically 400 in the 6 years HARRY REID has been the majority leader. That is an enormous change.

In addition, normally the objection to a majority vote was done on the final vote of a bill. But starting in about 1970, folks realized that on any debatable motion, the same paralysis could be brought. They could object to a simple majority vote on a simple debatable motion.

I will lay out how this has changed over the last 40 years in different categories. One change is in nominations. Here we see that before approximately 1968 there were virtually no filibusters on nominations. In fact, I believe the rule was changed in 1949. There was a question raised over whether the filibuster could be used on nominations, and after some debate this Chamber decided to change the rule and allow it on nominations. So when people say: Well, this is the way we have always operated, it is 200 years of history, first, there was no cloture motion before 1917. In fact, the simple majority could change the rules back then. Also, there were no cloture motions on nominations, so we have this new world.

If I move this podium so everyone can see the far right edge, we can see this steady increase in this tactic. Note this very tall bar in 2012. This impact is not just on this number of these two

dozen nominations, this affects and creates a whole backlog of unfilled positions in the executive branch and the judicial branch. Since 1970, this Chamber has essentially said: You know what. There is supposed to be three equal branches of the government, but we are going to use our advice and consent power under the Constitution to effectively undermine and attack the judiciary and executive branches.

That is not what the Framers had in mind. In the discussions over how the Constitution was put together, show me a Federalist Paper where any of our Framers argued that advise and consent is designed so that Congress can basically damage the executive and judicial branches by refusing to consider nominations. So that is one big change.

Well, let's take a look at motions to proceed. We see back in 1932 there was a filibuster, and in the early 1960s we see a few filibusters. Then in about 1970 we see that it took off. It was not thought to be appropriate to filibuster just any debatable motion. The idea was there was an issue of deep principle in which a Member had to make a stand to block the bill from final passage.

Now, suddenly, we can paralyze the process by even keeping a bill from getting to the floor. What sense does it make to argue that a Member is facilitating the debate by blocking the debate from happening? Many people come to the floor and say the filibuster is all about facilitating debate and making sure everybody has a say. Blocking the bill from getting to the floor doesn't facilitate at all. We see this as a growing form of paralysis.

The same story is true on amendments. So on amendments again, we see from the early 1970s forward there is big growth. Well, previously it was the perspective that the filibuster was going to stop the bill from getting enacted. Members didn't know what the bill would be until the amendments were fully debated, so a Member didn't block the amendments from coming to a vote. Again, the process grew.

So let's take a look at final passage. Here we see the traditional use of the filibuster. One or two was the average during this time period, from 1917 until the early 1970s, and then we have this explosion. No longer were Members blocking a bill on a deep issue of personal value or something that was key to their State that they were willing to take to this floor and talk about, but instead it would be just a routine obstruction using an instrument not of principle but of politics.

We even have a challenge of getting bills to conference committee. This was a case where the Senate and the House passed a bill, and we just wanted to start negotiations. How does it facilitate debate in any kind of way to block getting it to a conference committee and starting those negotiations? That was never done until the

early 1970s. There we have it, the growth of this measure.

Once this instrument of obstruction was utilized, then this Chamber often decided to forego the conference committee. We gave up on it. When I was here in 2009, I would say: Well, let's get the conference committee going. Well, they would not do that because it would take weeks of this Chamber's time to get the conferees appointed and the three debatable motions done to be able to get to a conference committee. What? Isn't it outrageous that we cannot even have a negotiation with the House? So we have to go through this complicated process of sending the bill over to the House, and the House has to amend it and send it back to us, and we have to amend it and send it back to them.

Sometimes there are even informal negotiations that are out of public view instead of a conference committee that would be in an official setting with official recordings of what was being said and what amendments were being proposed and how it was being worked out. Instead of doing it in public, it was done in a back room. So this is certainly damaging to our process.

We could go on about one other area, which is conference reports—those reports coming back. This is a little bit more like final passage in that this is before something becomes law and goes to the President's desk. Again, here we see this was rarely used until the early 1970s, and then there was an explosion of this tactic not for deep personal principle but for paralysis.

I have found it quite interesting to hear some of my colleagues say this was the constitutional design, the Senate be a supermajority chamber. That is beyond out of sync with American history or any facts. They say: Well, isn't there a story about George Washington talking to Thomas Jefferson where George Washington says: The Senate's meant to be the cooling saucer, and, therefore, wasn't the Senate always a supermajority body? The answer is, no. It wasn't a supermajority body.

As I have demonstrated by these charts, it was very rare before 1970 to oppose a final majority vote; and when it was done, it was done for principle. People also took to this floor. They didn't have to, but they took to this floor and explained themselves to their colleagues and the American public. The Framers were very suspicious of using a supermajority in the setting of legislative action. They thought it should be used for serious changes in the design of the government.

For example, they considered that if we are going to pass a treaty, it should be a supermajority. They put that into the Constitution. They laid out that if we are going to override a veto by the President, it should take a supermajority to do that, and they put it

into the Constitution. They said, if we are going to amend the Constitution itself, we should take a supermajority. They put that in the Constitution. They didn't put a supermajority for legislating in. Oh, they thought about it. They talked about it. They wrestled with it. They kept coming back to the belief that the heart of the Democratic process is the path the majority chooses as the right path is the path that should prevail, not the path chosen by the minority.

So there were commentaries on this in various of the Federalist Papers. Here we have Alexander Hamilton on supermajority rule. He said supermajority rule in Congress would lead to "tedious delays; continual negotiations and intrigue; contemptible compromises of the public good." That is what Hamilton thought. That overlays pretty well with a lot of what we see on the floor of the Senate today.

How about Madison. Madison had commentary on this. He said, "The fundamental principle of free government would be reversed" if this Chamber did legislation by supermajority. Why did he say that? Because it would mean the path chosen by the few would prevail over the path chosen by the majority.

There is a lot of nostalgia when people think back to a time when the filibuster was an instrument of principle. Many Americans think about this. They think about the movie where Jimmy Stewart portrays Jefferson Smith, a newcomer to the Senate, and he comes to the well of the Senate and he fights for the principle of avoiding the corrupt practices regarding a boys camp. He didn't have to take the floor and demand a supermajority vote for blocking the simple majority, but he was determined to both make his case before the American people as well as his colleagues and certainly eat up as much time as he could physically, which was another strategy of the standing, talking filibuster, so the public would have a chance to respond.

Many folks say that is just a romantic Hollywood thing. But the charts I have shown my colleagues show the filibuster was used only rarely. It was viewed as an exceptional instrument of fighting for a personal principle when you were willing, when you had the courage to stand before your colleagues and make a stand. It was that way when I came here in the early 1970s. I came as an intern in 1976. In the previous year, there had been a big fight over the filibuster because of the early abuses we saw on those charts in the early years of the 1970s. The attitude changed. The filibuster started to become used as an instrument for partisan politics rather than personal principle.

So they had a debate in 1975, and they said we are going to change it from 67 to 60. That is where they ended

up. It started with this body affirming multiple times that its intent was to use simple majority to change the rules as envisioned under the Constitution. It is also the way it was envisioned under the rules of the Senate: A simple majority could change the rules, until 1970. There are a lot of observations by ordinary Americans that the Senate is broken, and we should listen to ordinary Americans who expect us to be a legislative body that can deliberate and decide.

This is a cartoon that came out recently by Tom Tolls of the Washington Post showing a Senator at the podium and the Senator says: I will tell you all the reasons we shouldn't reform the filibuster. No. 1, it will restrict my ability to frivolously stymie everything. No. 2—and he thinks for a while and he can't think of any other reason we shouldn't reform the filibuster, so he asks the staff: How long do I have to keep talking? The little commentary down here: You can read your recipes for paralysis.

The filibuster has become a recipe for paralysis. It is up to us 2 days from today, when we start a new session of Congress, to take responsibility for modifying the rules of the Senate because we have a responsibility to the American people to address the big issues facing our Nation and we can't do that when this Chamber is paralyzed.

I thank the Presiding Officer for the time to address this issue. I look forward to the debate we are going to have 2 days from today.

I see our majority leader has come to the floor, and I thank him for all the dialogs over the last 2 years on this topic. The majority leader may not have seen the chart I put up to start with, but it is his picture.

Mr. REID. I saw it.

Mr. MERKLEY. He has been suffering, if you will, through these nearly 400 filibusters in the 6 years he has been majority leader, while so many issues in America go unaddressed; each one of these filibusters procedurally taking up as much as a week of the Senate's time, even if we can get to vote to shut it down.

We must change the way we do our business in this Chamber to honor our responsibility under the Constitution to legislate in order to address the big issues facing Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I did watch the presentation of my friend and I appreciate his tenacity and his thoroughness.

#### TRIBUTE TO TONY HANAGAN AND KEIRA HARRIS

Mr. McCONNELL. Mr. President, Tony Hanagan and Keira Harris are

two former pages who returned to the Senate, graciously volunteering to sacrifice some of their Christmas vacation to help here on the Senate floor this past weekend. Tony and Keira have worked tirelessly to complete work typically performed by 14 pages. We appreciate their help during the Senate's recent late nights. We thank them for their great effort and impeccable service to the Senate.

#### MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 3454. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 3630. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

S. 3662. An act to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building".

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6612. An act to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range.

H.R. 6649. An act to provide for the transfer of naval vessels to certain foreign recipients.

The message further announced that the House agree to the amendment of the Senate to the bill (H.R. 6364) to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 147. Concurrent resolution waiving the requirement that measures enrolled during the remainder of the One Hundred Twelfth Congress be printed on parchment.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6612. An act to redesignate the Dryden Flight Research Center as the Neil A. Arm-

strong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range; to the Committee on Commerce, Science, and Transportation.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 459. To require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, January 1, 2013, she had presented to the President of the United States the following enrolled bills:

S. 3202. An act to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes.

S. 3666. An act to amend the Animal Welfare Act to modify the definition of "exhibitor".

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 870, 871, 878, 879, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 932, 933, 934, 935, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, with the following exceptions: Colonel Stephen Rader, Colonel Randall A. Shear, Jr., and Colonel Erik C. Peterson; and all nominations placed on the Secretary's desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### FEDERAL MARITIME COMMISSION

William P. Doyle, of Pennsylvania, to be a Federal Maritime Commissioner for the term expiring June 30, 2013.

#### DEPARTMENT OF TRANSPORTATION

Michael Peter Huerta, of the District of Columbia, to be Administrator of the Federal Aviation Administration for the term of five years.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

James M. Demers, of New Hampshire, to be a Member of the Board of Directors of the

Overseas Private Investment Corporation for a term expiring December 17, 2014.

Naomi A. Walker, of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2012.

#### STATE JUSTICE INSTITUTE

Jonathan Lippman, of New York, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2012.

Jonathan Lippman, of New York, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2015.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Maria Rosario Jackson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2016.

#### NATIONAL INSTITUTE OF BUILDING SCIENCES

Joseph Byrne Donovan, of Virginia, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2013.

#### NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Bruce R. Sievers, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2018.

#### DEPARTMENT OF JUSTICE

Angela Tammy Dickinson, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

#### IN THE AIR FORCE

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Colonel Stephen J. Linsenmeyer, Jr.

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

#### To be brigadier general

Col. Calvin H. Elam

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

#### To be major general

Brig. Gen. Mark E. Bartman  
Brig. Gen. Stanley J. Osserman, Jr.  
Brig. Gen. Thomas A. Thomas, Jr.  
Brig. Gen. Eric G. Weller

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

#### To be brigadier general

Colonel Glen M. Baker  
Colonel Jeffrey D. Buckley  
Colonel Anthony J. Carrelli  
Colonel Timothy J. Cathcart  
Colonel Andrew J. Donnelly  
Colonel Harold S. Eggensperger  
Colonel James O. Eifert  
Colonel Bryan P. Fox  
Colonel Ricky D. Gibney  
Colonel Christopher A. Hegarty  
Colonel John P. Hronek, II  
Colonel Paul Hutchinson  
Colonel Kevin J. Keehn

Colonel Christopher J. Knapp  
Colonel Michael E. Manning  
Colonel Clayton W. Moushon  
Colonel Michael A. Nolan  
Colonel Michael L. Ogle  
Colonel Ronald E. Paul  
Colonel Samuel H. Ramsay, III  
Colonel William B. Richy  
Colonel Adalberto Rivera  
Colonel Sami D. Said  
Colonel Anthony E. Schiavi  
Colonel John D. Slocum  
Colonel Ronald W. Solberg

## IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. Kenneth E. Floyd

## AFRICAN DEVELOPMENT FOUNDATION

Edward W. Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2017.

Iqbal Paroo, of Florida, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2017.

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

T. Charles Cooper, of Maryland, to be an Assistant Administrator of the United States Agency for International Development.

## DEPARTMENT OF JUSTICE

Patrick J. Wilkerson, of Oklahoma, to be United States Marshal for the Eastern District of Oklahoma for the term of four years.

Louise W. Kelton, of Tennessee, to be United States Marshal for the Middle District of Tennessee for the term of four years.

## MILLENNIUM CHALLENGE CORPORATION

Lorne W. Craner, of Virginia, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of two years.

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Lori J. Robinson

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Gregory A. Biscione

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Lisa A. Naftzger-Kang

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brigadier General William B. Binger  
Brigadier General Keith D. Kries  
Brigadier General Maryanne Miller  
Brigadier General Jane C. Rohr

Brigadier General Patricia A. Rose  
Brigadier General Jocelyn M. Seng  
Brigadier General Sheila Zuehlke

The following Air National Guard of the United States officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be major general*

Brigadier General Paul L. Ayers  
Brigadier General Jim C. Chow  
Brigadier General Gregory L. Ferguson  
Brigadier General Anthony P. German  
Brigadier General Rickie B. Mattson  
Brigadier General John E. McCoy  
Brigadier General John E. Murphy  
Brigadier General Brian G. Neal

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Colonel Stephanie A. Gass  
Colonel Mary H. Hittmeier  
Colonel Timothy P. Kelly  
Colonel Thomas E. Kittler  
Colonel Kenneth R. LaPierre  
Colonel Mark L. Loeben  
Colonel James F. Mackey  
Colonel Walter J. Sams  
Colonel Christopher F. Skomars  
Colonel Wade R. Smith  
Colonel Mark D. Stillwagon  
Colonel Curtis L. Williams

The following named Air National Guard of the United States officer for appointment as Director, Air National Guard, and for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 601 and 10506:

*To be lieutenant general*

Lt. Gen. Stanley E. Clarke, III

## IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Col. Jody J. Daniels

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Bernard S. Champoux

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Col. Michael L. Scholes

The following named officer for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Christopher S. Ballard  
Colonel David G. Bassett  
Colonel Donald C. Bolduc  
Colonel Edward M. Daly  
Colonel Malcolm B. Frost  
Colonel Donald G. Fryc  
Colonel Anthony C. Funkhouser  
Colonel Peter A. Gallagher  
Colonel William K. Gayler  
Colonel Mark W. Gillette  
Colonel David B. Haight

Colonel Joseph P. Harrington  
Colonel Michael L. Howard  
Colonel John P. Johnson  
Colonel James E. Kraft, Jr.  
Colonel Michael E. Kurilla  
Colonel Paul J. Laughlin, II  
Colonel Joseph M. Martin  
Colonel Terrence J. McKenrick  
Colonel Christopher P. McPadden  
Colonel John E. O'Neil  
Colonel Mark J. O'Neil  
Colonel Andrew P. Poppas  
Colonel James E. Rainey  
Colonel Kent D. Savre  
Colonel Wilson A. Shoffner, Jr.  
Colonel Mark S. Spindler  
Colonel Sean P. Swindell  
Colonel Randy S. Taylor  
Colonel John C. Thomson, III  
Colonel Leon N. Thurgood  
Colonel Flem B. Walker, Jr.  
Colonel Robert P. Walters, Jr.

## IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Randolph L. Mahr

## IN THE MARINE CORPS

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Steven A. Hummer

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Richard T. Tryon

## UNITED STATES TAX COURT

Albert G. Lauber, of the District of Columbia, to be a Judge of the United States Tax Court for the term of fifteen years.

## THE JUDICIARY

Ronald Lee Buch, of Virginia, to be a Judge of the United States Tax Court for a term of fifteen years.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

David Masumoto, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2018.

Ramon Saldivar, of California, to be a Member of the National Council on the Humanities for a term expiring January 26, 2018.

## SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

William J. Mielke, of Wisconsin, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.  
Arthur H. Sulzer, of Pennsylvania, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

## UNITED STATES INSTITUTE OF PEACE

George E. Moose, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

## NOMINATIONS PLACED ON THE SECRETARY'S DESK

## IN THE AIR FORCE

PN1981 AIR FORCE nominations (93) beginning DEMEA A. ALDERMAN, and ending



FELISA L. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 2012.

PN2034 AIR FORCE nominations (85) beginning MATTHEW W. ALLINSON, and ending JEFFREY D. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2054 AIR FORCE nominations (3) beginning JOHAN K. AHN, and ending JEFFREY S. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2083 AIR FORCE nominations (6) beginning LAURA A. BRODHAG, and ending JOHN D. KLEIN, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 2012.

PN2084 AIR FORCE nominations (17) beginning WILLIAM R. BAEZ, and ending BRYCE G. WHISLER, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 2012.

PN2085 AIR FORCE nominations (51) beginning JAKE R. ATWOOD, and ending MICHAEL R. ZACHAR, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 2012.

PN2086 AIR FORCE nominations (73) beginning KRISTEN J. BEALS, and ending JIANZHONG J. ZHANG, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 2012.

PN2087 AIR FORCE nominations (30) beginning TANSEL ACAR, and ending BRANDON H. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 2012.

PN2088 AIR FORCE nominations (146) beginning SAMUEL E. AIKELE, and ending SCOTT M. ZELASKO, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 2012.

PN2089 AIR FORCE nominations (246) beginning HOMAYOUN R. AHMADIAN, and ending JOE X. ZHANG, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 2012.

#### IN THE ARMY

PN2035 ARMY nomination of Robert W. Handy, which was received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2036 ARMY nomination of James T. Seidule, which was received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2037 ARMY nominations (2) beginning MARK A. NOZAKI, and ending MATTHEW D. RAMSEY, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2038 ARMY nominations (11) beginning CHRISTOPHER J. CUMMINGS, and ending RANDOLPH O. PETGRAVE, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2039 ARMY nominations (34) beginning ANTHONY C. ADOLPH, and ending SEAN M. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2040 ARMY nominations (130) beginning RONALD L. BAKER, and ending MICHAEL T. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2041 ARMY nominations (159) beginning TERRY L. ANDERSON, and ending G001094, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2042 ARMY nominations (240) beginning JOSE L. AGUILAR, and ending D005615, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2055 ARMY nomination of Michael D. Shortt, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2056 ARMY nomination of Delnora L. Erickson, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2057 ARMY nomination of Ronald D. Lain, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2058 ARMY nomination of Matthew J. Burinskas, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2059 ARMY nomination of Ronald G. Cook, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2060 ARMY nomination of David A. Cortese, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2061 ARMY nomination of Charles J. Romero, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2062 ARMY nominations (2) beginning MICHAEL D. DO, and ending GREGORY S. SEESE, which nominations were received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2074 ARMY nominations (15) beginning DEEPTI S. CHITNIS, and ending GIA K. YI, which nominations were received by the Senate and appeared in the Congressional Record of December 10, 2012.

PN2075 ARMY nominations (17) beginning KARIN R. BILYARD, and ending BETHANY S. ZARNDT, which nominations were received by the Senate and appeared in the Congressional Record of December 10, 2012.

PN2076 ARMY nominations (51) beginning JAMES E. ANDREWS, II, and ending D010617, which nominations were received by the Senate and appeared in the Congressional Record of December 10, 2012.

PN2077 ARMY nominations (82) beginning JACOB W. AARONSON, and ending DAVID W. WOLKEN, which nominations were received by the Senate and appeared in the Congressional Record of December 10, 2012.

PN2078 ARMY nominations (150) beginning SILAS C. ABRENICA, and ending KEVIN M. ZEEB, which nominations were received by the Senate and appeared in the Congressional Record of December 10, 2012.

PN2079 ARMY nominations (161) beginning LOVIE L. ABRAHAM, and ending VICKEE L. WOLCOTT, which nominations were received by the Senate and appeared in the Congressional Record of December 10, 2012.

PN2090 ARMY nomination of Alfred C. Anderson, which was received by the Senate and appeared in the Congressional Record of December 17, 2012.

PN2091 ARMY nomination of Deanna R. Beech, which was received by the Senate and appeared in the Congressional Record of December 17, 2012.

PN2092 ARMY nominations (2) beginning SHRRELL L. BYARD, and ending SOO B. KIM, which nominations were received by

the Senate and appeared in the Congressional Record of December 17, 2012.

PN2093 ARMY nominations (7) beginning DONALD E. LAYNE, and ending JOSEPH F. SUCHER, which nominations were received by the Senate and appeared in the Congressional Record of December 17, 2012.

#### IN THE NAVY

PN2043 NAVY nominations (3) beginning DAVID SAMMETT, and ending TIMOTHY R. DURKIN, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2044 NAVY nominations (36) beginning TIMOTHY R. ANDERSON, and ending GEORGE B. WATKINS, which nominations were received by the Senate and appeared in the Congressional Record of November 27, 2012.

PN2063 NAVY nomination of John T. Volpe, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2064 NAVY nomination of Tamara M. Sorensen, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

PN2065 NAVY nomination of Joseph N. Kenan, which was received by the Senate and appeared in the Congressional Record of December 5, 2012.

#### NOMINATION OF RICHARD B. BERNER TO BE DIRECTOR, OFFICE OF FINANCIAL RESEARCH, DEPARTMENT OF THE TREASURY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 645; that the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Richard B. Berner, of Massachusetts, to be Director, Office of Financial Research, Department of the Treasury?

The nomination was confirmed.

#### NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following Foreign Service nominations and the Senate proceed to their consideration en bloc: Presidential Nomination 1878, Gary T. Greene; Presidential Nomination 1970, a list beginning with Philip S. Goldberg and ending with Robert W. Weitzel; Presidential Nomination 2028, Michael R. Hardegen; Presidential Nomination 2029, a list beginning with Geoffrey W. Wiggin and ending with

Eric A. Wenberg, with the exception of Geoffrey W. Wiggin; Presidential Nomination 2030, a list beginning with Stephen J. Gonyea and ending with Katharine Antonia Weber, with the exception of Scott S. Cameron; Presidential Nomination 2031, a list beginning with Sharon Lee Cromer and ending with Clinton David White, with the exceptions of Sharon Lee Cromer and Maria Rendon Labadan; and Presidential Nomination 2032, a list beginning with Karl Miller Adam and ending with Mark K. Yang, with the exception of Daniel Menco Hirsch; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### FOREIGN SERVICE

The following-named Career Member of the Senior Foreign Service of the Department of Agriculture (APHIS) for promotion within and into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service, Class of Minister Counselor:

Gary T. Greene, of Georgia

The following-named Career Members of the Senior Foreign Service of the Department of State for promotion into and within the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister:

Philip S. Goldberg, of the District of Columbia

Wanda L. Nesbitt, of Pennsylvania  
Victoria Nuland, of Connecticut  
Michele Jeanne Sison, of Maryland  
Daniel Bennett Smith, of Virginia

Career Members of the Senior Foreign Service, Class of Minister-Counselor:

Karl Philip Albrecht, of Virginia  
Theodore Allegra, of Colorado  
Bruce Armstrong, of Florida  
Clare A. Barkley, of Maryland  
Robert I. Blau, of Virginia  
Roberto Gonzales Brady, of California  
John Brien Brennan, of Virginia  
Piper Anne Wind Campbell, of the District of Columbia  
Jonathan Raphael Cohen, of California  
Mark J. Cohen, of Texas  
Maureen E. Cormack, of Illinois  
John S. Creamer, of Virginia  
Jeffrey DeLaurentis, of New York  
Laura Farnsworth Dogu, of Texas  
Walter Douglas, of Nevada  
Catherine I. Ebert-Gray, of Colorado  
Susan Marsh Elliott, of Florida  
Thomas Scott Engle, of the District of Columbia

Marilyn Claire Ferdinand, of Virginia  
Valerie C. Fowler, of Washington  
Daniel Edward Goodspeed, of Virginia  
William S. Green, of Ohio  
Jeri S. Guthrie-Corn, of California  
Michael A. Hammer, of Maryland  
D. Brent Hardt, of Florida

Robert A. Hartung, of Virginia  
William A. Heidt, of California  
James William Herman, of Washington  
Thomas Mark Hodges, of Tennessee  
Martin P. Hohe, of Florida  
Charles F. Hunter, of the District of Columbia

Mark J. Hunter, of Florida  
Donald Emil Jacobson, of Virginia  
Kelly Ann Keiderling Franz, of California  
Sung Y. Kim, of California  
John Charles Law, of Virginia  
Russell G. Le Clair, Jr., of Illinois  
Mary Beth Leonard, of Massachusetts  
Donald Lu, of California  
Lewis Alan Lukens, of Virginia  
Deborah Ruth Malac, of Virginia  
William John Martin, of California  
Robin Hill Matthewman, of Washington  
Elizabeth Kay Webb Mayfield, of Texas  
James P. McNulty, of Virginia  
Thomas S. Miller, of Minnesota  
Barry M. Moore, of Texas  
Michael Chase Mullins, of New Hampshire  
John Olson, of California  
Theodore G. Osius, of the District of Columbia

Robert Glenn Rapson, of New Hampshire  
Robert A. Riley, of Florida  
Gary D. Robbins, of Washington  
Todd David Robinson, of New Jersey  
Matthew M. Rooney, of Texas  
Dana Shell Smith, of California  
Dean L. Smith, of Texas  
Pamela L. Spratlen, of California  
Stephanie Sanders Sullivan, of Maryland  
Susan M. Sutton, of Virginia  
Michael Embach Thurston, of Washington  
Paul Allen Wedderien, of California  
Alice G. Wells, of Virginia  
Thomas E. Williams, Jr., of Virginia  
Robert A. Wood, of New York  
Uzra S. Zeya, of Florida  
Benjamin G. Ziff, of California

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

David W. Abell, of Arkansas  
Aruna S.G. Amirthanayagam, of New York  
Tanya Cecelia Anderson, of Pennsylvania  
Michael Adam Barkin, of Florida  
Peter Henry Barlerin, of Maryland  
Susan Tebeau Bell, of South Carolina  
Virginia Lynn Bennett, of Georgia  
Randy W. Berry, of Colorado  
Bruce Berton, of Washington  
Donald Armin Blome, of Illinois  
Andrew Norbu Bowen, of Texas  
Sue Lenore Bremner, of California  
Maria E. Brewer, of Indiana  
Natalie Eugenia Brown, of Virginia  
Gregory S. Burton, of Virginia  
Brent Donald Byers, of Virginia  
Paul Michael Cantrell, of California  
Lisa Marie Carle, of California  
John Leslie Carwile, of Maryland  
Laurent D. Charbonnet, of Louisiana  
Craig Lewis Cloud, of Florida  
Nancy Lynn Corbett, of California  
Greggory D. Crouch, of the District of Columbia

Don D. Curtis, of Maryland  
John J. Daigle, of Louisiana  
Joel Danies, of the District of Columbia  
John Winthrop Dayton III, of Texas  
Nicholas Julian Dean, of Virginia  
Robin D. Diallo, of California  
John Walter Dinkelman, of Wyoming  
Brian P. Doherty, of Florida  
Christine Ann Elder, of Virginia  
Nina Maria Fite, of Pennsylvania

Eric Alan Flohr, of Maryland  
Daniel L. Foote, of Virginia  
Kenneth Lee Foster, of Virginia  
Robert Arthur Frazier, of Texas  
Thomas G. Gallo, of New Jersey  
Rebecca Eliza Gonzales, of Texas  
Martha J. Haas, of Arizona  
Sarah Cooper Hall, of New York  
Scott Ian Hamilton, of Illinois  
Todd Philip Haskell, of Florida  
Andrew B. Haviland, of Iowa  
Peter Mark Haymond, of Virginia  
Dennis Walter Hearne, of North Carolina  
Brian George Heath, of New Jersey  
Jonathan Henick, of California  
G. Kathleen Hill, of Texas  
Nicholas Manning Hill, of Rhode Island  
Jeffrey M. Hovenier, of Maryland  
George W. Indyke, Jr., of New Jersey  
Eric A. Johnson, of the District of Columbia  
Gary P. Keith, of Ohio  
Eric Khant, of Florida  
Yuri Kim, of Guam

Karin Margaret King, of Ohio  
Daniel Joseph Kritenbrink, of Virginia  
Yael Lampert, of New York  
James Marx Levy, of Washington  
John M. Lipinski, of Pennsylvania  
Patricia Alice Mahoney, of Texas  
Jeanne M. Maloney, of Tennessee  
Colette Marcellin, of Virginia  
Caryn R. McClelland, of California  
Brian David McFeeters, of New Mexico  
Jacqueline K. McKennan, of Wyoming  
Martha L. Melzow, of California  
Phillip Andrew Min, of New Jersey  
William James Mozdzierz, of New York  
Katherine Anne Munchmeyer, of Texas  
Michael J. Murphy, of Virginia  
Robert Barry Murphy, of New Hampshire  
Robert William Ogburn, of Maryland  
Sheila R. Paskman, of Pennsylvania  
Lisa J. Peterson, of New York  
Robert A. Pitre, of Washington  
Beth L. Poisson, of Maryland  
Elizabeth Mabel Whalen Pratt, of the District of Columbia

David Hugh Rank, of Illinois  
Joel Richard Reifman, of Texas  
David M. Reinert, of New Mexico  
Joan Marie Richards, of California  
Raymond D. Richhart, Jr., of California  
William Vernon Roebuck, Jr., of North Carolina

Michael D. Scanlan, of Pennsylvania  
Stephen M. Schwartz, of New York  
Justin H. Siberell, of California  
George Neil Sibley, of Connecticut  
Adam H. Sterling, of New York  
John C. Sullivan, of California  
Melinda Tabler-Stone, of Virginia  
John Stephen Tavenner, of Texas  
Dean Richard Thompson, of Maryland  
Susan Ashton Thornton, of the District of Columbia

Laird D. Treiber, of the District of Columbia  
Jeffrey A. Van Dreal, of Texas  
Lisa Annette Vickers, of California  
Samuel Robert Watson III, of Virginia  
Donna Ann Welton, of the District of Columbia

Terry John White, of Oregon  
Stephanie Turco Williams, of Texas  
Eugene Stewart Young, of the District of Columbia

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Robert L. Adams, of Virginia  
Thomas A. Barnard, of Virginia  
Francis John Bray, Jr., of California  
Carmen Margarita Castro, of Virginia  
Ronnie S. Catipon, of Virginia

David F. Cooper, of Florida  
 Edwin W. Daly, of Virginia  
 Craig Dicker, of Maryland  
 Mark S. Graves, of Virginia  
 Edwin Guard, of Virginia  
 Charles J. Horkey, of Florida  
 Richard J. Ingram, of Virginia  
 Michael P. Kane, of Virginia  
 Kevin J. Kilpatrick, of Indiana  
 Gregory James Levin, of California  
 Jeffrey D. Lischke, of Virginia  
 Kathleen G. Lively, of Virginia  
 Thomas G. McDonough, of Maryland  
 Brian J. McKenna, of Maryland  
 Patrick J. Moore, of Florida  
 Wayne F. Quillin, of New York  
 John H. Rennick, of Texas  
 Susan B. Summers, of Virginia  
 Robert W. Weitzel, of Virginia

The following named Career Member of the Foreign Service of the International Broadcasting Bureau for promotion into the Senior Foreign Service to the class indicated:

Career Member of the Senior Foreign Service, Class of Counselor, and Consular Officer and Secretary in the Diplomatic Service of the United States of America:  
 Michael R. Hardegen, of Florida

Career Members of the Senior Foreign Service, Class of Minister Counselor:  
 James J. Higgiston, of Maryland  
 David C. Miller, of Washington  
 Elia P. Vanechanos, of New Jersey

Career Members of the Senior Foreign Service, Class of Counselor:  
 Gary W. Meyer, of Wisconsin  
 Eric A. Wenberg, of Wyoming

The following-named persons of the United States Agency for International Development for appointment as Foreign Service Officers of the classes stated.

For appointment as Foreign Service Officer of Class Two, Consular Officer and Secretary in the Diplomatic Service of the United States of America,  
 Stephen J. Gonyea, of Florida  
 Ritu K. Tariyal, of California  
 Alexis Maria Taylor, of New York

For appointment as Foreign Service Officer of Class Three, Consular Officer and Secretary in the Diplomatic Service of the United States of America,

Sarah Maxwell Banashek, of California  
 Robert B. Barton, of Pennsylvania  
 Aaron J. Bishop, of California  
 Ana Isabel Bodipo-Memba, of the District of Columbia

Kevin Maurice Brown, of Florida  
 Elizabeth Ann Callender, of Virginia  
 Monica Dore Carlson, of Virginia  
 Elizabeth Davnie-Easton, of Virginia  
 Cristina M. Drost, of Nevada  
 Charles Ogorchukwu Egu, of Maryland  
 Susan Fenno, of Maine  
 Christopher Todd Foley, of New York  
 Christine D. Gandomi, of Arizona  
 Anya Glenn, of California  
 Alexandra Isabel Huerta, of Washington  
 Deborah L. Johnston, of Virginia  
 Melanie A. Luick-Martins, of Iowa  
 Steven M. Majors, of Missouri  
 Mark A. Mitchell, of Oregon  
 Christine M. Obester, of Virginia  
 Amy Michelle Partida, of Texas  
 Allyson L. Phelps, of Arizona  
 Andrew Ari Rebold, of New York  
 Shannon Marae Rogers, of Colorado  
 Andrea Sawka, of Florida  
 Jason Lee Smith, of the District of Columbia  
 Richard E. Spencer, of Virginia  
 Matthew Earl Sumpter, of California  
 Greg M. Swarin, of Michigan

Corina Chentze Warfield, of California  
 Katharine Antonia Weber, of Alaska

The following-named Career Members of the Senior Foreign Service of the Agency for International Development for promotion within and into the Senior Foreign Service to the classes indicated:

Career Members of the Senior Foreign Service, Class of Career Minister:  
 David E. Eckerson, of Virginia  
 Earl W. Gast, of California  
 William Hammink, of the District of Columbia  
 Susumu Ken Yamashita, of Florida

Career Members of the Senior Foreign Service, Class of Minister Counselor:  
 Robert F. Cunnane, of Florida  
 Alexander Dickie IV, of Texas  
 Susan French Fine, of Virginia  
 Brooke Andrea Isham, of Washington  
 Kevin J. Mullally, of Arizona  
 Charles Eric North, of Virginia  
 Denise Annette Rollins, of the District of Columbia

Thomas H. Staal, of Maryland  
 Dennis James Weller, of Illinois  
 Melissa A. Williams, of Virginia

Career Members of the Senior Foreign Service, Class of Counselor:

Jim Nelson Barnhart, Jr., of Georgia  
 Sherry F. Carlin, of Florida  
 Kimberly J. Delaney, of California  
 Celestina M. Dooley-Jones, of South Dakota  
 Lisa Rose Franchett, of California  
 Michelle Allison Godette, of Florida  
 Deborah Lynn Grieser, of Illinois  
 Nancy L. Hoffman, of Florida  
 James M. Hope, of Texas  
 Mark S. Hunter, of Virginia  
 Rebecca A. Latorraca, of West Virginia  
 Teresa L. McGhie, of Nevada  
 Elizabeth E. Palmer, of Arizona  
 Joakim Eric Parker, of California  
 Andrew William Plitt, of Maryland  
 Roy Plucknett, of Virginia  
 Leslie K. Reed, of California  
 Allen F. Vargas, of Florida  
 Clinton David White, of Florida

The following-named persons of the Department of State for appointment as Foreign Service Officers of the classes stated.

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America,

Karl Miller Adam, of Texas  
 Andrew L. Armstrong, of Florida  
 Dina A. Badawy, of Virginia  
 Francoise I. Baramdyka, of California  
 Brian Paul Beckmann, of Minnesota  
 Fritz W. Berggren, of Washington  
 Marie Marguerite Blanchard, of Massachusetts

Kathryn W. Bondy, of Georgia  
 Melanie Lynette Bonner, of the District of Columbia

Matthew J. Britton, of California  
 Bianca M. Collins, of Michigan  
 Anton Mark Cooper, of Washington  
 Melissa Elmore Cotton, of Massachusetts  
 Andrew Joseph Curiel, of California  
 Hannah A. Draper, of Arkansas  
 Thomas Anthony Duval, of Massachusetts  
 James P. DuVernay, of New Jersey  
 Amy E. Eagleburger, of California  
 Jonathan Edward Earle, of Missouri  
 Jeremy Edwards, of Texas  
 Jeffrey Edward Ellis, of Washington  
 John C. Etcheverry, of California  
 Dylan Thomas Fisher, of Virginia  
 Theodore Joseph Fisher, of California  
 Rebecca V. Gardner, of Ohio

Robert Richard Gatehouse, Jr., of Connecticut

Joseph Martin Geraghty, of Pennsylvania  
 John Drew Giblin, of Georgia  
 Stephanie Snow Gilbert, of Oklahoma  
 Mark Thomas Goldrup, of California  
 Michael Gorman, of Virginia  
 Catherine A. Hallock, of New York  
 Jessica Amy Hartman, of California  
 Stephanie M. Hauser, of Florida  
 Jeffrey M. Hay, of Virginia  
 Mark Hernandez, of Virginia  
 Benjamin George Hess, of North Carolina  
 Kathryn L. Holmgard, of Virginia  
 Jonathan Paul Howard, of Virginia  
 Brent W. Israelsen, of Nevada

Eric Ryan Jacobs, of Florida  
 Nichiren Rashad Jones, of Georgia  
 Rachel Ynyr Kallas, of Wisconsin  
 Allen L. Krause, of Michigan  
 Dawson Law, of Florida  
 Katherine Maureen Leahy, of New Jersey  
 Adam Jacob Leff, of the District of Columbia  
 Rong Rong, Li, of Maine  
 Elizabeth Angela Litchfield, of Illinois  
 Jennifer L. McAndrew, of Texas  
 Daniel Craig McCandless, of Pennsylvania  
 Julia P. McKay, of South Carolina  
 Elizabeth Albin Meza, of Texas

Eric C. Moore, of Oregon  
 Kristy M. Mordhorst, of Texas  
 Walker Paul Murray, of Washington  
 Scott A. Norris, of Texas

Sarah Oh, of New York  
 James Paul O'Mealia II, of New Jersey  
 Irene Ijeoma Onyeagbako, of Nevada  
 Erik Graham Page, of South Carolina  
 Jennifer Leigh Palmer, of California  
 Neil M. Phillips, of Maryland  
 Jay Lanning Porter, of Utah  
 A. Larissa Proctor, of Virginia  
 Margaret S. Ramsay, of New York  
 Jeramee C. Rice, of Tennessee  
 James Thomas Rider, of Michigan  
 Shannon M. Ritchie, of Virginia  
 George Rivas, Jr., of Texas  
 Jennifer Wells Robertson, of Virginia  
 Dustin Salveson, of New York  
 Jonathan Charles Scott, of California  
 Mihail David Seroka, of Alabama

Travis Mark Sevy, of Utah  
 Muhammad R. Shahbaz, of New York  
 George Brandon Sherwood, of North Carolina  
 Michael Aaron Shulman, of the District of Columbia

Gwendolynne M. Simmons, of Florida  
 Nathan R. Simmons, of Idaho  
 Nisha Dilip Singh, of California  
 Jeremy Daniel Slezak, of Texas  
 Alan Joseph Smith, of the District of Columbia

Eric Anthony Smith, of California  
 Véronique Elisabeth Smith, of California  
 Kristen Marie Stolt, of Illinois  
 Michael James Wautlet, of Colorado  
 Erin Ramsey Wilhelm, of the District of Columbia

Garrett E. Wilkerson, of Oregon  
 Amanda L. Williams-Ford, of North Carolina  
 Nelson H. Wu, of Virginia  
 Margaret Anne Young, of Missouri  
 Michael Joseph Young, of Colorado

The following-named Members of the Foreign Service to be Secretaries or Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Sarah Ahmed, of Virginia  
 Zakhar Amchislavsky, of the District of Columbia  
 Moses An, of California  
 Brian I. Apel, of Virginia  
 Tobei B. Arai, of Georgia  
 Harry J. Bethke, of Virginia  
 Littane Bien-Aime, of Massachusetts

Keondra S. Bills, of New York  
 Ryan P. Blanton, of Missouri  
 Jackson Bloom, of California  
 Michael C. Blue, of Pennsylvania  
 Pren-Tsilya Boa-Guehe, of Maryland  
 Elizabeth Boniface, of Virginia  
 Douglas L. Brady, of Virginia  
 Alain C. Brainos, of Virginia  
 Patrick Branco, of Hawaii  
 Joseph A. Brandifino, of Virginia  
 Adam Matthew Brown, of Florida  
 Amy B. Brown, of the District of Columbia  
 Travis S. Brown, of the District of Columbia  
 Amanda Rose Buescher, of California  
 Paul R. Bullard, of New York  
 Jose E. Campoy, of Arizona  
 Virgil William Carstens, of Texas  
 Mark R. Carter, of Connecticut  
 Ryan W. Casselberry, of Florida  
 Tuseef Chaudhry, of Virginia  
 Doreen A. Clavarelli, of Virginia  
 Pam S. Cobb, of the District of Columbia  
 Anita C. Cochran, of New York  
 Lindsay Coldwell, of Virginia  
 Patricia Connor, of Virginia  
 Marlo Salaita Cross-Durrant, of the District of Columbia  
 Daniel William Cunnane, of Virginia  
 Christine E. Cuoco, of Virginia  
 Mary C. Cypressi, of Pennsylvania  
 John P. Davies, of Virginia  
 Maria C. Dec, of Virginia  
 Anthony Delladonna, of Virginia  
 Dan Deming, of Virginia  
 Elizabeth A. Dreeland, of Arizona  
 Elisabeth F. El-Khodary, of Maryland  
 Mark C. Elliott, of Maryland  
 Anthony L. Ettison, of Maryland  
 John V. Fazio, of Illinois  
 Benjamin Michael Fehrman, of North Carolina  
 Joseph P. Ferguson, of Florida  
 Paul I. Fishbein, of California  
 Paul R. Fleming, of Michigan  
 Jennifer R. Garcia, of Virginia  
 Karina Gabriela Garcia, of California  
 Courtney L. Gates, of California  
 John Hunter Gray, of California  
 Marina Vishnevetsky Grayson, of Texas  
 Colin Guard, of Washington  
 Nathaniel Sherman Haft, of Ohio  
 Allyson Hamilton-McIntire, of Kentucky  
 Anne Louise M. Hanson, of Virginia  
 Kaylea J. Happell, of the District of Columbia  
 Mark W. Hardy, of Virginia  
 Byron Clement Hartman, of Virginia  
 Tyson P. Hinds, of Virginia  
 Theodore Ho, of California  
 Alexis J. Huff, of California  
 Kenneth H. Ilgenfritz, of Virginia  
 Daniela Stefanova Ionova-Swider, of Florida  
 Kendall D. Jackson, of West Virginia  
 Briana Nicole Jones, of the District of Columbia  
 Jeff Jung, of California  
 Hiram K. Keliipio, of Virginia  
 Akbar Khalid, of Virginia  
 Walid N. Kildani, of Virginia  
 Yuki Kondo-Shah, of Arizona  
 Patrick E. Koucheravy, of Virginia  
 Laurie Anne Kuriakose, of Illinois  
 Jessie Marie Kuykendall, of Oklahoma  
 Rebecca A. Larson, of the District of Columbia  
 Jaime Faye LeBlanc-Hadley, of Texas  
 Alex Vladichak Litichevsky, of New Jersey  
 Amy L. Loprete, of Maryland  
 Cesar Marines, of Virginia  
 James McDonnell, of the District of Columbia  
 Monty Rushmoore McGee, of Virginia  
 Sean P. McGuire, of Virginia  
 Sutton Adell Meagher, of the District of Columbia

Anne-Marie G. Melanson, of Virginia  
 Ronald Mendez, of Texas  
 Victoria S. Meuret, of Virginia  
 Cameron Scott Millard, of Washington  
 Jared R. Milton, of Virginia  
 Amy Rachel Monsarrat, of Virginia  
 Joseph J. Motyleski, of Virginia  
 Jonathan G. Nadzam, of Virginia  
 Emma Mariska Nagy, of California  
 Brandon K. Nolen, of the District of Columbia  
 Mark W. Okiishi, of Virginia  
 Haneef L. Omar, of Maryland  
 Stephen J. Osullivan, of Virginia  
 Benjamin Overby, of Nevada  
 Jane Jihye Park, of Virginia  
 Julianne Nicole Parker, of Florida  
 Gregory Parnell, of Virginia  
 Sapna K. Patel, of Texas  
 Thomas Benjamin Perkowski, of the District of Columbia  
 Ryan Evan Peterson, of Virginia  
 Jeffrey Prenger, of Maryland  
 David A. Rasmussen, of Virginia  
 Michael F. Renehan, of Maryland  
 Kelli A. Rettinger, of Virginia  
 Michael Clinton Riley, of North Carolina  
 Brady E. Roberts, of Texas  
 Scott N. Roffman, of Michigan  
 Carrie M. Romoser, of Virginia  
 Vanessa N. Rozier, of Connecticut  
 Andrea L. Ruschenberg, of Virginia  
 Anastasia J. Sadowski, of Virginia  
 Patrick Salzwedel, of North Carolina  
 Aleksey Sanchez, of Florida  
 David M. Schorr, of Idaho  
 Leah J. Severino, of California  
 Ahmed Shama, of New York  
 Jeffry Howard Sheldon, of Montana  
 Mark T. Shen, of Virginia  
 Andrew Todd Shepard, of Florida  
 Christina Terrill Skipper, of Virginia  
 Kevin W. Smith, of Virginia  
 Alesia L. Sourine, of Michigan  
 Crystal Spearman, of Texas  
 Max Joseph Steiner, of California  
 William John Steinmetz, of Virginia  
 Alex Stewart, of Virginia  
 Rebecca Joy Stewart, of the District of Columbia  
 RaeJean K. Stokes, of Connecticut  
 William Stroud, of Virginia  
 Michael John Suleski, of Virginia  
 Ivan Susak, of Virginia  
 Robert T. Sutter, of the District of Columbia  
 Pamela M. Tadken, of Maryland  
 Karla Thomas, of Washington  
 Markus A. Thomi, of New York  
 Samuel H. Thompson, of Virginia  
 Leah Thorntenson, of Texas  
 Nicholas J. Unger, of California  
 Todd William Unterseher, of Louisiana  
 Jennifer L. VanWinkle, of Iowa  
 Juan Manuel Vazquez, of Washington  
 Susan Rivers Vesel, of Virginia  
 Vanessa Lisbeth Vidal Castellanos, of California  
 Ann Marie Warmenhoven, of Florida  
 Bryan D. Weisbard, of Virginia  
 Robert C. Wheeler, of Virginia  
 Lee Vincent Wilbur, of South Dakota  
 Jacqueline K. Wilson, of Oregon  
 Peter Brenner Winter, of New Mexico  
 Kevin Wong, of Virginia  
 William H. Wyche, of Virginia  
 Mark K. Yang, of Virginia

#### NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the following committees be discharged from further consideration of the following nomina-

tions and the Senate proceed to their consideration en bloc: Commerce Committee, Presidential Nominations 1919, 1774, 1924, 1702, 1925, 1509, 2009, 2010, 2011, 2012, 2021, 2045, 2046; Veterans' Affairs Committee and HELP Committee, Presidential Nomination 1948; Homeland Security and Governmental Affairs Committee, Presidential Nomination 1698; Environment and Public Works Committee, Presidential Nominations 1966, 1965, 1964, 1398, 1950; that the nominations be confirmed; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### FEDERAL TRADE COMMISSION

Joshua D. Wright, of Virginia, to be a Federal Trade Commissioner for the term of seven years from September 26, 2012.

#### DEPARTMENT OF TRANSPORTATION

Polly Ellen Trottenberg, of Maryland, to be Under Secretary of Transportation for Policy.

#### DEPARTMENT OF COMMERCE

Mark Doms, of Maryland, to be Under Secretary of Commerce for Economic Affairs.

#### FEDERAL COMMUNICATIONS COMMISSION

Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2012.

#### AMTRAK

Christopher R. Beall, of Oklahoma, to be a Director of the Amtrak Board of Directors for a term of five years.

Yvonne Brathwaite Burke, of California, to be a Director of the Amtrak Board of Directors for a term of five years.

#### IN THE COAST GUARD

Pursuant to title 14, U.S. Code, Sections 189 and 276, the following named officers of the Coast Guard permanent commissioned teaching staff for appointment to the grades indicated in the United States Coast Guard:

*To be captain*

Brigid M. Pavilonis

*To be lieutenant commander*

Victoria C. Futch

Pursuant to title 10, U.S. Code, Section 12203, the following named officers for appointment to the grade indicated in the United States Coast Guard Reserve:

*To be captain*

Barbara A. Anderson  
 Elizabeth S. Becker  
 James M. Bradshaw  
 Stephen K. Browning  
 Andrew T. Grenier  
 Craig R. Henzel  
 Paul J. Kosiba  
 Richard P. McLoughlin  
 Mary A. Merlin  
 Darren M. Moore  
 Mark M. Murakami  
 Raymond A. Murray  
 Richard K. Nelson  
 John P. Nolan

Sean K. O'Brien  
 Jeffrey K. Pashai  
 Ronald C. Richard  
 Charles T. Scheel  
 Paul J. Smith  
 Kenneth G. Stefanis

Pursuant to title 14, U.S. Code, Section 271, the following named officers for appointment to the grade indicated in the United States Coast Guard:

*To be captain*

Charles G. Alcock  
 Michael S. Antonellis  
 Michael A. Baroddy  
 Kevin F. Bruen  
 Mark J. Bruyere  
 Joseph R. Buzzella  
 Peter J. Clemens  
 Amy B. Cocanour  
 Benjamin A. Cooper  
 Dean J. Dardis  
 Benjamin L. Davis  
 Andres V. Delgado  
 Timothy D. Denby  
 Dennis C. Evans  
 Kent W. Everingham  
 Charles E. Fosse  
 Claudia C. Gelzer  
 Thomas W. Gesele  
 Shannon N. Gilreath  
 Jason R. Hamilton  
 Lonnie P. Harrison  
 Robert T. Hendrickson  
 Glenn C. Hernandez  
 Pedro L. Jimenez  
 Eric G. Johnson  
 Kevin A. Jones  
 Samuel R. Jordan  
 Ted L. Jordan  
 Lawrence A. Kiley  
 Nathan E. Knapp  
 William J. Lane  
 Carola J.G. List  
 Thomas S. MacDonald  
 Sean C. MacKenzie  
 Edward J. Marohn  
 David G. McClellan  
 Patrick S. McElligatt  
 Keith P. McTigue  
 Matthew T. Meilstrup  
 Mark J. Morin  
 Mitchell A. Morrison  
 Andrew D. Myers  
 Lee B. Mynatt  
 Jason D. Neubauer  
 James A. Passarelli  
 Stephen E. Raney  
 John D. Reeves  
 Sean P. Regan  
 Brian W. Roche  
 Patrick A. Ropp  
 Aaron E. Roth  
 Jose A. Saliceti  
 Edward W. Sandlin  
 Timothy J. Schang  
 Ronald K. Schuster  
 Robert L. Smith  
 Joseph H. Snowden  
 Jonathan S. Spaner  
 James P. Spotts  
 Mikeal S. Staier  
 Todd R. Styrwold  
 Erich M. Telfer  
 Jeffery W. Thomas  
 Richard V. Timme  
 William R. Timmons  
 Gary L. Tomasulo  
 Jonathan W. Totte  
 John C. Vann  
 Robert W. Warren  
 Timothy J. Wendt  
 Edward A. Westfall  
 Jeffrey C. Westling  
 Gregory D. Wisener

Steven P. Wittrock

Pursuant to title 14, U.S. Code, Section 271(e), the following named officers for appointment to the grade indicated in the United States Coast Guard:

*To be commander*

Matthew P. Barker  
 Michael W. Batchelder  
 Joshua D. Bauman  
 Adam G. Bentley  
 Damon L. Bentley  
 Kenneth E. Blair  
 Kenneth J. Boda  
 Camilla B. Bosanquet  
 Roy R. Brubaker  
 Joann F. Burdian  
 Andrew T. Campen  
 Scott S. Casad  
 Christopher R. Cederholm  
 John R. Cole  
 Robert C. Compher  
 Chad W. Cooper  
 Nathan E. Coulter  
 Joandrew D. Cousins  
 Charles C. Culotta  
 Cornelius E. Cummings  
 Shawn E. Decker  
 Michael E. Delury  
 Stephen A. Devereux  
 John T. Dewey  
 Jose E. Diaz  
 John R. Dittmar  
 Keith M. Donohue  
 Eric D. Drey  
 Jerome E. Dubay  
 Mia P. Dutcher  
 Timothy W. Eason  
 Damon C. Edwards  
 Jeffrey T. Eldridge  
 Janet D. Espinoyoung  
 Matthew R. Farnen  
 Sarah K. Felger  
 Kevin B. Ferrie  
 Todd A. Fisher  
 Ted R. Fowles  
 Michael E. Frawley  
 Tanya L. Giles  
 Michael J. Goldschmidt  
 Michael D. Good  
 Hans C. Govertsen  
 Charles M. Guerrero  
 Tim A. Gunter  
 Thomas T. Harrison  
 Robert E. Hart  
 Heath A. Hartley  
 Casey J. Hehr  
 Jonathan N. Hellberg  
 Scott C. Herman  
 Anna W. Hickey  
 Nakeisha B. Hills  
 Christopher M. Huberty  
 Christopher J. Hulser  
 Austin R. Ives  
 Thomas A. Jacobson  
 Jeffrey H. Jager  
 David M. Johnston  
 Daniel C. Jones  
 Warren D. Judge  
 Sean R. Katz  
 Richard J. Kavanaugh  
 Brian R. Khey  
 Michael L. Kilmer  
 Jared E. King  
 Bradley J. Klimek  
 Perry J. Kremer  
 Charles F. Kuebler  
 Joseph T. Lally  
 Daniel F. Leary  
 Erin M. Ledford  
 Jacqueline M. Leverich  
 Andrew H. Light  
 Lexia M. Littlejohn  
 Chad A. Long  
 Kevin P. Lynn

Susan M. Maitre  
 Eric D. Masson  
 Harry D. Mautte  
 John F. McCarthy  
 Randy F. Meador  
 Michael L. Medica  
 Timothy G. Meyers  
 Alan H. Moore  
 Ellis H. Moose  
 Anne M. Morrissey  
 Ulysses S. Mullins  
 Kenneth T. Nagie  
 Raymond. Negron  
 David J. Obermeier  
 Sean J. Obrien  
 Thomas A. Olenchok  
 Rebecca E. Ore  
 Luis C. Parrales  
 Scott W. Peabody  
 Luke A. Perciak  
 Patrick F. Peschka  
 Justin D. Peters  
 Harper L. Phillips  
 Tracy O. Phillips  
 Scott S. Phy  
 Frank A. Pierce  
 Keith J. Pierre  
 Shannon M. Pitts  
 Alisa L. Praskovich  
 Steven E. Ramassini  
 Jacob J. Ramos  
 Rodrigo G. Rojas  
 Matthew A. Rudick  
 Rosario M. Russo  
 Belinda C. Savage  
 Clint B. Schlegel  
 Anita M. Scott  
 Arthur R. Shuman  
 David M. Sherry  
 Michael J. Simbulan  
 Jennifer L. Sinclair  
 Loring A. Small  
 Derek L. Smith  
 Eric A. Smith  
 Shad S. Soldano  
 James W. Spitler  
 Douglas K. Stark  
 John M. Stone  
 Vasilios Tasikas  
 Romualdus M. tenBerge  
 Michael D. Thomas  
 Matthew A. Thompson  
 Solomon C. Thompson  
 Russell R. Torgerson  
 Gregory M. Tozzi  
 Christopher A. Tribolet  
 Clinton A. Trocchio  
 Bryan J. Ullmer  
 James A. Valentine  
 Eva J. Vancamp  
 Paul G. Vogel  
 David M. Webb  
 Tyson S. Weinert  
 Molly A. Wike  
 Terence J. Williams  
 Kevin M. Wilson  
 Nicholas L. Wong  
 Andrew J. Wright

Pursuant to title 14, U.S.C., Section 271(d), the following named officers for appointment in the United States Coast Guard to the grade indicated:

*To be rear admiral lower half*

Capt. Peter J. Brown  
 Capt. Scott A. Buschman  
 Capt. Michael F. McAllister  
 Capt. June E. Ryan  
 Capt. Joseph M. Vojvodich

Pursuant to title 10, U.S.C., Section 12203, the following named officers for appointment to the grade indicated in the United States Coast Guard Reserve:

*To be captain*

Robert T. Hanley  
Gary W. Jones  
Dirk A. Stringer

Pursuant to title 14, U.S.C., Section 271(e), the following named officers for appointment to the grade indicated in the United States Coast Guard:

*To be lieutenant commander*

Austin L. Adcock  
Lawrence F. Ahlin  
Antone S. Alongi  
Monica F. Andersen  
Mikael D. Anderson  
Jennifer J. Andrew  
Audie J. Andry  
Edward S. Aponte  
Matthew S. Austin  
Bernard C. Auth  
Samuel H. Babbitt  
Brian D. Bachtel  
Engrid A. Backstrom  
Michael W. Baird  
John E. Bannon  
Roger B. Barr  
Stephen T. Baxter  
Todd M. Behney  
James R. Bendle  
Patricia M. Bennett  
Torrey H. Bertheau  
Robert A. Bixler  
Kelly C. Blackburn  
Julie E. Blanchfield  
Ronald D. Bledsoe  
Brian T. Boland  
Jeffrey M. Bolling  
Erin M. Boyle  
Tommy J. Brackins  
Corey A. Braddock  
Adam C. Brennell  
Michael D. Brimblecom  
Collin R. Bronson  
Mary D. Brooks  
Meaghan H. Brosnan  
Cody L. Brown  
Katherine L. Brown  
Staci K. Brown  
Bradley A. Brunaugh  
Christopher D. Brunclik  
Martin J. Bryant  
Elizabeth A. Buendia  
Kenneth J. Burgess  
Nicole S. Burgess  
Adam N. Burkley  
Eric S. Burley  
Kara L. Burns  
William R. Cahill  
Michael J. Calderone  
James J. Camp  
James M. Carabin  
Luis O. Carmona  
Joel B. Carse  
Christopher L. Carter  
Aaron J. Casavant  
Christy S. Casey  
David K. Chapman  
Jeffrey J. Chonko  
Gregory A. Clayton  
Bryan J. Coffman  
Bradley D. Conway  
Adam J. Cooley  
James R. Cooley  
George H. Cottrell  
Jeremy A. Courtade  
Michael T. Courtney  
Allison B. Cox  
Jonathan W. Cox  
Brooks C. Crawford  
Byron A. Creech  
Daniel A. Cruz  
David B. Cruz  
Walter L. Daniel  
Michael R. Darrah

Arthur M. Dehnz  
Phillip A. DeLisle  
Jeremy R. Denning  
Jarrod M. Dewitz  
Jennifer R. Doherty  
Douglas M. Doll  
Scot R. Druckrey  
Lauren F. Dufrene  
Christopher P. Dufresne  
Francisco A. Estevez  
Patricia L. Ferrell  
Stanley P. Fields  
Jason M. Finison  
Brandon C. Fisher  
Matthew L. Fitzgibbons  
Jason S. Franz  
Michael Friend  
Tracy D. Funck  
Matthew A. Gans  
Lisa L. Garcez  
Kevin E. Garcia  
Jesse J. Garrant  
Greg S. Gedemer  
Lacresha A. Getter  
James A. Gibson Jr  
Michael R. Gillham  
Erin K. Gilson  
Gerrod C. Glauner  
Jerod A. Glover  
Ian A. Hall  
Andrew P. Halvorson  
Kent D. Hammack  
Anders J. Hammersborg  
James J. Hannam  
Gregory A. Hayes  
Juan M. Hernandez  
Reyna E. Hernandez  
Gerald J. Hewes  
Anthony S. Hillenbrand  
James E. Hiltz  
Marcus T. Hirschberg  
Matthew M. Hobbie  
Mary D. Hoffman  
Crist M. Holveck  
Daniel J. Huelsman  
Donald E. Hunley  
Michael J. Hunt  
Daniel G. Hurd  
Ian T. Hurst  
Marcus A. Ivery  
Raymond D. Jackson  
James A. Jenks  
Briana N. Jewczyn  
Nathaniel K. Johnson  
Thomas D. Jones  
Mark C. Jorgensen  
Kevin L. Kammeter  
Kevin T. Karow  
Anthony J. Kenne  
Margaret D. Kennedy  
James R. Kenshalo  
Corey M. Kerns  
Gregory J. Knoll  
Matthew R. Kolodica  
Michael A. Kops  
Scott C. Kramer  
Richard E. Kuzak  
Ryan B. Lamb  
Kara M. Lavin  
Amanda M. Lee  
Almerick C. Lim  
Brandon M. Link  
Christopher D. Lucero  
Beth A. Mager  
Krissy A. Marlin  
Rodney G. Martinez  
Matthew K. Matsuoaka  
Gregg J. Maye  
Kevin J. McDonald  
Clay D. McKinney  
John M. McWilliams  
Christopher D. Meik  
Nathan S. Menefee  
George F. Menze

Bradley W. Middleton  
David A. Middleton  
Brooke A. Millard  
Jesse M. Millard  
Jonathan D. Miller  
Kenneth R. Millson  
Boris Montatsky  
Commander K. Moore  
Michael C. Morefield  
Kathryn A. Moretti  
Robert S. Morris  
Kelly J. Moyers  
Ernesto Muniztirado  
Gary C. Murphy  
Scott C. Murphy  
Steven M. Myers  
Ronald T. Nakamoto  
Samuel R. Nassar  
Brandon J. Natteal  
Joshua B. Nelson  
Ian S. Neville-Neil  
Michael D. Newell  
Michael C. Norris  
Charles S. Novak  
Stephen P. Nutting  
Jeremy R. Obenchain  
Janna M. Ott  
Daniel G. Owen  
Tina D. Owen  
Nicholas W. Parker  
Thomas T. Pequignot  
Luke R. Petersen  
Michael C. Petta  
Mark A. Piber  
Sean P. Plankey  
Jason T. Plumley  
Beau G. Powers  
Clayton S. Preble  
Kristen M. Preble  
Randy L. Preston  
Christopher C. Putnam  
Miles R. Randall  
Kevin J. Rapp  
Kent R. Reinhold  
Emily P. Reuter  
Jonathan P. Rice  
Christian P. Rigney  
Stanley L. Robinson  
Chad J. Robuck  
Kenneth H. Rockhold  
Thomas C. Rodzewicz  
Kjell C. Rommerdahl  
Elizabeth M. Roscoe  
Jeffrey H. Rubini  
Eric S. Runyon  
Catharine L. Ryan  
Michael K. Saffold  
Jaime Salinas  
Richard C. Sansone  
Andrew G. Schanno  
Matthew A. Schibler  
Brian C. Schmidt  
William A. Schrader  
David P. Sheppard  
Brendan C. Shields  
Luke M. Slivinski  
Frances M. Smith  
Pablo V. Smith  
Paul D. Smith  
Scott R. Smith  
William M. Snyder  
Benjamin J. Spector  
Donald S. Stiker  
Christopher S. Stoeckler  
Steven D. Stowers  
Kevin J. Sullivan  
Robert J. Tenetylo  
Philip D. Thisse  
Joseph G. Thomas  
Keith O. Thomas  
Stephen G. Thompson  
Jarod S. Toczko  
Miguel E. Torrez  
Douglas M. Trent

Roberto N. Trevino  
 Kristofer A. Tsairis  
 Christopher B. Tuckey  
 Matthew S. Tuohy  
 Jorge L. Valente  
 Benjamin J. Velazquez  
 David B. Vicks  
 Brett R. Walter  
 Matthew J. Walter  
 Benjamin M. Walton  
 Molly K. Waters  
 Ryan A. Waters  
 Douglas D. Watson  
 Justin L. Westmiller  
 Shannon M. Whitaker  
 Neil A. White  
 Robert S. Whiteside  
 Carl A. Wilson  
 Charles K. Wilson  
 Eric J. Wilson  
 Christopher Wolfer  
 Dana L. Woodall  
 Nicholas S. Worst  
 Damian Yemma  
 Israel J. Young  
 Russell R. Zuckerman

## DEPARTMENT OF LABOR

Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training.

## OFFICE OF GOVERNMENT ETHICS

Walter M. Shaub, Jr., of Virginia, to be Director of the Office of Government Ethics for a term of five years.

## TENNESSEE VALLEY AUTHORITY

Joe H. Ritch, of Alabama, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2016.

Michael McWherter, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2016.

Vera Lynn Evans, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2017.

C. Peter Mahurin, of Kentucky, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2016.

## CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Beth J. Rosenberg, of Massachusetts, to be a Member of the Chemical Safety and Hazard Investigation Board for a term of five years.

## PRIVILEGED NOMINATIONS

Mr. REID. I ask unanimous consent that the Senate proceed to consider the following nominations under the Privileged section of the Executive Calendar: PN 2068, 1566, 1934, 1939, 1945, 1796, 1926, 1927; that the nominations be confirmed, the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be made in order to the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

## MILLENNIUM CHALLENGE CORPORATION

Morton H. Halperin, of the District of Columbia, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

rectors of the Millennium Challenge Corporation for a term of three years.

## NATIONAL COUNCIL ON THE ARTS

Maria Lopez De Leon, of Texas, to be a Member of the National Council on the Arts for a term expiring September 3, 2018.

Bruce Carter, of Florida, to be a Member of the National Council on the Arts for a term expiring September 3, 2016.

## BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Stewart M. De Soto, of Illinois, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2016.

## UNITED STATES INSTITUTE OF PEACE

Joseph Eldridge, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

## NATIONAL COUNCIL ON THE HOMELESS

Camila Ann Alire, of Colorado, to be a Member of the National Council on the Humanities for a term expiring January 26, 2018.

## METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

William Shaw McDermott, of Massachusetts, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2017.

Nina Mitchell Wells, of New Jersey, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2018.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

## CLARIFYING THAT ACCOUNTS IN THE THRIFT SAVINGS FUND ARE SUBJECT TO CERTAIN FEDERAL TAX LEVIES

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 4365 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 4365) to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4365) was ordered to a third reading, was read the third time, and passed.

## WAIVER OF PARCHMENT PRINTING

Mr. REID. I ask unanimous consent that the Senate proceed to H. Con. Res. 147.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 147) waiving the requirement that measures enrolled during the remainder of the One Hundred Twelfth Congress be printed on parchment.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 147) was agreed to.

## ORDERS FOR WEDNESDAY, JANUARY 2, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 12 p.m. tomorrow, January 2, 2013; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business until 1:30 p.m. for debate only with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXPRESSION OF THANKS

Mr. REID. Mr. President, first of all, I appreciate everyone, including the Presiding Officers we have had over the last few days, and everyone, especially the staff who have been working so hard. Everyone is just as tired as I am, I am sure. So I appreciate very much the hard work, and I hope tomorrow will go well.

## ADJOURNMENT UNTIL TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Wednesday, January 2, 2013, at 12 noon.

## DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further



consideration of the following nominations by unanimous consent and the nominations were confirmed:

FOREIGN SERVICE NOMINATION OF GARY T. GREENE.  
FOREIGN SERVICE NOMINATIONS BEGINNING WITH PHILIP S. GOLDBERG AND ENDING WITH ROBERT W. WEITZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

FOREIGN SERVICE NOMINATION OF MICHAEL R. HARDEGEN.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JAMES J. HIGGISTON AND ENDING WITH ERIC A. WENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH STEPHEN J. GONYEA AND ENDING WITH KATHARINE ANTONIA WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DAVID E. ECKERSON AND ENDING WITH CLINTON DAVID WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH KARL MILLER ADAM AND ENDING WITH MARK K. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

YVONNE BRATHWAITE BURKE, OF CALIFORNIA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2012.

POLLY ELLEN TROTTENBERG, OF MARYLAND, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.

JOSHUA D. WRIGHT, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2012.

MARK DOMS, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

CHRISTOPHER R. BEALL, OF OKLAHOMA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

COAST GUARD NOMINATIONS BEGINNING WITH BRIGID M. PAVILONIS AND ENDING WITH VICTORIA C. FUTCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH BARBARA A. ANDERSON AND ENDING WITH KENNETH G. STEFANISIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH CHARLES G. ALCOCK AND ENDING WITH STEVEN P. WITTROCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH MATTHEW P. BARKER AND ENDING WITH ANDREW J. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH CAPT. PETER J. BROWN AND ENDING WITH CAPT. JOSEPH M. VOJVODICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2012.

COAST GUARD RESERVE NOMINATIONS BEGINNING WITH ROBERT T. HANLEY AND ENDING WITH DIRK A. STRINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH AUSTIN L. ADCOCK AND ENDING WITH RUSSELL R. ZUCKERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2012.

The Senate Committee on Veterans' Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was held at the desk:

KEITH KELLY, OF MONTANA, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination by unani-

mous consent and the nomination was confirmed:

KEITH KELLY, OF MONTANA, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

WALTER M. SHAUB, JR., OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF FIVE YEARS.

The Senate Committee on Environment and Public Works was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

C. PETER MAHURIN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016.

BETH J. ROSENBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

VERA LYNN EVANS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2017.

MICHAEL MCWHERTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016.

JOE H. RITCH, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016.

## CONFIRMATIONS

Executive nominations confirmed by the Senate January 1, 2013:

### DEPARTMENT OF THE TREASURY

RICHARD B. BERNER, OF MASSACHUSETTS, TO BE DIRECTOR, OFFICE OF FINANCIAL RESEARCH, DEPARTMENT OF THE TREASURY, FOR A TERM OF SIX YEARS.

### FEDERAL MARITIME COMMISSION

WILLIAM P. DOYLE, OF PENNSYLVANIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2013.

### DEPARTMENT OF TRANSPORTATION

MICHAEL PETER HUERTA, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS.

### OVERSEAS PRIVATE INVESTMENT CORPORATION

JAMES M. DEMERS, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2014.

NAOMI A. WALKER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2012.

### STATE JUSTICE INSTITUTE

JONATHAN LIPPMAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012.

JONATHAN LIPPMAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2015.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARIA ROSARIO JACKSON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016.

### NATIONAL INSTITUTE OF BUILDING SCIENCES

JOSEPH BYRNE DONOVAN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2013.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

BRUCE R. SIEVERS, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2018.

### DEPARTMENT OF JUSTICE

ANGELA TAMMY DICKINSON, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

#### To be brigadier general

COLONEL STEPHEN J. LINSSENMEYER, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### To be brigadier general

COL. CALVIN H. ELAM

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### To be major general

BRIG. GEN. MARK E. BARTMAN  
BRIG. GEN. STANLEY J. OSSERMAN, JR.  
BRIG. GEN. THOMAS A. THOMAS, JR.  
BRIG. GEN. ERIC G. WELLER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### To be brigadier general

COLONEL GLEN M. BAKER  
COLONEL JEFFREY D. BUCKLEY  
COLONEL ANTHONY J. CARRELLI  
COLONEL TIMOTHY J. CATHCART  
COLONEL ANDREW J. DONNELLY  
COLONEL HAROLD S. EGGENSPERGER  
COLONEL JAMES O. EIFERT  
COLONEL BRYAN P. FOX  
COLONEL RICKY D. GIBNEY  
COLONEL CHRISTOPHER A. HEGARTY  
COLONEL JOHN P. HRONEK II  
COLONEL PAUL HUTCHINSON  
COLONEL KEVIN J. KEEHN  
COLONEL CHRISTOPHER J. KNAPP  
COLONEL MICHAEL E. MANNING  
COLONEL CLAYTON W. MOUSHON  
COLONEL MICHAEL A. NOLAN  
COLONEL MICHAEL L. OGLE  
COLONEL RONALD E. PAUL  
COLONEL SAMUEL H. RAMSAY III  
COLONEL WILLIAM B. RICHY  
COLONEL ADALBERTO RIVERA  
COLONEL SAMI D. SAID  
COLONEL ANTHONY E. SCHIAVI  
COLONEL JOHN D. SLOCUM  
COLONEL RONALD W. SOLBERG

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be vice admiral

REAR ADM. KENNETH E. FLOYD

### AFRICAN DEVELOPMENT FOUNDATION

EDWARD W. BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2017.

IQBAL PAROO, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2017.

### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

T. CHARLES COOPER, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

### DEPARTMENT OF JUSTICE

PATRICK J. WILKERSON, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

LOUISE W. KELTON, OF TENNESSEE, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

### MILLENNIUM CHALLENGE CORPORATION

LORNE W. CRANER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF TWO YEARS.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. LORI J. ROBINSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. GREGORY A. BISCONI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. LISA A. NAFTZGER-KANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIGADIER GENERAL WILLIAM B. BINGER  
BRIGADIER GENERAL KEITH D. KRIES  
BRIGADIER GENERAL MARYANNE MILLER  
BRIGADIER GENERAL JANE C. ROHR  
BRIGADIER GENERAL PATRICIA A. ROSE  
BRIGADIER GENERAL JOCELYN M. SENG  
BRIGADIER GENERAL SHEILA ZUEHLKE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

*To be major general*

BRIGADIER GENERAL PAUL L. AYERS  
BRIGADIER GENERAL JIM C. CHOW  
BRIGADIER GENERAL GREGORY L. FERGUSON  
BRIGADIER GENERAL ANTHONY P. GERMAN  
BRIGADIER GENERAL RICKIE B. MATTSON  
BRIGADIER GENERAL JOHN E. MCCOY  
BRIGADIER GENERAL JOHN E. MURPHY  
BRIGADIER GENERAL BRIAN G. NEAL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COLONEL STEPHANIE A. GASS  
COLONEL MARY H. HITTMEIER  
COLONEL TIMOTHY P. KELLY  
COLONEL THOMAS E. KITTLER  
COLONEL KENNETH R. LAPIERRE  
COLONEL MARK L. LOEBEN  
COLONEL JAMES F. MACKEY  
COLONEL WALTER J. SAMS  
COLONEL CHRISTOPHER F. SKOMARS  
COLONEL WADE R. SMITH  
COLONEL MARK D. STILLWAGON  
COLONEL CURTIS L. WILLIAMS

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD, AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 601 AND 10506:

*To be lieutenant general*

LT. GEN. STANLEY E. CLARKE III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. JODY J. DANIELS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. BERNARD S. CHAMPOUX

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be brigadier general*

COL. MICHAEL L. SCHOLES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL CHRISTOPHER S. BALLARD  
COLONEL DAVID G. BASSETT  
COLONEL DONALD C. BOLDUC  
COLONEL EDWARD M. DALY  
COLONEL MALCOLM B. FROST  
COLONEL DONALD G. FRYC  
COLONEL ANTHONY C. FUNKHOUSER  
COLONEL PETER A. GALLAGHER  
COLONEL WILLIAM K. GAYLER  
COLONEL MARK W. GILLETTE  
COLONEL DAVID B. HAIGHT  
COLONEL JOSEPH P. HARRINGTON  
COLONEL MICHAEL L. HOWARD  
COLONEL JOHN P. JOHNSON  
COLONEL JAMES E. KRAFT, JR.  
COLONEL MICHAEL E. KURILLA  
COLONEL PAUL J. LAUGHLIN II

COLONEL JOSEPH M. MARTIN  
COLONEL TERRENCE J. MCKENRICK  
COLONEL CHRISTOPHER P. MCPADDEN  
COLONEL JOHN E. O'NEIL  
COLONEL MARK J. O'NEIL  
COLONEL ANDREW P. POPPAS  
COLONEL JAMES E. RAINEY  
COLONEL KENT D. SAVRE  
COLONEL WILSON A. SHOFFNER, JR.  
COLONEL MARK S. SPINDLER  
COLONEL SEAN P. SWINDELL  
COLONEL RANDY S. TAYLOR  
COLONEL JOHN C. THOMSON III  
COLONEL LEON N. THURGOOD  
COLONEL FLEM B. WALKER, JR.  
COLONEL ROBERT P. WALTERS, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) RANDOLPH L. MAHR

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. STEVEN A. HUMMER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. RICHARD T. TRYON

UNITED STATES TAX COURT

ALBERT G. LAUBER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR THE TERM OF FIFTEEN YEARS.

THE JUDICIARY

RONALD LEE BUCH, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DAVID MASUMOTO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018.

RAMON SALDIVAR, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2018.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

WILLIAM J. MIELKE, OF WISCONSIN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

ARTHUR H. SULZER, OF PENNSYLVANIA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

UNITED STATES INSTITUTE OF PEACE

GEORGE E. MOOSE, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CAMILA ANN ALIRE, OF COLORADO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2018.

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

WILLIAM SHAW MCDERMOTT, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING NOVEMBER 22, 2017.

NINA MITCHELL WELLS, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM EXPIRING MAY 30, 2018.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH DEMEA A. ALDERMAN AND ENDING WITH FELISA L. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH MATTHEW W. ALLINSON AND ENDING WITH JEFFREY D. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH JOHAN K. AHN AND ENDING WITH JEFFREY S. WILLIAMS, WHICH

NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH LAURA A. BRODHAG AND ENDING WITH JOHN D. KLEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM R. BAEZ AND ENDING WITH BRYCE G. WHISLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH JAKE R. ATWOOD AND ENDING WITH MICHAEL R. ZACHAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH KRISTEN J. BEALS AND ENDING WITH JIANZHONG J. ZHANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH TANSEL ACAR AND ENDING WITH BRANDON H. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH SAMUEL E. AIKELE AND ENDING WITH SCOTT M. ZELASKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH HOMAYOUN R. AHMADIAN AND ENDING WITH JOE X. ZHANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

IN THE ARMY

ARMY NOMINATION OF ROBERT W. HANDY, TO BE COLONEL.

ARMY NOMINATION OF JAMES T. SEIDULE, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARK A. NOZAKI AND ENDING WITH MATTHEW D. RAMSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

ARMY NOMINATIONS BEGINNING WITH CHRISTOPHER J. CUMMINGS AND ENDING WITH RANDOLPH O. PETGRAVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

ARMY NOMINATIONS BEGINNING WITH ANTHONY C. ADOLPH AND ENDING WITH SEAN M. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

ARMY NOMINATIONS BEGINNING WITH RONALD L. BAKER AND ENDING WITH MICHAEL T. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

ARMY NOMINATIONS BEGINNING WITH TERRY L. ANDERSON AND ENDING WITH G001094, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

ARMY NOMINATIONS BEGINNING WITH JOSE L. AGUILAR AND ENDING WITH D005615, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

ARMY NOMINATION OF MICHAEL D. SHORTT, TO BE MAJOR.

ARMY NOMINATION OF DELNORA L. ERICKSON, TO BE MAJOR.

ARMY NOMINATION OF RONALD D. LAIN, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MATTHEW J. BURINSKAS, TO BE COLONEL.

ARMY NOMINATION OF RONALD G. COOK, TO BE COLONEL.

ARMY NOMINATION OF DAVID A. CORTESE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF CHARLES J. ROMERO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH MICHAEL D. DO AND ENDING WITH GREGORY S. SEESE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2012.

ARMY NOMINATIONS BEGINNING WITH DEEPTI S. CHITNIS AND ENDING WITH GIA K. YI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH KARIN R. BILYARD AND ENDING WITH BETHANY S. ZARNDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH JAMES E. ANDREWS II AND ENDING WITH D010617, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH JACOB W. AARONSON AND ENDING WITH DAVID W. WOLKEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH SILAS C. ABRENICA AND ENDING WITH KEVIN M. ZEEB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH LOVIE L. ABRAHAM AND ENDING WITH VICKEE L. WOLCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 10, 2012.

ARMY NOMINATION OF ALFRED C. ANDERSON, TO BE MAJOR.

ARMY NOMINATION OF DEANNA R. BEECH, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH SHRRELL L. BYARD AND ENDING WITH SOO B. KIM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

ARMY NOMINATIONS BEGINNING WITH DONALD E. LAYNE AND ENDING WITH JOSEPH F. SUCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 17, 2012.

#### IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH DAVID SAMMETT AND ENDING WITH TIMOTHY R. DURKIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY R. ANDERSON AND ENDING WITH GEORGE B. WATKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

NAVY NOMINATION OF JOHN T. VOLPE, TO BE COMMANDER.

NAVY NOMINATION OF TAMARA M. SORENSEN, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JOSEPH N. KENAN, TO BE LIEUTENANT COMMANDER.

#### BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

STEWART M. DE SOTO, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2016.

#### MILLENNIUM CHALLENGE CORPORATION

MORTON H. HALPERIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE MILLENNIUM CHALLENGE CORPORATION FOR A TERM OF THREE YEARS.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARIA LOPEZ DE LEON, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016.

BRUCE CARTER, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018.

#### UNITED STATES INSTITUTE OF PEACE

JOSEPH ELDRIDGE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS.

#### AMTRAK BOARD OF DIRECTORS

YVONNE BRATHWAITE BURKE, OF CALIFORNIA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

CHRISTOPHER R. BEALL, OF OKLAHOMA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

#### IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING WITH BRIGID M. PAVILONIS AND ENDING WITH VICTORIA C. FUTCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH BARBARA A. ANDERSON AND ENDING WITH KENNETH G. STEFANISIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH CHARLES G. ALCOCK AND ENDING WITH STEVEN P. WITTROCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH MATTHEW P. BARKER AND ENDING WITH ANDREW J. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH CAPT. PETER J. BROWN AND ENDING WITH CAPT. JOSEPH M. VOJVODICH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 14, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH AUSTIN L. ADCOCK AND ENDING WITH RUSSELL R. ZUCKERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2012.

#### COAST GUARD RESERVE

COAST GUARD RESERVE NOMINATIONS BEGINNING WITH ROBERT T. HANLEY AND ENDING WITH DIRK A. STRINGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 5, 2012.

#### DEPARTMENT OF COMMERCE

MARK DOMS, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

#### DEPARTMENT OF TRANSPORTATION

POLLY ELLEN TROTTERBERG, OF MARYLAND, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY.

#### FEDERAL COMMUNICATIONS COMMISSION

MIGNON L. CLYBURN, OF SOUTH CAROLINA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2012.

#### FEDERAL TRADE COMMISSION

JOSHUA D. WRIGHT, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2012.

#### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

BETH J. ROSENBERG, OF MASSACHUSETTS, TO BE A MEMBER OF THE CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD FOR A TERM OF FIVE YEARS.

#### TENNESSEE VALLEY AUTHORITY

C. PETER MAHURIN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016.

VERA LYNN EVANS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2017.

MICHAEL MCWHERTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016.

JOE H. RITCH, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATION OF GARY T. GREENE.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PHILIP S. GOLDBERG AND ENDING WITH ROBERT W. WEITZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 13, 2012.

FOREIGN SERVICE NOMINATION OF MICHAEL R. HARDEGEN.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JAMES J. HIGGISTON AND ENDING WITH ERIC A. WENBERG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH STEPHEN J. GONYEA AND ENDING WITH KATHARINE ANTONIA WEBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH DAVID E. ECKERSON AND ENDING WITH CLINTON DAVID WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH KARL MILLER ADAM AND ENDING WITH MARK K. YANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 27, 2012.

#### OFFICE OF GOVERNMENT ETHICS

WALTER M. SHAUB, JR., OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF FIVE YEARS.

#### DEPARTMENT OF LABOR

KEITH KELLY, OF MONTANA, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.

## HOUSE OF REPRESENTATIVES—Tuesday, January 1, 2013

The House met at noon and was called to order by the Speaker pro tempore (Mr. DOLD).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, January 1, 2013.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day, a new year.

The political struggles of the past year have revealed the divisions that exist in our Nation. There are many American citizens who are angry, frustrated, and anxious for the future.

This day is a day of history. Send Your spirit upon the Members of the people's House. May an imperfect compromise, when viewed from the perspective of our differences, not be undermined by a desire for political victory. This is difficult for all. Give each Member the grace of courage to forge a constructive solution for the good of the Nation and all Americans.

Help us to trust that no matter what, You will not abandon us.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6060. An act to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 8. An act to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6586. An act to extend the application of certain space launch liability provisions through 2014.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 302. An act to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in non-wilderness areas within the boundary of Denali National Park, and for other purposes.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

### THE UKRAINE'S BACKSLIDE IN DEMOCRACY

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the Ukraine, once a model for democratic transition in the Eurasia region and the world after the Orange Revolution, has been experiencing significant backsliding in democracy. The Organization for Security and Cooperation in Europe found that the October elections did not meet international standards, and the arrest and continued harassment and mistreatment of opposition leaders, including the former prime min-

ister, Yulia Tymoshenko, also causes concern. The trial against Ms. Tymoshenko in the gas case was described as selective persecution in statements by the U.S., Russia, United Kingdom, Germany, Italy, Spain, and other European countries.

On July 16, 2012, our colleague, CHRIS SMITH, introduced a measure calling for Ukrainian authorities to release political opposition leaders and hold free and fair elections. At the beginning of a new year, I call on Ukrainian officials to immediately free Ms. Tymoshenko and other political prisoners.

### LET'S REGAIN CONTROL OF AMERICA'S DESTINY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. A New Year's deal for New Year's Day—or is it Groundhog Day? Because like the movie "Groundhog Day," this government in 2 months will arrive at another crisis of debt, of spending, and taxes.

Our debt-based economic system, with its exponential growth of debt due to compounded interest, consigns us to massive unemployment, threatens the social safety net, a deteriorated infrastructure, a psychology of poverty amidst plenty, austerity. Congress must regain its full power accorded under the Constitution, Article I, Section 8, to coin, to create money, to invest in our Nation interest-free, to put America back to work. Why go into debt borrowing money from China, Japan, South Korea, when we have the constitutional authority to protect our economic sovereignty and to ensure America's long-term fiscal health?

The endless cycle of increasing taxes and cutting spending will not work because the debt keeps ballooning with compounding interest. It is time for a new American monetary policy to climb out of poverty and debt. Reforms are outlined in the National Emergency Employment Defense Act, H.R. 2990. It's the NEED Act.

Let's regain control of America's destiny.

### SPENDING ANONYMOUS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, it's New Year's Day 2013. What an excellent

time for Congress to make at least one New Year's resolution.

Congress is addicted to spending money. Maybe Congress should join Spending Anonymous. Here is the 12-step plan:

One, Congress should admit it's addicted to spending someone else's money;

Two, make a list of the wasteful spending;

Three, pass a yearly budget and a constitutional balanced budget amendment;

Four, stop giving money to countries that hate us;

Five, have the resolve not to spend money we don't have;

Six, don't contribute to the addiction by taking more money away from Americans;

Seven, don't borrow any more money from China;

Eight, don't make excuses for our addiction;

Nine, don't blame others for the addiction;

Ten, run Congress like most people run their family budgets;

Eleven, remember, we are to do the will of the people;

Twelve, have a support group and meet regularly to confess our addiction.

Mr. Speaker, Congress should join Spending Anonymous.

And that's just the way it is.

#### 150TH ANNIVERSARY OF THE EMANCIPATION PROCLAMATION

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, I rise today to commemorate the 150th anniversary of the signing of the Emancipation Proclamation. In the early 19th century, 4 million slaves resided in the South, public opinion in the North began to oppose it, States resisted by ceding from the Union, and a brutal civil war ensued.

In order to end slavery and the war, President Lincoln on September 22, 1862, issued a preliminary emancipation proclamation directing all rebelling States to free their slaves and return to the Union in 100 days.

Lincoln made it clear: should they fail to do so, he would use his authority as Commander in Chief to end slavery. States failed to act, and Lincoln signed the proclamation January 1, 1863.

More than 200,000 lives were lost in the war. Lincoln lost his own life with an assassin's bullet following reelection. This is American history that every individual must understand and appreciate.

Today, Mr. Speaker, we commemorate 150 years of freedom for African American citizens.

#### GET IT RIGHT AND DON'T ACT IN HASTE

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, the Senate passed a fiscal cliff bill this morning without time for Senators to adequately consider it and, more importantly, without giving the American people time to understand it and share their insight with Congress.

Senator MITCH MCCONNELL observed, "This shouldn't be the model for how we do things around here," and then the Senate proceeded like a bull in a china closet anyway.

The Senate boasts it is America's deliberative body. Today, that claim rings hollow.

Mr. Speaker, the House must postpone this vote until Congress and the American people have time to study and evaluate this extraordinarily complex legislation and its impact on taxes, revenue, the economy, our debt, and a myriad of other issues. It is better to get it right than to act in haste.

Mr. Speaker, if we vote on the Senate fiscal cliff bill today, I will vote against it because this is not the way to do the people's business. I will not condone with my vote a process that denies the American people an opportunity to participate in their Republic on issues of this magnitude.

□ 1210

#### A LOST OPPORTUNITY FOR REFORM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. The agreement we are expected to vote on, perhaps as early as this afternoon, has many commendable and important items. Unfortunately, too many are short term; much is left out; and most important, we are losing an opportunity for reform.

We cannot continue to have, by far, the world's largest and most expensive military, the world's lowest taxes, the most expensive and inefficient health care system, and continue to allow our country's infrastructure to fall apart all while America grows and ages.

This agreement represents absolutely the least we could have done under these circumstances and tragically institutionalizes for the next Congress the madness of short-term frenzy around artificial deadlines that drives the American public crazy.

Not only can we do better; we must do better. This flawed, partial plan is not just a lost opportunity; it represents a real setback.

#### THANK YOU FOR THE OPPORTUNITY TO SERVE

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, this is the last time I'll have the opportunity to address my colleagues as I wind up a 20-year career in the House of Representatives on January 3. I want to thank my constituents for giving me the honor and the opportunity to fulfill the dreams of a 10-year-old child who dreamed about becoming a Member of the House of Representatives.

Twenty years ago, almost to the date when I was first sworn in, our family visited the Emancipation Proclamation at Archives. It's open again today. He was from my State. He served our State. In the incredible speech that he gave at Gettysburg, he talked about people coming here to do the unfinished work. That's the job of all of us as Members of Congress is to do the unfinished work as Lincoln saw it—the unfinished work not only to bind the wounds of the Nation but to keep America together. That's the charge that we have continually is to keep America together.

God bless you and thank you for the opportunity to serve.

#### THE AMERICAN ECONOMY NEEDS TO GROW

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, the people in this Chamber who do all the complaining about spending, the record clearly shows, voted for all the spending that they complain about: two wars that took \$1 trillion out of the American economy, unfunded tax cuts that created the worst economy in 60 years, and an unpaid drug prescription program that will cost \$730 billion over the next 10 years.

Moreover, the House Republican budget for 2013 spends \$900 billion more than it takes in in revenues. That Republican budget imbalance will require raising the debt ceiling early this year. Raising the debt ceiling does not authorize you to spend more money. It authorizes you to pay back the money that you've already spent. Republicans in this House voted for it, and they have a moral obligation to repay that money.

Mr. Speaker, the American economy needs to grow much more than the projected 2 percent for 2013. Two percent growth is not enough to sustain the current level of employment. The American economy needs robust growth at 3 to 4 percent, growth that can only come from investments in education, road and bridge building, research. We need to do nation-building not in Afghanistan, not in Iraq, but nation-building at home, here in America.

### LET'S FIND A BETTER WAY FORWARD

(Mr. RIGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGELL. Mr. Speaker, what do we know with certainty about the bill which passed the Senate? We know it has bipartisan support, and that's encouraging. I'm a Republican who has been making the case that revenues must rise. This bill does that; and if it becomes law, it provides some certainty to our Tax Code, which would surely help our economy.

Yet, Mr. Speaker, we also know with certainty that it fails to address the mortal threat facing our country—uncontrolled spending. It fails to reflect the balanced approach that was advocated by our President. So we find ourselves again with a bill that reflects not financial wisdom but the seductive spirit that pervades this town. The time to confront our spending addiction is not now. It's later, they say—we'll do the right thing then.

In lacking knowledge, political courage—or both—leaders in Washington continue to overpromise. They're like salespeople who tell their customers they can have a \$30,000 car but only pay \$18,000 for it. Who doesn't like that deal? The truth—and what we know with certainty—is that the full cost, indeed, will be paid by their children, the next generation of Americans.

There is a better way forward, Mr. Speaker, for Americans. Let's find it.

### E PLURIBUS UNUM

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. We've heard from a colleague of mine on the Democratic side who sounds like he's not going to vote for this bill, and we've heard it from a couple of folks on the other side. Well, I'm going to vote for it, not because I think it's all the best sugar and spice and everything nice, but because, for one thing, I believe our President and our Vice President know what they can get in a negotiated deal with the Republican side in the Senate and what might pass this House as well, and they know what our country needs.

My district can't afford to wait a few days and have the stock market go down 300 points tomorrow if we don't get together and do something, and the people in my district need unemployment compensation and need to know in the future that they're going to have the low-income earned tax credit and college credit.

It's important that we keep this country moving in the right direction and away from another recession. "E Pluribus Unum" is not just on our bills, but it's what we are as legislators. We are one of 435 and one of 535,

including the Senate. We need to come together and work together for the betterment of the country.

This isn't the perfect deal, but it's the deal we got, and it's the deal I'm going to support. I hope that my colleagues will resolve to give the President and the Vice President the benefit of the doubt as the year goes on and as I do today.

### FUTURE GENERATIONS DESERVE BETTER

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Last night was the first time in my life that I've sat at my desk as we went into a new year, but it gave me a chance to contemplate what we're about.

We're going into a new year as the first generation who did not ask the question: What can we do? What can we sacrifice to make future generations have a better life than we have? Instead, we asked: How much can we eke up taxes a little bit so that we can keep spending 58 cents to get a dollar's worth of wasteful, bloated government so that our children and grandchildren can pay 42 cents of every dollar that we waste on ourselves?

Is that any way to start the new year?

We're taking up a bill that will not do anything to cut spending. I am embarrassed for this generation. The future generations deserve better.

### A HOUSE DIVIDED WILL NOT STAND

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. It's a new year. For my youngest children, both will grow 1 year older this year. My daughter Chandler will turn 10, and my teenager, Cameron, will turn 15. Today, we know the birthday of the Emancipation Proclamation as we celebrate it here in Washington. Our country, hopefully, gains maturity as we go forward.

We were reminded a long time ago that a House divided would not stand. We have to come together, and we should put away some of the nonsense of attacking the President for spending when our Founders when writing the Constitution gave the Congress control over the spending. In article I, section 9, clause 7, we control the spending. So if we want to back away from spending, we need to look in the mirror. In terms of this agreement, rather than curse the darkness, we should look at those who have lit the candle. When we can have a bipartisan vote of 89 Senators start this year off and move our country forward, we should rally behind them.

I ask my colleagues to vote in favor of the agreement in order to move

away from the cliff and continue to move our country towards greatness.

### A SMALL FINGER IN A DIKE WITH HUNDREDS OF HOLES

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. I wish I could say that this was a proud moment, a moment in which we started the year off right, in which the 1st of January was the first of a great many good things. It isn't. We're kicking the can down the road. Worse than that, when faced with a mountain of debt that we were heading for, like an airplane, did we climb over it? No. What we're going to do in the present plan is put another nearly trillion dollars' worth of debt on the American people.

Time is running out to change the direction because that trillion dollars isn't just a problem for the next generation. It's a problem for corporate America, and it's a problem for every American. The trillion dollars we spend and waste this year is \$1 trillion that we will have to bear for the rest of our lives.

Mr. Speaker, I may vote for what comes on the floor. I certainly will vote for a bill, which I'm going to manage in a few minutes, to hold down the growth of spending in the government; but I'll tell you, I won't do it thinking we've accomplished anything here today other than the smallest finger in a dike that, in fact, has hundreds of holes in it.

□ 1220

### FIGHTING FOR THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. I join with my earlier colleague in acknowledging the 150th year of the Emancipation Proclamation. What a moving moment last evening at the National Archives when I read the words: Hence forth these slaves are free.

I rise with a more optimistic view and a view that says we have the opportunity to do what is right by the American people. But we must also recognize that we have to tell the truth. At the end of the Clinton administration, this Nation had \$5 trillion in surplus. But with wasteful tax cuts and spending by our Republican friends, we find ourselves in this deficit.

I don't know what my decision will be as we move forward on this issue of the fiscal cliff, but I will say this: we will not tolerate the American people being held hostage over the debt ceiling and these unhelpful cuts that will

cut into those who are the most vulnerable. That will not be the pathway that we will take because every economist will tell you that if you invest in your people and build infrastructure, you will grow this country and you'll turn this economy and you'll be able to get people jobs. That's the message that will come forth from this day, January 1, when we are here in this Congress.

I want the American people to be optimistic because there are Members of Congress that will fight for your growth, your opportunity, your freedom. That is what America is all about.

#### BAD DEAL FOR AMERICA

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, the deal that Republican Senate leader MITCH MCCONNELL was able to get his colleagues to pass last night is a bad deal for America and a worse deal for our children's future. It's the largest increase in public debt that this body will have ever passed—more than \$5 trillion from today's current law.

Our deficit this year alone is likely to be about \$1.3 trillion. This would reduce it down to \$1.24 trillion with \$60 billion of new revenues that it gains. Most importantly, it sets up three more fiscal cliffs over the next 3 months when appropriations spending expires on March 27, when the debt ceiling has to be increased at the end of February, and when the sequester has to be dealt with at the very same time.

So all we've done is to stumble forward into an even less predictable situation with far fewer resources to invest in our Nation and our children's future.

#### PATRIOTIC GLUE

(Mr. CLEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEAVER. Mr. Speaker, I don't particularly like the bill that is going to come to the floor, but I am going to vote for it. And the reason is, stumbling through one of those Dollar General stores looking for some last minute gifts, I stumbled across a section that had Gorilla Glue and Magic Stick'em Glue, and I thought, Boy, if I can get some of this stuff, first I would glue the top of the kitchen trash can so my wife's puppy won't continue to go in it. And then I thought, well, I'll use some of this glue to impress people that I can actually fix things. Then I thought, maybe I can do it when I'm performing marriages: instead of saying "until death do us part," say "until the glue wears out."

Then I thought, wouldn't it be great if we could glue ourselves to each other

across the aisle. I mean, after all, it is only if we are sticking together that we're going to be able to address the problems that face this country.

The truth of the matter is we already have some glue. One Nation under God—patriotic glue. We're supposed to work together, to stick together. Without us coming to the point where we really understand "E pluribus unum"—out of many, one—this body, for the lack of glue, will not do the business of this country.

#### GETTING THE JOB DONE

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, last night the Senate did what great deliberative bodies are supposed to do—they worked together. They compromised. They accommodated other point of views, and they got the job done.

Yes, it was a little bit late. It wasn't exactly timed as we would have liked, but now it's our turn. The Senate passed it in a bipartisan, overwhelming way. My colleagues, let's join together today. Let's show the American people that this Congress is not broken. That we are not so dysfunctional that we can't, at minimum, work together, come to agreement, compromise. Let's get this done. This is too important for the American people to let this go one more day. Please join me in supporting the fiscal cliff bill today.

#### NOT A PERFECT PACKAGE

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, we are about to have a hold-your-nose vote here in the House of Representatives. And many of us are going to wrestle with the problem of making perfect the enemy of the good.

We do have an opportunity to stabilize taxation for 99 percent of all Americans, to extend depreciation and investment expansion for small businesses, to make sure that families in America, through the child tax credit, the earned income tax credit, and student loans, are stabilized for their planning in calendar year 2013. The R&D tax credit is extended. So there's a lot in this package that's good.

And there's a lot that's not addressed at all in this package. We have a debt ceiling crisis pending. We have a sequestration crisis spending. It must be addressed, or it's going to have a huge drag on the United States economy, and in the case of the debt, once again, revisit the issue of default for the first time in American history.

So it's not a perfect package, but it is something that gets us by while we tackle the larger issues in the next

Congress. I pray God that next Congress is more willing to compromise than this.

#### MOVING FORWARD FOR THE AMERICAN PEOPLE

(Mr. MEEKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS. Today we have an option. We are confronted with a bill that we can vote for or vote against. We can allow us to go over the ceiling, or we can try to come together and pass something that probably on both sides of the aisle no one agrees with 100 percent. It seems to me, while I have long advocated for a big deal so we don't have to continue fighting in regards to the debt ceiling or sequestration, that we've got to make sure, though, that we do something. And this bill that will come to the floor today I will vote for with many a thing in the bill that I don't like. But I'm sure from listening to some of my colleagues, there are many things in the bill that they don't like.

Generally, I find that when both sides don't like something, then maybe we are moving into the right direction and maybe we are moving forward in a positive way for the American people. So I come to the floor saying I'm not fully satisfied, but it's all right because I think we have to move forward and do the best that we can for the American people.

#### NORTH KOREAN CHILD WELFARE ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1464) to develop a strategy for assisting stateless children from North Korea, and for other purposes, with the Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments.

The Clerk read as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "North Korean Child Welfare Act of 2012".*

#### SEC. 2. SENSE OF CONGRESS.

*It is the sense of Congress that—*

(1) hundreds of thousands of North Korean children suffer from malnutrition in North Korea, and North Korean children or children of one North Korean parent who are living outside of North Korea may face statelessness in neighboring countries; and

(2) the Secretary of State should advocate for the best interests of these children, including, when possible, facilitating immediate protection for those living outside North Korea through family reunification or, if appropriate and eligible in individual cases, domestic or international adoption.



**SEC. 3. DEFINITIONS.**

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) **HAGUE COUNTRY.**—The term “Hague country” means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has entered into force and is fully implemented.

(3) **NON-HAGUE COUNTRY.**—The term “non-Hague country” means a country where the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, done at The Hague May 29, 1993, has not entered into force.

**SEC. 4. BRIEFINGS ON THE WELFARE OF NORTH KOREAN CHILDREN.**

(a) **IN GENERAL.**—The Secretary of State shall designate a representative to regularly brief the appropriate congressional committees in an unclassified setting on United States Government efforts to advocate for the best interests of North Korean children and children of one North Korean parent, including efforts to address, when appropriate, the adoption of such children living outside North Korea without parental care.

(b) **CONTENTS.**—The Secretary’s designee shall be prepared to address in each briefing the following topics:

(1) The analysis of the Department of State of the challenges facing North Korean children residing outside North Korea and challenges facing children of one North Korean parent in other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

(2) Department of State efforts to advocate for the best interest of North Korean children residing outside North Korea or children of one North Korean parent living in other countries who are fleeing persecution or are living as de jure or de facto stateless persons, including, when possible, efforts to address the immediate care and family reunification of these children, and, in individual cases where appropriate, the adoption of eligible North Korean children living outside North Korea and children of one North Korean parent living outside North Korea.

(3) Department of State efforts to develop a comprehensive strategy to address challenges that United States citizens would encounter in attempting to adopt, via intercountry adoption, North Korean-origin children residing in other countries or children of one North Korean parent residing outside North Korea who are fleeing persecution or are living as de jure or de facto stateless persons, including efforts to overcome the complexities involved in determining jurisdiction for best interest determinations and adoption processing, if appropriate, of those who habitually reside in a Hague country or a non-Hague country.

(4) Department of State diplomatic efforts to encourage countries in which North Korean children or children of one North Korean parent are fleeing persecution or reside as de jure or de facto stateless persons to resolve issues of statelessness of North Koreans residing in that country.

(5) Department of State efforts to work with the Government of the Republic of Korea to establish pilot programs that identify, provide for the immediate care of, and assist in the family reunification of North Korean children and children of one North Korean parent living within South Korea and other countries who are fleeing persecution or are living as de jure or de facto stateless persons.

Amend the title so as to read: “An Act to express the sense of Congress regarding

North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.”.

The SPEAKER pro tempore (during the reading). Without objection, the reading is dispensed with.

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

# **WAIVING THE REQUIREMENT THAT MEASURES ENROLLED DURING THE REMAINDER OF THE ONE HUNDRED TWELFTH CONGRESS BE PRINTED ON PARCHMENT**

Ms. ROS-LEHTINEN. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration in the House.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 147

*Resolved by the House of Representatives (the Senate concurring), That pursuant to the last sentence of section 106 of title 1, United States Code, the requirement of section 107 of such title that the enrollment of any bill or joint resolution be printed on parchment is waived for the duration of the One Hundred Twelfth Congress, and the enrollment of any such bill or joint resolution shall be in such form as may be certified by the Clerk of the House of Representatives or the Secretary of the Senate (as applicable) to be a truly enrolled bill or joint resolution (as the case may be).*

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1230

# **ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

# **CONGRESSIONAL PAY FREEZE AND FISCAL RESPONSIBILITY ACT**

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6726) to prevent the 2013 pay adjustment for Members of Congress and persons holding other offices or positions in the Federal Government from being made.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 6726

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Congressional Pay Freeze and Fiscal Responsibility Act”.

**SEC. 2. ELIMINATION OF 2013 PAY ADJUSTMENT.**

(a) **IN GENERAL.**—Section 147 of the Continuing Appropriations Act, 2011, as amended by section 114(a) of the Continuing Appropriations Resolution, 2013 (Public Law 112–175; 5 U.S.C. 5303 note), is amended—

(1) in subsection (b)(1), by striking the matter after “ending on” and before “shall be made” and inserting “December 31, 2013,”; and

(2) in subsection (c), by striking the matter after “ending on” and before “no senior executive” and inserting “December 31, 2013,”.

(b) **ELIMINATION OF DELAYED ADJUSTMENT.**—Section 114(b) of the Continuing Appropriations Resolution, 2013 is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

**GENERAL LEAVE**

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the last 2 years, Oversight has worked diligently. Our professionals have worked, to a certain extent, against their own best interest. They’ve found excesses in pay and compensation within the Federal system and moved with careful detail to try to reduce those amounts, make them more commensurate with the private sector. Currently, Federal workers receive typically over \$100,000 and are about 16 percent higher compensated than their private sector counterparts.

Today we will consider something on the fiscal cliff, but before we do it, I felt it was important to deal first with this bill. And so I’m happy, in a few moments, to recognize Mr. FITZPATRICK, the author of this bill, which is very narrow, but simply says that the President cannot and should not add about \$11 billion to the deficit by the stroke of a pen, by an executive order at a time in which he’s negotiating to try to raise taxes to earn maybe another \$60 billion or \$70 billion, at most, for the Federal Treasury.

So this will stop the Federal workers from receiving a pay increase. It will not stop their step increases. It will

not stop their merit increases. It will not stop a great many other increases in their pay and compensation. But it will say that, at this time, when the American people are not getting automatic cost-of-living increases, neither should the Federal workforce.

And oh, by the way, Mr. Speaker, neither should you, neither should the ranking member, neither should I. And this bill stops us from giving ourselves a pay increase that the President has asked for.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, in order to allow the author of the bill to speak, I reserve the balance of my time.

Mr. ISSA. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Mr. Speaker, the American people do not get an automatic pay increase, and neither should Members of Congress.

My bill, the Congressional Pay Freeze and Fiscal Responsibility Act, gives us the chance to show the American people that, at least in this regard, that we do get it: freeze salaries now, including for Members of Congress, at current levels.

Mr. Speaker, there are too few opportunities in this town where issues can bring us together. The President has done that for us this week. Unbelievably, in the middle of talks this week on tax rates and sequestration revision, in the midst of high deficits and a growing national debt, the President has proposed pay increases for Members of Congress, and has done so by executive order dated December 28.

I have to say that nobody in this town saw this coming, and very few think it is warranted. The Congress has not produced a budget in 3 years because the Senate refuses to do their job. The last thing they need is a pay increase. In fact, the No Budget, No Pay Act should be the law of this land. If you don't produce a budget within the prescribed period of time, you should not get paid. And if you produce a budget after the proscribed period of time, you should not get paid retroactively.

Mr. Speaker, this is common sense, but common sense just isn't too common in this city, and there's no sense at all in the President's executive order to increase pay at this time—not now, not under these circumstances, and not in this economy. It is an action taken unilaterally by the President, which has earned an immediate and almost universal scorn, as well it should.

As we close out 2012, there are still too many issues unresolved. There are too few instances of accomplishments or results. Our economy is still at risk, and the American people are still struggling. American workers have given all they can. Have we? Have we given all that we can?

I'm glad to see that so many in this Chamber have cosponsored this measure. And in the past 24 hours, I've seen comments from Democrats and Republicans expressing outrage at the President's unilateral executive order. A Democrat in the Senate called it the worst idea ever. A Democrat in this House has called it inappropriate.

So, extend the pay freeze for all Federal workers, including elected officials. This bipartisan policy was originally put in place by our Democrat colleagues because they recognized that the pain being felt across our economy could not be reserved for the private sector.

Federal workers in my district and across the country are hardworking individuals. They deserve fair compensation too. Mr. Speaker, we're not trying to punish or force unnecessary hardship on civil servants, but taxpayers should not be taking home less than Federal workers.

Recent studies have shown that the average Federal worker earns 20 percent more than a private worker in a similar position. This disparity is even wider when benefits are taken into account. We have to recognize that over recent years there's been a growing disparity between the compensation for Federal workers and their counterparts in the private sector, and, quite frankly, that sends exactly the wrong message at exactly the wrong time.

The President's own Debt Commission, which has thus far been ignored by the President, recommended a 3-year pay freeze for Federal Government workers. If it would have been adopted at that time, that pay freeze would have lasted through 2013, the same period of time that this bill proposes.

Of course, we all agree that the men and women of our Nation's military deserve a pay increase while our Nation is at war. This bill provides that members of the Armed Forces will continue to be eligible for the pay increases that have been supported by me and a strong bipartisan majority of my colleagues.

Mr. Speaker, we hear a lot of talk from some of our colleagues about shared sacrifice. Higher taxes from ObamaCare are coming, and tax rates for certain businesses and individuals are going to go up. The private sector and small businesses are being asked to sacrifice.

What kind of a message does it send if, at the same time, Members of Congress, the administration, and the Federal Government get a pay raise? That is exactly the wrong message at exactly the wrong time.

I urge my colleagues to support this bill and to send the American people the strong message that the public sector and elected officials do not consider themselves exempt from the economic realities of our time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this bill, H.R. 6726, which seeks to extend the pay freeze on the dedicated men and women of our civil service for the third consecutive year.

□ 1240

This is a pig in a poke.

From the outset, let me be clear. I strongly support freezing the salaries of Members of Congress. I've signed a letter to do that. And if this bill did only that, I would be an original cosponsor. But it doesn't. The Senate last night did just that. It froze our salaries. But it didn't do this. It didn't extend that freeze for a third year to the men and women who serve our country in Federal service.

The bill before us today, which cynically pairs a pay freeze for us in Congress with a continuation of the pay freeze on career civil servants, is yet another tired, duplicative, and cheap shot at our Nation's dedicated Federal workforce. It's one last parting shot in the dying days of this Congress, which cannot die too soon.

If Members of Congress and the public simply take a look at the scoreboard, they'll see that, with respect to the deficit reduction, Federal workers not only have borne a disproportionate share of the cost, they've virtually borne the only share of the cost. Federal employees have contributed already \$103 billion toward deficit reduction through an extended pay freeze that continues to this day—and benefit cuts.

For example, Federal workers have contributed \$60 billion towards deficit reduction as a result of the 2-year pay freeze covering 2011 and 2012. The recent pay freeze extension through March of this year adds another \$28 billion. This total also includes the \$15 billion contribution that will be made by Federal new hires who, starting next year, will see their pay decrease by 2.3 percent as contributions to their pensions are raised compared to current civil servants, with no commensurate increase in benefits. Meanwhile, this inequity is amplified when one compares the financial sacrifice made by our dedicated civil service to the deficit reduction contributions made by millionaires and billionaires over the past 2 years.

I might add, as if it weren't enough, my friends on the Republican side of the aisle actually tried for the first time to finance transit in America—in a transportation bill that died an ignominious and well-deserved death—\$50 billion by having these same pension benefit cuts on existing civil servants, which would have added \$50 billion more to the deficit reduction cost only apportioned to Federal workers. Meanwhile, if I'm not mistaken, compared

to the \$103 billion deficit reduction contribution by Federal employees, the deficit reduction sacrifices—that shared sacrifice my friend from Pennsylvania referred to—has demanded of millionaires and billionaires adds up to a grand total of zero. Yet, despite these facts, there are still some attempting to squeeze even more deficit reduction out of Federal workers, even as they seek to protect the millionaires and billionaires who have yet to make any contribution to debt reduction in this country.

Republicans in the 112th Congress have treated Federal employees like America's piggybank, dipping into pay and benefits to help pay for everything from the payroll tax cut to unemployment benefits to transit in the transportation bill.

Federal employees are on the front line of communities throughout America. They defend America. They serve side-by-side with our military in theaters of war. They put out fires. They process Social Security checks. They deal with the sick and they deal with our children. They protect our borders. I strongly oppose any attempt to cut benefits and wages that Federal employees have earned by providing essential services to all Americans.

Given the very small share of the Federal budget represented by Federal employees' salaries, further reducing their pay and benefits is not rational and not an effective way to reduce our Nation's debt. It's picking on them.

I urge my colleagues to vote against this bill, and I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I would trust that the gentleman was unaware that Mr. FITZPATRICK also does have a bill that only freezes our pay, and it does not bear the gentleman's name as a cosponsor. Perhaps he can correct that today.

I yield 4 minutes to the gentlelady from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank the gentleman from California. I thank Mr. FITZPATRICK for his bill as well.

I, too, was shocked when I saw that the President of the United States, out of nowhere, at no request from any Member of Congress, had issued a unilateral executive order, which means he decided to take the law into his own hands and, in effect, become his own Congress and decide unilaterally, at the height of the fiscal cliff debate, that he would throw a new wrench into that argument, and it would be this:

When there is massive uncertainty, unfinished business, he would decide that he would unilaterally give a pay increase to the United States Congress exactly when the public is uncertain and doesn't know what is going to happen. Will their taxes go up? Will they no longer be the recipient of a spending program?

And so now Congress is going to get a spending increase?

This was a cynical planned move, Mr. Speaker, on the part of our President. He brought great drama to this effort, unnecessary drama. Because, you see, this House of Representatives already did this job to avert the fiscal cliff. We did this work. It was completed last August. We said that no one's taxes need to go up, and we were able to offset any spending cuts. The work was done. The problem is the Senate never took up the completed work of the House, and the President of the United States spent the last half of this year continually castigating the House of Representatives for not having this work done when we did our work.

And so out of nowhere, again, not at the request of Congress, the President decided to make a very unlovely party to this conversation—the Congress—even less palatable by putting upon us the idea that we wanted to raise our own salary when we had nothing whatsoever to do with that. That's why over the weekend I directed my staff that we would put forth a bill to take away this unilateral increase in salary for Congress at the President's hand. We put our bill together. Mr. FITZPATRICK put his bill together. We both introduced bills yesterday.

And I'm very happy to be a part of this bill, as every Member of Congress is happy to be for this bill, because, after all, this had nothing to do with the conversations. This was a cynical effort on the part of the President—and I believe nothing more cynical than the fact that the current agreement with the fiscal cliff was agreed to, we're told, somewhere around 11:30 last night. The bill was voted on at 2:00 in the morning. Again, this is New Year's Eve. I don't know how many Senators between midnight and 2 a.m. in the morning had a chance to thoroughly read this agreement that's 157 pages long.

You see, this is not how we should run our government. This is drama, unnecessary drama. And President Obama bears the responsibility for his failure to lead and his intentional effort, it appears, to mislead the American public with this cynical bill. That's why we are here this morning, to clarify the President's action. This was not at our behest, and we are rejecting this measure today to increase Congress's salary.

Mr. CONNOLLY of Virginia. I must say I appreciate the gentlelady's points about cynicism. But Federal workers and the American public might be forgiven for thinking that it is cynical to be decrying a last-minute deal necessitated by the fact that the House has been out for 15 of the last 19 weeks in recess instead of doing its business here on the House floor, which is why we're here today.

By the way, I also want to appreciate, because I know it wasn't a cheap shot, and I know that the distinguished

chairman of the committee was trying to inform me of the fact that a bill I was not aware of was introduced yesterday. If there is a clean bill introduced by my friends from Minnesota and Pennsylvania simply to freeze congressional salaries, I'm only too happy to cosponsor it. I know that will reassure my friend, the chairman of the committee.

I now yield such time as he may consume to the distinguished ranking member of the Oversight and Government Reform Committee, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I want to thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to H.R. 6726, which would extend the pay freeze on Federal employees through the end of 2013 and eliminate the pay adjustment for Members of Congress.

I think we need to be very careful in this discussion. As my distinguished colleague from Virginia just stated, I don't think there's any Member of Congress that is against freezing the pay of Members of Congress. If I had known about the bill, I would have cosponsored it. I don't know when it was filed, but I would have cosponsored it, as he said he would have also. But this is a different issue.

□ 1250

I cannot understand why the House is considering this bill right now. The Senate just approved a landmark deal to avert the fiscal cliff with widespread bipartisan support—a vote of 89–8. Acting on the fiscal cliff legislation as soon as possible should be our first and most urgent order of business this afternoon. But instead, this bill—which is yet another assault on very hard-working, middle class American workers—was introduced not very long ago. Is this really the way the majority wants to begin the new year?

Members of Congress certainly can do without a pay adjustment. And the bill passed by the Senate last night to resolve the fiscal cliff already includes a provision freezing Members' pay. I plan to vote for the package that came out of the Senate, assuming it stays in its present form. But Federal workers are the backbone of our government. Let me say that again: Federal workers are the backbone of our government. They're the ones who support our troops in the battlefield. They are the ones who provide care to our veterans. They're the same ones that bring about cures for dreadful diseases at NIH. They are the ones that protect our borders and safeguard our food supply. They're the same ones that ensure our seniors get their Social Security checks and help hunt down terrorists like Osama bin Laden. They're the same ones.

In return for their hard work and dedication, the majority has rewarded

Federal workers with an unprecedented assault on their compensation and on their benefits. This has included proposals to arbitrarily cut the number of Federal workers. All you've got to do in my district, when you go and visit a place like Social Security and you talk to the employees—many of whom are my constituents—employee ranks are being decimated. People are working harder and harder without the help that they need. Our colleagues have gone on to slash retirement benefits and now with the most recent proposal to extend the current 2-year pay freeze for yet another year.

I know all kinds of studies are presented to say that Federal workers are making a whole lot of money. Well, maybe we need to walk around and do a little survey of our own and talk to some of the people who work around here. Go to some of these Departments, Agriculture, the various Agencies, and talk to them. Talk to some of the ladies who may be a single-mother household making \$45,000 a year; talk to her about a pay freeze. Talk to the gentlemen who moved our offices—we've seen them all in the House throughout our buildings—ask them about the pay freeze. Talk to them, and I think they will tell you another story.

Millions of middle class Federal workers have already sacrificed more than \$100 billion in the name of deficit reduction and to pay for the extension of unemployment benefits to millions of other workers; yet our House Republicans insist on raiding their pay and their benefits again. Enough is enough.

We need to put aside this legislation and take up the fiscal cliff legislation immediately. The Senate has done its work, and now it is our responsibility.

The one thing we should not do is let the markets open tomorrow without the fiscal cliff being resolved. As I listened to my good friend, Mr. FITZPATRICK, talk about this provision with regard to making sure that Members of Congress not get a pay increase—and I agree with him totally—I hope that he will also join me when I vote for the legislation that has been sent over here by the Senate since it contains that very, very important provision.

With that, I wanted to thank again the gentleman for yielding.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

The ranking member made a good point, and in this body you should always go along with that which is true and oppose that which is false. The gentleman made an excellent point: we do have hundreds of thousands of hardworking Federal employees. They deliver to the American people a good product. The vast majority of them, if you ask them, do not feel they're overcompensated. They've worked hard; they're highly educated; in fact,

they're not overpaid in many ways. They do, in fact, have a very generous defined benefit plan, something the American people usually don't have, something that would guarantee them a pension over and above their 401(k). And automatically it increases with inflation; automatically it is funded. That's true whether you're a postal worker, a Member of this body, or the executive branch.

We're not arguing whether or not the Federal worker is dedicated at all. We're arguing whether this is the right time to add \$11 billion to a \$10 trillion deficit that we're not dealing with. We have a \$10 trillion deficit after today's action on "ending the cliff" that is still going to be projected. It hasn't been scored exactly, but it will still be over \$1 trillion this year—and if history repeats itself, for every remaining year of the Obama administration.

Now, the gentleman from Maryland did say one thing that perhaps was not accurate—and he didn't mean to. He said, well, if you ask people around here. Well, perhaps he forgot that here in the House of Representatives, this entire body—except for congressional salaries, which are stipulated under the Constitution—we have, in fact, had to deal with a 5 percent reduction year over year in actual money available to run the House, and in the next year, 6.4 percent; meaning, we have dropped more than 11 percent in the dollars spent—not in some hypothetical base plus, but in the dollars spent we have dropped more than 11 percent under Speaker BOEHNER.

That kind of a cut has not been duplicated by the executive branch. Had it been duplicated by the postal workers, we wouldn't have a \$12 billion loss there. Had it been duplicated by the executive branch, to be honest, Mr. Speaker, we would be talking today about how can we cut anymore and both sides would be agreeing. We haven't made an 11 percent drop in actual spending in 2 years. Had we done that, we wouldn't be looking at a hundred percent growth in the last 12 years in the cost of government.

With that, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. I would inquire of the Chair how much time remains on this side.

The SPEAKER pro tempore. The gentleman from Virginia has 9½ minutes; the gentleman from California has 6 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, I would simply observe to my friend, the chairman of the committee, in talking about the 11 percent cut here in the House of Representatives, of course that does not address the lack of productivity here in the House. There are many Americans who might think that that cut is deserved given how little got accomplished in the 112th Congress—one of the least pro-

ductive Congresses in American history.

Mr. ISSA. Will the gentleman yield? Mr. CONNOLLY of Virginia. I would normally yield, but I would remind my friend, Mr. Speaker, that he would not yield to me when he made his comments about cosponsorship of the piece of legislation, and so I reluctantly will not yield.

I now yield 3 minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to this so-called "Federal worker pay freeze." As the ranking member of the Subcommittee on the Federal Workforce, we have witnessed a deliberate effort over the past 2 years of the Republican majority to undertake a series of legislative attacks on our middle-income Federal workers, and this bill is no different.

Despite the title of this legislation, this bill would extend the current statutory pay freeze for all Federal civilian employees—the vast majority of whom are middle class earners—through 2013.

In place of a balanced approach to deficit reduction based on a genuine commitment to shared sacrifice, this bill again seeks to target Federal employees who are already in their second year of a 2½-year pay freeze. Collectively, because of the pay freeze that's been in effect for the last couple of years, these same Federal workers have already contributed over \$100 billion towards deficit reduction and continued unemployment benefits for other workers.

I'd like to note that I am not opposed to a pay freeze for Members of Congress. I think we should lead by example. In fact, I have voted for pay freezes for congressional pay on six different occasions.

□ 1300

Regrettably, however, this legislation continues the concerning trend throughout the 112th Congress of attempting to address deficit reduction on the backs of middle-income workers in the Federal Government again by attacking their take-home pay. These are the dedicated folks who work at our VA hospitals; they protect our borders; they care for, again, our wounded veterans; they run the research facilities in researching cures for deadly disease, and they provide services to the Defense Department and the State Department. So these are the people that are doing the hard work, and this is not a way to repay them. Again, they are already in the second year of a 2½-year pay freeze.

I agree that that pay freeze should apply to me and other Members of Congress; however, these hardworking fellow employees should not be asked to carry even more of this burden.

I thank the gentleman for yielding.

Mr. ISSA. Mr. Speaker, I know my friend from Virginia means well, but, once again, he talks about a lack of accomplishment. Apparently, he hasn't looked at the work that the clerks have done here on the floor. He hasn't looked at the work that CBO, the Congressional Budget Office, has done, or the Government Accountability Office. Those are all funded, and yet we had an 11 percent reduction in spending.

So, in fact, when we're talking about the hardworking men and women of the government, this branch has found a way to reduce spending by over 11 percent in spite of the hardworking men, not just here on the floor and in our offices, but the Governmental Accountability Office, the CBO and others.

With that, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, before I call on the distinguished Member from Virginia, I would simply note, of course, the productivity I talk about is the productivity of this legislative body, not the honorable men and women who serve us, but for us.

And we passed a fewer number of bills in living memory. We have been out for 15 weeks since August instead of doing the people's business. That is one of the least productive records in American history, and no words are going to change that, not in the history books and not in the minds of the American public that is showing its disapproval of that productivity with the low approval ratings of this Congress.

I now am pleased to yield 3 minutes to the distinguished Member from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, I thank my very good friend who has been tireless in representing not just the interests of his constituency but of this great country.

Mr. Speaker, first of all, and it may seem petty, but if it were done by the other side, it would be a big deal. This bill was dropped at about 20 past 12 today and then it was brought up. Now, in less than an hour, we drop a bill and we bring it to the floor? That's not the way to do business. The caucuses are involved in other things. The whole Democratic Caucus is talking to the Vice President, and here we are about to do something of real consequence, not just for Federal employees and the Members of Congress, but for the country.

First of all, as my very good friends, Mr. LYNCH and Mr. CONNOLLY, have pointed out, Federal employees have contributed now over \$100 billion toward deficit reduction. They have had their pay frozen for 2 years. This will be a third year. New hires are going to have to contribute four times as much into their pension as they would have

to today. So they're really being made a scapegoat. And we're doing this at a time when we're trying to compete in a global economy.

Now, what happens is we send a message to Federal employees that if you can get out, get out. We don't really appreciate what you're doing for the public sector. Get into the private sector. Most of you can make two or three times what you're making in the public sector. So this is a good time to go, because otherwise your family is going to have to suffer and you're not going to be able to achieve the kind of quality of life that your talents, experience, and skills would merit, and we're going to continue doing this to you individually and collectively.

That's not the way to run a government. We pass all these laws, we pass appropriation bills, and then it's the executive branch's responsibility to carry them out. How do we think we can pass these laws and then expect people to carry these laws out with efficiency and effectiveness when we take \$100 billion out of their compensation? What kind of a message does that send to the people who serve us directly and all of the American people's interests in terms of their ultimate mission? It sends all the wrong message.

Now, I know people don't care much about the procedural issue, but, boy, what a precedent to set.

Mr. ISSA. Will the gentleman yield?

Mr. MORAN. Yes, I yield to the gentleman.

Mr. ISSA. I might note for the gentleman, it was posted last night, which means it was actually posted before the cliff bill. The technical dropping is a different rule. But it was posted, so it was available to all Members last night. And, of course, as you know, it's very simple. We simply freeze, and that's not hard for people to understand. I hope the gentleman understands a half percent freeze is all this bill does.

Mr. MORAN. I trust the gentleman will yield me the 30 seconds that he took to explain that.

Mr. ISSA. I would be delighted to yield the gentleman 15 seconds.

Mr. MORAN. I thank the chairman.

The point is: you drop it on New Year's Eve. I'm not sure if that isn't a distinction without a difference, really. There's been no time to review this. Nobody's focused on this.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. MORAN. I would hope the gentleman who chairs Oversight and Government Reform would recognize, as Mr. CONNOLLY and Mr. LYNCH have recognized, that there are some very serious risks in going forward with this. I don't think that the way to solve our

deficit situation is to cut off our nose to spite our face, and that's really what we are doing here. This is not fair to the Federal workforce, it's not fair to the country, and it should not be passed today.

Mr. ISSA. Mr. Speaker, I note, once again, that this is a half a percent that will not be increased by this action—half a percent—so on \$100,000 it's \$500 of a pay raise that will not occur for Federal workers, and, in fact, the sky is not falling if we choose not to have that happen this year.

With that, I'd like to yield 1½ minutes to the gentleman from Texas (Mr. FLORES).

Mr. FLORES. Mr. Speaker, our Nation is on the verge of going over a fiscal cliff because Washington has a spending problem. President Obama still does not understand this problem as he has recently issued an executive order granting pay increases to most civilian employees and to Members of Congress. I believe that, given our current economic climate and huge Federal deficits, these raises are grossly inappropriate and represent an insult to hardworking American taxpayers. These factors have prompted me to join this legislation to halt these unnecessary salary increases.

You have heard arguments today that Federal workers are being victimized by this legislation. Well, here are a few facts that will rebut that assumption:

One, the income of the average American private sector family has gone down about \$4,000 during the last 4 years;

Number two, Federal workers, on average, earn pay and benefits that are equal to about twice that of their private sector counterparts;

Number three, Federal workers pay an amount into their Federal retirement plan that is less than one-tenth of the amount that private sector employees have to pay into Social Security; and

Four, last year, hardworking American taxpayers had to pay about \$40 billion to subsidize the insolvency of the Civil Service Retirement System.

Mr. Speaker, for these reasons and the huge deficits of our Federal Government, I support this legislation wholeheartedly.

Mr. CONNOLLY of Virginia. Mr. Speaker, I have an inquiry. How much time remains on this side?

The SPEAKER pro tempore. The gentleman from Virginia has 2¾ minutes remaining. The gentleman from California has 3½ minutes remaining.

Mr. CONNOLLY of Virginia. If I may inquire, Mr. Speaker, if my colleague on the other side has any other speakers?

Mr. ISSA. Not at this time, so I would simply reserve the right to close.

Mr. CONNOLLY of Virginia. I'm prepared to wrap up and yield back, and I

yield myself such time as I may consume.

Mr. Speaker, I'm worried about the future of the Federal workforce's continued denigration of public service. Continued whacking away at compensation and benefits that make it an attractive career choice for so many young people is going to make it much harder to recruit and retain the skilled workforce of the future. And despite what my colleague just indicated—I'm not quite sure where he got his statistics—the Federal Salary Council, which looks at Federal salaries every year, concluded that Federal employees earned, in 2011, 26.3 percent less than their private sector counterparts and, this year, 34.6 percent less. A CBO study found that people in the Federal workforce with a Ph.D. degree earn 23 percent less than their private sector counterparts, and if you had a bachelor's degree, roughly 23 percent less, and only in the high school level did they actually earn more, 21 percent more.

□ 1310

Actually, we've got a problem. As we look at the baby boom generation getting ready to retire, 47 percent of the entire existing workforce is eligible for retirement over this next decade. How will we recruit and retain that workforce if we're going to continue to use them not only as a piggy bank to finance the deficit, but perhaps more disgracefully as a punching bag in terms of disparagement of service? We are far away from John Kennedy's call to serve your country.

Mr. Speaker, with that, I yield back the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, in closing, this bill is going to pass, and it's going to pass likely on a bipartisan basis because it would be the ultimate in inappropriate behavior by this body to allow our pay to be raised. This is something I think that both sides have said fairly straightforward that this is not a time in which Members of Congress should take their \$174,000 salary and increase it. I don't believe we've earned it this year. By the way, I believe the President's salary will not go up and the Vice President's salary will not go up, and that is also appropriate.

But as we look at the hardworking men and women of the Federal workforce and look at my colleagues from Virginia who spoke and my colleague from Maryland who spoke, the point that the Federal workforce should be listening to today is that, in fact, it's not how hard they work; it's what can the American people afford. We cannot afford to continue these deficits. It's not how hard they work. It is the inefficiency and waste not just in their office, but in the way government is organized.

Mr. Speaker, everyone had a New Year's resolution, I trust, last night. For all of us, I'm sure it was to lose a little weight, do a few other things that we haven't been doing; but for me particularly, it's to go after the duplication in government, to go after the organizational flaws in government that would allow us to be less critical, perhaps, of what we can afford from our Federal workforce and more proud of the fact that it is organized for efficiency.

Mr. Speaker, in closing, the President called for reorganization authority and then did nothing in his first term. It is my goal to give him reorganization and a reorganizational plan. It is my committee's obligation to do that.

As I vote today to freeze our pay and to freeze all of the Federal workers' pay, I do so recognizing that the best way for Federal workers to get a pay raise without it being on the backs of the American people is for us to reorganize government, whether it's in information technology or any other goods and services that Federal Government delivers. We can do better. We can take waste out of Medicare, and we can take waste out of all aspects of the Federal Government.

Mr. Speaker, I know this bill will pass on a bipartisan basis because it's appropriate to do here today. I urge its support, and I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to H.R. 6726, a bill that aims to claw back the .5% COLA promised to federal employees when the Continuing Resolution expires in March of this year. While I do not oppose the provision of the bill that freezes the pay for Members of Congress, I cannot support a measure that asks federal employees who have already disproportionately sacrificed so much for deficit reduction to sacrifice even more.

This bill is yet another assault on the middle-class Americans who work to ensure that the food we eat and the water we drink are safe. These dedicated public servants protect our airports, care for our injured veterans and guard our borders. And yet, as this bill proves, their service and sacrifices are not valued by many in Congress who, when they look at federal employees can only see their pensions and pay and benefits as a source they can turn to anytime they need extra cash.

Federal workers have contributed \$60 billion as part of a two-year pay freeze; they contributed \$15 billion more as part of the Payroll Tax Extension; and the Continuing Resolution the government is currently operating under asked them to forgo, until March, the .5% COLA they were promised this year. If this bill passes, the two year pay freeze Federal employees are currently laboring under will be extended for another year. Enough is enough!

Members of Congress can afford to go without a pay raise, but Federal employees should not be treated as if they were the federal government's piggy-bank.

I ask my colleagues to join me in opposing this bill so that we stop wasting our time in the

dying hours of this Congress and instead focus our attention on the important business of moving the bipartisan package that the Senate passed yesterday to address the Fiscal Cliff.

Ms. MCCOLLUM. Mr. Speaker, with regard to H.R. 6726, this is a bill to deny all federal civilian employees a 0.5% pay increase after they have endured two consecutive years of a mandatory pay freeze. This bill unfairly punishes federal employees who have already sacrificed significantly during difficult economic times. By denying federal employees even a modest salary adjustment this Republican bill strangles the federal workforce, making federal service an ever less attractive career option for America's best and brightest.

This bill also denies a modest cost of living increase to Members of Congress. If House Republicans want to deny a pay increase for Members of Congress then they should have put forward a clean bill that does not punish the federal civilian workforce.

Last night the U.S. Senate passed the bipartisan amendment to H.R. 8 that prevents a tax increase for 98% of American taxpayers. In Section 902 of that legislation is language denying a cost of living increase to Members of Congress in 2013. If my Republican colleagues really want to deny Congress a pay increase that has a chance of becoming law then I urge them to vote for the Senate's bipartisan agreement that raises taxes on millionaires and billionaires and cuts taxes for middle class families.

Mr. CURSON of Michigan. Mr. Speaker, I rise in opposition to this bill that would extend the current two-and-half year pay freeze for federal employees.

Unlike others in the middle class, federal employees are the LONE segment that has made sacrifices that are directly dedicated to deficit reduction. Federal employees have sacrificed \$60 billion dollars in lost wages over 10 years for deficit reduction, they have been forced to pay 50% of the cost of the Unemployment Insurance extension, contributing another \$15 billion, and their contribution to their pension from their pay has significantly been raised, further depleting their available cash to take care of daily necessities.

These impacts are being felt by hard working employees, critical to our nation, who are by no means the highly paid federal employees. We are talking about nursing assistants in VA hospitals that care for our wounded veterans who make only \$27,000 a year or prison correctional officers at 38,000 who face our most dangerous criminals daily. Once again, regular working men and women are being asked to sacrifice in the name of national debt reduction, and yet this Congress has yet to pass a SINGLE tax increase on the wealthiest Americans.

Federal employees earn and deserve their wages. These workers will purchase goods and services, pay off bills and put this money right back into our economy. The burden of deficit reduction should be shared, not placed squarely on the back of America's middle class.

One more point—to be clear passage of this bill will include a pay raise for members of Congress—a raise they do not deserve. We can remedy that misfortune by passing the



American Taxpayer Relief Act of 2012 which specifically restricts an increase in Members of Congress pay.

Mr. WOLF. Mr. Speaker, Members of Congress do not deserve a pay raise. I won't accept one. In fact, all of us should have our pay docked, as should the president. But that's not what this vote is about. It's time for members of both parties to stop attacking our Nation's hardworking civil servants.

Unlike other sectors of our society, since the beginning of 2011, federal employees, as a result of reduced compensation and benefits, have already made significant contributions to efforts to reduce our Nation's deficit. I know that every federal employee continually is willing to contribute to efforts that address our Nation's unfunded spending obligations and liabilities. However, they also rightly expect that others will join them in this effort.

The legislation before us could have a significant impact on our ability to recruit and retain qualified employees.

Has anyone fully considered the impact that a three-year pay freeze will have on the CIA, the NSA, the National Reconnaissance Office and the National Counter Terrorism Center?

Or the impact on the FBI, which has, since 9/11, disrupted scores of terrorist plots against our country?

Or the impact on our military, which is supported by federal employees every day on military bases across the Nation?

Or the impact on VA hospitals across the country, which are treating military veterans from World War II to today?

Or the impact on the Border Patrol?

Or the impact on NASA, its astronauts, engineers and scientists, especially on the nine-year anniversary of the tragic loss of the Columbia crew and a week after the 45th anniversary of the loss of the Apollo 1 crew?

Or the impact on NIH, and other federal researchers, scientists and doctors?

Clearly, federal employees don't just sit behind desks. They are members of our communities who are out in the field, often in harm's way, protecting our Nation. Within the last year, residents in northern Virginia mourned the loss of two federal employees who died in the line of duty—U.S. Park Police Sergeant Michael Andrew Boehm of Burke, and National Park Service Ranger Margaret Anderson, who previously worshipped in Lovettsville.

Their sacrifices remind us that many federal employees are often put in dangerous situations. Since 1992, nearly 3,000 federal employees have paid the ultimate price while serving their country, according to the Office of Personnel Management. The first American killed in Afghanistan, Mike Spann, was a CIA agent and a constituent of mine from Manassas Park. I attended his funeral. Over 100,000 CIA, FBI, DEA agents, and State Department employees have served side-by-side with our military to carry out the War on Terror in locations such as Iraq and Afghanistan. Three years ago, I attended funerals for some of the seven CIA agents who were killed by a suicide bomber at Forward Operating Base Chapman near Khost on the Afghanistan-Pakistan border.

Our Nation mourns the loss of the four Americans who died during the attack on the U.S. consulate and annex in Benghazi, Libya,

U.S. Ambassador J. Christopher Stephens, U.S. Foreign Service Officer Sean Smith, and two former Navy Seals, Glen Doherty and Tyrone Woods.

And we should not forget that the CIA agents who planned and helped execute the raid that killed Osama Bin Laden are federal employees.

Every day, Border Patrol agents and ICE agents are working to stop the flow of illegal immigrants, victims of human trafficking and drugs across our borders. Federal firefighters work to protect federal lands and mitigate the spread of deadly fires. Immediately following the December 2011 shooting at Virginia Tech, some of the first law enforcement officers on the scene were ATF agents. These are but a few examples of the vital jobs performed by federal employees.

Federal employees who are not in harm's way on a daily basis are also dedicated public servants. The medical researchers at the National Institutes of Health working to develop cures for cancer, diabetes, Alzheimer's, Lyme disease and autism are all federal employees. Dr. Francis Collins, the physician who mapped the human genome and serves as director of the NIH, is a federal employee. The CDC employees tracking steroid shots tainted with meningitis are federal employees. The USDA researchers who work with our farmers to find solutions for the invasive species that are destroying our crops are federal employees. The National Weather Service meteorologists who track tornadoes and hurricanes, as well as the FDA inspectors working to stop a salmonella outbreak, are federal employees.

The Nation's debt limit has been reached. We have annual deficits of more than \$1 trillion. We are facing the prospect of across-the-board cuts to programs from the sequester. All of our Nation's fiscal problems could be resolved if the Congress had the will to pass the bipartisan Simpson-Bowles proposal, which I have long supported and have voted for.

I vote no.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 6726.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### LEUTENANT RYAN PATRICK JONES POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3662) to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3662

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Lieutenant Ryan Patrick Jones Post Office Designation Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) First Lieutenant Ryan Patrick Jones volunteered to serve the United States in the Army.

(2) Lieutenant Jones earned his rank, the Army Achievement Medal, the Purple Heart, the Bronze Star, the Iraqi Freedom Medal, the Combat Action Badge, and the War on Terrorism Badge through his dedication to the highest ideals of the United States.

(3) Lieutenant Jones chose from a young age to generously volunteer his talents to his community, and was recognized with academic, social, and athletic leadership positions throughout his life.

(4) Lieutenant Jones committed himself to excellence in all aspects of his life, including earning a Bachelor of Science degree, with honors, in civil and environmental engineering.

(5) While earning his engineering degree at Worcester Polytechnic Institute, Lieutenant Jones was awarded a Reserve Officers' Training Corps scholarship.

(6) Lieutenant Jones faithfully and expertly led his fellow soldiers as a platoon leader in the Army's First Infantry Division while deployed to Iraq in 2007.

(7) Lieutenant Jones made the ultimate sacrifice for the United States on May 2, 2007, when he was killed in action by an improvised explosive device set by the enemy.

(8) Lieutenant Jones' life of service, courage, and honor was made possible by his dedicated parents, Mr. Kevin Jones and Mrs. Elaine Jones, who reside in Westminister, Massachusetts.

(9) Mr. and Mrs. Jones organized the shipment of supplies to soldiers serving alongside their son, thereby supporting the morale of the members of the Armed Forces.

(10) Before entering combat, Lieutenant Jones made arrangements to ensure that his life insurance policy proceeds would become a scholarship fund to benefit others, a request that Mr. and Mrs. Jones fulfilled.

(11) Lieutenant Jones is remembered by his family, his friends, and the people of the United States as a role model for his fellow citizens to emulate.

(12) Lieutenant Jones' spirit of generosity has been commemorated by organizations ranging from the Commonwealth of Massachusetts to the Boston Celtics.

(13) It is fitting that the life of Lieutenant Jones should be further memorialized for future generations by naming the post office in Westminister, Massachusetts, in his honor.

#### SEC. 3. LEUTENANT RYAN PATRICK JONES POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, shall be known and designated as the "Lieutenant Ryan Patrick Jones Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Ryan Patrick Jones Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from



California (Mr. ISSA) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on this second-to-last day of this Congress, the Senate has sent us a naming. Although my committee has stopped doing namings, except in the case of Medal of Honor recipients, this one is coming over, and I believe it is meritorious. The Senate has asked us to pass it, and I will do so today.

It was introduced by Senator SCOTT BROWN of Massachusetts and would designate a facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the Lieutenant Ryan Patrick Jones Post Office Building.

Lieutenant Jones earned his engineering degree at Worcester Polytechnic Institute. When he earned his degree, he was also awarded an ROTC scholarship in the Reserve Officer Training Corps. Lieutenant Jones led his fellow soldiers as a platoon leader in the Army's 1st Infantry Division while deployed in Iraq in 2007. And I guess as a member of the Big Red One, I would note that I also served with that unit many years ago.

Tragically, on May 2, 2007, Lieutenant Jones was killed in action by an improvised explosive device set by our enemy. He leaves behind his parents, Kevin and Elaine Jones, of Westminister, Massachusetts.

He was awarded several awards for his heroism, including the Bronze Star, the Purple Heart, the Iraqi Freedom Medal, the Combat Action Badge, and the War on Terrorism Badge.

I am grateful for Lieutenant Jones' service and for his bravery on the battlefield. And I regret that the naming of this post office is so appropriate because yet another one of our finest has paid such a high price by an enemy who uses hidden explosives rather than confront us in any direct way.

With that, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm pleased to join with the distinguished chairman in support of S. 3662 to name a postal facility in Westminister, Massachusetts, as the Lieutenant Ryan Patrick Jones Post Office Building.

I too join in sorrow at the necessity of having to take this action because of the loss of a promising young life. One can only hope that taking this action will actually provide comfort to his parents and to his family and to his broader community given their terrible loss.

We salute the honor and patriotism of Mr. Jones, who was commissioned as a second lieutenant in the U.S. Army, and we honor his sacrifice and his service to his country.

With that, I yield back the balance of my time.

Mr. ISSA. I also urge support and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, S. 3662.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### CAPTAIN RHETT W. SCHILLER POST OFFICE

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3630) to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3630

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CAPTAIN RHETT W. SCHILLER POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, shall be known and designated as the "Captain Rhett W. Schiller Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Rhett W. Schiller Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. ISSA. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

S. 3630, introduced by Senator RON JOHNSON of Wisconsin, to designate a facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the Captain Rhett W. Schiller Post Office, is again another exception to the no-postal rule.

□ 1320

Captain Schiller graduated from the U.S. Military Academy at West Point in 2003 and was deployed to serve in Iraq in 2006. Tragically, on November 16, 2006, the captain was killed by enemy fire. At the time of the attack, Captain Schiller was leading a team of six paratroopers and six Iraqi Army soldiers.

The captain leaves behind his parents, William and Karla. He was awarded several medals for his heroism, including the Bronze Star and the Purple Heart.

We are grateful for his service. We make an exception to the "no postal naming" rule established because we don't have postal reform, and we do so on behalf of the request of the Senate, and we do so for a good reason. This, in fact, was a gentleman who served his country, whom we want to remember, and we want to remember him here today and in Wisconsin for years to come.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I am pleased again to join with the distinguished chairman in support of S. 3630. Again, we are honoring service to country. We are honoring bravery and the ultimate sacrifice by a young American, Captain Rhett W. Schiller. I think it is fitting that we do rename a post office to honor the bravery and the sacrifice. Again, I hope to provide comfort to the friends and family members of the late Captain Schiller in this action.

With that, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I urge all Members to vote for S. 3630, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, S. 3630.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FLOOD DISASTER PROTECTION ACT OF 1973 CORRECTION

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of

the bill (S. 3677) to make a technical correction to the Flood Disaster Protection Act of 1973, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the bill is as follows:

S. 3677

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TECHNICAL CORRECTION.

Section 102(d)(1)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)(1)(A)) is amended by inserting “residential” before “improved real estate” each place that term appears.

Mrs. BIGGERT. I rise today to ask my colleagues for their support of S. 3677, a bill to make a technical correction to the Flood Disaster Protection Act of 1973.

S. 3677 is designed to clarify language within a provision of the Biggert-Waters Flood Insurance Reform Act that requires escrowing of flood insurance payments by federally regulated lending institutions. The provision in current law could be interpreted as requiring escrowing of flood insurance payments for residential, commercial, and multifamily loans. This is an incorrect interpretation. That's why S. 3677 is necessary to clarify that this escrowing provision only applies to “residential” mortgage loans and not commercial and multifamily loans.

Earlier this year, Congress enacted legislation to make needed reforms to the National Flood Insurance Program. These reforms will begin the process of putting the program back on sound financial footing, thus reducing taxpayer exposure while ensuring coverage is available for at-risk Americans.

The Biggert-Waters Act requires escrowing by lenders with over \$1 billion in assets for “any loan secured by the improved real estate or mobile home.” The language “any loan” could broadly be interpreted as requiring escrowing for commercial properties, and escrowing is traditionally only for residential properties.

S. 3677 would insert the word “residential” before “improved real estate” to remove the ambiguity. Adding “residential” to “improved real estate” makes clear the application of this provision to loans secured by residences designed for the occupancy of one to four families and does not impose new escrow obligations on commercial and multifamily real estate servicers.

It recognizes the loan servicing practices of commercial and multifamily real estate borrowers as distinct from those of residential borrowers, thus exempting these loans. It also ensures consistency with other financial institution regulations.

This bill is supported by the American Bankers Association, including its members of the American Bankers Insurance Association, or ABIA. I would like to insert their letter of support for the RECORD.

Without this bill, the ABIA states that “banks will face expensive compliance and training costs to implement this unintended provision.”

That cost inevitably will be passed on to businesses with commercial loans. S. 3677 will correct this unintended consequence, and I urge my colleagues to support this technical corrections bill.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 23 minutes p.m.), the House stood in recess.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 6 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6726, by the yeas and nays;

The Senate amendment to H.R. 443, de novo;

The Senate amendment to H.R. 4212, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### CONGRESSIONAL PAY FREEZE AND FISCAL RESPONSIBILITY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6726) to prevent the 2013 pay adjustment for Members of Congress and persons holding other offices or positions in the Federal Government from being made, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 287, nays 129, not voting 15, as follows:

[Roll No. 655]

YEAS—287

Adams  
Aderholt  
Akin  
Alexander

Altmire  
Amash  
Amodei  
Andrews

Austria  
Bachmann  
Bachus  
Baldwin

Barber  
Barletta  
Barrow  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Boren  
Boswell  
Boustany  
Brady (TX)  
Braley (IA)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capps  
Carnahan  
Carney  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Cicilline  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cooper  
Cravaack  
Crawford  
Crenshaw  
Cuellar  
Culberson  
DeFazio  
DelBene  
Denham  
Dent  
DesJarlais  
Deutch  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Eshoo  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)

Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hahn  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Hochul  
Huelskamp  
Huiwegen (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Keating  
Kelly  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Latham  
LaTourette  
Latta  
Lipinski  
LoBiondo  
Loebach  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Maloney  
Manzullo  
Marchant  
Marino  
Massie  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes

Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Richardson  
Rigell  
Rivera  
Rohy  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schwartz  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Wasserman  
Schultz  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NAYS—129

Ackerman	Fudge	Pelosi
Baca	Gonzalez	Perlmutter
Bass (CA)	Green, Al	Peters
Becerra	Green, Gene	Pingree (ME)
Berkley	Gutierrez	Price (NC)
Berman	Hanabusa	Reyes
Bishop (GA)	Hastings (FL)	Richmond
Blumenauer	Himes	Rothman (NJ)
Bonamici	Hinchee	Roybal-Allard
Brady (PA)	Hinojosa	Rush
Brown (FL)	Hirono	Sánchez, Linda
Butterfield	Holden	T.
Capuano	Holt	Sanchez, Loretta
Carson (IN)	Honda	Sarbanes
Castor (FL)	Hoyer	Schakowsky
Chu	Jackson Lee	Schiff
Clarke (MI)	(TX)	Schrader
Clarke (NY)	Johnson (GA)	Scott (VA)
Clay	Johnson, E. B.	Scott, David
Cleaver	Kaptur	Serrano
Clyburn	Kildee	Sewell
Cohen	Kucinich	Sherman
Connolly (VA)	Larsen (WA)	Shuler
Conyers	Larson (CT)	Sires
Costa	Lee (CA)	Slaughter
Costello	Levin	Smith (WA)
Courtney	Lynch	Speier
Critz	Markey	Thompson (CA)
Crowley	Matsui	Thompson (MS)
Cummings	McDermott	Tonko
Curson (MI)	McGovern	Towns
Davis (CA)	Meeks	Tsongas
Davis (IL)	Miller (NC)	Van Hollen
DeGette	Moore	Vachmann
DeLauro	Moran	Vélazquez
Dicks	Murphy (CT)	Visclosky
Dingell	Nadler	Waters
Doggett	Napolitano	Watt
Doyle	Neal	Waxman
Edwards	Oliver	Welch
Ellison	Pallone	Wilson (FL)
Engel	Pascrell	Wittman
Farr	Pastor (AZ)	Wolf
Fattah	Payne	Yarmuth

## NOT VOTING—15

Bartlett	Lewis (CA)	Miller, George
Bono Mack	Lewis (GA)	Paul
Burton (IN)	Mack	Stark
Frank (MA)	McCarthy (NY)	Sutton
Grijalva	McCollum	Woolsey

□ 1854

Ms. CLARKE of New York, Ms. BERKLEY, Ms. WATERS, Ms. BROWN of Florida, Ms. KAPTUR, Messrs. GENE GREEN of Texas, NEAL, TOWNS, SCHIFF, MARKEY, SMITH of Washington, and AL GREEN of Texas changed their vote from “yea” to “nay.”

Ms. WASSERMAN SCHULTZ and Mr. CARNAHAN changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### MANILAQ ASSOCIATION CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Manilaq Association located in Kotzebue, Alaska.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and concur in the Senate amendment.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLINE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 5, not voting 16, as follows:

[Roll No. 656]

## YEAS—410

Ackerman	Coffman (CO)	Gosar
Adams	Cohen	Govdy
Aderholt	Cole	Granger
Akin	Conaway	Graves (GA)
Alexander	Connolly (VA)	Graves (MO)
Altmire	Conyers	Green, Al
Amodei	Cooper	Green, Gene
Andrews	Costa	Griffin (AR)
Austria	Costello	Griffith (VA)
Baca	Courtney	Grimm
Bachmann	Cravack	Guinta
Bachus	Crawford	Guthrie
Baldwin	Crenshaw	Gutierrez
Barber	Critz	Hahn
Barletta	Crowley	Hall
Barrow	Cuellar	Hanabusa
Barton (TX)	Culberson	Hanna
Bass (CA)	Cummings	Harper
Bass (NH)	Curson (MI)	Harris
Becerra	Davis (CA)	Hartzler
Benishchek	Davis (IL)	Hastings (FL)
Berg	DeFazio	Hastings (WA)
Berkley	DeGette	Hayworth
Berman	DeLauro	Heck
Biggert	DeBene	Heinrich
Bilbray	Denham	Hensarling
Bilirakis	Dent	Henger
Bishop (GA)	DesJarlais	Herrera Beutler
Bishop (NY)	Deutsch	Higgins
Bishop (UT)	Diaz-Balart	Himes
Black	Dicks	Hinchee
Blackburn	Dingell	Hinojosa
Blumenauer	Doggett	Hirono
Bonamici	Dold	Hochul
Bonner	Donnelly (IN)	Holden
Boren	Doyle	Holt
Boswell	Dreier	Honda
Boustany	Duffy	Hoyer
Brady (PA)	Duncan (SC)	Huelskamp
Brooks	Duncan (TN)	Huizenga (MI)
Broun (GA)	Edwards	Hultgren
Brown (FL)	Ellison	Hunter
Buchanan	Elmiers	Hurt
Bucshon	Emerson	Israel
Buerkle	Engel	Issa
Burgess	Eshoo	Jackson Lee
Butterfield	Farenthold	(TX)
Calvert	Farr	Jenkins
Camp	Fattah	Johnson (GA)
Campbell	Fincher	Johnson (IL)
Canseco	Fitzpatrick	Johnson (OH)
Cantor	Flake	Johnson, E. B.
Capito	Fleischmann	Johnson, Sam
Capps	Fleming	Jones
Capuano	Flores	Jordan
Carnahan	Forbes	Kaptur
Carney	Fortenberry	Keating
Carson (IN)	Fox	Kelly
Carter	Franks (AZ)	Kildee
Cassidy	Frelinghuysen	Kind
Castor (FL)	Fudge	King (IA)
Chabot	Gallely	King (NY)
Chaffetz	Garamendi	Kingston
Chandler	Gardner	Kinzinger (IL)
Chu	Garrett	Kissell
Cicilline	Gerlach	Kline
Clarke (MI)	Gibbs	Kucinich
Clarke (NY)	Gibson	Labrador
Clay	Gingrey (GA)	Lamborn
Cleaver	Gohmert	Lance
Clyburn	Gonzalez	Landry
Coble	Goodlatte	Langevin

Lankford	Pallone	Scott (VA)
Larsen (WA)	Pascrell	Scott, Austin
Larson (CT)	Pastor (AZ)	Scott, David
Latham	Paulsen	Sensenbrenner
LaTourette	Payne	Serrano
Latta	Pearce	Sessions
Lee (CA)	Pelosi	Sewell
Levin	Pence	Sherman
Lipinski	Peters	Shimkus
LoBiondo	Peterson	Shuler
Loebach	Petri	Shuster
Lofgren, Zoe	Pingree (ME)	Simpson
Long	Pitts	Sires
Lowey	Platts	Slaughter
Lucas	Poe (TX)	Smith (NE)
Luetkemeyer	Polis	Smith (NJ)
Lujan	Pompeo	Smith (TX)
Lummis	Posey	Smith (WA)
Lungren, Daniel	Price (GA)	Southerland
E.	Price (NC)	Speier
Lynch	Quayle	Stearns
Maloney	Quigley	Stivers
Manzullo	Rahall	Stutzman
Marchant	Rangel	Sullivan
Marino	Reed	Sutton
Markey	Rehberg	Terry
Massie	Reichert	Thompson (CA)
Matheson	Renacci	Thompson (PA)
Matsui	Reyes	Thornberry
McCarthy (CA)	Ribble	Tiberi
McCaul	Richardson	Tierney
McClintock	Richmond	Tipton
McDermott	Rigell	Tonko
McGovern	Rivera	Towns
McHenry	Roby	Tsongas
McIntyre	Roe (TN)	Turner (NY)
McKeon	Rogers (AL)	Turner (OH)
McKinley	Rogers (KY)	Upton
McMorris	Rogers (MI)	Van Hollen
Rodgers	Rohrabacher	Vélazquez
McNerney	Rooney	Visclosky
Meehan	Ros-Lehtinen	Walberg
Meeks	Roskam	Walden
Mica	Ross (AR)	Walz (MN)
Michaud	Ross (FL)	Wasserman
Miller (FL)	Rothman (NJ)	Schultz
Miller (MI)	Roybal-Allard	Waters
Miller (NC)	Royce	Watt
Miller, Gary	Runyan	Waxman
Miller, George	Ruppersberger	Webster
Moore	Rush	Welch
Moran	Ryan (OH)	West
Murphy (CT)	Ryan (WI)	Westmoreland
Murphy (PA)	Sánchez, Linda	Whitfield
Myrick	T.	Wilson (FL)
Nadler	Sanchez, Loretta	Wilson (SC)
Napolitano	Sarbanes	Wittman
Neal	Scalise	Wolf
Neugebauer	Schakowsky	Womack
Noem	Schiff	Woodall
Nugent	Schilling	Yoder
Nunes	Schmidt	Young (AK)
Nunnelee	Schock	Young (FL)
Olson	Schrader	Young (IN)
Oliver	Schwartz	
Owens	Schweikert	
Palazzo	Scott (SC)	

## NAYS—5

Amash	Mulvaney	Walsh (IL)
Braley (IA)	Thompson (MS)	

## NOT VOTING—16

Bartlett	Lewis (CA)	Perlmutter
Bono Mack	Lewis (GA)	Rokita
Brady (TX)	Mack	Stark
Burton (IN)	McCarthy (NY)	Woolsey
Frank (MA)	McCollum	
Grijalva	Paul	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## DRYWALL SAFETY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 4212) to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. TERRY) that the House suspend the rules and concur in the Senate amendment.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

## RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 378, noes 37, not voting 16, as follows:

[Roll No. 657]

## AYES—378

Ackerman	Carnahan	Dreier
Adams	Carney	Duffy
Aderholt	Carson (IN)	Duncan (TN)
Akin	Carter	Edwards
Alexander	Cassidy	Ellison
Altmire	Castor (FL)	Ellmers
Amodel	Chabot	Emerson
Andrews	Chandler	Engel
Austria	Chu	Eshoo
Baca	Cicilline	Farenthold
Bachus	Clarke (MI)	Farr
Baldwin	Clarke (NY)	Fattah
Barber	Clay	Fincher
Barletta	Cleaver	Fitzpatrick
Barrow	Clyburn	Fleischmann
Barton (TX)	Coble	Fleming
Bass (CA)	Coffman (CO)	Flores
Bass (NH)	Cohen	Forbes
Becerra	Cole	Fortenberry
Benishkek	Conaway	Fox
Berg	Connolly (VA)	Franks (AZ)
Berkley	Conyers	Frelinghuysen
Berman	Cooper	Fudge
Biggert	Costa	Gallely
Billray	Costello	Garamendi
Bilirakis	Courtney	Garrett
Bishop (GA)	Cravaack	Gerlach
Bishop (NY)	Crawford	Gibbs
Black	Crenshaw	Gibson
Blackburn	Critz	Gingrey (GA)
Blumenauer	Crowley	Gonzalez
Bonamici	Cuellar	Gosar
Bonner	Culberson	Gowdy
Boren	Cummings	Granger
Boswell	Curson (MI)	Graves (MO)
Boustany	Davis (CA)	Green, Al
Brady (PA)	Davis (IL)	Green, Gene
Brady (TX)	DeFazio	Griffin (AR)
Braley (IA)	DeGette	Griffith (VA)
Brooks	DeLauro	Grimm
Brown (FL)	DelBene	Guinta
Buchanan	Denham	Guthrie
Bucshon	Dent	Gutierrez
Burgess	DesJarlais	Hahn
Butterfield	Deutch	Hall
Calvert	Diaz-Balart	Hanabusa
Camp	Dicks	Hanna
Canseco	Dingell	Harper
Cantor	Doggett	Harris
Capito	Dold	Hartzler
Capps	Donnelly (IN)	Hastings (FL)
Capuano	Doyle	Hastings (WA)

Hayworth	McMorris
Heck	Rodgers
Heinrich	McNerney
Herger	Meehan
Herrera Beutler	Meeks
Higgins	Michaud
Himes	Miller (FL)
Hinchey	Miller (MI)
Hinojosa	Miller (NC)
Hirono	Miller, Gary
Hochul	Miller, George
Holden	Moore
Holt	Moran
Honda	Murphy (CT)
Hoyer	Murphy (PA)
Huelskamp	Myrick
Huizenga (MI)	Nadler
Hultgren	Napolitano
Hunter	Neal
Hurt	Neugebauer
Israel	Noem
Issa	Nugent
Jackson Lee	Nunes
(TX)	Nunnelee
Jenkins	Olson
Johnson (GA)	Oliver
Johnson (IL)	Owens
Johnson (OH)	Palazzo
Johnson, E. B.	Pallone
Johnson, Sam	Pascarell
Kaptur	Pastor (AZ)
Keating	Paulsen
Kelly	Payne
Kildee	Pearce
Kind	Pelosi
King (IA)	Perlmutter
King (NY)	Peters
Kinzinger (IL)	Peterson
Kissell	Petri
Kline	Pingree (ME)
Kucinich	Pitts
Lance	Platts
Langevin	Polis
Lankford	Posey
Larsen (WA)	Price (NC)
Larson (CT)	Quigley
Latham	Rahall
LaTourette	Rangel
Latta	Rehberg
Lee (CA)	Reichert
Levin	Renacci
Lipinski	Reyes
LoBiondo	Ribble
Loebach	Richardson
Lofgren, Zoe	Rigell
Long	Rivera
Lowey	Roby
Lucas	Roe (TN)
Luetkemeyer	Rogers (AL)
Lujan	Rogers (KY)
Lungren, Daniel	Rogers (MI)
E.	Rohrabacher
Lynch	Rokita
Maloney	Rooney
Manzullo	Ros-Lehtinen
Marino	Roskam
Markey	Ross (AR)
Matheson	Ross (FL)
Matsui	Rothman (NJ)
McCaul	Roybal-Allard
McDermott	Royce
McGovern	Runyan
McHenry	Ruppersberger
McIntyre	Rush
McKeon	Ryan (OH)
McKinley	Ryan (WI)

## NOES—37

Amash	Jones
Bishop (UT)	Jordan
Broun (GA)	Kingston
Buerkle	Labrador
Campbell	Laborn
Chaffetz	Landry
Duncan (SC)	Lummis
Flake	Marchant
Gardner	Massie
Gohmert	McCarthy (CA)
Goodlatte	McClintock
Graves (GA)	Mulvaney
Hensarling	Pence

## NOT VOTING—16

Bachmann	Bono Mack	Frank (MA)
Bartlett	Burton (IN)	Grijalva

Sánchez, Linda	Lewis (CA)	McCollum	Stark
T.	Lewis (GA)	Mica	Woolsey
Sanchez, Loretta	Mack	Paul	
Sarbanes	McCarthy (NY)	Richmond	
Scalise			
Schakowsky			
Schiff			
Schilling			
Schmidt			
Schock			
Schrader			
Schwartz			
Schweikert			
Scott (SC)			
Scott (VA)			
Scott, Austin			
Scott, David			
Serrano			
Sessions			
Sewell			
Sherman			
Shimkus			
Shuler			
Shuster			
Simpson			
Sires			
Slaughter			
Smith (NE)			
Smith (NJ)			
Smith (TX)			
Smith (WA)			
Speier			
Stearns			
Stivers			
Sullivan			
Sutton			
Terry			
Thompson (CA)			
Thompson (MS)			
Thompson (PA)			
Thornberry			
Tiberi			
Tierney			
Tipton			
Tonko			
Towns			
Tsongas			
Turner (NY)			
Turner (OH)			
Upton			
Van Hollen			
Velazquez			
Visclosky			
Walberg			
Walden			
Walz (MN)			
Wasserman			
Schultz			
Waters			
Watt			
Waxman			
Webster			
Welch			
West			
Whitfield			
Wilson (FL)			
Wilson (SC)			
Wittman			
Wolf			
Womack			
Yarmuth			
Yoder			
Young (AK)			
Young (FL)			
Young (IN)			

Lewis (CA)  
Lewis (GA)  
Mack  
McCarthy (NY)

McCollum  
Mica  
Paul  
Richmond

Stark  
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1910

Messrs. JONES, MARCHANT, DUNCAN of South Carolina, and BISHOP of Utah changed their vote from “aye” to “no.”

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Ms. MCCOLLUM. Mr. Speaker, this evening I inadvertently missed voting on rollcall votes 655, 656, and 657.

I intended to vote “no” on H.R. 6726.

I intended to vote “yes” on the Senate Amendment to H.R. 443.

I intended to vote “yes” on the Senate Amendment to H.R. 4212.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 1, 2013.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 1, 2013 at 6:17 p.m.:

That the Senate passed without amendment H.R. 4365.

That the Senate agreed to without amendment H. Con. Res. 147.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 15 minutes p.m.), the House stood in recess.

□ 2039

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. QUAYLE) at 8 o'clock and 39 minutes p.m.

## AMERICAN TAXPAYER RELIEF ACT OF 2012

Mr. DREIER, from the Committee on Rules, submitted a privileged report

(Rept. No. 112-741) on the resolution (H. Res. 844) providing for consideration of the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 844 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 844

*Resolved*, That upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chair of the Committee on Ways and Means or his designee that the House concur in the Senate amendments. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, I am happy to yield the customary 30 minutes to my very good friend from Rochester, New York, the distinguished ranking member of the Committee on Rules, Ms. SLAUGHTER, pending which I yield myself such time as I may consume. All time that I will be yielding will be for debate purposes only.

Mr. Speaker, the measure before us and the process that brought us here has been the source of a great deal of understandable consternation. Virtually no one believes that what we have before us tonight is a long-term solution to this problem, and most have bemoaned the fact that we have stretched the far reaches of our deadline to actually get here.

Now, I'm privileged to be in my fourth decade as a Member of this body. And it's true, I don't believe that in those decades I've ever actually spent New Year's Eve and/or New Year's Day in this building, but working up to a deadline is hardly unprecedented in this institution.

As we all know, H.R. 8, we are concurring in the Senate amendment with this rule, but H.R. 8 passed last August 1, went over to the other body, and it passed by a ratio of 256-171 last August 1. And it went over there and we've been waiting, so it's now come back to us. It is before us, and I will say that

we are addressing this right up to the deadline.

But I can remember, as I know colleagues of mine on both sides of the aisle can recall, there have been many deadlines that have approached, and it's a fact of life when you have deadlines.

I can recall very well, in school I had a great international relations professor in college, and at the beginning of the class he would give us these geographic spots around the world. Back then, we didn't have Google and we had to spend time finding these very, very obscure spots. And almost every time, when did we do it? Just as we were approaching that deadline. And Professor Rood understood that extraordinarily well, and he laughed as we were struggling at the end to do that.

Similarly, this notion of approaching a deadline and trying to deal with an issue is something that happens in this institution, and this is another example where that's the case.

The issues that we are attempting to address tonight with this vote are as important as they are challenging. The range of ideas that have been proposed as solutions are as disparate as they are numerous. This body, like our Nation, has been deeply divided over how to proceed.

Under these circumstances, an agreement has been extraordinarily elusive. We all know that. The bill before us is not the grand bargain that I, and I think most of my colleagues, had hoped that we would have been able to achieve. But what we're doing this evening, Mr. Speaker, is a very essential bridge to what I hope will be a comprehensive, long-term solution.

Mr. Speaker, it will bring us back from the edge of the fiscal cliff. And I know, just hours ago, at midnight, we did, technically, go over that bridge, but we are working hard to pull ourselves back from that cliff. We went over the cliff and we're pulling ourselves back, and we are ensuring that taxes are not increased on 99 percent of our fellow Americans.

I know that I'm not alone when I say that I had high hopes for a package of sweeping tax reform, and something that I think has to be acknowledged, and I'm very saddened that it's not included in here, but entitlement reform. We all know, and you know very well, Mr. Speaker, that entitlement reform is the only way that we are going to successfully get our arms around this massive 16—now I guess it's \$16.25 trillion national debt that is there. As Willie Sutton said, he robbed banks because that's where the money is. We know that entitlement reform is going to be essential if we are going to be able to get our fiscal house in order, and I'm saddened that this is not part of it.

We have repeatedly passed out of the House of Representatives meaningful,

meaningful reform in a number of these areas. It's truly unfortunate that our friends in the other body have not engaged, thus far, in these efforts. But, Mr. Speaker, the legislation that is before us, which again, as we all know, passed at 2 o'clock this morning, earlier today in the Senate, will avert the economic crisis and set the stage for the very hard work that must be done in the coming weeks.

Now, Mr. Speaker Pro Tem, you and I won't be here for that work to take place, but I know that you share my view that our colleagues have a unique opportunity, as the 113th Congress begins its work at noon on Thursday, to take on this challenge. And I'm one who actually believes that we have a unique opportunity because of the fact that there is divided government, because we have a President of one party who regularly talks about the need for this kind of reform—and I congratulate him for that—and we have a House of Representatives, the people's House, the body that, under article I, section 7 of the U.S. Constitution, has the responsibility of dealing with tax issues, that this body is of the other party, our party, Mr. Speaker.

In light of that, I think that, since there is a consensus on the need to tackle these issues, it can be done in a bipartisan way. I hope very much that that will happen.

The way for us to take that first step is, of course, to pass this rule with what I am confident will be bipartisan support. And I appreciate the very kind words of the distinguished ranking member, my friend from Rochester, Ms. SLAUGHTER, upstairs in supporting this effort that we have. And then at the end of the day, once we go into the debate on concurring in the Senate amendment, which is what this rule will call for us to do, that we'll again have strong bipartisan support for that measure.

With that, Mr. Speaker, at this juncture, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I certainly thank my colleague for yielding me the customary 30 minutes and yield myself such time as I may consume.

Mr. Speaker, I want to begin by saying to my colleague, Mr. DREIER, we've served together here for many years on the Rules Committee. I think that his knowledge of both the Rules Committee and its functions and the rules of the House are unsurpassed, and I think he will be very greatly missed.

□ 2050

I want to wish him the very best in his new endeavors in the rest of his life. Nothing but happiness and joy. And thank you. I feel I've learned a great deal from you, DAVID. Thank you for that.

Mr. Speaker, the legislation before me, as my colleague said, is no great

victory. It's only a partial answer to a much larger problem, and it sets our Nation up for another fiscal showdown in mere months. As we vote, let every Member of this Chamber reflect on the dysfunctional legislative process and the irresponsible leadership that brought us here today, and the need for the majority to come back to the bargaining table in good faith as our work continues. And I share Mr. DREIER's hope that from now on we will put this all behind us and that this next term will be a bipartisan term.

Let history show that the fiscal cliff and the dire economic consequences that would come with it were the deliberate creation of this House. Because of hyperpartisan actions taken by the majority, the body has pushed our Nation closer to a self-created economic recession and the greatest displacement of workers that the Nation has known since 1929.

The idea behind the fiscal cliff was that the potential for a self-inflicted wound would force Congress to address the growing deficit and debt. Yet from the beginning, the plan was flawed. Over the last 10 years, our deficit has ballooned because of the cost of two wars and massive unpaid-for tax cuts. Yet discussion over the cost of war—conflicts that have cost the lives of thousands of Americans and forever changed the face of American families—has been almost nonexistent. At the same time, the majority's desire to protect tax cuts for millionaires and billionaires quickly hardened into intransigence and has led us to where we are today. Just a week ago today, it looked as though Congress was close to a solution, until the House majority walked away.

Instead of seizing an historic opportunity for compromise, the majority introduced a so-called "Plan B," which quickly morphed into Plan C before being scrapped altogether and leaving us with almost no time to avert the fiscal cliff. By making tax cuts for millionaires and billionaires their biggest priority, the majority not only endangered our economy but they led the House through a legislative process that violated any sense of regular order and transparency. Indeed, as my colleagues and I sat in the Rules Committee last week, the legislation we were considering was changing by the minute, leaving us to guess at what would actually be included in any bill that required our vote.

Sadly, such dysfunctional governing comes as little surprise. For the past 2 years, the majority has led with a toxic combination of extremism and hyperpartisanship that has resulted in the 112th Congress being the least productive in history. During the summer of 2011, the majority threw our Nation into crisis when they took our economy hostage and threatened to default on our Nation's debt. This dangerous

and irresponsible approach rattled investors around the world and led to the first-ever downgrade of our Nation's credit. In addition, over the last 2 years, the majority has voted more than 33 times to repeal the historic Affordable Care Act, despite knowing full well that the repeal votes would never be signed into law because the Senate would not do that bill. In so doing, they took up valuable time from other legislative priorities. And CBS News reports that these votes consistently trying to repeal health care, Mr. Speaker, cost the American taxpayer almost \$50 million.

For over a year and a half, this type of irresponsible and unproductive governing failed to provide any solutions to the American people. And coming out of the November elections, our mandate was clear. The American people demanded an end to the political theater and the dangerous legislative games. They demanded that we finally get to work and solve the looming fiscal cliff in a balanced, responsible, and bipartisan way.

In the middle of last July, all of the ranking committee members in the House of Representatives sent a letter to the Speaker asking that we begin in July to find a solution to the fiscal cliff and sequestration. We called for a bipartisan approach and something we could get finished before the August recess so that we could spare the American people and most other people in the world and financial markets the worry that we have put them through. We got our answer tonight.

So, unfortunately, today, what we are doing here does not give the American people a solution worthy of their full approval—and I'm sure we don't have it. The legislation before us fails to seriously address the deficit and debt, protects too many wealthy Americans, and sets the Nation up for another round of high-stakes negotiations. However, what we do have before us is a product that can avert the worst of the fiscal cliff and begin the process of balancing the budget and returning fairness, we hope, to the Tax Code.

Under today's legislation, millions of Americans will be spared from a tax increase, and valuable tax extensions for middle-class families and students will remain in place. In addition, today's legislation extends unemployment insurance for millions of Americans struggling to find work.

In closing, this legislation is far from perfect, and the process that has led us here is an utter disgrace. Yet in this time of crisis we must act first and foremost to try to protect the American economy. And today's legislation will do that. In the coming weeks, we must continue the hard work of creating a fair Tax Code and ensuring we reduce our deficit in a balanced, responsible, and bipartisan way. And as we do, I urge my fellow Members to

avoid brinksmanship and partisan games and to come to the table in good faith on behalf of all the people who sent us here and put their faith in us.

I reserve the balance of my time.

Mr. DREIER. I yield myself such time as I may consume to first express my appreciation to my friend from Rochester for her very generous and kind remarks and to, secondly, say that I would like to associate myself not necessarily with those kind remarks but I would like to associate myself with some of what she said. I, obviously, can't associate myself with all of those remarks, as you know, Mr. Speaker. But I will say that as we look at our quest for a bipartisan solution for this problem, I think that we have, with the action that we're about to take here, taken a very important first step.

I'm reminded of the fact that the author of the U.S. Constitution, James Madison, famously described the process of lawmaking as an ugly, messy, difficult process. That's by design, Mr. Speaker. And it's by design because if we look back at our Framers, they were fleeing the tyranny of King George. Why? Because that maniac was making unilateral decisions that played a role in ruining the lives of his fellow countrymen. So the Framers came forward and, in structuring our government with the three branches, they wanted to ensure that no individual got too much power. And when it comes to lawmaking, putting into place this great compromise, the Connecticut Compromise, it established a bicameral legislative structure.

And so I was talking one time, Mr. Speaker, with the first woman—now there are two—but the first woman to serve as a president of any of the 54 countries on the continent of Africa. She gave a brilliant speech for a joint session of Congress. She's the President of Liberia, Ellen Johnson Sirleaf. And I was talking to her about the legislative process. I was sitting in Monrovia, Liberia, and I said to her, James Madison, by design, said that this is to be an ugly, messy, difficult process. And I'll never forget, Mr. Speaker, how President Ellen Johnson Sirleaf looked to me and said, DAVID, you've forgotten one thing. Yes, it is an ugly, messy, difficult process. But you have to add the fact that it works.

And as difficult as it has been to get to this point, we need to realize that it's an ugly, messy, difficult process. While this is a very small step, it's a first step in our quest for tax reform and entitlement reform which will get us back on a path towards economic growth and the kind of prosperity that we want and that the American people deserve. And it will create a greater degree of certainty. We all know that uncertainty is the enemy of prosperity. So making permanent these tax cuts for 99 percent of the American people is

a very important step in our quest to ensure that there is that degree of certainty.

□ 2100

So, Mr. Speaker, I will say again that I do associate myself with some of the things that my friend from Rochester said, and I do, again, appreciate her very kind remarks.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Committee on Rules.

Mr. POLIS. I want to again begin by acknowledging the long service of our chair in the House. This could very well be the last time we have the opportunity to debate here on the House floor, and I certainly wish him well.

I also want to express my gratitude to the great patriotism of my colleagues, both Democratic and Republican, and particularly those in their lame-duck period who have chosen to stay around and work right up to the final hour of their contract with the American people—in many cases without an office, in many cases without a home. We see them roaming the halls here of the Capitol. I personally, regardless of how they come down on this particular issue, applaud their patriotism in fulfilling the will of their voters for the 112th Congress.

What we have before us, and I think Members on both sides agree, certainly has some good aspects and some aspects that need to be approved. The question is on what side is there more weight. I think it's important to talk about what this bill does and what it doesn't do.

First, briefly, what it doesn't do. My own Senator from Colorado, MICHAEL BENNET, was one of the small group of Senators who voted against this because he, like myself, is an advocate of a comprehensive budget solution: restoring fiscal integrity to our country along the parameters of what the supercommittee attempted but failed to accomplish, along the parameters of what the Bowles-Simpson Commission, the Gang of Eight have attempted to accomplish, which we know could only be accomplished in a bipartisan manner but is so important to the future of our country to balance the budget and restore the fiscal integrity.

This bill is not that bill. However, what this bill does is it ensures that the American people will not have the largest tax increase in the history of our country tomorrow: \$2,000 a year out of the pocket of families making \$80,000 a year; almost \$4,000 a year out of the pocket of families making \$150,000 a year.

What does that mean to families? It might be the money that helps them stay above water on their mortgage. It might be the money that allows their child to attend college.

Beyond the ramifications at the family level, there's the aggregate effect across our economy. When families don't have that money, they're not able to spend that money to buy products, buy products that need to be produced, have jobs in America and create jobs.

I think we need to make sure that we don't raise taxes on the American people. The best way to do that is by supporting this bill. Anybody opposing this bill is supporting the largest tax increase in the history of the country.

I call upon my colleagues, Democratic and Republican, to remove this tax burden from the middle class and ensure that taxes don't go up tomorrow. I encourage my colleagues to support the rule and the bill.

Mr. DREIER. Mr. Speaker, I'd inquire of my friend how many speakers she has remaining on her side.

Ms. SLAUGHTER. I believe I have three, Mr. Speaker.

Mr. DREIER. Three speakers. Well, I anxiously look forward to their remarks.

With that, I reserve the balance of my time.

Ms. SLAUGHTER. I am pleased to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I'll add my appreciation to the service of Mr. DREIER as well.

And ask the question: Why are we here? I know why I'm here—to protect working Americans, the vulnerable and middle class. The reason why we're in this position is because at the end of the Clinton administration we had \$5 trillion in surplus, and it went out the window with Bush tax cuts and wars that we could not pay for.

So I stand here today to say that working class and the vulnerable will have their unemployment insurance and earned income tax and cuts in their taxes that they really need, but we still have work to do. I want to make sure that we restore some very serious cuts that impact on the health care of Americans.

We have work to do on the sequestration. Our fight is the same fight that Richard Trumka has with the AFL-CIO. We're here to make sure that the working Americans, the most vulnerable, do not pay for the rich getting richer. We're going to fight against Social Security cuts and Medicare cuts and Medicaid cuts.

What we have to do today is to make sure that we can go forward, but we should not do it without the understanding that there's some restoration work and there's some fight work in the sequestration. It will not be done on the backs of those who cannot pay. But we will work together as Americans to make things better. That is what I hope we will see as we go forward.

I want to thank the Senate for putting that bill forward that now we have to address.

Ms. SLAUGHTER. Mr. Speaker, when I spoke earlier, I referred to a letter that we had sent to the Speaker, and I would like to insert that in the RECORD.

JULY 25, 2012.

DEAR MR. SPEAKER AND CHAIRS OF THE COMMITTEES: As the senior Democratic Members of the Committees of the House, we call upon the Republican Leadership and the Chairs of our respective committees to begin immediate negotiations with Democrats on replacing the scheduled 2013 sequester with a balanced deficit reduction plan. We all agree that a sequester starting in January, 2013 is not in the country's best interest and is not the best way to assure responsible deficit reduction. The American people want us to work together to avoid unnecessary economic uncertainty at this crucial time in our recovery. Failure to reach an agreement would have devastating consequences for our economy, small business and the middle class.

The looming possibility of a January, 2013 sequester is already creating uncertainty in our economy. Working together and in good faith, Democrats and Republicans can negotiate an alternative to the defense and non-defense discretionary sequester as well as the mandatory sequester for fiscal year 2013. We are confident that we can identify revenue sources and prioritize investments in a bipartisan fashion to avoid the sequester while achieving our deficit reduction goals.

We look forward to hearing from you and sitting down to negotiate an alternative to the sequester. We strongly recommend that this bipartisan process begin before the August recess so that the American people can be reassured before September 30 that the sequester will not take effect.

Best regards,

Collin C. Peterson, Ranking Member, House Committee on Agriculture; Norman D. Dicks, Ranking Member, House Committee on Appropriations; Adam Smith, Ranking Member, House Armed Services Committee; Chris Van Hollen, Ranking Member, House Committee on the Budget; George Miller, Ranking Member, House Committee on Education & the Workforce; Henry Waxman, Ranking Member, House Energy & Commerce Committee; Linda Sánchez, Ranking Member, House Committee on Ethics; Barney Frank, Ranking Member, House Committee on Financial Services; Howard Berman, Ranking Member, House Committee on Foreign Affairs; Bennie G. Thompson, Ranking Member, House Committee on Homeland Security; Robert A. Brady, Ranking Member, House Committee on Administration; John Conyers, Ranking Member, House Committee on the Judiciary; Edward Markey, Ranking Member, House Committee on Natural Resources; Elijah Cummings, Ranking Member, House Committee on Oversight and Government Reform; Louise Slaughter, Ranking Member, House Committee on Rules; Eddie Bernice Johnson, Ranking Member, House Committee on Science, Space, & Technology; Nydia M. Velázquez, Ranking Member, House Committee on Small Business; Nick Rahall, Ranking Member, House Committee on Transportation & Infrastructure; Bob Filner, Ranking Member, House Committee on Veterans' Affairs; Sander Levin, Ranking Member, House Committee on



Ways and Means; C.A. Dutch Ruppersberger, Ranking Member, Permanent Select Committee on Intelligence.

I am happy to yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I thank the ranking member for yielding.

Tonight, the American people's hopes are for this Congress to pass a bipartisan bill to meet our Nation's financial obligations to give some certainty to our financial markets and to keep our economy growing through new job creation. This is a great victory for the middle class whose taxes will not go up tomorrow.

In places like Ohio, what does it mean? It means doctors who treat Medicare patients are going to receive fair reimbursement and those seniors won't be turned away. It means that unemployment compensation will be extended to the unemployed, who remain in places like Norwalk, Ohio, and Lima and Medina and Elyria, people who haven't gone back to work yet in manufacturing centers across States like Ohio.

This House surely should follow the lead of the Senate, which passed this bill by 89-8 last night. This is the time for the House to act. I rise in strong support of the rule and strong support of the bill. Let's do what the American people have been waiting for for months.

#### GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I'd like to ask unanimous consent that all Members have—traditionally, I would ask for 5 legislative days in which to revise and extend their remarks on the measure before us, but since the new Congress is going to be sworn in at noon on Thursday, I ask that all the legislative days remaining in the 112th Congress be provided for Members to revise and extend their remarks on this resolution before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. With that, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. Ladies and gentlemen of the Congress and United States of America, we stand here today and we're witnessing something that there has been a great hunger among the American people for, and that is to see, finally, Democrats and Republicans working together for the good of the United States. We're going to have that today. We're going to have a bill—all may not vote for it, but I think what is important here is that this is a product of a true compromise, with Republicans and with Democrats putting the United States of America foremost.

I think we ought to have a tip of the hat to President Barack Obama, I

think to Leader MCCONNELL in the Senate, and certainly to our Vice President, JOE BIDEN, and to the leadership of NANCY PELOSI, STENY HOYER, and JIM CLYBURN over on our side. I know that our Republican friends have had a tussle here, but our tip of the hat to you as well, and certainly to my friend, DAVID DREIER, who is in his ending time as chairman of the Rules Committee. Good luck, my friend.

Ms. SLAUGHTER. Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I appreciate the moment.

This has been a very interesting couple of days, ones that I would normally have spent with friends in Memphis, drinking champagne and looking forward to the new year.

It's been an honor serving with you, Mr. DREIER. You are an outstanding Member, as Ms. SLAUGHTER said. There are lots of people in the other aisle—Mr. COBLE behind you—fine Republicans whom I'm friends with and think the world of, but I'm just happy this day has ended the way it is, kind of a Tiny Tim world. It's just good the way it ended up. Somehow or another, whether it be the fates or Speaker BOEHNER's abilities to work things from magic, we're going to end up not falling off the fiscal cliff, and I think that's wonderful.

So I thank Ms. SLAUGHTER for the time, and I thank Speaker BOEHNER for whatever he's done to produce what I expect will be a positive result for the American people.

Mr. DREIER. Mr. Speaker, I'll continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, if I could inform my colleague, I have no further requests for time and I'm prepared to close if he has no further speakers.

Mr. Speaker, failure to avert the fiscal cliff could lead the Nation back into an economic recession and create the largest displacement of workers in the Nation's history. The dangers are avoidable, and it is our solemn obligation to avert the fiscal cliff and protect the American people.

□ 2110

As I said earlier, today's legislation is far from perfect; but in this time of crisis, legislators must act. In the months to come, we will face more fiscal challenges and be asked to act again. When that time comes, I hope that we will avoid the brinksmanship that we have seen to date and come to the table in good faith. If we do, I'm confident that we can finish our work and provide solutions for a better future for America.

I yield back the balance of my time. Mr. DREIER. Mr. Speaker, with that, I yield myself the balance of the time.

Mr. Speaker, on the 29th of February of this year, I stood here in this well

and announced that I was leaving Congress. And when I did that, I said that this institution is as great as it has ever been. The reason I said that is that Congress is a reflection of the people; and it means that when America is divided, Congress is divided. That doesn't mean that we, as leaders, Mr. Speaker, can't work to bridge this divide.

While political division is a current reality, it is not our fate. I believe that, as an institution, Congress can and must forge new consensus and restore hope and optimism for future generations. Optimism, Mr. Speaker, as you know very well, is what we, as Americans, are all about. And I've got to tell you, Mr. Speaker, that that optimism has been validated again and again and again. Actually, there are positive signs. While it gets very little attention, we have come together to craft solutions.

The issue that I've been involved in that, frankly, has been the most unifying issue around here for us has been the trade issue. A year ago, Democrats and Republicans came together and passed our long pending—they'd been pending for over half a decade—our free trade agreements with Colombia, Panama and South Korea with strong bipartisan votes. Additionally, Mr. Speaker, our very first action following November's very, very deeply polarizing election was to join together to strengthen our hand against Russia's outrageous actions by passing Permanent Normal Trade Relations. We did it with one of the largest bipartisan and bicameral votes that a trade bill has ever seen. Mr. Speaker, I would like to make the case that these consensus-driven solutions should be a model for the 113th Congress.

Today, we are proceeding with a critical step to avert a serious economic downturn; but this is only the beginning of the work that must be done, as we all know. Ultimately, Mr. Speaker, we must reach an agreement that combines, as I said earlier, meaningful entitlement reform with new revenues in a way that puts us back on a path towards growth and prosperity.

If we're going to accomplish this, we must work together—Republicans and Democrats, Congress and the White House, the Federal Government and the States, the public sector and the private sector. Now, Mr. Speaker, some might say that saying those things is a cliché. But, as we all know, Members are going to have to engage in rigorous debate, and there needs to be that clash of ideas, a rigorous debate; but it needs to be done in good faith and with a spirit of compromise.

Now, I realize that some argue that "compromise" is a sign of weakness. In fact, one of the great strengths, Mr. Speaker, of our Nation's Founders was their ability to compromise. The very structure of this institution, the

United States Congress, the very structure of our institution which joins the people's House where we're all privileged to serve with the State-focused United States Senate was known as what? The Connecticut Compromise or the Great Compromise. That's the very basis of our Founders. Too often, we forget that while we should never—we should never compromise our principles, we must always, Mr. Speaker, we must always be prepared to compromise in the service of our principles.

A couple of weeks ago, "The Economist" described another example of compromise, this one in what Justice Brandeis described as one of the "laboratories of democracy," that being the State of Georgia. The conservative Republican Governor, our former House colleague, Nathan Deal, and the liberal mayor of Atlanta, Kasim Reed, are clearly at opposite ends of the political spectrum. Yet they have managed to bridge that divide through a commitment to results. Mr. Speaker, together, they have achieved significant gains for the good of Georgia.

Mr. Speaker, Congress and the White House are perfectly capable of following that same model for the good of our country. Americans may be politically divided, but they are united in their desire to see their leaders in Washington achieve results.

Now, Mr. Speaker, we know it's far from perfect, but I hope that this bipartisan agreement can lay the foundation for continued work to address the tremendous challenges that we face as a Nation. Millions of Americans are out of work. The national debt as a percentage of gross domestic product is too high. Upheaval exists in nearly every region across the globe. Education and immigration reform must happen. The potential for a crippling cyberattack continues to be a threat. Climate change is a fact of life. And most recently, Mr. Speaker, our families are reeling from the tragedy of Newtown. They're asking how we can prevent it from ever happening again and how we can keep guns from getting into the hands of dangerous people.

These are the great challenges to which we all must rise, for which we all must find real solutions. I look forward to continuing to do my small part as I follow the Madisonian directive and return to California as a private citizen. It's been an incredible honor, Mr. Speaker, an incredible honor for me to serve in what I describe—even though the Senate often takes this label—as the greatest deliberative body known to man, and I consider it an amazing honor to be able to serve here.

Now, as I depart, and I hope that there is no correlation to my departure, I believe that the United States Congress can actually be better than it has ever been.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 10, not voting 14, as follows:

[Roll No. 658]

YEAS—408

Ackerman	Coffman (CO)	Granger
Adams	Cohen	Graves (GA)
Aderholt	Cole	Graves (MO)
Akin	Conaway	Green, Al
Alexander	Connolly (VA)	Green, Gene
Altmire	Cooper	Griffin (AR)
Amash	Costa	Griffith (VA)
Amodei	Costello	Grimm
Andrews	Courtney	Guinta
Austria	Cravaack	Guthrie
Baca	Crawford	Gutierrez
Bachmann	Crenshaw	Hahn
Bachus	Critz	Hall
Baldwin	Crowley	Hanabusa
Barber	Cuellar	Hanna
Barletta	Culberson	Harper
Bartlett	Cummings	Harris
Barton (TX)	Curson (MI)	Hartzler
Bass (CA)	Davis (CA)	Hastings (FL)
Becerra	Davis (IL)	Hastings (WA)
Benishek	DeGette	Hayworth
Berg	DeLauro	Heck
Berkley	DelBene	Heinrich
Berman	Denham	Hensarling
Biggert	Dent	Hерger
Bilbray	DesJarlais	Herrera Beutler
Bilirakis	Deutch	Higgins
Bishop (GA)	Diaz-Balart	Himes
Bishop (NY)	Dicks	Hinchev
Bishop (UT)	Dingell	Hinojosa
Black	Doggett	Hochul
Blackburn	Dold	Holden
Boehner	Donnelly (IN)	Holt
Bonamici	Doyle	Honda
Bonner	Dreier	Hoyer
Bono Mack	Duffy	Huelskamp
Boren	Duncan (SC)	Huizenga (MI)
Boswell	Duncan (TN)	Hultgren
Boustany	Edwards	Hunter
Brady (PA)	Ellison	Hurt
Brady (TX)	Ellmers	Israel
Braley (IA)	Emerson	Issa
Brooks	Engel	Jackson Lee
Broun (GA)	Eshoo	(TX)
Brown (FL)	Farenthold	Jenkins
Buchanan	Farr	Johnson (GA)
Bucshon	Fattah	Johnson (IL)
Buerkle	Fincher	Johnson (OH)
Burgess	Fitzpatrick	Johnson, E. B.
Butterfield	Flake	Johnson, Sam
Calvert	Fleischmann	Jones
Camp	Fleming	Jordan
Canseco	Flores	Kaptur
Cantor	Forbes	Keating
Capito	Fortenberry	Kelly
Capps	Fox	Kildee
Capuano	Frank (MA)	Kind
Carnahan	Franks (AZ)	King (IA)
Carney	Frelinghuysen	King (NY)
Carson (IN)	Fudge	Kingston
Carter	Gallegly	Kinzing (IL)
Cassidy	Garamendi	Kissell
Castor (FL)	Gardner	Kline
Chabot	Garrett	Kucinich
Chaffetz	Gerlach	Labrador
Chandler	Gibbs	Lamborn
Chu	Gibson	Lance
Cicilline	Gingrey (GA)	Landry
Clarke (MI)	Gohmert	Langevin
Clarke (NY)	Gonzalez	Lankford
Cleaver	Goodlatte	Larsen (WA)
Clyburn	Gosar	Larson (CT)
Coble	Gowdy	Latham

LaTourette	Pascrell	Scott, Austin
Latta	Pastor (AZ)	Scott, David
Lee (CA)	Paulsen	Sensenbrenner
Levin	Payne	Serrano
Lipinski	Pearce	Sessions
LoBiondo	Pelosi	Sewell
Loeback	Pence	Sherman
Lofgren, Zoe	Perlmutter	Shimkus
Long	Peters	Shuler
Lowey	Petri	Shuster
Lucas	Pingree (ME)	Simpson
Luetkemeyer	Pitts	Sires
Lujan	Platts	Slaughter
Lummis	Poe (TX)	Smith (NE)
Lungren, Daniel	Polis	Smith (NJ)
E.	Pompeo	Smith (TX)
Lynch	Price (GA)	Smith (WA)
Mack	Price (NC)	Southerland
Maloney	Quayle	Speier
Manzullo	Quigley	Stearns
Marchant	Rahall	Stivers
Marino	Rangel	Stutzman
Markey	Reed	Sullivan
Massie	Rehberg	Sutton
Matheson	Reichert	Terry
Matsui	Renacci	Thompson (CA)
McCarthy (CA)	Reyes	Thompson (MS)
McCarthy (NY)	Ribble	Thompson (PA)
McCaul	Richardson	Thornberry
McClintock	Richmond	Tiberi
McCollum	Rigell	Tierney
McGovern	Rivera	Tipton
McHenry	Roby	Tonko
McIntyre	Roe (TN)	Towns
McKeon	Rogers (AL)	Tsongas
McKinley	Rogers (KY)	Turner (NY)
McMorris	Rogers (MI)	Turner (OH)
Rodgers	Rohrabacher	Upton
McNerney	Rokita	Van Hollen
Meehan	Rooney	Velázquez
Meeks	Ros-Lehtinen	Walberg
Mica	Roskam	Walden
Michaud	Ross (AR)	Walsh (IL)
Miller (FL)	Ross (FL)	Walz (MN)
Miller (MI)	Rothman (NJ)	Wasserman
Miller (NC)	Roybal-Allard	Schultz
Miller, Gary	Royce	Waters
Miller, George	Runyan	Watt
Moore	Ruppersberger	Waxman
Mulvaney	Rush	Webster
Murphy (CT)	Ryan (OH)	Welch
Murphy (PA)	Ryan (WI)	West
Myrick	Sánchez, Linda	Westmoreland
Nadler	T.	Wilson (FL)
Napolitano	Sanchez, Loretta	Wilson (SC)
Neal	Sarbanes	Wittman
Neugebauer	Scalise	Wolf
Noem	Schakowsky	Womack
Nugent	Schiff	Woodall
Nunes	Schilling	Yarmuth
Olson	Schock	Yoder
Olver	Schrader	Young (AK)
Owens	Schwartz	Young (FL)
Palazzo	Schweikert	Young (IN)
Pallone	Scott (SC)	

NAYS—10

Barrow	Moran	Scott (VA)
Blumenauer	Peterson	Visclosky
DeFazio	Posey	
McDermott	Schmidt	

NOT VOTING—14

Bass (NH)	Grijalva	Paul
Burton (IN)	Hirono	Stark
Campbell	Lewis (CA)	Whitfield
Clay	Lewis (GA)	Woolsey
Conyers	Nunnelee	

□ 2139

Mr. McDERMOTT changed his vote from "yea" to "nay."

Messrs. CHAFFETZ and RANGEL changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CAMP. Mr. Speaker, pursuant to House Resolution 844, I call up the bill

(H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes, with the Senate amendments thereto, and I have a motion at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. WOMACK). The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE, ETC.

(a) **SHORT TITLE.**—This Act may be cited as the “American Taxpayer Relief Act of 2012”.

(b) **AMENDMENT OF 1986 CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

#### TITLE I—GENERAL EXTENSIONS

Sec. 101. Permanent extension and modification of 2001 tax relief.

Sec. 102. Permanent extension and modification of 2003 tax relief.

Sec. 103. Extension of 2009 tax relief.

Sec. 104. Permanent alternative minimum tax relief.

#### TITLE II—INDIVIDUAL TAX EXTENDERS

Sec. 201. Extension of deduction for certain expenses of elementary and secondary school teachers.

Sec. 202. Extension of exclusion from gross income of discharge of qualified principal residence indebtedness.

Sec. 203. Extension of parity for exclusion from income for employer-provided mass transit and parking benefits.

Sec. 204. Extension of mortgage insurance premiums treated as qualified residence interest.

Sec. 205. Extension of deduction of State and local general sales taxes.

Sec. 206. Extension of special rule for contributions of capital gain real property made for conservation purposes.

Sec. 207. Extension of above-the-line deduction for qualified tuition and related expenses.

Sec. 208. Extension of tax-free distributions from individual retirement plans for charitable purposes.

Sec. 209. Improve and make permanent the provision authorizing the Internal Revenue Service to disclose certain return and return information to certain prison officials.

#### TITLE III—BUSINESS TAX EXTENDERS

Sec. 301. Extension and modification of research credit.

Sec. 302. Extension of temporary minimum low-income tax credit rate for non-federally subsidized new buildings.

Sec. 303. Extension of housing allowance exclusion for determining area median gross income for qualified residential rental project exempt facility bonds.

Sec. 304. Extension of Indian employment tax credit.

Sec. 305. Extension of new markets tax credit.

Sec. 306. Extension of railroad track maintenance credit.

Sec. 307. Extension of mine rescue team training credit.

Sec. 308. Extension of employer wage credit for employees who are active duty members of the uniformed services.

Sec. 309. Extension of work opportunity tax credit.

Sec. 310. Extension of qualified zone academy bonds.

Sec. 311. Extension of 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.

Sec. 312. Extension of 7-year recovery period for motorsports entertainment complexes.

Sec. 313. Extension of accelerated depreciation for business property on an Indian reservation.

Sec. 314. Extension of enhanced charitable deduction for contributions of food inventory.

Sec. 315. Extension of increased expensing limitations and treatment of certain real property as section 179 property.

Sec. 316. Extension of election to expense mine safety equipment.

Sec. 317. Extension of special expensing rules for certain film and television productions.

Sec. 318. Extension of deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.

Sec. 319. Extension of modification of tax treatment of certain payments to controlling exempt organizations.

Sec. 320. Extension of treatment of certain dividends of regulated investment companies.

Sec. 321. Extension of RIC qualified investment entity treatment under FIRPTA.

Sec. 322. Extension of subpart F exception for active financing income.

Sec. 323. Extension of look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.

Sec. 324. Extension of temporary exclusion of 100 percent of gain on certain small business stock.

Sec. 325. Extension of basis adjustment to stock of S corporations making charitable contributions of property.

Sec. 326. Extension of reduction in S-corporation recognition period for built-in gains tax.

Sec. 327. Extension of empowerment zone tax incentives.

Sec. 328. Extension of tax-exempt financing for New York Liberty Zone.

Sec. 329. Extension of temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.

Sec. 330. Modification and extension of American Samoa economic development credit.

Sec. 331. Extension and modification of bonus depreciation.

#### TITLE IV—ENERGY TAX EXTENDERS

Sec. 401. Extension of credit for energy-efficient existing homes.

Sec. 402. Extension of credit for alternative fuel vehicle refueling property.

Sec. 403. Extension of credit for 2- or 3-wheeled plug-in electric vehicles.

Sec. 404. Extension and modification of cellulosic biofuel producer credit.

Sec. 405. Extension of incentives for biodiesel and renewable diesel.

Sec. 406. Extension of production credit for Indian coal facilities placed in service before 2009.

Sec. 407. Extension and modification of credits with respect to facilities producing energy from certain renewable resources.

Sec. 408. Extension of credit for energy-efficient new homes.

Sec. 409. Extension of credit for energy-efficient appliances.

Sec. 410. Extension and modification of special allowance for cellulosic biofuel plant property.

Sec. 411. Extension of special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.

Sec. 412. Extension of alternative fuels excise tax credits.

#### TITLE V—UNEMPLOYMENT

Sec. 501. Extension of emergency unemployment compensation program.

Sec. 502. Temporary extension of extended benefit provisions.

Sec. 503. Extension of funding for reemployment services and reemployment and eligibility assessment activities.

Sec. 504. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.

#### TITLE VI—MEDICARE AND OTHER HEALTH EXTENSIONS

##### Subtitle A—Medicare Extensions

Sec. 601. Medicare physician payment update.

Sec. 602. Work geographic adjustment.

Sec. 603. Payment for outpatient therapy services.

Sec. 604. Ambulance add-on payments.

Sec. 605. Extension of Medicare inpatient hospital payment adjustment for low-volume hospitals.

Sec. 606. Extension of the Medicare-dependent hospital (MDH) program.

Sec. 607. Extension for specialized Medicare Advantage plans for special needs individuals.

Sec. 608. Extension of Medicare reasonable cost contracts.

Sec. 609. Performance improvement.

Sec. 610. Extension of funding outreach and assistance for low-income programs.

##### Subtitle B—Other Health Extensions

Sec. 621. Extension of the qualifying individual (QI) program.

Sec. 622. Extension of Transitional Medical Assistance (TMA).

Sec. 623. Extension of Medicaid and CHIP Express Lane option.

Sec. 624. Extension of family-to-family health information centers.

Sec. 625. Extension of Special Diabetes Program for Type I diabetes and for Indians.

##### Subtitle C—Other Health Provisions

Sec. 631. IPPS documentation and coding adjustment for implementation of MS-DRGs.

Sec. 632. Revisions to the Medicare ESRD bundled payment system to reflect findings in the GAO report.

Sec. 633. Treatment of multiple service payment policies for therapy services.

Sec. 634. Payment for certain radiology services furnished under the Medicare hospital outpatient department prospective payment system.

Sec. 635. Adjustment of equipment utilization rate for advanced imaging services.

Sec. 636. Medicare payment of competitive prices for diabetic supplies and elimination of overpayment for diabetic supplies.

Sec. 637. Medicare payment adjustment for non-emergency ambulance transports for ESRD beneficiaries.

Sec. 638. Removing obstacles to collection of overpayments.

Sec. 639. Medicare advantage coding intensity adjustment.

Sec. 640. Elimination of all funding for the Medicare Improvement Fund.

Sec. 641. Rebasement of State DSH allotments.

Sec. 642. Repeal of CLASS program.

Sec. 643. Commission on Long-Term Care.

Sec. 644. Consumer Operated and Oriented Plan program contingency fund.

#### TITLE VII—EXTENSION OF AGRICULTURAL PROGRAMS

Sec. 701. 1-year extension of agricultural programs.

Sec. 702. Supplemental agricultural disaster assistance.

#### TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Strategic delivery systems.

Sec. 802. No cost of living adjustment in pay of members of congress.

#### TITLE IX—BUDGET PROVISIONS

##### Subtitle A—Modifications of Sequestration

Sec. 901. Treatment of sequester.

Sec. 902. Amounts in applicable retirement plans may be transferred to designated Roth accounts without distribution.

##### Subtitle B—Budgetary Effects

Sec. 911. Budgetary effects.

#### TITLE I—GENERAL EXTENSIONS

##### SEC. 101. PERMANENT EXTENSION AND MODIFICATION OF 2001 TAX RELIEF.

(a) PERMANENT EXTENSION.—

(1) IN GENERAL.—The Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking title IX.

(2) CONFORMING AMENDMENT.—The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is amended by striking section 304.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable, plan, or limitation years beginning after December 31, 2012, and estates of decedents dying, gifts made, or generation skipping transfers after December 31, 2012.

(b) APPLICATION OF INCOME TAX TO CERTAIN HIGH-INCOME TAXPAYERS.—

(1) INCOME TAX RATES.—

(A) TREATMENT OF 25-, 28-, AND 33-PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) is amended to read as follows:

“Over \$500,000 but not over \$750,000 .....	\$155,800, plus 37 percent of the excess of such amount over \$500,000.
Over \$750,000 but not over \$1,000,000 .....	\$248,300, plus 39 percent of the excess of such amount over \$750,000.
Over \$1,000,000 .....	\$345,800, plus 40 percent of the excess of such amount over \$1,000,000.”

(2) TECHNICAL CORRECTION.—Clause (i) of section 2010(c)(4)(B) is amended by striking “basic exclusion amount” and inserting “applicable exclusion amount”.

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as otherwise provided by in this paragraph, the amendments made by this subsection shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2012.

(B) TECHNICAL CORRECTION.—The amendment made by paragraph (2) shall take effect as if included in the amendments made by section 303 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

“(2) 25-, 28-, AND 33-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)),

“(B) by substituting ‘28%’ for ‘31%’ each place it appears, and

“(C) by substituting ‘33%’ for ‘36%’ each place it appears.”.

(B) 35-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) MODIFICATIONS TO INCOME TAX BRACKETS FOR HIGH-INCOME TAXPAYERS.—

“(A) 35-PERCENT RATE BRACKET.—In the case of taxable years beginning after December 31, 2012—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the highest rate bracket shall be 35 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable threshold, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 39.6 percent rate of tax under such subsections shall apply only to the taxpayer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$450,000 in the case of subsection (a),

“(ii) \$425,000 in the case of subsection (b),

“(iii) \$400,000 in the case of subsection (c), and

“(iv) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (C)) in the case of subsection (d).

“(C) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2013, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (B) shall be adjusted in the same manner as under paragraph (1)(C)(i), except that subsection (f)(3)(B) shall be applied by substituting ‘2012’ for ‘1992’.”.

(2) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(A) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(i) by striking subsection (b) and inserting the following:

“(b) APPLICABLE AMOUNT.—

“(1) IN GENERAL.—For purposes of this section, the term ‘applicable amount’ means—

“(A) \$300,000 in the case of a joint return or a surviving spouse (as defined in section 2(a)),

“(B) \$275,000 in the case of a head of household (as defined in section 2(b)),

“(C) \$250,000 in the case of an individual who is not married and who is not a surviving spouse or head of household, and

“(D) ½ the amount applicable under subparagraph (A) (after adjustment, if any, under paragraph (2)) in the case of a married individual filing a separate return.

For purposes of this paragraph, marital status shall be determined under section 7703.

“(2) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in calendar years after 2013, each of the dollar amounts under subparagraphs (A), (B), and (C) of paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, except that section 1(f)(3)(B) shall be applied by substituting ‘2012’ for ‘1992’.

If any amount after adjustment under the preceding sentence is not a multiple of \$50, such amount shall be rounded to the next lowest multiple of \$50.”, and

(ii) by striking subsections (f) and (g).

(B) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(i) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(I) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable amount in effect under section 68(b)”.

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

(c) MODIFICATIONS OF ESTATE TAX.—

(1) MAXIMUM ESTATE TAX RATE EQUAL TO 40 PERCENT.—The table contained in subsection (c) of section 2001, as amended by section 302(a)(2) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, is amended by striking “Over \$500,000” and all that follows and inserting the following:

amount on which a tax is determined under subparagraph (B), or

“(ii) the excess of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 39.6 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C),

##### SEC. 102. PERMANENT EXTENSION AND MODIFICATION OF 2003 TAX RELIEF.

(a) PERMANENT EXTENSION.—The Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraph:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the

by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus”.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking “5 percent (0 percent in the case of taxable years beginning after 2007)” and inserting “0 percent”.

(3) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2013.

#### SEC. 103. EXTENSION OF 2009 TAX RELIEF.

(a) 5-YEAR EXTENSION OF AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking “in 2009, 2010, 2011, or 2012” and inserting “after 2008 and before 2018”.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “in 2009, 2010, 2011, and 2012” each place it appears and inserting “after 2008 and before 2018”.

(b) 5-YEAR EXTENSION OF CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking “2009, 2010, 2011, and 2012” in the heading and inserting “FOR CERTAIN YEARS”, and

(2) by striking “in 2009, 2010, 2011, or 2012” and inserting “after 2008 and before 2018”.

(c) 5-YEAR EXTENSION OF EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking “2009, 2010, 2011, and 2012” in the heading and inserting “FOR CERTAIN YEARS”, and

(2) by striking “in 2009, 2010, 2011, or 2012” and inserting “after 2008 and before 2018”.

(d) PERMANENT EXTENSION OF RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Section 6409 is amended to read as follows:

**“SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

“Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility

of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) RULE REGARDING DISREGARD OF REFUNDS.—The amendment made by subsection (d) shall apply to amounts received after December 31, 2012.

#### SEC. 104. PERMANENT ALTERNATIVE MINIMUM TAX RELIEF.

(a) 2012 EXEMPTION AMOUNTS MADE PERMANENT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(A) by striking “\$45,000” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750”,

(B) by striking “\$33,750” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600”, and

(C) by striking “paragraph (1)(A)” in subparagraph (C) and inserting “subparagraph (A)”.

(b) EXEMPTION AMOUNTS INDEXED FOR INFLATION.—

(1) IN GENERAL.—Subsection (d) of section 55 is amended by adding at the end the following new paragraph:

“(4) INFLATION ADJUSTMENT.—

“(A) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2012, the amounts described in subparagraph (B) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2011’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) AMOUNTS DESCRIBED.—The amounts described in this subparagraph are—

“(i) each of the dollar amounts contained in subsection (b)(1)(A)(i),

“(ii) each of the dollar amounts contained in paragraph (1), and

“(iii) each of the dollar amounts in subparagraphs (A) and (B) of paragraph (3).

“(C) ROUNDING.—Any increase determined under subparagraph (A) shall be rounded to the nearest multiple of \$100.”.

(2) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 55(b)(1)(A) is amended by striking “by substituting” and all that follows through “appears.” and inserting “by substituting 50 percent of the dollar amount otherwise applicable under subclause (I) and subclause (II) thereof.”.

(B) Paragraph (3) of section 55(d) is amended—

(i) by striking “or (2)” in subparagraph (A),

(ii) by striking “and” at the end of subparagraph (B), and

(iii) by striking subparagraph (C) and inserting the following new subparagraphs:

“(C) 50 percent of the dollar amount applicable under subparagraph (A) in the case of a taxpayer described in subparagraph (C) or (D) of paragraph (1), and

“(D) \$150,000 in the case of a taxpayer described in paragraph (2).”.

(c) ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE CREDITS.—

(1) IN GENERAL.—Subsection (a) of section 26 is amended to read as follows:

“(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

“(1) the taxpayer’s regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

“(2) the tax imposed by section 55(a) for the taxable year.”.

(2) CONFORMING AMENDMENTS.—

(A) ADOPTION CREDIT.—

(i) Section 23(b) is amended by striking paragraph (4).

(ii) Section 23(c) is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(iii) Section 23(c) is amended by redesignating paragraph (3) as paragraph (2).

(B) CHILD TAX CREDIT.—

(i) Section 24(b) is amended by striking paragraph (3).

(ii) Section 24(d)(1) is amended—

(I) by striking “section 26(a)(2) or subsection (b)(3), as the case may be,” each place it appears in subparagraphs (A) and (B) and inserting “section 26(a)”, and

(II) by striking “section 26(a)(2) or subsection (b)(3), as the case may be” in the second last sentence and inserting “section 26(a)”.

(C) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) is amended to read as follows:

“(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term ‘applicable tax limit’ means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).”.

(D) HOPE AND LIFETIME LEARNING CREDITS.—Section 25A(i) is amended—

(i) by striking paragraph (5) and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively, and

(ii) by striking “section 26(a)(2) or paragraph (5), as the case may be” in paragraph (5), as redesignated by clause (i), and inserting “section 26(a)”.

(E) SAVERS’ CREDIT.—Section 25B is amended by striking subsection (g).

(F) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—Section 25D(c) is amended to read as follows:

“(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.”.

(G) CERTAIN PLUG-IN ELECTRIC VEHICLES.—Section 30(c)(2) is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(H) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(I) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) is amended to read as follows:

“(2) **PERSONAL CREDIT.**—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(J) **CROSS REFERENCES.**—Section 55(c)(3) is amended by striking “26(a), 30C(d)(2),” and inserting “30C(d)(2)”.

(K) **FOREIGN TAX CREDIT.**—Section 904 is amended by striking subsection (i) and by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(L) **FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.**—Section 1400C(d) is amended to read as follows:

“(d) **CARRYFORWARD OF UNUSED CREDIT.**—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

## TITLE II—INDIVIDUAL TAX EXTENDERS

### SEC. 201. EXTENSION OF DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) **IN GENERAL.**—Subparagraph (D) of section 62(a)(2) is amended by striking “or 2011” and inserting “2011, 2012, or 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

### SEC. 202. EXTENSION OF EXCLUSION FROM GROSS INCOME OF DISCHARGE OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) **IN GENERAL.**—Subparagraph (E) of section 108(a)(1) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to indebtedness discharged after December 31, 2012.

### SEC. 203. EXTENSION OF PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.

(a) **IN GENERAL.**—Paragraph (2) of section 132(f) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to months after December 31, 2011.

### SEC. 204. EXTENSION OF MORTGAGE INSURANCE PREMIUMS TREATED AS QUALIFIED RESIDENCE INTEREST.

(a) **IN GENERAL.**—Subclause (I) of section 163(h)(3)(E)(iv) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **TECHNICAL AMENDMENTS.**—Clause (i) of section 163(h)(4)(E) is amended—

(1) by striking “Veterans Administration” and inserting “Department of Veterans Affairs”, and

(2) by striking “Rural Housing Administration” and inserting “Rural Housing Service”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to amounts paid or accrued after December 31, 2011.

### SEC. 205. EXTENSION OF DEDUCTION OF STATE AND LOCAL GENERAL SALES TAXES.

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

### SEC. 206. EXTENSION OF SPECIAL RULE FOR CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) **IN GENERAL.**—Clause (vi) of section 170(b)(1)(E) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.**—Clause (iii) of section 170(b)(2)(B) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

### SEC. 207. EXTENSION OF ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) **IN GENERAL.**—Subsection (e) of section 222 is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

### SEC. 208. EXTENSION OF TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) **IN GENERAL.**—Subparagraph (F) of section 408(d)(8) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE; SPECIAL RULE.**—

(1) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2011.

(2) **SPECIAL RULES.**—For purposes of subsections (a)(6), (b)(3), and (d)(8) of section 408 of the Internal Revenue Code of 1986, at the election of the taxpayer (at such time and in such manner as prescribed by the Secretary of the Treasury)—

(A) any qualified charitable distribution made after December 31, 2012, and before February 1, 2013, shall be deemed to have been made on December 31, 2012, and

(B) any portion of a distribution from an individual retirement account to the taxpayer after November 30, 2012, and before January 1, 2013, may be treated as a qualified charitable distribution to the extent that—

(i) such portion is transferred in cash after the distribution to an organization described in section 408(d)(8)(B)(i) before February 1, 2013, and

(ii) such portion is part of a distribution that would meet the requirements of section 408(d)(8) but for the fact that the distribution was not transferred directly to an organization described in section 408(d)(8)(B)(i).

### SEC. 209. IMPROVE AND MAKE PERMANENT THE PROVISION AUTHORIZING THE INTERNAL REVENUE SERVICE TO DISCLOSE CERTAIN RETURN AND RETURN INFORMATION TO CERTAIN PRISON OFFICIALS.

(a) **IN GENERAL.**—Paragraph (10) of section 6103(k) is amended to read as follows:

“(10) **DISCLOSURE OF CERTAIN RETURNS AND RETURN INFORMATION TO CERTAIN PRISON OFFICIALS.**—

“(A) **IN GENERAL.**—Under such procedures as the Secretary may prescribe, the Secretary may disclose to officers and employees of the Federal Bureau of Prisons and of any State agency charged with the responsibility for administration of prisons any returns or return information with respect to individuals incarcerated in Federal or State prison systems whom the Secretary has determined may have filed or facilitated the filing of a false or fraudulent return to the extent that the Secretary determines that such disclosure is necessary to permit effective Federal tax administration.

“(B) **DISCLOSURE TO CONTRACTOR-RUN PRISONS.**—Under such procedures as the Secretary

may prescribe, the disclosures authorized by subparagraph (A) may be made to contractors responsible for the operation of a Federal or State prison on behalf of such Bureau or agency.”.

“(C) **RESTRICTIONS ON USE OF DISCLOSED INFORMATION.**—Any return or return information received under this paragraph shall be used only for the purposes of and to the extent necessary in taking administrative action to prevent the filing of false and fraudulent returns, including administrative actions to address possible violations of administrative rules and regulations of the prison facility and in administrative and judicial proceedings arising from such administrative actions.

“(D) **RESTRICTIONS ON REDISCLOSURE AND DISCLOSURE TO LEGAL REPRESENTATIVES.**—Notwithstanding subsection (h)—

“(i) **RESTRICTIONS ON REDISCLOSURE.**—Except as provided in clause (ii), any officer, employee, or contractor of the Federal Bureau of Prisons or of any State agency charged with the responsibility for administration of prisons shall not disclose any information obtained under this paragraph to any person other than an officer or employee or contractor of such Bureau or agency personally and directly engaged in the administration of prison facilities on behalf of such Bureau or agency.

“(ii) **DISCLOSURE TO LEGAL REPRESENTATIVES.**—The returns and return information disclosed under this paragraph may be disclosed to the duly authorized legal representative of the Federal Bureau of Prisons, State agency, or contractor charged with the responsibility for administration of prisons, or of the incarcerated individual accused of filing the false or fraudulent return who is a party to an action or proceeding described in subparagraph (C), solely in preparation for, or for use in, such action or proceeding.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Paragraph (3) of section 6103(a) is amended by inserting “subsection (k)(10),” after “subsection (e)(1)(D)(iii).”.

(2) Paragraph (4) of section 6103(p) is amended—

(A) by inserting “subsection (k)(10),” before “subsection (l)(10),” in the matter preceding subparagraph (A),

(B) in subparagraph (F)(i)—

(i) by inserting “(k)(10),” before “or (l)(6),” and

(ii) by inserting “subsection (k)(10) or” before “subsection (l)(10),” and

(C) by inserting “subsection (k)(10) or” before “subsection (l)(10),” both places it appears in the matter following subparagraph (F)(iii).

(3) Paragraph (2) of section 7213(a) is amended by inserting “(k)(10),” before “(l)(6).”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

## TITLE III—BUSINESS TAX EXTENDERS

### SEC. 301. EXTENSION AND MODIFICATION OF RESEARCH CREDIT.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Subparagraph (B) of section 41(h)(1) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(2) **CONFORMING AMENDMENT.**—Subparagraph (D) of section 45C(b)(1) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **INCLUSION OF QUALIFIED RESEARCH EXPENSES AND GROSS RECEIPTS OF AN ACQUIRED PERSON.**—

(1) **PARTIAL INCLUSION OF PRE-ACQUISITION QUALIFIED RESEARCH EXPENSES AND GROSS RECEIPTS.**—Subparagraph (A) of section 41(f)(3) is amended to read as follows:

“(A) **ACQUISITIONS.**—

“(i) **IN GENERAL.**—If a person acquires the major portion of either a trade or business or a



separate unit of a trade or business (hereinafter in this paragraph referred to as the 'acquired business') of another person (hereinafter in this paragraph referred to as the 'predecessor'), then the amount of qualified research expenses paid or incurred by the acquiring person during the measurement period shall be increased by the amount determined under clause (ii), and the gross receipts of the acquiring person for such period shall be increased by the amount determined under clause (iii).

"(ii) AMOUNT DETERMINED WITH RESPECT TO QUALIFIED RESEARCH EXPENSES.—The amount determined under this clause is—

"(I) for purposes of applying this section for the taxable year in which such acquisition is made, the acquisition year amount, and

"(II) for purposes of applying this section for any taxable year after the taxable year in which such acquisition is made, the qualified research expenses paid or incurred by the predecessor with respect to the acquired business during the measurement period.

"(iii) AMOUNT DETERMINED WITH RESPECT TO GROSS RECEIPTS.—The amount determined under this clause is the amount which would be determined under clause (ii) if 'the gross receipts of' were substituted for 'the qualified research expenses paid or incurred by' each place it appears in clauses (ii) and (iv).

"(iv) ACQUISITION YEAR AMOUNT.—For purposes of clause (ii), the acquisition year amount is the amount equal to the product of—

"(I) the qualified research expenses paid or incurred by the predecessor with respect to the acquired business during the measurement period, and

"(II) the number of days in the period beginning on the date of the acquisition and ending on the last day of the taxable year in which the acquisition is made, divided by the number of days in the acquiring person's taxable year.

"(v) SPECIAL RULES FOR COORDINATING TAXABLE YEARS.—In the case of an acquiring person and a predecessor whose taxable years do not begin on the same date—

"(I) each reference to a taxable year in clauses (ii) and (iv) shall refer to the appropriate taxable year of the acquiring person,

"(II) the qualified research expenses paid or incurred by the predecessor, and the gross receipts of the predecessor, during each taxable year of the predecessor any portion of which is part of the measurement period shall be allocated equally among the days of such taxable year,

"(III) the amount of such qualified research expenses taken into account under clauses (ii) and (iv) with respect to a taxable year of the acquiring person shall be equal to the total of the expenses attributable under subclause (I) to the days occurring during such taxable year, and

"(IV) the amount of such gross receipts taken into account under clause (iii) with respect to a taxable year of the acquiring person shall be equal to the total of the gross receipts attributable under subclause (I) to the days occurring during such taxable year.

"(vi) MEASUREMENT PERIOD.—For purposes of this subparagraph, the term 'measurement period' means, with respect to the taxable year of the acquiring person for which the credit is determined, any period of the acquiring person preceding such taxable year which is taken into account for purposes of determining the credit for such year."

(2) EXPENSES AND GROSS RECEIPTS OF A PREDECESSOR.—Subparagraph (B) of section 41(f)(3) is amended to read as follows:

"(B) DISPOSITIONS.—If the predecessor furnished to the acquiring person such information as is necessary for the application of subparagraph (A), then, for purposes of applying this

section for any taxable year ending after such disposition, the amount of qualified research expenses paid or incurred by, and the gross receipts of, the predecessor during the measurement period (as defined in subparagraph (A)(vi), determined by substituting 'predecessor' for 'acquiring person' each place it appears) shall be reduced by—

"(i) in the case of the taxable year in which such disposition is made, an amount equal to the product of—

"(I) the qualified research expenses paid or incurred by, or gross receipts of, the predecessor with respect to the acquired business during the measurement period (as so defined and so determined), and

"(II) the number of days in the period beginning on the date of acquisition (as determined for purposes of subparagraph (A)(iv)(II)) and ending on the last day of the taxable year of the predecessor in which the disposition is made, divided by the number of days in the taxable year of the predecessor, and

"(ii) in the case of any taxable year ending after the taxable year in which such disposition is made, the amount described in clause (i)(I)."

(c) AGGREGATION OF EXPENDITURES.—Paragraph (1) of section 41(f) is amended—

(1) by striking "shall be its proportionate shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit" in subparagraph (A)(ii) and inserting "shall be determined on a proportionate basis to its share of the aggregate of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, taken into account by such controlled group for purposes of this section", and

(2) by striking "shall be its proportionate shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, giving rise to the credit" in subparagraph (B)(ii) and inserting "shall be determined on a proportionate basis to its share of the aggregate of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums, taken into account by all such persons under common control for purposes of this section".

(d) EFFECTIVE DATE.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to amounts paid or incurred after December 31, 2011.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2011.

#### SEC. 302. EXTENSION OF TEMPORARY MINIMUM LOW-INCOME TAX CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED NEW BUILDINGS.

(a) IN GENERAL.—Subparagraph (A) of section 42(b)(2) is amended by striking "and before December 31, 2013" and inserting "with respect to housing credit dollar amount allocations made before January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

#### SEC. 303. EXTENSION OF HOUSING ALLOWANCE EXCLUSION FOR DETERMINING AREA MEDIAN GROSS INCOME FOR QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) IN GENERAL.—Subsection (b) of section 3005 of the Housing Assistance Tax Act of 2008 is amended by striking "January 1, 2012" each place it appears and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 3005 of the Housing Assistance Tax Act of 2008.

#### SEC. 304. EXTENSION OF INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking "December 31, 2011" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 305. EXTENSION OF NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (G) of section 45D(f)(1) is amended by striking "2010 and 2011" and inserting "2010, 2011, 2012, and 2013".

(b) CARRYOVER OF UNUSED LIMITATION.—Paragraph (3) of section 45D(f) is amended by striking "2016" and inserting "2018".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2011.

#### SEC. 306. EXTENSION OF RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking "January 1, 2012" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2011.

#### SEC. 307. EXTENSION OF MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking "December 31, 2011" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

#### SEC. 308. EXTENSION OF EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking "December 31, 2011" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2011.

#### SEC. 309. EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking "after" and all that follows and inserting "after December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2011.

#### SEC. 310. EXTENSION OF QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54E(c) is amended by inserting " , 2012, and 2013" after "for 2011".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2011.

#### SEC. 311. EXTENSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking "January 1, 2012" and inserting "January 1, 2014".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2011.

#### SEC. 312. EXTENSION OF 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking "December 31, 2011" and inserting "December 31, 2013".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2011.



**SEC. 313. EXTENSION OF ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.**

(a) *IN GENERAL.*—Paragraph (8) of section 168(f) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. 314. EXTENSION OF ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) *IN GENERAL.*—Clause (iv) of section 170(e)(3)(C) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to contributions made after December 31, 2011.

**SEC. 315. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.**

(a) *IN GENERAL.*—

(1) *DOLLAR LIMITATION.*—Section 179(b)(1) is amended—

(A) by striking “2010 or 2011,” in subparagraph (B) and inserting “2010, 2011, 2012, or 2013, and”,

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking “2012” and inserting “2013”.

(2) *REDUCTION IN LIMITATION.*—Section 179(b)(2) is amended—

(A) by striking “2010 or 2011,” in subparagraph (B) and inserting “2010, 2011, 2012, or 2013, and”,

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking “2012” and inserting “2013”.

(3) *CONFORMING AMENDMENT.*—Subsection (b) of section 179 is amended by striking paragraph (6).

(b) *COMPUTER SOFTWARE.*—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(c) *ELECTION.*—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(d) *SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.*—

(1) *IN GENERAL.*—Section 179(f)(1) is amended by striking “2010 or 2011” and inserting “2010, 2011, 2012, or 2013”.

(2) *CARRYOVER LIMITATION.*—

(A) *IN GENERAL.*—Section 179(f)(4) is amended by striking “2011” each place it appears and inserting “2013”.

(B) *CONFORMING AMENDMENT.*—Subparagraph (C) of section 179(f)(4) is amended—

(i) in the heading, by striking “2010” and inserting “2010, 2011 AND 2012”, and

(ii) by adding at the end the following: “For the last taxable year beginning in 2013, the amount determined under subsection (b)(3)(A) for such taxable year shall be determined without regard to this paragraph.”.

(e) *EFFECTIVE DATE.*—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 316. EXTENSION OF ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) *IN GENERAL.*—Subsection (g) of section 179E is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to property placed in service after December 31, 2011.

**SEC. 317. EXTENSION OF SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.**

(a) *IN GENERAL.*—Subsection (f) of section 181 is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to productions commencing after December 31, 2011.

**SEC. 318. EXTENSION OF DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) *IN GENERAL.*—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking “first 6 taxable years” and inserting “first 8 taxable years”, and

(2) by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) *EFFECTIVE DATE.*—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 319. EXTENSION OF MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) *IN GENERAL.*—Clause (iv) of section 512(b)(13)(E) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to payments received or accrued after December 31, 2011.

**SEC. 320. EXTENSION OF TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.**

(a) *IN GENERAL.*—Paragraphs (1)(C)(v) and (2)(C)(v) of section 871(k) are each amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *EFFECTIVE DATE.*—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 321. EXTENSION OF RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) *IN GENERAL.*—Clause (ii) of section 897(h)(4)(A) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *EFFECTIVE DATE.*—

(1) *IN GENERAL.*—The amendment made by subsection (a) shall take effect on January 1, 2012. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) *AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.*—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2011, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code, such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 322. EXTENSION OF SUBPART F EXCEPTION FOR ACTIVE FINANCING INCOME.**

(a) *EXEMPT INSURANCE INCOME.*—Paragraph (10) of section 953(e) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2014”, and

(2) by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *SPECIAL RULE FOR INCOME DERIVED IN THE ACTIVE CONDUCT OF BANKING, FINANCING, OR SIMILAR BUSINESSES.*—Paragraph (9) of section 954(h) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(c) *EFFECTIVE DATE.*—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 323. EXTENSION OF LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) *IN GENERAL.*—Subparagraph (C) of section 954(c)(6) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2011, and to taxable years of United States shareholders with or within which such taxable years of foreign corporations end.

**SEC. 324. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.**

(a) *IN GENERAL.*—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2014”, and

(2) by striking “AND 2011” and inserting “, 2011, 2012, AND 2013” in the heading thereof.

(b) *TECHNICAL AMENDMENTS.*—

(1) *SPECIAL RULE FOR 2009 AND CERTAIN PERIOD IN 2010.*—Paragraph (3) of section 1202(a) is amended by adding at the end the following new flush sentence:

“In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.”.

(2) *100 PERCENT EXCLUSION.*—Paragraph (4) of section 1202(a) is amended by adding at the end the following new flush sentence:

“In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.”.

(c) *EFFECTIVE DATES.*—

(1) *IN GENERAL.*—The amendments made by subsection (a) shall apply to stock acquired after December 31, 2011.

(2) *SUBSECTION (b)(1).*—The amendment made by subsection (b)(1) shall take effect as if included in section 1241(a) of division B of the American Recovery and Reinvestment Act of 2009.

(3) *SUBSECTION (b)(2).*—The amendment made by subsection (b)(2) shall take effect as if included in section 2011(a) of the Creating Small Business Jobs Act of 2010.

**SEC. 325. EXTENSION OF BASIS ADJUSTMENT TO STOCK OF S CORPORATIONS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) *IN GENERAL.*—Paragraph (2) of section 1367(a) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) *EFFECTIVE DATE.*—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2011.

**SEC. 326. EXTENSION OF REDUCTION IN S-CORPORATION RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.**

(a) *IN GENERAL.*—Paragraph (7) of section 1374(d) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D), and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) *SPECIAL RULE FOR 2012 AND 2013.*—For purposes of determining the net recognized built-in gain for taxable years beginning in 2012 or 2013, subparagraphs (A) and (D) shall be applied by substituting ‘5-year’ for ‘10-year’.”.

(3) by adding at the end the following new subparagraph:

“(E) *INSTALLMENT SALES.*—If an S corporation sells an asset and reports the income from the

sale using the installment method under section 453, the treatment of all payments received shall be governed by the provisions of this paragraph applicable to the taxable year in which such sale was made.”.

(b) **TECHNICAL AMENDMENT.**—Subparagraph (B) of section 1374(d)(2) is amended by inserting “described in subparagraph (A)” after “, for any taxable year”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### **SEC. 327. EXTENSION OF EMPOWERMENT ZONE TAX INCENTIVES.**

(a) **IN GENERAL.**—Clause (i) of section 1391(d)(1)(A) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.**—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking “December 31, 2016” and inserting “December 31, 2018”; and

(2) by striking “2016” in the heading and inserting “2018”.

(c) **TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.**—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary’s designee) may provide.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to periods after December 31, 2011.

#### **SEC. 328. EXTENSION OF TAX-EXEMPT FINANCING FOR NEW YORK LIBERTY ZONE.**

(a) **IN GENERAL.**—Subparagraph (D) of section 1400L(d)(2) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to bonds issued after December 31, 2011.

#### **SEC. 329. EXTENSION OF TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) **IN GENERAL.**—Paragraph (1) of section 7652(f) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2011.

#### **SEC. 330. MODIFICATION AND EXTENSION OF AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.**

(a) **MODIFICATION.**—

(1) **IN GENERAL.**—Subsection (a) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking “if such corporation” and all that follows and inserting “if—

“(1) in the case of a taxable year beginning before January 1, 2012, such corporation—

“(A) is an existing credit claimant with respect to American Samoa, and

“(B) elected the application of section 936 of the Internal Revenue Code of 1986 for its last taxable year beginning before January 1, 2006, and

“(2) in the case of a taxable year beginning after December 31, 2011, such corporation meets the requirements of subsection (e).”.

(2) **REQUIREMENTS.**—Section 119 of division A of such Act is amended by adding at the end the following new subsection:

“(e) **QUALIFIED PRODUCTION ACTIVITIES INCOME REQUIREMENT.**—A corporation meets the requirement of this subsection if such corporation has qualified production activities income, as defined in subsection (c) of section 199 of the Internal Revenue Code of 1986, determined by substituting ‘American Samoa’ for ‘the United States’ each place it appears in paragraphs (3), (4), and (6) of such subsection (c), for the taxable year.”.

(b) **EXTENSION.**—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking “shall apply” and all that follows and inserting “shall apply—

“(1) in the case of a corporation that meets the requirements of subparagraphs (A) and (B) of subsection (a)(1), to the first 8 taxable years of such corporation which begin after December 31, 2006, and before January 1, 2014, and

“(2) in the case of a corporation that does not meet the requirements of subparagraphs (A) and (B) of subsection (a)(1), to the first 2 taxable years of such corporation which begin after December 31, 2011, and before January 1, 2014.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

#### **SEC. 331. EXTENSION AND MODIFICATION OF BONUS DEPRECIATION.**

(a) **IN GENERAL.**—Paragraph (2) of section 168(k) is amended—

(1) by striking “January 1, 2014” in subparagraph (A)(iv) and inserting “January 1, 2015”, and

(2) by striking “January 1, 2013” each place it appears and inserting “January 1, 2014”.

(b) **SPECIAL RULE FOR FEDERAL LONG-TERM CONTRACTS.**—Clause (ii) of section 460(c)(6)(B) is amended by inserting “, or after December 31, 2012, and before January 1, 2014 (January 1, 2015, in the case of property described in section 168(k)(2)(B))” before the period.

(c) **EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.**—

(1) **IN GENERAL.**—Subclause (II) of section 168(k)(4)(D)(iii) is amended by striking “2013” and inserting “2014”.

(2) **ROUND 3 EXTENSION PROPERTY.**—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

“(J) **SPECIAL RULES FOR ROUND 3 EXTENSION PROPERTY.**—

“(i) **IN GENERAL.**—In the case of round 3 extension property, this paragraph shall be applied without regard to—

“(I) the limitation described in subparagraph (B)(i) thereof, and

“(II) the business credit increase amount under subparagraph (E)(iii) thereof.

“(ii) **TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.**—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, or a taxpayer who made the election under subparagraph (I)(iii) for its first taxable year ending after December 31, 2010—

“(I) the taxpayer may elect not to have this paragraph apply to round 3 extension property, but

“(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 3 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 3 extension property.

“(iii) **TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.**—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008, nor made the election under subparagraph (I)(iii) for any taxable year ending after December 31, 2010—

“(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2012, and each subsequent taxable year, and

“(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 3 extension property.

(iv) **ROUND 3 EXTENSION PROPERTY.**—For purposes of this subparagraph, the term ‘round 3 extension property’ means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 331(a) of the American Taxpayer Relief Act of 2012 (and the application of such extension to this paragraph pursuant to the amendment made by section 331(c)(1) of such Act).’.

(d) **NORMALIZATION RULES AMENDMENT.**—Clause (ii) of section 168(i)(9)(A) is amended by inserting “(respecting all elections made by the taxpayer under this section)” after “such property”.

(e) **CONFORMING AMENDMENTS.**—

(1) The heading for subsection (k) of section 168 is amended by striking “JANUARY 1, 2013” and inserting “JANUARY 1, 2014”.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking “PRE-JANUARY 1, 2013” and inserting “PRE-JANUARY 1, 2014”.

(3) Subparagraph (C) of section 168(n)(2) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(4) Subparagraph (D) of section 1400L(b)(2) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(5) Subparagraph (B) of section 1400N(d)(3) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after December 31, 2012, in taxable years ending after such date.

### **TITLE IV—ENERGY TAX EXTENDERS**

#### **SEC. 401. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT EXISTING HOMES.**

(a) **IN GENERAL.**—Paragraph (2) of section 25C(g) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2011.

#### **SEC. 402. EXTENSION OF CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) **IN GENERAL.**—Paragraph (2) of section 30C(g) is amended by striking “December 31, 2011.” and inserting “December 31, 2013”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to property placed in service after December 31, 2011.

#### **SEC. 403. EXTENSION OF CREDIT FOR 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLES.**

(a) **IN GENERAL.**—Section 30D is amended by adding at the end the following new subsection:

“(g) **CREDIT ALLOWED FOR 2- AND 3-WHEELED PLUG-IN ELECTRIC VEHICLES.**—

“(1) **IN GENERAL.**—In the case of a qualified 2- or 3-wheeled plug-in electric vehicle—

“(A) there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the applicable amount with respect to each such qualified

2- or 3-wheeled plug-in electric vehicle placed in service by the taxpayer during the taxable year, and

“(B) the amount of the credit allowed under subparagraph (A) shall be treated as a credit allowed under subsection (a).

“(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to the lesser of—

“(A) 10 percent of the cost of the qualified 2- or 3-wheeled plug-in electric vehicle, or

“(B) \$2,500.

“(3) QUALIFIED 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLE.—The term ‘qualified 2- or 3-wheeled plug-in electric vehicle’ means any vehicle which—

“(A) has 2 or 3 wheels,

“(B) meets the requirements of subparagraphs (A), (B), (C), (E), and (F) of subsection (d)(1) (determined by substituting ‘2.5 kilowatt hours’ for ‘4 kilowatt hours’ in subparagraph (F)(i)),

“(C) is manufactured primarily for use on public streets, roads, and highways,

“(D) is capable of achieving a speed of 45 miles per hour or greater, and

“(E) is acquired after December 31, 2011, and before January 1, 2014.”.

(b) CONFORMING AMENDMENTS.—

(1) NO DOUBLE BENEFIT.—Paragraph (2) of section 30D(f) is amended—

(A) by striking “new qualified plug-in electric drive motor vehicle” and inserting “vehicle for which a credit is allowable under subsection (a)”, and

(B) by striking “allowed under subsection (a)” and inserting “allowed under such subsection”.

(2) AIR QUALITY AND SAFETY STANDARDS.—Section 30D(f)(7) is amended by striking “motor vehicle” and inserting “vehicle”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2011.

#### SEC. 404. EXTENSION AND MODIFICATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Subparagraph (H) of section 40(b)(6) is amended to read as follows:

“(H) APPLICATION OF PARAGRAPH.—

“(i) IN GENERAL.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2014.

“(ii) NO CARRYOVER TO CERTAIN YEARS AFTER EXPIRATION.—If this paragraph ceases to apply for any period by reason of clause (i), rules similar to the rules of subsection (e)(2) shall apply.”.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 40(e) is amended by striking “or subsection (b)(6)(H)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 15321(b) of the Heartland, Habitat, and Horticulture Act of 2008.

(b) ALGAE TREATED AS A QUALIFIED FEEDSTOCK.—

(1) IN GENERAL.—Subclause (I) of section 40(b)(6)(E)(i) is amended to read as follows:

“(I) is derived by, or from, qualified feedstocks, and”.

(2) QUALIFIED FEEDSTOCK; SPECIAL RULES FOR ALGAE.—Paragraph (6) of section 40(b) is amended by redesignating subparagraphs (F), (G), and (H), as amended by this Act, as subparagraphs (H), (I), and (J), respectively, and by inserting after subparagraph (E) the following new subparagraphs:

“(F) QUALIFIED FEEDSTOCK.—For purposes of this paragraph, the term ‘qualified feedstock’ means—

“(i) any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

“(ii) any cultivated algae, cyanobacteria, or lemma.

“(G) SPECIAL RULES FOR ALGAE.—In the case of fuel which is derived by, or from, feedstock described in subparagraph (F)(ii) and which is sold by the taxpayer to another person for refining by such other person into a fuel which meets the requirements of subparagraph (E)(i)(II) and the refined fuel is not excluded under subparagraph (E)(iii)—

“(i) such sale shall be treated as described in subparagraph (C)(i),

“(ii) such fuel shall be treated as meeting the requirements of subparagraph (E)(i)(II) and as not being excluded under subparagraph (E)(iii) in the hands of such taxpayer, and

“(iii) except as provided in this subparagraph, such fuel (and any fuel derived from such fuel) shall not be taken into account under subparagraph (C) with respect to the taxpayer or any other person.”.

(3) CONFORMING AMENDMENTS.—

(A) Section 40, as amended by paragraph (2), is amended—

(i) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”,

(ii) by striking “CELLULOSIC” in the headings of subsections (b)(6), (b)(6)(E), and (d)(3)(D) and inserting “SECOND GENERATION”, and

(iii) by striking “CELLULOSIC” in the headings of subsections (b)(6)(C), (b)(6)(D), (b)(6)(H), (d)(6), and (e)(3) and inserting “SECOND GENERATION”.

(B) Clause (ii) of section 40(b)(6)(E) is amended by striking “Such term shall not” and inserting “The term ‘second generation biofuel’ shall not”.

(C) Paragraph (1) of section 4101(a) is amended by striking “cellulosic biofuel” and inserting “second generation biofuel”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to fuels sold or used after the date of the enactment of this Act.

#### SEC. 405. EXTENSION OF INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

#### SEC. 406. EXTENSION OF PRODUCTION CREDIT FOR INDIAN COAL FACILITIES PLACED IN SERVICE BEFORE 2009.

(a) IN GENERAL.—Subparagraph (A) of section 45(e)(10) is amended by striking “7-year period” each place it appears and inserting “8-year period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coal produced after December 31, 2012.

#### SEC. 407. EXTENSION AND MODIFICATION OF CREDITS WITH RESPECT TO FACILITIES PRODUCING ENERGY FROM CERTAIN RENEWABLE RESOURCES.

(a) PRODUCTION TAX CREDIT.—

(1) EXTENSION FOR WIND FACILITIES.—Paragraph (1) of section 45(d) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(2) EXCLUSION OF PAPER WHICH IS COMMONLY RECYCLED FROM DEFINITION OF MUNICIPAL SOLID WASTE.—Section 45(c)(6) is amended by inserting

“, except that such term does not include paper which is commonly recycled and which has been segregated from other solid waste (as so defined)” after “(42 U.S.C. 6903)”.

(3) MODIFICATION TO DEFINITION OF QUALIFIED FACILITY.—

(A) IN GENERAL.—The following provisions of section 45(d), as amended by paragraph (1), are each amended by striking “before January 1, 2014” and inserting “the construction of which begins before January 1, 2014”:

(i) Paragraph (1).

(ii) Paragraph (2)(A)(i).

(iii) Paragraph (3)(A)(i)(I).

(iv) Paragraph (6).

(v) Paragraph (7).

(vi) Paragraph (9)(B).

(vii) Paragraph (11)(B).

(B) CERTAIN CLOSED-LOOP BIOMASS FACILITIES.—Subparagraph (A) of section 45(d)(2) is amended by adding at the end the following new flush sentence:

“For purposes of clause (ii), a facility shall be treated as modified before January 1, 2014, if the construction of such modification begins before such date.”.

(C) CERTAIN OPEN-LOOP BIOMASS FACILITIES.—Clause (ii) of section 45(d)(3)(A) is amended by striking “is originally placed in service” and inserting “the construction of which begins”.

(D) GEOTHERMAL FACILITIES.—

(i) IN GENERAL.—Paragraph (4) of section 45(d) is amended by striking “and before January 1, 2014” and all that follows and inserting “and which—

“(A) in the case of a facility using solar energy, is placed in service before January 1, 2006, or

“(B) in the case of a facility using geothermal energy, the construction of which begins before January 1, 2014.

Such term shall not include any property described in section 48(a)(3) the basis of which is taken into account by the taxpayer for purposes of determining the energy credit under section 48.”.

(E) INCREMENTAL HYDROPOWER PRODUCTION.—Paragraph (9) of section 45(d) is amended—

(i) by redesignating subparagraphs (A) and (B), as amended by subparagraph (A), as clauses (i) and (ii), respectively, and by moving such clauses (as so redesignated) 2 ems to the right,

(ii) by striking “In the case of a facility” and inserting the following:

“(A) IN GENERAL.—In the case of a facility”,

(iii) by redesignating subparagraph (C) as subparagraph (B), and

(iv) by adding at the end the following new subparagraph:

“(C) SPECIAL RULE.—For purposes of subparagraph (A)(i), an efficiency improvement or addition to capacity shall be treated as placed in service before January 1, 2014, if the construction of such improvement or addition begins before such date.”.

(b) EXTENSION OF ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—Subparagraph (C) of section 48(a)(5) is amended to read as follows:

“(C) QUALIFIED INVESTMENT CREDIT FACILITY.—For purposes of this paragraph, the term ‘qualified investment credit facility’ means any facility—

“(i) which is a qualified facility (within the meaning of section 45) described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d),

“(ii) which is placed in service after 2008 and the construction of which begins before January 1, 2014, and

“(iii) with respect to which—

“(I) no credit has been allowed under section 45, and

“(II) the taxpayer makes an irrevocable election to have this paragraph apply.”.

(c) **TECHNICAL CORRECTIONS.**—

(1) Subparagraph (D) of section 48(a)(5) is amended—

(A) by striking “and” at the end of clause (i)(II),

(B) by striking the period at the end of clause (ii) and inserting a comma, and

(C) by adding at the end the following new clauses:

“(iii) which is constructed, reconstructed, erected, or acquired by the taxpayer, and

“(iv) the original use of which commences with the taxpayer.”.

(2) Paragraphs (1) and (2) of subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 are each amended by striking “placed in service” and inserting “originally placed in service by such person”.

(d) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) **MODIFICATION TO DEFINITION OF MUNICIPAL SOLID WASTE.**—The amendments made by subsection (a)(2) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) **TECHNICAL CORRECTIONS.**—The amendments made by subsection (c) shall apply as if included in the enactment of the provisions of the American Recovery and Reinvestment Act of 2009 to which they relate.

**SEC. 408. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT NEW HOMES.**

(a) **IN GENERAL.**—Subsection (g) of section 45L is amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **ENERGY SAVINGS REQUIREMENTS.**—Clause (i) of section 45L(c)(1)(A) is amended by striking “2003 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of this section” and inserting “2006 International Energy Conservation Code, as such Code (including supplements) is in effect on January 1, 2006”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to homes acquired after December 31, 2011.

**SEC. 409. EXTENSION OF CREDIT FOR ENERGY-EFFICIENT APPLIANCES.**

(a) **IN GENERAL.**—Section 45M(b) is amended by striking “2011” each place it appears other than in the provisions specified in subsection (b) and inserting “2011, 2012, or 2013”.

(b) **PROVISIONS SPECIFIED.**—The provisions of section 45M(b) specified in this subsection are subparagraph (C) of paragraph (1) and subparagraph (E) of paragraph (2).

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to appliances produced after December 31, 2011.

**SEC. 410. EXTENSION AND MODIFICATION OF SPECIAL ALLOWANCE FOR CELLULOSE BIOFUEL PLANT PROPERTY.**

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Subparagraph (D) of section 168(l)(2) is amended by striking “January 1, 2013” and inserting “January 1, 2014”.

(2) **EFFECTIVE DATE.**—The amendment made by this subsection shall apply to property placed in service after December 31, 2012.

(b) **ALGAE TREATED AS A QUALIFIED FEEDSTOCK FOR PURPOSES OF BONUS DEPRECIATION FOR BIOFUEL PLANT PROPERTY.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 168(l)(2) is amended by striking “solely to produce cellulosic biofuel” and inserting “solely to produce second generation biofuel (as defined in section 40(b)(6)(E))”.

(2) **CONFORMING AMENDMENTS.**—Subsection (1) of section 168, as amended by subsection (a), is amended—

(A) by striking “cellulosic biofuel” each place it appears in the text thereof and inserting “second generation biofuel”.

(B) by striking paragraph (3) and redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively,

(C) by striking “CELLULOSIC” in the heading of such subsection and inserting “SECOND GENERATION”, and

(D) by striking “CELLULOSIC” in the heading of paragraph (2) and inserting “SECOND GENERATION”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

**SEC. 411. EXTENSION OF SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.**

(a) **IN GENERAL.**—Paragraph (3) of section 451(i) is amended by striking “January 1, 2012” and inserting “January 1, 2014”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to dispositions after December 31, 2011.

**SEC. 412. EXTENSION OF ALTERNATIVE FUELS EXCISE TAX CREDITS.**

(a) **IN GENERAL.**—Sections 6426(d)(5) and 6426(e)(3) are each amended by striking “December 31, 2011” and inserting “December 31, 2013”.

(b) **OUTLAY PAYMENTS FOR ALTERNATIVE FUELS.**—Paragraph (6) of section 6427(e) is amended—

(1) in subparagraph (C)—

(A) by striking “or alternative fuel mixture (as defined in subsection (d)(2) or (e)(3) of section 6426)” and inserting “(as defined in section 6426(d)(2))”, and

(B) by striking “December 31, 2011, and” and inserting “December 31, 2013,”,

(2) in subparagraph (D)—

(A) by striking “or alternative fuel mixture”, and

(B) by striking the period at the end and inserting “, and”, and

(3) by adding at the end the following new subparagraph:

“(E) any alternative fuel mixture (as defined in section 6426(e)(2)) sold or used after December 31, 2011.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to fuel sold or used after December 31, 2011.

**TITLE V—UNEMPLOYMENT**

**SEC. 501. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.**

(a) **EXTENSION.**—Section 4007(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking “January 2, 2013” and inserting “January 1, 2014”.

(b) **FUNDING.**—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (H), by striking “and” at the end; and

(2) by inserting after subparagraph (I) the following:

“(J) the amendments made by section 501(a) of the American Taxpayer Relief Act of 2012.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Benefits Extension Act of 2012 (Public Law 112–96)

**SEC. 502. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.**

(a) **IN GENERAL.**—Section 2005 of the Assistance for Unemployed Workers and Struggling

Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking “December 31, 2012” each place it appears and inserting “December 31, 2013”; and

(2) in subsection (c), by striking “June 30, 2013” and inserting “June 30, 2014”.

(b) **EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.**—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking “June 30, 2013” and inserting “June 30, 2014”.

(c) **EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.**—Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) in subsection (d), by striking “December 31, 2012” and inserting “December 31, 2013”; and

(2) in subsection (f)(2), by striking “December 31, 2012” and inserting “December 31, 2013”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Benefits Extension Act of 2012 (Public Law 112–96).

**SEC. 503. EXTENSION OF FUNDING FOR REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.**

(a) **IN GENERAL.**—Section 4004(c)(2)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking “through fiscal year 2013” and inserting “through fiscal year 2014”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Benefits Extension Act of 2012 (Public Law 112–96).

**SEC. 504. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) **EXTENSION.**—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), section 505 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312), section 202 of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112–78), and section 2124 of the Unemployment Benefits Extension Act of 2012 (Public Law 112–96), is amended—

(1) by striking “June 30, 2012” and inserting “June 30, 2013”; and

(2) by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) **CLARIFICATION ON AUTHORITY TO USE FUNDS.**—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of enactment of this Act.

(c) **FUNDING FOR ADMINISTRATION.**—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$250,000 for administrative expenses associated with the payment of additional extended unemployment benefits provided under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act by reason of the amendments made by subsection (a), to remain available until expended.

# **TITLE VI—MEDICARE AND OTHER HEALTH EXTENSIONS**

## **Subtitle A—Medicare Extensions**

### **SEC. 601. MEDICARE PHYSICIAN PAYMENT UPDATE.**

(a) *IN GENERAL.*—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

“(14) UPDATE FOR 2013.—

“(A) *IN GENERAL.*—Subject to paragraphs (7)(B), (8)(B), (9)(B), (10)(B), (11)(B), (12)(B), and (13)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2013, the update to the single conversion factor for such year shall be zero percent.

“(B) *NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2014 AND SUBSEQUENT YEARS.*—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2014 and subsequent years as if subparagraph (A) had never applied.”.

(b) *ADVANCEMENT OF CLINICAL DATA REGISTRIES TO IMPROVE THE QUALITY OF HEALTH CARE.*—

(1) *IN GENERAL.*—Section 1848(m)(3) of the Social Security Act (42 U.S.C. 1395w-4(m)(3)) is amended—

(A) by redesignating subparagraph (D) as subparagraph (F); and

(B) by inserting after subparagraph (C) the following new subparagraphs:

“(D) *SATISFACTORY REPORTING MEASURES THROUGH PARTICIPATION IN A QUALIFIED CLINICAL DATA REGISTRY.*—For 2014 and subsequent years, the Secretary shall treat an eligible professional as satisfactorily submitting data on quality measures under subparagraph (A) if, in lieu of reporting measures under subsection (k)(2)(C), the eligible professional is satisfactorily participating, as determined by the Secretary, in a qualified clinical data registry (as described in subparagraph (E)) for the year.

“(E) *QUALIFIED CLINICAL DATA REGISTRY.*—

“(i) *IN GENERAL.*—The Secretary shall establish requirements for an entity to be considered a qualified clinical data registry. Such requirements shall include a requirement that the entity provide the Secretary with such information, at such times, and in such manner, as the Secretary determines necessary to carry out this subsection.

“(ii) *CONSIDERATIONS.*—In establishing the requirements under clause (i), the Secretary shall consider whether an entity—

“(I) has in place mechanisms for the transparency of data elements and specifications, risk models, and measures;

“(II) requires the submission of data from participants with respect to multiple payers;

“(III) provides timely performance reports to participants at the individual participant level; and

“(IV) supports quality improvement initiatives for participants.

“(iii) *MEASURES.*—With respect to measures used by a qualified clinical data registry—

“(I) sections 1890(b)(7) and 1890A(a) shall not apply; and

“(II) measures endorsed by the entity with a contract with the Secretary under section 1890(a) may be used.

“(iv) *CONSULTATION.*—In carrying out this subparagraph, the Secretary shall consult with interested parties.

“(v) *DETERMINATION.*—The Secretary shall establish a process to determine whether or not an entity meets the requirements established under clause (i). Such process may involve one or both of the following:

“(I) A determination by the Secretary.

“(II) A designation by the Secretary of one or more independent organizations to make such determination.”.

(2) *GAO STUDY AND REPORT ON INCORPORATING REGISTRY DATA INTO THE MEDICARE PROGRAM IN ORDER TO IMPROVE QUALITY AND EFFICIENCY.*—

(A) *STUDY.*—The Comptroller General of the United States shall conduct a study on the potential of clinical data registries to improve the quality and efficiency of care in the Medicare program, including through payment system incentives. Such study shall include an analysis of the role of health information technology in facilitating clinical data registries and the use of data from such registries among private health insurers as well as other entities the Comptroller General determines appropriate.

(B) *REPORT.*—Not later than November 15, 2013, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

### **SEC. 602. WORK GEOGRAPHIC ADJUSTMENT.**

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “before January 1, 2013” and inserting “before January 1, 2014”.

### **SEC. 603. PAYMENT FOR OUTPATIENT THERAPY SERVICES.**

(a) *EXTENSION.*—Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(1) in paragraph (5)(A), in the first sentence, by striking “December 31, 2012” and inserting “December 31, 2013”; and

(2) in paragraph (6)—

(A) by striking “December 31, 2012” and inserting “December 31, 2013”; and

(B) by inserting “or 2013” after “during 2012”.

(b) *APPLICATION OF THERAPY CAP TO THERAPY FURNISHED AS PART OF OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.*—Section 1833(g)(6) of the Social Security Act (42 U.S.C. 1395l(g)(6)), as amended by subsection (a), is amended—

(1) by striking “In applying” and inserting “(A) In applying”; and

(2) by adding at the end the following new subparagraph:

“(B)(i) With respect to outpatient therapy services furnished beginning on or after January 1, 2013, and before January 1, 2014, for which payment is made under section 1834(g), the Secretary shall count toward the uniform dollar limitations described in paragraphs (1) and (3) and the threshold described in paragraph (5)(C) the amount that would be payable under this part if such services were paid under section 1834(k)(1)(B) instead of being paid under section 1834(g).

“(ii) Nothing in clause (i) shall be construed as changing the method of payment for outpatient therapy services under section 1834(g).”.

(c) *BENEFICIARY PROTECTIONS.*—Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by adding at the end the following new subparagraph:

“(D) With respect to services furnished on or after January 1, 2013, where payment may not be made as a result of application of paragraphs (1) and (3), section 1879 shall apply in the same manner as such section applies to a denial that is made by reason of section 1862(a)(1).”.

(d) *IMPLEMENTATION.*—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

### **SEC. 604. AMBULANCE ADD-ON PAYMENTS.**

(a) *GROUND AMBULANCE.*—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)) is amended—

(1) in the matter preceding clause (i), by striking “January 1, 2013” and inserting “January 1, 2014”; and

(2) in each of clauses (i) and (ii), by striking “January 1, 2013” and inserting “January 1, 2014” each place it appears.

(b) *AIR AMBULANCE.*—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275), as amended by sections 3105(b) and 10311(b) of the Patient Protection and Affordable Care Act (Public Law 111-148), section 106(b) of the Medicare and Medicaid Extenders Act of 2010 (Public Law 111-309), section 306(b) of the Temporary Payroll Tax Cut Continuation Act of 2011 (Public Law 112-78), and section 3007(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96), is amended by striking “December 31, 2012” and inserting “June 30, 2013”.

(c) *SUPER RURAL AMBULANCE.*—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended in the first sentence by striking “January 1, 2013” and inserting “January 1, 2014”.

(d) *STUDIES OF AMBULANCE COSTS.*—

(1) *IN GENERAL.*—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall conduct a study of each of the following:

(A) A study that analyzes data on existing cost reports for ambulance services furnished by hospitals and critical access hospitals, including variation by characteristics of such providers of services.

(B) A study of the feasibility of obtaining cost data on a periodic basis from all ambulance providers of services and suppliers for potential use in examining the appropriateness of the Medicare add-on payments for ground ambulance services furnished under the fee schedule under section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) and in preparing for future reform of such payment system.

(2) *COMPONENTS OF ONE OF THE STUDIES.*—In conducting the study under paragraph (1)(B), the Secretary shall—

(A) consult with industry on the design of such cost collection efforts;

(B) explore use of cost surveys and cost reports to collect appropriate cost data and the periodicity of such cost data collection;

(C) examine the feasibility of development of a standard cost reporting tool for providers of services and suppliers of ground ambulance services; and

(D) examine the ability to furnish such cost data by various types of ambulance providers of services and suppliers, especially by rural and super-rural providers of services and suppliers.

(3) *REPORTS.*—

(A) *EXISTING COST REPORTS.*—Not later than October 1, 2013, the Secretary shall submit a report to Congress on the study conducted under paragraph (1)(A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(B) *OBTAINING COST DATA.*—Not later than July 1, 2014, the Secretary shall submit a report to Congress on the study conducted under paragraph (1)(B), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

### **SEC. 605. EXTENSION OF MEDICARE INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR LOW-VOLUME HOSPITALS.**

Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “2013” and inserting “2014”; and

(2) in subparagraph (C)(i), by striking “and 2012” each place it appears and inserting “, 2012, and 2013”; and

(3) in subparagraph (D), by striking “and 2012” and inserting “, 2012, and 2013”.

**SEC. 606. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.**

(a) **EXTENSION OF PAYMENT METHODOLOGY.**—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “October 1, 2012” and inserting “October 1, 2013”; and

(2) in clause (ii)(I), by striking “October 1, 2012” and inserting “October 1, 2013”.

(b) **CONFORMING AMENDMENTS.**—

(1) **EXTENSION OF TARGET AMOUNT.**—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “October 1, 2012” and inserting “October 1, 2013”; and

(B) in clause (iv), by striking “through fiscal year 2012” and inserting “through fiscal year 2013”.

(2) **PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.**—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “through fiscal year 2012” and inserting “through fiscal year 2013”.

**SEC. 607. EXTENSION FOR SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS.**

Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking “2014” and inserting “2015”.

**SEC. 608. EXTENSION OF MEDICARE REASONABLE COST CONTRACTS.**

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking “January 1, 2013” and inserting “January 1, 2014”.

**SEC. 609. PERFORMANCE IMPROVEMENT.**

(a) **EXTENSION OF FUNDING FOR CONTRACT WITH CONSENSUS-BASED ENTITY REGARDING PERFORMANCE MEASUREMENT.**—

(1) **IN GENERAL.**—Section 1890(d) of the Social Security Act (42 U.S.C. 1395aaa(d)) is amended by striking “fiscal years 2009 through 2012” and inserting “fiscal years 2009 through 2013”.

(2) **REVISION TO DUTIES.**—Section 1890(b) of the Social Security Act (42 U.S.C. 1395aaa(b)) is amended by striking paragraph (4).

(b) **PROVIDING DATA FOR PERFORMANCE IMPROVEMENT IN A TIMELY MANNER.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services (in this subsection referred to as the “Secretary”) shall develop a strategy to provide data for performance improvement in a timely manner to applicable providers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), including with respect to the provision of the following:

(A) Utilization data, including such data for items and services under parts A, B, and D of the Medicare program.

(B) Feedback on quality data submitted by the applicable provider under the Medicare program.

(2) **CONSIDERATIONS.**—In developing the strategy under paragraph (1), the Secretary shall consider—

(A) the type of applicable provider receiving the data;

(B) the frequency of providing the data so that it can be the most relevant in improving provider performance;

(C) risk adjustment methods;

(D) presentation of the data in a meaningful manner and easily understandable format;

(E) with respect to utilization data, the provision of data that the Secretary determines would be useful to improve the performance of the type of applicable provider involved; and

(F) administrative costs involved with providing data.

(3) **SUBMISSION AND AVAILABILITY OF INITIAL STRATEGY.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall—

(A) submit to the relevant committees of Congress the strategy described in paragraph (1); and

(B) post such strategy on the website of the Centers for Medicare & Medicaid Services.

(4) **STRATEGY UPDATE.**—

(A) **FEEDBACK FROM STAKEHOLDERS.**—The Secretary shall seek feedback from stakeholders on the initial strategy submitted under paragraph (3).

(B) **STRATEGY UPDATE.**—The Secretary shall—

(i) update the strategy described in paragraph (1) based on the feedback submitted under subparagraph (A); and

(ii) not later than 18 months after the date of the enactment of this Act—

(I) submit such updated strategy to the relevant committees of Congress; and

(II) post such updated strategy on the website of the Centers for Medicare & Medicaid Services.

(5) **GAO STUDY AND REPORT ON PRIVATE SECTOR INFORMATION SHARING ACTIVITIES.**—

(A) **STUDY.**—The Comptroller General of the United States (in this paragraph referred to as the “Comptroller General”) shall conduct a study on information sharing activities. Such study shall include an analysis of—

(i) how private sector entities share timely data with hospitals, physicians, and other providers and what lessons can be learned from those activities;

(ii) how the Medicare program currently shares data with providers, including what data is provided and to which providers, and what divisions within the Centers for Medicare & Medicaid Services oversee those efforts;

(iii) what, if any, differences there are between the private sector and the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in terms of sharing data; and

(iv) what, if any, barriers there are for the Centers for Medicare & Medicaid Services to sharing timely data with applicable providers and recommendations to eliminate or reduce such barriers.

(B) **REPORT.**—Not later than 8 months after the date of the enactment of this Act, the Comptroller General shall submit to the relevant committees of Congress a report containing the results of the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(6) **DEFINITIONS.**—In this subsection:

(A) **APPLICABLE PROVIDER.**—The term “applicable provider” means the following:

(i) A critical access hospital (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395xx(mm)(1))).

(ii) A hospital (as defined in section 1861(e) of such Act (42 U.S.C. 1395x(e))).

(iii) A physician (as defined in section 1861(r) of such Act (42 U.S.C. 1395x(r))).

(iv) Any other provider the Secretary determines should receive the information described in subsection (a).

(B) **PERFORMANCE IMPROVEMENT.**—The term “performance improvement” means improvements in quality, reducing per capita costs, and other criteria the Secretary determines appropriate.

**SEC. 610. EXTENSION OF FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.**

(a) **ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.**—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C.

1395b–3 note), as amended by section 3306 of the Patient Protection and Affordable Care Act Public Law 111–148), is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following new clause:

“(iii) for fiscal year 2013, of \$7,500,000.”.

(b) **ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.**—Subsection (b)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following new clause:

“(iii) for fiscal year 2013, of \$7,500,000.”.

(c) **ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.**—Subsection (c)(1)(B) of such section 119, as so amended, is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following new clause:

“(iii) for fiscal year 2013, of \$5,000,000.”.

(d) **ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.**—Subsection (d)(2) of such section 119, as so amended, is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by inserting after clause (ii) the following new clause:

“(iii) for fiscal year 2013, of \$5,000,000.”.

**Subtitle B—Other Health Extensions****SEC. 621. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.**

(a) **EXTENSION.**—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking “2012” and inserting “2013”.

(b) **EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.**—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (Q), by striking “and” after the semicolon;

(B) in subparagraph (R), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

“(S) for the period that begins on January 1, 2013, and ends on September 30, 2013, the total allocation amount is \$485,000,000; and

“(T) for the period that begins on October 1, 2013, and ends on December 31, 2013, the total allocation amount is \$300,000,000.”; and

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking “or (R)” and inserting “(R), or (T)”.

**SEC. 622. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).**

Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are each amended by striking “2012” and inserting “2013”.

**SEC. 623. EXTENSION OF MEDICAID AND CHIP EXPRESS LANE OPTION.**

Section 1902(e)(13)(I) of the Social Security Act (42 U.S.C. 1396a(e)(13)(I)) is amended by striking “2013” and inserting “2014”.

**SEC. 624. EXTENSION OF FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.**

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking “2012” and inserting “2013”.

**SEC. 625. EXTENSION OF SPECIAL DIABETES PROGRAM FOR TYPE 1 DIABETES AND FOR INDIANS.**

(a) **SPECIAL DIABETES PROGRAMS FOR TYPE 1 DIABETES.**—Section 330B(b)(2)(C) of the Public



Health Service Act (42 U.S.C. 254c-2(b)(2)(C)) is amended by striking “2013” and inserting “2014”.

(b) SPECIAL DIABETES PROGRAMS FOR INDIVIDUALS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c-3(c)(2)(C)) is amended by striking “2013” and inserting “2014”.

#### Subtitle C—Other Health Provisions

#### SEC. 631. IPPS DOCUMENTATION AND CODING ADJUSTMENT FOR IMPLEMENTATION OF MS-DRGS.

(a) RULE OF CONSTRUCTION AND CLARIFICATION.—

(1) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsection (b) shall be construed as changing the existing authority under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) to make prospective documentation and coding adjustments to the standardized amounts under such section 1886(d) to correct for changes in the coding or classification of discharges that do not reflect real changes in case mix.

(2) CLARIFICATION.—Effective on the date of the enactment of this section, except as provided in section 7(b)(1)(B)(ii) of the TMA, Abstinence Education, and QI Programs Extension Act of 2007, as added by subsection (b)(2)(A)(ii)(IV) of this section, the Secretary of Health and Human Services shall not have authority to fully recoup past overpayments related to documentation and coding changes from fiscal years 2008 and 2009.

(b) ADJUSTMENT.—Section 7 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110-90; 121 Stat. 986) is amended—

(1) in the heading, by striking “LIMITATION” and all that follows through “ADJUSTMENT” and inserting “DOCUMENTATION AND CODING ADJUSTMENTS”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A)—

(I) by striking “or 2009” and inserting “, 2009, or 2010”; and

(II) by inserting “or otherwise applied for such year” after “applied under subsection (a)”; and

(ii) in subparagraph (B)—

(I) by inserting “(i)” after “(B)”; and

(II) by striking “or decrease”; and

(III) by striking the period at the end and inserting “; and”; and

(IV) by adding at the end the following:

“(ii) make an additional adjustment to the standardized amounts under such section 1886(d) based upon the Secretary’s estimates for discharges occurring only during fiscal years 2014, 2015, 2016, and 2017 to fully offset \$11,000,000,000 (which represents the amount of the increase in aggregate payments from fiscal years 2008 through 2013 for which an adjustment was not previously applied).”; and

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting before the semicolon the following: “or affecting the Secretary’s authority under such paragraph to apply a prospective adjustment to offset aggregate additional payments related to documentation and coding improvements made with respect to discharges during fiscal year 2010”; and

(ii) in subparagraph (B), by striking “and 2012” and inserting “2012, 2014, 2015, 2016, and 2017”.

#### SEC. 632. REVISIONS TO THE MEDICARE ESRD BUNDLED PAYMENT SYSTEM TO REFLECT FINDINGS IN THE GAO REPORT.

(a) ADJUSTMENT TO ESRD BUNDLED PAYMENT RATE TO ACCOUNT FOR CHANGES IN THE UTILIZATION OF CERTAIN DRUGS AND BIOLOGICALS.—Section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)) is amended by adding at the end the following new subparagraph:

“(1) For services furnished on or after January 1, 2014, the Secretary shall, by comparing per patient utilization data from 2007 with such data from 2012, make reductions to the single payment that would otherwise apply under this paragraph for renal dialysis services to reflect the Secretary’s estimate of the change in the utilization of drugs and biologicals described in clauses (ii), (iii), and (iv) of subparagraph (B) (other than oral-only ESRD-related drugs, as such term is used in the final rule promulgated by the Secretary in the Federal Register on August 12, 2010 (75 Fed. Reg. 49030)). In making reductions under the preceding sentence, the Secretary shall take into account the most recently available data on average sales prices and changes in prices for drugs and biological reflected in the ESRD market basket percentage increase factor under subparagraph (F).”.

(b) TWO-YEAR DELAY OF IMPLEMENTATION OF ORAL-ONLY ESRD-RELATED DRUGS IN THE ESRD PROSPECTIVE PAYMENT SYSTEM; MONITORING.—

(1) DELAY.—The Secretary of Health and Human Services may not implement the policy under section 413.174(f)(6) of title 42, Code of Federal Regulations (relating to oral-only ESRD-related drugs in the ESRD prospective payment system), prior to January 1, 2016.

(2) MONITORING.—With respect to the implementation of oral-only ESRD-related drugs in the ESRD prospective payment system under subsection (b)(14) of section 1881 of the Social Security Act (42 U.S.C. 1395rr(b)(14)), the Secretary of Health and Human Services shall monitor the bone and mineral metabolism of individuals with end stage renal disease.

(c) ANALYSIS OF CASE MIX PAYMENT ADJUSTMENTS.—By not later than January 1, 2016, the Secretary of Health and Human Services shall—

(1) conduct an analysis of the case mix payment adjustments being used under section 1881(b)(14)(D)(i) of the Social Security Act (42 U.S.C. 1395rr(b)(14)(D)(i)); and

(2) make appropriate revisions to such case mix payment adjustments.

(d) UPDATED GAO REPORT.—Not later than December 31, 2015, the Comptroller General of the United States shall submit to Congress a report that updates the report submitted to Congress under section 10336 of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 974). The updated report shall include an analysis of how the Secretary of Health and Human Services has addressed points raised in the report submitted under such section 10336 with respect to the Secretary’s preparations to implement payment for oral-only ESRD-related drugs in the bundled prospective payment system under section 1881(b)(14) of the Social Security Act (42 U.S.C. 1395rr(b)(14)).

#### SEC. 633. TREATMENT OF MULTIPLE SERVICE PAYMENT POLICIES FOR THERAPY SERVICES.

(a) SERVICES FURNISHED BY PHYSICIANS AND CERTAIN OTHER PROVIDERS.—Section 1848(b)(7) of the Social Security Act (42 U.S.C. 1395w-4(b)(7)) is amended—

(1) by striking “2011,” and inserting “2011, and before April 1, 2013,”; and

(2) by adding at the end the following new sentence: “In the case of such services furnished on or after April 1, 2013, and for which payment is made under such fee schedules, instead of the 25 percent multiple procedure payment reduction specified in such final rule, the reduction percentage shall be 50 percent.”.

(b) SERVICES FURNISHED BY OTHER PROVIDERS.—Section 1834(k) of the Social Security Act (42 U.S.C. 1395m(k)) is amended by adding at the end the following new paragraph:

“(7) ADJUSTMENT IN DISCOUNT FOR CERTAIN MULTIPLE THERAPY SERVICES.—In the case of

therapy services furnished on or after April 1, 2013, and for which payment is made under this subsection pursuant to the applicable fee schedule amount (as defined in paragraph (3)), instead of the 25 percent multiple procedure payment reduction specified in the final rule published by the Secretary in the Federal Register on November 29, 2010, the reduction percentage shall be 50 percent.”.

#### SEC. 634. PAYMENT FOR CERTAIN RADIOLOGY SERVICES FURNISHED UNDER THE MEDICARE HOSPITAL OUTPATIENT DEPARTMENT PROSPECTIVE PAYMENT SYSTEM.

Section 1833(t)(16) of the Social Security Act (42 U.S.C. 1395l(t)(16)) is amended by adding at the end the following new subparagraph:

“(D) SPECIAL PAYMENT RULE.—

“(i) IN GENERAL.—In the case of covered OPD services furnished on or after April 1, 2013, in a hospital described in clause (ii), if—

“(1) the payment rate that would otherwise apply under this subsection for stereotactic radiosurgery, complete course of treatment of cranial lesion(s) consisting of 1 session that is multi-source Cobalt 60 based (identified as of January 1, 2013, by HCPCS code 77371 (and any succeeding code) and reimbursed as of such date under APC 0127 (and any succeeding classification group)); exceeds

“(2) the payment rate that would otherwise apply under this subsection for linear accelerator based stereotactic radiosurgery, complete course of therapy in one session (identified as of January 1, 2013, by HCPCS code G0173 (and any succeeding code) and reimbursed as of such date under APC 0067 (and any succeeding classification group));

the payment rate for the service described in subclause (1) shall be reduced to an amount equal to the payment rate for the service described in subclause (2).”.

“(ii) HOSPITAL DESCRIBED.—A hospital described in this clause is a hospital that is not—

“(1) located in a rural area (as defined in section 1886(d)(2)(D));

“(2) classified as a rural referral center under section 1886(d)(5)(C); or

“(3) a sole community hospital (as defined in section 1886(d)(5)(D)(iii)).

“(iii) NOT BUDGET NEUTRAL.—In making any budget neutrality adjustments under this subsection for 2013 (with respect to covered OPD services furnished on or after April 1, 2013, and before January 1, 2014) or a subsequent year, the Secretary shall not take into account the reduced expenditures that result from the application of this subparagraph.”.

#### SEC. 635. ADJUSTMENT OF EQUIPMENT UTILIZATION RATE FOR ADVANCED IMAGING SERVICES.

Section 1848 of the Social Security Act (42 U.S.C. 1395w-4) is amended—

(1) in subsection (b)(4)(C)—

(A) by striking “and subsequent years” and inserting “, 2012, and 2013”; and

(B) by adding at the end the following new sentence: “With respect to fee schedules established for 2014 and subsequent years, in such methodology, the Secretary shall use a 90 percent utilization rate.”; and

(2) in subsection (c)(2)(B)(v)(III), by striking “change in the utilization rate applicable to 2011, as described in” and inserting “changes in the utilization rate applicable to 2011 and 2014, as described in the first and second sentence, respectively, of”.

#### SEC. 636. MEDICARE PAYMENT OF COMPETITIVE PRICES FOR DIABETIC SUPPLIES AND ELIMINATION OF OVERPAYMENT FOR DIABETIC SUPPLIES.

(a) APPLICATION OF COMPETITIVE BIDDING PRICES FOR DIABETIC SUPPLIES.—Section 1834(a)(1) of the Social Security Act (42 U.S.C. 1395m(a)(1)) is amended—



(1) in subparagraph (F), in the matter preceding clause (i), by striking “subparagraph (G)” and inserting “subparagraphs (G) and (H)”; and

(2) by adding at the end the following new subparagraph:

“(H) DIABETIC SUPPLIES.—

“(i) IN GENERAL.—On or after the date described in clause (ii), the payment amount under this part for diabetic supplies, including testing strips, that are non-mail order items (as defined by the Secretary) shall be equal to the single payment amounts established under the national mail order competition for diabetic supplies under section 1847.

“(ii) DATE DESCRIBED.—The date described in this clause is the date of the implementation of the single payment amounts under the national mail order competition for diabetic supplies under section 1847.”.

(b) OVERPAYMENT ELIMINATION FOR DIABETIC SUPPLIES.—Section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)) is amended by adding at the end the following new paragraph:

“(22) SPECIAL PAYMENT RULE FOR DIABETIC SUPPLIES.—Notwithstanding the preceding provisions of this subsection, for purposes of determining the payment amount under this subsection for diabetic supplies furnished on or after the first day of the calendar quarter during 2013 that is at least 30 days after the date of the enactment of this paragraph and before the date described in paragraph (1)(H)(ii), the Secretary shall recalculate and apply the covered item update under paragraph (14) as if subparagraph (J)(i) of such paragraph was amended by striking “but only if furnished through mail order”.

**SEC. 637. MEDICARE PAYMENT ADJUSTMENT FOR NON-EMERGENCY AMBULANCE TRANSPORTS FOR ESRD BENEFICIARIES.**

Section 1834(l) of the Social Security Act (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

“(15) PAYMENT ADJUSTMENT FOR NON-EMERGENCY AMBULANCE TRANSPORTS FOR ESRD BENEFICIARIES.—The fee schedule amount otherwise applicable under the preceding provisions of this subsection shall be reduced by 10 percent for ambulance services furnished on or after October 1, 2013, consisting of non-emergency basic life support services involving transport of an individual with end-stage renal disease for renal dialysis services (as described in section 1881(b)(14)(B)) furnished other than on an emergency basis by a provider of services or a renal dialysis facility.”.

**SEC. 638. REMOVING OBSTACLES TO COLLECTION OF OVERPAYMENTS.**

(a) IN GENERAL.—The last sentence of subsections (b) and (c) of section 1870 of the Social Security Act (42 U.S.C. 1395gg) are each amended—

(1) by striking “third year” and inserting “fifth year”; and

(2) by striking “three-year” and inserting “five-year”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 639. MEDICARE ADVANTAGE CODING INTENSITY ADJUSTMENT.**

Section 1853(a)(1)(C)(ii)(III) of the Social Security Act (42 U.S.C. 1395w-23(a)(1)(C)(ii)(III)) is amended—

(1) by striking “1.3 percentage points” and inserting “1.5 percentage points”; and

(2) by striking “5.7 percent” and inserting “5.9 percent”.

**SEC. 640. ELIMINATION OF ALL FUNDING FOR THE MEDICARE IMPROVEMENT FUND.**

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking

subparagraphs (A), (B), and (C) and inserting the following new subparagraphs:

“(A) fiscal year 2014, \$0; and

“(B) fiscal year 2015, \$0.”.

**SEC. 641. REBASING OF STATE DSH ALLOTMENTS.**

Section 1923(f)(8) of the Social Security Act (42 U.S.C. 1396r-4(f)(8)) is amended to read as follows:

“(8) SPECIAL RULES FOR CALCULATING DSH ALLOTMENTS FOR CERTAIN FISCAL YEARS.—

“(A) FISCAL YEAR 2021.—Only with respect to fiscal year 2021, the DSH allotment for a State, in lieu of the amount determined under paragraph (3) for the State for that year, shall be equal to the DSH allotment for the State as reduced under paragraph (7) for fiscal year 2020, increased, subject to subparagraphs (B) and (C) of paragraph (3), and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average), for fiscal year 2020.

“(B) FISCAL YEAR 2022.—Only with respect to fiscal year 2022, the DSH allotment for a State, in lieu of the amount determined under paragraph (3) for the State for that year, shall be equal to the DSH allotment for the State for fiscal year 2021, as determined under subparagraph (A), increased, subject to subparagraphs (B) and (C) of paragraph (3), and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average), for fiscal year 2021.

“(C) SUBSEQUENT FISCAL YEARS.—The DSH allotment for a State for fiscal years after fiscal year 2022 shall be calculated under paragraph (3) without regard to this paragraph and paragraph (7).”.

**SEC. 642. REPEAL OF CLASS PROGRAM.**

(a) REPEAL.—Title XXXII of the Public Health Service Act (42 U.S.C. 300ll et seq.; relating to the CLASS program) is repealed.

(b) CONFORMING CHANGES.—

(1) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111-148; 124 Stat. 119, 846-847) is repealed.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting “and” at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Paragraphs (2) and (3) of section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) are amended to read as such paragraphs were in effect on the day before the date of the enactment of section 8002(d) of the Patient Protection and Affordable Care Act (Public Law 111-148). Of the funds appropriated by paragraph (3) of such section 6021(d), as amended by the Patient Protection and Affordable Care Act, the unobligated balance is rescinded.

**SEC. 643. COMMISSION ON LONG-TERM CARE.**

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Long-Term Care (referred to in this section as the “Commission”).

(b) DUTIES.—

(1) IN GENERAL.—The Commission shall develop a plan for the establishment, implementation, and financing of a comprehensive, coordinated, and high-quality system that ensures the availability of long-term services and supports for individuals in need of such services and supports, including elderly individuals, individuals with substantial cognitive or functional limitations, other individuals who require assistance to perform activities of daily living, and individuals desiring to plan for future long-term care needs.

(2) EXISTING HEALTH CARE PROGRAMS.—For purposes of developing the plan described in paragraph (1), the Commission shall provide recommendations for—

(A) addressing the interaction of a long-term services and support system with existing programs for long-term services and supports, including the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and private long-term care insurance;

(B) improvements to such health care programs that are necessary for ensuring the availability of long-term services and supports; and

(C) issues related to workers who provide long-term services and supports, including—

(i) whether the number of such workers is adequate to provide long-term services and supports to individuals with long-term care needs;

(ii) workforce development necessary to deliver high-quality services to such individuals;

(iii) development of entities that have the capacity to serve as employers and fiscal agents for workers who provide long-term services and supports in the homes of such individuals; and

(iv) addressing gaps in Federal and State infrastructure that prevent delivery of high-quality long term services and supports to such individuals.

(3) ADDITIONAL CONSIDERATIONS.—For purposes of developing the plan described in paragraph (1), the Commission shall take into account projected demographic changes and trends in the population of the United States, as well as the potential for development of new technologies, delivery systems, or other mechanisms to improve the availability and quality of long-term services and supports.

(4) CONSULTATION.—For purposes of developing the plan described in paragraph (1), the Commission shall consult with the Medicare Payment Advisory Commission, the Medicaid and CHIP Payment and Access Commission, the National Council on Disability, and relevant consumer groups.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, to be appointed not later than 30 days after the date of enactment of this Act, as follows:

(A) The President of the United States shall appoint 3 members.

(B) The majority leader of the Senate shall appoint 3 members.

(C) The minority leader of the Senate shall appoint 3 members.

(D) The Speaker of the House of Representatives shall appoint 3 members.

(E) The minority leader of the House of Representatives shall appoint 3 members.

(2) REPRESENTATION.—The membership of the Commission shall include individuals who—

(A) represent the interests of—

(i) consumers of long-term services and supports and related insurance products, as well as their representatives;

(ii) older adults;

(iii) individuals with cognitive or functional limitations;

(iv) family caregivers for individuals described in clause (i), (ii), or (iii);

(v) the health care workforce who directly provide long-term services and supports;

(vi) private long-term care insurance providers;

(vii) employers;

(viii) State insurance departments; and

(ix) State Medicaid agencies;

(B) have demonstrated experience in dealing with issues related to long-term services and supports, health care policy, and public and private insurance; and

(C) represent the health care interests and needs of a variety of geographic areas and demographic groups.

(3) CHAIRMAN AND VICE-CHAIRMAN.—The Commission shall elect a chairman and vice chairman from among its members.

(4) **VACANCIES.**—Any vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made and shall not affect the power of the remaining members to execute the duties of the Commission.

(5) **QUORUM.**—A quorum shall consist of 8 members of the Commission, except that 4 members may conduct a hearing under subsection (e)(1).

(6) **MEETINGS.**—The Commission shall meet at the call of its chairman or a majority of its members.

(7) **COMPENSATION AND REIMBURSEMENT OF EXPENSES.**—

(A) **IN GENERAL.**—To enable the Commission to exercise its powers, functions, and duties, there are authorized to be disbursed by the Senate the actual and necessary expenses of the Commission approved by the chairman and vice chairman, subject to subparagraph (B) and the rules and regulations of the Senate.

(B) **MEMBERS.**—Members of the Commission are not entitled to receive compensation for service on the Commission. Members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Commission.

(d) **STAFF AND ETHICAL STANDARDS.**—

(1) **STAFF.**—The chairman and vice chairman of the Commission may jointly appoint and fix the compensation of staff as they deem necessary, within the guidelines for employees of the Senate and following all applicable rules and employment requirements of the Senate.

(2) **ETHICAL STANDARDS.**—Members of the Commission who serve in the House of Representatives shall be governed by the ethics rules and requirements of the House. Members of the Senate who serve on the Commission and staff of the Commission shall comply with the ethics rules of the Senate.

(e) **POWERS.**—

(1) **HEARINGS AND OTHER ACTIVITIES.**—For the purpose of carrying out its duties, the Commission may hold such hearings and undertake such other activities as the Commission determines to be necessary to carry out its duties.

(2) **STUDIES BY GENERAL ACCOUNTING OFFICE.**—Upon the request of the Commission, the Comptroller General of the United States shall conduct such studies or investigations as the Commission determines to be necessary to carry out its duties.

(3) **COST ESTIMATES BY CONGRESSIONAL BUDGET OFFICE.**—Upon the request of the Commission, the Director of the Congressional Budget Office shall provide to the Commission such cost estimates as the Commission determines to be necessary to carry out its duties.

(4) **DETAIL OF FEDERAL EMPLOYEES.**—Upon the request of the Commission, the head of any Federal agency is authorized to detail, without reimbursement, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(5) **TECHNICAL ASSISTANCE.**—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(6) **USE OF MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies.

(7) **OBTAINING INFORMATION.**—The Commission may secure directly from any Federal agency information necessary to enable it to carry out its duties, if the information may be disclosed under section 552 of title 5, United States Code. Upon request of the Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

(8) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) **COMMISSION CONSIDERATION.**—

(1) **APPROVAL OF REPORT AND LEGISLATIVE LANGUAGE.**—

(A) **IN GENERAL.**—Not later than 6 months after appointment of the members of the Commission (as described in subsection (c)(1)), the Commission shall vote on a comprehensive and detailed report based on the long-term care plan described in subsection (b)(1) that contains any recommendations or proposals for legislative or administrative action as the Commission deems appropriate, including proposed legislative language to carry out the recommendations or proposals (referred to in this section as the “Commission bill”).

(B) **APPROVAL BY MAJORITY OF MEMBERS.**—The Commission bill shall require the approval of a majority of the members of the Commission.

(2) **TRANSMISSION OF COMMISSION BILL.**—

(A) **IN GENERAL.**—If the Commission bill is approved by the Commission pursuant to paragraph (1), then not later than 10 days after such approval, the Commission shall submit the Commission bill to the President, the Vice President, the Speaker of the House of Representatives, and the majority and minority Leaders of each House on Congress.

(B) **COMMISSION BILL TO BE MADE PUBLIC.**—Upon the approval or disapproval of the Commission bill pursuant to paragraph (1), the Commission shall promptly make such proposal, and a record of the vote, available to the public.

(g) **TERMINATION.**—The Commission shall terminate 30 days after the vote described in subsection (f)(1).

(h) **CONSIDERATION OF COMMISSION RECOMMENDATIONS.**—If approved by the majority required by subsection (f)(1), the Commission bill that has been submitted pursuant to subsection (f)(2)(A) shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the majority leader of the Senate or by a Member of the Senate designated by the majority leader of the Senate and shall be introduced in the House of Representatives (by request) on the next legislative day by the majority leader of the House or by a member of the House designated by the majority leader of the House.

#### **SEC. 644. CONSUMER OPERATED AND ORIENTED PLAN PROGRAM CONTINGENCY FUND.**

(a) **ESTABLISHMENT.**—The Secretary of Health and Human Services shall establish a fund to be used to provide assistance and oversight to qualified nonprofit health insurance issuers that have been awarded loans or grants under section 1322 of the Patient Protection and Affordable Care Act (42 U.S.C. 18042) prior to the date of enactment of this Act.

(b) **TRANSFER AND RESCISSION.**—

(1) **TRANSFER.**—From the unobligated balance of funds appropriated under section 1322(g) of the Patient Protection and Affordable Care Act (42 U.S.C. 18042(g)), 10 percent of such sums are hereby transferred to the fund established under subsection (a) to remain available until expended.

(2) **RESCISSION.**—Except as provided for in paragraph (1), amounts appropriated under section 1322(g) of the Patient Protection and Affordable Care Act (42 U.S.C. 18042(g)) that are unobligated as of the date of enactment of this Act are rescinded.

#### **TITLE VII—EXTENSION OF AGRICULTURAL PROGRAMS**

##### **SEC. 701. 1-YEAR EXTENSION OF AGRICULTURAL PROGRAMS.**

(a) **EXTENSION.**—Except as otherwise provided in this section and amendments made by this

section and notwithstanding any other provision of law, the authorities provided by each provision of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1651) and each amendment made by that Act (and for mandatory programs at such funding levels), as in effect on September 30, 2012, shall continue, and the Secretary of Agriculture shall carry out the authorities, until the later of—

(1) September 30, 2013; or

(2) the date specified in the provision of that Act or amendment made by that Act.

(b) **COMMODITY PROGRAMS.**—

(1) **IN GENERAL.**—The terms and conditions applicable to a covered commodity or loan commodity (as those terms are defined in section 1001 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702)) or to peanuts, sugarcane, or sugar beets for the 2012 crop year pursuant to title I of that Act (7 U.S.C. 8702 et seq.) and each amendment made by that title shall be applicable to the 2013 crop year for that covered commodity, loan commodity, peanuts, sugarcane, or sugar beets.

(2) **MILK.**—

(A) **IN GENERAL.**—Notwithstanding subsection (a), the Secretary of Agriculture shall carry out the dairy product price support program under section 1501 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8771) through December 31, 2013.

(B) **MILK INCOME LOSS CONTRACT PROGRAM.**—Section 1506 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8773) is amended by striking “2012” each place it appears in subsections (c)(3), (d)(1), (d)(2), (e)(2)(A), (g), and (h)(1) and inserting “2013”.

(3) **SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.**—The provisions of law specified in subsections (a) through (c) of section 1602 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8782) shall be suspended—

(A) for the 2013 crop or production year of a covered commodity (as that term is defined in section 1001 of that Act (7 U.S.C. 8702)), peanuts, sugarcane, and sugar, as appropriate; and

(B) in the case of milk, through December 31, 2013.

(c) **CONSERVATION PROGRAMS.**—

(1) **CONSERVATION RESERVE.**—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended in the second sentence by striking “and 2012” and inserting “2012, and 2013”.

(2) **VOLUNTARY PUBLIC ACCESS.**—Section 1240R of the Food Security Act of 1985 (16 U.S.C. 3839bb-5) is amended by striking subsection (f) and inserting the following:

“(f) **FUNDING.**—

“(1) **FISCAL YEARS 2009 THROUGH 2012.**—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to the maximum extent practicable, \$50,000,000 for the period of fiscal years 2009 through 2012.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2013.”.

(d) **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**—

(1) **EMPLOYMENT AND TRAINING PROGRAM.**—Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended by inserting “, except that for fiscal year 2013, the amount shall be \$79,000,000” before the period at the end.

(2) **NUTRITION EDUCATION.**—Section 28(d)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036a(d)(1)) is amended—

(A) in subparagraph (A), by striking “and” after the semicolon at the end; and

(B) by striking subparagraph (B) and inserting the following:

“(B) for fiscal year 2012, \$388,000,000;

“(C) for fiscal year 2013, \$285,000,000;

“(D) for fiscal year 2014, \$401,000,000;

“(E) for fiscal year 2015, \$407,000,000; and

“(F) for fiscal year 2016 and each subsequent fiscal year, the applicable amount during the preceding fiscal year, as adjusted to reflect any increases for the 12-month period ending the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

(e) RESEARCH PROGRAMS.—

(1) ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.—Section 1672B(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(f)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “MANDATORY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012”;

(B) in the heading of paragraph (2), by striking “ADDITIONAL FUNDING” and inserting “DISCRETIONARY FUNDING FOR FISCAL YEARS 2009 THROUGH 2012”;

(C) by adding at the end the following:

“(3) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 2013.”.

(2) SPECIALTY CROP RESEARCH INITIATIVE.—Section 412(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(h)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “MANDATORY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012”;

(B) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2008 THROUGH 2012” after “APPROPRIATIONS”;

(C) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(D) by inserting after paragraph (2) the following:

“(3) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$100,000,000 for fiscal year 2013.”.

(3) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—Section 7405(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319(h)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “MANDATORY FUNDING FOR FISCAL YEARS 2009 THROUGH 2012”;

(B) in the heading of paragraph (2), by inserting “FOR FISCAL YEARS 2008 THROUGH 2012” after “APPROPRIATIONS”;

(C) by adding at the end the following:

“(3) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 2013.”.

(f) ENERGY PROGRAMS.—

(1) BIOBASED MARKETS PROGRAM.—Section 9002(h) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102(h)) is amended in paragraph (2) by striking “2012” and inserting “2013”.

(2) BIOREFINERY ASSISTANCE.—Section 9003(h)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h)(2)) is amended by striking “2012” and inserting “2013”.

(3) REPOWERING ASSISTANCE.—Section 9004(d)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104(d)(2)) is amended by striking “2012” and inserting “2013”.

(4) BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.—Section 9005(g)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105(g)(2)) is amended by striking “2012” and inserting “2013”.

(5) BIODIESEL FUEL EDUCATION PROGRAM.—Section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106) is amended by striking subsection (d) and inserting the following:

“(d) FUNDING.—

“(1) FISCAL YEARS 2009 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$1,000,000 for each of fiscal years 2008 through 2012.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 2013.”.

(6) RURAL ENERGY FOR AMERICA PROGRAM.—Section 9007(g)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(g)(3)) is amended by striking “2012” and inserting “2013”.

(7) BIOMASS RESEARCH AND DEVELOPMENT.—Section 9008(h)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108(h)(2)) is amended by striking “2012” and inserting “2013”.

(8) RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.—Section 9009(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8109(d)) is amended by striking “2012” and inserting “2013”.

(9) FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.—Section 9010(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8110(b)) is amended in paragraphs (1)(A) and (2)(A) by striking “2012” each place it appears and inserting “2013”.

(10) BIOMASS CROP ASSISTANCE PROGRAM.—Section 9011(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8111(f)) is amended—

(A) by striking “(f) FUNDING.—Of the funds” and inserting “(f) FUNDING.—

“(1) FISCAL YEARS 2008 THROUGH 2012.—Of the funds”;

(B) adding at the end the following:

“(2) FISCAL YEAR 2013.—

“(A) IN GENERAL.—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2013.

“(B) MULTIYEAR CONTRACTS.—For each multiyear contract entered into by the Secretary during a fiscal year under this paragraph, the Secretary shall ensure that sufficient funds are obligated from the amounts appropriated for that fiscal year to fully cover all payments required by the contract for all years of the contract.”.

(11) FOREST BIOMASS FOR ENERGY.—Section 9012(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8112(d)) is amended by striking “2012” and inserting “2013”.

(12) COMMUNITY WOOD ENERGY PROGRAM.—Section 9013(e) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8113(e)) is amended by striking “2012” and inserting “2013”.

(g) HORTICULTURE AND ORGANIC AGRICULTURE PROGRAMS.—

(1) FARMERS MARKET PROMOTION PROGRAM.—Section 6(e) of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005(e)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “FISCAL YEARS 2008 THROUGH 2012”;

(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(C) by inserting after paragraph (1) the following:

“(2) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2013.”.

(D) in paragraph (3) (as so redesignated), by striking “paragraph (1)” and inserting “paragraph (1) or (2)”;

(E) in paragraph (5) (as so redesignated), by striking “paragraph (2)” and inserting “paragraph (3)”.

(2) NATIONAL CLEAN PLANT NETWORK.—Section 10202(e) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 7761(e)) is amended—

(A) by striking “Of the funds” and inserting the following:

“(1) FISCAL YEARS 2009 THROUGH 2012.—Of the funds”;

(B) by adding at the end the following:

“(2) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out the Program \$5,000,000 for fiscal year 2013.”.

(3) NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.—Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(A) in subsection (a), by striking “Of funds of the Commodity Credit Corporation, the Secretary of Agriculture (acting through the Agricultural Marketing Service) shall use \$22,000,000 for fiscal year 2008, to remain available until expended, to” and inserting “The Secretary of Agriculture (acting through the Agricultural Marketing Service) shall”;

(B) by adding at the end the following:

“(d) FUNDING.—

“(1) MANDATORY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section \$22,000,000 for the period of fiscal years 2008 through 2012.

“(2) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$22,000,000 for fiscal year 2013, to remain available until expended.”.

(4) ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.—Section 7407(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c(d)) is amended—

(A) in the heading of paragraph (1), by striking “IN GENERAL” and inserting “MANDATORY FUNDING THROUGH FISCAL YEAR 2012”;

(B) in the heading of paragraph (2), by striking “ADDITIONAL FUNDING” and inserting “DISCRETIONARY FUNDING FOR FISCAL YEARS 2008 THROUGH 2012”;

(C) by adding at the end the following:

“(3) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$5,000,000, to remain available until expended.”.

(h) OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.—Section 2501(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)) is amended—

(1) in the heading of subparagraph (A), by striking “IN GENERAL” and inserting “FISCAL YEARS 2009 THROUGH 2012”;

(2) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(3) by inserting after subparagraph (A) the following:

“(B) FISCAL YEAR 2013.—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2013.”;

(4) in subparagraph (C) (as so redesignated), by striking “subparagraph (A)” and inserting “subparagraph (A) or (B)”;

(5) in subparagraph (D) (as so redesignated), by striking “subparagraph (A)” and inserting “subparagraph (A) or (B)”.

(i) EXCEPTIONS.—

(1) IN GENERAL.—Subsection (a) does not apply with respect to mandatory funding provided by programs authorized by provisions of law amended by subsections (d) through (h).

(2) CONSERVATION.—Subsection (a) does not apply with respect to the programs specified in paragraphs (3)(B), (4), (6), and (7) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)), relating to the conservation stewardship program, farmland protection program, environmental quality incentives program, and wildlife habitat incentives program, for which program authority was extended through fiscal year 2014 by section 716 of Public Law 112–55 (125 Stat. 582).

(3) **TRADE.**—Subsection (a) does not apply with respect to the following provisions of law:

(A) Section 3206 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 1726c) relating to the use of Commodity Credit Corporation funds to support local and regional food aid procurement projects.

(B) Section 3107(l)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(l)(1)) relating to the use of Commodity Credit Corporation funds to carry out the McGovern-Dole International Food for Education and Child Nutrition Program.

(4) **SURVEY OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.**—Subsection (a) does not apply with respect to section 4307 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1893) relating to the use of Commodity Credit Corporation funds for a survey and report regarding foods purchased by school food authorities.

(5) **RURAL DEVELOPMENT.**—Subsection (a) does not apply with respect to the following provisions of law:

(A) Section 379E(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s(d)(1)), relating to funding of the rural microentrepreneur assistance program.

(B) Section 6029 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 1955) relating to funding of pending rural development loan and grant applications.

(C) Section 231(b)(7)(A) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(b)(7)(A)), relating to funding of value-added agricultural market development program grants.

(D) Section 375(e)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)(B)) relating to the use of Commodity Credit Corporation funds for the National Sheep Industry Improvement Center.

(6) **MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.**—Subsection (a) does not apply with respect to section 10404(d) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2112).

(7) **SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.**—Subsection (a) does not apply with respect to section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and title IX of the Trade Act of 1974 (19 U.S.C. 2497 et seq.) relating to the provision of supplemental agricultural disaster assistance.

(8) **PIGFORD CLAIMS.**—Subsection (a) does not apply with respect to section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2209) relating to determination on the merits of Pigford claims.

(9) **HEARTLAND, HABITAT, HARVEST, AND HORTICULTURE ACT OF 2008.**—Subsection (a) does not apply with respect to title XV of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2246), and amendments made by that title, relating to the provision of supplemental agricultural disaster assistance under title IX of the Trade Act of 1974 (19 U.S.C. 2497 et seq.), certain revenue and tax provisions, and certain trade benefits and other matters.

(j) **EFFECTIVE DATE.**—Except as otherwise provided in this section, this section and the amendments made by this section take effect on the earlier of—

- (1) the date of the enactment of this Act; or
- (2) September 30, 2012.

#### **SEC. 702. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.**

(a) **IN GENERAL.**—Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

- (1) in subsection (a)(5)—

(A) in the matter preceding clause (i), by striking the first “under”; and

(B) by redesignating clauses (i) through (iii) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately;

(2) in subsection (c)—

(A) in paragraph (1), by striking “use such sums as are necessary from the Trust Fund to”; and

(B) by adding at the end the following:

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$80,000,000 for each of fiscal years 2012 and 2013.”;

(3) in subsection (d)—

(A) in paragraph (2), by striking “use such sums as are necessary from the Trust Fund to”; and

(B) by adding at the end the following:

“(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$400,000,000 for each of fiscal years 2012 and 2013.”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “use up to \$50,000,000 per year from the Trust Fund to”; and

(B) by adding at the end the following:

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$50,000,000 for each of fiscal years 2012 and 2013.”;

(5) in subsection (f)—

(A) in paragraph (2)(A), by striking “use such sums as are necessary from the Trust Fund to”; and

(B) by adding at the end the following:

“(5) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2012 and 2013.”; and

(6) in subsection (i), by inserting “or, in the case of subsections (c) through (f), September 30, 2013” after “2011.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2012.

### **TITLE VIII—MISCELLANEOUS PROVISIONS**

#### **SEC. 801. STRATEGIC DELIVERY SYSTEMS.**

(a) **IN GENERAL.**—Paragraph 3 of section 495(c) of title 10, United States Code, as added by section 1035 of the National Defense Authorization Act for Fiscal Year 2013, is amended—

(1) by striking “that” before “the Russian Federation” and inserting “whether”; and

(2) by inserting “strategic” before “arms control obligations”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2013.

#### **SEC. 802. NO COST OF LIVING ADJUSTMENT IN PAY OF MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal year 2013.

### **TITLE IX—BUDGET PROVISIONS**

#### **Subtitle A—Modifications of Sequestration**

##### **SEC. 901. TREATMENT OF SEQUESTER.**

(a) **ADJUSTMENT.**—Section 251A(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subparagraph (C), by striking “and” after the semicolon;

(2) in subparagraph (D), by striking the period and inserting “; and”;

(3) by inserting at the end the following:

“(E) for fiscal year 2013, reducing the amount calculated under subparagraphs (A) through (D) by \$24,000,000,000.”.

(b) **AFTER SESSION SEQUESTER.**—Notwithstanding any other provision of law, the fiscal year 2013 spending reductions required by section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be evaluated and implemented on March 27, 2013.

(c) **POSTPONEMENT OF BUDGET CONTROL ACT SEQUESTER FOR FISCAL YEAR 2013.**—Section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in paragraph (4), by striking “January 2, 2013” and inserting “March 1, 2013”; and

(2) in paragraph (7)(A), by striking “January 2, 2013” and inserting “March 1, 2013”.

(d) **ADDITIONAL ADJUSTMENTS.**—

(1) **SECTION 251.**—Paragraphs (2) and (3) of section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 are amended to read as follows:

“(2) for fiscal year 2013—

“(A) for the security category, as defined in section 250(c)(4)(B), \$684,000,000,000 in budget authority; and

“(B) for the nonsecurity category, as defined in section 250(c)(4)(A), \$359,000,000,000 in budget authority; and

“(3) for fiscal year 2014—

“(A) for the security category, \$552,000,000,000 in budget authority; and

“(B) for the nonsecurity category, \$506,000,000,000 in budget authority.”.

(e) **2013 SEQUESTER.**—On March 1, 2013, the President shall order a sequestration for fiscal year 2013 pursuant to section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended by this section, pursuant to which, only for the purposes of the calculation in sections 251A(5)(A), 251A(6)(A), and 251A(7)(A), section 251(c)(2) shall be applied as if it read as follows:

“(2) For fiscal year 2013—

“(A) for the security category, \$544,000,000,000 in budget authority; and

“(B) for the nonsecurity category, \$499,000,000,000 in budget authority.”.

#### **SEC. 902. AMOUNTS IN APPLICABLE RETIREMENT PLANS MAY BE TRANSFERRED TO DESIGNATED ROTH ACCOUNTS WITHOUT DISTRIBUTION.**

(a) **IN GENERAL.**—Section 402A(c)(4) is amended by adding at the end the following:

“(E) **SPECIAL RULE FOR CERTAIN TRANSFERS.**—In the case of an applicable retirement plan which includes a qualified Roth contribution program—

“(i) the plan may allow an individual to elect to have the plan transfer any amount not otherwise distributable under the plan to a designated Roth account maintained for the benefit of the individual,

“(ii) such transfer shall be treated as a distribution to which this paragraph applies which was contributed in a qualified rollover contribution (within the meaning of section 408A(e)) to such account, and

“(iii) the plan shall not be treated as violating the provisions of section 401(k)(2)(B)(i), 403(b)(7)(A)(i), 403(b)(11), or 457(d)(1)(A), or of section 8433 of title 5, United States Code, solely by reason of such transfer.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to transfers after December 31, 2012, in taxable years ending after such date.

#### **Subtitle B—Budgetary Effects**

##### **SEC. 911. BUDGETARY EFFECTS.**

(a) **PAYGO SCORECARD.**—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARD.**—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Amend the title so as to read: “An Act entitled the ‘American Taxpayer Relief Act of 2012’.”.

#### **MOTION TO CONCUR**

The **SPEAKER pro tempore.** The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Camp moves that the House concur in the Senate amendments to H.R. 8.

The SPEAKER pro tempore. Pursuant to House Resolution 844, the motion shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

The gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 8.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge what a colleague from Georgia called a legacy vote—making permanent the tax cuts Republicans enacted back in 2001 and 2003. I couldn't agree more, and let me say why: because we're making permanent tax policies Republicans originally crafted.

Now back then, despite having a majority in the House, a majority in the Senate, and a Republican in the White House, those policies were only temporary. That's because Democrats refused to join Republicans in providing tax relief for working families. Well, after more than a decade of criticizing these tax cuts, Democrats are finally joining with Republicans in making these tax cuts permanent. Republicans and the American people are getting something really important—permanent tax relief.

As big as that is, and it's only the first step when it comes to taxes, this legislation settles the level of revenue Washington should bring in. Next, we need to make the Tax Code simpler and fairer for families and small businesses, and we need to pursue comprehensive and fundamental tax reform to create the jobs we need and to make American businesses and workers competitive in the global marketplace. Simply put, the Tax Code is a nightmare. It's too complex, too time-consuming, and too costly. About 60 percent of individual taxpayers have to hire others to do their tax returns because the code is too complicated. As a result, if tax compliance were an industry, it would be one of the largest in the United States and would consume 6.1 billion hours, the equivalent of more than 3 million full-time workers.

And yes, it's too costly. In 2008 alone, taxpayers spent \$163 billion complying with the individual and corporate income tax rules. Add to that the fact

that the U.S. has the highest corporate tax rate in the OECD and an outdated system of taxation, and it's not too difficult to imagine why many don't view America as an attractive place to invest and hire.

Nothing about the bill we're considering tonight changes any of those realities. That's why the Ways and Means Committee will pursue comprehensive tax reform in the next Congress. So by making Republican tax cuts permanent, we're one step closer to comprehensive tax reform that will help strengthen our economy and create more and higher paychecks for American workers.

I urge my colleagues to support this bill and get us one step closer to tax reform.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume. This is a bipartisan bill, and I will try to keep it within that spirit to the extent possible.

As we are here today on January 1, hours away from Americans returning to work, markets reopening around the world, and all eyes focusing on whether this institution can govern, this legislation allows us to get done what we need to get done.

□ 2150

This bill is vital for our Nation's economic well-being and, I want to emphasize, for its standing as the world's most important economy. It is vital for 114 million middle class families whose tax cuts are made permanent. It's vital for 2 million unemployed American workers who need continuation of their insurance while they continue to look for work.

It is vital for 30 million middle-income Americans who otherwise would have been hit by the alternative minimum tax. And it's vital for 25, and I emphasize this, 25 million working families and students who benefit from the Child Tax Credit, the Earned Income Tax Credit and the American Opportunity Tax Credit, which helps families pay for college.

And it's vital for physicians and millions of their patients who would have been hurt by drastic cuts in Medicare reimbursement rates. It's also vital for businesses, through an extension of important tax provisions such as the R&D credit, and also renewable energy incentives that must continue in this great country of ours, and bonus depreciation to encourage business investments.

But I want to emphasize this, somewhat in contrast to what our chairman has said: this legislation breaks the iron barrier that for far too long has prevented additional tax revenues from the very wealthiest. It raises \$620 billion in revenue by achieving the President's goal of asking the wealthiest 2 percent of Americans to pay more,

while protecting 98 percent of families. That's right, that's what it does. And 97 percent—I want to emphasize this, contrary to propaganda coming from the other side, 97 percent of small businesses from any tax increase.

And, lastly—and this needs to be emphasized especially in view, Mr. Chairman, of your comments—this package is vital for future deficit reduction efforts, setting the stage for a balanced approach from here on out by delaying sequestration through 1-1 revenue to spending cuts.

Yesterday, President Obama again said he is committed to deficit reduction, but he emphasized several times, and I quote:

We've got to do this in a balanced, responsible way with additional revenues as well as spending cuts, so I urge its passage.

This bill sets the important precedent I mentioned in terms of additional revenues as well as spending cuts. The time is urgent. The time is now. We should support this legislation.

I reserve the balance of my time.

Mr. CAMP. At this time, I yield 3 minutes to the gentleman from California (Mr. ISSA), the distinguished chairman of the Oversight and Government Reform Committee.

Mr. ISSA. Mr. Speaker, I'd like to be speaking for this bill, but I can't. In the 12 years, almost to the day, that I've served in this body, I've voted for every tax cut, every tax cut. And I remember many of my colleagues, many of them friends to my right here, who, each time we voted for them said, where is the PAYGO? Where is the pay-for?

Well, Mr. Speaker, there's \$4 trillion of new debt and deficit and there's no pay-for, and there's no anticipation of a pay-for.

In the last night, or the last 2 days, of a Congress, to say that 2 months from now a new Congress is going to do what we're not doing here today is not something I can bring myself to do.

I would like to vote for this because I do vote for lower taxes. I want Americans to have lower taxes. But the other day, in conference, one of my colleagues pointed out that if, in fact, you're spending the money, you're taxing our future generation.

We are taxing \$1.2 trillion next year. We are taxing \$1.2 trillion. We won't collect it, but we are taxing \$1.2 trillion of deficit.

The chairman of the Ways and Means Committee, Mr. CAMP, rightfully so said we're also not simplifying the Tax Code. We're not making it better or fairer. We're not getting rid of the NASCAR loophole. We're not getting rid of the electric motor scooter low-speed loophole. We're not getting rid of a whole lot of tax things that are here.

But most importantly, we're not taking things that the President himself said he would be for, like getting the calculation of chained CPI, of the consumer price index for Social Security

and the Federal workforce and pensions right, which, would, in fact, reduce the deficit going forward.

So because of what we're not doing, I cannot believe that this tax cut will, in fact, be followed with a spending cut to offset any part of the \$4 trillion we're putting on the backs of future generations.

So I thank all of you who will vote for it. I cannot bring myself to vote for it tonight.

Mr. LEVIN. I yield myself 15 seconds.

We Democrats sat on Ways and Means, time after time, when Republicans passed tax cuts and never brought \$1 to the table to pay for it. They thought that that was the way to promote economic growth. How wrong they were.

It's now my privilege to yield 1 minute to a person who has the title "leader," but who has been so much more than a titular leader, who has valiantly led our efforts, and we owe to NANCY PELOSI a real debt of gratitude for our being where we are today.

With real pleasure, I yield 1 minute to our distinguished leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding. I thank him for his great leadership as our ranking member on the Ways and Means Committee and for bringing the clarity to our thinking on this important subject that we are dealing with this evening.

My colleagues, many of us this morning began the day with the Vice President of the United States coming to the Democratic Caucus and speaking to us about legislation that passed the Senate last night 89-8. That is absolutely historic. It was legislation that he helped negotiate, working with the Republican and Democratic leaders in the United States Senate.

It was a remarkable accomplishment because, as we all know, while we share the same goals, we sometimes have different paths to achieving them; and reconciling our differences was a monumental task, especially with the time growing short.

So we appreciate the leadership of the Vice President. We appreciate the leadership of the Republican and Democratic leaders in the Senate, and we thank Speaker BOEHNER for bringing this legislation to the floor.

Hopefully, we can duplicate the strong bipartisan vote that the legislation received in the United States Senate. And why is that important?

It's important because the American people told us in the election they wanted us to work together. They have their differences too. They understand disagreement. They also understand compromise, and that is what this legislation represents.

I listened attentively to the previous speaker who said he was voting for the bill for what was not in it. That's an interesting approach. We can judge all

of the legislation that we vote on for what is in it or vote against it for what is not in it. But at some point you strike a balance. You balance the equities.

Where do you come out in terms of making a choice?

□ 2200

I hope we will reflect the will and heed the call of the American people to work together and follow the lead of the Senate with strong bipartisan support. What do they want us to do? What are their priorities? They want us to create jobs. They want us to grow the economy. They want us to invest in education. They want us to reduce the deficit. They want us to strengthen the middle class. And that is what this legislation does. It does so in a way that is not complete but is an important first step.

We talked much about the gloom and doom of what would happen if we went over the cliff. Well, let's talk instead about what happens if we don't go over the cliff. And I believe that we will not, seeing the vote on the rule this evening. I believe that we will heed the American people and come together with a strong vote.

By voting for this legislation and passing it in a strong way we'll increase the confidence of consumers, of the markets, of businesses, of employers to hire more. We will extend unemployment insurance to people who have lost their jobs through no fault of their own. This is very, very important not only to those individuals, but to our economy, because this is money that is spent immediately injecting demand into the economy, creating jobs.

We'll extend permanent tax relief for the middle class—more than 98 percent of the American taxpayers, more than 97 percent of America's small businesses. We will support our middle class and strengthen it by supporting the child tax credits, tax credits for higher education, the American opportunity tax credit, the earned income tax credit, and the like.

Our distinguished ranking member went through some of the provisions, but it's important to see them in light of what they mean to America's working families. By voting for this agreement, we will demonstrate that we have listened to the American people and we have heeded their call, once again, to work together in a bipartisan way.

I want to salute President Obama. He campaigned on strengthening the middle class—I think all of us probably did—and this is one way for us to fulfill that promise. I don't know any piece of legislation that I've ever voted for that did everything that I thought it should do, but this is a very, very strong first step as we go into the new year. Let us send a message to the American people that, again, while this bill doesn't ac-

complish all that we need to do to grow the economy, reduce the deficit, and strengthen the middle class, it is a good way for us to have a happy start to a new year by taking this first step.

I hope that as, again, you balance the equities, the pros and cons of this legislation, that you will weigh heavily in favor of the message that it sends to the kitchen tables of America about the respect we have for them in meeting their needs, meeting their challenges, honoring their aspirations. This great middle class is the backbone of our democracy. Let us all be very patriotic tonight and support our middle class and support our democracy. Vote "aye" on this strong bipartisan legislation which passed 89-8 in the United States Senate. Let's step up to the plate to do that in the House of Representatives.

I urge my colleagues to vote "aye."

Mr. CAMP. Mr. Speaker, I yield myself 45 seconds.

This is the first step. And now that we have permanently settled how much revenue the government is going to take out of the economy, we can move on to next steps. We can and will pursue comprehensive tax reform this year, in 2013, and next steps. We need to address the fundamental driver of our deficits and debt, and that is out-of-control spending.

I urge support for this bill, and I reserve the balance of my time.

Mr. LEVIN. I yield myself 15 seconds.

I just don't want the chairman's statement that this settles permanently how much revenue will be made available. The President has made clear there has to be a balanced approach, and no one should be misled into thinking otherwise, no one.

I yield 2 minutes to the distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. This is no profile in courage for me to be voting for this bill. It reminds me of the joke we use to have on Lennox Avenue, where someone stopped hitting you on the head with a hammer and you're supposed to say, "Thank you so much for the relief."

We created this monster. We're the ones that have said—at least the Congress has said in the majority in the House—do what you have to do but, for God's sake, don't ask the top 2 percent of the wealthiest people in this civilized country to pay their fair share. And while you're thinking about taxing people, why don't you start talking about cutting people off from unemployment compensation? Why don't you think about not providing so much for the sick and the aged? Why don't you start privatizing these things?

This was not the America that I knew when I came to the Congress. This was something that a handful of people from nowhere came here and started preaching that we had to destroy Big Government and the vulnerable who had no lobbyists, who had no



one to come to, were saved by us, by responsible people who came together and said, basically, Have you lost your mind? What are you doing? How can you go home and tell the people this is what you created?

And so we paused and common sense has prevailed, and we can at least go back home and say, Not now, but they're coming again.

They have all types of words that they're using, like the debt ceiling, but all it means is that they're coming after us and they're coming after the President. They'll be talking about sequestration. What will it mean? Cutting benefits from people that need them the most.

And with all due regards to the other body for once doing what the House could not get together in doing, we never even saw how they paid for some of these things, things that we would have handled differently when we had to pay for those doctors who work very hard for the Medicare. And people say, Well, how are you paying for them? And everyone had amnesia in not knowing. Well, after it's over, they'll get paid, but this Congress will make certain that the providers of health care are not penalized for this Congress doing the right thing.

Mr. CAMP. I yield 30 seconds to the distinguished gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I just wanted to thank so many on the other side after all these years for finally acknowledging publicly that 98 percent of the Bush tax cuts helped the middle class.

Mr. LEVIN. I will yield to my temptation to respond, and I will now yield 2 minutes to another distinguished gentleman, a member of our committee, Mr. NEAL of Massachusetts.

Mr. NEAL. Thank you, Mr. LEVIN.

At this late hour, let me point something out and take exception to what Chairman CAMP said at the outset of his remarks. We're here tonight because, despite what the gentleman from Texas just said as well, you can't cut taxes by \$2.3 trillion over 12 years and fight two wars.

When you heard the argument before that was so popular, "It's the people's money; it's going to promote economic growth," the most anemic economic growth America's had since Hoover became President, do you know what's the people's responsibility? Those veterans' hospitals. We have 1.7 million new veterans and 45,000 wounded. Do you know what the Republican whip said during those crucial years? Cutting taxes in a time of war is patriotic. So much for sacrifice for all of us.

When you look back into how we got to this problem—revenue at 15 percent of GDP—that's an Eisenhower figure headed toward Truman. We've argued in this town about 19 to 21 percent for the better part of 30 years. Fifteen percent of revenue with GDP, 12 years of tax cuts.

Now, this represents a reasonable step forward tonight. And I want to say with some personal satisfaction that I'm delighted with what we have finally done to put to rest the alternative minimum tax.

□ 2210

A million families in Massachusetts were threatened with alternative minimum tax. It was the responsible position tonight. But I want to give you a number. You know what these patches have cost us? \$2.2 trillion over the life of AMT. The theology that we heard that was so popular in this institution—tax cuts pay for themselves—you can't find a mainstream economist today in America that will acknowledge that problem.

This is a reasonable step forward. Vote for this measure, and let's get on to fundamental tax reform.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. This evening, we're expected to vote on an item that has many commendable and important items. Unfortunately, too many are of short duration, much is left out, and most importantly we're losing a real opportunity for reform.

The SGR is left in a year to torment medical providers again. The AMT, I'm pleased, is patched—I appreciate the advocacy of my friend, Mr. NEAL. But, in fact, we all know that it should, at a minimum, be reformed, if not repealed.

We have a body blow to the alternative energy industry, and somehow it's given a year's reprieve, but it's not what they need or what they deserve. And because we refuse, at a moment of opportunity, to deal meaningfully with the national debt—and remember, the budget from my Republican friends, authored by my colleague, Mr. RYAN, would have required \$6 trillion headroom in the debt ceiling.

Now, we cannot continue to have the world's largest and most expensive military by far, the lowest taxes of any of the major economies, the most expensive and inefficient health care, and continue to allow our country's infrastructure to fall apart while America ages and grows.

This proposal represents absolutely the least we could have done under these circumstances and, tragically, institutionalizes for the next Congress the madness around here of short-term frenzy around self-inflicted deadlines that have no reality to them. That drives the American public crazy, and with good reason.

Not only can we do better, I would suggest that we must do better.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 20 seconds.

Mr. BLUMENAUER. It's probably going to pass with overwhelming bipartisan support. So be it. I can only hope that, in that spirit of taking a risk on both sides of the aisle—and both parties and the administration—that the administration and the new Congress gets serious about reform and delivering services more cost-effectively in ways, ironically, that people on both sides of the aisle agree with that are absent in this proposal.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 2 minutes to another member of the Ways and Means Committee, the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. The American people are the real winners here tonight, not anyone who navigates these halls. Let's make that clear.

We don't have a perfect bill in front of us—in fact, we've never had a perfect bill in front of us—but this is a bill which will provide much needed certainty to millions of middle class American families that their income taxes will not increase.

Since the recession in 2008, there has been a 25 percent increase in the number of families below the poverty line in my home State of New Jersey. I'm sure we'll see more as a result of the devastation of Hurricane Sandy. Lest we forget before tomorrow that we need to respond to that storm as all of us responded to the other catastrophes over the past 10 to 15 years. We should not have exceptions, particularly from those States who are donor States. If you want to get into nickels and dimes, then let's get into nickels and dimes. We've done our share and will continue to do it. We want everybody to step up to the plate.

We've been able to help families in need by extending the earned income tax credit to 563,000 New Jersey taxpayers, who will earn an average of \$2,169 more because of the program. We have also helped 460,000 New Jersey families take advantage of the child tax credit. Many of you, regardless of which State you come from, your constituents have taken advantage of that great program. Almost 400,000 have been able to use the education tax credits.

Lest we forget what we've done on the alternative minimum tax, the chairman of the Ways and Means Committee will tell you how many times alternative minimum tax comes up, and yet we did nothing about it, pushing it patch to patch, year to year. In just one county in my district, 87 percent of the families have been affected.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. I ask to have a "yea" vote on this legislation so we can all be proud and be happy for a



change when we wake up in the morning.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), our colleague-to-be on Ways and Means.

Ms. SCHWARTZ. I rise this evening in strong support of the Jobs Protection and Recession Prevention Act of 2012. By passing this bill, Congress provides economic security and certainty for middle class families.

This legislation, which passed the Senate with overwhelming bipartisan support, permanently extends tax cuts for 99 percent of American families and small businesses, it protects seniors' access to doctors, it expands affordability of college for millions of young people, it makes vital investments that build economic growth and new jobs in this country, and it averts the fiscal cliff and the harmful economic consequences that might have resulted.

As we close out this Congress, we've reached resolution on a major issue facing this Congress and our Nation: fairer tax policy for our families and our businesses.

There's more work to do. In the next Congress, my guess is that it will be just as difficult to reach bipartisan solutions, but that doesn't mean it can't be done. Tonight's vote, I hope, demonstrates that in fact it can, and it benefits American families and American businesses and America's future.

Mr. CAMP. I continue to reserve the balance of my time.

Mr. LEVIN. I now yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, tonight we will pass 83 provisions that remove Federal revenue, totaling \$3.9 trillion, all of it deficit financed. Now, we will add \$64 billion more this year to reducing the deficit. So if we have a \$1.3 trillion annual deficit this year, it will bring it down to \$1.24 trillion.

Now, many of us feel—certainly on this side—that the deficit doesn't matter, but it does matter because we have another deficit: a deficit in investment in the education of our children, an investment in the training and skills of our workforce and the fiscal infrastructure of our country. We will have none of those resources to make that investment after we make this vote tonight.

The problem is we set up three more fiscal cliffs. We're going to have to deal with the debt ceiling, we're going to have to deal with the continuing resolution expiration, and we're going to have to deal with the sequester. All that's left is spending cuts.

So the only question we have to ask ourselves is, what programs do we cut and how deep do we cut them? We're going to look back on this night and regret it, notwithstanding the fact that 95 percent of us apparently will vote for it.

Mr. CAMP. Mr. Speaker, I would advise the gentleman that I am prepared to close.

Mr. LEVIN. I now yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I rise today to support this bill because essentially we have two choices here: We either vote for this bill and we prevent us from going over the cliff, or we go over the cliff. That would certainly wreak havoc with the market and with everything else.

□ 2220

But it never should have come to this. We should have been negotiating and passing a balanced bill. The American people are really fed up with what they see in the dysfunctional Congress. Harry Truman back in 1948 when he was running for President campaigned against the 80th, and he called it the "do nothing" 80th Congress. That "do nothing" Congress passed three times as many bills as the 112th Congress did. And so here we are at the last minute, and we are rushing to pass this bill. It never should have happened this way.

I commend President Obama and Vice President BIDEN for protecting the middle class with this and for doing the best that they can; but, my friends and my colleagues, we are going to have to work to meet in a sensible center. We are going to have to not play these brinksmanship games. The American people don't want it.

President Obama won reelection campaigning for the middle class. This keeps those priorities, and we ought to support it.

Mr. LEVIN. I now yield 2 minutes to DANNY DAVIS, our colleague from Illinois who is soon rejoining us on Ways and Means.

Mr. DAVIS of Illinois. Mr. Speaker, I have never seen a compromise where everybody got everything that they wanted or liked everything that they got. I certainly don't like everything that I see in this bill, and I certainly didn't get everything that I wanted. But I do like the fact that senior citizens can go to the doctors because they're being paid a reasonable rate. I don't like the fact that some of the health programs in my communities in disproportionate hospitals all across the country are being cut.

I just got two phone calls a few minutes ago from two constituents, one from Oak Park, Illinois, and one from Westchester. They both did all that they could do to convince me to vote against this bill. And after listening to them, I thanked them, but then I told them, do you know that 320,000 people in our State relied upon unemployment insurance benefits last year? I don't know how I could face those individuals with no hope, no possibility, and no idea that they're going to have a check in the mail. But when I go to

church on Sunday, I know that I will see people with the assurance that pretty soon an unemployment check is in the mail. And that's one of the reasons that, yes, I will vote for this bill, because it's good legislation. People need it right now—not next year, not next month, and not next week.

Mr. LEVIN. I now, with pleasure, yield 3 minutes to another member of our leadership, the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it's tempting to say it's about time the House put aside extreme partisanship and work together on compromise to address the Nation's most pressing issues. But, in reality, it is far past time that we put aside extreme partisanship. Throughout the entirety of the 112th Congress, we have seen narrow political interests placed ahead of the public interest.

So here we are on New Year's night, with the clock running out on the very existence of this Congress, finally considering bipartisan legislation to provide middle class tax cuts, require the wealthiest to, once again, pay their fair share so we can grow the economy, create jobs and protect the most vulnerable in our society. It is indeed well past time we got about the people's business.

Mr. Speaker, in 2011, I served on the Biden group of both Republican and Democratic Representatives and Senators who worked with the Vice President on our Nation's fiscal issues. We made good progress in those talks until our Republican friends walked away, fearing the wrath of the Tea Party. I also served on the bipartisan Joint Select Committee on Deficit Reduction, the so-called supercommittee that spent countless hours discussing these issues in detail. It was very clear that the elements of a fair and balanced fiscal plan were achievable. But at the end of the process, the Republican leaders refused to compromise, and the supercommittee failed.

So here we are. While this is not a perfect bill, and I have serious concerns about some of the cuts it contains, it does contain the element of fairness.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman 1 additional minute.

Mr. CLYBURN. This bill protects the middle class and working people with a more progressive Tax Code than we've had in a very long time. And this bill prevents the meat-axe approach of budget cuts that could do more severe damage to our national defense and important domestic priorities.

Mr. Speaker, I hope that the partisanship of the 112th Congress will end this week with the end of the 112th Congress, and I am hopeful that the 113th Congress can work together toward honorable compromises to get the

people's business done. I urge a "yes" vote.

Mr. LEVIN. We are going to vote soon, but first we want to hear from our whip, the distinguished gentleman from Maryland, who has worked so hard on these issues for decades.

I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for his leadership, and I thank Mr. CAMP for his leadership.

There is, of course, a time for partisanship. There is a time for making our political points, and that time has been, and it will be again. That time is not tonight.

All of us have traveled throughout this country; and we have heard our constituents, our neighbors and our friends say, please, don't have us go over the cliff. They're not sure exactly what "going over the cliff" means, but they intuitively and deeply feel that it will not be good to go over that cliff. And so we come to this floor tonight with almost everyone who has spoken saying this bill is not perfect, and, of course, that observation could be applied to any and all bills that we consider in this House.

Compromise is not the art of perfection. By its very definition, a compromise contains elements that neither side likes. But it also contains pieces both sides can embrace. What we will do tonight is not only adopt a piece of legislation that will give literally tens of millions of Americans the assurance that their taxes will not be raised; millions of small businesses assurance that their taxes will not be raised; millions of people who, through no fault of their own, are struggling to find a job and trying to keep bread on their table the assurance that we will be there to help.

Tonight, we will come together and do something else. With 37½ hours left to go in the 112th Congress, we will display to all of our constituents that, yes, in the final analysis, we have the ability to come together, to act not as Republicans, not as Democrats, but as Americans, 435 of us sent here by our neighbors and friends to try to do the best we can, realizing that there are 435 points of view that sit in this Chamber, and that what we strive to do is to reconcile those differences to create consensus, for without consensus, democracy cannot work.

There will be time for partisan differences. There will be time for partisan confrontation in the days in the 113th Congress. But this night, as we end the 112th Congress, as we have strived mightily to come to an agreement with great difficulty and realizing that all of us have very strong feelings, I severely regret that this is not a big, bold, and balanced plan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 1 minute.

□ 2230

Mr. HOYER. We had an opportunity to reach such an agreement in a bipartisan fashion, and we will not reach a big, bold, and balanced plan without bipartisanship because the decisions we'll have to make will be too difficult not to be done in a bipartisan fashion.

This night, we take a positive step, and the people watching us, Mr. Speaker, on television tonight and reading about their Congress tomorrow are seeing that we were able to act, not perfectly, but in a bipartisan fashion to try to take a step towards fiscal responsibility, fiscal stability, and, yes, caring for those who most need our help in this country.

I urge my colleagues, as the leader of my party in this Congress urged us, to support this legislation, not as a Democrat, not as a Republican, but as an American who understands that our people believe that action is necessary. And I would urge all of us as we close this debate to do so in a way that brings us together, not drives us apart; that reaches out to the best in us, not to the partisan in us.

Mr. Speaker, it is time for this Congress to come together, address this issue, act together, and pass this bill.

Mr. CAMP. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I think what gets lost in the 30-second sound bites on the fiscal cliff is the real cliff facing this country in the form of a massive wave of entitlement obligations.

Government accounting doesn't tell the whole story. The actual liabilities of the Federal Government, the present value of Medicare, Medicaid, and Social Security programs already exceed \$86 trillion. By 2040, our entitlement obligations will consume all of the average postwar projected tax revenue. We have to come to grips with that.

That means every dollar collected by the IRS would go to pay Social Security, Medicare, or Medicaid, without reforms. We will have to go out and borrow to pay for other spending should that happen. It is unfortunate that the President wasn't willing to engage on this front, and it is unfortunate that the Senate leader continues to deny the crisis.

On the day of new year's resolutions, let's hope Senator REID and President Obama resolve to be honest about the crisis our Nation faces with the coming wave of entitlement obligations, making these programs solvent, and reining in these trillion dollar deficits, which every economist will tell you is unsustainable. This must be done in 2013.

Without the legislation before us today, without this bill, millions of Americans would see their tax rates go up, and that would provide a systemic shock to our already weak economy.

This plan that we're about to vote on locks in a reduced tax rate for middle class families who otherwise would have seen \$3,000 in higher taxes on average. It permanently holds down the death tax, which impacts so many small businesses. It permanently protects the middle class from the alternative minimum tax, and it adjusts that for inflation.

The plan does away with a new entitlement program created in ObamaCare, and it makes permanent a 15 percent capital gains and dividends rate for income up to \$400,000 for singles, \$450,000 for married couples, and a 20 percent rate for those above. That rate would have gone to 39.6 percent for dividends. That would have been very injurious for our capital markets. That would be very injurious for economic growth if we allowed that to happen.

Tax relief has been achieved. Now is the time for the President to work with Congress to address government overspending, the underlying problem.

Mr. LEVIN. If the gentleman from Michigan is ready to close, I'll do the same and yield myself the balance of my time.

I regret the last statements. It is not correct to say that the President has not been interested in deficit reduction. That is not true. It was the Republican leadership in this House that walked away from a big package. So I think it is troublesome that you come here apparently saying you're going to vote for this bill by launching an unfair, untrue representation of what's been going on.

I want it to be very clear, because my guess is that the chairman will talk again that there has been a permanent level of revenue set by this bill. That is not correct. If that's an effort to get votes on your side, I want the record to be clear.

I'm going to close by reading from the President's statement of yesterday:

I want to make clear that any agreement we have to deal with these automatic spending cuts that are being threatened for next month, those also have to be balanced, because, remember, my principle has always been let's do things in a balanced, responsible way.

The same is true for any future deficit agreement. Obviously, we're going to have to do more to reduce our debt and our deficit. I'm willing to do more—

He already has done substantial.

—but it's going to have to be balanced. We're going to have to do it in a balanced way.

And then he talks about the need to address Medicare.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield myself such time as I may consume.

We've heard some talk about what does the fiscal cliff mean, and I would say that I agree with my friend from Maryland that if we didn't address the fiscal cliff issue, every single American

would see a tax increase, and it would be a big tax increase. It would be the biggest tax increase in the history of the country. That's why it's so important we're here tonight acting in a permanent way.

And I would say also to my friend from Michigan, he is correct, this is a permanent tax policy. These are permanent tax provisions we're putting in this bill that permanently sets the baseline. It permanently sets how much money the government can take out of the economy. Because of this, this is the largest tax cut in American history.

I think that's helpful, because the best way to get out of our debt and deficit is to grow our economy. We can do that through comprehensive and fundamental tax reform, and this is just the first step to getting to the ability to strengthen our economy and create the jobs we so badly need.

We've had years of anemic economic growth. We have projected anemic economic growth in 2013. It is so important that we try to create jobs and grow the economy, and we can do that through comprehensive pro-growth tax reform that lowers rates, broadens the base, and simplifies a Tax Code that is far too complex.

□ 2240

As I said in my opening statement, the Tax Code is a nightmare—and it is—and it's getting almost late enough to have a nightmare ourselves.

Let me just say that we not only need to grow the economy, but we also need to address the fundamental causes of our debts and deficits, and that's out-of-control spending—obligations that we have not got the financial wherewithal to meet. We need to strengthen those programs and make sure that they're sustainable for the long term, but we also need to address the problem that is out-of-control spending.

So this is the first step—permanent tax policy that then sets the stage for comprehensive and fundamental tax reform—and then addressing out-of-control spending. This will be several steps. This is an important one, and this is a critical one for the future of the country. I urge a "yes" vote.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I rise today to discuss the devastating across-the-board sequestration cuts set to take place across the entire federal government tomorrow—January 2nd. Half of those cuts would come from the Department of Defense and our national security programs.

The Department of Defense, industry, and the Congressional Defense Committees, have repeatedly and consistently warned of the consequences of letting sequestration take place. If allowed to happen, the impact to the Department of Defense would be a reduction of 8.2 percent or \$54.6 billion from the fiscal year 2013 budget. The total sequestration reduction

for Defense through fiscal year 2021 amounts to roughly \$492 billion—almost half a trillion dollars.

With military pay and personnel costs exempt from the cuts, the actual cut to all other accounts increases to 9.4 percent. Even though the Department of Defense has some limited flexibility to allocate sequestration cuts in the operating accounts, a computer will cut all procurement and research accounts proportionally—which will directly impact more than 2,500 programs and projects. The impact on our national security and readiness will be severe.

Base operating budgets will be cut, negatively impacting readiness. Training could be significantly reduced, resulting in unprepared troops and higher risk to those who deploy. Civilian personnel will certainly be affected, possibly resulting in hiring freezes and unpaid furloughs. Fewer weapon systems will be bought, which starts a vicious circle of rises in unit prices for the remaining weapons. Other major weapon systems will be reduced or terminated, and current contracts may have to be terminated or renegotiated, resulting in additional costs to the government and a loss of favorable contract terms in some cases. Procurement and Depot Maintenance schedules will be severely impacted, which is enormously disruptive, especially in shipbuilding and maintenance when future deployments rely on maintaining schedules.

Earlier this year, Secretary of Defense Leon Panetta testified that the impact of sequestration on the Department of Defense alone would drive up our nation's unemployment rate by a full percent. Jobs will be lost but more importantly, infrastructure and manufacturing capabilities critical to our national security will be lost. Already prime contractors have notified their suppliers and subcontractors that programs are on hold. This has left thousands of small businesses with no choice but to close their doors and lay off workers as work orders have dried up.

Our nation's manufacturing base relies upon these workers and their special skills. We rely on these small businesses to supply critical components for important weapons systems and platforms.

Mr. Speaker, as you know, the impact of sequestration is very real and is very imminent. Just consider that if sequestration remains in place for its full nine years, our nation will be left with the smallest ground force since 1940, the smallest number of ships since 1915, and the smallest Air Force in history.

When we talk about the fiscal cliff, these across the board cuts to our defense budget will result in not only an economic fiscal cliff, but of greatest concern to me, a cliff off which our national security will fall. This will impact our readiness, our ability to defend our nation, and our ability to ensure the safety of our all volunteer force as they operate around the world.

I urge my colleagues in the House to do everything we can to ensure that sequestration does not become a stark reality tomorrow. Failing to take action will cause irreversible harm to our nation's security and violate our Constitutional responsibility to "provide for the common defense."

Mr. THORNBERRY. Mr. Speaker, it was the issue of taxes that led to me running for Con-

gress in the first place. The question of how much of your money the government forces from us is central to the relationship of the individual with government and to the freedom of the individual. And in the past several years through calls, emails, and personal meetings, I have heard from many of my constituents about the necessity of having stability in the tax code.

Making the current tax rates permanent for the vast majority of Americans, as this bill does, is a major accomplishment. No longer will the threat of major tax increases because of an expiring law hang over the heads of taxpayers. Providing tax certainty for individuals and businesses has long been needed and will allow them to plan and make decisions. Hopefully, it will help the economy grow. And finally having an answer on the death tax, although I prefer to abolish it entirely, is also critical for every farmer, rancher, and small business person in the country.

The clearest reason to vote against this bill is because of what it does not do—limit spending. Too much spending, along with low economic growth, is the reason that our debt is mounting and that our children's future is in peril. This bill is a missed opportunity to take meaningful action to deal with that problem, and I supported efforts to have significant spending cuts included in this measure. But it is not our last opportunity.

It is always possible to justify voting against a bill for what is not included in it. One must go further and ask, "What happens if this bill is defeated? Will the result be better or worse for the country?" We also have to make a judgment on what is possible with the current cast of characters that the American people have elected to office. It does no good to imagine some ideal measure that could never pass the Democratically-controlled Senate or that President Barack Obama would never sign into law. I am a conservative, and I am also a realist.

The answers to those questions lead me to conclude that it is better to approve this bill at this time, understanding that we must use the next few weeks of discussion about the debt limit to find a way to significantly reduce spending and begin to get our economic house in order. House Republicans do not have to accomplish everything in one bill, but time is running out for us to get spending under control. In coming weeks, we will need to consider every tool at our disposal to convince the White House and the Senate on the imperative of cutting spending.

Of course, there are provisions in this bill with which I disagree. For example, extending some of the tax credits from the stimulus bill and continuing to pay unemployment for an additional year discourage work and encourage further dependency on government. But they total about \$100 billion out of a \$4 trillion bill; the rest of the "cost" is due to extending tax provisions that have been in place for more than a decade.

Stepping back and looking at the whole picture, it seems clear to me that preventing a tax increase for most Americans and making all tax rates permanent is an important step for families all across the country and for the economy as a whole.

Other provisions contained in this bill are important to the people in my district. One

would extend the current farm bill for the remainder of the fiscal year, allowing farmers and their bankers to make decisions on planting. That provision also prevents the price of milk from doubling this week. Another section prevents the 27% cut in Medicare reimbursement to doctors, which would have made it very difficult for Medicare patients to find a physician to treat them.

Approving this measure is just a step. Next, we must do whatever is required to control spending, especially spending in mandatory programs that constitute nearly two-thirds of the budget. I continue to support comprehensive tax reform, which can ease the pain to taxpayers, help us be more competitive in the world, and give our economy a real boost. We do not have to do all of these things in one bill—and it would be a mistake to try—but we must do them for the sake of our country and our future.

Mr. HOLT. Mr. Speaker, as the Congress lurches from self-imposed crisis to self-imposed crisis, it is easy to understand why members of the public shake their heads in disgust at the inability of the government to do the important work of America to help Americans.

The negotiators of this deal should never have agreed to bargain under a hostage-taking deadline. Of course, for long term economic stability and growth we must have greater balance between revenue and expenditures. That means Congress should pay close attention day to day, month to month, to revenue and to spending and should bring them more into line. That should always be true, though, not just whenever someone says there is a crisis.

And say what you will, there is no good reason for a crisis now. The deadline is artificial. This “fiscal cliff” is the result of a deal agreed to in August 2011 when some congressional members who dislike government tried to prevent the U.S. from paying our debts, and the White House and Congressional leaders allowed them to hold the government hostage and then to impose automatic spending cuts and tax increases in the most thoughtless, ham-handed way. And the negotiators should never have negotiated with hostage takers, or after the debt-ceiling confrontation was past, should never have let the hostage-takers demands live on.

As I see it, the big problem with the fiscal package before us today is that it was debated and negotiated on the terms set by the hostage takers in 2011. Instead of talking about what our government needs to do to put people to work, to reduce unemployment, to educate Americans, to rebuild our roads and bridges, to stimulate vibrant and innovative industry, to tend to the nourishment, the housing, the cultural well-being of all Americans—and then doing those things—Congress and Administration have spent several months neglecting all the important work in front of us—drought relief, elementary and secondary education act, violence against women act, bridge repair, better transportation, better communication, reliable mail delivery, etc. etc. and instead focusing on such things as whether the marginal tax rate should be 36 percent or 39.6 percent for income earned above \$250,000 or \$450,000.

Why should the President, why should the Democratic leadership in Congress, have agreed to negotiate with hostage takers under contrived, media-fueled deadlines. Why should the President, why should the Democratic leadership in Congress, have accepted the inane premise of the Tea Party and the Peterson Institute that our nation is defined by its debt and that we are in effect a poor, debtor nation and that the government is helpless in the face of that debt. There is no good answer to a bad question.

The premise of the deal before us is false, and the Democratic negotiators have been trying hard to find a good outcome based on that false premise. In fact, we do have a long term problem with the debt. We should work to correct it, but also we should recognize that it is long term. Meanwhile we have some immediate problems—stubborn unemployment, a sluggish economy, crumbling infrastructure, and millions of Americans in need of housing and food. We should not allow our concern for the debt to paralyze our government, and thus prevent action on the immediate, critical problems affecting our people in the here and now. The blatant, sad irony is that dealing aggressively with those immediate problems—the very problems whose solutions are being pushed aside by the artificial, self-imposed debt crisis—also would be the best way of dealing with the long term debt problem. It would be the best way of generating the economic activity and growth necessary to put our people back to work and our debt in its place.

This deal was done in the wrong way. The postponed crisis will reappear with the debt crisis and sequestration and tax increases in March, and the President will be in a weaker, not stronger, position to deal with the crisis then. However, I do not want to make the situation worse by weakening the President's hand and weakening the economy by allowing the government so to speak to “fall off the cliff”, so with great reluctance I will support this bill.

Mr. LANGEVIN. Mr. Speaker, I rise in support of H.R. 8, the American Taxpayer Relief Act of 2012. It goes without saying that this is no one's idea of a perfect bill. However, the American people are counting on Congress to act to prevent a tax increase on the middle class, just as our economy is starting to recover.

President Obama, Vice President BIDEN, and Senate Democrats and Republicans have done what the voters sent us here to do: find a balanced approach to help get our fiscal house in order. House Democrats have been ready to do our part, and I am glad that our Republican colleagues have finally allowed this legislation to come to the Floor so that we can ensure our nation does not feel the harmful effects of the fiscal cliff. It should not have taken this long, and it should not have been this hard.

While I have serious concerns about certain portions of the agreement, I am very pleased that—first and foremost—middle class families will be protected from a tax rate increase. Not only will we permanently extend middle-class tax cuts, but this deal will also extend the child tax credit and the earned income tax credit, and it permanently ensures that the Alternative Minimum Tax will not hit middle-class families.

Very importantly, this package also includes a critical extension of unemployment benefits for those still struggling to find work, and I am grateful for the efforts of Senator Jack Reed and others to ensure this provision was part of the final deal.

I have called many times in recent months for the expiration of Bush-era tax rates on income over \$250,000, and I am disappointed that this agreement does not meet that goal. However, while the income threshold of \$450,000 is higher than I would have liked, it is nonetheless a major step forward that the very wealthiest Americans will begin to pay their fair share under this bill. Democrats have already agreed to over a trillion dollars in spending cuts, and it is critical that some significant revenue is finally being put on the table.

Of particular interest to Rhode Island's wind energy industry, this bill extends the Production Tax Credit and the Investment Tax Credit for renewable energy, which will mean critical jobs for our state. It also provides our doctors with another year of relief from Medicare reimbursement cuts.

One thing many of my colleagues and I made clear to House leaders was that we would not support a deal that cut Medicare or Social Security benefits for our seniors, and I am glad that they listened to us.

Overall, this agreement sets the standard for a balanced approach that demands shared sacrifice through both spending cuts and revenue increases. I have long advocated for such an approach, and I am hopeful that this will be the model for our deficit reduction efforts in coming years.

Unfortunately, this deal is no “grand bargain,” and it sets up yet another potential crisis mere weeks from now by pushing off a solution to sequestration for two months, right at the same time we will need to increase the debt limit and renew government funding. No one wants to relive this fight, and I would have much preferred to resolve these perennial issues all at once.

Nonetheless, it is time to act. We have an obligation to move forward with a balanced compromise, and I believe that we have achieved that. I urge my colleagues to support this agreement, and I hope that we can begin the 113th Congress with a renewed commitment to address our nation's many complex challenges with seriousness and cooperation.

Ms. JENKINS. Mr. Speaker, as the sponsor of the bill to extend Section 45G of Title 26 in the IRS code, I rise today to clarify the impact that the extension of this provision within the text of H.R. 8 will have on short line railroads.

As a Certified Public Accountant, I would like to iterate that in IRS Code section (1)(2) under 45G, it is the intent of the law that assignments of railroad track miles for purposes of calculating a railroad track maintenance tax credit for the taxable year that ended on December 31, 2012 may be completed in 2013, due to the late extension of the 45G credit in this legislation.

This belated extension should not be construed as an attempt by Congress to eliminate the ability of short line railroads to use subsection (b)(2), but rather to preserve that ability for tax year 2012.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, recently the Senate came together on a bipartisan basis to address our

looming fiscal crisis. I appreciate the statesmanship of President Obama and Vice President BIDEN to make every effort to avoid the most harmful effects of the “fiscal cliff.”

Last night’s vote in the House was one of the hardest votes I have cast in my tenure in Congress. The agreement was not a perfect proposal, but it avoided serious damage to our national economy. One of my concerns about the measure is that it did not generate nearly enough revenue. I am afraid that the haste and the lack of detailed effort will ultimately translate to a series of tax hikes and spending cuts in future years that will negatively impact the middle class and the poor.

I have serious reservations about any attempt to cut benefits in Social Security, Medicare, and Medicaid. I am committed to evaluating the impact of the funding used to pay for the Sustainable Growth Rate (SGR or “doc fix”). I strongly oppose cuts to services for diabetes, end stage renal disease, and other illnesses disproportionately impacting my constituents. As a non-practicing registered nurse, I know how devastating these cuts would be for medical services in underserved communities.

Another worthy program that is very important to my constituents is the Qualifying Individual (QI) program. The program allows Medicaid to pay the Medicare Part B premiums for low-income Medicare beneficiaries with incomes between 120 percent and 135 percent of poverty. Under current law, QI expired December 31, 2012. The agreement extends the QI program until December 31, 2013.

Mr. Speaker, I have five major hospitals in my congressional district that not only serve my constituents, but the entire North Texas population. The measure states that qualifying low-volume hospitals receive add-on payments based on the number of Medicare discharges. To qualify, the hospital must have less than 1,600 Medicare discharges and be 15 miles or greater from the nearest like hospital. This provision extends the payment adjustment until December 31, 2013. The Medicare Dependent Hospital (MDH) program in the bill provides enhanced reimbursement to support rural health infrastructure and to support small rural hospitals for which Medicare patients make up a significant percentage of inpatient days or discharges. This greater dependence on Medicare may make these hospitals more financially vulnerable to prospective payment, and the MDH designation is designed to reduce this risk. This provision extends the MDH program until October 1, 2013.

I am pleased to see that the Senate approved a one-year extension of unemployment insurance benefits, providing necessary support for those looking to return to work as the economy recovers. I am also pleased to learn that deep cuts for many important programs that support the most vulnerable and provide pathways to prosperity for millions of Americans, including Head Start and WIC, were delayed. I would have preferred to see a long term extensions to these critical provisions.

Mr. Speaker, as I mentioned before, I do not agree with many of the details of the compromise, but I cast my vote for the bill for the greater national interest. I will continue to mitigate any negative impact of cuts on communities of color and other vulnerable populations

in the ongoing negotiations on sequestration and the debt ceiling.

We must ultimately find a way not to fall into a deep economic crisis, and to further strengthen our middle class. I hope all of my colleagues as well as the Leadership continues to work on these issues and that it ultimately reflect solid bipartisan collaboration for the incoming 113th Congress.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 844, the previous question is ordered.

The question is on the motion by the gentleman from Michigan (Mr. CAMP).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. LEVIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by a 5-minute vote on the motion to suspend the rules and pass Senate Joint Resolution 44, if ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 167, not voting 8, as follows:

[Roll No. 659]

AYES—257

Ackerman	Courtney	Heinrich
Alexander	Crenshaw	Henger
Altmire	Critz	Herrera Beutler
Andrews	Crowley	Higgins
Baca	Cuellar	Himes
Baldwin	Cummings	Hinchey
Barber	Curson (MI)	Hinojosa
Barletta	Davis (CA)	Hirono
Bass (CA)	Davis (IL)	Hochul
Bass (NH)	DeGette	Holden
Benishek	DelBene	Holt
Berkley	Denham	Honda
Berman	Dent	Hoyer
Biggert	Deutch	Israel
Bilbray	Diaz-Balart	Jackson Lee
Bishop (GA)	Dicks	(TX)
Bishop (NY)	Dingell	Johnson (GA)
Boehner	Doggett	Johnson (IL)
Bonamici	Dold	Johnson (OH)
Bono Mack	Donnelly (IN)	Johnson, E. B.
Boren	Doyle	Kaptur
Boswell	Dreier	Keating
Brady (PA)	Edwards	Kelly
Brady (TX)	Ellison	Kildee
Braley (IA)	Emerson	Kind
Brown (FL)	Engel	King (NY)
Buchanan	Eshoo	Kinzinger (IL)
Butterfield	Farr	Kissell
Calvert	Fattah	Kline
Camp	Fitzpatrick	Kucinich
Capps	Fortenberry	Lance
Capuano	Frank (MA)	Langevin
Carnahan	Frelinghuysen	Larsen (WA)
Carney	Fudge	Larson (CT)
Carson (IN)	Gallely	LaTourette
Castor (FL)	Garamendi	Latta
Chandler	Gerlach	Lee (CA)
Chu	Gibson	Levin
Cicilline	Gonzalez	Lipinski
Clarke (MI)	Green, Al	LoBiondo
Clarke (NY)	Green, Gene	Loeback
Clay	Grijalva	Loftgren, Zoe
Cleaver	Grimm	Lowe
Clyburn	Gutierrez	Lucas
Coble	Hahn	Luetkemeyer
Cohen	Hanabusa	Lujan
Cole	Hanna	Lungren, Daniel
Connolly (VA)	Hastings (FL)	E.
Conyers	Hastings (WA)	Lynch
Costa	Hayworth	Maloney
Costello	Heck	Manzullo

Marino	Quigley	Simpson
Markley	Rahall	Sires
Matsui	Rangel	Slaughter
McCarthy (NY)	Reed	Smith (NJ)
McCollum	Reichert	Smith (TX)
McGovern	Reyes	Speier
McKeon	Ribble	Stivers
McMorris	Richardson	Sullivan
Rodgers	Richmond	Sutton
McNerney	Rogers (KY)	Thompson (CA)
Meehan	Rogers (MI)	Thompson (MS)
Meeks	Ros-Lehtinen	Thompson (PA)
Michaud	Ross (AR)	Thornberry
Miller (MI)	Rothman (NJ)	Tiberi
Miller, Gary	Roybal-Allard	Tierney
Miller, George	Royce	Tonko
Moore	Runyan	Towns
Murphy (CT)	Ruppersberger	Tsongas
Murphy (PA)	Rush	Turner (NY)
Nadler	Ryan (OH)	Upton
Napolitano	Ryan (WI)	Van Hollen
Neal	Sánchez, Linda	Velázquez
Noem	T.	Walden
Oliver	Sanchez, Loretta	Walz (MN)
Owens	Sarbanes	Wasserman
Pallone	Schakowsky	Schultz
Pascarella	Schiff	Waters
Pastor (AZ)	Schock	Watt
Payne	Schwartz	Waxman
Pelosi	Scott, David	Welch
Perlmutter	Serrano	Wilson (FL)
Peters	Sessions	Womack
Pingree (ME)	Sewell	Yarmuth
Pitts	Sherman	Young (AK)
Platts	Shimkus	Young (FL)
Polis	Shuler	
Price (NC)	Shuster	

#### NOES—167

Adams	Gibbs	Nunnelee
Aderholt	Gingrey (GA)	Olson
Akin	Gohmert	Palazzo
Amash	Goodlatte	Paulsen
Amodei	Gosar	Pearce
Austria	Gowdy	Pence
Bachmann	Granger	Peterson
Bachus	Graves (GA)	Petri
Barrow	Griffin (AR)	Poe (TX)
Bartlett	Griffith (VA)	Pompeo
Barton (TX)	Guinta	Posey
Becerra	Guthrie	Price (GA)
Berg	Hall	Quayle
Bilirakis	Harper	Rehberg
Bishop (UT)	Harris	Renacci
Black	Hartzler	Rigell
Blackburn	Hensarling	Rivera
Blumenauer	Huelskamp	Roby
Bonner	Huizenga (MI)	Roe (TN)
Boustany	Hultgren	Rogers (AL)
Brooks	Hunter	Rohrabacher
Broun (GA)	Hurt	Rokita
Bucshon	Issa	Rooney
Burgess	Jenkins	Roskam
Campbell	Johnson, Sam	Ross (FL)
Canseco	Jones	Scalise
Cantor	Jordan	Schilling
Capito	King (IA)	Schmidt
Carter	Kingston	Schrader
Cassidy	Labrador	Schweikert
Chabot	Lamborn	Scott (SC)
Chaffetz	Landry	Scott (VA)
Coffman (CO)	Lankford	Scott, Austin
Conaway	Latham	Sensenbrenner
Cooper	Long	Smith (NE)
Cravaack	Lummis	Smith (WA)
Crawford	Mack	Southerland
Culberson	Marchant	Stearns
DeFazio	Massie	Stutzman
DeLauro	Matheson	Terry
DesJarlais	McCarthy (CA)	Tipton
Duffy	McCaul	Turner (OH)
Duncan (SC)	McClintock	Visclosky
Duncan (TN)	McDermott	Walberg
Ellmers	McHenry	Walsh (IL)
Farenthold	McIntyre	Webster
Fincher	McKinley	West
Flake	Mica	Westmoreland
Fleischmann	Miller (FL)	Whitfield
Fleming	Miller (NC)	Wilson (SC)
Flores	Moran	Wittman
Forbes	Mulvaney	Wolf
Fox	Myrick	Woodall
Franks (AZ)	Neugebauer	Yoder
Gardner	Nugent	Young (IN)
Garrett	Nunes	

## NOT VOTING—8

Buerkle	Lewis (CA)	Stark
Burton (IN)	Lewis (GA)	Woolsey
Graves (MO)	Paul	

□ 2257

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. GRAVES of Missouri. Mr. Speaker, on rollcall No. 659, I was unavoidably detained. Had I been present, I would have voted "no."

Ms. BUERKLE. Mr. Speaker, on rollcall No. 659, had I been present, I would have voted "no."

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

#### STATE AND PROVINCE EMERGENCY MANAGEMENT ASSISTANCE MEMORANDUM OF UNDERSTANDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the joint resolution (S.J. Res. 44) granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the joint resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

#### CLOTHE A HOMELESS HERO ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 6328) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and concur in the Senate amendment.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### UNINTERRUPTED SCHOLARS ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 3472) to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. ROE) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### FOREIGN AND ECONOMIC ESPIONAGE PENALTY ENHANCEMENT ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### CORRECTING AND IMPROVING THE LEAHY-SMITH AMERICA INVENTS ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### INTERCOUNTRY ADOPTION UNIVERSAL ACCREDITATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 3331) to provide for universal intercountry adoption accreditation standards, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### DEPARTMENT OF STATE REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (S. 2318) to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### INVESTIGATIVE ASSISTANCE FOR VIOLENT CRIMES ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. GOWDY) that the House suspend the rules and concur in the Senate amendment.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### CONDEMNING NORTH KOREAN MISSILE LAUNCH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution (H. Con. Res. 145) calling for universal condemnation of the North Korean missile launch of December 12, 2012, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the concurrent resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### CONDEMNING IRAN FOR PERSECUTION OF BAHÁ'Í MINORITY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 134) condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### URGING EUROPEAN UNION TO DESIGNATE HIZBALLAH AS A TERRORIST ORGANIZATION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 834) urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United

States and to support the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 2320

#### FISCAL RESPONSIBILITY

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, this is the last speech that I will ever give in this House and it saddens me the way I have to leave, because we leave as a divided caucus and a divided House.

The American public expects more from us, but the American public also expects us to recognize that we are spending their money, and we are spending ourselves into a debt that we will not be able to repay. Our children and our grandchildren will be the heirs of our misspending of our taxpayer dollars.

I voted "no" tonight because we were increasing our debt limit at an unprecedented proportion. My dear colleagues in this House, as I leave this body, I ask you to be conservative in your votes on spending. Remember, we have children and grandchildren that will be saddled with this debt. We are a great country, but we are a great country because we can afford to pay our bills. Let us not lead down into the path of fiscal irresponsibility or that will no longer be the case.

God bless this institution, and God bless the United States of America. And thank you for this 7 years and 4 months I was able to honor the Second Congressional District. God bless all of you.

#### HURRICANE SANDY RELIEF

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I have just been informed that we will be having perhaps no further votes in this Congress. I am deeply disappointed at that information.

We have millions of our fellow citizens who have been badly damaged by a storm called Sandy. Overwhelmingly, the United States Senate passed some relief. I can't remember a time when we had a very serious storm, tornado,

fire, or flood when we did not act. This Congress is apparently leaving town without responding to that emergency.

There's not one of us, not one of us in this Congress that could not be in the same position. I live in a coastal State, but whether you live in the Midwest or the far west, whether you live in the South or the East or the North or the West, you could be and your citizens could be and your neighbors could be confronted by a natural disaster—or for that matter, a man-made disaster—and our fellow citizens would expect us to respond as the United States Senate has responded.

It was my belief, an assurance was given to me—not 100 percent—and the gentleman who gave it to me did not make this decision, but I am deeply disappointed, Mr. Speaker.

The people who have been damaged by Sandy, including Governor Christie, a Republican, and Governor Cuomo, a Democrat, should be deeply disappointed and, yes, angry that this Congress would adjourn without addressing the pain of our fellow citizens.

I've been to New York. I've walked the beaches. I've seen the homes that have been destroyed, with my colleague GREG MEEKS. I've talked to NYDIA VELÁZQUEZ. I've talked to other Members of Congress—Congressman CROWLEY, Congressman PALLONE, Congressman ROTHMAN—all of whom have had their citizens deeply damaged by the ravages of the, perhaps, storm of historical proportions that struck the Northeast. None of us is immune, not from a tornado or a flood or a fire.

I deeply regret this. I can't change this opinion, but it's not what we ought to be doing. There are Republicans who are deeply grieved by this action and there are Democrats on this floor deeply grieved by this action. This is not the right thing to do. I would hope it would be reconsidered.

We have asked our Members to stay here, every one of them, knowing full well they wanted to go home just for a day to see their families.

Mr. Speaker, I would hope this decision would be reconsidered. I would hope that we would say to those citizens: We're here for you, one country, one nation.

#### HURRICANE SANDY RELIEF

(Mr. NADLER asked and was given permission to address the House for 1 minute.)

Mr. NADLER. Mr. Speaker, the distinguished gentleman from Maryland said what had to be said, but I want to add that I've been in this House 20 years. We have seen droughts; we have seen storms; we have seen earthquakes; we have seen wildfires out west. This Congress has never, never failed to vote emergency appropriations for the aid of the beleaguered States. Never.

Hurricane Sandy struck on October 29, 8, 9 weeks ago. It's unprecedented



that it should take so long, and yet we are now told that this House is going to adjourn sine die even though the Senate voted the aid, and we're going to do nothing? It's unprecedented. It is disgusting.

I can understand—I would not sympathize, but I could understand Members who might say the amount requested is too much, we should change it, we should quibble with it, we should debate it—fine. But to ignore it, to ignore the plight of millions of American citizens—unprecedented, disgusting, unworthy of the leadership of this House. They should reconsider or they should hang their heads in shame, Mr. Speaker.

#### HURRICANE SANDY RELIEF

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, let me lend my voice to those who previously spoke, particularly Mr. HOYER.

My district was devastated by the storm. I have thousands of people who do not have homes, who are living in temporary circumstances. I have municipalities that have expended millions of dollars in trying to do the cleanup. The fact of the matter is that if we don't take action tonight and we let this House adjourn without taking action on the supplemental for the hurricane, we will suffer a great deal.

Many of these towns are waiting for the money to come through to provide funding for municipal services, for emergency services. Many of them are completely broke at this time in terms of their ability to provide help for their residents. This is a very serious matter. This need is immediate. This can't wait until next week or next month. There's absolutely no way that that can happen without having a tremendous negative impact on the residents of my district.

So I implore the Speaker, please reconsider this decision. It is just not possible for us to continue without having some relief from the Federal Government.

#### HURRICANE SANDY RELIEF

(Mr. REED asked and was given permission to address the House for 1 minute.)

Mr. REED. Mr. Speaker, as a Republican, I stand up here today to join my colleagues on the other side of the aisle and associate my words with the gentleman from Maryland.

Even though my district was not impacted by the devastation of Hurricane Sandy, it is right and just that we take up this bill. I ask our Speaker to reconsider the decision that has been made not to address this supplemental in this Congress. And I join my colleagues across the aisle to ask for that relief so

that we can get to the people that need it the aid that they so are in need of on this day and this age.

□ 2330

#### HURRICANE SANDY RELIEF

(Mr. CROWLEY asked and was given permission to address the House for 1 minute.)

Mr. CROWLEY. Mr. Speaker, let me join my colleagues in my sadness that we are here at 11:30 on the 1st of January with time running out. We just had a historic vote, a bipartisan vote, something that people didn't think we could do here, but we did do that.

And now we're letting this opportunity slip away when people's homes have been destroyed, when people's businesses have been destroyed, and when tens of thousands of people who have suffered over 9 weeks have nothing to show from this Congress. That we would walk away without doing our part to help the people suffering in New York, in New Jersey, Connecticut, and Pennsylvania and other parts of the country is outrageous. It is simply outrageous.

We've done our part. We've worked with our colleagues. And I thank Mr. KING, and I thank Mr. REED and Mr. GRIMM for working with us. But it got us to no avail here. We needed to work to get this done for our constituency, and it has failed.

Mr. Speaker, please reconsider and bring this bill to the floor before we leave this Congress.

#### HURRICANE SANDY RELIEF

(Mr. KING of New York asked and was given permission to address the House for 1 minute.)

Mr. KING of New York. Mr. Speaker, tonight's action not to hold this vote on the supplemental is absolutely indefensible. There are thousands and thousands of people throughout Long Island, Rockaway, Staten Island and New Jersey and throughout the Northeast who are homeless tonight, who are without jobs, and who have lost their business. This is absolutely indefensible.

The fact is every bit of documentation that was required by the leadership of this House was provided by Governor Cuomo, Governor Christie, and Mayor Bloomberg. Everybody played by the rules, except tonight, when the rug was pulled out from under us—absolutely inexcusable, absolutely indefensible.

We have a moral obligation to hold this vote. The people who are out of their homes, the people who are cold, the people who are without food, and the people who have lost their jobs don't have the time to wait. We cannot just walk away from our responsibilities.

#### HURRICANE SANDY RELIEF

(Mr. MEEKS asked and was given permission to address the House for 1 minute.)

Mr. MEEKS. I'm sitting here in shock this evening. This is supposed to be the people's House. We are the United States House of Representatives. There are Americans that are suffering because of an act of nature. It is our obligation, not as Democrats, not as Republicans, but as Americans to make sure that we come to the aid of Americans. And that's why in this issue, Democrats and Republicans have worked together in any kind of crisis. Especially when it goes to natural disasters, we've always come together.

How can we, at this critical point, turn our backs on Americans? This is not supposed to happen here. It happens other places.

Mr. Speaker, we cannot turn our backs on our citizens who need us. Some will not have a place to stay for a long period of time. People have suffered, and people need food. We are Americans. This is what's supposed to separate us from everyone else. I am absolutely shocked.

Mr. Speaker, you have to reconsider.

#### HURRICANE SANDY RELIEF

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I have been a Member of this body for 24 years, and I don't think I've ever been as angry as I am tonight. This is unconscionable. In the last debate, I got up, and I said that when President Truman campaigned, he campaigned against the 80th "do nothing" Congress, and that "do nothing" Congress passed three times as many bills as this current "do nothing Congress."

And isn't this a fitting way for this "do nothing" Congress to end, by doing nothing to help the plight of millions of people who are suffering in all of our districts?

This is an absolute disgrace, and the Speaker should hang his head in shame for not allowing this to come up. This is, again, not a Republican or a Democratic issue. It's an American issue.

I have voted for aid for Katrina, for all places all over the country. And for us in the Northeast to be treated this way is absolutely unconscionable. I would ask the Speaker to reconsider, and I would tell you that I have never been angrier than I am right now. I'm usually proud of this House. Tonight, I am ashamed.

Shame on you, Mr. Speaker.

#### HURRICANE SANDY RELIEF

(Mr. GIBSON asked and was given permission to address the House for 1 minute.)

Mr. GIBSON. Mr. Speaker, I want to add my voice to those who have spoken here tonight. We need to be there for all of those in need now after Hurricane Sandy.

I come from upstate New York, and this is a bipartisan effort. I just want to thank all my colleagues here in this House who helped my district after Hurricanes Irene and Lee. We had heartbreaking and devastating losses all across the region, and this body came together to provide the requisite help so that we could begin that long road to recovery.

And we need to be there for all of the American people who need help after storms. And now for Hurricane Sandy, we need to come together and ask the Speaker to reconsider to have this aid so that we can get this aid so that we can help this country get back up on track.

#### HURRICANE SANDY RELIEF

(Mr. ROTHMAN of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. ROTHMAN of New Jersey. Mr. Speaker, I represent the northeastern part of the State of New Jersey. Millions of New Jerseyans and millions of folks in New York, Pennsylvania, and Connecticut suffered devastating damage, about \$60 billion worth of damage, from a natural disaster. I, too, as my Republican and Democratic colleagues have said, have voted time after time for relief from natural disasters.

I urge the Speaker to reconsider this unconscionable, inexplicable refusal to let us vote on disaster relief for the millions who are still suffering in New York, New Jersey, and Connecticut.

We provide lots of revenue for the United States of America. We're a donor State to the States who get a lot more Federal aid than we give to those in New Jersey and New York. We're due this.

But the question for the American people, Mr. Speaker, is: Why is the Speaker of the House doing this? What is going on in his caucus or in his mind, Mr. Speaker, that would say we're not going to allow a discussion and a vote on aid that will address \$60 billion worth of damages to tens of millions of American citizens in the Northeast?

#### HURRICANE SANDY RELIEF

(Mr. RICHMOND asked and was given permission to address the House for 1 minute.)

Mr. RICHMOND. Mr. Speaker, I'm from New Orleans, and we weren't affected by Sandy. But we were great beneficiaries of this body coming together after Katrina and Rita to help us in a time of our greatest need. And it's appalling that this House can't come together when we have so many Americans in need.

One of the mottos of our service is "no man left behind." Well, tonight, Mr. Speaker, you are leaving millions of children, fathers, and mothers behind in the cold. And as we took one step closer to financial solvency and averted a national bankruptcy today, we just took one humongous leap towards a moral bankruptcy.

This House can't justify to ourselves, to our neighbors, to our pastors and to our priests that the actions we're taking today are right and that they follow in the motto of this great country.

Today is a very shameful day; but more than being shameful, the fact that we are not addressing the needs of the Sandy victims is not just shameful. It's sinful.

#### HURRICANE SANDY RELIEF

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I do join my colleagues in asking that the Speaker reconsider. I want to thank Majority Leader ERIC CANTOR who has worked tirelessly through these many days right up to the last couple of minutes. Today, families lack housing, businesses are in shambles, and municipalities have been decimated; 346,000 housing units were damaged or destroyed in New Jersey with 22,000 units today uninhabitable. Approximately 100,000 new storm-related unemployment claims have been filed in New Jersey—100,000—and over 235,000 people have already registered with FEMA for individual assistance.

This is a dire crisis. People are hurting. I talk to people in my district who have been mal-affected, and they're looking to us for help, and they're looking for timely help. We need to pass this.

Please, Mr. Speaker, reconsider.

#### HURRICANE SANDY RELIEF

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I truly feel betrayed this evening. I left this floor with an understanding that this bill was going to be brought to the floor.

One of Congress' most basic responsibilities is to help families, communities, and businesses recover. Yet Republicans refuse to act to help the victims of Sandy as expeditiously as we know we can.

We can pass this bill tomorrow with bipartisan support. Yet the Republicans will adjourn this session, allow this bill to be buried, and make sure that the people of our communities do not get the help that they need.

Disaster knows no boundaries. This body has acted with speed and compas-

sion to help Americans throughout the country in disaster after disaster. Dysfunction, Mr. Speaker, in this Congress, shouldn't result in punishing victims of Sandy in New York, New Jersey, Connecticut, and Pennsylvania.

This is a sad day. I urge the majority to reconsider the decision to not put the supplemental on the floor, and I want to thank our leader, Mr. HOYER; our leader, Madam PELOSI; and all those who have been advocating for Sandy. We need to do this, and we need to do it before we adjourn.

□ 2340

#### HURRICANE SANDY RELIEF

(Mr. GRIMM asked and was given permission to address the House for 1 minute.)

Mr. GRIMM. It is with an extremely heavy heart that I stand here almost in disbelief and somewhat ashamed that I need to take to this floor.

What I'm thinking about are friends and neighbors that lost more than their homes, more than their worldly possessions, more than the businesses they've worked for their entire lives. They've lost family members. Now I have to go home and tell them their New Year's gift is that they're going to wait even longer for something they should have had over a month ago. It's inexcusable, and I am here tonight saying to myself for the first time that I'm not proud of the decision my team has made. It was the wrong decision.

I am going to be respectful and ask that the speaker reconsider his decision because it's not about politics. It's about human lives and human dignity, and I pray that he understands that.

#### HURRICANE SANDY RELIEF

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. I know there are many people watching us late this night that truly don't believe that the House of Representatives can turn their back on any Americans and any part of this great Nation. But, Mr. Speaker, maybe you could help us by reminding the people that we have a switchboard down here. It's 202-225-3121.

It may not be able to do anything because the leadership just walked away without the courtesy of saying that they didn't have time to deal with the millions of people whose lives have been affected. Maybe, Mr. Speaker, if you can remind Americans who are just watching that maybe they should call and ask the Congress and ask the Speaker, Please, reconsider. We're going to be here tomorrow. We were told to be here tomorrow.

Whatever happened to make someone angry tonight, the people that are suffering as a result of this disaster,

they're not responsible. Don't make them pay for it.

#### HURRICANE SANDY RELIEF

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Mr. Speaker, I rise not as a person from a State that was directly affected, because my State of Pennsylvania, while impacted, had no where near the devastation of that which I saw in New York, New Jersey, and parts of Connecticut.

In fact, I was in New York a week ago in an elevator and met a man who was telling me how happy he was that he finally had a chance to get out of the pickup truck that he had been sleeping in since the storm. He was hoping, for the first time, to get back to his home. His story is just one of hundreds of thousands through this devastated region.

We have stepped up for our neighbors in other parts of our country because these acts of nature are larger than any individual. We must be larger than that. Support the ability to give that support to those in this time of need.

#### HURRICANE SANDY RELIEF

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, if you've ever had a natural disaster affect your area or if you have ever visited a natural disaster, be it in California, my home State, or on the east coast or in the Midwest, whether Iowa and the floods or Missouri in recent times, and spoke to and listened to the pain in the voices and saw the fright in the eyes of the people affected, you would wonder why we are not bringing this legislation to the floor. It isn't about a natural disaster; it's about a human experience.

When I was a very new Member of Congress in the late eighties, we were affected in California by the Loma Prieta earthquake. I bring that up because the very next day after the earthquake, the chairman of the Appropriations Committee, Mr. Jamie Whitten, came to the floor of the House without anyone going to him or asking him. He went to the floor of the House and said to the people of California, Congress will honor our responsibility to the American people. We will put forth what meets the needs of the people. We need to work together to get that done. It was such a comfort.

These were just words. It was such a comfort to the people just to hear that and to know that a chairman would act upon that. And for the past few weeks, I know that our colleagues from New York, New Jersey, Connecticut, some in Pennsylvania and other surrounding areas, have been assuring their con-

stituents and the people of their areas that the Federal Government would be there for them. It is a social compact. It is the most important tie they have to us.

Again, if you could hear their personal stories you will know they'll never be made whole. The rug has been pulled out from under them in terms of their housing, their belongings, their pictures, their memories, the character of their neighborhoods. The rug has been pulled out, and now tonight, is this Congress, this House of Representatives, going to pull the rug out again from them legislatively?

Just as a reminder, the Senate of the United States, in a bipartisan fashion, passed a \$60.4 billion assistance program for this natural disaster. It met the documented needs that were put forth by the people of the regions, by Governor Christie, by Governor Cuomo, by Governor Malloy, Governor Bloomberg, and so many others. So, documented need.

Again, it's not going to make everyone whole emotionally in their personal belongings and their memories and the rest, but it is a sign of respect that we cannot let what happened stand and that the resources will be there to try to return them to some sense of order and home and home life.

I don't know if any decision has been made. I hope not. I hope that as the leadership meets and considers a possible agenda for tomorrow, they would reconsider this because this goes deep into the hearts of people as they feel a sense of helplessness for something they had no responsibility for, a natural disaster.

Remember last year when we visited some of the places where homes were uprooted? It's earth, wind, and fire. When something like that happens, it's the wind, it's the water, it's the fire. It's every kind of thing assaulting people. Let's not be a part of that assault by putting doubts in their mind as to whether there is an appreciation for what they have lost, a respect for who they are, and honoring of our social compact that the government will be there when people are in need.

Again, I hearken back to Jamie Whitten. We never had a moment to fear that our needs would be met. Let's just make this night pass as if it never happened. Let's just replace the impression that is out there with the idea that tomorrow we will take up the Senate bill or take up the compromise that has been worked out to take this in two tranches. We cannot leave here doing nothing. That would be a disgrace.

□ 2350

#### HURRICANE SANDY RELIEF

(Mr. PLATTS asked and was given permission to address the House for 1 minute.)

Mr. PLATTS. As a retiring Member, I am proud to stand with my colleagues on both sides of the aisle from New Jersey, New York, and Pennsylvania to urge action on this important issue.

Over the past 2 years, I've often been frustrated by the actions of the Senate—or the inactions, I should say, of the Senate—where we would send bill after bill over there. Not that they would vote it down, but they just wouldn't vote. They wouldn't allow the will of the people to be expressed by a vote's being taken.

If we conclude this session of Congress at noon on Thursday of this week without voting on this important issue, we are denying the will of the people to be expressed. We're not allowing that to happen. I would contend of the will of the people of America that the one thing they're comfortable in spending their money on is in helping their fellow Americans, and there is great need in New Jersey, in New York and elsewhere.

We need to stand together, and I hope that we will come to the decision that it's never too late to do the right thing. The right thing is to allow the will of the people to be expressed, for this issue to be voted on and to let the Members express their opinions through their votes. I'm certain, if that's the case, if that happens, the will of the people will be to send the aid that is so badly needed.

#### HURRICANE SANDY RELIEF

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. I am very dismayed by what I have heard tonight. Citizens of this Nation—any of us—would think at a time of natural disaster they could depend on their Congress, their Nation, the people of this country. Many times, we have come to the aid of citizens throughout this Nation. Why not now? What is different now? New York, New Jersey, Connecticut, and parts of Pennsylvania have been devastated. My district not as much, but we still have issues there that need to be addressed.

Just the other day, I was on vacation with my children, and I got a call. There was a leak in the roof of my house. I did not realize there was about a 10-foot patch in my roof missing—from Sandy. I had the wherewithal to take care of it, but there are hundreds of thousands of residents in those States who need our help.

I was told by a Member of this body, who was laid to rest this year, that this was a great body to serve in. Please let me know that he was telling the truth.

#### HURRICANE SANDY RELIEF

(Mr. DENT asked and was given permission to address the House for 1 minute.)

Mr. DENT. My congressional district abuts the State of New Jersey. Hundreds of thousands of people in my congressional district were without power for some time. We were very much impacted, but what I noticed most during this terrible hurricane were all the New Jersey and New York license plates in my congressional district. We were sheltering many of the evacuees who were looking for friends and family and who were just looking to go to a place where they could be comfortable.

I think it would be very wise for leadership to reconsider the decision to adjourn the House before dealing with this legislation. Frankly, I'm not yet convinced that this legislation has adequately addressed some of the concerns we have in the Commonwealth of Pennsylvania, but I'm willing to work with everybody to make it right. In having witnessed what happened to our friends in New Jersey and New York, I think it's imperative that we stay here and address this issue. Obviously, all of us have places we'd like to be right now, perhaps, rather than right here, but it's important. Our friends are struggling and suffering, and I think we need to get the work done.

#### HURRICANE SANDY RELIEF

(Mr. HOLT asked and was given permission to address the House for 1 minute.)

Mr. HOLT. E pluribus unum: one out of many.

We help each other. We always have. My district and many around were badly affected by one of the largest storms, by one of the most expensive storms, by one of the worst storms in history. There are thousands of people who are not going back to their homes. They deserve our help. I wish I could speak as articulately and in such a measured manner as our leader did and as others have, but I'm afraid my anger is going to get the better of me.

Some weeks ago, someone said to me, You know, you're not going to get help from the House of Representatives because these are blue States. They voted for a Democrat for President.

Now, I would like to think—and Mr. KING and Mr. LOBIONDO and Mr. SMITH and Governor Christie would like to think—that this is not a partisan matter, but I have to wonder what could be going on here. Why would we not help each other as this House has always done?

#### PERSONAL REFLECTION AND WISDOM FOR INCOMING CONGRESS

(Mr. BILBRAY asked and was given permission to address the House for 1 minute.)

Mr. BILBRAY. I apologize to my colleagues for changing the subject for a moment, but this will be the last

chance I'll be able to address the House.

Six and a half years ago, I had the privilege of coming to the House and standing here after a special election. I'd like to paraphrase, basically, what I said then: I come from the 50th District of California—a classic coastal community. After having been out of the Congress for 5 years, they returned me here to the House as the 50th District, it being that classic environmental community, recycled Congressmen when it came to my election. I would just ask that both sides understand what a great privilege it is to represent the 50th.

In leaving, I just want to say one thing: I hear that one of the major issues you're going to address when this new Congress comes in is the issue of immigration, and those of us in California understand that. The one place that Democrats and Republicans should be able to agree on, especially with the budget crisis, is: When are we going to stop the practice of people who are committing a crime by employing illegal immigrants?

Take the tax deduction away, and require that if a business wants to claim a business deduction for employing somebody that we make sure those employees are legal—just by requiring E-Verify.

Again, Mr. Speaker, I am going to miss a lot of faces around here in Washington, but as a San Diegan, let me assure you that I will not miss the weather.

God bless and thank you.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on December 31, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 6587. To designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the "Postal Inspector Terry Asbury Post Office Building"

H.R. 6379. To designate the facility of the United States Postal Service located at 6239 Savannah Highway in Ravenel, South Carolina, as the "Representative Curtis B. Inabinett, Sr. Post Office"

H.R. 3892. To designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the "Lance Corporal Victor A. Dew Post Office"

H.R. 3869. To designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the "Sidney 'Sid' Sanders McMath Post Office Building"

H.R. 2338. To designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the "Harry T. and Harriette Moore Post Office"

H.R. 6260. To designate the facility of the United States Postal Service located at 211 Hope Street in Mountain View, California, as the "Lieutenant Kenneth M. Ballard Memorial Post Office"

H.R. 4389. To designate the facility of the United States Postal Service located at 19 East Merced Street in Fowler, California, as the "Cecil E. Bolt Post Office"

H.R. 1339. To designate the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

H.R. 5859. To repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting

H.R. 1845. To provide a demonstration project providing Medicare coverage for in-home administration of intravenous immune globulin (IVIG) and to amend the title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims

H.R. 4053. To intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending

H.R. 6671. To amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet

#### ADJOURNMENT

Mr. BILBRAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, January 2, 2013, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9000. A letter from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Home Mortgage Disclosure (Regulation C): Adjustment To Asset-Size Exemption Threshold [Docket No.: CFPB-2012-0049] received December 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9001. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 35 [Docket No.: 1206013412-2517-02] (RIN: 0648-BB97) received December 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9002. A letter from the Acting Deputy Director, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Group Fishery of the South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Snowy Grouper [Docket No.: 0907271173-0629-03] (RIN: 0648-XC380) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9003. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota

Transfer [Docket No.: 111220786-1781-01] (RIN: 0648-XC373) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9004. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Reopening of the Commercial Harvest of Red Snapper and Gray Triggerfish in the South Atlantic [Docket No.: 120709225-2365-01 and 100812345-2142-03] (RIN: 0648-XC367) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9005. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Blue Runner [Docket No.: 100812345-2142-03] (RIN: 0648-XC310) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9006. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Other Flatfish, Other Rockfish, Pacific Ocean Perch, Sculpin, and Squid in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC377) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9007. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Surfclam and Ocean Quahog Fisheries; 2013 Fishing Quotas for Atlantic Surfclams and Ocean Quahogs; and Suspension of Minimum Atlantic Surfclam Size Limit [Docket No.: 101013504-0610-02] (RIN: 0648-XC353) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9008. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No.: 111220786-1781-01] (RIN: 0648-XC340) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9009. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; White Hake Trimester Total Allowable Catch Area Closure for the Common Pool Fishery [Docket No.: 120109034-2171-01] (RIN: 0648-XC369) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9010. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Extension of Emergency Fishery Closure Due to the Presence of the Toxin That Causes Paralytic

Shellfish Poisoning (PSP) [Docket No.: 050613158-5262-03] (RIN: 0648-BB59) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9011. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Transferability of Black Sea Bass Pot Endorsements [Docket No.: 120718253-2644-02] (RIN: 0648-BC30) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

9012. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Small Business Bond Reduction [Docket No.: TTB-2012-0006; T.D. TTB-109; Re: Notice No. 131] (RIN: 1513-AB94) received December 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9013. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Payout Requirement for Type III Supporting Organizations That Are Not Functionally Integrated [TD 9605] (RIN: 1545-BG31; 1545-BL38) received December 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9014. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Voluntary Classification Settlement Program [Announcement 2012-45] received December 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9015. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Voluntary Classification Settlement Program—Temporary Eligibility Expansion [Announcement 2012-46] received December 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9016. A letter from the Chief, Boarder Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Opening of Boquillas Boarder Crossing and Update to the Class B Port of Entry Description [Docket No.: USCBP-2011-0032] (RIN: 1651-AA90) received December 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Homeland Security and the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. Activities of the House Committee on Oversight and Government Reform, One Hundred and Twelfth Congress, Second Session (Rept. 112-740). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. House Resolution 844. Resolution providing for consideration of the Senate amendments to the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes (Rept. 112-741). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FITZPATRICK (for himself, Mrs. BACHMANN, Mr. FLORES, Mr. HARPER, Mr. BILIRAKIS, Mr. GRIFFITH of Virginia, Mr. MULVANEY, Mr. CULBERSON, Mrs. BLACK, Mr. MCKINLEY, Mr. POE of Texas, Mr. BARLETTA, Mr. GIBBS, Mr. JONES, Mr. BRADY of Texas, Mr. KELLY, Mr. SOUTHERLAND, Mr. FLEISCHMANN, Mr. NUGENT, Mr. HENSARLING, and Mr. WESTMORELAND):

H.R. 6726. A bill to prevent the 2013 pay adjustment for Members of Congress and persons holding other offices or positions in the Federal Government from being made; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; considered and passed.

By Mr. CAMP (for himself, Mr. BRADY of Texas, Mr. LEVIN, and Mr. MCDERMOTT):

H.R. 6727. A bill to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, and for other purposes; to the Committee on Ways and Means.

By Mr. DENHAM (for himself, Mr. MICA, and Mr. RAHALL):

H.R. 6728. A bill to reauthorize the programs and activities of the Federal Emergency Management Agency, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CULBERSON (for himself, Mr. HULTGREN, Mr. BARTLETT, Mr. MCKINLEY, Mr. BILBRAY, Mr. LANCE, Mr. BARLETTA, Mr. OLSON, Mr. THOMPSON of Pennsylvania, and Mr. CHABOT):

H.R. 6729. A bill to save at least \$10,000,000,000 by consolidating some duplicative and overlapping Government programs; to the Committee on Oversight and Government Reform, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN:

H. Con. Res. 147. Concurrent resolution waiving the requirement that measures enrolled during the remainder of the One Hundred Twelfth Congress be printed on parchment; considered and agreed to.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FITZPATRICK:

H.R. 6726.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 6 of Article I of the Constitution, which states "The Senators

and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States." and Clause 1 of Section 1 of Article I, which states "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Mr. CAMP:

H.R. 6727.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. DENHAM:

H.R. 6728.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the common defense and general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and Article I, Section 10, Clause 3 (relating to interstate compacts).

By Mr. CULBERSON:

H.R. 6729.

Congress has the power to enact this legislation pursuant to the following:

US Constitution Article I, Section 9, Clause 7

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6693: Mr. FARR.

H.R. 6721: Mr. LANKFORD, Mr. LOBIONDO, Mr. THOMPSON of Pennsylvania, Mr. MULVANEY, Mr. CULBERSON, Mr. STIVERS, Mr. COFFMAN of Colorado, Mr. NUGENT, and Mr. WESTMORELAND.

H.R. 6722: Mr. BARTLETT and Mr. CUMMINGS.

#### PETITIONS, ETC.

Under clause 3 of rule XII,

66. The SPEAKER presented a petition of Advisory Neighborhood Commission, Washington, DC, relative to resolution urging the Speaker to adopt a bipartisan and balanced approach to deficit reduction; which was referred jointly to the Committees on Oversight and Government Reform and Ways and Means.

## EXTENSIONS OF REMARKS

H.R. 1464, THE NORTH KOREA  
REFUGEE ADOPTION ACT

## HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 1, 2013*

Mr. VAN HOLLEN. Mr. Speaker, I rise as a cosponsor of H.R. 1464, the North Korea Refugee Adoption Act, and to thank Mr. ROYCE and Ranking Member BERMAN for their efforts on this important bi-partisan bill.

This measure was introduced to assist North Korean children living "stateless" outside of that country who face starvation and neglect because they are neither North Korean citizens nor citizens of the country where they currently reside. Many of these children have Chinese fathers and North Korean mothers but are not claimed by either parent, and being stateless, don't have access to the resources of either country.

The bill encourages the Homeland and State Departments to develop strategies to help reunite North Korean refugee children with their families or to facilitate the adoption of the children by citizens of South Korea, China or other countries. In the Senate, the bill was amended to require the Secretary of State to designate a representative to regularly brief the Congress on U.S. efforts to advocate for the best interests of North Korean children.

There are many American families who would love to give a home to these orphans and refugee children if they could. This bill will help to facilitate that process. I encourage my colleagues to join me in support of the bill.

ON THE PASSING OF RABBI IRWIN  
GRONER

## HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 1, 2013*

Mr. LEVIN. Mr. Speaker, today funeral services are being held at the Congregation Shaarey Zedek in Southfield, Michigan for its beloved, esteemed Rabbi, Irwin Groner.

Rabbi Groner served the congregation for over 50 years. He became a continuing source of wisdom and warmth of personality for numerous thousands as he served in various positions in the Jewish community in metropolitan Detroit and beyond. He was active in promoting good will among all faiths in metropolitan Detroit.

His written works will continue to spread his words of wisdom in books of his sermons and his publications on Torah. Also persevering will be the feelings of the deepest affection among all of us blessed by his friendship.

In his words: "Our congregation has prayed together, wept together, rejoiced together, failed together and achieved together."

Today his congregation and all privileged to know him join in tears for his passing and in prayers of gratitude for his life.

Our heartfelt condolences go to his wife Leypsa and the entire Groner family.

## MY FAREWELL SPEECH

## HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 1, 2013*

Mr. STEARNS. Mr. Speaker, as I close my 24 years in Congress I wanted to take an opportunity to express my sentiments in two areas; one) the continued bailouts that have occurred and the continued Keynesian resolution to all our economic problems and two) what should be done to get our budget and subsequent deficits under control.

With the recent bailouts in Congress Americans are wondering if Capitalism works. And when is the next bust going to happen. Having voted against the TARP for Wall Street and the huge Stimulus package, I am wondering the same thing. Do we have to deflate our money every time there is a crisis with the Federal Reserve stepping in by printing huge sums of money and transferring it to the Treasury Department, they then hand it out to businesses that they deem important and necessary? Congress has no say so in this matter once the bill is passed. There are rarely any safeguards with the legislation and complete cart blanche authority is given to these two government agencies, which is down right awful. Mr. Paulson changed his strategy from buying the toxic loans to bailout Wall Street firms and banks. Then the 15 largest banks that received this money were the same ones that made money off the sale on packaging of these financial devices that get bail out because they are considered to big to fail. Rubbish.

But what is the pretext for these bailouts? It is Keynesian economics. His mantra of "But we only owe it to ourselves!" is the password for all economic theory. We did in every major financial crisis in America and England also. The government becomes almighty. His ideas have become the basis for socialistic governments around the world. To get the economy moving again, Keynes taught, it was the responsibility of government to create full employment, even if it had to borrow money and assume huge debt to do so. Rather than get rid of the problems that created the economic depression, greed, corruption and incompetence and then allowing the markets to work and punish those folks who caused the problems; these folks get bailed out. Why? Because of Keynesian economics and political might. Those at the levers of power are generally connected to Wall Street or big financial institutions. Again contrary to basic business logic.

Although excessive government spending and mounting public debt appear to provide some good in the short term, but in the long term, Keynesian economics only make things worse and create grounds for the inevitable collapse of any country again. Keynes had an answer for this when he said, "In the long term, we are all dead." In all my 20 years in Congress we have never seriously tried to reduce debt or reduce the deficit even under Republican control. Yet this colossal public debt is hurting our sovereignty and will eventually move us to a one-world government. Even with the TARP bailout we had to bailout Chinese banks including European banks. Globalism creates interdependence, which creates a crisis everywhere. Is it the responsibility of the Government to prime the economic pump? What is good for a family surely must be good for a nation. What would a family do in an economic crisis? Just the opposite to what Congress and the Administration did. They reduce spending and become more productive. They would not take on more debt. And they would look for other ways to not just save money but also increase the revenue to the family. Take another job or become more efficient and if there was incompetence or corruption involved. Put those individuals in jail and allow their businesses to go bankrupt. Do not reward bad business decisions. But we have done just the opposite with these bailouts. Giving money to financial institutions that created the problem with no supervision or controls. As the Inspector General for the Treasury Dept. recent report has indicated. Half of the money given out is unaccounted for and there again are incidents of corruption. The Government spends taxpayer's money to do what they think is in the best interest of those in power. A sad commentary.

So what is Keynesian economics? Simply said it is that the government has all the answers! It can create something out of nothing, that is, prosperity. Or said another way, the government is the almighty. That is Keynesian economics. And how do we solve the mounting debt we build up to cover the deficit stimulus spending? They tell us by rising population and controlled inflation. But, abortion is legal in America and therefore we cannot count on the rise of population. On inflation, few management systems, including dictatorships, have been able to control inflation. So where will the money come from to pay this debt? To make the borrowing possible, all nations will be tied together to create a world bank to set up an international economic construct. Keynesian economics has put this construct together so that in the very near future we will have international control of our banking system.

So what is the alternative solution? Yes there is a predictive business cycle but built into the economy there are factors that could pull an economy upward from depression and recessions. During these times, savings would

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



rise and therefore interest rates would fall, making money available for industry to expand thereby helping to create jobs. The economy would slowly rise and with it interest rates, which would cause the economy to eventually weaken. So the cycle would continue. Keynes did not believe this would work and that a nation would remain in a depression. He said that at the bottom of the business cycle there would not be enough savings to reduce interest rates and cause the cycle to move up again. The static values of savings and investment would not work. The business investment and enterprise could not be depended to work. There was no constant guarantee of an upward movement of the economy. He believed there needed to be a tonic, a catalyst, to get the economy moving again. That tonic was planned government investment.

Did a family need that to pull themselves up? No. So why would a nation. Keynes created a permanent condition of government borrowing and deficit spending. In fact that became the recommended course of action for all nations. People must abandon the insane idea that they can borrow their way out of bankruptcy.

My second reason for speaking tonight is on what is the solution to our continuing budget deficits.

After twenty-four years I have seen it all. The fake budgets and the competing fake budgets. The President in every administration in which I served has not offered a real balanced budget, which included Social Security, Medicare and Medicaid.

I think again we should go back to what Thomas Jefferson said in 1798:

I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of Constitution. I mean an additional article, taking from the federal government the power of borrowing.

We have had a war in Iraq and President Bush did not put the war effort on budget but instead just offered supplemental spending amendments to cover the cost. This could only be financed by borrowing because the taxpayers would not make the sacrifice to pay for the war so the cost had to be hidden. There were no checks and balances here because the Republicans including myself voted for this spending. But debt will destroy our country. Going back to Jefferson, he reiterated several times that one generation cannot—either morally or in fact—bind another. He stipulated, “No generation can contract debts greater than may be paid during the course of its own existence.” And further he said, “. . . the earth belongs in usufruct (trust) to the living . . . the dead have neither powers nor rights over it.” If one generation can charge another for its debts, “then the earth would belong to the dead and not to the living generation.” Jefferson continued, “The conclusion then is, that neither the representatives of a nation, nor the whole nation itself assembled, can validly engage debts beyond what they may pay in their own time.” Madison did not agree and used the example of a large bridge. But Jefferson argued that there could be no exception. Because the power to borrow was too dangerous to allow exceptions—any exceptions would expand to destroy the amendment.

I would strongly argue that the Jefferson amendment is necessary and with the exception of total war, must be paid for by the present generation and even with war the present generation must make sacrifices to pay for the effort.

Another lesson is to limit the power of the federal government through federalism, which I mentioned earlier. This balance between the states, the federal government is the balance that was required to keep the country safe from plutocracy in all its forms and in all its locations—banks, the military, and governments. The destruction of states’ rights and the centralization of power unchecked in the federal government have contributed to what is today called the imperial presidency. It was never intended the President could force through his own legislation without Congress’s intervening and reaction. Today Congress pretty much follows the President’s desires almost as leadership worship. Isn’t his job mainly to be sure that the law of the land is enforced and enact a legal foreign policy? And nothing else.

The Framers of our Constitution realize how important the rule of law was and knew how the English monarchs issued the courts to serve their own purposes. They also understood there could be no order without law, no law without morality, and no morality without religion. They were not secular humanists, that is so prevalent in our country today. The President should spend more time in office protecting these laws.

And lastly, I firmly believe we need to sunset many if not all of the government programs and carefully evaluate the good ones and consolidate programs to protect the taxpayers from duplication and waste. Even with Republican revolution, we could not shut down any government programs. In fact when I had amendments to reduce the budget by 1% across the board, it failed. I have even tried to reduce some programs less than 1% and again Congress did not have the courage to even make this reduction. If Congress cannot do this, then a base-closure commission like we did for the military bases should be set up to eliminate and reduce obsolete and unnecessary government programs. Without this type of action, our government continues to grow and the bureaucracy will ultimately be too strong to counteract.

Time and time again I see votes on the House floor that have a wonderful name to them, such as the Habitat for Pelicans, the Protections of Wildlife Reserve, Save Our Water Restoration Act and so on. The pieces of legislation are brought up under what is called suspension, i.e., without going through regular order with no ability to amend them. They pass overwhelmingly because members just assume they are good. But they cost money and when you are operating in a deficit mode, you cannot afford them. But they pass anyway.

Let me close with what we need in all cases is wisdom, which is not specially directed toward Americans but to all countries and to individuals. There are seven demonstrations of these wisdoms, which we should remind ourselves.

This is from Isaiah 11:13 and are the gifts of the Holy Spirit.

1. Fear of the Lord

2. Understanding
3. Knowledge
4. Counsel
5. Strength of purpose
6. Piety
7. Humility

These correct actions by an individual are as important as they are for a country. Without these gifts, no country will last or endure.

As I close my career in Congress, I want to thank my family, especially my lovely wife, Joan, for her constant and continued support and all my loyal supporters for their encouragement and good cheer. God Bless America.

## 2013 NATIONAL DEFENSE AUTHORIZATION ACT

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 1, 2013*

Mr. CROWLEY. Mr. Speaker, I rise to support the provisions of the 2013 National Defense Authorization Act that ban the overseas transport of a minor for the purposes of female genital mutilation, or FGM.

This language mirrors the bipartisan Girls Protection Act, legislation I authored and introduced in the 111th and 112th Congresses.

FGM is an issue that isn’t always easy to talk about, and one that has gone on for far too long. According to the World Health Organization, up to 2 million girls—or 6,000 per day—are threatened with FGM each year. Here in the United States, studies indicate that all too many girls are under similar threat. The United Nations says that FGM is an “irreparable, irreversible abuse” inflicted on women and girls.

I couldn’t agree more. So, when some New Yorkers approached me three years ago and told me that girls from my own city were being transported overseas where they were forced to undergo FGM, I knew we needed to take action. Since FGM is illegal in the United States, it should be illegal to transport a minor overseas for the same purpose.

This provision addresses the issue by putting law enforcement on the side of girls. If signed into law, it will never again be acceptable, or legal, to transport a minor from the United States to another country for the purposes of FGM. It will also be illegal to conspire to transport a minor abroad for the purposes of FGM. In fact, if this bill is signed into law, those actions will be a crime. The intent of this legislation is clear—if you plan or participate in the transportation of a minor abroad for so that the minor can undergo FGM, you will have committed a criminal act.

The days of impunity for FGM are now over. Girls who may feel under threat, and families and communities who seek to protect girls from being transported overseas for FGM, will be able to turn to law enforcement for help.

Clearly, there is much more that must be done to address FGM. We need to fund culturally-appropriate outreach and education efforts. We need to work with counselors, teachers and medical providers to ensure they know to help prevent FGM. We need to do everything we can to empower girls. And, efforts

should be carried out in consultation with communities where FGM may be prevalent, many of whom have already stepped forward to renounce the practice of FGM. I believe that ultimately these types of efforts are equally as important as instituting a ban on FGM, and we must work to make them a reality here in the United States.

TRIBUTE TO MRS. JULIE ETTA  
WASHINGTON NANCE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 1, 2013*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute a woman who will be forever known as "the First Lady of South Carolina State College." I was fortunate to know Mrs. Julie Etta Washington Nance since my days on the campus in the late 1950s. She passed away on December 30, 2012, and I know that she will be sorely missed by so many who had the privilege to know her.

Julie Nance was born in 1926, the daughter of J. Irwin Washington, who was South Carolina State College's business manager for 40 years, and Julia Robinson Washington. J. I., as he was called, was my longtime mentor, and I was honored to have a close association with the Washington family throughout my life.

From the time she was born, Julie was connected to South Carolina State College (now University). She lived with her family on the Orangeburg campus and attended Felton Laboratory School, also located there. After graduating from Wilkinson High School, she attended S.C. State and earned her Bachelor of Science degree in elementary education in 1947.

She briefly left Orangeburg to teach first grade in Florence for one year, but returned to Orangeburg to work in the college bookstore and to be closer to the love of her life, M. Maceo Nance, Jr. He had been enrolled on the campus in 1942, but joined the U.S. Navy for three years during World War II. He returned to campus after his military service.

The two married in 1950, and lived with her parents on campus until they were able to build their own home next door.

Dr. Nance began his 37-year career at South Carolina State as a supply clerk. As he rose through the ranks on campus, Julie stayed home to raise her two sons, M. Maceo Nance, III and Robert M. Nance, who would later become the District Director for my Congressional office where he has served continuously for the past 20 years.

In 1967, Dr. Nance was named the interim president of South Carolina State during the tumultuous days of the civil rights movement. Shortly after taking office, a protest in front of the campus over a segregated bowling alley

turned tragic when law enforcement open fire on the student protestors, killing three young men and wounding nearly two dozen others.

Following the tragedy, Dr. and Mrs. Nance formed the rock that held the campus together. Their strength and compassion united the college, and ultimately, Dr. Nance was rewarded by being named the permanent president of South Carolina State. It was a position he held for 19 years with great distinction.

Julie Nance continued to build on the family atmosphere on the Orangeburg campus. She and her husband often hosted events in their home and at the president's office, where students, faculty and staff could mingle. Julie, known for her elegance and charm, was a tremendous asset to her husband to whom she was married for more than 50 years. During their leadership at S.C. State, the college experienced great growth and increased its influence within the community and the state. After Dr. Nance retired in March 1986, the couple remained two of the college's staunchest supporters.

Mrs. Nance received numerous awards including the Distinguished Alumna Award from South Carolina State University and the Sammie Davis Jr. Life Membership Achievement Award given by the NAACP, of which she was a lifetime member. She also held life memberships in the South Carolina State University Alumni Association and Delta Sigma Theta Sorority Incorporated. She was a member of Williams Chapel A.M.E. Church, the Links, Inc. and an Emeritus member of The Regional Medical Center Foundation Board.

In addition to being the parents of two sons, the couple was also grandparents to two granddaughters, Michelle Nelson and Kimberly Colley; three grandsons, Nicholas Nance, Milligan Nance and Kevin Hunt; and four great-grandchildren, Mya Nelson, Maci Nelson, Madison Hunt and Halie Hunt.

When Mrs. Nance departed this life, she was at home in her longtime Orangeburg residence located on the road that was ceremonially named in 2000 the "Dr. M. Maceo Nance Jr. Highway" in honor of her beloved husband.

Mr. Speaker, I ask that you and my colleagues join me in honoring the life and legacy of this remarkable woman. Mrs. Julie Etta Washington Nance's entire life was devoted to South Carolina State College (University). This institution, the Orangeburg community, and the State of South Carolina are much better places because of her leadership and dedication.

HONORING WALTER E. LENCKI

HON. MARY BONO MACK

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 1, 2013*

Mrs. BONO MACK. Mr. Speaker, I rise today to honor the memory of a great Amer-

ican, my friend, Walter E. Lencki. Sadly, Walt passed away on December 24 of this year at the age of 78. Our nation has lost a true patriot.

Walt dedicated his life to service; to our country, to his community and to the people he loved. Born January 5, 1934 and raised in Chicago, Walt attended Catholic schools and upon graduating enlisted in the U.S. Marine Corps. He served his nation proudly in the Korean conflict and earned the respect of his fellow Marines and his family. After being awarded an honorary discharge from the Corps, he joined his family in relocating to California, where he made his home for many years.

After working briefly in sales, Walt found his true calling and joined the Burbank, California, police force where he quickly rose to the rank of homicide detective. His expertise made him an invaluable instructor to police and other first responders, and he later shared his knowledge as a teacher at several colleges in California.

I came to know Walt when he once again displayed his desire to serve his military comrades and their families by helping to found and organize the Semper Fi #1 Memorial Honor Guard at Riverside Memorial Cemetery in Riverside, California, to honor fallen Veterans who would otherwise not have received the military honors they had earned in service to our nation. Walt served as a charter member of this proud group of Marines, and again used his expertise as a trainer to those who also sought to join this volunteer group.

It was a great honor to support the efforts of Walt and Semper Fi #1 Memorial Honor Guard, and it was clear that Walt's love of country and respect for service was a driving force behind the establishment of this outstanding organization.

Walt is survived by his loving wife, Oksana, who he married in May of 2009 in Portland, Oregon, near the community of Roseburg where he had retired, his children Denise Fejtek and her husband, Paul, Douglas Lencki, and Daniel Lencki and his wife, Renee and his grandson, Ryan and Oksana's son, Nazar Davyda.

I extend my deepest sympathy to Oksana and the entire Lencki family and hope that they will find comfort in the memory of the time they shared with this remarkable man. I ask that my colleagues join me in honoring the memory of this proud Marine and patriotic American. His life of service and devotion to our nation inspired me and countless others, and his legacy will live on in his beloved Marine Corps and his family.

Thank you, Walt, for your service and friendship.

**SENATE—Wednesday, January 2, 2013**

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. LEAHY).

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, today give our Senators the second wind of Your passion, power, and perseverance. Fill them with the assurance of Your presence. May they seek to live with the knowledge that You have chosen them to serve You and country. Protect their thoughts and actions from temptation as You control all they say and do by the power of Your spirit. May their lives bring glory to Your Name. Lord, remind them that they pass through this life but once, so that they must not take this day for granted but live to honor You.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable PATRICK J. LEAHY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RECOGNITION OF THE MAJORITY LEADER**

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, would the Chair announce the business of the day.

**SCHEDULE**

The PRESIDENT pro tempore. Mr. President, under the previous order, the leadership time is reserved. Under the previous order, the Senate will be in a period of morning business until 1:30 p.m. for debate only, with Senators permitted to speak therein for up to 10 minutes each.

Mr. DURBIN. Mr. President, it is my understanding that the majority leader is going to yield the floor to me at this moment.

The PRESIDENT pro tempore. The Senator from Illinois.

**CONGRATULATING THE MAJORITY LEADER**

Mr. DURBIN. Mr. President, the State of Nevada was admitted to the Union in 1864. Since 1864 there have been 25 Senators in its 148-year history.

Today HARRY MASON REID becomes the longest serving Member of Congress in the history of the State of Nevada.

Senator REID was elected to the U.S. House of Representatives the same year I was elected, 1982, and became a Member of the House in 1983. He became a Member of the Senate in 1987. He has served with great distinction in both Houses of Congress, serving his State of Nevada, and today is the highest ranking Democrat in the Senate, serving as its majority leader.

I daresay, Mr. President, that you and I would probably not really know anything about the town of Searchlight, NV, were it not for HARRY REID. HARRY REID has told us so many stories of his youth and his background in that tiny town and what brought him to this station in life today. I almost feel that if there were a town or high school reunion, I could attend it with HARRY and look around and recognize a lot of people there because I have certainly heard a lot of stories about his youth and the people who have had a dramatic impact on his life from the time he was growing up in Searchlight, NV.

We know he came from modest circumstances. His family raised him in a very small home without indoor plumbing. He attended a two-room elementary school in Searchlight, NV. As a child, Senator REID's father was a hard rock miner and his mother took in laundry. He says of his parents that his father gave him quiet and his mother gave him confidence.

Opportunities were scarce in Searchlight, but HARRY made the most of what he had. His book "The Good Fight" has a great opening paragraph that I would like to share with everyone because it says so much about what life must have been like in the town of Searchlight.

HARRY wrote in his book:

I come from a mining town. But by the time I came along—December 22, 1939—the leading industry in my hometown of Searchlight, NV, was no longer mining, it was prostitution. I don't exaggerate. There was a local law that said you could not have a house of prostitution or a place that served alcohol within so many feet of a school. Once, when it was determined that one of the clubs was in violation of the law, they moved the school.

It says a lot about Searchlight. It also says a lot about the circumstances he faced growing up. He made the most of what he had.

Between hitchhiking more than 40 miles and staying with extended relatives, HARRY was able to attend Basic High School, the nearest high school to Searchlight. While at Basic High in

Henderson, he met two people who dramatically changed his life—Landra Gould, who would become his wife of 53 years and counting, and Mike O'Callaghan, who was a coach, a teacher, a mentor, and a friend. HARRY REID said of Mike O'Callaghan that he was the toughest man he ever met.

HARRY REID played high school baseball with Rey Martinez, who would become his chief of staff, and Donnie Wilson, who would also go to work for REID in Washington.

I once invited "Mr. Cub," Ernie Banks, to my office, and I invited HARRY REID—a former baseball player in his youth—to come up and meet Ernie Banks.

Ernie Banks looked in his eye and said: What position did you play, HARRY?

HARRY said: I played catcher.

Ernie Banks said: I don't believe it. Get in the position.

At that point, I heard the bones creaking as HARRY went down in the catcher's crouch in my office in front of Ernie Banks, and we all cheered.

He won his first election in high school when he ran for junior class treasurer. Of course he would win because Landra, his wife-to-be, wrote his speech and got him elected. Rey Martinez managed his campaign when he became the senior class president.

He also ran into the fellow I mentioned earlier, Mike O'Callaghan, who had such a profound impact on his personal and political life. Behind HARRY's desk, he has a picture of his friend and mentor Governor O'Callaghan.

HARRY REID also took up boxing after he was inspired by Mike O'Callaghan—as I said, the toughest man he ever met, in HARRY's memory.

In his book "The Good Fight," HARRY said:

There are sluggers, and then there are boxers. I became a pretty good boxer. I could assess situations well, and I learned to recognize and exploit an opposing fighter's weaknesses. I could hit hard, and I could take a punch.

Mr. President, you and I know that is a perfect background for the business we are in today.

With scholarship money Mike O'Callaghan had helped put together for him, HARRY REID left for the College of Southern Utah in Cedar City. He hated being so far away from Landra, so he moved back to Henderson for the summer.

Despite the best efforts of Landra's father to discourage him, HARRY married Landra. They eloped in September of 1959. The newly married couple moved to Logan, UT, where he would

finish college while renting from a loving Mormon family, Matthew and Louise Bird. HARRY REID and Landra decided to join the Church of Jesus Christ of Latter Day Saints based on this wonderful family who served as their landlords. He told me many times that he didn't come from a religious family. In his book, he said that the only family religion he remembered was their devotion and love for Franklin Delano Roosevelt in his house.

Mike O'Callaghan left teaching high school for Democratic politics at that point, and he urged HARRY to move to Washington, DC, to attend law school. HARRY REID put himself through law school by working nights as a U.S. Capitol police officer. In his book are pictures of HARRY in uniform as a Capitol police officer—a job that O'Callaghan had helped line up for him—when he was a law student.

He returned to Nevada after law school and served as Henderson city attorney before being elected to the Nevada Assembly in 1968.

In 1970, at age 30, HARRY REID ran for Lieutenant Governor of Nevada, with his friend and mentor Mike O'Callaghan running for Governor. They won the race, and HARRY REID served as Lieutenant Governor from 1971 until 1974, becoming a friend to my mentor Paul Simon, who was then Lieutenant Governor of Illinois.

HARRY lost his race for the U.S. Senate in 1974 when the seat was vacated by Alan Bible, but he lost by fewer than 600 votes. Governor O'Callaghan then asked him to serve as chairman of the Nevada Gaming Commission.

When Nevada's population growth led to an additional seat in Congress in 1982, HARRY REID ran for the new seat and won, and that is when I first met him. He served two terms in the House from 1983 to 1987 before running for the Senate. In 1986 REID won the Democratic nomination for the Senate seat of retiring two-term incumbent Republican Senator Paul Laxalt.

From 1999 to 2005 HARRY REID served as Senate Democratic whip, as minority whip from 1999 to 2001 and again 2003 to 2005, and then as majority whip from 2001 to 2003. During those years as whip, HARRY REID lived on the floor of the Senate. He developed a real understanding not just of the rules and procedures of the Senate but of the institution and the Members.

Mike O'Callaghan died of a heart attack while attending daily Catholic mass in 2004, so he didn't live to see his good friend elected as minority leader in 2005 or, obviously, as majority leader in the Senate. But I know that every single day HARRY serves in public life, Mike O'Callaghan is in his heart.

I listened this morning to some of the analysts about what just happened with this historic vote yesterday in the Senate. Some of them this morning, who know a little bit about what really

happens here, were diminishing the role played by HARRY REID. I can tell everyone that on the day leading up to the vote, the last day, December 31, I spent the better part of 16 hours in HARRY'S office as the negotiations went back and forth. There were three parties to that negotiation: Senator MCCONNELL, the President of the United States, and HARRY REID. There was not a minute that passed that e-mails were not transferred back and forth to put together the coalition that passed this historic measure and avoided the economic disaster that otherwise would have occurred. It was not the first time I have seen HARRY in that position—behind closed doors, without a lot of fanfare, playing a critical role in the passage of legislation that really makes a difference for the average working families of America.

A few years ago I worked with him as he led the effort to pass the Health Care Reform Act, a measure on which I believe he shares my thinking—it is one of the most important pieces of legislation we have ever worked on in our lives. It never, ever would have become law if it were not for his skill, determination, and the trust the Democratic majority had in their leader, HARRY REID.

This is a day, of course, in Nevada history as much as American history as HARRY becomes the longest serving Congressman and Senator in the State of Nevada.

I recall one particular visit to his office. I dropped in frequently there to see what was going on and to chat with him about the business of the Senate and life itself. When I came in, I saw a young rock group called the Killers sitting in his office. Yes, that is their name, the Killers, and they are from Nevada. HARRY told me this young group, popular as they are in other places, was especially popular in Nevada because they performed the Nevada State song, which is entitled "Home Means Nevada." When I think about this historic moment today when HARRY becomes part of the history of his State, I recall one stanza from that song. It says, "Deep in the heart of the golden west, home means Nevada to me." In all of my conversations over all the years, time and again the conversations always return to his home State of Nevada, his hometown of Searchlight, and the people he loves so much to represent in the Senate.

It has been an honor to serve with this great man. I am glad he achieved this great moment in history on behalf of Nevada and the United States.

The PRESIDENT pro tempore. The majority leader.

Mr. REID. No one would believe this, but I did not know Senator DURBIN was going to say a word. Most of what he said is unimportant, but I appreciate his efforts to try to make me better than what I am. I really do appreciate his friendship.

We came as a couple of anxious people to the House of Representatives 30 years ago. Speaking for both of us—and I can do that—it was such a wonderful experience. During the first 3 or 4 months I was in the House of Representatives, I kept thinking I was going to have to pay somebody because I was having such a good time. It took me a while to figure out that the taxpayers were paying me for doing a job that was so much fun.

I appreciate very much Senator DURBIN'S friendship. I so admire and appreciate him for all he has done for me, the State of Illinois, and the country. He is absolutely right about this—he had a mentor by the name of Paul Simon who had the good fortune to serve, as we were both Lieutenant Governors at or near the same time. We served in the House of Representatives together and we served in the Senate together. What a wonderful human being. Senator DURBIN and I have talked about this. Senator Simon was to DICK DURBIN what Mike O'Callaghan was to me. He was not only the toughest man I ever knew but the most honest. When he would drive, he would never, ever exceed a posted speed limit. He is somebody whom I will always remember. I could never be like him.

In addition to being tough and honest, he could swear like no one we have ever heard, but only he could do it, this massive man who had almost 200 amateur fights before going to Korea and losing his leg. He was such an exemplary person in my life. So I appreciate Senator DURBIN mentioning him. But to me, he was like this great man Paul Simon. I don't know how many books he ended up writing. I am sure it is 15 or 20. He never went to college. He was a brilliant man. So I thank Senator DURBIN very much. I appreciate it a lot.

#### HELPING THE VICTIMS OF HURRICANE SANDY

Mr. REID. Mr. President, I am stunned by what didn't happen in the House of Representatives last night. I appreciate that they, with the support of all but a handful of Democrats and just a handful of Republicans, passed something to keep us from going over the fiscal cliff, and that is admirable. NANCY PELOSI deserves such accolades for carrying more than her share of the weight over there in passing this bill. But one of the things they didn't do last night—I wish to read into the RECORD a letter, an e-mail, from a person by the name of Barrie Kolstein, K-O-L-S-T-E-I-N:

Owner of perhaps the oldest and one of the most recognized violinmaking shops in the United States, located in Baldwin, New York.

Shop was severely damaged by recent hurricane Sandy. Owned buildings and occupied them for over 32 years without any problems at all.

This storm compromised my building inside and outside, with facilities within the building backing up, pipe breakage and roof damage, plus the horrid conditions that literally assaulted all the buildings in my immediate area.

Storm decimated my building as well as the neighboring buildings that perhaps was one of the more stable and viable business areas of Baldwin.

My shop has been closed since the storm.

We are doing our best to afford the restoration of the building and repair the numerous fine old pedigree string instruments (violins, violas, cellos and basses) that were so horribly damaged.

We lost machinery, tools, supplies and most of our filed records.

This is a true nightmare, that at the age of 63, I never thought I would be faced with.

There are tens of thousands of people in New York, tens of thousands of people in New Jersey, and other parts of the Northeast who have had their lives turned upside down. I am dismayed and saddened that the House of Representatives walked away last night—didn't even touch this—after we spent so much time here on the floor doing something to help a beleaguered part of our country. I was happy to help with Katrina. I was happy to help with the violent storm that hit Joplin, MO. We all were. We moved in quickly.

It has been months now and these people are still suffering. Governor Cuomo and Governor Christie have done their best with the limited resources that are available when a disaster such as this occurs. This is known in the law as an act of God. No one knew it was coming. No one had any idea this terrible storm would do the damage it did. It was the perfect storm because we had different elements working against each other to create this terrible situation.

So, I repeat, I am dismayed and saddened the House of Representatives adjourned last night without addressing the pressing needs of these people. There are still hundreds of thousands of people who don't have a place to live, whose homes and businesses were damaged or destroyed, as I have indicated from Mr. Kolstein, by this terrible disaster. It is heartbreaking to leave these victims of Sandy stranded and waiting for help.

This storm damaged or destroyed more than 700,000 homes in New York and New Jersey and New England. We have the power to help our countrymen put their lives back together. We did it here in the Senate. We sent it to the House of Representatives, but they walked away, just as they did with postal reform and just as they did with agricultural reform, our farm bill, and just as they have walked away from so many different things this year. They left these people without help. They are gone; they have left; they are not in Washington. I am disappointed we have turned our backs—and I don't include myself in this operation, or anyone in this Senate; we worked on a bi-

partisan basis to get this done, but I am deeply disappointed the House of Representatives has turned their backs on people who are suffering.

Please understand, everybody, this does not include the leadership of Leader PELOSI or Leader HOYER. They have done their best to gather their troops to help at any time for anything that is needed.

To walk away from these people is not who we should be as Americans. Wintertime is now here. When disaster strikes, be it fire, flood, storm, or earthquake, we in the past haven't paused and we don't delay, but we have here. As Americans, we respond with haste at a national level when American lives are at stake and American communities are shattered. It is no wonder how people feel about Congress: They just left town.

They need to do better over there. We should have a postal reform bill. We should have a farm bill. The farm bill, by the way, saves \$24 billion—not million but billion. DEBBIE STABENOW, the chairman of the Agriculture Committee, worked so hard to get this done. We had a bipartisan bill that passed the Senate overwhelmingly. Why did the House of Representatives drop it? Well, they dropped it because the same porkbarrel programs that help people who don't need help in that farm program were taken out of the bill. So now we are on a short-term extension. The benefits these people don't deserve they are still getting.

They need to do better over there. Compromise is hard; we know that. Sometimes compromise doesn't happen when we want it. Compromise sometimes doesn't satisfy either side. But as I have said here and other places, when I practiced law, we had the concept it was a good settlement when both sides walked out unhappy, having reached a settlement, and that is what we did here the night before last. Actually, it was yesterday, because it was well after midnight. It was a piece of legislation we weren't all elated about, but it moved the ball forward.

We have so many more hard decisions to make in the year ahead. So unlike others behind us in this Capitol, I am not going to stoop to name-calling; I just want people to work and do what they need to do. Let the House of Representatives work its will. Let Democrats and Republicans in the House of Representatives debate. They have an easier time of it because they can set rules on how to debate. They have the Rules Committee where they can set how long they debate and on what subjects, but let the body work its will, which hasn't happened.

It is a sad day when we turn our backs on millions of our fellow Americans during their time of greatest need, and that certainly is what has happened here.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished majority leader is about to propound a unanimous consent request. I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONGRATULATING THE MAJORITY LEADER

Mr. LEAHY. Mr. President, the majority leader is not a person to praise himself, but I will.

I totally agree with the comments he made about how the session has virtually ended.

It is only in recent times that I find myself presiding as often as I have because of other circumstances, and I am glad I was here to open the Senate today to hear the distinguished senior Senator from Illinois speak about the distinguished senior Senator from Nevada. We first met when he was running for the Senate seat at a campaign event in another State. We worked together at that time and became friends, and from that day on we have actually spoken many times with our wives about that meeting in Florida.

I consider it a privilege that I was on the floor today to hear the words of the Senator from Illinois and I join in praising my friend from Nevada. He is a dear and wonderful friend. His wife and my wife are dear wonderful friends. We both married way above ourselves. But I feel privileged to serve every day with the Senator from Nevada.

I yield the floor.

Mr. REID. Mr. President, I appreciate very much the chairman of the Judiciary Committee and the President pro tempore of the Senate saying those nice things about me. It is an honor to have gotten to know PAT LEAHY so well. He has broken all records. My record is minimal compared to his in Vermont: the first Democrat elected and he has been in the Senate since 1972, a wonderful Senator and a good friend. I appreciate his words very much.

I will mention, because I have here before, his lovely wife Marcelle is a nurse, and during my wife's travail with a terrible automobile accident and breast cancer—she is doing well and it appears she is beating both of those so far—Marcelle has done a lot of good things for my wife, with her nursing skills, calling and telling her what she is going through is what happens to a lot of people and she is going to be a lot better. I appreciate very much Senator LEAHY, but also his lovely wife Marcelle.

#### UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Mr. President, last December President Obama appointed a person by the name of David Medine to

serve as the chairman of the bipartisan Privacy and Civil Liberties Board. After 9/11, Congress created this five-member board to make recommendations to protect the civil liberties of all Americans during a time of war.

Mr. Medine is well suited to lead this board. He currently works on financial privacy issues for the Securities and Exchange Commission. Previously, he was a partner in a huge law firm by the name of Wilmer Hale and he worked at the Federal Trade Commission on Internet privacy and financial privacy laws.

Earlier this summer, we worked out an agreement with Senate Republicans to confirm the part-time members of the board, two Republicans and two Democrats. Republicans agreed that Mr. Medine, the Democratic nominee for chairman and the only full-time board member, would be confirmed during the lameduck session. It is my understanding that Republicans have encountered an issue that prevented the Senate from including Mr. Medine in our nominations package. So I will ask unanimous consent on this nomination at this time. I know there will be a Republican objection. Early in the next Congress, I plan to schedule a majority vote on this nomination and I look forward to the cooperation and good faith from Senate Republicans.

I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 721 and 722; that the nominations be confirmed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order, and any statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, reserving the right to object, and I will object, I would point out that the majority has had this nomination pending since May 17 when it was reported out of the Judiciary Committee on a party-line vote. Not only for myself, but I think for a lot of people on my side of the aisle, this nomination is controversial and should not be moved via unanimous consent in the waning hours of this Congress. If this nomination were as important as the majority now seems to believe it is, this would have warranted debate and negotiations earlier in the session. Instead, the majority now seeks to raise this nomination in order to avoid having to resubmit the nomination for consideration.

I think I have shown a very different willingness to accommodate the majority even on controversial nominations. For example, we agreed to remove William Baer just last week despite the controversy surrounding his nomina-

tion, and he was subsequently confirmed. So I am not opposed to discussing controversial nominations, including this one, but they need to be done in a way that allows debate and discussion prior to a vote.

Given the controversial responses to written questions this nominee provided, there is need for debate and discussion on this nomination by the full Senate, not unanimous consent here at the last minute. Therefore, I object to the nomination being considered at this time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois.

#### HURRICANE SANDY SUPPLEMENTAL APPROPRIATIONS

Mr. DURBIN. Mr. President, I want to join in the remarks of the majority leader. What a disappointment to learn that last night the House of Representatives failed to bring up the supplemental appropriations bill, which is to provide relief for the victims of Hurricane Sandy.

The Senate passed this bill not that long ago—just a few days ago. Mr. President, \$60.4 billion in a supplemental appropriations passed here by a vote of 62 to 32—a strong bipartisan vote. It did not include everything the Governors of New York and New Jersey and other States had asked for, but it did provide critical funding to help those who lost their homes and their businesses.

We expected the House to act on this bill. To say this is a no-brainer is to overstate the obvious. We rally as an American family when many of us are in need. I can remember this very well in my own State.

In 2008, Illinois and other Midwestern States had a similar situation. A massive storm was heading our way and flooding from the Mississippi River was inevitable. I visited several towns along the Mississippi back then, including Quincy, IL. Then-Senator Obama and I came to Quincy and pitched in—filling sandbags with thousands of other volunteers.

We worked through Father's Day to help mitigate the oncoming flood, but it still came, and there was serious damage. Just like the people in New York and New Jersey, these people did everything they could before and after and during the storm to save their homes, businesses, and the lives of their loved ones. But the magnitude of our 2008 storm was too big for local and State governments to handle.

The magnitude of the flood, just like Hurricane Sandy, required action from Congress and the Federal Government. We passed a supplemental appropriations bill for Illinois and the Midwest in 2008. That aid was essential to helping the victims of that flood in our State.

I have served in Congress for over 20 years, and every time—every time—some section of our Nation has been victimized by a disaster, we have come together as an American family to help those in need. We draw on our national treasure and the efforts of American people across the country to come to the rescue of our neighbors in need.

The time to help New York and New Jersey and other States victimized by Hurricane Sandy is now, but the Republican leadership in the House has abandoned those victims with a decision to let this bill die. In New York and New Jersey more than 651,000 homes were damaged or destroyed, 463,000 businesses were hurt and need assistance. According to the Senators from those States, that either matches or exceeds the magnitude of the disaster of Hurricane Katrina that struck the States on our southern coast on the Gulf of Mexico.

Hundreds of miles of roads and rail were damaged and will need to be repaired. However, the rebuilding is on hold because of a political decision by the Speaker of the House and Republican leadership. I can tell you, I know full well—because Senator SCHUMER is in the leadership, and I have watched as he and Senator GILLIBRAND, Senator MENENDEZ, Senator LAUTENBERG, and others have worked to build a bipartisan coalition in the House to pass this critical measure—all it needed was to be called by the Speaker, and the Speaker refused.

But there is still time. There is time in the 112th Congress for the House to pass the Senate bill. I urgently beg the Speaker of the House of Representatives to put any political concerns aside, and for the sake of these victims and victims of other disasters across America to pass this critically important bill as quickly as possible.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FHA EMERGENCY FISCAL SOLVENCY ACT

Mr. BROWN of Ohio. Mr. President, on Sunday, we confirmed Carol Galante as the new Commissioner of the Federal Housing Administration, FHA. I want to thank my 19 Republican colleagues who supported her nomination. It was an important step forward for FHA. I give a special thanks to Senator CORKER for his work, my colleague on the Senate Banking Committee.

My Democratic colleagues and I have cleared an important commonsense

piece of legislation on our side. It was passed overwhelmingly in the House. But we have received little cooperation from some of our Republican colleagues because it does not include everything they want.

It is clear that FHA's Mutual Mortgage Insurance Fund is facing significant financial issues. Two years ago, Senator BEGICH and I introduced an FHA reform bill. For a time we collaborated with Senator VITTER from Louisiana, who has worked with me on legislation with the GAO and other things, and with Senator ISAKSON on that effort, so I know many of my Republican colleagues are committed to these issues. Unfortunately, some of their conservative colleagues blocked the legislation that would have given FHA additional authority to protect taxpayers.

We should not wait any longer. This is technically the last full day of this Congress. We should not wait any longer to enact sensible measures that will put FHA back on a path to financial stability.

With limited time remaining in the legislative session, passing the House's FHA reform legislation, H.R. 4264, is a necessary and responsible step to give FHA additional authority to protect taxpayers. Passing this bill will not prevent us from doing more next session. That is what I want to do. I think most Members in both parties in the Banking Committee want to do that. I expect we will consider reforms very soon.

In the meantime, though, we should pass this commonsense, bipartisan reform measure. As I mentioned, it passed the House of Representatives by a margin of 402 to 7. So it has support all across the political spectrum, from people of all views and philosophies and ideologies. Unfortunately, a small number of people continue to stand in the way of these taxpayer protections.

I do not plan to ask unanimous consent today. I would like to do that; I will not do that. I am hopeful that those who oppose this might be willing to come to the floor and discuss this and see if we can move this legislation on the last full day of this Congress, so we can then take that step and then work this coming year in the new Congress on further reforms.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

#### CHALLENGE TO FUTURE CONGRESSES

Mr. CONRAD. Mr. President, I thank my colleagues. These will be my final remarks to the Senate, and I thought I would share with my colleagues my observations on what has just occurred to put in perspective where I believe we are and where we are headed and to lay down a challenge for my colleagues as I depart. A very significant challenge remains for the Congress and the country, and I hope very much that we find the courage to take on these challenges. It is incredibly important to the future strength of our Nation, and we can do it. We have done much tougher things in the past, and we can certainly take on these challenges.

On New Year's Eve we were called into session and were briefed by the Vice President and other staff from the White House with respect to the deal that was before us. I told our colleagues on that night that I believed we had to support the proposal before us because to fail to do so would send us back into a recession. Most economists said the economy would shrink 4 percent in the first quarter, 2 percent in the second quarter, that 1 million more people would be unemployed, and that the 2 million people now on unemployment insurance would lose that and would have no safety net. So, Mr. President, I saw no alternative but to support this agreement.

At the same time, I told my colleagues: I hate this agreement. I hate it with every fiber of my being because this is not the grand bargain I had hoped for and worked for and believe is so necessary to the future of the country. This is not, by any standard, a deficit reduction plan. As necessary as it is, no one should be misled that this deals with our deficit and debt because it only makes our debt circumstance worse.

Now, some question that assessment, but that is precisely the assessment the Congressional Budget Office has come to. I would like to take just a few moments to put in perspective where we are.

The United States is borrowing 31 cents of every dollar it spends. That is an unsustainable circumstance. It is an improvement somewhat because we were borrowing 40 cents of every dollar we spend. So there has been some modest improvement. But, this cannot go on. It has to be addressed or we will weaken the Nation.

This chart puts in perspective the spending and revenue of the United States going back to 1950. Looking back 60 years, the red line is the spending line, and the green line is the revenue line. You can see our spending is close to a 60-year high. We are not quite at a 60-year high because there has been some improvement in the last 2 years. We are close to a 60-year low on revenue. So our colleagues who say

this is just a spending problem are missing the point. This is a problem of the relationship between spending and revenue. The gap—much higher spending than we have revenue—is what leads to deficits and leads to additions to the debt.

The path we are on, we are told by the Congressional Budget Office, will take us from a gross debt of 104 percent of our gross domestic product today to 115 percent by 2022 if we fail to act. So further action is absolutely essential.

Why? Why does it matter if our gross debt is more than 100 percent of our gross domestic product? Well, because the best work that has been done on this question—by Rogoff and Reinhart—concluded, after looking at 200 years of economic history, the following. I quote from their study:

We examine the experience of 44 countries spanning up to two centuries of data on central government debt, inflation and growth. Our main finding is that across both advanced countries and emerging markets, high debt/GDP levels (90 percent and above) are associated with notably lower growth outcomes.

To sum it up, Mr. President, when we have a gross debt of more than 90 percent of our GDP, we are headed down a path that dramatically reduces our future economic growth. That means we are reducing future economic opportunity for the people of our country. That is why this matters, because it will retard and restrict economic growth for our people.

Here is what the Congressional Budget Office tells us about the long-term path we are on, in terms of debt held by the public. CBO tells us we are headed for a circumstance where publicly held debt will be 200 percent of our GDP.

So, we are on a course that is utterly unsustainable.

If we look at what has been done—because those who say nothing has been done are not giving the full story either—the fact is we passed a Budget Control Act in place of a budget. We put in place a law in place of a budget resolution. That budget law dropped discretionary spending to historic lows. We were at—in the year 2012—8.3 percent of GDP going to domestic spending. The Budget Control Act, the law that was passed, will take that down to 5.3 percent of GDP going for discretionary spending. That is a historic low.

So when someone says nothing has been done, that is not accurate. We cut domestic spending, and cut it in a very significant way. We cut it to a level that will be a historic low, but that doesn't mean the problem has been solved; nowhere close to it, because at the same time the nondiscretionary accounts are rising dramatically. Medicare, Medicaid, and other Federal health spending is the 800-pound gorilla. That is where we see such a dramatic increase in spending, both in real



and nominal dollars, and as a share of GDP.

Back in 1972, these health care accounts consumed 1.1 percent of our gross domestic product. By 2050, if we don't do something, they will consume 12.4 percent. That is totally unsustainable. It is gobbling up bigger and bigger chunks of our budget, putting increasing pressure on our deficits and debt, and eating up the ability of the United States to have the flexibility to respond to crises that might occur.

The aging population is the primary driver of Medicare, Medicaid, and Social Security cost growth. We can see in this chart, the effect of cost growth is the yellow part; the effect of aging is the red part; and the spending in absence of aging and excess cost growth is the green part of this chart. In other words, our spending on Medicare, Medicaid, and Social Security would actually be very stable absent the effect of aging and the effect of excess cost growth. Now the effect of aging has become the biggest driver. There is nothing we can do about that because these people have been born. They are alive today. They are going to be eligible for Medicare and Social Security, and we are going to have to find a way to be able to afford this combined effect.

The revenue side of the equation I think is critically important to understand. Many of our colleagues say: It is true we are at a very low share of GDP going to revenue today. In 2012, less than 16 percent of our GDP came as revenue to the Federal Government. Typically, it is about 18.5 percent of GDP. But if we look back on the last five times we have actually balanced the budget around here, revenue hasn't been 18 or 18.5 percent of GDP. The last five times we have balanced the budget, revenue has been 19.7 percent, 19.9 percent, 19.8 percent, 20.6 percent, 19.5 percent of GDP.

So those who say we have to get back to the normal revenue stream, I think miss the point. The average is not going to do it. It never has, at least going back to 1969.

We are going to have to have more revenue at the same time we have more spending discipline, especially with respect to the health care accounts.

We need fundamental tax reform. This Tax Code is out of date, it is inefficient, and it is hurting U.S. global competitiveness. The complexity imposes a significant burden on individuals and businesses. The expiring provisions create uncertainty and confusion. It is hemorrhaging revenue to tax gaps, tax havens, abusive tax shelters.

I have shown many times on the floor of the Senate a picture of a little five-story building in the Cayman Islands called Ugland House. Ugland House, this little five-story building, claims to be the home of 18,000 companies that all say they are doing business out of

that building. I have said many times that is the most efficient building in the world. How can 18,000 companies be doing business out of a little five-story building down in the Cayman Islands? They are not doing business out of that building. The only business they are doing is monkey business, and the monkey business they are doing is to avoid the taxes they owe in the United States through shell games in which they show their profits in the Cayman Islands, where, happily, there are no income taxes to impose on those earnings. So they are avoiding showing their income there here and putting it in the Cayman Islands where they can shield it from taxation.

We also desperately need to restore fairness. The current system contributes to growing income inequality. I don't know how anyone can conclude otherwise. I have also shown many times on the floor of the Senate the report on one building on Park Avenue in New York, where the average income is \$1.2 million of the people who live in that building and the average tax rate those people are paying is about 15 percent. The janitor in that building is paying a tax rate of 25 percent with an income of \$33,000 a year. How is that fair? How can that possibly be considered fair? These long-term fiscal imbalances simply must be addressed, and revenue is going to have to be part of the solution.

Martin Feldstein, one of the distinguished economists in our country, conservative, chairman of the Council of Economic Advisers under President Reagan, said this about the tax expenditures of the country because we are spending \$1.2 trillion a year in the tax expenditures category of the United States. We are spending more through the Tax Code than we are through all the appropriated accounts.

People say we are spending too much. Yes, we continue to have a spending problem and a revenue problem. But through the Tax Code, we spend more there than we spend through all the appropriated accounts.

Here is what Martin Feldstein said about the need to reduce tax expenditures:

Cutting tax expenditures is really the best way to reduce government spending. . . . [E]liminating tax expenditures does not increase marginal tax rates or reduce the reward for saving, investment or risk-taking. It would also increase overall economic efficiency by removing incentives that distort private spending decisions. And eliminating or consolidating the large number of overlapping tax-based subsidies would also greatly simplify tax filing. In short, cutting tax expenditures is not at all like other ways of raising revenue.

I say to my colleagues, even after what has just happened, we are going to have to raise more revenue, we are going to have to cut spending, and we are going to have to reform entitlements. It is as clear as it can be that

those things are going to have to be done to get the country back on track. Here is one of the most distinguished economists in the country telling us that reforming tax expenditures is not like other ways of raising revenue in terms of its economic effect. I think Mr. Feldstein has that exactly right.

By the way, who most benefits from these tax expenditures? Here is a chart that shows the increase in after-tax income from tax expenditures and here is the top 1 percent. On average, they benefit per year by over \$250,000. The next quintile benefits by \$32,000. The lowest quintile tax expenditures benefit by \$707 a year. Wow. What an extraordinary disparity. The lowest quintile tax expenditures benefit \$707 a year. The top 1 percent, their benefit from tax expenditures, on average, is over \$250,000 a year.

Here we are, borrowing 31 cents of every \$1 we spend. We are on course taking the debt of the United States from over 100 percent of our gross domestic product to over 200 percent if we fail to act.

That is why we had the National Commission on Fiscal Responsibility and Reform. The report we put out was called "The Moment of Truth." What we called for in that report was \$5.4 trillion in deficit reduction. We used the current baseline. That is what we would have provided, \$5.4 trillion in deficit reduction. We lowered the deficit to 1.4 percent of GDP in 2022. We stabilized the gross debt by 2015. We reduced discretionary spending to 4.8 percent of GDP by 2022. We build on the health care reform savings. We called for Social Security reform and savings to be used only to extend the solvency of Social Security itself, and we also included fundamental tax reform that raised revenue and did it in part by reducing those tax expenditures I just referred to.

Here is what would happen to the deficit as a percentage of GDP under the fiscal commission budget plan. We can see in 2012, the deficit is at 7.6 percent of GDP. By 2012, it would be taken down to 1.4 percent of GDP under the plan.

Here is what would happen to the gross debt of the country as a percentage of GDP under the fiscal commission plan. From 104 percent of GDP in 2012, down to 93 percent of GDP in 2022. Stabilize the debt. Then begin to bring it down. That ought to be our challenge.

The plan that was just passed took individual rate increases from 35 to 39.6 for couples earning over \$450,000. Capital gains and dividends were increased from 15 percent to 20 percent. PEP and Pease were reinstated. The estate tax was increased to 40 percent for those estates above \$5 million. The alternative minimum tax was patched on a permanent basis to prevent some 30 million people from being caught up in

the alternative minimum tax. It extended other expiring provisions.

On the spending side, the doc fix was put in place for 1 year to prevent doctors who provide care for Medicare-eligible beneficiaries from taking a 27-percent cut. It turned off the sequester for 2 months, the \$1.2 trillion across-the-board cut in discretionary spending in both defense and nondefense. It provided for a 1-year extension of unemployment benefits and also for a 1-year extension of the farm bill.

Again, while I believe that plan had to be supported—and I did, albeit reluctantly because I think if we had failed to support it, we would be headed back into recession, an additional 1 million people would have lost their jobs, the unemployment rate would be headed to 9.1 percent, and 2 million people would have lost their unemployment benefits. So there was good reason to support that plan. But I want to end as I began. I hated that plan. I hated it with every fiber of my being because the truth is it increased the debt of the United States. That is not just my word; that is the word of the Congressional Budget Office that tells me the revenue loss from that plan is \$3.6 trillion; the new spending, \$332 billion. The total impact on the deficit and debt, \$4 trillion. That doesn't account for the additional debt service which is another \$650 billion. The total increase in the debt as a result of that plan is over \$4.6 trillion.

So don't let anybody tell you that was a deficit reduction plan or a plan to deal with the debt because it was not and it is not. That leaves the unresolved challenge of our time. Because for this Nation's future, it is critically important that the next Congress, in its early days, try to get back to doing the grand bargain, the big deal, something that would reduce our deficits and debt by at least \$4 trillion over the next 10 years to stabilize the debt to begin to bring it down.

I leave here in many ways with a heavy heart because I came here 26 years ago believing one of the foremost responsibilities of a Senator was to guide the fiscal affairs of this country.

I ask unanimous consent to have printed in the RECORD the announcement speech I made in 1986 in running for the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENT CONRAD, JANUARY 27, 1986

I will be a candidate for North Dakota's seat in the United States Senate in 1986. I will be a candidate because I am intensely interested in North Dakota's future. I am committed to doing what I can to improve the future for our state and its people.

I have concluded that the serious economic problems facing our state can in large measure only be addressed in Washington. It is economic policies decided in our nation's capital that are pushing our state into a difficult financial position.

Since 1980, our national debt has doubled. Our national operating deficit has tripled. Our trade deficit has increased six-fold. And we have become a debtor nation for the first time in seventy-one years.

We can do better. We must do better. And we will do better if we have the courage and leadership to move this country in a new direction.

Current economic policies, which have increased the national debt in five years by an amount that had taken two hundred years to accumulate, have forced record high real interest rates. Those record high real interest rates have bloated the value of the American dollar, which in turn has put a hidden tax on every commodity exported by our state and nation. That hidden tax has robbed us of our export markets and dramatically reduced our commodity values.

These economic policies are not only devastating to the economy of the State of North Dakota but are rapidly exporting the economic strength of this country. This process must be stopped.

It is time for politicians to stop posturing and promising and start guaranteeing performance and results. I pledge today that, if elected, the federal deficit, the trade deficit and real interest rates will be brought under control or I will not seek reelection in 1992.

I have great confidence in the future of our state and of our country if our leadership and our people move swiftly in a new direction.

I offer leadership and a new vision of the role of government in solving our common problems.

We are at the dawn of a new era, one in which international competition will more and more shape the policies of states and nations.

We must meet that challenge.

That means the fundamentals of a healthy domestic economy, including a sound agricultural sector, an excellent educational system, a competitive business climate, a strong national defense and an efficient and fair tax system must be among our highest priorities.

At the same time we must fashion a society that cares for the least fortunate among us, respects our senior citizens, nurtures our young, and preserves a strong and growing middle class. Perhaps most important, we must actively pursue peace for our generation and for the generations ahead.

We can accomplish all of this if we trust in the basic good judgment and decency of our people. I have that faith and look forward to a challenging campaign on the issues that confront us.

The trade deficit is clearly out of control. We have gone from a trade deficit of \$32 billion in 1980 to \$149 billion last year, and this year we're headed for a trade deficit of \$175 billion.

For the last three months, we have imported more agricultural production than we have exported. These are additional signs of an economic game plan that has gone seriously wrong. We must get the trade deficit under control or we will find our standard of living lowered for decades to come.

I believe the Senate and House members should tell the collective leadership in Washington—both Republicans and Democrats—that it's no more business as usual. It's time to seriously address the economic problems facing our country.

The best way to get the leadership to face up to the problems facing our country is to refuse to extend the debt limit except on a temporary basis. There should be no perma-

nent extension of the debt limit until there is an economic summit of the President and the Republican and Democratic leadership of both the House and the Senate to devise a plan to reduce our national deficit, to lower interest rates, to lower the bloated value of the American dollar, and to lower the trade deficit. These steps must be taken, and they must be taken now.

We can have a better, more secure future, but only if we take the steps now to get our country back on an economic path that makes sense.

Mr. CONRAD. This is what I said 26 years ago in my candidacy for the Senate:

I have concluded that the serious economic problems facing our state can in large measure only be addressed in Washington. It is economic policies decided in our nation's capital that are pushing our state into a difficult financial position.

Since 1980, our national debt has doubled. Our national operating deficit has tripled. Our trade deficit has increased six-fold. And we have become a debtor nation for the first time in seventy-one years.

We can do better. We must do better. And we will do better if we have the courage and leadership to move this country in a new direction.

Current economic policies, which have increased the national debt in five years by an amount that had taken two hundred years to accumulate, have forced record high real interest rates. Those record high real interest rates have bloated the value of the American dollar, which in turn has put a hidden tax on every commodity exported by our state and nation. That hidden tax has robbed us of our export markets and dramatically reduced our commodity values.

These economic policies are not only devastating to the economy of the State of North Dakota but are rapidly exporting the economic strength of this country. This process must be stopped.

I will end with the next paragraph:

It is time for politicians to stop posturing and promising and start guaranteeing performing results.

Then I made a pledge.

I pledge today that, if elected, the federal deficit, the trade deficit and real interest rates will be brought under control or I will not seek reelection in 1992.

That is a statement I made 26 years ago. Some people are probably wondering, if you made that pledge, how are you still here? Well, 6 years after I made that pledge I announced I would not seek reelection, and I did not. I announced in April of that year I would not seek reelection. Congressman Dorgan was nominated to run for my seat and I thought I was leaving the Senate.

Then the other Senator from North Dakota died in September of that year. The Governor called me and said: Senator, you have to run to fill out the 2 years of his term because our State is going to lose all of its seniority in one fell swoop—all of Senator Burdick's seniority, all of your seniority, and all of Congressman Dorgan's seniority. We will be the only State in the Nation with no seniority. You will have kept your pledge; you did not seek reelection; you will run in a special election

which will be in December, after the regular elections in November.

I will never forget, one of the news media stations back home did a poll and two-thirds of Republicans thought I should run to fill out the 2 years of that term, which I did—which means I am the answer to a trivia question, because I am the only Senator in history who served in both Senate seats from the same State in the same day.

I believed then and I believe now that fiscal responsibility is one of the first obligations of government. My deep regret, my greatest regret, in leaving here is that we have not been able to fashion the grand bargain to put us back on track.

Mr. President, I ask unanimous consent to have a tribute to the Budget Committee staff who have served so ably and so well, served this body, served our country, led by my staff director Mary Naylor, who is truly a remarkable person; I consider her a real patriot because she has absolutely dedicated herself to getting the fiscal affairs of the country in order. If I could, I ask unanimous consent to have printed in the RECORD a tribute to all of the Budget Committee staff who have served with me so ably and so well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIBUTE TO BUDGET COMMITTEE STAFF,  
JANUARY 2, 2013

Mr. CONRAD. Mr. President, before I depart the Senate after 26 years, I wanted to offer a special tribute to a team of professionals who have served me, this body and this country with high distinction.

Since 2001, it has been my honor to serve as the senior Democrat on the Senate Budget Committee. Throughout my 12-year tenure as Chairman or Ranking Member, I have had on the Budget Committee a staff of dedicated professionals who have advised me and other Senators on a wide array of complicated budget issues.

The Committee's portfolio touches every facet of the Federal government. We write not only the budget resolution, but deal with the big picture consequences of tax and spending decisions. We enforce the many budget points-of-order and other budget rules that govern our proceedings. Many of these rules, although well intentioned, are complex and often convoluted. We rely on the expertise of our Budget Committee staff professionals to help us comply with these rules.

When my colleagues tapped me to lead the Committee, I knew part of my success would depend greatly on the composition and caliber of staff that we could attract to the Committee.

SBC MAJORITY STAFF

Staff Director: Job one was making sure I picked the right staff director—a Hill veteran, who knew how to advance ideas and move legislation through this political and legislative body. Someone who knew how to write budgets, excel at managing staff, and maybe most importantly, care about fiscal responsibility.

Finding that right person turned out to be quite easy. Mary Naylor was already on my

personal office staff, serving as my deputy chief of staff. She grew up in North Dakota. In 1989, her first task for me: writing my budget and tax mail. Twelve years later, in January 2001, she became my first and only Budget Committee staff director.

Mary has been invaluable to me. She is a loyal and trusted aide. She works hard, has a gifted mind and memory, and never takes no for an answer. In addition, Mary has this uncanny ability to know what I am thinking, how I want to implement it, and how I want to explain it. I can't thank Mary enough for her service and her loyalty to me, her contribution to the Budget Committee, the Senate's deliberations, and the country's overall well-being.

Deputy Staff Director: John Righter has served as the committee's deputy staff director for the past 7-plus years.

John was my numbers guy. He understood and mastered budget baselines and scoring issues like no else ever has. His brilliant mind enabled him to develop and compare multiple budget plans simultaneously. He is the budget world's equivalent of a chess grand master. There were times that I had John working on six different budget plans, all at once. I'd fire detailed questions to him about each of the varied plans, and he'd be able to respond quickly and accurately. Just like a grand master who can play multiple chess games at once, John can juggle multiple budget plans simultaneously.

I was not the only Senator to rely on John's abilities. John was a key resource for the staff and members of the President's Fiscal Commission. And for the last two years, Senators from both sides of the aisle who have worked with me on the Group of 6—which later became the Group of 8—have relied on John's mastery of budgets.

John joined the Committee in May of 2001 as an analyst focusing on appropriations, general government and commerce. He was a 6-year veteran of the Congressional Budget Office, where he, among other things, excelled at budget concepts and scorekeeping issues. I can't thank John enough for his exceptional service to the committee and me these past nearly 12 years.

Communications Director: Stu Nagurka served as the committee's communications director, and came on board just days after I took over the reins of the committee. He has been a trusted, valued and loyal aide all these many years. As a former reporter, and with his background as a press secretary on the House side, and as a communications aide in the Clinton administration, he has been a great asset to the committee. He has always represented the committee and me before the press with great professionalism. He has been a delight to have on the committee, and I thank him for his 12 years of service.

FORMER SENIOR STAFF

I was fortunate to attract high caliber staff on the committee throughout my tenure. Some of my staff went on to serve in the administration, others moved on to think tanks, while others retired or went on to pursue other opportunities both on and off the Hill.

I would be remiss if I did not also thank them for their contributions, including Sue Nelson and Jim Horney. Both served as my co-deputy staff directors early in my tenure. As longtime veterans of helping write and analyze budgets, they were an invaluable asset to me when I first served as Chairman.

Joel Friedman served as one of the committee's two deputies during the last half of my tenure. He was the committee's lead tax

and revenue expert. He brought a wealth of knowledge to the committee from his previous government service at the Treasury Department, the Office of Management and Budget and the House Budget Committee. Joel did yeoman's work developing and evaluating tax policy during our bipartisan negotiations in the President's Fiscal Commission, and later during our Group of Six and Group of Eight deliberations. Joel was a key staff member, who I greatly admire and appreciate.

Steve Posner was a valued member of the committee staff for more than 11-and-a-half years. During that time, he wrote more than his share of my speeches, op-eds and other material. He is a brilliant writer, and knew exactly the words, phrases and statements I wanted to make. He was of great help throughout my tenure, and I so appreciate his service.

Lisa Konwinski served as the committee's chief counsel for 11 years, 8 coming under my tenure. She was not only an excellent counsel and advisor to me and my committee members, but she was of great assistance to leadership and the Senate as a whole. I was not surprised when President Obama asked her to serve as one of his deputy directors of legislative affairs.

Joe Gaeta was the committee's next chief counsel. I and my colleagues will forever be indebted to his invaluable service during the drafting and consideration of the Affordable Care Act. It was his work, his knowledge and understanding of the budget rules and process that helped us to get the President's health law through the Senate. I am so pleased that he is still providing his services to the Senate, as Senator Whitehouse's legislative director.

Jamie Morin served as the committee's lead analyst for the defense, intelligence, and foreign affairs budgets from 2003 through 2009. He was an exceptional staff member, and I was so pleased when the Obama administration asked him to serve as the XX of the Air Force. He really exemplifies the high caliber staff we had serving on this committee and in the Senate.

Sarah Kuehl was another long-time staff member who joined the committee staff at the beginning of my tenure. Her portfolio including the health accounts, including Medicare, as well as Social Security. She had her hands full, particularly during the Affordable Care Act deliberations. I am so proud and grateful for the important contributions she made during that debate. She was a highly respected staff member. She also served as the deputy staff director of the Joint Select Committee on Deficit Reduction. I appreciate her many years of trusted service on the committee.

Steve Bailey was my lead revenue staff member in my personal office, and later on the Budget Committee. He was on my staff for some 14 years. He also staffed the President's Fiscal Commission and served as senior tax counsel for the Joint Select Committee on Deficit Reduction. He received national recognition in 2004, when he alerted me to what was then an unnoticed tax provision in a pending appropriations bill. It would have allowed congressional staffers access to anyone's tax records. Thanks to Steve's catch, the offending language was removed. The country is forever grateful for Steve's heroic work, and I appreciate his service.

Jim Esquea served as the committee's lead analyst for income security and Medicaid for 11 years. In addition, at various times, he handled a wide array of issues ranging from

veterans affairs and justice programs to child welfare, Temporary Assistance for Needy Families, supplemental nutrition assistance, public housing, the Children's Health Insurance Program and other health programs. It is his expertise in these areas, as well as his great understanding of the Congress, that caused the Obama administration to appoint him as the Assistant Secretary for Legislative Affairs at the Department of Health and Human Services.

Two other staffers of the committee left us to work in the Obama administration. David Vandivier, who served as our outreach director, is now the chief of staff of the President's Council of Economic Advisers. Brodi Pontenot served as the committee's transportation analyst. He is now the Assistant Secretary for Administration at the Department of Transportation.

#### ADDITIONAL LONGTIME STAFF

Mike Jones is the Committee's Director of Appropriations and our senior analyst for Judiciary and Homeland Security. He has been with the Committee for 11 years, and previously worked at the Department of Interior and the House Budget Committee, where he honed his budget skills.

Koby Noel is the committee's graphics production coordinator. Since joining the committee early in my tenure as the senior Democrat, Koby has been the lead staff member responsible for the countless number of charts that colleagues and C-SPAN viewers around the country have seen me use on this floor. Working with every committee staff member, she has helped design, create, produce, print and mount hundreds of charts for me.

I have kept Koby a very busy woman. Keep in mind, for every chart the public sees on this floor, there are probably five or more charts that are created. Most of them are used in other public gatherings or private meetings. I thank Koby for her tireless efforts. And I hope she knows how much I appreciate her contribution to the committee.

#### BUDGET ANALYSTS

Jennifer Hanson is the committee's senior budget analyst for Medicare and Social Security. She was deeply involved in the health care debate and a key member of a team of staff who provided the Committee and the Senate with critical assistance during the deliberations of that historic legislation.

Since joining the committee more than three years ago, Jennifer has provided extremely useful guidance on a wide-array of health care matters. I particularly appreciate her sensitivity to how proposed changes in funding levels can impact real people, as well as health care providers. She is a great asset to the committee.

Jim Miller is the committee's senior policy advisor for agriculture, and this is his second tour of duty with the committee. The Senate is very fortunate that Jim decided to return to Capitol Hill after serving as the Department of Agriculture's Under Secretary for Farm and Foreign Agricultural Services. Jim excelled in that Senate-confirmed position, and we are all so proud of his service in the Obama Administration.

Jim is a walking encyclopedia of agriculture knowledge. He is well respected by Senators and staff on both sides of the aisle, and played a critical role in the drafting, enactment, and implementation of the last farm reauthorization law. I have been so well-served by Jim, and can't thank him enough for all he has done for the Senate, for the agricultural community and the country.

Robyn Hiestand is the committee's analyst responsible for education, discretionary health and appropriations issues. She and I share a passion for education, and I appreciate all the good work she has done to help us make education more affordable and to protect funding for important programs in the discretionary health accounts. Others have recognized her budget expertise as well. She took a brief leave of absence last year and served as a senior budget analyst for the Joint Select Committee on Deficit Reduction.

Brandon Teachout handles defense, international affairs and veterans issues for the committee, and has been doing so for the past year-and-a-half. He is a trusted and valued aide who started his Senate career in my personal office six years ago. Brandon has a varied background that includes his work in television news, a love of history and has taken courses through the Air Force's Air University.

Miles Patrie has been with the committee for several years and helps me on agriculture and trade issues, as well as nutrition. Miles is an exceptional analyst, who is detail oriented and focused, and has a calming presence on the committee. I appreciate all that he has done to make the committee and Senate a better place.

Farouk Ophaso joined the committee about a year ago and serves as our Budget Review professional. Farouk previously worked as a program examiner at the Office of Management and Budget, and as a cost analyst at the Department of Defense.

Gwen Litvak covers a lot of ground for us on the committee, handling housing, commerce, transportation, community and regional development and general government issues. She is a workhorse who is immersing herself quickly in the work. She is now a one-year veteran of the committee, and I so appreciate her contribution during the past year.

Tyler Kruzich handles energy, environment and natural resources issues for the committee. He joined our staff in June and is a Hill veteran, having served on the House Appropriations and House Natural Resources committees. He also was a budget analyst for the Congressional Budget Office. I appreciate his good work on the committee, and know the committee will benefit from his service.

#### REVENUE TEAM

David Williams was the committee's senior tax policy advisor. He just concluded his second tour of duty with the committee. He brought a wealth of knowledge to the Senate, having spent his career both writing and implementing tax policy. In addition to his previous Hill experience, he has held a number of senior positions at the Internal Revenue Service, where he received rave reviews for his work administering the Earned Income Tax Credit.

Alex Brosseau is another key member of the committee's revenue team. He serves as our budget and tax policy analyst. Alex brings an important perspective to the committee as he joined the committee about a year ago from the private sector where he was a practicing accountant. That real life work experience is a tremendous asset to the committee. I thank Alex for sharing his wisdom and experience with us.

Jeannie Biniek is an economist for the committee who excels at integrating her economic knowledge with the expertise of the budget and tax analysts. She works on joint projects with other analysts and provides helpful analysis to me and to the staff. She is also the committee's Medicaid expert.

Jeannie has been with the committee for more than 3 years, and this is her first public service position. I know it won't be her last, as she cares deeply about people and the community at large. She has been an absolute delight to have on staff, and I thank her for her service.

#### ECONOMIC TEAM

Brian Scholl is the committee's chief economist. I commend him for continually noting that we must navigate through this recovery carefully; otherwise we risk taking a dangerous step backwards.

Zachary Moller is a member of the economic team serving as staff assistant. For more than a year, he's been researching, writing and providing the committee with updated economic data. He is a great team player, who does whatever is needed to get the job done.

The committee has had a rich history of outstanding economists serving on staff. I have had the privilege to work with many of them including Chad Stone, Jim Klumpner, Lee Price and Matt Salomon.

#### ADDITIONAL STAFF MEMBERS

Robert Etter is the committee's chief counsel whose specialties are budget process, budget rules and points of order, and other legal issues. His job is to make sure the committee, and everything we do, complies with all applicable laws and budget rules of the Senate. Robert joined the committee one year ago, and previously served as a House committee counsel. I appreciate all he has done for the committee, and thank him for his service.

Josh Ryan is responsible for outreach and new media for the committee. Josh is the committee's liaison to the public, including interest groups here in Washington. He also maintains our committee's website, handles our presence on twitter and facebook, and is our staff photographer. In short, Josh is a bit of a jack-of-all-trades type of staffer. I appreciate his dedicated service, and thank him for his many contributions.

Amy Edwards is the committee's performance budgeting specialist. She is the lead staff member who handles the committee's Task Force on Government Performance. Amy has been with the committee since the task force's inception in 2009. She has made important contributions in helping the Committee in its monitoring and oversight capacity.

Ben Soskin is the committee's staff assistant and utility man extraordinaire. In addition to being an invaluable asset to Koby in the chart production process, Ben is one of those important staff members who will do anything asked of him, for the betterment of the committee. Ben has been with the committee for 7 years, and has helped countless staff members do their jobs, enabling Senators to do ours.

Brendon Dorgan joined the committee this past summer as a staff assistant. He has helped gather and track press coverage of interest to the committee. He also has helped staff members archive the considerable material of the committee. In addition, he has shown great eagerness in wanting to learn and is always anxious to take on a new assignment. I appreciate his good work, and the energy he brings to the committee.

Anne Page is the committee's executive assistant. Very simply, she keeps the trains running, and staff happy. She is an invaluable resource and a critical aide to the committee's staff director.

Anne brings a wealth of knowledge and experience to the committee. She has a rich

history, having worked for two former Speakers of the House, Jim Wright and Tom Foley. Anne is a staff and member favorite. She has so enriched our lives, and I so appreciate her service to the committee and the Congress. Thank you Anne for all you have done for us.

#### NON-DESIGNATED STAFF

The committee is fortunate to have a strong cadre of professional non-designated staff who provide the necessary support functions for the committee. These professionals work tirelessly day in and day out, helping the committee staff and members on both sides of the aisle. We couldn't do our jobs without them.

These five staff members are the 24-hour a day fix-it staff who come to our rescue when a computer, blackberry, copier, phone or some other device goes on the blink. They are an invaluable resource, and as Chairman, I am grateful for their dedication to service, and I thank each of the following non-designated staff members.

Joan Evans is the chief clerk of the committee, responsible for all of the administrative functions, and oversees all of the non-designated staff. While relatively new to the committee, she has served in similar capacities with other Senate committees, and brings a wealth of knowledge and experience to the post. I appreciate all she has done to make the committee run so smoothly.

George Woodall is the committee's systems administrator. He's been with the committee for more than 19 years and really excels at keeping the committee wired and connected with the latest technology. George joined the committee the very year that Senate offices started using email, so he has helped lead a remarkable technological transformation over these many years. The Senate, and our committee in particular, is very fortunate to have his dedicated service.

Cathy Dugan is the committee's archivist. She has been particularly busy helping the majority staff save and store important papers and other documents from the past 12 years, so that future scholars will have the opportunity to study our work. I know my staff has been particularly appreciative of her patience, her due diligence and her continuous offer of assistance as we've navigated through the archival process.

Letitia Fletcher is a Government Printing Office detailee who has assisted the committee for the past 11 years. She is responsible for the compilation and publication of all the committee's hearings and markups. She is a thorough and dedicated public service employee who was recently recognized by the Public Printer for her 25 years of federal service. I thank her for her contributions to the committee and the Senate.

Two staff assistants recently joined the committee. Kevin Stockert and Phillip Longbrake provide technical and administrative support to the committee staff. They are attentive, professional, and I thank them for their service.

Although she is no longer on staff, I do want to publicly thank our former clerk of the committee, Lynne Seymour, who retired last year. She first joined the committee in the early 1980's, and later became the committee's chief clerk, serving in that capacity for a record 17 years, 7 months. She was an exemplary employee who faced many administrative challenges during her long tenure, including multiple office moves whenever party control of the Senate changed hands. I will also never forget her outstanding leadership during 9/11. At the time, our floor in the Dirksen building was being overhauled and

rewired, so our offices, and all our staff, were in temporary trailers in the Russell building courtyard. She managed the ensuring chaotic days with tremendous grace and professionalism.

#### REPUBLICAN STAFF

Let me also thank the Republican professional staff members of the Budget Committee. They, too, work extremely hard, and have made great contributions to the Senate. My staff and I have always had a very cordial and productive relationship with the Republican committee staff members.

In fact, over the years, I have forged long-lasting personal relationships with many of the Republican staff directors who served during my tenure. Senator Domenici's top aide, Bill Hoagland, is a Washington budget institution, who I have great respect for. Hazen Marshall served under Senator Nickles, and Scott Gudes, Denzel McGuire and Cheri Reidy all served as staff director at various times for Senator Gregg. All of them were a delight to work with. I also appreciate the contributions of the Senator Sessions' Republican staff director, Marcus Peacock, and his current staff.

#### CONCLUSION

As my colleagues know, there are many staff members who work extremely hard to help the Senate function. That is why I wanted to come to the floor today and offer my thanks and appreciation to the professional staff members who worked tirelessly for me during my tenure of the Budget Committee. They are the ones who worked so hard behind the scenes, content doing the people's business in the background.

I hope my staff members know how much they and their work have meant to me. Each of them has enriched me, both personally and professionally; I am grateful to them.

Mr. CONRAD. I also wish to mention Sara Garland, my chief of staff, an extraordinary person, a North Dakota native, somebody who has dedicated herself to public service; Geri Gaginis, my executive assistant, who has been with me more than 20 years, also a North Dakota native—we call her “mom” in our office because she does a good job of keeping us all on track; Tracee Sutton, legislative director, also a North Dakota native—an exceptional person, she will be on the staff of my succeeding colleague, Senator-elect Heitkamp; Susan King, also a North Dakota native, who has been with me off and on for many years, an outstanding person; Barry Piatt, my communications director, with me here at the end; Mary Jo Prouty, my office manager, still laboring to close down our office; Molly Spaeth, also with me right here to the final days.

I also want to give special recognition to Sean Neary, who was my communications director for many years, who is now the communications director for the Finance Committee, truly an extraordinary person.

With that, Mr. President, I thank Stu Nagurka. Stu is my communications director in the Budget Committee, has stayed with me right to the end, somebody who has an extraordinary record in government service; in fact, served your own Bill Richardson, Governor of New Mexico, when he was in public

service here in Washington. Stu was his communications director and did as everyone knows, an outstanding job.

His son, I want to note, is our page, Jarrod Nagurka, called back into service because in these days, you know, we are a little short of people. They are people for whom I have the highest regard, Stu Nagurka, Jarrod. I mentioned Mary Naylor, my extraordinary staff director; John Righter, the deputy; but I mention and have gone into detail on all of my Budget Committee staff in this statement that I made part of the RECORD.

Finally, let me note that my colleague on the Budget Committee, Senator SESSIONS, is here. Senator SESSIONS has been the ranking Republican. He has been a gentleman. He has been somebody with whom I have enjoyed working. He and his staff have been professional. I think we put on a series of hearings that laid out the issues for our country in a clear and undeniable way.

Again, I leave with only one true regret and that is we were not able collectively to put in place a plan to get our country back on track. But I am not without hope because next year—this year, later this year—we will have more opportunities to do what needs to be done.

#### SIGNING AUTHORITY

Mr. CONRAD. Mr. President, I ask unanimous consent that on Wednesday, January 2, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. CONRAD. Mr. President, I ask unanimous consent the period for morning business be extended until 3 p.m. for debate only, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to use as much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THANKING SENATOR CONRAD

Mr. SESSIONS. I am so pleased to see that Senator CONRAD is here, that I could follow him. I had another subject I wanted to speak about, an important subject. But it is very important for all Americans to know how well he has served.

Senator CONRAD is one of the very small group of people in this country

who understands the debt challenges we face. He has been on the debt commission. He has been the budget chairman. He staked his first election on dealing with these issues, as he has explained to us. I truly believe if he had a little more support, maybe, from his caucus and others, his vision could have been a real part of the solution we would make to this debt crisis. We are not that far apart when you consider the true challenges this Nation faces financially.

I remember a little over 2 years ago now, when the Senator called the debt commission cochairman, Erskine Bowles before the budget committee. He gave a speech and written testimony, which said this Nation has never faced a more predictable financial crisis. I remember the Senator asked the cochairman when we might have this financial crisis if we don't change our ways. He replied, it could be 2 years, as close as 2 years. That was 2 years ago, over 2 years ago now.

I think, Senator CONRAD, we have maybe gotten a little overconfident. People were telling us we were on an unsustainable course, we were facing a potential crisis, the Rogoff and Reinhart book came out and said that our debt reaches 90 percent of GDP, and all that was discussed and we had a lot of excitement about it, and we did not act. We did not act in a significant way.

In times gone by, maybe people thought the crisis is never going to happen, but I think the Senator agrees the potential for it to happen is just as real, if not more so, than it was 2 years ago.

I want to say this. We did not always agree. The Senator didn't always agree with my views and I understand that. But the Senator allowed the minority on the committee to have its voice heard, to ask our questions, and the Senator called some great hearings. We had some of the best minds in the country provide testimony before the budget committee. The Senator allowed and called the administration witnesses and we were able to examine them about how they were managing the country's money. The Senator allowed that to happen in the great tradition of the Senate where we have open debate and honest questioning. The Senator was always a perfect gentleman, and always able, as I think the Presiding Officer would acknowledge, to give a little levity to a tense situation. The Senator has a great sense of humor that really endeared him to me.

So I will say to Senator CONRAD, thank you for your service. I believe every member of the budget committee, Republican and Democrat, appreciated the Senator's leadership. I know they did. I know the staff also respected the Senator's leadership. We had a great time working with the Senator's professional team. The Senator

served his country exceedingly well dealing with the greatest issue we face today, our financial debt situation. I hope and I am confident the Senator will remain active, that he will not be silent, that he will provide continual input and advice to the Members of Congress as we wrestle with these tough issues.

Mr. CONRAD. I wish to say thanks to my colleague, Senator SESSIONS. He will still be on the Budget Committee. These challenges remain. I will lend my voice in whatever way I can to the responsible efforts that are needed to get us back on track. It is truly my fondest wish that we find a way to come together to do what must be done. It would be so good for the country. It would be great for the Congress. It would be good for the people. I am confident this is a challenge we can meet.

I thank the Senator.

Mr. SESSIONS. Mr. President, I will repeat my admiration and affection for the Senator from North Dakota and appreciation for his leadership.

The PRESIDING OFFICER. The Senator from Alabama.

#### A MOST DYSFUNCTIONAL SENATE

Mr. SESSIONS. Mr. President, I want to say some things that are pretty hard right now. I say them out of affection and concern for the Senate of the United States and for the way we are conducting the people's business. I believe they ought to be heard and all of us ought to think about them. Some of our new Members have not been involved in a Senate that functioned differently than the one in which we are participating today. They do not know how a real Senate should operate. We have gradually, and at a very accelerated pace in more recent years, made some very unwise choices about how we do the people's business.

This has been the most dysfunctional Senate in history. The majority has abused and altered the powers and duties of the Senate more than at any time in history, to the detriment of the institution and to the detriment of the public interest.

That is a hard thing to say, but I truly believe something very unfortunate has been occurring and people have not talked about it. I would also criticize the Republicans a bit here because we are supposed to be the loyal opposition. The majority always has pressures on it to advance an agenda and the loyal opposition has the duty to advocate for its views and make sure the institution is handled in a way that protects the institution as the majority seeks to advance its agenda. Frankly, I do not think we have done a good enough job at that. But I would say the majority is using tactics—I refer to them as postmodern tactics—to advance an agenda. And in so doing has done damage to the institution.

Our leader, Senator REID, will not acknowledge a single error in his aggressive leadership and movement of legislation. He simply blames all the problems on Republicans who, he says, are obstructing his vision, his goals, and the agenda that he and his team want to advance. Not satisfied that these actions have brought the Senate to one of its lowest levels of public respect in history, if not the lowest, the majority party is now demanding even more power.

The majority leader and the majority are threatening to violate the rules of the Senate and change the rules of the Senate so they can grab even more power. I would say the majority leader himself has obtained more power than any leader in history, and now it appears that he is asking for more.

We don't like to talk about this. We are reluctant to talk about what is happening and be as critical as I am today, but in fact we have been silent too long. The bottom line is that this issue is not just about politics. This issue is about the historic role of the Senate and our constitutional order.

This Senate is not functioning as it should, and that is for sure; we all may agree on that. The question is, Why? Perhaps it was due to the 2010 election when the Democrats took a shellacking and lost six Senate seats. At that point there seemed to be a doubling down of the desire and ability of the majority leadership to dominate this institution. Actual Senate rules and actual codified law—and certainly the traditions of the Senate—were eroded. They were changed and run over.

The Republicans who fought back were called obstructionists. I don't know, but maybe when someone has been in power for a long time—as the leadership and the Democratic side has—they begin to think they are entitled to get all these things done. They believe they are entitled to bring up bills and not have Senators offer amendments so they can slow down the train and pick and choose what amendments the opposition can offer and how long they can debate. Maybe this goes in their mind in a way that when they get in that cocoon of power, everybody becomes an obstructionist when they simply insist on the rules of the Senate.

I always thought one of Senator REID's charms—the old HARRY REID I knew—was that he could actively and aggressively talk politically and stick it to the opposition. He always got to the point. Sometimes I could admire his skills. He could do it with a smile. We all tolerate a little political license and a certain amount of political exaggeration in the world we live in, but I thought Senator REID would not seek to advance powers beyond what he understood were the limits of the majority in the Senate because he has been in the minority, and he has operated



there. He had to fight for his rights to have full minority rights. So I am a little baffled. I am not sure I understand this new Senator REID, and I am not sure all of the decisions he is making are good.

Now we are talking about a nuclear option that would break the rules of the Senate to change the rules of the Senate. That is a very dangerous thing, and I do not believe it is necessary.

Let me describe what is happening. I want to make a complaint about how this Senate has been operating. I said it is dysfunctional. The majority has said the reason it is dysfunctional is because Republicans object too much and they are obstructionists. Let me point out some of the things that are actually occurring.

First, I would dispute that. I don't believe it is accurate that Republicans object too much and are obstructionists. I don't believe Republicans are any more vigorous in their defense of their ideas than the Democrats were when they were in the minority when I came to the Senate 16 years ago. I know they were not. So it is the little constraints that we operate under every day, such as rules, tradition, actual statutory law that controls how we conduct our business that are being eroded, gone around, and run over. These are the things that make the institution what it is. A person has to be able to accept the fact that those who disagree with them have at least some power and a right to have their voices and ideas heard and their amendments brought up. That is one of the great traditions of the Senate.

So I say—sort of metaphorically—I am going to tack on the walls of the Senate a few charges. I don't take pleasure in this, but it is time to tell the truth about it.

First, to a degree unknown in the history of the Senate, the majority leader has used his power under rule XIV to bring bills straight to the floor without normal committee process. They are violating and avoiding the process that goes on in committee where Members offer amendments, have debates, call expert witnesses, and consider these things. It may take weeks or months, but finally a bill ripens and it is then brought to the floor.

The majority leader does have the power under rule XIV to bring a bill to the floor without having had that committee process. The committee process is public, the debate is transcribed, and the amendments in the committee are voted on and recorded. It holds the Senators accountable so the public and their constituents know what they have done, how a bill is progressing, and at the end of the day whether they think they like it or not.

For example, this last-minute fiscal cliff tax legislation didn't go through the committee process. It was a big, important piece of legislation. We have

a finance committee that is supposed to debate and decide tax issues. That did not occur with this bill. Additionally, no amendments were allowed to this bill—because it was brought directly to the floor by the majority leader. It is a very bad process. We are too often using midnight-hour votes to ram through big, historic legislation that has never been fully debated. We didn't even have an opportunity to fully read the legislation the night before last. That is not the way to run the Senate. What we know now from a preliminary estimate from the Congressional Research Service is that 58 percent of the bills which came to the floor of the Senate did not come through committee during this Congress. Nearly 60 percent of the legislation was not brought through traditional Senate committee procedures, and that is not good.

Second, the majority leader and the majority were quick to block President Bush's recess appointment attempts. Some of them were dubious; some of them were probably OK. They had the majority. They have done nothing to defend the Senate's historic and constitutional role when President Obama made a much more blatant recess appointment. The institution itself was weakened by this act. The Senate has to defend its legitimate confirmation powers, and there is a limit on the President's ability to initiate recess appointments.

The majority leader—righteous to defend it against President Bush—who is now the leader of this institution, has allowed President Obama to weaken the confirmation process. That goes beyond just the politics of the moment. Maybe it furthers a long-term agenda, but clearly does harm to the long-term interest of the Senate.

Third, the majority has directly violated the formal role of the Senate and plain statutory law that requires the Senate to produce a budget every year. The Congressional Budget Act of 1974 sets up a public legislative process—a public process—by which both the House and Senate must openly confront the Nation's fiscal challenges every year and lay out a plan. For 3 years the majority in this Senate has refused to comply with the law simply to avoid public accountability.

The majority leader said it would be foolish to have a budget. Those are his words. Senator CONRAD, chairman of the Budget Committee, was clearly uneasy about this. Senator CONRAD was determined—at least in his committee, which I serve on with him—to bring up a budget. We were going to discuss it, mark it up, and then it would be up to the majority leader whether he would ever bring it to the floor because he didn't bring it to the floor the year before.

We have now gone 3 years without bringing a budget to the floor. Appar-

ently, the majority had a caucus within a day of the Budget Committee markup occurring. My staff had studied it, made amendments, and we were going to offer ideas to the budget. But the markup was canceled. Only a shell of this matter went forward. There were no votes, no formal budget process or budget offered. That is directly contrary to the statute of the United States.

The Budget Act requires an open process with committee votes, floor votes, and 50 hours of debate in which Senators who propose or oppose a budget have to do so publicly and with accountability. People should be able to offer amendments so we can have a vote on them.

Senator REID was thinking it was foolish to have his Members actually have to vote on concrete budget proposals. He didn't want them to do so. Apparently, the previous election had not gone well enough, and he wanted to protect his Members from those votes. That is what he meant by being foolish. It was foolish politically for the Democratic Party, but certainly we know it was not foolish for the American people that the Senate would actually discuss the financial future of our country and bring up a budget. A budget can be passed with a simple majority. Republicans cannot filibuster a budget. They get to offer amendments—for a change around here—but they don't get to filibuster it. They get an up-or-down vote—50 votes—after 50 hours of debate.

The leader violated plain statutory law, which requires us to have a budget by April 15 because he didn't want his Members to be accountable, but he blames Republicans for being obstructionists.

Fourth, for the first time in history, the Senate has abdicated the most fundamental requirement of Congress: responsible management of the money that the American people send here. We violated that requirement. Not a single appropriations bill was brought to the floor this year—not 1. That is the first time in history. We researched this—there has never been a time in history when not a single appropriations bill was brought up before the Senate. Frequently we don't get them all done, so then a continuing resolution has to be passed to keep the government from being shut down.

Congress is supposed to pass the appropriations bills telling the President, and all his Cabinet people, how much money they have to spend in the next fiscal year that begins October 1 of every year. The President cannot spend any money Congress has not appropriated. That is a fundamental requirement of the Senate. That is not just an idle idea, it is a fundamental requirement.

So we get to the end of the year and nothing has been done so we passed a



continuing resolution, a CR. We stacked 13 bills—1,000-plus pages of spending—in one continuing resolution, and we just funded the government with no amendments, no debate, and no discussion for 6 months. That is no way to run a government. Each one of those bills is supposed to be brought up: defense, highways, education, health care. People who have amendments are supposed to bring up ways to save money or spend more money on each one of those bills, and we are supposed to vote on them. For the first time in history we did not do that.

Perhaps this was a clever political maneuver. It avoided public debate and public accountability because we had an election coming up in November and we don't want to vote before an election.

Another example is the Defense Authorization Bill. The fiscal year concluded this year without us passing the Defense Bill. The Senate has passed the Defense Bill for 50 consecutive years. Yet, just a few weeks ago, well after the elections, we were finally able to pass the Defense bill.

The House has sent over a budget that lays out a firm financial course for America. They voted on that budget in public. They were prepared to defend and explain their budget. It would have changed the debt course of America. But what did the Senate do? Nothing. Did Republicans filibuster the budget? Did they block a budget from being brought up? No. Republicans demanded that we go through the process. We pleaded with them to have a budget hearing in the committee. We asked them to bring up the budget and noted that they have the power to pass a budget with a simple majority. That is a burden a majority party has, really—to bring up a budget and pass it. It is not easy. It is a challenge. But it is the first time we have ever gone 3 years—or maybe the first time ever we have gone through the situation in which they refused to even bring up a budget. We have had budgets fail in the past, but we haven't had one, to my knowledge, where we just go for years and refuse to even bring one up.

In that secret Budget Control Act deal, we set spending limits on most of the discretionary spending caps, but that is not a budget. There were no amendments. There were no public discussions, no committee hearings, no floor debate, no 50 hours to deal with the great issues of our time.

One more point. The majority leader has been trigger-happy in filing cloture motions. We have altered the way the Senate operates. We have to plead with somebody to be able to get an amendment in the Senate today. It is amazing. This goes against the history of this institution.

The two great guarantees in the Senate, as Robert Byrd, the great majority leader and historian of the Senate, has

said, are the right to debate and the right to amend. Those are fundamental. We are seeing an erosion of both.

So what does this cloture motion do? Senator REID said: I am going to bring up a certain bill, and the Republicans can have five amendments.

Well, we have 15 amendments we want to debate—maybe more—on a bill. Somebody reminded me that the Panama Canal bill had 80 votes to give away the Panama Canal. It eventually got two-thirds votes and passed. It went through weeks of debate and lots of amendments. That is what the Senate is about. Now they say no amendments. So that begins to cause a problem.

The majority leader says: You have to filibuster. You won't agree to my limited number of amendments. You are obstructing. I am going to file the bill and immediately file cloture to end debate. So 30 hours goes by, has the vote to end debate, and says: All this time, the Republicans have been filibustering. The Republicans are obstructing.

Mr. UDALL of New Mexico. Mr. President, would the Senator yield for a question I will ask through the Chair?

Mr. SESSIONS. I yield for a question. The PRESIDING OFFICER (Mr. CARDIN). The Senator from New Mexico.

Mr. UDALL of New Mexico. The Senator from Alabama—I think we overlapped as attorneys general, and we are good friends—raised this whole issue, and he used the phrase, which has been frequently used on the Republican side, that—and we are getting to this place where we have the opportunity to change the rules. The phrase he keeps using is “break the rules to change the rules.”

This goes to my question: Is the Senator aware that under the Constitution, and specifically article I, section 5, it says that the Senate may determine the rules of its proceedings?

As far as I know—and we have a letter we are going to have printed in the RECORD later—almost all constitutional scholars in this country as well as three Vice Presidents sitting up there where Senator CARDIN is sitting, presiding, have ruled that at the beginning of a Congress, on the first legislative day, the Senate is allowed to change the rules. And the Constitution trumps the Senate rules in that respect in that very early period.

So my question to the Senator from Alabama: Does not the Constitution trump the Senate rules?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the Constitution does trump the Senate rules. But I would ask my colleague if he is aware of any kind of history of the Republic where we didn't follow the

existing Senate rules, which say we should have a two-thirds vote before we change the rules.

Mr. UDALL of New Mexico. May I answer the question?

Mr. SESSIONS. I have the floor, and I will yield for a question in just a second.

But I am not aware of that ever happening. I would ask my good attorney general colleague, who is familiar and understands tradition and the power of precedent, what would keep a Republican majority next year—or if they were to obtain one in the Senate—from changing the rules again and again and again?

The tradition in this Senate has been that to change the rules, we use a two-thirds vote, and we have adhered to that rule. There have been some threats to do the nuclear option, they call it, to use a simple majority to change the rules of the Senate, but it has not happened. I think that is a dangerous thing.

I would also ask my colleague to consider that because he is a young and popular Senator, and he is going to be here a long time—longer than I—and he may be in the minority. That might be a dangerous thought and it may be unimaginable for him today, but it can happen. We had 55 Senators just a few years ago. In two cycles, the Republicans went from 55 to 40.

So I just would say to the Senator, be careful about this. I know the Senator believes in debating, and he is capable at it, and he doesn't want to be able to put us in circumstances that would endanger that.

The point I was making is this: The problem in the Senate is not fundamentally the rules of the Senate; the problem in the Senate is a desire by the majority to move its agenda with a minimum of objection and to eliminate frustrating procedures that obstruct their ability to do what they think is good for America.

But I had that view too. When we had the majority, we wanted to pass the Bush tax cuts, 99 percent of which were extended 2 nights ago—the Bush tax cuts, which were passed for a limited period of time—10 years. Why? Because it took 60 votes to pass the tax cuts and our Democratic colleagues didn't want those tax cuts passed. It was passed through the budget. We requested to only do a 10-year budget. So they were passed as part of the budget process with 50 votes, but they could only last 10 years and then they expire. So that is the rule. They got extended. President Obama extended them once, but we got to the end, and they were about to expire on January 1, and everybody's taxes were going to go up. We had to pass a law to keep that from happening, and a compromise eventually was reached where most of the taxes stayed where they were and the taxes on the rich went up. I guess that

is democracy in America, the way the Senate is supposed to work.

Mr. WHITEHOUSE. Would the Senator yield for a question?

Mr. SESSIONS. I will yield to my former U.S. attorney colleague without yielding the floor. He is younger, and a fine member of the Judiciary Committee and a capable Member of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I have a question for the distinguished Senator from Alabama, for whom I have very high regard. He has been my ranking member on the Judiciary Committee, and he is my ranking member on the Budget Committee, and we share the experience of having served as U.S. attorneys. I have great admiration for him.

I heard him say something that brought me to the floor, and that is that it has been the practice of the majority leader to seek to pick and choose amendments the minority may offer. My question to the distinguished Senator from Alabama is, does that not overstate the case? Can he identify a time when the majority leader has ever said to the minority party: You can bring up an amendment, but it has to be this one.

The reason I ask that question is because my understanding is that the effort to control the amendment process by the majority leader has been limited to two things: No. 1, the number of amendments, which makes a lot of sense when we consider that the very small bill to raise the minimum wage that Senator Kennedy offered when I first got here—I was sitting where Senator CARDIN from Maryland is now presiding watching this debate take place on the floor, and they got to over 100 amendments on a one- or two-page bill. The Senate could never get to the bill if Members had to spend the rest of the session going through all these amendments. So to limit the number of amendments seems reasonable.

The other restriction that I think sometimes the majority seeks to impose is that the amendments be germane. I know when I was working with a number of colleagues of the distinguished Senator from Alabama on trying to form a bipartisan solution to the cyber compromise, every time the Republicans and the Democrats got together, we would start our discussion with the same back-and-forth, and that would be the Republicans saying—

Mr. SESSIONS. Mr. President, reclaiming the floor.

Mr. WHITEHOUSE. Please do. The Senator from Alabama has heard my questions.

Mr. SESSIONS. This is a good question. Let me tell my colleague how it happens in the real world of the minority party.

Senator REID will bring up a bill, and he will say he wants five amendments.

Senator MCCONNELL will talk to Republicans, and they will say: Well, we have 15 amendments. We have a lot of things we want to vote on, some of them germane and some of them not germane.

Nongermane amendments are a historic and critical part of the history of the Senate. You two advocates would never want to give that up. I don't think my colleagues would if they have thought it through. And we are not going to give it up. We are not going to give up nongermane amendments, but there are limits on nongermane amendments.

So Senator MCCONNELL says: Well, we have more amendments than that that we want.

Senator REID says: I am filing the bill, and I am filling the tree, and nobody is going to get an amendment I don't approve.

So we said: Well, we have 15.

OK, Senator REID says, I will take four.

Well, I have an amendment on immigration. I have one on taxes.

No, we are not going to vote on that one. We will take these three amendments, and that is it.

So Senator MCCONNELL and his staff are talking to the Senators, saying: You have five amendments; I can only get you one. He will not accept this amendment. I have been told explicitly that you will not get this amendment or that amendment.

That is happening every day. And he will file cloture immediately and say the Republicans are filibustering when all we are doing is disputing whether or not we get 5 or 15 amendments. What are we here for if not to debate and offer amendments? Do my colleagues mean, in the great Senate of the United States, a Senator can bring up a bill—maybe small in language, about the minimum wage, but it is a matter that invokes philosophical disputes—I will just say it that way.

For the bankruptcy bill, I think there were 60 amendments on that bill. It was a bitterly contested piece of legislation. We had a good number of amendments. Finally, when the Defense bill was brought up after the election just a few weeks ago we were able to get amendments. But still it was less than one would normally expect on a bill spending \$600 billion. Well, at least we got amendments. The bill came up—it came out of committee unanimously.

They would not bring it up before the election mainly because we needed to fix the sequester. Senator REID did not want to talk about that, so he refused, for the first time in 50 years, to bring up the Defense bill. But it finally got brought up. It went through a fairly regular process. People got their amendments, and the bill passed overwhelmingly and will become law.

So that is what the Senate is all about. Talk to people who have been

around here, and they will tell you that. I remember standing right there. Senator Specter was a great Senator with a fabulous legal mind. I wanted something. I wanted him to agree to put something in the bill, and he would not agree. He did not want any more amendments. He wanted to wrap it up and get the final vote.

We argued a bit back and forth, and he looked at me and said, in effect: Well, you are a Senator. If you want your amendment, you get your amendment. It interrupted his day, his schedule. But if I insisted, I got my amendment. You are a Senator; you get your amendment.

Well, Senator PAUL, he files a lot of amendments. But he is a Senator. He got elected in Kentucky saying he was going to come to Congress and shake up this place. But he does not get an amendment? Senator REID says: No, you do not get amendments, or you only get this one.

They tried to hold him off from offering an amendment to cut foreign aid. Do you remember that? He would not yield. It went on. He was threatened: You are stopping the bill; you are going to kill the bill. He would not back down.

Finally—finally—they gave him an amendment. It went down by a big vote. It did not pass, but he got to advocate and ask why we were giving aid to a country that was abusing the rights of its citizens, and so forth.

So that is what the Senate is all about. That is all I am saying. This idea of speed is dangerous if it is denying the right of members to debate and offer amendments—if it is altering the nature of this great institution.

Colleagues, I think as a practical matter we have had good success with stacking votes. So if a person wants to speak on a bill, they can speak at 6 or 7 or 8 o'clock at night, and the votes could be held the next morning. It does not take long to have votes, 15 minutes or so to have a vote. We could have more votes and people would be satisfied.

With regard to nongermane amendments, I would suggest they do not come up again and again and again. Somebody campaigned on not giving foreign aid to Egypt, and they came here and they wanted to have an amendment. No, you cannot have it. Well, they are not going to offer the amendment on every bill. They are not going to offer it every year. They just needed to be able to have the American people see this Congress vote on that issue. I think we are better off allowing that to happen than not.

Mr. UDALL of New Mexico. Mr. President, I ask through the Chair, will the Senator yield for an additional question?

Mr. SESSIONS. I will.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. The Senator from Alabama, my good friend and former attorney general colleague, asked the question—when he was answering the last question I asked—has this constitutional procedure for determining Senate rules at the beginning of a Senate ever been used? Yes, in fact, it has been used, and it has been used a number of times.

I would point the Senator from Alabama to 1975. In 1975, we had the situation where a number of Democratic Senators were pushing for a change in the rules. The filibuster threshold at that point was 67 votes, unlike 60 today. Actually, that was the time period when they moved that threshold from 67 to 60.

What happened was 51 Senators took to the floor and three times voted down the attempt to move away from changing the rules.

Now, I would also note that three Vice Presidents—sitting up where Senator CARDIN, the Presiding Officer, is right now—have ruled that at the beginning of a Congress—at the beginning of a Congress—you are allowed, the Senate, 51 Senators, to step forward and say: We would like new rules.

What is being advocated on this side is putting rules in place and following the rules for a 2-year period of time.

Mr. SESSIONS. Mr. President, reclaiming the floor.

Mr. UDALL of New Mexico. For a 2-year period of time. And we are not—

Mr. SESSIONS. Reclaiming the floor, because I will yield the floor in a little bit, and the Senator can have an opportunity to talk, but I just want to follow up on that.

Was the final vote by two-thirds or not?

Mr. UDALL of New Mexico. The rule that was changed, when we lowered—

Mr. SESSIONS. I know we lowered the filibuster; a different Congress did. My question is, Was it a two-thirds vote or not?

Mr. UDALL of New Mexico. An accommodation was reached and—

Mr. SESSIONS. Right.

Mr. UDALL of New Mexico. And when the accommodation was reached, then the rule was changed.

Mr. SESSIONS. I like that.

Mr. UDALL of New Mexico. Now, the constitutional principle was made, and it has been acknowledged by three Vice Presidents, it has been used a number of times in the past. The reason we are doing this, as the Senator from Alabama knows, is that the amount of secret, silent filibusters that have occurred here has been extraordinary. LBJ had one. HARRY REID has had close to 400.

Mr. SESSIONS. Mr. President, reclaiming the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator for his advocacy, but I do believe that

final vote to change the rule was by a two-thirds vote. If you get a two-thirds vote, you can impose your will—when we do it. The question is, Can you change the rule by a simple majority? I would say the Constitution does not say what the vote level should be, and it may be possible lawfully to ignore the Senate rule that says it takes a two-thirds vote to change the rules on the first day of session. It may be possible legally to do that.

But I would urge my colleagues not to do that. Just for short-term political gain, we are going to change the historic rules of the Senate, changing the rules of debate in this kind of way? It would be a dangerous alteration of the nature of the Senate, as so many of our more seasoned colleagues have warned us. I will just urge you not to do that.

I will say to both of my fine colleagues that an offer has been made, one I think I am not real happy with, by Senator MCCONNELL. Negotiations are under way now to try to resolve some of the difficulties that are ongoing. But I would urge you to pull back and not pull the trigger on what has been called the nuclear option—to use a simple majority to change the rules of the Senate—which could change the very nature of how we do business and the qualities of the Senate that make it different from the House. That is my concern there.

So the filling of the tree—one more thing I would like to say about that. I had a chart on it. I think Trent Lott used filling the tree eleven times; Bill Frist, fifteen; it was used one or two times by previous majority leaders. But it has grown, and Senator REID has filled the tree 70 times already.

Basically, without going into details, filling the amendment tree allows the majority leader to block amendments. Historically, there was no limit on amendments in the Senate. If a Senator had an amendment, he came to the floor and offered the amendment, and he would try to be courteous and not abuse his power, but he got a vote on the issues he believed were important.

We should not limit that. We should not have the majority leader rejecting certain amendments because he does not like them. Really the reason he rejects them is they are often tough amendments, uncomfortable votes for the Members of his conference, and he does not want a vote on a tough issue. So, he blocks it from ever being voted on to protect the Members from that.

I heard Senator MERKLEY—I see him on the floor—talk about his vision for a more open Senate. I have heard him talk about how he conducted himself as the speaker of the house in his home State and how it was more vigorous in debate, in open debate.

In sum, my colleagues, this is what has happened: The biggest change by

far, the thing that is causing the angst in the Senate and disrupting the Senate—other than the majority's fundamental determination to avoid responsibility and avoid voting on the tough issues of this country; and that is a big one, and I have detailed that—but the fundamental thing is, this majority leader is consistently using the device of filling the tree to block the free flow of amendments, to reject certain amendments he does not like, and control the Senate in a way that is contrary to our history, contrary to our tradition, and contrary to the public interest.

We are having too much of the majority leader bringing up bills like this last fiscal cliff legislation. I warned months ago we were going to end up at the 11th hour and 59th minute. I wrote in the Wall Street Journal a month ago, they are waiting until the 11th hour, the 59th minute to bring up the bill so you have no amendments, you do not even get to read the thing—do not even get to read it. You get a summary of it—have to vote yes or no—or we go over the cliff. That is not the way this business ought to be done.

So I urge my good, vigorous colleagues, who believe in debate and openness, not to shut off debate, not to move in that direction, to focus on an open process by which these matters are debated openly and the American people can determine whom they agree with.

They might not like what I have to say. They might vote me out of office. I am sure it would make a lot of people happy.

Mr. MERKLEY. Mr. President, will my colleague yield for a question?

Mr. SESSIONS. I will yield briefly for a question without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I appreciate my colleague coming to the floor and starting to talk about rules. As I was listening back in my office to the Senator's presentation, and he may have enhanced it while I was walking over here, but the Senator was noting, essentially, what sounds like a very one-sided piece of the puzzle; that is, that the majority leader or the floor manager is in a position of negotiating or restraining what amendments the minority does. However, the Senator might be unaware that it is actually two-sided in that it is traditional for the floor leader on the Senator's side or the minority leader, the Republican leader, to also veto the Democratic amendments. Of course, I have had untold dozens of my amendments vetoed from being presented.

So you have this negotiation that is taking place between the leaders on the two sides over what they will admit. That hits both sides equally, basically, because your amendments may

be ruled out; my amendments may be ruled out. Your leader may actually not like your amendment, and may say to you: Well, the other side will never agree to your amendment. Actually, it may be your own leader killing it. That may happen on my side too; my leader saying: Oh, no, the other side will never negotiate over your amendment. They will never agree to it. Maybe it is on my own side.

Mr. SESSIONS. Mr. President, regaining the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. There is no constitutional power for a leader. I love MITCH MCCONNELL. He does not get to pick my amendments. Where did this come from? You just got elected. You have ideas. You ought to be able to come down here and advocate for your ideas. Traditionally, it has always been any Senator can offer an amendment.

As Arlen Specter said to me: Well, I do not agree, but you are a Senator. You want your amendment, you get your amendment.

That is the way the Senate is supposed to work. We will have done something dangerous if we get to the point where now I have got to go to Senator MCCONNELL and plead with him, and then he has got to go to Senator REID and say, well, Senator SESSIONS wants this amendment, he is insistent on it. Senator REID would then have to approve and then he comes to me and he approves? Where did this come from? I am just telling you—you need to think about how the Senate is supposed to operate. It may take a few more votes; it will take some more votes. But that would be better than this process of groveling around here, pleading with somebody to give you a minute. Amendments—we have spent days, I think, since both of you have been here—think about it—days—squabbling over amendments and not a single vote occurring.

To my colleague from Oregon, would the Senator disagree with this?

Mr. MERKLEY. Would the Senator yield?

Mr. SESSIONS. Would the Senator disagree?

Without yielding the floor, I yield for a question.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. I think my colleague from Mississippi—

Mr. SESSIONS. Alabama.

Mr. MERKLEY. Excuse me, I am sorry, Alabama. If the Senator listened to my floor presentation, he would know I already agree with much of what he said.

Mr. SESSIONS. I know the Senator does.

Mr. MERKLEY. And, indeed, I feel we need to have a process where amendments are considered. In a situation where neither side is vetoing the

amendments of the other, I wanted to make sure that we completed the picture for the public that not only is the Democratic floor manager vetoing Republican amendments, but the Republican floor manager is vetoing Democratic amendments. It is because of this that the two end up in negotiation.

Mr. SESSIONS. Right. I think that is true.

Mr. MERKLEY. So I wanted it to be clear it is bipartisan.

Mr. SESSIONS. Reclaiming the floor, I think the Senator is correct. I would say both—it is not good. Why should they be picking your amendments? Why should Senator MCCONNELL be picking your amendments? It is flabbergasting to me about how we came to this point. It is like a frog in the warming water. You have come to the process in the middle of it where the traditional rights of a Senator have been eroded, and you are trying to deal with that situation and craft a solution that is dealing with an alteration of our historical procedure. We should go back to those.

When I asked the question about time—and how few amendments we have and actually get votes on—I think people should understand what I am saying. The Senate will not slow down. It will not slow down if we have amendments. Most Senators will agree to make their arguments at a time when something else isn't happening on the floor. They get their vote, maybe the next day. I don't think that is the problem. The problem is leaders want to control the debate. I think those of us underlings sitting at the kiddie table, as somebody said, need to get in the game.

There is no constitutional power given to the majority leader or the minority leader. It is a matter of courtesy. As far as I am concerned, they work for us. They work for the Members of the Senate. We don't work for them, they work for us. They are supposed to facilitate our rights as Senators. We have acquiesced and allowed an erosion of those rights.

A person is not going to offer his amendment every month, every year. In a 2-year term, Senator PAUL stood in there and finally got his amendment on foreign aid to Egypt. He is not going to offer it again next week. He had his vote and he lost.

I think there is just as much a hullabaloo about nothing if we would turn, quit filling the tree, quit attempting to control the flow of amendments in this body, we would shock ourselves how much better this body operates. I am tired of having to ask people for permission to file an amendment. That is where we are, and you should not have to do it.

The majority leader has got 1 vote out of 100, and I have got 1 vote out of 100. They meet in secret; they plot this bill on taxes. It comes up at the 11th

hour. We don't get to read it and we don't get to amend it. Every Senator here and their constituents has been diminished in power by having that happen. We have got to stand up, all of us, Republicans and Democrats, liberals and conservatives, and defend the system. It will be better if we let it run as it is supposed to run—good debate, good amendments, stand before the American people, be accountable for what you did, and go back home and defend your record.

I know there are some tough votes. It was a tough vote for me last night. I voted for that bill. I am not sure I did right, but I was confident it was the right thing to do. But I didn't like it because I didn't get to read it sufficiently. I didn't get to know what was in it sufficiently. It had things in it I didn't like. But in the long run I thought it was going to be best for the country to move this issue behind us and move on, so I would say that also.

The majority leader's sole power and strength comes from the ability to be recognized first. The majority basically selects Senator CARDIN to preside. They trust him to preside. When the majority leader hits the floor, Senator CARDIN is going to recognize the man who selected him. The majority leader of the majority party and all the presiding officers are members of the majority party—and I used to preside in that fashion when we had the majority. That is the way the system works.

I would conclude by telling my colleagues I have enjoyed this discussion and leave one bit of warning. If this were to go to the nuclear option and substantial changes were made to the free debate and the free right to amend in the Senate, this will not be accepted. It will be a historic and dramatic change in the nature of the Senate. This Senate—I have now talked to Members—will not go quietly. It will not be treated as a legitimate change. We will resist in every way possible, and we will have a most disagreeable and difficult time in the body. So I would urge my colleagues, keep working with this compromise and maybe something could come out of it. Everybody can accept advancing some of the ideas you would like and maybe dealing with some of the concerns I would like.

One more example of how this political body should operate was the Democratic majority—the minority, when President Bush was elected—decided to filibuster Federal judges for the first time, systematically filibuster them. They were holding up nine, I believe, judges of high order. It went on for weeks, over a year, as I recall. Senator Frist threatened that they would use this procedure, or something like it. The result of that was a Gang of 14 reached an agreement and said there wouldn't be a filibuster of judges except in extraordinary circumstances.

So the nuclear option never took place, the rules were never changed, but Members of the body in a collegial fashion agreed that, okay, we won't eliminate filibusters entirely, but we will only do it in extraordinary circumstances.

I think the best wisdom at this point is to draw back from the nuclear option to see if we can improve the way the Senate works and at that point we could perhaps improve the institution without endangering its fundamental character.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me thank the Senator from Alabama for his comments today. I think they are helpful in moving us forward, and I hope very much that we can find a way to go forward without having to use the constitutional doctrine that at the beginning of each Congress the Senate has an opportunity to adjust its rules with 51 votes. I think that is constitutional doctrine at this point.

I reject the notion that it is breaking the rules to take advantage of that constitutional moment. But the Senator makes a fair point that from a point of view of precedent—very different than breaking the rules, but from the point of view of precedent—it sets a new standard that we should be very cautious about going to.

I strongly support the Senator's recommendation that there needs to be a more vibrant amendment process. I believe the status of the discussion is regarding the filibuster on the motion to proceed, that if the majority leader is able to move to procedure without a filibuster, there will be amendments under that rule. I think that is an important qualification as we go forward.

Mr. SESSIONS. Mr. President, would the Senator yield briefly?

Mr. WHITEHOUSE. I yield for a question.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I will tell the Senator my concern and ask the Senator if he has a thought about it. I am uneasy about giving, for the first time, explicit power—

Mr. WHITEHOUSE. Mr. President, may I reclaim the floor for one moment? I will yield the floor, not just for a question—I will yield the floor to the Senator from Alabama with the understanding that I will be recognized at the conclusion of the point he makes, so he does not have to frame it in the nature of a question.

The PRESIDING OFFICER. Without objection, the Senator from Alabama is recognized.

Mr. SESSIONS. My concern, which I have expressed in my conference, is I don't like the idea that we codify in the rules explicit supersenatorial power to a chairman and a ranking

member of a committee, and we have almost no recognition in our rules of the majority leader. This is a tradition; this is a way we operate.

Each one of us is 1 of 100. We are equal in our responsibilities and in our ultimate voting power if we don't allow it to be eroded. As I understand the rule, there would be four amendments, you know, guaranteed up front by leaders. Think about that, as I know you will be active, both of you, in the discussion of how to write these compromises, and I am hopeful we will reach one. But I wouldn't, in a non-partisan comment—I am not sure we ought to further embed in our rules superpowers to one Senator or another group of Senators. Has the Senator thought about that?

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I appreciate the point the Senator from Alabama is commenting on, and I think it is important that we recognize that is a floor or a minimum number of amendments and not a ceiling. I think the more we can allow Senators amendments, the better institution this will be.

That said, the calendar is unyielding. Days come and days go, Congresses end, work periods end. The majority leader and minority leader have the responsibility for trying to fit the work into those time periods. Clearly there is the prospect of vexatious amendments, either in nature or in number, whose purpose is to interfere with their ability to manage the floor in a sensible way for all of us. I think we do have to be prepared to defend against that, and I think number and germaneness are the usual touchstones.

The story I was telling, when the Senator from Alabama reclaimed his time, was of the cyber negotiations. When the Republicans and Democrats met together, the opening moment of virtually every discussion was the Republicans saying, when we get this bill to the floor, there will be amendments, correct? We were saying, absolutely, that is our understanding, we will stand by you having your amendments, but let us have them be germane, let us have them be relevant to cyber. That was always kind of a mutual agreement going forward until a Senator came to the floor and gave notice that they would insist on a repeal ObamaCare amendment on any cyber bill. That threw a pretty big spanner into the works of what I thought was moving toward a good bipartisan solution there.

I think we have real problems here in terms of the abuse of the filibuster. When the majority leader can say that Lyndon Johnson as majority leader faced 1 filibuster, and this majority leader has, I think he said, 291 times—391 times had to file cloture, that is a pretty big change.

When you see judges who have been cleared in the Judiciary Committee unanimously sitting on the Executive Calendar in what has become a hostage pool for purposes of trading—these are judges who are ready to go, and there may very well be a judicial emergency in their district; they have Republican and Democratic support, and they are held hostage to be used as trading pieces on either judges or other issues—I think that is a very poor way to go about doing business, particularly when you consider where that leaves an individual who has put their life on hold waiting to see if they will be confirmed, and all they are is a pawn in a chess game, even though everybody thinks that substantively they are qualified and should serve as judges.

You see situations in which we have a cloture fight and then, when we actually have the vote, the measure passes with 90-plus votes. Clearly, there was not a great dispute over that. That is cloture being used for obstruction and to, I believe, take those 30-hour blocks of cloture time and stack them up into a wall of obstruction.

I will say one final thing and then I will yield the floor. The good Senator from Alabama mentioned the budget process, and he is our ranking member on budget, so he knows this very well, but I have to dispute his description of the budget not passing and of why the majority leader said it would be foolish to have a budget.

The reason it would have been foolish to have a budget is because we had a budget. In the ordinary course, a budget is developed from the committee up. We start in the Budget Committee. We propose a budget. It then goes to the Senate floor. We have budget day, which is often irreverently called a vote-arama, where we vote and vote and vote on amendments, and we ultimately get a budget. A similar process happens in the House. The President then has a budget to work with and we go forward.

In this case, because the question of the Nation's budget is such a hot political issue, the budget was negotiated at the very top, between the President and the Speaker and the Senate leadership, and it was passed into law. We didn't pass a budget; we passed a bill. We passed a law, and the law set the budget. So when your budget is being set by law, yes, it is a little foolish to go through the process as if none of that had happened and try to build a budget from the ground up when it has already been established by law and when we wouldn't change it with our budget procedures. It has already been established by law, by negotiations at the highest level.

So I think that is why it was foolish. I think the budget process will continue to go forward in circumstances in which we are building a budget from

the ground up, the way we do in the ordinary course, but I do think it was important to clarify that.

With that said, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. If my colleague from Rhode Island would be willing to yield for a question, I do have a question for him.

Mr. WHITEHOUSE. I believe the Senator has the floor, but I will stay and engage in a brief colloquy, if that is the Senator's desire.

Mr. MERKLEY. We heard a few moments ago from our colleague from Alabama that the problem of the Senate being able to process bills is completely as a result of the inability to offer amendments. There are certain things that don't seem to quite square with that.

For one, is my recollection correct that we have had quite a few filibusters on judges where no amendments are relevant?

The PRESIDING OFFICER. Without objection, the Senator may proceed.

Mr. WHITEHOUSE. Yes; that is absolutely true. It is hard to amend a judge.

Mr. MERKLEY. Is the same true of efforts to get to a conference committee after we have already passed a bill and all the amendments have been previously considered?

Mr. WHITEHOUSE. That is also true. In fact, I believe there have been multiple filibusters of the various steps on the way to a conference committee, even after all amendments have been considered. So the Senator, I believe, is correct.

Mr. MERKLEY. Is the same true on both conference reports and final passage? Neither of those involve amendments, but have there been extensive filibuster efforts to keep this body from ever being able to complete one piece of business and move on to the next?

Mr. WHITEHOUSE. I think that is true, and nobody is more alert to this than the Senator from Oregon, but it is my belief there has been a little transformation in the nature of the filibuster. It always used to be the individual right of individual Senators to get up on their feet and to say their piece, to hold the floor for as long as they needed to and to speak themselves—to read the Bible, to read the Constitution, to read the phonebook—into exhaustion. They did so when they felt deeply about an issue, when they were deeply opposed to something on the floor.

Then cloture came along and it established a 30-hour block of time for debate. But, tellingly, it didn't require anyone to do any debating during those 30 hours. My belief is the minority party figured out if they filibustered everything, including very popular bills and amendments and judges that

normally pass with huge majorities—up in the nineties—then each time the majority leader has to file cloture we end up with another 30-hour block of floor time that can't be used for anything productive. If that is done hundreds of times, that becomes thousands of hours of floor time, and it is very often why people who are watching us, expecting to see debates on the floor, see the tedious quorum call. They see our wonderful floor staff quietly reading the names of the Senators as the quorum call drones on and nothing is happening.

That puts immense pressure on the majority because they now have less and less and less time to work with because these 30-hour bites of time over and over again have been taken out of the year and it makes doing business very difficult.

That, I believe, has been the transformation. We have changed from being a Senate where an individual Senator has the right to get on his or her feet and oppose anything with a filibuster for as long as they can stand on their feet to a Senate where the minority filibusters everything, creating these 30-hour blocks of dead time which puts great pressure on the body to try to get things done in the time that remains. That is my view of why we are where we are and why it is important to change the rules.

I will yield after saying I do think the Senator from Oregon and the Senator from New Mexico have done this body a great service by their leadership on pressing forward on rules changes. I think it is very clear that however this ends up turning out, the majority leader has 51 votes for a change to put the Senate back on a footing where it is behaving as a Senate again and we are not spending our time in the dead zone of endless quorum calls.

I yield the floor.

Mr. MERKLEY. I thank my colleague from Rhode Island for his very lucid commentary.

We do have a responsibility to enable this body to debate and decide issues in order to address the big issues facing America. It certainly is not the case that we have been fulfilling that responsibility. This is why the popularity of the Senate and the House has dropped to incredibly low levels, because people see there are big challenges in America—big challenges about investment and infrastructure, big challenges about the management of our military policy and our military provisioning, big challenges in regard to the environment, in regard to health, and certainly big challenges in regard to education. So no matter how long the list gets, we just get more and more and more paralyzed and unable to address anything in this body.

Tomorrow is the first day of the next legislative session and my colleague from New Mexico has arrived and I ask

unanimous consent that we be allowed to engage in a colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF MORNING BUSINESS

Mr. MERKLEY. Mr. President, I ask unanimous consent that morning business be extended until 4 p.m., with all other provisions remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. So my colleague from New Mexico has made this powerful case about our responsibility and about the opportunity provided under the Constitution, and I have been immersed in trying to wrestle with the components of how we actually seize that opportunity in terms of the substance, the material we put together to make this body work better. But the important thing is that tomorrow this begins.

In that regard, I yield to my colleague from New Mexico, who has been, again, at the forefront of calling for us not to bypass this opportunity to have this body engage in the debate and figure out how we can change the way we work so we can do the people's work as is expected.

Mr. UDALL of New Mexico. I thank my colleague very much, and let me say to my colleague from Oregon, who has been a real leader on this, he has been diligent, he has studied this, he cares about it, and he has been a great partner. The packages that were voted on the last time we helped put those together—and there were two very significant votes, as Senator MERKLEY realizes. We came very close. We had 44 votes for a package that would make 4 or 5 changes and then his package on the talking filibuster, which was included in both packages, received 46 votes. That showed that if we had the opportunity at the beginning of a Congress to change the rules under the Constitution, we were very close to the 51 votes.

I just want to comment on what my colleague from Rhode Island said earlier—Senator WHITEHOUSE—and repeat that because we have been counting the votes over the last couple months. We have been trying to determine if the votes are there in order to be able to change the rules, and we know at the beginning of a Congress that we need 51 votes.

I also want to respond to several things that were going on here earlier on the floor. Several Senators made statements, and several of those statements were from the other side. I believe they should be responded to because we are in this crucial phase in terms of adopting the rules.

The first issue that comes up is this issue of breaking the rules to change the rules. This has been what has been

repeated numerous times in the last couple months with our Republican friends and colleagues coming to the floor. They use the phrase “break the rules to change the rules.”

In fact, when we use the Constitution, there is no conflict with the Senate rules because three Vice Presidents have ruled from the chair, where Senator CARDIN is now sitting, that at the beginning of a Congress, on that first legislative day, we can change the rules, and we do it pursuant to the Constitution.

The Constitution, at article I, section 5, says the Senate can determine the rules of its proceedings. Every constitutional scholar I know of who has looked at this realizes that is the window—that first legislative day—in order to deal with the rules. So when, in fact, we legislate on that day in a rules context, we are not breaking the rules; we are creating the rules for the coming Congress—in this case, the 113th Congress. We are creating the rules that will govern.

Do I think we should use the Constitution to change the rules every couple weeks after we put rules in place? Of course not. That is not fair to do. We would never be advocating for adopting rules and then changing them every couple weeks or every couple months. In that situation, there is a high threshold to change the rules, as it says in the Senate rules.

But I want to engage in this colloquy with my colleague from Oregon, first of all, on this issue of the constitutional option and in terms of utilizing the constitutional option at the beginning of a Congress; putting the rules in place and then following the rules throughout the Congress. I ask my colleague: Isn't that the way we are intending to move?

Then, secondly, the heart of the matter—and this is where Mr. MERKLEY, the distinguished Senator from Oregon, has been instrumental in terms of helping us deal with the dysfunctional filibuster system we have right now—we have a secret filibuster. We have a silent filibuster—in fact, we have way too many filibusters. Just to give a little comparison, when LBJ—Lyndon Baines Johnson—was majority leader for 6 years in the 1950s, he had one cloture motion filed—one filibuster. HARRY REID, whose office is just a few feet from here, as the President pro tempore knows, comes to the floor and he has had close to 400 filibusters in his 6 short years. So they have gotten completely out of hand.

One of the things I want to talk to my good colleague, the Senator from Oregon, about, in addition to this constitutional option—the small window we have tomorrow on the first legislative day—is also how do we remedy this situation in the Senate? Everyone acknowledges the Senate has become dysfunctional; that we are not doing

the work of the American people. We hear our Republican colleagues say they do not like the way it is working. So I ask: What is the best way to get to the heart of that? Is it the talking filibuster? Is it trying to change the rules on the motion to proceed? How do we get at the heart of what the problem is?

I yield for my colleague.

The PRESIDING OFFICER. Without objection, the colloquy is extended.

Mr. MERKLEY. I thank my colleague from New Mexico. I am going to be very brief, because in 2 minutes I am taking the chair so my colleague from Maryland can continue with his schedule.

Indeed, the silent secret filibuster that is occurring in the Senate today is deadly. What it means is that after there has been a vote of 41 who say we want more debate, there is no more debate because no one is required to debate. Instead, they don't want to appear in front of the American people and make their case, and that is outrageous. If you are voting for more debate and you are going to take up the time of this institution, time it could be using to address many of the challenges that face America, then you should have the courage of your convictions to make your case on this floor before your colleagues, before your constituents, before the American public, and engage in that dialogue. If you don't feel you want to spend the time and energy to do that, then you should stand aside and we should proceed with a simple majority vote and address the issue at hand.

I do think we need to address that silent filibuster, that secret filibuster. The American people deserve to know why it is we are not getting their work done. And if they can see that it is being blocked by a group that is publicly making their case, they can either agree with them and say, That person is a hero, they are standing up to some core principle and we salute their efforts, or they can say they are a bum, because all they are trying to do is paralyze the Senate, they are not making any valuable points. And that feedback I think will help us resolve some of those filibusters.

In some cases folks have said, Well, isn't that going to eat up more of the Senate's time? And I respond, No, it is not. Because we are talking about what is now silent and hidden but paralyzing us being done in public, where there is actually a dialogue about the issue at hand and the public can participate. It is not the only thing that should be done, but it certainly is a key part of the formulation.

With that, in an hour or so I would be happy to rejoin the conversation.

I yield the floor for my colleague from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, I thank the Senator from Oregon, because he has elucidated here the real issue that we face as a Senate.

The Senator from Maryland, who is presiding, knows well. He has worked on the rules, and I hope he will join me here for a minute to talk about the rules situation we are in and where we are headed.

There are several issues that are before us: How do we move into a more deliberative body? How do we move to the point where we get on to legislation, that we have amendments, we let everyone be heard, we let the minority be heard, and also at the end of the day be able to get to a majority vote? That is the way the Senate used to proceed, and now we have one Senator holding up the whole show.

Frequently you will have a Senator who will block hundreds of bills with these secret, silent filibusters. We shouldn't be allowed to have that kind of situation with any Senator, and we need to give up that little bit of power to make the institution itself a better institution. This institution is a great institution. It has a lot of very capable people in it. But it is not responding to what the American people want us to do. That is why we address the rules at the beginning of every Congress and why we should address the rules at the beginning of every Congress.

I ask unanimous consent to allow my friend, the Senator from Maryland, and I to engage in a colloquy.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. UDALL of Colorado. I yield for the Senator from Maryland.

Mr. CARDIN. Mr. President, I thank Senator UDALL for taking the time and for his commitment to this institution so that it operates correctly. I thank Senator MERKLEY for his leadership.

I agree with both Senators. If you are going to engage in extraordinary action such as a filibuster, you should be on the floor talking about it. That makes sense, that when the Senate is in session, we should be conducting business. We shouldn't have to go through extensive quorum calls because a single Senator is objecting to us proceeding. We want to get back to the traditions of the Senate where this becomes the greatest deliberative body in the world, where we debate issues and we resolve issues and we act on issues.

I was listening to the distinguished Senator from Alabama, and he was pointing out how he believes that the Senate is not working the way it should and that we should be debating more amendments. I think we should be debating more amendments. I think the key we need is that we need to change the way the Senate has acted and operated in recent times, and that means we need to get more legislation



more quickly and actually debate bills. We have to have committees able to report out legislation that could be acted on on the floor of the Senate. We have got to bring issues to conclusion.

There are two problems here, as I see it: One, we have had individual Senators who have used their right to object to a unanimous consent, delaying almost indefinitely—in some cases killing—legislation from being able to move forward by a single objection, and a lot of times they are not even on the floor of the Senate to make that objection. They just through their leader say, We don't want this bill to move forward; and maybe, yes, we will let it move forward if you will let us have 50 amendments. That is the same as killing the bill.

So we have seen individual Senators exercising their right to object who have brought legislation to a standstill on the floor of the Senate. That is wrong. And as my distinguished colleague, the Senator from New Mexico, pointed out, the majority leader has had to file record numbers of clotures to end debate because the minority party, for whatever reason, has not allowed us to proceed with legislation for debate.

Normally the majority party has the right to determine the agenda of the Senate. They don't have the right to pass bills; that is up to a majority of the Senate. But the majority leader should have the right to bring a bill to the floor of the Senate. That has been denied over and over by the minority party. That is wrong.

I agree with my friend from Alabama that there should be the right to offer amendments. I think we should debate issues. I agree with that. But that hasn't been the problem. The problem has been that a certain number of Members have used their right to object, working through the Republican leader, blocking us from considering a lot of bills on the floor of the Senate.

So what do we need to do? We need to be able to first move legislation forward. We need to be able to bring bills out of our committees and have them on the floor for debate, get on the amendment process.

We just took up the National Defense Authorization Act. We used that process. It worked. That bill passed the Senate by an overwhelming number. We considered many amendments. By the way, every amendment was considered by a majority vote. That is how this should work. Majority rules should rule on the floor of the Senate. I agree with all of that.

The first order is to be able to bring bills to the floor in a more efficient way. The second problem we have, quite frankly, is that the Republicans have blocked the ability to orderly consider the nominations of the President, whether they are his Cabinet or subcabinet positions or whether they

are the article III judges. In many cases, once we get to the nomination it passes by an overwhelming majority. I can't tell you how many nominations have been approved basically by voice vote in the Judiciary Committee that have had to wait months for consideration on the floor of the Senate. In my State of Maryland we had several nominees, not controversial at all, who had to wait month after month for confirmation before they could sit as a district court judge.

First of all, it is unconscionable to make people wait when we need to have judicial positions filled. Secondly, it is affecting us getting the very best people to step forward to serve, because do they really want to go through that type of uncertainty, not even clear whether the Senate will act on their nomination before it adjourns? So the second issue is we have to act on nominations in a more efficient way.

The third—and I agree with my colleagues here. Ultimately, the majority of this body should be able to move legislation. And at a minimum, I agree, if you are using an extraordinary measure as a minority to block legislation, you should be on the floor of the Senate speaking on that issue. Your responsibility should be to talk. If you are using a filibuster, you should be there engaged in that filibuster.

I think these are reasonable reforms that we should try to move forward. This body operates on a lot of unanimous consents; we move a lot of legislation. We have what is known as the hot line, where at the end of the day we try to clear bills and then the leader brings them to the floor for consent or voice vote. At times there are Members who put a hold on a bill, and we have had Members who put holds on hundreds of bills. They should come to the floor to object. In many cases these are not broad bills. These are bills that affect perhaps land in New Mexico or establishing a national park in Maryland that have gone through the whole committee process and we have worked out all the cost issues so there is no cost involved. They have passed the committee by overwhelming majority votes—in most cases unanimous votes. But now you need to move them forward so we put them on the hot line, and we don't even in some cases know who is objecting. The Senator who objects should come to the floor of the Senate and object and give a reason. I know we got rid of the so-called secret holds, but they still exist today. We should operate with Members being here on the floor conducting business, not in their office either in the Capitol or in their home States. They should be here on the floor of the Senate if they intend to exercise their right to object, and then give us an opportunity to work that out so we could move legislation more efficiently.

The bottom line, what we need to do, is make this system work more effi-

ciently. This is the greatest deliberative body in the world. We should be debating issues. That means bringing bills to the floor in a more timely way, getting on amendments in a faster way, voting and debating issues for the American people.

I applaud the Senators from New Mexico and Oregon. They have taken the leadership on bringing this to the attention of the American people. I think for too long a period of time Americans didn't focus on this issue.

Well, they are focused on it today. They understand that a lot of the bills they wanted to see passed in the 112th Congress didn't get passed and they want to know why we didn't even debate those issues.

Let us reform our rules and procedures on the floor of the Senate to reflect the best traditions of the Senate. That is what the Senator from Oregon, the Senator from New Mexico, and others are trying to do.

The Senator from Alabama talked about restoring the traditions of the Senate. I hope we can do it in a bipartisan manner. That is the way it should be done. We should come together to preserve the institution. It should work whether the Democrats are in the majority or the Republicans are in the majority. The same rules should work. Whether we are in the majority or minority, we should believe that we should come to the floor of the Senate to debate the issues that are important to our constituents.

I thank again my friend from New Mexico for allowing me to engage in this colloquy with him. I applaud him again for standing up on this issue. I know it has been difficult at times when many people come over and say, Why are you trying to change the traditions of the Senate? The truth is we are not trying to change the traditions of the Senate. We are trying to restore the Senate to the type of body it should be. I don't think there is a single Member of the Senate who believes that we conducted business in the best traditions of the Senate during these past 2 years, and that has been because we have seen the abuses of individual Senators holding up bills and not being able to debate issues. We have to overcome that. I think we have a chance to do that at the beginning of the 113th Congress, which will start in less than 24 hours from now. I am pleased that the three of us will all be in the Senate in the 113th Congress, and I hope we will have a chance to resolve these issues because I think it is critically important for the people we represent in our respective States and in the country.

Mr. UDALL of New Mexico. The Senator from Maryland hit on a couple of incredibly important points here, and I hope he has a minute or two to further engage in a colloquy.

First of all, we shouldn't be saying all the credit goes to me or to the Senator from Oregon. Senator CARDIN, the Senator from Maryland, participated very actively 2 years ago in the key group of Senators who were trying to understand what the rules were all about, why the Senate wasn't functioning, and how do we get to the point of drafting a package and working out a package to make it happen. I congratulate him for that.

I want to also congratulate the Senators who have worked on this from about 2006 on. Those Senators have come in and they have seen the Senate not be the way it should, not maintaining those traditions of debate and discussion, and then finally, at the end of the day, acting on those important problems.

The Senator from Maryland knows that history. I appreciate exactly what he said. It should be bipartisan. As he knows, what frequently happens around here is that when you get close to having 51 votes—which we have today, we have 51 votes, and the majority leader has 51 votes to be able to walk down here and say: These are the rules we want, and to do it. When the reality sets in on the Senate that we have 51 votes, then people start thinking, how do we want to put this together?

A bipartisan tradition is important. We have—the Senators from Oregon, Maryland, myself—we have all invited our Republican friends and colleagues forward, saying: Engage with us to get back to the point where this Senate can operate in a bipartisan way with respect to the rules and with respect to the substantive legislation.

What I want to ask the Senator from Maryland has to do with the President's team. We only have one President at a time. We have Barack Obama in as President. He was reelected. He still has people from this Congress—a large number of judges, of nominees—who are held up for months and months. Does the Senator from Maryland believe that the nomination process is broken, that we need to move forward, to find a way so we can get up-or-down votes on some of these nominations, whether they be judicial, whether they be people who are going to serve in these Cabinet agencies?

Mr. CARDIN. I thank the Senator for raising the issue. Let me tell people what happens all too frequently in this body. The President will nominate a person to be at a Cabinet-level or sub-Cabinet-level position that requires confirmation of the Senate. Individual Senators say: I have a problem. Maybe it is the person in the health department. I have some problems in the health department that I would like to see paid attention to. It has nothing at all to do with the nominee. In fact, getting a confirmed person in that position would be very important to get-

ting those issues resolved. The Senator uses what is known as the courtesy of a hold to hold up that position in order to try to get changes made in that agency. That may take a week. That may take a month. That may never be resolved. In the meantime, we are not acting on many of the positions that require confirmation from the Senate.

I think we are down to about 500 positions now that require Senate confirmation. We streamlined that in the last Congress. We eliminated some that required the confirmation of the Senate. That was a good change we made 2 years ago. That worked. We now have somewhere around I think 500 or 600 positions that require Senate confirmation.

Let me give a little arithmetic here. If the majority leader has to bring a cloture motion in order to break an individual hold of a Senator on those 500 nominees, the Senate will do nothing but nominations. We will not be able to do any other business because, as you know, it could take up to 30 hours of postcloture time to consider just one nominee. So under the current rules of the Senate, if one Senator wants to stop the confirmation process, that Senator can basically stop it and bring it to a halt. That has happened. We have seen that happen too frequently.

One of the suggestions that has been made is that when we have these confirmations that have been approved by the committee, allow us to bring them to the floor and certainly eliminate or restrict the postcloture time because it is not used other than for a delay purpose. In that way, we can bring forward nominations more efficiently. If there is a serious problem, let a Senator register the problem. Let a Senator come to the floor and speak about the person. But we have not had discussions on the floor.

It is interesting—when we finally break that hold and the nomination comes forward, we finally get a cloture motion passed, the debate time is virtually zero. There is no debate time needed for these. It is not as though Senators are delaying it because they need debate time. These are strictly dilatory actions.

For the sake of any administration, whether it is a Republican administration or Democratic administration, whether it is the first term or second term, that President should be able to get his or her team in place. Yes, we should take seriously the advice and consent of the Senate. That means we should vote on those nominees. If there is a serious concern, let's vote on it, and if we want to filibuster it, be on the floor debating why.

We think the minority has a responsibility—or in some cases it could be a minority within the majority—to argue why we believe it is important to bring this matter to the attention of the American people. But don't con-

tinue the practice that has been used in recent times where nominations are delayed months and sometimes indefinitely because of basically unrelated issues or the will of the minority or a number of Senators—in some cases, just a handful. That should not happen. We should be able to do these more efficiently.

We have a recommendation for this, and it is very simple: Let's eliminate the postcloture time. That way, we would be able to bring the nominations to the floor and act on them in a much more timely way if there is really an issue about getting a vote on a nominee. There are ways we could do that, but it should be part of the reforms of the 113th Congress.

I thank Senator UDALL for bringing up that issue. That is a very important issue for any administration, whether it is a Republican or Democratic administration. It is hard to hold an administration accountable if they do not have the confirmed top leaders of their team.

Mr. UDALL of New Mexico. The Senator from Maryland has really hit it on the head. You do not have to go any further than today's Executive Calendar. We all have them on our desks. You pick up the Executive Calendar and, talking about approving these nominees and judicial nominees, executive nominees, here I see on page 4 that we have people who have come out—this is for the judiciary—have come out of committee March 29, and they have not gotten a vote. Here is another one from April, reported by the committee—April 26, May 17, May 17, June 7, June 21. These are nominations where people have stepped forward. They want to be public servants. The President has nominated them. They have been through the committee process, and they are just waiting.

As the Senator from Maryland said, what ends up happening is that good people are discouraged from taking these jobs. My grandfather used to say that if you do not have good people in government, the scoundrels will take over. We are discouraging good people from getting into government. You need good people in public service, and we are discouraging them by setting up a process where, as the Senator from Ohio told me—he had a judge recently, and he told the gentleman: This is a long process, it is laborious, it is tedious, and it will probably take you a year if you are willing to go through this. When the judge finally agreed, it took 2 years from the time the President put him forward until he was actually on the bench.

I ask the Senator from Maryland, does he think people are going to put themselves out there, and doesn't this discourage good people from getting into public service? Don't we want the very best and the brightest on our benches and in the executive branch working for the American people?

Mr. CARDIN. I can tell my friend from New Mexico, that is happening today. I have talked to people in Maryland who are very reluctant to put their names forward because they do not want to put their families and themselves through the uncertainty.

Let me tell you what happens. Let's say you are a distinguished attorney in a law firm and we would love to get you as an article III judge, so we convince you. You are the most distinguished person for this job, the person everybody wants, not partisan at all, no controversy. The Bar Association will give you the highest ratings. You have already been vetted through the FBI process. There is nothing in your background that would raise a concern with anyone. But you look at the calendar here and say: If I go through this, I am going to be on this calendar for at least 6 months, it looks like. What does that do to my law firm? Can I try cases? What do I do for the next 6 months? It is not fair to me, it is not fair to my law firm, and it is not fair to my family. So you are not going to put yourself forward.

Let me tell my colleagues about another problem. In many of these circuits where these judges are sitting—these nominees are waiting month after month, and we have judicial emergencies. We have a chronic problem of moving cases in these circuits, where the administrators of the courts—these are independent branches of government—tell us they cannot do their job because they do not have the manpower to do it. And we are holding up confirmations not because of any substantive reason but because of the process or because of one person in the Senate who, for reasons unrelated to that individual, is holding up all of these nominations. That is not right. We are denying our country the very best, who cannot step forward under this type of circumstance, and in many cases we are denying justice in our circuits because we do not have people in place to be able to timely resolve rule-of-law issues, which is the basis of our system here in America.

It is a very serious situation. We need to resolve how we handle the Article III confirmation process in the next Congress, which starts again in less than 24 hours, as well as the individuals whom we want on the boards who need confirmation—the sub-Cabinet and Cabinet positions.

The same thing is true of Cabinet positions. If you are an expert in securities issues and we want to get you on the Securities and Exchange Commission and you have to be out there for 6 months, what is it going to do for your business? Can you do your profession?

It is just not right. I think people are willing to be subjected to the scrutiny of advice and consent. They understand that. What they do not understand is dilatory delay, and that is what has to come to an end.

I thank my colleague for raising those issues.

Mr. UDALL of New Mexico. I thank the Senator from Maryland. He is passionate about this, and he has explained it very well. I ask any Senator to look at this Executive Calendar today. We are doing exactly what my grandfather advised against when he said that if the good people do not go into public service, the scoundrels will take over. You get second-class government. You don't get good people. We are discouraging good people from going into the government with the procedures we put them through, with the length of time of this delay. This is not what we should be doing in the Senate.

I yield.

Mr. CARDIN. I ask my colleague—I daresay most people in this country do not know what a motion to proceed is all about. They do not realize the majority leader cannot bring a bill. A bill might be reported. We might have a farm bill or a Defense authorization bill or we might have a bill coming out that reforms some of our judicial codes. It comes out of the committee with a bipartisan vote. I think our constituents will be surprised to learn that the majority leader cannot bring that bill to the floor. It has to go through what is called a motion to proceed.

What might happen in that motion to proceed? You might just tell us the problems we have today because we couldn't get to a lot of motions to proceed.

Mr. UDALL of New Mexico. The Senator from Maryland has hit it on the head. Look at what we are talking about on a motion to proceed. I think it would surprise the American people to know that if the majority leader comes to the floor, now we have—this is not to make it partisan in any way—55 Democratic votes. The majority leader says: I see we have a serious housing problem. We want to put a housing bill onto the floor of the Senate.

I don't think people realize that the majority leader, if he doesn't have any agreement at all, then has to file a motion to proceed to that bill. If all the delay and roadblocks and obfuscation are put in front of him, it takes him 8 days to get to the bill if he can get 60 votes. If he does not, he probably wastes a whole week trying to get to the bill, and he doesn't get 60 votes, and then we fold it down and say: What is the next issue we should move on to?

As the Senator from Maryland knows, we have to be able to put bills onto the floor and give them the time they deserve. We are wasting all this time up front that we could have a bill on the floor, we could have amendments, we could have debate, we could have all of those things going on that we know are the way the Senate should work.

I yield.

Mr. CARDIN. Under current policy, the motion to proceed has to be approved before anyone can offer any amendments. My friend from Alabama is talking about amendments. We cannot offer any amendments until we get the bill to the floor. So the majority leader is trying to bring up this bill to deal with housing because we have a housing crisis. It came out of the committee, everybody was ready to move on it, but he cannot get the motion to proceed approved. Now we are literally in no-man's land. We cannot offer amendments and cannot proceed on it.

The majority leader has one of two choices: He could wait for us to reach an agreement—if we ever reach an agreement—or file cloture. He should not have to do that. He should be able to offer the bill and offer amendments and get started. We cannot do that. We have to approve the motion to proceed first. So the majority leader tries to condense the clock. People complain that we are not getting work done, so he files cloture on the motion to proceed. As a result, we have to waste one full legislative day before we can get through to the vote on the cloture. If we get to the vote on the cloture—this is on the motion to proceed. This does not deny the right of any Member to offer any amendments, whether germane or not germane.

Let's say the majority wants to approve the motion to proceed and get 60 votes on the cloture—and, remember, this is the third legislative day. Let's say it is approved 95 to 1, because there was one objection. That's why we could not get the motion to proceed done. Now we are on the third legislative day and we have 30 hours of postcloture time. Another 2 days go by, and we are now on the bill, but we cannot debate the bill. We have not even started the amendments.

My friend from Alabama is saying he wants to deal with amendments. Well, I want to deal with amendments. Why do we have to waste all those days to get to the bill? That makes no sense at all. A lot of us think we should be able to bring up a motion to proceed. We have some recommendations on how we can expedite that and guarantee some amendments as part of the process. That is all part of what we have all been working on: How can we get the Senate back to its traditional way of considering legislation in a fair manner and making decisions?

At the end of the day, this is a democracy and the majority should be able to control the policy of this body. At the end of the day, it should be able to do that. Certainly those who object should be on the floor telling why they are objecting. I think that is what we are trying to do. We are trying to get this process to work in a fair manner, and I understand we have to protect the rights of the minority.

My friend from Alabama raised a very good point. There are no guarantees of how long one party will be in the majority. We understand that. The political whim of Americans changes over time, political preferences change over time, and we have to make sure that the rules we operate under protect both the majority and the minority. That is absolutely important.

The Senate is a deliberative body, and we want to make sure that all rights are protected, including the minority. However, what is wrong is when one, two, or a small group of Senators can basically bring this institution to a halt. They have done that over the last couple of years at a time when we could have done more business. I think starting tomorrow we have a chance to change some of those procedures. I hope we will be able to get that done.

Senator UDALL has really brought these issues to light—whether it is the motion to proceed so we can start debate or whether it is how we can dispose of amendments, handle a filibuster, deal with court and other nominations, these are all important issues. How we deal with what we call comity, or respect of Senators, how Senators deal with objections, how they should be on the floor of the Senate to raise those objections, and how objections are done.

When a committee is considering a bill on the floor and the managers are considering that legislation—they have an orderly way to consider the amendments—and all of a sudden we hear one Senator objects and stops us from moving forward on amendments—well, that should not take place. If the Senator is going to object, have the Senator on the floor saying why he or she is objecting. Don't do it by saying we can stop consideration of the bill and go into a quorum call and lose all that valuable time.

I think there are some commonsense changes. I do hope we can get Democrats and Republicans joining together for these reforms. Whether Democrats or Republicans are in the majority, that is how the rules should work to protect all the Members of this institution.

Mr. UDALL of New Mexico. To the Senator from Maryland, I have one more question if he has time. First I want to respond as to the motion to proceed and what he has just talked about. This means we cannot get on legislation, as he laid out, for a large number of days. Sometimes we burn a week and several more days before we are able to get on to the bill.

The Senator by the name of Senator Pete Domenici, whom everybody knows very well, served for 36 years in the Senate and was my predecessor. He served on bipartisan study groups to look at the rules. We have had many study groups such as that. They have always concluded that the motion to

proceed should be short and significant, and we should get on to the bill.

Senator CARDIN has worked very hard to do the same with a bipartisan group to say: How can we make it work better? How do we make this institution work better? The reality is we get on to the bill, allow amendments, allow debate, and allow discussion. That is the way to move. On a number of occasions this has been bipartisan. I hope we can join together.

My question goes to a different part of the rules. As the Senator from Maryland knows—and we both served in the House together—today we have a Democratic Senate and a Republican House. The way to resolve differences between the two is to go to conference. That is the best way to bring the expertise of both bodies and the people in the bodies who know the substance of the legislation and bring them together if there are differences. If they both pass a bill, they get together, resolve those differences and then the respective Houses pass them and they go on to the President.

We now have in our rules for the Senate three debatable, filibusterable motions to go to conference. We look at them and we say: Well, they are basically about going to conference. Let's shrink down the proposals we are hearing. Why are we putting a filibuster in place to get into conference to try to resolve disputes?

I know the Senator has looked at this issue. My question is: If the Senate is able to pass a bill on housing—to use the housing example—and they are very different bills, but if we have smart people from the Senate and the House who are on the Housing Committee getting together—as the Senator from Maryland knows—we can resolve those differences. We can find the common ground and move forward.

I ask the Senator: Aren't our rules a little bit antiquated in terms of having three motions to go to conference and allow a filibuster on every one of those rules?

Mr. CARDIN. The Senator is absolutely right. I think when those rules were promulgated, the view was they would be done routinely and that there would never be a challenge to the action taken. The action is going to conference, appointing conferees, and instructing the conference. The Senator is absolutely right, they are all the same. It is getting us into conference where the House and Senate Members can be together, resolve their differences, and report a common bill back to both bodies. That is the whole purpose of a conference committee.

I think it is particularly important today that when we have the House controlled by Republicans and the Senate controlled by Democrats, we should use regular order. We should meet with our Republican-controlled delegations with the Senate and try to resolve our

differences in an open and transparent way that the rules apply.

Under the current rules, since each one of those is a separate action—as Senator UDALL pointed out—we can object to it being routinely approved. At that point, under the current rules, we can force—this is all precloture—a cloture motion being filed on each one of those three separate actions.

I already went over how much time it takes for a cloture motion to ripen. Let's assume we can get over that hurdle—which we cannot—each one of those cloture votes, even though they may be 99 to 1, will have 30 hours of postcloture. If we start to add it up, we are going to lose over a full week just to get into cloture, which obviously means we cannot get it to conference. We cannot use the deliberative process to resolve our differences and we cannot use the Senate unless we have unanimous consent, basically, and that is wrong.

So we do have a recommendation, and I am pleased the Senator pointed out that we are working with Republicans. We have had a group of Democrats and Republicans working together to try to resolve some of these differences, and I think there is general agreement to collapse those three motions into one motion so that at least we can eliminate the extra two votes and potential cloture votes and postcloture time which would be required. I think that is a relatively easy change for us to make. I don't know of anyone who objects to that. I have not heard of anyone who objects to that. I hope we could get that done.

When we start looking at where we could change the procedures and where we hope we could get bipartisan support, I think going to conference is one area on which we could get bipartisan support.

I agree with the Senator in that I have not heard of anyone who believes the motion to proceed has been used in the proper way. I think we can find a way to condense that. I hope we can. There have been some bipartisan recommendations to have orderly ways in which we could go to the motion to proceed immediately by certain guaranteed amendments or where the two leaders have agreed to go to a bill, so I think we could do that.

I think there has also been some agreement on the nomination to shorten the time so we can move that along. I think we have both Democrats and Republicans who are in agreement with that. I hope we can figure out a better way so we don't have to file all these cloture motions and waste a lot of time and those who object on the floor with the burden to debate the issue—I think that is the important reform that needs to be done.

Mr. UDALL of New Mexico. The Senator from Maryland has been here a little bit longer in the Senate than I

have. Could the Senator talk about how many conferences we have done? The Senator has served in the Maryland Assembly in the legislature. The Senator saw conferences all the time. I remember in my early days in the House, we had conferences all the time. My sense is the majority leader, in looking at this path to get to conference, has said, well, that takes too much time.

Mr. CARDIN. I probably am in a position that most of the Members of this body are not in. I have served on one conference committee—I have been here 6 years—and it was a successful conference committee. It dealt with the payroll tax extensions and some of the other changes. I was able to serve on that and we were able to reach a conference agreement and we were able to get our work done in a timely way. We got it done early by Senate standards and the legislative standards. I am trying to think if there were any other conferences that were reported back. I think we had one maybe on aviation that was reported back. I don't think there were more than a handful of conferences that have met in the last several congresses. There were maybe a couple each Congress. Think about how many bills were between the House and the Senate. It is a rarity. It is virtually not used. Interestingly enough, when it is used, we generally get better results, earlier results, and more open results.

I appreciate the Senator mentioning serving in the State legislature. I am a former speaker of the State legislature. I think we get better laws when we use the legislative process and have a more open process where the committees work and bring the bills to the floor, actually debate them and amend them on the floor of the Senate. That way when there are differences between the House and the Senate, they are worked out by the Members. They actually meet and work out their differences.

We are the ones who are accountable for the legislative process. It should not be some supercommittee or bargaining units that are set up by the President and the Congress. They should not be the ones. It should be the legislators who make these decisions, and that is why I think it is so important to get the committees functioning, get the floor of the Senate functioning, and get the conference committees functioning. I think if we can do that, we are going to get better laws, laws that make more sense, better understood, and that will stand the test of time. That is what I think all of us are trying to do.

We seek these jobs because we believe in our system. We believe in the richness of an independent legislature where we are held accountable for the work we have done. Quite frankly, it is difficult for us to get our work done in an accountable way if we don't have an

open and transparent system. When we don't have conference committees that can function or we don't have committee work that can come to the floor of the Senate, then we are diminishing our constitutional responsibility to the people who elected us.

Mr. UDALL of New Mexico. I thank very much the Senator from Maryland for his commitment to pursue these bipartisan rules changes to make sure the rules get changed. I know I reminded him about my predecessor, Senator Domenici. Senator Domenici would fight hard, and whenever he tried to look for bipartisan solutions, coming down to the motion to proceed, Democrats and Republicans said we have to get off this motion to proceed and we have to get on the bill. So I thank the Senator from Maryland.

Mr. CARDIN. The Senator from New Mexico has been the one who has brought this to us, and I know he has included others and certainly Senator MERKLEY has been in the forefront of this. The Senator from New Mexico has taken a real leadership role and he has done it in an open way. We want this done with Democrats and Republicans working together because we recognize the system only works when Democrats and Republicans can come together. That is why he has taken the time today on the floor of the Senate, and he has been very open about this issue. He has taken it to a lot of groups explaining the impact.

People ask us all the time: Why can't we do more to help the environment? Why can't we do more to help working families? Why can't we do more for affordable housing? Why can't we do more for affordable health care?

We say: We can't get that bill to the floor of the Senate.

They say: What are you talking about? You are a Senator. Bring it up on the floor of the Senate.

We heard Senator SESSIONS say the Senate can offer an amendment at any time. Just try.

We want the system to work. Whether a person is a Democrat or a Republican, we want the system to work. That is why we are taking this time today, at the end of the 112th Congress, to say: Look, what happens on Senate rules and procedures affects every person in this country.

I have talked to so many people who have come into my office with individual concerns, including families who are worried if their children will get the type of attention they need if perhaps they have a disability and they are working on a bill that will help, and they have all these cosponsors of the bill and they hear the committee reported it favorably and they are wondering why we can't act on it on the floor of the Senate. That is what is at stake. We can say to them: Oh, I am a cosponsor of that bill. I voted for that bill, but the bill didn't become law because of the process we have now.

That is what we have to correct. That is going to be our responsibility starting tomorrow, at noon, to deal with rules and procedures so we are in a position during the next 2 years to end the gridlock that has happened on too many issues. Yes, the public understood somewhat the gridlock on the fiscal cliff. They don't understand the gridlock on that bill that affected that family with a child with a disability. They don't understand why that bill couldn't make it to the floor of the Senate. We understand that. What the Senator from New Mexico is doing is taking action so we can be held accountable and do our work in the most efficient way. I am proud to join him in these efforts and I urge all my colleagues to do everything we can in the next 24 hours so we can get progress made.

Look, we all know we are not going to get everything we want. This institution doesn't work that quickly, but let's make progress, and I think we can make progress in the 113th Congress.

I thank the Presiding Officer and I thank the Senator from New Mexico for their leadership.

Mr. UDALL of New Mexico. I thank the Senator from Maryland for his sincere effort to pursue bipartisan rules reform because I think, if we all work together, we can make the Senate a much better place.

I am reminded, when we have these discussions about the great traditions of the Senate, of two periods of time when the Senate truly stepped to the plate. We had crucial national issues facing us then and they were issues of war and peace. They were issues of terrible environmental destruction. The fact is the Senate, in its best traditions, stepped forward and acted and moved forward. One of those great traditions of the Senate acting occurred in the 40 years before the Civil War. People may not know it, but it was the Senate and the legislation that was passed through the Senate and signed by the President that for 40 years held the Union together. They held the country together, and they didn't let the country get into Civil War. It was people such as Webster and Calhoun and all the Senators at the time focusing on what the issues were. Whether it was the Missouri Compromise or some other issue that had to do with slavery, they found the common ground, and they held the Union together and they did it for 40 years.

That, my friends, is in the best traditions of the Senate, thinking and figuring out where the common ground is. We can't do that. We can't carry out that tradition unless we can get bills on the floor and we can amend them and have debate and then eventually get to a majority. Of course, we want the minority to be able to be heard, offer amendments, but the crucial fact is, at the end of the day, unless there is

such a strong minority in terms of its activity, we get to a majority vote.

The other period of time where the Senate was in its glory days was in the 1960s and 1970s and we had huge national problems in terms of civil rights. We had lynchings going on, we had discrimination going on, including housing discrimination, discrimination in public accommodations, and there was a big push to try to get rid of that in our society. It was the Senate that stepped forward and crafted civil rights legislation that allowed us to move forward.

Many people will remember in the 1970s, the glory days of the Senate, when we had environmental destruction, rivers catching on fire. The Wilderness Act, the Clean Water Act, the Clean Air Act, all those pieces of legislation were crafted in the Senate by people such as Senator Ed Muskie and Senator Stafford and others. They were Democrats and Republicans working with each other, but it was because we could get the legislation on the floor and work on it and amend it and move it forward and allow the deliberative process to work.

I submit the Senate has been at these two periods—and I am sure scholars and our Senate Historian and others can point out other periods—but these two periods struck me: the period of the 40 years before the Civil War when the Senate, in its deliberative way, held the Union together for 40 years and in the 1960s and 1970s when we addressed civil rights, environmental legislation, and many of the other big national issues we were facing.

So here we are as a country with the need for having a national energy policy, for dealing with issues such as climate change, protecting middle-class families, and trying to make sure we have job growth and economic development; doing everything we can to bring down the cost of health care but making sure our citizens have high-quality health care.

We face tremendous issues, and the Senate, in many cases, has been unable to act. We have been unable to act because the rules are being abused. This filibuster is not out in the open. It is secret, it is silent, and we have the opportunity to act on the first legislative day.

So on that first legislative day, I will offer a motion. It is a very simple motion my predecessor, Clinton Anderson, offered. He offered it for the 25 years he was in the Senate. On the first legislative day he would offer a motion. He would move to adopt the rules of the Congress—for him, whatever it was. So this motion dealing with tomorrow: move to adopt the rules for the 113th Congress and then we focus on it. We focus on what those rules should be.

I know our Republican friends realize, I know they understand the dysfunction and hopefully they will find a

way to join with us to make the Senate a better place.

#### EXTENSION OF MORNING BUSINESS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that morning business be extended until 5 p.m., with all other provisions remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RULES CHANGES

Mr. UDALL of New Mexico. I will finish by thanking my friend, a very close colleague on this particular issue, the Senator from Oregon. I know he has worked diligently on framing the talking filibuster, trying to bring it open, and make it the public process that will work for the whole Senate. He has been a key player in all the other rules reform, especially those two packages we put forward in the last Congress. I thank the Senator from Oregon and I thank the Senator from Maryland.

I now see on the floor the Senator from Illinois, who also has been here for a significant period of time. He has watched the rules operate, and I think he believes there has been a lot of abuse and we need to get down to the business of reforming these rules in a way that is going to work for the minority, because we know we will be in the minority sometime and work for the majority, so we can do the work of the American people.

I yield for the Senator from Illinois.

Mr. DURBIN. I thank the Senator from New Mexico and the Presiding Officer, the Senator from Oregon, for their leadership in talking about rules reform. They are relatively new to the Senate. I have been here a few years and I have seen a dramatic change, and it is not for the better.

I can recall when I came here fresh from the House of Representatives, as the Senator from New Mexico did, and I had my first amendment on the floor. A lady named Lula, who was the floor manager on the Democratic side, came up to help me, this brandnew freshman, with this first amendment. She said to me: So let me explain that you have 1 hour and then the Senator on the Republican side will have 1 hour.

I said: Well, is that equally divided?

She said: No, you have an hour.

To say to a Member of the House "you have an hour" is just unthinkable. You get an hour for a special order at 11 o'clock at night; otherwise, 60 seconds is considered to be a luxury in the House. I didn't know what to do with an hour and I certainly didn't use it all. But it is an example of a time when amendments came to the floor with real debate, and there was a Senator from South Carolina who opposed my amendment on the floor as well.

I can also remember coming to the floor and offering amendments lit-

erally on the spur of the moment on something I thought was worthy. I didn't always win, but that wasn't the point. I wanted to have debate and then a vote and it happened. Now that is almost unheard of. We go through these vote-athons, where we have these long series of amendments with 60 seconds of debate before the vote. It troubles me because that isn't what the Senate is supposed to be about.

I had a friend of mine in the House—the Senator from New Mexico probably heard of him—Mike Synar of Oklahoma. Mike Synar used to listen to Members of the House of Representatives whining and crying about the controversial amendments they were forced to vote on. Mike Synar, who was rather candid in his comments, said: If you don't want to fight fires, don't be a firefighter. If you don't want to vote on controversial amendments, don't run for the House of Representatives. That is what we are here for.

I tend to take the same point of view, maybe because after a few years a Senator votes on everything at least once.

But we have to get back to where we aren't just lurching, as we are now, from one quorum call to another, an empty Senate Chamber, waiting for something to happen. There is a lot out there for us to talk about, and we should. I think the American people would feel a little better about us if we sat down and at least honestly debated an issue and voted with some frequency.

What we are trying to do now is to stop what I consider to be the gross abuse of the filibuster. What we have been through here has destroyed the functionality of the Senate. To think any person can come to the floor and basically bring this place to a halt not just for an hour or a day but maybe 1 week, that goes way beyond what I believe was the intent of creating this body. We wanted to be here in those historic moments of titanic debates over issues that changed the course of history and to reflect and respect the rights of the minority. But now it has become one sad example of obstructionism after another.

I think the Senator from New Mexico is moving in the right direction. I am not sure we will achieve exactly what he wants, but I can say we wouldn't have this conversation unless the Senator from New Mexico and Senator MERKLEY had shown such initiative for years—they have been at this for years, if I am not mistaken—and I do believe it is going to end up in changes to Senate procedure, which I support, that will try to make people stay on the floor.

I have one example. The Senator from New Mexico may remember when a Senator from Kentucky, now retired, Senator Jim Bunning, objected to the extension of unemployment benefits. We wanted to extend them for literally

millions of Americans, and he stood up at his desk on the Republican side and said, "I object," and then sat down. That was the end of the story. That was really the end of the debate.

So I went to the floor, and I said: I just want to give notice to the Senator from Kentucky I am going to renew that request every half hour, so you better return to the floor—because he has to object every time. This was late at night.

We mobilized a number of people in the cloakroom, and we came to the floor and we kept it going. Finally, he got up and complained he was missing the University of Kentucky basketball game on television because of this. I thought: Several million people are missing unemployment benefits because of this too.

So that is in the nature of what the Senator is trying to achieve. If there is something important enough to stop the course of the Senate activity, to stop the business of the Senate, then you should be prepared to be on the Senate floor and argue your case and bring your allies with you. If they will join you, then perhaps you will have a debate that is worthy of this body.

Unfortunately, we now have Members who make their objection and leave for dinner or for the weekend or to attend a wedding, which happened once, and you do not see them again, and the Senate waits and waits and waits. That does have to come to an end.

I thank the Senator for his leadership on this important issue. I do not know that we will take it up tomorrow, but I think we will take it up very soon, and we should.

I thank both Senators.

#### REMEMBERING DANIEL K. INOUE

Mr. CONRAD: Mr. President, I want to take a moment to honor the life and career of my colleague and friend, Senator Daniel Inouye, who passed away on Monday, December 17 at the age of 88.

To say that Mr. Inouye lived a full life would be an understatement. A veteran of World War II, Mr. Inouye served his country valiantly in Italy before sustaining an injury that would claim his right arm. The bravery shown by Mr. Inouye during his service to our country later earned him the Bronze Star Medal, a Purple Heart, a Distinguished Service Cross and ultimately, the Medal of Honor, the highest military award.

Mr. Inouye began his political career after graduating from the University of Hawaii. He then obtained a law degree from one of my alma maters, the George Washington University. After first being elected to serve in the Hawaii territorial House of Representatives and later the territorial Senate, Mr. Inouye became the first person from Hawaii elected to the United

States House of Representatives after Hawaii became a state in 1959. After serving 3 years in the House, Mr. Inouye was elected to the Senate where he would go on to be elected to serve the people of Hawaii 9 times. In June of 2010, Mr. Inouye was elected to succeed Senator Robert Byrd as President pro tempore of the Senate.

Throughout his political career, Senator Inouye was first and foremost a servant of the people of Hawaii. He has served them in Congress ever since Hawaii was admitted to the Union. After over five decades of service, it is no wonder that Dan's mark can be seen all across the islands. I was proud to serve with Senator Inouye on the Indian Affairs Committee, where he was a voice for the Native Hawaiian population. Throughout his career, he worked tirelessly to ensure that Native Hawaiians had access to education, healthcare, and jobs. One of his achievements was the Native American Languages Act, which has helped Native people preserve and practice their tribal languages. In particular, during my first term in the Senate, Senator Inouye worked with me in the committee to pass legislation providing compensation for two Indian tribes in my State that were impacted by the construction of the dams along the Missouri River. That effort provided a critical source of funding for the tribes to restore their economic base.

Senator Inouye also fought hard to defend Hawaii's natural beauty. Because of his efforts, thousands of additional acres have been added to national parks, wildlife refuges, and nature preserves. It would be hard to imagine what Hawaii would be like today without Senator Inouye's leadership and effective representation. His love for the people of Hawaii was on his mind and in his heart even at the end, when the last word he spoke was "Aloha."

In his role as chairman of the Appropriations Committee, Mr. Inouye fought for aid for my home State of North Dakota after devastating, record breaking flood waters decimated the community of Minot in 2011. Mr. Inouye used his power to ensure that the residents of Minot received critical aid to help them rebuild their lives.

Mr. Inouye is survived by his wife, Irene Hirano; his son, Ken; and granddaughter, Maggie. His service to his country is second to none, the loss of Mr. Inouye will be greatly missed in his home State of Hawaii and here in the Senate.

#### RESOLVING SPENDING ISSUES

Mr. KERRY. Mr. President, earlier this week I supported this agreement to avoid unacceptable tax increases on the middle-class, and to at last begin to undo the damage to our fiscal standing that began 11 years ago when Presi-

dent Bush signed into law unaffordable tax cuts for the wealthiest Americans. Make no mistake; that unfair and unaffordable tax policy has been the biggest driver of the fiscal mess and the complete ideological rigidity of congressional Republicans on the issue of tax policy has been the biggest obstacle to cleaning up that mess. That House Republicans remained intransigent even after the stroke of midnight on New Year's Eve just shows in very stark terms the dimensions of that problem.

In contrast, the Senate acted in an overwhelmingly bipartisan way to make the best out of a bad situation. This, at least, sends a good message to the country that there's hope that Washington can function.

But the fact that even against the ultimate drop-dead, high stakes deadline, so little common ground could be found itself underscores the dangerous situation we have found ourselves in these last years. This may have been the best that could have been accomplished at this late hour, but it was not the best we could have done for our country or our economy.

We all knew from day one there was universal agreement about the need to protect 98 percent of American taxpayers and 97 percent of American small businesses from a tax increase. Now, having done that, I hope this removes, once and for all, the key obstacle that has stood in the way of our ability to seriously tackle our longterm fiscal problems.

Nonetheless, taking into account the actions we took in this bill—which are significant for the working families in this country—we still face a budget woefully out of balance that will threaten our Nation's future prosperity if Congress and the Administration do not get more serious about genuinely addressing these issues.

This should not come as news to anyone. The message we received over and over from budget experts, businesses, global investors, financial markets and others has been loud, clear, and consistent.

We continue to face unprecedented economic challenges, both domestically and globally. How we respond will determine if the United States can continue to claim our position of leadership in the world or whether we will have to cede that spot to someone else.

Just a couple of reminders:

Federal debt held by the public currently exceeds 70 percent of the Nation's gross domestic product, GDP, a percentage not seen since 1950. If we keep going in this direction we are looking at significant longterm damage to both the government's finances and the broader economy. The more of our resources that have to go toward higher interest payments, the more difficult it is to invest in our most urgent priorities like education, research, and



infrastructure to fuel growth and prosperity. The more constrained we are in terms of Federal dollars, the less able policymakers will be to respond to unexpected challenges, such as economic downturns, natural disasters, or financial crises and the less attractive we are as a place for global investment.

Our population is changing. The aging of the baby boom generation presents enormous challenges—none of which can be solved in a political environment where one side turns tax cuts for the very wealthy into a holy grail of American politics.

Finally, we must reverse the troubling trend of increased income inequality in this country. For too long, those at the top of the income scale have prospered while everyone else struggled or fell behind. This is not sustainable.

These are big, important issues, not just for our Federal budget, but for our very quality of life.

The decisions we make—or fail to make—in this decade on new energy sources, on education, infrastructure, technology, and research, all of which are going to produce the jobs of the future, and our decisions on deficits and entitlements will without doubt determine whether the United States will continue to lead the world or be left to follow in the wake of others, on the way to decline, less prosperous in our own land and less secure in the world.

We tried to tackle these problems several times over the last few years—including on the Joint Select Committee on Deficit Reduction on which I served. Each time, the ideology of tax cuts for the wealthiest, supply side economics, and Grover Norquist tax orthodoxy got in the way of good policy and doomed the best possible outcomes.

Now, staring at the edge of the so-called fiscal cliff, we had another chance to demonstrate to the American people and to the world, we are capable of focusing on the future and solving big problems. Unfortunately, again, while for now we may avert the fiscal cliff, this is another tragic missed opportunity in solving the big challenges in a way that is fair.

One more time, we had the chance to prove our fiscal discipline was a prize well worth achieving, to make our country a safe haven for investment and to earn back a modicum of respect for Congress from the American people. In the end, this agreement does not do all of what voters sent us here for—we didn't make difficult and sober choices about taxes and spending priorities that would have restored the full measure of fairness and started to put America's fiscal house in order.

The problems we confront certainly do not go away because we were able to cobble something together. In fact, these problems very well could be compounded because the more we delay the tough choices that are truly needed,

the more severe those steps will have to be in order to have any impact at all.

I am disappointed that this bill did not lay out a path or process for fundamental tax reform, which is desperately needed. Our individual tax code still is skewed in favor of the already wealthy and further widens the chasm between rich and poor. Our corporate tax code is not keeping pace and will continue to threaten the ability of U.S. businesses to compete and U.S. workers to prosper in a 21st century global economy.

I am equally frustrated that this package did not establish the needed framework for how we should strengthen our entitlement programs by looking for reasonable ways to reduce their costs, just as we did in the Affordable Care Act. It is critical we start taking real steps now to protect these programs in ways that are fair and which guarantee that we keep the promises we made to seniors when they were created.

I'm relieved that the agreement averts a 27 percent cut in Medicare physician payments for 2013 so that seniors will continue to have access to their doctors. But a one-year fix falls far short of a permanent solution, which I have long supported.

Every Medicare expert knows that Medicare's Sustainable Growth Rate (SGR) formula is irreparably flawed and needs to be repealed. I continue to believe that Congress should permanently repeal the SGR and offset the cost with savings from capping a portion of the spending for Overseas Contingency Operations, OCO, below amounts in the Congressional Budget Office, CBO, baseline.

This latest Medicare physician payment fix comes at a great cost to the health care industry in Massachusetts including our hospitals, dialysis providers and manufacturers, Medicare Advantage plans, and medical imaging manufacturers and world-class physicians who rely on this life-saving equipment.

For example, the agreement offsets the cost of SGR fix with about \$15 billion in hospital cuts including: \$10.5 billion in coding adjustments, \$4.2 billion in Medicaid Disproportionate Share Hospital, DSH, payments, and \$300 million from reducing payments for stereotactic radiosurgery services. I am concerned that continued cuts to our hospitals will ultimately jeopardize beneficiaries' ability to access care.

The agreement also lowers Medicare reimbursement for medical imaging by \$800 million, leading doctors to hold on to their old equipment longer and preventing patients from accessing the newest technologies that are better at finding early-stage diseases. I have long opposed this policy which is particularly difficult for Massachusetts

because we have thousands of jobs directly tied to medical imaging technology.

Additionally, I'm particularly concerned that Medicare payment reductions for dialysis services could undermine kidney care at dialysis treatment centers across the state as providers are adjusting to a new Medicare payment system.

This package also fails to resolve potential problems with the looming cuts of sequestration because it does not include more deliberate spending decisions. We have only avoided sequestration temporarily. I hope the Senate will consider legislation to reduce wasteful and unnecessary federal spending as soon as possible. There is room to make appropriate changes in federal spending.

But let us be clear that there's a big difference between wasteful spending and necessary investment. Cutting critical areas of public investment, like education, transportation, and scientific research is precisely the wrong way to promote long-term economic growth and is in fact counterproductive to longterm deficit reduction because it's the enemy of growth which produces revenue. As we look at the next round of budget discussions, we must ensure that these long-term investments are expanded and not indiscriminately hit by short-term across the board spending cuts. There are better ways to spend our scarce Federal dollars, and we all should be willing to have those honest conversations.

Finally, I am particularly concerned that we may again see our Nation's credit rating used for political leverage when we return to the unfinished business of how to fund the Federal government for the next fiscal year or two.

Despite how it looked from the outside, the process of getting us to agree on a package of tax cuts and delays in spending reductions was the easy part. The most difficult issues remain. Our Nation needs 100 Senators and 435 Representatives who face the facts and find a way to work not just on their side, but side by side.

We still have a lot of work to do to resolve our differences and face our Federal spending issues.

#### TRIBUTES TO DEPARTING SENATORS

OLYMPIA SNOWE AND KAY BAILEY HUTCHISON

Mrs. BOXER. Mr. President, I rise today to pay tribute to my colleagues, Senators KAY BAILEY HUTCHISON and OLYMPIA SNOWE.

We have served together in the Senate for two decades and I will dearly miss their grace and their friendship. I know that whatever the next chapter brings, both Senator HUTCHISON and Senator SNOWE will leave a lasting and important legacy.

Both of these Senators are true pioneers. When she first entered Congress,

Senator SNOWE was the youngest Republican woman ever to serve in the House of Representatives. Senator HUTCHISON graduated law school in 1967 as one of only 5 women in a class of 445 men. When she arrived in the Senate in 1993, she became the first woman to represent Texas in this Chamber.

Throughout her career, Senator SNOWE has been a strong advocate for the people of Maine. Whether they were children, families, consumers, or small business owners—the people of Maine knew they had a great champion in Senator SNOWE.

Senator SNOWE always worked across party lines to get things done for the American people. During her time in the House, she worked with Senator MIKULSKI to lead the fight to end the exclusion of women in health trials at the National Institutes of Health. She worked with Senator ROCKEFELLER to help bring the internet to America's libraries and classrooms. She worked with Senator Ted Kennedy to pass the Genetic Nondiscrimination Act.

Senator SNOWE and I worked together on many, many bills over the years, but I will especially remember our work on the passengers' bill of rights to provide basic protections for airline passengers. I will also remember the many times we fought together to ensure equality for women around the world.

Senator SNOWE was a true leader and her presence in the Senate will be greatly missed.

Senator HUTCHISON was a strong and passionate voice for the issues important to her beloved State of Texas.

She played an critical role in so many of the important issues facing our country over the years, from her work ensuring the safety of our Nation as a senior member of the Senate Armed Services Committee to her leadership on the Senate Commerce Committee.

We worked together to promote safety and security for Afghan women and girls, and she played such a key role last during consideration of the transportation bill. I am so grateful for Senator HUTCHISON's bipartisan efforts to preserve and protect our critical transportation infrastructure.

Senator HUTCHISON has always noted that we women Senators have repeatedly come together across party lines to achieve action on women's issues: things like pay inequality and creating tax-free individual retirement accounts for spouses who work at home.

I will miss my colleagues, both on the Senate floor and at our monthly women Senators dinners.

I wish them both well in all their future endeavors.

KENT CONRAD

Mr. President, I rise today to pay tribute to my colleague, Senator KENT CONRAD, whom I have been fortunate to call a colleague and a friend. I have

served with KENT for 20 years and my husband Stewart and I have valued the friendship of his and his wonderful wife Lucy Calautti.

From helping North Dakota recover from devastating natural disasters to promoting North Dakota agriculture as a key member of the Senate Agriculture Committee, KENT CONRAD has been a leader for North Dakota for more than 30 years.

No Senator knows budget and economic issues better than Senator CONRAD and he used his knowledge to great effect as chairman of the Senate Budget Committee. His exacting and precise assessments of our Nation's fiscal health added wisdom and maturity to a debate that was often difficult and divisive. His many budget charts alone are famous in the Senate—in fact, he uses even more charts on the floor than I do, which is saying something.

He refers to his policymaking approach as “extreme moderation”—an approach that perfectly sums up Senator CONRAD's philosophy and demeanor. Senator CONRAD is one of our most respected members, for his steady temperament, his open mind, and his willingness to reach across the aisle in search of policy solutions.

The Senate is losing a powerful voice, and great friend to us all in KENT CONRAD.

#### NOMINATION OF JOSHUA WRIGHT

Mrs. BOXER. Mr. President, I rise to register my concerns with the confirmation of Dr. Joshua Wright to be a Commissioner of the Federal Trade Commission, FTC.

The FTC's mission is to “prevent business practices that are anti-competitive or deceptive or unfair to consumers and to enhance informed consumer choice and public understanding of the competitive process.”

Yet throughout his career, Dr. Wright has shown a disdain for this mission, and the government's involvement in protecting consumers.

As one example, Dr. Wright wrote that one government consumer protection agency's agenda was “aggressive and dangerous” and that its “existence is likely to do more harm than good for consumers.”

He has also sharply criticized the FTC, arguing it has been hampered by “a history and pattern of appointments evidencing a systematic failure to meet . . . expectations.”

Many consumer groups are also concerned about his confirmation to the FTC, noting that his antiregulation philosophy is far outside of the mainstream and runs counter to the mission of the FTC as an enforcement agency designed to protect consumers.

Dr. Wright was selected by Republican congressional leadership to fill a Republican position on the FTC, as required by statute. For this reason I did

not block his confirmation, but I will be closely monitoring his activities at the FTC.

#### TRIBUTE TO DR. WAYNE SOUTHWICK

Mr. BARRASSO. Mr. President, today I wish to pay tribute to an outstanding orthopaedic surgeon, mentor and friend. Dr. Wayne Southwick has had a remarkable career. The author of over 100 peer reviewed journal articles, he has also received numerous awards for his work as a professor and chief of orthopaedic surgery at Yale University's School of Medicine. I had the privilege of learning from Dr. Southwick during my time at Yale. Dr. Southwick's unending dedication to educating the next generation of physicians has had a lasting impact on the medical profession.

Dr. Wayne Orin Southwick was born on February 6, 1923 in Lincoln, NE. He grew up in Friend, the same small town where his grandfather settled, just before Nebraska was admitted to the Union. Dr. Southwick attended high school in Friend, before entering the University of Nebraska, where he earned a B.A. in 1945 and an M.D. in 1947. During his time at the University of Nebraska, Dr. Southwick married the love of his life, Jessie Ann Seacrest.

While the vast majority of my remarks will focus on Dr. Southwick's professional accomplishments, I know that what he is most proud of is his loving family. Together, Wayne and Ann raised three children, Fred, Steven and Marcia. Steven has followed in his father's footsteps as a physician and professor of psychiatry at Yale. Wayne would be the first person to admit that all of his accomplishments would not have been possible without the support of his wife and children.

After graduation from medical school, the Southwick family moved to Boston, where Dr. Southwick completed an internship at Boston City Hospital and also served on the Harvard Surgical Service. He then began a residency in orthopaedic surgery at Johns Hopkins Hospital in Baltimore, MD. This experience was interrupted when Dr. Southwick joined the Navy to serve his country during the Korean War. He was assigned to both the hospital ship Repose and Bethesda Naval Hospital. His experience in the Navy cemented Dr. Southwick's commitment to public service and helping the less fortunate. Over the course of his career, he made repeated trips abroad to provide health care to people in underserved locations.

Dr. Southwick returned to Johns Hopkins after leaving the Navy and completed his residency in 1955. He worked as an assistant professor at Johns Hopkins before he was appointed as the first full-time chief of

orthopaedic surgery at Yale in 1958. It is from this position that Dr. Southwick made a truly indelible mark.

Known as an innovative and creative surgeon, Dr. Southwick made tremendous contributions to the practice of medicine. In particular, he received recognition for his surgical management of slipped femoral capital epiphysis and approaches to the cervical spine. His name can be found in the index of most modern day surgery textbooks. However, what he probably will be remembered for most is his leadership of Yale's orthopaedic surgery residency program.

Over his tenure, nearly 100 residents completed orthopaedic surgery training at Yale. The program created by Dr. Southwick became a model for the rest of the Nation. Specifically, Dr. Southwick ensured that his program welcomed students from all backgrounds. For example, he accepted the first African American surgical resident, Dr. Augustus White, who went on to serve as the first African American department chief at Harvard's teaching hospitals. Dr. Southwick also recruited the first female African American orthopaedic surgery resident, Dr. Claudia Thomas, in 1975.

The American Association of Orthopaedic Surgeons recognized Dr. Southwick's commitment to diversity by awarding him AAOS's first Diversity Award in 2003. Dr. Terry Light, a former orthopaedic resident at Yale and president of the Academic Orthopaedic Society, described Dr. Southwick in this way, "Dr. Southwick never saw himself as a champion of civil rights nor as one who was trying to do good. He simply and honestly did what he felt was fair." Dr. Southwick simply noted, "I didn't take the approach that I was going to recruit a diverse group, rather I looked to gather an interesting, qualified group that would work well together. What I found was a highly capable group of people with diverse backgrounds."

Dr. Southwick remained as chief of orthopaedic surgery at Yale from 1958 until 1979. He left the faculty in 1993 and was appointed professor emeritus. Retirement allowed Dr. Southwick to concentrate on another passion of his life, sculpting. Some may see medicine and sculpture as unrelated endeavors, but Dr. Southwick understands that they have much in common. His thorough understanding of human anatomy allowed Dr. Southwick to create numerous works of art, many of which can be found on Yale's campus.

Dr. Southwick will be celebrating his 90th birthday with many of the surgeons whom he has trained. I could not let this event pass without recognizing his many accomplishments and impact on my own life. Over the years I have been lucky to call Dr. Southwick my mentor, colleague and friend. I know the entire Senate joins with me in

commending Dr. Southwick on his remarkable career and wishing him a very happy birthday.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MAJOR MATT C. HASSON

• Mr. AKAKA. Mr. President, on the occasion to mark his completion of his service as an Air Force Fellow here in the United States Senate and subsequent transfer to the Pentagon, I wish to recognize Maj. Matt C. Hasson for his outstanding service to our country. In his 2012 assignment as an Air Force Fellow, he served as a member of my staff.

Major Hasson was born in Camden, NJ. He graduated from Greenway High School in Phoenix, AZ, in 1990. He holds a bachelor of arts degree in politics from Arizona State University and a master's degree in mass communications from San Diego State University. He is also a graduate of Air Command and Staff College, Squadron Officers School, and the Air Force Legislative Fellows program. Major Hasson has vast experience in the Middle East and Asia-Pacific region as well as a tour in Operation IRAQI FREEDOM.

In 1992, Major Hasson enlisted in the Air Force and completed basic training at Lackland AFB, TX. During his 6-year enlisted tour, he served as a firefighter at March AFB, CA and Charleston AFB, SC. Following completion of the Air Force ROTC program at San Diego State University, Major Hasson received his commission in 2000. From there, Major Hasson was assigned as the deputy chief for public affairs at Whiteman AFB, MO. Following his outstanding service at Whiteman AFB, he was promoted to chief of public affairs and reassigned to Fairchild AFB, WA. From there, the Air Force decided to send him to San Diego State University for an advanced degree.

After attaining his graduate degree, Major Hasson received an assignment as chief of executive outreach at U.S. Central Command, MacDill AFB, FL. Major Hasson was there at a crucial juncture for the leaders at CENTCOM and did an outstanding job. He also served on several overseas deployments.

Following his assignment at CENTCOM, Major Hasson was sent to U.S. Pacific Command, in my home state of Hawaii. He was named the chief of new media for the command. Major Hasson thrived in his job as well as a member of the greater community in Hawaii. I was thrilled when I found out that he was assigned to my staff here in Washington, DC.

In 2012, Major Hasson was competitively selected to serve as an Air Force legislative fellow, and served in my Washington, DC office. He worked pri-

marily on defense and veterans issues and made outstanding contributions in helping with my work on the Senate Veterans Affairs Committee as well as the Senate Armed Services Committee. His knowledge and work ethic were invaluable for me and my staff. While he primarily worked national security and veterans issues, Major Hasson also volunteered to do work in other areas including banking and health.

Matt has proven himself as an outstanding officer and leader. My office was better off for his efforts and I was happy that he was assigned to my office. Mahalo nui loa for his service. I wish him continued success in his career and a hui hou.●

#### MESSAGES FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution without amendment:

S. 2318. An act to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3331. An act to provide for universal intercountry adoption accreditation standards, and for other purposes.

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

S.J. Res. 44. Joint resolution granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6726. An act to prevent the 2013 pay adjustment for Members of Congress and persons holding other offices or positions in the Federal Government from being made.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 145. Concurrent resolution calling for universal condemnation of the North Korean missile launch of December 12, 2012.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1464) to develop a strategy for assisting stateless children from North Korea, and for other purposes.

#### ENROLLED BILL SIGNED

At 1:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 8. An act entitled the "American Taxpayer Relief Act of 2012".

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

At 2:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 443) to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 2076) to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4212) to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6029) to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 6328) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 8) to extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes.

At 3:21 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 6586) to extend the application of certain space launch liability provisions through 2014.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 1464. An act to express the sense of Congress regarding North Korean children

and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.

H.R. 4365. An act to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies.

H.R. 6060. An act to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019.

H.R. 6364. An act to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

S. 3454. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 3630. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

S. 3662. An act to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building".

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, with an amendment and an amendment to the title, in which it requests the concurrence of the Senate:

S. 3250. An act to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6726. An act to prevent the 2013 pay adjustment for Members of Congress and persons holding other offices or positions in the Federal Government from being made; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions and referred as indicated:

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities result-

ing from child abuse and neglect; to the Committee on Finance.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation:

Report to accompany S. 692, a bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative, and for other purposes (Rept. No. 112-266).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. HATCH):

S. 3716. A bill to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. WEBB, Mr. MCCAIN, and Mr. WICKER):

S. Res. 630. A resolution congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 26th and final deployment of the vessel; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 2215

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 630—CONGRATULATING THE NAVY AND THE CURRENT AND FORMER OFFICERS AND CREW OF THE "U.S.S. ENTERPRISE" (CVN 65) ON COMPLETION OF THE 26TH AND FINAL DEPLOYMENT OF THE VESSEL

Mr. WARNER (for himself, Mr. WEBB, Mr. MCCAIN, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 630

Whereas, on November 4, 2012, the U.S.S. Enterprise returned to her homeport of Norfolk, Virginia, after completing the 26th and final deployment of the vessel;

Whereas the U.S.S. Enterprise, the first nuclear powered aircraft carrier to serve the United States, was inactivated on December 1, 2012, after more than 51 years in active service to the Navy and the Nation;

Whereas the U.S.S. Enterprise is the 8th vessel to bear that name and justly and rightfully maintained the honor and tradition of those vessels that previously bore the name;

Whereas the U.S.S. Enterprise participated in the embargo of the island of Cuba ordered by President John Kennedy in the fall of 1962, helping to prevent an escalation of that crisis;

Whereas the U.S.S. Enterprise conducted multiple deployments in support of combat operations during the Vietnam War;

Whereas the U.S.S. Enterprise, upon receiving the news of the September 11, 2001, attacks on the United States while returning home from a six-month deployment, immediately reversed course and was deployed in the Arabian Sea;

Whereas the U.S.S. Enterprise launched hundreds of air strikes into Afghanistan in support of Operation Enduring Freedom throughout October 2001 to destroy Taliban and al Qaeda targets;

Whereas the U.S.S. Enterprise deployed six times over the last 11 years to conduct combat operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

Whereas the U.S.S. Enterprise and the 10 Nimitz-class aircraft carriers of the Navy have proven the wisdom and value of nuclear powered aircraft carriers, which have played crucial roles across the range of military operations, from humanitarian assistance to combat operations, including operations in Iraq and Afghanistan since the beginnings of hostilities, providing, from the sea, unparalleled precision strike, close air support, and surveillance in support of ground combat operations: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Navy and the many crews of the U.S.S. Enterprise (CVN 65) on having provided the United States an incalculable service in international relations and engagement and in the prevention and winning of armed conflicts over the 51-year period of the service of the U.S.S. Enterprise;

(2) honors the service and memory of the 117 Sailors who made the ultimate sacrifice for their country while serving onboard U.S.S. Enterprise, including the 30 that were killed in action during the Vietnam War;

(3) honors the service of the 22 U.S.S. Enterprise Sailors who were held as Prisoners of War during the Vietnam War, the 3 who died in captivity, and the 3 that are still listed as missing-in-action; and

(4) congratulates the nearly 100,000 current and former Sailors and thousands of current and former Marines who have served on the U.S.S. Enterprise and thanks them for the selfless sacrifice they made in service to the United States.

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2012 fourth quarter Mass Mailing report is Friday, January 25, 2013. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232

Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

#### LETTER OF RESIGNATION

The PRESIDING OFFICER. The Chair lays before the Senate the letter of resignation of Senator JIM DEMINT of South Carolina, which shall be printed in the RECORD.

The letter follows:

U.S. SENATE,  
Washington, DC, December 20, 2012.  
Hon. NIKKI HALEY,  
Governor, State of South Carolina.

DEAR MADAM GOVERNOR: I hereby give notice of my retirement from the Office of United States Senator from the State of South Carolina. Therefore, I tender my resignation effective at 11:59 p.m., January 1, 2013.

Respectfully Submitted,  
JIM DEMINT,  
U.S. Senate.

#### EXECUTIVE SESSION

#### NOMINATION OF ERICA LYNN GROSHEN TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the HELP Committee be discharged from further consideration of the following nomination: PN 1404; that the Senate proceed to vote without intervening action or debate on the nomination; the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor?

The nomination was confirmed.

#### NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: PN 1928, and PN 1951; that the nominations be confirmed; the motions to reconsider be considered made and laid upon the table; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; that

the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### FOREIGN SERVICE

Deborah Ann McCarthy, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Robert F. Godec, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### AUTHORIZING THE ISSUANCE OF RIGHT-OF-WAY PERMITS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 4606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 4606) to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be made and laid on the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4606) was ordered to a third reading, was read the third time, and passed.

#### PROTECT OUR KIDS ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the HELP committee be discharged from further consideration of H.R. 6655 and that it be referred to the Committee on Finance. I further ask that the Finance Committee be discharged from further consideration of H.R. 6655 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 6655) to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, Nelson Mandela, former president of South Africa once said "Safety and security don't just happen; they are the result of collective consensus and public investment. We owe our children, the most vulnerable citizens in our society, a life free of violence and fear."

Today, I am proud to join with Senators KERRY, COLLINS, CARDIN, SHAHEEN, SNOWE, and CONRAD to introduce the Protect Our Kids Act. This legislation would establish a task force dedicated to reducing child deaths from child abuse and neglect. Child welfare professionals, law enforcement officers, and other child abuse prevention experts.

Since 2002, more than 15,000 children have died due to abuse and neglect. This number is based on state-reported Child Protection Services data. But advocates predict the true number is far greater.

Unfortunately, we do not have clear facts about the number of child abuse and neglect fatalities.

Some children may have died from child abuse and neglect, even if they were not involved with the Child Protective Services system or their deaths were not reported as due to abuse or neglect. We know little about these deaths since there is no standard means of collecting this data across States. And not all State child protection agencies seek information considering child abuse or neglect fatalities from other agencies or offices like vital statistics, medical examiners, or law enforcement.

We need to learn more about the deaths of these children, so that we can prevent the senseless murders of other children. Our children deserve to be protected from fear and terror especially when the threat to their safety and well-being comes from those that should cherish them the most.

According to Child Protection Services data, in Montana we reported zero fatalities from child abuse and neglect last year. That is fantastic news. But there could be abuse or deaths not reported or not collected by Child Protection Services. So I am urging my State to lift the standard even higher. Child Protection Services needs to coordinate with other agencies for more data so that we can be sure that all Montana kids are safe.

Our Nation must embrace its responsibility to protect our children. And we need to provide our children with mental health challenges the support they need to not only survive but to thrive as members of our society.

We need to make sure that kids have access to physical and mental health services, so they can grow up into happy, productive adults. We need to help kids with mental illnesses by reducing the stigma surrounding mental health services and ensuring that kids know there is a support network back-

ing them up. We have to use every resource at our disposal to prevent abuse and ensure mental health support. We should look at programs like home visiting, which currently provides professional assistance, right at home, for over 50,000 families across our nation, and see how they can be improved to do an even better job supporting vulnerable families.

This legislation is a step in the right direction to protect kids. I commend my colleagues Senators KERRY and COLLINS for their years of work on this issue. Our colleagues in the House of Representatives have already acted on this legislation. Let us now join together and create a life free of violence and fear for our most vulnerable citizens. Let us pass the Protect Our Kids Act.

Ms. COLLINS. Mr. President, I rise today to praise the passage of the "Protect Our Kids Act," which will create a commission with the goal of eliminating child abuse fatalities. The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue—this is an American issue—one that we can't wish away, but that we must face head on and work to eradicate. Senator KERRY and I originally introduced the Protect Our Kids Act last year, and I am pleased that we have moved forward with this critical, updated legislation. Senator KERRY and I also introduced a resolution recognizing April as Child Abuse Prevention Month. The passage of the Protect Our Kids Act further represents our commitment to put an end to child abuse in the United States.

Child abuse fatalities are preventable; yet, approximately 1,770 children are reported as dying from child abuse each year, and many experts believe the actual number may be significantly higher. This legislation would establish a commission to develop a national strategy for reducing child abuse fatalities. The commission will include a variety of professionals with expertise in areas such as child welfare advocacy, child development, pediatrics, medical examining, social work, law enforcement and education.

Through new research, hearings and the use and coordination of existing information, the commission will provide a report with its recommendations for developing a comprehensive national strategy for reducing child abuse fatalities. Increased understanding of maltreatment deaths can lead to improvement in agency systems and practices to protect children and prevent child abuse and neglect. Therefore, it is imperative that we take action to capitalize on the commission's findings. This legislation requires the commission's report to be submitted to relevant Federal agencies and Congressional committees. All agencies with recommendations that fall under their

jurisdiction must then submit their reaction and plans to address such recommendations to Congress within 6 months.

Approximately 6 million kids are reported to be abused or neglected each year. We know this can be prevented. This legislation is an important step that Congress and our Nation should take in order to better protect our kids.

Mr. REID. I know of no further debate on this matter.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the bill pass.

The bill (H.R. 6655) was passed.

Mr. REID. I ask unanimous consent that the motion to reconsider be considered made and laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DEFINING TAXABLE VACCINES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3716.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3716) to amend the Internal Revenue Code of 1986 to include vaccines against seasonal influenza within the definition of taxable vaccines.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3716) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3716

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ADDITION OF VACCINES AGAINST SEASONAL INFLUENZA TO LIST OF TAXABLE VACCINES.

(a) IN GENERAL.—Subparagraph (N) of section 4132(a)(1) of the Internal Revenue Code of 1986 is amended by inserting "or any other vaccine against seasonal influenza" before the period.

(b) EFFECTIVE DATE.—

(1) SALES, ETC.—The amendment made by this section shall apply to sales and uses on or after the later of—

(A) the first day of the first month which begins more than 4 weeks after the date of the enactment of this Act, or

(B) the date on which the Secretary of Health and Human Services lists any vaccine against seasonal influenza (other than any vaccine against seasonal influenza listed by the Secretary prior to the date of the enactment of this Act) for purposes of compensation for any vaccine-related injury or death



through the Vaccine Injury Compensation Trust Fund.

(2) **DELIVERIES.**—For purposes of paragraph (1) and section 4131 of the Internal Revenue Code of 1986, in the case of sales on or before the effective date described in such paragraph for which delivery is made after such date, the delivery date shall be considered the sale date.

#### CONGRATULATING THE NAVY ON “U.S.S. ENTERPRISE” FINAL DE- PLOYMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 630.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 630) congratulating the Navy and the current and former officers and crew of the U.S.S. Enterprise (CVN 65) on completion of the 26th and final deployment of the vessel.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The resolution (S. Res. 630) was agreed to.

The preamble was agreed to.

The preamble, with its preamble, reads as follows:

S. RES. 630

Whereas, on November 4, 2012, the U.S.S. Enterprise returned to her homeport of Norfolk, Virginia, after completing the 26th and final deployment of the vessel;

Whereas the U.S.S. Enterprise, the first nuclear powered aircraft carrier to serve the United States, was inactivated on December 1, 2012, after more than 51 years in active service to the Navy and the Nation;

Whereas the U.S.S. Enterprise is the 8th vessel to bear that name and justly and rightfully maintained the honor and tradition of those vessels that previously bore the name;

Whereas the U.S.S. Enterprise participated in the embargo of the island of Cuba ordered by President John Kennedy in the fall of 1962, helping to prevent an escalation of that crisis;

Whereas the U.S.S. Enterprise conducted multiple deployments in support of combat operations during the Vietnam War;

Whereas the U.S.S. Enterprise, upon receiving the news of the September 11, 2001, attacks on the United States while returning home from a six-month deployment, immediately reversed course and was deployed in the Arabian Sea;

Whereas the U.S.S. Enterprise launched hundreds of air strikes into Afghanistan in support of Operation Enduring Freedom throughout October 2001 to destroy Taliban and al Qaeda targets;

Whereas the U.S.S. Enterprise deployed six times over the last 11 years to conduct combat operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

Whereas the U.S.S. Enterprise and the 10 Nimitz-class aircraft carriers of the Navy

have proven the wisdom and value of nuclear powered aircraft carriers, which have played crucial roles across the range of military operations, from humanitarian assistance to combat operations, including operations in Iraq and Afghanistan since the beginnings of hostilities, providing, from the sea, unparalleled precision strike, close air support, and surveillance in support of ground combat operations: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Navy and the many crews of the U.S.S. Enterprise (CVN 65) on having provided the United States an incalculable service in international relations and engagement and in the prevention and winning of armed conflicts over the 51-year period of the service of the U.S.S. Enterprise;

(2) honors the service and memory of the 117 Sailors who made the ultimate sacrifice for their country while serving onboard U.S.S. Enterprise, including the 30 that were killed in action during the Vietnam War;

(3) honors the service of the 22 U.S.S. Enterprise Sailors who were held as Prisoners of War during the Vietnam War, the 3 who died in captivity, and the 3 that are still listed as missing-in-action; and

(4) congratulates the nearly 100,000 current and former Sailors and thousands of current and former Marines who have served on the U.S.S. Enterprise and thanks them for the selfless sacrifice they made in service to the United States.

#### ORDERS FOR THURSDAY, JANUARY 3, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today and when it convenes tomorrow, January 3, 2012, at 12 noon, pursuant to the Constitution, following the prayer and pledge and following the presentation of the certificates of election and the swearing-in of elected Members, and the required live quorum, the morning hour be expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be a live quorum at noon, which will be followed by the swearing in of new and recently reelected Senators.

#### ADJOURNMENT UNTIL TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:07 p.m., adjourned until Thursday, January 3, 2013, at 12 noon.

#### DISCHARGED NOMINATIONS

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination by unanimous consent.

\*Erica Lynn Groshen, of New York, to be Commissioner of Labor Statistics, Department of Labor, for a term of four years.

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations by unanimous consent.

Deborah Ann McCarthy, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Nominee: Deborah Ann McCarthy.

Post: Lithuania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: N/A.
3. Children and spouses: Natalia Alexander: none.
4. Parents: Natalia W. McCarthy, (Mother)—none; George E. McCarthy—deceased.
5. Grandparents: deceased.
6. Brothers and spouses: George E. McCarthy—None; Teresa McCarthy—none.
7. Sisters and spouses: Linda McCarthy Milone—none; Paul Milone—none; Diana McCarthy Bernard—none.

Robert F. Godec, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Nominee: Robert F. Godec.

Post: Nairobi.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: none.
2. Spouse: none.
3. Children and spouses: N/A.
4. Parents: Nancy Dietrich—none; Ivan Dietrich—none for Federal campaigns; Warren D. Magnusson—deceased; Flora Magnusson—deceased.
5. Grandparents: Ovid Meyer—deceased; Lyda Meyer—deceased; Frank Godec—deceased; Ophelia Mildred Godec—deceased.
6. Brothers and spouses: Mark Godec—none; James Godec—\$1000, 4/13/12, Romney Victory Inc.; Elyse Godec—none.
7. Sisters and spouses: N/A.

\*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate January 2, 2013:

##### DEPARTMENT OF LABOR

ERICA LYNN GROSHEN, OF NEW YORK, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS.

##### DEPARTMENT OF STATE

DEBORAH ANN MCCARTHY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF



*January 2, 2013*

CONGRESSIONAL RECORD—SENATE, Vol. 158, Pt. 13

**18655**

MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA.

ROBERT F. GODEC, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND

PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

## HOUSE OF REPRESENTATIVES—Wednesday, January 2, 2013

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RIVERA).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
January 2, 2013.

I hereby appoint the Honorable DAVID RIVERA to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Maryland (Mr. HOYER) for 3 minutes.

Mr. HOYER. Mr. Speaker, it was to my profound disappointment that I learned last night that the House would adjourn the 112th Congress without providing assistance to the victims of Superstorm Sandy.

I am joined today, Mr. Speaker, by many of my colleagues from the jurisdictions whose people received the most damaging blow. Though my district did not sustain the extreme damage that those in New York, New Jersey and Connecticut did, the President declared several Maryland counties eligible for Federal assistance from this storm, but it was minor, and my citizens are not in dire circumstances; but the citizens of some from whom we will hear today are in that condition.

Those counties joined hundreds in the 1,000-mile diameter of this storm—the largest geographically in the history of the Atlantic hurricanes. Now, at best, the Speaker has said that Sandy's victims will need to wait until the next Congress to receive assistance—Wait, they say, to millions who

are in pain and in distress. We should not be waiting. We should be voting this very morning, which I tell you, Mr. Speaker, I expect to happen from my discussions with the majority leader.

As I said last night, I went with Congressman GREG MEEKS to Breezy Point and the Rockaways in New York, and what I saw there in Sandy's aftermath defied description and demanded action. To those who say that FEMA has not yet disbursed all the funds it has to assist families and businesses, I would tell them that they deeply underestimate the damage in these areas and the wide range of assistance required to alleviate the pain and suffering. At Jacob Riis Park, I saw the mountains of debris that the Corps of Engineers had begun to remove from neighborhoods. That debris represents people's lives, homes, and businesses.

With this legislation, we would have provided up to \$1.6 billion to the Corps to continue removing debris so that families could begin rebuilding. Would we have had to borrow that money? Yes. Just as if the furnace went out and the temperature were at zero, you would immediately replace the furnace to keep the families safe and borrow the money to do so; and, yes, we would have had to repay it, and we would.

This bill would have allocated \$6 million in emergency aid for food banks to make sure that people in the richest country on the face of the Earth have some sustenance for them and their children. I saw an area of Breezy Point where more than 100 homes were devastated by fire when an electric transformer malfunctioned. The many firefighters who lived in that neighborhood could not get additional help from surrounding boroughs due to the severe flooding. They battled mightily and they saved many lives, but there is little left—indeed, none—of their homes.

I saw local businesses, Mr. Speaker, which had been there for years, completely destroyed, waiting for the \$620 million in SBA assistance this bill would have provided. We talked a lot about not imposing burdens on small business by additional taxes. These small businesses are out of business without our help. We walk away today from nearly \$4 billion in assistance to help reconstruct Rockaway Beach and other places, which is critical to the area's economic recovery and important to prevent further storm damage.

Finally, there is also the toll on transit and infrastructure, including inundated subway and traffic tunnels that

were referred to last night. This bill would have provided up to \$10.9 billion for transit and \$2.2 billion for highways to help make sure that the area is not just cleared of water but repaired. If small businesses are going to be able to operate, it will be because consumers and customers can get to them and get to the schools and get to the hospitals and get to their families.

Waiting to act until later this month when Members were here and ready to vote last night is not the right choice. No Member of this House could travel to the Northeast, see the damage, and tell anyone in those areas to wait—wait for us to act, wait for us to help, wait for us to come to your aid. We cannot and we should not wait. We must not walk away.

Mr. Speaker, I urge the Speaker of this House to reconsider and to act immediately. Now is the time to act.

Mr. RUNYAN. Mr. Speaker, I rise today in disbelief that a Hurricane Sandy disaster relief bill has failed to come to the floor in the current Congress.

It has been over two months since Super Storm Sandy devastated my home state of New Jersey, and Congress has failed to act. After Hurricane Katrina Congress acted and passed a supplemental spending bill within 10 days.

My district was ground zero for Sandy and suffered horrific damage.

I can personally attest to the devastation as I toured many of the coastal towns in the days after the storm, and I can honestly say that some areas look like they had just been bombed.

Governor Christie, after careful examination, estimates the damage to New Jersey alone to be \$36.9 billion.

I fully support the Governor's request. New Jersey will need every last dime in order to rebuild successfully.

My constituents and I are extremely disappointed that in our time of need this Congress has failed to act.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to express my absolute shock that the House Republican leadership has adjourned the 112th Congress without addressing the needs of the victims of Superstorm Sandy.

Like most Members whose constituents were affected by Sandy, we expected, and were all but assured, that there would be consideration of a supplemental appropriations bill before this House adjourned. It is utterly unacceptable to leave millions of Americans across the most densely populated part of the nation, including my Long Island district, on the hook for the unexpected costs of a natural disaster.

The House Republican leadership had plenty of time to act—let's review the timeline. In

November, Governors from affected states acted to give preliminary assessments of the damage caused to their cities and towns. In early December, the President submitted to Speaker BOEHNER a detailed supplemental package. By the end of December, the Senate passed a bipartisan supplemental providing sixty billion dollars in federal resources to Sandy victims. And yesterday, House Republican leadership chose to give Members an extra day of vacation rather than take up the Senate-passed bill or, at the very least, even attempt to address the needs of millions because of this natural disaster. All the House leadership did was tell storm victims to wait until the next Congress. Excuse me for being cynical, but I don't have much faith that this House leadership can keep its word and deliver for the people in a timely manner. Midnight hour deals on fiscal cliffs, pending dysfunction with the debt ceiling situation in two months—I just don't believe it.

Ladies and gentlemen, this represents an unprecedented action in the Congress. Never before has the United States Congress turned its back on its citizens after a natural disaster. Members of this Congress whose constituents were affected by Sandy have time and time again supported supplemental appropriations bills for other areas of the country affected by natural disaster. We were there with funding after Katrina, and we were there after the floods in the Midwest. Now we need to be there for millions in the Northeast. How come when it is our constituents' unfortunate circumstance to be in need of similar funding we are told to wait?

It's shameful.

I am pleased that both my Republican and Democratic colleagues have expressed their shock and disappointment in House leadership for not allowing a vote on a Sandy aid package. I will not rest until I can deliver this funding to my constituents on Long Island and to the millions who live throughout the Northeast. The Senate passed a good bill, a bipartisan bill, a bill that includes much needed mitigation funding as well. Nine weeks is already far too long for folks to wait to be helped by our federal government after a disaster of this magnitude. FEMA alone cannot provide all the necessary funding until this House acts. The Small Business Administration, the Army Corps of Engineers, other vital federal agencies and our state and local governments NEED the additional resources to help stem the hurt Sandy caused.

I am ashamed of the actions of this House Republican leadership and I remain committed to getting Long Islanders and those across the Northeast the federal assistance they deserve.

#### SUMMARY OF ACCOMPLISHMENTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Mr. Speaker, we've had a very good session of the 112th Congress, and we got through it last night. I think all of us, regardless of how we voted, feel a certain relief that we can move on in this country and start to tackle the huge deficit we have.

This is going to be my last speech on the floor. I had the opportunity yesterday to deliver a speech that deals with what I felt were some of the problems in this country with regard to the deficit.

I quoted a lot from Thomas Jefferson, who aptly realized how troublesome and serious the amount of borrowing by this Congress and past Congresses could be to this country. He, of course, inherited a similar situation when he became President, and how he solved it, I felt, was important to put in the RECORD—his acute sense of urgency and how he went about solving the deficit he inherited. So I talked about that last night in my speech on the floor.

The second thing I talked about was this whole idea of Keynesian economics and that the problem we have is continuing to stimulate the economy with either QE1, QE2, QE3, and so on with this quantitative easing that Chairman Bernanke is doing and how that is ultimately hurting this country.

I also thought I would speak briefly today on some of the accomplishments that I have had over my 24 years. Some of these are very important, I think, for my district and, of course, I think, for the country.

The first one I'll mention is the Cross Florida Barge Canal. This was 86,000 acres that were tied up at the Federal Government. President Nixon wanted to do the Cross Florida Barge Canal. Ultimately, he decided against it, so this amount of land was tied up in the Federal Register. With the help of Charlie Bennett, a Congressman from Jacksonville at that time, I sponsored a bill to retake that 86,000 acres and move it back to Florida, where it was originally located. So we deauthorized the Cross Florida Barge Canal, and President Bush signed into law my bill on November 29, 1990.

□ 1010

The second major piece of legislation I am very proud of is the Telecommunications Act of 1996. I was a conferee with the Senate. I had many amendments involved with that, particularly with the broadcast side. It provided competition, reduced regulation, and it started this whole innovation in our telecommunication industry. And it was a great honor for me to serve and to be contributing to that great bill which created all of the new jobs in this country.

The third one was the Veterans Millennium Health Care and Benefits Act, which was signed by President Clinton on March 10, 2000. This bill was to provide extended care services for our veterans, to make improvements in health care programs at the Department of Veterans Affairs. I was chairman of the Health Subcommittee at the time, and I was able to advance this bill, and I am very proud that President Bill Clinton signed it.

The fourth bill was the Cardiac Arrest Survival Act. President Clinton signed it on February 13, 2000. It prevents as many as 50,000 unnecessary deaths each year in the United States by using what are called AEDs, which are automated external defibrillators. It allowed people to be trained to save lives, and so this act was very important. I'm glad that it was signed as my bill.

The fifth one I am very proud of that President Bush signed is dealing with asthma conditions. Self-administration of medications was prevented in schools because they had no drugs allowed, and some of the children had asthma and they needed EpiPin or they needed some albuterol, and if it wasn't available they could go into asthma attack. This bill allowed nurses in schools to provide this type of treatment.

The sixth one is the Protection of Lawful Commerce in Arms Act. It was signed by President George Bush on October 26, 2005. It basically provided civil liability action protection for companies that were manufacturing, distributing, or importing firearms or ammunition, for damages that were caused. Cities and States were suing these manufacturers, putting them out of business. They were nuisance suits, and I'm glad that President Bush signed it.

The last one I'm very happy to talk about is a bill that President Clinton signed, H.R. 5109, which basically assisted the Veterans Health Administration to help personnel.

In closing, Mr. Speaker, I want to thank Jack Seum, my chief of staff, for his 20 years of service; Paul Flusche for his 17 years; Sherrie Porter for her 10; and Shawna Williams for her 14 years of service. They did an extraordinarily good job, and I thank them.

I recognize my long time employees.

Jack Seum, Chief of Staff, 20 years of service; Paul Fluche, Press Secretary, 17 years of service; Sherrie Porter, District Director, 10 years; and Shawna Williams, Staff Case-worker, 14 years.

And I thank all of my staff for their strong efforts.

Also I want to thank Jay Pierson for his help during my tenure in Congress. He was the floor manager and did a great job. His 34 years of service was extremely impressive.

#### DISTRICT FUNDING REQUESTS SUMMARY

1. Establishment of an outpatient clinic for Veterans in Leesburg and Ocala, Florida.
2. Instrumental in building a Veterans' hospital facility in western Marion County, part of The Villages, with ten acres of land donated by Gary Morris, the owner of The Villages.
3. Funding for a 235-bed facility for the Veterans Administration Hospital in Gainesville.
4. Numerous funding support for the infrastructure for the beltway in Ocala and the beltway in Clay County.
5. Conversion of the Master Navy Jet Base Cecil Field into the Cecil Field Commerce Center with continuous appropriated funding

made to help transition this into a commercial enterprise.

6. Further funding for the National Guard in Camp Blanding for the new Education Center as a result of the 9/11 tragedy and terrorist attack. Also helped National Guard in the relocation of the space program deposit of rocket fuel at Camp Blanding.

7. Federal funding for the building of a new prison in Sumter County and the funding for the intersection to allow transportation requirements to be met off of I-75.

8. Accomplishments for Jacksonville Area: JAX VA Cemetery: I first offered legislation (H.R. 3882) to establish a new VA cemetery in northeast Florida in 1996. There are approximately 189,000 veterans in the Jacksonville area, but there were no veterans' cemetery to provide them a permanent place of honor. It was not until 2003, with the inclusion of language from my bill (H.R. 197) into H.R. 1516, the National Cemetery Expansion Act of 2003, that a veterans' cemetery in Jacksonville was finally established.

Cecil Field: With the closure of Cecil Field, I have worked with area leaders and involved citizens in transforming Cecil into a commercial center. Since 2001, I have secured \$10.5 million in appropriations funding for the former Cecil Field, now Cecil Commerce Center.

I also worked through the Military Airport Program (MAP) to upgrade the facilities at Cecil. From FY 2000 to 2003, I helped Cecil receive more than \$12.5 million in MAP funding for building and hangar renovation, runway rehabilitation, and infrastructure improvements.

Florida National Guard: I have a long record of working with the Florida National Guard and its premier facility at Camp Blanding. I have secured funding and support for establishing the Rocket Motor Storage Facility, various infrastructure upgrades, and the Air National Guard Weather Readiness Training Center.

NADEP: I support the mission and workers at Jacksonville NADEP. Stearns contacted Secretary of Defense and pointed out specific examples in which NADEP personnel contributed directly to returning equipment to combat readiness.

JAX Port: I consistently join the area delegation in supporting dredging at JAX Port Authority.

#### MORE RECENT EXAMPLES ARE

1. Representative STEARNS introduced FAST, the "Faster Access to Specialized Treatment Act" (H.R. 4132), which rewrote Section 506 of the Food, Drug & Cosmetics Act to modernize the accelerated approval pathway for rare disease drugs. FAST was included in the FDA Prescription Drug User Fee Act (PDUFA), Rare Disease Bill.

2. Congressman STEARNS worked with Representative ED TOWNS (D-NY) to craft H.R. 734, the Pedestrian Safety Enhancement Act of 2009 which directed the Secretary of Transportation to set a noise level sufficient to alert blind and other pedestrians of the presence of operating motor vehicles. This legislation was signed into law on January 4, 2011 as S. 841.

3. One of the high points for veterans and serving on the 24 years on the Veterans Affairs Committee was the accomplishment of getting a new cemetery in Jacksonville. The language in Representative STEARNS' bill H.R. 1516 was incorporated into the National Cem-

etry Expansion Act of 2003, establishing a veterans' cemetery in Jacksonville. This was signed by President Bush. Representative STEARNS had originally dropped H.R. 3882 and it was ten years later that this Act was accomplished and signed into law by President Bush.

4. Representative STEARNS served as a member of the Air Force Congress with Sam Johnson who spent 6½ years as a POW at the Hanoi Hilton. While a member of the Air Force Caucus the Air Force Association presented to Congressman STEARNS the W. Stuart Symington Award which is the highest honor presented to a civilian in the field of national security.

5. A recent bill which passed the Congress for the first time with Democrat support was H.R. \* \* \* (James) the Concealed Weapons Permit to allow Americans to carry a concealed weapon if they have established their credentials from the state of their residency to other states.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. NADLER) for 3 minutes.

Mr. NADLER. Mr. Speaker, sometimes events occur that are so out of the ordinary, so unusual as to defy belief. Such is the decision of the Speaker last night not to permit this House to vote on relief aid for the three States and some other areas that were devastated by Hurricane Sandy.

I have been in this House for 20 years. There have been many disasters—floods, hurricanes, tornadoes, earthquakes, wildfires. In every single instance, this House has voted aid for the necessary States; in every single instance, usually within a week or 2. Never more than 3. It has now been 9 weeks since October 29 when Hurricane Sandy devastated three States and parts of more—9 weeks.

The Senate passed a bill to aid us. The House was ready. The bill was prepared and an amendment was prepared. We were assured the bill would be on the floor last night or today. At the last minute the Speaker, without even talking to Republicans, not to mention Democrats from New York, refusing to meet with them, suddenly pulled the bill and said we wouldn't have a vote; as if the people in New York and Connecticut and Pennsylvania, New Jersey are not in need of aid; as if thousands of people are still not without heat, without water—as if thousands of small businesses don't need loans and aid so that they don't go under; as if thousands of people don't need help to rebuild their homes, to clear the trash from their properties; as if hundreds of municipalities don't need aid to finance this activity, having used up all their budgets for that purpose.

We're told by the chairman of the Appropriations Committee we'll get a bill on the floor later this month in the next Congress. It's already 9 weeks. It's

already an unprecedented length of time. And why? Are New Yorkers and Pennsylvanians and Connecticut residents and New Jersey residents less American than the people that we aid in the Midwest and the South when we vote for aid for those people because they are the victims of natural disasters? How can we treat an entire region of the country this way? It is the most disgraceful action I've seen in this House in the 20 years I've been here.

I see that we're told that, well, FEMA still has money until March. But it's not just FEMA; it's the Small Business Administration that needs the appropriation now to help small businesses now; it's the Army Corps of Engineers that needs the authorization, the appropriation now to help the people who are victimized.

There is no excuse for this, none. It is a betrayal of the people of those States. It is a betrayal of the people of the United States. It is a betrayal by the Speaker personally of the Members of this House not to permit a vote. I have never seen an action like it. I hope I never see it again.

I urge the Speaker to reconsider and to rectify this decision today, because today is the deadline to avert going down in history as shameful.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. GRIMM) for 5 minutes.

Mr. GRIMM. Mr. Speaker, it's very difficult to stand here and have to speak to my constituents knowing that we're going to break, we're going to end this Congress, and I'm going to go and walk the streets in Midland Beach, in South Beach, in New Dorp Beach and Tottenville, and I'm going to meet with homeowners that I've been meeting with for 9 weeks now and I can't tell them that everything is going to be okay because, as of right now, everything is not okay. In fact, it's far from okay.

I don't often agree with my colleague that just spoke, Mr. NADLER, on a lot of substantive issues, but I have to agree with him today, and that is not an easy thing for me to do because there was a betrayal. There was an error in judgment that is going to cost, I think, the trust of the American people, not from me individually, not necessarily even for the Members here today, but for this body as a whole as we move forward.

I couldn't be more proud to be an American. You know, I used to tease people that I bleed red, white, and blue. Since I was young, I knew I would serve in the military, and I did. And I would have given my life for this country time and time again. And even later on, I put myself in harm's way serving with one of the greatest organizations this country has to offer with

the Federal Bureau of Investigation, a huge honor. And I really, really felt, when I took my oath as a Member of Congress, that it would be a level of service that would even outweigh my prior service because I was going to be in a position to help my fellow Americans every way that I could and to actually go out and touch my friends, neighbors, even those that didn't support me or had different political ideologies, I was going to be able to use the work ethic that I inherited from my father to make their life a little better. That's why I took this job, to make people's lives a little better, to make life in the United States a little better. And I'm not able to do that today, and I don't understand why.

□ 1020

And I think it's inexcusable that we did not have this vote and bring those that are suffering, those men and women that are looking at their children right now, and they're not sure what to tell them because they've lost their small business, their only source of income.

And why is that important? Well, because the SBA and FEMA and all the government officials that hit the ground when Superstorm Sandy hit explained that if you didn't get money into the hands of these small businesses almost immediately, then most likely they would go under. If you don't start rebuilding right away, people start to become depressed and they lose hope. Let's not even discuss the economic impact.

So to delay this vote, even for another day, is something that will resonate, not only with the people that have been affected and are suffering and have lost everything, but I think it will resonate with the American people for a long time; and I think it will make them wonder what we are here for and what is the role of the Federal Government, what is the role of the Congress, and maybe most importantly, can they trust us.

So it is with a heartfelt apology that I apologize to my constituents, to my fellow New Yorkers in need, those in New Jersey, Connecticut, and Pennsylvania. I did all that I could. I will not stop. I will not relent, and I will continue to push for this vote to come as quickly as possible. But there is no rhyme nor reason, and it is inexcusable that it has not come already.

You are in my thoughts and my prayers, and I will be there on the ground as soon as I get back to New York to help as much as I can, knowing that I'm not helping nearly enough because we don't have the funding to do so.

I want to thank my colleagues across the aisle that have been exemplary. It has been an honor to work so closely with you on these efforts. It has been not only bipartisan but bicameral. Governors, mayors all across the aisles

have weighed in, and that is something that I will treasure and will continue to do as we move forward, knowing that we should not have to be here today.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. CROWLEY) for 3 minutes.

Mr. CROWLEY. Mr. Speaker, last night the Republican leadership reneged on their commitment to vote on aid for the families in the States that were devastated by Superstorm Sandy. We were told it was because Republicans just couldn't stomach any additional votes in this Congress.

I wonder if those same people walked along the beaches of Long Beach and Long Island, Breezy Point and Belle Harbor and Rockaway Beach in GREG MEEKS's district, Staten Island or Seaside Heights in New Jersey; if they could stomach the devastation they would witness, stomach the lives that were lost, stomach the homes that have been destroyed or the families that have been displaced, stomach the businesses that are closed and, in many places, have been lost.

In the weeks after the storm, my Republican colleagues told us—not all, by the way, and I want to point out that Mr. GRIMM and Mr. KING, Mr. DOLD and others were very, very helpful—but the leadership, I'm talking about, told us they were with us and that they would support us.

But I guess those were only words, because last night we learned the truth. And thanks to their actions, there's no additional Federal assistance to help hardworking people rebuild and restart their lives.

Now, I'm not a cynic, but I do wonder, what if we told the Republicans that a few millionaires' and billionaires' lives were destroyed by the storm, whether they'd want to help all the families hurting because of Sandy?

And I wonder, what if Republicans were promised that by providing aid to families in need that, in turn, they would get a tax break? Would these incentives have changed their mind? Would it have prompted action? Because it truly does appear their only priority is helping those that have the most.

Republicans in Congress brought this House to a new low last night.

The banner over the Speaker's chair says "In God We Trust." God alone cannot help these families rebuild but, unfortunately, the American people cannot trust the Republican Congress to help either. The only thing my Republican colleagues did this week was to serve up false hope to the people who have been devastated by the storm, false promises, false guarantees that we'd be there to help them in their time of need.

Many of you know that my cousin, John Moran—I don't speak about John often—was killed on 9/11. He came from the Rockaway community. There was a monument on the beach, 118th Street. There were, I would say, dozens of monuments, as Congressman MEEKS knows, along the Rockaway Peninsula. They were destroyed by Hurricane Sandy.

It didn't stop my family and his neighbors from going out and sifting through the feet of sand to find that memorial. It was that precious to them. They didn't wait for the Federal Government to come help pull them up by their bootstraps. They did it themselves. They continue to do it.

There are humble people, proud people throughout this entire region who have been affected by this. They will recover but, sad to say, no thanks to the 112th Congress.

#### THE AMERICAN PEOPLE ARE LOOKING FOR CERTAINTY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, I rise today, and I know we've talked a lot and have heard from my colleagues about Sandy, and I certainly want to talk about that.

I want to talk about last night we were able to avoid the fiscal cliff. The American public, at least the constituents that I talk to on a regular basis, are looking for certainty. They're looking for us to find common ground. They're looking for us to be able to move the country forward.

I'm a small business owner, Mr. Speaker. I meet a budget and a payroll. I employ 100 people. For me, that's 100 families. It's a role and responsibility that I take very seriously.

And while I do believe that the Federal Government should play as little a role as possible in the lives of Americans, they do need to play a role. They need to be able to provide those things that Americans cannot provide for themselves, whether that be infrastructure, whether that be a common defense, justice. These are some of the things that I think we do share a lot of common ground with.

Now, Mr. Speaker, I spent some time in Long Island, New York, recently and also in New Jersey. The devastation that Sandy has caused that region is nothing short of remarkable.

And while I do believe that we have a spending problem that has been going on, frankly, in this House, on both sides of the aisle for a long time, there are those times when we need to come together as an American people and say we have Americans out there that cannot provide for themselves, that have been devastated, that need a helping hand.

And do I think that they will repay that? I do.

We have an opportunity, Mr. Speaker, to come together as Americans, Republicans and Democrats together, to try to help provide need.

My colleague, JOE CROWLEY, was just up here talking about devastation that happened on the beaches. MICHAEL GRIMM, and I'm sure most of the New York and New Jersey delegations which will follow up here, and those from Connecticut, will talk about devastation that was happening in their communities.

I do believe that we have a role to play, and I do believe that action needs to happen and happen quickly.

Now, there are many on my side of the aisle that believe that we shouldn't be spending a nickel more than we have to. And while I agree that we need to tighten spending, and that this body needs to treat spending and those dollars as if they were their own, we can't needlessly ask taxpayers to provide more resources only to have them squandered.

Let me tell you, Mr. Speaker, these dollars will not be squandered. I believe that they are desperately needed. At a time when many Americans have lost hope, there is that opportunity for us to stand united together to provide that hope for the American public. It may be New York and New Jersey and Connecticut and Pennsylvania today, but it may be a different part of the country tomorrow.

Now, as we look forward, Mr. Speaker, as the 112th Congress comes to a close, we have a heck of a lot more work to be done as a country.

□ 1030

I, for one, hope that we can talk about reining in the out-of-control spending. But then, again, it's not going to happen with one party or the other. It's going to have to be about bipartisanship. And I do hope that we can bring pieces of legislation on this floor, like Simpson-Bowles, in that framework, that talk about revenue increases, whether that be through reforming the Tax Code and talking about where we can rein in spending, how we can reform things to make sure we have a social safety net, which is so vital. And I do believe that we need to have that social safety net. We need to strengthen that social safety net so that it's there for future generations.

I also think, Mr. Speaker, as we look at health care, we have to start thinking outside of the box. And certainly, I have enjoyed working with ROB ANDREWS on the American Center for the Cures, an idea that we need to be looking at how do we solve and cure some of these diseases that we spend hundreds of billions of dollars on treating each and every year, whether it be diabetes, Alzheimer's, or Parkinson's. If we came up with a cure for these types of diseases, think about where we'd be then, and where we can put those addi-

tional resources into the very vital areas that our government needs to fund.

So I am optimistic, Mr. Speaker, that our best days are ahead. But I also know that people are fed up with the idea of this partisanship. And I fear that we're going further partisan; that we're anchoring to the extremes as opposed to coming to the center. My hope is that this body can focus more on what we agree on as opposed to what we disagree on. That's what the American public's looking for. That's what I hope this Congress can accomplish in the 113th, and beyond.

I want to take this last moment to thank so many of my colleagues on both sides of the aisle for their friendship, for their support, and I certainly look forward to continuing the friendship in future years.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Mrs. LOWEY) for 2½ minutes.

Mrs. LOWEY. Mr. Speaker, the Republican do-nothing leadership has an opportunity to do something—something very important—today to help the more than 17 million Americans who were devastated by Hurricane Sandy, one of the worst storms in U.S. history, more than 9 weeks ago. The Senate has sent us a good bill. We are ready to act. We have the bipartisan votes to pass it. And yet the House Republican leadership has said there will be no votes today, the last day to pass this legislation without delay before we have to start all over again in the new session of Congress tomorrow.

Let me be very clear. Republican leadership has turned their backs on New Yorkers. They have turned their backs on those suffering without homes and businesses struggling just to get by. They have no valid reason for this delay—only the dysfunction with which they lead this body.

This record storm resulted in the deaths of over 100 Americans. The coasts of New Jersey, New York, and Connecticut have been devastated. Other surrounding States have sustained significant damage. In 2005, this body came together and passed a Federal disaster assistance bill to help the gulf recover from Hurricane Katrina 2 weeks after the storm. Congress acted to assist those who suffered damage in Hurricane Gustav and Ike within 1 month.

The Governors of our States, Democrat and Republican, have assessed over \$82 billion in damages. The Senate bill would have provided \$60.4 billion—not everything that was requested, but a detailed, thoughtful disaster assistance plan to help these communities rebuild. More than 9 weeks since the storm hit, House Republican leadership

is doing nothing, after giving us nearly virtual assurance just yesterday that we would consider this assistance bill today.

When a disaster hits on American soil, we as a Congress have the responsibility and tradition of working together, Democrat and Republican, to help communities rebuild. Our citizens are counting on us to help them recover from the storm and mitigate future disasters. I respectfully urge House leadership to reconsider their decision. Support the victims of Hurricane Sandy. Put politics aside. Do the right thing. People are waiting. People need this assistance. Let's bring the bill to a vote today.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore (Mr. DOLD). The Chair recognizes the gentleman from New York (Mr. KING) for 5 minutes.

Mr. KING of New York. Thank you, Mr. Speaker. At the outset, let me thank you for your service during your time in Congress, and thank you for your remarks here this morning.

I think it's important to set the record straight. Last night, many of us came to the floor and rightly said that the conduct of the Republican leadership was disgraceful, it was indefensible, and it was immoral. But I think it's important to lay out the facts as to how we reached this situation so we're not put in a position of name-calling or somehow we're angry or feelings are hurt. This goes far beyond any of that.

The fact is, as Congresswoman LOWEY said, within 10 days after Katrina, \$60 billion was appropriated. That number ended up going well over \$100 billion. It's now 9 weeks and nothing has been appropriated by this Congress for the people of New York, New Jersey, Connecticut, and Long Island, which I represent.

The fact is that over the last 5, 6, 7 weeks we did everything that the Republican leadership asked us to do. Governor Cuomo came down. I was at the meeting. He met with the Speaker. Governor Christie came down. He met with the Speaker. Mayor Bloomberg came down. He met with the majority leader. We were asked to submit detailed documentation. Governor Christie, Governor Cuomo, and Mayor Bloomberg all submitted absolute documentation. When we asked if anything else is required, they said, No, you've given us all we need.

When the bill came from the Senate, we were told there was some pork in the bill. That was taken out of the bill. The bill that was going to be voted on on the House floor was exactly in compliance with what the Republican leadership asked us to do.

Let me just say at this time, in my dealings with him, Majority Leader CANTOR has been very straightforward,

very direct. Last night, I know that he was fighting to get the bill on the calendar. It was the Speaker that, for whatever reason, walked off the floor and said that the bill was being pulled.

Now I don't enjoy saying this. I consider myself a personal friend of JOHN BOEHNER. And JOHN BOEHNER personally has been very helpful to me over the years. So it pains me to say this. But the fact is the dismissive attitude that was shown last night toward New York, New Jersey, and Connecticut, typifies, I believe, a strain in the Republican Party. I know this is not the place to discuss politics, but that politics seeps over into a governmental decision that was made.

I can't imagine that type of indifference, that type of disregard, that cavalier attitude being shown to any other part of the country when we're talking about real life-and-death situations here—and to just have the Speaker walk off and not even tell us. He tells an aide to the majority leader, who then tells us that the item that means life and death was taken off the calendar and is gone for this session.

Now they say it's going to be brought back up in January. The fact is: let's be real. We're not in session next week. The following week we're in session for 2 days. The following week is the inauguration, and we're in recess for 2 days. Then we have the State of the Union. Committees haven't even organized yet. And does anyone believe if they wouldn't vote for a \$60.4 billion last night, that the Appropriations Committee is suddenly going to get religion and going to vote the full amount, when we know what their attitude is—that somehow money going to New York and New Jersey and Connecticut is corrupt money, when money going to their States is so honorable. I would just say that these people have no problem finding New York when it comes to raising money. It's only when it comes to allocating money that they can't find the ability to do it.

So I'm standing here on the House floor today saying we have a moral obligation as Republicans, as Democrats, as Americans. I spoke to Governor Christie and Governor Cuomo. We've been in constant contact with Mayor Bloomberg. We cannot believe that this cruel knife in the back was delivered to our region. I have to go home this weekend and next weekend and the week after and see the hundreds and thousands of people who are out of their homes, who don't have shelter, who don't have food, and they're living with relatives, friends, and living in trailers. This is not the United States of America. This should not be the Republican Party. This should not be the Republican leadership.

I'm asking the Speaker, tell HAL ROGERS and these people who somehow who have become very sanctimonious when dealing with New York and New

Jersey that they have an obligation to do what they have to do—and that's provide the aid and relief that we need. If there's one penny that they have a problem with, let us know. But don't walk out in the dark of night and ignore us.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PALLONE) for 2½ minutes.

Mr. PALLONE. Let me thank Mr. KING, my colleague from New York, for his remarks. I really appreciate what he said—that this is not a Republican or Democratic issue. It shouldn't be politicized. Natural disasters and responding to them are what I've seen over my 25 years in Congress, and they are what bring us together to try to help people. The Speaker should not use this opportunity to tear us apart.

I was here last night when we got the word through Congressman KING that the Speaker was going to pull this bill. And what the message said was, Well, we can do this in January. We'll do it sometime later in January in the new Congress.

□ 1040

As Congressman KING said, we can't wait. My district was devastated by this storm. I would ask of Speaker BOEHNER, come to Sea Bright, New Jersey. Drive through Sea Bright, New Jersey. It's a town that has less than 2,000 people. The business district is totally destroyed. One or two stores have reopened; the rest are still closed. Most of the people still have not been able to return to the town.

Go to Union Beach in New Jersey, also in my district, where you can see that now everything is exposed. We still have people that do not have a place to stay, that are looking for an apartment or staying in motels or looking for a trailer to be placed next to their home and still don't have it.

We need to rebuild now. We need to act now. We can't wait for the next Congress or another couple of weeks or another couple of months.

What I don't understand, Mr. Speaker, is how is it possible that this has become a political issue? It is clear that we're here today. We can vote on this. The votes are clearly there. We should have an open debate. That's what democracy is all about. And all of a sudden, because the Tea Party or some conservative element is worried that they have to vote on another spending bill, all of a sudden the Speaker says, well, we can't do this today. This is politicizing a situation that should not be political. It is another example of what I call the "do-nothing" Congress.

This Congress did very little. It had fewer bills passed than in anybody's

memory. Rather than go out on this negative note about not bringing up an emergency because of a hurricane, a devastating natural disaster, why not do something positive on a bipartisan basis, Mr. Speaker. Bring this up. Let us have an open debate. We're still here. Don't let this Congress die on this negative note. Let it build on a positive note, so when we come in and we're sworn in on Thursday, we can show that we can work on a bipartisan basis.

I have never seen anything like it. To me, it is just deplorable.

#### FAREWELL REMARKS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. RIVERA) for 5 minutes.

Mr. RIVERA. Mr. Speaker, as we close on the 112th Congress, I wish to express my gratitude to the residents of Florida's 25th Congressional District for having given me the honor and the privilege to serve them as their elected Representative in the United States Congress.

When my constituents first elected me to come to Congress, they did so with what I thought was a very clear mandate as to what the focus of the 112th Congress should be, and that is to restore fiscal responsibility to the Federal Government and begin moving our economy forward to create jobs. Here in the U.S. House of Representatives, I believe we have strived to meet the challenges that out-of-control spending have created in the form of yearly deficits and long-term debt accumulation. The 112th Congress' passage of the free trade agreements with Colombia and Panama and South Korea demonstrates what type of pro-economic growth and job-creation policies can be achieved when we place the Nation's long-term economic interests before parochial or short-term considerations.

Unfortunately, too often in the 112th Congress, our efforts here in the U.S. House of Representatives to restore fiscal responsibility to the Federal Government have not been met with the same sense of urgency by our governing partners in the United States Senate or the White House. Last evening's vote regarding a so-called fiscal cliff is yet another example of Washington's willingness to forego making difficult, long-term decisions regarding spending in deference to short-term fixes that do not solve our looming debt crisis. That same debt crisis, that is the real fiscal cliff that our Nation faces; because whether we realize it or not, the more our Nation climbs this mountain of debt—a mountain we ourselves are creating—the higher the cliffs will be.

I urge future Congresses to meet this challenge, take up the challenge in restoring fiscal responsibility with a renewed sense of vigor and urgency.



I also want to encourage my colleagues in the 113th Congress to apply that same sense of urgency to another issue of great national importance: immigration reform. I clearly recognize what a contentious issue this is, pitting two fundamental American values—rule of law and compassion—against each other, but I would suggest that making this effort is crucial to America's future.

We need a sustained commitment to afford opportunity for all Americans, at least for young people, young people who, through no fault of their own, are now in limbo due to their undocumented status; young people who have been educated in our school systems; young people who are willing to achieve further academic excellence, who are willing to serve in our military and risk their lives. Can we not at least say that, if somebody is willing to die for America, the least we can do is give them a chance at life in America? I hope in the 113th Congress the answer to that question will be "yes."

So, Mr. Speaker, I end my remarks where I began, expressing my deep sense of gratitude for the honor and privilege granted me to serve in the 112th Congress. I have been blessed with a superb staff of dedicated professionals: my previous chief of staff, Steve Vermillion, may he rest in peace; my current Chief of Staff, Javi Correo; and my entire D.C. office staff. My district director, Alina Garcia, and my entire district office staff have all served this Congress, the people of Florida's 25th Congressional District, and our Nation with honor and distinction. My friends, supporters, and constituents have blessed me with their confidence.

And finally, my gratitude to my family, and particularly my mom, Daisy, who is a saint, whom I love dearly, and who has sacrificed everything so that I have the opportunity to serve and achieve the American Dream. Only in America can a child of a political refugee, a kid born on the wrong side of the tracks, grow up and be elected to serve in the United States House of Representatives. America is indeed the greatest country mankind has ever known.

May God bless you, Speaker, and my colleagues. May God bless the United States House of Representatives. May God bless the United States of America.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. BISHOP) for 2½ minutes.

Mr. BISHOP of New York. Mr. Speaker, I rise in solidarity with my colleagues on both sides of the aisle against the House Republican leadership's outrageous decision to refuse emergency assistance for our States to

recover from the strongest storm to ravage our region in generations.

It's simply unconscionable that this Chamber would walk away from a region desperate for assistance in its greatest hour of need. We cannot accept this shockingly callous indifference of the leadership to the human suffering that our constituents and their fellow citizens continue to endure.

The leadership's decision stands in stark contrast to the immediate decisions to provide relief in the wake of every disaster that has befallen this Nation over the past many years. It comes in stark contrast to our Nation's call to provide well over \$100 billion to Louisiana and the Gulf States following that tragedy, the first \$62 billion of which was on its way to the Gulf States within 2 weeks of the storm.

More than 2 months after our region was struck, our constituents are still waiting for help. Our States are overextended and our constituents have reached the limits of their tolerance. They deserve more than the Federal Government's refusal to help, particularly after the Senate's strong bipartisan approval of the aid we need.

Our leadership has decided to pass up an important investment against future losses. Many of our districts remain exposed to future damage. My own district, for example, experienced two relatively routine storms in late December, but, nonetheless, those storms compounded the massive erosion along the south shore of Long Island. We simply cannot afford any further breaches, flooding, overwashing, or storm damage without incurring significant losses to our infrastructure and to our economy.

Mr. Speaker, let me close with this:

What do I say when I go home to my constituents in Mastic Beach, a working class community on Moriches Bay with a little over 5,000 homes, about a thousand of which sustained damage, a great many of which are unrepairable? Do I tell them that the Republican leadership of the House considers it entirely appropriate for their tax dollars to be used for recovery and repair in New Orleans, in Tuscaloosa, in Joplin, or anywhere else in this country where a natural disaster has occurred? Or do I tell them that when it's in their hour of need, the Republican leadership has decided to simply walk away? That's precisely the message that the Republican leadership is sending to my constituents.

They deserve better. The residents of all of the States that were ravaged by this storm deserve better. We must bring this bill to a vote immediately.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore (Mr. RIVERA). The Chair recognizes the gen-

tleman from Oregon (Mr. BLUMENAUER) for 2½ minutes.

Mr. BLUMENAUER. Mr. Speaker, as the 112th Congress ends with a whimper, not a bang, not so much finished as worn out, I was prepared to come to the floor this morning and talk about some of the unfinished business that we kicked down the road with a proposal last night: a serious deficit reduction, the debt ceiling, tax reform. One thing I didn't expect to be confronted with is what you have been hearing from my colleagues today, that we do not have the time to address the disaster relief for Hurricane Sandy, which everybody thought was a given.

□ 1050

This is the crew that came to town shouting "read the bill," that they were going to have 72 hours' regular order to move in a fashion. They gave us 154 pages, 24,000 words nobody had read, but we at least thought we would be dealing today with this emergency assistance.

I am stunned, frankly, that we find ourselves in this situation, but we have 24 hours left. How hard would it be to take up a bill that was already overwhelmingly passed by the Senate? How hard could it be, based on the bipartisan expression last night of support for a bill that almost everybody hated and had reservations about but would come together for something they thought was important for the country?

Remember when rebuilding and renewing America was a bipartisan objective? Maybe we could take a little bit of that spirit of bipartisanship and cooperation last night and rise to the occasion in the next 24 hours to do something for the people who deserve our help and support. If not, then it ought to be the first order of business of the new Congress, and we ought not to go home this week until this matter is addressed.

#### THE POWER OF UNITY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 2½ minutes.

Mr. KUCINICH. Mr. Speaker, I want to begin by thanking my wife, Elizabeth, who is here in the gallery, for her constant support during my service in the United States Congress and to thank the people of Ohio's 10th Congressional District for their constant support, as well as the great congressional staff both at the district and at the D.C. level. I also, before I make further remarks, want to express my support for my colleagues from New York and New Jersey in their tireless efforts on behalf of their constituents who have suffered so grievously from Hurricane Sandy.

We must unite for the people, and that's really the idea of the United

States. It's the unity of States, but it's even deeper than that. It's expressive of the unity of people that it's all for one and one for all. Our Nation's first motto, "E Pluribus Unum," out of many we are one, stresses the power of unity. The idea of human unity is implicit in this Nation.

In my visits across America, I discovered that there is an underlying unity which binds us as Americans and which calls us forward to a higher purpose. I have also come to understand that our politics divide people. The politics of polarization and hyper-partisanship has become obviously quite destructive, nearly incapacitating our government. Yet at such a time, the hunger for unity is the greatest, but the ideological differences between us widen.

We need a new politics in America which unites people, which sets aside partisan differences for the greater good of the country, and which strives to reconnect with the greatness of the Nation and the goodness of the American people. But what would that politics look like? The rhetoric would change to one of mutual respect. The questioning of motives would end. The poison system of "pay to play" would be transformed by public financing, and our government would be rededicated to addressing the practical aspirations of the American people for jobs, for health care for all, for education for all, for retirement security for all, and for environmental security.

We need a new politics which creates jobs and celebrates the dignity of work. Our government must raise the status of working people and protect their rights. Our government must stress wealth creation over taxation, investment over debt, health over illness, peace over war, and liberty over surveillance.

We have the capacity of choosing and choosing again as we are involved in the most creative endeavor of human achievement actualizing the highest principles upon which this country was founded and infusing those principles into self-government. Unity. One Nation, under God, with liberty and justice for all.

A new America is waiting to emerge. Let us call it forward with the same sense of wonder and expectation that the Founders first evoked: the United States of America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to refrain from referring to occupants of the gallery.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 2½ minutes.

Mr. RANGEL. I was just asking my friend, JOE CROWLEY, is there a legisla-

tive possibility that we could bring this to the floor. I think everybody has enough compassion for the Speaker after what he's been through with his own party trying to get some bills to the floor to understand that anything, even something this enormous, could have fallen between the cracks. What a great opportunity to say let's try to put these pieces together.

In any event, nobody has said it's impossible to do it; and if it's just a question of pride in terms of party unity, I can't think of anything at this time that would be better served than to have all of America especially thank the Speaker for reconsidering trying to help the lives of tens of thousands of American people.

Once again, I don't know what my chances are going to be getting into Heaven, but the absence of listening to the compassionate support of the religious community is deafening to me. I know their strong position about same-sex marriage and about women controlling their bodies and all of those things. And I say, if you write the book, you have the rules, do what you have to do.

But, my God, when it comes to caring for people, not New York, New Jersey and Connecticut, not just the United States, but all over the world, can't there be some people that have compassion to know that this is what God expects us to do? That's why we say, in God we trust, because we're supposed to take care of fiscal calamities, which we fail, but the compassion is not in the parties, it's in the people. And these people could be your neighbors today and someone else's neighbor tomorrow.

And this great United States, what a great insurance policy to have, to have friends from different communities, different backgrounds to know, as we say in the hood, we got your back. That's what it's all about. People all over the world, when they have a problem, no matter what the political differences are, know that America will have enough compassion to put aside those differences and to send out our men, our women and our firefighters over there, to do what, to help.

How do we possibly explain to our kids and grandkids that when it came to Americans, when it came to people who fight and die for this country, that we not only didn't help, but worse than that, we turned our back on them?

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO) for 5 minutes.

Mr. LOBIONDO. Mr. Speaker, I appreciate the opportunity to be here today. I did not think it was going to be necessary. But the Superstorm Sandy relief bill, I've heard a lot of people talk-

ing about it. This isn't about us as Members of Congress. This is about our constituents. Do you have any idea what it's like when someone else's life is ripped from their hands, lives are lost, all personal property is lost, businesses are lost, and the hope of the Federal Government coming in is what is keeping them alive and motivated, and now with no explanation, the rug is pulled out from all of us, but most of all our constituents?

This is a disaster on top of a disaster. We, all of us, I think I speak for all of us, when Katrina hit, 10 days later, \$60 billion, \$100 billion altogether. Now we have to hear from people in Florida, Louisiana, Texas, and Alabama, and, yes, some people from California and the Midwest when they have a disaster and we were there for them that the rules are going to change for us and it is now not an emergency and the Federal Government doesn't have a role in this?

□ 1100

It's absurd, absolutely absurd. We demand nothing less than we have given the rest of the country. An emergency and disaster means emergency and disaster, and that's what we had. Go back and look at the videos. Go back and see how people were devastated. The people of the Northeast had something we have never seen before, and we're expecting the Federal Government to play their role and be there. That's the minimum that's expected.

We worked hard to put together a package in a bipartisan way. People are crying out for bipartisan action. We had this, Republicans and Democrats, shoulder to shoulder, working together, forming a package, giving a little bit here, giving a little bit there, working our other Members, building the votes, promising, anticipating that we would have today the finishing part of this.

I'm convinced we had the votes. I'm convinced we would have moved this forward. And for us in New Jersey, every day that is lost is a bigger disaster. This isn't about people getting a sun tan. This is about jobs and the economy, a \$40 billion tourism business that relies on the summer season. Who is going to come and vacation in a community that doesn't have a beach and whose town is devastated that normally comes there? The answer is nobody. So the bigger disaster is going to come in a couple of months from now, and the money into the pipeline is what we needed now. We needed it 5 minutes ago. We needed it 2 weeks ago. We don't need it a month from now. We need the Federal Government to step up so people's lives can be put back together.

We're all hit hard enough with the recession. On top of that, now we have to deal with the anxiety and the failure of Congress to act, to provide what is

normally provided. Why all of the sudden are New Jersey, New York, Connecticut, and Pennsylvania, why are we the first States that have to answer to some new rules or some new formula that is going to come out about how we do these things? I don't ever remember a question with Katrina, that that \$60 billion was too big a number. I remember that they were showing how people's lives were devastated. Why are our constituents any less important than the constituents of the past who had devastation? All of this is real, and we need to find a way to move forward.

So, yes, there is anger and frustration. That is all rolled into this. We're going to stay united. We're going to work together. We're going to find a way to move this forward. But we need to make this absolutely crystal clear that this is not about people in Congress; this is about constituents whose lives were ruined. We need to do the right thing, and we need to do it now.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore (Mr. DOLD). The Chair recognizes the gentleman from New York (Mr. MEEKS) for 2½ minutes.

Mr. MEEKS. Mr. Speaker, last night when I came to the floor for the first time since I've been in this body, my heart was hurting. I understand politics, but this should not be about politics. This should be about leadership.

The first thing I want to do is to say to the Speaker, Come walk with me, Mr. Speaker. Come walk with me. Let's walk the beaches of the Rockaway Peninsula. You will see a peninsula where every soul, no matter whether you were rich or whether you were poor, no matter whether you were black or whether you were white, every individual, no matter what your religious belief was, every individual was affected by this storm, everyone.

Come walk with me, Mr. Speaker, as STENY HOYER did, and talk to the people, look into their eyes, understand their needs. Come walk with me, Mr. Speaker. Maybe then you can have the leadership that is necessary to get this bill passed today. Come walk with me, Mr. Speaker.

If you can't walk with me, Mr. Speaker, for any reason, then go walk with MICHAEL GRIMM. If it is a partisan issue for you—because it's not for me—go walk with MICHAEL GRIMM on Staten Island, Mr. Speaker. You will see the same pain that the people in the Rockaways have. It's the same pain because they're the same people. They are the American people. This is the United States of America, and this is the people's House.

We make jokes all the time about the Senate. The Senate stood up and passed the bill. This is the people's House, Mr. Speaker. We are supposed to do the right thing for the American

people. I'm proud of being on the Foreign Affairs Committee, going all over the world and talking about what we've got to do and how we help folks, how we help other individuals all over this world.

We have Americans, Mr. Speaker, who are crying out for help, who are saying they don't know where their tomorrow is. We have Americans, Mr. Speaker, who are worried to this day right now that we may have another northeaster tomorrow. And with the sand gone and the dunes now down, we'll have another disaster. They're asking me as their Member, Will our government help us? Where are you?

Mr. Speaker, we need leadership. Come walk with me, Mr. Speaker. Come walk with me, and see the American people that are suffering.

#### LET'S FIGHT TOGETHER FOR A BETTER AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Mr. Speaker, thank you for your service and your friendship to our country.

I've been watching the media, Mr. Speaker, and hearing a lot of distortion of what happened in the House Chamber yesterday.

Let's recall that on December 31 at midnight, taxes went up for every taxpayer massively, the fiscal cliff. By the end of the evening, the House came together, working with the Senate, and reduced taxes for 99 percent of American taxpayers. We kept taxes lower for dividend income, capital gains. We maintained a higher child tax credit. We helped keep the marriage penalty from hurting families. We did all this in a permanent way. This is a big win. We have a lot of work to do, but that was a big win.

The President also promised that he would work with us to have further cuts in spending. We should hold him to that promise on both sides of the aisle. We have several serious issues to come in this 113th Congress. We have to deal with the debt ceiling, spending cuts, implementation and regulations in the health care law, improving the efficiency and effectiveness of government.

It's easy for people to look at any piece of legislation—I actually challenge people to find some piece of legislation here that was perfect. Any major bill has flaws. Even a rose has thorns, as they say. Let's understand that we will see success when we work together, not when we continue to snipe at each other's heels.

The challenges before us will only be dealt with by the courage we find within us to find the common ground between us and fight together for a better America.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mr. ANDREWS (New Jersey) for 2½ minutes.

Mr. ANDREWS. Mr. Speaker, we're here this morning for the fellow citizens who didn't put up a Christmas tree or light a menorah or celebrate their holiday at home this year because they have no home. We're here for the boardwalk merchants who are not going to be starting their businesses up again this Memorial Day along the boardwalk because there's no business, and there's no boardwalk. We're here because a lot of people's lives are devastated.

It's important to understand what we are and are not asking for. We are not asking that every Member of this Chamber follow our lead and vote "yes" in favor of the bill the Senate has already passed. We are simply asking that every Member of this Chamber have the opportunity to vote on that bill.

□ 1110

President Kennedy said governing is choosing. We are prepared to choose an investment in the recovery of our neighbors and our country. We respect those who would make a different choice, but we cannot abide by those who would say they would make the choice of doing nothing at all, letting the clock run out on this Congress, which means that we'd have to start all over again. The people I talked about for whom we are here this morning, they need to start all over again. They need to get back to their homes, back to their businesses, back to their lives; and as we delay, we delay that possibility for them.

Every Member has the right to exercise his or her own conscience on any piece of legislation. No Member has the right to deprive the rest of us of the same opportunity for our constituents. We should meet today. We should vote today. We should move forward today.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REED) for 5 minutes.

Mr. REED. I rise today, Mr. Speaker, to join my colleagues on the other side of the aisle. I come from a district in New York that was not impacted by Hurricane Sandy, but I come to this floor today to express my frustration and my disappointment in the decision that was made to not bring up the Hurricane Sandy supplemental aid for the people of New York, New Jersey, Connecticut—our fellow citizens, Americans, who have suffered devastating impacts.

Now, I understand what some of the dynamics of this bill are about. I understand that the Senate has put forth

a bill that many on my side of the aisle have expressed concern about—pork-type of activity that the Senate continues to engage in with fisheries and Smithsonian funding and things like that that don't really have much to do with Hurricane Sandy. But that's a separate issue that could have been addressed and should be addressed by this body in cleaning up that bill and in getting the aid, getting the resources to the people who are suffering today.

That was the intended plan, that we were going to let the will of the House speak—clean up the bill that the Senate had produced but, most importantly, do what is right for our fellow citizens because there is not a better purpose of the Federal Government, which is for the Federal Government to stand with our citizens when they are suffering the most, especially when they are suffering from a natural disaster such as Hurricane Sandy.

I join with my colleagues on the other side of the aisle in, again, asking for our leadership to change the decision that was made to let the clock run out on this Congress and deal with this issue tomorrow. We don't have the luxury of waiting until tomorrow. These people are suffering today.

I talked to my colleagues of the districts that were impacted by this devastating storm, and I have heard the horror stories, and I've heard the stories of suffering of the many millions of people who were impacted in New Jersey and New York outside of my district. I think it is right and it is just and it is proper for us to hear the stories of those individuals and to make sure that we stand with them and take this bill up now rather than kick it to the next Congress. God knows when we will actually get to it in that congressional session.

So I join my colleagues on both sides of the aisle. Let us do what is right, Mr. Speaker. Bring this bill to the floor, and get on with the business of attending to our fellow citizens as Americans.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PASCRELL) for 2½ minutes.

Mr. PASCRELL. Mr. Speaker, I want to wish you the best. I'm glad there's one more Democrat, but I'm not glad that you're leaving. You're a gentleman.

Look, I don't think that this is time for a pedantic debate. As we say in Jersey, it is time calmly, coolly to take the gloves off. This is the time. There is precedent here. I would suggest to the Governors that they should bring us to court. It's fitting.

Not only did we pass the money for Katrina in a very short period of time—part of it was by a voice vote.

Can you imagine? Part of it was by a voice vote within a few days after that disaster. Mr. CANTOR voted for Katrina aid; Mr. BOEHNER did; Mr. RYAN did; Mr. MCCARTHY did, as did nearly every Member of the Congress from the New Jersey and New York regions. In fact, New Jersey and the other States that were hit by Sandy are some of the biggest donor States, that is, we send a lot of taxes to the Federal Government. Now we need our colleagues to step up to the plate.

As everyone knows, Sandy caused significant damage. In Bergen County, north Jersey—my district—first responders had to evacuate entire towns when the Hackensack River rose over a berm. The Moonachie Police Department will soon be housing trailers and be reimbursed. So let them come to north Jersey. Let them come to Connecticut at the shore of Jersey. Let them come to Long Island and Staten Island and Pennsylvania and Maryland. Let them come. Let them see. The mayor of Little Ferry is just one of the many people in that community whose house was decimated by the high water.

Look, we are, unfortunately, dealing with a schizophrenic leadership on the other side. Let's call it for what it is. Let's not mince words. State and local finances, which are already stretched too thin, allow for the limited or no ability of an area to rebuild alone. Because of the storm, the result will be one of depressed tax collections. We've been working with the Members of the House Ways and Means Committee to draft legislation modeled on tax relief.

Mr. Speaker, as I said, good luck to you. God bless your family.

God bless all of you for coming here this morning. We thought we'd have a shortened week, but our work is still ahead of us. This is the time to stop debating and take the gloves off—Jersey style.

#### IN HONOR OF STATE POLICE TROOPER PHILIP BATTEL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. GRIFFITH) for 5 minutes.

Mr. GRIFFITH of Virginia. Mr. Speaker, I rise today on a different subject, one that I think we can all be pleased about. I rise in honor of Virginia State Police Trooper Philip Battel, a devoted public servant.

In the early hours of Friday, December 28, 2012, Trooper Battel saved three lives from a burning home. Trooper Battel was actually assisting the Saltville Police and Smyth County deputies in the search for a stolen car, which had been involved in an earlier police chase, when he noticed an orange hue off in the distance. He decided to investigate.

When Trooper Battel reached the area in question, much to his surprise

he saw a home completely engulfed in flames. He banged on the door, but there was no answer. He made the selfless decision to enter the burning home and investigate. He began yelling and making noise. His activity in the house awoke the three residents, who had no idea that their home was burning down around them. His actions led to their ultimate escape from the home and from the fire. They're all in good health. Their lives were saved, and the lives of two of their pets were saved.

Trooper Battel's heroic actions and service to the community are to be commended. I am honored to pay tribute to him. Please join me in thanking Trooper Battel for all that he has done for the people of southwest Virginia.

Mr. Speaker, if I may, it has been my experience in working with the State police over many decades that they always respond in fine fashion and that they rise to the occasion. Trooper Battel is just another example in a long history of the good work and heroism of the Virginia State police.

□ 1120

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO) for 2½ minutes.

Ms. DELAURO. Writing at the time of Katrina, Harvard Professor Michael Ignatieff called the Constitution "a contract of citizenship" that promises, first and foremost, protection. That government will help "citizens to protect their families and possessions from forces beyond their control."

He writes:

In America, a citizen has a claim of right on the resources of his or her government when they simply cannot help themselves.

When disasters strike, they test whether the contract is respected in a citizen's hour of need. When the levees broke, the contract of American citizenship failed. Mr. Speaker, the levees broke. They broke in Connecticut, in New York, and New Jersey. Government is about helping families recover and rebuild from major disasters like Superstorm Sandy.

In a shocking display of neglect, this House majority decided not to allow a vote on disaster aid funds so desperately needed to recover and repair from this storm. Hurricane Sandy was one of the most severe storms to hit Connecticut in our State's history. All across our region, families' houses were destroyed and lives were upended.

And whether it has been a fire in the West, a tornado in the Midwest, a hurricane in the gulf coast, or a storm in the Northeast, this body acted. We didn't say no. It was a resounding "yes" to help because it is the central responsibility of this institution to act on behalf of the American people.

And yet here we are 2 months since Sandy destroyed thousands of homes and businesses, took 100 lives across this Nation. This House majority said “no” on a vote for disaster assistance to help millions of people get back on their feet again. The Republican leadership has broken that contract of citizenship. They have said “no” to my constituents in Stratford, in Milford, in New Haven, East Haven, West Haven, Branford, North Branford and Guilford. They said “no” to the rest of the towns in Connecticut and in New York and New Jersey. They broke the contract of citizenship. They said: You are on your own.

My friends, our people cannot be on their own. We have a central responsibility to act on behalf of the American people when they are overwhelmed in circumstances that they had no control over. Let us act. Let us act today to restore that faith and confidence in the American government.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. HOLT) for 2½ minutes.

Mr. HOLT. Well, you’ve heard it. Our constituents’ lives were devastated by the Sandy disaster. It has now been about 9 weeks since Hurricane Sandy brought the winds and the tidal surges. In central New Jersey and Connecticut, in New York, people are hurting. Towns have exhausted their emergency funds and exhausted their borrowing capacity. In other disasters, such as the disaster associated with Katrina or with wildfires or with any number of other natural disasters, this body has acted and aid has been provided quickly.

And yet today, the Speaker is going to allow the 112th Congress to adjourn before passing the much-needed disaster relief package. The Senate acted on this bill. The aid package here was well constructed. It was ready. All we needed was a vote. And the delay is significant. It adds significantly to the hurt. It is not an exaggeration to say that lives are on the line. People are living wherever they can. They don’t have the shelter. They don’t have the businesses. They don’t have their lives. And the Speaker just walks away. That compounds the disaster. The delay compounds the disaster.

It has been said: Well, FEMA has some money already in their account that will last for many weeks. But we’re not just talking about FEMA, we’re talking about HUD. More than a billion dollars, actually billions of housing aid. The Army Corps of Engineers, the National Oceanic and Atmosphere Administration, the Department of Interior, the Agriculture Department for food and emergency watershed protection, the EPA for safe drinking water—all of this was in this well-constructed package.

Now, it has often been said that the governing principle of the Republican leadership is “you’re on your own.” That might actually be a conscientious principle if they really believe in their hearts that your Social Security should be privately invested or you should pay for a college without government help. But this, to say you’re on your own after a disaster is inconsiderate. It breaks our trust. It violates an understanding, and it hurts people.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Mrs. MALONEY) for 2½ minutes.

Mrs. MALONEY. Mr. Speaker, this kind of petty partisan posturing is absolutely disgraceful. It’s an act of spiteful indifference that will go down in history as a low point in a low era. Shame on this House. This House acted quickly after Katrina, voting over \$60 billion in less than 2 weeks. It acted quickly for Ike and Gustav and the tornadoes in Alabama. We were there for other regions of this country. This country has to be there for the Northeast. Twenty-four States were affected. It has been called the second-worst natural disaster in the history of our country, affecting over 17 million people in the most densely populated area of America.

We cannot turn our backs on this entire region. Every Governor, every mayor has talked to the Republican leadership. They were assured the money would be there. We cannot rebuild or start to repair without the resources being in place.

The Northeast are donor States. We give far more to the Federal Government in taxes than what comes back to us. Yet when the natural disaster struck our people, we lost lives. We lost businesses, homes, complete devastation of the largest subway system in our country, moving 8 million people a day. Where is the aid and where is the support?

Mr. Speaker, introduce the Senate bill tomorrow. Let’s come back into session, vote it on Friday. Let’s put the aid in place, the American way of being there to help people. You can’t pick and choose that certain areas get disaster relief, but the area that is the most hard-hit in the history of our country does not receive the relief? The disaster aid that has been there for other people? We have been there for you. You need to be there for the Northeast. It is devastated. We need Federal aid. You cannot repair hospitals, subway systems, major infrastructures without the support of the Federal Government.

Mr. Speaker, do not turn your back on America and a region of America. You need to support in a bipartisan way the aid that is so desperately need-

ed for the most densely populated area of our country after the second-worst storm in the history of our country.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. SMITH) for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, the two-tiered amendment disaster relief bill that we had hoped to bring to the floor to get us to the \$60 billion that is desperately needed to assist families, businesses, and municipalities devastated by Superstorm Sandy. Our appeal—and it’s a bipartisan appeal—is that there is still time to bring this vital legislation to the floor for a vote back to the Senate and then down to the President for signature.

Numerous towns in my district, Mr. Speaker, as well as our friends in New York and further north, are still coping with and recovering from the most destructive storm ever in our region—and perhaps the second or third most costly in all of American history.

Today, families lack housing. Businesses are in shambles, and municipalities have been decimated.

In New Jersey, some 346,000 housing units were damaged or destroyed, with 22,000 units rendered absolutely uninhabitable.

□ 1130

An estimated 11,000 housing choice vouchers will be needed to ensure that residents at least have a roof over their heads this winter.

Approximately 100,000 new storm-related unemployment claims have been filed in New Jersey, 100,000, attributable to the storm.

Over 235,000 people in New Jersey have already registered with FEMA for individual assistance.

Seventy-five percent of New Jersey’s small businesses were adversely affected, 10 percent of which, or nearly 19,000 businesses, sustained damage of \$250,000 or more, far in excess of the loss to businesses from Katrina. Total business losses are estimated to be a whopping \$8.3 billion.

Furthermore, an estimated 10,000 structures statewide will need to be demolished, and 1,000 sites across New Jersey will require remediation after hazardous materials discharge.

Fifty-one schools sustained serious damage, including six that will not reopen this school year.

Transit, roads, and bridges have been damaged to the tune of \$2.9 billion, which includes 294 damaged railcars and 75 damaged locomotives.

One of the main roads that runs through my district, Route 35, will require an estimated \$120 million to repair.

Power and gas lines are expected to cost roughly \$1 billion, understandably,

given that, at the peak, power outages left 2.4 million people in the dark.

Waste and water and sewer will require about \$3 billion to repair and to protect.

Hospitals, assisted living, and other health facilities will have seen over \$150 million worth of storm damage. These facts—and there are many more—underscore the devastation unleashed by Sandy, and it is without precedent.

I would say to my colleagues that no recovery is ever accomplished in a single year, but it's about predictability and the certainty of funds to rebuild and to restore that ensures that the work proceeds immediately, comprehensively, efficaciously, and without interruption.

Mr. Speaker, for days and weeks, like many of my colleagues, after that horrible storm hit, I met with hundreds, even thousands of tenacious women and men who, despite crippling losses, were determined to rebuild.

I'll never forget one resident in Belmar who came up to me the day after Superstorm Sandy, and said, I've lost everything, but at least I'm alive.

We need to now backstop these individuals. We need to ensure that the monies are there, that they flow quickly but prudently to ensure that they can rebuild, and their homes and businesses and community.

You know, Congress assisted those pummeled by Hurricane Katrina in 2005 with \$62 billion in a mere 2 weeks. We are now past 2 months. And we need to be clear: The President didn't send to Sandy Relief package to Congress December 7. There was a loss of several weeks, but we do have a proposal. It's about 25 percent less than what the affected States have said they needed. New Jersey, New York and the other estimates about \$80 billion. It's down at approximately \$60 billion, so it is less.

And I've seen and gone through the numbers that my State has sent to Congress as well as to the President. They are very well vetted.

Governor Chris Christie used to be a U.S. attorney. Many of the people around him are former prosecutors. They're tough and disciplined. They hate waste, fraud, and abuse, and they're trying to ensure that the money is there in the amounts needed to make a difference in the lives of your constituents.

Finally, let me just say, Mr. Speaker, we need to act now. As my colleague before me said a moment ago, New Jersey especially as well as New York, are contributing States not takers. We get back far less from the Federal Government than we pay in every year. That's a good thing. We have very, very good businesses that really provide employment for our people.

But we've been devastated, and I would hope and urge the Speaker to

bring the Sandy Relief bill to the floor as quickly as possible, hopefully today, tomorrow, but as quickly as possible, because the people who have suffered, the victims, deserve no less.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. PELOSI) for 2½ minutes.

Ms. PELOSI. Mr. Speaker, here we are again today in wonder over the decision that we think has been made by the Republican leadership in the House not to bring legislation to the floor that addresses the needs of those affected by Sandy.

Here's the thing: Everyone who heard about this since last night, when so many Members from the New York, New Jersey, Connecticut, Pennsylvania, other delegations came to the floor to speak about this, said, Don't tell me that. Don't tell me that. Don't tell me that, even though everyone has seen very clearly the devastating damage that was caused by Sandy and the need for people to have assistance, the House would not take up the bill.

Don't tell me that, even though the Senate passed a very strong bill addressing the well-documented needs of the people of the affected region, the House is not taking up the bill.

Don't tell me that, although the region, the leadership, the Governor of New York, Governor Cuomo; the Governor of New Jersey, Governor Christie; the Governor of Connecticut, Governor Malloy; the Mayor of New York, Mayor Bloomberg; and others have immediately addressed the needs to the extent possible by them in their areas and have documented the needs very carefully as to what Federal participation was needed, don't tell me that the House of Representatives is going to ignore that.

Mr. Speaker, much has been said about the need for more civility in politics and in government, and that civility perhaps relates to how we speak to each other and how we curb our enthusiasm about issues we care a great deal about and question, perhaps, motivation of others.

But the real civility that people expect is how this Congress treats them and treats their needs. And never is that tested more clearly than in time of a natural disaster, because that's when people feel the most helpless. That's the time when they see whether the government is there for them or not. That is the time where—they're not going to be made whole, most of these people. Hopefully, what they replace will be a good substitute, and maybe it can open a door to something new for them.

But by and large, it's a long road back. But that first few steps of it, the emergency relief that was provided by the localities and now needs to be com-

pensated for, the next stage of recovery is so essential to the character of a community.

As Mr. TONKO said after the storms last year, it affected the character of the communities in his district, and that was 2011. Here we are at the end of 2012, having some of the same regions hit again by nature with the suddenness and the severity and the power of water and, in some places, fire, and just earth-shattering earth, wind, fire in terms of how it affects people.

So as I said last night, nature pulled the rug out from under people, literally and figuratively, in their communities and in their homes, in their schools and in their workplace, and then are we to say to them, Now Congress is going to pull the rug out from under you in terms of your hopes and expectations of meeting the needs?

Don't tell me that. We can't tell our constituents that. That would not rise to the level of civility for us to turn our backs and ignore their needs. It's just plain wrong.

So I'm hopeful that perhaps those making this decision have not been affected by—almost everywhere, whether we're talking about Katrina or California, with earthquakes, drought, flood, fire, you name it, we get it all. With the Northeast being hit, once, twice, within 2011 and 2012, with Missouri, with Iowa—I visited Iowa and saw the effect of the floods there. It was devastating. It's really hard, unless you see it, to understand the impact that it has.

The most compelling reason is the look in the eyes of people who ask, What are we going to do to help? How can we help them? And what is our answer? We're just too busy. It's not a priority.

That's just not civil.

So let's honor our responsibility, which is, again, the place where people place their trust. They ignore government. They don't like government. They don't want this; they don't want that. But in times like this, in time of emergency, is really when we prove our worth.

□ 1140

Let's prove our worth and urge the Speaker to bring this legislation to the floor and quickly deal with it while the Senate is still there, it can be sent to the President for his signature, and hope can flow from here, instead of a sense of wonderment, of "Don't tell me that." Let us be able to tell people we feel their pain. We know what they're going through. We can never really know, but we can certainly appreciate their interest in our doing what is right for them.

So, again, I hope and pray. Because we pray for these people. We pray for them all the time. They're in our prayers. Some have lost loved ones. We pray for them. How much prayer would

it take for this Congress to find it in their hearts and in their heads to do the right thing? Let's pray that we don't have to tell them that we weren't there for them.

#### 2013: YEAR OF SPENDING CUTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. WILSON) for 5 minutes.

Mr. WILSON of South Carolina. Mr. Speaker, last night, House Speaker JOHN BOEHNER released a statement outlining his many objectives for the new year, stating:

Now the focus turns to spending. The American people reelected a Republican majority in the House, and we will use that in 2013 to hold the President accountable for the 'balanced' approach he promised, meaning significant spending cuts and reforms to the entitlement programs that are driving our country deeper and deeper into debt.

Our national debt has grown to an outrageous \$16 trillion. This not only endangers our national security, but senior citizens are threatened with devalued dollars and it also places our children, grandchildren, and future generations at risk of higher taxes with little to no access to the entitlement programs to which they have faithfully contributed. House Republicans understand and are dedicated to resolving our Nation's debt crisis over the next year by reforming our Tax Code, preserving and protecting our entitlement programs, and controlling our spending.

Congratulations to Coach Steve Spurrier, President Harris Pastides and his wonderful wife, Patricia Pastides, and the USC Gamecocks, as well as Coach Dabo Swinney and President Jim Barker and his dedicated wife, Marcia Barker, and the Clemson Tigers for extraordinary Bowl victories.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TONKO) for 2½ minutes.

Mr. TONKO. Just yesterday, Americans celebrated New Year's Day. They ushered in 2013. As we rang in the new year, the usual message of hope that accompanies the new year—any new year—rang hollow for millions of Americans because of actions taken at the close of that New Year's Day here late last night. People were met with the devastating news that we were not going to take up a measure that would respond to Superstorm Sandy.

And so I rise today to ask the leadership of this House, the people's House, to respond accordingly to the needs of people. I make this request not through some political calculus but

rather through the lens of caring and concern and compassion, which ought to be the hallmark of this great institution. We ought not forget that the role that we play here calls upon our moral responsibility to engage our actions and our compassion and empathy for the people we represent or perhaps do not represent directly. Because we, I believe, need to relate to that measurement of compassion to family, friends, neighbors and yes, at times, total strangers.

I make this request sensitized by a situation in my district, the 21st Congressional District at the time, in upstate New York, just about a year-plus before the devastation of Sandy. The torturous treatment of Mother Nature through Irene and Lee on that congressional district, my congressional district, stole lives, wiped away livestock, flooded homes, tore away the hopes and dreams of individuals, and found people abandoned, having lost everything for which they ever worked. And I witnessed how people responded to that tragedy. They picked up and mustered the strength. But they required government to be their partner at that very dark moment in their lives. Having witnessed that pain, having visited communities and having talked with the people, shared tears with the people, I understand that now this situation, in a much more densely populated area of our State, and in neighboring States, requires our assistance, immediate assistance, to respond with compassion.

Mr. Speaker, and leadership of this House, I implore you to respond with compassion and empathy and bring us to the floor to acknowledge and support the funding for Superstorm Sandy.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 1 minute.

Mr. COURTNEY. When Hurricane Sandy struck on October 29 in eastern Connecticut's Long Island Sound with 90-mile-per-hour winds and high tide, it created a path of destruction never seen before. Homes were wiped out, utility infrastructure was wiped out, transportation infrastructure was wiped out. But what was so inspiring about it was that the first responders acted—police, fire, Coast Guard, the Governor of Connecticut, local and municipal officials. They acted. In the weeks since then, the Senate has acted. President Obama declared an emergency on October 30. The Department of Homeland Security acted. The only place that hasn't acted is the House of Representatives, where last night, in the dark of the night, the Speaker announced that he was abandoning the people of northeastern America and allowing the Hurricane Sandy relief bill to die.

That is unacceptable. The people who acted—the first responders, the caregivers, the local officials—they deserve better. The local officials, the Members of Congress for the Northeast, in a bipartisan way, deserve better. The Speaker must reverse his decision. It is time to act today.

#### PASS THE SAFER ACT TODAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 1 minute.

Mr. POE of Texas. Mr. Speaker, in 1985, 13-year-old Lavinia Masters went to sleep in her bedroom, which should be the safest place on Earth for children. But a few hours later, she was woken up by an outlaw who sexually assaulted her and put a knife to her throat. She went to the hospital. DNA evidence was taken from her. She did everything she was supposed to do. But that evidence sat, untested, on a dusty crime lab shelf for 20 years while the perpetrator ran loose somewhere in Texas. When the kit was finally tested, police discovered that Kevin Turner had committed this crime. Justice could not occur for Lavinia because the statute of limitations had run.

Mr. Speaker, Lavinia is not alone. There are 400,000 untested rape kits with DNA evidence in the United States. That's why I have introduced, along with Congresswoman MALONEY of New York, the SAFER Act. And we can pass it today by unanimous consent. This is a bipartisan piece of legislation. New Yorker, Texan, Democrat, and Republicans, speaking different languages, it doesn't get much more bipartisan than that. This act would allow funds to be used to test untested sexual assault kits for DNA evidence so justice can be done for victims.

And that's just the way it is.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. HIMES) for 1 minute.

Mr. HIMES. I remember two things of that horrible night that Sandy hit my community in Fairfield County, Connecticut. Of course, I remember the devastation and the damage that we have so detailed this morning in this Chamber. But I remember something else: the response of the people who stood up and said, I will help. The firefighters of Old Greenwich, the Red Cross in Bridgeport, the churches that opened to serve soup and to keep people warm, schools that were opened to address the fact that people didn't have homes.

Mr. Speaker, let me tell you about Lieutenant Russ Neary of the Easton Fire Department, who left his wife and two daughters behind that night to go serve the people of Easton. I attended his funeral several days later because



he was killed that night doing what is best about all of us, which is that we stand up and we say we will help in times of crisis.

Every charitable instinct, every dignified thing, everything that is noble about what those people did that night is denied by the decision of the Republican leadership to not bring up Sandy today and to leave desperate and vulnerable people hanging.

Mr. Speaker, reverse your decision now, and let's do the right thing by our people.

#### HURRICANE SANDY RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. CLARKE) for 1 minute.

Ms. CLARKE of New York. I rise today to express my feelings of anger, frustration, and disbelief that the Republican leadership has failed to fulfill this promise on emergency supplemental disaster aid for the victims of Superstorm Sandy. Even though we were able to put our political differences aside to prevent an economic disaster, I am stunned and saddened that this compromise came at the expense of much-needed relief. Like my colleagues from the Northeast, I feel betrayed. There were 305,000 housing units destroyed and 265,000 businesses affected. I'm a proud native of Brooklyn, New York, and it pains me to see the travesties that have affected my hometown.

I'm in disbelief at the callousness with which this matter has been dispensed with. It is truly an embarrassment and a sad day that the House of Representatives has become a body so entangled in political one-upmanship that it is unable to come to the aid of Americans whose lives have suddenly been destroyed and turned upside down. This funding would have not only rebuilt the community's infrastructure but begun the healing process so sorely needed.

Mr. Speaker, we need your leadership today. Please bring this matter to the floor for a vote.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate may not continue past 11:50 a.m.

Mr. HOYER. Is it in order to ask unanimous consent to extend that time for 1 minute?

The SPEAKER pro tempore. Unfortunately, the Chair cannot entertain that request during morning-hour debate.

#### GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the issue that has been before the House in these 5-minute speeches.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 50 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at noon.

#### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

As the Members of the people's House gather on this final day of the 112th Congress, we ask Your blessing upon them.

May our Nation's citizens be grateful for their service rendered these past 2 years, but also justified in their hope that those returning for the new Congress, and those joining them, will move toward ever greater accomplishments to benefit our great Nation.

Bless as well those who leave Congress this day. May they be successful and productive in whatever their future endeavors.

May all that is done this day be for Your greater honor and glory.

Amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. CROWLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. CROWLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### ANNOUNCEMENTS BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair an-

nounces to the House that, in light of the resignation of the gentleman from South Carolina (Mr. SCOTT), the whole number of the House is 431.

The Chair will entertain up to 2 requests for 1-minute speeches on each side of the aisle.

#### HURRICANE SANDY RELIEF

(Mr. SERRANO asked and was given permission to address the House for 1 minute.)

Mr. SERRANO. Mr. Speaker, as the only New York City member of the Appropriations Committee, what I saw last night is something that I hadn't seen before. Whenever a disaster hit any part of this country, we always got together and found the funds to deal with the issue. We didn't worry about what section of the country it was for or what kind of disaster, we came together and we did it.

In addition, there was something that happened last night that doesn't bode well for this House, and that is that if there's one thing we still have in this House, in spite of all our problems, is that when we give our word, we keep it.

We were given their word that that bill would come up last night or no later than today. To walk away from the people of New York, Connecticut, and New Jersey, to walk away from all of these people who are suffering right now is really shameful.

But there is still time. That bill can come before us today and we can pass it today. And that's the call. Don't turn your back on the victims of Sandy. Come together as a country, as a Congress, and take care of this now.

#### FAREWELL REMARKS TO CONGRESS

(Mr. PLATTS asked and was given permission to address the House for 1 minute.)

Mr. PLATTS. Mr. Speaker, I rise today in my final time as a Member of the House of Representatives, as a retiring Member, just to express my gratitude to the people of the 19th Congressional District of Pennsylvania for allowing me the privilege, for the last 12 years, to serve. I'm a 12-year-term-limit guy, and it's hard to believe that 12 years have come and gone already. But it's been a great privilege to serve with my colleagues on both sides of the aisle. It's been an experience I will forever remember.

In addition to my constituents back home, my wife, Leslie, is in the gallery today, and I certainly have to convey my thanks to her for standing by me all these years. It's certainly a family commitment, and it's one we've been honored to have and to do to the best of our ability in serving the people of our community.

A final comment: While I've loved what I've done and I've been proud to

serve, I also understand that what I do and what we do pales in comparison to those who serve us in uniform. As a Nation, as a citizenry, can we always keep our men and women in uniform in our thoughts and prayers, along with their families who make tremendous sacrifices so that we can be so blessed here as Americans.

So thank you again and God bless.

□ 1210

#### EXPRESSIONS OF GRATITUDE

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I rise today to thank my constituents in Washington's Sixth District for supporting me over the last 36 years.

I want to thank Leader PELOSI and Whip HOYER for supporting me as ranking Democratic member on the House Appropriations Committee, and most of all the Democratic Caucus for allowing me to chair the Interior Appropriations Subcommittee and the Defense Subcommittee.

I want to thank Chairman HAL ROGERS and Chairman BILL YOUNG for working together to restore regular order in the Appropriations Committee and strengthening America's military strength and especially supporting the men and women serving us in our services.

I will miss my colleagues in the House, but will remember my friends in this great institution, the people's House.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1235

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 12 o'clock and 35 minutes p.m.

#### SEXUAL ASSAULT FORENSIC EVIDENCE REPORTING ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3250) to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other pur-

poses, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SCOTT of Virginia. Mr. Speaker, reserving the right to object—and I will not object—I would like to thank the gentleman from Texas and his colleague from Texas (Mr. POE) and our colleague from New York (Mrs. MALONEY) for their hard work on this bill, which would make funding for the testing of DNA rape kits and eliminating the rape kit backlog more possible. A lot of people will be made much safer because of this, and I thank the gentleman for his leadership.

I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the bill is as follows:

S. 3250

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Sexual Assault Forensic Evidence Reporting Act of 2012" or the "SAFER Act of 2012".

#### SEC. 2. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(6) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

"(7) To ensure that the collection and processing of DNA evidence by law enforcement agencies from crimes, including sexual assault and other violent crimes against persons, is carried out in an appropriate and timely manner and in accordance with the protocols and practices developed under subsection (o)(1).";

(2) in subsection (c), by adding at the end the following new paragraph:

"(4) ALLOCATION OF GRANT AWARDS FOR AUDITS.—For each of fiscal years 2014 through 2017, not less than 5 percent, but not more than 7 percent, of the grant amounts distributed under paragraph (1) shall, if sufficient applications to justify such amounts are received by the Attorney General, be awarded for purposes described in subsection (a)(6), provided that none of the funds required to be distributed under this paragraph shall decrease or otherwise limit the availability of funds required to be awarded to States or units of local government under paragraph (3)."; and

(3) by adding at the end the following new subsections:

"(n) USE OF FUNDS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.—

"(1) ELIGIBILITY.—The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(6) only if the State or unit of local government—

"(A) submits a plan for performing the audit of samples described in such subsection; and

"(B) includes in such plan a good-faith estimate of the number of such samples.

"(2) GRANT CONDITIONS.—A State or unit of local government receiving a grant for the purpose described in subsection (a)(6)—

"(A) may not enter into any contract or agreement with any non-governmental vendor laboratory to conduct an audit described in subsection (a)(6); and

"(B) shall—

"(i) not later than 1 year after receiving the grant, complete the audit referred to in paragraph (1)(A) in accordance with the plan submitted under such paragraph;

"(ii) not later than 60 days after receiving possession of a sample of sexual assault evidence that was not in the possession of the State or unit of local government at the time of the initiation of an audit under paragraph (1)(A), subject to paragraph (4)(F), include in any required reports under clause (v), the information listed under paragraph (4)(B);

"(iii) for each sample of sexual assault evidence that is identified as awaiting testing as part of the audit referred to in paragraph (1)(A)—

"(I) assign a unique numeric or alphanumeric identifier to each sample of sexual assault evidence that is in the possession of the State or unit of local government and is awaiting testing; and

"(II) identify the date or dates after which the State or unit of local government would be barred by any applicable statutes of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates;

"(iv) provide that—

"(I) the chief law enforcement officer of the State or unit of local government, respectively, is the individual responsible for the compliance of the State or unit of local government, respectively, with the reporting requirements described in clause (v); or

"(II) the designee of such officer may fulfill the responsibility described in subclause (I) so long as such designee is an employee of the State or unit of local government, respectively, and is not an employee of any governmental laboratory or non-governmental vendor laboratory; and

"(v) comply with all grantee reporting requirements described in paragraph (4).

"(3) EXTENSION OF INITIAL DEADLINE.—The Attorney General may grant an extension of the deadline under paragraph (2)(B)(i) to a State or unit of local government that demonstrates that more time is required for compliance with such paragraph.

#### "(4) SEXUAL ASSAULT FORENSIC EVIDENCE REPORTS.—

"(A) IN GENERAL.—For not less than 12 months after the completion of an initial count of sexual assault evidence that is awaiting testing during an audit referred to in paragraph (1)(A), a State or unit of local government that receives a grant award under subsection (a)(6) shall, not less than every 60 days, submit a report to the Department of Justice, on a form prescribed by the Attorney General, which shall contain the information required under subparagraph (B).

"(B) CONTENTS OF REPORTS.—A report under this paragraph shall contain the following information:

"(i) The name of the State or unit of local government filing the report.

"(ii) The period of dates covered by the report.

"(iii) The cumulative total number of samples of sexual assault evidence that, at the end of the reporting period—

“(I) are in the possession of the State or unit of local government at the reporting period;

“(II) are awaiting testing; and

“(III) the State or unit of local government has determined should undergo DNA or other appropriate forensic analyses.

“(iv) The cumulative total number of samples of sexual assault evidence in the possession of the State or unit of local government that, at the end of the reporting period, the State or unit of local government has determined should not undergo DNA or other appropriate forensic analyses, provided that the reporting form shall allow for the State or unit of local government, at its sole discretion, to explain the reasoning for this determination in some or all cases.

“(v) The cumulative total number of samples of sexual assault evidence in a total under clause (iii) that have been submitted to a laboratory for DNA or other appropriate forensic analyses.

“(vi) The cumulative total number of samples of sexual assault evidence identified by an audit referred to in paragraph (1)(A) or under paragraph (2)(B)(ii) for which DNA or other appropriate forensic analysis has been completed at the end of the reporting period.

“(vii) The total number of samples of sexual assault evidence identified by the State or unit of local government under paragraph (2)(B)(ii), since the previous reporting period.

“(viii) The cumulative total number of samples of sexual assault evidence described under clause (iii) for which the State or unit of local government will be barred within 12 months by any applicable statute of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates.

“(C) PUBLICATION OF REPORTS.—Not later than 7 days after the submission of a report under this paragraph by a State or unit of local government, the Attorney General shall, subject to subparagraph (D), publish and disseminate a facsimile of the full contents of such report on an appropriate internet website.

“(D) PERSONALLY IDENTIFIABLE INFORMATION.—The Attorney General shall ensure that any information published and disseminated as part of a report under this paragraph, which reports information under this subsection, does not include personally identifiable information or details about a sexual assault that might lead to the identification of the individuals involved.

“(E) OPTIONAL REPORTING.—The Attorney General shall—

“(i) at the discretion of a State or unit of local government required to file a report under subparagraph (A), allow such State or unit of local government, at their sole discretion, to submit such reports on a more frequent basis; and

“(ii) make available to all States and units of local government the reporting form created pursuant to subparagraph (A), whether or not they are required to submit such reports, and allow such States or units of local government, at their sole discretion, to submit such reports for publication.

“(F) SAMPLES EXEMPT FROM REPORTING REQUIREMENT.—The reporting requirements described in paragraph (2) shall not apply to a sample of sexual assault evidence that—

“(i) is not considered criminal evidence (such as a sample collected anonymously from a victim who is unwilling to make a criminal complaint); or

“(ii) relates to a sexual assault for which the prosecution of each perpetrator is barred by a statute of limitations.

“(5) DEFINITIONS.—In this subsection:

“(A) AWAITING TESTING.—The term ‘awaiting testing’ means, with respect to a sample of sexual assault evidence, that—

“(i) the sample has been collected and is in the possession of a State or unit of local government;

“(ii) DNA and other appropriate forensic analyses have not been performed on such sample; and

“(iii) the sample is related to a criminal case or investigation in which final disposition has not yet been reached.

“(B) FINAL DISPOSITION.—The term ‘final disposition’ means, with respect to a criminal case or investigation to which a sample of sexual assault evidence relates—

“(i) the conviction or acquittal of all suspected perpetrators of the crime involved;

“(ii) a determination by the State or unit of local government in possession of the sample that the case is unfounded; or

“(iii) a declaration by the victim of the crime involved that the act constituting the basis of the crime was not committed.

“(C) POSSESSION.—

“(i) IN GENERAL.—The term ‘possession’, used with respect to possession of a sample of sexual assault evidence by a State or unit of local government, includes possession by an individual who is acting as an agent of the State or unit of local government for the collection of the sample.

“(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to create or amend any Federal rights or privileges for non-governmental vendor laboratories described in regulations promulgated under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131).

“(o) ESTABLISHMENT OF PROTOCOLS, TECHNICAL ASSISTANCE, AND DEFINITIONS.—

“(1) PROTOCOLS AND PRACTICES.—Not later than 18 months after the date of enactment of the SAFER Act of 2012, the Director, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall develop and publish a description of protocols and practices the Director considers appropriate for the accurate, timely, and effective collection and processing of DNA evidence, including protocols and practices specific to sexual assault cases, which shall address appropriate steps in the investigation of cases that might involve DNA evidence, including—

“(A) how to determine—

“(i) which evidence is to be collected by law enforcement personnel and forwarded for testing;

“(ii) the preferred order in which evidence from the same case is to be tested; and

“(iii) what information to take into account when establishing the order in which evidence from different cases is to be tested;

“(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

“(C) the establishment of reasonable periods of time in which each stage of analytical laboratory testing is to be completed;

“(D) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, defense counsel, crime laboratory personnel, and crime victims regarding the status of crime scene evidence to be tested; and

“(E) standards for conducting the audit of the backlog for DNA case work in sexual assault cases required under subsection (n).

“(2) TECHNICAL ASSISTANCE AND TRAINING.—The Director shall make available technical

assistance and training to support States and units of local government in adopting and implementing the protocols and practices developed under paragraph (1) on and after the date on which the protocols and practices are published.

“(3) DEFINITIONS.—In this subsection, the terms ‘awaiting testing’ and ‘possession’ have the meanings given those terms in subsection (n).”.

#### SEC. 3. REPORTS TO CONGRESS.

Not later than 90 days after the end of each fiscal year for which a grant is made for the purpose described in section 2(a)(6) of the DNA Analysis Backlog Elimination Act of 2000, as amended by section 2, the Attorney General shall submit to Congress a report that—

(1) lists the States and units of local government that have been awarded such grants and the amount of the grant received by each such State or unit of local government;

(2) states the number of extensions granted by the Attorney General under section 2(n)(3) of the DNA Analysis Backlog Elimination Act of 2000, as added by section 2; and

(3) summarizes the processing status of the samples of sexual assault evidence identified in Sexual Assault Forensic Evidence Reports established under section 2(o)(4) of the DNA Analysis Backlog Act of 2000, including the number of samples that have not been tested.

#### SEC. 4. REDUCING THE RAPE KIT BACKLOG.

Section 2(c)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(c)(3)) is amended—

(a) in subparagraph (B), by striking “2014” and inserting “2018”; and

(b) by adding at the end the following:

“(3) For each of fiscal years 2014 through 2018, not less than 75 percent of the total grant amounts shall be awarded for a combination of purposes under paragraphs (1), (2), and (3) of subsection (a).”.

#### SEC. 5. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2013, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) **DEFINED TERM.**—In this section, the term “unresolved audit finding” means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) **NONPROFIT ORGANIZATION REQUIREMENTS.**—

(A) **DEFINITION.**—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) **PROHIBITION.**—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) **DISCLOSURE.**—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) **ADMINISTRATIVE EXPENSES.**—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) **CONFERENCE EXPENDITURES.**—

(A) **LIMITATION.**—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) **WRITTEN APPROVAL.**—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) **REPORT.**—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) **PROHIBITION ON LOBBYING ACTIVITY.**—

(A) **IN GENERAL.**—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, state, local, or tribal government regarding the award of grant funding.

(B) **PENALTY.**—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

#### **SEC. 6. SUNSET.**

Effective on December 31, 2018, subsections (a)(6) and (n) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(6) and (n)) are repealed.

AMENDMENTS OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I have amendments at the desk.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Strike all after the enacting clause and insert:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Sexual Assault Forensic Evidence Reporting Act of 2012” or the “SAFER Act of 2012”.

#### **SEC. 2. DEBBIE SMITH GRANTS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.**

Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(6) To conduct an audit consistent with subsection (n) of the samples of sexual assault evidence that are in the possession of the State or unit of local government and are awaiting testing.

“(7) To ensure that the collection and processing of sexual assault evidence that is awaiting testing is carried out in an appropriate and timely manner and in accordance with the advisory guidelines developed under subsection (o)(1).”;

(2) in subsection (c), by adding at the end the following new paragraph:

“(4) **ALLOCATION OF GRANT AWARDS FOR AUDITS.**—For each of fiscal years 2014 through 2017, not less than 5 percent, but not more than 7 percent, of the grant amounts distributed under paragraph (1) shall, if sufficient applications to justify such amounts are received by the Attorney General, be awarded for purposes described in subsection (a)(6), provided that none of the funds required to be distributed under this paragraph shall decrease or otherwise limit the availability of funds required to be awarded to States or units of local government under paragraph (3).”; and

(3) by adding at the end the following new subsections:

“(n) **USE OF FUNDS FOR AUDITING SEXUAL ASSAULT EVIDENCE BACKLOGS.**—

“(1) **ELIGIBILITY.**—The Attorney General may award a grant under this section to a State or unit of local government for the purpose described in subsection (a)(6) only if the State or unit of local government—

“(A) submits a plan for performing the audit of samples described in such subsection; and

“(B) includes in such plan a good-faith estimate of the number of such samples.

“(2) **GRANT CONDITIONS.**—A State or unit of local government receiving a grant for the purpose described in subsection (a)(6)—

“(A) may not enter into any contract or agreement with any non-governmental vendor laboratory to conduct an audit described in subsection (a)(6); and

“(B) shall—

“(i) not later than 1 year after receiving the grant, complete the audit referred to in paragraph (1)(A) in accordance with the plan submitted under such paragraph;

“(ii) not later than 60 days after receiving possession of a sample of sexual assault evidence that was not in the possession of the State or unit of local government at the time of the initiation of an audit under paragraph (1)(A), subject to paragraph (4)(F), include in any required reports under clause (v), the information listed under paragraph (4)(B);

“(iii) for each sample of sexual assault evidence that is identified as awaiting testing as part of the audit referred to in paragraph (1)(A)—

“(I) assign a unique numeric or alphanumeric identifier to each sample of sexual assault evidence that is in the possession of the State or unit of local government and is awaiting testing; and

“(II) identify the date or dates after which the State or unit of local government would be barred by any applicable statutes of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates;

“(iv) provide that—

“(I) the chief law enforcement officer of the State or unit of local government, respectively, is the individual responsible for the compliance of the State or unit of local government, respectively, with the reporting requirements described in clause (v); or

“(II) the designee of such officer may fulfill the responsibility described in subclause (I) so long as such designee is an employee of the State or unit of local government, respectively, and is not an employee of any governmental laboratory or non-governmental vendor laboratory; and

“(v) comply with all grantee reporting requirements described in paragraph (4).

“(3) **EXTENSION OF INITIAL DEADLINE.**—The Attorney General may grant an extension of the deadline under paragraph (2)(B)(i) to a State or unit of local government that demonstrates that more time is required for compliance with such paragraph.

“(4) **SEXUAL ASSAULT FORENSIC EVIDENCE REPORTS.**—

“(A) **IN GENERAL.**—For not less than 12 months after the completion of an initial count of sexual assault evidence that is awaiting testing during an audit referred to in paragraph (1)(A), a State or unit of local government that receives a grant award under subsection (a)(6) shall, not less than every 60 days, submit a report to the Department of Justice, on a form prescribed by the Attorney General, which shall contain the information required under subparagraph (B).

“(B) **CONTENTS OF REPORTS.**—A report under this paragraph shall contain the following information:

“(i) The name of the State or unit of local government filing the report.

“(ii) The period of dates covered by the report.

“(iii) The cumulative total number of samples of sexual assault evidence that, at the end of the reporting period—

“(I) are in the possession of the State or unit of local government at the reporting period;

“(II) are awaiting testing; and

“(III) the State or unit of local government has determined should undergo DNA or other appropriate forensic analyses.

“(iv) The cumulative total number of samples of sexual assault evidence in the possession of the State or unit of local government that, at

the end of the reporting period, the State or unit of local government has determined should not undergo DNA or other appropriate forensic analyses, provided that the reporting form shall allow for the State or unit of local government, at its sole discretion, to explain the reasoning for this determination in some or all cases.

“(v) The cumulative total number of samples of sexual assault evidence in a total under clause (iii) that have been submitted to a laboratory for DNA or other appropriate forensic analyses.

“(vi) The cumulative total number of samples of sexual assault evidence identified by an audit referred to in paragraph (1)(A) or under paragraph (2)(B)(ii) for which DNA or other appropriate forensic analysis has been completed at the end of the reporting period.

“(vii) The total number of samples of sexual assault evidence identified by the State or unit of local government under paragraph (2)(B)(ii), since the previous reporting period.

“(viii) The cumulative total number of samples of sexual assault evidence described under clause (iii) for which the State or unit of local government will be barred within 12 months by any applicable statute of limitations from prosecuting a perpetrator of the sexual assault to which the sample relates.

“(C) PUBLICATION OF REPORTS.—Not later than 7 days after the submission of a report under this paragraph by a State or unit of local government, the Attorney General shall, subject to subparagraph (D), publish and disseminate a facsimile of the full contents of such report on an appropriate internet website.

“(D) PERSONALLY IDENTIFIABLE INFORMATION.—The Attorney General shall ensure that any information published and disseminated as part of a report under this paragraph, which reports information under this subsection, does not include personally identifiable information or details about a sexual assault that might lead to the identification of the individuals involved.

“(E) OPTIONAL REPORTING.—The Attorney General shall—

“(i) at the discretion of a State or unit of local government required to file a report under subparagraph (A), allow such State or unit of local government, at their sole discretion, to submit such reports on a more frequent basis; and

“(ii) make available to all States and units of local government the reporting form created pursuant to subparagraph (A), whether or not they are required to submit such reports, and allow such States or units of local government, at their sole discretion, to submit such reports for publication.

“(F) SAMPLES EXEMPT FROM REPORTING REQUIREMENT.—The reporting requirements described in paragraph (2) shall not apply to a sample of sexual assault evidence that—

“(i) is not considered criminal evidence (such as a sample collected anonymously from a victim who is unwilling to make a criminal complaint); or

“(ii) relates to a sexual assault for which the prosecution of each perpetrator is barred by a statute of limitations.

“(5) DEFINITIONS.—In this subsection:

“(A) AWAITING TESTING.—The term ‘awaiting testing’ means, with respect to a sample of sexual assault evidence, that—

“(i) the sample has been collected and is in the possession of a State or unit of local government;

“(ii) DNA and other appropriate forensic analyses have not been performed on such sample; and

“(iii) the sample is related to a criminal case or investigation in which final disposition has not yet been reached.

“(B) FINAL DISPOSITION.—The term ‘final disposition’ means, with respect to a criminal case

or investigation to which a sample of sexual assault evidence relates—

“(i) the conviction or acquittal of all suspected perpetrators of the crime involved;

“(ii) a determination by the State or unit of local government in possession of the sample that the case is unfounded; or

“(iii) a declaration by the victim of the crime involved that the act constituting the basis of the crime was not committed.

“(C) POSSESSION.—

“(i) IN GENERAL.—The term ‘possession’, used with respect to possession of a sample of sexual assault evidence by a State or unit of local government, includes possession by an individual who is acting as an agent of the State or unit of local government for the collection of the sample.

“(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to create or amend any Federal rights or privileges for non-governmental vendor laboratories described in regulations promulgated under section 210303 of the DNA Identification Act of 1994 (42 U.S.C. 14131).

“(o) ESTABLISHMENT OF ADVISORY GUIDELINES, TECHNICAL ASSISTANCE, AND DEFINITIONS.—

“(1) ADVISORY GUIDELINES.—Not later than 18 months after the date of enactment of the SAFER Act of 2012, the Attorney General, in consultation with Federal, State, and local law enforcement agencies and government laboratories, shall develop and publish a report containing advisory guidelines the Attorney General considers appropriate for the accurate, timely, and effective collection and processing of sexual assault evidence that is awaiting testing, which shall address appropriate steps in the investigation of cases that might involve sexual assault evidence that is awaiting testing, including only—

“(A) how to determine—

“(i) which evidence is to be collected by law enforcement personnel and forwarded for testing; and

“(ii) what information to take into account when establishing the order in which evidence from different cases is to be tested;

“(B) the establishment of a reasonable period of time in which evidence is to be forwarded by emergency response providers, law enforcement personnel, and prosecutors to a laboratory for testing;

“(C) systems to encourage communication within a State or unit of local government among emergency response providers, law enforcement personnel, prosecutors, courts, crime laboratory personnel, and crime victims regarding the status of sexual assault evidence to be tested; and

“(D) standards for conducting the audit of the backlog of sexual assault evidence that is awaiting testing required under subsection (n).

“(2) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General shall make available technical assistance and training to support States and units of local government in adopting and implementing the guidelines developed under paragraph (1) on and after the date on which the guidelines are published.

“(3) DEFINITIONS.—In this subsection, the terms ‘awaiting testing’ and ‘possession’ have the meanings given those terms in subsection (n).”.

### SEC. 3. REPORTS TO CONGRESS.

Not later than 90 days after the end of each fiscal year for which a grant is made for the purpose described in section 2(a)(6) of the DNA Analysis Backlog Elimination Act of 2000, as amended by section 2, the Attorney General shall submit to Congress a report that—

(1) lists the States and units of local government that have been awarded such grants and the amount of the grant received by each such State or unit of local government;

(2) states the number of extensions granted by the Attorney General under section 2(n)(3) of the DNA Analysis Backlog Elimination Act of 2000, as added by section 2; and

(3) summarizes the processing status of the samples of sexual assault evidence identified in Sexual Assault Forensic Evidence Reports established under section 2(o)(4) of the DNA Analysis Backlog Act of 2000, including the number of samples that have not been tested.

### SEC. 4. REDUCING THE RAPE KIT BACKLOG.

Section 2(c)(3) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(c)(3)) is amended—

(a) in subparagraph (B), by striking “2014” and inserting “2018”; and

(b) by adding at the end the following:

“(3) For each of fiscal years 2014 through 2018, not less than 75 percent of the total grant amounts shall be awarded for a combination of purposes under paragraphs (1), (2), and (3) of subsection (a).”.

### SEC. 5. OVERSIGHT AND ACCOUNTABILITY.

All grants awarded by the Department of Justice that are authorized under this Act shall be subject to the following:

(1) AUDIT REQUIREMENT.—Beginning in fiscal year 2013, and each fiscal year thereafter, the Inspector General of the Department of Justice shall conduct audits of recipients of grants under this Act to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

(2) MANDATORY EXCLUSION.—A recipient of grant funds under this Act that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this Act during the 2 fiscal years beginning after the 12-month period described in paragraph (5).

(3) PRIORITY.—In awarding grants under this Act, the Attorney General shall give priority to eligible entities that, during the 3 fiscal years before submitting an application for a grant under this Act, did not have an unresolved audit finding showing a violation in the terms or conditions of a Department of Justice grant program.

(4) REIMBURSEMENT.—If an entity is awarded grant funds under this Act during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Attorney General shall—

(A) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

(B) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

(5) DEFINED TERM.—In this section, the term “unresolved audit finding” means an audit report finding in the final audit report of the Inspector General of the Department of Justice that the grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within a 12-month period beginning on the date when the final audit report is issued.

(6) NONPROFIT ORGANIZATION REQUIREMENTS.—

(A) DEFINITION.—For purposes of this section and the grant programs described in this Act, the term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

(B) PROHIBITION.—The Attorney General shall not award a grant under any grant program described in this Act to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

(C) **DISCLOSURE.**—Each nonprofit organization that is awarded a grant under a grant program described in this Act and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Attorney General, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Attorney General shall make the information disclosed under this subsection available for public inspection.

(7) **ADMINISTRATIVE EXPENSES.**—Unless otherwise explicitly provided in authorizing legislation, not more than 7.5 percent of the amounts authorized to be appropriated under this Act may be used by the Attorney General for salaries and administrative expenses of the Department of Justice.

(8) **CONFERENCE EXPENDITURES.**—

(A) **LIMITATION.**—No amounts authorized to be appropriated to the Department of Justice under this Act may be used by the Attorney General or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than \$20,000 in Department funds, unless the Deputy Attorney General or the appropriate Assistant Attorney General, Director, or principal deputy as the Deputy Attorney General may designate, provides prior written authorization that the funds may be expended to host a conference.

(B) **WRITTEN APPROVAL.**—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audio/visual equipment, honoraria for speakers, and any entertainment.

(C) **REPORT.**—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all conference expenditures approved by operation of this paragraph.

(9) **PROHIBITION ON LOBBYING ACTIVITY.**—

(A) **IN GENERAL.**—Amounts authorized to be appropriated under this Act may not be utilized by any grant recipient to—

(i) lobby any representative of the Department of Justice regarding the award of grant funding; or

(ii) lobby any representative of a Federal, State, local, or tribal government regarding the award of grant funding.

(B) **PENALTY.**—If the Attorney General determines that any recipient of a grant under this Act has violated subparagraph (A), the Attorney General shall—

(i) require the grant recipient to repay the grant in full; and

(ii) prohibit the grant recipient from receiving another grant under this Act for not less than 5 years.

#### SEC. 6. SUNSET.

Effective on December 31, 2018, subsections (a)(6) and (n) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(6) and (n)) are repealed.

Amend the title so as to read: “A bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs, and for other purposes.”

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### SPACE EXPLORATION SUSTAINABILITY ACT

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6586) to extend the application of certain space launch liability provisions through 2014, with the Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Space Exploration Sustainability Act”.

#### SEC. 2. ASSURANCE OF CORE CAPABILITIES.

Section 203 of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18313) is amended by adding at the end the following:

“(c) **SENSE OF CONGRESS REGARDING HUMAN SPACE FLIGHT CAPABILITY ASSURANCE.**—It is the sense of Congress that the Administrator shall proceed with the utilization of the ISS, technology development, and follow-on transportation systems (including the Space Launch System, multi-purpose crew vehicle, and commercial crew and cargo transportation capabilities) under titles III and IV of this Act in a manner that ensures—

“(1) that these capabilities remain inherently complementary and interrelated;

“(2) a balance of the development, sustainment, and use of each of these capabilities, which are of critical importance to the viability and sustainability of the U.S. space program; and

“(3) that resources required to support the timely and sustainable development of these capabilities authorized in either title III or title IV of this Act are not derived from a reduction in resources for the capabilities authorized in the other title.

“(d) **LIMITATION.**—Nothing in subsection (c) shall apply to or affect any capability authorized by any other title of this Act”.

#### SEC. 3. EXTENSION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS.

Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

#### SEC. 4. EXEMPTION FROM INKSNA.

Section 7(1)(B) of the Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is amended—

(1) by striking “, or for the purchase of goods or services relating to human space flight, that are”; and

(2) by striking “prior to July 1, 2016” and inserting “prior to December 31, 2020”.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

### HOUR OF MEETING ON TOMORROW

Mr. DOLD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

### ADJOURNMENT

Mr. DOLD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, January 3, 2013, at 11 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9017. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Patrick J. O'Reilly, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9018. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Certification Related to Condition 27(C)(i) of Senate Executive Resolution 75 to Advise and Consent to the Ratification of the Chemical Weapons Convention, Subject to Certain Conditions; to the Committee on Foreign Affairs.

9019. A letter from the Secretary, Department of Education, transmitting Semiannual Report to Congress of the Office of the Inspector General for the period April 1, 2012, through September 30, 2012; to the Committee on Oversight and Government Reform.

9020. A letter from the Auditor, District of Columbia, transmitting a report titled, “Audit of the Closure and Consolidation of 23 D.C. Public Schools.”; to the Committee on Oversight and Government Reform.

9021. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on competitive sourcing efforts for fiscal year 2012; to the Committee on Oversight and Government Reform.

9022. A letter from the Director, Office of Personnel Management, transmitting the Office's semiannual report from the office of the Inspector General and the Management Response for the period April 1, 2012, through September 30, 2012; to the Committee on Oversight and Government Reform.

9023. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period April 1 through September 30,

2012; to the Committee on Oversight and Government Reform.

9024. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the Uniformed and Overseas Citizens Absentee Voting Act for 2012; to the Committee on House Administration.

9025. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2012 through December 31, 2012 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112-160); to the Committee on House Administration and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. Fourth Semiannual Report on the Activity of the Committee on Financial Services for the 112th Congress (Rept. 112-742). Referred to the Committee of the Whole House on the state of the Union.

Ms. ROS-LEHTINEN: Committee on Foreign Affairs. Legislative Review and Oversight Activities of the Committee on Foreign Affairs, One Hundred Twelfth Congress (Rept. 112-743). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCKEON: Committee on Armed Services. Fourth Semiannual Report on the Activities of the Committee on Armed Services for the One Hundred Twelfth Congress (Rept. 112-744). Referred to the Committee of the Whole House on the state of the Union.

Mr. HALL: Committee on Science, Space, and Technology. Fourth Semiannual Report of Activities of the Committee on Science, Space, and Technology (Rept. 112-745). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. STEARNS introduced a resolution (H. Res. 845) amending the Rules of the House of Representatives to establish a standing Committee on Repeals; which was referred to the Committee on Rules.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 751: Ms. ESHOO, Mr. SCHIFF, and Ms. MOORE.

H.R. 3395: Mr. RAHALL.

H.R. 3625: Mr. PERLMUTTER.

H.R. 4373: Mr. MARKEY.

H.R. 5989: Mrs. CAPPS, Mr. LOEBSACK, Ms. NORTON, and Mr. CICILLINE.

H.R. 6490: Mr. MEEHAN, Mr. BISHOP of Georgia, Mr. CICILLINE, Mr. BISHOP of New York, Mr. PAULSEN, Mrs. MILLER of Michigan, and Mr. MCGOVERN.

H.R. 6589: Mr. GOHMERT.



## EXTENSIONS OF REMARKS

### THE DEVASTATING CRISIS IN EASTERN CONGO

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. SMITH of New Jersey. Mr. Speaker, last month the Subcommittee on Africa, Global Health, and Human Rights held a hearing which examined U.S. policy regarding the conflict in the Democratic Republic of the Congo (DRC). This conflict was exacerbated by Rwanda's interventions in neighboring eastern Congo, as documented by the release of three United Nations reports last year. These reports confirmed Rwanda's support of militia who have ravaged and continue to plague this region. The State Department was unavailable to testify at our September 19th hearing on this issue, and the subcommittee promised at that time to follow-up when State was available to testify.

In the aftermath of the 1994 genocide, successive U.S. administrations have turned a blind eye to reports of Rwandan plundering of resources from the DRC and support for rebels who have devastated eastern Congo and its people. It seems that guilt over the Clinton Administration's failure responding effectively to the genocide in Rwanda has led subsequent U.S. administrations to be reluctant to criticize the Government of Rwanda.

With these UN reports on that government's behavior in the DRC, we must overcome our regret over what happened 18 years ago. As an NGO letter to President Obama points out, the United States is now out of step with our European allies, who have cut aid to Rwanda because of their interference in the DRC, as recommended by the UN Group of Experts in their recent reports. The Group of Experts also recommends imposing sanctions on responsible Rwandan officials, such as Defense Minister General James Kabarebe.

Additionally, the Government of the DRC has failed to ensure that its military adequately provides security for its citizens. In fact, the National Forces of the Democratic Republic of the Congo (FARDC) also is alleged to be a perpetrator of human rights violations in the East. Security sector reform is critical in the DRC, and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) has not been able to completely train military containing elements that too often terrorize their own people instead of protecting them.

At this point, it is vital to understand what the administration intends to do about the UN reports on Rwanda's violation of the arms embargo on non-state groups in eastern DRC and how this impacts U.S. relations with Rwanda. Furthermore, we must know how the administration intends to deal with the DRC government in light of its deficiencies in secu-

rity sector reform. The hearing also took a comprehensive look at who is responsible for the insecurity in eastern Congo beyond the two government and the militias.

Most attention is being paid to the M23 rebel movement in eastern Congo, and justifiably so in light of their recent seizure of territory and overall destructive impact on the people of eastern Congo. However, there are reportedly as many as two dozen armed groups terrorizing Congolese in this region. According to a November 2012 report from Oxfam, *Commodities of War*, nine of these militias are believed to be most prominent. They range from those with a focus on Rwanda or Uganda, those that were formed in response to the flight of perpetrators of the 1994 genocide in Rwanda to the DRC or those singularly focused on the DRC itself. Whatever the reason for their founding, these militias have terrorized the people of eastern Congo and the DRC as a whole. We must identify their support base and end the flow of arms and other aid that enables their ongoing reign of terror.

According to the U.N. Office for the Coordination of Humanitarian Affairs (OCHA), insecurity in eastern Congo has displaced approximately 2.4 million people nationwide, especially in the East. Despite longstanding conflict in eastern Congo, OCHA estimates that the majority of displaced persons typically returns to their areas of origin within six to 18 months of their initial displacement and require minimal return assistance. While that may be true, it does not account for the kind of life Congolese will have once they can return to their homes.

Women continue to be targeted for abuse in DRC. A study that recently appeared in the *American Journal of Public Health* in May 2011 concluded that an average of 48 women and girls are raped every hour in this country. So, as with our February 2nd and September 19th hearings on the DRC this year, more than 100 females in DRC were raped before our hearing last month ended. Their rejection by their families and communities casts a cloud over future efforts to recreate communities destroyed by militias in the DRC. This is an issue that must be addressed by Congolese themselves—sooner rather than later.

Since our hearing in September, M23 made significant gains in territorial control, occupying Goma for 10 days while moving southward, potentially toward the South Kivu town of Bukavu. However, international pressure played a major role in the group ending its advance southward and withdrawing from Goma town by early December. DRC President Joseph Kabila's government and the M23 rebels reportedly have agreed to peace talks in Kampala sponsored by the Government of Uganda. There have been peace talks and peace accords in the DRC before, and they didn't hold. Will this effort achieve lasting peace?

The DRC is home to abundant mineral wealth, including 70 percent of the world's

coltan (used to make vital components of cell phones and other electronic equipment), 30 percent of the world's diamond reserves and vast deposits of cobalt, copper and bauxite. Unfortunately, these natural resources have attracted international looters and fuelled civil war. Now oil has been discovered in eastern DRC. Can a way be found to prevent the DRC's blessings from being turned into curses?

The tragic genocide in Rwanda in 1994 has had lasting repercussions in the DRC, but since the 1880s, resentment over the perceived influx of people considered foreigners in eastern DRC has contributed to conflict in this region, including two regional wars. Various leaders in the region have used this antipathy for political purposes, pitting their supporters against their perceived opponents. Can the inter-ethnic problems in the DRC and its neighbors be finally resolved so that a lasting peace among all the people in the DRC can be achieved?

Our witnesses last month were well-positioned to address questions regarding a path toward sustainable peace in the DRC and the obstacles that lie in that path. It is time now to find a way to bring to an end the suffering of the people of the DRC.

### IN RECOGNITION OF THE 9TH AN- NIVERSARY OF THE PI LAMBDA LAMBDA CHAPTER OF OMEGA PSI PHI, INC.

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the 9th Anniversary of the Pi Lambda Lambda Chapter of the Omega Psi Phi Fraternity, Inc. The chapter includes the communities of Prince William County, the City of Manassas, the City of Manassas Park, and Stafford County.

Coinciding with the local chapter's 9th Anniversary is the national organization's 101st Anniversary. The Omega Psi Phi Fraternity was founded on Friday evening, November 17, 1911 by three Howard University undergraduate students, Edgar A. Love, Oscar J. Cooper, and Frank Coleman, and their faculty adviser, Professor Ernest E. Just. Together they laid the foundation of an organization based on the core principles of manhood, scholarship, perseverance and uplift. For ninety-eight years, the membership has upheld a strong tradition of friendship and civic engagement.

At this year's Annual Achievement Week Banquet, the Pi Lambda Lambda Chapter honors the 2012 Achievement Week Award recipients. These awards are given to the men and women who, through their character and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

actions, preserve Omega Psi Phi's four founding principles. I congratulate the following individuals on being awarded these honors:

The Citizen of the Year Award: Brother Conrado Morgan.

The Colonel Charles Young Military Leadership Award: Brother Lieutenant Colonel Leonard Newman III.

Omega Man of the Year: Brother Charles Mitchell.

Basileus Special Act Awards: Brother Tony Bullock, Brother David Holliday, Brother Robert Reese, Jr., Brother Cozy Bailey, Sr., Brother Leonard Newman III, Brother Adrian Gore, Brother Jimmie Jacobs, Jr., Brother Harvey L. Woodson, Jr., Brother Trevor Hamilton, Brother Bernard Oliphant, Brother Anthony Burgess, Brother Byron Cherry, Sr., Brother Vernon Campbell, Brother Andrew McCall II, Brother Albert Woods, Brother Earl Clark, Brother Erik Noel, Brother Gregory Reid, Brother Lloyd Marshall, Brother Arthur Sobers, Jr., Brother David Ballard, Brother Joseph Boutte, Brother DeSean Davis, Brother Drefous Lane, Sr., Brother Vincent Gordon, Brother William Vaughn, Jr., Brother Joseph Boutte, Brother Derrick Harris, Sr., Brother Conrado Morgan, Brother Rowland Webb, Sr., Brother Stephen Blakely, Brother Crispin Abad, Brother Gregory Reid, Brother Johnny Ledbetter, Brother Matthew Mitchell, Brother Thomas Victor Montgomery III, Brother Jeffrey Allen, Brother Victor Hinton, Brother Robert Melvin, Brother Iven King, Jr., Brother Tyrone Simon, Brother Kenneth West, Brother Simon King, Brother Randall Webb, Brother Lewis Forrest I, Brother Byron Cherry, Sr., Brother Lee Bennett, Jr., Brother Elijah Jackson III.

Mr. Speaker, I ask that my colleagues join me in conveying our appreciation for eight years of civic service by the Pi Lambda Lambda Chapter of the Omega Psi Phi Fraternity, Inc. It is civic groups like the Pi Lambda Lambda Chapter that define the character of our communities and give measure to our generosity of spirit.

RECOGNIZING LYLE W. MINTER  
AND HIS 36 YEARS OF FEDERAL  
SERVICE

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize and pay tribute to Lyle W. Minter, of Fairfax, Virginia, on the occasion of his retirement after 36 years of Federal service. Mr. Minter's professional achievements are numerous, and I know he would be the first to acknowledge that none of them would have been possible without the support of his wife, Nancy.

Lyle graduated in 1975 from the University of Virginia with a B.A. in History. While at the University of Virginia, Lyle was elected to Phi Beta Kappa. He received his Master of Library Science in 1976 from the University of Maryland. While at the University of Maryland, Lyle was elected to Beta Phi Mu.

Lyle began his distinguished Federal career as a civilian employee with the Department of

the Army. He worked as the librarian at two Army posts in Virginia before being reassigned to the Pentagon Library as a reference librarian. He later was selected as head of the Reference Section and managed research support, general reference, and online database searching for the Pentagon Library's 50,000 patrons.

Lyle came to the Library of Congress in 1991 as Head of the Government Publications and Periodicals Section in the Serial and Government Publications Division. In that position he managed the automation of the serial binding preparation process and was instrumental in implementing a number of other enhancements and services, which enabled increased access to the Library of Congress collections for Members of Congress and the research community who utilize that institution and its vast collections. Lyle then was reassigned as Head of the Newspaper and Current Periodical Division, where he managed the Library's busiest public service point and implemented such innovations as virtual reference and online collection guides. Lyle came to the Congressional Research Service in 2005 as a Supervisory Information Research Specialist in the Foreign Affairs, Defense, and Trade Division where he manages a team of employees who respond to requests from the United States Congress. He has remained in that position until the time of his retirement.

Throughout his career, Lyle has been actively engaged in the professional librarian community as a member of the Special Libraries Association (SLA), and he has received several awards for his service. He was elected a Fellow of SLA in 2004 and received the Gale Cengage Learning Murray Wortzel Award in recognition of Excellence in Social Science Librarianship in 2011. Lyle particularly enjoys teaching and mentoring information professionals, and his dedication to mentoring librarians and others in the field of librarianship has been a benchmark of his career.

As Lyle begins the next chapter of his life, he intends to spend time with friends and family, teach, travel, and continue volunteering in his community and in his profession. Lyle Minter has excelled throughout his distinguished Federal career, and I am honored to pay tribute to this conscientious and dedicated public servant.

Mr. Speaker, I ask my colleagues to join me in thanking Lyle Minter for his many years of dedicated Federal service. I wish Lyle and his wife, Nancy, continued happiness as they enter this next phase of their lives.

SHARING A NEWS STORY ON THE  
PROUD TRADITION OF INCLUS-  
SIVENESS FOUND IN RESTON, VA

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to share with my colleagues a poignant story from a local newspaper about the experiences of a prominent African-American veteran and corporate leader in our community who was an early pioneer in breaking down

the barriers of segregation. When Carlos Campbell and his family settled in Northern Virginia in the late 1960s, they found a certain amount of intolerance, but they were pleasantly surprised by the welcome they received in the new town of Reston, which at the time was a rare "open" community in Virginia. This story about Mr. Campbell, as reported by Gregg MacDonald of The Fairfax Times, is just one of the many things that make Reston such a wonderful community, which I am proud to represent.

[From the Fairfax Times]

NAVY PILOT, BOARD DIRECTOR RECALLS LIFE  
IN RESTON AS AN AFRICAN AMERICAN

(By Gregg MacDonald)

As a young African-American boy growing up in Harlem, Carlos C. Campbell, now 75, lived two streets down from Brooklyn Dodgers baseball player Jackie Robinson and used to wave at Robinson as he left his home on the way to Ebbets Field.

He later befriended jazz and football legends Dizzy Gillespie and Jim Brown, and worked as an actor with Charlton Heston and Robert Wagner and as a musician with jazz drummer Buddy Rich. He has written books, made films, flown planes for the U.S. Navy, worked for former President Ronald Reagan and the Defense Intelligence Agency, for the Department of Housing and Urban Development as a city planner, and was elected to the D100 as one of the most influential directors of corporate boards by the National Association of Corporate Directors.

But when Campbell moved to Northern Virginia in 1968, he said that because of segregation and discrimination, he could not buy a home.

"I looked at 39 different places and it was always the same line," he said. "I'm sorry, sir, we do not practice open occupancy. It was very humiliating to be turned down for a residence for someone who had served his country during the Cuban Missile Crisis and had resolved to die if that's what it took to protect it."

Campbell said that while he was looking, he remembered a place called Reston that he had read about while a Navy aviator. "In 1965 or so, Reston had gotten a lot of ink as an open community, so I eventually remembered hearing about it and decided to check it out."

Chuck Veatch, an early Reston sales employee, remembers that time well.

"Because Reston in the 1960s was an 'open' community within a segregated state that had no fair housing laws, we had a hard time with market resistance in terms of blacks," Veatch said. "We in Reston had no issues at all, but because Realtors did not sell our homes there was some resentment, and the real estate brokerage community used the race card against us, to sell against us, and tell people they didn't want to live in Reston."

Married and with two daughters, Campbell purchased his first Reston home, in Vantage Hill, in October 1968. He soon went to work for the Department of Housing and Urban Development in Washington, D.C.

"It was great to finally be able to find a community in which we were tolerated," he said. "But it was still no piece of cake."

Campbell estimates that at that time, Reston consisted of about 1,500 people, about four percent of whom were African American.

"There was a group of Reston African Americans formed back then who called themselves the Reston Black Focus. I wasn't

initially a part of the group, but they would have get-togethers and invite everyone. Afterwards random people would come up to me and say, 'Man, you guys throw great parties' and I would say, 'OK, thanks.'"

According to Campbell, although Reston was an open community, the surrounding areas of Fairfax County still were not quite there yet.

"Leaving Reston, we would be reminded of what it was really like," he said.

"Everywhere I went, people in their cars slowed down and asked me if I was a Washington Redskin, but I guess that was better than them yelling 'nigger' out of the window as they went by, which also would happen."

Campbell said his family also felt the effects of discrimination.

"Beauty parlors would refuse to style my wife's hair, and a swimming pool once closed down, rather than let my little girl get in the water," he said.

Campbell said that even in Reston during that time, African Americans often were under a microscope, and whites were not sure how to interact with them. On several occasions he said he discovered people rifling through his garbage cans, who then ran off when confronted.

"I would also occasionally get a knock on my door and someone would ask me what I did for a living, or ask me if I needed a job," he said. "I also used to jog and would invariably get stopped by police who would often say they were looking for a robbery suspect."

But overall, Campbell said life in Reston was always positive. He later moved to Golf Course Island in 1970, but has remained in Reston for 44 years.

"Reston was always a great place," he said. "As an African American here, I was always tolerated, and as the years went by, Reston transcended that tolerance into acceptance. I felt less like a guinea pig and more of a citizen and a member of this community. Discrimination and intolerance still exist, but it is not as overt as it once was. I am glad Reston existed when it did and I'm content to continue living here and giving back."

#### HONORING JENNI RIVERA

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. DIAZ-BALART. Mr. Speaker, I rise today to honor Jenni Rivera. On December 9, a plane crash took the life of the singer and six others on board. Jenni Rivera was known as "La Diva de la Banda," the queen of Banda music. But she was much more than a music superstar; she was "una guerrera," a warrior for her family, and a role model to many. She faced monumental challenges in life, but tackled them with dignity and determination. At the public celebration of her life this week, her family described her as being "perfectly imperfect," but to the millions of us moved by her music and her life story, she was and will always be "nuestra Jenni," La Diva de la Banda. I ask that my colleagues join me in celebrating this beautiful guerrera, a guerrera of life and of music.

#### COMMENDING SENIOR AIRMAN VERONICA COX ON HER EFFORTS FOLLOWING THE 2011 EARTH- QUAKE IN JAPAN

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Senior Airman Veronica Cox of Lorton, Virginia, for demonstrating exceptional personal and moral courage during humanitarian assistance after the 9.0 magnitude earthquake that hit northeast Japan on March 11th, 2011.

Airman Cox volunteered for humanitarian assistance duty and was part of the advanced command element in the town of Sanriku-cho as an intelligence analyst. Being able to communicate fluently in Japanese, she was able to greatly assist in integrating the Japanese-U.S. response within the crucial first 24 hours as well as the days that followed. She met with the village elder and clearly communicated necessary medical and survival instructions. She flew with nine search and rescue teams and directly enabled the delivery of 3,000 pounds of food, water and medical supplies.

Three days after the earthquake, Airman Cox was able to recognize the Japanese characters asking for help spelled out by rocks on the roof of a senior-care facility. A further investigation led to the discovery of 200 Japanese civilians within the rubble of the building.

For her service during the crisis, Airman Cox and the aircrew received recognition from the Emperor of Japan. She received the Air Force Commendation Medal and was selected as a linguist for the 5th Air Force Vice Command during U.S. and Japanese Ministry of Defense-level meetings. She also received recognition and awards from the Japan Self-Defense forces and civilian organizations.

Mr. Speaker, I ask my colleagues to join me in recognizing Senior Airman Veronica Cox for her tremendous service to our nation and her valiant humanitarian assistance to the people of Japan.

#### FINAL REFLECTION

#### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. STEARNS. Mr. Speaker, today I close my 24 years of service in the U.S. House of Representatives—it has been a rare honor to serve the people of north east Florida and I'm humbled by this responsibility. In reflecting on my tenure, I'm very proud of my record of accomplishments.

As a veteran of the United States Air Force, I deeply appreciate the opportunity to serve on the Veterans Affairs Committee and to work on behalf my fellow veterans. Through these efforts, we established new VA outpatient clinics in the district, including a state of the art facility in South Marion County. In addition, we succeeded in building support for the new pa-

tient bed center at the Gainesville VA Medical Center. And, after over a decade of work, we saw my language to create a new veterans cemetery in north east Florida signed into law.

Furthermore, two measures I offered in the VA became law: the Veterans Millennium Health Care & Benefits Act improving veterans' access to long-term care; and the VA Health Care Personnel Act to increase pay for VA health care professionals.

Working with members on both sides of the aisle, one of my first achievements was gaining enactment of S. 2740 / H.R. 4237 to amend the Water Resources Development Act of 1986. This measure deauthorized the Cross-Florida Barge Canal, and allowed the State of Florida to preserve this canal corridor as a greenway spanning the state.

Then there is the Telecommunications Act of 1996. Computers, the Internet, and other innovations transformed the national economy, making our laws and regulations outdated and burdensome. As a House conferee on this legislation, I worked with my colleagues in developing a response providing greater competition, less regulation, better service, and lower prices. And once again, Congress should work to remove the current obstacles to greater innovation that will bring more products, services, and jobs.

Most recently, my selection to lead the House Energy and Commerce Committee's Subcommittee on Oversight and Investigations provided the chance to make our government more transparent and responsive. Through our oversight, we discouraged the implementation of overly rigorous rules and regulations that hamper economic growth and job creation.

We also discovered the waste and abuse in the Department of Energy's loan guarantee program. This risky scheme to create so-called green jobs cost taxpayers billions of dollars while yielding a few jobs. This is best exemplified by Solyndra, which received \$535 million from the taxpayers only to declare bankruptcy and becoming the target of a criminal investigation by the FBI.

In recognition of our \$16 trillion debt, I take great satisfaction in my record on fiscal responsibility. It is a distinct honor to be one of only 53 House and Senate members to receive an "A" rating from the National Taxpayers Union. In addition, my record on jobs and the economy earned recognition by the U.S. Chamber of Commerce, Citizens Against Government Waste, and Americans for Tax Reform.

I also owe many thanks—to so many of my colleagues, and especially to the people of Florida's Sixth District. I also thank my staff for their help in serving my constituents, my Chief of Staff Jack Seum and Paul Flusche here in Washington, and Shawna Williams, Sherrie Porter, and Jean Clough (Cluff) in the District.

Again, it has been an honor and an experience of a lifetime to serve in Congress.

RECOGNIZING THE NORTHERN VIRGINIA BLACK CHAMBER OF COMMERCE 2012 BUSINESS HONOR AWARD RECIPIENTS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the Northern Virginia Black Chamber of Commerce and to congratulate those members who are being honored for their contributions to the business and local communities.

The Northern Virginia Black Chamber of Commerce (NVBCC) is a vibrant organization dedicated to the growth and development of African-American owned businesses in the City of Alexandria and the counties of Arlington, Fairfax, Loudoun, and Prince William. The Chamber provides leadership, strategic information, technical assistance, networking opportunities, and other support to more than 120 member partners, helping to ensure the growth and success of their businesses. In addition, the NVBCC actively supports area nonprofits in efforts to increase the financial literacy and leadership capability of school-aged children in our area.

Each year, the NVBCC recognizes its members for their extraordinary success and contributions to the Chamber and our community. It is my honor to enter the names of the following 2012 Business Honor Award recipients into the CONGRESSIONAL RECORD:

Outstanding Emerging Business: Nationwide Insurance—The Brad Ryant Insurance Agency  
Business of the Year: Valley Green Landscaping

Outstanding Corporate Partner: Intelligent Office of Alexandria

Outstanding Community Partner: Alexandria-Fairfax County Alumni Chapter of Kappa Alpha Psi, Inc.

Member of the Year: Kim de Peiza, Key Concepts Knowledgebase, LLC

Member of the Year: Isaac Lewis, Morgan Stanley Smith Barney

Outstanding Public Partner: Fairfax County Economic Development Authority

Mr. Speaker, I ask my colleagues to join me in congratulating the 2012 Business Honor Award recipients and in thanking each of them for their efforts to strengthen our local business economy and for their commitment to building a stronger community.

RECOGNIZING THE 200TH ANNIVERSARY OF THE WAR OF 1812 AND THE BENJAMIN HARRISON SOCIETY

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in recognizing the 200th anniversary of the War of 1812 and the Benjamin Harrison Society's work in bringing attention to the little

known involvement of the District of Columbia in the war.

In the summer of 1814, British troops invaded our nation's capital. The poorly planned campaign ended in the wounding of Joshua Barney and the burning of the capital city—most major public buildings were burned, including the United States Capitol and the White House. However, a brave navy commodore, Joshua Barney and flotilla of men, militia and marines, stood in the Rives' Farm of Washington, D.C., with two 18 pound cannons and three 12 pound cannons defending the nation's capital until their ammunition was depleted and the wounding of Commodore Barney. In 2009, the Benjamin Harrison Society's lead historian, Acquanetta Anderson, asked volunteer archaeologists from the Smithsonian Institution to conduct the archaeological excavation of U.S. Reservation 520 to confirm Barney's artillery position during the Battle of Bladensburg on August 24, 1814, using historic descriptions, archaeological prospecting, mapping and excavation. The significance of the site, besides providing insight into an example of mid-19th century architecture, was that the Rives' barns provided a reference point for determining the position of Barney's battery during the battle. Barney's two 18 pound cannons and three 12 pound cannons were described as being within several yards of this location. The excavation of the median in Bladensburg Road by the D.C. Department of Transportation in September 2011 added to the investigation. The original turnpike level could be distinguished approximately 23.6 inches below the present road surface and spring water was observed still running across the road opposite Barney's Spring. Brick fragments, presumably emanating from the second Rives' barn, were also found in the median trench, further strengthening Ms. Anderson's theory that the Battle of Bladensburg occurred both in Maryland and Washington, D.C. in Ward 5 on August 24, 1814.

The Benjamin Harrison Society should be commended for their dedication to the research of the history of Washington, D.C. and the War of 1812, Battle of Bladensburg. Their research revealed that Barney, and his flotilla of men, militia, and marines battled the British in Washington, D.C. during the Battle of Bladensburg on August 24, 1814. The archaeological knowledge gained from this project can assist the National Park Service in cultural resource management, as well as the Benjamin Harrison Society, the Daughters of the American Revolution, Benjamin Harrison Chapter, and the Washington, D.C. War of 1812 Bicentennial Commission with site interpretation of both the Battle of Bladensburg and the Star-Spangled Banner Trail in Washington, D.C. It will help to finalize the Commission's plans for the commemoration of the Battle of Bladensburg and the War of 1812, beginning in 2012.

I ask the House to join me in recognizing the Benjamin Harrison Society and their involvement in research and commemorating the War of 1812.

RECOGNIZING DR. WYNFRED JOSHUA AS A 2012 DIA TORCH BEARERS AWARD RECIPIENT

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Dr. Wynfred Joshua, one of the 2012 recipients of the Defense Intelligence Agency's Torch Bearers Award. This award is presented to individuals who have made significant and lasting contribution to defense intelligence and whose performance also embodies the agency's core values and principles.

One of the first defense intelligence officers at DIA, Dr. Joshua retired in February of 1998 after 24 years of dedicated service. An expert on the Soviet Union and strategic nuclear capabilities, Dr. Joshua was a guiding force for DIA analytic teams throughout the Cold War era. Dr. Joshua was known throughout the intelligence community as a person of immense honesty, intelligence, and reliability.

Dr. Joshua's leadership and teaching ability also helped conserve our Nation's precious public resources. She developed and implemented a successful program to improve DIA's role in supporting the National Defense University. Her contributions not only enhanced the DIA's status within the Intelligence Community, but also provided the critical intelligence assessments that shaped our national military strategy. Dr. Joshua's dedication to DIA, the Intelligence Community, and the United States is a testament to her integrity, unwavering professionalism, and commitment to excellence.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Wynfred Joshua and thanking her for her 24 years of service and selfless dedication to the defense of our country. Her distinguished service has greatly contributed to the advancement and prestige of our Nation's intelligence capabilities.

SUPPORT OF THE NATIONAL DEFENSE AUTHORIZATION ACT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Ms. ESHOO. Mr. Speaker, I rise in support of the National Defense Authorization Act which contains a very special provision, the Recalcitrant Cancer Research Act.

I first introduced this bill in the 110th Congress in honor of my dear friend, Ambassador Richard Sklar, who was a victim of pancreatic cancer, a devastating disease. Pancreatic cancer is essentially a death sentence, with very few surviving. It is only because of the families, friends, neighbors, doctors, and co-workers who have advocated for better research and treatments, that we've made it to the "finish line" legislatively after a five-year effort.

Sadly, the outcomes for those with pancreatic cancer have remained relatively unchanged since the passage of the National

Cancer Act more than 40 years ago. Only 6 percent of people diagnosed with the disease live longer than 5 years, and 75 percent die within a year of diagnosis. Pancreatic cancer remains one of the most lethal types of cancers, even as survival rates for other cancers have increased.

The Recalcitrant Cancer Research Act, which I introduced with my colleague, Representative LEONARD LANCE, directs the National Cancer Institute to develop a long-term strategic plan for addressing recalcitrant cancers beginning with pancreatic and lung cancers. The plan will bring together the finest minds in our country with the best expertise in this area. The plans will be used by the Agency as a roadmap for navigating the best way forward in research for early detection, new diagnostic tools, treatment therapies, and even cures.

While pancreatic cancer is one of the most devastating of all "recalcitrant cancers," or those with a high mortality rate and few treatments, it is certainly not the only one that needs increased attention. I have worked closely with my colleagues on both sides of the aisle to expand our legislation to include all recalcitrant cancers so that we can make progress in other areas, too.

I am exceedingly proud that this legislation enjoyed the bipartisan cosponsorship of 294 Members of the House and more than half the U.S. Senate with 58 bipartisan cosponsors. Senator SHELDON WHITEHOUSE championed the legislation with his steadfast leadership, and without him, this effort would not have ultimately been successful.

I thank Chairman UPTON and Ranking Member WAXMAN of the Energy and Commerce Committee for their work in moving the bill forward. I'm very proud of the efforts of the pancreatic cancer advocates who had the courage to share their stories with their representatives, educating them about the importance of this legislation.

I look forward to seeing the Recalcitrant Cancer Research Act signed into law as part of the National Defense Authorization Act so we can finally bring a renewed effort to finding cures for all recalcitrant cancers.

#### PERSONAL EXPLANATION

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. GEORGE MILLER of California. Mr. Speaker, on January 1, 2013, I was unavoidably detained and missed rollcall No. 655. Had I been present, I would have voted "nay." While I support freezing pay for members of Congress, that was achieved by passage of H.R. 8, and I do not believe that it is appropriate to freeze pay for Federal employees for another year, given the sacrifices that they have already made.

#### RECOGNIZING ILENE GILLISPIE AS A RECIPIENT OF THE 2012 CRITICAL LANGUAGE SCHOLARSHIP

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to honor Ilene Gillispie, of the Alexandria portion of Fairfax County, a 2012 State Department Critical Language Scholarship (CLS) recipient. Ilene was selected for this competitive award based on her academic ability, exemplary citizenship, and her commitment to learning and mastering a foreign language of critical importance.

While studying in Chandigarh, India, Ilene studied at the Punjabi Summer Institute and focused on creating a strong foundation for both her language fluency and her cultural competency. She participated in daily educational activities and built relationships with young leaders from all over the world with a focus on the Punjabi language, one of the thirteen "critical needs" foreign languages determined by the Department of State. The CLS program—a key component of the National Security Language Initiative—provides fully-funded, group-based, language instruction and structured cultural enrichment experiences to U.S. students overseas. The accelerated program of study over 8–10 weeks is approximately equivalent to one full year of language study, and includes extracurricular activities designed to supplement the formal curriculum.

Ilene is a student at the New College of Florida. It is inspiring to see young people who are interested in international educational and developmental experiences such as these. Mr. Speaker, I ask my colleges to join me in recognizing Ilene Gillispie's achievements and wishing her continued success in her academic and professional pursuits.

#### PERSONAL EXPLANATION

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. BURTON of Indiana. Mr. Speaker, I was unavoidably detained and unable to be on the Floor for rollcall vote 659. Had I been present I would have emphatically voted "no."

#### RECOGNIZING AMANDA MICHETTI AS A RECIPIENT OF THE 2012 CRITICAL LANGUAGE SCHOLARSHIP

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Amanda Michette, of Springfield, as a 2012 State Department Critical Language Scholarship (CLS) recipient. Amanda was selected for this competitive award based

on her academic ability and her commitment to learning and mastering a foreign language of critical importance.

While studying in Amman, Jordan, she was a participant in the Arabic Summer institute and focused on improving both her language fluency and her cultural competency. The CLS program—a key component of the National Security Language Initiative—provides fully-funded, group-based, intensive language instruction and structured cultural enrichment experiences to U.S. students overseas. The accelerated program of study over 8–10 weeks is approximately equivalent to one full year of language study, and includes extracurricular activities designed to supplement the formal curriculum.

Amanda is a student at James Madison University. It is inspiring to see young people who are interested in international education and developmental experiences such as these. Mr. Speaker, I ask my colleges to join me in recognizing Amanda Michette's achievements and wishing her continued success in her academic and professional pursuits.

#### PERSONAL EXPLANATION

### HON. TIM GRIFFIN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. GRIFFIN of Arkansas. Mr. Speaker, on Monday, December 17, 2012, I missed two votes because my flight from Little Rock to the Baltimore Washington International Airport (BWI) was cancelled along with a number of others because the airport was closed due to fog. I flew into Reagan National Airport later in the evening.

If I had been present, I would have voted "aye" on rollcall vote No. 627 (H.R. 4606) and "aye" on rollcall vote No. 628 (S. 3193).

#### RECOGNIZING BENJAMIN BISSELL AS A RECIPIENT OF THE 2012 CRITICAL LANGUAGE SCHOLARSHIP

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Benjamin Bissell, of Fairfax Station, as a recipient of the 2012 State Department Critical Language Scholarship (CLS) and a participant in the CLS Russian program.

The CLS Program, created in 2006 as a key component of the National Security Language Initiative, has had more than 3,350 participants who have acquired specific skill sets in business and language, as well as cultural perspectives unique to their experiences. The CLS Russian program covers approximately one academic year of university-level Russian study over an eight-week period. Mr. Bissell, a fourth year student at the University of Virginia, studied in Vladimir, Russia, for the entirety of the program.

Mr. Bissell followed his passion for politics in demography and linguistics, specifically

Russian, which led him to the program. With his admirable determination to learn more about the international impact of demography, and to enhance his cultural experiences and knowledge, he successfully completed the program and was awarded this outstanding scholarship.

Mr. Speaker, I ask my colleagues to join me in recognizing Benjamin Bissell's achievements and wishing him continued success in his future academic and professional pursuits.

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#### PERSONAL EXPLANATION

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Ms. ESHOO. Mr. Speaker. I was not present during the rollcall vote No. 623, on December 12, 2012. I would have voted "no."

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#### RECOGNIZING THE WASHINGTON REGIONAL ALCOHOL PROGRAM ON ITS 30TH ANNIVERSARY

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 2, 2013*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize the Washington Regional Alcohol Program (WRAP) and to congratulate it on the occasion of its 30th anniversary.

Founded in 1982, WRAP is an award winning, public-private coalition formed to fight drunk driving, drugged driving, and underage drinking in the Washington D.C. metropolitan area. Through educational and innovative public programs, WRAP is credited with keeping Washington area alcohol related death rates

consistently below the national average. Programs and resources include Youth Outreach, Adult Outreach, and Public Education programs designed to educate students and the general public on the dangers of alcohol and drugs, particularly driving while under the influence. Through the WRAP Holiday SoberRide program, individuals who are impaired can request a free cab ride home. Since SoberRide was launched in 1993, 55,851 free cab rides have been provided, preventing possible accidents and deaths.

In 1982, the year that WRAP was founded, 26,173 people in the United States lost their lives in alcohol-related car accidents; 60% of all traffic fatalities involved drunk driving. Due to the tireless efforts of WRAP, other organizations such as MADD and SADD, local and state police, and enforcement of more stringent anti-drunk driving laws, alcohol-related traffic fatalities decreased to 9,878.

Since 1997, WRAP has sponsored an annual Law Enforcement Awards Ceremony to honor local law enforcement professionals who have gone above and beyond the call of duty in the fight against drunk driving. It is my honor to enter the following names of the 2012 Law Enforcement Award of Excellence recipients into the CONGRESSIONAL RECORD:

Officer Brandon Smith, City of Alexandria Police Department

Officer Avery Carroll, Arlington County Police Department

Police Officer Harold Morris, Fairfax County Police Department

Deputy Alexander Brackle, Loudoun County Sheriff's Office

Trooper John W. Cabrera, Maryland State Police

Officer Roderick Saunders, Metropolitan Police Department

Police Officer John Romack, Montgomery County Department of Police

Corporal Christopher Lord, Prince George's County Police Department

Police Officer Jeremy A. Schenck, Prince William County Police Department

Officer Ronald Pisano, United States Park Police

Senior Trooper Michael S. Middleton, Virginia State Police

Mr. Speaker, I ask that my colleagues join me in congratulating the recipients of the 2012 Law Enforcement Award of Excellence and in recognizing WRAP for its 30 years of public service. I commend the staff of WRAP under the leadership of President Kurt Erickson for their tireless dedication to eradicating underage drinking and drunk driving. Their efforts combined with the support of partner organizations and law enforcement agencies have truly saved lives and are deserving of our highest praise and gratitude.

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#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 3, 2013 may be found in the Daily Digest of today's RECORD.

# HOUSE OF REPRESENTATIVES—Thursday, January 3, 2013

The House met at 11 a.m. and was called to order by the Speaker.

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

In the final hour of the 112th Congress, we give You thanks for Your faithfulness to our Nation. There have been many struggles, many sorrows, and yet we are still here and able to give You thanks, that millions of our citizens live free.

May the work of the 112th issue forth to the benefit of our Nation and its citizens, and where the efforts of this Congress have fallen short, we ask Your forgiveness and the forgiveness of all Americans.

May all that is done this day be for Your greater honor and glory.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. CULBERSON) come forward and lead the House in the Pledge of Allegiance.

Mr. CULBERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, January 2, 2013.

Hon. JOHN A. BOEHNER,  
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 2, 2013 at 5:36 p.m.:

That the Senate passed without amendment H.R. 4606.

That the Senate passed without amendment H.R. 6655.

That the Senate passed S. 3716.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Tuesday, January 1, 2013:

H.R. 8, entitled the "American Taxpayer Relief Act of 2012";

and Wednesday, January 2, 2013:

H.R. 443, to provide for the conveyance of certain property from the United States to the Manila Association located in Kotzebue, Alaska;

H.R. 1464, to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children;

H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes;

H.R. 4212, to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes;

H.R. 4365, to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies;

H.R. 4606, to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes;

H.R. 6029, to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes;

H.R. 6060, to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019;

H.R. 6328, to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints

to local veterans organizations and other local charitable organizations, and for other purposes;

H.R. 6364, to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes;

H.R. 6586, to extend the application of certain space launch liability provisions through 2014;

H.R. 6621, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code;

H.R. 6655, to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect;

S. 2318, to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes;

S. 3331, to provide for universal inter-country adoption accreditation standards, and for other purposes;

S. 3454, to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes;

S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act;

S. 3630, to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office";

S. 3662, to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminster, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building";

S. 3677, to make a technical correction to the Flood Disaster Protection Act of 1973;

S.J. Res. 44, granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

## LAYING ON THE TABLE H.R. 3408

The SPEAKER. Without objection, H.R. 3408 is laid on the table.

There was no objection.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



## RECESS

The SPEAKER. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 3 minutes a.m.), the House stood in recess.

□ 1155

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 11 o'clock and 55 minutes a.m.

## ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 8. An act entitled the "American Taxpayer Relief Act of 2012".

H.R. 443. An act to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska.

H.R. 1464. An act to express the sense of Congress regarding North Korean children and children of one North Korean parent and to require the Department of State regularly to brief appropriate congressional committees on efforts to advocate for and develop a strategy to provide assistance in the best interest of these children.

H.R. 2076. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

H.R. 4212. An act to prevent the introduction into commerce of unsafe drywall, to ensure the manufacturer of drywall is readily identifiable, to ensure that problematic drywall removed from homes is not reused, and for other purposes.

H.R. 4365. An act to amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies.

H.R. 4606. An act to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.

H.R. 6029. An act to amend title 18, United States Code, to provide for increased penalties for foreign and economic espionage, and for other purposes.

H.R. 6060. An act to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019.

H.R. 6328. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

H.R. 6364. An act to establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

H.R. 6586. An act to extend the application of certain space launch liability provisions through 2014.

H.R. 6621. An act to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code.

H.R. 6655. An act to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

## SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to enrolled bills and a Joint Resolution of the Senate of the following titles:

S. 2318. An act to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes.

S. 3331. An act to provide for universal intercountry adoption accreditation standards, and for other purposes.

S. 3454. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government and the Office of the Director of National Intelligence, the Central Intelligence Agency Retirement and Disability System, and for other purposes.

S. 3472. An act to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act.

S. 3630. An act to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office".

S. 3662. An act to designate the facility of the United States Postal Service located at 6 Nichols Street in Westminister, Massachusetts, as the "Lieutenant Ryan Patrick Jones Post Office Building".

S. 3677. An act to make a technical correction to the Flood Disaster Protection Act of 1973.

S.J. Res. 44. Granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding.

## BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on January 1, 2013, she presented to the President of the United States, for his approval, the following bills:

H.R. 3263. To authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes.

H.R. 4073. To authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875.

H.R. 3641. To establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes.

H.R. 6014. To authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.

H.R. 6620. To amend title 18, United States Code, to eliminate certain limitations on the length of Secret Service Protection for former Presidents and for the children of former Presidents.

H.R. 4057. To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning, and for other purposes.

Karen L. Haas, Clerk of the House, further reported that on January 2, 2013, she presented to the President of the United States, for his approval, the following bill:

H.R. 8. To extend certain tax relief provisions enacted in 2001 and 2003, and to provide for expedited consideration of a bill providing for comprehensive tax reform, and for other purposes.

Karen L. Haas, Clerk of the House, further reported that on January 2, 2013, she presented to the President of the United States, for his approval, the following bills:

H.R. 4365. To amend title 5, United States Code, to make clear that accounts in the Thrift Savings Fund are subject to certain Federal tax levies.

H.R. 1464. To develop a strategy for assisting stateless children from North Korea, and for other purposes.

H.R. 6060. To amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019.

H.R. 6364. To establish a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes.

## SINE DIE ADJOURNMENT

The SPEAKER pro tempore. Pursuant to the 20th amendment to the Constitution of the United States, the Chair declares the 112th Congress adjourned sine die.

Thereupon (at 11 o'clock and 56 minutes a.m.), the House adjourned.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

9026. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket No.: FEMA-2012-0003] received January 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9027. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8261] received January 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9028. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Relocation

Regulations (RIN: 2590-AA56) received January 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9029. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Temporary Rule Regarding Principal Trades With Certain Advisory Clients [Release No.: IA-3522; File No. S7-23-07] (RIN: 3235-AL28) received January 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9030. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — Removal of Job Training Partnership Act Implementing Regulations (RIN: 1205-AB68) received January 2, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9031. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-064, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9032. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-143, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9033. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-171, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9034. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-035, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9035. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-168, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9036. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-154, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9037. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-167, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9038. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-157, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

9039. A letter from the Secretary General, Inter-Parliamentary Union, transmitting a resolution on the role of parliaments in securing the health of women and children; to the Committee on Foreign Affairs.

9040. A letter from the Co-Chief Privacy Officers, Federal Election Commission, transmitting the Commission's Privacy Act Report for fiscal year 2012; to the Committee on Oversight and Government Reform.

9041. A letter from the Deputy General Counsel, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Copayments for Medications in 2013 (RIN: 2900-AO58) received January 3, 2013, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

9042. A letter from the Senior Advisor for Environmental Management, Department of Energy, transmitting a report entitled "Final Tank Closure and Waste Management Environmental Impact Statement for the Hanford Site, Richland, Washington"; jointly to the Committees on Energy and Commerce and Armed Services.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Omitted from the Record of January 2, 2013]*

Mr. UPTON: Committee on Energy and Commerce. Activity Report of the Committee on Energy and Commerce of the U.S. House of Representatives for the One Hundred Twelfth Congress (Rept. 112-746). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. Final Activity Report of the Committee on the Judiciary of the United States House of Representatives for the period January 5, 2011 through January 2, 2013 (Rept. 112-747). Referred to the Committee of the Whole House on the state of the Union.

*[Submitted on January 3, 2013]*

Mr. ROGERS of Kentucky: Committee on Appropriations. Semiannual Report on the Activities of the Committee on Appropriations for the 112th Congress (Rept. 112-748). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCAS: Committee on Agriculture. Fourth Semiannual Report on the Activities of the Committee on Agriculture during the 112th Congress (Rept. 112-749). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. Report on the Legislative and Oversight Activities of the Committee on Ways and Means during the 112th Congress (Rept. 112-750). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. Survey of the Activities of the House Committee on Rules for the 112th Congress (Rept. 112-751). Referred to the Committee of the Whole House on the state of the Union.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 6606: Ms. NORTON.  
H.R. 6690: Mr. WALBERG.  
H.R. 6728: Ms. NORTON.

## EXTENSIONS OF REMARKS

RECOGNIZING DAVID VAN DYKE  
FOR OUTSTANDING VOL-  
UNTEERISM

**HON. BILL HUIZENGA**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2013*

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today to recognize an outstanding community leader in West Michigan, and a personal friend.

David Van Dyke, a dairy farmer from Coopersville, Michigan, was recently recognized as the Michigan Farm Bureau's 2012 Volunteer of the Year.

David became involved in a local township issue when he saw a fellow farmer put at risk by a planned recreational trail that would have cut through the middle of his family farm. The trail would have bisected a beef feedlot, threatening the existence of the family business. The back half of the property could only be accessed from a point on the proposed trail.

David served as an intermediary between township and county officials, Farm Bureau, the Michigan Department of Natural Resources (MDNR), and various elected officials. He helped engage the farming community and concerned neighbors in support of the local farmer and helped coordinate the appeal to the county for action.

The efforts were fruitful. The county ultimately purchased and swapped land in the community to entice the MDNR to re-route the trail around the family farm.

Echoing the words of Dave's friend and neighbor, who first nominated Van Dyke for Volunteer of the Month, "Dave is a tireless proponent of agriculture and the local farming community. His ability to communicate and bring together people with opposing viewpoints has made him an excellent leader and liaison for the local agricultural community."

"Dave is someone who can be counted on to go the extra mile by donating his time and services for important agricultural and community causes."

I ask my colleagues to join me in honoring David Van Dyke for his service to his community and for serving as a model volunteer for others across Michigan.

THANKING COLLEAGUES AND CON-  
STITUENTS AND STAFF FOR  
PRIVILEGE OF SERVING

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2013*

Ms. RICHARDSON. Mr. Speaker, I rise to address the House for the last time during the 112th Congress.

I will be very brief. It has been an honor to serve as a member of this body, and the southern California congressional delegation—the largest Democratic delegation in history—that is, at least until the 113th Congress convenes.

But the greatest honor is serving the wonderful people of the 37th Congressional District of California, which includes Long Beach, Compton, Carson, and Signal Hill. Since September 2007, I have had the great privilege and high honor of representing the best congressional district in the world's greatest legislative body, the U.S. House of Representatives, aided by a terrific cadre of talented, hard-working, and dedicated staff members, both here in Washington and back in my district offices.

Together, my staff and I have, worked very hard to advocate for, and advance the interests of my district. One of my proudest achievements has been to continue the tradition begun by my predecessor, the late, great Congresswoman Juanita Millender McDonald, of hosting an Annual Senior Briefing at the Juanita Millender McDonald Community Center in Carson, California. This event is attended by more than 1,000 seniors in my district and was a valuable opportunity for me to discuss with them, one-on-one, what their concerns were and where I could help them the most.

In the last five years, my office has assisted more than 1,000 constituents in resolving casework ranging from Social Security claims to disputes with the IRS to help with immigration and housing issues.

From my seat on the Transportation & Infrastructure Committee, I have worked with colleagues in the delegation and across the aisle pass legislation and secure funding to strengthen and protect the Ports of Long Beach and Los Angeles and to develop a national freight transportation policy for the 21st century.

I will always be grateful to have been selected by my colleagues on the Homeland Security Committee to serve as Chair and then Ranking Member of the Subcommittee on Emergency Communications, Preparedness, and Response, which enabled me to work with colleagues on both sides of the aisle to ensure that our first responders have the resources needed to secure the homeland and to provide comfort and deliver relief supplies to the people of America Samoa when the island was struck by a tsunami in October 2009.

Like all of you, I believe in bipartisanship because you have to work together to get things done. As President Clinton reminded us this past summer, "what works in the real world is cooperation."

I came to Congress on a pledge to work to end the war in Iraq and refocus our national security efforts on Afghanistan so we could achieve our goals there and bring our troops home. That is why I was so pleased to lead

a Codel to Afghanistan consisting of me and 4 Republican House colleagues and to be appointed by Speaker PELOSI to serve as a conferee to the FY2010 National Defense Authorization Act Conference Committee, which included a provision of mine to strengthen and support the nation's strategic ports, including the Port of Long Beach in my district.

Another great example of bipartisanship is the way the women members of the House, supported by our male colleagues, banded together to form the Congressional Softball Team to battle the Capitol Hill press corps to raise funds for, and awareness of, breast cancer research. I will always be proud to have been the first baseman and cleanup hitter for those great teams.

Not only is the California congressional delegation the largest, it has been one of the most productive and consequential. During my tenure in Congress, colleagues in our delegation chaired the powerful Energy and Commerce Committee (HENRY WAXMAN); Education and Labor (GEORGE MILLER); Foreign Affairs (BERMAN); and the Veterans Affairs (Bob Filner).

And it is to this delegation that the House looked when it made history by electing the first woman to be Speaker of the People's House (NANCY PELOSI).

This delegation is the most racially diverse and gender balanced in history. It is in fact a mirror of our nation: a delegation of men and women, black and white and Hispanic and Asian Pacific, young and young at heart, from all backgrounds and different experiences, committed to working together in common cause to advance the interests of our constituents, our state, and our nation.

And working together, we made a positive difference. We can look back with pride on the remarkable and landmark achievements of the Congress, especially the 111th Congress which was led so brilliantly by Speaker PELOSI, working so closely with President Barack Obama to pass the:

1. Affordable Care Act, ensuring that the wealthiest country in the world gives all of its citizens an opportunity to receive decent care and ending the worst insurance industry abuses.

2. Dodd-Frank Act, which protects the middle class and prevents Wall Street executives from ever again jeopardizing the savings, retirement, or livelihood of middle class families.

3. The Recovery Act, which provided the investments necessary for the American economy to create new jobs while saving existing ones, and to spur economic activity and laying the groundwork for long-term growth.

We can also look back with pride on the passage of the Lilly Ledbetter Fair Pay Act; Credit CARD Act; Children's Health Insurance Program Reauthorization Act; American Clean Energy and Security Act; Student Aid and Fiscal Responsibility Act; Hire Act; Cash for Clunkers; Small Business Jobs and Credit Act;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Disclose Act; and Caregivers and Veterans Omnibus Health Services Act.

And we helped to end the war and bring our troops home from Iraq and ended "Don't Ask, Don't Tell."

These policies, supported and led by members of this delegation, serve the best interests of the country and will continue to shape our future for generations to come.

In closing, I would like to thank each and every one of my colleagues for their friendship and their service.

I wish you the best. Thank you all.

#### PERSONAL EXPLANATION

### HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2013*

Mr. SMITH of Washington. Mr. Speaker, on Sunday, December 30, 2012, I was unable to be present for recorded votes. Had I been present, I would have voted: "yes" on vote No. 649 (on the motion to suspend the rules and pass H.R. 3159, as amended); "yes" on vote No. 650 (on the motion to suspend the rules and concur in the Senate amendment to H.R. 4057); and "yes" on vote No. 651 (on the motion to suspend the rules and pass S. 3202).

#### PERSONAL EXPLANATION

### HON. JOHN C. CARNEY, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2013*

Mr. CARNEY. Mr. Speaker, I wish to clarify my position on a vote cast on December 13, 2012. The vote was on the Democratic Motion to Instruct Conferees on H.R. 4310—the National Defense Authorization Act for Fiscal Year 2013—offered by Ms. DAVIS of California. The Motion to Instruct would instruct conferees to agree to section 1249 of the Senate amendment, which requires the Secretaries of Defense and State to submit to Congress a detailed plan to promote the security of Afghan women and girls as we transition from U.S. to Afghan-led security in Afghanistan.

On rollcall vote Number 624, I did not vote. It was my intention to vote "aye."

#### PERSONAL EXPLANATION

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2013*

Ms. ROYBAL-ALLARD. Mr. Speaker, I was absent due to the passing of my mother and was not present for rollcall votes on Sunday, December 30 and Monday December 31, 2012. Had I been present, I would have voted in this manner: rollcall Vote No. 649—Motion to Suspend the Rules and Pass, as Amended, the Foreign Aid Transparency and Accountability Act—"yes"; rollcall Vote No. 650—Mo-

tion to Suspend the Rules and Concur in the Senate Amendment, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning—"yes"; rollcall Vote No. 651—Motion to Suspend the Rules and Pass, the Dignified Burial and Other Veterans' Benefits Improvement Act—"yes"; rollcall Vote No. 652—Motion to Suspend the Rules and Pass, the Intelligence Authorization Act for Fiscal Year 2013—"yes"; rollcall Vote No. 653—Motion to Suspend the Rules and Pass, a bill to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range—"yes"; and rollcall Vote No. 654—On Motion to Suspend the Rules and Concur in the Senate Amendment, the World War I Centennial Commission Act—"yes".

#### CONGRATULATING MICHAEL DUEHR

### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2013*

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to congratulate my friend Michael Duehr on being named the First Citizen of the Year by the Dubuque Telegraph Herald. Mike is being recognized by the newspaper for his work in helping children. Mike has dedicated his personal and free time towards students and the youth in Dubuque.

Mike has devoted much of his volunteer service through his Fraternal Order of the Eagles organization. However, Mike felt that he needed to do more to give back to the community. He founded the "Eyes on the Future" program which engages students in service projects that assist children and the needy. Mike's program has created valuable opportunities for future volunteers. Mike and I are both actively involved in the Big Brothers Big Sisters program. Last August, Mike's Fraternal Order of the Eagles organization raised money for the Big Brothers Big Sisters organization in Dubuque.

Mike is another example of a leader who has worked tirelessly to make his community a better place to live. He has done this work quietly and without a need for public recognition. I'm happy that Mike is now getting the accolades that he deserves. I'm proud to call Mike my constituent and my friend. I congratulate him on receiving the 43rd annual Telegraph Herald First Citizen award. I wish him the best in all of his future endeavors.

#### RECOGNIZING STEELCASE FOR 100 YEAR ANNIVERSARY

### HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2013*

Mr. HUIZENGA of Michigan. Mr. Speaker, I rise today in recognition of a great West Michigan company and leader in the office furniture industry. Steelcase, Inc. began serving Grand Rapids, MI in 1912 as the Metal Office Furniture Company. Today, Steelcase is known as a company of innovation and integrity.

Since the creation of its first product, the fireproof metal wastebasket, Steelcase was able to look forward in innovation and safety. Steelcase continued to move forward in the world of office furniture, when in 1953, they became the first in the industry to produce office furniture in colors. Examples of Steelcase's attention to creativity and safety continued to be shown throughout the years. Steelcase ultimately proved itself to be a company that cared about much more.

Steelcase has also been a company that focuses on its people and their capabilities. This is easily seen in their diversity and community leadership programs. Steelcase employs fair and honest hiring practices, and seeks to raise awareness of diversity issues by creating partnerships with other companies that support diversity.

Steelcase has demonstrated a commitment to local involvement, contributing to over 100 community organizations around the United States. Additionally that philanthropic spirit carries over into the culture of the Steelcase team, where the employees volunteered nearly 4,500 hours of community service in 2010 alone.

These ideals continue to set Steelcase apart, and the company is now recognized as a symbol of excellence around the world. Steelcase now employs over 11,000 people worldwide, and 3,500 people in West Michigan. Today, the company's product line has expanded to over 500 items, and serves over 110,000 companies around the globe.

Steelcase has proven itself to be a company built on great ideas, and continues to live up to this model as they move forward. Steelcase has recently introduced the "100 Dreams, 100 Minds, 100 Years" program. The movement looks to create a dialogue with people from around the world, and showcase their ideas and perspectives in a film centered on the future of the changing world of work.

Thank you, Steelcase, for your commitment to the Second District, the greater Grand Rapids area, and happy 100th anniversary.

#### HONORING SENATOR PAUL WELLSTONE

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2013*

Mr. ELLISON. Mr. Speaker, I rise today in honor of Senator Paul Wellstone and to recognize his leadership, integrity, and the lasting

impact he has had on the citizens of Minnesota and the United States.

Last year marked the tenth anniversary of the tragic death of Senator Wellstone, who was killed in a plane crash in Northern Minnesota on October 25, 2002, along with his wife, Sheila Wellstone, their daughter Marcia, members of the Senator's campaign staff Tom Lopic, Mary McEvoy, and Will McLaughlin, and the plane's two pilots Richard Conry and Michael Guess.

Paul should not be remembered for the tragedy of his death, but rather the energy with which he lived his life. Born in Washington, DC, Senator Wellstone took a teaching position at Carleton College in Northfield, MN, after graduating from the University of North Carolina. While a professor at Carleton College, Paul inspired his students through his teaching of political science in the classroom and his grassroots organizing in the community. When his position at the college was in question, students rallied around him and successfully lobbied the college not only to protect his job, but to grant him tenure. The activism he infused in his teaching is felt today on Capitol Hill, where a number of his former students continue to work towards greater equality for all Americans.

Paul's activism extended beyond the college campus. He worked throughout the state of Minnesota, organizing labor groups, farmers,

and immigrant communities; championing causes such as public housing, healthcare, and improved education. Paul's work led to his successful Senate bid in 1990, and re-election in 1996, campaigning from the back of a beat-up old school bus painted his signature green. In Washington, Paul continued his legacy of progressive policy, particularly working towards mental health parity. Paul never did what was expedient, instead he did what he felt was right, standing up for those without a strong voice in Congress. Paul was one of the few senators to vote against the authorization of war in Iraq, shortly before the 2002 election. He knew this vote might cost him his seat in the Senate, and he was the only senator up for reelection to vote no.

Throughout his academic and political career, Paul was matched in energy and determination by his wife, Sheila. An outspoken advocate for women and families experiencing domestic violence, Sheila brought the conversation about domestic violence in our communities to a national level, and was instrumental in passing the first Violence Against Women Act. A leading voice for women in the United States, she also extended her focus to international human rights abuses and spoke out for victims of sex trafficking. She helped make the fight against domestic violence a national priority.

Paul and Sheila's work is continued with groups such as Wellstone Action, which promotes progressive causes and has trained over 55,000 candidates, campaign staff, and community organizers around the country, and the Sheila Wellstone Institute, which continues Sheila's work of ending the violence against women and children.

Paul's legacy is not encapsulated in a specific cause or any individual vote, but by his embodiment of public service. He was an example of how to live a life dedicated to values and the greater good. Paul did not make decisions based on whether they were right politically, but whether they met his basic principles of fairness, generosity, and compassion.

Senator Wellstone was a political inspiration for me, and I am proud to call him my friend. He will always be remembered as a champion for the underserved, a master at grassroots campaigning, a fervent public speaker, and a Minnesota icon. Many of my colleagues have stood on the floor here and in the Senate over the last ten years, remembering his presence as we unsuccessfully try to fill the gap he left behind in politics. A truly uncommon politician, I believe if we live by Senator Wellstone's actions, our country will be better for it. As Paul said, "We all do better, when we all do better."